



LAWS OF ALASKA

1980

Source

CSHB 782 am S (am FCC)

Chapter No.

158

AN ACT

Relating to local service roads and trails.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1, LINE 8

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: July 1, 1980
Actual Effective Date: September 29, 1980

AN ACT

Relating to local service roads and trails.

* Section 1. AS 19.10.015 is amended by adding a new subsection to read:

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

* Sec. 2. AS 19.30.151(a) is amended to read:

(a) Upon application by a local government, local service roads and trails constructed under the provisions of AS 19.30.111 - 19.30.241 and located within the jurisdictional boundaries of a local government, as defined in AS 19.30.241(3), may be transferred to that local government upon approval by the Department of Transportation and Public Facilities and after a vote of the people in the area. [A LOCAL GOVERNMENT WHICH HAS ASSUMED ROAD POWERS BEFORE MAY 20, 1971 MAY NOT BE REQUIRED TO HOLD AN ELECTION AS PROVIDED BY THIS SECTION.]

* Sec. 3. AS 19.30.151(b) is amended to read:

(b) The commissioner shall, upon request of a local government, [IS AUTHORIZED TO] transfer funds allocated under AS 19.30.131 to any local government which has assumed local road powers for project cost amounts and contract award amounts submitted to the commissioner [HE DETERMINES TO BE QUALIFIED TO CONSTRUCT LOCAL SERVICE ROADS OR TRAILS].

* Sec. 4. AS 19.30.161 is amended to read:

Sec. 19.30.161. DESIGN STANDARDS, RIGHTS-OF-WAY AND WIDTHS.
Design standards, rights-of-way and widths for each local service road

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1 and trail project shall have the prior approval of the commissioner,
2 unless the project is under the supervision of a local government that
3 has assumed local road powers. If the project is under the supervision
4 of a local government that has assumed road powers, design standards,
5 rights-of-way and widths shall be established by the local government.

6 * Sec. 5. AS 19.30.171(b) is amended to read:

7 (b) The costs incurred by the commissioner in acquiring this land
8 or interest in land includes all costs and any fees incidental to acqui-
9 sition [, INCLUDING RELOCATION ASSISTANCE AND PAYMENTS IN ACCORDANCE
10 WITH AS 34.60]. All costs incurred [BY THE COMMISSIONER] in connection
11 with the acquisition of the land or interest in land for local govern-
12 ments that have assumed local road powers shall be paid by the local
13 government for which the land or interest in land is acquired. Right-of-
14 way acquisition costs incurred by the commissioner for local governments
15 without local road powers under AS 19.30.151(a) shall be charged to the
16 project allocation for the local government for which the land or inter-
17 est in land is acquired.

18 * Sec. 6. AS 19.30.181 is repealed and re-enacted to read:

19 Sec. 19.30.181. PROJECT AGREEMENTS. A local government which has
20 assumed local road powers may enter into a formal project agreement with
21 the commissioner for the construction of a specific project.

22 * Sec. 7. AS 19.30.191(b) is amended to read:

23 (b) [EXCEPT AS PROVIDED IN AS 44.33.300, CONSTRUCTION OF EACH
24 PROJECT SUBJECT TO THE PROVISIONS OF THIS SECTION SHALL BE PERFORMED BY
25 CONTRACT AWARDED BY COMPETITIVE BIDDING, UNLESS THE COMMISSIONER FINDS
26 THAT, UNDER THE CIRCUMSTANCES RELATING TO THE PROJECT, SOME OTHER METHOD
27 IS IN THE PUBLIC INTEREST.] Contracts entered into by a local government
28 that has assumed local road powers for the construction of each project
29 shall be awarded only on the basis of the lowest responsible bid sub-

mitted by a bidder meeting established criteria of responsibility. [NO REQUIREMENT OR OBLIGATION MAY BE IMPOSED UPON A BIDDER AS A CONDITION PRECEDENT TO THE AWARD OF A CONTRACT TO A BIDDER UNLESS THE REQUIREMENT OR OBLIGATION IS OTHERWISE LAWFUL AND SPECIFICALLY SET OUT IN THE ADVERTISED SPECIFICATIONS.]

