

Original sponsor: Josephson

1 IN THE SENATE
2
3 CS FOR SENATE BILL NO. 155 (C&RA)
4 IN THE LEGISLATURE OF THE STATE OF ALASKA
5 FIFTEENTH LEGISLATURE - FIRST SESSION
6 A BILL
7 For an Act entitled: "An Act relating to the change, relocation, or re-
8 moval of utility facilities incident to the construc-
9 tion of road or other projects by a municipality."
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
11 * Section 1. AS 29.10.200 is amended by adding a new paragraph to read:
12 (49) AS 29.35.075 (relocation of utility facilities).
13 * Sec. 2. AS 29.35 is amended by adding a new section to read:
14 Sec. 29.35.075. RELOCATION OF UTILITY FACILITIES. (a) If,
15 incident to the construction of a road or other project, a municipali-
16 ty determines and orders that a facility of a utility certificated
17 under AS 42.05 that is located across, along, over, under, or within a
18 right-of-way under its jurisdiction must be changed, relocated, or
19 removed, the utility owning or maintaining the facility shall change,
20 relocate, or remove it in accordance with the order. The order shall
21 provide a reasonable time period for compliance. If the utility
22 facility is not changed, relocated, or removed under the order, the
23 facility becomes an unauthorized encroachment and may be disposed of
24 or relocated by the municipality.
25 (b) The cost of change, relocation, or removal of a facility of
26 a utility certificated under AS 42.05 necessitated by municipal road
27 or other project construction shall be allocated as provided in the
28 permit, franchise, or other agreement with the municipality. If no
29 specific allocation has been agreed to, the cost shall be borne by the
municipality only if the facility has been placed in the municipal

1 right-of-way

2 (1) in accordance with a valid easement or permit that
3 specifies the location of the facility; or

4 (2) after June 30, 1987, in an area for which the munic-
5 ipality does not have a system for granting easements or permits for
6 utility facilities and if the facility has been located in compliance
7 with codes, regulations, and statutes applicable at the time of its
8 installation.

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

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