

RG 30 RECORDS OF THE BUREAU OF
PUBLIC ROADS

WASHINGTON OFFICE, *Entry 6*

GENERAL CORRESPONDENCE AND
RELATED RECORDS, 1912-65.

1955-1959

ALASKA-BRIDGES & STRUCTURES BY NAME 1956-59
THRU

ALASKA FOREST HWYS-GENERAL 1955-56

BOX NO.
1130

HM 1991

7/55 - 12/50

- General

- Forest HWS

Alaska

40-90
08-00

BUREAU OF PUBLIC ROADS

(Alaska) 7. H
x (Alaska) 7. H-16

Mr. F. E. Andrews, Division Engineer
Portland 8, Oregon

December 13, 1956

A. C. Clark, Deputy Commissioner
Washington 25, D. C. G. M. WILLIAMS

Report of Operations on the Forest Highway System,
Fiscal Year 1956 - Alaska.

Reference is made to your memorandums of August 31 and
November 28, 1956 concerning the subject report.

The report of funds expended for construction as of June 30,
1956, shows "Forest Survey" expenditures totaling \$595,212. We
have eliminated this amount in considering the remaining data for
use in a summary comparable to Table No. 4 of the 1955 Operations Report.

We are not quite clear as to the amount to be used for "Other
Federal" funds expended for construction because the amount of
\$18,726,552 apparently includes \$230,350 of the total amount of \$240,350
shown on the report of "Forest Highway Construction" under the heading
of "Cooperative Funds". The amount of Federal funds normally should
equal the total amount which appears on Table 8-W and the cooperative
funds should equal the State and local funds on the construction
expenditures table unless, of course, other conflicting factors enter
into the computations.

It will be appreciated if you will clarify these items at your
earliest convenience so that our interpretation of the Alaska reports
will be correct for use in the preparation of the Operations Report
for fiscal year 1956.

With reference to the "Estimated Additional Construction"
required, it would be appreciated if the needs shown on the "Forest
Highway Construction Data" be segregated to show the quantity required
for the 10-year period 1957-1966.

ERL
SJones:nk
cc - Files (2) ✓
Federal Projects Branch
Mr. F. E. Andrews (2-cc)
Mrs. Jones
Mr. A. C. Clark
12/13/56

CROSS REFERENCE

File No. (ALASKA) F. H.

Date 11/28/56

FROM : CLARK (40-90)
(10-00)

TO : A. F. GHIGLIONE, ACTG. DIV. ENGR. JUNEAU, ALASKA.

SUBJECT:

Reference is made to the contract & proposal assembly for Glenn Hwy. bridges submitted with you memo 11/13.?

The special provisions & specifications have been reviewed & while differing considerably from those customarily used in our direct construction work they are considered satisfactory. The assembly has no doubt been prepared in accordance with proposals for similar work previously undertaken by the Alaska Road Commission & since authority previously delegated to the Alaska Road commission has been extended to the Div. Engr., Div. 10 until 12/31/56, there appears to be no reason to make any modification in this instance.

See File No. (ALASKA, GLENN HWY.) F. H.

BUREAU OF PUBLIC ROADS

30-03
08-00

BUREAU OF PUBLIC ROADS

Alaska Area
Eng

M. J. ...
S. K. ...
...

+

Mr. F. E. Andrews, Division Engineer
Portland, Oregon

October 3, 1956

S. K. BOOTH

S. K. Booth, Acting Solicitor
Washington 25, D. C.

Claim of City of Seward Alaska in Amount of \$316.85

Reference is made to the claim of the City of Seward, Alaska, in the amount of \$316.85 for damages inflicted on Seward City Water System fire hydrants during 1953 and 1954, submitted with your memorandum of September 18, 1956.

The claim has been fully examined in accordance with the provisions of the Federal Tort Claims Act; and since there has been no showing of a negligent or wrongful act on the part of the Government employee, the Commissioner of Public Roads has disallowed such claim under date of October 1, 1956.

dws

cc: Central Files (2)
Mr. F. E. Andrews
Procurement and Personnel
Engineering *
R/W Branch
R/W (Folder)
Legal

36
9-25-56

LETTERS BY EACH DIV
OCT 2 - 1956
BUREAU OF PUBLIC ROADS
RECEIVED

30-03

BUREAU OF PUBLIC ROADS

Alaska Gen. Engr

X

FFF

Mr. C. D. Curtiss, Commissioner

September 28, 1956

S. K. Booth, Acting Solicitor

Leath

Claim of City of Seward, Alaska, in the amount of \$316.85

There is attached a claim in the amount of \$316.85 filed by the City of Seward, Alaska, for reimbursement of the costs of repairing its fire hydrants, such damage allegedly caused by snow removal operations conducted by the Bureau of Public Roads on a reimbursable basis for the Territory of Alaska.

The damaged fire hydrants were completely covered by snow during the winter months and their locations were unmarked. The damage was not discovered until the snow melted in the spring, and it is the assumption that the damage was caused by the snow removal equipment. The Highway Engineer and Superintendent of Public Works of the Territory of Alaska has denied any liability in the matter.