* Sec. 8. AS 19.30.191(c) is amended to read:

(c) All contracts by a local government that has not assumed local road powers must [AWARDED BY COMPETITIVE BIDDING UNDER (b) OF THIS SECTION MUST COMPLY WITH THE PROVISIONS OF THIS SECTION, AND] have the prior concurrence of the commissioner.

* Sec. 9. AS 19.30.191 is amended by adding a new subsection to read:

(d) Except as provided in (b) of this section and in AS 44.33.300, construction of each project shall be administered by the department in accordance with guidelines established by the commissioner by regulation.

* Sec. 10. AS 19.30.201 is amended to read:

Sec. 19.30.201. CONSTRUCTION. The construction of a local service road or trail undertaken by the department [A LOCAL GOVERNMENT] or under its direct supervision under the provisions of AS 19.30.111 - 19.30.241, shall be performed according to approved design standards and are subject to the inspection and approval of the commissioner. All construction work done and labor performed by or under the direct supervision of the department [LOCAL GOVERNMENT] shall be in accordance with [THE LAWS OF THAT LOCAL GOVERNMENT AND] applicable state law.

* Sec. 11. AS 19.30.211 is repealed and re-enacted to read:

Sec. 19.30.211. MAINTENANCE. (a) The department shall maintain, or cause to be maintained, any project constructed by the department under the provisions of AS 19.30.111 - 19.30.241, except that upon mutual agreement of the commissioner and the local government the responsibility for maintenance may be transferred to the local government if it

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1 is authorized to assume road maintenance powers.

2 (b) The department shall continue maintenance on all projects
3 maintained by the department on January 1, 1980.

4 (c) A local government may contract with the department for
5 maintenance of a project. The maximum annual maintenance cost to the
6 local government may not exceed twice the amount of state aid to munic-
7 palities for roads.

8 * Sec. 12. AS 19.30.221 is amended to read:

9 Sec. 19.30.221. AVAILABILITY OF ALLOCATED SUMS. (a) On and after
10 the date that the commissioner has certified the sums allocated to each
11 local government, the sums shall be available for expenditure [BY THE
12 LOCAL GOVERNMENT] under the provisions of this chapter.

13 (b) These allocated sums shall be be [CONTINUE] available for expen-
14 diture [BY THAT LOCAL GOVERNMENT] for a period of five years after the
15 close of the fiscal year for which the sums are authorized and any
16 amounts so obligated remaining unexpended at the end of that period
17 shall lapse and shall be available for other local service road or trail
18 construction within that allocation district in accordance with AS 19.-
19 30.111 - 19.30.241.

20 (c) This section applies to sums transferred under AS 19.30.-
21 151(b).

22 (d) The payment of royalties required to obtain materials to con-
23 struct local service road and trail projects is a valid expenditure under
24 this chapter.

25 * Sec. 13. AS 19.30 is amended by adding a new section to read:

26 Sec. 19.30.233. REPORTS. (a) No later than October 1 of each
27 year, a local government which has received money under AS 19.30.151(b)
28 shall prepare a report showing the use of the money by the local govern-
29 ment during the preceding 12 months. The local government shall submit

1 a copy of the report to the commissioner.

2 (b) No later than December 1 of each year, the commissioner shall
3 prepare a report showing the use of the money allocated under this
4 chapter during the preceding 12 months and a report on the status of all
5 projects under this chapter for which the department has construction
6 responsibility. The commissioner shall submit copies of the reports to
7 the governor.

8 * Sec. 14. AS 19.30.241 is amended by adding new paragraphs to read:

9 (7) "commissioner" means the commissioner of transportation
10 and public facilities;

11 (8) "department" means the Department of Transportation and
12 Public Facilities.

13 * Sec. 15. AS 19.30.191(a) and 19.30.231 are repealed.
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