

CHAPTER 36.

AN ACT

[Sub. S. B. 2]

To provide for the construction, maintenance and protection of public roads, bridges, trails and ferries and property pertaining to public roads in the Territory of Alaska, to provide funds, regulations and penalties; to carry the provisions and purposes of this Act into effect; to provide for the appointment of a Territorial Board of Road Commissioners and defining their duties; to provide for a Board of Divisional Road Commissioners for the First, Second, Third and Fourth Judicial Divisions in the Territory of Alaska and for other purposes; and declare an emergency.

Be it enacted by the Legislature of the Territory of Alaska:

Territorial
Board of Road
Commission-
ers created.

Section 1. There is hereby created a Territorial Board of Road Commissioners for the Territory of Alaska, for the construction and maintenance of roads, trails, bridges and ferries in the Territory of Alaska. This Board shall consist of the Governor of the Territory, Surveyor-General, and the Territorial Treasurer, and shall be known as the Territorial Board of Road Commissioners.

To receive
and disburse
certain federal
funds.

Section 2. The said Territorial Board of Road Commissioners is empowered to act for the Territory in the receipt, allotment and disbursement of any Federal Funds that may be turned over to the Territory for the building and maintenance of roads, bridges and trails unless otherwise provided for.

To estimate
funds re-
quired, appor-
tion and
pay same.

Section 3. It shall be the duty of the Territorial Board of Road Commissioners to furnish the Legislature of the Territory, while in session, with an estimate of the amount required to construct and maintain roads, bridges and trails in each of the Territorial Road Divisions, and to apportion and to transfer to the Treasurers of the various Divisional Road Commissions such moneys as shall be apportioned by the legislature according to the terms of the Act or Acts appropriating such moneys, and to appoint a Treasurer, who shall be an officer of a Territorial or National Bank in the Division for which he is appointed, for each of the four Road Divisions. The Treas-

Treasurer
for each
Judicial
Division.

urer shall be the custodian and disbursing officer of all monies appropriated for the building and maintenance of roads, bridges and trails in the division for which he is appointed when the same is transferred to him from the Territorial Treasury on the order of the Territorial Board of Road Commissioners. The term of office of the Divisional Road Treasurer shall be for two (2) years, but he may be removed for cause by the Territorial Board of Road Commissioners, and he shall be required by the Territorial Board to give a bond, good and sufficient in amount to well protect the Territory.

Section 4. The Territory of Alaska shall be divided into four territorial road divisions corresponding and coinciding with the four judicial divisions in the Territory of Alaska with one office in each division which may be established or vacated by the Divisional Road Commission. In each territorial road division there shall be a divisional Road Commission, consisting of three members, two of whom shall be appointed by the Governor of the Territory for a term of two years, or until their successors are appointed and qualified and who shall serve without pay or emolument except that on all official trips connected with road work, they shall be allowed their necessary traveling and living expenses; the third member shall be the elective Territorial Road Commissioner, as now provided by law. He shall be Chairman and Secretary of the Commission; receive and account for all funds and property thereof as hereinafter provided and shall receive as salary such amounts as are now provided by existing law; provided, however, that such salary shall not exceed \$2500.00 per annum. He shall, when authorized by a majority of the Commission be empowered to hire the necessary office and field forces; he shall be provided with a properly furnished office and subject to the general direction of the Commission, he shall have charge of the location, construction, improvement and maintenance of public roads, trails, bridges and ferries in the Division. He shall be

Four road divisions created.

Organization of Divisional Commissions.

Salary of Chairman not to exceed \$2,500.

Duties and Authority of.

custodian of the property and records of the Division, concerning roads and bridges; except as herein provided. He shall select all the subordinate employees, subject to the approval of the Commission whenever practicable, but may in case of emergency employ such employees; he shall prepare and approve all plans and specifications, and none of his plans and specifications, orders or directions shall be countermanded or changed, except by special resolution of the Commission, duly entered on the minutes. He shall execute a good and sufficient bond in an amount fixed by the Territorial Board of Commissioners which amount shall not be less than One Thousand (\$1,000.00) Dollars.

Bond.

Duties of
Divisional
Boards.

Section 5. It shall be the duty of the Divisional Commission to meet at specified times and supervise the apportionment of road funds to the credit of the aforesaid division, so that said funds will not conflict with the apportionment allotted by the United States Board of Road Commissioners for Alaska in said division.

