

1 IN THE SENATE

BY SENATORS KILCHER
AND FOSTER

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SENATE BILL NO. 78

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTH LEGISLATURE - FIRST SESSION

5

A BILL

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

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

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

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CHAPTER 35. PRIVATELY MAINTAINED ROADS.

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ARTICLE 1. PROTECTION OF PRIVATELY MAINTAINED ROADS.

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Sec. 19.35.010. APPOINTMENT OF SUPERVISOR. The depart-

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ment shall appoint a local road supervisor when requested

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to do so by a person who has an interest in a road over which

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the supervisor is to have authority. The supervisor is the

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person having the principal interest in the road over which

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he is to have authority. The supervisor services without pay

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at the pleasure of the department.

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Sec. 19.35.020. AUTHORITY TO CLOSE ROADS. (a) Upon

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the request of any person, the supervisor shall take the

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following steps to protect a privately maintained road under

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his authority over which more than one person has a right to

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travel regardless of the ownership of the land traversed by

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the road:

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

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(2) post signs limiting the class or weight of
vehicles which may use the road during a season or the preva-
lence 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 life 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 seo. 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.