

SENATE CS FOR CS FOR HOUSE BILL NO. 127(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 5/2/03

Referred: Rules

Sponsor(s): REPRESENTATIVES WHITAKER, Holm, Lynn, Chenault, Meyer, Fate, Morgan, Ogg, Gatto, Samuels, Foster, Wolf, Gruenberg, Stoltze, Dahlstrom

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to roadside memorials within the right-of-way of a state highway."**

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

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

4 **Article 4. Roadside Memorials.**

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

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

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

15 (1) post the person's contact information on the memorial;

1 (2) inform the department of the location within seven days of
2 placement of the memorial; and

3 (3) provide the person's contact information to the department.

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

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

8 (f) The state is not liable for damage to, or damage or injury resulting from the
9 presence of, a memorial in the right-of-way of a state highway.

10 (g) In this section, "memorial" means decorations, flags, flowers, and other
11 lightweight objects or ornamentation commonly used at funerals or at gravesides as a
12 tribute to a decedent.

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

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