

During this period miscellaneous sales totaled \$26,205, land sales \$9,175, timber sales \$1,725.61, and rental receipts for December were \$21,819.21. The Commission accepted the report.

Authority was requested by the Right of Way Engineer to offer at public sale four parcels of property which are no longer needed for highway use. Minimum consideration in each instance, he said, has been determined by careful appraisal. Access and other conditions of sale are consistent with other properties in the vicinity. The Commission granted authority to offer the following parcels at public sale and thereupon adopted "Real Property Resolution No. 483," which resolution by this reference is made a part hereof and filed in the Secretary's Office:

- (1) 0.46 acre, File 10608, consisting of a portion of an old stockpile site in the southeast quadrant of the Sunny Valley Interchange on the Pacific Highway in Josephine County for not less than \$460. No access is to be allowed to the Pacific Highway and signboard and junkyard exclusion clauses are to be included in the deed. Approval by the Bureau of Public Roads is not required.
- (2) 0.9 acre, File 12754, located approximately $4\frac{1}{2}$ miles northerly from Elmira on the Territorial Highway at the junction of Clear Lake Road in Lane County for not less than \$275. This is an old stockpile site no longer used. Signboard and junkyard exclusion clauses are to be included in the deed, as well as one unrestricted point of access to the Territorial Highway. Bureau of Public Roads' approval is not required.
- (3) 13.17 acres, File 21682, being an exhausted gravel pit on the northerly side of the John Day Highway along the John Day River approximately five miles west of Mt. Vernon in Grant County for not less than \$1,125. Signboard and junkyard exclusion clauses are to be included in the deed. Approval by the Bureau of Public Roads is not required. (See "Real Property Resolution No. 483.")
- (4) 0.44 acre, Files 28001, 37769, and 37771, located in the southwest quadrant of the Corvallis-Lebanon Interchange on the Pacific Highway in Linn County for not less than \$715. The sale is to be contingent upon the adjoining lands being under one ownership. One point of unrestricted access, 40 feet in width, is to be allowed to the Corvallis-Lebanon Highway. Signboard and junkyard exclusion clauses are to be included in the deed. Approval by the Bureau of Public Roads was given December 11, 1967.

Direct sale of 0.46 acre, File 10367, to the city of Eugene for \$5,000 was recommended by the Right of Way Engineer. This parcel is the old Crabtree stockpile site in the northwest corner of Danebo Road and West 11th Avenue on the Mapleton-Eugene Highway in the city of Eugene. The proposed sale price has been determined by staff appraisal and no restrictions are proposed. The City owns other property nearby and wishes to complete the parcel. Approval by the Bureau of Public Roads is not required. The Commission approved the sale and thereupon adopted "Real Property Resolution No. 484," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

Indentures of access were presented by the Right of Way Engineer for changes in location of existing points of access. The Commission approved the following Indentures:

- (1) Pepsi Cola Bottling Co. of Corvallis, Inc., property, File 15191, for a change in location and widening to 35 feet of one point of access on the easterly side of the Pacific Highway West in the City of Corvallis, Benton County. This access is for a new Pepsi Cola Bottling Plant and was approved by the Bureau of Public Roads November 24, 1967.
- (2) Ames property, File 37041, for a change in location of one point of unrestricted access, 35 feet in width, on the northeasterly side of the Clackamas Highway approximately one-half mile east of Estacada in Clackamas County. Approval was given by the Bureau of Public Roads on September 19, 1967.
- (3) Sharkey property, File 31225, for a change in location of one unrestricted point of access, 35 feet in width, on the easterly side of the Mt. Hood Highway approximately $12\frac{1}{2}$ miles south of the city of Hood River in Hood River County. This change is requested to make the record agree with the actual construction. Approval by the Bureau of Public Roads was given September 5, 1967.
- (4) Waggoner property, File 35961, for a change in location of one unrestricted point of access, 35 feet in width, on the southerly side of the relocated Klamath Falls-Lakeview Highway approximately two miles east of the city of Klamath Falls in Klamath County. This request is to make the record agree with the location of the access as constructed. A portion of the Civil Rights Act of 1964 is to be included in the instrument, which was approved by the Bureau of Public Roads on February 15, 1967.

- (5) Lengacher property, Files 16485 and 16484, for a change in location of one point of access, 35 feet in width, restricted to residential use on the southerly side of the North Santiam Highway approximately 2½ miles west of Mill City, Marion County. This change is requested to make the record agree with the approach as constructed. Approval by the Bureau of Public Roads was given August 17, 1967.
- (6) DeWitt property, File 16485, for a change in location and widening to 35 feet of one point of access for private residential use on the southerly side of the North Santiam Highway approximately three miles west of Mill City in Marion County. Approval by the Bureau of Public Roads was given August 17, 1967.
- (7) Developers and Investors, Inc., property, File 26515, for a change in location of one unrestricted point of access 35 feet in width on the northerly side of the Tualatin Valley Highway in the city of Forest Grove, Washington County. This action is proposed to make the record agree with the access as it was actually constructed. Bureau of Public Roads' approval was given September 15, 1967.
- (8) The Oregon Trail Co., an Oregon Corp., property, Files 30905, 30906, and 30908, for a change in location of three points of access and the elimination of two points of access on the Otis Junction Interchange Section of the Salmon River Highway in Lincoln County. Because of the condition of title to this property, it will be necessary that an Indenture of Access, Escrow Instructions, and Grant of Access forms be executed by the Commission. Bureau of Public Roads' approval was given January 19, 1968.

The matter of issuing a Grant of Access to Herman R. and Josephine Smith for two unrestricted approaches 35 feet in width on the easterly side of the Pendleton-John Day Highway in the city of Mt. Vernon, Grant County, was recommended by the Right of Way Engineer. He explained that the access is to correct an oversight made during right-of-way negotiations on a project which is presently under construction. Approval by the Bureau of Public Roads was given May 26, 1967. The Commission approved the Grant of Access.

Confirmation of telephone approval given by the Chairman on December 28, 1967, was requested by the Right of Way Engineer on an agreement to remove a deed restriction on property in the Woodland Park Addition in Multnomah County. This agreement, he said, is to facilitate

removal of a residential zone in an area which is now commercial. The State owns a block of land in the tract and the agreement indicates that the residential classification is no longer considered to be the highest and best use for each and every lot in the addition. The Commission confirmed the Chairman's action and authorization for the Secretary to sign the agreement.

Confirmation was requested by the Right of Way Engineer for oral approval given by the Chairman December 28, 1967, for authority to enter into an agreement with Robert C. Douglas, Architect, to prepare plans for the severance of an apartment building on the East Portland Freeway in Clackamas County. He explained that the State lacks personnel to accomplish the necessary work in the time available. It is proposed that Mr. Douglas prepare drawings and specifications for (1) severance of the apartment building, (2) for removal of a portion of the building, (3) reconstruction of the remainder of the building and (4) reconnection of necessary utilities. Mr. Douglas is to be paid \$1,550. The Commission confirmed the action and also authority for the Secretary to sign the agreement.

An agreement with the Oregon State Game Commission for use of property on the Rennie Bridge Section of the McKenzie Highway, Lane County, was brought up by the Right of Way Engineer. He explained that the agreement covers a public parking area and boat launching facilities operated by the Game Commission and eliminates the need for yearly agreement renewal. No consideration is involved. Following the Right of Way Engineer's favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

Authority was requested by the Right of Way Engineer for the expenditure of \$1,716 for tuition and books at the American Institute of Real Estate Appraisers' course to be held at Portland State College in Portland from February 4 to 17, 1968. It is planned to have thirteen legal and right of way people attend this course. The Commission approved the expenditure.

The Chief Counsel presented a list of properties needed for the uses indicated therein and requested the Commission to declare by resolution the necessity of said properties for the public uses to which they are to be put and to authorize the Legal and Right of Way Division to attempt to agree with the owners of said properties as to price. After careful consideration, the Commission granted authority to condemn the properties if negotiations are not successful and thereupon adopted "Condemnation Resolutions Nos. 2499 through 2501," which resolutions by this reference are made a part hereof and filed in the Secretary's Office.

A report was presented by the Chief Counsel on cases which have been tried in court. He mentioned that the offers totaled approximately \$75,000, demands were approximately \$337,000, and verdicts rendered totaled approximately \$160,000.

Chairman Jackson inquired as to the status of the DeLong Case pertaining to construction of the Astoria Bridge piers. The Chief Counsel replied that the trial has been set for March 4, 1968, and that depositions are being taken.

The Chairman also inquired as to the status of the State's action to collect from the Army Corps of Engineers in connection with the failure of the John Day River Bridge in December, 1964. The Chief Counsel replied that progress is being made, facts are being assembled, and the State has filed an accounting statement of damages.

The Commission accepted the Report of Cases Tried which is summarized as follows:

REPORT OF CONDEMNATION CASES TRIED

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Defendant's Demand</u>	<u>Verdict</u>
L-5441 Henningsen Enterprises, Inc.	Clackamas	Clackamas	Pacific Hwy. East-Cascade Hwy.	\$ 2,000.00	\$ 43,000.00	\$ 2,000.00
L-4917 Edna Hindman, et al.	Baker	Old Oregon Trail	Oxman-Benson Creek	3,710.00	None	3,710.00
L-5427 Ray C. Fry, et ux.	Clackamas	East Portland Freeway	Columbia River-Pacific Highway	13,850.00	25,000.00 (Answer)	16,875.00
L-5494 Johanna Mulder, et al.	Clackamas	Clackamas	Pacific Hwy. East-Cascade Highway	5,450.00	45,000.00 (Answer)	22,000.00
L-5471 Walter A. Spindler, et al.	Clackamas	Clackamas	Pacific Hwy. East-Cascade Highway	22,350.00	95,000.00 (Answer)	58,000.00
L-5369 John H. Dickinson, et al.	Lincoln	Corvallis- Newport	Toledo- Eddyville	12,760.00 with fencing by dft.	31,250.00	17,750.00

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Report of Condemnation Cases Tried (Cont.)

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Defendant's Demand</u>	<u>Verdict</u>
L-5332 W. D. Charlton, et al.	Multnomah	Columbia River	Burlington- Sauvie Island Bridge	\$ 175.00	\$ 7,950.00	\$ 7,450.00
L-5434 Ferdie Hudemann, et al.	Umatilla	Old Oregon Trail	Stanfield Junction- Pendleton	3,500.00	30,000.00 (Amended Answer)	15,000.00
L-5403 Claude Meyers, et al.	Umatilla	Old Oregon Trail	Stanfield Junction- Pendleton	5,375.00	40,000.00	19,600.00
L-5405 Peter A. Meyers, et al.	Umatilla	Old Oregon Trail	Stanfield Junction- Pendleton	3,000.00	20,000.00	4,550.00
L-5314 Mary Jo Prendergast, et al.	Washington	Beaverton- Tigard	Sunset Hwy.- Pacific Hwy.	1,980.00	None	1,790.00

REPORT OF TRIAL OF OTHER CASES

<u>Case</u>	<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict</u>
L-5658 State of Oregon	G. L. Olson & Calvin E. Sabo	Marion	Negligent operation of motor vehicle damaging guardrail	\$115.56	\$115.56
L-5648 State of Oregon	Donald L. Hayes	Washington	Negligent operation of motor vehicle damaging signal light	236.09	236.09
L-5363 State of Oregon	Raymond Earl Short	Jackson	Negligent operation of motor vehicle damaging State car	433.00	Dismissal

(Remarks: Further investigation of facts after filing of action revealed that State's driver was contributorily negligent.)

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Report of Trial of Other Cases (Cont.)

<u>Case</u>	<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict</u>
L-5361 State of Oregon	Steven Roy Richardson	Umatilla	Negligent operation of motor vehicle damaging highway bridge railing (Remarks: Upon attempting service of summons it was discovered that defendant is a minor under 16 years of age and is now in the Marine Corps. It appears this action is uncollectible as a practical matter.)	\$161.23	Dismissal
L-5652 State of Oregon	Arden Flanders, et ux.	Multnomah	To recover possession of property of rental house and lot	Restitution as of Dec. 20, 1967	Restitution
L-5599 Malcolm G. Lewis	Donald M. Wyatt	Multnomah	Tort - personal injury (Remarks: Plaintiff, a passenger in a car which hit our snow plow, has sued the snow plow operator (Wyatt), the Oregon State Highway Commission and each of the Commissioners. Service was made on Wyatt and on Mr. Simpson. We filed a Motion to Quash on behalf of the Commission and all three Commissioners. Our insurance carrier is handling the defense of our driver, Wyatt.)	Damages	Motion to Quash granted
L-5335 State of Oregon	Marvin Dale Taylor	Jackson	Negligent operation of motor vehicle damaging guardrail	132.21	132.21
L-5640 State of Oregon	James A. Hosey	Lane	Negligent operation of motor vehicle damaging guardrail (Remarks: Amount sued for paid in full.)	299.84	
L-5643 State of Oregon	Jim Alden Earle	Marion	Negligent operation of motor vehicle damaging bridge (Remarks: Defendant deceased without any assets. Recommend case be abandoned.)	323.97	

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Report of Trial of Other Cases (Cont.)

<u>Case</u>	<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict</u>
L-5655 State of Oregon	Lawrence W. Gooding	Douglas	Negligent operation of motor vehicle damaging overcrossing structure (Remarks: Defendant deceased without any assets. Recommend case be dismissed.)	\$141.27	
L-5663 State of Oregon	Thomas James Morgan, et al.	Douglas	Negligent operation of motor vehicle damaging guardrail	135.59	\$ 135.59
L-5269 Klamath Falls Assembly of God	State of Oregon, Klamath et al.	Klamath	Inverse Condemnation Alleged taking of access rights.	45,000.00	Held for State. No liability.
L-5227 Lord Bros. Contractor, Inc.	State of Oregon	Marion	Damages and additional compensation under Contract No. 6193.	154,660.19	38,207.88

(For additional information, see the Chief Counsel's letters dated January 10, 15, and 19, concerning cases tried, filed in the Salem Office, General Files.)

A report was also presented by the Chief Counsel concerning condemnation cases which have been settled out of court since the last Commission meeting. The proposed settlements are based upon competent appraisals and are in order for federal aid. He also mentioned that the total of the settlements is approximately \$152,000 while appraisals total approximately \$136,000. The Commission accepted the settlements, which are summarized as follows:

REPORT OF CONDEMNATION CASES SETTLED

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Amount of Settlement</u>
L-5311 Rose G. Shea, et vir.	Clackamas	Cascade	Pacific Hwy. East	\$ 1,300.00	\$ 1,625.00

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Report of Condemnation Cases Settled (Cont.)

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Amount of Settlement</u>
L-5653 R. C. Shivers, et al.	Clackamas	East Portland Freeway	Clackamas-West Linn	\$25,800.00	\$27,000.00
L-5675 Genevieve Hammerle, et vir.	Clackamas	East Portland Freeway	Columbia River-Pacific Hwy.	21,000.00	22,250.00
L-5492 Jimmie A. King, et ux.	Coos	Powers	White Bridge Detour		
				2,100.00	3,000.00
R-40119 Minnie W. King	Coos	Powers	White Bridge Detour		
				(Remarks: These two files have been settled with the contractor's insurance company agreeing to pay the amount of settlement together with \$800 to pay State's costs in handling the case.)	
L-5588 John Krvavica, et al.	Deschutes	Central Oregon	Arnold Ice Cave Road-Horse Ridge	125.00	300.00
L-5614 Loren R. McQueen, et al.	Deschutes	Central Oregon	Arnold Ice Cave Road-Horse Ridge	125.00	300.00
L-5603 Manning Barber, et al.	Deschutes	Central Oregon	Arnold Ice Cave Road-Horse Ridge	75.00	250.00
L-5343 Platt Building, Inc., et al.	Clackamas	Clackamas	Pacific Hwy. E.-Cascade Hwy.	-6,000.00	9,850.00
				(Remarks: Review Appraisal \$8,700.00.)	
L-5586 Jack M. Woodward, et ux.	Clackamas	East Portland Freeway	Columbia River-Pacific Hwy.	-28,000.00	30,000.00

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Report of Condemnation Cases Settled (Cont.)

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Amount of Settlement</u>
L-4783 Chester A. Smith, et ux.	Douglas	Pacific	Canyonville-Josephine County Line	\$ 5,600.00	\$12,500.00
				(Remarks: \$10,500.00 Revised Review Appraisal Nov. 1967.)	
L-5258 Stanley Martin, et al.	Lane	Springfield-Creswell	Pleasant Hill-Creswell	150.00	150.00
L-5600 Richard M. Crosby, et ux.	Umatilla	Oregon-Washington	South Pendleton Interchange-Court Place	600.00	900.00
L-5605 William P. Coleman, et al.	Union	Old Oregon Trail	LaGrande-Oro Dell-Union Junction	16,525.00	17,500.00
L-5466 Anthony Rogers, et ux.	Clackamas	Clackamas	Pacific Hwy. East-Cascade Highway	3,500.00	5,250.00
				(Remarks: This property is one property removed from that of Spindler (L-5471) and Mulder (L-5494) recently tried where verdicts were \$58,000 and \$22,000 over offers of \$22,350 and \$8,300 respectively.)	
L-5507 Walter C. Watkins, et al.	Douglas	Oakland-Shady	North Hill-Deer Creek	3,600.00	2,150.00
				for land and slope easement	
				(Remarks: After filing the owner filled area where slope easement was required making the easement unnecessary. Settlement on appraisal with an easement for lateral support rather than for slope.)	
L-5582 Henry Metz, et al.	Jackson	Pacific	Wall Creek-California Line	100.00	100.00

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Report of Condemnation Cases Settled (Cont.)

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Amount of Settlement</u>
L-5301 Gerald Wicks, et al.	Multnomah	Columbia River	Burlington-Sauvie Island Br.	\$ 1,825.00	\$ 3,500.00
(Remarks: This case involves the disruption of the owner's existing septic system by the taking of right of way. Serious doubts exist as to whether the new system will operate without seepage into basement of house.)					
L-5404 Marshall E. Meyers, et al.	Umatilla	Old Oregon Trail	Stanfield Junction-Pendleton	4,750.00	10,700.00 total settlement
(Remarks: In preparation of this case for trial it was discovered that the contractor had destroyed the owner's fence without replacing the same. Contractors' bids for fencing would cost State \$2,770. The settlement also includes 18 acres of land severed by the taking from the main part of the farm. At \$125 per acre this would equal \$2,250. This land can readily be sold. Added to the appraisal these items total \$9,420.)					
L-5635 Harrison P. Kellum, et al.	Clackamas	East Portland Freeway	Columbia River-Pacific Hwy.	3,950.00	4,750.00
(Remarks: Property is presently mortgaged in the sum of \$4,900.)					

(For additional information, see the Chief Counsel's letters dated January 15 and 19, 1968, concerning cases settled in the Salem Office, General Files.)

The Commission confirmed telephonic approval on offers made to the owners for acquisition of real property prior to the start of condemnation proceedings as follows:

CANYONVILLE-JOSEPHINE COUNTY LINE SECTION OF THE PACIFIC HIGHWAY

R-38959 - William Gordon Mehl, et al. 1.7 acres for right of way purposes. Offer of \$475.00 approved by Mr. Jackson January 12, 1968.

CLARNO-PORCUPINE BUTTE SECTION OF THE SHANI-KO-FOSSIL HIGHWAY

R-40624 - William H. Foster, et ux. 4.3 acres for right of way purposes. Offer of \$200.00 approved by Mr. Hill January 11, 1968.

January 23, 1968

COLUMBIA RIVER-PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY

R-39921 - West Linn Shopping Center, Inc. Parcel No. 1: 3.03 acres for right of way purposes; Parcel No. 2: 0.11 acre for right of way purposes; Parcel No. 3: 0.25 acre for right of way purposes; Parcel No. 4: 0.44 acre excess taking. Offer of \$411,000.00 approved by Mr. Jackson December 18, 1967.

R-40783 - James J. Praggastis, et ux. 0.57 acre for right of way purposes. Offer of \$7,600.00 approved by Mr. Jackson January 11, 1968.

R-41058 - Humble Oil & Refining Company. Parcel No. 1: 0.44 acre for right of way purposes; Parcel No. 2: 0.1 acre for right of way purposes. Offer of \$35,000.00 approved by Mr. Jackson December 22, 1967.

R-41065 - Margaret M. Piper. 0.08 acre for right of way purposes. Offer of \$22,350.00 approved by Mr. Jackson January 11, 1968.

R-42114 - Harriet Griffith Wise and Janet Griffith Sprague. 0.07 acre for right of way purposes. Offer of \$2,500.00 approved by Mr. Jackson January 16, 1968.

GRAY CREEK-MYRTLE POINT SECTION OF THE COOS BAY-ROSEBURG HIGHWAY

R-39835 - Don R. Schmidt, et ux. 5.2 acres for right of way purposes. Offer of \$9,350.00 approved by Mr. Jackson January 11, 1968.

KLAMATH FALLS-GREEN SPRINGS HIGHWAY JUNCTION SECTION OF THE DALLES-CALIFORNIA HIGHWAY

R-40752 - August L. Drier, et ux. Parcel No. 1: 0.04 acre for right of way purposes; Parcel No. 2: 0.1 acre for right of way purposes. Offer of \$300.00 approved by Mr. Hill December 18, 1967.

R-40757 - G. E. Brosterhous and E. B. Brosterhous. 1.6 acres for right of way purposes. Offer of \$6,500.00 approved by Mr. Hill December 18, 1967.

R-41570 - Lillian G. Mann. Parcel No. 1: 0.02 acre for right of way purposes; Parcel No. 2: 2.5 acres for right of way purposes; Parcel No. 3: 0.85 acre for permanent easement; Parcel No. 4: 0.12 acre for temporary easement. Offer of \$2,750.00 approved by Mr. Hill December 20, 1967.

LaGRANDE SECTION OF THE OLD OREGON TRAIL

R-40394 - Hendrick Ralph Voetberg, et ux. 0.79 acre for right of way purposes. Offer of \$1,100.00 approved by Mr. Hill January 11, 1968.

January 23, 1968

MISSION JUNCTION-EMIGRANT HILL SECTION OF THE OLD OREGON TRAIL

R-40789 - William Robert Purchase, et al. Parcel No. 1: 3.0 acres for right of way purposes; Parcel No. 2: 1.24 acres for right of way purposes; Parcel No. 3: 1.17 acres for permanent easement. Offer of \$1,450.00 approved by Mr. Hill January 5, 1968.

PACIFIC HIGHWAY EAST-CASCADE HIGHWAY SECTION OF THE CLACKAMAS HIGHWAY

R-40617 - Lee M. Rhoads, et ux. 0.6 acre for right of way purposes. Offer of \$6,100.00 approved by Mr. Jackson December 29, 1967.

PAINTED HILLS STATE PARK

R-39863 - Circle Bar Ranch. 2,830 acres for park purposes. Offer of \$28,300.00 approved by Mr. Hill December 29, 1967.

WEST LINN-PACIFIC HIGHWAY UNIT OF THE COLUMBIA RIVER-PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY

R-40791 - Victor S. Risley, Jr., et al. 9.0 acres for right of way purposes. Offer of \$18,500.00 approved by Mr. Jackson January 2, 1968.

R-40796 - Thomas L. Bernert, et ux. 11,990 square feet for right of way purposes. Offer of \$15,000.00 approved by Mr. Jackson December 29, 1967.

R-40800 - Donald P. Simenson, et ux. 9,992 square feet for right of way purposes. Offer of \$18,000.00 approved by Mr. Jackson December 29, 1967.

R-41378 - Jean Blanchard. Parcel No. 1: 0.22 acre for right of way purposes; Parcel No. 2: 500 square feet for right of way purposes. Offer of \$45,500.00 approved by Mr. Jackson January 11, 1968.

R-41379 - Anton Fitzko, et ux. Parcel No. 1: 0.2 acre for right of way purposes; Parcel No. 2: 200 square feet for right of way purposes. Offer of \$14,500.00 approved by Mr. Jackson December 28, 1967.

R-41390 - Hazel Z. Mobley. 10.5 acres for right of way purposes. Offer of \$25,150.00 approved by Mr. Jackson December 29, 1967.

R-41410 - Isa Silver. 5,000 square feet for right of way purposes. Offer of \$12,500.00 approved by Mr. Jackson December 29, 1967.

R-41440 - Richard D. Cranswick. 7.6 acres for right of way purposes. Offer of \$33,000.00 approved by Mr. Jackson December 29, 1967.

R-41598 - Ernest L. Manning, et ux. 120 square feet for right of way purposes. Offer of \$6,350.00 approved by Mr. Jackson December 28, 1967.

January 23, 1968

WEST LINN-PACIFIC HIGHWAY UNIT OF THE COLUMBIA RIVER-PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY (Continued)

R-41615 - Leslie L. Brenner, et ux. Parcel No. 1: 0.93 acre for right of way purposes; Parcel No. 2: 0.67 acre for scenic area. Offer of \$6,500.00 approved by Mr. Jackson January 1, 1968.

R-41675 - Bessie W. Erickson, et vir. Parcel No. 1: 4.2 acres, more or less, for right of way purposes; Parcel No. 2: 0.38 acre, more or less, for right of way purposes; Parcel No. 3: 7.0 acres, more or less, for scenic area. Offer of \$29,100.00 approved by Mr. Jackson January 2, 1968.

R-41699 - Walter F. Koski, et ux. 0.9 acre for right of way purposes. Offer of \$8,750.00 approved by Mr. Jackson January 2, 1968.

R-41745 - Jessie Jay Dunwoodie, et ux. 0.32 acre for right of way purposes. Offer of \$16,600.00 approved by Mr. Jackson January 10, 1968.

R-41748 - John N. Lovelace. 2.3 acres for right of way purposes. Offer of \$6,275.00 approved by Mr. Jackson January 10, 1968.

R-41779 - Marjorie B. Gist. Parcel No. 1: 0.6 acre for right of way purposes; Parcel No. 2: 0.07 acre for right of way purposes. Offer of \$5,300.00 approved by Mr. Jackson January 11, 1968.

R-42308 - Ben W. Tannler, et ux. 10,990 square feet for right of way purposes. Offer of \$18,000.00 approved by Mr. Jackson January 11, 1968.

R-42309 - Ben W. Tannler, et ux. 9,080 square feet for right of way purposes. Offer of \$12,250.00 approved by Mr. Jackson January 11, 1968.

WEST NEWBERG-CHEHALEM CREEK SECTION OF THE PACIFIC HIGHWAY WEST

R-40235 - M. W. Tautfest, et ux. 0.01 acre for right of way purposes. Offer of \$600.00 approved by Mr. Jackson December 22, 1967.

A report of property damage claims during the period from September 30, 1967, through December 31, 1967, was presented by the Chief Counsel. During this period \$17,733.72 was collected. One claim in the amount of \$323.97 was abandoned as not being feasible to collect. Damage cases filed during this period totaled \$246,439.54 of which \$240,000 is in the case of State vs. The Tug "Go-Getter." The Commission accepted the report.

A report on legal proceedings commenced since the last Commission meeting was made by the Chief Counsel summarized as follows:

January 23, 1968

- (1) Claude J. Miller vs. Slate-Hall and State Highway Commission, L-5686. Mr. Miller has filed action to recover alleged damages in the amount of \$8,000 because of the contractor's blasting operations on the Pacific Highway in Jackson County. Defense of this case has been tendered to the contractor.
- (2) Charles Walta and Eula Walta vs. Florence Shepard, George Walta and State Highway Commission, L-5685. This suit is for the partition of property acquired by the State which was owned jointly by four people. A check has been issued but the parties have been unable to agree as to how it should be divided.

An agreement with Lincoln City providing for sewage disposal from Devils Lake State Park in Lincoln County was discussed. The Engineer commented that the service has been provided by Lincoln City for several years but at their request the agreement has been on an annual basis. Cost of the sewage service for the year 1967 was \$365.44. He recommended renewal of the agreement for the calendar year 1968 at a cost approximately the same as for 1967. The Commission approved the agreement and authorized the Secretary to sign it for them.

The Commission also considered an extension of a lease agreement with Otha A. Jones for concession privileges at Rooster Rock State Park in Multnomah County. The Engineer stated that the lease expired December 31, 1967, but it contains provisions for extension. Income received in 1965 was \$2,235.59; in 1966, \$2,353.87; and in 1967, \$2,004.69. He recommended that the lease agreement be extended through December 31, 1972, under the old terms of the lease plus some added requirements. Instead of locked and metered cash registers, the lessee is to keep an accurate accounting system approved by the State of all income from operations under the lease. The lessee is to submit a statement prepared by a Certified Public Accountant covering the lessee's operation for each calendar year. The Commission approved extension of the lease agreement and authorized the Secretary to sign it for them. In response to the Chairman's inquiry as to cost of maintaining the concession building, the Engineer replied that only routine maintenance has been required.

Surveys for the improvement of two sections of state highways were recommended by the Engineer as follows:

- (1) Jantzen Beach Section of the Pacific Highway in Multnomah County. This covers six-laning on the Jantzen Beach Section and involves an interchange, extension of the Interstate Bridge approaches, and widening of the Oregon Slough Bridge. A public hearing was offered but waived by the County. (See "Survey Resolution No. 343.")

- (2) Allegany-Marlow Creek Section of the Coos River Highway in Coos County. This project is 0.95 mile in length and is listed on the Current State Construction Program. A public hearing was offered but was waived by the County. (See "Survey Resolution No. 344.")

The Commission approved the surveys as presented and thereupon adopted "Survey Resolutions Nos. 343 and 344," which resolutions by this reference are made a part hereof and filed in the Secretary's Office.

Overruns in contract project authorizations were reported by the Engineer who explained briefly the causes for the overruns. The Commission approved increases in project authorizations as follows:

- (1) Contract No. 6858 on the Cascade Locks-Mitchell Point Section of the Columbia River Highway in Hood River County, for an increase of \$318,177.69 (8.1 percent). Revision of guardrail and median barrier to conform with revised federal standards caused an increase of approximately \$301,000. A design change to increase depth of paving on the shoulders also caused a small overrun.
- (2) Contract No. 6963 for the Snake River Bridge Section of the Olds Ferry-Ontario Highway in Malheur County, for an increase of \$62,051.75 (6.32 percent). Additional asphaltic concrete required by grade changes, roadway illumination, foundation changes for the bridge, changes in the irrigation system and additional engineering were given as the principal reasons for the overrun.
- (3) Contract No. 6942 on the North Unit, Siletz-Toledo Section of the Siletz Highway in Lincoln County, for an increase of \$92,604 (10.74 percent). Reasons for the overrun were given as an increase in subsurface drainage, backfilling with rock material, and construction of an unanticipated culvert.

A resolution was presented by the Engineer allocating to the cities 12 percent of monies credited to the Highway Fund from June 30, to December 31, 1967. This allocation has been determined as provided by law and he recommended that the resolution be adopted. The Commission approved the allocation by adopting "City Allocations of State Highway Funds Resolution No. 46," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

Commissioner Simpson commented that in looking over the list of participating cities he had failed to find the town of Granite in Grant County. He recalled that in a previous allocation he had noted that the town had a population of three and received \$18. It was explained that the population of Granite has now shrunk to one person and the allocation had been canceled by the Secretary of State.

The Engineer reported that the publication "Oregon Outdoor Recreation - Third Edition" is now available for distribution. This publication, he explained, was prepared under the Land and Water Conservation Fund Act of 1965, which requires continuous updating of the statewide outdoor recreation plan. Preparation of the publication was financed jointly by the State Highway Department and the Federal Bureau of Outdoor Recreation. As it is not anticipated that there will be a heavy demand for the volume, he recommended that it be distributed without charge to corporations and to public agencies which are interested in outdoor recreation. The Commission accepted his recommendation.

In discussion of this publication, the Chairman commented that there should be wide distribution of a boiled-down version of the edition in order to provide as much material as possible to educate the public as to the need for recreation facilities in the State. Assistant Engineer Shaw stated that there are about 7,000 copies of the briefed version.

Annual dues for membership in the American Association of State Highway Officials are payable on or before February 1, 1968, the Engineer stated. It was his recommendation that the department continue an active part in AASHO affairs and that payment of dues for the year 1968 in the amount of \$2,279.25 be authorized. The Commission approved the payment.

Requests made by contractors for extensions of time to complete highway contracts without assessment of liquidated damages were considered by the Commission. The Engineer stated that the requests have been carefully investigated and the results of the investigations have been reported to the Commission by letter. Action was taken on the following contracts:

- (1) C. R. O'Neil, Contract No. 6906, on the Columbia River Highway in Columbia County, requested an increase of 200 calendar days. The Commission approved an increase of 84 calendar days without assessment of liquidated damages. It is expected that this increase will cover the anticipated date of completion expected to be June 15, 1968.
- (2) Wildish Construction Company, Contract No. 6875, on the McKenzie Highway in Lane County, requested an increase of two calendar days. The Commission approved the request without assessment of liquidated damages.
- (3) Ross Bros. Construction, Inc., Contract No. 7011, requested an increase of 23 calendar days. The Commission approved an increase of 19 calendar days (to the date of completion) without assessment of liquidated damages. Approval by the Bureau of Public Roads was given in their letter of December 18, 1967.

- (4) Ace Electric Company, Contract No. 7049, on Cedar Hills Boulevard at Jenkins Road on FAS 838 in Beaverton, Washington County, requested five additional calendar days. The Commission approved the request without assessment of liquidated damages.
- (5) Robert L. Jensen, Contract No. 7053, on the Oregon Coast Highway in Curry County, requested an extension of the specified completion date from October 31 to November 18, 1967. The Commission approved an extension of time to November 12, 1967, without assessment of liquidated damages. Approval was given by the Bureau of Public Roads in their letter of January 9, 1968.
- (6) Hannan Bros. Company, Contract No. 6957, on the Old Oregon Trail in Morrow and Umatilla Counties, requested an extension of time of 12 calendar days on Phase 1 and 35 calendar days on Phase 2. The Commission approved the request without assessment of liquidated damages. Approval by the Bureau of Public Roads was given in their letter of December 27, 1967.
- (7) Oosterwyk Nurseries, Inc., Contract No. 6828 on the Corvallis-Newport Highway in Benton County, requested an increase of 250 calendar days. The Commission denied the request.
- (8) Steeck Electric Company, Contract No. 7078, on the Rogue River Highway in Jackson County, requested 17 additional calendar days. The Commission denied the request.
- (9) Concrete Steel Corporation, Contract No. 6487, on the Oregon Coast Highway in Curry County, requested an extension of 67 days. The Commission approved the request without assessment of liquidated damages.
- (10) Gary Baker Contractor and Inland Construction Company, Contract No. 6820 on the Sunset Highway in Washington County, requested an increase of 75 calendar days. The Commission approved an increase of 40 calendar days without assessment of liquidated damages.
- (11) Babler Bros., Inc., Contract No. 7028 on the Central Oregon Highway in Harney County, requested an increase of 21 calendar days. The Commission approved an increase of 12 calendar days without assessment of liquidated damages.

The Engineer reported that Contracts Nos. 6800, 6836, 6838, 6855, 6862, 6884, 6888, 6907, 6947, 6961, 6997, 7034, 7035, 7041, 7045, 7065, 7069, 7085, and 7086, for highway construction have been completed as required by the contracts or modifications thereof and said contracts are now ready for acceptance or have been accepted by letter since the last Commission meeting. After due consideration, the Commission accepted the contracts by adopting "Contracts Completed Resolution No. 164," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The date for the next Highway Commission meeting was set for March 5, 1968, in the Conference Room of the State Highway Building in Salem. A tentative date for the following meeting was set for April 16, 1968.

The Commission confirmed telephonic approval given December 21, 1967, awarding contracts on which bids were received December 14, 1967, and authorized the Secretary to sign contracts on the following projects:

BIDS RECEIVED IN SALEM DECEMBER 14, 1967

Contract No. 7105 for grading, paving, structure, signing, signals and illumination on the Willamette River (West Linn) Bridge Section of the East Portland Freeway in Clackamas County. Federal-aid Interstate Highway Project No. I-205-7(10)298. Seven bids were received. The Commission elected to accept the low bid of Willamette-Western Corporation-Donald M. Drake Company, Portland, in the sum of \$15,845,989.00* and the State Highway Engineer is directed to award the contract to said bidder as soon as approval of the Bureau of Public Roads is received. (* Bid Item No. 99 for \$115,000 was eliminated later making the revised contract total \$15,730,989.00.)

Contract No. 7106 for traffic signals on the Franklin Avenue-Greenwood Avenue (Bend) Section of the Central Oregon Highway in Deschutes County. State Project. Three bids were received. The Commission awarded Contract to the low bidder, Steeck Electric Company, Medford, at \$15,696.00.

Contract No. 7107 for Squaw Creek Bridge on FAS 853 in the city of Sisters in Deschutes County. Federal-aid Secondary Highway Project No. S-377(2). Twelve bids were received. The Commission elected to accept the low bid of Stach Construction Co., Inc., Grants Pass, in the sum of \$27,666.00 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of Deschutes County is received and the sum of \$6,300.00 is deposited by the County.

Traffic signal revisions on Harvard Boulevard at V. A. Entrance (Roseburg) Section in Douglas County. Two bids were received. This was a City Project and bids were being received in behalf of the city of Roseburg. All bids received were referred to the City of Roseburg for award.

Contract No. 7108 for traffic signal installation on Eagan Avenue and Broadway Avenue in the city of Burns on the Central Oregon Highway in Harney County. State Project. Four bids were received. The Commission elected to accept the low bid of Steeck Electric Company, Medford, in the sum of \$14,250.00 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of the City of Burns is received and the sum of \$8,015.00 is deposited by the City.

Contract No. 7109 for traffic signals on the Shasta Way-South Sixth Street Section of the Klamath Falls-Malin Highway near Klamath Falls in Klamath County. State Project. Two bids were received. The Commission elected to accept the low bid of Steeck Electric Company, Medford, in the sum of \$27,176.00 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of Klamath County is received and the sum of \$15,286.00 is deposited by the County.

Contract No. 7110 for traffic signals on S. W. 1st Street in Ontario on the Olds Ferry-Ontario Highway in Malheur County. State Project. Three bids were received. The Commission elected to accept the low bid of Steeck Electric Company, Medford, in the sum of \$6,200.00 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of the City of Ontario is received and the sum of \$3,487.00 is deposited by the City.

Contract No. 7111 for traffic signals on Powell Boulevard at Hogan Avenue in Gresham on the Mt. Hood Highway in Multnomah County. State Project. Two bids were received. The Commission elected to accept the low bid of Sims Electric, Inc., Roseburg, in the sum of \$14,625.00 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of the City of Gresham is received and the sum of \$8,226.00 is deposited by the City.

Contract No. 7112 for traffic signals on the Tualatin Valley Highway at S. E. 13th Avenue in Hillsboro in Washington County. State Project. Two bids were received. The Commission elected to accept the low bid of Sims Electric, Inc., Roseburg, in the sum of \$11,250.00 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of the City of Hillsboro is received and the sum of \$8,409.00 is deposited by the City.

Contract No. 7113 for traffic signals on the East Baseline Street and N. E. 1st Street at Third Avenue in Cornelius on the Tualatin Valley Highway in Washington County. State Project. Two bids were received. The Commission elected to accept the low bid of Graham Electric Company, Portland, in the sum of \$4,850.00 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of the City of Cornelius is received and the sum of \$3,100.00 is deposited by the City.

The Engineer reported that he had awarded contracts which had been referred by the Commission to him for award when certain conditions had been fulfilled. The Commission confirmed his award of the following contracts:

- (1) Grading, paving, structure, and traffic control devices on the Willamette River (West Linn) Bridge Section of the East Portland Freeway in Clackamas County. Bids received December 14, 1967. Contract No. 7105 awarded January 11, 1968, to Willamette-Western Corporation and Donald M. Drake Company, Portland, low bidder.
- (2) Construction of Squaw Creek Bridge on FAS 853 in Deschutes County. Bids received December 14, 1967. Contract No. 7107 awarded December 22, 1967, to Stach Construction Co., Inc., Grants Pass, low bidder.
- (3) Traffic signal installation on Eagan Avenue at Broadway Avenue in Burns on the Central Oregon Highway in Harney County. Bids received December 14, 1967. Contract No. 7108 awarded January 3, 1968, to Steeck Electric Company, Medford, low bidder.
- (4) Traffic signal installation on Shasta Way-South Sixth Street Section of the Klamath Falls-Malin Highway in Klamath County. Bids received December 14, 1967. Contract No. 7109 awarded January 9, 1968, to Steeck Electric Company, Medford, low bidder.
- (5) Traffic signal installation on S. W. 1st Street in Ontario on the Olds Ferry-Ontario Highway in Malheur County. Bids received December 14, 1967. Contract No. 7110 awarded January 11, 1968, to Steeck Electric Company, Medford, low bidder.
- (6) Traffic signal installation on Powell Boulevard at Hogan Avenue in Gresham on the Mt. Hood Highway in Multnomah County. Bids received December 14, 1967. Contract No. 7111 awarded January 3, 1968, to Sims Electric, Inc., Roseburg, low bidder.
- (7) Traffic signal installation on the Tualatin Valley Highway at S. E. 13th Avenue in Hillsboro in Washington County. Bids received December 14, 1967. Contract No. 7112 awarded January 9, 1968, to Sims Electric, Inc., Roseburg, low bidder.
- (8) Traffic signal installation on East Baseline and N. E. 1st Streets at 3rd Avenue in Cornelius on the Tualatin Valley Highway in Washington County. Bids received December 14, 1967. Contract No. 7113 awarded January 3, 1968, to Graham Electric Company, Portland, low bidder.

Attention was given to requests from Jackson and Tillamook Counties for Federal Aid Secondary Highway projects. The Engineer stated that the projects have been investigated and are eligible for the use of Federal Aid Secondary Funds. The Commission approved the following projects and authorized the Secretary to sign routine construction agreements.

County	FAS	Section & Description	Programmed Amount	FAS Funds
Jackson	273	Traffic control signals at the intersection of Table Rock Road and Vilas Road.	\$ 8,000.00	1968
Tillamook	617	Centerline monumenting - Jackson Creek Section and Jackson Creek-Cape Lookout Section.	<u>3,000.00</u>	1968
TOTAL			\$11,000.00	

SUMMARY BY FISCAL YEARS	1968	1969	Total
Allocated Funds	\$3,980,000	\$3,969,000	\$7,949,000
Approved Projects (Corrected to date)	<u>1,199,000</u>	<u>--</u>	<u>1,199,000</u>
Unprogrammed Balance	2,781,000	3,969,000	6,750,000
Projects proposed	<u>11,000</u>	<u>--</u>	<u>11,000</u>
Unprogrammed Balance	\$2,770,000	\$3,969,000	\$6,739,000

A U. S. Forest Highway Program utilizing 1969 fiscal year Forest Highway funds was presented by the Engineer. He stated that the program had been developed through joint conferences with members of the U. S. Forest Service, the Bureau of Public Roads, and the State Highway Department. Representatives of the Forest Service and the Bureau of Public Roads were present at this meeting. Following his favorable recommendation, the Commission approved the following Forest Highway Program.

(Program shown on next page)

1969 FISCAL YEAR FOREST HIGHWAY PROGRAM

1969 Fiscal Year Funds Available for Programing

\$3,628,324

Project Number	Name and Termini	Type	Miles	Program Amount
<u>REVISE PREVIOUSLY PROGRAMED PROJECTS:</u>				
<u>Increase previous program amount (\$250,000) by \$82,000:</u>				
22-1(5)	McKenzie Hwy. McKenzie River Bridge	Bridge	0.04	332,000
<u>Increase previous program amount (\$1,500,000) by \$400,000:</u>				
39-1(1)	Little Sheep Creek Hwy. Imnaha, southwesterly	Grade, Base, B. S. T.	8.7	1,900,000
<u>Increase \$1,145,000 authorized by \$243,000:</u>				
*53-B	Lake of the Woods Hwy. 4.5 mi. E. of W. Forest Boundary, easterly	Grade	11.8	1,388,000
F. H. FUNDS REQUIRED FOR ABOVE ADJUSTMENTS				\$ 725,000
F. H. FUNDS AVAILABLE FOR NEW PROJECTS				\$2,903,324
<u>NEW PROJECTS:</u>				
7-1(3)	Siuslaw Hwy. Hanson Creek, easterly	Grade, Base, Pave	3.2	1,800,000
23-3(1)	Santiam Hwy. Lost Lake-Hog Rock	Grade, Base, Pave	2.0	575,000
46-4(4)	Cascade Lakes Hwy. South end of Project 46-4(2), southerly	Base, B.S.T.	4.8	260,000
6900-00	Lump Fund-Survey & Design Routes: 1,2,3,4,5,6,7,8,9,10,11,12,13,14, 15,16,17,18,19,21,22,23,24,25,26,27,28,29, 30,31,32,33,34,35,36,37,38,39,40,41,42,43, 44,46,47,48,49,50,51,52,53,54,55,56			200,000
TOTAL NEW PROJECTS				\$2,835,000
F. H. UNPROGRAMED BALANCE				\$ 68,324

*Funds for FH Project 53-B increased to finance final settlement of claim.

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Confirmation was requested by the Engineer for telephonic approval given by the Chairman on December 27, 1967, to remove the Elk River Section Project on the Oregon Coast Highway in Curry County from the State Construction Program and add it to Federal-Aid Program X. This would involve transfer of \$500,000 from the State Program to the Federal-Aid Program. The Engineer explained that to perform an adequate job will cost approximately \$1,400,000 and that there are sufficient Federal-Aid Primary funds to perform the work. The Commission confirmed the action.

Confirmation was also requested for telephonic approval given by the Chairman on December 19, 1967, to add the Vista Ridge Tunnel Westbound Project on the Highlands Interchange-Stadium Freeway Section of the Sunset Highway to Federal-Aid Program X. The Engineer explained that financing for the present job can be provided by using a portion of the urban funds on Federal-Aid Program X set aside for right-of-way acquisition on the Mt. Hood Freeway. It is not possible at this time to proceed with acquisition on the Mt. Hood Freeway. The Commission confirmed the transfer of funds.

The Chairman inquired as to what work is being done on the Powers Secondary Highway in Coos County. The Engineer replied that only minor work is being performed during the winter months but improvements will be resumed when the ground is dry enough.

The Engineer requested confirmation of approval given by the Chairman on January 2, 1968, to add \$135,000 to the State Construction Program in order to complete a project on the Hogback Summit Section of the Burns-Lakeview Highway in Lake County. This project, he said, is 3.58 miles in length and is estimated to cost \$535,000 of which \$400,000 is available from federal lands funds. The Commission confirmed the action.

A speed zone resolution was presented by the Engineer for a reduced speed on the Northeast Portland Highway (Sandy Boulevard) near Electronic Specialty Company in Multnomah County. He stated that a review of high-accident locations had indicated a need for speed control in this area. Following his favorable recommendation, the Commission approved a 50 mile-per-hour speed zone on the Northeast Portland Highway from a point 0.31 mile west of N. E. 181st Avenue to a point 0.27 mile west of N. E. 201st Avenue and thereupon adopted "Speed Zone Resolution No. 533," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Engineer reported that traffic problems exist at the entrance to the Chiloquin Ranger Station on The Dalles-California Highway north of Klamath Falls in Klamath County. Vehicles being parked in the deceleration lane and nearby are impairing sight distance for drivers leaving the Ranger Station. He recommended that parking be prohibited on the west side of

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the highway from a point 300 feet north of the Chiloquin Ranger Station entrance to a point 300 feet south of the Station entrance and that parking be prohibited on the east side of the highway from a point 100 feet north of the Ranger Station entrance to a point 200 feet south of the entrance. The Commission accepted his recommendation and thereupon adopted "No Parking Resolution No. 268," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

An amendatory agreement with Clatsop County was presented by the Engineer pertaining to the Burnside-Big Creek Section of the Columbia River Highway in Clatsop County. He explained that the original agreement approved March 8, 1966, provided that the entire old highway section would pass to the County upon completion of the new alignment. Because of the close proximity to the new highway of approximately one-half mile of the old highway at the easterly end, it has been determined that the State should retain title to this one-half mile section and that the County should provide maintenance only. The amended agreement provides for this change and he recommended approval. The Commission approved the agreement and authorized the Secretary to sign it for them.

In connection with this agreement, the Engineer stated that the County is ready to accept the old highway section as provided in the agreement and he recommended adoption of a resolution formally outlining the transfer of responsibilities. The Commission accepted his recommendation and thereupon adopted "Abandonment Resolution No. 449," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

A construction agreement with the Portland Commission of Public Docks on the Fremont Bridge Section of the Stadium Freeway in Portland was considered. The Engineer pointed out that the agreement covers a portion of the State's pier contract for the Fremont Bridge and consists principally of removal and replacement of retaining wall, dolphins, and a catwalk. Following his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

The Chairman inquired as to the effect on Oregon of the recent Federal Department of Transportation ruling to reduce highway spending. The Engineer stated that the highway program for this year will be reduced approximately \$10,000,000. However, it is not planned to delay construction of the Fremont Bridge. The Chairman then inquired as to the effect on acquisition of right of way for the East Portland Freeway (I-205). The Engineer stated that it is not planned to slow down right-of-way acquisition on this section but as cuts would have to be made somewhere they would probably be made on I-80N or I-5 or its connections. In response to the Chairman's statement that the reduction in funds should not delay completion of work underway, the Engineer stated it is not expected that the cutback will effect work now under contract. He recommended that there be no cutback in money allocated for use on the ABC system. Exact location of delayed projects on the Interstate system would have to be decided later.

Chairman Jackson then inquired as to the status of the plans suggested by the Port Commission for improvement of the Portland Airport

as it affects the north end of the East Portland Freeway and the bridge across the Columbia River. The Engineer replied that the Port Commission has indicated that its plans are firm and they plan to go ahead with the runway revisions. Washington State officials have been contacted and they do not want any change made in the location of the bridge on the Washington side. The revised airport plans, he said, have caused no great obstacle in the I-205 plans on the Oregon side. The Chairman then inquired if the Port Commission plans are firm enough to allow right-of-way acquisition for the East Portland Freeway. The Engineer replied that it appears that the plans are firm enough except at the extreme north end of the project.

An agreement with Pittsburgh Testing Laboratory for steel inspection was brought up by the Engineer. The agreement provides for inspection of steel at the plant site at Salt Lake City for use on the Pendleton Section of the Old Oregon Trail in Umatilla County, Contract No. 7097. Inspection service is to be provided at the rate of \$5.45 per ton with a maximum expenditure of \$5,354. Following his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

Confirmation of verbal approval given by Chairman Jackson on January 2, 1968, on an agreement with Wilbur Smith and Associates was requested by the Engineer. This agreement, he said, provides for a socio-economic study concerning location of the East Portland Freeway (I-205) between Clackamas and King Road in Clackamas County. He recalled that at a recent Commission meeting two delegations representing opposing factions had appeared concerning this matter. Included in the study will be an evaluation of land use, social and economic effects, traffic service, and cost comparisons on two locations at a maximum cost of \$12,000. The Commission confirmed the agreement, and authorization for the Secretary to sign it.

Renewal of an agreement with Cole and Weber for out-of-state advertising was discussed. The Engineer recalled that Cole and Weber has performed this service since 1946. In 1965, a competitive display of proposals by several agencies was staged and Cole and Weber was selected by the Travel Advisory Committee by unanimous vote. The contract entered into expired on June 30, 1967, and he recommended that it be extended for one year ending June 30, 1968, under the same conditions. The Commission approved the agreement extension and authorized the Secretary to sign it for them.

Consideration was given to a supplemental agreement with Union Pacific Railroad Company in connection with highway construction on the Bonneville-Hood River County Line Section of the Columbia River Highway in Multnomah County. This agreement has to do with waste areas on Railroad property on the south bank of the Columbia River to be used for deposit of approximately 41,000 cubic yards of material excavated by the contractor. No additional cost to the State is involved. Following the Engineer's favorable recommendation, the Commission approved the agreement.

The Commission also considered an agreement with Southern Pacific Company for installation of crossing gates at the grade crossing of the Beaverton-Tualatin Highway in the community of Progress, Washington County. The agreement provides that the State pay 90 percent and the Railroad 10 percent of the cost of installing the gates. Cost of maintenance is to be borne by the Railroad. The Engineer recommended approval of the agreement estimated to cost the State \$12,820 and the Railroad \$1,425. The Commission approved the agreement.

Agreements with the City of Hillsboro and Southern Pacific Company covering installation of crossing gates at 13th Avenue on the Tualatin Valley Highway in Washington County were discussed. The agreement with Railroad provides that the State and the Railroad share the cost equally. The City agreement provides that the State recover 10 percent of the total actual cost from the City. Allocation of cost was given as follows:

Southern Pacific Company	50%	\$7,000
State	40%	5,600
City of Hillsboro	10%	<u>1,400</u>
		\$14,000

The Engineer recommended approval of the agreements with the State's share to be taken from Current State Minor Betterment funds. The Commission approved the agreements and authorized the Secretary to sign the agreement with the City of Hillsboro.

Attention was given to a cooperative construction-finance-abandonment agreement with the City of Portland pertaining to widening and reconstruction of S. W. Jefferson Street on the Sunset Highway between S. W. 12th and 13th Avenues. The agreement provides for construction of the project, relocation of utilities, parking restrictions, and other matters. Construction work is to be performed by the City. The Engineer estimated the cost to the State at \$12,906 (75 percent) and the City's portion at \$4,302 (25 percent). Upon completion of the project and completion of the reconstructed portion of the Sunset Highway in conjunction with the Stadium Freeway the City agrees to take over portions of several streets. The Commission accepted the Engineer's recommendation for approval and authorized the Secretary to sign the agreement in their behalf.

A letter-form supplemental agreement with the City of Portland pertaining to the Stadium Freeway was also considered by the Commission. This agreement provides for construction of the Fremont Bridge piers and for alteration and extensions of N. W. Thurman Street and N. W. 14th Avenue as well as the closing of certain streets and other matters. Based on the Engineer's favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

A throughway construction agreement with the City of Portland concerning the Ross Island Bridge (S. E. Powell Boulevard)-S. E. Reedway Section of the Pacific Highway East in Multnomah County was presented by

the Engineer. The agreement provides that the State construct and maintain the facility, establish road closures, reconstruct various streets, and other matters. The Engineer commented that controversy regarding access has been resolved and execution of the agreement will help to clear the way for right-of-way acquisition and preparation of plans. The Commission accepted his recommendation for approval and authorized the Secretary to sign the agreement for them.

The Commission considered an agreement with Hermiston Irrigation District and the U. S. Bureau of Reclamation covering reconstruction of irrigation facilities caused by construction of the Stanfield Junction-Pendleton Section of the Old Oregon Trail in Umatilla County. Cost of adjusting the irrigation facilities was estimated by the Engineer at \$53,725 including \$11,425 for severance damages and \$50 for an easement. The agreement also requires the State to furnish a permanent easement for ditch rider roads and payment for extraordinary maintenance for a period of one year. Upon his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

Consideration was given to an agreement with the City of West Linn for installation of illumination at the West Linn Interchange and on the Willamette River Bridge on the East Portland Freeway and traffic signals at the West Linn Interchange in the City of West Linn, Clackamas County. Cost of the work to be performed by the State was estimated by the Engineer at \$30,000. The State is to maintain the lights and signals and the City is to pay for all electrical energy consumed. The Commission accepted the Engineer's favorable recommendation and authorized the Secretary to sign the agreement in their behalf.

An agreement with the City of Klamath Falls was presented by the Engineer for illumination at the Main Street Interchange on The Dalles-California Highway in the city of Klamath Falls, Klamath County. The Engineer estimated the cost of the project at \$21,000, and recommended that it be approved contingent upon the City of Klamath Falls providing comparable illumination on adjacent city streets and upon the City agreeing to pay for electrical energy for the interchange illumination. The Commission accepted his recommendation and authorized the Secretary to sign the agreement for them.

The Commission considered an agreement with the City of Sheridan, Yamhill County, for installation of a traffic signal at the intersection of the Willamina-Sheridan Highway with Main Street. The Engineer explained that there is warrant for the traffic signal but the City is unable to pay its share of the cost in one payment. He recommended installation of the signal at a total estimated cost of \$7,500 with the City to pay one-half of the cost in five equal payments. The first payment is to be made when the contract is awarded and the remaining four payments at annual intervals. The Commission accepted his recommendation and authorized the Secretary to sign the agreement.

Attention was given to an agreement with the Bureau of Land Management for fencing on the Lakeview-Burns Highway in the Wagontire area in Harney County. The Engineer explained that under the agreement the State is to furnish 1,200 steel posts and 70 braces at a cost of approximately \$1,478. The Bureau of Land Management will provide labor and materials totaling approximately \$2,868. This agreement provides for fencing approximately five miles on the westerly side of the highway between M.P. 29.12 and M.P. 34.02. Following the Engineer's favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

A Memorandum of Understanding with the U. S. Forest Service for obtaining right of way for state highways through National Forest lands was discussed. Right of way in the past, the Engineer said, had been obtained by a Special Use Permit. Under the proposed Memorandum, Special Use Permits will not be issued but a form of easement deed will be given to the State for required right of way. Although the proposed procedure appears to be complicated and cumbersome, he recommended that it be approved on a trial basis. If the plan becomes unworkable, it may be terminated by either party giving written notice. The Commission accepted his recommendation and authorized the Secretary to sign the Memorandum of Understanding in their behalf.

Consideration was given to a request from Lincoln City, Lincoln County, that the Commission consent to annexation to the City of a portion of the Oregon Coast Highway. The Engineer stated that the request has been investigated and he recommended that consent be given for annexation of a portion of the right of way within Section 22, Township 7 South, Range 11 West, Willamette Meridian, between M.P. 116.16 and M.P. 116.46. The Commission gave its consent and authorized the Secretary to sign a consent form.

The Commission also considered a request from the City of Oregon City for annexation of a portion of the Cascade Highway to Oregon City. As the area is contiguous to the present city limits, the Engineer recommended approval for annexation of a portion of the right of way in Section 29, Township 2 South, Range 2 East, Willamette Meridian. The Commission accepted the recommendation and authorized the Secretary to sign a consent form in their behalf.

Mr. A. W. Parsons, Division Engineer for the Bureau of Public Roads, announced that he will retire as of March 1, 1968, and that he will be succeeded by Mr. Robert Simpson. He expressed his appreciation to the Commission and its staff for the excellent working relationship between the Bureau of Public Roads and the State Highway Department. Chairman Jackson stated that the Commission is truly regretful of his departure as they appreciate greatly the cooperative attitude displayed by Mr. Parsons in dealing with highway problems, particularly his patience and understanding of these problems.

The Engineer reported that bids had been received from three contractors for emergency foundation repairs on the Alsea Bay Bridge on the Oregon Coast Highway in Lincoln County. General Construction Company submitted the low bid at \$362,636.00. Willamette-Western Corporation bid \$378,851.00. Hamilton Construction Company bid \$451,000. The Commission awarded the contract to General Construction Company at their low bid and authorized the Secretary to sign the contract. The Commission also authorized expenditure of \$60,400 for concrete beams, \$75,000 for extra work and \$25,000 for engineering, for a total of \$523,036.

The Commission signed, or authorized the Secretary to sign, the following agreements, deeds, and other papers:

"Bargain and Sale Deed" to Arch I. Hoover and Gladys Z. Hoover conveying land on the Oro Dell-Union Junction Section of the Old Oregon Trail in Union County.

"Grant of Access" to John Arvid Betts and Eva Esther Betts covering land on the Siuslaw River-Wildcat Creek Section of the Florence-Eugene Highway in Lane County.

"Indenture of Access" to Pacific Northwest Bell Telephone Company covering the Burlington-Sauvie Island Bridge Section of the Columbia River Highway in Multnomah County.

"Bargain and Sale Deed" to C. J. Wolff, Ernest A. Wolff, Clifford L. Wolff and Virgil S. Wolff, d.b.a. John D. Rearden, Grantees, covering the Shady Cove Section of the Crater Lake Highway in Jackson County.

"Bargain and Sale Deed" to Harmon P. Drushella and Lois A. Drushella covering the Stout Creek-Mill City Section of the North Santiam Highway in Marion County.

"Lease and Sale of Road Materials" to Zahn J. Crockett and Dollie Crockett covering removal of road material from Pistol River Section of the Oregon Coast Highway in Curry County.

"Indenture of Access" to Pepsi Cola Bottling Company of Corvallis, Inc., covering the North Corvallis Section of the Pacific Highway West in Benton County.

"Indenture of Access" to Vernon L. and Velva L. Ames covering the Estacada-Faraday Section of the Clackamas Highway in Clackamas County.

"Indenture of Access" to Leo E. and Juanita M. Sharkey covering the Parkdale Section of the Mt. Hood Highway in Hood River County.

"Indenture of Access" to Harry R. and Norma Waggoner covering the K.I.D. Canal-Madison Street Section of the Klamath Falls-Lakeview Highway in Klamath County.

"Indenture of Access" to John and Judith Lengacher covering the Mehama-Mill City Section of the North Santiam Highway in Marion County.

"Indenture of Access" to Ellen T. DeWitt covering the Mehama-Mill City Section of the North Santiam Highway in Marion County.

"Indenture of Access" to Developers and Investors, Inc., covering the Forest Grove-Hillsboro Section of the Tualatin Valley Highway in Washington County.

"Grant of Access" to Herman R. and Josephine Smith covering the Little Beech Creek-Mt. Vernon Section of the Pendleton-John Day Highway in Grant County.

"Agreement" with Oregon State Game Commission covering the use of real property on the Rennie Bridge Section of the McKenzie Highway in Lane County for public parking area and boat launching facilities.

"Agreement" with Lincoln City covering the renewal to December 31, 1968, for sewage disposal service in Devils Lake State Park.

"Agreement" with Otha A. Jones for a lease renewal to December 31, 1972, including additional requirements of the lessee, covering the concession at Rooster Rock State Park in Multnomah County.

"Amendatory abandonment agreement" with Clatsop County covering the Burnside-Big Creek Section of the Columbia River Highway.

"Construction agreement" with Portland Commission of Public Docks covering features that need to be taken care of as part of the Interstate 405 project.

"Agreement" with Pittsburgh Testing Laboratory for steel inspection in connection with Contract 7097 on the Pendleton Section of the Old Oregon Trail in Umatilla County.

"Agreement" with Wilbur Smith and Associates to perform a socio-economic study in connection with the location of I-205 between Clackamas and King Road.

"Agreement" with Cole and Weber renewing the date to June 30, 1968, for out-of-state advertising..

"Supplemental agreement" with Union Pacific Railroad Company for construction of Bonneville-Hood River County Line Section of Columbia River Highway in Multnomah County.

"Agreement" with Southern Pacific Company for installation of crossing gates at grade crossing on ORE 217 in Progress immediately west of Beaverton-Tigard Highway.

"Agreements" with City of Hillsboro and Southern Pacific Company covering installation of crossing gates at grade crossing on 13th Avenue in city of Hillsboro.

"Cooperative construction finance abandonment agreement" with City of Portland pertaining to widening and reconstruction of S. W. Jefferson Street between S. W. 12th and 13th Avenues on the Sunset Highway.

"Letter-form agreement (supplemental)" with City of Portland pertaining to Stadium Freeway on I-405.

"Throughway construction agreement" with City of Portland pertaining to Ross Island Bridge (S. E. Powell Boulevard)-S. E. Reedway Section of Pacific Highway East in Multnomah County.

"Agreement" with Hermiston Irrigation District and Bureau of Reclamation covering reconstruction of District's facilities as required by construction of Stanfield Junction-Pendleton Section of the Old Oregon Trail in Umatilla County.

"Agreement" with City of West Linn covering installation of illumination and traffic signals at West Linn Interchange and on the Willamette River Bridge on East Portland Freeway in city of West Linn.

"Agreement" with City of Klamath Falls providing for illumination on US97-Main Street Interchange.

"Agreement" with City of Sheridan for a traffic signal installation at the intersection of Main Street and the Willamina-Sheridan Highway.

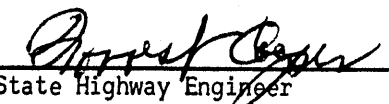
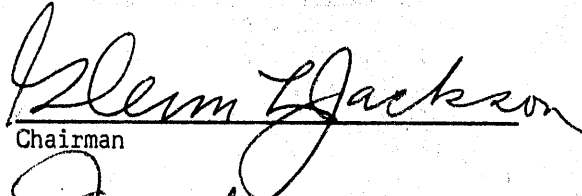
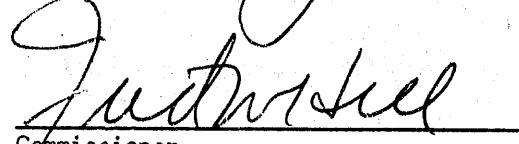
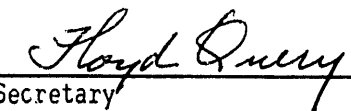
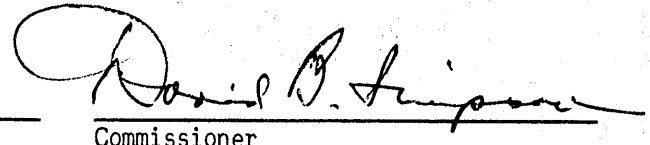
"Agreement" with Bureau of Land Management for fencing on the Lakeview-Burns Highway in the Wagontire area.

"Memorandum of Understanding" with the U. S. Forest Service for obtaining right of way for state highways through National Forest lands.

"Consent to Annexation" to City of Lincoln City re a portion of the Oregon Coast Highway.

"Consent to Annexation" to City of Oregon City re a portion of the Cascade Highway in Clackamas County.

As there was no further business to consider, the Chairman adjourned the meeting at 10:10 a.m.

 State Highway Engineer	 Chairman
	 Commissioner
 Secretary	 Commissioner

January 23, 1968

Salem, Oregon
March 5, 1968

The Oregon State Highway Commission met in regular session at 9 a.m. in Room 122 of the State Highway Building in Salem. Present were:

Glenn L. Jackson, Chairman
David B. Simpson, Commissioner
Fred W. Hill, Commissioner
Forrest Cooper, State Highway Engineer
R. L. Porter, Deputy State Highway Engineer
Tom Edwards, Assistant State Highway Engineer
G. E. Rohde, Chief Counsel
David H. Moehring, Right of Way Engineer
Floyd Query, Secretary

Assistant State Highway Engineers Lloyd P. Shaw and F. B. Klaboe were excused.

Others present were C. W. Head, Assistant Secretary; Victor D. Wolfe, Administrative Assistant; L. H. Young, Office Engineer; C. H. Maison, Controller; David Talbot, Parks Superintendent; Ralph B. Sipprell, Liaison Engineer; John Earley, Information Officer; Donald Harwell, Assistant County and City Engineer; and Leonard Lindas, Counsel for the Nevada Highway Department and formerly Chief Counsel for the Oregon Highway Commission.

The minutes of the meeting held on January 23, 1968, were approved by the Commission.

The Right of Way Engineer presented a list of options, pages 1 through 36, secured for acquisition of real property needed for State Highway use or for other purposes. He mentioned that the amounts offered are based upon competent appraisals and are in order for Federal aid. To the best of his knowledge, the firm of Norris, Beggs, and Simpson, of which Commissioner Simpson is a member, is not involved in any of these transactions. After careful consideration, Chairman Jackson and Commissioner Hill approved closing the options, including those sent to them for approval since the last Commission meeting, as well as those options presented for the first time at this meeting. Commissioner Simpson abstained from voting to avoid any possible conflict of interest. The Commission thereupon adopted "Right of Way Resolution No. 48," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Property Manager's report covering sales of miscellaneous properties and rental receipts was presented by the Right of Way Engineer. During the period between January 11, 1968, and February 26, 1968, miscellaneous sales totaled \$61,781; land sales \$7,400; timber sales \$962; and rental receipts for January 1968 totaled \$23,592.37. The Commission accepted the report.

March 5, 1968

The Right of Way Engineer requested authority to offer at public sale four parcels of property no longer needed for highway purposes. Minimum values have been determined by competent appraisals and access and other conditions of sale are consistent with those applying to other properties in the vicinity. The Commission authorized public sale of the following properties and thereupon adopted "Real Property Resolution No. 485," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

- (1) 0.35 acre, File No. 10765, in Hamilton's Addition to the City of Roseburg on the Pacific Highway in Douglas County, for not less than \$1,600. This property was formerly used as a storage site for asphalt delivered by rail, but is no longer used as asphalt deliveries are now made by truck. Signboard and junkyard restrictions clauses are to be included in the deed. Approval by the Bureau of Public Roads is not required. (See "Real Property Resolution No. 485.")
- (2) 0.73 acre, File No. 12238, approximately three and one-half miles east of Island City on the Cove Highway in Union County, for not less than \$550. Signboard and junkyard restriction clauses are to be included in the deed. Approval by the Bureau of Public Roads is not required.
- (3) 14,040 square feet of land, File No. 27075, consisting of two vacant lots in the city of Mitchell along the old Ochoco Highway in Wheeler County, for not less than \$500. No access is to be allowed to the highway and the sale is to contain a clause relieving the State of any liability because of flooding.
- (4) 8 acres, File No. 15602, approximately one mile north of Tygh Valley on the east side of The Dalles-California Highway in Wasco County, for not less than \$400. This property is an exhausted road material source. One point of access 35 feet in width and unrestricted as to use is to be allowed to The Dalles-California Highway. Signboard and junkyard exclusion clauses are to be included in the deed as well as a clause relieving the State of liability due to flooding of Butler Creek. Bureau of Public Roads' approval is not required.

Authority was requested by the Right of Way Engineer to make direct sale of four parcels of property no longer needed for highway purposes. He explained that it is not feasible to offer the properties at public sale because of peculiarities of locations. The Commission approved direct sale of the following properties and thereupon adopted "Real Property Resolution No. 486," which resolution by this reference is made a part hereof and filed in the Secretary's Office:

- (1) 2,209 square feet of land, File No. 11458, consisting of two parcels adjacent to Diamond Lake Boulevard between Jackson Street and Stevens Street on the North Umpqua Highway in the city of Roseburg to the City for \$425. Douglas County recently constructed a new bridge on Diamond Lake Boulevard across Deer Creek and revised slightly the alignment of Diamond Lake Boulevard thereby creating the excess parcels. The City wishes to acquire the land so that they may negotiate an exchange of properties.
- (2) 855 square feet of land, File No. 38537, on the south side of Main Street in Sweet Home approximately 200 feet easterly from 18th Avenue along the Santiam Highway in Linn County to Sweet Home School District 55 for \$100. No access is to be permitted to the Santiam Highway and the deed is to contain a public use clause. The School District is to construct cyclone fencing and make a screen planting. Approval by the Bureau of Public Roads is not required.
- (3) 13.17 acres, File No. 21682, on the northerly side of the John Day Highway approximately five miles west of Mt. Vernon in Grant County, to the Oregon State Game Commission for \$1,125. This property is an exhausted gravel pit which the Game Commission wishes to acquire for a game refuge and fish-holding pond. Signboard and junkyard exclusion clauses are to be included in the deed. Bureau of Public Roads' approval is not required. (See "Real Property Resolution No. 486.") The Right of Way Engineer called to the Commission's attention that this property at a prior Commission meeting had been authorized for public sale; however, it now appears to be to the State's best advantage to sell it directly to the Game Commission.
- (4) Relinquishment of Title to Washington County on a portion of relocated Cornell Road on the Cornell Road Interchange Section of the Sunset Highway in Washington County was considered. The Right of Way Engineer explained that a throughway agreement with the County approved May 28, 1964, did not provide for relinquishment of title to Cornell Road although it was reconstructed as a part of the State's contract. The County is maintaining the road and has requested the title be transferred to them. Approval by the Bureau of Public Roads is not required. The Commission approved the Relinquishment of Title.

Consideration was given to a Grant of Easement to Arthur Barkhurst and Robert A. Pyle for a roadway crossing right, File No. 25292, on the North City Limits, Klamath Falls-Green Springs Section of The Dalles-California Highway in Klamath County. The Right of Way Engineer commented that in the original acquisition made in 1956 the crossing right had not been defined. No consideration is involved. Following his favorable recommendation, the Commission approved the easement.

A Relinquishment of a Slope Easement to Dr. Carl C. Werth, the adjacent owner, along the Coalbank Slough in Bunker Hill at the easterly limits of Marshfield on the Oregon Coast Highway in Coos County was discussed. The Right of Way Engineer explained that the slope easement was acquired in 1939, but the highway alignment has since been changed and the slope easement is no longer needed. The owner has requested removal of the encumbrance to his title and has offered to pay \$50. The Commission accepted the Right of Way Engineer's recommendation for removal of the slope easement.

