

Sec. 19.30.400. Identification and acceptance of rights-of-way.

(a) The state claims, occupies, and possesses each right-of-way granted under former 43 U.S.C. 932 that was accepted either by the state or the territory of Alaska or by public users. A right-of-way acquired under former 43 U.S.C. 932 is available for use by the public under regulations adopted by the Department of Natural Resources unless the right-of-way has been transferred by the Department of Natural Resources to the Department of Transportation and Public Facilities in which case the right-of-way is available for use by the public under regulations adopted by the Department of Transportation and Public Facilities.

(b) The Department of Natural Resources shall conduct the necessary research to identify rights-of-way that have been accepted by public users under former 43 U.S.C. 932 and that have not been previously identified and shall annually report to the legislature by the first day of each regular session of the legislature on rights-of-way that have been identified and that are not listed in this section.

(c) The rights-of-way listed in (d) of this section have been accepted by public users and have been identified to provide effective notice to the public of these rights-of-way. The failure to include or identify a right-of-way under (d) of this section does not relinquish any right, title, or interest the public has in a right-of-way.

(d) The following rights-of-way are identified by the name of the right-of-way and the identification number the right-of-way has been assigned by the Department of Natural Resources in the Historic Trails Database, known as the "RST" number, which contains a complete description of the right-of-way:

RIGHT-OF-WAY NAME RST NUMBER

Cobb Lakes Trail 0001

Taylor - Humboldt 0002

Hajducovich - Macomb Plateau Trail 0003

Jualin Mine Road 0004

Marvel Creek Cat Trail 0005

Taylor Creek - Serpentine Hot Springs 0006

Sec. 19.30.410. Vacation of rights-of-way.

Notwithstanding another provision of law, the Department of Natural Resources, the Department of Transportation and Public Facilities, or another agency of the state may not vacate a right-of-way acquired by the state under former 43 U.S.C. 932 unless

- (1) a reasonably comparable, established alternate right-of-way or means of access exists that is sufficient to satisfy all present and reasonably foreseeable uses;
- (2) the right-of-way is within a municipality, the municipal assembly or council has requested the vacation, a reasonable alternative means of access is available, and the vacation is in the best interests of the state; or
- (3) the vacation is approved by the legislature.

Sec. 19.30.420. Immunity from liability for damages; risk of use of right-of-way acquired under former 43 U.S.C. 932.

(a) Notwithstanding [AS 09.50.250](#) and [AS 09.65.070](#), the state and its political subdivisions are not liable for damages, injury, or death arising from [AS 19.30.400](#) - 19.30.420 and the recording of any rights-of-way identified in [AS 19.30.400](#) or acquired under former 43 U.S.C. 932.

(b) A right-of-way identified under [AS 19.30.400](#) or acquired under former 43 U.S.C. 932 that is not designated as part of the state highway system under [AS 19.10.020](#) is traveled and used at the risk of the user. As to those rights-of-way and notwithstanding [AS 09.50.250](#) and [AS 09.65.070](#), the state and a political subdivision of the state are not liable for damages, injury, or death

- (1) arising from the use of the right-of-way;
- (2) arising from the failure to inspect, mark, or maintain the right-of-way;
- (3) occurring in the right-of-way; or
- (4) associated with the right-of-way.