AN ADAPTIVE USE PROGRAM IN MONTANA
BY
JAN ELLSWORTH O'BRIEN
MONTANA

between glacier and yellowstone
national parks
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DATE

June 8, 1977
AN ADAPTIVE USE PROGRAM IN MONTANA

by

Jan Ellsworth O'Brien

A thesis submitted in partial fulfillment of the requirements for the degree of

BACHELOR OF ARCHITECTURE

in

Architecture

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MONTANA STATE UNIVERSITY
Bozeman, Montana

June, 1977
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I also wish to make special thanks to my advisor, Professor John N. DeHaas, Jr., for his assistance in preparing this thesis and his interest in historic preservation, which motivated my own desire to preserve.

Also, thanks go out to Mr. Peinovich, Director Engineering, Billings Region, Burlington Northern Railroad, for obtaining plans of the Livingston Passenger Station and to Mr. Warren McGee and Mr. Al Thompson for their assistance in this project.

To Mrs. Joyce Ryen, who typed this thesis in its final format and to all others whose inspiration led me to a final solution, my sincere thanks.
PREFACE

Every year, buildings which hold a historic link to our past are demolished. These buildings, though capable of sustained use, are abandoned or neglected in preference to "shiny-new, ultramodern" structures, until their final destruction is eminent.

However, today's society is becoming increasingly aware of the potential old buildings hold toward preservation and adaptive use. As the costs for new buildings soar, people will turn to reusing existing structures to cut down on materials and labor costs, as well as construction time.

Still, many people having good intentions toward preservation lack the sensitive understanding required to preserve the character of the building for which they are saving.

In writing this thesis, one statement which has guided my solution and hopefully will inspire those who read it is as follows:

"The design should be developed out of the old building, not imposed upon it."
Preservation is a combination of protection of existing resources and adaptive use of those resources. It is the architect's duty to consider preservation as an alternative to new construction.

**Thesis Statement:**

Preservation is a combination of protection of existing resources and adaptive use of those resources. It is the architect's duty to consider preservation as an alternative to new construction.
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</tr>
</tbody>
</table>
"It is better to preserve than repair, 
better to repair than restore, 
better to restore than reconstruct."

- Credo National Trust for Historic Preservation
section one
THE PRESERVATION MOVEMENT IN THE UNITED STATES

Every year historic sites or buildings are destroyed to make room for new developments, and each time, another important piece of our heritage is lost for future generations. For years, preservation was associated with opposition to development and change, thus there was little said when an existing building was torn down.

Now, recent trends by the public and private sectors of the country have indicated an increased awareness of the potential for preserving old buildings, rather than tearing them down. However, the federal government has been concerned with preservation for a long time, with the National Park Service providing strong leadership. This program of preservation "provides us with the only tangible, physical evidences of the past." (Montana Historic Preservation Plan, July, 1975).

The importance of preservation was pointed out by Basil Spence, a Scottish architect, who asked the question:

"How can our young architects of today face the challenge of the future if all evidence of the past is to be destroyed?" (A Future for the Past, p. 10)

In 1933, the Historic American Buildings Survey was organized to document
important examples of American architecture with intensive detailed drawings and photographs. With the motto "Preservation through Documentation", the survey has recorded over 16,500 structures in all fifty states and three territories.

In 1949, Congress chartered the National Trust for Historic Preservation, which dealt mainly with those structures, deemed a national monument. Yet, there was no official legislation to provide assistance for preservation projects until the passage of the National Historic Preservation Act of 1966.

This Preservation Act became one of the single-most important pieces of legislation dealing with preservation in the United States. It committed the federal government to a policy of federal support of preservation by authorizing the Department of Interior to distribute matching grants to aid the states and the National Trust in carrying on preservation programs. Since 1968 they have allocated over 72 million dollars toward preservation programs, under the guidance of the National Park Service.

The history of the preservation movement in the United States contains many projects, too numerous to mention. However, Appendix A contains a brief chronology of important noteworthy dates in that history.
WHY PRESERVE

There are three main reasons why a person should consider preservation as an alternative to new construction: energy conservation, community benefits, and economic benefits. (Historic Preservation: A Handbook for Architecture Students, 1974)

Energy Conservation

. Savings in total time of project
  - Minimal demolition
  - No site clearance
  - No excavations
  - Major portions of foundation and structure intact and usable

. Savings in materials
  - Major portions of foundation and structure intact and usable
  - Landscape and site usually developed

Community Benefits

. Educational resource
  - Preserved structure or site can act as a living example of past history, architecture, or culture

. Visual and aesthetic improvement to the urban environment
Opportunity for community involvement which leads to an increase in civic pride.

