

Introduced: 3/1/71
Referred: State Affairs and
Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 236

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 AS 19.30.110 - 19.30.170 are repealed.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 - 251
13 of this chapter to provide for the construction of local service roads
14 and trails which are not included in the approved federal-aid primary
15 or secondary highway systems eligible for federal-state matching funds.

16 Sec. 19.30.121. REGULATIONS. The commissioner may make
17 regulations necessary to carry out secs. 111 - 241 of this chapter.

18 Sec. 19.30.131. ALLOCATION OF FUNDS. (a) During each fiscal
19 year the commissioner shall allocate sums appropriated or otherwise
20 designated for expenditure upon local service roads for that fiscal
21 year among the several highway districts in the following manner: one-
22 half in the ratio which the area of each highway district bears to the
23 total area of the state and one-half in the ratio which the population
24 of each highway district bears to the total population of the state
25 as shown by the latest available federal census.

26 (b) The commissioner shall also further allocate the sums in
27 each highway district to the boroughs within each highway district in
28 the following manner: one-half in the ratio which the area of each
29 organized borough (excluding salt water areas) within that district

1 bears to the total area of the highway district and one-half in the
2 ratio which the population of each organized borough area within that
3 district bears to the total population of the highway district as
4 shown by the latest available federal census.

5 (c) The commissioner shall also further allocate portions of the
6 sum allocated to a borough to any home rule city within the borough
7 in the following manner: one-half in the ratio which the area of each
8 home rule city bears to the total area of the borough (excluding salt
9 water areas) and one-half in the ratio which the population of each
10 home rule city bears to the total population of the borough as shown
11 by the latest available federal census.

12 (d) The sums not allocated within each district to a local
13 government under (b) and (c) of this section shall be allocated to the
14 unorganized borough and administered by the department.

15 Sec. 19.30.141. CONSTRUCTION PROGRAMS. Before October 1 of each
16 fiscal year each local government eligible for allocation of funds
17 under sec. 131 of this chapter shall submit to the commissioner a
18 long range program for the construction of local service roads and
19 trails. Before December 1 of each fiscal year the commissioner shall
20 submit to the governor a long range program for the construction of
21 local service roads and trails, including the approved local government
22 programs. An organized borough shall include in its long range program
23 local service road construction programs for all cities other than
24 home rule cities within the boundaries of the borough. The commissioner
25 shall include in his long range program local service road and trail
26 construction within the unorganized borough.

27 Sec. 19.30.151. LOCAL GOVERNMENT PARTICIPATION. (a) All local
28 service roads and trails constructed under the provisions of secs.
111 - 241 of this chapter and located within the jurisdictional

1 boundaries of a local government, as defined in sec. 241(3) of this
2 chapter shall be removed from the state highway system and transferred
3 to that local government.

4 (b) The commissioner is authorized to transfer funds to any local
5 government which he determines to be qualified to construct local
6 service roads or trails.

7 (c) Nothing in secs. 111 - 241 of this chapter prohibits a local
8 government from participating financially in the construction of a
9 local service road or trail.

10 Sec. 19.30.161. DESIGN STANDARDS. Design standards for each
11 local service road and trail project shall have the prior approval
12 of the commissioner.

13 Sec. 19.30.171. ACQUISITION AND CONVEYANCE OF RIGHTS-OF-WAY. (a)
14 The local government shall acquire all right-of-way required for local
15 service road and trail construction. However, if the local government
16 is unable to acquire the necessary right-of-way, the commissioner is
17 authorized to acquire it in accordance with AS 19.05.080 - 19.05.120.
18 The commissioner is authorized to convey to the local government by
19 appropriate instrument executed in the name of the state, any lands
20 or interests in lands which have been acquired by the state for the
21 construction of local service roads or trails.

22 (b) The costs incurred by the commissioner in acquiring this
23 land or interest in land includes all costs and any fees incidental
24 to acquisition, including relocation assistance and payments in
25 accordance with ch. 35 of this title. All costs incurred by the
26 commissioner in connection with the acquisition of the land or interest
27 in land shall be paid by the local government for which the land or
28 interest in land is acquired.

