

Original sponsor: Rules Committee by  
request of the Governor

Offered: 2/18/76  
Referred: Finance

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 557

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-way;  
7 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 entire  
11 cost incurred by the utility properly attributed to the change, reloca-  
12 tion, or removal of a facility, less any costs for improvements or  
13 upgrading over and above the cost of a functionally equal facility; if  
14 a facility is to be relocated and replaced with new equipment, there  
15 shall also be subtracted from the entire cost [UTILITY AFTER DEDUCTING  
16 ANY INCREASE IN THE VALUE OF THE NEW FACILITY AND] any salvage value  
17 derived from the old facility.

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

19 (12) "utility" includes railroads and all publicly, privately,  
20 or [AND] cooperatively owned lines, facilities and systems for producing,  
21 transmitting or distributing communications, power, electricity, light,  
22 heat, gas, oil, crude products, water, steam, waste, storm water not  
23 connected with highway drainage, and other similar commodities, includ-  
24 ing publicly owned fire and police signal systems, and street lighting  
25 systems [UTILITIES];

26 \* Sec. 3. AS 19.25.010 is amended to read:

27 Sec. 19.25.010. USE OF RIGHTS-OF-WAY FOR UTILITIES. A utility  
28 facility [AN ELECTRIC TRANSMISSION, TELEPHONE, OR TELEGRAPH LINE, POLE  
29 LINE, RAILWAY, DITCH, SEWER, WATER, HEAT, OR GAS MAIN, FLUME, OR OTHER

1 STRUCTURE WHICH BY LAW] may be constructed, placed, or maintained  
2 across, [OR] along, over, under, or within a state right-of-way [A HIGH-  
3 WAY BY A PERSON OR POLITICAL SUBDIVISION MAY BE MAINTAINED OR CONSTRUCTED]  
4 only in accordance with regulations prescribed by the department. No  
5 utility facility may be constructed, placed, or maintained across, along,  
6 over, under, or within a state right-of-way unless [PROJECT OF THIS  
7 NATURE MAY BE UNDERTAKEN UNTIL] it is authorized by a written permit  
8 issued by the department.

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 AS 19.25.020 is repealed and re-enacted to read:

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

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

25 (c) The cost of change, relocation, or removal necessitated by  
26 highway construction is a cost of highway construction to be paid by  
27 the state in accordance with AS 19.05.130(4).

28 \* Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-  
29 070(c).