

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  
8 Alaska Highway and Public Works Board and  
9 defining its powers and duties; establishing  
10 the office of Commissioner of the Alaska  
11 Highway and Public Works Department and  
12 defining his powers and duties; abolishing  
13 the office of the Territorial Highway  
14 Engineer; establishing policies and pro-  
15 cedures for the construction of highways  
16 and public works; authorizing certain  
17 expenditures and loans; assenting to certain  
18 Federal Acts; declaring certain acts mis-  
19 demeanors and providing for the punishment  
20 thereof; amending Secs. 10-2-1, 11-1-6,  
21 11-5-7, 14-2-3, 14-2-4, 40-10-1, 50-1-1,  
22 50-1-6, ACLA 1949; amending Ch. 52, SLA  
23 1953, Ch. 86, SLA 1953, Ch. 144, SLA 1953  
24 as amended by Ch. 8, SLA 1955 and Ch. 152,  
25 SLA 1955, and amending Ch. 20, SLA 1955,  
26 Ch. 40, SLA 1955, Sec. 48-5-2 (f), (g) and  
27 (i) as amended by Ch. 47, SLA 1955, Ch. 162,  
28 SLA 1955, Ch. 174, SLA 1955, Ch. 180, SLA  
29 1955; amending Sec. 50-1-4 (e), ACLA 1949,

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1 as amended by Ch. 152, SLA 1955; repealing  
2 Secs. 41-2-2, 41-2-3, 41-3-1, 41-3-2, 41-3-3,  
3 AOLA 1949; repealing Sec. 41-2-1, AOLA 1949,  
4 as amended by Ch. 123, SLA 1953; repealing  
5 Sec. 41-3-4, AOLA 1949, as amended by  
6 Ch. 117, SLA 1955; repealing Sec. 41-1-1,  
7 AOLA 1949; Ch. 179, SLA 1955; and declaring  
8 an emergency."

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

10 TITLE I

11 ARTICLE I

12 SHORT TITLE: PURPOSE: DEFINITIONS

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

15 Sec. 2. PURPOSE. The purpose of this Act is twofold:

16 (1) to establish a Highway Division capable of carrying out a  
17 highway planning, construction, and maintenance program which  
18 will provide a common defense to the United States and Alaska, a  
19 network of highways linking together cities and communities  
20 throughout Alaska (thereby contributing to the development of  
21 commerce and industry in Alaska, and aiding the extraction and  
22 utilization of its resources), and otherwise improve the economic  
23 and general welfare of the people of Alaska; and (2) to establish  
24 a Public Works Division capable of carrying out a public works  
25 planning and construction program which will provide public  
26 buildings necessary to efficient government, and boat harbors,  
27 jetties, dikes and breakwaters necessary to the economy of  
28 Alaska communities, all of which is to the advantage and benefit  
29 of the general welfare of the public.

1 It is the intent of the Legislature to declare, in general  
2 terms, the powers and duties of the Board and the Commissioner  
3 leaving specific details to be determined by reasonable rules and  
4 regulations which may be promulgated.

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

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

9 (2) "Board" means the Alaska Highway and Public Works  
10 Board.

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

12 (4) "Department" means the Alaska Highway and Public  
13 Works Department.

14 (5) "Commissioner" means the Commissioner of the Depart-  
15 ment.

16 (6) "Director" means the Director of the Highway Divi-  
17 sion of the Department.

18 (7) "Superintendent" means the Superintendent of the  
19 Public Works Division of the Department.

20 (8) "Construction" or any derivative thereof means  
21 construction, reconstruction, alteration, improvements or major  
22 repairs.

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

28 (10) "Maintenance" means the preservation of each type  
29 of highway, roadside structure and facility as nearly as possible

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1 in its original condition as constructed, or as subsequently  
2 improved, and the operation of highway facilities and services  
3 to provide satisfactory and safe highways.

4 (11) "Public buildings" means any building owned or  
5 controlled and held by Alaska, for government or public use.

6 (12) "Public works" means all fixed works, constructed  
7 or maintained for Alaska government or public use, and includes  
8 but is not limited to, work on any public buildings, boat harbors,  
9 jetties, dikes and breakwaters, except that it shall not include  
10 any Public Works under the jurisdiction of the Department of  
11 Aviation.

12 (13) "Municipalities" means any incorporated city or  
13 any political subdivision in Alaska having jurisdiction over  
14 highways within its incorporated area.

## 15 ARTICLE II

### 16 ORGANIZATION

#### 17 Section 1. THE ALASKA HIGHWAY AND PUBLIC WORKS DEPARTMENT.

18 There is hereby created and established the Alaska Highway and  
19 Public Works Department. The Department shall be under the con-  
20 trol and supervision of the Board. Administrative power and such  
21 delegated duties as may be prescribed by law shall be vested in  
22 the Commissioner.

#### 23 Sec. 2. COMPOSITION OF THE BOARD: CHAIRMAN: MEETINGS:

24 QUORUM. There is hereby created and established the Alaska High-  
25 way and Public Works Board. The Board shall consist of five  
26 persons to be appointed by the Governor, except as otherwise  
27 provided in this section by and with the consent of the Legisla-  
28 ture in joint session assembled, and in substantial compliance  
29 with Ch. 64, SLA 1955, as amended.

