

p. 1

DCT and the Development of New Communities

Part of the Federal response to the growing urban crisis is the New Communities Act of 1968. Title IV of the Act provides for a revolving fund to guarantee loans to private developers of new communities. The implementation of this Act necessitates the cooperation of several cabinet departments, including the Department of Transportation.

On September 18, 1968, the Secretary of HUD, Robert Weaver, invited DOT to participate in an interdepartmental meeting to determine the best ways of aiding the development of new communities. <sup>1</sup> Robert H. Bruton, urban planning specialist in the Office of Policy Development handled the background work for the meeting. He said that DOT had a significant function in new community development but that the Department would face many difficulties.

New communities require two types of transportation. The external linking of new communities which lie outside existing urban areas with existing transportation is the most difficult. There are alternative possibilities: highways or mass transit facilities. The former alternative would probably be favored by private developers because good highway systems already exist around urban areas and developers may also be reluctant to take the risk that the public will not accept mass transit facilities. As far as DOT is concerned, highways are probably not a feasible solution because Federal highway funds are

already committed to rather inflexible programs such as the Interstate Highway Program.

The other alternative--mass transit--is more adaptable to new community development. Transit systems offer great flexibility but because the problem is new, funds are scarce. Thus DOT may have to aid developers in establishing highway links, while simultaneously working to develop mass transit links.

Transportation within new communities may also be aided by DOT. Some form of mass transportation is necessary to augment automobile and pedestrian facilities. The development of internal circulation systems would require novel ideas. UMTA could aid in the development of these systems through demonstration grants if the proposed systems were innovative. Highways would not be among those systems of internal circulation which DOT could aid since there is no readily available source of funds. The Department might make an important contribution by devoting much of its research fund to developing the techniques and planning criteria for internal community transportation, particularly to exploring the relationship between transportation and social goals.<sup>2</sup>

The analysis just discussed was approved by the Deputy Assistant Secretary for Policy Development for interdepartmental consideration. No concrete programs have been developed to implement the report.

---

DOT has become involved in two programs concerning new communities. The first was a \$277,733 grant by the UMTA to the Columbia Park and Recreation Association for research and designing a public transportation system at Columbia, Maryland, a privately developed new town.<sup>3</sup> The grant was made in June, 1968, while UMTA was part of HUD. Since UMTA is now part of DOT this Department will follow up on the HUD action.

The other program concerns the Fort Lincoln new community project in Northwest D.C., one part of a HUD program to build diversified new communities on surplus Federal land. Representatives from HUD and DOT met during July and August to discuss the project. At present Mr. Allen Voorhees is conducting a cost-benefit analysis of a proposed mini-rail system for Fort Lincoln. If the mini-rail project proves feasible, DOT will be asked for \$50,000 for planning funds and a demonstration grant.<sup>4</sup>

It thus appears likely that the Department will become more actively concerned with these and other new communities.

#### Footnotes

1. Robert C. Weaver to Alan Boyd, letter, September 11, 1968.
2. Robert H. Bruton to Deputy Assistant Secretary for Policy Development, memorandum, September 17, 1968.
3. "Columbia, Maryland, Will Use HUD Grant to Help Select Public Transit System", press release, Department of Housing and Urban Development, June 16, 1968.
4. Robert H. Bruton to R. Shapiro, memorandum with attachment, July 13, 1968.



THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, D. C. 20410

8505

6503-1

SEP 11 1968

Honorable Alan S. Boyd  
Secretary of Transportation  
Washington, D. C.

Dear Mr. Secretary:

The enclosed New Communities Act of 1968 represents a major new effort to restructure our urban environment. It authorizes the Secretary of Housing and Urban Development to guarantee obligations issued by developers to finance new community development projects and to make supplementary grants to State and local public bodies and agencies carrying out new community assistance projects.

Government participation in the financing of new community development is a promising but complex undertaking. A new community could be a microcosm of what is best about our urban society, but it is a microcosm that might include 100,000 people. Many Departments, besides Housing and Urban Development, will be interested participants in the future of new communities. Before a new community developer is eligible under this Act, he must give assurances that the proposed new community will contribute to good living conditions in the area being developed and will include or be served by schools, shopping, transportation, and other important facilities. The quality of such facilities will help determine the success or failure of new communities under this Act.

The Department of Transportation has authority and expertise concerning many of these facilities. The Departments of Labor, Commerce, Interior, Agriculture, and Health, Education, and Welfare also would be involved with different aspects of the same communities. Almost every new community of any size will become involved with programs administered by most or all of these Departments.

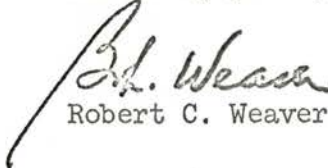
I am anxious, therefore, to discover how these programs may affect or assist new communities and to consider ways in which we might best coordinate our efforts with respect to the New Communities Act. The logical way to proceed would be for the appropriate officials from the various Departments to meet and consider ways of developing the necessary information and coordination procedures. Each Departmental representative could, of course, be accompanied by needed staff personnel.

I invite your Department to participate in this meeting. I am extending a similar invitation to the Secretaries of the other Departments.

#303  
9/12

If this proposal is generally acceptable to you, I would designate Charles M. Haar, Assistant Secretary for Metropolitan Development, to serve as HUD representative and suggest a meeting on September 18, 1968 at 10:00 A.M. Please inform Mr. Haar, Room 7100, HUD Building, 7th and D Streets, S.W. (IDS Code 138-56270) if it will be possible for you to be represented at that time.

Sincerely yours,

  
Robert C. Weaver

Enclosure

UNITED STATES GOVERNMENT

*Memorandum*

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

DATE: September 17, 1968

In reply  
refer to:SUBJECT: Background for HUD Meeting on 1968  
New Communities Act

FROM : Robert H. Bruton

TO : Deputy Assistant Secretary for Policy Development

There follows some information on new communities and Federal assistance to new community development which should be relevant to the meeting you are scheduled to attend on September 18, at HUD concerning the "New Communities Act of 1968."

History of New Community/New Town Development

While it is not possible here to present a meaningful history of new communities, I would like to call your attention to the attached article by Chester Rapkin. Rapkin's article gives a very concise review of new communities and an excellent description of the problems they face in the U.S. today. I particularly recommend that portion of the article beginning at my mark on page 216, which deals with the specific issues raised by the 1968 legislation.

Federal Legislation Covering New Communities Legislation Prior to 1968

Prior to 1968, there have been various pieces of legislation which provide limited aid to new communities. Section 702 of the HUD Act of 1965; Section 306(a)(2) of the Consolidated Farmer's Home Administration Act; and Title VII of the Housing Act of 1961 provide Federal aid to State and local governments for the construction of certain public facilities within new communities. Section 701 planning funds are also available for new community planning. The most specific prior reference to new communities is Title IV of the 1966 Demonstrations Cities and Metropolitan Development Act which establishes a mortgage insurance program for new communities.

The 1968 Legislation

Title IV of the Housing and Urban Development Act of 1968, entitled the "New Communities Act of 1968", provides for a revolving fund for loan guarantees to private developers of new communities. The legislation is directed at overcoming a major financial problem facing private developers of new communities. In order to develop a new community, a private land developer must assemble and acquire a large piece of land and also sustain a long period of time without income between his first investment and the

*Barber*  
*Approved*  
*for rep.*  
*Committee*



first sale of property. Further, private investors are usually reluctant to invest in types of land development which do not have a well established market. New communities, because they are so rare, hopefully novel, and at least partially experimental, do not have such a proven market. While the 1966 legislation is directed mostly toward private developments, there is a secondary provision which authorizes an increase of 20% in Federal aid to the previously mentioned State and local assistance to the construction of certain public facilities in new communities.

Title IV of the 1968 Act is attached along with the explanatory report from the Senate Banking and Currency Committee.

#### HUD New Communities Efforts

Responsibility for new communities within HUD seems to be very fragmented. Assistant Secretary Haar has been designated by Secretary Weaver to head the coordinating effort which is the subject of the meeting on Wednesday. There are however, several new communities related efforts within HUD which are not connected with Haar. Most prominent is the New Communities Office under R.L. Steiner, a Special Consultant to Secretary Weaver. The New Communities Office, which presently deals exclusively with the program to develop new communities on surplus Federal properties, though it is supposed to have broader responsibilities, is administratively attached to the Assistant Secretary for Renewal and Housing Assistance, through the Deputy Assistant Secretary for Renewal Assistance, Robert McCabe. This administrative arrangement was created apparently because the program on surplus Federal properties is administered and funded through urban renewal channels. Haar's past connection with new communities follows apparently from planning grants and the special grants for the construction of certain public facilities in new communities which are under his jurisdiction. One final point of confusion is that the mortgage insurance to new communities provided under the 1966 legislation is presumably administered under yet another Assistant Secretary, the Assistant Secretary for Mortgage Credit.

#### Possible DOT Support to New Communities

At present our only official connection with new communities is Lee Huff's membership on the Advisory Panel to the President's Special Task Force on the Use of Surplus Federal Properties to Meet Critical Urban Needs (i.e., those projects administered by the HUD New Communities Office). Through Lee's membership on the Advisory Panel, DOT has been asked to provide some information concerning specific new communities sites. In two cases we have been asked to explore the possibility of improving highway access and in another case we have been asked to negotiate the possibility of declaring surplus a small Coast Guard site in New Orleans.



As you are aware, we have been exploring the possibility of more aggressive DOT involvement in new communities development especially the concept of jointly developed transit corridor new communities. In these efforts we have explored some of the transportation problems which may be discussed at the Wednesday meeting at HUD. These problems can be divided quite distinctly into those dealing with external community access and to those dealing with internal circulation.

#### External Access to New Communities

The primary problem that will face any new community development will be the acquisition of a suitably large piece of land. While there has been some talk of building totally self-contained new cities (similar to the British "new towns") it is very unlikely that new communities developers, especially private developers, will take on anything so ambitious. It is likely that developers will search for sites near existing urban development and plan only partially self-contained development (e.g., Columbia or Reston). Thus the developers of new communities will be searching for land where land, especially in large tracts, is already scarce. Further, they will be looking for land with good transportation access to existing urban centers and that is precisely the land which has already been most developed and is thereby most scarce and fragmented.

In order to find suitable land, the new community developer is likely to search for large tracts, which almost inevitably will have poor access, and hope that he can persuade or force local jurisdictions to build or improve transportation links to his site.

The most likely situation to occur will probably be a new community near some major highway(s) which needs a new highway link(s) from the development site to the existing highway(s). Most developers will probably rely on highways as the only type of external transportation; first, because highways, especially major highways, are abundant around urban areas, and second, because they will be reluctant to risk public adaptability to mass transit access. It seems likely therefore, that the most common request that will be made of DOT will be to provide aid to highway links connecting proposed new communities to some existing major highways.

Even accepting the likelihood that most new community developers will turn to highways, we are convinced that mass transit offers potentially a much better alternative. Transit is intrinsically more compatible with and conducive to community-oriented land use structures and, equally important, it offers clear advantages through the possibility of capturing the predictable increases in land values which result from mass transit construction. The major problem with transit access to new communities is that it will almost universally require the construction of major new transit lines. Mass transit lines are presently extremely scarce so that developers

will seldom have the opportunity to link a new community to an existing line, even if certain semi-technological problems involving such linkages can be overcome.

Thus we conclude that while we will need to establish mechanisms for dealing with requests for highway links to new communities, we should simultaneously and aggressively develop mechanisms to make possible major mass transit construction to new communities.

Comparing the above needs to existing DOT programs and authorities indicates that we are presently quite poorly equipped to assist external access to new communities. In the case of highway access links, where a small flexible program is needed, we are equipped with programs which are large and inflexible. It seems very unlikely that any Interstate funds can be used for access to new communities, and the lesser highway systems, which are suitable for access links, are almost totally in the control of State highway departments. The best tool we have is the power of persuasion which BPR has with the States to reallocate scarce ABC funds away from previously committed construction to a new community. The intermediate highway system which has been suggested by FHWA in the "1968 Needs Report" is more the type of system (given some flexibility) that is needed for new communities.

The transit situation is the exact reverse. Here we have the needed flexibility but lack the funds. As was previously mentioned mass transit access to a new community will probably demand very major construction. Present UMTA programs are not equipped to provide for such major construction on the scale needed for new communities. Thus we need a major new communities transit construction program and some major source of financing which will probably have to involve some technique for capturing transit-induced increases in land value.

#### Internal Circulation in New Communities

The internal circulation systems of new communities are likely to involve some very novel ideas. Beyond the street system, which will probably play a lesser role than in most land developments, we can expect the extensive development of special pedestrian facilities and, allowing the existence of some government assistance, internal transit. The more innovative new communities will probably attempt to use some of the small automated feeder-collection transit systems which are presently in a rapid state of technological evolution. In the context of a planned community many previously uneconomic transportation concepts, e.g., automated postal and package delivery and special solid waste removal systems, can possibly become feasible. In the area of internal circulation we can, therefore, probably expect many proposals and requests for government assistance involving a great variety of novel transportation systems and ideas.



For at least some time to come DOT will probably be able to contribute to internal circulation systems through the UMTA demonstration program, provided we choose to give these projects a sufficiently high priority. If, in the future, new communities become popular and the techniques for internal circulation less innovative, some other arrangements will have to be made.

UMTA can probably cover most internal circulation systems except highways. In the case of highways there is no obvious source of federal aid. With the exception of the TOPICS program, all federal aid to highways is too rigidly tied to certain highway systems to be useful to new communities. Use of TOPICS money in new communities also appears to be doubtful as TOPICS is primarily concerned with the goal of relieving existing congestion. It is conceivable, however, that the TOPICS program in its present state of development might be used in some new communities. If so, it will be important to establish some precedent before the program becomes too rigid.

One last contribution DOT can make to the internal circulation of new communities is in the sophistication of transportation planning. Many new communities are planned to meet some specific social goals and the internal transportation system can be critically important to the attainment of those goals. A commitment by DOT to devote a meaningful portion of its research funds to developing the techniques and planning criteria of internal community transportation and particularly to the relationship between transportation and social goals could possibly be the most important contribution we could make at this time.

#### Attachments



# HUD NEWS <sup>⑤</sup>

U.S. DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT  
WASHINGTON D.C. 20410

HUD-No. 68-1945  
Phone (202) 382-4433

FOR RELEASE  
Sunday  
June 16, 1968

## COLUMBIA, MD., WILL USE HUD GRANT TO HELP SELECT PUBLIC TRANSIT SYSTEM

The new city of Columbia, Md., now under development in the Washington, D.C.-Baltimore, Md., corridor will use a \$277,733 grant from the U. S. Department of Housing and Urban Development to research and design a public transportation system. Approval of the grant was announced today by Secretary Robert C. Weaver.

Recipient of the grant is the Columbia Park and Recreation Association, which is contributing \$138,867 for a total project cost of \$416,600.

The grant will be used for a one-year project to evaluate new concepts for transportation systems and select the one best suited to Columbia's special characteristics and to serve the 110,000 residents expected by 1981. A consultant will be engaged for this purpose. In a second phase of the research project an experimental minibus will be put in operation, partly on separate transit roadways, to study public response.

Charles M. Haar, HUD's Assistant Secretary for Metropolitan Development, whose office administers the research and demonstration grant program, commented on the project:

"A significant thing about Columbia's transportation planning is that the developers are keeping in mind the needs of those who cannot or prefer not to use automobiles. With the separated transit roadways designed into

- more -



the town plan, Columbia should have a unique opportunity to experiment with bus service and later, perhaps with new kinds of systems."

One noteworthy feature of the transit operation is the relationship between the transit network and the land use plan. Columbia is laid out so that almost half the residents and their destinations for work, school, business, services or recreation are within three minutes walk of a transit station.

Mr. Haar added: "Columbia provides the open space and low population density environment of suburban development. Its planners, however, have cleverly designed the town so that population and activities are concentrated near planned public transportation routes. This kind of service is bound to affect the non-driver, such as the elderly, the young and the handicapped. The Columbia system should also provide insight into the affects of an attractive alternative method of transportation for those who drive."

