

Introduced: 3/4/63
Referred: State Affairs

1 IN THE SENATE

BY SENATORS KILCHER
AND FOSTER

2 SENATE BILL NO. 116

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

10 CHAPTER 35. PRIVATELY MAINTAINED ROADS.

11 ARTICLE 1. PROTECTION OF PRIVATELY MAINTAINED ROADS.

12 Sec. 19.35.C10. APPOINTMENT OF SUPERVISOR. The depart-
13 ment shall appoint a local road supervisor when requested
14 to do so by a person who has an interest in a road over which
15 the supervisor is to have authority. The supervisor is the
16 person having the principal interest in the road over which
17 he is to have authority. The supervisor serves without pay
18 at the pleasure of the department.

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

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

27 (2) post signs limiting the class or weight of
28 vehicles which may use the road during a season or the pre-
29 valence of a particular weather condition;

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1 (3) post signs closing a road if necessary to
2 protect 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 person
20 who damages a privately maintained road over which more than
21 one person has a right to travel is liable to the person who
22 maintains the road for the cost of repairing the damage.

23 Sec. 19.35.060. NONLIABILITY. The state, its officers,
24 employees and road supervisors while in performance of their
25 official duties, incur no liability under this Act.

26 Sec. 19.35.070. PENALTY. A person who travels on a
27 privately maintained road in violation of a sign posted under
28 sec. 20(a)(2) of this chapter is guilty of a misdemeanor and
29 upon conviction is punishable by a fine of not more than \$50.

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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.