Preservable elements are usually centrally located and convenient for use.

**Economic Benefits**

- Increase in or stabilization of land values (see Table 1)
- Increase in tourism
- Savings in time reduces the cost of labor and rate of inflation
- Savings in materials reduces the amount and cost of new materials (see Table 2)
- One preservation project can act as an initiative for the redevelopment of an entire area
- Operating costs reduced (see Table 3)

Now, before one can proceed with a preservation program, the type of project proposed must be defined.

**Preservation** - A term encompassing most of the others and describing the movement as a whole.

**Conservation** - Involves the modernization of mechanical and structural elements necessary to extend the useful life of the building or facility. The architectural character and integrity of the exterior should be retained.
Table 1. EFFECT OF RESTORATION OF SINGLE FAMILY HOUSES ON CHURCH HILL*. Richmond, VA.
Changes in Assessed Values 1958-1963

E. Grace Street, 2300 block, North Side, Restored:

<table>
<thead>
<tr>
<th>Location</th>
<th>Property</th>
<th>Assessed Value of Land and Improvements</th>
</tr>
</thead>
<tbody>
<tr>
<td>2300</td>
<td>2 apartments &amp; exhibit rooms</td>
<td>$7,540 to $19,100</td>
</tr>
<tr>
<td>2302</td>
<td>one family house</td>
<td>$5,020 to $12,500</td>
</tr>
<tr>
<td>2308</td>
<td>two apartments</td>
<td>$5,850 to $10,000</td>
</tr>
<tr>
<td>2310</td>
<td>two apartments</td>
<td>$5,860 to $16,000</td>
</tr>
<tr>
<td>2312</td>
<td>one family house</td>
<td>$5,220 to $12,500</td>
</tr>
<tr>
<td>2314</td>
<td>one family house</td>
<td>$5,220 to $11,800</td>
</tr>
<tr>
<td>2316</td>
<td>two apartments</td>
<td>$6,300 to $15,000</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$41,010</strong> to <strong>$96,900</strong></td>
<td></td>
</tr>
</tbody>
</table>

E. Grace Street, 2500 block, North Side, Unrestored (With One Exception):

<table>
<thead>
<tr>
<th>Location</th>
<th>Property</th>
<th>Assessed Value of Land and Improvements</th>
</tr>
</thead>
<tbody>
<tr>
<td>2500</td>
<td>one family house (restored)</td>
<td>$3,380 to $7,500</td>
</tr>
<tr>
<td>2502</td>
<td>one family house</td>
<td>$3,920 to $4,000</td>
</tr>
<tr>
<td>2504</td>
<td>one family house</td>
<td>$3,420 to $4,000</td>
</tr>
<tr>
<td>2506</td>
<td>one family house</td>
<td>$5,990 to $6,500</td>
</tr>
<tr>
<td>2510</td>
<td>one family house</td>
<td>$5,980 to $5,700</td>
</tr>
<tr>
<td>2512</td>
<td>one family house</td>
<td>$4,810 to $5,400</td>
</tr>
<tr>
<td>2514</td>
<td>one family house</td>
<td>$5,260 to $5,700</td>
</tr>
<tr>
<td>2516</td>
<td>one family house</td>
<td>$6,260 to $6,700</td>
</tr>
<tr>
<td>2518</td>
<td>one family house</td>
<td>$6,260 to $6,600</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$44,280</strong> to <strong>$57,700</strong></td>
<td></td>
</tr>
</tbody>
</table>

Percentage of rise: restored, 136%, unrestored, 30% (including one restored property)
*Planning for Preservation, p. 12.
Assessment values are roughly 80 to 85 percent of market value.
Table 2. CONSTRUCTION COSTS.*