Technical reports on the new system study and the minibus experiment will be available when the project is completed.

The HUD research and demonstration grant, which provides funds for this project, is authorized by the Urban Mass Transportation Act of 1964, as amended.

For further information: William E. Finley  
Vice President  
Columbia Park and Recreation  
Association, Inc.  
200 Wilde Lake Village Green  
10451 Twin Rivers Rd.  
Columbia, Md. 21043

Project No. MD-MTD-2

9:30 - 11:30 Friday - 16 th

Mr. Barber  
TPD-1

(4)

July 13, 1968

Meeting between Robson and Logue -  
The Fort Lincoln New Community

19/  
R. H. Bruton  
Urban Planning Specialist

R. Shapiro  
Special Assistant to the Under Secretary

On July 11, I attended a meeting between the HUD New Communities staff, Edward Logue and Allen Voorhees, called by Deputy Assistant Secretary McCabe of HUD, concerning the proposed minirail system for the new community of Fort Lincoln in Northwest D.C. It is my impression that Logue and Voorhees are quite interested in DOT becoming involved in Fort Lincoln but that HUD may be somewhat reluctant to seek our involvement. Mr. Logue stated flatly during the meeting that he will ask DOT for \$50,000 in planning funds and a demonstration grant for the minirail system. Voorhees after the meeting also expressed a strong interest in DOT involvement.

I have therefore arranged for Mr. Robson to meet with Mr. Logue on the 1st of August. I will, further, arrange for a general staff briefing by Logue and Voorhees sometime in the middle of August.

Attached are two papers on Fort Lincoln. The first is a description of program objectives prepared by the Logue consultants and the second is a prospectus for the minirail system prepared by Voorhees. I have pre-ceded these papers with a very brief synopsis and some background information.

In meeting with Mr. Logue, I think it would be enlightening for Mr. Robson to raise the same question he raised at Columbia, viz. even if diversity can be artificially created initially in the community, how can one insure that the community will not rapidly revert to homogeneity. I suspect that this is the most crucial question in town planning in the U.S. and will be the one most revealing of the planner's level of social concern and sophistication.

Attachments

## Fort Lincoln New Community Proposals

Fort Lincoln is a proposed new community to be located on the site of the National Training School for Boys in Northeast D.C. The project is now part of a HUD program to use surplus Federal lands in urban areas to build diverse new communities. Proposals to develop the Training School site, however, precede the inception of the HUD program by a number of years. Originally conceived as a low income housing project, proposals for the site have shifted to the ideal of creating a diverse community. Primary opposition to using the site for low income housing has come from the middle class, predominately Negro communities contiguous to the site. Recently, plans to immediately commence development of 20 acres of the site have been met with strong opposition from these same citizen groups.

The latest plans for the entire site have been prepared by Edward Logue Development Consultants working for a recently established Staff Committee consisting of:

C. Conrad	-	National Capital Planning Commission
T. Appleby	-	Redevelopment Land Agency
T. Fletcher	-	Deputy Mayor
R. McCabe	-	Deputy Assistant Secretary for Renewal Assistance in HUD

This Staff Committee is presently the primary decision making body on planning the site.

The plans developed by Logue in the attached Recommended Program Objectives represent some unusual and advanced forms of town planning. These plans begin with the primary objective of creating a viable racially and economically diverse community. The proposed mix of housing types follows:

	<u>Housing Units</u>	
Low Income - family	450	10%
Low Income - elderly	450	10%
Moderate Income	2,250	50%
Middle Income	<u>1,350</u>	<u>30%</u>
Total	4,500	100%

Note that this represents a rather high population density of 40 to 50 persons per acre or about four times the average population density of the District of Columbia.



Logue's plans call for the building of most community facilities including schools, parks, playgrounds, stores, child care centers, transportation, some employment, entertainment and even neighborhood pubs.

In order to attract diverse residents to fill the proposed housing, Logue has proposed a combination of superlative public services and a deliberate effort to create community cohesiveness. The public services will emphasize a model educational system including a branch of the city college. To create community cohesiveness Logue's plans will attempt to induce intense internal circulation and social contact.

The land use plans for the site are based on a basic activity arrangement which will require intense internal travel. In place of the usual single town center (as at Columbia) Fort Lincoln will have two interdependent and separated (by about 3/4 mile) town centers. The idea behind this bipolar activity arrangement is that each resident, requiring the services at both town centers, will be induced to make frequent cross community trips. It will therefore, be difficult for any segment of the community to become isolated and the opportunity for social contact will be kept quite high.

The proposed internal transportation system is a rather unique combination of pedestrian paths and public transit. There will be no cross community access by private auto though peripheral parking and total access for emergency and service vehicles will be provided. While the site is not large, measuring about one mile by 1/2 mile, internal transit is required because walking over these distances (especially over the rather rough topography of the site and in bad weather) would not provide the level of internal mobility which is thought necessary to maintain a cohesive community.

The internal transit system proposal was prepared by Allen Voorhees (see attached Prospectus for Minirail Demonstration) and consists of a single "minirail" loop connecting the major activities and within a short walking distance of most residents. The possibility of connecting this loop to D.C. Stadium (2 1/2 miles from Fort Lincoln), where there is excess parking space and a proposed subway station, is also considered in the Voorhees' proposal.

Attachments



location as appropriate for governmental office space and is prepared to <sup>find</sup> locate a tenant for 250,000 to 500,000 square feet of space once preliminary planning studies have been completed. <sup>TP</sup> The governmental activity that is selected should ~~however,~~ be chosen regard to other community objectives established for Fort Lincoln. One and two story warehouses with few employees, for example, are not considered appropriate for this location.

#### IX. TRANSPORTATION AND PARKING

At a regional scale, Fort Lincoln provides the opportunity to make a number of transportation improvements that will help relieve traffic on local streets, provide improved connections across the Anacostia River, and increase accessability to the site itself. The principal means of accomplishing this is through the extension of Eastern Avenue along the northern edge of the site and eventually across the river to connect with the Anacostia Freeway, and the improvement of public transportation to the site by the off site development of a minirail or some other form of system which upgrades the present level of service.

Effective and attractive use of the site itself requires, that the vehicular and pedestrian system and parking areas be designed as an integral part of the total development. The circulation and parking plans should also minimize the need for car ownership and the on site movement of automobiles --

but at the same time provide for convenient movement and communication between various parts of the site. Multiple day night use of parking areas should be programmed wherever possible; and to the extent economically feasible these parking areas should be multi-level to reduce land coverage, and keep it available for open space and other uses.

A key element of the program should be the provision of an internal community transportation system for reasons stated at a number of points throughout the report. A mini-rail or minibus system are considered as potentially the most effective means of providing this service. As the feasibility of either may take some time to establish, the overall Plan proposal for the site must be flexible enough to function with or without the system in operation.



## PROPOSED PROGRAM

It is proposed that the two mile internal loop within Fort Lincoln be installed to test the feasibility of this new technique to serve as an urban transportation system. The minirail represents an application of new technology toward meeting the specific needs of urban travel within a well-defined cohesive community. Actually, two things are proposed for testing. The first is the system itself. That is, whether or not the objectives as stated for Fort Lincoln can be achieved, at least in part, by a transportation system which has been tailored to meet these specific objectives. Secondly, the test would demonstrate the feasibility of the minirail itself as a new device for urban transportation.

In order to test these concepts, a two-phase demonstration is proposed. Phase One would consist of a cost benefit analysis with a thorough investigation of the minirail system and how it might need to be modified to make it a viable urban system. In the second phase, engineering drawings would be prepared and the system itself would actually be installed and then tested for a two-year period to permit objective evaluation of the system and its effect on the community development.

In Phase One, a detailed analysis would be made of all costs relating to the system, including right-of-way, structure, stations, energizing system, rolling stock, operating costs and maintenance costs. These would be com-



pared with benefits such as direct revenue through fare collection, other indirect revenue, the value of the reduced demand for internal street construction and such nonquantifiable benefits as neighborhood image and the attraction of the Fort Lincoln area for higher income families. If the cost benefit analysis is favorable, the final step in Phase One would be the development of appropriate specifications for the minirail in Fort Lincoln. Estimated costs for this study are \$10,000, with six man months involved.

A secondary part of Phase One would be the development of specifications for the hardware needed for the system. This will include a detailed engineering feasibility study of existing equipment and the necessary modifications to serve the needs of an area such as Fort Lincoln. Estimated costs for this part of Phase One are \$50,000.

It is essential that prior to undertaking Phase One there be an understanding that if Phase One develops favorable results, there will be a commitment on the part of those participating to carry forward with Phase Two. In addition to the detailed design and construction of the system in the second phase, it will be necessary to design appropriate means of measuring the effects of the minirail system on Fort Lincoln and on the surrounding community. The results of Phase One and Phase Two would each be reported in a document which would be available for use by other cities. It is certainly likely that there will be many other areas throughout the country where this kind of solution would be appropriate to an existing urban transportation problem.

In measuring the results of the new operation, evaluations will be made both of the new equipment with its performance characteristics and the system itself, with possible recommendations for modification of either equipment or system or both.

### Interagency Cooperation

Although the cabinet departments of the U. S. Government are independent of each other, their responsibilities frequently overlap. This situation makes interagency cooperation a necessity. The Department of Transportation has become involved in more than a dozen interagency agreements. Thus, the examples cited below are representative of interagency cooperation.

The Coast Guard while under the Treasury Department was involved in several agreements with other Departments. In 1956 the Secretary of Treasury and the Attorney General signed a Memorandum of Understanding concerning the Uniform Code of Military Justice and Title 18 of the United States Code.<sup>1</sup> This Memorandum clearly delineated the lines of investigative responsibility between the Coast Guard and the Federal Bureau of Investigation regarding crimes committed on military installations or by military personnel in non-military areas.<sup>2</sup> To maintain the agreement after the Coast Guard became part of the Department, both Secretary Boyd and Attorney General Ramsey Clark signed a Memorandum of Understanding in October, 1967. The Coast Guard had also concluded numerous agreements with the Navy Department. These agreements include cooperation on Operation Deep Freeze, communications, mutual supply and storage and the training of Coast Guard Reserves by the U. S. Marine Corps.

On March 15, 1967 the Commandant of the Coast Guard, Admiral W. J. Smith sent a list of the agreements to the Secretary of the Navy with a request that the Navy formally accede to the continuation of the agreements. On March 30 the Secretary of the Navy indicated his concurrence in the proposal

to continue the agreements, and by letter of April 25, Secretary Boyd similarly accepted the proposal to continue the agreements in force.<sup>3</sup>

Much interagency cooperation is involved in the Federal Government's efforts to cope with the nation's urban problems. On September 10, 1968 the Secretaries of the Department of Transportation and the Department of Housing and Urban Development signed a Memorandum of Agreement which called for cooperation between the two agencies on urban transportation projects. The two agencies will find it necessary to coordinate their programs relating to model cities and new towns, especially in the areas of highway planning and mass transportation development.<sup>4</sup> These programs are discussed elsewhere in this history.

At present the Department of Transportation and the Department of Health Education and Welfare are negotiating a memorandum of agreement concerning their respective responsibilities for highway safety and traffic injury control. Attempts to develop a cooperative agreement have been in process since January of 1968.<sup>5</sup> Both Departments favor an agreement but there has been difficulty in formulating a plan which satisfies both parties. Delays of this sort occur quite often in interagency negotiations but most disagreements are eventually resolved. DOT and HEW are also involved in working out a cooperative emergency rescue service project with the Department of Defense.<sup>6</sup>

Federal agencies also find it necessary to cooperate with State and local authorities to implement their programs. This is inherent in the Department of Transportation because the forms of transportation exist on lands or waters included within the boundaries of other jurisdictions. Secretary Boyd has actively supported the improvement of federal-state relations; early in his administration he set up guidelines to implement this policy of "creative



federalism." He has also actively solicited the cooperation of mayors across the country, asking their support and offering them any assistance the Department can supply.<sup>8</sup> Although it is too early to identify many tangible results, Secretary Boyd's policies have created an atmosphere of good will between the Department of Transportation and many state and local authorities.

### Footnotes

1. John Robson to Secretary Alan S. Boyd, memorandum, October 23, 1967.
  2. "Memorandum of Understanding Between the Departments of Justice and Transportation (Coast Guard). . ." signed by Attorney General Ramsey Clark and Secretary Alan S. Boyd, October 9 and October 24, 1967.
  3. W. J. Smith, Admiral, U. S. Coast Guard, to Honorable Paul Nitze, Secretary of the Navy, letter, March 15, 1967, with attachment, "U. S. Coast Guard Agreements with the Department of the Navy;" Paul H. Nitze to Honorable Alan S. Boyd, letter, March 30, 1967; Alan S. Boyd to Honorable Paul H. Nitze, letter, April 25, 1967.
  4. Alan S. Boyd to Honorable Robert S. Weaver, letter, September 10, 1968 with enclosure, "Agreement Between the Secretary of Health, Education and Welfare and the Secretary of Transportation," signed September 9 and September 10, 1968
  5. Wilbur Cohen, Secretary of Health, Education and Welfare, to Honorable Alan S. Boyd, letter, September 18, 1968.
  6. Ibid.
  7. Alan S. Boyd to Honorable Farris Bryant, Director, Office of Emergency Planning, July 21, 1967.
  8. Alan S. Boyd to Honorable Carl B. Stokes, Mayor of Cleveland, letter, November 18, 1967; similar letters were sent to newly elected mayors of American cities. As an example of the response, see Joseph L. Alioto, Mayor of San Francisco, to Honorable Alan S. Boyd, letter, November 28, 1967.
-

File # 1230-1  
X 2000

①

Memorandum of Understanding Between Department  
of Justice and Department of Transportation  
Relating to the Investigation and Prosecution  
of Crimes over which the two Departments  
have jurisdiction  
General Counsel

OCT 23 1967

The Secretary

In 1956 while Coast Guard was under the Treasury Department, the  
Secretary and the Attorney General executed a Memorandum of  
Understanding relating to the investigation of offenses which are  
both violations of Title 18, United States Code and the Uniform  
Code of Military Justice. A new Memorandum has been drafted to  
update the document and to eliminate one paragraph not applicable  
to DOT. The new Memorandum has been signed by the Attorney General  
and is now ready for your signature.

It is recommended that you sign the original and one xerox copy as  
indicated.

