

RG 30 RECORDS OF THE BUREAU OF
PUBLIC ROADS

WASHINGTON OFFICE, *Entry 6*

GENERAL CORRESPONDENCE AND
RELATED RECORDS, 1912-65.

1955-1959

ALASKA FOREST HWYS 1959 PART 1 OF 2
THRU

ALASKA INTERSTATE HWYS 15-16 1957-59

BOX NO.
1131

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Alaska Forest AWS

1959

Part 1 of 2

23-10

DEC 8 1959

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

Dear Senator Bartlett:

Mr. John R. Francis' letter to you, dated November 2, 1959, handed by you to Mr. Niemi recently in Juneau, has been forwarded to this office for reply.

The situation referred to remains unchanged from that described to you in our letter of September 25, 1959. It was not the intention in that letter to state that ditch cleaning operations had been carried on continuously from Mile Post 330 toward Fairbanks. Only the worst sections were cleaned at that time and the operation was moved to the Big Bend area, it being considered the most critical. The sections not cleaned out between Big Bend and Hielson Air Force Base are scheduled for work next season. Upon completion of the drainage correction, work will begin on restricting all private access across the right-of-way to the standard driveway widths.

In the Big Bend area curbs and gutters will have to be installed at some future date if business continues to expand as it has in the past. The objectionable ditch will then be eliminated but the business places will still be permitted only limited access, the same as at present. Expensive curb and gutter construction, however, is not fully justified at this time.

Regarding the opinion of Mr. Francis as to the need for drainage at Big Bend, our engineers have given this a great deal of study and believe the culverts are necessary to properly protect the highway.

- 2 -

We hope that this information is sufficient to clarify the situation to your satisfaction. If we can be of any further assistance please do not hesitate to request it.

Sincerely yours,

Paul F. Royster
Assistant to the
Federal Highway Administrator

W.J. Niemi:EEEE:nk Control No. PR-5385 (12/7/59) See PR-5012 dated 9/24/59
cc - Files (2)

Federal Hwy.Projs.Div. ✓

Mr. W. J. Niemi (2-cc)

Mr. E. L. Armstrong

Mr. B. D. Tallamy

CC Unit

Mr. Royster

Cleared Through
Administrator's Correspondence Unit

BUREAU OF PUBLIC ROADS

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Paul F. Royster, Assistant Commissioner
23-00 for Operations, Washington, D. C. *WJN*
ATTENTION: Mr. E. E. Erhart *6/10*

DATE: December 3, 1959

FROM : Wm. J. Niemi, Regional Engineer *WJN*
10-00.2 Juneau, Alaska

SUBJECT: Congressional Correspondence - Senator E. L. Bartlett

Senator Bartlett visited this office last week and handed me another letter from Mr. John R. Francis, of Fairbanks, concerning the drainage situation in Big Bend area. A copy of this letter and a suggested reply to the Senator are enclosed.

Enclosures:
As noted above

PR 5385

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

My Dear Senator Bartlett:

Mr. John R. Francis' letter to you, dated November 2, 1959, handed by you to Mr. Niemi recently in Juneau, has been forwarded to this office for reply.

The situation referred to remains unchanged from that described to you in our letter of September 25, 1959. *It was not the intention in that letter to state that ditch cleaning operations had been carried on continuously* Apparently that letter did not clearly state that the ditch cleaning operation, begun 35 miles south of Fairbanks, was carried on for only a short distance in that area. *from Mile Post 320 toward Fairbanks. Only the worst sections were cleaned at that time* The worst spots there were cleaned out and the operation then was moved to the Big Bend area, it being considered the most critical. The sections not cleaned out between Big Bend and Eielson Air Force Base are scheduled for work next season. Upon completion of the drainage correction, work will begin on restricting all private access across the right-of-way to the standard driveway widths.

curbs and gutters will have to be installed
The Big Bend area will undoubtedly have to go to curb and gutter at some future date if business continues to expand as it has in the past. The objectionable ditch will then be eliminated but the businesses *places* will still be permitted only limited access, the same as at present. *Expensive curb and gutter construction however is not considered to be* We do not believe the State is ready to provide these refinements at *fully justified at this time.*

Regarding the opinion of Mr. Francis as to the need for drainage at Big Bend, our engineers have given this a great deal of study and believe the culverts are necessary to properly protect the highway.

We hope that this information is sufficient to clarify the situation to your satisfaction. If we can be of any further assistance please do not hesitate to request it.

