

1 IN THE HOUSE

BY MR. V. FISCHER

2 HOUSE BILL NO. 191

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-THIRD SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Alaska Highway and Pub-  
7 lic Works Department; establishing the Alaska  
8 Highway and Public Works Board and defining  
9 its powers and duties; establishing the  
10 office of Superintendent of the Alaska High-  
11 way and Public Works Department and defin-  
12 ing his powers and duties; establishing  
13 policies and procedures for the construction  
14 of highways and public works; authorizing  
15 certain expenditures and loans; assenting  
16 to certain Federal Acts; declaring certain  
17 acts misdemeanors and providing for the  
18 punishment thereof; amending Secs. 10-2-1,  
19 11-1-6, 11-5-7, 14-2-3, 14-2-4, 40-10-1, 50-1-1,  
20 50-1-6, ACLA 1949; amending Ch. 52, SLA  
21 1953, Ch. 86, SLA 1953, Ch. 144, SLA 1953  
22 as amended by Ch. 8, SLA 1955 and Ch. 152,  
23 SLA 1955, and amending Ch. 40, SLA 1955,  
24 Ch. 47, SLA 1955, Ch. 162, SLA 1955, Ch. 174,  
25 SLA 1955, Ch. 180, SLA 1955; amending  
26 Sec. 50-1-4 (e), ACLA 1949, as amended by  
27 Ch. 152, SLA 1955; repealing Secs. 41-2-2,  
28 41-2-3, 41-3-1, 41-3-2, 41-3-3, ACLA 1949;  
29 repealing Sec. 41-2-1, ACLA 1949, as

1 amended by Ch. 123, SLA 1953; repealing  
2 Sec. 41-3-4, ACLA 1949, as amended by  
3 Ch. 117, SLA 1955; repealing Sec. 41-1-1,  
4 ACLA 1949; Ch. 179, SLA 1955; and de-  
5 claring an emergency."

6 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

7 TITLE I

8 ARTICLE I

9 SHORT TITLE: PURPOSE: DEFINITIONS

10 Section 1. SHORT TITLE. This Act shall be known and may  
11 be cited as the "Alaska Highway and Public Works Act of 1957".

12 Sec. 2. PURPOSE. The purpose of this Act is twofold:  
13 (1) to establish a Highway Division capable of carrying out a  
14 highway planning, construction, and maintenance program which  
15 will provide a common defense to the United States and Alaska, a  
16 network of highways linking together cities and communities  
17 throughout Alaska (thereby contributing to the development of  
18 commerce and industry in Alaska, and aiding the extraction and  
19 utilization of its resources), and otherwise improve the economic  
20 and general welfare of the people of Alaska; and (2) to establish  
21 a Public Works Division capable of carrying out a public works  
22 planning and construction program which will provide public  
23 buildings necessary to efficient government, and boat harbors,  
24 jetties, dikes and breakwaters necessary to the economy of  
25 Alaska communities, which are dependent upon sea and water trans-  
26 portation, all of which is to the advantage and benefit of the  
27 general welfare of the public.

28 It is the intent of the Legislature to declare, in general  
29 terms, the powers and duties of the Board and the Superintendent

1 leaving specific details to be determined by reasonable rules and  
2 regulations which may be promulgated.

3       Sec. 3. DEFINITIONS. As used in this Act, unless the context  
4 otherwise requires:

5           (1) "Alaska" means the Territory of Alaska or, in the  
6 event of statehood, the State of Alaska.

7           (2) "Board" means the Alaska Highway and Public Works  
8 Board.

9           (3) "Member" means a member of the Board.

10          (4) "Department" means the Alaska Highway and Public  
11 Works Department.

12          (5) "Superintendent" means the Superintendent of the  
13 Department.

14          (6) "Director" means the Director of the Highway Divi-  
15 sion of the Department.

16          (7) "Commissioner" means the Commissioner of the Pub-  
17 lic Works Division of the Department.

18          (8) "Construction" or any derivative thereof means  
19 construction, reconstruction, alteration, improvements or repairs.

20          (9) "Highway" means all highways (whether included in  
21 primary or secondary systems), roads, streets, trails, walks,  
22 bridges, tunnels, drainage structures and other similar or re-  
23 lated structures or facilities and further includes ferries and  
24 all such related facilities.

25          (10) "Maintenance" means the preservation of each type  
26 of highway, roadside structure and facility as nearly as possible  
27 in its original condition as constructed, or as subsequently  
28 improved, and the operation of highway facilities and services  
29 to provide satisfactory and safe highways.



1 "highway engineer", holding office immediately preceding the  
2 effective date of this Act under Sec. 41-2-1, ASLA 1949, as  
3 amended by Ch. 123, SLA 1953, shall serve as members of the  
4 Board created and established herein, for the terms of their  
5 respective appointments. The Governor shall fill any vacancies  
6 in the membership of the Board for the balance of any unexpired  
7 term, subject to confirmation by the Legislature as provided  
8 above.

9 The Board shall elect a chairman at its first meeting, fol-  
10 lowing the effective date of this Act. The Chairman may call  
11 meetings of the Board upon at least seven days notice, and shall  
12 do so at the request of two members; provided, the first Board  
13 meeting shall be called by the Governor within 60 days of the  
14 effective date of this Act. The majority of the Board shall con-  
15 stitute a quorum and action taken by a majority of those present  
16 at any meeting, at which a quorum is present, shall be deemed  
17 the action of the Board. Members of the Board shall serve with-  
18 out pay, except that they may be reimbursed for necessary travel,  
19 and for per diem in the amount authorized by law.