1 Each appointee shall be a resident and legally qualified  
2 voter of Alaska at the time of his appointment and while serving  
3 as a member of the Board. One member shall be appointed from  
4 each judicial division and one shall be appointed at large. The  
5 five Board members shall be appointed for overlapping terms of  
6 five years, with the term of office of one member expiring each  
7 year. Each term of office shall commence April first of the year  
8 in which they are made; provided, however, that those members of  
9 the Territorial Board of Road Commissioners, including the  
10 "Highway Engineer", holding office immediately preceding the  
11 effective date of this Act under Sec. 41-2-1, ACLA 1949, as  
12 amended by Ch. 123, SLA 1953, shall serve as members of the  
13 Board created and established herein, for the terms of their  
14 respective appointment and election. The Governor shall fill any  
15 vacancies in the membership of the Board for the balance of any  
16 unexpired term, subject to confirmation by the Legislature as  
17 provided above.

18 The Highway Engineer, elected in October, 1956, in his  
19 capacity as Commissioner, shall serve as chairman of the Board  
20 for the period he was elected to the office of Highway Engineer.  
21 Provided, however, that thereafter the Board shall elect the  
22 chairman. The Chairman may call meetings of the Board upon at  
23 least seven days notice, and shall do so at the request of two  
24 members; provided, the first Board meeting shall be called by  
25 the Governor within 60 days of the effective date of this Act.  
26 The majority of the Board shall constitute a quorum and action  
27 taken by a majority of those present at any meeting, at which a  
28 quorum is present, shall be deemed the action of the Board.  
29 Members of the Board shall serve without pay, except that they

1 shall be reimbursed for necessary travel, and for per diem in  
2 conformity with Alaska law.

3       Sec. 3. APPOINTMENT OF COMMISSIONER: QUALIFICATIONS. A  
4 Commissioner shall be appointed by the Board. He shall preferably  
5 be a competent graduate of an approved engineering school with  
6 at least five years experience in highway or public works con-  
7 struction and maintenance, or in case he shall not be a graduate  
8 of some college or school of engineering, he shall have had at  
9 least ten years experience in highway or public works construction  
10 and maintenance. He shall be a licensed engineer eligible to  
11 practice under the laws of any State or Alaska. He shall serve  
12 at the pleasure of the Board and shall be paid such compensation  
13 as the Board prescribes. He shall not engage in any profession  
14 or other occupation outside of the government in any way related  
15 to the duties of his office and he shall exercise such power and  
16 perform such duties as may be prescribed by law or by the Board.  
17 Provided, however, the Highway Engineer elected in October 1956  
18 shall serve as Commissioner for the term for which he was elected.

### 19                                   ARTICLE III

#### 20                                   GENERAL DUTIES AND POWERS OF THE BOARD

21       Section 1. GENERAL. The Board shall be responsible for  
22 the planning, construction, maintenance, protection and control  
23 of the Alaska Highway System and for the planning and construction  
24 of public works. The Board shall promulgate such rules and  
25 regulations as it deems necessary to attain and carry out the  
26 purpose and provisions of this Act.

27       Sec. 2. DUTIES AND POWERS. The Board is hereby granted,  
28 but not by way of limitation, full power and authority to acquire  
29 property; institute eminent domain proceedings; take immediate



1 assistants and employees of each division; to certify and approve  
2 all lawful vouchers; to provide a program of highway research;  
3 to prepare a departmental budget; to review the annual highway  
4 and public works program; and to do all other things that may be  
5 necessary to carry out the powers and duties authorized by law  
6 or delegated to him.

7       Sec. 3. DELEGATION OF AUTHORITY. The Commissioner may  
8 delegate any administrative duty, power or function to the  
9 Director or Superintendent.

10                               TITLE II

11                               ARTICLE I

12                               ALASKA HIGHWAY DIVISION

13       Section 1. GENERAL. There is hereby created and established  
14 within the Alaska Highway and Public Works Department, the Alaska  
15 Highway Division. This Division shall be under the supervision  
16 of a Director. He shall be vested with such powers and delegated  
17 such duties as are prescribed by law or regulation or as may be  
18 lawfully delegated him by the Board or the Commissioner.

19       Sec. 2. DUTIES AND POWERS. The Director shall be appointed  
20 by the Commissioner with the approval of the Board. He shall  
21 preferably be a competent graduate of an approved engineering  
22 school, experienced in highway construction and maintenance and  
23 a licensed engineer eligible to practice in any State. He shall  
24 serve at the pleasure of the Commissioner and he shall be paid  
25 such compensation as the Commissioner prescribes, subject to the  
26 approval of the Board. He shall not engage in any profession or  
27 other occupation outside of the government in any way related to  
28 the duties of his office. He shall supervise all approved highway  
29 planning, construction and maintenance and do all other things

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1 that may be imposed upon him be law, the Board or the Commissioner.

2

## ARTICLE II

3

### FEDERAL AID

4 Section 1. ASSENT TO FEDERAL-AID GIVEN. The legislative  
5 assent required by Section 1 of the Act of Congress approved  
6 July 11, 1916 (39 Stat. 355) entitled, "An Act to provide that  
7 the United States shall aid the states in the construction of  
8 rural post roads, and for other purposes." is hereby given.

9 The Board is authorized and empowered to make all contracts and  
10 to do all things necessary to cooperate with the United States  
11 Government in the construction of highways under the provisions  
12 of the said Act, and all Acts amendatory or supplementary thereto,  
13 or any other Act of Congress that may hereafter be enacted, and  
14 including the Federal-Aid Highway Act of 1956 (Public Law 627,  
15 85th Congress, 2nd Session).

16 Sec. 2. MUNICIPALITY MAY AID FEDERAL HIGHWAY CONSTRUCTION.

17 Any municipality, through its governing body, wherever a Federal-  
18 aid highway is routed through such municipality, may participate  
19 in the financing, planning, construction, acquisition of right-  
20 of-way and maintenance of said highway in such manner and pro-  
21 portion as the Board may determine is reasonable and proper.

