

Chapter VI

EXPERIENCE OF OTHER COMMUNITIES

A study of the effects of by-passes on other communities was undertaken to establish a method to determine economic impact and then verify the projections made. Good information and ideas were obtained from nearly every city compared, but verification was impossible, as no community studied was exactly comparable with Bishop and few studies such as this were discovered.

As part of this report, every bypass in the United States was initially considered, with most found not even remotely comparable. Those which appeared to be similar to Bishop, or in which extensive studies which might be helpful to us had been made, were then reviewed in depth.

Factors to be considered in comparability with Bishop are these:

- 1) Bishop's size and growth factors
- 2) Bishop's dependence on tourism and highway traveler
- 3) Bishop's location 4 to 6 hours from the Southern California metropolitan area.
- 4) Bishop's scarcity of land

Since Bishop will be the first community to be bypassed on 395, no nearby examples can be given.

STATE DIVISION OF HIGHWAYS STUDIES

Land economic studies have been made since 1950 by the Right-of-way Research and Development section of the Division of Highways. These studies use a "before and after" technique for evaluating the impact of freeways and bypasses on the community. In general their reports usually indicate benefits to the community and no long-term harmful effects, as shown in this segment of the 1964 Annual Report of Division of Highways.

Community Effects

Shifting travel from "Main Street" to the new freeway facility gives the former back to the merchants and their customers, who, before, were prevented by traffic congestion from parking and shopping. Heavy through traffic is normally unproductive of sales, yet the local shopper--the mainstay of an area's business--frequently was forced farther and farther away to outlying shopping centers or even neighboring towns by the pressure of nonstopping vehicles.

Community residents discover that the opening of a paralleling freeway removes most of the exhaust fumes and bothersome noise

associated with the older highway through town. The older route, superseded as a state highway by the freeway and relinquished to the community, no longer acts as a barrier, fearsome and time-consuming to cross.

Since freeways reduce time-distance factors and transportation cost, they make communities more attractive to industries seeking sites for relocation or expansion. Equally important, they offer the area's working force greater areas in which to market its skills.

National studies of the sale prices of homes by the U.S. Department of Commerce have been confirmed by similar studies by the Research and Development Section of the Division of Highways Right of Way Department. Both show that the sale prices of homes adjacent to modern landscaped freeways generally are comparable to homes a few blocks away.

However it is apparent in looking at the detail in their studies that businesses heavily dependent on highway traffic are hurt by a bypass and often face a difficult transition period.

While the State has maintained for many years that freeways and bypasses are the force behind economic growth their feelings may be changing. With the rapid growth of California, it is very difficult to isolate the effects of a freeway. Growth often covers up the harmful effects of a bypass (just as it covers up mistakes in all areas). Recent reports of the State indicate "that while freeways seem to initiate a change, in actual fact they merely reinforce the change that the community is already undergoing. Freeways accelerate a pre-existing tendency to change in the community."

State studies were reviewed for Camarillo, Delano, El Monte Imperial, North Sacramento, Petaluma, Templeton, Tulare, Beaumont, Banning, Fortuna, and Yreka. The Yreka study of March 1963 is the only one which attempts an economic analysis of alternate freeway alignments. (1)

DUNSMUIR

The most helpful report has not yet been written. Dunsmuir, located in southern Siskiyou County, was bypassed recently. This is the most comparable community to Bishop in the western United States. However, because of loss of a major employment with the removal of Southern Pacific's division point and then an unexpected change in employment statistic methods, no economic study has yet been made.

(1) Note: The State is not expected to do much more in this risky type of undertaking.

Dunsmuir is similar to Bishop in population growth population, growth patterns, retail sales distance from a metropolitan area, emphasis on recreation and tourism, and land scarcity (caused there by terrain).

In Dunsmuir, the state bypassed the community in two phases. First an expressway passed the north part of town with all the motels. These motels experienced a 40% drop in business. Part of the reason is that many of these were not as attractive and modern as competition, the State erected no signs indicating an off-ramp or access to these motels and lack of preparation and prior action on the part of motel owners. These motels are now enjoying a better business than ever, despite new competition closer to the expressway.

The second phase was the freeway bypass of the central business district. The approach is quite good and close to the city (See following photo). Business has improved in the business district by attracting business from nearby towns and providing more convenience for stopping travelers. No parking lots have been provided but meter heads have been removed and replaced by "Welcome to Dunsmuir" signs.

Traffic on the old highway is way down but merchants have concluded "good riddance" for congestion has been eliminated. Most severely hurt have been the in-town gas stations, a result predicted in Bishop also.

Dunsmuir is working to;

- 1) Develop recreational facilities in the area, such as a Transportation Park.
- 2) Have good and attractive signing, by both State and community.
- 3) Change names of streets to have freeway signs attract the traveling public (street with all motels being changed to "Motel Drive")
- 4) Cooperate fully in the community and educate employers and employees on the importance of tourism.

This review is the result of an excellent report of the Dunsmuir Chamber of Commerce and a personal visit of the consultant to Dunsmuir.

KING CITY

The only study similar to this one discovered in California was prepared by Rickes Research, Inc. for the City of King in October 1961. This report was well prepared and of great assistance in preparing this report. The method and con-



Looking north along the new freeway toward Mount Shasta with the City of Dunsmuir in the middleground.

