

ROADS, TRAILS, AND BRIDGES**TRANSFER OF ROAD AND BRIDGE MATERIALS FROM FEDERAL AGENCIES TO ALASKA ROAD COMMISSION**

Acts June 29, 1948, ch. 754, title I, § 1, 62 Stat. 1147; Oct. 12, 1949, ch. 680, title I, § 101, 63 Stat. 766, provided in part: "In the operation of the facilities of the Alaska Road Commission, the Departments of the Air Force, Army, and Navy, or any other agency of the United States having title thereto is authorized to transfer, regardless of present location and without charge to the Alaska Road Commission, materials, road and bridge, and other necessary equipment, spare parts, shop facilities and machinery, supplies and buildings surplus to its needs and which is deemed essential by the Department of the Interior for the construction, improvement, and maintenance of the Alaska road system."

ALASKAN INTERNATIONAL HIGHWAY COMMISSION

Act May 31, 1938, ch. 299, 52 Stat. 590, as amended June 11, 1940, ch. 303, 54 Stat. 262, provided: "That the President of the United States, within ninety days from the passage of this Act, shall appoint, and he is hereby empowered to appoint, a Commission to be known as the Alaskan International Highway Commission, to be composed of five members, one a citizen of the Territory of Alaska, one a Member of the Congress of the United States, and three citizens of the United States of America; said Commissioners to be appointed for a six-year term and to serve without salary or other compensation. Said Commission shall be authorized by the President to cooperate and communicate directly with any similar agency which may be appointed in the Dominion of Canada in a study for the survey, location, and construction of a highway to connect the Pacific Northwest part of continental United States with British Columbia and the Yukon Territory in the Dominion of Canada, and the Territory of Alaska. Said Commission may cooperate with any such agency in the Dominion of Canada, in the study of specifications, estimates, and plans for the financing of the construction and maintenance of said road. Said Commission shall, within two years after their appointment and at such other times as the Commission may deem advisable, report to the President the extent and results of their activities and of any conferences, relative to such highway, and the President shall transmit said reports to the Congress."

§ 321. Board of road commissioners; composition.**CODIFICATION**

Section, acts Jan. 27, 1905, ch. 277, § 2, 33 Stat. 616; May 14, 1906, ch. 2458, § 2, 34 Stat. 192, is now covered by sections 321a—327 of this title, and section 123 of Title 5, Executive Departments and Government Officers and Employees.

§ 321a. Execution of laws by Secretary of Interior; transfer of appropriations, materials, etc.

The Secretary of the Interior shall execute or cause to be executed all laws pertaining to the construction and maintenance of roads and trails and other works in Alaska, heretofore administered by said board of road commissioners under the direction of the Secretary of War; and all appropriations heretofore made, and now available, or that hereafter may be made, for expenditure by said board for meeting the cost of such work in the Territory of Alaska, are transferred to the Secretary of the Interior, to be thereafter administered in accordance with the provisions of sections 321a—321d of this title; and the said board is directed to turn over to the Secretary of the Interior all equip-

ment, materials, supplies, papers, maps, and documents, or other property utilized in the exercise of such powers, for the use of the said Secretary in the administration of the construction and maintenance of roads, tramways, ferries, bridges, and trails, and other works in the Territory of Alaska, heretofore administered by said board. (June 30, 1932, ch. 320, § 2, 47 Stat. 446.)

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of that Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out as a note under section 481 of Title 5, Executive Departments and Government Officers and Employees.

§ 321b. Same; distribution of duties; rules and regulations; tolls.

With the approval of the President, the Secretary of the Interior shall have power, by order or regulation, to distribute the duties and authority transferred, and appropriations pertaining thereto, as he may deem proper to accomplish a more economical and effective organization thereof, and to make rules and regulations governing the use of roads, trails, and other works, including the fixing and collection of tolls where deemed necessary and advisable in the public interest. (June 30, 1932, ch. 320, § 3, 47 Stat. 446.)

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of that Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out as a note under section 481 of Title 5, Executive Departments and Government Officers and Employees.

DELEGATION OF FUNCTIONS

For delegation to the Secretary of the Interior of authority vested in the President by this section, see Ex. Ord. No. 10250, June 5, 1951, 16 F. R. 5385, set out as a note under section 301 of Title 3, The President.