22 Sec. 3. GENERAL LAWS GOVERNING ASSESSMENTS BY MUNICIPALITIES

23 TO PAY HIGHWAY COSTS. All provisions of Alaska municipal law  
24 relating to the levying of assessments for such highway financing,  
25 planning, construction, acquisition of right-of-way and mainten-  
26 ance, referred to in the preceding section, are applicable in so  
27 far as they are not inconsistent with the general purpose of this  
28 Act.

29

## ARTICLE III

1 ALASKA HIGHWAY SYSTEM

2 Section 1. DESIGNATION OF ALASKA HIGHWAY SYSTEM. The Board  
3 is hereby vested with complete authority to designate, locate,  
4 create, and determine what highways shall constitute the Alaska  
5 Highway System. In designating, locating, creating and determin-  
6 ing the several routes of the Alaska Highway System, the Board  
7 shall strive to attain the purposes and objectives set forth in  
8 Sec. 2 of Art. I of this Act.

9 Sec. 2. RESPONSIBILITY FOR ALASKA HIGHWAY SYSTEM. The Board  
10 shall be responsible for the construction and maintenance of the  
11 Alaska Highway System. It shall be authorized to enter into  
12 cooperative agreements with any municipality for the construction  
13 or maintenance of a connecting highway located within a munici-  
14 pality.

15 The jurisdiction, control and duty of the Board and munici-  
16 pality with respect to any such connecting highways shall be as  
17 follows:

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

21 (b) The municipality shall at its own expense maintain  
22 all underground facilities in such highway and shall have the  
23 right to construct such additional underground facilities as may  
24 be necessary in such highways;

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

29 (d) The municipality shall have the exclusive right

1 subject to law to grant franchises over, beneath and upon such  
2 highways; provided, that no franchise for transportation of  
3 passengers in motor vehicles shall be granted on such highways  
4 without the approval of the Board.

5       Sec. 3. UNIFORM MARKING AND ERECTION OF SIGNS ON HIGHWAY.

6 In addition to all other powers vested in the Board by law it  
7 shall classify, designate and mark highways lying within the  
8 boundaries of Alaska which are under the jurisdiction of the  
9 Department and shall provide a uniform system of marking and  
10 posting such highways. Such system of marking and posting shall  
11 correlate with and, as far as possible, shall conform to the  
12 recommendations of the Manual on Traffic Control Devices as  
13 adopted by the American Association of State Highway Officials.

14       Sec. 4. TRAFFIC CONTROL SIGNALS. The Board is hereby auth-  
15 orized and directed to prescribe types of traffic control signals  
16 which correlate with and, as far as possible, conform to the  
17 recommendations of the Manual on Uniform Traffic Control Devices,  
18 as adopted by the American Association of State Highway Officials,  
19 and which shall be used to regulate traffic upon any highway  
20 within Alaska. It shall also prescribe uniform rules for the  
21 placing and installation of such signals.

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

29       Sec. 6. DETERMINATION OF SPEED. The Board, with respect to



1 which traffic can be controlled and protected in such a manner as  
2 to provide safe and efficient movement of traffic within a muni-  
3 cipality.

4       Sec. 3. CONSTRUCTION PROGRAM. Not later than February first  
5 of each year, there shall be submitted by the Director to the  
6 Commissioner for presentation to the Board, a statement showing  
7 what construction work has been requested and proposed and may be  
8 undertaken by the Division. Such statement shall set forth a  
9 general itemization of the estimated cost for each and every pro-  
10 ject which may be made and the total estimates of all such projects.  
11 The Board shall examine the same and shall proceed to adopt a  
12 construction program which shall include the projects to be under-  
13 taken by the Department during the ensuing construction season  
14 and which shall establish project priorities. Nothing herein  
15 shall prevent the Board from adding to, amending, revising, or  
16 reducing from time to time as circumstances may warrant, such  
17 construction program.

18       Sec. 4. RESEARCH ON HIGHWAY DEVELOPMENT. The Director shall  
19 have the authority to gather, investigate, and compile information  
20 concerning the use, construction and maintenance of highways, the  
21 practices and methods of efficient highway organization, financing,  
22 and such other information, data and statistics of Alaska and the  
23 extent of the natural resources of roadbuilding materials within  
24 Alaska. The Director, with the approval of the Board, shall have  
25 authority to enter into agreements with states, municipalities  
26 or research organizations to carry on research and test projects  
27 involving highway development and to expend highway funds for  
28 this purpose. He may disseminate all such information, together  
29 with any recommendations he deems advisable.

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1           Sec. 5. ~~TRAFFIC~~ SURVEYS. The Director shall have the author-  
2 ity to collect, analyze and interpret all physical and economic  
3 data needed to measure existing and estimated future highway  
4 traffic characteristics such as origin and destination, volumes,  
5 speeds, accidents, congestion, parking, pedestrian use of highways  
6 and the economic loss caused by inferior traffic facilities,  
7 including the preparation of traffic plans and recommendations.

8           Sec. 6. INSPECTION AND TESTING OF MATERIALS. The Director  
9 is hereby granted authority to inspect and test all materials,  
10 supplies, equipment and machinery used by the Division or by any  
11 contractor constructing or maintaining highways within Alaska,  
12 and to develop methods and procedures for such inspection and  
13 testing.

