

FORM <b>CD-14</b> U.S. DEPARTMENT OF COMMERCE (12-12-56)		DATE <i>Tuesday Sept. 29,</i>
TRANSMITTAL SLIP		
TO: <i>Mr. Mason</i>	REF. NO. OR ROOM, BLDG.	
FROM: <i>Ed. DeFurter</i>	REF. NO. OR ROOM, BLDG.	
ACTION		
<input type="checkbox"/> NOTE AND FILE	<input type="checkbox"/> PREPARE REPLY FOR MY SIGNATURE	
<input type="checkbox"/> NOTE AND RETURN TO ME	<input type="checkbox"/> TAKE APPROPRIATE ACTION	
<input type="checkbox"/> RETURN WITH MORE DETAILS	<input type="checkbox"/> PER YOUR REQUEST	
<input type="checkbox"/> NOTE AND SEE ME ABOUT THIS	<input type="checkbox"/> SIGNATURE	
<input type="checkbox"/> PLEASE ANSWER	<input type="checkbox"/> FOR YOUR INFORMATION	
<input type="checkbox"/> FOR YOUR APPROVAL	<input type="checkbox"/> INVESTIGATE AND REPORT	
<input type="checkbox"/> PER OUR CONVERSATION		
COMMENTS:  <i>Send this OK - ? Suggest we check with Program Analysis, no?</i>		

GPO: 1957 O - 414035

COMM-DC 969

## UNITED STATES GOVERNMENT

Finance Division DATE: August 25, 1959

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these are not reimbursable projects  
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10-49-53-AS01-000.

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is underway.

*RG 30, Bur. of Public Roads  
E. G. D., Gen. Corr. + Related Recs., 1955-59  
Box 1128*

# Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. C. E. Fincher Jr., Chief, Finance Division      DATE: August 25, 1959  
24-20      Washington, D. C.

FROM : Wm. J. Niemi, Regional Engineer  
10-00.12      Juneau, Alaska

SUBJECT: Project Designation

Region 10 is being requested by the Alaska Department of Public Works to do work for the Department which is not eligible for participation from Federal-aid funds. These are not reimbursable projects since the work is to be funded directly from the State advanced trust fund, symbol 13X8050.

In order to control expenditures and record costs, we will designate the projects consecutively under the prefix AS (for Alaska State), A coding example is: 620-10-49-53-AS01-000.

If this project designation series and/or the coding is not satisfactory to your office, please so advise us at your earliest convenience. Work on one project is underway.

BUREAU OF PUBLIC ROADS

*Alaska*

*X*

10-00 Mr. W. J. Niemi, Regional Engineer  
Juneau, Alaska

October 8, 1959

22-51 G. M. Williams, Assistant Commissioner C. W. PHILLIPS  
By: C. W. Phillips, Chief, Right-of-Way Division  
Washington, D. C.  
Right-of-Way Procedures on Federal Aid Projects, Field Reporting  
Procedures

Reference is made to your CD-14 of October 2, 1959, transmitting Mr. Raugust's monthly report on right-of-way matters dated October 1, 1959. In the second paragraph of his report, Mr. Raugust indicates that there was an apparent irregularity in connection with the negotiations on the Clover Pass to Lunch Creek Project, Tongass Highway.

It will be appreciated if you will advise us immediately as to the nature of the apparent irregularity and furnish us a full report as soon as practicable.

SZPhillips:jp  
cc: Files (2)  
Mr. W. J. Niemi  
Mr. J. C. Allen  
Mr. F. P. Alexander  
Mr. C. S. Woolsey ✓  
Mr. C. W. Phillips (2)  
Mr. G. M. Williams



NO. 64  
BUREAU OF PUBLIC ROADS  
Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Wm. J. Niemi, Regional Engineer  
10-00 Juneau, Alaska

DATE: October 1, 1959

FROM : W. F. Raugust, Realty Officer  
10-00.5 Juneau, Alaska

SUBJECT: Right-of-Way Procedures on Federal Aid Projects; Field Reporting Procedures

Following is the report of the Right-of-Way Section, Region 10, for the month of September 1959:

A review of the Clover Pass to Lunch Creek Project, Tongass Highway was completed. A number of appraisal and negotiation deficiencies were noted as previously reported. In accordance therewith the State is reappraising all parcels on this project. Because of an apparent irregularity in one negotiation the State was requested to submit a report of all the facts and circumstances pertaining to the attempted negotiation for the parcel. Further the State was requested to hold negotiations on this project in abeyance until the report is reviewed by the Regional Engineer. None of the negotiations were concluded.

