

HOUSE BILL NO. 143

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE WILSON

Introduced: 4/24/19

Referred: Transportation, Resources

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the modification or relocation of a public easement or right-of-way;
2 and relating to restrictions on easement or right-of-way use."

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

4 * **Section 1.** AS 19.30.410 is amended to read:

5 **Sec. 19.30.410. Vacation, modification, or relocation of public easements**
6 **or [OF] rights-of-way.** Notwithstanding another provision of law, the Department of
7 Natural Resources, the Department of Transportation and Public Facilities, or another
8 agency of the state may not vacate, **modify, or relocate a public easement reserved**
9 **along a section line under AS 19.10.010 or** a right-of-way acquired by the state
10 under former 43 U.S.C. 932 unless

11 (1) a reasonably comparable, established alternate **easement or** right-
12 of-way or means of access exists that is sufficient to satisfy all present and reasonably
13 foreseeable uses;

14 (2) the **easement or** right-of-way is within a municipality, the

1 municipal assembly or council has requested the vacation, modification, or
 2 relocation, a reasonable alternative means of access is available, and the vacation,
 3 modification, or relocation is in the best interests of the state; or

4 (3) the vacation, modification, or relocation is approved by the
 5 legislature.

6 * **Sec. 2.** AS 38.04.058 is amended to read:

7 **Sec. 38.04.058. Restrictions on easement or right-of-way use.** The
 8 commissioner may, under terms agreed to in writing by a grantee, lessee, or interest
 9 holder of state land, or by a party to a land use agreement, restrict the use of an
 10 easement or right-of-way reserved under AS 38.04.050, 38.04.055, or other law in
 11 order to protect public safety or property. The commissioner may not agree to or
 12 enforce a restriction under this section unless

13 (1) the restriction is narrowly tailored to achieve the protection of
 14 public safety and property while preserving access to the maximum extent practicable;

15 (2) [AND] the commissioner makes a written finding identifying how
 16 the restriction will protect public safety and public or private property; and

17 (3) a reasonably comparable alternate means of access is made
 18 available.