May-June, 1963

clusions are quite similar, except for one vital factor. In King City, it will be possible for existing businesses to relocate and new businesses to establish themselves at interchange locations along the bypass. In addition, King City has extensive agricultural developments nearby, and is one of the last communities to be bypassed on U.S. 101 rather than the first, as is Bishop.

OREGON

Communities fairly similar to Bishop in population and highway traffic are located along U.S. 99 in Oregon. Studies of the Oregon State Highway Department of the communities of Sutherlin, Canyonville, Oakland, Gold Hill, Cannon Beach (U.S. 101) and Hood River (U.S. 30) are summarized as follows:

SUMMARY

By way of summary, the studies of these six communities in Oregon reveal that a highway change of the by-pass type can be expected to have some adverse effects on those types of establishments which provide an essential service to the highway motorist. The diversion of thru highway traffic to a controlled access by-pass means the loss, in part at least, of the patronage these establishments had formerly enjoyed from the thru highway traveler. For communities on major highways especially, this loss is sizeable enough to that it cannot be replaced entirely by increased local patronage. With service stations the effect is more clearly evident being determined by the proportion of their business which was obtained from thru traffic, whereas with the motels and hotels and eating and drinking places, management factors and obsolescence have an important bearing upon the degree to which individual establishments will be affected by highway change. In most cases a relatively modest decrease in retail sales can be expected even in communities located on major highways. Exceptions are likely to occur where there are unique circumstances such as prevailed in Gold Hill.

The effect of a by-pass on those categories of retail business which are geared primarily to serving the local population varies with the size of the particular community and the amount of congestion that had existed on the old route of the highway through the town. These studies clearly suggest that this "All Other" category of retail business is very likely to benefit in those instances where the retail business district is of sufficient size to offer customers an adequate selection of goods and services, and where the traffic congestion is adversely affecting the local patronage. (1)

(1) Economic Impact of Highway Change on Six Communities in Oregon, Oregon State, Highway Dept., 1958.

OTHER COMMUNITIES

Also reviewed as part of this study were reports of state highways departments, universities, and civic groups of these communities. These reports generally confirm the economic impact predicted in Chapter 5 and are the source of several recommendations listed in following chapters.

The most important conclusion is that every community is different and the impact of a bypass is dependent on economic conditions within that community; on the location, design, and timing of the bypass; on dependence of the community on highway trade; and on the reaction of the community. Many communities and many businesses have managed to overcome an initial decline in business due to a bypass opening.

The impact of a bypass on Bishop cannot be determined by following any other community or averaging other results. It can be based only on the specific regional and local conditions now existing in Bishop.

Chapter VII

FREEWAY ADOPTION PROCEDURES

This chapter outlines and discusses the procedure by which the State Highway Commission selects freeway locations and adopts routes. Most of the material comes directly (and is copied exactly) from the League of California Cities report, "City Freeway Guide," prepared in January 1964. In addition to the five pages here, there are three important sections in the appendix.

LOCATION OF FREEWAYS

The State Highway Commission makes the final determination of the location of freeways. The Commission's statement of policy of the procedure to be followed relative to adoption of freeway locations is set forth in Appendix "A".

This procedural resolution provides that the State Highway Engineer or his authorized representative shall confer with local governing bodies and officials, and other agencies that may be affected, at the initiation of any studies necessary to determine possible freeway locations. This contact or conference takes place prior to any action or any studies of any kind whatsoever by the Department in order to give local officials the earliest possible opportunity to present their views. It also provides that when sufficient information has been accumulated, meetings will be held to acquaint the public with studies made and to obtain views of interested individuals and groups. In addition, the policy statement provides that when the freeway location is considered by the Commission, it will hold a public hearing if requested to do so by the local legislative body. The Commission, on its own motion, may call public meetings or hold such hearings as it may deem appropriate.

The statement establishing procedures to be followed was formally adopted by the Highway Commission in 1948. It was restated and redefined in 1953, in 1955 and again in 1958 for the present policy. In 1961 the Legislature added Sections 210 through 215 to the Streets and Highways Code incorporating into the statutes the general provisions of the Commission's procedural resolution and providing that information pertinent to the resolution be included in an annual report to the Governor along with a summary of hearings held and freeway routes adopted. These sections of the Code are contained in Appendix "B". It has been the intent of the Highway Commission through its procedural resolutions, and of the Legislature through additions to the law to provide close working relationships between the Division of Highways, local legislative bodies and the public in determination of freeway routings.

Appendix "C" contains an outline of the major steps followed in the planning and construction of a freeway from the time of its inception to execution of a construction contract.

It has been the experience throughout the State that changes in freeway locations have occurred most often as a result of meetings held by the Division of Highways rather than resulting from Highway Commission hearings. This naturally follows, since any disagreements that might arise are best resolved at an early date. Legislative intent, Commission policy and Division practice permit local action at the staff level at the earliest practical moment. Because of this, it is incumbent upon local officials to develop a firm position regarding the future of their community through sound planning. Cities with adequate transportation plans coordinated with surrounding jurisdictions and developed prior to a freeway being considered will experience far fewer problems than a city without adequate plans. The California Freeway and Expressway System has established a statewide plan, and in effect, places cities on notice as to where future freeways may be expected. This provides cities an opportunity to foresee and prepare for the future through realistic planning.