There is no allegation of negligence on the part of the Public Roads personnel, and the damages appear to be of a type which would normally be expected under the circumstances. Consequently, it is believed that the claim of the City of Seward should be denied.

This claim has been fully examined in accordance with the provisions of the Federal Tort Claims Act (42 Stat. 812) and is disallowed this 1st day of Oct, 1956.

RECEIVED
GENERAL INVESTIGATIVE
DIVISION
OCT 1 1956

CDC

C. D. Curtiss
Commissioner of Public Roads

Attachment

- SZPhillips/dws
- cc: Central Files (2)
- Mr. F. E. Andrews (2)
- Procurement and Personnel
- Engineering *4x*
- R/W Branch
- R/W folder
- Legal

36
9-25-56

9/16/56

Alaska's position under FA Act of 1956

Also - Establishment of Alaska Div. Office

~~See Alaska #1~~

See Adm. Bk - under
Act of 1956 - Sec. 107

DEPARTMENT OF COMMERCE
BUREAU OF PUBLIC ROADS
Washington 25, D. C.

(alaska) F.H.
✓
September 16, 1956

(Temporary Topic 1-A)

Kurt
TO: Deputy Commissioners and Division Engineers
FROM: C. D. Curtiss, Commissioner
SUBJECT: Establishment of Alaska Division Office

In order to carry out the provisions of Section 107 of the Federal-Aid Highway Act of 1956 (PL 627, 84th Congress), which extends the Federal-aid highway program to the Territory of Alaska as well as provides for the transfer of the Alaska Road Commission, with its functions, duties, and authority from the Department of Interior to the Department of Commerce, and pursuant to the authority delegated to me by the Secretary of Commerce on August 17, 1956, there is hereby established, effective September 16, 1956, a division office with headquarters at Juneau, Alaska. For reference purposes, the Alaska Division will be referred to as Division 10.

Consonant with the memorandum of agreement between the Department of Commerce and the Department of the Interior, all records, property, personnel, funds, and activities of the Alaska Road Commission are transferred to the Alaska Division as of September 16, 1956.

Pending the issuance of an amendment to Administrative Memorandum 1-10, the delegations of authority stated therein to the division engineers of Divisions 7, 8, and 9 are hereby extended to include the division engineer of Division 10. Further, with the transfer of the functions, duties, and authority pertaining to the program in the Territory, as administered by the Alaska Road Commission, it is determined that existing delegations of authority from the Office of Territories, Department of Interior, to the Director, Alaska Road Commission, as applicable within procedures and regulations of the Bureau of Public Roads and the Department of Commerce are to be continued. Therefore, until December 31, 1956, such delegations of authority are hereby extended to the Division Engineer of Division 10, except for the following items:

1. The establishment or filling of any position not included in the list of employees transferred to the division on September 16, 1956
2. To change Wage Board rate schedules

Pending the issuance of further instructions, the Division 8 office at Portland, Oregon, shall continue as heretofore without change to be responsible for the personnel and operations of the Bureau of Public Roads Alaska District office at Juneau.

see - Alaska

file

Alaska (Just Kings)

DEPARTMENT OF COMMERCE
BUREAU OF PUBLIC ROADS
Washington 25, D. C.

September 16, 1956

(Temporary Topic 1-A)

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40-00

BUREAU OF PUBLIC ROADS

Alaska
Post Highway Bureau
September 11, 1956

Mr. F. C. Turner

A. C. Clark *AC*

Referring to our recent discussion I am enclosing copy of a map of Alaska showing the principal highways together with a descriptive text showing status of improvements of each.

This has been prepared from data recently submitted by Mr. Wyller pursuant to our request.

Attachments

ACClark:jic

cc--Mr. Clark

September 11, 1956

Route No. 1, Richardson Highway - Valdez to Fairbanks

The entire route has been reconstructed and is now paved from Valdez, Mile 0 to Mile 36, from Mile 70 to Mile 128 and from Mile 227 to Fairbanks, Mile 365. The sections between Miles 36 and 70, and Miles 128 to 227 are under contract for paving. It is not believed that the paving will be completed before the end of the 1957 season.

Route No. 2, Alaska Highway - Canadian Border to Big Delta

It is expected that the reconstruction of the section between the Canadian Border, Mile 1221 and Northway at Mile 1265 will be completed this fall, including base course of crushed gravel. The section from Northway, Mile 1265 to Mile 1296 has been regraded and widened prior to paving. We have no information on the paving of this section which was originally planned for 1957 with completion scheduled for the fall of 1958. The section from Mile 1296 to Big Delta Junction, Mile 1429 (Richardson Highway, Mile 268) is paved except for a short line change between Halfway House, Mile 1391, and Johnson River, Mile 1385. This line change and portions of the section from Tok, Mile 1318 to Johnson River, Mile 1385 under contract for repaving are scheduled for completion by fall of 1956.

Route No. 3, Glenn Highway - Anchorage to Tok Junction

The paving of the section between Gulkana Junction and the Chistochina River was completed in the fall of 1955 and the entire highway is now paved and in good condition.

