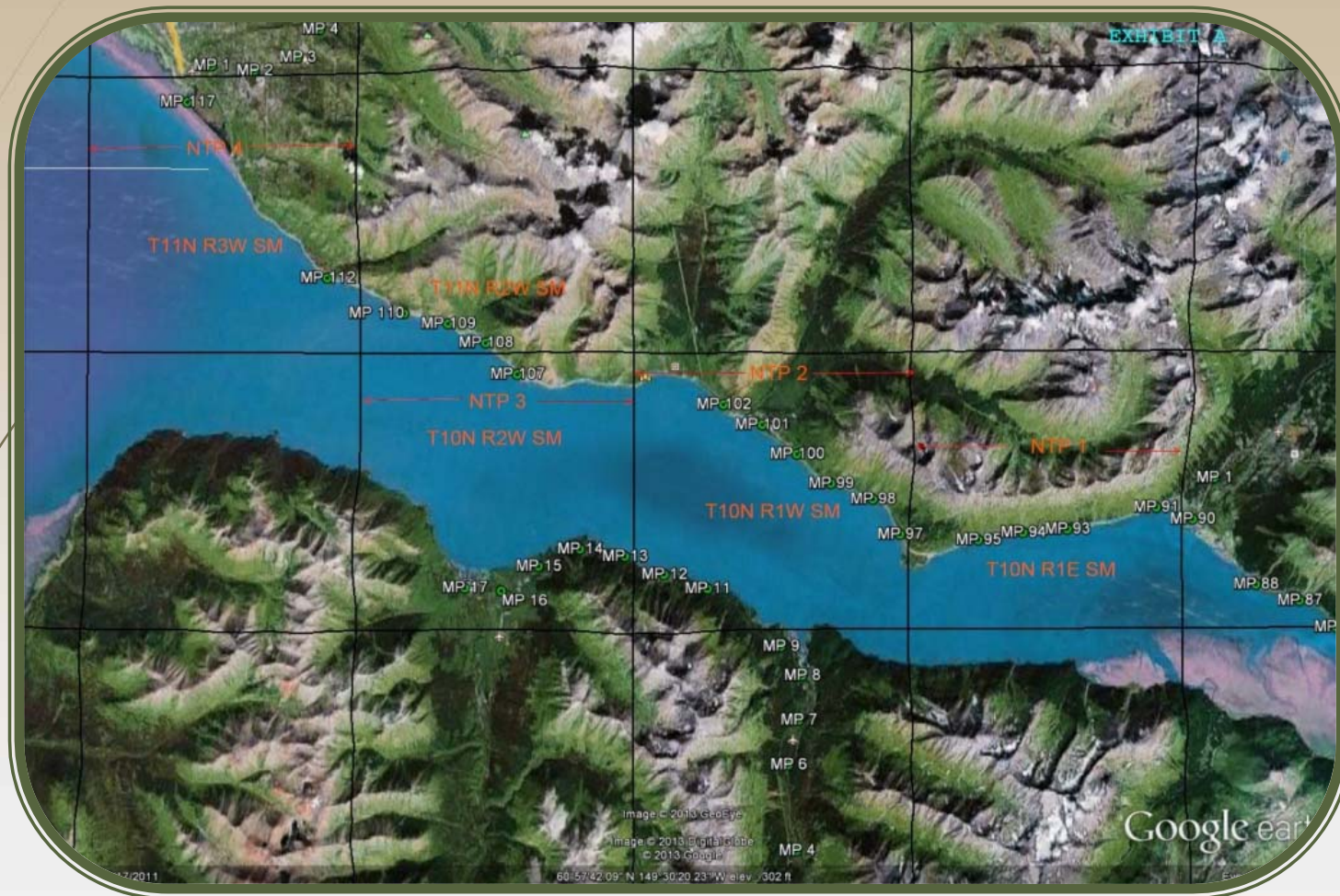


“Key to the Highway: Unlocking the Mysteries of Right of Way Research”

Seward Highway Land Exchange



Alaska Surveying & Mapping Conference 2016



Seward Highway Land Exchange

- A Three Part Story
 - 2014 Legislation
 - Land Exchange Facilitation
 - Full Circle – DOT&PF/DNR Issues

2014 Legislation



“An Act providing for the Department of Transportation to hold the surface estate of certain state land...” HB371/SB211

2014 Legislation

1. DOT&PF requires lands and materials to construct and maintain highways and airports.
2. Administrative efforts to efficiently transfer public domain land to DOT for ROW and materials had become more challenging.
3. In 2012 the agencies worked to streamline process.
4. 2013 - DOT&PF and DNR agreed that legislation was required.
5. Bill jointly crafted and offered by DNR and DOT&PF

2014 Legislation

What would it do?