Indentures of Access covering changes in location of access for the convenience of the property owners and for the safety of the traveling public were recommended by the Right of Way Engineer. The Commission approved the following Indentures of Access:

- (1) U. S. National Bank of Oregon, Trustee, property, Files Nos. 35911 and 35912, for a change in location of one unrestricted point of access, 35 feet in width, on the northerly side of the relocated Klamath Falls-Lakeview Highway approximately 1.3 miles east of Klamath Falls in Klamath County. The change has been requested to provide a joint use access between the Bank and Larry V. Compton and Mabel LaVine and to make the record agree with the approach as constructed. Language from the Civil Rights Act of 1964 is to be included in the Indenture. Bureau of Public Roads' approval was given March 7, 1967.
- (2) Lowe property, File No. 38218, for a change in location of one unrestricted point of access, 35 feet in width, on the northerly side of the relocated Columbia River Highway, approximately two miles west of the city of Rainier in Columbia County. This change is to make the record of the location agree with the point as actually constructed. Bureau of Public Roads' approval is not required.
- (3) Gilchrist Timber Company property, File No. 17936, for a change in location of one unrestricted access point 35 feet in width on the easterly side of The Dalles-California Highway in the town of Gilchrist, Klamath County. Bureau of Public Roads' approval was given November 20, 1967.

March 5, 1968

- (4) Southwest Investment Company property, Files Nos. 18707 and 19007, for widening from 32 to 35 feet of one unrestricted point of access on the southwest side of the Pacific Highway West in the city of Tigard in Washington County. Approval by the Bureau of Public Roads was given January 30, 1966.

A request from Edward G. and Ellen M. White for widening from 25 feet to 50 feet on one point of unrestricted access to a furniture store on the westerly side of the Columbia River Highway approximately one-half mile south of Scappoose, Columbia County, was considered. Following the Right of Way Engineer's favorable recommendation, the Commission approved the request. Approval by the Bureau of Public Roads was given October 24, 1967.

Confirmation of telephonic approval given by the Chairman on February 14, 1968, for award of a demolition contract to Colhouer Construction Company was requested by the Right of Way Engineer. He pointed out that three bids had been received for demolition work on the East Portland Freeway in the city of Portland, the low bid having been submitted by Colhouer Construction Company in the amount of \$2,795. The Commission confirmed award of the contract and authority for the Secretary to sign the contract in their behalf.

The Commission also considered award of a demolition contract to D S L, Inc., for removal of 16 buildings, grading, and clean up on the 7th Avenue-Willamette River Section of the Eugene-Springfield Highway, the Oakhill-Eugene Section of the Springfield Highway, and the McVay Railroad Overcrossing Section of the McVay Highway in Lane County. The Right of Way Engineer stated that three bids were received; the low one having been submitted by D S L, Inc., for \$2,771. The Commission accepted his recommendation for award to the low bidder and authorized the Secretary to sign the contract.

The Chief Counsel presented a list of properties needed for the uses indicated therein and requested the Commission to declare by resolution the necessity of said properties for the public uses to which they are to be put and to authorize the Legal and Right of Way Division to attempt to agree with the owners of said properties as to price. After careful consideration, the Commission granted authority to condemn the properties if negotiations are not successful and thereupon adopted "Condemnation Resolutions Nos. 2502 through 2505," which resolutions by this reference are made a part hereof and filed in the Secretary's Office.

A report on cases which have been tried in court was presented by the Chief Counsel. He pointed out that the total of the awards is approximately 17 percent over the total of the amounts offered. The Commission accepted the Report of Cases Tried, which is summarized as follows:

March 5, 1968

REPORT OF CONDEMNATION CASES TRIED

Case	County	Highway	Section	State's Offer	Defendant's Demand	Verdict
L-5440 Rachael Peters	Clackamas	Clackamas	Pacific Hwy. East-Cascade Highway	\$13,750.00	\$25,000.00	\$18,500.00
L-5674 Josephine Griessen	Clackamas	East Portland Freeway	Columbia River-Pacific Highway	25,000.00	30,000.00	27,500.00
L-5548 Tom & Tom, Inc.	Hood River	Hood River	Indian Creek	5,075.00 before filing 10,025.00 before trial	15,000.00	7,600.00 + 1,300.00 stipulated sign value
L-4637 Carl E. Linegar, et al.	Linn	Corvallis-Lebanon	Corvallis-Orleans	3,200.00	6,360.00	6,360.00
L-5259 George S. Walker, et al.	Multnomah	Pacific East	Ross Island Bridge-Reedway	21,600.00	39,800.00	23,500.00
L-5385 Wills Industries, Inc., et al.	Umatilla	Old Oregon Trail	Pendleton	4,050.00	9,000.00	8,000.00
L-5561 Wayne Wolden	Umatilla	Old Oregon Trail	Pendleton	200.00	5,000.00	3,000.00
L-5572 Ralph Kendig, et al.	Clackamas	Clackamas	Cascade Highway	30,800.00	35,000.00	56,000.00 less 2,500.00 Remittitur 53,500.00

March 5, 1968

REPORT OF TRIAL OF OTHER CASES

Case	Defendant	County	Cause of Action	Demands of Plaintiff	Verdict
L-5362 State of Oregon	Haskell and Falck	Clatsop	Action filed to recover damage to a State vehicle when defendant's truck driver backed into State vehicle (Remarks: After a full trial the Court held that State's driver was contributorily negligent and therefor no recovery is legally recoverable.)	\$ 279.80 damages, costs and attorney fees	For Defendants
L-5641 State of Oregon	Hugo Hjalmer Arola	Clatsop	Negligent operation of motor vehicle damaging bridge	122.93	122.93
L-5654 State of Oregon	Rebecca Baldwin and Gladys Montade Oce	Douglas	Damage to State property (Remarks: Action originally filed against Mrs. Baldwin. Upon finding her not responsible -- case was dismissed and new action filed against Mrs. Oce.)	100.71	
L-5666 State of Oregon	James Brown and Marion Jesse Mills		Negligent operation of motor vehicle damaging guardrail	95.36	95.36
L-5458 State of Oregon	Elmo E. Curry	Jackson	Negligent operation of motor vehicle damaging light pole	403.06	403.06
L-5718 State of Oregon	Bill Clark	Marion	Negligent operation of motor vehicle damaging highway building (Remarks: Defendant has paid full amount of damages and case dismissed.)	124.55	
L-5686 Claude J. Miller	Fred H. Slate Co., et al.	Jackson	Damages to real property by blasting (Remarks: Appropriate Motion allowed by Court dismissing State and Commissioners.)	5,000.00	

March 5, 1968

(Report of Trial of Other Cases - Continued)

<u>Case</u>	<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict</u>
L-5607 Kay L. Thomas	State of Oregon	Klamath	Personal injury (Remarks: On July 4, 1967, a large boulder fell from a bluff adjacent to MP 262 on The Dalles-California Highway. It struck the hood of plaintiff's auto and caused severe injury to the occupants. Named as defendants, besides the State and the Commission, were the individual commissioners, the Highway Engineer, District Maintenance Superintendent and Foreman. The State and the Highway Commission, as an entity, have been dismissed pursuant to a demurrer filed and argued by the staff. All of the individuals will be represented in this case by attorneys employed by insurance carrier.)	\$453,446.45	
L-5417 Doris Lake	Emory E. Johnston, et al.	Multnomah	Personal injury (Remarks: Nonsuit granted by Court following presentation of plaintiff's case. This case has been before the Court several times. It is personal injuries suffered by plaintiff when she stumbled over a curb at the Portland (Metro) Highway Department headquarters.)	\$101,517.64	

(For additional information, see the Chief Counsel's two letters dated February 29, 1968, concerning Cases Tried, filed in the Salem Office. General Files.)

A report was also presented by the Chief Counsel concerning cases which have been settled out of court since the last Commission meeting. The proposed settlements are based upon competent appraisals and are in order for Federal aid. He also commented that the total of the settlements is approximately three percent more than the total of the offers. The Commission accepted the settlements, which are summarized as follows:

REPORT OF CONDEMNATION CASES SETTLED

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Amount of Settlement</u>
L-5300 Verna C. DeHay, et al.	Coos	Coos Bay- Roseburg	Rink Creek- Myrtle Creek (Remarks: There is presently over \$600 interest payable on any verdict, due to the fact that State has been in possession for over a year.)	\$10,400.00	\$11,750.00

March 5, 1968

(Report of Condemnation Cases Settled' - Continued)

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Amount of Settlement</u>
L-5602 Francis R. Hill, et al.	Coos	White Bridge (Remarks: Temporary easement)	Powers		\$ 50.00
L-5549 Julia Sidley, et al.	Jackson	Lake of The Woods	Brownsboro- Hanley Ranch	3,300.00	3,600.00
L-5472 Lyle P. Bartholomew, et al.	Marion	Silver Creek Falls	State Street- North Santiam	1,225.00	1,500.00
L-5485 Robert W. Kenney, et al.	Washington	Beaverton- Tigard (Remarks: Highway construction adjacent to this property will leave a steep and deep cut slope without a fence. Property owner is convinced it will be dangerous for his small children. A cyclone type fence would cost \$400 and if the case were tried, it is believed the jury would give an allowance of such amount.)	Sunset Highway- Pacific Highway	475.00	850.00
L-5327 Alice Peck, et vir.	Washington	Tualatin Valley	Multnomah County Line- Beaverton	150.00	150.00
L-5422 Shirley Ernestine Temple, Trustee, et al.	Umatilla	Old Oregon Trail	Stanfield Junction- Pendleton (Remarks: Considering verdicts rendered by juries on similar cases the settlement is believed to be fair. See remarks in letter.)	7,050.00	10,500.00
L-5423 Shirley Ernestine Temple, et al.	Umatilla	Old Oregon Trail	Stanfield Junction- Pendleton (Remarks: Same as above.)	6,750.00	10,500.00
L-5559 Harry H. Lane, et al.	Umatilla	Old Oregon Trail (Remarks: Taking is for relocation of a sewer which City of Pendleton is doing at present time. A jury view would have disclosed a very sticky mess in owner's back yard, rather close to the house.)	Pendleton	150.00	450.00

March 5, 1968

(Report of Condemnation Cases Settled - Continued)

Case	County	Highway	Section	State's Offer	Amount of Settlement
L-5706 Jesse Jay Dunwoodie, et al.	Clackamas	East Portland Freeway	West Linn- Pacific Highway Unit- Columbia River- Pacific Highway	\$16,600.00	\$16,600.00
L-5717 Ben W. Tannler, et al.	Clackamas	East Portland Freeway	West Linn- Pacific Highway Unit of the Columbia River-Pacific Highway	12,250.00 Parcel 1 only	12,500.00 Entire taking
L-5709 Verne R. Webb, et al.	Josephine	Redwood	Cave Junction- California State Line	6,400.00	6,400.00
L-5712 West Linn Shopping Center, Inc.	Clackamas	East Portland Freeway	Clackamas River-West Linn	450,000.00	450,000.00
		(Remarks: Review Appraiser set a value at \$450,000 which was accepted by owners.)			
L-5429 Eligio N. Valpreda, et al.	Clackamas	Clackamas	Pacific Highway East-Cascade Highway	46,125.00	55,000.00
		(Remarks: Subject property is adjacent to Kendig property (L-5572) recently tried with result that jury gave a verdict of \$56,000 where State's evidence was \$30,000. Nine of same jurors who sat in Kendig case were seated in jury for this case.)			
L-5633 Citizens Bank of Oregon	Clackamas	East Portland Freeway	Columbia River- Pacific Hwy.	107,000.00	114,250.00
		(Remarks: Subject property is an apartment house. The defendants have been resisting State's possession. The matter is held under advisement by Court. Possession required for contract on March 1.)			

March 5, 1968

(Report of Condemnation Cases Settled - Continued)

Case	County	Highway	Section	State's Offer	Amount of Settlement
L-5042 F. B. Simmons, et al.	Lane	Eugene- Springfield	Mohawk Road- McKenzie Highway	\$ 9,375.00	\$10,607.50
		(Remarks: The owner submitted an appraisal in the amount of \$10,125. Following review by staff the owner's appraisal was accepted as indicative of value.)			
L-5476 Esco Corporation	Multnomah	Columbia River	St. Helens Road-N.W. 21st Avenue	26,500.00	35,500.00
		(Remarks: Appraisals made prior to negotiation were updated to date of filing complaint as the latter date is controlling in condemnation action.)			
L-5571 Charles G. Pope, et al.	Multnomah	Columbia River	St. Helens Road-N. W. 21st Avenue	92,000.00	105,000.00
		(Remarks: High appraisal by State was \$101,000.)			
L-5575 Sybil Farley Bowman, et al.	Umatilla	Old Oregon Trail	Pendleton	625.00	1,500.00
		(Remarks: Original appraisals and negotiations were at \$1,200. Thereafter additional appraisals were obtained with result that Reviewer set the value at \$625.)			
L-5530 Charles E. Pope, et al.	Washington	Sunset	N. Plains Interchange- Cornelius Pass Road	8,250.00	9,000.00
		(Remarks: An independent fee appraiser was employed resulting in appraisal at \$10,250.)			

(For additional information, see the Chief Counsel's letters dated February 2, 1968, and March 1, 1968, concerning Cases Settled filed in the Salem Office, General Files.)

The Commission confirmed telephonic approval on offers made to the owners for acquisition of real property prior to the start of condemnation proceedings as follows:

CHARLOTTE CREEK-MURPHY'S CAMP SECTION OF THE UMPQUA HIGHWAY

R-41476 - R. H. Kollman, et ux. 0.8 acre for right of way purposes. Offer of \$9,750.00 approved by Mr. Jackson February 1, 1968.

March 5, 1968

COLUMBIA RIVER-PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY

R-39921 - West Linn Shopping Center, Inc. Parcel No. 1: 3.03 acres for right of way purposes; Parcel No. 2: 0.11 acre for right of way purposes; Parcel No. 3: 0.25 acre for right of way purposes; Parcel No. 4: 0.44 acre excess taking. Offer of \$450,000.00 approved by Mr. Jackson January 23, 1968.

R-41058 - Humble Oil & Refining Company. Parcel No. 1: 0.44 acre for right of way purposes; Parcel No. 2: 0.1 acre for right of way purposes. Offer of \$55,750.00 approved by Mr. Jackson February 8, 1968.

R-41362 - L. A. Wievesiek, et ux. Parcel No. 1: 200 square feet for right of way purposes; Parcel No. 2: 11.9 acres for right of way purposes. Offer of \$21,850.00 approved by Mr. Jackson February 27, 1968.

R-42235 - Otto E. Meindl. Parcel No. 1: 0.37 acre for right of way purposes; Parcel No. 2: 0.02 acre for permanent easement. Offer of \$9,250.00 approved by Mr. Jackson January 18, 1968.

R-42239 - M. M. Martindale, et ux. 0.1 acre for right of way purposes. Offer of \$50.00 approved by Mr. Jackson January 17, 1968.

R-42257 - Crown Zellerbach Corporation. 0.43 acre for right of way purposes. Offer of \$100.00 approved by Mr. Jackson January 17, 1968.

R-42353 - Robert L. Wievesiek. 0.15 acre for right of way purposes. Offer of \$1,350.00 approved by Mr. Jackson February 26, 1968.

R-42354 - Janet R. Tripp. 0.02 acre for right of way purposes. Offer of \$900.00 approved by Mr. Jackson February 26, 1968.

FOREST BOUNDARY-IMNAHA SECTION OF THE LITTLE SHEEP CREEK HIGHWAY

R-41856 - Mildred Hahn. Parcel No. 1: 0.27 acre for right of way purposes; Parcel No. 2: 10.8 acres for right of way purposes; Parcel No. 3: 2.5 acres for permanent easement. Offer of \$3,975.00 approved by Mr. Hill February 14, 1968.

GRAY CREEK-MYRTLE POINT SECTION OF THE COOS BAY-ROSEBURG HIGHWAY

R-40275 - James D. Coleman, et ux. 0.34 acre for right of way purposes. Offer of \$11,025.00 approved by Mr. Jackson February 5, 1968.

R-40277 - Harvey Gant, et ux. 0.48 acre for right of way purposes. Offer of \$14,350.00 approved by Mr. Jackson February 5, 1968.

LaGRANDE SECTION OF THE OLD OREGON TRAIL HIGHWAY

R-40656 - Joseph A. Kalin and Benedict J. Kalin. 5,365 square feet for right of way purposes. Offer of \$5,100.00 approved by Mr. Hill February 5, 1968.

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S. E. DIVISION STREET-S. E. FOSTER ROAD UNIT OF THE COLUMBIA RIVER-PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY

R-41097 - Tony Caputo, et ux. 3,998 square feet for right of way purposes. Offer of \$6,750.00 approved by Mr. Jackson February 21, 1968.

WEST LINN-PACIFIC HIGHWAY UNIT OF THE COLUMBIA RIVER-PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY

R-40799 - Ben W. Tannler, et ux. 72,282 square feet for right of way purposes. Offer of \$2,500.00 approved by Mr. Jackson January 18, 1968.

R-41403 - Burnis L. McKinney, et ux. 50 square feet for right of way purposes. Offer of \$50.00 approved by Mr. Jackson February 1, 1968.

R-41405 - Bruce Peck, et ux. 1,000 square feet for right of way purposes. Offer of \$1,500.00 approved by Mr. Jackson January 17, 1968.

R-41597 - J. Dennis Tuffli, et ux. 8,000 square feet for right of way purposes. Offer of \$4,000.00 approved by Mr. Jackson February 5, 1968.

R-41617 - Richard Neumann, et ux. 0.22 acre for right of way purposes. Offer of \$225.00 approved by Mr. Jackson February 1, 1968.

R-41681 - William E. Oswalt, et ux. 0.6 acre for right of way purposes. Offer of \$2,100.00 approved by Mr. Jackson February 1, 1968.

R-41683 - Flossie L. Hughes. Parcel No. 1: 3.6 acres for right of way purposes; Parcel No. 2: 1.0 acre for right of way purposes; Parcel No. 3: 0.65 acre for right of way purposes. Offer of \$9,900.00 approved by Mr. Jackson February 1, 1968.

R-41688 - Kenneth A. Porath, et ux. 1.8 acres for right of way purposes. Offer of \$2,900.00 approved by Mr. Jackson February 2, 1968.

R-41708 - Robert W. Earl, et ux. 6.3 acres for right of way purposes. Offer of \$10,650.00 approved by Mr. Jackson February 5, 1968.

R-41710 - Frank Squicciarini, et ux. 4.1 acres for right of way purposes. Offer of \$9,650.00 approved by Mr. Jackson February 1, 1968.

R-41739 - B. W. Tannler, et ux. Parcel No. 1: 2.8 acres for right of way purposes; Parcel No. 2: 7.26 acres for right of way purposes; Parcel No. 3: 2.8 acres for right of way purposes; Parcel No. 4: 8.9 acres for right of way purposes; Parcel No. 5: 0.35 acre for right of way purposes; Parcel No. 6: 2.7 acres for scenic area; Parcel No. 7: 0.13 acre for permanent easement. Offer of \$55,800.00 approved by Mr. Jackson January 19, 1968.

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WEST LINN-PACIFIC HIGHWAY UNIT OF THE COLUMBIA RIVER-PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY (Continued)

R-41740 - Paco, Inc. Parcel No. 1: 0.04 acre for right of way purposes; Parcel No. 2: 0.08 acre for right of way purposes; Parcel No. 3: 0.06 acre for permanent easement. Offer of \$1,875.00 approved by Mr. Jackson February 6, 1968.

R-41741 - Henry D. Wagenman, et ux. 0.07 acre for right of way purposes. Offer of \$625.00 approved by Mr. Jackson January 19, 1968.

R-41743 - Lawrence A. Ellis, et ux. Parcel No. 1: 0.05 acre for right of way purposes; Parcel No. 2: 0.06 acre for permanent easement. Offer of \$125.00 approved by Mr. Jackson January 19, 1968.

R-41746 - William M. Greene, et ux. Parcel No. 1: 0.06 acre for right of way purposes; Parcel No. 2: 0.09 acre for right of way purposes. Offer of \$500.00 approved by Mr. Jackson February 1, 1968.

R-41747 - Albert M. Halbach, et ux. Parcel No. 1: 0.02 acre for right of way purposes; Parcel No. 2: 0.03 acre for right of way purposes; Parcel No. 3: 0.06 acre for right of way purposes. Offer of \$575.00 approved by Mr. Jackson February 1, 1968.

R-41755 - Eloise W. Brown. 0.05 acre for right of way purposes. Offer of \$425.00 approved by Mr. Jackson February 5, 1968.

R-41770 - Nellie Illingworth. 1.0 acre for right of way purposes. Offer of \$2,400.00 approved by Mr. Jackson February 1, 1968.

R-41774 - Henry J. Tate, et ux. 2.9 acres for right of way purposes. Offer of \$3,500.00 approved by Mr. Jackson February 1, 1968.

R-41780 - Dino A. Ius, et ux. Parcel No. 1: 7.6 acres for right of way purposes; Parcel No. 2: 0.12 acre for right of way purposes; Parcel No. 3: 1.25 acres for scenic area; Parcel No. 4: 0.4 acre for scenic area. Offer of \$11,150.00 approved by Mr. Jackson February 6, 1968.

R-41790 - Alex Radke, et ux. Parcel No. 1: 0.23 acre for right of way purposes; Parcel No. 2: 0.53 acre for right of way purposes; Parcel No. 3: 1.5 acres for scenic area. Offer of \$3,650.00 approved by Mr. Jackson February 5, 1968.

R-41792 - Ralph B. Band, et ux. Parcel No. 1: 0.08 acre for right of way purposes; Parcel No. 2: 0.25 acre for right of way purposes. Offer of \$450.00 approved by Mr. Jackson February 7, 1968.

R-42343 - Arthur N. Weldon, et ux. Parcel No. 1: 1.95 acres for right of way purposes; Parcel No. 2: 0.17 acre for permanent easement. Offer of \$5,200.00 approved by Mr. Jackson February 6, 1968.

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The Commission accepted a report from the Chief Counsel regarding orders which have been received from the Public Utility Commissioner concerning railroad crossing matters in which the State Highway Commission has been a party, summarized as follows:

PUX 651: Application by the City of Beaverton to construct a crossing at grade with the tracks of the Southern Pacific Company at the intersection of S. W. 142nd Avenue in Washington County. It was pointed out that although the Highway Commission is not directly involved in this application, it is in close proximity to the Tualatin Valley Highway and the State Highway Department has agreed to construct two refuge lanes on each side of the grade crossing as it comes into the highway to improve the safety of the crossing.

PUX 634: Application by the State Highway Commission to widen one structure and construct a new structure over the tracks and right of way of the Oregon-Washington Railroad & Navigation Company, Union Pacific Railroad Company, Lessee, known as the "Umatilla River Bridge Widening Eastbound" and the "Umatilla River Bridge Westbound" Overcrossings of the Old Oregon Trail, I-80N, in Umatilla County.

PUX 664: Application of the Highway Commission to construct two overcrossing structures over the tracks and right of way of the Oregon-Washington Railroad and Navigation Company, Union Pacific Railroad Company, Lessee, known as the Union Junction Overcrossings project, near LaGrande, on the Old Oregon Trail, I-80N, in Union County.

A report on legal proceedings commenced since the last Commission meeting naming the Highway Commission or its employees was presented by the Chief Counsel and accepted by the Commission, summarized as follows:

- (1) John Doyle Sutherland vs. Howard C. Johnson, et al., and Robert Floyd Davis, Adm. of the Estate of Jeanne Kay Yates vs. Howard C. Johnson, et al. Both cases arise out of the same accident at Carmel Knoll on the Oregon Coast Highway in Lincoln County. Sutherland seeks to recover \$95,000 general damages and an undisclosed sum for special damages. Davis seeks to recover \$25,000. Plaintiffs allege negligence.
- (2) Alaska Steel Co. vs. C. H. Savage Co., Peter Kiewit Sons' Co., and John Howard. Plaintiff seeks to recover \$96,814.55 for damage to personal property and \$25,379 for damage to real property plus costs for alleged depositing of sand, paint and grit on their property near the West Marquam Interchange in Portland.

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- (3) Grant County vs. Iva M. Johnson, et al. Case filed by County to foreclose alleged delinquent real property taxes on two houses located on the State Highway maintenance site at Seneca in Grant County.
- (4) Charles Maynard McKinley vs. Anna M. Hartman, et al. Plaintiff seeks \$800 special damages, \$300 for lost wages and \$10,000 in general damages due to an accident on the Pacific Highway West, north of Rickreall in Polk County.
- (5) Charles Maynard McKinley vs. Anna M. Hartman, et al. This is a companion case to Item (4) arising out of the same accident on the Pacific Highway West, north of Rickreall in Polk County. Plaintiff seeks \$1,050 for damages to pickup and camper and \$400 attorney fees.

The Engineer presented an agreement with the Oregon Historical Society for condensation and printing of Dr. John Hussey's report covering the study of the history of Champoeg State Park and the surrounding area in Marion County. The original study, he said, consists of a three-volume report which is too voluminous for most readers. The agreement provides that the Society reduce the report to a one-volume book form and make it available to others at not to exceed \$8 per copy. The Society is to publish 2,000 copies and provide 175 copies to the State with additional copies to be available at book dealers' discount prices. He estimated cost of the printing at \$10,000, of which the State is to pay 50 percent but not to exceed \$5,000. Following his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

Consideration was given to the award of a contract for operation of the newly constructed marina concession at Wallowa Lake State Park in Wallowa County. The Engineer stated that three bids were received on January 25, 1968: Keeco, Inc., Enterprise, offered to pay 15.5 percent on the first \$20,000 gross income; William P. Sharkey and Robert A. Fletscher of Joseph and Enterprise offered to pay 17.55 per cent on the first \$20,000 gross income; Wallowa Lake Lodge, Inc., Joseph, offered to pay 15 percent on the first \$20,000 gross income. The qualifications of the three bidders were discussed. Because of the experience that Wallowa Lake Lodge has had in operating concessions at the lake over the past years and because of their known reliability and good financial setup, Commissioner Hill recommended that the contract be awarded to Wallowa Lake Lodge, Inc., at their bid price. The Commission approved the award of the lease and authorized the Secretary to sign it in their behalf.

An increase in project authorization on Contract No. 7043 on a Federal-aid Secondary County Project in Sherman County was recommended by the Engineer. Anticipated overrun, he said, is \$7,093.63 or approximately 7 percent. Increases in watering, overhaul, and engineering accounted for the overrun. The Commission approved the increase.

Cooperation with the City of Portland on a 50-50 basis in the purchase of two parcels of property located near 92nd and Market Streets in Portland was discussed. The Engineer pointed out that construction of a structure across the East Portland Highway (I-205) at S. E. Market Street is a part of the obligation in the agreement with the City and has been approved by the Bureau of Public Roads. Subsequent to signing the agreement, residents petitioned the City to construct S. E. Market Street between the end of the structure across I-205 and S. E. 92nd Avenue. Such construction would provide a much better through facility for the area and would also facilitate relocation of persons displaced by the freeway along the new S. E. Mill Street. Much of the required property is to be donated, but two properties which have been appraised for a total of \$23,350 will have to be purchased. He recommended that the State cooperate with the City and that funds needed to accomplish the work be added to the current State Construction Program. The Commission approved the project and authorized the Secretary to sign an agreement.

Requests by contractors for extensions of time in which to complete highway contracts without assessment of liquidated damages were considered. The Engineer observed that the requests have been carefully investigated and the results of the investigations have been reported to the Commission by letter. Action was taken on the following contracts:

- (1) Murphy Brothers, Inc., Contract No. 6747, on the Lime-Malheur County Line Section of the Old Oregon Trail in Baker and Malheur Counties, requested an extension of the completion date to December 14, 1967. The Commission approved an extension to November 10, 1967, without assessment of liquidated damages. A stop work order was issued December 14, 1967, pending weather which would allow cleanup and seeding work to be performed. Approval has been received from the Bureau of Public Roads.
- (2) Craig Landeen, Contract No. 6949, for construction of the Olds Ferry Truck Scale Site on the Old Oregon Trail in Malheur County, requested an increase of 124 calendar days. The Commission approved an extension of 76 calendar days for the period between August 1 and October 17, 1967, plus 9 days for added work between October 17 and October 31, 1967, without assessment of liquidated damages. This action confirmed verbal approval given by the Chairman on February 9, 1968. Approval by the Bureau of Public Roads has been received.

- (3) Warren Northwest, A Division of Warren Brothers Company, Contract No. 6845, on the Beaverton-Tigard and Pacific Highways in Washington County, requested an increase of 158 calendar days. The Commission approved an increase of 71 calendar days without assessment of liquidated damages. Bureau of Public Roads' approval was received on February 21, 1968.
- (4) Dayton Plumbing & Heating Inc., and George F. Christofferson, Contract No. 6667, on the Pacific Highway in Douglas County, requested an extension of the completion date from April 30, to June 1, 1966. The Commission approved an extension to May 23, 1966, without assessment of liquidated damages. Approval by the Bureau of Public Roads was given February 23, 1968.

The Engineer reported that Contracts Nos. 6995, 7046, 7081, 6949, 7057, 7053, 6845, 6856, 7011, 6759, 7000, 7068, 6991, 6972, 6994, 7049, and 7080 for highway construction have been completed as required by the contracts or modifications thereof and said contracts are now ready for acceptance or have been accepted by letter since the last Commission meeting. After due consideration, the Commission accepted the contracts by adopting "Contracts Completed Resolution No. 163," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The date for the next regular Highway Commission meeting was set for Tuesday, April 16, 1968, in the Conference Room of the State Highway Building in Salem. A tentative date for the next meeting was set for Wednesday, May 29, 1968.

The Commission confirmed telephonic approval given on January 30, 1968, awarding contracts on which bids were received January 25, 1968, and authorized the Secretary to sign contracts on the following projects:

BIDS RECEIVED IN SALEM JANUARY 25, 1968

Construction of the Burnt River (Hereford Bridge) in Baker County. Five bids were received. This is a County project and bids were received in behalf of Baker County. All bids received were referred to Baker County.

Contract No. 7115 for construction of the South Fork Coquille River (Broadbent) Bridge on FAS 804 in Coos County. FAP No. S-564(1). Ten bids were received. The Commission elected to accept the low bid of Baughman & Son, Coos Bay, in the sum of \$187,328.50 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of Coos County is received and the sum of \$42,500.00 is deposited by the County.

Contract No. 7116 for grading, paving and structure on the Elk River Section of the Oregon Coast Highway in Curry County. FAP No. 70(3). Ten bids were received. The Commission awarded the contract to the low bidder, C. R. O'Neil & Tom Lillebo Construction Company, Creswell, at \$1,026,368.75.

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Contract No. 7117 for construction of the C.O.I. Canal Bridges on Ward and Gosney Roads (FAS 691 and 692) in Deschutes County. FAP Nos. S-320(4) and S-321(3). Eight bids were received. The Commission elected to accept the low bid of Ausland Construction Co., Grants Pass, in the sum of \$57,170.00 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of Deschutes County is received and the sum of \$13,100.00 is deposited by the County.

Contract No. 7118 for water supply installation in the Starvation Creek Safety Rest Area on the Columbia River Highway in Hood River County. Federal-aid Interstate Highway Project No. I-80N-2(39)53. Four bids were received. The Commission awarded the contract to the low bidder, Howell Truck Service, Stevenson, Washington, at \$9,459.60.

Contract No. 7119 for grading on the Fly Lake-Grandview School Section of FAS 660 in Jefferson County. FAP No. S-494(4). Eighteen bids were received. The Commission elected to accept the low bid of Vernie Jarl, The Dalles, in the sum of \$139,112.00 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of Jefferson County is received and the sum of \$31,700.00 is deposited by the County.

Contract No. 7120 for grading and paving on the Hogback Summit Section of the Lakeview-Burns Highway in Lake County. FAP No. FLH 1(6). Seven bids were received. The Commission awarded the contract to the low bidder, Groesbeck-Durbin, Inc., Eugene, at \$416,792.20.

Contract No. 7121 for construction of the Malheur River (Halliday) Bridge on FAS 23-108 in Malheur County. FAP No. S-23-108(1). Ten bids were received. The Commission elected to accept the low bid of Stach Construction Co., Inc., Grants Pass, in the sum of \$84,180.00 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of Malheur County is received and the sum of \$19,300.00 is deposited by the County.

Contract No. 7122 for grading, paving, structures, tunnel, signing and illumination on the Vista Ridge Westbound Tunnel Section of the Sunset Highway in Portland in Multnomah County. FAP No. F-U-318(11). Seven bids were received. The Commission elected to accept the low bid of Drake-Winston, Portland, in the sum of \$3,743,984.00 and the State Highway Engineer was directed to award the contract to said bidder as soon as approval of the Bureau of Public Roads is received.

The Commission also confirmed telephonic approval given February 9, 1968, awarding contracts on which bids were received February 1, 1968, and authorized the Secretary to sign contracts on the following projects:

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BIDS RECEIVED IN SALEM FEBRUARY 1, 1968

Contract No. 7123 for building demolition and remodeling on the Willamette River (West Linn) Bridge Section of the East Portland Freeway in Clackamas County. Federal-aid Interstate Highway Project No. I-205-7(4)290. Five bids were received. The Commission awarded the contract to the low bidder, F. G. Scott Construction Company, Salem, at \$13,333.00.

Contract No. 7124 for bridge pier construction and street relocation on the Fremont Bridge Section of the Stadium Freeway in Portland in Multnomah County. Federal-aid Interstate Highway Project No. I-405-8(16)303. Eleven bids were received. The Commission elected to accept the low bid of Peter Kiewit Sons' Company, Omaha, Nebraska, in the sum of \$3,370,071.50 and the State Highway Engineer was directed to award the contract to said bidder as soon as approval of the Bureau of Public Roads is received.

The Engineer reported that he had made awards of contracts which had been referred to him by the Commission to award when certain conditions had been fulfilled. The Commission confirmed his award of the following contracts:

- (1) Construction of the South Fork Coquille River (Broadbent) Bridge on FAS 804 in Coos County. Bids received January 25, 1968. Contract No. 7115 awarded February 13, 1968, to Baughman and Son, Inc., Coos Bay, low bidder.
- (2) Construction of C.O.I. Canal Bridges on Ward and Gosney Roads (FAS 691 and 692) in Deschutes County. Bids received January 25, 1968. Contract No. 7117 awarded February 6, 1968, to Ausland Construction Company, Grants Pass, low bidder.
- (3) Grading and stone base on the Fly Lake-Grandview School Section of FAS 660 in Jefferson County. Bids received January 25, 1968. Contract No. 7119 awarded February 9, 1968, to Vernie Jarl, The Dalles, low bidder.
- (4) Construction of Malheur River (Halliday) Bridge on FAS 23-108 in Malheur County. Bids received January 25, 1968. Contract No. 7121 awarded January 31, 1968, to Stach Construction Co., Inc., Grants Pass, low bidder.
- (5) Grading, paving, structures, tunnel, signing and illumination on Vista Ridge Westbound Tunnel Section of the Sunset Highway in Multnomah County. Bids received January 25, 1968. Contract No. 7122 awarded February 16, 1968, to Drake-Winston, Portland, low bidder.

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- (6) Pier construction on Fremont Bridge on the Stadium Freeway in Multnomah County. Bids received February 1, 1968. Contract No. 7124 awarded February 27, 1968, to Peter Kiewit Sons' Company, Vancouver, Washington, low bidder.

Requests from Clackamas, Polk, and Lane Counties for Federal-aid Secondary projects were presented by the Engineer as was also a request from Tillamook County for cancellation of an FAS project. The proposed projects, he said, have been investigated and are eligible for Federal-aid. The Commission approved the projects and the cancellation as presented and authorized the Secretary to sign routine construction agreements on the following:

<u>County</u>	<u>FAS</u>	<u>Section and Description</u>	<u>Programmed Amount</u>	<u>FAS Funds</u>
Clackamas	809	Barton Road-Barton Bridge Section, grading and structure on improved alignment, 1.17 miles	\$700,000	1968
Polk	935	Little Luckiamute River (Bridgeport) Bridge, 28' H.C. approx. 210' long.	95,000	1968
Lane	359	E. 30th Avenue-Lane Community College Interchange, grading, paving, and structure. Note: Structure portion approved 7/24/67 took all of Lane County's remaining funds (\$120,000). All additional funds will be 100% County.	---	1968
TOTAL NEW PROJECTS.....				\$795,000

Cancellation of Previously Approved Projects

Tillamook	617	Center Line Monumenting of Jackson Creek Section and the Jackson Creek-Cape Lookout Section.	\$ 3,000	
TOTAL CANCELLATION PROJECTS.....				\$ 3,000
TOTAL.....				\$792,000
<u>SUMMARY BY FISCAL YEARS</u>		<u>1968</u>	<u>1969</u>	<u>Total</u>
Allocated Funds		\$3,980,000	\$3,969,000	\$7,949,000
Approved Projects (corrected to date)		<u>1,118,000</u>	<u>--</u>	<u>1,118,000</u>
Unprogrammed Balance		2,862,000	3,969,000	6,831,000
Projects Proposed		<u>792,000</u>	<u>--</u>	<u>792,000</u>
Unprogrammed Balance		\$2,070,000	\$3,969,000	\$6,039,000

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Placing of a reduced load limit on the West Diamond Lake Highway between M. P. 13.23 and 23.89 in Douglas County was reported by the Engineer. This section of road, he said, has been plowed free of snow to allow traffic, but because of freezing and thawing action it was desirable to place a load limit of 11,000 pounds gross on any single action and 20,000 pounds on any tandem axle effective 8 a.m., Monday, March 4, 1968. The load limit is expected to stay in effect until 5 p.m., May 27, 1968. The Commission confirmed his action.

Establishment of reduced speed zones on the Rogue River Loop Highway, Josephine County, was recommended by the Engineer as follows:

On "G" Street - Lincoln Road - Lower River Road

35 miles per hour between the west city limits of Grants Pass and a point 50 feet east of Doneen Lane.

45 miles per hour between a point 50 feet east of Doneen Lane and a point 0.02 mile north of River Bend Lane.

The Commission accepted the Engineer's recommendation and thereupon adopted "Speed Zone Resolution No. 534," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

An abandonment resolution transferring to the abutting property owners approximately 3/4 of a mile of old highway alignment on the Elbow Point Section of the Coos Bay-Roseburg Highway in Coos County was presented by the Engineer. He commented that the new section of highway is open to public travel and the section to be abandoned is no longer needed for highway purposes. The Commission accepted his recommendation for abandonment and thereupon adopted "Abandonment Resolution No. 473," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

Consideration was given to a request by the City of Cannon Beach to restrict the operation of motor vehicles on the portion of the ocean beach within the City of Cannon Beach in Clatsop County. The Engineer explained that the proposed resolution restricts use of the beach to all motor vehicles, except emergency vehicles, or the landing of aircraft from Monroe Street northerly to Third Street from May 1 to October 1 of each year beginning May 1, 1968. The resolution also allows parking of vehicles on the beach south of Monroe Street to the south city limits and on the beach north of Third Street to Spruce Street exit. Signs are to be installed by the State stating the restrictions. The Commission accepted the Engineer's favorable recommendation and thereupon adopted "Miscellaneous Resolution No. 248," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

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In discussing this matter, the Chairman inquired as to the status of the beach adjoining the city section. The Engineer replied that the State would look to Clatsop County for its recommendation. The Chairman instructed that the City action be called to the attention of the County officials so that they might, if desired, make recommendations for control adjoining the City portion.

A resolution redesignating portions of two highways because of the relocation of the Old Oregon Trail between LaGrande and Baker in Union and Baker Counties was presented by the Engineer. He pointed out that the resolution provides that upon completion of the relocation and construction of the Old Oregon Trail that the highway beginning at a junction with the Old Oregon Trail at M. P. 257.80 northwesterly from the city of LaGrande and thence southeasterly to the city of Union, thence southerly and westerly to the City of North Powder, including the North Powder spur, (LaGrande-North Powder Secondary Highway), thence southerly from North Powder over the existing route of the Old Oregon Trail through Haines to the City of Baker and southerly to M. P. 311.94 at the community of Encina, a distance of 61.8 miles, be designated as the LaGrande-Baker Primary Highway No. 66. The Commission accepted the redesignation as presented and thereupon adopted "Primary Highway Designation Resolution No. 43," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Commission also considered a resolution presented by the Engineer for redesignation of a portion of the Lime-Malheur County Line Section of the Old Oregon Trail in Baker and Malheur Counties. The portion to be redesignated as the Huntington Secondary Highway No. 449 begins at M. P. 340.87 of the relocated Old Oregon Trail northwest of the community of Lime and extends southerly to an intersection with the relocated Old Oregon Trail at or near M. P. 351.80 in Malheur County. The Commission approved the redesignation and thereupon adopted "Secondary Highway Designation Resolution No. 71," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

Attention was given to an agreement with the City of Salem involving construction of a portion of the Pacific Highway East through the Hollywood district in the city. The Engineer explained that the City is undertaking an Urban Renewal Project in this area which will require some revisions to the highway. The City has estimated the highway work to cost \$128,600 and has requested that the project be undertaken on a basis that the State pay 75 percent and the City 25 percent with the work to be done by the City. The Commission approved the project as recommended by the Engineer and authorized the Secretary to sign a construction agreement in their behalf.

An agreement with Pittsburgh Testing Laboratory to inspect steel for structures on the Klamath Falls-Green Springs Interchange Section of The Dalles-California Highway in Klamath County, Contract No. 7101, was

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discussed. Part of the steel, the Engineer said, is being purchased by the contractor after fabrication at Provo, Utah. Inspection is necessary at the plant site and he recommended approval of the agreement on a unit basis of \$6.50 per ton but not to exceed a total of \$3,954. The Commission approved the agreement and authorized the Secretary to sign it for them.

Consideration was given to a request made by the City of Springfield that the Commission consent to annexation of two sections of right-of-way on the Eugene-Springfield Highway to be incorporated within the city limits of Springfield in Lane County. The Engineer advised that the request has been investigated and appears to be in good order and he recommended that the Commission give its consent. The Commission accepted his recommendation and authorized the Secretary to sign the consent form in their behalf.

Consideration was also given to a request from the City of Tigard that the Commission consent to annexation to the City of a portion of the right of way of the Beaverton-Tigard Highway in Washington County. This request has also been investigated and as it appears to be in good order the Engineer recommended that the consent be given. The Commission accepted the recommendation and authorized the Secretary to sign the consent form in their behalf.

An agreement with the City of Springfield for revision of traffic signals at the intersection of Second and Third Streets (Springfield Secondary Highway No. 228) with Centennial Boulevard in Lane County was presented by the Engineer. The agreement provides that the State perform the work and that the City pay one-half the cost of installation and all maintenance and electrical energy needs. He estimated cost of installation at \$8,000 with the State's share of \$4,000 to be taken from Minor Betterment Funds. The Commission approved the project and authorized the Secretary to sign the agreement for them.

Chairman Jackson inquired as to the time required to secure delivery of signals. Assistant Highway Engineer Tom Edwards replied that some of the simpler types may be secured in four months but the more complicated installations may require longer than a year. On installations thus far, the State has been supplying some of the material from its stock to facilitate early installation and then replacing the stock as soon as possible.

Attention was given to a cooperative agreement with Washington County pertaining to a reconnaissance study for a county road through an industrial section in the Tualatin-Sherwood area. This study, the Engineer commented, was requested by the County to determine a feasible route through or around the proposed industrial area west of Tualatin. The work is to be performed by the State at an estimated cost of \$1,500 to be borne solely by Washington County. A check for \$1,500 has been received from the County. The Commission accepted the Engineer's recommendation for approval and authorized the Secretary to sign the agreement for them.

The Commission considered a cooperative construction-finance agreement with the City of Bend pertaining to improvement of channelization on the East Second Street-East Third Street Section of the Century Drive Highway No. 372, in Bend, Deschutes County. Under this agreement the Engineer pointed out that the State is to perform the construction by using State forces at an estimated cost of \$13,600 to be shared 50-50 between the State and City. The City's share, however, is not to exceed \$6,800 and the State's share is to be financed from Minor Betterment Funds. The Commission approved the project as recommended by the Engineer and authorized the Secretary to sign the agreement in their behalf.

A construction-finance agreement in letter form with the City of Springfield concerning the 19th Street-East City Limits Section of the McKenzie Highway in Lane County was brought up by the Engineer. He called attention to the fact that this agreement amends an agreement approved April 21, 1966. The intent of the original agreement was to cover the cost of moving all City facilities but it was not clear in this respect. The revision takes into consideration and includes reimbursement for municipally owned power as well as other City facilities involved in the construction of this project. The project has been opened to traffic and the modification agreement will clear the way for finalizing the costs, estimated at \$20,000. Following the Engineer's favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

The Engineer presented a cooperative construction-finance agreement with the City of Mt. Vernon pertaining to the Mt. Vernon Section of the John Day Highway in Grant County. The agreement provides for construction of the project, relocation of utilities, parking restrictions, grade revisions and other matters. Basically the project consists of widening the existing roadway to a 44-foot curbed section providing two lanes of traffic and parallel parking. Cost of the project was estimated at \$30,000 of which the City has agreed to pay 25 percent. However, construction is to be held up until funds are available. The Commission accepted the Engineer's recommendation for approval and authorized the Secretary to sign the agreement in their behalf.

A cooperative construction-finance agreement with the City of Portland for channelization on S. W. Bertha Court-S. W. Sunset Boulevard Section of the Beaverton-Hillsdale Highway was discussed. The Engineer explained that under the agreement the State is to perform the work with State forces at an estimated cost of \$11,400. The cost is to be shared 50-50 between the State and City with the State's share from Minor Betterment Funds. The Commission accepted his recommendation for approval and authorized the Secretary to sign the agreement for them.

The Commission also considered a throughway agreement with the City of Cannon Beach pertaining to access control on the Cannon Beach Bypass Section of the Oregon Coast Highway in Clatsop County. The Engineer commented that when this section of highway was constructed in the 1950's

only partial access control was obtained. The State is now acquiring full access control limited to interchanges or major street and road connections. The agreement provides the means for the State to acquire access control, right of way for a future frontage road, road and street closures, and other matters. Following his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

The Engineer presented a supplemental throughway agreement with Klamath County pertaining to an additional off-ramp at Memorial Drive on the Link River-Green Springs Junction Section of The Dalles-California Highway south of Klamath Falls. The agreement provides for performance of additional work as a part of the existing contract at an estimated cost of \$120,000 including right of way. This cost is to be shared equally between the State and the County with the State's share to come from State funds. The County's share estimated at \$60,000 is to be paid July 15, 1968. The Engineer also called attention to a letter signed by the Klamath County Engineer concurring in the elimination of a connection to Laurel Street. Following his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it in their behalf.

Consideration was given to three easement indentures with Southern Pacific Company pertaining to construction of grade crossings of Allen Avenue, Denny Road and the Scholls Highway across Southern Pacific tracks because of construction on the Beaverton-Progress Section of the Beaverton-Tigard Highway in Washington County. The Engineer pointed out that these are standard easement forms granting the State easements across Railroad property and will involve no additional cost to the State unless either the Railroad or the State abandons its facilities at any one of the locations. He recommended that the indentures be approved. The Commission accepted his recommendation.

Attention was given to an extension rider with Union Pacific Railroad Company on an agreement allowing core-drilling operations on Railroad property near the Fremont Bridge on the Stadium Freeway in Portland. Core-drilling operations, the Engineer said, have not been completed and the rider extends the agreement from July 18, 1968, to July 18, 1969. The Commission accepted his recommendation for approval.

The Commission considered two agreements, one with the Portland Terminal Railroad Company and one with the Portland Terminal Railroad Company and the Spokane, Portland & Seattle Railway Company concerning construction of the west approach to the Fremont Bridge on the Stadium Freeway in Portland. Concerning the agreement with the Portland Terminal Railroad Company, the Engineer commented that it provides for the State to relocate the existing grade crossing near 14th Street and Thurman Avenue and reimburse the Railroad for necessary track work and for removal of the existing grade crossing at a total estimated cost of \$21,076. The agreement obligates the State to assist the Railroad Company in obtaining from the City a vacation of the existing grade crossing. The

State is also required to acquire from Spokane, Portland & Seattle Railway Company a portion of the grade crossing used by Portland Terminal Railroad Company and convey title to them. In turn, the Portland Terminal Railroad Company will grant the State easements over its property for the bridge, the grade crossing, and the storm sewer. The agreement with the Portland Terminal Railroad Company and the Spokane, Portland & Seattle Railway Company outlines procedures to acquire the Spokane, Portland & Seattle Railway Company property which must be conveyed to Portland Terminal Railroad Company. Based on the Engineer's favorable recommendation, the Commission approved both agreements.

Consideration was given to a Grant of Access from the State to Bonneville Power Administration for access rights from Bonneville's transmission line easement to the easterly side of the Canby-Aurora Hill Section of the Pacific Highway East in Clackamas County. The approach and a gate are to be constructed by Bonneville at no cost to the State. Approval by the Bureau of Public Roads has been obtained. The Commission accepted the Engineer's recommendation for approval.

The Commission also gave attention to an agreement with Bonneville Power Administration pertaining to a crossing by Bonneville power lines over the North Yamhill River-McMinnville Section of the Pacific Highway West in Yamhill County. The Engineer pointed out that the agreement also provides for access from the highway to the power line by way of 20-foot approaches with locked gates. Following his favorable recommendation, the Commission approved the agreement.

An agreement with the City of Cascade Locks concerning installation of illumination at the East and West Cascade Locks Interchanges on the Columbia River Highway in Hood River County was considered. The agreement provides that the State shall do the work at an estimated cost of \$41,000 as an Interstate Project and provide all maintenance after installation. The City is to pay for all electrical energy requirements. The Commission accepted the Engineer's favorable recommendation and authorized the Secretary to sign the agreement in their behalf.

The Commission signed, or authorized the Secretary to sign, the following agreements, indentures, deeds, and other papers.

"Bargain and Sale Deed" to Rex H. Burger and Ruth M. Burger conveying land on the Smithfield-Elmira Section of the Territorial Highway in Lane County.

"Bargain and Sale Deed" to City of Eugene conveying a former stockpile site on the Eugene-Oak Hill Section of the Florence-Eugene Highway in Lane County.

"Assignment of Easement" to the Pacific Gas Transmission Company covering the Bucks Corner-Stanfield Junction Section of the Old Oregon Trail in Umatilla County.

"Relinquishment of Title" to the City of Portland covering the Harbor Drive-Barbur Boulevard Section of the West Portland Expressway in Multnomah County.

"Relinquishment of Title" to Josephine County covering the Glendale Junction-Wolfe Creek Section of the Pacific Highway in Josephine County.

"Relinquishment of Title" to Washington County covering the Cornell Road Interchange Section of the Sunset Highway in Washington County.

"Grant of Easement" to Arthur Barkhurst and Robert A. Pyle for a roadway on the North City Limits, Klamath Falls-Green Springs Section of The Dalles-California Highway in Klamath County.

"Indenture of Access" to the United States National Bank of Oregon, Trustee, covering the K.I.D. Canal-Madison Street Section of the Klamath Falls-Lakeview Highway in Klamath County.

"Indenture of Access" to James B. and Ellen E. Lowe covering the Delena-Rainier Section of the Columbia River Highway in Columbia County.

"Indenture of Access" to Gilchrist Timber Company covering the Lapine-Diamond Lake Junction Section of The Dalles-California Highway in Klamath County.

"Grant of Access" to Edward G. and Ellen M. White covering the Multnomah County Line-Scappoose Section of the Columbia River Highway in Columbia County.

"Agreement" with Oregon Historical Society for condensation and printing for sale of Dr. John Hussey's report in one volume book form covering the study of the history of Champoug State Park and surrounding area.

"Agreement" with Pittsburgh Testing Laboratory to inspect steel for structures on the Klamath Falls-Green Springs Interchange Section of The Dalles-California Highway in Klamath County, Contract No. 7101.

"Consent to Annexation" to City of Springfield covering right of way on the Eugene-Springfield Highway.

"Consent to Annexation" to City of Tigard covering right of way on the Beaverton-Tigard Highway.

"Agreement" with City of Springfield covering revision of traffic signals at the intersection of Second and Third Streets with Centennial Boulevard in the city of Springfield.

"Cooperative Agreement" with Washington County covering a reconnaissance study in the Tualatin-Sherwood area for a road through the industrial area.

"Cooperative Construction-Finance Agreement" with City of Bend covering improvement of channelization on East Second Street-East Third Street Section of Century Drive Highway in city of Bend.

"Construction-Finance Agreement (letter form)" with City of Springfield covering the 19th Street-East City Limits Section of McKenzie Highway in Lane County.

"Cooperative Construction Finance Agreement" with City of Mt. Vernon covering the Mt. Vernon Section of the John Day Highway in Grant County.

"Cooperative Construction Finance Agreement" with City of Portland for improvement of channelization on S. W. Bertha Court-S. W. Sunset Boulevard Section of the Beaverton-Hillsdale Highway in city of Portland.

"Throughway Agreement" with City of Cannon Beach covering access control along the Cannon Beach Bypass Section of the Oregon Coast Highway in Clatsop County.

"Supplemental Throughway Agreement" with Klamath County covering construction and financing of an additional off-ramp at Memorial Drive south of Klamath Falls on the Link River-Green Springs Junction Section of The Dalles-California Highway in Klamath County.

"Easement Indenture" with Southern Pacific Company covering construction of grade crossings of Allen Avenue, Denny Road, and Scholls Highway across the Railroad's tracks required by construction of the Beaverton-Progress Section of the Beaverton-Tigard Highway in Washington County.

"Extension Rider" with Union Pacific Railroad Company extending the expiration date to July 18, 1969, of an existing agreement to perform core drilling operations on Railroad property near the Fremont Bridge in Portland.

"Agreement" with Portland Terminal Railroad Company covering construction of the west approach to the Fremont Bridge on the Stadium Freeway in Portland.

"Agreement" with Portland Terminal Railroad Company and the Spokane, Portland and Seattle Railway Company covering construction of the west approach to the Fremont Bridge on the Stadium Freeway in Portland.

"Grant of Access" to Bonneville Power Administration covering access rights from a transmission line easement to the easterly side of the Canby-Aurora Hill Section of the Pacific Highway East in Clackamas County.

"Agreement" with Bonneville Power Administration covering crossing on the North Yamhill River-McMinnville Section of the Pacific Highway West in Yamhill County.

"Agreement" with the City of Cascade Locks covering the installation of illumination at the East and West Cascade Locks Interchanges on the Columbia River Highway in Hood River County.

"Pipeline Easement" to City of Lake Oswego covering the Mary S. Young Park.

"Pipeline Easement" from Mary S. Young to the City of Lake Oswego covering Mary S. Young Park.

The meeting was recessed at 9:50 a.m. and reconvened at 10:30 a.m. in the same room with the same persons present.

A delegation from Condon came before the Commission concerning improvement of the John Day Highway between Arlington and Condon in Gilliam County. The following people were present, all from Condon: E. R. Fatland, Bill Flatt, Darrell Blake, Floyd LaRue. Mr. Fatland introduced the members of the delegation and asked improvement of the John Day Highway from Arlington to Thirtymile. Mr. LaRue mentioned the increasing amount of grain hauled by truck, much of which had been hauled by the railroad, and asked for widening and resurfacing to accommodate the heavy trucks. Mr. Blake commented that they have been informed that no highway public transportation (buses) will be provided in this area until the highway is improved. He also spoke of the increasing truck haul and pointed out that the road had not been fundamentally improved in the last 40 years. Creation of still water behind the John Day Dam will provide a large attractive recreation area for hunting, boating and fishing with a corresponding influx of people. He also mentioned the fact that it is hard to secure school teachers in this country, largely because of poor transportation. Mr. Flatt also commented on the grain haul between Condon and Arlington and that much of the hauling previously done by railroad is now done by truck. A considerable amount of grain is hauled from Condon to Biggs, a distance of 54 miles, in comparison with a distance of 38 miles from Condon to Arlington, because of the poor highway.

Mr. Fatland commented on transportation savings because of water haul on the Columbia River when the John Day Dam reservoir is filled. Water transportation, he felt, would cause Arlington to become a large grain storage center, and even at this time the wheat elevators at Condon are going out of business. The shortest haul from Condon is to Arlington. He also mentioned that two trucks and trailers at times of the year haul grain 24 hours per day. It was his feeling that the existing highway would not stand up under this kind of haul.

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Chairman Jackson commented that the traffic count on the section of highway is quite low, but the Commission has a more serious problem in that the highway cash balance is very low. Fluctuation of federal money has hurt the State's ability to set up a consistent construction program; and before any large amount of work can be done, it will be necessary to recoup a more sizable balance in the Highway fund. The Commission, he continued, will look into the matter to see if anything can be done. Commissioner Hill commented that he had recently examined the status of Highway funds and they certainly are low. He assured the delegation, however, that their plea for highway improvement had not fallen on deaf ears.

Mr. G. Robert Brain, representing Oosterwyk Nurseries, Inc., came before the Commission to request an extension of time on Contract 6828 for landscaping on the Corvallis Section of the Corvallis-Newport Highway in Benton County. He stated that the contractor had started work in June, 1966, with the intention of making fall planting and in July had located a water meter required in the contract. However, he claimed that an argument had arisen between the City of Corvallis and the Highway Department over the meter and, as a result, it was not installed until October 25, thus delaying planting until spring of 1967. He mentioned that the fall of 1966 had been very wet. He also mentioned a difference of opinion as to whether some plants should be removed from the pots before planting; but, upon the Engineer's insistence, new plants had been installed. He also claimed that the State had requested the contractor to stop planting but had denied an extension of time during the shut down. It was his feeling that the contractor should not be charged for liquidated damages during the time when the City of Corvallis and the State had argued over the water meter and during the time when the contractor had been ordered off the job. He requested an extension of time without liquidated damages to cover the periods mentioned.

The Chairman stated that the Commission at this time is not in a position to give an answer, and he suggested that the request be referred to the Highway Department Claims Review Board.

A delegation from the community of Blue River came before the Commission concerning the revised location of the Blue River Section of the McKenzie Highway in Lane County. The following people were present, all from Blue River: Mr. and Mrs. Walter Sacks, Mr. and Mrs. Dale Norris, Mr. and Mrs. Perry Berkel, Mr. and Mrs. Merle Kern, and Mr. Jess Hill. Mr. Sacks called attention to a section of 1.9 miles which is exceedingly narrow and crooked. The highway, he said, is receiving an increasing amount of traffic particularly by skiers, fishermen, and other recreationists. Also there is a great amount of log hauling over this highway which,

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because of the narrow and crooked road, creates a hazard for other vehicles and school buses. He also mentioned that one house had been hit by an automobile. People who are interested in buying property in the area are reluctant to do so, he said, until the location of the highway is determined, and he asked if there is anything that the delegation can do.

The Chairman pointed out that construction of a $2\frac{1}{2}$ mile section in the Blue River vicinity is estimated to cost \$1,000,000, most of which would be Forest Highway money. However, only \$4,500,000 for the entire State is available annually from Forest Highway funds. The Commission, he said, is in a tight squeeze financially, and he asked that the delegation have patience.

Mr. Sacks inquired if the route for the new section has been determined. The Engineer replied that a public hearing is scheduled to be held this month. He also mentioned that in the past few years a considerable amount of money had been spent to improve the McKenzie Highway, but the Department is aware that sections of the highway are not adequate. It was his opinion that construction could not be financed in the immediate future. A letter was presented from the Springfield Area Chamber of Commerce urging early reconstruction of this section of highway.

Chairman Jackson stated that the Commission wished to check into just how dangerous the section is, and it would help the Commission in selection of a route after the hearing if the local community could agree.

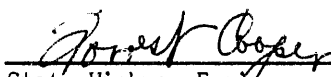
Commissioner Simpson commented on the fact that he has served nearly six years as a member of the Highway Commission and that today he planned to write a letter to the Governor offering his resignation. In view of the Governor's announced intention of limiting Commissioners to two terms, by taking such action at this time, it was his feeling that it would give the Governor ample time to select a new Commissioner before the next Commission meeting. When the position was first offered to him by Governor Hatfield, he recalled that at that time he had felt there were two Commissions on which he should not serve - one being the Liquor Control Commission and the other being the State Highway Commission - because of the fact that his company has a large operation in real estate dealings. He complimented Mr. David Moehring, Right of Way Engineer, for the thoroughness and care which he exercised to see that there was no conflict of interest in acquisition of property for highway purposes. He also expressed his admiration for the Chairman and his great knowledge of highway matters, and he extended the same thought to the State Highway Engineer. He stated that during his near six years of service he had come to have a deep respect for all State Highway employees, and that he had never worked with a finer group of people. The matter of resignation has not been discussed with Governor McCall, but he felt it would be the decent thing to do for the sake of a new appointee.

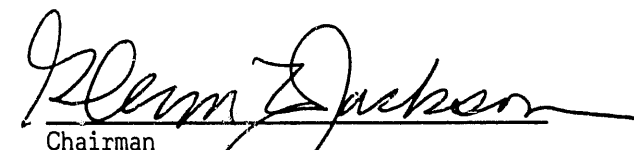
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Chairman Jackson stated that he regretted his decision to leave the Commission but that it had been a pleasure to work with him. He expressed the hope that Mr. Simpson would carry with him a feeling that his service on the Commission had contributed some real good for the State of Oregon.

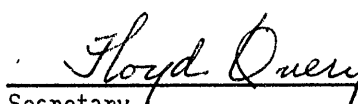
Two pipeline easements were presented by the Chief Counsel. One from the State Highway Commission to the City of Lake Oswego for a pipeline across Mary S. Young Park, and the other from Mary S. Young to the City of Lake Oswego for a pipeline pertaining to the Mary S. Young Park. Following his favorable recommendation, the Commission approved the easements.

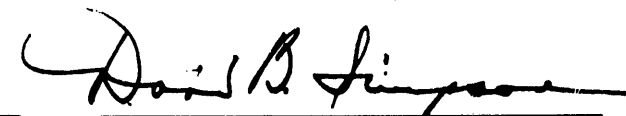
There being no further business to conduct, the meeting was adjourned by the Chairman at 11:25 a.m.


State Highway Engineer


Chairman


Commissioner


Secretary


Commissioner

March 5, 1968

VOLUME 53
COMPLETE
MINUTES OF OREGON STATE HIGHWAY COMMISSION
COVERING PERIOD
FROM
APRIL 1, 1968
TO
MARCH 31, 1969

- - -

OREGON STATE HIGHWAY COMMISSION

Glenn L. Jackson, Chairman
Fred W. Hill, Commissioner
Thaddeus B. Bruno, Commissioner

- - -

Forrest Cooper, State Highway Engineer
George E. Rohde, Chief Counsel
Floyd Query, Secretary

- - -

HEADQUARTERS AND GENERAL OFFICE OF DEPARTMENT
LOCATED AT SALEM, OREGON

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HIGHWAY COMMISSION MINUTES

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Salem, Oregon
April 23, 1968

The Oregon State Highway Commission met in regular session at 9 a.m., in Room 122, State Highway Building, Salem. Present were:

Glenn L. Jackson, Chairman
Fred W. Hill, Commissioner
Thaddeus B. Bruno, Commissioner
Forrest Cooper, State Highway Engineer
R. L. Porter, Deputy State Highway Engineer
Lloyd P. Shaw, Assistant State Highway Engineer
Fred B. Klaboe, Assistant State Highway Engineer
George E. Rohde, Chief Counsel
David Moehring, Right of Way Engineer
Floyd Query, Secretary

Assistant State Highway Engineer Tom Edwards was excused.

Among other persons present were R. E. Simpson, Division Engineer of the U. S. Bureau of Public Roads; C. W. Head, Assistant Secretary; Victor D. Wolfe, Administrative Assistant; L. H. Young, Office Engineer; C. H. Maison, Controller; L. V. Koons, Deputy Park Superintendent; Frank McKinney, Assistant Counsel; R. N. Bothman, Assistant Maintenance Engineer; John Oakes, Assistant Right of Way Engineer; Kenneth A. Chatwood, Administrative Right of Way Agent; H. S. Cox, County-City Engineer; Don Harwell, Assistant County-City Engineer; R. B. Sipprell, Liaison Engineer; John Earley, Information Officer; and State Senator John Inskeep.

Governor Tom McCall greeted Mr. Bruno who was attending his first Highway Commission meeting after his three-year appointment effective April 1, 1968, replacing David B. Simpson, Portland, who resigned effective March 18, 1968. The Governor commented that this is a happy moment for him and that he was pleased Mr. Bruno had accepted the appointment. Few men in the history of Oregon, he said, have as good a record of public service as the three men who form the State Highway Commission. Mr. Edward G. Westerdahl II, Executive Assistant to the Governor, administered the oath of office to Mr. Bruno.

The minutes of the meeting held on March 5, 1968, were approved by the Commission.

The Right of Way Engineer presented a list of options, pages 1 through 40, secured for acquisition of real property needed for State highway use or for other purposes. He mentioned that the amounts offered are based upon competent appraisals and are in order for Federal-aid. After careful consideration, the Commission approved closing the options, including those sent to them for approval since the last Commission meeting, as well as those options presented for the first time at this meeting. The Commission thereupon adopted "Right of Way Resolution No. 49," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

April 23, 1968

The Property Manager's report covering sales of miscellaneous properties and rental receipts from February 27, 1968, to April 12, 1968, was presented by the Right of Way Engineer. Miscellaneous sales totaled \$32,877.29; transfers of property \$8,310; land sales \$9,850; and timber sales \$8,243.60. Total rental receipts for February were \$20,057.04 and for March \$20,745.28. The Commission accepted the report.

The Right of Way Engineer requested authority to offer at public sale two parcels of property no longer needed for highway purposes. Minimum values have been determined by competent appraisals and access and other conditions of sale are consistent with those applying to other properties in the vicinity. The Commission authorized public sale of the following properties and thereupon adopted "Real Property Resolutions Nos. 487 and 488," which resolutions by this reference are made a part hereof and filed in the Secretary's Office.

- (1) 36,000 square feet of land, File No. 284, located on the west side of The Dalles-California Highway approximately 750 feet north of the O. B. Riley County Road junction with the highway between Redmond and Bend in Deschutes County, for not less than \$3,250. Two points of access are to be allowed to The Dalles-California Highway and signboard and junkyard exclusion clauses are to be included in the deed. Sale is subject to approval by the Bureau of Public Roads which was requested by letter April 9, 1968. (See "Real Property Resolution No. 487.")
- (2) Two parcels of land, one consisting of 11,150 square feet and the other 1,635 square feet, File Nos. 26151, 26152, 26153, 22555, and 22556, located at the northeast corner of Southwest Capital Highway and S. W. Huber Street on the Pacific Highway in the city of Portland, Multnomah County, for not less than \$11,550. Signboard and junkyard exclusion clauses are to be included in the deed and no access is to be permitted to the freeway or on-ramp. Sale is subject to a pipeline easement, portions of the Civil Rights Act of 1964, and is contingent upon approval by the Bureau of Public Roads which was requested by letter on February 23, 1968. (See "Real Property Resolution No. 488.")

Authority was requested by the Right of Way Engineer to make direct sale of five parcels of property no longer needed for highway purposes. He explained that it is not feasible to offer the properties at public sale because of peculiarities of location. The Commission approved direct sale of the following properties:

- (1) To Donald O. and Ruby Ann Fraser, 0.06 acre, File No. 37013, located on the easterly side of the Oregon Coast Highway approximately 8.5 miles south of Bandon in Coos County for \$25. This land is a cranberry bog not usable with the adjoining stockpile site and is to be sold to the owner of the adjoining cranberry bog. Signboard and junkyard exclusion clauses are to be included in the deed. Approval by the Bureau of Public Roads is not required.
- (2) To V. T. Oliver, .06 acre of land, File No. 20999, on the southerly side of the Pacific Highway just east of 52nd Avenue in the City of Portland, Multnomah County, for \$520. This property lies between the highway right of way and Mr. Oliver's property. No access is to be permitted to the Pacific Highway, and signboard and junkyard restriction clauses are to be included in the deed. Sale is subject to Bureau of Public Roads' approval which was requested by letter on April 9, 1968.
- (3) To Gilbert Helvie, 0.3 acre of land, File No. 29543, on the east side of the Coos Bay-Roseburg Highway approximately three-fourths of a mile south of Coaledo in Coos County for \$165. No access is to be permitted to the Coos Bay-Roseburg Highway, and signboard and junkyard exclusion clauses are to be included in the deed. Approval by the Bureau of Public Roads is not required.
- (4) To Douglas County, 31.86 acres, File No. 8204. This is an isolated parcel in the Umpqua Light-house State Park on the Oregon Coast Highway which is being eroded by wave action. The County has recently acquired all of the surrounding property from the Coast Guard and wishes to block out their ownership by acquiring this parcel. Bureau of Public Roads' approval is not required. The Commission approved the transfer for a consideration of \$1.
- (5) To the City of Oakridge, File Nos. 10664, 10665, and 11701 on the Willamette Highway in Lane County. This transaction involves a request from the City of Oakridge that the State convey to the City 0.32 acre of land for street purposes, a grant of permanent easement, and a temporary easement in connection with the installation of City sewer lines. No monetary consideration is involved. The Commission approved the request.

Indentures of Access covering changes in location of access for the convenience of the property owners and the safety of the traveling public, or to change the record to make the locations agree as constructed were recommended by the Right of Way Engineer. The Commission approved the following Indentures of Access:

- (1) Payne property, File No. 40669, for a change in recorded location of two unrestricted points of access 35 feet in width on the north side of the Lake of the Woods Highway, approximately five miles east of Eagle Point in Jackson County. Bureau of Public Roads' approval is not required.
- (2) Bradshaw property, File No. 34783, for a change in recorded location of four unrestricted points of access 35 feet in width on the Forest Boundary-Klamath County Line Section of the Lake of the Woods Highway in Jackson County. Bureau of Public Roads' approval was given January 22, 1968.
- (3) Mowry property, File No. 28198, for a change in location of two unrestricted points of access 35 feet in width, approximately one mile south of the Mt. Hood Post Office on the Mt. Hood Highway in Hood River County. Approval by the Bureau of Public Roads was given February 5, 1968.
- (4) Bibb property, File No. 28196, for a change in recorded location of two unrestricted points of access 35 feet in width, approximately two miles south of the Mt. Hood Post Office on the Mt. Hood Highway in Hood River County. Bureau of Public Roads' approval was given December 8, 1967.
- (5) Marick property, File No. 28199, for a change in the recorded location of one unrestricted point of access 35 feet in width, approximately one mile south of the Mt. Hood Post Office on the Mt. Hood Highway in Hood River County. Bureau of Public Roads' approval was given February 5, 1968.
- (6) Johnson property, File No. 33460, for a change in the recorded location of one unrestricted point of access 35 feet in width two miles south of the City of Hood River on the west side of the Mt. Hood Highway in Hood River County. Bureau of Public Roads' approval was given February 5, 1968.

- (7) Buckle property, File No. 35750, to show in the public record one unrestricted point of access 35 feet in width, approximately two miles east of the community of Blue River on the north side of the McKenzie Highway in Lane County. Bureau of Public Roads' approval was given June 9, 1967.
- (8) U. S. Department of the Interior (Bonneville Power Administrator) property, File No. 35638, to show in the public record the actual location of one unrestricted point of access, approximately one mile east of Blue River on the northerly side of the McKenzie Highway in Lane County. Approval was given by the Bureau of Public Roads on June 9, 1967.
- (9) Southern Idaho Conference Association Seventh Day Adventists property, File No. 16114, for a change in location of one point of access restricted to "ordinary travel - non-commercial" use 35 feet in width, approximately one mile south of LaGrande on the southwest side of the Old Oregon Trail in Union County. Approval by the Bureau of Public Roads was given February 9, 1968.
- (10) Stock property, File No. 38587, for a change in location of one unrestricted point of access 35 feet in width, approximately one-fourth mile west of Sweet Home on the north side of the Santiam Highway in Linn County. Portions of the Civil Rights Act of 1964 are to be included in the instrument. Bureau of Public Roads' approval was given September 14, 1967.
- (11) TOA Company, Swatzka, Tibbals, Oldright, and Altman property, File No. 37771, for a change in location of one unrestricted point of access 50 feet in width, approximately seven and one-half miles west of Lebanon on the south side of the Corvallis-Lebanon Highway in Linn County. Bureau of Public Roads' approval is not required.

Grants of Access to allow access to State highways were recommended by the Right of Way Engineer and approved by the Commission as follows:

- (1) To Developers & Investors, Inc., File No. 22430, for the widening of one unrestricted point of access from 25 feet to 35 feet on the west side of the Oregon Coast Highway, approximately halfway between Lincoln City and Depoe Bay in Lincoln County. Bureau of Public Roads' approval was given February 27, 1968.

