

Offered: 2/22/84  
Referred: Rules

Original sponsor: Labor and Commerce  
Committee

1 IN THE SENATE

BY THE LABOR AND  
COMMERCE COMMITTEE

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

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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THIRTEENTH LEGISLATURE - SECOND SESSION

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A BILL

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For an Act entitled: "An Act relating to the relocation of utility facilities incident to the construction of 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:

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

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(a) If, incident to the construction of a highway project, the department or a municipality determines and orders that a utility facility that is located across, along, over, under, or within a [STATE] 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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\* Sec. 2. AS 19.25.020(b) is amended to read:

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

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

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

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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 located in a municipi-  
5 pal right-of-way unless

6 (1) the facilities have been placed in the municipal  
7 right-of-way under a valid easement or permit; or

8 (2) the facilities were placed in the municipal  
9 right-of-way before the municipality had a system for granting  
10 easements or permits for utility facilities.

11 \* Sec. 4. AS 19.25.240 is amended to read:

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

16 \* Sec. 5. AS 19.45.001(4) is amended to read:

17 (4) "cost of change, relocation, or removal" means the  
18 entire cost incurred by the 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 a facility's service life is extend-  
24 ed by the work done to change or relocate it, a percentage equal to  
25 the percentage of extension of the facility's service life shall be  
26 subtracted from the cost;

27 \* Sec. 6. A municipality is not obligated for utility facility reloca-  
28 tion costs associated with a highway project for which general obligation  
29 bonds have been approved or for which state general fund appropriations

1 have been received before the effective date of this Act.

2 \* Sec. 7. This Act takes effect July 1, 1984.