14           Sec. 7. METHOD OF CONSTRUCTION OF HIGHWAY DITCHES. All  
15 highways of any kind hereafter constructed or reconstructed by  
16 the Department, their contractors, subcontractors, or agents,  
17 or by any individual firm or corporation, shall be so designed as  
18 to permit water to drain from such highways into ditches which  
19 shall drain into caulees, rivers and lakes according to the sur-  
20 face and terrain where such highway or highways are constructed  
21 in accordance with scientific highway construction and engineering  
22 so as to avoid the waters flowing into and accumulating in the  
23 ditches to overflow adjacent and adjoining lands. It is the  
24 intention of this Act that in the construction of highways, as  
25 herein provided, the natural flow and drainage of surface waters  
26 shall not be obstructed, but that such water shall be permitted  
27 to follow the natural course according to the surface and terrain  
28 of the particular terrain.

29           Sec. 8. CLOSING OF ROADS. Whenever, during the construction

1 work on any highway or at any other time, it may be necessary to  
2 prevent traffic passing over any portion of a highway, the  
3 Director may close such portion of the highway to all traffic by  
4 causing to be posted in a conspicuous manner, at the ends of the  
5 portion of the highway so closed, suitable signs warning the  
6 public that such road is closed under authority of law, and by  
7 the erection of suitable barricades, fences, or other obstructions.  
8 The driver or owner, or both, of any vehicle, self-propelling or  
9 otherwise, passing through, over, or around any such barricade,  
10 fence, or other obstruction so placed, or any person or persons  
11 opening, removing, or defacing any such barricade, fence, or  
12 other obstruction, or any such warning sign, without written  
13 permission from the engineer in charge of the work, or in charge  
14 of such highway, or any person or persons willfully, knowingly,  
15 or maliciously causing any damage to the work under construction,  
16 is guilty of a misdemeanor.

17       Sec. 9. WARNING SIGNS OF ROAD CONSTRUCTION. Whenever the  
18 Department shall enter into a contract for the construction of  
19 any highway, it shall, as a condition of such contract, provide  
20 therein that the contractor shall place suitable warning signs  
21 which can be read for a distance of one hundred feet in daytime,  
22 and that the contractor also shall erect and place at night a  
23 red or white lantern or a torch or other effective device, of a  
24 type approved by the Department, at both ends of such construction  
25 work, no less than three hundred feet therefrom, warning the public  
26 that such road is under construction or improvement and is closed,  
27 impassable, or dangerous for travel. Nothing contained in this  
28 section shall make Alaska liable for the failure of any contractor  
29 to erect such warning signs.



1 of which owners or occupants of abutting land or other persons  
2 have no right or easement or only a controlled right or easement  
3 of access, light, air, or view by reason of the fact that their  
4 property abuts upon such controlled-access facility or for any  
5 other reason.

6       Sec. 2. DESIGN OF CONTROLLED-ACCESS FACILITY. The Board and  
7 the highway authorities of the municipalities, are authorized to  
8 so design any controlled-access facility and to so regulate,  
9 restrict, or prohibit access as to best serve the traffic for  
10 which such facility is intended. In this connection the Board  
11 and such highway authorities are authorized to divide and separate  
12 any controlled-access facility into separate highways by the  
13 construction of raised curbs, central dividing sections, or  
14 other physical separations, or by designating such separate high-  
15 ways by signs, markers, stripes and the proper lane for such  
16 traffic by appropriate signs, markers, stripes and other devices.  
17 No person shall have any right of ingress or egress to, from or  
18 across controlled-access facilities to or from abutting lands,  
19 except at such designated points at which access may be permitted,  
20 upon such terms and conditions as may be specified from time to  
21 time.

22       Sec. 3. ACQUISITION OF PROPERTY AND PROPERTY RIGHTS.  
23 For the purposes of this Act, the Board and the highway authorities  
24 of the municipalities, may acquire private or public property and  
25 property rights for controlled-access facilities and service  
26 roads, including rights of access, air, view, and light, by gift,  
27 device, purchase, or condemnation in the same manner as such units  
28 are now or hereafter may be authorized by law to acquire such  
29 property or property rights in connection with highways within

1 their respective jurisdictions. All property rights acquired  
2 under the provisions of this Act shall be in fee simple. In  
3 connection with the acquisition of property or property rights  
4 for any controlled-access facility or portion thereof, or service  
5 highways in connection therewith, the municipal authority may, in  
6 its discretion, acquire an entire lot, block, or tract of land,  
7 if, by so doing, the interests of the public will be best served,  
8 even though said entire lot, block, or tract is not immediately  
9 needed for the right-of-way proper.

10       Sec. 4. NEW AND EXISTING FACILITIES; GRADE-CROSSING ELIMINA-  
11 TIONS. The Board and the highway authorities of the municipalities,  
12 may designate and establish controlled-access highways as new and  
13 additional facilities, or may designate and establish an existing  
14 highway as included within a controlled-access facility. The  
15 Board and the municipalities shall have authority to provide for  
16 the elimination of intersections at grade of controlled-access  
17 facilities with existing highways by grade separation or service  
18 highway, or by closing off such highways at the right-of-way  
19 boundary line of such controlled-access facility. After the  
20 establishment of any controlled-access facility, no highway which  
21 is not part of said facility shall intersect the same at grade.  
22 No municipal or Alaskan highway, or other public way shall be  
23 opened into or connected with any such controlled-access facility  
24 without the consent and prior approval of the Board or the high-  
25 way authorities of the municipalities having jurisdiction over  
26 such controlled-access facility. Such consent and approval shall  
27 be given only if the public interest shall be served thereby.

