

Introduced: 1/30/70  
Referred: State Affairs  
and Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 559

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to toll roads and toll bridges; and  
7 providing for an effective date."

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

9 \* Section 1. AS 44.57.010 is amended to read:

10 CHAPTER 57. ALASKA TOLL ROAD

11 AND BRIDGE AUTHORITY

12 Sec. 44.57.010. ALASKA TOLL ROAD AND BRIDGE AUTHORITY CREATED.

13 (a) There is created the Alaska Toll Road and Bridge Authority  
14 composed of the governor, the commissioner of the Department of  
15 Highways, the commissioner of the Department of Administration, the  
16 commissioner of the Department of Public Works, and the commissioner of  
17 the Department of Revenue. The authority [ALASKA TOLL BRIDGE AUTHORITY]  
18 is a public corporation of the state. The authority is an  
19 instrumentality of the state within the Department of Highways, but  
20 has a legal existence independent of and separate from the state. If  
21 the office of a commissioner is discontinued or abolished by law, the  
22 governor shall appoint any person or officer of the state to fill the  
23 vacancy resulting from the abolition or discontinuance of the office.

24 (b) All members of the authority shall serve without compensation,  
25 but shall receive their necessary actual traveling expenses incurred in  
26 the discharge of their duties.

27 \* Sec. 2. AS 44.57.040 is amended to read:

28 Sec. 44.57.040. SUITS. The authority may sue and be sued in the  
29 name of the Alaska Toll Road and Bridge Authority.

1 \* Sec. 3. AS 44.57.120 is amended to read:

2 Sec. 44.57.120. ~~PROJECT~~ PROJECT [TOLL BRIDGE] AUTHORIZED - INVESTIGATION.

3 Where it is necessary or advantageous and practicable to facilitate  
4 vehicular travel; remove handicaps and hazards on congested highways in  
5 the state; cross streams, bodies of water, gulches, navigable waters,  
6 swamps or other topographical formations whether in this state or on a  
7 boundary between this state and an adjoining country; or promote the  
8 agricultural, industrial or resource development of this state, the  
9 authority is empowered, in accordance with the provisions of this  
10 chapter, to construct and establish the necessary projects [THE ALASKA  
11 TOLL BRIDGE AUTHORITY IS EMPOWERED, IN ACCORDANCE WITH THE PROVISIONS  
12 OF THIS CHAPTER, TO PROVIDE FOR THE ESTABLISHING AND CONSTRUCTING OF  
13 TOLL BRIDGES UPON ANY PUBLIC HIGHWAYS OF THIS STATE TOGETHER WITH  
14 APPROACHES WHEREEVER THE TOLL BRIDGE IS CONSIDERED NECESSARY OR  
15 ADVANTAGEOUS AND PRACTICABLE FOR CROSSING A STREAM, BODY OF WATER,  
16 GULCH, NAVIGABLE WATER, SWAMP OR OTHER TOPOGRAPHICAL FORMATION WHETHER  
17 IT IS IN THIS STATE OR CONSTITUTES A BOUNDARY BETWEEN THIS STATE AND  
18 AN ADJOINING COUNTRY]. The necessity or advantage and practicability  
19 of the project [TOLL BRIDGE] shall be determined by the authority  
20 [ALASKA TOLL BRIDGE AUTHORITY] and the feasibility of financing a  
21 project [TOLL BRIDGE] in the manner provided by this chapter shall be a  
22 primary consideration and determined according to the best judgment of  
23 the authority [ALASKA TOLL BRIDGE AUTHORITY]. For the purpose of  
24 obtaining information for the consideration of the authority upon the  
25 construction of a project [TOLL BRIDGE] or any other matters pertaining  
26 thereto it shall be the duty of any cognizant officer or employee of  
27 the state upon the request of the authority to make reasonable  
28 examination, investigation, survey or reconnaissance for the  
29 determination of material facts pertaining thereto and report the same

1 to the authority. The cost of the examination, investigation, survey  
2 or reconnaissance shall be borne by the authority [DEPARTMENT OR OFFICE  
3 CONDUCTING IT FROM THE FUNDS PROVIDED FOR THE DEPARTMENT OR OFFICE FOR  
4 ITS USUAL FUNCTIONS].

5 \* Sec. 4. AS 44.57.130 is amended to read:

6 Sec. 44.57.130. GENERAL POWERS OF THE AUTHORITY AND OFFICIALS  
7 AND FINANCIAL STATEMENTS. The authority [ALASKA TOLL BRIDGE AUTHORITY],  
8 the officials of the authority, and all state officials are empowered  
9 to do those acts and make agreements not inconsistent with law which  
10 may be necessary or desirable in connection with the duties and powers  
11 conferred upon them respectively by law regarding the construction,  
12 maintenance, operation and insurance of each project [TOLL BRIDGES] or  
13 the safeguarding of the funds and revenues required for the construction  
14 and the payment of the indebtedness incurred therefor. The authority  
15 [ALASKA TOLL BRIDGE AUTHORITY] shall keep full, complete and separate  
16 accounts of each project [TOLL BRIDGE] and annually shall prepare  
17 balance sheet and income and profit and loss statements showing the  
18 financial condition of each project [TOLL BRIDGE], which statement  
19 shall be open to the inspection of holders of bonds issued by the  
20 authority at all reasonable times.