<table>
<thead>
<tr>
<th></th>
<th>New Construction</th>
<th>Major Rehabilitation</th>
<th>Minor Rehabilitation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Property Acquisition</td>
<td>$3.00</td>
<td>$9.00</td>
<td>$14.00</td>
</tr>
<tr>
<td>2. Front-end Renovation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Demolition</td>
<td>$.15</td>
<td>2.50</td>
<td>1.50</td>
</tr>
<tr>
<td>4. Basic Building</td>
<td>38.00</td>
<td>10.00</td>
<td>7.00</td>
</tr>
<tr>
<td>5. Tenant Improvement</td>
<td>8.00</td>
<td>8.50</td>
<td>8.05</td>
</tr>
<tr>
<td><strong>Subtotal: hard costs</strong></td>
<td><strong>49.15</strong></td>
<td><strong>30.00</strong></td>
<td><strong>30.55</strong></td>
</tr>
<tr>
<td>6. Interim Operating</td>
<td>2.70 (3 yrs)</td>
<td>.80 (1.6 yrs)</td>
<td>1.30 (1.6 yrs)</td>
</tr>
<tr>
<td>7. Architect/Engineer &amp; Legal Fees</td>
<td>2.60</td>
<td>1.60</td>
<td>1.20</td>
</tr>
<tr>
<td>8. Interim Cash Flow</td>
<td>(negligible)</td>
<td>(1.00)B</td>
<td>(2.00)B</td>
</tr>
<tr>
<td>9. Marketing and Real Estate Fees</td>
<td>2.70</td>
<td>2.50</td>
<td>2.80</td>
</tr>
<tr>
<td>10. Developer Overhead</td>
<td>1.00</td>
<td>.50</td>
<td>.50</td>
</tr>
<tr>
<td>11. Interim Financing</td>
<td>6.60</td>
<td>2.50</td>
<td>3.00</td>
</tr>
<tr>
<td>12. Developer Profit</td>
<td>6.00</td>
<td>3.00</td>
<td>3.00</td>
</tr>
<tr>
<td><strong>Subtotal: soft costs</strong></td>
<td><strong>21.60</strong></td>
<td><strong>9.90</strong></td>
<td><strong>9.80</strong></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$70.75</strong></td>
<td><strong>$39.90</strong></td>
<td><strong>$40.35</strong></td>
</tr>
</tbody>
</table>

A - No major structural changes
B - Net income from existing tenants reduces costs during renovation
* - costs per square foot

Source: Architectural Record, March 1976
# Table 3. OPERATING COSTS.*

<table>
<thead>
<tr>
<th></th>
<th>REHABILITATION^A</th>
<th>NEW^A</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Energy (air conditioned)</td>
<td>$ .70</td>
<td>$ .90</td>
</tr>
<tr>
<td>2. Janitorial</td>
<td>.55</td>
<td>.55</td>
</tr>
<tr>
<td>3. Building Operating, Reserve, and Maintenance</td>
<td>.75</td>
<td>.95</td>
</tr>
<tr>
<td>4. Vacancy Allowance</td>
<td>.25</td>
<td>.40</td>
</tr>
<tr>
<td>5. Taxes</td>
<td>.60</td>
<td>1.10</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Operating Costs</strong></td>
<td><strong>$2.85</strong></td>
<td><strong>$3.90</strong></td>
</tr>
</tbody>
</table>

^A - Net cost per square foot

* - Range for single tenant floors

Source: Architectural Record, March 1976
Rehabilitation - Involves equipping the building or facility for an extended useful life with a minimum alteration of original construction

Restoration - Means returning a building to its appearance at a specific period, with meticulous attention to original details and materials

Reconstruction - Involves utilizing documentary evidence to design and construct a replica of an earlier building or facility which no longer exists

Surveys and Inventories - Involves investigating a building, group of buildings, or site in order to identify them and establish their suitability for listing in the National Registry

These definitions provide the architect and client with a working vocabulary that both parties can understand. This basic understanding is important if the preservation program is to run smoothly.

THE ARCHITECTS' ROLE IN PRESERVATION

With the increased desire by clients to adapt existing spaces rather than rebuild, the architect is finding an economic boost during a time of high inflation. A recent survey compiled by Architectural Record in October 1975 indicated the following:
Over 80 percent of the architects have been involved in remodeling within the past two years.

The median architectural firm has about 17 percent of its work in remodeling.

About 90 percent of the firms are doing as much or more remodeling work than they did three years ago.

93 percent expect to be doing the same or more remodeling work in the future.

90 percent of the architects say they handle a remodeling project in the same way, with the same people, as a new building.

