

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 50 am

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

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 AS 19.25.020 is repealed and re-enacted to read: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. In addition, the owner of the facility shall indemnify
19 the state for any amount for which the state may be liable to a
20 contractor by reason of the encroachment.

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

26 (d) If requested by a municipality, the department shall imple-
27 ment this chapter by requiring to the maximum extent possible location
28 underground of electric power transmission lines within the munici-
29 pality.

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

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