

Introduced: 2/22/73
Referred: Commerce

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 164

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state highways; and providing for
7 an effective date."

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

9 * Section 1. AS 19.05.130(4) is amended to read:

10 (4) "cost of change, relocation, or removal" means the
11 entire cost incurred by the utility properly attributed to the
12 change, relocation, or removal of a facility less any costs for
13 improvements or upgrading over and above the cost of a functionally
14 equal facility and less the value of the expired service life of
15 the existing facility expressed as the product of the original
16 cost of the existing facility times the number of years the facility
17 has been in service divided by the life expectancy of the facility
18 [UTILITY AFTER DEDUCTING ANY INCREASE IN THE VALUE OF THE NEW FACILITY
19 AND ANY SALVAGE VALUE DERIVED FROM THE OLD FACILITY];

20 * Sec. 2. AS 19.05.130(12) is amended to read:

21 (12) "utility" includes any public or private corporation,
22 cooperative association, individual, lessee, trustee or court appointed
23 receiver that owns, operates, manages or controls any line, pipeline or
24 system for furnishing, producing, generating, transmitting or distri-
25 buting power, electricity, telephone, telegraph, telecommunications,
26 water, gas, oil, petroleum products, steam, heat, light, chemicals,
27 sewage, drainage, irrigation or similar products or for furnishing
28 transportation of goods or persons by means of railway, tramway, cable-
29 way, conveyer, flume, canal, pipeline, tunnel or similar means; the

1 term includes publicly owned fire and police signal systems and street
2 lighting systems which directly or indirectly serve the public
3 [PUBLICLY, PRIVATELY AND COOPERATIVELY OWNED UTILITIES];

4 * Sec. 3. AS 19.20.010(b)(2) is amended to read:

5 (2) The municipality shall at its own expense maintain all
6 municipally owned underground utility facilities in a connecting
7 highway in accordance with regulations promulgated by the department
8 and [HAS THE RIGHT TO] construct necessary additional underground
9 facilities subject to the provisions of a written permit issued by
10 the department.

11 * Sec. 4. AS 19.20.010(b)(3) is amended to read:

12 (3) The municipality may [GRANT THE PRIVILEGE TO] open the
13 surface of a connecting highway in accordance with regulations
14 promulgated by the department, but the municipality shall promptly
15 restore or cause restoration of the highway and shall assume
16 responsibility for [REPAIR] all damage to the highway occasioned by
17 opening the surface.

18 * Sec. 5. AS 19.25.010 is amended to read:

19 AS 19.25.010. USE OF RIGHTS-OF-WAY FOR UTILITIES. A utility
20 facility [AN ELECTRIC TRANSMISSION, TELEPHONE, OR TELEGRAPH LINE, POLE
21 LINE, RAILWAY, DITCH, SEWER, WATER, HEAT OR GAS MAIN, FLUME,] or other
22 structure [WHICH BY LAW] may be constructed, placed, or maintained
23 across or within the right-of-way of a state [ALONG A] highway by a
24 person or political subdivision [MAY BE MAINTAINED OR CONSTRUCTED]
25 only in accordance with regulations prescribed by the department. No
26 utility facility may be constructed, placed or maintained across or
27 within the right-of-way of a state highway [PROJECT OF THIS NATURE
28 MAY BE UNDERTAKEN] until it is authorized by a written permit issued
29 by the department.

1 * Sec. 6. AS 19.25.020 is amended to read:

2 Sec. 19.25.020. RELOCATION OF UTILITIES INCIDENT TO [FEDERAL-
3 AID] HIGHWAY OR ROAD PROJECTS. (a) If, incident to the construction
4 of a highway or road project [ON A FEDERAL-AID PRIMARY OR SECONDARY
5 SYSTEM, OR THE INTERSTATE SYSTEM INCLUDING ITS EXTENSIONS IN AN
6 URBAN AREA], the department determines and orders that a utility
7 facility located across or within [IN, OVER, ALONG, OR UNDER] a high-
8 way [ROAD] right-of-way must be changed, relocated, or removed, the
9 utility owning or in charge of the facility shall change, relocate,
10 or remove it as soon as possible in accordance with the order.

11 (b) The cost of change, relocation, or removal is a part of
12 the cost of the highway construction to be paid from highway funds
13 and the department shall, on behalf of the state, pay the costs of
14 the change, relocation, or removal unless the utility facility was
15 constructed and installed under a valid agreement entered into by
16 the state and the utility after July 1, 1960, which requires the
17 utility to change, relocate, or remove its facilities on demand at
18 its own expense. A utility which locates its facilities across or
19 within [ON] a state highway [OWNED] right-of-way after July 1, 1960,
20 without a permit from the department shall not be reimbursed for
21 the cost of the change, relocation, or removal of its facility.

22 (c) If the utility does not change, relocate or remove the
23 facility within a reasonable time set by the department, the facility
24 specified in the order shall be declared an unauthorized encroachment
25 subject to the provisions of secs. 220 - 250 of this chapter.

26 (d) Where a utility facility occupying a state highway right-
27 of-way is required to be changed, relocated or removed to accom-
28 modate highway construction and the facility if relocated within
29 the highway right-of-way, all property interests of the utility

1 lying within the limits of the right-of-way shall be subordinated
2 to those of the department and the facility shall be subject to the
3 terms of a standard utility permit issued by the department.

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