- (2) To John David Christensen and Lucille E. Christensen File No. 34599, for a change in location of one unrestricted point of access 35 feet in width and the granting of an additional point of access 35 feet in width on the southerly side of the Mt. Hood Highway in the town of Sandy, Clackamas County. This action is to make the record agree with the approaches as they were actually constructed. Bureau of Public Roads' approval was given August 14, 1967.

- (3) To Floyd and Grace Emmert, File Nos. 19785 and 38593, to replace a frontage road which was severed during construction in 1967 on the Sweet Home-Foster Section of the Santiam Highway in Linn County. Approval by the Bureau of Public Roads was given October 9, 1967.

Consideration was given to relinquishing to Mrs. Gertrude Heitkamp a 20-year lease held by the State for a quarry site on the Medford-County Farm Section of the Pacific Highway in Jackson County. The Right of Way Engineer explained that the lease runs from December 12, 1952, to December 11, 1972. The State has removed all useful material from the site and it would be beneficial to release the lease because the lease obligates the State to maintain the channel of Bear Creek. Mrs. Heitkamp has asked that the lease be relinquished. The Commission approved the relinquishment.

The Commission confirmed telephonic approval given by the Chairman on April 8, 1968, awarding a demolition contract to Northwest Housemovers, Inc., d.b.a. Signal Sales Company. The Right of Way Engineer commented that three bids were received, the low one being from Signal Sales Company in the amount of \$4,840 for removal of ten buildings, grading and cleanup on the East Portland Freeway in the City of Portland, Multnomah County. The Commission also confirmed the Secretary's authority to sign the contract.

The Chief Counsel presented a list of properties needed for the uses indicated therein and requested the Commission to declare by resolution the necessity of said properties for the public uses to which they are to be put and to authorize the Legal and Right of Way Division to attempt to agree with the owners of said properties as to price. After careful consideration, the Commission granted authority to condemn the properties if negotiations are not successful and thereupon adopted "Condemnation Resolutions Nos. 2506 through 2510," which resolutions by this reference are made a part hereof and filed in the Secretary's Office.

A report on cases which have been tried in court was presented by the Chief Counsel. He mentioned that verdicts totaled approximately \$166,000 and offers \$130,000. The Commission accepted the report which is summarized as follows:

REPORT OF CONDEMNATION CASES TRIED

Case	County	Highway	Section	State's Offer	Defendant's Demand	Verdict
L-5573 Dale G. Ottenbacher, et al.	Clackamas	Clackamas	Pacific Hwy. East-Cascade Highway	\$10,000.00	\$38,000.00 (Answer)	\$17,000.00
L-5636 City of West Linn	Clackamas	East Portland Freeway	Columbia River-Pacific Hwy.	10,600.00	10,600.00	10,600.00
L-5587 Monty King	Coos	Powers	White Bridge	50.00	None	(Remarks: Condemnation for a temporary easement for detour. No further need for easement. Defendant defaulted.)
L-5543 Willard Monroe Walch, et al.	Jackson	Lake of the Woods	Brownsboro-Hanley Ranch	1,250.00	11,000.00 (Answer)	5,500.00
L-5619 W. J. Wright, et ux.	Multnomah	Dabney State Park		21,600.00	35,000.00 (Answer)	27,500.00
L-5576 Port of Umatilla	Umatilla	Old Oregon Pendleton Trail		3,150.00	8,500.00 (Answer)	6,900.00
L-5560 Harold G. Rees, et al.	Umatilla	Old Oregon Pendleton Trail	Pendleton By-Pass	20,450.00	60,000.00 (Answer)	27,200.00
L-5382 Joseph C. Winslow, et ux.	Umatilla	Old Oregon Pendleton Trail		2,500.00	7,500.00	4,500.00
L-5698 Hazel Z. Mobley, et al.	Washington	East Portland Freeway	Columbia River-Pacific Highway	25,150.00	33,000.00	26,000.00
L-5598 Roy Eddens, et ux.	Yamhill	Pacific Highway West	West Newberg-Chehalem Creek	625.00	None	(Remarks: Case dismissed upon determination that property not needed.)

(Report of Condemnation Cases Tried - Continued)

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Defendant's Demand</u>	<u>Verdict</u>
L-5615 Melvin A. Lehman, et al.	Yamhill	Pacific Highway West	West Newberg- Chehalem Cr. (Remarks: Case dismissed upon determination that property not needed.)	\$ 750.00	None	
L-5637 Carl M. Zern	Clackamas	East Portland Freeway	West Linn- Oregon City Bridge	35,250.00	80,000.00	41,000.00

REPORT OF TRIAL OF OTHER CASES

<u>Case</u>	<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict</u>
L-5456 Elmer Godsey	State of Oregon	Grant	Inverse Condem- nation to recover damages to irrigation system caused by construction of bridge over South Fork of John Day River at Dayville. (Remarks: Plaintiff has filed a Motion for Voluntary Nonsuit and case has been dismissed without prejudice to again file.)	\$40,000.00	
L-5221 James M. Harder, Sr.	State of Oregon	Multnomah	Action for rent	2,964.00	For defendants
L-5656 State of Oregon	Lynn Streed	Douglas	Negligent opera- tion of motor vehicle damaging guardrail. (Remarks: Judgment entered in full amount.)	162.61	162.61
L-5702 State of Oregon	Gladys Montade Oce	Douglas	Negligent opera- tion of motor vehicle damaging guardrail. (Remarks: Abandonment approved. Unable to locate Defendant.)	100.71	

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(Report of Trial of Other Cases - Continued)

<u>Case</u>	<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict</u>
L-5664 State of Oregon	Charles Wayne Campbell	Lane	Negligent opera- tion of motor vehicle damaging guardrail. (Remarks: Driver of the car causing damage was killed in the accident. Insurance company offered to compromise and the claim was settled for \$200.)	\$ 265.54	
L-5639 State of Oregon	Leonard Leroy Bealer	Lincoln	Negligent opera- tion of motor vehicle damaging Simpson Creek Bridge.	150.80	150.80
L-5657 State of Oregon	Charles E. Blaylock	Marion	Negligent opera- tion of motor vehicle damaging guardrail.	320.67	320.67
L-5764 State of Oregon	John Arthur Jaatinen	Marion	Negligent opera- tion of motor vehicle damaging guardrail. (Remarks: Amount sued for paid in full.)	87.58	
L-5660 State of Oregon	Robert W. Miller	Umatilla	Negligent opera- tion of motor vehicle damaging State vehicle. (Remarks: Judgment entered in full amount.)	214.95	

(For additional information, see the Chief Counsel's letters dated April 17 and 18 concerning cases tried, filed in the Salem Office, General Files.)

The Chairman inquired as to the status of the case with the Corps of Engineers concerning payment for the John Day Bridge in Gilliam and Sherman Counties which collapsed during the flood of late 1964. The Chief Counsel stated that the State's attorneys have asked the Corps for information from their files and the Corps has made a similar request to the State. No date has been set for the trial, but it was his opinion it is several months away.

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A report was also presented by the Chief Counsel concerning cases which have been settled out of court since the last Commission meeting. The proposed settlements, he said, are based upon competent appraisals and are in order for federal aid. He called attention to letters dated March 29, April 12, and April 22, 1968, which he had sent to the Commission concerning cases settled.

Attached to these letters were reports and recommendations for settlement. The letters also pointed out that if no objections were received within a week approval would be assumed and action would be taken to close the files on the basis of the settlements as submitted. The Commission confirmed the settlements as presented.

REPORT OF CONDEMNATION CASES SETTLED

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Amount of Settlement</u>
L-5479 Boise Cascade Corporation, et al.	Lincoln	Ona Beach State Park		25,600.00	\$27,000.00
		(Remarks: Mr. Harold Meyer, a qualified appraiser, made an appraisal for the owner at \$31,650 which has been submitted to State for review.)			
L-5574 Raymond S. Wilson, et al.	Clackamas	Clackamas	Pacific Hwy. East-Cascade Hwy.	800.00	800.00
L-5516 Jacob Jossi, et ux.	Washington	Sunset	North Plains Interchange- Cornelius Rd. Interchange	725.00	3,000.00
		(Remarks: Offer was made on first appraisal received at \$750. Subsequently another staff appraisal indicated at value of \$2,000. Two independent fee appraisers submitted figures of \$3,000 and \$6,000 respectively.)			
L-5736 Mildred Hahn, et vir.	Wallowa	Little Sheep Creek Hwy.	Forest Boundary- Imnaha	3,975.00	3,975.00
L-5436 Irma Erhart, et al.	Lane	Siuslaw	Florence- Cushman	1,050.00	1,100.00

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(Report of Condemnation Cases Settled-Continued)

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Amount of Settlement</u>
L-5670 George W. McCollum, et ux.	Klamath	The Dalles- California	Klamath Falls- Green Springs Hwy. Jct.	3,850.00	4,750.00
		(Remarks: As a part of the project a frontage road will be constructed adjacent to the remaining land which will be at a grade 10 feet above, tapering to level of remainder.)			
L-5726 Donald P. Simenson, et al.	Clackamas	East Portland Freeway	West Linn- Pacific Hwy. Unit-Columbia River-Pacific Hwy.	18,000.00	18,500.00
		(Remarks: As part of the settlement the defendants have the right to repurchase the house for its appraised salvage value of \$5,000.)			
L-5205 James Lajoie, et al.	Lane	Eugene- Springfield	7th Avenue- Willamette River	33,500.00	37,500.00
		(Remarks: Possession was taken several months previously. There is now due \$660 interest on the amount over the deposit which has been placed in court.)			
L-5701 Ben Tannler, et al.	Clackamas	East Port- land Freeway	Columbia River-Pacific Highway	18,000.00	18,000.00
L-4783 Chester A. Smith, et ux.	Douglas	Pacific	Canyonville- Josephine Co. Line	5,600.00	13,250.00
		(Remarks: Supplemental to the Report of Settlement approved Jan. 23, 1968 at \$12,500. Defendant refused to close, claiming attorney had no authority to agree to waive interest amounting to \$1,400 which accumulated by reason of many unavoidable delays. Further negotiations have resulted in a compromise of the amount of interest at \$750.)			
L-5689 Robert Forbes, et al.	Clackamas	East Port- land Freeway	Columbia River-Pacific Highway	33,875.00 including sign 33,575.00 including moving sign	33,575.00

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(Report of Condemnation Cases Settled-Continued)

Case	County	Highway	Section	State's Offer	Amount of Settlement
L-5695 Denzil W. Tibbetts, et al.	Union	Old Oregon Trail	LaGrande	\$18,050.00	\$18,050.00
(Remarks: Under the terms of the settlement, the owner agrees to accept our offer of \$18,050, and then purchase two small houses located on the property for \$3,000. The appraised salvage value of these two houses is \$3,750.)					
L-5622 George Nishimura, et al.	Multnomah	Dabney State Park		1,500.00	1,800.00
(Remarks: Appraisal of this property is said by both appraisers used to be largely guess work. It is located on bank of stream and usable area above flood waters is not readily determinable.)					
L-5748 Flossie L. Hughes, et vir.	Clackamas	East Portland Freeway	West Linn-Pacific Hwy. Unit, Columbia River-Pacific Hwy.	9,900.00	10,500.00
(Remarks: The taking in this case divides the larger tract into two separate parcels and places right of way line within 20 feet of home.)					
L-5305 Richard A. Sherrell, et al.	Lincoln	Oregon Coast	Delake	600.00	950.00
(Remarks: Trial attorney is of the opinion there are sales in area which can be introduced which a jury could consider comparable to the subject land.)					
L-5422 Shirley Ernestine Temple, Trustee, et al.	Umatilla	Old Oregon Trail	Stanfield Junction-Pendleton	7,050.00	10,500.00 plus 1,000.00 atty. fees
L-5423 Shirley Ernestine Temple, et al.	Umatilla	Old Oregon Trail	Stanfield Junction-Pendleton	6,750.00	10,500.00 plus 1,250.00 atty. fees
(Remarks: This is a Supplemental Report on these two files both of which were reported on the March 5, 1968, Report of Settlement. Justification for the settlement in both instances was based upon the results in a number of like cases previously tried in Umatilla County involving properties on the same section of highway.)					

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REPORT OF OTHER CASES SETTLED

Case	Defendant	County	Cause of Action	Demands of Plaintiff	Settlement
L-5439 Concrete Steel Corp.	State of Oregon	Marion	Suit on a Contract	\$7,250.48	\$3,563.39
(Remarks: To recover additional costs allegedly incurred as a result of errors in the State's engineering data on Bybee Bridge Repair Contract No. 6703.					
Specifically, the contract plans showed the approximate elevation of the river bed at a critical area to be as much as 10 feet higher than it actually was.					
Engineering computations have been made justifying a cost increase in the amount of the settlement.)					

(For additional information, see the Chief Counsel's letters dated March 29, April 12, and April 22, 1968, concerning cases settled, filed in the Salem Office General Files.)

The Commission confirmed telephonic approval previously given on offers made to owners for acquisition of real property prior to the start of condemnation proceedings as follows:

AGATE BEACH STATE WAYSIDE

R-41439 - Richard Andersen, et al. 18 acres for park purposes. Offer of \$89,800.00 approved by Mr. Jackson April 11, 1968.

CHAMPOEG STATE PARK

R-36188 - Henry Zorn, et al. 290 acres for park purposes. Offer of \$142,500.00 approved by Mr. Jackson March 29, 1968.

DELENA-RAINIER SECTION OF THE COLUMBIA RIVER HIGHWAY

R-39735 - Elsie M. Proctor. Parcel No. 1: 17.3 acres for right of way purposes; Parcel No. 2: 0.1 acre for right of way purposes. Offer of \$70,800.00 approved by Mr. Jackson April 8, 1968.

R-42012 - Frank E. Wheeler, et ux. 0.46 acre for right of way purposes. Offer of \$950.00 approved by Mr. Jackson March 26, 1968.

FOREST BOUNDARY-IMNAHA SECTION OF THE LITTLE SHEEP CREEK HIGHWAY

R-41857 - Warren B. Voss, et ux. Parcel No. 1: 8.2 acres for right of way purposes; Parcel No. 2: 0.03 acre for permanent easement; Parcel No. 3: 0.25 acre for permanent easement. Offer of \$2,600.00 approved by Mr. Jackson April 3, 1968.

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LaGRANDE SECTION OF THE OLD OREGON TRAIL

R-40261 - Richard Smutz, et ux. Parcel No. 1: 1.9 acres for right of way purposes; Parcel No. 2: 0.33 acre for permanent easement; Parcel No. 3: 0.25 acre for permanent easement. Offer of \$1,175.00 approved by Mr. Hill April 1, 1968.

N. E. GLISAN ST.-S. E. DIVISION ST. UNIT OF THE COLUMBIA RIVER-PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY

R-40901 - E. Vernon Risberg, et al. 8,365 square feet for right of way purposes. Offer of \$16,500.00 approved by Mr. Jackson March 15, 1968.

NORTH POWDER-BAKER SECTION OF THE OLD OREGON TRAIL

R-41067 - Charles C. Ebell, et ux. Parcel No. 1: 52.0 acres for right of way purposes; Parcel No. 2: 29.0 acres for right of way purposes; Parcel No. 3: 3.7 acres for right of way purposes. Offer of \$10,000.00 approved by Mr. Hill April 10, 1968.

ORCHARD HEIGHTS ROAD-EDGEWATER STREET SECTION OF THE SALEM-DAYTON HIGHWAY

R-36654 - Southern Pacific Company. Parcel No. 2: 0.17 acre for right of way purposes; Parcel No. 3: 0.33 acre for permanent easement. Offer of \$3,250.00 approved by Mr. Jackson March 26, 1968.

POWELL BOULEVARD (130TH-140TH AVENUE) SECTION OF THE MT. HOOD HIGHWAY

R-41945 - James Praggastis, et ux. 1,470 square feet for right of way purposes. Offer of \$4,000.00 approved by Mr. Hill February 29, 1968.

R-41946 - Hymen Solko, et al. 1,500 square feet for right of way purposes. Offer of \$5,300.00 approved by Mr. Jackson March 15, 1968.

S. E. DIVISION ST.-S. E. FOSTER ROAD UNIT OF THE COLUMBIA RIVER-PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY

R-40987 - Carl W. Dunafon, et ux. 7,344 square feet for right of way purposes. Offer of \$14,200.00 approved by Mr. Jackson March 25, 1968.

R-41027 - Robert H. Brons, et ux. 5,781 square feet for right of way purposes. Offer of \$11,000.00 approved by Mr. Jackson March 25, 1968.

S. E. FOSTER ROAD-S. E. HINKLEY STREET UNIT OF THE COLUMBIA RIVER-PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY

R-40288 - J. W. Copeland Yards. 59,989 square feet for right of way purposes. Offer of \$85,450.00 approved by Mr. Jackson March 25, 1968.

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S. E. FOSTER ROAD-S. E. HINKLEY STREET UNIT OF THE COLUMBIA RIVER-PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY (Continued)

R-41147 - John H. Popejoy. 4,840 square feet for right of way purposes. Offer of \$6,600.00 approved by Mr. Jackson February 29, 1968.

R-41151 - Fred O. Benson. 8,000 square feet for right of way purposes. Offer of \$2,400.00 approved by Mr. Jackson April 2, 1968.

STANTON INTERCHANGE SECTION OF THE OLD OREGON TRAIL

R-40815 - Anna P. Davisson. 0.18 acre for right of way purposes. Offer of \$150.00 approved by Mr. Jackson March 26, 1968.

WEST LINN-PACIFIC HIGHWAY UNIT OF THE COLUMBIA RIVER-PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY

R-41478 - Ben Metz Incorporated. 0.96 acre for right of way purposes. Offer of \$3,300.00 approved by Mr. Jackson February 28, 1968.

R-41610 - Miller Evans, et ux. Parcel No. 1: 0.7 acre for right of way purposes; Parcel No. 2: 0.14 acre for right of way purposes; Parcel No. 3: 0.08 acre for right of way purposes; Parcel No. 4: 0.2 acre for permanent easement. Offer of \$750.00 approved by Mr. Jackson April 11, 1968.

R-41672 - Edwin E. Hyatt, et ux. Parcel No. 1: 5.5 acres for right of way purposes; Parcel No. 2: 0.27 acre for right of way purposes. Offer of \$11,100.00 approved by Mr. Jackson February 28, 1968.

R-41676 - Ewald Ek, et ux. Parcel No. 1: 7.8 acres for right of way purposes; Parcel No. 2: 4.0 acres for right of way purposes; Parcel No. 3: 1.92 acres for right of way purposes; Parcel No. 4: 0.9 acre for scenic area. Offer of \$25,825.00 approved by Mr. Jackson April 2, 1968.

R-41678 - Walter J. Wanker, et ux. Parcel No. 1: 6.0 acres for right of way purposes; Parcel No. 2: 0.22 acre for right of way purposes. Offer of \$10,100.00 approved by Mr. Jackson February 28, 1968.

R-41684 - Alfred M. DeNeui, et ux. Parcel No. 1: 10.0 acre for right of way purposes; Parcel No. 2: 0.65 acre for permanent easement. Offer of \$13,350.00 approved by Mr. Jackson April 2, 1968.

R-41685 - John B. Dimick, et ux. 21.0 acres for right of way purposes. Offer of \$18,500.00 approved by Mr. Jackson February 29, 1968.

R-41694 - Fern R. Holder. Parcel No. 1: 20.8 acres for right of way purposes; Parcel No. 2: 6.7 acres for scenic area. Offer of \$23,325.00 approved by Mr. Jackson March 6, 1968.

April 23, 1968

WEST LINN-PACIFIC HIGHWAY UNIT OF THE COLUMBIA RIVER-PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY (Continued)

R-41695 - Laurance Lee, et ux. Parcel No. 1: 9.5 acres for right of way purposes; Parcel No. 2: 6.5 acres for scenic area; Parcel No. 3: 1.4 acres for permanent easement. Offer of \$21,300.00 approved by Mr. Jackson March 26, 1968.

R-41696 - Earl R. Sagert, et ux. Parcel No. 1: 6.8 acres for right of way purposes; Parcel No. 2: 1.1 acres for scenic area; Parcel No. 3: 0.85 acre for permanent easement. Offer of \$13,300.00 approved by Mr. Jackson March 26, 1968.

R-41703 - Carl P. Hansen, et ux. Parcel No. 1: 6.7 acres for right of way purposes; Parcel No. 2: 0.04 acre for right of way purposes; Parcel No. 3: 0.1 acre for permanent easement; Parcel No. 4: 0.17 acre for temporary easement. Offer of \$13,400.00 approved by Mr. Jackson March 27, 1968.

R-41711 - Carrell F. Bradley, et al. Parcel No. 1: 2.2 acres for right of way purposes; Parcel No. 2: 0.07 acre for right of way purposes. Offer of \$3,800.00 approved by Mr. Jackson February 29, 1968.

R-41714 - L. A. Christensen. 1.9 acres for right of way purposes. Offer of \$5,075.00 approved by Mr. Jackson February 29, 1968.

R-41748 - John N. Lovelace. Parcel No. 1: 2.3 acres for right of way purposes; Parcel No. 2: 0.24 acre for permanent easement. Offer of \$6,500.00 approved by Mr. Jackson March 19, 1968.

R-41753 - Lyle W. Parsons, et ux. Parcel No. 1: 0.2 acre for right of way purposes; Parcel No. 2: 0.03 acre for right of way purposes; Parcel No. 3: 0.03 acre for right of way purposes; Parcel No. 4: 0.05 acre for permanent easement. Offer of \$1,400.00 approved by Mr. Jackson April 1, 1968.

R-41760 - Ernest A. Fischer, et ux. Parcel No. 1: 0.06 acre for right of way purposes; Parcel No. 2: 0.05 acre for permanent easement. Offer of \$1,450.00 approved by Mr. Jackson April 11, 1968.

R-41765 - Ross E. Davidson, et ux. Parcel No. 1: 1.15 acres for right of way purposes; Parcel No. 2: 1.05 acres for right of way purposes; Parcel No. 3: 0.16 acre for permanent easement. Offer of \$7,475.00 approved by Mr. Jackson March 27, 1968.

R-41766 - William H. Kendall, et ux. Parcel No. 1: 0.06 acre for right of way purposes; Parcel No. 2: 0.06 acre for permanent easement. Offer of \$800.00 approved by Mr. Jackson March 27, 1968.

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WEST LINN-PACIFIC HIGHWAY UNIT OF THE COLUMBIA RIVER-PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY (Continued)

R-41772 - Nathan O. Wright, et ux. Parcel No. 1: 5.2 acres for right of way purposes; Parcel No. 2: 0.85 acre for scenic area. Offer of \$10,950.00 approved by Mr. Jackson April 2, 1968.

R-41777 - Dwane Allen Manwiller, et ux. Parcel No. 1: 2.0 acres for right of way purposes; Parcel No. 2: 0.01 acre for right of way purposes. Offer of \$7,875.00 approved by Mr. Jackson February 29, 1968.

R-41788 - Laurence A. Murphy, et ux. 0.4 acre for right of way purposes. Offer of \$1,850.00 approved by Mr. Jackson February 28, 1968.

R-41791 - Ethel Fiala. Parcel No. 1: 9.8 acres for right of way purposes; Parcel No. 2: 2.0 acres for right of way purposes; Parcel No. 3: 0.8 acre for scenic area; Parcel No. 4: 1.4 acres for scenic area. Offer of \$27,500.00 approved by Mr. Jackson March 28, 1968.

R-42125 - Edna J. Marcy. 0.1 acre for right of way purposes. Offer of \$4,000.00 approved by Mr. Jackson April 11, 1968.

R-42315 - Charles A. Malet, et ux. Parcel No. 1: 0.5 acre for right of way purposes; Parcel No. 2: 0.2 acre for right of way purposes. Offer of \$2,000.00 approved by Mr. Jackson February 28, 1968.

R-42347 - Howard E. Ellman. 0.03 acre for right of way purposes. Offer of \$100.00 approved by Mr. Jackson April 11, 1968.

The Chief Counsel reported that since the last Commission meeting no orders have been received from the Public Utility Commissioner in which the Highway Commission has been a party.

A quarterly report of damage claims from December 31, 1967, through March 31, 1968, was presented by the Chief Counsel. During this period a total of \$32,546.64 had been collected for damages to highway property and eight claims totaling \$684.68 had been abandoned as it was not feasible to continue efforts for collection. The Commission accepted the report.

Abandonment of a number of claims over \$150 for damages to highway property was recommended by the Chief Counsel. The list of 18 claims totals \$7,533.03 from July 1, 1966, through March 1, 1968. He also mentioned that during this period \$203,000 was collected. Reasons for abandoning these claims include the party being out of the State, unknown address, contributory negligence on the part of the Highway employee, and witnesses showing that there was no liability. The Commission approved abandonment of the following claims:

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CAO No.	Name	Date of Damage	Final Amount of Claim
64-65	Robert D. West and Cecil D. Shatto	12-19-63	\$348.56
66-86	Fred O. Spannuth	1-1-66	819.93
66-261	Donald H. Robinson	9-22-65	335.55
66-426	Raymond E. Short	9-12-66	433.00
66-475	Steven Roy Richardson	10-30-66	161.23
67-37	Michael Curtis Swift	1-11-67	165.74
67-101	Russell Kirk	3-9-67	252.88
67-129	Jimmy Lynn Tanner	2-28-67	259.79
67-157	Joel Jern	2-17-67	527.77
67-248	Walter Buddy Kempel	5-14-67	378.85
67-251	Jose V. Chaleo	5-24-67	641.08
67-275	Thomas O. Marchant	6-17-67	180.81
65-132	Fred Meyer, Inc.	12-23-64	850.00
64-204	Farm Air Company and Wilson Bump	6-1-64	568.10
64-10	Defense Communications, Inc.	11-15-63	626.34
66-154	United Van Lines and Art's Machine Shop	3-19-66	253.39
67-420	Mountain States Wholesale	9-8-67	633.49
68-10	Virgie Mae Bourquin	11-24-67	161.52

A report was also made by the Chief Counsel on legal proceedings naming the Commission or its employees as defendants since the last Commission meeting. The Commission accepted the report which is summarized as follows:

- (1) Molyneux vs. Montgomery. Plaintiff seeks \$18,500 general damages and \$162.40 special damages. Case arises out of an accident on the Oregon Coast Highway in Lane County. Plaintiff alleges negligence.

- (2) Murphy vs. T. J. Mahoney and State of Oregon. Plaintiff seeks general damages in the amount of \$15,000 alleging negligent and careless placing of cone-shaped markers on the Banfield Freeway between N. E. 82nd and N. E. 102nd Avenues in Multnomah County causing an accident.
- (3) Phyllis L. Smith vs. L. C. Smitton and A. F. Parson. Plaintiff seeks \$36,000 general damages and \$1,572.50 special damages. Suit for wrongful death alleges 19 counts of negligence concerning design, construction, maintenance and signing of junction of Columbia River Highway and Heppner Highway in Gilliam and Morrow Counties.
- (4) Dean W. Materson, et ux. vs. State. Plaintiffs filed a suit seeking damages in amount of \$1,500 for damage to their property in Bend, Deschutes County. Complaint is not clear whether this action is for change of grade or involves inverse condemnation.

Consideration was given to a request from the City of Manzanita for a change in a resolution to control vehicles on the ocean beach within the city limits of Manzanita in Tillamook County which was adopted by the Highway Commission on October 31, 1967. The Chief Counsel stated that the requested change would allow vehicles on the beach between 7 a.m. and 10 a.m. from October 1 to July 1. He recommended that the change be granted. The Commission accepted the recommendation and thereupon adopted "Miscellaneous Resolution No. 231c," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

Chairman Jackson inquired as to which public agency is responsible for policing the beach covered under the resolution. The Chief Counsel replied that this responsibility lies with the City of Manzanita.

The Chief Counsel brought up the matter of assignment of a lease held by Thunderbird Motel, Inc., for the use of approximately 11,000 square feet of State property in the City of Portland. He explained that the motel has applied to an insurance company (Massachusetts Mutual Life Insurance Company) for a loan and the insurance company has asked that the State consent to an assignment of the lease by the motel to the insurance company for the remaining period of the lease, approximately three years. The Commission accepted his recommendation for approval of the lease assignment, and authorized the Secretary to sign the assignment on their behalf.

The Chief Counsel presented a letter dated April 22, 1968, concerning cases involving public rights on beaches. He reported orally on the beach case with Sunset Cove, Inc., involving the sandspit north of Seaside in Clatsop County. The Attorney General has stated that he wishes to file an amended complaint with the Highway Commission as a party plaintiff, and that the City of Seaside be made a defendant so that jurisdiction over the area can be determined. Telephonic approval has been given by the Chairman and he requested confirmation. The Commission confirmed the action. (For additional details, see the Chief Counsel's letter dated April 22, 1968, in the General Files, Salem.)

Attention was given to a land use agreement with Douglas County for property within the boundaries of Umpqua Lighthouse State Park for recreational use by the County. The Engineer commented that the County wishes to use the land for location and development of a roadway, parking area and public comfort stations. The agreement covers a period of ten years with an option to the County to renew the agreement on terms mutually agreeable. The State reserves the right of approval on all plans for the project, and the agreement may be terminated by either party after five years from date of execution. Following his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

Consideration was given to renewal of a lease for operation of the concession privilege at Vista House in Crown Point State Park, Multnomah County. The Engineer recalled that Mr. and Mrs. Kyle Smith have operated the concession in a satisfactory manner since January 5, 1961. He recommended that the lease be renewed for a period ending March 31, 1973. The lessee is to pay to the State 10½ percent of gross sales and receipts during the period of the lease and provide heat, electricity, and other utilities including janitorial services and supplies. The lessee is also to provide a performance bond and public liability insurance. The Commission approved the extension of the lease as recommended and authorized the Secretary to sign it in their behalf.

The Commission also considered a proposed lease with Lloyd Bagley to operate a marina concession at Farewell Bend State Park on the Old Oregon Trail in Baker County. An invitation to bid on the concession privilege was made in March, 1967, but no bids were received. Prior to that time, the Engineer reported that a concessionaire was unable to fulfill the lease and vacated the premises. Mr. Bagley wishes to operate the concession. His proposed lease runs from May 1, 1968, through December 31, 1969, and among other things provides that he pay the State 10 percent of gross sales or \$45 per month while he occupies the premises, whichever is the greater amount. The lessee is also to furnish a performance bond and liability insurance covering the State of Oregon and the State Highway Commission. Following his favorable recommendation, the Commission approved the lease and authorized the Secretary to sign it for them.

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A resolution was presented by the Engineer outlining regulations for the operation of State Parks. This resolution, he commented, covers phases of State park management not heretofore authorized by the Commission. Because of increased park attendance and the complexity of facilities provided in State Parks, the need for authority to control these areas has become apparent. The proposed resolution would rescind those regulations enacted by the Commission May 26, 1952, and June 2, 1966. The new regulations, among other things, would provide for control of motor vehicle operations in parks; for the control of pets within the parks; prohibit camping on ocean beaches or any other area not designated for camping; would limit camping in any one park to a maximum of seven days in any ten-day period; and would delegate to park employees the right to assign camp sites, and prohibit, if necessary, the entry of noncamper vehicles into park areas. Based on the Engineer's favorable recommendation, the Commission adopted the park regulations as presented and thereupon adopted "State Park Resolution No. 29," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

Pursuant to Chapter 601, Oregon Laws of 1967, the Engineer read into the record an application from Ralph Millsap for a permit to construct a sea wall at Lots 19 and 20, Block 1, Second Addition to Nelscott Beach in Lincoln County. Mr. Millsap's address was given as 621 S. W. Alder Street, Portland, Oregon. Notice of the application for a construction permit was posted at the Millsap property in Lincoln City (Nelscott) on March 6, 1968. This application, the Engineer commented, was received March 1, 1968, and pertains to work below the 16-foot level along the ocean beach.

Consideration was given to an agreement with Polk County concerning purchase of 1.3 acres of land along the bank of the Willamette River near Buena Vista in Polk County as a part of the Willamette River Park System. The Engineer commented that this is the first agreement presented for approval on the Willamette River Park System. The agreement contemplates acquisition of this land for a total of \$5,600. Half of this amount is to be provided by the Federal Land and Water Conservation Fund and 25 percent each by the State and County. The Commission accepted his favorable recommendation and authorized the Secretary to sign the agreement in their behalf.

The Commission also considered a similar agreement with the City of Cottage Grove concerning purchase of 1.75 acres of land along the Coast Fork of the Willamette River in Cottage Grove as a part of the Willamette River Park System. Total value of the land to be acquired, the Engineer said, is estimated at \$8,040. Fifty percent of the cost is to be borne by the Federal Land and Water Conservation Fund and 25 percent each by the State and the County. Following his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

The matter of placing a reduced load limit on the access road leading to LaPine Recreation Area in Deschutes County was brought up by the Engineer. Construction of this road, he said, is expected to be completed

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within the next few weeks. It is a lightly constructed road designed primarily for recreation traffic. It appears that the Bureau of Land Management may hold timber sales in the immediate vicinity and that log haulers might use the road in preference to forest access roads which are unsurfaced. As other roads for log hauling are available, he recommended that a gross weight limit of 20,000 pounds be placed on the road. The Commission accepted his recommendation.

Location surveys for the improvement or relocation of portions of State highways were presented by the Engineer. He explained them briefly and recommended their adoption. The Commission approved the following surveys by adopting "Survey Resolutions Nos. 345, 319a, 346, and 347," which resolutions by this reference are made a part hereof and filed in the Secretary's Office:

- (1) Alder Creek-Wildwood Section of the Mt. Hood Highway in Clackamas County. (See "Survey Resolution No. 345.")
- (2) Crater Lake Highway-Brownsboro Section of the Lake of the Woods Highway in Jackson County. This action also designates the section as a throughway, a secondary highway, and rescinds "Survey Resolution No. 319." (See "Survey Resolution No. 319a.")
- (3) Hanson Creek-Saunders Creek Section of the Florence-Eugene Highway in Lane County. (See "Survey Resolution No. 346.")
- (4) Swartz Canyon Road-Rocky Canyon Section of the Crooked River Highway in Crook County. (See "Survey Resolution No. 347.")

Concerning the survey for the Alder Creek-Wildwood Section of the Mt. Hood Highway, no time for construction was given because of lack of funds. Right of way, however, is to be acquired as soon as funds are available.

An increase in project authorization on Contract No. 6965 on the Tualatin Valley Highway in Washington County was requested by the Engineer. He estimated the amount of the overrun at \$116,366.77 (7.08 percent). Increases in drainpipe and trench excavation to take care of subsurface water, an increase in the bituminous base to handle winter traffic, utility adjustments, and a revision in a county road connection were listed as principal causes for the overrun. The Commission approved the increase in authorization.

Requests by contractors for extensions of time in which to complete highway contracts without assessment of liquidated damages were considered. The Engineer stated that the requests have been carefully investigated and the results of the investigations have been reported to the Commission by letter. Action was taken on the following contracts by the Commission:

- (1) Schrader Construction Company, Contract No. 6964, on the Pacific Highway East in Multnomah County, requested 45 additional days in which to complete Unit A (Ross Island Bridge Extension) and 21 additional days to complete Unit B (Milwaukie Avenue Undercrossing Replacement). The Commission granted an increase of 41 days on Unit A and 21 days on Unit B without assessment of liquidated damages.
- (2) Sims Electric, Inc., Contract No. 7081, on the Oregon Coast Highway in the city of Tillamook, Tillamook County, requested 28 additional days. The Commission granted an extension of 21 days without assessment of liquidated damages.
- (3) Olson Electric Company, Inc., Contract No. 6988, on the Mt. Hood Highway in Multnomah County, requested five calendar days additional time. The Commission approved an increase of one day without assessment of liquidated damages.
- (4) Donald M. Drake Company and Winston Brothers Company, Contract No. 6748, on the Vista Ridge Eastbound Tunnel on the Sunset Highway in Multnomah County, requested that the completion date be advanced from September 30, 1967, to December 16, 1967. The Commission approved an extension of time to November 27, 1967, the date of completion, without assessment of liquidated damages. Approval by the Bureau of Public Roads has been received.
- (5) S. D. Spencer and Son, Contract No. 6856, on the Sunset Highway in Clatsop County, requested an increase of 101 calendar days. The Commission approved an increase of 74 calendar days, without assessment of liquidated damages.
- (6) Earl L. McNutt Company and Hamilton Construction Company, Contract No. 6855, on the Eugene-Springfield Highway in Lane County, requested an increase of 64 calendar days. The Commission approved an increase of 47 calendar days without assessment of liquidated damages.
- (7) Earl L. McNutt Company and McNutt and Sons, Inc., Contract No. 6804, on the Eugene-Springfield Highway in Lane County, requested an increase of 88 calendar days. The Commission approved an increase of 88 calendar days without assessment of liquidated damages. Approval by the Bureau of Public Roads was given April 15, 1968.

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The Engineer reported that Contract Nos. 6748, 6773, 6804, 6819, 6820, 6828, 6853, 6854, 6865, 6867, 6875, 6927, 6957, 6964, 6996, 7051, 7064, and 7100 for highway construction have been completed as required by the contracts or modifications thereof and said contracts are now ready for acceptance or have been accepted by letter since the last Commission meeting. After due consideration, the Commission accepted the contracts by adopting "Completed Contracts Resolution No. 166," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The next regular Highway Commission meeting date was confirmed for Wednesday, May 29, 1968, in the State Highway Building in Salem. A tentative date for the following meeting was set for July 9, 1968.

The Commission confirmed telephonic approval given on March 12, 1968, awarding contracts on which bids were received March 7, 1968, and authorized the Secretary to sign contracts on the following projects:

BIDS RECEIVED IN SALEM March 7, 1968

Contract No. 7125 for signing at the Winchester and Booth Ranch Truck Scale Sites on the Pacific Highway in Douglas County. Federal-aid Interstate Highway Project Nos. I5-2(58)112 and I5-3(79)131. Three bids were received. The Commission awarded the contract to the low bidder, Laam, Irving & Company, Gladstone, at \$26,350.50.

Contract No. 7126 for roadside improvement on the Rufus Interchange Section of the Columbia River Highway in Sherman County. Federal-aid Interstate Highway Project No. I80N-3(54)108. Eight bids were received. The Commission awarded the contract to the low bidder, All-City Tree & Landscape Service, Portland, at \$15,964.75.

The Engineer reported that because of improved road surface conditions he had removed the load limit on the West Diamond Lake Highway in Douglas County as of 8 a.m., Wednesday, April 17, 1968. This action was taken between M. P. 13.23 and M. P. 23.89 on which a reduced load limit had been imposed March 4, 1968. The Commission confirmed the Engineer's action.

Consideration was given to requests from Lincoln and Malheur Counties for Federal-aid Secondary Projects estimated to cost \$509,000. The Engineer reported that the projects have been investigated, are eligible for use of FAS funds, and he recommended their approval. The Commission approved the projects as follows and authorized the Secretary to sign the construction agreements when they are prepared:

County	FAS	Section and Description	Programmed Amount	FAS Funds
Lincoln	151 143	Burnt Woods-Harlan Road and Elk City-Harlan Road, Springers Ranch-Harlan Section. Grade, surface, and pave, 3.25 miles.	\$249,000	1968
Malheur	23-105	Harper-Westfall Road, Malheur River (Harper) Bridge. Structure.	200,000	1968
Malheur	23-105	Harper-Westfall Road, Bully Creek (Westfall) Bridge. Structure	60,000	1968
TOTAL			\$509,000	

SUMMARY BY FISCAL YEARS	1968	1969	Total
Allocated Funds	\$3,980,000	\$3,969,000	\$7,949,000
Approved Projects (Corrected to Date)	<u>1,992,000</u>	<u>--</u>	<u>1,992,000</u>
Unprogrammed Balance	\$1,988,000	\$3,969,000	\$5,957,000
Projects Proposed 4/25/68	<u>509,000</u>	<u>--</u>	<u>509,000</u>
Unprogrammed Balance	\$1,479,000	\$3,969,000	\$5,448,000

A resolution was presented by the Engineer to change the stop signs at the intersection of the Springfield-Creswell Highway with the Goshen-Divide Highway in Creswell, Lane County. A traffic investigation has disclosed that traffic would be better served if the following exceptions on the Goshen-Divide Highway were put into effect:

- (1) Traffic southbound on the Goshen-Divide Highway, No. 226, shall stop at its junction with the Springfield-Creswell Highway, No. 222, in Creswell.
- (2) Traffic westbound on the Springfield-Creswell Highway, No. 222, shall not be required to stop at its junction with the Goshen-Divide Highway, No. 226, in Creswell.

On the Springfield-Creswell Highway traffic westbound shall not be required to stop at its junction with the Goshen-Divide Highway. The Commission approved the revisions as presented by the Engineer and thereupon adopted "Through Highways and Stop Signs Resolution No. 14c," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

A throughway-abandonment agreement with the City of Baker pertaining to construction of the North Powder-Baker Section of the Old Oregon Trail in Baker County was presented by the Engineer. The agreement provides, among other things, that the State acquire right of way, construct the facility and interchanges, make road and street closures, and utility installations. The State is to construct the Campbell Avenue Interchange and reconstruct Campbell Avenue between Ash and Plum Streets as an extension of the state highway system. The City, in turn, is to assume jurisdiction over that portion of the Baker-Homestead Highway between Campbell Avenue and the north city limits of Baker, consisting of approximately one mile. Following his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

Consideration was given to an agreement with Herman Adalist & Associates, Inc., for inspection of steel to be used on the Willamette River Bridge at West Linn on the East Portland Freeway, Clackamas County, Contract No. 7105. The Engineer explained that the agreement provides for inspection of steel to be fabricated by Issacson Iron Works in Seattle at a unit price of \$2 per ton, but not to exceed a total of \$13,000. The Commission accepted his recommendation for approval and authorized the Secretary to sign the agreement in their behalf.

Payment of \$10,000 to Morrow County in connection with an agreement approved June 8, 1967, for construction of a frontage road bordering I-80N and extending from Paterson Ferry Road easterly to the Umatilla County Line was discussed. The Engineer advised that the County has completed the frontage road work with the exception of the final oil mat and has requested that the State make a progress payment in the amount of \$10,000 which is half of the total amount specified in the agreement. The Commission approved the progress payment.

A cooperative agreement in letter-form with Washington County was presented by the Engineer for a reconnaissance study of an extension of S. W. 145th Avenue from the Old Scholls Ferry Road southeasterly to the Pacific Highway at the Lower Boones Ferry Road Interchange. The agreement provides that the State conduct the study to determine a feasible county route through the area south of Tigard. The Engineer estimated the cost of the study at \$2,500 to be paid by Washington County and recommended that the agreement be approved. The Commission accepted his recommendation and authorized the Secretary to sign the agreement in their behalf.

The Commission considered a supplemental agreement, Relocation Modification No. 4, with the Army Corps of Engineers for the relocation or alteration of I-80N and State Routes 19 and 74 because of construction of the John Day Dam in Sherman and Gilliam Counties on the Columbia River. The agreement also allows the Corps to construct and maintain bank protection for the Umatilla River within the limits of U. S. Highway 730 at the river crossing and gives the Corps the right to go on to State Highway right of way to perform its work. Following the Engineer's favorable recommendation, the Commission approved the agreement.

Consideration was also given to a supplemental throughway agreement with Lane County concerning closure of Fir Cove and Bloomberg Roads between McVay Interchange and 30th Avenue on the Judkins Point-Goshen Section of the Pacific Highway, Lane County. The Engineer commented that in the original agreement the closure of Fir Cove and Bloomberg Roads was overlooked. The Commission accepted his recommendation for approval and authorized the Secretary to sign the agreement in their behalf.

A cooperative construction-finance agreement with the City of Milton-Freewater pertaining to N. W. Fourth Avenue-Broadway Section of the Freewater Highway in Umatilla County was discussed. The agreement provides for construction of the project, relocation of utilities, parking restrictions, grade revisions, and other matters at an estimated cost of \$55,000. The project consists basically of widening the existing facility to a 44-foot curbed section. Under terms of the agreement the City is to pay 25 percent of the total cost. It was the Engineer's recommendation that the agreement be approved but that construction be delayed until funds are available. The Commission accepted his recommendation and authorized the Secretary to sign the agreement for them.

Attention was given to a cooperative agreement with the Bureau of Land Management for installation of 14.05 miles fencing on the I.O.N. Highway between M.P. 97.71 and M.P. 109.41 in Malheur County. This agreement, the Engineer said, follows the pattern of prior agreements for fencing. In this instance, however, the Bureau of Land Management proposes to furnish 3,552 posts for the sum of \$2,948, which is cheaper than the State can acquire them. He recommended that the agreement be approved and that the Bureau of Land Management be paid the sum of \$2,948. The Commission approved the agreement and authorized the Secretary to sign it in their behalf.

The Commission considered an agreement with the City of Portland for installation of illumination on the Vista Ridge Westbound Tunnel Section and connecting ramps on the Sunset Highway in the City. The agreement provides that the State perform the work at an estimated cost of \$23,000 and maintain the units. The City is to pay for all electrical energy consumed. The Engineer recommended approval of the agreement which is to be financed by Federal-aid funds. The Commission approved the agreement and authorized the Secretary to sign it for them.

Consideration was also given to an agreement with the City of Boardman for installation of illumination at the Boardman Interchange on the Columbia River Highway in Morrow County. The agreement provides that the State perform the work at an estimated cost of \$35,500 as an Interstate Project and maintain the units after installation. The City is to pay for all the electrical energy consumed. The Commission accepted the Engineer's recommendation for approval and authorized the Secretary to sign the agreement in their behalf.

An agreement with Clackamas County for installation of illumination on the Wilsonville Interchange on the Pacific Highway in Clackamas County was discussed. Under terms of the agreement, the State is to perform the work at an estimated cost of \$23,000 as an Interstate Project and maintain the units after installation. The County is to pay for all electrical energy consumed. Following the Engineer's favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

The Commission considered an agreement with the City of Mt. Angel for installation of a crosswalk sign over the easterly crosswalk of the Church Street Intersection and a flashing yellow beacon just east of Church Street in Mt. Angel on the Hillsboro-Silverton Highway in Marion County. The Engineer commented that the State is to do the installation work at a total estimated cost of \$1,800 and maintain the flashing beacon. The City is to pay one-half the installation cost, provide for all of the electrical energy requirements, and maintain the crosswalk sign installation. The State's share of the cost is to be taken from Minor Betterment Funds. Based on the Engineer's favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

An agreement with the City of Portland for installation of traffic signals at the intersection of S. W. Burnside Street and S. W. 15th Avenue on the Stadium Freeway in the City of Portland was considered. Under the agreement, the Engineer stated that the City is to furnish and install the traffic signal controller, maintain the signals, and pay for all electrical energy needs. The State is to pay all other cost of the installation estimated at \$8,400 to be charged against the N. W. Johnson Street-S. W. Montgomery Street Section of the Stadium Freeway. The Commission accepted the Engineer's recommendation for approval and authorized the Secretary to sign the agreement in their behalf.

Consideration was given to an agreement with Lincoln City for installation of traffic signals at the intersections of South 51st Street, North 6th Drive, North 14th Street and North 21st Street with the Oregon Coast Highway in Lincoln County. According to the agreement the State is to perform the installation at an estimated cost of \$22,000. The City is to pay one-half the cost of installation and all of the costs for maintenance and electrical energy requirements. The State's share of \$11,000 is to be taken from Minor Betterment Funds. It was the Engineer's recommendation that the agreement be approved. The Commission accepted the recommendation and authorized the Secretary to sign the agreement for them.

The granting of a permanent easement to the City of Portland by the State for the construction and maintenance of an improved intersection at S. W. Sheridan and S. W. Moody Streets was discussed. This area lies within the limits of the Harbor Drive-Washington County Line Section of the Pacific Highway, Multnomah County. The Engineer explained that the easement is for street purposes only and any construction or maintenance on the easement property is to be at the City's expense. He also mentioned that a prior agreement dated September 9, 1957, and its supplements remain in full effect except as modified by this agreement. It was his recommendation that the agreement be approved and the Secretary authorized to sign the agreement. The Commission accepted his recommendation.

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An agreement with Union Pacific Railroad Company concerning construction of the Wallowa River Bridge Section on the Wallowa Lake Highway in Wallowa County was considered. The agreement provides that the Railroad grant to the State an easement for a grade crossing for the sum of \$110, and that the State reimburse the Railroad for its expenditures caused by this project. These costs include flashing light signals, engineering, adjusting communication lines, grade crossing track work, cattle guards, and other items estimated to cost the Railroad \$16,543, of which the State's portion is estimated at \$15,410 plus the \$110 for the easement. The agreement also outlines maintenance responsibilities of the Railroad and the State. It was the Engineer's recommendation that the agreement be approved. The Commission accepted his recommendation.

The City of Sherwood submitted a request for annexation to the City of a portion of the Pacific Highway West right-of-way in the Six Corners area in Washington County. The Engineer stated that an investigation had been made and the proposed annexation appears to conform legally and does not form an enclave. He recommended that the annexation be approved. The Commission accepted his recommendation and authorized the Secretary to sign the annexation consent form.

Consideration was given to an agreement with Bonneville Power Administration concerning the crossing of the Holmes Gap-Baskett Slough Section of the Pacific Highway West in Polk County over the Bonneville Power Administration's transmission line easement. The Engineer commented that the agreement also provides for access from the highway to the transmission line easement on the westerly side, to be constructed by the State's contractor at an estimated cost of \$150. The Commission accepted his recommendation for approval and authorized the Secretary to sign the agreement in their behalf.

The Commission also gave attention to an agreement with Eastern Oregon State Hospital Training Center (through the State Board of Control) pertaining to construction of the Pendleton Section of the Old Oregon Trail in Umatilla County. As explained by the Engineer, the agreement pertains to reconnection of a 15-inch outfall sewer owned by the hospital to the City of Pendleton's 36-inch sanitary sewer. The agreement requires the State to correct at its cost any malfunction resulting from the new connection and reimburse the hospital for any damage caused by backup of sewage for a period of two years after the new connection goes into operation. It was the Engineer's opinion that should stoppage occur the most extreme corrective work would cost no more than \$10,000. The agreement has been approved by the Bureau of Public Roads. Following the Engineer's favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it in their behalf.

An agreement with Stanfield Irrigation District covering adjustment and extension of its facilities on the Stanfield Junction-Pendleton Section of the Old Oregon Trail in Umatilla County was presented by the Engineer. He explained that the work consisting of rearranging ditch rider

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roads, enlarging and extending irrigation ditch siphons, payment of severance damages, and acquisition of right-of-way is estimated to cost a total of \$65,625. He recommended that the agreement be approved and the Secretary authorized to sign the agreement. The Commission accepted his recommendation.

A delegation from Clatsop County came before the Commission to protest closing of the Seaside Maintenance Station. The following people were present: Mr. Verne Stratton, Rep. Bill Holmstrom, Mr. Max Pope, Mrs. Penny Picard, Mr. Elvin Goodman, Mr. Ken Nett, Mr. Floyd Davis, Mr. Dick Baldwin, Mr. Dean Cawley, Mr. Robert Fox, Mr. Dale Curry, Mr. Erling Ordway, Mr. Jalmer Dahl, Mr. Hiram Johnson, and Mr. Lyle Ordway. State Representative Holmstrom protested the closure on the basis that (1) it is not in the best public interest, (2) that adequate advance information regarding the closure had not been given and (3) that it appeared to be contrary to the legislative intent regarding maintenance of highways. He pointed out that previous information he had received had indicated that no action would be taken until 1969. It was his feeling that closing the station would decrease the effectiveness of maintenance operations and, as the closure is a major public decision, that advice should have been sought from the legislative point of view. He urged that closing of the station be delayed until all of these points have been thoroughly considered.

Mr. Verne Stratton presented letters from the Clatsop Board of County Commissioners, City of Seaside, Seaside Chamber of Commerce, Astoria Chamber of Commerce, City of Hammond, City of Astoria, City of Cannon Beach, and the Clatsop County Intergovernmental Committee, all protesting the closure. He read a letter from the City of Seaside pointing out hazardous conditions on various sections of highways and urging that thorough consideration be given to the proposed closure. He also mentioned points from the City of Hammond letter commenting on the great increase of boats hauled by trailer and the launchings at Fort Stevens basin. The letter from the Intergovernmental Committee pointing out the rapid growth in industry and tourism which in this area would call for more rather than less maintenance was commented on.

The Chairman remarked that Clatsop County has received a great deal of consideration in highway and bridge construction. The Commission's responsibility, he said, is to construct and maintain roads and parks and to provide leadership in highway matters. During the last session of the legislature, an increase in the gas tax was approved, but after deducting additional amounts allocated to counties, cities, police, the Willamette Greenway, and others, the amount left for State work was small. He recalled that about two years ago the Commission had requested a study on more efficient organization in the State Highway Department, and out of this study came the program for consolidating maintenance stations. Many of these stations, he said, were established about 40 years ago when roads and equipment were far less efficient than they are now. When the consolidation plan is placed in effect, it is expected that between 1½ and 2 million dollars can be saved annually. In the process of consolidation,

it is the Commission's plan that no regular employee lose his job and that much of the savings to be accomplished would come about through attrition such as retirement and normal turnover. He assured the delegation that adequate maintenance would be provided. He also expressed the thought that with the great responsibility that is placed upon the Commission for the operation of the Highway Department, it would not be in the public interest to deny them the ability to make decisions. Neither would it be good to hold public plebiscites on each decision. The Commission's function, he said, is to spend highway funds for construction, maintenance, parks and recreation needs in the most efficient manner. The proposed maintenance closures are in the best interests of the general public and he asked that negative conclusions not be made until the Commission has had an opportunity to prove the action.

A delegation from Roads End in Lincoln County near the Oregon Coast Highway appeared before the Commission to protest the opening of a public beach access on the Harry Mittleman property. The following people were present: Mr. Theodore Swett, Mr. Sumner W. Williams, Mr. Wilbur Day, Mr. William Hudleson, all of Roads End, and Mr. Donn D. DeBernardi, Lincoln City. Mr. Swett who acted as spokesman pointed out that 300 area residents had been contacted and 263 replies received, only one of which favored the proposed access. Logan Road, he said, was improved by the County and property owners in 1946, and it would be difficult and expensive to widen it. Property values in the Roads End community are increasing and the opening of a public access he felt would cause a decrease in these values. It was his feeling that the proposed access point is not good in that other sites would be better, and he mentioned that there are many alternatives. He requested the Commission to table the matter.

The Chairman stated that the Highway Commission some time ago recognized the need for public access to the beach and that it would not be fair to the delegation if the Commission let them think that the matter would be tabled. The Parks Division, he continued, was given the responsibility of locating access points and many have been thoroughly investigated. If a better access point had been found, they would have selected it. He pointed out that the Commission as a public body must act in the best interests of the people of Oregon, and there is no other basis on which their actions can be based. The Commission, he said, would have to deny the delegation's request. He expressed the Commission's regrets at having to take this decision and commented that construction of the public access to the beach might turn out to be an asset rather than a liability to the community.

A delegation representing the Hoodland Chamber of Commerce came before the Commission to urge early improvement to the Mt. Hood Highway from a point east of Alder Creek to the Salmon River in Clackamas County. The following people were present: Sen. John Inskeep, Oregon City;

Dr. and Mrs. Roy Carothers, Brightwood; Darrell Jones, Lake Oswego; Harry Amacher, Zig Zag; and Paul Rice, Sandy. State Senator John Inskeep commented that several proposed developments along this section of highway are being held in abeyance pending determination of the route and nature of the highway improvements. Dr. Carothers introduced Mr. Darrell Jones who inquired as to the survey east of Alder Creek and as to a contemplated time of construction. He mentioned that according to Portland General Electric figures there has been an increase of 17 percent in the residential growth on this section in the last year, and many homes are being converted from temporary to permanent sites. He also mentioned that three new condominiums are to be constructed, extensive improvements are planned at Timberline Lodge and the Bureau of Land Management is planning a 350 acre park at Wemme.

In response to Mr. Jones' inquiries, the Engineer stated that a survey on this section of highway was approved by the Commission earlier in the day. Although need for improvement is recognized, he stated that the Department's finances are so depleted that he could not predict a date for start of the approximate \$4,000,000 project, but right-of-way acquisition would begin just as soon as funds are available.

Mr. J. P. Steiwer, Mayor of Fossil, and Mr. Herb Wright, also of Fossil, came before the Commission to protest elimination of the Highway Maintenance Station at Fossil. Mr. Steiwer introduced Mr. Wright, who questioned the wisdom of removing the station and suggested that it not be sold but be retained for possible future use. It was his feeling that travel time of one hour to reach the end of the maintenance section is too much, particularly under winter conditions. As Fossil appears to be at the end of the maintenance section, he felt that it would be the last place to receive attention. He read a letter from Wheeler County Judge Asher pointing out that removal of the station will discourage school consolidation.

Chairman Jackson explained to this group the reasons for making the maintenance headquarters consolidations in much the same manner as he had to the Clatsop County delegation which had appeared earlier. He emphasized that the Commission's responsibility is to the general public; and because of changed conditions, the Commission felt that it had no alternative except to carry out the program of consolidation which he said should have been done ten years ago.

The Commission signed or authorized the Secretary to sign the following agreements, deeds and other papers:

"Grant of Access" to Southwest Investment Company covering land on the Tigard-Newberg Section of the Pacific Highway West in Washington County.

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"Release of Easement" to Carl C. Werth covering land on the South Marshfield Section of the Oregon Coast Highway in Coos County.

"Bargain and Sale Deed" to Stanley and Maurice Weishaar covering the sale of land on the Island City-Cove Section of the Cove Highway in Union County.

"Quitclaim Deed" to Douglas County granting 31.86 acres from the Umpqua Lighthouse State Park on the Oregon Coast Highway.

"Bargain and Sale Deed and Grant of Easement" to the City of Oakridge conveying 0.32 acre of land for street purposes and granting a permanent and temporary easement in connection with the installation of City sewer lines on the Black Canyon-Oakridge Section of the Willamette Highway in Lane County.

"Indenture of Access" to Harold Ray and Erma J. Payne covering the Brownsboro-Hanley Ranch Section of the Lake of the Woods Highway in Jackson County.

"Indenture of Access" to Lester N. and Marguerite M. Bradshaw covering the Forest Boundary-Klamath County Line Section of the Lake of the Woods Highway in Jackson County.

"Indenture of Access" to Edward C. and Alice R. Mowry covering the Polallie Creek-Parkdale Road Section of the Mt. Hood Highway in Hood River County.

"Indenture of Access" to Dorothy A. and Arthur M. Bibb covering land on the Polallie Creek-Parkdale Road Section of the Mt. Hood Highway in Hood River County.

"Indenture of Access" to Vincent W. and Dolores A. Marick covering land on the Polallie Creek-Parkdale Road Section of the Mt. Hood Highway in Hood River County.

"Indenture of Access" to William F. and Doroine A. Johnson covering land on the Fikes Corner-Whiskey Creek Section of the Mt. Hood Highway in Hood River County.

"Indenture of Access" to George W. and Lilly S. Buckle covering land on the Blue River-Mill Creek Section of the McKenzie Highway in Lane County.

"Indenture of Access" to U. S. Department of the Interior covering land on the Blue River-Mill Creek Section of the McKenzie Highway in Lane County.

"Indenture of Access" to Southern Idaho Conference Association Seventh Day Adventists covering land on the Ladd Canyon Section of the Old Oregon Trail in Union County.

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"Indenture of Access" to James F. and Sylvia D. Stock covering land on the Sweet Home-Foster Section of the Santiam Highway in Linn County.

"Indenture of Access" to TOA Company, Swatzka, Tibbals, Oldright, and Altman covering land on the Albany-Junction City Highway-Brownsville Road Section of the Corvallis-Lebanon Highway in Linn County.

"Grant of Access" to Developers and Investors, Inc., covering the Siletz Bay-Miner Creek Section of the Oregon Coast Highway in Lincoln County.

"Indenture and Grant of Access" to John and Lucille Christensen covering the Duncan Road-Sandy Section of the Mt. Hood Highway in Clackamas County.

"Release and Grant of Access" to Floyd and Grace Emmert covering the Sweet Home-Foster Section of the Santiam Highway in Linn County.

"Release of Lease" to Mrs. Gertrude Heitkamp covering the Medford-County Farm Section of the Pacific Highway in Jackson County.

"Land Use Agreement" with Douglas County pertaining to the use of property within the boundaries of Umpqua Lighthouse State Park for recreational use.

"Lease" with Mr. and Mrs. Kyle Smith covering the concession at Vista House in Crown Point State Park in Multnomah County.

"Lease" with Mr. Lloyd Bagley covering the marina concession at Farewell Bend State Park in Baker County.

"Agreement" with Polk County covering participation in the purchase of 1.3 acres of land along the bank of the Willamette River near Buena Vista as a part of the Willamette River Park System.

"Agreement" with City of Cottage Grove covering participation in the purchase of 1 3/4 acres of land along the Coast Fork of the Willamette River in Cottage Grove as a part of the Willamette River Park System.

"Throughway abandonment agreement" with the City of Baker pertaining to construction of the North Powder-Baker Section of the Old Oregon Trail in Baker County.

"Agreement" with Herman Adalist and Associates, Inc., for steel inspection in the Seattle area covering the Willamette River (West Linn) Bridge on the East Portland Freeway in Clackamas County (Contract No. 7105).

"Agreement (letter form)" with Washington County pertaining to a reconnaissance study of a route extension of S. W. 145th Avenue from Old Scholls Ferry Road southeasterly to the Pacific Highway at the Lower Boones Ferry Road Interchange.

"Supplemental agreement, Relocation Modification No. 4," with the Corps of Engineers for the relocation or alteration of I-80N and State Routes 19 and 74 necessitated by the construction of the John Day Lock and Dam on the Columbia River.

"Supplemental agreement" with Lane County pertaining to the close of certain roads lying between McVay Interchange and 30th Avenue on the Judkins Point-Goshen Section of the Pacific Highway.

"Agreement" with the City of Milton-Freewater pertaining to the N. W. Fourth Avenue-Broadway Section of the Freewater Highway.

"Cooperative agreement" with the Bureau of Land Management covering installation of 14.05 miles of fencing on the I.O.N. Highway in Malheur County.

"Agreement" with City of Portland covering installation of illumination on the Vista Ridge westbound tunnel section of the Sunset Highway and connecting ramps.

"Agreement" with the City of Boardman covering the installation of illumination at the Boardman Interchange on the Columbia River Highway in Morrow County.

"Agreement" with Clackamas County covering installation of illumination on the Wilsonville Interchange on the Pacific Highway in Clackamas County.

"Agreement" with City of Mt. Angel for installation of a "Crosswalk" sign over the easterly crosswalk of Church Street intersection and a flashing beacon directed to westbound traffic east of Church Street on the Hillsboro-Silverton Highway.

"Agreement" with City of Portland for installation of traffic signals at the intersection of S. W. Burnside Street and S. W. 15th Avenue.

"Agreement" with City of Lincoln City covering the installation of traffic signals at the intersections of the Oregon Coast Highway with South 51st Street, North 6th Drive, North 14th Street and North 21st Street.

"Supplemental agreement" with City of Portland granting a permanent easement for the construction and maintenance of an improved intersection at S. W. Sheridan and S. W. Moody Streets.

"Agreement" with Union Pacific Railroad Company providing for construction of the Wallowa River Bridge Section near M.P. 60 on the Wallowa Lake Highway in Wallowa County.

"Consent to Annexation" to the City of Sherwood covering a portion of Pacific Highway West in the Six Corners area of Washington County.

"Agreement" with Bonneville Power Administration covering the crossing of the Holmes Gap-Baskett Slough Section of the Pacific Highway West in Polk County over BPA's Salem-Tillamook transmission line easement.

"Agreement" with Eastern Oregon State Hospital and Training Center, acting through the State Board of Control, concerning construction of the Pendleton Section of the Old Oregon Trail in Umatilla County.

"Agreement" with Stanfield Irrigation District covering adjustment and extension of its facilities on the Stanfield Junction-Pendleton Section of I-80N in Umatilla County.

A delegation from the City of Winston appeared before the Commission concerning a drainage problem in the City. The following people were present: Carl Felker, E. Gubser, Harley Manns, Marvin Green, and Marvin White, all of Winston. Mr. Felker commented that when the delegation had appeared before the Commission on this same problem four years ago, they had been asked to return when a plan had been developed to remedy the drainage problem. Such a plan, he said, has been prepared. The Chairman inquired if the plan had been taken up with the Highway Engineers. Mr. Gubser replied that it had not as the survey had just been completed. The Chairman stated that the Commission did not wish to make a decision on the plan until it had been reviewed by the engineering staff. At the Engineer's suggestion, the delegation left with Mr. Klaboe, Assistant Highway Engineer, to talk the matter over in Mr. Klaboe's Office.

A delegation from McMinnville came before the Commission to urge construction of a bridge across the Willamette River to replace the Wheatland Ferry. The following people were present: Pat McCarthy and Ted Kuenzi, Salem; Carl Francis, Robert Earl, A. J. (Pete) Beall, Homer Ross, David Haugeberg, Leonard Gilliam, Joe Dancer, Gale Vinton, Harold Lewis, Morris Majors, J. H. Stanard, G. Shumway, C. N. Teegarden, Rudolph A. Schaad, Harold Burch, L. Flomer, and A. J. Conroy, all of McMinnville. Mr. Carl Francis, Yamhill County District Judge, pointed out that the river acts as a barrier to the development of the McMinnville area. The delegation, he said, realizes that the easterly side of the river in Marion County is on a low flood plain and that the highway is not on the State Highway System. He recalled that construction of the bridge had been presented at the 1967 legislature and had failed by one vote. Plans have progressed to the point where the Counties now must obtain assistance from the State in order to match Federal assistance or lose the project. It is the hope of the delegation that joint action can be undertaken by the Federal government, Counties of Yamhill and Marion, and the State Highway Department.

Mr. Robert Earl exhibited a map of the proposed location and stated that the route is good. Mr. Pete Beall estimated the cost of the project at approximately \$3,500,000. The Counties, he said, have agreed to share \$1,000,000 of this cost, and the Federal Government has indicated that it would cooperate to the extent of \$1,500,000 if the State would put up \$1,000,000. He mentioned also that the length of the approach to the bridge had been reduced to three miles. The decision has to be made soon, and he asked the State's cooperation. Mr. Francis mentioned statements from Mainline Foods to the effect that they did not wish to set up cannery facilities in Yamhill County due to lack of an adequate river crossing.

Chairman Jackson stated that the proposed bridge is not on the State Highway System and two additional Willamette River bridges on existing State Highways are urgently needed to accommodate traffic. State Highway deficiencies at the present time are approximately \$500,000,000, and the State does not have funds to undertake projects not on the State Highway System. He stated that it would be difficult for the Commission to justify such an expenditure when many sections of existing highways are badly in need of improvement and have been waiting for years. The Commission, he continued, fully recognizes the need for the bridge, and he suggested that the matter again be taken up between the Federal Government and the Counties.

A delegation from Oregon City and from Clackamas County appeared before the Commission to urge relocation of a portion of the East Portland Freeway (I-205) so as to avoid cutting through the Clackamas Industrial Park Area. The following people were present: James Goodwin, Doris Gately, Owen Sabin, Al Simonsen, Bill Westergard, Ernie Kendrew, John Carroll, Ed Cooley, Ralph Elle, Bob Banks, Henry Geisler, Seth Young, and Leonard Sandness. Mr. Goodwin urged that the highway be located away from the Industrial Park as he claimed that only 300 acres in Clackamas County have been zoned for heavy industry. He presented a letter from the Clackamas County Planning Commission pointing out that at the present time there are no other areas in Clackamas County which meet the criteria needed for heavy industrial zoning.

Mrs. Gately presented petitions signed by 158 people endorsing the proposed alternate route in the Lake Road-Sunnyside Road area. Attached to the petition was a map showing the alternate route. Mr. Goodwin introduced the members of the delegation. Mr. Carroll exhibited a map showing three routes. The route marked "AA", he said, is the route favored by the delegation. Using Route "AA" he claimed would eliminate two interchanges and cost approximately \$1,700,000 less than the route proposed by the Highway Department. He also mentioned that right of way for Route "AA" would cost approximately \$400,000 more than the adopted line. Mr. Cooley voiced concern regarding transportation in and out of the Industrial Park Area if the State plan is used. Employment in the park area he estimated might be three to five thousand people within five to ten years. Construction of an interchange at Lake Road and 82nd Avenue he felt would hurt

industrial development more than residential owners would be hurt if Route "AA" is used. He pointed out that many areas are available for residential development, and he urged the Commission to weigh carefully the advantages and disadvantages between residential and industrial improvement.

Mr. Paul Schultz and Mr. Edwin Lofthus, both from Oregon City, came before the Commission to urge that no change be made in the adopted line for the East Portland Freeway in the Industrial Park Area north of Oregon City. Mr. Schultz stated that he represented the homeowners in this matter and had attended the meeting to see what proposal the industrial developers might propose. He called attention to a report submitted by Wilbur Smith and Associates who had been hired by the Highway Commission to make a study of proposed routes in the Industrial Park Area. This report, he said, indicated that the route adopted by the Highway Commission will benefit industrial development. Homeowners are not able to hire engineers to conduct studies on such matters and he questioned the cost figures introduced by Mr. Carroll. The homeowners, who are opposed to the alternate line desired by the Industrial Park people will rely on the Highway Commission's judgment and on the Wilbur Smith and Associates' report. He also commented that the route adopted by the Commission could only hurt a very few property owners, one of whom would lose only 20 acres out of the 100 acres that he owns.

Chairman Jackson informed both delegations that the matter is still under consideration by the Commission and that no decision would be made today.

Hon. Robert Davis, Mayor of Rufus, Mr. Fred Dormaier, and Paulen Kaseberg from Wasco, came before the Commission to protest removal of the maintenance headquarters from the town of Rufus. Removal of maintenance personnel, Mayor Davis said, will hurt business in Rufus and will cause hardship on families required to move. New homes, he said, cost from \$12,000 upwards and people who are required to move are not able to afford this expenditure. He also questioned as to whether the quality of maintenance could be upheld with the crew stationed at a greater distance.

Chairman Jackson stated that two more delegations are scheduled to appear before the Commission on the same subject, and if the Rufus delegation wishes to wait he would comment after the other delegations have appeared.

A delegation from Silver Lake and Paisley came before the Commission to request that the maintenance headquarters not be moved from the town of Paisley. The following people were present: William Barricks, Jim Jackson, Ken Graham of Silver Lake; Richard McIntyre, Kelton Butler, Ed Murphy, and Cal Young of Paisley; and Judge C. W. Ogle and Bob Berry of Lakeview. County Judge Ogle called attention to the long distances which would be involved if the headquarters is moved. It was his opinion that it would be detrimental to highway maintenance to move the crew.

Mr. McIntyre commented that school buses now travel as far as 70 miles one way and during heavy snow storms roads can be closed by drifting snow within a half hour. He questioned as to whether the savings would be worth the extra hazard involved.

Mr. Butler called attention to the large volume of heavy trucks which use the highway in the Paisley area and that maintenance should be increased rather than decreased.

Chairman Jackson asked the delegation if they wished to wait for his comments until after the Athena delegation had appeared.

Phillip Remillard, Bob Irving, and Roy Moore all from Athena came before the Commission to protest closing of the maintenance station at Athena. Mr. Remillard presented letters from the Weston Chamber of Commerce, the Tri-County Road Association, the Athena Chamber of Commerce, and a petition signed by 185 people, residents of Umatilla County, all urging that the maintenance station be retained at Athena. He mentioned the increasing numbers of tourists who visit Jubilee Lake and skiers and tourists who visit the Toll Gate area. He urged the Commission to reconsider the move.

Chairman Jackson stated that as in all controversial matters there are two sides to every case. Rising costs and changed conditions in transportation and highways, he said, have caused the Commission to make adjustments. In the past two years a very thorough study has been made of maintenance needs to get greater efficiency and economy of operation. The proposed closures are a result of this study. As the plan is put into effect, no one will lose his job. Savings will be accomplished by not filling vacancies which occur through attrition, such as retirement and normal turnover. It is the prime obligation of the Commission to spend public funds wisely and economically and he pointed out that the Commission could not justify maintaining population in a given area if such action would be in conflict with economy of operation. Critical highway needs in the State amount to approximately one-half billion dollars and the Commission should save money wherever they can. The Commission, he continued, is very much concerned in maintaining the quality of maintenance and every effort will be made to maintain that quality. In matters such as this, which require Commission judgment, he observed that any decision the Commission made would not have complete approval. After careful study of the reorganization plan

for maintenance, the Commission feels that the plan when fully placed in effect will provide better maintenance service. He also commented that a number of people had suggested that public hearings be held. These hearings, he said, could only lead to arguments and would delay necessary action.