The Mendenhall Loop Road FH 2 A14 H4, Nome Kougarok Road Project S-0141 (1), and Romig Hill Retaining Wall Project on Route 42-1 were certified clear by the State for advertising.

The Region Right-of-Way Section initiated necessary action to conclude an agreement between the Federal Aviation Agency and the Bureau of Public Roads for the relocation of their utility poles on the Mendenhall Loop Road FH 2 A14 H4.

In accordance with the Policy and Procedure Memorandums adequate lead time to acquire right-of-way is essential. To provide sufficient lead time the Regional Right-of-Way Section in cooperation with the Design Section has developed clearly spelled out operating procedures to assure there are no gaps in the orderly and expeditious flow of work between the Region, the Divisions and the State Right-of-Way Section. This is very important in as much as the Region, as the contractor for the State, is responsible for handling design, construction and maintenance while the State is responsible for handling all right-of-way matters. This new procedure will be covered with the State by the writer during his field trip next week.

The Right-of-Way Section has reviewed its personnel requirements to determine the number of additional personnel required including grades both in the Region and Divisions and has submitted its requirements. The Right-of-Way Section requires some increase in its present staff since its work entails not only the normal Bureau function,



the Administration of right-of-way aspects of Federal Aid, but also handling the necessary liaison and coordination between the Region, the Divisions and the State Right-of-Way Section on right-of-way matters. It is anticipated that after the staffing requirements of the Right-of-Way Section are met additional time will be available for the Chief of the Section to make more frequent field trips as requested by our Washington Office.

The Right-of-Way Section of the State has increased its personnel from seven to nine. An addition was made in the engineering section by employing an engineering computer. He is doing right-of-way drafting, making calculations, and assisting the appraisers in technological work. An additional clerk-stenographer has also been employed.

A summons and complaint, Zak vs. United States, Civil Action File A16,247 U. S. District Court, Alaska, (Wasilla-Big Lake Road) were transmitted by the Region with full documented information to the Western Office of the General Counsel for necessary action. This parcel was subject to the Act of July 24, 1947.

The question of the State's securing proper and adequate highway legislation was urged by the writer in discussions with both the State's Director, Division of Highways and the Attorney General's Office. The State advises that it has commenced a study on this subject as requested.

The State was requested to make a study of its current highway legislation; to determine what additional legislation is required; and plan to effect the passage of the needed legislation.

Typical requirements of such legislation, the State was advised, should include the following:

- a. Right to acquire right-of-way with fee simple title.
- b. Right to acquire, hold and dispose of excess right-of-way.
- c. Right to acquire right-of-way in advance and to rent and lease such property.
- d. Right of survey parties to enter privately owned property.
- e. A workable immediate entry statute.
- f. Others.

The State was also requested by the writer to establish a position of reviewing appraiser. The State advised that it plans



to fill this position shortly. The filling of this position will relieve the Chief of the State Right-of-Way Section of the details of approving appraisals and determining fair market value for negotiation purposes, leaving him more time for other important right-of-way matters such as the following:

- a. Planning and establishing a continuous training program for State Right-of-Way personnel.
- b. Participate in Land Economic Studies which would include a continuous history of previously severed and damaged property.
- c. Plan an advance right-of-way acquisition program for the State.
- d. Plan for the management of property acquired by the State resulting from right-of-way acquisition; disposal of excess improvements and related fiscal matters pertaining thereto.
- e. Review the State Right-of-Way organization from the standpoint of adequate staffing with properly qualified personnel.

The above matters were further covered by follow-up correspondence from the Regional Engineer to the Commissioner of the State of Alaska Department of Public Works. A further following-up will be made by the writer during his field trip next week.