Taylor Highway

The Taylor Highway, extending from Tetlin Junction, Mile 1306 on the Alaska Highway to Eagle, and by side road to Dawson, is completed and open to traffic during the summer months. Some stage construction work involving widening and grading in perma frost areas continues on this gravel-surfaced road.

Route No. 4, Seward-Anchorage Highway

Paved from Seward to Anchorage - no major improvements contemplated.

Route No. 5, Sterling Highway

This route, from Soldotna to Homer, is a gravel-surfaced road in fair condition. The reconstruction and paving of the Kenai spur and a portion of the main highway from Soldotna eastward some ten miles will probably be completed this fall. The section between this

project and the Forest Boundary, Mile 58, is under contract for reconstruction and a major portion of this section will be relocated to avoid long and steep grades on the present highway. The portion from Mile 39 to Mile 58 (Forest Highway Route 5) is under contract for paving and will probably be completed in August 1957.

Route No. 6, Steese Highway - Fairbanks to Circle and Circle Hot Springs

The first two miles out of Fairbanks have been paved and the next three miles are under contract for grading. The remainder of the route is low standard gravel-surfaced road in fair condition.

Route No. 7, Elliott Highway

This gravel-surfaced road extends from Fox, Mile 10 on the Steese Highway, to Livengood. No major improvements are contemplated. However, the Territory is initiating construction of an extension of this road to the mining communities of Eureka and Manley Hot Springs west of Fairbanks.

Route No. 8, Denali Highway

This route includes the McKinley Park roads as well as the new access road being built from Paxson, Mile 186 on the Richardson Highway, to Mt. McKinley Park. Construction, which has been performed by Force Account, is complete from Paxson west for 40 miles to the MacLaren River, and from the Susitna River, 56 miles east of Cantwell, to Cantwell and to McKinley Park, connecting there with the Park Highway extending west to Kantishna. The reconstructed section of this highway between the Susitna and MacLaren Rivers is under contract for grading and the Alaska Road Commission expects that the road will be open for traffic by June 1, 1957.

Route No. 9, Haines Highway

The Haines Highway from Haines to the Alaska-Canada Border at Mile 40 is paved. The Canadian section from Mile 40 to the Alaska Highway Junction at Mile 160 (Alaska Highway Milepost 1016) is a gravel-surfaced road kept open to travel only during the summer months. No major improvements are contemplated.

Copper River Highway

The route has been constructed between Cordova and Alaganik Slough at Mile 22 and this portion is on the Forest Highway System and maintained by the Bureau of Public Roads. The roadbed is the old Copper River Railroad which has been converted to highway. The road is narrow with no surfacing of any kind except pitrun gravel.

The project covering the section between Mile 22 and Mile 39 and crossing the Copper River delta is under progress but will probably not be completed this fall as anticipated. It is most likely that it will be well into 1957 season before the project is completed.

The Alaska Road Commission has under progress, a location survey from Mile 39 towards Katalla.

The section between Mile 39 and Mile 51, "The Million Dollar Bridge", has been surveyed and Alaska Road Commission has, at the present time, a crew surveying north from Mile 51. Some surveying has also been done from Chitina south.

The present route between Chitina and Willow Creek is an old, very low-standard road with grades up to 15-18 percent and about a 12-foot width with no surfacing of any kind. The bridges are in particularly bad condition and are all posted for a 5-ton load limit and a 5-mile per hour speed limit. The present road is of no particular value in connection with the proposed through highway between Cordova and Willow Creek except as an access road.

08-00

Bureau of Public Roads COPY

Mr. C. F. Wyller, District Engineer
Juneau, Alaska

August 3, 1956

F. E. Andrews, Division Engineer

Acquisition of right-of-way for Alaska Forest Highway Projects

In connection with the above subject there is attached hereto a copy of the Commissioner's memorandum of June 5, 1956. In view of the present uncertainty regarding the eventual organization which will be established in Alaska and exactly what such organization will consist of, it does not appear advisable, at this time, to continue the discussion of this subject with the Territory. The attached memorandum is submitted in order to bring your files completely up to date and to serve as a basis of any verbal discussion that may be required in the interim.

With respect to the acquisition of right-of-way for Access Road Project AD-2(2) which was the subject of Mr. Tousley's telephone conversation of August 2, we would call attention to the information contained in our memorandum to you of June 29 to the effect that all titles will have to be approved by the Attorney General prior to the expenditure of funds on the project, and the deed and final certificate must be forwarded to the Washington office for transmittal to the Department of Justice for the approval of title prior to the actual expenditure of any funds. Under these circumstances it would appear that it will be necessary for you to either go through the medium of an option on these deeds or to follow the suggestion contained in the attached memorandum whereby the Territory will pay the acquisition costs and then be reimbursed at a later period, provided the Territory would guarantee to take whatever later action may be found necessary to clear the title if a question should arise. In this case it would be necessary for you to enter into a formal agreement with the Territory covering this matter.

You will be advised as soon as possible regarding the actual type of voucher which will be used to effect payment in case it is necessary for you to make direct payment to the owner in fee.

Attachment

WAWood/wk

cc: Commissioner, Washington, D. C.

