

ALASKA STATE LEGISLATURE



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SPONSOR STATEMENT

SB 94 – RIGHTS-OF-WAY

SB 94 limits the scope with which the State can exercise its RS2477 rights-of-way.

Rights-of-way were established in the state under R.S. 2477 through use and development until virtually all federal land in the state was withdrawn when Public Land Order 4582 was issued on January 17, 1969, which placed all federal land in the state in a reserved status. When sec. 706 of the Federal Land Policy and Management Act (43 U.S.C. 1701) repealed R.S. 2477 on October 21, 1976, valid existing rights under R.S. 2477 were preserved. In 1998, the Alaska State Legislature recognized claims to 602 rights-of way, and the Department of Natural Resources has identified 67 additional R.S. 2477 rights-of-way. A significant number of the claimed R.S. 2477 rights-of-way in the state cross privately owned land. R.S. 2477 rights-of-way that cross private property have resulted in increased trespass to private land, resource damage to the servient estate, and conflicts between the public users, private landowners, and state right-of-way managers, all of which can lead to time-consuming and costly litigation. While providing for the public right to access R.S. 2477 rights-of-way, every effort should be made to minimize the effect on the affected property owners.

SB 94 would minimize this effect by limiting these rights-of-way to 60 feet and restricting their purpose to transportation. It also sets up the conditions for secondary easements for inspection, repair, maintenance and improvements, and the conditions for dispute resolution. The bill also states that realignment of RS2477s will be handled under eminent domain law.

SB 94 also vacates the Copper Center - Valdez right-of-way. This R.S. 2477 right-of-way overlaps a 17(b) easement involving a road and all-terrain vehicle trail that is roughly parallel the Klutina River from the New Richardson Highway to partway around Klutina Lake; the road and trail form a portion of the claimed Copper Center-Valdez right-of-way. The road and trail are also supported by 17(b) easements which were reserved to the public when the federal government conveyed the land underlying the road and trail to Ahtna, Incorporated.