BUREAU OF PUBLIC ROADS

*Alaska*

Mr. W. J. Hiett, Regional Engineer  
Juneau, Alaska

October 6, 1959

C. H. Enfield, General Counsel

21-01

By:

Henry H. Krevor

H. H. Krevor, Assistant General Counsel  
Conveyance of Valdez Property to Alaska pursuant to Alaska  
Quibus Act

Reference is made to Mr. Cunningham's memorandum of September 11 requesting review and opinion of the title situation with regard to lots 1 to 25, inclusive, Block 100, which were included in the inventory of "Real Property Retained by the Bureau of Public Roads" in connection with the quitclaim deed, dated June 30, 1959, to the State of Alaska.

Your memorandum of September 14 advised that the Department of Agriculture (Forest Service) and the Department of the Interior (Bureau of Land Management) have inspected the inventory of the real property transferred to the State. Please include in such inventory lots 1 to 25, inclusive, of Block 100, and advise Agriculture, Interior and any other Federal agency that has inspected the inventory of the existence of these lots in Federal ownership.

We are attaching herewith copy of our memorandum of October 6 to Mr. Cunningham together with copy of Senate Bill No. 2702.

Attachment

*Handwritten initials*

cc: Mr. O'Meara

Mr. Enfield

Chron

Land

FF

AS

Files (2)

*Mr. Cunningham*

*10/6/59/WH*

Handwritten notes and signatures at the top left of the page.

Faded typed text at the top of the page, possibly bleed-through from the reverse side.

**DEPARTMENT OF PUBLIC ROADS**

*Alaska*

**Mr. H. H. Cunningham, Western Counsel  
San Francisco, California**

**October 6, 1959**

**C. H. Griffith, General Counsel**

27-21

**By: H. H. Weaver, Assistant General Counsel  
Commissioner of Valdez Property to Alaska pursuant to Alaska  
Statute Act**

Reference is made to your memorandum of September 11, together with Chronology and Analysis, relative to certain properties in Valdez, to which Alaska has requested conveyance of the fee. You referred to the requested areas as Block 100 and lots 1 to 3 of Block 96.

It notes your statement that the conveyance of the fee underlying the housing leasehold should be given expeditious consideration in view of Alaska's need for development of this land for a State mental institution.

You also advised that the aforesaid Block 100 and lots 1 to 3 of Block 96 were not included in the inventory of property attached to the quitclaim deed of June 24, 1959, for the reason that from the incomplete record then available, it did not appear that there were any property interests to be conveyed under the Alaska Statute Act. Lots 1 to 3 of Block 96 were transferred to Alaska as this land is listed on page 20 of Schedule C ("Unimproved Real Property"), attached to the deed. Since the State is interested in securing conveyance of lots 1 to 3, inclusive, of Block 100, as set forth in Senate Bill 2702, copy attached herewith, the following comments should be construed as applying only to that property.

Upon consideration of the material submitted by you, we agree with your conclusion that the underlying fee to Block 100 is vested in the United States. If there is no request for this land by any Federal agency in accordance with the terms of the quitclaim deed of June 24, 1959, we intend to effect conveyance by supplemental deed to Alaska under the Alaska Statute Act, in which event there will be no necessity for the proposed legislation. If a Federal need is indicated, however, special legislation, such as S. 2702, will become necessary.

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- 2 -

We are requesting Mr. Hani to include Block 100 in the inventory and to advise the Department of Agriculture (Forest Service), the Department of the Interior (Bureau of Land Management) and any other Federal agency which has inspected the inventory, of the existence of Block 100, lots 1 to 10, inclusive in Federal ownership.

*Ally*  
Mr. O'Donoghue ✓  
Mr. Hatfield  
Chron  
Lands  
FF  
AIC  
Files (2) ✓  
Mr. Hani

10/6/59/mh

DRAFT  
9/30/59

BUREAU OF THE BUDGET

The Honorable  
The Secretary of Commerce  
Washington 25, D. C.

Dear Mr. Secretary:

Reference is made to the request of the Honorable William A. Egan, Governor of the State of Alaska, that the Bureau of Public Roads, Department of Commerce, be authorized to continue to provide certain services or facilities in Alaska under the provisions of section 44(b) of the Alaska Omnibus Act, on the basis of direct reimbursement from the State.

The request of the Governor of Alaska is hereby approved, under the authority vested in me by Executive Order No. 10530, as amended, entitled "Providing for the Performance of Certain Functions Vested in or Subject to the Approval of the President."

