

Calendar No. 574

80TH CONGRESS }
1st Session }

SENATE

{ REPORT
No. 551

AMENDING THE ACT ENTITLED "AN ACT PROVIDING FOR THE TRANSFER OF THE DUTIES AUTHORIZED AND AUTHORITY CONFERRED BY LAW UPON THE BOARD OF ROAD COMMISSIONERS IN THE TERRITORY OF ALASKA TO THE DEPARTMENT OF THE INTERIOR, AND FOR OTHER PURPOSES," APPROVED JUNE 30, 1932

July 15, 1947.—Ordered to be printed

Mr. BUTLER, from the Committee on Public Lands, submitted the following

REPORT

[To accompany H. R. 1554]

The Senate Committee on Public Lands, to whom was referred the bill (H. R. 1554) to amend the act entitled "An act providing for the transfer of the duties authorized and authority conferred by law upon the Board of Road Commissioners in the Territory of Alaska to the Department of the Interior, and for other purposes," approved June 30, 1932, having considered the same, report favorably thereon without amendment and with the recommendation that the bill do pass.

The bill is designed to facilitate the work of the Alaska Road Commission. As the population of Alaska increases and the Territory develops, the Road Commission will find it increasingly difficult to obtain desirable highway lands unless legislative provision is made for rights-of-way.

The committee believes that passage of this legislation will help to eliminate unnecessary negotiations and litigations in obtaining proper rights-of-way throughout Alaska.

This proposed legislation was introduced at the request of the Department of the Interior and its letter of transmittal to the Speaker of the House of Representatives is hereinbelow set forth in full and made a part of this report.



DEPARTMENT OF THE INTERIOR,
Washington 25, D. C., January 13, 1947.

Hon. JOSEPH W. MARTIN, Jr.,
Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: Enclosed is a draft of a proposed bill to amend the act entitled "An act providing for the transfer of the duties authorized and authority conferred by law upon the board of road commissioners in the Territory of Alaska to the Department of the Interior, and for other purposes," approved June 30, 1932. I request that this proposed bill be referred to the appropriate committee for consideration and recommend its enactment.

The purpose of the enclosed draft is to provide for the reservation by the United States in patents or deeds to land in Alaska of rights-of-way for trails, roads, highways, tramways, bridges, and appurtenant structures constructed or to be constructed by the authority of the United States or of any future State created in Alaska. Such legislation is desirable to facilitate the work of the Alaska Road Commission.

The greater part of the area on which the operations of the Alaska Road Commission are conducted is public domain land outside of national forests, and the location of rights-of-way on such land presents no serious problem. However, for the proper location of roads and in the interest of public service, it is necessary in some instances to cross lands to which title has passed from the United States. These instances are becoming more numerous as the population of the Territory increases, and obtaining rights-of-way over such lands has in a number of cases presented difficulties requiring court action and the expenditure of Federal funds.

The proposed legislation is similar to the provision of the act of August 30, 1890 (26 Stat. 391, 43 U. S. C. sec. 945), which reserves rights-of-way for ditches and canals constructed by the authority of the United States, west of the one hundredth meridian. A similar provision is also found in the act of March 12, 1914 (38 Stat. 305, 48 U. S. C. sec. 305), by which rights-of-way for railroads were reserved to the United States in all patents for lands thereafter taken up in the Territory of Alaska. The proposed bill would be applicable to both public domain and acquired lands of the United States. The proposed bill, moreover, would authorize the head of the agency utilizing such reserved right-of-way to make payment for the full value of the crops and improvements thereon.

I have been advised by the Bureau of the Budget that there is no objection to the presentation of this proposed legislation.

Sincerely yours,

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.