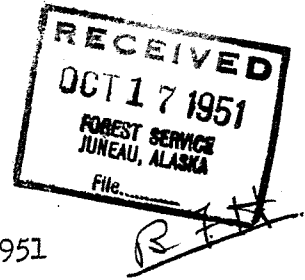




UNITED STATES
DEPARTMENT OF THE INTERIOR
ALASKA ROAD COMMISSION
JUNEAU, ALASKA



October 15, 1951

Mr. Frank B. Heintzleman
Regional Forester
U. S. Forest Service
Juneau, Alaska

Dear Mr. Heintzleman:

The Alaska Road Commission is arranging for a ceremony to open officially the Anchorage to Seward Highway to be held at 2:00 p.m., Friday, October 19, 1951, at Girdwood, Alaska.

Hon. E. L. Bartlett, Delegate from Alaska, and Hon. Dale E. Doty, Assistant Secretary of the Interior, have been invited to participate in the ceremony.

I wish to extend to you a cordial invitation to attend the opening ceremony. Transportation and other details can be obtained in Anchorage by calling District Engineer White of the Alaska Road Commission.

Sincerely yours,

Wm. J. Niemi
Chief Engineer

not answer received

B 7 14

COPY

(2)

National Archives and Records Administration

Pacific Alaska Region

654 West 3rd Avenue

Anchorage, Alaska 99501-2145

Record Group No. 95 Records of the Forest Service

Box No. / Location 25 of 109 12/06/07 (5)

Additional Information

Dept of Agriculture, Forest Service,
Region 10 (Alaska Region), Juneau, AK
Subject Correspondence, 1908-1976

File: E Roads & Trails - General 1950-1951 1 of 2

R-

C-2 E-Buss ✓
General

August 30, 1950

J

Mr. A. P. Dean
Chief, Division of Engineering
U. S. Forest Service
Department of Agriculture
Washington 25, D. C.

RECEIVED
SEP 4 - 1950
FOREST SERVICE
WINEAU, ALASKA
FM

RECEIVED
AUG 31 1950
DIVISION OF ENGINEERING

Dear Mr. Dean:

Enclosed for the use of your office are three photostat
copies of the following Agreement covering work to be performed by
the Bureau of Public Roads for the Alaska Road Commission:

MEMORANDUM OF AGREEMENT RELATING TO SURVEY AND CONSTRUCTION OF SEWARD-
ANCHORAGE, STERLING AND CORDOVA-CHITINA HIGHWAYS IN ALASKA
Effective date, June 28, 1950

Very truly yours,

A. C. Clark, Deputy Commissioner
Bureau of Public Roads

FRANK A. NICKOLS

By

F. A. Nickols
Chief, Forest and Park Branch

Enclosures

Mr. A. P. Dean

C

Jaw
JFK
9/4/50
C

MEMORANDUM OF AGREEMENT RELATING TO SURVEY AND CONSTRUCTION OF SEWARD-ANCHORAGE, STERLING AND CORDOVA-CHITINA HIGHWAYS IN ALASKA.

Memorandum of Agreement made this 28th day of June, 1950, by and between the Commissioner of Roads for Alaska, for the Alaska Road Commission of the Department of the Interior, and the Commissioner of Public Roads, for the Bureau of Public Roads of the Department of Commerce.

WHEREAS, funds for the survey and construction of certain highways in Alaska are either available by existing legislation or are expected to be made available by pending legislation; and

WHEREAS, it is mutually agreed by the parties hereto that the early construction of the highway sections described hereinafter is of the highest importance to the economy, development and defense of the Territory of Alaska.

NOW, THEREFORE, in consideration of the premises and of the several promises to be faithfully performed by each, as hereinafter set forth, the parties hereto do hereby mutually agree as follows:

WORK EMBRACED IN PROJECT

Article I. This agreement covers survey and preparation of plans, specifications and estimates by the Bureau of Public Roads for the following highway sections, including any bridges required thereon:

1. That portion of the Seward-Anchorage Highway from Seward northward to Mile 58 (the southerly 28.8 miles being the Seward Forest Highway, Route 3, and the remaining 28.8 miles being a portion of the Moose Pass Forest Highway, Route 14) 57.6 Miles
2. That portion of the Sterling Highway from the west boundary of Chugach National Forest to a connection with the Seward-Anchorage Highway, at Mile 38 thereof (this section being the Kenai River Forest Highway, Route 5, which is 19.7 miles in length) except the sections, 6.7 miles in length, already constructed or programed for construction with Forest Highway funds 13 Miles
3. That portion of the Cordova-Chitina Highway from Cordova eastward and northward to the topographic control point at approximately Mile 49 which is common to all alternate

locations which may be considered in the lower Copper River Valley (the 11.8 miles nearest Cordova being the Copper River Forest Highway, Route 32)49 Miles

This agreement also covers the construction of these same highway sections, except that the extent to which construction of the Sterling Highway and of the Cordova-Chitina Highway will be undertaken by the Bureau of Public Roads, will be determined after completion of the survey. The word "construction" as used in the preceding sentence includes grading, draining, structures and crushed rock or gravel base course for all of the highway sections, but does not include bituminous surfacing.

SURVEYS, PLANS, SPECIFICATIONS AND ESTIMATES

Article II. The Bureau of Public Roads will make all surveys and prepare all plans, specifications and estimates for the highway sections described in Article I. Before completion of the survey the Bureau of Public Roads will arrange to provide an opportunity for the Regional Forester of the Forest Service, or his authorized representative to examine the surveyed line or the location map and to indicate any details of location desirable for the protection or development of the National Forest. The plans, specifications and estimates will be submitted to the Alaska Road Commission for review and approval before any construction work is undertaken.

It is agreed that every reasonable effort will be made to complete all surveys, plans, specifications and estimates by June 1, 1951.

Design standards shall conform in general to those approved by the American Association of State Highway Officials for the 400 to 1,000 vehicle per day category for Secondary Roads.

CONSTRUCTION

Article III. The Bureau of Public Roads will construct or cause to be constructed in strict accordance with the approved plans and specifications all of the highway section described in paragraph 1 of Article I hereof and such portions of the Sterling Highway and of the Cordova-Chitina Highway described in paragraphs 2 and 3 of Article I hereof as may be agreed upon by the Alaska Road Commission and the Bureau of Public Roads after the surveys have been completed. The construction work shall be performed by the contract method unless the Bureau of Public Roads and the Alaska Road Commission agree that it is in the public interest to perform the work with Government forces. The Bureau of Public Roads will advertise for bids, award the contracts and have direct supervision over and

adequately inspect all construction work subject to inspection and acceptance of the work by the Alaska Road Commission.

FINANCING

Article IV. The entire cost of the survey, plans, specifications and estimates for the sections of the Seward-Anchorage and Sterling Highways described in Article I hereof will be paid by the Bureau of Public Roads from Forest Highway funds programed for survey and design of Alaska Forest Highways.

The entire cost of the survey, plans, specifications, and estimates for the sections of the Cordova-Chitina Highway described in Article I hereof will be paid by the Bureau of Public Roads from Department of the Interior funds made available by the Alaska Road Commission. The necessary funds for the Cordova-Chitina survey and design will be transferred in advance to the Bureau of Public Roads by the Alaska Road Commission on a quarterly basis to cover estimated requirements for the ensuing quarter.

The entire cost of construction engineering to be performed by the Bureau of Public Roads on all projects covered by this agreement will be paid by the Bureau of Public Roads from Department of the Interior funds made available by the Alaska Road Commission. The necessary funds for construction engineering will be transferred to the Bureau of Public Roads by the Alaska Road Commission on a quarterly basis to cover estimated requirements for the ensuing quarter.

The entire cost of construction of all projects assigned to the Bureau of Public Roads under the provisions of Article III hereof shall be paid by the Bureau of Public Roads from Department of the Interior funds made available by the Alaska Road Commission and transferred prior to the award of each contract.

Authorization to undertake the construction work for each individual project will be given to the Bureau of Public Roads by the Alaska Road Commission after survey, plans, specifications and estimates have been completed and approved, and after funds are available from Department of the Interior appropriations for the purpose, in accordance with a program of work to be agreed upon in advance between the Commissioner of Roads for Alaska and the Division Engineer, Division 10, Bureau of Public Roads, and revised from time to time as may be necessary or desirable.

REPORTS

Article V. The Bureau of Public Roads will make a monthly report to the Alaska Road Commission including the following information:

- (a) Total expenditures and obligations to date for each phase of the work.
- (b) Work progress during the month.
- (c) Estimated future work progress and probable expenditures.

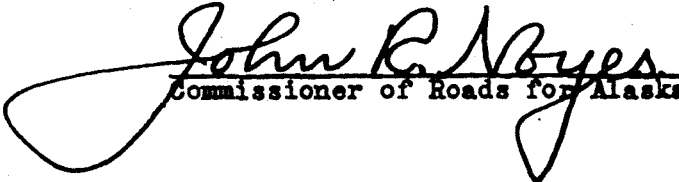
RIGHT-OR-WAY

Article VI. The Bureau of Public Roads will endeavor to arrange for the local authorities and agencies having control over Government lands involved to provide the necessary rights-of-way for the highway sections covered by this agreement, but will not itself assume responsibility for acquisition of such rights-of-way.

MAINTENANCE

Article VII. The maintenance after completion of the projects to be constructed under this agreement shall be performed by the Bureau of Public Roads and paid for by the Bureau of Public Roads out of Forest Highway funds programed for maintenance of Alaska Forest Highways, except that this provision shall not apply to any sections which are not a part of the approved Forest Highway system at the time the maintenance is to be performed.

IN WITNESS HEREOF the parties have hereunto affixed their signatures as of the day and year first above written.


Commissioner of Roads for Alaska


Acting Commissioner of Public Roads

EXTENSION OF MEMORANDUM OF UNDERSTANDING RELATING TO RECONSTRUCTION AND
IMPROVEMENT OF THE RICHARDSON, GLENN, ALASKA AND SEWARD-ANCHORAGE
HIGHWAYS IN ALASKA

Extension of Memorandum of Understanding made this 1st day of July, 1950, by and between the Commissioner of Roads for Alaska, for the Alaska Road Commission of the Department of the Interior, and the Commissioner of Public Roads, for the Bureau of Public Roads of the Department of Commerce:

WHEREAS, the Director of the Division of Territories and Island Possessions of the Department of the Interior, and the Commissioner of Public Roads executed a Memorandum of Understanding, approved August 17, 1948, by the Acting Secretary of the Interior, providing for the survey, reconstruction and improvement of certain highways in Alaska; and

WHEREAS, it is now desired to extend the Memorandum of Understanding to provide for the survey, reconstruction and improvement of additional highway sections in Alaska; and

WHEREAS, by Secretarial Order No. 2509, Section 50, approved January 13, 1949, by the Secretary of the Interior, the necessary authority to execute inter-Bureau agreements of this type has been delegated to the Commissioner of Roads for Alaska:

NOW, THEREFORE, in consideration of the premises and of the several promises to be faithfully performed by each, the Commissioner of Roads for Alaska and the Commissioner of Public Roads do hereby mutually agree to extend the Memorandum of Understanding of August 17, 1948, to provide for additional work to be performed by the Bureau of Public Roads for and in behalf of the Alaska Road Commission as follows:

ADDITIONAL WORK COVERED

Article I. The following additional work is covered by the agreement:

1. Construction engineering and supervision of construction for the bituminous surfacing of the following highway sections:
 - (a) That portion of the Seward-Anchorage Forest Highway extending from Seward to Girdwood. 90.2 miles
 - (b) That portion of the Richardson Highway extending from Big Delta to Rapids. 38 miles
 - (c) That portion of the Alaska Highway extending from Big Delta to Johnson River. 42 miles
 - (d) That portion of the Alaska Highway extending from Tok to the International Boundary. 94 miles
2. Such survey work and preparation of plans, specifications and estimates as may be necessary to prepare the projects for the construction covered by this agreement.

FINANCING

Article II. All work to be performed under this extension will be financed from appropriations made by the Congress to the Department of the Interior, and will be limited in each fiscal year to amounts provided within such appropriation acts for the work hereinabove described.

DEFINITIONS

Article III. Wherever the term "Division of Territories and Island Possessions" is used in the original Memorandum of Understanding, it shall be understood to refer to the Office of Territories of the United States Department of the Interior.

Wherever the term "Public Roads Administration" or the term "Administration" is used in the original Memorandum of Understanding it shall be understood to refer to the Bureau of Public Roads of the Department of Commerce.

Except as extended and modified herein the Memorandum of Understanding approved August 17, 1948, shall remain in full force and effect.

In witness whereof the parties have hereunto affixed their signatures as of the day and year first above written.

Commissioner of Roads for Alaska

Commissioner of Public Roads

All Divisions

August 3, 1950

Chas. C. Burdick, Assistant Regional Forester

R-ROADS & TRAILS, General

In order to clarify and reduce to quickly understandable language, the following definitions pertaining to highways are furnished you:

Right of way is the area actually occupied or needed for the road surface, shoulders, ditches, and cut and fill slopes.

Set back line or distance encompasses the area from the center line of the road to the agreed upon distance, 50 or 100 feet, and on which no improvements will be allowed without the approval of the Chief or the Regional Forester.

Road side zone includes the set back area but may be much wider. It may reserve a shore line, an entire creek basin or an adjacent slope in clear view of the road. To be established by the Regional Forester.

For more detailed information, see pages NW-03-20, 21, 22.

CCBurdick:cg

CH
B + K
WME

R-10

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

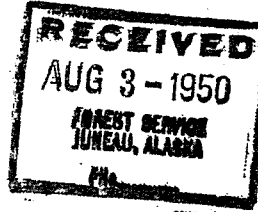


WASHINGTON 25 D. C.

E
ROADS AND TRAILS, R-10
General

July 28, 1950

Mr. A. C. Clark
Deputy Commissioner
Bureau of Public Roads
Washington, D. C.



[Handwritten signature]
BTH

Dear Sir:

Reference is made to Mr. Stoddart's teletype concerning the maintenance of Turnagain Arm road and the construction of a maintenance station.

We have just been advised by our Juneau Office that the Regional Forester concurs in the desirability of making immediate arrangements for maintenance of the Portage to Mile 58 section of the Seward-Portage highway and the construction of a maintenance station proposed by Mr. Stoddart. Regional Forester Heintzleman further advises us that the Forest Service and Bureau of Public Road offices have been cooperating and working out the details of proposed maintenance and tentative layout for the maintenance station.

We have not, however, received the Regional Forester's recommendation for adding the Turnagain Arm project to the Forest Highway System. You may, however, consider Forest Service concurrence assured, provided Mr. MacDonald approves the addition.

Very truly yours,

LYLE F. WATTS, Chief

By **G. N. GRANGER**

cc: R-10

Division Supervisor, Seward

July 28, 1950

W. A. Chipperfield, Forester

U-USES, BPR Maintenance Station
E-ROADS & TRAILS, General

Reference is made to your memorandum of June 28, 1950.

We recently sent you a copy of a wire dated July 25, to the Chief pertaining to approval of Stoddarts plan for maintenance of the Turnagain Arm Highway. We enclose a copy of a memorandum from Mr. Dean dated July 20, 1950, and Mr. Stoddarts teletype message of July 19, 1950.

Mr. Reintzleman will approve the location for the BPR maintenance station in the vicinity of Silver Tip Creek. We should help select the final location and help with the layout of improvements, structures and plans. I have tentatively discussed this with Mr. Marshall and given him a couple of sketches of my visionary plans for a guide. He will give this to you and you can proceed with the development of the plans with Mr. French.

Incidentally, a suggestion that we locate our guard station near the Bureau of Public Roads grounds is under favorable consideration. Mr. Marshall also has my visionary plans for this.

WAChipperfield:edy

C O P Y

✓ E-ROADS & TRAILS, R-10, General
U-USES, BPR Maintenance Station

FOREST SERVICE

FROM B. FRANK HEINTZLEMAN FORESTRY JUNEAU
TO CHIEF FOREST SERVICE WASHINGTON D C

JULY 25 1950

REFERENCE DEAN MEMO JULY TWENTY

REGION TEN APPROVES STODDARTS PLAN FOR ROAD MAINTENANCE DESCRIBED IN TELETYPE
TO A C CLARK PERIOD FOREST SERVICE AND BPR WILL COOPERATE IN DESIGNING
LAYOUT FOR BPR MAINTENANCE STATION.

B. FRANK HEINTZLEMAN
Regional Forester

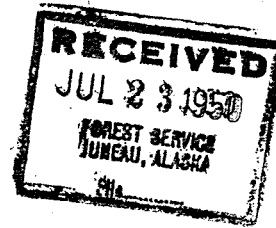
WAChipperfield:edy

cc: Kenai

Office Memorandum • UNITED STATES GOVERNMENT

TO : B. Frank Heintzleman, Juneau, Alaska
FROM : A. P. Dean, Chief, Div. of Engineering
SUBJECT: E ROADS & TRAILS R-10 General

DATE: July 20, 1950

AIR MAIL

Attached is a copy of a teletype received by Public Roads here from Stoddart at Juneau. No doubt Stoddart has already discussed with you the question of maintaining the Turnagain Arm road and the Seward-Portage and the necessity for a maintenance station. However, since we have nothing definite from you in the way of recommendations, we were unable to advise Public Roads of the Forest Service attitude. Will you therefore give us your advice and recommendations as soon as possible.

Attachment - 1
1 copy of 7/19/50 teletype

C O P Y

TELETYPE MESSAGE

361 WA SE /C-BPR/

JUNEAU ALASKA 7-19-50 925AM

A C CLARK BPR WA

COMPLETION OF TURNAGAIN ARM SECTIONS C D E AND F1 IN 6 WEEKS REQUIRES
THAT MAINTENANCE BY BUREAU MUST BE ASSUMED THEREAFTER PD IT IS ANTICIPATED
THAT A REVISED SYSTEM LETTER THAT WILL BE SATISFACTORY TO ALL PARTIES CAN
BE FORWARDED SOON PD BEGINNING OF CONSTRUCTION OF THE NECESSARY MAINTENANCE
CAMP SHOULD NOT BE DELAYED PENDING APPROVAL PD HEAVY SNOWS ON SUMMIT BETWEEN
C AND D REQUIRE STATION TO BE LOCATED IN VICINITY PD SNOW REMOVAL IS KEY TO
HOLDING ROAD OPEN FROM SEWARD TO PORTAGE AND IN EVENT OF CLOSURE OF SEWARD
RAILROAD BRANCH WILL BE OF CRITICAL IMPORTANCE PD APPROVAL IS REQUESTED TO
CONSTRUCT THE NECESSARY WOOD BUILDINGS TO HOUSE MAINTENANCE STATION AT
STA 300 ON SECTION C NEAR SILVERTIP CREEK ON GOVERNMENT LAND MADE AVAILABLE
BY FOREST SERVICE PD STATION WILL BE COMPRISED OF TWO STORAGE SHEDS AT
\$10,000 EACH AND FOUR SMALL BUILDINGS AT \$1,250 EACH PD CONSTRUCTION WILL
BE INITIATED WITH MAINTENANCE FUNDS CURRENTLY AVAILABLE PD BELIEVE
CIRCUMSTANCES WARRANT FAVORABLE ACTION AS SOON AS POSSIBLE

H A STODDART BUREAU OF PUBLIC ROADS JUNEAU ALASKA

DC D E F1 6 \$300 \$10,000 \$1,250

EM 927AM

COPY

National Archives and Records Administration
Pacific Alaska Region

654 West 3rd Avenue

Anchorage, Alaska 99501-2145

Record Group No. 95 Records of the Forest Service

Box No. / Location 25 of 109 12/06/07 (5)

Additional Information

Dept. of Agriculture - Forest Service.
Region 10 (Alaska Region) - Juneau, AK
Subject Correspondence, 1908-1976

File: E Roads & Trails - General 1950-1951 2 of 2

R-10

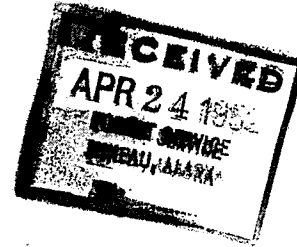
System FH

COPY FOR FOREST SERVICE

C-2.2

April 14, 1952

Mr. Lyle F. Watts
Chief, Forest Service
Washington 25, D. C.



