



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

**APPLICATION / RENEWAL
FOR BEAUTIFICATION
ENCROACHMENT PERMIT**

RECEIVED _____

See attached instructions and other information, including applicable regulations.

New Application Renewal/Change of Owner Other _____

Please Print or Type

Governmental Agency Business Private

Applicant Name: _____ Phone: _____
Email Address: _____

Business / Organization Name: _____ Phone: _____
Email Address: _____

Mailing Address (include City and Zip Code): Business Private

Physical Address (include City and Zip Code): _____

Business License # (for businesses only): _____ Phone: _____

Location of the proposed Permit (road name, milepost, nearest cross street, etc.): _____

Do you own the land where the business is physically located? Yes No (if no, provide landowner's name and complete mailing address in this box)

Do you own the land adjoining the right-of-way? Own Lease (if lease, provide lessor's name and complete mailing address in this box)

Legal description of business' physical location (attach separate sheet if necessary): _____

Speed limit and traffic volume at the proposed beautification location (for assistance, check with DOT&PF regional office)

Proposed use of the right-of-way (Describe here. Attach detailed site layout/plan and photographs as described in the attached instructions): _____

Size of proposed Permit area (minimum 1,000 square feet): _____

How many feet from the edge pavement will the proposed improvement be located? _____

Applicant's Certification

I certify that I have read the instructions and that all the above information and attachments I have provided are true and correct. I agree and understand that a Beautification Encroachment Permit can be denied, and that, if permitted, is subject to DOT&PF rules and regulations, and is subject to final inspection and approval.

Applicant Signature: _____ Date: _____

Instructions for Beautification Encroachment Permit

Thank you for your interest in a Beautification Encroachment Permit. Beautification may be installed and maintained within a ROW if authorized by the Alaska Department of Transportation and Public Facilities (DOT/PF) through a Beautification Encroachment Permit. A permit is valid for no more than five years and is revocable. A permit is subject to applicable state, federal, and municipal laws. There is no charge for the permit. A request for a Beautification Encroachment Permit must include a complete application and the following information:

(1) A detailed site layout / site plan (*attach a separate sheet*):

- ❖ Show the planting arrangement and the types of plants to be used. Include specific descriptions of all plants to be located within the right of way beautification area, including plant color, type, size (including height), and location.
- ❖ Show how far the proposed beautification will be located from the edge of traveled way.
- ❖ Show all the existing major attributes of the area such as vegetation, utilities, bike-paths, road advisory signs, etc.
- ❖ Label guardrail, curb, sidewalks, edge of pavement, and right of way lines on sketch.
- ❖ Show all the roads by name and show other pertinent landmarks.

(2) Required Photographs:

Attach photographs of the location of the proposed beautification site, including photographs of the edge of the roadway showing the slope, typically taken from a distance of 50 feet, in each direction toward the proposed beautification location.

If the applicant is a business, it shall possess no illegal signs, driveways, or other un-permitted ROW activities or improvements. No signs will be permitted within the permit area. Storage of flammable, explosive, or hazardous material is prohibited within the permit area.

Corps of Engineers Authorization

Before any filling activities take place within the right-of-way, or on the property adjacent to the right-of-way affected by this permit, please contact the U.S. Army Corps of Engineers (USACE) to see if any further authorization is required. Placement of fill material in waters of the U.S., including wetlands and streams, requires prior authorization in most cases. You can reach the USACE at

Anchorage: (907) 753-2712, Fax: (907) 753-5567 Toll Free 1-800-478-2712

Fairbanks: (907) 474-2166, Fax: (907) 474-2164

Juneau: (907) 790-4490, Fax: (907) 790-4499

Kenai: (907) 283-3519, Fax: (907) 283-3981

The website is <http://www.poa.usace.army.mil/reg>

Please mail or take your application to:

<p>Southeast Region Mailing Address:</p> <p>DOT&PF ROW 6860 Glacier Hwy Juneau AK 99801-7909</p> <p>Voice: (907) 465-4540 or 1-800-575-4540 Fax: (907) 465-3506 TDD: (907) 465-4410</p> <p>Southeast Region Physical Address:</p> <p>DOT&PF ROW 6860 Glacier Hwy Juneau AK 99801-7909</p>	<p>Central Region Mailing Address:</p> <p>DOT&PF ROW PO Box 196900 Anchorage AK 99519-6900</p> <p>Voice: (907) 269-0700 or 1-800-770-5263 Fax: (907) 269-0828 TDD: (907) 269-0473</p> <p>Central Region Physical Address:</p> <p>DOT&PF ROW 4111 Aviation Drive Anchorage AK 99502-1058</p>	<p>Northern Region Mailing Address:</p> <p>DOT&PF ROW 2301 Peger Road Fairbanks AK 99709-5316</p> <p>Voice: (907) 451-5400 or 1-800-475-2464 Fax: (907) 451-5411 TDD: (907) 451-2363</p> <p>Northern Region Physical Address:</p> <p>DOT&PF ROW 2720 Picket Place Fairbanks AK 99709</p>
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ADMINISTRATIVE CODE
Title 17 -- Chapter 10
Excerpts Relating to Encroachment Permits

17 AAC 10.010. ENCROACHMENTS. An encroachment may be installed within a highway right-of-way if the encroachment has been permitted by the department under this chapter.

17 AAC 10.011. TYPES OF ENCROACHMENTS AUTHORIZED. (a) The department may issue at no cost an encroachment permit for use of a highway right-of-way by a municipality, state agency, or federal agency, subject to any conditions imposed under 17 AAC 10.014, if the municipality or agency is not acting in a business capacity. The permit will be issued on a form that the department prescribes. Permitted uses include

(1) flags of states or nations;

(2) decorative banners; and

(3) signs, without logos or names of sponsors, that are intended to inform motorists that they are entering a municipality, community, or state.