1. Clarifies overlapping authorities regarding airports & highways
2. Uniform excess land disposal statutes for DOT&PF
3. Streamline process for transfer of public domain lands from DNR to DOT&PF

Other provisions

- ARRC lands could be conveyed in fee to DOT&PF without Legislative approval
- Material site acquisition & management

2014 Legislation

The bill was not passed:

1. Submitted late in the session
2. Successfully passed House Transportation Committee
3. Heard in Senate Transportation Committee but not favored by Chair – The session clock ran out.

Corridor Timeline

- Purchase of Alaska from Russia - 1867
- District of Alaska - 1884
- Chugach National Forest - 1907
- Alaska Territory - 1912

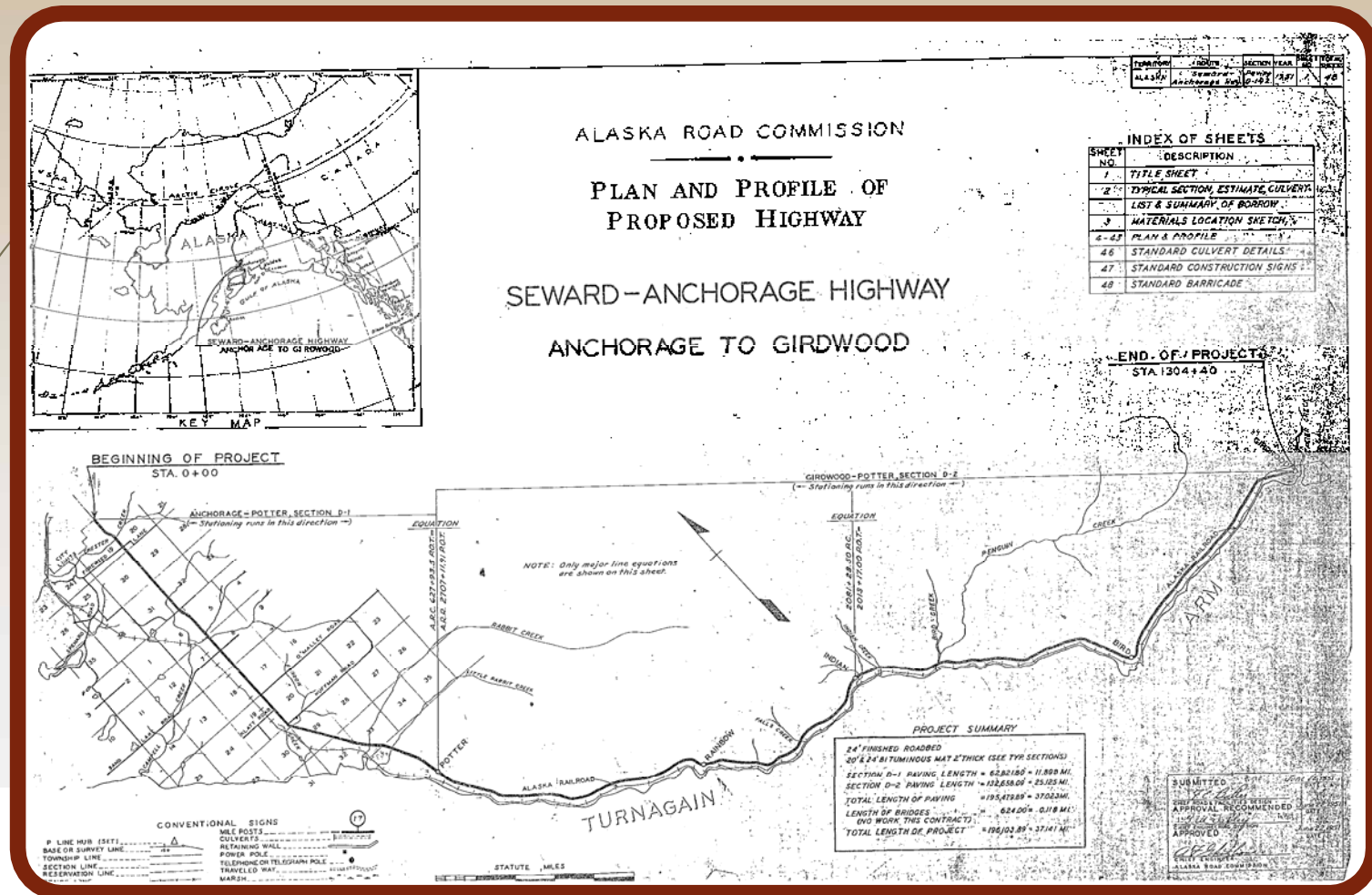
Corridor Timeline

- Construction of the Railroad along Turnagain – Began 1914



Corridor Timeline

Construction of the Seward Highway Turnagain segment
1949 - 1952 (paved)



Corridor Timeline

Seward Highway Right of Way

PLO 601 & SO 2665

[Public Land Order 601]

ALASKA

RESERVING PUBLIC LANDS FOR HIGHWAY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights and to existing surveys and withdrawals for other than highway purposes, the public lands in Alaska lying within 300 feet on each side of the center line of the Alaska Highway, 150 feet on each side of the center line of all other through roads, 100 feet on each side of the center line of all feeder roads, and 50 feet on each side of the center line of all local roads, in accordance with the following classifications, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for highway purposes:

THROUGH ROADS

Alaska Highway, Richardson Highway, Glenn Highway, Haines Highway, Tok Cut-Off.

FEEDER ROADS

Steele Highway, Elliott Highway, McKinley Park Road, Anchorage-Potter-Indian Road, Edgerton Cut-Off, Tok Eagle Road, Ruby-Long-Poorman Road, Nome-Selkirk Road, Kasai-Lake-Homer Road, Fairbanks-College Road, Anchorage-Lake Spenard Road, Circle Hot Springs Road.

Office of the Secretary

[Order 2665]

RIGHTS-OF-WAY FOR HIGHWAYS IN ALASKA

OCTOBER 16, 1951.

SECTION 1. *Purpose.* (a) The purpose of this order is to (1) fix the width of all public highways in Alaska established or maintained under the jurisdiction of the Secretary of the Interior and (2) prescribe a uniform procedure for the establishment of rights-of-way or easements over or across the public lands for such highways. Authority for these actions is contained in section 2 of the act of June 30, 1932 (47 Stat. 446, 48 U. S. C. 321a).

Sec. 2. *Width of public highways.*

(a) The width of the public highways in Alaska shall be as follows:

(1) For through roads: The Alaska Highway shall extend 300 feet on each side of the center line thereof. The Richardson Highway, Glenn Highway, Haines Highway, Seward-Anchorage Highway, Anchorage-Lake Spenard Highway and Fairbanks-College Highway shall extend 150 feet on each side of the center line thereof.

Corridor Timeline

- Alaska Becomes a State – January 3, 1959
- Omnibus Act Quitclaim Deed – June 30, 1959
- Federal Aid Primary Route No. 31 – Seward Highway

Iliamna Recording District

BOOK 33 D PAGE 77 D
Seward Recording District

Book 90 Page 24
Aleutian Recording Dist.