§ 321c. Same; submission of appropriations.

All estimates of appropriations for the construction and maintenance of roads and trails and other works, as submitted prior to June 30, 1932, by the Secretary of War, shall after such date be submitted by the Secretary of the Interior. (June 30, 1932, ch. 320, § 4, 47 Stat. 446.)

§ 321d. Same; reservation of right-of-way for roads, etc., in patents and deeds.

In all patents for lands hereafter taken up, entered, or located in the Territory of Alaska, and in all deeds by the United States hereafter conveying any lands to which it may have reacquired title in said Territory not included within the limits of any organized municipality, there shall be expressed that there is reserved, from the lands described in said patent or deed, a right-of-way thereon for roads, roadways, highways, tramways, trails, bridges, and appurtenant structures constructed or to be constructed by or under the authority of the United

States or of any State created out of the Territory of Alaska. When a right-of-way reserved under the provisions of sections 321a—321d of this title is utilized by the United States or under its authority, the head of the agency in charge of such utilization is authorized to determine and make payment for the value of the crops thereon if not harvested by the owner, and for the value of any improvements, or for the cost of removing them to another site, if less than their value. (June 30, 1932, ch. 320, § 5, as added July 24, 1947, ch. 313, 61 Stat. 418.)

§ 322. Location and construction of roads and trails.

The Secretary of the Interior, or such officer, or officers as may be designated by him, shall, upon his own motion or upon petition, locate, lay out, construct, and maintain roads, trails, and bridges from any point on the navigable waters of Alaska to and through any town, mining or other industrial camp or settlement, or between and through any such town, camps, or settlements therein, if in his judgment such roads, trails, or bridges are needed and will be of permanent value for the development of Alaska: *Provided*, That within incorporated towns only roads and bridges which are designated by the Secretary of the Interior as part of the through highway system of the Territory of Alaska may be constructed under this section: *Provided further*, That no roads or bridges within incorporated towns shall be maintained under this section. (Jan. 27, 1905, ch. 277, § 2, 33 Stat. 616; May 14, 1906, ch. 2458, § 2, 34 Stat. 192; June 30, 1932, ch. 320, § 1, 47 Stat. 446; July 14, 1955, ch. 359, 69 Stat. 321.)

CODIFICATION

Section is comprised of the third sentence of section 2 of act Jan. 27, 1905. Other provisions of section 2 of act Jan. 27, 1905, are classified to sections 323—325 of this title.

AMENDMENTS

1955—Act of July 14, 1955, amended section to direct building of roads not only "to" and "between" towns, but also "through" them, and amended language of section generally for more precise definition of the responsibilities of the Alaska Road Commission.

1932—Act June 30, 1932, transferred the powers and duties of the board of road commissioners to the Secretary of the Interior. See section 321a of this title.

1906—Act May 14, 1906, re-enacted section without change.

§ 323. Same; maps, plans, and specifications; contracts for permanent work.

The Secretary of the Interior, or such officer, or officers, as may be designated by him, shall prepare maps, plans, and specifications of every road or trail he may locate and lay out, and whenever more than \$20,000 in the aggregate, shall have to be expended upon the actual construction of any road or section of road designed to be permanent, contract for the work shall be let by him to the lowest responsible bidder, upon sealed bids, after due notice, under rules and regulations to be prescribed by him. He may reject any bid if he deems the same unreasonably high or if he finds that there is a combination among bidders. In case no responsible and reasonable bid can be secured, then the work may be carried on with material and men procured and hired by him. The Secretary of the Interior, or such officer, or officers, as may be desig-

nated by him, shall in all cases supervise the work of construction and see that the same is properly performed. As soon as any road or trail laid out by him has been constructed and completed he, or such officer, or officers as may be designated by him, shall examine the same and make a full and detailed report of the work done on the same, and in such report shall state whether the road or trail has been completed conformably to the maps, plans, and specifications of the same. (Jan. 27, 1905, ch. 277, § 2, 33 Stat. 616; May 14, 1906, ch. 2458, § 2, 34 Stat. 192; June 30, 1932, ch. 320, § 1, 47 Stat. 446.)

