

The Commission confirmed acceptance of a report made by the Assistant Right of Way Engineer on offers tendered to the owners for acquisition of real property prior to the institution of condemnation proceedings as follows:

CHEMAWA ROAD-HICKORY STREET SECTION OF THE SALEM FREEWAY - MARION COUNTY

R-47198 - Sam Blischke et al. 1.4 acres for right of way purposes. Offer \$31,500.00.

HUBBARD INTERCHANGE-HAYESVILLE INTERCHANGE SECTION OF THE PACIFIC HIGHWAY MARION COUNTY

R-25147 - John Johnson Kabatoff et ux. Parcel 1: 0.52 acre, Parcel 2: 0.05 acre for right of way purposes. Offer \$3,700.00.

R-47046 - Evangeline Bieberich Case. Parcel 1: 0.04 acre for right of way purposes; Parcel 2: 0.04 acre for permit of entry. Offer \$4,000.00.

R-47052 - Lewis Singer et al. 0.01 acre for right of way purposes. Offer \$2,000.00.

R-47060 - Howard I. Angell et ux. Parcel 1: 0.25 acre; Parcel 2: 0.51 acre; Parcel 3: 0.08 acre all for right of way purposes. Offer \$2,625.00.

R-47065 - The Travelers Indemnity Company of America. Parcel 1: 0.26 acre; Parcel 2: 0.09 acre for right of way purposes. Offer \$350.00.

R-47077 - Union Oil Company of California. 0.45 acre for right of way purposes. Offer \$61,000.00.

R-47322 - Winton J. Hunt et al. 0.25 acre for right of way purposes. Offer \$67,000.00.

R-47330 - Helen Ebert. 0.04 acre for right of way purposes. Offer \$625.00.

LA GRANDE-INTERSTATE 80N SECTION OF THE WALLOWA LAKE HIGHWAY - UNION COUNTY

R-46867 - Clarence Knee et al. Parcel 1: 4,550 sq. ft. for right of way purposes; Parcel 2: 690 sq. ft. for permanent easement. Offer \$30,825.00.

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

R-46627 - Robin Truax et ux. 150 sq. ft. for right of way purposes. Offer \$450.00.

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N.E. SANDY BOULEVARD-N.E. GLISAN STREET UNIT OF THE COLUMBIA RIVER-PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY - MULTNOMAH COUNTY

R-45476 - Booker T. Lewis, Jr. 7,200 sq. ft. for right of way purposes. Offer \$30,000.00.

R-45481 - Blanche A. Stingle. 11,389 sq. ft. for right of way purposes. Offer \$23,600.00.

R-46949 - Robert L. Van Atta et ux. 0.68 acre for right of way purposes. Offer \$31,500.00.

N. TIGARD INTERCHANGE-HUBBARD INTERCHANGE SECTION OF THE PACIFIC HIGHWAY CLACKAMAS COUNTY

R-46008 - Portland Loan Company. Parcel 1: 13,520 sq. ft.; Parcel 2: 1,660 sq. ft. for right of way purposes. Offer \$23,000.00.

R-46046 - T. W. Samuel et ux. 20,800 sq. ft. for right of way purposes. Offer \$31,100.00.

PLEASANT VALLEY-GREEN TIMBER ROAD SECTION OF THE OREGON COAST HIGHWAY TILLAMOOK COUNTY

R-47293 - George Mackey et ux. Parcel 1: 0.72 acre for right of way purposes; Parcel 2: 0.02 acre for permanent easement. Offer \$5,600.00.

R-47307 - Nicholas M. Niflis et ux. 2.95 acres for right of way purposes. Offer \$16,600.00.

SANDERSON BRIDGE SECTION OF THE ALBANY-LYONS HIGHWAY - LINN COUNTY

R-47259 - Ray R. Knight et al. Parcel 1: 3.3 acres, Parcel 2: 7.45 acres for right of way purposes; and Parcel 3: 500 sq. ft. for temporary easement. Offer \$6,125.00.

R-47260 - Gilman D. Duffy et al. 1.97 acres for right of way purposes. Offer \$3,350.00.

R-47267 - Minnie Norman. 3.56 acres for right of way purposes. Offer \$10,500.00.

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

R-44559 - Everett D. Wirth. Parcel 1: 7,100 sq. ft. for right of way purposes; Parcel 2: 19 sq. ft. for permanent easement. Offer \$34,125.00.

R-45706 - Frances Di Gregorio. 33,425 sq. ft. for right of way purposes. Offer \$28,500.00.

R-46387 - Martha I. Lulay. 12,478 sq. ft. for right of way purposes. Offer \$23,750.00.

R-46401 - L. K. McKown. 600 sq. ft. for right of way purposes. Offer \$950.00.

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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 - MULTNOMAH COUNTY (Cont.)

R-46767 - George W. Curl et ux. Parcel 1: 525 sq. ft. for right of way purposes; Parcel 2: 450 sq. ft. for permanent easement. Offer \$1,000.00.

R-46823 - Jack R. Quinby et ux. 6,605 sq. ft. for right of way purposes. Offer \$22,525.00.

WINSTON-SHADY INTERCHANGE SECTION OF THE COOS BAY-ROSEBURG HIGHWAY -
DOUGLAS COUNTY

R-46944 - Antares Inc. Parcel 1: 1,720 sq. ft. for right of way purposes; Parcel 2: 660 sq. ft. for permanent easement. Offer \$31,000.00.

Abandonment of seven delinquent rental accounts was recommended by the Assistant Right of Way Engineer. He stated that the parties have moved, left no forwarding address or have any means to pay, and the expense of locating them for collection would not be justified. The Commission approved abandonment of the following accounts:

File 33698 - Robert Bevans	\$160.00
File 45992 - Sharon Coss	\$ 92.25
File 42785 - Robert Crawford	\$250.00
File 45953 - Pauline Jarrett	\$ 18.50
File 44814 - Walt Schmitt	\$ 90.00
File 42412 - Albert Madle	\$ 40.00
File 42894 - Donald White	\$145.00

Authority was requested by the Assistant Right of Way Engineer to offer at public sale 4,248 square foot parcel of land, File No. 26420, for not less than \$1,445, located on S.W. 21st Street near S.W. Dolph Court adjacent to the Spring Garden onramp. The property is in the Harbor Drive-Barbur Boulevard Section of the Pacific Highway in Multnomah County. He mentioned that the property is no longer needed for highway purposes and the recommended sale price is based on competent appraisals. Sale will be subject to a sewer easement to the City of Portland and no access will be permitted to the Pacific Highway. Signboard and junkyard exclusion clauses will be included in the deed. Approval by the Federal Highway Administration is not required. The Commission approved the public sale and thereupon adopted "Real Property Resolution No. 587," which resolution by this reference is made a part hereof and filed in the Secretary's office.

Direct sales of three parcels of property were recommended by the Assistant Right of Way Engineer. He stated that in each instance the property is no longer needed for highway purposes and because of peculiar conditions sale is restricted to a single party. Sale prices have been determined by competent appraisals. In each case, Federal Highway Administration approval is not required. The Commission approved the following sales:

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- (1) To Umatilla County, File No. 14983-A, 7.98 acre quarry site on the north side of the old alignment of the Columbia River Highway four miles west of Pendleton at Barnhart for \$125. Sale will be subject to restrictions and reservations of record. Signboard and junkyard exclusion clauses will be included in the deed.
- (2) To Union County, File No. 12717, five-acre depleted gravel source located east of the Cove Highway approximately one mile north of Union for \$125. The junkyard exclusion clause will be included in the deed.
- (3) To Douglas McDaniell, File No. 40397, 0.3 acre landlocked parcel of land located east of the Old Oregon Trail west of Albany Street in La Grande in Union County for \$500. Signboard and junkyard exclusion clauses will be included in the deed and no access will be permitted to the Old Oregon Trail.

Consideration was given to a property exchange, File No. 22667, on the north side of the Clackamas River and south of 82nd Drive, (Cascade Highway) in Clackamas County. The Assistant Right of Way Engineer stated that the State will exchange property for adjacent land owned by Grover Poe and James Jamison. The State will transfer its newly acquired parcel along with an adjoining strip of land it already owns to the City of Gladstone with the understanding that the City will maintain and develop the lands for public use. No consideration is involved. The Commission approved the property exchange.

The Commission considered a lease agreement with the State Game Commission covering 16.92 acres on a county road 0.8 mile southeast of the Oregon Coast Highway approximately 3½ miles north of Port Orford in Curry County. The Assistant Right of Way Engineer explained that the Game Commission wishes to use the area for public parking, angling, and boat launching to permit public access to Elk River. No charge will be made to the Game Commission and the Highway Commission retains the right to terminate the lease upon 30 days' notice. The Commission approved the lease as recommended and authorized the Secretary to sign it in their behalf.

The Commission approved the following Indentures of Access as recommended by the Assistant Right of Way Engineer. In each case, Federal Highway Administration approval is not required.

- (1) Anthony P. and Mabel Bragga property, File No. 44766, on the westerly side of the relocated Pendleton-John Day Highway approximately nine miles north of Mt. Vernon in Grant County. The request has been made to show in the public record the location of one 35-foot unrestricted point of access.
- (2) Robert and Pauline Holland property, File No. 44769, on the easterly and westerly sides of the Pendleton-John Day Highway approximately eight miles north of

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Mt. Vernon in Grant County. Six points of access will be changed to correct the public record. All approaches will remain 35 feet in width and unrestricted as to use.

- (3) Heirs of Stanley Wilt, deceased, and Department of Interior, Bureau of Land Management property, File No. 32549, on the northerly side of the relocated Mapleton-Eugene Highway approximately one-half mile west of Walton in Lane County. The approach will be widened from 25 feet to 35 feet and will remain unrestricted as to use.
- (4) Harold S. and Delta H. Huber and Ola M. Ruggles property, File No. 46433, to correct the public record to show one point of access as it was actually constructed on the northeasterly side of the Heppner Highway approximately six miles north of Heppner in Morrow County. The access will be 35 feet in width and unrestricted as to use.
- (5) William A. and Manuelita Munkers property, File No. 46435, on the southwesterly side of the relocated Heppner Highway approximately five miles north of Heppner in Morrow County. The unrestricted point of access will be 35 feet in width.
- (6) Donald K. and Margaret A. Evans property, File No. 46436, two points of access on the northeasterly side and two points on the southwesterly side of the relocated Heppner Highway approximately five miles north of Heppner in Morrow County. All four approaches will be 35 feet in width and unrestricted as to use.
- (7) First National Bank of Oregon, trustee property, File No. 46438, for a change in location of two unrestricted points of access on the relocated Heppner Highway approximately 3½ miles north of Heppner in Morrow County. The approaches will be 35 feet in width.
- (8) Claude R. and Anna Graham property, File No. 46440, to correct the public record to show the location of one unrestricted point of access as it was actually constructed 35 feet in width on the westerly side of the relocated Heppner Highway three miles north of Heppner in Morrow County.

The Assistant Right of Way Engineer requested and the Commission approved the following Grants of Access:

- (1) To Daniel M. and Pauline A. Webb, File No. 34373, for one 35-foot unrestricted point of access on the northerly side of the relocated Pacific Highway in the northwest quadrant of the Rice Hill Interchange in Douglas County. The Webbs are to pay \$1,700 as determined by staff appraisal. Federal Highway Administration approval was received November 1, 1972.

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- (2) To Gordon D. and Betty J. Lovell, File No. 34411, for a 35-foot unrestricted point of access to serve the remainder of the parcel of property which is being sold. The approach is located three miles northeast of La Grande on the westerly side of the relocated Wallowa Lake Highway in Union County. The Lovells are to pay \$1,000 as determined by staff appraisal. Federal Highway Administration approval is not required.

Consideration was given to an agreement with Southern Pacific Transportation Company for the installation of track circuits to preempt traffic signals at the intersection of 5th and Main Streets (Pacific Highway East) in Oregon City, Clackamas County. The Assistant Right of Way Engineer mentioned that the Company is to design and install the appropriate track circuits and to interconnect these circuits with the existing signals. The State is to design and install the traffic signals. The work is estimated to cost \$3,110 and will be shared on a 50-50 basis by the State and the Railroad. The Commission accepted the Assistant Right of Way Engineer's recommendation for approval.

Attention was given to an agreement with the Pacific Power and Light Company for an extended underground electric service to the Valley of the Rogue State Park in Jackson County. The Assistant Right of Way Engineer explained that the service will replace an existing overhead facility. The State is to pay the Company the estimated cost of the underground facilities in excess of the installed cost of equivalent overhead facilities. The estimated cost to the State is \$6,788. Upon the Assistant Right of Way Engineer's recommendation, the Commission approved the agreement and authorized the Secretary to sign it in their behalf.

An agreement with Southern Pacific Transportation Company for the reconstruction of the Chemawa Overcrossing of I-5 north of Salem in Marion County was considered. The Assistant Right of Way Engineer mentioned that the State will reimburse the Company for all expenses incurred in connection with construction and removal of a shoofly to facilitate construction, adjustment of signal and communication lines, railroad protective costs, and preliminary engineering at an estimated cost of \$48,370. He further stated that the Company will grant the State the necessary easement to accommodate construction and maintenance of the new overcrossing structure. This also has the approval of the Federal Highway Administration. The Commission accepted the Assistant Right of Way Engineer's recommendation for approval.

Consideration was given to an agreement with Sunnyslope Irrigation Company for the reconstruction of their facilities to accommodate construction of the Ladd Canyon-North Powder Section of the Old Oregon Trail in Union County. The Assistant Right of Way Engineer pointed out that the State will perform structural maintenance on all company facilities constructed which lie within the highway or county right-of-way. The Company will be responsible for operational maintenance and structural maintenance of all its facilities adjusted or relocated which lie outside the highway right-of-way. The total estimated cost to the State is \$140,000 with Federal Interstate participation. This matter has been approved by the Federal Highway Administration. The Commission approved the agreement as recommended and authorized the Secretary to sign it in their behalf.

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Attention was given to an agreement with the Union Pacific Railroad Company and Umatilla County for the abandonment of the Ordnance Depot Highway. The Assistant Right of Way Engineer explained that this document is to transfer the obligations imposed by the Railroad Company upon the State by an agreement dated February 27, 1942, from the State to Umatilla County. The resolution to complete the abandonment of this highway to the County was adopted by the Commission on June 27, 1972. The Commission approved the agreement as recommended by the Assistant Right of Way Engineer.

A Modification of Access Rights to Crown Zellerbach Corporation in the Eagle Creek-Estacada Section of the Clackamas Highway in Clackamas County was discussed. The Assistant Right of Way Engineer stated that the present owners have requested this indenture in order to provide residential access through its property to a property having an easement through the mill area to relieve congestion. The Commission approved the Assistant Right of Way Engineer's recommendation for approval of the Modification.

Confirmation was requested by the Assistant Right of Way Engineer for approval given by the Commission on December 15, 1972, of an agreement with the Union Pacific Railroad Company and the Southern Pacific Transportation Company for the extension of the existing lease of the upper deck of the Steel Bridge in the City of Portland from January 1 through June 30, 1973. The Commission confirmed the agreement.

A report was submitted by the Chief Counsel and accepted by the Highway Commission concerning cases which have been tried in court since the last Commission meeting summarized as follows:

REPORT OF CONDEMNATION CASES TRIED

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer Before Filing Complaint</u>	<u>Defend- ants' Lowest Demand</u>	<u>Verdict</u>
Carl Benson L-6638 R-43350	Mult.	East Portland Freeway	\$ 3,000	\$ 7,000	\$ 4,500
Copeland Lumber Co. L-6684 R-44798	Mult.	Mt. Hood	\$ 51,300	\$ 170,000	\$ 70,000
Hope A. Fieldhouse L-6744 R-44801	Mult.	Mt. Hood	\$ 33,575	\$ 75,000	\$ 65,250

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(Report of Condemnation Cases Tried Cont.)

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer Before Filing Complaint</u>	<u>Defend- ants' Lowest Demand</u>	<u>Verdict</u>
William V. Luther L-6748 R-44810	Mult.	Mt. Hood	\$ 38,850	\$ 52,200	\$ 43,800
Stacey G. Smith L-6751 R-45472	Mult.	East Portland Freeway	\$ 42,500	\$ 52,000	\$ 45,000
W. B. Penwarden L-6765 R-45967	Mult.	East Portland Freeway	\$ 75,000	\$ 100,000	\$ 95,000
Philip Blake L-6784 R-36324	Yamhill	Lone Tree Bar State Park	\$218,000	\$1,505,213	Voluntary Nonsuit
Victor J. Calaba L-6824 R-36329	Marion	Lone Tree Bar State Park	\$115,000	\$ 613,150	Voluntary Nonsuit

REPORT OF TRIAL OF OTHER CASES - STATE PLAINTIFF

<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict or Judgment</u>
Joseph O. Willson L-6453	Clatsop	Property Damage	\$ 329.62	\$ 329.62
Vernon Hanscom L-6447	Josephine	Property Damage	\$ 345.01	\$ 345.01
Tug Go-Getter L-5163A	U. S. District Court	Damage to Bullards Bridge	\$400,000.00	\$232,297.97

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REPORT OF TRIAL OF OTHER CASES - STATE DEFENDANT

<u>Plaintiff</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict or Judgment</u>
Western Bank L-6613	Coos	Mortgage Foreclosure	Foreclosure of the mortgage	Voluntary Nonsuit

(For additional details, see the Chief Counsel's letter dated January 19, 1973, entitled Report of Cases Tried, which is filed in the Salem office, General Files.)

The Chief Counsel reported that the Travelers Insurance Company and DeLong have filed an action in the Federal Court concerning the Astoria Bridge case seeking to enjoin the State Highway Division from executing on its judgment to collect the money awarded by the State Court. The Court has asked for additional information and briefs. He stated the big point of the case is that they were alleging that the Circuit Court Judge had purchased a large parcel of property from the landlord prior to the trial of the case. The Judge purchased and paid for it but they are trying to allege that this made him favorable to the State and opposed to the contractor. Therefore, they are alleging that the verdict was fraudulent. This appears to be another delay before the case State vs. DeLong can be concluded.

The Chief Counsel introduced his new Assistant, Mr. Walter Barrie, recently appointed by the Attorney General. He called on Mr. Barrie to report on the Mt. Hood Freeway case. The Assistant Counsel stated that Judge Burns of the Federal District Court thinks the case may well be premature because none of the four layers of government have yet approved construction of the freeway. Attorneys for the State and Federal defendants have filed written briefs with the Court and plaintiffs' attorneys have until January 31, 1973, to file their briefs. Judge Burns will then hear oral arguments on this question on February 7, 1973. There is a possibility the Judge may dismiss the case. The Chairman inquired about the purchase of hardship property within the Mt. Hood Corridor. The Assistant Counsel replied that at the last hearing the State received approval of all six hardships petitioned for by the State. The State may petition for approval of additional hardship purchases as soon as affidavits are obtained.

The Commission considered and accepted a report made by the Chief Counsel concerning cases which have been settled out of court since the last Commission meeting summarized as follows:

REPORT OF CONDEMNATION CASES SETTLED

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(Report of Condemnation Cases Settled Cont.)

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer</u>	<u>State's Highest Appraisal</u>	<u>Amount of Settlement</u>
A. M. Ison L-6781 R-45219	Douglas	Coos Bay- Roseburg	\$20,500	\$20,500	\$23,000
H. A. Young L-6605 R-45627	Jackson	Pacific	\$22,500	\$28,850	\$30,000
Travelers Indemnity L-6892 R-47065	Marion	Pacific	\$ 350	\$ 350	\$ 750
Emillion Evchuta L-6681 R-45680	Mult.	East Portland Freeway	\$ 3,500	\$ 4,250	\$ 4,500
Harry G. Thompson L-6689 R-46469	Mult.	East Portland Freeway	\$ 4,775	\$ 4,771	\$ 5,300
Ferdinand Oswald L-6713 R-47035	Mult.	East Portland Freeway	\$28,000	\$28,000	\$30,000
Richard B. Pierce & Helen H. Lawton L-6716 R-46473	Mult.	East Portland Freeway	\$ 650	\$ 650	\$ 1,500
Mark J. Dotson L-6847 R-46879	Mult.	East Portland Freeway	\$19,250	\$19,250	\$21,000
Lee Ann Garrison L-6860 R-45490	Mult.	East Portland Freeway	\$17,800	\$17,800	\$21,000

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(Report of Condemnation Cases Settled Cont.)

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer</u>	<u>State's Highest Appraisal</u>	<u>Amount of Settlement</u>
F. Byrdette Byrd L-6871 R-45652	Mult.	East Portland Freeway	\$17,450	\$17,450	\$19,500
Bruce Arestad L-6657 R-44340	Marion	Pacific (Case settled by deed)	\$ 100	\$ 100	\$ 500
Gulf Oil Corp. * L-6742 R-44855	Mult.	Mt. Hood	\$38,000		Dismissed
			* Settled by option by the Right of Way Division.		
Myrtle L. Crandall L-6754 R-45611	Mult.	East Portland Freeway	\$ 9,250	\$10,250	\$12,000

REPORT OF OTHER CASES SETTLED

<u>Plaintiff</u>	<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Settlement</u>
State of Oregon L-6702	Zada Kendall	Douglas	Property Damage	\$ 270.39	\$ 270.39
State of Oregon L-6700	Keith Moon	Mult.	Property Damage	\$ 256.35	\$ 256.35
United Pacific Insurance Co. L-6759	State of Oregon	Mult.	Interpleader	To be discharged from bond obligation	\$10,472.09 (Paid to the State)
State of Oregon L-6611	Harold Hall	Lane	Suit to enjoin and abate landfill in Woahink Lake	Remove landfill from Woahink Lake	Landfill has been completely removed. Consent Decree signed 5-15-72

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REPORT OF ADMINISTRATIVE HEARING - STATE ENGINEER

<u>Plaintiff</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict or Judgment</u>
Kathleen G. Morris	Douglas	Application for permit to maintain well.	That application be denied.	Permit denied.

(For additional details, see the Chief Counsel's letter dated January 19, 1973, entitled Report of Cases Settled, which is filed in the Salem office, General Files.)

A report was presented by the Chief Counsel and accepted by the Highway Commission regarding the institution of legal proceedings which have been commenced since the last Commission meeting and summarized as follows:

- (1) Ronald J. Gobbi vs. Oregon State Highway Commission, L-6881. Plaintiff seeks \$119.85 special damages and \$25,000 general damages due to a motorcycle accident on July 22, 1972, where the Corbett onramp merges with 80N in Multnomah County. Plaintiff alleges that the longitudinal edge of the new pavement was 1½ inches higher than that on the onramp and merging lane. At the time of construction the defendant, J. C. Compton Company, was responsible for the construction job at this location and has also been named as party defendant.
- (2) Robert H. Coffman vs. Donald R. Tummonds, L-6883. Plaintiff seeks \$4,072.45 special damages and \$100,000 general damages arising out of an accident on December 15, 1970, on the Sunset Highway near M.P. 22 and the Elderberry Inn in Clatsop County. The plaintiff alleges that the State was negligent in the placing of its "Men Working" signs and "One-Way Traffic" signs and as a result he had driven his vehicle off the road to keep from striking some Highway Division personnel.
- (3) Neva J. Gobbi vs. Oregon State Highway Commission, L-6901. Plaintiff seeks \$75,000 general damages and \$2,053.42 special damages arising out of an accident in which she was a passenger on the motorcycle in the same case as described above, L-6881.
- (4) Janis Puckett vs. Oregon State Highway Commission, L-6902. Plaintiff seeks \$250,990 arising out of an accident on State Highway No. 30 in Columbia County. A pickup was parked on the shoulder of the highway with a flat tire. The deceased stopped to investigate the parked pickup and walked around on the downhill side when the pickup tipped over and killed him. Alleges State was negligent in not having a better embankment to hold the car.

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Consideration was given to increasing the park employee's uniform allowance from \$35 to \$60 per year. The Parks Superintendent mentioned that a recent review of actual uniform costs and comparison with other agencies indicates that this allowance should be raised. The cost to the State at the present rate of \$35 is approximately \$21,000 per year and the raise to \$60 would increase that amount to approximately \$35,000. Upon his favorable recommendation, the Commission approved the increase.

Attention was given to an agreement with the State Forestry Department for fire protection on the ocean shore areas of the Oregon Coast, except for areas within the corporate limits of any city or otherwise covered by fire protection. The Parks Superintendent mentioned that the agreement provides for the initial period of fire protection covered by this agreement beginning July 1, 1973, to June 30, 1974; the State is to pay the Forestry Department \$7,000. He stated that from a fire reporting system to be developed by the Forestry Department, successive fiscal year charges to the State are to be adjusted by mutual agreement, to reflect an actual experience cost basis. This arrangement will then be similar to an existing arrangement with the Forestry Department for State park fire protection, with charges adjusted annually. Upon his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it in their behalf.

Consideration was given for the payment of National Association of State Outdoor Recreation Liaison Officers (NASORLO) dues for the calendar year 1973 in the amount of \$150. The Commission approved the dues as recommended by the Parks Superintendent.

Increases in project authorizations on contracts were requested by the Engineer and approved by the Commission as follows:

- (1) Contract No. 7664 on the South Unit, Condon-Thirty-mile Creek Section of the John Day Highway in Gilliam County for an increase of \$228,707.51 (11.5%). Overrun due to an increase in the general excavation quantity.
- (2) Contract No. 7818 for the Arlington, La Grande and Lime mortar slope stabilization on the Old Oregon Trail in Gilliam, Union and Baker Counties for an increase of \$49,820.45 (46.5%). The cement and mortar sand bid items are the main reason for the overrun.
- (3) Contract No. 7547 on North Grants Pass Interchange, 6th Street at Morgan Lane in Grants Pass, Josephine County, for an increase of \$3,861.81 (17.4%). The increase was due to signal pole revisions after award of the contract and extra costs for signal head replacements. (Chairman Jackson gave his approval on January 12, 1973.)

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- (4) Contract No. 7822 on the Washington State Line-Judkins Point Section of the Pacific Highway in Multnomah, Washington, Clackamas, Marion, Linn, and Lane Counties for an increase of \$11,847.54 (21.2%). Overrun was caused by the substitution of Type "EE" high intensity signs for the Type "E" signs originally specified.

Consideration was given to the payment of \$2,279.50 for the annual membership dues in the American Association of State Highway Officials. The Commission approved the payment for the calendar year 1973 as recommended by the Engineer.

A quarterly report of property damage claims for the period October 1, 1972, through December 31, 1972, was presented by the Engineer. During this period he mentioned that \$232,225.85 had been collected and 13 claims totaling \$6,786.85 were abandoned. The Commission accepted the report.

The Commission considered a screen planting project at the maintenance station adjacent to the Baldock Freeway at M.P. 295.6 southerly of Taylors Ferry Road connection on the Pacific Highway in Multnomah County. The Engineer explained that the project estimated to cost \$31,000 will consist of planting trees, shrubs and vines, fence construction and realignment, placing of bark mulch, and topsoil. He recommended approval of the project with State Construction Funds and to place on the March 1973 bid letting. The Commission approved the project.

The Engineer stated that under ORS 366.525 Oregon counties will be eligible to receive \$6,325,165.47 as their share of Highway user taxes collected during the period October 1, 1972, to December 31, 1972. The Commission approved release of these funds.

The Commission confirmed the appointments of A. E. Johnson as Deputy State Highway Engineer, effective January 15, 1973, and H. S. Coulter as Assistant State Highway Engineer, effective February 1, 1973. The Commission thereupon adopted "Appointment Resolutions Nos. 43 and 44," which resolutions by this reference are made a part hereof and filed in the Secretary's Office.

Consideration was given to the settlement of a claim with G. D. Dennis and Sons, Inc., covering replacement of a culvert under the southerly approach to the Longview Bridge near Rainier in Columbia County. The Engineer explained that in May 1971 the State awarded Contract No. 7555 to the contractor in the amount of \$51,993.75. The contract had only one lump sum bid item covering the complete culvert replacement. A disagreement developed concerning the elevation at which the culvert would be installed. The contractor alleges that his bid was based on information from the plans and assumed a drier and easier-to-construct location. The contract plans were prepared in a short time with a minimum of actual field location engineering and an inaccurate assumed elevation for a reference was apparently used. The contract has made a claim for \$62,388.18, alleged to be the actual costs in excess of the contract payment, and requested a time extension which would return liquidated damages in the amount of \$5,325. The Claims Review Board requested an accounting audit

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of the contractor's costs. The audit substantiates that costs of over \$50,000 in excess of the contract payment were incurred. A compromise lump sum settlement has now been reached which amounts to \$30,000 plus a 71-day time extension. This would delete all liquidated damages withheld in the amount of \$5,325 and resolves all claims on the contract. Upon the recommendations of the Engineer and the Claims Review Board, the Commission approved the settlement.

The Commission considered a policy statement concerning cost sharing for overruns in TOPICS projects on State highways. The Engineer explained that at the present time when the cost of TOPICS projects exceeds the available TOPIC funds the City involved is obligated to pay 100% of the overrun. It is proposed that when a TOPICS Project is on a State highway any overrun be shared 50-50 with the City. The Commission approved this procedure as recommended by the Engineer.

The Engineer presented for confirmation requests from contractors for extensions of time within which to complete highway contracts without assessment of liquidated damages. These requests he said have been carefully investigated and the results of the investigation have been reported to the Commission by letter. The contractors have also been advised by letters as to the extensions of time. The Commission confirmed extensions of time as follows:

- (1) L. H. Morris Electric, Inc., Contract No. 7710, on the Pacific Highway West in Lane County, requested an extension of 33 calendar days. The Commission confirmed an extension of 33 days without assessment of liquidated damages.
- (2) Schubert Company, Inc., Contract No. 7834 on the Sunset Highway in Multnomah County, requested an extension of 15 days. The Commission confirmed an extension of 15 days without assessment of liquidated damages.
- (3) Gordon H. Ball, Inc., Contract No. 7367 on the La Grande-Baker Highway in Union County, requested an extension of 96 calendar days. The Commission denied the request.
- (4) Peter Kiewit Sons' Co., Contract No. 7452 on the Pacific Highway in Clackamas County, requested an extension of 35 calendar days to complete work on Unit A and 45 calendar days to complete work on Unit B. The Commission confirmed a 25-day extension of time on Unit A and a 45-day extension of time on Unit B without assessment of liquidated damages. The Federal Highway Administration gave their approval in a letter dated December 18, 1972.
- (5) Cascade Construction Company, Contract No. 7567 on the Beaverton-Hillsdale Highway in Washington County, requested an extension of 6 days on Phase A and 4 days on Phase B. The Commission confirmed an extension of 6 days to both Phases, which will delete all time liquidated damages.

- (6) R. L. Coats, Contract No. 7719 on the Central Oregon Highway in Deschutes County, requested an extension of 16 days. The Commission confirmed an extension of 12 days, which will delete all time liquidated damages.
- (7) Babler Bros., Inc., Contract No. 7516 on the Old Oregon Trail in Baker County, requested an extension of 90 days. The Commission confirmed an extension of time of 100 days, which will delete the liquidated damages. The Federal Highway Administration concurred by letter of December 18, 1972.
- (8) North Santiam Sand and Gravel, Inc., Contract No. 7809 in Silver Falls State Park in Marion County, requested an extension of 10 days. The Commission confirmed an extension of 7 days, which will delete all liquidated damages.
- (9) Graham Electric Company, Contract No. 7698 on the Pacific Highway West at Johnson Street in Tigard, Washington County, requested an extension of 59 calendar days. The Commission confirmed an extension of 59 days, which waives all liquidated damages.

The Engineer reported that Contract Nos. 7547, 7551, 7643, 7656, 7668, 7684, 7694, 7698, 7710, 7719, 7729, 7770, 7784, 7786, 7806, 7809, 7811, and 7813 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. The Commission accepted the contracts by adopting "Contracts Completed Resolution No. 208," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Commission confirmed verbal award of contracts made on December 28, 1972, for bids received December 21, 1972, and confirmed authority for the Secretary to sign the following contracts in their behalf:

BIDS RECEIVED IN SALEM ON DECEMBER 21, 1972

Contract No. 7858 for signing on N.E. 122nd Avenue-Idaho State Line Section of the Columbia River Highway and Old Oregon Trail in nine counties. Seven bids were received. The Commission accepted the low bid of Highway Safety Contractors, Lynden, Washington, at \$63,057.40 and the Administrator of Highways was directed to award the contract to said bidder when approval of the Federal Highway Administration is received.

Contract No. 7859 for grading and paving on the Sanderson Bridge Section of the Albany-Lyons Highway in Linn County. Six bids were received. The Commission accepted the low bid of Morse Bros., Lebanon, at \$857,049 and the Administrator of Highways was directed to award the contract to said bidder when the necessary right-of-way is acquired.

Contract No. 7860 for grading, paving and traffic signals on the Tualatin Valley Highway at S.E. Minter Bridge Road (Hillsboro) Section in Washington County. Two bids were received. The Commission accepted the low bid of Gary Baker Contractor, Hillsboro, at \$90,544.50 and the Administrator of Highways was directed to award the contract to said bidder when the City of Hillsboro approves the project and deposits \$41,800 and approval of the Federal Highway Administration is received.

The Commission confirmed award of the following contracts which were referred to the Administrator of Highways to award when certain conditions were fulfilled:

- (1) Independence Junction-West Salem Bikeway Section of Willamina-Salem Highway in Polk County. Bids received October 26, 1972. Contract No. 7847 awarded December 12, 1972, to Salem Road and Driveway Company, Salem, at \$220,242.
- (2) Tideport Slide Correction Project on Fishhawk Falls Highway in Clatsop County. Bids received November 30, 1972. Contract No. 7850 awarded December 6, 1972, to Harry Claterbos Company, Astoria, at \$84,816.
- (3) Traffic signal installation on Railroad Avenue at Newmark Street in the City of North Bend on Oregon Coast Highway in Coos County. Bids received November 30, 1972. Contract No. 7851 awarded December 27, 1972, to Hamilton Electric, Inc., Eugene, at \$22,220.
- (4) Traffic signals on Mt. Hood Highway at S.E. 136th Avenue in Multnomah County. Bids received November 30, 1972. Contract No. 7856 awarded December 29, 1972, to L. K. Comstock and Company, Inc., Albany, at \$31,382.
- (5) Ladd Canyon-North Powder Section of Old Oregon Trail in Union County. Bids received December 7, 1972. Contract No. 7857 awarded December 20, 1972, to Peter Kiewit Sons' Company, Vancouver, Washington, at \$8,271,616.
- (6) Sign revision on N.E. 122nd Avenue-Idaho State Line Section of Old Oregon Trail and Columbia River Highway in nine counties. Bids received December 21, 1972. Contract No. 7858 awarded December 29, 1972, to Highway Safety Contractors, Lynden, Washington, at \$63,057.40.
- (7) Tualatin Valley Highway at S.E. Minter Bridge Road in City of Hillsboro in Washington County. Bids received December 21, 1972. Contract No. 7860 awarded January 8, 1973, to Gary Baker, Contractor, Hillsboro, at \$90,544.50.
- (8) Sanderson Bridge Section of Albany-Lyons Highway in Linn County. Bids received December 21, 1972. Contract No. 7859 awarded January 18, 1973, to Morse Bros., Inc., Lebanon, at \$857,049.

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The Engineer presented a list of construction projects on which bids will be received January 25 and February 22, 1973. Each project, he said, contains a notation as to plans for the establishment of footpaths and bicycle trails. The Commission approved the following projects:

January 25 Bid Letting

- (1) Terrebonne-Bend Section
The Dalles-California Highway, Deschutes County
Grade, Pave & Structures Project

Footpaths and bicycle trails will not be established as part of this project as per ORS Chapter 366, Section 2, subsection 2 (b) which states that "Footpaths and trails are not required to be established . . . if . . . the cost of establishing such paths and trails would be excessively disproportionate to the need or probable use."

The primary purpose of this project is to provide passing lanes in four locations plus one additional left-turn refuge area, all within the existing right of way.

- (2) Central Business District (Corvallis) Section
Pacific Highway West, Benton County
Signals Project

Footpaths or bicycle trails are not incorporated in this project as no new highway construction, reconstruction or relocation is involved.

- (3) City-wide Traffic Signals (Medford) Section
Various City Streets (47 Intersections), Jackson County
Grade, Pave & Signal Project

Same as No. 2.

- (4) Willamette River-Orleans Section
Corvallis-Lebanon Highway, Linn County
Slope Protection Project

Same as No. 2.

- (5) Redwood Highway at Lister St. (Cave Junction) Section
Redwood Highway, Josephine County

Same as No. 2

February 22 Bid Letting

- (1) Woodburn Interchange-Hayesville Interchange Section
Pacific Highway, Marion County
Grade, Pave, Structure, Illumination & Signing Project

Sidewalk/bicycle facilities will be provided on the freeway overcrossing structures and not along the freeway, as alter-

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nate bike routes will be available along other roadways which connect the population centers. It is felt that with the other available ways the cost of establishing a bike trail along the freeway would be disproportionate to the use.

This was previously on the agenda for the December 12 meeting.

- (2) Cape Arago Highway-Woodland Drive Section
Empire-Coos Bay Highway, Coos County
Grade, Pave & Signals (Cooperative) Project

Sidewalk/bicycle facilities will be provided on both sides of the project throughout its length.

- (3) U.P.R.R. O'xing, Hood River (Button) Bridge Section
FAS-349, Hood River County
Grade, Pave & Structure (Cooperative) Project

A five-foot sidewalk is provided along the length of the project.

- (4) N.E. 166th Ave.-N.E. 190th Ave. Section
FAS 730 (N.E. Halsey St.), Multnomah County
Grade and Pave Project

Gravel footpaths and concrete sidewalks will be provided throughout the project. This was previously on the agenda for the September 19 meeting. This is a county project.

- (5) Willamette Overflow (Harrisburg) Bridge Section
Albany-Junction City Highway, Lane County
Structure Project

A sidewalk/bicycle facility will be provided along one side of the highway throughout the length of the project.

The Chairman asked if the State was getting cooperation at the local levels concerning the bicycle trails. The Engineer replied that cities and counties are cooperating and most of them have a bicycle committee of some type and are making plans for their own community. The cities of Ashland, Medford and Corvallis are very enthusiastic about these trails. He reported the bicycle trails that have been built are getting very little usage. Most of the trails, he said, are used for commuting purposes. The Chairman inquired about the accident and bicycle counts on the trail along Powell Boulevard east of Portland. The Engineer mentioned that to his knowledge there had been one fatality and one pedestrian accident. He estimated the bicycle count at 50 or less per day. The Chairman asked if the Legislature has discussed the bicycle trails at this session. The Administrator commented that he had received several inquiries from legislators. He stated the program is now being re-evaluated and a detailed report is being prepared.

The Engineer reported that due to the construction work along I-80N from Hot Lake Junction (La Grande-Baker Highway) to North Powder in Union County consideration should be given to changing the existing 65 MPH speed zone as established by Speed Zone Resolution No. 527, dated October 31, 1967. He stated that a 75 MPH has been established for this section of I-80N by Resolution No. 542 dated December 17, 1968, and is to become effective as sections are completed to Interstate standards and speed signs installed. He recommended that Resolution No. 542 be amended to immediately rescind Resolution No. 527 dated October 31, 1967, thereby allowing "BASIC SPEED 55 MPH" to prevail on I-80N between Hot Lake Junction and North Powder until completion to Interstate standards and the 75 MPH signs are installed. The Commission accepted his recommendation and thereupon adopted "Speed Zone Resolution No. 624," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

Consideration was given to the establishment of a construction speed zone between M.P. 29.01 and M.P. 29.92 on the Albany-Junction City Highway in Lane and Linn Counties. The Engineer explained that it was necessary that a detour be constructed to operate for approximately six months while replacing the existing Willamette Overflow (Harrisburg) Bridge. The vertical and horizontal alignment of the detour will be such that the basic speed of 55 MPH will be unduly high. The Commission accepted his recommendation and thereupon adopted "Speed Zone Resolution No. 625," which resolution by this reference is made a part hereof and filed in the Secretary's Office, to be in effect only during the construction of the Willamette Overflow Bridge.

Consideration was given concerning changing the stop requirements on the John Day Highway at the Unity Junction in Baker County. The Engineer stated that changes in traffic conditions make it desirable that there should be some traffic control at this junction. Following his favorable recommendation, the Commission approved the following revisions and thereupon adopted "Through Highways and Stop Signs Resolution No. 4y," which resolution by this reference is made a part hereof and filed in the Secretary's Office:

- (1) Rescind "Through Highways Resolution No. 4e," enacted May 28, 1959.

- (2) Amend resolution of April 27, 1943, insofar as it pertains to the John Day Highway, No. 5, to provide the following exceptions:

Exception:

Vehicles entering the John Day Highway from the Baker-Unity Highway, No. 13, need not stop but shall yield to vehicles on the John Day Highway.

- (3) Amend resolution of September 21, 1949 insofar as it pertains to the Baker-Unity Highway, No. 13, to provide the following exception:

Exception:

Except that at its junction with the John Day Highway, No. 5, vehicles entering the intersection need not stop but shall yield to vehicles on the John Day Highway.

Consideration was also given to changing the stop requirements on the John Day Highway at the Ochoco Junction in Grant County. The Engineer explained that traffic patterns at this intersection have changed to a point that right of way assignment is desirable. He recommended that the action of April 27, 1943, insofar as it pertains to the John Day Highway be amended to provide the following exception:

Except that at its junction with the Ochoco Highway, No. 41, traffic eastbound on the John Day Highway shall yield to all other traffic entering the intersection.

The Commission accepted his recommendation and thereupon adopted "Through Highways and Stop Signs Resolution No. 4z," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Commission considered a time extension for the completion date to March 31, 1973, of a circulation study in the Portland Central Business District by Deleuw, Cather and Company. The Engineer reported that the consultants have not been able to complete the study on schedule as they have not received review comments from the City of Portland. He recommended that an extension of time be granted at no additional cost to the State. The Commission approved the time extension.

Consideration was given to an extension of an existing contract with Oregon-Columbia Chapter, Associated General Contractors, for an additional year for a supportive service program concerning the EEO program aimed at improving the effectiveness of approved on-the-job training programs for minority construction workers on Federal Aid Highway Projects. The Engineer reported that to date 29 minority trainees have been recruited and registered with the Operating Engineers, Teamsters and Laborer unions for job replacement. The funds available this year would permit the expansion of this program to provide these services to an additional 55 trainees at an estimated cost of \$39,715. The State would be reimbursed by the Federal Highway Administration for 100% of the costs to a maximum of \$65,560. He stated that this amount must be contracted prior to the expiration date of February 22, 1973, and other Federal funding will not be affected. The Commission approved the agreement as recommended by the Engineer and authorized the Secretary to sign it in their behalf.

Attention was given to an agreement with the City of Woodburn for six laning of the Woodburn-Interchange-Hayesville Interchange Section of the Pacific Highway in Marion County. The Engineer stated that the agreement provides for the construction, maintenance, right-of-way acquisition, grading, drainage, base, paving, and signing. The existing Woodburn Interchange will be reconstructed to a full diamond interchange. The City has agreed to cooperate in the adjustment or relocation of any utility installation. The project estimated to cost \$25,825,000, is scheduled for contract at the February 22, 1973, letting. Upon his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it in their behalf.

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Attention was given to two agreements with Klamath County and the City of Klamath Falls for modernization of the traffic signals on the Klamath Falls-Lakeview Highway (South 6th Street) in and adjacent to Klamath Falls. The Engineer mentioned that the work consists of the installation of traffic signals at the Crest Street, Oak Street, and Homedale Road intersections. The existing traffic signals at six intersections will be converted from actuated to pre-timed operation. He stated that all the signals in the section will then be interconnected to form a coordinated traffic signal system. The estimated cost for this work is \$81,000 to be split between the State and the local jurisdictions. The local jurisdictions will pay power costs and the State will maintain the traffic signals. The State's share of the cost is to be charged to current State Construction Funds. The Commission approved the agreement and authorized the Secretary to sign it in their behalf.

Confirmation was requested by the Engineer for approval given by the Chairman on January 15, 1973, approving a time extension to February 28, 1973, with Oregon State University for printing the report of the extensive economic study at a cost of \$1,200. The Engineer mentioned that it is necessary that additional copies of this report be printed. The Federal Highway Administration has been requested to concur in this extension of time and the increase in cost. The Commission confirmed their prior approval.

Consideration was given to an agreement with Gannon's Landscaping terminating Contract No. 7627 for landscaping the Nehalem Bay State Park in Tillamook County as of July 22, 1972. The Engineer explained that a controversy arose during an establishment period of the plants. Considerable weeding and grass removal was needed and there was a heavy loss of plants that died. He stated that a compromise has now been reached. The contractor has executed an agreement terminating the contract as of July 22, 1972, relieving him of further establishment obligations and also provides that the State reimburse him in the amount of \$8,439 for excessive maintenance costs and added work in staking trees performed prior to the termination date. The State will retain \$4,371.55 which had been withheld from the contractor's earlier earnings as a guarantee to carry out his establishment obligations. The State has taken over the care of the project and will perform the maintenance and replacement work as required with State forces. The Commission approved the termination agreement and authorized the Secretary to sign it in their behalf.

The Commission confirmed the next Commission meeting date for Tuesday, March 6, 1973, in Room 122 of the State Highway Building in Salem. A tentative date for the following meeting was set for Tuesday, April 17, 1973.

The Commission approved the appointment of Russell M. Graham as Assistant Secretary to the State Highway Commission effective February 15, 1973. The Commission thereupon adopted "Appointment Resolution No. 45," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

January 23, 1973

A delegation from the Estacada Area Chamber of Commerce appeared before the Commission concerning improvement of the Clackamas Highway between Eagle Creek and the metropolitan area to the west. There were approximately 30 persons present (list of names in the Salem Office, General Files).

Senator Ken Jernstedt commented on a recently completed scenic section of highway which is a real asset to the area but there is need for additional work. The Senator then called upon Mr. Dick Anderson to head the group as he had to return to the Senate.

Dick Anderson thanked the Commission for its past accomplishments and encouraged them to continue with the improvement of the Clackamas Highway. He submitted copies of the Clackamas County Comprehensive Plan on the improvement of Clackamas County for the future. Mr. Anderson requested improvement of a five-mile section southeast of Estacada up the Clackamas River referred to as the Promontory Park Section. He also requested improvement of a section known as the Clackamas-Eagle Creek Section and that necessary surveys and hearings be held. He submitted letters from the Associated Chambers of Commerce from Clackamas County, Crown Zellerbach Corporation and others supporting improvement of this highway.

Representative Jack Sumner was present and concurred in the group's presentation.

The Chairman informed the group that the Estacada to Promontory Point Project is on the Forest Highway Program and is under development by the Federal Highway Administration. The Clackamas Interchange with I-205 to Rock Creek Section is on a State highway program and that an environmental impact statement would have to be made as well as hearings held.

The portion between Rock Creek and Eagle Creek is not now on any program for construction. This section will have to be considered along with other high priority projects in Clackamas County in future programs. If the \$150,000,000 bond issue passes at this Legislature, it could be considered by the local governmental entities for financing.

A delegation representing Grant County Chamber of Commerce and others appeared before the Commission regarding improvement of Long Creek Mountain Section between Long Creek and Fox on the Pendleton-John Day Highway and the Brogan Hill Section east of Unity on the John Day Highway in Grant and Malheur Counties. The following persons were present: Homer Damon, Jim Maple, Al Oard, Dave Traylor, Al Cotham, Rep. Al Oakes, and Sen. Robert Smith.

Homer Damon stated that Brogan Hill has become more important to them now that the Trailways Bus Service has been abandoned through the John Day Valley. There is still the need to three-lane Long Creek Mountain and Brogan Hill. Mr. Damon introduced Mr. Al Oard, Supervisor of the Malheur National Forest.

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Mr. Oard pointed out that their contribution to the economy of the State is the production of natural raw materials. He mentioned their greatest concerns are moving the lumber and chip products and their transportation costs due to their distance from market. He asked the Commission to up-grade these roads to make them efficient and safe.

Representative Oakes commented that the people using Highway 26 are suffering. Brogan Hill, which involves a section of approximately 60 miles, hasn't had any major construction since the 1920's. Rock Creek and the Fossil Hill areas also need improvement. He stated that he believed the reason they lost their freight source across the State was due mainly to the crooked roads. He also mentioned their transportation problem of products, cattle, etc., and that truckers would take a shorter and more dangerous route to get to the freeway rather than traveling on Highway 26 across the State.

Senator Smith expressed his concern over the highway problems that have been outlined by this group. He stated these projects are important and necessary and he urged the Commission to give them favorable consideration.

Chairman Jackson told the delegation that the Commission is well aware of this problem in their area. The Brogan Hill and the Long Creek Sections are not financed at this time. If the Legislature passes the 150 million dollar bond issue at this session and if the local governmental jurisdictions consider these projects of high enough priority, we should be able to give you some relief.

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

"Bargain and Sale Deed" to Arthur J. and Josephine C. Cooney covering 0.3 acre on West Linn-Pacific Highway Section of East Portland Freeway in Clackamas County for \$1,950.

"Bargain and Sale Deed" to James R. and Mavis F. Oard covering 4.82 acres on Burns-Buchanan Section of Central Oregon Highway in Harney County for \$1,850.

"Bargain and Sale Deed" to Douglas County covering 0.09 acre on Lower Looking Glass Bridge Section of Coos Bay-Roseburg Highway for \$70.

"Bargain and Sale Deed" to City of Ontario conveying 0.23 acre on Ontario Section of Old Oregon Trail in Malheur County for \$2,300.

"Indenture and Deed" to H. A. Cooke covering Cow Canyon Safety Rest Area on The Dalles-California Highway for \$975.

"Bargain and Sale Deed" to Donald and Glenn Meier covering Unity Junction-Mill Gulch Section of Baker-Unity Highway in Baker County for \$320.

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"Easement" to City of Salem regarding 1.5 acres on Salem Bypass Section of Pacific Highway in Marion County.

"Indenture of Access" with Anthony P. and Mabel Bragga covering property on Forest Boundary-Little Beech Creek Section of Pendleton-John Day Highway in Grant County.

"Indenture of Access" with Robert and Pauline Holland covering property on Forest Boundary-Little Beech Creek Section of Pendleton-John Day Highway in Grant County.

"Indenture of Access" with Harold S. and Delta H. Huber and Ola M. Ruggles covering property on Pieper Canyon Road-Bunker Hill Road Section of Heppner Highway in Morrow County.

"Indenture of Access" with William A. and Manuelita Munkers covering property on Pieper Canyon Road-Bunker Hill Road Section of Heppner Highway in Morrow County.

"Indenture of Access" with Donald K. and Margaret A. Evans covering property on Pieper Canyon Road-Bunker Hill Road Section of Heppner Highway in Morrow County.

"Indenture of Access" with First National Bank of Oregon, trustee, covering property on Pieper Canyon Road-Bunker Hill Road Section of Heppner Highway in Morrow County.

"Indenture of Access" with Claude R. and Anna Graham covering property on Pieper Canyon Road-Bunker Hill Road Section of Heppner Highway in Morrow County.

"Grant of Access" with Daniel M. and Pauline A. Webb covering property on Pacific Highway in NW quadrant of Rice Hill Interchange in Douglas County.

"Grant of Access" with Gordon D. and Betty J. Lovell covering property on Wallowa Lake Highway three miles NE of La Grande in Union County.

"Agreement" with Southern Pacific Transportation Company for installation of track circuits to pre-empt traffic signals at intersection of Fifth and Main Streets in Oregon City.

"Agreement" with Pacific Power and Light Company for an extended underground electric service to Valley of the Rogue State Park in Jackson County.

"Agreement" with Southern Pacific Transportation Company for reconstruction of Chemawa Overcrossing on I-5 north of Salem.

"Agreement" with Sunnyslope Irrigation Company for reconstruction of their facilities to accommodate construction of the Ladd Canyon-North Powder Section of Old Oregon Trail in Union County.

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"Agreement" with Union Pacific Railroad Company and Umatilla County regarding abandonment of the Ordnance Depot Highway.

"Agreement" with Union Pacific Railroad Company and Southern Pacific Transportation Company for an extension of June 30, 1973, of an existing lease of the upper deck of the Steel Bridge in Portland.

"Agreement" with State Forestry Department for fire protection on the ocean shore areas of the Oregon Coast.

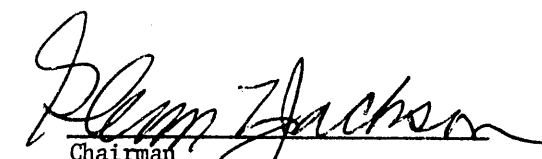
"Agreement" with Ore.-Col. Chapter of Assoc. General Contractors of America for an extension of a supportive service program pertaining to the EEO program aimed at improving the effectiveness of approved on-the-job training programs for construction workers on Federal Aid Highway Projects.

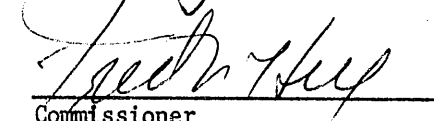
"Agreement" with City of Woodburn for six laning of Woodburn Interchange-Hayesville Interchange Section of I-5.

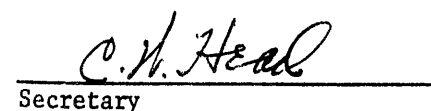
"Agreements" with Klamath County and the City of Klamath Falls for the modification of traffic signals on Klamath Falls-Lakeview Highway (South 6th St.) at various intersections.

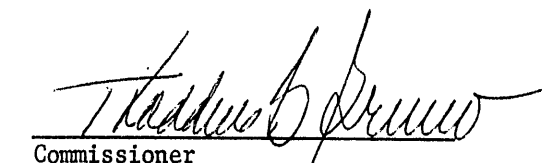
"Agreement" with Gannon's Landscaping terminating Contract No. 7627 for landscaping Nehalem Bay State Park as of July 22, 1972, relieving the contractor of further establishment obligations and provides that State reimburse him in amount of \$8,439 for excessive maintenance costs and added work in staking trees which he had performed prior to termination date.

The meeting was adjourned by the Chairman at 10:30 a.m.


Chairman


Commissioner


Secretary


Commissioner

January 23, 1973

March 6, 1973
Salem, Oregon

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
George M. Baldwin, Administrator
F. B. Klaboe, State Highway Engineer
A. E. Johnson, Deputy State Highway Engineer
L. I. Lindas, Chief Counsel
David Talbot, State Parks Superintendent
J. B. Boyd, Right of Way Engineer
C. W. Head, Secretary

E. S. Hunter, Assistant State Highway Engineer, was excused as he was attending the Highway Management Course at the University of Mississippi.

Others present were: Vernon Cusack, Assistant Division Engineer, Federal Highway Administration; R. L. Schroeder and H. S. Coulter, Assistant State Highway Engineers; L. H. Young, Office Engineer; V. E. Skoog, Controller; John Oakes, Assistant Right of Way Engineer; David H. Moehring, Maintenance Engineer; Carl Williams, Maintenance Services Engineer; Donald Harwell, Assistant County and City Engineer; John J. Earley, Information Officer; Kenneth Chatwood, Administrative Right of Way Agent; Ralph Sipprell, Liaison Engineer; Gary Sund, Director of Public Affairs; Gary Ross, Administrative Assistant to Administrator; and Russell M. Graham, Assistant Secretary.

The Commission approved the minutes of the meeting held on January 23, 1973.

The Right of Way Engineer presented a list of options, pages 1 through 44, secured for acquisition of real property needed for State Highway use or for other purposes. He mentioned that the amounts offered are on or near the appraised values and are in order for Federal-aid. After due consideration, the Commission approved closing the options, including those sent to them by mail since the last Commission meeting, and thereupon adopted "Right of Way Resolution No. 92," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Property Manager's report showing sales of miscellaneous properties and rental receipts for the period from January 9, 1973, to February 20, 1973, was presented by the Right of Way Engineer and accepted by the Commission. During this period, miscellaneous sales totaled \$21,762; land sales \$49,850; timber sales \$29,508.08. Rental receipts for the month of January 1973 amounted to \$61,586.04.

A list of properties needed for highway and other uses was presented by the Right of Way Engineer. He 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 Right of Way Engineer to attempt to agree with the owners of said properties as to price. After

March 6, 1973

careful consideration, the Commission granted authority to condemn the properties if negotiations are not successful and thereupon adopted "Condemnation Resolution No. 2606," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

A written report was presented by the Right of Way Engineer and accepted by the Commission showing offers tendered to the owners for acquisition of real property prior to the institution of condemnation proceedings as follows:

CLEAR CREEK BRIDGE SECTION OF THE WOODBURN-ESTACADA HIGHWAY-CLACKAMAS COUNTY

R-47201 - Reuben Lenske. Parcel 1: 0.31 acre for right of way purposes; Parcel 2: 0.11 acre for permit of entry. Offer \$600.00.

HUBBARD INTERCHANGE-HAYESVILLE INTERCHANGE SECTION OF THE PACIFIC HIGHWAY MARION COUNTY

R-47329 - Richard A. Smith et ux. 0.34 acre for right of way purposes. Offer \$17,500.00.

LA GRANDE-NORTH POWDER SECTION OF THE OLD OREGON TRAIL - UNION COUNTY

R-42871 - H. K. Umpleby et al. Parcel 1: 32.5 acres; Parcel 2: 1.7 acres; Parcel 3: 9.2 acres; and Parcel 4: 2.76 acres all for right of way purposes. Parcel 5: 0.7 acre for permanent easement. Offer \$15,675.00.

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

R-42234 - Jack M. Roberts. Parcel 1: 4,557 sq. ft.; Parcel 2: 600 sq. ft.; and Parcel 3: 51 sq. ft. for right of way purposes. Offer \$22,050.00.

N. E. SANDY BOULEVARD-N. E. GLISAN STREET UNIT OF THE COLUMBIA RIVER-PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY - MULTNOMAH COUNTY

R-45447 - Hans Widmer. 6,555 sq. ft. for right of way purposes. Offer \$24,200.00.

R-45465 - Joseph S. Farris et ux. 7,200 sq. ft. for right of way purposes. Offer \$23,900.00.

R-47206 - Walter D. Grigsby, Jr. et ux. 0.73 acre for right of way purposes. Offer \$43,500.00.

R-47211 - Robert H. Calef. 0.64 acre for right of way purposes. Offer \$40,600.00.

N. TIGARD INTERCHANGE-HUBBARD INTERCHANGE SECTION OF THE PACIFIC HIGHWAY CLACKAMAS COUNTY

R-46006 - Charles A. Krick, Jr. Parcel 1: 7,653 sq. ft. and Parcel 2: 935 sq. ft. for right of way purposes. Offer \$8,100.00

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N. TIGARD INTERCHANGE-HUBBARD INTERCHANGE SECTION OF THE PACIFIC HIGHWAY CLACKAMAS COUNTY (Cont.)

R-46009 - A. T. Nelson et al. 8,130 sq. ft. for right of way purposes. Offer \$5,650.00.

R-46018 - Emma H. LaStrapes. 1,900 sq. ft. for right of way purposes. Offer \$1,000.00.

R-46024 - Carl P. Hansen et ux. 10,023 sq. ft. for right of way purposes. Offer \$12,375.00.

R-46026 - David Fry et ux. 103,526 sq. ft. for right of way purposes. Offer \$119,000.00.

R-46036 - Mildred E. Barker. 47,400 sq. ft. for right of way purposes. Offer \$65,400.00.

R-46039 - Oregon-Washington Lumber Company. Parcel 1: 101,042 sq. ft.; Parcel 2: 39,920 sq. ft.; and Parcel 3: 447 sq. ft. for right of way purposes. Offer \$212,150.00.

R-46043 - John H. Werth et al. Parcel 1: 19,980 sq. ft.; and Parcel 2: 1,720 sq. ft. for right of way purposes. Offer \$89,100.00.

R-47445 - Marko A. Susnjara et ux. 0.33 acre for right of way purposes. Offer \$14,375.00.

PLEASANT VALLEY-GREEN TIMBER ROAD SECTION OF THE OREGON COAST HIGHWAY TILLAMOOK COUNTY

R-47292 - Robert J. Mayem. Parcel 1: 0.58 acre for right of way purposes; Parcel 2: 0.02 acre for permanent easement. Offer \$12,250.00.

R-47298 - Wesley Wismer et ux. Parcel 1: 3.42 acres for right of way purposes; Parcel 2: 0.13 acre for permanent easement; Parcel 3: 0.07 acre for permit of entry. Offer \$13,600.00.

R-47301 - Lyle H. Jones et ux. Parcel 1: 3.35 acres for right of way purposes; Parcel 2: 0.17 acre for permit of entry. Offer \$4,525.00.

R-47302 - Ernest W. Pallin et al. 4.3 acres for right of way purposes. Offer \$5,800.00.

R-47303 - Casper Robitsch et al. Parcel 1: 5 acres for right of way purposes; Parcel 2: 0.2 acre for permanent easement; Parcel 3: 0.1 acre for permit of entry. Offer \$4,125.00.

R-47304 - Pearl A. Moore et al. 4.3 acres for right of way purposes. Offer \$3,750.00.

R-47308 - Velma G. Wright. Parcel 1: 0.04 acre for right of way purposes; Parcel 2: 0.67 acre for permanent easement. Offer \$1,175.00.

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PLEASANT VALLEY-GREEN TIMBER ROAD SECTION OF THE OREGON COAST HIGHWAY
TILLAMOOK COUNTY (Cont.)

R-47318 - H. G. Lyon et ux. 1.3 acres for right of way purposes. Offer \$2,500.00.

R-47320 - Richard B. Evens et ux. 5.4 acres for right of way purposes. Offer \$2,650.00.

Authority was requested by the Right of Way Engineer to offer at public sale 1.3 acres of land, File No. 13741, for not less than \$800. The property is a former stockpile site located on the Gold Hill-Medford Section three miles east of Gold Hill on the Rogue Valley Highway in Jackson County. He mentioned that the property is no longer needed for highway purposes. Signboard and junkyard exclusion clauses will be included in the deed. Approval by the Federal Highway Administration is not required. The Commission approved the public sale.

Direct sales of four parcels of property were recommended by the Right of Way Engineer. He stated that in each instance the property is no longer needed for highway purposes and because of peculiar conditions, sale is restricted to a single party. Sale prices have been determined by competent appraisals. In each case Federal Highway Administration approval is not required. The Commission approved the following sales.

- (1) To Lake County, File No. Q381, 4.59 acre depleted gravel pit located 3½ miles north of Lakeview on the Valley Falls-Lakeview Section of the Fremont Highway for \$1. Sale will be subject to signboard and junkyard restrictions.
- (2) To Alfred Blumh, File No. 40351, 0.1 acre parcel at the intersection of Russell Street and the Old Oregon Trail in La Grande in Union County for \$50. No access will be permitted to the Old Oregon Trail. Signboard and junkyard exclusion clauses will be included in the deed.
- (3) To the City of Sutherlin, Files Nos. 18890 and 18891, 0.23 acre at the intersection of Comstock Road with the Elkton-Sutherlin Highway in Douglas County for no consideration. Transfer will be made subject to public use. Signboard and junkyard exclusion clauses will be included in the deed.
- (4) To the City of Corvallis, Files Nos. 9452 and 9453, 0.42 acre of land as an adjunct to a pedestrian path connecting Walnut Park and Avery Park by Oak Creek. The property lies north of the Corvallis-Newport Highway (now S. W. Western Boulevard) abandoned to Benton County and the City of Corvallis. The parcel will be used as a rest station predominantly for pedestrian trail travelers but will also be for adjacent bicycle path users and the public at large. The sale to the City is for \$400 which is one-half

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the value placed on the property by staff appraisal and will be subject to the public use clause. Signboard and junkyard exclusion clauses will be included in the deed.

The Commission approved the following Indentures of Access as recommended by the Right of Way Engineer.

- (1) Erwin and Ruby Ehrlich property, File 37323, located on the northerly side of the relocated Corvallis-Lebanon Highway approximately 5 miles east of Corvallis in Linn County. Two points of access will remain unrestricted as to use and one will remain restricted to the production and transportation of agricultural products only. All three points of access will be 35 feet in width. Federal Highway Administration approval was received October 16, 1972.
- (2) John T. and Letha O. Glaser property, File No. 37318, on the northerly side of the relocated Corvallis-Lebanon Highway 4½ miles east of Corvallis in Linn County. The one point of access will be 35 feet in width and unrestricted as to use. The Federal Highway Administration approval was received October 16, 1972.
- (3) William A. Leach and Northwest Pump and Irrigation Company property, File No. 37217, located on the northerly side of the relocated Corvallis-Lebanon Highway 4½ miles east of Corvallis in Linn County. The access will remain 35 feet in width and unrestricted as to use. Federal Highway Administration approval was received October 16, 1972.
- (4) Andrew L. and Inez B. Gordon property, File No. 45001, located on the northeasterly side of the relocated Klamath Falls-Lakeview Highway in the City of Klamath Falls in Klamath County. The one point of access will be changed to correct the public record. The access will remain 35 feet in width and unrestricted as to use. The Federal Highway Administration approval was received December 27, 1972.
- (5) James E. and Wilda L. Chaney property, File No. 44986, located south of the city limits of Klamath Falls on the southwesterly side of the relocated Klamath Falls-Lakeview Highway in Klamath County. One 50-foot unrestricted point of access will be cancelled and two 35-foot unrestricted points will be granted. Federal Highway Administration approval is not required.
- (6) J A K E, Inc., property, File No. 45128, located on the southwesterly side of the relocated Klamath Falls-Lakeview Highway one-fourth mile south of its junction with the Klamath Falls-Malin Highway in Klamath County. The public

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record will be corrected to show the location of one 40-foot unrestricted point of access as it was actually constructed to better facilitate the property. Federal Highway Administration approval is not required.

- (7) Louis V. and Edna Margaretta Schweiger property, File No. 45002, located on the northeasterly side of the re-located Klamath Falls-Lakeview Highway in Klamath Falls, Klamath County. The request has been made to show in the public record the location of one point of access as it was actually constructed 35 feet in width. The approach will remain unrestricted as to use. Federal Highway Administration approval was received December 27, 1972.
- (8) Thomas E., Ruth and Nellie C. McCullough property, File No. 44765, on the easterly and westerly sides of the relocated Pendleton-John Day Highway approximately 10 miles north of Mt. Vernon in Grant County. A change in location only of six points of access, all 35 feet in width and unrestricted as to use. The applicants wish to show in the public record the location of the accesses as they were actually constructed by the State. Federal Highway Administration approval is not required.
- (9) Robert S. and Mabelle V. Hawthorne property, Files Nos. 19595 and 39303. One point of access on the westerly side of the relocated The Dalles-California Highway approximately 4 miles south of the south city limits of Bend in Deschutes County. The access will remain 35 feet in width and unrestricted as to use. Federal Highway Administration approval is not required.
- (10) Slevkoff and Bice property, File No. 43229, located on the northerly side of the relocated Willamina-Salem Highway approximately 2.1 miles east of the Pacific Highway West at Rickreall in Polk County. The location of a 35-foot farm crossing and one 35-foot unrestricted point of access will be changed to preserve three large oak trees on the right-of-way. Federal Highway Administration approval was received October 16, 1972.

Consideration was given to a five-year lease of property to the Providence Hospital for parking purposes located east of 49th Street and south of the Banfield Expressway in the City of Portland, Multnomah County. The Right of Way Engineer stated that no access will be permitted to the Banfield Expressway. The Hospital will be required to provide fencing, screening and drainage to the State's specifications. The agreement contains the standard signboard exclusion clause. The Commission accepted the Right of Way Engineer's recommendation for approval and authorized the Secretary to sign an agreement when prepared.

The Right of Way Engineer requested approval for the award of a demolition contract to the low bidder, Heard Construction Company, for \$5,575 on the clearing of the Marquam Bridge-S.E. 84th Avenue section of the Mt. Hood Freeway in Multnomah County. Bids were received March 5,

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1973, for removal of 11 houses, rough grading of the area, and the removal of debris. The Commission approved the award and authorized the Secretary to sign the contract in their behalf.

Confirmation was requested by the Right of Way Engineer for approval given by the Commission on January 29, 1973, awarding a demolition contract to R.A.V. Wrecking Company in the amount of \$4,740, located on the N.E. Sandy-N.E. Glisan, N.E. Glisan-S.E. Division, S.E. Division-S.E. Foster Section of the East Portland Freeway in Multnomah County. The Commission confirmed the award and authorized the Secretary to sign the contract in their behalf.

Attention was given to quitclaiming to the Southern Pacific Transportation Company 1,030 square foot parcel of land erroneously deeded to the State by Golden West Broadcasters, Inc., on the S.E. Hinkley Avenue-Lake Road Interchange Section of the East Portland Freeway in Clackamas County. The Right of Way Engineer stated that this parcel is no longer needed for highway purposes. Upon his favorable recommendation, the Commission approved the Quitclaim Deed.

Consideration was given to a pipeline crossing agreement with the Portland Traction Company for the construction of a 66-inch storm sewer adjacent to and across its Springwater Line in southeast Portland on the S.E. Foster Road-S.E. Causey Avenue Section of the East Portland Freeway in Clackamas County. The Right of Way Engineer pointed out that the State is granted an easement for the construction of the storm sewer at a cost of \$750 to the State. The sewer is to be constructed on State property adjacent to the Railroad right-of-way. A temporary easement of approximately 4,400 feet is required to facilitate construction. The State is to pay all construction costs of the storm sewer, and the State's contractor will provide the necessary railroad protective insurance. Upon the Right of Way Engineer's recommendation, the Commission approved the agreement.

Attention was given to an agreement with the Southern Pacific Transportation Company for railroad protective cost providing for an easement and reconstruction of the highway overcrossing of the tracks just south of Chemawa on the Woodburn Interchange-Hayesville Interchange Section of the Pacific Highway in Marion County. The Right of Way Engineer mentioned that the bridge widening work is to be done as part of the Woodburn Interchange-Hayesville Interchange Project on which bids are to be received on March 8, 1973. He stated that this is a standard construction agreement form prepared by the Railroad setting forth safety precautions to be taken by the State and its contractors during the course of construction and requiring the State to reimburse the Railroad for all its expenses generated by the project. The estimated cost is \$35,000 which amount covers the railroad protective cost during the construction period. The Commission approved the agreement as recommended by the Right of Way Engineer.

Consideration was given to an agreement with Cornell, Howland, Hayes & Merryfield, Inc., for engineering services to provide for sanitary sewer service to two trailer parks adjacent to the South Tigard Interchange-I-205 Interchange Project near Lower Boones Ferry Road in Washington County.

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The Right of Way Engineer mentioned that the construction agreement was approved at the December 12, 1972, Commission meeting. The agreement calls for the work to be performed on an actual cost basis not to exceed \$23,000 without prior approval from the State. Upon his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it in their behalf.

A report was submitted by the Chief Counsel and accepted by the Highway Commission concerning cases which have been tried in court since the last Commission meeting summarized as follows:

REPORT OF CONDEMNATION CASES TRIED

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer Before Filing Complaint</u>	<u>Defendants' Lowest Demand</u>	<u>Verdict</u>
Paul Rydman L-6665 R-46203	Clack.	East Portland Freeway	\$ 13,250	\$ 40,000	\$ 16,000
J. W. Copeland Yards L-6683 R-44834	Mult.	Mt. Hood	\$ 17,600	\$120,000	\$ 33,100
V. Maynard L-6688 R-46175	Mult.	East Portland Freeway	\$ 15,750	\$ 21,750	\$ 18,750
Sylvanie M. Drake L-6796 R-45473	Mult.	East Portland Freeway	\$ 30,700	\$ 36,500	\$ 38,500
A. F. Gildemeister L-6815 R-45854	Mult.	East Portland Freeway	\$ 13,500	\$ 20,500	\$ 15,750

REPORT OF TRIAL OF OTHER CASES - STATE PLAINTIFF

<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict or Judgment</u>
Robert P. Zeller L-6703	Marion	Property Damage	\$ 329.44	\$ 329.44

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Report of Trial of Other Cases - State Plaintiff (Cont.)

<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict or Judgment</u>
Gerene D. Decker L-6568	Mult.	Property Damage	\$ 233.28	\$ 233.28 plus \$ 100.00 interest

REPORT OF TRIAL OF OTHER CASES - STATE DEFENDANT

<u>Plaintiff</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict or Judgment</u>
Marilyn McKutcheon L-6776	Harney	Personal Injury	\$ 50,000	Dismissed with prejudice
Floyd McKutcheon L-6777	Harney	Personal Injury	\$ 50,000	Dismissed with prejudice
John D. Reice L-6802	Umatilla	Personal Injury	\$ 11,590.71	For Defendant

(For additional details, see the Chief Counsel's letter dated March 2, 1973, entitled Report of Cases Tried, which is filed in the Salem Office, General Files.)

The Commission considered and accepted a report made by the Chief Counsel concerning cases which have been settled out of court since the last Commission meeting summarized as follows:

REPORT OF CONDEMNATION CASES SETTLED

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer</u>	<u>State's Highest Appraisal</u>	<u>Amount of Settlement</u>
M. M. Jaklewicz L-6747 R-43987	Curry	Oregon Coast	\$ 300	\$ 550	\$ 550
Clyde Terra L-6783 R-45076	Douglas	Coos Bay-Roseburg	\$ 1,750	\$ 1,550 plus 200 fencing	\$ 2,750
Martin J. Hanson L-6669 R-45697	Mult.	East Portland Freeway	\$19,500	\$ 22,000	\$ 23,750

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Report of Condemnation Cases Settled Cont.

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer</u>	<u>State's Highest Appraisal</u>	<u>Amount of Settlement</u>
Ben F. Bader L-6719 R-46474	Mult.	East Portland Freeway	\$ 375	\$ 350	\$ 1,300
Roy H. Sellar L-6749 R-44837	Mult.	Mt. Hood	\$ 29,250	\$ 30,000	\$ 38,000
Marlin E. Shaffer L-6780 R-46488	Mult.	East Portland Freeway	\$ 1,000	\$ 1,000	\$ 2,000
William B. VanAlstein L-6822 R-46501	Mult.	East Portland Freeway	\$ 3,775	\$ 4,500	\$ 3,775
Napeoleon S. Kaptur L-6826 R-47285	Mult.	Columbia River	\$ 7,600	\$ 13,000	\$ 8,800
James V. Austin L-6903 R-46980	Mult.	East Portland Freeway	\$543,600	\$542,075	\$580,000

THE FOLLOWING FILES HAVE BEEN SETTLED BY OPTION BY THE RIGHT OF WAY DEPARTMENT

Robert P. Pickett L-6589 R-42574	Curry	Oregon Coast	\$ 4,450		Dismissed
J. D. Finchum L-6555 R-44988	Klamath	Klamath Falls-Lakeview	\$ 5,900		Dismissed
Gladys T. Admas L-6600 R-46526	Klamath	Klamath Falls-Lakeview	\$ 6,150		Dismissed

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Report of Condemnation Cases Settled By Option by the Right of Way Department Cont.

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer</u>	<u>State's Highest Appraisal</u>	<u>Amount of Settlement</u>
Wayne W. Jordan L-6834 R-33093	Clack.	Mt. Hood	\$ 50		Dismissed
Harold N. Chinn L-6660 R-46886	Marion	Pacific	\$ 1,600		Dismissed
Ellen N. Phillips L-6767 R-46496	Mult.	East Portland Freeway	\$ 1,025		Dismissed
Clifford H. Goold L-6823 R-46398	Mult.	East Portland Freeway	\$ 1,150		Dismissed

REPORT OF OTHER CASES SETTLED

<u>Plaintiff</u>	<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Settlement</u>
State of Oregon L-6882	Virgil J. Marshall	Marion	Property Damage	\$1,549.90	\$1,549.90
State of Oregon L-6694	Norman W. Peterson	Mult.	Property Damage	\$ 180.84	\$ 180.84

(For additional details, see the Chief Counsel's letter dated March 2, 1973, entitled Report of Cases Settled, which is filed in the Salem Office, General Files.)

The Chairman asked the Chief Counsel for his comments concerning the success in the new approach to the problem of condemnation and a comparison of costs with the present and the old method. The Chief Counsel stated that for over two years the State has been realistic in appraising the cases. It has been the policy of the Attorney General's Office, the Commission's and his own to recommend to the Commission settlements in those instances where it is very unrealistic to force a landowner into court. This has been eminently successful. He estimated the amount of settlements of condemnation cases in the past 2½ years are at least 3 times what they were before. The settlement of cases in this manner eliminates the cost of trial, the cost of paying an attorney fee to the other side and now the cost of paying the expert witness fees on the other side.

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A report was presented by the Chief Counsel and accepted by the Highway Commission regarding the institution of legal proceedings which have been commenced since the last Commission meeting and summarized as follows:

- (1) T. Milton Petrie vs. State of Oregon, L-6921. Plaintiff seeks \$49,998.83 for personal injury arising out of an accident between a State vehicle and a large truck that occurred on January 21, 1972, on Oregon Route 140 in Klamath County.
- (2) Carol DeBortoli vs. Jackson, et al., L-6922. Plaintiff seeks \$43,150 for personal injury due to an accident occurring on January 24, 1971, approximately six miles west of Klamath Falls near M.P. 60.8 on Oregon Route 140 in Klamath County. Plaintiff alleges that the State failed to adequately inspect and maintain roadway. The Chief Counsel stated that the plaintiff lost control of the car when attempting to miss a hole in the road.
- (3) Homer W. Salmon vs. Walter J. Miller, L-6928. The defense of this case was tendered to the State by the attorney for the defendant, Walter J. Miller. The case arises out of an accident that occurred May 1, 1972, at the intersection of Winn Road and Highway 11 in Umatilla County. Alleges that the defendant was negligent in his driving which caused accident.
- (4) Robert E. Sproul vs. State of Oregon, L-6929. The suit arises out of an option that was signed by the plaintiff in which he was to be paid \$5,500 to put up 550 rods of fence in Grant County. Plaintiff alleges that he was told he would be paid more than \$10 per rod and actually the amount of fence put up was 608 yards.
- (5) State of Oregon vs. DeLong Corporation and Travelers Indemnity Company, L-4904A. Petition by DeLong for a Writ Certiorari to Supreme Court of Oregon. (For details see Chief Counsel's letter dated February 23, 1973, Institution of Legal Proceedings in the General Files.)

The Chief Counsel presented for the Commission's consideration an agreement that was negotiated by the Attorney General and himself for the Oregon Council of Outdoor Advertising pertaining to the removal of outdoor advertising signs by binding arbitration to determine just compensation. The Commission approved the agreement.

The Chief Counsel mentioned that he will be retiring on April 1, 1973, and that it had been a privilege working for the Commission. He stated that the State of Oregon is very fortunate to have gentlemen like the Commission representing them on this board. The Chairman thanked the Chief Counsel for his excellent service and that he will be missed by the Commission.

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Attention was given to the renewing of a lease with Kyle and Elizabeth Jane Smith, dba Crown Point Gift Company, for the concession at Crown Point State Park, overlooking the Columbia River Gorge on the Crown Point Highway in Multnomah County. The Parks Superintendent stated that the present operator's performance in operations and management has been satisfactory. The lease renewal has been shortened to two years in anticipation of possibly terminating the concession at that time and converting the building use to an interpretive-visitor center. Upon his recommendation the Commission approved the lease renewal for the period April 1, 1973, to March 31, 1975, and authorized the Secretary to sign it in their behalf.

Consideration was given to revising Authorization Resolution No. 35B dated July 7, 1970, adding the State Parks Superintendent along with the State Highway Engineer or his designated assistant, to sign service agreements with various utilities for State Parks. The Commission adopted "Authorization Resolution No. 35c," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Parks Superintendent presented for the Commission's consideration Notifications of Intent by property owners to make various types of improvements along the Rogue River Scenic Waterway in Josephine County. The requests have been carefully evaluated as to their compliance with the provisions of the Scenic Waterways Act. Each of these requests, he continued, has been covered by a letter from the Administrator to the Commission explaining details of the request and making a recommendation as to approval. Action was taken by the Commission on the following requests insofar as their authority under the Act is concerned and as shown in the Notifications of Intent, which are modified by stipulations in the Administrator's letters to the Commission.

- (1) Approved a request from Alva C. Michels to construct a residence.
- (2) Denied a request from Charles W. Spoon to construct a residence.
- (3) Approved a request from Glynne H. Burks to construct a residence.
- (4) Denied proposal from Harold C. Vargo to establish a mobile home as a residence.

