

VALUATION OF SCENIC EASEMENTS

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Your chairman has asked me to discuss how we would carry out the process of valuing a scenic easement or other right in real property that we might be pressed to acquire in connection with a scenic highway program.

He gave me sufficient notice of this assignment, so I asked one of the supervising appraisers in our appraisal department to think about this problem in relation to the Highway Beautification Act of 1965, and to give me some indication of his views on the subject. I ride with him and another appraiser in a car pool each day, and each morning I asked him how he was coming with the problem. He would answer: "Well, it's a difficult problem, but we are working on it." Finally, after about two weeks he handed me a little slip of paper. On it was written this pronouncement: "We will appraise it -- whatever right you may require -- at its full fair market value." Two weeks I waited for this! But that was all I could get from him and although the problem, at first blush, seems complex, that is all there is to it.

So I went to work myself to try to complicate it for you. As I thought about the problem, it occurred to me that the first question that had to be answered was: What is it that we will want to find the full fair market value of? An appraiser views any appraisal problem as being a relatively simple one if he can get a clear definition of what he is dealing with. I think that this is the real stumbling block in what we are discussing today.

In this connection I think Mrs. Strong made an important point when she stressed that perhaps it is not always necessary to acquire anything at all. In the past, our policy in California, when dealing with outdoor advertising signs, has been to acquire a fee simple interest in the property, and then let the advertising lease expire. In that way we have not had to pay anything for the eventual elimination of the signs. Most of these leases were fairly short term, and our practice has simplified the problem of eliminating these signs.

But in the future it is possible that we will be faced with the knotty problems of valuation that Mr. Kofoed mentioned, and I am glad that they were brought up at this time. Mr. Kofoed indicated his doubts as to whether even a very sophisticated computer could answer these questions; and I am sure that I am not prepared to try my hand at them today. But, again I feel, as I said earlier, that this may be because we do not have a definite idea of precisely what the valuation problem is.

We have found that there are numerous possibilities, ranging between zoning prohibitions on the land uses that are involved and the acquisition of full ownership of the land by public agencies. For the appraiser, valuation of the full fee value presents no problem, and, obviously, there is no valuation problem where regulatory controls are used. But I assume that in this program we may be seeking various arrangements in between these extremes. For example, it may be desirable to provide a prohibition against erecting buildings, or restrictions against alteration of private driveways, or prohibiting removal of trees or shrubs and other greenery; or we may just be restricting the owner to the present uses of his property. We may be prohibiting outdoor advertising entirely, or dumping materials on the property, or any alteration of the land use which would affect the drainage, erosion, or flood controls.

In addition to these many possibilities involving prohibition of specified land uses, we may, as Professor Lewis indicated, wish to do something constructive through our legal authority and procedures. We may be dealing with an area where there is little likelihood of future change in the land use, and our purpose may be to selectively cut trees to open up views of the features that are back from the edge of the road. Of course, you cannot go upon a man's property and cut his trees without paying him for it, even if you think that it will make his property more beautiful. I expect that this is not legally possible; but, even if it were lawful, we would never thereafter be able to negotiate with this landowner for a settlement. And, of course, successful right-of-way acquisition programs depend on being able to negotiate most of their transactions without going through the courts.

In California we are proud of the percentage of our cases that are settled without resort to litigation. Out of our total number of acquisitions, we only litigate about 3 percent. This is possible, we feel, because in the beginning of the transaction we have taken a good hard look at the problem and defined the valuation question. After that, we find, our appraisal, aimed at arriving at the full fair market value of the property, generally is agreeable to the landowner.

This is what we are going to try to continue to do with respect to the acquisitions that will have to be made under the scenic highway program.