20 Sec. 3. APPOINTMENT OF SUPERINTENDENT: QUALIFICATIONS. A  
21 Superintendent shall be appointed by the Board. He shall pre-  
22 ferably be a competent graduate of an approved engineering school  
23 with at least five years experience in highway and public works  
24 construction and maintenance, or in case he shall not be a gradu-  
25 ate of some college or school of engineering, he shall have had  
26 at least ten years experience in highway and public works construc-  
27 tion and maintenance. He shall be a licensed engineer eligible  
28 to practice under the laws of any State or the Territory of Alaska.  
29 He shall serve at the pleasure of the Board and shall be paid

1 even compensation as the Board prescribes. He shall not engage  
2 in any profession or other occupation outside of the government  
3 in any way related to the duties of his office and he shall  
4 exercise such power and perform such duties as may be prescribed  
5 by law or by the Board.

6  
7 **ARTICLE III**

8 **GENERAL DUTIES AND POWERS OF THE BOARD**

9 Section 1. GENERAL. The Board shall be responsible for  
10 the planning, construction, maintenance, protection and control  
11 of the Alaska Highway System and for the planning and construction  
12 of the public works program. The Board shall promulgate such  
13 rules and regulations as it deems necessary to attain and carry  
14 out the purpose and provisions of this Act.

15 Sec. 2. DUTIES AND POWERS. The Board is hereby granted,  
16 but not by way of limitation, full power and authority to acquire  
17 property; institute eminent domain proceedings; take immediate  
18 possession of real property, or any interest therein under a  
19 declaration of taking or by other lawful means; acquire rights-of-  
20 way for present or future use; control accesses to highways;  
21 regulate roadside development; preserve and maintain the scenic  
22 beauty along Alaskan highways; dispose of property or property  
23 rights no longer needed; accept and dispose of Federal funds or  
24 property available for highway and public works construction,  
25 maintenance, equipment or other like purpose; enter into any  
26 contract or agreement, relating to highways or public works with  
27 the United States Government, a political subdivision or with  
28 any foreign government, if such contract with the latter entity  
29 is approved by the Government of the United States; and to exer-  
30 cise any other power and authority necessary to attain and carry



1 within the Alaska Highway and Public Works Department, the Alaska  
2 Highway Division. This Division shall be under the supervision  
3 of a Director? He shall be vested with such powers and dele-  
4 gated such duties as are prescribed by law or regulation or as  
5 may be lawfully delegated him by the Board or the Superintendent.

6       Sec. 2. DUTIES AND POWERS. The Director shall be appointed  
7 by the Superintendent with the approval of the Board. He shall  
8 preferably be a competent graduate of an approved engineering  
9 school experienced in highway construction and maintenance and  
10 a licensed engineer eligible to practice in any State or in the  
11 Territory of Alaska. He shall serve at the pleasure of the  
12 Superintendent and he shall be paid such compensation as the  
13 Superintendent prescribes, subject to the approval of the Board.  
14 He shall devote all his time and services to the Department.  
15 He shall supervise all approved highway planning, construction  
16 and maintenance and do all other things that may be imposed upon  
17 him by law, the Board or the Superintendent.

18                                   ARTICLE II

19                                   FEDERAL AID

20       Section 1. ASSENT TO FEDERAL-AID GIVEN. The legislative  
21 assent required by Section 1 of the Act of Congress approved  
22 July 11, 1916 (39 Stat. 355) entitled, "An Act to provide that  
23 the United States shall aid the states in the construction of  
24 rural post roads, and for other purposes." is hereby given.  
25 The Board is authorized and empowered to make all contracts and  
26 to do all things necessary to cooperate with the United States  
27 Government in the construction of highways under the provisions of  
28 the said Act, and all Acts amendatory or supplementary thereto,  
29 or any other Act of Congress that may hereafter be enacted, and



1 or maintenance of a connecting highway located within a municipi-  
2 pality.

3 The jurisdiction, control and duty of the Board and municipi-  
4 pality with respect to any such connecting highways shall be as  
5 follows:

6 (a) The Board shall have no authority to change or  
7 establish any grade of any such highway without approval of the  
8 governing body of such municipality;

9 (b) The municipality shall at its own expense maintain  
10 all underground facilities in such highway and shall have the  
11 right to construct such additional underground facilities as may  
12 be necessary in such highways;

13 (c) The municipality shall have the right to grant the  
14 privilege to open the surface of any such highway, but all damage  
15 occasioned thereby shall promptly be repaired by said municipality  
16 at its direction;

17 (d) The municipality shall have the exclusive right  
18 to grant franchises over, beneath and upon such highways; provided,  
19 that no franchise for transportation of passengers in motor  
20 vehicles shall be granted on such highways without the approval  
21 of the Board.

22 Sec. 3. UNIFORM MARKING AND ERECTION OF SIGNS ON HIGHWAY.  
23 The Board shall classify, designate and mark highways lying with-  
24 in the boundaries of Alaska which are under the jurisdiction of  
25 the Department and shall provide a uniform system of marking and  
26 posting such highways. Such system of marking and posting shall  
27 correlate with and, as far as possible, shall conform to the  
28 recommendations of the Manual on Traffic Control Devices as  
29 adopted by the American Association of State Highway Officials.