Mr. Gillson

Mr. Stanley

Mr. Wood

Handwritten notes:
~~WAWood~~
J.B.
J.B.
F.E.A.
D.H.C.

08-00

Engineering
(Alaska) 7. H. (R/W)
(Alaska) Cando 3
August 3, 1956
Alaska AD 2 (2)

Mr. C. F. Wyller, District Engineer
Juneau, Alaska

F. E. Andrews, Division Engineer

Acquisition of right-of-way for Alaska Forest Highway projects

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Attachment

WAWood/wk

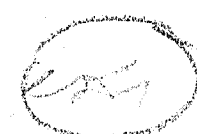
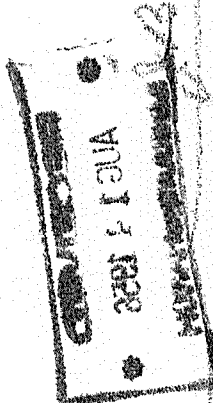
cc: Commissioner, Washington, D.C.
Mr. Gillson
Mr. Stanley
Mr. Wood

W. B. Jones
Jules

Ernest
[Signature]

1730

40-00



Mr. C. C. Wyller

08-00

C O P Y

June 12, 1956

Mr. Irving Reed
Territorial Highway Engineer
Box 2073
Juneau, Alaska

Dear Mr. Reed:

Under the date of September 16, 1956, you addressed a letter to District Engineer Wyller requesting answers to various questions regarding the securing of rights-of-way in Alaska as propounded by the Territorial Attorney General's office.

We sincerely regret the extreme delay which has occurred in answering your inquiry. However, because of the nature of these questions and the policies involved, it has been considered necessary to refer the matter to our Washington office for answer. Because of the large volume of work to be handled in Washington in connection with impending highway legislation, which is now further complicated by the possibility that H. R. 10660 which is pending in Congress at this time may extend Federal Aid to Alaska and result in a complete change in the highway procedures in the Territory, we have been unable to obtain a satisfactory answer to date.

It is our understanding that you have recently advised Mr. Wyller that until an answer to your September 16 inquiry was received, you did not care to proceed with acquisition of rights-of-way on the proposed project at Wrangell at this time. As you know, a timber sale has recently been consummated by the Forest Service at Wrangell, and the construction of a sawmill, and possibly in the near future a pulp mill, is presently contemplated. It appears essential that this highway reconstruction, therefore, should not be delayed more than is absolutely necessary. Funds have been programmed and approved for this work; and, under our usual procedure, it is essential that the funds be immediately obligated, otherwise it may be necessary that they be transferred for use elsewhere. Under the circumstances, we respectfully ask that you give further consideration to proceeding with the acquisition of these rights-of-way at this time, even though satisfactory answers have not been given to your inquiry. It is probable the matter will be clarified, either by the pending legislation or by direct answer from our Washington office in the near future.

In the meantime, it is believed we can satisfactorily answer question No. 3 which the Attorney General asked relative to specific citations from Federal Statutes or Regulations which authorize the Bureau of Public Roads to construct federal roads on property owned by the Territory.

Mr. Irving Reed

Page 2

June 12, 1956

Although, specific authority to construct roads on property owned by the Territory is not spelled out in the legislation, Section 2 of the Federal Highway Act defines the term "forest road" to mean roads wholly or partly within or adjacent to and serving the national forests; thus, indicating that such highways could be and were expected to be constructed over lands other than those owned by the United States. Within the 48 states, all states acquire rights-of-way for Forest Highways and title to the rights-of-way are vested in the particular state. The Bureau's action usually consists of merely furnishing the State Highway Department with a set of plans showing the location of the road and the State proceeds with acquisition work based on such plans. Likewise, the Act only provides for maintenance on newly constructed Forest Highway sections for a period of two years with Forest Highway funds; after which, maintenance within the 48 states is taken over by the State Highway Department. In Alaska, however, the Bureau has provided permanent maintenance.

Under the existing circumstances because of the essential characteristics of the project at Wrangell, it is hoped that you will find it possible to reconsider your decision regarding the acquisition of this right-of-way.

Very truly yours,

F. E. ANDREWS
Division Engineer

WAW/nlc

cc: A. C. Clark, C. F. Wyller (3), Stanley, Wood

Recent Correspondence
 re PDM on Alaska Road
 Highway Project.

We have only the
 6/12 - 8/11
 Mr. Reed

08-00

C O P Y

Alaska
Dea. Genl. General
BUREAU OF PUBLIC ROADS

Mr. C. F. Wyller, District Engineer
Juneau, Alaska

8
June 12, 1956

F. E. ANDREWS, Division Engineer
Portland, Oregon

Acquisition of Rights-of-Way by the Territory in Alaska

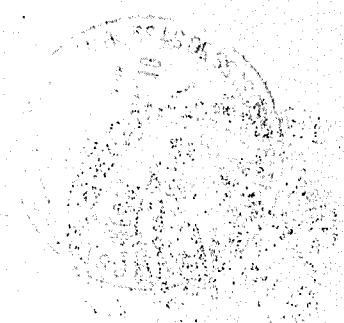
Attached are three copies of a letter we have to day forwarded to Mr. Irving Reed, Territorial Highway Engineer.