Annual
report and
contents.

Section 6. It shall be the duty of each Divisional Commission to make an annual report on January 1st of each year, to the Territorial Board of Road Commissioners stating for the Division the number of miles of road of each classification and the number of bridges constructed during the year, the number of miles of road of each classification maintained; the total expenditure on each road and bridge during the year, with unit cost, the number of miles of road and number of bridges under construction; number of miles of road and number of bridges to be constructed, together with probable cost of construction and maintenance of said roads and bridges; also, probable tonnage and vehicle traffic over said roads and bridges. The Territorial Board shall make, for the Territory a like report to the Territorial Legislature.

Work to be
done after
survey and
estimate of
cost.

Section 7. Before any work is done in the construction of any contemplated road or bridge, except necessary maintenance work, the Divisional Chairman shall make,

or cause to be made, such survey as may be necessary; shall prepare estimates of the costs of the work and shall submit such estimates of cost for the approval of the Divisional Commission with a recommendation as to the best method of doing the work. The Divisional Commission shall pass upon said estimates, and when same are approved, the chairman shall be authorized to proceed with the work by contract or by force account as the Divisional Commission may direct. If the Divisional Commission determines to do such work by contract, the Chairman shall advertise for bids in the nearest newspaper published in said division near where the work is to be done, and by posting a copy of the advertisement at the Post Office nearest where the work is to be done. The said advertisement shall state the general character of the work to be done, the amount of bond required and the time and place at which the bids will be opened. The Divisional Commission shall furnish blank forms for bids and shall require all bids to be sealed and accompanied by cash or a certified check for five percent of the amount of the bid, which shall be forfeited to the Divisional Commission in case the bidder shall fail to enter into a contract in the event of his being awarded the work. If reasonable bids are received for doing the work, the contract shall be awarded to the lowest responsible bidder, Provided the Divisional Commission may reject any and all bids.

Bids to be obtained when work done on contract; method of procuring same.

Section 8. The Divisional Commission may enter into a contract for the construction, repair and maintenance of any road, bridge or ferry or any appurtenance thereto, provided, that all contracts for the construction work be let under the preceding provisions of this Act.

What work may be contracted for

Section 9. Any contractor employed to construct or maintain any road, bridge, ferry or any appurtenance thereto, shall before entering upon the execution of such work, execute a bond payable to the Chairman of said Commission for 20 per cent of the amount of the con-

Bond to be furnished by contractor.

tract price; said bond to be made by a reliable surety company or any reliable bank in said division or to be a good personal bond signed by at least two sureties, to be approved by the said Commission, and conditioned upon the faithful performance of the contract, and the discharge of his duties thereunder.

Purchase or hire of supplies and teams and employment of men.

Section 10. The Divisional Road Commission shall have authority to purchase such material and supplies, and to purchase or hire such teams and other equipment as may be necessary in the office or field for properly carrying on the work of construction and maintenance of such public roads, trails, bridges and ferries of the aforesaid division. The Chairman shall, in making purchases for such materials and supplies as will be needed for roads and bridges, obtain when practicable quotations from at least two dealers on each class of articles required. The Chairman shall be authorized to employ such assistants as foreman, laborers teams and to rent such equipment as may be necessary to properly carry on the work of construction and maintenance of the public roads, trails, bridges and ferries in said division.

Bills and estimates to be in duplicate and manner of payment.

Section 11. The Chairman shall require all bills, including estimates allowed contractors and allowances for salaries and expenses to be made in duplicate. He shall certify to the correctness of each bill and shall file the triplicate of each bill in his office and will issue a warrant on the Treasurer of the Divisional Commission for the amount of each bill certified by him, the bills and warrants to bear the same serial number. Before a warrant issued by the Divisional Chairman shall be payable, it shall be presented with its corresponding original bill to the Commission; approved by said Commission and be countersigned by a member other than the Chairman thereof. All such original bills, vouchers, contracts, books and papers shall be filed in the office of the Divisional Commissioner and shall be open to inspection by any citizen at a reasonable hour. This file shall be preserved as a public record, and it shall be delivered by the

Records to be preserved and open for inspection.

Chairman of the Divisional Commission to his successor in office. The warrants issued and countersigned in accordance with the provisions of this Act, shall then be paid by the Treasurer of said Commission and charged to the Divisional road and bridge fund.