Very truly yours,

From:

John R. Francis
1542 Eielson Street
Fairbanks, Alaska

November 2, 1959

Dear Senator Bartlett:

I am sending you a copy of letter from B.P. R. Which was sent to your office in Washington, then forwarded to me. This letter states ditching started at mile post #330, located 33 miles south of Fairbanks, and was continued north towards Fairbanks. This statement is not true. They also state that no discord on the part of the property owners was encountered until the ditching started in the Big Bend area. This is true only because there hasn't been any ditching of private roads or business sites except in the Big Bend area. I made a personal survey of the highway between mile post #330 and the Big Bend area; my findings were that twenty two business sites were filled in with no culverts, from 100 ft to 600 or 700 ft, according to the type of businesses. There are 45 private roads without culverts, 17 roads (military) without culverts. Even in the Big Bend area where ditching has been completed, the B.P. R. forced the regulation only on the businesses they wished to. One business has written permission for one 24-inch culvert, and one 10-inch culvert. Another business has complete frontage filled in with culverts 200 feet with no openings. I understand he has permission also.

Where all the water is going to come from to fill these large culverts is a mystery to me. These ditches have been blocked in many places for as long as the highway has been here. This entire valley through here is flat, and the only water ever found in the ditches is from melting snow in the spring. We have had record snowfalls in the past two or three years, but we've never had any water problems in the Big Bend area ever though the ditches have been blocked in many places without any water problems. The B.P.R. states in their letter that one business man installed culverts and the rest didn't so water backed up over his property. I can't believe this as I have been around this area for several years, and I have never seen that much water. I talked to all the businessmen in the area and I haven't found anyone who complained about any water as the B.P.R. stated. I have offered the B.P.R. a petition signed by every person in the area, requesting we be allowed to fill in our ditches as other businesses have done. They refused to accept it. I believe the regulation that the B.P.R. are forcing on some businesses was meant for business sites along the highway where the right-of-way is 300 ft and not within a few blocks of a city where the sites are surveyed into lots and where the right-of-way is only 60 ft. It causes a hazard to motorists with a 20 ft opening every 40 ft or so.

These business lots range from 50 ft wide up to about 200 ft with very few over 75 ft wide. The Big Bend area will soon have a business on every lot. Can you imagine how a downtown business street would look with a large ditch every 40 ft or so. The Big Bend area is growing so fast it will be like this in two or three years. I believe the B.P. R. should take this into consideration. There are other ways to drain this area, if they feel they must have drainage installed, without large ditches in front of all the businesses.

PR-5385

I request that all businesses, by petition, be allowed to fill in complete frontage of lots except for a manhole at each lot line for clear-out purposes.

I am enclosing photographs of businesses taken between Big Bend and Mile Post #330. We contacted the governor's office in August requesting a public hearing, which we understood was granted, and that Mr. Downing would be here the following week. It was later announced on the radio and television stations that the hearing had been held, and that the ditching would be continued. No public hearing was ever held.

Thank you for your cooperation and the attention you have given this matter. Anything further you can do for us will certainly be appreciated.

Very truly yours,

John R. Francis

John R. Francis

Enc.

PR 5385

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,

CAF Lewis:bj

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

Federal Highway Administrator

Paul F. Royster

Assistant to the

Mr. Shegline - Room 804

Cleared Through
Administrator's Correspondence Unit

BUREAU OF PUBLIC ROADS
Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Paul F. Royster, Assistant Commissioner
 23-00 for Operations, Washington, D. C.

DATE: September 17, 1959

FROM : Wm. J. Niemi, Regional Engineer *WJN*
 10-00 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 R. 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 ltr fm Sen. Bartlett 9/14 w/photos)
- (c ltr fm Mr. Francis to Sen. Bartlett 9/8)
- (c our ack. to Sen. Bartlett)

RECEIVED
 SEP 18 1959

SEP 18 1959

SEP 18 1959

PR 5012

P. O. Box 1961
Juneau, Alaska

10-00

September 17, 1959

The Honorable E. L. Bartlett
159 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) ✓

PR 5012

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United States Senate

COMMITTEE ON
 INTERSTATE AND FOREIGN COMMERCE

September 14, 1959

Mr. William J. Niemi,
 Regional Engineer,
 Bureau of Public Roads,
 P. O. Box 1961,
 Juneau, Alaska.

Dear Mr. Niemi:

Enclosed are copies of a letter which has reached me from Mr. John R. Francis. As you will note, he is particularly apprehensive that the coming of winter may preclude accomplishing the work which he believes needs doing along the roadway in his area.

Also enclosed are the pictures Mr. Francis sent me. When you have completed your use of them I should appreciate your sending them back to me as Mr. Francis has asked me to return them to him.

Sincerely yours,

E. L. Bartlett
 E. L. Bartlett

I	A	TO	INT.
1		R. E.	
		A. R. E.	
		ADM.	<i>King</i>
3		C. & M.	
2		SEC.	
17			

PR 5012

1542 Eielson Street
Fairbanks, Alaska
Sept. 8th 1959

Dear Senator E. L. Bartlet

Enclosed are twenty one photographs showing injustice done by the Bureau of Public Roads, to five new businesses and one business which had been filled in for six years, other photographs showing businesses along Richardson Highway and Steese Highway, these businesses have not been bothered by Bureau of Public Roads. I have talked with heads of B.P.R. here four times. They say it's against their regulations for me to fill the entire front of my business. They will only allow me two 40 foot entrances with 24 inch culverts.

