

July 26, 1963

Re: Right of Way
FAS 830
Chitina - McCarthy
23-2505

2506

Mr. Clifford W. Collins
P. O. Box 698
Cordova, Alaska

Dear Mr. Collins:

Your inquiry has been investigated by our personnel in the Valdez District Right of Way office. Their information, with that which is in our office, would indicate the State of Alaska does have right of way for a highway through land you entered, if the right of way of the former Copper River and Northwestern Railway Company traverses the property. This conclusion was reached through the following information.

It appears that the Railroad location map was approved by the United States of America on April 30, 1914 pursuant to an Act of Congress dated April 14, 1898 (30 Stat. 409).

The Chitina - McCarthy section of the Railroad was declared abandoned on April 21, 1939 by the Interstate Commerce Commission per Finance Docket No. 12164.

Subsequently under Public Law 176, Chapter 300 (transcript enclosed) the Secretary of the Interior was authorized to accept the subject right of way and formal relinquishment was consummated on March 29, 1945 (copy enclosed).

Under the Federal-Aid Highway Act of 1956, the Bureau of Public Roads under the U. S. Department of Commerce, assumed jurisdiction of the subject right of way from the U. S. Department of the Interior, the title in turn passed to the State of Alaska under the Alaska Omnibus Act dated June 25, 1959. Thus it would appear the old Railroad right of way and personalty in connection therewith passed to the State of Alaska.

Subject to any prior rights, title to the entire Railroad right of way and personalty located thereon and used in connection with the operation of the old Railroad is vested in the State of Alaska. Except insofar as title to certain personalty, which rights were settled by agreement and dismissed

Mr. Clifford W. Collins

-2-

July 26, 1963

with prejudice of suit then pending against the U. S. Government.

In 1961 the State of Alaska advertised for sealed bids for the sale and removal of personal property in connection with the said right of way which included Railroad rails. Alaska Junk Company of Seattle, Washington was the successful bidder and it is our understanding that it has been removing the rails under said sale. (No right of way involved in the sale)

This is a brief sketch of the events to date and subject to prior rights, or subsequent Laws or Public Land Orders, the State of Alaska does claim the subject right of way.

We hope the foregoing information will answer your inquiry in a satisfactory manner. If we can be of further assistance please feel free to call on us again.

Very truly yours,

D. A. MCKINNON, P. E.
Commissioner of Highways

Alfred A. Bacc
Chief Right of Way Agent

AAB:SVB:nt

Enclosures:

as stated

cc: Bureau of Land Management, Anchorage
William Stouder, Acting District R/W Agent, Valdez

bcc: Robert V. Barnes, WEA III, Juneau

RECEIVED

1963 JUL 26

Through to Bureau

1963 JUL 26