SIGNED:  
JOHN E. ROESCH

John E. Robson

Attachment

WLMorrison: jr TGC-10 10/23/67



(2)

MEMORANDUM OF UNDERSTANDING BETWEEN THE  
DEPARTMENTS OF JUSTICE AND TRANSPORTATION (COAST  
GUARD) RELATING TO THE INVESTIGATION AND  
PROSECUTION OF CRIMES OVER WHICH THE TWO  
DEPARTMENTS HAVE CONCURRENT JURISDICTION

Whereas, certain crimes committed by Coast Guard personnel subject to the Uniform Code of Military Justice may be prosecuted by Coast Guard tribunals under that Code or by civilian authorities in the Federal Courts; and

Whereas, it is recognized that although the administration and discipline of the Coast Guard requires that certain types of crimes committed by its personnel be investigated by that service and prosecuted before Coast Guard military tribunals other types of crimes committed by such military personnel should be investigated by civil authorities and prosecuted before civil tribunals; and

Whereas, it is recognized that it is not feasible to impose inflexible rules to determine the respective responsibility of the civilian and Coast Guard military authorities as to each crime over which they may have concurrent jurisdiction and that informal arrangements and agreements may be necessary with respect to specific crimes or investigations; and

Whereas, agreement between the Department of Justice and the Department of Transportation (Coast Guard) as to the general areas in which they will investigate and prosecute crimes to which both civil and military jurisdiction attach will, nevertheless, tend to

make the investigation and prosecution of crimes more expeditious and efficient and give appropriate effect to the policies of civil government and the requirements of the United States Coast Guard;

It is hereby agreed and understood between the Department of Justice and the Department of Transportation (Coast Guard) as follows:

1. Crimes committed on military installations (including aircraft and vessels). Except as hereinafter indicated, all crimes committed on a military installation by Coast Guard personnel subject to the Uniform Code of Military Justice shall be investigated and prosecuted by the Coast Guard if the Coast Guard makes a determination that there is a reasonable likelihood that only Coast Guard personnel subject to the Uniform Code of Military Justice are involved in such crime as principals or accessories, and, except in extraordinary cases, that there is no victim other than persons who are subject to the Uniform Code of Military Justice or who are bona fide dependents or members of a household of military or civilian personnel residing on the installation. Unless such a determination is made, the Coast Guard shall promptly advise the Federal Bureau of Investigation of any crime committed on a military installation if such crime is within the investigative authority of the Federal Bureau of Investigation. The Federal Bureau of Investigation shall investigate any serious crime of which it has been so advised for the purpose of prosecution in the civil courts unless the Department of Justice determines that investigation and prosecution may be conducted

---

more efficiently and expeditiously by the Coast Guard. Even if the determination provided for in the first sentence of this paragraph is made by the Coast Guard, it shall promptly advise the Federal Bureau of Investigation of any crime committed on a military installation in which there is a victim who is not subject to the Uniform Code of Military Justice or a bona fide dependent or member of the household of military or civilian personnel residing on the installation and that the Coast Guard is investigating the crime because it has been determined to be extraordinary. The Coast Guard shall promptly advise the Federal Bureau of Investigation whenever the crime, except in minor offenses, involves fraud against the government, misappropriation, robbery, or theft of government property or funds, or is of a similar nature. All such crimes shall be investigated by the Coast Guard unless it receives prompt advice that the Department of Justice has determined that the crime should be investigated by the Federal Bureau of Investigation and that the Federal Bureau of Investigation will undertake the investigation for the purpose of prosecution in the civil courts.

2. Crimes committed outside of military installations. Except as hereinafter indicated, all crimes committed outside of military installations, which fall within the investigative jurisdiction of the Federal Bureau of Investigation and in which there is involved as a suspect an individual subject to the Uniform Code of Military Justice, shall be investigated by the Federal Bureau of Investigation for the purpose of

---



prosecution in civil courts, unless the Department of Justice determines that investigation and prosecution may be conducted more efficiently and expeditiously by other authorities. All such crimes which come first to the attention of Coast Guard authorities shall be referred promptly by them to the Federal Bureau of Investigation, unless relieved of this requirement by the Federal Bureau of Investigation as to particular types or classes of crime. However, whenever Coast Guard military personnel are engaged in scheduled military activities outside of military installations such as organized maneuvers or organized movement, the provisions of paragraph 1 above shall apply, unless persons not subject to the Uniform Code of Military Justice are involved as principals, accessories or victims.

If, however, there is involved as a suspect or as an accused in any crime committed outside of a military installation and falling within the investigative authority of the Federal Bureau of Investigation an individual who is subject to the Uniform Code of Military Justice and if the Coast Guard authorities believe that the crime involves special factors relating to the administration and discipline of the Coast Guard which would justify investigation by them for the purpose of prosecution before a Coast Guard military tribunal, they shall promptly advise the Federal Bureau of Investigation of the crime and indicate their views on the matter. Investigation of such a crime may be undertaken by the Coast Guard military authorities if the Department of Justice agrees.

---

3. Transfer of investigative authority. An investigative body of the Coast Guard which has initiated an investigation pursuant to paragraphs 1 and 2 hereof shall have exclusive investigative authority and may proceed therewith to prosecution. If, however, any Coast Guard investigative body comes to the view that effectuation of those paragraphs requires the transfer of investigative authority over a crime, investigation of which has already been initiated by that or by any other investigative body, it shall promptly advise the other interested investigative body of its views. By agreement between the Departments of Justice and Transportation (Coast Guard), investigative authority may then be transferred.

4. Administrative action. Exercise of exclusive investigative authority by the Federal Bureau of Investigation pursuant to this agreement shall not preclude Coast Guard military authorities from making inquiries for the purpose of administrative action related to the crime being investigated. The Federal Bureau of Investigation will make the results of its investigations available to Coast Guard military authorities for use in connection with such action.

Whenever possible, decisions with respect to the application in particular cases of the provisions of this Memorandum of Understanding will be made at the local level, that is, between the Special Agent in Charge of the local office of the Federal Bureau of Investigation and the local Coast Guard military commander.

---

5. Surrender of suspects. To the extent of the legal authority conferred upon them, the Department of Justice and Coast Guard military authorities will each deliver to the other promptly suspects and accused individuals if authority to investigate the crimes in which such accused individuals and suspects are involved is lodged in the other by paragraphs 1 and 2 hereof.

Nothing in this memorandum shall prevent the Coast Guard from prompt arrest and detention of any person subject to the Uniform Code of Military Justice whenever there is knowledge or reasonable basis to believe that such a person has committed an offense in violation of such code and detaining such person until he is delivered to the Federal Bureau of Investigation if such action is required pursuant to this memorandum.

APPROVED:

*Ramsey Clark*

Ramsey Clark  
Attorney General

Date: *9 Oct 1967*

*Alan S. Boyd*  
Signed Alan S. Boyd

Alan S. Boyd  
Secretary of Transportation

Date: *OCT 24 1967*



(3/AM)

15 MAR 1967

Honorable Paul H. Nitze  
The Secretary of the Navy  
Washington, D. C. 20350

Dear Mr. Secretary:

The Coast Guard will become a part of the Department of Transportation upon the effective date of the Department of Transportation Act, Public Law 89-670, 80 Stat. 931, which is expected to be 1 April 1967. It is anticipated that all functions presently exercised by the Coast Guard under the Treasury Department will continue to be exercised by the Coast Guard under the Department of Transportation. In the exercise of these functions, a number of agreements have been concluded with your Department.

Although we believe that these agreements will probably remain in force by virtue of section 12 of the Department of Transportation Act, it appears prudent and desirable to be certain, at the outset of the new Department's operations, that there be no interruption in the performance of the transferred functions. In this connection, the agreements listed in Attachment 1 should continue in effect since they are a necessary part of the exercise of our responsibilities.

Accordingly, to insure our common understanding that the agreements remain in force, I would appreciate receiving confirmation from your Department that each of the agreements continues in effect after the effective date of the Department of Transportation Act and that each agreement is deemed to be an agreement with the Coast Guard as a part of the Department of Transportation rather than the Treasury Department.

If you concur, it is requested that you so indicate in the space provided below. The currently effective agreements between the Coast Guard and your Department are listed in the attachment to this letter for your reference.

convenient reference. We believe the list is complete but should any agreement have been overlooked, we would wish that your concurrence cover all currently effective agreements whether or not included on the attached list. This request includes classified agreements not listed.

Your cooperation in this matter is appreciated.

Sincerely yours,

W. J. SMITH  
Admiral, U. S. Coast Guard  
Commandant

Attachment 1

Concur: Department of the Navy

By: \_\_\_\_\_

FTEUTON/hhw  
Typed 2-20-67

Mailed: 15 MAR 67

OFFICE OR DIVISION	CAM	M CCS	O CA/C	E	F	R	P	CCS	CA	C	
INITIALS OF RESPONSIBLE OFFICERS	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
INTRA-OFFICE OR DIVISION INITIALS	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

PREVIOUS EDITIONS MAY BE USED

GPO 945307

U. S. COAST GUARD AGREEMENTS  
WITH  
DEPARTMENT OF THE NAVY

<u>AREA OF COVERAGE</u>	<u>SUPPORTING DOCUMENTATION</u>	<u>DATE</u>
Navy Support for Defense Supply Agency Material	BUSANDA INSTRUCTION 4440.99	16 July 1963
Administrative Support for Coast Guard Activities Europe	Letter from Comdt USCG to CNO Letter from CNO to CINC U.S. Naval Forces Europe	3 March 1964 31 March 1964
Policies for Navy-Coast Guard Agreements	OPNAV INSTRUCTION 4000.44A	19 May 1964
Medical Material Program for Nuclear Casualties (MMPNC)	BUMED INSTRUCTION 6700.25B	9 July 1964
Services for Preparation and Installation of ABWEPS NOMAD Bouys for the Naval Oceanographic Office	Letter from Comdt USCG to CDR Naval Oceanographic Off.	15 July 1964
Operation DEEP FREEZE funding for Ice Damage	Letter from CDR, U.S. Naval Support Forces, Antarctic to Chief, BURSHIPS Letter from Coast Guard-CNO Liaison Officer to Coast Guard Chief of Staff	15 September 1964 18 September 1964
Agreement between Navy-Treasury for the Transfer of U.S. Icebreakers to the Coast Guard	Basic Agreement Document	22 July 1965
Navy-Coast Guard Agreement for Supply Support by Navy Electronics Supply Office	Basic Agreement Document	22 December 1965
Navy-Coast Guard Agreement governing Financing Arrangements for Aquadron One	Basic Agreement Document	8 July 1965
Navy-Coast Guard Agreement for Material from Navy Ships Parts Control Center, Mechanicsburg, Penna.	Basic Agreement Document	July 1966
Navy-Treasury Agreement for the Transfer of U. S. Small Seaplane Tenders to the Coast Guard	Basic Agreement Document	26 September 1966



U. S. COAST GUARD AGREEMENTS  
WITH  
DEPARTMENT OF THE NAVY

<u>AREA OF COVERAGE</u>	<u>SUPPORTING DOCUMENTATION</u>	<u>DATE</u>
Navy-Coast Guard Agreement for Major Shipboard Equipment, Components, Parts, and Services Under Cognizance of the BUSHIPS	Basic Agreement Document	6 August 1958
Navy-Coast Guard Agreement for Supply Support from the Navy Electronics Supply Office	Basic Agreement Documentation	9 March 1959
Basic Coast Guard-Navy Communications Policy	Basic Agreement Document	9 January 1961
U. S. Marine Corps-Coast Guard Agreement for Inter-Service Supply Support	Basic Agreement Document	10 July 1961
Planning for Coast Guard Facilities for Mobilization	BUDOCKS INSTRUCTION 11013.16A	29 December 1961
Navy-Coast Guard Agreement (BUWEPS) for Aviation and Ordnance Equipment, Parts, Supplies and Services Including Aviation Electronics	Basic Agreement Document	1 February 1962
Individual Combat Training of Coast Guard Reserves by the U.S. Marine Corps	Letter from Comdt USCG to Comdt Marine Corps	16 January 1963
	Letter from Comdt Marine Corps to Comdt USCG	21 February 1963
	Letter from Comdt USCG to Comdt Marine Corps	14 December 1964
	Letter from Comdt USCG to Comdt Marine Corps	25 January 1965
	Letter from Comdt Marine Corps to Comdt USCG	28 January 1965
	Letter from Comdt Marine Corps to Comdt USCG	25 March 1965
Agreement between Navy-Treasury on the Operation of Icebreakers	Basic Agreement Document	25 March 1963
	Revised Agreement Document	22 July 1965
Logistic Support by BUWEPS, Aviation Supply Office, for Aviation Electronic Equipment loaned to Coast Guard shown in Basic Agreement dated 1 Feb 1962 (item above)	Basic Agreement Document	6 December 1963
	Supplemental Agreement No. 1	13 April 1965

U. S. COAST GUARD AGREEMENTS  
WITH  
DEPARTMENT OF THE NAVY

<u>AREA OF COVERAGE</u>	<u>SUPPORTING DOCUMENTATION</u>	<u>DATE</u>
Administrative Support of Coast Guard Details for the Japan-Korea Area	Letter from Comdt USCG to CNO Letter from Comdt USCG to CNO	15 July 1952 29 August 1952
Coast Guard Certification of Certain MSTs Ships	Letter from MSTs to Comdt USCG Letter from Comdt USCG to MSTs Merchant Marine Safety Manual Section 3-13-20 A13 Section 3-13-20B A19 Section 3-13-25D(4) A21	12 August 1952 20 August 1952  2 January 1962 7 January 1964 10 January 1965
Integration of Coast Guard Accounting System into that of Navy under Certain Conditions	Basic Agreement 1956 Amended 1961	1956 1961
Navy Hydrographic Office-USCG	Basic Agreement Document	4 March 1957
Basic Agreement between Navy-Coast Guard for Electronic Equipment, Supplies and Services	Basic Agreement Document Amendment 1 Supplemented by Navy Electronics Supply Office-Coast Guard Agreement Paragraph 6 BUAIR Section Superseded and cancelled Supplemented by Navy Electronics Supply Office-Coast Guard Agreement	15 October 1957 1 February 1958  9 March 1959 1 February 1962 22 December 1965
Navy-Coast Guard Agreement; Procedure for Obtaining General Stores Material under the inventory control responsibility of the General Stores Supply Office, Philadelphia, Pennsylvania	BUSANDA INSTRUCTION 4440.63	18 June 1958
Navy-Coast Guard Agreement; Procedures for Obtaining Aeronautical Material under the inventory control responsibility of the Aviation Supply Office, Philadelphia, Pennsylvania	BUSANDA INSTRUCTION 4440.64	3 July 1958



DEPARTMENT OF THE NAVY  
OFFICE OF THE SECRETARY  
WASHINGTON, D. C. 20350

30 MAR 1967

Honorable Alan S. Boyd  
Secretary of Transportation  
Washington, D. C.

Dear Mr. Boyd:

In accordance with the provisions of the Department of Transportation Act, the Coast Guard will become part of your Department on the effective date of that Act, now expected to be April 1, 1967. It is understood that all functions now exercised by the Coast Guard under the authority of the Secretary of the Treasury will continue to be exercised by the Coast Guard under your authority. A number of agreements concerning these functions have been concluded between officials of the Navy Department on the one hand and the Treasury Department and/or the Coast Guard on the other.

The Commandant of the Coast Guard has proposed, by his letter of March 15, 1967 (a copy of which is enclosed), that these agreements be confirmed as continuing in effect on and after the effective date of the Department of Transportation Act. He further proposed that from that date each agreement be deemed to be an agreement between the Navy Department and the Department of Transportation, including the Coast Guard as a part thereof -- your Department replacing the Treasury Department in these agreements.

These proposals appear meritorious in order to insure the continuation of these agreements without interruption incident to the transfer of the Coast Guard from the Department of the Treasury to the Department of Transportation. Accordingly, I hereby confirm that all of the above described agreements currently effective shall remain in effect on and after the effective date of the Department of Transportation Act until thereafter modified or terminated. I further confirm that the Department of Transportation will be deemed to have replaced the Department of the Treasury in these agreements. If you concur in these proposals, I would appreciate your advising the Secretary of the Treasury and me.

A copy of my letter to the Secretary of the Treasury requesting his concurrence in this matter is enclosed.

Sincerely yours,

*Paul H. Nitze*

Enclosures

Copy to:  
Secretary of the Treasury  
Commandant of the Coast Guard

11-55410



File # 1234-1  
Agreement  
(3)

APR 25 1967

Honorable Paul M. Nitze  
Secretary of the Navy  
Washington, D. C. 20350

Dear Secretary Nitze:

Thank you for your recent letter concerning various agreements previously concluded between officials of the Navy on the one hand and of the Treasury Department and/or the Coast Guard on the other. Your confirmation that each of these agreements -- described in a letter of March 15, 1967, addressed to you by the Commandant of the Coast Guard -- would remain in effect on and after the effective date (April 1, 1967) of the Department of Transportation Act until expressly modified or terminated is very much appreciated as an extremely helpful measure to the activation of the Department.

I concur in the continuation of the agreements and in their being construed to refer to the Department of Transportation where they refer to the Department of the Treasury. A copy of my letter to the Secretary of the Treasury advising him of my concurrence is enclosed.

Sincerely yours,

(SG1) Alan S. Boyd

Alan S. Boyd

Enclosure

FBursley:kam 4/19/67

cc: Mr. Sitton  
Cmdr. Bursley  
Executive Secretariat-3 ✓

Honorable Henry H. Fowler  
Secretary of the Treasury

W/ ORG. SIGNATURES

Ag 2.12

File # 6506-1-2  
X 1030-1

8075  
(4)

SEP 10 1968

Honorable Robert C. Weaver  
Secretary of Housing and  
Urban Development  
Washington, D. C. 20410

Dear Mr. Secretary:

I am returning the signed copy of the Memorandum of Agreement between our two Departments.

