



# RS 2477 Rights of Way

## *The State of Alaska Perspective*

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# Origins of RS 2477

- RS 2477 derives from Section 8 of the Mining Law of 1866. This law was later redesignated as Section 2477 of Revised Statutes of 1878, a/k/a R.S. 2477.
- The statute simply provided: “The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted.”



# How RS 2477s Work

- The grant is self-executing. It arises automatically when a public highway is established across public lands in accordance with the laws of the state in which it is located.
- Historically, the term “highway” included foot trails, pack trails, dog sled trails, crudely constructed wagon roads and other corridors of transportation.
- Alaska Statute (AS) 19.45.001(9) defines highways as including roads, streets, trails, walks, bridges, tunnels, drainage structures and other similar or related structures or facilities.

# RS 2477s and FLPMA

These rights-of-way were perfected in Alaska by (1) simple use or (2) acts of acceptance by public authorities.

The Federal Land Policy Management Act (“FLPMA”) repealed R.S. 2477 in 1976; however, valid existing rights were protected. R.S. 2477s were established in Alaska through use or development until virtually all federal land in Alaska was withdrawn in 1969.

R.S. 2477 includes historic routes which exist not only on federal lands (including present day Bureau of Land Management (“BLM”), National Park Service and United States Forest Service lands), but also on former federal lands which are now held by the state or owned by private parties.

The Alaska legislature has recognized over 600 of these rights-of-way in statute.



# RS 2477 Examples

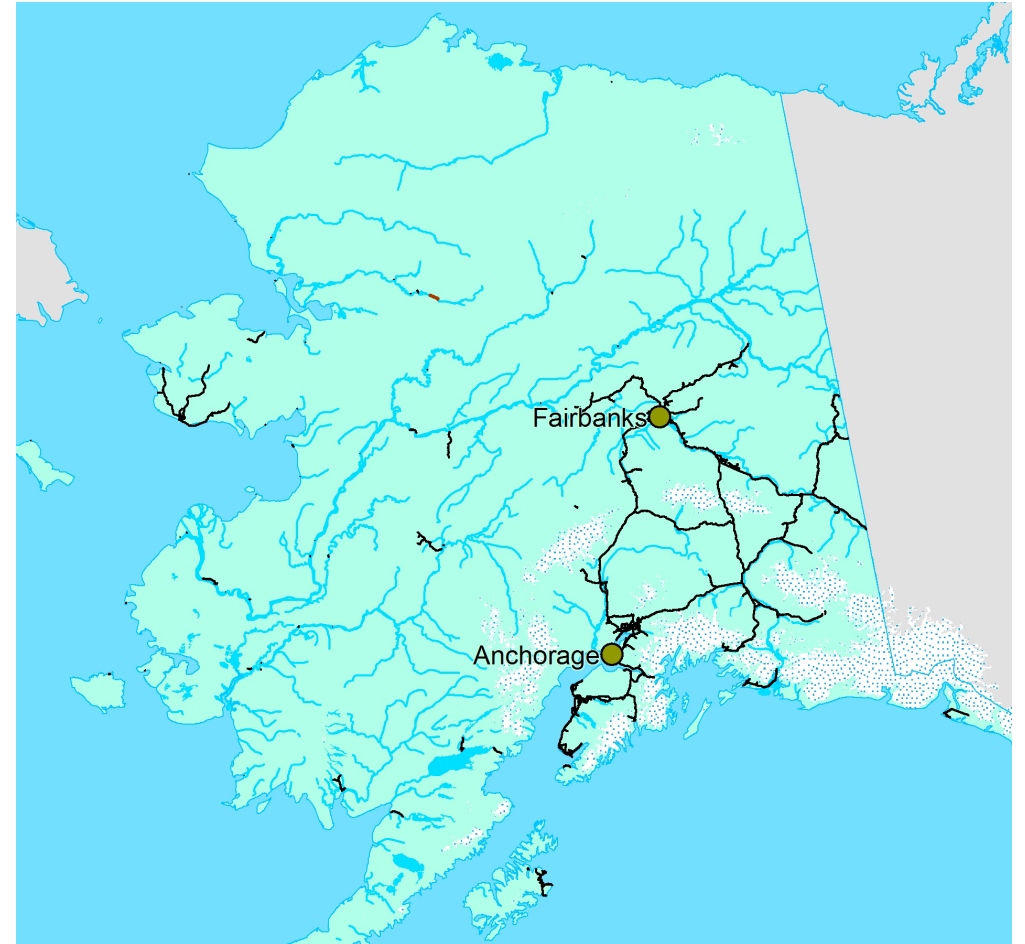
- The Dalton Highway
- Farmers Loop Road in Fairbanks
- DeBarr Road in Anchorage
- The Klutina Lake Road near Copper Center
- The Iditarod Trail
- The Chilkoot Trail



# RS 2477 Value

Alaska, the largest state in the country, has fewer public roads than Connecticut, the third smallest state in the country.