The survey was mailed nation-wide with a 31.6 percent response. The 316 respondents reported details on a total of 741 remodeling projects for a total volume of $298,838,100.00...an average of nearly $400,000.00 per project! (Architectural Record, December, 1974)

More than ever before, the services of a qualified architect are needed to combine the standards and needs of the client within the confines of an existing space.

"He must be persuasive with unconvinced clients, seek out funding for local preservation, and act as a synthesizer, when necessary, of historic and modern architecture." (Architectural Record, December, 1971)
Figure 1. Preservation Today. Post-graduate degree in preservation, basic training in another discipline. (Source: Journal of Architectural Education, 1976.)
Figure 2. Preservationist Tomorrow. Independent academic and professional discipline. (Source: Journal of Architectural Education, 1976)
Unfortunately, today's architect doing preservation work may not be totally qualified. An architectural preservationist today is a person who has a postgraduate degree in preservation and basic training in another discipline (see Figure 1).

In the future, a separate profession will be formed which draws knowledge from the different disciplines (see Figure 2). This person will then have the basic knowledge of each field to understand what is required of a specific preservation program. If a problem should arise during the project, he will know who to contact to solve the problem.
section two
PRESERVATION IN MONTANA

During the late 1950's, the State Highway Department controlled the jurisdiction of parks through the Parks and Recreation Division. However, their primary interests were for the roadside rest areas and not the historic sites and buildings throughout the state. Then in 1964, the Parks and Recreation Division was transferred to the Fish and Game Commission because they were taking care of certain parks and sites not covered by the Highway Department. Yet, the preservation movement in Montana did not get its full start until the passage of the National Historic Preservation Act of 1966.

This Act required every state to prepare and implement a program of preservation that would conform to the newly enacted legislation. In 1968, under the authority of the Governor, the Parks and Recreation Division set out to write a historic preservation plan for Montana. The first draft was completed in 1970 and sent to the National Park Service in Washington, D.C. The plan was updated in 1973 and again in 1975 to include all the new sites and buildings in the State added to the historic sites list.

In 1976, the Montana Legislature moved the historic preservation program from the Fish and Game Commission to the State Historical Society. This move brought the
program into the forefront of the government after being buried within another department, and is in the process of receiving full departmental status of its own.

PROBLEMS IN THE PRESERVATION PROGRAM

The preservation program in Montana has encountered many difficult problems since it was first put into effect. Some have been solved, but many are still unsolved, which could threaten new sites or possibly even existing preserved sites and buildings.

Past Problems—Solved

1. Lack of organized programs
2. Need for a state antiquities act
   - passed by legislature in 1973
3. Need for inventory of historic sites in Montana

Past Problems—Unsolved

1. Program financing and staffing
   - due to a lack of funds and a need to educate the public in values of preservation
2. Preservation potential for individual historic sites
   - a standardized system to determine feasibility of sites or resources needed
3. Lack of public understanding and participation
   "Through education comes understanding and through understanding, protection."

4. Lack of coordination and communication
   - between agencies, groups, and the public about who or what to do

5. Vandalism
   - due to increased population
   - increased mobility

New Problems

1. Population pressure for more use of federal lands
2. Large areas of potential surface mining
3. Financial assistance needed for private preservation efforts

Appendix B lists some of the major preservation legislation which affects the historic preservation program in Montana.

WHAT IS ADAPTIVE USE

One of the fastest growing and most challenging preservation activities is finding new uses for old structures that seem to have outlived their original purposes and rehabilitating them to fit new needs. The reuse of our architecture is limited generally by local zoning ordinances, legal standards for security,
Figure 3. SEVEN BASIC STEPS FOR PRESERVING HISTORIC SITES AND BUILDINGS

by Helen Duprey Bullock
National Trust for Historic Preservation
financial resources, and—our imaginations. Preservation must not be conceived as a kind of petrification—the infinite fixing of a dead past. It should be conceived as the integration of the past into the present and the future in a living and meaningful way. The design should be developed out of the building, not imposed upon it. (A Future for the Past, 1961)

Figure 3 illustrates the seven basic steps required when preserving a historic site or building. Whenever a building is proposed for an adaptive use program, these steps should be carried out to eliminate any problems and provide a compatible solution between new and old. Although my project is dealing with an adaptive use program for a railroad station, these basic steps are valuable and essential to any preservation program.
MONTANA'S RAILROADS

The Rise...