There being no further business to conduct, the meeting was adjourned by the Chairman at 12:45 p.m.

Forrest Cooper Glenn L. Jackson
State Highway Engineer Chairman

Thaddeus B. Bruno
Commissioner

Floyd Query Justus Hill
Secretary Commissioner

April 23, 1968

Salem, Oregon
May 21, 1968

At approximately 3:45 p.m., May 21, 1968, Mr. Glenn L. Jackson, Chairman of the Highway Commission, talking in Portland; Forrest Cooper, State Highway Engineer, and Floyd Query, Secretary, both in Salem; were on a conference telephone hookup concerning an agreement with the City of Portland.

This agreement provided for cooperation between the State Highway Department and the City of Portland in the purchase of the old Journal Building in Portland from the Oregonian Publishing Company.

Chairman Jackson stated he had discussed the terms of the agreement with Commissioner Bruno who had given his approval. He also said he had attempted to make telephone contact with Commissioner Hill, who resides in Pendleton, but was unable to do so.

The Chairman and Commissioner Bruno approved the agreement and authorized the Secretary to sign it in their behalf.

Forrest Cooper
Forrest Cooper, State Highway
Engineer

Glenn L. Jackson
Glenn L. Jackson, Chairman

Floyd Query
Floyd Query, Secretary

Thaddeus B. Bruno
Thaddeus B. Bruno, Commissioner

May 21, 1968

Salem, Oregon
May 29, 1968

The Oregon State Highway Commission met in regular session at 9 a.m. in Room 122, State Highway Building, Salem. Present were:

Glenn L. Jackson, Chairman
Fred W. Hill, Commissioner
Thaddeus B. Bruno, Commissioner
Forrest Cooper, State Highway Engineer
R. L. Porter, Deputy State Highway Engineer
Tom Edwards, Assistant State Highway Engineer
Lloyd P. Shaw, Assistant State Highway Engineer
F. B. Klaboe, Assistant State Highway Engineer
George E. Rohde, Chief Counsel
David Moehring, Right of Way Engineer
Floyd Query, Secretary

Among other persons present were R. E. Simpson, Division Engineer, U. S. Bureau of Public Roads; C. W. Head, Assistant Secretary; Victor D. Wolfe, Administrative Assistant; L. H. Young, Office Engineer; David Talbot, Parks Superintendent; C. H. Maison, Controller; Frank McKinney, Assistant Counsel; R. B. Sipprell, Liaison Engineer; John Oakes, Assistant Right of Way Engineer; Kenneth A. Chatwood, Administrative Right of Way Agent; Don Harwell, Assistant County-City Engineer; and John Earley, Information Officer.

The minutes of the meeting held April 23, 1968, were approved by the Commission. ix

The Right of Way Engineer presented a list of options, Pages 1 through 34, secured for acquisition of real property needed for State Highway use or for other purposes. He mentioned that the amounts offered are based upon competent appraisals and are in order for Federal-aid. After careful consideration, the Commission approved closing the options including those sent to them by mail for approval since the last Commission meeting as well as those options presented for the first time at this meeting. The Commission thereupon adopted "Right of Way Resolution No. 50," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Property Manager's report covering sales of miscellaneous properties and rental receipts for the period, April 13 to May 20, 1968, was presented by the Right of Way Engineer. During this time, miscellaneous sales totaled \$55,360; land sales \$3,401; timber sales \$4,276.55; and rental receipts for April were \$21,297. The Commission accepted the report.

The Right of Way Engineer requested authority to offer at public sale two parcels of property no longer needed for highway purposes. Minimum values have been determined or are to be determined by competent appraisals.

May 29, 1968

Access and other conditions of sale are consistent with those applying to other properties in the vicinity. The Commission authorized public sale of the following properties and thereupon adopted "Real Property Resolution No. 490," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

- (1) 1 acre of land, File 2882, consisting of a former quarry site located approximately one-quarter mile westerly from a county road connecting with The Dalles-California Highway south of The Dalles in Wasco County for not less than \$60. The property was deeded to Wasco County in 1960 for the sum of \$1 with a public use clause. The County has transferred the property back to the State rescinding the public use clause. No restrictions are to be imposed, and approval by the Bureau of Public Roads is not required.
- (2) 15,620 square feet of land, Files Nos. 34125, 34154, 34155, 34156, and 34157, located on the northerly side of the Stadium Freeway and on the westerly side of S. W. 5th Avenue between S. W. Jackson Street and S. W. Lincoln Street, city of Portland, Multnomah County. The Right of Way Engineer pointed out that approval for sale had been received from the Bureau of Public Roads in August of 1966; however, they have now requested that the appraisal be brought up to date. The minimum consideration is to be the amount determined by appraisal which he estimated would be in the \$50,000 range. No access is to be permitted to the Stadium Freeway or to city streets, and signboard and junkyard exclusion clauses are to be included in the deed as well as portions of the Civil Rights Act of 1964. (See "Real Property Resolution No. 490.")

The Right of Way Engineer also requested authority to make direct sale of two parcels of property no longer needed for highway purposes. Public sale, he explained, is not feasible because of peculiarities of location. The Commission approved direct sale of the following properties and thereupon adopted "Real Property Resolution No. 489," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

- (1) To Marion County School District No. 80, 1.0 acre of land, File 6376, located at the southwest corner of the intersection of the Silver Creek Falls Highway and County Road No. 88 in Marion County for \$300, which is one-half the appraised value. Signboard and junkyard exclusion clauses as well as a public use clause are to be included in the deed. Approval by the Bureau of Public Roads is not required.

- (2) To the City of Silverton, 3.2 acres of land, File Nos. 27704 and 27705, being the former Silverton Maintenance Station site for \$18,000 which is one-half the appraised value of the property located on the northerly side of the Salem-Silverton County Road opposite the Silverton Cemetery in Marion County. ~~Signboard and junkyard exclusion clauses and a public use clause is~~ to be included in the deed. The City of Silverton is to provide liability and fire insurance coverage for not less than the sale price. Approval by the Bureau of Public Roads is not required. (See "Real Property Resolution No. 489.")

Release of Slope Easements acquired from George and Anastasia Choban, File No. 37238, was presented by the Right of Way Engineer. He explained that the easements were secured in acquiring right of way for construction of the Cedar Hills Boulevard Interchange Section of the Sunset Highway in Washington County. The property has now been brought up to the same level as the highway. The owner wishes to have the encumbrance removed and will pay the State \$720 which is the amount the State paid for the easements. The release is proposed on the condition that the lateral support to the highway will not be disturbed in the future. Following his favorable recommendation, the Commission approved the release of easements.

Consideration was given to granting of a 25-year lease to the City of Salem on property located adjacent to Wallace Marine Park, between the ramps of the Center Street and Marion Street Bridges in Polk County. This property is to be used by the Regional Park and Recreation Agency of the Mid-Willamette Valley for park purposes only. All landscape plans are to be approved by the State, and the lessee is to be required to carry liability insurance. The lease may be terminated by the State upon 90 days' notice. Approval by the Bureau of Public Roads was requested by letter dated May 14, 1968. Based on the Right of Way Engineer's favorable recommendation, the Commission approved the lease and authorized the Secretary to sign it for them.

The Commission also considered renewal of a lease to the Oregon State Game Commission, File 11186, for use of a former material source and stockpile site located north of the John Day Highway approximately one mile west of Dayville in Grant County. The Right of Way Engineer commented that the lease covers a period of ten years beginning October 23, 1968, and allows the Game Commission to use the property for fish and wildlife management purposes. The lease also provides that it may be revoked by the Highway Department upon ten days' notice. Following the favorable recommendation of the Right of Way Engineer, the Commission approved the lease and authorized the Secretary to sign it for them.

Indentures of Access covering changes in location of points of access for the convenience of the property owners and the safety of the traveling public, or to change the record making the locations agree as

actually constructed, were recommended by the Right of Way Engineer. The Commission approved the following Indentures of Access:

- (1) Adams property, File 28195, for a change in recorded location of four unrestricted points of access, 35 feet in width, on the Mt. Hood Highway approximately three miles south of the Mt. Hood Post Office in Hood River County. Approval by the Bureau of Public Roads was given February 5, 1968.
- (2) Miller property, File 28197, for a change in recorded location of one unrestricted point of access, 35 feet in width, located approximately one mile south of the Mt. Hood Post Office on the Mt. Hood Highway in Hood River County. Bureau of Public Roads' approval was received February 5, 1968.
- (3) Gabriel property, File 28197, for a change in recorded location of one unrestricted point of access, 35 feet in width, located approximately one mile south of the Mt. Hood Post Office on the Mt. Hood Highway in Hood River County. Bureau of Public Roads' approval was received February 5, 1968.
- (4) Schiro property, File 36573, for a change in recorded location of two points of unrestricted access, 35 feet in width, located on the south side of the Klamath Falls-Lakeview Highway approximately 2 $\frac{1}{4}$ miles east of Klamath Falls in Klamath County. Portions of the Civil Rights Act of 1964 are to be included in the instrument. Approval by the Bureau of Public Roads was received March 7, 1967.
- (5) Sinclair and Scott property, File 24418, for a change in location and widening to 35 feet of two points of access and granting of one additional unrestricted point of access, 35 feet in width, located on the south side of the Tualatin Valley Highway about halfway between Hillsboro and Cornelius in Washington County. Approval by the Bureau of Public Roads was received March 26, 1968.
- (6) Ross property, File 26846, for a change in location and widening to 35 feet of two points of access on the Wasco-Heppner Highway approximately ten miles southeasterly from Wasco in Sherman County. A third point of access, 35 feet in width, was built at time of construction of the highway but was not included in the right-of-way deed. All three points of access are restricted to agricultural and residential use. Bureau of Public Roads' approval was given December 21, 1967.

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The Right of Way Engineer reported that four bids were received on May 27, 1968, for removal of a building, grading and cleanup, File 38374, on the St. Helens Road-N. W. 21st Avenue Section of the Columbia River Highway in Multnomah County. Colhouer Construction Company submitted the low bid at \$2,400. The Commission awarded the contract to the low bidder and authorized the Secretary to sign the contract in their behalf.

The Chief Counsel presented a list of properties needed for the uses indicated therein and requested the Commission to declare by resolution the necessity of said properties for the public uses to which they are to be put and to authorize the Legal and Right of Way Division to attempt to agree with the owners of said properties as to price. After careful consideration, the Commission granted authority to condemn the properties if negotiations are not successful and thereupon adopted "Condemnation Resolutions Nos. 2511 through 2514," which resolutions by this reference are made a part hereof and filed in the Secretary's Office.

A report on cases which have been tried in court was presented by the Chief Counsel. He commented briefly on some of the cases. The Commission accepted the report which is summarized as follows:

REPORT OF CONDEMNATION CASES TRIED

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Defendant's Demand</u>	<u>Verdict</u>
L-5509 James E. Langdon, Jr., et ux.	Clackamas	Baldock	State Wayside	\$15,600.00	\$35,000.00 (Answer)	\$28,080.00
L-5693 Lee M. Rhoads, et ux.	Clackamas	Clackamas	Pacific Hwy. East-Cascade Highway	6,100.00	32,887.80 (Answer)	25,000.00
L-5545 Myrtle Marsters, et al.	Jackson	Lake of the Woods	Brownsboro- Hanley Ranch	4,350.00	25,600.00 (Answer)	9,000.00
L-5532 Charles W. Stanley, et al.	Jackson	Lake of the Woods	Brownsboro- Hanley Ranch	6,425.00	22,250.00	15,240.00
L-5531 Kenton E. Stover, et al.	Jackson	Lake of the Woods	Brownsboro- Hanley Ranch	800.00	5,500.00	1,200.00

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Report of Condemnation Cases Tried (Continued)

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Defendant's Demand</u>	<u>Verdict</u>
L-4967 James R. Croston, et ux.	Lincoln	Corvallis- Newport	Toledo	\$ 3,325.00	\$29,000.00 (Answer)	\$ 5,500.00
L-5357 Swan Drive-In Theatre Inc.	Lincoln	Oregon Coast	DeLake	300.00	4,950.00 (Answer as Amended)	2,560.00
L-5694 Time Oil Co., et al.	Marion	Silver Creek Falls	State Street- North Santiam	7,200.00	18,000.00 (Answer)	7,500.00
L-5563 Letha M. French, et al.	Umatilla	Old Oregon Trail	Pendleton	15,900.00	19,500.00	15,000.00
L-5596 Opal J. Hacke, et al.	Yamhill	Pacific Highway West	West Newberg- Chehalem Creek		Voluntary Nonsuit	

REPORT OF TRIAL OF OTHER CASES

<u>Case</u>	<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict</u>
L-5010 Edna G. Dussler	State of Oregon	Lincoln	Inverse Con- demnation to recover damages for flood waters alleged to have been diverted onto plaintiff's prop- erty with resultant damages.	\$10,000.00	No recovery
L-5650 State of Oregon	Otis Wayne Hubbs	Gilliam	Negligent opera- tion of motor vehicle damaging guardrail. (Remarks: Judgment entered in full amount.)	120.42	120.42

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Report of Trial of Other Cases (Continued)

<u>Case</u>	<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict</u>
L-5661 State of Oregon	Albert Overton	Multnomah	Negligent opera- tion of motor vehicle damaging guardrail. (Remarks: Amount sued for paid in full.)	\$ 67.85	
L-5647 State of Oregon	Wendell Art Bott and Dorothy Lavaughn Peters	Umatilla	Negligent opera- tion of motor vehicle damaging bridge. (Remarks: Judgment entered in full amount.)	160.04	160.04
L-5667 Emile J. Nagard, et ux.	Roy A. Wies, et al.	Jackson	Mortgage fore- closure (Remarks: Mortgagee foreclosed, property sold for the mortgage security, free and clear of the claims of State Highway Comm. under option held from defendant.)		Dismissed
L-5638 State of Oregon	Jack Jerry Ansures	Josephine	Negligent opera- tion of motor vehicle damaging guardrail. (Remarks: Full amount of damages have been collected.)	83.89	83.89
L-5763 State of Oregon	Susan Elaine DeRossette	Marion	Negligent opera- tion of motor vehicle damaging loadometer. (Remarks: Full amount of damages have been collected.)	64.93	75.00
L-5765 State of Oregon	Clayton S. Schultz	Marion	Negligent opera- tion of motor vehicle damaging guardrail and asphalt. (Remarks: Full amount of damages have been collected.)	143.40	143.40

(For additional information, see the Chief Counsel's letters dated May 10 and May 24, 1968, concerning cases tried, filed in the Salem Office, General Files.)

A report was also presented by the Chief Counsel concerning cases which have been settled out of court since the last Commission meeting. The proposed settlements, he said, are based upon competent appraisals and are in order for Federal-aid. He called attention to his letters dated May 10, May 21, May 24, and May 27, which were sent to the Commission in explanation of cases settled. Attached to these letters were reports and

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recommendations for settlement with a statement to the effect that if no objections were raised by the Commission within a week, approval would be assumed and action taken to close the files on the basis of the settlements as submitted. The Commission confirmed the settlements which are summarized as follows:

REPORT OF CONDEMNATION CASES SETTLED

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Amount of Settlement</u>
L-5754 Edwin E. Hyatt, et al.	Clackamas	East Portland Freeway	West Linn-Pacific Hwy. Unit of the Columbia River-Pacific Highway	\$11,100.00	\$11,500.00
L-5487 Chester Robinson, et al.	Washington	Beaverton-Tigard (Remarks: Appraisals allowed nothing for reconstruction of existing fences.)	Sunset Hwy.- Pacific Hwy.	1,200.00	1,600.00
L-5544 Richard A. Osterman, et al.	Jackson	Lake of The Woods (Remarks: Additional appraisal at \$7,300 secured after negotiation, formal offer and filing of condemnation complaint.)	Brownsboro-Hanley Ranch	5,175.00	7,500.00
L-5568 Helen Eickman, et al.	Multnomah	Columbia River (Remarks: Original appraisals made in April, 1967. Updated appraisal at \$12,200 reflects value as of date of filing of complaint.)	St. Helens Rd.-N.W. 21st Ave.	11,000.00	12,200.00
L-5541 Raymond Downing, et al.	Hood River	Hood River (Remarks: Original appraisals were revised and new appraisals obtained after the offer of \$31,800 and filing of the complaint. Reviewed appraisal at present shows a value of \$37,500. The defendants' answer in the condemnation action is \$66,800.)	Indian Creek	31,800.00	40,000.00
L-5723 Henry D. Wagenman, et al.	Clackamas	East Portland Freeway (Remarks: Sales of comparable properties show wide range from eleven to twenty-nine cents per square foot. Defendants' answer in condemnation case alleges a value of \$3,000 plus \$750 attorney fees.)	Columbia River-Pacific Hwy.	625.00	1,000.00

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Report of Condemnation Cases Settled (Continued)

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Amount of Settlement</u>
L-5431 Dale R. Johns	Douglas	Pacific	Canyonville-Josephine County Line	\$ 250.00	\$ 1,500.00
			(Remarks: Upon a re-examination of the property it was found that the previously shallow stream bed had eroded to a depth of 8 to 10 ft. and, in fact, had eroded beyond the original limits of the easement. The owners have insisted on riprapping the banks of the stream for future protection. This could cost up to \$10,000. The trial attorney has negotiated a settlement in the amount of \$1,500.)		
L-5478 Sabilia DeRoest, et al.	Baker	Old Oregon Trail	North Powder-Baker	50.00	250.00
			(Remarks: Recommended by Adm. Rev. Bd.)		
L-5705 Isa Silver, et vir.	Clackamas	East Portland Freeway	Columbia River-Pacific Hwy.	12,500.00	13,250.00
L-5634 Carl W. Holm, et al.	Clackamas	East Portland Freeway	Columbia River-Pacific Hwy.	26,925.00	36,000.00
			(Remarks: Subject property, located in West Linn, was improved with a tavern. The courts uniformly hold that a liquor license is not to be valued as a part of the acquisition, nor is the good will and business. Juries have constantly disregarded the court's instructions on this subject in cases tried in the past. Taverns are commonly evaluated on an income approach, so that it is difficult to keep this type of evidence from reaching the jury. Defendants alleged a value of \$60,000 for the property in their Answer. Recommended by Adm. Rev. Bd.)		
L-5397 Doris Tracy, et al.	Josephine	Pacific	Coyote Creek-Sexton Mt.	350.00	1,000.00
			(Remarks: This is a unique type of case. It involves re-purchasing for use as a service road a section of concrete paved highway long ago discontinued and abandoned to the abutting owners upon the highway being relocated at a new location. With widening and improvement of the present highway with access control it became necessary to re-acquire the road to provide access to properties which are being cut off from the main highway. The appraisers gave the taking a value the same as abutting unimproved land. The trial attorney is convinced it should be appraised as to the useful value it supplied to the owner. Evidence would show he could have sub-divided his land with frontage on what was a private road. An irregularity in title would also have required the filing of a second condemnation case. This settlement in effect settles two cases and is recommended as being in the best interest of the State.)		

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Report of Condemnation Cases Settled (Continued)

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Amount of Settlement</u>
L-5457 Bernice Hultman, et al.	Polk	Pacific	Holmes Gap- Baskett Slough	\$ 5,800.00	\$ 7,000.00
(Remarks: Originally this taking was set up with only one access to a 500-acre farm. Since then Engineers have approved an additional access, for farm use, and as a result a settlement has been reached which is not substantially in excess of appraisal. Owner's Answer to complaint alleged \$10,700 as value of taking.)					
L-5212 H. N. McDonnell, et al.	Lincoln	Oregon Coast	DeLake	225.00	450.00
(Remarks: Recommended by Adm. Rev. Bd.)					
L-5758 John H. Popejoy, et al.	Multnomah	East Port- land Freeway	S. E. Foster Rd.-S. E. Hinkley St. Unit-Columbia River-Pacific Highway	6,600.00	6,600.00
(Remarks: Settlement effected on State's offer following commencement of action.)					
L-5085 Thomas J. Lewis, et al.	Linn	Santiam	Sweet Home- Foster	800.00	1,200.00
(Remarks: Trial date April 25, 1968. Subject property is the site of a truck repair shop. Main difference of opinion is whether the taking will restrict truck turning movements in front of shop. Trial attorney is convinced that a jury would allow some damages. Adm. Rev. Bd. agrees and recommends the settlement as being in the best interest of the State.)					
L-5721 Lawrence A. Ellis, et al.	Clackamas	Pacific	Columbia River- Pacific Highway	125.00	575.00
(Remarks: Owner originally wanted \$2500. He subsequently obtained an appraisal in the sum of \$850. He then offered to settle for \$650, and finally compromised at \$575. If we had tried the case he would have had appraisal testimony at \$850. The settlement at \$575 is in the best interest of the State and Federal government.)					

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Report of Condemnation Cases Settled (Continued)

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Amount of Settlement</u>
L-5195 J. S. Lydiard, et al.	Jackson	Crater Lake	Biddle Road Interchange	\$201,000.00	\$243,000.00
(Remarks: The subject property lies in the south-east quadrant of the interchange between Crater Lake Highway and Biddle Road in Medford. It consists of an approximately 20-acre tract, undeveloped except for a modern, well-equipped Shell Service Station. In its entirety our appraisers have placed a value of from \$662,000 to \$740,000. Plans have been in the making for the development of a large shopping center on a 67-acre tract of which the 20 acres would be an integral part.					
From the subject property the State required 2.64 acres for improvement of the interchange. The service station is located on the part taken.					
Original appraisals obtained were in the amount of \$197,000 and \$205,000 submitted by staff and independent appraisers, respectively. Negotiations have gone on for over a year. The bone of contention being, whether the undeveloped portion of the property taken could be considered a site for an additional service station. State's appraisers did not give it a value as such but considered it to be of the same value as the remaining property and that a service station could still be developed.					
The property owner submitted to the State for consideration an appraisal in the amount of \$259,000 prepared by Mr. Vandergrift, a well qualified local appraiser, often used by State. In their answer to State's complaint, the owner alleged the value of the tract taken as \$312,500 and no doubt would have witnesses to substantiate the same in the event of trial.					
The owners also submitted evidence to substantiate their claims. This material was examined by State's appraisers. After study revised appraisals were submitted in the amount of \$242,500 and \$249,700. Our Review Appraisers thereupon established a value of \$238,500. After considerable further negotiation a settlement was reached at \$243,000 which is recommended by the Adm. Review Bd.)					

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Report of Condemnation Cases Settled (Continued)

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Amount of Settlement</u>
L-5488 William R. Robinson, et ux.	Washington	Beaverton- Tigard	Sunset Hwy.- Pacific Hwy.	\$ 5,900.00	\$ 7,000.00
L-5793 Richard Paul Hemmerling, et al.	Clackamas	Hayesville Interchange- Wilsonville Junction (Remarks: Settled pursuant to option dated May 13, 1968.)	Pacific	34,700.00	36,000.00

(For additional details see the Chief Counsel's letters of May 10, May 21, May 24, and May 27, filed in the Salem Office, General Files.)

The Commission confirmed telephonic approval previously given on offers made to owners for acquisition of real property prior to the start of condemnation proceedings as follows:

BELT LINE ROAD INTERCHANGE SECTION OF THE PACIFIC HIGHWAY

R-39937 - Pacific Power & Light Company, 2.25 acres for right of way purposes. Offer of \$5,625.00 approved by Mr. Hill May 7, 1968.

DELENA-RAINIER SECTION OF THE COLUMBIA RIVER HIGHWAY

R-42258 - Briarcliff Properties, Inc. 2.94 acres for right of way purposes. Offer of \$4,700.00 approved by Mr. Jackson May 8, 1968.

HAYESVILLE INTERCHANGE-WILSONVILLE JUNCTION SECTION OF THE PACIFIC HIGHWAY

R-42361 - F. J. Cooney. 0.7 acre for right of way purposes. Offer of \$2,250.00 approved by Mr. Jackson April 25, 1968.

R-42424 - Richard Paul Hemmerling, et ux. Parcel No. 1: 0.06 acre for right of way purposes; Parcel No. 2: 5.75 acres for right of way purposes. Offer of \$34,700.00 approved by Mr. Jackson April 25, 1968.

R-42445 - Bob L. Smith, et al. 9.0 acres for right of way purposes. Offer of \$59,500.00 approved by Mr. Jackson April 30, 1968.

SUNSET HIGHWAY-PACIFIC HIGHWAY SECTION OF THE BEAVERTON-TIGARD HIGHWAY

R-32665 - General Aniline & Film Corporation. Parcel No. 1: 19,000 square feet for right of way purposes; Parcel No. 2: 12,160 square feet for right of way purposes; Parcel No. 3: 3.3 acres for right of way purposes. Offer of \$51,350.00 approved by Mr. Jackson May 13, 1968.

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WEST LINN-PACIFIC HIGHWAY UNIT OF THE COLUMBIA RIVER-PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY

R-41609 - Earl T. Walker, et ux. Parcel No. 1: 4.6 acres for right of way purposes; Parcel No. 2: 0.41 acre for permanent easement. Offer of \$15,525.00 approved by Mr. Jackson May 15, 1968.

R-41744 - Morris I. Dunwoodie, et ux. Parcel No. 1: 5.6 acres for right of way purposes; Parcel No. 2: 0.07 acre for right of way purposes; Parcel No. 3: 0.14 acre for permanent easement. Offer of \$13,275.00 approved by Mr. Jackson May 1, 1968.

The Chief Counsel reported that no orders have been received since the last Commission meeting from the Public Utility Commissioner regarding highway crossing matters in which the State Highway Commission has been a party.

The Chief Counsel reported on legal proceedings commenced since the last Highway Commission meeting in which the State Highway Commission or its employees are involved, summarized as follows:

- (1) Roy L. Houck Sons' Corporation vs. State of Oregon, by and through its State Highway Commission. Contractor seeks to collect \$59,848.95. Plaintiff alleges State did not pay the proper amount for material furnished for rock slope protection in connection with Contract No. 6518.
- (2) Orville Sheets d.b.a. Astoria Motors vs. Ray L. Zimmerman, et al., d.b.a. Runnels Industries; Andrew Nesheim; U. S. Steel Corporation; We Painters, Inc.; and State of Oregon, by and through its Highway Commission. Plaintiff seeks \$490 damages and alleges a number of cars on his car lot were damaged by spray paint during the painting of the Astoria Bridge.

The Chief Counsel also commented on routing of the East Portland Freeway (I-205) through Maywood Park in Multnomah County.

The Chairman inquired if there is any legal precedent for the action that Maywood Park is taking in attempting to block construction of the highway through the city. The Chief Counsel replied that he did not know of any legal precedent but actions taken by the Commission have been regular and legal. There is a question, however, as to whether the City can institute action against the State as the city was formed after the route had been adopted.

The Chairman then remarked that according to his understanding the Federal Government has authority to acquire right of way by condemnation if the State cannot do so. Mr. R. E. Simpson, Division Engineer for the Bureau of Public Roads, stated that the law allows the State to ask the Federal Government to use its power of condemnation.

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In securing a route for this highway, the Chairman pointed out that further delays are not in the public interest and he mentioned that the Port of Portland cannot finalize its plans for airport construction until the route of the East Portland Freeway is finally determined. He stated that an early decision should be secured. Mr. R. E. Simpson then commented that the Bureau of Public Roads feels that the route selected by the State Highway Department through Maywood Park is a good route and they will support it.

The Chairman inquired as to the progress in presenting the State's witnesses on the State's case against DeLong for failure to complete pier construction on Contract No. 6124 for the Astoria Bridge. The Chief Counsel replied that it is expected that the State can finish its presentation of testimony in about two weeks.

The Engineer presented an agreement with the City of Salem covering participation in the purchase of 8.09 acres of land along the bank of the Willamette River in the Keizer area, Marion County. The Engineer commented that the City has received approval from the Willamette River Park System Committee to purchase property known as the River Edge Park at an estimated cost of \$71,000. The agreement anticipates a grant of 50 percent from the Federal Land and Water Conservation Fund. The other 50 percent is to be provided equally by the State and the City or approximately \$17,750 each. Following his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it in their behalf.

An increase in authorization was requested by the Engineer for the Brothers Oasis Safety Rest Area (Contract 7090) on the Central Oregon Highway in Deschutes County. He stated that the overrun will amount to \$13,401.58 (13.7 percent) because of unforeseen equipment rental, additional surfacing, lawn construction and engineering expense. The Commission approved the increase.

Payment of \$15,800 (Oregon's share) to the Highway Research Correlation Service was brought up by the Engineer. He explained that this is a function of the Highway Research Board which collects information on research relating to highways and highway transportation. The information assembled is published and distributed to the states which subscribe to the service. As the information provided is essential to keep abreast of new developments, he recommended that payment be made. The Commission approved the annual payment and authorized the Secretary to sign the subscription form.

Requests by contractors for extensions of time in which to complete Highway contracts without assessment of liquidated damages were considered. The Engineer said that the requests have been carefully investigated, and the results of the investigations have been reported to the Commission by letter. The Commission took action on the requests as follows:

- (1) F. L. Somers, Contract 6944 on the Suncrest Safety Rest Area on the Pacific Highway in Jackson County, requested 111 additional calendar days. The Commission granted 92 days without assessment of liquidated damages. Approval by the Bureau of Public Roads was given by letter dated January 30, 1968.
- (2) Wildish Construction Company, Contract 6836 on the Pacific Highway in Lane County, requested an increase of 49 calendar days. The Commission approved an increase of 49 calendar days without assessment of liquidated damages. Approval of 47 calendar days was given by the Bureau of Public Roads in their letter of May 8, 1968.
- (3) Ausland Construction Company, Contract 7117 on FAS 691 and 692 in Deschutes County, requested that the completion date for Phase 1 be advanced from April 1 to April 5, 1968. The Commission approved an extension to April 5, 1968, for the completion of Phase 1 without assessment of liquidated damages.
- (4) R. L. Coats, Contract 7056 on the Central Oregon Highway in Deschutes County, requested an increase of 30 calendar days. The Commission approved an increase of 22 calendar days without assessment of liquidated damages.
- (5) Underwood and Richards Construction Company, Inc., Contract 6895 on The Dalles-California Highway in Klamath County, requested 150 additional calendar days. The Commission approved an extension of 82 calendar days without assessment of liquidated damages.
- (6) Earl L. McNutt Company, Contract 6938 on the Pacific Highway in Lane County, requested an increase of 95 calendar days. The Commission approved an increase of 54 calendar days without assessment of liquidated damages. Approval by the Bureau of Public Roads was given in their letter of May 23, 1968, for 50 calendar days.

The Engineer reported that Contracts Nos. 6864, 6938, 6944, 7015, 7028, 7083, 7107, 7113, and 7117 for highway construction have been completed as required by the contracts or modifications thereof and said contracts are now ready for acceptance or have been accepted by letter since the last Commission meeting. After due consideration, the Commission accepted the contracts by adopting "Contracts Completed Resolution No. 167," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Commission confirmed the next regular meeting for Tuesday, July 9, 1968, in the Conference Room of the State Highway Building in Salem and set a tentative date of Tuesday, August 20, 1968, for the following meeting.

The Commission confirmed telephonic approval given May 2, 1968, for the award of contracts on which bids were received April 25, 1968, and authorized the Secretary to sign contracts on the following projects:

BIDS RECEIVED IN SALEM April 25, 1968

Contract No. 7127 for grading, oiling, and structures on the Maxfield Corner-Ward Road Section of FAS 209 in Benton County. FAP No. S-519(2). Three bids were received. The Commission elected to accept the low bid of Morse Bros., Inc., Lebanon, in the sum of \$154,642.50 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of Benton County is received and the sum of \$35,300 is deposited by the County.

Contract No. 7128 for grading, paving, structure, signing and illumination on the Wilsonville Interchange-Hubbard Interchange Section of the Pacific Highway in Clackamas County. Federal-aid Interstate Highway Project No. I-5-5(40)284. Nine bids were received. The Commission elected to accept the low bid of Lord Bros. Contr., Inc. and Lord Bros. Equip. Co., Portland, in the sum of \$4,448,040 and the State Highway Engineer was directed to award the contract to said bidder as soon as necessary right of way is acquired, utility crossing permits have been issued and approval of the Bureau of Public Roads is received.

Contract No. 7129 for grading and paving on the Harvey Way-Madrona Street (Lake Oswego) Section of FAS 681 in Clackamas County. FAP No. SU-563(1). Three bids were received. The Commission elected to accept the low bid of Cascade Construction Co., Inc., Portland, in the sum of \$223,988 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of Clackamas County is received and the sum of \$51,500 is deposited by the County.

Contract No. 7130 for grading, paving, structures and signing on the Delena-Rainier Section of the Columbia River Highway in Columbia County. FAP No. F-221(12). Eight bids were received. The Commission elected to accept the low bid of C. R. O'Neil & Dorman Constr. Co., Vancouver, Washington, in the sum of \$1,890,360.10 and the State Highway Engineer was directed to award the contract to said bidder as soon as necessary utility crossing permits have been issued and approval of the Bureau of Public Roads is received.

Contract No. 7131 for grading and paving on 4th Street in Clatskanie in Columbia County. State Project. One bid was received. The Commission elected to accept the lone bid of Poysky Constr. Co., Clatskanie, in the sum of \$25,301 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of the City of Clatskanie is received and the sum of \$4,580 is deposited by the City.

Contract No. 7132 for grading and paving on S. E. 4th Street in Scappoose in Columbia County. State Project. One bid was received. The Commission elected to accept the lone bid of Charles T. Parker Constr. Co., Portland, in the sum of \$24,029 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of the City of Scappoose is received and the sum of \$4,950 is deposited by the City.

Contract No. 7133 for grading, paving and structure on the Lane Community College (East 30th Avenue) Interchange Section of FAS 859 in Lane County. FAP No. SU-565(1). Five bids were received. The Commission elected to accept the low bid of Wildish Constr. Co., Eugene, in the sum of \$444,379.60 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of Lane County is received and the sum of \$411,800 is deposited by the County.

Contract No. 7134 for grading and paving on 1st Street and "C" Avenue in Creswell in Lane County. State Project. Two bids were received. The Commission elected to accept the low bid of McKenzie Road & Driveway Co., Eugene, in the sum of \$21,520.60 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of the City of Creswell is received and the sum of \$2,465 is deposited by the City.

Contract No. 7135 for grading, oiling and structure on the Bully Creek Reservoir-Vale-West Highway Section of FAS 23-106 in Malheur County. FAP No. S-23-106(1). Seven bids were received. The Commission elected to accept the low bid of C. E. Leseberg, Nyssa, in the sum of \$166,574 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of Malheur County is received and the sum of \$38,200 is deposited by the County.

Contract No. 7136 for grading and paving on 3rd Street in Hubbard in Marion County. State Project. Two bids were received. The Commission elected to accept the low bid of D & D Paving Co., Inc., Salem, in the sum of \$24,510.90 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of the City of Hubbard is received and the sum of \$3,895 is deposited by the City.

Contract No. 7137 for grading and paving on East Main Street in Silverton in Marion County. State Project. Two bids were received. The Commission elected to accept the low bid of Salem Road & Driveway Co., Salem, in the sum of \$11,997.80 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of the City of Silverton is received and the sum of \$1,885 is deposited by the City.

Contract No. 7138 for grading and paving on "D" Street and 5th Avenue in Umatilla in Umatilla County. State Project. Three bids were received. The Commission rejected all bids as being too high.

Contract No. 7139 for construction of the East Birch Creek Bridge on Main Street in Pilot Rock in Umatilla County. State Project. Seven bids were received. The Commission awarded the contract to E. F. Philpott, Tigard, in the amount of \$18,476.

Contract No. 7140 for paving on North 1st Street in Dufur in Wasco County. State Project. Two bids were received, one from Interstate Paving Co., The Dalles, in the sum of \$24,882.50 and one from R. L. Coats, Bend, for \$41,270.00.

Concerning the project for paving North 1st Street in Dufur, Wasco County, the Engineer recommended that the original low bid by Interstate Paving Company for \$24,882.50 be rejected as the City is unable to pay its portion. He recalled that following consultation with the Chairman a negotiated contract had been agreed upon with the original low bidder, Interstate Paving Company, by eliminating a portion of the work included in the original bid, thus reducing the contract to \$21,857.50 and enabling the City to pay its share. He recommended that the original low bid be rejected and that the negotiated contract verbally approved by the Chairman on May 17 be confirmed. The Commission rejected the original bid and confirmed award of the negotiated contract (Contract 7141) with authority for the Secretary to sign the contract.

The Engineer reported that he had made awards of contracts which had been referred to him by the Commission to award when certain conditions were fulfilled. The Commission confirmed his award of the following contracts:

- (1) Grading, oiling, and structures on the Maxfield Corner-Ward Road Section of FAS 209 in Benton County. Bids received April 25, 1968. Contract No. 7127 awarded May 14, 1968, to Morse Bros., Inc., Lebanon, low bidder.
- (2) Grading, paving, structures, signing, and illumination on the Wilsonville Interchange-Hubbard Interchange Section of the Pacific Highway in Clackamas County. Bids received April 25, 1968. Contract No. 7128 awarded May 9, 1968, to Lord Bros. Contractors, Inc., and Lord Bros. Equipment Company, Portland, low bidder.
- (3) Grading and paving on Harvey Way-Madrona Street (Lake Oswego) Section of FAS 681 in Clackamas County. Bids received April 25, 1968. Contract No. 7129 awarded May 13, 1968, to Cascade Construction Co., Inc., Portland, low bidder.
- (4) Grading, paving, structures and signing on the Delena-Rainier Section of the Columbia River Highway in Columbia County. Bids received April 25, 1968. Contract No. 7130 awarded May 3, 1968, to C. R. O'Neil and Dorman Construction Company, Vancouver, Washington, low bidder.
- (5) Grading and paving 4th Street in the city of Clatskanie in Columbia County. Bids received April 25, 1968. Contract No. 7131 awarded May 3, 1968, to Poysky Construction Company, Clatskanie, low bidder.
- (6) Grading and paving on S. E. 4th Street in Scappoose in Columbia County. Bids received April 25, 1968. Contract No. 7132 awarded May 22, 1968, to Charles T. Parker Construction Company, Portland, low bidder.

- (7) Grading, paving, and structure on the Lane Community College (East 30th Avenue) Interchange Section of FAS 859 in Lane County. Bids received April 25, 1968. Contract No. 7133 awarded May 13, 1968, to Wildish Construction Company, Eugene, low bidder.
- (8) Grading, oiling, and structure on the Bully Creek Reservoir-Vale-West Highway Section of FAS 23-106 in Malheur County. Bids received April 25, 1968. Contract No. 7135 awarded May 3, 1968, to C. E. Leseberg, Nyssa, low bidder.
- (9) Grading and paving 3rd Street in the city of Hubbard in Marion County. Bids received April 25, 1968. Contract No. 7136 awarded May 3, 1968, to D and D Paving, Inc., Salem, low bidder.
- (10) Grading and paving on East Main Street in Silverton in Marion County. Bids received April 25, 1968. Contract No. 7137 awarded May 8, 1968, to Salem Road and Driveway Co., Salem, low bidder.
- (11) Grading and paving 1st Street and "C" Avenue in the city of Creswell, Lane County. Bids received April 25, 1968. Contract No. 7134 awarded May 3, 1968, to McKenzie Road and Driveway Co., Eugene, low bidder.

Consideration was given to requests from Baker, Hood River and Josephine Counties for Federal-Aid Secondary Projects. The Engineer observed that the requests have been investigated and are eligible for the use of Federal-Aid Secondary Funds. Following his favorable recommendation, the Commission approved the projects and authorized the Secretary to sign routine construction agreements on the following projects:

<u>County</u>	<u>FAS</u>	<u>Section and Description</u>	<u>Programmed Amount</u>	<u>FAS Funds</u>
Baker	506	US 30 to Baker-Copperfield Highway Section McDougall Lane Base, level and oil; 1.25 miles	\$100,000.00	1968
Hood River	341	East Fork Hood River (Toll) Bridge Toll Bridge Road Structure; approx. 230 feet long	200,000.00	1968
Josephine	17-102	Merlin-Galice Road I-5-Jumpoff Joe Creek Section Grade, drain, base and pave; 4.3 miles (To be supplemented with future FAS funds if necessary.)	282,000.00	1968
TOTAL			\$582,000.00	

(Continued on next page)

May 29, 1968

May 29, 1968

SUMMARY BY FISCAL YEARS	1968	1969	Total
Allocated Funds	\$3,980,000	\$3,969,000	\$7,949,000
Approved Projects (corrected to date)	<u>2,422,000</u>	--	<u>2,422,000</u>
Unprogrammed Balance	1,558,000	3,969,000	5,527,000
Projects Proposed 5/29/68	<u>582,000</u>	--	<u>582,000</u>
Unprogrammed Balance	\$ 976,000	\$3,969,000	\$4,945,000

A revision was recommended by the Engineer in Technical Bulletin No. 28, "Oregon Manual on Uniform Traffic Control Devices" published February 1967. Two changes, he said, are desirable. Page 161 (Directional Pointer Signs, D-110 through D-115) contains the following statement concerning color: "These signs should have white reflectorized legend on a green reflectorized background." This requirement, he said, causes considerable expense to counties where signs are installed at the intersections of minor county roads. He recommended that the second sentence in the first paragraph under Directional Pointer Signs be revised to read: "These signs should have white reflectorized legend on a green reflectorized background except on all county roads with an average daily traffic volume of less than 100 vehicles the background and/or letters may be opaque." On Page 274 a drawing pertaining to a short detour carries the statement "illuminate all signs and barricades at night." As this requirement causes needless expense in many instances, he recommended that the statement be revised to read: "Signs and barricades may be either reflectorized or illuminated except in cases where the speed reduction necessary to traverse the detour is such that in the engineer's judgment, illumination is required." The Commission approved the revisions as presented by the Engineer.

Resolutions designating restricted speed zones on certain sections of State highways were recommended by the Engineer. He mentioned that each section has been given thorough study and because of the roadside culture, physical aspects of the highways, and the amount of traffic, it has been determined advisable to place speed zones in effect. The Commission accepted his recommendation and thereupon adopted the following "Speed Zone Resolutions Nos. 535, 536, and 537," which resolutions by this reference are made a part hereof and filed in the Secretary's Office:

(1) Clackamas Highway No. 171 in Clackamas County near Estacada.

45 miles per hour from M.P. 21.72 to M.P. 22.46.

30 miles per hour from M.P. 22.46 to M.P. 23.66, except between M.P. 22.85 and M.P. 23.20 the designated speed shall be 20 miles per hour during the hours of school crossings.

This resolution rescinds "Speed Zone Resolution No. 326," adopted August 18, 1960. (See "Speed Zone Resolution No. 535.")

(2) Beaverton-Tigard Highway No. 144 near Tigard in Washington County.

50 miles per hour from M.P. 0.00 (Sunset Highway) to M.P. 5.20.

65 miles per hour from M.P. 5.20 to M.P. 6.94.

50 miles per hour from M.P. 6.94 to M.P. 7.25W.

This resolution rescinds "Speed Zone Resolution No. 522," adopted January 31, 1967, and is to become effective when the highway is completed and signs installed. (See "Speed Zone Resolution No. 536.")

(3) Klamath Falls-Malin Highway No. 50 near Klamath Falls in Klamath County.

50 miles per hour from the east city limits of Klamath Falls to the Klamath Falls-Lakeview Highway No. 20. (See "Speed Zone Resolution No. 537.")

A resolution was also presented by the Engineer to allow emergency parking only on the Northeast Portland Highway No. 123 beginning at a point 560 feet west of N. E. 11th Avenue (M.P. 6.45) to a point 600 feet east of N. E. 60th Avenue (M.P. 9.32) in Multnomah County. He explained that the Northeast Portland Highway is being reconstructed to a four-lane expressway section and upon completion of the work it is desirable to limit parking to emergency situations only. The Commission thereupon adopted "No Parking Resolution No. 269," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

A change in stop signs at the intersection of Main and Whitman Streets on the Monmouth Highway in Monmouth, Polk County, was recommended by the Engineer. He explained that traffic conditions have changed to the extent that a revision is warranted as follows:

Highway No. 194 - Monmouth Highway

Between M.P. 0.00 at Highway No. 191, Kings Valley Highway, ORE223, and M.P. 7.56 at Highway No. 1W, Pacific Highway West, US99W, in Monmouth.

Exception:

At the intersection of Main and Whitman Streets in Monmouth all entering traffic shall stop except that entering from the east and that turning right from south to east.

The Commission approved the amendment to "Through Highways and Stop Signs Resolution No. 13" as recommended by the Engineer, and thereupon adopted "Through Highways and Stop Signs Resolution No. 13p," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

Consideration was given to an amendment to "Permit Resolution No. 25d," which would delegate to the Chief Engineer or his properly designated representative, authority to advise the Public Utility Commissioner in writing concerning recommendations for protection of the highway and the best interests of the general public with respect to the transport of logs, poles and piling. The Engineer commented that under Oregon Law the Public Utility Commissioner shall call upon the Highway Commission to submit in writing such recommendations or suggestions that in its opinion should be imposed for the protection of the highway and interests of the general public. The Commission has never delegated this authority to the Highway Engineer. The Commission approved the following amendment to "Permit Resolution No. 25d" and thereupon adopted "Permit Resolution No. 25e," which resolution by this reference is made a part hereof and filed in the Secretary's Office:

"The Chief Engineer or his properly delegated authority, acting for and in behalf of the Commission, shall advise the Public Utility Commissioner in writing of such recommendations that in its opinion should be imposed for the protection of the highway and the best interest of the general public with respect to the transport of logs, poles and piling as set forth in ORS 767.165, Subsection 2a."

Consideration was given to an agreement with Lane County abandoning to the County a portion of the old Blue River-Belknap Junction Section of the McKenzie Highway. The agreement also provides that portions of the old section be abandoned to the abutting property owners. Provision is made in the agreement for work to be performed by the State on the section to be abandoned to the County and for the removal of rock material from this section. Following the Engineer's favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

The Commission also considered an agreement with Josephine County abandoning to the County a portion of the Williams Secondary Highway No. 261. The Engineer commented that the County is interested in acquiring from the State a 40-acre tract of land located near the Manzanita Rest Area on the Pacific Highway for development as a county recreation area. In lieu of a monetary consideration, he recommended that the 40-acre tract be transferred to the County and that the County assume jurisdiction over a 9.43 mile section of the Williams Highway between Provolt and Williams. The State will retain quarry sites, material sources, and stockpile sites on the section to be transferred to the County. The Commission accepted his recommendation and authorized the Secretary to sign the agreement for them.

Two cooperative construction agreements with the City of Medford were presented by the Engineer. One of these agreements provides for construction and maintenance on McAndrews Road at the sole expense of the City. The other agreement pertaining to the Barnett Road provides that the State

is to remove a luminaire unit, maintain a portion of the reconstructed Barnett Road and to cooperate in construction to provide as safe a facility as possible. The City's plans must be approved by the State, and the projects are to be open for State inspection during construction. The Commission accepted his recommendation for approval and authorized the Secretary to sign the agreements in their behalf.

Consideration was given to a request from the City of Tigard for annexation into the City of portions of the Pacific Highway and Beaverton-Tigard Highway in Washington County. The Engineer stated that the request has been investigated, appears to be legal and properly described, and does not form an enclave. Based on his favorable recommendation, the Commission gave its consent to annexation and authorized the Secretary to sign the consent form in their behalf.

A Consent for Construction form with the Department of Army pertaining to lands of the U. S. Reserve Center in the easterly part of Salem was presented. The Engineer explained that several years ago property was acquired near the Salem Shops from the Board of Control for construction of shop buildings. This land was encumbered by an easement to the U. S. Army pertaining to water and sewer service to the Army Reserve Center facing Airport Road. Under terms of the Consent form, the State is to replace a six-inch water line and the eight-inch sewer line with Class 150 cast-iron pipe in the area to be covered by the new building. He estimated cost to the State at \$1800 and recommended that the agreement be approved. The Commission accepted his recommendation and authorized the Secretary to sign the agreement for them.

A letter of understanding with the City of Reedsport was presented by the Engineer granting the City the right to enter upon right-of-way of the Umpqua Highway within the city limits of Reedsport. The purpose of the agreement is to allow the City to construct a flood control levee without cost to the State. The City is to adjust highway drainage, repair any subsidence or distortion, maintain the levee, and at a later date provide the State with right-of-way on the southerly side of the road to permit a four-lane highway section. Following his favorable recommendation, the Commission approved the letter and authorized the Secretary to sign it for them.

An agreement with Oregon Welcome, Inc., for tourist promotion from June 1, 1968, through May 31, 1969, was discussed. The Engineer commented that the agreement had been originally entered into on June 1, 1965, for the development and coordination of effective tourist programs and to perform other promotion services. This agreement, he said, provides for extension of the 1965 agreement at a cost to the State of not more than \$12,400. The Commission accepted his recommendation for approval and authorized the Secretary to sign the agreement for them.

A supplemental agreement with U. S. Army, Corps of Engineers, concerning construction of a viewpoint and a channelized entrance at Foster Reservoir on the Santiam Highway, east of Foster, Linn County, was presented by the Engineer. He explained that in this modification the Corps agrees to construct the channelization to State standards and to grant the State additional highway right-of-way for the channelization. The State is to provide roadway signs and channelization striping, the cost of which is to be reimbursed by the Federal government. The Commission approved the agreement.

The Commission signed, or authorized the Secretary to sign, the following agreements, deeds, easements, and other papers.

"Ground Lease" to Arnold and Alina Niederer and Dale C., Jack L., and Helen M. Turner covering an excess rock stockpile on M.P. 6.9 (Wilson River) Slide in Tillamook County.

"Indenture of Access" with The Oregon Trail Company and a Grant of Access to Andrew J. and Lola O. Voigtle covering the Otis Junction Interchange Section of the Salmon River Highway in Lincoln County.

"Bargain and Sale Deed" to Donald O. and Ruby Ann Fraser covering the conveyance of 0.06 acre parcel of land on the Bandon-Coos County Line Section of the Oregon Coast Highway in Coos County.

"Bargain and Sale Deed" to Caroline M. Jackson covering the sale of 14,040 square feet of land on the Mitchell-Jones Ranch Section of the Ochoco Highway in Wheeler County.

"Bargain and Sale Deed" to Gilbert and Dorothy L. Helvie covering the sale of 0.3 acre parcel of land on the Coaledo-Chrome Section of the Oregon Coast Highway in Coos County.

"Bargain and Sale Deed" to Robert T. and Colleen F. Detlefsen covering 1.8 acres of land on the Aiken Creek-Gray Creek Section of the Coos Bay-Roseburg Highway in Coos County.

"Release of Slope Easements" to George and Anastasia Choban covering the Cedar Hills Boulevard Interchange Section of the Sunset Highway in Washington County.

"Indenture of Access" to Keith Wilcox and Victoria A. Adams covering the Polallie Creek-Parkdale Road Section of the Mt. Hood Highway in Hood River County.

"Indenture of Access" to Everett and Ada A. Miller covering the Polallie Creek-Parkdale Road Section of the Mt. Hood Highway in Hood River County.

"Indenture of Access" to Bill and Virginia Gabriel covering the Polallie Creek-Parkdale Road Section of the Mt. Hood Highway in Hood River County.

"Indenture of Access" to Antone and Mildred Schiro covering the K.I.D. Canal-Madison Street Section of the Klamath Falls-Lakeview Highway in Klamath County.

"Indenture of Access" to Gertrude C. Sinclair and Henry D. and Bertha Jeanne Scott covering the Forest Grove-Hillsboro Section of the Tualatin Valley Highway in Washington County.

"Grant and Indenture of Access" to Howard R. and Gwen Ross covering Hay Canyon-John Day River Section of the Wasco-Heppner Highway in Sherman County.

"Agreement" with City of Salem covering participation in the purchase of 8.09 acres of land along the bank of the Willamette River in the Keizer area as a part of the Willamette River Park System.

"Agreement" with Lane County abandoning portions of the Blue River-Belknap Junction Section of the McKenzie Highway.

"Agreement" with Josephine County abandoning a portion of the Williams Highway between Provolt and Williams to the County in exchange for a 40 acre State-owned tract of land near the Manzanita Rest Area on I-5.

"Agreements" with City of Medford regarding land-use and maintenance in the vicinity or adjacent to the Pacific Highway pertaining to Barnett Road and McAndrews Road.

"Consent to Annexation" to City of Tigard covering portions of the Pacific Highway and Beaverton-Tigard Highway in Washington County.

"Consent form" with the Department of the Army allowing the State to use land of the Army Reserve Center near the Salem Shops for expanding our Shop area.

"Letter of Understanding" with the City of Reedsport granting the City the right to enter upon real property owned by the State as right of way for the Umpqua Highway within the city of Reedsport.

"Agreement" with Oregon Welcome covering renewal to May 31, 1969, of tourist promotion services.

"Modification to an original agreement" with the U. S. Army, Corps of Engineers, covering construction of a viewpoint and a channelized entrance to the viewpoint at Foster Reservoir.

"Subscription form" to Highway Research Correlation Service for fiscal year starting July 1, 1968.

"Renewal lease" to Oregon State Game Commission covering use of the former Morrow material source and stockpile site on the Kimberly-Dayville Section of the John Day Highway in Grant County.

The meeting was recessed by the Chairman at 10 a.m. and reconvened at 10:30 a.m. with the same persons present.

A supplement to the Standard Specifications for Highway Construction 1964 pertaining to materials used in bridge and highway construction was recommended by the Engineer and approved by the Commission as follows:

SUPPLEMENTAL STANDARD SPECIFICATIONS

DIVISION I - GENERAL REQUIREMENTS

Article 6-13 American Manufacture. The below-listed materials shall be manufactured in the United States of America:

1. Structural steel plates, shapes and bars
2. Wire, wire mesh, bar, and bar mat reinforcing steel
3. High-tensile strength wire, multiple-strand wire, or alloy bars used for prestressing reinforcement in concrete.

A delegation from the City of Corvallis came before the Commission concerning means of relieving traffic congestion on the Corvallis-Lebanon Highway in Benton and Linn Counties, particularly crowds attending athletic events at Oregon State University. The following people were present, all from Corvallis: Mayor Kenneth McGregor, Mike Fisher, Sen. C. R. Hoyt, Jim Goodman, Judge E. E. Larkin, Dr. Eldon Schafer, Bruce Lawson, Comm Henness, Paul Irvine, Tony Groh, and C. Dean Smith.

Mayor McGregor presented a written statement outlining the need for improving this highway. He pointed out that the existing highway, most of which is two lane, contains some narrow bridges and acts as a bottleneck during periods of heavy traffic. The City of Corvallis, he said, has a good street system which could handle additional traffic. Crowds in the 40,000 class attending games at the University emphasize the need for a four-lane highway from the Pacific Highway (I-5) westerly to Corvallis. He commented on the anticipated population growth in the Corvallis Metropolitan Area including Philomath which by 1980 is expected to be approximately 56,000 people. If immediate construction of a four-

lane highway easterly to the Pacific Highway (I-5) is not feasible, he suggested a two-phase program. Phase I would involve construction of four lanes from Orleans, at the east end of the present four-lane section, easterly to Highway 99E and the acquisition of right-of-way for four lanes easterly from 99E to the Pacific Highway (I-5). Phase II would provide for construction of four lanes from 99E to the Pacific Highway (I-5) as soon as possible. He also asked the cooperation of the State Highway Department in making plans to handle traffic to the three football games in Corvallis in the fall of 1968.

Dr. Schafer commented on the proposed Linn-Benton Community College on the Corvallis-Lebanon Highway on which construction is scheduled to start in mid-1969. A great many students at this institution, he said, will use Highway 34 and also 99E.

Senator Hoyt endorsed the recommendations made by Mayor McGregor and re-emphasized the need for four-lane highway construction on Highway 34.

Chairman Jackson stated that the Commission is conversant with the problem and careful consideration will be given to the plans as presented by Mayor McGregor. Construction of the Community College, however, will add to the problems to be considered. He mentioned that the Highway Department's cash reserve is extremely low, that the project requested has a medium high priority, and the Commission at this time cannot make any solid commitment as to when work can be performed. Regarding handling of traffic for games at Oregon State University, he said that the Highway Department will cooperate in any way they can with the Police, City and County authorities.

A delegation from Heppner appeared before the Commission regarding improvements to the Heppner Highway (Route 74). The following persons, all from Heppner, were present: Judge Paul Jones, Jack VanWinkle, Walter Hayes, Harold Sherer, and Dick Carpenter.

Morrow County Judge Paul Jones introduced the members of the delegation and pointed out that none of the highways which lead into Heppner can be classified as good. Continuation of widening and curve straightening on Highway 74 from Heppner Junction south, and widening and roadbed improvement, on the Wasco-Heppner (Route 207) were requested.

The Chairman stated that for several years a widening program has been underway and the Commission plans to continue it but the amount that can be performed is dependent upon availability of funds. It is proposed to select the most critical sections and improve them first. The Commission, he said, has not forgotten the need for improvements to these highways.

There being no other business to consider, the meeting was adjourned by the Chairman at 11:08 a.m.

Forrest Cooper
State Highway Engineer

Glenn L. Jackson
Chairman

Fred W. Hill
Commissioner

Floyd Query
Secretary

Thaddeus B. Bruno
Commissioner

Salem, Oregon
July 9, 1968

The Oregon State Highway Commission met in regular session at 9 a.m. in Room 122 of the State Highway Building, Salem. Present were:

Glenn L. Jackson, Chairman
Fred W. Hill, Commissioner
Thaddeus B. Bruno, Commissioner
Forrest Cooper, State Highway Engineer
R. L. Porter, Deputy State Highway Engineer
Tom Edwards, Assistant State Highway Engineer
Lloyd P. Shaw, Assistant State Highway Engineer
F. B. Klaboe, Assistant State Highway Engineer
G. E. Rohde, Chief Counsel
David H. Moehring, Right of Way Engineer
Floyd Query, Secretary

Among other persons present were R. E. Simpson, Division Engineer of the U. S. Bureau of Public Roads; C. W. Head, Assistant Secretary to the Commission; Victor D. Wolfe, Administrative Assistant; L. H. Young, Office Engineer; C. H. Maison, Controller; David Talbot, State Parks Superintendent; R. B. Sipprell, Liaison Engineer; Robert N. Bothman, Assistant Maintenance Engineer; John Oakes, Assistant Right of Way Engineer; Don Harwell, Assistant County-City Engineer; and John Earley, Information Officer.

The Commission approved the minutes of the telephonic meeting held on May 21, 1968, and the minutes of the regular meeting held on May 29, 1968.

The Right of Way Engineer presented a list of options, Pages 1 through 25, secured for acquisition of real property needed for state highway use or for other purposes. He mentioned that the amounts offered are based upon competent appraisals and are in order for Federal aid. After due consideration, the Commission approved closing the options, including those sent to them by mail for approval since the last Commission meeting, as well as those options presented for the first time at this meeting. The Commission thereupon adopted "Right of Way Resolution No. 51," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Property Manager's report covering sales of miscellaneous properties and rental receipts from May 21 to June 30, 1968, was presented by the Right of Way Engineer. During this period miscellaneous sales totaled \$60,049; land sales \$3,815; and timber sales \$3,587.33. Rental receipts for May totaled \$20,501.53 and for June \$18,616.42. The Commission accepted the report.

Authority to offer three parcels of property at public sale was requested by the Right of Way Engineer. He pointed out that these parcels are no longer needed for highway purposes and minimum sale values have been

determined by competent appraisals. Access and other conditions of sale are consistent with those applying to other properties in the vicinity. The Commission authorized public sale of the following properties:

- (1) 0.72 acre of land, File No. 6874, a former stockpile site located on the south side of the Nehalem Secondary Highway just east of the Nehalem River crossing in Columbia County for not less than \$750. One point of access 35 feet in width and restricted to residential use will be granted. Signboard and junkyard exclusion clauses are to be included in the deed. Approval by the Bureau of Public Roads is not required.
- (2) 0.85 acre of land, File No. 6836, located on the westerly side of the Williams Highway approximately 3 miles south of Provolt in Josephine County for not less than \$550. This is a former stockpile site and is to be subject to a 30-foot drainage easement. One point of unrestricted access 35 feet in width is to be granted. Signboard and junkyard exclusion clauses are to be included in the deed. Approval by the Bureau of Public Roads is not required.
- (3) 8,000 square feet of land, File No. 23317, located in the northeast quadrant of the North Grants Pass Interchange, adjacent to the frontage road on the Pacific Highway, in Josephine County for not less than \$720. Access is to be permitted only to Scoville Road. A standard clause covering all existing easements is to be included in the deed as well as signboard and junkyard exclusion clauses.

The Right of Way Engineer also requested authority to make direct sale on five parcels of property no longer needed for highway purposes. He explained that public sale is not feasible because of peculiarities of location. The price to be paid for each parcel has been determined by appraisal and the governmental agencies involved are being charged one-half of the appraisal price. The Commission approved direct sale of the following properties and thereupon adopted "Real Property Resolutions Nos. 491, 492, and 493," which resolutions by this reference are made a part hereof and filed in the Secretary's Office.

- (1) To Kenneth C. Bowman, 0.92 acre of land, File No. 6318, located on an abandoned portion of the Old Oregon Trail approximately one-half mile north of Echo in Umatilla County for the sum of \$100. A junkyard exclusion clause is to be included in the deed. Approval by the Bureau of Public Roads is not required.

July 9, 1968

- (2) To the Stayton Rural Fire Protection District, 1.30 acres being the former Stayton Maintenance Station, File No. 6449, located on the easterly side of the old North Santiam Highway in the City of Stayton, Marion County, for one-half appraised value or \$11,100. The sum of \$1,100 is to be submitted as a down payment with the balance to be paid at the rate of \$1,000 per year plus interest at the rate of 6 percent per annum. Signboard and junkyard exclusion clauses are to be included in the deed. Approval by the Bureau of Public Roads is not required. (See "Real Property Resolution No. 491.")
- (3) Baker County School District, 1.86 acre, File No. 12721, being the former Hereford Maintenance Station on the Baker-Unity Highway in the town of Hereford, Baker County, for the sum of \$1,250 which is one-half of the appraised value. Signboard and junkyard exclusion clauses are to be included in the deed. Bureau of Public Roads' approval is not required. (See "Real Property Resolution No. 492.")
- (4) Klamath County School District, 2.00 acres, File No. 21149, being the former Keno Maintenance Station in the community of Keno on the Green Springs Highway in Klamath County, for the sum of \$7,062.50 which is one-half the appraised value. Signboard and junkyard exclusion clauses are to be included in the deed. Approval by the Bureau of Public Roads is not required. (See "Real Property Resolution No. 493.")
- (5) To Mary G. Bonar, approximately 124 square feet of land, Files Nos. 19269 and 19463, on the County Farm-Ashland Section of the Pacific Highway in Jackson County. The Right of Way Engineer explained that the property is being transferred to Mrs. Bonar to eliminate any question of overlap on her property which may have been created by various deeds heretofore given to the State. No consideration is involved.

Consideration was given to a Release of Easement to Floyd and Grace Emmert, File No. 38593, on the Sweet Home-Foster Section of the Santiam Highway in Linn County. The Right of Way Engineer explained that in 1966 the State purchased a slope easement from the Emmerts. The Emmerts have filled the adjacent land to a level which makes the slope easement unnecessary and they wish the State to release the easement and will pay the State \$25 for the release. Approval of the release by the Bureau of Public Roads was given November 20, 1967. Following the Right of Way Engineer's favorable recommendation, the Commission approved the Release of Easement.

Indentures of Access covering changes in location of access for the convenience of the property owners and the safety of the traveling public, or to correct the record to cause the locations to agree as constructed, were recommended by the Right of Way Engineer. The Commission approved the following Indentures of Access:

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- (1) Hess and Jensen property, File No. 31226, to show in the public record as constructed, the location of two points of unrestricted access 35 feet in width located approximately six miles south of the Mt. Hood Post Office on the Mt. Hood Highway, Hood River County. Approval by the Bureau of Public Roads was received February 5, 1968.
- (2) Hanel property, File No. 28194, for a change in width to 35 feet on two unrestricted points of access located approximately three miles south of the Mt. Hood Post Office on the Mt. Hood Highway in Hood River County. Bureau of Public Roads' approval was received December 8, 1967.
- (3) Kaehn property, File No. 17949, for a change in location and widening to 35 feet of one point of access restricted to non-commercial activity and located on the west side of The Dalles-California Highway approximately one and one-half miles south of the town of Crescent in Klamath County. Bureau of Public Roads' approval was received April 22, 1968.
- (4) Haughton property, File No. 40281, to show in the public record the location of one point of unrestricted access 40 feet in width as constructed on the southwesterly side of the Coos Bay-Roseburg Highway approximately two miles west of Myrtle Point, Coos County. Approval by the Bureau of Public Roads is not required.
- (5) DeBroux and Oliver property, File No. 35644, to show in the public record the location as constructed of two points of unrestricted access 35 feet in width on the south side of the McKenzie Highway approximately two miles east of the community of Blue River in Lane County. Approval by the Bureau of Public Roads was received June 9, 1967.
- (6) Elder property, File No. 35640, to show in the public record the location as constructed of two points of unrestricted access 35 feet in width. One of the access points is on the northerly side of the McKenzie Highway approximately one mile easterly from the community of Blue River, and one point of access is on the southerly side of the McKenzie Highway approximately two miles easterly from the community of Blue River in Lane County. Bureau of Public Roads' approval was received June 9, 1968.
- (7) Fuller, Deebel and Jungk property, File No. 36641, to show the location as constructed of one 35 foot wide, unrestricted point of access on the south side of the McKenzie Highway approximately four miles west of Clear Lake Junction in Lane County. Bureau of Public Roads' approval was received September 25, 1967.

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- (8) Regur property, File No. 36642, to show the location as constructed of one point of unrestricted access 35 feet wide on the south side of the McKenzie Highway approximately four miles west of Clear Lake Junction, Lane County. Approval by the Bureau of Public Roads was received September 25, 1967.
- (9) Newlands Estate, Richards, and Cannon property, File No. 36640, to show the location as constructed of two points of unrestricted access 35 feet in width on the north side of the McKenzie Highway approximately four miles west of Clear Lake Junction in Lane County. Bureau of Public Roads' approval was given September 25, 1967.
- (10) Romberg and Walton property, File No. 36637, to show the location as constructed of one unrestricted point of access 35 feet in width on the south side of the McKenzie Highway approximately four miles west of Clear Lake Junction in Lane County. Approval by the Bureau of Public Roads was received September 25, 1967.
- (11) Oregon State Board of Forestry property, File No. 40302, for a change in location of one unrestricted point of access, 35 feet in width, on the northerly side of the Columbia River Highway approximately 15 miles east of Astoria in Clatsop County. Approval by the Bureau of Public Roads is not required.
- (12) The Grand Lodge of Ancient Free and Accepted Masons of Oregon, File No. 26521, for a change in location and widening to 35 feet of two points of unrestricted access on the north side of the Tualatin Valley Highway in the city of Forest Grove, Washington County. Bureau of Public Roads' approval was given May 27, 1968.
- (13) Shipler property, File No. 36000, for a change in location of one 35 foot unrestricted service road connection located on the south side of the Willamina-Salem Highway approximately three and one-half miles west of the city of Salem in Polk County. Bureau of Public Roads' approval is not required.

The Chief Counsel presented a list of properties needed for the uses indicated therein and requested the Commission to declare by resolution the necessity of said properties for the public uses to which they are to be put and to authorize the Legal and Right of Way Division to attempt to agree with the owners of said properties as to price. After due consideration, the Commission granted authority to condemn the properties if negotiations are not successful and thereupon adopted "Condemnation Resolutions Nos. 2515 through 2518," which resolutions by this reference are made a part hereof and filed in the Secretary's Office.

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A report on cases which have been tried in court was presented by the Chief Counsel. On thirteen of these condemnations, he stated that the verdicts totaled approximately \$282,000. Total offers were approximately \$250,000 and the total requested by the owners was approximately \$340,000.

Concerning the case of Grant County against the State for taxes on Highway Maintenance Buildings at Seneca, the Chief Counsel reported the case had been dismissed. The County had claimed that privately-owned houses were available which employees could rent. The State Highway Department claimed that there are no livable houses available. The County, if it wishes, can refile under a new description but the Chief Counsel felt that this is not likely. The Commission accepted the report which is summarized as follows:

REPORT OF CONDEMNATION CASES TRIED

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Defendant's Demand</u>	<u>Verdict</u>
L-5699 Leslie L. Brenner, et ux.	Clackamas	East Portland Freeway	Columbia River-Pacific Highway	\$ 6,500.00	\$ 9,500.00	\$ 10,000.00
L-5566 Alfred Foglio, et al.	Clackamas	Clackamas	Pacific Hwy. East-Cascade Highway	10,800.00	25,000.00	21,000.00
L-5691 Walter F. Koski, et ux.	Clackamas	East Portland Freeway	Columbia River-Pacific Highway	8,750.00	13,000.00 (Answer)	11,000.00
L-5645 Norris and Tippet, et al.	Clackamas	East Portland Freeway	Columbia River-Pacific Highway	151,000.00	200,000.00 (Answer)	175,000.00
L-5592 Lawrence R. Rauschl, et al.	Douglas	Pacific	Sutherlin-Shady	300.00	5,000.00	3,300.00
L-5536 John Arens, et al.	Hood River	Hood River	Indian Creek	450.00	12,000.00 (1st. Answer)	2,320.00

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Report of Condemnation Cases Tried (Continued)

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Defendant's Demand</u>	<u>Verdict</u>
L-5669 G. O. Erlandson, et ux.	Klamath	The Dalles-California	Klamath Falls-Greensprings Junction	\$ 1,500.00	\$ 5,000.00	\$ 2,000.00
L-5625 Roy Cipriano, et ux.	Multnomah	Dabney State Park		1,800.00	None	1,800.00
L-5623 Myrtle Bell Nielson, et al.	Multnomah	Dabney State Park		15,500.00	24,500.00 (Answer)	20,000.00
L-5604 Stephen Troy, et ux.	Multnomah	East Portland Freeway	N.E. Glisan St.-S.E. Division St. Unit Columbia River-Pacific Hwy.	21,400.00	24,500.00	23,400.00
L-5697 William R. Purchase, et al.	Jmatilla	Old Oregon Trail	Mission Junction-Emigrant Hill	1,450.00	14,000.00 (Answer)	7,000.00
L-5486 Robert M. MacTarnahan, et ux.	Washington	Beaverton-Tigard	Sunset Hwy.-Pacific Hwy.	1,500.00	3,500.00	2,000.00
L-5711 M. W. Tautfest, et al.	Yamhill	Pacific Hwy. West	West Newberg-Chehalem Creek	600.00	None	600.00
L-5470 Emma Ehrlich, et al.	Linn	Corvallis-Lebanon	Orleans-Lake Creek	1,900.00	4,900.00 (Answer)	3,500.00

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REPORT OF TRIAL OF OTHER CASES

<u>Case</u>	<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict</u>
L-5551 T. W. Riggle	Frank T. Glaser, et al.	Marion	Suit to Quiet Title		See Remarks
			(Remarks: The decree reserves a permanent easement for the highway right of way 60 feet in width. The decree describes the right of way for the record, as the highway right of way was taken over by the State from the county and no record exists as to its original establishment.)		
L-5460 State of Oregon	George Lee Hefner	Curry	Negligent operation of motor vehicle damaging guardrail	\$220.09	\$220.09
			(Remarks: Judgment entered in full amount prayed for in complaint upon default of defendant.)		
L-5762 State of Oregon	John George Churchill	Multnomah	Negligent operation of motor vehicle damaging guardrail	106.40	
			(Remarks: Full amount of claim paid subsequent to filing of complaint. Case to be dismissed.)		
L-5679 Grant County	Iva M. Johnson, et al.	Grant		Foreclosure on maintenance for unpaid real property taxes.	Voluntary Non-suit

(For additional details, see the Chief Counsel's letters on cases tried dated July 3 and July 5, 1968, in the Salem Office, General Files.)