1           Sec. 4. TRAFFIC CONTROL SIGNALS. The Board is hereby auth-  
2 crized and directed to prescribe types of traffic control signals  
3 which correlate with and, as far as possible, conform to the  
4 recommendations of the Manual on Uniform Traffic Control Devices  
5 as adopted by the American Association of State Highway Officials,  
6 and which shall be used to regulate traffic upon any highway  
7 within Alaska. It shall also prescribe uniform rules for the  
8 placing and installation of such signals.

9           Sec. 5. VEHICLE SIZE AND WEIGHT CONTROLLED. The Board, with  
10 respect to highways under its jurisdiction, may: (a) classify  
11 highways and enforce limitations as to weight and load of vehicles  
12 thereon; (b) issue special written permits authorizing the opera-  
13 tion of overweight vehicles; (c) prohibit the operation or impose  
14 restrictions on vehicular use of highways during certain seasons  
15 of the year.

16           Sec. 6. DETERMINATION OF SPEED. The Board, with respect to  
17 highways under its jurisdiction, may conduct an investigation  
18 with the assistance of the Territorial Police, and shall determine  
19 safe speed limits on any highway.

20           Sec. 7. BOARD TO DESIGNATE THROUGH HIGHWAYS. The Board,  
21 with reference to highways under its jurisdiction, may designate  
22 through highways by erecting stop signs at the entrances thereto.

23           Sec. 8. ERECTION AND MAINTENANCE OF GUARD RAILS. The Board  
24 shall have the authority to erect and maintain guard rails,  
25 stretch wires and other devices, on all highways under its juris-  
26 diction, in the interest of public safety.

#### 27                                   ARTICLE IV

#### 28                                   HIGHWAY PLANNING AND CONSTRUCTION

29           Section 1. STANDARD PLANS AND SPECIFICATIONS. The Board

1 shall prepare and adopt uniform standard plans and specifications  
2 for the establishment, construction and maintenance of highways  
3 within Alaska. Such plans and specifications may be amended  
4 from time to time as the Board deems advisable. Such standards  
5 shall conform as closely as practicable to those adopted by the  
6 American Association of State Highway Officials.

7       Sec. 2. MUNICIPAL MASTER HIGHWAY PLAN. Each municipality  
8 of over 5,000 population in Alaska, according to the latest  
9 available census, together with the Board, shall develop and  
10 adopt a master highway plan, which shall insure the proper  
11 location and integration of the Alaska highway connections in the  
12 city. In selecting and designating the master highway plan, the  
13 cooperating officials shall take into account the important  
14 principal streets that connect residential areas with business  
15 areas and the streets that carry important rural traffic into and  
16 across the city, in order to insure a system of highways upon  
17 which traffic can be controlled and protected in such a manner as  
18 to provide safe and efficient movement of traffic within a munic-  
19 ipality.

20       Sec. 3. CONSTRUCTION PROGRAM. Not later than February first  
21 of each year, there shall be submitted by the Director to the  
22 Superintendent for presentation to the Board, a statement showing  
23 what construction work has been requested and proposed and may be  
24 undertaken by the Division. Such statement shall set forth a gen-  
25 eral itemization of the estimated cost for each and every project  
26 which may be made and the total estimates of all such projects.  
27 The Board shall examine the same and shall proceed to adopt a  
28 construction program which shall include the projects to be under-  
29 taken by the Department during the ensuing construction season

1 and which shall establish project priorities. Nothing herein  
2 shall prevent the Board from adding to, amending, revising, or  
3 reducing from time to time as circumstances may warrant, such  
4 construction program.

5       Sec. 4. RESEARCH ON HIGHWAY DEVELOPMENT. The Director shall  
6 have the authority to gather, investigate, and compile information  
7 concerning the use, construction and maintenance of highways, the  
8 practices and methods of efficient highway organization, finance-  
9 ing, and such other information, data and statistics of Alaska  
10 and the extent of the natural resources of roadbuilding materials  
11 within Alaska. The Director, with the approval of the Board,  
12 shall have authority to enter into agreements with states or  
13 research organizations to carry on research and test projects  
14 involving highway development and to expend highway funds for  
15 this purpose. He may disseminate all such information, together  
16 with any recommendations he deems advisable.

17       Sec. 5. TRAFFIC SURVEYS. The Director shall have the author-  
18 ity to collect, analyze and interpret all physical and economic  
19 data needed to measure existing and estimated future highway  
20 traffic characteristics such as origin and destination, volumes,  
21 speeds, accidents, congestion, parking, pedestrian use of highways  
22 and the economic loss caused by inferior traffic facilities,  
23 including the preparation of traffic plans and recommendations.

24       Sec. 6. INSPECTION AND TESTING OF MATERIALS. The Director  
25 is hereby granted authority to inspect and test all materials,  
26 supplies, equipment and machinery used by the Division or by any  
27 contractor constructing or maintaining highways within Alaska,  
28 and to develop methods and procedures for such inspection and  
29 testing.