Of course, I recognize that it is all very well to talk about something like this as if it were solely an appraisal problem. Actually we have heard in our discussion today that it may involve much more. Mr. Lindas indicated that at the present time California did not have specific legislative authority for acquisition of scenic easements, or to protect the corridor alongside the highway itself. Currently the device that we are trying to use is county zoning. We are very hopeful that this can be done on a wide scale with the climate that exists for this matter in California and the general realization of the public that their communities have something of scenic beauty worth preserving. If this approach through county zoning does not work, and we have to resort to widespread acquisition of property in which we have an interest for scenic development, we will face a substantial financial cost. We have made estimates which range from \$300 million at the lowest to a median range of about \$600 million in order to fully protect our scenic highway corridors. At the rate the "3 per cent funds" under the Federal aid program come in, this will be a 60 year program!

This, I think, is the problem reduced to its essential factors. I can conclude by saying that at the present time we do not now have the legal authority to do this, and we do not have the money to proceed in this fashion, but if it turns out that these problems can be solved, and we begin protecting the scenic corridor with this type of legal device, our appraisal objective in this program will be to ascertain the full fair market value of whatever interest we acquire in the land.

#### GENERAL DISCUSSION

**MRS. STRONG:** I would like to ask Mr. Frankland a question about what scenic easement acquisitions will cost. After he described the difficulties of arriving at any figure, he proceeded to give us a total figure for protecting California's planned scenic highway system. How was this figure arrived at?

**MR. FRANKLAND:** We have 5,800 miles of scenic highways designated. Knowing the kinds of land that adjoined this mileage, we guessed that

on the average we would have to purchase some kind of interest in one-quarter mile -- 1320 feet -- on each side of the highway to make a full corridor width of one-half mile.

There are, of course, places where this will not be the figure that can be used. But we think we took this into consideration. For instance, some land in Monterey County is worth in excess of \$25,000 per acre. If we wish to prevent a considerable number of uses on such land, it would be quite costly. In the Mohave Desert, on the other hand, we would have the opposite extreme.

We also considered that there probably is some speculative value connected with all land within reach of a highway -- even in the desert. We have seen this in northern California where land could be bought for \$5 per acre 15 years ago, but now the southern California speculators have come in and driven the prices up.

Finally, applying our "expert appraisal judgment", we said that if we had to buy this kind of interest, and if the interests averaged 50 per cent of the full fee value -- this figure was based on Wisconsin's experience over a considerable area and period of time -- we should use a figure of \$500 per acre. So, we used 50 per cent of this fee value as our acquisition figure, and multiplied it by the area in the corridor area of one-half mile on each side of the 5,800 mile scenic highway system. This gave us our estimate of somewhere between \$300 million and \$600 million.

QUESTION: Acquisition of scenic easements and other interests in land is a two-way street. Although it takes parcels of land from private use, the results in the form of scenic roads and parkways add tremendously to the value of the property from which these interests were taken. This was pointed out in the book entitled, The Highway And The Landscape, published by the Rutgers University Press a few years ago. That study cited numerous instances of this effect. From memory I recall an increase of 400 per cent in Dallas, Texas. Other examples were found in the Boston beltway, and Houston. The Noland Report on the Westchester Parkway systems showed an increase of 1100 per cent to the value of the adjacent land. Mr. Frankland also noted the increase of property values along the California expressways.

Is it not true, therefore, that the likelihood of landowners suffering hardships from the acquisition of these scenic easements is very slight?

Regarding billboards, I note that there is a good deal of research in progress in connection with the development of low-powered radio transmitters along the highways which can describe the locality through which the motorist is passing. These transmitters can be placed as close as 10-mile intervals. It seems to me there is a great commercial resource here waiting to be developed. And, along with this, of course, the Bureau of Public Roads is studying ways of more effective signing of interchanges and other highway areas.

So I would direct back to the lawyers the question of what the scenic highway contributes to the value of adjacent land. I think this is a matter which should not be overlooked.

MRS. STRONG: I would like to agree with you on this matter because it would be good for our cause, but I am afraid I cannot agree completely. I am afraid we cannot generalize this much. The effect on adjacent land will depend on many things -- what kind of access the property has to the road, what kind of other uses you have which are prevented from using the land, and so on. If one has the possibility of using his land for a shopping center or industrial development, or high-rise apartments, the story may be different. Take the recent case of Merrywood, near Washington, where a possible high-rise apartment use was prevented by the scenic easement. I believe the cost of the scenic easement in this case was about \$700,000.

