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2-3-75

THE WHITE HOUSE  
WASHINGTON

Set up meeting  
with Marsh & Ken C.  
of Mike D. with me!

THE WHITE HOUSE  
WASHINGTON

ACTION

February 1, 1975

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR THE PRESIDENT  
THROUGH: KEN COLF  
FROM: MIKE DUVAL  
SUBJECT: I-66 AND METRO

I-66

Jack Marsh tells us that you have indicated that construction of I-66 should proceed. The purpose of this memorandum is to give you an update on this project and discuss the limited alternatives available to you. We also briefly cover the Metro situation.

Background

This is an extremely controversial proposal in which there has been considerable Congressional and press interest. It is a long-planned 10-mile, 8-lane expressway connecting the existing portion of I-66 at the Capital Beltway with the Theodore Roosevelt Bridge into Washington. The project is planned with a wide median which will accommodate a metro rapid transit line and would also include a connection with the Dulles Airport Access Road at the Beltway.

Although in planning since the early 1960's, the project has met determined citizen opposition and has been delayed by litigation.

Senator Scott of Virginia has been the highway's most vocal supporter, and the State Government supports it. Both counties (Arlington and Fairfax) in which the project is located are opposed to it. In addition, a number of Federal agencies, including HUD and EPA, have submitted strong adverse comments, citing problems of noise, air quality impacts, destruction of parklands, and community disruption.

The proposed route will impact several existing parks, thus before approving this highway the Secretary of Transportation must make a statutory finding based on the massive public record that "... (1) there is no feasible and prudent alternative ... and (2) all possible planning (has been done) to minimize the harm to such park ..." (DOT Act Section 4(f)). This law has been interpreted in the strictest sense by the Supreme Court. In addition to 4(f), the normal environmental laws also apply.

### Current Status

As a result of initial Federal review and substantial public controversy, the State of Virginia was asked to revise their design in September 1974. This was accomplished and I-66 has been approved by the Federal Highway Administration with the following key compromises from the Beltway to the Potomac:

- Reduction from 8 to 6 lanes. (This eliminates the need for building the Three Sisters Bridge -- traffic will use existing bridges -- and makes the center strip available for mass transit.)
- No trucks.
- Redesigned as a Parkway instead of a Freeway.

The entire project is being reviewed within the Office of the Secretary of Transportation. Their review began about a week ago and Deputy Secretary Barnum expects the review to be completed by "late March".

The highway is very controversial and a decision either way will be strongly criticized and very likely challenged in the courts.

The DOT Secretary's staff is considered to have a strong environmental and anti-highway bias. They are very likely to recommend against the highway even as modified. William Coleman, if confirmed, will probably make the final decision.

### Prognosis

We do not know what Coleman's feelings are concerning such projects. The case presented to him will probably be heavily stacked against construction of I-66. Absent any action on your part, there is every reason to expect that the project will be disapproved by DOT. If this happens, it is very unlikely that this decision would be reversed by the courts or that it could be reversed any other way short of Congressional action.

## Alternatives

- 1) Call Coleman in and give him general advice on your philosophy concerning growth/no-growth decisions. This would include comments on the need to restore balance between environmental goals and others, such as full employment and energy. In essence, this will give him the same view of your objectives and priorities that others have by virtue of having been here longer.

Comment: This avoids the legal risks involved in direct intervention in the I-66 case. You can respond to Congressional inquiries by pointing out that Coleman knows your general philosophy, etc.

- 2) Intervene directly by A) giving specific instructions to Coleman or B) reviewing his decision yourself.

Comment: Assuming there is a legal way for you to intervene directly, it certainly would have to be based on the I-66 public record and your position would have to meet the statutory criteria. It would set a very undesirable precedent (you would likely be asked to intervene in every controversial public works project) and no matter how carefully done, your intervention would likely lead to prolonged litigation and thus might well be counterproductive.

## Decision

\_\_\_\_\_ No direct intervention in I-66 matter. Set up meeting to discuss general principles with Coleman once confirmed.

Recommend: Cole, Areeda

\_\_\_\_\_ Presidential decision on I-66 (if legally possible.) Counsels' office will determine how you can best affect the final I-66 decision.

Recommend:

Metro

The Washington Metro has a \$1.5 billion shortfall. The federal government is being asked to kick in \$1.2 billion. Paul O'Neill is developing a proposal to use local highway funds to meet the Metro request. This can be done under the new, flexible Interstate substitution provision of the 1973 Highway Act.

The total amount which could be available for substitution from highway to transit use is over \$1.5 billion (includes Maryland, Virginia and D.C.). This substitution proposal is not dependent on the I-66 decision.

O'Neill will send you a comprehensive memorandum on the Metro problem next week.

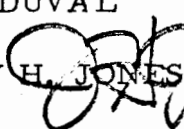
THE WHITE HOUSE

WASHINGTON

February 3, 1975

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: KEN COLE  
MIKE DUVAL

FROM: JERRY H. JONES 

SUBJECT: I-66 and Metro

Your memorandum to the President of February 1 on the above subject has been reviewed and the following notation was made:

-- Set up meeting with Marsh, Ken C. and Mike D. with me.

cc: Don Rumsfeld  
Jack Marsh  
Warren Rustand