I am confident that as officials and staff of our respective Departments work out the operational procedures to implement the memorandum that they will proceed in the spirit of cooperation which I know you and I are convinced is in the ultimate best interests of our Departments and the public.

Sincerely,

signed Alan S. Boyd

Alan S. Boyd

Enclosure

Dist:

bcc: TPA  
TPD  
TIA  
TAD  
TRT  
TCC  
S-5  
Administrator, FRA  
Administrator, FHWA  
Administrator, FAA  
S-2(3)

JERobson:mrr:S-2:9/10/68

(4)

AGREEMENT BETWEEN THE SECRETARY OF THE  
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

AND THE

SECRETARY OF THE DEPARTMENT OF TRANSPORTATION

A. Purpose. The purpose of this Agreement is to promote the effectiveness of certain programs for which the Secretary of the Department of Transportation and the Secretary of the Department of Housing and Urban Development are responsible, and to do so with maximum efficiency and economy, by enabling each Department to make use of the experience, skills and capabilities of the other as they relate to --

- (1) providing assistance to the planning of transportation and other systems in a manner that promotes a sound future development of urban areas;
  - (2) developing procedures which will encourage State and local planning agencies to work more closely together in sharing planning facilities and resources and in establishing procedural arrangements which assure maximum coordination of planning for related functions and programs;
  - (3) assisting in the solution of urban problems arising out of construction or initiation of transportation projects or systems,
-



or out of other urban activities that may have an impact on transportation systems;

- (4) exchanging information and advice on urban needs, programs, and technologies which bear upon the relationship between the character, design or scheduling of transportation systems and the development of urban areas; and
- (5) developing working relationships at national, State and local levels to insure coordination among programs supported in whole or in part by the two Departments.

B. General Understanding. The Secretaries of the two Departments agree to be guided in all activities under this Agreement by the following general understandings --

- (1) Every effort will be made to assure that full account is taken of urban development goals, needs and problems, at the earliest possible time, in the planning of transportation systems and programs affecting urban areas; and likewise that early account shall be taken of the probable impact on transportation plans and programs of any other programs or planning for programs in which HUD participates.
- (2) Every effort will be made to achieve, as rapidly as possible, fully effective working relationships among transportation

planning activities being carried on in or for urban areas pursuant to different Federal programs, and other federally assisted planning activities in those areas.

- (3) The fullest exchange of information and regular consultation shall be maintained at all levels between the two Departments, and shall be encouraged among State and local agencies and interested industry and private groups insofar as these have responsibilities or interests related to this Agreement.
- (4) All activities are to be carried on in a manner that will promote the expeditious handling of requests for assistance and the most prompt resolution of problems, consistent with applicable law, regulations and policy; minimize the possibilities of duplicating or overlapping effort; and simplify procedures and requirements that must be met by State and local agencies.

C. Program Relationships. The two Departments agree to establish formal and continuing procedures for the purpose of cooperating in the development and execution of certain of their program responsibilities, as follows:

(1) Urban Transportation Planning.

- (a) The criteria for urban transportation system planning will be developed jointly by the two Departments.
-

(b) DOT will assist HUD in the development of criteria for review and in the review of program proposals under the 701 Planning Assistance Program and other HUD programs, insofar as they relate to transportation plans, programs, or requirements.

(c) HUD will assist DOT in the development of criteria and in the review of proposed State allocations of research and planning funds (as provided for in section 307, title 23, United States Code) specifically involving transportation planning in urban areas.

(d) Procedures will be developed assuring the timely exchange between the two Departments of information on locally prepared transportation system plans or other local plans affecting transportation systems.

(e) HUD will assist DOT by providing advisory certifications or other advice in connection with determinations by DOT whether there is, or is being developed, a program for a unified or officially coordinated urban transportation system as part of the comprehensively planned development of the area, as required by sections 3(c), 4(a), and 5 of the Urban Mass Transportation Act.

(f) HUD will assist DOT by providing advisory certifications or other advice, in connection with determinations by DOT as to the adequacy of the continuing transportation planning process

---



established and carried on in particular urban areas pursuant to section 134 of title 23, United States Code.

(g) HUD will assist DOT in connection with the development of criteria for joint development projects (e.g., the concurrent development of highway projects and adjacent land for other uses) and, as determined from time to time pursuant to this Agreement, other activities, projects, or programs involving substantial or continuing requirements for information, data, or advice, relating to comprehensive planning and urban development activities.

(2) Relocation Planning

HUD will assist DOT, upon the latter's request, in the consideration, formulation, and review of relocation plans developed in connection with transportation projects.

(3) Review of Transportation Projects

(a) The initial responsibility for reviewing transportation projects for their consistency with the planned development of urban areas rests with the review agency designated pursuant to section 204 of the Demonstration Cities and Metropolitan Development Act of 1966. While primary reliance will be placed upon the 204 review as a basis for DOT approval, DOT will also obtain HUD comments and recommendations on projects in the following categories:

---

- (i) Projects which the 204 review agency has indicated would have a significant impact inconsistent with the comprehensive planned development of the area;
- (ii) Projects which have a significant impact on the development of an urban area (usually those raising issues requiring the involvement of the Secretary of Transportation in the approval process);
- (iii) Specific projects in which HUD states it has an interest related to the planned development of an urban area.

To apprise HUD of all highway projects in which it might have an interest, the State highway departments will be requested to supply a written notice of all public hearings to the appropriate HUD regional office.

HUD will prepare and submit to DOT in a timely manner its comments and recommendations on all projects being reviewed under this section.

- (b) HUD will advise DOT of all proposed urban development projects for which it provides financial aid which would have a significant impact on transportation systems.

(4) Section 6, 9, and 11 Projects

(a) In view of the mutual interest of DOT and HUD in the implementation of sections 6, 9, and 11 of the Urban Mass Transportation Act, the two Departments recognize that it is imperative to develop suitable coordinative arrangements for the consideration, administration, and review of project proposals and undertakings. Copies of all applications for funds under sections 6, 9, and 11 and summaries of project proposals under consideration will be exchanged by the two agencies. On a regular basis representatives of DOT and HUD will discuss these project proposals and applications with a view to the avoidance of duplication of effort and the fullest possible exploitation of available funds. The Secretary of each Department will designate an official to serve as the principal point of contact in executing this overall coordinative responsibility.

(b) Although HUD and DOT recognize their common interest in the administration of sections 6, 9, and 11, it is anticipated that DOT's primary interest will be in the development of urban transportation systems and that HUD's primary interest

---



will lie in the assessment of the relationships between transportation and comprehensive urban development.

D. Detailed Implementation

- (1) The foregoing represents the initial stage of the continuing cooperative arrangement anticipated by the two Departments.

The two Secretaries will each designate one or more officials, with supporting staff as needed, who shall be responsible for --

(a) developing specific statements of work requirements on a quarterly or other periodic basis, giving due regard to the needs of the two Departments, the payments to be made hereunder, and the responsibilities and capabilities of each; and

(b) reviewing activities under this Agreement on a continuing basis and at least annually to permit adequate planning for the next year.

- (2) Within ten days after the effective date of this Agreement, the two Secretaries will each designate an official to serve as co-chairman of a joint task force to develop the detailed policy

and procedural documents necessary to carry out the program relationships set forth in section C of this Agreement. The co-chairmen shall submit bi-weekly joint progress reports to the two Secretaries.

E. Payments

During the fiscal year 1969 the Department of Transportation shall pay the Department of Housing and Urban Development for those services to be performed under this Agreement by HUD (except those services pertaining to the administration of the Urban Mass Transportation Act), in advance, quarterly or more often if necessary, upon submission of proper documentation. Such payments shall not exceed \$300,000.

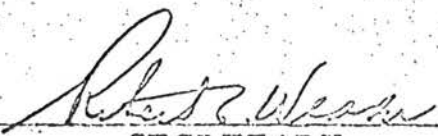
Similar arrangements for payments by the Department of Housing and Urban Development to the Department of Transportation shall, where appropriate, be made with respect to activities performed by the Department of Transportation for the Department of Housing and Urban Development pursuant to this Agreement.

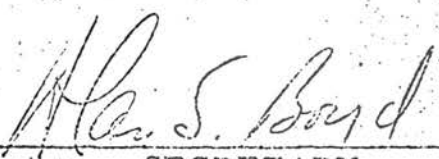
Procedures shall be established under the preceding section D for adequate justification of work, staffing and support payments.

---

F. Duration of Agreement

This Agreement shall continue in force until canceled by mutual agreement between the Secretary of Transportation and the Secretary of Housing and Urban Development, or by either party upon 90 days notice in writing.

  
\_\_\_\_\_  
SECRETARY  
DEPARTMENT OF  
HOUSING AND URBAN DEVELOPMENT

  
\_\_\_\_\_  
SECRETARY  
DEPARTMENT OF  
TRANSPORTATION

SEP 9 - 1968

\_\_\_\_\_  
Date

10 September 1968  
\_\_\_\_\_  
Date





#8075

THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, D. C. 20410

SEP 9 - 1968

Honorable Alan S. Boyd  
Secretary of Transportation  
Washington, D. C. 20590

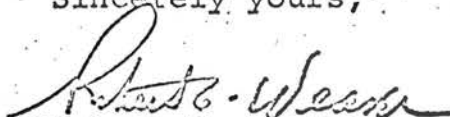
Dear Mr. Secretary:

I have signed and am returning the memorandum of agreement between our two Departments which you enclosed with your letter of August 30, 1968.

If you will return an executed copy of the agreement, we will designate officials and staff to work with your designees in the development of the operational procedures necessary to implement this memorandum of agreement.

We very much appreciate the cooperation of you and Mr. Robson in this effort. I believe, as I know you do, it is essential to assure the fullest cooperation and assistance between our two Departments in our administration of programs having close relationships in their impact on urban areas and on planning for their future development.

Sincerely yours,

  
Robert C. Weaver



THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE  
WASHINGTON

6140  
File # X 1230-1

SEP 18 1965

586

Dear Alan:

I am writing with regard to the two matters referred to in your August 12 letter.

The Department of Transportation redraft of the memorandum of agreement concerning the respective responsibilities of the Department of Transportation and the Department of Health, Education and Welfare in the field of highway safety and traffic injury control is being reviewed by the DHEW operating agencies and by my staff. We will have our comments in order very shortly.

As to working out the cooperative emergency rescue services project involving our two Departments and the Department of Defense which the President directed in the Health Message, it would be helpful for us to know as soon as possible whether the plans spelled out in the proposed "Charge" to the emergency rescue systems task force are satisfactory. Assistant Secretary Lee sent the Charge to Assistant Secretary Mackey on April 26, and we have not had any reaction to it yet.

I am aware the Department of Transportation has been funding a number of projects in the emergency services area, and that the projects include medical care and planning aspects in which we have a lively interest. We have been restructuring the organization of health functions in this Department. I would like to see the two Departments now improve their working relationships in emergency services, which I consider to be one of the significant subjects of the health planning being conducted by the State health agencies.

Unless you see some reason for deferring action on the emergency services project, I would urge that we go ahead in this area immediately while the agreement on responsibilities in the overall highway safety area is being worked out. If you will call me, I will direct Dr. Lee to contact your staff to move ahead with the emergency services project.

Sincerely,



Secretary

Honorable Alan S. Boyd  
Secretary of Transportation  
Washington, D.C. 20590

1969 SEP 19 AM 11 40



JUL 21 1967

Honorable Farris Bryant  
Director  
Office of Emergency Planning  
Executive Office of the President  
Washington, D. C. 20504

Dear Farris:

Thank you for your letter of June 12 in which you asked for a status report on the Department of Transportation's activities concerned with improving Federal-State relations.

Inasmuch as our Department is barely three months old, I am sure you can appreciate the fact that many of our programs in this area are purely in the formative stages. Nevertheless, we are taking concrete steps to implement the President's policies designed to ensure better relations with the States.

Specifically, here is our report on the seven "troublesome areas" mentioned in your letter:

1. Keeping the Governor Informed on Grant Applications

In our major grant-in-aid program -- the \$4.4 billion highway program -- all applications originate with the State, and there is a long-standing direct relationship between the State highway departments and the Bureau of Public Roads.

In the new Highway Safety Program, grant applications originate with the Governors themselves. Additionally, all local government units must bear gubernatorial approval of their grant programs before submission to us.

In the Airport Development program, grant applications generally originate with local airport departments or regional airport authorities. Inasmuch as there is little State activity in this field, we have no stated procedure for informing Governors of the status of these applications, although we do consult with Governors on particularly controversial questions.

2. Consulting with the States on Regulations and Legislation

We have undertaken considerable efforts to consult with the States, dealing both with specifically-named Governors' representatives and Governors themselves, in formulating the new highway safety standards; this cooperative effort will be strengthened in the months ahead as the program gets going.

In promulgating new regulations for the highway program, every effort is made to consult beforehand with the responsible State highway engineers.

3. Bringing the Administration of Programs Closer to the States by Strengthening Field Offices

The Federal Highway Administration, the Federal Aviation Agency, and the Coast Guard have had for several years effective and well-staffed regional operations, the FHWA, for instance, having offices in each State capital. We have, just in the past week, brought these operations together under DOT by selecting a representative from one of these agencies in a particular area to serve as a coordinator of DOT activities. Any determination to further strengthen this program, or to decentralize operational responsibilities, must await more deliberate study.

4. Establishing Intergovernmental Relations Offices to be Concerned with State Problems

We have established a State Liaison Division, directly under the Assistant Secretary for Public Affairs, and a similar division to deal with local government.

5. Better Tie-ins with Programs of Other Federal Agencies Both Functionally and Geographically

We are in the process of formulating procedures for direct consultation with interested Federal agencies in the highway program, particularly to resolve controversies affecting Interior, Agriculture, and Housing and Urban Development, both on the local and Washington level. We are working closely with HUD on urban transportation. Additionally, we are working

closely with the General Services Administration in setting motor vehicle safety standards so as to avoid conflicts.

6. Reducing Time Needed for Processing Applications

Most delays in the highway program result more from our efforts to give interested local groups and governmental agencies an opportunity to consult on controversial questions than to any red tape, and therefore cannot really be speeded up without jeopardizing these efforts. Also, a lack of an adequate level of funding produces such slow-ups occasionally.

In the new Highway Safety program, we intend to require as brief a grant application as practicable so as to avoid unnecessary delays.

7. Increasing Flexibility to Meet State Requirements, Where This is Possible and Desirable

We intend to instill as much flexibility as possible in the administration of the new Highway Safety and Beautification programs, at the same time recognizing the requirements of a national program.

If there is any particular area in which we can improve our system of dealing with the States, it lies in the direction of involving Governors themselves in the highway program's decision-making process.

Quite candidly, even though a few Governors have participated in decision making on the highway problems which crop up from time to time, others have been reluctant to become involved. Because many Governors have shied away from these highway controversies, the Federal-State relationship at the operating level has been reinforced without the development of a comparably productive relationship between the Governors and the Executive level in Washington.

If this situation is to change, the Governors must demonstrate greater willingness to participate in decisions affecting this important program.




We are now investigating alternative procedures by which the Governors will be called upon to play a more active role in the consideration and resolution of these controversies. They will be requested to furnish a statement of their views which is within the broad context of the State's interest in the problem and its equitable resolution. This should serve the additional purpose of doing much to satisfy demands from within the States for a more active and responsive voice in the resolution of such decisions.

On my part, I shall continue to do anything else I can to encourage the Governors to play a more active role in decisions concerning transportation and, with their cooperation, to change current policies and procedures to make them more susceptible to participation by the Governors.

Sincerely,

Original signed by:  
H. Cecil Mackey

 Alan S. Boyd

RAKline:mev 7/12/67

cc: TPA-30  
S-1  
S-2  
S-10 (3)

Action: Mr. Sweeney, TPA-1, for reply  
Secretary Boyd's signature  
Info: Secretary Boyd

EXECUTIVE OFFICE OF THE PRESIDENT U/Sec. Hutchinson  
OFFICE OF EMERGENCY PLANNING

WASHINGTON, D.C. 20504

OFFICE OF THE DIRECTOR

Due Date: 6/27/67

Control No.

