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1 IN THE HOUSE

2 HOUSE BILL NO. 172

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the change, relocation,
7 or removal of utility facilities for purposes
8 of the Federal-aid systems of highway
9 construction and improvement and reimburse-
10 ment therefor; and providing for an effective
11 date."

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

13 Section 1. Whenever the commissioner shall determine and
14 order, incident to the construction of a highway project on the
15 Federal-aid primary or secondary systems, or on the Interstate
16 System, including extensions thereof within urban areas, that any
17 utility facility which now is, or hereafter may be, located in,
18 over, along, or under a road right-of-way shall be changed, relo-
19 cated, or removed, the utility owning or in charge of such facility
20 shall change, relocate, or remove the same in accordance with such
21 order, the cost of the change, relocation, or renewal shall be
22 deemed to be one of the costs of constructing such highway project,
23 and the commissioner shall, on behalf of the State, pay such costs,
24 unless the facility affected had been constructed and installed in,
25 over, along, or under the road right-of-way pursuant to a valid
26 agreement entered into by the State and utility after January 1,
27 1961, which requires the utility to change, relocate, or remove its
28 facilities on demand at its own expense.

29 Sec. 2. For the purposes of this Act:

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1 a. "commissioner" shall mean the Commissioner of Public
2 Works, or any official or employee authorized to act for him.

3 b. "utility" shall include all municipally, publicly,
4 privately, or cooperatively owned utilities for supplying water,
5 sewer, light, power, gas, telegraph, telephone, or heat service to
6 the public or, in the case of cooperatives, to their members.

7 c. "cost of change, relocation, or removal" shall
8 include the entire cost incurred by such utility properly attrib-
9 utable to such change, relocation, or removal after deducting
10 therefrom any increase in the value of the new facility and any
11 salvage value derived from the old facility.

12 d. "Federal-aid primary, Federal-aid secondary, and
13 Interstate System" include any highway which now or hereafter shall
14 be a part of the Federal-aid systems as provided and defined in
15 the Federal Aid Highway Act of 1956, and any acts supplemental
16 thereto or amendatory thereof.

17 Sec. 3. The obligation of the State to pay the costs of the
18 change, relocation, or removal of utility facilities as herein
19 provided shall apply also to the payment of the costs incurred,
20 or which may hereafter be incurred, by a utility in the change,
21 relocation, or removal of its facilities incident to a Federal-aid
22 systems highway project pursuant to an agreement under which the
23 State obligated itself to pay such costs if and when its liability
24 therefor is legally provided.

25 Sec. 4. Nothing herein contained shall be construed to affect
26 the right of any utility to receive just compensation for the
27 expense of changing, relocating, or removing its facilities located
28 in, over, along, or under a private right-of-way.

29 Sec. 5. If any provision of this Act or the application

1 thereof to any utility or circumstance is held invalid, the
2 remainder of the Act and the application of the provisions thereof
3 to other utilities or circumstances shall not be affected thereby.

4 Sec. 6. This Act takes effect on the day after its passage
5 and approval or on the day it becomes law without such approval.

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