

Introduced: 1/17/77  
Referred: Community & Regional  
Affairs and Commerce

1 IN THE SENATE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HCS SENATE BILL NO. 50 am (Gen.) amH  
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-  
7 way; 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  
13 or upgrading over and above the cost of a functionally equal facility;  
14 if a facility is to be relocated and replaced with new equipment,  
15 there shall also be subtracted from the entire cost [UTILITY AFTER  
16 DEDUCTING ANY INCREASE IN THE VALUE OF THE NEW FACILITY AND] any  
17 salvage value 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  
21 for producing, transmitting or distributing communications, tele-  
22 communications, power, electricity, light, heat, gas, oil, crude  
23 products, water, steam, waste, storm water not connected with high-  
24 way drainage, and other similar commodities, including publicly owned  
25 fire and police 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

HCS SB 50 am (Gen.) amH

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 TRUCTED] only in accordance with regulations prescribed by the depart-  
5 ment and [. NO UTILITY PROJECT OF THIS NATURE MAY BE UNDERTAKEN UNTIL IT  
6 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 AS 19.25.020 is repealed and re-enacted to read: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, 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 state  
21 for any amount for which the state may be liable to a contractor by  
22 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).