28       Sec. 5. AUTHORIZING PARTICIPATION IN FINANCING, PLANNING,  
29 ETC. The Board and highway authorities of the municipalities, are



1 TRAILS, BRIDGES, AND FERRIES and approaches and appurton-  
2 ances thereto including the acquisition of necessary rights-  
3 of-way by purchase or otherwise. It shall be the policy of  
4 all departments of the Territorial government authorized to  
5 expend funds collected from taxes imposed by this Act, to  
6 perform, whenever feasible, all construction and/or recon-  
7 struction projects by contract after such projects have  
8 been duly advertised for competitive bids except as to  
9 advantageous arrangements with the Bureau of Public Roads  
10 ALASKA ROAD COMMISSION or political subdivisions and  
11 except in cases of emergency.

12 2. Sec. 2. LOANS. The Board for the purpose of participating  
13 in any Federal grant-in-aid program may apply to the Department  
14 of Finance for short-term loans from the General Fund for periods  
15 not to exceed nine months and for amounts estimated anticipated  
16 revenues for the term of the loan. The Director of Finance is  
17 hereby authorized to approve the loan if he determines such loan  
18 would not adversely curtail other expenditures from the General  
19 Fund.

20 Sec. 3. All monies derived from any source, by the Highway  
21 Division, not otherwise required by law to be placed in any other  
22 fund, shall be credited to the Highway fund.

## 23 ARTICLE VII

### 24 GENERAL PROVISIONS

25 Section 1. PREFERENCE TO EMPLOYEES OF BUREAU OF PUBLIC ROADS  
26 ON TRANSFER OF FUNCTIONS TO ALASKA. Upon transfer to Alaska by  
27 the Federal Bureau of Public Roads of any function of the highway  
28 construction and maintenance program, previously administered by  
29 that agency, the Board or Commissioner shall, to the maximum extent

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1 consistent with good administration and necessity, give preference  
2 to and employ those persons affected by such transfer and where  
3 possible shall place them in the employment of the Department.

4       Sec. 2. TRANSITION: HIGHWAY ENGINEER. The office of  
5 Territorial Highway Engineer is abolished and all the powers and  
6 duties of that office are hereby transferred to the Alaska High-  
7 way and Public Works Department; provided, however, that the  
8 person elected in October of 1956 to the office of Highway Engineer  
9 shall serve as Commissioner for the term for which he was elected  
10 and shall receive the salary allowed the Commissioner. Upon  
11 termination of said Highway Engineer's term in office, the Com-  
12 missioner shall be appointed in the manner set forth in Title I  
13 of this Act.

14       Sec. 3. DAMAGE TO HIGHWAYS. No person shall willfully dig  
15 up, remove, displace, break, or otherwise damage or destroy any  
16 highway or any private way laid out by authority of law without  
17 first securing permission from the Board, or the person or  
18 governing body of the jurisdiction having control thereof.

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

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

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

26       (3) Build or place a barbed wire fence across any well-  
27 traveled trail which has been the usual and common route of travel  
28 for not less than one year without placing on the outside of the  
29 top tier of barbed wire on said fence a board, pole or other

1 suitable protection, to be at least sixteen feet in length.

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

6       Sec. 6. DAMAGE TO MILEBOARDS, GUIDEPPOSTS, TRAFFIC CONTROL  
7 SIGNALS, SIGNS OR MARKINGS. No person shall remove, damage or  
8 destroy any mileboard, milestone, or guidspost, traffic control  
9 signals, signs or markings, or any inscription thereon, erected  
10 or placed upon any highway.

11       Sec. 7. PENALTIES. Any person who violates any provision  
12 of this Title is guilty of a misdemeanor and upon conviction shall  
13 be punished by a fine of not less than ten dollars nor more than  
14 five hundred dollars, or by imprisonment in jail for a period not  
15 to exceed one year, or by both such fine and imprisonment.

16       Sec. 8. USE OF RIGHT-OF-WAY FOR UTILITIES. Electric trans-  
17 mission, telephone or telegraph lines, pole lines, railways,  
18 ditches, sewers, water, heat, or gas mains, flumes, or other  
19 structures which by other provision of law may be constructed,  
20 placed, or maintained across or along any highway by any person,  
21 persons, corporation, or political subdivision, may be so main-  
22 tained or constructed only in accordance with such regulations  
23 as may be prescribed by the Board with reference to the placing  
24 and maintaining along across, or on any such highway any of the  
25 utilities hereinbefore set forth. No utility projects of this  
26 nature shall be undertaken until authorized by a written permit  
27 issued by the Board.

28       Sec. 9. SUBSTITUTING NAME "COMMISSIONER" FOR "HIGHWAY"  
29 ENGINEER". In the following Acts or parts thereof, and in all

1 other provisions of law except Section 1 of this Article, the  
2 title "Commissioner" shall be, and it is hereby substituted for  
3 the title "Highway Engineer;" Secs. 10-2-1, 11-1-6, 11-6-7,  
4 40-10-1, 48-5-2 (1) as amended by Ch. 47 SLA 1955, Sec. 50-1-6,  
5 ACLA 1949; and Ch. 82, SLA 1953, Ch. 86, SLA 1953, Ch. 144,  
6 SLA 1953 as amended by Ch. 8, SLA 1953 and Ch. 152, SLA 1955,  
7 Ch. 29, SLA 1955, Ch. 40, SLA 1955, Ch. 162, SLA 1955; Ch. 174,  
8 SLA 1955, and Ch. 180, SLA 1955.