1           Sec. 7. METHOD OF CONSTRUCTION OF HIGHWAY DITCHES. All  
2 highways of any kind hereafter constructed or reconstructed by  
3 the Department, their contractors, subcontractors, or agents,  
4 or by any individual firm or corporation, shall be so designed as  
5 to permit water to drain from such highways into ditches which  
6 shall drain into coulees, rivers and lakes according to the sur-  
7 face and terrain where such highway or highways are constructed  
8 in accordance with scientific highway construction and engineer-  
9 ing so as to avoid the waters flowing into and accumulating in  
10 the ditches to overflow adjacent and adjoining lands. It is the  
11 intention of this Act that in the construction of highways, as  
12 herein provided, the natural flow and drainage of surface waters  
13 shall not be obstructed, but that such water shall be permitted  
14 to follow the natural course according to the surface and terrain  
15 of the particular terrain.

16           Sec. 8. CLOSING OF ROADS. Whenever, during the construction  
17 work on any highway or at any other time, it may be necessary to  
18 prevent traffic passing over any portion of a highway, the Depart-  
19 ment may close such portion of the highway to all traffic by  
20 causing to be posted in a conspicuous manner, at the ends of the  
21 portion of the highway so closed, suitable signs warning the  
22 public that such road is closed under authority of law, and by  
23 the erection of suitable barricades, fences, or other obstructions.  
24 The driver or owner, or both, of any vehicle, self-propelling or  
25 otherwise, passing through, over, or around any such barricade,  
26 fence, or other obstruction so placed, or any person or persons  
27 opening, removing, or defacing any such barricade, fence, or  
28 other obstruction, or any such warning sign, without written  
29 permission from the engineer in charge of the work, or in charge



1 construction and maintenance of highways, are hereby authorized to  
2 plan, designate, establish, regulate, vacate, alter, improve,  
3 maintain, and provide controlled-access facilities for public  
4 use wherever such authority or authorities are of the opinion that  
5 traffic conditions, present or future, will justify such special  
6 facilities. Said Board or the highway authorities of the municipi-  
7 palities, in addition to the specific powers granted in this Act,  
8 shall also have and may exercise, relative to controlled-access  
9 facilities, any and all additional authority now or hereafter  
10 vested in them relative to highways within their respective  
11 jurisdictions. Said units may regulate, restrict, or prohibit  
12 the use of such controlled-access facilities by the various  
13 classes of vehicles or traffic in a manner consistent with the  
14 definition of a controlled-access facility contained herein. For  
15 the purposes of this Act, a controlled-access facility shall mean  
16 a highway especially designed for through traffic, and over,  
17 from, or to which owners or occupants of abutting land or other  
18 persons have no right or easement or only a controlled right or  
19 easement of access, light, air, or view by reason of the fact that  
20 their property abuts upon such controlled-access facility or for  
21 any other reason.

22       Sec. 2. DESIGN OF CONTROLLED-ACCESS FACILITY. The Board and  
23 the highway authorities of the municipalities, are authorized to  
24 so design any controlled-access facility and to so regulate,  
25 restrict, or prohibit access as to best serve the traffic for  
26 which such facility is intended. In this connection  
27 the Board and such highway authorities are authorized to divide  
28 and separate any controlled-access facility into separate highways  
29 by the construction of raised curbing, central dividing sections,

1 or other physical separations, or by designating such separate  
2 highways by signs, markers, stripes and the proper lane for such  
3 traffic by appropriate signs, markers, stripes and other devices.  
4 No person shall have any right of ingress or egress to, from or  
5 across controlled-access facilities to or from abutting lands,  
6 except at such designated points at which access may be permitted,  
7 upon such terms and conditions as may be specified from time to  
8 time.

9       Sec. 3. ACQUISITION OF PROPERTY AND PROPERTY RIGHTS.

10 For the purposes of this Act, the Board and the highway authori-  
11 ties of the municipalities, may acquire private or public property  
12 and property rights for controlled-access facilities and service,  
13 roads, including rights of access, air, view, and light, by gift,  
14 devise, purchase, or condemnation in the same manner as such  
15 units are now or hereafter may be authorized by law to acquire  
16 such property or property rights in connection with highways  
17 within their respective jurisdictions. All property rights  
18 acquired under the provisions of this Act shall be in fee simple.  
19 In connection with the acquisition of property or property rights  
20 for any controlled-access facility or portion thereof, or service  
21 highways in connection therewith, the municipal authority may, in  
22 its discretion, acquire an entire lot, block, or tract of land,  
23 if, by so doing, the interests of the public will be best served,  
24 even though said entire lot, block, or tract is not immediately  
25 needed for the right-of-way proper.

26       Sec. 4. NEW AND EXISTING FACILITIES; GRADE-CROSSING ELIMINA-  
27 TIONS. The Board and the highway authorities of the municipalities  
28 may designate and establish controlled-access highways as now and  
29 additional facilities, or may designate and establish an existing

1 highway as included within a controlled-access facility. The  
2 Board and the municipalities shall have authority to provide for  
3 the elimination of intersections at grade of controlled-access  
4 facilities with existing highways by grade separation or service  
5 highway, or by closing off such highways at the right-of-way  
6 boundary line of such controlled-access facility. After the  
7 establishment of any controlled-access facility, no highway which  
8 is not part of said facility shall intersect the same at grade.  
9 No municipal or Alaskan highway, or other public way shall be  
10 opened into or connected with any such controlled-access facility  
11 without the consent and prior approval of the Board or the high-  
12 way authorities of the municipalities having jurisdiction over  
13 such controlled-access facility. Such consent and approval shall  
14 be given only if the public interest shall be served thereby.