Consideration was given to a request from the North Tillamook County Sanitary Authority for acquisition of a 0.028 acre tract for a pumping facility and an easement for connecting trunk lines from and across the Nehalem State Park maintenance station property in Tillamook County. The Parks Superintendent stated that in exchange for the conveyance and easement, the Sanitary Authority will provide a sewer connection to serve Highway Division Buildings on the site. Upon his favorable recommendation, the Commission approved the easement and the deed.

The Chairman asked if there had been any complaints of vandalism in State-controlled areas. The Parks Superintendent reported that he was aware of only one incident on the Rogue River. The Chairman inquired if there had been any problems of the public crossing private property to get

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to the river. The Parks Superintendent stated that he wasn't aware of any serious problems regarding public access. The Chairman expressed his concern in future years that with the increased population it will naturally create more use. The Chairman asked the Chief Counsel if the Commission has the right to use State funds to provide accessibility to scenic rivers. The Chief Counsel replied that there was nothing specific in the bill that provides for access; however, the State has general authority to acquire land for roads, trails and bicycle paths.

Increases in project authorizations on contracts were requested by the Engineer and approved by the Commission as follows:

- (1) Contract No. 7823 on the West Pendleton Interchange Section of the Old Oregon Trail and FAS 470 in Umatilla County for an increase of \$18,684 (12.1%). Overrun due to additional conduit and junction boxes required.
- (2) Contract No. 7828 on the Forest Boundary-Bull Creek Section of the Clackamas Highway in Clackamas County for an increase of \$144,676.18 (18.7%). The major item of overrun is for large size riprap to repair roadbed fills and slopes.

Consideration was given for contracting two of the four rockfall areas between Modoc Point and Shady Pine Road on The Dalles-California Highway in Klamath County. The Engineer mentioned that overhead signs and warning signals will be installed to warn motorists until contracts are let. Two units of this rockfall area covering 0.64 miles have been selected for contracting in May 1973, and will involve constructing fall-out areas, slope benches and GM rail. The total estimated cost for construction is \$450,000 utilizing State Construction Funds. Upon his recommendation, the Commission approved the project.

Consideration was given to contracting the White Bridge Section approximately one mile north of the community of Powers on the Powers Highway in Coos County. The Engineer stated that this section is to be improved by eliminating the sharp curves, widening the roadway, and slight modification of the bridge over the South Fork Coquille River. The project is estimated to cost \$600,000. He recommended approval using State Construction Funds and to place the project on the June 1973, bid letting. The Commission approved the project.

The Engineer reported that a study has been completed by the State's Bridge Inspection Team which reveals that urgent repair is needed on ten bridges as they are not safe for maximum legal load limit. The work to be performed by State forces will consist of posting new load limits and adding timber stringers to accommodate legal loads. Upon his favorable recommendation, the Commission approved repair of the following bridges at an estimated cost of \$50,000 to be financed with current State Construction Funds:

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No.	Highway	Bridge Name	M.P.	Cost
5	John Day	Brannon Creek	112.54	\$ 1,800
5	John Day	Rattlesnake Cr.	125.72	1,800
5	John Day	Fields Creek	144.30	1,100
10	Wallowa Lake	Grande Ronde Riv. (Island City)	2.64	10,000
191	Kings Valley	Ritner Creek	21.03	4,500
333	Hermiston	Maxwell Canal	9.59	1,300
333	Hermiston	"A" Line Canal	10.15	1,200
340	Medical Spgs.	Salt Creek	31.09	4,000
341	Ukiah-Hilgard	Creek Crossing #4848	36.96	1,000
450	Succor Creek	Owyhee River	8.73	24,000
	Total			\$ 50,000

A resolution was presented by the Engineer allocating to the cities 12 percent of Highway funds collected from July 1, to December 31, 1972, in the amount of \$7,878,972.59. The Chairman previously gave verbal approval of this allocation and the Commission confirmed this action by adopting "City Allocations of State Highway Funds Resolution No. 56," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Engineer presented for confirmation requests from contractors for extensions of time within which to complete highway contracts without assessment of liquidated damages. These requests he said have been carefully investigated and the results of the investigation have been reported to the Commission by letter. The contractors have also been advised by letters as to the extensions of time. The Commission confirmed extensions of time as follows:

- (1) Granite Construction Company, Contract No. 7748 on the East Portland Freeway in Multnomah and Clackamas Counties, requested an extension of 57 days on the early phase and 38 days on the overall completion time. The Commission denied the request.
- (2) Adhesive Engineering Company, Contract No. 7792 on the Pacific Highway (I-5) in Multnomah County, requested an extension of 9 days. The Commission confirmed an extension of 4 days which will leave 5 days liquidated damages and \$250 in effect. The Federal Highway Administration concurred in this extension on January 19, 1973.
- (3) Sunset Crushed Rock Company, Contract No. 7813 of FAS 608 in Clatsop County, requested an extension of 15 days. The Commission confirmed an extension of 18 days which will delete all liquidated damages. The Federal Highway Administration concurred in this action on January 22, 1973.
- (4) Ray Kizer and Ray Kizer Construction Company Contract No. 7491 on the Old Oregon Trail in Baker County, requested an extension of 107 days. The Commission confirmed an extension of 95 days which will delete all liquidated damages. Federal Highway Administration concurred in this action on January 23, 1973.

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- (5) Peter Kiewit Sons Company, Contract No. 7510 on the Oregon Coast Highway in Curry County, requested an extension of 55 days. The Commission confirmed an extension of 44 days on Phase "B" which will delete all liquidated damages.
- (6) Drake-Willamette, Contract No. 7623 on the Stadium Freeway and Columbia River Highway in Multnomah County, requested an extension of 154 days. The Commission confirmed an extension of 44 days without assessment of liquidated damages. The Federal Highway Administration concurred in this action on February 15, 1973.
- (7) North Santiam Sand and Gravel Company, Inc., Contract No. 7776 on Church Street in Jefferson in Marion County, requested an extension of 8 days. The Commission confirmed an extension of 15 days which will delete all liquidated damages.
- (8) Selby Bridge Company, Contract No. 7515 on FAS 950 in Washington County, requested an extension of 75 days. The Commission confirmed an extension of 20 days without assessment of liquidated damages.
- (9) G. D. Dennis and Sons, Inc., Contract No. 7521 on the Mt. Hood Highway in Hood River County, requested an extension of 128 days. The Commission confirmed an extension of 75 days which will delete all liquidated damages.

The Engineer reported that Contract Nos. 7312, 7367, 7481, 7492, 7521, 7640, 7652, 7657, 7659, 7673, 7682, 7688, 7692, 7745, 7765, 7776, 7808, 7810, 7815, 7836, and 7842 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. The Commission accepted the contracts by adopting "Contracts Completed Resolution No. 209," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Commission confirmed verbal award of contracts made on January 31, 1973, for bids received January 25, 1973, and confirmed authority for the Secretary to sign the following contracts in their behalf:

BIDS RECEIVED IN SALEM JANUARY 25, 1973

Contract No. 7861 for traffic signals in the Central Business District in Corvallis on the Pacific Highway West in Benton County. Five bids were received. The Commission accepted the low bid of Hamilton Electric, Inc., Eugene, at \$178,941 and the Administrator of Highways was directed to award the contract to said bidder when approval is received from the City of Corvallis and the Federal Highway Administration and the City deposits \$55,000.

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Contract No. 7862 for intermittent grading, paving and structures on Terrebonne-Bend Section of The Dalles-California Highway in Deschutes County. Nine bids were received. The Commission accepted the low bid of R. L. Coats, Bend, at \$837,718, and the Administrator of Highways was directed to award the contract to said bidder when approval of the Federal Highway Administration is received.

Contract No. 7863 for traffic signals on six city streets in Medford in Jackson County. Four bids were received. The Commission accepted the low bid of Sims Electric of Medford, Inc., Medford, at \$84,750 and the Administrator of Highways was directed to award the contract to said bidder when approval is received from the City of Medford and the Federal Highway Administration and the City deposits \$21,200. (Later the City of Medford rejected the project and all bids were rejected by the Highway Commission.)

Contract No. 7864 for traffic signal installation on the Redwood Highway at Lister Street in Cave Junction in Josephine County. Six bids were received. The Commission awarded the contract to the low bidder, Hansen Electric Company, Coos Bay, at \$21,850.

Contract No. 7865 for the Willamette River-Orleans Section of the Corvallis-Lebanon Highway in Linn County. Six bids were received. The Commission accepted the low bid of Corvallis Sand and Gravel and McNesby and Aubry, Corvallis, at \$44,735 and the Administrator of Highways was directed to award the contract to said bidder when approval of the Federal Highway Administration is received.

The Commission confirmed award of the following contracts which were referred to the Administrator of Highways to award when certain conditions were fulfilled:

- (1) Traffic signals in the Central Business District of Corvallis on the Pacific Highway West in Benton County. Bids received January 25, 1973. Contract No. 7861, awarded February 22, 1973, to Hamilton Electric, Inc., Eugene, at \$178,941.
- (2) Terrebonne-Bend Section of The Dalles-California Highway in Deschutes County. Bids received January 25, 1973. Contract No. 7862 awarded January 31, 1973, to R. L. Coats, Bend, at \$837,718.
- (3) Slope protection on the Willamette River-Orleans Section of the Corvallis-Lebanon Highway in Linn County. Bids received January 25, 1973. Contract No. 7865 awarded January 31, 1973, to Corvallis Sand and Gravel Co. and McNesby and Aubry, Inc., Corvallis, at \$44,735.
- (4) Utility building in South Beach State Park in Lincoln County. Bids received November 30, 1972. Contract No. 7855 awarded March 5, 1973, to James A. Seiwald, North Bend, at \$67,304.80.

Abandonment of fifteen claims for damages to highway property was recommended by the Engineer and the Department of Justice. Circumstances surrounding these claims indicate that further efforts for collection are not feasible. The Commission approved abandonment of the following claims:
(Continued on next page)

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CAO No.	Name	Amount
CAO 72-6	Robert V. & Eva Ruth Kelley	\$ 443.76
CAO 72-55	Exley Express	31.37
CAO 72-56	Lora and Gerald S. Davis	116.15
CAO 72-100	Jerry Lee Benson	490.38
CAO 72-156	John W. Thompson	212.81
CAO 72-219	Arlene M. Bowsher	361.01
CAO 72-235	Clarence R. & Bob Ray Bailey	195.65
CAO 72-251	Elizeo Cuellar	151.01
CAO 72-266	Fredrick E. Herburger	485.75
CAO 72-298	Robert Lance Vogel	77.28
CAO 72-303	Lonnie Cramer	166.89
CAO 72-305	Noble J. Miller	378.82
CAO 72-309	Ruble Forest Products	1,293.66
CAO 71-353	Charles L. Nix	252.55
CAO 71-258	Jack Hubanks	345.89

(For additional details, see letters dated January 26, 1973, and February 13, 1973, from F. B. Klaboe, State Highway Engineer, filed in General Files, Salem.)

Consideration was given to a resolution authorizing the State Highway Engineer to issue annual permits for 14-foot wide trailer coaches on selected routes only. The Engineer mentioned that various segments of the trailer coach industry have requested that annual permits be issued to authorize movement on a continuing trip basis. This would eliminate the need of the permittee obtaining a separate permit for each single movement. Upon his favorable recommendation, the Commission adopted "Permit Resolution No. 32," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Commission considered requests from the Cities of Klamath Falls and Lake Oswego for Federal-aid TOPICS Projects. The Engineer mentioned that the projects have been investigated and are eligible for Federal-aid funds and he recommended that they be approved. The Commission approved the following projects and authorized the Secretary to sign the agreements:

SUMMARY, TOPICS FUNDS

Fiscal Year 1970, 1971, 1972, & 1973 Projects

CITY	SECTION	PROGRAMED AMOUNT	STATE COST
KLAMATH FALLS	Tunnel Street-Biehn Street, Oregon Avenue	\$ 75,000	\$ 15,000
	Grading, paving, drainage, curbs and sidewalks.		
LAKE OSWEGO	Lower Boones Ferry Road @ Country Club Road.	\$ 35,000	\$ 7,000
	Traffic signal & channelization		
	TOTAL NEW PROJECTS	\$110,000	\$ 22,000

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SUMMARY BY FISCAL YEAR	1970, 71 & 72	1973	TOTAL
Allocated Funds	\$6,922,000	\$1,450,000	\$8,372,000
Approved Projects (Corrected to date)	6,922,000	28,000	6,950,000
Unprogramed Balance	---	1,422,000	1,422,000
Proposed Project: 3/6/73	---	110,000	110,000
Unprogramed Balance	---	1,312,000	1,312,000

The Engineer presented a list of construction projects on which bids will be received March 29, 1973. Each project, he said, contains a notation as to plans for the establishment of footpaths and bicycle trails. The Commission approved the following projects:

- (1) Pine Creek Bridge Section
Halfway-Cornucopia Highway, Baker County
Grade, Pave and Structures Project

Footpaths and bicycle trails will not be established as part of this project as per ORS Chapter 366, Section 2, subsection 2(b) which states that "Footpaths and trails are not required to be established ... if ... the cost of establishing such paths and trails would be excessively disproportionate to the need or probable use."

- (2) Marine Drive at Columbia River Bridge (Astoria) Section
Oregon Coast Highway, Clatsop County
Signals Project

Footpaths or bicycle trails are not incorporated in this project as no new highway construction, reconstruction or relocation is involved.

- (3) Baldock Maintenance Station
Pacific Highway, Multnomah County
Landscaping Project

Same as No. 2.

Consideration was given to a compromise lump sum settlement to Paul Zimmerly Road Construction on Contract No. 7353 on the Dudlee Hill-Blodgett Section of the Corvallis-Newport Highway in Benton County. The Engineer pointed out that during the course of the contract disagreements developed on clearing and grubbing, a cut slope revision, and contract time. He stated the contractor has submitted claims for adjustment totaling \$79,773.78. A compromise lump sum settlement in the amount of \$40,000 has been reached which settles all claims on the contract. No additional time extension is involved. The Federal Highway Administration has given tentative approval for full participation in the adjustment. Upon his favorable recommendation, the Commission approved the settlement.

Attention was given to a request from Tillamook County to finance the total cost of the bridge over the Nestucca River in Pacific City, FAS 618, Tillamook County. The Engineer mentioned that on December 12, 1972, the Commission approved a programed amount of \$50,000. This action carried the stipulation that these funds be supplemented with future FAS funds when they become available. Due to the urgency of the project and the fact

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that funds are not immediately available, the County has requested that the State finance the total cost. The County will reimburse the State when funds become available. The estimated cost of this project is approximately \$400,000. Only \$80,000 will be the cost to the State upon its completion. The Commission approved the financing as recommended by the Engineer.

The Engineer reported that investigations have been made concerning speed zones and the facts indicate that speed zones should be established or revisions made. The Commission accepted his recommendation and thereupon adopted "Speed Zone Resolution Nos. 626, 504A, and 627," which resolutions by this reference are made a part hereof and filed in the Secretary's Office.

- (1) 60 mile per hour speed zone from the south city limits of Portland (M.P. 295.04) to 0.30 mile south of SW Haines Road (M.P. 293.38), and

70 mile per hour speed zone from 0.30 mile south of SW Haines Road (M.P. 293.00) to the north city limits of Salem (M.P. 259.38), on the Pacific Highway in Multnomah, Washington, Clackamas, and Marion Counties. "Speed Zone Resolution No. 233" dated September 27, 1956, and "Speed Zone Resolution No. 360," dated October 20, 1961, are hereby rescinded. (See "Speed Zone Resolution No. 626.")

- (2) 40 mile per hour speed zone between McNulty Creek (M.P. 27.53) and the south city limits of St. Helens (M.P. 27.95) on the Lower Columbia River Highway in Columbia County. The Engineer explained that for a number of years there has been a speed zone at this location. Approximately a year ago, the City annexed this section and the speed zone jurisdiction was transferred to the State Speed Control Board. Due to a court test, the annexation was declared void and it is necessary that the speed zone be re-established. (See "Speed Zone Resolution No. 504a.")

- (3) 50 mile per hour speed zone between the south city limits of Tigard (M.P. 10.75) and 0.12 mile south of Tualatin Road (M.P. 12.71) on the Pacific Highway West in Washington County. "Speed Zone Resolution No. 586," dated July 27, 1971, is hereby rescinded. (See "Speed Zone Resolution No. 627.")

A resolution to prohibit parking on both sides of the Santiam Highway between the east city limits of Sweet Home, M.P. 28.60, and M.P. 28.70, in Linn County was presented by the Engineer. He mentioned that arrangements have been made with the City of Sweet Home for the establishment of a two-way lane on the Santiam Highway in the easterly part of the city. To carry this project to a logical point of termination, it

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is necessary that it be extended into the rural area to the east. Implementation of the project requires the prohibition of parking (which the City has done) for the section within the city limits. The Engineer recommended approval and the Commission thereupon adopted "No Parking Resolution No. 288," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

Consideration was given to prohibit parking in the community of Reedville on the Tualatin Valley Highway in Washington County. The Engineer stated that engineering investigations have been made and it was found that the pavement width in this section is insufficient to provide for parking and traffic lanes of adequate width. He recommended that parking be prohibited on the northerly side of the highway between 150 feet east of the east curb line at SW 209th Avenue (M.P. 7.77) to the east curb line of SW 219th Avenue (M.P. 8.31). The Commission accepted his recommendation and thereupon adopted "No Parking Resolution No. 289," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

Abandonment of two old sections of State highways was presented by the Engineer. He mentioned that the new sections of the highway replacing the old sections have been completed and are open to public travel. Following his favorable recommendation, the Commission approved abandonment of the following sections and thereupon adopted "Abandonment Resolutions Nos. 517 and 535," which resolutions by this reference are made a part hereof and filed in the Secretary's Office.

- (1) Abandonment of 0.42 miles of old highway right-of-way to the abutting property owner on the Pieper Canyon Road-Bunker Hill Section of the Heppner Highway in Morrow County. (See "Abandonment Resolution No. 535".)
- (2) Abandonment of 0.06 mile of old highway right-of-way to Marion County on the North Santiam River (Mehama) Bridge Section of the Albany-Lyons Highway. (See "Abandonment Resolution No. 517".)

Consideration was given to the approval of a contract for the design and installation of the air-conditioning system in the State Highway Building in Salem. The Engineer mentioned that Phase I of the agreement with the architectural firm of Wolff, Zimmer, Gunsul, Frasca, and Ritter is now complete. The work under Phase 2 is estimated to cost \$55,000 which will cover the design, installation, taking of bids and observation of the construction. The cost of the construction contract is estimated at \$650,000 with contingencies expected to be \$45,000. The total project cost of construction plus the fees paid under this agreement is \$750,000. The Commission approved Phase 2 of the air-conditioning contract and authorized the Secretary to sign the agreement in their behalf. This approval was conditioned that the cost be recovered upon the sale of the Highway Building. (On March 13, 1973, the Highway Engineer discussed the air conditioning with the Department of General Services, and they assured him that the value of the air conditioning system will be included in the price of the building if and when it is sold to some other agency.)

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Confirmation was requested by the Engineer for telephonic approval given by Commissioner Bruno on February 9, 1973, approving a supplemental agreement with Cornell, Howland, Hayes and Merryfield, Inc., for completing the I-505 Environmental Impact Study in the City of Portland. The Engineer mentioned that the reasons for the request stem from a delay caused by the late addition of the Air Quality Study, the failure of an independent economics study to be available, and the lack of necessary refinement of state-supplied traffic data. The consultants have requested an extension of time to April 9, 1973, and an increase in cost of \$30,631.89. The supplemental agreement has the approval of the Federal Highway Administration for funding with Preliminary Engineering Funds. The Commission confirmed the agreement and authorized the Secretary to sign it in their behalf.

Consideration was given to a Land Use Agreement with the City of Eugene pertaining to a State-owned parcel of excess property located at the intersection of Coburg and Country Club Roads near the Ferry Street Interchange in Lane County. The Engineer pointed out that the City will be responsible for development of the area, preparation of plans, all plantings and maintenance of the premises with the State participation limited to placing the property at City's disposal. The property is to be used only for the enjoyment of the public and the lease is for 25 years with an option to renew. Upon his recommendation, the Commission approved the agreement and authorized the Secretary to sign it in their behalf.

Confirmation was requested by the Engineer for approval given by the Commission on January 31, 1973, concerning agreements with the State of Washington for maintenance and operation of the Longview Bridge in Columbia County, The Dalles Bridge in Wasco County and the Umatilla Bridge in Umatilla County across the Columbia River. The Engineer mentioned that the effective date for the Longview Bridge will be July 1, 1973. Effective dates for The Dalles and Umatilla Bridge agreements are contingent upon retirement of all outstanding bridge bonds and tolls; conveyance of right, title, and interest in the bridges from the respective counties and Bridge Authority to the respective states; and conveyance of the bridges' connecting roads and approaches from the respective counties to the State in which said roads and approaches are located. The Commission confirmed the agreements and authorized the Secretary to sign them in their behalf.

The Commission considered an agreement with the Oregon State Game Commission concerning a public boat launching ramp on the North Santiam River adjacent to the Albany-Lyons Highway at the Mehama Bridge in Linn County. He stated that under the terms of the agreement the State will prepare all plans, obtain all necessary easements, and construct the facility. After completion the Game Commission is to operate and maintain the facility for use by the general public. The work will be performed by State Forces and financed by issuance of a State Force Order in the amount of \$1,987.15, which will be charged to the existing construction Contract No. 7550. Upon his recommendation the Commission approved the agreement and authorized the Secretary to sign it in their behalf.

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Confirmation was requested by the Engineer for approval given by Chairman Jackson on February 20, 1973, concerning a Consent of Annexation to the City of Talent covering a portion of the Pacific Highway in Jackson County. The Engineer mentioned that the description of the area proposed for annexation has been examined and found to be accurate. The Commission confirmed the consent and authorized the Secretary to sign it in their behalf.

Consideration was given to a request from the City of The Dalles for a Consent to Annexation of the terminal portion of the Mosier-The Dalles Highway and the access from the highway to The Dalles-California Highway in Wasco County. The Engineer stated that the description of the property requested to be annexed has been inspected and found to be accurate. Upon his recommendation, the Commission approved the Consent of Annexation and authorized the Secretary to sign the document in their behalf.

Attention was given to an agreement with the Port of Portland and the City of Portland for the construction of N.W. Front Avenue-N.W. Yeon Avenue Section of Federal Aid Urban System Route No. 7277 in northwest Portland. The Engineer stated that the agreement provides that the State will design and construct the project including a railroad-street grade separation structure, and the City will make the adjustment of utilities. The Port agrees to purchase excess properties for Port development. Upon his 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 Tualatin for six-laning the South Tigard Interchange-East Portland Freeway Section of the Pacific Highway in Washington County. The Engineer mentioned that the agreement provides for construction and maintenance of the project by the State. All existing interchanges and separation structures within the section will be reconstructed to present standards and I-5 will be widened to six lanes. The City has agreed to make the necessary utility adjustments. The Commission approved the agreement as recommended and authorized the Secretary to sign it in their behalf.

Attention was given to a construction finance agreement with the City of Coos Bay pertaining to the correction of a drainage problem along the Oregon Coast Highway in Coos County. The agreement calls for the City to prepare all plans, award all contracts, supervise construction and upon completion perform the required maintenance operations of that portion of the drainage system lying outside the highway right-of-way. The State is to reimburse the City on an actual cost basis with participation limited to a maximum amount of \$6,800. Upon the recommendation of the Engineer, the Commission approved the agreement and authorized the Secretary to sign it in their behalf.

The Commission considered a request from the City of The Dalles to cooperate in the reconstruction of East Second Street, Mosier-The Dalles Highway in Wasco County, by placement of a base course and an asphaltic concrete overlay on that portion within the City between Taylor Street and Madison Street. The Engineer stated that the portion between Taylor Street and Brewery Grade would require asphaltic concrete overlay only. This is a worthwhile project as the State has been continually plagued with patching on this part of the highway. Cost of the State's portion of the work is estimated at \$36,000 to be charged to current State Construction funds. Upon his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign the agreement in their behalf.

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Consideration was given to rescinding an agreement with Multnomah County dated March 11, 1969, concerning the maintenance of a traffic signal on the on and off ramps with Barbur Boulevard at the Tigard Interchange on Interstate 5. The Engineer stated that due to the remoteness to the location with respect to the County maintenance crews and the complicated nature of the control equipment, the County is experiencing considerable difficulty maintaining the signal in proper operating condition. Since this signal serves the intersection of a State Primary highway and two Interstate ramps, it is in the best interest for the State to assume the responsibility. Upon his favorable recommendation, the Commission rescinded the 1969 agreement and assumed the responsibility for the maintenance of this signal effective April 1, 1973.

The Commission confirmed the next Commission meeting date for Tuesday, April 17, 1973, in Room 122 of the State Highway Building in Salem. A tentative date for the following meeting was set for Tuesday, May 29, 1973.

The Engineer presented to the Commission a pavement overlay program and a rock production program in the amount of \$3,928,250 to be performed in 1973. He mentioned that the overlay program includes projects in all five regions and provides resurfacing for approximately 67.9 miles of highway. The projects were selected in those areas of greatest need, including many areas of greatest breakup. The rock production program will provide for the replenishment of the State's materials for the sanding of highways and for the patching of areas showing distress. The Commission approved the following programs:

1973 CONTRACT OVERLAY PROGRAM

<u>Highway</u>	<u>#</u>	<u>Section</u>	<u>Length</u>	<u>Estimated Cost</u>
<u>REGION 1</u>				
Farmington	142	Farmington-Beaverton (plus bike path)	9.89 mi.	\$ 340,000
<u>REGION 2</u>				
Oreg. Coast	9	Barview-Nedonna Beach Rd.	5.31 mi.	307,000
<u>REGION 3</u>				
Oreg. Coast	9	Bandon-McTimmons Road	6.0 mi.	239,000
Umpqua	45	Dean Creek-Mill Creek	7.8 mi.	346,000
<u>REGION 4</u>				
Cen. Oreg.	7	Lake Co. Line-Gap Ranch	7.4 mi.	356,000
Fremont	19	Narrows-Valley Falls	13.5 mi.	595,000

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(Continued from previous page)

<u>Highway</u>	<u>#</u>	<u>Section</u>	<u>Length</u>	<u>Estimated Cost</u>
<u>REGION 5</u>				
I.O.N.	456	Idaho Line-Sheaville (rock production - \$35,000, charge to MC 44)	13.0 mi.	\$ 550,000
John Day	5	Jamieson-Willow Creek	5.0 mi.	278,000
STATE TOTALS			67.9 mi.	\$3,011,000

ROCK PRODUCTION PROJECTS 1973-74

<u>Region</u>	<u>Location</u>	<u>Total Yards</u>	<u>Estimated Cost</u>	<u>20 Mile Inventory</u>
2, 3, 4	Santiam	55,000	\$ 201,000	N.A.
3	Drain	6,000	36,000	0
3	Rainbow Rock	10,000	55,000	6,700
REGION 3			\$ 91,000	
4	Willamette Junction	22,500	144,000	500
4	Odell Lake	22,500	68,300	0
4	Maupin	10,000	51,900	2,600
4	Grass Valley	12,000	68,300	3,850
REGION 4			\$ 332,500	
5	Meacham	10,000	68,000	16,256
5	Heppner	10,000	63,250	9,865
5	Ukiah	10,000	63,250	2,345
5	Elgin	10,000	63,250	0
5	Sheaville	5,000	35,000	0
REGION 5			\$ 292,750	
STATE TOTALS		<u>183,000</u>	<u>\$ 917,250</u>	

Consideration was given to a three-way cooperative agreement between R. L. Coats, Bureau of Land Management and the State for right-of-way fencing of 7.2 miles along the Central Oregon Highway in Deschutes County. The Engineer pointed out the State's obligation is to furnish the posts at a cost of \$2,382 which will be charged to Maintenance. The Commission approved the agreement as recommended and authorized the Secretary to sign it in their behalf.

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Attention was given to an agreement with Harry Watkins Advertising Productions to prepare a documentary film of the lifting of the Fremont Bridge center span in the City of Portland at a cost of \$10,600. The Engineer stated that due to the magnitude of this lift it would be desirable to have a documentary film made of the entire operation for presentation to professional groups, other highway organizations, employees and the general public. This has the approval of the Federal Highway Administration for Interstate participation as construction engineering. Upon his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it in their behalf.

Chairman Jackson announced that this was Commissioner Fred Hill's last Commission meeting. The Chairman stated that he and Commissioner Bruno have enjoyed his six-year period of association and that he would certainly be missed. Commissioner Hill thanked the Chairman for his kind words. He mentioned that during his two terms on the Commission that he had met many highway employees and they are a loyal and dedicated group. Chairman Jackson and Commissioner Bruno presented to Commissioner Hill a commendation resolution for his loyal and faithful service. The Commission adopted "Commemorative Resolution No. 22," which resolution by this reference is made a part hereof and filed in the Secretary's Office. The Administrator expressed his thanks to Commissioner Hill for his support that he has given the staff.

The Commission concurred in the appointment by Lee Johnson, Attorney General, of Walter Barrie as Chief Counsel to the Highway Commission, replacing Leonard Lindas, effective April 1, 1973.

A delegation from Vernonia appeared before the Commission concerning the realignment of the Nehalem Highway south of Vernonia in Clatsop County. The following persons were present: Hon. Dorothy Knowlton, Frank Deckebach and Bill Horn. Frank Deckebach stated that he was speaking for a group of concerned citizens in the Vernonia area regarding the two dangerous curves on this highway between M.P. 63.10 and M.P. 64.90. During a 10-year period, these curves have resulted in 30 accidents, one of which was fatal. He mentioned that approximately 10 years ago a new bridge was constructed across the Nehalem River but due to the lack of funds and unavailable right of way, no further work was done. He said there are a large number of commuters to the Portland and Beaverton area each day that use this highway. The re-routing would make use of the Burlington Northern right-of-way now being considered for abandonment by the Railroad. He requested the Commission to put this project on a high priority list and to budget it in the next biennium.

The Engineer informed the Commission that the State is beginning negotiations with the Railroad to acquire right-of-way but will take some time to complete.

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The Chairman told the group that the Commission is aware of the problem. It is a needed project although it is not on the schedule at this time but the Commission will certainly keep it in mind.

A delegation from Condon and Arlington came before the Commission concerning improvement of Highway 19 between Arlington and Condon in Gilliam County. The following persons were present: Earl Pryor, Bill Jeager, Mr. and Mrs. Otto Steinke, Mrs. Ken Walters, Floyd Anderson, Mayor Foster Odom, Marion Weatherford and Representative Jack Sumner. Earl Pryor thanked the Commission for a recently completed project between Condon and Fossil. He stated that the improvement of this highway can be justified upon the basis of safety needs and economic impact. This area he said is eligible for Federal cost sharing. He mentioned the accident rate and the average daily traffic on this section. He stated the designation of a John Day Memorial Federal Park would increase the traffic volume over this highway.

Bill Jeager showed colored slides of the existing highway and left approximately 20 colored prints taken at various points along this highway. He presented petitions signed by approximately 933 individuals and read several letters requesting improvement of Highway 19.

Representative Jack Sumner stated that he concurs in the presentation that was made by the group. He mentioned that there has been no major construction on this highway other than maintenance.

Marion Weatherford mentioned that the highway was surfaced in 1924 and the alignment has not been changed during the intervening period. The highway is inadequate for present purposes.

The Chairman advised the delegation that proper improvement of this highway would require additional right of way some of which would be farm land. He suggested that they confer with the three counties involved looking to the utilization of bond money if the Legislature passes the \$150,000,000 bond.

A delegation appeared before the Commission concerning policy changes for additional fees in State Parks. Present were: Ray Dufur and Gene Magee of the Oregon Coast Association and Walt Thompson, a private park operator.

Ray Dufur stated they were opposed to the increased fees for out of staters only, as it would be discriminating. He urged uniform increases for everyone.

The heaviest concentration of State and private parks is on the Oregon Coast. It would be difficult and expensive for the park operators to look at automobile license plates to determine what fee to charge. This would establish a system that isn't fair. He said the Association hopes that the Parks Department could operate on an economic basis in fair competition with private parks. The Association also felt that the Legislature should not set the rate in parks.

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Walt Thompson stated that there is no way that a private park could operate with two rates as they have to treat everyone alike.

The Chairman told the group that the Commission has not taken any action on the proposed increase of fees and will look it over thoroughly before any action is taken.

A delegation of approximately 15 persons representing the Sandy River Action Committee (an organization of property owners and residents of the Sandy River area) appeared before the Commission opposing the Sandy River as a scenic waterway. (List of names in the Salem office, General Files.) Bob Johnson said they are interested in preserving it as a scenic river but are in conflict with the Commission on the means and methods of preservation and oppose the application of the act as it affects this part of the river. He felt if the Commission approves this river as a Scenic Waterway, the Commission would be assuming the management of an area in which a major commitment has already been made to public recreation. He also stated that they have some members whose total lands lie within the half mile area and their total life savings and future security are tied to their land. He mentioned the State's report seems to be based on the belief that the preservation of the scenic beauty of the gorge is compatible with massive public recreation. He felt the preliminary sociological report is a simplistic study of the scenic aspects of the river and fails to examine the deeper issues involved in this program. (Detailed statement of Mr. Johnson on file in the General Files, Salem.) He submitted a petition, signed by 92 of their members, which objects to the report and recommendations of the State and expresses disapproval in general of the Oregon Statutes which permit the taking of land value by the public without compensation to the owners. The petition also states that present zoning regulations, sanitation regulations, state laws and natural condition will accomplish the basic desire of the majority of Oregonians without the necessity of additional laws such as ORS 390.805.

The Chairman told the group that they raised many questions relative to the merit of the Scenic Rivers Bill. This Act was passed by the people of the State and its not up to the Commission to pass on the legality or the feasibility of such a bill. The Commission's position is to administer the Act.

A delegation appeared before the Commission favoring the designation of the Sandy River as a scenic waterway. Present were: Ken Margolis, Mike Houck, Betty and Sid Stewart, T. C. Price Zimmerman, and Dr. and Mrs. A. W. Diack. Ken Margolis stated that he is a representative of the nature conservancy, which is a national non-profit organization, for the preservation of unique wilderness and natural areas in a natural state. He mentioned the conservancy is now the owner of 156 acres on the Sandy.

Lansing Stout representing Multnomah County read a letter dated March 5, 1973, from Robert S. Baldwin, Planning Director, and submitted resolutions from Board of County Commissioners dated January 23, 1973, and

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December 2, 1971, in favor of the designation of the Sandy River as an Oregon Scenic Waterway. (Letter and resolutions on file in General Files.)

Price Zimmerman represented the Sierra Club and urged the Commission to adopt the Sandy in the scenic waterways system. They feel the scenic river status will protect both the landowners and the river.

Dr. Diack, a Sandy River landowner for 32 years, had three points to make. One, not all of the landowners along the Sandy Gorge are opposed to its designation as a scenic waterway. Two, the increased use and abuse by boaters and floaters began long before the scenic river discussions started. This designation may enable the initiation of safety, equipment and litter control. Three, if the Sandy River is not protected by designation there will be no natural area to protect within a year or two.

Sid Stewart, representing 15 homeowners from the Sandy River area, commended the Highway people for a good job of informing and meeting with the public on this issue. His group was hopeful that the Commission would see fit to support the proposal.

Mike Houck, speaking on behalf of OMSI, supported the designation, which will preserve the area for educational and research use.

The Chairman stated the petition to designate the Sandy River as a part of the Scenic River system came about through the processes set up in the Legislature. The Commission has reviewed the results of hearings on this proposal, and the Act provides for action on the part of the Commission, the Water Resources Board, and the Governor. He stated there is a bill in the Legislature at this time amending the Act providing for the Legislature to take action in this field. He continued that the Commission is sympathetic with those people who own property in the area under consideration and are conscious of the problems of private ownership. The Chairman said this also introduces the question of policing of large numbers of people who will use the river in years to come, and it is the intent of the Commission to recommend to the respective agencies involved that they develop a policing system. The Commission has been asked to defer action on this subject today but it is the intent of the Commission to recommend to the Water Resources Board and the Governor the inclusion of the Sandy River as a part of the Scenic Rivers System.

The Commission signed, or authorized the Secretary to sign, the following papers:

"Bargain and Sale Deed" to David A. and Rose M. Brink covering N.E. Glisan Street-S.E. Division Street Section of the East Portland Freeway in Multnomah County.

"Bargain and Sale Deed" to B. Marlyn and Hilary H. Hanson covering 1.2 acres on Killin Bridge Section of Woodburn-Estacada Highway in Marion County for \$6,950.

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"Bargain and Sale Deed" to John L. and Lorena M. McNulty covering 15.0 acres on Killin Bridge Section of Woodburn-Estacada Highway in Marion County for \$8,250.

"Bargain and Sale Deed" to Bryan Morrison, Inc., covering 40,703 square feet on Forest Grove Section of Tualatin Valley Highway in Washington County for \$40,000.

"Indenture of Access" with Erwin and Ruby Ehrlich covering the Orleans-Albany-Junction City Highway Section of Corvallis-Lebanon Highway in Linn County.

"Indenture of Access" to John T. and Letha O. Glaser covering the Orleans-Lake Creek Section of Corvallis-Lebanon Highway in Linn County.

"Indenture of Access" to William A. Leach and NW Pump and Irrigation Company covering the Corvallis-Orleans Section of Corvallis-Lebanon Highway in Linn County.

"Indenture of Access" to Andrew L. and Inez B. Gordon covering the Patterson Street-Klamath Falls-Malin Highway Section of the Klamath Falls-Lakeview Highway in Klamath County.

"Indenture of Access" to James E. and Wilda L. Chaney covering the Patterson Street-Klamath Falls-Malin Highway Section of the Klamath Falls-Lakeview Highway in Klamath County.

"Indenture of Access" to JAKE, Inc., covering property on the Patterson Street-Klamath Falls-Malin Highway Section of the Klamath Falls-Lakeview Highway in Klamath County.

"Indenture of Access" to Louis V. and Edna Margaretta Schweiger covering the Patterson Street-Klamath Falls-Malin Highway Section of the Klamath Falls-Lakeview Highway in Klamath County.

"Indenture of Access" to Thomas E., Ruth and Nellie McCullough covering property on Forest Boundary-Little Beech Creek Section of Pendleton-John Day Highway in Grant County.

"Indenture of Access" to Robert S. and Mabelle V. Hawthorne covering Bend-Lava Butte Section of The Dalles-California Highway in Deschutes County.

"Indenture of Access" to Slevkoff and Bice covering the Rickreall-Independence Junction Section of the Willamina-Salem Highway in Polk County.

"Quitclaim Deed" to Southern Pacific Transportation Company 1,030 square foot parcel of land on SE Hinkley Avenue-Lake Road Interchange Section of East Portland Freeway in Clackamas County.

"Pipeline Crossing Agreement" to Portland Traction Company for installation of a storm sewer on SE Foster Road-SE Causey Avenue Section of East Portland Freeway in Clackamas County.

"Indenture" with Southern Pacific Transportation Company for an easement and reconstruction of highway overcrossing of tracks south of Chemawa on Woodburn Interchange-Hayesville Interchange Section of Pacific Highway in Marion County.

"Agreement" with Cornell, Howland, Hayes and Merryfield, Inc., for engineering services to provide for sanitary sewer service to two trailer parks adjacent to South Tigard Interchange-I-205 Interchange Project near Lower Boones Ferry Road in Washington County.

"Agreement" with Oregon Council of Outdoor Advertising and Independent Sign Owners regarding removal of outdoor advertising signs by binding arbitration.

"Lease" with Kyle and Elizabeth Jane Smith, dba Crown Point Gift Company, for the concession at Crown Point State Park.

"Deed" to North Tillamook County Sanitary Authority for acquisition of a 0.028 acre tract for a pumping facility and an easement for connecting trunk lines from and across Nehalem State Park maintenance station property.

"Acceptance letter" to Wolff, Zimmer, Gunsul and Frasca regarding design and installation of air conditioning system of Highway Building in Salem.

"Agreement" with City of Eugene pertaining to State-owned parcel of excess property at the intersection of Coburg and Country Club Roads near the Ferry Street Interchange.

"Agreements" with State of Washington for maintenance and operation of Longview Bridge, The Dalles Bridge and the Umatilla Bridge across the Columbia River.

"Agreement" with Oregon State Game Commission concerning a public boat launching ramp on the North Santiam River adjacent to the Albany-Lyons Highway at the Mehama Bridge in Linn County.

"Consent to Annexation" to the City of The Dalles covering terminal portion of Mosier-The Dalles Highway and access from that highway to The Dalles-California Highway.

"Agreement" with the Port of Portland and the City of Portland for the construction of the NW Front Avenue-NW Yeon Avenue Section of Federal Aid Urban System Route No. 7277 in NW Portland.

"Agreement" with City of Tualatin for six-laning the South Tigard Interchange-East Portland Freeway Section of Pacific Highway.

"Agreement" with City of Coos Bay pertaining to correction of a drainage problem along the Oregon Coast Highway in the vicinity of Juniper Avenue.

The meeting was adjourned by the Chairman at 11:35 a.m.

Glenn L. Jackson
Chairman

Thaddeus B. Bruno
Commissioner

Fred W. Hill
Commissioner

C. W. Head
Secretary

April 17, 1973
Salem, Oregon

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
Thaddeus B. Bruno, Commissioner
Anthony Yturri, Commissioner
George M. Baldwin, Administrator
F. B. Klaboe, State Highway Engineer
A. E. Johnson, Deputy State Highway Engineer
Walter Barrie, Chief Counsel
David Talbot, State Parks Superintendent
J. B. Boyd, Right of Way Engineer
C. W. Head, Secretary

Others present were: Vernon Cusack, Assistant Division Engineer, Federal Highway Administration; E. S. Hunter, R. L. Schroeder, and H. S. Coulter, Assistant State Highway Engineers; Donald W. Streun, Director of Management Services; L. H. Young, Office Engineer; V. E. Skoog, Controller; David H. Moehring, Maintenance Engineer; H. S. Cox, County-City Engineer; Donald N. Harwell, Assistant County-City Engineer; V. D. Wolfe, Location Engineer; Jack Sollis, Assistant Attorney General; R. B. Sipprell, Liaison Engineer; John J. Earley, Information Officer; John Oakes, Assistant Right of Way Engineer; Kenneth Chatwood, Administrative Right of Way Agent; Milner M. Mead, Appraisal Supervisor; Robert K. Potter, Coordinator, Oregon Scenic Waterways System; and Russell M. Graham, Assistant Secretary.

The Commission approved the minutes of the meeting held on March 6, 1973.

The Right of Way Engineer presented a list of options, pages 1 through 43, secured for acquisition of real property needed for State Highway use or for other purposes. He mentioned that the amounts offered are on or near the appraised values and are in order for Federal-aid. After due consideration, the Commission approved closing the options, including those sent to them by mail since the last Commission meeting, and thereupon adopted "Right of Way Resolution No. 93," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Property Manager's report showing sales of miscellaneous properties and rental receipts for the period from February 20, 1973, to April 1, 1973, was presented by the Right of Way Engineer and accepted by the Commission. During this period miscellaneous sales totaled \$41,505; land sales, \$17,446; rental receipts for the month of February 1973, amounted to \$53,138.44, and for the month of March amounted to \$60,021.18.

A list of properties needed for highway and other uses was presented by the Right of Way Engineer. He 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 Right of Way Engineer 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 Resolution No. 2607," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

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A written report was presented by the Right of Way Engineer and accepted by the Commission showing offers tendered to the owners for acquisition of real property prior to the institution of condemnation proceedings as follows:

ELK RIVER-PORT ORFORD SECTION OF THE OREGON COAST HIGHWAY - CURRY COUNTY

R-42582 - Claude D. Funk et ux. 0.78 acre for right of way purposes. Offer \$5,300.

LA GRANDE-INTERSTATE 80N SECTION OF THE WALLOWA LAKE HIGHWAY - UNION COUNTY

R-46851 - Helen M. Lane. Parcel 1: 3,300 sq. ft. for right of way purposes; Parcel 2: 1,185 sq. ft. for permanent easement; and Parcel 3: 1,185 sq. ft. for temporary easement. Offer \$19,050.

R-46868 - George L. Garoutte et ux. Parcel 1: 2,000 sq. ft. for right of way purposes; Parcel 2: 300 sq. ft. for permanent easement. Offer \$44,200.

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

R-46482 - Ranald A. Nelson et ux. 1,994 sq. ft. for right of way purposes. Offer \$2,100.

R-47604 - Donald C. Greene. 2,500 sq. ft. for right of way purposes. Offer \$625.

N. E. SANDY BOULEVARD -N. E. GLISAN STREET UNIT OF THE COLUMBIA RIVER-PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY - MULTNOMAH COUNTY

R-46953 - Rainier Properties, Inc. 14,895 sq. ft. for right of way purposes. Offer \$91,300.

N. TIGARD INTERCHANGE-HUBBARD INTERCHANGE SECTION OF THE PACIFIC HIGHWAY WASHINGTON COUNTY

R-36033 - Southern Pacific Transportation Company. Parcel 1: 8,710 sq. ft.; Parcel 2: 85,750 sq. ft.; Parcel 3: 16,878 sq. ft.; Parcel 4: 3,910 sq. ft.; and Parcel 5: 0.03 acre all for right of way purposes; Parcel 6: 600 sq. ft. for a permanent easement; and Parcel 7: 0.07 acre for a permit of entry. Offer \$76,600.

R-46005 - Carl H. Johnson. Parcel 1: 10,150 sq. ft.; Parcel 2: 1,430 sq. ft. for right of way purposes. Offer \$20,000.

R-46012 - Victor Seger et ux. 1,840 sq. ft. for right of way purposes. Offer \$1,000.

R-46037 - R. M. MacTarnahan et al. 72,500 sq. ft. for right of way purposes. Revised Offer \$108,750.

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

R-46373 - Stephen S. Cathey. 2,250 sq. ft. for right of way purposes. Revised offer \$10,000.

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Authority was requested by the Right of Way Engineer to offer at public sale twelve parcels of property no longer needed for highway purposes. The recommended sale prices are based on competent appraisals and access and other conditions of sale are comparable with situations existing in the vicinity. Signboard and junkyard exclusion clauses are to be included in the deeds. The Commission authorized public sale of the following properties and thereupon adopted "Real Property Resolutions Nos. 588 through 593," which resolutions by this reference are made a part hereof and filed in the Secretary's Office.

- (1) 1.0 acre, File 3731, stockpile site approximately one-half mile east of Catherine Creek and three miles northwest of Union on the northerly side of the La Grande-Baker Highway in Union County for not less than \$500. Approval by the Federal Highway Administration is not required.
- (2) 0.88 acre, File 4951, stockpile site, approximately 2 miles south of Union on the easterly side of the La Grande-Baker Highway in Union County for not less than \$250. Approval by the Federal Highway Administration is not required.
- (3) 1.25 acre, File 15233, stockpile site in the town of Fox on the westerly side of the Pendleton-John Day Highway in Grant County for not less than \$560. Federal Highway Administration approval is not required.
- (4) 2.13 acres, File 6511, west of 185th Avenue Interchange on the northerly side of the Sunset Highway in Washington County for not less than \$20,000. No access will be permitted to the Sunset Highway. Sale will be subject to Federal Highway Administration approval. (See "Real Property Resolution No. 588.")
- (5) 1.5 acres, File 8685A and 8685B, stockpile site, one mile west of Vida north of the McKenzie Highway in Lane County for not less than \$1,700. Approval by the Federal Highway Administration is not required. (See "Real Property Resolution No. 589.")
- (6) 14,400 square foot parcel of land, File 5224, north of "A" Street between 9th and 10th Streets in Springfield on the McKenzie Highway in Lane County for not less than \$25,200. Approval by the Federal Highway Administration is not required. (See "Real Property Resolution No. 590.")
- (7) 0.18 acre, File 42993, at the west end of the Mapleton Bridge on the Florence-Eugene Highway in Lane County for not less than \$650. No access will be allowed to the Florence-Eugene Highway. Approval by the Federal Highway Administration is not required.
- (8) 0.74 acre, File 6452, former stockpile site, located 22½ miles east of Mapleton north of the Mapleton-Junction City Highway in Lane County for not less than \$800. Sale will be subject to an existing roadway easement. Federal Highway Administration approval is not required.

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- (9) 2,800 square foot parcel of land, File 20609, between Brightwood and Rhododendron, one-half mile east of Zigzag Ranger Station on the northeasterly side of the Mt. Hood Highway in Clackamas County for not less than \$800. Approval by the Federal Highway Administration is not required.
- (10) 3,720 square foot parcel of land, File 12340, between Brightwood and Rhododendron, one-half mile east of the Zigzag Ranger Station on the northeasterly side of the Mt. Hood Highway in Clackamas County for not less than \$1,000. Approval by the Federal Highway Administration is not required. (See "Real Property Resolution No. 591.")
- (11) 4.0 acre stockpile site, File Q-124, approximately one and one-half miles east of North Powder on the La Grande-Baker Highway in Union County for not less than \$2,400. The purchaser will be required to bear the cost of fencing. Approval by the Federal Highway Administration is not required. (See "Real Property Resolution No. 592.")
- (12) 33,540 square feet of land, File 26688, at the corner of 10th Place and Quinalt Street in the City of Eugene on the southerly side of the Eugene-Springfield Highway in Lane County for not less than \$10,000. No access will be permitted to the Eugene-Springfield Highway. Approval by the Federal Highway Administration is not required. (See "Real Property Resolution No. 593.")

The Chairman inquired if the Division had recently reviewed all its lands to determine its future usability as a part of the State's program. He mentioned that the Legislature has voiced some concern about the State holding excess land which should be on the tax rolls. The Right of Way Engineer commented that parcels that are of any consequence the State is pursuing very diligently. He stated they will continue to pursue this matter.

Direct sales of five parcels of property were recommended by the Right of Way Engineer. He stated that in each instance the property is no longer needed for highway purposes and because of peculiar conditions, sale is restricted to a single party. Sale prices have been determined by competent appraisals. Signboard and junkyard exclusion clauses will be included in the deeds. The Commission approved the following sales:

- (1) To George Kleng, adjacent owner, File No. 40377, 0.35 acre on the southerly side of the Old Oregon Trail adjacent to the Wallowa Lake Highway Interchange in Union County for \$280. No access will be permitted to the highway facility. Federal Highway Administration approval is not required.
- (2) To Stephen R. and Eileen A. Tool, File No. 5190, 0.22 acre stockpile site approximately three miles west of Burnt Woods on the southerly side of the Corvallis-Newport Highway in Lincoln County for \$100. Federal Highway Administration approval is not required.

- (3) To the City of Phoenix, File Nos. 18312, 18316, and 18386, 3.05 acre parcel between the north and southbound Rogue Valley Highway couplet south of 4th Street in Jackson County for \$500. The parcel will be used for park purposes only and access will be permitted only to the southbound highway. The City will be required to maintain drainage. Federal Highway Administration approval is not required.
- (4) To Robert Berry, adjoining owner, File No. 21678, 0.4 acre parcel on the east edge of a State-owned gravel pit near White Settlement on the Vale-Cairo Junction Section of the Central Oregon Highway in Malheur County for \$160. The purchaser wishes to use this strip for an access road and he will be required to pay the cost for fencing. Federal Highway Administration approval is not required.
- (5) To Earl and Beatrice Longfellow, adjacent property owners, File No. 44274, 174 square foot parcel of land south of Terry Street in Mehama on the Albany-Lyons Highway in Marion County for \$100. No access will be permitted to the highway. Federal Highway Administration approved this sale by letter on March 23, 1973.

The Commission approved the following Indentures of Access as recommended by the Right of Way Engineer.

- (1) Emma Ehrlich property, File Nos. 37324 and 40461, on the southerly side of the relocated Corvallis-Lebanon Highway approximately five miles east of Corvallis in Linn County. The public record will be corrected to show the location of two 35 foot points of access. One approach will remain unrestricted as to use and the second access will remain restricted to the production and transportation of agricultural products only. Federal Highway Administration approval was received October 16, 1972.
- (2) C. B. and Bertha J. Keeney property, File No. 45098, on the southerly side of the relocated Coos Bay-Roseburg Highway two miles east of Winston in Douglas County. The public record will be corrected to show the location of one 35 foot unrestricted point of access. Federal Highway Administration approval is not required.
- (3) Leroy N. and Grace L. Limbaugh property, File No. 45075, on the Winston-Shady Interchange Section of the Coos Bay-Roseburg Highway in Douglas County. The location of one point of access will be changed, as present bridge design does not allow access at the location originally reserved. The approach will be 35 feet in width and unrestricted as to use. Federal Highway Administration approval is not required.

- (4) J. D. and Bonnie B. Finchum property, File No. 44988, on the Patterson Avenue-Klamath Falls-Malin Highway Section of the Klamath Falls-Lakeview Highway in Klamath County. Three points of access will be changed to correct the public record. All approaches will remain 35 feet in width and unrestricted as to use. Federal Highway Administration approval is not required.
- (5) Paul H. and Carole L. Hebb property, File No. 34031, on the Rex Hill-Newberg Section of the Pacific Highway West in Yamhill County. One approach on the northerly side of the highway will be changed to serve a proposed service station. The access will be 35 feet in width and unrestricted as to use. Federal Highway Administration approval was received March 29, 1973. (Chairman Jackson gave telephonic approval on March 7, 1973.)
- (6) Robert O. and Mildred J. Goldsmith property, File No. 32989, on the Alder Creek-Wildwood Section of the Mt. Hood Highway in Clackamas County. The one 35 foot unrestricted point of access will be changed to correct the public record. Federal Highway Administration approval was received March 14, 1973.
- (7) Richard M. and Barbara J. Baumgardner property, File No. 45006, on the Patterson Street-Klamath Falls-Malin Highway Section of the Klamath Falls-Lakeview Highway in Klamath County. The one point of access will be changed to correct the public record. The approach remains 35 feet in width and unrestricted as to use. Federal Highway Administration approval is not required.

Consideration was given to relinquish to Eldon D. and Wanda J. Thiessen two parcels of land totaling 0.15 acre on the Kings Valley Highway approximately 0.4 mile south of the Willamina-Salem Highway in Polk County for \$1. The Right of Way Engineer mentioned that access was originally constructed serving this property at a location just off the Thiessen property and by deeding this, an alleged cloud on title will be removed. This transaction will contain the access reservation for the existing approach. Signboard and junkyard exclusion clauses will be included in the relinquishment. Federal Highway Administration approval was received March 28, 1973. Upon his favorable recommendation, the Commission approved the deed.

The Right of Way Engineer requested confirmation of three demolition contracts on the N.E. Sandy-N.E. Glisan; N.E. Glisan-S.E. Division; S.E. Division-S.E. Foster Road Sections of the East Portland Freeway in Multnomah County. The Commission confirmed the award of the following contracts and authorized the Secretary to sign them in their behalf:

- (1) To Clackamas Clearing Corporation in the amount of \$5,725 for the removal of 14 houses, 10 garages, rough grading of the area and removal of debris. (Telephonic approval received from the Chairman on March 13, 1973.)

- (2) To Wells & Sons in the amount of \$4,650 for rough grading and filling of basements on 49 lots. (Telephonic approval received from the Chairman on March 20, 1973.)
- (3) To Atlas Building Wreckers in the amount of \$4,495 for rough grading and filling of basements on 49 lots. (Telephonic approval received from the Chairman on March 20, 1973.)

The Right of Way Engineer requested approval for the award of a demolition contract to the low bidder, Stayton Construction Co., Inc., for \$4,050, on the Oakhill-Eugene-Springfield Section of the Florence-Eugene Highway in Lane County. Bids were received on April 16, 1973, for the removal of buildings and rough grading of the area. The Commission approved the award and authorized the Secretary to sign the contract in their behalf.

The Right of Way Engineer requested approval for the award of a demolition contract to the low bidder, Verlo N. Thurston, for \$6,120 on the N.E. Sandy-N.E. Glisan, N.E. Glisan-S.E. Division, S.E. Division-S.E. Foster Sections of the East Portland Freeway and St. Helens Road-N.W. 21st Avenue Section of the Columbia River Highway in Multnomah County. Five bids were received for the removal of 17 houses, rough grading of 19 lots, and removal of debris. The Commission approved the award and authorized the Secretary to sign the contract in their behalf.

Confirmation was requested by the Right of Way Engineer for approval given by the Chairman on March 7, 1973, approving an agreement with Kaiser Cement and Gypsum Corporation to construct grandstands on their property for viewing the erection of the center span of the Fremont Bridge on the east side of the Willamette River in the City of Portland. The Right of Way Engineer mentioned that this agreement also provides a parking area for the general public and necessary insurance. The Commission confirmed the agreement and authority for the Secretary to sign it in their behalf.

A Modification of Access Rights to Fredrick W. and Molly M. Cronin on the Tigard-Newberg Section approximately three miles southwest of Tigard on the Pacific Highway West in Washington County. The Right of Way Engineer stated that the request has been made for the lifting of the private residential and production and transportation of farm products use restriction. The unrestricted approach will be 35 feet in width. Federal Highway Administration approval was received March 14, 1973. The Commission approved the Right of Way Engineer's recommendation for approval of the modification.

Attention was given to an Exchange of Easements with Louis J. and Dawn C. Cowie for roadway purposes on property four miles south of Rogue River 1½ miles from the Pacific Highway along Foots Creek County Road in Jackson County. The Right of Way Engineer mentioned that this exchange is beneficial for the improvement of the State's access to material sources. The owners will be granted a 30-foot perpetual bridge and roadway easement. The Commission approved the Exchange of Easements as recommended by the Right of Way Engineer.

Attention was given to a Storm Drainage Easement to the City of Eugene covering property on the southwest quadrant of the proposed Belt Line Road Interchange on the proposed Florence-Eugene Highway in Lane County. The Right of Way Engineer stated that a temporary easement will be granted over 3.2 acres for construction of a floodway channel together with a waste soils disposal right. A permanent easement for the floodway channel will cover 0.85 acre. He stated that this easement is necessary in order that the City of Eugene might establish a compatible contiguous alignment to the proposed Route 126. Upon his favorable recommendation, the Commission approved the easement.

Consideration was given to the approval of a letter-form supplemental agreement with Clark and Groff Engineers, Inc., concerning the furnishing of engineering services for a study to determine the most practical method of reestablishing the Owens-Illinois private railroad spur track located on the East Portland Freeway in Multnomah County. The Right of Way Engineer pointed out the problem of relocating the spur is very complex and will involve more work by the consultant than was originally anticipated. (Original agreement approved by the Commission on October 31, 1972.) The original review consultant, Koebig and Koebig of Los Angeles, is not available to perform any review work required. He mentioned the supplemental agreement revises the \$5,000 limit to \$10,000 and changes the review consultant to Coverdale and Colpitts of New York City. The Commission approved the supplemental agreement with Interstate participation as recommended by the Right of Way Engineer and authorized the Secretary to sign it in their behalf.

The Commission considered an agreement providing for reconstruction of irrigation facilities jointly owned by four individuals on the Ladd Canyon-North Powder Section of the Old Oregon Trail in Union County. The Right of Way Engineer mentioned that the participants will contract construction of an irrigation ditch at a cost to the State of \$5,000. A three-way diversion box will be constructed by the State's contractor on an extra work basis at an estimated cost of \$6,000. The total estimated cost to the State will be \$11,000 with Interstate participation. He stated that this agreement also provides for an exchange of right-of-way. Upon 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 Oregon Electric Railroad granting the State permanent easements for the construction of a roadbed and slope and drainage maintenance as well as two temporary construction easements necessary for the construction of the Sodaville-Vail Creek Section of the Santiam Highway in Linn County. The Right of Way Engineer said that this work is presently being performed under State Highway Contract No. 7740. He pointed out that the State will be required to bear all costs of construction and maintenance of the roadbed and slopes estimated to cost \$4,755. The State's contractor will be required to provide the necessary Railroad protective insurance. The Commission approved the agreement as recommended and authorized the Secretary to sign it in their behalf.

Consideration was given to a Permit of Entry with the Union Pacific Railroad Company granting the State permission to enter upon the property for the purposes of drilling four foundation exploration holes at the North Going Street Overcrossing in the City of Portland, Multnomah

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County. There will be no expense to the State and the insurance will be covered by the State's blanket protective policy. Upon his favorable recommendation, the Commission approved the Permit of Entry.

Consider approval of a Grant of Access to Marvin F. and Helen Ruby and the Department of the Interior on the Tualatin Valley Highway in Cornelius in Washington County. The Right of Way Engineer asked that this item be removed from the agenda as there was some faults in the documents.

Consideration was given to the approval of a policy statement relative to the State's sign removal program. The Right of Way Engineer pointed out that the Federal Highway Administration requires under PPM 80-5-2 paragraph 5d that the State submit to them a policy statement. Upon his favorable recommendation, the Commission approved a Policy Statement covering Highway Beautification Outdoor Advertising; a copy of which is on file in the Commission's General Files, Salem.

The Commission considered an access agreement with Bonneville Power Administration concerning the Meacham-Hilgard Section of the Old Oregon Trail in Umatilla and Union Counties. The Right of Way Engineer mentioned that the State now proposes to construct the Meacham-Hilgard Section and wishes to include therein access mutually agreed upon in order to provide for efficient use of the Bonneville Power Administration right-of-way to cross State right-of-way in order to use its power line facilities. Two types of access will be allowed from a frontage road or through locked gates. This agreement does not call for any additional construction cost to the State. The Commission approved the agreement as recommended by the Right of Way Engineer and authorized the Secretary to sign it in their behalf.

A report was submitted by the Chief Counsel and accepted by the Highway Commission concerning cases which have been tried in court since the last Commission meeting summarized as follows:

REPORT OF CONDEMNATION CASES TRIED

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer Before Filing Complaint</u>	<u>Defendants' Lowest Demand</u>	<u>Verdict</u>
Elwood L. Gilbert L-6729 R-44849	Mult.	Mt. Hood	\$ 8,750	\$20,000	\$ 9,750
R. Labianca L-6763 R-45799	Mult.	East Portland Freeway	\$19,000	\$23,000	\$21,500
George E. Gaunce L-6794 R-45435	Mult.	East Portland Freeway	\$10,500	\$15,000	\$10,250

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Report of Condemnation Cases Tried Cont.

Defendant	County	Highway	State's Offer Before Filing Complaint	Defendants' Lowest Demand	Verdict
A. Gildemeister L-6815 R-45854	Mult.	East Portland Freeway	\$13,500	\$21,500	\$15,750

(For additional details, see the Chief Counsel's letter dated April 11, 1973, entitled Report of Cases Tried, on file in the General Files, Salem.)

The Commission considered and accepted a report made by the Chief Counsel concerning cases which have been settled out of court since the last Commission meeting summarized as follows:

REPORT OF CONDEMNATION CASES SETTLED

Defendant	County	Highway	State's Offer	State's Highest Appraisal	Amount of Settlement
Lester R. Jennings L-6862 R-47376	Douglas	Coos Bay-Roseburg	\$ 60,800	\$ 60,800	\$ 67,000
Floyd L. Harlan L-6947 R-46893	Lane	(Mt. Pisgah Regional Park)	\$430,000	\$430,000	\$455,000
Union Oil Co. L-6886 R-47077	Marion	Pacific	\$ 61,000	\$ 61,125 Partial taking	\$ 71,000 Amounts for entire taking
North Coast Invest. Corp. L-6717 R-40195	Mult.	East Portland Freeway	\$ 66,800	\$ 72,300	\$ 80,000 Includes additional .78 acre of land
Rodney E. Landreth L-6766 R-45748	Mult.	East Portland Freeway	\$ 22,500	\$ 26,500	\$ 30,000
Raleigh H. Brannon L-6774 R-46118	Mult.	East Portland Freeway	\$ 13,700	\$ 15,750	\$ 17,000 plus \$ 250 appraisal fee \$ 750 attorney fee

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Report of Condemnation Cases Settled Cont.

Defendant	County	Highway	State's Offer	State's Highest Appraisal	Amount of Settlement
Candida Cereghino L-6821 R-46063	Mult.	East Portland Freeway	\$ 30,100	\$ 37,000 (Revised & Reviewed)	\$ 37,500
George Mackey L-6910 R-47293	Tillamook	Oregon Coast	\$ 5,600	\$ 5,600	\$ 7,600

THE FOLLOWING FILES HAVE BEEN SETTLED BY OPTION BY THE RIGHT OF WAY DEPARTMENT

Wilma D. Steward L-6785 R-44708	Coos	Empire-Coos Bay	\$ 3,100	Dismissed
Darrel Peterson L-6845 R-45830	Mult.	East Portland Freeway	\$ 7,500	Dismissed

(For additional details, see the Chief Counsel's letter dated April 11, 1973, entitled Report of Cases Settled filed in the Salem Office, General Files.)

A report was presented by the Chief Counsel and accepted by the Highway Commission concerning the institution of legal proceedings which have been commenced since the last Commission meeting and summarized as follows:

- (1) Verna G. Taylor v. Orval Lee Ragland, et al., L-6961. Plaintiff seeks judgment in the sum of \$501,232.25 due to a traffic accident on February 23, 1972, near M.P.76 on State Highway 58 in Klamath County. Elmer Hawes, alleged defendant, was operating a snowplow and the State was alleged negligent in blocking the highway and extinguishing red fuse flairs, making it possible for another vehicle to strike and kill Danny W. Franklin.
- (2) Leighton L. Dorsett v. Richard W. Fraser, et al., L-6931. Plaintiff seeks \$551 for damages and \$350 attorney fees for property damage arising out of a motor vehicle accident on December 7, 1971, on S.E. Union Street in the City of Portland.

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Consideration was given to a proposed agreement between the Commission and the permittees of waived signs throughout the State of Oregon in which the permittees would convey title to the State of Oregon and the State would then lease back the billboards. The Chief Counsel pointed out the reason is that Federal Legislation now in Congress which, if enacted, may require the State to pay just compensation for waived signs. The reason for this agreement is to take title now before the Federal Legislation passes so the State will not have to pay just compensation. This is also in accordance with Oregon House Bill 3204. The Chairman asked what the State's liability is going to be on the lease agreement. The Chief Counsel replied that the permittees will assume all responsibility, hold the State harmless and pay all the taxes, permits, license fees and past removal. There is no liability on the part of the State. Upon his recommendation, the Commission approved the agreement and authorized the Secretary to sign it in their behalf. (House Bill 3204 was passed by the Legislature April 17, 1973, and was signed by the Governor on April 18, 1973.)

The Chief Counsel referred to the policy statement which the Right of Way Engineer presented to the Federal Highway Administration concerning the arbitration of sign boards stating that there is some question yet as to Federal participation and approval of arbitration as a means of determining just compensation.

The Chief Counsel reported on the Mt. Hood Freeway case that he is still waiting for Judge Burns' decision on motions to dismiss filed by the State and Federal defendants. There are about 50 hardship cases that are being held up at this time. In answer to the Commission's questions, he said that the City of Portland has approved these cases and that Multnomah County is also aware of these hardship cases.

The Chief Counsel also reported on the Maywood Park case which is pending before the 9th Circuit Court of Appeals in San Francisco. He stated that the plaintiffs have gone back into the Federal District Court in Portland to seek an injunction to stop the State's clearing of the way pending the outcome of the 9th Circuit Court of Appeals case. The Chief Counsel said he will be in Federal Court on Monday, April 23, 1973, arguing against such injunction.

The Parks Superintendent presented for the Commission's consideration Notifications of Intent by property owners to make various types of improvements along scenic waterways. The requests have been carefully evaluated as to their compliance with the provisions of the Scenic Waterways Act. Action was taken by the Commission on the following requests as shown in the approved Notifications of Intent and as modified by stipulations in the Administrator's letter to the Commission insofar as their authority under the Scenic Waterways Act is concerned.

- (1) Approved a request from Dr. J. S. Laird to construct a single family dwelling within the Rogue River Scenic Waterway in Curry County.

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- (2) Approved a request from Mr. and Mrs. George W. Appel, Jr., for a one-year extension for the beginning of construction within the Rogue River Scenic Waterway in Josephine County. (Plan previously approved by Commission February 22, 1972.)
- (3) (A) Denied a request from Mrs. Trenor Scott that her two lots be excluded from related adjacent land "to a height of 30 feet" on the Rogue River Scenic Waterway in Josephine County.
(B) Approved a request from Mrs. Trenor Scott for construction of two houses finished in muted tones in the Rogue River Scenic Waterway in Josephine County.
- (4) Four proposals from Mr. Trenor Scott within the Rogue River Scenic Waterway in Josephine County:
(A) Denied exclusion of several lots or portions of lots from related adjacent land not exceeding various specified heights above natural grade.
(B) Denied request for prior approval of 21 house designs on each of 161 potential building sites without actual construction of any lot proposed.
(C) Approved request for approval of utility lines to serve all subdivision lots with appropriate considerations to protect the environment.
(D) Denied requested approval of driveways to serve each constructed home prior to submission of specific plans.
- (5) Denied a request from John Hilderbrand to construct a 695-square foot hexagonal type structure within the John Day Scenic Waterway in Sherman County.

Consideration was given to a 90-day extension of the contract period to June 30, 1973, with Charles Collins of Roseburg to up-date the State's Willamette River Park Master Plan. The Parks Superintendent mentioned that because of technical difficulties beyond the control of Mr. Collins, additional time will be needed to complete the necessary work. No additional funds will be required and he recommended approval. The Commission approved the 90-day extension.

The Parks Superintendent reported that following the construction of the Rockaway Beach State Wayside in Tillamook County, the City of Rockaway advised the State that they could no longer maintain the restroom which is adjacent to the State's property and intended to close it. He stated that an agreement has been worked out whereby the City would convey title to the building and the adjacent land to the State, provide sewer and water service at no cost, and participate to some extent in the cost for refurbishing the facility. Upon his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it in their behalf.

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Attention was given to an agreement with North Tillamook County Sanitary Authority for the installation of a sewerage collection system and connection to the Sanitary Authority's collection and treatment facilities at the Nehalem Bay State Park in Tillamook County. The estimated cost to the State is \$45,000. The Commission approved the agreement as recommended by the Parks Superintendent and authorized the Secretary to sign it in their behalf.

The Commission considered an agreement with the Oregon Historical Society providing for preparation of a volume of the Statewide Plan for Historic Preservation. The Parks Superintendent pointed out that the plan requirement is due in Washington, D. C., on or before June 30, 1973, in order that the State may be eligible for participation in the National Historic Preservation Program in the ensuing fiscal year and beyond. The Society is especially equipped to prepare the volume covered by the agreement as the major part of the work is a summary of the history of Oregon. The Parks Staff will prepare two other volumes required to up-date the State's planning efforts under the program. The estimated cost to the State is \$8,400. The Commission approved the agreement as recommended and authorized the Secretary to sign it in their behalf.

Attention was given to an agreement with Clatsop County for a preliminary mapping study of 3,670 acres of land in Fort Stevens State Park. The county has hired Cornell, Howland, Hayes & Merryfield to perform the work. The Parks Superintendent mentioned that the purpose of the study is to begin development of a regional master plan which will ultimately result in the construction of sewerage collection and treatment facilities. The cost to the State is \$7,340 and he recommended approval. The Commission approved the agreement and authorized the Secretary to sign it in their behalf.

Consideration was given to execute a Renunciation of Devise to clear the estate proceedings of James B. Best. The Last Will and Testament provided for a bequest to the State of Oregon for a state park consisting of 12 acres of land out of a larger tract located in the Eola Hills immediately west of Salem in Polk County. The Parks Superintendent stated that his staff viewed the property with the estate representatives and discussed the matter with the attorney representing Mr. Best's estate. Considering the property location, size and its relative location to the existing Holman State Wayside, he recommended denial of the property for park purposes. The Commission accepted his recommendation and signed the Renunciation of Devise.

Attention was given to a request from the City of Prineville to construct a 1.89 mile bikeway along Ochoco Creek on the Ochoco Highway in Crook County providing a path between a grade school and high school. The Engineer mentioned that an agreement is now being prepared and the City has tentatively committed to furnish the required right-of-way and the maintenance. He recommended approval of the project estimated to cost \$55,000 utilizing State Construction Funds. The Commission approved the project.

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The Engineer presented a list of three bikeway projects on which bids are scheduled for the June 1973 letting. He recommended approval of the projects at an estimated cost of \$585,000 and requested authorization to include them in the current State Construction Program. The Commission approved the following projects:

(1) Duniway Park-Tryon Cr. State Park (Portland) Bikeway, SW Terwilliger Blvd., Multnomah County, G-P- Str.	\$350,000
(2) Rickreall-Monmouth Bikeway, Pacific Highway West, Polk County, G-P- Str.	200,000
(3) Walker Ave.-Tolman Cr. Rd. (Ashland) Bikeway, Rogue Valley Hwy., Jackson Co., G-P	<u>31,200</u>
Subtotal	\$581,200
Contingency	<u>3,800</u>
Total	\$585,000

The Commission considered a request from the City of Hillsboro for the State to participate in 50% of the cost for reconstruction of two blocks along First Avenue on the Hillsboro-Silverton Highway in Washington County. The Engineer pointed out that the City's proposed project is five blocks in length; however, only that portion between Walnut and Baseline Streets is on the State highway system. The City will be required to perform all work. The State's participation is limited to \$18,000 to be financed with 1973-75 State Construction Funds. The Commission approved the agreement as recommended and authorized the Secretary to sign it in their behalf.

Confirmation was requested by the Engineer for approval given by Chairman Jackson on March 16, 1973, approving the financing of a traffic signal installation at the intersection of the Astoria Bridge ramp and Marine Drive in the City of Astoria, Clatsop County. The Engineer stated that at the December 12, 1972, Commission meeting approval was given for the installation of these signals to be charged to toll bridge funds. It has since been determined that due to accounting procedures charges against these funds are not possible. It is therefore necessary to charge the estimated \$24,000 to State Construction Funds. The Commission confirmed the financing.

The Engineer reported that under ORS 366.525 Oregon counties will be eligible to receive \$6,320,031.12 as their share of highway user taxes collected during the period January 1 to March 31, 1973. The Commission approved the release of these funds.

Confirmation was requested by the Engineer for telephonic approval given by the Chairman on March 21, 1973, approving the termination of the Berry Creek Construction Company, Contract No. 7843 for the San Marine Wayside Improvement on the Oregon Coast Highway in Lincoln County. The Engineer mentioned that in November 1972, the State entered into this contract with the contractor for \$79,980.40. The contract specified that the State obtain all permits required by local agencies for this construc-

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tion. The State had secured the usual preliminary plan approvals, however, opposition was encountered in getting a Lincoln County Building Permit. He recommended that the contract be terminated and the contractor be paid as follows:

\$4,690.50	for actual bidding and mobilization costs and a small percentage of uncompleted work
\$2,749.50	for unused culvert materials bought by the State and for clearing work performed under a bid item
<u>\$7,440.00</u>	Total payment to contractor

The Commission confirmed the termination of the contract in this manner.

The Engineer presented for confirmation requests from contractors for extensions of time within which to complete highway contracts without assessment of liquidated damages. These requests he said have been carefully investigated and the results of the investigation have been reported to the Commission by letter. The Contractors have also been advised by letter as to the extensions of time. The Commission confirmed extensions of time as follows:

- (1) Powell Roofing and Building Company, Inc., Contract No. 7610 on the Coos River Highway in Coos County, requested an extension of 107 days. The Commission confirmed an extension of 34 days without assessment of liquidated damages. The Engineer stated that it is in the State's best interest to consider the contract complete as of October 27, 1972. Upon the recommendation of the Engineer, the Commission terminated this contract as of October 27, 1972. (For details, see Engineer's letter to the Commission dated March 20, 1973, in the General Files.)
- (2) Workman-Nelson, Contract No. 7745 on the Little Nestucca Highway in Tillamook County, requested an extension of 23 days. The Commission confirmed an extension of 9 days without assessment of liquidated damages.
- (3) Donald M. Drake Company, Contract No. 7741 on the Mt. Hood Highway in Multnomah County, requested an extension of 25 days. The Commission confirmed an extension of 25 days without assessment of liquidated damages. Federal Highway Administration concurred in this action.
- (4) Power City Electric, Inc., Contract No. 7783 on the La Grande-Baker Highway in Baker County, requested an extension of 90 days. The Commission confirmed an extension of 126 days without assessment of liquidated damages. Federal Highway Administration concurred by letter on March 23, 1973.
- (5) Oregon Tractor and Equipment Company, Inc., Contract No. 7756 on the John Day-Burns Highway in Harney County, requested an extension of 75 days. The Commission confirmed an extension of 20 days which will reduce the liquidated damages.

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The Engineer reported that Contract Nos. 7337, 7343, 7549, 7550, 7567, 7664, 7708, 7754, 7756, 7800, 7817, 7830, 7841, and 7848 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. The Commission accepted the contracts by adopting "Contracts Completed Resolution No. 210," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Commission confirmed verbal award of contracts made on March 16, 1973, for bids received March 8, 1973, and confirmed authority for the Secretary to sign the following contracts in their behalf:

BIDS RECEIVED IN SALEM MARCH 8, 1973

Contract No. 7866 for grading, paving, structures, signing and illumination on the Woodburn Interchange-Hayesville Interchange Section of the Pacific Highway in Marion County. Nine bids were received. The Commission accepted the low bid of Gordon H. Ball, Inc., Renton, Washington at \$20,340,000, and the Administrator of Highways was directed to award the contract to said bidder when approval of the Federal Highway Administration is received.

Contract No. 7867 for grading, paving and signals on the Cape Arago Highway-Woodland Drive Section of the Empire-Coos Bay Highway in Coos Bay in Coos County. Two bids were received. The Commission accepted the low bid of Fred H. Slate Company, Portland, at \$1,405,367.50 and the Administrator of Highways was directed to award the contract to the said bidder when approval is received from the City of Coos Bay and the Federal Highway Administration.

Contract No. 7868 for grading, paving and structure on the Willamette River Overflow (Harrisburg) Bridge Section of the Albany-Junction City Highway in Lane County. Eight bids were received. The Commission awarded the contract to the low bidder, Ross Bros. Construction, Inc., Salem, at \$317,233.

Grading and paving N.E. 166th Ave.-N.E. 190th Avenue Section of FAS 730 (Halsey St.) in Multnomah County. This project was withdrawn from the bid opening.

The Commission also confirmed verbal award of contracts made on April 6, 1973, for bids received on March 29, 1973, and confirmed authority for the Secretary to sign the following contracts in their behalf:

BIDS RECEIVED IN SALEM MARCH 29, 1973

Contract No. 7869 for grading, base and structure on the Pine Creek Bridge Section of the Halfway-Cornucopia Highway in Baker County. Two bids were received. The Commission awarded the contract to the low bidder, Baker Redi-Mix, Inc., Baker at \$120,715.

Contract No. 7870 for traffic signal installation on the Marine Drive at Columbia River Bridge (Astoria) Section of the Oregon Coast Highway in Clatsop County. Three bids were received. The Commission awarded the contract to the low bidder, Hamilton Electric, Inc., Eugene, at \$21,984.

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Contract No. 7871 for screen planting in the Baldock Maintenance Station in Multnomah County. Six bids were received. The Commission awarded the contract to the low bidder, Allen's Landscaping, Portland, at \$28,520.

Contract No. 7872 for paving on the Bandon-McTimmons Road Section of the Oregon Coast Highway in Coos County. Three bids were received. The Commission awarded the contract to the low bidder, J. C. Compton Company, McMinnville, at \$209,900.

Contract No. 7873 for rock production on the Rainbow Rock Section of the Oregon Coast Highway in Curry County. Six bids were received. The Commission awarded the contract to the low bidder, Ferry Creek Rock & Concrete, Inc., Brookings, at \$44,800.

Contract No. 7874 for paving on the Dean Creek-Mill Creek Section of the Umpqua Highway in Douglas County. Five bids were received. The Commission awarded the contract to the low bidder, J. C. Compton, McMinnville, at \$265,500.

Contract No. 7875 for paving on the Lake County Line-Gap Ranch Section of the Central Oregon Highway in Harney County. Five bids were received. The Commission awarded the contract to the low bidder, R. L. Coats, Bend, at \$269,980.

Contract No. 7876 for the Willamette Junction Rock Production Project at the junction of the Willamette Highway and The Dalles-California Highway in Klamath County. Three bids were received. The Commission awarded the contract to the low bidder, McCall Crushing, Inc., Seattle, Washington, at \$103,425.

Contract No. 7877 for paving on the Jamieson-Willow Creek Section of the John Day Highway in Malheur County. Five bids were received. The Commission awarded the contract to the low bidder, J. C. Compton Company, McMinnville, at \$225,770.

