

December 31, 1996

Re: Road Jurisdiction in Galena

L. David Cassou  
P.O. Box 56  
Galena, AK 99741

Dear Mr. Cassou:

In your December 18th letter you asked about the status of roads in Galena with regard to maintenance and outdoor advertising. You noted that the previous information you had received appeared evasive or ambiguous. If this was the case, it was unintentional. The fact is, that most right of way issues are not very clear cut and may require a substantial amount of research in order to obtain satisfactory answers.

Highway rights of way represent a patchwork quilt of varying interests depending on how they came into existence. A right of way may have been purchased, created by subdivision dedication, or by public land order prior to statehood to name a few. The interest the state received may range from a conditional permit or limited easement to a fee interest including the right to control access to the road.

It is also important to distinguish between right of way ownership as opposed to management authority. Rights of way that have been legally conveyed to DOT&PF are clearly subject to our management authority. Other rights of way such as ANCSA 17(b) easements and platted street dedications may be vested in a municipality, another agency or in the "general public". DOT&PF's management authority over these roads may be limited and generally requires some form of authorization by the agency or municipality that owns the right of way.

Specifically, in Galena, there are two roads on the state maintenance system. (See attached map) The Tiger Freeway (also known as Champion road) commences at the westerly end of Galena airport, then continues easterly along the northerly boundary of the Galena townsite and proceeds for approximately 7 miles to the old Champion air force base. Dike road commences at the beginning of the Tiger Freeway, then continues northeasterly and easterly around Galena airport and ties back in to the Tiger Freeway at the east end of the airport runway. Dike road is approximately 3 miles in length.

Only those portions of these roads which lie within the boundaries of Galena airport are owned by the state of Alaska. The roads created by the Galena townsite plat are dedicated to the "public" and are considered to be the management responsibility of the City of Galena. The majority of the Tiger Freeway (Champion road) was originally created as a 44LD513 right of way. This is a federal administrative designation which reserves rights of way across public lands for specific agencies, in this case, the Air Force. These rights of way are generally considered to be non-transferable, and as the adjoining lands are conveyed under ANCSA, the road right of way is being preserved as a 17(b)

easement. 17(b) easements are considered to be under the joint management of BLM and the native corporation who has received the ANCSA conveyance.

On 2/15/95 a memorandum of understanding was executed by DOT&PF, the City of Galena and the Air Force regarding access to a new landfill site along Campion road. In this document, DOT&PF agreed to perform normal road maintenance to the new landfill. In order to obtain state and federal funds for the improvement of Galena city streets, the city passed resolution 95-12 which accepted maintenance responsibility for all roads improved by DOT&PF except for Dike/Campion road which was to remain the state's responsibility. Given the fact that the state only has maintenance responsibility by agreement on the roads outside of the airport, it is questionable as to whether the Department's authority extends to property management issues such as outdoor advertising.

Also, the outdoor advertising statute, A.S. 19.25.105, limits our jurisdiction to interstate, primary and secondary highways. As the roads in Galena do not fall into these classifications, they would not be subject to the outdoor advertising statutes even if the state had ownership and complete management authority over them.

Should you require any additional information regarding this project, please feel free to call me at 451-5426.

Sincerely,  
John F. Bennett

Right of Way Engineer  
Northern Region