

Introduced: 3/9/83
Referred: Community & Regional
Affairs and Transportation

1 IN THE HOUSE

BY LACHER

2

HOUSE BILL NO. 244

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the relocation of utility facili-
7 ties incident to the construction of highway projects
8 by a municipality; and providing for an effective
9 date."

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

11 * Section 1. AS 19.25.020(a) is amended to read:

12 (a) If, incident to the construction of a highway project, the
13 department or a municipality determines and orders that a utility
14 facility that is located across, along, over, under, or within a
15 [STATE] right-of-way under its jurisdiction must be changed, relocated
16 or removed, the utility owning or maintaining the facility shall
17 change, relocate or remove it in accordance with the order. The order
18 shall provide a reasonable time period for compliance.

19 * Sec. 2. AS 19.25.020(b) is amended to read:

20 (b) If the utility facility is not changed, relocated or removed
21 in accordance with the order, the facility becomes an unauthorized
22 encroachment and may be disposed of in accordance with AS 19.25.240 -
23 19.25.250. In addition, the owner of the facility shall indemnify the
24 state or municipality for any amount for which the state or municipal-
25 ity may be liable to a contractor by reason of the encroachment.

26 * Sec. 3. AS 19.25.020(c) is amended to read:

27 (c) The cost of change, relocation, or removal, as defined in
28 AS 19.45.001(4), necessitated by highway construction, is a cost of
29 highway construction to be paid by the state or municipality [IN

1 ACCORDANCE WITH AS 19.45.001(4)], notwithstanding the terms or pro-
2 visions of any existing permit, agreement, regulation or statute to
3 the contrary, except that a municipality is not obligated to pay the
4 cost of relocation of utility facilities that are not located in a
5 municipal right-of-way under the conditions of a valid easement or
6 permit.

7 * Sec. 4. AS 19.25.240 is amended to read:

8 Sec. 19.25.240. SUMMARY REMOVAL. The department or a municipal-
9 ity may at any time remove from a [STATE] highway or road under its
10 jurisdiction an encroachment that [WHICH] obstructs or prevents the
11 use of the highway or road by the public.

12 * Sec. 5. A municipality is not obligated for utility facility reloca-
13 tion costs associated with a highway project for which general obligation
14 bonds have been approved or for which state general fund appropriations
15 have been received before the effective date of this Act.

16 * Sec. 6. This Act takes effect July 1, 1983.