

1 IN THE HOUSE

BY COLLETTA

2 HOUSE BILL NO. 6

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

10 * Section 1. AS 19.30 is amended by adding new sections to read:

11 ARTICLE 3. LOCAL SERVICE ROADS.

12 Sec. 19.30.111. PURPOSE. It is the purpose of secs. 111 - 241 of
13 this chapter to provide for state assistance to local governments for
14 the construction of local service roads which are located within or
15 near their jurisdictions and which are not normally included in federal
16 aid primary or secondary highway systems eligible for federal-state
17 matching funds under the Federal-Aid Highway Act of 1956 as amended or
18 supplemented by Congress.

19 Sec. 19.30.121. REGULATIONS. The commissioner may make regula-
20 tions necessary to carry out secs. 111 - 241 of this chapter.

21 Sec. 19.30.131. STATE AID TO LOCAL GOVERNMENTS. During each
22 fiscal year the commissioner shall apportion sums appropriated for
23 expenditure upon local service roads for that fiscal year among the
24 several highway districts in the following manner: One-half in the
25 ratio which the area of each highway district bears to the total area
26 of the state, and one-half in the ratio which the population of each
27 highway district bears to the total population of the state as shown
28 by the latest available federal census. The funds apportioned may be
29 obligated to a local government which is located within the highway

1 district and which applies and qualifies for the funds. The commis-
2 sioner shall obligate apportioned funds among the applicant and
3 qualifying local governments under the provisions of secs. 111 - 241 of
4 this chapter, with due regard for reserving funds for project cost
5 overruns.

6 Sec. 19.30.141. PROGRAMS. Before September 1 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. 19.30.151. DESIGN STANDARDS. The commissioner of highways
20 shall approve design standards for local service roads.

21 Sec. 19.30.161. ACQUISITION OF RIGHTS-OF-WAY. (a) If the
22 commissioner is requested by a local government to acquire land or
23 interest in land required by the local government for right-of-way,
24 the commissioner is authorized to acquire it in accordance with AS 19.-
25 05.080 - 19.05.120, if the commissioner determines either that the
26 local government is unable to acquire necessary land or interest in
27 land or is unable to acquire it with sufficient promptness.

28 (b) The costs incurred by the commissioner in acquiring this land
29 or interest in land includes all costs and any fees incidental to

1 acquisition, including relocation assistance and payments in accord-
2 ance with ch. 5 of this title. All costs incurred by the commissioner
3 in connection with the acquisition of the land or interest in land
4 shall be paid by the local government for which the land or interest
5 in land is acquired.

6 (c) The commissioner shall convey to the local government by
7 proper deed, easement, or permit executed in the name of the state,
8 any land or interest in land acquired by the state under the provisions
9 of this section.

10 (d) When rights-of-way for local service roads are required over
11 land or interest in land owned by the state, the commissioner may make
12 such arrangements with the department having jurisdiction over the
13 land as may be necessary to give the local government adequate rights-
14 of-way, and any such department is directed to cooperate with the
15 commissioner accordingly.

16 Sec. 19.30.171. PROJECT AGREEMENTS. As soon as practicable after
17 a specific project has been approved the commissioner shall enter into
18 a formal project agreement with a local government concerning construc-
19 tion of the project. The project agreement shall make provision for
20 local government funds required for the local government's pro rata
21 share of the cost of construction of the project.

22 Sec. 19.30.181. LETTING OF CONTRACTS. (a) In all cases in
23 which the construction is to be performed by the local government or
24 under its supervision, a request for submission of bids shall be made
25 by advertisement unless some other method is approved by the commis-
26 sioner. The commissioner shall require such plans and specifications
27 and methods of bidding as may be effective in securing competition.

28 (b) Construction of a project, subject to the provisions of (a)
29 of this section, shall be performed by contract awarded by competitive

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

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

15 Sec. 19.30.191. CONSTRUCTION. The construction of a local
16 service road undertaken by a local government or under its direct
17 supervision under the provisions of secs. 111 - 241 of this chapter is
18 subject to inspection by and approval of the commissioner. The
19 construction work and labor performed under the direct supervision of
20 the local government shall be in accordance with the laws of that local
21 government and applicable state law.

22 Sec. 19.30.201. MAINTENANCE. (a) The local government shall
23 maintain or cause to be maintained a project constructed under the
24 provisions of secs. 111 - 241 of this chapter unless the project is a
25 part of a designated route of the state highway system.

26 (b) If the commissioner finds that a project constructed under
27 the provisions of secs. 111 - 241 of this chapter is not being properly
28 maintained, he shall call that fact to the attention of the local
29 government. If, within 90 days after receipt of notice, the project

1 has not been put in proper condition of maintenance, the commissioner
2 shall withhold approval of further projects for the local government
3 until the project is placed in proper condition of maintenance.

4 Sec. 19.30.211. AVAILABILITY OF SUMS OBLIGATED. (a) On and after
5 the date that the commissioner has certified the sums obligated to each
6 local government, the sums shall be available for expenditure by the
7 local government or by the commissioner on behalf of the local govern-
8 ment, according to the provisions of secs. 111 - 241 of this chapter.

9 (b) These sums shall continue available for expenditure by that
10 local government for a period of five years after the close of the
11 fiscal year for which they are authorized and any amounts so obligated
12 remaining unexpended at the end of that period lapse and shall be
13 available thereafter to other local governments within that highway
14 district in accordance with secs. 111 - 241 of this chapter.

15 Sec. 19.30.221. STATE SHARE PAYABLE. The state share payable on
16 account of a project may not exceed 95 per cent of the cost of con-
17 struction, excluding right-of-way acquisition, as determined by the
18 commissioner, except that in the case of an initial project the state
19 share may be 100 per cent.

20 Sec. 19.30.231. PAYMENT TO LOCAL GOVERNMENTS FOR CONSTRUCTION.

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

24 (b) After completion of a project and approval of the final
25 voucher by the commissioner, a local government is entitled to payment
26 out of the appropriate sums obligated to it of the unpaid balance of
27 the state share payable on account of the project.

28 (c) No payment may be made under this section except for a
29 project covered by a project agreement. No final payment may be made

1 to a local government for its costs of construction of a project until
2 the completion of the construction has been approved by the commissioner
3 following inspections under secs. 111 - 241 of this chapter.

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

8 Sec. 19.30.241. DEFINITIONS. In secs 111 - 241 of this chapter

9 (1) "local service road" means a road which does not meet
10 the criteria for classification as a primary or secondary route under
11 federal-aid highway acts;

12 (2) "local government" means a city or organized borough
13 of any class;

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

17 (4) "construction" means the building of a new road or
18 street or the improvement of existing roads or streets and includes
19 the necessary preliminary engineering, construction engineering, and
20 utility relocation;

21 (5) "highway districts" mean the administrative units
22 utilized by the Department of Highways for maintenance and operations
23 as of the effective date of this Act.

24 * Sec. 2. AS 19.30.110 - 19.30.170 are repealed.

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