SEWARD
Serial No. 69-687

QUITCLAIM DEED

BOOK 391 PAGE 12
Aleutian Recording District

BOOK 14 PAGE 136
Aleutian Islands Recording District

BOOK 1 PAGE 1
Hoonah Recording District

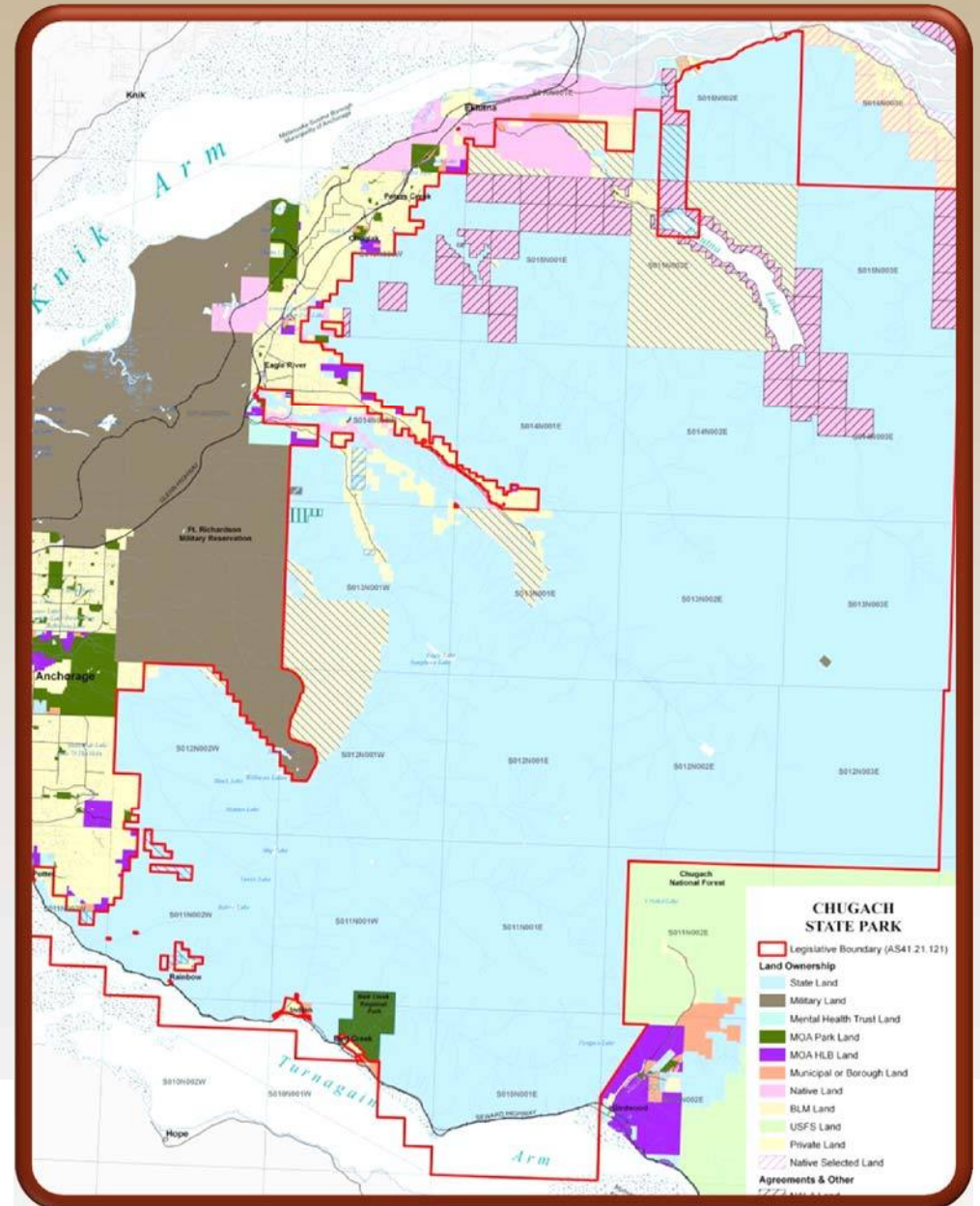
CHIINA
Serial No. 70-19

MCCARTHY
Serial No. 70-6

KNOW ALL MEN BY THESE PRESENTS that the Secretary of Commerce, United States Department of Commerce, Grantor, under and pursuant to the authority contained in Section 21 of the Act approved by the President on June 25, 1959 (73 Stat. 141), does hereby devise, release, and quitclaim unto the State of Alaska, Grantee, its successors and assigns, subject to the condition set forth below, all rights, title, and interest of the Department of Commerce in

