

Dias v. State DOT&PF

We have stated that “[a] **right-of-way** is generally considered to be a class of easement.”<sup>10</sup> We have described a **right of way** as “primarily a privilege to pass over another’s land,”<sup>11</sup> and we have consistently used the phrase “**right of way**” to refer to strips of land used for passage of people or things.<sup>12</sup> Black’s Law Dictionary also defines **right of way**” as a right of passage.<sup>13</sup>

10. *Wessells v. State Dep’t of Highways*, 562 P.2d 1042, 1046 n. 5 (Alaska 1977) (internal citation omitted). See also *Andersen v. Edwards*, 625 P.2d 282, 284 n. 1 (Alaska 1981).

13. BLACK’S LAW DICTIONARY 1440 (9th ed.2009) provides the following applicable definitions for **right of way**: “1. The right to pass through property owned by another.... 2. The right to build and operate a railway line or a **highway** on land belonging to another, or the land so used.... 4. The strip of land subject to a nonowner’s right to pass through.”

December 19, 1986 DOT Planning Memo re: “Right-of-Way” widths. No official written directives exist. The