(b) The department may issue an encroachment permit for the use of a highway right-of-way by a private person, or by a government agency acting in a business capacity, to an owner or lessee of land contiguous to the highway right-of-way where the owner or lessee's primary activity occurs, if the use complies with the requirements of 17 AAC 10.012, and the use is allowed under (c) of this section. The department may impose permit conditions under 17 AAC 10.014. An encroachment permit issued under this subsection is valid for a term of no more than five years for a specific use. The department may renew the permit for additional subsequent terms of no more than five years each. The permit will be issued on a form that the department prescribes. A permit applicant must pay a \$100¹ nonrefundable application fee. In addition, the permittee must pay economic rent established under 17 AAC 10.013, or \$100 annually, for the use of the land, whichever amount is greater. A permittee must pay a nonrefundable \$100 reapplication fee each time the permittee files a request to renew the permit. Upon renewal of the permit, the permittee must pay economic rent, as established under 17 AAC 10.013 as of the date of extension, or \$100 annually, whichever amount is greater. The department may revoke an encroachment permit before the end of its term, after notice issued to the permittee at least 30 days before the date of revocation. The issuance of a permit under AS 19.25, or this chapter does not entitle the permittee to a payment of just compensation or relocation benefits under AS 34.60, if a permit is revoked or a request for renewal is denied.

(c) An encroachment permit issued under (b) of this section allows any lawful use except the following:

(1) any permanent structure located partially or completely in the right-of-way;

(2) water and sewer facilities that the department has not permitted under 17 AAC 15;

(3) a tank of any size;

(4) fueling facilities;

(5) repealed 3/1/2002;

(6) a use not in the best interest of the state; and

(7) a land use on a highway right-of-way that allows development on contiguous land that would not otherwise be possible without the use of the highway right-of-way.

(d) The land area described in the encroachment permit may not be used to meet minimum requirements for a contiguous land use under applicable municipal land use standards or under regulations adopted by the Department of Environmental Conservation. The contiguous land use must meet those minimum requirements without regard to the land contained within the encroachment permit. The use of the land described in the encroachment permit must be an accessory use to the contiguous land use.

¹ The regulations currently require a \$200 fee, but DOT&PF intends to revise this to \$100 for consistency with recent statutory changes and, in the meantime, will collect a \$100 fee.

(e) After the completion of construction of a highway, the department may, subject to 17 AAC 10.014, issue at no cost an encroachment permit in the form of a beautification permit to a government agency, a municipality, an individual, or a non-profit organization to allow planting of trees, shrubs, grasses, or flowers, and any structures necessary to support the plants, that do not endanger motorists, bicyclists, or pedestrians within the highway right-of-way. A beautification permit will be issued on a form that the department prescribes. The department may attach to a beautification permit any condition that is necessary to protect the integrity and safety of a highway's design, and to protect the traveling public or the persons planting trees, shrubs, grasses, and flowers within the highway right-of-way. The department may remove trees, shrubs, grasses, or flowers planted in a highway right-of-way, or structures supporting the plants, under a beautification permit that become a hazard to the traveling public, interfere with a highway's maintenance or operation, interfere with construction on a highway, or threaten to damage a highway embankment.

(f) The department may issue an encroachment permit on a form it prescribes, at no cost to a government agency for the installation in highway rest stops or pullouts of commemorative plaques, historical or interpretive markers, and informational signs. The plaques, markers, and signs may be permitted only if they cannot be read from the highway.

(g) The provisions of this section do not apply to driveway permits issued under 17 AAC 10.020, utility permits issued under 17 AAC 15, or the installation of mail boxes, including newspaper boxes, within a highway right-of-way.

(h) The department may issue under (b) of this section an encroachment permit for an existing structure or a portion of that structure or for existing water or sewer facilities for which the department has not issued a utility permit issued under 17 AAC 15, if

- (1) the encroachment does not present a risk to the health or safety of the public;
- (2) the construction of the encroachment occurred in good faith; and
- (3) the denial of the permit would create a hardship for the owner of the encroachment.

17 AAC 10.012. APPROVAL REQUIREMENTS FOR ENCROACHMENTS. The department will, in its discretion, grant an encroachment permit under 17 AAC 10.011, if the department determines that

- (1) the integrity and safety of the highway is not compromised;
- (2) the issuance of the permit will not cause a break in access control for the highway;
- (3) the land will not be necessary for a highway construction project during the initial term of the permit; and
- (4) issuing the permit is in the best interest of the state.

17 AAC 10.013. ESTABLISHING ECONOMIC RENT. For purposes of 17 AAC 10.011(b), the department will establish economic rent for a right-of-way held in fee simple by the use of commonly accepted real estate appraisal techniques. For rights-of-way held as easements, the consideration for the issuance of the permit is 90 percent of the economic rent established under this section for a right-of-way held in fee simple. A permittee shall reimburse the department for appraisal costs incurred to determine economic rent.

17 AAC 10.014. ADDITIONAL CONDITIONS UPON ENCROACHMENT PERMITS. The department will, in its discretion, impose conditions upon encroachment permits necessary to protect the traveling public, the safety and integrity of a highway's design, the public interest, and the best interests of the state.

17 AAC 10.015. REMOVAL AFTER EXPIRATION OF ENCROACHMENT PERMIT. Upon the expiration of the term of an encroachment permit issued under 17 AAC 10.011, or upon the revocation of an encroachment permit by the department, a permittee is responsible for the cost of removing improvements placed within the right-of-way, at no cost of the department, unless the permit provides that the encroachment may remain in place after the permit expires or is revoked.