Contract No. 7878 for the Heppner Rock Production Project on the Wasco-Heppner Highway in Morrow County. Three bids were received. The Commission awarded the contract to the low bidder, Jarl Construction, Inc., The Dalles, at \$46,500.

Contract No. 7879 for the Grass Valley Rock Production Project on the Sherman Highway in Sherman County. Six bids were received. The Commission awarded the contract to the second low bidder, Jarl Construction, Inc., The Dalles, at \$56,550. (Awarded to second low bidder because of irregular low bid. See correspondence in General Files for details.)

Contract No. 7880 for the Ukiah Rock Production Project on the Pendleton-John Day Highway in Umatilla County. Four bids were received. The Commission awarded the contract to the low bidder, D Mc D Logging Company, La Grande, at \$54,000.

Contract No. 7881 for the Elgin Rock Production Project on the Wallowa Lake Highway in Union County. Five bids were received. The Commission awarded the contract to the low bidder, D Mc D Logging Company, La Grande, at \$50,000.

Contract No. 7882 for the Maupin Rock Production Project on The Dalles-California Highway in Wasco County. Six bids were received. The Commission awarded the contract to the second low bidder, Jarl Construction, Inc., The Dalles, at \$47,450. (Awarded to second low bidder because of irregular low bid. See correspondence in General Files for details.)

The Commission confirmed award of the following contracts which were referred to the Administrator of Highways to award when certain conditions were fulfilled:

- (1) Woodburn Interchange-Hayesville Interchange Section of the Pacific Highway in Marion County. Bids received March 8, 1973. Contract No. 7866 awarded March 16, 1973, to Gordon H. Ball, Inc., Renton, Washington, at \$20,340,000.
- (2) Cape Arago Highway-Woodland Drive Section of Empire-Coos Bay Highway in Coos County. Bids received March 8, 1973. Contract No. 7867 awarded March 30, 1973, to Fred H. Slate Company, Portland, at \$1,405,367.50.

Confirmation was requested by the Engineer for approval given by the Chairman on April 6, 1973, awarding a negotiated contract to Wasteco Inc., and Chem-Pure West, Inc., a joint venture, for a sewage disposal facility at the Manzanita Safety Rest Area in Josephine County. The Engineer mentioned that the reason for this contract is due to the expansion of the rest area and the correction of the deficiencies in the existing septic tanks and drain fields. This contract has the approval of the Department of Environmental Quality, the State Department of General Services, and the Federal Highway Administration. The estimated cost is \$140,380 with Interstate participation and the effective date of the agreement is November 30, 1972. The Commission confirmed the contract as recommended and authorized the Secretary to sign it in their behalf.

The Engineer presented a list of construction projects on which bids will be received April 26, 1973. Each project, he mentioned, contains a notification as to plans for the establishment of footpaths and bicycle trails. The Commission approved the following projects:

- (1) Clear Creek Bridge Section
Woodburn-Estacada Highway, Clackamas County
Grade, Pave and Structure Project

Footpaths and bicycle trails will not be established as part of this project as per ORS Chapter 366, Section 2, subsection 2(b) which states that "Footpaths and trails are not required to be established ... if ... the cost of establishing such paths and trails would be excessively disproportionate to the need or probable use."

- (2) UPRR O'Xing-Hood River (Button) Bridge Section
FAS 349, Hood River County
 Grade, Pave and Structure (Co-op) Project

A five-foot sidewalk will be provided along the length of the project. This project was previously on the January 23 agenda.

- (3) Oregon Coast Highway-Waterline Drive (Newport) Section
Naterlin Drive, Lincoln County
 Grade and Pave Project

Same as No. 1. If the need for paths does arise in the future, they can be added at that time.

- (4) Nestucca River (Pacific City) Bridge Section
FAS 618, Tillamook County
 Structure Project

A sidewalk will be provided on the south side of the structure.

- (5) Nedonna Beach-Barview Section
Oregon Coast Highway, Tillamook County
 Overlay Paving Project.

Footpaths or bicycle trails are not incorporated in this project as no new highway construction, reconstruction or relocation is involved.

- (6) Franklin Avenue at Wall Street (Bend) Section
Century Drive Highway, Deschutes County
 Signal Project

Same as No. 5.

- (7) Sutherlin (N.E. First Avenue) Section, Douglas County
 Grade and Pave Project

A five-foot sidewalk will be provided along each side of the project.

The following listed overlay and rock production projects were not included on the agenda for the March 6 meeting. Bids for these projects were received on March 29, 1973. For documentation of our records, footpaths and bicycle trails are not incorporated on these projects as no new highway construction, reconstruction or relocation is involved:

- (8) Rainbow Rock Section
Oregon Coast Highway, Curry County
 Rock Production Project
- (9) Maupin Section, The Dalles-California Highway, Wasco County
 Rock Production Project

- (10) Grass Valley Section, Sherman Highway, Sherman County
 Rock Production Project.
- (11) Willamette Junction Section, Willamette and The Dalles-California Highways, Klamath County
 Rock Production Project
- (12) Heppner Section, Heppner and Heppner-Spray Highways
Morrow County
 Rock Production Project
- (13) Ukiah Section, Pendleton-John Day and
Ukiah-Hilgard Highways, Umatilla County
 Rock Production Project
- (14) Dean Creek-Mill Creek Section
Umpqua Highway, Douglas County
 Paving Project
- (15) Bandon-McTimmons Road Section
Oregon Coast Highway, Coos County
 Paving Project
- (16) Lake County Line-Gap Ranch Section
Central Oregon Highway, Harney County
 Paving Project
- (17) Jamieson-Willow Creek Section
John Day Highway, Malheur County
 Paving Project
- (18) Elgin Section, Weston-Elgin and
Wallowa Lake Highways, Union County
 Rock Production Project

Consideration was given to a request from Tillamook County for an emergency repair project on the Brooten Slough Bridge Section of FAS 621. The Engineer stated that the damages to this bridge occurred during a storm in January 1972. The County has completed the repairs on this structure with its own forces and is requesting that the State seek financial reimbursement from the Federal Highway Administration on its behalf. The repairs amount to approximately \$12,000 and there will be no cost to the State. He mentioned that the County is late in making this request because it inadvertently submitted to Emergency Services for aid from the Office of Economic Preparedness under Public Law 606. The County's request was rejected because the project is on FAS route. Upon his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it when prepared.

The Commission approved cancellation of the following Federal Aid Secondary County projects in Deschutes and Washington Counties as recommended by the Engineer:

(Continued on the next page)

PROPOSED FISCAL YEARS 1972 & 1973 COUNTY FAS PROJECTS

COUNTY	FAS	SECTION & DESCRIPTION	PROGRAMED AMOUNT
<u>Cancellation of Previously Approved Projects</u>			
DESCHUTES	793	Little Deschutes River (Montgomery) Bridge Section (Cancelled because going to use Special Bridge Replacement Funds.)	\$ 80,000
DESCHUTES	924	SP&S Overcrossing Section. Structure only. (Cancelled because of uncertainty of proposed interchange.)	80,000
WASHINGTON	631	Tualatin River (Golf Course Road) Bridge Section. Structure only. (Cancelled because going to use Special Bridge Replacement Funds.)	350,000
TOTAL			\$510,000

NOTE: Federal funds transferred for engineering is \$11,667.
\$11,667 of Federal funds represents \$19,000 of FAS funds.

SUMMARY BY FISCAL YEARS	1972	1973	TOTAL
Allocated funds	\$5,102,000	\$5,090,000	\$10,192,000
Approved Projects (corrected to date)	5,102,000	4,951,000	10,053,000
Unprogramed Balance	---	139,000	139,000
Projects Proposed	---	---	---
Transferred FAS Funds	---	19,000	19,000
Unprogramed Balance	---	120,000	120,000

Consideration was given to contracting in the fall of 1973 the Forest Grove Section Project of the Tualatin Valley Highway in Washington County and authority to reinstate the 2.6 mile project on the current Federal-aid Program XIIA. The Engineer mentioned that this project has been in a holding status pending the final development of the Bureau of Reclamation's Scoggins Creek Dam. Funds for this dam have been authorized and it is now appropriate to finalize the project. He stated that it was originally adopted by the Commission on Program X and all rights-of-way have been acquired. Upon his recommendation, the Commission approved the project estimated to cost \$1,800,000.

Consideration was given to contracting 1.52 miles of the Airport Road-Belt Line Road Section on the Pacific Highway West in Lane County. The Engineer stated that the proposed project adopted in 1971 on Program XIIA has received notice of intent review and design approval from the Federal Highway Administration. Rights-of-way are not required. The total estimated cost for construction is \$800,000 utilizing Federal-aid funds. The Commission accepted the Engineer's recommendation for approval of the project.

Attention was given to paying for the expenses of a Citizens Committee for the establishment of an "Action Plan" process as required by the National Environment Protection Act. The Engineer stated that in establishing this process, it is necessary to have citizens involved. A Committee representing various organizations and governmental units has been appointed by the Administrator. In order to facilitate the operations of this committee, he recommended that the State pay for its members' expenses involving per diem and mileage estimated not to exceed \$2,500. The Commission approved the expenses for Action Plan.

Consideration was given to requests for contracting the illumination of the Longview Bridge Interchange on the Lower Columbia Highway in Columbia County. The Engineer recommended that this project estimated to cost \$75,500 be contracted utilizing Federal-aid Primary Funds as available. The Commission approved the project.

The Commission reappointed Mr. Vern Skoog as Controller for a four-year term commencing May 1, 1973 and adopted "Appointment Resolution No. 31a," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Commission considered the adoption of a policy for implementing a system of administrative directives and a policy for promotion of personnel. The Engineer stated that in January 1973 a system of written internal communications, including administrative directives, was proposed to the staff. Following considerable staff review and discussion, formats and procedures for implementation were established. The Management Policy Statement contains a basic policy statement that requires Highway Commission approval for implementation. The Commission approved the policy statement in principle with the understanding that the operation would be under broad outlines submitted. (Policies on file in General Files, Salem.)

A Quarterly Report of Property Damage Claims for the period from January 1, 1973, through March 31, 1973, was presented by the Engineer. During this period he mentioned that \$57,483.74 had been collected and a total of \$4,310.98 was abandoned. The Commission accepted the report.

The Engineer reported that a portion of the Central Oregon Highway east of Bend from Powell Butte Junction to 4.79 miles east of Buck Creek Road currently is speed zoned for 70 miles per hour. A portion of this section from Buck Creek Road to 4.79 miles east of Buck Creek Road in Deschutes, Lake, Harney and Malheur Counties is presently under construction and it is anticipated that this section will be completed some time in the fall of 1973 to 70 mile-per-hour standards. To provide speed zoning consistent with design standards, he recommended that "Speed Zone Resolution No. 493," dated August 23, 1965, be rescinded and the following speed zones established:

(Continued on the next page)

From Buck Creek Road (M.P. 13.31) to 4.79 miles east of Buck Creek Road (M.P. 18.10) 70 MPH ^{1/}

From 4.79 miles east of Buck Creek Rd. (M.P. 18.10) to 0.72 mile west of the west city limits of Hines (M.P. 128.00) 70 MPH

From the junction of the John Day-Burns Hwy. (M.P. 134.08) to the west city limits of Juntura (M.P. 189.27) 70 MPH

From the east city limits of Juntura (M.P. 189.85) to the Malheur River (M.P. 238.66) . . 70 MPH

^{1/} Basic Rule operation will prevail on this section until construction of the Highway is completed to 70 MPH standards.

The Commission accepted his recommendation and thereupon adopted "Speed Zone Resolution No. 628," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

Consideration was given to the establishment of a construction speed zone between M.P. 289.17 and M.P. 292.91 on the South Tigard Interchange-E. Portland Freeway Section of the Pacific Highway in Washington and Clackamas Counties. The Engineer recommended that a 50 mile-per-hour speed zone be established to be in effect in those sections where construction activities are underway. This amends a portion of "Speed Zone Resolution No. 626," dated March 6, 1973. The Commission accepted his recommendation and thereupon adopted "Speed Zone Resolution No. 629," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

Consideration was given to the abandonment of 1.05 miles of the Eagle Creek-Estacada Section of the Clackamas Highway in Clackamas County to the City of Estacada. The Engineer mentioned that the new section of highway is now complete and open to public travel. Following his favorable recommendation, the Commission approved the abandonment of this section and thereupon adopted "Abandonment Resolution No. 506," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

Attention was given to a letter-form supplemental agreement with the City of Coos Bay covering a deferred payment schedule on a cooperative finance construction project on the Cape Arago Highway-Woodland Drive Section of the Empire-Coos Bay Highway in Coos County. The Engineer mentioned that in December 1966 the State and City entered into an agreement covering this section to be on a 25% City and 75% State cost basis. Bids for this project were received on March 8, 1973. The City's estimated share is \$481,355. The supplemental agreement will allow the City to pay its portion of the cost by making an initial \$75,000 deposit on or before June 1, 1973, and five additional \$75,000 payments by June 1 of the subsequent years through 1978. Upon his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it in their behalf.

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Consideration was given to an agreement with the City of Scappoose and the Scappoose School District for installation of a pedestrian actuated school crossing signal at the intersection of Elm Avenue and US30 in Columbia County. The Engineer mentioned that a large concentration of school children going to and from several schools in the area cross the highway. The estimated cost of the installation is \$4,500 to be shared equally. He stated that upon completion of the project the State will maintain the signal. He recommended approval of the project to be financed from Minor Betterment Funds. The Commission approved the agreement and authorized the Secretary to sign it in their behalf.

The Commission considered an agreement with the Tualatin Rural Fire Protection District for installation of overhead neon signs for the protection of fire equipment and the public south of King City on the Pacific Highway West in Washington County. The Engineer stated that the estimated cost of the project is \$7,000 to be shared equally. The State's share is to be taken from State Construction Funds. The Commission approved the agreement as recommended and authorized the Secretary to sign it in their behalf.

Attention was given to an agreement with Lane County for installation of traffic signals at Irvington Drive on the Junction City-Eugene Highway. The Engineer stated that the agreement provides that the State shall perform the work estimated at \$25,000 and handle future maintenance. The County agrees to pay one-half the installation cost and care for all electrical energy. The State's share is to be taken from State Construction Funds. Upon his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it in their behalf.

The Commission considered an agreement with the City of Salem covering installation of traffic signals at the intersection of Market and Hawthorne Streets, Marion County. The Engineer pointed out that this is a ramp terminal intersection for the Market Street Interchange on the Pacific Highway. The agreement provides that the State shall perform the work. The City is to pay one-half the cost, maintain the installation and pay for the electrical energy. The total estimated cost is \$20,000 to be charged to Minor Betterment Funds. The Commission approved the agreement and authorized the Secretary to sign it in their behalf.

The Commission considered a supplemental agreement with Cornell, Howland, Hayes and Merryfield, Inc., for special services in conducting the comprehensive study of the proposed I-505 Freeway in the City of Portland, Multnomah County. The Engineer stated that appearances before governing bodies, citizens groups, service clubs and other presentations are typical examples of situations where the State could profit by calling on the consultant staff. Upon his recommendation the Commission approved the agreement at a maximum cost of \$4,000 and authorized the Secretary to sign it in their behalf.

The Engineer recommended that parking on highway shoulders be prohibited on both sides of the Lower Columbia River Highway for 200 feet each direction from the access to the Jim Day Auto Wrecking Yard between M.P. 21.99 and M.P. 22.07 in the City of Scappoose, Columbia County. He

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said this prohibition is to relieve a traffic hazard. The Commission approved the parking prohibition and thereupon adopted "No Parking Resolution No. 290," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

Consideration was given to the installation of a traffic signal at the intersection of US101 and Glasgow Road north of the McCullough Bridge in Coos County. The Engineer stated that the installation of this signal is warranted and will improve the operation of traffic through this intersection. The estimated cost is \$40,000 to be financed from Minor Betterment Funds. The Commission approved the traffic signal installation as recommended.

The Commission considered the acceptance of a resolution from Tillamook County to place the traveled portion of the Oregon Coast Highway between Nehalem Junction and Manzanita on the Primary Highway System in Tillamook County. The Engineer stated that this 4.5-mile section of the Oregon Coast route is a county road which has been used as a primary highway for approximately 40 years. He pointed out that to afford a permanent route for this primary highway, the County resolution vests all right, title and interest of Tillamook County in the State and abrogates a November 8, 1935, agreement on this section. Upon the recommendation of the Engineer, the Commission accepted the County's resolution and redesignated the Necanicum Highway from Fishery Point to Nehalem Junction as the Oregon Coast Highway. This designates the section from Fishery Point to Manzanita as a continuous part of the Oregon Coast Primary Highway. The Commission adopted "Primary Highway Designation Resolution No. 48," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Commission considered an agreement with the City of Reedsport for the installation of traffic signals and a revision of the intersection, including construction of a left-turn refuge, at US101 and ORE38 in Douglas County. The Engineer mentioned that the State will pay the entire cost of the intersection revision, traffic signal installation and maintain the signals. The City has indicated that they will pay for future power costs. The estimated cost of the project, including the intersection revision, is \$75,000 to be charged to Minor Betterment Funds. Upon his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it in their behalf.

The Commission confirmed the next Commission meeting date for Tuesday, May 29, 1973, in Room 122 of the State Highway Building in Salem. A tentative date for the following meeting was set for Tuesday, July 10, 1973.

The Commission approved a community lead exposure study in the Portland area by the Oregon Graduate Center at an estimated cost of \$20,000.

A delegation representing the Fossil Community Club and the Wheeler County Planning Commission appeared before the Commission requesting improvement of a 23-mile section south of Spray (M.P. 91) to Rees Humphrey Ranch on Highway 19. The delegation was headed by Herb Wright, accompanied by Judge A. F. Leckie of Wheeler County and Mayor Gus Strecker of Spray. Herb Wright stated that Grant County concurred in their request and asked for a review of the priorities on improving this stretch of highway, considering the future development of the John Day country. Statistics were presented on the highway usage to be made by Kinzua Corporation and indications are that the amount of traffic will increase due to the designation of the John Day Fossil Beds National Monument. Judge Leckie mentioned the economic potential of the John Day Valley. Mr. Wright also asked about the Service Creek-Mitchell Section of Highway 207.

The Chairman indicated that surveys are being made to determine projects and priorities in this area; however, any work done will be of a stop-gap nature until completion of the Interstate System. If the \$150,000,000 bond issue passes, he continued, it will not stretch far enough to cover present needs of some \$550,000,000. Present available funds of \$200,000 will be used on 3½ miles of the Service Creek-Mitchell Section in 1973. The Chairman mentioned that approximately 2½ million dollars have been expended on Highway 19 in the last 10 years.

A delegation from Morrow County appeared before the Commission requesting improvement to Highway 207 south of Heppner. The following persons were present: Judge Paul Jones, Allen Nistad, Homer Hughes, Walter Hayes, and Harold Shear. Judge Jones and Allen Nistad, General Manager of Kinzua Corporation, presented information on increased traffic, including truck hauling, and urged that a comprehensive plan of rebuilding the highway be made.

The Chairman stated that they are aware of the needed improvement of the highway and at the present time, are doing some patching work. There is also a rock production contract underway and it is anticipated that the crews will be doing heavy patching work soon. He stated the Commission will try to do the best they can with the amount of money available.

A delegation from the South Commercial Street Property Owners Association of Salem did not appear concerning the Battle Creek-Talbot Road Section of the Pacific Highway in Marion County. They did, however, submit a petition signed by 154 persons opposing the expenditure of public moneys for safety improvement without a solution to the left-lane exit at Battle Creek and asked that the engineers re-evaluate the section to include a right-lane exit.

Mr. Steve Brooks did appear as an individual and presented a statement reviewing the hazards of this northbound left-hand exit.

The Chairman stated that application has been made to the Federal Highway Administration for changes in this off-ramp. The Engineer expressed appreciation for the public testimony regarding this subject and stated that the testimony has been used in an additional request to the Federal Highway Administration to correct this interchange.

The Commission signed, or authorized the Secretary to sign, the following agreements:

"Bargain and Sale Deed" to NW Natural Gas Company regarding 0.91 acre on Pacific Highway in Washington County.

"Bargain and Sale Deed" to Irving and Dorothy D. Erickson regarding 4,248 square feet on S.W. 21st Street near S.W. Dolph Court for \$1,445.

"Deed" to the City of Sutherlin regarding 0.23 acre on Calapooya Creek-Sutherlin Section, Elkton-Sutherlin Highway in Douglas County.

"Bargain and Sale Deed" to City of Corvallis regarding 0.42 acres on Oak Creek Bridge Section of Corvallis-Newport Highway in Benton County for \$400.

"Indenture of Access" with Emma Ehrlich regarding property on Orleans-Albany-Junction City Highway Section of Corvallis-Lebanon Highway in Linn County.

"Indenture of Access" with C. B. and Bertha J. Keeney covering property on Winston-Shady Interchange Section of Coos Bay-Roseburg Highway in Douglas County.

"Indenture of Access" with Leroy N. and Grace L. Limbaugh covering property on Winston-Shady Interchange Section of Coos Bay-Roseburg Highway in Douglas County.

"Indenture of Access" with J. D. and Bonnie B. Finchum covering property on Patterson Avenue-Klamath Falls-Malin Highway Section of the Klamath Falls-Lakeview Highway in Klamath County.

"Indenture of Access" with Paul and Carole L. Hebb covering property on Rex Hill-Newberg Section of the Pacific Highway West in Yamhill County.

"Indenture of Access" to Robert O. and Mildred J. Goldsmith covering property on Alder Creek-Wildwood Section of Mt. Hood Highway in Clackamas County.

"Indenture of Access" with Barbara J. and Richard M. Baumgardner covering property on Patterson Street-Klamath Falls-Malin Highway Section of Klamath Falls-Lakeview Highway in Klamath County.

"Agreement" with Kaiser Cement and Gypsum Corporation to construct grandstands on their property for viewing the erection of the center span of the Fremont Bridge and to provide a parking area for the public.

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"Modification of Access" to Fredrick W. and Molly M. Cronin covering Tigard-Newberg Section of Pacific Highway West in Washington County.

"Exchange of Easements" with Louis J. and Dawn C. Cowie for roadway purposes on property four miles south of Rogue River, 1½ mile from the Pacific Highway, along Foots Creek County Road, Jackson County.

"Storm drainage easement" to the City of Eugene covering land on proposed Belt Line Road Interchange on proposed Florence-Eugene Highway in Lane County.

"Letter form supplemental agreement" with Clark and Groff Engineers, Inc., pertaining to furnishing of engineering services for a study to determine the most practical method of re-establishing Owens-Illinois private Railroad spur track in Multnomah County.

"Agreement" with four individuals for reconstruction of irrigation facilities on the Ladd Canyon-North Powder Section of the Old Oregon Trail in Union County.

"Agreement" with Oregon Electric Railroad granting the State permanent easements for construction of roadbed and slope and drainage maintenance as well as two temporary construction easements necessary for construction of Sodaville-Vail Creek Section of the Santiam Highway in Linn County.

"Permit of Entry" with Union Pacific Railroad Company granting the State permission to enter upon their property for the purposes of drilling four foundation exploration holes on the N. Going Street Overcrossing at Portland.

"Access agreement" with Bonneville Power Administration pertaining to Meacham-Hilgard Section of the Old Oregon Trail in Umatilla and Union Counties.

"Agreement" between State and permittee of waived signs in which permittee agrees to convey title to said waived sign to the State in consideration of the State leasing back the waived sign to the permittee.

"Agreement" with City of Rockaway conveying title to restroom building and the land adjacent to Rockaway Beach State Wayside.

"Agreement" with North Tillamook County Sanitary Authority for installation of a sewerage collection system and connection to their collection and treatment facilities at Nehalem Bay State Park.

"Agreement" with Clatsop County for preliminary mapping study of 3,670 acres of land in Fort Stevens State Park to be performed by Cornell, Howland, Hayes & Merryfield.

"Renunciation of Devise" to clear estate proceedings of James B. Best denying acceptance of property for park purposes in Eola Hills immediately west of Salem.

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"Negotiated contract" with Wasteco, Inc., and Chem-Pure West, Inc., for a sewage disposal facility at Manzanita Safety Rest Area in Josephine County.

"Letter-form supplemental agreement" with City of Coos Bay regarding deferred payment schedule on Cape Arago Highway-Woodland Drive Section of Empire-Coos Bay Highway.

"Agreement" with City of Scappoose and Scappoose School District for installation of a pedestrian actuated school crossing signal at intersection of Elm Avenue and US30 in City of Scappoose.

"Agreement" with Tualatin Rural Fire Protection District for installation of overhead neon signs for the protection of fire equipment and the public south of King City on Pacific Highway West in Washington County.

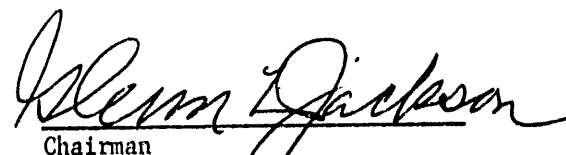
"Agreement" with Lane County for installation of traffic signals at Irvington Drive on Junction City-Eugene Highway.

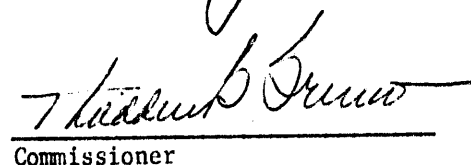
"Agreement" with City of Salem for installation of traffic signals at intersection of Market and Hawthorne Streets.

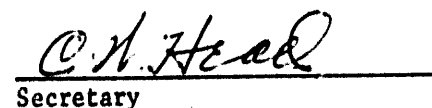
"Agreement" with Oregon Historical Society for preparation of a volume of the Statewide plan for Historic preservation.

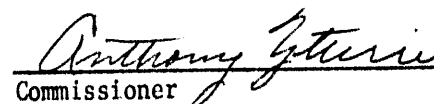
"Supplemental Agreement No. 3" with Cornell, Howland, Hayes and Merryfield, Inc., for special services in conducting comprehensive study of I-505 Freeway in Portland.

The meeting was adjourned by the Chairman at 10:50 a.m.


Chairman


Commissioner


Secretary


Commissioner

April 17, 1973

May 29, 1973
Salem, Oregon

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
Thaddeus B. Bruno, Commissioner
Anthony Yturri, Commissioner
George M. Baldwin, Administrator
F. B. Klaboe, State Highway Engineer
E. S. Hunter, Assistant State Highway Engineer
Walter Barrie, Chief Counsel
David Talbot, State Parks Superintendent
J. B. Boyd, Right of Way Engineer
C. W. Head, Secretary

A. E. Johnson, Deputy State Highway Engineer, was excused as he was on vacation. H. S. Coulter was also excused as he was attending a Federal Highway Administration Workshop.

Others present were: Glen L. Green, Division Engineer, Federal Highway Administration; R. L. Schroeder, Assistant State Highway Engineer; V. E. Skoog, Controller; L. H. Young, Office Engineer; Gary Sund, Director of Public Affairs; Jack Sollis, Assistant Attorney General; Donald N. Harwell, Assistant County and City Engineer; John J. Earley, Information Officer; Kenneth Chatwood, Administrative Right of Way Agent; Robert K. Potter, Coordinator, Oregon Scenic Waterways System; and Russell M. Graham, Assistant Secretary.

The Commission approved the minutes of the meeting held on April 17, 1973.

The Right of Way Engineer presented a list of options, pages 1 through 31, secured for acquisition of real property needed for State highway use or for other purposes. He mentioned that the amounts offered are on or near the appraised values and are in order for Federal-aid. After due consideration, the Commission approved closing the options, including those sent to them by mail since the last Commission meeting, and thereupon adopted "Right of Way Resolution No. 94," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Property Manager's report showing sales of miscellaneous properties and rental receipts for the period from April 1, 1973, to May 10, 1973, was presented by the Right of Way Engineer and accepted by the Commission. During this period miscellaneous sales totaled \$45,861; land sales \$45,241; and timber sales \$1,014.62. Rental receipts for the month of April 1973 amounted to \$58,362.88.

A list of properties needed for highway and other uses was presented by the Right of Way Engineer. He 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 Right of Way Engineer 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

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and thereupon adopted "Condemnation Resolution No. 2608," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

A written report was presented by the Right of Way Engineer and accepted by the Commission showing offers tendered to the owners for acquisition of real property prior to the institution of condemnation proceedings as follows:

CHEMAWA ROAD-HICKORY STREET SECTION OF THE SALEM FREEWAY
MARION COUNTY

R-44624 - Gideon Stolz Company. 61,950 sq. ft. for right of way purposes. Offer \$160,500.00.

COLUMBIA COUNTY LINE-BURLINGTON SECTION OF THE COLUMBIA RIVER
HIGHWAY - MULTNOMAH COUNTY

R-47754 - Gladys M. Yett et vir. 1.85 acres for right of way purposes. Offer \$2,300.00.

LA GRANDE-INTERSTATE 80N SECTION OF THE WALLOWA LAKE HIGHWAY
UNION COUNTY

R-46849 - Reproco, Inc. 600 sq. ft. for right of way purposes. Offer \$6,000.00.

R-46852 - Frances Wertheimer et al. 600 sq. ft. for right of way purposes. Offer \$9,500.00.

R-46862 - Ellen Sanderson. Parcel 1: 900 sq. ft. for right of way purposes; Parcel 2: 350 sq. ft. for permanent easement. Offer \$2,300.00.

R-46863 - Lester Paul Hunter et ux. Parcel 1: 1,450 sq. ft. for right of way purposes; Parcel 2: 350 sq. ft. for permanent easement. Offer \$10,750.00.

R-46871 - Fritz H. Lundgren et ux. Parcel 1: 8,000 sq. ft. for right of way purposes; Parcel 2: 1,075 sq. ft. for permanent easement. Offer \$16,875.00.

R-47365 - John S. Larison et ux. Parcel 1: 1,800 sq. ft. for right of way purposes; Parcel 2: 1,500 sq. ft. and Parcel 3: 3,975 sq. ft. for temporary easements. Offer \$5,000.00.

MT. PISGAH REGIONAL PARK - LANE COUNTY

R-46957 - Elizabeth Hambelton et al. 691 acres for park purposes. Offer \$370,000.00.

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

R-46489 - Ronald D. Rentfrow et ux. 1,894 sq. ft. for right of way purposes. Offer \$1,200.00.

N. E. SANDY BOULEVARD-N. E. GLISAN STREET UNIT OF THE COLUMBIA RIVER-
PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY - MULTNOMAH COUNTY

R-45493 - Joseph P. Judge et ux. 18,049 sq. ft. for right of way purposes. Offer \$31,500.00.

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N. TIGARD INTERCHANGE-HUBBARD INTERCHANGE SECTION OF THE PACIFIC
HIGHWAY - WASHINGTON COUNTY

R-46022 - Ruth D. Simpson. Parcel 1: 0.4 acre for right of way purposes; Parcel 2: 0.02 acre for permanent easement. Offer \$18,300.00.

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

R-45715 - John R. McFarlane. 3.49 acres for right of way purposes. Offer \$28,550.00.

WHITE BRIDGE SECTION OF THE POWERS HIGHWAY - COOS COUNTY

R-47732 - Mary Thomas et al. 20 acres for right of way purposes. Offer \$9,600.00.

Authority was requested by the Right of Way Engineer to offer at public sale nine parcels of property no longer needed for highway purposes. The recommended sale prices are based on competent appraisals and access and other conditions of sale are comparable with situations existing in the vicinity. Signboard and junkyard exclusion clauses are to be included in the deeds. The Commission authorized public sale of the following properties and thereupon adopted "Real Property Resolutions Nos. 594 through 600," which resolutions by this reference are made a part hereof and filed in the Secretary's Office.

- (1) 5.3 acres, File No. 24153, west of Loganberry Lane and south of the Salmon River Highway at the southeast city limits of Sheridan in Yamhill County, for not less than \$4,500. No access will be permitted to the Salmon River Highway. Federal Highway Administration approval is not required. (See "Real Property Resolution No. 594.")
- (2) 2,800 square foot parcel of land, File No. 39138, south of Emigrant Avenue between 19th and 20th Streets in Pendleton on the Old Oregon Trail in Umatilla County, for not less than \$7,000. There will be a 25-foot setback for sight clearance and no access restrictions will be imposed. Sale will be subject to Federal Highway Administration approval. (See "Real Property Resolution No. 595.")
- (3) 5,130 square foot parcel of land, File No. 39139, south of Emigrant Avenue between 19th and 20th Streets in Pendleton on the Old Oregon Trail in Umatilla County, for not less than \$12,825. A 25-foot setback for sight clearance will be required and there will be no access restrictions. Sale will be subject to Federal Highway Administration approval. (See "Real Property Resolution No. 596.")

May 29, 1973

- (4) 7,920 square foot parcel of land, Files Nos. 38246 and 38251, at the southwest quadrant of the Cedar Hills Interchange on the Sunset Highway in Washington County, for not less than \$5,950. Federal Highway Administration approval is not required. (See "Real Property Resolution No. 597.")
- (5) 0.36 acre parcel of land, File No. 43174, between 8th Avenue and the Pacific Highway East in the City of Portland in Multnomah County, for not less than \$46,500. No access will be permitted to the Pacific Highway East. Federal Highway Administration approval is not required. (See "Real Property Resolution No. 598.")
- (6) 11 acres, Files Nos. 19927 and 34741, located south of the Columbia River Highway frontage road, west of the Weber Street Interchange in The Dalles in Wasco County, for not less than \$80,000. Federal Highway Administration approval is not required. (See "Real Property Resolution No. 599.")
- (7) 0.63 acre parcel of land, File No. 27602, on the northwesterly side of the Pacific Highway West approximately eight miles southwest of Tigard in Washington County, for not less than \$630. No access will be permitted to the Pacific Highway West. Federal Highway Administration approval is not required.
- (8) 0.67 acre landlocked parcel, File No. 28650, at the northwest quadrant of Lake Road Interchange on the Cascade Highway in Clackamas County, for not less than \$14,750. No access will be permitted to the Cascade Highway. Federal Highway Administration approval is not required. (See "Real Property Resolution No. 600.")
- (9) 0.35 acre parcel, File No. 40377, on the southerly side of the Old Oregon Trail adjacent to the Wallows Lake Highway Interchange in Union County, for not less than \$280. No access will be permitted to the Old Oregon Trail. Federal Highway Administration approval is not required. (Previously approved on April 17, 1973, as a direct sale to George Kleng, however he is no longer interested in purchasing property.)

Direct sales of five parcels of property were recommended by the Right of Way Engineer. He stated that in each instance the property is no longer needed for highway purposes and because of peculiar conditions, sale is restricted to a single party. Sale prices have been determined by competent appraisals. The Commission approved the following sales and thereupon adopted "Real Property Resolutions Nos. 601 and 602," which resolutions by this reference are made a part hereof and filed in the Secretary's Office.

- (1) To Robert G. Wells, File No. 38971, 0.38 acre parcel in the northeast corner of the intersection of S.W. 22nd and Hailey Streets in Pendleton on the Old Oregon Trail in Umatilla County, for \$900, subject to an easement to maintain the relocated channel of Tutuilla Creek. The purchaser will be required to pay a deferred street assessment if required by the City. No access will be permitted to the Old Oregon Trail. The Federal Highway Administration approved this sale by letter dated May 3, 1973.
- (2) To the City of Grants Pass, File No. M-68, 1.0 acre parcel of land at the corner of 4th and Bridge Streets in Grants Pass on the Redwood Highway in Josephine County, for \$30,000. The State will continue to use this property rent free for a period not to exceed three years until its new maintenance facility is constructed. The City will use a portion of this property to reconstruct a new street and will sell the remainder to the adjacent owners after it is vacated by the State. Federal Highway Administration approval is not required. (See "Real Property Resolution No. 601.")
- (3) To the City of Eagle Point, File No. 8480, abandoned Eagle Point Maintenance Station north of Loto Street between Platt and Royal Avenues on the Lake of the Woods Highway in Jackson County, for \$3,200. Federal Highway Administration approval is not required. (See "Real Property Resolution No. 602.")
- (4) To Roy Kinney, adjacent property owner, File No. 13986, 1.43 acre parcel west of Rogue River Loop Highway about $7\frac{1}{2}$ miles west of Grants Pass in Josephine County, for \$860. The purchaser will be required to construct a fence. Federal Highway Administration approval is not required.
- (5) To Melvin L. and Karen L. Carlson, adjacent property owners, File No. RW-528, 3.83 acres approximately $7\frac{1}{2}$ miles south of Union on the La Grande-Baker Highway in Union County, for \$200. Federal Highway Administration approval is not required.

The Commission approved the following Indentures of Access as recommended by the Right of Way Engineer.

- (1) Arthur H. and Joy L. Ament and Klara Renkert property, File No. 26341, on the easterly side of the relocated Hillsboro-Silverton Highway approximately two miles south of the Pacific Highway West in Yamhill County. Access will be widened from 25 feet to 35 feet and will remain restricted to production and transportation of farm products and ordinary residential purposes only. Federal Highway Administration approval was received September 21, 1972.
- (2) John E. and Elinor Hoole, Sigvart Ellingson, Clinton E. and June Haaby property, File No. 12054, on the relocated Willamette Highway between Pleasant Hill and Dexter in Lane County. One point of access will be changed to better serve the residents on the property. The approach will be widened from 25 feet to 35 feet and will remain restricted to ordinary non-commercial use. Federal Highway Administration approval was received November 1, 1972.
- (3) George and Ruth Chadwick property, File No. 37023, on the Corvallis-Orleans Section of the Corvallis-Lebanon Highway in Linn County. The one point of access will be changed to better serve an established nursery. The approach will remain 35 feet in width and unrestricted as to use. Federal Highway Administration approval was received March 29, 1973.
- (4) William L. Leach, Wallace J. and Dolores D. Barnes property, File No. 37217, on the Corvallis-Orleans Section of the Corvallis-Lebanon Highway approximately $4\frac{1}{2}$ miles east of Corvallis in Linn County. The public record will be corrected to show the location of one 35-foot unrestricted point of access as it was actually constructed. Federal Highway Administration approval was received October 16, 1972.
- (5) Raymond and Carrie S. Sidebottom property, File No. 33013, on the Alder Creek-Wildwood Section on the Mt. Hood Highway in Clackamas County. The public record will be corrected to show the location of one 35-foot unrestricted point of access as it was actually constructed. Federal Highway Administration approval was received April 18, 1973.
- (6) Hastings Bulb Growers, Inc. property, File No. 43860, on the Brookings-Winchuck River Section of the Oregon Coast Highway in Curry County. The location of one 35-foot unrestricted point of access will be changed to correct the public record. Federal Highway Administration approval is not required.

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- (7) Ernest E. Wallin property, File No. 44993, on the Patterson Street-Klamath Falls-Malin Highway Section of the Klamath Falls-Lakeview Highway in Klamath County. The public record will be corrected to show the location of two 35-foot unrestricted points of access. Federal Highway Administration approval was received December 27, 1972.

The Right of Way Engineer requested and the Commission approved the following Grants of Access:

- (1) To Robert E. Rice, File No. 18874, for a 35-foot unrestricted point of access to serve a rock crusher and quarry on the northerly side of the relocated Elkton-Sutherlin Highway approximately $1\frac{1}{2}$ mile west of the Pacific Highway in Douglas County. Mr. Rice is to pay \$400 as determined by staff appraisal. Federal Highway Administration approval was received on March 27, 1973. (Telephonic approval was given by Chairman Jackson on May 3, 1973.)
- (2) To Marvin F. and Helen Ruby and Department of Interior, File No. 24398, for a 35-foot unrestricted point of access to serve a U. S. Post Office on the northerly side of the westbound couplet of the Tualatin Valley Highway in Cornelius in Washington County at no consideration. Federal Highway Administration approval was received on March 14, 1973.

The Commission considered four lease agreements with the State Game Commission for use of property for public parking, angling and a boat launching area to permit public access to the South Umpqua River in Douglas County. The Right of Way Engineer stated that the leases are for an indefinite period of time and the State retains the right to revoke or terminate the lease at any time. The rent is gratis. Upon his favorable recommendation, the Commission approved the following agreements and authorized the Secretary to sign them in their behalf.

- (1) Deady-Shady Section of the Pacific Highway in Douglas County, File Nos. 19344, 19345, and 23022, located in the Green area south of Roseburg.
- (2) Thomas Creek-Tiller Section of the Tiller-Trail Highway in Douglas County, File No. 21594, (14.92-acre material source located approximately 8 miles west of Tiller).
- (3) North Dillard Bridge Section of the Dillard Highway in Douglas County, File No. 8775, located at the South Umpqua River crossing in Winston.
- (4) South Dillard Bridge Section on the north side of Dillard Highway in Douglas County, File No. 6308.

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Confirmation was requested by the Right of Way Engineer for approval given by Chairman Jackson on May 21, 1973, awarding a contract to Paul Bros., Inc., in the amount of \$46,760 located in the Maywood area (N. E. Sandy-N. E. Glisan Section) East Portland Freeway in Multnomah County. The Right of Way Engineer stated that the contract involves equipment rental, removal, seeding, and mulching to provide a more pleasing appearance. Three bids were received. The Commission confirmed the award and authorized the Secretary to sign the contract in their behalf.

Confirmation was requested by the Right of Way Engineer for approval given by Chairman Jackson on April 23, 1973, awarding a demolition contract to Heard Construction Company in the amount of \$4,260 located on S. E. Division-S. E. Foster and N. E. Sandy-N. E. Glisan Sections of the East Portland Freeway in Multnomah County. The contract covers the removal of buildings, rough grading of the area, and the removal of debris. The Commission confirmed the award and authorized the Secretary to sign the contract in their behalf.

The Right of Way Engineer requested confirmation given by Chairman Jackson on May 15, 1973, awarding a demolition contract to William Engelhardt in the amount of \$900 located on the Chemawa Road-Hickory Street Section of the Salem Freeway in Marion County. The contract involves the removal of one house, a carport, out buildings, debris, and rough grading of the area. The Commission confirmed the award and authorized the Secretary to sign the contract in their behalf.

The Commission approved abandonment of the following delinquent rental accounts as recommended by the Right of Way Engineer.

<u>File No.</u>	<u>Name</u>	<u>Reasons</u>	<u>Amount</u>
45443	Kohltfarber	Unable to locate	\$ 486.67
41255	Nybusch	Unable to locate	116.67
40243	Pray	Unable to locate	320.00
44576	Suchanek	Moved, unemployed, no assets	44.87
41625	McClure	Unable to locate	70.00
	Total		\$1,038.21

The Commission considered an agreement with the Southern Pacific Transportation Company in which an easement granted to the State on March 12, 1964, is quitclaimed and a new easement is established for a grade crossing on the Crescent Lake Highway in Klamath County. The Right of Way Engineer mentioned that construction of the actual grade crossing will be done by the Railroad at its own expense. The estimated cost of the signalization and protection of the crossing is \$30,000 to be shared equally. Upon his favorable recommendation, the Commission approved the agreement.

Attention was given to an agreement with the Southern Pacific Transportation Company granting the State permission to enter on their property for the purpose of construction of a new undercrossing at Tualatin of tracks on the Tigard Interchange-East Portland Freeway Section of the Pacific Highway in Washington County. The Right of Way Engineer stated that the agreement covers the construction of the new undercrossing structure, removal of the existing undercrossing structure, and the relocation of 315 feet of spur track serving Northwest Natural Gas. The Railroad will do the necessary work to construct or rearrange their facilities serving Conrad Veneer Company. The estimated cost to the State is \$72,180-92% is eligible for Federal participation. The Commission approved the agreement as recommended by the Right of Way Engineer.

Consideration was given to an agreement with the Southern Pacific Transportation Company granting the State permission to enter on Railroad property to construct the Cook Overcrossing of tracks and Railroad protection on the Tigard Interchange-East Portland Freeway Section of the Pacific Highway in Washington County. The Right of Way Engineer mentioned that the agreement covers removal of the existing overcrossing structure, installation and retirement of drainage and water supply facilities on the Railroad property, relocation of the switch for an industrial spur track, and temporary underground placement of overhead communication lines. The estimated cost to the State is \$70,575-92% is eligible for Federal participation. Upon his favorable recommendation, the Commission approved the agreement.

Consideration was given to an easement indenture with the Southern Pacific Transportation Company granting the State an easement for reconstruction of the Cook Overcrossing across the Railroad's property on the Tigard Interchange-East Portland Freeway Section of the Pacific Highway in Washington County. The Right of Way Engineer pointed out that this easement supplements existing easements given to the State by the Railroad on May 27, 1952, and is granted at no cost to the State. The Commission approved the agreement as recommended by the Right of Way Engineer.

The Commission considered an agreement with the Union Pacific Railroad Company and the City of Portland for the installation, maintenance, operation of a system of interconnected traffic control switches and signs on North Interstate Avenue at North Harding and North Thompson Streets in Multnomah County. The City will install and maintain the entire system of interconnected traffic control switches. The City will be reimbursed for the total estimated cost of \$8,771.10 by the State with 90% Federal participation. The Railroad is to pay 10%. The project will be done under the National Grade Crossing Improvement Program. The Commission approved the agreement as recommended by the Right of Way Engineer.

The Commission considered the termination of an agreement dated July 28, 1961, with the Union Pacific Railroad Company quitclaiming to them all prior rights to the State for the improvement and relocation of the Hermiston-Hinkle Section of the Hermiston Highway in Umatilla County. The Right of Way Engineer mentioned that under the terms of the agreement the work was to have been completed two years from the effective date of the agreement, and the project has not been commenced to date. Upon his favorable recommendation, the Commission approved the agreement.

Attention was given to a trust agreement with the Bonneville Power Administration concerning removal, reconstruction and moving of power transmission line towers and other related work necessary to provide required vertical clearances at the reconstructed ramps to structures overcrossing the Woodburn Interchange-Hayesville Interchange Section of the Pacific Highway in Marion County. The Right of Way Engineer mentioned that the State will be required to deposit \$62,900 of the total estimated cost of \$122,000 with the Bonneville Power Administration as a trust to cover the estimated cost of the survey, design, land, materials, etc. The balance of \$59,100 shall be paid by March 1, 1974, or prior to that date, upon the request of the Bonneville Power Administration. Federal Highway Administration approved this by letter dated April 11, 1973. Upon his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it in their behalf.

Consideration was given to assigning a lease with Robert W. Marcum, M.D. to the First National Bank, Trustee, covering .09 acre at N. E. 47th and the Banfield Freeway in Multnomah County. The Right of Way Engineer stated that Dr. Marcum sold his interest in the property adjacent to the leasehold. The Commission approved the assignment as recommended by the Right of Way Engineer and authorized the Secretary to sign it in their behalf.

A report was submitted by the Chief Counsel and accepted by the Highway Commission concerning cases which have been tried in court since the last Commission meeting summarized as follows:

REPORT OF CONDEMNATION CASES TRIED

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer Before Filing Complaint</u>	<u>Defend- ants' Lowest Demand</u>	<u>Verdict</u>
Max E. Hurlbutt L-6724 R-33145	Clack.	Mt. Hood	\$ 8,500	\$ 11,000 plus attorney & appraisal fees	\$ 12,320

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(Report of Condemnation Cases Tried Cont.)

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer Before Filing Complaint</u>	<u>Defend- ants' Lowest Demand</u>	<u>Verdict</u>
John H. Hastrich L-6677 R-44687	Coos	Empire- Coos Bay	\$ 4,500	\$ 42,075	\$ 6,030
C. H. Patterson L-6844 R-47115	Marion	Pacific	\$ 20,000	\$ 41,000	\$ 25,400
Elsie Weinman L-6873 R-47067	Marion	Pacific	\$ 6,675	\$ 8,500	\$ 7,000
R. Boyd L-6788 R-46769	Mult.	East Portland Freeway	\$ 28,250	\$ 52,271	\$ 37,000
L. V. Sigman L-6797 R-46100	Mult.	East Portland Freeway	\$223,500	\$585,000	\$225,000

REPORT OF TRIAL OF OTHER CASES - STATE PLAINTIFF

<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict or Judgment</u>
Sam Swope L-6440	Deschutes	Property Damage	\$ 206.48	\$ 206.48
Leo Hellon L-6452	Jefferson	Property Damage	\$ 1,612.69	\$ 1,612.69
Alan Crain L-6443	Klamath	Property Damage	\$ 82.20	\$ 82.20
Joseph L. Hampton L-6925	Lane	Forcible Entry and Detainer and back rent	Possession of premises and judgment \$ 1,017.50 (delinquent rent)	Possession of premises and judgment \$ 1,017.50

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(Report of Trial of Other Cases - State Plaintiff Cont.)

<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict or Judgment</u>
Charles Chaisson L-6691	Marion	Property Damage	\$ 865.37	\$ 865.37
Arnold Pitts L-6699	Mult.	Property Damage	\$ 161.91	\$ 161.91
Peter L. Pray L-6926	Mult.	Forcible Entry and Detainer	Possession of premises	Possession of permises

REPORT OF TRIAL OF OTHER CASES - STATE DEFENDANT

<u>Plaintiff</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict or Judgment</u>
Donald N. Gesner L-6758	Benton	Property Damage	\$ 288.90	\$ *
		*The State Highway employee who was sued paid \$13.00 to have a jury trial on the matter and the plaintiff did not file a complaint in District Court; therefore the case has been closed.		
James Hinkel L-6431	Clack.	Property Damage	\$ 8,593.00	Directed verdict for defendant
Robert Leigh L-6739	Clack.	Personal Injury	\$ 50,000.00	*
		*Demurrer on behalf of State sustained. Plaintiff does not plead over judgment for defendant with prejudice.		
Ronald Yarmer L-6496	Columbia	Personal Injury	\$ 50,875.00	Verdict for defendant
Beverly Jean Maurer L-6565	Coos	Personal Injury	\$280,000.00	Verdict for defendant
Lucille Snowgoose L-6593	Klamath	Personal Injury	\$ 32,100.00	Suit dismissed as to State

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(Report of Trial of Other Cases - State Defendant Cont.)

<u>Plaintiff</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict or Judgment</u>
Julia D. Nelson L-6738	Klamath	Wrongful Death	\$250,941.00	Defendant's demurrer sustained with prejudice
Mary Williams L-6721	Lane	Property Damage	\$ 117.95	\$ 294.25*
		*After the case was instituted it was determined that there were more damages to the plaintiff's vehicle than had been anticipated, and the insurance company felt there was liability and settled for \$294.25.		
Gordon Jarrell and Greyhound Lines, Inc. L-6654	Mult.	Personal Injury	\$ 76,955	Non-Suit as to State Highway employees
Leonard Lanning L-6722	Linn	Property Damage from flooding	\$ 16,498.53 plus \$ 5,000.00 attorney fees	\$ 10,298.53
Betty O'Neal L-6526	Malheur	Personal Injury	\$ 32,259.22	Dismissed with prejudice
Richard Everett L-5953	Mult.	Personal Injury	\$ 40,950.00	*
		*It was determined after the cases were instituted that the highway was under the jurisdiction of the Federal Government and the plaintiff instituted action in Federal Court recovering damages there. They are still working on the matter in Federal Court. The State court cases have been dismissed without prejudice with the right to refile no later than October, 1973, in the event they are not satisfied with the judgment in Federal Court.		
Ronda Denney L-5954	Mult.	Personal Injury	\$ 27,850.00	*
		* (See above - L-5953, Richard Everett)		

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(Report of Trial of Other Cases - State Defendant Cont.)

<u>Plaintiff</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict or Judgment</u>
Stanley Girt L-6095	Mult.	Personal Injury	\$ 24,233.25	*
	* (See above - L-5953, Richard Everett)			
Greyhound Lines L-6598	Mult.	Property Damage to Greyhound bus	\$ 16,000.00 damage to bus, plus loss of use (unspecified amount)	Non-Suit with prejudice
Richard Daugherty L-6541	Wash.	Wrongful Death	\$151,875.00	\$ 50,000.00
Clayton J. Nyberg L-6634	Wash.	Land Damage	\$ 20,240.00	Demurrer sustained as to State
Clayton Nyberg L-6651	Wash.	Inverse Cond.	\$ 20,000.00	Voluntary dismissal with prejudice as to the State

(For additional details, see the Chief Counsel's letter dated May 24, 1973, entitled Report of Cases Tried on file in the General Files, Salem.)

The Commission considered and accepted a report made by the Chief Counsel concerning cases which have been settled out of court since the last Commission meeting summarized as follows:

REPORT OF CONDEMNATION CASES SETTLED

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer</u>	<u>State's Highest Appraisal</u>	<u>Amount of Settlement</u>
Board of American Missions of the Luthern Church L-6672 R-46321	Clack.	Mt. Hood	\$10,700	\$11,200	\$13,500

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(Report of Condemnation Cases Settled Cont.)

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer</u>	<u>State's Highest Appraisal</u>	<u>Amount of Settlement</u>
Harry W. Jackson L-6732 R-43570	Clack.	Mt. Hood	\$ 3,600	\$ 6,000	\$ 6,750
J. R. Goerke L-6787 R-44863	Mult.	East Portland Freeway	\$13,500	\$15,000	\$17,000
L. K. McKown L-6913 R-46401	Mult.	East Portland Freeway	\$ 950		Voluntary Non-Suit
Ernest W. Pallin L-6920 R-47302	Tillamook	Oregon Coast	\$ 5,800 including \$ 1,400 fencing	\$ 4,400	\$ 6,500
T. W. Samuel L-6907 R-46046	Wash.	Pacific	\$31,100	\$31,100	\$34,000
Elton A. Gradin L-6840 R-44840	Mult.	Mt. Hood	\$ 2,850	\$ 2,850	\$ 2,850
C. B. Keeney L-6818 R-45240	Douglas	Coos Bay-Roseburg	\$ 3,650	\$ 800	\$ 1,500
United Development Co. L-6887 R-44259	Marion	Pacific	\$10,000	\$10,000	\$10,000
B. O. Taskinen L-6687 R-45962	Mult.	East Portland Freeway	\$17,000	\$17,900	\$21,500

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(Report of Condemnation Cases Settled Cont.)

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer</u>	<u>State's Highest Appraisal</u>	<u>Amount of Settlement</u>
J. A. Robbins L-6798 R-46456	Mult.	East Portland Freeway	\$18,000	\$30,550	\$25,000
Cecil J. Shuler L-6898 R-46765	Mult.	East Portland Freeway	\$ 4,150	\$ 4,500 (partial taking)	\$22,000 (entire taking)
Christian L. Engleman L-6558 R-46125	Tillamook	Oregon Coast	\$ 725	\$ 725	\$ 1,500
C. A. Miler L-6800 R-46455	Mult.	East Portland Freeway	\$78,500	\$111,505	\$118,200
Katsumi Nakayama L-6872 R-46394	Mult.	East Portland Freeway	\$12,575	\$12,575	\$15,500
George W. Curl L-6915 R-46767	Mult.	East Portland Freeway	\$ 1,000	\$ 1,000 (partial taking)	\$11,500 (entire taking)
Louis V. Schweiger* L-6623 R-45002	Klamath	Klamath Falls-Lakeview	\$ 7,825		Dismissed
Helen P. Huff* L-6861 R-45864	Mult.	East Portland Freeway	\$15,500		Dismissed
Edwin Crabtree* L-6850 R-44706	Coos	Cape Arago	\$ 450		Dismissed

*The above cases have been settled by option by the Right of Way Department.

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(Report of Condemnation Cases Settled Cont.)

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer</u>	<u>State's Highest Appraisal</u>	<u>Amount of Settlement</u>
Lee Altendorf* L-6828 R-45208	Douglas	Coos Bay-Roseburg	\$10,425		Dismissed
Robert H. Buck* L-6556 R-44982	Klamath	Klamath Falls-Lakeview	\$ 1,525		Dismissed

*The above cases have been settled by option by the Right of Way Department.

REPORT OF OTHER CASES SETTLED

<u>Plaintiff</u>	<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Settlement</u>
Linda Marie Bridgham L-6564	State of Oregon	Coos	Personal Injury	\$100,000.00	\$ 1,000
State of Oregon L-6936	Denton Osburn Cox	Crook	Property Damage	\$ 178.39	Payment in full
State of Oregon L-6569	Lester Simmons	Douglas	Property Damage	\$ 220.14	\$ 254.24 Damages plus costs
John Bahr L-6085	State of Oregon	Douglas	Flood Damage	\$ 10,000.00	\$ 250.00
Aaron Matthews L-6671	State of Oregon	Douglas	Flood Damage	\$ 50,000.00	\$ 625.00
State of Oregon L-6801	Joseph Hampton	Lane	Forcible Entry and Detainer	Possession of premises	* *State obtained a judgment for \$1,017.50 for delinquent rent which the Hampton's are paying off at \$50 per month.

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(Report of Other Cases Settled Cont.)

Plaintiff	Defendant	County	Cause of Action	Demands of Plaintiff	Settlement
State of Oregon L-6930	Barry Kilpartick	Lane	Property Damage	\$ 257.27	\$ 257.27 plus \$ 50.00 attorney fee
State of Oregon L-6859	John Kacheturian	Marion	Forcible Entry and Detainer	Possession of premises	*
*Defendants moved out after action filed.					
State of Oregon L-6934	F. B. Truck Line	Marion	Property Damage	\$ 274.79	\$ 336.29
State of Oregon L-6831 R-45429	Don Anderson	Mult.	Forcible Entry and Detainer	Possession of premises	*
*Defendant moved out after action filed.					
State of Oregon L-6832 R-45443	Mary Kohltfarber	Mult.	Forcible Entry and Detainer	Possession of premises	*
*Defendant moved out after action filed.					
Marvin Conley L-6854	State of Oregon	Mult.	Action at Law for money along with specific performance	\$ 13,300.00 plus \$ 1,000.00 plus \$ 1,500.00 attorney fees	\$ 13,300.00 plus \$ 380.00 interest on loan on house
Brenda Hooper L-6857	George Lee	Mult.	Personal Injury	\$ 10,457.25	\$ 3,000.00
State of Oregon L-6923	Dick Waddington	Mult.	Forcible Entry and Detainer	Possession of premises	*
*Defendant moved out after action filed.					

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(Report of Other Cases Settled Cont.)

Plaintiff	Defendant	County	Cause of Action	Demands of Plaintiff	Settlement
State of Oregon L-6924	Sharon McClure	Mult.	Forcible Entry and Detainer	Possession of premises	*
*Defendant moved out after action filed.					
State of Oregon L-6931	Midwest Pacific Coast Argicultural Co-op	Mult.	Property Damage	\$ 283.97	*
*Case abandoned after it was determined that defendant had no assets.					
Brown & Root, Inc. L-6612	The Tug Tyee	U. S. District Court	Property Damage	\$ 22,962.64 plus int. from date of loss	\$ 17,500.00

(For additional details, see the Chief Counsel's letter dated May 24, 1973, entitled Report of Cases Settled filed in the Salem Office, General Files.)

A report was presented by the Chief Counsel and accepted by the Highway Commission regarding the institution of legal proceedings which have been commenced since the last Commission meeting and summarized as follows:

- (1) John Gustafson vs. Glenn L. Jackson et al, L-6932. Plaintiff seeks \$4,262.93 due to an accident on November 28, 1972, approximately 3/4 of a mile west of Willamina between Willamina and Valley Junction on the Salmon River Highway in Polk County. Plaintiff alleges that his log truck dropped in a chuck hole on the right hand shoulder of the road which snapped the steering mechanism causing it to go into a ditch and strike a utility pole.
- (2) Helen R. Scott vs. State of Oregon, L-6935. This inverse condemnation suit was filed by Mrs. Scott after the State refused to approve the construction of the building painted glossy white within the limits of the scenic rivers jurisdiction on the Rogue River in Josephine County. The complaint contends that by reason of the refusal to allow her to paint the house she wanted to construct glossy white, her land has been taken and she asks for a ruling of the Court that a taking has been accomplished, that the land be transferred to the State, and that she be paid \$25,000.

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- (3) Chinook Harbor, Inc. vs. Willamette-Western Company, et al, L-6976. Plaintiff seeks \$45,392 for damages and loss of income. Alleges that debris accumulated around the piers under construction for the new Kernville Bridge in Lincoln County and as a result of the collection of debris, water backed up in the Siletz River and properties adjacent to the river were flooded.

The Chief Counsel reported that he has reviewed the approximately 50 hardship cases on the Mt. Hood Freeway. He stated that he did not feel that all of those cases were genuine hardships and some were being reviewed for additional information. Affidavits were prepared and signed by 11 property owners and attached to a motion filed in Federal Court to have the 11 properties proved as hardships. The plaintiffs have filed motions for summary judgment on certain points of the case, and the Court has not yet taken any action on the State and Federal defendant's motion to dismiss.

The Chief Counsel referred to the billboard arbitration agreement which the Commission approved at the March 6, 1973, meeting. He mentioned that all of the billboard companies have signed the agreement and the State would now proceed with arbitration. It is also possible that some of the companies may want out and take the California plan which has already been approved by the Federal Highway Administration. The Chairman mentioned that the Commission is interested in when the first sign is removed. The Chief Counsel said that the State is moving on this as fast as possible.

The Chairman asked if there was a resolution or an agreement with the City of Portland or Multnomah County covering the Mt. Hood Freeway specifically agreeing to the Powell Corridor. The Chief Counsel stated that there was one agreement with the City concerning setting up the Mt. Hood Freeway information office as a liaison with the City and the State in administering the corridor. He said the City and County appeared at the corridor hearing and the State does have their statement of intent approving the present corridor but there is no throughway agreement or any other agreement binding the City or County to the presently approved corridor.

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The Commission approved the payment of the annual dues of \$350 to the National Conference on State Parks as recommended by the Parks Superintendent.

The Commission reappointed the following individuals to the State Parks and Recreation Advisory Committee for four-year terms as recommended by the Parks Superintendent. Both appointments have the Governor's approval.

- (1) Alfred D. Collier commencing August 8, 1973.
- (2) P. M. Stephenson commencing August 23, 1973.

The Commission considered the appointment of A. W. Sweet of North Bend to the State Parks and Recreation Advisory Committee for a four-year term beginning May 29, 1973. The Parks Superintendent stated that Mr. Sweet has been contacted and is willing to serve on this committee. He would replace Don McGregor. The Commission approved the appointment which has the approval of the Governor.

Attention was given to an agreement with John H. Atherton, Professor of Anthropology at Portland State University, for directing archeological investigations between June 18 and August 10, 1973, in Champoeg State Park in Marion County. The Parks Superintendent mentioned that this project follows from preliminary field work conducted in 1972 and from the study of Champoeg history and park development prepared for the Highway Commission by the National Park Service in 1962. The objective is to recover data concerning daily life of inhabitants of the settlement for purposes of interpretation to park visitors. Upon his favorable recommendation, the Commission approved the agreement in the amount of \$3,500 and authorized the Secretary to sign it in their behalf.

Consideration was given to a one-year lease agreement with Kenneth Pruitt from June 1, 1973, to May 31, 1974, for a concession at the Frenchglen State Wayside in Harney County. The Parks Superintendent pointed out that the agreement with Mr. Pruitt is essentially on the same terms and conditions as the previous lease. This will provide the Parks Branch an interim period to determine if the current hotel operation is satisfactory, or if other management should be considered. Upon his recommendation, the Commission approved the lease and authorized the Secretary to sign it in their behalf.

Consideration was given to an agreement with the State Forestry Department for the repair of Tussock Moth damaged areas involving approximately 160 acres in the Hilgard-Perry Scenic Strip in Union County. The maximum cost to the State for timber cleanup and reforestation is \$20,000 and will be offset by revenues from timber sales. Upon the Parks Superintendent's favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it in their behalf.

The Commission considered a request from R. H. Morrison for development of Juniper Springs Resort within the Deschutes River Scenic Waterway approximately $\frac{1}{2}$ mile downstream from Pelton Re-regulating Dam in Jefferson County. The Parks Superintendent stated that Mr. Morrison

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requests approval in principle of changes of land use allowing subdivision and development of sites for conventional houses, a transient, public trailer facility, a motel and an area for various commercial public service facilities. He stated that Mr. Morrison is aware that the Commission cannot approve actual construction until plans are submitted but wishes to settle the basic question of land use before proceeding. Upon the recommendation of the Parks Superintendent, the Commission approved the changes of land use as requested stipulating that Mr. Morrison's plans are developed in accordance with requirements of the Jefferson County Planning Commission, County Court, County Sanitarian, State Health Division, Environmental Quality Commission and other agencies having jurisdiction.

Consideration was given to an agreement with Willamalane Park and Recreation District for development and management of the State-owned portion of the land owned by Ben and Kay Dorris having extensive river frontage near Springfield in Lane County. The Parks Superintendent mentioned that the District has arranged purchase of the balance of the Dorris ownership under the Willamette Greenway Program. The agreement provides for development and management of the State-owned portion of the property, as an integral part of the Recreation District's park development on their portion of the property. The initial lease is for a 25-year period. The Bureau of Outdoor Recreation, which is participating in the purchase of these lands, has approved the agreement. Upon his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it in their behalf.

The Commission considered the acceptance of an option from P. B. Wickham to purchase two lots (each 1.4 acres in size) which adjoin Alameda Park approximately 4 miles upstream from Grave Creek on the Rogue River in Josephine County. The Parks Superintendent stated that options have been obtained at the reviewed appraisal figure of \$4,500 each. He recommended acceptance of the option to purchase both lots to assure protection of the area in terms of the Scenic Waterways Act. The Commission accepted his recommendation.

The Commission approved an increase in the project authorization recommended by the Engineer as follows:

- (1) Graham Electric Company, Contract No. 7735 for a traffic signal on the Cascade Highway at Otty Road in Clackamas County, for \$2,287.45 (13.5%). Relocating the controller base and one signal pole base was given as the reason for the overrun as the County plans to widen Otty Road.

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Consideration was given to the revision of ORE32 route which duplicates U. S. Routes 395 and 730 in Umatilla and Morrow Counties. The Engineer stated that the route now carries the U. S. Route numbers of 730 and 395 as well as ORE32. By removing the ORE32 route shield, this will provide safer travel directions to traffic using the route. He stated that the various governmental parties involved have been contacted and approve the revision. The Commission approved the Engineer's recommendation.

Based on the Engineer's favorable recommendation, the Commission approved payment of \$240 to the American Public Works Association to cover dues for 16 Highway members from May 1973 to May 1974.

Attention was given to approving the sharing of the cost overrun of a TOPICS project on Wightman Street-Walker Avenue Section at Siskiyou Boulevard (Rogue Valley Highway) in the City of Ashland, Jackson County. The Engineer pointed out that this project is for widening Siskiyou Boulevard. The project also includes sidewalks, bike trails and a traffic signal at the Green Springs Highway intersection. The total estimated cost is \$200,000 which exceeds the City's available TOPICS funds by \$94,000. The City has requested that the State share this overrun on a 50/50 basis. He stated that the cost to the State would be \$47,000, in addition to the State's 20 percent share of the TOPICS fund (\$21,200), for a total estimated cost of \$68,200. Upon his favorable recommendation, the Commission approved the sharing of the cost overrun on this project.

The Engineer presented for confirmation requests from contractors for extensions of time within which to complete highway contracts without assessment of liquidated damages. These requests he said have been carefully investigated and the results of the investigation have been reported to the Commission by letter. The contractors have also been advised by letter as to the extensions of time. The Commission confirmed extensions of time as follows:

- (1) Graham Electric Company, Contract No. 7747 on Pacific Highway West at Villa Road in Newberg, Yamhill County, requested an extension of 45 days. The Commission confirmed an extension of 45 days, which eliminated all liquidated damages.
- (2) Wildish Construction Company, Contract No. 7499 on the Pacific Highway in Lane County, requested an extension of 66 days. The Commission confirmed an extension of 45 days, which will reduce the liquidated damages. The Federal Highway Administration concurred April 17, 1973.
- (3) Evergreen Landscaping, Inc., Contract No. 7687 on the Pacific Highway in Clackamas County, requested an extension of 6 days. The Commission confirmed an extension of 6 days, which will delete all but two days of liquidated damages. The Federal Highway Administration concurred April 9, 1973.
- (4) James A. Seiwald, Contract No. 7855 for South Beach Utility Building in Lincoln County, requested an extension of 59 days. The Commission confirmed an extension of two months, which will extend the completion date to July 31, 1973.

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- (5) C. H. Savage Company, Contract No. 7614 for Coos Bay (McCullough) Bridge painting on Oregon Coast Highway in Coos County, requested an extension of 150 days. The Commission confirmed an extension of 58 days.
- (6) Hamilton Electric Company, Contract No. 7688 for Astoria Traffic Signal on Columbia River Highway in Clatsop County, requested an extension of 4 days. The Commission confirmed an extension of 4 days, which will delete all liquidated damages. The Federal Highway Administration concurred May 9, 1973.
- (7) Ross Bros. Construction, Inc., Contract No. 7821 in Silver Falls State Park in Marion County, requested an extension of 39 days. The Commission confirmed an extension of 39 days (completion date June 8, 1973), which should eliminate any liquidated damages.
- (8) Hansen Electric Company, Contract No. 7798 in Coquille on the Coos Bay-Roseburg Highway in Coos County, requested an extension of 70 days. The Commission confirmed an extension of 70 days, which will delete all liquidated damages.
- (9) Rogers Construction Company, Contract No. 7764 on FAS 470 in Umatilla County, requested an extension of time on Phase "A". The Commission confirmed an extension of 19 days, which will reduce the liquidated damages on the project to 37 days.
- (10) Riverside Construction Inc. and Richard Garland, Contract No. 7550 on the Albany-Lyons Highway in Marion and Linn Counties, requested an extension of 158 calendar days. The Commission confirmed an extension of 124 days, which will delete all liquidated damages.

The Engineer reported that Contract Nos. 7214, 7499, 7514, 7554, 7669, 7697, 7699, 7703, 7739, 7747, 7769, 7798, 7801, 7819, 7831, 7834, and 7837 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. The Commission accepted the contracts by adopting "Contracts Completed Resolution No. 211," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

The Commission confirmed verbal award of contracts made on April 30, 1973, for bids received April 26, 1973, and confirmed authority for the Secretary to sign the following contracts on their behalf:

(Contracts listed on next page.)

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BIDS RECEIVED IN SALEM APRIL 26, 1973

Contract No. 7884 for grade, pave and structure on the Clear Creek Bridge Section of the Woodburn-Estacada Highway in Clackamas County. Ten bids were received. The Commission awarded the contract to the low bidder, Holst Construction Company, Oakridge, at \$110,921.50.

Contract No. 7885 for traffic signal installation on Franklin Avenue at Wall Street in Bend on the Century Drive Highway in Deschutes County. Four bids were received. The Commission accepted the low bid of Olson Electric Company, Inc., Vancouver, Washington, at \$9,169 and the Administrator of Highways was directed to award the contract to said bidder when the City of Bend approves the project and deposits \$5,390.

Contract No. 7886 for grading and paving on N. E. First Avenue in Sutherlin in Douglas County. One bid was received. The Commission accepted the lone bid of Roseburg Paving, Inc., Roseburg, at \$21,329.30 and the Administrator of Highways was directed to award the contract to said bidder when the City of Sutherlin approves the project and deposits \$5,510.

Drain Rock Production Project on Drain-Yoncalla Highway in Douglas County. No bids were received.

Grading, paving and structure on the UPRR O'King-Hood River (Button Bridge) Section of FAS Route 349 at Hood River in Hood River County. This project was withdrawn from the bid opening.

Contract No. 7887 for paving on the Narrows-Valley Falls Section on the Fremont Highway in Lake County. Eight bids were received. The Commission awarded the contract to the low bidder, Klamath Paving Company, Klamath Falls, at \$438,692.

Contract No. 7888 for grading and paving on the Oregon Coast Highway-Naterlin Drive Section in the City of Newport in Lincoln County. Three bids were received. The Commission accepted the low bid of Road & Driveway Company, Newport, at \$19,337 and the Administrator of Highways was directed to award the contract to said bidder when approval of the City of Newport and the Federal Highway Administration is received and the City deposits \$5,400.

Contract No. 7889 for paving on the Idaho Line-Sheaville Section of the I. O. N. Highway in Malheur County. Nine bids were received. The Commission awarded the contract to the low bidder, L. W. Vail Company, Inc., Pasco, Washington, at \$516,780.

Contract No. 7890 for paving on the Nedonna Beach Road-Barview Section of the Oregon Coast Highway in Tillamook County. Four bids were received. The Commission awarded the contract to the low bidder, J. C. Compton Company, McMinnville, at \$256,465.

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(Bids Received in Salem April 26, 1973 Cont.)

Contract No. 7891 for the Meacham Rock Production Project on the Old Oregon Trail in Umatilla County. Four bids were received. The Commission awarded the contract to the low bidder, Jarl Construction, Inc., The Dalles, at \$58,500.

The Commission confirmed award of the following contracts which were referred to the Administrator of Highways to award when certain conditions were fulfilled:

- (1) N. E. First Avenue in Sutherlin in Douglas County. Bids received April 26, 1973. Contract No. 7886 awarded May 8, 1973, to Roseburg Paving, Inc., Roseburg, at \$21,329.30.
- (2) Oregon Coast Highway-Waterlin Drive Section in the City of Newport in Lincoln County. Bids received April 26, 1973. Contract No. 7888 awarded April 30, 1973, to Road and Driveway Company, Newport, at \$19,337.
- (3) Traffic signal installation on Franklin Avenue at Wall Street in City of Bend on Century Drive Highway. Bids received April 26, 1973. Contract No. 7885 awarded May 22, 1973, to Olson Electric Company, Inc., Vancouver, Washington, at \$9,169.

The Engineer presented a list of construction projects on which bids were received May 24, and on which bids will be received on June 7 and 21, 1973, (June 7 and 21, 1973 bid dates were postponed to June 28 and 29, 1973, due to the labor dispute). Each project, he mentioned, contains a notification as to plans for the establishment of footpaths and bike trails. The Commission approved the following projects:

May 24, 1973 Bid Letting

- (1) Halsey Intchge-Lane County Line Section
Pacific Hwy., Linn County
Roadside Improvement Project

Footpaths or bicycle trails are not incorporated in this project as no new highway construction, reconstruction or relocation is involved.

- (2) Terwilliger Boulevard Intchge.
Pacific Hwy., Multnomah County
Roadside Improvement Project

Same as No. 1.

May 29, 1973

(May 24, 1973 Bid Letting Cont.)

- (3) Auburn Ave.-Estes Ave. (Baker) Section
Baker-Unity Hwy., Baker County
Grade and Pave

Footpaths and bike trails will not be established under these projects as per ORS Chapter 366, Section 2, subsection 2(c) which states that "Footpaths and Bike Trails are not required to be established...where... other available ways or other factors indicate an absence of any need for such paths and trails." There are existing sidewalks along this project.

- (4) E. Main St.-Homedale Road (Klamath Falls) Section
Klamath Falls-Lakeview Hwy., Klamath County
Signal Project

Same as No. 1.

- (5) Tualatin (80th Ave.) Section
Washington County
Grade and Pave Project

Sidewalks are proposed by the City and will be constructed on each side of 80th Avenue at a future date when financing is available. The project calls for construction of a berm behind the curbs to accommodate the future sidewalks.

- (6) Lafayette (7th Street Extension) Section
Yamhill County
Grade and Pave Project

Footpaths and bike trails will not be established under this project as per ORS Chapter 366, Section 2, subsection 2(b) which states that "Footpaths and bike trails are not required to be established...if the cost of establishing such paths and trails would be excessively disproportionate to the need or probable use."

Due to the anticipated lack of use and the short length of this project, the construction of footpaths and bike trails would not be practical.

- (7) Clatskanie (Nehalem Street) Section
Columbia County
Grade and Pave Project

Same as No. 5.

May 29, 1973

(May 24, 1973 Bid Letting Cont.)

- (8) Lowell (Cannon & Hyland Streets) Section
Lane County
 Grade and Pave Project

Same as No. 9.

- (9) Cave Junction (Junction Ave.) Section
Josephine County
 Paving Project

Same as No. 5.

- (10) Gold Hill (5th Ave.) Section
Jackson County
 Paving Project and Grading

Same as No. 9.

- (11) Richland (3rd Street) Section
Baker County
 Grade and Pave Project

Same as No. 9.

- (12) Odell Lake Section, Willamette and The Dalles-
 California Hwys., Klamath County
 Rock Production Project

Same as No. 1

- (13) Santiam Section, North & South Santiam and
 McKenzie Hwys., Linn County
 Rock Production Project

Same as No. 1.

- (14) Charleston (Slough) Bridge and Eastside (Isthmus
 Slough) Bridge of Cape Arago and Coos Hwys., Coos County
 Painting Project

Same as No. 1.

- (15) River Road at Irvington Drive Section
Junction City-Eugene Hwy., Lane County
 Signal Project

Same as No. 1.

June 7, 1973 Bid Letting
 (Later Postponed)

- (1) South Tigard Intchge-East Portland Fwy. Intchge Section
Pacific Hwy, Washington and Clackamas Counties
 Grade, Pave, Structure and Sign Project

Sidewalk/bicycle facilities will be provided on the freeway overcrossing structures and not along the freeway, as alternate bike routes will be available along other roadways which connect the population centers. It is felt that with the other available ways the cost of establishing a bike trail along the freeway would be disproportionate to the use.

- (2) Marquam Bridge-S.W. Spring Garden Street Section
Pacific Hwy., Multnomah County
 Headlight Anti-glare Screening

Footpaths or bicycle trails are not incorporated in this project as no new highway construction, reconstruction or relocation is involved.

- (3) N.E. 122nd Avenue Intchge Section
Columbia River Hwy., Multnomah County
 Landscaping Project.

Same as No. 2.

- (4) Airport Road-Belt Line Road Section
Pacific Hwy. West, Lane County
 Grade and Pave Project

I would cite paragraphs 2(b) and 2(c) of ORS Chapter 376 as being reasonable justification for eliminating the necessity for a footpath/bicycle facility in the project. The cost would be disproportionate to need or probable use as other parallel and more desirable routes are available.

- (5) Pleasant Valley-Green Timber Road Section
Oregon Coast Hwy., Tillamook County
 Grade and Pave Project

An 8-foot-wide, fully separated bikeway will be provided throughout the length of this project.

- (6) Arcadia Beach State Wayside, Clatsop County
 Day-use Improvement Project

Same as No. 2.

(June 7, 1973 Bid Letting Cont.)

- (7) White Bridge Section
Powers Hwy., Coos County
 Grade, Pave and Structure Project

Footpaths and bicycle trails will not be established as part of this project as per ORS Chapter 366, Section 2, subsection 2(b) which states that "Footpaths and trails are not required to be established...if...the cost of establishing such paths and trails would be excessively disproportionate to the need or probable use."

The primary purpose of this project is to correct a one-quarter-mile section of critical and hazardous alignment.

- (8) Fern Rock Creek-S. Fork Gales Creek Section
Wilson River Hwy., Washington County
 Slide Correction Project

Same as No. 2.

June 21, 1973 Bid Letting (Later postponed)

- (1) Rice Hill-North Oakland Junction Section
Pacific Hwy., Douglas County
 Grade, Pave and Sign Project

Footpaths or bicycle trails are not incorporated in this project as no new highway construction, reconstruction or relocation is involved.

The primary purpose of this project is a safety update to eliminate conditions that are hazardous.

- (2) McKenzie River-Sutherlin Section
Pacific Hwy., Lane and Douglas Counties
 Grade, Pave, Guardrail and Concrete Barrier Safety Project

Same as No. 1.

- (3) Baldock Safety Rest Area
Pacific Hwy., Clackamas County
 Utility Improvement Project

Footpaths or bicycle trails are not incorporated in this project as no new highway construction, reconstruction or relocation is involved.

May 29, 1973

(June 21, 1973 Bid Letting Cont.)

- (4) Arlington-Idaho Line Section
Columbia River and Old Oregon Trail Hwys.,
Five Counties
 Grade, Pave, Guardrail and Concrete Barrier Safety Project

Same as No. 1.

- (5) Seventh Avenue-Willamette River Section
Eugene-Springfield Hwy., Lane County
 Roadside Improvement Project

Same as No. 3.

- (6) Multnomah Falls-John Day River Section
Columbia River Hwy., Four Counties
 Grade, Pave, Guardrail and Concrete Barrier Safety Project

Same as No. 1.

- (7) S. Fork Malheur River-Malheur Caves Road Section
Steens Hwy., Harney County
 Grade and Pave Project

Footpaths and bicycle trails will not be established as part of this project as per ORS Chapter 366, Section 2, subsection 2(b), which states that "Footpaths and trails are not required to be established...if...the cost of establishing such paths and trails would be excessively disproportionate to the need or probable use."

- (8) 4th Street at Barlett Street (Medford) Section
City Street, Jackson County
 Signal Project

Same as No. 3.

