

Offered: 3/28/84
Referred: Rules

Original sponsor: Labor and Commerce
Committee

1 IN THE SENATE BY THE RULES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 67 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND 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 29.48 is amended by adding new sections to read:

12 Sec. 29.48.052. RELOCATION OF UTILITY FACILITIES. (a) If,
13 incident to the construction of a road or highway project, a munic-
14 ipality determines and orders that a utility facility that is located
15 across, along, over, under, or within a right-of-way under its juris-
16 diction must be changed, relocated or removed, the utility owning or
17 maintaining the facility shall change, relocate, or remove it in
18 accordance with the order. The order shall provide a reasonable time
19 period for compliance.

20 (b) If the utility facility is not changed, relocated, or re-
21 moved in accordance with the order, the facility becomes an unauthor-
22 ized encroachment and may be disposed of by the municipality. In
23 addition, the owner of the facility shall indemnify the municipality
24 for any amount for which the municipality may be liable to a contrac-
25 tor by reason of the encroachment.

26 (c) The cost of change, relocation, or removal necessitated by
27 municipal road or highway construction is a cost of road or highway
28 construction to be paid by the municipality, notwithstanding the terms
29 or provisions of any existing permit, agreement, regulation, or

1 statute to the contrary if

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

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

7 Sec. 29.48.054. SUMMARY REMOVAL. A municipality may at any time
8 remove from a road or highway under its jurisdiction an encroachment
9 that obstructs or prevents the use of the road or highway by the
10 public.

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

12 (1) "cost of change, relocation, or removal" means the
13 entire cost incurred by a utility properly attributed to the change,
14 relocation, or removal of a facility, less any costs for improvements
15 or upgrading over and above the cost of a functionally equal facility;
16 if a facility is to be relocated and replaced with new equipment,
17 there shall also be subtracted from the entire cost any salvage value
18 derived from the old facility; if the service life of a facility is
19 extended by the work done to change or relocate it, a percentage equal
20 to the percentage of extension of the facility's service life shall be
21 subtracted from the cost;

22 (2) "encroachment" means and includes a tower, pole, pole
23 line, pipe, pipeline, driveway, private road, fence, billboard, stand
24 or building, or a structure or object of any kind that is or has been
25 placed in, on, under, or over a portion of a road or highway;

26 (3) "utility" includes railroads and all publicly, pri-
27 vately, or cooperatively owned lines, facilities, and systems for
28 producing, transmitting, or distributing communications, telecommuni-
29 cations, power, electricity, light, heat, gas, oil, crude products,

1 water, steam, waste, storm water not connected with highway drainage,
2 and other similar commodities, including publicly owned fire and
3 police signal systems and street lighting systems.

4 * Sec. 2. A municipality is not obligated for utility facility reloca-
5 tion costs associated with a highway project for which general obligation
6 bonds have been approved or for which state general fund appropriations
7 have been received before the effective date of this Act.

8 * Sec. 3. This Act takes effect July 1, 1984.