

## Chapter 10. State Highway System.

### Sec. 19.10.010. Dedication of land for public highways.

A tract 100 feet wide between each section of land owned by the state, or acquired from the state, and a tract four rods wide between all other sections in the state, is dedicated for use as public highways. The section line is the center of the dedicated right-of-way. If the highway is vacated, title to the strip inures to the owner of the tract of which it formed a part by the original survey.

**Note:** The 2018 Dickson RS-2477 case stated: *“But we agree with the superior court that the 100-foot width was dictated both by federal land orders and by AS 19.10.015.”* The earliest PLO to set “Local” road widths to 100-feet was PLO 601 dated August 10, 1949. The 12/30/2020 MHT/DNR/DOT SLE Agreement apparently adopts the later AS 19.10.015 reference without giving consideration to the earlier PLO 601 reference. The error of adopting AS 19.10.015 to apply to the “federal” (RS-2477) SLE width of “four rods” or 66-feet is the November 6, 1963 Legislative memo statement that the proposed AS 19.10.015 was not intended to apply to section lines. Dickson was an RS-2477 trail case and not an RS-2477 SLE case. It was appropriate for the Court to refer to AS 19.10.015 for the width of an RS-2477 trail but not for that reference to be extended to RS-2477 SLE widths. The MHT/DNR/DOT agreement brings into question many past SLE width determinations. And until this issue is clarified by the State, all future “federal” SLE width determinations will be suspect. - jfb

### Sec. 19.10.015. Establishment of highway widths.

(a) It is declared that all officially proposed and existing highways on public land not reserved for public uses are 100 feet wide. This section does not apply to highways that are specifically designated to be wider than 100 feet.

(b) Notwithstanding (a) of this section, a municipality may designate the width of a road that is not a part of the state highway system if the municipality maintains the road.