The Commission also considered a report presented by the Chief Counsel concerning cases which have been settled out of court since the last Commission meeting. The proposed settlements, he commented, are based upon competent appraisals and are in order for Federal aid. The Commission approved the settlements which are summarized as follows:

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REPORT OF CONDEMNATION CASES SETTLED

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Amount of Settlement</u>
L-5827 Earl T. Walker, et ux.	Clackamas	East Portland Freeway	West Linn- Pacific Hwy. Unit of the Columbia River-Pacific Highway	\$15,525.00	\$19,500.00
			(Remarks: Owner obtained an appraisal from Mr. Newell, an independent fee appraiser often used in the past by the State. His opinion is \$23,500.)		
L-5580 William B. Anderson, et al.	Deschutes	The Dalles- California	Bend- Lapine	1,500.00	2,200.00
			(Remarks: Defendants initially demanded \$3,500 for the taking and restriction of access. Through long negotiations they have agreed to \$2,200.)		
L-5646 Leroy Churchill, et al.	Douglas	Rice Hill Scenic Area		\$24,225.00	\$28,500.00
		(Remarks: Monetary settlement is on basis of appraisal; however			
		1. State will clear the interest of a sign company involving a sign valued at \$650.			
		2. State will clear the interest of Houck Sons, Inc. for some crushed rock which is stockpiled on the land.			
		3. Use of springs on property reserved to owner to supply water to his 1500-acre ranch on opposite side of property. Appraisals did not include any value for springs.)			
L-5205 James Lajoie, et al.	Lane	Eugene- Springfield	7th Avenue- Willamette River	33,500.00	37,907.22
		(Remarks: Supplemental Report - On April 23, 1968, the Commission authorized settlement of this case in the sum of \$37,500. Subsequent thereto a controversy arose over the payment of interest on the <u>increased</u> amount of settlement over the Court deposit. The controversy was resolved by splitting the difference which increases the original settlement by \$407.22. This revised settlement is recommended by the Adm. Rev. Bd.)			
L-5474 Angelina Satalich, et vir.	Multnomah	Columbia River	St. Helens Road-N.W. 21st Avenue	8,750.00	12,000.00 entire taking
		(Remarks: The settlement is based on purchasing the entire property appraised at \$12,300.)			

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Report of Condemnation Cases Settled (Continued)

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Amount of Settlement</u>
L-5644 Clarence Greene, et al.	Multnomah	Sunset	Highlands Interchange- Stadium Freeway	\$1,175.00	\$1,500.00
(Remarks: Settlement based on revised appraisal of \$1455 made following filing of case.)					
L-5794 Hymen Solko, et al.	Multnomah	Mt. Hood	Powell Blvd. (130th-140th Avenue)	5,300.00	5,500.00
L-5799 Carl W. Dunafon, et ux.	Multnomah	East Portland Freeway	S.E. Division 14,200.00 St.-S.E. Foster Road Unit of the Columbia River-Pacific Highway	14,700.00	
L-5577 Roy F. Hobby, et al.	Umatilla	Old Oregon Trail	Pendleton Sec. 8,650.00 and Mission Junction-Emigrant Hill	8,650.00	
(Remarks: State to place fill material in gully adjacent to highway and rock on access at estimated cost of \$416.)					
L-5579 U.S.A., as Trustee, et al.	Umatilla	Old Oregon Trail	Pendleton 5,525.00	5,250.00	
(Remarks: After long negotiations the appraisers for the Federal Government have fixed the value of \$5,250 and settlement concluded on that basis.)					
L-5628 Rebecca Dawn Fillmore, et al.	Union	Old Oregon Trail	LaGrande 150.00	150.00	
L-5695 Denzil W. Tibbetts, et al.	Union	Old Oregon Trail	LaGrande \$18,050.00	\$18,050.00	
(Remarks: Supplemental Report - At April 23, 1968 Commission meeting settlement was approved in this case at same figure as shown here. Subsequently an option agreement was entered into which slightly modified the previous settlement with respect to sale by State to owner of 0.48 acre parcel for an agreed figure of \$400. Settlement is now per option terms.					

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Report of Condemnation Cases Settled (Continued)

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Amount of Settlement</u>
Nye Ditch Users, Inc.	Jackson	Crater Lake	Cascade Gorge-Forest Boundary		\$ 465.75
(Remarks: Considerable negotiations have resulted in agreement to settle all outstanding liens for \$465.75. Company will issue full release for all future assessments.)					

(For additional details, see the Chief Counsel's letter dated July 3, 1968, entitled "Report of Cases Settled" in the Salem Office, General Files.)

The Chief Counsel also presented settlements with Ernest L. Manning, L-5690, R-41598 and with Bob L. Smith, L-5796, R-42445. The Manning settlement was made on the basis of entire taking at \$9500 based on appraisals of \$9300 and \$8250. The Smith settlement was for 9 acres at \$64,000 based on appraisals of \$59,500, \$58,000 and \$59,500. The Commission approved the settlements.

The Commission confirmed telephonic approval previously given on offers made to owners for acquisition of real property prior to the start of condemnation proceedings as follows:

FOREST BOUNDARY-IMNAHA SECTION OF THE LITTLE SHEEP CREEK HIGHWAY

R-41582 - D. A. Harshfield, et ux. Parcel No. 1: 11.0 acres for right of way purposes; Parcel No. 2: 0.67 acre for permanent easement. Offer of \$2,950.00 approved by Mr. Hill June 12, 1968.

FREMONT INTERCHANGE-MARQUAM BRIDGE SECTION OF THE STADIUM FREEWAY

R-35105 - Spokane, Portland and Seattle Railway Company. Parcel No. 1: 3,850 square feet for right of way purposes; Parcel No. 2: 50,750 square feet for permanent easement; Parcel No. 3: 2,150 square feet for permanent easement; Parcel No. 4: 9,910 square feet for permanent easement. Offer of \$48,200.00 approved by Mr. Bruno June 2, 1968.

GARRISON BEACH STATE PARK

R-40096 - Christine D. Myers. 12.0 acres for park purposes. Offer of \$29,925.00 approved by Mr. Jackson June 24, 1968.

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KITTRIDGE AVENUE CHANNELIZATION SECTION OF THE COLUMBIA RIVER HIGHWAY

R-41835 - George L. Zellner, et ux. Parcel No. 1: 2,520 square feet for right of way purposes; Parcel No. 2: 2,520 square feet for permanent easement. Offer of \$6,900.00 approved by Mr. Jackson June 21, 1968.

R-41839 - Stanleigh R. Brazil, et ux. 2,050 square feet for right of way purposes. Offer of \$5,575.00 approved by Mr. Jackson June 21, 1968.

R-41840 - Portland General Electric Company. Parcel No. 1: 3,220 square feet for right of way purposes; Parcel No. 2: 9,600 square feet for permanent easement. Offer of \$4,850.00 approved by Mr. Jackson June 21, 1968.

R-41841 - Freightways Terminal Company. Parcel No. 1: 8,450 square feet for right of way purposes; Parcel No. 2: 11,300 square feet for permanent easement. Offer of \$11,700.00 approved by Mr. Jackson June 21, 1968.

N. E. GLISAN STREET-S. E. DIVISION STREET UNIT OF THE COLUMBIA RIVER-PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY

R-40903 - Lincoln Loan Co. 10,650 square feet for right of way purposes. Offer of \$8,250.00 approved by Mr. Bruno June 24, 1968.

NORTH TIGARD INTERCHANGE-HUBBARD INTERCHANGE SECTION OF THE PACIFIC HIGHWAY

R-42166 - Dortha Pennington. Parcel No. 1: 0.14 acre for right of way purposes; Parcel No. 2: 6.1 acres for scenic area purposes. Offer of \$10,625.00 approved by Mr. Jackson June 21, 1968.

S. E. DIVISION ST.-S. E. FOSTER ROAD UNIT OF THE COLUMBIA RIVER-PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY

R-41029 - William W. Barr, et ux. 5,103 square feet for right of way purposes. Offer of \$1,800.00 approved by Mr. Jackson May 27, 1968.

R-41273 - Erma Dehler. 7,996 square feet for right of way purposes. Offer of \$9,750.00 approved by Mr. Jackson June 20, 1968.

UMPQUA HIGHWAY SCENIC AREA

R-41887 - Philip L. Beckley and Lawrence C. Thomas. 1.0 acre for scenic area purposes. Offer of \$2,500.00 approved by Mr. Jackson June 24, 1968.

R-41839 - Margaret E. Goodwin. 3.6 acres for scenic area purposes. Offer of \$15,750.00 approved by Mr. Jackson June 21, 1968.

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WEST LINN-PACIFIC HIGHWAY UNIT OF THE COLUMBIA RIVER-PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY

R-41609 - Earl T. Walker, et ux. Parcel No. 1: 4.6 acres for right of way purposes; Parcel No. 2: 0.41 acre for permanent easement. Offer of \$19,000.00 approved by Mr. Jackson June 6, 1968.

R-41785 - Wayne Powell, et ux. Parcel No. 1: 13.5 acres for right of way purposes; Parcel No. 2: 1.2 acres for right of way purposes; Parcel No. 3: 2.6 acres for scenic area purposes; Parcel No. 4: 0.4 acre for scenic area purposes; Parcel No. 5: 0.19 acre for permanent easement. Offer of \$22,900.00 approved by Mr. Jackson June 12, 1968.

A report on property damage claims from March 31, 1968, through June 30, 1968, was presented by the Chief Counsel. During this period, \$33,405.02 was collected and sixteen claims totaling \$7,004.86 had been abandoned as being uncollectible for one reason or another. The Commission accepted the report.

A report was made by the Chief Counsel on legal proceedings which have been instituted since the last Commission meeting. The Commission accepted the report which is summarized as follows:

- (1) Lord Brothers Contractors, Inc. vs. State Highway Commission, L-5833. The contractor alleges that the State owes \$2,575.69 for work performed on the Pacific Highway in Multnomah County, Contract No. 6576. The contractor claims that he was prevented from taking possession of a portion of right-of-way and that 6,222 lineal feet of steel piling had been deleted from the contract for which payment was sought for transporting, loading, and re-loading.
- (2) William G. and Georgiana F. Hay vs. State Highway Commission and State Highway Engineer. The complaint requests empaneling of a three-judge court to determine the constitutionality of Chapter 601, Oregon Laws 1967 (beach bill). The plaintiffs are owners of the Surfsand Motel in Cannon Beach, Clatsop County. They had placed piling connected by cable on the oceanside of the motel. In March of 1968 they were requested to remove the cable and piling as it interfered with public use of the beach. The piling and cable had been placed without a permit from the Highway Engineer.
- (3) State of Oregon vs. G. W. Kanoff, Jr., et al., L-5740. This case involved an encroachment on North Beach at Neskowin in Tillamook County. The defendant commenced construction of a revetment around the exterior of the platted area. This work was enjoined by a court order and settlement has

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been reached. The defendant has accepted a revetment line at the toe of the natural slope (vegetation line) and has agreed to remove rock and other material placed on the beach, and to restore the beach to the condition which existed prior to the defendant's work. The defendant also agrees to dedicate to the public for recreation purposes all of the beach westerly from the revetment line. The State has agreed not to place new structures on the beach area in front of the defendant's land.

The Chairman inquired as to the progress of the DeLong Case involving construction of piers for the Astoria Bridge under Contract No. 6124. The Chief Counsel stated that the State had finished presentation of its case, and the DeLong attorneys had submitted a motion for nonsuit which was overruled by the presiding judge. The DeLong attorneys are now presenting their witnesses. It was his opinion that it would take several weeks for this phase of the trial. The Chairman then inquired as to prospects of an appeal on a verdict which might be rendered in this court. The Chief Counsel commented that he felt that an appeal would be made regardless of the verdict given.

The Commission confirmed telephonic approval given June 11, 1968, for the acquisition of 1466.5 acres of land from the U. S. General Services Administration as an addition to Fort Stevens State Park in Clatsop County. The Engineer recalled that purchase of the tract had been authorized June 2, 1966, but actual acquisition had been delayed by extended negotiation procedures. The value of the property was determined by appraisal at \$235,000. The State is to pay one-half the appraised value or \$117,500 for land to be used for recreational purposes. The Chairman inquired if there are any restrictions in the deed for the property. The Engineer replied negatively, that the State has full use of the area.

Payment of 1968-69 fiscal year dues to the National Conference on State Parks was brought up by the Engineer. He explained that the National Conference operates in relation to park matters much as AASHO does in highway matters. The Highway Department has been a member for many years and he recommended that annual dues in the amount of \$100 be paid. The Commission approved the payment.

The Commission confirmed action of May 29, 1968, reappointing Mr. George D. Ruby as a member of the State Parks and Recreation Advisory Committee for a term beginning July 20, 1968, and ending July 19, 1972. The Engineer commented that Governor McCall had on June 4, 1968, approved the reappointment of Mr. Ruby.

Two surveys for the improvement of sections of state highways were recommended by the Engineer. He explained briefly the pertinent facts involved in each project. The Commission approved the following surveys as presented and thereupon adopted "Survey Resolutions Nos. 348 and 349,"

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which resolutions by this reference are made a part hereof and filed in the Secretary's Office:

- (1) Elk Creek-Blue River Section of the McKenzie Highway in Lane County. (See "Survey Resolution No. 348.")
- (2) Wilson River Highway Junction-North Plains Section of the Sunset Highway in Washington County. (See "Survey Resolution No. 349.")

The Engineer requested and the Commission approved increases in project authorizations on the following contracts:

- (1) Contract No. 6863 on the M. P. 1.9 Slide Correction grading and paving project on the Corvallis-Newport Highway in Lincoln County, for an increase of \$9,668.42 (11.99 percent). Major reasons for the overrun were given as additional slide activity during construction and for hauling embankment foundation excavation material to a designated waste area.
- (2) Contract No. 7023 for roadside improvement on the Pacific Highway in Douglas County, for an increase of \$11,559.69 (6.33 percent). Increased amounts in general excavation, topsoil, and furnishing and planting vines were given as the principal reasons for the overrun.

Requests made by contractors for extensions of time to complete highway contracts without assessment of liquidated damages were considered by the Commission. The Engineer stated that each request has been carefully investigated and the results of the investigation have been reported to the Commission by letter. The Commission took action as follows:

- (1) Graham Electric Company, Contract No. 7073, on the Cascade Highway in Oregon City, Clackamas County, requested 43 additional calendar days. The Commission granted an increase of 42 calendar days (to the date of completion) without assessment of liquidated damages. Approval by the Bureau of Public Roads is not required.
- (2) M. C. Lininger and Sons, Inc., Contract No. 6960, on the Crater Lake Highway in Jackson County, requested an increase of three calendar days. The Commission approved the request without assessment of liquidated damages. Bureau of Public Roads' approval is not required.

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- (3) Peter Kiewit Sons' Company, Contract No. 6501 on the Pacific Highway in Jackson County, requested an extension of 57 work days. The Commission approved an extension of 72 calendar days covering the period of June 30, 1965, to September 11, 1965. This in effect establishes a completion date of June 1, 1966, leaving an assessment for liquidated damages amounting to \$16,800. Approval by the Bureau of Public Roads was given June 18, 1968.
- (4) Steeck Electric Company, Contract No. 7079, on the Crater Lake Highway in Jackson County, requested 77 additional calendar days. The Commission approved the request without assessment of liquidated damages. Approval by the Bureau of Public Roads is not required.
- (5) M. R. Holst Construction, Contract No. 7058, on the Pacific Highway in Douglas County, requested 45 additional workdays. The Commission approved an extension of time to May 23, 1968, thereby eliminating all liquidated damages. Approval by the Bureau of Public Roads was given in their letter of June 14, 1968.
- (6) Laam-Irving and Company, Contract No. 7088 on the Old Oregon Trail and Columbia River Highways in ten counties, requested that the specified completion date be extended from December 30, 1967, to May 20, 1968. The Commission approved an extension to May 18, 1968, (the date of completion) without assessment of liquidated damages. Approval by the Bureau of Public Roads was given in their letter of June 20, 1968.
- (7) Howell Truck Service, Contract No. 7118 on the Columbia River Highway in Hood River County, requested an extension of the completion date from April 15, to April 30, 1968. The Commission approved an extension to April 26, 1968, (the date of completion) without assessment of liquidated damages. Bureau of Public Roads' approval was given in their letter of July 2, 1968.

The Engineer reported that Contracts Nos. 6747, 6858, 6967, 6986, 6999, 7036, 7073, 7078, 7079, 7108, and 7110 for highway construction have been completed as required by the contracts or modifications thereof and said contracts are now ready for acceptance or have been accepted by letter since the last Commission meeting. After due consideration, the Commission accepted the contracts by adopting "Contracts Completed Resolution No. 168," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

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The date for the next regular Highway Commission meeting was confirmed for Tuesday, August 20, 1968, in the State Highway Building in Salem. The date for the following meeting was set tentatively for October 1, 1968.

The Commission confirmed telephonic approval given on June 10, 1968, awarding contracts on which bids were received on June 6, 1968, and authorized the Secretary to sign contracts on the following projects:

BIDS RECEIVED IN SALEM JUNE 6, 1968

Contract No. 7142 for grading and paving on 2nd Avenue in the city of Powers in Coos County. State Project. One bid was received. The Commission elected to accept the lone bid of G. W. Woodward Company, Inc., Coquille, in the sum of \$22,225.70 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of the City of Powers is received and the sum of \$1,540.00 is deposited by the City.

Contract No. 7143 for grading and oiling on the Swartz Canyon-Rocky Canyon Section of the Crooked River Highway in Crook County. FAP No. S-33(1). This project was withdrawn from the letting.

Contract No. 7144 for grading and paving on Dunham Avenue in the city of Veneta in Lane County. State Project. Two bids were received. The Commission awarded the contract to McKenzie Road & Driveway Company, Eugene, at \$16,343.05.

Contract No. 7145 for grading and paving on Mill Street in the city of Waldport in Lincoln County. State Project. Four bids were received. The Commission elected to accept the low bid of Road and Driveway Company, Newport, in the sum of \$20,128.00 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of the City of Waldport is received and the sum of \$2,220.00 is deposited by the City.

Contract No. 7146 for grading and paving on 3rd Street in the city of Yachats in Lincoln County. State Project. Four bids were received. The Commission elected to accept the low bid of Berry Creek Construction Company, Florence, in the sum of \$21,469.30 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of the City of Yachats is received and the sum of \$2,640.00 is deposited by the City.

Contract No. 7147 for illumination installation on the Boardman Interchange Section of the Columbia River Highway in Morrow County. Federal-aid Interstate Highway Project No. I-80N-5(31)163. One bid was received from Sims Electric, Inc., Roseburg, at \$38,500.00. This bid was rejected as being too high.

Contract No. 7148 for traffic surveillance on the Washington State Line-Victory Boulevard Section of the Pacific Highway in Multnomah County. Federal-aid Interstate Highway Project No. I-5-6(62)307. Two bids were received. The Commission awarded the contract to W. R. Grasle Company, Portland, at \$47,920.00.

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Contract No. 7149 for the Ukiah Rock Production Project on the Pendleton-John Day and Ukiah-Hilgard Highways in Umatilla County. State Project. Five bids were received. The Commission awarded the contract to Mel Barlow, Cave Junction, at \$24,650.00

The Engineer reported that he had made awards of contracts which had been referred to him by the Commission to award when certain conditions were fulfilled. The Commission confirmed his award of the following contracts:

- (1) Grading and paving on 2nd Avenue in the city of Powers in Coos County. Bids received June 6, 1968. Contract No. 7142 awarded June 12, 1968, to G. W. Woodward Company, Inc., Coquille, low bidder.
- (2) Grading and paving on Mill Street in the city of Waldport in Lincoln County. Bids received June 6, 1968. Contract No. 7145 awarded June 13, 1968, to Road & Driveway Company, Newport, low bidder.
- (3) Grading and paving on 3rd Street in the city of Yachats in Lincoln County. Bids received June 6, 1968. Contract No. 7146 awarded June 27, 1968, to Berry Creek Construction Company, Florence, low bidder.

A project for landscaping of the Main Street (Klamath Falls) Section of The Dalles-California Highway was recommended by the Engineer as an addition to the current State Construction Program. He commented that during right-of-way negotiations on this section it had been agreed that the State would landscape the portion that passes through a Memorial Park operated by the City. He estimated cost of the project at \$20,000. The Commission approved the project.

Four projects were presented by the Engineer as additions to the current State Construction Program. In discussing these projects the Engineer pointed out that for the past several years a resurfacing program has been carried on as funds would permit and has been quite successful in reducing maintenance costs and providing safer roadways. He anticipated that the work could be contracted this summer. The Commission approved the following projects:

Highway	Estimated Cost
(1) Steens Highway - Begin one mile northwest of the Malheur County line, for an overall project length of two miles.	\$120,000

(Continued on next page)

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Highway	Estimated Cost
(2) Service Creek-Mitchell Highway - A two-mile selected section on the central portion that is not hard surfaced.	\$ 80,000
(3) John Day Highway - Ash Avenue-Beech Creek Section; a 75-25 cooperative project with the City of Mt. Vernon. This was approved March 1968 subject to availability of funds.	30,000
(4) The Dalles-California Highway - Chemult north, M.P. 201.6 to 205.6 (four miles).	300,000

Confirmation was requested by the Engineer on telephonic approval given by the Chairman on June 13, 1968, for two projects to be added to the current State Construction Program. The Commission confirmed the following projects:

- (1) 5th-6th Street Couplet (Klamath Falls-Lakeview Highway) in the City of Klamath Falls. Total cost was estimated at \$125,000, of which the City is to pay 25 percent and the State 75 percent or approximately \$93,500. The project is to be advertised for bids as soon as plans are ready.
- (2) Illuminated signs on the Pacific Highway (I-5) in the Murder Creek area near Albany in Linn County. These signs are to be installed to alleviate an extremely severe fog problem which prevails at times and which has caused a considerable number of accidents. The illuminated signs are to be actuated from the State Police Office in Albany. The cost of the project was estimated at \$100,000.

The Chairman inquired as to whose responsibility it would be that the signs are turned on. The Engineer replied that inasmuch as the sign controls will be in the State Police Office that it would be their responsibility.

An increase in the amount of \$600,000 to cover cost of construction on the Crater Lake Highway-Brownsboro Section of the Lake of the Woods Highway in Jackson County was recommended by the Engineer. He explained that upgrading of standards, an increase in base design, the addition of climbing lanes and the general inflationary trend have raised the estimated cost of completing this contract from \$2,000,000 to \$2,600,000. The Commission approved the increase as a part of approved Program XI.

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Attention was given to a request from the City of Clatskanie to connect a proposed city street with the Columbia River Highway in Columbia County. The Engineer observed that the connection will provide access to an area that is developing and it is a logical extension to the city street system which will not create a hazard to traffic. The Commission approved the connection.

Payment of \$94.60 to Mr. Edwin K. Parker was discussed. The Engineer explained that a survey crew while working on the Tongue Point-Fern Hill relocation survey on the lower Columbia River Highway in Clatsop County inadvertently cut nine small trees on Mr. Parker's property. Value of the trees was set at \$94.60 which Mr. Parker has agreed to accept as complete and final settlement. The Commission approved the payment.

The Commission considered requests from Columbia and Lincoln Counties for Federal-aid Secondary Projects. The Engineer said that the projects have been investigated and are eligible for the use of FAS funds. Based on his favorable recommendation, the Commission approved projects as follows and authorized the Secretary to sign construction agreements when prepared:

County	FAS	Section and Description	Programmed Amount	FAS Funds
Columbia	574	Lower Columbia River Highway-Portland Road Section Gable Road Grade, base and pave; 0.5 miles	\$200,000	1968
Lincoln	585	Boone Slough and Nutes Slough Sections Yaquina Bay Road Grade, base and pave; 2100 feet	350,000	1968
TOTAL			\$550,000	
<u>SUMMARY BY FISCAL YEARS</u>				
		<u>1968</u>	<u>1969</u>	<u>Total</u>
Allocated Funds		\$3,980,000	\$3,969,000	\$7,949,000
Approved Projects (corrected to date)		\$3,000,000	- -	\$3,000,000
Unprogrammed Balance		980,000	3,969,000	4,949,000
Projects Proposed 7/9/68		550,000	- -	550,000
Unprogrammed Balance		\$ 430,000	\$3,969,000	\$4,399,000

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Consideration was given to a request made by Mrs. George A. Edwards for the vacation of the stub end of S. W. 20th Avenue at Spring Garden Road between Spring Garden Road and the Pacific Highway in the city of Portland. The Engineer stated that the petition for vacation has been investigated and no objection found. He recalled that in the past it had been the practice to not join in the request for such action but to offer no objections to it, and he so recommended. The Commission accepted his recommendation.

Allocation of State Highway Funds to the cities in Oregon for the first half of 1968 was presented by the Engineer. These funds he said constitute 12 percent of Highway income for that period and the amounts have been allocated as directed by law. The Commission approved the allocation and thereupon adopted "City Allocation of State Highway Funds Resolution No. 47," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Engineer reported that a slide area exists on the recently completed Glen Aiken Creek-Gray Creek Section of the Coos Bay-Roseburg Highway in Coos County. He proposed to let a separate contract for the slide correction at an estimated cost of \$130,000 and that the project be placed on Federal-aid Program XI for contracting in July. This action, he said, was verbally approved by the Chairman on July 5, 1968. The Commission confirmed the project.

A revision in the speed zone in the community of Four Corners on the Silver Creek Falls Highway, east of Salem, Marion County, was considered. The Engineer stated that a speed zone was established May 26, 1952, but traffic conditions have changed requiring an adjustment of the speed zone. He recommended that "Speed Zone Resolution No. 87," adopted May 26, 1952, be rescinded and the following speed zones established:

30 miles per hour between M.P. 2.51 (37th Avenue) and M.P. 2.72 (LaBranch Avenue) in Four Corners.

35 miles per hour between M.P. 2.72 and M.P. 3.04 (Beck Avenue) excepting a 20 mile-per-hour zone during hours of school crossing between M.P. 2.77 and M.P. 2.83.

45 miles per hour between M.P. 3.04 and M.P. 3.38 (Hager Street) excepting a 20 mile-per-hour zone during the hours of school crossing between M.P. 3.16 and M.P. 3.22.

The Commission accepted the Engineer's recommendation and thereupon adopted "Speed Zone Resolution No. 538," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

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Establishment of a speed zone on the Nehalem Highway adjoining the city of Banks in Washington County was discussed. The Engineer explained that recent action by the State Speed Control Board required correlating action outside of the city. He recommended that 30 mile-per-hour speed zones be established between a point 500 feet north of Banks Road at M.P. 82.75 and a point 50 feet north of Banks Road at M.P. 82.84, and from a point 450 feet south of Wilkes Avenue at M.P. 83.35 to the south city limits of Banks at M.P. 83.58. The Commission accepted his recommendation and thereupon adopted "Speed Zone Resolution No. 539," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The matter of restricting vehicles on the beach near Cape Kiwanda, Tillamook County, was brought up by the Engineer. He recalled that in September 1961 the Commission at the request of Tillamook County adopted a resolution prohibiting parking of vehicles in this area. In August 1963 at the request of Tillamook County Court, the Commission had rescinded the action. In May of this year, representatives of the Dorymen's Association requested reestablishment of the parking prohibition. They took their request to the Tillamook County Court and the Court adopted a resolution to prohibit parking of motor vehicles on the beach or public lands from the base of the bluff at Cape Kiwanda and extending 350 feet southerly therefrom. This action, he said, appears to be in accord with Commission policy and he recommended approval. The Commission accepted his recommendation and thereupon adopted "No Parking Resolution No. 230b," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

An abandonment resolution pertaining to the McCully Fork-Sumpter Section of the Sumpter Valley Highway in Baker County was presented by the Engineer. Because of reconstruction and realignment of this section, five segments of the old highway totaling approximately 1.4 miles can now be abandoned to the abutting property owners. This abandonment, he said, is subject to the rights of the City of Sumpter to repair or replace an existing water line and is subject also to maintenance or reconstruction of any other utilities which may be located in the area to be abandoned. Based on his favorable recommendation, the Commission approved the abandonment and thereupon adopted "Abandonment Resolution No. 477," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Commission also considered an agreement and an abandonment resolution pertaining to a portion of the Boardman Junction-Irrigon Section of the old Columbia River Highway in Morrow County. The Engineer explained that under an agreement of November 24, 1964, the County had agreed to accept jurisdiction of units at each end of the section. The middle unit was transferred to the County for maintenance only until it was covered by backwater from the John Day Dam at which time the unit was to be conveyed to the U. S. Corps of Engineers. The Corps has since been granted a flowage easement and no longer requires that conveyance be made to the Corps. Under the agreement, the County is to accept the remaining unit. The Commission approved the agreement and thereupon adopted "Abandonment Resolution No. 427," which resolution by this reference is made a part hereof and filed in the Secretary's Office. The Commission also authorized the Secretary to sign the abandonment agreement in their behalf.

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Two flowage easements to the U. S. Corps of Engineers, Walla Walla District, were presented by the Engineer. He explained that a previous easement had been granted to the Corps in November 1966 and they now wish to extend it to the project boundary. These easements are located one east and one west of Irrigon on the Columbia River Highway in Morrow County and have been requested because of the John Day Dam Project. The section of highway westerly from Irrigon is to be turned over to Morrow County and thus two sets of easements are required. Following the Engineer's favorable recommendation, the Commission approved the easements.

A request was considered from the City of Tigard for consent to annexation to the City of a portion of the Beaverton-Tigard Highway in Washington County. The Engineer stated that the request has been investigated, is properly described, and does not form an enclave. The Commission accepted his recommendation for approval and authorized the Secretary to sign a consent form.

A correction easement to the Lakeside Water District on lands adjoining Eel Lake in Coos County was considered. The Engineer commented that it has now been determined that the District's water system was not constructed wholly upon the area covered by an easement issued in 1960. The District by acceptance of the correction easement releases and quit-claims to the Highway Commission and the Game Commission its right and title to the area covered by the 1960 easement. Among other things, the easement gives the Water District the right to operate its pipeline, pumping station, and an access road to Eel Lake. Following his favorable recommendation, the Commission approved the easement and authorized the Secretary to sign it for them.

Consideration was given to an extension rider to an agreement with Union Pacific Railroad Company extending the expiration date of a license to make surveys on Railroad property from November 25, 1968, to November 25, 1970. The Engineer stated that the rider applies to an agreement dated November 26, 1962, pertaining to the Fremont Bridge on the Stadium Freeway in Portland. The Commission approved the extension rider.

The Commission gave attention to a supplemental agreement with Southern Pacific Company concerning the installation of an electrical conduit beneath its tracks at the intersection of the Tualatin Valley Highway and S. E. 13th Avenue in Hillsboro, Washington County. This agreement, the Engineer said, supplements an agreement approved January 23, 1968, which provided for the installation of crossing gates at this location. The supplemental allows the State to enter on Railroad property, to perform work to complete the installation of signals, provides for reimbursement to the Railroad for its expenses, insurance, and other matters. Based on his favorable recommendation, the Commission approved the agreement.

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The Commission also considered an easement with Southern Pacific Company for right-of-way needed in construction of refuge lanes on the Tualatin Valley Highway at its intersection with 142nd Avenue in the city of Beaverton, Washington County. In explanation, the Engineer stated that the refuge lanes are necessary for the safety of highway traffic turning into 142nd Avenue and waiting for the railroad crossing to clear. The Railroad Company is making a charge of \$250 for the easement and he recommended that it be approved. The Commission accepted his recommendation.

An agreement with the City of Corvallis covering access to the Pacific Highway West, channelization and illumination at Conifer Road in Benton County was considered. The Engineer observed that the matter had been under consideration for some time and the connection is needed to serve an expanding area in the city. The City is to do all work at its expense except signing and striping the channelized intersection. The Commission accepted his recommendation for approval and authorized the Secretary to sign the agreement in their behalf.

An agreement with the City of Portland for installation of illumination on the Highland Interchange-Vista Ridge Tunnel Section of the Sunset Highway in Portland was discussed. The agreement provides, among other things, that the State perform the work at an estimated cost of \$150,000 and maintain the units after installation. The City is to pay for all electrical energy consumed. Following the Engineer's favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

A letter form agreement with Columbia County pertaining to temporary routing of traffic during construction on the Delena-Rainier Section of the Columbia River Highway in Columbia County was considered. The agreement stipulates, among other things, that during construction the State shall maintain a county road known as Washington Way, perform necessary pavement striping, install signs, and return the road to the County in as good condition as it was prior to use by the State. The Commission accepted the Engineer's recommendation for approval and authorized the Secretary to sign the agreement in their behalf.

The Commission also considered a letter form agreement with the city of Rainier concerning the temporary routing of traffic on the Delena-Rainier Section of the Columbia River Highway near the Longview Bridge approach in Columbia County. The Engineer commented that this is a companion agreement to the one with Columbia County and pertains to that portion of the temporary route which lies within the city of Rainier. Terms of the agreement are similar to the Columbia County agreement. The City is to pass an ordinance permitting stop signs at the intersection of Washington Way and the existing Columbia River Highway and providing for eastbound one-way traffic on "B" Street between Fifth and Sixth Streets. Following the Engineer's favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

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Attention was given to a letter form agreement with Coos County for the performance of survey work on the South Coos River Road (a Coos County Road) from Landrith Bridge to Dellwood, a distance of approximately 6.2 miles. The agreement provides that the State furnish personnel and equipment to perform survey functions for the County to determine sections of road to be widened or reconstructed. The State is to be reimbursed for its cost on monthly statements. The Commission accepted the Engineer's recommendation for approval and authorized the Secretary to sign the agreement in their behalf.

The Engineer presented an agreement with Lane County providing for revision of traffic signals at the intersections of the Junction City-Eugene Highway with Belt Line Road and Silver Lane north of Eugene. He stated that the total cost of the project is estimated at \$38,000. The County is to pay all material cost and provide for future maintenance and power consumption. The State is to provide the labor, estimated to cost \$10,000, and he recommended approval of the agreement as a Minor Betterment item. The Commission approved the agreement and authorized the Secretary to sign it for them.

A cooperative agreement in letter form with Hood River County pertaining to a reconnaissance study of a county route from the West Hood River Interchange southerly to Rockford Way (Barrett Road) was considered. The Engineer explained that the agreement provides that the State perform the study with State forces to determine a feasible north-south county route. He estimated the cost of the study at \$1,500, which is to be paid by the County, and recommended approval of the agreement. The Commission accepted his recommendation and authorized the Secretary to sign the agreement in their behalf.

Consideration was given to a supplemental letter form agreement with the City of West Linn pertaining to construction of the West Linn Unit of the East Portland Freeway (I-205) in Clackamas County. This agreement, the Engineer said, is a supplemental to agreements approved by the Commission in December 1965 and October 1966 and concerns construction, street and road closures and relocation, traffic control, utility relocation, and other matters. Also included in the agreement is provision for construction of the West Linn Willamette Falls Rest Area. Following his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

The Engineer presented a resolution ratifying and confirming signatures of Tom Edwards, Assistant State Highway Engineer; Floyd Query, Secretary to the Commission; and C. W. Head, Assistant Secretary to the Commission; with respect to execution of the bills of sale for the ferry boats, M. R. Chessman, Kitsap, Tourist II, and Tourist III. He recalled that the Commission had previously authorized the sale of these ferries and bills of sale had been executed for all four vessels. However, the U. S. Coast Guard had requested verification of the signatures in connection with the M. R. Chessman. The Commission thereupon adopted "Authorization Resolution No. 41," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

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Chairman Jackson at 10 a.m. announced the presentation of 40 and 45-year award pins to ten State Highway employees. He expressed the Commission's appreciation for the services rendered by these people and commented on the great changes which had occurred in highway construction and maintenance during their period of service. The Commission, he said, recognizes the problems with which they have had to deal and their dedication has contributed greatly to the good reputation of Oregon highways. He presented pins to the following:

45-year award

WALKER E. SCHWERING, Section Foreman at McKenzie Bridge, Maintenance Division. Birthdate - November 12, 1904 at Walterville, Oregon. Initially employed by the Oregon State Highway Department as a Teamster in October 1921. Has been continuously employed since January 22, 1923.

40-year awards

ROY ALVICK, Staff Assistant, Office Engineering Division, Salem. Birthdate - January 1, 1901. Initially employed by the Department on February 9, 1926. Has been employed continuously since January 1, 1931. Mr. Alvick is a graduate mechanical engineer and a registered professional engineer of Oregon.

LEROY BOLDT, Section Foreman at Astoria, Maintenance Division. Birthdate - October 26, 1907 at Houston, Minnesota. Employed initially on July 10, 1926. Has worked continuously since October 8, 1935.

CARL G. EDDY, Section Foreman at La Grande, Maintenance Division. Birthdate - December 4, 1903 at Baker, Oregon. Employed initially on April 11, 1922 working as Man and Team. Has been employed continuously since January 23, 1929.

TOM EDWARDS, Assistant State Highway Engineer, Salem. Birthdate - March 29, 1908 in Mayville, Oregon. Employed initially on March 1, 1928 and has been employed continuously since April 26, 1929. Has been employed in all levels of engineering including Division Engineer, Construction Engineer, and Assistant State Highway Engineer. Mr. Edwards is a registered professional engineer of Oregon.

LOWELL JOHNSTON, Resident Construction Engineer, Hillsboro, Construction Division. Birthdate - May 27, 1903 at Port Orford, Oregon. Employed initially on July 20, 1921 and has worked continuously since June 12, 1933. Mr. Johnston is a registered professional engineer of Oregon.

C. H. MAISON, Highway Controller, Salem. Birthdate - February 12, 1904. Has been employed continuously since initial employment date of May 8, 1928 except three years military service during World War II. Mr. Maison was employed initially as a Timekeeper in field maintenance and worked in various field and office positions, coming to the Accounting Division in 1940 and became Chief Accountant on November 9, 1951.

40-year awards (Continued)

G. W. (WEBB) ROSS, Director of Permits, Maintenance Division, Salem. Birthdate - April 16, 1905 in Eau Claire, Wisconsin. Employed initially on September 1, 1923. Has been employed continuously since April 8, 1929. Mr. Ross has worked in many engineering capacities including District Maintenance Superintendent prior to taking his present position of Director of Permits.

L. PAUL SIMPSON, Highway Maintenance Officeman, Coquille, Maintenance Division. Birthdate - August 31, 1904 at Coquille, Oregon. Employed initially July 10, 1924 and has worked continuously since 1933 in varying engineering and maintenance office capacities.

Joseph Miller, 40-year award, was unable to be present because of illness. He was born August 28, 1908 and first employed May 8, 1924 as a Helper in the Equipment Division. He is still employed in the Salem Shops.

The meeting was recessed at 10:10 a.m. to the Maintenance Engineer's Office, Room 414, where coffee and cookies were served to those receiving the pins and others at the Commission meeting.

The meeting was reconvened at 10:30 a.m. in Room 122 with the same persons present.

A delegation from Estacada came before the Commission to urge improvement to the Clackamas Highway, particularly between Estacada and Clackamas in Clackamas County. The following persons were present, all from Estacada: G. F. Patterson, Ray Hayden, Bill Matheisen, Duane Day, Dick Schmidt, Milt Dalby, and Stan Skoko.

Mr. Patterson gave traffic count figures which he said were taken on Saturdays and Sundays when there was no log traffic and at a time when the weather was not conducive to tourists. He gave figures for daily traffic of 3,198, 4,397, 4,540, and 5,635 at the Estacada end of the Clackamas River bridge. He also urged that improvement to the highway be extended from Estacada to 82nd Avenue.

Mr. Skoko stated that in his opinion the section from Rock Creek through Eagle Creek to Estacada is the most hazardous section of highway in the State. Increased recreational facilities on this road, he said, will also tend to increase the amount of traffic. It is the intention of the County to improve Market Road 28 to provide better access to McIver Park, and plans have been developed for construction of Barton Bridge which will also encourage traffic to parks along this highway. The County, he continued, is willing to help in any way it can. He also mentioned that the Clackamas area has been designated as a relief area in case of disaster.

Chairman Jackson explained to the delegation that although the Commission is well aware of the condition of this road funds to correct it are not available. Previous study on the road, he said, has indicated that a good solution cannot be made on a piecemeal basis, and the Commission cannot at this time make any indication as to when the work can be done. The matter is still under study in an attempt to find a solution, and the Commission will keep on trying. In reply to Mr. Patterson's question as to what the delegation could tell people in Estacada, the Chairman stated that the Commission could make no commitment, that they are aware of the problem and would endeavor to fit it into a program as soon as possible. The matter, he concluded, will not be forgotten.

Mr. John W. Broome of Broome, Selig & Oringdolph, Architects, Portland, came before the Commission regarding the use of private consultants in highway and bridge designing. He pointed out that the concept of design teams has become quite prevalent in the eastern part of the United States, but is still mostly in the discussion stage in the West. It was his feeling that outside specialists such as architects, acoustical experts, economists, landscapers, sociologists and others could make a valuable contribution in the preliminary designs of highways and bridges. He emphasized that his remarks are not critical of Oregon's Highways as they are superb, but it was his feeling that the idea of a design concept team could produce good results without interfering with engineering practice. He mentioned the freeway problems in the heavily populated areas of Southern California and pointed out that they have not solved the traffic problem. Consideration should also be given to mass railway rapid transit. He requested that serious consideration be given to the ideas presented.

Chairman Jackson stated that he had opened up subjects which are in keeping with the best interest of Oregon, that his ideas were thought-provoking and would be considered.

The Commission signed, or authorized the Secretary to sign, the following agreements, deeds, indentures, and other papers:

"Two Indentures and a Bargain and Sale Deed" to Southern Pacific Company covering property on the Independence Junction-Patterson Avenue Section of the Willamina-Salem Highway in Polk County.

"Bargain and Sale Deed" to Joseph F. and Margaret J. Kay covering the sale of 0.11 acre of land on the Wilderville-Jerome Prairie Unit, Hayes Hill-Grants Pass Section of the Redwood Highway in Josephine County.

"Bargain and Sale Deed" to Frederick H. Hill, Lloyd E. Hill and Marjorie L. McClure covering land on the Oro Dell-Union Junction Section of the Old Oregon Trail in Union County.

"Quitclaim Deed" to United States of America (Walla Walla Corps of Engineers) covering the Willow Creek Section of the Columbia River Highway in Gilliam County.

"Release of Easement" to J. F. Modlin covering the Strawbridge Creek Section of the Salmon River Highway in Lincoln County.

"Quitclaim Deed" to Mary G. Bonar covering the County Farm-Ashland Section of the Pacific Highway in Jackson County.

"Release of Easement" to Floyd and Grace Emmert covering land on the Sweet Home-Foster Section of the Santiam Highway in Linn County.

"Indenture of Access" to Lillie Hess and Ezra L. and Hazel Jensen covering the Parkdale Section of the Mt. Hood Highway in Hood River County.

"Indenture of Access" to George J. and Irene Hanel covering the Polallie Creek-Parkdale Road Section of the Mt. Hood Highway in Hood River County.

"Indenture of Access" to Lewis A. and June L. Kaehn covering the Lapine-Diamond Lake Junction Section of The Dalles-California Highway in Klamath County.

"Indenture of Access" to Richard W. Haughton covering the Gray Creek-North Fork Coquille River Section of the Coos Bay-Roseburg Highway in Coos County.

"Indenture of Access" to Bessie N. Oliver, Leon F. and Elsie R. DeBroux covering the Blue River-Mill Creek Section of the McKenzie Highway in Lane County.

"Indenture of Access" to Stewart R. and Naomi L. Elder covering the Blue River-Mill Creek Section of the McKenzie Highway in Lane County.

"Indenture of Access" to Ercell B. and Neva C. Fuller, Robert E. and Louie A. Deebel, and Alice A. Jungk covering the Mill Creek-Belknap Springs Section of the McKenzie Highway in Lane County.

"Indenture of Access" to Willard S. and Alice C. Regur covering the Mill Creek-Belknap Springs Section of the McKenzie Highway in Lane County.

"Indenture of Access" to Laura E. Newlands Estate, Walter H. and Susanna J. Richards, and Robert J. and Betty B. Cannon covering the Mill Creek-Belknap Springs Section of the McKenzie Highway in Lane County.

"Indenture of Access" to Lloyd A. and Margaret E. Romberg and Raymond E. and June Walton covering the Mill Creek-Belknap Springs Section of the McKenzie Highway in Lane County.

"Indenture of Access" to Oregon State Board of Forestry covering the Rock Creek-Gnat Creek Section of the Columbia River Highway in Clatsop County.

"Indenture of Access" to Thomas J. and Betty D. Shieler covering the Independence Junction-Bonneville Station Section of the Willamina-Salem Highway in Polk County.

"Agreement" with Morrow County abandoning a part of the Boardman Junction-Irrigon Section of the Columbia River Highway.

"Two flowage easements" to the U. S. Corps of Engineers and Morrow County, one east and one west of Irrigon in conjunction with the John Day Dam Project.

"Consent to Annexation" to the City of Tigard for a portion of the Tigard-Beaverton Highway in Washington County.

"Easement" to Lakeside Water District correcting a previous easement between the Game Commission, Lakeside Water District, and the Highway Commission for construction and maintenance of a pipeline and pumping station on lands adjoining Eel Lake in Coos County.

"Extension rider to an agreement" with Union Pacific Railroad Company covering the expiration date of the existing license to make surveys on Railroad property for the proposed Fremont Bridge on the Stadium Freeway in Portland.

"Supplemental agreement" with Southern Pacific Company covering installation of an electrical conduit beneath its tracks as required by our traffic signal installation at the intersection of the Tualatin Valley Highway and S. E. 13th Avenue in Hillsboro.

"Easement" with Southern Pacific Company for the necessary right of way for the construction of refuge lanes on the Tualatin Valley Highway at its intersection with 142nd Avenue in Beaverton.

"Cooperative construction agreement" with the City of Corvallis for access to the Pacific Highway West, channelization, and illumination on the Conifer Avenue connection.

"Agreement" with City of Portland for installation of illumination on the Highland Interchange-Vista Ridge Tunnel Section of the Sunset Highway.

"Letter-form agreement" with Columbia County concerning the temporary routing of traffic on the Columbia River Highway during period of construction on the Delena-Rainier Section in the vicinity of the Longview Bridge approach.

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"Letter-form agreement" with the City of Rainier concerning the temporary routing of traffic on the Columbia River Highway during period of construction on the Delena-Rainier Section in the vicinity of the Longview Bridge approach.

"Letter-form agreement" with Coos County pertaining to performance of survey functions on South Coos River Road from Landrith Bridge to Dellwood.

"Agreement" with Lane County covering revision of traffic signals at intersections of the Junction City-Eugene Highway with Belt Line Road and Silver Lane north of Eugene.

"Letter-form cooperative agreement" with Hood River County pertaining to a reconnaissance study of a county route from the West Hood River Interchange southerly to Rockford Way (Barrett Road).

"Supplemental letter-form agreement" with City of West Linn pertaining to pending construction of West Linn Unit of the East Portland Freeway.

There being no further business to consider the meeting was adjourned by the Chairman at 11:10 a.m.

Robert Cooper
State Highway Engineer

Walter Jackson
Chairman

Frederick S. Jones
Commissioner

Floyd Queney
Secretary

Harold B. Linn
Commissioner

July 9, 1968

Salem, Oregon
August 20, 1968

The Oregon State Highway Commission met in regular session at 9 a.m., in Room 122 of the State Highway Building in Salem. Present were:

Glenn L. Jackson, Chairman
Fred W. Hill, Commissioner
Thaddeus B. Bruno, Commissioner
R. L. Porter, Deputy State Highway Engineer
Tom Edwards, Assistant State Highway Engineer
Lloyd P. Shaw, Assistant State Highway Engineer
F. B. Klaboe, Assistant State Highway Engineer
G. E. Rohde, Chief Counsel
David H. Moehring, Right of Way Engineer
Floyd Query, Secretary

Mr. Forrest Cooper, State Highway Engineer, was excused from attending as he was out-of-state on other highway business.

Among others present were: R. E. Simpson, Division Engineer, U. S. Bureau of Public Roads; C. W. Head, Assistant Secretary to the Commission; Victor D. Wolfe, Administrative Assistant; L. H. Young, Office Engineer; David Talbot, State Parks Superintendent; C. H. Maison, Controller; R. B. Sipprell, Liaison Engineer; H. S. Cox, County-City Engineer; Don Harwell, Assistant County-City Engineer; and John Earley, Information Officer.

The Commission approved the minutes of the regular meeting held July 9, 1968.

The Right of Way Engineer presented a list of options, Pages 1 through 36, secured for acquisition of real property needed for State highway use or for other purposes. He mentioned that the amounts offered are based upon competent appraisals and are in order for Federal aid. After due consideration, the Commission approved closing the options, including those sent to them by mail for approval since the last Commission meeting, as well as those options presented for the first time at this meeting. The Commission thereupon adopted "Right of Way Resolution No. 52," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

Attention was given to the Property Manager's Report covering sales of miscellaneous properties and rental receipts from July 1 to August 12, 1968. The Right of Way Engineer pointed out that during this time miscellaneous sales amounted to \$66,203; land sales \$22,222.50; timber sales \$121.48; and rental receipts for the month of July were \$25,072.41. The Commission accepted the report.

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The Right of Way Engineer requested authority to offer at public sale five parcels of property no longer needed for highway purposes. He mentioned that the minimum sale values have been determined by competent appraisals and that access and other conditions of sale are consistent with those applying to other properties in the vicinity. The Commission authorized public sale of the following properties and thereupon adopted "Real Property Resolution Nos. 494 through 496," which resolutions by this reference are made a part hereof and filed in the Secretary's Office:

- (1) 1.81 acres, File Nos. 6072, 6072a, and 30221, being a former maintenance headquarters site at Hebo on the Oregon Coast Highway in Tillamook County. Minimum consideration is to be \$18,000. Signboard and junkyard exclusion clauses are to be included in the deed and one point of access is to be permitted to the Oregon Coast Highway. Approval by the Bureau of Public Roads is not required. (See "Real Property Resolution No. 494.")
- (2) 2.0 acres, File No. 8711, on the south side of the Lake of the Woods Highway, east of Lake Creek, in Jackson County, for not less than \$400. Signboard and junkyard restriction clauses are to be included in the deed and access is to be permitted to the existing highway only. Bureau of Public Roads' approval is not required.
- (3) 1.38 acres, File No. 12566, consisting of the Astoria ferry landing located northerly from the railroad right of way between 14th and 15th Streets in the city of Astoria, Clatsop County, for not less than \$35,000. Junkyard and signboard exclusion clauses are to be included in the deed. The purchaser will be required to accept responsibility for all ramps, dolphins, navigational aids and other appurtenances on the property as well as those improvements lying within 14th Street extended. Bureau of Public Roads' approval is not required. (See "Real Property Resolution No. 495.")
- (4) 0.94 acre of land, File No. 13506, on the easterly side of the Territorial Highway approximately 0.3 mile south of Lorane in Lane County for not less than \$930, which includes fencing. One point of unrestricted access is to be allowed to the Territorial Highway, signboard and junkyard exclusion clauses are to be included in the deed. Bureau of Public Roads' approval is not required.
- (5) 4,500 square feet of land, File Nos. 28250 and 28251, located west of the Pacific Highway at the southwest corner of North Vancouver Avenue and North Broadway Street along the Pacific Highway in the city of Portland,

Multnomah County, for not less than \$14,000. Sale is to be subject to portions of the Civil Rights Act of 1964; no access is to be permitted to the Pacific Highway and signboard and junkyard exclusion clauses are to be included in the deed. Bureau of Public Roads' approval was received July 22, 1968. (See "Real Property Resolution No. 496.")

Authority was requested by the Right of Way Engineer to make direct sale on several parcels of property no longer needed for highway purposes. Public sale of these properties, he said, is not feasible because of peculiarities of location. The price to be paid for each parcel has been determined by competent appraisal. The Commission approved direct sale of the following properties and thereupon adopted "Real Property Resolutions Nos. 497 through 499," which resolutions by this reference are made a part hereof and filed in the Secretary's Office:

- (1) To the City of Newport, 0.15 acre of land, File No. 1084, lying northwest of the Oregon Coast Highway between Surf and Fall Streets in the city of Newport, Lincoln County, for the sum of \$1. The Right of Way Engineer explained that the property was originally acquired from the city of Newport for the purpose of containing fill slopes but is no longer needed as the property has been brought up to highway grade. Signboard and junkyard exclusion clauses are to be included in the deed. Bureau of Public Roads' approval was requested August 1, 1968.
- (2) To Lane County, 0.55 acre, File No. 7692, being the Dexter Maintenance Headquarters site, on the Willamette Highway at Dexter in Lane County, for the sum of \$3,120, which is one-half the appraised value. Signboard and junkyard exclusion clauses are to be included in the deed. The connecting road between the Dexter County Road and the Willamette Highway, plus a strip of land adjacent to the Dexter County Road, are to be relinquished to the County for public road purposes. Bureau of Public Roads' approval is not required. (See "Real Property Resolution No. 497.")
- (3) To the City of Albany, 1.43 acres of land, File Nos. 25465 and 31310, located in the northeast quadrant of the Santiam Interchange, south of the Albany Airport, on the Pacific Highway in Linn County for \$1,430. The property is to be used as a parking strip for small planes adjacent to a restaurant. Signboard and junkyard exclusion clauses are to be included in the deed as well as portions of the Civil Rights Act of 1964. No access is to be allowed to the Pacific Highway or its ramps and the sale is to be subject to Albany Airport zoning regulations. Approval by the Bureau of Public Roads was requested by a letter dated August 12, 1968. (See "Real Property Resolution No. 498.")

- (4) To Timber Park Development Company of Coos Bay, a roadway easement on 0.02 acre through a 2.33 acre stockpile site, File No. 19593. This easement is at the junction of the Coos River Secondary Highway and a Coos County Road near Eastside. Consideration is \$50 and approval by the Bureau of Public Roads is not required.
- (5) Coos-Curry Electric Cooperative, Inc., 1.2 acres, File No. 39829, located approximately five miles south of Coquille on the westerly side of the Coos Bay-Roseburg Highway in Coos County for the sum of \$450. Signboard and junkyard exclusion clauses are to be included in the deed. Approval by the Bureau of Public Roads was given on August 13, 1968.
- (NOA) To the City of Eugene, 0.25 acre, File No. 2209, located approximately two miles north of the road to the Eugene Airport on the westerly side of the Junction City-Eugene Section of the old Pacific Highway in Lane County, for the sum of \$1,000. Approval of this sale was given subject to concurrence by the Bureau of Public Roads, which was requested by letter dated August 19, 1968. (See "Real Property Resolution No. 499.")

The Right of Way Engineer requested that the Commission quitclaim to James M. Abbott 11.72 acres, File No. 39502, located approximately two miles south of Wapinitia on a county road near the Wapinitia Highway in Wasco County. The Right of Way Engineer explained that the deed had been taken from Mr. Abbott, but subsequent title investigation indicated that Abbott had previously sold a portion of the area prior to the date of the deed to the State. As the State deed is recorded, it will be necessary to quitclaim the area to clear the public record. If it is decided later to proceed with the acquisition, it will be necessary to negotiate with the new owner. The Commission approved the quitclaim deed.

Indentures of Access covering changes in location of access for the convenience of the property owners and the safety of the traveling public, or to correct the record to cause the locations to agree as constructed were recommended by the Right of Way Engineer. The Commission approved the following Indentures of Access:

- (1) Skyрман, Trustee under the Will of Frank L. Earhart, deceased; Frances Earhart; William H. and Margaret Ann Leever; Donald B. and Lois H. Whalin; Earl E. and Maurece Lininger; Bert E. and Gladys Lininger Wright; and Thelma M. Lininger property, File No. 18440, for a change in location and widening to 38 feet of one point of access located on the east side of the Rogue Valley Highway in the city of Medford, Jackson County. Approval by the Bureau of Public Roads was received June 3, 1968.

- (2) Wenick property, File No. 21602, for a change in location only of one point of access, 25 feet in width, restricted to private residential, farming and stockraising activities on the south side of the Central Oregon Highway approximately seven miles west of Burns in Harney County. Bureau of Public Roads' approval was given June 20, 1966.
- (3) Anderson property, File No. 26919, for a change in location and widening to 35 feet on one point of residential access to a frontage road on the easterly side of the Oregon Coast Highway, just north of the city of Brookings in Curry County. Approval by the Bureau of Public Roads was received May 3, 1968.
- (4) Enyart and McClure property, File No. 20331, to correct the public record to show the actual location of one point of access 35 feet in width restricted to farm, forest products and residential use on the northerly side of the Columbia River Highway approximately five miles west of Rainier, Columbia County. Bureau of Public Roads' approval was received April 17, 1968.
- (5) Specialty Leather Goods Manufacturers and Hoffman property, File No. 22837, for a "Modification of Access Rights" on two unrestricted points of access 35 feet in width on the north side of the Tualatin Valley Highway approximately two miles west of Beaverton in Washington County. Bureau of Public Roads' approval was given May 3, 1968.

Consideration was given to a request made by Specialty Leather Goods Manufacturers that the public record be corrected concerning an access point on the north side of the Tualatin Valley Highway approximately two miles west of Beaverton in Washington County. The Right of Way Engineer explained that the access point was built during construction of a project in 1957, and was not covered in a warranty deed for the right of way. As the access has been in existence for over ten years, the requirement for reimbursement for the present-day value has been waived. Approval by the Bureau of Public Roads was received May 3, 1968. The Commission approved a Grant of Access.

A Release of Slope Easement to Earl D. Dove on the Rainier Section of the Columbia River Highway in Columbia County, File Nos. 2900 and 2916, was brought up by the Right of Way Engineer. He explained that the State originally acquired a slope easement from Mr. Dove in the southwest quadrant of Third Street and C Street in the city of Rainier for the sum of \$1. The land involved is being brought to the proposed grade for construction of the Rainier-Little Jack Falls Creek Section and it is now desirable to release the easement for the same consideration for which it was acquired and he so recommended. The Commission approved the Release of Easement.

The Commission considered a release of a temporary detour roadway easement to Mr. George Neuner, Trustee for the owners, which was used during construction of the Smith River Bridge Section of the Elkton-Sutherlin Highway in Douglas County. The Right of Way Engineer said that the project has been completed and Mr. Neuner has asked for a release as the easement contained no cutoff date. The Commission approved the release.

The Commission confirmed prior action taken July 12, 1968, approving the award of two demolition contracts as follows:

- (1) To Northwest Housemovers, Inc., d.b.a. Signal Sales Company, in the amount of \$2,250 on the East Marquam Interchange Section of the East Portland Freeway in Portland. Three bids were received.
- (2) To Northwest Housemovers, Inc., d.b.a. Signal Sales Company, in the amount of \$4,820 on sections of the East Portland Freeway in Portland. Three bids were received.

The Commission also confirmed authority granted to the Secretary to sign the contracts in their behalf.

The Chief Counsel presented a list of properties needed for the uses indicated therein and requested the Commission to declare by resolution the necessity of said properties for the public uses to which they are to be put and to authorize the Legal and Right of Way Division to attempt to agree with the owners of said properties as to price. After careful consideration, the Commission granted authority to condemn the properties if negotiations are not successful and thereupon adopted "Condemnation Resolutions Nos. 2519 through 2525," which resolutions by this reference are made a part hereof and filed in the Secretary's Office.

A report on cases which have been tried in court was presented by the Chief Counsel. He mentioned that the owners had demanded approximately \$156,000. The original offers amounted to approximately \$84,500, and the total verdicts were approximately \$110,000. The Commission accepted the report which is summarized as follows:

(Tabulation shown on next page)

REPORT OF CONDEMNATION CASES TRIED

Case	County	Highway	Section	State's Offer	Defendant's Demand	Verdict
L-5739 Nellie Illingworth, et al.	Clackamas	East Portland Freeway	West Linn- Pacific Hwy. Unit - Columbia River-Pacific Highway	\$ 2,400.00	\$ 3,250.00	\$ 4,000.00
L-5730 Dino A. Ius, et ux.	Clackamas	East Portland Freeway	West Linn- Pacific Hwy. Unit - Columbia River-Pacific Highway	11,150.00	16,000.00	15,800.00
L-5737 William E. Oswalt, et al.	Clackamas	East Portland Freeway	West Linn- Pacific Hwy. Unit - Columbia River-Pacific Highway	2,100.00	9,000.00 (Answer)	1,969.00
L-5715 Victor S. Risley, et al.	Clackamas	East Portland Freeway	West Linn- Pacific Hwy. Unit - Columbia River-Pacific Highway	18,500.00	27,500.00 (Answer)	23,000.00
L-5535 Theodore Bloomberg, et al.	Jackson	Lake of the Woods	Brownsboro- Hanley Ranch	2,500.00	16,820.00 (Amended Answer)	7,000.00
L-5403A Claude Meyers, et al.	Umatilla	Old Oregon Trail	Stanfield Junction- Pendleton (Remarks: It is recommended that no appeal be taken for the reason that it appears reversible error is not indicated.)	5,375.00	40,000.00	19,600.00
L-5749 Charles A. Malet, et ux.	Clackamas	East Portland Freeway	West Linn- Pacific Hwy. Unit - Columbia River-Pacific Hwy.	2,000.00	4,000.00	2,000.00
L-5704 Jean Blanchard, et vir.	Clackamas	East Portland Freeway	West Linn- Pacific Hwy. Unit - Columbia River-Pacific Highway	45,500.00	80,000.00	57,000.00

REPORT OF TRIAL OF OTHER CASES

Case	Defendant	County	Cause of Action	Demands of Plaintiff	Verdict
I-5181 State of Oregon	Lyle Hall	Coos	Negligent operation of motor vehicle damaging guard-rail. (Remarks: Amount sued for paid in full.)	\$ 254.98	
L-5771 State of Oregon	Johnny A. Sayles, et ux.	Lane	Negligent operation of motor vehicle damaging State truck. (Remarks: Dismissed. Unable to locate defendant.)	129.75	
L-5761 State of Oregon	Terry R. Borchers	Marion	Negligent operation of motor vehicle damaging guard-rail. (Remarks: Dismissed. Unable to locate defendant.)	105.46	
I-5807 State of Oregon	Alfred Burnerd Cowan	Marion	Negligent operation of motor vehicle damaging bridge. (Remarks: Amount sued for paid in full.)	290.35	
I-5808 State of Oregon	Roger Lynn Emert	Marion	Negligent operation of motor vehicle damaging landscaped area.	82.74	82.74
I-5809 State of Oregon	Robert H. Griswold	Marion	Negligent operation of motor vehicle damaging bridge. (Remarks: Judgment for amount sued for.)	362.30	
I-5812 State of Oregon	Tom Heath	Marion	Negligent operation of motor vehicle damaging sign and sight posts. (Remarks: Dismissed. Unable to locate defendant.)	46.78	

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Report of Trial of Other Cases (Continued)

Case	Defendant	County	Cause of Action	Demands of Plaintiff	Verdict
L-5814 State of Oregon	Robert Walter Kuhlman	Marion	Negligent operation of motor vehicle damaging guard-rail.	\$ 133.12	\$ 133.12
L-5816 State of Oregon	Jack M. Lee	Marion	Negligent operation of motor vehicle damaging guard-rail.	134.45	134.45
L-5819 State of Oregon	Leo Elbert Turner	Marion	Negligent operation of motor vehicle damaging sign-post and shrubbery. (Remarks: Amount sued for paid in full.)	391.97	
L-5831 State of Oregon	Albert Adam Hankel, et ux	Marion	Negligent operation of motor vehicle damaging guard-rail.	106.65	106.65
L-5683 State of Oregon	Karen Marie MacFarlane	Multnomah	Negligent operation of motor vehicle damaging bridge.	347.08	347.08
L-5642 State of Oregon	Doris Elaine Chew	Multnomah	Negligent operation of motor vehicle damaging right of way fence structure. (Remarks: Dismissed. Discovered damage was done by another party.)	274.66	
L-5777 Orville Sheets	Ray L. Zimmerman	Clatsop	Property damage from paint spray. (Remarks: Motion to Quash service resulted in eliminating the State Highway Commission as a defendant.)	490.00	

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Report of Trial of Other Cases (Continued)

<u>Case</u>	<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict</u>
L-5033 James V. Collins	Emery E. Johnston, et al.	Multnomah	Personal injuries from automobile collision. (Remarks: The case was settled between the other parties to the action with no contribution by State's insurance company per information received from the attorney handling the same. Case dismissed.)	\$75,000.00	
L-5626 Frank A. Bolden, et ux.	Fremont E. Arbuckle, et al.	Multnomah	Mortgage Foreclosure (Remarks: Highway Commission had no interest in this case and has been dismissed as a party.)	To foreclose mortgage	
L-5618 Joseph Muzya	Marvin Anderson	Umatilla	Personal injuries resulting from his automobile colliding with a cow.	56,500.00	Motion to Quash allowed. Case dismissed.
L-5757 Phyllis L. Smith	L. C. Smitton and A. F. Parson	Umatilla	Personal injury (Remarks: Motion to Quash allowed as to defendants.)	36,000.00 general 1,572.50 special	

(For additional details, see the Chief Counsel's letters concerning cases tried, dated August 14 and August 19, 1968, in the Salem Office, General Files.)

A report was also presented by the Chief Counsel on cases which have been settled out of court since the last Commission meeting. The proposed settlements, he said, are based upon competent appraisals and are in order for Federal aid. The Commission approved settlements summarized as follows:

(Tabulation shown on next page)

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REPORT OF CONDEMNATION CASES SETTLED

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Amount of Settlement</u>
L-5714 Bruce Peck, et ux.	Clackamas	East Portland Freeway	West Linn-Pacific Hwy. Unit-Columbia River-Pacific Highway (Remarks: Original appraisal in June 1967 was \$1,500. \$2,600.00 Review Appraisal.)	\$ 1,500.00	\$ 3,000.00
L-5752 Carrell F. Bradley, et al.	Washington	East Portland Freeway	West Linn-Pacific Hwy. Unit-Columbia River-Pacific Highway (Remarks: Review Appraisal \$14,925.00.)	3,800.00	16,000.00
L-5690 Ernest L. Manning, et ux.	Clackamas	East Portland Freeway	Columbia River-Pacific Highway (Remarks: Presented at the July 9, 1968, Commission Meeting as an N.O.A. item.)	6,350.00 Partial taking	9,500.00 Entire taking
L-5796 Bob L. Smith, et al.	Clackamas	Pacific	Hayesville Interchange-Wilsonville Jct. (Remarks: Presented at the July 9, 1968, Commission Meeting as an N.O.A. item.)	59,500.00	64,000.00
L-5700 Bessie W. Erickson, et al.	Clackamas	East Portland Freeway	West Linn-Pacific Hwy. Unit-Columbia River-Pacific Highway (Remarks: Original appraisals prior to negotiations were revised upwards after filing complaint to give consideration to more recent sales data. \$35,000.00 Review Appraisal.)	29,100.00	40,000.00
L-5287 Inez Toledano Kellems, et vir.	Deschutes	LaPine State Recreation Area		12,200.00 includes 2,200.00 fencing	11,500.00 does not include fencing

(Remarks: Previous report of settlement (October 31, 1967) was premature in that defendant owner refused to conclude the same on basis as submitted. Many months of additional negotiations results in binding agreement at \$11,500 instead of the \$11,000 previously reported.)

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Report of Condemnation Cases Settled (Continued)

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Amount of Settlement</u>
L-5789 Earl R. Sagert, et ux.	Clackamas	East Portland Freeway	West Linn- Pacific Hwy. Unit-Columbia River-Pacific Highway	\$13,300.00	\$15,000.00
L-5681 Diamond Fruit Growers, Inc.	Hood River	Hood River	Indian Creek	300.00	750.00
L-5803 Edna J. Marcy, et al.	Washington	East Portland Freeway	West Linn- Pacific Hwy. Unit-Columbia River-Pacific Highway	4,000.00	4,500.00
L-5847 Frank E. Wheeler, et al.	Columbia	Columbia River	Delena-Rainier	950.00	1,200.00
L-5834 Dorthea Pennington, et vir.	Washington	Pacific	North Tigard Interchange- Hubbard Interchange	10,625.00	12,000.00

(Remarks: Based on our land testimony plus timber our own value of the property would be \$12,225.)

(For additional details, see the Chief Counsel's letters dated August 7 and August 19, 1968, regarding cases settled and filed in the Salem Office, General Files.)

The Commission confirmed approval previously given by telephone on offers made to owners for acquisition of real property prior to the start of condemnation proceedings as follows:

BURLINGTON-SAUVIE ISLAND BRIDGE SECTION OF THE COLUMBIA RIVER HIGHWAY

R-42620 - Angell Brothers. 0.03 acre for right of way purposes. Offer of \$125.00 approved by Mr. Bruno July 5, 1968.

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CLACKAMAS RIVER-WEST LINN UNIT OF THE COLUMBIA RIVER-PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY

R-36193 - Jack W. Parker and Rolph B. Fuhrman. Parcel No. 1: 10.9 acres for right of way purposes; Parcel No. 2: 2.53 acres for right of way purposes; Parcel No. 3: 3.1 acres for right of way purposes; Parcel No. 4: 10.7 acres for right of way purposes; Parcel No. 5: 0.2 acre for right of way purposes. Offer of \$160,500.00 approved by Mr. Bruno July 24, 1968.

CRATER LAKE HIGHWAY-BROWNSBORO SECTION OF THE LAKE OF THE WOODS HIGHWAY

R-41994 - Harvey Nelson, et ux. 6.0 acres for right of way purposes. Offer of \$6,425.00 approved by Mr. Jackson August 7, 1968.

R-41998 - Edmund S. Armitage, et ux. Parcel No. 1: 17.5 acres for right of way purposes; Parcel No. 2: 0.25 acre for permanent easement; Parcel No. 3: 6,000 square feet for temporary easement. Offer of \$8,550.00 approved by Mr. Jackson July 29, 1968.

R-42003 - Carl B. Vickoren, et ux. Parcel No. 1: 0.5 acre for right of way purposes; Parcel No. 2: 0.54 acre for right of way purposes. Offer of \$1,500.00 approved by Mr. Jackson July 12, 1968.

R-42007 - Melvin R. Coffman, et ux. 0.03 acre for right of way purposes. Offer of \$100.00 approved by Mr. Jackson July 12, 1968.

FOREST BOUNDARY-IMNAHA SECTION OF THE LITTLE SHEEP CREEK HIGHWAY

R-41855 - Richarlee Ranches, Inc. Parcel No. 1: 28.0 acres for right of way purposes; Parcel No. 2: 1.1 acres for right of way purposes; Parcel No. 3: 0.6 acre for right of way purposes; Parcel No. 4: 0.05 acre for right of way purposes; Parcel No. 5: 0.1 acre for permanent easement; Parcel No. 6: 0.84 acre for permanent easement; Parcel No. 7: 0.62 acre for permanent easement; Parcel No. 8: 0.43 acre for permanent easement; Parcel No. 9: 0.7 acre for permanent easement; Parcel No. 10: 1.46 acres for permanent easement; Parcel No. 11: 0.34 acre for temporary easement. Offer of \$2,400.00 approved by Mr. Hill July 18, 1968.

GARRISON BEACH STATE PARK

R-40096 - Christine D. Myers. 12.0 acres for park purposes. Offer of \$28,200.00 approved by Mr. Jackson August 7, 1968.

KILLIN BRIDGE SECTION OF THE WOODBURN-ESTACADA HIGHWAY

R-42154 - Raymond C. McNulty. Parcel No. 1: 5.5 acres for right of way purposes; Parcel No. 2: 0.4 acre for right of way purposes. Offer of \$12,900.00 approved by Mr. Jackson July 16, 1968.

August 20, 1968

KLAMATH FALLS-GREEN SPRINGS HIGHWAY JUNCTION SECTION OF THE DALLES-CALIFORNIA HIGHWAY

R-40743 - Pacific Power & Light Company. Parcel No. 1: 3.4 acres for right of way purposes; Parcel No. 2: 1.8 acres for right of way purposes; Parcel No. 3: 0.01 acre for right of way purposes; Parcel No. 4: 1.4 acres for permanent easement; Parcel No. 5: 0.05 acre for permanent easement. Offer of \$2,975.00 approved by Mr. Hill July 17, 1968.

LaGRANDE SECTION OF THE OLD OREGON TRAIL

R-40256 - Robert J. Wagener, et ux. Parcel No. 1: 0.69 acre for right of way purposes; Parcel No. 2: 0.25 acre for right of way purposes. Offer of \$4,500.00 approved by Mr. Hill July 17, 1968.

R-40322 - Glen H. Stout, et ux. 0.02 acre for right of way purposes. Offer of \$250.00 approved by Mr. Hill July 16, 1968.

MISSION JUNCTION-EMIGRANT HILL SECTION OF THE OLD OREGON TRAIL

R-41949 - Kathreen Purchase. 0.91 acre for right of way purposes. Offer of \$275.00 approved by Mr. Hill July 16, 1968.