Corridor Timeline

Chugach State Park
Established – AS 41.21.121 -
1970



Corridor Timeline

Alaska Railroad Transfer Act of 1982 – 1/14/83

State of Alaska purchased the railroad - 1985



Corridor Timeline

- Purchase of Alaska from Russia - 1867
- District of Alaska - 1884
- Chugach National Forest - 1907
- Alaska Territory - 1912
- Construction of the Railroad along Turnagain – Began 1914
- Construction of the Seward Hwy Turnagain segment – 1949 - 1952 (paved)
- Statehood -1959
- Chugach State Park Established – AS 41.21.121 - 1970
- Alaska Railroad Transfer Act of 1982
- State of Alaska purchased the railroad - 1985

Why a Land Exchange?

- DOT has a 300' Right-of-Way along the Seward Highway
- ARRC has a 200' Right-of-Way
- ARRC and DOT ROW Corridors
 - Overlap in many locations
 - Fall within the boundary of the Chugach State Park
- Legislation – Ch. 116 SLA 2000
 - *As described “grants or conveyances of interests in public land among the [Parties] to relocation or widen the Seward highway, to relocate railroad facilities, and to relocate adjacent utility facilities from Potter Station to Girdwood...”*

Why Realign the Highway?



Why Realign the Highway?

SEWARD HIGHWAY: POTTER MARSH TO GIRDWOOD (MP 87) - 2006-2009* FATAL CRASH LOCATIONS - Post TRAFFIC SAFETY CORRIDOR DESIGNATION
(Including Major Injury Crashes) * as of December 31, 2009

