

Introduced: 1/14/76
Referred: State Affairs
and Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 CS HOUSE BILL NO. 557 (Fin.)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to utilities and state rights-of-
7 way; and providing for 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 change,
12 relocation, or removal of a facility, less any costs for improvements
13 or upgrading over and above the cost of a functionally equal facility;
14 if a facility is to be relocated and replaced with new equipment,
15 there shall also be subtracted from the entire cost [UTILITY AFTER
16 DEDUCTING ANY INCREASE IN THE VALUE OF THE NEW FACILITY AND] any
17 salvage value derived from the old facility and the value of expired
18 service life credit expressed as the product of the original cost of
19 the existing equipment times the number of years the facility has been
20 in service divided by the total life expectancy of the facility in
21 years;

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

23 (12) "utility" includes railroads and all publicly, private-
24 ly, or [AND] cooperatively owned lines, facilities and systems for
25 producing, transmitting or distributing communications, power, electri-
26 city, light, heat, gas, oil, crude products, water, steam, waste,
27 storm water not connected with highway drainage, and other similar
28 commodities, including publicly owned fire and police signal systems,
29 and street lighting systems [UTILITIES];

1 * Sec. 3. AS 19.25.010 is amended to read:

2 Sec. 19.25.010. USE OF RIGHTS-OF-WAY FOR UTILITIES. A utility
3 facility [AN ELECTRIC TRANSMISSION, TELEPHONE, OR TELEGRAPH LINE, POLE
4 LINE, RAILWAY, DITCH, SEWER, WATER, HEAT, OR GAS MAIN, FLUME, OR OTHER
5 STRUCTURE WHICH BY LAW] may be constructed, placed, or maintained
6 across, [OR] along, over, under, or within a state right-of-way [A
7 HIGHWAY BY A PERSON OR POLITICAL SUBDIVISION MAY BE MAINTAINED OR
8 CONSTRUCTED] only in accordance with regulations prescribed by the
9 department. No utility facility may be constructed, placed, or main-
10 tained across, along, over, under, or within a state right-of-way
11 unless [PROJECT OF THIS NATURE MAY BE UNDERTAKEN UNTIL] it is authorized
12 by a written permit issued by the department.

13 * Sec. 4. AS 19.25.020 is repealed and re-enacted to read:

14 Sec. 19.25.020. RELOCATION OF UTILITIES INCIDENT TO HIGHWAY
15 PROJECTS. (a) If, incident to the construction of a highway project,
16 the department determines and orders that a utility facility located
17 across, along, over, under, or within a state right-of-way must be
18 changed, relocated or removed, the utility owning or maintaining the
19 facility shall change, relocate or remove it in accordance with the
20 order. The order shall provide a reasonable time period for compliance

21 (b) If the utility facility is not changed, relocated or removed
22 in accordance with the order, the facility becomes an unauthorized
23 encroachment and may be disposed of in accordance with secs. 240 -
24 250 of this chapter, and the owner of the facility is liable to the
25 state in liquidated damages in the amount of \$100 for each day the
26 encroachment exists. In addition, the owner of the facility shall
27 indemnify the state for any amount for which the state may be liable
28 to a contractor by reason of the encroachment.

29 (c) The cost of change, relocation, or removal necessitated by

1 highway construction is a cost of highway construction to be paid by
2 the state, unless the facility was installed or located on an existing
3 state right-of-way after July 1, 1960 without a permit from the
4 department.

5 (d) If a utility is relocated under this section to a new
6 location within a state right-of-way and the costs of the relocation
7 are reimbursed by the state under (c) of this section, the utility
8 retains the same right to reimbursement for the cost of any subsequent
9 relocation necessitated by highway construction.

10 * Sec. 5. This Act takes effect immediately in accordance with AS
11 01.10.070(c).