Pursuant to the provisions of section 44(b) of the Alaska Omnibus Act, and subject to the conditions set forth herein, the Bureau of Public Roads, Department of Commerce, is hereby authorized to continue to perform the following services in and for Alaska: maintenance of small airfields; maintenance or construction of access roads and bridges not on any Federal-aid highway system; services and repairs to vehicles, equipment and facilities where no commercial services are available; snow removal; building maintenance and alterations; and providing utilities (electric energy, water, and heating) for housing at isolated installations.

The authorization set forth herein is subject to the conditions that (1) services shall be performed only to the extent that the same

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E. G. D., Gen. Curr. + Related Recs., 1955-59  
Box 1128



were performed on or before June 30, 1959, (2) the period during which such services are performed pursuant to this authorization shall not extend beyond June 30, 1964, and (3) the Bureau of Public Roads shall be reimbursed by the State of Alaska for the cost of performing such services, out of State funds, without allocation or use of funds authorized by section 44(a) of the Alaska Omnibus Act.

Nothing contained herein shall be deemed to limit or otherwise affect the functions or activities of the Bureau of Public Roads under title 23, United States Code, or pursuant to section 44(c) of the Alaska Omnibus Act.

Sincerely yours,

Director

*Q.S.*  
*RSM*

DRAFT  
9/30/59

DEPARTMENT OF COMMERCE  
Washington 25, D. C.

The Honorable  
The Director  
Bureau of the Budget  
Washington 25, D. C.

Dear Mr. Director:

Reference is made to your letter of September 1, 1959, concerning the request of the Governor of Alaska that the Bureau of Public Roads continue to perform certain services in the State of Alaska, on the basis of direct reimbursement from the State. We have studied the matter with considerable care and it is my recommendation that the request of the Governor of Alaska be granted.

Before Alaska was admitted as a State, and prior to the enactment of the Alaska Omnibus Act, the Bureau of Public Roads provided a number of services and facilities in Alaska, under authority of title 23, United States Code. Among these services and facilities were the construction and maintenance of access roads and bridges not on any Federal-aid highway system, maintenance of small airfields, services and repairs to vehicles, equipment and facilities at locations where no commercial services are available, snow removal, building maintenance and alterations, and the providing of utilities (electric energy, water and heating) at housing at isolated installations. State departments providing health and education facilities and police protection were the principal recipients of these services.

The Alaska Omnibus Act repealed the laws which authorized the Bureau of Public Roads to perform the services set forth above, with the

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Box 1128



result that such services became the responsibility of the State of Alaska.

It was, of course, the expectation of the State of Alaska and the intent of the Congress that the usual functions and responsibilities of a State would be undertaken by Alaska. It was recognized, however, that a period of transition would be required, during which there would be an orderly transfer of functions and responsibilities from Federal agencies to the State. Thus, the Alaska Omnibus Act contained provisions (specifically, section 44) designed to continue the performance of services and functions in Alaska during such period of transfer.

Under the provisions of section 44(c) of the Alaska Omnibus Act, the Federal Highway Administrator has contracted with the State of Alaska for the performance of certain functions, on a reimbursable basis. These functions, however, relate to the Federal-aid highway program in Alaska, and do not include the services listed above. A copy of this contract is enclosed herewith for your information.

The Bureau of Public Roads is now in a position to provide the services listed above, and the State of Alaska, at the present time, is not. It is essential that such services be continued. It would not be economical or reasonable to require Alaska to duplicate facilities for the purpose of providing services which the Bureau of Public Roads is now equipped to perform. In view of these circumstances, it is felt that the Bureau of Public Roads should continue to provide such services in Alaska, under the provisions of section 44(b) of the Alaska Omnibus Act.

The request of the Governor of the State of Alaska referred to services "such as, but not limited to, maintenance of small airfields and maintenance or construction of access roads off the Federal Aid Highway System." In order to limit and define the services to be provided by the Bureau of Public Roads, the field office of the Bureau in Alaska was asked to give specific advice as to what services were needed, and what services were provided prior to enactment of the Alaska Omnibus Act. Upon the basis of advice received from the field office, it is proposed that the services to be continued will be limited to those specified in the second paragraph of this letter.

