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IN THE HOUSE

BY JUDICIARY COMMITTEE

CS FOR HOUSE BILL NO. 172

IN THE LEGISLATURE OF THE STATE OF ALASKA

SECOND LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the change, relocation, or removal of utility facilities for purposes of the federal-aid systems of highway construction and improvement; declaring such costs to be part of highway construction; providing for reimbursement to utilities for such costs; and providing for an effective date."

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

Section 1. For the purposes of this Act,

- a. "commissioner" shall mean the Commissioner of Public Works, or any official or employee authorized to act for him.
- b. "utility" shall include publicly, privately and cooperatively owned utilities.
- c. "cost of change, relocation, or removal" shall include the entire cost incurred by such utility properly attributable to such change, relocation, or removal after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.
- d. "federal-aid primary, federal-aid secondary, and Interstate System" include any highway which now or hereafter shall be a part of the federal-aid systems as provided and defined in the Federal Aid Highway Act of 1956, and any acts supplemental thereto or amendatory thereof.

1           Sec. 2. Whenever the commissioner shall determine and order,  
2 incident to the construction of a highway project on the federal-  
3 aid primary or secondary systems, or on the Interstate System,  
4 including extensions thereof within urban areas, that any utility  
5 facility which now is, or hereafter may be, located in, over,  
6 along, or under a road right-of-way shall be changed, relocated,  
7 or removed, the utility owning or in charge of such facility shall  
8 change, relocate, or remove the same as soon as possible in  
9 accordance with such order, and the commissioner shall, on behalf  
10 of the state, pay the costs of such change, relocation or removal  
11 unless the facility affected had been constructed and installed  
12 in, over, along, or under the road right-of-way pursuant to a  
13 valid agreement entered into by the state and utility after July 1,  
14 1960, which requires the utility to change, relocate, or remove  
15 its facilities on demand at its own expense. Any utility having  
16 located its facilities on state owned right-of-way after July 1,  
17 1960 without having obtained a permit from the Department of  
18 Public Works to so do shall not be reimbursed for the cost of any  
19 change, relocation or removal of its facilities.

20           Sec. 3. The costs of "change, relocation or removal" as set  
21 out in Sec. 1 c. are declared to be part of the cost of highway  
22 construction and to be paid from highway funds.

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