15       Sec. 5. AUTHORIZING PARTICIPATION IN FINANCING, PLANNING,  
16 ETC. The Board and highway authorities of the municipalities, are  
17 authorized to enter into agreements with each other, or with the  
18 Federal Government, respecting the financing, planning, establish-  
19 ment, improvement, maintenance, use regulation, or vacation of  
20 controlled-access facilities or other public ways in their respec-  
21 tive jurisdictions, to facilitate effectuating the purposes of  
22 this Act.

23       Sec. 6. LOCAL SERVICE ROADS. In connection with the develop-  
24 ment of any controlled-access facility, the Board and the munici-  
25 pal authorities are authorized to plan, designate, establish, use,  
26 regulate, alter, improve, maintain, and vacate local service  
27 highways and to exercise jurisdiction over service highways in the  
28 same manner as is authorized over controlled-access facilities  
29 under the terms of this Act, if, in their opinion, such local

1 service highways are necessary or desirable. Such local highways  
2 shall be of appropriate design, and shall be separated from the  
3 controlled-access facility proper by means of the devices desig-  
4 nated as necessary or desirable by the proper authority.

5 ARTICLE VI

6 FINANCIAL PROVISIONS

7 Section 1. Subsection (g) of Sec. 48-5-2, AGLA 1949, as  
8 amended by Ch. 47, SLA 1955, is hereby amended to read as follows:

9 (g) The monies herein collected from the taxes on all  
10 motor fuels, except the fuels named in subsections (e) and  
11 (f) of this section, shall be covered into a special fund  
12 in the Territorial Treasury to be known as the "Highway  
13 Fund", and shall be expended by the Alaska Board of Road  
14 Commissioners [HIGHWAY ENGINEER] as nearly as practicable  
15 in the Division where collected giving due consideration  
16 to the need therefor, and be expended for public [ROADS,]  
17 highways, [TRAILS, BRIDGES, AND FERRIES] and approaches  
18 and appurtenances thereto including the acquisition of  
19 necessary rights-of-way by purchase or otherwise. It shall  
20 be the policy of all departments of the Territorial govern-  
21 ment authorized to expend funds collected from taxes imposed  
22 by this Act, to perform, whenever feasible, all construction  
23 and/or reconstruction projects by contract after such pro-  
24 jects have been duly advertised for competitive bids except  
25 as to advantageous arrangements with the Bureau of Public  
26 Roads [ALASKA ROAD COMMISSION] or political subdivisions  
27 and except in cases of emergency.

28 Sec. 2. LOANS. The Board for the purpose of participating  
29 in any Federal grant-in-aid program may apply to the Department

1 of Finance for short-term loans from the General Fund for periods  
2 not to exceed nine months and for amounts estimated to be equal  
3 to anticipated revenues for the term of the loan. The Director  
4 of Finance is hereby authorized to approve the loan if he deter-  
5 mines such loan would not adversely curtail other expenditures  
- 6 from the General Fund.

7 ARTICLE VII

8 GENERAL PROVISIONS

9 Section 1. PREFERENCE TO EMPLOYEES OF BUREAU OF PUBLIC ROADS  
10 ON TRANSFER OF FUNCTIONS TO ALASKA. Upon transfer to Alaska by  
11 the Federal Bureau of Public Roads of any function of the highway  
12 construction and maintenance program, previously administered by  
13 that agency, the Board or Superintendent shall, to the maximum  
14 extent consistent with good administration and necessity, give  
15 preference to and employ those persons affected by such transfer  
16 and where practicable shall place them in the employment of the  
17 Department.

18 Sec. 2. TRANSITION: HIGHWAY ENGINEER. The office of  
19 Territorial Highway Engineer is abolished and all the powers and  
20 duties of that office are hereby transferred to the Alaska High-  
21 way and Public Works Department; provided, however, that the  
22 person elected to the office of Highway Engineer, following the  
23 effective date of this Act, shall continue as an assistant direc-  
24 tor in the Highway Division performing such duties as shall be  
25 assigned by the Director, and shall receive the salary heretofore  
26 allowed for the office of Highway Engineer so long as his work  
27 is performed to the satisfaction of the Superintendent.

28 Sec. 3. DAMAGE TO HIGHWAYS. No person shall willfully  
29 dig up, remove, displace, break, or otherwise damage or destroy

1 any highway or any private way laid out by authority of law  
2 without first securing permission from the Board, or the person  
3 or governing body of the jurisdiction having control thereof.

4 Sec. 4. OBSTRUCTING HIGHWAYS. No person shall:

5 (1) Obstruct any highway in any manner with intent to  
6 prevent the free use thereof by the public;

7 (2) Willfully and knowingly obstruct or plow up, or  
8 cause to be obstructed or plowed up, any highway, except by order  
9 of the overseer of highways for the purpose of working or improv-  
10 ing the same; or

11 (3) Build or place a barbed wire fence across any  
12 well-traveled trail which has been the usual and common route of  
13 travel for not less than one year without placing on the outside  
14 of the top tier of barbed wire on said fence a board, pole or  
15 other suitable protection, to be at least sixteen feet in length.

16 Sec. 5. GARBAGE DEPOSITED ON HIGHWAYS. No person, firm or  
17 corporation shall throw or deposit or cause to be thrown or  
18 deposited any garbage, glass, bottles, boxes, or rubbish of any  
19 kind upon any highway in Alaska.