Although proper planning will minimize disagreements and problems, some will arise under the best of plans. In resolving particular problems, local officials deal initially and almost exclusively with planners and engineers of the Division of Highways district offices. This is the point at which the majority of problems are solved. Unresolved differences at the staff level may be taken to the District Engineer for his personal appraisal. Beyond this, a city may appeal local decisions to the State Highway Engineer, to the State Director of Public Works and finally to the State Highway Commission. In the event such course of action is followed, a city must be fully prepared to substantiate its position, and city officials must keep themselves well informed of procedures to follow.

PLANNING

Despite the fact that a city may have an adequate general plan and even a more detailed transportation element of the general plan, it is still, by its very nature, general. This may result in problems arising in connection with freeways. General plans often do not arouse the intensity of public concern at the time of their adoption that they do later when there is clear and immediate prospect of implementation, as in the case of actions in regard to a specific freeway routing. General plans do not include design or landscaping details of a freeway nor do they necessarily include the precise location. Although possible future freeways should be included in a general plan, this inclusion does not automatically preclude later consideration and possible controversy over details of design, location or landscaping. Since a freeway may cause drastic changes in traffic patterns, planning must not be limited to the immediate vicinity of a freeway. Possible affects on all streets should be studied.

INTRODUCTION

The purpose of this guide is to assist city officials in dealing with freeway matters within their cities. The guide is primarily for reference purposes for those who encounter freeway problems infrequently and for those facing the construction of a freeway within their city for the first time. As additional mileage of the California Freeway and Expressway System¹ reaches the freeway standards construction stage, more and more local officials will be coming in contact with the problems as well as the benefits that freeways present.

This guide is not intended to be an engineering analysis of freeway design, nor is it intended to present the advantages and disadvantages of freeways. It is intended to serve as a guide for persons not closely associated with the construction of freeways. Anyone interested in the actual laws pertaining to highways in California will find an excellent reference source in "Statutes Relating To The Division of Highways, Department of Public Works" issued by the Department of Public Works, Division of Contracts and Rights of Way.

DEFINITION OF FREEWAY

A freeway is defined in the Streets and Highways Code², in the Business and Professions Code³ and in the Vehicle Code⁴ as "... a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right or easement of access." The general concept of a freeway is somewhat more restricted than this particular definition. It is commonly thought of as a divided highway with interchanges, controlled access and all crossings either above or below the grade of the roadbed. This concept closely follows the definition contained in the act establishing the California Freeway and Expressway System.

The Freeway and Expressway System, as adopted by the Legislature in 1959, established a plan to provide a comprehensive system of access-controlled freeways and expressways throughout the State. At the present time all freeway construction is on this System.

STATE AGENCIES

Authority for the Legislature to establish a state highway system is contained in the State Constitution⁵, and overall administrative authority of the system is provided for in the Government Code by establishment of a Highway Transportation Agency⁶ and a Department of Public Works⁷ within the Transportation Agency. Establishment of a Division of Highways⁸ within the Department of Public Works and most laws under which the Division operates in performing its basic functions of constructing, improving and maintaining State highways is contained in the Streets and Highways Code. In addition, the Streets and Highways Code establishes and sets forth the functions of the California Highway Commission⁹.

In charge of the Division of Highways is the State Highway Engineer, who is appointed by the Director of Public Works. Both the Director of Public Works, who is executive officer of the Department of Public Works, and the Administrator of Highway Transportation, who is executive officer of the Highway Transportation Agency, are appointed by and hold office at the pleasure of the Governor. The Administrator of Highway Transportation serves as an ex-officio member and chairman of the California Highway Commission. The other six members of the Commission are appointed by the Governor with consent of the Senate. The Director of Public Works serves as administrative officer of the Commission. (See Highway Transportation Agency Organization Chart, Page 14.)

The State Legislature has created the Highway Commission and enacts laws pertaining to highways. However, its activity in highway location is limited to designating routes in very general terms. State Highway Routes¹⁰ are generally described simply by the beginning and ending points or termini. Routes in the California Freeway and Expressway System are similarly described. The Freeway and

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1. Streets and Highways Code, Section 250, et. seq.
 2. Ibid, Section 23.5.
 3. Business and Professions Code, Section 5210.
 4. Vehicle Code, Section 332.
 5. Constitution of California, Article IV, Section 36.
 6. Government Code, Section 13975.
 7. Ibid, Section 14000.
 8. Streets and Highways Code, Section 50.
 9. Ibid, Section 70, et. seq.
 10. Ibid, Section 300, et. seq.

Expressway System routes are part of but do not constitute all routes within the State Highway System¹.