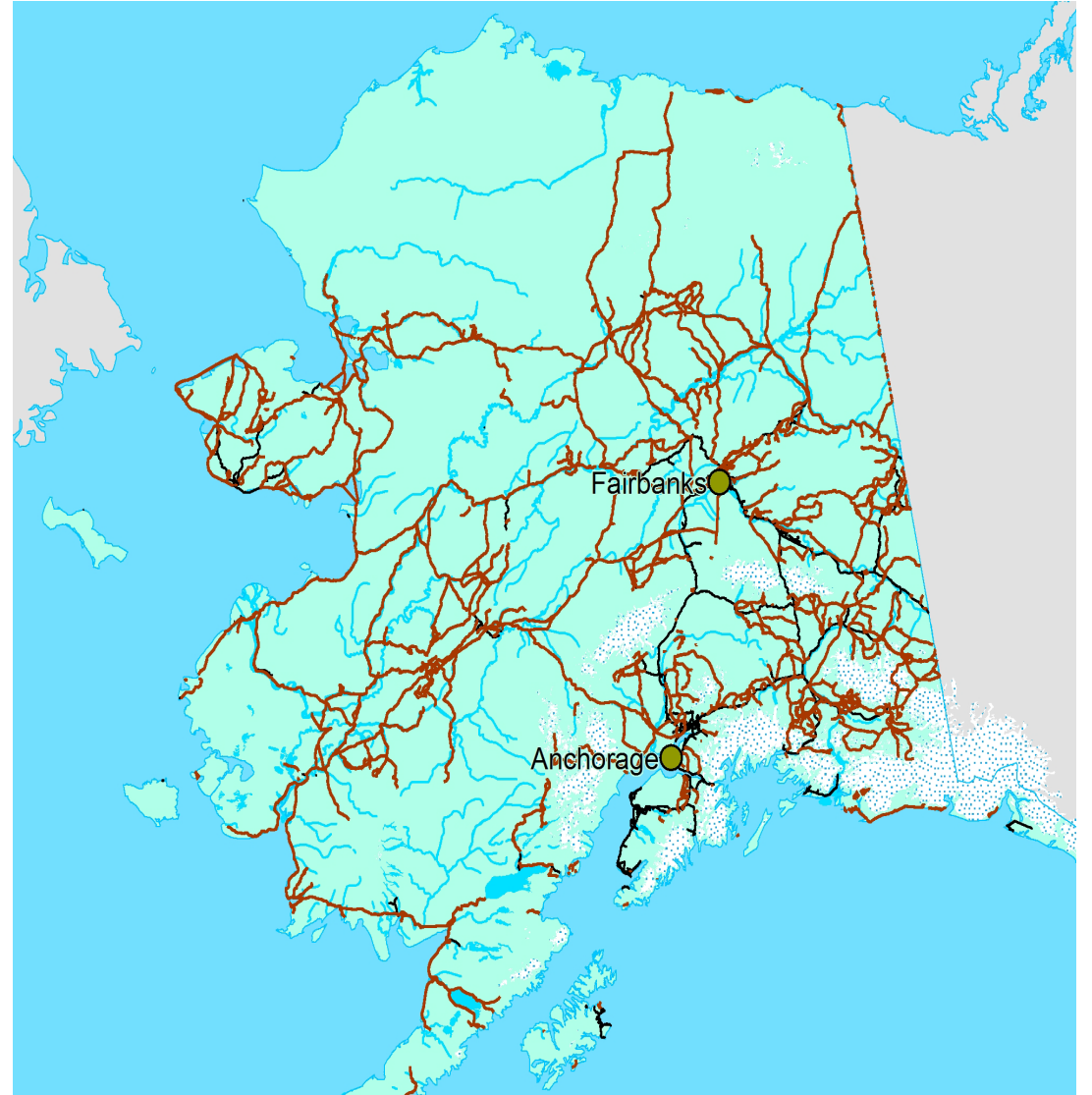
- Alaska: 16,302 miles of road
- Connecticut: 21,020 miles of road



# RS 2477 Potential

R.S. 2477 rights-of-way are critical to:

- Preserve public access to lands and resources.
- Enable Alaska to reasonably manage, maintain and develop the lands, resources and opportunities it owns and holds for the public.
- Use as vital transportation corridors for everyday Alaskans.





QUESTIONS?