

**HOUSE BILL NO. 127**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVES WHITAKER, Holm, Lynn, Chenault, Meyer**

**Introduced: 2/26/03**

**Referred: Transportation, State Affairs**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act allowing certain roadside memorials to be placed within the right-of-way of a**  
2 **state highway."**

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

4 **\* Section 1.** AS 19.25 is amended by adding new sections to read:

5 **Article 4. Roadside Memorials.**

6 **Sec. 19.25.260. Roadside memorials permitted.** (a) Notwithstanding  
7 AS 19.25.090, 19.25.105, and 19.25.200, a person may place in the right-of-way but  
8 outside of the traveled way of a state highway a temporary memorial for a decedent  
9 who died in a traffic accident at or reasonably near the site where the memorial is  
10 located.

11 (b) A memorial must not interfere with the use of the highway, with other uses  
12 of the right-of-way, with the visibility of directional and other official signs and  
13 notices, or with highway safety, construction, or maintenance.

14 (c) The person who places a memorial in the right-of-way of a state highway

1 shall post the person's contact information on the memorial.

2 (d) A person may not place a political or commercial message on a memorial.

3 (e) A person may not place reflective material or another item on a memorial  
4 if that material or item would be distracting to drivers and other users of the right-of-  
5 way.

6 **Sec. 19.25.270. Relocation or removal of memorial.** (a) If, incidental to the  
7 construction or maintenance of a state highway, the department determines that a  
8 memorial authorized by AS 19.25.260 must be changed, relocated, or removed, the  
9 person who placed the memorial within the right-of-way shall change, relocate, or  
10 remove the memorial at no expense to the state within a reasonable time set by the  
11 department. If the owner does not change, relocate, or remove a memorial within the  
12 time set by the department, the memorial is an unauthorized encroachment and subject  
13 to the provisions of AS 19.25.230 - 19.25.250.

14 (b) If a memorial in the right-of-way of a state highway does not comply with  
15 the requirements of AS 19.25.260, the memorial is an unauthorized encroachment.  
16 The department may require removal of the encroachment in the manner provided in  
17 AS 19.25.230 - 19.25.250.