N. E. GLISAN ST.-S. E. DIVISION ST. UNIT OF THE COLUMBIA RIVER-PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY

R-41229 - Herman Klemm. 7,518 square feet for right of way purposes. Offer of \$4,700.00 approved by Mr. Bruno August 7, 1968.

R-41212 - Frank H. Hilton. 7,518 square feet for right of way purposes. Offer of \$10,500.00 approved by Mr. Jackson July 19, 1968.

R-41248 - John P. Burntrager, et ux. 7,964 square feet for right of way purposes. Offer of \$3,850.00 approved by Mr. Jackson July 16, 1968.

NYBERG ROAD TRAFFIC INTERCHANGE SECTION OF THE PACIFIC HIGHWAY

R-42259 - Eunice Kaiser. 14,400 square feet for right of way purposes. Offer of \$2,600.00 approved by Mr. Bruno August 7, 1968.

PENDLETON SECTION AND WEST EXTENSION OF THE PENDLETON SECTION OF THE OLD OREGON TRAIL

R-39143 - Doris M. Brown. Parcel No. 1: 0.01 acre for right of way purposes; Parcel No. 2: 0.5 acre for right of way purposes. Offer of \$3,800.00 approved by Mr. Hill July 16, 1968.

R-42793 - Doris M. Brown. 2.75 acres for right of way purposes. Offer of \$17,900.00 approved by Mr. Hill July 16, 1968.

August 20, 1968

SEVENTH AVENUE-WILLAMETTE RIVER SECTION OF THE EUGENE-SPRINGFIELD HIGHWAY

R-40668 Mary Effie Dunning. 198 square feet for right of way purposes. Offer of \$800.00 approved by Mr. Jackson August 7, 1968.

UMPOUA HIGHWAY SCENIC AREA

R-41882 - Frankie L. Boye, et ux. 7.0 acres for scenic area. Offer of \$20,000.00 approved by Mr. Jackson July 16, 1968.

WEST LINN-PACIFIC HIGHWAY UNIT OF THE COLUMBIA RIVER-PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY

R-41703 - Carl P. Hansen, et ux. Parcel No. 1: 6.4 acres for right of way purposes; Parcel No. 2: 0.04 acre for right of way purposes; Parcel No. 3: 0.2 acre for permanent easement; Parcel No. 4: 0.17 acre for temporary easement. Offer of \$13,400.00 approved by Mr. Jackson July 9, 1968.

R-41707 - Fred Sagert. Parcel No. 1: 16.5 acres for right of way purposes; Parcel No. 2: 12.0 acres for right of way purposes; Parcel No. 3: 1.0 acre for right of way purposes; Parcel No. 4: 0.69 acre for right of way purposes; Parcel No. 5: 0.65 acre for right of way purposes. Offer of \$55,150.00 approved by Mr. Jackson July 10, 1968.

R-41708 - Robert W. Earl, et ux. Parcel No. 1: 4.0 acres for right of way purposes; Parcel No. 2: 0.72 acre for right of way purposes. Offer of \$11,400.00 approved by Mr. Jackson July 10, 1968.

R-41710 - Frank Squicciarini. 3.1 acres for right of way purposes. Offer of \$9,650.00 approved by Mr. Jackson July 11, 1968.

R-41711 - Carrell F. Bradley, et al. Parcel No. 1: 5.9 acres for right of way purposes; Parcel No. 2: 0.07 acre for right of way purposes. Offer of \$14,925.00 approved by Mr. Jackson July 17, 1968.

A report was made by the Chief Counsel concerning orders received from the Public Utility Commissioner regarding highway crossing matters which is summarized as follows:

PUX 665: Application by the State Highway Commission to construct a county road grade crossing over the tracks and right of way of Union Pacific Railroad Company, known as the Bond Lane Grade Crossing Project approximately two miles southeast of LaGrande in Union County. Order No. 44900 was issued July 26, 1968.

PUX 684: Application by the State Highway Commission to alter a highway grade crossing over the tracks and right of way of Southern Pacific Company on the Salmon River Highway approximately one mile northeast of the city of Dayton in Yamhill County. Order No. 44796 was issued August 5, 1968.

August 20, 1968

An assignment of the State's claim against Mr. Jacob H. Alexanian to U. S. Fidelity and Guaranty Company, CAO 68-71, was brought up by the Chief Counsel. He explained that on January 21, 1968, Mr. Alexanian had damaged Highway property in the amount of \$402.60 approximately 20 miles west of Pendleton on the Old Oregon Trail in Umatilla County. The U. S. Fidelity and Guaranty Company has agreed to pay the claim provided the State will assign to them their claim against Mr. Alexanian. The surety claims that Mr. Alexanian had misrepresented his qualifications in his application to them. The Commission approved the assignment.

Authority was requested by the Chief Counsel to cancel several delinquent rental accounts. In explanation he pointed out that no delinquent accounts have been cancelled since 1964. Some of those who have not paid their rentals have moved out and disappeared; some are unemployed; some are on welfare; and some are bankrupt. He presented a list of nine rental claims totaling \$1,861.37 and recommended that efforts to collect be abandoned. The Commission approved abandonment of the following claims:

File No.	Renter	Vacated	Amount	Reason
28663	Bob Wallace	4-21-65	\$245.00	Left State, Unable to locate.
30641	Donald Crapser	7-1-62	135.00	Unable to locate.
32370	Theodora Buckler	4-15-63	255.00	On welfare and no assets.
31857	Roto-lift Mfg. Co.	9-29-67	483.62	This company is defunct with no assets.
32374	H. R. Norris	6-30-64	110.00	Unable to locate.
35111	Allen Products Inc.	4-30-66	50.00	Unable to locate.
39496	Arden Flanders	12-20-67	233.75	Unemployed and no assets.
40659	Virgil G. Dexheimer	10-20-67	120.00	Unemployed and no assets.
40880	James E. Kelso	5-9-68	230.00	Unemployed and no assets.

The Chief Counsel made a report on legal proceedings which have been instituted against the State Highway Commission, its officers or employees. The Commission accepted the report summarized as follows:

- (1) Elaine Leonard vs. Forrest Cooper, L. C. Smittor, Claude Stamper and Allstate Insurance Company, L-5836: The plaintiff alleges she was injured when a rock fell from a cliff near M.P. 197 on the Columbia River Highway, east of Umatilla, Umatilla County, and struck the plaintiff's vehicle. She claims \$250,000 general damages and \$5,000 for medical expenses.
- (2) Roy L. Houck Sons' Corporation vs. State Highway Commission, L-5837: This involves a claim by the contractor on Contract 6156, Pacific Highway in Multnomah County, and is based on an alleged shortage of material for rock crushing. Plaintiff further alleges that this was due to incorrect information on the project plans and seeks damages in the amount of \$36,429.49.

- (3) Michael E. Malloy vs. W. R. Rogers and Donald C. Rogers and Forrest Cooper, L-5838: The plaintiff claims \$600,000 general damages and \$19,504.35 special damages because of an accident which occurred east of Cascade Locks on the Columbia River Highway in Hood River County. Plaintiff collided head-on with another car and alleges that the defendants were negligent in not properly signing the highway for two-way traffic.
- (4) Lillie C. Murphy vs. State Highway Commission, Warren Brothers Company, Warren Northwest, and Robert R. and Maxine N. Trader, L-5849: Plaintiff seeks possession of 30,000 cubic yards of crushed rock or the sum of \$90,000 arising out of Contract No. 6643 on the Grave Creek Section of the Pacific Highway in Josephine County. Warren Northwest, contractor, obtained a lease agreement with the plaintiff to store rock material on her property. Warren Northwest tendered payment to the plaintiff but she refused to accept and demanded possession of the leased area and the rock. The State attempted to negotiate a lease to cover the period needed to remove the gravel, but the plaintiff again refused to negotiate. The State then removed the crushed rock from the plaintiff's property prior to expiration of the contractor's lease.

The Deputy Engineer presented an easement deed conveying to the United States of America right of way for an access road across a part of Hat Rock State Park, Umatilla County. He stated that the road is needed to serve a quarry and will not be an objectionable feature in the operation of the park. The State has reserved the perpetual right to use the road, and maintenance of it is to be at the expense of the agency using the road or to be shared proportionally. Following his favorable recommendation, the Commission approved the easement deed.

Consideration was given to an agreement with the City of Cottage Grove covering participation in the purchase of approximately 3½ acres of land as a part of the Willamette River Park System known as River Road Parkway No. 2 in Lane County. Nine parcels of land are involved at a total estimated value of \$37,680. Financing is to be on the basis of 50 percent from the Land and Water Conservation Fund, and 25 percent each from the State Highway Department and City of Cottage Grove. The Commission accepted the Deputy Engineer's favorable recommendation and authorized the Secretary to sign the agreement in their behalf.

An agreement with the City of Independence covering participation in the purchase of approximately 5 acres for the Willamette River Park System in Polk County was presented by the Deputy Engineer. He estimated

the cost of the project at \$60,000 to be financed 50 percent from the Land and Water Conservation Fund, and 25 percent each by the State Highway Department and the City of Independence. He recommended that the agreement be approved. The Commission accepted his recommendation and authorized the Secretary to sign the agreement in their behalf.

Confirmation was requested for approval of an agreement with the City of Salem given by the Chairman on July 30, 1968, on a Willamette River Park System acquisition of land for Fairmount Park Addition in Salem, Marion County. The project contemplates purchase of 12.337 acres at an estimated cost of \$75,550 to be financed 50 percent from the Federal Land and Water Conservation Fund, and 25 percent each by the State Highway Department and the City of Salem. The Commission confirmed the Chairman's action and authorized the Secretary to sign the agreement for them.

Expiration of the term of Loran L. Stewart, Chairman of the State Parks and Recreation Advisory Committee, on September 26, 1968, was brought up by the Deputy Engineer. He stated that Mr. Stewart had been contacted and is agreeable to reappointment and he so recommended. The Commission reappointed Mr. Stewart to this committee for a four-year term beginning September 27, 1968.

Attention was given to an agreement with Benton County covering participation in the purchase of 8 acres of land along the Willamette River at Irish Bend as a part of the Willamette River Park System. The Deputy Engineer stated that the area about 15 miles south of Corvallis is expected to cost a total of approximately \$3,200. Financing is expected to be provided 50 percent from the Land and Water Conservation Fund, and 25 percent each by Benton County and the State Highway Department. The Commission accepted his favorable recommendation and authorized the Secretary to sign the agreement for them.

Location surveys for the improvement of several sections of State highways were recommended by the Deputy Engineer who commented on some of the features in each section. Based on his favorable recommendation, the Commission approved the following surveys and thereupon adopted "Survey Resolutions Nos. 350 through 352," which resolutions by this reference are made a part hereof and filed in the Secretary's Office:

- (1) Columbia County Line-Burlington Section of the Columbia River Highway in Multnomah County. (See "Survey Resolution No. 350.")
- (2) Walnut Street-Washington Street (Dallas) Section of the Kings Valley Highway in Polk County. (See "Survey Resolution No. 351.")
- (3) Richmond Junction-Girds Creek Road Section of the Service Creek-Mitchell Highway in Wheeler County. (See "Survey Resolution No. 352.")

- (4) Stringtown Road Section of the Salem-Dayton Highway in Yamhill County. (See "Survey Resolution No. 352.")

Increases in project authorizations covering overruns on three contracts were presented by the Deputy Engineer and approved by the Commission as follows:

- (1) Contract No. 7114 on the Oregon Coast Highway for repairs to the Alsea Bay Bridge on the Oregon Coast Highway in Lincoln County in the amount of \$181,964 (35 percent). The principal reason for the overrun was the inability to estimate accurately the cost of jacking the structure to its original position. (This was verbally approved on July 19, 1968, by Chairman Jackson.)
- (2) Contract No. 7133 on the Lane Community College Interchange Section of FAS 859 in Lane County in the amount \$98,098.52 (19.3 percent). Cause of the overrun was given as work added to the contract at the request of Lane County to complete the surfacing and paving. The original contract covered only the grading portion as Lane County had originally intended to let a separate contract for surfacing and paving. A letter form agreement with Lane County covering additional work estimated to cost \$95,200 was presented by the Deputy Engineer. Lane County has deposited this amount with the Highway Department. The Commission approved the agreement and authorized the Secretary to sign it for them.
- (3) Contract No. 6906 on the Delena-Rainier Section of the Columbia River Highway in Columbia County in the amount of \$118,589.72 (6.25 percent). Major reasons given for the overrun were slides which occurred during the winter and additional embankment foundation excavation because of unstable soil conditions.

Requests made by contractors for extensions of time to complete Highway contracts without assessment of liquidated damages were considered by the Commission. The Deputy Engineer stated that each request has been carefully investigated, and the results of the investigations have been reported to the Commission by letter. The Commission took action as follows:

- (1) Stach Construction Company, Inc., and M. R. Holst, Contract No. 6963 on the Olds Ferry-Ontario Highway in Malheur County, requested 84 additional calendar days. The Commission approved an extension of 40 calendar days without assessment of liquidated damages leaving three days on which liquidated damages are to be charged. Approval by the Bureau of Public Roads was given in Mr. Omar L. Homme's letter, Boise, Idaho, dated July 3, 1968.

- (2) Morse Bros., Inc., Contract No. 7072 on the Seavy Street Channelization Project in Corvallis on the Pacific Highway West in Benton County, requested an increase of 60 calendar days. The Commission approved an extension from 50 to 54 calendar days (to the date of completion) on the first phase of the contract, and an extension to 263 calendar days on the second phase thus eliminating all liquidated damages.
- (3) Jansen's Landscaping Co., Contract No. 7098 on the Beaverton-Tigard Highway in Washington County, requested an extension of the completion date from May 31 to June 10, 1968. The Commission approved an extension to June 10, 1968, without assessment of liquidated damages.
- (4) Baltz & Son Co., Contract No. 7070 on the Columbia River Highway in Wasco County requested an extension of the specified completion date from December 31, 1967, to May 17, 1968. The Commission approved an extension to May 17, 1968, the date of completion, without assessment of liquidated damages. Concurrence by the Bureau of Public Roads was given in their letter dated July 24, 1968.
- (5) Murphy Brothers, Inc., Contract No. 6747 on the Old Oregon Trail in Baker and Malheur Counties, requested an extension of the specified completion date from November 10, 1967, to March 17, 1968. The Commission approved an extension of time covering the stop work order in effect from December 14, 1967, to March 7, 1968, plus an extension of 17 days thus reducing to 27 the number of days on which liquidated damages will be charged. Bureau of Public Roads' approval was given in their letter of July 15, 1968. (Chairman Jackson gave telephonic approval on July 19, 1968.)
- (6) McKenzie Road & Driveway Co., Contract No. 7134 on Creswell city streets in Lane County, requested an increase of two calendar workdays. The Commission approved the request without assessment of liquidated damages.
- (7) Peter Kiewit Sons' Co., Contract No. 6773 on the Lower Columbia River Highway in Clatsop County, protested the assessment of 32 days liquidated damages. This matter was presented to the Highway Department Claims Review Board, who after reviewing the matter carefully, recommended an extension of 32 days without assessment of liquidated damages. The Commission accepted the recommendation.

- (8) E. E. Steinlicht, Contract No. 7090 on the Central Oregon Highway in Deschutes County, requested that the completion date be advanced to April 30, 1968. The Commission granted an extension of time to April 30, 1968, on Phase 1 without assessment of liquidated damages. No extension was necessary for Phase 2. Approval was received from the Bureau of Public Roads in their letter of July 16, 1968.
- (9) Interstate Paving Company, Contract No. 7060 on the Hood River Highway in Hood River County, requested an increase of 83 calendar days. The Commission approved the request without assessment of liquidated damages.

The Deputy Engineer reported that Contracts Nos. 6895, 6950, 6960, 6963, 7029, 7088, 7096, 7104, 7106, 7118, 7119, 7120, 7123, 7131, 7134, 7136, 7137, and 7141 for highway construction have been completed as required by the contracts or modifications thereof and said contracts are now ready for acceptance or have been accepted by letter since the last Commission meeting. After due consideration, the Commission accepted the contracts by adopting "Contracts Completed Resolution No. 169," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The date of Tuesday, October 1, 1968, was confirmed by the Commission for the next regular meeting date to be held in the Conference Room of the State Highway Building in Salem. A tentative date for the following meeting was set for November 12, 1968.

The Commission confirmed telephonic approval given on August 9, 1968, awarding contracts on which bids were received August 1, 1968, and authorized the Secretary to sign contracts on the following projects:

BIDS RECEIVED IN SALEM August 1, 1968

Contract No. 7150 for grading, paving, structure, signs and illumination on the West Linn-Tualatin River Section of the East Portland Freeway in Clackamas County. Federal-aid Interstate Highway Project No. I-205-7(11)294. Seven bids were received. The Commission elected to accept the low bid of Gibbons & Reed Company and Al Johnson Construction Company, Portland, in the sum of \$10,005,328.00 and the State Highway Engineer was directed to award the contract to said bidder as soon as utility crossing permits have been issued and approval by the Bureau of Public Roads is received.

Contract No. 7151 for grading, paving, structures and signing on the Tualatin River-Pacific Highway Section of the East Portland Freeway and Pacific Highway in Clackamas and Washington Counties. Federal-aid Interstate Highway Project No. I-205-7(12)290. Six bids were received. The Commission elected to accept the low bid of Guy F. Atkinson Company, San Francisco, California, in the sum of \$8,792,368.50 and the State Highway Engineer was directed to award the contract to said bidder as soon as utility crossing permits have been issued and approval by the Bureau of Public Roads is received.

Contract No. 7152 for grading and paving on McKillican Street in the city of West Linn in Clackamas County. State Project. Two bids were received. The Commission elected to accept the low bid of Charles T. Parker Construction Company, Portland, in the sum of \$56,763.00 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of the City of West Linn is received and the sum of \$18,425.00 is deposited by the City.

Contract No. 7153 for grading and paving on Hood Avenue in the city of Sandy in Clackamas County. State Project. Two bids were received. The Commission elected to accept the low bid of Oregon Asphaltic Paving Company, Portland, in the sum of \$30,359.50 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of the City of Sandy is received and the sum of \$10,965.00 is deposited by the City.

Contract No. 7154 for improvement in the South Umpqua River Safety Rest Area (Southbound Unit) on the Pacific Highway in Douglas County. Federal-aid Interstate Highway Project No. I-5-2(59)112. Five bids were received. The Commission awarded the contract to All-City Tree & Landscape Service, Portland, in the amount of \$148,017.20.

Contract No. 7155 for grading and paving on Montgomery Avenue in the city of Glendale in Douglas County. State Project. One bid was received. The Commission awarded the contract to Roseburg Paving, Inc., Roseburg, in the amount of \$13,153.50.

Grading and oiling on the Ash Street-Beech Creek (M.: Vernon) Section of the John Day Highway in Grant County. State Project. This project was withdrawn from the letting.

Contract No. 7156 for plant mixed pavement seal on the Multnomah County Line-East Cascade Locks Section of the Columbia River Highway in Hood River County. Federal-aid Interstate Highway Project No. I-80N-2(42)39. One bid was received. The Commission rejected the bid as being too high.

Contract No. 7157 for illumination at the East and West Cascade Locks Interchanges on the Multnomah County Line-East Cascade Locks Section of the Columbia River Highway in Hood River County. Federal-aid Interstate Highway Project No. I-80N-2(41)42. Two bids were received. The Commission elected to accept the low bid of W. R. Grasle Company, Portland, in the sum of \$50,640.00 and the State Highway Engineer was directed to award the contract to said bidder as soon as approval of the Bureau of Public Roads is received.

Contract No. 7158 for signing the Route I-80N Weigh Stations on the Columbia River Highway and Old Oregon Trail in Hood River, Union, Baker and Malheur Counties. Federal-aid Interstate Highway Project Nos. I-80N-2(40)48, I-80N-6(34)258, I-80N-7(24)307 and I-80N-8(17)353. Four bids were received. The Commission awarded the contract to Stillwell Construction Company, Bellevue, Washington, in the amount of \$63,902.00.

Contract No. 7159 for a signal on Table Rock Road at Vilas Road on FAS 15-106 in Jackson County. FAP No. S-15-106(1). Two bids were received. The Commission elected to accept the low bid of Steeck Electric Company, Medford, in the sum of \$8,480.00 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of Jackson County is received and the sum of \$2,300.00 is deposited by the County.

Contract No. 7160 for grading and paving on the Main Street-Broad Street (Klamath Falls) Section of the Klamath Falls-Lakeview Highway in Klamath County. State Project. One bid was received. The Commission elected to accept the lone bid of Asphalt Paving Company, Klamath Falls, in the sum of \$114,992.00 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of the City of Klamath Falls is received and the sum of \$19,900.00 is deposited by the City.

Contract No. 7161 for illumination installation on the Boardman Interchange Section of the Columbia River Highway in Morrow County. Federal-aid Interstate Highway Project No. I-80N-5(31)163. Three bids were received. The Commission awarded the contract to W. R. Grasle Company, Portland, in the amount of \$36,990.00.

Contract No. 7162 for construction of the Little Luckiamute River (Bridgeport) Bridge on FAS-935 in Polk County. FAP No. S-566(1). Six bids were received. The Commission awarded the contract to Ross Bros. Construction, Inc., Salem, in the amount of \$75,690.00.

Contract No. 7163 for construction of the Umatilla River (Cayuse) Bridge on FAS-473 in Umatilla County. FAP No. S-171(2). Four bids were received. The Commission elected to accept the low bid of Stach Construction Company, Inc., Grants Pass, in the sum of \$131,080.00 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of Umatilla County is received and the sum of \$29,800.00 is deposited by the County.

Contract No. 7164 for grading and paving on "D" and 5th Streets in the city of Umatilla in Umatilla County. State Project. One bid was received. The Commission elected to accept the lone bid of Percy E. Jellum Contractor, Inc., Pendleton, in the sum of \$25,555.00 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of the City of Umatilla is received and the sum of \$4,580.00 is deposited by the City.

Contract No. 7165 for grading and paving on the Butner Road-Jenkins Road (145th Avenue) Section of FAS-630 in Washington County. FAP No. S-508(3). Three bids were received. The Commission elected to accept the low bid of Cascade Construction Company, Inc., Portland, in the sum of \$153,555.50 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of Washington County is received and the sum of \$36,100.00 is deposited by the County.

Contract No. 7166 for slide correction on the Glen Aiken Creek-Gray Creek Section of the Coos Bay-Roseburg Highway in Coos County. FAP No. F-111(10). Two bids were received. The Commission elected to accept the low bid of Groesbeck-Durbin, Inc., Eugene, in the sum of \$125,876.00 and the State Highway Engineer was directed to award the contract to said bidder as soon as approval of the Bureau of Public Roads is received.

Contract No. 7167 for construction of the Bachelor Butte Sand Shed on the Century Drive Highway in Deschutes County. State Project. Five bids were received. The Commission awarded the contract to Ross Bros. Construction, Inc., Salem, in the amount of \$30,310.00.

The Deputy Engineer reported that awards of contracts had been made which had been referred to the Engineer by the Commission to award when certain conditions were fulfilled. The Commission confirmed award of the following contracts:

- (1) Grading and paving on McKillican Street in the city of West Linn in Clackamas County. Bids received August 1, 1968. Contract No. 7152 awarded August 16, 1968, to Charles T. Parker Construction Co., Oregon City, low bidder.
- (2) Grading and paving on Hood Avenue in the city of Sandy in Clackamas County. Bids received August 1, 1968. Contract No. 7153 awarded August 9, 1968, to Oregon Asphaltic Paving Co., Portland, low bidder.
- (3) Illumination installation on the Multnomah County Line-East Cascade Locks Section of the Columbia River Highway in Hood River County. Bids received August 1, 1968. Contract No. 7157 awarded August 9, 1968, to W. R. Grasle Co., Portland, low bidder.
- (4) Traffic signal installation on Table Rock Road at Vilas Road on FAS 15-106 in Jackson County. Bids received August 1, 1968. Contract No. 7159 awarded August 9, 1968, to Steeck Electric Co., Medford, low bidder.
- (5) Grading and paving the Main Street-Broad Street (Klamath Falls) Section of the Klamath Falls-Lakeview Highway in Klamath County. Bids received August 1, 1968. Contract No. 7160 awarded August 15, 1968, to Asphalt Paving Co., Klamath Falls, low bidder.

- (6) Grading and paving on the Butner Road-Jenkins Road Section of FAS 630 in Washington County. Bids received August 1, 1968. Contract No. 7165 awarded August 16, 1968, to Cascade Construction Company, Inc., Portland, low bidder.
- (7) Slide correction on the Glen Aiken Creek-Gray Creek Section of the Coos Bay-Roseburg Highway in Coos County. Bids received August 1, 1968. Contract No. 7166 awarded August 9, 1968, to Groesbeck-Durbin, Inc., Eugene, low bidder.
- (8) Grading, paving, structures, signing and illumination on the West Linn-Tualatin River Section of the East Portland Freeway in Clackamas County. Bids received August 1, 1968. Contract No. 7150 awarded August 19, 1968, to Gibbons & Reed Co. and Al Johnson Const. Co., Portland, low bidder.
- (9) Grading, paving, structures, and signing on the Tualatin River-Pacific Highway Section of the East Portland Freeway in Clackamas and Washington Counties. Bids received August 1, 1968. Contract No. 7151 awarded August 19, 1968, to Guy F. Atkinson Company, San Francisco, California, low bidder.

The Deputy Engineer recommended and the Commission approved adding the following projects to the current State Construction Program:

- (1) Santiam Junction-Southern Pacific Railroad Overcrossing (Albany) Section on the Albany-Junction City Highway at a total estimated cost of \$45,000, the State's share being \$32,000 and the City of Albany's share \$13,000.
- (2) Walnut Street-Washington Street Section of the Kings Valley Highway in Polk County. Estimated total cost of the project is \$315,000, of which the State's share is \$236,250 and the City's share \$78,750, (Dallas).
- (3) Construction of a deep interceptor drain at the intersection of the Doaks Ferry County Road with the Willamina-Salem Highway in Polk County at an estimated cost of \$50,000.
- (4) Landscaping on McKenzie Highway Junction with the Eugene-Springfield Highway at an estimated cost of \$7,500.

Transfer of a city street project in the city of Mt. Vernon was presented by the Deputy Engineer. He explained that an unforeseeable conflict had arisen in the city which would require postponement of the \$30,000 project for at least a year. He recommended that the project in Mt. Vernon be deferred and the funds transferred to the Steens Highway Project, thus increasing this project from \$120,000 to \$150,000. The Commission confirmed verbal approval given by the Chairman on July 12, 1968.

Transfer of \$25,000 from the City of Arlington in Gilliam County to the City of Warrenton in Clatsop County under the City Allotment Program was recommended by the Deputy Engineer. It has been determined that the project originally allocated to Arlington cannot be undertaken until next year. The City of Warrenton has presented a request to improve and restore S. E. Jetty Avenue. Due to construction of the new aluminum plant, S. E. Jetty Avenue has been subjected to unusual traffic which is causing a breakup of the street. The Commission approved the transfer of funds with the understanding that the Arlington Project will be restored in 1969. This action confirmed telephonic approval given by the Chairman on July 11, 1968.

Continuation of a cooperative project with the U. S. Coast and Geodetic Survey to establish horizontal geodetic control along Federal-aid highways was presented by the Deputy Engineer. He recalled that this work has been in progress under agreement since August 15, 1962, and he recommended that it be continued for another year at a cost of \$2,000. The Commission approved continuation of the project.

Consideration was given to requests from Clackamas, Grant and Jackson Counties for Federal-Aid Secondary Projects. The Deputy Engineer stated that the projects have been investigated and are eligible for the use of Federal-Aid Secondary Funds. Following his favorable recommendation, the Commission approved the following projects and authorized the Secretary to sign routine construction agreements:

County	FAS	Section and Description	Programmed Amount	FAS Funds
Clackamas	131	Park Place Interchange Section Clackamas River Road Grade, drain, base and pave; 1700 feet.	\$130,000	1968
Grant	12-104	John Day Highway-Wickiup Forest Camp Section Canyon Creek Road Base, level and oil, 7.5 miles. (To be supplemented with future funds if necessary.)	285,000	1968

County FAS Projects (Continued)

County	FAS	Section and Description	Programmed Amount	FAS Funds
Jackson	15-101	Crater Lake Highway-Reese Creek Section Butte Falls Road Pave with A. C.; 3 miles.	\$274,000	1968 & 1969
Jackson	15-107	Hilton Road-Airport Road Section Biddle Road Clear, grade, drain, base, pave and curb; 1.2 miles	305,000	1969
		TOTAL	\$994,000	

SUMMARY BY FISCAL YEARS	1968	1969	Total
Allocated Funds	\$3,980,000	\$3,969,000	\$7,949,000
Approved Projects (corrected to date)	3,529,000	- -	3,529,000
Unprogrammed Balance	451,000	3,969,000	4,420,000
Projects Proposed 8/20/68	451,000	543,000	994,000
Unprogrammed Balance	- -	3,426,000	3,426,000

A traffic condition has developed on the Lower Columbia River Highway south of Scappoose in Multnomah and Columbia Counties which requires action. The Deputy Engineer said an investigation had been made and he recommended that a 50 mile-per-hour speed zone be established beginning at a point 200 feet south of the Multnomah County Line (M.P. 18.35) and extending to a point 200 feet north of Dutch Canyon Road (M.P. 19.12). The Commission accepted his recommendation and thereupon adopted "Speed Zone Resolution No. 540," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Deputy Engineer stated that removal of salvage timber in the Oxbow fire area had been discussed with the State Forester and with County officials in Lane, Douglas, and Coos Counties. It appears necessary that as much of the salvage timber be removed this year as possible to prevent deterioration. He asked that the Commission confirm verbal approval given by the Chairman on August 14 for operation of log trucks on the State Highway System on Saturday afternoons beginning August 17, 1968, and ending September 7, 1968, in the following area:

All of Lane, Douglas and Coos Counties westerly of but not including Interstate 5 (except that portion of I-5 between the Curtin and Divide Interchanges) and/or such other roads reasonably tributary to the above area for the purpose of removing logs or salvage timber from the Oxbow Burn area.

The Commission confirmed the action and thereupon adopted "Permit Resolution No. 30," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

An abandonment resolution transferring to Washington County a portion of the old Forest Grove-Gaston Section of the Tualatin Valley Highway was brought up by the Deputy Engineer. This action, he said, completes the transfer of approximately 5.43 miles in compliance with an agreement with the County dated December 19, 1966. The new section was opened to traffic July 17, 1968. The Commission approved the abandonment and thereupon adopted "Abandonment Resolution No. 460," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Commission considered a resolution abandoning to the abutting property owners approximately 0.3 mile of old highway alignment on the South Umpqua River (Smith) Bridge Section of the Elkton-Sutherlin Highway in Douglas County. The Deputy Engineer commented that the old bridge is to be dismantled and stockpiled for later disposition. Following his favorable recommendation, the Commission adopted "Abandonment Resolution No. 478," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Commission also considered a resolution abandoning to Lane County and the adjoining property owner (Willamette National Forest) five segments of the old alignment of the Blue River-Belknap Junction Section of the McKenzie Highway in Lane County. The Deputy Engineer mentioned that Unit D consisting of approximately three miles is to be transferred to Lane County and four smaller segments totaling approximately 1.2 miles are to be transferred to the Willamette National Forest. The work to be done as provided in the agreement has been completed and he recommended that the abandonment be approved. The Commission accepted his recommendation and thereupon adopted "Abandonment Resolution No. 475," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

An amendatory resolution concerning abandonment of a portion of old highway alignment in the North Fork, Siuslaw River Section of the Florence-Eugene Highway (old Siuslaw Highway) in Lane County was presented by the Deputy Engineer. He explained that in the original resolution a segment of property had been abandoned which had not been acquired by the State and recommended adoption of the amendatory action to correct the error. The Commission accepted his recommendation and thereupon adopted "Abandonment Resolution No. 380," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

A throughway agreement with Jackson County pertaining to construction of the Crater Lake Highway-Brownsboro Section of the Lake of the Woods Highway in Jackson County was considered. The Deputy Engineer commented that the agreement contains the usual provisions including right-of-way acquisition, construction and maintenance by the State, the closure of certain roads and relocation of utility facilities. Following his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

Consideration was also given to a throughway agreement with Baker County pertaining to construction of the Lime Section of the Old Oregon Trail (I-80N) in Baker County. The agreement provides for right-of-way acquisition, construction and maintenance by the State as well as the closure of certain roads, relocation of utility facilities and other matters. Based on the Deputy Engineer's favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

An agreement with the City of LaGrande for installation of traffic signals at the intersection of Adams Avenue and Cherry Street with the Old Oregon Trail in Union County was presented by the Deputy Engineer. He stated that the State is to perform the work at an estimated cost of \$8,000 with the State's share to be taken from Minor Betterment Funds. The City is to pay one half the cost of installation, maintain the signals, and pay for all electrical energy used. Following his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it in their behalf.

Consideration was given to an agreement with the City of Condon in Gilliam County pertaining to a crosswalk sign across the John Day Highway at the city park. The Deputy Engineer stated that drink and food concessions have created a safety problem. Under the agreement, the State is to furnish the City a crosswalk sign and materials for installation at an estimated cost of \$400. The City is to install and maintain the sign. The Commission accepted his recommendation for approval and authorized the Secretary to sign the agreement for them.

A supplemental letter-form agreement with the City of Dallas pertaining to a project on the Jefferson and Main Street couplet on the Kings Valley Highway in Dallas, Polk County, was discussed. The Deputy Engineer explained that the agreement covers initial work on Jefferson Street, with possible future work on Main Street. He estimated the cost of the project at \$315,000 of which the State is to pay 75 percent and the City 25 percent and recommended approval of the agreement. The Commission accepted his recommendation and authorized the Secretary to sign the agreement for them.

Attention was given to a request from the ESCO Corporation and the Morden Machines Company of Portland that the State consent to vacation of a portion of Whitaker Street in Portland abutting Lot 5, Block 122, and Lot 8, Block 138, Caruthers Addition. The Deputy Engineer commented that the area is located just easterly of the Pacific Highway and a short distance southerly from the Ross Island Bridge. Consent of the Highway Commission is required as the State owns the westerly half of Block 122. He recommended that the Consent be given as there is no reason to object to the vacation of the street. The Commission accepted his recommendation thereby confirming verbal approval given by the Chairman on August 9, 1968, and authority for the Secretary to sign the consent.

An agreement with Cole and Weber extending their contract for providing travel advertising services for a period of one year ending June 30, 1969, was considered. The Deputy Engineer recalled that on July 31, 1968, the Chairman had given verbal approval and he requested confirmation. The Commission confirmed the action and the authority for the Secretary to sign the agreement.

The Commission considered an agreement with the Great Northern Railway Company regarding raising of a structure over The Falles-California Highway four miles south of Bend in Deschutes County. The Deputy Engineer recalled that a PUC Order had established a minimum clearance of 15 feet which work was to be done by the Railway Company. Measurements taken after the work was done indicated that a full 15-foot clearance had not been achieved and subsequent resurfacing of the highway had reduced the clearance to 14 feet 6 inches. The agreement provides that the Railway Company and the State share the cost of securing the 15-foot clearance on a 50-50 basis estimated to cost each party \$5,300. Because of the large amount of logging on this road, the Deputy Engineer stated that it is important that there be an additional one-foot clearance and he recommended that this be done at a cost to the State of \$15,200. The estimated cost of the entire project is \$5,300 to the Railway Company and \$20,500 to the State. Based on his favorable recommendation, the Commission approved the agreement.

An Indenture from Southern Pacific Company granting to the State easements for drainage structures on the Independence Junction-West Salem Section of the Willamina-Salem Highway in Polk County was presented by the Deputy Engineer. He commented that the Indenture is a follow-up to a construction agreement dated April 20, 1965. The construction work has been done and the Indenture provides that the State maintain the culverts or reimburse the Railroad for maintaining them. The Commission accepted his recommendation for approval of the Indenture.

The Commission also considered an easement agreement from Southern Pacific Company to the State covering the alteration of an existing grade crossing on the Salmon River Highway approximately one mile northeast of Dayton in Yamhill County. The Deputy Engineer stated that the agreement provides for installation of crossing gates and widening of the highway to

include stop lanes on either side of the crossing. Cost of the crossing gates is to be shared 50-50 with the Railroad. Cost of renewing the existing width of the crossing surface is to be borne by the Railroad. Cost of the additional width for the stop lanes is to be borne by the State. The work is to be performed by Railroad forces and the State's share of the cost is estimated at \$9,745. Flashing yellow advance warning lights and signs are to be installed by the State at an estimated cost of \$1,000. In addition to this work, the Deputy Engineer also recommended that the existing highway be widened from the grade crossing north to the Pacific Highway West with 10-foot paved shoulders to be constructed by State maintenance forces at an estimated cost of \$14,000. The Commission approved the easement and the project as presented.

An agreement with the City of Myrtle Point was presented by the Deputy Engineer providing for installation of traffic signals at the intersection of 8th Street (Coos Bay-Roseburg Highway) and Spruce Street, and at the intersection of 8th Street and Harris Street in Coos County. He estimated the total cost of the installation at \$20,000 with the State's share of \$10,000 to be taken from Minor Betterment Funds. The City is to pay one half the cost of installation and provide all maintenance and electrical energy needs. Following his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

Attention was given to a letter-form agreement with Multnomah County pertaining to improvement of S. W. Douglas Street rear the Haines Road Interchange on the Pacific Highway in Multnomah County. The Deputy Engineer remarked that the agreement provides that the County secure the right-of-way, construct and maintain S. W. Douglas Street at no expense to the State and complete their construction prior to or concurrent with State construction in this area. The Commission accepted his recommendation for approval and authorized the Secretary to sign the agreement for them.

A resolution was presented by the Deputy Engineer amending "Authorization Resolution 8b" so as to empower the Assistant Secretary as well as the Secretary to sign vouchers for payments that have been authorized by the Commission. Following his favorable recommendation, the Commission adopted "Authorization Resolution No. 8c," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

A supplemental throughway agreement was brought up by the Deputy Engineer pertaining to the Crater Lake Highway-Brownsboro Section of the Lake of the Woods Highway in Jackson County. This agreement, he said, provides for additional county road closures, county acceptance of frontage roads, and removal of a county bridge crossing Little Butte Creek near Brownsboro. Following his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

An increase from \$80,000 to \$100,000 using State construction funds was requested by the Deputy Engineer and approved by the Commission on the Richmond Junction-Girds Creek Road Project on the Service Creek-Mitchell Highway in Wheeler County.

The Assistant Highway Engineer, Lloyd Shaw, stated that an application had been received on July 26, 1968, from Mr. John A. Swalko, 4219 N. E. 79th Street, Portland, for a permit for beach development at Wecoma Beach in Lincoln County. Mr. Shaw stated that Mr. Swalko plans to construct a multiple housing development at a cost of approximately \$100,000. The permit application pertains to a retaining wall which encroaches westward of the 16-foot contour level. The application was posted July 29, 1968.

The Commission signed, or authorized the Secretary to sign, the following agreements, indentures, and other papers:

"Bargain and Sale Deed" to Denzil W. and Marilyn Tibbetts covering property on the Oro Dell-Union Junction Section of the Old Oregon Trail in Union County.

"Bargain and Sale Deed" to Richard and Martha Smutz covering property on the Oro Dell-Union Junction Section of the Old Oregon Trail in Union County.

"Indenture of Access" to Emanuel and Reva Wenick covering the Sage Hen Hill-Hines Section of the Central Oregon Highway in Harney County.

"Indenture of Access" to A. E. and Florence Anderson covering the Myers Creek-Brookings Section of the Oregon Coast Highway in Curry County.

"Indenture of Access" to S. P. and Jesamine M. Enyart and R. A. and Nora June McClure covering the Clatskanie-Delena Section of the Columbia River Highway in Columbia County.

"Modification of Access Rights" to Specialty Leather Goods Manufacturers and Robert E. and Janice E. Hoffman covering the Beaverton-Forest Grove Section of the Tualatin Valley Highway in Washington County.

"Grant of Access" to Specialty Leather Goods Manufacturers covering the Beaverton-Forest Grove Section of the Tualatin Valley Highway in Washington County.

"Release of Roadway Easement" to George Neuner, Trustee for the owners, covering the Elkton-Kellogg Section of the Elkton-Sutherlin Highway in Douglas County.

"Easement Deed" to the United States of America conveying right-of-way for an access road across a part of Hat Rock State Park.

"Agreement" with the City of Cottage Grove covering participation in the purchase of approximately 3½ acres for the River Road Parkway No. 2 project as a part of the Willamette River Park System.

"Agreement" with the City of Independence covering participation in the purchase of approximately five acres as a unit of the Willamette River Park System.

"Agreement" with the City of Salem covering participation in the purchase of 12.337 acres of land for the Fairmount Park Addition as a part of the Willamette River Park System.

"Agreement" with Benton County covering participation in the purchase of 8 acres of land along the Willamette River at Irish Bend as a part of the Willamette River Park System.

"Agreement" with Lane County covering surfacing, paving and curbing of the entrance road to the Lane Community College.

"Throughway agreement" with Jackson County pertaining to the construction of the Crater Lake Highway-Brownsboro Section of the Lake of the Woods Highway.

"Throughway agreement" with Baker County pertaining to the construction of the Lime Section of the Old Oregon Trail.

"Agreement" with the City of LaGrande for the installation of traffic signals at the intersection of Adams Avenue and Cherry Street with the Old Oregon Trail.

"Agreement" with City of Condon for furnishing to the City a "Crosswalk" sign.

"Supplemental letter-form cooperative construction-finance agreement" with the City of Dallas to cover the pending project on the Jefferson and Main Street couplet, between Walnut Avenue and Washington Street, on the Kings Valley Highway.

"Renewal agreement" with Cole and Weber covering the 1968-1969 advertising contract.

"Agreement" with the Great Northern Railway Company regarding the raising of an underpass bridge to provide 16-foot clearance over The Dalles-California Highway south of Bend.

"Indenture" with Southern Pacific Company granting the State easements for drainage structures on the Independence Junction-West Salem Section of the Willamina-Salem Highway in Polk County.

"Easement" with the Southern Pacific Company covering alteration of the existing grade crossing on the Salmon River Highway approximately one mile northeast of Dayton.

"Agreement" with the City of Myrtle Point for the installation of traffic signals at the intersection of 8th Street (Coos Bay-Roseburg Highway) and Spruce Street; and pedestrian actuated signals at the intersection of 8th Street and Harris Street.

"Letter-form agreement" with Multnomah County pertaining to the improvement of S. W. Douglas Street in the vicinity of the Haines Road Interchange on the Pacific Highway.

"Deed" to James M. Abbott covering land on the Wapinitia Section of the Wapinitia Highway in Wasco County.

"Agreement" with Jackson County on Crater Lake Highway-Brownsboro Section of Lake of the Woods Highway pertaining to the removal and salvage of a county bridge on Little Butte Creek and construction of frontage road facilities in connection therewith.

The meeting was recessed at 10 a.m. and reconvened at 10:30 a.m. in the same room with the same persons present.

A delegation from the City of Newberg came before the Commission concerning the installation of a one-way couplet on the Pacific Highway West through the city in Yamhill County. The following people were present: Mayor Durell Belanger, George Layman, R. H. Stillwell, Cliff Lewis, Robert Northcutt, John Wanner, C. E. Barks, Chester Windsor, Herbert Hawkins, all from Newberg; and Dale Compton from Dundee. Mayor Belanger introduced the members of the delegation. Mr. Layman commented that the highway through Newberg is an old and an unusually wide street which at one time carried two sets of railroad tracks. He recalled that as long ago as the 1930's a bypass had been proposed by Senator Burke. The street was modernized in 1955 and at that time it was contemplated as adequate for 10 years. He mentioned the considerable increase of population in Newberg and additional industry. Approximately half of the traffic accidents in Newberg, he said, occur on this street. Signals are not coordinated, and pedestrians have trouble getting across the wide street. Traffic volume on this street has increased 20 percent in the last four years, and now averages nearly 10,000 vehicles a day. He requested that the Commission install a one-way couplet system using First and Hancock Streets or a bypass around the city. Chairman Jackson inquired if a couplet would be adequate on a short-time basis. Mr. Layman replied affirmatively. The Chairman pointed out that the project is estimated to cost nearly \$500,000, and the Commission could not set a time for

solution of this problem. The Commission recognizes that highway improvement is needed, but because of lack of funds no time could be set as to when the improvement would be made.

The Commission approved a 1969-1971 budget in the amount of \$321,093,000 to be submitted to the Department of Finance.

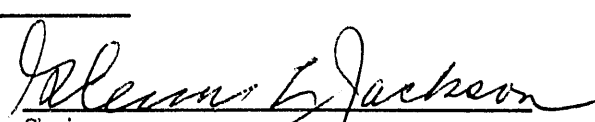
Consideration was given to a request from the Oregon Trail Council of the Camp Fire Girls for exclusive use of approximately 200 acres of land in the Five Points area west of LaGrande, Union County. In the discussion of this matter, the Commission pointed out that an exclusive permit would not be in the public interest, but that the Camp Fire Girls would be welcome to use the area along with other members of the general public provided there is no conflict with the scenic preservation idea for which the property was purchased.

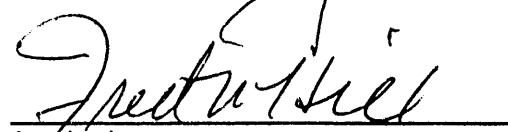
The Commission approved removing snow from the approach road to Fish Lake Resort, off the Lake of the Woods Highway in Jackson County. Snow removal in this instance is to be on the same basis as the removal of snow from other ski area roads which the Commission had approved in the past.


The Commission considered and approved a request made by the City of Coos Bay for a couplet on the Empire-Coos Bay Highway using Anderson and Commercial Avenues between Bayshore and 7th Avenue in Coos County. The City agrees to pay half of the total estimated cost of \$300,000. The State's share of the project is to be added to the current State Construction Program.

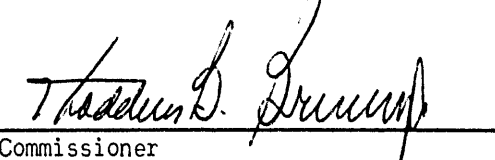
As there was no further business to conduct, the meeting was adjourned by the Chairman at 10:50 a.m.


Deputy State Highway Engineer


Chairman


Commissioner


Secretary


Commissioner

Salem, Oregon
October 1, 1968

The Oregon State Highway Commission met in regular session at 9 a.m., in Room 122 in the State Highway Building, Salem. Present were:

Glenn L. Jackson, Chairman
Fred W. Hill, Commissioner
Thaddeus B. Bruno, Commissioner
Forrest Cooper, State Highway Engineer
R. L. Porter, Deputy State Highway Engineer
Tom Edwards, Assistant State Highway Engineer
Lloyd P. Shaw, Assistant State Highway Engineer
F. B. Klaboe, Assistant State Highway Engineer
G. E. Rohde, Chief Counsel
David H. Moehring, Right of Way Engineer
Floyd Query, Secretary

Among others present were R. E. Simpson, Division Engineer, U. S. Bureau of Public Roads; C. W. Head, Assistant Secretary to the Commission; Victor D. Wolfe, Administrative Assistant; L. H. Young, Office Engineer; David Talbot, Parks Superintendent; C. H. Maison, Controller; Frank C. McKinney, Assistant Counsel; R. B. Sipprell, Liaison Engineer; Kenneth A. Chatwood, Administrative Right of Way Agent; Donald N. Harwell, Assistant County & City Engineer; and John J. Earley, Information Officer.

The Commission approved the minutes of the regular meeting held on August 20, 1968.

The Right of Way Engineer presented a list of options, Pages 1 through 32, secured for acquisition of real property needed for State highway use or for other purposes. He mentioned that the amounts offered are based upon competent appraisals and are in order for Federal aid. After due consideration, the Commission approved closing the options, including those sent to them by mail for approval since the last Commission meeting, as well as those options presented for the first time at this meeting. The Commission thereupon adopted "Right of Way Resolution No. 53," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Property Manager's Report covering sales of miscellaneous properties and rental receipts from August 13 to September 23, 1968, was presented by the Right of Way Engineer. He mentioned that during this period miscellaneous sales totaled \$16,496; land sales \$4,570; timber sales \$1,562.10; and rental receipts for the month of August were \$21,828.42. The Commission accepted the report.

Authority was requested by the Right of Way Engineer to offer at public sale property no longer needed for highway purposes. The minimum sale values, he said, have been determined by competent appraisals and access and other conditions of sale are consistent with those applying to other properties in the vicinity. Signboard and junkyard exclusion clauses are to be included in the deeds. The Commission authorized sale of the following properties and thereupon adopted "Real Property Resolutions Nos. 500 and 501," which resolutions by this reference are made a part hereof and filed in the Secretary's Office.

October 1, 1968

- (1) 1.06 acres, File No. 1246, being an exhausted gravel pit located one and one-half miles northwest of Wallowa on the Wallowa Lake Highway in Wallowa County, for not less than \$140. Approval by the Bureau of Public Roads is not required.
- (2) 0.57 acre, File Nos. 3490-1-2-3, consisting of eight lots in the North Park Addition to the City of Roseburg along the Oakland-Shady Highway in Douglas County, for not less than \$24,800. One point of access is to be allowed to every two lots. Approval by the Bureau of Public Roads is not required. (See "Real Property Resolution No. 500.")
- (3) 3.0 acres, File No. 14462, located approximately one and one-half miles southwest of Cairo Junction on the John Day Highway in Malheur County, for not less than \$750. Access is to be permitted to the County road. Approval by the Bureau of Public Roads is not required.
- (4) 3.15 acres, File No. 33206, consisting of the Goldson Maintenance Site located approximately 15 miles west of Junction City on the Siuslaw Highway in Lane County, for not less than \$7,500. Terms of the sale are to be \$5,000 as a down payment with the balance to be paid within three years at 6½ percent interest. One point of access is to be permitted to the Siuslaw Highway and the purchaser will be required to move the fence to the new right-of-way line. Approval by the Bureau of Public Roads is not required. (See "Real Property Resolution No. 501.")

The Right of Way Engineer requested authority to make direct sale to the City of McMinnville of 11.57 acres on the Adams Street-McMinnville Section of the Pacific Highway West in Yamhill County for \$5,500. This property, he said, is an old borrow site no longer needed for highway purposes and is located north of Western Avenue between Hill Road and Agee Street. The sale is to be conditioned on use of the property for public purposes. The selling price is one-half of the value placed on the property by staff appraisal. Approval by the Bureau of Public Roads is not required. The Commission approved the sale and thereupon adopted "Real Property Resolution No. 502," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

Confirmation of approval for Relinquishment of Title on 3.21 acres of land to the City of Springfield for public use was requested by the Right of Way Engineer. He commented that the land, consisting of a parcel 40 feet wide and 3,500 feet long at the intersection of 69th Street and the McKenzie Highway in the City of Springfield, Lane County, was purchased to provide drainage for the McKenzie Highway. The City of Springfield plans to improve this drainage and has requested that the strip be transferred to them. No consideration is involved and the deed is to include a clause assuring that the City will provide adequate drainage for the McKenzie Highway. Approval by the Bureau of Public Roads is not required. The Commission confirmed telephonic approval given by the Chairman on August 5, 1968.

The Commission also considered Relinquishment of Title on a 20' x 50' parcel of land to the City of Eugene for public use. The Right of Way Engineer stated that this land is located between 7th Place and 7th Avenue adjacent to Garfield Street in Eugene, Lane County. No consideration is involved. Following his favorable recommendation, the Commission approved the Relinquishment.

Indentures of Access covering changes in location of access for the convenience of the property owners and for the safety of the traveling public, and to correct the record to cause the locations to agree as constructed, were recommended by the Right of Way Engineer. The Commission approved the following Indentures of Access:

- (1) B.P.S. Logging Company property, File 33615, to correct the public record to show the actual location of one point of unrestricted access on the southwesterly side of the Coos Bay-Roseburg Highway in Myrtle Point, Coos County. Approval by the Bureau of Public Roads was received July 8, 1968.
- (2) Clatsop County property, File 39504, to correct the public record to show the actual location of two points of unrestricted access 35 feet in width, one on the northerly side and one on the southerly side of the Sunset Highway, approximately six miles west of the town of Elsie in Clatsop County. Approval by the Bureau of Public Roads is not required.
- (3) Georgia-Pacific Corporation property, Files 33229 and 33265, to correct the location of one point of unrestricted access 35 feet in width erroneously recorded in a 1966 deed to Georgia-Pacific. The approach will be constructed under a current contract at the location originally intended on the east side of the Siletz Highway approximately two and one-half miles south of Siletz, in Lincoln County. Bureau of Public Roads' approval is not required.
- (4) Margaret Larsen, Executrix of the Estate of Merna M. Seal property, File 35662, to correct the public record to show the actual location of one unrestricted point of access 35 feet in width on the northerly side of the McKenzie Highway approximately three miles east of Blue River in Lane County. Approval by the Bureau of Public Roads was received June 9, 1967.
- (5) Herzog property, File 28955, for one point of unrestricted access 35 feet in width on the northerly side of the relocated McKenzie Highway approximately one and one-half miles west of Cline Falls in Deschutes County. The Herzogs are to relinquish all other access rights to the McKenzie Highway which they may have accrued since they came into ownership of the property. Approval by the Bureau of Public Roads was given September 25, 1968.

The Commission considered renewal of an agreement with the State Game Commission covering a public parking area, boat launching facilities and public access road to Shinglehouse Slough on the Bunker Hill-Delmar Section of the Oregon Coast Highway in Coos County. The Right of Way Engineer explained that the original agreement had been entered into on January 16, 1958, and had expired June 30, 1968. Provisions of the original agreement are continued except the present extension is in the form of a revocable permit. Following his favorable recommendation, the Commission approved renewal of the agreement and authorized the Secretary to sign it in their behalf.

Release of Slope Easements on two properties in the City of Madras along The Dalles-California Highway in Jefferson County was presented by the Right of Way Engineer. He explained that the Slope Easements were acquired in 1941. The properties at a later date were purchased by the First National Bank of Oregon and were graded down to the existing grades of 4th and 5th Streets in Madras. As the easements are no longer necessary, he recommended that they be released. The Commission accepted his recommendation.

Release of Water Rights to Oral J. and Lucille E. Grayville covering Goldson Maintenance Site on the Siuslaw Highway in Lane County was discussed. The Right of Way Engineer explained that under terms of a deed from K. K. Kubli to the State, the State was given the right to use water from any stream or spring on the adjoining property of the Grantors. The State plans to sell the Goldson site and the water rights. The release will facilitate the sale. Following his favorable recommendation, the Commission approved the release.

The Chief Counsel presented a list of properties needed for the uses indicated therein and requested the Commission to declare by resolution the necessity of said properties for the public uses to which they are to be put and to authorize the Legal and Right of Way Division to attempt to agree with the owners of said properties as to price. After careful consideration, the Commission granted authority to condemn the properties if negotiations are not successful and thereupon adopted "Condemnation Resolutions Nos. 2526 through 2529," which resolutions by this reference are made a part hereof and filed in the Secretary's Office.

A report on cases which have been tried in court was presented by the Chief Counsel. He mentioned that the total offers made by the State were approximately \$29,000, the owners' demands \$79,000, and the verdicts \$48,000. The Commission accepted the report, which is summarized as follows:

(Tabulation shown on next page)

October 1, 1968

REPORT OF CONDEMNATION CASES TRIED

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Defendant's Demand</u>	<u>Verdict</u>
L-5755 Laurence A. Murphy, et ux.	Clackamas	East Portland Freeway	West Linn- Pacific Hwy. Unit, Columbia River-Pacific Highway	\$ 1,850.00	\$ 2,500.00	\$ 2,500.00
L-5731 Kenneth A. Porath, et ux.	Clackamas	East Portland Freeway	Columbia River-Pacific Highway	2,900.00	5,000.00	7,500.00
L-5756 Alex Radke, et ux.	Clackamas	East Portland Freeway	West Linn- Pacific Hwy. Unit, Columbia River-Pacific Highway	3,600.00	6,000.00	4,000.00
L-5738 Henry J. Tate, et ux.	Clackamas	East Portland Freeway	West Linn- Pacific Hwy. Unit, Columbia River-Pacific Highway	3,500.00	30,000.00	8,000.00
L-5757 Walter J. Wanker, et ux.	Clackamas	East Portland Freeway	Columbia River-Pacific Highway	10,100.00	17,000.00	15,000.00
L-5684 Lillian G. Mann, et al.	Klamath	The Dalles- California	Klamath Falls- Greensprings Highway Junction	2,750.00	11,000.00	6,637.00
L-5122 A. B. Nothiger, et al.	Linn	Santiam	Sweet Home- Foster	4,825.00	7,500.00 Answer	5,100.00

REPORT OF TRIAL OF OTHER CASES

<u>Case</u>	<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict</u>
L-5810 State of Oregon	Frank Hannigan	Marion	Negligent operation of motor vehicle damaging guard- rail	\$142.00	\$142.00

October 1, 1968

Report of Trial of Other Cases (Continued)

<u>Case</u>	<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict</u>
L-5817 State of Oregon	Kathleen L. Perkins	Marion	Negligent operation of motor vehicle damaging guard-rail.	\$ 89.85	\$ 89.85
L-5818 State of Oregon	Jerry Timmons	Marion	Negligent operation of motor vehicle damaging guard-rail.	728.48	728.48
L-5820 State of Oregon	Melvin James Williams	Marion	Negligent operation of motor vehicle damaging guard-rail.	165.04	165.04
L-5188 State of Oregon	Keith Music	Union	Negligent operation of motor vehicle damaging guard-rail.	96.52	96.52
L-5649 State of Oregon	Zelma Minthorn	Union	Negligent operation of motor vehicle damaging guard-rail.	111.12	111.12
L-5770 State of Oregon	Lee Simpson, et al.	Washington	Negligent operation of motor vehicle damaging highway curb.	122.75	122.75
L-5863 State of Oregon	Reginald Keith Ancheta	Marion	Negligent operation of motor vehicle damaging guard-rail. (Remarks: Amount sued for paid in full.)	132.65	
L-5867 State of Oregon	Delos Hermann	Marion	Negligent operation of motor vehicle damaging guard-rail. (Remarks: Amount sued for paid in full.)	313.48	

October 1, 1968

Report of Trial of Other Cases (Continued)

<u>Case</u>	<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict</u>
L-5672 State of Oregon	Ronald E. Randall, et ux.	Marion	Negligent operation of motor vehicle damaging guard-rail. (Remarks: Amount sued for paid in full.)	\$182.74	

(For additional details, see the Chief Counsel's letter dated September 24, 1968, concerning cases tried and filed in the Salem office, General Files.)

A report was also presented by the Chief Counsel on cases which have been settled out of court since the last Commission meeting. The proposed settlements, he said, are based upon competent appraisals and are in order for Federal aid. The Commission approved the settlements, which are summarized as follows:

REPORT OF CONDEMNATION CASES SETTLED

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Amount of Settlement</u>
L-5774 R. H. Kollman, et al.	Douglas	Umpqua	Charlotte Creek-Murphy's Camp	\$ 9,750.00 Partial taking R/W only	\$55,550.00 Entire taking R/W and scenic purposes (Remarks: Settled pursuant to option dated July 9, 1968, and approved on Right of Way Division's Resolution for purchase of property dated July 9, 1968. This item for record only.)
L-5856 Mary Effie Dunning, et al.	Lane	Eugene-Springfield	7th Avenue Willamette River	800.00	1,100.00 (Remarks: Recommended by Adm. Rev. Bd.)
L-5678 Verle E. Walters, et al.	Multnomah	East Portland Freeway	Columbia River-Pacific Hwy. signs	46,200.00 including signs	52,750.00 (Remarks: Original appraisals made prior to June 1967, followed by negotiations and filing of complaint in December 1967. Appraisals then reviewed to determine the value as of the date of the filing. Appraisals were revised to reflect new data on sales, rents and interest rates as of that date. Settlement recommended by Adm. Rev. Bd. as being in the best interest of State and Federal government and as not being substantially in excess of Review Appraisal.)

October 1, 1968

Report of Condemnation Cases Settled (Continued)

Case	County	Highway	Section	State's Offer	Amount of Settlement
L-5692 Sylvan S. Hewitt, et ux.	Union	Old Oregon Trail	LaGrande	\$ 6,850.00	\$ 7,750.00
(Remarks: Settled pursuant to option dated August 26, 1968, the terms of which control. This property is located at the juncture of the Cove Street Overpass and the LaGrande By-Pass. The new construction will create a fill on three sides of owner's home, with a 25' fill immediately in front of house and only 45' distant. The controversy is over the damages created by this situation plus the owner's claim of wintertime snowdrifts which he claims will result. Adm. Rev. Bd. recommends the settlement as insubstantial and in best interest of State.)					
L-5438 Ada Shenk, et al.	Malheur	Sucker Creek Recreation Area		5,000.00	7,000.00
(Remarks: The property here being taken is a 200 acre tract located at the entrance of Succor Creek Canyon and is desired by Parks Department because of its scenic and recreation features. It is particularly attractive to "rock hounds." Two staff appraisers valued it at \$25 per acre, based upon opinion only, since there are no comparable sales. Owner's appraiser, Marcus Sackos, gave \$40 per acre as his opinion. Mr. Sackos has often appraised for State and weight can be given to his opinion of value. A compromise at \$35 per acre, or \$7,000, is considered by Rev. Bd. to be in best interest of State.)					
L-5776 Warren B. Voss, et al.	Wallowa	Little Sheep Creek	Forest Boundary-2,600.00 Imnaha plus including fencing	18,965.00	
(Remarks: Option approved on Right of Way Resolution at May 29, 1968, Commission meeting. Offer of \$2,600 was for 8 acres including fencing. State appraisal for 532 acres was \$20,522.)					
L-5851 Robert W. Earl, et al.	Washington	East Portland Freeway	West Linn-Pacific Hwy. Unit - Columbia River-Pacific Hwy.	11,400.00	11,400.00
(Remarks: Settled on basis of original offer and appraisal.)					
L-5708 Harriet Griffith Wise, et al.	Clackamas	East Portland Freeway	Columbia River-Pacific Hwy.	2,500.00	3,000.00

October 1, 1968

Report of Condemnation Cases Settled (Continued)

Case	County	Highway	Section	State's Offer	Amount of Settlement
L-5496 Isobel H. Ingham, et al.	Tillamook	Oregon Coast	Nestucca Bay-Neskowin	\$ 4,500.00	\$ 5,500.00
(Remarks: This is a taking of 1.2 acres from a 9.3 acre tract used as a golf course. The owner submits a report by Vernon J. Warren of Western Turf Builders, Inc. tending to show a cost of \$5,500 to "cure" the loss of this acreage.)					
L-5517 Carl Berger, et al.	Washington	Sunset	N. Plains Interchange-Cornelius	6,150.00	7,000.00
L-5524 Esther Berger, et vir.	Washington	Sunset	N. Plains Interchange-Cornelius	925.00	1,350.00
(Remarks: The settlement of each is contingent upon the other. The two properties are adjoining. Considering the necessity of two trials the settlement at \$8,350 for property appraised at \$7,075 is considered in best interest of State.)					
L-5534 Charles S. Marsters, et ux.	Jackson	Lake of the Woods	Brownsboro-Hanley Ranch	2,750.00	6,000.00
(Remarks: The defendants' entire property had been previously divided by the old highway and Little Butte Creek into 3 parcels. The largest remaining parcel is now being again divided, the new right of way running about 1300' diagonally through the largest parcel. In the opinion of the fee appraiser there is proximity damage to a rather valuable house. The Jackson County juries put a rather high price on privacy.)					
L-5591 Phillips Ranch	Baker	Baker-Homestead	Middle Bridge-Love Bridge	4,300.00	5,000.00
(Remarks: State to re-establish 1219 rods of fence and irrigation system.)					

(For additional details, see the Chief Counsel's letters dated September 24, 26, and October 4, 1968, regarding cases settled and filed in the Salem office, General Files.)

The Commission also considered settlement of a case with Irene Keppinger, et al., File L-5662, R-38362, on the St. Helens Road-N. W. 21st Avenue Section of the Columbia River Highway in Columbia County. The State's highest appraisal was \$6,000. The Chief Counsel recommended and the Commission approved a settlement for \$6,150.

October 1, 1968

The Commission confirmed approval previously given by telephone on offers made to owners for acquisition of real property prior to the start of condemnation proceedings as follows:

CRATER LAKE HIGHWAY-BROWNSBORO SECTION OF THE LAKE OF THE WOODS HIGHWAY

R-41989 - Henry W. Owens. Parcel No. 1: 24.0 acres for right of way purposes; Parcel No. 2: 0.8 acre for right of way purposes; Parcel No. 3: 0.32 acre for permanent easement; Parcel No. 4: 0.23 acre for permanent easement. Offer of \$17,000.00 approved by Mr. Jackson September 19, 1968.

R-42000 - William Shepherd, et ux. Parcel No. 1: 7.3 acres for right of way purposes; Parcel No. 2: 0.09 acre for right of way purposes; Parcel No. 3: 0.9 acre for permanent easement; Parcel No. 4: 0.16 acre for temporary easement. Offer of \$7,575.00 approved by Mr. Jackson August 29, 1968.

R-42656 - Melvin F. Hoover, et ux. 0.37 acre for permanent easement. Offer of \$2,450.00 approved by Mr. Jackson September 10, 1968.

R-42663 - Melvin F. Hoover, et ux. Parcel No. 1: 3.3 acres for right of way purposes; Parcel No. 2: 4.25 acres for permanent easement; Parcel No. 3: 4.5 acres excess taking. Offer of \$10,450.00 approved by Mr. Jackson September 16, 1968.

R-42664 - Stanley L. Stark, et ux. Parcel No. 1: 0.8 acre for right of way purposes; Parcel No. 2: 1.15 acres for permanent easement; Parcel No. 3: 1.15 acres excess taking. Offer of \$2,670.00 approved by Mr. Jackson September 16, 1968.

R-42665 - Barbara Jean House. Parcel No. 1: 7.8 acres for right of way purposes; Parcel No. 2: 1.16 acres for permanent easement; Parcel No. 3: 6.8 acres for permanent easement; Parcel No. 4: 0.11 acre for permanent easement. Offer of \$18,850.00 approved by Mr. Jackson September 25, 1968.

R-42703 - Evelyn B. Smith. 0.06 acre for permanent easement. Offer of \$225.00 approved by Mr. Jackson September 24, 1968.

KILLIN BRIDGE SECTION OF THE WOODBURN-ESTACADA HIGHWAY

R-42146 - George D. Jones, et ux. 0.22 acre for right of way purposes. Offer of \$1,050.00 approved by Mr. Jackson September 10, 1968.

R-42152 - Herbert T. Ramage, et ux. 0.01 acre for right of way purposes. Offer of \$200.00 approved by Mr. Jackson September 10, 1968.

R-42153 - Donald L. McNulty, et ux. 0.07 acre for right of way purposes. Offer of \$475.00 approved by Mr. Jackson August 29, 1968.

MANHATTAN BEACH STATE WAYSIDE

R-40666 - Publishers Paper Co. 34.0 acres for park purposes. Offer of \$175,000.00 approved by Mr. Jackson September 10, 1968.

October 1, 1968

NORTH PORTLAND HARBOR-NORTH RUSSELL STREET SECTION OF THE PACIFIC HIGHWAY

R-41906 - Gim G. Wong, et ux. 490 square feet for right of way purposes. Offer of \$1,600.00 approved by Mr. Jackson August 29, 1968.

OXMAN-BENSON CREEK SECTION OF THE OLD OREGON TRAIL

R-37114 - Mildred E. Langley. Parcel No. 1: 21.0 acres for right of way purposes; Parcel No. 2: 6.7 acres for right of way purposes; Parcel No. 3: 1.12 acres for right of way purposes; Parcel No. 4: 2.9 acres for permanent easement; Parcel No. 5: 1.0 acre for permanent easement; Parcel No. 6: 1.43 acres for permanent easement; Parcel No. 7: 1.46 acres for permanent easement; Parcel No. 8: 4.4 acres for permanent easement; Parcel No. 9: 0.05 acre for permanent easement. Offer of \$13,650.00 approved by Mr. Hill September 23, 1968.

ROADS END BEACH STATE WAYSIDE

R-42111 - Helen R. Mittleman. 3.2 acres for park purposes. Offer of \$90,000.00 approved by Mr. Jackson August 23, 1968.

SMITH POINT-CAMP RILEA SECTION OF THE OREGON COAST HIGHWAY

R-35453 - Arnold J. Ekstrom, et ux. 0.65 acre for right of way purposes. Offer of \$2,075.00 approved by Mr. Jackson August 29, 1968.

SOUTH PENDLETON INTERCHANGE-COURT PLACE SECTION OF THE OREGON-WASHINGTON HIGHWAY

R-42304 - Marvin E. Horn, et ux. 1,510 square feet for permanent easement. Offer of \$250.00 approved by Mr. Hill September 9, 1968.

YOAKAM POINT STATE WAYSIDE

R-37357 - Velma Bennett, et al. 22.82 acres for park purposes. Offer of \$162,500.00 approved by Mr. Jackson September 18, 1968.

A report was made by the Chief Counsel and accepted by the Commission concerning an order received from the Public Utility Commissioner regarding a highway crossing matter summarized as follows:

PUX 671: Application of the State Highway Commission to construct an overcrossing over the tracks and right-of-way of the Oregon-Washington Railroad and Navigation Company and the Union Pacific Railroad Company, known as the Lime Overcrossing Project on the Old Oregon Trail in Baker County.

The Commission gave attention to the fact that the term of Mr. George E. Rohde as Chief Counsel expires October 1, 1968. The Commission reappointed Mr. Rohde as Chief Counsel for a four-year term beginning October 1, 1968, and thereupon adopted "Appointment Resolution No. 28a," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

October 1, 1968

A report was made by the Chief Counsel and accepted by the Commission concerning legal proceedings which have been instituted against the Commission or its employees as follows:

- (1) Rose I. Kennedy vs. Elmer Wayne Dewees and George C. Baker, L-5859. Plaintiff seeks \$65,000 general damages and \$3,000 special damages, arising out of an accident on September 10, 1966, at the south end of the Thomas Creek Bridge on the Oregon Coast Highway in Curry County. Plaintiff alleges negligence.
- (2) Gregory Allen Myrick, a minor, by his Guardian ad Litem, Cathy Wagner, vs. Dan Pierson, et al., L-5860. Plaintiff seeks \$190,000 general damages and \$6,540 special damages, arising out of an accident which occurred September 15, 1966, on the Cascade Locks-Mitchell Point Section of the Columbia River Highway in Hood River County. The Myrick vehicle was passing another vehicle and collided head-on with another vehicle coming from the opposite direction. Plaintiff alleges improper signing.
- (3) Phyllis L. Smith vs. Forrest Cooper, et al., L-5873. Plaintiff seeks \$36,000 general damages and \$1,572.50 special damages for alleged wrongful death alleging negligence relating to the design, construction, maintenance, lighting and signing of the junction of the Columbia River Highway and the Heppner Highway in Gilliam County.

The Chief Counsel reported that final arguments had been presented all day in Judge Jones' court in Salem on Monday, September 30, 1968, closing out the trial of the DeLong case in that court. A decision by Circuit Court Judge Jones is not expected for at least a month or two.

The matter of the State paying relocation payments to property owners displaced by highway construction in accordance with and in the amounts authorized by Congress under the "Federal-Aid Highway Act of 1968" was presented by the Chief Counsel. This act, he said, was effective August 21, 1968, and the instructions as to its operation were recently received. The Chief Counsel referred to his letter to the Commission, dated September 27, 1968, to which were attached copies of the Act of Congress, Instruction Memorandum 80-1-68, entitled "Relocation Assistance and Payments--Interim Operating Procedures" (September 5, 1968) as well as a brochure to be handed out at future public hearings. The Chief Counsel explained the relocation payments heretofore made and the increased benefits under the new act. It is necessary that the Highway Commission give assurances that the regulations will be followed on Federal-Aid projects. The Commission, after due consideration, authorized implementation of the relocation assistance program and payment in accordance with the "Federal-Aid Highway Act of 1968" and the aforementioned Instructional Memorandum on Federal-Aid Highway projects. The Chief Counsel said that the State Legislature has previously authorized the Commission to pay the same amounts for relocation costs on State Projects as are paid on Federal-Aid Projects. He felt that the rules for relocation costs should be the same on Federal-Aid and on State Projects. Commissioner Bruno inquired if any enabling legislation by the State is required to put the Federal requirements into effect. The Chief Counsel replied that in his opinion no additional legislation is necessary. The Commission, after due consideration, authorized the same relocation payments to apply on State Highway Projects where Federal-Aid Funds are not available or used.