My dear Mr. Watts:

In accordance with the regulations for administering Forest Highways under provisions of Section 23 of the Federal Highway Act, the Division Engineer of the Bureau of Public Roads, the Acting Regional Forester and the Territorial Board of Road Commissioners have recommended that the southern terminus of Alaska Forest Highway Route No. 2 be extended 1.0 mile to Little Sheep Creek. The revised description of Route No. 2 will be as follows:

<u>Route No. and Name</u>	<u>Termini</u>	<u>Length (Miles)</u>	<u>Class</u>
2 Glacier Highway	Little Sheep Creek-Echo Cove including Mendenhall Loop and road from Juneau town limits to Alaska-Juneau Camp, from Mile 8 to Aviation Field, from Mile 12 to Mendenhall Glacier, from Mile 12 to Fritz Cove, from Mile 17 to Point Lena and from Mile 25 to Eagle River Landing, and excluding portion within Juneau town limits.	58.5	3

The mileage of the Alaska Forest Highway system will be revised to read as follows:

<u>Class 1</u>	<u>Class 2</u>	<u>Class 3</u>	<u>Total</u>
0	0	366.6	366.6

The foregoing change in the system has my approval and is submitted with my recommendation for your approval.

Very truly yours,

A. C. CLARK

Approved:

Acting

Howard Hopkins
Chief, Forest Service

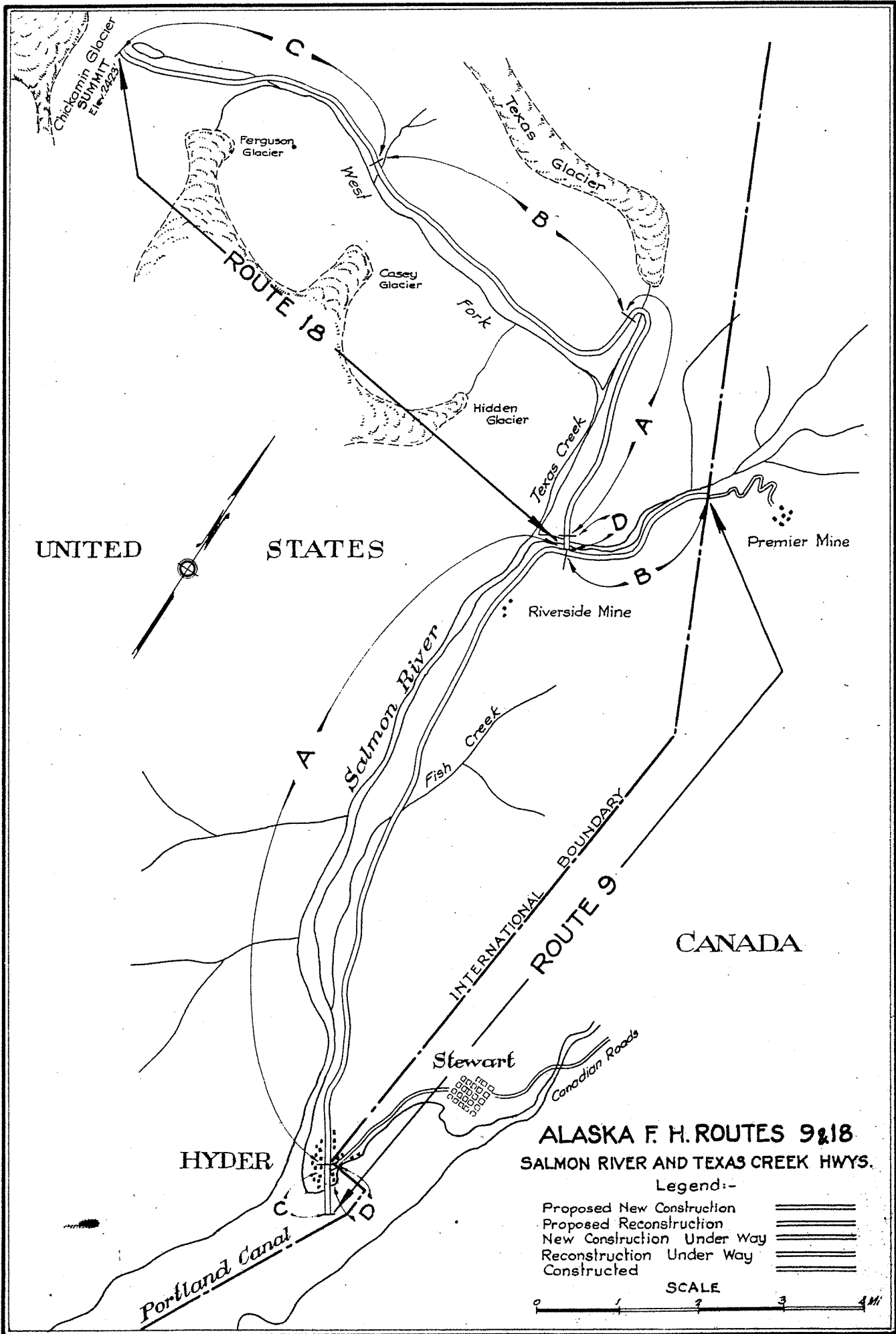
APR 18 1952

(Date)

Acting Commissioner of Public Roads

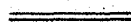




Forest Service (3)

APR 23 1952

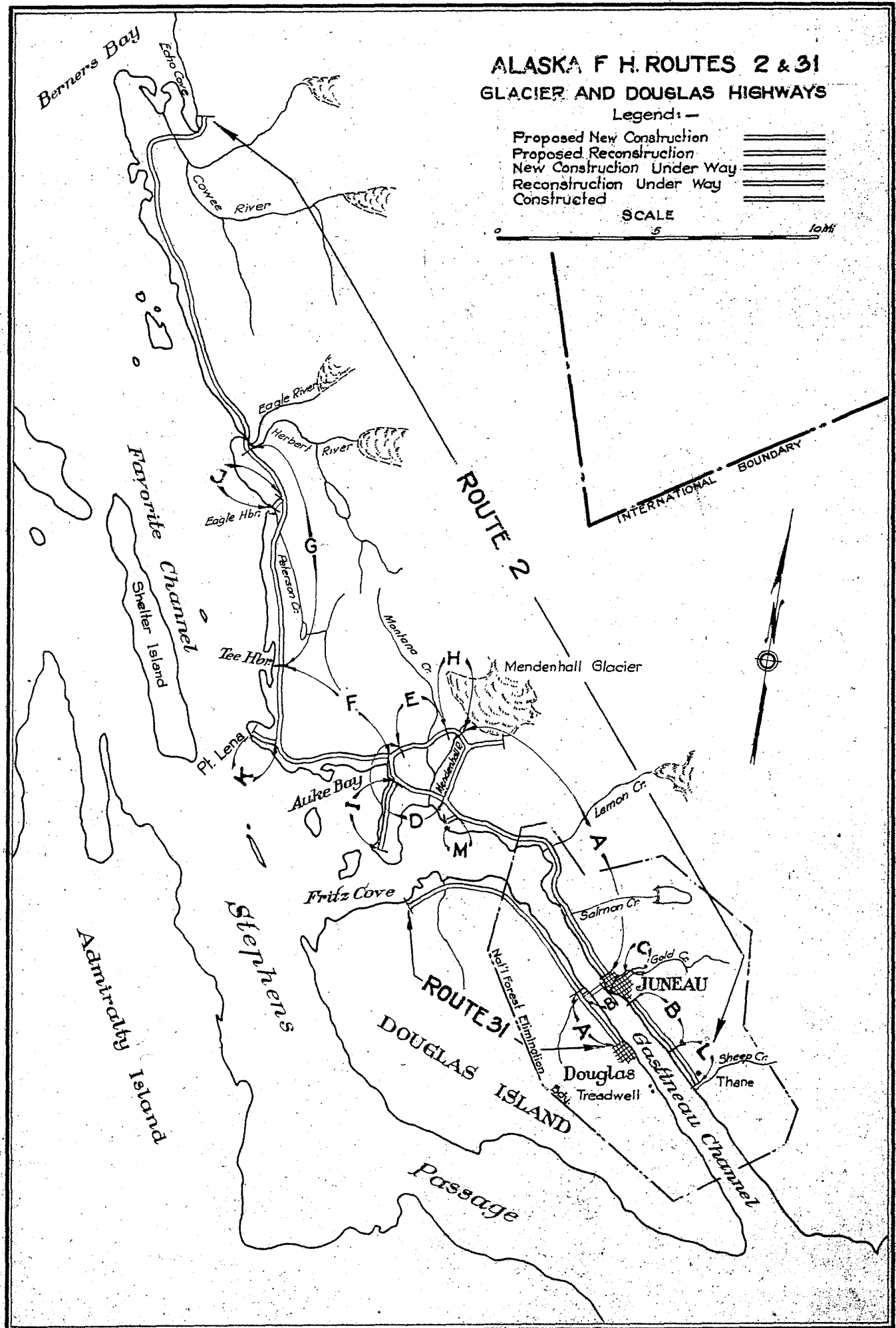
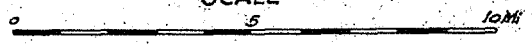


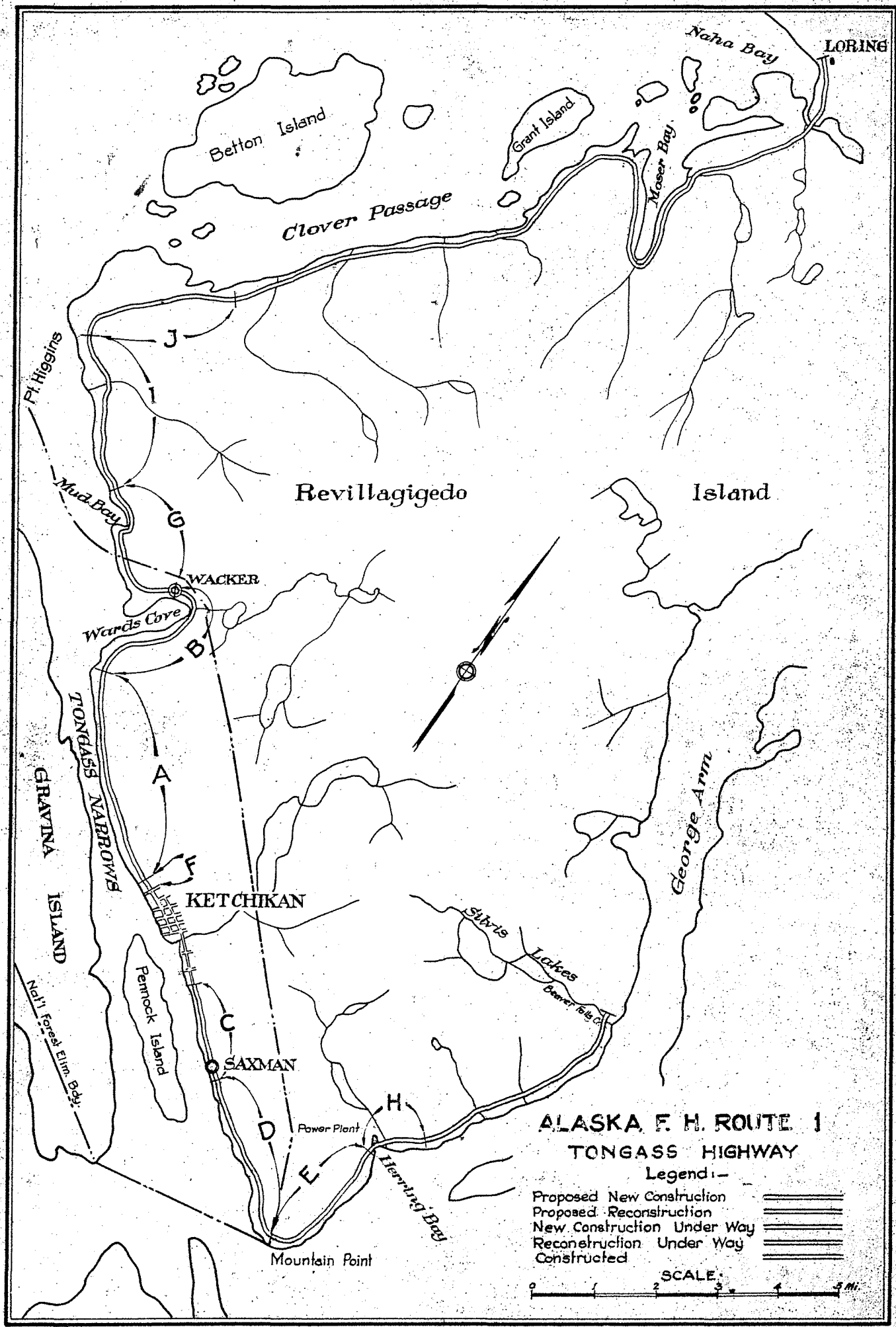
ALASKA F. H. ROUTES 2 & 31 GLACIER AND DOUGLAS HIGHWAYS

Legend: -

- Proposed New Construction 
- Proposed Reconstruction 
- New Construction Under Way 
- Reconstruction Under Way 
- Constructed 

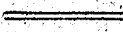


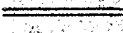

SCALE



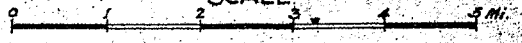


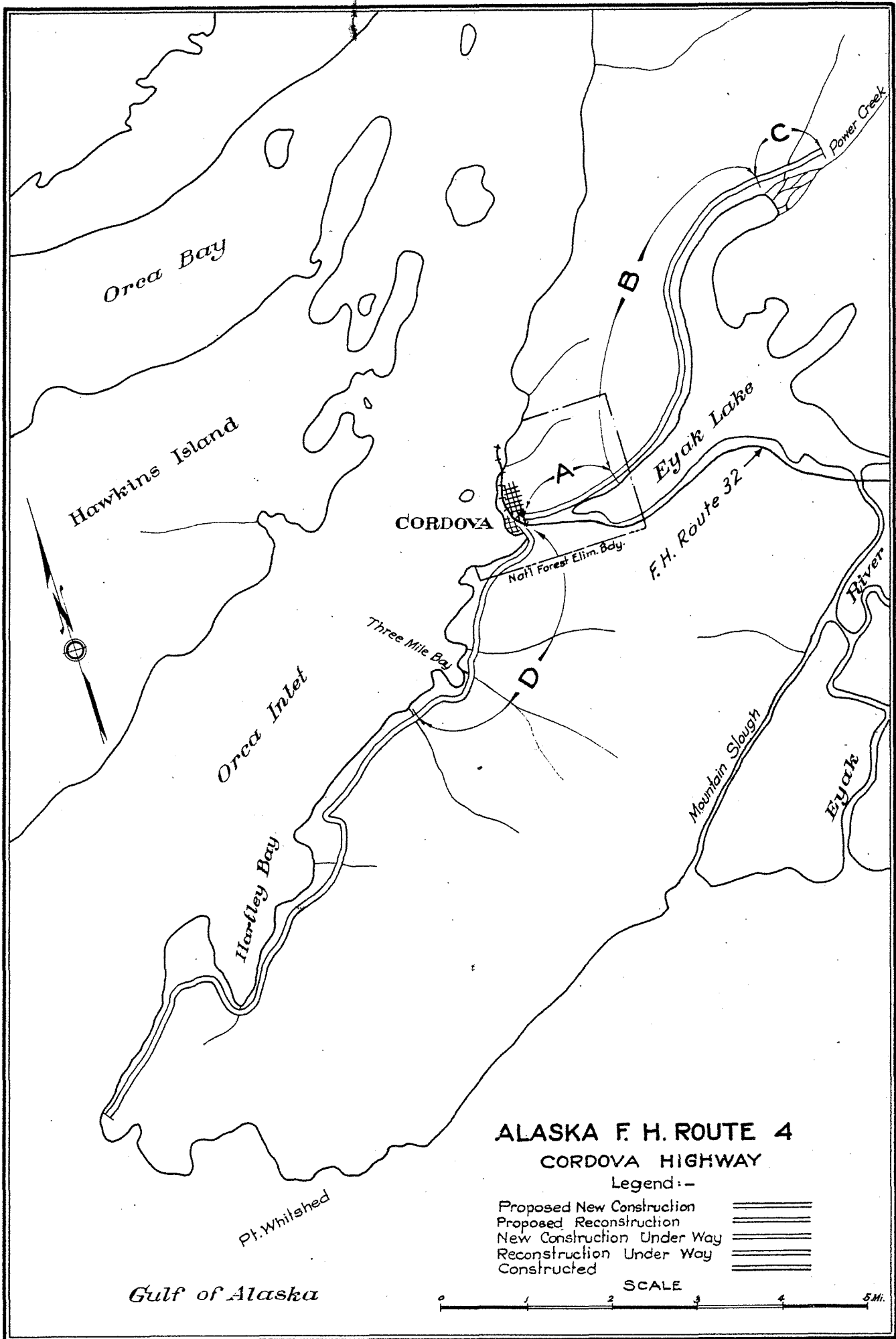
**ALASKA F. H. ROUTE 1
TONGASS HIGHWAY**

Legend:-

- Proposed New Construction 
- Proposed Reconstruction 
- New Construction Under Way 
- Reconstruction Under Way 
- Constructed 




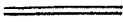

SCALE



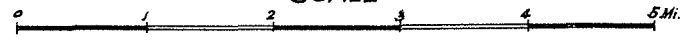


**ALASKA F. H. ROUTE 4
CORDOVA HIGHWAY**

Legend:-

- Proposed New Construction 
- Proposed Reconstruction 
- New Construction Under Way 
- Reconstruction Under Way 
- Constructed 

SCALE

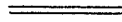
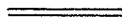
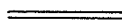
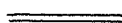
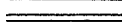


