

Original sponsor: Rules Committee by
request of the Governor

Offered: 3/17/71
Referred: Local Govern-
ment and Finance

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR 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 AS 19.30.110 - 19.30.170 are repealed.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. 19.30.127. ALLOCATION DISTRICTS. The state is divided into
19 five allocation districts as follows:

20 (1) The boundary of allocation district one begins in
21 Kamishak Bay at 59°15'N, 154°00'W; and travels north along longitude
22 line 154°00'W to latitude 63°00'N; thence east along latitude line
23 63°00'N to a point common with the boundaries of allocation districts
24 two and five; southerly of the Denali Highway at Corkscrew Creek
25 (Milepost 59.1); thence southerly to Prince William Sound at Fairmount
26 Point 60°53'45"N, 147°27'W and inclusive of Kodiak, Afognak, Barren,
27 Trinity and Chirjkof Islands.

28 (2) The boundary of allocation district two begins at and
29 includes the point at which the Alaska Highway intersects the Alaska-

1 Yukon border; travels northwesterly to the west abutment of the Little
2 Tok River Bridge on Tok Cutoff Highway (Milepost 91.2); thence west
3 to the northerly abutment of the McCallum Creek Bridge on the
4 Richardson Highway (Milepost 202.4); thence west to a point directly
5 north of the Denali Highway at Corkscrew Creek (Milepost 59.1); thence
6 southwesterly to the Glenn Highway at Summit (Milepost 118) and
7 continuing along that line to latitude 63°00'N; thence west along
8 latitude 63°00'N to longitude 154°00'W; thence north along longitude
9 154°00'W to the Arctic Ocean.

10 (3) The boundary of allocation district three begins in the
11 Gulf of Alaska on longitude line 141°00'W; thence north along longitude
12 141°00'W to Boundary Point 187; thence southeasterly along the
13 Canadian-United States border bounding Southeastern Alaska in its
14 entirety.

15 (4) The boundary of allocation district four begins in the
16 Arctic Ocean at Smith Bay 70°54'N, 154°19'W; on longitude line 154°00'W;
17 travels south along longitude 154°00'W to latitude 59°15'N in Kamishak
18 Bay; thence east along latitude 59°15'N to longitude 152°15'W; thence
19 southwesterly through Shelikof Strait and bounds of the entire Aleutian
20 Chain.

21 (5) The boundary of allocation district five begins at the
22 Gulf of Alaska on longitude line 141°00'W and travels northerly along
23 that line to the point (but not including the point) at which Alaska
24 Highway intersects the Alaska-Yukon border; thence northwesterly to
25 the west abutment of the Little Tok River Bridge on the Tok Cutoff
26 Highway (Milepost 91.2); thence west to the northerly abutment of
27 McCallum Creek Bridge on the Richardson Highway (Milepost 202.4);
28 thence west to the point directly north of Denali Highway at Corkscrew
29 Creek (Milepost 59.1); thence southwesterly to the Glenn Highway at

1 Summit (Milepost 118); thence southerly to Prince William Sound at
2 Fairmount Point 60°53'45"N, 147°27'W.

3 Sec. 19.30.131. ALLOCATION OF FUNDS. (a) During each fiscal
4 year the commissioner shall allocate sums appropriated or otherwise
5 designated for expenditure upon local service roads for that fiscal
6 year among the five allocation districts in the following manner:
7 one-half in the ratio which the area of each allocation district bears
8 to the total area of the state and one-half in the ratio which the
9 population of each allocation district bears to the total population
10 of the state as shown by the latest available federal census.

11 (b) The commissioner shall also further allocate the sums in
12 each allocation district to the boroughs within each allocation dis-
13 trict in the following manner: one-half in the ratio which the area
14 of each organized borough (excluding salt water areas) within that
15 district bears to the total area of the allocation district and one-
16 half in the ratio which the population of each organized borough area
17 within that district bears to the total population of the allocation
18 district as shown by the latest available federal census.

19 (c) The commissioner shall also further allocate portions of the
20 sum allocated to any borough, either organized or unorganized, and
21 to any home rule city within the borough in the following manner:
22 one-half in the ratio which the area of each home rule city bears to
23 the total area of the borough (excluding salt water areas) and one-half
24 in the ratio which the population of each home rule city bears to the
25 total population of the borough as shown by the latest available
26 federal census.

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

1 Sec. 19.30.141. CONSTRUCTION PROGRAMS. Before October 1 of
2 each fiscal year each local government eligible for allocation of funds
3 under sec. 131 of this chapter shall submit to the commissioner for
4 approval a long-range program for the construction of local service
5 roads and trails. Before December 1 of each fiscal year the commis-
6 sioner shall submit to the governor a long-range program for the
7 construction of local service roads and trails, including the approved
8 local government programs. An organized borough shall include in its
9 long-range program local service road construction programs for all
10 cities other than home rule cities within the boundaries of the borough
11 The commissioner shall include in his long-range program local service
12 road and trail construction within the unorganized borough.

13 Sec. 19.30.151. LOCAL GOVERNMENT PARTICIPATION. (a) Upon
14 application by a local government local service roads and trails con-
15 structed under the provisions of secs. 111 - 241 of this chapter and
16 located within the jurisdictional boundaries of a local government,
17 as defined in sec. 241(3) of this chapter, may be transferred to that
18 local government upon approval by the Department of Highways and
19 after a vote of the people in the area. A local government which has
20 assumed road powers before the effective date of this Act may not be
21 required to hold an election as provided by this section.

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

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

28 Sec. 19.30.161. DESIGN STANDARDS. Design standards for each
29 local service road and trail project shall have the prior approval

1 of the commissioner.