- (9) 4th Street-5th Street (Grants Pass) Section
Bridge Street, Josephine County
 Grade and Pave Project

Sidewalks will be constructed as part of this project. By City ordinance, bicycles may be ridden on sidewalks outside of the downtown core area.

- (10) West City Limits-Mason Street (Sheridan) Section
FAS 907, Yamhill County
 Grade, Pave and RR Signal Project

(Continued on next page.)

May 29, 1973

(June 21, 1973 Bid Letting Cont.)

Footpaths and bike trails will not be established under these projects as per ORS Chapter 366, Section 2, subsection 3(a), which states that "The amount expended by the commission or by a city or county as required or permitted by this section shall never in any one fiscal year be less than one percent of the total amount of the funds received from the highway fund. However, this subsection does not apply to a city in any year in which the one percent equals \$250 or less."

- (11) Ruggles Road-Liberty Road Section
FAS 669, Sherman County
Grade and Pave Project

Same as No. 7.

- (12) 2nd Street-South Railroad Boulevard (Redmond) Section
FAS 926, Deschutes County
Grade, Pave and RR Signal Project

Footpaths and bike trails will not be established as part of this project as per ORS Chapter 366, Section 2, subsection 2(c), which states that "Footpaths and trails are not required to be established...where...other available ways or other factors indicate an absence of any need for such paths and trails."

Sidewalks are planned for this street by the City at a later date.

- (13) Left Hand and Parrish Creek Bridges
FAS 318, Wheeler County
Structure Project

Same as No. 7.

- (14) Grande Ronde River (Stanley Lane) Bridge Section
FAS 31-114, Union County
Structure Project

Same as No. 7.

- (15) Grande Ronde River (Hull Lane) Bridge Section
FAS 31-112, Union County
Structure Project

Same as No. 7.

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(June 21, 1973 Bid Letting Cont.)

- (16) Campbell Bridge-Beaverton Section
Farmington Hwy., Washington County
Paving and Bikeway Project

A bikeway will be provided from S.W. 209th to Beaverton along this highway. The remaining section does not include a footpath or bicycle trail as the cost of establishment would be excessively disproportionate to need or probable use.

- (17) Modoc Point (Units "C" and "D") Section
The Dalles-California Hwy., Klamath County
Grade and Pave Project

Same as No. 7.

- (18) Mt. Vernon (Ingle Street and Riverside Street) Section
Grant County
Grade and Pave Project

Footpaths and bike trails will not be established under this project as per ORS Chapter 366, Section 2, subsection 2(b), which states that "Footpaths and bike trails are not required to be established ...if the cost of establishing such paths and trails would be excessively disproportionate to the need or probable use."

Due to the anticipated lack of use and the short length of this project, the construction of footpaths and bike trails would not be practical.

- (19) Garden Valley Road at ELM Access (Roseburg) Section
FAS 800, Douglas County
Traffic Signal Project

Same as No. 3.

- (20) Duniway Park-Barbur Boulevard (Portland) Bikeway Section
S. W. Terwilliger Boulevard, Multnomah County
Grade, Pave and Structure Project

This is the first unit of a fully separated bikeway constructed through a lineal park which parallels S.W. Terwilliger Boulevard.

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(June 21, 1973 Bid Letting Cont.)

- (21) Walker Avenue-Tolman Creek Road (Ashland) Bikeway Section
Rogue Valley Hwy., Jackson County
 Grade and Pave Project

This project provides a fully separated bikeway from the Southern Oregon College area to Bellview Elementary School along Siskiyou Boulevard.

- (22) Rickreall-Monmouth Bikeway
Pacific Hwy. West, Polk County
 Grade, Pave and Structure Project

This project provides for a separated bikeway from the City of Monmouth to Rickreall Junction.

Upon the recommendation of the Engineer, the Commission approved subscribing to the Highway Research Correlation Service for the fiscal year 1974 in the amount of \$22,000.

The Engineer reported that a speed zone investigation was made on The Dalles-California Highway in the community of Gilchrist in Deschutes and Klamath Counties. As a result of this investigation, it was determined that a 45 mile per hour speed zone would be more appropriate than the existing 55 mile per hour speed zone north from Crescent through Gilchrist. He recommended that "Speed Zone Resolution No. 374d" dated March 2, 1962, be rescinded and the following speed zones established. The Commission accepted his recommendation and thereupon adopted "Speed Zone Resolution No. 630," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

From the south city limits of Bend (M.P. 139.69)
 to Hayes Avenue (M.P. 139.95) 35 MPH

From Hayes Avenue (M.P. 139.95) to 0.51
 mile south of Hamilton Road (M.P. 141.78) 50 MPH

From 0.51 mile south of Hamilton Road (M.P. 141.78)
 to 0.17 mile south of First Street in the community
 of LaPine (M.P. 167.70) 65 MPH

From 0.17 mile south of First Street (M.P. 167.70)
 to 0.18 mile south of 7th Street (M.P. 168.41) 45 MPH 1/

From 0.18 mile south of 7th Street (M.P. 168.41) to
 0.27 mile north of Mt. View Drive in the community
 of Gilchrist (M.P. 184.00) 65 MPH

(Continued on next page.)

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From 0.27 mile north of Mt. View Drive (M.P. 184.00) to
 0.40 mile north of Crescent Ranger Station (M.P. 185.12) 45 MPH

From 0.40 mile north of Crescent Ranger Station
 (M.P. 185.12) to 0.67 mile south of Crescent
 Ranger Station (M.P. 186.19) 40 MPH

1/ Except that between 0.21 mile north of Main Street (M.P. 167.83) and 200 feet south of Main Street (M.P. 168.08) the designated speed shall be 20 MPH during the hours of school crossings as per the provisions of Subsection 1(a), of ORS 483.104.

Consideration was given to prohibiting parking on the Tualatin Valley Highway at S.W. 239th Avenue between Portland and Hillsboro in Washington County. The Engineer pointed out that parked vehicles are causing hazardous conditions in this area. Due to the high prevailing speeds and traffic volumes, he recommended that parking be prohibited on the north side of the highway from a point 325 feet east of 239th Avenue (M.P. 9.27) to the east property line of 239th Avenue (M.P. 9.33). The Commission accepted his recommendation and thereupon adopted "No Parking Resolution No. 292," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

Attention was given to prohibiting parking from the north end of the McCullough Bridge to East Bay Drive on the Oregon Coast Highway in Coos County. The Engineer mentioned that a traffic signal is being installed at this intersection and a sight distance problem exists. To provide safer traffic operation through the signal, he recommended that parking be prohibited on the easterly side of the highway from East Bay Drive (M.P. 233.46) to the north end of McCullough Bridge (M.P. 233.48). The Commission accepted his recommendation and thereupon adopted "No Parking Resolution No. 293," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

Abandonment of three old sections of State highway was presented by the Engineer. He mentioned that the new sections of the highway replacing the old sections have been completed and are open to public travel. Following his favorable recommendation, the Commission approved abandonment of the following sections and thereupon adopted "Abandonment Resolutions Nos. 439, 489, and 518," which resolutions by this reference are made a part hereof and filed in the Secretary's Office.

- (1) Abandonment of approximately 2,000 feet of the old right-of-way to Clackamas County near Park Place on the Pacific Highway-Washington State Line Section of East Portland Freeway (former Cascade Highway) in Clackamas County. (See "Abandonment Resolution No. 439.")

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- (2) Abandonment of approximately 4.2 miles of old highway right-of-way to Clackamas County on the Alder Creek-Wildwood Section of the Mt. Hood Highway. (See "Abandonment Resolution No. 489.")
- (3) Abandonment of approximately 1.18 miles to Hood River County and approximately 0.35 mile to the abutting property owners on the Willow Flat Road-Fikes Corner Section of the Mt. Hood Highway. (See "Abandonment Resolution No. 518.")

Attention was given to an agreement with Umatilla County concerning the transfer of the Umatilla Bridge to State jurisdiction. The Engineer stated that the agreement stipulates that the County shall retire all outstanding bonds, provide a complete paint job, resurface the entire deck, and widen the approach road to a top width of 44 feet. He mentioned that this bridge will be operated toll free upon transfer to the State. The Commission approved the agreement as recommended and authorized the Secretary to sign it in their behalf.

Consideration was given to an agreement with Wasco County concerning the transfer of The Dalles Bridge to State jurisdiction. The Engineer stated that the agreement provides that the County shall retire all outstanding bonds, provide a complete paint job, resurface the entire deck, and make any corrections that may be indicated by an underwater investigation. He stated that this bridge will be operated toll free upon transfer to the State. Upon 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 La Grande for construction of the Adams Avenue-Old Oregon Trail Section ("Old Leaky") on the Wallowa Lake Highway in Union County. The Engineer stated that the agreement provides for the State to reconstruct and maintain the project. The estimated cost for construction is \$2,865,000 and is to be financed by the 1971 State Bond Program. The Commission approved the agreement as recommended by the Engineer and authorized the Secretary to sign it in their behalf.

The Commission considered a supplemental construction agreement with Douglas County and the City of Winston concerning the Winston-Shady Section of the Coos Bay-Roseburg Highway. The Engineer stated that the agreement provides for closure of the existing Looking Glass Road and construction of an improved connection to accommodate the increased traffic generated by the Wildlife Safari Park. He stated that the work is to be performed at no expense to the State and the original agreement of June 27, 1972, remains in full force and effect. Upon his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it in their behalf.

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Consideration was given to a construction finance agreement with the Port of Portland and the City of Portland pertaining to six-laning the North Going Street access to Swan Island Industrial Park. The Engineer stated that the agreement provides for the State to design and construct the project, with the City contributing \$200,000 toward the cost. In addition, the City agrees to turn over \$600,000 in Federal TOPICS Funds to the State for its exclusive use within the City of Portland. He mentioned that required public hearings will be held by the City with the Port and State cooperation. Upon completion of the project, the City will continue to have jurisdiction and maintenance responsibilities for North Going Street. Cost of the State's portion of the work is estimated at \$2,170,000 to be charged to State Construction Funds. Upon his recommendation, the Commission approved the agreement and authorized the Secretary to sign it in their behalf.

The Commission considered an agreement with the Union Pacific Railroad Company and the Southern Pacific Transportation Company for an extension of the existing lease of the upper deck of the Steel Bridge in the City of Portland from July 1 through December 31, 1973. Upon the recommendation of the Engineer, 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 Salem for a semi-actuated traffic signal at Liberty and Bellevue Streets. The Engineer mentioned that the State shall prepare the design of the signals and material list. Maintenance and power costs are to be shared. The City shall provide all labor and construction equipment. The total estimated cost of this installation is \$15,000 with the State's share (1/3 of the total cost) to be charged to Minor Betterment Funds. Upon his favorable recommendation, the Commission approved the agreement and authorized the Secretary to sign it in their behalf.

The Commission confirmed the next meeting date for Tuesday, July 10, 1973, in Room 122 of the State Highway Building in Salem. A tentative date for the following meeting was set for Tuesday, August 21, 1973.

The Commission approved an agreement with the State of Utah Road Commission covering the testing and inspection of steel to be used on the Woodburn-Hayesville Section of the Pacific Highway (I-5) in Marion County. The Engineer stated that the cost is estimated at \$18,000 with Federal participation. Upon the recommendation of the Engineer, the Commission approved the agreement and authorized the Secretary to sign it in their behalf.

The Engineer reported that there is to be a Renaissance Festival in the Veneta area in Lane County from June 22 through June 25, 1973. He pointed out that the Festival was held in this same area last year and caused quite a traffic problem due to vehicles being parked along the roadway. He recommended the prohibition of parking on both

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sides of the Florence-Eugene Highway between M.P. 44.7 and M.P. 46.7 from June 21 through June 25, 1973. The Commission approved the recommendation and thereupon adopted "No Parking Resolution No. 291," which resolution by this reference is made a part hereof and filed in the Secretary's Office.

Consideration was given to a request for a park excavation permit to Edward Calkins and Dan Poling to dig for treasure trove on the Oregon shore south of Cape Lookout in Tillamook County. The Commission approved the permit and authorized the Secretary to sign it in their behalf.

The Commission reviewed a request from the owner of Harry and David Orchards in Medford asking the State to share in the widening of ORE99 in Jackson County to improve the access to the Company's fruit processing plant. The Commission denied the request on the basis that all of the highway work, including the widening of ORE99, improvement of access to the fruit processing plant, and the installation of an additional signal, was occasioned by the expansion of the processing plant.

The Commission considered a proposal of the Bureau of Reclamation and Union County for development of a State park on Catherine Creek in conjunction with the Bureau of Reclamation's reservoir project. The Commission reaffirmed the Highway Division staff's previous recommendation to not enter into this agreement based on the Park staff analysis that the property involved did not meet the criteria for a state park.

The Commission viewed the film "Fremont Bridge - Closing the Gap."

Representative Donald Oakes appeared before the Commission on behalf of his constituents urging improvement of Highway US26 between Prineville and Vale in Crook, Wheeler, Grant, Baker and part of Malheur Counties. He said that there are three stretches that have not been worked on for 42 years and they are Brogan Hill on Canyon Creek, the road going up Rock Creek and Mountain Creek, and the road at the head of Keys Creek out of Mitchell. Due to the condition of this highway

the people of Central Oregon have lost most of their services. Representative Oakes expressed his concern that, due to the diversion of funds for other than highway improvements, money would not be available for the needed improvements. The Chairman stated that the Commission is aware that the highway is below modern standards and in need of improvement. He stated that US26 would not be forgotten in the priority system when money becomes available.

Stan Ego, Chairman, Highway 20 Improvement Committee of the Sweet Home-East Linn Chamber of Commerce, and Mike Gleason, City Manager of Sweet Home, came before the Commission concerning improvement of the Vail Creek-Sweet Home Section of Highway 20 (Santiam Highway) in Linn County. Mr. Ego thanked the Commission for the Vail Creek Section which was recently completed. Mike Gleason stated that the Vail Creek-Sweet Home Section is dangerous because of its poor alignment, visual dips, narrow shoulders and very few turn outs. In the last five years there were approximately 400 accidents between M.P. 15 to M.P. 26. He mentioned that the City has a drainage problem at its west limits and wants to construct curbs, gutters and sidewalks, however, before this can be done, the City needs to know the location of the highway alignment. Mr. Gleason suggested a joint project with the City doing the curbs, gutters and sidewalks, and a State project for drainage, alignment and rights of way. It is hoped that this project can get underway prior to the major reconstruction. The Chairman stated that he could see no reason why the City should not be given this information to develop these projects. He also mentioned that the major project is on the current State Construction Program and will cost approximately 5 million dollars for the four-lane facility. It will take a minimum of 1½ years to complete the right-of-way and before the contract can be executed.

A delegation appeared before the Commission urging construction of a third bridge in Grants Pass crossing the Rogue River in Josephine County. The following persons were present: Rich Armour, Dave Barshears, Del Robertson, Robert Mack, and Roy Colson. Dave Barshears mentioned that the average daily traffic over the two existing bridges has increased from approximately 13,000 to over 16,000 vehicles during the past three years. He stated that a new bridge would basically provide a direct connection between Interstate 5 and US199 and would provide an alternate route to and from the major industrial area of the County from the large population center lying south of the Rogue River. The Grants Pass Planning Commission, Grants Pass City Council, and the Josephine County Planning Commission have all formally recognized the need for a third bridge crossing and have designated the priority location of the bridge as Alternate A (Old Oregon and California Railroad crossing adjacent to the Filtration Plant.) The delegation submitted a detailed written report documenting this request. (Copy is filed in the Commission's General Files.) The Chairman mentioned that the Commission is very much aware of the congestion in this area. He stated that this is a

6 million dollar project and before the State can commit itself to the preliminary program, we want to be sure that we can schedule the necessary funds. He stated that the staff would continue with the planning and that the Local Planning Commission would be kept advised of the State's progress.

The Commission signed, or authorized the Secretary to sign, the following agreements:

"Indenture of Access" with Arthur H. and Joy L. Ament and Klara Renkert covering property on Newberg-Gearin Corner Section of Hillsboro-Silverton Highway in Yamhill County.

"Indenture of Access" with John E. Hoole, Elinor Hoole, Sigvart Ellingson, Clinton E. Haaby and June Haaby covering property on Lost Creek-Lowell Section of Willamette Highway in Lane County.

"Indenture of Access" with George and Ruth Chadwick covering property on Corvallis-Orleans Section of Corvallis-Lebanon Highway in Linn County.

"Indenture of Access" with William L. Leach, Wallace J. Barnes and Dolores D. Barnes covering property on Corvallis-Orleans Section of Corvallis-Lebanon Highway in Linn County.

"Indenture of Access" with Raymond and Carrie S. Sidebottom covering property on Alder Creek-Wildwood Section of Mt. Hood Highway in Clackamas County.

"Indenture of Access" with Ernest E. Wallin covering property on Patterson Street-Klamath Falls-Malin Highway Section of Klamath Falls-Lakeview Highway in Klamath County.

"Grant of Access" to Robert E. Rice covering property on Calapooya Creek-Sutherlin Section of Elkton-Sutherlin Highway in Douglas County.

"Indenture of Access" with Hastings Bulb Growers, Inc., covering property on Brookings-Winchuck River Section of Oregon Coast Highway in Curry County.

"Lease Agreement" with State Game Commission covering Deady-Shady Section of Pacific Highway in Douglas County for use of the property for a public parking, angling, and boat launching area to permit public access to South Umpqua River.

"Lease Agreement" with State Game Commission covering Thomas Creek-Tiller Section of Tiller-Trail Highway in Douglas County for use of the property for a public parking, angling, and boat launching area to permit public access to the South Umpqua River.

"Lease Agreement" with State Game Commission covering North Dillard Bridge Section of Dillard Highway in Douglas County for use of the property for a public parking, angling and boat launching area to permit public access to South Umpqua River.

"Lease Agreement" with State Game Commission covering South Dillard Bridge Section of Dillard Highway in Douglas County for use of the property for public parking, angling and boat launching area to permit public access to the South Umpqua River.

"Agreement" with Southern Pacific Transportation Company whereby an easement granted to the State on March 12, 1964, is quitclaimed and a new easement is established for a grade crossing on the Crescent Lake Highway in Klamath County.

"Agreement" with Southern Pacific Transportation Company granting the State permission to enter on their property for the purpose of construction of a new undercrossing of railroad tracks and payments to the Railroad for relocation of tracks and RR protection on the Tigard Interchange-East Portland Freeway Section of Pacific Highway.

"Agreement" with Southern Pacific Transportation Company granting the State permission to enter on RR property to construct a new overcrossing of tracks and RR protection on the Tigard Interchange-East Portland Freeway Section of the Pacific Highway in Washington County.

"Easement Indenture" with Southern Pacific Transportation Company granting the State an easement for reconstruction of the Cook Overcrossing across RR property on Tigard Interchange-East Portland Freeway Section of Pacific Highway in Washington County.

"Agreement" with Union Pacific Railroad Company and the City of Portland for installation, maintenance and operation of traffic control switches and signs on North Interstate Avenue at North Harding and North Thompson Streets in Multnomah County.

"Termination Agreement" with Union Pacific Railroad Company quitclaiming to them all prior rights of the State under the terms of an agreement dated July 28, 1961, for the improvement and relocation of Hermiston-Hinkle Section of Hermiston Highway in Umatilla County.

"Trust Agreement" with Bonneville Power Administration for removal, reconstruction and moving of power transmission line towers and other related work on Woodburn Interchange-Hayesville Interchange Section of the Pacific Highway in Marion County.

"Lease" with Robert W. Marcum to First National Bank, trustee, covering .09 acre at N.E. 47th and Banfield Freeway in Multnomah County.

"Agreement" with John H. Atherton for directing archeological investigations in Champoege State Park in Marion County from June 18 to August 10, 1973.

"Lease Agreement" with Kenneth Pruitt from June 1, 1973, to May 31, 1974, for a concession at Frenchglen State Wayside in Harney County.

"Agreement" with State Forestry Department for repair of Tussock Moth damaged areas involving approximately 160 acres in Hilgard-Perry Scenic Strip in Union County.

"Agreement" with Willamalane Park and Recreation District for development and management of State-owned portion of land owned by Ben and Kay Dorris which has river frontage near Springfield in Lane County.

"Agreement" with Umatilla County concerning the transfer of Umatilla Bridge to State jurisdiction.

"Agreement" with Wasco County concerning the transfer of The Dalles Bridge to State jurisdiction.

"Agreement" with City of La Grande for construction of Adams Avenue-Old Oregon Trail Section on the Wallowa Lake Highway in Union County.

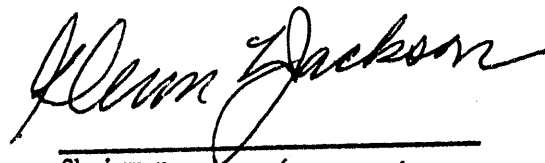
"Supplemental Agreement" with Douglas County and the City of Winston regarding the Winston-Shady Section of Coos Bay-Roseburg Highway.

"Construction Finance Agreement" with Port of Portland and City of Portland pertaining to six-laning the North Going Street access to Swan Island Industrial Park.

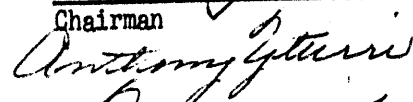
"Agreement" with the City of Salem for a semi-actuated traffic signal at Liberty and Bellevue Streets in Salem.

"Park Excavation Permit" with Dan W. Poling and Edward Calkins regarding Tillamook-Netarts Bay Section at Cape Lookout in Tillamook County.

The meeting was adjourned by the Chairman at 10:50 a.m.



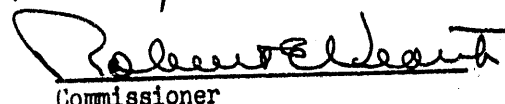
Chairman



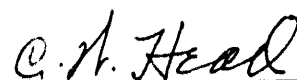


Commissioner





Commissioner



Secretary

May 29, 1973

VOLUME 1

COMPLETE

MINUTES OF OREGON TRANSPORTATION COMMISSION

COVERING PERIOD

FROM

JULY 1, 1973

TO

JUNE 30, 1974

- - -

HEADQUARTERS AND GENERAL OFFICE OF DEPARTMENT
LOCATED AT SALEM, OREGON

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TRANSPORTATION COMMISSION

MINUTES

JULY 1, 1973, THROUGH JUNE 30, 1974

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July 10, 1973
Salem, Oregon

Governor Tom McCall was present at 1:30 p.m., in Room 122 of the State Highway Building in Salem for the swearing in of the Oregon Transportation Commission in connection with House Bill 3166 recently passed by the 1973 Oregon Legislative Assembly. The bill abolishes the State Highway Commission and its Secretary and establishes a five-member Oregon Transportation Commission. The Department of Transportation shall consist of the Aeronautics, Highway, Motor Vehicles, Ports and Mass Transit Divisions.

The law creating the Commission directed that the Chairmen of the Board of Aeronautics (Robert Veatch), Highway Commission (Glenn Jackson), Ports Division (Carl O. Fisher), and Mass Transit Division (Robert L. Mitchell) become members of the new Transportation Commission. The law authorized the Governor to appoint the fifth member. The Governor appointed Anthony Yturri to fill this fifth position. The law directed that the present Highway Commission Chairman, Glenn L. Jackson, become Chairman of the Transportation Commission.

Governor McCall acknowledged the legislative effort required to accomplish the combination of commissions and divisions as a tremendous forward step. He indicated the Oregon Transportation Commission and the integrated Department of Transportation have the organization and authority for the development of a comprehensive, multi-modal system of moving people and goods within Oregon. The Commission members were described as five of the most knowledgeable public servants in the transportation field. The responsibilities of the Commission were summarized as follows:

- 1) Joint and legal responsibility for overall transportation policymaking.
- 2) Ensure that transportation policy is balanced in terms of social, economic and environmental values.
- 3) Effectively linking local and federal programs and objectives.
- 4) Giving consideration to those special constituencies that make up the transportation community.
- 5) Reinforcing transportation investments between the public and private sectors.

The creation of the Oregon Transportation Commission was identified as another test of Oregon State Government reorganization. A test that the Governor feels will be passed again, given the quality of the Commission membership.

July 10, 1973

The Governor then signed House Bill 3166 and Edward Branchfield, Governor's Legal Counsel, swore in the following members of the Oregon Transportation Commission:

Glenn L. Jackson, term expires June 30, 1976
 Carl Fisher, term expires June 30, 1977
 Robert L. Mitchell, term expires June 30, 1976
 Robert E. Veatch, term expires June 30, 1975
 Anthony Yturri, term expires June 30, 1977

Chairman Jackson called the official meeting to order. The Commission appointed Carl Fisher as Vice Chairman and Robert Mitchell as Secretary.

The Commission appointed George M. Baldwin as the Director of Transportation at his present salary of \$33,708.

Mr. Baldwin designated Sam Haley as his Deputy at his present salary.

As recommended by Mr. Baldwin, the Commission approved the following appointments:

F. B. Klaboe, Administrator and State Highway Engineer
 A. E. Johnson, Deputy State Highway Engineer
 H. S. Coulter, Assistant State Highway Engineer
 E. S. Hunter, Assistant State Highway Engineer
 R. L. Schroeder, Assistant State Highway Engineer
 Paul Burket, Administrator of Aeronautics Division at his present salary
 Dennis Moore, Administrator of Mass Transit Division
 Chester Ott, Administrator of Motor Vehicles Division

The Commission authorized Mr. Baldwin to appoint Vern Skoog as Acting Fiscal Officer until such time as the transfer of funds can be cleared by the Emergency Board.

The Commission adopted by temporary rule the Attorney General's Model Rule of Practices and Procedures under the Administrative Procedures Act to be published in the next issue of the Secretary of State's Administrative Rule Bulletin.

The Commission approved confirming and continuing delegation policies and procedures currently in effect in the Highway, Aeronautics, Ports, Mass Transit and Motor Vehicles Divisions of the Department of Transportation until changes are made by the Director of Transportation or the Oregon Transportation Commission. (See motion on file in the Commission's files, Salem.)

The following persons were present at the meeting in addition to the above-mentioned persons that were appointed:

Walter Barrie, Chief Counsel
 David Talbot, State Parks Superintendent
 J. B. Boyd, Right of Way Engineer
 Cecil Head, Manager, Administrative Services

July 10, 1973

The Commission approved the minutes of the Highway Commission meeting held on May 29, 1973.

Mr. Boyd presented a list of options, pages 1 through 41, secured for acquisition of real property needed for State highway use or for other purposes. He mentioned that the amounts offered are on or near the appraised values and are in order for Federal-aid. After due consideration, the Commission approved closing the options, including those sent to them by mail since the last Commission meeting, and thereupon adopted "Right of Way Resolution No. 95," which resolution by this reference is made a part hereof and filed in the Commission's files.

The Property Manager's report showing sales of miscellaneous properties and rental receipts for the period from May 10, 1973, to June 25, 1973, was presented by Mr. Boyd and accepted by the Commission. During this period miscellaneous sales totaled \$7,536; land sales \$93,255; timber sales \$293.25. Rental receipts for the month of May 1973 amounted to \$51,897.21.

A list of properties needed for highway and other uses was presented by Mr. Boyd. He 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 him 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 Resolution No. 2609," which resolution by this reference is made a part hereof and filed in the Commission's files.

A written report was presented by Mr. Boyd and accepted by the Commission showing offers tendered to the owners for acquisition of real property prior to the institution of condemnation proceedings as follows:

CHEMAWA ROAD-HICKORY STREET SECTION OF THE SALEM FREEWAY
MARION COUNTY

R-44566 - Albert E. Porter et ux. 22,936 sq. ft. for right of way purposes. Offer \$28,700.00.

R-44587 - Marie A. Andrews et al. 15,195 sq. ft. for right of way purposes. Offer \$49,000.00.

COLUMBIA RIVER BRIDGE-N.E. SANDY BOULEVARD UNIT OF THE COLUMBIA RIVER-PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY - MULTNOMAH COUNTY

R-44234 - Norman A. Thoreson et al. 4.95 acres for right of way purposes. Offer \$60,000.00.

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MILTON-FREEWATER - WASHINGTON STATE LINE SECTION OF THE OREGON-WASHINGTON HIGHWAY - UMATILLA COUNTY

R-46752 - James A. Allen et ux. 9,540 sq. ft. for right of way purposes. Offer \$950.00.

R-47004 - William H. Kelly, Jr. 0.19 acre for right of way purposes. Offer \$1,250.00.

R-47120 - Richard A. Jackson et ux. 2,340 sq. ft. for right of way purposes. Offer \$575.00.

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

R-46452 - Charles H. Whitaker et ux. 3,340 sq. ft. for right of way purposes. Offer \$23,250.00.

N.E. SANDY BOULEVARD-N.E. GLISAN STREET UNIT OF THE COLUMBIA RIVER-PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY - MULTNOMAH COUNTY

R-45504 - Gust Cleys et ux. 5,000 sq. ft. for right of way purposes. Offer \$15,000.00.

R-46948 - Donald Dale Kronholm et ux. 0.79 acre for right of way purposes. Offer \$38,000.00.

ROGUE RIVER SCENIC WATERWAY - JOSEPHINE COUNTY

R-47414 - Robert E. Smith et ux. 7.88 acres for scenic waterway. Offer \$27,900.00.

WINSTON-SHADY INTERCHANGE SECTION OF THE COOS BAY-ROSEBURG HIGHWAY DOUGLAS COUNTY

R-47633 - Lester T. Smith et al. 0.09 acre for permanent easement. Offer \$200.00.

Authority was requested by Mr. Boyd to offer at public sale four parcels of land no longer needed for highway purposes. The recommended sale prices are based on competent appraisals and access and other conditions of sale are comparable with situations existing in the vicinity. Signboard and junkyard exclusion clauses are to be included in the deeds. The Commission authorized public sale of the following properties and thereupon adopted "Real Property Resolutions Nos. 603 through 606," which resolutions by this reference are made a part hereof and filed in the Commission's files.

- 1) 0.6 acre, File No. 33063, in the Alder Creek-Wildwood Section of the Mt. Hood Highway at Brightwood in Clackamas County for not less than \$29,500. No access will be permitted to the Mt. Hood Highway. Federal Highway Administration approval is not required. (See "Real Property Resolution No. 603")

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- 2) 0.42 acre parcel of land, File No. 38252, in the southeast quadrant of the Cedar Hills Boulevard Interchange on the Sunset Highway in Washington County for not less than \$21,250. Access will be permitted to the present road-way owner. Federal Highway Administration approval is not required. (See "Real Property Resolution No. 604")

- 3) 0.19 acre parcel of land and a 0.12 acre easement for bank and dike protection, File Nos. 26704 and 26705, on the west side of the Scholls Ferry Highway approximately 500 feet south of Allen Avenue in Washington County for not less than \$4,300. Sale is subject to a sewer easement to Multnomah County. (Confirms Chairman Jackson's telephone approval on June 21, 1973.) (See "Real Property Resolution No. 605")

- 4) 1.11 acre parcel of land, File No. 7572, on the westerly side of the Oregon Coast Highway approximately $4\frac{1}{2}$ miles south of Florence in Lane County for not less than \$450. No access will be permitted to the Oregon Coast Highway. Federal Highway Administration approval is not required.

Direct sales of four parcels of property were recommended by Mr. Boyd. He mentioned that in each instance the property is no longer needed for highway purposes and because of peculiar conditions, sale is restricted to a single party. Sale prices have been determined by competent appraisals. The Commission approved the following sales and thereupon adopted "Real Property Resolution No. 606," which resolution by this reference is made a part hereof and filed in the Commission's files.

- 1) To Douglas County, File No. 4181, 5.7 acre strip of old highway right-of-way approximately 5 miles west of Drain on the Umpqua Highway for \$1. Sale will be subject to the use restrictions on signboard and junkyards. Federal Highway Administration approval is not required.
- 2) To the City of Cottage Grove, File No. 5697, 0.4 acre parcel of land between the Pacific Highway and the Railroad tracks at 4th Street in Lane County for \$2,750 for use as a park. Sale will be subject to public use. Signboard and junkyard exclusion clauses will be included in the deed. The Federal Highway Administration approved this sale by letter dated May 21, 1973. (See "Real Property Resolution No. 606")
- 3) To Elbright A. and Vivian Peters, File No. 8499, 8,000 square foot parcel (a haul road) which is an extension of East Street in Island City on the Wallowa Lake Highway in Union County for \$250. Federal Highway Administration approval is not required.

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- 4) To J. P. Gyllenberg, File No. Q-183, 4.82 acres exhausted quarry $5\frac{1}{2}$ miles west of Pleasant Valley on the La Grande-Baker Highway in Baker County for \$120. Purchaser will be required to clean up the property. Signboard and junkyard exclusion clauses will be included in the deed. Federal Highway Administration approval is not required.

The Commission approved the following Indentures of Access as recommended by Mr. Boyd:

- 1) Katherine D. Bartley property, File No. 33020, on the southerly side of the Alder Creek-Wildwood Section of the relocated Mt. Hood Highway in Clackamas County. The approach will remain 35 feet in width and unrestricted as to use. Federal Highway Administration approval was received on April 19, 1973.
- 2) Charles E. and Alice M. A. Langley property, File No. 32984, on the southerly side of the Alder Creek-Wildwood Section of the relocated Mt. Hood Highway in Clackamas County. The public record will be corrected to show the location of one 35-foot unrestricted point of access. Federal Highway Administration approval was received on March 29, 1973.
- 3) John E. and Charlotte McNaught property, File No. 33023, on the northerly side of the Alder Creek-Wildwood Section of the relocated Mt. Hood Highway just west of Sleepy Hollow Road in Clackamas County. One point of access will be changed to correct the public record and the approach will remain 35 feet in width and unrestricted as to use. Federal Highway Administration approval was received April 19, 1973.
- 4) Steven A. and Wendy L. Williams property, File No. 33016, on the Alder Creek-Wildwood Section of the relocated Mt. Hood Highway in Clackamas County. The public record will be corrected to show the location of one 35-foot unrestricted point of access on the northerly side of the highway, 2 miles west of Brightwood. Federal Highway Administration approval was received on April 17, 1973.
- 5) Maudie Sladky property, File No. 33019, on the Alder Creek-Wildwood Section of the northerly side of the Mt. Hood Highway west of Wilson Road in Clackamas County. The public record will be corrected to show the location of one 35-foot unrestricted point of access as it was actually constructed. Federal Highway Administration approval was received on April 18, 1973.

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- 6) Larry A. Herzman property, File No. 46256, of the Park Street-Tolman Creek Road Section on the southerly side of the relocated Green Springs Highway in Jackson County. The location of one 40-foot point of access will be changed and the approach will remain unrestricted as to use. Federal Highway Administration approval was received on May 10, 1973.
- 7) L. E. and Helen J. Steelman property, File No. 28493, on the Canyon City-Seneca Section of the John Day-Burns Highway in Grant County. One point of access on the westerly side of the highway, approximately 7 miles south of John Day, will be changed. The approach will be widened from 25 feet to 35 feet and will be restricted to residential use only. Federal Highway Administration approval was received May 31, 1973.
- 8) White City Corporation property, File No. 37601, on the Biddle Road-Camp White Section of the Crater Lake Highway in Jackson County. The location of one point of access will be changed to provide access to a trailer sales establishment. The approach will remain 35 feet in width and unrestricted as to use. Federal Highway Administration approval was not required. (Thaddeus Bruno approved this Indenture on June 14, 1973.)
- 9) Roger I. and Doris A. Oliver property, File No. 43818, on the Brookings-Winchuck River Section of the Oregon Coast Highway in Curry County. The location of one point of access on the westerly side of the highway approximately $1\frac{1}{2}$ mile south of Harbor will be changed to correct the public record. The approach will remain 35 feet in width and unrestricted as to use. Federal Highway Administration approval was not required.

Consideration was given to an Indenture of Access and Release of Option Obligation to J A K E, Inc., covering property on the Patterson Street-Klamath Falls-Malin Highway Section of the Klamath Falls-Lakeview Highway in Klamath County. Mr. Boyd mentioned that on November 23, 1971, the State acquired easement rights and property from Donald O. Potter, but through an oversight, did not include access rights from one approach to and from the westerly side of the relocated Klamath Falls-Malin Highway. Then on December 17, 1971, the State acquired property and easement rights from J A K E, Inc. Donald Potter and his wife are sole stockholders of J A K E, Inc., thereby merging ownership. It is necessary to obtain a release from all parties of the access rights to and from the westerly side of the highway and a release of the option obligation whereby the State was to construct a 32-foot approach in exchange for a release. The State will grant rights of access to the owners to the southwesterly side of the highway 40 feet in width and unrestricted as to use. The Commission approved the Indenture of Access and Release of Option Obligation as recommended by Mr. Boyd.

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Mr. Boyd requested and the Commission approved the following Grants of Access:

- 1) To Raymond B. and Rosa C. Percy and Grace and W. E. Davis, File No. 26058-9, for a 35-foot unrestricted point of access to improve the owners' farming operations at no consideration, on The Dalles-Eightmile Creek Section of The Dalles-California Highway in Wasco County. Federal Highway Administration approval was received May 30, 1973.
- 2) To W. H. and Louise Hansen, File No. 21436, for a 35-foot unrestricted point of access on the Coast Fork Willamette-Divide Section of the Pacific Highway in Lane County. The deed inadvertently eliminated the owner's access to this road, and the granting of this approach will correct the record. No consideration is involved. Federal Highway Administration approval was received on April 30, 1973.

Consideration was given to granting an easement to Herbert P. Roy, File Nos. 11572 and 11573, on the Vale Section of the John Day Highway in Malheur County. Mr. Boyd mentioned that this easement is for a haul road to a homesite access approximately 1 mile north of Vale, at no consideration. Federal Highway Administration approval is not required. The Commission approved the easement as recommended by Mr. Boyd.

Attention was given to the release of easement rights to the fee owners covering property on the Prairie Road-Junction 6th and 7th Streets of the Pacific Highway in Lane County. Mr. Boyd stated that the easement has been abandoned in favor of a bypass storm sewer which has been constructed by the City of Eugene. The easement will be released for a consideration of \$1. The Commission accepted Mr. Boyd's recommendation and approved the release of the easement rights.

Mr. Boyd requested approval for the award of a demolition contract to the low bidder, Don H. Pearson, Jr. for \$2,150, on the Chehalem Creek (Newberg) Section of the Pacific Highway in Yamhill County. Four bids were received July 9, 1973, for the removal of buildings and rough grading of the area. The Commission approved the award and authorized Mr. Klaboe to sign the contract in their behalf.

Confirmation was requested by Mr. Boyd for approval given by Chairman Jackson on June 6, 1973, for award of a demolition contract to the low bidder, Clackamas Clearing Corporation, for \$4,075 on the N. E. Glisan-S. E. Division, S. E. Division-S. E. Foster Sections of the East Portland Freeway and Marquam Bridge-S. E. 84th Avenue Section of the Mt. Hood Freeway in Multnomah County. Six bids were received on June 4, 1973, for clearing the area. The Commission confirmed the award and authority for the Secretary to sign the contract in their behalf.

Confirmation was requested by Mr. Boyd for approval given by Thaddeus Bruno on June 26, 1973, for the award of a demolition contract to the low bidder, Abajian Building Wrecking, for \$2,549 on the Oakhill-Eugene-Springfield Section of the Florence-Eugene Highway in Lane County. Two bids were received on June 25, 1973, for clearing the area. The Commission confirmed the award and authority for the Secretary to sign it in their behalf.

Consideration was given to a quitclaim and agreement to Anselm H. and Mary Ann Berger covering a boundary line on Barbur Boulevard-White School Section of the Pacific Highway in Clackamas County. Mr. Boyd pointed out that this will resolve a boundary line dispute regarding a former quarry site owned by the State and located adjacent to the new Wilsonville sewage plant. The boundary line established was based on a survey of the property by a private surveyor. Upon his recommendation the Commission approved the documents.

Confirmation was requested by Mr. Boyd for approval given by the Chairman on June 12, 1973, approving a street vacation consent to Grover Poe and Jim Jamison covering the Lake Road Interchange-Clackamas River Section of the East Portland Freeway in Clackamas County. He mentioned that this abandoned portion of roadway abuts the railroad right-of-way at 82nd and Arlington in Gladstone. The Commission confirmed the agreement and authority for the Secretary to sign it in their behalf.

Confirmation was requested by Mr. Boyd for approval given by the Chairman on June 1, 1973, approving a supplemental agreement with the City of Warrenton removing the closure of a City street platted as Pacific Avenue on the north side of the Warrenton Connection approximately 500 feet west of the Oregon Coast Highway in Clatsop County. The Commission confirmed the agreement and authority for the Secretary to sign it in their behalf.

The Commission considered a three-year service agreement with the City of Wilsonville providing for water service to the Baldock Safety Rest Areas on the Pacific Highway approximately 1½ mile south of the Willamette River in Clackamas County. Mr. Boyd stated that all construction and actual connection with the City's water system would be accomplished as part of the contract. The State will pay engineering costs estimated at \$350 and a flat fee of \$50 for connection with the City's water system. The estimated monthly service charge for the existing facilities is \$250. Upon his favorable recommendation, the Commission approved the agreement and authorized Mr. Klaboe to sign it in their behalf.

Attention was given to a ten-year agreement with the Eugene Water and Electric Board to provide electrical service to the street and sign lighting on 7th Avenue-Willamette River (Eugene) Section of the Eugene-Springfield Highway in Lane County. Mr. Boyd mentioned that the monthly service charge is estimated at \$300. The State will be required to pay the Board for underground electrical service. The Commission approved the agreement as recommended by Mr. Boyd and authorized Mr. Klaboe to sign it in their behalf.

The Commission considered an agreement with Burlington Northern Inc. for signalization of a grade crossing on the Fremont Highway in Klamath County. Mr. Boyd pointed out that the agreement calls for the installation of automatic flashing light signals and automatic gates along with the necessary circuits and control. The estimated cost of signalization and protection of the crossing is \$31,634, with 100% of the cost to be paid by the State, which will be reimbursed by the Federal Highway Protection Fund. The Commission approved the agreement as recommended by Mr. Boyd and authorized Mr. Klaboe to sign it in their behalf.

Consideration was given to the approval of an agreement with Southern Pacific Transportation Company for signalization and improvement of a railroad crossing of S. W. Mill Street (FAS 907) in the City of Sheridan, Yamhill County. Mr. Boyd stated that the agreement covers the installation of flashing light grade crossing signals equipped with automatic gate arms and the relocation of approximately 190 feet of the track. The estimated cost to the State is \$38,760 to be paid for under City FAS-C Safety Programming. Upon his favorable recommendation, the Commission approved the agreement.

Confirmation was requested by Mr. Boyd for approval given by the Chairman on June 20, 1973, approving a Memorandum of Agreement with the Bureau of Indian Affairs (Chemawa Indian School) of the U.S. Department of the Interior in connection with the reconstruction of Interstate 5 (Woodburn-Hayesville Section) in Marion County. He commented that the State needs an additional 3.7 acres of their land, upon which is located a duplex. The agreement calls for the State to construct on their remaining land a house equal in size to the duplex being acquired. He stated that upon completion of the construction of the house and acceptance, the Bureau shall convey to the State the tract of Chemawa Indian School land by quitclaim deed for public purposes only. The Commission confirmed the agreement and authorized Mr. Klaboe to sign it in their behalf.

A report was submitted by Mr. Barrie and accepted by the Commission concerning cases which have been tried in court since the last Commission meeting summarized as follows:

REPORT OF CONDEMNATION CASES TRIED

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer Before Filing Complaint</u>	<u>Defend- ants' Lowest Demand</u>	<u>Verdict</u>
C. Hollimon Clack. L-6557 R-46209		East Portland Freeway	\$36,300	\$ 50,000	\$44,500

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(Report of Condemnation Cases Tried Cont.)

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer Before Filing Complaint</u>	<u>Defend- ants' Lowest Demand</u>	<u>Verdict</u>
Robert C. McGarry L-6870 R-47042	Marion	Pacific	\$ 7,600	\$ 25,000	\$10,500
Irene M. Fraser L-6731 R-44809	Mult.	Mt. Hood	\$76,200	\$175,000	\$98,000 plus \$ 2,765 stipulated value of sign
Lawrence O'Rourke L-6733 R-44807	Mult.	Mt. Hood	\$37,375	\$ 60,000	\$50,000 plus \$ 6,700 stipulated value of fixtures
McMinnville Investment Co. L-6745 R-44808	Mult.	Mt. Hood	\$23,775	\$ 76,200	\$45,000

REPORT OF TRIAL OF OTHER CASES - STATE PLAINTIFF

<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict or Judgment</u>
Jerry Richard Stout L-6445	Jefferson	Property Damage	\$ 165	\$ 165

REPORT OF TRIAL OF OTHER CASES - STATE DEFENDANT

<u>Plaintiff</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict or Judgment</u>
Cascadia Lumber Co. L-6325	Lincoln	Inverse Condemnation	\$53,422	for Defendant

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(For additional details, see Mr. Barrie's letter of July 5, 1973, on file in the Commission's files.)

The Commission considered and accepted a report made by the Chief Counsel concerning cases which have been settled out of court since the last Commission meeting summarized as follows:

REPORT OF CONDEMNATION CASES SETTLED

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer</u>	<u>State's Highest Appraisal</u>	<u>Amount of Settlement</u>
Harris Distributing Co. L-6786 R-44164	Mult.	Northeast Portland	\$ 24,500	\$ 27,575	\$ 31,500
Martin Geiger L-6836 R-44645	Mult.	Stadium Freeway	\$ 12,100	\$ 12,500	\$ 15,750
Paul Eudaly L-6842 R-45312	Mult.	East Portland Freeway	\$ 30,850	\$ 34,250	\$ 36,000
Janet Griffin L-6864 R-46098	Mult.	East Portland Freeway	\$223,275	\$223,275	\$250,000
Marvel A. Casperson L-6919 R-44226	Mult.	East Portland Freeway	\$ 1,800	\$ 1,800	\$ 2,900
Stephen S. Cathey L-6959 R-46373	Mult.	East Portland Freeway	\$ 10,000	\$ 12,500	\$ 12,500
The Park City Corporation L-6658 R-46770	Wash.	Sunset Highway	\$ 4,050	\$ 2,000	\$ 3,000
G. Ray Watkins** L-6793 R-43270	Clatsop	Oregon Coast Highway	\$ 800		Dismissed

** The above case has been settled by option by the Right of Way Department

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(Report of Condemnation Cases Settled Cont.)

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer</u>	<u>State's Highest Appraisal</u>	<u>Amount of Settlement</u>
Howard I. Angell** L-6890 R-47060	Marion	Pacific	\$ 2,625		Dismissed

** The above case has been settled by option by the Right of Way Department.

REPORT OF OTHER CASES SETTLED

<u>Plaintiff</u>	<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Settlement</u>
State of Oregon L-6933	R. C. & R., Inc.	Marion	Property Damage	\$ 865.89	\$ 865.89
State of Oregon L-6455	Donald Copenhagen (Strickland)	Mult.	Property Damage	\$ 548.79	\$ 136.50

(For additional details, see Mr. Barrie's letter of July 5, 1973, on file in the Commission's files.)

Mr. Barrie presented a report which was accepted by the Commission regarding the institution of legal proceedings which have been commenced since the last Commission meeting summarized as follows:

- 1) Charles Phillips vs. Gordon H. Ball, Inc. et al., L-6989. Plaintiff seeks \$2,225 arising out of an accident on December 1, 1972, on I-205 near M.P. 7 in Clackamas County. Plaintiff alleges that his vehicle ran into a rock about two feet in diameter located approximately in the center of the right hand west-bound lane of the highway.
- 2) Patrick Bigge vs. Lois Jane Emerson and Roderick Porter, L-6991. Plaintiff seeks \$35,000 general damages and \$5,280.67 special damages, due to an accident on Interstate 5 near Interstate 205 Interchange in Clackamas County. Plaintiff alleges that he was walking along the side of the freeway and was struck by the defendant, Lois Jane Emerson. The allegation of negligence against Mr. Porter is failing to light the interchange.
- 3) Harvey E. Cone and Rosa A. Cone vs. David C. Oliver, et al., L-6992. This is a land sale contract foreclosure lawsuit which involves property, a portion of which has been condemned by the Commission and is the subject of a condemnation case in Lane County.

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Mr. Barrie reported on the Mt. Hood Freeway hardship cases stating that the Court has approved 10 additional hardship cases. He commented that the State would request approximately 25 additional hardship cases in the near future. These are mostly individual dwellings and most of them would fall into the \$15,000 - \$25,000 bracket.

Mr. Barrie reported on the status of the billboard removal program stating that of 11 sign companies, 9 have indicated acceptance of the California plan and we are proceeding with binding arbitration which has not been approved by the Federal Government. The State has 300 signs left in arbitration involving the two remaining major signboard companies. Negotiation is still underway with approximately 400 independent signboard owners for acquisition of the 800 remaining signs.

Consideration was given to a personal and professional services agreement with Daniel F. Burroughs for the preparation of specifications for cleanup and rehabilitation of the historic harbor defense features within Fort Stevens State Park in Clatsop County. Mr. Talbot mentioned that the project is to be completed by October 30, 1973, and the plan will be implemented during the winter of 1973. Cost to the State is \$4,500. Upon his favorable recommendation, the Commission approved the agreement and authorized Mr. Klaboe to sign it in their behalf.

Mr. Talbot stated that the Fort Stevens Guardhouse in Clatsop County has recently been declared surplus by the Federal Government and has been offered to nonfederal agencies. He recommended that this 0.75 acre site located near the town of Hammond and Fort Stevens State Park be transferred to the State of Oregon for inclusion in the State Park System. Transfer at a discount of 100% of market value is permitted by the Federal Property and Administrative Services Act of 1949. The Commission accepted the transfer of this property by adopting "Authorization Resolution No. 60," which resolution by this reference is made a part hereof and filed in the Commission's files.

Attention was given to a Notice of Intent filed by Ned Bardeen to construct a residence within the Rogue River Scenic Waterway in Josephine County located within river mile 88 across the river from Finley Bend. Mr. Talbot pointed out that the proposed building site is on a 60-foot bench overlooking the river. Topographic screening of this proposal is not possible. The visual impact of the proposed house would substantially obtrude on the scene as viewed from the river. Moving the house back from the edge of the bench would increase visibility and vegetative screening would not be practicable due to the sloping nature of the terrain. As the proposed work is contradictory to the intent of the Scenic Waterway Act, Mr. Talbot recommended it be denied. The Commission denied the request.

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Consideration was given to the acceptance of a gift of land from David Mason to the State for park purposes located on the Oregon Coast between Fogarty Creek State Park and Boiler Bay State Wayside in Lincoln County. Mr. Talbot pointed out that it is a wooded 4.4 acre tract extending from the Oregon Coast Highway to the ocean with a sand beach in a secluded cove. A reservation in the deed conveying the tract to the State provides for the selection of a one-fourth acre cabin site by Mr. Mason's daughter. Upon his favorable recommendation, the Commission accepted the gift and signed a Certificate of Appreciation.

Confirmation was requested by Mr. Talbot for approval given by Chairman Jackson on June 27, 1973, approving an agreement with Willamalane Park and Recreation District covering acquisition of land for the Willamette River Park System in Lane County. Mr. Talbot stated that the value of the land is estimated at \$212,050. The cost to the State is \$53,012.50. The Commission confirmed approval of the agreement and authority for the Secretary to sign it in their behalf.

The Commission approved the following increases in project authorizations as recommended by Mr. Klaboe:

- 1) Hamilton Electric, Inc., Contract No. 7851 on Railroad Avenue at Newmark Street (North Bend) in Coos County, for \$4,939 (18.3%). The City of North Bend requested a revision to provide for a separate left-turn movement making a significant change in the plans and materials.
- 2) B-G Paint Company, Contract No. 7737, Youngs Bay Bridge, Oregon Coast Highway in Clatsop County for \$10,686.62 (12.5%). Overrun due to delays and expenses caused by environmental regulations after the contract was awarded.
- 3) Copeland Paving, Inc., Contract No. 7897, Cave Junction (Junction Avenue) on the Redwood Highway in Josephine County, for \$5,178.25 (29%). The overrun was due to the City extending the project after bids were received.
- 4) Salem Road & Driveway Company, Contract No. 7847, Independence Junction-West Salem Bikeway Section on the Willamina-Salem Highway in Polk County, for \$42,423.33 (15.2%). The overrun was caused by grading set up on an hourly rate basis and the work necessary is exceeding the estimated hours due to changes in design to widen the bike-path to 10 feet wherever possible.
- 5) Salem Road & Driveway Company, Contract No. 7844 for the 25th Street, S. E.-37th Avenue, S. E. (East Salem Bikeway) Section on the North Santiam Highway and FAS 679 in Marion County, for \$11,528.74 (19.7%). Principal reasons for the overrun were engineering and an increase in width for the bikeway from 8 feet to 10 feet.

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- 6) Rowell and Wickersham, Contract No. 7908, Lafayette (7th Street Extension) in Yamhill County, for \$3,400 (16.6%). The City requested that the project be extended to utilize State Funding up closer to the \$25,000 State limit after the project was contracted.
- 7) S. D. Spencer and Son, Contract No. 7788, Wells Creek-Jack Creek Section of the Umpqua Highway in Douglas County, for \$180,000. It is desirable to widen and overlay an additional five sections within the limits of the original contract.
- 8) G. D. Dennis & Sons, Inc., Contract No. 7521, Willow Flat Road-Fikes Corner Section of the Mt. Hood Highway in Hood River County, for \$70,522.58 (5.12%). The overrun was due to correcting some soft, wet subgrade, requiring additional drainpipe, embankment foundation excavation, and ditch excavation.

Consideration was given to the project finance approval of the Jacksonville Section of the Jacksonville Highway in Jackson County. Mr. Klaboe mentioned that from the results of a corridor hearing held January 27, 1971, a mutual agreement upon the location has been reached with the City of Jacksonville and the Jackson County Board of Commissioners. He recommended that this project be approved and placed on Program X11A which is eligible for Federal-aid Funding. The Commission approved the recommendation.

The Commission considered proposed warrants for illumination on the State Highway System. Mr. Klaboe stated that the Commission had previously approved policy statements with the League of Oregon Cities and the Association of Oregon Counties which define cooperative arrangements for the financing of traffic signals and illumination on the state highway system. As a result of these policy statements, the State has received during the past six months numerous requests to participate in illumination projects with cities and counties. He stated to properly analyze and assess each of these requests as they arrive and to establish a statewide priority list, there is a need for warrants to determine if illumination is required and also from which a priority listing can be established. Upon his favorable recommendation, the Commission approved the following warrants for illumination.

WARRANTS FOR ILLUMINATION

Two types of locations are generally involved in illumination analysis. The first is a lineal section and the second is a spot location, usually an intersection or an interchange. The warrants for illumination of the two types of locations are as follows:

Lineal Section

- 1) The section under investigation should have an overall accident rate higher than the statewide normal before additional consideration is given.

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- 2) If number 1 is satisfied, a nighttime accident rate should be compared with the overall accident rate for the section involved. If the Nighttime rate exceeds the overall rate by more than 50% (traffic volumes would have to be estimated), then the governmental jurisdictions involved could consider entering into a cooperative agreement for illumination.
- 3) A judgment factor would be used in those instances where an obvious hazard is not revealed by the accident rate and in those instances where the accident rate is distorted because of low traffic volume. The type of accident will also be brought into consideration.

Spot Location

It is not practical to compute an accident rate in the case of a spot location. However, an "exposure rate" based on the number of accidents occurring in the intersection and the total number of vehicles entering the intersection can be computed.

A spot location will be considered as warranting illumination when the night exposure rate is a minimum of 50% greater than the day rate.

Abandonment of 19 claims for damages to highway property was recommended by Mr. Klaboe. Circumstances surrounding these claims indicate that further efforts for collection are not feasible. The Commission approved abandonment of the following claims:

<u>Claim No.</u>	<u>Name</u>	<u>Amount</u>	<u>Reason</u>
CAO 72-11	Midwest Pacific Coast Agricultural Co-op	\$283.97	Defunct: no assets
CAO 72-57	Eliot B. Johnson	\$645.08	Unable to locate
CAO 72-87	Fredrick R. Rawlins	\$442.20	Unable to locate
CAO 72-198	Weldon O. Willingham	\$711.30	Unable to locate
CAO 72-268	Kathryn Louise Butler	\$217.65	No assets
CAO 72-284	Diane O. Davis	\$116.24	Lives out of state & does not wish to pay

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<u>Claim No.</u>	<u>Name</u>	<u>Amount</u>	<u>Reason</u>
CAO 72-289	Matthew M. Rumbaugh	\$280.91	Denies damages
CAO 72-306	Kevin J. Keller	\$221.24	Unable to locate
CAO 72-313	William J. Logue	\$105.20	Denies responsibility
CAO 72-330	Larry Dan Kelley	\$188.11	Lives out of state & no response to correspondence
CAO 72-340	Richard E. Mitchell	\$116.56	Lives out of state & no response to correspondence
CAO 72-358	Alfred Goozmer	\$609.06	Unable to locate
CAO 72-391	Warren R. Moorhead	\$212.21	Unable to locate
CAO 73-22	Mike Nordmeyer	\$121.40	Unable to locate in Idaho
CAO 73-48	James R. Flowers	\$401.76	Unable to locate
CAO 73-80	John B. Reed	\$220.39	Denies liability for claim
CAO 73-94	Judith Anne Hansen	\$ 54.00	Denies liability for claim
CAO 73-100	Roberto T. Castillo	\$165.45	Unable to locate
CAO 73-105	Harold B. Utting	\$ 85.00	Denies liability for claim

The Commission approved cancellation of the following TOPICS Project in the City of Milwaukie as recommended by Mr. Klaboe. The City cancelled the project as they were unable to acquire this property at an acceptable price.

(Continued on next page.)

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SUMMARY, TOPICS FUNDS

Fiscal Year 1970, 1971, 1972, & 1973 Projects

Cancellation of Previously Approved Project

<u>City</u>	<u>Section</u>	<u>Programmed Amount</u>	<u>State Cost</u>
Milwaukie	Harrison Street at 32nd Avenue Signals and widening	\$61,000	\$12,200

Approved by Highway Commission on 9-30-70

Total Cancellation	\$61,000	\$12,200
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<u>Summary by Fiscal Year</u>	<u>1970, 71, & 72</u>	<u>1973</u>	<u>Total</u>
Allocated Funds	\$6,535,000	\$1,369,000	\$7,904,000
Approved Projects (corrected to date)	6,535,000	720,000	7,255,000
Unprogramed Balance	---	649,000	649,000
Proposed Cancellation: 7-10-73	---	61,000	61,000
Unprogramed Balance	---	\$ 710,000	\$ 710,000

Mr. Klaboe presented for confirmation requests from contractors for extensions of time within which to complete highway contracts without assessment of liquidated damages. These requests, he said, have been carefully investigated and the results of the investigation have been reported to the Commission by letter. The contractors have also been advised by letter as to the extensions of time. The Commission confirmed extensions of time as follows:

- 1) Olson Electric Company, Inc., Contract No. 7793 on the Mt. Hood Highway at S. E. 174th Avenue in Multnomah County, requested an extension of 123 days. The Commission confirmed an extension of 97 days which will eliminate all liquidated damages.
- 2) Hughes, Ladd and McConnell, Contract No. 7395 on the Old Oregon Trail in Baker County, requested an extension of 60 days. The Commission confirmed an extension of 51½ days which eliminated all liquidated damages. Federal Highway Administration concurred on June 25, 1973.
- 3) Martin D. Andruss, Contract No. 7853 in Jessie M. Honeyman State Park in Lane County, requested an extension of 45 days. The Commission confirmed an extension of 49 days which will reduce all liquidated damages.

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- 4) S. D. Spencer & Sons, Contract No. 7561 on the Pacific Highway in Josephine County, requested an extension of 69 days. The Commission confirmed an extension of 70 days which will eliminate all liquidated damages. Federal Highway Administration concurred on June 7, 1973.
- 5) Hansen Electric Company, Contract No. 7701 on the Cape Arago, Empire-Coos Bay and Oregon Coast Highways in Coos County, requested an extension of 17½ days. The Commission confirmed an extension of 17½ days which will delete all liquidated damages. Federal Highway Administration concurred on June 7, 1973.
- 6) Schrader Construction Company, Inc., Contract No. 7681 on the Old Oregon Trail in Union County, requested an extension of 95 days. The Commission confirmed an extension of 72 days which will reduce all liquidated damages. Federal Highway Administration concurred on June 11, 1973.
- 7) Al Kalkhoven, Contract No. 7551 on the Oswego Highway in Multnomah County, requested an extension of 107 days. The Commission confirmed an extension of 107 days which will delete all liquidated damages. Federal Highway Administration concurred on June 12, 1973.
- 8) Coral Coporation, Contract No. 7754, Pacific Highway in Douglas and Josephine Counties, requested an extension of 23 days. The Commission confirmed an extension of 23 days which will eliminate all liquidated damages. Federal Highway Administration concurred on June 25, 1973.
- 9) General Service Electric, Inc., Contract No. 7705 on the Pacific Highway West in Yamhill County, requested an extension of 18 days. The Commission confirmed an extension of 1 day reducing all liquidated damages. Federal Highway Administration concurred on May 29, 1973.
- 10) Peter Kiewit Sons' Company, Contract No. 7514 on the Old Oregon Trail in Union and Baker Counties, requested an extension of 130 days. The Commission confirmed an extension of 35 days reducing all liquidated damages. Federal Highway Administration concurred on June 1, 1973.
- 11) S. D. Spencer & Son, Contract No. 7751 of FAS 574 Spur in Columbia County, requested an extension of 30 days. The Commission confirmed an extension of 67 days which will eliminate all liquidated damages.

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Mr. Klaboe reported that Contracts Nos. 7310, 7311, 7510, 7639, 7701, 7763, 7767, 7780, 7816, 7818, 7854, and 7865 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. The Commission accepted the contracts by adopting "Contracts Completed Resolution No. 212," which resolution by this reference is made a part hereof and filed in the Commission's files.

The Commission confirmed verbal award of contracts made by Chairman Jackson on June 1, 1973, for bids received May 24, 1973, and confirmed authority for the Secretary to sign the following contracts in their behalf:

BIDS RECEIVED IN SALEM MAY 24, 1973

Grading and paving on Auburn Avenue-Estes Avenue (Baker) Section of the Baker-Unity Highway in Baker County. One bid was received. The Commission rejected the lone bid of Baker Redi-Mix, Inc., Baker, at \$32,845.

Grading and paving on 3rd Street in Richland, Baker County. One bid was received. The Commission rejected the lone bid of Baker Redi-Mix, Inc., Baker, at \$33,937.

Contract No. 7894 for grading and paving on Nehalem Street in Clatskanie in Columbia County. Two bids were received. The Commission accepted the low bid of Columbia West Materials & Constructors, Inc., Longview, Washington, at \$27,679 and the Administrator of Highways was directed to award the contract to said bidder when the City of Clatskanie approves the project and deposits \$8,000.

Contract No. 7895 for grading, paving and structure on the UPRR O'Xing-Hood River (Button Bridge) Section of FAS Route 349 at Hood River in Hood River County. Eleven bids were received. The Commission accepted the low bid of Workman Construction Company & Workman Contractors, Inc., Canby, at \$721,883 and the Administrator of Highway was directed to award the contract to said bidder when Hood River County approves the project.

Contract No. 7896 for grading and paving on 5th Avenue in Gold Hill in Jackson County. One bid was received. The Commission awarded the contract to the lone bidder, Copeland Paving, Inc., Grants Pass, at \$10,263.05.

Contract No. 7897 for grading and paving on Junction Avenue in Cave Junction in Josephine County. One bid was received. The Commission awarded the contract to the lone bidder, Copeland Paving, Inc., Grants Pass, at \$15,342.75.

Contract No. 7898 for the Odell Lake Rock Production Project on the Willamette Highway in Klamath County. Six bids were received. The Commission awarded the contract to the low bidder, Jed Wilson and Son, Lapine, at \$54,600.

(Continued on next page.)

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Contract No. 7899 for the installation of traffic signals on the East Main Street-Homedale Road Section in the City of Klamath Falls in Klamath County. Two bids were received. The Commission accepted the second low bid of Hamilton Electric, Inc., Eugene, at \$64,341 and the Administrator of Highways was directed to award the contract to said bidder when the City of Klamath Falls and Klamath County approve the project and \$4,090 is deposited by the City and \$30,720 is deposited by the County. The low bid of Winema Electric, Inc., in the amount of \$59,918 was not accepted as they are prequalified in the name of Winema Electric (a partnership).

Contract No. 7900 for grading and paving on Cannon and Hyland Streets in Lowell in Lane County. Four bids were received. The Commission awarded the contract to the low bidder, Wildish Construction Company, Eugene, at \$18,071.

Contract No. 7901 for traffic signals on the River Road at Irvington Drive Section on the Junction City-Eugene Highway in Lane County. Three bids were received. The Commission accepted the low bid of Hamilton Electric, Inc., Eugene, at \$19,714 and the Administrator of Highways was directed to award the contract to said bidder when Lane County approves the project and deposits \$11,630.

Contract No. 7902 for roadside improvement on the Halsey Interchange-Lane County Line Section of the Pacific Highway in Linn County. Five bids were received. The Commission accepted the low bid of Paul Brothers, Inc., Portland, at \$145,080 and the Administrator of Highways was directed to award the contract to said bidder when approval of the Federal Highway Administration is received.

Contract No. 7903 for the Santiam Junction Rock Production Project in Linn, Lane and Marion Counties. Eight bids were received. The Commission awarded the contract to the low bidder, Bedrock Crushing Company, Sweet Home, at \$170,500.

Contract No. 7904 for grading and paving on the N. E. 166th Avenue-N. E. 190th Avenue Section of FAS 730 in Multnomah County. Three bids were received. The Commission accepted the low bid of Oregon Asphaltic Paving Company, Portland, at \$502,595.50 (Alt. 2) and the Administrator of Highways was directed to award the contract to said bidder when Multnomah County approves the project and deposits \$107,000.

Contract No. 7905 for roadside improvement on the Terwilliger Boulevard Interchange Section of the Pacific Highway in Portland in Multnomah County. Seven bids were received. The Commission accepted the low bid of Baltz and Son Company, Portland, at \$25,465 and the Administrator of Highways was directed to award the contract to said bidder when approval of the Federal Highway Administration is received.

Contract No. 7906 for the Nestucca River (Pacific City) Bridge Section of FAS 618 in Tillamook County. Six bids were received. The Commission accepted the low bid of Workman Construction Company and Workman Contractors, Inc., Canby, at \$292,948 and the Administrator of Highways was directed to award the contract to said bidder when Tillamook County approves the project and deposits \$67,000.

(Continued on next page.)

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Contract No. 7907 for grading and paving on 80th Avenue in the City of Tualatin in Washington County. Three bids were received. The Commission accepted the low bid of Gibbons and Reed Company, Portland, at \$37,080 and the Administrator of Highways was directed to award the contract to said bidder when the City of Tualatin approves the project and deposits \$19,800.

Contract No. 7908 for grading and paving on the 7th Street Extension in Lafayette in Yamhill County. Three bids were received. The Commission awarded the contract to the low bidder, Rowell and Wickersham, McMinnville, at \$17,827.40.

Contract No. 7909 for maintenance painting on the Charleston (South Slough) Bridge and the Eastside (Isthmus Slough) Bridge of the Cape Arago and Coos River Highways in Coos County. Five bids were received. The Commission awarded the contract to the low bidder, We Painters, Inc., Lynnwood, Washington, at \$96,000.

The Commission confirmed verbal award of contracts made by Chairman Jackson on July 2, 1973, for bids received on June 28, 1973, and confirmed authority for the Secretary to sign the following contracts in their behalf:

BIDS RECEIVED IN SALEM JUNE 28, 1973

Contract No. 7910 for traffic signal installation at East Bay Drive on the Oregon Coast Highway in Coos County. Three bids were received. The Commission awarded the contract to the low bidder, Steeck Electric Company, Medford, at \$11,000.

Traffic signals on the Garden Valley Road Section at BLM Access in Roseburg on FAS 800 in Douglas County. Three bids were received. The Commission referred all bids to Douglas County.

Contract No. 7912 for traffic signals on 4th Street at Bartlett Street in Medford in Jackson County. Four bids were received. The Commission accepted the low bid of Steeck Electric Company, Medford, at \$14,650 and the Administrator of Highways was directed to award the contract to said bidder when approval of the Federal Highway Administration and City of Medford is received, and \$5,200 is deposited by the City.

The Commission confirmed the award of the following contracts which were referred to the Administrator of Highways to award when certain conditions were fulfilled:

- (1) Nehalem Street in City of Clatskanie in Columbia County. Bids received May 24, 1973. Contract No. 7894 awarded June 7, 1973, to Columbia West Materials and Constructors, Inc., Longview, Washington, at \$27,679.
- (2) U.P.R.R. Overcrossing-Hood River (Button Bridge) Section of FAS 349 in Hood River County. Bids received May 24, 1973. Contract No. 7895 awarded June 22, 1973, to Workman Construction Co. and Workman Contractors, Inc., Canby, at \$721,883.

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- (3) Traffic signal installation on East Main Street-Homedale Road Section in City of Klamath Falls on Klamath Falls-Lakeview Highway in Klamath County. Bids received May 24, 1973. Contract No. 7899 awarded June 19, 1973, to Hamilton Electric, Inc., Eugene, at \$64,341.
- (4) Traffic signal installation on River Road at Irvington Drive on Junction City-Eugene Highway in Lane County. Bids received May 24, 1973. Contract No. 7901 awarded June 20, 1973, to Hamilton Electric, Inc., Eugene, at \$19,714.
- (5) Roadside improvement on Halsey Interchange-Lane County Line Section of Pacific Highway in Linn County. Bids received May 24, 1973. Contract No. 7902 awarded June 1, 1973, to Paul Brothers, Inc., Portland, at \$145,080.
- (6) N. E. 166th Avenue-N. E. 190th Avenue Section of FAS 730 in Multnomah County. Bids received May 24, 1973. Contract No. 7904 awarded June 15, 1973, to Oregon Asphaltic Paving Company, Portland, at \$502,595.50.
- (7) Roadside improvement on Terwilliger Boulevard Interchange Section of Pacific Highway in Multnomah County. Bids received May 24, 1973. Contract No. 7905 awarded June 1, 1973, to Baltz and Son Co., Portland, at \$25,465.
- (8) Nestucca River (Pacific City) Bridge of FAS 618 in Tillamook County. Bids received May 24, 1973. Contract No. 7906 awarded June 1, 1973, to Workman Construction Co. and Workman Contractors, Inc., Canby, at \$292,948.
- (9) 80th Avenue in City of Tualatin in Washington County. Bids received May 24, 1973. Contract No. 7907 awarded June 5, 1973, to Gibbons and Reed Company, Portland, at \$37,080.

The Commission considered an Emergency Relief Project covering repairs to a slide at M.P. 1.5 on Bayocean Road (FAS 616) in Tillamook County. Mr. Klaboe mentioned that the estimated cost of the project is \$70,000 at no cost to the State. Upon his favorable recommendation the Commission approved the project and authorized him to sign the agreement in their behalf.

The Commission considered a request from Oregon City for a Federal-aid TOPICS Project. Mr. Klaboe mentioned that the project has been investigated and is eligible for Federal-aid funds and recommended that it be approved. The Commission approved the following project and authorized Mr. Klaboe to sign the agreement.

(PROJECT ON NEXT PAGE)

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SUMMARY, TOPICS FUNDS
Fiscal Year 1970, 1971, 1972, and 1973 Projects

City	Section	Programed Amount	State Cost
Oregon City	S.P.R.R. at 10th St. & Singer Hill Road, Railroad Protection	37,000	--
Total New Project		\$37,000	
Summary by Fiscal Year		1970, 71 & 72	1973
Allocated Funds		\$6,535,000	\$1,369,000
Approved Projects (Corrected to date)		\$6,535,000	659,000
Balance		--	710,000
New Project 7-10-73		--	37,000
Unprogramed Balance		--	\$ 673,000
			\$ 673,000

Consideration was given to approving the payment to the Pacific Northwest Travel Association for the 1972-1973 and 1973-1974 fiscal years in the amount of \$4,000 annually as a participation fee. Mr. Klaboe pointed out that at the Commission meeting of September 8, 1971, the Commission agreed to increase the fee to \$4,000 annually. Due to an oversight, the 1972-1973 fee of \$4,000 was paid without further Commission approval. Upon his favorable recommendation, the Commission approved the payments for the two fiscal years of 1972-1973 and 1973-1974.

Attention was given to an extension of the Cole and Weber, Inc., contract for two months from July 1 to September 1, 1973, to review the advertising program. Mr. Klaboe mentioned that normally agency presentations would have been held earlier this year to review and recommend an agency to handle the advertising program for the next four years. However, due to the status of the advertising budget, the review was put off until the Legislature had taken action on the budget. He stated it is now the desire of the Division and the Advisory Committee to review the advertising program and hear presentations from agencies within the next few weeks. In order to maintain a continuity of the current program, it seems advisable to extend the current contract with Cole and Weber, Inc., for a period of two months. The Commission approved the extension.

Consideration was given to establishing a 35 mile per hour speed zone north and south of Hermiston on the Umatilla-Stanfield Highway in Umatilla County. Mr. Klaboe stated that the State Speed Control Board recently took action establishing a 35 mile per hour speed zone in Hermiston. To carry this speed zoning to a logical termination point and to correspond with the prevailing speed of traffic on the highway, it is necessary to extend the 35 mile per hour speed zone into the rural area north of the city. He recommended that the Highway Commission "Speed Zone Resolution No. 304," dated July 2, 1959, be rescinded and the following speed zones established:

(Speed Zone on next page)

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35 MPH from 0.28 mile north of Hermiston Irrigation Ditch (M.P. 4.31) to the north city limits of Hermiston at Elm Avenue (M.P. 4.84).

35 MPH from East Fourth Street, the south city limits of Hermiston (M.P. 6.04) to 300 feet northwest of Maxwell Canal (M.P. 6.20)

The Commission accepted his recommendation. The proposed rule will be published in the next issue of the Administrative Rule Bulletin.

Attention was given to the adoption of a proposed rule prohibiting parking on the shoulders on the west side of the Wilson River Highway from M.P. 40.71 to M.P. 40.86 and on the east side of the highway from M.P. 40.81 to M.P. 40.86 near the Log Cabin Tavern in the vicinity of Washburn in Washington County. Mr. Klaboe said that parking of vehicles near this tavern is causing a hazardous condition and the gravel shoulders are insufficient width to accommodate parked vehicles. Upon his favorable recommendation, the Commission approved the parking prohibition. The proposed rule will be published in the next issue of the Administrative Rule Bulletin.

Attention was given to prohibiting fishing from the Spencer Bridge on the Green Springs Highway at M.P. 43.86 in Klamath County. Mr. Klaboe pointed out that there is a considerable amount of fishing from the bridge which has developed hazardous traffic conditions for both pedestrians and vehicles. He recommended that fishing be prohibited from the Spencer Bridge to be effective upon the installation of signs. The Commission accepted his recommendation.

The Commission considered the adoption of a proposed rule amending previous action of the Highway Commission on September 21, 1949, changing the stop requirements on the Rogue River Loop Highway at its intersection with the Upper River Road in Josephine County. Mr. Klaboe mentioned that Josephine County is now reconstructing the Upper River Road which intersects the Rogue River Loop Highway at M.P. 5.82. The intersection will be redesigned with the Upper River Road and the westerly leg of the Rogue River Loop Highway forming the top of a "T" intersection. When this work is completed, traffic patterns and physical conditions will indicate a need for revising stop requirements. He recommended that the September 21, 1949, resolution be amended to include the following exceptions to be effective upon completion of the construction.

All traffic westbound on the Rogue River Loop Highway shall stop at its intersection with Upper River Road.

Traffic southbound on the Upper River Road need not stop at its intersection with the Rogue River Loop Highway.

The Commission accepted his recommendation. The proposed rule will be published in the next issue of the Administrative Rule Bulletin.

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Confirmation was requested by Mr. Klaboe for action given by Chairman Jackson on June 7, 1973, approving an agreement with Josephine County to abandon a portion of the existing right-of-way to the County on the Upper River Road connection of the Rogue River Loop Highway and to revise the highway routing along the improved section of the County Road. He stated that the County will obtain the necessary right-of-way and will perform all work connected with the project. The State will relocate or adjust utility installations within the highway right-of-way. The Commission confirmed the agreement and authorized Mr. Klaboe to sign it in their behalf.

Abandonment of four sections of State highway was presented by Mr. Klaboe. He stated that the new sections of the highway replacing the old sections have been completed and are open to public travel. Following his favorable recommendation, the Commission approved abandonment of the following sections and thereupon adopted "Abandonment Resolutions Nos. 506, 516, 535a, and 536," which resolutions by this reference are made a part hereof and filed in the Commission's files.

- (1) Abandonment of approximately 5.3 miles of the old Clackamas Highway from Eagle Creek in Estacada to Clackamas County. (See "Abandonment Resolution No. 506.")
- (2) Abandonment of approximately 1½ miles of the old highway in the Elk Creek-Blue River Section of the McKenzie Highway to Lane County. (See "Abandonment Resolution No. 516.")
- (3) Rescind "Abandonment Resolution No. 535" adopted by the Highway Commission March 6, 1973, on the Pieper Canyon Road-Bunker Hill Road Section of the Heppner Highway in Morrow County. This is to correct the unit description of the original resolution. (See "Abandonment Resolution No. 535a.")
- (4) Relinquish the 18th-19th Street Couplet along with connections with Vaughn Street and Burnside Street in the N. W. Johnson-S. W. Montgomery Section of the Stadium Freeway to the City of Portland. (See "Abandonment Resolution No. 536.")

Confirmation was requested by Mr. Klaboe for approval given by Chairman Jackson on June 21, 1973, concerning a supplemental agreement with Mid-Willamette Valley Council of Governments covering transportation planning for the next fiscal year at an estimated cost of \$60,000. He mentioned that the Federal Highway Administration has approved the use of HPR Funds, 85% Federal and 15% State Funds. The Commission confirmed the agreement and authorized Mr. Klaboe to sign it in their behalf.

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Confirmation was requested by Mr. Klaboe for approval given by Chairman Jackson on June 21, 1973, concerning a supplemental agreement with the Columbia Region Association of Governments covering transportation planning for the next fiscal year. He stated the Federal Highway Administration has approved the use of HPR funds at an estimated cost of \$110,000; 85% Federal and 15% State Funds. The Commission confirmed the agreement and authority for the Secretary to sign it in their behalf.

Confirmation was requested by Mr. Klaboe for approval given by Chairman Jackson on June 21, 1973, concerning a supplemental agreement with Lane County Council of Governments covering transportation planning for the next fiscal year. He stated that the amount covered in this agreement is estimated at \$60,000 and the Federal Highway Administration has approved the use of HPR Funds; 85% Federal and 15% State Funds. The Commission confirmed the agreement and authorized Mr. Klaboe to sign it in their behalf.

Confirmation was requested by Mr. Klaboe for approval given by Chairman Jackson on June 20, 1973, covering an Air Quality Study for the Environmental Impact Statement for the Foster Road-Columbia River Section of I-205 in Multnomah County. He stated that the study is to be conducted by Systems, Science and Software of LaJolla, California, at an estimated cost of \$29,000. The Commission confirmed the agreement and authorized Mr. Klaboe to sign it in their behalf.

Confirmation was also requested by Mr. Klaboe for approval given by Chairman Jackson on June 5, 1973, approving Supplemental Agreement No. 2 with Howard, Needles, Tammen and Bergendoff for completion of the final environmental impact statement for I-205 in the City of Portland. He commented that the consultant will assign the necessary personnel to permit an orderly completion of the project and will deliver 200 copies of the final statement 30 days after receipt of all review comments. The Commission confirmed the agreement at a total estimated cost of \$47,310 and authorized Mr. Klaboe to sign it in their behalf.

Consideration was given to an agreement with the Columbia Region Association of Governments for the State to participate in a detailed study of the traffic congestion problem on the Interstate Bridge connecting Portland and Vancouver, Washington. Mr. Klaboe stated that the study is to be conducted in three phases over a period of approximately 18 months at an estimated cost of \$130,000. The funds will be supplied by the various agencies as follows:

City of Vancouver	\$10,000
Clark County	10,000
Washington State	<u>45,000</u>
(Highway and other state agencies)	
Total from Washington	\$65,000
City of Portland	\$ 5,000
Multnomah County	5,000
Tri-Met	25,000
Oregon Highway Division	<u>30,000</u>
Total from Oregon	<u>\$65,000</u>
	\$130,000

Upon his recommendation the Commission approved the allocation of \$30,000 using State Funds, with the stipulation that the cost not exceed this amount, and authorized Mr. Klaboe to sign the agreement in their behalf.