Gulf of Alaska

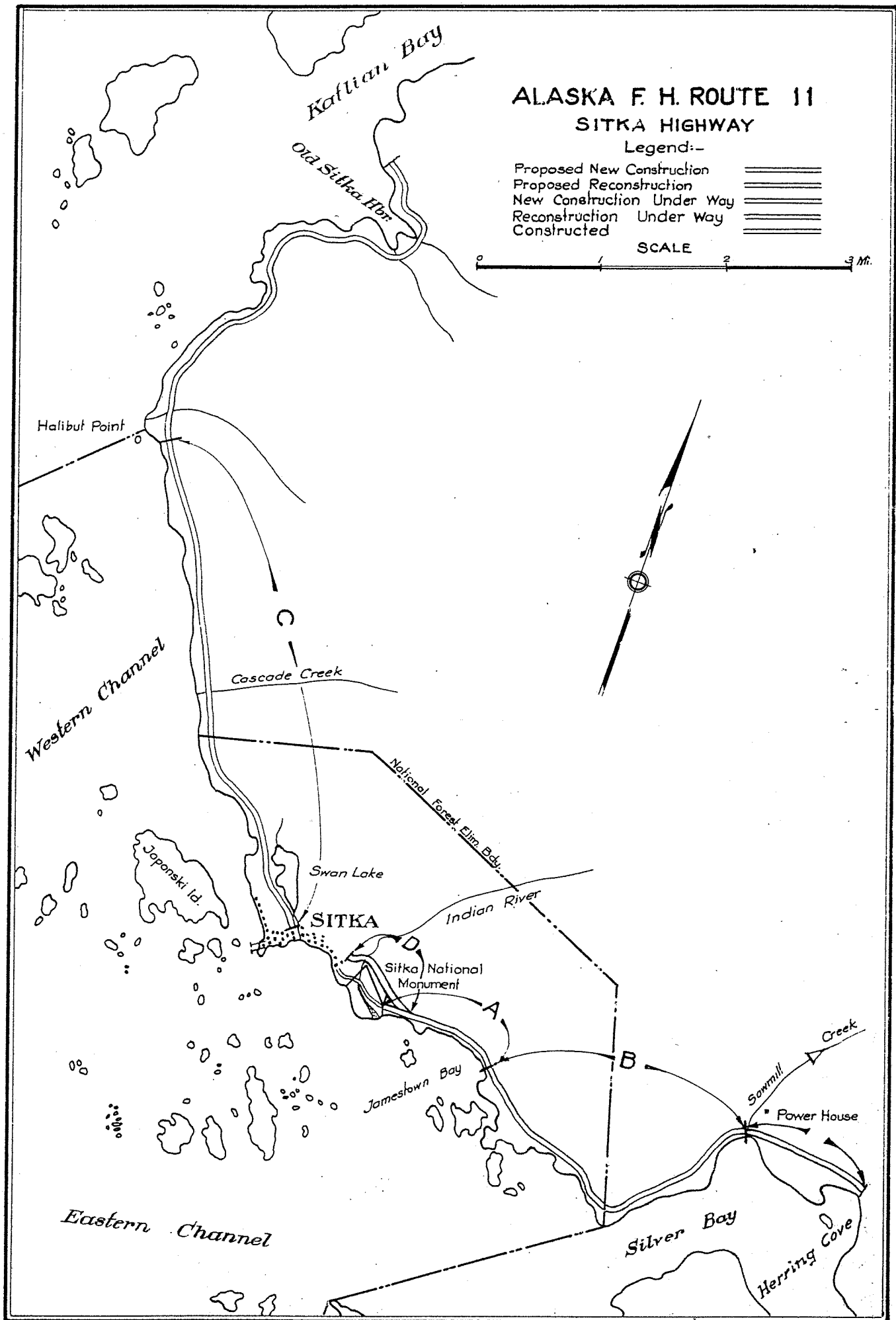
ALASKA F. H. ROUTE 11

SITKA HIGHWAY

Legend:-

- Proposed New Construction 
- Proposed Reconstruction 
- New Construction Under Way 
- Reconstruction Under Way 
- Constructed 

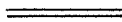
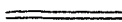



SCALE

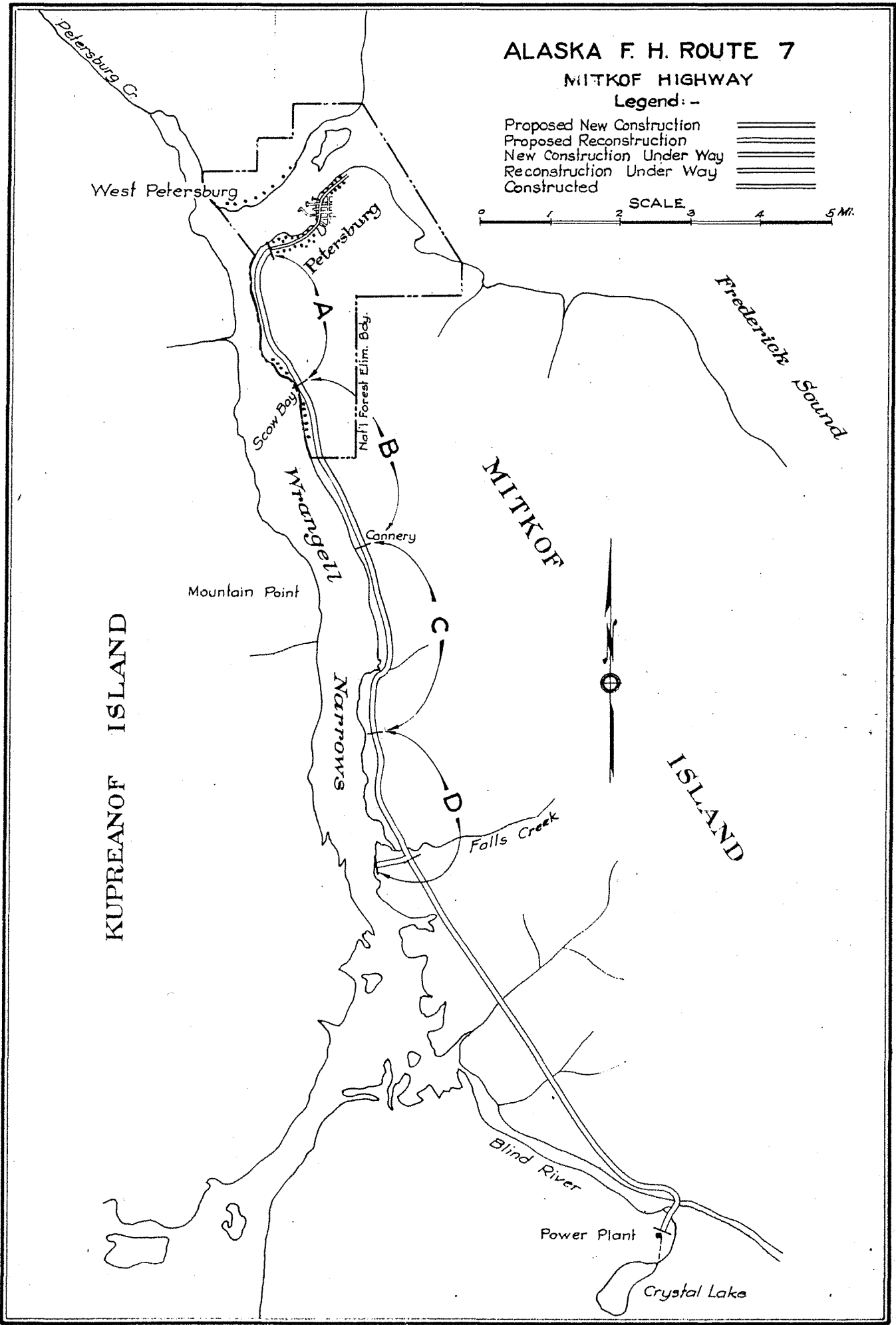


ALASKA F. H. ROUTE 7

MITKOF HIGHWAY

Legend: -

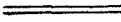
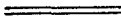
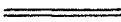


- Proposed New Construction 
- Proposed Reconstruction 
- New Construction Under Way 
- Reconstruction Under Way 
- Constructed 

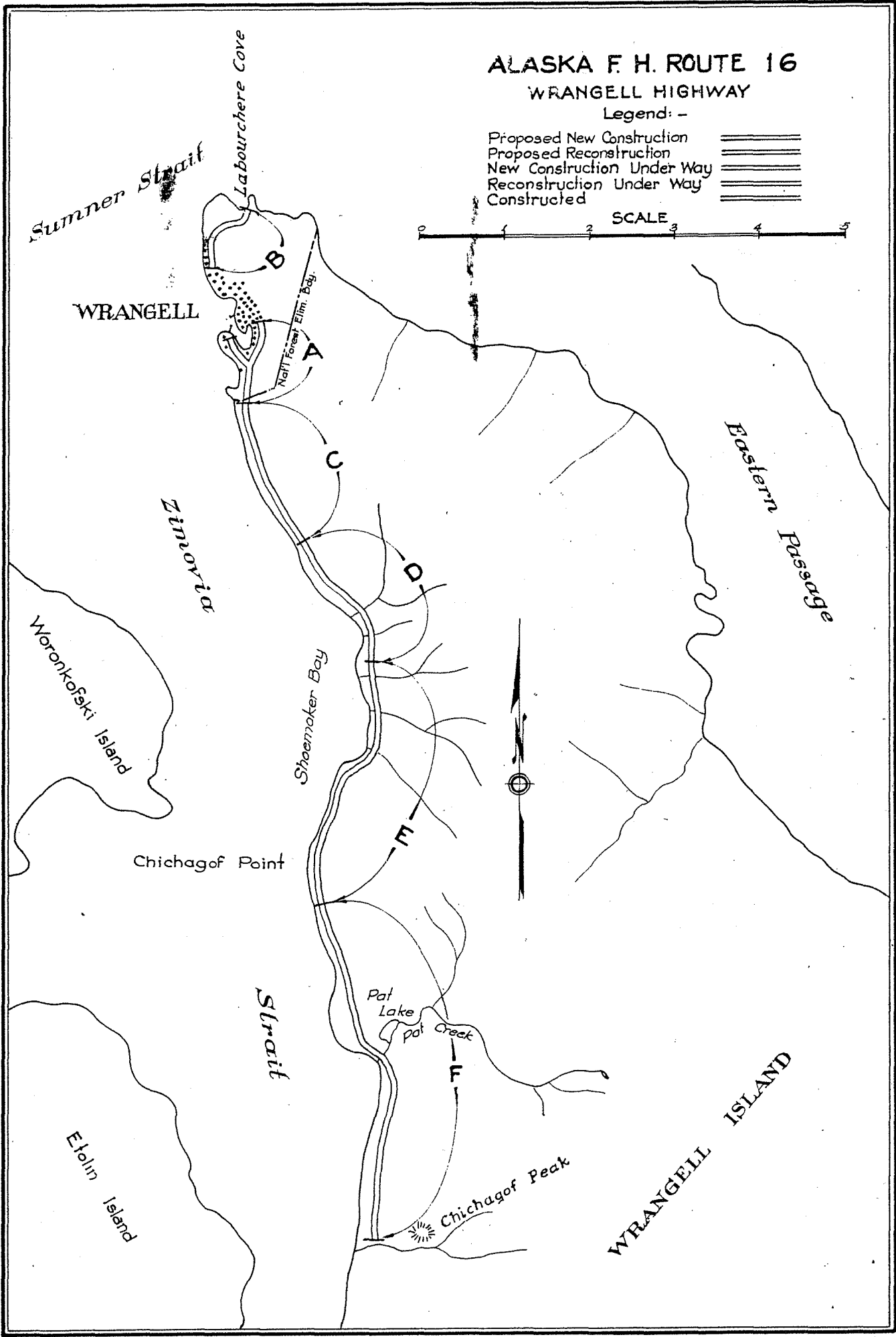


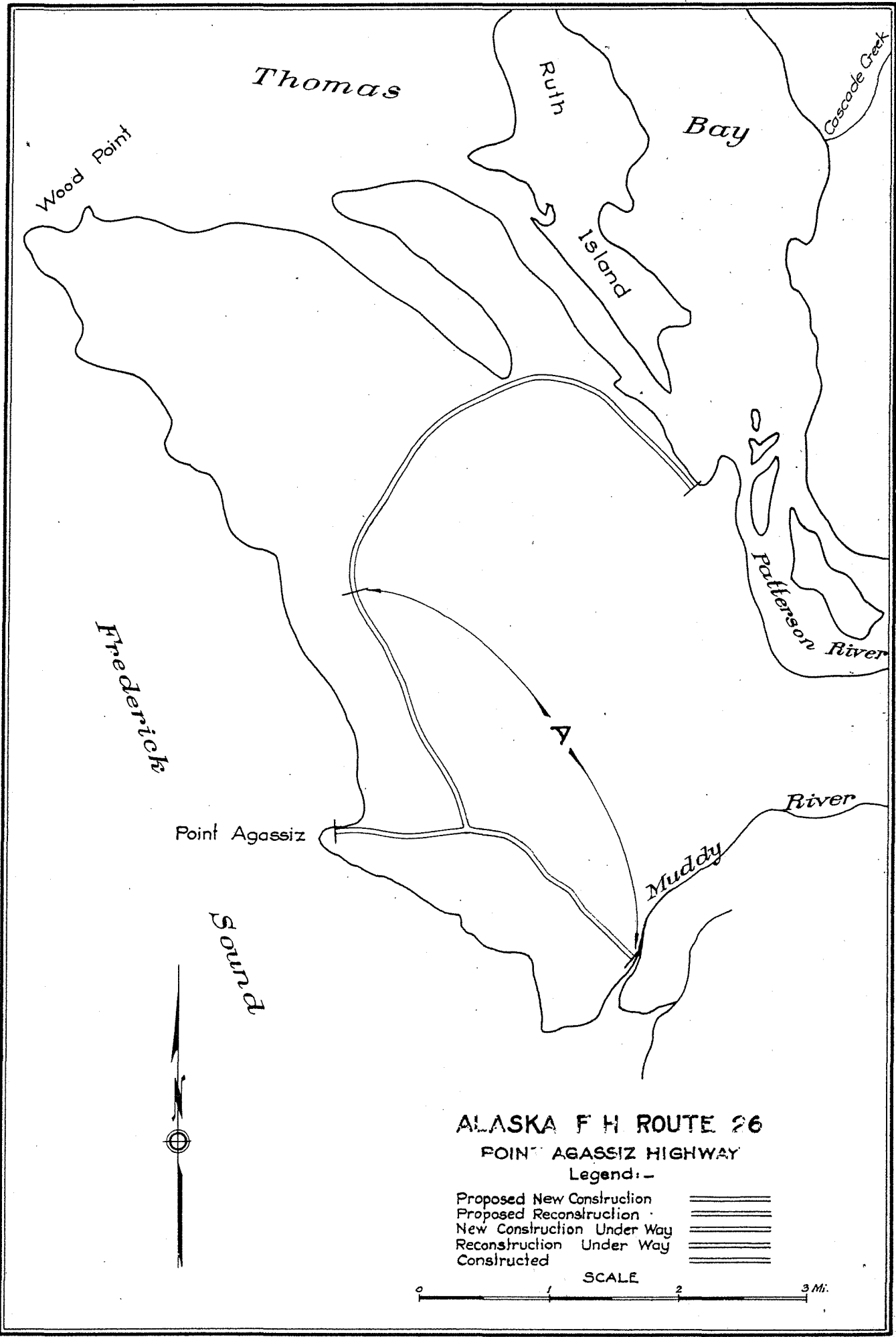
ALASKA F. H. ROUTE 16

WRANGELL HIGHWAY

Legend: -

- Proposed New Construction 
- Proposed Reconstruction 
- New Construction Under Way 
- Reconstruction Under Way 
- Constructed 





Thomas

Ruth

Bay

Cascade Creek

Wood Point

Island

Patterson River

Frederick

River

Point Agassiz

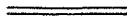

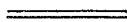
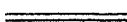
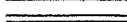
Muddy

Sound

ALASKA F H ROUTE 26

POINT AGASSIZ HIGHWAY

Legend: -

- Proposed New Construction 
- Proposed Reconstruction 
- New Construction Under Way 
- Reconstruction Under Way 
- Constructed 


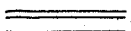
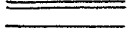
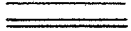

SCALE



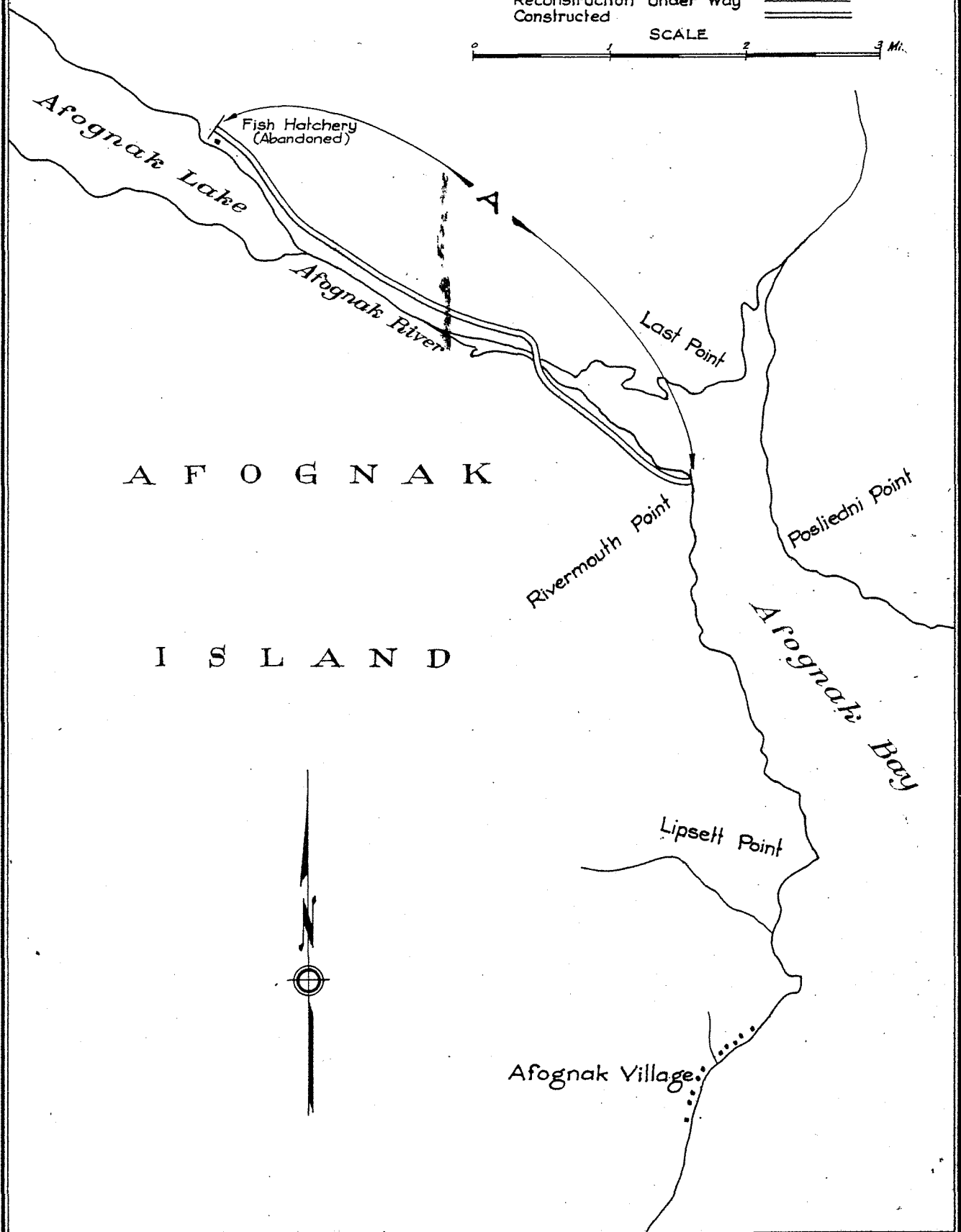
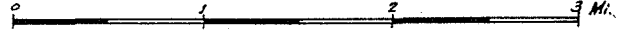
ALASKA F. H. ROUTE 30

