

Introduced: 2/6/70  
Referred: Local Govern-  
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BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

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IN THE SENATE

SENATE BILL NO. 464

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to local service roads which serve a local government of the state; and providing for an effective date."

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

\* Section 1. AS 19.30.110 - 19.30.170 are repealed.

\* Sec. 2. AS 19.30 is amended by adding new sections to read:

ARTICLE 3. LOCAL SERVICE ROADS.

Sec. 19.30.110. PURPOSE. It is the purpose of secs. 110 - 240 of this chapter to provide for state assistance to local governments for the construction of local service roads within or near their jurisdictions and which are not normally included in federal-aid primary or secondary highway systems eligible for federal-state matching funds under the Federal-Aid Highway Act of 1956 as amended or supplemented by congress.

Sec. 19.30.120. REGULATIONS. The commissioner may make regulations necessary to carry out secs. 110 - 240 of this chapter.

Sec. 19.30.130. STATE AID TO LOCAL GOVERNMENTS. During each fiscal year the commissioner shall apportion sums appropriated for expenditure upon local service roads for that fiscal year among the several highway districts in the following manner: One-half in the ratio which the area of each highway district bears to the total area of the state; and one-half in the ratio which the population of each highway district bears to the total population of the state as shown by the latest available federal census. The funds so apportioned may

1 be obligated to any local government therein applying for and  
2 qualifying for same. The commissioner shall obligate apportioned funds  
3 among the applicant and qualifying local governments under the  
4 provisions of this chapter, with due regard for reserving funds for  
5 project cost overruns.

6 Sec. 19.30.140. PROGRAMS. Before September 1st of each fiscal  
7 year a local government desiring to avail itself of the apportionment  
8 for that fiscal year shall submit to the commissioner for his approval  
9 proposed local service road projects. The commissioner shall act upon  
10 projects submitted to him as soon thereafter as practicable considering  
11 priority of needs among the several local government applicants. The  
12 commissioner may approve a project in whole or in part. No local  
13 government may receive more than four times the amount of the total  
14 apportionment for the highway district in which it is located, divided  
15 by the total number of applicant local governments for which programs  
16 are approved within that highway district during that fiscal year,  
17 unless the apportionment for the highway district exceeds the total  
18 cost of all approved programs.

19 Sec. 19.30.150. DESIGN STANDARDS. The commissioner of highways  
20 shall approve design standards for local service roads.

21 Sec. 19.30.160. ACQUISITION OF RIGHTS-OF-WAY. (a) In any case  
22 in which the commissioner is requested by a local government to acquire  
23 lands or interests in lands required by the local government for right-  
24 of-way, the commissioner is authorized to acquire such lands or  
25 interests in lands in accordance with secs. 19.05.080 - 19.05.120, if  
26 the commissioner determines either that the local government is unable  
27 to acquire necessary lands or interests in lands, or is unable to  
28 acquire such lands or interests in lands with sufficient promptness.

29 (b) The costs incurred by the commissioner in acquiring any such

1 lands or interests in lands shall include all costs and any fees  
2 incidental to such acquisition, including relocation assistance and  
3 payments in accordance with AS 19.05. All costs incurred by the  
4 commissioner in connection with the acquisition of any such lands or  
5 interests in lands shall be paid by the local government for which  
6 such lands or interests in lands are acquired.

7 (c) The commissioner is further authorized and directed to  
8 convey by proper deed, easement, or permit executed in the name of the  
9 State of Alaska, any such lands or interests in lands acquired by the  
10 state under the provisions of this section to the local government.

11 (d) Whenever rights-of-way for local service roads are required  
12 over lands or interests in lands owned by the State of Alaska, the  
13 commissioner may make such arrangements with the department having  
14 jurisdiction over such lands as may be necessary to give the local  
15 government adequate rights-of-way, and any such department is directed  
16 to cooperate with the commissioner in this connection.

17 Sec. 19.30.170. PROJECT AGREEMENTS. As soon as practicable after  
18 a specific project has been approved the commissioner shall enter into  
19 a formal project agreement with a local government concerning the con-  
20 struction of the project. The project agreement shall make provision  
21 for local government funds required for the local government's pro rata  
22 share of the cost of construction of such project.

23 Sec. 19.30.180. LETTING OF CONTRACTS. (a) In all cases where  
24 the construction is to be performed by the local government or under  
25 its supervision, a request for submission of bids shall be made by  
26 advertisement unless some other method is approved by the commissioner.  
27 The commissioner shall require such plans and specifications and such  
28 methods of bidding as may be effective in securing competition.