QUESTION: Has not California required that when developers subdivide land they must establish some protection for the scenic qualities of the area?

MR. FRANKLAND: This has been proposed in Santa Clara County. I was mentioning Monterey County earlier; this is pretty rugged country, and the development is limited to what we would call small estates. It may very well be that here there are requirements that developers landscape or screen their developments in certain ways. This is a very logical type of regulation, and fairly common among California cities and counties.

Q: Could this be worked up into a plan for highway improvement, perhaps as a part of your scenic highway plan?

MR. FRANKLAND: In order to do this, the regulations would have to follow and implement the scenic corridor concept. And, of course, it would depend on the availability of funds to provide protection where the regulations could not operate.

Q: Legally what would happen if a local government changes some of its zoning so that it no longer conforms to the agreement with the state?

MR. FRANKLAND: The Department of Public Works can withdraw their designation of the highway as a part of the scenic highway system.

Q: Many of Professor Lewis' sketches showed scenic roads in Wisconsin skirting bodies of water. Does this take into consideration the water pollution problems due to use of rock salt on highways in the winter months? This is likely to be a problem in snow country where salt from highway drainage gets into the water and causes pollution.

I would also like to ask a question of Mrs. Strong: Would the two-part approach to land control run the risk of court objections under the equal protection clause. I wonder if this question would be raised if we compensate some people but not others for the use of their property.

I would also like to ask Mr. Lindas or Mr. Buscher about a state which does not have legal authority to acquire scenic easements. If the Federal aid money is in danger of going to waste because of this lack of authority, could the money be turned over to state agencies that do have this authority? Would this be possible under Sec. 319(b) of the Federal aid law? For example, the state department of forests or parks might have this authority and be able to acquire and manage what is needed.

PROFESSOR LEWIS: The possibility that salt from highways' de-icing operations will run into lakes is a very definite problem. It is not only a problem with respect to pollution of water, but also with respect to pollution of farm land soils. And, to complete the picture a bit more, I would note that fertilizers and effluents from farm land also endanger the purity of water.

But before we begin to think about these problems, I believe one of our first tasks is to get out in the landscape and determine what natural and cultural features we have that are worthy of preservation. Only when this has been done can we begin to devise the best ways of protecting what we want to save. For example, if a lake has already been polluted beyond reclamation, and yet it has a scenic quality as a body of water, there is no reason for not bringing a highway adjacent to it. Or, if there is a lake with scenic quality which is not polluted, the grading of the highway can be so arranged when it is

laid down that it will protect the lake from pollution by highway runoff. I think these problems can be overcome, but first we need to carefully decide what our objectives are.

MRS. STRONG: I would like to second Professor Lewis because there has been far too little use of the less-than-fee devices. All over the country people keep saying they want to wait and see what somebody else does. What we need to do is get out and try. Obviously there is not enough money to buy everything in fee, even if it were desirable. And zoning will not work for everything that is needed. So you are left with the alternative of trying new devices. When you do this you are bound to risk being taken into court.

But this should not be a permanent deterrent to trying new things. This is why we started this summer to study the market value effects of scenic easements. By assembling and publishing as much experience as we can find, people can get to know the effects of scenic easements on prices of land.

Regarding the specific question about equal protection, I would say that if you treated everybody alike -- that is, paid them whenever any interest in their land was acquired -- you would pay in the same measure the owner whose property was not hurt at all, the owner who was hurt slightly, and the owner who was hurt drastically all the same way. If each of these three owners got \$500 per acre for his injury, it would seem to me to be an obvious case of unequal treatment.

True equality of treatment under the law has to be determined in the light of the varying results of the state's action upon the interests of landowners. I think it is very important that people be paid for what they actually have lost, but this must be determined not on the basis of what the restriction says, but on a basis of what its effect is on the land under the circumstances.

Q: (To Mrs. Strong) In your study of losses to property due to acquisition of easements, have you obtained information that helps with the broader problem of the economic impact of the beautification program? This subject has to be studied and reported to Congress in 1967.