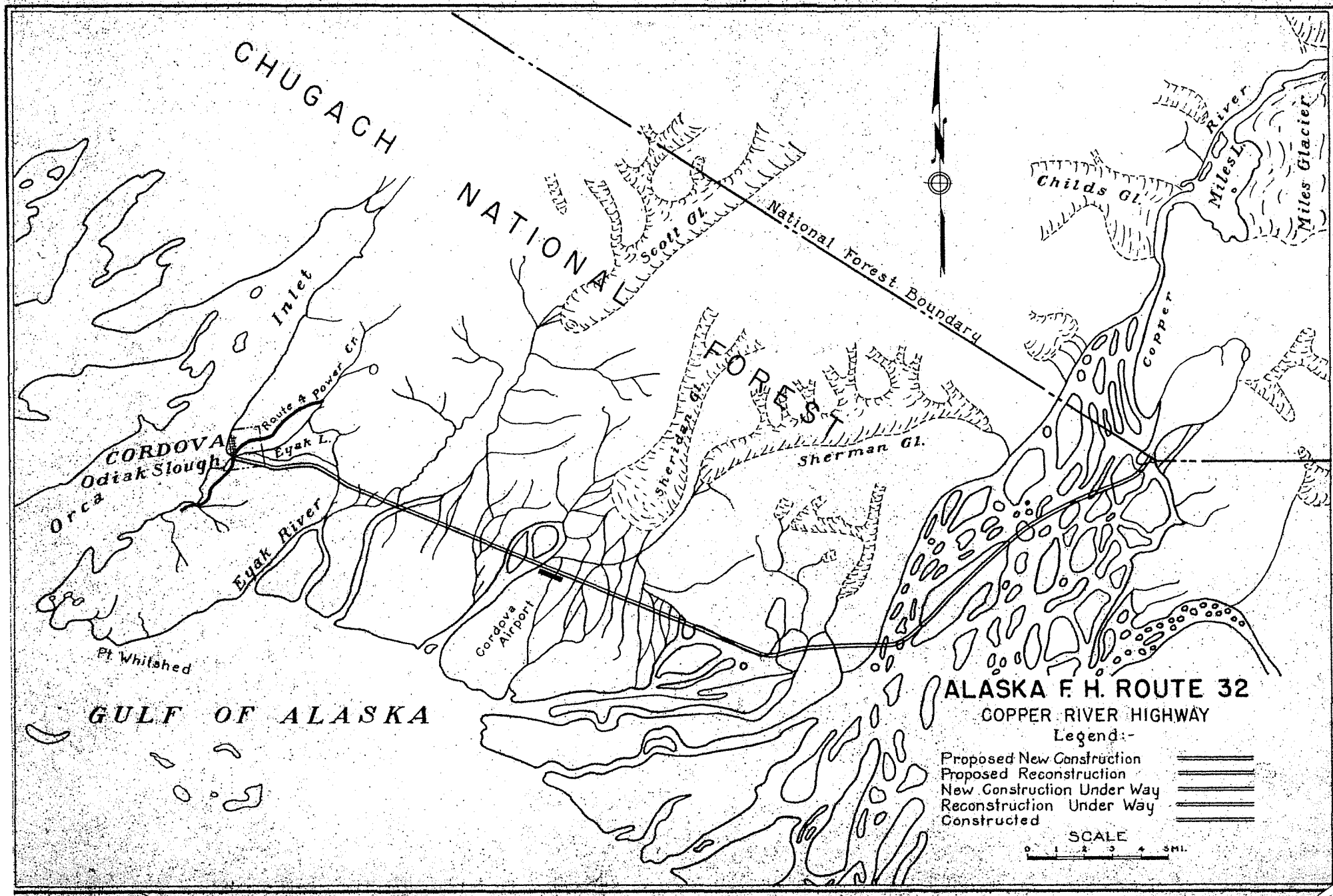
AFOGNAK LAKE HIGHWAY

Legend:-

- Proposed New Construction 
- Proposed Reconstruction 
- New Construction Under Way 
- Reconstruction Under Way 
- Constructed 

SCALE





CHUGACH

NATIONAL FOREST

National Forest Boundary

Childs Gl.
Miles L.
Miles Glacier

CORDOVA
Odiak Slough

Inlet

Eyak River

Scott Gl.
Sherman Gl.

Orca


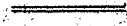

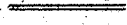
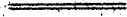
Pt. Whittier

GULF OF ALASKA

Cordova Airport

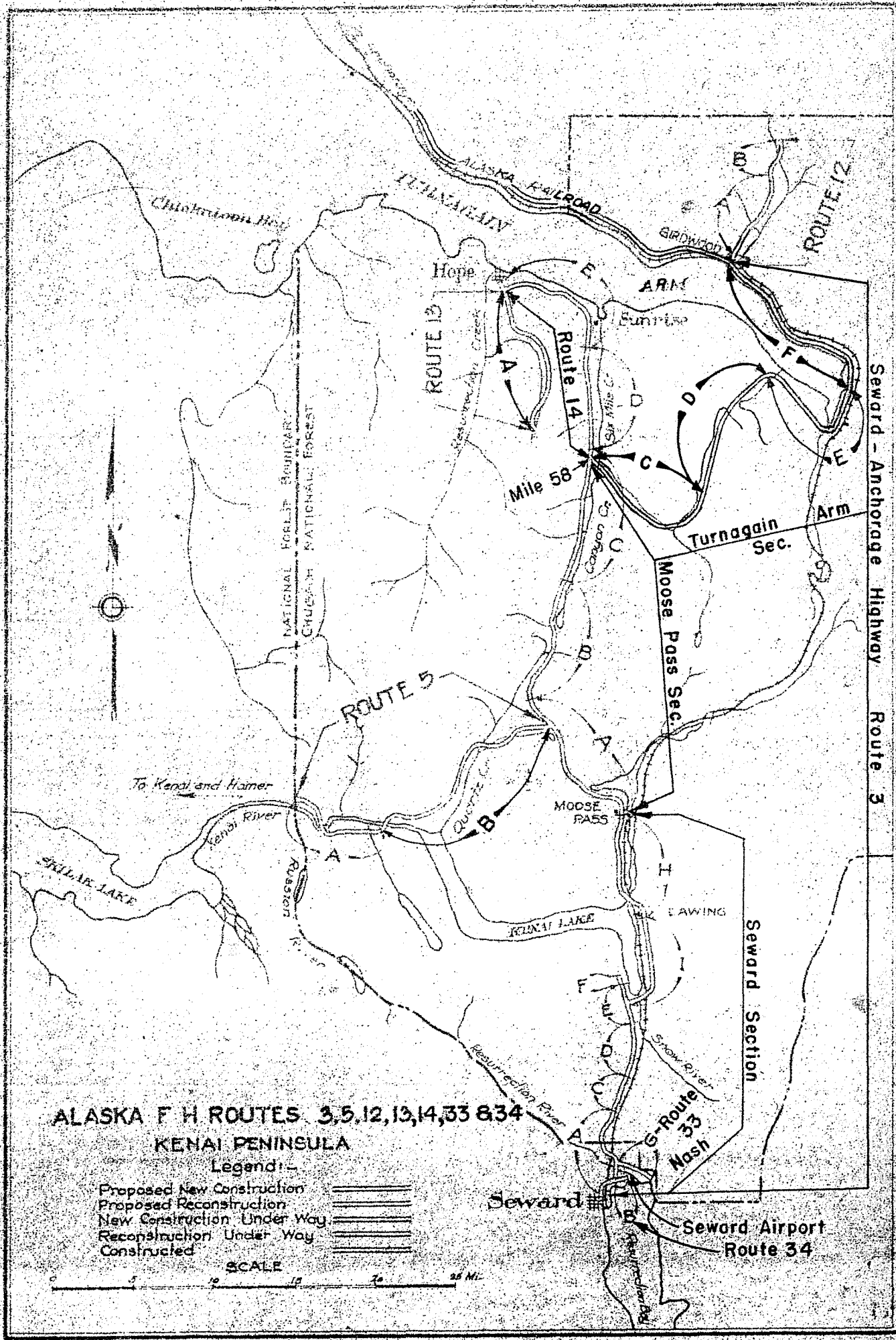
**ALASKA F. H. ROUTE 32
COPPER RIVER HIGHWAY**

Legend:-

- Proposed New Construction 
- Proposed Reconstruction 
- New Construction Under Way 
- Reconstruction Under Way 
- Constructed 

SCALE





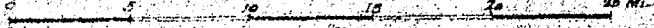
ALASKA F H ROUTES 3, 5, 12, 13, 14, 33 & 34

KENAI PENINSULA

Legend: -

- Proposed New Construction
- Proposed Reconstruction
- New Construction Under Way
- Reconstruction Under Way
- Constructed

SCALE



R-10

E Road & Trail System Forest Highway

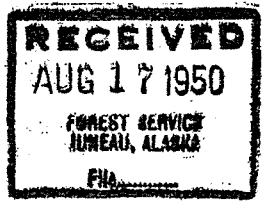
COPY FOR FOREST SERVICE

August 10, 1950

C-2.2

B. F. H.
CAF

Mr. Lyle F. Watts
Chief, Forest Service
Washington 25, D. C.



My dear Mr. Watts:

In accordance with the regulations for administering Forest Highways under provisions of Section 23 of the Federal Highway Act, the Division Engineer of the Bureau of Public Roads, the Regional Forester, and the Territorial Board of Road Commissioners have recommended the following changes in the Forest Highway System for Alaska:

Existing Routes to be Cancelled

<u>Route No.</u>	<u>Name</u>	<u>Termini</u>	<u>Approximate Length</u>	<u>Class</u>
3	Seward Highway	Head of Resurrection Bay - Moose Pass Station, including roads from Mile 1 to Aviation Field, from Mile 3 to Wash	33.5	3
14	Moose Pass Highway	Moose Pass Station - Hope Landing	45.5	3

Routes to be Substituted

<u>Route No.</u>	<u>Name</u>	<u>Termini</u>	<u>Approximate Length</u>	<u>Class</u>
3	Seward-Anchorage Highway	Head of Resurrection Bay - Girdwood	90.2	3
14	Hope Highway	Mile 58 on Seward-Anchorage Highway - Hope Landing	16.7	3
33	Resurrection Bay Highway	Mile 3 on Seward-Anchorage Highway - Wash	2.5	3
34	Seward Highway	Mile 1 on Seward-Anchorage Highway - Seward Airport	1.2	3

After taking the above changes into consideration, the mileage of the Alaska Forest Highway System will be as follows:

<u>Class 1</u>	<u>Class 2</u>	<u>Class 3</u>	<u>Total</u>
0	0	387.9	387.9

The foregoing changes in the Alaska Forest Highway System have my approval and are submitted with my recommendation for your approval.

Sincerely yours,

A. C. CLARK

Acting Commissioner of Public Roads

Approved:

R. E. MARSH

Forest Service (3 cc)

Acting Chief, Forest Service

AUG 15 1950

(Date)

*E
Roads & Trails
System FH*

July 19, 1950

CHP

Chief, Forest Service
Commissioner of Public Roads
Washington, D. C.

Dear Sirs:

In accordance with the regulations for administering Forest Highways under provisions of Section 23 of the Federal Highway Act, the Division Engineer of the Bureau of Public Roads, the Regional Forester, and the Territorial Board of Road Commissioners have recommended the following additions and revisions to the Forest Highway system of Alaska.

Existing Routes To Be Revised

<u>Route No.</u>	<u>Name</u>	<u>Termini</u>	<u>Constructed Length</u>	<u>Class</u>
3	Seward Highway	Head of Resurrection Bay- Moose Pass Station, including roads from Mile 1 to Aviation Field, from Mile 3 to Nash.	33.3	3
14	Moose Pass Highway	Moose Pass Station - Hope Landing	44.9	3

Routes As Recommended

3	Seward-Anchorage Highway	Head of Resurrection Bay - Girdwood	90.2	3
14	Hope Highway	Mile 50 on Seward-Anchorage Highway - Hope Landing	16.7	3
33	Resurrection Bay Highway	Mile 3 on Seward-Anchorage Highway - Nash	2.5	3
34	Seward Highway	Mile 1 on Seward-Anchorage Highway-Seward Airport	1.2	3

*2 copies sent
Chief 7/31/50*

Description of New Routes

Seward-Anchorage Highway, Route 3

This route will include that portion of the present Seward Highway, Route 3, from the head of Resurrection Bay to Moose Pass; that portion of the present Moose Pass Highway, Route 14, from Moose Pass to Mile 58; and the Turnagain Arm Project from Mile 58 to Girdwood on the north side of Turnagain Arm, a total distance of 90.2 miles.

Hope Highway, Route 14

This route will be that portion of the present Moose Pass Highway, Route 14, from Mile 58 to Hope Landing, the end of the route, a distance of 16.7 miles.

Resurrection Bay Highway, Route 33

This route will be that portion of the present Seward Highway, Route 3, now designated as Section G extending from Mile 3 to Nash, a distance of 2.5 miles.

Seward Highway, Route 34

This route will be that portion of the present Seward Highway, Route 3, now designated as Section B extending from Mile 1.5 to the Seward Airport, a distance of 1.2 miles.

Construction Length of Routes Affected By Change

Seward Highway, Route 3	33.3
Moose Pass Highway, Route 14	<u>44.9</u>
Total	78.2
Mileage added to system	<u>33.1</u>
	111.3

Chief, Forest Service
Commissioner of Public Roads

-3-

Length of Routes as now Recommended

Seward-Anchorage Highway, Route 3	90.2
Hope Highway, Route 14	16.7
Resurrection Bay Highway, Route 33	2.5
Seward Highway, Route 34	<u>1.2</u>
	110.6
Portion of Section B, present Route 3, to be abandoned and transferred to Forest Service.	<u>0.7</u>
	111.3

Yours very truly,

BUREAU OF PUBLIC ROADS

By *A. J. Stitt*
Division Engineer

U. S. FOREST SERVICE

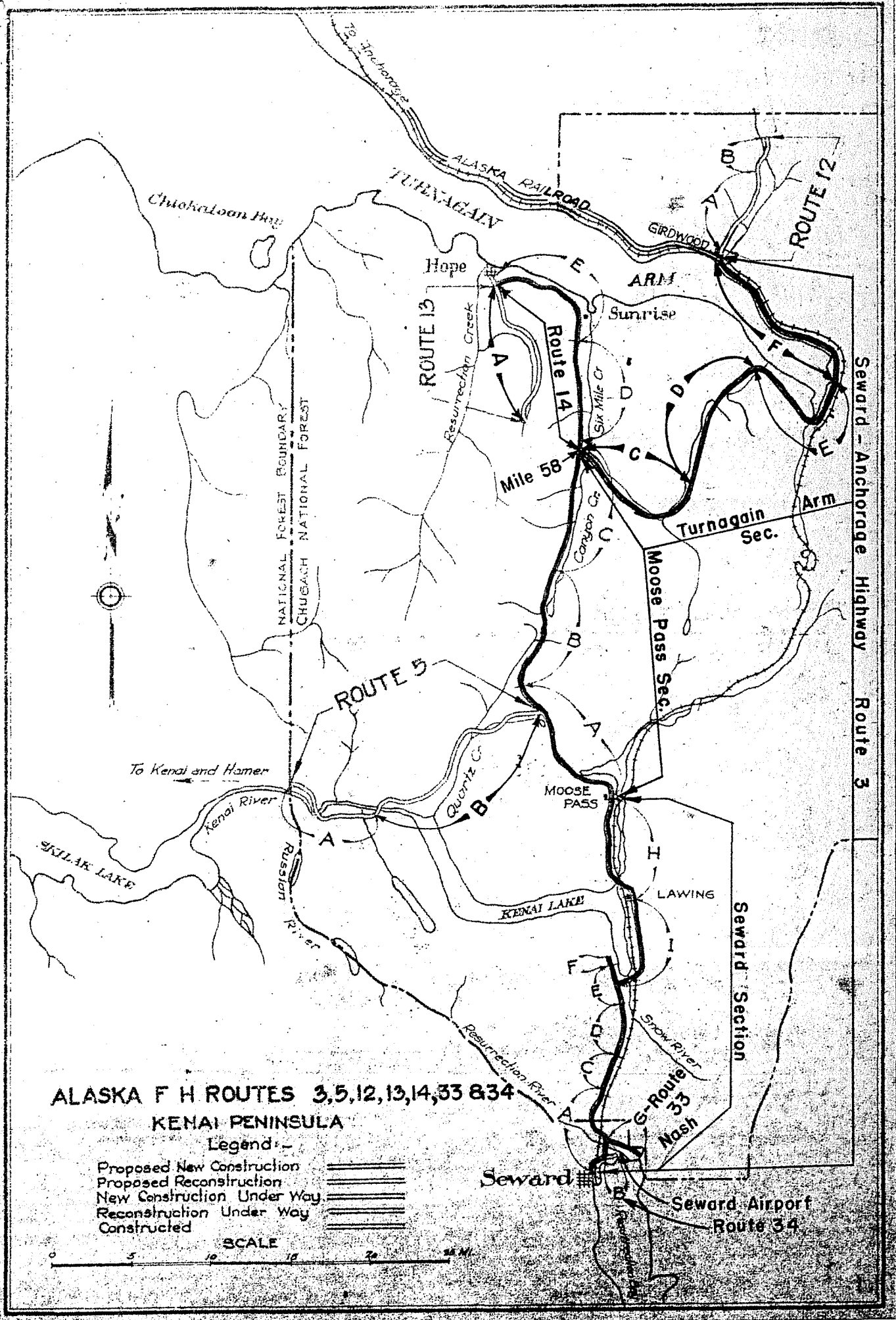
By *R. Frank H. [unclear]*
Regional Forester

TERRITORIAL BOARD OF ROAD COMMISSIONERS

By *E. W. [unclear]*
Chairman

By *Remy [unclear]*
Member

By _____
Highway Engineer



ALASKA F H ROUTES 3, 5, 12, 13, 14, 33 & 34

KENAI PENINSULA

Legend:

- Proposed New Construction
- Proposed Reconstruction
- New Construction Under Way
- Reconstruction Under Way
- Constructed

SCALE



Chickaloon Hwy
 ALASKA RAILROAD
 TURNAGAIN ARM
 Sunrise
 Hope
 ROUTE 13
 Resurrection Creek
 ROUTE 14
 Mile 58
 Canyon Cr.
 Six Mile Cr.
 ROUTE 12
 GIRDWOOD
 Turnagain Sec.
 Moose Pass Sec.
 ROUTE 5
 Quartz Cr.
 MOOSE PASS
 Kenai River
 Kenai Lake
 Lawing
 Seward Section
 Seward
 Seward Airport
 Route 34
 G-Route 33
 Mash
 Resurrection River
 Stow River
 Russian River
 SKILAK LAKE
 To Kenai and Homer
 NATIONAL FOREST BOUNDARY
 CHUGACH NATIONAL FOREST
 Seward - Anchorage Highway
 Route 3

E
ROADS & TRAILS
System

FH

Juneau, Alaska
July 17, 1950

Mr. H. A. Stoddard, Division Engineer
Bureau of Public Roads
Juneau, Alaska

Dear Mr. Stoddard:

In view of the impending change in that portion of the boundary of the Chugach National Forest on the north side of Turnagain Arm I recommend that the letter of August 31, 1949, concerning a change in the Forest Highway system be superseded by another letter which would confine the change to the addition of that section of highway "between Mile 58 and Mile 71 of the Seward-Anchorage Highway."