2318

JUN 12 1967

Honorable Alan S. Boyd  
Secretary of Transportation  
Washington, D. C.

Dear Alan:

As you know, we have now completed Conferences on Federal-State Relations with the Governors of 40 States. The President is most pleased with the overall results of the Conferences in improving communications and building good will between the States and the Federal agencies. I would add my note of appreciation to you for the cooperation of the Department of Transportation in this endeavor. Your emissaries to the States have made a fine impression everywhere.

In addition to the fielding of specific questions--more than 1300 of them--arising in the course of the Conferences, I have a feeling that Federal agencies are making real strides in resolving some of the tough general problems in Federal-State relations. The States, too, have come a long way in the past six months. I am preparing a report for the President so that he can have a complete inventory of what has been done and what remains to be done, looking at the problem from both the Federal and State viewpoints. In this, I need your help in indicating what has been done in your Department in the past six months and what you think remains to be done in the following troublesome areas:

- (1) Keeping the Governor informed on grant applications.
- (2) Consulting with the States on regulations and legislation.
- (3) Bringing the administration of programs closer to the States by strengthening field offices.
- (4) Establishing intergovernmental relations offices to be concerned with State problems.

(5) Better tie-ins with programs of other Federal agencies both functionally and geographically.

(6) Reducing time needed for processing applications.

(7) Increasing flexibility to meet State requirements, where this is possible and desirable.

This list of common problems is not exhaustive but it does cover most of those which can be dealt with by administrative discretion. It would be most helpful to me if you could have a report made by July 1 on the status of these problems and programs within your Department.

Sincerely,



Farris Bryant  
Director

OFFICE OF SECRETARY  
OF TRANSPORTATION  
EXECUTIVE SECRETARIAT

1967 JUN 13 AM 10 06

U.S. DEPT.  
OF TRANSPORTATION



1230  
L-100 8.

NOV 13 1967

The Honorable Carl D. Stokes  
Mayor of Cleveland  
Cleveland, Ohio

Dear Mr. Mayor:

Please accept my personal congratulations on your election as Mayor of Cleveland. The Department of Transportation would like to be as helpful as possible to you and your City in solving transportation problems.

In an effort to be helpful I have asked our Government Liaison Division to contact you and work with you on any problems which might arise in your Community.

Wishing you every success in the future.

Sincerely,

(sgd) Alan S. Boyd

Alan S. Boyd

JOHuot:mc

cc: S-10, Exec. Sec. (3) ✓  
TPA-1 (1)  
TPA-30 (1)

Information: Mr. Sweeney, TPA-1  
cc: CS-1

JOSEPH L. ALIOTO

One eleven Sutter Street  
San Francisco, California 94104  
434-2100

November 28, 1967

The Honorable Alan S. Boyd  
The Secretary of Transportation  
Washington, D.C. 20590

Dear Mr. Secretary:

Thank you very much for your very kind letter  
of congratulations.

Your offer of assistance is very much  
appreciated because San Francisco faces many  
complex problems as regards transportation.  
All of us here have been impressed with the  
manner that you and your staff have shown  
toward local feelings and solutions. This  
was most evident when you were here for the  
Cable Car Barndedication as well as recent  
freeway rulings.

Once again, my thanks for your kind words and  
offer of assistance.

Sincerely,

*Joseph L. Alioto*  
Joseph L. Alioto

JLA/jp

OFFICE OF SECRETARY  
OF TRANSPORTATION  
EXECUTIVE SECRETARIAT

NOV 28 1 41 PM '67

U.S. DEPT.  
OF TRANSPORTATION

## Uniform Time Act Enforcement

On April 13, 1966, Congress passed the Uniform Time Act directing the entire nation to observe "standard" time throughout the year. Between the last Sunday in April and the last Sunday in October, the "standard time" was to be one hour in advance of the median sun time established for each of the official time zones in the United States. This advanced time is popularly known as "Daylight Saving Time." The 1966 Act allowed any State legislature to exempt its State from those provisions of the Act requiring advanced time during the April through October period, provided that the entire State was exempted. Similarly, if a State did not exempt itself from the Daylight Saving Time provisions, the entire State must go on the advanced time, even if the State spanned more than one official time zone. The Department of Transportation was charged with administering the Act, and this authority was delegated to the Department's General Counsel.

The Act specified April 30, 1967, as the date on which the nation would shift to advanced standard time. As this date approached, the staff of the General Counsel's office began to prepare for anticipated difficulties in implementing the new law. In several States, certain localities had traditionally observed time standards which differed from those designated for their time zones. Such situations were certain to be aggravated when the Department had to enforce Daylight Saving Time in those States which had not exempted themselves from the Act.\* The Department was obliged to declare that the advanced time was the legal time throughout all time zones in non-exempted States, despite the fact that some areas had historically not recognized their inclusion in their official time zones.

\*

As of this date, only two States, Arizona and Hawaii, have exempted themselves from the advanced time provisions.



In March of 1967, Harold Pachios in the General Counsel's office, working with James Minor of the same office, developed a tentative, loosely defined procedure for handling difficulties arising from the Act. Mr. Pachios suggested to John Robson, the General Counsel, that the Secretary of Transportation write to the Governors of problem States saying that he understood that the Uniform Time Act had brought about an adverse situation, and that the Department of Transportation would entertain petitions for changes of time zone boundaries if State authorities thought such changes would solve their problems. If such petitions were received from State authorities, the Department would informally gather data, opinions, and other information regarding such time boundary changes. Finally, after making informal contacts with all the apparent interests involved in the disputes, the Secretary would issue a rule defining the boundary of the disputed time zone and announcing the legal time in the area.<sup>1</sup>

Mr. Pachios recommended that the Secretary shun the initiative in such cases, pointing out that if the petitions for time zone changes came on State initiative, the Department could avoid a politically damaging imbroglio in this sometimes explosive issue. Then the Department would hopefully find itself in the position of ratifying decisions made at the State and local level.<sup>2</sup>

In early April, General Counsel Robson reported to the Secretary that the Department would probably suspend enforcement of the Uniform Time Act in five States--Michigan, Texas, North Dakota, Nebraska, and Kansas--because there were disputes over where the time zone boundaries should be drawn. Mr. Robson also pointed to the great problems concerning the Time Act in Indiana,

saying that no satisfactory Departmental policy had yet been developed.

The solution to Kentucky's problems was deferred by granting the State an exemption until the State legislature met in 1968 to consider formally exempting Kentucky from Daylight Saving Time.<sup>3</sup>

To assist the various Federal agencies across the country, Secretary Boyd issued a set of guidelines which were drawn up in Mr. Robson's office. The guidelines emphasized that the Department considered its authority in this field to be discretionary, and it advised that in those situations which are confused because of reasonable difficulties in adjusting to the Uniform Time Act, the Department envisioned a deferral of enforcement. In such cases, the Secretary notified the agencies that until further notice the Department considered observance of local time by Federal installations to be consistent with the spirit of the Act.<sup>4</sup> Where local authorities did not seem to be sincerely attempting to conform with Federal law on this subject, and where there was no confusion as to what should be the legal local time, the Secretary advised the Federal offices to adhere to the time set forth in the Uniform Time Act, whether or not that time conformed to the locally accepted time standard.<sup>5</sup>

The Department also devoted a good deal of effort to attempts to resolve peculiar local problems in adjusting to the provisions of the Uniform Time Act. The following is a brief account of the most outstanding and vexing of those problems.

#### Michigan

The difficulty over time standards in Michigan arose from the desire of most of the people in the upper peninsula of the State to have the same time

---

as the lower peninsula and Detroit. Because the upper peninsula was legally in the Central time zone while the lower peninsula was on Eastern Standard Time, and because Detroit and the lower peninsula did not adopt Eastern Daylight Savings Time in the summer, most of the upper peninsula kept the same time as the southern portion of the State by remaining on Central Daylight Saving Time all year. The three Michigan counties which bordered on Wisconsin, however, wishing to have the same time as did Wisconsin, chose to be on Central Standard Time during the fall and winter, and to go onto Central Daylight Saving Time during the spring and summer. Thus, part of the State remained on Eastern Standard Time all year, part of the State followed Central Daylight Saving Time all year, and another part was on Central Standard Time for six months and on advanced Central Time for six months.

Mr. Pachios recommended that the best solution to this confused situation would be for the Department to encourage Michigan officials to petition for a time zone boundary change which would put all but the three counties in the upper peninsula adjacent to Wisconsin in the Eastern time zone. The counties next to Wisconsin would remain on Central Standard Time. Governor Romney did indeed file a petition with the Department to change the boundaries between the two zones, but later, after a conference with the Michigan Attorney General, the Governor withdrew the State's petition. Therefore, the entire upper peninsula would be on Central Standard Time and the lower portion would remain on Eastern Standard Time.

#### Indiana

Indiana's situation was similar to that of Michigan in that a large



portion of the State objected to being on a different time than another section of the State, but Indiana's case was complicated by having judicial proceedings brought against the Department because of its involvement in the dispute. Most of western Indiana is legally in the Central Time Zone, but with the exceptions of Gary, Evansville, and the counties near these two cities, most of the western section of the State remains on Central Daylight Saving Time all year. The eastern part of the State refused to initiate advanced time, even though Indiana had not legally exempted itself from the Uniform Time Act provisions on that subject.

The Department had suspended enforcement of the Act, thereby not requiring that the eastern section of the State shift to advanced standard time, in order to allow both State and Federal officials time to develop a permanent solution to Indiana's perplexing time problem. Several Indiana television stations, however, filed suit in a Federal court asking that the Department be ordered to enforce the Uniform Time Act and require the entire State to observe Daylight Saving Time. On July 17, 1968, after hearing rebuttal arguments from Mr. Pachios and a U. S. Attorney, the United States District Court for the Southern District of Indiana ordered the Department to abandon its policy of not enforcing the Time Act in the State of Indiana.

The General Counsel prepared a plan of enforcement for submission to the Court, a plan which largely relied on personal contacts and the good offices of the Department to bring about voluntary compliance with the Act, although the Counsel admitted that his office was "completely unequipped to carry out such a plan." <sup>8</sup> At the same time, the Department asked the Seventh Circuit Court of Appeals for a temporary stay while the Government prepared an appeal. The Court in Chicago granted the stay, thus continuing the

---

suspension of enforcement of the Act while the Circuit Court is considering the appeal. At this time, therefore, the State of Indiana is still in violation of the Uniform Time Act of 1966.

#### North Dakota

Legally, all of North Dakota is on Central Standard Time with the exception of a small section in the southwest corner of the State which is on Mountain Standard Time. The area of the State west of the Missouri River, however, has traditionally observed Mountain Time, and numerous loud protests were heard from this section when it appeared that most of the people of western North Dakota would have to shift from Mountain Standard Time to Central Daylight Saving Time on April 30, 1967, a shift of two hours.

Governor Guy of North Dakota spoke with Mr. Pachios in March of 1967 about the State's difficulties with the Time Act. The Governor preferred the entire State to be in the Central Time Zone and wanted the State to observe Daylight Saving Time with the rest of the nation, but also wanted to avoid having the western section of his State forced to make the shift from Mountain Standard to Central Daylight in one move.<sup>9</sup> Mr. Pachios told Governor Guy that the Department could help if North Dakota took either of two courses of action: 1) submit a petition to the Department requesting that the Central -Mountain time boundary be set officially at the



Missouri River, or 2) submitted a petition requesting that the entire State be put in the Central zone, while the people west of the Missouri river voluntarily observe Central time.<sup>10</sup>

Shortly after this conversation, the North Dakota attorney-general petitioned the Department asking that the Missouri River be designated as the Central-Mountain boundary. Governor Guy registered his objections with the Department, indicating that he would rather have the issue settled by a plebiscite. Mr. Pachios expressed his agreement with the idea of a referendum on the issue, and recommended that the Department suspend enforcement of the Act until the issue had been resolved by the voters.<sup>11</sup>

The issue remained in suspension until the spring of 1968, when Governor Guy informed Mr. Pachios that he was unwilling to conduct a plebiscite for political and financial reasons.<sup>12</sup> The problem, therefore, remained unresolved at either the State or Department level.

\* \* \*

At this time, the Department continues to watch the situation in these and other States, including that of Texas, where that State and the Department await Congressional passage of a special Bill allowing the area around El Paso to observe Mountain time. The General Counsel and his assistant, Mr. Pachios, continue to hold first-line responsibility for the implementation of the Uniform Time Act of 1966, which sought to rationalize the observance of time standards in this country.



#### FOOTNOTES

1. Harold Pachios to John Robson, memorandum, March 2, 1967.
  2. Harold Pachios to John Robson, memorandum, March 7, 1967.
  3. John Robson to Alan Boyd, memorandum, April 3, 1967.
  4. Alan Boyd to Charles Schultze, letter with enclosure, April 18, 1967, p. 4.
  5. Ibid., pp. 5-6.
  6. Harold Pachios to John Robson, memorandum, March 6, 1967, p. 3.
  7. Harold Pachios to John Robson, memorandum, June 20, 1967.
  8. Stanford G. Ross to John Sweeney, memorandum, August 2, 1968.
  9. Harold Pachios, memorandum for the record, March 20, 1967.
  10. Ibid.
  11. Harold Pachios to John Robson and John Sweeney, memorandum, March 27, 1967.
  12. Harold Pachios to John Robson, memorandum, April 24, 1967.
-

UNITED STATES GOVERNMENT

*Memorandum*

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

DATE: March 2, 1967 ✓

SUBJECT: Procedure for Changing Time Zone Boundaries

In reply  
refer to:FROM: Hal Pachios *HP*TO: John Robson *TSC*

I talked with Jim Minor and his assistant for administrative procedures this morning. They also agree that we can change time zone boundaries by employing informal rule-making procedures. Throughout our conversation they emphasized that informality was not only possible, but highly preferable.

1. The Secretary writes a letter to the Governor of a problem state saying that he understands the UTA has brought about an adverse situation, and that the Department of Transportation will entertain a resolution and accompanying petition for change of boundary if that is thought to be the solution.
2. After the petition is received we would publish notice in the Federal Register and issue a press release. Jim Minor said his people are expert in the precise drafting of such notices and they are willing to give us all the help we need. The notice would invite all interested parties to submit data, opinions and other information to the Secretary of Transportation. Minor feels we should at least allow a 60 day period for the submission of material. And although the notice would not mention the right to make informal oral testimony, Minor suggests we grant it if the pressure builds from any one person or group to come to Washington to make their views known orally. He says the guy from DOT who hears such testimony need not be a hearing examiner. In fact, it can be someone from our office who sits and listens; no cross-examination, no dialogue, just let the customer talk for an agreed upon period of time.
3. After the 60 day period expires someone is going to have to define the issues and weigh the evidence, or countering views. The record must also show all the varying views presented. Each facet of the controversy must be clearly defined, and action recommended for the Secretary. Again, Minor said he and his staff would be available for consultation and assistance throughout the whole process. He mentioned that he had loaned the National Highway Safety Agency an attorney experienced in administrative procedure during the period that they were making auto safety rules. We might consider asking for the same thing.

4. Minor said it would probably be a long time from publication to the issuing of a rule. The average case might run well beyond three months. And I expect that within the next six months we will receive petitions from Michigan, Indiana, Kentucky and North Dakota. It's going to be a long process. But there is the possibility of taking all the Central zone cases together under one proceeding, and I will investigate this further.



Hal Pachios



UNITED STATES GOVERNMENT

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

*Memorandum*

DATE: March 7, 1967 ✓

SUBJECT: Uniform Time Act

In reply  
refer to:

FROM: Hal Pachios

TO: General Counsel

Mr. Meeks from the Senate Commerce Committee called today. He said he was handling the time problem for the Committee and inquired whether the most severe problems can be solved administratively. I said they could, and very briefly explained the requirements under the Administrative Procedure Act. I told him that the procedure could be very simply kicked off with a petition from the legislature. He asked me to come up to see him. I said I would. Can you and I and John Sweeney get together to discuss this?