Authority for the actual location of a given state highway rests with the Highway Commission, which is empowered to "Select, adopt and determine the location for State highways on routes authorized by law,"² as well as "...alter or change the location of any State highway, if, in the opinion of the Commission such alteration or change is for the best interest of the State."³ The Commission is also specifically instructed by statute to carry out the declared policy of the Legislature "...to provide for advance planning and continuity of fiscal policy in the construction and improvement of the State Highway System and in the administration of the expenditures from the State Highway Fund."⁴

The actual design and construction of State highways is performed by the Department of Public Works through its Division of Highways. The department "... is authorized and directed to layout and construct all State highways between the termini designated by law and on the most direct and practicable locations as determined by the Commission."⁵ The Department is further authorized to "... do any act necessary, convenient or proper for the construction, improvement, maintenance or use of all highways which are under its jurisdiction, possession or control."⁶ As to freeways, "The department is authorized to do any and all things necessary to lay out, acquire and construct any section or portion of a State highway as a freeway or to make any existing State highway a freeway."⁷ However, prior to such action by the Department, the Highway Commission must, by resolution, declare the highway a freeway.⁸

FREWAY AGREEMENTS

From a city standpoint the so-called "freeway agreement" provision of the law, contained in Section 100.2 of the Streets and Highways Code, is one of the most important sections of the Code affecting freeways within cities. It stipulates that no city street may be closed, either directly or indirectly, by the construction of a freeway unless such closure is pursuant to an agreement between the city and Department of Public Works. Thus, a freeway requiring the closing of streets cannot be constructed within a city without its consent. In the words of Robert B. Bradford, Administrator of the Highway Transportation Agency, "... we have never built a freeway without the Council's approval whether or not streets had to be closed, and we have no intention in the future of building freeways without freeway agreements with the affected cities or counties."⁹ The freeway agreement is the culmination of what may be years of consultation between local and state officials.

Other extremely important aspects of the freeway agreement are that provisions may be made to carry city streets over, under or to a connection with a freeway¹⁰, and that provision may be made for improvements, revisions or extensions of city streets leading to or from freeways as necessary to accommodate the freeway traffic in making proper connections with the streets¹¹.

COMMUNITY VALUES AND ECONOMIC EFFECTS

An important section of the Streets and Highways Code affecting freeway locations within cities is Section 75.5. This section requires consideration of community values when alternative routes are under study and when requested by the city. In addition, Federal law requires that economic effects be given consideration when locating federal-aid highways. The terms "community values" and "economic effects" are in common usage and used in the law to insure that effects of freeway location and construction, other than those derived by motorists, are considered in determining the location of a highway. However, a city official will have to consider these terms carefully in attempting to prove a particular point since precise definitions are neither contained in law nor administrative manuals.

1. Streets and Highways Code, Section 230, et. seq.

2. Ibid, Section 75.

3. Ibid, Section 71.

4. Ibid, Section 70.2.

5. Ibid, Section 90.

6. Ibid, Section 92.

7. Ibid, Section 100.1.

8. Ibid, Section 100.3.

9. Before the Mayors' and Councilmens' Department - Annual Conference, League of California Cities, 1962.

10. Streets and Highways Code, Section 100.2.

11. Ibid, Section 100.25.

Generally, intricate design work is not undertaken until after the freeway routing has been determined. However, the location and design of interchanges, ramps and other structures are among the greatest problem areas of freeways and city officials should apprise themselves at as early a date as possible of design details. Whether the freeway or portions of it will be elevated or depressed, how much property is to be included in the right of way, how much property required for construction purposes outside the right of way, the area required for interchanges and the appearance of interchanges are among the extremely important questions that must be answered and planned for if a city is to avoid committing itself to a plan only to realize later that due to lack of inquiry it did not fully appreciate the impact of its actions.

Even in early stages, several alternate locations and designs of interchanges, ramps and other structures may be under investigation by the Department and a city may wish to study all alternatives. It is not possible to have exact answers to all questions of design prior to execution of the freeway agreement; however, any details that may later prove controversial should be settled in advance. In instances where particularly knotty problems may arise, the preparation of scale models or other visual representations may be well worth the cost. The Department should be requested to prepare a scale model where a particularly controversial public hearing is anticipated. Model work is generally confined to specific problem areas rather than encompassing an entire route study.

In the construction of a freeway, as with any other endeavor where private property is taken for public use, inconvenience is always present, and hardships are often present. Therefore, it is essential that the utmost cooperation be exercised by all parties involved.

Once a freeway route has been established and the location determined, there are still many important details to be considered. Not only the size but the location of interchanges and ramps must be established. The affect upon utilities and other streets must be determined. Advance planning by a city will help avoid problems. The improvement, revision or extension of city streets leading to or from a freeway may give rise to differences of opinion as to just what is necessary to accommodate traffic. Traffic counts and traffic projections will help to minimize differences. The Legislature has noted that realization of the accelerated freeway program would "...depend in great measure on increased public acceptance which will be encouraged by attractive design and appropriate landscaping of freeways..." These are details a city should not overlook and are features that may be subject to freeway agreement negotiations.

AFTER CONSTRUCTION

After a freeway is constructed, it will often supersede an older highway within a city. If this is the case, the Highway Commission may relinquish to the City the superseded highway.² Unless relinquishment is by enactment of the Legislature, the Department of Public Works must give ninety days' notice in writing to the City of intention to relinquish. The highway cannot be relinquished until the surface of the roadway has been placed in a state of good repair. During the ninety-day period, the city may protest the relinquishment for any valid reason including objections that the roadway is not in a state of good repair, or that facilities other than the roadway, such as traffic signals, or drainage structures are not in a state of good repair.