I am advised unofficially that the proposed change in the Chugach Forest boundary, under which the lands traversed by the highway between Mile 71 and Mile 90 are to be returned to the open public domain, should become effective in the very near future.

Sincerely yours,

B. FRANK HEINTZLEMAN
Regional Forester

Dictated by Mr. Heintzleman and signed
in his absence to avoid delay.

BFHeintzleman:cg

E Roads & Trail System

BUREAU OF PUBLIC ROADS
U. S. DEPARTMENT OF COMMERCE
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

*Reed
4/16/50*

August 31, 1949

*BFH
COP*

Chief, Forest Service
Commissioner of Public Roads
Washington, D. C.

Dear Sirs:

In accordance with the regulations for administering Forest Highways under provisions of Section 23 of the Federal Highway Act, the Division Engineer of the Bureau of Public Roads, the Regional Forester, and the Territorial Board of Road Commissioners have recommended the following additions and revisions to the Forest Highway system of Alaska.

Existing Routes To Be Revised

<u>Route No.</u>	<u>Name</u>	<u>Termini</u>	<u>Constructed Length</u>	<u>Class</u>
3	Seward Highway	Head of Resurrection Bay-Moose Pass Station, including roads from Mile 1 to Aviation Field, from Mile 3 to Nash.	31.3	3
14	Moose Pass Highway	Moose Pass Station - Hope Landing	44.9	3

Routes As Recommended

3	Seward-Anchorage Highway	Head of Resurrection Bay-Forest Boundary on north side of Turnagain Arm. (49.1 miles under construction)	106.2	3
14	Hope Highway	Mile 58 on Seward-Anchorage Highway - Hope Landing	16.7	3
33	Resurrection Bay Highway	Mile 3 on Seward-Anchorage Highway - Nash	2.5	3
34	Seward Highway	Mile 1 on Seward-Anchorage Highway-Seward Airport	1.2	3

dated July 12, 1950

*This not all the roads held up in U.S. Dept of Com. and Chief 4/16/50
" " Penon*

Description of New Routes

Seward-Anchorage Highway, Route 3

This route will include that portion of the present Seward Highway, Route 3, from the head of Resurrection Bay to Moose Pass; that portion of the present Moose Pass Highway, Route 14, from Moose Pass to Mile 58; and the Turnagain Arm Project from Mile 58 to the Forest Boundary on the north side of Turnagain Arm, a total distance of 106.2 miles.

Hope Highway, Route 14

This route will be that portion of the present Moose Pass Highway, Route 14, from Mile 58 to Hope Landing, the end of the route, a distance of 16.7 miles.

Resurrection Bay Highway, Route 33

This route will be that portion of the present Seward Highway, Route 3, now designated as Section G extending from Mile 3 to Nash, a distance of 2.5 miles.

Seward Highway, Route 34

This route will be that portion of the present Seward Highway, Route 3, now designated as Section B extending from Mile 1.5 to the Seward Airport, a distance of 1.2 miles.

Construction Length of Routes Affected By Change

Seward Highway, Route 3	33.3
Moose Pass Highway, Route 14	<u>44.9</u>
Total	78.2
Mileage added to system	<u>49.1</u>
	127.3

Chief, Forest Service
Commissioner of Public Roads

-3-

Length of Routes as now Recommended

Seward-Anchorage Highway, Route 3	106.2
Hope Highway, Route 14	16.7
Resurrection Bay Highway, Route 33	2.5
Seward Highway, Route 34	<u>1.2</u>
	126.6
Portion of Section E, present Route 3, to be abandoned and transferred to Forest Service.	<u>0.7</u>
	127.3

Yours very truly,

BUREAU OF PUBLIC ROADS

By *J. H. Stedman*
Division Engineer

U. S. FOREST SERVICE

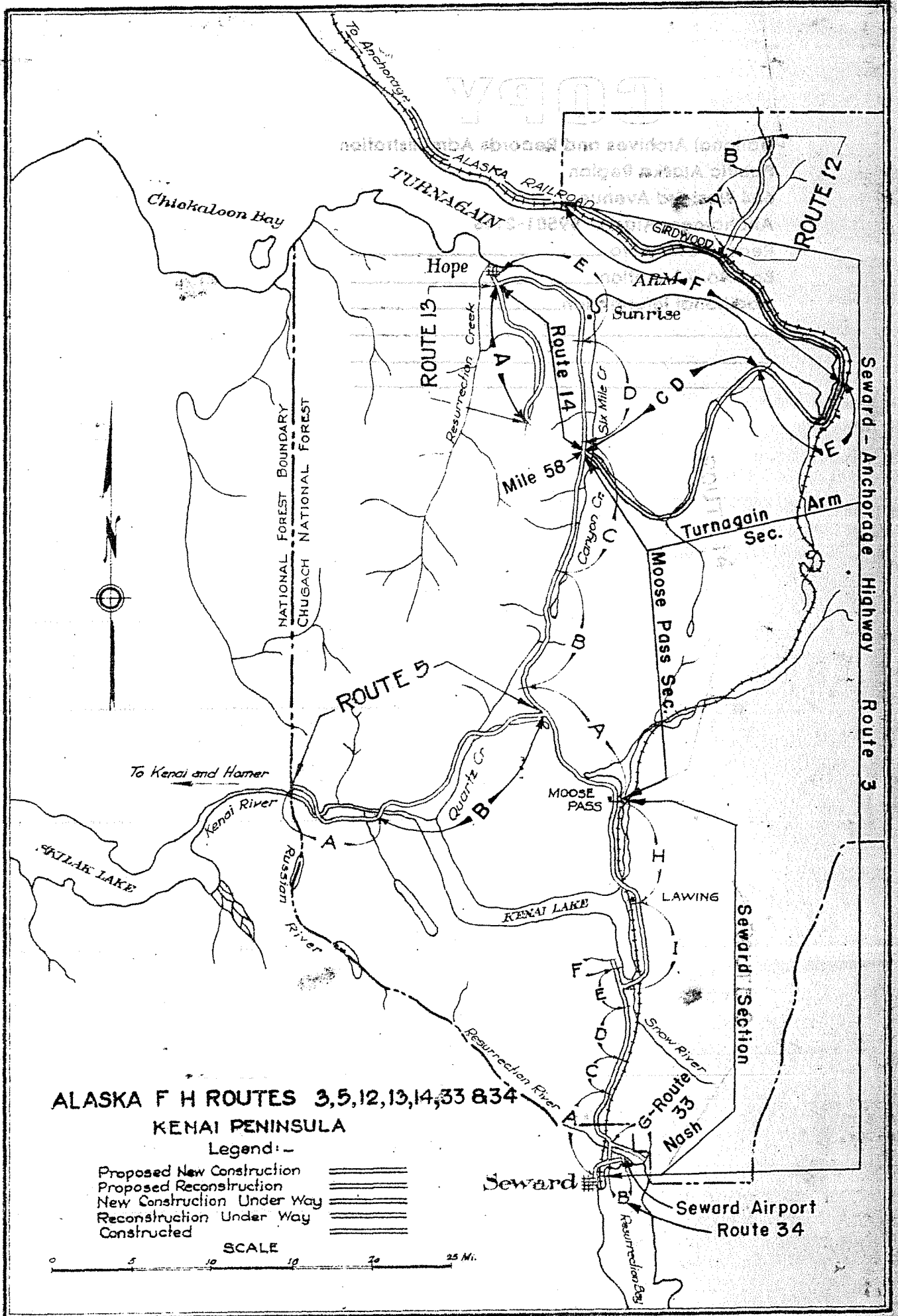
By *Chas. G. Burdick*
Acting Regional Forester

TERRITORIAL BOARD OF ROAD COMMISSIONERS

By *Law M. Williams*
Chairman

By *Rene Coen*
Member

By *Frank A. Metcalf*
Highway Engineer



COPY



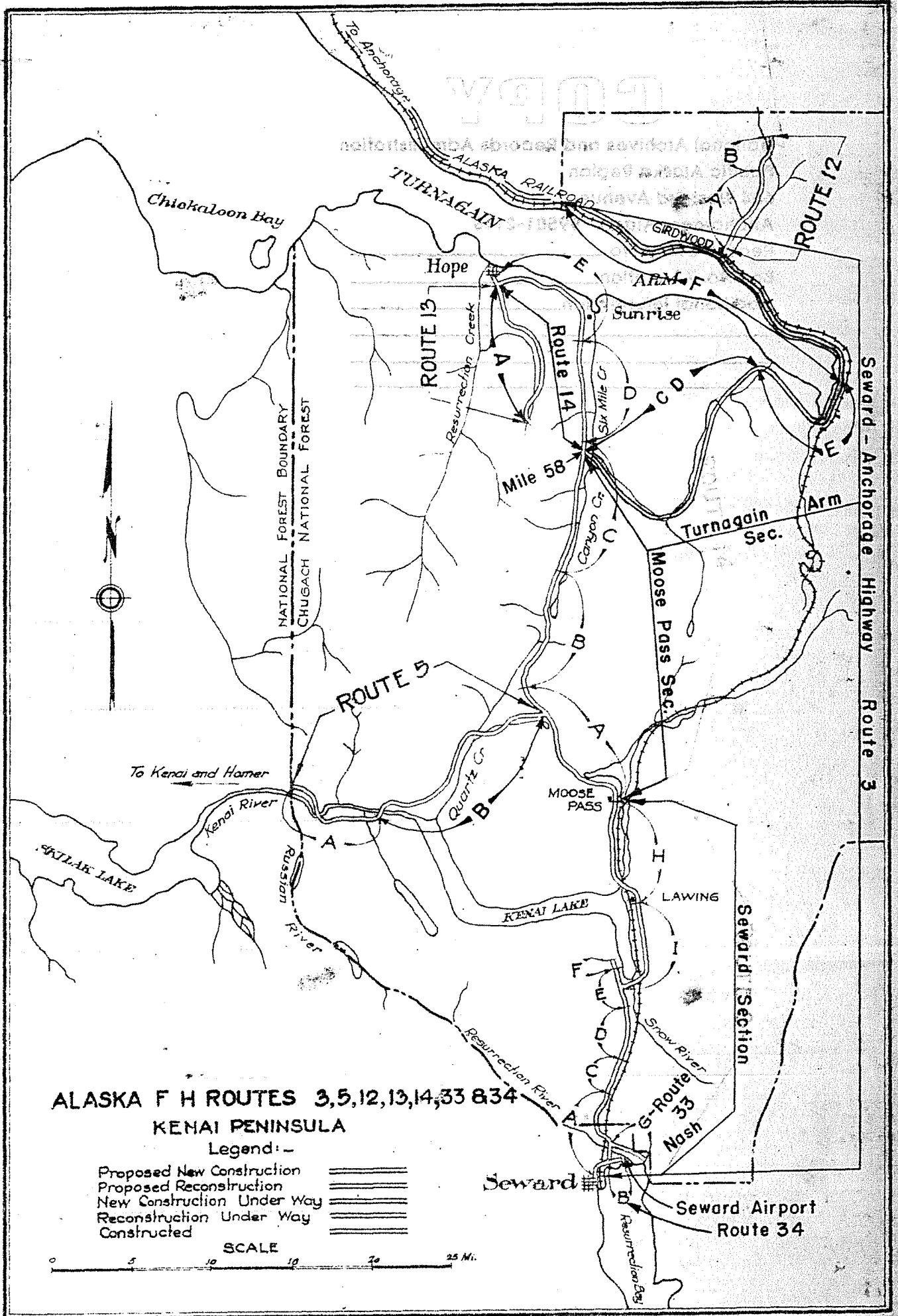
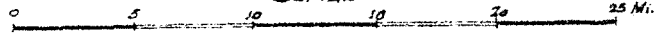
ALASKA F H ROUTES 3, 5, 12, 13, 14, 33 & 34

KENAI PENINSULA

Legend: -

- Proposed New Construction
- Proposed Reconstruction
- New Construction Under Way
- Reconstruction Under Way
- Constructed

SCALE



COPY

National Archives and Records Administration

Pacific Alaska Region

654 West 3rd Avenue

Anchorage, Alaska 99501-2145

Record Group No. 95 Records of the Forest Service

Box No. / Location 28 of 109 12/06/08(2)

Additional Information

Dept of Agriculture, Forest Service.

Region 10 (Alaska Region), Juneau, AK

Subject Correspondence, 1908-1976

File: E Roads & Trails, Systems FH 1950-55

486.8

Division No. 10
Juneau, Alaska

August 23, 1951

Hon. Ernest Gruening
Governor of Alaska
Juneau, Alaska

My dear Governor Gruening:

There is herewith enclosed a statement of the activities of the Bureau of Public Roads for the fiscal year ending June 30, 1951.

Very truly yours,

HUGH A. STODDART
Division Engineer

Enclosure

HAS:pm

cc: Files

STATEMENT OF ACTIVITIES OF THE BUREAU OF PUBLIC ROADS
FOR THE FISCAL YEAR ENDING JUNE 30, 1951.

The Bureau of Public Roads of the Department of Commerce is in charge of construction and maintenance of all roads on the Alaska Forest Highway system. The road program is administered by the Bureau of Public Roads, Division 10, with headquarters at Juneau. The work in the Tongass Forest in Southeastern Alaska is supervised by the Juneau District and the work in the western area in the Chugach Forest is supervised by the Seward District Office, with headquarters at Seward. The highway construction and maintenance program is financed by funds authorized by the Federal Highway Act, with funds appropriated to the Department of Commerce. The total forest highway funds expended on these activities to date is \$13,725,736.96.

During the fiscal year seven forest highway projects were under construction with a total contract amount of \$2,301,745. Of these projects two on the Seward-Anchorage Highway, near Seward, were completed during the year. The most important construction projects included grading of two sections of the Tongass Highway in the vicinity of Ketchikan, with one project providing for a highway relocation to permit construction of a pulp mill at Wards Cove and the other section located south of Ketchikan providing for reconstruction of 2.7 miles of substandard highway in the vicinity of Mountain Point. Other improvements include reconstruction of the Glacier Highway extending 3.3 miles north of the Juneau airport and 10.8 miles of the Sterling Highway between the Seward-Anchorage Highway and the bridge over the Kenai River.

Under an authorization contained in the 1950 Federal Highway Act, \$3,500,000 was appropriated for improvement of several projects in the vicinities of Ketchikan, Juneau and Sitka that are considered to have the highest priorities for reconstruction. It is expected that contracts for projects in the vicinity of each of these cities will be awarded in the near future. Funds were programmed for projects in the vicinities of Wrangell and Petersburg to provide for extensions to the existing roads near these cities.

Construction of the 49.1 miles of the Turnagain Arm project being supervised by the Bureau of Public Roads was substantially complete at the end of the fiscal year. This work is being constructed under five contracts, with a total value of \$7,195,778.76. Construction of the existing forest highway between the southerly end of the Turnagain Arm project and Seward was begun. This work is being financed with Department of the Interior funds with the Bureau supervising the construction under an agreement with the Alaska Road Commission. Six contracts have been awarded to provide for the grading and bridge construction, with the total contract amount of \$6,357,734. At the end of the fiscal year this work was 15 percent complete. Upon completion of the work, which is scheduled for December 1951, a roadway capable of carrying heavy truck traffic will have been provided between Seward and Anchorage.

The original four projects included in the interdepartmental agreement with the Alaska Road Commission for improvement of interior roads in Alaska were completed in the fall of 1950. These four projects

included the westerly 48 miles of the Glenn Highway, 97.1 miles of the Richardson Highway between Fairbanks and Big Delta, and a section of the Alaska Highway 65.6 miles in length. The aggregate amount of these contracts was \$8,359,887.20. Under an extension of this agreement, two additional contracts were awarded for similar work. One section extends south from Big Delta to Rapids on the Richardson Highway and the other is located on the Alaska Highway between Big Delta and Johnson River. The total amount of these two contracts is \$3,655,482. The extension of the agreement also provides for paving of the Seward to Girdwood section of the Seward-Anchorage Highway. This work will be contracted in the fall of 1951 and completed in 1952.

LIST OF BUREAU OF PUBLIC ROADS PERSONNEL
As of June 30, 1951

<u>Title of Position</u>	<u>Name of Employee</u>	<u>Town in which Headquartered</u>
Division Engineer	Hugh A. Stoddart	Juneau, Alaska
Administrative Officer	Paul A. Doyle	Juneau, Alaska
District Engineer	B. M. French	Seward, Alaska
District Engineer	C. F. Wyller	Juneau, Alaska
Resident Engineer	Thomas R. Brown	Sitka, Alaska
Maintenance Foreman	Clyde B. Hager	" "
Highway Engineer	E. W. McCann	Ketchikan, Alaska
Maintenance Foreman	C. F. McKenzie	" "
Acting Foreman	R. O. Lidsley	Wrangell, Alaska
Assistant Foreman	Wm. E. Kilroy	Hyder, Alaska
Assistant Foreman	Cecil H. Donahue	Petersburg, Alaska
Assistant Foreman	Gilvert A. Vanborg	Cordova, Alaska

TABLE 8 W

Federal Funds Other Than Forest Highway Funds
Used for Construction of Forest Highways
in Alaska as of June 30, 1950
1951

481 ?