2 Sec. 19.30.171. ACQUISITION AND CONVEYANCE OF RIGHTS-OF-WAY.

3 (a) The local government shall acquire all right-of-way required for
4 local service road and trail construction. However, if the local
5 government is unable to acquire the necessary right-of-way, the com-
6 missioner is authorized to acquire it in accordance with AS 19.05.080 -
7 19.05.120. The commissioner may convey to the local government by
8 appropriate instrument executed in the name of the state, any lands
9 or interests in lands which have been acquired by the state for the
10 construction of local service roads or trails.

11 (b) The costs incurred by the commissioner in acquiring this
12 land or interest in land includes all costs and any fees incidental
13 to acquisition, including relocation assistance and payments in
14 accordance with ch. 35 of this title. All costs incurred by the
15 commissioner in connection with the acquisition of the land or interest
16 in land shall be paid by the local government for which the land or
17 interest in land is acquired.

18 (c) When rights-of-way for local service roads are acquired over
19 land or interest in land owned by the state, the commissioner may make
20 such arrangements with the department having jurisdiction over the
21 land as may be necessary to give the local government adequate rights-
22 of-way, and any such department is directed to transfer the juris-
23 diction of the lands to the commissioner.

24 Sec. 19.30.181. PROJECT AGREEMENTS. As soon as practicable after
25 a specific project has been approved by the commissioner, the commis-
26 sioner shall enter into a formal project agreement with a qualified
27 local government concerning the construction of the project.

28 Sec. 19.30.191. LETTING OF CONTRACTS. (a) If the construction
29 is to be performed by the local government, or under its supervision,

1 a request for submission of bids shall be made by advertisement unless
2 some other method is approved by the commissioner. The commissioner
3 shall require plans and specifications and methods of bidding which
4 will be effective in securing competition.

5 (b) Construction of each project subject to the provisions of
6 this section shall be performed by contract awarded by competitive
7 bidding, unless the commissioner finds that, under the circumstances
8 relating to the project, some other method is in the public interest.
9 Contracts for the construction of each project shall be awarded only
10 on the basis of the lowest responsible bid submitted by a bidder
11 meeting established criteria of responsibility. No requirement or
12 obligation may be imposed upon a bidder as a condition precedent to
13 the award of a contract to a bidder unless the requirement or obliga-
14 tion is otherwise lawful and specifically set out in the advertised
15 specifications.

16 (c) All contracts by a local government awarded by competitive
17 bidding under (b) of this section must comply with the provisions
18 of this section, and have the prior concurrence of the commissioner.

19 Sec. 19.30.201. CONSTRUCTION. The construction of a local service
20 road or trail undertaken by a local government or under its direct
21 supervision under the provisions of secs. 111 - 241 of this chapter,
22 shall be performed according to approved design standards and shall
23 be subject to the inspection and approval of the commissioner. All
24 construction work done and labor performed by or under the direct
25 supervision of the local government shall be in accordance with the
26 laws of that local government and applicable state law.

27 Sec. 19.30.211. MAINTENANCE. The department shall maintain, or
28 cause to be maintained, any project constructed under the provisions
29 of secs. 111 - 241 of this chapter, except that upon mutual agreement

1 of the commissioner and the local government the responsibility for
2 maintenance may be transferred to the local government if it is
3 authorized to assume road maintenance powers.

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

8 (b) These sums shall continue available for expenditure by that
9 local government for a period of ^{five} ~~three~~ years after the close of the
10 fiscal year for which the sums are authorized and any amounts so
11 obligated remaining unexpended at the end of that period shall lapse
12 and shall be available for other local service road or trail construc-
13 tion within that allocation district in accordance with secs. 111 - 241
14 of this chapter.

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

19 (b) After completion of a project and approval of the final
20 voucher by the commissioner, a local government is entitled to payment
21 of the unpaid balance for the project from the sums allocated to it.

22 (c) No payment under this section may be made except for a
23 project covered by a project agreement. No final payment may be made
24 to a local government for its costs of construction of a project
25 until the completion of the construction has been approved by the
26 commissioner following inspections under sec. 201 of this chapter.

27 (d) The payments shall be made to the official or depository as
28 may be designated by the local government and authorized under the
29 laws of the local government to receive public funds of the local

1 government.

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

3 (1) "construction" means the building of a new road, street
4 or trail or the improvement of existing roads, streets or trails and
5 includes the necessary preliminary engineering, construction engineer-
6 ing and utility relocation;

7 (2) "home rule city" means a city defined in AS 29.05.010;

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

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

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

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

18 Sec. 19.30.251. LOCAL GOVERNMENT POWERS. Road construction and
19 maintenance authority is granted to local governments, as defined in
20 sec. 241(3) of this chapter, which do not otherwise have that authority;
21 however, the authority granted is limited to participation in the
22 construction and maintenance of local service roads under secs. 111 -
23 241 of this chapter.

24 * Sec. 3. AS 43.18.010(b) is amended to read:

25 (b) During each fiscal year the state shall pay to a city or
26 organized borough of any class which has power to provide for road
27 maintenance and exercises the power a sum equal to \$1,500 a mile for
28 each mile of road, street or highway maintained by the local govern-
29 ment, excluding the official state highway system, roads, streets or

1 highways not dedicated to public use, any roads, streets or highways
2 maintained under the local service road program (AS 19.30.111 - 19.30.-
3 251), and alleyways, in accordance with regulations adopted by the
4 Department of Highways. No payments may be made for maintenance of
5 roads not used by automotive equipment.

6 * Sec. 4. This Act takes effect on the day after its passage and approv-
7 al or on the day it becomes law without approval.

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