CONCLUSION

There are many safeguards in the law and in practice for the protection of property owners and protection of city interests in connection with freeway location and construction. Among the more important laws are the following: The declaration of a state highway as a freeway "...shall not affect private property rights of access, and any such rights taken or damaged within the meaning of Article I, Section 14, of the State Constitution for such freeway shall be acquired in a manner provided by law.

"No State highway shall be converted into a freeway except with the consent of the owners of abutting lands or the purchase or condemnation of their right of access thereto."³

"No city street or county highway shall be closed, either directly or indirectly, by the construction of a freeway except pursuant to such an agreement or while temporarily necessary during construction operations."⁴

1. Assembly Concurrent Resolution No. 132, June 10, 1957.
2. Streets and Highways Code, Section 73.
3. Streets and Highways Code, Section 100.3.
4. Ibid, Section 100.2.

SUMMARY

There are many vital aspects of freeway location and construction to be investigated by local officials. Among the more important are:

1. By study of the California Freeway and Expressway System Report and consultation with State highway officials, determine if a freeway is contemplated for the city. The California Freeway and Expressway System Report, (SCR 26), is available upon request from the State Highway Engineer, Public Works Building, 1120 N Street, Sacramento.
2. Predict the effect of a freeway upon the city.
3. From District office of Division of Highways, ascertain when studies will be initiated to determine possible locations.
4. Become familiar with Highway Commission procedure relating to adoption of freeway locations. (Appendixes "A" and "B")
5. Become familiar with major steps regarding freeway location. (Appendix "C")
6. From District office of Division of Highways, ascertain location of various alternate freeway routings under study.
7. Determine relationship of freeway to general plan or transportation plan.
8. Study effect of freeway on other city streets and utilities.
9. Become familiar with the alternate route study provisions of Section 75.5 of the Streets and Highways Code.
10. Be prepared to either waive or request public hearing by Highway Commission.
11. From District office of Division of Highways, ascertain location of interchanges and ramps.
12. Study effect of connections from city streets to freeway.
13. From District office of Division of Highways, ascertain details of design of structures, including interchanges and ramps with alternate designs.
14. Be fully prepared to justify any changes that might be requested.
15. Become familiar with Section 100.2 of the Streets and Highways Code which is the "freeway agreement" provision of the law.
16. Become familiar with the superseded highways provision of the Streets and Highways Code, (Section 73).

PROPOSED CHANGES

Of vital importance to this study are proposals now being made in the State Legislature to change these procedures. Many of these proposals are based on the booklet "California Going, Going..." by Samuel E. Wood and Alfred E. Heller of California Tomorrow in 1962. The section on Highways is quoted completely:

Highways

The Department of Public Works, Division of Highways, has the responsibility of planning and building the highways that will take care of the California motorist's needs in the years to come. The division is embarked, as we have already noted, on the building of a 12,400-mile California Freeway System. The division employs 15,600 people. Its 1961-62 budget is \$632 million. The division's talented staff of engineers and specialists has a high esprit and is noted around the world for its efficiency. As an agency of state government, the division has a major job to do, and it has the budget, equipment and the brains and the authority needed to do the job and do it well.

Yet the division has been perpetually under fire--not because its engineers lack ability and skill, but because in locating and designing freeways, the division itself, lacking strong state policy direction, and sustained by the constitutionally provided gas tax fund, has too often failed to respect the plans of other agencies for the use of California lands; in building freeways it has too often failed to respect the legitimate economic interests of farmers and merchants and others of the aesthetic and social ill-effects of its freeway locations.

Some of the best examples of the state's single agency, single interest method of planning the use of California's lands may be found in the division's record of failure to coordinate its highway construction programs with park and recreation demands.

Beginning in 1939, provisions have been added to the highway code allowing the division to buy park land beside state highways, to buy beach properties adjoining freeway rights-of-way, and to buy easements to beaches. The division never used this authority, although its use could have provided public entry to a number of state beaches, and made highways more beautiful than they are. It has never used federal funds available for these purposes. It also has evaded entirely the issue of outdoor advertising controls along highways.

The division's attitude has helped California to delay for 20 years a worthwhile roadside rest program, although such a program has long had the backing of legislative committees, and

public and private organizations throughout the state.

A senate committee as far back as 1952, after reviewing the experience of other states, favored a roadside rest program to be operated by the division. The division balked. An assembly committee in 1955, faced by the division's opposition, compromised and said that responsibility for roadside rests should lie with the Division of Beaches and Parks, with the Division of Highways responsible for assisting in locating the rests. This arrangement has not worked out, partly because of lack of funds, and partly because the beaches and parks agency insists that roadside rests should logically be constructed as part of the freeway system, and maintained by highway agency road crews which would logically be able to service the rest areas as is done in other states with such programs. (40 percent of the recreationists in national forests are highway sightseers.)