Route	Highway	Class Forest Highways	Alaska Road Commission	PWA	CCC	CAA	Defense Access	Totals
1	✓ Tongass	3	16,325				36,551	52,876
2	✓ Glacier	3	175,910				514,459	690,369
3	Seward	3	44,181					44,181
4	✓ Cordova	3	7,736					7,736
5	✓ Kenai River	3			55,054			55,054
7	Mitkof	3	10,264					10,264
9	Salmon River	3	64					64
11	Sitka	3	6,275					6,275
12	Crow Creek	3	892					892
13	Palmer Creek	3	-					-
14	Moose Pass	3	30,728					30,728
16	Wrangell	3	11,254					11,254
17	Skagway	3	7,517					7,517
18	Texas Creek	3						-
26	Point Agassiz	3						-
30	Agofnak Lake	3						-
31	Douglas	3	32,020	255,000				287,020
32	Copper River	3				166,000		166,000
	<u>Totals</u>		<u>343,166</u>	<u>255,000</u>	<u>55,054</u>	<u>166,000</u>	<u>551,010</u>	<u>1,370,230</u>

HENRY RODEN, Member

TERRITORY OF ALASKA
Office of
HIGHWAY ENGINEER
HIGHWAY PATROL
and
SUPERINTENDENT OF PUBLIC WORKS
Juneau, Alaska

ACTION	INFO	
		STODDART
		REHER
		FLINT
		BLACKWELL
		L. MILLER
		KIELY
		McGILL
		HOLMQUIST
		J. MILLER
		EQUIP. DEPOF
		ANSWERED BY

November 25, 1949

Mr. H. A. Stoddard
Division Engineer
Bureau of Public Roads
Juneau, Alaska

Dear Mr. Stoddard:

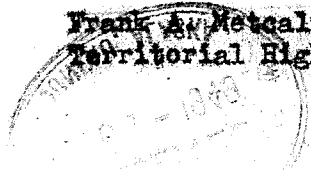
As, I believe, he mentioned to you recently on the phone, Governor Gruening was informed by Mr. Thomas H. MacDonald, Commissioner of Public Roads, in Washington, that the function of budgeting for the construction and maintenance of forest highways has been taken over by the Bureau of Public Roads from the Department of Agriculture. It is the Governor's desire at this time to review the program of forest road construction and maintenance in Alaska to assure himself of its adequacy.

The Governor was further informed by Mr. MacDonald that detailed data on this program should be obtained from you. It is therefore requested that you inform him of the various projects now carried in the program of construction and maintenance of forest roads in Alaska, and also furnish any data on future plans that you may have.

It is considered essential that this material be made available promptly as there is only a limited time available for the Governor to make his review before the program comes up for budgetary action by the Bureau of Public Roads.

Sincerely yours,

Frank A. Metcalf
Territorial Highway Engineer



Handwritten notes: 48618, metcalf, and initials.

COPY

National Archives and Records Administration
Pacific Alaska Region

654 West 3rd Avenue

Anchorage, Alaska 99501-2145

Record Group No. 30 AK Road Commission

Box No. / Location # 53 10/06/08(6)

Additional Information _____

Bureau of Public Roads Project

Correspondence - Juneau, AK - 1916-1959

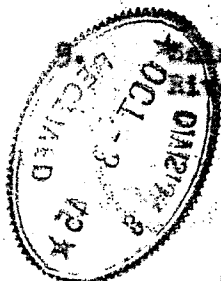
File = ~~446.8~~

486.8 From June 22, 1948 to
December 31, 1951

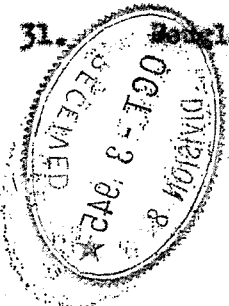
1.3 Alaska

ALASKA FOREST HIGHWAY SYSTEM
AS OF SEPTEMBER 1, 1946

<u>Route Number</u>	<u>Name</u>	<u>Termini</u>	<u>Miles Approx. Length</u>	<u>Class</u>	<u>Remarks</u>
1.	Tongass Hwy.	Beaver Falls Creek-Loring, excluding portions within Ketchikan town limits.	49.8	3	
2.	Glacier Hwy	Thane-Kobo Cove, including Mendenhall Loop and roads from Juneau town limits to Alaska-Juneau Camp, from Mile 8 to Aviation Field, from Mile 12 to Mendenhall Glacier, from Mile 12 to Fritz Cove, from Mile 17 to Point Lena and from Mile 25 to Eagle River landing, and excluding portion within Juneau town limits.	57.5	3	
3.	Seward Hwy	Head of Resurrection Bay-Moose Pass Station, including roads from Mile 1 to Aviation Field, from Mile 3 to Nash and from Mile 18 to Porcupine Creek.	34.2	3	
4.	Cordova Hwy	Whitshed Radio Towers-Power Creek, excluding portion within Cordova town limits.	20.0	3	
5.	Kenai River Hwy Mile 8 (Moose Pass Hwy-West Boundary Chugach National Forest.		18.8	3	
7.	Nitkof Hwy	Skylark Creek at Petersburg-Power Plant at Blind River, including road from Mile 11 to Papke's Landing.	17.0	3	
		Hyder Dock-International Boundary at Boundary Creek, including road from Mile 1 to International Boundary at Hyder.	12.140	3	



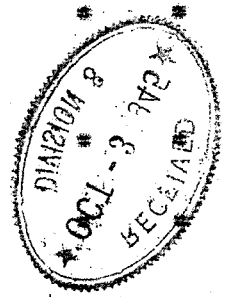
<u>Route Number</u>	<u>Name</u>	<u>Terminal</u>	<u>Miles Approx. Length</u>	<u>Class</u>	<u>Remarks</u>
11	Sitka Hwy.	Old Sitka-Sawmill Creek, excluding portion within Sitka town limits and Sitka National Monument.	12.9	3	
12.	Crow Creek Hwy.	Girdwood Station-Cache at Milk Creek.	7.775	3	
13.	Palmer Creek Hwy.	Mile 45 (Moose Pass Highway)-Hershey Mine.	11.925	3	
14.	Moose Pass Hwy.	Moose Pass Station-Hope Landing.	46.0	3	
16.	Wrangell Hwy.	A. P. A. Cannery-Beach at Pat Creek, including road from Mile 1 (South) to Municipal Float and excluding portion between north town limits of Wrangell and Mill Pond Creek.	13.6	3	
17.	Skagway Hwy.	Town limits of Skagway-mouth of Denver Creek.	7.0	3	
18.	Texas Creek Hwy.	Mile 9 (Salmon River Highway) - head of Texas Creek.	11.696	3	
26.	Point Agassiz Hwy.	Mouth of Kuddy River - mouth of Patterson River, including road from Mile 2 to Point Agassiz Landing.	8.0	3	
30.	Afognak Lake Hwy.	River Mouth Point on Afognak Bay - Fish Hatchery at Afognak Lake.	4.534	3	
31.	Douglas Hwy.	Douglas town limits - Fritz Cove, including bridge from Juneau to Douglas Island.	11.0	3	
TOTAL			343.870		



ROUTES TRANSFERRED

No longer on the Forest Highway System

Route Number	Name	Terminal	Approx. Length Miles	Class	Remarks
6	Katalla Highway	Chilkat Cannery-Softuk Bay	19.0	3	Transferred to Forest Service
10	Takutat Highway	Anchorage at Takutat - J. Hill. & L. Cannery	1.426	3	" " " "
15	Petersburg Creek Highway	Indian Cemetery - Head of Petersburg Slough	6.0	3	" " " "
19	Kake Highway	Government School at Kake - Anchorage	3.0	3	" " " "
20	Hydaburg Highway	Cannery Dock - North Bdy. Hydaburg Town Site Wilm.	0.903	3	" " " "
21	Resurrection Creek Highway	Mile 45 (Moose Pass Hwy.) - Head of Resurrection Creek	23.0	3	" " " "
22	Angoon Highway	Government School at Angoon - Killisnoo Hbr.	2.7	3	" " " "
23	Cartina Highway	Mission Street in Koonah-Cause Creek	7.0	3	" " " "
24	Tenakee Highway	West Bdy. Tenakee Town-site Wilm. - S.P.C. Cannery	5.0	3	" " " "
27	Hill Creek Highway	Beach at Hill Creek-Ground Hog Basin	4.0	3	" " " "
25	West Coast Highway	Third Street in Craig - Third Street in Klwagak	7.7	3	" " " "
29	Johnson Pass Highway	Johnson Pass Station - Mile 29 (Moose Pass Highway)	22.0	3	" " " "
			<u>105.731</u>		TOTAL Miles



3

COPY

National Archives and Records Administration

Pacific Alaska Region

654 West 3rd Avenue

Anchorage, Alaska 99501-2145

Record Group No. 30 AK Road Commission

Box No. / Location 31 10/05/11 (2)

Additional Information

Bureau of Public Roads Program

Planning & Research Correspondence

Ineav, AK 1905-1959

File: 1.3 Alaska Forest Highways and Federal Aid #1 [4]

RULES AND REGULATIONS
FOR ADMINISTERING FOREST HIGHWAYS

BASIS

Applicable portions of the Federal Highway Act, approved November 9, 1921, especially section 23 of the said act (42 Stat. 218; 23 U.S.C. 23), as amended and supplemented, and section 6 of the act approved September 5, 1940 (54 Stat. 869; 23 U.S.C. 23b).

REGULATION I. DEFINITIONS

For the purpose of these regulations the following terms, respectively, shall mean:

Sec. 1. *Secretary.* The Secretary of Agriculture of the United States.

Sec. 2. *Administrator.* The Federal Works Administrator of the United States.

Sec. 3. *Commissioner.* The Commissioner of Public Roads, Public Roads Administration, Federal Works Agency.

Sec. 4. *Forester.* The Chief of the Forest Service of the Department of Agriculture.

Sec. 5. *State.* Any State, Territory, or insular possession eligible to receive forest highway funds.

Sec. 6. *State Highway Department.* As defined in the Federal Highway Act.

Sec. 7. *County Authorities.* The commissioners, supervisors, or other officials charged by law with the selection of roads in a county, road district, or town, and with the expenditure of funds for road building and maintenance.

Sec. 8. *Division Engineer.* The division engineer of the Public Roads Administration.

Sec. 9. *Regional Forester.* The regional forester of the Forest Service.

Sec. 10. *Forest Roads.* Roads wholly or partly within, adjoining or adjacent to and serving the national forests.

Sec. 11. *Forest Highways.* Those forest roads of primary importance to the State, counties or communities and which are selected and designated by the Secretary and the Administrator as constituent parts of a forest highway system.

Sec. 12. *Forest Highway Fund.* Any authorization or appropriation made for forest highways.

Sec. 13. *Construction.* Reconstruction and improvement of roads as well as original construction.

Sec. 14. *Highway Planning Survey.* The nation-wide cooperative survey of highways and highway transportation by the highway departments of the States and the Public Roads Administration.

Sec. 15. *Maintenance.* The preserving and keeping, through constant attention, of each roadway and roadside structure and facility as nearly as possible in its original condition as constructed, or as subsequently improved, to provide satisfactory and safe highway service.

REGULATION 2. APPORTIONMENT

Sec. 1. From such information, investigations, and sources as the Forester shall deem most accurate he shall prepare a tabulation showing the areas and value of the national forest land in each State, including the value of forage and timber. This tabulation, when approved by the Secretary, shall serve as the basis of apportionment for the forest highway fund.

Sec. 2. On or before January 1 of each year the Secretary shall apportion among the several States, Alaska and Puerto Rico the forest highway fund authorized for the next succeeding fiscal year as follows: One-half in the ratio that the area of national forest land in any State bears to the total area of such land in all States, and one-half in the ratio that the value of national forest land in any State bears to the total value of such land in all States, subject to any modifications that future legislation may require.

Sec. 3. Ten percent not exceeding \$100,000 of the amount so apportioned to each State shall be held as a reserve and the balance shall be made available immediately after apportionment for the forest highway work program. Allotments will be made from this reserve for administration and, in special cases, to programmed projects. Any balances in the reserve will be entirely released for programming not later than the date of the apportionment of the succeeding fiscal year authorization. At the beginning of the fiscal year for which the funds are authorized, allotments will be made from the reserve to cover the administrative requirements of the Public Roads Administration and the Forest Service.

REGULATION 3. THE FOREST HIGHWAY SYSTEM

Sec. 1. Forest Highways shall be determined by the Secretary and the Administrator and shall be classified as follows:

- Class (1) All forest highways on the Federal-aid highway system.
- Class (2) All forest highways which are on an approved primary State highway and not in class (1).
- Class (3) All forest highways on the secondary or feeder roads system and any other forest road, of primary importance to the counties or communities, when designated as a forest highway.

Sec. 2. The forest highway system previously approved by the Secretary may be increased or decreased in mileage by addition or deletion of sections from time to time, in accordance with the following procedure:

The division engineer shall request from each State highway department a map showing the roads within or adjacent to the national forests which the State Highway Planning Survey shows to be of primary importance to the States, counties, or communities and which, therefore, may be proposed for inclusion in the forest highway system. The division engineer will furnish a copy of this map to the regional forester for his comments and suggestions. Subsequently the division engineer will arrange a conference with the State highway department and the regional forester to agree on recommendations of routes to be included in the forest highway system. A map of the routes selected at this conference shall be submitted by the Commissioner and the Forester, with their recommendations, to the Secretary and to the Administrator for final action.

REGULATION 4. SELECTION OF FOREST HIGHWAY PROGRAM

Sec. 1. After each authorization of appropriations by Congress for forest highways the division engineer shall request each State highway department to submit to him and to the regional forester a map and a corresponding list of forest highway projects proposed for the fiscal period covered by such authorization, including its recommendations on all projects proposed to it by counties, communities, or other agencies.

The regional forester may call upon the division engineer for any necessary investigations to supply him accurate and full

information on any projects proposed by the State or county.

Sec. 2. Projects included in the forest highway programs shall be based upon the following considerations:

- (1) Provision for the maintenance of roads existing or under construction.
- (2) The completion of necessary surveys.
- (3) Findings of the highway planning survey.
- (4) Benefit to forest development, protection, and administration, as indicated by the transportation plan of the Forest Service.
- (5) Construction correlation with military requirements and with adjacent Federal and State road programs.
- (6) The economy of continuity of operations and ability of cooperators to maintain adequately the improvement.

Sec. 3. Within sixty days following the receipt of the maps and lists required by Section 1, the division engineer shall arrange for a joint conference with the State highway department and the regional forester for consideration of a program for the fiscal period of the authorization. A joint report of this conference shall be filed by the division engineer with the Commissioner and by the regional forester with the Forester.

Sec. 4. Following the joint conference report the Commissioner and the Forester each year shall prepare a Forest highway work program for the ensuing fiscal year, and following the Secretary's apportionment, as provided in Regulation 2, the Commissioner shall submit such work program to the Administrator and the Secretary for their approval.

Sec. 5. The approved forest highway work program may be modified on recommendation of the Commissioner and the Forester with the approval of the Administrator and the Secretary.

REGULATION 5. COOPERATIVE AGREEMENTS

Sec. 1. A cooperative agreement for any project which involves financial contributions for construction or maintenance from cooperators shall be approved prior to beginning work thereon.

Sec. 2. Negotiations for cooperative agreements shall be conducted by the division engineer and the detailed provisions shall be agreed upon by him and the cooperator. All cooperative agreements shall be prepared on forms furnished by the Commissioner for execution by him and the cooperator.

Sec. 3. No work under a cooperative agreement involving forest highway funds shall be advertised, no contracts let, nor any construction started without the prior approval of the division engineer.

REGULATION 6. SURVEYS

Sec. 1. A location survey, plans, specifications and estimate of cost for projects to be included for construction in any present or future forest highway work program, under allotments set up as provided hereinafter in Regulation 9, shall be made by the division engineer as soon as practicable, unless otherwise specifically directed by the Commissioner. Roads that ultimately may become a part of the forest highway system may be programmed for preliminary location survey and corresponding estimate of cost in the same manner as location surveys are programmed for adopted forest highways.

Sec. 2. Before the completion of a survey, the regional forester shall be notified in writing so that he shall have opportunity to examine the surveyed line or the location map and to indicate any details of location desirable for the protection or development of the national forests.

REGULATION 7. CONSTRUCTION

Sec. 1. No construction shall be undertaken upon any designated part of the forest highway system by any Federal agency until a survey and cost estimate have been made by the division engineer and approved by the State highway department and the Commissioner, unless otherwise specifically authorized by the Commissioner; but the Forest Service may make temporary repairs on forest highways or construct timber utilization roads on the forest highway system following as closely as practicable reconnaissance surveys made by the Commissioner at the request of the Forest Service.

Sec. 2. Upon approval by the Commissioner, the division engineer may begin construction of projects carried in the approved forest highway work program.

Sec. 3. Expenditures authorized in the work program for any construction project may be increased or decreased by the Commissioner by not to exceed 25 percent by transfer between projects or from any unprogrammed balance or from the reserve. Any construction project substantially deviating, in the opinion of the Commissioner, from the project as approved in the forest highway work program or on

which the cost will exceed by more than 25 percent the expenditure authorized therein, shall be reprogrammed.

Sec. 4. Unless otherwise authorized by the Commissioner all construction of forest highways will be by the contract method and he shall accept or reject proposals from bidders on any forest highway construction projects and execute any necessary contracts and supporting bonds therefor. If it is impractical to construct a project or any part thereof by the contract method, the Commissioner may proceed as authorized by paragraph (d), Section 23, of the Federal Highway Act.

Sec. 5. Construction work on projects shall not be considered complete until the project has been inspected and approved by the division engineer and by the State highway department or cooperating agency, as the case may be, nor until the regional forester has approved the clearing and disposal of refuse.

REGULATION 8. MAINTENANCE

Sec. 1. All maintenance work on all programmed forest highway projects during construction and after completion shall be performed by the Public Roads Administration unless otherwise directed by the Commissioner or specified by cooperative agreement with the State or local authority.

REGULATION 9. RECORDS AND ACCOUNTING

Sec. 1. Following each forest highway appropriation, lump sum allotments shall be set up by the Secretary to the Public Roads Administration and the Forest Service to cover the estimated requirements of each agency based on the approved work program. These cash allotments shall be available for disbursement on vouchers approved by authorized officers of the appropriate agency for:

- (1) Authorized expenditures for survey and construction on all forest highway projects in the approved work program.
- (2) Current costs of maintenance as estimated by the division engineer on all forest highway projects to be maintained by the Public Roads Administration in accordance with the approved program.
- (3) Administrative expenses.

Sec. 2. Each equipment depot under the jurisdiction of the Public Roads Administration shall be operated on a self-sustaining

basis. Work done for other agencies will be on actual cost basis including overhead. Projects on which equipment is used will be charged with the cost of such equipment on a depreciation or appropriate rental basis. The purchase of equipment and operation of these equipment depots will be paid from available forest highway cash and such expenditures will be carried initially in a suspense account. Periodically equipment charges will be transferred to the proper projects.

Sec. 3. Cooperative funds contributed by cooperator shall be deposited in the United States Treasury to the credit of the Forest Service Cooperative Fund authorized by the Act of June 30, 1914 (16 U.S.C., Sec. 498), which deposits will be made available for expenditure by the agency concerned from the appropriation "Cooperative Work, Forest Service, Trust Fund" (Act of June 26, 1934, 31 U.S.C., Sec. 725s), and shall be audited, disbursed, and recorded in the same manner as funds under the Federal Highway Act. Cooperative expenditures made by cooperators shall be audited and disbursed as provided in the cooperative agreement.

Sec. 4. The Commissioner shall keep all records which he deems necessary of survey, construction, and maintenance costs for projects under his supervision and will furnish the Forester and any cooperating agency with a copy of a final report showing the accomplishments and expenditures on each project completed.

