

Introduced: 3/4/63
Referred: State Affairs

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IN THE SENATE

BY SENATORS KILCHER
AND FOSTER

SENATE BILL NO. 116

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRD LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the protection of
privately maintained roads."

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

* Section 1. AS 19 is amended by adding a new chapter to read:

CHAPTER 35. PRIVATELY MAINTAINED ROADS.

ARTICLE 1. PROTECTION OF PRIVATELY MAINTAINED ROADS.

Sec. 19.35.010. APPOINTMENT OF SUPERVISOR. The department shall appoint a local road supervisor when requested to do so by a person who has an interest in a road over which the supervisor is to have authority. The supervisor is the person having the principal interest in the road over which he is to have authority. The supervisor serves without pay at the pleasure of the department.

Sec. 19.35.020. AUTHORITY TO CLOSE ROADS. (a) Upon the request of any person, the supervisor shall take the following steps to protect a privately maintained road under his authority over which more than one person has a right to travel regardless of the ownership of the land traversed by the road:

(1) inspect the road to determine the likelihood of damage to it;

(2) post signs limiting the class or weight of vehicles which may use the road during a season or the prevalence of a particular weather condition;

1 (3) post signs closing a road if necessary to pro-
2 tect it from damage.

3 (b) The supervisor shall, at the request of any person,
4 lift or modify previous restrictions if the change of season
5 or weather conditions has changed the likelihood of damage
6 to the road.

7 Sec. 19.35.030. LIMITATION ON SUPERVISOR'S AUTHORITY.
8 No supervisor has authority over a road that a local govern-
9 ment unit is regulating in a manner substantially similar to
10 that provided in secs. 10 - 70 of this chapter.

11 Sec. 19.35.040. APPEALS. A person who has an interest
12 in a road over which a supervisor has authority, and who is
13 dissatisfied with the supervisor's decision concerning the
14 road, may apply to the department for informal arbitration.
15 If arbitration does not produce a result satisfactory to all
16 persons having a right to use the road, a person believing
17 himself aggrieved has a right to a hearing under the Adminis-
18 trative Procedure Act (AS 44.62).

19 Sec. 19.35.050. LIABILITY FOR DAMAGE TO ROAD. A per-
20 son who damages a privately maintained road over which more
21 than one person has a right to travel is liable to the person
22 who maintains the road for the cost of repairing the
23 damage.

24 Sec. 19.35.060. NONLIABILITY. The state is not liable
25 for acts of a supervisor or for injuries suffered by a super-
26 visor.

27 Sec. 19.35.070. PENALTY. A person who travels on a
28 privately maintained road in violation of a sign posted
29 under sec. 20(a)(2) of this chapter is guilty of a misdemean-

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or and upon conviction is punishable by a fine of not more than \$50.

Sec. 19.35.080. DEFINITIONS. In secs. 10 - 60 of this chapter

- (1) "department" means the Department of Highways;
- (2) "supervisor" means a local road supervisor.