Confirmation was requested by Mr. Klaboe for approval given by Commissioner Bruno on May 30, 1973, approving an agreement with the City of Portland for use of the Old Journal Building Site for the Rose Festival. The Commission confirmed the agreement and authority for the Secretary to sign it in their behalf.

The Commission considered a maintenance service contract with Digital Equipment Corporation covering the surveillance computer equipment located at Albany in Linn County. Mr. Klaboe stated that this contract replaces the one which expired on June 30, 1973, and will cover the necessary maintenance work. It is proposed that this contract run for an initial period of one year. The monthly cost is to remain \$145 and is to be financed by Highway Planning and Research Funds. The Commission approved the service contract as recommended and authorized Mr. Klaboe to sign it in their behalf.

Attention was given to an agreement with Columbia County for illumination of the Longview Interchange on the Lower Columbia River Highway in Columbia County. Mr. Klaboe pointed out that the agreement provides that the State shall perform the work and maintain luminaire installation. The County is to pay one-fourth and the State three-fourths of the cost of the power consumed by the luminaires. The total estimated cost is \$77,750 using Federal-aid Primary Funds. Upon his favorable recommendation, the Commission approved the agreement and authorized him to sign it in their behalf.

Confirmation was requested by Mr. Klaboe for approval given by Chairman Jackson on June 7, 1973, covering an agreement with Harry and David Bear Creek Orchards for construction of left-turn refuges, channelization, and traffic signals for two access points on the Rogue Valley Highway in Jackson County. He stated that Harry and David shall relocate all private and public-owned utilities and dedicate to the State a 10-foot strip of right-of-way and a 5-foot construction easement necessary for the construction of the project. The cost of the project is estimated at \$98,000. The Commission confirmed the agreement and authority for the Secretary to sign it in their behalf.

Attention was given to a supplemental agreement with the City of Eugene for landscaping and development of park and recreational facilities beneath the viaduct on 7th Avenue-Willamette River Section of the Eugene-Springfield Highway in Lane County. Mr. Klaboe stated that the original State-City agreement remains in full force and effect with this supplement being necessary only to increase the landscaped areas that are to be maintained by the City. The project is currently scheduled for this summer. The Commission approved the agreement as recommended and authorized Mr. Klaboe to sign it in their behalf.

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Consideration was given to an agreement with the City of Dallas for a location survey along the Dallas-Rickreall Highway in Polk County to develop a report on the right-of-way limits and cost estimates for improvement to a four-lane facility with left-turn refuges. Mr. Klaboe stated that the cost of the survey is estimated at \$10,000 to be shared on the basis of 75% State and 25% City. Upon his favorable recommendation, the Commission approved the agreement and authorized him to sign it in their behalf.

The Commission considered a throughway agreement with Umatilla County covering the construction and maintenance of the Milton-Freewater-Washington State Line Section of the Oregon-Washington Highway. Mr. Klaboe pointed out that existing road connections will be reconstructed and upon completion, any right-of-way acquired for this purpose will be transferred to the County. The County concurs in the State's recommendation for temporary road closures during construction. Upon Mr. Klaboe's recommendation, the Commission approved the agreement and authorized him to sign it in their behalf.

The Commission considered a request from Battelle Northwest to amend their original contract to include \$2,400 in additional costs incurred by their research team due to additional requests in connection with the program to investigate the impact of tourism on the economy of the State of Oregon. Mr. Klaboe mentioned that the funds for the additional costs will come from the current General Administration budget. Upon his recommendation, the Commission approved the contract and authorized him to sign it in their behalf.

Confirmation was requested by Mr. Klaboe for approval given by Commissioner Bruno on June 29, 1973, approving a permit extension to allow Edward Calkins and Dan Poling to dig for treasure trove on June 30, July 1, 2 and 3, 1973, on the Oregon shore south of Cape Lookout in Tillamook County. He mentioned that the tides were at the lowest point of the year, making it more favorable for digging. The Commission confirmed the permit and authority for the Secretary to sign it in their behalf.

The Commission considered approving a traffic signal on the Rogue Valley Highway at the intersection of the State offices and the Medford Corporation (Medco) in Jackson County. Mr. Klaboe pointed out that the Medco access would be located directly opposite a widened and improved access to the State offices and the signal would serve Medco as well as the State offices. The total estimated cost of the proposed signalization is \$35,000. The cost would be shared equally and the State would care for future maintenance and power. The State's share would be charged to Minor Betterment Funds. Upon his favorable recommendation, the Commission approved the proposed signalization. This proposal will be published in the next issue of the Administrative Rule Bulletin.

Attention was given to a request from the City of Umatilla to consent to an annexation of a portion of the right-of-way of the Columbia River Highway in Umatilla County. Mr. Klaboe said that the request has been investigated and appears to be reasonable. No enclave will be formed by the annexation. Upon his favorable recommendation, the Commission approved the consent to annexation and authorized him to sign it in their behalf.

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The Commission considered a request from the City of Phoenix to consent to annexation of a portion of the right-of-way of the Rogue Valley Highway in Jackson County. Mr. Klaboe pointed out that the request has been examined, and no enclave will be formed. Upon his favorable recommendation, the Commission approved the consent of annexation and authorized him to sign it in their behalf.

Consideration was given to an agreement with the City of Astoria for the installation of a three-phase, fully actuated traffic signal at the intersection of Columbia, Bond and Marine Drive (Lower Columbia River Highway) in Clatsop County. Mr. Klaboe mentioned that the State is to maintain the signal and the City will be responsible for all power consumption. The estimated cost is \$29,000 to be shared equally with the State's share to be charged to Minor Betterment Funds. The Commission approved the agreement and authorized Mr. Klaboe to sign it in their behalf. This notice is to be published in the next issue of the Administrative Rule Bulletin.

The Commission set their next meeting date for Tuesday, August 14, 1973, in Room 122, State Highway Building, Salem, and deferred setting a tentative date for the following meeting.

A delegation representing the Highway 20 Association appeared before the Commission concerning improvement of Highway 20 between Philomath and Toledo in Lincoln and Benton Counties. The following persons were present: M. A. Preisz, W. Stan Ouderkirk, Don Rogers, Violet Updike, Harlan Hawkins, Mel Hawkins, Darrel Sims, and Harvey Curry. Mr. Preisz, President of the Association, stated that on April 23, 1973, their association adopted a resolution that their number one priority be the completion of US20 from Corvallis to Newport as a fast-freight highway. He presented several letters to the Commission all urging improvement of the highway.

Sen. Ouderkirk referred to the potentials of the Port of Newport and Highway 20. He mentioned that Governors McCall and Hatfield have spent many hours traveling throughout the world to generate an industry for the State that would give us an opportunity to have a standard type of economy. The Federal Government has spent millions of dollars to reinforce the north and south jetties. The Port is not entirely utilized because of the lack of development of Highway 20. With an improved highway, additional use of the Port of Newport could be developed for substantial trade areas.

Don Rogers representing the Georgia Pacific of Toledo stated that their output had increased from 250 tons per day in 1957 to 1,000 tons per day with projections that it would be increased to 1,250 tons per day.

The Chairman mentioned that in excess of 8 million dollars had been expended on this section of highway in the past 10 years and any further improvement of it would be developed upon the recent \$150,000,000 bond issue recently approved by the State Legislature. The Commission's policy will be to establish priorities for expenditure of these moneys through local councils of governments for the respective

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districts and it is the State's intent to contact these councils of government in the near future.

The Commission discussed increasing the State park campground fees to be effective with the 1974 camping season. The Commission believed that the across-the-board fee increase on all park users is the most equitable solution to balancing the park's budget. The Commission approved the increase of fees as follows and amended a portion of "State Parks Resolution No. 33" dated May 16, 1972.

Unimproved tent sites from \$1 to \$1.25 per night
Improved camp sites \$2 to \$2.50 per night
Fully-equipped trailer sites \$3 to \$4 per night.

The proposed rule will be published in the Secretary of State's Administrative Rule Bulletin.

Service award pins for 40 and 45 years were presented to seven Highway employees by the Commission. Chairman Jackson expressed the Commission's appreciation for these long terms of service and dedication. He presented pins to the following people:

45 Year Award

Joseph Miller

40 Year Awards

Gilbert Anderson
Walter G. Denson
Albert E. Johnson
Ernest M. Nicholas
Ralph Sipprell
Lloyd O. Yeck

Mr. Baldwin mentioned to the Commission that there were quite a few agreements presented at this meeting which authorized the Highway Commission Secretary to sign. He stated that under the new law the Secretary's position was abolished. He recommended and the Commission accepted that Mr. Klaboe be authorized to sign these documents on behalf of the Commission until further notice.

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Chairman Jackson commented that the Highway Division of the Department of Transportation is funded by dedicated funds so the State's program is the same as it has always been to try to find sufficient funds to meet all of the transportation needs in the State.

He stated in mass transit, there is very limited funding and we are hopeful that we can come up with a program that at least gives us a tangible start in the shifting of transportation of people from automobiles into mass transit in the key areas of the State before the next legislature so we can make application for some funding that will enable us to activate programs within the communities that have a need for mass transit.

The Ports Commission, he continued, is not funded and we hope in the course of the next six months to develop a program to be submitted to the Legislature that will justify funding for active participation and development of the Ports other than the Port of Portland.

The Chairman mentioned that the Aeronautics organization has been operating for quite some time and is funded insofar as cooperation with the various communities in the State to improve and modernize their airports. He stated that they have the licensing authority for intra-State airlines. The Commission should take the responsibility of using the prestige of the State of Oregon in trying to bring about a better commercial public service into the communities of the State and try to develop desirable alternatives to highway traffic, other modes of moving people from one area to another. This will require a great deal of planning, investigation and research. The Chairman stated that this Commission must dedicate itself in the months ahead to develop a type of program that is apparently basic as an objective in the passage of the Legislation creating this type of Commission.

At the January 23, 1973, Highway Commission meeting, the Chairman instructed the Highway Division to use the \$1.2 million plus bridge replacement grant for county bridges as outlined in the Federal Highway Works Association list of priorities and for one State bridge on the Kings Valley Highway and confirmed authority for the Secretary to sign agreements prior to July 10, 1973. The counties will be required to pick up the entire 25 per cent matching for any bridges approved on their Federal-aid Secondary System. The Commission approved the following bridge replacements and authorized Mr. Klaboe to sign agreements prepared after July 10, 1973.

OREGON STATE HIGHWAY DIVISION
Maintenance Section

PRIORITY BRIDGE REPLACEMENT LISTING COUNTY

(Listing on next page.)

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<u>Bridge Name & No.</u>	<u>County</u>	<u>FAS Number</u>	<u>Replacement Cost</u>
"A" PRIORITIES			
Little Deschutes (Montgomery) 9C54	Deschutes	793	\$ 100,000
Tualatin River (Golf Course) 13047	Washington	631	464,000
Silver Creek 5397	City of Silverton	147	80,000
Woahink Lane 15143A	Lane	226	150,000
Woahink Lane 15144A	Lane	226	102,000
Woahink Lane 15145A	Lane	226	267,000
"B" PRIORITIES			
Pritchett Creek 13197	Washington	837	20,000
Slough 1112A	Curry	8-110	95,000
Edson Creek 3350	Curry	8-107	16,000
Gales Creek 13211	Washington	933	40,000
Crook Creek 1112	Curry	8-110	32,000
Rat Creek 14965	Lane	231	95,000
Teeter River 14966	Lane	231	56,000
Burnt River 1C8	Baker	526	100,000
Pine Creek 1C7	Baker	523	44,000

(Continued on next page.)

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<u>Bridge Name & No.</u>	<u>County</u>	<u>FAS Number</u>	<u>Replacement Cost</u>
Hudson Slough 10C262	Douglas	799	\$ 166,000
Crooked River 7C11	Crook	531	134,000
Crooked River 7C12	Crook	537	165,000
Evergreen Creek 14191	Benton	830	46,000
Applegate River 1332	Josephine	17-105	236,000
Nehalem River 11279	Tillamook	912	236,000
McKay Creek 15497	Crook	717	42,000
Deschutes River 9C55	Deschutes	793	140,000
Slough 11386	Tillamook	621	44,000

The Commission signed, or authorized Mr. Klaboe to sign, the following papers:

"Acceptance" regarding access control covering the John Day Lock and Dam in Sherman County.

"Indenture of Access" to Katherine D. Bartley covering property on Alder Creek-Wildwood Section of Mt. Hood Highway in Clackamas County.

"Indenture of Access" to Charles E. and Alice Langley covering property on Alder Creek-Wildwood Section of Mt. Hood Highway in Clackamas County.

"Indenture of Access" to John E. and Charlotte McNaught covering property on Alder Creek-Wildwood Section of Mt. Hood Highway in Clackamas County.

"Indenture of Access" to Steven and Wendy Williams covering property on Alder Creek-Wildwood Section of Mt. Hood Highway in Clackamas County.

"Indenture of Access" to Maudie Sladky covering property on Alder Creek-Wildwood Section of Mt. Hood Highway in Clackamas County.

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"Indenture of Access" to Larry A. Herzman covering property on Park Street-Tolman Creek Road of Green Springs Highway in Jackson County.

"Indenture of Access" to L. E. Steelman and Helen Steelman covering property on Canyon City-Seneca Section of John Day-Burns Highway in Grant County.

"Indenture of Access" to White City Corporation covering property on Biddle Road-Camp White Section of Crater Lake Highway in Jackson County.

"Indenture of Access" to Roger I. and Doris A. Oliver covering property on Brookings-Winchuck River Section of Oregon Coast Highway in Curry County.

"Indenture of Access and Release of Option Obligation" to J A K E, Inc. covering property on Patterson Street-Klamath Falls-Malin Highway Section of Klamath Falls-Lakeview Highway in Klamath County.

"Grant of Access" to W. H. and Louise Hansen covering property on Coast Fork Willamette-Divide Section of the Pacific Highway in Lane County.

"Quitclaim and Agreement" to Anselm and Mary Ann Berger covering the boundary line on Barbur Boulevard-White School Section of Pacific Highway in Clackamas County.

"Release of Easement Rights" to fee owners covering property on Prairie Road-Junction 6th and 7th Streets of Pacific Highway in Lane County.

"Grant of Access" to Raymond B. and Rosa C. Percy and Grace and W. E. Davis covering property on The Dalles-Eightmile Creek Section of The Dalles-California Highway in Wasco County.

"Agreement" with City of Wilsonville providing for water service to Baldock Safety Rest Areas on Pacific Highway in Clackamas County.

"Agreement" with Eugene Water and Electric Board to provide electrical service to the street and sign lighting for the 7th Avenue-Willamette River Section of the Eugene-Springfield Highway in Lane County.

"Agreement" with Burlington Northern Inc., for signalization of a grade crossing on the Fremont Highway in Klamath County.

"Agreement" with Southern Pacific Transportation Company for signalization and improvement of the railroad crossing of S. W. Mill Street in the City of Sheridan.

(Continued on next page.)

July 10, 1973

"Memorandum of Agreement" with Bureau of Indian Affairs (Chemawa Indian School) of the Department of Interior for 3.7 acres of land for reconstruction of I-5 (Woodburn-Hayesville Section) in Marion County.

"Agreement" with Daniel F. Burroughs for preparation of specifications for cleanup and rehabilitation of historic harbor defense features within Fort Stevens State Park.

"Agreement" with Josephine County to abandon a portion of the existing right-of-way to the County on the Upper River Road Connection of the Rogue River Loop Highway and to revise the highway routing along an improved section of the County road.

"Supplemental Agreement" with Columbia Region Association of Governments covering transportation planning for the next fiscal year.

"Supplemental Agreement" with Lane Council of Governments covering transportation planning for next fiscal year.

"Supplemental Agreement No. 2" with Howard, Needles, Tamen and Bergendoff for completion of final environmental impact statement for Interstate 205 in Portland.

"Supplemental Agreement" with City of Eugene for landscaping and development of park and recreational facilities beneath the viaduct on 7th Avenue-Willamette River Section of Eugene-Springfield Highway in Lane County.

"Agreement" with City of Dallas for a location survey along Dallas-Rickreall Highway in Polk County to a four-lane facility with left-turn refuges.

"Agreement" with Umatilla County covering construction and maintenance of Milton-Freewater-Washington State Line Section on Oregon-Washington Highway.

"Amendment No. 2" to agreement for technical services with Battelle Northwest to include \$2,400 for additional costs due to additional requests in connection with research program to investigate the impact of tourism on the economy of Oregon.

"Consent to Annexation" to City of Umatilla for a portion of right-of-way of Columbia River Highway in Umatilla County.

"Consent to Annexation" to City of Phoenix for a portion of the right-of-way of Rogue Valley Highway in Jackson County.

"Agreement" with City of Astoria for installation of traffic signal at intersection of Columbia, Bond and Marine Drive.

July 10, 1973

The Chairman adjourned the meeting at 3:45 p.m.

Glenn L. Jackson
Chairman

Robert L. Mitchell
Commissioner

Robert E. Veatch
Commissioner

Anthony Yturri
Commissioner

Carl Fisher
Commissioner

C. W. Head
Manager, Administrative Services

July 10, 1973

August 14, 1973
Salem, Oregon

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

Glenn L. Jackson, Chairman
Carl Fisher, Vice Chairman
Robert L. Mitchell, Secretary
Robert E. Veatch, Member
Anthony Yturri, Member
George M. Baldwin, Director of Transportation
Sam Haley, Deputy Director of Transportation
Walter Barrie, Chief Counsel
F. B. Klaboe, Administrator and State Highway Engineer
A. E. Johnson, Deputy State Highway Engineer
J. B. Boyd, Right of Way Engineer
Robert K. Potter, Scenic Waterways Coordinator
Dennis Moore, Administrator of Mass Transit Division
Paul Burket, Administrator of Aeronautics Division
Harvey Ward, Director of Administrative Services,
Motor Vehicles Division
C. W. Head, Manager of Administrative Services,
Highway Division

Chester Ott, Administrator of Motor Vehicles Division, was excused as he was attending the Emergency Board Meeting. Dave Talbot, State Parks Superintendent, was also excused as he was instructing a class in recreation at Oregon State University in Corvallis.

The Commission approved the minutes of the Transportation Commission meeting held on July 10, 1973.

HIGHWAY DIVISION

Mr. Boyd presented a list of options, pages 1 through 31, secured for acquisition of real property needed for State highway use or for other purposes. He mentioned that the amounts offered are on or near the appraised values and are in order for Federal-aid. After due consideration, the Commission approved closing the options, including those sent to them by mail since the last Commission meeting, and thereupon adopted "Right of Way Resolution No. 96," which resolution by this reference is made a part hereof and filed in the Commission's files.

The Property Manager's report showing sales of miscellaneous properties and rental receipts for the period from June 25, 1973, to August 1, 1973, was presented by Mr. Boyd and accepted by the Commission. During this period miscellaneous sales totaled \$48,367.25; land sales \$180,957; timber sales \$166.16. Rental receipts for the month of June 1973 were \$56,886.91 and for July 1973 were \$48,599.37.

August 14, 1973

A list of properties needed for highway and other uses was presented by Mr. Boyd. He requested the Commission to declare by resolution the necessity of said properties for the public use to which they are to be put and to authorize him 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 Resolution No. 2610," which resolution by this reference is made a part hereof and filed in the Commission's files.

Mr. Boyd asked that the offers tendered to the owners for acquisition of real property prior to the institution of legal proceedings be deleted.

Authority was requested by Mr. Boyd to offer at public sale four parcels of land no longer needed for highway purposes. The recommended sale prices are based on competent appraisals and access and other conditions of sale comparable with situations existing in the vicinity. Signboard and junkyard exclusion clauses are to be included in the deeds. The Commission authorized public sale of the following properties and thereupon adopted "Real Property Resolutions Nos. 607 and 608," which resolutions by this reference are made a part hereof and filed in the Commission's files.

- (1) 18.4 acre, File No. 47720, approximately 5 miles north of West Salem on the Salem-Dayton Highway in Polk County, for not less than \$22,800. A change in access to the house on this property will be a condition of this sale. Federal Highway Administration approval is not required. (See "Real Property Resolution No. 607.")
- (2) 13,236 square foot parcel, File 31386, located in the northwest quadrant of the East Fremont Interchange, North Portland Harbor-Russell Street Section of the Pacific Highway in Multnomah County, for not less than \$5,000. No access will be permitted to the Pacific Highway. Sale is subject to the Federal Highway Administration concurrence. (See "Real Property Resolution No. 608.")
- (3) 0.18 acre parcel, File No. 8671, located on the south side of the Wilson River Highway southeast of Washburn in Washington County, for not less than \$180. No access will be permitted to the Wilson River Highway. Federal Highway Administration approval is not required.
- (4) 0.55 acre stockpile site, File No. 1898 (S-510), southeasterly of the Coquille-Bandon Highway approximately two miles east of Bandon in Coos County, for not less than \$450. Sale is subject to a road easement to the adjacent owner, and purchaser will be required to bear the cost of the fencing. Federal Highway Administration approval is not required.

August 14, 1973

Direct sales of two parcels of property were recommended by Mr. Boyd. He mentioned that in each instance the property is no longer needed for highway purposes and because of peculiar conditions, sale is restricted to a single party. Sale prices have been determined by competent appraisals. The Commission approved the following sales:

- (1) To L. F. Brogan, File No. 6464 (Q-720), 2.45 acre parcel of land on the southerly side of the McKenzie Highway approximately one mile east of Sisters in Deschutes County for \$900. Sale will be subject to use restrictions on signboard and all types of junkyards. Federal Highway Administration approval is not required.
- (2) To Golden Veneer, Inc., File No. 849 (RW-685), 1,320 square foot parcel of land on the Goshen-Cottage Grove Section of the Goshen-Divide Highway approximately one mile north of Saginaw in Lane County for \$700. A junkyard exclusion clause will be included in the deed and Federal Highway Administration approval is not required. (Former Commissioner Bruno approved this matter by phone on May 3, 1973.)

The Commission approved the following Indentures of Access as recommended by Mr. Boyd.

- (1) James E. and Carol E. Massey property, File No. 33011, on the southerly side of the relocated Mt. Hood Highway on the Alder Creek-Wildwood Section in Clackamas County. The access will be changed to correct the public record and the approach will remain 35 feet in width and unrestricted as to use. Federal Highway Administration approval was received on March 20, 1973.
- (2) Glenn Earl Cantril, William and Cara Kasch property, File No. 32995, on the Alder Creek-Wildwood Section of the Mt. Hood Highway in Clackamas County. The public record will be corrected to show the location of one 35-foot unrestricted point of access as it was actually constructed. Federal Highway Administration approval was received March 20, 1973.
- (3) Edmund L. Cook property, File No. 33045, on the Alder Creek-Wildwood Section of the Mt. Hood Highway in Clackamas County. The location of one point of access will be changed to make the public record agree to the location of the constructed approach. The access will remain 35 feet in width and unrestricted as to use. Federal Highway Administration approval was received March 27, 1973.

(Continued on next page.)

August 14, 1973

- (4) Warren and Viola F. Carter property, File No. 33000, on the Alder Creek-Wildwood Section of the Mt. Hood Highway in Clackamas County. The location of one 35-foot unrestricted point of access will be changed to correct the public record. Approval was received from the Federal Highway Administration March 20, 1973.
- (5) Waldemar and Mary Schmidt property, File No. 33053, on the Alder Creek-Wildwood Section of the Mt. Hood Highway in Clackamas County for a change in location of one point of access on the northerly side of the relocated Mt. Hood Highway. The approach will remain 35 feet in width and unrestricted as to use. Federal Highway Administration approval was received April 2, 1973.
- (6) Lloyd and Dovie Williams property, File No. 33022, on the Alder Creek-Wildwood Section of the Mt. Hood Highway in Clackamas County. The public record will be corrected to show the location of one point of access as it was actually constructed. The approach will remain 35 feet in width and unrestricted as to use. Federal Highway Administration approval was received April 23, 1973.
- (7) Laskey-Clifton, Inc., an Oregon Corporation property, File No. 18085, on the Reedsport-Coos County Line Section of the Oregon Coast Highway in Douglas County. One point of access will be cancelled and the location of a second approach changed to serve a proposed trailer court, contractor's office, and equipment yard. Access was formerly restricted as to use, and in consideration for the lifting of this restriction, the owners will be required to reimburse the State \$700. Federal Highway Administration approval was received March 27, 1973.
- (8) Frank and Susan Chase, and Gary and Camille Mires property, File No. 26119, on the North Grants Pass Interchange-Savage Street Section of the Redwood Highway in Josephine County. A 25-foot unrestricted point of access will be widened to 35 feet and the location will be changed to serve a planned property development. Federal Highway Administration approval was received on July 10, 1973. (Chairman Jackson approved this Indenture on July 17, 1973.)

(Continued on next page.)

- (9) Doran and Irene Taylor, D. W. Johnson, Eilene and Ruth Jaquette property, File Nos. 32607, 32608 and 33462, on the "E" and "F" Street Connection Section of the Redwood Highway in Josephine County. The location of three points of access will be changed to serve a planned development. The approaches will be 35 feet in width and will remain unrestricted as to use. Federal Highway Administration approval was received April 17, 1973.

Upon the recommendation of Mr. Boyd, the Commission approved the following lockgated Grants of Access:

- (1) To the United States of America, Department of Interior, Bonneville Power Administration property, File No. 22918 (L-2531), for a 35-foot locked gate access on the Tillamook-Donaldson Creek Section of the Wilson River Highway in Tillamook County. The approach will be restricted as to use for transmission line maintenance only and the access rights will be in effect as long as B.P.A. has assumed rights at this location. Federal Highway Administration approval is not required. (Chairman Jackson approved this matter on July 24, 1973, by phone.)
- (2) To Pacific Northwest Bell Telephone Company, File No. 27402, for a 35-foot access on Emigrant Reservoir Section of the Green Springs Highway in Jackson County to be used only in connection with the maintenance of their underground circuit, cable and markers, and only as long as they have easement rights at this location. Federal Highway Administration approval is not required.

Confirmation was requested by Mr. Boyd for approval given by Chairman Jackson on July 17, 1973, awarding two contracts to Wells and Sons on the St. Helens Road-N. W. 21st Avenue Section of the Columbia River Highway and N. E. Sandy-N. E. Glisan, N. E. Glisan-S. E. Division, S. E. Division-S. E. Foster Sections of the East Portland Freeway in Multnomah County. He stated that Demolition Contract 36-1 was in the amount of \$3,785 and Demolition Contract 36-2 was in the amount of \$4,745. Both contracts cover the removal of buildings, rough grading of the area and the removal of debris. The Commission confirmed the awards and authorized Mr. Klaboe to sign the contracts in their behalf.

Attention was given to an agreement with Portland Traction Company for an easement for the overcrossing and slopes of the East Portland Freeway overcrossing of their tracks on the S. E. Foster Road-S. E. Causey Avenue Section of the East Portland Freeway in Multnomah County. Mr. Boyd mentioned that construction of this overcrossing is also covered by this agreement. Consideration for the 40,250 square foot permanent easement and 1.17 acre temporary easement will be \$3,525. Federal Highway Administration approval is not required. Upon his favorable recommendation, the Commission approved the agreement and authorized Mr. Klaboe to sign it in their behalf.

Confirmation was requested by Mr. Boyd for approval given by Chairman Jackson on August 1, 1973, approving an agreement with the Rainbow Water District covering an exchange of properties for a pipeline easement and wells on the Albany-Judkins Point Section of the Pacific Highway East in Lane County. He mentioned that this property had been considered for sale, and because it is landlocked, little interest could be expected. The Commission confirmed the agreement and authority for Mr. Klaboe to sign it in their behalf.

Consideration was given to an easement (80 feet in width) with Pacific Power and Light Company covering a 4.9 acre parcel of land on the Albany-Judkins Point Section of the Pacific Highway East in Lane County for \$1,500. Mr. Boyd stated that this transmission line is across a parcel of land which was purchased for borrow purposes and is parallel and adjacent to the existing Pacific Highway right-of-way northerly of Belt Line Interchange near Eugene. This easement will formally document its occupying a portion of the State's property. Upon his favorable recommendation, the Commission approved the easement.

The Commission considered a supplemental agreement with Oro Dell Irrigation Ditch Company for reconstruction of irrigation facilities damaged by high water on the Oro Dell Section of the Old Oregon Trail in Union County. Mr. Boyd mentioned that the work to be done by the State includes construction of a diversion box, installation of irrigation pipe, placement of loose riprap, construction of two locked gates, and construction of a ten-foot roadway. The State has no responsibility for the maintenance of this road. The Irrigation Company has agreed to the joint use of the access road with any other utilities authorized by the State and to its joint maintenance. He stated that the Federal Highway Administration has approved this agreement and he recommended approval. The Commission approved the agreement and authorized Mr. Klaboe to sign it in their behalf.

Consideration was given to a petition filed with the City of La Grande by R-DMAC for vacation of portions of Harney, Polk and Union Streets located within the Riverside Addition of the City of La Grande, Union County. Mr. Boyd mentioned that this property is located southwesterly of the LaGrande Bypass near the rodeo and fairgrounds. Access will not be granted to the right-of-way of the relocated Old Oregon Trail. Upon his favorable recommendation, the Commission approved the consent to vacation and authorized Mr. Klaboe to sign it in their behalf.

A report was submitted by Mr. Barrie and accepted by the Commission concerning cases which have been tried in court since the last Commission meeting summarized as follows:

(Report of Condemnation Cases Tried on next page.)

August 14, 1973

REPORT OF CONDEMNATION CASES TRIED

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer Before Filing Complaint</u>	<u>Defend- ants' Lowest Demand</u>	<u>Verdict</u>
Bruce T. Arestad L-6657 R-44340	Marion	Pacific	\$ 100	None	\$ 500
Robert C. McGarry L-6870 R-47042	Marion	Pacific	\$ 7,600	\$25,000	\$ 11,500*
*This an amendment to our report to the Commission on July 10, 1973, wherein the verdict was incorrectly stated as \$10,500. Actually the verdict was \$11,500.					
Martha I. Lulay L-6900 R-46387	Mult.	East Portland Freeway	\$23,750	\$30,000	\$ 29,000
Lincoln Loan Co. L-6943 R-45779	Mult.	East Portland Freeway	\$ 9,600		Voluntary Nonsuit
W. C. Rohde L-6725 R-36394	Umatilla	Old Oregon Trail	\$ 2,400	\$69,500	\$ 20,500

REPORT OF TRIAL OF OTHER CASES - STATE PLAINTIFF

<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict or Judgment</u>
Randolph Snell L-6570	Coos	Property Damage	\$ 182.17	\$ 182.17
Sherwood Hayden L-6977	Lane	Forcible Entry and Detainer	Possession of the Premises	Possession
Kip Hughes L-6693	Lincoln	Property Damage	\$ 130.99	\$ 130.99

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(Report of Trial of Other Cases - State Plaintiff Continued)

<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict or Judgment</u>
Robert Brooks L-6807	Marion	Property Damage	\$ 287.01	\$ 287.01
Mark E. Silva L-6436	Mult.	Property Damage	\$ 512.01	\$ 512.01
Catherine Hargon L-6698	Mult.	Property Damage	\$ 140.97	\$ 140.97
A. J. Lovely L-6937	Mult.	Property Damage	\$ 178.95	Dismissed

(For additional details, see Mr. Barrie's letter of August 10, 1973, on file in the Commission's files.)

The Commission considered and accepted a report made by Mr. Barrie concerning cases which have been settled out of court since the last Commission meeting summarized as follows:

REPORT OF CONDEMNATION CASES SETTLED

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer</u>	<u>State's Highest Appraisal</u>	<u>Amount of Settlement</u>
Terry H. Cox L-6848 R-44675	Coos	Empire- Coos Bay	\$ 750	\$ 750	\$ 1,500
Carol Lee Freeman L-6329 R-43859	Curry	Oregon Coast	\$48,800	\$57,450	\$ 40,000*
*Settlement after reversal on appeal of defendant. Settlement was for a reduced taking.					
Richard A. Smith L-6946 R-47329	Marion	Pacific	\$17,500 partial taking	\$17,500 entire taking	\$ 28,654 entire taking
Margaret L. Wallen L-6734 R-44821	Mult.	Mt. Hood	\$ 3,150	\$ 5,850	\$ 5,200

August 14, 1973

(Report of Condemnation Cases Settled Continued)

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer</u>	<u>State's Highest Appraisal</u>	<u>Amount of Settlement</u>
Allen Lewis L-6735 R-44822	Mult.	Mt. Hood	\$ 3,150	\$ 5,850	\$ 5,200
Crosby C. Naylor L-6741 R-44823	Mult.	Mt. Hood	\$ 3,150	\$ 5,525	\$ 5,200
W. A. Thompson L-6830 R-44058	Mult.	Bridal Veil Falls State Park	\$10,000	\$ 13,500	\$ 13,500
George W. Curl L-6915 R-46767	Mult.	East Portland Freeway	\$ 1,000 partial taking	\$ 9,500 entire taking	\$ 11,500 plus cost of moving*

*Amended to add cost of moving.

Richard B. Evans L-6956 R-47320	Tilla.	Oregon Coast	\$ 2,650	\$ 7,150	\$ 8,750
Ardele Maben* L-6768 R-46697	Douglas	Umpqua	\$ 7,150		Dismissed
Lewis Singer* L-6893 R-47052	Marion	Pacific	\$ 2,000		Dismissed
Helen Ebert* L-6945 R-47330	Marion	Pacific	\$ 625		Dismissed
Everett D. Wirth* L-6912 R-44559	Mult.	East Portland Freeway	\$34,125		Dismissed

*The above cases have been settled by option by the Right of Way Department.

August 14, 1973

REPORT OF OTHER CASES SETTLED

<u>Plaintiff</u>	<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Settlement</u>
State of Oregon L-6697	W. H. Harris	Josephine	Property Damage	\$ 123.29	Abandoned
State of Oregon L-6933	R.C. & P Inc.	Marion	Property Damage	\$ 865.89	\$ 865.89
State of Oregon L-6455	Donald Copenhagen	Mult.	Property Damage	\$ 548.79	\$ 136.50
State of Oregon L-6708 R-44796	Mary Watkins	Mult.	Forcible Entry and Detainer and recovery for property taken	\$ 420.00	\$ 420.00 plus 24.75 costs

(For additional details, see Mr. Barrie's letter of August 10, 1973, on file in the Commission's files.)

Mr. Barrie presented a report, which was accepted by the Commission, concerning the institution of legal proceedings commenced since the last Commission meeting summarized as follows:

- (1) Richard Ghilotti v. K. C. Gulick and State of Oregon, L-6993. Plaintiff seeks \$3,000 for property damages to his 1957 Porsche arising out of an accident with a cow on ORE58 and US97 in Klamath County. Plaintiff alleges that the State was negligent in failing to place warning signs that cattle would be on the highway and failing to clear off the highway.
- (2) Stephen and Nancy Turrini v. K. C. Gulick and the State of Oregon, L-6995. Plaintiff seeks \$2,000 for damages to his car operated by Nancy Ann Turrini arising out of an accident reported above under Richard Ghilotti v. K. C. Gulick and State.
- (3) Nancy Ann Turrini v. K. C. Gulick and State of Oregon L-6994. Plaintiff seeks \$2,000 for personal injury arising out of the same accident as listed above.
- (4) Claude Anderson v. State of Oregon, L-6996. Plaintiff seeks \$50,000 general damages and \$11,736.56 special damages due to an accident at M.P. 30.8 west of West Fir Junction on Highway 58 in Lane County.

(Continued on next page.)

August 14, 1973

- (5) Barbara I. Russell v. Robert A. McLauchlan, et al., L-6999. This is a wrongful death case arising out of an accident on Interstate 5 just north of Salem in Marion County when the vehicle struck the guard-rail and the passenger in the vehicle was killed. The amount of the law suit is \$102,500.

A Quarterly Report of Property Damage Claims for the period from April 1, 1973, through June 30, 1973, was presented by Mr. Barrie. During this period, he mentioned, \$60,642.44 had been collected and a total of \$349.37 was abandoned. The Commission accepted the report.

The Commission considered the approval and confirmation of agreements with nine sign companies for the purchase of outdoor advertising signs pursuant to the California plan less 11%. Mr. Barrie stated that the former Highway Commission has already signed five agreements and four additional agreements have been signed by the companies and are now ready for the Commission's approval. The State has taken deeds on 48 signboards and is proceeding at a rate of 25 a week. The Chairman asked if the signboard removal is concentrated in any particular area. Mr. Barrie replied that he has asked the Right of Way Branch to give priorities to the scenic areas. Upon his recommendation, the Commission ratified agreements with the following nine companies:

C. E. Stevens Co.
Honald, Inc.
Carlson Co.
Markham Advertising Co.
Casey and Stone
3M National Advertising
Lucky Sign Co.
Cosgriff, Inc.
Hanneman Signs

Consideration was given to approval of proposed rules pertaining to the Sandy River Scenic Waterway. Mr. Potter mentioned that the proposed rules were included in the Sandy River Study Report on which the Commission, after public meetings and hearings, based its March 6, 1973, recommendation for scenic waterway designation. The Commission approved publication of the proposed rules in the Secretary of State's Administrative Rule Bulletin.

The Commission approved an increase in the project authorization recommended by Mr. Klaboe as follows:

(Continued on next page.)

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- (1) Pacific Sand and Gravel Company, Contract No. 7803 for Champoege Park Bikeway in Marion County, for \$9,723.11 (7.4%). The reasons for the overrun were grading work performed on an hourly basis which took more hours than estimated and bark mulch placement on slopes and shoulders of the bikeways.

Attention was given to the funding of an additional project to the Highway Grade Crossing Safety Program on the Lapine-Fremont Highway (M.P. 2.99) in Klamath County. Mr. Klaboe mentioned that the work to be performed by the Railroad consists of installation of flashing lights with cantilever crossing gates. The estimated cost is \$32,000, which is eligible for "G" funding (Federal share 100%), and he recommended that this project be added to Program 12A. The Commission approved the recommendation.

Consideration was given to the installation of a traffic signal at the intersection of the Hillsboro-Silverton Highway and Pacific Highway East near Woodburn in Marion County. Mr. Klaboe mentioned that there is a construction contract in progress on this section and there will be a need for the signal when the job is completed. The estimated cost is \$25,760 to be financed under the existing construction project. Following his recommendation, the Commission approved the traffic signal installation. The proposed installation will be published in the next issue of the Secretary of State's Administrative Rule Bulletin.

Mr. Klaboe presented a list of construction projects on which bids will be received on August 23, 1973. Each project, he mentioned, contains a notation as to plans for the establishment of footpaths and bicycle trails. The Commission approved the following projects:

- (1) Richland (3rd Street) Section, Baker County
Grade and Pave Project

Footpaths and bike trails will not be established under this project as per ORS Chapter 366, Section 2, subsection 2(b) which states that "Footpaths and bike trails are not required to be established...if the cost of establishing such paths and trails would be excessively disproportionate to the need or probable use."

Due to the anticipated lack of use and the short length (0.15 mile) of this project, the construction of a footpath and bike trail would not be practical on the resurfacing project.

- (2) Powder River (Huckleberry) Bridge, Whitney-Tipton County Road, Baker County
Structure Project

Foot paths and bike trails will not be established under this project as per ORS Chapter 366, Section 2, subsection 2(b) which states that "Footpaths

and bike trails are not required to be established... if the cost of establishing such paths and trails would be excessively disproportionate to the need or probable use."

- (3) Mary S. Young State Park, Clackamas County
Landscape Improvement Project

Footpaths or bicycle trails are not incorporated in this project as no new highway construction, reconstruction or relocation is involved.

- (4) Longview Interchange Section, Lower Columbia River Highway, Columbia County
Illumination Project

Footpaths or bicycle trails are not incorporated in this project as no new highway construction, reconstruction or relocation is involved.

- (5) Greenwood and Franklin Avenue (Bend) Section
The Dalles-California Highway, Deschutes County
Signals and Sign Project

Footpaths or bicycle trails are not incorporated in this project as no new highway construction, reconstruction or relocation is involved.

- (6) Manzanita Safety Rest Area, Pacific Highway
Josephine County
Sewer and Building Project

Footpaths or bicycle trails are not incorporated in this project as no new highway construction, reconstruction or relocation is involved.

- (7) North Santiam River (Greens) Bridge Section
FAS 126, Linn County
Grade and Pave Project

An asphalt footpath will be provided along one side of the highway throughout the length of the project.

- (8) Santiam Highway at S. Waverly Drive (Albany) Section
Santiam Highway, Linn County
Signal Project

Footpaths or bicycle trails are not incorporated in this project as no new highway construction, reconstruction or relocation is involved.

(Continued on next page.)

- (9) Nehalem Bay State Park, Tillamook County
Utility Building Project

Footpaths or bicycle trails are not incorporated in this project as no new highway construction, reconstruction or relocation is involved.

- (10) Deadmans Creek Slide Section, Wilson River Highway
Tillamook County
Slide Correction Project

Footpaths or bicycle trails are not incorporated in this project as no new highway construction, reconstruction or relocation is involved.

- (11) Baldock Safety Rest Area
Pacific Highway, Clackamas County
Utility Improvement Project

Footpaths or bicycle trails are not incorporated in this project as no new highway construction, reconstruction or relocation is involved.

- (12) Umpqua Highway Junction (Reedsport) Section
Oregon Coast Highway, Douglas County
Grade, Pave and Signal Project

A sidewalk will be provided along one side of the intersection channelization project. The primary purpose of the project is to provide a left-turn refuge and reconstruction of the Umpqua Highway connection.

- (13) Steward Creek-Gore Creek (Medford) Section
Rogue Valley Highway, Jackson County
Grade, Pave and Signal Project

Footpaths or bicycle trails will not be provided as the purpose of this project is to construct a left-turn refuge to private property. No Highway funds are involved.

- (14) La Grande Office Building
Wallowa Lake Highway, Union County
Landscaping Project

Footpaths or bicycle trails are not incorporated in this project as no new highway construction, reconstruction or relocation is involved.

Confirmation was requested by Mr. Klaboe for approval given by Chairman Jackson on July 10, 1973, for the award of a Negotiated Contract No. 7913 to Willamette-Western Corp. in the amount of \$98,650 for repairs to the Carter Bridge on the Clackamas Highway in Clackamas County. Mr. Klaboe mentioned the reason for this contract is flood water which eroded the footing foundation at Pier 2 of the bridge. Four bids were solicited from contractors ranging from the low bid of Willamette-Western Corp. up to \$128,192. A request has been made to the Federal Highway Administration for 100% funding to do this repair work under the January 1972 emergency flood declaration. The Commission confirmed the award of the contract which was referred to the Administrator and State Highway Engineer to award as soon as approval was received from the Federal Highway Administration. The contract was awarded on July 23, 1973, with 100% Federal funding.

Mr. Klaboe presented for confirmation requests from contractors for extensions of time within which to complete highway contracts without assessment of liquidated damages. These requests, he said, have been carefully investigated and the results of the investigation have been reported to the Commission by letter. The contractors have also been advised by letter as to the extensions of time. The Commission confirmed extensions of time as follows:

- (1) Drake-Willamette, Joint Venture, Contract No. 7623 on the West Fremont Interchange, Unit 2 Section of the Stadium Freeway in Multnomah County requested an extension of 223 days. The Commission confirmed an extension of 179 days, which will reduce the liquidated damages. Federal Highway Administration concurred on August 2, 1973.
- (2) Harry Claterbos Co., Contract No. 7850 on the Fishhawk Falls Highway in Clatsop County requested an extension of 5 days. The Commission confirmed an extension of 5 days. Federal Highway Administration has tentatively concurred in this extension.
- (3) McCall Crushing, Inc., Contract No. 7876 on the Willamette Highway in Klamath County requested an extension of 16 days. The Commission confirmed an extension of 16 days, which will extend the completion date to August 1, 1973.
- (4) Ross Bros. Construction, Inc., Contract No. 7821 in Silver Creek Falls State Park in Marion County requested an extension of 7 days. The Commission confirmed an extension of 7 days, which will eliminate all liquidated damages.
- (5) Ray Kizer Construction Company, Contract No. 7491 on the Old Oregon Trail in Baker County requested an extension of 37 days. The Commission confirmed an extension of 37 days, which will eliminate all liquidated damages. Federal Highway Administration concurred on July 17, 1973.

- (6) Columbia West Materials and Constructors, Inc., Contract No. 7752 on FAS 612 in Columbia County requested an extension of 35 days. The Commission confirmed an extension of 32 days, which will eliminate all liquidated damages.
- (7) Hamilton Electric, Inc., Contract No. 7851 on the Oregon Coast Highway in Coos County requested an extension of 30 days. The Commission confirmed an extension of 30 days.
- (8) Lord Bros. Contractors, Inc., Contract No. 7669 on the Beaverton-Tigard Highway in Washington County requested an extension of 41 days. The Commission confirmed an extension of 42 days, which will eliminate all liquidated damages. Federal Highway Administration concurred on July 23, 1973
- (9) Olson Electric Co., Inc., Contract No. 7674 on the Cascade Highway in Clackamas County requested an extension of 65 days. The Commission confirmed an extension of 7 days, which will reduce liquidated damages. Federal Highway Administration concurred on July 23, 1973.

Mr. Klaboe reported that Contracts Nos. 7558, 7561, 7674, 7744, 7751, 7760, 7781, 7793, 7820, 7823, 7833, 7839, 7873, 7878, 7886, 7888 and 7900 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. The Commission accepted the contracts by adopting "Contracts Completed Resolution No. 213," which resolution by this reference is made a part hereof and filed in the Commission's files.

The Commission confirmed verbal award of a contract made by Chairman Jackson on July 9, 1973, for bids received on June 28, 1973, and confirmed authority for the Administrator and State Highway Engineer to sign the contract in their behalf.

Traffic signal installation on 4th Street at Bartlett Street in City of Medford in Jackson County. Bids received June 28, 1973. Contract No. 7912 awarded July 9, 1973, to Steeck Electric Company, Medford, at \$14,650.

Mr. Klaboe reported that under ORS 366.525 the counties are entitled to receive from the State 20% of all funds received from motor vehicle taxes and fees for the period from April 1 through June 30, 1973. The amount credited to the counties totals \$6,824,188.65, and he recommended that it be released as apportioned by law. The Commission approved release of the funds. This confirms the Chairman's approval given on July 17, 1973.

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A resolution was presented by Mr. Klaboe allocating to the cities 12% of Highway Funds collected from January 1 through June 30, 1973, in the amount of \$7,767,381.86. The Commission approved the allocation and adopted "City Allocation of State Funds Resolution No. 57," which resolution by this reference is made a part hereof and filed in the Commission's files.

Consideration was given to establishing a 40 mile-per-hour speed zone on the John Day Highway in the City of John Day. Mr. Klaboe mentioned that the State Speed Control Board recently took action establishing a 40 mile-per-hour speed zone within the City. To bring this zoning to a logical termination, he recommended the following speed zone be established:

40 MPH from the east city limits of John Day
(MP 162.88) to 0.44 mile east of the city
limits of John Day (MP 163.32).

The Commission accepted his recommendation. The proposed rule will be published in the next issue of the Secretary of State's Administrative Rule Bulletin.

Attention was given to the adoption of a proposed rule prohibiting parking on Frontage Road to the Mt. Hood Highway in the community of Government Camp in Clackamas County from the Standard Service Station (MP F52.87) to the roadside rest area (MP F54.00) including the Summit Ski Area and the roadside rest area parking lots. Mr. Klaboe recommended that the Highway Commission's "No Parking Resolution No. 249A," dated March 14, 1967, be rescinded and the following parking prohibition be established:

North Side of Frontage Road and Parking Lots:

Tuesday	- 6 p.m. to Midnight
Wednesday	- Midnight to 7 a.m.
Thursday	- 6 p.m. to Midnight
Friday	- Midnight to 7 a.m. 1 p.m. to 5 p.m.

South Side of Frontage Road:

Monday	- 6 p.m. to Midnight
Tuesday	- Midnight to 7 a.m.
Wednesday	- 6 p.m. to Midnight
Thursday	- Midnight to 7 a.m.
Friday	- 10 p.m. to Midnight
Saturday	- Midnight to 5 a.m.

These parking restrictions should be in effect from November 15 through April 15 of each year when signs so indicate. If the signs are removed or covered, parking will be permitted.

(Continued on next page.)

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The Commission approved the parking prohibition. The proposed rule will be published in the next issue of the Secretary of State's Administrative Rule Bulletin.

Consideration was given to the adoption of a proposed rule amending "No Parking Resolution No. 188," dated October 23, 1958, prohibiting parking on the east side of the Oregon Coast Highway, north of Tillamook in Tillamook County. Mr. Klaboe pointed out that vehicles are being parked along the east highway shoulder near a garage which is creating a hazard to the traveling public. Upon his recommendation, the Commission approved the prohibition of parking between 50 feet north of Good Speed Road (MP 64.74) and 0.09 mile south of Good Speed Road (MP 64.84). The proposed rule will be published in the next issue of the Secretary of State's Administrative Rule Bulletin.

The Commission considered the adoption of a proposed rule prohibiting all motor vehicles from operating on 13 designated bicycle-pedestrian trails on the State highway right-of-way physically separated from the roadway. Mr. Klaboe recommended approval in the interest of safety for pedestrians and bicycle riders. The Commission accepted his recommendation prohibiting motor vehicles on the following bicycle-pedestrian trails:

- (1) Portland Street-Campus Drive (Klamath Falls) Bikeway
Klamath Falls-Malin Highway, MP x6.4 to x5.2
Klamath County
- (2) Table Rock Road-Barnett Road (Medford) Bikeway
Pacific Highway, MP 27.1 to 30.5
Jackson County
- (3) S. W. 12th-S. W. 18th (Portland) Bikeway
Sunset Highway, MP 73.7 to 74.0
Multnomah County
- (4) Independence Junction-West Salem Bikeway
Willamina-Salem Highway, MP 20.7 to 25.7
Polk County
- (5) 25th Street-37th Avenue (Salem) Bikeway
North Santiam and FAS 679 Highways, North Santiam
MP x0.5 to x0.0; FAS 679 MP 0.0 to 0.8
Marion County
- (6) Burns-Hines Bikeway
Central Oregon Highway, MP 128.7 to 131.0
Harney County
- (7) Nyberg Road-Killarney Lane (Tualatin) Bikeway
Beaverton-Tualatin Highway, MP 9.4 to 10.5
Clackamas County
- (8) Redwood Interchange-Hubbard Lane (Grants Pass) Bikeway
Redwood Highway, MP 0.3 to 3.4
Josephine County

- (9) Ochoco Creek-Prineville Bikeway
Madrax-Prineville Highway, MP 24.7 to 26.1
Crook County
- (10) Winston Bikeway
Coos Bay-Roseburg Highway, MP 72.0 to 73.2
Douglas County
- (11) Winchester-Roseburg Bikeway
Oakland-Shady Highway, MP 13.15 to 13.42
Douglas County
- (12) Mary S. Young State Park Bikeways
All trails in Park
Clackamas County
- (13) Champoege State Park Bikeways
All trails in Park
Marion County

The proposed rule will be published in the next issue of the Secretary of State's Administrative Rule Bulletin.

Consideration was given to adoption of a proposed rule amending a resolution dated September 21, 1949, to include a three-way stop at an intersection of the Beaverton-Tualatin Highway at Nyberg Road in Washington County. Mr. Klaboe recommended that "Through Highways and Stop Signs Resolution No. 13," be amended to include the following exceptions:

All traffic northbound on the Beaverton-Tualatin Highway shall be required to stop at its intersection with Nyberg Road, except that the right turn from south to east shall be permitted to continue without stopping.

All traffic southbound on the Beaverton-Tualatin Highway shall be required to stop at its intersection with Nyberg Road.

The Commission approved the stop requirements. The proposed rule will be published in the next issue of the Secretary of State's Administrative Rule Bulletin.

Abandonment to two sections of State highway was presented by Mr. Klaboe. He mentioned that the new sections of highway replacing the old sections of highway have been completed and are open for public travel. Following his favorable recommendation, the Commission approved abandonment of the following sections and thereupon adopted "Abandonment Resolution Nos. 471, 474, and 496," which resolutions by this reference are made a part hereof and filed in the Commission's files.

(Description of sections on following page.)

- (1) Abandonment of approximately 0.3 mile of the North Powder Bypass Unit, La Grande-North Powder Section of the La Grande-Baker Highway in Union County to the City of North Powder. (See "Abandonment Resolution No. 471.")
- (2) Abandon to Baker County approximately 1.7 miles and approximately 1 mile to the City of Baker on the North Powder-Baker Section of the Old Oregon Trail. Also, redesignate the Medical Springs, La Grande-North Powder and Baker-Copperfield Highways due to the relocation of the Old Oregon Trail immediately north and within the City of Baker in this section. (See "Abandonment Resolutions No. 474 and 496.")

Consideration was given to an agreement with Washington County and the adoption of a resolution abandoning five old highway segments to the County on the Glenwood-Washburn Section of the Wilson River Highway. Mr. Klaboe pointed out that these segments are of no further use for highway purposes and consist of approximately 1.1 mile of old alignment. Upon his favorable recommendation, the Commission approved the abandonment and thereupon adopted "Abandonment Resolution No. 538," which resolution by this reference is made a part hereof and filed in the Commission's files.

Mr. Klaboe mentioned that the Highway Commission at its meeting on October 31, 1972, requested that the State attempt to work out a formal agreement with the Bureau of Land Management and the U. S. Forest Service concerning the preservation of scenic strips along highways through Federal lands. He stated that these agencies have been contacted. The Bureau of Land Management has indicated that the existing actions and procedures, which include the State Clearinghouse procedure, the National Environmental Policy Act of 1969, and the Bureau's own multiple-use planning system, adequately provide the desired objective. The Forest Service's operating procedures are similar to those of the Bureau of Land Management. They have recently adopted a visual management system that should provide further assurance for the retention of highway scenic strips. He recommended that the proposal for a scenic strip agreement with the Bureau of Land Management and the U. S. Forest Service be dropped since existing statutes and new regulations appear to be sufficient. The Commission accepted his recommendation.

Confirmation was requested by Mr. Klaboe for approval given by Commissioner Fisher on July 18, 1973, approving a request from the City of Bend to consent to the annexation of a portion of the right-of-way of The Dalles-California Highway in Deschutes County. He stated that the request has been examined and found to be in proper order. Upon his favorable recommendation, the Commission approved the Consent of Annexation and authorized Mr. Klaboe to sign it in their behalf.

Confirmation was requested by Mr. Klaboe for action given by Chairman Jackson on July 23, 1973, approving a Supplemental Agreement with the City of Woodburn covering the construction of the Boones Ferry Road-Pacific Highway East Section (Woodburn Bypass) on the Hillsboro-Silverton Highway in Marion County. He mentioned the City of Woodburn has requested and agreed to participate in the cost of additional work required to construct a portion of this job to urban standards with a 64-foot, curbed street section. The estimated cost of this work is \$100,000, with the City and State each paying 50 percent. The Commission confirmed the agreement and authorized Mr. Klaboe to sign it in their behalf.

Attention was given to an agreement with SOLV (Stop Oregon Litter and Vandalism, Inc.) concerning highway and park litter and vandalism. Mr. Klaboe pointed out that the Highway Commission for the past two bienniums provided \$25,000 to this non-profit organization which is dedicated to reducing the incidents of litter and vandalism in the State. He stated that funds are available within the General Administration budget of the Highway Division, and he recommended the contribution of \$25,000 during the current fiscal year. The Commission approved the agreement and authorized Mr. Klaboe to sign it in their behalf.

The Commission considered an agreement with United Cerebral Palsy Workshop of Oregon for services to provide data reduction support for three air monitoring stations on loan to the Highway Division from the Port of Portland. Mr. Klaboe pointed out that the meteorological stations are currently being used in conjunction with the I-205 air quality analysis and timely reduction of data is imperative. Upon his recommendation, the Commission approved the agreement not to exceed \$2,000 annually and authorized him to sign it in their behalf.

Consideration was given to an agreement with Washington County for the installation of traffic signals at the intersection of the Farmington Highway and Kinnaman Road in Washington County. Mr. Klaboe mentioned that the State will perform all of the work at an estimated cost of \$30,000 with the State paying two-thirds and the County one-third of the total cost. The State's share would be charged to Minor Betterment Funds. Upon his favorable recommendation, the Commission approved the agreement and authorized him to sign it in their behalf. The proposed signal installation will be published in the next issue of the Secretary of State's Administrative Rule Bulletin.

Confirmation was requested by Mr. Klaboe for approval given by Chairman Jackson on July 24, 1973, approving an agreement with the City of Albany and Fred Meyer, Inc., for the installation of a traffic signal at the intersection of the Santiam Highway and Waverly Drive in Albany. Mr. Klaboe mentioned that the State will perform the work at an estimated cost of \$30,000 which would be shared equally by the State, City and Fred Meyer, Inc. The State will maintain the signal and the City will pay for the electrical energy. The State's share would be charged to State Construction Funds. The Commission confirmed the agreement and authorized Mr. Klaboe to sign it in their

behalf. Proposed installation will be published in the next issue of the Secretary of State's Administrative Rule Bulletin.

The Commission considered the approval of an agreement with the City of King City and Washington County for the installation of a flashing beacon at ORE99W with Durham Road near King City. Mr. Klaboe stated that the State will perform the installation at an estimated cost of \$2,000 with the State paying one-half the cost and the County and City each paying one-fourth of the total cost. The State will maintain the installation and the County will pay for the electrical energy. The State's share of the project would be charged to Minor Betterment Funds. Following his favorable recommendation, the Commission approved the agreement and authorized him to sign it in their behalf.

Consideration was given to the approval of an agreement with Oregon Welcome, Inc., for a one-year period in the amount of \$50,000 to assist the State in conducting a more complete and coordinated travel information program. Mr. Klaboe pointed out that Oregon Welcome, Inc., will re-evaluate the activities of the organization as they relate to the Division's travel information objectives. Funds are available from within the Travel Information budget. Upon his favorable recommendation, the Commission approved the agreement and authorized him to sign it in their behalf.

Mr. Klaboe reported on the new Federal-aid highway bill, which the President recently signed. The bill reduces Oregon interstate allocation and increases A B C Programs as follows:

Program	1972-1973	1973-1974
Interstate	\$87,000,000	\$66,000,000
Primary	8,800,000	11,600,000
Secondary	6,200,000	6,600,000
Urban	1,700,000	7,000,000

He stated the big change in the new Highway Federal-aid Act is in the urban system, which allows no money to be used for mass transit purposes in this fiscal year. In 1975 it allows approximately one-quarter of the funds to be used for bus facilities. This would be for equipment only as there are no operating subsidies in the Highway Federal-aid Act. In 1976 it allows the total \$7,000,000 to be used for any type of capital improvement.

Mr. Klaboe stated that he recently met with the Councils of Governments for District 7 in Gold Beach to obtain their assistance in selecting highway projects to receive financing as part of the \$150,000,000 bond program which was authorized at the last Legislative Session. He mentioned that he will be meeting with the other 13 administrative districts during the months of August and September.

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AERONAUTICS DIVISION

Paul Burket, Administrator, made a brief status report. He indicated the Division had been working closely with the Right of Way Branch of the Highway Division to acquire easements on twenty parcels. They have been working with the Highway Division to develop an Airport Maintenance Program. Commuter air service to smaller communities has been an area of review as well.

MASS TRANSIT DIVISION

Dennis Moore, Administrator, summarized the major projects assigned by the last Legislature.

A Valley Public Transportation Study will be presented to the 1975 Legislature. It will cover all aspects of public transportation for the Willamette Valley.

A Salem State Employee Transportation Study will be conducted to investigate ways to reduce parking needs and alleviate congestion on the Capitol Mall.

The Highway and Mass Transit Divisions have been working on the park and ride program. A statewide origin and designation study of bus and rail passengers will be completed in cooperation with other divisions to provide a planning base for mass transit and future studies.

A series of small mini-bus or dial-a-bus demonstration projects will be developed. Mr. Moore also reviewed recent Federal Legislation which will have an impact on funding for mass transit. There have been several changes in the match ratio for Federal Funds. More funds are now available on the Federal level for mass transit.

MOTOR VEHICLE DIVISION

No report.

DEPARTMENT OF TRANSPORTATION DIRECTOR'S REPORT

Mr. Baldwin mentioned that a Staff Committee has been established to review the organization structure. Any recommended changes will be submitted to the Commission at a later date.

He also mentioned that new highway building requirements are under review in relation to the long range needs of each division of the department and the location of all divisions.

Mr. Baldwin indicated that the Division Administrators are working very well together and are looking for ways to maximize the use of their available resources to get the most out of them.

Mr. Jackson commented that the Commission must look at its objectives in relation to its responsibilities and present resources.

August 14, 1973

He commented that a proposal must be made to the January 1974 session of the Legislature to provide funding for the Ports Division. He stated that the Aeronautics Division must investigate the possibilities of providing better airline service to Oregon. He also stated that recommendations should be made to the next session of the Legislature to provide financing for solutions to the mass transit problem. All types of funding must be reviewed.

The Action Plan was introduced and reviewed by Don Byard and Newt Andrus. The Action Plan is a Highway Division-Federal Highway Administration Program having as an objective the improvement of current planning policies and procedures. The Commission will be required to approve the Action Plan in its final form prior to November or the Federal Highway Administration can refuse to grant location approval of highway projects. Prior to that approval, the Commission must review and approve proposed policy statements which will be submitted before the next Commission meeting. A written summary and description of the Action Plan requirements were provided each Commission member. A brief discussion of the Action Plan followed the presentation during which it was indicated implementation of such a plan would improve the effectiveness of the Highway Division.

The Commission set their next meeting date for Wednesday, September 19, 1973, in Room 122 of the State Highway Building, Salem, and deferred setting a tentative date for the following meeting.

The Commission signed, or authorized Mr. Klaboe to sign, the following papers:

"Bargain and Sale Deed" to Douglas County covering 5.7 acres on Elkton-Drain Section of the Umpqua Highway for \$1.

"Easement" to Ebright and Vivian Peters covering 8,000 square foot parcel of land on Cove Island City Section of the Wallowa Lake Highway in Union County for \$250.

"Easement" to Herbert and Blanche Roy covering the Vale Section of the John Day Highway in Malheur County.

"Bargain and Sale Deed" to the City of Cottage Grove covering 0.4 acre parcel between the Pacific Highway and the railroad tracks at 4th Street.

"Bargain and Sale Deed" to Arthur T. and Ruth E. Boyd covering 1.95 acres in Union County.

"Bargain and Sale Deed" to W-C Farms covering 1.0 acre on the La Grande-Union Section of the La Grande-Baker Highway in Baker County for \$500.

(Continued on next page.)

August 14, 1973

"Bargain and Sale Deed" to Don W. and Clara E. James covering 3,720 square feet in Parcel 1 and 2,800 square feet in Parcel 2 on Zigzag-Rhododendron Section of the Mt. Hood Highway in Clackamas County, for \$1,800.

"Bargain and Sale Deed" to Clackamas Ford Building, Inc. covering 0.67 acre on Lake Road-Oregon City Section of the Cascade Highway in Clackamas County, for \$14,750.

"Bargain and Sale Deed" to J. P. Gyllenberg covering 4.82 acres on the Stephenson Quarry Site Section of the La Grande-Baker Highway in Baker County, for \$120.

"Indenture of Access" with James E. and Carol Massey covering property on Alder Creek-Wildwood Section of the Mt. Hood Highway in Clackamas County.

"Indenture of Access" to Glenn Earl Cantril, Wm. N. Kasch and Cara C. Kasch covering property on Alder Creek-Wildwood Section of the Mt. Hood Highway in Clackamas County.

"Indenture of Access" to Edmund L. Cook covering property on Alder Creek-Wildwood Section of the Mt. Hood Highway in Clackamas County.

"Indenture of Access" to Warren and Viola Carter covering property on Alder Creek-Wildwood Section of the Mt. Hood Highway in Clackamas County.

"Indenture of Access" to Waldemar A. and Mary Schmidt covering property on Alder Creek-Wildwood Section of the Mt. Hood Highway in Clackamas County.

"Indenture of Access" to Lloyd and Dovie Williams covering property on Alder Creek-Wildwood Section of the Mt. Hood Highway in Clackamas County.

"Indenture of Access" with Laskey-Clifton, Inc. covering property on the Reedsport-Coos County Line Section of the Oregon Coast Highway in Douglas County.

"Indenture of Access" to Frank and Susan Chase and Gary and Camille Mires covering property on North Grants Pass Interchange-Savage Street Section of the Redwood Highway in Josephine County.

"Indenture of Access" to Doran J. Taylor, Irene G. Taylor, D. W. Johnson, Eilene and Ruth Jaquette covering property on "E" and "F" Street Connection Section of the Redwood Highway in Josephine County.

"Grant of Access" to United States of America, Department of the Interior, Bonneville Power Administration covering property on the Tillamook-Donaldson Creek Section of the Wilson River Highway in Tillamook County.

August 14, 1973

"Grant of Access" to Pacific Northwest Bell Telephone Company covering property on the Emigrant Reservoir Section of the Green Springs Highway in Jackson County.

"Agreement" with Portland Traction Company for an easement for the overcrossing and slopes of the East Portland Freeway overcrossing of their tracks on S.E. Foster Road-S.E. Causey Avenue Section in Multnomah County.

"Agreement" with Rainbow Water District covering an exchange of properties for a pipeline easement and wells on Albany-Judkins Point Section of the Pacific Highway East in Lane County.

"Easement" to Pacific Power and Light Company covering 4.9 acre parcel of land on Albany-Judkins Point Section of the Pacific Highway East in Lane County, for \$1,500.

"Supplemental Agreement" with Oro Dell Irrigation Ditch Company for reconstruction of irrigation facilities damaged by high water on Oro Dell Section of the Old Oregon Trail in Union County.

"Consent to Vacation" to the City of La Grande covering portions of Harney, Polk and Union Streets.

"Agreement" with 3M National Advertising covering acceptance of Final State Offer of California less 11% in connection with removal of outdoor advertising signs.

"Agreement" with Lucky Sign Company regarding acceptance of Final State Offer of California less 11% in connection with removal of outdoor advertising signs.

"Agreement" with C. E. Stevens Company regarding acceptance of Final State Offer of California less 11% in connection with removal of outdoor advertising signs.

"Agreement" with Markham Advertising Company regarding acceptance of Final State Offer of California less 11% in connection with removal of outdoor advertising signs.

"Agreement" with Washington County abandoning five old highway segments on the Glenwood-Washburn Section of the Wilson River Highway.

"Consent to Annexation" to the City of Bend covering a portion of the right-of-way of The Dalles-California Highway in Deschutes County.

"Agreement" with SOLV pertaining to highway and park litter and vandalism.

(Continued on next page.)

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"Agreement" with United Cerebral Palsy Workshop of Oregon for services to provide data reduction support for three air monitoring stations on loan from the Port of Portland in conjunction with I-205 air quality analysis.

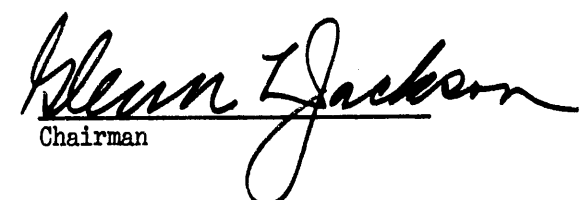
"Agreement" with Washington County for installation of traffic signals at the intersection of Farmington Highway and Kinnaman Road.

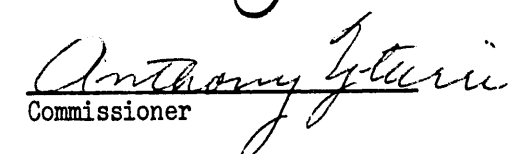
"Agreement" with the City of Albany and Fred Meyer, Inc. for installation of a traffic signal at the intersection of the Santiam Highway and Waverly Drive in Albany.

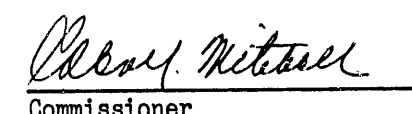
"Agreement" with the City of King City and Washington County for installation of a flashing beacon at ORE99W with Durham Road near King City.

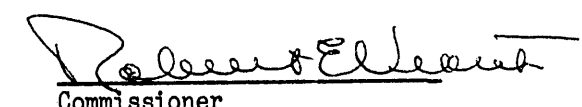
"Agreement" with Oregon Welcome, Inc. for a one-year period in the amount of \$50,000 to assist State in conducting a more complete and coordinated travel information program.

The Chairman adjourned the meeting at 10:35 a.m.


Chairman


Commissioner


Commissioner


Commissioner

(Carl Fisher absent)
Commissioner


Manager, Administrative Services

August 14, 1973

September 6, 1973
Portland, Oregon

The Oregon Transportation Commission met in special session at 9 a.m., in the Press Conference Room of the Portland International Airport. Present were:

Glenn L. Jackson, Chairman
Carl O. Fisher, Vice Chairman
Robert L. Mitchell, Secretary
Robert E. Veatch, Member
George M. Baldwin, Director of Transportation
F. B. Klaboe, Administrator and State Highway Engineer
V. D. Wolfe, Location Engineer
Gary Sund, Director of Public Affairs
C. W. Head, Manager, Administrative Services, Highway Division.

The Chairman stated that this meeting is to establish a point that Interstate 82 will cross the Columbia River from Oregon into Washington. The reason for doing this at this time is because the Washington Highway Commission wants to make some decisions concerning the route in their state. He asked Mr. Klaboe to explain the alternatives that have been studied. (The Commissioners were presented with copies of the I-82 Corridor and Draft Environmental Study Reports.)

Mr. Klaboe explained the ten proposed corridors in detail. He mentioned that the costs of these corridors range between \$73,000,000 and \$29,000,000. The opinions expressed at the public hearing, which was held in Pendleton on March 1, 1973, were almost unanimously in favor of either Corridor C or J. These corridors would take the least tillable land and would possess less adverse grade than any of the other eight. Both corridors insure continuing protection of the Cold Springs Wildlife Refuge.

Mr. Baldwin stated that it is the staff's recommendation that the Federal Highway Administration and the Washington Highway Commission be notified that it is the decision of the Oregon Transportation Commission that the terminus of I-82 in Oregon be at or near the vicinity of the Umatilla Bridge and that Oregon be given additional time for future study of Routes C and J as the route through Oregon.

Mr. Jackson commented that the Commission has a slight problem of an agreement that was made some years ago having to do with the placement of the I-205 Bridge in the Portland area. The Commission at that time agreed to make the selection of the location of the I-205 Bridge and the Washington Commission would make the selection on I-82. The decision represents a repudiation of our agreement with the Washington Commission at that time. Chairman Jackson pointed out that the Commission has made every attempt to live up to its commitment. Ten studies have been made and hearings have been held.

The Commission approved the staff's recommendation that the terminus of I-82 in Oregon be at or near the vicinity of the Umatilla Bridge. The Commission also directed the Highway Division to proceed with a detailed field location survey on the two remaining Corridors C and J before making a final selection.

September 6, 1973

The Commission discussed the Cape Kiwanda property which the 1973 Legislature provided the necessary funds for the Highway Division to purchase. The Chairman mentioned that this matter will be on the September 19, 1973, agenda. He indicated a concern of the State taking over this property for a State park and providing the maximum protection to the public. The Commission requested that the Parks Department start to work on a safety program to provide for various types of fencing in hazardous areas of the park and to install these devices immediately upon the acquisition of the land.

Mr. Baldwin reported that the Highway Division has an option on a piece of property at 901 N. E. 95th Avenue in Portland owned by Gust and Violet Cleys. The Division has been trying to acquire this property for over two years which is needed for I-205. The Right of Way Section has offered the Cleys \$15,000 and they have asked \$18,000. The State was prepared to go to condemnation, however, they are now willing to negotiate an option for \$17,000. It is the Legal Department's recommendation that we settle for this amount. Upon Mr. Baldwin's favorable recommendation, the Commission approved the settlement subject to confirmation at the September 19, 1973, meeting.

Commissioner Fisher mentioned that he has received inquiries from people in the Hermiston area concerning the proposed alternate routes of I-82. Mr. Klaboe stated that the next step normally would be to finish the study on the corridor hearing and then the Commission would decide on either Route C or J. After the selection of a corridor route, then a design hearing is held.

Mr. Baldwin mentioned that he had attended a hearing last night held by the Regional Environmental Protection Agency concerning the clean air plan for Portland. The EPA has set forth some requirements of their own on the basis that the Portland Plan as submitted to them was not adequate. Mr. Baldwin said he testified at the hearing to the effect that as far as the State Highway System is concerned, the requirements suggested by EPA were simply not feasible if the State is to maintain the proper standards of highway safety and sound engineering practices. Mr. Baldwin said that he also told them he thought that the Environmental Protection Agency should have provided an Environmental Impact Statement. The State did not have time to do all of the studies on their requirements, but there was some feeling that following their requirements might increase air pollution rather than decrease it in some parts of the City of Portland outside of the downtown area. The Chairman asked if the Department of Environmental Quality license the establishment of bus lanes on the existing highways as one of their solutions. Mr. Baldwin indicated that their suggestion would have made it necessary for the State to have installed reserved bus lanes on the freeway system, and it did not take into account the design of the freeway system as it is constructed in the Portland area. With the many ingress and egresses, there is not enough space on any of our freeways, with the exception of the Baldock Freeway, to have reserved lanes that would work properly.

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Commissioner Veatch asked if the Highway Division would meet the November 1, 1973, deadline for adoption of the Action Plan, and if not, would this failure inhibit corridor selection or project locations since the Federal Highway Administration will not give location approval on any project after November 1, 1973 unless the Action Plan is adopted. Mr. Klaboe indicated that the deadline will be missed by six weeks to two months. He stated that he does not think that the delay will have any direct effect on highway projects.

Commissioner Veatch asked whether the Action Plan will require further study of I-82 Corridors C or J or an additional Environmental Impact Study. Mr. Klaboe commented that Environmental Impact Statements will still be necessary but may require less work after adoption of the Action Plan.

Chairman Jackson inquired as to status of construction projects which have been held up due to the strike. Mr. Klaboe reported that a year has been lost on some existing construction jobs and a lot of time has been lost on jobs that have not been let. The two jobs on I-5 between Salem and Portland are of particular concern and delays of 9 months to a year are expected. The Chairman then inquired if anything was being done to reduce the hazard in construction areas. Mr. Klaboe stated that steps are being taken to reduce the hazardous situations.

Mr. Klaboe reported he has now met with nine Councils of Governments concerning setting of priorities for construction projects in connection with the \$150 million bond issue. The Chairman commented that the COG meetings are being held at the insistence of the Legislature to obtain the local districts input for distributing portions of the \$150,000,000, but that the final decision must be made by the Commission.

The Chairman adjourned the meeting at 9:35 a.m.

Glenn Jackson
Chairman

Anthony J. Zier
Commissioner

Robert Mitchell
Commissioner

Robert Veatch
Commissioner

(Carl Fisher absent)
Commissioner

C. H. Head
Manager, Administrative Services

September 6, 1973

September 19, 1973
Salem, Oregon

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

Glenn L. Jackson, Chairman
Robert L. Mitchell, Secretary
Robert E. Veatch, Member
Anthony Yturri, Member
George Baldwin, Director of Transportation
Sam Haley, Deputy Director of Transportation
Walter Barrie, Chief Counsel
F. B. Klaboe, Administrator and State Highway Engineer
E. S. Hunter, Assistant State Highway Engineer
J. B. Boyd, Right of Way Engineer
David Talbot, State Parks Superintendent
Paul Burket, Administrator of Aeronautics Division
Dennis Moore, Administrator of Mass Transit Division
Chester Ott, Administrator of Motor Vehicles Division
C. W. Head, Manager of Administrative Services, Highway Division

The Commission approved the minutes of the Transportation Commission meeting held on August 14, 1973, and the special meeting held on September 6, 1973.

HIGHWAY DIVISION

Mr. Boyd presented a list of options, pages 1 through 50, secured for acquisition of real property needed for State highway use or for other purposes. He mentioned that the amounts offered are on or near the appraised values and are in order for Federal-aid. After due consideration, the Commission approved closing the options, including those sent to them by mail since the last Commission meeting, and thereupon adopted "Right of Way Resolution No. 97," which resolution by this reference is made a part hereof and filed in the Commission's files.

The Property Manager's report showing sales of miscellaneous properties and rental receipts for the period from August 1 to September 1, 1973, was presented by Mr. Boyd and accepted by the Commission. During this period miscellaneous sales totaled \$25,355 and land sales \$33,230. Rental receipts for the month of August 1973 were \$49,476.36.

A list of properties needed for highway and other uses was presented by Mr. Boyd. He requested the Commission to declare by resolution the necessity of said properties for the public use to which they are to be put and to authorize him 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 Resolution No. 2611," which resolution by this reference is made a part hereof and filed in the Commission's files.

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A written report was presented by Mr. Boyd and accepted by the Commission showing offers tendered to the owners for acquisition of real property prior to the institution of condemnation proceedings as follows:

MILTON FREEWATER-WASHINGTON STATE LINE SECTION OF THE OREGON-WASHINGTON HIGHWAY - UMATILLA COUNTY

R-47397 - Lawrence Cutts et al. 1,000 sq. ft. for permanent easement. Offer \$200

R-47121 - Ben W. Hager et al. Parcel 1: 1,600 sq. ft. for right of way purposes; Parcel 2: 1,570 sq. ft. for permanent easement. Offer \$350

R-47103 - Phillips Petroleum Company. 1,417 sq. ft. for permanent easement. Offer \$725

R-46763 - Hal D. Larson et al. 1,750 sq. ft. for permanent easement. Offer \$450

R-46721 - O. F. Hubbs et ux. Parcel 1: 200 sq. ft. for right of way purposes; Parcel 2: 200 sq. ft. for right of way purposes; Parcel 3: 7,440 sq. ft. for permanent easement; Parcel 4: 4,300 sq. ft. for permanent easement. Offer \$2,700

R-46719 - Frank L. Garrett. Parcel 1: 200 sq. ft. for right of way purposes; Parcel 2: 9,230 sq. ft. for permanent slope easement. Offer \$1,300

R-46553 - Broadway Finance, Inc. Parcel 1: 200 sq. ft. for right of way purposes; Parcel 2: 4,733 sq. ft. for permanent easement; Parcel 3: 4,733 sq. ft. for permanent easement; Parcel 4: 9,660 sq. ft. for permanent easement. Offer \$1,800

R-46539 - Lucy Roths. Parcel 1: 350 sq. ft. for right of way purposes; Parcel 2: 400 sq. ft. for permanent easement. Offer \$700

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

R-46624 - Atlantic Richfield Company. Parcel 1: 12,155 sq. ft. for right of way purposes; Parcel 2: 8,514 sq. ft. for utility exchange. Offer \$43,350

N. E. SANDY BLVD.-N. E. GLISAN STREET UNIT OF THE COLUMBIA RIVER-PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY - MULTNOMAH COUNTY

R-47231 - William Draheim et ux. 10,000 sq. ft. for right of way purposes. Offer \$16,900

R-46948 - Donald Dale Kronholm et ux. .79 acre for right of way purposes. Offer \$42,000

R-45449 - Henry Garnjobst, Jr. et al. 7,200 sq. ft. for right of way purposes. Offer \$27,000

(Continued on next page.)

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

R-46174 - Ruth H. Lent. Parcel 1: 300 sq. ft. for right of way purposes; Parcel 2: 550 sq. ft. for permanent slope easement; Parcel 3: 575 sq. ft. for permanent slope easement; Parcel 4: 780 sq. ft. for construction permit. Offer \$2,400

Authority was requested by Mr. Boyd to offer at public sale seven parcels of land no longer needed for highway purposes. The recommended sale prices are based on competent appraisals and access and other conditions of sale are comparable with situations existing in the vicinity. Signboard and junkyard exclusion clauses are to be included in the deed. In each case, Federal Highway Administration approval is not required. The Commission authorized public sale of the following properties and thereupon adopted "Real Property Resolutions Nos. 609 through 612," which resolutions by this reference are made a part hereof and filed in the Commission's files.