I did not dig up my frontage and put in culverts and neither did any one else, so the B.P.R. sent registered letters telling us they were going to ditch the roads in front of our businesses. The photographs show how they left our business. They claim there is a drainage problem in our area, one business man that was dug out had been filled in for six years with no water problem whatsoever.

1956 and 1957 we had record snowfalls and this year a record rainfall for the year, but no water in the ditches. Badger Road leaving the Highway with no culverts blocks the ditch on my side of the road. It has been there as long as the Highway. Ladd AFB has the ditch filled with no culverts in several places on both sides of the Highway. There has not been any water flow down the

PT 5012

ditch by the Highway in many years. It couldn't have been because of all the blockages left there by the B.P.R. for the last five to fifteen years. Yet all of a sudden because a few new businessmen move in the area and have filled in as have the other businesses shown in the photographs.

The heads of the B.P.R. claim there is a big water problem. I have talked with all businessmen and residents in the area, they have offered to sign a petition requesting permission to fill all the ditch along here but the B.P.R. refuse to accept it. We sincerely believe this is very unfair and unjustified. I don't believe the B.P.R. should be able to pick out certain businesses and say we are digging you out, the rest of them can stay as they are, but that's exactly what they have done.

I have written this in request that you might be able to help us. Winter is almost here, if the dirt in front of our businesses is allowed to freeze it will be the middle of next summer before we can do anything with it. All we are asking is we be allowed to fill in our ditches as the other businesses have been allowed to do, or that we be allowed a public hearing. It's not hard for any one driving out the Highway to see that there could not possibly be a water problem and that we are not being treated fair. If a petition would be of any further help please notify me immediately and I will get it and send it to you by return mail.

Sincerely hoping you can help us.

Very sincerely

(Signed) John R. Francis

Miller Liles

Office Memorandum • BUREAU OF PUBLIC ROADS • UNITED STATES GOVERNMENT

TO : Mr. Paul F. Royster, Assistant Commissioner
23-00 for Operations, Washington, D. C.

DATE: September 1, 1959

FROM : Wm. J. Nienl, Regional Engineer
10-00 Juneau, Alaska

SUBJECT: Congressional Correspondence -- Senator Ernest Gruening

By telegram of August 28, 1959, you were advised of a telegram received from Senator Gruening regarding a complaint of ditching operations in the Big Bend area on South Cushman Street near Fairbanks, Alaska. We are now supplementing that information in greater detail through the attached copies of correspondence.

We find no evidence of arbitrary or discriminatory action on the part of our field forces. Division Engineer H. W. Johansen has dealt in a patient and realistic manner with trespassers on the right-of-way of a public highway.

The incident will point out to the State some of the problems they must assume when they take over the full administration of the highway program and perhaps serve a useful purpose. We now learn that the smoke has largely disappeared and we hope that the fire is out.

Attachment

(c ltr 9/1 to Mr. Downing w/att)

P. O. Box 1361
Juneau, Alaska

10-00

September 1, 1959

Mr. Richard A. Downing, Commissioner
Department of Public Works
State of Alaska
P. O. Box 1361
Juneau, Alaska

Dear Mr. Downing:

This will refer to our discussion of a controversy regarding the filling of ditches in the Big Bend area of the Richardson Highway near Fairbanks by private business firms and individuals. It is our understanding that you will visit Fairbanks shortly and investigate the problem for Governor Egan.

As a result of a telegram received from Senator Gruening, and acting on verbal information received from Governor Egan's office, I personally investigated the complaints resulting from opening of ditches by Public Roads forces to provide the necessary drainage. Mr. B. D. Stewart, Chief, Construction and Maintenance Section, also had an investigation made by Maintenance Engineer W. P. Cameron. His memorandum of this date to me on the subject is enclosed and provides considerable detail on just what occurred.

Lateral ditches are a part of a highway and are within the right-of-way of the highway. Anyone entering upon and filling a highway ditch without permit is actually in trespass. I fail to see where individuals in trespass are in a very good position to complain of normal highway maintenance operations.

As indicated during our discussions, and as covered by Mr. Stewart's report, the determination of where open ditches are required and where the slope of the land is such that they are not required in an urban area is within the province of those responsible for highway maintenance.

Division Engineer H. W. Johansen acted within the scope of his authority in a reasonable manner and is fully supported in his actions by this office.

Yours very truly,

Wm. J. Niemi
Regional Engineer

WJNiemi:ls
cc: Mr. Johansen
Washington Office

WJN