What do your data show as to the impact of this thrust for beautification on the economy of the country? Do you see any contradiction in trying to wage a war on poverty and at the same time trying to start a program which will result in loss of jobs and loss of income to some businesses? In determining the issues you raised in your

earlier remarks, what value do you give to the economic impact of this program?

MRS. STRONG: Unfortunately we were not able to address this question in the study we undertook. We are, however, preparing to undertake a much larger study, covering a period of ten years and observing a portion of a river basin in a metropolitan area. We will study a control area as it urbanizes and another area where urbanization will be limited and directed away from the most scenic portions. As part of that study we intend to do a detailed cost-benefit analysis in which we will include sociological attitude studies of people who use this area for scenic recreation purposes.

I think that we have to assign values to beauty, although we have not done so up to now, because we seem to judge everything else -- such as dams and highways -- on the cost-benefit basis.

PROFESSOR LEWIS: Let me comment on that. Tourism is one of the most rapidly growing industries in this country. The values in our landscape are no different than the iron ore and the coal was to the development of the steel industry. If you did not have them, you did not have a steel industry. And if you do not have scenic quality, you do not have a tourist industry.

So, in terms of economic impact on what is fast becoming the largest industry of Wisconsin, it is critical that the state's scenic values be protected. This is so especially along the highways, because we have proven beyond any doubt that people are seeking scenic highway driving as the greatest stated desire for recreation. Scenic driving has double the demand of its nearest competitor, which is swimming.

I think it is right to look at this matter in terms of business, and not just the tourist business, but other industries which are concerned about the living environment of the labor force they hope to use.

Q: Today's discussion appears to show that a state highway commission will have a great difficulty in interpreting their obligations under the existing law. I would like to hear some discussion as to whether they feel that the law, as it now stands, should have some amendments to facilitate implementations of its objectives, which are very desirable. Are there any suggestions for amendments?

MR. BUSCHER: I would like to answer that question, but first I do not think that one of the previous questions was fully answered.



I would like to address myself to the earlier question about equal protection of the law. In Maryland, I am having considerable difficulty in attempting to draft an outdoor advertising control law. Maryland was one of the first states to have an effective outdoor advertising law, and it was limited to our expressway system, which included the Interstate highways. Maryland was the first state to enter into an agreement with the Bureau of Public Roads for the bonus payment under the 1958 Federal aid law. We effected that control entirely through police power regulations on roadside land.

Our Interstate program is about half completed, and now we are faced with a law that appears to require the state to compensate landowners and sign owners for removal of billboards. Under our existing law -- which is not quite as broad in some aspects as is the Federal law -- if a sign is visible from a parallel or intersecting road, it is lawful to leave the sign in place. Now in attempting to obey the mandate of the equal protection clause of the constitution, I proposed that in any new law for the state we would continue to control outdoor advertising on our expressways through this police power approach, except and unless there was a vested right arising from the fact that a sign was lawfully in place at the time of the act. In such case, the state would remove the sign through eminent domain. I do not know what our legislature will think of this proposal.

Turning to the question of whether a state which does not have specific authority to acquire scenic easements by purchase or condemnation may utilize some other state agency -- such as a parks agency -- to acquire the property interests desired for the scenic highway. My personal reaction is that the acquisition must be done by the highway commission. Under Title 23, United States Code, the Secretary of Commerce, and through him the Bureau of Public Roads, can deal only with the state highway departments. It cannot, for example, deal directly with a county or a city.

It is possible that I am wrong in this interpretation of the law, and I would hope that others might show me if I am.

MR. LEVIN: I would not venture any official legal opinion on that question, but I will say that it has always been my understanding -- and certainly it has always been the practice -- that the state highway department was the agency in each state that had to assume primary responsibility for the expenditure of Federal aid highway funds. The state highway departments are the agencies that the Federal government deals with on highway matters.

Mr. Lindas also may have some comments on this question of whether other agencies of the state may participate in the acquisition and management of scenic highway protective areas.

