

Original sponsor: Rules Committee by
request of the Governor

Offered: 5/6/76
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 557 (Finance)

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 CON-
4 STRUCTED] only in accordance with regulations prescribed by the depart-
5 ment and [. NO UTILITY PROJECT OF THIS NATURE MAY BE UNDERTAKEN UNTIL
6 IT IS] authorized by a written permit issued by the department.

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 AS 19.25.020 is repealed and re-enacted to read:

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

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), notwithstanding the terms
28 or provisions of any existing permit, agreement regulation or statute to
29 the contrary.

1 * Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-
2 070(c).

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