CODIFICATION

Section is comprised of the fourth to the eighth sentences, inclusive, of section 2 of act Jan. 27, 1905. Other provisions of section 2 of act Jan. 27, 1905, are classified to sections 322, 324, and 325 of this title.

AMENDMENTS

1932—Act June 30, 1932, transferred the powers and duties of the board of road commissioners to the Secretary of the Interior. See section 321a of this title.

1906—Act May 14, 1906, re-enacted section without change.

§ 324. Repair of roads and trails constructed.

It shall be the duty of the Secretary of the Interior, or such officer or officers as may be designated by him, as far as practicable, to keep in proper repair all roads and trails constructed under his supervision, and the same rules as to the manner in which the work of repair shall be done, whether by contract or otherwise, shall govern as in the case of the original construction of the road or trail. (Jan. 27, 1905, ch. 277, § 2, 33 Stat. 616; May 14, 1906, ch. 2458, § 2, 34 Stat. 192; June 30, 1932, ch. 320, § 1, 47 Stat. 446.)

CODIFICATION

Section is comprised of the ninth sentence of section 2 of act Jan. 27, 1905. Other provisions of section 2 of act Jan. 27, 1905, are classified to sections 322, 323, and 325 of this title.

AMENDMENTS

1932—Act June 30, 1932, transferred the powers and duties of the board of road commissioners to the Secretary of the Interior. See section 321a of this title.

1906—Act May 14, 1906, re-enacted section without change.

§ 325. Costs and expenses payable out of Alaska fund; limitation of liability.

The cost and expenses of laying out, constructing, and repairing such roads and trails shall be paid by the Secretary of the Treasury, through such officer or officers as may be designated by the Secretary of the Interior, out of the road and trail portion of the "Alaska fund" mentioned in section 41 of this title upon vouchers approved and certified by the Secretary of the Interior. The Secretary of the Treasury shall, at the end of each month, send by mail to the Secretary of the Interior a statement of the amount available of said "Alaska fund" for the construction and repair of roads and trails, and, subject to the provisions of section 326 of this title, no greater liability for construction or repair shall at any time be incurred by the Secretary of the Interior or such officer or officers as may be designated by him, than the money available therefor at that time in said fund. (Jan. 27, 1905, ch. 277, § 2, 33 Stat. 616; May 14, 1906, ch. 2458, § 2, 34 Stat. 192; June 30, 1932, ch. 320, § 1, 47 Stat. 446.)

CODIFICATION

Section is comprised of the tenth and eleventh sentences of section 2 of act Jan. 27, 1905. Other provisions of section 2 of act Jan. 27, 1905, are classified to sections 322—324 of this title.

The clause, "subject to the provisions of section 326 of this title," was inserted to allow for the exceptions contained therein.

AMENDMENTS

1932—Act June 30, 1932, transferred the powers and duties of the Secretary of War regarding roads in Alaska and of the board of road commissioners to the Secretary of the Interior. See section 321a of this title.

1906—Act May 14, 1906, inserted provision "through the authorized disbursing officer of the board designated by the Secretary of War" which has been changed to read "through such officer or officers as may be designated by the Secretary of the Interior" to conform to act June 30, 1932.

§ 326. Roads, bridges, and trails; obligations in advance of appropriations.

When an appropriation for the construction and maintenance of roads, tramways, ferries, bridges, and trails for any fiscal year shall not have been made prior to the 1st day of March preceding the beginning of such fiscal year, the Secretary of the Interior may authorize such officer or officers as may be designated by him, to incur obligations for this purpose of not to exceed 75 per centum of the appropriation for this purpose for the fiscal year then current, payment of these obligations to be made from the appropriation for the new fiscal year when it becomes available. (Feb. 12, 1925, ch. 225, title II, 43 Stat. 930; June 30, 1932, ch. 320, § 1, 47 Stat. 446.)

CODIFICATION

Section is a provision from the War Department Appropriation Act, 1926.

AMENDMENTS

1932—Act June 30, 1932, transferred the powers and duties of the Secretary of War regarding roads in Alaska and of the board of road commissioners to the Secretary of the Interior. See section 321a of this title.

§ 327. Roads and trails; contributions for construction, etc.