The Governor of Alaska has requested that the services be provided on the basis of direct reimbursement, rather than through allocation and use of the transitional funds made available by section 44(a) of the Alaska Omnibus Act. In our opinion, this is permissible, since allocation of such funds is discretionary with the President. It is also our opinion that a formal contract between the State and the Bureau of Public Roads would not be necessary in addition to the request of the Governor of Alaska and the formal approval of the request. If the request is approved, the following procedure is contemplated:

1. Upon the request of the State to the Bureau of Public Roads for performing specific work, Public Roads would submit an estimate of the cost thereof to the State for its concurrence and approval.

2. Projects so approved will be financed from the trust fund established with State contributed funds, pursuant to the contract of July 1, 1959, between the Bureau of Public Roads and the State, copy of which is



enclosed. An allotment will be established by the Washington office based upon estimated receipts as reported by the Region. Subsidiary accounts as necessary to record and report costs to the State will be maintained as required.

3. The expenditures made by the Bureau will be reported at least monthly to the Governor in the same manner and as a part of the report as provided in the July 1, 1959, contract between Public Roads and the State of Alaska.

4. Reimbursement of 100 percent of the expenditures will be accomplished in the same manner and as a part of the replenishment of the fund as provided in the above-mentioned contract.

Enclosed herewith is a suggested form of letter approving the request of the Governor of Alaska and authorizing the Bureau of Public Roads to provide specific services for Alaska. The letter has been prepared for your signature, since you have been delegated the requisite authority by Executive Order No. 10530, as amended September 8, 1959. It is respectfully recommended that you approve the request of the Governor of Alaska, and sign the enclosed letter of approval and authorization.

Sincerely yours,

Secretary of Commerce

*OWE*  
*JSM*

Enclosures

BUREAU OF PUBLIC ROADS

*Alaska*

Under Secretary for Transportation  
Department of Commerce

OCT 2 1959

26-10

Ellis L. Armstrong, Commissioner

Continuation of performance of services by the  
Bureau of Public Roads in the State of Alaska

By letter dated August 13, 1959, the Governor of the State of Alaska requested the President to authorize the Bureau of Public Roads to continue to perform certain services in Alaska under the provisions of section 44(b) of the Alaska Omnibus Act.

By letter dated September 1, 1959, the Director of the Bureau of the Budget asked the Secretary of Commerce to review the request and to transmit to his office recommendations, together with drafts of the necessary documents which might be required for appropriate signature.

Attached hereto is a suggested letter to the Director of the Bureau of the Budget for the signature of the Secretary of Commerce, and a suggested form of authorization to be signed by the Director of the Bureau of the Budget if he approves the request of the Governor of Alaska.

It is our recommendation that the request of the Governor of Alaska be approved. I will be glad to discuss this matter with you at your convenience if you so desire.

Attachments

RLMay:fpc

cc: Files (2) ✓  
General Counsel (Dept)  
Mr. Tallamy  
Mr. Armstrong  
Mr. Allen  
Mr. Royster  
Mr. Williams  
Mr. Quandt  
Mr. Krevor  
Gen Counsel; Legis; Chron

*RLM*



*Alaska*  
SEP 29 1959

Honorable Ernest Gruening  
United States Senate  
Washington, D. C.

Dear Senator Gruening:

Reference is made to your telegraphic inquiry of September 8, 1959, to Regional Engineer W. J. Niemi, concerning the discontinuance of furnishing electrical energy to employees residing in the vicinity of the Cantwell installation.

During the construction of the Denali Highway into McKinley Park, Cantwell was a construction headquarters with a large number of employees with families stationed there. With the completion of the road this station is now operating on a reduced scale and Mr. Niemi has advised that a review of the generating facilities and power requirements at the installation indicated that substantial savings to the Government would accrue by discontinuing service to a few remaining employees residing outside of the installation boundaries. Power had been supplied recently to only two permanent mechanic employees and one temporary seasonal cook, utilizing long transmission lines having an excessive line loss to reach their places of residence. Notice of discontinuance was given to the three employees and power was cut off on June 1, 1959. Since that time one of the permanent mechanics resigned and moved to Anchorage and the other mechanic purchased his own light plant. Only the cook, who is a temporary employee and who works seasonally during the summer months, has continued to appeal for power during the winter when he is unemployed. With discontinuance of service outside the installation boundaries and other improvements, a 30 kw generator is able to supply all power. Prior to the change a 50 kw plant was taxed to its limit in carrying the load.

