

MEMORANDUM

Regional Engr.	Road Design	E.I.S.	Traffic/Safety	Utilities	Location/Reconn.	Construction Engr.	ISR & T	Materials Lab	Nome Region	Planning	Rights-of-Way	Admin. Officer	Director Maint./Ops	Equipment Fleet	Pay	RETURN
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INTERIOR REGION  
DEPARTMENT OF  
TRANSPORTATION

TO: Andy Zaharek  
Acting Regional  
DOT&PF  
2301 Peger Road  
Fairbanks, AK 99701

1980

MAY 11 3 45 PM 1980

TELEPHONE NO.

FROM: Larry D. Wood  
Assistant Attorney General  
604 Barnette, Room 233  
Fairbanks, AK 99701

SUBJECT: Removal of Vehicles Parked  
Along Highway

There are at least two statutory provisions which may be utilized to remove vehicles parked in State highway rights-of-way.

A.S. 19.25.230 provides for removal of encroachments after notices served upon those causing or permitting the encroachment to exist. Please also note that A.S. 19.25.240 permits the summary removal of encroachments which are obstructing or preventing the use of the highway or road by the public. However, unless a parked motor vehicle is actually on the travelled portion of the road or so close to it as to present a hazard, at least 48 hours notice should probably be given the owner or person in possession of the automobile.

A.S. 28.11.030 allows any peace officer or employee authorized by the State to remove abandoned vehicles from State highways. Section 20 of the same chapter presumes abandonment when motor vehicles are left unattended and parked upon or within ten feet of the travelled portion of the highway in excess of 48 hours.

It is quite clear that the State Troopers can take action with regard to abandoned vehicles under Title 28 at any time. Similarly, at the request of the Department of Transportation and Public Facilities, they may take similar action with regard to encroachments under Title 19. The advantage of the encroachment statute is to permit immediate removal of motor vehicles if they are actually on the highway or so close to it as to present an immediate danger to the motoring public. Where, however, automobile owners have out of practice commonly parked their vehicles in a certain area, the department may be better advised to give those owners at least 48 hours notice prior to removing the automobile either under the abandonment or encroachment statutes.

LDW:bsb

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<input checked="" type="checkbox"/>	Encroachments
<input type="checkbox"/>	Engineering
<input type="checkbox"/>	Title
<input type="checkbox"/>	Appraisals
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*This is being handled by Ron Tanner, Traffic Eng.  
MW 5/14/80*