

(Thirty-seventh)

MINUTES OF THE MEETINGS OF THE STATE
 HIGHWAY COMMISSION HELD AT CLIFTON FORGE, NOVEM-
 BER 19, TAKEWELL, NOVEMBER 21, ALTAVISTA, NOVEM-
 BER 22, RICHMOND, NOVEMBER 23, 24, 25, and 26, 1921,
 AND AN INSPECTION TRIP NOVEMBER 19, 20, AND 21,
 1921.

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Pursuant to a call by Wade H. Macsis, Chairman, the State Highway Commission assembled in Clifton Forge, at the City Hall, on Saturday, November 19, 1921, with Henry P. Beck, Secretary, James A. Bear, and F. W. Davis in attendance, and proceeded to hear from Senator Layman, S. W. Nettleton, Wm. P. Allen, J. W. Stull and other citizens of Botetourt and Alleghany Counties in regard to legislative changes in certain State routes in this section.

At the conclusion of the hearing, the acting Chairman, James A. Bear, declared the meeting adjourned, and announced that the requests would be taken under consideration by the Commission.

The members of the Commission, accompanied by G. P. Coleman, Highway Commissioner, and citizens of the vicinity then proceeded from Clifton Forge by automobiles via the James River route to Eagle Rock, Gale and Buchanan, where the inspection ended.

The Commission proceeded from Buchanan to Roanoke over Route No. 3 by automobile bus to Roanoke, where they remained for the night.

The Commission left Roanoke on Sunday, November 20, 1921, via the Norfolk and Western Railway for Bluefield, where they spent the night, leaving Bluefield, W. Va. early Monday morning, November 21, 1921 for Tazewell, via the Norfolk and Western Railway.

Tazewell, November 21, 1921

The State Highway Commission, with Messrs. Wade H. Massie, Chairman, Henry P. Beck, Secretary, James A. Bear, and F. W. Davis in attendance met in the Court House at Tazewell on Monday, November 21st, 1921, to hear the appeal of the Board of Supervisors of Tazewell County, the Road Board of Jeffersonville District, and certain freeholders of Tazewell County, protesting against the location of that portion of Route No. 11, between Surkes Garden Siding and the Town of Tazewell, as determined by G. P. Coleman, Highway Commissioner.

The Commission made a careful inspection of the Fincastle Road, the route designated by the Highway Com-

missioner, and also of the road from Barnes Garden Siding through the Town of North Tazewell to Tazewell.

After an extended hearing in which counsel appeared for both parties to the dispute, the Chairman announced that the Highway Commission would render its decision in the matter at as early a date as possible.

The Commission then proceeded by automobile over Route No. 11 to Graham, thence to Bluefield, W. Va., where they boarded the Norfolk and Western train for Roanoke, remaining there for the night, and leaving Roanoke early Tuesday morning November 22, 1921, by the Virginian Railway for Altavista. At Roanoke the Commission was joined by Commissioner Hardaway.

Altavista, Tuesday, November 22, 1921.

The Highway Commission, with Wade H. Massie, Chairman, Henry P. Beck, Secretary, James A. Bear, F. W. Davis, and Horace Hardaway, in attendance, assembled at the Virginian depot in Altavista on Tuesday morning, November 22, 1921, and, accompanied by a number of the leading citizens of the community, proceeded in automobiles to inspect the two routes in question between Altavista and Gretna, going out by the road east of the Southern Railway, and returning by the road west of the Southern Railway, this latter route being the one selected by Highway Commissioner Coleman; from whose decision a number of freeholders of Pittsylvania County have appealed to the Highway Commission to review the situation with the object of reversing the Highway Commissioner.

After returning to Altavista, the Commission held an informal meeting with a number of citizens present, but at the request of the attorneys representing both sides the hearing of the appeal was postponed to a date about the middle of December at Richmond.

The Commission then boarded the Southern Railway train for Lynchburg, and, after a short stay in Lynchburg, proceeded by the Norfolk and Western Railway to Richmond.

Richmond, Virginia, Wednesday, November 23, 1921.

