

Introduced: 1/22/71
Referred: Local Government,
State Affairs and Finance

1 IN THE HOUSE

BY KERTTULA

2 HOUSE BILL NO. 92

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 and trails;
7 and providing for an effective date."

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

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 AS 19.30.110 - 19.30.170 are repealed.

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

11 ARTICLE 3. LOCAL SERVICE ROADS AND TRAILS.

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

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

20 Sec. 19.30.131. ALLOCATION OF FUNDS. During each fiscal year
21 the commissioner shall allocate sums appropriated or otherwise lawfully
22 designated for expenditure upon local service roads for that fiscal
23 year among the several highway districts in the following manner:
24 One-third in the ratio which the area of each highway district bears
25 to the total area of the state; one-third in the ratio which the motor
26 vehicle registration of each highway district bears to the total
27 vehicle registration of the state; and one-third in the ratio which
28 the population of each highway district bears to the total population
29 of the state as shown by the latest available federal census.

1 Sec. 19.30.141. PROGRAMS. Within 90 days following the effective
2 date of secs. 111 - 241 of this chapter and before May 1 of each fiscal
3 year thereafter, the commissioner shall submit a long-range program
4 for the construction of local service roads and trails in each highway
5 district, considering the priority of needs, local government partici-
6 pation and the total funds available, to the governor for his approval.

7 Sec. 19.30.151. LOCAL GOVERNMENT PARTICIPATION. (a) All local
8 service roads and trails constructed under the provisions of secs. 111 -
9 241 of this chapter and located within the jurisdictional boundaries
10 of a local government as defined in sec. 241 of this chapter are
11 removed from the state highway system and transferred to that local
12 government and the commissioner shall convey by proper deed, easement,
13 or permit executed in the name of the state land or interests in land
14 that was acquired by the state for the construction of the local
15 service roads to that local government. The local government having
16 acquired the local service road or trail shall thereafter maintain
17 the road or cause it to be maintained. The commissioner may obligate
18 apportioned funds to a local government which he determines to be
19 qualified to construct local service roads or trails for the construc-
20 tion of local service roads or trails under the provisions of secs.
21 181 - 241 of this chapter.

24 (b) Nothing in secs. 111 - 241 of this chapter prohibits a local
25 government from participating financially in the construction of a
26 local service road or trail and the commissioner shall give due con-
27 sideration to this participation in his preparation of the long-range
28 program.

27 Sec. 19.30.161. DESIGN STANDARDS. The commissioner of highways
28 shall approve design standards for local service roads and trails.

29 Sec. 19.30.171. ACQUISITION AND CONVEYANCE OF RIGHTS-OF-WAY. The

1 commissioner may acquire land or interests in land for right-of-way
2 for local service road and trail construction in accordance with
3 AS 10.05. The commissioner shall convey by proper deed, easement, or
4 permit executed in the name of the state, land or interests in land
5 acquired by the state under the provisions of this section to the
6 local government within which jurisdictional boundaries a local service
7 road or trail is constructed under the provisions of secs. 111 - 241 of
8 this chapter.

9 Sec. 19.30.181. PROJECT AGREEMENTS. As soon as practicable after
10 a specific project has been approved the commissioner shall enter into
11 a formal project agreement with a qualified local government concerning
12 the construction of the project.

13 Sec. 19.30.191. LETTING OF CONTRACTS. In all cases where the
14 construction is to be performed by the local government or under its
15 supervision, a request for submission of bids shall be made by adver-
16 tisement unless some other method is approved by the commissioner.
17 The commissioner shall require plans and specifications and methods
18 of bidding which may be effective in securing competition. Construction
19 of each project, subject to the provisions of this section, shall be
20 performed by contract awarded by competitive bidding, unless the
21 commissioner finds that, under the circumstances relating to the
22 project, some other method is in the public interest. Contracts for
23 the construction of each project shall be awarded only on the basis
24 of the lowest responsible bid submitted by a bidder meeting established
25 criteria of responsibility. No requirement or obligation may be
26 imposed as a condition precedent to the award of a contract to the
27 bidder for a project, or the commissioner's concurrence in the award
28 of a contract to the bidder, unless the requirement or obligation is
29 otherwise lawful and is specifically set out in the advertised

1 specifications. No contract awarded by competitive bidding as provided
2 for in this section may be entered into by a local government without
3 compliance with the provisions of this section, and without the prior
4 concurrence of the commissioner in the award of the bid.

5 Sec. 19.30.201. CONSTRUCTION. The construction of a local
6 service road or trail undertaken by a local government or under its
7 direct supervision under the provisions of secs. 111 - 241 of this
8 chapter, shall be performed to approved design standards and shall
9 be subject to the inspection by and approval of the commissioner.
10 The construction work and labor performed under the direct supervision
11 of the local government shall be in accordance with the laws of that
12 local government and applicable state law.

13 Sec. 19.30.211. MAINTENANCE. The local government shall maintain
14 or cause to be maintained, a project constructed under the provisions
15 of secs. 111 - 241 of this chapter. If at any time the commissioner
16 finds that any project constructed under the provisions of this
17 chapter is not being properly maintained, he shall call that fact to
18 the attention of the local government. If, within 90 days after
19 receipt of notice, the project has not been put in proper condition
20 of maintenance, the commissioner may withhold approval of further
21 projects within the jurisdictional boundaries of that local government
22 until the project is placed in proper condition of maintenance.

23 Sec. 19.30.221. AVAILABILITY OF SUMS OBLIGATED. On and after
24 the date the commissioner certifies the sums obligated to each local
25 government, the sums shall be available for expenditure by the local
26 government under the provisions of this chapter. These sums shall
27 continue to be available for expenditure by that local government for
28 a period of three years after the close of the fiscal year for which
29 the sums are authorized and any amounts so obligated remaining

1 unexpended at the end of the period shall lapse and be available for
2 other local service road or trail construction within that highway
3 district in accordance with this chapter.

4 Sec. 19.30.231. PAYMENT FOR CONSTRUCTION. The commissioner
5 may from time to time as the work progresses, make payments up to 90
6 per cent of the total to a local government for costs of completed
7 construction incurred by it on a project. After completion of a pro-
8 ject and approval of the final voucher by the commissioner, a local
9 government is entitled to payment out of the appropriate sums obligated
10 to it of the unpaid balance for the project. No payment may be made
11 under this section except for a project covered by a project agreement.
12 No final payment may be made to a local government for its costs of
13 construction of a project until the completion of the construction
14 has been approved by the commissioner following inspections under
15 sec. 181 of this chapter. The payments shall be made to the official
16 or depository as may be designated by the local government and
17 authorized under the laws of the local government to receive public
18 funds of the local government.

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

20 (1) "construction" means the building of a new road, street
21 or trail or the improvement of existing roads, streets or trails and
22 includes the necessary preliminary engineering, construction engineering
23 and utility relocation;

24 (2) "local government" means a general law or home rule
25 city or borough of any class which has power to provide road mainte-
26 nance and exercises that power;

27 (3) "local service road" means a road which

28 (A) does not meet the criteria for classification as
29 primary or secondary route under federal-aid highway acts; or

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(B) is not designated as a primary or secondary route under federal-aid highway acts;

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

(5) "trail" means a footpath or way on land or water that is open to public use as a matter of right whether or not a thoroughfare, particularly for dog sleds and mechanized snow vehicles.

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