REGULATION 10. COMMISSIONER'S REPORT

Sec. 1. Not later than September 15 each year the Commissioner shall submit to the Administrator and to the Secretary a report covering the operations on the forest highway system for the preceding fiscal year, showing the current status of surveys, construction and maintenance and with such recommendations as he shall consider desirable. This report shall contain sufficient data upon which to base the report to Congress on forest highway work required by Section 19 of the Federal Highway Act.

REGULATION 11. APPLICATION OF REGULATIONS

Sec. 1. These regulations shall take effect upon approval and shall supersede the rules and regulations approved by the

Secretary of Agriculture for administering forest roads and trails
on March 11, 1922, as amended.

APPROVED:

Date April 17, 1945

Claude R. Wickard
Secretary of Agriculture

Date May 10, 1945

Philip B. Fleming
Federal Works Administrator

ALASKA ROAD COMMISSION
Juneau, Alaska

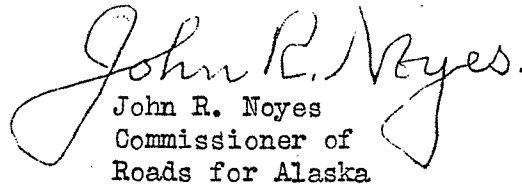
September 29, 1949

A.R.C. MEMORANDUM NO. 43

SUBJECT: Re-classification of Through Route

The road now under construction extending from Anchorage to Seward, being one of the most important roads in Alaska, is hereby re-classified as a Through Route.

This replaces the previous classification of this road as a Feeder or Secondary Route.


John R. Noyes
Commissioner of
Roads for Alaska

CC: Governor Gruening
Mr. Stoddart, Bureau of Public Roads
Division of Territories & Island Possessions

COPY

13

National Archives and Records Administration
Pacific Alaska Region
654 West 3rd Avenue

Anchorage, Alaska 99501-2145

Record Group No. 30 AK Road Commission

Box No. / Location #5 10/05/09 (2)

Additional Information _____

Bureau of Public Roads Program

Planning + Research Correspondence.

Juneau, AK, 1905-1959

File: FH 14, 610.050 Correlation of BPR + ARC

UNITED STATES GOVERNMENT -Forest Service
Juneau, Alaska*Memorandum*

5460

TO : M. B. Bruce, Assistant Regional Forester DATE: June 19, 1961

FROM : S. R. Johnson, Section Head, Land and Uses.

SUBJECT: Rights-of-Way Acquired

In regard to your request to check all possibilities for needed rights-of-ways, especially in connection with State selections, I have done the following:

1. Reviewed the transportation plan and listed all possible needs by forests. Requested forest supervisors to list their needs by memorandum of May 9. All forests have replied as follows:

Chugach - Only needs are in the Portage area. Surveys are being made for determination of best routes. Will be completed this summer, which should be soon enough to have recorded. Possibly under 44 LD 513.

South Tongass - Listed only Whipple Creek #5152, which we will attempt to have entered under 44 LD 513.

WMB
North Tongass - Listed two Forest Highways, thirteen Forest Development Roads and eight Trails, as shown on the attached list. Some of these are existing and may be handled under 44 LD 513, or may cross private (two trails), two to three may be either all within national forest or all within Public Domain (Dewey Lake Trail). Six items are within areas that are not believed will be selected for some time.

As soon as I have reviewed these I will take the necessary steps to have rights-of-ways secured or recorded.

Attachment

S. R. Johnson

COPY

National Archives and Records Administration

Pacific Alaska Region

654 West 3rd Avenue

Anchorage, Alaska 99501-2145

Record Group No. 95 Records of the Forest Service

Box No. / Location 2 of 71 12/02/09(4)

Additional Information _____

Dept of Agriculture - Forest Service

Region 10 (Alaska Region) - Juneau, AK

Regional Correspondence, 1908-1976

File: 5460 Rights-of-way Acquired

NOTE: Use a separate form for each request.

DESCRIPTION OF RECORD(S) OR INFORMATION REQUESTED

2730 Rights of Way ✓

5420 Purchases, donations

5420 Purchases, Donations, 2 purchase ✓

5430 Exchanges

REMARKS

5460 Rights of Way Acquired, general ✓

5460 Rights of Way Acquired, Corps of Eng.

KFT Note:
These files
are missing
from USFS records
@ NARA

NATURE OF SERVICE

- FURNISH COPY OF RECORD(S) ONLY
- PERMANENT WITHDRAWAL
- LOAN OF RECORD(S)
- OTHER (Specify)

RECORD GROUP NO	ACCESSION NO.	FRC BOX NO. OR RECORDS CENTER LOCATION NO. (If known)
	21694	15

General Services Administration
Federal Records Center NARS
6125 Sandpoint Way

TO



Seattle, Washington 99815

(City)

(State)

(Zip Code)

NOTE: In Washington, D.C. area
send to STOP 386

FOR RECORDS CENTER USE ONLY

- RECORDS NOT IN CENTER CUSTODY
- RECORDS DESTROYED
- WRONG BOX NUMBER — PLEASE RECHECK
- ADDITIONAL INFORMATION REQUIRED TO IDENTIFY RECORDS REQUESTED
- MISSING (Neither record(s), information nor charge card found in container(s) specified)
- RECORDS PREVIOUSLY CHARGED

REMARKS

[Handwritten signature]

4/12/83

OUT TO (Name, agency and date):

DATE

SERVICE

TIME REQUIRED

SEARCHER'S INITIALS

FOR USE OF REQUESTER

NAME OF REQUESTER: *Evelyn Fields* TELEPHONE NO.: 907-586-7261 DATE: 4/8/83

NAME AND ADDRESS OF AGENCY: **USDA - Forest Service**
P.O. Box 1628
Juneau, Alaska 99802

(Include building, room no. and Zip Code)



(In Washington, D.C. area also include STOP number)

RECEIPT OF RECORDS

Requester please sign, date and return this form, for file item(s) listed above, ONLY if the block to right has been checked by the Records Center.

SIGNATURE

DATE

COPY

National Archives and Records Administration

Pacific Alaska Region

654 West 3rd Avenue

Anchorage, Alaska 99501-2145

Record Group No. 95 Records of the Forest Service

Box No. / Location 4 of 71 12/02/09 (4)

Additional Information

Dept of Agriculture, Forest Service.

Region 10 (Alaska Region) - Juneau, AK.

Decimal Correspondence, 1908-1976

File: [Charge out sheet]

UNITED STATES GOVERNMENT -Forest Service
Juneau, Alaska

Memorandum

5460

TO : M. B. Bruce, Assistant Regional Forester DATE: June 19, 1961

FROM : S. R. Johnson, Section Head, Land and Uses.

SUBJECT: Rights-of-Way Acquired

In regard to your request to check all possibilities for needed rights-of-ways, especially in connection with State selections, I have done the following:

1. Reviewed the transportation plan and listed all possible needs by forests. Requested forest supervisors to list their needs by memorandum of May 9. All forests have replied as follows:

Chugach - Only needs are in the Portage area. Surveys are being made for determination of best routes. Will be completed this summer, which should be soon enough to have recorded. Possibly under 44 LD 513.

South Tongass - Listed only Whipple Creek #5152, which we will attempt to have entered under 44 LD 513.

WMB
North Tongass - Listed two Forest Highways, thirteen Forest Development Roads and eight Trails, as shown on the attached list. Some of these are existing and may be handled under 44 LD 513, or may cross private (two trails), two to three may be either all within national forest or all within Public Domain (Dewey Lake Trail). Six items are within areas that are not believed will be selected for some time.

As soon as I have reviewed these I will take the necessary steps to have rights-of-ways secured or recorded.

Attachment

S. R. Johnson

5460

February 8, 1961

Mr. Phil R. Holdsworth, Commissioner
Department of Natural Resources
Box 1391
Juneau, Alaska

Dear Mr. Holdsworth:

We have reviewed the suggestion in your letter of December 9, concerning right-of-way permits with a great deal of interest. Inasmuch as we have had informal discussions on this matter and you were out of town for a considerable period, we have delayed our answer. Also, there was the matter of securing copies of the Right-of-Way Permit form DL-72 which we received a few days ago. We hope the delay has not inconvenienced you.

Your proposals appear logical and should provide a simplified system of applying for and securing needed rights-of-way.

However, before discussing this further we would like to submit the proposed Right-of-Way Application, form DL-75 as well as Right-of-Way Permit, form DL-72 to our Regional Attorney for review. After we have his comments or suggestions we will contact you for further discussion on this matter.

Sincerely yours,

P. D. HANSON
Regional Forester

By M. E. PRICE

SRJohnson:mn

48
FILE 1961

*Bruce
Thompson*



STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
Box 1391
JUNEAU

December 9, 1960

Mr. P. D. Hansen
Regional Forester
U. S. Forest Service
Department of Agriculture
Box 1631
Juneau, Alaska

Dear Sir:

Recently the problem of your agency securing rights of way across public domain lands reserved by PLO 842 has been called to our attention. Since these lands have been eliminated from the Tongass National Forest, generally in a strip along the coast, it has created in these areas a problem of access. We realize that in order to properly manage timber sales in areas lying back of this strip, suitable road rights of way must be protected.

We would suggest that the State of Alaska through its selection program acquire title to the lands included within PLO 842. As the agency that will succeed the Bureau of Land Management in the administration of these lands, we wish to cooperate with your agency to insure the necessary access to the National Forest. We would, therefore, suggest that you submit to the Division of Lands applications for rights of way you anticipate needing, utilizing form DL-75, copy of which is attached. The Division of Lands would then make note of these, and upon receiving title to the land involved would note their land office records accordingly. Thus without waiting, action can be initiated to insure the rights of way you desire prior to any land disposals by the State.

If you are in agreement with this procedure, we would be glad to discuss the matter with you in more detail and will furnish you with the necessary supply of forms.

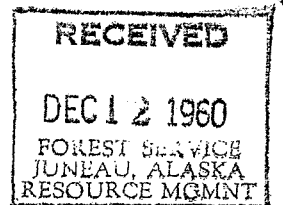
Sincerely yours,

Phil R. Holdsworth

Phil R. Holdsworth
Commissioner

PRH'cm
enc.

cc - Division of Lands



*24
D.H.T.*

Memorandum.

U. S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
WASHINGTON 25, D. C.

R-10
Harmon
J. J. [unclear]

File No. 5460

To : Regional Foresters

Date: June 27, 1960

From : A. G. Lindh, Director, Division of Land Adjustments

Subject: Rights-of-Way Acquired. General Counsel's Opinion No. 88

Reference is made to our June 9, 1960 memorandum designated Rights-of-Way Acquired. ^{*attached*}

In the application of General Counsel's Opinion No. 88 to right-of-way cases, please observe the following rules:

1. Hereafter deeds containing the type of reservation in question should not be accepted.
2. No action will be required where the deed conveying the right-of-way was recorded and the title to the easement was approved by the Attorney General or by the regional attorney or attorney in charge, as the particular case required, prior to date of receipt of this memorandum.
3. Where the deed conveying the right-of-way has been recorded, or accepted for record by the Forest Service, the case may be submitted for title approval by the Attorney General or for approval by the OGC field office, as the particular case may require, provided (1) a correction deed in acceptable form is executed and recorded, or (2) the grantor is advised in writing that the reservation is considered invalid, or (3) the title folder is amended to show that the grantor's use of the road under the purported reservation in the deed to the United States will not exceed the use of said road allowed grantor as an adjacent landowner and member of the traveling public.

AGL

If you have any questions we will be glad to have them before the material is placed in the Handbook.

Geopjes rec'd
Copies sent: Engineering (1)
6/28/60 Chugach (2)
W. Jorgass (2)
S. ✓ (2)

A. G. Lindh

RECEIVED
JUN 28 1960
FOREST SERVICE
JUNEAU, ALASKA
RESOURCE MGMT.

Memorandum.

U. S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
WASHINGTON 25, D. C.

File No. 5460

To : Regional Foresters

Date: June 27, 1960

From : A. G. Lindh, Director, Division of Land Adjustments

Subject: Rights-of-Way Acquired. General Counsel's Opinion No. 88

Reference is made to our June 9, 1960 memorandum designated Rights-of-Way Acquired.

In the application of General Counsel's Opinion No. 88 to right-of-way cases, please observe the following rules:

1. Hereafter deeds containing the type of reservation in question should not be accepted.
2. No action will be required where the deed conveying the right-of-way was recorded and the title to the easement was approved by the Attorney General or by the regional attorney or attorney in charge, as the particular case required, prior to date of receipt of this memorandum.
3. Where the deed conveying the right-of-way has been recorded, or accepted for record by the Forest Service, the case may be submitted for title approval by the Attorney General or for approval by the OGC field office, as the particular case may require, provided (1) a correction deed in acceptable form is executed and recorded, or (2) the grantor is advised in writing that the reservation is considered invalid, or (3) the title folder is amended to show that the grantor's use of the road under the purported reservation in the deed to the United States will not exceed the use of said road allowed grantor as an adjacent landowner and member of the traveling public.

If you have any questions we will be glad to have them before the material is placed in the Handbook.



Memorandum

U. S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

WASHINGTON, D. C.

R-10
Harmon

File No. 5460

To : Regional Foresters

Date: June 9, 1960

From : A. G. Lindh, Director, Division of Land Adjustments

Subject: Rights-of-Way Acquired

I have had some discussion with Regions 1 and 6 regarding Opinion 88 of the Office of the General Counsel. It has been distributed to the field offices of General Counsel. It has not heretofore been distributed to the regions. Since it is of considerable importance in our rights-of-way acquisition program, copies are enclosed for your use.

You may give a copy of the opinion to the representative of any land-owner who wants to make a reservation now determined to be invalid or to any other who may want to have included such a reservation in easements in the future.

While the opinion makes it clear that a reservation by a grantor to use a road to be constructed on an easement solely at the expense of the Government is invalid, the opinion goes no further.

As a possible substitute for reserving language, it is possible to design language which in effect agrees between grantor and grantee that the grantor can use the Government road in the future, provided it meets the terms and conditions of use that would be imposed upon any other hauler of non-Federal products. Some such language as the following would give him such record rights:

RF

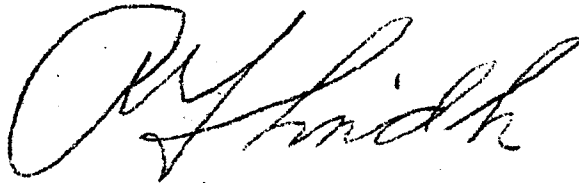
"The Grantor, its successors and assigns, shall, to the extent permitted by Federal law and regulations, have the right to use, maintain, patrol and reconstruct said road in such a manner as not unreasonably to interfere with the use of said road by the Government or its authorized users or cause substantial injury thereto; provided, that during periods when Grantor, its successors or assigns, uses said road, its use will be subject to such reasonable charges, terms and regulations as the Government may impose upon or require of haulers of forest or other products including performance of its share of road maintenance and resurfacing on the portion so used, or contributions to the cost of said maintenance and resurfacing, so that its proportionate share (based on the ratio that its hauling in MBF or other product units bears to the total MBF or other products hauled during said period of use) of the cost of maintaining and resurfacing the road to the extent necessary to restore the road to the condition existing at the start of the use will be paid or performed."

*Copies made and sent: Engineering
6/17/60 BJB
Chigach
N. Longass
S. Longass*

3975

(over)

If you develop a modification or variation of this language which you think better meets the needs in an individual case, it is requested that you have the language reviewed and approved by this office in advance of execution of an easement including it.

A handwritten signature in cursive script, appearing to read "P. J. Smith". The signature is written in dark ink and is located in the upper right quadrant of the page.

Attachment

UNITED STATES DEPARTMENT OF AGRICULTURE
Office of the General Counsel
Washington 25, D. C.

OP. GEN. COUN. NO. 88

April 18, 1960

Syllabus:

Easements - Right-of-Way

A reservation by the grantor in a deed granting to the United States an easement for a right-of-way of a right to use a road constructed on the right of way by the United States is not valid. Any use other than what could be exercised by the grantor as owner of the servient estate under State law must be pursuant to Federal laws and regulations as if no reservation had been expressly set forth in the deed.

The grant of the easement would not fail by reason of the invalidity of the purported reservation.

OPINION FOR R. E. McARDLE
Chief, Forest Service

Dear Mr. McArdle:

Reference is made to Mr. Lindh's memorandum of October 23, 1959, concerning the acquisition of rights-of-way and the effect of reservations in easement deeds for such. The memorandum refers to the Starkweather right-of-way on the Lobster Creek Road No. 343, in Curry County, Oregon, acquired by deed under the provisions of the Federal Highway Act (23 U.S.C.) for use in connection with the administration of the national forests, and to the need for a determination of property rights, if any, reserved in that case. It calls for consideration of the following specific questions:

1. Do you consider the reservation by the grantors of the right to use the road when constructed by the United States valid as to use other than what could be exercised by the grantors under State law if no reservation had been set forth in the deed to the United States?
2. If the reservation in the deed is valid, could the grantors convey rights of use in the road constructed by the United States to third parties?
3. Since the reservation does not subject the use of the road to the Secretary of Agriculture's Rules and Regulations, would the grantors, their heirs and assigns, be permitted to use the road without regard to said Rules and Regulations?

A related question is whether, if the answer to (1) is in the negative, then by reason of the invalidity of the purported reservation would the grant of the easement itself fail?

It must be borne in mind that we are concerned here with a land title question presented in a deed of conveyance to the United States. This is quite different from what the case would be if we were concerned only with what could be done by expressed or implied contract between parties who were under no disability and free to carry out the things agreed upon. We are concerned with the type of easement that is referred to as a "raw land" easement, that is, one for a right-of-way on which a road does not exist but will be constructed by the United States subsequent to the grant of the easement to it. The deed does not expressly grant an exclusive easement but does expressly reserve to the grantor a right to use the road thereafter to be constructed by the United States.

Referring to the questions in the order stated, it is our opinion, for the reasons stated below, that:

- (1) The reservation is not valid. Any use other than what could be exercised by the grantor as owner of the servient estate under State law must be pursuant to Federal laws and regulations as if no reservation had been expressly set forth in the deed.
- (2) If the reservation were valid, by its terms the right of use thereunder in the road constructed by the United States could be conveyed by the grantor to third parties.
- (3) If the reservation were valid, the grantor, his heirs and assigns could use the road constructed by the United States subject only to rules and regulations issued by the Secretary of Agriculture and in effect on the date of his conveyance to the United States.

The grant of the easement would not fail by reason of the invalidity of the purported reservation. The general rule may be stated thus, if a reservation is void, either for repugnancy or because it is contrary to law, the result is to leave the conveyance absolute. Thompson on Real Property § 3471; Van Orman v. Van Orman (1942 Ind.) 41 N.E. 2d 693, 698, Tennant v. John Tennant Memorial Home (1914 Cal.), 140 P. 242.

Idaho), 215 P. 2d 297; Stevens v. Bird-Jex Co. (1933 Utah), 18 P. 2d 292; Bina v. Bina (1931 Iowa), 239 N.W. 68, 78 A.L.R. 1216.