The State Highway Commission, with Messrs. Wade H. Massie, Chairman, Henry P. Beck, Secretary, James A. Bear, F. W. Davis, and Horace Hardaway in attendance, met in the rooms of the Highway Department, 116 South Third Street, on Wednesday morning, November 23rd, 1921, at 9 A. M. for the transaction of general business.

On motion of Mr. Davis, the minutes of the meetings of November 9, 10, 11, and 12, were read and approved, and the Chairman and Secretary authorized to sign the same as correct.

On motion of Mr. Hardaway, seconded and carried;

It is ordered by the State Highway Commission

of Virginia:

That permission be and is hereby granted the Bristol Gas and Electric Company, a corporation created by and existing under the laws of the State of Virginia, herein-after called "Company", to erect, construct, maintain, and operate poles and to string wires thereon, known as pole lines, for the transmission of electricity over said wires for light over, along and upon the right of way of State Road No. 10, in Washington County, Virginia, beyond the City Limits of the Town of Bristol to the forks of the road at Dr. Tester's place.

The permission hereby granted, however, is subject to the limitations and conditions herein imposed, as follows:

(1) All poles shall be placed so as not to interfere with any crossing, drain, or culverts, on said road, and shall not be so placed or maintained as to prevent or hinder the proper repair of said road, or to interfere with proper entrances to or exit from said road; nor shall any pole, line, wire, or other properties of the Company be so placed as to interfere in any way with travel on said road. Said poles, wires, and other property of the Company shall be located and erected under the supervision of a representative from the State Highway Commission.

(2) The wires shall be strung or placed so as not to interfere with the safety or convenience of travel along and across said road in any way, and shall be kept in a watchful and safe repair and condition, and shall at no point be less than twenty (2) feet above the ground; provided, however,

that the Company's private telephone wires, carrying no dangerous current, need not be twenty feet above the ground, so long as same do not interfere with or hinder the convenient use of the road for travel.

(3) The erection of said poles and construction of said line, wires, and other properties of the Company shall be made in accordance with the plans submitted to and approved by the State Highway Commission.

(4) The provisions hereof shall be construed to be regulations and not a contract, and the interests and rights of the Company hereunder shall not be assigned or transferred by the Company, without the written consent of the Commission; except that in the event that the Bristol Gas and Electric Company shall be merged into some other corporation, in accordance with the law of Virginia for such cases made and provided, then the interest of the Company hereunder shall pass to the Company so absorbing the Bristol Gas and Electric Company.

(5) The State Highway Commission does not hereby attempt to give any right or privilege which may belong to the owners of the property along or adjoining the said right of way, nor in any wise become responsible for any questions of right or damage which may arise between the Company and the owners of the property along and adjoining said right of way.

(6) The Company shall not use its poles for the purpose of maintaining wires for telephone or telegraph purposes, except that it may place upon said poles such

telephone wires as may be necessary to be used in connection with its own business.

(7) The Company shall at all times indemnify and save harmless the State Highway Commission and the Commonwealth of Virginia from responsibility for damages, liability or suits arising out of the erection, maintenance or repair of said poles, lines, wires, or other properties of the Company along said right of way.

(8) The Company shall execute a bond to be approved by the State Highway Commission, conditioned to indemnify the Commonwealth of Virginia against any and all loss or damage caused or occasioned directly, or indirectly, to the State, by reason of the construction, maintenance or repair of said poles, lines, wires, or other property of the Company along said right of way.

(9-A) The Company shall maintain its poles, lines, wires, and other properties in good condition, to the end that said poles, lines, wires, or other properties shall not become dangerous to life or property by reason of defective or improper construction, or negligent and inefficient maintenance or other cause. In the event that the Company shall permit its poles, lines, wires, or other properties to become unnecessarily dangerous to life or property, by reason of defective or improper construction or negligent or inefficient maintenance or other cause, the State Highway Commission may give notice to the Company of its intention to revoke the permission herein granted. Before revoking said permission, however, the State Highway

Commission shall give notice in writing to the Company, pointing out the cause on account of which the State Highway Commission intends to revoke said permission. At any time within three months after the receipt of said notice said Company may remove said cause, and when the cause of complaint shall have been removed, the State Highway Commission shall repeal the order revoking and annulling the permission herein granted.