21 \* Sec. 5. AS 44.57.140 is amended to read:

22 Sec. 44.57.140. CONSTRUCTION OF PROJECT [TOLL BRIDGES]. When  
23 [WHENEVER IN THE JUDGMENT OF] the Department of Highways determines  
24 that it is [CONSIDERED] in the public [BEST] interest and necessary  
25 [OF THE PUBLIC HIGHWAYS OF THE STATE] that a project [TOLL BRIDGE OR  
26 BRIDGES] be constructed to facilitate vehicular travel; remove  
27 handicaps and hazards on congested public highways in the state; cross  
28 [UPON A PUBLIC HIGHWAY AND ACROSS] a stream, body of water, gulch,  
29 navigable water, swamp or other topographical formation [AND OPERATED

1 BY THE STATE,]; or promote agricultural, industrial or resource  
2 development, the Department of Highways shall submit its recommendation  
3 to that effect to the authority [ALASKA TOLL BRIDGE AUTHORITY]  
4 together with preliminary estimates of the cost of construction and an  
5 estimate of the amount necessary to be raised for that purpose by the  
6 issuance of revenue bonds, and a statement of the probable amount of  
7 money, property, materials or labor to be contributed from other  
8 sources in aid of the construction. If the authority [ALASKA TOLL  
9 BRIDGE AUTHORITY] concurs in the recommendation of the Department of  
10 Highways or on its own motion determines to construct a project [TOLL  
11 BRIDGE OR TOLL BRIDGES], the authority [ALASKA TOLL BRIDGE AUTHORITY]  
12 shall adopt a resolution declaring that public interest and necessity  
13 require the construction of the project [TOLL BRIDGE OR BRIDGES], and  
14 may thereafter issue bonds therefor as provided herein.

15 \* Sec. 6. AS 44.57.150 is amended to read:

16 Sec. 44.57.150. AUTHORITY TO ACQUIRE RIGHT OF WAY [IN  
17 CONSTRUCTING A TOLL BRIDGE]. When [WHENEVER] the authority [ALASKA  
18 TOLL BRIDGE AUTHORITY] authorizes the construction of a project [TOLL  
19 BRIDGE], the Department of Highways is empowered to secure right of way  
20 therefor and for approaches thereto by gift or purchase, or by  
21 condemnation in the manner provided by law for the taking of private  
22 property for public highway purposes.

23 \* Sec. 7. AS 44.57.160 is amended to read:

24 Sec. 44.57.160. RIGHT OF WAY ACROSS STATE LAND, STREETS, ROADS  
25 AND COMPENSATION. The right of way is hereby given, dedicated and set  
26 apart upon which to locate, construct and maintain projects [BRIDGES  
27 OR APPROACHES TO TOLL BRIDGES OR OTHER HIGHWAY CROSSINGS, AND  
28 TRANSPORTATION FACILITIES THEREOF OR THERETO,] through, over or across  
29 any of the lands which are now or may be the property of this state,

1 including highways, and through, over or across the streets, alleys,  
2 lanes and roads within a city, borough, or other political subdivision  
3 of the state. If property belonging to a city, borough or other  
4 political subdivision of the state is required to be taken for the  
5 construction of the project [BRIDGE OR APPROACH TO THE TOLL BRIDGE] or  
6 should the property be injured or damaged by the construction,  
7 compensation therefor as may be proper or necessary and as shall be  
8 agreed upon may be paid by the authority [ALASKA TOLL BRIDGE AUTHORITY]  
9 to the particular borough, city, or other political subdivision of  
10 the state owning the property, or condemnation proceedings may be  
11 brought for the determination of the compensation.

12 \* Sec. 8. AS 44.57.170 is amended to read:

13 Sec. 44.57.170. RESOLUTION OF NECESSITY IN ACQUIRING RIGHT OF  
14 WAY AND EFFECT. (a) Before proceeding with an action to secure a  
15 right of way or to construct a project [TOLL BRIDGE] under this chapter  
16 the authority [ALASKA TOLL BRIDGE AUTHORITY] shall first pass a  
17 resolution that public interest and necessity require the acquisition  
18 of right of way for and the construction of the project [TOLL BRIDGE].  
19 The resolution shall state and be conclusive evidence

20 (1) of the public necessity of the construction;  
21 (2) that the property is necessary therefor; and  
22 (3) that the proposed construction is planned or located in  
23 a manner which will be most compatible with the greatest public good  
24 and the least private injury.