The Railroad Act of 1862 put the federal government behind the movement for a transcontinental railroad to connect the eastern cities with the California gold fields. In 1863, the groundwork for the Union Pacific Railroad was begun, and on May 10, 1869, the first transcontinental line was completed.

After the Civil War, railroad builders became aware of the traffic-generating potentials of the scenic wonders of the West. Jay Cooke and Company, financiers of the Northern Pacific Extension Project, and other promoters accordingly lobbied for the establishment of Yellowstone National Park. To make it accessible to tourists, they persuaded park promoters to suggest completion of the railroad to coincide with the opening of the park in 1872. Other railroads followed the lead in establishment of resorts and national parks. (Railroad Maps of the United States, 1975) For example, the Great Northern Railroad promoted politically and financially in the formation of Glacier National Park in northern Montana.

The first railroad in the State was built in 1879 from Idaho into Butte. By 1881, the Great Northern and Northern Pacific Railroads were pushing into the State.
The Northern Pacific was completed in 1883 at Goldcreek, Montana, claiming the honor of being the first trans-continental railroad through Montana. By 1887, the Great Northern was finished and in 1901, the Chicago, Milwaukee, St. Paul and Pacific built through to the west coast. (Adventure Trails in Montana, 1971) Thus, Montana could claim three trans-continental railroads passing through her boundaries.

...And Fall

Unfortunately, as the railroads increased in size throughout the state, bigger and better road systems were required to get supplies and materials to and from the railhead. This improved system of roads, coupled with the advanced transportation vehicles on the market, spelled the decline of the railroads' importance in passenger service.

In 1929, over 780 million persons were carried by railroads in the United States. By 1969, this number had been reduced to 296 million passengers, causing the railroads to begin curtailment of services. To prevent total rail-passenger abandonment, Congress established Amtrak, the National Railroad Passenger Corporation, in 1971. However, they did not own rights-of-way, stations (until recently), fixed equipment, or air rights.
Now, it makes sense politically and economically to adapt these structures, rather than demolish them. Each station is unique to itself, yet a few generalities can be made:

- They were all built as parts of a larger system of transportation, not as ends in themselves
- They were built to house a variety of activities
- Each is unique to its community and for the nation
- Without some form of federal assistance, these and many fine structures will probably not survive.

(Source: Reusing Railroad Stations, 1974)

TOURISM IN MONTANA

I strongly believe that the passenger train will gain more support for mass-transit over other modes of transportation. With this in mind, I propose a passenger train connecting Glacier and Yellowstone National Parks (see Figure 4). This route not only provides transportation through four major cities in the State, but also provides a more flexible travel system for tourists and residents on a north-south axis. As Table 4 indicates, tourism is our third largest industry and would only benefit from such a system.
Figure 4. Proposed Railroad Route.
Table 4. TRAVEL IS MONTANA'S THIRD LARGEST INDUSTRY*

<table>
<thead>
<tr>
<th>Industry</th>
<th>State-Wide Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Agriculture</td>
<td>$1,161,050,000</td>
</tr>
<tr>
<td>2. Mineral Production</td>
<td>560,246,000</td>
</tr>
<tr>
<td>3. Travel Industry</td>
<td>304,497,664</td>
</tr>
</tbody>
</table>

*1975 figures
(Source: Montana Travel Promotion Unit—Mini Profile, 1976)

This system would also provide the communities along the route more potential for economic growth and development.

"If a community can attract only two dozen travelers a day throughout the year, it is economically comparable to acquiring a new manufacturing industry with an annual payroll of $100,000."
(Montana Travel Promotion Unit—Mini Profile, 1976)

The system also makes many of the historic sites and buildings between the two parks more readily available to tourists, as well as citizens of Montana (see Appendix C).
section four
PROJECT SOLUTION

As a means to demonstrate an adaptive use program in Montana, I have chosen the Burlington Northern passenger station in Livingston, Montana.

The Northern Pacific Railroad founded the city of Livingston in 1882 as a major division point and jumping-off place for tourists on their way to Yellowstone National Park. A spur line linked Livingston with the north entrance to the park at Gardiner.

The station was designed by the architectural firm of Reed and Stem of St. Paul and Chicago in 1901 and is typical of the Italian Renaissance Revival style of architecture used by the Northern Pacific. Although the building has suffered many remodeling projects, it still reflects its original splendor. (Historic Structures Inventory: John N. DeHaas, Jr.)