20 Sec. 6. DAMAGE TO MILEBOARDS, GUIDEPOSTS, TRAFFIC CONTROL  
21 SIGNALS, SIGNS OR MARKINGS. No person shall remove, damage or  
22 destroy any mileboard, milestone, or guidepost, traffic control  
23 signals, signs or markings, or any inscription thereon, erected  
24 or placed upon any highway.

25 Sec. 7. PENALTIES. Any person who violates any provision  
26 of this Title is guilty of a misdemeanor and upon conviction shall  
27 be punished by a fine of not less than ten dollars nor more than  
28 one hundred dollars, or by imprisonment in jail for a period not  
29 to exceed thirty days, or by both such fine and imprisonment.

1       Sec. 8. USE OF RIGHT-OF-WAY FOR UTILITIES. Electric trans-  
2 mission, telephone or telegraph lines, pole lines, railways,  
3 ditches, sewers, water, heat, or gas mains, flumes, or other  
4 structures which by other provision of law may be constructed,  
5 placed, or maintained across or along any highway by any person,  
6 persons, corporations, or political subdivision, may be so main-  
7 tained or constructed only in accordance with such regulations,  
8 as may be prescribed by the Board with reference to the placing  
9 and maintaining along, across, or on any such highway any of the  
10 utilities hereinbefore set forth. No utility projects of this  
11 nature shall be undertaken until authorized by a written permit  
12 issued by the Board.

13       Sec. 9. SUBSTITUTING NAME "SUPERINTENDENT" FOR "HIGHWAY  
14 ENGINEER". In the following Acts or parts thereof, and in all  
15 other provisions of law except Section 1 of this Article, the  
16 title "Superintendent" shall be, and it is hereby substituted for  
17 the title "Highway Engineer:" Secs. 10-2-1, 11-1-6, 11-5-7,  
18 40-10-1, 50-1-3, ACLA 1949; and Ch. 52, SLA 1953, Ch. 86, SLA  
19 1953, Ch. 144, SLA 1953 as amended by Ch. 8, SLA 1955 and Ch. 152  
20 SLA 1955, Ch. 40, SLA 1955, Ch. 162, SLA 1955, Ch. 174, SLA 1955,  
21 and Ch. 180, SLA 1955.

22       Sec. 10. SUBSTITUTING NAME "ALASKA HIGHWAY AND PUBLIC WORKS  
23 BOARD" FOR "TERRITORIAL BOARD OF ROAD COMMISSIONERS." In the  
24 following Acts or parts thereof, and in all other provisions of  
25 law, unless the context clearly requires otherwise, the title  
26 "Alaska Highway and Public Works Board" shall be, and it is hereby,  
27 substituted for the title "Territorial Board of Road Commissioners",  
28 except as appears in Section 2 of Article II of this Act: Secs.  
29 14-2-3, 14-2-4, 50-1-1, ACLA 1949, and Sec. 50-1-4 (c), ACLA 1949,

1 as amended by Ch. 152, SLA 1955.

2 TITLE III

3 ARTICLE I

4 ALASKA PUBLIC WORKS DIVISION

5 Section 1. GENERAL. There is hereby created and established  
6 within the Alaska Highway and Public Works Department, the Alaska  
7 Public Works Division. This Division shall be under the super-  
8 vision of a Commissioner. He shall be vested with such powers  
9 and delegated such duties as are prescribed by law or regulation.

10 Sec. 2. DUTIES AND POWERS. The Commissioner shall be ap-  
11 pointed by the Superintendent, with the approval of the Board.  
12 He shall preferably be a competent graduate of an approved engin-  
13 eering school and a licensed engineer eligible to practice in any  
14 State or in the Territory of Alaska. He shall serve at the  
15 pleasure of the Superintendent and he shall be paid such compen-  
16 sation as the Superintendent prescribes, subject to the approval  
17 of the Board. He shall devote all his time and services to the  
18 Department and shall not engage in any profession or other occupa-  
19 tion outside of the government in any way related to the duties of  
20 his office. He shall supervise all approved public works plan-  
21 ning and construction projects and do all other things that may  
22 be imposed upon him by the Board or Superintendent.

23 ARTICLE II

24 FEDERAL-AID

25 Section 1. ASSENT TO FEDERAL-AID GIVEN. The legislative  
26 assent to Federal-Aid on behalf of Alaska, including such aid as  
27 may be given to Alaska through any department or agency of the  
28 Federal Government, is hereby given. The Board is authorized  
29 and empowered to make application for, enter into contracts, and

1 to do all things necessary to cooperate with the United States  
2 Government for the construction of any public works under the  
3 provisions of existing Federal acts and all acts amendatory or  
4 supplementary and to any other act of Congress that may hereafter  
5 be enacted.

### 6 ARTICLE III

#### 7 PUBLIC WORKS PLANNING AND CONSTRUCTION

8 Section 1. STANDARD PLANS AND SPECIFICATIONS. The Board  
9 shall prepare and adopt plans, specifications and determine  
10 standards for the construction of each and every public work  
11 within Alaska, provided, however, that each and every such public  
12 work shall be limited in cost to Alaska in the amount of the  
13 appropriation made to the Legislature for such purpose. Such  
14 plans and specifications may be amended from time to time as the  
15 Board deems advisable; provided, however that nothing herein shall  
16 be construed as including construction of school buildings within  
17 incorporated cities, unless such be done in whole or in part with  
18 Territorial funds, or for the construction of school buildings  
19 when such construction amounts to less than \$2,000.00.