9 Sec. 10. SUBSTITUTING NAME "ALASKA HIGHWAY AND PUBLIC WORKS  
10 BOARD" FOR "TERRITORIAL BOARD OF ROAD COMMISSIONERS." In the  
11 following Acts or parts thereof, and in all other provisions of  
12 law, unless the context clearly requires otherwise, the title  
13 "Alaska Highway and Public Works Board" shall be, and it is hereby,  
14 substituted for the title "Territorial Board of Road Commissioners,"  
15 except as appears in Section 2 of Article II of this Act: Secs.  
16 14-2-3, 14-2-4, 50-1-1, ACLA 1949, and Sec. 50-1-4 (e), ACLA 1949,  
17 as amended by Ch. 153, SLA 1955.

18 TITLE III

19 ARTICLE I

20 ALASKA PUBLIC WORKS DIVISION

21 Section 1. GENERAL. There is hereby created and established  
22 within the Alaska Highway and Public Works Department, the Alaska  
23 Public Works Division. This Division shall be under the super-  
24 vision of a Superintendent. He shall be vested with such powers  
25 and delegated such duties as are prescribed by law or regulation.

26 Sec. 2. DUTIES AND POWERS. The Superintendent shall be  
27 appointed by the Commissioner, with the approval of the Board.  
28 He shall preferably be a competent graduate of an approved engin-  
29 eering school and a licensed engineer eligible to practice in any

1 State or in the Territory of Alaska. He shall serve at the  
2 pleasure of the Commissioner and he shall be paid such compen-  
3 sation as the Commissioner prescribes, subject to the approval  
4 of the Board. He shall devote all his time and services to the  
5 Department and shall not engage in any profession or other occupa-  
6 tion outside of the government in any way related to the duties of  
7 his office. He shall supervise all approved public works planning  
8 and construction projects and do all other things that may be  
9 imposed upon him by the Board or Commissioner. Provided, however,  
10 that for the period ending June 30, 1959 the Commissioner shall  
11 also serve as Superintendent and shall be vested with all the  
12 powers and duties of the Superintendent.

13  
14 **ARTICLE II**

**FEDERAL-AID**

15 Section 1. **ASSENT TO FEDERAL-AID GIVEN.** The legislative  
16 assent to Federal Aid on behalf of Alaska, including such aid as  
17 may be given to Alaska through any department or agency of the  
18 Federal Government, is hereby given. The Board is authorized and  
19 empowered to make application for, enter into contracts, and to  
20 do all things necessary to cooperate with the United States  
21 Government for the construction of any public works under the  
22 provisions of existing Federal acts and all acts amendatory or  
23 supplementary and to any other act of Congress that may hereafter  
24 be enacted.

25 **ARTICLE III**

26 **PUBLIC WORKS PLANNING AND CONSTRUCTION**

27 Section 1. **STANDARD PLANS AND SPECIFICATIONS.** The Board  
28 shall prepare and adopt plans, specifications and determine  
29 standards for the construction of each and every public work

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1 within Alaska, provided, however, that each and every such public  
2 work shall be limited in cost to Alaska in the amount of the  
3 appropriation made to the Legislature for such purpose. Such  
4 plans and specifications may be amended from time to time as the  
5 Board deems advisable; provided, however that nothing herein shall  
6 be construed as including construction of school buildings within  
7 incorporated cities, unless such be done in whole or in part with  
8 Territorial funds, or for the construction of school buildings  
9 when such construction amounts to less than \$2,000.00.

10       Sec. 2. CONSULTING WITH PLANNING COMMISSION. Prior to the  
11 construction of any public works within a municipality the Board  
12 shall confer with the planning commission of such municipality to  
13 determine that the welfare of the public is properly protected.

14       Sec. 3. INSPECTION AND SUPERVISING PUBLIC WORKS CONSTRUCTION.  
15 The Superintendent is made inspector and supervisor of construction  
16 of all public works in Alaska. It shall be his duty, whenever any  
17 construction contract is entered into by the Board for construc-  
18 tion of any public works in Alaska, to supervise such work and  
19 inspect the same in person or by qualified deputy or agent. He  
20 shall see that the work performed in constructing, repairing,  
21 altering or improving any such work are in accordance with the  
22 drawings and specifications therefor, that the interests of Alaska  
23 are fully protected, and that no person, firm or corporation  
24 employed on any work shall perform such work in any other or  
25 different manner than is provided by the contract and the plans  
26 and specifications for the doing of any such work.

27       Sec. 4. FRAUD BY CONTRACTOR; DUTY TO REPORT TO BOARD. If  
28 any contractor or contractors, or any person, firm or corporation  
29 having charge of the construction of any public building in Alaska,

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1 shall fail to do and perform such work in a good and workmanlike  
2 manner and not in accordance with the plans and specifications of  
3 the contract therefor, it shall be the duty of the Superintendent  
4 to report the same to the Board. In any case when the Superinten-  
5 dent is satisfied that the work is being slighted, inferior  
6 material is being used, or any other fraud is being practiced by  
7 any contractor, whereby the interests of Alaska may be injuriously  
8 affected, he shall report the same to the Board. The Board shall  
9 review the Superintendent's findings and report and shall direct  
10 what legal action, if any, shall be taken.

11 It shall be the duty of the Superintendent to examine, from  
12 time to time, as he sees fit, or when directed so to do by the  
13 Board, all existing public buildings in Alaska and to report their  
14 condition and what, if any, necessary additional construction are  
15 needed thereon.

16 Sec. 5. INSPECTION AND TESTING OF MATERIALS. The Superin-  
17 tendent is hereby granted authority to inspect and test all  
18 materials, supplies, equipment and machinery used by the division  
19 or by any contractor constructing or maintaining public works  
20 within Alaska, and to develop methods and procedures for such  
21 inspection and testing.

