

Original sponsor: Rudd

Offered: 3/14/77  
Referred: Rules

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR 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 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 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, pri-  
20 vately, or [AND] cooperatively owned lines, facilities and systems for  
21 producing, transmitting or distributing communications, telecommuni-  
22 cations, power, electricity, light, heat, gas, oil, crude products,  
23 water, steam, waste, storm water not connected with highway drainage,  
24 and other similar commodities, including publicly owned fire and police  
25 signal systems, and street lighting 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 CONTRUCTED]  
4 only in accordance with regulations prescribed by the department and [.   
5 NO UTILITY PROJECT OF THIS NATURE MAY BE UNDERTAKEN UNTIL IT IS] autho-  
6 rized 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 AS 19.25.020 is repealed and re-enacted to read: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, re-  
12 located or removed, the utility owning or maintaining the facility shall  
13 change, relocate or remove it in accordance with the order. The order  
14 shall provide a reasonable time period for compliance.

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

23 (c) The cost of change, relocation, or removal necessitated by  
24 highway construction is a cost of highway construction to be paid by the  
25 state in accordance with AS 19.05.130(4), notwithstanding the terms or  
26 provisions of any existing permit, agreement regulation or statute to  
27 the contrary.

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