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Referred: Community & Regional
Affairs & Transportation

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1 IN THE SENATE

BY JOSEPHSON

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SENATE BILL NO. 155

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act relating to the change, relocation, or re-

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moval of utility facilities incident to the construc-

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tion of road or other projects by a municipality."

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

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* Section 1. AS 29.10.200 is amended by adding a new paragraph to read:

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(49) AS 29.35.075 (relocation of utility facilities).

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* Sec. 2. AS 29.35 is amended by adding a new section to read:

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Sec. 29.35.075. RELOCATION OF UTILITY FACILITIES. (a) If,

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incident to the construction of a road or other project, a municipali-

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ty determines and orders that a facility of a utility subject to

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regulation under AS 42.05 that is located across, along, over, under,

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or within a right-of-way under its jurisdiction must be changed,

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relocated, or removed, the utility owning or maintaining the facility

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shall change, relocate, or remove it in accordance with the order.

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The order shall provide a reasonable time period for compliance. If

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the utility facility is not changed, relocated, or removed under the

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order, the facility becomes an unauthorized encroachment and may be

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disposed of by the municipality.

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(b) The cost of change, relocation, or removal of a facility of

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a utility subject to regulation under AS 42.05 necessitated by municipi-

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pal road or other project construction shall be allocated as provided

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in the permit, franchise, or other agreement with the municipality.

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If no specific allocation has been agreed to, the cost shall be borne

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by the municipality only if the facility has been placed in the

1 **municipal right-of-way**

2 (1) under a valid easement or permit that specifies the
3 location of the facility and the facility is within two horizontal
4 feet of that location; or

5 (2) before the municipality had a system for granting
6 easements or permits for utility facilities.

7 (c) In (b) of this section, "cost of change, relocation, or
8 removal" means the entire cost incurred by a utility properly attri-
9 buted to the change, relocation, or removal of a facility, less costs
10 for improvements or upgrading not required by the change, relocation,
11 or removal; if a facility is to be relocated and replaced with new
12 equipment, there shall also be subtracted from the entire cost any
13 salvage value derived from the old facility.

14 (d) This section applies to home rule and general law munici-
15 palities.