Seward Highway Major Realignments

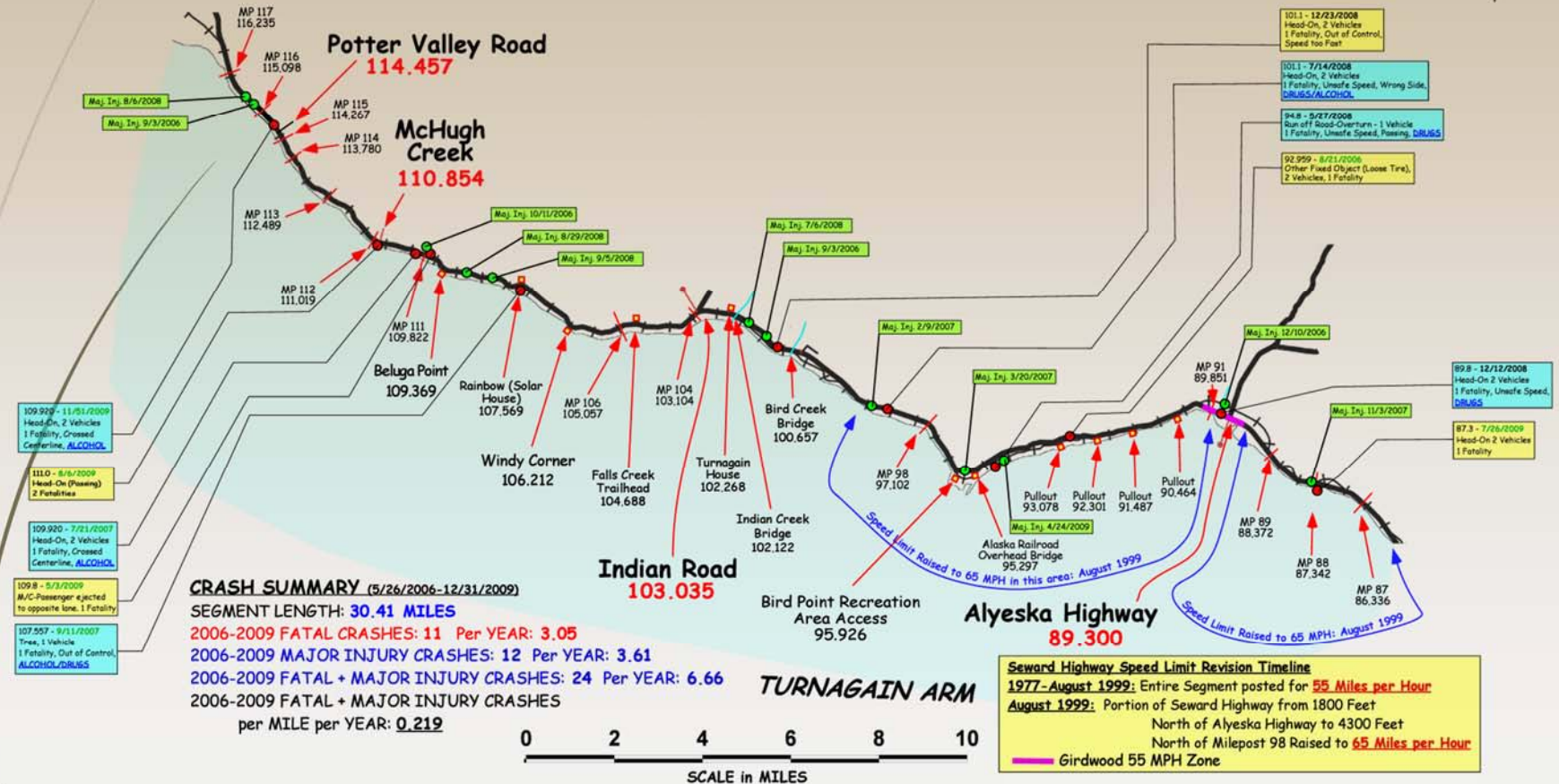
Timeline

Potter South MP 111-115.2: Complete Fall, 1981

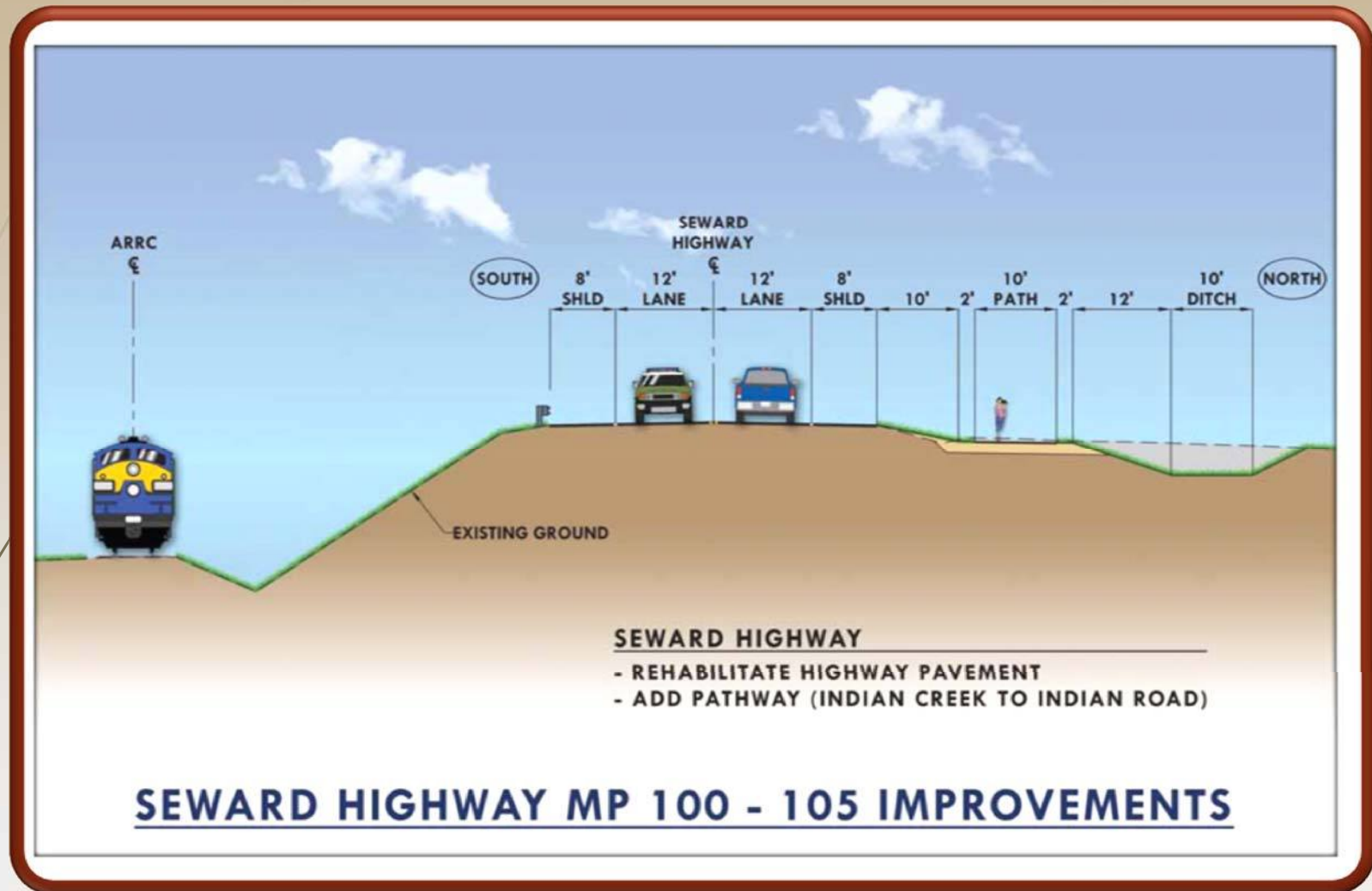
Bird Flats to MP 111: Complete October 1983