29 (c) When rights-of-way for local service roads are acquired over

1 land or interest in land owned by the state, the commissioner may make
2 such arrangements with the department having jurisdiction over the
3 land as may be necessary to give the local government adequate rights-
4 of-way, and any such department is directed to transfer the juris-
5 diction of the lands to the commissioner.

6 Sec. 19.30.181. PROJECT AGREEMENTS. As soon as practicable after
7 a specific project has been approved by the commissioner, the
8 commissioner shall enter into a formal project agreement with a
9 qualified, local government concerning the construction of the project.

10 Sec. 19.30.191. LETTING OF CONTRACTS. (a) In all cases where
11 the construction is to be performed by the local government, or under
12 its supervision, a request for submission of bids shall be made by
13 advertisement unless some other method is approved by the commissioner.
14 The commissioner shall require such plans and specifications and
15 methods of bidding which will be effective in securing competition.

16 (b) Construction of each project, subject to the provisions of
17 this section, shall be performed by contract awarded by competitive
18 bidding, unless the commissioner finds that, under the circumstances
19 relating to the project, some other method is in the public interest.
20 Contracts for the construction of each project shall be awarded only
21 on the basis of the lowest responsible bid submitted by a bidder
22 meeting established criteria of responsibility. No requirement or
23 obligation may be imposed upon a bidder as a condition precedent to
24 the award of a contract for a project, or the commissioner's
25 concurrence in the award of a contract to bidder, unless the requirement
26 or obligation is otherwise lawful and specifically set out in the
27 advertised specifications.

28 (c) All contracts by any local government awarded by competitive
29 bidding pursuant to (b) of this section must comply with the provisions

1 of this section, and have the prior concurrence of the commissioner.

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

10 Sec. 19.30.211. MAINTENANCE. The department shall maintain, or
11 cause to be maintained, any project constructed under the provisions
12 of secs. 111 - 241 of this chapter.

13 Sec. 19.30.221. AVAILABILITY OF ALLOCATED SUMS. (a) On and
14 after the date that the commissioner has certified the sums allocated
15 to each local government, the sums shall be available for expenditure
16 by the local government under the provisions of this chapter.

17 (b) These sums shall continue available for expenditure by that
18 local government for a period of three years after the close of the
19 fiscal year for which such sums are authorized and any amounts so
20 obligated remaining unexpended at the end of such period shall lapse
21 and shall be available for other local service road or trail con-
22 struction within that highway district in accordance with secs. 111 -
23 241 of this chapter.

24 Sec. 19.30.231. PAYMENT FOR CONSTRUCTION. (a) The commissioner
25 may from time to time as the work progresses, make payments to a local
26 government for up to 90 per cent of the total costs of completed
27 construction incurred by it on a project.

28 (b) After completion of a project and approval of the final
29 voucher by the commissioner, a local government is entitled to payment

1 of the unpaid balance for the project from the sums allocated to it.

2 (c) No payment under this section may be made 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
5 until the completion of the construction has been approved by the
6 commissioner following inspections pursuant to sec. 201 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. 19.30.241. DEFINITIONS. In secs. 111 - 231 of this chapter

12 (1) "local service road" means a public road which is not
13 designated as a route on the approved federal-aid highway system;

14 (2) "trail" means a footpath or way on land or water that
15 is open to public use as a matter of right whether or not a thorough-
16 fare, particularly for dog sleds and mechanized snow vehicles;

17 (3) "local government" means an organized borough of any
18 class or a home rule city;

19 (4) "home rule city" means a city defined in AS 29.05.010;

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

23 (6) "construction" means the building of a new road, street
24 or trail or the improvement of existing roads, streets or trails and
25 includes the necessary preliminary engineering, construction engineer-
26 ing and utility relocation.

27 Sec. 19.30.251. LOCAL GOVERNMENT POWERS. Road construction and
28 maintenance authority is granted to local governments, as defined in
29 sec. 241(3) of this chapter, which do not otherwise have such authority;

1 provided that the authority granted is limited to participation in the
2 construction and maintenance of local service roads under secs. 111 -
3 241 of this chapter.

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

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