Administrative hearings on boundary changes will be politically damaging to us only after a ruling is made and those adversely affected by the change blame us. If, however, the petition for such change was initiated by the state legislature and the ruling substantially conforms to the request in the petition, we can afterwards say, "The ruling was made after deep consideration of the views presented by all interested parties. Particular emphasis was placed upon the recommendations of the state legislature which by nature is the single most important expression of the will of the people."

When Webb Maxson was here yesterday we discussed this again. He thinks the only way we can lay the change on the legislature is to have them initiate the petition. There is no other manner of doing it because the Congress has given only the Secretary the authority to make the final decision. And the APA requires that the Secretary solicit the views of all interested parties; and weigh the views of all interested parties.

If we can agree on this device at the earliest possible time it will enable John Sweeney to pass the word on the Hill that the Secretary is willing to write a letter to any Governor soliciting a petition and getting the ball rolling. Most of the interested Senators will be very receptive, I think.

  
Hal Pachios

April 3, 1967

MEMORANDUM FOR THE SECRETARY

FROM: John E. Robson

The following information may be useful if you are asked any questions about the Uniform Time Act.

1. It is expected that the great majority of the states will observe daylight saving time from the last Sunday in April to the last Sunday in October. Only three states, Michigan, South Dakota and Hawaii have exempted themselves by law and will remain on non-advanced time all year.

2. In a few states, or portions of states, where special equities exist, we have indicated that we will defer consideration of enforcement until time zone boundary change proceedings are concluded. This includes the following areas where a time different from the time of the zone in which they are technically located has been historically observed, and state officials have indicated they will petition the Department to move the boundary to conform with historical observance:

Michigan -----	Upper Peninsula
Texas -----	El Paso and three surrounding counties*
North Dakota -----	The area west of the Missouri River
Nebraska -----	Portions of nine counties west of the central time zone boundary
Kansas (possible):	Some counties in northern part of the state presently bisected by time zone line.

3. You deferred enforcement in Kentucky until that state's legislature has an opportunity to meet and consider exemption.

4. You may be asked what we are going to do about Indiana. They passed a law to evade the Uniform Time Act. We do not believe the Indiana law is effective as an exemption statute. We are still talking with members of the Indiana Congressional delegation. At this time no decisions have been reached with regard to the time situation in that state.

\* The Texas situation is complicated by an old statute which may require Congressional action before we can administratively consider a boundary change.



5. We have taken the position that the Act does not technically apply to Alaska, Hawaii and Puerto Rico until we define by administrative proceeding the exact boundaries of the newly created time zones applying to those areas. ✓

✓ 6. When can a state exempt? Any time it wants to.

7. What time will the Federal Government follow in the states? We expect to have something on that soon.

8. How does the Department intend to enforce the Act? We don't anticipate at this time that enforcement will be necessary. We know of no state that wants to arbitrarily disobey the law.

John E. Robson  
General Counsel

HCPachios:lvn:GC:3/31/67  
JERobson:lvn:GC:4/3/67



APR 18 1967

Honorable Charles L. Schultze  
Director  
Bureau of the Budget  
Washington, D. C. 20503

Dear Mr. Schultze:

On April 1, 1967, the functions, powers and duties previously vested in the Interstate Commerce Commission under the Uniform Time Act of 1966 (80 Stat 167; 15 USC 260), and related prior statutes (Act of March 19, 1913, as amended (40 Stat 450; 15 USC 261 et seq); The Act of March 4, 1921, as amended (41 Stat 1446; 15 USC 265)), relating to standard time zones and daylight saving time, were transferred to the Department of Transportation.

The Uniform Time Act directs the Department of Transportation to foster and promote the adoption and observance of uniform time. The Act also expresses an intention that its provisions apply to the conduct of business by the Federal Government.

The purpose of the attached memorandum is to provide guidance for other branches, departments and agencies of the Government as to the effect of the Act and the Department's interpretations and policies concerning it.

I would appreciate having the Bureau of the Budget disseminate the memorandum to all appropriate departments and agencies of the Government.

Sincerely,

signed Alan S. Boyd

Alan S. Boyd

Enclosure

HCPachios:lvn:GC:4/10/67  
Exec. Sec. (3):GC(3)

April 18, 1967 ✓

Guidelines for Observance of Time Under Provisions of the  
Uniform Time Act of 1966

On April 1, 1967, there will be transferred to the Department of Transportation, the functions, powers and duties previously vested in the Interstate Commerce Commission under the Uniform Time Act of 1966 (80 Stat 107; 15 USC 260), and related prior statutes (Act of March 19, 1918, as amended (40 Stat 450; 15 USC 261 et seq); The Act of March 4, 1921, as amended (41 Stat 1446; 15 USC 265)), relating to standard time zones and daylight-saving time.

The Uniform Time Act of 1966 (hereafter "the Act") directs the Department of Transportation to foster and promote the adoption and observance of uniform time within and throughout the various time zones.

The purpose of this memorandum is to provide guidance for other branches, departments and agencies of the United States Government as to the effect of the Act and the Department's interpretations and policies concerning it.

EFFECT OF UNIFORM TIME LEGISLATION

The Act of March 19, 1918, as modified by the Act of March 4, 1921, established the general boundaries, based on mean solar time, of the existing five time zones for the United States (Eastern, Central, Mountain, Pacific and Alaska). The precise boundaries of each time zone were, under these laws, to be defined and modified from time to time by order of the Interstate Commerce Commission. Pursuant to this authority the present boundaries of the five existing time zones were set by the ICC (see attached map).

The principal provisions of the Uniform Time Act of 1966 are as follows:

1. It substitutes the Yukon standard time zone for what was the Alaska standard time zone under prior law and creates the following three new time zones:



- Atlantic standard time, covering the offshore areas of the Eastern coast of the United States as well as Puerto Rico and the Virgin Islands.
- Alaska-Hawaii standard time, which covers Hawaii and most of Alaska.
- Bering standard time, which covers the far Western portion of Alaska and the Aleutian Islands.

2. The Act requires that within each time zone there be a one-hour advance of time from 2:00 a.m. of the last Sunday in April to 2:00 a.m. on the last Sunday in October of each year (i. e., making mandatory what is commonly called "daylight saving" time). However, a state may by legislation exempt itself from the daylight-saving time provisions provided that the entire state remains on non-advanced time throughout the year. These provisions apply notwithstanding conflicting state law or the fact that a state may be in more than one time zone. For example: If part of a state were within the Central zone and part in the Eastern zone, the entire state would go on daylight-saving time on the last Sunday of April. However, there would be a one-hour difference between the parts of the state in the different zones. From the last Sunday in October to the last Sunday of the following April the state would observe standard (non-advanced) time, and the one hour difference between the portions of the state situated in the different zones would continue. If the state had legislatively exempted itself from the daylight-saving time provisions, the entire state would remain on standard (non-advanced) time year-round and there would be a one-hour difference between the parts of the state lying in the different zones.

3. The Department is authorized to enforce the provisions of the Act by application to the U. S. District Court for the district where a violation occurs.



4. The Act expresses an intention that its provisions apply to the conduct of business by the Federal Government 1/.

5. The Act becomes effective April 1, 1967.

#### THE SITUATION DURING 1967

General. It is expected that the uniform daylight saving time provisions of the Act will be observed in all but a very few states throughout the country. Generally, then, Federal installations can observe the provisions of the Act and will also be in conformance with the local time in any particular area.

Changeover Date. A few areas in the United States have observed advanced (daylight savings) time year-round. When the Act became effective on April 1 these areas were in technical violation of the law. They will be in violation until April 30 when pursuant to the Act all clocks will be advanced one hour. The Department feels it would be practicable for Government installations to follow local time in these areas during the period from April 1 to April 30.

Special Situations. In a limited number of cases circumstances indicate that during the initial transitional period there may be deviations from the provisions of the Act. These are in most cases due to (1) historical observance in portions of certain states of a time different from the time of the zone in which that area lies and where authorized state officials have filed or indicated to the Department

1/ Section 4(b) of the Act provides that "in all statutes, orders, rules and regulations relating to the time of performance of any act by any officer or department of the United States, whether in the legislative, executive, or judicial branches of the Government, or relating to the time within which any rights shall accrue or determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of the United States, it shall be understood and intended that the time shall insofar as practicable (as determined by the Interstate Commerce Commission) be the United States Standard time of the zone within which the Act is to be performed." The legislative history of the Act also indicates Congress considered that the observance of the Act by the Federal Government would be one of the principal inducements for the states to come into conformity.



4

that they are preparing to file a petition to change the boundary to conform to historical observance, (2) the fact that a state's legislature will not have had an opportunity to consider exempting the state from the daylight-saving time provisions or (3) the boundaries of one of the three new time zones having not yet been established. The Department notes that the enforcement provisions of the Act are stated in permissive terms and that the Act's legislative history suggests that during the initial transitional period deferral of enforcement is consistent with the objectives of the Act in situations where special equities exist. In the situations discussed below the Department will not consider enforcement of the Act until the administrative proceedings or other actions indicated have been concluded. In these cases it is expected that the areas concerned will observe the time they have traditionally followed. It is the Department's position that observance of such local time by Federal installations will not, until further notice from the Department, be considered inconsistent with the Act. The areas falling into this category are discussed below.

1. Puerto Rico, Virgin Islands, Alaska and Hawaii. Until the Department by administrative order fixes the limits of the new time zones affecting these areas, it will be consistent with the Act if Government installations follow the local time in effect.

2. Kentucky. Local time in effect can be followed by Government installations in Kentucky until the Kentucky legislature has met in 1968 and considered whether the state will avail itself of the option to exempt itself from the daylight-saving time provisions.

3. Michigan. Michigan has exempted itself by law from the daylight-saving time provisions of the Act. Although the Upper Peninsula of Michigan is officially located in the central time zone, most of this area has historically observed eastern standard time. A petition is being submitted to the Department requesting that the Eastern Time Zone boundary be changed to include the entire state. Until further notice from the Department, it will be appropriate for Federal installations to observe eastern standard time throughout the state.

4. North Dakota. A petition will be filed by officials of North Dakota requesting that the mountain time zone boundary be moved



eastward to include a section of the state west of the Missouri River which has historically observed mountain time. It will be considered appropriate if the local time in effect is observed by Federal installations in the portion of North Dakota west of the Missouri River.

5. Texas. El Paso and portions of three surrounding counties are technically located in the central time zone but have historically observed mountain time. The state is expected to file a petition requesting that El Paso be placed in the mountain time zone to conform to historical practice. It will be consistent with the Act if Federal installations observe mountain time in these areas until further notice from the Department.

6. Nebraska. Authorities in Nebraska have petitioned to move the boundary between the central and mountain zones to include in the central zone three counties and portions of nine others now lying in the mountain time zone. It will be considered consistent with the Act if Federal installations observe local time in these counties.

7. Kansas. Officials in Kansas have indicated they will petition the Department to alter the boundary between central and mountain time in North Central Kansas to conform with the historical observance of time in that portion of the state. The observance of local time in the affected area of the state will be considered consistent with the Act.

In cases where local time may be observed by Federal installations inquiries regarding local time in effect may be directed to the Attorney General of the state, or the Office of the General Counsel, Department of Transportation.

\*\*\*\*\*

There may be instances where a state or political subdivision of a state does not adhere to the provisions of the Uniform Time Act and



is not included in the special situations mentioned above. In these instances the Department urges Federal installations in those areas to follow the provisions of the Uniform Time Act of 1966. We believe that this approach will be of considerable assistance in accomplishing the objective of time uniformity which Congress has expressed in the Uniform Time Act.

\* \* \* \* \*

The Department notes that the Act applies the term "standard time" to the advanced time period specified in section 3(a). The term "standard time" has historically been used in reference to non-advanced time. To employ the same term in making reference to advanced time will bring about much confusion during the transition period. Therefore the Department considers it appropriate for Government departments and agencies to continue to employ for the immediate future the term "daylight saving time" to distinguish advanced time from non-advanced time.

\* \* \* \* \*

Should there be questions concerning the Act you are requested to direct them to the Office of the General Counsel, Department of Transportation, which will be pleased to assist you in any way possible.

Signed Alan S. Boyd

Alan S. Boyd

Secretary of Transportation



UNITED STATES GOVERNMENT

## Memorandum

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

DATE: March 6, 1967

In reply  
refer to:SUBJECT: Issues and problems facing DOT in connection  
with UTA

FROM: Hal Pachios

TO: John Robson

1. Outstanding petitions on file at the ICC for change of the time zone  
boundary.a. Indiana -- St. Joseph county. There are petitions pending at ICC to  
enlarge scope of the hearings to encompass adjacent areas of Indiana  
desiring a change.

(1). Essentially the problem is that the eastern section of the state  
is in the Eastern standard time zone and the western part of the  
state is in the Central standard time zone. With the exception  
of five counties near Gary that prefer to be on Chicago time,  
the remainder of the western section desires to be on Indianapolis  
time (Eastern standard time). As matters stand the Eastern section  
now observes Eastern standard time year-round and the western  
section, with the exception of the Gary counties, observe Central  
daylight time year-round. This puts them on the same time.

What happens on April 1? The western section must revert to  
Central standard time, putting it one hour ahead of Indianapolis.

What happens on April 30? If Indiana has not voted to exempt  
itself (and it probably will not) the eastern section will have  
to go on Eastern daylight time. It doesn't want to and never has.  
The western section will go on Central daylight time, which would  
put it an hour behind Indianapolis. And only the five Gary  
counties will be satisfied because that will mean they will be  
six months on Central daylight and six months on Central standard,  
as is Chicago. If by remote chance Indiana does exempt it will  
mean the Eastern section will observe Eastern standard time year-  
round, which it does anyway. But the western section must observe  
Central standard time year-round putting it, again, one hour ahead  
of Indianapolis. Moreover the five Gary counties would not be  
able to observe daylight saving time in the summer in accordance  
with Chicago.

Nobody in Indiana will be happy unless the Eastern time zone  
boundary is redrawn to include the western portion of the state,  
excepting the five Gary counties which want to stay in the Central  
time zone.



The situation is further complicated by the fact that the Indiana senate has passed a bill which says in effect that every political subdivision of the state shall maintain a clock labeled "Official Time" conforming to the requirements of the Uniform Time Act. Furthermore the bill provides that any political subdivision of the state can then observe any time it chooses. If the bill passes and becomes effective we might very well have a litigation problem.

Finally, Senator Bayh has introduced a bill in the Senate which would give any state through which a time zone passes the right to exempt one or more portions of that state from the Uniform Time Act.

I recommend that we get together with John Sweeney to meet with Bayh and Hartke as soon as possible to suggest alternative ways in which they can meet the problem facing them -- and us.

I suggest we tell the Senators that there is a petition from St. Joseph's county, Ind. to change the time zone boundary pending at the ICC. And that there are others to enlarge the scope of the hearings. Inasmuch as many other parts of the western section of Indiana have a deep interest in the boundary question, the Department of Transportation would be amenable to receive from the Indiana legislature a petition and accompanying resolution requesting the Department to enlarge even farther the scope of the proceedings to include the entire portion of the state affected by the Central time zone boundary. I think we would be taking an equitable position in not enforcing the Act wherever a petition for change is pending. Using this we might stave off immediate action on the Bayh bill and the bill now in the Indiana legislature. Incidentally, Bob Redding tells me that the Bayh bill doesn't have a prayer of passage, but the bill of the Indiana legislature does.

2. Other areas where DOT can expect to act on time zones through administrative proceedings.

- a. Puerto Rico -- Although Puerto Rico historically has observed Atlantic standard time, the Standard Time Act of 1918 did not establish a zone for Puerto Rico. The Uniform Time Act of 1966 establishes zone 1, based on the sixtieth meridian, and encompassing an area offshore the Atlantic seaboard, Puerto Rico and the Virgin Islands. The new act applies to states and specifically defines "state" to include the District of Columbia, Puerto Rico, or any possession of the United States. We would be required, then, to fix by administrative hearings the boundaries of Atlantic standard time. We have indicated to the Puerto Rican resident-commissioner that the Department will act to set such boundary, and that barring unforeseen commercial considerations Puerto Rico will be placed in it.



