

Introduced: 3/22/71
Referred: State Affairs

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

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; and providing for an effective date "

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 con-
17 structed, placed, changed or maintained across or along a highway but
18 only in accordance with regulations adopted by the department. No en-
19 croachment may be constructed, placed, maintained or changed until it
20 is duly authorized by a written permit issued by the department.

21 Sec. 19.25.210. RELOCATION OR REMOVAL OF ENCROACHMENT. If,
22 incidental to the construction or maintenance of a state highway,
23 the department determines and orders that an encroachment previously
24 authorized by written permit, must be changed, relocated, or removed,
25 the owner of the encroachment shall change, relocate or remove it
26 at no expense to the state (except as provided in sec. 20 of
27 this chapter), within a reasonable time set by the department. If
28 the owner does not change, relocate or remove an encroachment
29 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.

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

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

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

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

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

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(3) costs and expenses of suit.

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