- (1) 0.11 acre, File No. 44092, located east of the Clackamas Highway, north of S.W. Second Avenue in Estacada on the Clackamas Highway in Clackamas County, for not less than \$750.
- (2) 0.82 acre. File No. 7028, north of Trail on the Tiller-Trail Highway in Jackson County, for not less than \$410.
- (3) 1.48 acre, File No. 19818, approximately two miles north of Gales Creek on the Wilson River Highway in Washington County, for not less than \$1,500. No access will be permitted to the highway. (See "Real Property Resolution No. 609")
- (4) 0.6 acre, File No. 33063, located on the north side of the Mt. Hood Highway and at the west end of the Salmon River Bridge at Brightwood in Clackamas County, for not less than \$20,000. Chairman Jackson gave telephonic approval on August 20, 1973. At the July 10, 1973, meeting approval was received for sale of this land at a minimum consideration of \$29,500 but no bids were received. (See "Real Property Resolution No. 610")
- (5) 8.0 acres, Files Nos. 6538, 6539, 6540, 6541, 6542, 6543A, on the northerly side of the Sunset Highway north of North Plains Interchange in North Plains in Washington County, for not less than \$11,700. No access will be permitted to the highway. (See "Real Property Resolution No. 611")

(Continued on next page.)

September 19, 1973

- (6) 0.55 acre, Files Nos. 5296 and 1575, (Pistol River Maintenance Site) in Pistol River on the Oregon Coast Highway in Curry County, for not less than \$14,000. (See "Real Property Resolution No. 612")
- (7) 2,070 square foot parcel, File Nos. 38398 and 38399, north of the Clackamas Highway just east of the railroad overcrossing in Milwaukie in Clackamas County, for not less than \$500.

Direct sales of three parcels of property were recommended by Mr. Boyd. He mentioned that in each instance the property is no longer needed for highway purposes and because of peculiar conditions, sale is restricted to a single party. Sale prices have been determined by competent appraisals. The Commission approved the following sales and thereupon adopted "Real Property Resolution No. 613," which resolution by this reference is made a part hereof and filed in the Commission's files.

- (1) To Klamath County, File No. 11176, 5,300 square foot parcel of land at the intersection of Laguna and Henderson Streets in the City of Klamath Falls on the Klamath Falls-Malin Highway in Klamath County, for \$1. No access will be permitted to the highway and signboard and junkyard exclusion clauses will be included in the deed. Federal Highway Administration approval is not required.
- (2) To the City of Creswell, Files Nos. 20501, 20502 and 20507, 32.82 acres of land located in the northeast quadrant of the Creswell Interchange on the Goshen-Divide Section of the Pacific Highway in Lane County, for \$17,000. Sale will be subject to public park use only and Federal Highway Administration approval is not required. (See "Real Property Resolution No. 613")
- (3) To Glenn Kaufman (adjacent property owner), File No. 31389, 726 square foot parcel of land south of Revere Street between Missouri and Michigan Avenues in the City of Portland on the Pacific Highway in Multnomah County, for \$100. Signboard and junkyard exclusion clauses will be included in the deed. Federal Highway Administration approval was received on August 27, 1973.

The Commission approved the following Indentures of Access as recommended by Mr. Boyd:

- (1) Rudolph C. and Minnie Reimer property, File No. 19298, on the westerly side of the relocated Pacific Highway West approximately four miles north of Monmouth in Polk County. The approach will be widened from 25 to 35 feet and will remain restricted to farm and residential use. Federal Highway Administration approval was received July 11, 1973.

- (2) Ralph and Jean S. Smiley and Lloyd G. and Helen M. Diamond property, File No. 42298, on the westerly side of the relocated Mt. Hood Highway approximately six miles south of Hood River in Hood River County. The location of one point of access will be changed to make the public record agree to the location as it was actually constructed. The approach will remain 35 feet in width and unrestricted as to use. Federal Highway Administration approval was received on March 20, 1973.
- (3) William A. and Betty Sappington property, File No. 42294, on the Parkdale-Fikes Corner Section of the Mt. Hood Highway in Hood River County. The location of one 35-foot unrestricted point of access will be changed to correct the public record. Federal Highway Administration approval was received March 27, 1973.
- (4) E. A. and Betty J. Sobolik property, File No. 33025, on the Alder Creek-Wildwood Section (Sleepy Hollow Road Interchange) of the Mt. Hood Highway in Clackamas County. The location of one point of access will be changed to correct the public record. The approach will remain 35 feet in width and unrestricted as to use. Federal Highway Administration approval was received on April 19, 1973.
- (5) First National Bank of Oregon and the United States of America (BLM) property, File No. 32594, on the East Unit, Siuslaw River-Walton Section of the Florence-Eugene Highway in Lane County. One point of access will be widened from 25 feet to 40 feet and will remain unrestricted as to use. Federal Highway Administration approval is not required.

Mr. Boyd requested and the Commission approved the following Grants of Access:

- (1) To Don and Louise DeRoest, File No. 17575, for a 35-foot point of access on the Salisbury-Baker Section of the Baker-Unity Highway in Baker County. The approach will be restricted to private residential use only. No consideration is involved. Federal Highway Administration approval was received July 11, 1973.
- (2) To Charles D. and Carrol J. Bingham, File No. 46526, for a 35-foot unrestricted point of access at no consideration on the Patterson Street-Klamath Falls-Malin Highway Section of the Klamath Falls-Lakeview Highway in Klamath County. Federal Highway Administration approval is not required.

- (3) To O. W. Russell, File No. 12057, at Station 630+78 on the Lost Creek-Lowell Section of the Willamette Highway in Lane County for no consideration.

Mr. Boyd recommended abandonment of eight delinquent rental accounts. He mentioned that either the parties have moved, left no forwarding address, no means to pay, or the expense of locating them for collection would not be justified. The Commission approved abandonment of the following accounts:

<u>File No.</u>	<u>Name</u>	<u>Amount</u>
46653	Adkins	\$ 400.00
44976	Allen	233.00
44976	Dansby	216.67
46672	Van Orsow	88.00
46696	Waddington	110.00
44360	Scott	55.00
46909	Kachaturian	360.00
45738	Seymour	45.00
TOTAL		\$1,507.67

Consideration was given to a ten-year lease to Hayden Island, Inc., covering 1.1 acre of land beneath the Interstate Bridge approach on the Pacific Highway East in Multnomah County for parking of motor vehicles. Mr. Boyd stated that the first four years will be without a rental fee and the remaining six years the rent will be \$435 per month. The lessee will be required to construct a parking lot, maintain the area and pay the taxes. The Commission approved the lease, subject to Federal Highway Administration approval.

Attention was given to an agreement with Medford Irrigation District for the reconstruction of irrigation facilities which are in conflict with the Steward Creek-Gore Creek (Medford) Project on the Rogue Valley Highway in Jackson County. Mr. Boyd mentioned that the agreement calls for the construction of two diversion boxes and the installation of approximately 325 feet of 15-inch irrigation pipe. The estimated cost would be \$4,000 which amount is to be included in the contract. The Commission approved the agreement as recommended and authorized Mr. Klaboe to sign it in their behalf.

Consideration was given to an agreement with the United States (Bureau of Reclamation) setting up basic guidelines for the crossing facilities on the Tualatin Project in Washington and Columbia Counties. Mr. Boyd pointed out that if the Bureau initiates a crossing over the State highway rights-of-way, they will share the cost of the work and the State will share the cost of crossing the Bureau's rights of way. Upon his favorable recommendation, the Commission approved the agreement and authorized Mr. Klaboe to sign it in their behalf.

Confirmation was requested by Mr. Boyd for approval given by Chairman Jackson on August 21, 1973, approving an agreement with George L. and Emily K. Zellner and Riverside Thunderbird Corporation covering the Willamette Bikeway on the Delta Highway-Coburg Road (Eugene) Section in Lane County. He stated the agreement is to expedite the construction of a recreational bikeway and to accomplish this, the Zellners and the Corporation will be allowed to use a portion of existing right-of-way. In addition, the State and the Zellners will exchange property in order to allow the bikeway to be constructed. The Commission confirmed the agreement and authorized Mr. Klaboe to sign it in their behalf.

Confirmation was requested by Mr. Boyd for approval given by Chairman Jackson on August 21, 1973, approving a real property exchange with George L. and Emily K. Zellner covering the Willamette Bikeway on the Delta Highway-Coburg Road (Eugene) Section in Lane County. He pointed out that the Zellners will convey a parcel of land containing 1.05 acre to the State as well as an easement consisting of 0.19 acre parcel. The easement shall be for a period of three years or until completion of the bikeway, whichever is earlier. The State, in consideration of the conveyance of the property and grant of easement, will convey to the Zellners a parcel of land containing approximately 0.44 acre. The Commission confirmed the agreement.

Consideration was given to an agreement with Oregon Trunk Railway (Burlington Northern Inc.) for signalization and improvement of the grade processing at Antler Avenue in the City of Redmond in Deschutes County. Mr. Boyd mentioned that the agreement calls for the installation of automatic flashing signals, automatic gates, and the upgrading of the track through the crossing. The estimated cost is \$48,490 with 60% Federal participation, 20% County and 20% State. Upon his favorable recommendation, the Commission approved the agreement and authorized Mr. Klaboe to sign it in their behalf.

The Commission considered a five-year lease agreement with the Union Pacific Railroad Company for a siding for the loading and storage of volcanic cinders which will be shipped by railroad from Huntington to Meacham, and subsequently used for sanding operations in the Meacham area in Umatilla County. Mr. Boyd pointed out that the cost to the State would be \$50 annually. This agreement has the approval of the Federal Highway Administration. Upon his recommendation, the Commission approved the lease and authorized Mr. Klaboe to sign it in their behalf.

Consideration was given to an agreement with the Southern Pacific Transportation Company for the construction of the Shady Overcrossing on the Winston-Shady Interchange Section of the Coos Bay-Roseburg Highway in Douglas County. Mr. Boyd stated that the agreement covers the removal of the existing overcrossing structure, the construction of the new structure and adjustment of signal and communication lines, etc. The estimated cost to the State will be \$36,605 - 70% Federal participation and 30% State. Federal Highway Administration approval has been received. The Commission approved the agreement as recommended and authorized Mr. Klaboe to sign it in their behalf.

Consideration was given to the approval of an easement indenture with the Southern Pacific Transportation Company for the construction of the Shady Overcrossing on Winston-Shady Interchange Section of the Coos Bay-Roseburg Highway in Douglas County. Mr. Boyd explained that this supplements an existing easement granted the State by the Railroad Company and there is no cost to the State. The Commission approved the agreement as recommended and authorized Mr. Klaboe to sign it in their behalf.

Attention was given to a supplemental agreement with the Southern Pacific Transportation Company deleting two Roseburg grade crossing projects in Douglas County. Mr. Boyd stated that these two projects are being deleted from the program due to the inability of Douglas County to provide the necessary funds to complete the overhaul project. He said two crossings in Yamhill County will be included as replacements in this Federal-aid system program and that agreements covering the improvements of these crossings will be presented later. Upon his favorable recommendation, the Commission approved the agreement and authorized Mr. Klaboe to sign it in their behalf.

Consideration was given to an agreement with Southern Pacific Transportation Company covering signalization of a grade crossing at or near Sheridan on the Salmon River Highway in Yamhill County. Mr. Boyd said that the agreement provides for the installation of automatic flashing light signals and automatic gates. The estimated cost to the State is \$32,600, to be reimbursed by the Federal Highway Protection Fund. Upon his recommendation, the Commission approved the agreement and authorized Mr. Klaboe to sign it in their behalf.

Consideration was given to a sewer easement to Clackamas County covering 0.18 acre and 0.36 acre on the Columbia River-Pacific Highway Section of the East Portland Freeway in Clackamas County. Mr. Boyd said that the temporary easement shall cease when construction of the sewer is completed. Upon his favorable recommendation, the Commission approved the easement.

Attention was given to a consent to vacation of a portion of Willamette Falls Road in the City of West Linn in Clackamas County. Mr. Boyd mentioned that no access will be permitted to the right-of-way of the East Portland Freeway. This vacation was initiated by Mobil Oil Company, Inc. The Commission approved the consent and authorized Mr. Klaboe to sign it in their behalf.

Mr. Boyd presented an agreement with the Portland Development Commission to provide for an exchange of property to improve the property line on the North Portland Harbor-Russell Street Section of the Pacific Highway in Multnomah County. This will enable the PDC to construct a street parallel to the State right-of-way. Upon his favorable recommendation, the Commission approved the agreement and authorized Mr. Klaboe to sign it in their behalf.

Consideration was given to a consent to assignment of a contract with Reaugh S. Bonn for the sale of property on the Columbia River-West Linn Section of the East Portland Freeway in Clackamas County. Mr. Boyd pointed out that Mr. Bonn wishes to assign his interests in this contract to Rex A. Nicoud. Upon his favorable recommendation, the Commission approved the assignment and authorized Mr. Klaboe to sign it in their behalf.

Consideration was given to the renewing of a five-year lease to Burns Bros., Inc. covering property underneath the ramp leading from the Morrison Street Bridge on the East Bank Freeway in Portland. Mr. Boyd mentioned that this lease is for the parking of motor vehicles and the rental fee will be \$125 per month. The lessee will pay the taxes and maintain all the present parking improvements. This also has approval of the Federal Highway Administration. The Commission approved the lease renewal and authorized Mr. Klaboe to sign it in their behalf.

Mr. Boyd reported that the Burlington Northern, Inc., through its Spokane, Portland and Seattle Railroad office, is offering for sale on a sealed bid an abandoned railroad from Banks to Vernonia in Columbia and Washington Counties. The real property, rails, ties and other appurtenances will be sold in one complete package. This bid is to be taken on October 1, 1973, as follows:

- (1) Length of railroad: 20.65 miles.
- (2) The Parks Advisory Committee and David G. Talbot, State Parks Superintendent, are desirous of obtaining this right-of-way for recreational trail usage as it traverses many miles of beautiful Oregon Coast foothills.
- (3) Several sections of this railroad are adjacent to the existing Nehalem Highway and occupy desirable road relocation, especially one near Treharne which we have proposed as an early relocation to improve the alignment of the Nehalem Highway.
- (4) The Right of Way Branch has done considerable research and believes that \$40,000 is a reasonable figure for the rights which the railroad is willing to convey. This \$40,000 will be subject to further research until September 27 when a firm offer to purchase will be made to various interested parties.
- (5) We intend to convey our desire to buy the real property to various companies who are bidding primarily for the rails and ties.

He mentioned that the State has applied for programing for BOR participation in this purchase. Upon his favorable recommendation, the Commission authorized Mr. Boyd to negotiate for the Railroad right of way.

A report was submitted by Mr. Barrie and accepted by the Commission concerning cases which have been tried in court since the last Commission meeting summarized as follows:

REPORT OF CONDEMNATION CASES TRIED

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer Before Filing Complaint</u>	<u>Defendant's Lowest Demand</u>	<u>Verdict</u>
Robin Truax L-6837 R-45621	Mult.	East Portland Freeway	\$57,500	\$75,000	\$78,750
Carl R. Brantner L-6843 R-47114	Marion	Pacific	\$25,000	\$53,000	\$30,000

REPORT OF TRIAL OF OTHER CASES - STATE PLAINTIFF

<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict or Judgment</u>
James B. Archambault L-6939	Clatsop	Damage to Bridge	\$997.89	\$997.89
Alvin R. Brown L-6449	Crook	Property Damage	\$297.54	\$297.54
Mitchell Spletter L-6938	Deschutes	Property Damage	\$464.45	\$464.45
Mark E. Silva L-6436	Mult.	Guardrail Damage	\$512.01	\$512.01

REPORT OF TRIAL OF OTHER CASES - STATE DEFENDANT

<u>Plaintiff</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict or Judgment</u>
Committee to save the First Avenue ramps L-6997	Lane	Temporary Injunction	Injunction to halt removal of ramps	Dismissal

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(Continued on next page.)

(For additional details, see Mr. Barrie's letter dated September 14, 1973, entitled Report of Cases Tried, on file in the Commission's files.)

The Commission considered and accepted a report made by Mr. Barrie concerning cases which have been settled out of court since the last Commission meeting summarized as follows:

REPORT OF CONDEMNATION CASES SETTLED

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer</u>	<u>State's Highest Appraisal</u>	<u>Amount of Settlement</u>
Margaret P. Shelly L-6825 R-45346	Douglas	Coos Bay-Roseburg	\$19,100	\$22,500	\$22,000
Lane County Title Co. L-6480 R-43409	Lane	Pacific	\$ 7,100	\$ 7,700	\$10,250
Evelyn Davoren L-6895 R-45998	Mult.	East Portland Freeway	\$ 4,000	\$ 4,000	\$ 4,680
Wesley Wismer L-6949 R-47298	Tilla.	Oregon Coast	\$12,350 plus fencing	\$12,350	\$13,850 Owner paid for fencing. Fencing completed
Charles H. Whitaker L-6983 R-46452	Mult.	East Portland Freeway	\$23,250	\$23,250	\$26,000
Roy L. Kirby L-6399 R-42299	Hood River	Mt. Hood	\$ 2,125 plus fencing	\$ 2,125	\$ 2,000 Plus sale of excess parcel to dfts. for \$ 1,600
F. Lundgren L-6979 R-46871	Union	Wallowa Lake	\$16,875	\$16,800	\$19,000

(Continued on next page.)

September 19, 1973

(Report of Condemnation Cases Settled continued)

Defendant	County	Highway	State's Offer	State's Highest Appraisal	Amount of Settlement
Sam Blischke L-6904 R-47198	Marion	Salem Freeway	\$31,500	\$40,500	\$45,000

THE FOLLOWING CASES HAVE BEEN SETTLED BY OPTION BY THE RIGHT OF WAY DEPARTMENT:

Martin Suksdorf L-6827 R-45243	Douglas	Coos Bay-Roseburg	\$14,250		Dismissed
Connie A. Whittemore L-6622 R-44984	Klamath	Klamath Falls-Lakeview	\$ 3,600		Dismissed
Obie Outdoor Advertising L-6750 R-46874	Marion	Pacific	\$ 4,000		Dismissed
North Marion Development Corp. L-6874 R-47062	Marion	Pacific	\$ 850		Dismissed
Walter D. Grigsby L-6948 R-47206	Mult.	East Portland Freeway	\$43,500		Dismissed
Elwood F. Sine L-6624 R-45004	Klamath	Klamath Falls-Lakeview	\$ 700		Dismissed
Nicholas M. Niflis L-6905 R-47307	Tilla.	Oregon Coast	\$16,600		Dismissed

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REPORT OF OTHER CASES SETTLED

Plaintiff	Defendant	County	Cause of Action	Demand of Plaintiff	Settlement
State of Oregon L-7004	Pacific Power & Light Company	Marion	Power Outage	\$363.50	\$388.50

(For additional details, see Mr. Barrie's letter dated September 14, 1973, entitled Report of Cases Settled, on file in the Commission's files.)

Mr. Barrie submitted a report, which was accepted by the Commission, concerning the institution of legal proceedings commenced since the last Commission meeting, summarized as follows:

- (1) Herbert DeSelms vs. Oregon State Transportation Commission, L-7000. The allegations in the complaint allege that because the walkway was constructed 1½ inches above the level of the bridge sidewalk at Depoe Bay, Lincoln County, the decedent, a pedestrian, tripped and fell on August 9, 1971. The decedent died on September 3, 1971, and lawsuit is in the amount of \$55,300.
- (2) E. W. Staples vs. Oregon State Highway Commission, L-7001. This is an action for interference in contractual relationships in which the plaintiff alleges that the Highway Division offered to pay two tenants \$3,600 if they would breach their agreements with the landlord and vacate the property at 3561 S. E. 84th Avenue (Mt. Hood Corridor), Portland. The complainant alleges that the tenants accepted the money and moved out and the landlord was damaged in the amount of \$25,000.

Upon the recommendation of Mr. Barrie, the Commission abandoned the following claims, which, in his opinion, do not warrant further action toward collection:

CAO No.	Name	Amount	Reason
72-142	Dale R. Lundy	\$1,570.20	bankrupt
72-149	Marvin L. Nomeland	49.22	too small to litigate
72-152	Ilene Decker	194.62	lives in Washington

(Continued on next page.)

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CAO No.	Name	Amount	Reason
72-187	Larry N. Acker	\$ 156.45	no job or assets
72-352	Sean E. McCallister	167.05	questionable liability
72-372	George Marks	102.23	lives in Washington
73-21	Dennis R. Hunt	112.12	lives in Washington
73-46	Louise N. Stahl	80.91	lives in New Jersey
73-63	Stanley J. Silva	938.42	lives in California
73-79	Pamela J. Brown	124.15	unable to locate
73-88	Koon Man Yung	194.30	lives in Washington
73-125	Kurt M. Wilson	474.41	lives in California
73-129	Richard E. Whitecotton	414.46	no liability
73-160	James A. Schmidt	169.15	lives in California
73-163	Robert D. McKay	369.38	lives in Washington

Mr. Barrie reported that the billboard acquisition is progressing and approximately \$500,000 has been spent for the purchase of the billboards. It is anticipated that most of them will be down within one year and he hoped he would have a detailed report at the next Commission meeting.

Mr. Talbot presented for the Commission's consideration Notifications of Intent by property owners to make various types of improvements along the Rogue River Scenic Waterway. The requests

have been carefully evaluated as to their compliance with the provisions of the Scenic Waterways Act. Action was taken by the Commission on the following requests as shown in the Notifications of Intent and as modified by stipulations in Mr. Klaboe's letter to the Commission insofar as their authority under the Scenic Waterways Act is concerned.

- (1) Denied a request from Dr. Walter Fox to place fill material on a parcel of land in Township 35 South, Range 11 West, Section 18, in Curry County.
- (2) Approved a request from Walter A. Haas, Jr., to construct a caretaker's house on Lot 900, Section 18, Township 33 South, Range 9 West, in Curry County.
- (3) Denied a request from Bill Kleyne to construct a road to a future building site on Lot 500, Section 14, Township 36 South, Range 7 West, in Josephine County.

The Commission considered the acceptance of the Purchase Option and Gift Deed of approximately 185 acres having two miles of ocean frontage, including Cape Kiwanda in Tillamook County, for park purposes from Barney McPhillips. This is in response to directives from the Governor and the Legislature. Mr. Talbot stated that the total value of the property to be conveyed to the State has been established by appraisal at \$850,000. An option was obtained August 23, 1973, to purchase one mile of the beach property at \$792,000. Mr. McPhillips on August 29, 1973, executed a deed giving the balance of the ocean frontage to the State without cost. He mentioned that the fencing at the Cape is approximately 50% complete and it is anticipated that it will be finished the first of October, 1973. Mr. McPhillips was present at the meeting and presented to the Commission the gift deed for this property. The Commission thanked Mr. McPhillips for this property and upon the recommendation of Mr. Talbot, accepted the Purchase Option and Gift Deed.

The Commission considered the acceptance of a bequest from Eva Larsson for approximately 35 acres as an addition to Talbot State Park which lies below Crown Point State Park on the old scenic highway in Multnomah County. Mr. Talbot mentioned that Mrs. Larsson died some months ago and in her Will she donated 35 acres to the State as a memorial to her father and mother, Henry and Elizabeth Latourell. The bequest stipulates that an appropriate memorial marker be placed on the property or in the vicinity. Upon his favorable recommendation, the Commission accepted the bequest.

Consideration was given to the allocation of \$10,000 in the Parks biennial budget to provide financial assistance to the coastal communities for beach lifeguard services. Mr. Talbot mentioned that the 1973 Legislature authorized the Transportation Commission to provide financial assistance. Special rules would have to be adopted

regarding management of the program and the Emergency Board approval of the fund shift would be necessary before the grant program could actually begin. Upon his recommendation, the Commission approved the allocation.

Mr. Talbot mentioned that for the past 20 years the Parks and Recreation Branch has employed several resident boys' crews from the MacLaren School for Boys in park projects. The program has been very successful from the standpoint of training and work experience for the boys. The present agreement provides that the boys be paid 50¢ per hour. As a result of recent discussions with the MacLaren officials, it is recommended that the hourly rate be increased to 75¢ per hour. The total annual increase would be approximately \$10,000. Upon his favorable recommendation, the Commission approved the increase and authorized Mr. Baldwin to sign an agreement in their behalf.

The Commission approved the following increases in project authorizations as recommended by Mr. Klaboe.

- (1) Rowell and Wickersham, Contract No. 7908, Lafayette (7th Street Extension) in Yamhill County for \$3,658.55 (15.3%). The major reason for the overrun was unforeseen work at the westerly end of the project requiring additional quantities of aggregate base and asphaltic concrete.
- (2) Sims Electric, Inc., Contract No. 7825, Sunset Highway-Beaverton (Illumination) Section, Beaverton-Tigard Highway in Washington County for \$33,425.72 (9.5%). The overrun was due to changing eight of the high mast illumination towers.

Consideration was given to the approval of contracting 3.26 miles on the Middle Unit, Richmond Junction-Girds Creek Section of the Service Creek-Mitchell Highway in Wheeler County. Mr. Klaboe mentioned that the project will involve minor realignment, with grading and paving to a width of 28 feet, 10-foot travel lanes and 4-foot shoulders. The total estimated cost for construction is \$350,000. He recommended approval of the project and requested authority to add it to the current State Construction Program. The Commission approved the project.

Consideration was given to the construction of a bikeway (7½ miles) on the Hermiston-Hat Rock State Park Section of the Hermiston Highway in Umatilla County. Mr. Klaboe pointed out that a petition was received from more than 1,600 persons requesting this bikeway. It has also been favorably endorsed by Umatilla County. He recommended and the Commission approved the bikeway construction during the 1973-75 biennium at an estimated cost of \$277,000.

Attention was given to approving a sign "Bikes Cross on Walk Signal Only" indicating that the bicyclist must obey the pedestrian signals at locations where the bicycle path crosses a roadway. Upon Mr. Klaboe's recommendation, the Commission approved the bicycle crossing sign.

Mr. Klaboe reported that the 1973 Legislature passed a bill which restricts the lanes in which a truck, camper or trailer may operate on a multi-lane highway. The law indicates that when there are three or more lanes where traffic is proceeding in any one direction, no vehicle of 6,000 pounds gross weight or over, campers, or vehicles with trailers shall be driven in the extreme left-hand lane, except:

- (a) when necessary to enter or leave such roadway;
- (b) when reasonably necessary in response to emergency conditions; or
- (c) when otherwise indicated or directed by appropriate signs or signals.

The law further states that when the roadway has been divided in such a manner that there are two lanes for traffic proceeding in any one direction, vehicles having a gross weight of 6,000 pounds or more, campers, or vehicles with trailers shall be driven in the right-hand lane. Such vehicles shall not move from the right-hand lane into the left-hand until such movement can be made without interfering with the passage of other vehicles.

The Ways and Means Committee has instructed the Highway Division to post signs that will indicate requirements of the law and to conduct a before-and-after study to indicate the effect of the proposed signing.

Upon his favorable recommendation, the Commission approved the following signs:

For Rural or Suburban Areas Only

Four-Lane Highways

Trucks-campers-trailers-buses
Unlawful to impede traffic in left lane

Six or More Lane Highways

Trucks-campers-trailers-buses
Unlawful to use left lane

The above signs will also be installed at State Lines to advise out-of-state motorists of the Oregon Law.

Mr. Klaboe reported that it is desirable to develop a uniform signing treatment for slow-moving vehicle turnouts. The proposal will clearly indicate to the motorist a turnout is ahead and that slow-moving vehicles are required by law to use the turnouts. The Commission approved the following signs as recommended by Mr. Klaboe:

Slow Moving Vehicle Turnout $\frac{1}{2}$ mile
Law Requires Slow Vehicles to Use Turnouts
Slow Moving Vehicle Turnout (arrow)

Mr. Klaboe mentioned that upon completion of the Boones Ferry Road-Pacific Highway East Section of the Hillsboro-Silverton Highway, the existing highway which carries the Oregon 214 route shield and goes through the Woodburn city center will be turned over to the City, and the State will route ORE214 over the new highway. Upon his recommendation, the Commission established the routing of the Hillsboro-Silverton Highway (ORE214) as follows:

Entering Woodburn from the west, ORE214 will follow the existing highway to the Settlemier-Boones Ferry Road intersection. At that point, it will depart from the existing routing and follow the new alignment to the Pacific Highway East. ORE214 will then be routed south over the Pacific Highway East to Young Street where it meets the existing Hillsboro-Silverton Highway. It will then continue east towards Silverton on the existing highway.

Mr. Klaboe reported that due to organizational changes it is necessary to revise the document naming Highway Division personnel who are authorized to sign Federal reimbursement vouchers on behalf of the Commission. Upon his recommendation, the Commission authorized the following individuals to sign Federal reimbursement vouchers:

F. B. Klaboe	Administrator and Highway Engineer
A. E. Johnson	Deputy Highway Engineer
L. H. Young	Office Engineer
V. E. Skoog	Fiscal Officer
R. N. Chase	Federal-aid Engineer

Mr. Klaboe presented for confirmation requests from contractors for extensions of time within which to complete highway contracts without assessment of liquidated damages. These requests have been carefully investigated, he said, and the results of the investigation have been reported to the Commission by letter. The contractors have also been advised by letter as to the extensions of time. The Commission confirmed action as follows:

- (1) R. L. Coats, Contract No. 7875, on the Central Oregon Highway in Harney County, requested an extension of 34 days. The Commission confirmed an extension of 34 days.

(Continued on next page.)

- (2) Salem Road and Driveway Company, Contract No. 7844, North Santiam and FAS 679 in Marion County, requested an extension of 30 days. The Commission confirmed an extension of 30 days.
- (3) General Service Electric, Inc., Contract No. 7703, on Oak Street at Second and Park Streets and Grant Street at Williams Street in Lebanon, Linn County, requested an extension of 112 days. The Commission confirmed an extension of 112 days, which will delete all liquidated damages. Federal Highway Administration concurred on August 30, 1973.
- (4) Builders Supply Company, Contract No. 7814, on the Corvallis-Newport Highway and Pacific Highway West in Benton County, requested an extension of 21 days. The Commission confirmed an extension of 13 days, which will reduce all liquidated damages.
- (5) Ross Bros. Construction Company, Contract No. 7826, on the Pacific Highway in Jackson County, requested an extension of 30 days. The Commission confirmed an extension of 20 days, which will reduce all liquidated damages.
- (6) Stillwell Construction Company, Contract No. 7822, on the Pacific Highway in Multnomah, Clackamas, Marion, Linn and Lane Counties, requested an extension of 93 days. The Commission confirmed an extension of 93 days which should allow sufficient time to complete the project without assessment of liquidated damages. Federal Highway Administration concurred on August 13, 1973.
- (7) Salem Road and Driveway Company, Contract No. 7847, on the Willamina-Salem Highway in Polk County, requested an extension of 50 days. The Commission confirmed an extension of 50 days which should allow sufficient time to complete the project without assessment of liquidated damages.
- (8) James A. Seiwald, Contract No. 7855, South Beach State Park in Lincoln County, requested an extension of one month. The Commission confirmed an extension of one month which establishes a new specified completion date of August 31, 1973.
- (9) Adhesive Engineering Company, Contract No. 7713, Willamina-Salem Highway (Center Street Bridge) in Polk and Marion Counties, requested an extension of 15 days. The Commission confirmed an extension of 15 days.

Mr. Klaboe reported that Contract Nos. 7491, 7623, 7650, 7672, 7713, 7752, 7821, 7840, 7856, 7877, 7879 and 7897 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. The Commission accepted the contracts by adopting "Contracts Completed Resolution No. 214," which resolution by this reference is made a part hereof and filed in the Commission's files.

The Commission confirmed verbal award of contracts made by Chairman Jackson on August 29, 1973, for bids received August 23, 1973, and confirmed authority for Mr. Klaboe to sign the contracts in their behalf.

BIDS RECIEVED IN SALEM AUGUST 23, 1973

Contract No. 7915 for roadside improvement on the N. E. 122nd Interchange Section on the Columbia River Highway in Portland in Multnomah County. Four bids were received. The Commission accepted the low bid of Aichele Landscaping, Inc., Portland, at \$19,076 and Mr. Klaboe was directed to award the contract to said bidder when approval from the Federal Highway Administration is received.

Grading, paving, roadside improvement and traffic signals on the Umpqua Highway Junction (Reedsport) Section of the Oregon Coast Highway in Douglas County. One bid was received. The Commission rejected the lone bid.

Contract No. 7917 for grading and paving on the 4th Street-5th Street (Grants Pass) Section on Bridge Street in Josephine County. One bid was received. The Commission accepted the lone bid of Copeland Paving, Inc., Grants Pass, at \$38,765.50 and Mr. Klaboe was directed to award the contract to said bidder when the City of Grants Pass and the Federal Highway Administration approve the project and \$10,000 is deposited by the City.

Contract No. 7918 for grading and paving on the Ruggles Road-Liberty Road Section of FAS 669 in Sherman County. Nine bids were received. The Commission accepted the low bid of J. C. Compton Company, McMinnville, at \$189,600 and Mr. Klaboe was directed to award the contract when Sherman County approves the project and deposits \$43,100.

Landscape improvement at the La Grande Office Building on the Wallowa Lake Highway in Union County. Two bids were received. The Commission rejected all bids.

Contract No. 7920 for grading and paving on the West City Limits-Mason Street (Sheridan) Section of FAS 907 in Yamhill County. Two bids were recieved. The Commission accepted the low bid of Rowell and Wickersham, McMinnville, at \$99,385 and Mr. Klaboe was directed to award the contract to said bidder when the City of Sheridan and Yamhill County approve the project and \$31,900 is deposited by the City.

Sewer and water line construction in the Baldock Safety Rest Area on the Pacific Highway in Clackamas County. Five bids were received. The Commission rejected all bids.

Contract No. 7922 for grading, paving and Railroad signals on the Second Street-South Railroad Boulevard (Redmond) Section on Antler Avenue in Deschutes County. Three bids were received. The Commission accepted the low bid of R. L. Coats, Bend, at \$35,710 and Mr. Klaboe was directed to award the contract to said bidder when the City of Redmond and Deschutes County approve the project and the City deposits \$20,000.

Grading and paving on city streets in Mt. Vernon, John Day, and Prairie City in Grant County. Four bids were received. The Commission rejected all bids.

Grading and paving on the Walker Avenue-Tolman Creek Road (Ashland) Bikeway Section of the Rogue Valley Highway in Jackson County. Two bids were received. The Commission rejected all bids.

Grading, paving and traffic signals on the Steward Creek-Gore Creek (Medford) Section of the Rogue Valley Highway in Jackson County. No bids were received.

Contract No. 7925 for grading and paving on the Duniway Park-Barbur Boulevard (Portland) Bikeway Section in Portland in Multnomah County. Five bids were received. The Commission awarded the contract to the low bidder, Waybo, Inc., Portland, at \$242,465.

Contract No. 7926 for grading, paving and structures on the Rickreall-Monmouth Bikeway Section on the Pacific Highway West in Polk County. Four bids were received. The Commission awarded the contract to the low bidder, Salem Road & Driveway Company, Salem, at \$255,273.50.

Contract No. 7927 for grading and paving on 3rd Street in the City of Richland in Baker County. One bid was received. The Commission accepted the lone bid of Baker Redi-Mix, Inc., Baker, at \$25,620 and Mr. Klaboe was directed to award the contract to said bidder when the City of Richland approves the project and deposits \$5,000.

Powder River (Huckleberry) Bridge Section on Whitney-Tipton Road in Baker County. Five bids were received. The Commission referred all bids to Baker County for processing.

Contract No. 7929 for landscape improvement in Mary S. Young State Park in Clackamas County. Eight bids were received. The Commission awarded the contract to the low bidder, Aichele Landscaping, Inc., Portland, at \$33,306.50.

Highway Illumination on the Longview Interchange Section of the Lower Columbia River Highway in Columbia County. Four bids were received. The Commission rejected all bids.

Contract No. 7931 for traffic signal installation on Greenwood and Franklin Avenues in the City of Bend on The Dalles-California Highway in Deschutes County. Four bids were received. The Commission accepted the low bid of L. K. Comstock & Company, Inc., Albany, at \$69,686 and Mr. Klaboe was directed to award the contract to said bidder when the City of Bend and the Federal Highway Administration approve the project and \$20,500 is deposited by the City.

Contract No. 7932 for treatment plant building and utilities in Manzanita Safety Rest Area on the Pacific Highway in Josephine County. Three bids were received. The Commission accepted the low bid of Ausland Construction Company, Grants Pass, at \$113,400 and Mr. Klaboe was directed to award the contract to said bidder when the Federal Highway Administration approves the project.

Contract No. 7933 for grading and paving of bikeway on the Delta Highway-Coburg Road (Eugene) Section between the Willamette River Bridge and Ferry Street Bridge in Lane County. Five bids were received. The Commission awarded the contract to the low bidder, Benge Paving, Inc., Eugene, at \$105,831.70.

Contract No. 7934 for grading and paving on the North Santiam River (Greens) Bridge Section of FAS Route 126 in Linn County. Two bids were received. The Commission accepted the low bid of Gibbons and Reed Company, Salt Lake City, Utah, at \$51,636 and Mr. Klaboe was directed to award the contract to said bidder when Linn County approves the project and deposits \$12,300.

Traffic signals on the Santiam Highway at South Waverly Drive (Albany) Section in Linn County. The project was withdrawn.

Contract No. 7935 for utility building in Nehalem Bay State Park on the Oregon Coast Highway in Tillamook County. Three bids were received. The Commission awarded the contract to the low bidder, James A. Seiwald, North Bend, at \$70,354.

Contract No. 7936 for slide correction on the Deadmans Creek Slide Section on the Wilson River Highway in Tillamook County. Three bids were received. The Commission accepted the low bid of William D. McBee, Springfield, at \$142,266 and Mr. Klaboe was directed to award the contract to said bidder when approval from the Federal Highway Administration is received.

The Commission confirmed verbal award of the following contract made by Chairman Jackson on September 7, 1973, and confirmed authority for Mr. Klaboe to sign it in their behalf.

Contract No. 7938 with White Construction Company and Palos Contracting Corporation, Salem, for the White Bridge Section of the Powers Highway in Coos County in amount of \$574,342. Four bids were received on September 6, 1973.

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The Commission approved award of the contracts on which bids were received September 6, 1973, as recommended in Mr. Klaboe's letter dated September 11, 1973, as follows. The Commission also authorized Mr. Klaboe to sign the contracts in their behalf:

BIDS RECEIVED IN SALEM SEPTEMBER 6, 1973

Contract No. 7937 for grading, paving, structures, signing, and illumination on the South Tigard Interchange-East Portland Freeway Interchange Section of the Pacific Highway in Washington and Clackamas Counties. Four bids were received. The Commission accepted the low bid of Donald M. Drake Company, Portland, at \$13,308,754.50 and Mr. Klaboe was directed to award the contract to said bidder when approval from the Federal Highway Administration is received.

Contract No. 7938 for grading and paving on the White Bridge Section of the Powers Highway in Coos County. (Listed above in a previous entry.)

Contract No. 7939 for grading and paving on the Airport Road-Belt Line Road Section of the Pacific Highway West in Lane County. Two bids were received. The Commission accepted the low bid of Eugene Sand & Gravel, Inc., Eugene, at \$564,548 and Mr. Klaboe was directed to award the contract to said bidder when approval from the Federal Highway Administration is received.

Contract No. 7940 for grading and paving on the Pleasant Valley-Green Timber Road Section of the Oregon Coast Highway in Tillamook County. Four bids were received. The Commission accepted the low bid of Babler Bros., Inc., Portland, at \$1,445,065 and Mr. Klaboe was directed to award the contract to said bidder when approval from the Federal Highway Administration is received.

Contract No. 7941 for slide correction on the Fern Rock Creek-South Fork Gales Creek Section on the Wilson River Highway in Tillamook and Washington Counties. Five bids were received. The Commission accepted the low bid of White-Palos, Salem, at \$211,237 and Mr. Klaboe was directed to award the contract to said bidder when approval from the Federal Highway Administration is received.

Contract No. 7942 for grading, paving and shoulder widening on the Modoc Point (Units C & D) Section of The Dalles-California Highway in Klamath County. Eight bids were received. The Commission awarded the contract to the low bidder, W. H. Gregory Company, Portland, at \$424,180.

The Commission confirmed award of the following contracts which were referred to Mr. Klaboe to award when certain conditions were fulfilled.

- (1) Roadside improvement on N. E. 122nd Avenue Interchange Section of Columbia River Highway in Multnomah County. Bids received August 23, 1973. Contract No. 7915 awarded September 4, 1973, to Aichele Landscaping, Inc., Portland, at \$19,076

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- (2) 4th Street-5th Street Section on Bridge Street in City of Grants Pass in Josephine County. Bids received August 23, 1973. Contract No. 7917 awarded September 7, 1973, to Copeland Paving, Inc., Grants Pass, at \$38,765.50.
- (3) Ruggles Road-Liberty Road Section of FAS 669 in Sherman County. Bids received August 23, 1973. Contract No. 7918 awarded August 29, 1973, to J. C. Compton Company, McMinnville, at \$189,600.
- (4) West City Limits-Mason Street (Sheridan) Section in Yamhill County. Bids received August 23, 1973. Contract No. 7920 awarded August 30, 1973, to Rowell and Wickersham, McMinnville, at \$99,385.
- (5) 2nd Street-South Railroad Boulevard Section in City of Redmond on FAS 782 and FAS 926 (Antler Avenue) in Deschutes County. Bids received August 23, 1973. Contract No. 7922 awarded September 11, 1973, to R. L. Coats, Bend, at \$35,710.
- (6) 3rd Street in City of Richland in Baker County. Bids received August 23, 1973. Contract No. 7927 awarded August 29, 1973, to Baker Redi-Mix, Inc., Baker, at \$25,620.
- (7) Traffic Signal installation on Greenwood and Franklin Avenue in City of Bend on The Dalles-California Highway in Deschutes County. Bids received August 23, 1973. Contract No. 7931 awarded September 7, 1973, to L. K. Comstock and Company, Inc., Albany, at \$69,686.
- (8) North Santiam River (Greens) Bridge Section of FAS 126 in Linn County. Bids received August 23, 1973. Contract No. 7934 awarded September 11, 1973, to Gibbons and Reed Company, Portland, at \$51,636.
- (9) Slide correction on the Deadmans Creek Slide Section of Wilson River Highway in Tillamook County. Bids received August 23, 1973. Contract No. 7936 awarded September 7, 1973, to William D. McBee, Springfield, at \$142,266.

The Commission confirmed Chairman Jackson's action of August 14, 1973, rejecting all bids received on August 7, 1973, as being too high for the air conditioning of the Highway Building in Salem. The low bid of Dale Pence General Contractor, Inc., was in the amount of \$994,000. There were three other bidders.

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The Commission confirmed Chairman Jackson's action of August 27, 1973, awarding Negotiated Contract No. 7914 to B & A Pump Service of La Grande in the amount of \$5,359 for well construction in the Charles H. Reynolds Safety Rest Area on the Old Oregon Trail in Union County. The Commission also confirmed Mr. Klaboe's authority to sign the contract in their behalf.

The Commission considered requests from the Cities of Medford, Salem and Woodburn for Federal-aid TOPICS projects. Mr. Klaboe mentioned that the projects have been investigated and are eligible for Federal aid funds. The Commission approved the following projects as recommended by Mr. Klaboe and authorized him to sign the agreements:

City	Section	Programed Amount	State Cost
Medford	Birch Avenue-Crater Lake Highway, Rogue Valley Highway Traffic signal, channelization and illumination	\$ 45,000	\$ 5,000
Salem	State Street at 24th Street, 25th Street and Airport Road Broadway N. E. at River Road N. Traffic signals and channelization	130,000	14,000
Woodburn	Pacific Highway E. at Young Street Traffic signal	35,000	11,000
TOTALS		\$210,000	\$30,000

Summary by Fiscal Year (Federal Funds)	1970, 71, & 72	1973	Total
Allocated Funds (Federal)	\$4,153,000	\$870,000	\$5,023,000
Approved Projects (corrected to date)	4,153,000	446,000	4,599,000
Balance	--	424,000	424,000
New Projects: 9/19/73	--	132,000	132,000
Unprogramed Balance	--	\$292,000	\$ 292,000

These projects involve the installation of traffic signals, and this item will be published in the next issue of the Secretary of State's Administrative Rule Bulletin.

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Mr. Klaboe presented a list of construction projects on which bids will be received on September 27, 1973. He stated that each project contains a notation as to plans for the establishment of footpaths and bicycle trails. The Commission approved the following projects:

- (1) Campbell Street Interchange (Baker) Section
Old Oregon Trail Highway, Baker County.
Roadside improvement project.
Footpaths or bicycle trails are not incorporated in this project as no new highway construction, reconstruction or relocation is involved.
- (2) Columbia River Bridge Section, East Portland Freeway, Multnomah County.
Foundation exploration project.
Footpaths or bicycle trails are not incorporated in this project as no new highway construction, reconstruction or relocation is involved.
- (3) Franklin Boulevard at 11th Avenue (Eugene) Section, Pacific Highway West, Lane County.
Grade and pave project.
This project involves the widening of Franklin Boulevard on the north side. This widening will remove an existing sidewalk which will be replaced as part of the project.
- (4) Wightman Street-Walker Avenue (Ashland) Section, Rogue Valley Highway, Jackson County.
Grade, pave and sign project.
An 8-foot bikeway/sidewalk will be constructed as part of this project. The bikeway will be the connecting link between the existing bikeway northerly of the Green Springs Highway and the proposed bikeway from Walker Avenue to Tolman Creek Road.
- (5) Bay Ocean Road Slide Section, FAS 616, Tillamook County.
Slide correction project.
Footpaths or bicycle trails are not incorporated in this project as no new highway construction, reconstruction or relocation is involved.
- (6) Hogan Road-Boring Section, FAS 129, Clackamas County.
Grade and pave project.
Specific bicycle/pedestrian facilities will not be provided along this project as the cost of establishment and additional right of way required would be excessively disproportionate to need or probable use. Ten-foot paved shoulders will be available for bicycle and pedestrian usage.

(Continued on next page.)

- (7) Pine Street at 3rd Street (Rogue River) Section
FAS 15-100, Jackson County.
Signal project.
Footpaths or bicycle trails are not incorporated in this project as no new highway construction, reconstruction or relocation is involved.
- (8) Prickett Creek Section, FAS 837 (Stringtown Road), Washington County.
Culvert project.
Footpaths or bicycle trails are not incorporated in this project as no new highway construction, reconstruction or relocation is involved.
- (9) Little Deschutes River (Montgomery) Bridge Section, FAS 793, Deschutes County.
Structure project.
A bicycle/pedestrian sidewalk will be provided on the structure.
- (10) Adams Avenue-Old Oregon Trail Highway (La Grande) Section, Wallowa Lake Highway, Union County.
Grade, pave and structure project.
Eight and five-foot bicycle/pedestrian facilities will be constructed along the project length.
- (11) Dabney State Park, Multnomah County.
Landscape project.
Footpaths or bicycle trails are not incorporated in this project as no new highway construction, reconstruction or relocation is involved.
- (12) Jessie M. Honeyman State Park, Lane County.
Utility building project.
Footpaths or bicycle trails are not incorporated in this project as no new highway construction, reconstruction or relocation is involved.
- (13) Harris Beach State Park, Curry County.
Day-use improvements project.
Footpaths or bicycle trails are not incorporated in this project as no new highway construction, reconstruction or relocation is involved.

Mr. Klaboe reported that investigations have been made concerning speed zones and facts indicate that speed zones should be established or revisions made. Upon his recommendation, the Commission adopted the following proposed speed zones which will be published in the Secretary of State's Administrative Rule Bulletin.

(Continued on next page.)

- (1) 30 MPH speed zone from south city limits of Nehalem (M.P. T45.53) to Tidelands Road (M.P. T45.76) on the Oregon Coast Highway in Tillamook County.
- (2) 50 MPH speed zone from 0.32 mile north of Marion Creek (M.P. 66.10) to 0.18 mile south of Marion Creek (M.P. 66.60) on the North Santiam Highway in Linn County.
- (3) 50 MPH speed zone from the north city limits of Toledo (M.P. F7.86) to 0.17 mile southwest of the Corvallis-Newport Highway (M.P. F8.90) in Lincoln County.
- (4) 35 MPH speed zone from 50 feet west of Jordan Road (M.P. 1.88) to 0.24 mile south of Jordan Road (M.P. 2.13) on the Crown Point Highway in Multnomah County. (Centerline of roadway is coincident with the city limits of Troutdale under the jurisdiction of the State Speed Control Board and Oregon Transportation Commission.)
- (5) Rescind "Speed Zone Resolution No. 543" dated January 28, 1969 and establish a 40 MPH speed zone from the east city limits of Beaverton (M.P. 2.03) to Laurelwood Drive (M.P. 2.56) (Portions of this section are in City of Beaverton). 30 MPH from Laurelwood Drive (M.P. 2.56) to the west city limits of Portland (M.P. 3.41) on the Beaverton-Hillsdale Highway in Washington County.
- (6) 50 MPH speed zone from 100 feet west of Ridgeway Road (M.P. 3.93) to 300 feet east of the Springfield-Creswell Highway (M.P. 5.82) on the Willamette Highway in Lane County, except that between M.P. 5.35 and M.P. 5.47, the designated speed shall be 20 MPH when children are present, as per the provisions of Subsection 1.a. of ORS 483.104.

Mr. Klaboe reported that the following proposed rule had been approved by the Commission on July 10, 1973, and published in the Secretary of State's Administrative Rule Bulletin on August 1, 1973. No requests for a hearing were received. Mr. Klaboe recommended that the Commission adopt it as a final rule, which will be published in the Secretary of State's Administrative Rule Bulletin on October 15, 1973, at which time the rule will become effective. The Commission accepted his recommendation.

(Continued on next page.)

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Rescinded Speed Zone Resolution No. 304 dated July 2, 1959, and established the following speed zones north and south of Hermiston on the Umatilla-Stanfield Highway in Umatilla County:

35 MPH from 0.28 mile north of Hermiston Irrigation Ditch (M.P. 4.31) to the north city limits of Hermiston at Elm Avenue (M.P. 4.84).

35 MPH from East Fourth Street, the south city limits of Hermiston (M.P. 6.04) to 300 feet northwest of Maxwell Canal (M.P. 6.20).

Mr. Klaboe mentioned that investigations have been made concerning the following speed zones and facts reveal that revisions should be made. He indicated that these proposed speed zones will be published in the Secretary of State's Administrative Rule Bulletin. Upon his recommendation, the Commission adopted the following proposed speed zones:

- (1) Rescinded Speed Zone Resolution No. 557 dated March 17, 1970, and established on the Scholls Highway in Washington County the following zones:

35 MPH from the Beaverton-Tualatin Highway (M.P. 9.60) to Fanno Creek (M.P. 10.65). 1/2/

30 MPH from Fanno Creek (M.P. 10.65) to the Beaverton-Hillsdale Highway (M.P. 12.48). 3/

Except that in the following sections, the designated speed shall be 20 MPH when children are present as per the provisions of Subsection 1.a. of ORS 483.104:

- 1/ From 150 feet south of access to Whitford Jr. High (M.P. 10.00) to 150 feet north of access to Whitford Jr. High (M.P. 10.06).
- 2/ From 150 feet south of S. W. Marjorie Lane (M.P. 10.18) to 350 feet north of S. W. Marjorie Lane (M.P. 10.18).
- 3/ From 400 feet northeast of S. W. Northvale Way (M.P. 11.91) to 50 feet northeast of Monclair Drive (M.P. 12.01).

- (2) Rescinded Speed Zone Resolution No. 487 dated June 1, 1965, and established on the Cline Falls Highway in Deschutes County a 35 MPH speed zone from 500 feet north of the Tumalo-Deschutes Highway (M.P. 9.80) to the McKenzie-Bend Highway (M.P. 10.32).

Except that between 150 feet north of the Tumalo-Deschutes Highway (M.P. 9.87) and 450 feet south of the Tumalo-Deschutes Highway (M.P. 9.99), the

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designated speed shall be 20 MPH when children are present as per the provisions of Subsection 1.a. of ORS 483.104.

Mr. Klaboe reported that the following proposed rules had been presented to the Commission at its July 10, 1973, meeting and were published in the Secretary of State's Administrative Rule Bulletin. No requests for hearings were received. He recommended the adoption of the final rules to be published in the Secretary of State's Administrative Rule Bulletin on October 15, 1973, at which time the rules will become effective. The Commission accepted his recommendation.

- (1) Prohibited parking on the shoulders on the west side of the Wilson River Highway from M.P. 40.71 to M.P. 40.86 and on the east side of the highway from M.P. 40.81 to M.P. 40.86 near the Log Cabin Tavern in the vicinity of Washburn in Washington County.
- (2) Changed stop requirements on the Rogue River Loop Highway at its intersection with Upper River Road in Josephine County as follows: All traffic westbound on the Rogue River Loop Highway shall stop at intersection with Upper River Road. Traffic southbound on the Upper River Road need not stop at its intersection with the Rogue River Loop Highway.
- (3) Installation of a fully actuated traffic signal on the Rogue Valley Highway at the intersection of the State Offices and the Medford Corporation (Medco) in Jackson County.
- (4) Installation of a fully actuated traffic signal at the intersection of Columbia, Bond and Marine Drive on the Lower Columbia River Highway in Astoria, Clatsop County.

The Commission considered an agreement with Washington County and Winmar, the developers of Washington Square, for installation of traffic signals at the intersection of the Beaverton-Tualatin Highway and Greenburg-Oleson Road. Mr. Klaboe stated that Winmar will pay for the total cost of the temporary signal. The State will care for future maintenance and the County will pay the power costs. The agreement also commits the State and County to share equally in the cost of a permanent signal installation at such time as S. W. Hall Boulevard and Greenburg Road are installed for the temporary signal will become the property of Winmar. Upon his favorable recommendation, the Commission approved the agreement and authorized Mr. Klaboe to sign it in their behalf. The proposed rule concerning the installation of the traffic signal will be published in the next issue of the Secretary of State's Administrative Rule Bulletin.

Consideration was given to the approval of an agreement with the City of Milton-Freewater concerning the reconstruction of the Washington State Line Section on the Oregon-Washington Highway in Umatilla County. Mr. Klaboe mentioned that this proposed project will be a four-lane facility with left-turn refuges and the agreement provides for construction and maintenance of the entire project by the State. The City will cooperate with the State for any adjustment of utilities. A traffic control signal will be installed at the intersection of 3rd and Main Street as part of the project. The City will be obligated to pay for the electrical energy by the signal. The project is scheduled for contract at the October 25, 1973, letting. The estimated cost is \$4,300,000 to be financed with Federal-aid funds. The Commission approved the agreement as recommended and authorized Mr. Klaboe to sign it in their behalf. The proposed rule concerning the installation of the traffic signal will be published in the next issue of the Secretary of State's Administrative Rule Bulletin.

Attention was given to the approval of agreements and adoption of resolutions covering abandonment of the old Pacific Highway West in the Monmouth-Suver Section in Polk County. Mr. Klaboe stated that approximately 7 miles will be transferred to Polk County, 0.4 mile to the City of Monmouth, and 0.5 mile to the abutting property owners. All are segments of the old highway section southerly from Monmouth to its connection with the present route near Suver. Upon his favorable recommendation, the Commission approved the agreements and authorized Mr. Klaboe to sign them in their behalf. The Commission also adopted "Abandonment Resolutions No. 539," which resolutions are made a part hereof and filed in the Commission's files.

The Commission considered an agreement with Cole & Weber, Inc. for the Highway Division's tourist advertising program. Mr. Klaboe mentioned that it has been the policy of the Commission to review the tourist advertising program and to invite interested agencies to submit proposals to handle the advertising account. The Travel Advisory Committee studied proposals submitted by ten agencies and the Committee voted unanimously to recommend the retention of Cole & Weber, Inc. The effective date of this agreement is September 1, 1973, and it is cancellable by either party upon 90 days' notice. Upon his recommendation, the Commission approved the agreement at an estimated cost of \$46,000, and authorized Mr. Klaboe to sign it in their behalf.

Mr. Klaboe mentioned that the State revenues collected during the month of July were 0.2% lower than July of 1972. He explained that the 1973 budget anticipated a 6.6% increase but the revenues are \$450,000 below that which was anticipated for the month of July, 1973. He advised the Commission that as a result of this reduced revenue picture and the possibility of HJR7 being passed, it was necessary that the Highway Division's operating budget be reduced by \$9,000,000 for this fiscal year.

Mr. Klaboe reported that 31 signboards were removed last week and a more detailed report will be presented at the next Commission meeting.

Mr. Klaboe stated that last month approximately 34% of the illumination units were turned off on the highway system which has resulted in a saving of 7,250,000 kilowatt hours per year, or \$108,000. This action was taken in accordance with the Governor's directives to cut down on electrical consumption of the highways.

Mr. Klaboe mentioned that the Washington State Highway Commission was expected to adopt a route for Interstate 82 at its last meeting, however, action was deferred until they could make an aerial review of all routes being considered.

AERONAUTICS DIVISION

Mr. Burket reported that work is continuing to develop a maintenance program for State-owned airports in cooperation with the Highway Division Maintenance Section.

The Division is continuing its work with the Right of Way Section of Highway in acquiring easements and land for airport projects.

He also reported that he is watching for a final report on air transportation low and medium density markets produced by a Harvard MIT group. He indicated concern that Northwest views be properly presented, as the requirements are unique in this particular market.

Upon the Chairman's inquiry, he reported that the National Association of State Aviation Officials will support a request for subsidy of third-level carriers. Some proposals have been made, that no regulation be required enabling the market to develop as a free market.

Mr. Baldwin stated that he has met with representatives of Hughes Air West and Western Airlines to discuss third-level air service in Oregon. He also stated that the State is in opposition to U. S. Senate Bill 1739, which would enable scheduled charter airlines to provide tour packages to single recreation areas for individuals, rather than groups.

A delegation of eight people represented by Mayor Howard Klemesen from Oregon City presented a proposal concerning the Oregon City Bypass. Mayor Klemesen presented statistics and informational data, including a map identifying major traffic flows, in regard to Oregon City's requirements for construction of a bypass. He reviewed the proposals of priorities and funding in relation to this project, which has been under study since the late 50's.

Mr. Fred Stefani, Clackamas County Commissioner, then reviewed the project in a broader perspective relating it to land use legislation passed by the last Legislature. He requested that monies from the \$150,000,000 bond fund made available by the last

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Legislature be utilized for this project and pledged the support of Clackamas County and Oregon City officials for the Oregon City Bypass. He urged the completion of an environmental impact statement and asked that hearings be scheduled.

The Chairman responded that the bond fund was established for this type of project. However, the division of the funds must be worked out by local regional authorities to establish priorities for the use of those funds allocated to each district.

MASS TRANSIT DIVISION

An agreement between the Mid-Willamette Valley Council of Governments and the Mass Transit Division covering a Salem State Employee Transportation Plan project was presented by Mr. Moore. He stated the purpose of the plan is to determine what measures will be necessary to alleviate traffic congestion and parking needs related to the Capitol Mall. The Commission approved this agreement and authorized Mr. Moore to sign it in their behalf.

Mr. Moore reported that the voters of the City of Astoria have approved a \$25,000 annual serial levy for each of ten years to continue transit service. He also reported that Tri-Met in the Portland area is seeing some percentage increase in ridership.

MOTOR VEHICLES DIVISION

Mr. Ott reported that the data processing service provided by the agency has continued to receive interest from all parts of the world. This service will be expanded through the installation of new equipment presently on order which will be installed in a new annex to their building.

He reported that vehicle registrations are up, including an 8 percent increase for automobiles. New reflective background license plates will start appearing on vehicles in October, that will use one color combination for all licenses issued. Motor Vehicles will start issuing registrations on a two-year basis in January of 1974.

DEPARTMENT OF TRANSPORTATION DIRECTOR'S REPORT

The Commission approved as a permanent rule the adoption of the Attorney General's Model Rules of Practice and Procedure under the Administrative Procedure Act. This will be published in the Administrative Rule Bulletin on October 15, 1973, at which time the rule will become effective.

The Commission approved October 24, 1973, as the date for the next Commission meeting.

September 19, 1973

The Commission adopted the following Delegation Order No. 1 for expeditious handling of day-to-day operation of Highway matters as recommended by Mr. Baldwin. Specific delegations were made to the Chairman or Vice Chairman of the Oregon Transportation Commission, the Administrator and State Highway Engineer, Director of Permits, and the Right of Way Engineer.

OREGON TRANSPORTATION COMMISSION DELEGATION ORDER No. 1

Pursuant to the provisions of ORS 184.635 as amended by Chapter 249, Oregon Laws 1973, and in order to provide for a more efficient and expeditious administration of the Highway Division, the following powers of the Commission are hereby delegated to the following officers or their designated representative within the Commission and the Highway Division:

To the Chairman or Vice Chairman of the Oregon Transportation Commission:

- 1 - Approve letting contracts for the construction, maintenance, operation, improvement or betterment of highways.
- 2 - Approve agreements with cities, counties, road districts or other municipalities of the State for the construction, reconstruction, repair of maintenance of any State Highway.
- 3 - Accept options to purchase real property.
- 4 - Approve and execute grants of access.
- 5 - Approve demolition contracts.
- 6 - Approve utility agreements.

To the Administrator and State Highway Engineer:

- 1 - Signature approval of final payments on Highway Contracts.
- 2 - Approve repair of damaged highways without calling for competitive bid.
- 3 - Enter into agreements with a railroad company for the removal of snow from highway and railroad when conditions are as indicated in ORS 366.470.
- 4 - Provide notice and hearing before location, relocation or abandonment of State Highway through cities. Involves letter to mayor of city.

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- 5 - Provide written consent for destruction or removal of trees on State Highways.
- 6 - Issue permits or prescribe rule for removal of products along ocean shore.
- 7 - Issue permits or prescribe rules for exploration, removal of treasure-trove, semi-precious stone, petrified wood and other objects.
- 8 - Approve agreements with landowners, Federal agencies, other State agencies, etc., for development, operation, maintenance, location, etc., for recreation trails.
- 9 - Provide notice of meetings of Boards and Commissions.
- 10 - Approve and execute indentures of access.
- 11 - Execute deeds selling or exchanging excess property.

To Director of Permits:

- 1 - Approve construction of and issuance of permits for erection and maintenance of gates and stock guards.
- 2 - Issue permits under ORS 390.650 to 390.658 for pipe lines, cable lines and other conduits across and under the ocean shore and the submerged lands adjacent to the ocean shore.

To Right of Way Engineer:

- 1 - Make formal offers to purchase real property in preparation for condemnation.
- 2 - Execute leases of real property.
- 3 - Dispose of personal property.
- 4 - Approve contract for fee appraisers.

Mr. Baldwin reported that the Action Plan is in its final stages and will be sent to the Commission for comment. The next step will be to hold at least five hearings in various regions of the state to obtain public reaction to the Plan. He commented that the delay in the Plan is at least partially due to expansions required to include the new organization of the Commission. After public comments have been responded to, the Commission will receive the Plan for final consideration.

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The Commission signed, or authorized Mr. Klaboe to sign, the following papers:

"Bargain and Sale Deed" to City of Gladstone regarding 1.90 acres for no consideration on Park Place Section of the Cascade Highway in Clackamas County.

"Bargain and Sale Deed" to Grover Poe and James Jamison regarding 1.59 acres on Park Place Section of the Cascade Highway in Clackamas County.

"Bargain and Sale Deed" to L. F. Brogan regarding 2.45 acres on the Sisters-Redmond Section of the McKenzie Highway in Deschutes County, for \$900.

"Bargain and Sale Deed" to Golden Veneer, Inc., regarding 1,320 square feet on the Goshen-Cottage Grove Section of the Goshen-Divide Highway in Lane County, for \$700.

"Bargain and Sale Deed" to Davidson Industries, Inc., regarding 0.74 acre on the Rainrock-Triangle Lake Section of the Mapleton-Junction City Highway in Lane County, for \$2,050.

"Bargain and Sale Deed" to Lorence A. and Iris Jensen covering 0.18 acre on the Mapleton-Knowles Creek Section of the Florence-Eugene Highway in Lane County, for \$1,625.

"Bargain and Sale Deed" to Charles G. and Vivian I. Robbins covering 0.42 acre on the Cedar Hills Boulevard Interchange Section of the Sunset Highway in Washington County, for \$22,700.

"Indenture of Access" to Ralph and Jean Smiley, and Lloyd and Helen Diamond covering property on Parkdale-Fikes Corner Section of the Mt. Hood Highway in Hood River County.

"Indenture of Access" to William and Betty Sappington covering property on Parkdale-Fikes Corner Section of the Mt. Hood Highway in Hood River County.

"Indenture of Access" to E. A. and Betty J. Sobolik covering property on the Alder Creek-Wildwood Section of the Mt. Hood Highway in Clackamas County.

"Indenture of Access" to First National Bank of Oregon and United States of America covering property on the East Unit, Siuslaw River-Walton Section of the Florence-Eugene Highway in Lane County.

"Grant of Access" to Don and Louise DeRoest covering property on the Salisbury-Baker Section of the Baker-Unity Highway in Baker County.

"Grant of Access" to Charles and Carrol Bingham covering property on Patterson Street-Klamath Falls-Malin Highway Section of the Klamath Falls-Lakeview Highway in Klamath County.

"Agreement" with Medford Irrigation District for reconstruction of irrigation facilities which conflict with Steward Creek-Gore Creek (Medford) Project on the Rogue Valley Highway in Jackson County.

"Agreement" with United States (Bureau of Reclamation) setting up basic guidelines for the crossing of facilities on the Tualatin Project in Washington and Columbia Counties.

"Agreement" with George L. and Emily K. Zellner and Riverside Thunderbird Corporation covering use of right of way for the construction of Willamette Bikeway on the Delta Highway-Coburg Road (Eugene) in Lane County.

"Real Property Exchange" with George L. and Emily K. Zellner covering the Willamette Bikeway on the Delta Highway-Coburg Road (Eugene) in Lane County.

"Agreement" with Oregon Trunk Railway for signalization and improvement of grade processing at Antler Avenue in the City of Redmond, Deschutes County.

"Lease Agreement" with Union Pacific Railroad Company providing for siding for loading and storage of volcanic cinders shipped by railroad from Huntington to Meacham and used for sanding operations in the Meacham area, Umatilla County.

"Agreement" with Southern Pacific Transportation Company for construction of Shady Overcrossing on the Winston-Shady Interchange Section of the Coos Bay-Roseburg Highway in Douglas County.

"Easement Indenture" with Southern Pacific Transportation Company for construction of Shady Overcrossing on the Winston-Shady Interchange Section of the Coos Bay-Roseburg Highway in Douglas County.

"Supplemental Agreement" with Southern Pacific Transportation Company deleting two Roseburg Grade Crossing Projects.

"Agreement" with Southern Pacific Transportation Company covering signalization of a grade crossing on the Salmon River Highway in Yamhill County.

"Sewer Easement" to Clackamas County covering 0.18 and 0.36 acres on the Columbia River-Pacific Highway Section of the East Portland Freeway.

"Consent to Vacation" of a portion of the Willamette Falls Road in the City of West Linn, Clackamas County.

"Agreement" with Portland Development Commission to provide for an exchange of property to improve the property on the North Portland Harbor-Russell Street Section of the Pacific Highway in Multnomah County.

"Consent to Assignment" of a contract with Reaugh S. Bonn to Rex A. Nicoud for the sale of property on Columbia River-West Linn Section of the East Portland Freeway in Clackamas County.

"Authorization and Designation" of officials of Highway Division to sign reimbursement vouchers in behalf of the Transportation Commission.

"Agreement" with Washington County and Winmar for the installation of traffic signals at the intersection of the Beaverton-Tualatin Highway and Greenburg-Oleson Road.

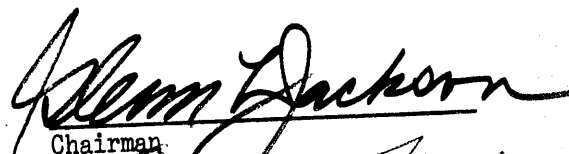
"Agreement" with the City of Milton-Freewater covering reconstruction of the Washington State Line Section on the Oregon-Washington Highway to a four-lane facility with left-turn refuges.

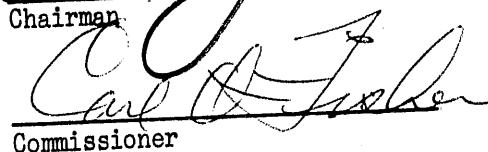
"Abandonment Agreements" with Polk County and the City of Monmouth covering the old Pacific Highway West on the Monmouth-Suver Section.

"Agreement" with Cole and Weber, Inc. to act as tourist advertising counsel.

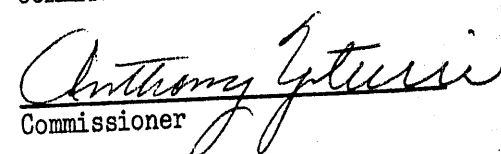
"Lease" to Burns Bros., Inc., for parking of motor vehicles on the Russell Street-Curry Street Section of the Pacific Highway in Multnomah County.

The Chairman adjourned the meeting at 11 a.m.

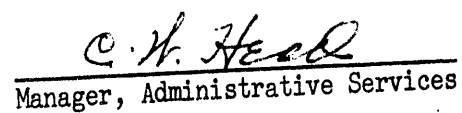

Chairman


Commissioner


Commissioner


Commissioner

(Commissioner Veatch absent)
Commissioner


Manager, Administrative Services

September 19, 1973

October 24, 1973
Salem, Oregon

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

Glenn L. Jackson, Chairman
Carl O. Fisher, Vice Chairman
Robert L. Mitchell, Secretary
Anthony Yturri, Member
Sam Haley, Deputy Director of Transportation
Walter Barrie, Chief Counsel
A. E. Johnson, Acting State Highway Engineer
(Mr. F. B. Klaboe, Administrator and State Highway Engineer, was absent as he was attending the International Road Federation Congress in Munich, Germany.)
E. S. Hunter, Assistant State Highway Engineer
J. B. Boyd, Right of Way Engineer
David Talbot, State Parks Superintendent
Paul Burket, Administrator of Aeronautics Division
Dennis Moore, Administrator of Mass Transit Division
Chester Ott, Administrator of Motor Vehicles Division
C. W. Head, Manager of Administrative Services, Highway Division

The Commission approved the minutes of the Transportation Commission meeting held on September 19, 1973.

HIGHWAY DIVISION

Mr. Boyd presented a list of options, pages 1 through 50, secured for acquisition of real property needed for State highway use or for other purposes. He mentioned that the amounts offered are on or near the appraised values and are in order for Federal-aid. The Commission accepted the report and thereupon adopted "Right of Way Resolution No. 98," which resolution by this reference is made a part hereof and filed in the Commission's files.

The Property Manager's report showing sales of miscellaneous properties and rental receipts for the period from September 1 to October 10, 1973, was presented by Mr. Boyd and accepted by the Commission. During this period miscellaneous sales totaled \$2,755 and land sales \$52,151. Rental receipts for the month of September 1973 were \$60,074.33.

A list of properties needed for highway and other uses was presented by Mr. Boyd. He requested the Commission to declare by resolution the necessity of said properties for the public use to which they are to be put and to authorize him 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 Resolution No. 2612," which resolution by this reference is made a part hereof and filed in the Commission's files.

October 24, 1973

A report was presented by Mr. Boyd showing offers tendered to the owners for acquisition of real property prior to the institution of condemnation proceedings pursuant to Delegation Order No. 1 as follows:

CHEMAWA ROAD-HICKORY STREET SECTION OF THE SALEM FREEWAY - MARION COUNTY

R-47349 - George F. Capwell et al. 1,400 sq. ft. for right of way purposes. Offer \$2,100.

R-45011 - Capitol Lumber Company. Parcel 1: 8.0 acres for right of way purposes; Parcel 2: .07 acre for right of way purposes. Offer \$161,400.

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

R-45707 - Melvin R. Rueck et ux. 45,154 sq. ft. for right of way purposes. Offer \$56,100.

WINSTON-SHADY INTERCHANGE SECTION OF THE COOS BAY-ROSEBURG HIGHWAY - DOUGLAS COUNTY

R-45239 - Frances Wardrope et al. 200 sq. ft. for right of way purposes. Offer \$7,250.

Authority was requested by Mr. Boyd to offer at public sale three parcels of land no longer needed for highway purposes. The recommended sale prices are based on competent appraisals and access and other conditions of sale are comparable with situations existing in the vicinity. Signboard and junkyard exclusion clauses are to be included in the deeds. The Commission authorized public sale of the properties and thereupon adopted "Real Property Resolution Nos. 614, 615 and 616," which resolutions by this reference are made a part hereof and filed in the Commission's files.

- (1) 2.15 acres, File No. 40397, located along Portland Street between "X" Avenue and the Old Oregon Trail in La Grande, Union County, for not less than \$4,300. Federal Highway Administration approval is not required. (See "Real Property Resolution No. 614")
- (2) 23,150 square feet, File Nos. 36009 and 36010, located south of the Willamina-Salem Highway, east of Duram Street in Eola, Polk County, for not less than \$2,000. Federal Highway Administration approval is not required. (See "Real Property Resolution No. 615")
- (3) 2.55 acres, File No. 27179, on the northerly side of the Pacific Highway just east of Grants Pass Interchange in Josephine County, for not less than \$8,500. Federal Highway Administration approval was requested on October 4, 1973. (See "Real Property Resolution No. 616")

October 24, 1973

Release of a slope easement to Roger Hawes, the adjacent property owner, for \$750 was recommended by Mr. Boyd. The 1,475 square-foot parcel of land is located at Liberty Avenue and the Mt. Hood Highway in Gresham, Multnomah County. The adjoining land has been filled and the easement is no longer needed. Sale of the easement will be subject to Federal Highway Administration approval. The Commission accepted his recommendation.

Consideration was given to an agreement with Mr. and Mrs. James Baxter Davis for clarification of their rights in the right-of-way of the Lane County Line-Comstock Section of the Pacific Highway in Douglas County. Mr. Boyd mentioned that in 1952 the State acquired certain real property, together with a permanent easement on this section, and the use of the roadway on the right-of-way was reserved "for purposes appropriate to their livestock raising activities." It was not their intent to restrict their use of the right-of-way for such purposes. The owners are in the process of selling a part of their property and desire a clarification. Upon his recommendation, the Commission approved the agreement.

Mr. Boyd presented a report concerning Indentures of Access which had been approved by the Deputy Highway Engineer for the Administrator and Highway Engineer pursuant to Delegation Order No. 1 as follows:

To change the recorded access reservation to the location actually constructed by the State:

Alder Creek-Wildwood Section, Mt. Hood Highway, Clackamas County.

- File 32996 - Joseph O. and Elsie M. Iverson (approved October 17, 1973)
- File 33003 - Everad O. and Doris C. Johnson (approved October 16, 1973)
- File 33005 (I6332) - Albert T. and Thyra E. Strand (approved October 16, 1973)
- File 33014 - B. H. and Beatrice F. Sweenly (approved October 16, 1973)
- File 33101 - Milton M. and Mary Marguerite Fox (approved October 16, 1973)

Sodaville Road-Vail Creek Section, Santiam Highway, Linn County.

- File 46093 - Wesley W. and Virginia E. Carl et al (approved October 16, 1973)

To change the recorded access reservation to a different location at the request of owner:

Bend-Lava Butte Section, The Dalles-California Highway, Deschutes County.

- File 39300 (L5345) - Larry J. and Lois Romaine et al (approved October 16, 1973)

October 24, 1973

A report was presented by Mr. Boyd concerning utility agreements approved by the Chairman pursuant to Delegation Order No. 1 as follows:

- (1) Agreement with Southern Pacific Transportation Company for an addition to the highway grade crossing safety program on Crescent Lake Highway in Klamath County. Total estimated cost \$54,395, with \$26,750 to be borne by the State. This amount is eligible for 100% Federal-aid reimbursement under Program XIIA. (Approved by Chairman Jackson October 22, 1973.)
- (2) Agreement with Union Pacific Railroad for a contractor's haul road to be used in connection with movement of the contractor's equipment across the tracks and right-of-way incidental to work required under Contract 7895, UPRR Overcrossing, Button Bridge, Hood River County. No consideration.
- (3) Agreement with Irrigation Canal Co. providing for reconstruction of their irrigation facilities to accommodate reconstruction of the Wallowa Lake Highway in Union County. (Approved by Chairman Jackson October 24, 1973.)
- (4) Easement indenture with Southern Pacific Transportation Company granting the State an easement for the improvement of the grade crossing of S. W. Boones Ferry Road over the Tillamook Branch of the Railroad lines adjacent to the Pacific Highway in Washington County. (Approved by Chairman Jackson October 8, 1973.)

Mr. Boyd presented the following Grant of Access as approved by the Chairman on October 16, 1973, pursuant to Delegation Order No. 1:

- (1) Hines Lumber Company, File No. 18751, on the Mt. Vernon-John Day Section of the John Day Highway in Grant County for \$1,750. Federal Highway Administration approval is not required.

Mr. Boyd presented a report concerning demolition contracts approved by the Chairman on October 2, 1973, pursuant to Delegation Order No. 1 as follows:

- (1) To Abajian Building Wrecking, Demolition Contract 38-1, in the amount of \$9,350 on sections of the Florence-Eugene Highway in Lane County. Three bids were received.
- (2) To E. S. Ritter Co., Inc., Demolition Contract 39-1, in the amount of \$3,950 on the Chemawa Road-Hickory Street Section of the Salem Freeway in Marion County.

October 24, 1973

Mr. Boyd stated that on October 22, 1973, he authorized the insulation of the ceiling and a portion of the walls on a rented building located on the Brookings-Winchuck River Section of the Oregon Coast Highway in Curry County. He stated that the property was acquired as a legal settlement and has been rented for \$650 per month since January 1973. It is the State's intention to sell this building in 1974. Two bids were received the lowest in the amount of \$3,760. The State is negotiating with the tenant to pay part of this cost in cash or by increasing the rent. This matter was discussed with Chairman Jackson on October 19, 1973.

Mr. Boyd reported that he had approved on October 19, 1973, a lease with the Fir Grove Building Company for rental space in the Fir Grove Office Building at 2001 Front Street, N.E. in Salem. He mentioned that this office space is needed by the Traffic Engineering Section presently located in the State Highway Building. The Chief Counsel has reviewed the lease and finds it acceptable. Mr. Boyd stated he had also discussed the matter with Chairman Jackson.

Attention was given to an agreement with the Portland School District #1 authorizing the District to enter into a contract with the architectural firm of WEGROUP-PC for the preparation of drawings, cost estimate and studies for remodeling and improvements of Binnsmead School. Mr. Boyd mentioned that construction of the S. E. Division-S. E. Foster Road Section of the East Portland Freeway in Multnomah County will require acquisition of the Barlow School and a redistribution of students now attending Barlow School which will be absorbed by Binnsmead School. This will result in the need for remodeling and expanding the physical plant at the existing Binnsmead School. The cost of the studies shall not exceed \$10,000 without written approval of the State and Federal Highway Administration. Upon his favorable recommendation, the Commission approved the agreement and authorized Mr. Klaboe to sign it in their behalf.

Mr. Boyd reported on the program for acquisition of outdoor advertising signs stating that acquisition has been completed on 520 signs (22%) of the total of 2,400 signs to be acquired. Negotiations with site owners have been completed on 337 locations of the 2,400 or 14% of the total. He stated that signs have been removed on 223 locations. Payment in the amount of \$1,142,962 has been made on 471 signs and 269 sites have been optioned which averages approximately \$2,600 per sign which is below the original estimate of \$2,700 per sign.

A report was submitted by Mr. Barrie and accepted by the Commission concerning cases which have been tried in court since the last Commission meeting summarized as follows:

(Continued on next page.)

October 24, 1973

REPORT OF CONDEMNATION CASES TRIED

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer Before Filing Complaint</u>	<u>Defend- ant's Lowest Demand</u>	<u>Verdict</u>
Merlin J. Greiner L-6720 R-46197	Mult.	East Portland Freeway	\$11,000	\$41,000	\$18,000
Robert J. Mayem L-6916 R-47292	Tilla.	Oregon Coast	\$12,250	\$35,000	\$22,500
Frederick L. Kennewell L-6868 R-47043	Marion	Pacific	\$ 750	\$ 4,500	\$ 1,400

REPORT OF TRIAL OF OTHER CASES - STATE PLAINTIFF

<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict or Judgment</u>
C. W. Burham L-6566	Douglas	Property Damage	\$295.14	\$295.14
Edward F. Johnson L-6701	Linn	Property Damage	\$ 78.23	\$ 78.23
Steven Barnard L-7006	Mult.	Forcible Entry and Detainer	Possession of premises	Possession of premises
Lavona Martin L-7008	Mult.	Forcible Entry and Detainer	Possession of premises	Possession of premises
Janice S. Swaggart L-7009	Mult.	Forcible Entry and Detainer	Possession of premises	Possession of premises
Ronald Wilson L-7011	Mult.	Forcible Entry and Detainer	Possession of premises	Possession of premises

(Continued on next page.)

