

Introduced: 2/18/80
Referred: State Affairs

1 IN THE HOUSE

BY MALONE AND ROGERS

2 HOUSE BILL NO. 782

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to local service roads and trails."

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

8 * Section 1. AS 19.10.015 is amended by adding a new subsection to read:

9 (b) Notwithstanding (a) of this section, a municipality may design-
10 nate the width of a road which is not a part of the state highway system
11 if the municipality maintains the road.

12 * Sec. 2. AS 19.30.151(a) is amended to read:

13 (a) Upon application by a local government, local service roads
14 and trails constructed under the provisions of AS 19.30.111 - 19.30.241
15 and located within the jurisdictional boundaries of a local government,
16 as defined in AS 19.30.241(3), may be transferred to that local govern-
17 ment upon approval by the Department of Transportation and Public Faci-
18 lities and after a vote of the people in the area. [A LOCAL GOVERNMENT
19 WHICH HAS ASSUMED ROAD POWERS BEFORE MAY 20, 1971 MAY NOT BE REQUIRED TO
20 HOLD AN ELECTION AS PROVIDED BY THIS SECTION.]

21 * Sec. 3. AS 19.30.151(b) is amended to read:

22 (b) The commissioner shall, upon request of a local government,
23 [IS AUTHORIZED TO] transfer funds allocated under AS 19.30.131 to any
24 local government which has assumed local road powers under (a) of this
25 section [HE DETERMINES TO BE QUALIFIED TO CONSTRUCT LOCAL SERVICE ROADS
26 OR TRAILS].

27 * Sec. 4. AS 19.30.161 is amended to read:

28 Sec. 19.30.161. DESIGN STANDARDS, RIGHTS-OF-WAY AND WIDTHS.

29 Design standards, rights-of-way and widths for each local service road

1 and trail project shall have the prior approval of the commissioner,
2 unless the project is under the supervision of a local government that
3 has assumed local road powers under AS 19.30.151(a). If the project is
4 under the supervision of a local government that has assumed road
5 powers, design standards, rights-of-way and widths shall be established
6 by the local government.

7 * Sec. 5. AS 19.30.171(b) is amended to read:

8 (b) The costs incurred by the commissioner in acquiring this land
9 or interest in land includes all costs and any fees incidental to acqui-
10 sition, including relocation assistance and payments in accordance with
11 AS 34.60. [ALL COSTS INCURRED BY THE COMMISSIONER IN CONNECTION WITH
12 THE ACQUISITION OF THE LAND OR INTEREST IN LAND SHALL BE PAID BY THE
13 LOCAL GOVERNMENT FOR WHICH THE LAND OR INTEREST IN LAND IS ACQUIRED.]

14 * Sec. 6. AS 19.30.181 is repealed and re-enacted to read:

15 Sec. 19.30.181. PROJECT AGREEMENTS. A local government which has
16 assumed local road powers under AS 19.30.151(a) may enter into a formal
17 project agreement with the commissioner for the construction of a speci-
18 fic project.

19 * Sec. 7. AS 19.30.191(b) is amended to read:

20 (b) [EXCEPT AS PROVIDED IN AS 44.33.300, CONSTRUCTION OF EACH
21 PROJECT SUBJECT TO THE PROVISIONS OF THIS SECTION SHALL BE PERFORMED BY
22 CONTRACT AWARDED BY COMPETITIVE BIDDING, UNLESS THE COMMISSIONER FINDS
23 THAT, UNDER THE CIRCUMSTANCES RELATING TO THE PROJECT, SOME OTHER METHOD
24 IS IN THE PUBLIC INTEREST.] Contracts for the construction of each
25 project shall be awarded only on the basis of the lowest responsible bid
26 submitted by a bidder meeting established criteria of responsibility.
27 [NO REQUIREMENT OR OBLIGATION MAY BE IMPOSED UPON A BIDDER AS A CONDI-
28 TION PRECEDENT TO THE AWARD OF A CONTRACT TO A BIDDER UNLESS THE RE-
29 QUIREMENT OR OBLIGATION IS OTHERWISE LAWFUL AND SPECIFICALLY SET OUT IN

1 THE ADVERTISED SPECIFICATIONS.]

2 * Sec. 8. AS 19.30.201 is amended to read:

3 Sec. 19.30.201. CONSTRUCTION. The construction of a local service
4 road or trail undertaken by the department [A LOCAL GOVERNMENT] or under
5 its direct supervision under the provisions of AS 19.30.111 - 19.30.241,
6 shall be performed according to approved design standards and are sub-
7 ject to the inspection and approval of the commissioner. All construc-
8 tion work done and labor performed by or under the direct supervision of
9 the department [LOCAL GOVERNMENT] shall be in accordance with [THE LAWS
10 OF THAT LOCAL GOVERNMENT AND] applicable state law.

11 * Sec. 9. AS 19.30.211 is amended to read:

12 Sec. 19.30.211. MAINTENANCE. The department shall maintain, or
13 cause to be maintained, any project constructed by the department under
14 the provisions of AS 19.30.111 - 19.30.241, except that upon mutual
15 agreement of the commissioner and the local government the responsibility
16 for maintenance may be transferred to the local government if it is
17 authorized to assume road maintenance powers.

18 * Sec. 10. AS 19.30.221 is amended to read:

19 Sec. 19.30.221. AVAILABILITY OF ALLOCATED SUMS. (a) On and after
20 the date that the commissioner has certified the sums allocated to each
21 local government, the sums shall be available for expenditure [BY THE
22 LOCAL GOVERNMENT] under the provisions of this chapter.

23 (b) These allocated sums shall be [CONTINUE] available for expen-
24 diture [BY THAT LOCAL GOVERNMENT] for a period of five years after the
25 close of the fiscal year for which the sums are authorized and any
26 amounts so obligated remaining unexpended at the end of that period
27 shall lapse and shall be available for other local service road or trail
28 construction within that allocation district in accordance with AS 19.-
29 30.111 - 19.30.241.

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(c) This section applies to sums transferred under AS 19.30.-
151(b).

* Sec. 11. AS 19.30 is amended by adding a new section to read:

Sec. 19.30.233. REPORTS. (a) No later than October 1 of each year, a local government which has received money under AS 19.30.151(b) shall prepare a report showing the use of the money by the local government during the preceding 12 months. The local government shall submit a copy of the report to the commissioner.

(b) No later than December 1 of each year, the commissioner shall prepare a report showing the use of the money allocated under this chapter during the preceding 12 months and a report on the status of all projects under this chapter for which the department has construction responsibility. The commissioner shall submit copies of the reports to the governor.

* Sec. 12. AS 19.30.191(a) and 19.30.231 are repealed.