


1 IN THE HOUSE

BY RUDD

2  HOUSE BILL NO. 209

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to utilities and state rights-of-way."

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

8 \* Section 1. AS 19.05.130(4) and (12) are amended to read:

9 (4) "cost of change, relocation, or removal" means the entire  
10 cost incurred by the utility properly attributed to the change, reloca-  
11 tion, or removal of a facility, less any costs for improvements or  
12 upgrading over and above the cost of a functionally equivalent facility;  
13 if a facility is to be relocated and replaced with new equipment, there  
14 shall also be subtracted from the entire cost [UTILITY AFTER DEDUCTING  
15 ANY INCREASE IN THE VALUE OF THE NEW FACILITY AND] any salvage value  
16 derived from the old facility; if a utility is required by municipal  
17 ordinance to place changed or relocated facilities underground, the  
18 additional costs of compliance with the ordinance shall be included in  
19 the determination of the cost;

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

27 \* Sec. 2. AS 19.25.010 is amended to read:

28 Sec. 19.25.010. USE OF RIGHTS-OF-WAY FOR UTILITIES. A utility  
29 facility [AN ELECTRIC TRANSMISSION, TELEPHONE, OR TELEGRAPH LINE, POLE

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

10 \* Sec. 3. AS 19.25.020 is repealed and re-enacted to read:

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

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

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