

Introduced: 1/29/76
Referred: State Affairs and
Community & Regional Affairs

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 589

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 the establishment of facility
7 routes; and providing for an effective date."

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

9 *Section 1. AS 19.10 is amended by adding a new section to read:

10 Sec. 19.10.012. ESTABLISHMENT OF FACILITY ROUTES. (a) When the
11 location of a new facility route has been approved by the department,
12 or a significant extension or alteration of an existing transportation
13 facility is approved involving a new right-of-way, the department may
14 file with the magistrate of the recording district in which the route
15 is located and with the municipal clerk and planning and zoning
16 authority of each municipality within whose boundaries the route is
17 located a certified map or plat indicating the route. The department
18 shall accompany the filing with a certification that the residents of
19 the municipality where the filing is made have been afforded adequate
20 opportunity to express any comment or objection to the location of the
21 proposed route at a public hearing. Any map, plan or report filed
22 under this section may be amended from time to time by filing in the
23 same manner and with the same officials a certified copy of a map,
24 plan or report indicating any changes to be made in the location of
25 the route.

26 (b) For one year following the filing of a map or plat, or an
27 amendment of a map or plat, establishing a facility route under this
28 section, a municipal approving authority, before issuing a building
29 permit or approving a subdivision plat with respect to any lot, tract

1 or parcel of land which abuts or is located wholly or partially within
2 the proposed line of a highway, shall refer the site plan and applica-
3 tion for building permit or subdivision plat to the department for
4 review and recommendation as to the effect of the proposed development
5 or improvement upon the safety, efficiency, utility or natural beauty
6 of the proposed highway. The approving authority may not issue the
7 building permit or approve the subdivision plat without recommendation
8 of the department, unless 45 days have elapsed without recommendation
9 from the time the department received the application. The department
10 may, within that 45-day period, (1) give notice to the approving
11 authority and the property owner of its recommendation that the permit
12 or approval be granted subject to certain modifications specified in
13 the notice, or (2) give notice that the department does not object to
14 the granting of the application or permit as requested. Upon receipt
15 of the notice, the approving authority may grant the permit or approval
16 in a manner which incorporates the department's recommended modifica-
17 tions, or, in the absence of a department recommendation or objection,
18 may act as empowered by law with respect to the application or permit.

19 * Sec. 2. This Act takes effect immediately in accordance with AS
20 01.10.070(c).