MR. LINDAS: I do not have anything to add to that point, but I would like to continue the discussion of the administrative problems of the beautification act. The law provides that after January 1, 1968 the states must establish effective control of outdoor advertising signs within a specified distance from the highway. The section on control of junkyards provides that they must be screened, but there is nothing in this law that says a state has to control them after that date. I think the statute needs some refining, and maybe some amending.

MR. FRANKLAND: There is a provision in this law for public hearings to be conducted during 1966 to help determine the economic impact and other effects. Isn't it possible that these hearings and the other economic impact research may suggest some constructive amendments? I would assume that they would indicate the effects of these provisions and the problems of administration.

MR. LINDAS: There are a good many problems of interpretation of the law. Some of these relate to the size of signs; others relate to definitions of the things to be controlled.

MR. LEVIN: I am sure that the standards and regulations adopted by the Secretary of Commerce will provide a good many of these details of interpretation.

MR. LINDAS: One question which I wonder about is the legality of using public funds to erect signs within the right-of-way to advertise private services off the right-of-way. Also, I suspect that to do this in some areas you will have to have a sign that is as large as any billboard.

MR. BUSCHER: In further answer to the gentleman's question, I feel that Section 302 of the Highway Beautification Act provides for and envisions that there will be further studies and reports on suggested changes. It says: "In order to provide the basis for evaluating the continuing programs authorized by this act, and to furnish the Congress with information necessary for the authorization of appropriations for fiscal years beginning after June 30, 1967, the Secretary, in cooperation with the state highway departments, shall make a detailed estimate of the cost of carrying out the provisions of this

act, and a comprehensive study of the economic impact of such programs as affecting individuals and commercial and industrial enterprises, the effectiveness of such programs and the public and private benefits realized thereby. . . ."

I feel that the Congress did intend to consider possible modifications.

MR. LEVIN: As a matter of fact the President, when signing the bill, suggested that this was not the total answer, and that he would seek certain additions and changes. Planning for the studies Mr. Buscher referred to is already advancing in the Bureau of Public Roads.

Also, on November 4, 1965, the Bureau issued an Instructional Memorandum 21-11-65, entitled "Procedures For Initiating Projects and Administering Funds Pursuant to The Highway Beautification Act of 1965."

MR. BUSCHER: I am aware of that memorandum, but what I am more concerned about is the guidance for purchase of scenic easements. In Maryland, we have roughly \$25,000 appropriated for the balance of this year for billboard control, \$46,000 appropriated for junkyard control, and more than \$1 million for scenic easements.

MR. LEVIN: In connection with the scenic easement acquisitions, the Bureau has Policy and Procedure Memorandum 21-4.6, which applies to a revision of the old Section 319 of the Federal-aid highway law. The new Federal law changes some words in Section 319, but does not change the general thrust of this section. This memorandum will provide a fundamentally sound approach for using this money appropriated for scenic enhancement.

As a matter of fact there are already some projects being processed in some states. New York, for example, has one involving a substantial acreage in the vicinity of a lake. Is that correct, Mr. Corwin?

MR. CORWIN: That is correct. But in that connection I would like to make a comment. I think that even the strongest proponents of beautification find a good deal to be desired about the new law, particularly in regard to its clarity and construction. I have heard more conflicting views about what this law requires and what it doesn't require than any other piece of highway legislation with which I have

come in contact. I have also heard it suggested that administrative construction will have to be relied on to eliminate the ambiguity that exists. Frankly, I will await this clarification with a great deal of pleasure. It seems to me, therefore, that we really cannot get many satisfactory answers by propounding hypothetical questions at this stage of developments. We are still dealing with an intangible as matters now stand. I am afraid we will simply have to await developments before we can even ask sound questions about this law.

MR. LEVIN: There may be a good deal in what you say. At the present time, the Bureau of Public Roads is in the process of formulating tentative suggestions for all matters where they are called for by the Highway Beautification Act. These will be presented in public hearings held in every state, and could constitute a focus for these hearings, which are to be held between March and May 1966. As a result of these hearings, we will receive a good deal of constructive public reaction to these suggestions, and any other aspects of the program. There will be an opportunity to revise the suggestions after those materials are considered by the Bureau of Public Roads and the Department of Commerce.

