

**From:** Bennett, John F (DOT)  
**To:** [Jordan, Sean C \(DOT\)](#)  
**Cc:** [Sullivan, Jill \(DOT\)](#)  
**Subject:** Road ownership terminology  
**Date:** Friday, April 06, 2012 1:06:00 PM

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Sean/Jill: It was good to meet both of you the other day. The subject you bring up is interesting because I noted that the last time I spoke about it in a formal setting was the 2008 Tribal Transportation forum in Anchorage. One part of my presentation discussed the following:

- The “ownership” of right-of-way is in many cases not something that can be easily defined. Because of the various title interests that comprise the state highway system, it’s often better to talk about right-of-way “management”. For example, the patent reservations, section line easements, subdivision dedications and prescriptive easements generally are not associated with a deed or document that specifies who is the owner of the right-of-way. These rights of way aren’t generally owned by any particular entity, but are dedicated for use by the public. At some point, an entity with authority to manage road systems, whether it be the state, a municipality or another governmental entity, will incorporate these rights of way into their projects. The entity that manages the road system then might operate and maintain the facility without having clear ownership or title to the right-of-way.

One example I always found interesting is the right of way for Cushman Street in Fairbanks. Cushman consists of right of way formed by the Fairbanks Townsite plat, other private subdivision plats and in part right of way acquired by DOT. Typically, when the Townsite trustee deeded ownership of lots to individuals, they never deeded ownership of the street ROW to anyone in particular. They considered it similar to street dedications in a subdivision plat and they are considered to be held in trust by the public. The Fairbanks Townsite is the exception in that the street ROW was deeded to the City of Fairbanks in fee. Now in the private subdivision, the Fairbanks North Star Borough has platting authority and so can create street rights of way by platting but they don’t have road powers. So the ROW just exists until an entity with authority to manage roads assumes the role. So on Cushman I found a long while back that there were portions that were owned by the City and maintained by the City, owned by DOT and maintained by DOT, owned by the City and maintained by DOT under agreement and owned by DOT and maintained by the City under agreement.

So it may be that your database fields need to include “Ownership” where that can be determined. In some cases no entity will be named and it will just be the “held in public trust”. In some cases there could be primary management and secondary management. I’m not sure how this might play out but we might keep a road on our state highway system but have an agreement in place to maintain. This might be like parts of the Kantishna Road where we maintain ownership and management, but we have a deal with NPS to maintain because we don’t want to send our M&O guys that far into the Park for a small amount of maintenance. There may be another way to skin this cat so we might want to get on the phone and talk more about this. JohnB

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-----Original Message-----

**From:** Jordan, Sean C (DOT)  
**Sent:** Thursday, April 05, 2012 6:45 AM  
**To:** Bennett, John F (DOT)

Cc: Sullivan, Jill (DOT)  
Subject: Road ownership terminology

Hi John,

Jill and I would like to get together with you and work on the best terminology for defining road ownership versus maintenance. We often get request for what roads are DOT owned however I believe we may be mixing ownership versus maintenance. In our system we have a field called maintenance responsibility which we started to define as actual ownership. We have another field in our database that refers to maintenance category which defines the level of maintenance applied to the road however it also defines roads that are DOTs yet is maintained by another entity. We have roads where the reverse is also the case. There are some routes in Eagle where we say we maintain for them. Another route in Barrow where we show as not ours yet a NSB person told me the other day that they maintain the road for us. Needless to say it gets a little confusing. As a point of reference you may be familiar with Roadlog, CDS log, HAS, or Highway Dataport. We maintain these databases and the data in them are all the exact same data. The Highway Dataport is replacing the other systems. We are also in moving to a GIS system and want to make sure we aren't just continuing to offer in correct or misunderstood fields. As Jill had mentioned I don't think the meeting will take that long as we just need to make sure we are offering up the data correctly.

Sean

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