(9-B) The Company shall pay all costs and expenses incurred by the State in the inspection of poles, lines, wires, and other properties of the Company under the rules and regulations of the State Highway Commission.

(10) The Company shall at all times conform to such general rules and regulations, conditions or restrictions as have been, or may be, formulated by the State Highway Commission, or the State Highway Commissioner, or agents thereof, regulating the establishment or maintenance of transmission lines on rights of way of State roads, and to any reasonable rules, regulations, requirements, conditions, or restrictions, that may be formulated, governing the establishment or maintenance of transmission lines on the right of way hereinabove mentioned on State Road No. 10.

As a condition precedent to the use of the permission herein granted the Company shall erect and construct its poles, lines, wires, and other properties, in accordance with the plans submitted to and approved by the State Highway Commission, and shall maintain and operate the same in compliance with the terms of this order, and in compliance with such rules, regulations, requirements,

conditions, or restrictions that have been or may be formulated, as hereinabove mentioned. And so long as the Company complies therewith the State Highway Commission shall not revoke the permission herein granted, but upon failure of the Company to comply with the terms of this order, and with such rules, regulations, requirements, conditions and restrictions, the State Highway Commission shall have the right to revoke the permission herein granted.

(11) The Company shall signify its acceptance of the terms under which this permission herein granted is given, and the limitations and conditions herein imposed, by filing with the State Highway Commission a copy of a resolution passed by its Board of Directors, properly certified by its President, and under its corporate seal, accepting this permission, under the terms, limitations and conditions herein imposed, and agreeing to be bound thereby.

(12) The Company shall pay the State Highway Commission annually the sum of twenty-five cents for each pole erected and maintained on the said State Road No. 10, which sum shall be payable on the first day of July of each year. The Company shall file with the State Highway Commission on, or before, April 1st of each year a list of all poles erected and maintained by said Company on said road.

(13) In addition to the right reserved by the State Highway Commission to revoke the permission herein granted, as hereinbefore set out, the State Highway Commission shall have the right to revoke the permission herein

Granted, as to all or any section of said highway, upon twelve months' notice in writing to the Company, if at any time the said Commission shall determine that it needs the entire width of right of way for road purposes.

The said Company shall move any pole or poles erected pursuant to the permission herein granted when specially ordered so to do by the State Highway Commission, or agent thereof.

The Commission declares that it does not at this time need the entire right of way for road purposes and does not deem the building of the line herein authorized an interference with the use of the road for highway purposes. In the event any part of the road be widened the Commission will require the poles to be relocated and permit the line herein authorized to remain on said road, provided the Commission does not deem it imperative that the entire width of the road be used for highway purposes.

On motion of Mr. Davis the Commission ordered the transfer of the money advanced by Carroll County, and deposited in the Mountain Trust Bank of Roanoke, Virginia, to the Commission's credit, from their account to the credit of S. P. Coleman, Commissioner; the amount so transferred being \$277,000.

On motion of Mr. Hardaway, W. C. Blum of Suffolk was elected a member of the State Traffic Police Force.

On motion of Mr. Davis, seconded and carried,
It is ordered by the State Highway Commission of Virginia:

That permission be and is hereby granted A. W. Miller of Blacksburg, Virginia, to erect, construct, maintain, and operate poles and to string wires thereon, known as pole lines, for the transmission of electricity over said wires for light, heat, power and other purposes over, along and upon the right of way of Road No. 23 of the State Highway System in Montgomery County, Virginia, between the Town of Blacksburg, Virginia, and his residence south east of Blacksburg, by extending the line erected by J. B. Lucas, for a distance of 1200 feet.

The permission hereby granted, however, is subject to the limitations and conditions herein imposed, as follows:

(1) All poles shall be placed so as not to interfere with any crossing, drain, or culverts, on said road, and shall not be so placed or maintained as to prevent or hinder the proper repair of said road, or to interfere with proper entrances to or exit from said road; nor shall any pole, line, wire, or other properties of A. W. Miller be so placed as to interfere in any way with travel on said road. Said poles, wires, and other property of the said A. W. Miller shall be located and erected under the supervision of a representative from the State Highway Commission.