Furthermore, the federal government's own "safety rest" program, which could benefit California's inter-state highways, is also stymied, because the Division of Highways has requested that the Division of Beaches and Parks pay for and install the facilities needed for the convenience and comfort of travelers (benches, tables, rest rooms). Yet if this were done, California would have to pay the full cost of these facilities. If it were done as a part of freeway construction, California would pay only 10 percent of the facility costs, and the federal government 90 percent.

Not only has the Division of Highways failed to use its authority to improve recreational opportunities along highways, but it has often failed to take responsibility for the effects of its programs on existing parks.

Freeways have run through major priceless park areas in the state and local systems. A survey by an assembly committee in 1957 indicated that over a ten-year period, freeway construction would have removed approximately 1,000 acres of park area. The division has fought tooth and nail against those who would defend parks against freeway intrusion in Los Angeles and Chico. Loss of substantial redwood park areas to highways was narrowly averted. The division's initial plan to invade Bliss State Park and bridge Emerald Bay with a new road was not accompanied by a careful evaluation of the recreation values involved.

The division's attitude is based on state policy declared in the state highway code, which allows the highway commission to take over any property "dedicated to park purposes, however it may have been dedicated."

Anyone who has sat through local hearings in which state highway engineers explain to irate citizens why the division favors particular freeway routings must at some time wonder at the doubletalk he has heard.

Of all the arguments favored by the division, perhaps the most used--and the most inadequate--is the argument that cites "driver benefit" or "user benefit" as a justification for the choice of one freeway route over another.

According to the division, California highways and freeways are "planned and located to provide the maximum service to highway users,...and to improve the economic and general welfare of the community." But in fact, while lip service is given to the "economic and general welfare of the community," the division devotes most attention in its economic reports supporting freeway routes to its driver benefit formula. This formula translates into dollar values the savings in distance and time and safety to be gained by a driver over the proposed new route. The division claims that the formula helps it to obtain the greatest possible return to the driver-taxpayer for dollars invested. These returns accrue to the individual driver in the form of pennies saved per mile.

However, the formula is inadequate because plainly and simply it fails to take into account the full economic, social, and aesthetic effects of freeway routings. In other words, it disregards the fact that a highway "user" is not only a driver but also a human being inhabiting a finite area--a member of a community.

He may be a farmer whose holding is reduced to a marginal operation by a freeway that bisects it. He may be a merchant, or an ordinary Joe who is more than happy to be able to drive 60 miles an hour instead of 50 over a two-mile stretch, but who is not so happy when he sees that this opportunity in the form of a freeway to drive faster and save a pittance each year may also reduce his town to a slum by taking out part of its business section, some of its historical buildings, and limited developable areas as could happen in Nevada City; or deface a skyline as in San Francisco, erode a major portion of a beautiful park where he and his children can play as in Los Angeles, defile a most breathtaking natural charm as a highway would do at the mouth of Emerald Bay, separate a great city from its commercially valuable and potentially beautiful river front as in Sacramento; or--in short--reduce community values.

The driver benefit formula does not respond to all the legitimate demands being made by Californians upon their lands. It is thus poor economic theory, for it does not reflect "community values" as well as "user benefit" values. (Community values

could in great part be translated into dollar values just as user benefits are, if responsible agencies would get out their slide rules and devise the formulae.)

The inadequate driver benefit formula is both a cause and a reflection of the division's traditional don't-care attitude toward communities through or near which its freeways pass, and toward the over-all best use of California's lands. Positions taken during the past ten years by such diverse bodies as the Federal Bureau of Public Roads, committees of the state legislature, the Governor's office, the cities and counties, have served to bring this attitude into question. But it still persists today. Here are some additional ways in which it reveals itself:

District offices of the division continue to exert a variety of pressures, in the form of subtle threats, upon communities to gain acceptance of freeway locations they favor. For example, communities often "get the word" that funds for a particular highway project may be lost to the locality for years if the route favored by the division is not accepted.

In spite of the so-called community value section added to the state highway code in 1956, the division has successfully fought all legislative attempts to specify the exact procedures that it should follow when it requires the division to fully inform affected communities of their responsibilities, rights and recourses in the process of freeway location.

There is no state policy that takes into account the fact that freeway location influences the ways in which California is developing. Like water projects, freeways--depending on their design and location--help to determine where new communities will or won't spring up, whether old communities will or won't grow, how people will or won't enjoy their leisure hours, what kind of life a man will or won't be able to lead on the California land.

There is some evidence, however, that the division's policies and attitudes are changing, as a result of the pressures cited above. The federal government in its highway planning programs has succeeded in goading the division into encouraging local and regional land-use planning studies which will be used to help the division in locating freeways. The division is particularly interested in a five-county regional planning study in the Los Angeles area. This study will consider total future transportation requirements in the area--including mass rapid transit, as well as freeways.

The division is also encouraging communities to use general land-use plans as a basis for deciding where to spend state gas tax money on local streets (almost a complete reversal of its usual user benefit approach to road building.)

And the division has shown, in deciding where to locate a section of a new freeway on the West Side of the San Joaquin Valley, that it accepts the premise that a freeway can have a harmful as well as beneficial effect on the economy of an agricultural area--that is, that there are other dollar benefits to be considered in addition to user benefits.