20 Sec. 2. CONSULTING WITH PLANNING COMMISSION. Prior to the  
21 construction of any public works within a municipality the Board  
22 shall confer with the planning commission of such municipality to  
23 determine that the welfare of the public is properly protected.

24 Sec. 3. INSPECTION AND SUPERVISING PUBLIC WORKS CONSTRUCTION.  
25 The Commissioner is made inspector and supervisor of construction  
26 of all public works in Alaska. It shall be his duty, whenever  
27 any construction contract is entered into by the Board for cons-  
28 truction of any public works in Alaska, to be present and personal-  
29 ly supervise such work and inspect the same. He shall see that

1 the work performed in construction, repairing, altering or im-  
2 proving any such work are in accordance with the drawings and  
3 specifications therefor, that the interests of Alaska are fully  
4 protected, and that no person, firm or corporation employed on  
5 any work shall perform such work in any other or different manner  
6 than is provided by the contract and the plans and specifications  
7 for the doing of any such work.

8       Sec. 4. FRAUD BY CONTRACTOR: DUTY TO REPORT TO BOARD. If  
9 any contractor or contractors, or any person, firm or corporation  
10 having charge of the construction of any public building in  
11 Alaska, shall fail to do and perform such work in a good and  
12 workmanlike manner and not in accordance with the plans and  
13 specifications of the contract therefor, it shall be the duty of  
14 the Commissioner to report the same to the Board. In any case  
15 when the Commissioner is satisfied that the work is being slighted,  
16 inferior material is being used, or any other fraud is being  
17 practiced by any contractor, whereby the interests of Alaska may  
18 be injuriously affected, he shall report the same to the Board.  
19 The Board shall review the Commissioner's findings and report and  
20 shall direct what legal action, if any, shall be taken.

21       It shall be the duty of the Commissioner to examine, from  
22 time to time, as he sees fit, or when directed so to do by the  
23 Board, all existing public buildings in Alaska and to report  
24 their condition and what, if any, necessary additional construc-  
25 tion are needed thereon.

26       Sec. 5. INSPECTION AND TESTING OF MATERIALS. The Commis-  
27 sioner is hereby granted authority to inspect and test all  
28 materials, supplies, equipment and machinery used by the division  
29 or by any contractor constructing or maintaining public works

1 within Alaska, and to develop methods and procedures for such  
2 inspection and testing,

3       Sec. 6. RESEARCH ON PUBLIC WORKS. The Commissioner shall  
4 have the authority to gather, investigate and compile information  
5 concerning the use, construction and maintenance of public  
6 works, the practices and methods of efficient organization,  
7 financing and such other information, data and statistics of  
8 Alaska and the extent of natural resources of building materials  
9 within Alaska. The Commissioner shall disseminate all such  
10 information, together with any recommendations he deems advis-  
11 able.

12       Sec. 7. CONSTRUCTION WORK COMPLETED AND PROPOSED. Not  
13 later than February 1 of each year, there shall be submitted by  
14 the Commissioner to the Superintendent for presentation to the  
15 Board a statement showing the public works authorized within the  
16 past six year period and the completion schedule thereon as of  
17 that date, together with any recommendations regarding the need  
18 for additional public works construction.

#### 19                                   ARTICLE IV

#### 20                                   CONSTRUCTION OF BOAT HARBOR, DIKE, JETTY,

#### 21                                   AND BREAKWATER FACILITIES.

22       Section 1. APPLYING FOR FEDERAL FUNDS. Upon recommendation  
23 of the Commissioner, and approval of the Board, the Superinten-  
24 dent shall apply in the name of Alaska, as applicant, to the  
25 Alaska Public Works Agency of the Department of Interior of the  
26 United States, pursuant to 48 USCA 486-486j (63 Stat. 627), as  
27 amended, or any other Federal agency, for the construction or  
28 assistance in such construction of boat harbor, dike, jetty or  
29 breakwater harbor facilities where such facilities are necessary,



1 shall be covered into a special fund in the Territorial  
2 Treasury to be known as the "Water and Harbor Facilities  
3 Fund", and shall be expended by the Board / HIGHWAY  
4 ENGINEER/ as nearly as practicable in the Division where  
5 collected, and be expended for water and harbor facilities.

6 TITLE IV

7 MISCELLANEOUS PROVISIONS

8 ARTICLE I

9 LAND ACQUISITION FOR HIGHWAY AND PUBLIC WORKS PURPOSES

10 Section 1. LAND, RIGHTS-OF-WAY AND MATERIALS MAY BE  
11 ACQUIRED BY PURCHASE OR EMINENT DOMAIN. The Board, by order, on  
12 behalf of Alaska and as part of the cost of constructing or  
13 maintaining a highway or public works in Alaska, may purchase,  
14 acquire, take over, or condemn under the right and power of  
15 eminent domain any and all lands in fee simple or such easements  
16 thereof which it shall deem necessary for present public use,  
17 either temporary or permanent, or which it may deem necessary and  
18 reasonable for the public use. By the same means, it may secure  
19 any and all materials, including clay, gravel, sand, or rock, or  
20 the lands necessary to secure such material, and the necessary  
21 land or easements thereover, to provide ways and access thereto.  
22 It may acquire such land or materials notwithstanding that the  
23 title thereto may be vested in Alaska or any department, agency,  
24 commission or institution thereof.