(2) The wires shall be strung or placed so as not to interfere with the safety or convenience of travel along and across said road in any way, and shall be kept in a watchful and safe repair and condition, and shall at no point be less than twenty (20) feet above the ground.

(3) The erection of said poles and construction of said lines, wires, and other properties of A. W. Miller shall be made in accordance with the plans submitted to and approved by the State Highway Commissioner.

(4) The provisions hereof shall be construed to be regulations and not a contract, and the interests and rights of A. W. Miller hereunder shall not be assigned or transferred by him without the written consent of the Commission.

(5) The State Highway Commission does not hereby attempt to give any right or privilege which may belong to the owners of the property along or adjoining the said right of way, nor in any wise become responsible for any question of rights or damage which may arise between A. W. Miller and the owners of the property along and adjoining said right of way.

(6) A. W. Miller shall at all times indemnify and save harmless the State Highway Commission and the Commonwealth of Virginia from responsibility for damages, liability or suite arising out of the erection, maintenance or repair of said poles, lines, wires, or other property of his along said right of way.

(7) A. W. Miller shall execute bond to be approved by the State Highway Commission, conditioned to indemnify the

Commonwealth of Virginia against any and all loss or damage caused or occasioned directly, or indirectly, to the State, by reason of the construction, maintenance or repair of said poles, lines, wires, or other property of his along said right of way.

(8-A) A. W. Miller shall maintain his poles, lines, wires and other properties in good condition, to the end that said poles, lines, wires, or other properties shall not become dangerous to life or property by reason of defective or improper construction, or negligent and inefficient maintenance or other cause. In the event that A. W. Miller shall permit his poles, lines, wires, or other properties to become unnecessarily dangerous to life or property, by reason of defective or improper construction or negligent or inefficient maintenance or other cause, the State Highway Commission may give notice to said A. W. Miller of its intention to revoke the permission herein granted. Before revoking said permission, however, the State Highway Commission shall give notice in writing to A. W. Miller, pointing out the cause of which the State Highway Commission intends to revoke said permission. At any time within three months after receipt of said notice said A. W. Miller may remove said cause, and when the cause of complaint shall have been removed the State Highway Commission shall repeal the order revoking and annulling the permission herein granted.

(8-B) A. W. Miller shall pay all costs and expenses incurred by the State in the inspection of poles, lines, wires, and other properties of the said A. W. Miller under the rules and regulations of the State Highway Commission.

(9) A. W. Miller shall at all times conform, to such general rules and regulations, conditions, or restrictions as have been or may be formulated by the State Highway Commission, or the State Highway Commissioner, or agents thereof, regulating the establishment or maintenance of transmission lines on rights of way of State roads, and to any reasonable rules, regulations, requirements, conditions, or restrictions that may be formulated, governing the establishment of transmission lines on the right of way hereinabove mentioned on State Highway No. 23.

As a condition precedent to the use of the permission herein granted the said A. W. Miller, shall erect and construct the poles, lines, wires, and other properties, in accordance with the plans submitted to and approved by the State Highway Commission, and shall maintain the same in compliance with such rules, regulations, requirements, conditions, or restrictions that have been or may be formulated as hereinabove mentioned. And so long as A. W. Miller complies therewith the State Highway Commission shall not revoke the permission herein granted, but upon the failure of A. W. Miller to comply with the terms of this order, and with such rules, regulations, requirements, conditions, and restrictions, the State Highway Commission shall have the right to revoke the permission herein granted.

(10) The said A. W. Miller shall signify his acceptance of the terms under which this permission herein granted is given, and the limitations and conditions herein imposed, agreeing to be bound thereby.

(11) A. W. Miller shall pay to the State Highway

Commission annually the sum of twenty-five (\$5) cents for each pole erected and maintained on the said State Road No. 23, which sum shall be payable on the first day of July of each year. A. W. Miller shall file with the State Highway Commission on or before April 1st of each year a list of all poles erected and maintained by him on said road.