The division has taken part, also, in a study of scenic highway potentials in Monterey County, and this study has led the legislature to authorize a further study to develop a state-wide scenic highway plan. In these studies, the division finds itself cooperating with the Division of Beaches and Parks and the State Planning Office.

These and other small signs of progress are encouraging, but the State of California has underwritten the semi-independent status of the Division of Highways and its commission, and its automatically huge annual budget, and has thus given this agency the strength to develop single interest policies and to delay, weaken, and crush legislative attempts to control those policies.

There is still a long way to go before the division's too prevalent suspicion of, and hostility to, other planning agencies is overcome. It may be that if the state adopted and put into effect strong policies to coordinate the work of this talented and powerful agency with the work of other vital California agencies, the family of state agencies could truly operate as a team, devoted to a productive and beautiful California, now and in the years to come.

These opinions are supported and expanded by Senator Fred S. Farr in a article entitled "The Highway Commission and the Public Good," Sierra Club Bulletin, November, 1964.

This concern over the present freeway adoption procedure has resulted in a major package of 14 bills to revise freeway planning procedures being introduced in the 1965 Session by assemblyman Edwin L. Z'berg, chairman of the Assembly Committee on Natural Resources Planning and Public Works. These bills are AB 1429 through AB 1442 and are summarized below:

AB 1429

Repeals and adds Sec. 75.5, amends Sec. 211, S. & H.C.
Requires report by the Department of Public Works as to the effect of proposed alternative routings for state highways or freeways on various factors, with comments therein by the State Office of Planning and the Resources Agency. Report

to be published at least 60 days prior to first public hearing.

Deletes existing provision requiring the department to consider certain effects of proposed alternative routings only if requested by local agencies and if information thereon is submitted by the local agencies.

AB 1430

Requires Department of Public Works to present at public hearings graphic portrayal of alternative freeway and highway routes by sketches or models if so requested by city or county affected, and provides for cost.

AB 1431

Deletes requirement that all state highways be laid out on the most direct and practicable locations as determined by the commission.

AB 1432

Requires general agreement between the Department of Public Works and the appropriate local agency as to the segment of a proposed freeway to be studied; and provides for petition and hearing by the California Highway Commission if such agreement is not reached.

AB 1433

Requires hearing of Division of Highways relating to location of freeway to be conducted by hearing officer of Administrative Procedure.

AB 1434

Authorizes petition by residents of area affected for a public hearing by the California Highway Commission as to a proposed freeway location, if the governing body of the local agency affected has not requested such a hearing.

Requires the commission to hold a public hearing on a proposed freeway location in a recognized population center of the state if the freeway location is of statewide interest or if the Legislature, by concurrent resolution, so directs.

AB 1435

Requires the California Highway Commission, after adoption of state highway or freeway route location, to publish a report outlining the basis for its decision, and specifies certain matters which must be included therein.

AB 1436

Requires Division of Highways to employ personnel with designated qualifications to carry out broad planning responsibilities, and appropriates blank amount for support thereof.

AB 1437

Provides chairman of commission shall be annually selected by the commission from the appointed members, rather than being the Administrator of Highway Transportation.

Authorizes commission to employ an administrative officer not on staff of the Department of Public Works, rather than having Director of Public Works serve as administrative officer. Deletes requirement that divisions of department transmit their recommendations to the administrative officer.

AB 1438

Authorizes commission to employ independent staff, with training in designated fields, to evaluate highway routing proposals, and appropriates and unspecified sum from the State Highway Fund for support for such purpose in the 1965-66 fiscal year.

AB 1439

Requires one member of commission to be member of city council and one member to be member of county board of supervisors.

Directs Governor to fill next two vacancies on commission with persons having such qualifications.

AB 1440

Changes the effect of a resolution by the California Highway Commission respecting the acquisition of real property by condemnation from conclusive evidence to a rebuttable presumption.

AB 1441

Deletes provision which allows the Department of Public Works to acquire by eminent domain property dedicated to park purposes, regardless of how it may have been dedicated, when the California Highway Commission has determined by resolution that the property is necessary for state highway purposes.

AB 1442

Requires the Department of Public Works to have the approval of the State Park Commission before acquiring by eminent domain property in the state park system.

Several bills are given a good chance of adoption in this years session. AB 1430, 1431, 1434, 1437.

If these are passed, the City of Bishop should ask that they be applied to the Bishop Bypass route adoption.

Chapter VIII

RECOMMENDATIONS ON FREEWAY DEVELOPMENT

This chapter is the most important in the report, for it considers the question "Now what do we do?" Having studied and analyzed the Bishop economy the proposed bypass, the economic effect of the bypass and the experience of comparable cities, this report must recommend actions to be taken by all those concerned.

In the Recommendations submitted to the State Highway Commission by the State Chamber of Commerce in 1964, there was added to the Inyo County recommendation the following letter.

Addendum to 1964 State Highway Project Recommendations for Inyo County

California State Chamber of Commerce
1000 Wilshire Boulevard
Los Angeles, California 90017

Attention: Mr. Walter Schmid, Chairman
Southern California Highway Projects Committee
California State Chamber of Commerce

Gentlemen:

Attached hereto is a copy of recommendations from the Bishop Chamber of Commerce for Highway Projects 1965-66. Additional endorsements are listed at the conclusion of the projects list.