The Commissioner's office has indicated that they have not as yet been able to satisfactorily resolve this question. This is partially for the reasons indicated in the letter and partially due to inability to find an answer which will give the desired result. In the meantime, we realize the seriousness of the situation and are hopeful the enclosed letter may result in Mr. Reed reconsidering his former decision.

We have tried to indicate that in view of probable or possible changes, due to the legislation under consideration, it might be a better course of action for the Territory. The thought has also occurred to us that you may want to furnish the Governor and/or the Forest Service a copy of the enclosed letter.

Please keep us fully advised regarding this matter.

RECEIVED
JUN 15 1956



08-00

MR. WYLLER

Bureau of Public Roads

A.W. ...
16-RW
no file

AIR MAIL

Deputy Commissioner for Engineering
Washington, D. C.

May 21, 1956

F. E. Andrews, Division Engineer
Portland, Oregon

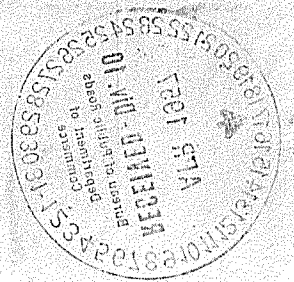
Acquisition of Right-of-Way by the Territory of Alaska for
Forest Highway Projects.

Reference is to our memoranda of September 27, 1955; January 24, 1956, and February 28, 1956, and also to your memorandum of January 4, 1956, telephone discussion of February 24, 1956 and data submitted by District Engineer, Wyller, on the above subject.

Transmitted herewith is a copy of letter dated April 25, 1956 from Territorial Highway Engineer, Irving Reed, to District Engineer, Wyller, regarding this subject. This letter is in response to an inquiry asking whether any progress was being made toward acquisition of rights-of-way for the presently programmed project at Wrangell, Alaska which is urgently needed in connection with sawmill development there. This project is slated for immediate construction but is presently held up until right-of-way is acquired. It would appear that unless means can be found to impress the Territory with the necessity of their continuing with right-of-way acquisition that we must immediately proceed with this work ourselves.

If the Territory should proceed as in the past, it would actually only amount to cash payments to the private owners. Actual work involved would probably be performed by Bureau personnel. However, if the Territory does not make such payments, answers to several of the questions raised in our January 24, 1956 memorandum appear necessary before we can proceed with acquisition work to be financed entirely by Forest Highway Funds.

In view of the urgency of the Wrangell project immediate advice regarding this matter will be appreciated and appears essential.



08-49

BUREAU OF PUBLIC ROADS

16. N. W.
+
Powell
X file

Mr. F. E. Andrews, Division Engineer
Portland, Oregon

April 26, 1956

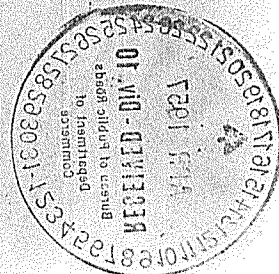
Chr. F. Wyller, District Engineer
Juneau, Alaska

There is attached copy of letter from Mr. Irving
Reed, Territorial Highway Engineer, concerning the acqui-
sition of the rights-of-way for Alaska Forest Highway Project
16-A4, C4, D3, E2, Wrangell Highway.

Additional right-of-way is required for this project
before it can be constructed. In view of Mr. Reed's state-
ment, the development of this project appears to have reached
an impasse until the points raised in his letter of September
16, 1955 have been resolved.

Attachment

RVK:stm
cc: File
Reading



TERRITORY OF ALASKA
Office of
HIGHWAY ENGINEER
and
SUPERINTENDENT OF PUBLIC WORKS
Box 2073
JUNEAU, ALASKA

16-ROW
+
ROW Mem
X file

April 25, 1956

Mr. Chr. Wyller
District Engineer
Bureau of Public Roads
Box 1511
Juneau, Alaska

Dear Mr. Wyller:

This is to acknowledge receipt of your letter of April 18, 1956, regarding acquisition of rights-of-way for Alaska Forest Highway Project 16-A4, C4, D3, E2, Wrangell Highway.

This office is still awaiting an answer to the question raised in our letter of September 16, 1955. We believe that any action on acquisition of the aforesaid rights-of-way should be held in obedience until an answer to the aforesaid letter is received.

Very truly yours,

IRVING REED
Highway Engineer

APR 25 1956



Lowell

Mr. A. C. Clark, Deputy Commissioner, Wash. D.C.
 ATTN: Mr. George Williams

February 29, 1956

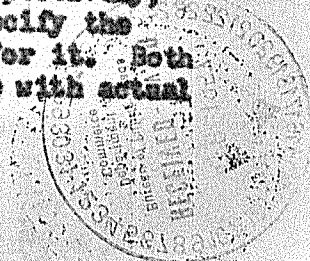
Chr. F. Wyller, District Engineer, Juneau, Alaska

Reference is made to your request through the Division office for information concerning previous commitments made by the Territory of Alaska in the matter of right-of-way acquisition on Forest Highways. In searching the old files, we have found six cooperative agreements which have a paragraph that refers directly to the right-of-way acquisition. Photostatic copies of these agreements are attached.

