

HOUSE BILL NO. 279

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Introduced: 4/19/05

Referred: Transportation, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to encroachments in the right-of-way of a highway."**

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

3 * **Section 1.** AS 19.25.105(d) is amended to read:

4 (d) Outdoor advertising may not be erected or maintained within the right-of-
5 way of an interstate, primary, or secondary highway except that outdoor advertising

6 **(1) on** [IS ALLOWED ON (1)] bus benches and bus shelters, and
7 adjacent trash receptacles, located within the right-of-way under the authority of a
8 permit issued under AS 19.25.200 **is allowed** [,] if the bus benches or bus shelters are
9 located within a borough or unified municipality and the buses that stop at that
10 location operate during the entire year; **or**

11 **(2) present in the right-of-way on the effective date of this Act may**
12 **remain until or unless an encroachment permit for the outdoor advertising is**
13 **denied under AS 19.25.200(c)** [REPEALED].

14 * **Sec. 2.** AS 19.25.200 is amended by adding a new subsection to read:

15 (c) The department shall issue an encroachment permit to a private person, a

1 government agency acting in a business capacity, or an owner or lessee of land
2 contiguous to the right-of-way who erected an encroachment that on the effective date
3 of this Act is present within the right-of-way of an interstate, primary, or secondary
4 highway and is not authorized by a written encroachment permit if the department
5 finds that the encroachment does not pose a risk to the traveling public, that the
6 erection of the encroachment occurred in good faith, and that the denial of the
7 encroachment permit would pose a hardship on the person, agency, owner, or lessee
8 who erected the encroachment. The department may not remove an encroachment
9 present within the right-of-way of an interstate, primary, or secondary highway that is
10 not authorized by a written encroachment permit on the effective date of this Act until
11 the department determines that the encroachment does not qualify for an
12 encroachment permit issued under this subsection. The department may charge a fee
13 for an encroachment permit issued under this subsection.