Section 12. The Treasurer of each Divisional Commission shall make and mail to the Territorial Board of Road Commissioners each calendar month a complete statement of all warrants paid by him, and the chairman of each Divisional Commission shall mail the triplicate of all bills for which he has issued warrants to the Territorial Board of Road Commissioners for each calendar month. Said Triplicate to be mailed within three days after the end of each calendar month, unless he is away from his office; in that case he shall mail them at his earliest opportunity.

Monthly report to Territorial Board.

Section 13. The Divisional Commission shall classify all public Territorial roads and trails in the divisions as wagon roads, sled roads, or trails and shall by appropriate signs or notices posted on each public bridge and ferry in the division, prescribe the maximum load which may be hauled thereon. The lawful width of right-of-way of all roads or trails shall be sixty feet. The width of traveled ways, the grade and character of improvement of each road or trail shall be determined by the Divisional Board of Road Commissioners in view of the requirements of the traffic on each road.

Classification of roads and trails and posting signs.

Section 14. Whoever shall, on any public road in the Territory of Alaska, haul or cause to be hauled, on any wagon, cart or other wheeled vehicle, any load which exceeds 400 pounds per inch width of tire, counting all wheels; or whoever shall wilfully or maliciously obstruct, injure or destroy any of the works, property or material of any public road, bridge or ferry in the Territory of Alaska, constructed or in the process of construction, pursuant to law; or whoever shall haul on any bridge or ferry any load in excess of the maximum prescribed by the Divisional Commission for such bridge or ferry, shall

Regulations governing use of roads, and penalties for violations.

be guilty of a misdemeanor, and on conviction, shall be fined not more than \$300.00 or imprisoned not more than six months, or both; provided, however, that any person desiring to haul a load in excess of the provisions of this act, shall apply to a member of the Road Commission for a permit for such purpose, stating the necessity for such permit, and if it appears to the satisfaction of said member of the Commission that the applicant for such permit is justified in hauling such load, he shall be granted a permit to so do. All fines collected under the provisions of this section shall be paid to the Clerk of the United States Court and be covered into the Territorial treasury. It shall be the duty of each member of the Divisional Commission to make complaint, to the proper authorities, of all violations of this section which may come under his observation.

Printed copies
of this Act
to be dis-
tributed.

Section 15. It shall be the duty of the Territorial Board of Road Commissioners to have this Act printed and to furnish 500 copies to each Divisional Commission in the Territory of Alaska.

Sign posts
at crossings.

Section 16. Within one year after the approval of this Act the Divisional Commission may cause to be erected at the intersection and crossing points of all Territorial roads substantial sign boards with suitable device and lettering thereon to indicate the direction and distance to the nearest town or city.

Repealing
clause.

Section 17. All laws or parts of laws not in conflict with this Act shall remain in full force and effect, and all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Emergency
declared.

Section 18. An emergency is hereby declared to exist, and this Act shall take effect immediately upon its approval.

Approved May 8, 1917.

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September 1, 1960

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MEMORANDUM

Ref: Project FAS 6804

SUBJECT: Manley Hot Springs-Eureka

TO: Donald R. Roser, Assistant State Highway Engineer

FROM: Paul B. Larsen, Law Clerk, Right of Way Section

A right of way width of 66 feet was established in Alaska by usage. Chapter 19, SLA 1923 established a 66 foot right of way on all section lines and this law is the origin of the claim of 66 feet even where the right of way does not follow section lines.

The right of way width along section lines is now 100 feet as established by Chapter 35, SLA 1953, (14A-5-2).

Where a road is not a section line, we must go back to a 1917 law, Chapter 36, SLA 1917, Section 13, which establishes a 60 foot right of way. This section reads:

"The Divisional Commission shall classify all public Territorial roads and trails in the divisions as wagon roads, sled road, or trails and shall by appropriate signs or notices posted on each public bridge and ferry in the division prescribe the maximum load which may be hauled thereon. The lawful width of right of way of all roads or trails shall be sixty feet (60). The width of traveled ways, the grade and character of improvements of each road or trail shall be determined by the Divisional Board of Commissioners in view of the requirements of the traffic on each road."

Conclusion: That we can under any circumstances claim 60 feet. If the road is also a section line we can claim more.

Paul B. Larsen

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