

#16,8 ✓

C
C
P
Y

September 1, 1960

C
O
P
Y

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

Copied 8/7/60:ts