The Engineer stated that surveys have been completed for the improvement or relocation of several sections of State highways. Following his favorable recommendation, the Commission approved the following surveys and thereupon adopted "Survey Resolutions Nos. 353 through 355," which resolutions by this reference are made a part hereof and filed in the Secretary's Office:

- (1) Ruch Section of the Medford-Provolt Highway in Jackson County. (See "Survey Resolution No. 353.")
- (2) Willamette River Bridge (Albany) Section of the Albany-Corvallis Highway in Linn and Benton Counties. (See "Survey Resolution No. 354.")
- (3) Hot Lake Overcrossing Section of the LaGrande-Baker Highway in Union County. (See "Survey Resolution No. 353.")
- (4) Woodland Drive-Central Avenue Section of the Empire-Coos Bay Highway in Coos County. (See "Survey Resolution No. 354.")
- (5) Crane Creek Road-Cogswell Creek Section of the Fremont Highway in Lake County. (See "Survey Resolution No. 355.")
- (6) Pedee-Ritner Creek Section of the Kings Valley Highway in Polk County. (See "Survey Resolution No. 353.")

Requests for increases in project authorizations on two contracts were presented by the Engineer and explained briefly. The Commission approved the increases as follows:

- (1) Contract No. 7135 on FAS Highway 23-106 in Malheur County for \$14,011.93 (7.35 percent). An overrun in general excavation quantities and watering plus an overrun in engineering costs were given as the principal reasons for the increase.
- (2) Contract No. 7144 on the Veneta (Dunham Avenue) Section in Lane County for an increase of \$4,409.88 (22.9 percent). An increase in engineering costs because the contractor worked on the project intermittently was given as the principal cause of the overrun.

The Engineer recommended payment of \$4,000 to the AASHO Materials Reference Laboratory for the fiscal year 1969. He commented that the State is a member of AASHO and has cooperated in this work in the past. The purpose of the work is to provide checking service on the State Materials Laboratory in relation to construction specifications on bituminous materials, aggregates and soils, portland cement, and portland cement concrete. The Commission approved the payment.

Requests from contractors for extensions of time to complete highway contracts without assessment of liquidated damages were considered by the Commission. The Engineer stated that each request was carefully investigated and the results of the investigation were reported to the Commission by letter. The Commission took action as follows:

- (1) Roy L. Houck Sons' Corporation, Contract No. 6358 on the Pacific Highway in Douglas County, requested an increase of eleven workdays. The Commission approved an increase of three workdays without assessment of liquidated damages. Approval by the Bureau of Public Roads was given in their letter of August 29, 1968.
- (2) Dorman Construction Company, Contract No. 7029 on the Columbia River Highway in Hood River County, requested an extension of 35 calendar days. The Commission approved an extension of 30 calendar days (to the date of completion) without assessment of liquidated damages. Approval by the Bureau of Public Roads was given in their letter dated September 18, 1968.
- (3) Oosterwyk Nurseries, Inc., Contract No. 6828 on the Corvallis-Newport Highway in Benton County, requested an extension of time to the date of completion, September 29, 1967. The Commission approved an extension of 141 days without assessment of liquidated damages leaving 97 days on which liquidated damages are in effect.
- (4) Dorman Construction Company, Contract No. 6965 on the Tualatin Valley Highway in Washington County, requested an extension of the first-phase completion date to July 15, 1968. The Commission approved an extension to May 17, 1968, (the date of completion on Phase 1) without assessment of liquidated damages.

The Engineer reported that Contracts Nos. 6943, 6979, 7024, 7043, 7072, 7084, 7090, 7121, 7139, and 7155 for highway construction have been completed as required by the contracts or modifications thereof and said contracts are now ready for acceptance, or have been accepted by letter since the last Commission meeting. After due consideration, the Commission accepted the contracts by adopting "Contracts Completed Resolution No. 170," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Commission confirmed the date of November 12, 1968, for the next regular Commission meeting to be held in the State Highway Building in Salem. A tentative date of December 17, 1968, was set for the following meeting.

The Commission confirmed telephonic approval given on August 28 for the award of a contract on which bids were received August 28, 1968, and authorized the Secretary to sign the contract on the following project:

October 1, 1968

BIDS RECEIVED IN SALEM AUGUST 28, 1968

Contract No. 7168 for advance warning signs on the Murder Creek Section of the Pacific Highway in Linn County. Federal-aid Interstate Highway Project No. I-5-4(62)234. Five bids were received. The Commission awarded the contract to the low bidder, Electric Corp., Salem, in the amount of \$130,745.00.

The Chairman inquired as to circumstances in a series of accidents which occurred recently during heavy fog on the Pacific Highway near Albany in Linn County. The Engineer stated that the pileup of vehicles had occurred about five miles south of Albany. The section which has provided the most trouble is known as the Murder Creek area directly east and north of Albany. He recalled that recently the Commission had awarded a contract to erect devices to warn the public of fog conditions near Murder Creek. No proven answer has yet been found to solve the fog problem and he pointed out that the devices which are being erected are experimental in nature. The Chairman then inquired if the project at Murder Creek could be economically expanded to cover other locations such as the area about five miles south of Albany. The Engineer replied negatively and added that the Murder Creek area had been chosen for the fog warning project as accident records show it as the worst section in which fog is the major factor. Many sections in the state, he said, are subject to intermittent periods of fog and no device has yet been discovered which is successful in removing fog or is economically feasible to construct. He mentioned that airlines are much concerned about the fog problem and they have not yet found an answer. The Chairman then inquired if there would be any conflict with State Maintenance activities if the State Police feel that better patrolling might help. The Engineer replied that there would be no conflict as the State Highway Department and the State Police now cooperate very well. He mentioned that the State Police Superintendent had indicated that additional patrols could be of help in some areas, but experience has shown that it is very difficult to control traffic. When warning lights were placed, some drivers slow down and others do not. The Chairman commented that even though no answer to the fog problem is yet apparent, efforts to solve it will be continued.

The Commission confirmed telephonic approval given on September 17, 1968, awarding contracts on which bids were received September 12, 1968, and authorized the Secretary to sign the contracts on the following projects:

BIDS RECEIVED IN SALEM SEPTEMBER 12, 1968

Contract No. 7169 for two traffic signals on Eighth Street at Spruce and Harris Streets in Myrtle Point in Coos County. State Project. Three bids were received. The Commission elected to accept the low bid of Sims Electric, Inc., Roseburg, in the sum of \$18,050.00 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of the City of Myrtle Point is received and the sum of \$10,450.00 is deposited by the City.

October 1, 1968

Contract No. 7170 for construction of the C. O. I. Canal (Arnold Road) Bridge on FAS 692 in Deschutes County. FAP No. S-321(4). Seven bids were received. The Commission elected to accept the low bid of R. L. Coats, Bend, in the sum of \$22,800.00 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of Deschutes County is received and the sum of \$5,500.00 is deposited by the County.

Contract No. 7171 for prospect wells in the Cabin Creek Safety Rest Area on the Pacific Highway in Douglas County. Federal-aid Interstate Highway Project No. I-5-3(80)145. Two bids were received. The Commission awarded the contract to the low bidder, W. W. Drilling and Pump Service, Springfield, in the amount of \$5,273.00.

Contract No. 7172 for grading and paving on the M. P. 53.2-M. P. 55.5 Section of the Steens Highway in Harney County. State Project. Five bids were received. The Commission awarded the contract to the low bidder, Babler Bros., Inc., Portland, in the amount of \$146,723.50.

Contract No. 7173 for grading, paving and structures on the Crater Lake Highway-Brownsboro Section of the Lake of the Woods Highway in Jackson County. FAP No. S-15-52(1). Eleven bids were received. The Commission elected to accept the low bid of Rogers Construction, Inc., Portland, in the sum of \$1,891,193.50 and the State Highway Engineer was directed to award the contract to said bidder as soon as necessary right of way is acquired.

Contract No. 7174 for roadside improvement on the Main Street (Klamath Falls) Connection Section of The Dalles-California Highway in Klamath County. State Project. Seven bids were received. The Commission awarded the contract to the low bidder, Pacific Northwest Landscaping and Sprinklers Unlimited, Tigard, in the amount of \$14,574.20.

Contract No. 7175 for widening and paving on the Little Walker Mountain-Chemult Section of The Dalles-California Highway in Klamath County. State Project. Five bids were received. The Commission awarded the contract to the low bidder, Babler Bros., Inc., Portland, in the amount of \$218,970.00.

Contract No. 7176 for roadside improvement on the McKenzie Highway Junction Section of the Eugene-Springfield Highway in Lane County. State Project. Eight bids were received. The Commission awarded the contract to the low bidder, Pacific Northwest Landscaping and Sprinklers Unlimited, Tigard, in the amount of \$6,388.60.

Contract No. 7177 for roadside improvement on the Willamette River Bridge Section of the Eugene-Springfield Highway in Lane County. Federal-aid Interstate Highway Project No. I-105-4(114)197. Eight bids were received. The Commission awarded the contract to the low bidder, Angelo Pecorilla, Monroe, in the amount of \$69,995.25.

Contract No. 7178 for pier replacement on the Siuslaw River Bridge on the Oregon Coast Highway in Lane County. State Project. Two bids were received. The Commission rejected all bids as being too high.

Contract No. 7179 for grading and paving on the Santiam Junction-Southern Pacific Railroad Overcrossing (Albany) Section of the Albany-Junction City Highway in Linn County. State Project. One bid was received. The Commission rejected the bid as being too high.

Contract No. 7180 for grading, paving, and structures on the Pudding River (Killin) Bridge Section of the Woodburn-Estacada Highway in Marion County. State Project. Eight bids were received. The Commission elected to accept the low bid of Babler Bros., Inc., Portland, in the sum of \$529,858.00 and the State Highway Engineer was directed to award the contract to said bidder as soon as necessary right of way is acquired.

Contract No. 7181 for grading and paving on the Kittridge Avenue (Portland) Channelization Section of the Columbia River Highway in Multnomah County. State Project. One bid was received. The Commission rejected the bid as being too high.

Contract No. 7182 for slide correction on the Doaks Ferry Road Section of the Willamina-Salem Highway in Polk County. State Project. Two bids were received. The Commission awarded the contract to the low bidder, Bickle Co., Portland, in the amount of \$31,415.00.

Contract No. 7183 for construction of the Hermiston-Meadow Valley Interchange Section of FAS-911 in Umatilla County. FAP No. S-554(2). Six bids were received. The Commission elected to accept the low bid of Goodat Crane Service and Goodat Crushed Rock, Portland, in the sum of \$44,993 and directed the State Highway Engineer to award the contract to said bidder as soon as approval of Umatilla County is received and the sum of \$10,380 is deposited by the County.

Contract No. 7184 for grading and oiling on the South Unit, Richmond Junction-Girds Creek Road Section of the Service Creek-Mitchell Highway in Wheeler County. State Project. Nine bids were received. The Commission awarded the contract to the low bidder, F. H. McEwen Constr. Co., Eugene, in the amount of \$71,141.00.

The Engineer reported that he had awarded contracts which had been referred to him by the Commission to award when certain conditions were fulfilled. The Commission confirmed his award of the following contracts:

- (1) Construction of the Umatilla River (Cayuse) Bridge on FAS 473 in Umatilla County. Bids received August 1, 1968. Contract No. 7163 awarded August 23, 1968, to Stach Construction Co., Inc., Grants Pass, low bidder.
- (2) Grading and paving on "D" Street and 5th Avenue in the city of Umatilla in Umatilla County. Bids received August 1, 1968. Contract No. 7164 awarded August 27, 1968, to Percy E. Jellum Contractor, Inc., Pendleton, low bidder.

- (3) Traffic signal installation on Eighth Street at Spruce and Harris Streets in the city of Myrtle Point on the Coos Bay-Roseburg Highway in Coos County. Bids received September 12, 1968. Contract No. 7169 awarded September 19, 1968, to Sims Electric, Inc., Roseburg, low bidder.
- (4) Construction of C.O.I. Canal (Arnold Road) Bridge on FAS 692 in Deschutes County. Bids received September 12, 1968. Contract No. 7170 awarded September 23, 1968, to R. L. Coats, Bend, low bidder.
- (5) Structures on Hermiston-Meadow Valley Interchange Section of FAS 911 in Umatilla County. Bids received September 12, 1968. Contract No. 7183 awarded September 20, 1968, to Goodat Crane Service and Goodat Crushed Rock, Portland, low bidder.

Pursuant to Chapter 601, Oregon Laws of 1967, the Engineer read an application submitted by Mrs. Mabel Groskey, 346 North Shore Road, Lake Oswego, for a permit to construct a retaining wall below the 16-foot elevation on the beach of the Pacific Ocean on the westerly side of Lot 8, Block 2, Nelscott Beach in Lincoln County. He reported that the request from Mrs. Groskey was received August 26, 1968, and notice of the application for the permit was posted at the Groskey property in Lincoln County on September 9, 1968.

The Engineer also read an application received from Mrs. Mary Scherer, 2095 Wood Acres Drive, Eugene, for a permit to place piling and fill material in an area below the 16-foot elevation of the Pacific Ocean on the westerly side of Lots 4, 5, and 6, Block 24, Neskowin in Tillamook County. The application was received from Mrs. Scherer on August 16, 1968, and the notice of application was posted on her property on August 22, 1968.

A deed of dedication from Mr. and Mrs. Orin W. Rosenberg deeding to the State 1.9 acres of land on Maxwell Point on the Oregon Coast north of Oceanside in Tillamook County was considered. The Engineer advised that the deed restricts the property to recreational use only, that the property be kept in good condition, and that a pedestrian tunnel constructed to provide access to the beach be kept in passable condition. He recommended that the deed be accepted. The Commission accepted the deed and instructed the Secretary to commend the Rosenbergs for their generous action. In discussing this property, the Chairman inquired as to whether it was located above the dry sand ocean beach area. The Engineer replied that it is above the sand area and the property is steep, but is valuable as an ocean lookout and, in his opinion, it would be in the public interest to preserve the land for public use.

Construction finance approval was requested by the Engineer on several Federal-aid projects. He pointed out that hearings have been held, surveys approved, and it is contemplated that the projects will be offered for bidding in the forefront of 1969 depending on the availability of funds. The Commission confirmed the following projects which had been verbally

approved by the Chairman on August 22, 1968, under Program XI covering the period July 1, 1968, to June 30, 1970:

Harmony Road-Lake Road Intchge. Sec., Clackamas Hwy.,
Clackamas Co.: 1.85 miles, G.P. Str. ----- \$2,300,000

Pendleton Spur (10th St.-So. Pendleton Intchge.) Sec.,
Ore.-Wash. Hwy., Umatilla Co.:
0.59 mile, G.P. Str. ----- \$2,000,000

Wilson River Jct.-No. Plains Sec., Sunset Hwy.,
Wash. Co.: 3.49 miles, G.P. Str. ----- \$2,200,000

Willow Flat Road-Fikes Corner Sec., Mt. Hood
Hwy., Hood River Co.: 2.55 miles, G. P. Str. ----- \$1,100,000

Confirmation was requested by the Engineer for verbal approval given by the Chairman September 11, 1968, on a project to reconstruct the Sunset Highway between Highlands Interchange and the Vista Ridge Tunnel in Portland, Multnomah County. This project, he said, will convert the existing facility to a divided 6-lane freeway adjoining the section now under construction. On September 10, word was received from the Bureau of Public Roads that all Federal-aid contracting is frozen and will continue to be frozen for two or more months. It is essential that this project be completed at about the same time the Vista Ridge Tunnel is completed in order to handle the heavy volume of traffic. He recommended that the project be undertaken as a State project at an estimated cost of \$2,500,000 and that it be added to the current State Construction Program. The Commission confirmed the project.

Confirmation was also requested by the Engineer for telephonic approval given by the Chairman on August 20, 1968, for cooperation in the amount of \$40,000 in State funds to extend construction on the Seldom Creek Section of the Lake of the Woods Highway in Klamath County. He explained that the terminus of the contract now under way makes a poor connection with the existing highway. The extension of 0.6 mile is estimated to cost \$100,000, to be financed \$40,000 State funds and \$60,000 Forest Highway funds. The Commission confirmed the project extension and the financing.

The Commission considered requests from Douglas and Marion Counties for Federal Aid Secondary Projects, and a request from Lincoln County for cancellation of a project. The Engineer stated that the projects have been investigated and are eligible for the use of FAS funds. The Commission accepted his recommendation for approval of the following projects and authorized the Secretary to sign routine construction agreements.

(Tabulation shown on next page)

County	FAS	Section and Description	Programmed Amount	FAS Funds
Douglas	253	Dixonville-Oak Creek Bridge Section North Umpqua Highway Grade, base and pave; apprx. 5 miles. (To be supplemented with \$200,000 of 100% County funds.)	\$650,000	1969
Marion	741	Silverton Road-Ward Drive Section Lancaster Drive Grade, drain, base, curb and pave; 1.155 miles	240,000	1969

TOTAL NEW PROJECTS.....\$890,000

Cancellation of Previously Approved Projects

Lincoln	143 & 151	Springer's Ranch-Harlan Section Burnt Woods-Harlan Road and Elk City-Harlan Road 3.25 miles. Transfer of Federal Funds \$8,956.00	\$249,000
TOTAL CANCELLATION.....			249,000
TOTAL.....			\$641,000

Total Federal funds transferred \$8,956.00
\$8,956.00 of Federal funds equals \$15,000 FAS funds

SUMMARY BY FISCAL YEARS	1968	1969	Total
Allocated Funds	\$3,980,000	\$3,969,000	\$7,949,000
Approved Projects (corrected to date)	3,980,000	390,000	4,370,000
Unprogrammed Balance	--	3,579,000	3,579,000
Projects Proposed 10/1/68		641,000	641,000
Transferred FAS Funds		15,000	15,000
Unprogrammed Balance	\$ --	\$2,923,000	\$2,923,000

Two resolutions abandoning old portions of State highways were presented by the Engineer. He pointed out that the new highway sections have been completed and are open to public travel. Based on his favorable recommendation, the Commission approved the following abandonments and thereupon adopted "Abandonment Resolutions Nos. 479 and 480," which resolutions by this reference are made a part hereof and filed in the Secretary's Office:

- (1) Tygh Valley-Oak Springs Road Section of The Dalles-California Highway in Wasco County. As the old highway is no longer needed for highway purposes, 1.7 miles is to be abandoned to the adjoining property owners. (See "Abandonment Resolution No. 479.")

- (2) Wallowa River (M.P. 60) Bridge Section of the Wallowa Lake Highway in Wallowa County. This action abandons 0.1 mile of the old highway to the abutting property owners as the section is no longer needed for highway purposes. (See "Abandonment Resolution No. 480.")

Attention was given to an agreement with Jackson County covering the abandonment of the old section of the Crater Lake Highway-Brownsboro Section of the Lake of the Woods Highway in Jackson County. The Engineer commented that under the agreement the County is to assume jurisdiction of approximately six miles of the old highway upon completion of the relocated section and after the old section is placed in a satisfactory condition. Following his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

Confirmation was requested by the Engineer for verbal approval given by the Chairman on August 29, 1968, covering an agreement with Oregon State University to conduct a functional classification study of all existing state highways, county roads, city streets, and other roads and streets in Oregon. He recalled that the Legislative Interim Committee on Highways had retained the Transportation Research Institute of the State University to prepare a recommendation as to equitable distribution of Highway Funds between the State, counties, and cities. On March 15, 1966, the Commission approved an expenditure of \$183,308 to finance this work. The Transportation Research Institute now requests an amount not to exceed \$40,825 to conduct the functional classification. The Commission confirmed the additional expenditure and authorized the Secretary to sign the agreement in their behalf.

Consideration was given to a throughway agreement with Clatsop County pertaining to access control along the Cannon Beach Bypass Section of the Oregon Coast Highway in Clatsop County. The Engineer stated that the agreement basically provides for access control, right-of-way for future frontage roads, road and street closures, and utility installations. Provision is also made for an exchange of a State-owned stockpile site for county property that is suitable as a roadside viewpoint. He recalled that this portion of highway was constructed in the mid 1950's and only partial access control had been secured. The Commission accepted his favorable recommendation and authorized the Secretary to sign the agreement in their behalf.

Confirmation was requested for verbal approval given by the Chairman on August 29, 1968, of a supplemental agreement with the City of Umatilla concerning a Special City Allotment Project on D Street and 5th Avenue in Umatilla County. In this instance, cost of the project will be approximately \$29,580 and the City has deposited \$3,000 with a request that the remaining \$1,580 (the amount above \$25,000) will not be required until the work is completed. The Commission confirmed the agreement and authorized the Secretary to sign it for them.

Two agreements with the City of Eugene were discussed. The Engineer stated that one of these is a throughway agreement pertaining to temporary routing of the Eugene-Springfield Highway (I-105) via the

Washington-Jefferson Streets couplet between 7th Avenue and the Willamette River. The temporary routing has been placed in effect and the agreement stipulates that the State install necessary signing, striping, pavement repair, and other matters prior to the State's use thereof. The other is an agreement for landscaping and beautification on the I-105 Route southerly from the Willamette River Bridge. It provides that the State install plantings and maintain the area. Based on the Engineer's favorable recommendation, the Commission approved both agreements and authorized the Secretary to sign them in their behalf.

An agreement with the City of Pendleton for installation of illumination at the East Pendleton Interchange on the Old Oregon Trail in Umatilla County was brought up by the Engineer. The agreement provides that the State perform the work at an estimated cost of \$32,600 and maintain the units after installation. The City is to pay for all electrical energy consumed. This is an Interstate Project. Following his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

Consideration was given to an agreement with the City of Gladstone for installation of traffic signals on the Pacific Highway East (McLoughlin Boulevard) at Arlington Street and River Road in Clackamas County. The agreement provides that the State do the work and that the City pay one-half the cost of installation and provide all necessary maintenance and electrical energy. The Engineer estimated the total cost of the installation at \$26,000, the State's share of \$13,000 to be taken from Minor Betterment Funds. The Commission accepted his recommendation for approval and authorized the Secretary to sign the agreement in their behalf.

Confirmation was requested by the Engineer for approval given by Chairman Jackson on September 19 and Commissioner Bruno on September 20 on a permit of entry from Union Pacific Railroad Company. He stated that the permit allows the State to enter upon railroad right-of-way in connection with highway construction on the Lime Section of the Old Oregon Trail in Baker County. The Commission confirmed approval of the permit.

Consideration was given to an agreement with Rogue River Valley Irrigation District pertaining to their facilities which conflict with construction of the Crater Lake Highway-Brownsboro Section of the Lake of the Woods Highway in Jackson County. Under terms of this agreement, the State is to install pipe crossings, construct box culverts, a road connection, reconstruct a ditch rider road, construct road approaches and metal gates, as well as restoration of disrupted irrigation ditches. The District is to perform maintenance on its facilities except for the box culvert at Station 457+75. The Engineer estimated the cost of the work to the State at \$67,000 and recommended that the agreement be approved. The Commission approved the agreement and authorized the Secretary to sign it for them.

Attention was given to an agreement with Bonneville Power Administration covering crossing of the West Unit, Coast Range Summit Section of the Corvallis-Newport Highway in Lincoln County over the BPA

Santiam-Toledo transmission line easement. The agreement also provides for access from the highway to the BPA transmission line easement and three approaches which have been constructed by the State. Following the Engineer's favorable recommendation, the Commission approved the agreement.

The Commission also considered an agreement with Bonneville Power Administration covering the crossing of the Delena-Rainier Section of the Columbia River Highway in Columbia County over the BPA St. Johns-Longview, Longview-Astoria, and Longview-Clatsop power transmission lines easement. Access is also provided from the highway to the BPA power line easement by way of a joint use approach and an access gate installed in a boundary fence dividing the easement. The Commission accepted the Engineer's recommendation for approval.

The Engineer recalled that in 1960 the Commission improved the Redwood Highway westerly from Grants Pass using in part right-of-way purchased from the City of Grants Pass formerly used as the right-of-way for the C&OC Railway. To provide access for certain properties, an approach on Dowell Road was realigned within a few feet of its original position. The landholders now state that the approach must be declared a public way in order that they may finance and develop their holdings. The request has been carefully investigated, the Engineer said, and he recommended that it be granted. The Commission accepted his recommendation and thereupon adopted "Miscellaneous Resolution No. 249," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Commission instructed the Engineer to prepare a plan for the proposed marina at Ft. Stevens State Park in Clatsop County and to work with the U. S. Corps of Engineers to secure joint cooperation. The Commission expressed the hope that some type of incremental plan could be developed to avoid a large expenditure of State funds.

The Commission authorized negotiations for the acquisition of approximately 213 acres of land from Mrs. A. West Johnson at Hug Point in Clatsop County for park purposes.

The Commission signed, or authorized the Secretary to sign, the following agreements, easements, deeds, and other papers.

"Indenture of Access" to B.P.S. Logging Company covering Myrtle Point-Powers Junction Section of Coos Bay-Roseburg Highway in Coos County.

"Indenture of Access" to Clatsop County covering Little North Fork Nehalem River-Humbug Summit Section of Sunset Highway in Clatsop County.

"Indenture of Access" to Georgia-Pacific Corporation covering Siletz-Corvallis-Newport Highway Section of Siletz Highway in Lincoln County.

"Indenture of Access" to Margaret Larsen, Executrix of the Estate of Merna M. Seal, deceased, covering the Blue River-Mill Creek Section of the McKenzie Highway in Lane County.

"Indenture of Access" to Rose W. and Violet C. Herzog covering the Sisters-Cline Falls Section of the McKenzie Highway in Deschutes County.

"Agreement" with Game Commission renewing a previous agreement covering a public parking area, boat launching facilities and public access road to Shinglehouse Slough on the Bunker Hill-Delmar Section of the Oregon Coast Highway in Coos County.

"Release of Easements" to First National Bank of Oregon covering two properties in Madras on The Dalles-California Highway in Jefferson County.

"Release of water rights" to Oral J. and Lucille E. Grayville covering the Goldson Maintenance Site on the Siuslaw Highway in Lane County.

"Agreement" with Jackson County covering abandonment of the Crater Lake Highway-Brownsboro Section of the Lake of the Woods Highway.

"Agreement" with Clatsop County pertaining to access control along Cannon Beach Bypass Section of Oregon Coast Highway.

"Supplemental agreement" with City of Umatilla concerning a Special City Allotment Project on D Street and 5th Avenue.

"Agreement" with City of Eugene (supplemental) pertaining to temporary routing of I-105 (Eugene-Springfield Highway) traffic via Washington-Jefferson Streets couplet between 7th Avenue and the Willamette River.

"Agreement" with City of Eugene covering landscaping in the area immediately south of the Willamette River Bridge on the Eugene-Springfield Highway in Lane County.

"Agreement" with City of Pendleton for installation of illumination at East Pendleton Interchange on Pendleton Section of Old Oregon Trail.

"Agreement" with City of Gladstone for installation of traffic signals on US99E at the intersection of McLoughlin Boulevard, Arlington Street, and River Road.

"Agreement" with Rogue River Valley Irrigation District covering adjustment and maintenance of their facilities which conflict with construction of Crater Lake Highway-Brownsboro Section of Lake of the Woods Highway in Jackson County.

"Agreement" with Bonneville Power Administration covering the crossing of the West Unit, Coast Range Summit Section of the Corvallis-Newport Highway in Lincoln County over their Santiam-Toledo transmission line easement.

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"Agreement" with Bonneville Power Administration covering crossing of the Delena-Rainier Section of the Columbia River Highway in Columbia County over their St. Johns-Longview, Longview-Astoria, and Longview-Clatsop power transmission lines easement.

The meeting was recessed at 10:10 a.m. and reconvened at 10:25 a.m. with the same persons present.

A delegation representing Oregon Welcome, Inc., Portland, came before the Commission to explain their plans for expanding tourism in Oregon and to request an increase in their budget for the year beginning November 1, 1968. The following people were present: Mr. Floyd Bennett, President of Oregon Welcome, Inc.; Mr. Jim Ferguson; and Mr. Richard Turner, all of Portland. Mr. Bennett commented on the expanded operations of Oregon Welcome, Inc., and their efforts in contacting a well-to-do class of people. As a private organization, he pointed out that their operations are more flexible than the State's operations and that they can work easily with private operators. He asked the Commission for additional money to assist in financing their plans for expansion.

In their program of expansion, he stated that it is proposed to open an office in Portland to be staffed by Transportation Consultants, Inc., to program wholesale Oregon tours; to open an Oregon Welcome office in Dallas, Texas, one in Chicago, and one in New York; to expand contracts with travel agents in Oregon Welcome office areas; to launch a new display program entitled "See America, Inc." in over 100 locations throughout the country; to expand the program of inviting travel industry visitors to Oregon; to cooperate with commercial travel and program associations and assist in their promotional programs; and the development of additional transportation services such as the deluxe bus tours in California. He asked the Commission to renew a contract for Oregon Welcome, Inc., of \$15,600, plus an increase of \$22,200 covering the year November 1, 1968, to October 31, 1969.

Mr. Turner, Treasurer for Oregon Welcome, Inc., enlarged on the services provided, such as furnishing travel guides to approximately seven thousand travel agents. He emphasized that their program is aimed at the more affluent class of tourists. He also mentioned that travel agents can be scheduled into Oregon if someone will coordinate the planning.

The Chairman inquired as to funds received from industry. Mr. Ferguson replied that approximately \$24,000 is received annually, particularly from those benefiting from tourist traffic, such as gasoline dealers, motels, restaurants, and resort people. The Chairman pointed out that in efforts to increase tourism in Oregon, the Commission is exposed to criticism for providing a free ride benefiting only a portion of Oregon industry, and there is some sentiment that there is too great a diversion of highway funds for purposes other than construction and maintenance of roads and parks.

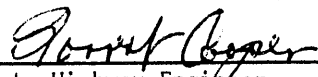
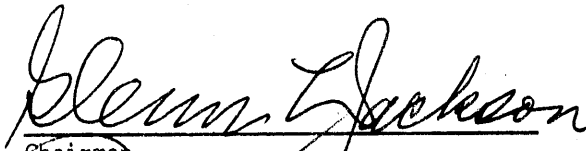
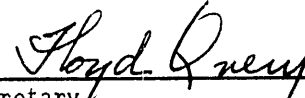
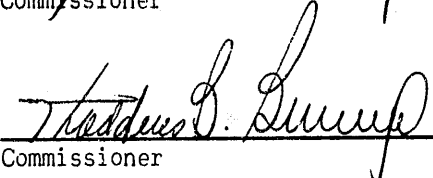
October 1, 1968

Mr. Ferguson stated that in their opinion tourist money that is spent in the State benefits businesses other than those directly connected with tourism. He pointed out that the State of Hawaii contributes to the promotion of tourism at a rate of about 2 to 1 over private contributors. It is in their planning, he continued, to ask the airlines to put up promotion money.

Commissioner Bruno inquired if they have any concrete plans to secure additional revenues from businesses which benefit from the tourism program. Mr. Turner replied that it is necessary to go to the head office on some of the large national chains of restaurants and motels, but he felt that more contributions could be secured. Greater accent, he said, will be placed on contacting people who can afford to spend \$50 a day instead of the present average of \$14 a day per person.

The Chairman informed the delegation that no answer could be given now, that they have been doing a good job, and that an answer will be given at a later date.

There being no further business to conduct, the meeting was adjourned by the Chairman at 11 a.m.

 State Highway Engineer	 Chairman
 Secretary	 Commissioner

October 1, 1968

Salem, Oregon
November 12, 1968

The Oregon State Highway Commission met in regular session at 9 a.m., in Room 122 of the State Highway Building in Salem. Present were:

Glenn L. Jackson, Chairman
 Fred W. Hill, Commissioner
 Thaddeus B. Bruno, Commissioner
 Forrest Cooper, State Highway Engineer
 R. L. Porter, Deputy State Highway Engineer
 Tom Edwards, Assistant State Highway Engineer
 Lloyd P. Shaw, Assistant State Highway Engineer
 F. B. Klaboe, Assistant State Highway Engineer
 George E. Rohde, Chief Counsel
 David H. Moehring, Right of Way Engineer
 Floyd Query, Secretary

Among others present were R. E. Simpson, Division Engineer, U. S. Bureau of Public Roads; C. W. Head, Assistant Secretary to the Commission; Victor D. Wolfe, Administrative Assistant; L. H. Young, Program and Planning Engineer; C. H. Maison, Controller; Frank C. McKinney, Assistant Counsel; David Talbot, Parks Superintendent; John Oakes, Assistant Right of Way Engineer; Kenneth A. Chatwood, Administrative Right of Way Agent; R. B. Sipprell, Liaison Engineer; and John J. Earley, Information Officer.

The Commission approved the minutes of the regular meeting held on October 1, 1968.

The Right of Way Engineer presented a list of options, Pages 1 through 37, secured for acquisition of real property needed for State highway use or for other purposes. He mentioned that the amounts offered are based upon competent appraisals and are in order for Federal-aid. After due consideration, the Commission approved closing the options, including those sent to them by mail for approval since the last Commission meeting, as well as those options presented for the first time at this meeting. The Commission thereupon adopted "Right of Way Resolution No. 54," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Property Manager's Report covering sales of miscellaneous properties and rental receipts from September 24, 1968, to November 1, 1968, was presented by the Right of Way Engineer. During this period, he reported that miscellaneous sales totaled \$17,997, land sales \$2,811, and timber sales \$400. Rental receipts for September were \$20,822.35 and for October \$20,859.80. The Commission accepted the report.

Approval was requested by the Right of Way Engineer for direct disposal of property no longer needed for highway purposes. The Commission approved direct disposal of the following properties:

November 12, 1968

- (1) Relinquishment of an 80-foot strip of land, File No. 10186, on the Central Point Section of the Pacific Highway in Jackson County, between the old Pacific Highway and the railroad tracks, to the City of Central Point at no cost. This parcel, he said, is an extension of Manzanita Street and is no longer needed for highway purposes and has been requested by the City for public street purposes.
- (2) An exchange of quitclaim deeds between the Commission and Desmond M. and Helen Foley, File No. 36068, on the Willamina-Salem Highway at Eola Inn in Polk County. The Right of Way Engineer explained that surveys made over a period of years in this area are in conflict. To insure the Commission's title to the area occupied by the highway and to insure the owners of Eola Inn to the title occupied by the business enterprise, he recommended that an exchange of quitclaims be accomplished without consideration.
- (3) George W. and Ruby E. Kirk property, File No. 17047, on the Weston-Elgin Highway easterly from Weston and adjoining a Umatilla County road. The Right of Way Engineer stated that this property consists of two quarry sites acquired in 1951. When acquired, provision was made that the properties revert to the grantors when the State had no further use for them. As the quarry sites are exhausted, he recommended that they be transferred to the grantors without consideration. The Commission also authorized the Secretary to sign the document.
- (4) A Deed of Dedication, File No. 37986, covering the easterly portion of a roadway connecting an existing public way with the Hermiston Interchange on the Old Oregon Trail in Umatilla County. The Right of Way Engineer explained that the roadway 50 feet wide was acquired on December 14, 1965. He recommended that the roadway consisting of 0.43 acre be deeded to the public at no cost for road purposes.

Confirmation was requested by the Right of Way Engineer for telephonic approval given by Chairman Jackson October 4, 1968, to enter into a 15-year lease with Freeway Industries, Inc., File Nos. 34077 and 34078, on the Stadium Freeway in the City of Portland. The Right of Way Engineer explained that the property involved consists of approximately 1,000 square feet of land located in the northeast corner of S. W. 6th Avenue and Sherman Street in Portland and is to be used for parking of motor vehicles. The lease provides payment of \$240 per year and will be opened for renegotiation at the end of 5 years and at the end of 10 years. Access is to be permitted only to Sherman Street and signboard and junkyard exclusion clauses are included in the lease agreement. The Commission confirmed the lease and authority for the Secretary to sign it in their behalf.

Indentures of Access covering changes in location of access for the convenience of the property owners and for the safety of the traveling public, and to correct the record to show the locations as actually constructed, were recommended by the Right of Way Engineer. The Commission approved the following Indentures of Access:

- (1) Carter property, File No. 38634, to correct the public record to show the actual location of one unrestricted access 35 feet wide on the southerly side of the Santiam Highway in the City of Sweet Home, Linn County. Portions of the Civil Rights Act of 1964 are to be included in the Indenture. Bureau of Public Roads' approval was given September 14, 1967.
- (2) Burch property, File No. 35648, to correct the public record to show the actual location of two points of unrestricted access on the northerly side of the McKenzie Highway approximately two miles east of Blue River in Lane County. Approval by the Bureau of Public Roads was received June 9, 1967.
- (3) Tuttle, Lacey and Krumm property, File No. 36630, to correct the public record to show the actual location of one point of unrestricted access 35 feet wide on the northerly side of the McKenzie Highway just east of the McKenzie Bridge in Lane County. Portions of the Civil Rights Act of 1964 are to be included in the Indenture. Bureau of Public Roads' approval was given October 3, 1967.
- (4) Pienovi property, File No. 36259, to correct the public record to show the actual location of one unrestricted point of access 35 feet wide on the southerly side of the Mt. Hood Highway approximately one-half mile east of Gresham in Multnomah County. Approval by the Bureau of Public Roads was given August 19, 1968.
- (5) Ahern property, File No. 18022, for a change in location of one point of access 35 feet wide restricted to non-commercial use on the easterly side of The Dalles-California Highway approximately eight miles south of Lapine in Klamath County. Bureau of Public Roads' approval was given July 12, 1968.

The Chief Counsel presented a list of properties needed for the uses indicated therein and requested the Commission to declare by resolution the necessity of said properties for the public uses to which they are to be put and to authorize the Legal and Right of Way Division to

attempt to agree with the owners of said properties as to price. After careful consideration, the Commission granted authority to condemn the properties if negotiations are not successful and thereupon adopted "Condemnation Resolutions Nos. 2530 through 2532," which resolutions by this reference are made a part hereof and filed in the Secretary's Office.

A report on cases which have been tried in court was presented by the Chief Counsel. On eight cases, he mentioned that the court verdicts totaled \$249,400 compared with owners' demands in excess of \$500,000 and offers made by the State of approximately \$208,000. One of the verdicts was less than the amount offered by the State. Concerning the Dickson case, whose life was lost when the John Day Bridge collapsed about four years ago, he stated that settlement in the amount of \$16,000 had been agreed upon. The Chairman inquired as to the status of the suit against the U. S. Army Engineers as to liability for the collapse of the bridge. The Chief Counsel replied that progress in the case is slow. The State Highway attorneys have gone through the records of the U. S. Engineers in a discovery process and it is expected that their attorneys will follow the same procedure concerning the State Highway Commission's records. The Commission accepted the report which is summarized as follows:

REPORT OF CONDEMNATION CASES TRIED

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Defendant's Demand</u>	<u>Verdict</u>
L-5786 Alfred M. DeNeui, et al.	Clackamas	East Portland Freeway	Columbia River-Pacific Highway	\$ 13,350.00	\$ 25,000.00	\$ 21,500.00
L-5781 John N. Lovelace, et al.	Clackamas	East Portland Freeway	Columbia River- Pacific Highway	6,275.00	10,500.00 (Answer)	9,000.00
L-5724 B. W. Tannler, et al.	Clackamas	East Portland Freeway	Columbia River- Pacific Highway	55,800.00	103,000.00 (Answer)	80,250.00
L-5733 Arthur N. Weldon, et al.	Clackamas	East Portland Freeway	Columbia River- Pacific Highway	5,200.00	15,000.00 (Answer)	5,850.00
L-5490 Unknown Heirs of William Thomas Perry, et al.	Douglas	Oakland- Shady	North Hill- Deer Creek	1,490.00 excluding signs	None	1,490.00 excluding signs
(For signs, see settlement report of October 31, 1967, Commission meeting, under L-5490)						

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(Report of Condemnation Cases Tried Cont.)

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Defendant's Demand</u>	<u>Verdict</u>
L-5455 Eugene Paul Landauer, et al.	Multnomah	Columbia River	St. Helens Road-N.W. 21st Ave.	\$ 57,500.00	\$ 67,500.00	\$ 62,500.00
L-5558 O. Jay Brogioitti, et al.	Umatilla	Old Oregon Trail	Pendleton Section & West Exten- sion of Pendleton Section	65,925.00	275,000.00 (Answer)	65,915.00
L-5594 Albert Grossen, et ux.	Washington	Sunset	N. Plains Interchange- Cornelius Pass Road Interchange	2,550.00	11,500.00	4,000.00
L-5467 Portland Traction Co.	Multnomah	East Bank Freeway	Pacific	85,250.00		

REMARKS: This involves railroad operating property at the east end of the Marquam Bridge. Present plans not yet complete require additional property to accommodate a connection with the Mt. Hood Freeway. The court will not allow the present case to be continued until the plans are perfected. The parties therefore have by Stipulation agreed to dismiss the present case to be refiled later when the plans have been completed. By agreement the date of taking will remain the same as the date of filing of the original complaint.

REPORT OF TRIAL OF OTHER CASES

<u>Case</u>	<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict</u>
L-5324	David P. State Currie of Oregon	Polk	Negligent oper- ation of motor vehicle damaging State vehicle	\$ 1,297.38	\$ 1,297.38
L-5450	Roy J. State Bingham, of et al. Oregon	Polk	Negligent oper- ation of motor vehicle damaging guardrail.	84.36	84.36

November 12, 1968

(Report of Trial of Other Cases cont.)

<u>Case</u>	<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict</u>
L-5651 State of Oregon	Tom Burbank	Polk	Cutting trees off highway right of way	\$ 319.68	\$ 319.68
L-5815 State of Oregon	Larry L. Lee	Marion	Negligent operation of motor vehicle damaging sign, drainage ditch & lawn area.	140.93	140.93
L-5766 State of Oregon	George M. Student	Klamath	Negligent operation of motor vehicle damaging State vehicle	134.91	134.91
L-5805 State of Oregon	Joseph Clyde Ellis	Josephine	Negligent operation of motor vehicle damaging guardrail.	112.64	112.64
L-5303 State of Oregon	Nancy Jane Solum	Lane	Negligent operation of motor vehicle damaging guardrail.	151.41	151.41
L-5813 State of Oregon	Florence Lenora Hoy	Marion	Negligent operation of motor vehicle damaging guardrail	72.99	72.99
L-5864 State of Oregon	Erasmus Barrera	Marion	Negligent operation of motor vehicle damaging Willamette River Bridge	108.99	Amount sued for paid in full
L-5866 State of Oregon	Charles L. Funk	Marion	Negligent operation of motor vehicle damaging guardrail.	280.82	280.82
L-5293 State of Oregon	Carol E. Grant	Coos	Negligent operation of motor vehicle damaging bridge.	209.14	119.14
L-5869 State of Oregon	L. A. Morgan, et al.	Umatilla	Negligent operation of motor vehicle damaging State vehicle	54.00	54.00

November 12, 1968

(Report of Trial of Other Cases Cont.)

<u>Case</u>	<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict</u>
L-5745 F. Paul Molyneux	Kenneth J. Montgomery	Lane	Personal injury	\$18,662.40	\$ 2,217.40
L-5230 Norma Cronk Dickson	State Highway Commission, U. S. of America and others	Federal District Court	Wrongful Death	25,000.00	16,000.00

(For additional details, see the Chief Counsel's letters dated November 8 and 13, 1968, concerning cases tried filed in the Salem Office, General Files.)

A report was also presented by the Chief Counsel on cases which have been settled out of court since the last Commission meeting. The proposed settlements, he said, are based on competent appraisals and are in order for Federal-aid. The Commission approved the settlements which are summarized as follows:

REPORT OF CONDEMNATION CASES SETTLED

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Amount of Settlement</u>
L-5662 Irene Keppinger, et al.	Multnomah	Columbia River	St. Helens Road-N.W. 21st Ave.	\$6,000.00	\$ 6,150.00
L-5714 Bruce Peck, et ux.	Clackamas	East Portland Freeway	West Linn-Pacific Hwy. Unit-Columbia River-Pacific Highway (Review appraisal 10-1-68)	1,500.00	3,000.00
L-5523 Richard L. Rice, et al.	Washington	Sunset	North Plains Interchange-Cornelius Pass Road Interchange (All appraisals reviewed by Appraisal Review Section and \$4,725 determined to be market value.)	2,200.00	5,000.00

November 12, 1968

(Report of Condemnation Cases Settled Cont.)

Case	County	Highway	Section	State's Offer	Amount of Settlement
L-5824 Winton J. Hunt, et al.	Marion	Pacific	Woodburn Interchange	\$ 6,700.00	\$ 6,700.00
L-5146 Peter J. Feher, et al.	Clackamas	Pacific	Upper Boones Ferry Road Interchange	2,700.00	4,625.00
(After original appraisals, it was discovered that the sewer system on the property would be disrupted by construction. Revised appraisals at \$4,150 obtained and settlement reached.)					
L-5688 U. S. Plywood- Champion Paper, Inc.	Curry	Otter Point Scenic Area		126,700.00	150,000.00
(This is an acquisition of 51 acres of prime ocean front property between the highway and the ocean at Otter Point in Curry County which will give better access to good beach.					
Original appraisals were revised to include up dated sales information discovered after the letter of offer. Owner also submitted an appraisal by Mr. Rodman, a well-qualified appraiser, often used by State. His appraisal was at \$151,250.)					
L-5750 Paco, Inc., et al.	Clackamas	East Portland Freeway	Columbia River-Pacific Highway	2,000.00	1,875.00
L-5850 Raymond C. McNulty, et al.	Marion	Woodburn-Estacada	Killin Br.	12,750.00 (plus fencing)	14,000.00 (plus fencing)
(Giving consideration of the estimate of damage allowed in the appraisals, the increase over appraisal is well within market value.)					
L-5798 J. W. Copeland Yards	Multnomah	East Portland Freeway	Columbia River-Pacific Highway	85,450.00	95,000.00
(Appraisals upon which negotiations and original offer were based had been prepared in early 1967. Revised appraisals, based upon subsequent sales, came in at \$88,000 and \$91,000.)					

November 12, 1968

REPORT OF OTHER CASES SETTLED

Case	Defendants	County	Cause of Action	Demand of Plaintiff	Settlement
L-5773 Dean W. Masterson, et ux.	State of Oregon	Deschutes	Damages for change of grade (Negotiations were initiated to obtain slope easement and \$500 was offered. Owner refused and then filed an Inverse Condemnation based upon damages by reason of change of grade. He asked for \$1,500. Settlement reached on basis of State's original offer.)	\$ 1,500.00	\$ 500.00
L-4343A State of Oregon	R. A. Heintz Construction Company and Rogers Construction Company - joint ventures	Multnomah	Claim by State for overpayment on State Hwy. Contract No. 4902. (12th St.- N. Ashland Sec., Pacific Hwy.) (Various facts made a favorable result on re-trial doubtful. On the first trial, a crucial factual dispute developed as to whether the State did, or did not, issue a verbal change order. Contractors produced several witnesses who denied the same. The Supreme Court's opinion virtually invited contractors to urge on retrial, that a verbal change order, even if given, would be invalid. Also, subsequent to the first trial, it was learned that contractors might be entitled to additional credits, in excess of \$20,000 not reflected in our accounting at the first trial. Some witnesses would no longer be available. Negotiations developed a compromise with the State continuing to withhold the \$71,661 retainage on this job, but paying \$10,006.13 retainage due these contractors on other projects. Contractors release any claims they have for additional payments on this contract.)	75,485.00	See remarks

(For additional details, see the Chief Counsel's letter dated November 8, 1968, concerning cases settled and filed in the Salem Office, General Files.)

The Commission confirmed approval previously given by telephone on offers made to owners for acquisition of real property prior to the start of condemnation proceedings as follows:

BANDON STATE PARK

R-42326 - Rupert G. Boak, et al. 40.0 acres + for park purposes. Offer of \$34,000.00 approved by Mr. Jackson November 4, 1968.

CRATER LAKE HIGHWAY-BROWNSBORO SECTION OF THE LAKE OF THE WOODS HIGHWAY

R-41996 - John Charles Lent and Job C. Lent. Parcel No. 1: 16.5 acres for right of way purposes; Parcel No. 2: 0.27 acre for permanent easement; Parcel No. 3: 1,000 square feet for permanent easement; Parcel No. 4: 1,100 square feet for permanent easement; Parcel No. 5: 4,050 square feet for temporary easement; Parcel No. 6: 1,200 square feet for
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temporary easement; Parcel No. 7: 7,000 square feet for temporary easement; Parcel No. 8: 1,250 square feet for temporary easement. Offer of \$13,150.00 approved by Mr. Jackson September 25, 1968.

CROOKED CREEK STATE WAYSIDE

R-40802 - Julian R. Zimmerman, et ux. 234.0 acres for park purposes. Offer of \$4,800.00 approved by Mr. Jackson November 4, 1968.

GRAY CREEK-MYRTLE POINT SECTION OF THE COOS BAY-ROSEBURG HIGHWAY

R-39840 - Homer K. Peterson, et ux. 1.25 acres for right of way purposes. Offer of \$15,600.00 approved by Mr. Jackson November 4, 1968.

R-40280 - Raymond A. Thompson, et ux. 1.5 acres for right of way purposes. Offer of \$3,250.00 approved by Mr. Jackson October 22, 1968.

KLAMATH FALLS-GREEN SPRINGS HIGHWAY JUNCTION SECTION OF THE DALLES-CALIFORNIA HIGHWAY

R-42615 - Elmer E. Colson, et ux. 0.48 acre for right of way purposes. Offer of \$2,775.00 approved by Mr. Jackson October 22, 1968.

LaGRANDE SECTION OF OLD OREGON TRAIL

R-40263 - Arthur J. McCall, et ux. Parcel No. 1: 10.1 acres for right of way purposes; Parcel No. 2: 8.8 acres for right of way purposes; Parcel No. 3: 5.3 acres for right of way purposes; Parcel No. 4: 1.8 acres for right of way purposes; Parcel No. 5: 0.23 acre for permanent easement; Parcel No. 6: 0.06 acre for permanent easement; Parcel No. 7: 0.04 acre for permanent easement; Parcel No. 8: 0.34 acre for permanent easement; Parcel No. 9: 0.85 acre for temporary easement. Offer of \$11,500.00 approved by Mr. Jackson October 23, 1968.

R-40267 - La Grande Livestock Commission Company. Parcel No. 1: 11.55 acres for right of way purposes; Parcel No. 2: 0.13 acre for right of way purposes; Parcel No. 3: 0.4 acre for right of way purposes. Offer of \$9,100.00 approved by Mr. Hill October 31, 1968.

R-40634 - Claude E. Wright, et ux. Parcel No. 1: 3.75 acres for right of way purposes; Parcel No. 2: 2.15 acres for permanent easement. Offer of \$7,100.00 approved by Mr. Jackson October 22, 1968.

R-40654 - Charles F. Perry. 2,570 square feet for right of way purposes. Offer of \$600.00 approved by Mr. Hill October 4, 1968.

LaGRANDE-NORTH POWDER SECTION OF THE OLD OREGON TRAIL

L-41033 - Charles Smutz, et ux. 5.1 acres for right of way purposes. Offer of \$4,550.00 approved by Mr. Hill October 31, 1968.

MT. ANGEL-SILVERTON SECTION OF THE HILLSBORO-SILVERTON HIGHWAY

R-38195 - Southern Pacific Company. Parcel No. 1: 0.45 acre for right of way purposes; Parcel No. 2: 0.18 acre for right of way purposes; Parcel No. 3: 6.964 acres for right of way purposes; Parcel No. 4: 1.8 acres for right of way purposes; Parcel No. 5: 0.03 acre for right of way purposes; Parcel No. 6: 0.9 acre for right of way purposes; Parcel No. 7: 1,500 square feet for permanent easement; Parcel No. 8: 1,500 square feet for permanent easement; Parcel No. 9: 750 square feet for temporary easement; Parcel No. 10: 750 square feet for temporary easement; Parcel No. 11: 750 square feet for temporary easement; Parcel No. 12: 1,125 square feet for temporary easement; Parcel No. 13: 5,250 square feet for temporary easement; Parcel No. 14: 0.32 acre for permanent easement. Offer of \$15,700.00 approved by Mr. Jackson October 3, 1968.

N.E. GLISAN ST.-S.E. DIVISION STREET UNIT OF THE COLUMBIA RIVER-PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY

R-41239 - A. W. Bryant, et ux. 15,353 square feet for right of way purposes. Offer of \$55,550.00 approved by Mr. Jackson September 27, 1968.

R-41240 - Cornelia Y. Welch. 7,228 square feet for right of way purposes. Offer of \$7,500.00 approved by Mr. Jackson October 22, 1968.

NORTH POWDER-BAKER SECTION OF THE OLD OREGON TRAIL

R-42392 - Theodore O. Morin, et ux. Parcel No. 1: 22.5 acres for right of way purposes; Parcel No. 2: 0.61 acre for permanent easement. Offer of \$16,100.00 approved by Mr. Jackson October 23, 1968.

NORTH TIGARD INTERCHANGE-HUBBARD INTERCHANGE SECTION OF THE PACIFIC HIGHWAY

R-42167 - Ben D. Andrews, et ux. 3.15 acres for scenic area. Offer of \$4,750.00 approved by Mr. Jackson September 27, 1968.

OAK HILL-INTERSTATE 105 SECTION OF THE FLORENCE-EUGENE HIGHWAY

R-42486 - Juanita M. Duty. 7,973 square feet for right of way purposes. Offer of \$22,000.00 approved by Mr. Jackson October 22, 1968.

ROADS END BEACH STATE WAYSIDE

R-42111 - Helen R. Mittleman. 3.2 acres for park purposes. Offer of \$100,000.00 approved as compromise by Mr. Jackson October 17, 1968.

SEVENTH AVENUE-WILLAMETTE RIVER SECTION OF THE EUGENE-SPRINGFIELD HIGHWAY

R-40470 - Stanley Demarest, et ux. Parcel No. 1: 10,800 square feet for right of way purposes; Parcel No. 2: 450 square feet for right of way purposes. Offer of \$150,000.00 approved by Mr. Jackson October 3, 1968.

SUNSET HIGHWAY-PACIFIC HIGHWAY SECTION OF THE BEAVERTON-TIGARD HIGHWAY

R-37839 - J. Peterkort & Company. 0.13 acre for right of way purposes. Offer of \$10,300.00 approved by Mr. Jackson October 7, 1968.

R-37958 - Tracy A. Ditmars, Jr., et ux. 0.02 acre for right of way purposes. Offer of \$1,500.00 approved by Mr. Jackson October 4, 1968.

WEST LINN-PACIFIC HIGHWAY UNIT OF THE COLUMBIA RIVER-PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY

L-5779 (R-41676) - Ewald Ek, et ux. Parcel No. 1: 7.8 acres for right of way purposes; Parcel No. 2: 4.0 acres for right of way purposes; Parcel No. 3: 1.92 acres for right of way purposes; Parcel No. 4: 0.04 acre for right of way purposes; Parcel No. 5: 0.9 acre for scenic area; Parcel No. 6: 0.35 acre for permit of entry. Offer of \$28,025.00 approved by Mr. Jackson October 30, 1968.

The Commission considered and accepted a report by the Chief Counsel concerning an order received from the Public Utilities Commissioner regarding a highway crossing matter summarized as follows:

PUC 667: Application of the State Highway Commission to construct the East Fremont Interchange Structures over the tracks of the Oregon-Washington Railroad and Navigation Company and the Union Pacific Railroad Company on the Stadium Freeway in the City of Portland. The PUC has approved the necessity for construction which will allow the State to file a condemnation action to acquire land. The Railroad Companies, however, have indicated that they will appeal the decision. If appealed in the Circuit Court, it will be necessary to turn the condemnation proceedings over to the Federal Government in order to meet contract scheduling set for August, 1969.

A report was made by the Chief Counsel on legal proceedings which have been instituted against the Commission or its employees as follows:

- (1) Carrold Wicks vs. State of Oregon. Plaintiff seeks \$7,500 for alleged damages to his property in the widening of the Lower Columbia River Highway near Burlington in Multnomah County. Plaintiff alleges that there was a change of grade in the established highway thereby impeding access to his adjacent property.

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The Engineer requested increases in project authorizations. The Commission approved increases on the following contracts:

- (1) Contract No. 7009 on the Burlington-Portland Section of the Columbia River Highway in Multnomah County for an increase of \$193,617.31 (6.83%). Reasons for the overrun were given as increases in bituminous base, asphaltic concrete, concrete in retaining walls, and complexity in utility adjustments.
- (2) Contract No. 7109 for installation of a traffic signal on the Klamath Falls-Malin Highway in the City of Klamath Falls, for an increase of \$12,097.48 (40%). A change in plans to conform with State and Federal safety standards adopted after award of the contract was given as the principal cause of the overrun.
- (3) Contract No. 7114, Waldport Bridge on the Oregon Coast Highway in Lincoln County, for an increase of \$126,500 (17.9%). Extreme difficulty in sealing the bottom of the suspension rods and a great many obstructions under the old piers were given as the principal reasons for the overrun.

Requests from contractors for extensions of time to complete highway contracts without assessment of liquidated damages were considered by the Commission. The Engineer stated that each request has been carefully investigated and the results of the investigation have been reported to the Commission by letter. The Commission took action as follows:

- (1) Salem Road and Driveway Company, Fred C. Voigt, and George A. Lindahl, Contract No. 7010, on the Pacific Highway West in Polk County, requested an extension of time to August 15, 1968. The Commission approved an extension of time to August 7, 1968, (the date of completion) without assessment of liquidated damages. Bureau of Public Roads' approval was given by letter dated October 4, 1968, covering 26 calendar days or up to July 11, 1968.
- (2) Berry Creek Construction Company, Contract No. 7146 on the Oregon Coast Highway in Lincoln County, requested an increase from 60 to 70 workdays in which to complete the contract. The Commission approved an extension of five calendar workdays thereby eliminating all liquidated damages.
- (3) Charles T. Parker Construction Company, Contract No. 7019 on the Old Oregon Trail in Baker County, requested an extension of 11 calendar days. The Commission denied the request.

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- (4) Sims Electric, Inc., Contract No. 7111 for traffic signal installation on the Mt. Hood Highway in Multnomah County, requested 30 additional calendar days to complete the contract. The Commission approved an extension of 26 calendar days (to the date of completion) without assessment of liquidated damages.
- (5) Lord Brothers Contractors, Inc., Contract No. 7066 on FAS 940 in Multnomah County, requested 79 additional calendar days. The Commission approved an extension of 48 calendar days without assessment of liquidated damages.
- (6) Slate-Hall, Contract No. 7009 on the Columbia River Highway in Multnomah County, requested an increase of 45 calendar days. The Commission approved an increase of 60 calendar days without assessment of liquidated damages. Approval by the Bureau of Public Roads was given by letter dated November 1, 1968.
- (7) Porter W. Yett Company, Contract No. 7067 on the Northeast Portland Highway in Multnomah County, requested an increase of 39 calendar workdays. The Commission approved an increase of 39 calendar workdays without assessment of liquidated damages.
- (8) C. E. Leseberg, Contract No. 7135 on a Malheur County Road, requested a 20-calendar day extension of time. The Commission approved an increase of 17 calendar days without assessment of liquidated damages.
- (9) Tom Lillebo Construction Company, Contract No. 7024 on the Oakland-Shady Highway in Douglas County, requested an increase of 65 calendar days. The Commission approved an increase of 65 calendar days on the first phase of the contract thereby eliminating all liquidated damages.

The Engineer reported that Contract Nos. 7010, 7032, 7060, 7091, 7102, 7111, 7112, 7132, 7142, and 7144 for highway construction have been completed as required by the contracts or modifications thereof and said contracts are now ready for acceptance or have been accepted by letter since the last Commission meeting. After due consideration, the Commission accepted the contracts by adopting "Contracts Completed Resolution No. 171," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The next regular Highway Commission meeting was confirmed for Tuesday, December 17, 1968, in the Conference Room of the State Highway Building in Salem. A tentative date of Tuesday, January 28, 1969, was set for the following meeting.

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The Commission confirmed telephonic approval given October 14, 1968, awarding contracts on which bids were received October 3, 1968, and authorized the Secretary to sign the contracts on the following projects:

BIDS RECEIVED IN SALEM OCTOBER 3, 1968

Contract No. 7185 for grading, paving, structure, and signing on the Lime Section of the Old Oregon Trail in Baker County. Federal-aid Interstate Highway Project No. I-80N-7(25)341. Ten bids were received. The Commission elected to accept the low bid of Roy L. Houck Sons' Corporation, Salem, in the sum of \$3,483,601.00 and the State Highway Engineer was directed to award the contract to said bidder as soon as approval of the Bureau of Public Roads is received.

Contract No. 7186 for grading, paving, signing and illumination on the Highlands Interchange-Vista Ridge Tunnel Section of the Sunset Highway in Multnomah County. State Project. Eight bids were received. The Commission awarded the contract to the low bidder, Peter Kiewit Sons' Company, Omaha, Nebraska, in the amount of \$2,359,339.00.

Contract No. 7187 for pier replacement on the Siuslaw River Bridge on the Oregon Coast Highway in Lane County. State Project. Three bids were received. The Commission awarded the contract to the low bidder, Larson Construction Co., Astoria, in the amount of \$82,900.00.

The Engineer reported that he had awarded contracts which had been referred to him by the Commission to award when certain conditions were fulfilled. The Commission confirmed award of the following contracts:

- (1) Grading, paving, and structures on the Crater Lake Highway-Brownsboro Section of the Lake of the Woods Highway in Jackson County. Bids received September 12, 1968. Contract No. 7173 awarded October 10, 1968, to Rogers Construction, Inc., Portland, low bidder.
- (2) Grading, paving and structures on the Pudding River (Killin) Bridge Section of Woodburn-Estacada Highway in Marion County. Bids received September 12, 1968. Contract No. 7180 awarded October 3, 1968, to Babler Bros., Inc., Portland, low bidder.
- (3) Grading, paving, structure, and signing on the Lime Section of the Old Oregon Trail in Baker County. Bids received October 3, 1968. Contract No. 7185 awarded October 14, 1968, to Roy L. Houck Sons' Corporation, Salem, low bidder.

A project was presented by the Engineer involving replacement of a narrow steel bridge over the North Fork of the Coquille River on the Coos Bay-Roseburg Highway just northerly from the city of Myrtle Point, Coos County. He commented that the structure was built in 1925 and is one of the more urgently needed projects in the improvement of this highway.

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Cost of the project is estimated at \$1,745,000 and he recommended that it be added to Federal-aid Program XI with bids to be received probably in the spring of 1969. The Commission approved the project.

The Engineer reported that a location survey had been completed on the 14th Street-Bayshore Boulevard (Coos Bay) Section of the Empire-Coos Bay Highway in Coos County. No hearing was required. He explained that this is a cooperative project with the City of Coos Bay on a 50-50 basis covered by an agreement with the City approved August 22, 1968. The Commission approved the survey, authorized the purchase of right of way, and thereupon adopted "Survey Resolution No. 356," which resolution by this reference is made a part hereof and filed in the Secretary's Office. Construction of the project was authorized when funds are available.

The Engineer made a report on the selection of corridor routes on which public hearings have been held. He stated that testimony given at these hearings has been carefully studied and that the routes recommended were favored by the majority of those who testified. The Commission accepted his recommendation by adopting "Corridor Route Resolutions Nos. 364 & 365" which resolutions by this reference are made a part hereof and filed in the Secretary's Office as follows:

- (1) Chemawa Road-Hickory Street Section (I-305) of the Salem Freeway Highway in Marion County. A public hearing was held in Salem on July 11, 1968. The Commission approved the route as shown on Corridor Approval Map No. 1R-4-361 dated October 1968, which, with slight modifications, is the same as Alternate No. 3, presented at the hearing and favored by the majority. (See "Corridor Route Resolution No. 365")
- (2) Otis Interchange-Drift Creek Section of the Oregon Coast Highway in Lincoln County. The survey on this section is being conducted by the Bureau of Public Roads and a public hearing was held in Lincoln City on October 2, 1968, at which time four routes were considered. The Rock Creek Route was favored by most of those at the meeting. The Commission approved the Rock Creek Route as shown on Corridor Approval Map No. 1R-4-359 dated October 1968. (See "Corridor Route Resolution No. 364")

A request for a speed survey on 6th Avenue (Coos River Highway) in the City of Eastside in Coos County was reported by the Engineer. A study was made and, from the facts disclosed, he recommended the establishment of a 35-mile-per-hour speed zone from the junction of the Oregon Coast Highway to the south city limits of Eastside. The Commission accepted his recommendation and thereupon adopted "Speed Zone Resolution No. 541," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

A recommendation was made by the Engineer to prohibit the parking of vehicles on a part of the Hood River Highway in Hood River County. Widening of the Indian Creek Section of the highway south of the city of Hood River provides width for four lanes of traffic but not for parking of vehicles. As four lanes of traffic are required, he recommended that parking be prohibited as follows:

On the west side:

From the south city limits of Hood River (Engineer's Station 107+10, M. P. 0.79) to the southerly property line of Swick Road (Engineer's Station 118+95, M. P. 1.02).

On the east side:

From the south city limits of Hood River at Sieverkropt Road (Engineer's Station 114+00, M.P. 0.92) to the south property line of Swick Road (Engineer's Station 118+95, M.P. 1.02).

The Commission accepted his recommendation and thereupon adopted "No Parking Resolution No. 270," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Commission considered a supplemental agreement with Coos County concerning disposition of portions on the Coquille-Myrtle Point Section of the Coos Bay-Roseburg Highway, Coos County. The Engineer explained that the supplemental agreement provides that certain portions originally transferred to the County are to be retained by the State but are to be maintained by the County. Two short segments of the old highway no longer needed for highway purposes are to be abandoned to the abutting property owners. Following his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

Attention was given to a request by the City of Tigard in Washington County for annexation of a portion of the Beaverton-Tigard Highway into the City. The Engineer stated that an investigation indicates that the annexation conforms legally and does not form an enclave. He recommended that the Commission give its consent. The Commission consented to the annexation and authorized the Secretary to sign the consent form.

The Commission also considered a supplemental agreement with the City of Portland and Multnomah County concerning transfer to the City of property on S. W. 26th Avenue acquired during the construction on the S. W. 14th Avenue-Washington County Line Section of the Pacific Highway in Multnomah County. When the original agreement with Multnomah County was approved, S. W. 26th Avenue was a county road which the County agreed to maintain upon completion of construction. In the meantime, the area was annexed to the City, and the County felt the transfer should be made directly to the City. The supplemental agreement accomplishes this purpose and the Engineer recommended that it be approved. The Commission approved the agreement and authorized the Secretary to sign it for them.

An agreement with the Oregon State Game Commission to complete a study of water access and for the preparation of plans to provide fishing accesses was considered. The Engineer stated that the Game Commission has completed approximately 66 percent of the work as the first phase of the project as a part of the Land and Water Fund Program. Cost of this project is estimated at \$43,420, none of which is chargeable to the Highway Fund. The Bureau of Outdoor Recreation will pay half if the project is approved, and it is anticipated that the Bureau of Public Roads will pay half. The Game Commission is to complete the project by January 1, 1970, and is to pay the initial cost thereof. Funds available to the State by the Bureau of Outdoor Recreation are to be paid to the Game Commission. Following the Engineer's favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

A throughway agreement with Clackamas County pertaining to reconstruction on the South Tigard Interchange-Marion County Line Section of the Pacific Highway in Clackamas County was presented by the Engineer. The agreement provides for construction and maintenance of the project by the State, the closure of certain roads and relocation of utility facilities. The agreement is necessary because of widening to six lanes and reconstruction of the interchange. The Commission accepted the Engineer's favorable recommendation and authorized the Secretary to sign the agreement for them.

Consideration was also given to an agreement with the City of Newport for installation of traffic signals at the intersection of the Oregon Coast Highway and 6th Street, Lincoln County. Under the agreement, the State is to perform the work and the City agrees to pay one-half the cost of installation, all of the cost of electrical energy, and to remove parking on both sides of the Oregon Coast Highway between N. E. 8th Street and north of 3rd Street. The Engineer estimated the total cost of the project at \$22,000, the State's share of \$11,000 to be taken from Minor Betterment Funds. Based on his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it in their behalf.

The Commission also considered an agreement with the City of Portland for installation of a school crossing signal at the intersection of N. E. Lombard Street (Northeast Portland Highway) and 11th Avenue. The Engineer estimated the total cost of the project at \$3,500. The City is to perform the work, pay one-half the cost of installation, and provide all maintenance and electrical power needs. The State's share (\$1,750) is to be taken from Minor Betterment Funds. The Commission accepted his favorable recommendation and authorized the Secretary to sign the agreement in their behalf.

Consideration was given to an agreement with the Rainier Drainage District concerning adjustment and maintenance of their facilities in construction of the Delena-Rainier Section of the Columbia River Highway in Columbia County. The Engineer estimated the cost to the State at \$4,500 to be performed as a part of the State's contract. Following his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

An agreement with Union Pacific Railroad Company was considered for construction of shoofly tracks and the relocation of signal and communication lines required by construction on the Bubbs Ranch-Weatherby Section of the Old Oregon Trail in Baker County. The agreement provides that the State reimburse the Railroad for all expenses incurred on the project, which the Engineer estimated at \$112,851. The Commission accepted his recommendation for approval.

Consideration was given to a request made by the Spokane, Portland and Seattle Railway Company to hire, at State expense, Shannon and Wilson, Inc., for subsurface exploration studies in the proposed railroad relocation area on the Columbia County Line-Burlington Section of the Columbia River Highway in Multnomah County. The Engineer stated that in revising the highway alignment on this section, it is necessary to move the railroad into a marshy area. The Railroad Company, however, is skeptical about placing a fill on this unstable terrain, although a subsurface study has been conducted by the Highway Department. The agreement, consisting of an exchange of letters between Mr. H. F. Moy, Chief Engineer of the S.P. & S. Railroad, and Mr. Walter L. Wright of Shannon and Wilson, Inc., provides that the Railroad is to reimburse Shannon and Wilson for its consulting engineering work and that the State in turn will reimburse the Railroad for an amount not to exceed \$8,800. The Commission accepted the Engineer's recommendation for approval.

The Commission also considered an agreement with Southern Pacific Company for upgrading the existing grade crossing protection at Washington Street in Eugene. The Engineer explained that the State is routing Interstate 105 traffic over Washington Street, which is a city street, until the freeway is completed through this area. The Washington Street crossing at present has a single crossing gate. The agreement provides for installation of a second crossing gate and the replacement of the long gate arm with the shorter gate arm. The State is to reimburse the Railroad for the cost of the new installation which the Engineer estimated at \$10,015. Following his favorable recommendation, the Commission approved the agreement.

Attention was given to an agreement with Parker and Fuhrman Company for deepening of the Clackamas River channel under the McLoughlin Bridge on the Pacific Highway East, north of Oregon City in Clackamas County. The Engineer explained that the Parker and Fuhrman Company wishes to develop a marina in a borrow pit area which will require deepening of the channel under the bridge. This matter has been carefully studied to provide protection for the bridge and among other things requires the Company to perform extensive riprapping and to maintain the riprap for a period of five years under State direction. The marina, he continued, is a much needed facility and he recommended that the agreement be approved. The Commission accepted his recommendation and authorized the Secretary to sign the agreement in their behalf.

Twelve agreements were presented by the Engineer covering snow removal operations in ski areas during the coming ski season. With the exception of the agreement with Champ Bond on the Haines-Anthony Highway; the agreement with the Eugene-Lane Teacher's Credit Union pertaining to the Willamette Pass Ski Area; and the Fremont Highlanders Ski Club pertaining to the Warner Canyon Ski Area, all of the agreements are extensions of existing agreements and will expire July 1, 1969. The agreements with the Fremont Highlanders Ski Club and the Eugene-Lane Teachers Credit Union provide, among other things, that the grantors allow unrestricted use of parking areas, provide for control of parking, and provide insurance. The State is to perform snow removal on the specified parking areas. The agreement with Champ Bond provides that Mr. Bond remove snow with his own equipment at specified rates from a 10½ mile section of the highway serving the ski area at Anthony Lakes in Baker County. It was the Engineer's recommendation that the agreements be approved. The Commission accepted his recommendation and authorized the Secretary to sign the following agreements in their behalf:

Champ Bond	Anthony Lakes (Baker Co.)
Mt. Ashland Corp.	Mt. Ashland
Mt. Bachelor, Inc.	Bachelor Butte
Hoodoo Ski Bowl Developers, Inc.	Hoodoo
Mt. Hood Meadows, Oregon Ltd.	
and Mt. Hood Meadows Dev. Corp.	Mt. Hood Meadows
Multorpor, Inc.	Mt. Hood
Snow Bunny Lodge	Mt. Hood
Douglas County	Taft Mt. Ski Area
R.L.K. and Company	Timberline
Tomahawk Ski Bowl, Inc.	Klamath County
Fremont Highlanders Ski Club	Warner Canyon (Lake Co.)
Eugene-Lane Teachers Credit Union	Willamette Pass Ski Area
	(Klamath & Lane Counties)

Consideration was given to a contract with Bardsley and Haslacher, Inc., providing for a telephone survey to determine recreational demand in updating the Statewide Comprehensive Outdoor Recreation Plan under the Land and Water Conservation Fund. The Engineer explained that part of the State's responsibility in the grant-in-aid program is to periodically update the recreation plan. One of the phases of the updating procedure is a survey by interview to determine recreational demand. Bids were invited to undertake a survey by telephone and four bids were received. The firm of Bardsley and Haslacher, Inc., was the low bidder and was judged to be capable of performing the work. He recommended that the contract be awarded to them at their bid of \$24,510. Cost to the State will be \$12,255 and the Land and Water Conservation Fund will pay the other half. The Commission accepted his favorable recommendation and authorized the Secretary to sign the contract.