22 Sec. 6. RESEARCH ON PUBLIC WORKS. The Superintendent shall  
23 have the authority to gather, investigate and compile information  
24 concerning the use, construction and maintenance of public works,  
25 the practices and methods of efficient organization, financing  
26 and such other information, data and statistics of Alaska and the  
27 extent of natural resources of building materials within Alaska.  
28 The Superintendent shall disseminate all such information, to-  
29 gether with any recommendations he deems advisable.



1 The Board is authorized to contract with any community for the  
2 participation of said community either in the financing of pro-  
3 jects sought hereunder, or in lieu of local financial participa-  
4 tion, to contract with said community for its installing necessary  
5 piling, floats, and related equipment and facilities whether at  
6 said community's direct expense or through local volunteer labor,  
7 after completion of the basic boat harbor, dike, jetty, or break-  
8 water facilities.

9 ARTICLE V "

10 FINANCIAL PROVISIONS

11 Section 1. FINANCING COST OF CONSTRUCTING PUBLIC WORKS. Each  
12 and every public work shall be constructed in a completed manner  
13 within the appropriation and limits imposed by the Legislature.

14 Sec. 2. WATER AND HARBOR FACILITIES FUND. Subsection (f)  
15 of Sec. 49-5-2, ACLA 1949, as amended by Ch. 47, SLA 1955, is  
16 hereby amended to read as follows:

17 (f) The monies herein collected from the taxes on  
18 motor fuel used in boats and watercraft of all descriptions  
19 shall be covered into a special fund in the Territorial  
20 Treasury to be known as the "Water and Harbor Facilities  
21 Fund", and shall be expended by the Alaska Highways and  
22 Public Works Board /HIGHWAY ENGINEER/ as nearly as practi-  
23 cable in the Division where collected, and be expended for  
24 water and harbor facilities.

25 TITLE IV

26 MISCELLANEOUS PROVISIONS

27 ARTICLE I

28 LAND ACQUISITION FOR HIGHWAY AND PUBLIC WORKS PURPOSES

29 Section 1. LAND, RIGHTS-OF-WAY AND MATERIALS MAY BE

1 ACQUIRED BY PURCHASE OR EMINENT DOMAIN. The Board, by order, on  
2 behalf of Alaska and as part of the cost of constructing or  
3 maintaining a highway or public works in Alaska, may purchase,  
4 acquire, take over, or condemn under the right and power of  
5 eminent domain any and all lands in fee simple or such easements  
6 thereof which it shall deem necessary for present public use,  
7 either temporary or permanent, or which it may deem necessary and  
8 reasonable for the public use. By the same means, it may secure  
9 any and all materials, including clay, gravel, sand, or rock, or  
10 the lands necessary to secure such material, and the necessary  
11 land or easements thereover, to provide ways and access thereto.  
12 It may acquire such land or materials notwithstanding that the  
13 title thereto may be vested in Alaska or any department, agency,  
14 commission or institution thereof.

15 A declaration of taking, in the form of an order signed by  
16 the Chairman of the Board, declaring that said real property, or  
17 any interest therein, or any easement, is deemed necessary for  
18 the public use of Alaska shall be sufficient to vest title in  
19 Alaska; provided, however, such declaration of taking shall not  
20 be effective until eminent domain proceedings have been  
21 instituted in the proper court, by and in the name of Alaska, and  
22 a copy of such declaration of taking has also been filed in the  
23 recorder's office located in the precinct where such lands or  
24 easements thereon are situated. All eminent domain proceedings  
25 shall be in substantial compliance with Alaska law, and with the  
26 rules of procedure established by the appropriate court. The  
27 Board, on behalf of Alaska, may pay or cause to be paid, from  
28 the highway or public works fund, or other appropriate fund, into  
29 court such amounts it deems represents a reasonable valuation for

1 the lands, easement or materials subject to eminent domain pro-  
2 ceedings.

3 ARTICLE II

4 GENERAL PROVISIONS

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

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

13 ARTICLE III

14 AWARD OF CONSTRUCTION CONTRACTS

15 Section 1. FORCE ACCOUNTS. It shall be the general policy  
16 of the Board to require the construction of all highways and  
17 public works under bid contract as provided hereafter. However,  
18 whenever a construction project shall be estimated to cost less  
19 than \$20,000.00, or when it appears to be in the best interests  
20 of Alaska, the work may be performed by the Department notwith-  
21 standing any other provisions of law.

22 Sec. 3. WAGE RATES, VACATION BENEFITS, AND SICK LEAVE FOR  
23 SEASONAL AND FIELD EMPLOYEES ON CONSTRUCTION PROJECTS. The  
24 Board may provide for payment of seasonal and field employees  
25 hired by the Department, for construction projects, at hourly  
26 rates for work done in excess of forty-eight (48) hours per week,  
27 eight (8) hours per day, or for work on Saturdays, Sundays, or  
28 legal holidays. The Board may also promulgate rules and regu-  
29 lations to provide for sick leave and vacation benefits for

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1 seasonal employees, but such sick leave and vacation benefits  
2 shall not exceed such benefits granted employees on an annual  
3 basis.

4       Sec. 3. BASIS OF CONTRACTS FOR CONSTRUCTION WORK. The  
5 Board may request bids and award contracts for construction  
6 work, requiring the contractor to furnish all equipment, labor,  
7 materials, and supplies for each particular contract or project,  
8 or requiring the Board to furnish and provide the said contractor  
9 with such materials and supplies as it may elect. In the event  
10 that the Board shall elect to provide materials and supplies for  
11 any project or construction work, such elect on shall be made at  
12 the time of the adoption by the Board of the construction program.  
13 The Board shall request proposals or bids for the total and  
14 aggregate of such materials and supplies for any and all such  
15 projects or construction work according to the class, type, and  
16 nature of such materials and supplies, and may proceed to award  
17 a contract or contracts therefor upon such basis as it shall  
18 deem efficient and economical, whether upon the basis of delivery  
19 to the construction project directly or to a central storehouse  
20 or storehouses maintained by the Department. Such materials and  
21 supplies so purchased by the Department may be delivered to the  
22 project or construction work without expense to the contractor  
23 doing such construction work, or may be sold to him at cost and  
24 made to constitute apart of such construction cost, as the Board  
25 may elect.