We also found several other cooperative agreements which make no mention of right-of-way, but which stipulates Territorial contribution to surveys, construction and maintenance. Among these cooperative agreements are the three mentioned in Mr. Andrew's memorandum of February 4th about the same subject and we understand that his office will forward copies of these three agreements.

In looking over these agreements, program letters and Forest Highway expenditure records, it is apparent that the Territorial cooperation was considerably larger, percentagewise, in the earlier years than it has been in the later years. As the Forest Highway authorizations increased, the Territorial Board of Road Commissioners felt that what Territorial money was available for road construction should be spent in the sections of the Territory which did not benefit from the Forest Highway appropriations. Cooperation on construction projects therefore just about ceased in about 1930 except that the Territory did cooperate later in the construction of a few isolated projects in which the Territorial Board was particularly interested. The cooperation in maintenance did, however, continue in accordance with the original agreements up to about fiscal year 1935. We have been unable to find any written cancellation of previous agreements, but we know that since that year we have had no Territorial funds for maintenance.

It is noteworthy that while cooperation of construction projects became more infrequent and the cooperation in maintenance ceased altogether, the Territorial Highway Engineer continued with full cooperation in the matter of acquiring rights-of-way. The two cooperative agreements attached dated August 9, 1939 and August 27, 1940 respectively, make no reference to cooperation in maintenance, but do specify the Territorial obligation to obtain the right-of-way and pay for it. Both agreements state that Bureau of Public Roads will cooperate with actual plats, surveys, etc.



February 29, 1956

The general procedure which was established in the early years prior to 1926, which is as far back as I have any personal knowledge in the matter was for Bureau of Public Roads to do the actual survey work, prepare the plats and easement forms and actually negotiate with the property owners for the right-of-way. In practically all cases, right-of-way could be obtained for a nominal sum, usually \$1.00, and this, together with any recording fees required, was paid personally by the Bureau of Public Roads engineer handling the matter. The Territorial Highway Engineer's office reimbursed the Public Roads employee on a Territorial Voucher. Only if it became impossible to obtain the right-of-way for a nominal sum did the Territorial Highway Engineer enter into personal negotiations with the property owners. This happened, for instance, on Project 2-A9, Salmon Creek Bridge, which involved relocation of a section of Glacier Highway. The property owners made an exorbitant demand of \$5,000 for the right-of-way involved and refused to negotiate any further. Mr. William Hesse, at that time Territorial Highway Engineer, then took over the case and by threatening condemnation, obtained the right-of-way for \$500.00.

This general procedure continued up through the years and there was complete agreement and harmony between the Territorial Highway Engineers and the Bureau of Public Roads in this matter until about 1948, when Mr. Frank Metcalf took over as Territorial Highway Engineer. He objected to paying for right-of-way, but after being informed of the long standing of the agreement and the established procedure, he agreed to continue providing the right-of-way. In order to avoid any future misunderstanding, an agreement was drawn, which was signed by Mr. Metcalf for the Board of Territorial Road Commissioners and Mr. H. A. Stoddart for the Bureau of Public Roads. One of the original copies of this agreement which was dated December 2, 1949 is attached.

It soon became apparent that the special program financed by the special appropriation for Tongass National Forest would involve extensive right-of-way acquisitions and that considerable sums of money would be involved. An agreement relating to acquisition of rights-of-way on Alaska Forest Highways was entered into by the Territorial Board of Road Commissioners, the U. S. Forest Service and the Bureau of Public Roads on May 16, 1950. An original copy of this agreement is attached. Subsequently, specific agreements were executed covering the acquisition of specific right-of-way parcels, which it appeared would have to go to condemnation. Copy of an agreement dated February 1, 1951 for right-of-way for Project 2-D4, K6 and a copy of an agreement dated September 22, 1952 for right-of-way on Tongass Highway are attached.

It will be noted that in these latter agreements, the U. S. Forest Service entered as a third party, agreeing to handle condemnation suits that may be necessary. This was because the Bureau of Public Roads did not have the right-of condemnation and at that time the Territorial laws of condemnation were inadequate. The Forest Service, on the other hand, could condemn and also had the right of immediate taking of land under authority granted the Secretary of Agriculture. The Forest Service later ruled that due to the 1948 act transferring appropriations for Forest

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Highways to the Department of Commerce, the Secretary of Agriculture no longer had the authority to condemn lands for Forest Highway purposes. In 1953 the Territorial Legislature passed a modern condemnation law including a law providing for taking possession by Eminent Domain. The Territory therefore has the legal machinery required for expeditious handling of right-of-way acquisitions.