I will investigate the procedure for this to see how we include Puerto Rico and the Virgin Islands in the same proceeding.

Having assured the Puerto Rican resident-commissioner that we would be loathe to enforce the daylight saving provision of the Act before the Puerto Rican legislature has an opportunity to exempt, it doesn't seem necessary that the Department begin administrative proceedings with regard to that time zone before the end of daylight saving time on the last Sunday of October, 1967.

I will have to determine whether the administrative requirements for establishing a new zone are the same as those for changing the boundaries of zones already established. It would simplify things if that were the case.

- b. Alaska and Hawaii -- The other two new zones are Alaska-Hawaii standard time and Bering standard time. I have not investigated the situation here, but at first blush there does not seem to be a problem. Nonetheless I expect we will receive from both of these states letters similar to the one we received from Puerto Rico.

One unforeseen complication arises with regard to American Samoa and Guam. The experts at the ICC don't think either of these possessions were contemplated by the draftsmen of the bill. There is nothing in the legislative history even mentioning them. Yet section 7 of the Act says, "as used in this Act, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States". Guam is approximately 45 degrees west of the last time zone (Bering). But Samoa fits into Bering time. Nevertheless, Samoa has historically observed a time one hour later than Bering time. The question is whether the Act applies to Guam and American Samoa. Everyone would probably be satisfied if it did not. Bob Redding indicates that his members are rather unconcerned. The people in these small and remote possessions would probably be happy to leave things as they are. We would look foolish in the eyes of the public if we attempted to enforce daylight saving time there. So we will try to work out an interpretation which puts Guam and Samoa outside the scope of the Act.

- c. Michigan -- The upper peninsula is now on daylight saving time, with the exception of three counties adjacent to Wisconsin. The upper peninsula is on central time and keeps itself on daylight time to bring in accord with Detroit which is on Eastern standard time year-round. As you know this is an important issue in the UP. And the only solution, short of perpetual non-enforcement, seems to be to change the Eastern time zone boundary to include all of the upper peninsula except the three counties observing Wisconsin time.



This seems to be what Michigan wants:

- (1) Put most of the UP and LP on the same time year-round.
- (2) Put Detroit on New York time year-round (however, Detroit presently does not observe daylight time so it has continually been one hour behind New York in the summer -- makes me wonder how sentiment is for New York time year-round.)
- (3) Put three counties adjacent to Wisconsin on Wisconsin time.

If the Eastern time zone boundary is redrawn to include all of the UP except the three counties, this would be the situation:

- (1) Exempt: Wisconsin and the three UP counties would be the same 6 months and one hour apart 6 months. The UP and the LP would be the same year-round. Detroit and New York would be the same 6 months and one hour apart for 6 months.
- (2) No exemption: Wisconsin and the three counties would be the same year-round. The UP and the LP would be the same year-round. Detroit and New York would be the same year-round. And the sun would rise pretty late in the morning during the summer months in the western portion of the UP.

The Michigan politicians have recognized the problem and have done the following by way of reaction:

- (1) Governor Romney made a very confusing statement saying that on April 1 (the time at which the daylight-observing UP will be in violation of the Uniform Time Act) all of Michigan will go into the Eastern time zone. And on April 30 all of Michigan will go into the Central time zone. He thought he could do this. He now knows differently.
- (2) The attorney-general of Michigan interpreted the Act to mean that the old time zones are void until DOT acts to redefine them under the authority of the new law. DOT wrote him disagreeing with his interpretation.
- (3) We talked with Senator Griffin and suggested that he provoke a petition for change of the boundary.
- (4) In the meantime the Michigan legislature is considering a bill to exempt the state. Bob Redding seems to think it has a good chance of passage.



I recommend that John Sweeney follow-up with Griffin and give him some assurance that DOT would be loathe to enforce the Act if a petition for change is pending. And suggest that such a petition should be filed as soon as possible. Ultimately there is no other solution within the context of the Uniform Time Act.

- d. North Dakota -- All of North Dakota with the exception of a small section in the southwest corner is in the Central time zone. In practice, however, all the area west of the Missouri River observes Mountain time. The problem here is to preserve the historical boundary. You have already advised Senator Burdick that we would entertain a petition to move the boundary from the point at which it was set by the ICC to line in accord with practice. You also told Burdick that we would be loathe to enforce while such a petition was pending.

- (1) I recommend that John Sweeney coax Burdick into speedy action. Or the Secretary write the Governor soliciting action on the part of the legislature.

- e. Texas -- The entire state of Texas was placed in the Central time zone by act of Congress, March 4, 1921. However, several counties around El Paso have historically observed Mountain time. The solution would be to move the boundary in accordance with practice. But the Congress having directed the ICC to place the boundary where it is, it would seem that only Congress can direct DOT to change it.

In a letter for your signature we told Rep. Clayton of the Texas legislature that the Department would probably have no authority to change the boundary without specific congressional direction. But that we were still checking the law. In the meantime, we said, the Department would not enforce the provisions of the act in the El Paso area until it is finally determined that only Congress can make the change; and we would not enforce while such a bill for change is pending.

I recommend that you send Clayton the letter. And that John Sweeney try to get the appropriate Texas congressman to introduce a bill. This will get things rolling and get us completely off the hook.

### 3. Problems which boundary changes will not solve.

- a. Kentucky -- The immediate problem here is purely political. Contrary to other cases where the time zone dissects a state,



Kentucky is not concerned about one part of the state being on a different time than the other. Historically the entire state, with the exception of some counties bordering Indiana and Illinois, has observed standard time. And powerful interests within the state are calling for an exemption bill to preserve standard time. The Kentucky legislature does not regularly meet until next year. The Governor wants to bow to the pressure for standard time but does not want to call a special session because this would give his political opposition an opportunity to start talking about the taxes and anything else that might embarrass him. To avoid this possibility the Governor wants to issue an executive order to exempt the state.

The Governor has taken the position that the wording of section 3(a) of the Act which says, "except that any state may by law exempt itself from the provisions of this subsection" means that the state may adopt any means granted to it by its constitution to exempt. The Act, he says, supercedes state law only to the extent of providing for advances in time and not in the manner of exemption. He cites section 3(b) which says, "it is the express intent of Congress by this section to supercede any and all laws of the states or political subdivisions thereof insofar as they may now or hereafter provide for advances in time or changeover dates different from those specified in this section". The Governor communicated his interpretation to Secretary Boyd on December 16. And the Secretary replied that he was in no position to comment authoritatively until the Department assumed responsibility for Uniform Time. But in giving his "informal views" to the Governor, the Secretary said, "Whether or not an executive order is an adequate substitute depends in the last analysis on Kentucky law". The Secretary further indicated that we would not enforce until the Kentucky legislature had an opportunity to act.

In the meantime there have been a series of bills introduced in Congress by members of the Kentucky delegation to exempt from the provisions of the Uniform Time Act those states whose legislatures do not regularly meeting during 1967. There may be hearings on these bills within the next couple of weeks. And the Governor has indicated to the press that if Congress does not pass such exemption bills by April 30 he will act by executive order to exempt the state. He says he has received assurances from Secretary Boyd that he can do this.



To further complicate matters, the Louisville Courier-Journal reporter I told you about canvassed the ICC and was told that an executive order was not the proper way to exempt. The Governor read the story and became upset. He called "an ICC commissioner" today and was told that the information was wrong, and that he could go ahead and exempt by executive order.

Discretion would dictate that we go along with the Governor's interpretation and the informal advice of the Secretary and the ICC commissioner. The manner of exemption would not create political problems for us. Whether it is the legislature or the Governor it is still on their back. BUT, I listened to Redding for three hours the other day and he kept referring to Kentucky as going "on daylight time by default". They want states to opt for daylight. And they don't want Governors making the decision. They would probably think such a precedent unbearable because they are better equipped to work on a legislature than on a Governor.

I recommend that we avoid a conflict based upon what the Secretary told Breathitt and the TAA view by doing one of two things:

- (1) John Sweeney promote passage of the bills introduced by the Kentucky congressmen to exempt from the provisions of the bill for one year those states not have a regularly scheduled meeting of the legislature this year.
  - (2) Taking the position that equity dictates that the Department will not act to enforce until the state legislature has an opportunity to act. The legislative history of the Act shows that the enforcement provisions are to be used only as a last resort. And the Congress could not have intended that we enforce before the legislature has an opportunity to act.
- b. Nebraska -- This state has an old bill, long in effect, which prohibits daylight saving time (strangely enough some parts of Nebraska still go ahead and observe daylight time). A bill pending before the Nebraska legislature would repeal the old bill prohibiting daylight time. If it is not passed the attorney-general of Nebraska says the effect of the old bill would be to exempt Nebraska from the advanced time provisions of the Uniform Time Act. Section 3(b) of the Uniform Time Act says, "It is hereby declared the express intent of Congress by this section to supersede any and all laws of the States or political subdivisions thereof insofar as they may now or hereafter provide for advances



in time or changeover dates different from those specified in this section."

I would take section 3(b) to mean that Congress has occupied the time field for purposes of changes in time. And there is inherent in the Nebraska situation a time change from the daylight prescribed by the Uniform Time Act to the standard time which states are given the right to opt for by law.

I will have to investigate the Nebraska problem further.

4. Violations of the Act which can be expected on April 1.

- a. As you know, the act becomes effective on April 1. That means that the entire country must be on standard time on that date. The following is a list of states wherein daylight time has been observed year-round.

- (1) Michigan -- Most of the Upper Peninsula is on daylight time and will be on April 1.

If a petition for change of boundary is filed before April 1 we can use that as a reason for not enforcing. I recommend that the Secretary write the Governor of Michigan in about ten days soliciting a petition from the legislature.

- (2) Indiana -- All of the state lying within Central time, except for the counties around Gary, are on daylight time and will be in violation.

There is petition pending at the ICC from St. Joseph county. If we can get the scope of that petition enlarged to include all of Indiana west of the boundary, then we can hold off enforcement action until the hearings are completed and a ruling made. I have suggested above that John Sweeney try to get Bayh or Hartke to arrange to have additional petitions for enlarging the scope of the hearings come in from the remainder of the western portion of the state. If we cannot accomplish this within the next ten days, I suggest the Secretary communicate with Governor Branigan to get the Indiana legislature to submit such a petition.

- (3) Kentucky -- A few communities on the Indiana border observe daylight time year-round in accord with the practice in western Indiana.



- (4) Kansas -- Portions of 24 Kansas counties are now on daylight time.
- (5) New Mexico and Oregon -- Both have small portions of their states on daylight time. Neither has communicated with us. I will try to determine whether these communities intend to observe the law.

5. What to do about U.S. government installations in the states.

- a. Section 4(b) of the Uniform Time Act says that "insofar as practicable" standard time of each zone shall govern the movement of common carriers. It further specified that "In all statutes, orders, rules, and regulations relating to the time of performance of any act by any officer or department of the United States, whether in the legislative, judicial or executive branches of the Government, or relating to the time within which any rights shall accrue or determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of the United States, it shall be understood and intended that the time shall insofar as practicable (as determined by the ICC) be the United States standard time of the zone within which the act is to be performed."

What is the United States standard time of a zone? Section 3(a) of the Uniform Time Act says, "the standard time of each zone shall be advanced one hour and such time as so advanced shall for the purposes of such Act of March 19, 1918 be the standard time of such zone during such period" (last Sunday in April to last Sunday in October).

} So during the summer months common carriers must use advanced time even though a state in which they operate may have exempted itself from advanced time. And all statutes, orders, rules, and regulations relating to the time of performance of an act by an officer or department of the U.S. will be based on advanced time. The ICC has an unofficial interpretation that this language requires all offices and installations of the U.S. government in the states to operate on advanced time for six months. But I believe the question rests on our interpretation of an order, rule or regulation.

- } (1) Must every routine order of the Commanding Officer of Fort Campbell, Ky. refer to advanced time during the summer even though Kentucky does not observe such time?

- (2) Must the Detroit postmaster's order pertaining to mail pick-up times conform to advanced time even if Detroit is on standard time?

For all practical purposes we would be in a terrible mess if we took the position this year that government installations must observe the federally prescribed advance time in exempted states.

I think our position ought to be based on the language of section 4(b) that reads "insofar as practicable". It is not practical to put government offices on a time different from that observed by the state in which they are located. Moreover, we have a congressional mandate to promote uniformity in time. While we are engaged in promoting uniformity it would not be practicable to require federal installations to observe a time not consonant with local time.

We will only have this problem in a few states which exempt themselves. These will probably be Georgia, Michigan, Kentucky, Tennessee, and South Dakota.

Hal Pachios



⑦  
✓

June 20, 1967

Petition to change time zone  
boundary in Michigan

Harold C. Pachios

General Counsel

The Governor and Attorney General of Michigan met this morning and agreed to withdraw their petition for a time zone boundary change.

This will effectively solve the time problem in Michigan. Accordingly, the upper peninsula will be on central daylight time and the lower peninsula on eastern daylight time until the last Sunday in October when they will revert to central standard time and eastern standard time, respectively.

The Secretary will receive official notification from the Governor by letter tomorrow or the next day.

I propose to draft an amendment to our original memorandum for Government departments and agencies informing them of this action and the practical results thereof.

Signed:  
Harold C. Pachios

Harold C. Pachios

cc: File ✓  
TGC-1  
Mr. Pachios  
TGC-2  
TPA-1  
TPA-20



AUG 2 1968

**Indiana Time Situation**

**General Counsel**

**Assistant Secretary for Public Affairs, TPA-1**

On July 17, 1968, the United States District Court for the Southern District of Indiana issued an injunction requiring the Department to abandon its policy of not enforcing the Uniform Time Act in the State of Indiana. The Court Order requires the Department to issue a public notice of the fact that the general policy of not enforcing the daylight saving provisions of the Uniform Time Act has been judicially held illegal and has been rescinded by the Department. The Order further requires the Department to submit to the Court a plan for the enforcement of uniform time in Indiana. We have appealed this decision, and have obtained a temporary stay of the Court Order from the United States Court of Appeals for the Seventh Circuit. The merits of continuing this stay beyond its expiration at midnight, Saturday, August 3, are to be argued this week. While the further stay may well be granted, it may equally well be denied. In the event that the stay is denied, it will be necessary for the Department to comply with the Court Order.

✓ We have prepared the attached draft press release for issuance in the event that the stay is not granted. This issuance meets the requirements of the Court Order that the Department announce the rescission of its policy of non-enforcement of the Act in Indiana.

We have prepared the attached plan of enforcement to be submitted to the District Court for its approval. We are hopeful that this plan will satisfy the Court. We will submit it without paragraph 9 in the first instance. It may be necessary, however, to add that paragraph to satisfy the Court. If the Judge requires more than is set forth in this plan with paragraph 9, we may try to seek a stay of such greater requirements. Whether such a stay will be granted is problematical.

✓ As you will note, the actions called for by the plan are designed to secure voluntary compliance with uniform time by personal contact and use of the good offices of the Department. We believe that this is an activity which

falls within the sphere of your activities. We are completely unequipped to carry out such a plan. Since it will be necessary for the plan to be implemented as soon as approved by the Court, and since it may not be possible to accomplish all aspects of the plan from Washington, we suggest that you set up contingency plans to send people to Indiana to implement the plan in the event that this is required. We will, of course, remain available to assist you and will handle any legal enforcement actions that may become necessary.

I would be glad to talk to you further about this matter so that we may both be ready to proceed in the unfortunate event that this becomes necessary.

SIGNED:

STANFORD G. ROSS

Stanford G. Ross

#### Attachments

1. The Department will issue a Government-wide notice informing all agencies and departments of the Federal Government of the time to MSPerlman:nec:TGC-10:36025:8-1-68

be observed under existing time zone boundaries in Indiana to comply with the Uniform Time Act and the order of the Court. The notice will request immediate compliance.

