


Introduced: 3/22/71
Referred: State Affairs


BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 175

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the protection and use of State
7 Highways and Roads."

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

9 * Section 1. AS 19.05.130 is amended by adding a new paragraph to read:

10 (13) "encroachment" means and includes a tower, pole, pole
11 line, pipe, pipeline, driveway, private road, fence, billboard, stand
12 or building, or a structure or object of any kind which is or has
13 been placed in, on, under or over a portion of a highway or road.

14 * Sec. 2. AS 19.25. is amended by adding new sections to read:

15 ARTICLE 4. ENCROACHMENTS IN HIGHWAYS.

16 Sec. 19.25.200. ENCROACHMENT PERMITS. An encroachment may be
17 constructed, placed, changed or maintained across or along a
18 highway but only in accordance with regulations adopted by the depart-
19 ment. No encroachment may be constructed, placed, maintained or
20 changed until it is duly authorized by a written permit issued by
21 the department.

22 Sec. 19.25.210. RELOCATION OR REMOVAL OF ENCROACHMENT. If,
23 incidental to the construction or maintenance of a state highway,
24 the department determines and orders that an encroachment previously
25 authorized by written permit, must be changed, relocated, or removed,
26 the owner of the encroachment shall change, relocate or remove it,
27 at no expense to the state, within a reasonable time set by the
28 department. If the owner does not change, relocate or remove an
29 encroachment within the time set by the department, the encroachment

1 shall be considered an unauthorized encroachment and subject to the
2 provisions of secs. 220 - 250 of this chapter.

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4 Sec. 19.25.220. UNAUTHORIZED ENCROACHMENTS. If an unauthorized
5 encroachment exists in, on, under or over a state highway, the
6 department may require the removal of the encroachment in the manner
7 provided in secs. 230 - 250 of this chapter.

8 Sec. 19.25.230. NOTICE OF REMOVAL. Except as otherwise
9 provided in secs. 200, 210 and 240 of this chapter, notice shall be
10 given the owner, occupant or person in possession of the encroachment,
11 or to any other person or persons causing or permitting the encroach-
12 ment to exist, by serving upon any of them a notice demanding the
13 removal of the encroachment. The notice shall describe the
14 encroachment complained of with reasonable certainty as to its
15 character and location. Service of the notice may be made by
16 certified mail.

17 Sec. 19.25.240. SUMMARY REMOVAL. The department may at any
18 time remove from a state highway or road an encroachment which
19 obstructs or prevents the use of the highway or road by the public.

20 Sec. 19.25.250. REMOVAL AFTER NONCOMPLIANCE, REMOVAL EXPENSE.
21 After a failure of the owner of an encroachment to comply with a
22 notice or demand of the department under the provisions of secs.
23 200, 210 and 230 of this chapter, the department may remove, or
24 cause to be removed, the encroachment, and the owner of the encroach-
25 ment shall pay to the department:

- 26 (1) the expenses of the removal of the encroachment;
27 (2) all costs and expenses paid by the state as a result
28 of a claim or claims filed against the state by third parties for
29 damages due to delays because the encroachment was not changed,
removed, or relocated according to the order of the department; and

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(3) costs and expenses of suit.

Sec. 19.25.260. PENALTY FOR VIOLATION. A person who violates sections 200 - 250 of this chapter, or a regulation adopted under them, is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$50 nor more than \$1,000. Each day of violation constitutes a separate offense.

* Sec. 3. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.