

# Alaska Rural Rehabilitation Corporation

MATANUSKA VALLEY COLONIZATION PROJECT

Palmer, Alaska

10-23-36

Mr. Ross L. Sheely  
Gen. Mgr. A.R.R.C.  
Palmer, Alaska

Dear Sir:

As Mr. Ike P. Taylor, chief engineer for the Alaska Road Commission is now in Washington D. C., I suggest that you write to him suggesting the procurement from either the President or Congress of Road Right-of-Way on all future patent or public domain in Alaska.

The need of this facility of development has been very apparent in the Matanuska Valley. The increasing areas of homestead and other patented lands will, as Alaska becomes more populated, multiply, the present difficulties of road location, construction and maintenance.

Closely allied with the problem of free highway or road Right-of-Way over public or patented land is also the necessity of gravel pit sites and road drainage rights on same.

I understand that the Alaska Road Commission has no legal claim on rights even to the present road Right-of-Ways it now occupies over public domain, as such lands now traversed by such roads are subject to claims, patents, etc. free of road right-of-way obligations; particularly is this true in the Matanuska Valley, where closer settlement of land and its subdivision into small areas has made the invasion by the Road Commission with a sixty foot wide highway or road Right-of-Way across such small holdings quite an acute problem.

In most states a marginal area has been reserved on the exterior boundaries of all sections for road Right-of-Way.

Mr. Kinsley of the Land Department informs me that no such Territorial or Federal reserves have been made on Patented land in Alaska, the only Federal right-of-way provisions on patented land in Alaska are those pertaining to the construction and development of The Alaska Railroad which reads as follows:-

The Act of March 12, 1914 (38 Stat. 305-307) states as follows:

An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes.

Terminal and station ground and rights of way through the lands of the United States in the Territory of Alaska are hereby granted for the construction of railroads, telegraph and telephone lines authorized by this Act, and in all patents for lands hereafter taken up, entered or located in the Territory of Alaska, there shall be expressed that there is reserved to the United States a right-of-way for the construction of railroads, telegraph and telephone lines to the extent of one hundred feet on either side of the center line of any such road and twenty-five feet on either side of the center line of any such telegraph or telephone lines, and the President may in such manner as he deems advisable, make reservation of such lands as are or may be useful for furnishing materials for construction and for stations, terminals, docks, and for such other purposes in connection with the construction and operation of such railroad lines as he may deem necessary and desirable.

Approved March 12, 1914 (38 Stat. 305-307. All patents contains this clause:

There is reserved to the United States a right-of-way for the construction of railroads, telegraph and telephone lines, in accordance with the Act of March 12, 1914 (38 Stat. 305).

On reviewing the statute, I am of the opinion that Road-Right-of-ways of the Alaska Road Commission may be legal and binding under this Act, at least the roads or highways which act as feeders to the rail road should be.

Excerpt from Act:-

"And the President may in such manner as he deems advisable, make reservation of such lands as are or may be useful for furnishing materials for construction and for stations, terminals, docks, and for such other purposes in connection with the construction and operation of such railroad lines as he may deem necessary and desirable."

It is quite evident that the Railroad could not operate without roads leading from it to the various points of collection or distribution of its haul.

I naturally infer that such highway or road-right-of-ways are prime facilities of said railroad operation and come under the meaning of the Act. At least the Act empowers the President to declare them as such.

I am sure that Mr. Taylor could arrange thru his Department in Washington for the procurement of an Executive Order covering this much needed Alaskan Development facility.

Very truly,

Anton Anderson  
Locating Engineer

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