Of course, the Bureau and the Department of Commerce have a mandate to administer this law to the best of their ability, notwithstanding any weaknesses that may exist in the statute. But if there are weaknesses that can be corrected only by Congress, the Department may go back to Congress and urge action at that level. The Congress has asked for a report on this law by January 1967, and if there are recommendations for changes, they can be presented at that time.

QUESTION: I am involved with the engineering side of beautification, and, as someone has said, we have five months in which to put to use the money appropriated in the 1965 act. As I have listened this afternoon, it seems to me that everyone has agreed that they do not understand all they know about this law. But I believe that Mrs. Strong said the "magic words" earlier this afternoon when she said that someone has to take the initiative and try some new ideas.

I am from a state that has no specific statutory authority to acquire scenic easements or control the roadsides, but our highway commissioner has directed us to get busy and use this Federal aid before it lapses. We have no instructions, and yet, during the time that these forthcoming hearings are going on and these studies are being conducted, we are going to have to get some actual work done by July 1st. This cannot be done overnight; it has to be processed and done as part of a program, and we are already very late in getting started.

In the absence of instructions all we can do is put in our projects and see whether they are approved or turned down. If they are turned down, a lot of work will have been wasted. It seems to me that it is time for someone with authority to say, "This is the way it will be done"; then we can all get started with a program.

MR. LEVIN: With respect to Section 319 of the Federal aid law, may I say that pending any further revision of the regulations, the Bureau of Public Roads' regional offices have instructions as to possible projects that states can undertake immediately. I would suggest that the states study PPM 21-4.6 and consult the division offices of BPR to ascertain the various classes of projects that are eligible for a start right now. Of course, this entails doing what Professor Lewis said -- getting out into the landscape and seeing what is there. But as soon as inventories are made and decisions reached regarding what is to be preserved or developed, there is no reason why the projects cannot be started under Section 319.

QUESTION: What is needed, though, is some certainty about what is an acceptable project. Inquiries about whether a certain type of project would be approved are answered by saying, "Submit them and we will tell you whether they are acceptable or not." There is not time to engage in this type of experimentation, unless, of course, Congress is going to say that this present money is going to remain available until next year.

MR. LEVIN: I'll be glad to take this thought back to the Bureau of Public Roads.

QUESTION: I am from Illinois, and I would like to second the comment just made. Illinois is expecting to submit some project proposals to the Bureau of Public Roads, and we would hope that some guidelines are available for us to follow.

One other thing that has bothered me somewhat is that we have heard of the nervousness of the people charged with the administration of this act, and we have also heard partisans on both sides of the question of beautification variously bless and condemn it. I am now wondering whether within the Department of Commerce any thought is being given to desirable changes in the law which the Department might suggest. In addition to that, is it possible that some of the states might be solicited by the Department to give their views as to things that they might think would put the act in a position to be more easily administered and more in line with state laws?

MR. LEVIN: I am unable to speak for what the Department of Commerce is doing in this direction. What I think will happen is what I said earlier: that is, the last section of the beautification act calls for an evaluation of the economic impact and projection of the costs and any suggestions for changes in the program. I assume that this is the vehicle by which the Department may get the information it needs to make any suggestions for change. And, the public hearings in the various states will undoubtedly yield a good deal of information of this sort, too.

QUESTION: Regarding the valuation of easements or interests which are less than fee, I wonder whether any help might be obtained from considering British experience. They have been dealing with development rights for a period of almost 15 years under their Town and Country Planning Acts. I wonder if information about their experience would be available and whether it would be helpful.

MR. FRANKLAND: We have not used that source, but we have had considerable experience in California in acquiring easements of various sorts. And, we feel it is a relatively simple matter to acquire these interests once we are sure of exactly what it is we want to protect, or preserve, or develop. Also, we need to be able to determine how great an effect this acquisition will have on the property that is involved.