Although adaptive use projects are possible in any type of structure, I chose this building because of the potential which it exhibits. Also, because it is close to the central business district and could remain as a major tourist destination between the two national parks.
Goal Statement

Develop a master plan for the railroad depot in Livingston, Montana, using the principles of other adaptive use projects, in conjunction with a mass-transit system between Glacier and Yellowstone National Park.

Programming

In setting up an adaptive use program for the Livingston Station, I had to obtain drawings of the original building built in 1901 (see Figure 6). From these drawings and on-site visits, I was able to determine what changes structurally had been made over the years.

After updating the original drawings, I proceeded to develop a program which I felt would work best with the existing building, without destroying the character already established (see Figure 7).
1901 drawings of passenger depot
An Adaptive Use Program in Montana
Second Floor

KEY
LOBBY PERSPECTIVE FROM BALCONY

NO SCALE
PROJECT EVALUATION

In analyzing this project I would have to say that I am not completely satisfied with the solution as it exists. If this project were a reality, there would be a close relationship between the architect and an interior designer. This relationship would create a more dramatic space in the station.

However, I feel that the important point is to realize that old buildings are capable of continued use and therefore, an asset to the community. With proper forethought, most spaces can be re-adapted to provide new uses at lower costs than a comparable new building.
APPENDIX A

CHRONOLOGY OF THE PRESERVATION MOVEMENT IN THE UNITED STATES

1853 - Ann Pamela Cunningham founded the Mt. Vernon Ladies Association to protect the home of George Washington

1890 - National Organization—American Institute of Architects enters preservation field

1906 - Antiquities Act passed by Congress

1910 - Society for the Preservation of New England Antiquities founded by William Summer Appleton

1933 - Historic American Buildings Survey organized

1935 - Historic Sites Act enacted

1949 - National Trust for Historic Preservation chartered by Congress

1966 - Congress enacts National Historic Preservation Act

1974 - Congress passes Moss-Bennett bill to expand the Historic Preservation Act of 1966


Montana Historic Preservation Plan, with historic sites compendium, 1975.
APPENDIX B

EXISTING LEGISLATION RELATED TO HISTORIC PRESERVATION IN MONTANA

Federal

There are over 250 separate pieces of federal legislation which affect historic preservation in some way. Therefore, only a brief listing is included below of the major legislative acts that relate to Montana's preservation efforts.

Antiquities Act of 1906

16 U.S.C., Secs. 431-33 (1970). Historic sites on federal lands can be protected, excavated by permit, and the President was authorized to declare by public proclamation, historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest upon the lands to be national monuments. He was also authorized to reserve as part of these monuments parcels of land necessary for the proper care and management of the objects to be protected on the condition that the size of such reservations be confined to the smallest area compatible with these objects.

Historic Sites Act of 1935

16 U.S.C., Secs. 461-67 (1970). Declared a national policy to preserve for the
public use, historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States.

1. Delegated power to the Secretary of the Interior to carry out a number of functions relevant to the protection of such sites, granting him power to make a survey of historic and archaeological sites, and to acquire, restore, maintain and manage them.

2. Established an eleven-man Advisory Board on National Parks, Historic Sites, Buildings and Monuments to assist the Secretary.

National Trust for Historic Preservation

National Historic Preservation Act of 1966
16 U.S.C., Sec. 470 et seq. (1970). Established policy guidance and machinery for intensified efforts toward preservation in general and, in particular, protection from governmental depredation, at least at the federal level. Specific provisions of the Act include:

1. Expanding the National Register of Historic Places so as to allow states
to nominate places and sites of state or local historical significance.

2. Provides matching grants-in-aid program to be created by the Secretary of the Interior for aiding states in preservation. Also provides a matching grants-in-aid to the National Trust.

3. Establishes the Advisory Council on Historic Preservation which acts in an advisory capacity to the Secretary of the Interior.

4. Protects properties listed on the National Register by requiring the head of a federal agency to undertake a project which is federally funded and having some effect on a Register property to report on that effect to the Advisory Council. The Council in turn makes a recommendation as to the advisability of continuing with the project.