The Chairman inquired as to who reads the various reports and surveys that are prepared, and if these studies are made available to the Legislature. The Engineer replied that for his purpose he requests some member of his staff to reduce the voluminous reports into a condensed version, and the studies are available to members of the Legislature. The Chairman commented that if these reports and surveys are to be of real value, there should be an organized way to condense them to their salient points.

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An agreement with Yamhill County for acquisition of 102 acres on Grand Island along the Willamette River as a part of the Willamette River Park System was discussed. The Engineer commented that the Governor's Willamette River Park Committee had approved the project at its October 23 meeting. The County has secured an option on the acreage on the basis of \$32,000. Under the terms of the agreement, the County has requested \$8,000 from the Willamette River Park System Fund and \$16,000 from the Land and Water Conservation Fund. Money is available in the Willamette River Park System Fund. Based on the Engineer's favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

The Commission signed, or authorized the Secretary to sign, the following agreements, deeds, easements, and other papers:

"Bargain and Sale Deed" to Knappton Launch Company covering the sale of 1.38 acres of land on the Astoria Ferry Section of the Columbia River Highway in Clatsop County.

"Relinquishment of Title" to Polk County covering a parcel of land on the Holmes Gap-Baskett Slough Section of the Pacific Highway West in Polk County.

"Bargain and Sale Deed" to City of Eugene on behalf of Eugene Water and Electric Board covering parcels of land in Lane County in the city.

"Bargain and Sale Deed" to El Paso Natural Gas Company covering an exchange of property on Belt Line Road Interchange Section of the Pacific Highway in Lane County.

"Deed of Dedication" to the Public covering the area of roadway easement on the Morrow County Line-Bucks Corner Section of the Old Oregon Trail in Umatilla County.

"Assignment of Easements" to the United States of America (Bonneville Power Administration) for additional right of way on the Stanfield Junction-Pendleton Section of the Old Oregon Trail in Umatilla County.

"Quitclaim Deed" to Desmond M. Foley and Helen Foley covering an exchange of land on the Independence Junction-Bonneville Station Section of the Willamina-Salem Highway in Polk County.

"Deed of Dedication" to the Public the easterly portion of a roadway which connects an existing public way with the Hermiston Interchange on the Morrow County Line-Bucks Corner Section of the Old Oregon Trail in Umatilla County.

"Indenture of Access" to James W. and Aliene L. Carter covering the Sweet Home-Foster Section of the Santiam Highway in Linn County.

"Indenture of Access" to Henry R. and Halla Burch covering the Blue River-Mill Creek Section of the McKenzie Highway in Lane County.

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"Indenture of Access" to Robert T., Ethelene, and Robert R. Tuttle; and Lacey and Krumm covering the Mill Creek-Belknap Springs Section of the McKenzie Highway in Lane County.

"Indenture of Access" to John A. and Lily L. Pienovi covering the Gully Connection Section of the Mt. Hood Highway in Multnomah County.

"Indenture of Access" to Betty Jane Ahern covering the Lapine-Diamond Lake Junction Section of The Dalles-California Highway in Klamath County.

"Supplemental Agreement" with Coos County covering abandonment of portions of the Coquille-Myrtle Point Section of the Coos Bay-Roseburg Highway.

"Consent to Annexation" to the City of Tigard covering a portion of the right of way of the Beaverton-Tigard Highway.

"Agreement" with City of Portland and Multnomah County concerning the transfer to the City property on S. W. 26th Avenue.

"Agreement" with Oregon State Game Commission to complete a study of water access and prepare detailed master plans which will provide guidelines for acquisition and development of preferred fishing accesses as a part of the Land and Water Fund grants-in-aid program.

"Throughway agreement" with Clackamas County pertaining to reconstruction of the South Tigard Interchange-Marion County Line Section of the Pacific Highway.

"Agreement" with City of Newport for installation of traffic signals at the intersection of US101 and 6th Street.

"Agreement" with City of Portland for installation of a school crossing signal at the intersection of N.E. Lombard Street and 11th Avenue.

"Agreement" with Rainier Drainage District covering adjustment and maintenance of their facilities which conflict with construction of Delena-Rainier Section of Columbia River Highway in Columbia County.

"Agreement" with Union Pacific Railroad Company for construction of railroad shoofly tracks and the relocation of signal and communication lines required by proposed freeway construction in vicinity of Nelson Point on Bubbs Ranch-Weatherby Section of Old Oregon Trail in Baker County.

"Agreement" with Southern Pacific Company covering the upgrading of present grade crossing protection at Washington Street in Eugene.

"Agreement" with Parker and Fuhrman Company for deepening of the Clackamas River channel under the McLoughlin Bridge on the Pacific Highway East, north of Oregon City, in conjunction with the development of a marina.

"Agreement" with Champ Bond covering snow removal on the Haines-Anthony Highway at the Anthony Lakes Ski Area.

"Agreement" with Mt. Ashland Corporation covering snow removal at Mt. Ashland.

"Agreement" with Mt. Bachelor, Inc., for snow removal at Bachelor Butte.

"Agreement" with Hoodoo Ski Bowl Developers, Inc. for snow removal at Hoodoo.

"Agreement" with Mt. Hood Meadows, Oregon Ltd., and Mt. Hood Meadows Development Corporation - General Partner, an Oregon Corporation, for snow removal at Mt. Hood Meadows.

"Agreement" with Multorpor, Inc., covering snow removal at Mt. Hood.

"Agreement" with Snow Bunny Lodge for snow removal at Mt. Hood.

"Agreement" with Douglas County for snow removal on the Forest Service Road and parking area for the Taft Mt. Ski Area.

"Agreement" with R.L.K. and Company for snow removal at Timberline.

"Agreement" with Tomahawk Ski Bowl, Inc., for snow removal at Tomahawk Ski area in Klamath County.

"Agreement" with Fremont Highlanders Ski Club for snow removal at Warner Canyon Ski Area in Lake County.

"Agreement" with Eugene-Lane Teachers Credit Union for snow removal at Willamette Ski Area in Klamath and Lane Counties.

"Agreement" with Bardsley and Haslacher, Inc., for a telephone survey to determine recreational demand in updating the Statewide Comprehensive Outdoor Recreation Plan under the Land and Water Conservation Fund.

"Agreement" with Yamhill County for acquisition of 102 acres on Grand Island as a part of the Willamette River Park System.

The meeting was recessed at 10:10 a.m., and reconvened at 11 a.m., in the same room with the same persons present.

A delegation representing the Hood-land Chamber of Commerce from Brightwood and nearby communities came before the Commission concerning improvement of the Mt. Hood Highway between Alder Creek and Zigzag in Clackamas County. The following people were present: Mr. and Mrs. Allen Jensen, Mr. and Mrs. Paul Rice, Mr. Max Hurbutt, Mr. George McLane, Nell Howe, Mr. and Mrs. Merle Hill, Mr. Keith Bowman, Mr. Glenn Cantril, Mr. Wayne Hudleson, Ann Shaw, Gay Saunders, Margaret Ann Fielding,

Mr. John A. Lake, Mr. George D. Monaghan, Mr. and Mrs. Al Moore, Mr. Charles Augustine, Mr. Bill Steinbarger, Mr. T. O. Hollenbeck, Mr. J. C. Turin, Mr. and Mrs. J. F. Simmons, and Mr. Fred Trumbly.

Mr. Jensen recalled that the proposed widening between Alder Creek and Zigzag had been under consideration for about ten years. He commented on the great amount of traffic using this highway which he said in certain areas averages about 13,000 vehicles per day and on some Sundays reaches a peak of over 18,500. The opening of the Mt. Hood Meadows Ski Area, the rapid development of camp sites by the Bureau of Land Management and private development will increase traffic in the future. He mentioned that construction of a depressed highway along the river front in Portland is under consideration at a great cost. Gas tax earnings on the Mt. Hood Highway he felt would have paid for the requested improvements many times over. Sale of property between Alder Creek and Zigzag, he said, is being held up because of the uncertainty of construction. The worst bottleneck is between Alder Creek and Rhododendron. The Hood-land Chamber of Commerce, he said, does not care where the highway is constructed, they are just interested in getting the work done, and he inquired as to what plans the Commission has and when the work will start.

Chairman Jackson stated that acquisition of right-of-way is being speeded up, but construction is not yet programed due to lack of funds. He also commented that in years past several portions of the highway have been improved to modern standards. The Commission, he continued, is well aware of the need for improvement and he assured the delegation, that as soon as right-of-way is acquired, construction would be considered. The Commission will not ignore the problem and serious consideration will be given during the spring of 1969 to programing for construction.

The Engineer pointed out that proper improvement is not widening of the existing highway but involves complete reconstruction, and this section, as well as many other sections throughout the State, are overdue because of lack of funds. He also commented that concerning the average daily traffic on this highway the figures he had showed between 4,000 and 5,000 vehicles.

Mr. Rice inquired as to the priority of the project. The Chairman replied that this section is in the top priority group, but there are many areas which are as bad or worse and the Commission must allocate available funds over the entire State.

Mr. Jensen then inquired if a list of projects according to priority could be furnished to him. The Chairman replied that the list is not available in that form. The Commission, he added, has no axe to grind on any of these projects and that they seek to develop highways in fair proportion over all of the State.

A man from the floor inquired if it is planned to do a portion of the project or wait until funds are available to complete all of it. The Engineer replied that present plans contemplate construction first from Alder Creek to Wildwood as one unit - other segments are not yet certain.

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A delegation representing the Highway 20 Association came before the Commission requesting improvements on Highway 20 between Corvallis and Newport (Corvallis-Newport Highway) in Benton and Lincoln Counties. The following people were present: Senator-elect W. Stan Ouderkirk, Jim Howes, Lee Wade, H. W. Curry, Robert Baker, Darrel Sims, Newport; Ellis Rittenhouse, Joe Maher, Mel Hawkins, Corvallis; Lyle Miller, Toledo; and Clay Nichols, Lebanon.

Senator-elect Ouderkirk introduced the members of the delegation. Lee Wade stated that the number one project is improvement in Gellatly Canyon and number two on the list is the Philomath project.

Lyle Miller commented that Georgia-Pacific Lumber Company relies greatly on Highway 20 for movement of logs and timber products and it is also essential to those who live along the highway.

Ellis Rittenhouse, representing the Department of Oceanography at Oregon State University, commented that the University operates two or three trucks each day between Corvallis and Newport.

Robert Baker, speaking for the Port of Newport, mentioned that approximately 100 million board feet of lumber is shipped from Newport annually and there are plans to double this output. In addition to lumber, there are many other products hauled into Newport from the valley, particularly food and hay. The Newport Harbor has been deepened to 30 feet which he said allows use by at least 90 percent of the ocean going vessels. Construction on the south jetty and construction of a new dock will also improve the harbor. He commented on the economic advantages in shipping from Newport rather than from Portland; however, any great increase in shipping is dependent on a good highway from Newport into the Willamette Valley.

Joe Maher, representing the City of Corvallis Planning Commission, pointed out the need for a bypass route around Corvallis. A problem area also exists west of Philomath and there are bad curves west of Blodgett and near Burntwoods. A section from Eddyville to Chitwood is also in need of reconstruction. Improvement of this highway, he said, will be of great benefit to the City of Corvallis and to Oregon State University.

Mr. Curry recalled that about six years ago there had been talk of rebuilding the highway within the next ten years. At the present rate of construction he felt it would take approximately 24 years. He urged the Commission to reconstruct the highway in the Gellatly Canyon area.

Mr. Lee Wade called attention to increased freight shipments from the Willamette Valley and the loading of plywood for Vietnam.

Senator-elect Ouderkirk pointed out that there has to be increased shipping to justify the expenditure of approximately 17 million dollars for jetty improvement at Newport by the Army Engineers. He asked for a statement as to status of the requested projects and future plans.

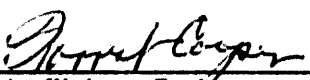
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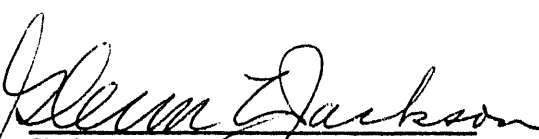
Chairman Jackson replied that six years ago it was felt that the major portion of the work could be accomplished within ten years, but since that time other problems have arisen and he mentioned the development of access between Eastern Oregon and the Willamette Valley. The Commission, he said, is trying hard to solve the critical problems but Highway funds are being eroded and there is just not enough money available. It is the Commission's hope that when the Interstate program is completed more funds will be available for other highways, but this most probably could not take place until the mid 70's. The uncertainty of the availability of Federal funds as well as pending Federal legislation has also compounded the Commission's problems. The Commission, he said, cannot make any commitment at this time but consideration will be given in the spring. He pointed out the Commission has been over the road many times and improvement does not lend itself to stop-gap measures but full reconstruction will be required in most areas.


The Engineer called to the delegation's attention that the Commission had improved the highway between Albany and Corvallis in two years rather than the anticipated three-year period. He also mentioned that Highway 20 extends into Eastern Oregon and considerable work has been done in that area.

The Chairman concluded by saying that the Commission would do its best to schedule a project.

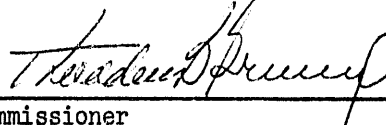
There being no further business to conduct, the meeting was adjourned by the Chairman at 12 noon.


State Highway Engineer


Chairman


Commissioner


Secretary


Commissioner

November 12, 1968

Salem, Oregon
December 17, 1968

The Oregon State Highway Commission met in regular session at 9 a.m. in Room 122 of the State Highway Building in Salem. Present were:

Glenn L. Jackson, Chairman
Fred W. Hill, Commissioner
Thaddeus B. Bruno, Commissioner
Forrest Cooper, State Highway Engineer
R. L. Porter, Deputy State Highway Engineer
Tom Edwards, Assistant State Highway Engineer
Lloyd P. Shaw, Assistant State Highway Engineer
Fred B. Klaboe, Assistant State Highway Engineer
George E. Rohde, Chief Counsel
David H. Moehring, Right of Way Engineer
Floyd Query, Secretary

Among others present were R. E. Simpson, Division Engineer, U. S. Bureau of Public Roads; C. W. Head, Assistant Secretary to the Commission; L. H. Young, Program and Planning Engineer; C. H. Maison, Controller; David Talbot, Parks Superintendent; Frank C. McKinney, Assistant Counsel; H. S. Cox, County-City Engineer; and John J. Earley, Information Officer.

The Commission approved the minutes of the regular meeting held November 12, 1968.

The Right of Way Engineer presented a list of options, Pages 1 through 37, secured for acquisition of real property needed for State highway use or for other purposes. He mentioned that the amounts offered are based upon competent appraisals and are in order for Federal aid. After due consideration, the Commission approved closing the options, including those sent to them by mail for approval since the last Commission meeting, as well as those options presented for the first time at this meeting. The Commission thereupon adopted "Right of Way Resolution No. 55," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Property Manager's Report covering sales of miscellaneous properties and rental receipts from November 1 to December 10, 1968, was presented by the Right of Way Engineer. During this period, miscellaneous sales totaled \$4,387.87, land sales \$53,575, timber sales \$2,492.50, and rental receipts for November 1968 totaled \$21,619.70. The Commission accepted the report.

Authority was requested by the Right of Way Engineer to offer at public sale six parcels of property no longer needed for highway purposes. Minimum sale values, he said, have been determined by competent appraisals and access and other conditions of sale are consistent with those applying to other properties in the vicinity. The Commission authorized public sale of the following properties and thereupon adopted "Real Property Resolutions Nos. 503 through 505," which resolutions by this reference are made a part hereof and filed in the Secretary's Office:

December 17, 1968

- (1) 1.07 acre stockpile site, File No. 7234, on the northerly side of the John Day Highway approximately two miles east of Vale in Malheur County for not less than \$400. No access is to be allowed to the John Day Highway and the buyer will be required to fence the new right-of-way line. Signboard and junkyard exclusion clauses are to be included in the deed. Approval by the Bureau of Public Roads is not required.
- (2) 0.48 acre, File No. 34315, located on the southerly side of the Mt. Hood Highway approximately 4.3 miles east of Gresham in Clackamas County for not less than \$300. No access is to be allowed to the Mt. Hood Highway and the purchaser is to pay for the cost of fencing along the right-of-way. Signboard and junkyard exclusion clauses are to be included in the deed. Bureau of Public Roads' approval is not required.
- (3) 1.2 acres, File No. 19927, located on the southerly side of the Columbia River Highway frontage road west of the Weber Street Interchange in the City of The Dalles, Wasco County, for not less than \$6,000. Signboard and junkyard exclusion clauses are to be included in the deed and approval by the Bureau of Public Roads is not required. (See "Real Property Resolution No. 503.")
- (4) 1.03 acres, File No. 20476, being an old stockpile site located approximately three miles south of Crow on the westerly side of the Territorial Highway in Lane County for not less than \$350. A signboard restriction clause is to be included in the deed. Approval by the Bureau of Public Roads is not required.
- (5) 2.3 acres, File No. 11381, located in the southeast quadrant of the Klamath Falls-Malin Highway and at Eberlein Avenue in the City of Klamath Falls, Klamath County, for not less than \$1,925. The conveyance is to be subject to the rights of the public in Eberlein Avenue and no access is to be permitted to the Klamath Falls-Malin Highway. Signboard and junkyard exclusion clauses are to be included in the deed. Bureau of Public Roads' approval is not required. (See "Real Property Resolution No. 504.")
- (6) 0.97 acre, File No. 5936, consisting of the Dayville Maintenance Site outside of the right-of-way line, located west of Dayville between the John Day Highway and the John Day River in Grant County for not less than \$3,500. Access is to be permitted only at Station 178+50 and signboard and junkyard exclusion clauses are to be included in the deed. Approval by the Bureau of Public Roads is not required. (See "Real Property Resolution No. 505.")

Authority was requested by the Right of Way Engineer to make direct sales on three parcels of property no longer needed for highway purposes. He mentioned that public sale of these properties is not feasible because of peculiarities of location which restrict saleability to a single party. The Commission approved direct sales of the following properties:

- (1) To Lincoln County, 1.2 acres, File No. 12565, for public park purposes only, located in the south-east quadrant of the Siletz Highway and Ojalla Bridge crossing of the Siletz River approximately 2½ miles northerly from the town of Siletz in Lincoln County for the sum of \$1. Bureau of Public Roads' approval is not required.
- (2) To Lincoln County, 2.25 acres, File No. 5192, for public park purposes only, located on the southerly side of the Siletz Highway near Cedar Creek crossing between Kernville and Siletz in Lincoln County for the sum of \$1. Bureau of Public Roads' approval is not required.
- (3) To Malheur County, 5.74 acres, File No. 9172, consisting of an exhausted gravel pit to be used as a sanitary landfill on the southwesterly side of the John Day Highway approximately midway between Brogan and Jamieson for the sum of \$100. The landfill is to be screened from the highway by fencing or other satisfactory means, and signboard and junkyard exclusion clauses are to be included in the deed. Bureau of Public Roads' approval is not required.

Recommendations were made by the Right of Way Engineer for approval of Indentures of Access to cover changes in location of access or to correct the record to cause the locations to agree as constructed. The Commission approved the following Indentures of Access:

- (1) Kirkpatrick property, File No. 40756, for a change in location of one point of unrestricted access 35 feet in width on the southerly side of the relocated Green Springs Highway just west of the Green Springs Interchange in Klamath County. Bureau of Public Roads' approval was received on October 11, 1968.
- (2) Otto property, File No. 25514, for a change in location and widening to 35 feet of one unrestricted access on the westerly side of the Oregon Coast Highway in Gold Beach in Curry County. This is to provide access to a proposed motel. Approval by the Bureau of Public Roads was given September 27, 1968.

(Report of Condemnation Cases Tried Cont.)

<u>Case</u>	<u>County</u>	<u>Highway</u>	<u>Section</u>	<u>State's Offer</u>	<u>Defendant's Demand</u>	<u>Verdict</u>
L-4965 John H. Skirving, et ux.	Wasco	Mayer State Park		\$ 5,000.00	\$ 25,000.00	\$ 17,000.00
L-5703 Richard D. Crenshaw, et al.	Washington	East Portland Freeway	Col. River-Pacific Hwy.	33,000.00	48,750.00 (Answer)	40,470.00
L-5735 Frank Squicciarini, et al.	Washington	East Portland Freeway	Col. River-Pacific Hwy.	9,650.00	21,000.00 (Answer as amended)	14,500.00
L-5877 Marvin E. Horn, et al.	Umatilla	Oregon-Washington	S. Pendleton Interchange-Court Place	250.00	6,000.00	250.00

REPORT OF TRIAL OF OTHER CASES

<u>Case</u>	<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict</u>
L-5909 State of Oregon	John Arthur Harper	Douglas	Negligent operation of motor vehicle damaging guardrail	\$ 204.40	\$ 204.40
L-5769 State of Oregon	Larry Albert Anderson	Jackson	Negligent operation of motor vehicle damaging right-of-way fence	305.28	305.28
L-5910 State of Oregon	John M. Mooers	Lane	Negligent operation of motor vehicle damaging sign post & barricades	96.84	96.84
L-5871 State of Oregon	Ernest Marc Petersen, Jr.	Marion	Negligent operation of motor vehicle damaging overpass	328.18	328.18
L-5881 State of Oregon	Robert Eugene Phillips	Marion	Negligent operation of motor vehicle damaging guardrail	243.03	243.03

December 17, 1968

(Report of Trial of Other Cases cont.)

<u>Case</u>	<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict</u>
L-2352 State of Oregon	Richard Dempsey & Howard Gilmore	Multnomah	Negligent operation of motor vehicle damaging guardrail	\$ 302.34	\$ 302.34
L-5448 State of Oregon	Barbara Suing	Multnomah	Negligent operation of motor vehicle damaging guardrail	215.34	215.34
L-5449 State of Oregon	Gary L. Weinberger	Multnomah	Negligent operation of motor vehicle damaging guardrail	73.84	73.84
L-5565 State of Oregon	Donald Wayne Patterson	Multnomah	Negligent operation of motor vehicle damaging guardrail	361.09	361.09
L-5659 State of Oregon	Dixie Lee Pedberg	Multnomah	Negligent operation of motor vehicle damaging State vehicle	90.86	90.86
L-5665 State of Oregon	Robert A. McLay	Multnomah	Negligent operation of motor vehicle damaging guardrail	115.36	115.36
L-5760 State of Oregon	Leon Allen	Multnomah	Negligent operation of motor vehicle damaging guardrail	106.15	106.15
L-5772 State of Oregon	Dean Schmidt	Multnomah	Negligent operation of motor vehicle damaging lawn and shrubbery	159.74	159.74
L-5830 State of Oregon	Chester Lee Johnson	Multnomah	Negligent operation of motor vehicle damaging right-of-way fence	274.66	274.66
L-5898 State of Oregon	William Norman Cumbee, et al.	Marion	Negligent operation of motor vehicle damaging guardrail	627.20	627.20

December 17, 1968

(Report of Trial of Other Cases Cont.)

Case	Defendant	County	Cause of Action	Demands of Plaintiff	Verdict
L-5915 State of Oregon	Constantine Marion Zimmerman		Negligent operation of motor vehicle damaging guardrail	\$ 120.05	\$ 120.05
L-5916 State of Oregon	George Arthur Voltz	Multnomah	Negligent operation of motor vehicle damaging guardrail	94.97	94.97
L-5913 State of Oregon	Alva J. Day	Union	Negligent operation of motor vehicle damaging guardrail	65.62	65.62
L-5914 State of Oregon	Nathaniel Smith	Gilliam	Negligent operation of motor vehicle damaging guardrail.	315.65 + 2.75 service fees	318.40
L-5870 State of Oregon	Robert Page Patton	Marion	Negligent operation of motor vehicle damaging guardrail	107.78	

Remarks: After filing complaint discovery made that defendant is in military service making service and judgment virtually impossible. Case dismissed.

L-5538 Doris E. Leach	Arteburn and Anderson	Lane	Personal injury arising out of accident on Nov. 9, 1966. Defendants were maintenance employees clearing ditches with truck stopped on each side of highway. Plaintiff approached from rear, stepped on brake and skidded into truck. Plaintiff claims negligence in not having proper warning lights, etc.	15,675.00	
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Remarks: After trial and before submission to jury the parties reached a settlement in amount of \$4,200.

L-5607 Kay L. Thomas	Hwy. Comm., individually Forrest Cooper, et al.	Klamath	Accident on 7-4-67 large boulder fell off bluff along Hwy. 97 onto plaintiff's car. Plaintiff received multiple permanent injuries	453,446.00	None
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Remarks: Trial of case commenced Nov. 19, 1968. It was never established for certain whether rock came from right of way or from above. After selecting a jury settlement was reached at \$15,000.

December 17, 1968

(Report of Trial of Other Cases Cont.)

Case	Defendant	County	Cause of Action	Demands of Plaintiff	Verdict
L-5836 Elaine Leonard	Hwy. Comm. Umatilla individually, Forrest Cooper and L.C. Smitton, DMS		Personal injury caused by boulder falling off cliff onto plaintiff's car at M.P. 197 on Col. River Hwy. Plaintiff sustained multiple permanent injuries	\$255,000.00	

Remarks: First complaint filed was dismissed for failure to name proper parties. Plaintiff's attorney filed Motion for Involuntary Non-Suit. He may still refile the case but chances become dimmer.

(For additional details, see the Chief Counsel's letter dated December 11, 1968, concerning cases tried and filed in the Salem office, General Files.)

A report was also presented by the Chief Counsel on cases which have been settled out of court since the last Commission meeting. The proposed settlements, he said, are based upon competent appraisals and are in order for Federal-aid. He mentioned that of the 10 settlements, the total agreed upon is approximately \$126,000, whereas the appraisals totaled approximately \$124,000. The Commission approved the settlements which are summarized as follows:

REPORT OF CONDEMNATION CASES SETTLED

Case	County	Highway	Section	State's Offer	Amount of Settlement
L-5707 Margaret M. Piper, et al.	Clackamas	East Portland Freeway	Columbia River Pacific Hwy.	\$22,350.00	\$24,000.00
L-5420 George W. Michaelson, et ux.	Multnomah	Columbia River	Burlington-Sauvie Island Bridge	700.00	4,250.00

Remarks: In our most recent litigated case involving a tavern (State Highway Commission vs. Cory, L-5022) the State's testimony was \$19,500 with the verdict at \$36,500.

Remarks: Following original offer of \$700 and filing of complaint two separate slides took place, one on each side of subject property, caused by construction of highway. This made necessary filing of two separate amended complaints with increased offers to compensate for the additional takings. Final appraisal reviewed at \$3,500.

December 17, 1968

(Report of Condemnation Cases Settled Cont.)

Case	County	Highway	Section	State's Offer	Amount of Settlement
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L-5158 J. L. Cartwright, et al.	Baker	Old Oregon Trail	Oxman-Benson Creek	\$41,000.00	\$44,500.00
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Remarks: Telephonic approval of Mr. Jackson on November 25, 1968. Subject property is a 1,715 acre livestock ranch in the Oxman-Benson Creek Section of the Old Oregon Trail in Baker County. The right-of-way required is some 67.5 acres. There is taken some 40 acres from the 80 acre irrigated pasture land in the bottom of the canyon. The remainder is left in small tracts, some inaccessible and some without water previously available from a creek. Construction places the creek on the opposite side of the highway from land it would irrigate. As part of settlement the owner will accept cash for an obligation the State would have had to perform in construction of a diversion dam.

L-5801 Fred O. Benson, et al.	Multnomah	East Portland Freeway	S. E. Foster-S. E. Hinkley Ave. Unit, Columbia River-Pacific Hwy.	2,400.00	4,000.00
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Remarks: Revised appraisals at \$3,800 were submitted by staff and fee appraisers after the original upon which the offer was based.

L-5687 Emanuel Treitel, et ux.	Clackamas	East Portland Freeway	Clackamas River-West Linn	3,350.00	5,250.00
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Remarks: As part of this settlement State is acquiring the remainder of one tract left after the taking consisting of an additional 0.10 acre over 0.26 acre in taking. This excess taking was not included in appraisals upon which the offer of \$3,350 was based.

L-5529 Robert J. Davis, et ux.	Washington	Sunset	North Plains Interchange-Cornelius Interchange	1,125.00	1,800.00
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Remarks: Subject property 1.79 acres suburban residential tract which will be reduced by 0.50 acre taking to 1.29 acres. County sanitarian advises that in its original size the property could be improved and permit would be granted for septic system, but not after taking. One of State's appraisers allowed damages for this factor with value of taking at \$1,800. Other appraiser set value at \$1,125. Owners by their pleadings demand \$2,855.

December 17, 1968

(Report of Condemnation Cases Settled Cont.)

Case	County	Highway	Section	State's Offer	Amount of Settlement
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L-5507 Margaret M. Cavender	Multnomah	Columbia River	St. Helens Road-N.W. 21st Avenue	\$25,400.00 partial taking	\$34,500.00 entire taking
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Remarks: Original appraisals and negotiations were on figure of \$25,400. It became necessary to obtain an additional appraisal at a more recent date for trial purposes. His figure for taking was \$31,850 on a partial taking basis and \$39,500 for the entire tract. Present plans of the department for construction, if finally approved by City and Bureau of Public Roads, would likely require the use of this entire parcel.

L-5746 L. A. Christensen, et ux.	Washington	East Portland Freeway	West Linn-Pacific Hwy. Unit-Columbia River-Pacific Highway	5,075.00	7,000.00
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Remarks: Subject taking of 1.9 acres from 3.4 suburban residential tract. Remainder left will be substandard in that County sanitarian will not allow septic system on less than 2 acre tract. Offer made on opinion of a fee appraiser who has since removed from State, making it necessary to obtain additional appraisal to have witness for trial. His figure was \$7,700.

L-5540 James Rich, et al.	Hood River	Hood River	Indian Creek	400.00	450.00
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L-5844 George L. Zellner and C. E. Stevens Co.	Multnomah	Columbia River	Kittridge Ave. Channelization	1,850.00	930.00
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Remarks: This is a settlement for taking of billboard located on property being taken but does not close the case so far as taking of property is concerned.

(For additional details, see the Chief Counsel's letter dated December 12, 1968, concerning cases settled and filed in the Salem office, General Files.)

Confirmation was requested by the Chief Counsel for telephonic approval previously given by the Commissioners on offers made to owners for acquisition of real property prior to the start of condemnation proceedings. The Commission confirmed the following offers:

BLODGETT-WREN SECTION OF THE CORVALLIS-NEWPORT HIGHWAY

R-40592 - Delbert R. Kessi, et ux. 0.58 acre for right-of-way purposes. Offer of \$700 approved by Mr. Jackson December 5, 1968.

December 17, 1968

CLACKAMAS RIVER-WEST LINN UNIT OF THE COLUMBIA RIVER-PACIFIC HIGHWAY
SECTION OF THE EAST PORTLAND FREEWAY

R-42432 - Robert Ashby, et ux. Parcel No. 1: 0.25 acre for right-of-way purposes; Parcel No. 2: 0.11 acre for right-of-way purposes. Offer of \$6,400 approved by Mr. Jackson December 9, 1968.

R-42437 - Vincent F. Petrich, et ux. 0.11 acre for right-of-way purposes. Offer of \$6,700 approved by Mr. Jackson November 18, 1968.

FERN HILL-BURNSIDE SECTION OF THE COLUMBIA RIVER HIGHWAY

R-42031 - Mary E. Osterholme. 0.2 acre for right-of-way purposes. Offer of \$175 approved by Mr. Jackson December 5, 1968.

FREMONT INTERCHANGE-MARQUAM BRIDGE SECTION OF THE STADIUM FREEWAY

R-36087 - Oregon-Washington Railroad & Navigation Company, et al. Parcel No. 1: 8,650 square feet for permanent easement; Parcel No. 2: 5,260 square feet for permanent easement; Parcel No. 3: 3,950 square feet for permanent easement; Parcel No. 4: 5,250 square feet for permanent easement; Parcel No. 5: 2.1 acres for permanent easement; Parcel No. 6: 1,715 square feet for permanent easement. Offer of \$213,000 approved by Mr. Jackson November 14, 1968.

PAINTED HILLS STATE PARK

R-39863 - C B C Company. 2,830 square feet for park purposes. Offer of \$28,300 approved by Mr. Jackson November 18, 1968.

S. E. HINKLEY AVENUE-LAKE ROAD UNIT OF THE COLUMBIA RIVER-PACIFIC HIGHWAY
SECTION OF THE EAST PORTLAND FREEWAY

R-40775 - Howard R. Proctor, et ux. 4.4 acres for right-of-way purposes. Offer of \$22,000 approved by Mr. Jackson December 5, 1968.

A report was made by the Chief Counsel and accepted by the Commission concerning orders received from the Public Utilities Commissioner regarding highway crossing matters as follows:

PUX 693: Application by Southern Pacific Company to construct a crossing at grade on the Modoc Point Highway near Modoc Point in Klamath County. He commented that this is a reactivation of an old crossing which is lightly traveled. Crossbucks and stop signs were installed and no objection was made by the Highway Department.

PUX 706: Application by Southern Pacific Company to construct a crossing at grade on the Hillsboro-Silverton Highway just north of Silverton in Marion County. He explained that the application was made by the Railroad Company to run a spur track to a proposed mobile home manufacturing plant. The Highway

Department resisted the application for a grade crossing and requested an overcrossing. The matter went to a hearing. After the hearing, the Public Utilities Commissioner allowed the grade crossing but required the installation of warning lights, gongs, automatic gates, and advance warning signals.

A quarterly report of damage claims collected during the period of July 1 through September 30, 1968, was presented by the Chief Counsel. During this time \$31,091.75 was collected in 114 payments. In the same period, 10 claims totaling \$747.36 were abandoned as not being feasible to collect. The Commission accepted the report.

A report on the institution of legal proceedings against the State Highway Commission, its officers, and employees was presented by the Chief Counsel and accepted by the Commission on the following cases:

- (1) Lewis H. Johnsrud, Maxine Johnsrud and Grange Insurance Association vs. Oregon State Highway Commission, James A. Brown and Marvin Jeffcoat, L-5905. Plaintiff seeks \$1,866 for personal injuries and damages arising out of an accident on the Umpqua Highway between Drain and Elkton in Douglas County on April 8, 1968. Plaintiff alleges that proper signs were not in place and that his vision was obstructed by dust. A motion has been filed to quash service on the Commission and the defense of the employees has been referred to the State's insurance carrier.
- (2) Ava Pohrman vs. Inland Construction Company, Gerald A. Baker, G. D. Dennis & Sons, Inc., and James Coshell, L-5897. Plaintiff seeks to collect \$25,000 for personal injuries allegedly caused by driving into a pile of dirt during construction of the Cedar Hills Interchange on the Sunset Highway in Washington County. Plaintiff alleges that there were no lights, signs, reflectors, or barricades near the pile of dirt. The defense of Mr. Coshell has been referred to the State insurance carrier.
- (3) Phyllis Cross vs. R. L. Porter, Fred Klaboe, F. D. Morgan, Ramon Asburry, Arthur Duffy, F. B. Crandall, L. E. George, and Tom Edwards, L-5889. Plaintiff, who is the administratrix of the estate of Susan Cross, deceased, seeks to collect \$25,000 because of alleged negligence in constructing and maintaining the Independence Highway Junction with the Willamina-Salem Highway, west of Salem, Polk County. The deceased was a passenger in a car which failed to stop at the intersection and hit the dirt bank on the northerly side of the Willamina-Salem Highway. The case has been referred to the State's insurance carrier to defend the Highway employees.

- (4) State of Oregon vs. Standard Oil Company, Chevron Asphalt Company, Union Oil Company, Shell Oil Company, Douglas Oil Company and Witco Chemical Corporation, L-5924. This complaint is a civil action brought by the Attorney General for the State under the Sherman and Clayton Antitrust Acts and charges that the oil and asphalt companies conspired and deliberately combined to restrain trade and commerce in asphalt in the State of Oregon by means of fixing prices for asphalt.

Authorization for employees of the Legal and Right of Way Division to attend the American Appraisal Institute Course No. 1 to be held February 16 to March 1, 1969, at Portland State College in Portland was requested by the Chief Counsel. He estimated the cost of tuition, texts, and per diem expense allowance for four employees at \$1,354. The Commission approved the request as proposed.

The Engineer presented for the Commission's consideration location surveys on five sections of State highways. He explained the pertinent facts on each section and recommended adoption of the surveys. The Commission accepted his recommendation and thereupon adopted "Survey Resolutions Nos. 357 through 360," which resolutions by this reference are made a part hereof and filed in the Secretary's Office:

- (1) Wildwood-Forest Boundary Section of the Mt. Hood Highway in Clackamas County. (See "Survey Resolution No. 357.")
- (2) Mapleton-Knowles Creek Section of the Florence-Eugene Highway in Lane County. (See "Survey Resolution No. 358.")
- (3) Chemawa Road-Hayesville Interchange Section of the Pacific Highway East in Marion County. (See "Survey Resolution No. 357.")
- (4) Tongue Point-Fern Hill Section of the Lower Columbia River Highway in Clatsop County. (See "Survey Resolution No. 359.")
- (5) Dudlee Hill-Blodgett Section of Corvallis-Newport Highway in Benton County. (See "Survey Resolution No. 360.")

Consideration was given to putting into effect an agreement with the City of Milton-Freewater approved in April, 1968, for improvement of the 4th Avenue-Broadway Section of the Freewater Highway in Umatilla County. The Engineer recalled that the agreement provides that the State contribute 75 percent and the City 25 percent of the cost of the project, estimated at \$55,000. When the agreement was approved, it was understood that the project

would not be undertaken until funds were available. It was his opinion that funds will be available in the near future. He recommended that the project be placed on the current State Highway Construction Program and that it be advertised for bids in the near future. The Commission accepted his recommendation.

The Engineer also requested placement of a slide correction project near Riverview Road on the Burlington-Portland Section of the Columbia River Highway in Multnomah County on the current State Highway Construction Program. The slide condition threatens a frontage road above it and should be corrected as soon as possible. He estimated cost of the work at \$25,000. The Commission approved the project.

Improvement of a 2,000 foot section on the McKenzie-Bend Highway in Deschutes County near M.P. 4.5 was discussed. The Engineer stated that it is desirable to improve the vertical and horizontal alignment on this section for safety of the traveling public. Cost of the project is estimated at \$85,000, plus \$1,500 for right-of-way. He recommended that the project be placed on the current State Highway Construction Program with authority to acquire right-of-way immediately and construction to follow when funds are available. The Commission approved the project as presented.

Requests from contractors for extensions of time to complete highway contracts without assessment of liquidated damages were considered by the Commission. The Engineer stated that each request has been carefully investigated and the results of the investigation have been reported to the Commission by letter. The Commission took action on the requests as follows:

- (1) General Construction Company, Contract No. 7114, for foundation repair work on the Waldport Bridge on the Oregon Coast Highway in Lincoln County, requested that the completion date be extended from June 1, 1968, to September 5, 1968. The Commission approved an extension to September 5, 1968, (the date of completion) without assessment of liquidated damages.
- (2) Baughman and Son, Inc., Contract No. 7115, on the South Fork Coquille River Bridge, FAS 804, in Coos County, requested 20 additional calendar days. The Commission approved an extension of 19 calendar days (to the date of completion) without assessment of liquidated damages.
- (3) C. R. O'Neil, Contract No. 6906, on the Columbia River Highway in Columbia County, requested an increase of 51 calendar days. The Commission approved the request without assessment of liquidated damages.
- (4) Charles T. Parker Construction Company, Contract No. 7019, on the Old Oregon Trail in Baker County, requested an increase of 20 calendar days. The Commission denied the request.

The Engineer reported that Contract Nos. 5902, 6906, 6911, 6993, 7020, 7023, 7070, 7098, 7103, 7115, 7126, 7129, 7135, 7145, 7146, 7149, 7153, and 7164 for highway construction have been completed as required by the contracts or modifications thereof and said contracts are now ready for acceptance or have been accepted by letter since the last Commission meeting. After due consideration, the Commission accepted the contracts by adopting "Contracts Completed Resolution No. 172," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The next regular Commission meeting date was confirmed for Tuesday, January 28, 1969, in the Conference Room of the State Highway Building in Salem. A tentative date for the following meeting was set for March 11, 1969.

The Commission confirmed telephonic approval given on December 2, 1968, awarding a contract on which bids were received November 26, 1968, and authorized the Secretary to sign the contract on the following project:

BIDS RECEIVED IN SALEM NOVEMBER 26, 1968

Contract No. 7188 for construction of the East Salem Automotive Repair Shop in Marion County. State Project. Four bids were received. The Commission awarded the contract to the low bidder, M. L. Mills and Mills Construction Co., Inc., Salem, in the amount of \$559,627.70.

Allocation of 1970 FAS Funds deleted from agenda.

Tabulations describing proposed FAS projects in Coos and Umatilla Counties were presented by the Engineer. These projects have been investigated and are eligible for the use of FAS funds and he recommended that they be approved. The Commission approved the following projects and authorized the Secretary to sign routine construction agreements:

County	FAS	Section and Description	Programmed Amount	FAS Funds
Coos	255	Chandler-Landrith Bridge Section Coos River Road, 4 miles Grade, base & level course (To be supplemented with future funds if necessary.)	\$400,000	1969
Umatilla	470	Rieth Road-US30 Connection Section, Rieth Road, 6000 feet. Grade, pave, base, surface. (A portion of this project to have 80% Federal funds.)	200,000	1969
TOTAL			\$ 600,000	

SUMMARY BY FISCAL YEARS	1969	1970	Total
Allocated Funds	\$3,969,000	\$4,417,000	\$8,386,000
Approved Projects (Corrected to date)	1,063,000	----	1,063,000
Unprogrammed Balance	\$2,906,000	\$ ----	\$7,323,000
Projects Proposed 12-17-68	600,000	----	600,000
Unprogrammed Balance December 17, 1968	\$2,306,000	\$4,417,000	\$6,723,000

Concerning the Umatilla County Project, the Engineer commented that it is to be divided into two parts. The first part including channelization on US30 is to be financed 60 percent Federal funds and 40 percent State funds with the State to furnish the necessary right-of-way. The second part is to be financed 20 percent State funds, 60 percent Federal funds, and 20 percent County funds. The County, however, has requested that its 20 percent share be made up by transferring its Federal funds to State Highway funds in an amount equal to this 20 percent share. Right-of-way is to be furnished by the County. Total cost to the State is estimated at \$60,000.

A program of street work in cities having a population less than 5,000 under the \$250,000 street fund authorized by law was presented by the Engineer. He said that 48 applications were submitted by cities, all of which were carefully inspected and analyzed. To come within the limits of the authorization, only 10 projects which were considered most meritorious could be undertaken and he recommended their approval. The Commission approved the following projects and authorized the Secretary to sign routine construction agreements:

APPLICATIONS APPROVED FOR 1969 PROGRAM

City	Division	State	City	Total
Brookings	III	\$ 25,000	\$ 10,000	\$ 35,000
Brownsville	II	25,000	6,000	31,000
Cannon Beach	II	25,000	2,500	27,500
Gervais	II	20,500	1,500	22,000
Hood River	I	25,000	50,000	75,000
Lowell	III	25,000	7,500	32,500
Myrtle Creek	III	25,000	160,000	185,000
Newberg	I	25,000	22,000	47,000
North Plains	I	25,000	15,000	40,000
Warrenton	II	25,000	-	25,000
		\$245,500	\$274,500	\$520,000

The Commission considered a resolution rescinding previously enacted speed zones and establishing new speed zones on the Columbia River Highway and the Old Oregon Trail (I-80N) from Portland to the Idaho State Line. The Engineer recommended that the following speed zone resolutions be rescinded:

Speed Zone Resolution No. 377b dated June 29, 1962
 Speed Zone Resolution No. 382 dated December 20, 1962
 Speed Zone Resolution No. 460 dated July 14, 1964
 Speed Zone Resolution No. 508 dated July 14, 1966
 Speed Zone Resolution No. 523 dated June 8, 1967
 Speed Zone Resolution No. 527 dated October 31, 1967
 Speed Zone Resolution No. 531 dated December 12, 1967

He also recommended adoption of the following speed zones on the Columbia River Highway in Multnomah, Hood River, Wasco, Sherman, Gilliam, and Morrow Counties:

December 17, 1968

55 miles per hour from the east city limits of Portland at M. P. 5.97 to a point 0.10 mile east of 102nd Avenue Undercrossing at M. P. 7.25

70 miles per hour from M. P. 7.25 to M. P. 88.00 east of The Dalles Dam Overcrossing

75 miles per hour from M. P. 88.00 to M. P. 166.50, the junction with the Old Oregon Trail.

On the Old Oregon Trail in Morrow, Umatilla, Union, Baker, and Malheur Counties, he recommended the establishment of a 75-mile-per hour speed zone from M. P. 166.50 to the Idaho State Line at M. P. 376.52.

Portions of these highways in cities which come under the jurisdiction of the State Speed Control Board are excepted from the revised speed zones. The designated speeds are to become effective as the various sections are completed to full Interstate standards and signs are erected. Prior to that time, the existing designated speeds are to remain in effect. The Commission accepted the recommendations and thereupon adopted "Speed Zone Resolution No. 542," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Commission also considered a resolution relinquishing to the City of Klamath Falls a portion of 7th Street and Commercial Street on the Klamath Falls-Lakeview Highway in Klamath County. The Engineer explained that the relinquishment conforms with an agreement with the City of Klamath Falls dated August 25, 1966. It also designates certain city streets as a part of the Klamath Falls-Lakeview Highway and Klamath Falls-Malin Highway Spur. The Commission accepted his recommendation for approval and thereupon adopted "Abandonment Resolution No. 456," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

An agreement with the City of Arlington in Gilliam County designating portions of Locust Street and Cottonwood Street as the route of the John Day Highway through the city and relinquishing to the city all of Columbia Street, known as the Arlington Spur, was brought up by the Engineer. He commented that the agreement is necessary because of relocation of the City of Arlington and reconstruction of the city street system as a result of construction of the John Day Dam. The State is to perform routine maintenance duties on Locust and Cottonwood Streets. Following the Engineer's favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it in their behalf.

The Engineer presented an agreement with Curry County providing for abandonment to the County of the old alignment of the Floras Creek Section on the Oregon Coast Highway when the new section is open to public travel. The Engineer recommended approval of the agreement and authority for the Secretary to sign it in behalf of the Commission. The Commission accepted his recommendation.

The Engineer also presented a resolution formally transferring to Curry County the old alignment of the Floras Creek Section on the Oregon Coast Highway. Construction of the new section has been completed and is now open to public travel. The Commission accepted the Engineer's recommendation for approval and thereupon adopted "Abandonment Resolution No. 483," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

Consideration was given to an agreement with Marion County transferring to the County approximately 0.75 mile of the old Woodburn-Estacada Highway and approximately 0.1 mile to the abutting property owners when the construction of the new Killin Bridge Section is completed. The Engineer pointed out that the agreement also provides for improvement by the State of a portion of Ramage County Road and further provides that the old highway section be placed in serviceable condition before or within a reasonable time after its transfer to the County. The Commission accepted his recommendation for approval and authorized the Secretary to sign the agreement for them.

A resolution was presented by the Engineer abandoning to Lincoln County and to abutting property owners portions of the North Unit, Siletz-Toledo Section of the Siletz Highway. He commented that construction of the new section has been completed and the portions to be abandoned are in conformance with an agreement dated August 9, 1962, and a letter dated January 18, 1967. The Commission thereupon adopted "Abandonment Resolution No. 402," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Commission considered a resolution abandoning to Columbia County 4.9 miles of the old Delena-Rainier Section on the Lower Columbia River Highway. The Engineer pointed out that the new highway construction has been completed and is open to traffic and the resolution is to implement the provisions of an agreement dated March 8, 1966. Based on his favorable recommendation, the Commission approved the abandonment and thereupon adopted "Abandonment Resolution No. 448," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

A supplemental agreement with the City of Dallas in Polk County pertaining to the upgrading of Main Street was brought up by the Engineer. He recalled that two prior agreements, one dated November 22, 1966, and the other dated August 20, 1968, had been entered into with the City to construct a couplet between Walnut Avenue and Washington Street on the Kings Valley Highway. The City wishes to proceed with work on Main Street. The agreement provides that the State is to place the stone base and paving after the City has performed the necessary drainage, grading, and curbing work. Total cost of the work is estimated at \$50,000 with the State's share being \$13,500. The Commission accepted the Engineer's favorable recommendation and authorized the Secretary to sign the agreement for them.

Confirmation was requested by the Engineer for approval given by the Chairman on November 15, 1968, of a cooperative project with the City of Woodburn to provide a new connection in the northerly part of the City, replacing the existing Hillsboro-Silverton Highway. The Engineer

pointed out that several requests have been received to improve the present route of the Hillsboro-Silverton Highway through the City of Woodburn. Such improvement, however, would be very expensive and would radically effect existing property. The proposed route would extend from the Pacific Highway East, westerly along Mt. Hood Avenue to a junction with the Hillsboro-Silverton Highway at Boones Ferry Road and High Street. The City has offered to participate in this new route on a 50-50 basis with the State. The estimated cost of the project is \$1,100,000, which would make a total of \$550,000 each for the City and State. The project is to be added to the current State Construction Program. The Commission confirmed the project and authorized the Secretary to sign the agreement pertaining thereto.

Consideration was given to a supplemental agreement with Crown Zellerbach Corporation covering use by the State of a portion of their property known as the Hjorteland quarry site on the Sunset Highway approximately 6½ miles easterly from Cannon Beach Junction in Clatsop County. The Engineer explained that under an agreement dated January 19, 1962, Crown Zellerbach and the State agreed to make available to each other certain material sources. The supplemental agreement allows the State to use a small portion of the Crown Zellerbach property in order to move equipment to the top of the quarry face. Following the Engineer's favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

Confirmation was requested for telephonic approval given by Chairman Jackson on November 15 for purchase by the City of Portland of a tract of land under the Willamette River Park System Fund and the Land and Water Conservation Fund. The City proposes to purchase 4.72 acres known as the Portland Shipbuilding property on the westerly bank of the Willamette River consisting of Lots 12 through 22 and a fraction of Lot 11 near Nebraska Street in south Portland. The estimated cost of the property is \$125,000. The City has requested aid from the Willamette River Park System Fund in the amount of \$31,250 and from the Land and Water Conservation Fund in the amount of \$62,500. Cost to the State is \$31,250. The Commission confirmed the project and authority for the Secretary to sign the agreement in their behalf.

Confirmation was also requested by the Engineer for telephonic approval given by the Chairman on November 15 covering a Willamette River Park System Project requested by the City of Portland involving purchase of the Drake property. This tract is located on the easterly side of the Willamette River approximately seven blocks north of Oaks Park in the Sellwood area. Estimated purchase price of the land is \$807,000. The City of Portland has requested aid from the Willamette River Park System Fund in the amount of \$201,750 and Federal aid from the Land and Water Conservation Fund in the amount of \$403,500. Cost to the State is \$201,750. The Commission confirmed the agreement and authority for the Secretary to sign it in their behalf.

The Commission confirmed telephonic approval given by the Chairman on November 15 for a Willamette River Park System Project requested by the City of West Linn in Clackamas County. This project contemplates purchase of 2.4 acres of land on the westerly bank of the

Willamette River abutting the downstream right-of-way line of the I-205 bridge now under construction. The 2.4 acres is estimated to cost \$30,000. The City of West Linn has requested aid from the Willamette River Park System Fund in the amount of \$7,500 and Federal aid from the Land and Water Conservation Fund in the amount of \$15,000. Cost to the State is \$7,500. The Commission also confirmed authority for the Secretary to sign the agreement in their behalf.

The Engineer brought up the matter of extending the purchase completion date on an agreement with Benton County for the acquisition of eight acres at Irish Bend along the Willamette River under the Willamette River Park System. The Engineer explained that delays in negotiation, title search, and other technical details have required an extension of the agreement purchase time to December 31, 1968, and he so recommended. The Commission accepted the recommendation and authorized the Secretary to include the extension in the original agreement.

A recommendation was also made by the Engineer for an extension of time to purchase land in an agreement with the City of Cottage Grove, Lane County, under the Willamette River Park System. The original agreement contemplates purchase of 1.7 acres along River Road in Cottage Grove. Delays in negotiation, title search and other technical details require that the time for purchase be extended through March 1, 1969. The Commission approved the extension and authorized the Secretary to include it in the original agreement.

Consideration was given to an extension of time to Polk County for the purchase of 1.3 acres of land near Buena Vista as a part of the Willamette River Park System. The Engineer stated that because of delays in negotiation, title search, and other technical matters, it is necessary to extend the time for purchase through December 31, 1968, and he so recommended. The Commission approved the extension of time and authorized the Secretary to include it in the original agreement.

In discussing extensions of time for purchase of land under the Willamette River Park System, the Engineer requested that he, or his designated representative, be authorized to extend for a reasonable time agreements on the Willamette River Park System. This is to be done only after the Engineer has determined that local authorities, due to conditions beyond their control, are unable to complete title work or other technical details within the time set forth in the original agreement. The Commission granted the authority.

The Commission considered a supplemental throughway agreement with Union County pertaining to the La Grande-Ladd Canyon Section of the Old Oregon Trail. The Engineer explained that the original agreement provided that Union County would assume all maintenance on portions of the Ladd Canyon County Road after reconstruction by the State. Later it was found that approximately 0.4 mile of this road is not needed for public use and the supplemental agreement deletes this portion from the Union County road system allowing it to revert to the adjoining property owner. Following his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

Consideration was given to an agreement with the City of Bend, Deschutes County, for installation of traffic signals at the intersection of Third Street (The Dalles-California Highway) and Revere Street. The Engineer stated that although the warrants for signalization are marginal, he recommended installation of the traffic signals because of the high accident rate. Total cost is estimated at \$14,000 on the basis that it will be shared 50-50 between the City and the State. The State's share is to be taken from Minor Betterment Funds. The City is to provide all maintenance and electrical energy needs. The Commission accepted his recommendation and authorized the Secretary to sign the agreement in their behalf.

An agreement with the City of Pendleton in Umatilla County to move an existing signal at S. W. 7th and Dorian on the Old Oregon Trail to S. W. 6th and Dorian was presented by the Engineer. The move, he said, is to improve traffic control on Dorian Avenue. Cost of the project is estimated at \$1,600 to be shared equally by the State and the City through pro rata contribution of materials and labor. The City is to provide for all maintenance and electrical energy requirements. The Commission approved the project and authorized the Secretary to sign it for them.

Consideration was given to an agreement with the City of Bend in Deschutes County for construction of left-turn refuges and revision of the existing traffic signal at Greenwood Avenue and East Third Street (intersection of The Dalles-California Highway and the Central Oregon Highway). The Engineer stated that the agreement provides that the City perform the work at an estimated total cost of \$3,000 to be shared equally by the City and the State. The City is to provide all maintenance and electrical energy needs. The Commission accepted his recommendation for approval and authorized the Secretary to sign the agreement for them.

An agreement with Marion County was presented by the Engineer for installation of a flashing beacon at the intersection of the Cascade Highway and Scotts Mills Road at Lone Pine Corner, north of Silverton. He estimated the cost of the installation at \$1,000 to be shared equally between the County and the State with the State's share to be taken from Minor Betterment Funds. The County is to provide all maintenance and electrical energy needs. Following his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it in their behalf.

Attention was given to a cooperative construction-finance agreement with the City of Gresham pertaining to the Ava Avenue-East Burnside Extension Section of the Mt. Hood Highway in Multnomah County. The Engineer commented that the agreement provides for construction of the project, relocation of utilities, parking restriction, grade revisions, and other matters. Basically the project consists of widening the existing facility to a 72-foot four-lane curbed street section. Estimated cost including right-of-way is estimated at \$1,800,000, which is to be shared 75 percent by the State and 25 percent by the City. Construction is to be undertaken when funds are available. Based on his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

The Commission considered an agreement with Union Pacific Railroad Company and Baker County pertaining to relocation of railroad facilities in construction of the Oxman-Bubbs Ranch Section on the Old Oregon Trail in Baker County. Under the agreement the Railroad grants easements which are necessary for construction. The agreement also provides that the State reimburse the Railroad for its expenses in the temporary and permanent adjustment of signal and communication lines, installation of a grade crossing for the Hindman County Road, rearrangement of Railroad right-of-way fences, protection of its track at Nelson Point, and other miscellaneous work totaling \$57,345 plus \$175 for the easements. The State grants to the Railroad title to two small parcels of property on either side of the Oxman Undercrossing so that there will be no utility encroachments on Interstate right-of-way. The Commission accepted the Engineer's recommendation for approval.

An agreement with the Department of Motor Vehicles for coding and analysing traffic accidents was brought up by the Engineer. The Engineer recalled that in 1945 an agreement had been entered into with the Department of Motor Vehicles and the City of Portland for coding and reproduction of accident data occurring within the City. The City provided space for these operations and paid the Highway Department \$300 a month. In recent years emphasis on safety programs has required a much greater volume of information on a statewide basis and it has been deemed economical to transfer the operation to the Salem office. Under the agreement, the State will continue to perform the coding operation and give the information to the Department of Motor Vehicles. The work is to be funded by Highway Research Funds. He recommended that the agreement be approved and the Secretary be authorized to sign it. The Commission accepted his recommendation.

A letter of understanding with the City of Reedsport in Douglas County granting to the City the right to enter upon real property owned by the State Highway Department was presented by the Engineer. This letter allows right-of-entry to the Oregon Coast Highway between Stations P54+39 to P60+70 and P10+00 to P12+00 for construction of a flood control levee. The City is to adjust highway drainage, repair any highway subsidence or distortion, and maintain the levee. The permit of entry is to expire when the State and City enter into a formal agreement granting a permanent construction easement to the City. The Commission accepted the Engineer's recommendation for approval and authorized the Secretary to sign the letter.

Consideration was given to an agreement with Multnomah County providing for installation of a flashing beacon and two mercury-vapor luminaire units at the intersection of the Lower Columbia River Highway and Sauvies Island Bridge Road. The Engineer commented that four-lane construction in this area has created a traffic condition which requires additional warning facilities. Cost of the installation is estimated at \$2,000 to be shared equally between the State and County. The County is to provide all maintenance and electrical energy requirements. Based on his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it for them.

Two requests for Consent to Annexation to the Tigard Water District involving the Pacific Highway West and the Beaverton-Tualatin Highway in Washington County were brought up by the Engineer. These requests, he said, have been investigated and the annexation forms are conditioned to the effect that the State is not to be subject to any indebtedness of the Water District. He recommended that consent be given to the annexations. The Commission accepted his recommendation and authorized the Secretary to sign the Consent forms.

The Engineer reported that Marion and Yamhill Counties have requested the State Highway Department to prepare the design, the plans and specifications, and to advertise the contract for the Lambert Bend Bridge crossing of the Willamette River north of the Wheatland Ferry. Bonds for construction of the bridge have been authorized by the two counties. Cost of preparing the design is estimated at \$58,000 and he recommended that the request be approved. The Commission accepted his recommendation.

The addition of funds to Construction Program XI covering 5.6 miles on the Alder Creek-Wildwood Section of the Mt. Hood Highway in Clackamas County was recommended by the Engineer. He explained that Federal funds for the ABC system are larger than originally anticipated and \$3,500,000 can be added to the program to cover four lane construction on this project. The Commission approved the project to be performed when Federal funds are available. The Chairman inquired as to how much remains to be done on this particular section of the Mt. Hood Highway. The Engineer replied that there remains about 2.5 miles which he estimated would cost approximately \$1,750,000.

The Deputy Engineer presented an agreement with Union Pacific Railroad Company and Roy L. Houck Sons' Corporation concerning a haul road crossing of the railroad tracks on the Lime Section of the Old Oregon Trail in Baker County. The haul road is for the contractor's convenience and the agreement obligates him to bear all costs involved in the crossing. Based on the Deputy's favorable recommendation, the Commission approved the agreement.

Chairman Jackson inquired if the proposed Prosser to Tri-City Spur in Washington would solve the problem regarding the route of 82N and its point of crossing into Oregon. The Engineer replied that the State of Washington had made application for the Prosser-Tri-City Spur Route without a change in location of the original 82N Route, and that the point of entry into Oregon has not been changed.

The Chairman then referred to a newspaper article which had appeared recently concerning the hearing which is being held in Washington, D. C., regarding two hearings for highway relocations. He mentioned that the proposed rules contain a provision by which any individual, by filing a protest with the Director of Transportation in Washington, D. C., could hold up action on highway relocation on which a

hearing has been held until a ruling is made by the Washington office. He then inquired if Oregon objected to the idea of holding two hearings. The Engineer replied that the basic objection is not to the two hearing procedure, as Oregon now follows a procedure very similar to that. He added that the provision that one person, by filing an objection in Washington, could delay construction had raised a storm of protests over the whole country. The Chairman then inquired if the hearing provisions relate to all Federal-aid projects or just to the Interstate system. The Engineer replied that all Federal-aid jobs are covered by the ruling. Mr. Simpson, Division Engineer, Bureau of Public Roads, commented that many of those who are now strongly in favor of the proposed rulings are those who have no authority in the routing or design of highways.

The Commission accepted with thanks a gift from Mr. John B. Yeon consisting of 9.1 acres for park and scenic purposes located near the southerly limits of Cannon Beach in Clatsop County. The Engineer commented that the site is an excellent viewpoint to the ocean and by the terms of the gift may be used for that purpose only, except that a strip along the east boundary may be used for highway widening. If the property is classified as a park, it is to be named Haystack Hill State Park or if classified other than a park, the name may be altered to reflect that classification. The Commission instructed the Secretary to express their appreciation for this gift and adopted "State Park Resolution No. 30," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

A gift of \$10,000 from Mrs. Thomas E. Young was accepted by the Commission. The Engineer stated that Mrs. Young had specified that it is to be used for the purchase of trees and water pipe in the Mary S. Young State Park on the Oswego Highway north of the City of West Linn, Clackamas County. With her gift of cash, Mrs. Young also gave the access rights which she had retained in her previous gifts of land for this park. The Commission instructed that a letter of appreciation be sent to Mrs. Young for her generous gift.

The Engineer reported that a recommendation had been made by the State Parks Advisory Committee to increase some of the rates charged for the use of State park facilities. The new rates, he said, are designed to cover maintenance and operation costs on the facilities for which charges are made and no attempt is being made to amortize the original cost of construction. Following his favorable recommendation, the Commission approved the rates for park use as follows, effective January 1, 1969, by adopting "State Park Resolution No. 28a," which resolution by this reference is made a part hereof and filed in the Secretary's Office:

- (1) Trailer camp sites from \$2.00 to \$3.00
- (2) Improved camp sites from \$1.50 to \$2.00
- (3) Unimproved camp sites old rate \$1.00 and no change.

10:15 A delegation from Multnomah, Clackamas, and Washington Counties a. m. came before the Commission to request that a new east-west freeway be placed on the State Primary Highway System south of Portland. The following people were present:

Mel Gordon, who acted as spokesman, and Bob Nordlander from Multnomah County; Clayton Nyberg, Eldon Hout, and Ken Meng from Washington County; Fred Steffani and John McIntyre from Clackamas County; William Bowes, Don Bergstrom, Lloyd Keefe, and Carl Wendt from the City of Portland; Steve Telfor from the City of Tigard; Steve Loy, Larry Sprecher, George Krueger, and A. C. Moffat from the City of Beaverton; Jim Barney and Glenn Holt from the City of Hillsboro; and Dan Potter from the City of Forest Grove. Homer Chandler represented CRAG. Erwin Adams, A. C. McPhail, and Robert R. Blyth represented the North Clackamas Chamber of Commerce; and Bob Weil and Fred Wolfard represented the Beaverton Chamber of Commerce. Mr. Mel Gordon introduced the members of the delegation.

Mr. Clayton Nyberg called attention to maps which had been placed on the wall outlining the proposed route for the freeway extending from a junction with the Beaverton-Tigard Highway easterly along what is known as the Multnomah Boulevard Corridor and crossing the Willamette River near the Sellwood Bridge; thence easterly to the East Portland Freeway (I-205) near Johnson Creek. The Counties, he said, are not financially able to develop the highway. The Counties and Cities represented feel that this route has the highest priority in order to open up a new east-west transportation artery.

Mr. Lloyd Keefe recalled that such a highway had been contemplated in plans made 10 years ago. It was his feeling that the Stadium Freeway within a few years would not be adequate to handle the traffic wishing to use it. A new east-west highway is needed to develop future growth outside of the heavily populated metropolitan area and to serve as a traffic relief for the Beaverton-Hillsdale Highway and McLoughlin Boulevard. The proposed route, he said, utilizes the only sizable gap in the hills between Portland and Lake Oswego. Industrial and residential development has not yet become serious along the route; however, such developments are in the planning stage.

Mr. Ken Meng commented that Washington and Multnomah Counties had been buying right-of-way.

Mr. Homer Chandler read a letter from CRAG endorsing the route and indicating that studies showed the need for it. He also commented that in a few years the area would be developed and right-of-way would be very expensive.

Mr. Gordon pointed out that all of the governmental jurisdictions represented today are agreed upon the route.

Chairman Jackson stated that the proposal is new to the Commission, and the staff has not had time to study it in detail although it appears that construction of the route could cost approximately \$75,000,000. Before any decision can be made, it will be necessary to determine the practicality of the route and if there is any way to finance its construction. The Commission, he said, realizes that the area covered by

the route is growing rapidly and if construction is postponed it will be more costly. He asked the delegation to excuse the Commission as they have a date to meet the Governor at 10:30 a.m.

The meeting was adjourned by the Chairman at 10:30 a.m., and the Secretary was instructed to place agreements and other papers to be signed in the Highway Engineer's Office to be signed by the Commission upon their return from the Governor's Office.

The Commission signed, or authorized the Secretary to sign, the following agreements, deeds, and other papers:

"Lease and Sale of Road Materials" plus a haul road easement to Farmer C. and Edith M. Hale covering the Walton-Noti Section of the Florence-Eugene Highway in Lane County.

"Bargain and Sale Deed" to James F. Coonan and Larine R. Coonan covering the sale of 2.0 acres of land on the Lake Creek-Manley Ranch Section of the Little Butte Highway in Jackson County.

"Relinquishment of Title" to Clackamas County covering the old Wilsonville Ferry Grade in Clackamas County.

"Indenture of Access and Deed" to Daniel F. Leary and June E. Leary, and Homer M. Bell covering the Crater Lake Highway-Brownsboro Section of the Lake of the Woods Highway.

"Relinquishment of Title" to City of Eugene a 0.01 acre parcel on 7th Avenue Connection of the old Pacific Highway in Lane County.

"Indenture of Access" to Donald C. and Patricia H. Kirkpatrick covering the Klamath Falls-Green Springs Junction Section of the Green Springs Highway in Klamath County.

"Indenture of Access" to Frank R. and Margaret Louise Otto covering the Gold Beach-Cape Sebastian Section of the Oregon Coast Highway in Curry County.

"Indenture of Access" to Austin L. King Trucking, Inc., covering the Biddle Road-Camp White Section of the Crater Lake Highway in Jackson County.

"Indenture of Access" to Leonard and Nerine Fields covering the North Unit, Thornberry-Wasco Section of the Sherman Highway in Sherman County.

"Indenture of Access" to Willie Nielsen covering the Duncan Road-Sandy Section of the Mt. Hood Highway in Clackamas County.

"Grant of Access" to Myrtle B. Trolard, Dale E. Phillips, and Jone A. Phillips covering the Delmar-China Camp Creek Section of the Coos Bay-Roseburg Highway in Coos County.

"Agreement" with City of Arlington designating certain city streets as a route of the John Day Highway through the city of Arlington and relinquishing to the City a short section of the old John Day Highway, Arlington Spur.

"Agreement" with Curry County abandoning approximately one-half mile on the Floras Creek Section of the Oregon Coast Highway.

"Agreement" with Marion County transferring the Killin Bridge Section of the Woodburn-Estacada Highway.

"Supplemental agreement" with City of Dallas covering upgrading of Main Street on Walnut Avenue-Washington Street (Dallas) Section of the Kings Valley Highway.

"Supplemental agreement" with Crown Zellerbach Corporation covering use of their property in order to move equipment to the top of a quarry face adjacent to the Sunset Highway approximately 6½ miles east of Cannon Beach Junction in Clatsop County.

"Amendment to an agreement" with Benton County for purchase of 8.0 acres of land at Irish Bend as a part of Willamette River Park System extending purchase completion date to December 31, 1968.

"Amendment to an agreement" with City of Cottage Grove for purchase of 1.7 acres of land along River Road in Cottage Grove as a part of Willamette River Park System extending completion date to March 1, 1969.

"Amendment to an agreement" with Polk County for purchase of 1.3 acres of land near Buena Vista as a part of Willamette River Park System extending purchase completion date to December 31, 1968.

"Supplemental throughway agreement" with Union County pertaining to construction and maintenance of La Grande-Ladd Canyon Section of Old Oregon Trail.

"Agreement" with City of Bend for installation of traffic signals at the intersection of Third and Revere Streets.

"Agreement" with City of Pendleton moving the existing signal at S. W. 7th and Dorian to S. W. 6th and Dorian.

"Agreement" with City of Bend for installation of left-turn refuges and the revision of existing traffic signal at intersection of East Third Street and Greenwood Avenue.

"Agreement" with Marion County for installation of a flashing beacon at the intersection of Cascade Highway and Scotts Mills Road at Lone Pine Corner, north of Silverton.

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"Cooperative construction finance agreement" with City of Gresham pertaining to Ava Avenue-East Burnside Extension Section of Mt. Hood Highway in Multnomah County.

"Agreement" with Union Pacific Railroad Company and Baker County to reimburse the Railroad for relocation of its facilities in construction of the Oxman-Bubbs Ranch Section on the Old Oregon Trail in Baker County.

"Deed" granting to Union Pacific Railroad Company fee title to two small parcels of property on either side of the Oxman Undercrossing.

"Agreement" with Department of Motor Vehicles for coding and analysis of traffic accidents by the Highway Department in Salem.

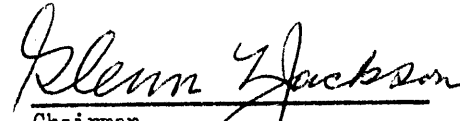
"Letter of Understanding" with the City of Reedsport granting the City the right to enter upon real property owned by the State as right-of-way for the Oregon Coast Highway within the corporate limits of Reedsport.


"Agreement" with Multnomah County for installation of flashing beacon and two mercury vapor luminaire units at the intersection of the Lower Columbia River Highway and Sauvies Island Bridge.

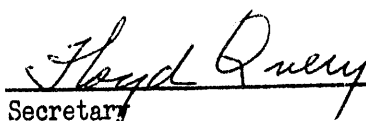
"Two Consents to Annexations" to Tigard Water District covering the Pacific Highway West and Beaverton-Tualatin Highway.

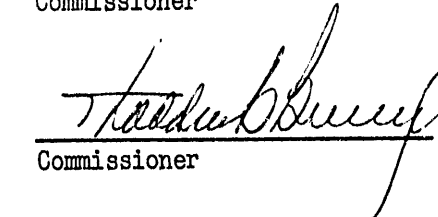
"Agreement" with Union Pacific Railroad Company and Roy L. Houck Sons' Corporation for a haul road crossing of the Railroad tracks in connection with the reconstruction of Lime Section of the Old Oregon Trail in Baker County.


State Highway Engineer


Chairman


Commissioner


Secretary


Commissioner

December 17, 1968