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(Report of Trial of Other Cases - State Plaintiff continued)

<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict or Judgment</u>
H. B. Painters vs. Travelers Ind.	U. S. District Court	Contract Claim Painting of West Linn Bridge	\$158,527.97	\$46,500*
Willamette- Western & Donald M. Drake Co. vs. Isaacson Structural Steel Co. and State L-6478				

* Plaintiff, H. B. Painters, recovered from defendants Travelers Indemnity Company, Willamette-Western Corp. and Donald M. Drake Company, the sum of \$25,000. The same plaintiff recovered from the State of Oregon the sum of \$21,347.21 plus costs.

(For additional details, see Mr. Barrie's letter dated October 19, 1973, entitled Report of Cases Tried on file in the Commission's files.)

The Commission considered and accepted a report made by Mr. Barrie concerning cases which have been settled out of court since the last Commission meeting summarized as follows:

REPORT OF CONDEMNATION CASES SETTLED

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer</u>	<u>State's Highest Appraisal</u>	<u>Amount of Settlement</u>
Earl G. Hempstead L-6896 R-34908 R-34909	Coos	Empire Coos Bay	\$ 500 land	\$ 500 land only	\$ 1,500 adding proximity damage
Nobie H. Durham L-6752 R-46013	Clack.	Pacific	\$ 2,150	\$ 4,750	\$ 3,900
Donovan J. West L-6799 R-47158	Mult.	East Portland Freeway	\$ 4,550	\$ 6,000 (revised)	\$ 7,000

(Continued on next page.)

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(Report of Condemnation Cases Settled continued)

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer</u>	<u>State's Highest Appraisal</u>	<u>Amount of Settlement</u>
Woodie Irwin L-6841 R-46793	Mult.	East Portland Freeway	\$ 1,360 partial taking	\$ 3,500 entire taking one lot	\$ 4,000 entire taking one lot
Jim B. Copeland L-6846 R-46463	Mult.	East Portland Freeway	\$62,550 partial taking	\$ 66,200 (revised) partial taking \$ 72,500 entire taking	\$ 80,000 entire taking
Robert L. Van Atta L-6914 R-46949	Mult.	East Portland Freeway	\$31,300	\$ 37,500 (revised)	\$ 43,000
Leona Wenner* L-6849 R-44667	Coos	Empire-Coos Bay	\$ 500		Dismissed

* The above case was settled by option by the Right of Way Department.

REPORT OF OTHER CASES SETTLED

<u>Plaintiff</u>	<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demand of Plaintiff</u>	<u>Settlement</u>
State of Oregon L-6940	John Mathew	Clack.	Property Damage	\$2,732.99	\$ 350.00

(For additional details, see Mr. Barrie's letter dated October 19, 1973, entitled Report of Cases Settled on file in the Commission's files.)

A quarterly report of property damage claims for the period from July 1, 1973, through September 30, 1973, was presented by Mr. Barrie. During this period he mentioned \$42,338.82 had been collected and a total of \$10,215.58 was abandoned. The Commission accepted the report.

The Commission accepted a report submitted by Mr. Barrie concerning the institution of legal proceedings commenced since the last Commission meeting summarized as follows:

(Continued on next page.)

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- (1) Alvin L. Napier vs. State of Oregon, L-7027. This suit is for false arrest in the amount of \$100,000 as a result of the plaintiff cutting timber on a State scenic area in Clackamas County. The plaintiff was arrested and charged with trespassing. The plaintiff was subsequently acquitted of the charge and has now instituted the false arrest against a State employee and the Commission. The State has instituted a law suit for \$10,000 plus for the value of the timber that was cut by the plaintiff and to the damages to the scenic area.

At the request of Mr. Barrie, the Commission delegated to him authority to approve all settlements of cases in litigation involving the Department of Transportation and its Divisions. This action is listed along with other items in the Transportation Commission's Delegation Order No. 2. (See Agenda Item 4o)

Mr. Talbot presented for the Commission's consideration Notifications of Intent by property owners to make various types of improvements along the Rogue and Illinois Scenic Waterways. The requests have been carefully evaluated as to their compliance with the provisions of the Scenic Waterways Act. Action was taken by the Commission on the following requests as shown in the Notifications of Intent and as modified by stipulations in Mr. Klaboe and Mr. Johnson's letters to the Commission insofar as their authority under the Scenic Waterways Act is concerned.

- (1) Approved a request from B. A. Hanten for additions and improvements to Morrison's Lodge in Township 35 South, Range 7 West, Section 7, Lot 201, and Section 8, Lot 200 along the Rogue River in Josephine County.
- (2) Denied a request from Fred R. Krauss to construct a residence along the Illinois River on a 10-acre portion of Homestead Entry 201, Section 8, Township 37 South, Range 9 West just downstream from Oak Flat Creek in Josephine County.
- (3) Approved a request from Clyde E. Farlow to construct a residence along the Rogue River on Lot 803, Section 14, Township 36 South, Range 7 West, W.M., in Josephine County.

(Continued on the next page.)

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- (4) Approved a request from Agnew Timber Products to conduct a logging operation on land along the Rogue River in Township 35 South, Range 12 West, Section 30, Lot 10, W.M., near Wake Up Rilea Creek in Curry County.
- (5) Denied a request from Charles Craighead to establish a mobile home as a residence along the Rogue River in Lot 410, Section 11, Township 35 South, Range 7 West, W.M., in Josephine County.

Consideration was given to the adoption of rules and regulations pertaining to the Sandy River Scenic Waterway in Clackamas and Multnomah Counties. Mr. Talbot pointed out that the proposed rules were published in the Secretary of State's Administrative Rule Bulletin on September 1, 1973, and no hearing requests were received. He stated that concurrence by the State Water Resources Board was given at its meeting on September 28, 1973. The Commission adopted the rules and regulations pertaining to the Sandy River Scenic Waterway as additions and amendments to the Commission's Rules and Regulations Pertaining to the Oregon Scenic Waterways System, June 27, 1972, to become effective November 25, 1973. (Copies of the Rules and Regulations on file in the Commission's files.)

The Commission adopted the following proposed rule as a permanent rule if no public response is made following the publication of the rule in the Secretary of State's Administrative Rule Bulletin:

- (1) Proposed amendment to the Rules and Regulations Pertaining to Oregon Scenic Waterways System:

To Section I, Definition of Terms, add:

- K. The confluence of the Rogue and Applegate Rivers is defined as the West boundary line of the East $\frac{1}{2}$ of the East $\frac{1}{2}$ of Section 19, Township 36 South, Range 6 West, W.M., in Josephine County.

(Proposed rule published in the November 15, 1973, issue of the Secretary of State's Administrative Rule Bulletin. If there is no public response, the effective date of adoption will be December 5, 1973. The permanent rule will be published on December 15, 1973, to be effective on December 25, 1973.)

The Commission considered an agreement with Royston, Hanamoto, Beck and Abey, Landscape Architects and Land Planners of San Francisco, for the preparation of the Willamette Greenway Comprehensive Plan. Mr. Talbot stated that pursuant to House Bill No. 2497 the Commission is charged with the preparation of this plan. The agreement provides for a professional fee of \$138,480 and expenses not to exceed \$24,080 for a total project cost of not more than \$162,560. Up to one-half of the study cost will be reimbursed by the Federal Land and Water Conservation Act. The Governor's Willamette River Greenway Committee

will serve as the State's citizens' advisory group for the project. The work is scheduled to be completed by October 4, 1974, which date was established by the Legislature. He also mentioned that the law provides that following Commission approval, final approval rests with the newly created State Land Development and Conservation Commission. Upon his favorable recommendation, the Commission approved the agreement and authorized Mr. Klaboe to sign it in their behalf.

The Commission approved the following increases in project authorizations as recommended by Mr. Johnson.

- (1) Builder Supply Company, Contract No. 7814, 35th Street-Tyler Avenue (Corvallis) Bikeway in Benton County for \$24,355.14 (22%). The major reason for the overrun was for remodeling the bikeway retaining walls under the 3rd Street highway structure for better alignment.
- (2) Harry Claterbos Company, Contract No. 7850, Tideport Slide Section in Clatsop County for \$14,209.79 (14.5%). The overrun was due to additional excavation and inlay material.
- (3) Hamilton Electric, Inc., Contract No. 7870, Marine Drive at the Columbia River Bridge (Astoria) Section in Clatsop County for \$21,879.81 (82.4%). The overrun was due to the addition of a signal at Basin Street intersection with Marine Drive (the route of the Oregon Coast Highway) which is located approximately 250 feet away from the planned bridge approach signal installation.

Mr. Johnson presented for approval two location and design surveys. He stated that public hearings were held as required by law and all requirements have been fulfilled for clearinghouse and environmental clearance. The Commission approved the following surveys and thereupon adopted "Highway Corridor and Design Resolutions No. 408 and 409," which resolutions by this reference are made a part hereof and filed in the Commission's files.

- (1) Corridor-design survey on the Myrtle Creek-Canyonville Section of the Pacific Highway in Douglas County (approximately 9.5 miles in length.) A public hearing was held on June 29, 1972. Total estimated cost \$4,000,000. (See "Highway Corridor and Design Resolution No. 408")
- (2) Corridor-design survey on the Hess Creek-Chehalem Creek (Newberg) Section of the Pacific Highway West in Yamhill County (0.7 mile in length.) A public hearing was held on January 13, 1972. Total estimated cost \$73,000. (See "Highway Corridor and Design Resolution No. 409")

Mr. Johnson reported that under ORS 366.525 the counties are entitled to receive from the State 20% of all funds received from motor vehicle tax and fees for the period from July 1 to September 30, 1973. The amount credited to the counties totals \$7,219,613.13 and he recommended that they be released as apportioned by law. The Commission approved the release of funds.

The Commission considered annual payment of \$5,000 to the AASHO Materials Reference Laboratory for the fiscal year 1974. Mr. Johnson mentioned that the Reference Laboratory works in the fields of aggregate, soils and bituminous materials and its function is to tour Highway Department laboratories to check testing procedures and to calibrate testing machines. The Commission approved the payment.

Mr. Johnson presented for confirmation requests from contractors for extensions of time within which to complete highway contracts without assessments of liquidated damages. These requests have been carefully investigated, he said, and the results of the investigations have been reported to the Commission by letter. The contractors have also been advised by letter as to the extensions of time. The Commission confirmed action as follows:

- (1) Redwood Empire Aggregates, Contract No. 7615 on the Oregon Coast Highway in Curry County, requested an extension of 73 days. The Commission confirmed an extension of 63 days.
- (2) White Construction Company, Contract No. 7777 on the Hillsboro-Silverton Highway in Marion County, requested an extension of 47 days. The Commission confirmed an extension of 53 days.
- (3) Olson Electric Company, Inc., Contract 7699 on the Tualatin Valley Highway in Washington County, requested an extension of 30 days. The Commission confirmed an extension of 5 days which will reduce the liquidated damages.
- (4) Hansen Electric Company, Contract No. 7708 on The Dalles-California Highway in Deschutes County, requested an extension of 72 days. The Commission confirmed denial of the request.
- (5) L. K. Comstock and Company, Inc., Contract No. 7763 on the Mt. Hood Highway in Multnomah County, requested an extension of 42 days. The Commission confirmed an extension of 7 days which will reduce the liquidated damages.
- (6) General Service Electric, Inc., Contract No. 7705 traffic signal at 2nd and 3rd Streets in McMinnville in Yamhill County. Contractor's second request for an extension of time. The Commission confirmed denial.

- (7) M. R. Holst Construction Company, Contract No. 7599, on the Pacific Highway in Jackson County submitted a second request for an extension of time. The Commission confirmed an extension of 14 days which will reduce the liquidated damages.

- (8) Murphy Pacific Enterprises, Contract No. 7276 on the Stadium Freeway in Multnomah County, requested an extension of 67 days. The Commission confirmed an extension of 52 days which will reduce the liquidated damages.

Mr. Johnson reported that Contract Nos. 7602, 7761, 7778, 7803, 7822, 7828, 7850, 7862, 7869, 7872, 7876, 7880, 7881, 7882, 7887, 7891, and 7896 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. The Commission accepted the contracts by adopting "Contracts Completed Resolution No. 215," which resolution by this reference is made a part hereof and filed in the Commission's files.

Mr. Johnson reported on award of contracts, which Chairman Jackson approved on October 8, 1973, for bids received September 27, 1973.

BIDS RECEIVED IN SALEM ON SEPTEMBER 27, 1973

Contract No. 7943 for roadside improvement on the Campbell Street Interchange (Baker) Section of the Old Oregon Trail in Baker County. Six bids were received. The Commission accepted the low bid of Aichele Landscaping, Inc., Portland, at \$139,330 and Mr. Klaboe was directed to award the contract to said bidder when approval is received from the Federal Highway Administration.

Grading and paving on Hogan Road-Boring Section of FAS 129 in Clackamas County. This job was postponed from the bid letting.

Contract No. 7944 for grading, paving and facilities in Harris Beach State Park on the Oregon Coast Highway in Curry County. Three bids were received. The Commission awarded the contract to the low bidder, Horton Bros., Inc., Brookings, at \$178,450.

Contract No. 7945 for the Little Deschutes River (Montgomery) Bridge Section of FAS Route 793 in Deschutes County. Six bids were received. The Commission accepted the low bid of Holst Construction Company, Oakridge, at \$103,543 and Mr. Klaboe was directed to award the contract to said bidder when Deschutes County approves the project and deposits \$29,800.

Contract No. 7946 for traffic signals on Pine Street at 3rd Street in Rogue River on FAS 15-100 in Jackson County. Four bids were received. The Commission accepted the low bid of Hamilton Electric, Inc., Eugene, at \$6,773 and Mr. Klaboe was directed to award the contract to said bidder when Jackson County approves the project and deposits \$1,700.

(Continued on next page.)

Contract No. 7947 for grading, paving and traffic signals on the Steward Creek-Gore Creek (Medford) Section of the Rogue Valley Highway in Jackson County. Two bids were received. The Commission awarded the contract to the low bidder, M. C. Lininger & Sons, Inc., Medford, at \$79,050.50.

Contract No. 7948 for grading, paving and traffic signals on Wightman Street-Walker Avenue (Ashland) Section of the Rogue Valley Highway in Jackson County. One bid was received. The Commission accepted the low bid of M. C. Lininger & Sons, Inc., Medford, at \$205,458 and Mr. Klaboe was directed to award the contract to said bidder when approval of the Federal Highway Administration and the City of Ashland is received and \$91,750 is deposited by the City.

Contract No. 7949 for grading and paving on Franklin Boulevard at 11th Avenue of the Pacific Highway West in Eugene, Lane County. Three bids were received. The Commission accepted the low bid of Shur-Way Contractors, Inc., Eugene, at \$39,318.10 and Mr. Klaboe was directed to award the contract to said bidder when approval of the Federal Highway Administration and the City of Eugene is received and \$9,100 is deposited by the City.

Contract No. 7950 for a utility building in Jessie M. Honeyman State Park in Lane County. Four bids were received. The Commission awarded the contract to the low bidder, James and Stritzke Construction Co., Roseburg, at \$71,328.

Contract No. 7951 for landscape improvement in Dabney State Park in Multnomah County. Seven bids were received. The Commission awarded the contract to the low bidder, Cascadian Landscapers, Inc., Portland, at \$41,000.

Contract No. 7952 for a safety project on the Multnomah Falls-John Day River Section of the Columbia River Highway in Multnomah, Hood River, Wasco and Sherman Counties. Six bids were received. The Commission accepted the low bid of Robert and James Crick Co., Spokane, Washington, at \$753,650 and Mr. Klaboe was directed to award the contract to said bidder when approval of the Federal Highway Administration is received.

Contract No. 7953 for the Bay Ocean Road Slide Section of FAS 616 in Tillamook County. Six bids were received. The Commission accepted the low bid of LaFond and Son, Beaver, at \$49,031 and Mr. Klaboe was directed to award the contract to said bidder when approval of Tillamook County and the Federal Highway Administration is received.

Grading, paving and structure on Adams Avenue-Old Oregon Trail (La Grande) Section of the Wallowa Lake Highway in Union County. The job was postponed.

Contract No. 7954 for the Grande Ronde River (Hull and Stanley Lanes) Bridges on FAS 31-112 and 31-114 in Union County. Six bids were received. The Commission accepted the low bid of John B. Gilliland Construction Co., Dexter, at \$286,872 and Mr. Klaboe was directed to award the contract to said bidder when approval of Union County is received and \$67,200 is deposited by the County.

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Contract No. 7955 for paving and bikeway on the Campbell Bridge-Beaverton Section of the Farmington Highway in Washington County. Two bids were received. The Commission accepted the low bid of Gary Baker Contractor, Hillsboro, at \$481,608.46 and Mr. Klaboe was directed to award the contract to said bidder when Washington County approves the project and deposits \$9,275.

Contract No. 7956 for culvert installation on Prickett Creek Section of FAS 837 (Stringtown Road) in Washington County. One bid was received. The Commission accepted the low bid of Hamilton Construction Co., Springfield, at \$16,270 and Mr. Klaboe was directed to award the contract to said bidder when Washington County approves the project and deposits \$4,700.

Contract No. 7957 for the Left Hand Creek Culvert and Parrish Creek Bridge on FAS 318 in Wheeler County. Seven bids were received. The Commission accepted the low bid of Hamilton Construction Co., Springfield, at \$36,970 and Mr. Klaboe was directed to award the contract to said bidder when Wheeler County approves the project and deposits \$8,500.

Contract No. 7958 for sewer and water line construction in Baldock Safety Rest Area on the Pacific Highway in Clackamas County. Five bids were received. The Commission accepted the low bid of Copenhagen, Inc., Portland, at \$226,487 and Mr. Klaboe was directed to award the contract to said bidder when approval is received from the Federal Highway Administration.

Grading, paving, roadside improvement and traffic signals on the Umpqua Highway Junction (Reedsport) Section of the Oregon Coast Highway in Douglas County. One bid was received. The Commission rejected the bid.

Foundation load tests on Columbia River Bridge Section of the East Portland Freeway in Multnomah County, Oregon and Clark County, Washington. This job was postponed from this letting.

Mr. Johnson reported on award of contracts, which Chairman Jackson approved on October 23, 1973, for bids received October 11, 1973.

BIDS RECEIVED IN SALEM ON OCTOBER 11, 1973

Contract No. 7960 for grading and paving on Hogan Road-Boring Section of FAS 129 in Clackamas County. Seven bids were received. The Commission accepted the low bid of Gordon H. Ball, Inc., Renton, Washington, at \$1,107,247.50 and Mr. Klaboe was directed to award the contract to said bidder when Clackamas County approves the project and deposits \$254,778.

Contract No. 7961 for grading, paving and structure on the Adams Avenue-Old Oregon Trail (La Grande) Section of the Wallowa Lake Highway in Union County. Nine bids were received. The Commission awarded the contract to the low bidder, Hensel Phelps Construction Co., Spokane, Washington, at \$2,675,000.

(Continued on next page.)

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Contract No. 7962 for foundation load tests on the Columbia River Bridge Section of the East Portland Freeway in Multnomah County, Oregon, and Clark County, Washington. Two bids were received. The Commission accepted the low bid of Peter Kiewit Sons' Co., Omaha, Nebraska, at \$465,165 and Mr. Klaboe was directed to award the contract to said bidder when the State of Washington and the Federal Highway Administration approve the project.

Mr. Johnson reported on the following contracts which were referred to Mr. Klaboe to award when certain conditions were fulfilled.

- (1) Mazanita Safety Rest Area on the Pacific Highway in Josephine County. Bids received August 23, 1973. Contract No. 7932 awarded September 28, 1973, to Ausland Construction Company, Grants Pass, at \$113,400.
- (2) South Tigard Interchange-East Portland Freeway Interchange Section of the Pacific Highway in Washington and Clackamas Counties. Bids received September 6, 1973. Contract No. 7937 awarded September 19, 1973, to Donald M. Drake Company, Portland, at \$13,308,754.50.
- (3) Airport Road-Beltline Road Section of the Pacific Highway West in Lane County. Bids received September 6, 1973. Contract No. 7939 awarded September 19, 1973, to Eugene Sand & Gravel, Inc., Eugene, at \$564,548.
- (4) Pleasant Valley-Green Timber Road Section of the Oregon Coast Highway in Tillamook County. Bids received September 6, 1973. Contract No. 7940 awarded September 19, 1973, to Babler Bros., Inc., Portland, at \$1,445,065.
- (5) Slide correction on the Fern Rock Creek-South Fork Gales Creek Section of the Wilson River Highway in Tillamook and Washington Counties. Bids received September 6, 1973. Contract No. 7941 awarded September 19, 1973, to White-Palos, Salem, at \$211,237.
- (6) Roadside improvement on the Campbell Street Interchange (Baker) Section of the Old Oregon Trail in Baker County. Bids received September 27, 1973. Contract No. 7943 awarded October 8, 1973, to Aichele Landscaping, Inc., Portland, at \$139,330.
- (7) Little Deschutes River (Montgomery) Bridge on FAS 793 in Deschutes County. Bids received September 27, 1973. Contract No. 7945 awarded October 8, 1973, to Holst Construction Company, Oakridge, at \$103,543.

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- (8) Traffic signals on Pine Street at Third Street in Rogue River in Jackson County. Bids received September 27, 1973. Contract No. 7946 awarded October 8, 1973, to Hamilton Electric, Inc., Eugene, at \$6,773.
- (9) Wightman Street-Walker Avenue (Ashland) Section of the Rogue Valley Highway in Jackson County. Bids received September 27, 1973. Contract No. 7948 awarded October 8, 1973, to M. C. Lininger and Sons, Inc., Medford at \$205,458.
- (10) Franklin Boulevard at 11th Avenue Section in the City of Eugene on the Pacific Highway West in Lane County. Bids received September 27, 1973. Contract No. 7949 awarded October 10, 1973, to Shur-Way Contractors, Inc., Eugene, at \$39,318.10.
- (11) Multnomah Falls-John Day River Section of the Columbia River Highway in four counties. Bids received September 27, 1973. Contract No. 7952 awarded October 8, 1973, to Robert and James Crick Co., Spokane, Washington, at \$753,650.
- (12) Bay Ocean Road Slide Correction Project on FAS 616 in Tillamook County. Bids received September 27, 1973. Contract No. 7953 awarded October 8, 1973, to LaFond and Son, Beaver, at \$49,031.
- (13) Grande Ronde River (Hull and Stanley Lanes) Bridges on FAS 31-112 and FAS 31-114 in Union County. Bids received on September 27, 1973. Contract No. 7954 awarded October 9, 1973, to John B. Gilliland Construction, Inc., Dexter, at \$286,872.
- (14) Left Hand Creek Culvert and Parrish Creek Bridge on FAS 318 in Wheeler County. Bids received September 27, 1973. Contract No. 7957 awarded October 8, 1973, to Hamilton Construction Company, Springfield, at \$36,970.
- (15) Sewer and water lines in the Baldock Safety Rest Area on the Pacific Highway in Clackamas County. Bids received September 27, 1973. Contract No. 7958 awarded October 8, 1973, to Copenhagen, Inc., Portland, at \$226,487.
- (16) Culvert installation on the Prickett Creek Section of FAS 837 (Stringtown Road) in Washington County. Bids received on September 27, 1973. Contract No. 7956 awarded October 16, 1973, to Hamilton Construction Company, Springfield, at \$16,270.

A U.S. Forest Highway Program for the 1974 fiscal year was presented by Mr. Johnson. The projects presented, he said, have been agreed upon by officials representing the U.S. Forest Service, the Federal Highway Administration and the Oregon State Highway Division. Following his favorable recommendation, the Commission approved the following projects:

OREGON
1974 Fiscal Year Forest Highway Program

SUMMARY OF APPORTIONMENT AVAILABLE

F. Y. 1972 Apportionment available for programming	\$ 4,091,456
F. Y. 1973 Apportionment available for programming	4,339,423
F. Y. 1974 Apportionment available for programming	<u>4,357,967</u>
Total apportionment available for programming	\$12,788,846
Amount of apportionment previously programmed for projects (excluding those projects in the proposed F. Y. 1974 program).	\$ 6,000,000
Amount of apportionment required to bring previously programmed project (FHP 46-1(2), Cascade Lakes Highway) to agree with current engineer's estimate.	900,000
Amount of apportionment utilized to advance FHP 48-1(4) and 53-2(3), Klamath Lake-Westside and Lake of the Woods Highway to contract.	<u>55,000</u>
Amount of total apportionment available for further programming	\$ 5,833,846

Proposed F. Y. 1974 Program Recommended By
The Tri-Agency Meeting of May 21, 1973

Project Number	Name and Termini	Type	Miles	Program Amount
5-4(1)	Oregon Coast Hwy. Vicinity of Cape Perpetua approx. one-half mile north and south	Grading, base paving and minor structures	1.0	\$ 520,000
7-1(5)	Siuslaw Highway, Bridge construction at Station 545+ and culvert installation at Station 590+	Concrete girder bridge and 72-inch structural plate culvert	0.1	176,500

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Project Number	Name and Termini	Type	Miles	Program Amount
25-1(2), 42-1(4) & 49-1(5)	Warm Springs Interchange Reconstruction at Jct. of FH Routes 25, 42 & 49	Grading, base paving and grad. separation structures	2.1	\$1,450,000
25-1(3), 42-1(5) & 49-1(6)	Warm Springs Interchange signing at Jct. of FH Routes 25, 42 & 49	Traffic signing	2.1	200,000
46-3(1), 4(7)	Cascade Lakes Hwy. from Deschutes/Klamath Co. line southerly 2.9 miles and northerly 1.1 miles	Grading, base and paving	4.0	1,700,000
Lump Fund - Preliminary Engineering, all Routes				<u>300,000</u>
TOTAL PROPOSED F. Y. 74 PROGRAM AMOUNT				<u>4,346,500</u>
BALANCE OF TOTAL APPORTIONMENT AVAILABLE FOR PROGRAMMING				\$1,487,346

A request was considered from the City of Milwaukie for a Federal-aid TOPICS Project and requests from the Cities of Beaverton and Portland for cancellation of projects. Mr. Johnson stated that the project has been investigated and is eligible for funding under the TOPICS Program and he recommended approval. The Commission approved the following project:

TOPICS FUNDS
Fiscal Years 1970, 1971, 1972, 1973 Projects

City	Section	Programmed Amount	State Share
MILWAUKIE	SPRR Crossing on 21st Avenue at Adams Street.	\$ 5,000	\$ 550
	Preliminary Engineering Study	<u> </u>	<u> </u>
	TOTAL NEW PROJECT	\$ 5,000	\$ 550

CANCELLATION OF PREVIOUSLY APPROVED PROJECTS:

Beaverton	S.W. Canyon Road-S. W. 12th Street, Beaverton-Tualatin Highway.	65,000	5,500
	Grading, paving, railroad protection and traffic signals. (Canceled due to financial and legal difficulties.)		

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City	Section	Programmed Amount	State Share
Portland	E. Burnside Street at 39th Avenue.	\$ 42,000	\$ 8,400
	Grading, paving and traffic signal modification. (Canceled due to citizen objections.)		
	TOTAL CANCELLATION	\$107,000	\$13,900

SUMMARY BY FISCAL YEAR (FEDERAL FUNDS)	1970, 71 & 72	1973	TOTAL
Allocated Funds (Federal)	\$4,153,000	\$870,000	\$5,023,000
Approved Projects (corrected to date)	4,153,000	562,000	4,715,000
Balance	---	308,000	308,000
New Project: 10/24/73	---	5,000	5,000
Balance	---	303,000	303,000
Cancellations: 10/24/73	---	107,000	107,000
Unprogrammed Balance	---	\$410,000	\$ 410,000

The Commission considered requests from the Counties of Baker, Crook, Deschutes, Jefferson and Malheur for Federal-Aid Secondary Projects and a request from Coos County for the cancellation of a project. Mr. Johnson mentioned that the projects have been investigated and are eligible for FAS Funds. Following his favorable recommendation, the Commission approved the following projects:

FISCAL YEARS 1973 & 1974 COUNTY FAS PROJECTS

County	FAS	Section & Description	Programmed Amount	State Share
Baker	01-106	Chandler Ranch-Powder River Section, Chandler Lane.	\$ 275,000	\$34,375
		Structure, grade and pave.		
Crook	401	McKay Creek (McKay Creek Road) Bridge Section.	50,000	6,250
Deschutes	555	Little Deschutes River (Burgess) Bridge Section.	100,000	12,500
Jefferson	16-108	Willow Creek (2nd Street-Madras) Bridge Section.	100,000	12,500
		Structure and approaches.		

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County	FAS	Section & Description	Programmed Amount	State Share
Malheur	23-108	Drain Ditch (Foothill Drive) Bridge Section.	\$ 40,000	\$ 5,000
		Structure, grade and surface.		
Malheur	23-108	Willow Creek (Foothill Drive) Bridge Section.	30,000	3,750
		Structure and approaches.		
		TOTAL NEW PROJECTS	\$ 595,000	\$74,375

CANCELLATION OF PREVIOUSLY APPROVED PROJECT:

Coos	255	Chandler-Landrith Bridge Section. S. Coos River.	\$ 400,000	
		Grade, base and pave.		
		Transfer of Federal funds - \$26,882.		
		\$26,882 Federal funds equals \$36,000 FAS funds.		
		(County has decided to replace Landrith Bridge instead of improving this section of roadway.)		
		TOTAL CANCELLATION	\$ 400,000	
		ADJUSTED TOTAL NEW PROJECTS	\$ 195,000	

SUMMARY BY FISCAL YEARS	1973	1974	TOTAL
Allocated funds	\$5,090,000	\$4,108,000	\$9,198,000
Approved Projects (corrected to date)	5,090,000	639,000	5,729,000
Unprogrammed Balance	---	3,469,000	3,469,000
Projects - 10/24/73	---	195,000	195,000
Transferred FAS funds	---	36,000	36,000
Unprogrammed Balance	---	\$3,238,000	\$3,238,000

Allocation of Federal-Aid Secondary Funds to counties for the fiscal year 1974 was brought up by Mr. Johnson. He commented that the allocation has been computed in accordance with the formula developed by the Association of Oregon Counties using the official 1970 U.S. Census and the January 1, 1973, county road mileages. The Commission approved the following allocations of FAS Funds:

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FISCAL YEAR 1974 FAS ALLOCATION TO COUNTIES
OCTOBER 1973

<u>COUNTY</u>	<u>FEDERAL FUNDS</u>	<u>TOTAL FUNDS</u> Including State's and Counties' Match Money (Rounded to Thousands)
Baker	\$ 45,166	\$ 60,000
Benton	59,118	79,000
Clackamas	228,546	305,000
Clatsop	54,840	73,000
Columbia	66,196	88,000
Coos	87,115	116,000
Crook	47,453	63,000
Curry	46,247	62,000
Deschutes	62,860	84,000
Douglas	132,402	177,000
Gilliam	32,859	44,000
Grant	40,985	55,000
Harney	48,474	65,000
Hood River	46,368	62,000
Jackson	125,288	167,000
Jefferson	45,351	60,000
Josephine	66,935	89,000
Klamath	91,138	122,000
Lake	41,401	55,000
Lane	213,671	285,000
Lincoln	61,077	81,000
Linn	115,979	155,000
Malheur	89,050	119,000
Marion	172,180	230,000
Morrow	45,743	61,000
Multnomah	303,799	405,000
Polk	59,987	80,000
Sherman	32,392	43,000
Tillamook	56,420	75,000
Umatilla	103,252	138,000
Union	46,807	62,000
Wallowa	42,561	57,000
Wasco	48,738	65,000
Washington	219,852	293,000
Wheeler	28,690	38,000
Yamhill	70,954	95,000
TOTAL	\$ 3,079,894	\$ 4,108,000

SUMMARY, ENTIRE STATE FISCAL YEAR 1974 COUNTY FAS FUNDS:

Total Federal Funds for Construction
(50% of Oregon's apportionment less planning survey funds). 3,081,000
Plus estimated required match money.....State funds..... 513,500
.....County funds..... 513,500
TOTAL COUNTY FAS FUND.....\$4,108,000

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NOTE: Funds allocated to individual counties on basis of formula (25% equally, 60% on rural population, and 15% on total county road mileage) proposed by Association of Oregon Counties and approved by Transportation Commission. Federal funds are estimated to represent approximately 75% of total county road FAS fund with State and County funds estimated to be approximately 12½% each.

Mr. Johnson presented the following list of construction projects on which bids will be received on October 25, 1973. He mentioned that each project contains a notation as to plans for the establishment of footpaths and bicycle trails.

- (1) Irrigon Junction-Bubbs Ranch Section, Old Oregon Trail, four counties.
Grade, pave, guardrail, sign and concrete barriers safety project.
Footpaths or bicycle trails are not incorporated in this project as no new highway construction, reconstruction or relocation is involved.
The primary purpose of this project is a safety update to eliminate conditions that are hazardous.
- (2) Seventh Avenue-Willamette River (Eugene) Section Eugene-Springfield Highway, Lane County.
Roadside improvement and illumination project.
Footpaths are included in the roadside improvement project on a replacement basis of sidewalks that previously existed.
- (3) Motorist Service Signing, Pacific Highway, six counties.
LOGO signing project.
Footpaths or bicycle trails are not incorporated in this project as no new highway construction, reconstruction or relocation is involved.
- (4) Milton-Freewater - Washington State Line Section Oregon-Washington Highway, Umatilla County.
Grade, pave, structures and signing project.
Pedestrian/bicycle concrete 6-foot sidewalks are provided in the urban area of Milton-Freewater from South Main Street to Slaughter Road. Provisions for future sidewalks are included to the state line. These provisions include concrete curbs, 7-foot earth footpath (berm) and bicycle ramps.
- (5) Owyhee River (Overstreet) Road Bridge, FAS 23-125, Malheur County.
Structure project.
Footpaths and bicycle trails will not be established under this project as per ORS Chapter 366, Section 2, subsection 2(b) which states that "Footpaths and bike trails are not required to be established...if the cost of establishing such paths and trails would be excessively disproportionate to the need or probable use."

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- (6) Woahink Lake Bridges, FAS 226 (Canary Road), Lane County.
Structures (3) project.
Bicycle/pedestrian sidewalks will be provided on all three structures.
- (7) Middle Unit, Richmond Junction-Girds Creek Road Section, Service Creek-Mitchell Highway, Wheeler County.
Grade and oil project.
Footpaths or bicycle trails are not incorporated in this project as no new highway construction, reconstruction or relocation is involved.

Consideration was given to Columbia County's request to use a weight limit sign in posting of bridges that are somewhat different from those signs shown in the Manual on Uniform Traffic Control Devices. Mr. Johnson stated that the suggestion has merit and gives needed information to truck operators which the standard sign does not contain. Upon his favorable recommendation, the Commission approved a weight limit sign which shows truck silhouettes and the maximum gross load allowable for use on structures with long spans. (Sketches of approved signs on file in the Commission's files.)

The Commission adopted the following Delegation Order No. 2 for expeditious handling of highway matters as recommended by Mr. Johnson and Mr. Barrie. Specific delegations were made to the Chairman or Vice Chairman of the Oregon Transportation Commission, the Administrator and State Highway Engineer, his designated assistant, or the Parks Superintendent, and to the Chief Counsel.

OREGON TRANSPORTATION COMMISSION DELEGATION ORDER NO. 2

Pursuant to the provisions of ORS 184.635 as amended by Chapter 249, Oregon Laws 1973, and in order to provide for a more efficient and expeditious administration of the Highway Division, the following powers of the Commission are hereby delegated to the following officers or their designated representative within the Commission and the Highway Division:

To the Chairman or Vice Chairman of the Oregon Transportation Commission:

- 1 - Approve the sale of real property found to be excess to the needs of the Highway Division.

To the Administrator and State Highway Engineer:

- 1 - Authority to sign all documents approved by and through the Commission and all items approved by the Chairman or Vice Chairman through Delegation Orders No. 1 and 2, except "Grants of Access."

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To the Administrator and State Highway Engineer, his designated assistant or the State Park Superintendent:

- 1 - Authority to enter into (service) contracts with utility companies, co-ops or municipal corporations for the purchase of utility services of various types at PUC rates or standard rates established by the supplier on forms approved by the Chief Counsel wherein the guaranteed payment to said supplier utility company, co-op or municipal corporation does not exceed \$150 per month, the contract does not exceed a five-year period and the advance payment for construction and installation costs does not exceed \$5,000.

To the Chief Counsel:

- 1 - Authority to approve all settlements of cases in litigation involving the Department of Transportation and its Divisions.

The Commission considered authorizing the Administrator and State Highway Engineer or the Deputy State Highway Engineer to sign collective bargaining contracts with the Oregon State Employees Association and the Association of Engineering Employees of Oregon. Mr. Johnson mentioned that the agreements are for two years with the provisions for automatic renewal but may be terminated upon 60 days' written notice by either party. These have been reviewed and approved by the Legal Counsel and the Executive Personnel Division. The Commission approved the agreements and authorized the Administrator and State Highway Engineer or the Deputy State Highway Engineer to sign them.

Mr. Johnson reported that reconstruction activities are in progress in three portions of the South Tigard Interchange-Hayesville Interchange Section of the Pacific Highway (I-5), and to better protect the motoring public and workmen, re-establishment of the construction speed zones is required. Upon his recommendation, the Commission adopted the following temporary rule as a permanent rule if no public response is made following publication of the notice of the rule in the Secretary of State's Administrative Rule Bulletin. (Proposed rule published in the November 15, 1973, issue of the Secretary of State's Administrative Rule Bulletin. If there is no public response, the effective date of adoption will be December 5, 1973. The permanent rule will be published on December 15, 1973, to be effective on December 25, 1973.)

Speed Zone Rule No. 641 - Rescinded Speed Zone Resolutions Nos. 600 dated February 22, 1972; 621 dated October 31, 1972; and 629 dated April 17, 1973. Temporarily amended Speed Zone Resolution No. 626 dated March 6, 1973, to provide speed zoning on the Pacific Highway in Washington, Clackamas and Marion Counties as follows:

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50 MPH from the South Tigard Interchange (M.P. 292.91) to the East Portland Freeway (M.P. 289.17). 1/

50 MPH from the Hubbard Interchange (M.P. 282.65) to the Woodburn Interchange (M.P. 272.29). 1/

50 MPH from the Woodburn Interchange (M.P. 272.29) to the Hayesville Interchange (M.P. 258.95). 1/

- 1/ Speed zone to be in effect in those sections of construction when appropriate speed signs are posted.

Mr. Johnson reported that investigations have been made concerning speed zones and facts indicate that speed zones should be established or revisions made. Upon his recommendation, the Commission adopted the following proposed rules as permanent rules if no public response is made following publication of the rules in the Secretary of State's Administrative Rule Bulletin. (Proposed rules published in the November 15, 1973, issue of the Secretary of State's Administrative Rule Bulletin. If there is no public response, the effective dates of adoption will be December 5, 1973. The permanent rules will be published on December 15, 1973, to be effective on December 25, 1973.)

- (1) Rule No. 642 - Redmond-Bend Highway in Deschutes County.

45 MPH from the south city limits of Redmond at West Obsidian Avenue (M.P. 0.52) to S.W. Yew Avenue (M.P. 2.11).

- (2) Rule No. 643 - Hermiston Highway in Umatilla County. Rescinded Speed Zone Resolution No. 308 dated August 13, 1959.

35 MPH from 300 feet south of Orchard Avenue (M.P. T-8.51) to 0.39 mile south of West Highland Avenue (M.P. T9.10).

50 MPH from 0.39 mile south of West Highland Avenue (M.P. T9.10) to 300 feet south of Dairy Road (M.P. T9.78).

Portions of this highway are within the corporate city limits of Hermiston and outside the jurisdiction of the Oregon Transportation Commission.

- (3) Rule No. 644 - Jacksonville Highway in Jackson County.

45 MPH from 0.40 mile north of Applegate River Road (M.P. 26.02) to Applegate River Road (M.P. 25.62).

(Continued on next page.)

- (4) Rule No. 645 - Mapleton-Junction City Highway in Lane County. Rescinded Speed Zone Resolution No. 60 dated April 13, 1951.

35 MPH from 0.23 mile south of Little Lake Creek (M.P. 25.86) to 1.69 mile north of Little Lake Creek (M.P. 27.78).

- (5) Rule No. 646 - McKenzie Highway in Lane County.

45 MPH speed zone from 150 feet west of Thurston Road (M.P. 9.74) to 0.20 mile west of Dehorn Road (M.P. 11.12).

- (6) Rule No. 647 - Pacific Highway West in Washington County. Rescinded Speed Zone Resolution No. 396 dated July 18, 1963.

40 MPH from 0.30 mile northeast of the Scholls-Sherwood Road (M.P. 14.93) to the city limits of Sherwood at Scholls-Sherwood Road (M.P. 15.23).

- (7) Rule No. 648 - Jacksonville Highway in Josephine County. Rescinded Speed Zone Resolution No. 186a dated December 12, 1960.

30 MPH from the south city limits of Grants Pass at Union Avenue (M.P. 0.21) to a point 0.12 mile southerly of Union Avenue (M.P. 0.33).

40 MPH from a point 0.12 mile south of Union Avenue (M.P. 0.33) to a point 0.08 mile south of New Hope Road (M.P. 1.60).

Except that between a point 0.11 mile north of Harbeck Road (M.P. 0.79) and a point 0.11 mile south of Harbeck Road (M.P. 0.99), the designated speed shall be 20 MPH when children are present as per the provisions of Subsection 1.a., of ORS 483.104.

50 MPH from a point 0.08 mile south of New Hope Road (M.P. 1.60) to a point 0.16 mile south of Espey Road (M.P. 3.00).

Upon the recommendation of Mr. Johnson, the Commission approved as final rules 72 items covering speed zones, stop signs, traffic signals, and parking prohibitions which were previously approved by the Commission during the period from February 22, 1972, to June 1, 1973. Mr. Johnson pointed out that these items were published in the Secretary of State's Administrative Rule Bulletin on September 1 and 15, 1973, and there have been no requests for hearings. (Final rules to be published in the Secretary of State's Administrative Rule Bulletin on December 1, 1973, and the rules will become effective on December 10, 1973.) (The 72 rules on file in the Commission's files.)

Mr. Johnson reported that the following proposed rules had been approved by the Commission on August 14, 1973, and published in the Secretary of State's Administrative Rule Bulletin on September 1, 1973. No requests for a hearing were received. Mr. Johnson recommended that the Commission adopt them as final rules which will be published in the Secretary of State's Administrative Rule Bulletin on November 15, 1973, so they will become effective on November 25, 1973, excepting the traffic signals and three-way stop. The installation of traffic signals and the three-way stop rules will be published in the Administrative Rule Bulletin on December 1, 1973, so they will become effective on December 10, 1973. The Commission accepted his recommendation.

- (1) Install a 5-phase, fully actuated traffic signal at the intersection of Hillsboro-Silverton Highway and Pacific Highway East near Woodburn in Marion County.

- (2) Establish a 40 MPH speed zone on the John Day Highway east of John Day in Grant County as follows:

40 MPH from the east city limits of John Day (M.P. 162.88) to 0.44 mile east of the city limits of John Day (M.P. 163.32).

- (3) Rescind No Parking Resolution No. 249A dated March 14, 1967, and prohibit parking on the Frontage Road to the Mt. Hood Highway in the community of Government Camp in Clackamas County from the Standard Service Station (M.P. F52.87) to the roadside rest area (M.P. F54.00) including the Summit Ski Area and the roadside rest area parking lots as follows:

North Side of Frontage Road and Parking Lots:

Tuesday	- 6 p.m. to Midnight
Wednesday	- Midnight to 7 a.m.
Thursday	- 6 p.m. to Midnight
Friday	- Midnight to 7 a.m. 1 p.m. to 5 p.m.

South Side of Frontage Road:

Monday	- 6 p.m. to Midnight
Tuesday	- Midnight to 7 a.m.
Wednesday	- 6 p.m. to Midnight
Thursday	- Midnight to 7 a.m.
Friday	- 10 p.m. to Midnight
Saturday	- Midnight to 5 a.m.

(Continued on next page.)

These parking restrictions should be in effect from November 15 through April 15 of each year when signs so indicate. If the signs are removed or covered, parking will be permitted.

- (4) Amend No Parking Resolution No. 188 dated October 23 1958, prohibiting parking on the east side of the Oregon Coast Highway north of Tillamook in Tillamook County between 50 feet north of Good Speed Road (M.P. 64.74) and 0.09 mile south of Good Speed Road (M.P. 64.84).
- (5) Prohibit all motorized vehicles from operating on the 13 designated bicycle-pedestrian trails on State highway right-of-way physically separated from the roadway.
 1. Portland Street-Campus Drive (Klamath Falls) Bikeway; Klamath Falls-Malin Highway, M.P. x6.4 to x5.2; Klamath County.
 2. Table Rock Road-Barnett Road (Medford) Bikeway Pacific Highway, M.P. 27.1 to 30.5 Jackson County
 3. S. W. 12th-S.W. 18th (Portland) Bikeway Sunset Highway, M.P. 73.7 to 74.0 Multnomah County
 4. Independence Junction-West Salem Bikeway Willamina-Salem Highway, M.P. 20.7 to 25.7 Polk County
 5. Twenty-fifth Street-37th Avenue (Salem) Bikeway North Santiam and FAS 679 Highways, (North Santiam M.P. x0.5 to x0.0; FAS 679 M.P. 0.0 to 0.8) Marion County
 6. Burns-Hines Bikeway Central Oregon Highway, M.P. 128.7 to 131.0 Harney County
 7. Nyberg Road-Killarney Lane (Tualatin) Bikeway Beaverton-Tualatin Highway, M.P. 9.4 to 10.5 Clackamas County
 8. Redwood Interchange-Hubbard Lane (Grants Pass) Bikeway; Redwood Highway, M.P. 0.3 to 3.4 Josephine County
 9. Ochoco Creek-Prineville Bikeway Madras-Prineville Highway, M.P. 24.7 to 26.1 Crook County

(Continued on next page.)

10. Winston Bikeway
Coos Bay-Roseburg Highway, M.P. 72.0 to 73.2
Douglas County

11. Winchester-Roseburg Bikeway
Oakland-Shady Highway, M.P. 13.15 to 13.42
Douglas County

12. Mary S. Young State Park Bikeways
All trails in Park
Clackamas County

13. Champoege State Park Bikeways
All trails in Park
Marion County

- (6) Amend a resolution dated September 21, 1949, to include a 3-way stop at the intersection of Beaverton-Tualatin Highway at Nyberg Road in Washington County.

All traffic northbound on the Beaverton-Tualatin Highway shall be required to stop at its intersection with Nyberg Road, except that the right turn from south to east shall be permitted to continue without stopping.

All traffic southbound on the Beaverton-Tualatin Highway shall be required to stop at its intersection with Nyberg Road.

- (7) Install a 5-phase, fully actuated traffic signal at the intersection of the Santiam Highway and Waverly Drive in the City of Albany in Linn County.
- (8) Install a 2-phase, fully actuated traffic signal at the intersection of the Farmington Highway and Kinnaman Road in Washington County.

Upon Mr. Johnson's recommendation, the Commission adopted the following proposed rules pertaining to parking prohibition if no public response is made following publication of the notice of proposed rules in the Secretary of State's Administrative Rule Bulletin. (Proposed rules published in the November 15, 1973, issue of the Secretary of State's Administrative Rule Bulletin. If there is no public response, the effective dates of adoption will be December 5, 1973. The permanent rules will be published on December 15, 1973, to be effective on December 25, 1973.)

- (1) Rule No. 295 - Prohibit parking of vehicles on Old Oregon Trail from M.P. 219.97 to 220.09 westbound and from M.P. 221.83 to 221.96 westbound in Umatilla County.

(Continued on next page.)

- (2) Rule No. 296 - Prohibit parking of vehicles on both sides of Coos Bay-Roseburg Highway from M.P. 71.97 (Engr. Station 1423+00) to M.P. 72.13 (Engr. Station 1431+50) in Douglas County.

- (3) Rule No. 297 - Prohibit parking of vehicles on the Scholls Highway in Raleigh Hills area, Washington County, as follows:

On side street from Stephen Lane (M.P. 12.37) to Beaverton-Hillsdale Highway (M.P. 12.48)

On north side from 150 feet east of Stephen Lane (M.P. 12.34) to Beaverton-Hillsdale Highway (M.P. 12.48)

The Commission considered the abandonment of four short segments of old right-of-way in the Island City-Cove Section of the Cove Highway in Union County. Mr. Johnson stated these sections of old alignment were bypassed when the present highway was realigned in 1935. He recommended that the Commission approve the abandonment to correct the records in order that these segments consisting of approximately 1 mile could be transferred to the abutting property owners. The Commission approved the abandonment and adopted "Abandonment Resolution No. 540," which resolution by this reference is made a part hereof and filed in the Commission's files.

Attention was given to the adoption of a resolution abandoning a portion of highway to the City of Ontario and re-routing a portion of the Olds Ferry-Ontario Highway, Malheur County. Mr. Johnson pointed out that under the terms of an agreement dated February 22, 1972, the State through a cooperative construction agreement with the City performed the necessary work to re-route highway traffic from Oregon Street and First Street westerly to Second Street. Upon his favorable recommendation, the Commission approved the jurisdiction exchange and adopted "Abandonment Resolution No. 526," which resolution by this reference is made a part hereof and filed in the Commission's files.

Attention was given to an agreement with Columbia Region Association of Governments to prepare and furnish to the Highway Division a comprehensive master plan for bicycle routes within CRAG'S jurisdiction in Oregon. Mr. Johnson mentioned that the plan is to include route proposals, priorities, anticipated usage, and other factors governing the development of such a plan. The total cost to the State is \$6,307 to be matched by local governments. CRAG agrees to complete the work within 12 months of the agreement date. The Commission approved the agreement as recommended and authorized the Administrator and State Highway Engineer to sign it in their behalf.

Consideration was given to a construction finance agreement with the City of Silverton for improvement of Mill Street-Church Street Section (Oak Street Hill) of the Cascade Highway in Marion County. Mr. Johnson mentioned that the agreement provides that the State will prepare all plans, supervise the work and continue maintenance of the

section as a portion of the State highway system. All costs of the project are to be shared on the basis of 75% State and 25% City. Preliminary estimates indicate that the total cost of the project is \$30,400. He requested authority for expenditure of \$22,800 from FY 1974 State Construction funds to finance the project. The Commission approved the agreement and authorized the Administrator and State Highway Engineer to sign it in their behalf.

Attention was given to a supplemental agreement with Clackamas County concerning the County's acceptance of jurisdiction of portions of Bonita Road, Bangy Lane, Upper Boones Ferry Road and Roosevelt Avenue on the South Tigard Interchange-Marion County Line Section of the Pacific Highway. Mr. Johnson said that the agreement provides for the County to accept all State's right, title, interest, jurisdiction, maintenance and control of these roads. The original agreement of November 12, 1968, remains in full force and effect. Upon his recommendation, the Commission approved the agreement and authorized the Administrator and State Highway Engineer to sign it in their behalf.

The Commission considered an agreement with the City of Ashland updating two obsolete traffic signals on the Rogue Valley Highway (East Main Street) at Pioneer and Second Streets in Jackson County. Mr. Johnson pointed out that the State shall prepare the design of the signals and provide all materials necessary for the installation. The City shall provide all labor and construction equipment. The total estimated cost of the project is \$29,000 to be shared equally. The State's share of \$14,500 is to be charged to Minor Betterment Funds. Upon his favorable recommendation, the Commission approved the agreement and authorized the Administrator and State Highway Engineer to sign it in their behalf. The Commission also adopted as a permanent rule the proposed traffic signal installation if no public response is made following the publication of the rule in the Secretary of State's Administrative Rule Bulletin. (Proposed rule to be published in the December 1, 1973, issue of the Secretary of State's Administrative Rule Bulletin. If there is no public response, the effective date of adoption will be December 21, 1973. The permanent rule will be published on January 1, 1974, to be effective on January 11, 1974.)

Attention was given to an agreement with the City of Portland for the installation of a traffic signal at the intersection of North Philadelphia Avenue (Northeast Portland Highway) and North Ivanhoe Street. Mr. Johnson said that the agreement provides that the City shall prepare all plans and specifications and perform the work. The cost is to be shared equally by both agencies except that the State shall not be required to pay in excess of \$12,850. He recommended approval of the project and that the cost be charged to State Construction Funds. The Commission approved the agreement and authorized the Administrator and State Highway Engineer to sign it in their behalf. The Commission also adopted as a permanent rule the proposed traffic signal installation if no public response is made following the publication of the rule in the Secretary of State's Administrative Rule Bulletin. (Proposed rule to be published in the December 1, 1973 issue of the Secretary of State's Administrative Rule Bulletin. If there is no public response the effective date of adoption will be December 21, 1973. The permanent rule will be published on January 1, 1974, to be effective on January 11, 1974.)

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The Commission considered an agreement with the City of Bend for the installation of a traffic signal at the intersection of 8th and Greenwood (Central Oregon Highway) in Deschutes County. Mr. Johnson mentioned that the agreement provides that the State shall prepare all plans, let and award all contracts and supervise the work. The City is to reimburse the State for supervision. All other costs of installation will be paid by the City and after completion the City shall pay for all power consumed and the State will care for the maintenance. The Commission approved the agreement as recommended and authorized the Administrator and State Highway Engineer to sign it in their behalf. The Commission adopted as a permanent rule the proposed traffic signal installation if no public response is made following the publication of the rule in the Secretary of State's Administrative Rule Bulletin. (Proposed rule to be published in the December 1, 1973, issue of the Secretary of State's Administrative Rule Bulletin. If there is no public response, the effective date of adoption will be December 21, 1973. The permanent rule will be published on January 1, 1974, to be effective on January 11, 1974.)

The Commission considered the approval of an agreement with the Beaverton School District No. 48 for the installation of a pedestrian-actuated traffic signal on the Farmington Highway at Hazeldale Elementary School in Washington County. Mr. Johnson pointed out that the work is to be performed with State forces at an estimated cost of \$4,700 to be charged to State Construction Funds. The School District will pay for all power consumed. The Commission approved the agreement and authorized the Administrator and State Highway Engineer to sign it in their behalf. The Commission adopted as a permanent rule the proposed traffic signal installation if no public response is made following the publication of the rule in the Secretary of State's Administrative Rule Bulletin. (Proposed rule to be published in the December 1, 1973, issue of the Secretary of State's Administrative Rule Bulletin. If there is no public response, the effective date of adoption will be December 21, 1973. The permanent rule will be published on January 1, 1974, to be effective January 11, 1974.)

Attention was given to an agreement with Clackamas County concerning the installation of a flashing beacon at the intersection of the Clackamas Highway and the Clackamas-Boring Road. Mr. Johnson mentioned that the State will do the work at an estimated cost of \$1,500 to be charged to Minor Betterment Funds. The State will pay two-thirds of the cost and the County one-third. After completion of the project the State will maintain the installation and the County will pay for power consumption. Upon his recommendation, the Commission approved the agreement and authorized the Administrator and State Highway Engineer to sign it in their behalf.

Attention was given to an agreement with the City of Corvallis for the installation of a pedestrian-activated school crossing signal at the intersection of Alexander Avenue and ORE99W in Benton County. Mr. Johnson stated that the agreement provides that the State will prepare a design for the signals and to provide all material necessary for the installation. The cost of the signal is estimated at \$6,000 to be shared equally. The State's share to be charged to Minor Betterment Funds. After completion the City will maintain the signals

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and pay for all power consumption. Upon his favorable recommendation, the Commission approved the agreement and authorized the Administrator and State Highway Engineer to sign it in their behalf.

The Commission considered an agreement with the Federal Highway Administration covering Forest Highway Projects. Mr. Johnson mentioned that the agreement has been revised to accommodate changes in organizational structure for both the Federal Highway Administration and the Highway Division. The agreement provides that on Forest Highway Projects the State will perform systems planning; make Highway Division personnel available for social, economic and environmental studies; acquire right-of-way and perform maintenance after construction. Upon his favorable recommendation, the Commission approved the agreement and authorized the Administrator and State Highway Engineer to sign it in their behalf.

The Commission considered a request from the City of Ashland that the State consent to annexation of a portion of the right-of-way of the Pacific Highway in Jackson County. Mr. Johnson said that this request has been investigated and no enclave will be formed by the annexation. The Commission approved the consent to annexation and authorized the Administrator and State Highway Engineer to sign it in their behalf.

Mr. Johnson reported that he had received telephonic approval from Chairman Jackson on October 12, 1973, for retaining Mr. Ted Hoff, a professional writer, on a consultant basis to prepare a redraft of the Oregon Action Plan. He stated that Mr. Hoff is to be paid at the rate of \$15 an hour with the total payment not to exceed \$2,000. The final draft is to be completed by November 2, 1973.

The Commission considered a supplemental agreement with Sverdrup & Parceland Associates, Inc., for engineering services required to accumulate and analyze the foundation test data in connection with design of the I-205 Columbia River Bridge. Mr. Johnson stated that due to the unique design features involved, it is necessary to obtain certain foundation data not covered by the original design agreement. Acquisition of this data requires a program of test piles and plate load tests. Bids have been taken for the test work and the project will be awarded as soon as approval is received from the Federal Highway Administration and the Washington Highway Commission. The cost for the supplemental consulting agreement is estimated at \$101,030. The State of Washington will participate in the cost of the consulting engineering service in accordance with the original I-205 agreement which was executed by both agencies. Upon his favorable recommendation, the Commission approved the agreement contingent upon formal approval by the Federal Highway Administration and the State of Washington and authorized the Administrator and State Highway Engineer to sign it in their behalf.

Mr. Johnson reported that he received telephonic approval from Chairman Jackson on October 12, 1973, to enter into an agreement with Wasco Electric Cooperative, Inc., for construction of a power line to serve Memaloose Safety Rest Area (Columbia River Highway) in Wasco

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County. The estimated cost for the construction of approximately 7 miles of a three-phase power line is \$55,679.29 which the State agrees to pay one-half of the actual cost.

Consideration was given to the approval of an agreement with the Washington State Highway Commission in connection with the construction of the Milton-Freewater - Washington State Line Section of the Oregon-Washington Highway in Umatilla County. Mr. Johnson mentioned that the agreement provides for Oregon to prepare the plans, award the contract and supervise construction. Both States are to cooperate in the relocation or adjustment of any utility installations. Upon completion of the project, Oregon will submit an itemized statement of actual costs, based on contract bid prices, with a request for reimbursement by Washington. The project is currently scheduled for the bid opening of October 25, 1973, at an estimated cost of \$3,300,000. Upon his recommendation, the Commission approved the agreement and authorized the Administrator and State Highway Engineer to sign it in their behalf.

Consideration was given to approving snow removal agreements with 12 ski resort operators for the 1973-1974 season. Mr. Johnson stated that these agreements are similar to those previously in effect for the past several years. The operators will also be required to furnish the necessary liability insurance. Upon his favorable recommendation, the Commission approved the following agreements and authorized the Administrator and State Highway Engineer to sign them in their behalf.

<u>OPERATORS</u>	<u>LOCATION</u>
Mt. Ashland Corporation	Mt. Ashland
Mt. Hood Meadows, Oregon Ltd.	
and Mt. Hood Meadows Development	Mt. Hood Meadows
Anthony Lakes Corporation	Anthony Lakes
Mt. Bachelor, Inc.	Bachelor Butte
Hoodoo Ski Bowl Developers	Hoodoo
LAWORE, Inc.	Lake of the Woods
Multorpor, Inc.	Multorpor
Snow Bunny Lodge	Snow Bunny Lodge
R.L.K. and Company	Timberline Lodge
Tomahawk Ski Bowl	Tomahawk
Fremont Highlanders Ski Club	Warner Canyon
Hoodoo Ski Bowl Developers, Inc.	Willamette Pass

Consideration was given to the approval of a supplemental agreement with the United Cerebral Palsy Workshop for revising the cost per unit from \$15 to \$55 of wind recorder data used in the air quality studies on various projects. Mr. Johnson stated that the cost of \$15 per unit was based upon the previous history of the Workshop in doing the same type of work for the Port of Portland. However, after performing a few weeks of work on the task, the Association finds that the time taken to do a two-week roll is more than expected. The State's Air Quality Engineer performed a time study of the contract work to verify the Workshop's claim and found their request for the additional funds is valid. He recommended approval of the agreement

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and revising the cost of the maximum amount to be paid to \$5,000. The Commission approved the agreement and authorized the Administrator and State Highway Engineer to sign it in their behalf.

Mr. Johnson stated that the State Emergency Board at its last meeting approved the hiring of a consultant, Applied Decisions, Inc., of Wellesley Hills, Massachusetts, to analyze the effects of the "bottle bill" on litter along highways in Oregon and the economic impacts on the beverage and related industries. The Emergency Board has authorized the financing of the consultant contract. The study is estimated to cost \$50,000 and the Transportation Commission was requested to participate in funding of the study in an amount not to exceed \$25,000 from the Highway Fund. The consultant is to complete the contract by June 1974. The Commission approved the contract and authorized the Administrator and State Highway Engineer to sign it in their behalf.

Mr. Johnson mentioned that under ORS 483.518 studded tires may be used between November 1 and April 30 and the Law also states that the Commission has the authority to shorten or lengthen the period for studded tires. Due to the snow fall in the higher elevations and the opening of elk season, he recommended the use of studded tires on vehicles effective October 25, 1973. The Commission approved his recommendation.

AERONAUTICS DIVISION

Mr. Burket gave an oral summary of the National Association of State Aviation Officials meeting he attended in Knoxville, Tennessee. The Honorable Claude S. Brinegar, Secretary, U.S. Department of Transportation and Alexander P. Butterfield, Administrator, Federal Aviation Administration, were guest speakers at the meeting. He reported that both gentlemen were willing and ready to transfer additional responsibilities to the State level. Copies of their addresses were given to the Commission members.

Mr. Burket also reported that a Task Force is being formed to study the commuter carrier situation in Oregon. The Task Force will consist of representatives from the Department of Transportation, Public Utility Commission, Legislative Interim Committee on Transportation, Local Government and Urban Affairs, Port of Portland, League of Oregon Cities and the Association of Oregon Counties.

Mr. Burket stated that he attended a meeting in Portland at which a proposal from the Pacific Northwest Regional Commission was received relative to a Regional study of commuter air carrier service needs in the three Northwest States. He commented that the
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proposal will receive consideration and emphasized that Oregon's greatest need is for a local study at this time.

Chairman Jackson indicated the need to emphasize Oregon's intrastate air service requirements, while at the same time considering Regional aspects of this service.

MASS TRANSIT DIVISION

Mr. Moore reported on the Special Transportation Program to seek solutions to different transportation projects in six areas of Oregon (Hood River/The Dalles, Columbia and Jackson Counties, Ontario, Albany and Portland) to serve people who cannot or should not drive and senior citizens. He said that a request will be sent to the Emergency Board for an allocation of State matching Funds. The project will last approximately 18 months and cost approximately \$120,000. The program includes the employment of Michael J. Morris as a planner-coordinator to develop the project and maximize the use of Federal Funds available. Results are intended to develop planning models and experience which will be applicable to Oregon communities.

Chairman Jackson commented that this information will be appropriate to all areas of Oregon and not just to the metropolitan areas.

Commissioner Fisher questioned whether a marketing study has been made among the people in Oregon to determine their acceptance or their rejection of mass transit. Mr. Moore replied there have been a variety of studies made and he cited for instance the Tri-Met Study of the acceptance of the Park and Ride Programs. He added that improved service, plus extensive marketing for contribution to substantiate transit ridership, increases particularly on the Tri-Met and Lane Transit District Bus Systems.

MOTOR VEHICLE DIVISION

No Report.

Mr. Emmet Rogers appeared before the Commission and urged improvement of Highway 221 (Wallace Road) in Polk County. He read a letter and submitted exhibits containing a resolution passed by the Polk County Court dated March 9, 1932; a research document prepared by William F. Frye, Lane County District Attorney, dated November 18, 1959; and a centerline drawing of Wallace Road from the southerly junction with the Dallas Market Road to the southerly boundary of Yamhill County. The Chairman referred the matter to the staff for consideration.

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State Representative Roger E. Martin; Mayor John C. MacLean, Lake Oswego; D. Thomason representing the Lake Oswego Chamber of Commerce; and M. De Haas were present and requested improvement of the Oswego Highway (Highway 43) through the City of Lake Oswego in Clackamas County. They reported on traffic counts and problems caused by a Southern Pacific Railroad crossing and a narrow bridge.

Chairman Jackson indicated that the \$150,000,000 bond issue authorized by the last Legislature was requested to support projects of this kind. He mentioned that their request will receive favorable attention but they must report to their local Council of Government to establish an appropriate priority for the project. He stated that the proposed distribution formula will allocate \$26,535,000 to District 2 which includes Clackamas County.

DEPARTMENT OF TRANSPORTATION - DIRECTOR'S REPORT

The Commission approved intervention by the Director in proceedings of the Civil Aeronautics Board if Hughes Air West applies for discontinuation of air service to Astoria. Intervention will be made on behalf of users of air service to maintain the level of service now available.

The Commission approved November 21, 1973, as the date for the next Commission meeting.

The Commission adopted as a permanent rule the Attorney General's Model Rules of Practice and Procedures as modified by the 1973 Legislature and effective October 5, 1973. The Attorney General's office advised it was not a requirement that the notice be published in the Secretary of State's Administrative Rule Bulletin.

Mr. Haley reported that the Fremont Bridge will be dedicated on November 15, 1973. He also reported that the AASHO meeting will be November 11 to 15, 1973, in Los Angeles, California.

The Chairman adjourned the meeting at 11:05 a.m.

Glenn L. Jackson
Chairman

Robert L. Mitchell
Commissioner

Anthony Yturri
Commissioner

Anthony Yturri
Commissioner

(Comm. Fisher absent)

Commissioner

C. W. Head

Manager, Administrative Services
October 24, 1973

November 15, 1973
Room 140
State Highway Building
Salem, Oregon

The Oregon Transportation Commission held an emergency telephone meeting at 9 a.m. The following persons were on the telephone at the locations given:

Glenn L. Jackson, Chairman, Portland
Carl O. Fisher, Vice Chairman, Redding, California
Robert L. Mitchell, Secretary, Portland
Anthony Yturri, Member, Ontario
George Baldwin, Director of Transportation, Salem
Sam Haley, Deputy Director of Transportation, Salem
Walter Barrie, Chief Counsel, Salem
F. B. Klaboe, Administrator and State Highway Engineer, Salem
E. S. Hunter, Assistant State Highway Engineer, Salem
Lee Johnson, Attorney General, Salem
C. W. Head, Manager of Administrative Services, Highway Division, Salem

Others present in Salem were Robert R. Hollis, Attorney for Greyhound Lines-West, and Victor H. Switzer, District Manager for Greyhound Lines-West.

Chairman Jackson stated that Governor McCall called upon the State Traffic Safety Commission, the State Police and the State Highway Division to take a look at the hazard being created by some of the public trying to adhere to President Nixon's call for reducing speeds to 50 MPH. It is evident from the report, which has been submitted by each of these agencies, that there is a very definite hazard.

The Traffic Safety Commission met and recommended to the Governor that action be taken by the Transportation Commission to set a designated speed of 55 MPH.

Chairman Jackson asked Mr. Hunter to report on this matter. Mr. Hunter read the following report:

At a Tuesday morning meeting (November 13, 1973) called by Governor McCall, it was suggested that traffic on Interstate 5 was generally travelling at speeds lower than the posted 70 miles-per-hour. Concern was expressed that if this were true, a safety hazard would be created by those vehicles which are driving substantially slower than the posted speed limit. It was assumed that the Oregon motorist was responding to the President's address requesting the public to drive at 50 miles-per-hour.

The State Police was requested to make a visual observation of the flow of traffic and the Highway Division was requested to make comparative measurements, utilizing radar equipment and report their findings to the Governor's Office Wednesday morning.

November 15, 1973

The District Office of the State Police reported that their officers have observed a material reduction in the speed of highway traffic over the entire State Highway System. It was their observation that this created a wide variance in the operating speeds of the motoring public and further indicated that past experience had proven that a wide variance in speeds increased the accident rate.

Two Highway Division radar units were available Tuesday afternoon this week - one in Roseburg and the other in Salem. These units were dispatched and speed checks were made at two locations on Interstate 5. One location was 9 miles south of Salem; and the other, immediately north of Roseburg. The location south of Salem is a quarterly speed check location and previous information is available for comparison. No previous measurements have been taken north of Roseburg.

The radar data revealed the following comparison, with the data accumulated during the month of August 1973, for the location 9 miles south of Salem:

1. The 85 percentile speed has reduced from 74 miles per hour in August to 71 miles per hour in November.
2. The average speed has reduced from 68.04 miles per hour in August to 63.3 miles per hour in November.
3. The pace limit has reduced from a range of 64 to 74 miles per hour in August to a range of 55 to 65 miles per hour in November. North of Roseburg the 85 percentile speed was 69 miles per hour and the pace limit 59 to 69 miles per hour.

In addition to the above data, it is important to consider the percentage of passenger vehicles which are exceeding certain speeds.

The radar data indicated that in August, 89 percent of the observed vehicles were exceeding 60 miles per hour, while on Tuesday only 65 percent were exceeding 60 miles per hour. In August, 35 percent of the vehicles were exceeding the posted 70 miles per hour and on Tuesday only 18 percent were exceeding that limit.

A study of accident involvement of those vehicles deviating from the average speed of the motoring public was published by the Automobile Safety Foundation. This study indicated that vehicles travelling with the flow of traffic had an involvement rate of approximately 100 accidents per million vehicle miles. Motorists exceeding the average speed by 20 miles per hour had an involvement rate of 300 accidents per million vehicle miles and motorist driving 20 miles per hour less than the average rate of speed had

an involvement of 800 accidents per million vehicle miles.

In view of these data and the probability that we can expect a trend toward slower speeds as the move for conservation of fuel gains favor with the motoring public, we recommend the Commission adopt the following temporary rule:

"Pursuant to the authority granted to the Oregon Transportation Commission under ORS 483.106 all prior speed resolutions or rules adopted by the State Highway Commission or its successor the Oregon Transportation Commission authorizing speeds in excess of 55 miles per hour on the State Highway System are hereby rescinded. The designated speed for all vehicles on the State Highway System shall be 55 miles per hour."

This is a temporary rule and if adopted will remain in effect for 120 days. During this period of time, we will conduct extensive speed measurements throughout the State to verify the reaction of the motoring public. The radar measurements have already been started in order that additional comparative data may be accumulated before the signs reducing the designated speeds are erected. If it is determined, by field measurements, that the motoring public is not responding and a safety hazard is being created, the Commission may at any time revise the designated speed to conform with the conditions.

Mr. Baldwin mentioned that Mr. Hunter's statement consists of the staff's evaluation and recommendation. Mr. Baldwin then introduced Mr. Robert Hollis, Attorney representing Greyhound Lines.

Mr. Hollis stated that his company wants to cooperate as far as possible with the Governor's and Transportation Commission Staff's recommendation. He outlined the Greyhound Line's schedule in the State and its interconnection with other stage lines. On all of the Company's operations in the State, except those now scheduled along I-5, I-80N and Highways 58 and 97 between Eugene and Klamath Falls, it would be possible for them to comply immediately with the 55 MPH maximum without any substantial problem with schedules. However, in respect to the operations north and south along I-5 because of the substantial number of the Company's schedules, the interconnections with their own operation and with connecting carriers, if they were to immediately reduce speeds along I-5 to 55 MPH, they would begin to notice a substantial number of missed connections with their carriers and those of their connecting lines. He mentioned that studies are underway within the Company to notch the schedules back to 55 MPH as quickly as possible. It will take from two to three weeks to affect these studies and coordinate them with the Public Utility Commission. The Greyhound Line requests approximately two to three weeks to continue operations along I-5, I-80N and Highways 58 and 97 between Eugene and Klamath Falls at such speeds as necessary to maintain their connections temporarily until they can revise their schedules, get notice to the public and to coordinate with the PUC and their connecting line carriers. Mr. Hollis mentioned that it would be necessary to maintain the speed in the range of 60 MPH and that wherever possible the schedule will be operated at a maximum of 55 MPH.

The Chairman commented that there is a time element involved in this matter. The Commission's main consideration is to try to reduce the traffic hazard. It is question of evaluation to determine what affect this lag in time will have on the overall objective and the hazards involved during the adjustment period. He inquired as to the attitude of the State Police.

Mr. Lee Johnson stated he has recently talked to Mr. Holly Holcomb and it is the State Police's intention to stop motorists and advise them that the limit has been lowered, but not to make any arrests until signs are installed.

The Chairman mentioned that this request to make this differential between busses and other vehicles places the Commission in a difficult situation. He stated that he could not see how the Commission would have the authority to differentiate between the speed of different classes of vehicles.

Commissioner Yturri suggested that the Division continue pressing surveillance so that the sampling will be complete and fair throughout the State and that interim progress reports be submitted to the Commission and not wait until the end of the 120 day period.

After considerable discussion, Commissioner Fisher moved and Commissioner Mitchell seconded that the Commission adopt the temporary rule previously recommended by the staff. All four members voted for the motion to be effective as soon as the signs are installed.

The temporary rule was filed with the Secretary of State this date and it will be published on December 1, 1973, in the Secretary of State's Administrative Rule Bulletin.

The telephone meeting was concluded at 9:30 a.m.

(Mr. Veatch was waiting in his office in Klamath Falls at 9 a.m. today for the telephone conference call but for some unknown reason was not connected. Mr. Sam Haley contacted Commissioner Veatch after the meeting and informed him of the Commission's action. Commissioner Veatch told Mr. Haley that he concurred in this action.)

Glenn L. Jackson
Chairman

Carl D. Fisher
Commissioner

Robert E. Mitchell
Commissioner

Anthony Yturri
Commissioner

C. W. Head
Manager, Administrative Services

November 15, 1973

November 21, 1973
Salem, Oregon

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

Glenn L. Jackson, Chairman
Robert L. Mitchell, Secretary
Robert E. Veatch, Member
Anthony Yturri, Member
George Baldwin, Director of Transportation
Sam Haley, Deputy Director of Transportation
Jack Sollis, Assistant Attorney General
F. B. Klaboe, Administrator and State Highway Engineer
A. E. Johnson, Deputy State Highway Engineer
J. B. Boyd, Right of Way Engineer
David Talbot, State Parks Superintendent
Paul Burket, Administrator of Aeronautics
Dennis Moore, Administrator of Mass Transit
Chester Ott, Administrator of Motor Vehicles Division
C. W. Head, Manager of Administrative Services, Highway Division

The Commission approved the minutes of the Transportation Commission meeting held on October 24, 1973.

HIGHWAY DIVISION

Mr. Boyd presented a list of options, pages 1 through 33, secured for acquisition of real property needed for State Highway use or for other purposes. He mentioned that the amounts offered are on or near the appraised values and are in order for Federal-aid. The Commission accepted the report and thereupon adopted "Right of Way Resolution No. 99," which resolution by this reference is made a part hereof and filed in the Commission's files.

The Property Manager's report showing sales of miscellaneous properties and rental receipts for the period from October 10, 1973 to November 5, 1973, was presented by Mr. Boyd and accepted by the Commission. During this period miscellaneous sales totaled \$9,896 and land sales \$32,185. Rental receipts for the month of October 1973 were \$66,959.51.

A list of properties needed for highway and other uses was presented by Mr. Boyd. He requested the Commission to declare by resolution the necessity of said properties for the public use to which they are to be put and to authorize him 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 Resolution No. 2613," which resolution by this reference is made a part hereof and filed in the Commission's files.

A report was presented by Mr. Boyd showing offers tendered to the owners for acquisition of real property prior to the institution of

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condemnation proceedings pursuant to Delegation Order No. 1 as follows:

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

R-46624 - Atlantic Richfield Company. Parcel 1: 12,155 sq. ft. for right of way purposes; Parcel 2: 8,514 sq. ft. for relocating facilities. Offer \$47,500.

N.E. SANDY BOULEVARD-N.E. GLISAN STREET UNIT OF THE COLUMBIA RIVER-
PACIFIC HIGHWAY SECTION OF THE EAST PORTLAND FREEWAY - MULTNOMAH COUNTY

R-46953 - Rainier Properties, Inc. 14,895 sq. ft. for right of way purposes. Offer \$100,000.

NORTH LAGOON AVENUE-PACIFIC HIGHWAY OF GOING STREET - MULTNOMAH COUNTY

R-47752 - Robert R. & Grace Nishino. 2,500 sq. ft. for right of way purposes. Offer \$19,400.

R-47753 - Verle M. Yost. Parcel 1: 397 sq. ft. for right of way purposes; Parcel 2: 200 sq. ft. for a construction permit. Offer \$3,600.

Mr. Boyd presented a report regarding Indentures of Access which have been approved by the Administrator and Highway Engineer pursuant to Delegation Order No. 1 as follows:

To change the recorded access reservation to the location actually constructed by the State:

Alder Creek - Wildwood Section, Mt. Hood Highway, Clackamas County.

File 33016 - Steven A. and Wendy L. Williams
(approved November 7, 1973)

File 33079 - Brown Development Co.
(approved November 7, 1973)

File 43877 - Joseph A. and Louis E. Welp
(approved November 7, 1973)

Brookings - Winchuck River Section, Oregon Coast Highway, Curry County.

File 43854 - Ruby Ellis
(approved November 7, 1973)

Orleans - Lake Creek Section, Corvallis - Lebanon Highway, Linn County.

File 37320 - Louis W. Boesel, Sr.
(approved November 7, 1973)

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To change the recorded access reservation to the location actually constructed by the State:

Orleans - Lake Creek Section, Corvallis-Lebanon Highway, Linn County.

File 37321 - Harry L. and Hazel B. Christensen
(approved November 16, 1973)

Mr. Boyd presented a report concerning a demolition contract approved by Vice Chairman Fisher on November 6, 1973, pursuant to Delegation Order No. 1 as follows:

- (1) To Shipp and Thurston Contractors, Demolition Contract No. 40-1, in the amount of \$5,200 on sections of the East Portland Freeway in Multnomah County.

Mr. Boyd reported that Commissioner Fisher gave telephonic approval on November 6, 1973, for an agreement with Hudson Bay District Improvement Company for the reconstruction of their facilities made necessary by the construction of the Milton-Freewater-Washington State Line Section of the Oregon-Washington Highway in Umatilla County. He stated that the work consists of the construction of a reinforced concrete undercrossing of the highway. The work is to be performed by the State's Contractor at an estimated cost of \$67,500. The State is to pay the Company \$2,000 for the release of all claims for any additional costs to the Company for the improper installation of three 48" culverts which were installed too high under the East Side Road connection and for the performance of all operational maintenance of the siphon. The agreement has been approved by the Federal Highway Administration and the project is eligible for Federal participation.

Mr. Boyd reported that Mr. H. S. Coulter, Assistant State Highway Engineer, on November 7, 1973, approved a utility agreement with the Southern Pacific Transportation Company for installation of flashing lights and drop-arm gates at the crossing of Singer Hill Road and 10th Street with the Railroad tracks in Oregon City, Clackamas County. He mentioned the total cost of the project is estimated at \$27,700 which will be paid by the State. The Federal Highway Administration will reimburse 100 percent of this cost.

The Commission considered an agreement with the joint owners of Tumalum Ditch to provide for reconstruction of irrigation facilities in conflict with the Milton-Freewater - Washington State Line Section of the Oregon-Washington Highway in Umatilla County. Mr. Boyd pointed out that the work will be performed by the State's contractor at an estimated cost of \$16,000. Upon his recommendation, the Commission approved the agreement and authorized Mr. Klaboe to sign it in their behalf.

Mr. Boyd reported that he received approval from Chairman Jackson on October 30, 1973, concerning an agreement with the Burlington Northern, Inc., for maintenance and construction of the Woodburn Interchange-Hayesville Interchange Section on I-5 in Marion County. He stated

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this agreement grants the State an easement for roadway purposes over and across portions of Railway right-of-way, granting to the State a temporary haul road crossing, and providing for the reconstruction of the Chemawa Road over the Railroad's property. The estimated cost to the State is \$48,425 plus flagging costs which have not been estimated. The agreement has been approved by the Federal Highway Administration and the project is eligible for Interstate participation.

