

April 13, 1979

Mr. Thomas R. Gilbertson
P. O. Box 1069
Delta Junction, Alaska 99737

Re: Section Line Easement

Dear Mr. Gilbertson:

In response to your letter I should like to set forth our policy regarding section line access.

Although the Highway Department policy regarding section line use currently is in flux, the following considerations are to be borne in mind in any section line use.

1. Section lines are public easements for highway purposes. As such, no one is entitled to exclusive use of a section line. Accordingly, all parties are to be afforded use of the line and unrestricted access is to be the rule.

2. As a section line easement for highway purposes, any highway department uses, proposed now or in the future, supersede any use by private individuals on the line. In short, private enhancement of section line easements in the way of roads is subject to Highway Department uses of the section line.

3. In upgrading the line it is your responsibility to remain within the section line easement unless permission is obtained from private land-owners to enter upon their land.

4. The Highway Department takes no position at this time with respect to any clearances which you might require from other agencies or departments.

5. All monuments and survey corners encountered must remain undisturbed. Additionally, please be advised that any access of section line roads upon State-maintained

roads will require approval and a driveway approach permit from the Driveway Permit Section of the State of Alaska Department of Highways.

6. Finally, it should be borne in mind that the letter of non-objection is not necessary for use of section lines. The Highway Department does reserve the right, however, to object at any time to any use of a section line if it conflicts with law, public use, or Highway Department plans.

Finally, please be advised, again, the actual determination of a section line easement, as opposed to a section line, is your responsibility.

STATE OF ALASKA

AVRUM M. GROSS
ATTORNEY GENERAL

By: William R. Satterberg, Jr.
Assistant Attorney General

WRS:dp