QUESTION: I raised the question about the British experience because over there all development generally has to be permitted, and the device of refusing permission to develop land usually does not require payment of compensation. In the process of deciding on whether to issue a permit or not, the authorities have to weigh the question of how much it is worth to continue to keep land in agricultural use and deny more intensive development. This might be helpful in the valuation decisions that Mrs. Strong was talking about.

MR. FRANKLAND: Thank you, I appreciate the suggestion.

QUESTION: Is there any thinking in the Department of Commerce that might lead to a postponement of the date for the currently available money to lapse, so that there would be less gambling on whether projects will be approved or not?

MR. LEVIN: I do not know of any intention to ask for an extension of time to use the money appropriated in the Highway Beautification Act. Rather, I think the intention will be to get the program going in accordance with the law. If there are places where the law should be clarified, the Department may try to do this through the

administrative standards and regulations. This is done quite frequently where Congress lays down broad policies and, in effect, delegates authority to the Departments to work out the details.

QUESTION: I question whether it is going to be physically possible to do what is necessary to qualify projects for implementation of Section 319 of the beautification act in the time allowed. Inventories and planning and processing projects takes a good deal of time. It would help if only a reasonable amount of additional time for these purposes was allowed before these funds lapse.

MR. LEVIN: I will take that thought back to the Bureau.

QUESTION: I do not see how the Bureau of Public Roads and Department of Commerce can take any attitude other than it has in regard to implementing this law. If the states do not feel that there is sufficient time to put this program into operation properly, they should go directly to Congress, which has the power to make modifications in this rule. I think that the beautification program is a good thing, and I would hate to see it get off to a poor start merely because of a miscalculation.

PROFESSOR LEWIS: May I make a comment about inventorying our scenic values. If we are going to inventory these values that we feel are critical to the preservation and enhancement of our resources, all of us ought to look to our state bureaus of outdoor recreation. They have money and manpower to do a good deal of the work involved in an inventory of scenic values. I would hope that the state highway departments will get in touch with their state outdoor recreational agencies to see what they already have in the way of material that can be used in the scenic highway program.

QUESTION: I am with a Bureau of Outdoor Recreation, and the Land and Water Fund does provide funds for making inventories of resources and state outdoor recreation plans. Those states that want to apply may use these funds in this way. A number of states have taken advantage of planning grants to do this sort of thing.

With regard to inventories of natural resources, our inventory form provides a form for each recreation area of more than 10 acres size. The inventory work that we have done in connection with the nation-wide planning operation does not provide for identification of scenic values along potential scenic roads. However, a state could easily add this in connection with a state recreation plan if it applied under the Land and Water Conservation Fund.

I would like to make another comment, too. I think that we may be in danger of creating some confusion regarding this scenic roads matter as a result of the passage of the beautification act.

Let me give you an example. In California the highway going south from Carmel is one kind of scenic road, where the main attraction is pleasure driving. It is essentially a recreational road, and no one who is in a hurry to get from San Francisco to Los Angeles would take that road. But it could be a prime recreational objective for a tourist with time to enjoy it. This is one sort of scenic road. On the other hand, a man traveling from San Francisco to Los Angeles on a primary road or Interstate highway is interested mainly in moving safely and conveniently from one point to another. He is not driving primarily to enjoy scenery, but he is entitled to have a pleasant drive. He should not have to go, as someone said, through a visual sewer. However, this road should be an entirely different kind of scenic experience than the recreational drive I spoke of earlier.

Under the 1965 highway act it may be that we are dealing with this latter type of beautification, and the other is going to have to be done under the scenic roads program which the Recreation Advisory Council is working on. But the distinction should be kept between a recreation-oriented scenic road -- whether it be a recreation destination in itself or whether it serves such a destination -- and an essentially traffic-bearing facility which has been landscaped and supplemented with rest and recreation areas and other amenities along the roadsides.

MR. LEVIN: You are absolutely right. Highway beautification is one thing and scenic-recreational roads are another. The focus of the former is in the primary and Interstate systems, which will always remain predominantly traffic-oriented. These traffic arteries amount to about 265,000 miles of highway, while the truly scenic-recreation roads are much less extensive.