25 A declaration of taking, in the form of an order signed by  
26 the Chairman of the Board, declaring that said real property, or  
27 any interest therein, or any easement, is deemed necessary for  
28 the public use of Alaska shall be sufficient to vest title in  
29 Alaska; provided, however, such declaration of taking shall not

1 be effective until eminent domain proceedings, have been  
2 instituted in the proper court, by and in the name of Alaska, and  
3 a copy of such declaration of taking has also been filed in the  
4 recorder's office located in the precinct where such lands or  
5 easements thereon are situated. All eminent domain proceedings  
6 shall be in substantial compliance with Alaska law, and with the  
7 rules of procedure established by the appropriate court. The  
8 Board, on behalf of Alaska, may pay or cause to be paid, from  
9 the highway public works fund, or other appropriate fund, into  
10 court such amounts it deems represents a reasonable valuation, for  
11 the lands, easement or materials subject to eminent domain pro-  
12 ceedings.

## 13 ARTICLE II

### 14 GENERAL PROVISIONS

15 Section 1. DAMAGE TO PUBLIC WORKS. No person shall will-  
16 fully damage, destroy, deface or injure any public work, construc-  
17 ted or being constructed.

18 Sec. 2. PENALTIES. Any person who violates Section 1 of  
19 this Article is guilty of a misdemeanor and upon conviction shall  
20 be punished by a fine of not less than ten dollars nor more than  
21 five hundred dollars, or by imprisonment in jail for a period  
22 not to exceed one year or by both such fine and imprisonment.

## 23 ARTICLE III

### 24 AWARD OF CONSTRUCTION CONTRACTS

25 Section 1. FORCE ACCOUNTS. It shall be the general policy  
26 of the Board to require the construction of all highways and  
27 public works under bid contract as provided hereafter. However,  
28 whenever a construction project shall be estimated to cost less  
29 than \$20,000.00, or when it appears to be in the best interests

1 of Alaska, the work may be performed by the Department notwith-  
2 standing any other provisions of Law.

3       Sec. 2. WAGE RATES, VACATION BENEFITS, AND SICK LEAVE FOR  
4 SEASONAL AND FIELD EMPLOYEES ON CONSTRUCTION PROJECTS. The  
5 Board may provide for payment of seasonal and field employees  
6 levied by the Department, for construction projects, at hourly  
7 rates for work done in excess of forty-eight (48) hours per  
8 week, eight (8) hours per day, or for work on Saturdays, Sun-  
9 days, or legal holidays. The Board may also promulgate rules  
10 and regulations to provide for sick leave and vacation benefits  
11 for seasonal employees, but such sick leave and vacation benefits  
12 shall not exceed such benefits granted employees on an annual  
13 basis.

14       Sec. 3. BASIS OF CONTRACTS FOR CONSTRUCTION WORK. The  
15 Board may request bids and award contracts for construction  
16 work, requiring the contractor to furnish all equipment, labor,  
17 materials, and supplies for each particular contract or project,  
18 or requiring the Board to furnish and provide the said contract-  
19 or with such materials and supplies as it may elect. In the  
20 event that the Board shall elect to provide materials and supplies  
21 for any project or construction work, such election shall be  
22 made at the time of the adoption by the Board of the construction  
23 program. The Board shall request proposals or bids for the  
24 total and aggregate of such materials and supplies for any and  
25 all such projects or construction work according to the class,  
26 type, and nature of such materials and supplies, and may proceed  
27 to award a contract or contracts therefor upon such basis as it  
28 shall deem efficient and economical, whether upon the basis of  
29 delivery to the construction project directly or to a central

1 storehouse or storehouses maintained by the Department. Such  
2 materials and supplies so purchased by the Department may be  
3 delivered to the project or construction work without expense  
4 to the contractor doing such construction work, or may be sold  
5 to him at cost and made to constitute a part of such construction  
6 cost, as the Board may elect.

7       Sec. 4. CONTRACTS, BIDS, INFORMAL BIDS. Whenever the cost  
8 of any construction shall exceed the sum of \$20,000.00, the De-  
9 partment shall, except as provided in section 1 of this Article,  
10 proceed to advertise the same, request bids, and award such  
11 contracts in the manner provided herein. Whenever any proposed  
12 construction contract shall be for a sum less than \$20,000.00,  
13 it shall be discretionary with the Department whether the same  
14 shall be advertised and awarded in accordance with Sections 5 and  
15 6 of this Article. But, in all events the Department shall re-  
16 quest informal bids from as many contractors as can be requested  
17 conveniently.

18       Sec. 5. BIDDING PROCEDURES. All requests for bids and bids  
19 for construction projects and maintenance work shall:

20       (1) In the event Federal funds are allowed be made  
21 in compliance with Federal law and the rules and regulations  
22 promulgated thereunder and with Alaska law so long as they are  
23 consistent with Federal law.

24       (2) In the event no Federal funds are involved, be  
25 made in compliance with this Act, and in substantial compliance  
26 with Ch. 82, SLA 1955, as amended, and such rules and regulations  
27 as may be promulgated thereunder, and as are consistent with  
28 this Act.

29       Sec. 6. AWARD OF CONTRACTS. Each and every contract shall





1 Ch. 117, SLA 1955; and Sec. 41-1-1, ACLA, 1949, and Ch. 179, SLA  
2 1955.

3       Sec. 2. EFFECTIVE DATE. An emergency is hereby declared  
4 to exist, and this Act shall take effect immediately upon its  
5 passage and approval, or upon its becoming law without such  
6 approval.

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29