

ALASKA STATE LEGISLATURE



HOUSE TRANSPORTATION COMMITTEE

House Bill 279

“An Act relating to encroachments in the right-of-way of a highway.”

Under the Department of Transportation & Public Facilities there are regulations that allow permits to be issued for encroachments in the right-of-way. However, when a construction project begins there is a federal law requiring all encroachments be removed from the right-of-way. Areas designated as part of the project may not even have any direct contact with the construction project but those encroachments are still required to be removed. House Bill 279 will, by statute, allow existing encroachments in the right-of-way to remain if they qualify for a permit granted to them by the Department of Transportation & Public Facilities.

The provisions of HB 279:

- Inserts an exception into statute that will grandfather current encroachments in the right-of-way of a highway by obtaining a permit by the Department of Transportation & Public Facilities.
- The permit may be issued to a private person, a government agency acting in a business capacity, or an owner or lessee of land contiguous to the right-of-way.
- In order to qualify for the permit, the encroachment must:
 1. Not pose a risk to the traveling public.
 2. The erection of the encroachment occurred in good faith.
 3. The denial of the encroachment permit would pose a hardship on landowner.