This installation was transferred to the State of Alaska on July 1, 1959. Mr. Niemi advises that the State Department of Public Works has concurred in discontinuing this service and does not wish it to be resumed for one individual.

Sincerely yours,

Paul F. Royster  
Assistant to the  
Federal Highway Administrator

EE

WJNiemi:EEE:nk ✓ Control No. PR-4979 (9/29/59)  
cc - Files (2) ✓  
Federal Hwy. Projs. Div. ✓  
Mr. W. J. Niemi (2-cc) ✓  
Mr. E. L. Armstrong ✓  
Mr. B. D. Tallamy ✓  
Mr. Ghiglione ✓  
CC Unit ✓  
Mr. Royster ✓

9/29/59  
H.R.

Cleared Through  
Administrator's Correspondence Unit



OFFICE OF PUBLIC ROADS  
*Office Memorandum* • UNITED STATES GOVERNMENT

TO : Mr. Paul P. Royster, Assistant Commissioner  
for Operations, Washington, D. C.

DATE: September 25, 1952

FROM : Mr. J. Mann, Regional Engineer  
Juneau, Alaska

SUBJECT: Inquiry from Senator Gruening on furnishing electrical energy to  
employees at Cantwell Depot

The field investigation of this situation has now been completed and we are enclosing a copy of Division Engineer Johansen's report for your information. There is also enclosed a draft of a suggested reply to Senator Gruening.

Attachments: 2  
(c of Mr. Johansen's report)  
(draft of suggested reply)



BUREAU OF PUBLIC ROADS

10-00.2 Mr. E. D. Stewart, Jr., Construction and  
Maintenance Engineer, Juneau, Alaska

September 14, 1959

10-10.1 H. W. Johnson, Division Engineer  
Fairbanks, Alaska

Power to Centwell Individuals

In response to your request of September 8, 1959 for report of the subject, we offer the following:

The Centwell depot was transferred to the Fairbanks Division on April 1, 1959, at which time an inspection was made. During this inspection it was found that power was being furnished to three individuals, Mr. John N. Skipper, Mr. Albert W. Smith, both permanent BPA employees, and Mr. James Simpson, a temporary seasonal employee, all of whom were living outside of the BPA depot reserve in private homes.

Questioned upon the authority to furnish this power, the enclosed eight letters were produced.

Further inspection of the power system indicated that if we were to continue furnishing power to these individuals, we would be faced with the problem of renovating the hazardous overhead power lines, installing transformers to reduce the high line losses, and possibly installing the larger powerplant, as the system as operating on April 1, 1959 taxed the 50 KW plant.

It was determined administratively by the Fairbanks Division that no power would be furnished to private individuals as we must give all persons the same consideration. This would mean expanding our power system to include all of our permanent and temporary employees at Centwell, the cost of which would be prohibitive. The three persons at Centwell were informed that no exception would be made for them; however, a reasonable time would be allowed to make other arrangements.

Furnishing power was discontinued June 1, 1959, with the following results: Mr. Smith purchased his own power plant; Mr. Skipper resigned and left the area, and Mr. Simpson continued to appeal for an exception. A 10 KW power plant, which replaced the 50 KW plant, is now capable of meeting the power requirements of the Centwell depot.

Attachments: (8)





Alaska.

23-10

SEP 25 1959

Honorable E. L. Bartlett  
United States Senate  
Washington 25, D. C.

Dear Senator Bartlett:

Your letter of September 14, 1959 to Mr. William J. Niemi, our regional engineer at Juneau, Alaska relative to objections raised by Mr. John R. Francis, has been referred to this office for reply.

Mr. Francis' letter of September 8 transmitted with your letter, expresses considerable concern relative to the access to his property as provided by two 40-foot entrances and the use of 24-inch culverts for drainage purposes, leaving an open drainage ditch for some distance adjacent to his property. His letter supplemented by photographs compares this design with that serving other business establishments where no open ditch or culverts are used.