The Secretary of the Interior is authorized to receive from the Territory of Alaska, or other source, such funds as may be contributed by them to be expended in connection with funds appropriated by the United States for any authorized work of construction, repair, and maintenance of roads, bridges, ferries, trails, and related works in the Territory of Alaska, and to cause such funds to be deposited to the credit of the Treasurer of the United States, and to expend the same in accordance with the purpose for which they were contributed. (June 30, 1921, ch. 33, § 1, 42 Stat. 90; June 30, 1932, ch. 320, § 1, 47 Stat. 446.)

CODIFICATION

Section is a provision from the Army Appropriation Act, 1922.

AMENDMENTS

1932—Act June 30, 1932, transferred the powers and duties of the Secretary of War regarding roads in Alaska to the Secretary of the Interior. See section 321a of this title.

CROSS REFERENCES

Funds contributed for improvement of roads, bridges, and trails in Alaska to be classified on books of Treasury as trust funds, see section 725s (49) of Title 31, Money and Finance.

Transfer of appropriations for roads and trails to Secretary of Interior who shall execute all laws pertaining thereto, see sections 321a—321c of this title.

§§ 328—330. Omitted.

CODIFICATION

Section 328, act July 9, 1918, ch. 143, 40 Stat. 863, related to estimates for work on roads and is now covered by section 321c of this title.

Section 329, acts Jan. 27, 1905, ch. 277, § 2, 33 Stat. 616; May 14, 1906, ch. 2458, § 2, 34 Stat. 192, related to expenses of board in addition to salary and is not now covered as section 321a of this title transferred the duties of the board to the Secretary of the Interior.

Section 330, act Apr. 27, 1914, ch. 72, 38 Stat. 366, related to per diem commutation of Army officer member of the board and is not now covered as section 321a of this title transferred the duties of the board to the Secretary of the Interior.

§§ 331—337. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029.

Sections, act Apr. 27, 1904, ch. 1629, 33 Stat. 391—393, provided for road districts and road overseers, and prescribed their term of office, qualifications, duties, and compensation.

INTERNATIONAL RAIL AND HIGHWAY COMMISSION

§ 338. Establishment of Commission; members; appointment; chairman and vice chairman; quorum; vacancies; appointment of Army officer.

(a) There is established an Alaska International Rail and Highway Commission (hereinafter referred to as the "Commission") which shall be composed of thirteen members, to be appointed by the President, as follows:

(1) five of the members of the Commission shall be Members of the Congress of the United States, not more than three of whom shall be members of the same political party;

(2) four of the members shall be selected from the executive branch of the Government, of whom, if practicable, one shall be from the Department of the Army, to be designated by the Secretary of the Army, one from the Department of the Interior, one from the Department of State, and one from the Department of Commerce; and

(3) three of the members shall be selected from the general public, one of whom shall be a resident of Alaska and one of whom shall be a resident of the Pacific Northwest region of the United States; and

(4) the Delegate from Alaska in the House of Representatives of the United States.

(b) The Commission shall select a chairman and a vice chairman from among its members.

(c) A quorum of the Commission shall consist of seven members. Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

(d) The appointment of an officer of the Army on the active list as a member of the Commission is authorized as an exception to section 576 of Title 10, and does not vacate his appointment as a commissioned officer of the Army. (Aug. 1, 1956, ch. 840, § 1, 70 Stat. 888; Apr. 20, 1957, Pub. L. 85—16, 71 Stat. 14.)

REFERENCES IN TEXT

Section 576 of Title 10, referred to in subsec. (d), was repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641,

and is now covered by sections 3544 and 8544 of Title 10, Armed Forces.

AMENDMENTS

1957—Subsec. (a) amended by Pub. L. 85-16, which substituted "thirteen members" for "twelve members" in the introductory statement, and added clause (4).

§ 338a. Duties.

It shall be the duty of the Commission—

(a) to make a thorough and complete study of the economic and military advantages of additional highway and rail transportation facilities connecting continental United States with central Alaska;

(b) to make a thorough and complete study of the most feasible and direct routes of rail and highway transportation between the United States and Alaska, in relation to the economic benefits to be derived therefrom by the United States, Canada, and Alaska; and

(c) to make a thorough and complete study of the most feasible feeder rail and highway routes connecting coastal ports and cities with the rail and highway facilities between the United States and Alaska, determined most feasible and beneficial by the Commission.