The funds used by the Territory to pay for the rights-of-way were the portion of the Forest receipts which have been turned back to the Territory for highway use. For some years past, these funds have been held in escrow pending settlement of the Indian Aboriginal Claim. When funds accumulated previously had been exhausted, the Territorial Attorney General ruled that the receipts under the Alaska Gas Tax Law could not be used for right-of-way acquisition. The Territorial Highway Engineer therefore pleaded that he did not have any funds to use for this purpose. This was changed, however, in the last session of the Territorial Legislature, which in 1955 changed the Gas Tax Law so that these moneys now can be used for purchase of right-of-way, as well as other highway purposes. The income from the Territorial Gas Tax to the highway fund is now approximately \$2,600,000 per annum. Incidentally, Mr. Reed, the present Highway Engineer did not push either the condemnation laws or the change in the Gas Tax Law and it was largely through the efforts of the U. S. Forest Service and the Bureau of Public Roads that these laws were enacted.

The difficulties inherent in the Bureau of Public Roads obtaining rights-of-way are well described in Mr. Andrew's memorandum of February 24th. We had an experience in how difficult it is in the Territory of Alaska to obtain a title search and generally conduct right-of-way acquisition to meet Federal standards back in 1942 when we obtained some rights-of-way on Project DA-WR3 which were paid for by excess funds. In acquiring the right-of-way from a Mr. and Mrs. Danner, we started negotiations in March and April of 1942. Mr. Boykin required an abstract of title and we were instructed to obtain bids from lawyers for this work. All lawyers refused to bid and the abstract was finally obtained from the U. S. Commissioner. We obtained the abstract on September 30, 1942 and all papers were forwarded to Washington a short time thereafter. The last reference in our files to this case is a copy of a wire dated September 13, 1943 to the Washington office from Mr. M. D. Williams asking that the payment for the right-of-way obtained be accelerated. The project had been completed on July 31, 1943. It was only because the owners were cooperative and more than reasonable in their attitude that we did not get in serious difficulties. The fact that it was wartime probably had some bearing on the owners attitude.

We have discussed this matter of rights-of-way acquisition with Mr. Wm. B. Adams, Chief of the Real Estate Branch of the Alaska Road Commission. He states that the Alaska Road Commission has the authority to purchase right-of-way with Federal funds and that they obtain easements in the name of Alaska Road Commission, that is, the Federal Government. For this latter reason, Territorial funds are not being used for



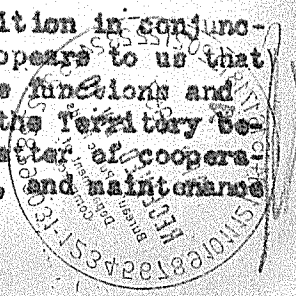
February 29, 1956

right-of-way purchases. Their policy is to negotiate the easement with the owner for free or for a nominal \$1.00 payment. It is usually successful, because the Alaska Road Commission generally operates in sparsely settled areas, but occasionally they do have to pay a more substantial purchase fee. They so far have had only one case come to condemnation. It took one year and a half to complete this case, which was handled through the Justice Department and the local District Attorney's office. We know that the District Attorney's offices in Alaska are so swamped that any case handled through their offices will be subject to long delays.

Mr. Adams further commented on the general problems connected with acquiring real estate in Alaska. He has found, as have we, that it is necessary to conduct title searches of our own to get any idea of the validity of the deed granted by the present occupant of the property. Mr. Adams is an experienced real estate officer from the states and said that he was amazed when he came to Alaska some five or six years ago in this work, to find the chaos that exists in the majority of the real estate titles. He estimates that at least 90% of all real estate titles in Alaska are cloudy and will not permit the owner to give a clear warranty deed without going through the court with a suit to quiet title. We are convinced that if we are to obtain the right-of-way for the U. S. Government and pay for it with government funds, we would have to employ an real estate officer, who is experienced in abstracting titles and who could devote his entire time to right-of-way acquisition. We would probably also need the part time services of a lawyer to process the cases in court. Assuming that we had these services, it would still take at least a year to clear the titles for the right-of-way on one project. Just what procedure we would follow in case it became impossible to come to an agreement with a property owner, we do not know, since it is our understanding that the Department of Commerce and the Bureau of Public Roads do not have the right of condemnation and Eminent Domain.

We have Project 16-A4, C4, D3, E2, which is scheduled for construction this coming season, and which will require the acquisition of approximately 50 different parcels of right-of-way. We do not expect any particular difficulty on this acquisition, and believe that if we can obtain quitclaim deeds in the name of the Territory under the procedure which has been in force heretofore, we can accomplish the acquisition by approximately July 1st. If we have to obtain the deeds in the name of the U. S. Government with Forest Highway Funds and satisfy the more stringent requirements of the Federal Government in matters of this nature, we are certain that we cannot get the project ready for construction before 1957.