(12) In addition to the right reserved by the State Highway Commission to revoke the permission herein granted, as hereinbefore set out, the State Highway Commission shall have the right to revoke the permission herein granted, as to all or any section of said highway, upon twelve months' notice in writing to the said A. W. Miller, if at any time the said Commission shall determine that it needs the entire width of right of way for road purposes. It being further understood that should the State Highway Commission at any time widen its right of way that the pole line established under this permission shall be removed at the expense of A. W. Miller.

A. W. Miller shall move any pole or poles erected pursuant to the permission herein granted when specially ordered so to do by the State Highway Commission, or agent thereof.

On motion of Mr. Bear, the contract for the work (6.19 miles) on State Road No. 23, between Rippland and Hoge's Store, was awarded to L. J. Chandler and Company at their bid of \$105,544.04 upon the condition that the Highway Commissioner is able to negotiate proper damages in the right of way claims.

On motion of Mr. Hardaway the application of W. W. Boxley of Roanoke, Virginia, for permission to advance \$30,000 for construction work on the Lynchburg Rouburg Road, State Highway No. 28, was accepted, and the Chairman and Secretary of this Commission were authorized and empowered to enter into the proper agreement with W. W. Boxley, in the name of and on behalf of the State Highway Commission.

The Highway Commissioner reported the award of the contract for two bridges to the Champion Bridge Company as follows:

Bridges over Wayo River and Horsepasture Creek in
Henry County.....\$13207.13

On motion of Mr. Bear, the action of the Highway Commissioner in the matter was approved.

The Commission then adjourned to meet in the same place on Thursday morning, November 24th, 1921.

Richmond, Virginia, Thursday, November 24, 1921.

The State Highway Commission, with all members present, assembled at the office of the Highway Department, and proceeded with the consideration of their bi-ennial report to the Governor, and spent the entire day in this work, adjourning late in the evening to meet on Friday, November 25th, 1921, at the same place.

Richmond, Virginia, November 25, 1931.

The State Highway Commission, with all members in attendance, again assembled in the rooms of the Highway Department for the further consideration of the bi-annual report.

In a short while a delegation from Pulaski, composed of K. H. Harman and Howard C. Oilsen of Pulaski County, and S. P. Newberry of Blount County, appeared in advocacy of Pulaski-Mechanicsburg-Blount road, Route No. 26. After a full presentation of their views in the matter this committee retired, leaving the matter in the hands of the Commission.

On motion of Mr. Hardaway, seconded and carried: It is ordered, That J. J. Jorner, Assistant Engineer of State Highways, State Highway Department, be appointed agent for the State Highway Commission in selecting from the most convenient land such wood, stone, gravel, earth, or other material, as may be necessary to be used in the construction, reconstruction, and maintenance of any of the roads and bridges embraced in The State Highway System.

A committee composed of Delegate Bowles of Fluvanna and Dr. McCoy of Charlottesville appeared in the interest of the University of Virginia and Richmond Memorial Road (the old Three Chest Road), extending from Richmond to Charlottesville.

A delegation of citizens and officials of Mathews County also appeared before the Commission in reference to the

road situation in that section.

After further consideration of the bi-ennial report the Commission adjourned to make an inspection of the proposed change in State Road No. 2, between Dixie and Waldrop on State Road No. 9, on Saturday morning, November 26th, 1921.

Saturday, November 26th, 1921.

The State Highway Commission with all members in attendance assembled at the Richmond Hotel on Saturday morning November 26th, 1921, and embarking in automobiles proceeded from Richmond over State Road No. 19 to Fork Union, where they were joined by a Committee of citizens headed by Carl Kolting of Louisa County, who took them over the proposed change from Dixie, via Carysbrook, Wilmington, Bybee, Poindexter, to Waldrop on Route No. 9, the proposed junction of State Roads 2 and 9.

Chairman Nassie and Commissioner Hardaway left the Commission at Waldrop for their respective homes, and the remaining members of the Commission; viz, Commissioners Beck, Bear and Davis returned by automobile over a portion of the Three Copter Road to Richmond, where the Commission disbanded, to meet in Richmond on Tuesday November 29, 1921.

CHAIRMAN

SECRETARY