25 (b) When it becomes necessary for the Department of Highways to  
26 condemn real estate to be used in connection with a project [TOLL  
27 BRIDGE], the attorney general of the state shall represent the  
28 department. In eminent domain proceedings to acquire property for any  
29 of the purposes of this chapter, a project [TOLL BRIDGE], real

1 property, personal property, franchises, rights, easements or other  
2 property or privileges appurtenant thereto appropriated or dedicated  
3 to a public use or purpose by a person, firm, private, public or  
4 municipal corporation, borough, city, district or political subdivision  
5 of the state, may be condemned and taken, and the acquisition and use  
6 as herein provided for the same public use or purpose to which the  
7 property has been so appropriated, dedicated, or for any other public  
8 use or purpose, shall be considered a superior and permanent right and  
9 necessity, and a more necessary use and purpose than the public use or  
10 purpose to which the property has already been appropriated or  
11 dedicated. It is not necessary in an eminent domain proceeding under  
12 this chapter to plead or prove any acts or proceedings preliminary or  
13 prior to the adoption of the resolution hereinbefore referred to  
14 describing the property sought to be taken and directing the  
15 proceedings.

16 \* Sec. 9. AS 44.57.180(a) is amended to read:

17 (a) The authority is hereby authorized to establish, levy and  
18 collect tolls and other charges it may consider necessary, proper or  
19 desirable, in connection with a [CROSSING, TRANSPORTATION OR TERMINAL  
20 FACILITY OR OTHER] project which it is or may be authorized at any time  
21 to construct, own, operate or control, and the aggregate of the tolls  
22 and charges shall be at least sufficient

23 (1) to meet the combined expenses of operation, maintenance  
24 and improvement thereof,

25 (2) to pay the cost of acquisition or construction,  
26 including the payment, amortization and retirement of bonds or other  
27 securities or obligations assumed, issued or incurred by the authority,  
28 together with interest thereon, and

29 (3) to provide reserves for those purposes.

1 \* Sec. 10. AS 44.57.190 is amended to read:

2       Sec. 44.57.190. COOPERATIVE FUNDS. The authority [ALASKA TOLL  
3 BRIDGE AUTHORITY] is empowered to receive and accept funds from the  
4 state or the federal government or any municipality upon a cooperative  
5 or other basis for the construction of a project [TOLL BRIDGE]  
6 authorized under this chapter and the authority and the state are  
7 empowered to enter into and perform agreements, including without  
8 limitation agreements to cease toll collection on any project [BRIDGE]  
9 under 23 U.S.C.A. sec. 129 with the federal government, which may be  
10 required for the securing of the funds.

11 \* Sec. 11. AS 44.57.260 is amended to read:

12       Sec. 44.57.260. EXEMPTION FROM TAXATION. The real and personal  
13 property of the authority and its assets, income and receipts are  
14 declared to be property of a political subdivision of the state and,  
15 together with a project [TOLL BRIDGE] constructed under this chapter  
16 shall be exempt from all taxes and special assessments of the state or  
17 a political subdivision of the state, including, without limitation,  
18 all boroughs, cities, municipalities, school districts, public  
19 utility districts and other taxing units. All bonds of the authority  
20 are declared to be issued by a political subdivision of the state and  
21 for an essential public and governmental purpose and to be a public  
22 instrumentality and the bonds, and the interest on them, the income  
23 from them and the transfer of the bonds, and all assets, income and  
24 receipts pledged to pay or secure the payment of the bonds, or  
25 interest on them, shall at all times be exempt from taxation by or  
26 under the authority of the state, except for inheritance and estate  
27 taxes and taxes on transfers by or in contemplation of death.

28 \* Sec. 12. AS 44.57.300 is amended to read:

29       Sec. 44.57.300. DEFINITIONS. In this chapter

1 (1) ["TOLL BRIDGE" OR] "project" means a road or bridge  
2 constructed or acquired under this chapter upon which tolls are  
3 charged, together with all appurtenances, additions, alterations,  
4 improvements and replacements thereof, and approaches thereto, and  
5 lands and interests therein used therefor, and buildings and  
6 improvements thereon as may be determined by the authority;

7 (2) "authority" means the Alaska Toll Road and Bridge  
8 Authority;

9 (3) "state" means the State of Alaska.

10 \* Sec. 13. AS 44.57.320 is amended to read:

11 Sec. 44.57.320. STATE APPROPRIATIONS FOR PROJECTS [TOLL BRIDGES]  
12 NOT AFFECTED. This chapter does not prevent the state from making  
13 appropriations from time to time in aid of the acquisition or  
14 construction under this chapter of a project [TOLL BRIDGE] or property,  
15 franchises, or rights appurtenant thereto, or the transportation  
16 facilities thereof or thereto, or for the purpose of making  
17 preliminary surveys, plans, and estimates of the cost thereof, and  
18 meeting other preliminary expenses as the legislature considers proper.

19 \* Sec. 14. This Act takes effect on the day after its passage and  
20 approval or on the day it becomes law without approval.  
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