

Offered: 5/11/83  
Referred: Labor & Commerce

Original sponsor: Labor and Commerce  
Committee

1 IN THE SENATE

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

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HOUSE CS FOR CS FOR SENATE BILL NO. 67 (C&RA)

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act relating to the relocation of utility facilities incident to the construction of road or highway projects by a municipality; and providing for an effective date."

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

11 \* Section 1. AS 29.48 is amended by adding new sections to read:

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Sec. 29.48.052. RELOCATION OF UTILITY FACILITIES. (a) If,

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incident to the construction of a road or highway project, a municipality determines and orders that a utility facility that is located across, along, over, under, or within a right-of-way under its jurisdiction must be changed, relocated or removed, the utility owning or maintaining the facility shall change, relocate or remove it in accordance with the order. The order shall provide a reasonable time period for compliance.

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(b) If the utility facility is not changed, relocated or removed

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in accordance with the order, the facility becomes an unauthorized encroachment and may be disposed of by the municipality. In addition, the owner of the facility shall indemnify the municipality for any amount for which the municipality may be liable to a contractor by reason of the encroachment.

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(c) The cost of change, relocation, or removal, necessitated by municipal road or highway construction is a cost of road or highway construction to be paid by the

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(1) municipality or the utility according to the terms of a

1 franchise, permit, or agreement in effect on January 1, 1984, if the  
2 facility is located under the conditions stated in the franchise  
3 permit or agreement;

4 (2) municipality or the utility according to the terms of a  
5 permit issued by the municipality after January 1, 1984, for a new or  
6 existing facility if the facility is located under the conditions  
7 stated in the permit; or

8 (3) utility if the facility is located without a permit or  
9 under a permit that does not provide for allocation of relocation  
10 costs, or if the location is not in accordance with the conditions  
11 stated in an applicable permit.

12 Sec. 29.48.054. SUMMARY REMOVAL. A municipality may at any time  
13 remove from a road or highway under its jurisdiction an encroachment  
14 that obstructs or prevents the use of the road or highway by the  
15 public.

16 Sec. 29.48.056. DEFINITIONS. In AS 29.48.052 - 29.48.056

17 (1) "cost of change, relocation, or removal" means the  
18 entire cost incurred by a utility properly attributed to the change,  
19 relocation, or removal of a facility, less any costs for improvements  
20 or upgrading over and above the cost of a functionally equal facility;  
21 if a facility is to be relocated and replaced with new equipment,  
22 there shall also be subtracted from the entire cost any salvage value  
23 derived from the old facility; if the service life of a facility is  
24 extended by the work done to change or relocate it, a percentage equal  
25 to the percentage of extension of the facility's service life shall be  
26 subtracted from the cost; the service life of a facility may be de-  
27 termined by the municipality and may be based on the utility deprecia-  
28 tion schedule for taxation or rate-setting purposes;

29 (2) "encroachment" means and includes a tower, pole, pole

1 line, pipe, pipeline, driveway, private road, fence, billboard, stand  
2 or building, or a structure or object of any kind that is or has been  
3 placed in, on, under or over a portion of a road or highway;

4 (3) "utility" includes railroads and all publicly, pri-  
5 vately, or cooperatively owned lines, facilities and systems for  
6 producing, transmitting or distributing communications, telecommunica-  
7 tions, power, electricity, light, heat, gas, oil, crude products,  
8 water, steam, waste, storm water not connected with highway drainage,  
9 and other similar commodities, including publicly owned fire and  
10 police signal systems and street lighting systems.

11 \* Sec. 2. A municipality is not obligated for utility facility reloca-  
12 tion costs associated with a road or highway project for which general  
13 obligation bonds have been approved or for which state general fund appro-  
14 priations have been received before the effective date of this Act.

15 \* Sec. 3. This Act takes effect January 1, 1984.