All the above cases deal with roads that were in existence at the time that the easement was created. We have found at least one case which deals with a raw land easement where the road was constructed by the owner of the easement. This is the case of Herman v. Roberts (1890 N.Y.), 23 N.E. 442. In this case the defendant, the owner of the servient estate, had injured the road bed by drawing heavy loads over it. The court granted an injunction to plaintiff, the owner of the dominant estate, to prevent defendant from thus injuring the road bed. However, the court specifically limited the injunction and indicated that defendant could use the road so long as he did not interfere with plaintiff's rights.

We have found two other cases that may involve raw land easements. One is Campbell v. Kuhlmann (1890), 39 Mo. App. 628. The court there stated that the grant of a right of way which is not exclusive in its terms and which can be reasonably enjoyed without being exclusive leaves in the grantor and his assigns the right of user in common with the grantee.

The other case is Holbrook v. Hammond (1946 Kentucky), 192 S.W. 2d 746. In this case plaintiff, the owner of the servient estate, crossed the road and also used it longitudinally. An injunction was granted preventing defendant from interfering with plaintiff's crossing of the road. Defendant's request for an injunction preventing plaintiff from using the road was denied.

Of further interest in connection with the raw land easement problem is the case of Van Natta v. Nys, supra. While this case involved an already existing road, it also involved a road which plaintiff, the owner of the dominant estate, had improved. The court in this case gave the owner of the servient tenement and his assigns the right to use the road, quoting Tiffany and Corpus Juris Secundum at page 170. At page 173, the court says that the owner of a servient estate:

" . . . may also use the way if his use does not unreasonably interfere with the rights of the easement owner. Therefore, the issue which this case presents is this: Does the use of a way by the owner of the servient tenement to such an extent that it contributes to the way's deterioration, but leaves it intact for use by the owner of the dominant tenement, interfere with the rights of the latter to such a degree that an injunction should issue upon the application of the owner of the dominant tenement."

The answer of the court on page 176 is:

"If the defendant's use of the road contributes to its depreciation, the appropriate remedy for the plaintiff is a decree requiring the defendant to bear a proportionate share of the expense of maintaining the road."

Attention is also called to the case of City of Pasadena v. California-Michigan Land & W. Co. (1941 Cal.), 110 P. 2d 983, a pipeline case. The court there stated at page 985:

"The general rule is clearly established that, despite the granting of an easement, the owner of the servient tenement may make any use of the land that does not interfere unreasonably with the easement. (Citations omitted.) It is not necessary for him to make any reservation to protect his interest in the land, for what he does not convey, he still retains."

In this case, however, the servient owner was not claiming any right to use the pipeline placed on the easement by the grantee.

In line with the above authorities we believe that the grantor of a raw land easement for a road has a right, without an express reservation thereof, to use the surface of the right-of-way and the road constructed thereon by the grantee if such use does not interfere with use by the grantee. Herman v. Roberts, supra. We do not find in the common law, however, support for a conclusion that by means of a reservation in an easement deed the grantor thereby becomes vested with any greater right to the use of a road subsequently constructed by the grantee than would have been the case without such a reservation.

Even if it be assumed that between private parties the grantor of an easement for a road may, by a reservation in the deed, have a right by implied grant or otherwise to use the road subsequently constructed by the grantee, there nevertheless are restrictions and limitations imposed upon Government officials that would in our opinion preclude the enforcement of such a right where the United States is the grantee. The Constitution, Article IV, Section 3, Clause 2, provides that Congress shall have the power to dispose of and make all needful rules and regulations respecting the property belonging to the United States. It prescribes the terms and conditions under which its property may be used or disposed of. Administrative officials of the Government have no authority to dispose of its property, in this case the road constructed by it, agree to dispose of it, or agree to a condition that prevents full enjoyment by the United States of the benefits it has purchased or otherwise obtained therein except as authorized by Congress. United States v. California, 332 U.S. 40 (1947); United States v.

County of Allegheny, 322 U.S. 174 (1944); United States v. San Francisco, 310 U.S. 16 (1940); Dale v. Lannon, (1955 N.M.) 279 P. 2d 624; 41 Ops. Atty Gen. No. 39; 39 id. 373; 20 id. 93; 16 id. 152; 4 id. 480.

In line with the view that the estate or interest brought into being by a reservation is created by carving out and taking back a part of the estate or interest granted, and the further view that where it purports to vest rights in the grantor to use improvements subsequently constructed by the grantee its validity must rest upon its force as a grant from or contract with the grantee, the validity of such rights must rest, where the United States is the grantee, upon express statutory authority. We find no such authority where the purported reservation pertains to improvements constructed by the United States subsequent to the grant.

If the agreement pursuant to which the easement is granted contemplates as part of the consideration therefor a vested right of use by the grantor in the road to be constructed by the United States, then it is unauthorized. In the acquisition of an easement or other interest in land by the United States any consideration to be granted or paid, except it be specifically authorized by statute, must be appropriated therefor and available for obligation at the time the deed is executed, or if a prior contract of purchase is entered into it must be available for obligation at that time. 41 U.S.C. 11; 23 U.S.C. 203; 31 U.S.C. 627, 665; Leiter v. United States, 271 U.S. 204 (1926); 28 Comp. Gen. 553; 4 id. 371. In the absence of specific statutory authority, the consideration cannot properly take the form of services rendered by the United States (as by constructing the road) or permitted use of United States property (as use of the road it constructs).

If as a condition to the granting of an easement to the United States the grantor insists that he shall have a right to use the road to be constructed by the United States, necessitating the Government's constructing the road to a higher standard or greater capacity than required to meet its needs, such additional construction and the agreement on which it is based would clearly be unauthorized. To conclude otherwise would be to overlook the limitations against the availability of appropriated funds. Such funds are not available, in the absence of statutory authority, to construct a road to a capacity in excess of that needed by the Government, including use permitted by it to the public in general under applicable rules and regulations. 31 U.S.C. 628; 40 U.S.C. 259, 263; 41 U.S.C. 12, 14.

As we have indicated above, in granting an easement for a road the grantor has under the common law a right to use the servient estate to the extent that it does not interfere with use thereof by the grantee. In the determination of what constitutes interference,

when the United States is the grantee, we consider the grantor bound by the principles applicable to lands held or administered by the Government. Florida State Turnpike Authority v. Anhoco Corporation (1955 Fla.), 107 So. 2d 51. Generally, the United States holds its property for public purposes. Van Brooklin v. Tennessee, 117 U.S. 151 (1886). In the administration thereof its officials must be guided not only by applicable constitutional and statutory provisions but by rules and regulations issued for that purpose. Only within such limitations can the officials permit one member of the public to enjoy a right not enjoyed by the public in general. Florida State Turnpike Authority v. Anhoco Corporation, supra; Holland v. Grant County (1956 Ore.) 298 P. 2d 832.

Sincerely yours,

/s/ Edward M. Shulman

Deputy General Counsel

EMKlutz:RLTremain:DL
3-17-60

In order to bring the specific problem into proper perspective it may be well first to consider under the principles of common law the nature of a reservation and whether a grantor can reserve something that did not exist until after the grant. We must keep in mind that the easement conveyed to the United States was created by the grant, not by reservation, and that the grantor is not reserving an interest in that conveyed but is reserving a right of use in a road to be thereafter constructed by the United States.

A reservation has been defined as "a clause by which the grantor secures to himself a new thing 'issuing out of' the thing granted, and not in esse before." Tiffany on Real Property, Abridged Edition, 1940, page 677, citing among other authorities, Co. Litt. 47A. We believe that it is precisely the purpose of a reservation to create an estate which was not "in esse" or did not exist as such before the reservation was made.

Accepting these views with respect to a reservation the proper application thereof to the facts remains for consideration.

As we view the situation growing out of an express reservation in the grant of a raw land easement to the United States for a road subsequently constructed on the right-of-way by the grantee there are two separate and distinct things created or brought into being which were non-existent prior to the grant. The first is the easement itself, which is a separate ownership of an interest in land that was brought into being concurrently with and by the grant. The deed to the United States creates and conveys the easement for the purposes stated therein. This has not been questioned. The second is a reservation by the grantor of the right to use the road to be thereafter constructed by the United States on the easement granted. The validity of this reservation is questioned. The "reserved" interest or right thus brought into existence is not carved from that which is conveyed, as the word "reservation," given its ordinary meaning, would require. It purports to relate to an improvement which the grantee may thereafter construct on the estate granted. The reservation in order to be effective, however, must refer to something conveyed, for if the reservation clause purports to reserve rights not embraced in the granting words it is void because of nothing on which to operate. In re Wisconsin Cent. Ry. Co., 68 F. Supp. 320 (D. Minn.) (1946); Oliver v. Johnson (1941 Ore.) 113 P. 2d 430; Kesterson et al. v. California-Oregon Power Co., (1924 Ore.), 221 P. 826, reversed on other ground (1924 Ore.) 228 P. 1092; Adams v. Morse, 51 Me. 497 (1863); Hurd v. Curtis, 48 Mass. 94, 110 (1843). A reservation does not create title or enlarge vested rights of the grantor. It merely carves out the specified interest from the operation of the grant and leaves it vested in the grantor to whom it belonged prior to and at the time of the execution of the

deed. Leidig v. Hoopes (1955 Okla.), 288 P. 2d 402; Ogle v. Barker (1946 Ind.), 68 N.E. 2d 550. Recognition, therefore, of the principle that by a reservation in a deed the grantor reserves something that theretofore did not exist should not be confused with the question whether the reservation reaches beyond the estate or interest the deed conveys and attaches to or creates a vested interest in improvements placed upon the granted estate, improvements not in being at the time of the reservation, but brought into being by the grantee subsequent to the grant. To hold that the reservation does not exhaust its force upon the estate or interest granted by the deed in which it appears would purport to place in the grantor an indefinite and to some extent an unlimited right, but nevertheless a vested right, in improvements he never owned.

Certain common law rights of the grantor of an easement for a road are well recognized. According to 28 C.J.S., Easements, paragraph 91b:

"Unless he expressly agrees to the contrary, an owner of land burdened with a right of way may use his land in any manner which does not materially impair or unreasonably interfere with its use as a way."

The same is set forth in 17A Am. Jur., Easements, section 121:

"The owner of the land has the right to use the way for any purpose whatever, provided he does not interfere with the right of passage resting in the owner of the easement. Hence, the grant of a right of way, which is not exclusive in its terms and which can be reasonably enjoyed without being exclusive, leaves in the grantor and his assigns the right of user in common with the grantee."

Tiffany on Real Property, Third Edition, section 811, agrees:

"The owner of land subject to a right of way may himself use the same way, provided this does not unreasonably interfere with the exercise of the other's easement. And he may also grant to another or others a similar right of way, subject to the same proviso, and provided further, the prior grant was not intended to be exclusive."

Some of the road cases cited in support of this proposition are the following: Armiger v. Lewin (1958 Md.), 141 A. 2d 151; Van Natta v. Nys (1954 Ore.) 278 P. 2d 163, reh. d. 279 P. 2d 657; Kurz v. Blume (1950 Ill.), 95 N.E. 2d 338, 25 A.L.R. 2d 1258; Cusic v. Givens (1950

5862

C O P Y

U
COOPERATION
Bureau of Public Roads

June 27, 1944

Commissioner
Public Roads Administration
Washington 25, D. C.

Dear Mr. MacDonald:

I am sorry that reply to your letter B-3 of May 29 has been delayed, partly by absence from Washington and partly by other urgent demands which made it difficult for me to give it the careful consideration it merits.

Obviously all agencies of the federal government should cooperate in the fruition of the program of Interregional Highways transmitted to the Congress by the message from the President, January 12, 1944. The fact that about 530 miles of the proposed system will consist of routes selected along the lines of existing forest highways makes the program one of especial interest to the Forest Service.

To the degree that the national forests are traversed by the highways they should contribute in full measure to the utility and beauty of those highways; but it seems to me unwise to adopt any principle or rule that all national forest lands within 200 feet of the center line of Class 1 and Class 2 highways or 100 feet from the center line of Class 3 highways hereafter would be totally withdrawn from any structural occupancy.

In the main such a principle or rule is highly desirable but it seems to me there are certain to be occasional cases where so rigid a limitation would minimize the public service and value of the national forest and the highway itself. In my opinion the situation can best be met as to the Interregional Highway by giving to national forest lands within 200 feet of the center line of Class 1 and Class 2 forest highways and 100 feet from the center line of Class 3 forest highways a designation as follows:

Set-back line for special treatment - not to be occupied or used except under authority of the Chief of the Forest Service.

Instructions to this end will be issued. I feel that it will fully meet the necessities of the system and am confident you will agree.

Sincerely,

/s/ Lyle F. Watts

LYLE F. WATTS, Chief

5862

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE



WASHINGTON

ADDRESS REPLY TO
CHIEF, FOREST SERVICE
AND REFER TO

U
SUPERVISION
Policy
Roadside Zones

E
ROADS & TRAILS
Rights of Way

January 20 BEST SERVICE - R-10
RECEIVED
JAN 27 1945

Permanently

Circular No. U-98

Filed

CIRCULATE	
by	F.S.E.
	Mr. Tolson
	Mr. E.A. Tamm
	Mr. Clegg
	Mr. Glavin
	Mr. Ladd
	Mr. Nichols
	Mr. Rosen
	Mr. Tracy
	Mr. Carson
	Mr. Egan
	Mr. Gurnea
	Mr. Harbo
	Mr. Hendon
	Mr. Pennington
	Mr. Quinn
	Mr. Nease
	Miss Gandy

Regional Forester
All Regions

Dear Sir:

By letter of May 29, 1944, the Commissioner, Public Roads Administration proposed to the Forest Service a new dedication of national forest lands marginal to units of the interregional highway system. This office replied to that letter under date of June 27, which is quoted on the reverse hereof. It was not sent you earlier because of the possibility that the Public Roads Administration might request further consideration. Since no such request has been received, the letter of June 27 can be regarded as a statement of present policy. Pursuant to that letter, all previous instructions on this subject are rescinded and in their place there is hereby established a rule as follows:

All national forest lands within 200 feet of the center line of Class 1 and Class 2 forest highways and 100 feet from the center line of Class 3 forest highways shall be given a designation as follows:

Set-back line for special treatment--not to be occupied or used except under authority of the Chief:

← This class is now stamped on all sheets of RRA Road Plans for the Turnigon Arm Road. Reg. For. is substituted for Chief.

Very sincerely yours,

LYLE F. WATTS, Chief

By: *J.P. McCardle*

6/28/49 wae

(over)

X copy filed in TPOW folder
FOREST SERVICE JUNEAU, ALASKA

Chief, U. S. Forest Service, Washington, D. C.

January 6, 1950

B. Frank Heintzleman, Regional Forester

U
SUPERVISION
Policy
Roadside Zones

In reply to Mr. Sicker's memorandum of December 6, 1949.

A great storm of protest has followed the withdrawal of extra wide rights-of-way for roads over the public domain in interior Alaska. The storm rages particularly over widths greater than 100 feet on each side of the center line. Homesteaders have protested because of the length of side roads they are compelled to construct, maintain, and keep clear of snow, fear that other parties will be given leases on right-of-way lands between the homesteaders line and the developed road, distance from the developed road of gas stations, etc. which homesteaders have or might want to construct, possible unkempt condition and brush and forest fire hazard on this strip of "no-man's land" in front of the settlers home if the Federal Government doesn't get the funds to improve or police it.

The Alaska miners are also opposing the use of extra wide strips in the placer country as such withdrawals may include much placer ground of narrow valleys.

We are informed that if, as a result of heavy protests, some extra wide withdrawals are later reduced in width, it may be necessary to ask Congress for special legislation to permit adjoining owners of patented land who have already acquired their full acreage, to take up the additional lands in front of their homes and business establishments.

I recommend the following for the National Forests in Alaska; in all cases the widths mentioned are set back distances from the road center line:

KENAI DIVISION

The National Forest section of the Kenai Peninsula Highway between Anchorage and Homer, including the branch to Seward - and 100 feet on each side of the center line (this is the right-of-way width used on the sections of this highway which cross open public lands to the north and west of the Forest Boundary).

Development roads - 50 feet

PS 2, 1, 50

U
SUPERVISION, R-10
ROW and Easements
Policy

Juneau, Alaska
February 2, 1950

JB

Mr. C. C. Carlson
Attorney in Charge
Office of the Solicitor
U.S. Department of Agriculture
901 U.S. National Bank Building
Portland 4, Oregon

Dear Mr. Carlson:

We will be pleased if you will consider the subject stated below and give us your comments.

What authority does the Forest Service have for regulating the use and occupancy of a highway right-of-way crossing private land for which the Government has obtained an easement? We have in mind a case where the Ketchikan Public Utilities Company will locate a transmission and telephone line across private land and within an area for which the Forest Service has obtained an easement of specified width for highway purposes but actually occupying only a portion of the area for highway use. We have other cases where individuals will use a portion of the right-of-way, for domestic water and sewer systems.

The enclosed Exhibit "A" is the form of right-of-way agreement now in use by the Forest Service in Region 10. Exhibit "B" is the form of right-of-way deed used by the Bureau of Public Roads in Alaska.

Very truly yours,

B. FRANK HSINTZLEMAN
Regional Forester

By: CHAS. G. BURDICK

Enclosures (2)

WAG:edy

"A" FS Form 507a

"B" FS Form 507b

WAG

RIGHT-OF-WAY AGREEMENT FOR FOREST ROAD

This agreement, made this _____ day of _____ in the year
of 19____, by and between _____ of the
Recording District of the _____ Judicial
Division, Territory of Alaska, a corporation organized and existing under
the laws of the _____ of _____ with a
place of business _____, hereinafter called
the grantor, and the United States of America, hereinafter called the grantee:

Witnesseth that the said grantor, for and in consideration of the benefits
to be derived from the hereinafter described road to be constructed by the
grantee, the benefits whereof are hereby acknowledged, hereby grants,
bargains, and conveys unto the grantee a perpetual right-of-way over and
across the following described lands of the grantor:

together with all the rights and privileges necessary for the accomplishment
of the purpose hereinafter set out; said right-of-way to have a width of
_____ feet, extending _____ feet on each side of the center line of
the road to be constructed thereon, and to be located and defined as follows:

said right-of-way to be used by the grantee for the construction and main-
tenance of a Forest road together with the right to construct and maintain
on the said right-of-way a telephone line.

The herein described right-of-way is granted and conveyed upon the condition that it shall not be assigned to any person or persons except the Territory of Alaska or the Territorial Board of Road Commissioners of Alaska and then for the purpose of constructing and maintaining a public road, and upon the further condition that should said right-of-way be abandoned by said grantee and not transferred to the Territory of Alaska or the Territorial Board of Road Commissioners of Alaska, or if so transferred, if it be abandoned by said transferee, then said right-of-way, together with all the rights and privileges appurtenant thereto, shall thereupon terminate and revert to the grantor, his heirs or assigns.

In testimony whereof, witness the following signature:

(Owner)

Witness:

_____)
ss
_____)

This is to certify that on this _____ day of _____, 19____, before me, _____, a Notary Public, duly commissioned and sworn, personally appeared _____ personally known to me, and personally known by me to be the individual who in my presence signed the within and foregoing instrument, and _____ acknowledged to me that _____ freely and voluntarily signed the same for the uses and purposes herein mentioned.

WITNESS my hand and official seal this _____ day of _____, 19____.

Notary Public
My Commission expires _____