Bird Point to Girdwood: Complete June, 1996

- = Crash Occurred following TSC Designation
- = Major Injury Crash (2006-2009)



Why a Land Exchange?



Highway Widening & Realignment Will Impact Railroad

Why a Land Exchange?

- DOT has a 300' Right-of-Way along the Seward Highway
- ARRC has a 200' Right-of-Way
- ARRC and DOT ROW Corridors
 - Overlap in many locations
 - Fall within the boundary of the Chugach State Park
- ROW Mapping of the realigned corridors was required to document shift and ensure that net gain or loss of property is kept to a minimum.
- ARRC and CSP lands are legislatively protected



Three Way
Land Exchange



Historic Agreements

- DOT&PF/ARRC blanket permit - 4/7/89 & 3/16/12
- DOT/DNR executed an MOU in 1990 and amended 1993, in recognition that the ROW has moved over time
- In October 2001, DOT/ARRC/DNR entered into an MOA for the corridor between Potter Station and Girdwood
 - This agreement recognized that over time improvements would have to be made to the facilities in the public interest
 - This agreement established the cooperative framework for the parties to work within for the benefit of the public good
 - *It recognized that each of these parties have separate missions but common goals*
 - *The term of this agreement was 10 years, with the ability to amend, extend or terminate by the parties*

Land Exchange Legislation

- Legislation – Ch. 116 SLA 2000
 - Legislatively designation areas such as state parks require legislative approval to dispose of land
 - ARRC may not convey fee title without legislative approval
 - *As described “grants or conveyances of interests in public land among the [Parties] to relocation or widen the Seward highway, to relocate railroad facilities, and to relocate adjacent utility facilities from Potter Station to Girdwood...”*

Land Exchange Facilitation

- Mid-2013 - R&M Consultants contracted for Seward Highway ROW mapping from Girdwood to Potter Station
- 2014 – R&M tasks to include land exchange facilitation:
Identify issues and move parties toward resolution
- Almost 3 decades has passed since initial MOU
- Preliminary Report
 - Assess Nature of Interests held by each party
 - Valuation of Exchanged Lands
 - Exchange based on equal value not equal area
 - What are encumbrances that affect value?

Land Exchange Facilitation

- Chugach State Park
 - Lands conveyed by TA or patent to State
 - Subject to prior existing rights
 - CSP Legislatively Designated in 1970
 - CSP has no authority to receive or convey exchanged lands. Lands can be “de-parked” by legislative approval. Then land transactions managed by DNR.
 - All of CSP subject to LWCF 6(f) restrictions



R O W

The image features three hand-drawn elements: a capital letter 'R', a pink heart, and a lowercase letter 'w'. Each element is outlined in black and has a bright blue glow. The 'R' is on the left, the heart is in the center, and the 'w' is on the right. The heart is filled with a pink, textured pattern. The background is a light beige color with a white horizontal band at the bottom. On the left side, there are several thin, dark lines representing grass or reeds.

The End