26       Sec. 4. CONTRACTS, BIDS, INFORMAL BIDS. Whenever the cost  
27 of any construction shall exceed the sum of \$20,000.00, the De-  
28 partment shall, except as provided in section 1 of this Article,  
29 proceed to advertise the same, request bids, and award such

1 contracts in the manner provided herein. Whenever any proposed  
2 construction contract shall be for a sum less than \$20,000.00,  
3 it shall be discretionary with the Department whether the same  
4 shall be advertised and awarded in accordance with Sections 5 and  
5 6 of this Article. But, in all events the Department shall re-  
6 quest informal bids from as many contractors as can be requested  
7 conveniently.

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

10           (1) In the event Federal funds are allowed be made  
11 in compliance with Federal law and the rules and regulations  
12 promulgated thereunder and with Alaska law so long as they are  
13 consistent with Federal law.

14           (2) In the event no Federal funds are involved, be  
15 made in compliance with this Act, and in substantial compliance  
16 with Ch. 82, SLA 1955, as amended, and such rules and regulations  
17 as may be promulgated thereunder, and as are consistent with this  
18 Act.

19       Sec. 6. AWARD OF CONTRACTS. Each and every contract shall  
20 be awarded by the Board to the lowest responsible bidder, but  
21 said Board may reject all bids. If no satisfactory bids, or bid,  
22 shall be received, the project may be readvertised. All awards  
23 shall be made in compliance with applicable Federal law and the  
24 regulations promulgated thereunder, with this Act, and in com-  
25 pliance with Ch. 82, SLA 1955, as amended, and such rules and  
26 regulations as may be promulgated thereunder, where not in con-  
27 flict with this Act and Federal law.

28       Sec. 7. BONDING OF COMMISSIONER AND OTHER DEPARTMENT OFFICERS.  
29 The Commissioner and any person in the Department entering into

1 contracts, under the laws of Alaska or handling sums of money  
2 exceeding Five Hundred Dollars (\$500.00) shall be bonded in the  
3 amount of \$10,000.00, the cost of which shall be paid by funds  
4 appropriated for the administration of the Department.

5 Sec. 8. PRIOR CONTRACTS UNAFFECTED. The provisions in  
6 this Article shall not apply to contracts entered into prior to  
7 the effective date of this Act.

#### 8 ARTICLE IV

##### 9 AUTHORITY TO ACQUIRE AND DISPOSE OF PROPERTY

10 Section 1. AUTHORITY TO ACQUIRE EQUIPMENT. The Board shall  
11 have the authority to purchase, lease or otherwise acquire if it  
12 deems necessary all material, machinery, tools, equipment and  
13 supplies necessary for the permissive construction, maintenance  
14 and control of the Alaska Highway System or for the construction  
15 of any public work.

16 Sec. 2. AUTHORITY TO ACQUIRE BUILDINGS. The Board shall  
17 have authority to rent or purchase the necessary land and build-  
18 ings for the storage and housing of materials, machinery, equip-  
19 ment and tools.

20 Sec. 3. SALE OF OBSOLETE EQUIPMENT. The Board shall be  
21 authorized to sell, exchange or otherwise dispose of any obsolete  
22 machinery, equipment and material no longer needed, required or  
23 useful for construction or maintenance purposes. Any funds or  
24 money derived from the sale of such property shall be credited  
25 to the funds from which such purchase was originally made.

26 Sec. 4. VACATING LANDS BY THE BOARD; SALE OF LANDS. The  
27 Board may vacate any land, or part thereof, or rights in land  
28 taken or acquired for highway or public work purposes under the  
29 provisions of this Act, by executing and filing a deed therefor

1 in the appropriate recording precinct, and said vacation shall  
2 revert the title to the land or rights in the persons, heirs,  
3 successors, or assigns in whom it was vested at the time of the  
4 taking. The Board may transfer the interests of any land acquired  
5 by purchase, or otherwise under this Act, and deemed no longer  
6 necessary for the purposes hereof, to the Alaska Department of  
7 Lands for such disposal as may be deemed proper; provided, however,  
8 that the proceeds of such disposal by the Alaska Department of  
9 Lands shall be credited to the funds from which such purchase was  
10 made originally under this Act.

11

#### ARTICLE V

12

#### REPEALING CLAUSE AND EFFECTIVE DATE

13 Section 1. REPEALER. The following Acts or parts thereof,  
14 and any other Acts or parts thereof inconsistent with this Act,  
15 are hereby repealed: Secs. 41-2-2, 41-2-3, 41-3-1, 41-3-2,  
16 41-3-3, ACLA 1949; and Sec. 41-2-1, ACLA 1949, as amended by  
17 Ch. 123, SLA 1953; and Sec. 41-3-4, ACLA 1949, as amended by  
18 Ch. 117, SLA 1955; and Sec. 41-1-1, ACLA 1949, and Ch. 179, SLA  
19 1955.

20 Sec. 2. An emergency is hereby declared to exist and this  
21 Act shall be in full force and effect from and after the date of  
22 its passage and approval.

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