

BY RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 398

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the use of state  
7 highway rights-of-way by utilities and  
8 providing for costs in connection there-  
9 with; repealing Sec. 8, Art. VII, Title II,  
10 Ch. 152, SLA 1957; and providing for an  
11 effective date."

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

13 Section 1. Sec. 8, Art. VII, Title II, Ch. 152, SLA 1957,  
14 is hereby repealed and re-enacted to read as follows:

15 Sec. 8. USE OF STATE HIGHWAY RIGHTS-OF-WAY BY  
16 UTILITIES AND CONNECTED COSTS. Utility facilities, includ-  
17 ing, but not limited to, electric transmission, telephone  
18 or telegraph lines, poles, cables and conduits, ditches,  
19 flumes, pipes and other water facilities, sewers, steam or  
20 other heat pipes or flumes, railways and any other structures  
21 or encroachments which may be lawfully placed or maintained  
22 within a public highway right-of-way, may be located, con-  
23 structed, installed, placed, relocated, adjusted or main-  
24 tained within any state highway right-of-way only in accord-  
25 ance with the published regulations of the Department of  
26 Public Works, and pursuant to a written permit issued by and  
27 at the sole discretion of the commissioner or his represent-  
28 atives.

29 All costs in connection with such permits and utility

1 facilities shall be at the sole expense of the utility  
2 except when a relocation or adjustment of an existing  
3 utility facility, located under a title or right which is  
4 prior and paramount to that of the highway right-of-way is  
5 made in accordance with an order of the department. The  
6 state shall not pay any such costs unless the utility shall  
7 first present satisfactory evidence of the expense actually  
8 incurred by the utility and the utilities' prior and para-  
9 mount title or right.

10 Sec. 2. EFFECTIVE DATE. This Act takes effect on the day  
11 after its passage and approval or on the day it becomes law  
12 without such approval.

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