Following our receipt of a similar complaint through Senator Gruening's office, Mr. Niemi personally investigated the complaints resulting from opening of ditches by Public Roads forces to provide the necessary drainage. An investigation was also made by the maintenance engineer in this area. A detailed report covering this matter advises that no evidence of arbitrary or discriminatory action on the part of our field forces has been found. Our division engineer directly responsible for this work has dealt in a patient and realistic manner with trespassers on the right-of-way of a public highway.

Lateral ditches are a part of a highway and are within the right-of-way for the highway. The work of removing drainage obstructions from the roadside ditches was begun early in the summer at Mile Post 330, located 33 miles south of Fairbanks and was continued north toward Fairbanks. No discord on the part of the property

owners was encountered until early August when similar work was commenced in the Big Bend area. The problem was more acute there than in other uncorrected areas, and it was considered desirable to complete the work before freezing weather was encountered.

The complaining parties were verbally notified early in the summer that they were in trespass and that the unauthorized ditch blocks would have to be removed. Property owners assured our division engineer that they would apply for permits and construct approved driveways at a later date. One property owner did follow this procedure, but non-compliance on the part of the other property owners caused water to back-up over his land.

Subsequently the maintenance general foreman and the State Police patrolmen further discussed this matter with the offending property owners. Finally, on August 14, the division engineer notified the property owners, by certified mail, that maintenance crews would begin the ditch cleaning operation on August 24 and that costs incurred in removing the unauthorized obstructions would be at the owners' expense. No corrective action was taken by any of the offenders, therefore work was begun on August 25.

It has been reported that property owners on South Cushman Street are being given favorable treatment in that no similar work is scheduled there. The drainage in this area is such that no roadside ditching is required. However, in this area the highway is to be constructed as a street, with curbs, gutters, and sidewalks. Access to the highway will then be controlled by authorized curb cuts.

We trust that the above explanation is adequate to clarify the situation, however, if additional information is desired, we shall be pleased to advise you further upon receipt of your request.

The photographs received with your letter are enclosed herewith, in order that they may be returned to Mr. Francis.

Sincerely yours,

CA Lewis:bjja

Control No. PR-5012 (9/24/59)

cc: Files (2)

Federal Highway Projects Division

Mr. W. J. Niemi (2)

Mr. B. D. Tallamy

Mr. E. L. Armstrong

Mr. Royster - Room 814

Enclosures (21)

CC Unit - Room 810

Mr. Thigline - Room 804

Paul F. Royster  
Assistant to the  
Federal Highway Administrator

Cleared Through  
Administrator's Correspondence Unit

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9-25-59



BUREAU OF PUBLIC ROADS  
*Office Memorandum* • UNITED STATES GOVERNMENT

TO : Mr. Paul F. Foyster, Assistant Commissioner  
 for Operations, Washington, D. C.

DATE: September 17, 1959

FROM : Mr. J. Hiem, Regional Engineer  
 Juneau, Alaska

SUBJECT: Congressional Correspondence -- Senator E. L. Bartlett

Attached is a copy of a letter from Senator Bartlett which pertains to drainage of Cushman Street at Big Bend near Fairbanks, Alaska. The Washington office has a complete file on this case as a result of our investigations. Commissioner Armstrong's letter of September 11, 1959, to Senator Gruening accurately summarizes the situation.

Further discussion with Mr. Johansen, Division Engineer at Fairbanks, reveals that Mr. John P. Francis has not completed his building at this location and has not actually been in business up to this time at this spot. It is also our understanding that he contemplates a small hot dog stand which normally would not be operative in the winter months.

Please note that Senator Bartlett wishes the photographs returned.

Attachments

- (c 1tr for Sen. Bartlett 9/14 w/photos)
- (c 1tr for Mr. Francis to Sen. Bartlett 9/8)
- (c our ack. to Sen. Bartlett)



P. O. Box 1961  
Juneau, Alaska

10-00

September 17, 1959

The Honorable E. L. Bartlett  
199 Senate Office Building  
Washington 25, D. C.

My dear Senator Bartlett:

Please refer to your letter of September 14, 1959, regarding letter from Mr. John R. Francis, copy of which you furnished this office.

In accordance with established policy, your inquiry is being forwarded to our Washington office for reply.

Sincerely yours,

Wm. J. Niemi  
Regional Engineer

cc: Mr. Royster w/c Senator Bartlett's ltr 9/14 w/att)



