



LAWS OF ALASKA

1971

Source

SB 175 am H

Chapter No.

64

AN ACT

Relating to the protection and use of state highways and roads;
and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 19.05.130 is amended by adding a new paragraph to read:

(13) "encroachment" means and includes a tower, pole, pole line, pipe, pipeline, driveway, private road, fence, billboard, stand or building, or a structure or object of any kind which is or has been placed in, on, under or over a portion of a highway or road.

* Sec. 2. AS 19.25 is amended by adding new sections to read:

ARTICLE 4. ENCROACHMENTS IN HIGHWAYS.

Sec. 19.25.200. ENCROACHMENT PERMITS. An encroachment may be constructed, placed, changed or maintained across or along a highway but only in accordance with regulations adopted by the department. No encroachment may be constructed, placed, maintained or changed until it is duly authorized by a written permit issued by the department.

Sec. 19.25.210. RELOCATION OR REMOVAL OF ENCROACHMENT. If, incidental to the construction or maintenance of a state highway, the department determines and orders that an encroachment previously authorized by written permit, must be changed, relocated, or removed, the owner of the encroachment shall change, relocate or remove it at no expense to the state (except as provided in sec. 20 of this chapter), within a reasonable time set by the department. If the owner does not change, relocate or remove an

encroachment within the time set by the department, the encroachment shall be considered an unauthorized encroachment and subject to the provisions of secs. 220 - 250 of this chapter.

Sec. 19.25.220. UNAUTHORIZED ENCROACHMENTS. If an unauthorized encroachment exists in, on, under or over a state highway, the department may require the removal of the encroachment in the manner provided in secs. 230 - 250 of this chapter.

Sec. 19.25.230. NOTICE OF REMOVAL. Except as otherwise provided in secs. 200, 210 and 240 of this chapter, notice shall be given the owner, occupant or person in possession of the encroachment, or to any other person causing or permitting the encroachment to exist, by serving upon any of them a notice demanding the removal of the encroachment. The notice shall describe the encroachment complained of with reasonable certainty as to its character and location. Service of the notice may be made by certified mail.

Sec. 19.25.240. SUMMARY REMOVAL. The department may at any time remove from a state highway or road an encroachment which obstructs or prevents the use of the highway or road by the public.

Sec. 19.25.250. REMOVAL AFTER NONCOMPLIANCE, REMOVAL EXPENSE. After a failure of the owner of an encroachment to comply with a notice or demand of the department under the provisions of secs. 200, 210 and 230 of this chapter, the department may remove, or cause to be removed, the encroachment, and the owner of the encroachment shall pay to the department:

- (1) the expenses of the removal of the encroachment;
- (2) all costs and expenses paid by the state as a result of a claim or claims filed against the state by third parties for damages due to delays because the encroachment was not changed, removed, or relocated according to the order of the department; and
- (3) costs and expenses of suit.

* Sec. 3. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.