In making such studies, the Commission shall give particular attention to the feasibility of rail and highway facilities between the Pacific Northwest region and Alaska. In determining the most feasible and beneficial routes for rail and highway facilities, the Commission shall take into consideration the proximity to such routes of suitable sites for airfields. (Aug. 1, 1956, ch. 840, § 2, 70 Stat. 888.)

§ 338b. Cooperation with Canada.

The Commission is authorized to cooperate with the officials of the Dominion of Canada and of the Provinces of British Columbia and Alberta and with any commission or similar body appointed for such purpose by the Dominion of Canada or the Provinces of British Columbia or Alberta. The Secretary of State shall, at the request of the Commission, arrange for meetings with such officials and with such commissions or similar bodies of the Dominion of Canada or the Provinces of British Columbia and Alberta. (Aug. 1, 1956, ch. 840, § 3, 70 Stat. 888; Aug. 8, 1958, Pub. L. 85-601, § 1(a), 72 Stat. 524.)

AMENDMENTS

1958—Pub. L. 85-601 amended section to authorize cooperation with officials, commissions and similar bodies of the Province of Alberta.

§ 338c. Powers of Commission.

(a) Hearings; oaths and affirmations; employees.

The Commission may, in carrying out its duties under sections 338—338g of this title, hold such hearings, take such testimony, sit and act at such places and times, and incur such expenditures as the Commission deems necessary. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission. The Commission may, without regard to the civil-service laws and the Classification Act of 1949, employ and fix the compensation of such experts, consultants, and other employees, as it deems necessary to assist in carrying out its duties under sections 338—338g of this title.

(b) Utilization of facilities, information, and personnel of Federal departments and agencies.

The Commission is authorized to utilize the facilities, information, and personnel of the departments, agencies, and establishments of the executive branch of the Government which it deems necessary to carry out its duties under sections 338—338g of this title; and each such department, agency, and instrumentality is authorized to furnish such facilities, information, and personnel to the Commission upon request made by the chairman or vice chairman. The Commission shall reimburse each such department, agency, and instrumentality for the services of any personnel utilized. The furnishing of information by any such department, agency, or instrumentality shall be subject to such restrictions as the head of the department, agency, or instrumentality deems necessary for the security of the United States.

(c) Utilization of information available by reason of certain surveys and plans.

In performing its duties under sections 338—338g of this title the Commission shall utilize all information available by reason of any surveys and plans made under authority of the Act entitled "An Act providing for a location survey for a railroad connecting the existing railroad system serving the United States and Canada and terminating at Prince George, British Columbia, Canada, with the railroad system serving Alaska and terminating at Fairbanks, Alaska", approved October 26, 1949. (Aug. 1, 1956, ch. 840, § 4, 70 Stat. 889.)

REFERENCES IN TEXT

The civil-service laws, referred to in subsec. (a), are classified generally to Title 5, Executive Departments and Government Officers and Employees.

The Classification Act of 1949, referred to in subsec. (a), is classified to chapter 21 of Title 5.

The act entitled "An Act providing for a location survey for a railroad connecting the existing railroad system serving the United States and Canada and terminating at Prince George, British Columbia, Canada, with the railroad system serving Alaska and terminating at Fairbanks, Alaska", approved Oct. 26, 1949, referred to in subsec. (c), is act Oct. 26, 1949, ch. 734, 63 Stat. 908, which was not classified to this Code.

§ 338d. Delegation of powers.

The Commission may delegate to any member of the Commission or to any committee composed of members of the Commission any of the duties and powers conferred upon it by sections 338—338g of this title, other than the duty of submitting reports and recommendations to the Congress pursuant to section 338f of this title. (Aug. 1, 1956, ch. 840, § 5, 70 Stat. 889.)

§ 338e. Travel, subsistence, and other expenses.

Members of the Commission shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties. (Aug. 1, 1956, ch. 840, § 6, 70 Stat. 889.)

§ 338f. Reports and recommendations; termination.

The Commission shall report the results of its studies and submit its recommendations to the Congress from time to time, and shall make a final report and submit its final recommendations to the Congress at the earliest practicable time, but in no