

John Bennett

From: John Bennett
Sent: Tuesday, April 18, 2017 8:28 AM
To: 'Kent Sullivan (kent.sullivan@alaska.gov)'
Subject: ROW vs. Physical Road

Kent, the more I thought about your question the more I thought that I either didn't really understand what you were asking or that I couldn't understand why the question was being asked. I think you said the opposition was trying to equate the width of ROW with the width of the physical road. I didn't find a canned FAQ for the question "What is the difference between a ROW width and the width of the physical road?" because we rarely have to explain the difference between a concept and a physical object. I consider a ROW to be a concept or the abstract idea. Our courts have defined a ROW as generally a class of easement and so constitutes a right or privilege. But they also refer to the strip of land (physical object) subject to this right or privilege. Our AS 19.59.001 definition of a highway also muddles the distinction between the concept and the physical object by including concept "right-of-way" along with the physical objects of road, street, trail, etc.

Skimming my database I found a 1986 memo from our Planning department titled "Right-of-way" widths. They were requested to research the question regarding departmental policy on major rural highway ROW widths. They concluded that no official written directive existed. But they did mention the PLOs and EOs establishing ROW widths in Alaska to provide a context for the discussion. You might remember that the Alaska Field Committee was a collection of federal land management agencies in the '40's and '50's who met to discuss and decide policy issues. One area of discussion was PLO 601 and the designated withdrawals of 300-foot strips of land for "Through" highways, 200-foot strips for "Feeder" roads and 100-strips for "Local" roads. I'm not sure if they based these widths on standards elsewhere in the US or if they were just nice round numbers seemingly appropriate for the three classifications of roads. I didn't see a lot of discussion detailing all of the long range proposed uses or maintenance needs that would require those widths. It is fair to say that in 1949, those widths far exceeded the typical width of the physical footprint of the constructed roadway. We like to think that they were very forward thinking bureaucrats who recognized that at the time most lands were held by the federal government, and so to withdraw the ROW corridors at that time would relieve the public from having to purchase ROW in the future at a far higher price. (Anything more than free would be a far higher price.) So they were looking not only at what ROW width was needed at the time but what would accommodate highway improvements such as widening, realignments, and waysides for the distant future. The elements that determine what width of ROW is needed for any new project we look to the typical section (number of lanes, lane widths, shoulders, guardrail), cut & fill (the more cut & fill, the more ROW width required), snow storage, utilities, parking, "clear zones", drainage and so on. And the design of the road and the ROW necessary to accommodate them must at least be sufficient for the design life (20-25 years). Currently, when we have a new project to realign a highway or construct a new highway outside the urban area, we don't go through a mathematical exercise adding all the design elements together plus a little freeboard to arrive at a ROW width that will be acquired. To do so would generate ROW widths that vary at every point along the highway. So we look to the standards of the highway system which have provided the historical 100/200/300 foot wide ROW depending on highway classification. We do so for consistency and because it is helpful to use a uniform ROW width where ever possible both for maintenance forces who need to know where the ROW is with respect to the road centerline so they can avoid trespass and for the property owner so they can easily determine the same and prevent them from encroaching into the ROW.

You asked for some factual examples. I wasn't going to print off random highway as-builts but that could be done. For example, look at our "Through" Highways assigned the 300-foot wide ROW by PLO. These are now our "Primary" highway system that includes the Alaska, Richardson, Glenn, Denali, Seward and other such primary highways. Take the Richardson for an example. Most of the rural Richardson is a two lane highway. Most of the highway has shoulders but some stretches do not. So if you figure two standard 12 foot lanes plus two 4 foot shoulders you have a 32' surface. If you are on flat ground with little cut or fill it is likely you could have a physical footprint that doesn't exceed 50 feet. So

what do you need to the other 250 feet of ROW width for? There will be other sections where the cut and fill widths fully occupy the 300' ROW width and if not now possibly in the future for realignments, widening, grade changes, utilities and all else that I have mentioned.

In my Klutina report I mentioned that as far-fetched as a ROW width that far exceeds the physical road width might seem, the Richardson started life as the same class of road (RS-2477 dirt trail) as did the Klutina Lake Road. Ultimately the long range uses and needs for the Richardson far outstripped the AS 19.10.015 100-foot wide ROW width we now assign as a standard for many RS-2477 trails.

I could drone on and on with this but I'm still not sure I'm offering anything useful or relevant to your question. So that's all I got. JohnB

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