Department of Transportation Act of 1966 (DOT ACT)


1. Section 2(b)(2) declared the national policy that special effort should be made to preserve historic sites.

2. Section 4(f) - Approval of a program shall be conditioned on a showing that a program will minimize all impact on historic sites.
3. The major case interpreting the language of the act was Overland Park which construed it to mean that protected land was not to be destroyed unless the Secretary of Transportation finds "that alternative routes present unique problems."

4. Sections 2(b)(2) and 4(f) extend the same requirements to:
   a. Federal-aid highways and activities of:
      (1) Federal Aviation Administration
      (2) The Coast Guard
      (3) The Urban Mass Transportation Administration
      (4) Federal Railroad Administration

5. The Act protects National Register Property and any other historical landmark designed by an appropriate authority.

Demonstration Cities and Metropolitan Development Act of 1966

Pub. L. 89-754, 80 Stat. 1255. Department of Housing and Urban Development authorized to grant cities and counties two-thirds of the cost of surveys of historic sites and structures and finance preservation in project areas.

1. Title VI provides assistance for projects including acquisition, restoration, and relocation of historic properties.

2. The Act amends Section 110(d)(2) of the urban renewal law by authorizing
local grant-in-aid credit for expenditures by localities and other public bodies for historic and archaeological preservation.

3. 603(a) authorizes the Secretary of HUD to grant the National Trust up to $90,000 per structure for costs incurred by the Trust in renovating or restoring structures accepted by the Trust.

**National Environmental Policy Act of 1969 (NEPA)**

Pub. L. 91-190, 83 Stat. 852. Prescribes a methodology by which the decision maker of a federally funded project discovers and articulates in advance the consequences of his proposed action, both in terms of environment and historic preservation.

**Federal-Aid Highway Act of 1970**

Pub. L. 91-605, 84 Stat. 1713. Requires state highway departments proposing federally assisted projects near urban areas to hold hearings and consider all effects and alternatives.

**Urban Mass Transportation Assistance Act of 1970**

49 U.S.C. 1610 (Supp. V, 1970). Secretary of Transportation must consider the effects of any federally assisted urban mass transportation project on historic
buildings and sites.


16 U.S.C., Sec. 470 et seq. (1970). The Executive Order states that "the Federal government shall provide leadership in preserving, restoring, and maintaining the historic and cultural environment of the Nation." Federal agencies are directed to administer cultural properties under their control in a spirit of a stewardship and trusteeship for future generations and to initiate measures to direct their activities in such a way that federally owned properties of historical, architectural, or archaeological significance are preserved, restored, and maintained for the inspiration and benefit of the people.

The Moss-Bennett Bill of 1974

(Publ L. 93-291; 88 Stat. 1974; 16 U.S.C. 469a). This law expands the Historic Preservation Act of 1966 to include funding for recovery or preservation of archaeological resources affected by any agency's programs through monies, by contract with an archaeological agency, or through the Secretary of the Interior.

Housing and Urban Development Act of 1974

Pub. L. 93-383, 88 Stat. 633. Block grants provided to communities by the Act...
can be used to acquire, rehabilitate, preserve, restore, and dispose of historic properties and can be used to match Historic Preservation Act Grants.

**State**

The following statutory material relates to historic preservation in Montana:

**Montana Constitution**

Montana Constitution, Article IX Section 4. Cultural Resources. The legislature shall provide for the identification, acquisition, restoration, enhancement, preservation, and administration of scenic, historic, archaeological, scientific, cultural, and recreational areas, sites, records and objects, and for their use and enjoyment by the people.

**Montana Historical Society**

Sections 44-516 to 44-529, R.C.M. 1947, as amended, provide the legislative basis for the "Historical Society of Montana". Section 44-516 R.C.M. 1949, in relating the purposes of the Society, states that it "constitutes an agency of state government for the use, learning, culture, and enjoyment of the citizens of the State and for the acquisition, preservation and protection of historical records,"
It should be noted, however, that although 44-516 includes the acquisition of historical places and sites, as a purpose of the society, and although in the definitions Section 44-517(1)(c) also includes historical places and sites acquired or developed by the society, the powers and duties of the trustees as set out in Section 44-523 do not include the acquisition of sites of historical places except as may be inferred from the trustee's power to receive donations and gifts.

Montana Fish and Game Commission

Sections 62-301 to 62-314 R.C.M. 1947, give the state fish and game commission certain powers for the purpose of conserving the scenic, historic, archaeologic, scientific and recreational resources of the state.

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