In considering this matter of right-of-way acquisition in conjunction with the general cooperation by the Territory, it appears to us that the Territory instead of gradually assuming more and more functions and obligations, which they will have to assume if and when the Territory becomes a state, it is trying to do less and less in the matter of cooperation. The original cooperation in surveys, construction, and maintenance



Mr. A. C. Clark

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February 29, 1956

has gradually been dropped so at the present time the only form of cooperation is in the acquisition of rights-of-way. It appears to us that this tendency to shove more and more onto the Federal Government is inconsistent with the statement generally made that the Territory is ready for statehood and is in financial position to operate a state government. It is also inconsistent with the fact that the Territorial funds available for highway purposes are now much greater, percentagewise, than they were when there was far greater cooperation in the Forest Highway Program. We do not believe that there is any justification for granting any further exceptions to the established procedures in the states than there are already in existence. We therefore do not recommend that rights-of-way be obtained by Bureau of Public Roads with Forest Highway Funds, but that the rights-of-way acquisition continue as a Territorial obligation as a matter of cooperation. We furthermore do not believe that the Bureau of Public Roads should be involved in the actual acquisition since it does actually mean the expenditure of Territorial funds by a government employee not directly responsible to the Territory. However, until the Highway Engineer's office is in a position to handle this work, we would have no objection to doing the negotiating as heretofore on the request of the Territorial Highway Engineer.

Attachments
cc: Division Office

APR 2 1956

RECEIVED - DIV. OF PUBLIC ROADS
FEB 29 1956
U.S. DEPARTMENT OF THE INTERIOR

RW Seal

AIR MAIL

A. C. Clark, Deputy Commissioner
Washington, D. C.

February 28, 1956

Attn: Geo. M. Williams
F. F. Andrews, Division Engineer
Portland, Oregon

Rights-of-Way

Reference is to our telephone conversation and memorandum of February 24, 1956 on the above subject. M

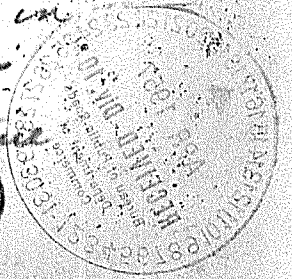
There are enclosed copies of the three co-operative agreements mentioned in our memorandum. We do not know whether this is a duplication of one of the agreements referred to in District Engineer Nyller's telegram to you of yesterday or not. We presume not since no reference is made therein to right of way acquisition. Further, we have no knowledge here in Division regarding the action taken with respect to the sharing of maintenance costs by the Territory. To our personal knowledge the Territory has not contributed to such costs for the past 7 years. In such case, these agreements cover only short sections of what are now considerably longer routes. Hand signed copies of these co-operative agreements are in Division Files.

To date we have found no other agreements or other pertinent data in Division Files regarding this subject. Possibly such information would be in old Western Headquarters Files, in which case Alaska District will have located it and included it in data sent directly to you.

An additional thought has also occurred to us regarding direct acquisition of right-of-way by the various states rather than by the Bureau. We find, particularly in Oregon, that in many instances the State prefers to acquire a standard width right-of-way wider than we may indicate on our plans as the minimum we require. This, for the reason that it will take care of any future reconstruction to a higher standard, fits State widths on adjacent state sections of the highway and renders maintenance to the same standard when the state eventually takes over the maintenance. Undoubtedly, were we to directly acquire the right-of-way ourselves it would be to minimum required widths.

WAW:lr
Encl.
cc Nyller w/copies of Agreement
Wood

*Copies of these three
Agreements already in
folder with other
marked "Cooperative
Agree. w/Territory"*



Rowland

Mr. A. C. Clark, Deputy Commissioner
Washington, D.C.

February 24, 1956

Attn. Mr. Geo. W. Williams
F. S. Andrews, Division Engineer
Portland, Oregon

AIR MAIL

Reference is made to previous correspondence, particularly our memoranda of September 27, 1955 and January 24, 1956 and to our telephone conversation of this date regarding the problem of rights-of-way acquisition and particularly with respect to acquisition of rights-of-way in Alaska.

As indicated in our referenced memoranda, neither the Territorial Highway Engineer's office nor the Bureau of Public Roads have adequate facilities or personnel for such work in Alaska. The problem is particularly acute in the Territory because of the fact that, at least in southeastern Alaska, there are no abstract or title guaranty companies or concerns. Because of its remoteness and the inexperience of people handling such matters, together with the laxity of Territorial laws and regulations, deeds and property conveyances have, in the past, been very poorly prepared and handled. Based on Mr. Wood's personal experience in acquiring some several hundred parcels of right-of-way, for which he personally had to make such title searches, if they can be called such, as were made, it is safe to say that probably 10% of the titles would be unsatisfactory to the United States Government if they were being required to put out Government funds for such property.

From personal knowledge it can also be said that both the courts and the district attorneys in Alaska are so overworked and so far behind in their cases that it would presently be practically impossible to obtain Department of Justice assistance in rendering opinions on titles or handling condemnation suits. Some personal discussions were held with district attorneys regarding this subject by Mr. Wood while engaged in such work.

Admittedly the present demand for right-of-way based on available forest highway appropriations in Alaska would not be great. Even so it is safe to say that unless the acquisition for presently programmed projects is handled by and through the Territorial Highway Engineer that construction of these programmed projects will of necessity be deferred at least beyond the next construction season unless adequate personnel and authority were immediately made available for such work.

All State highway departments in Division 8, with the exception of Alaska, maintain and have a well staffed and well organized right-of-way department with trained men exclusively assigned to such work and including legal counsel. Abstract and title guaranty facilities are also available to them. These right-of-way departments are probably less hampered