In addition to the projects list the Bishop Chamber of Commerce and the Southern Inyo Chamber of Commerce emphatically direct your attention to the following general statement:

'We are on record favoring a policy of all due consideration being given to bring up to standard all substandard portions of SSR 14 and U.S. Highway 395 within Inyo County and leading to Inyo County from Southern California before any highway money is spent on by-passing established communities within Inyo County.

Standard highways (based on traffic counts) from the Southern California Counties of San Diego, Orange and Los Angeles to the Southern Inyo County line are needed much more than a very few miles of by-pass freeways within Inyo County itself. The logic of this concept is so readily evident as to require no further elaboration.'

The above statement and the list of projects constitute my report for Inyo County.

Respectfully submitted,

June 26, 1964

/s/ Edward C. Knapp

Edward C. Knapp, Inyo County Representative
Southern California Highway Projects Committee
California State Chamber of Commerce

The "logic" of this approach is not supported by experience in California. Freeways are designed to separate through and local traffic and the place where these are most in conflict in District 9 is in Bishop. It has been State policy to bypass those communities on the freeway system with congestion. Therefore the study by the Division of Highways of a possible bypass of Bishop is warranted by the existing situation.

An emotional, unreasoned opposition to the bypass will not only be unsuccessful, it will hurt efforts to work with the State to obtain the bypass in the best location at the best time with the best design. In order to obtain these results, these recommendations are made:

- 1) The Bishop Chamber of Commerce, the City of Bishop and the County of Inyo must continue to work together on the freeway planning procedure.
- 2) No freeway agreement should be signed by the City of Bishop or Inyo County with the State until full agreement on location, timing and design is reached and funds for construction are allocated by the State Highway Commission.
- 3) Since the Bishop area and Inyo County have so little available or usable private land and the freeway will have so much effect on land use, Inyo County should prepare a comprehensive general plan of the entire county. Federal funds should be used if available. This plan should include land use, circulation and recreation elements.

The general plan will benefit and should be coordinated with the plans of:

City of Bishop
Inyo Forest
Bureau of Land Management
Department of Water and Power
Inyo County Recreation Plan
Division of Highways Freeway Plans

- 4) The freeway bypass of Bishop should be constructed when Main Street can no longer handle the traffic. With the improvements recommended in Chapter 9, Main Street should be able to accommodate an average daily traffic of 18,000 and a peak hour capacity of 2,100. These figures should not be exceeded for at least ten years and possibly more. A 4-lane freeway will

have a capacity of at least 4,400 vehicles per hour, a capacity which is not needed at this time.

In addition, the proposed bypass (Units I and II) will cost at least \$4,940,000. This would take all of Inyo County's allocation of State highway construction funds for 5 years. With the other pressing demands for construction in the county, bypass construction is not expected soon.

5) The best location for the bypass, to serve the City of Bishop and its businesses, is one with these standards:

- a) East side of town;
- b) As close to the Central Business District (Main St.) as possible, preferably within two blocks;
- c) An easy off-ramp from the south to Main St., at or north of Schober Lane;
- d) Interchanges at East Line Street and at Highway 6;
- e) Northern approach as in Alternate Route "A"

It is recommended that the State Division of Highways thoroughly study an alternate route which would meet these standards. Such a route would provide best access to the existing business area from all three approaches to town. Good access is also given to the airport and industrial area, which should be developed as a distribution-trucking center.

As proposed, the five alternate routes for the bypass are considered harmful to existing business for these reasons:

- "A"--Excellent north of East Line Street, but has very poor approach from the south;
- "F"--Good approach from the south, but West Line interchange is too far from the Central Business District. In both "F" and "J", the approaches from the north are too far from town and poorly located;
- "I"--Excellent approach from the south (if off-ramps are easier), but has no Line Street interchange and takes too much private land;
- "J"--Same as "F", but slightly better;
- "K"--Route 395 bypass much too far from town. Overall cost would be highest and no local service would be provided. Approach from north is terrible. Result would be disastrous for Bishop and businesses.

Initial approaches are of vital importance for "wherever two or more interchanges serve a community, the majority of the traffic entering the town will use the first exit they come to" (1)

(1) "Signing Study of a Typical Interstate By-Pass, Traffic Engineer's Office, Montana State Highway Commission, 1964

- 6) Design will be very important. Approaches should enable motorists to easily see the City of Bishop. The freeway should blend with its environment, too, so that it is not a scar on the landscape.

The State Division of Highways should be requested to prepare a graphic display model of the proposed freeway alignment and design before final approval is given.

This bypass is part of a scenic highway and therefore will be designed in order to be beautiful as well as functional. One of Bishop's great assets is its scenery and this must be kept ever in mind. As part of the scenic highway program, stricter controls must be placed on billboards on Route 395 in the Owens Valley.

Design standards are included in the Appendix.

- 7) The State Division of Highways must be continually encouraged to develop Route 395-14 between Bishop and Southern California in order to allow and attract more tourists.

It must not be forgotten however that a large amount of traffic comes from the north and improvements are needed there as well.