Mr. Boyd stated that Vice Chairman Fisher gave approval on November 8, 1973, to an agreement with Grandview Irrigation Company for the reconstruction of their irrigation facilities to accommodate highway construction on the Milton-Freewater-Washington State Line Section of the Oregon-Washington Highway in Umatilla County. The Federal Highway Administration has approved the agreement and the estimated cost to the State is \$1,200.

Attention was given to releasing all the use restrictions imposed upon the accesses granted on the Mt. Vernon-John Day Section of the John Day Highway in Grant County. Mr. Boyd pointed out that the Division's present custom is to grant unrestricted accesses when the State purchases access control. The custom at the time the State first began to control access after passage of the Throughways Act was to restrict the use of each access point to that use being made of the approach at the time access control was purchased. It has been found that the restrictions were placing an unnecessary restriction upon the economic growth of the State. This custom has been discontinued, except in instances where it is obvious that use restrictions are necessary to protect the people traveling on the highways. A recent examination reveals that very few access points are being used within the intent of the original restrictions. It was further found that any attempt to enforce the restrictions at this time would hurt the community, as a number of commercial and industrial establishments would either have to close or would have to pay the State a very sizable sum to release each restriction individually. Mr. Boyd said that this matter has been discussed with the Highway Division Administration and they concur that this proposal is in the best interest of the State. Federal Highway Administration concurrence was received on November 2, 1973. Upon his favorable recommendation, the Commission approved releasing all of the use restrictions.

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A report was submitted by Mr. Sollis and accepted by the Commission concerning cases which have been tried in court since the last Commission meeting summarized as follows:

REPORT OF CONDEMNATION CASES TRIED

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer Before Filing Complaint</u>	<u>Defendants' Lowest Demand</u>	<u>Verdict</u>
Elsie Powell L-6838 R-46625	Mult.	East Portland Freeway	\$ 8,800	\$21,300	\$14,300
Frances DiGregorio L-6899 R-45706	Mult.	East Portland Freeway	\$28,500	\$85,000	\$45,000 plus \$ 3,200 stipulated value of fixtures
Edward C. Nolen L-6897 R-46504	Mult.	East Portland Freeway	\$ 1,800	\$ 4,500	\$ 4,020
Joseph S. Farris L-6964 R-45465	Mult.	East Portland Freeway	\$23,900	\$33,500	\$29,000
John R. McFarlane L-6969 R-45715	Mult.	East Portland Freeway	\$28,800	\$60,000	\$50,000
William H. Kelly, Jr. L-6985 R-47004	Umatilla	Oregon- Washington	\$ 1,250	\$15,000	\$ 4,000

REPORT OF TRIAL OF OTHER CASES - STATE DEFENDANT

<u>Plaintiff</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Verdict or Judgment</u>
Lawrence J. Stroda L-6523	Lane	Personal Injury	\$506,171.50	For Defendant

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(For additional details, see Mr. Sollis' letter dated November 16, 1973, entitled Report of Cases Tried on file in the Commission's files.)

The Commission considered and accepted a report made by Mr. Sollis concerning cases which have been settled out of court since the last Commission meeting summarized as follows:

REPORT OF CONDEMNATION CASES SETTLED

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer</u>	<u>State's Highest Appraisal</u>	<u>Amount of Settlement</u>
Elmer Belger L-6769 R-46366	Mult.	East Portland Freeway	\$ 1,550	\$ 1,550	\$ 2,280
Publishers Paper Co. L-6773 R-46183	Mult.	East Portland Freeway	\$106,500	\$226,920	\$275,000

THE FOLLOWING CASES WERE SETTLED BY OPTION BY THE RIGHT OF WAY DEPARTMENT:

George O. Dodd L-6197 R-33031	Clack.	Mt. Hood	\$ 3,950	Dismissal
Richard A. Jackson L-6985 R-47120	Umatilla	Oregon-Washington	\$ 575	Dismissal
Clarence Knee L-6911 R-46867	Union	Wallowa Lake	\$ 30,825	Dismissal

REPORT OF OTHER CASES SETTLED

<u>Plaintiff</u>	<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demands of Plaintiff</u>	<u>Settlement</u>
State of Oregon L-7018	Limber Limb Wood Products (Potter)	Doug.	Property damage	\$426.39	\$500.69 includes atty. fees and costs

(For additional details, see Mr. Sollis' letter dated November 16, 1973, entitled Report of Cases Settled on file in the Commission's files.)

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Attention was given to a Notice of Intent filed by Merritt O. Newdall for an additional building site on Lot 8, Section 32, Township 35 South, Range 13 West within the Rogue River Scenic Waterway in Curry County. Mr. Talbot pointed out that the site is within a segment of the waterway classified as a recreational river area. The Commission's rules and regulations for this area state that structures that are topographically visible from the river will be limited to a total of four on each side of the river per river mile. In river mile 9, where this site lies, density already exceeds this figure. Upon his recommendation, the Commission denied the request.

Mr. Talbot stated that the 1973 Legislative Assembly enacted House Bill 3201 which authorized the Commission to provide financial aid to units of local government in Jackson County to assist them in purchasing park lands along Bear Creek. No provisions were made by the Legislature for actual funding. He mentioned that the staff has met with local officials and found that they have a plan already prepared and to some extent have their local financing started. Mr. Talbot recommended that \$300,000 previously earmarked for State park capital improvement be set aside to match a like amount from the local agencies for the purchase of this land. An attempt will be made to match both of these amounts with funds from a special Federal-aid account which, if successful, would provide a total of \$1,200,000. The Commission accepted his recommendation.

The Commission considered approving the recommendation of the State Parks and Recreation Advisory Committee that the campground fee schedule be revised effective January 11, 1974. Mr. Talbot mentioned that at the July 10, 1973, Commission meeting tentative approval was given to increase campground fees. The staff recommended that this tentative decision not be finalized inasmuch as the matter was under careful study by the State Parks and Recreation Advisory Committee and a special subcommittee studying ways and means of improving relations with the coastal private campground operators. In anticipation of an estimated campground deficit of approximately \$500,000 this fiscal period, the Committee recommended the campground fee schedule be revised. The Commission accepted their recommendation and adopted the following proposed rule as a permanent rule if no public hearing is necessitated following the publication of the rule in the Secretary of State's Administrative Rule Bulletin.

Amendment to State Parks Resolution No. 33 dated May 16, 1972.

Section IV Fees and Charges

A. Individual and Family Overnight Camping Fees:

1. Trailer Campsite: \$4 per night

Provides individual campsite with individual water supply, electrical and sewerage hookups, table, stove and access to utility building with free hot water, showers and laundry room facilities.

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2. Improved Campsite: \$3 per night

Provides individual campsite with individual water supply and electrical hookups, table, stove, access to utility building with showers and laundry room facilities.

3. Unimproved Campsites: \$2 per night

Provides individual campsite with water supply nearby but does not have electricity or sewerage hookup. Provides table, stove and access to utility building with free showers and laundry facilities and a modern restroom.

4. Primitive Campsite: \$1 per night

Provides campsite with table and stove; water and sanitary facilities may be some distance away.

5. Boat Moorage Facilities: \$1 per day per boat

Where boat moorage facilities are provided, there shall be no swimming or water-skiing from these facilities. They shall be used by park users only for moorage purposes and may be reserved at the time campsite reservations are made.

6. Advance Campsite Reservation Fee: \$1 per site

There shall be a service charge of \$1 per site for advance reservations.

7. Extra Vehicle in Campsites: \$1.00

Where an additional vehicle is allowed to occupy a campsite overnight, there shall be an additional charge of \$1 per night for each extra vehicle.

Towed or hauled vehicles are excluded.

8. Hikers, Motorcyclists, and Bicyclists

Persons entering campgrounds in one of the above ways are allowed to camp. Maximum occupancy per site shall be five (5) persons.

The Commission rescinded their action of July 10, 1973. (Proposed rule published in the December 1, 1973, issue of the Secretary of State's Administrative Rule Bulletin. If no public hearing is necessitated, the effective date of adoption will be December 21, 1973. The permanent rule will be published on January 1, 1974, to be effective on January 11, 1974.)

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The Parks Advisory Committee recommended that the furnishing of firewood in parks be discontinued. The Commission deferred action and requested Mr. Talbot to make a study as it was their feeling the elimination of furnishing firewood would result in vandalism to buildings, tables and destruction of trees in the parks.

The Commission considered the adoption as a final rule prohibiting horses from the ocean shore between the north city limits of Rockaway northward to the mouth of the Nehalem River in Tillamook County effective December 12, 1973. Mr. Talbot mentioned that the Highway Commission at its meeting of December 12, 1972, adopted a proposed rule prohibiting horses on this section of ocean shore to be effective one year later. This was to allow the affected public time to make necessary adjustments. The proposed rule was published in the Secretary of State's bulletin on January 15, 1973, and no remonstrances were received. Upon his recommendation, the Commission approved adoption of Ocean Shore Rule No. 21 to be effective December 12, 1973. (Final rule published in the December 1, 1973, issue of the Secretary of State's Administrative Rule Bulletin.)

The Commission approved the following increases in project authorizations as recommended by Mr. Klaboe:

- (1) Salem Road and Driveway Co., Contract No. 7844, 25th Street S.E.-37th Avenue S.E. (East Salem) Bikeway Section in Marion County for \$10,000 (14.3%). The overrun was due to the addition of bark mulch, the oiling of slopes and the substitution of a pipe handrail instead of a chain link fence.
- (2) Meuser Construction Company, Contract No. 7746, Sunset Highway, Washington County, for \$19,276.40 (26.4%). The major reason for the overrun was due to the heavy loss of plants because of the extremely cold weather in December, 1972.
- (3) Hensel Phelps Construction, Contract No. 7849, Clarno Section, Shaniko-Fossil Highway in Wasco and Wheeler Counties, for \$69,213.13 (5.2%). The major reasons for the overrun were due to a late revision in alignment which required reimbursable pole line adjustments not provided for in the project authorization. Also engineering costs were higher due to the remote location and the need for structural steel inspection in an out-of-state steel fabrication plan.

Upon the recommendation of Mr. Klaboe, the Commission abandoned the following claims for services and materials, which in his opinion do not warrant further action toward collection:

(Continued on next page.)

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Payee	Invoice No.	Claim	Amount
Linda Bonlie	99152	Paint Damage	\$ 25.00
Amer. Timber & Trading Co.	101067	Standard Specs	5.00
Western Rock Corporation	101626	Standard Specs	10.00
M & S Holding & Constr. Co.	102636	Standard Specs	5.00
Marble Creek Mfg. Co.	102875	Standard Specs	5.00
Dan Morris Construction Co.	102881	Standard Specs	5.00
Aero-Linn Sand & Gravel	103026	Standard Specs	5.00
Claude C. Nausen	104508	Standard Specs	5.00
University of Massachusetts	105551	Traffic Manual	10.00
John Dennis	105571	Group Camping	61.75
John Killiam Co.	106911	Standard Specs	5.00
E. W. Gibbs	106927	Maps	15.75
Paul A. Randolph	108026	Remove Horse from Highway	60.38
Robert H. Dunn	108267	Standard Specs	5.00
Raleigh-Montclair Rec. Group	109774	Park Permit	30.00
Francis Sanders	110049	Maps	1.50
Southern Oregon Adv. Agency	110156	Maps	3.20
Harris Hydrospray, Inc.	110434	Standard Specs	5.00
		TOTAL	\$262.58

The Commission considered financing the repair work for the Santiam River (I-5) Bridge (Southbound) in Marion County. Mr. Klaboe mentioned that the last annual bridge maintenance inspection of the structure showed fine cracking of the steel stringers at their connection with the floor beams. He mentioned that it was desirable to do correction work promptly when good weather was available. F. G. Scott Construction Company performed the repair work for \$148,000 under a State General Services purchase order. The engineering and other costs have amounted to approximately \$7,000 for a total repair cost of approximately \$155,000. An attempt was made to obtain Federal-aid participation in this repair. The Federal Highway Administration felt the original design and fabrication were adequate and this structure has provided satisfactory service for fourteen years. The repair work was therefore, not eligible for Federal-aid participation. Mr. Klaboe requested and the Commission approved the repair work in the amount of \$155,000 to be charged to State Construction Funds.

The Commission considered a request from the City of Wallowa for the designation of certain streets within the City to form a truck route as required by ORS 483.542. Mr. Klaboe mentioned that the City sometime past designated as a truck bypass certain streets within the city limits of Wallowa to reduce a noise problem. The truck routing does exist and is signed under Oregon Law. The routing is not legal until the Transportation Commission concurs with the City. Upon his favorable recommendation, the Commission approved the truck route and authorized the Administrator of Highways to transmit written consent to the City as required by law.

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Mr. Klaboe mentioned that the Commission approved at their September 19, 1973, meeting the legends and the design parameters for certain signs advising drivers of trucks, campers, trailers and busses of lane restrictions as established by Senate Bill 371. Recently the Division had a request from one of the counties for approval to use a smaller size sign. The minimum legend height would be five inches, making the total dimensions of the sign approximately five feet in width by four feet in height. Since the counties will be using this sign on roads which have slower speeds and restricted transverse clearance, he recommended approval. The Commission approved the use of a smaller size sign.

The Commission considered a request from Coos County for replacing the Landrith Bridge over the South Coos River on FAS 255. The proposed Federal-aid Secondary project has been investigated and was found to be eligible for FAS Funds. Following Mr. Klaboe's favorable recommendation, the Commission approved the following project:

COUNTY	FAS	SECTION & DESCRIPTION	PROGRAMED AMOUNT	STATE SHARE
Coos	255	S. Coos River (Landrith) Bridge Section	\$1,000,000	\$125,000

(To be supplemented with future allocations)

TOTAL NEW PROJECT	\$1,000,000	\$125,000
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SUMMARY BY FISCAL YEARS	1973	1974	TOTAL
Allocated funds	\$5,090,000	\$4,108,000	\$9,198,000
Approved Projects (corrected to date)	5,090,000	872,000	5,962,000
Unprogramed Balance	---	\$3,236,000	\$3,236,000
Projects - 11/21/73	---	1,000,000	1,000,000
Unprogramed Balance	---	\$2,236,000	\$2,236,000

Mr. Klaboe presented the following list of construction projects on which bids will be received November 29, 1973. He mentioned that each project contains a notation as to plans for the establishment of footpaths and bicycle trails.

- (1) Maxwell and "A" Line Canal Sections, Hermiston Highway, Umatilla County Structures project
Footpaths and bike trails will not be established under this project as per ORS Chapter 366, Section 2, subsection 2(b) which states that "Footpaths and bike trails are not required to be established..."

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if the cost of establishing such paths and trails would be excessively disproportionate to the need or probable use."

- (2) Hawthorne Avenue N.E. at Market Street N.E. (Salem)
Marion County
Signal project
Footpaths or bicycle trails are not incorporated in this project as no new highway construction, reconstruction or relocation is involved.

Mr. Klaboe reported that Chairman Jackson on October 30, 1973 approved Negotiated Contract No. 7972 with Klamath Paving Co. to produce and place open-graded plant mix seal on a one-mile section on the Klamath Falls-Lakeview Highway near Bly in Klamath County. He stated that following some extensive research and testing, the Division recently revised its asphalt concrete pavement specifications to include the mixing of asphalt concrete material in a "dryer-drum" mixing plant as well as in a conventional "hot-mix" plant. Another recent change in our asphalt concrete pavements is the addition of a one-inch thick surface course of open-graded plant mix seal designed to give greatly improved dispersion of surface water and improved skid resistance. He said the "dryer-drum" process has been efficient and economical for the production of our regular asphalt concrete mixes. The Division has no experience with nor can we readily obtain any good information on the production of these open-graded mixes for seal courses using "dryer-drum" type of mixing plant. The Klamath Paving Company of Klamath Falls is the only firm at the present time that has a plant of this type in the State. The estimated cost of this experimental project to be financed with State Construction Funds is \$16,500 which includes allowances for engineering and contingencies.

Mr. Klaboe presented for confirmation requests from contractors for extensions of time within which to complete highway contracts without assessment of liquidated damages. He pointed out that these requests have been carefully investigated and the results of these investigations have been reported to the Commission by letter. The contractors have also been advised by letter as to the extensions of time. The Commission confirmed action as follows:

- (1) Chem-Pure West, Inc., Contract No. 7883, Manzanita Safety Rest Area, Pacific Highway, in Josephine County, requested an extension of 120 days. The Commission confirmed an extension of 120 days. Federal Highway Administration concurred on November 7, 1973.
- (2) Ross Bros. Construction, Inc., Contract No. 7602 on the Pacific Highway in Lane County, requested an extension of 60 days. The Commission confirmed an extension of 40 days. Federal Highway Administration approved the extension on November 8, 1973.

- (3) Morse Bros., Inc., Contract No. 7791, S. Pacific Boulevard-Ferry Street in the City of Albany, Linn County, requested an extension of 50 days. The Commission confirmed an extension of 50 days. Federal Highway Administration concurred in the extension on November 8, 1973.
- (4) Pacific Sand and Gravel Co., Contract No. 7803 at the Champoege State Park Bikeway in Marion County, requested an extension of 36 days. The Commission confirmed an extension of 24 days.
- (5) Andersen-Hannan, Rogers & Matich, Contract No. 7693, Pacific Highway in Marion County, requested an extension of 212 days. The Commission confirmed an extension to June 30, 1974. Federal Highway Administration has concurred.
- (6) Landscape Services, Inc., and L & R Nursery, Contract No. 7805, Beaverton-Tigard Highway in Washington County, requested an extension of time from March 31, 1973, to October 31, 1973. The Commission confirmed the extension of the specified completion date to November 15, 1973. Federal Highway Administration concurred on November 6, 1973.
- (7) Donald M. Drake Company, Contract No. 7741, 17th and Powell in the City of Portland, Mt. Hood Highway, Multnomah County, requested an extension of 51 days. The Commission confirmed an extension of 35 days. Federal Highway Administration concurred in this extension.

Mr. Klaboe reported that Contract Nos. 7681, 7735, 7773, 7874, 7898 and 7910 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. The Commission accepted the contracts by adopting "Contract Completed Resolution No. 216," which resolution by this reference is made a part hereof and filed in the Commission's files.

Mr. Klaboe reported on award of contracts which Chairman Jackson approved on November 1, 1973, for bids received October 25, 1973.

BIDS RECEIVED IN SALEM OCTOBER 25, 1973

Contract No. 7963 for grading and paving on the Walker Avenue-Tolman Creek Road (Ashland) Bikeway Section of the Rogue Valley Highway in Jackson County. Two bids were received. The Commission awarded the contract to the low bidder, James R. Foster, Ashland, at \$54,695.90.

Contract No. 7964 for grading, paving, barrier, signing and illumination on the McKenzie River-Sutherlin Section of the Pacific Highway in Lane and Douglas Counties. Four bids were received. The Commission accepted the low bid of Coral Corporation, Gladstone, at \$1,552,530 and Mr. Klaboe was directed to award the contract to said bidder when approval from the Federal Highway Administration is received.

Contract No. 7965 for roadside improvement on the 7th Avenue-Willamette River (Eugene) Section of the Eugene-Springfield Highway in Lane County. Six bids were received. The Commission accepted the low bid of Paul Brothers, Inc., Portland, at \$535,986.37 and Mr. Klaboe was directed to award the contract to said bidder when the City of Eugene and the Federal Highway Administration approve the project and \$20,860 is deposited by the City.

Contract No. 7966 for the Woahink Lake (Canary Road) Bridges (three structures) on FAS 226 in Lane County. Six bids were received. The Commission accepted the low bid of Ross Brothers Construction, Inc., Salem, at \$517,365 and Mr. Klaboe was directed to award the contract to said bidder when Lane County approves the project and deposits \$145,000.

Contract No. 7967 for traffic signals on the Santiam Highway at S. Waverly Drive (Albany) in Linn County. Three bids were received. The Commission accepted the low bid of L. K. Comstock & Company, Inc., Albany, at \$30,284 and Mr. Klaboe was directed to award the contract to said bidder when the City of Albany and Fred Meyer Corp. approve the project and \$11,966 is deposited by the City and \$11,966 is deposited by Fred Meyer Corp.

Contract No. 7968 for the Owyhee River (Overstreet Road) Bridge on FAS 23-125 in Malheur County. Six bids were received. The Commission accepted the low bid of Hamilton Construction Co., Springfield, at \$194,620 and Mr. Klaboe was directed to award the contract to said bidder when Malheur County approves the project and deposits \$44,200.

Motorist Service Signing Project on the Pacific Highway at various locations between Woodburn and the Green Springs Highway interchange south of Ashland in Marion, Linn, Lane, Douglas, Josephine and Jackson Counties. This project was withdrawn.

Contract No. 7969 for a safety project on the Irrigon Junction-Bubbs Ranch Section of the Old Oregon Trail in Morrow, Umatilla, Union and Baker Counties. Four bids were received. The Commission accepted the low bid of White Construction Company, Bend, at \$896,796 and Mr. Klaboe was directed to award the contract to said bidder when approval from the Federal Highway Administration is received.

Contract No. 7970 for grading, paving, structures, signing and traffic signals on the Milton-Freewater-Washington State Line Section of the Oregon-Washington Highway in Umatilla County. Six bids were received. The Commission accepted the low bid of S. D. Spencer & Son, Vancouver, Washington, at \$3,846,802.50 and Mr. Klaboe was directed to award the contract to said bidder when approval from the Federal Highway Administration is received.

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Contract No. 7971 for grading and oiling on the Middle Unit, Richmond Junction-Girds Creek Road Section on the Service Creek-Mitchell Highway in Wheeler County. Ten bids were received. The Commission awarded the contract to the low bidder, Cody Logging & Construction Co., Tygh Valley, at \$266,310.40.

Mr. Klaboe reported on the following contracts which were referred to him to award when certain conditions were fulfilled:

- (1) Campbell Bridge-Beaverton Section of the Farmington Highway in Washington County. Bids received September 27, 1973. Contract No. 7955 awarded October 29, 1973, to Gary Baker, Contractor, Hillsboro, at \$481,608.46.
- (2) Hogan Road-Boring Section of FAS 129 in Clackamas County. Bids received October 11, 1973. Contract No. 7960 awarded October 26, 1973, to Gordon H. Ball, Inc., Renton, Washington, at \$1,107,247.50.
- (3) Foundation load tests on the Columbia River Bridge Section of the East Portland Freeway in Multnomah County, Oregon; Clark County, Washington. Bids received October 11, 1973. Contract No. 7962 awarded November 8, 1973, to Peter Kiewit Sons' Company, Vancouver, Washington, at \$465,165.
- (4) McKenzie River-Sutherlin Section of the Pacific Highway in Lane and Douglas Counties. Bids received October 25, 1973. Contract No. 7964 awarded November 1, 1973, to Coral Corporation, Gladstone, at \$1,552,530.
- (5) Roadside improvement on the 7th Avenue-Willamette River Section in the City of Eugene on the Eugene-Springfield Highway in Lane County. Bids received October 25, 1973. Contract No. 7965 awarded November 8, 1973, to Paul Bros., Inc., Portland, at \$535,986.37.
- (6) Woahink Lake (Canary Road) Bridges on FAS 226 in Lane County. Bids received October 25, 1973. Contract No. 7966 awarded November 16, 1973, to Ross Bros. Construction, Inc., Salem, at \$517,365.
- (7) Traffic signal installation on the Santiam Highway at S. Waverly Drive in the City of Albany in Linn County. Bids received October 25, 1973. Contract No. 7967 awarded November 13, 1973, to L. K. Comstock & Company, Inc., Albany, at \$30,284.
- (8) Owyhee River (Overstreet Road) Bridge on FAS 23-125 in Malheur County. Bids received October 25, 1973. Contract No. 7968 awarded November 8, 1973, to Hamilton Construction Company, Springfield, at \$194,620.

November 21, 1973

- (9) Irrigon Junction-Bubbs Ranch Section of the Old Oregon Trail in Morrow, Umatilla, Union and Baker Counties. Bids received October 25, 1973. Contract No. 7969 awarded November 1, 1973, to White Construction Company, Bend, at \$896,796.
- (10) Milton-Freewater-Washington State Line Section of the Oregon-Washington Highway in Umatilla County. Bids received October 25, 1973. Contract No. 7970 awarded November 1, 1973, to S. D. Spencer & Son, Vancouver, Washington, at \$3,846,802.50.

Mr. Klaboe stated that the Department of General Services is presently looking into the purchase of \$7,000,000 of excess comprehensive liability insurance over and above the \$3,000,000 excess insurance policy now carried by the State. The reason they are exploring this is that the Highway Division has requested several special excess policies in the past which individually cost a considerable amount of money. The cost of this \$7 million excess would give the Division a total coverage of \$10,300,000. The cost would be approximately \$10,000 a year for which the Highway Division's share would be about \$5,000. He recommended the purchase of this insurance as it would eliminate the necessity of getting excess policies when special occasions arise. The Commission approved the purchase of the excess insurance.

Mr. Klaboe reported that investigations have been made concerning a speed zone in the community of Tenmile on the Coos Bay-Roseburg Highway in Douglas County. Investigation revealed that based on roadside culture, the horizontal alignment, the accident history and the prevailing speed, a speed zone is warranted. Upon his recommendation, the Commission adopted the following proposed rule as a permanent rule if no public hearing is necessitated following the publication of the rule in the Secretary of State's Administrative Rule Bulletin:

Speed Zone Rule No. 651 - establish the following speed zone on the Coos Bay-Roseburg Highway No. 35 in Douglas County:

45 MPH from 200 feet east of Olalla-Tenmile Road (M.P. 63.78) to 250 feet east of Reston Loop Road (M.P. 64.27).

(Proposed rule published in the December 15, 1973, issue of the Secretary of State's Administrative Rule Bulletin. If no public hearing is necessitated, the effective date of adoption will be January 4, 1974. The permanent rule will be published on January 15, 1974, to be effective on January 25, 1974.)

Mr. Klaboe reported that traffic investigations have been made on the recently realigned section of the Rickreall-Independence Section of the Willamina-Salem Highway in Polk County. To improve safety, he recommended and the Commission adopted the following temporary rules which will be adopted as permanent rules if no public hearing is necessitated following the publication of the rules in the Secretary of State's Administrative Rule Bulletin:

- 1) Speed Zone Rule No. 650 - Rescind Speed Zone Resolution No. 609 dated June 27, 1972, and establish a 50 MPH on the Willamina-Salem Highway from 0.20 mile west of the connection to the Dallas-Rickreall Highway (M.P. 15.71) to 0.40 mile east of the Pacific Highway West (M.P. 16.52) in Polk County.
- 2) No Parking Rule No. 298 - Prohibit parking on the south side of the Willamina-Salem Highway in Polk County, from a point 600 feet west of 52nd Avenue (M.P. 20.54) to a point 50 feet west of 52nd Avenue (M.P. 20.83).

(The temporary rules became effective on November 28, 1973. The proposed rules will be published in the December 15, 1973, issue of the Secretary of State's Administrative Rule Bulletin. If no public hearing is necessitated, the effective dates of adoption will be January 4, 1974. The permanent rules will be published on January 15, 1974, to be effective January 25, 1974.)

Upon the recommendation of Mr. Klaboe, the Commission adopted as final rules 11 items concerning traffic signals and speed zones which were previously approved by the Commission on September 19, 1973. Mr. Klaboe stated that these items were published in the Secretary of State's Administrative Rule Bulletin on October 15, 1973, and there have been no requests for hearings. (Final rules to be published in the Secretary of State's Administrative Rule Bulletin on December 15, 1973, and the rules will become effective December 25, 1973.) (The 11 rules are on file in the Commission's files.)

The Commission considered the abandonment of approximately 1.8 miles to the City of Woodburn after completion of the Boones Ferry Road-Pacific Highway East Section (Woodburn Bypass) on the Hillsboro-Silverton Highway in Marion County. Upon the recommendation of Mr. Klaboe, the Commission approved the abandonment and adopted "Abandonment Resolution No. 515," which resolution by this reference is made a part hereof and filed in the Commission's files, Salem.

The Commission considered an agreement with the City of Corvallis for an engineering survey along the Pacific Highway West (US99W) between Conifer Boulevard and the Ninth Street Connection at the north city limits in Benton County. Mr. Klaboe pointed out that the survey will be done by City forces and is to include a determination of right-of-way limits, drainage studies, quantities of material and an estimate of construction costs. The total estimated cost of

\$7,000 is to be shared equally. The State's cost is not to exceed \$3,500. Upon Mr. Klaboe's recommendation, the Commission approved the agreement and authorized him to sign it in their behalf.

Attention was given to an agreement with Systems Design Concepts, Inc., to prepare a transportation study design for the Portland Metropolitan Area to facilitate the making of transportation decisions. Mr. Klaboe mentioned the Transportation Task Force appointed by the Governor has asked the Division to engage a consultant for this study. The estimated cost for this work is \$30,000 and is to be completed by January 15, 1974, with all documentation to the State by February 1, 1974. The Commission approved the agreement as recommended by Mr. Klaboe and authorized him to sign it in their behalf.

Consideration was given to a supplemental agreement with Sverdrup and Parcel and Associates, Inc., to provide a feasibility study of different alternates available for a southerly extension of the main I-205 Columbia River Bridge, Multnomah County. Mr. Klaboe said that this is a Federal-aid Project and has the approval of the Federal Highway Administration. The cost is limited to \$219,200. The Commission approved the agreement and authorized Mr. Klaboe to sign it in their behalf.

The Commission considered an agreement with the University of Oregon for participation in the preparation of an atlas of Oregon. Mr. Klaboe stated the cost would be \$5,000 a year in technical help to produce a publication over a period of three years for a total expenditure of approximately \$15,000. He recommended approval of this atlas as he felt the Division and the State would get a lot of benefit out of the publication. The Commission approved the agreement and authorized Mr. Klaboe to sign it in their behalf.

Mr. Klaboe reported that the trucking industry has requested increased gross weights through triple trailers and increased weights on other trucks. He stated the Division is working with the Executive Department to attempt to liberalize truck weights during the energy crisis and to come up with a type of formula that would allow increased loads on triples so they can go above the 76,000 gross weight as the law now prescribes. The Commission indicated that such an order liberalizing truck weights should be an emergency order and on a temporary basis.

The Commission approved the recommendation of the Travel Advisory Committee and appointed Richard G. Montgomery, Jr., of La Grande, as a member of the Committee effective November 21, 1973, to fill the vacancy caused by the resignation of Robert Carey, also of La Grande. The Commission reappointed Robert P. Booth, Sr., Eugene; Gerald T. Latham, Medford; and Marion T. Weatherford, Arlington, as members of the Committee for four-year terms effective November 21, 1973.

AERONAUTICS DIVISION

Mr. Burket requested approval of a request to the Emergency Board for an expenditure of carry-over funds to be used for the installation of radio control equipment to activate runway lights at State-owned airports. The request is a result of the energy crisis and will result in a saving of approximately 17,600 K.W.H. in a four-month period for the ten airports for which installation is requested. The equipment will enable pilots to activate runway lights from the air prior to landing. Similar installations have been made at Portland-Hillsboro and Portland-Troutdale and are working well. The units cost \$450 each and installation costs approximately \$100. The request also covers a possible expenditure of funds for 29 municipal airports on a 50-50 equipment cost assistance basis. He indicated that it was necessary to go to the Emergency Board for this expenditure because it was not included in the project priority list approved by the 57th Legislature. The Commission approved his request.

In response to a question from Commissioner Fisher about the shortage of aviation fuel, Mr. Burket stated that he has no report of serious shortages at the present time.

He reported that the first meeting of the Air Transportation Task Force was held in Salem and that they are preparing a request for an Oregon Third-Level Air Service Study. The request will ask for Federal funds for the study with no State dollar expenditure indicated.

Commissioner Veatch asked if the establishment of DC9 service to Klamath Falls and Redmond would have any impact on the potential reduction of service to Astoria. Mr. Baldwin indicated that Hughes Air West has not yet officially requested deletion of service at Astoria.

MASS TRANSIT DIVISION

Mr. Moore reported that the Special Transportation Program proposal requesting \$120,000 of General Fund money is on the Emergency Board agenda. If approved, the project will begin January 1, 1974, with State financial support to be withdrawn 18 months later.

He also reported that a car pool or van pool program for State workers is being developed in cooperation with the Department of General Services, Executive Department and Personnel Division. The program is being developed as a result of the energy crisis in hopes of energy conservation for transportation between the Portland Metropolitan Area and the Salem Capitol Mall.

Chairman Jackson asked a question as to the number of State cars traveling between Salem and Portland and the number of State employees residing in the Metropolitan area who work in Salem. Mr. Moore had no figures on the State cars as they are the responsibility of Divisions other than his own. He did note that a survey conducted two years ago indicated that there were approximately 150 individuals commuting between Portland and Salem and there are now about 70 daily commuters from Dallas.

November 21, 1973

MOTOR VEHICLES DIVISION

No report.

DEPARTMENT OF TRANSPORTATION - DIRECTOR'S REPORT

The Commission set December 19, 1973, as the date for the next Commission meeting.

The Commission adopted the following Delegation Order No. 3 as recommended by Mr. Baldwin delegating certain authorities to the State Parks Superintendent.

OREGON TRANSPORTATION COMMISSION DELEGATION ORDER NO. 3

Pursuant to the provisions of ORS 184.635, as amended by Chapter 249, Oregon Laws 1973, and in order to provide for a more efficient and expeditious administration of the Highway Division, the following powers of the Commission are hereby delegated to the following officer or his designated representative within the Commission and the Highway Division:

To the State Parks Superintendent:

- 1 - Authority to act as the Oregon State Liaison Officer for the Land and Water Conservation Fund.
- 2 - Authority to act as the Oregon State Liaison Officer for the Historic Preservation Program.
- 3 - Administrative authority to approve notifications which are in accordance with the Scenic Waterway Program Law and previously established rules and regulations for all rivers designated as scenic waterways.

Chairman Jackson stated that he is requesting that the Special Session of the Legislature consider amending the Transportation Commission Act to allow the Commission to set its own dates for meetings instead of the present requirement of one meeting per month.

The Chairman adjourned the meeting at 10 a.m.

Glenn L. Jackson
Chairman

Anthony Yturri
Commissioner

C. W. Head
Manager, Administrative Services
November 21, 1973

Robert L. Mitchell
Commissioner

Carl O. Fisher
Commissioner

Commissioner

December 19, 1973
Salem, Oregon

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

Glenn L. Jackson, Chairman
Carl O. Fisher, Vice Chairman
Robert L. Mitchell, Secretary
Anthony Yturri, Member
George M. Baldwin, Director of Transportation
Sam Haley, Deputy Director of Transportation
Walt Barrie, Chief Counsel
F. B. Klaboe, Administrator and State Highway Engineer
A. E. Johnson, Deputy State Highway Engineer
J. B. Boyd, Right of Way Engineer
David Talbot, State Parks Superintendent
Paul Burket, Administrator of Aeronautics
Dennis Moore, Administrator of Mass Transit
Chester Ott, Administrator of Motor Vehicles Division
C. W. Head, Manager of Administrative Services,
Highway Division

The Commission approved the minutes of the Transportation Commission emergency telephone meeting held on November 15, 1973, and their regular meeting held November 21, 1973.

HIGHWAY DIVISION

Mr. Boyd presented a list of options, pages 1 through 29, secured for acquisition of real property needed for State highway use or for other purposes. He mentioned that the amounts offered are on or near the appraised values and are in order for Federal-aid. The Commission accepted the report and thereupon adopted "Right of Way Resolution No. 100," which resolution by this reference is made a part hereof and filed in the Commission's files.

In reply to Chairman Jackson's inquiry, Mr. Boyd stated that 368 signs had been taken down which is 15% of the total of 2,413 signs. Thirty-three percent of the signs have been purchased. The Division is progressing very well and expects to be completed at this time next year at an estimated cost of \$6,600,000.

The Property Manager's report showing sales of miscellaneous properties and rental receipts for the period from November 5, 1973, to November 30, 1973, was presented by Mr. Boyd. During this period, miscellaneous sales totaled \$13,693.50 and land sales \$26,100. Rental receipts for the month of November 1973 were \$60,556.04.

December 19, 1973

A list of properties needed for highway and other uses was presented by Mr. Boyd. He requested the Commission to declare by resolution the necessity of said properties for the public use to which they are to be put and to authorize him 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 Resolution No. 2614," which resolution by this reference is made a part hereof and filed in the Commission's files.

There was no report of offers tendered prior to the institution of condemnation proceedings since the last Commission meeting.

Mr. Boyd reported that Chairman Jackson gave approval on December 14, 1973, to offer at public sale the following five parcels of land no longer needed for highway purposes. The recommended sale price was based upon competent appraisals and access and other conditions of sale are comparable with situations existing in the vicinity. Signboard and junkyard exclusion clauses are to be included in the deeds. The Commission adopted "Real Property Resolutions Nos. 617 through 619," which resolutions by this reference are made a part hereof and filed in the Commission's files.

- (1) 5,600 square foot parcel of land, Files 5411, 5414 and 5451, located south of N. E. Portland Highway, east of N. E. 11th Avenue in the City of Portland, Multnomah County, for not less than \$2,500. Federal Highway Administration approval is not required. (See "Real Property Resolution No. 617.")
- (2) Parcel 1 containing 3,500 square feet and Parcel 2 containing 19,462 square feet, Files 35120 through 35125, south of Graham Street between Albina and Mississippi Avenues at the East Fremont Interchange on the Pacific Highway in Multnomah County. Parcel 1 is valued at \$7,000 and Parcel 2 is valued at \$35,400. Federal Highway Administration approval was requested December 10, 1973. (See "Real Property Resolution No. 618.")
- (3) 0.46 acre, Files 8671 and 8672, located south of Washburn on the Glenwood-Washburn Section of the Wilson River Highway in Washington County, for not less than \$550. Federal Highway Administration approval is not required.
- (4) 2.05 acres, File 19818, located approximately two miles north of Gales Creek on the Washburn-North Plains Section of the Wilson River Highway in Washington County, for not less than \$1,400. Federal Highway Administration approval is not required. (See "Real Property Resolution No. 619.")

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- (5) 1.37 acre, File No. 13418, on the Youngs Bay Bridge-Lewis and Clark River Section of the Oregon Coast Highway in Clatsop County, for not less than \$1,000.

Mr. Boyd also reported that Chairman Jackson on December 14, 1973, gave approval for the following five direct sales of real property. He mentioned that in each instance the property is no longer needed for highway purposes and because of peculiar conditions, sale is restricted to a single party. Both signboard and junkyard restriction clauses will be included in the deeds. In each case, Federal Highway Administration approval is not required. The Commission adopted "Real Property Resolutions Nos. 620 and 621," which resolutions by this reference are made a part hereof and filed in the Commission's files.

- (1) To the City of Wilsonville, Files 22382, 22383 and 23346, 4.44 acres of land located north of the Willamette River at Wilsonville on the Pacific Highway in Clackamas County for \$20,700. If the City is not interested in purchasing the property, it will be sold at public sale with a minimum consideration of \$41,400. Sale will be subject to an existing easement. (See "Real Property Resolution No. 620.")
- (2) To Leo H. and Flora R. Williamson, File No. Q-202, 4.10 acres of land located 6.5 miles north of Ontario on the Olds Ferry-Ontario Highway in Malheur County for \$850. Sale will be subject to an access road.
- (3) To Ralph and Zela Dewey, Files 3856 and 5235, 6.67 acres of land located approximately five miles north of Ontario on the Olds Ferry-Ontario Highway in Malheur County for \$900.
- (4) To Lawrence and Mary Fetter, File 3855, 0.21 acre located approximately five miles north of Ontario on the Olds Ferry-Ontario Highway in Malheur County for \$25.
- (5) To Valley View Cemetery District, Files Q-254 and Q-260, 5.5 acre parcel located west of the John Day Highway approximately one-half mile north of Vale in Malheur County for \$1,237.50. Sale will be subject to the public use clause. (See "Real Property Resolution No. 621.")

Mr. Boyd presented the following Grant of Access and Indenture and Grant of Access as approved by the Chairman on December 14, 1973, pursuant to Delegation Order No. 1:

- (1) James E. Busch property, File 46567, one 44-foot unrestricted point of access on the easterly side of the Oregon-Washington Highway just south of the Sunnyside-Umapine Highway intersection in Umatilla County for \$139.04. The present owner has requested this access to accommodate additional maneuvering of concrete mix trucks.

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- (2) E. W. and Evelyn L. Morlan property, Files 32982 and 27366, on the Sandy-Forest Boundary Section of the Mt. Hood Highway in Clackamas County. Request has been made to show on the public record the location of five approaches as they are actually constructed near Alder Creek and to correct an omission of access rights in the final judgment.

Mr. Boyd presented a report concerning demolition contracts approved by the Chairman on December 14, 1973, pursuant to Delegation Order No. 1 as follows:

- (1) To Eugene Building Wreckers, Demolition Contract 41-1, in the amount of \$3,585 on sections of the Springfield-Creswell Highway and Florence-Eugene Highway in Lane County. Two bids were received.
- (2) To Heard Construction Company, Demolition Contract 41-2, in the amount of \$2,100 on the East Portland Freeway in Multnomah County. Five bids were received.

Mr. Boyd reported that he received approval from Chairman Jackson on December 14, 1973, concerning an agreement with California-Pacific Utilities Company for installation, maintenance and detour lighting on the Adams Avenue-Old Oregon Trail Section of the Wallowa Lake Highway in Union County. He stated that the work is to be performed by the Company at a cost of \$5,063.36. This agreement is necessary for the State to qualify for the Company's standard charges to cities for street lights.

Consideration was given to an agreement with Oregon-Washington Railroad and Navigation Company (Union Pacific Railroad Company) for reconstruction for the overcrossing of the Oregon-Washington Highway on the Milton-Freewater-Washington State Line Section in Milton-Freewater in Umatilla County. Mr. Boyd stated that the \$57,160 estimated cost will be shared by the State and the Federal Highway Administration. Upon his favorable recommendation, the Commission approved the agreement.

Consideration was given to the renewal of the following leases. Mr. Boyd stated the lessees will be required to pay the taxes and maintain all of the present parking improvements.

- (1) To the National Electrical Contractors Association for the parking of motor vehicles on the Burnside Bridge-39th Street Section of the Banfield Expressway in Multnomah County. The rental fee will be \$240 per year for a period of five years. (File 15753)
- (2) To the Thunderbird Motel, Inc., for the parking of motor vehicles on the Curry Street-Russell Street Section of the Pacific Highway in Multnomah County. The rental fee will be \$165 per month for a period of five years. The rent has been raised \$40 per month. (File 10941)

The Commission approved the leases as recommended.
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Mr. Boyd presented a report concerning an Indenture of Access which had been approved by the Administrator and State Highway Engineer on November 23, 1973, pursuant to Delegation Order No. 1 as follows:

- (1) To Donald K. and Margaret A. Evans to change the recorded access reservation to the location actually constructed by the State on the Pieper Canyon Road-Bunker Hill Road Section of the Heppner Highway in Morrow County. (File 46436)

The Commission considered an agreement with the City of Corvallis and Robert and Juanita Witzig concerning a service road access on the North Corvallis Section of the Pacific Highway West in Benton County. Mr. Boyd pointed out that this property was purchased by the Witzigs in 1958. The service road and proposed highway have not been constructed and the owner's property has no access to a public way. It is necessary to cross the State's as well as the City's property to access the owner's property to a public way. The City is to provide the necessary right-of-way over its property for this access at no cost to the owners or to the State. The State will construct a roadway and by deed will convey to the City for public street purposes the necessary right-of-way. The City will operate and maintain the roadway as a city street. Upon his favorable recommendation, the Commission approved the agreement and authorized the Administrator and State Highway Engineer to sign it.

A report was submitted by Mr. Barrie concerning cases which have been tried in court since the last Commission meeting summarized as follows:

REPORT OF CONDEMNATION CASES TRIED

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer Before Filing Complaint</u>	<u>Defend- ant's Lowest Demand</u>	<u>Verdict</u>
Gideon Stolz Co. L-6975 R-44624	Marion	Salem Freeway	\$60,500 prior to appraisal of \$185,000	\$225,000	\$190,000
Evange- line Case L-6894 R-47046	Marion	Pacific	\$ 4,000	\$ 23,500	\$ 4,000

(For additional details, see Mr. Sollis' letter dated December 14, 1973, entitled Report of Cases Tried on file in the Commission's files, Salem.)

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A report was made by Mr. Barrie concerning cases which had been settled out of court since the last Commission meeting summarized as follows:

REPORT OF CONDEMNATION CASES SETTLED

<u>Defendant</u>	<u>County</u>	<u>Highway</u>	<u>State's Offer</u>	<u>State's Highest Appraisal</u>	<u>Amount of Settlement</u>
Halmer E. Lien L-6889 R-45965	Mult.	East Portland Freeway	\$20,200	\$27,000	\$27,000

THE FOLLOWING CASES WERE SETTLED BY OPTION BY THE RIGHT OF WAY DEPARTMENT:

Jack H. Schulze L-6626 R-45123	Klamath	Klamath Falls-Lakeview	\$ 225	Dismissed
Albert E. Porter L-6987 R-44566	Marion	Salem Freeway	\$28,700	Dismissed
Lawrence Cutts L-7023 R-47397	Umatilla	Oregon-Washington	\$ 200	Dismissed

REPORT OF OTHER CASES SETTLED

<u>Plaintiff</u>	<u>Defendant</u>	<u>County</u>	<u>Cause of Action</u>	<u>Demand of Plaintiff</u>	<u>Settlement</u>
Marianne T. Adkins L-6880	Gulf & Western Ind., Inc.	Mult.	Personal Injury	\$105,947.13	\$6,000

(For additional details, see Mr. Sollis' letter dated December 14, 1973, entitled Report of Cases Settled on file in the Commission's files, Salem.)

Mr. Barrie submitted a report concerning the institution of legal proceedings commenced since the last Commission meeting summarized as follows:

- (1) Brooks Resources Corporation v. Department of Transportation, for the State of Oregon, L-7028. Plaintiff seeks \$831.12 for property damage arising out of an accident in Jefferson County on Highway 20, involving a vehicle owned by the plaintiff and one driven by an employee of the Highway Division.
- (2) John McNaught v. Oregon State Transportation Commission, L-7037. Plaintiff seeks \$1,200 special damages and \$50,000 general damages due to damage to his property caused by a discharge of oil onto the land during the widening of U.S. 26 in Clackamas County. The plaintiff has also named J. C. Compton Company, general contractor, and G. D. Dennis & Sons, Inc., subcontractor, as defendants.
- (3) Charles Swofford v. Peggy Louise Thomas, et al, L-7040. Plaintiff seeks \$115,750 for personal injuries arising out of an accident that occurred on U.S. 101 in Curry County in a construction area. Plaintiff alleges negligence on the part of the State and contractor for not having adequate warning and directional signs in the construction area during the time of construction and, as a result, he collided with another vehicle.
- (4) Harry Scott, guardian of Robert Dale Scott, a minor, v. the State of Oregon, by and through its Department of Transportation, L-7041. The lawsuit in the amount of \$11,906.75 arises out of an accident when Robert Dale Scott was driving his motorcycle on State Highway 402 in Grant County and allegedly collided with a road grader.
- (5) Foster and Kleiser v. State of Oregon, L-7042. Lawsuit arises out of a dispute with the plaintiff over the amount of relocation costs allowable for the relocation of an outdoor advertising sign in Portland. The plaintiff is asking \$17,462.39 for the cost of relocating its billboard and \$410.45 for the value of its lessee's interest, plus 6% interest from August 11, 1972.
- (6) Donald Falkenstein v. Gordon H. Ball, et al, L-7043. This is a personal injury case arising out of an accident which occurred on Highway 213 at the exit of Highway 212 within the limits of a construction area in Clackamas County. The plaintiff alleges that the contractor and the Highway Resident Engineer were negligent relating to the placing and the number of directional signs. The plaintiff is asking \$83,051.55 for personal injury and an additional \$1,795 for damages to his car.

- (7) Sharon L. Melkonian v. State of Oregon, L-7044. Plaintiff seeks \$48,500 for damages arising out of an accident on 6th Street in the City of Bend, Deschutes County. Plaintiff alleges that Highway personnel left a pile of sand in the street without proper barricades and she ran into it.
- (8) Richard E. Silvey v. Exley Express, Inc., and the State of Oregon, acting by and through its Highway Division, Department of Transportation, et al, L-7047. The case arises out of an accident that occurred immediately north of the intersection of Highways 58 and 97 in Klamath County. The accident involved a couple of trucks and a snow plow operated by the State of Oregon. The plaintiff is seeking \$35,800 in damages.
- (9) Julia J. Silvey v. Exley Express, Inc., and the State of Oregon, acting by and through its Highway Division, Department of Transportation, et al, L-7048. This case arises out of the same accident as L-7047 above, and the plaintiff is seeking \$7,500 in general damages.

Mr. Barrie reported that he had been in court twice since the last Commission meeting concerning the Mt. Hood Freeway case. He mentioned that there has been approval of more hardship cases, including for the first time, two business hardships. The Court has set February 4, 1974, for further argument on the merits of the case.

Mr. Barrie also reported that he recently attended a meeting in Kansas City with Highway counsels from other states regarding impoundment of Highway Funds by the Federal Government. There has been a class action filed by certain states in Washington, D.C., to recover those funds. The information received from our people is that we could not expend the money that has been impounded at the present time due to delays caused by environmental impact statements and environmental lawsuits. He said it is a poor time under the present climate to bring a lawsuit of that nature. He thought it would be best to wait and see what happens in the next few months before seriously instituting a lawsuit on behalf of the State of Oregon to recover those funds. The impoundment began about 1965, and at the present time, approximately \$29 million has been impounded for Oregon. The State of Alaska has had \$30 million impounded. Alaska can obligate these impounded funds immediately and has indicated that they intend to file a lawsuit soon. As Oregon and Alaska are both served by the same Federal Circuit Court of Appeals, Alaska's case may help our own cause.

Mr. Talbot presented for the Commission's consideration Notifications of Intent by property owners to make various types of improvements along the Illinois, Rogue and Deschutes Scenic Waterways. The requests have been carefully evaluated as to their compliance with the provisions of the Scenic Waterways Act. Action was taken by the Commission on the following requests as shown in the Notifications of Intent and as modified by stipulations in Mr. Talbot's letters to the Commission insofar as his authority under the Scenic Waterways Act is concerned.

- (1) Denied a request from Russell James for construction of a cabin within the Illinois River Scenic Waterway on Lot 200, Section 4, Township 36 South, Range 11 West, in Josephine County.
 - (2) Denied a request from William Johnson, Attorney on behalf of Progressive Enterprises, to engage in shale mining and subdivision of land for building sites along the Rogue River in the area known as Finley Bend on the right bank of the river about two miles downstream from Applegate in Josephine County.
 - (3) Approved a request from Dexter Williams, acting for Russell and Eileen Rossier, for a subdivision in the NW 1/4 of the NE 1/4 of Section 11, Range 7 West, Township 36 South, along the Rogue River in Josephine County.
 - (4) Denied a request from Dr. Lenox H. Dick to convert an old farmhouse as a recreational dwelling located on Lot 2, Section 12, Township 6 South, Range 13 East, along the Deschutes River in Wasco County.
-

Mr. Talbot reported to the Commission that he had approved the following Notifications of Intent to make various types of improvements along scenic waterways. He stated these plans meet the standards established in the scenic waterway rules and regulations and are compatible with the Act:

<u>Name</u>	<u>Type of Improvement</u>	<u>Scenic Waterway</u>	<u>Approved</u>
Trenor Scott	Subsurface sewage disposal system	Rogue River	12-13-73

(Continued on next page)

Name	Type of Improvement	Scenic Waterway	Approved
Charles J. Timmerman	Septic tank	Rogue River	11-26-73
Santa Anita Lodge	Change of use (residence to guest lodge)	Rogue River	11-2-73
Ben Huber	House improvement	Sandy River	11-6-73
George H. Goodell	Construction of residence	Rogue River	12-13-73
Ward Green	Construct two houses	Rogue River	11-2-73

Consideration was given to a request of George Hammersmith to cancel his lease to operate the Rooster Rock State Park concession in Multnomah County. Mr. Talbot stated that the attendance has dropped off and Mr. Hammersmith finds it economically infeasible to continue operation of the concession for another year. The waters have fluctuated the past few years and there is no beach at the park. He said the Division is working with the Corps of Engineers to try to solve the problem. Upon his favorable recommendation, the Commission cancelled the lease and authorized the State Parks Superintendent to advertise for bids to obtain a new concession operator.

Attention was given to granting a permit to John Hathaway to search for treasure at Os West State Park in Tillamook County. Mr. Talbot stated that Mr. Hathaway appeared before the State Parks and Recreation Advisory Committee on November 2, 1973, and the Committee recommended that his group be given another permit to search for treasure. This is the same group which obtained a permit from the Commission in February 1970. The 1973 Legislature passed a law which consolidates all lost and found treasure type activities under the State Division of Lands. The Commission accepted Mr. Talbot's recommendation that a permit be granted to John Hathaway and that Mr. Klaboe be authorized to sign the permit, subject to final approval of the State Division of Lands.

The Commission adopted the following proposed rule as a permanent rule if no public response is made following publication of the rule in the Secretary of State's Administrative Rule Bulletin.

Amend Ocean Shore Resolution No. 11a, adopted June 22, 1971, to read:

(Continued on next page)

(d) Motor vehicle travel is allowed at any time from the south boundary of the Boy Scout property north of Sand Lake, Y 618,468, southerly to the base of the headland north of Cape Kiwanda, Y 586,275, except as follows:

1. From the mouth of Sand Lake, Y 606,590, southerly to the approximate north boundary of Cape Kiwanda State Park property, Y 595,111, motor vehicle travel is prohibited May 1 through September 30.

(Proposed rule published in the January 1, 1974, issue of the Secretary of State's Administrative Rule Bulletin. If there is no public response, the effective date of adoption will be January 21, 1974. The permanent rule will be published on February 1, 1974, to be effective on February 11, 1974.)

The Chairman asked Mr. Talbot if the Division was checking the beach closures and non-regulated areas periodically to determine if they are working satisfactorily. He replied that it is working very well and the whole beach program is now under review.

Mr. Klaboe presented for approval the location and design survey for the Saunders Creek-Mapleton Section of the Florence-Eugene Highway in Lane County. He stated that a corridor-design public hearing was held on May 23, 1972, as required by law and all requirements have been fulfilled for clearinghouse and environmental clearance. The reconstruction is approximately 4.7 miles in length and is estimated to cost \$4,750,000. The Commission approved the following survey and thereupon adopted "Highway Corridor and Design Resolution No. 410," which resolution by this reference is made a part hereof and filed in the Commission's files.

Mr. Klaboe presented for confirmation requests from contractors for extensions of time within which to complete highway contracts without assessment of liquidated damages. He pointed out that these requests had been carefully investigated and the results of these investigations have been reported to the Commission by letter. The contractors have also been advised by letter as to the extensions of time. The Commission confirmed action as follows:

- (1) Jarl Construction, Inc., Contract No. 7891, Meacham Rock Production Project on the Old Oregon Trail in Umatilla County, requested an extension of seven days. The Commission confirmed an extension of six days.

- (2) L. K. Comstock & Company, Inc., Kern Division, Contract No. 7682, Pacific Highway West in Washington County, requested an extension of seven days. The Commission confirmed denial of the extension.
- (3) Hannan Bros. Construction, Inc., Contract No. 7795, FAS 126 in Linn and Marion Counties, requested an extension of 44 work days. The Commission confirmed an extension of 59 calendar days, which will establish a new completion date of December 31, 1973.
- (4) M. C. Lininger and Sons, Inc., Contract No. 7739, Rogue Valley Highway in Jackson County, requested a 42-day extension. The Commission confirmed an extension of 43 days, which will delete all liquidated damages. The Federal Highway Administration has given their concurrence.
- (5) Hamilton Electric, Inc., Contract No. 7861, Pacific Highway West (Corvallis) in Benton County, requested an extension of eight days. The Commission confirmed an extension of eight days, which will delete all liquidated damages. This has the approval of the Federal Highway Administration.
- (6) Willamette-Western Corp., Contract No. 7790, Albany-Lyons Highway in Linn County, requested an extension of 68 days under Phase A to January 22, 1974. The Commission confirmed an extension under Phase A of 67 days, which establishes a new specified completion date of January 21, 1974. This has the approval of the Federal Highway Administration.

Mr. Klaboe reported that Contract Nos. 7614, 7695, 7783, 7788, 7844, 7851, 7864, 7875, 7903, 7909 and 7927 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. The Commission accepted the contracts by adopting "Contracts Completed Resolution No. 217," which resolution by this reference is made a part hereof and filed in the Commission's files.

Mr. Klaboe reported on the award of contracts which Chairman Jackson approved on December 5, 1973, for bids received November 29, 1973.

BIDS RECEIVED IN SALEM NOVEMBER 29, 1973

Contract No. 7973 for grading, paving and traffic signals on the Umpqua Highway Junction (Reedsport) Section of the Oregon Coast Highway in Douglas County. Two bids were received. The Commission awarded the contract to the low bidder, Laskey-Clifton Corporation, Reedsport, at \$137,607.50.

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Contract No. 7974 for a traffic signal installation on Hawthorne Avenue N.E. at Market Street N.E. in Salem, Marion County. Four bids were received. The Commission accepted the low bid of Electric Corp., Salem, at \$19,250 and the Administrator and State Highway Engineer was directed to award the contract to said bidder when the City of Salem deposits \$11,880.

Contract No. 7975 for two bridges on Maxwell and "A" Line Canal Sections of the Hermiston Highway in Umatilla County. Seven bids were received. The Commission awarded the contract to the low bidder, Ross Bros. Construction, Inc., Salem, at \$75,130.

Contract No. 7976 for the Motorist Service Signing Project on the Pacific Highway at various locations between Woodburn and the Green Springs Highway Interchange south of Ashland in Marion, Linn, Lane, Douglas, Josephine and Jackson Counties. Four bids were received. The Commission accepted the low bid of C & B Olson Construction Co., Hillsboro, at \$125,810 and the Administrator of Highways and State Highway Engineer was directed to award the contract to said bidder when approval of the Federal Highway Administration is received.

Mr. Klaboe reported on the following contract which was referred to him to award when certain conditions were fulfilled:

- (1) Motorist service signing on the Pacific Highway in six counties. Bids received November 29, 1973. Contract No. 7976 awarded December 7, 1973, to C & B Olson Construction Co. at \$125,810.

Mr. Klaboe presented the following construction project on which bids will be received December 20, 1973. He mentioned that the project contains a notation as to plans for the establishment of future paths or bicycle trails.

N. Lagoon Avenue-Pacific Highway Section, North Going Street, Multnomah County. Grade, pave and structures project. Pedestrian/bicycle facilities will be constructed as part of this project. The sidewalks that previously existed have been widened and extended in various locations to facilitate bicycle usage. These additions will be chargeable to the program.

The Commission considered a request from Polk County for two structures; one over the Little Luckiamute River, and the other an overflow structure nearby, both on FAS 751. The proposed FAS project has been investigated and is eligible for FAS funds. Following Mr. Klaboe's favorable recommendation, the Commission approved the following project and authorized him to sign an agreement in their behalf.

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COUNTY	FAS	SECTION & DESCRIPTION	PROGRAMED AMOUNT	STATE SHARE
POLK	751	Little Luckiamute River (Elkins Road) Bridges	\$500,000	\$62,500
		Two structures		
		TOTAL	\$500,000	\$62,500
SUMMARY BY FISCAL YEARS		1973	1974	TOTAL
Allocated funds		\$5,090,000	\$4,108,000	\$9,198,000
Approved Projects (corrected to date)		5,090,000	1,877,000	6,967,000
Unprogramed Balance		--	2,231,000	2,231,000
Project - 12/19/73		--	500,000	500,000
Unprogramed Balance		--	\$1,731,000	\$1,731,000

Mr. Klaboe presented a report and recommendation covering a program of street work in cities having a population of less than 5,000 under the \$250,000 fund appropriated by law for the year 1974. He mentioned that 44 applications had been received and all were carefully analyzed. There were 13 projects selected for approval as being the most meritorious. The Commission approved the city projects and authorized Mr. Klaboe to sign the agreements in their behalf:

City	SCA	City	Total
Aurora	\$25,000	\$11,000	\$36,000
Brownsville	25,000	10,000	35,000
Canby	25,000	33,000	58,000
Cannon Beach	25,000	9,000	34,000
Creswell	18,000	4,000	22,000
Idanha	25,000	--	25,000
Jacksonville	24,000	--	24,000
Lincoln City	25,000	125,000	150,000
Sandy	25,000	38,000	63,000
Shady Cove	15,000	--	15,000
Silverton	25,000	3,000	28,000
Troutdale	25,000	6,000	31,000
Waldport	25,000	7,000	32,000
TOTAL	\$307,000	\$246,000	\$553,000

Attention was given to a request from the Associated General Contractors that equipment rental rates used for contract force account or extra work should be revised. Mr. Klaboe stated that rates were last revised in September 1970. A complete analysis of the rates has been made and a new schedule proposed for use effective February 1, 1974.

The effect of the revision will be an estimated 13.8 percent average increase in the equipment component of force account cost. The revision has been reviewed by the Washington Highway Department and accepted for their new rates. The schedule has the concurrence of the AGC, the Federal Highway Administration, and the Price Control Board. Upon his recommendation, the Commission approved the new schedule.

Consideration was given to the adoption of a resolution covering the movement of 14-foot wide mobile homes deleting the requirement for rear pilot cars when traveling on 4-lane highways. Mr. Klaboe pointed out that with the 55 mile-per-hour limit now imposed on all highways, traffic in general, including mobile homes, is traveling at a much more uniform rate of speed. The safety factor afforded through the uniform speed, together with the fuel shortage, makes it appropriate to delete the requirement for a rear pilot car when traveling on 4-lane highways. By doing this, it is estimated that the gasoline savings will be 30,000 gallons monthly. Following his favorable recommendation, the Commission adopted "Permit Resolution No. 32a," which resolution by this reference is made a part hereof and filed in the Commission's files.

The Commission adopted the following Delegation Order No. 4 as recommended by Mr. Klaboe delegating certain authorities to the Chairman or Vice Chairman of the Oregon Transportation Commission and to the Administrator and State Highway Engineer:

OREGON TRANSPORTATION COMMISSION DELEGATION ORDER NO. 4

Pursuant to the provisions of ORS 184.635, as amended by Chapter 249, Oregon Laws 1973, and in order to provide for a more efficient and expeditious administration of the Highway Division, the following powers of the Commission are hereby delegated to the following officers or their designated representative within the Commission and the Highway Division:

To the Chairman or Vice Chairman of the Oregon Transportation Commission:

In addition to the authority to approve agreements or contracts previously delegated by Delegation Order No. 1, there is hereby delegated the authority to approve all agreements entered into by the Highway Division except consultant contracts. This delegation does not revoke the authority to enter into any contracts or agreements previously delegated to the officers or employees of the Highway Division by the Highway Commission prior to the formation of the Oregon Transportation Commission.

All contracts approved pursuant to this delegation order shall be signed by the Administrator and State Highway Engineer or any other employee of the State Highway Division authorized in writing by him to sign said contracts and agreements.

(Continued on next page)

To the Administrator and State Highway Engineer:

Authority to grant and approve time extensions on construction contracts.

The Commission considered the abandonment of approximately 0.06 mile of old alignment to the abutting property owner on the Little Nestucca (Meador) Bridge Section of the Little Nestucca Highway in Tillamook County. Upon the recommendation of Mr. Klaboe, the Commission approved the abandonment and adopted "Abandonment Resolution No. 541," which resolution by this reference is made a part hereof and filed in the Commission's files, Salem.

The Commission considered approving an agreement with the National Academy of Sciences. Mr. Klaboe stated that each year one and one-half percent of the Federal Highway allocations is withheld from construction programing and dedicated to research. All of the States contribute to the national program on a pro rata basis. Oregon's share for the fiscal year 1973 is \$61,549 and he recommended approval. The Commission approved the agreement and authorized Mr. Klaboe to sign it in their behalf.

Attention was given to Supplemental Agreement No. 3 with Howard, Needles, Tammen and Bergendoff covering the increased scope of work necessary to complete the final environmental impact statement for Interstate 205 in Portland. Mr. Klaboe pointed out that this agreement extends the completion date of the original and subsequent supplemental agreements to January 31, 1974. The amount to be paid by the State under this supplemental agreement is not to exceed \$10,590. The total cost of the project, including Supplemental Agreement No. 3, is \$57,900. Upon his recommendation, the Commission approved the agreement and authorized Mr. Klaboe to sign it in their behalf.

Mr. Klaboe reported that Chairman Jackson on November 29, 1973, approved a supplemental agreement with MEI-Charlton, Inc., covering payment for investigation of a steel plate that was fabricated in San Francisco, California, for the Fremont Bridge Superstructure in Portland. The agreement is estimated to cost \$2,610.38 which will compensate the consultant for this extra work. This project has been approved by the Federal Highway Administration. Mr. Klaboe was authorized to sign the agreement.

The Commission considered an agreement with Roy Jorgensen and Associates, Inc., consultant, to perform the Maintenance Management Study which was authorized by the last session of the Legislature. Mr. Klaboe mentioned that proposals were received from three firms. The cost of the project will not exceed \$225,000. Following his favorable recommendation, the Commission approved the agreement and authorized Mr. Klaboe to sign it in their behalf.

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Attention was given to Supplemental Agreement No. 5 with Skidmore, Owings and Merrill to prepare modifications in the scope of work necessary to complete the I-80N Environmental Study in Portland. Mr. Klaboe stated that this agreement extends the completion date of the original and subsequent supplemental agreements to March 1, 1974. The compensation authorized by the original and subsequent supplemental agreements is reallocated by this supplement and a net reduction of \$27,500 in compensation is authorized. Following his favorable recommendation, the Commission approved the agreement and authorized Mr. Klaboe to sign it in their behalf.

The Commission considered an agreement with the City of Klamath Falls for signal installation, deceleration lane and left-turn refuge at the intersection of the Klamath Falls-Malin Highway with Campus Drive in Klamath County. Mr. Klaboe mentioned the estimated cost of the signals is \$40,000. The City will pay one-half the installation cost plus the power consumption and the State will care for the maintenance of the signals. The City will pay its share (\$20,000) over a two-year period. The estimated cost to provide a deceleration lane and left-turn refuge is \$10,000 to be financed with State Construction Funds. Upon his recommendation, the Commission approved the agreement and authorized Mr. Klaboe to sign it in their behalf. The Commission adopted as a permanent rule the proposed signal installation if no public response is made following the publication of the rule in the Secretary of State's Administrative Rule Bulletin. (Proposed rule to be published in the January 15, 1974, issue of the Secretary of State's Administrative Rule Bulletin. If there is no public response, the effective date of adoption will be February 4, 1974. The permanent rule will be published on February 15, 1974, to be effective February 25, 1974.)

Consideration was given to an agreement with Curry County concerning the transfer of property acquired for right-of-way purposes along the recently completed Brookings-Winchuck River Section of the Oregon Coast Highway. Mr. Klaboe stated that the State is to retain all of the access control area in order to simplify policing of the access control. This agreement will supersede the 1970 agreement and is intended to more clearly define the jurisdictional responsibilities of the State and the County. Upon his favorable recommendation, the Commission approved the agreement and authorized Mr. Klaboe to sign it in their behalf.

Attention was given to a maintenance agreement with the City of Portland concerning the closure of Harbor Drive and the routing of highway traffic along Front Avenue (Pacific Highway West). Mr. Klaboe mentioned that the agreement stipulates that the State shall maintain the surfacing from curb to curb, the medians and left-turn refuges. A frontage road (Harbor Way) is to be transferred to City jurisdiction. The City is to perform street cleaning operations, etc. Following Mr. Klaboe's recommendation, the Commission approved the agreement and authorized him to sign it in their behalf. The Commission instructed that the removal of Harbor Drive should be on a 60-40 basis with the City of Portland as far as financing is concerned, which is in accordance with the property ownership.

December 19, 1973

Attention was given to a lease agreement with the Union Pacific Railroad Company and the Southern Pacific Transportation Company providing for the extension of the existing lease of the upper deck of the Steel Bridge in the City of Portland. Mr. Klaboe mentioned that the agreement extends the existing lease for six months to June 30, 1974. Upon his recommendation, the Commission approved the agreement and authorized him to sign it in their behalf.

Consideration was given to an agreement with the Public Utility Commissioner for the Highway Division to make a preliminary engineering study and right-of-way acquisition for a planned Port of Entry PUC station at Ashland in Jackson County. Mr. Klaboe indicated that the Emergency Board authorized the Public Utility Commissioner to expend not more than \$107,600 and to proceed with this one station as a pilot installation to determine if the benefits derived from such an installation would be worth the cost. Following his favorable recommendation, the Commission approved the agreement and authorized Mr. Klaboe to sign it in their behalf.

Attention was given to an agreement with the Bureau of Indian Affairs of the U.S. Department of the Interior assigning personnel from the Warm Springs Indian Agency Maintenance Station to the State's maintenance crew in the area for training purposes. Mr. Klaboe said the BIA wishes to have the Warm Springs Indian Agency road maintenance crew learn the latest techniques in road maintenance. Following his favorable recommendation, the Commission approved the agreement and authorized Mr. Klaboe to sign it in their behalf.

The Commission considered an agreement with the U.S. Geological Survey providing stream gaging and flood runoff data for small drainage basins of 10 square miles or less throughout the State. Mr. Klaboe stated that the Geological Survey establishes and maintains gaging stations on selected basins which are reviewed annually. A report cataloging the stream flow data is published each year. The State's cost is \$25,000 which is financed from HPR Funds. The Geological Survey contributions will be \$8,370. The Division has benefited considerably from this program and he recommended approval. The Commission approved the agreement and authorized Mr. Klaboe to sign it in their behalf.

Mr. Klaboe reported that the Commission has in cooperation with the Governor's Office conducted an environmental education and information program called "Keep Oregon Livable." He mentioned that the program seeks to create an awareness by the general public of a number of environmental issues relating to the activities of the Division and to encourage all Oregonians to make an individual commitment toward the preservation of the State's unique livability. The Division is not sufficiently staffed to conduct these activities. Upon invitation, the State has received statements of qualification from 11 consultant firms. McCann-Erickson, Inc., of Portland was chosen by an ad hoc committee composed of the Division's Public Affairs Director, the Governor's Assistant for Natural Resources, Kessler Cannon, and the

editor-publisher of the La Grande Observer. The total cost of the communications program is \$46,800. Funds are available from within the General Administration budget in the amount of \$36,800 and from the sale of custom license plates in the amount of \$10,000. Mr. Klaboe stated that Chairman Jackson gave telephonic approval on December 5, 1973, to enter into a contract with McCann-Erickson, Inc., for continuation of the program until June 30, 1974. (Mr. Klaboe was authorized to sign the agreement in behalf of the Commission.)

Mr. Klaboe made a report on studies of the reduction of speed limits on Oregon's highway system. A large majority of the drivers are observing the 55 MPH speed limit. Indications are that approximately one million gallons of gasoline per month are being saved as a result of the reduced speed. Preliminary statistics indicate that accidents have been reduced 16.6% over the same period in 1972. The total number of fatalities occurring Statewide has dropped 27.6%. He recommended and it was approved by the Commission that the following 55 MPH speed limit on the State Highway System be adopted as a permanent rule.

Pursuant to the authority granted to the Oregon Transportation Commission under ORS 483.106 all prior speed resolutions or rules adopted by the State Highway Commission or its successor the Oregon Transportation Commission authorizing speeds in excess of 55 miles per hour on the State Highway System are hereby rescinded. The designated speed for all vehicles on the State Highway System shall be 55 miles per hour.

(Proposed rule published in the January 1, 1974, issue of the Secretary of State's Administrative Rule Bulletin. If there is no public response, the effective date of adoption will be January 21, 1974. The permanent rule will be published on February 1, 1974, to be effective on February 11, 1974.)

Mr. Klaboe reported that the Commission at its meeting on September 6, 1973, decided that the terminus of I-82 in Oregon be at or in the vicinity of the Umatilla Bridge, which provides a connection between Interstate 90 near Ellensburg, Washington, and Interstate 80N near Stanfield, Oregon, in Umatilla County. The Commission directed that further studies be made of Corridors C and J in greater detail prior to the selection of the corridor. He mentioned that the Washington Highway Commission in October 1973 concurred in the location of I-82 border crossing at or in the vicinity of the Umatilla Bridge and selected their Corridor 2 for the routing between the Tri-Cities and Oregon. Analysis of the testimony presented at the March 1, 1973,

hearing in Pendleton indicated that Corridor J would be acceptable to 94% of the local interests, both private and governmental. Corridor J was the preference of 48% of these interests while Corridor C was preferred by only 11%. Information received following the hearing showed a strong inclination toward Corridor J. Mr. Klaboe mentioned that recent land development planning in the area suggests that the land west of Hermiston will develop more rapidly into residential, industrial and commercial uses than the land east of that city. There is a trend to maintain the lands east of Hermiston for agricultural use since the soils in this area are better in quality and can be more easily utilized. Construction through Corridor J would minimize severance of farming properties and there would be no diagonal severances. Mr. Klaboe recommended and the Commission approved Corridor J for the routing of Interstate 82 in Oregon and adopted "Highway Corridor Resolution No. 411," which resolution by this reference is made a part hereof and filed in the Commission's files.

Keep America Beautiful, Inc., presented the Commission the first-prize award in a nationwide contest for litter prevention. The award presented by Mr. Edgar Grimes and Miss Becky DeVries was sponsored by the U.S. Department of Transportation and Keep America Beautiful. In presenting the award, Mr. Grimes indicated that the youth of Oregon and the Oregon State Police were instrumental in the selection of Oregon to receive this award. It was also indicated that the extensive use of trash receptacles and litterbags as well as an active public education program identified Oregon as the recipient for the award. A plaque was also presented to the Department of State Police for their active part in this program, which was accepted by Captain John C. Williams.

In accepting the award, Chairman Jackson emphasized the importance of the public education program and related the cost of this program to the much greater cost of the previous litter pickup and maintenance program.

Chairman Jackson asked for a report from Mr. Klaboe in respect to gasoline rationing. Mr. Klaboe reported that the consumption over the last five months is .8% higher than the similar period last year. He also indicated that the traffic count has been down during recent checks. Reductions from 9% to 2% have been recorded. He indicated that fuel consumption projections will have to be reduced considerably more than just the indicator reduction from the new speed limit.

AERONAUTICS DIVISION

Mr. Burket asked for confirmation of the telephonic approval given by Chairman Jackson on November 28, 1973, covering submittal to the Emergency Board of a request for Legislative authorization to apply for Federal Aid for the Third-Level Air Carrier Study. The Commission confirmed the action. Mr. Burket reported that the Emergency Board had approved the request.

MASS TRANSIT DIVISION

No report.

MOTOR VEHICLES DIVISION

No report.

DEPARTMENT OF TRANSPORTATION

The Commission set January 30, 1974, as the date for the next Commission meeting.

Mr. Baldwin asked for approval to submit a request for fiscal approval of the Department of Transportation reorganization to the next meeting of the Emergency Board. Systems Planning will be incorporated in the Department of Transportation. It will also set up the office of the Fiscal Officer. The reorganization proposal provides for 72 positions, 45 of which will be transferred from the Highway Division, the remaining 27 will be new positions most of which will be filled by people presently in the Highway Division. The resulting organization will have 49 positions in the Planning Section, 17 positions in the Project Analysis Section, and the remaining positions will be in the Office of the Director, Staff Services, and the Fiscal Section. The Commission approved his request.

Chairman Jackson asked if funds are available to support the increased load being placed on the planning function, especially as related to non-highway activities. Mr. Baldwin indicated that Highway funds are presently being used for this purpose and that a special request is being prepared for the Special Session of the Legislature to request State General Fund monies, to be available for non-highway planning activities.

Mr. Gene Magee from the Oregon Coast Association presented a letter to the Commission addressed to Mr. William E. Simon in Washington, D.C. The letter urges the immediate control of motor fuel allocation through a system of non-expiring stamps or coupons. The Association believes that rationing is the only way of reducing or eliminating the uncertainty that exists today in relation to the curtailment of fuel availability. Mr. Magee explained some of the rationale behind the request and indicated that the prime concern is the state of the U.S. economy. He indicated that rationing would provide a means of allowing individuals to use what fuel is available to them in a manner that they see fit and takes the pressures off of dealers or service station operators to devise some means of allocating fuel. In response to a question, he indicated that the tourist trade is not down significantly; however, the people visiting the coast are spending from 15 to 20 percent less than has been the case in the past. No action was taken by the Commission.

The Chairman adjourned the meeting at 10:05 a.m.

Glenn L. Jackson
Chairman

Robert Veatch
Commissioner

Carl Fisher
Commissioner

Anthony Yturri
Commissioner

Commissioner

C. W. Head
Manager, Administrative Services

December 20, 1973
Room 135
State Highway Building
Salem, Oregon

The Oregon Transportation Commission held an emergency telephone meeting at 2 p.m. The following persons were on the telephone at the locations given:

Glenn L. Jackson, Chairman, Portland
Robert Mitchell, Secretary, Portland
Robert Veatch, Commissioner, Klamath Falls
Anthony Yturri, Commissioner, Ontario
George Baldwin, Director, Department of
Transportation, Portland
Sam Haley, Deputy Director, Department of
Transportation, Salem
F. B. Klaboe, Administrator and State Highway
Engineer, Salem
John Earley, Public Information Officer,
Highway Division, Salem
C. W. Head, Manager, Administrative Services,
Highway Division, Salem

Chairman Jackson stated that Governor McCall has asked the Commission to state its position concerning Proposition No. 2 (HJR 7). If this measure passes at the next Statewide primary election, it would amend the Oregon Constitution to permit the use of gas tax funds for public transportation.

The Chairman read the following resolution:

The Transportation Commission was created by the 1973 Legislature for the purpose of developing a balanced transportation system.

Support of Proposition No. 2 is an essential step in reaching that goal.

Chairman Jackson mentioned that Vice Chairman Fisher was unable to be on the telephone for this meeting. He stated that Commissioner Fisher asked him to vote on his behalf in favor of the resolution. Commissioner Yturri voted against the resolution; however, after considerable discussion, he voted yes along with the other members present. The Commission unanimously adopted the resolution.

The telephone meeting adjourned at 2:14 p.m.

Glenn L. Jackson
Chairman

Robert E. Veatch
Commissioner

Carl O. Fisher
Commissioner

Anthony Yturri
Commissioner

Commissioner

C. W. Head

Manager, Administrative Services

December 20, 1973

January 3, 1974
Salem, Oregon

The Oregon Transportation Commission held an emergency telephone meeting at 10 a.m., in Room 135 of the State Highway Building in Salem, Oregon. The following persons were on the telephone at the locations given:

Glenn L. Jackson, Chairman, Portland
Carl O. Fisher, Vice Chairman, Eugene
Robert L. Mitchell, Secretary, Portland
Robert E. Veatch, Member, Klamath Falls
Anthony Yturri, Member, Ontario
George Baldwin, Director of Transportation, Salem
F. B. Klaboe, Administrator and State Highway Engineer, Salem
A. E. Johnson, Deputy State Highway Engineer, Salem
Walter Barrie, Chief Counsel, Salem
E. S. Hunter, Assistant State Highway Engineer, Salem
Bob Hamilton, Permit Engineer, Salem
C. W. Head, Manager of Administrative Services, Salem

L. B. Day, representing the Joint Council of Teamsters, was also present in Salem.

Chairman Jackson stated that the Commission has been asked to provide the basis for the Governor's Executive Order to increase the maximum weight limits for trucks on designated highways from 76,000 pounds to 105,500 pounds as an emergency fuel conservation measure. There has been quite a lot of comment relative to the use of triples which was authorized by the 1967 Legislature. At the present time, there are approximately 30 companies operating 180 of these units in the state. Recently the Washington Highway Commission approved the use of triples.

The Chairman said that he has received a telephone call from Mr. L. Robert Knepper of the Automobile Club of Oregon protesting the use of triples because of the safety factor. He then called on L. B. Day for his comments. Mr. Day stated that his major concern is the effective use of triples in a broader way. He requested that the Commission delay action on this provision for at least a twenty-day period until they can find out what California and Washington are going to do particularly on their Interstate Systems.

Mr. Jackson pointed out that this order concerning weight limits issued by the Executive Department would be on a thirty-day basis to meet the current energy shortages. It could be renewed or cancelled at the end of the thirty-day period.

Commissioner Veatch inquired if a study could be made to determine what could be done to cut down on the wheel spray on triples in rainy weather. Mr. Klaboe stated that the Division has been working with other States and the trucking industry for approximately five years.

January 3, 1974