29 (b) Construction of each project, subject to the provisions of (a)

1 of this section, shall be performed by contract awarded by competitive  
2 bidding, unless the commissioner shall affirmatively find that, under  
3 the circumstances relating to such project, some other method is in  
4 the public interest. Contracts for the construction of each project  
5 shall be awarded only on the basis of the lowest responsible bid  
6 submitted by a bidder meeting established criteria of responsibility.  
7 No requirement or obligation may be imposed as a condition precedent  
8 to the award of a contract to such bidder for a project, or the  
9 commissioner's concurrence in the award of a contract to such bidder,  
10 unless such requirement or obligation is otherwise lawful and is  
11 specifically set forth in the advertised specifications.

12 (c) No contract awarded by competitive bidding pursuant to (b) of  
13 this section may be entered into by any local government without  
14 compliance with the provisions of this section, and without the prior  
15 concurrence of the commissioner in the award thereof.

16 Sec. 19.30.190. CONSTRUCTION. The construction of a local  
17 service road undertaken by a local government or under its direct  
18 supervision pursuant to the provisions of this chapter, shall be  
19 subject to the inspection by and approval of the commissioner. The  
20 construction work and labor performed under the direct supervision of  
21 the local government shall be in accordance with the laws of that local  
22 government and applicable state law.

23 Sec. 19.30.200. MAINTENANCE. (a) The local government shall  
24 maintain, or cause to be maintained, any project constructed under the  
25 provisions of this chapter unless such project is a part of a  
26 designated route of the state highway system.

27 (b) If at any time the commissioner finds that any project  
28 constructed under the provisions of this chapter is not being properly  
29 maintained, he shall call such fact to the attention of the local

1 government. If, within ninety days after receipt of such notice, the  
2 project has not been put in proper condition of maintenance, the  
3 commissioner shall withhold approval of further projects for the local  
4 government until the project is placed in proper condition of  
5 maintenance.

6 Sec. 19.30.210. AVAILABILITY OF SUMS OBLIGATED. (a) On and after  
7 the date that the commissioner has certified the sums obligated to each  
8 local government, the sums shall be available for expenditure by the  
9 local government or by the commissioner on behalf of the local  
10 government, under the provisions of this chapter.

11 (b) These sums shall continue available for expenditure by that  
12 local government for a period of five years after the close of the  
13 fiscal year for which such sums are authorized and any amounts so  
14 obligated remaining unexpended at the end of such period shall lapse  
15 and shall be available thereafter to other local governments within  
16 that highway district in accordance with this chapter.

17 Sec. 19.30.220. STATE SHARE PAYABLE. The state share payable on  
18 account of any project shall not exceed 90 per cent of the cost of  
19 construction, excluding right-of-way acquisition, as determined by the  
20 commissioner, except that in the case of an initial project under this  
21 chapter the state share may be 100 percentum.

22 Sec. 19.30.230. PAYMENT TO LOCAL GOVERNMENTS FOR CONSTRUCTION.

23 (a) The commissioner may from time to time as the work progresses,  
24 make payments up to 90 per cent of the state's share to a local  
25 government for costs of completed construction incurred by it on a  
26 project.

27 (b) After completion of a project and approval of the final  
28 voucher by the commissioner, a local government shall be entitled to  
29 payment out of the appropriate sums obligated to it of the unpaid

1 balance of the state share payable on account of such project.

2 (c) No payment may be made under this section except for a  
3 project covered by a project agreement. No final payment may be made  
4 to a local government for its costs of construction of a project until  
5 the completion of the construction has been approved by the commissioner  
6 following inspections pursuant to sec. 180 of this chapter.

7 (d) The payments shall be made to the official or depository as  
8 may be designated by the local government and authorized under the  
9 laws of the local government to receive public funds of the local  
10 government.

11 Sec. 19.30.240. DEFINITIONS. In paragraphs 110 - 240 of this  
12 chapter

13 (1) "local service road" means a road which

14 (a) does not meet the criteria for classification as a  
15 primary or secondary route under federal-aid highway acts;

16 (b) serves a relatively small rural, agricultural,  
17 mining, or industrial area;

18 (c) has traffic that is principally local in character;

19 or

20 (d) has termini that are not necessarily connected to  
21 other highways or important junctions;

22 (2) "local government" means a general law or home rule city  
23 or borough;

24 (3) "project" means an undertaking to construct a particular  
25 portion of a local service road or, if the context so implies, the  
26 particular portion of a local service road so constructed;

27 (4) "construction" means the building of a new road or  
28 street or the improvement of existing roads or streets and includes  
29 the necessary preliminary engineering, construction engineering, and

1 utility relocation.

2 \* Sec. 3. This Act takes effect on the day after its passage and  
3 approval or on the day it becomes law without approval.

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