2. The Governor of Indiana will be requested to issue an order placing all state agencies and offices on their respective, to the existing time zone by section.

3. To ensure the required degree of compliance, the Department of the Justice will be kept advised of the time zone changes and of all violations in Indiana. Where violations of time zone changes are reported by the Uniform Time Act are found, violations will



*Ind*

The following plan for the immediate enforcement of the daylight saving time provisions of the Uniform Time Act in Indiana is submitted in compliance with the Order of the U. S. District Court for the Southern District of Indiana, dated July 17, 1968.

1. The Department will issue a public notice reaffirming the legal time to be observed in each county of Indiana in accordance with the existing time zone boundary and requesting the observance of the legal time by all Indiana citizens. This notice will state the observance is required by the Uniform Time Act and will reference the Order of the Court.

2. The Department will issue a Government-wide notice informing all agencies and departments of the Federal Government of the times to be observed under existing time zone boundaries in Indiana to comply with the Uniform Time Act and the Order of the Court. The notice will request immediate compliance.

3. The Governor of Indiana will be requested to issue an order placing all State agencies and offices on times conforming to the existing time zone boundaries.

4. In view of the important impact of mass media on the habits of the general public, a survey will be made of the time observation practices of all broadcasters in Indiana. Where violations of time observance required by the Uniform Time Act are found, violators will



be contacted by a representative of the Department, informed of the requirements of the Uniform Time Act and the Order of the Court, and asked to comply with the provisions of the Act.

5. A survey of the time practices of local governmental units will be made. Where violations of time observance required by the Uniform Time Act are found, violators will be contacted by a representative of the Department, informed of the requirements of the Uniform Time Act and the Order of the Court, and asked to comply with the provisions of the Act.

6. Efforts will be made directly through trade organizations to bring about compliance with the Uniform Time Act by all common carriers operating in the State of Indiana. Thereafter, a survey of the time practices of all such common carriers will be made. Where violations of time observance required by the Uniform Time Act are found, violators will be contacted by a representative of the Department, informed of the requirements of the Uniform Time Act and the Order of the Court, and asked to comply with the provisions of the Act.

7. A survey of the time practices of major Indiana employers and labor unions will be made. Where violations of time observance required by the Uniform Time Act are found, violators will be contacted by a representative of the Department, informed of the requirements of the Uniform Time Act and the Order of the Court, and asked to comply with the provisions of the Act.

8. A survey of the time practices of major retailers and businesses providing services will be made. Where violations of time observance required by the Uniform Time Act are found, violators will be contacted by a representative of the Department, informed of the requirements of the Uniform Time Act and the Order of the Court, and asked to comply with the provisions of the Act.

(9. Where there are repeated violations and efforts to secure voluntary compliance fail, the Department will consider legal action pursuant to section 3(c) of the Uniform Time Act.)

Paragraph 9 is to be held in reserve. If the court demands a judicial enforcement statement in the plan, paragraph 9 is to be offered.

has decided to stay the Order of Judge Holder.

A. By Judge Holder, the Department will immediately submit a plan of the advanced time of the Uniform Time Act to the existing time zone. The plan will respect the observance of the law in each state. By state, and by units, broadcasters, and employers, unions, and others. The Department will take such additional action as may be appropriate.



UNITED STATES GOVERNMENT

## Memorandum

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

DATE: March 20, 1967

In reply  
refer to:

SUBJECT: Uniform Time Act - North Dakota

FROM: Harold C. Pachios

TO: For the Record

Governor Guy of North Dakota visited with me for about a half hour today about the effect of the Uniform Time Act on his State.

✓ At the outset he disclosed that he had vetoed an exemption bill passed by both houses of the state legislature. He suggested that one of the reasons the legislature had passed an exemption bill was because they were concerned about the effect of a two hour advance of the clock upon those people in the central zone observing mountain time (they have been observing the equivalent of reverse daylight time). But he thinks the State should be in daylight time because all neighboring states are going to observe it.

He then expressed the desire that the Department allow North Dakota to continue observing whatever time they wish during the next year. I asked him why. And he explained that he thought the entire state should be in central time. He thought his constituents might buy central time but he didn't think they would stand for a change to central and daylight all at once.

✓ I told him we would be in a position to help if North Dakota did one of two things. First, they could determine that they wanted to change the boundary to conform to historical observance and submit a petition accordingly. Second, they might decide to observe central time statewide, in which case those people west of the Missouri would voluntarily observe such time, and a petition could be submitted to officially put that part of the state now in the mountain zone back into the central zone. All of North Dakota would then be on central time. I told him we could not help them unless a petition was submitted.

✓ He liked the suggestion about petitioning for a change of boundary. But he asked if there was any way we could withhold enforcement for several months while he surveyed the state for their preference. I said we probably would be willing to withhold enforcement if he sent the Secretary a letter stating that North Dakota would submit a petition by a certain date.

Harold C. Pachios



UNITED STATES GOVERNMENT

## Memorandum

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SUBJECT: Current Situation in North Dakota

DATE: March 27, 1967

FROM: Hal Pachios

TO: John E. Robson  
John Sweeney

Pachios

Follow thru  
Mr. Tolson  
3/28In reply  
refer to:

File

The ICC has received a petition from the attorney-general of North Dakota to move the mountain time zone boundary in that state to conform with historical observance. It was filed pursuant to a resolution of the state legislature asking for same.

This morning I received a telephone call from Governor Guy of North Dakota. He told me that the petition by the attorney-general was politically inspired to embarrass him. The Governor is a Democrat. The attorney-general and the legislature is Republican. According to the Governor there are a good many people west of the Missouri River who want to be on Central Time instead of Mountain Time. They are mostly workers as witness the letter we received from the President of the North Dakota AFL-CIO. It is probably fair to say they are also supporters of the Governor. On the other hand I don't think it is oversimplification to say that those who want Mountain Time are farmers. Last week the Governor met with 85 county commissioners, mayors and legislators in the affected area west of the Missouri. He says all of them favored having him write the Secretary of Transportation requesting a stay of enforcement until such time as a plebiscite can be held to determine the desire of the majority as to time. He is in fact sending such a letter.

The Governor feels we should go along with his request for the following reasons:

1. He vetoed an exemption bill. Therefore the state will go on daylight time on April 30 consonant with Congressional intent to foster daylight time.
2. Unlike the situations in other problem states where it is clear the people want to change the boundary in conformity with historical observance, it is not at all certain that the majority in North Dakota want to conform with historical observance.
3. It would be best for all concerned (Department of Transportation, the Governor and the people of North Dakota) to let the people decide in a plebiscite which way they want to go.

4. It would be unfair for the Department of Transportation to enforce central time in the affected area before the people have had an opportunity to vote on the issue. This is especially true since everyone in North Dakota will be moving their clocks ahead one hour to conform with daylight time, and an additional one hour advance to central time would create a harsh reaction. ✓

5. The plebiscite would probably be held before the end of summer.

The Governor is saying that if we are willing to withhold enforcement while a time issue is being resolved through petition, we certainly should be willing to withhold enforcement while the same kind of issue is being resolved through a vote of the people.

I'm inclined to agree with him. An analogy can be drawn between our reasoning for withholding enforcement during pendency of a petition and the logic of withholding while the people vote. Furthermore, if we were to entertain a petition as a means of resolving the issue the Department would be injecting itself into the hot political atmosphere created by this question in North Dakota. Finally, I think Bob Redding and the TAA would go along with such a position since it will mean that uniformity will be achieved one way or the other in North Dakota before the end of the year.

May I draft an affirmative reply to the Governor's letter which is forthcoming? The Governor requests some indication of how we feel before the end of the day.

	<u>Yes</u>	<u>No.</u>	<u>Let's talk</u>
John E. Robson	_____	_____	_____
John Sweeney	_____	_____	_____

Harold C. Pachios



UNITED STATES GOVERNMENT

## Memorandum

DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY

DATE: April 24, 1968

SUBJECT: North Dakota Time ProblemIn reply  
refer to:

FROM : Harold C. Pachios

TO : General Counsel

At the suggestion of Bruce Hagen, Public Service Commissioner of the State of North Dakota, I called Governor Guy this morning to discuss the North Dakota time situation. I told the Governor that we were aware of his desire to leave the time line where it is (along the Milwaukee railroad tracks in the southwestern part of the State), but that we were still receiving a good deal of pressure from people in the area south and west of the Missouri River to change the line. I pointed out to the Governor that the Time Committee had recommended a proposed new boundary line and that we couldn't very well tell them that we were going to ignore their proposal. In fact, I asked the Governor what he would tell them if he were in our shoes.

The Governor made the following points:

1. The North Dakota Supreme Court has ruled that the time zone boundary coincides with the Milwaukee railroad tracks in southwestern North Dakota and that ruling seems to have cleared the air. I told the Governor that the Department of Transportation had cited last year the pertinent part in the Code of Federal Regulations which describes the boundary as running along the Milwaukee railroad tracks, and despite the fact that we said the same thing that the Supreme Court is now saying, the air was not cleared.
2. The Governor says he thinks the people ought to live with central time for awhile to see how they like it.
3. He suggests we ask the North Dakota Legislature to come up with a proposal in its next session (January 1969), and then ask the Legislature to conduct a plebiscite on its own proposal. This, he says, will insure that no mistakes are made. He believes that at present neither he nor the Department of Transportation can determine with any certainty where the time zone boundary should run. I pointed out to him that the North Dakota Legislature has



already spoken on the subject with their 1967 resolution. And he countered by saying that the situation has changed since then because (1) he had not vetoed the exemption bill at the time the Legislature passed its resolution, and (2) the Supreme Court had not handed down its ruling on the exact location of the time zone boundary.

4. The Governor said that he could not conduct a plebiscite for two reasons. He is running for re-election and doesn't want to have time become an issue in his campaign. And the Governor claims that he does not have funds to conduct a plebiscite.
5. We agreed to be in touch next week after central daylight time has gone into effect in the area south and west of the Missouri River.

This guy has been playing games with us for a long time, and there is no question but that they are just that -- games. Nonetheless, we ought to consider this thing very carefully because he is the Governor and we made a subtle policy determination a long time ago to listen to governors when it concerns the problem of time zones. Let's talk at your convenience.



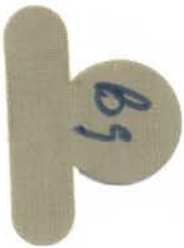
Harold C. Pachios

cc: Mr. Perlman

Major Achievements of the Department of Transportation -- 1968

From one point of view the major achievement of the Department has been to get itself organized and functioning as an effective, influential government instrumentality. Mr. Boyd in testifying before the House Subcommittee on Appropriations on May 21, 1968, noted that getting the Department organized was "no easy undertaking", and that it had to operate on two levels, for one taking a long look into the future and for the other giving attention to serious problems which the country must face now.

Following that line of reasoning, one of the most immediate concerns of the Department has been problems of urban transportation. In approaching that set of issues the Department has concluded that individual modes of transportation must be regarded as integral parts of a system; the transportation system must be regarded as part of the city environment, capable of either disrupting or enhancing that environment; and third, that each city must decide for itself what its needs and goals are. In preparing to assume the responsibility for the urban mass transit programs of the government, the Department has emphasized the integration of programs of the Federal Highway Administration with the other approaches to urban needs -- subways, and motor buses, but also has insisted that the total environment must not be sacrificed to the demands of any program. As one approach the Department stressed the "urban design concept team" which is a vehicle for guaranteeing community participation in the planning of its own transportation system. Initially, the concept team was



utilized in highway planning in Baltimore. Various plans have been devised to assist cities to make better use of the facilities they already have; for example, the program of improving traffic control devices, providing bus lanes, or bus-loading turn-offs in the cities.

With respect to intercity transportation, the Department has designed a major restructuring of the air transport system that has been submitted to Congress for approval. It has also recognized that airlines can not be expanded sufficiently to serve as vehicles for mass transit and for that reason has actively fostered the high speed ground transportation research and demonstration program that had been initiated before the Department came into being.

Since a major reason for the Department existence is safety, said Mr. Boyd, the Department has initiated numerous programs to improve safety in all modes of transportation. He was confident that the Highway Safety Program had already had a beneficial effect and that the effect would become even more noticeable. In an area not so often thought of<sup>as</sup> a serious concern, the Department through the Coast Guard had initiated a boating safety program to help decrease the total of 1,300 deaths per year in recreational boating. Strong statutes were drawn and submitted to Congress to promote safety in railroads and various types of pipelines. The Natural Gas Pipeline Safety Bill, though it was extensively modified during its passage through Congress, was enacted at the end of July, 1968; enforcement of it is a responsibility of the Assistant Secretary for Research and Technology.

A new but very important issue for the Department is its investigation of automobile insurance; the Department helped draft the legislative

---



authorization for the study and is charged to conduct the work. Coordinating responsibility for the study rests with the Assistant Secretary for Policy Development. The expected result of the study is the reduction of auto insurance premiums and increasing efficiency and equity in the distribution of compensation to auto accident victims.

Since its inception the Department had made rather frequent use of its authority to intervene in proceedings of the agencies that regulate the various forms of transportation; it has prepared interventions in at least twelve cases. These interventions included one with the CAB that was concerned with helicopter service in the Washington area in an attempt to help relieve congestion at the local airports; one ICC case involved the right of certain truckers to use interstate highways; one case before the Federal Maritime Commission involved restrictions on ocean trade between the United States and Brazil. The General Counsel's Office also commented on several petitions for railroad mergers.

Numerous major issues were discussed with a view to presenting draft legislation to Congress. Examples of such major legislation include aviation policy, particularly with respect to Federal subsidies to airports; maritime policy, in which the Department proposed that the government subsidize only ships needed for national defense purposes. A legislative proposal was made to authorize the Secretary to establish rail safety standards, and regulations for rail equipment and operators. The Bill died at the adjournment of the 90th Congress.

---

Another area in which the Secretary considered that the Department had made significant progress is the area of facilitation, by which the Department means efforts to reduce the number and complexity of hindrances to the movement of people and goods in trade. Investigations disclosed three categories of impediments to trade: 1) tariff or cost anomalies, or prohibitions of publication of joint rate calculations on the part of two or more modes of transportation. The Department prepared and sent to Congress the Trade Simplification Act of 1968 that would provide an exemption from anti-trust legislation for joint rate calculations; 2) nomenclature problems which make very difficult efforts of manufacturers and shippers to utilize economical automated systems for shipping and control functions; 3) mechanical and procedural impediments; that is such problems as pooling of containers, safety considerations, and uniform marking of containers; 4) documentation problems. These include obsolescence in forms used by American merchant seamen, passenger documentation, and ship documentation.

In order to improve the Department's capability to make value judgments concerning proposals for transportation improvements, the Department during its first year entered into a rather extensive series of research contracts. Because some of its approaches were novel, the Department had to try to obtain information on such fundamental matters as the relationship of transportation policy to the development of the economy of the United States. To pursue that line of inquiry the Department concluded contracts to try to improve the available input-output data for transportation-

related factors. Studies are also to be made to determine trends in productivity in transportation, and also such facts as the impact of highway expenditure on employment in the United States.

To support the Department's participation in ICC and other hearings on rates, a research contract was concluded to analyze trends in transportation rates, especially in relation to trends in other costs. A research contract to try to forecast developments in ship technology to accommodate new types of commodities to be shipped was concluded to assist the Department in predicting needs in such areas as pollution control, international shipping regulations, and the economics of supership operations.

A contract of particular interest in Washington is one to determine the desirability of integrated transportation centers in urban areas, using Union Station as such a center; this effort will be to determine numbers of people who will use such a center, and the variety of modes and services relating to transportation that will be feasible in such centers.<sup>1</sup>



## Footnotes

1. Department of Transportation Appropriations for 1969, "Hearings before a Subcommittee of the Committee on Appropriations of the House of Representatives, Ninetieth Congress, Second Session, U. S. Government Printing Office, Washington, 1968, passim.
-

# INTERCOM

DEPARTMENT OF TRANSPORTATION / FEDERAL AVIATION ADMINISTRATION