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SB 871 TITLE & SPONSOR SUMMARY

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AMENDED TITLE:

AN ACT RELATING TO THE RELOCATION OF UTILITY FACILITIES  
INCIDENT TO THE CONSTRUCTION OF HIGHWAY PROJECTS  
BY A MUNICIPALITY

PRIME SPONSOR: SENATE STATE AFFAIRS COMMITTEE.

CO-SPONSORS:

CURRENT STATUS: 4/22/82 IN (H) C&RA

REFERRAL: TRANSPORTATION

SB 871 SENATE ACTION

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DATE	SEQ	PAGE	LEGISLATIVE ACTION
03/22/82	01	0640	FIRST READING -- COMMITTEE REPORTS
04/08/82	02	0938	C&RA -- DF04
04/14/82	03	0898	TRAN -- DF03, NR02
04/19/82	04	0956	MOVED FROM FIN TO RLS BY UNAN CONSENT
04/21/82	05	0905	RLS -- OTHER03 TAKEN UP IMMEDIATELY
04/21/82	06	0982	SECOND READING
04/21/82	07	0929	ADVANCED TO 3RD READING BY UNAN CONSENT
04/21/82	08	0988	THIRD READING
04/21/82	09	0988	POSTPONED UNTIL 04/22/82 BY UNAN CONSENT
04/22/82	10	1019	PASSED BY DIV 17-00-03
***	**	**	*** **

SB 871 HOUSE ACTION  
DATE SEQ PAGE

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DATE	SEQ	PAGE	LEGISLATIVE ACTION
04/22/82	11	1497	FIRST READING -- COMMITTEE REPORTS C&RA TRANSPORTATION RULES
***	**	**	*** **

§ 19.22.132

§ 19.25.010

§ 19.25.020

# Chapter 25. Protection and Use of State Highways and Roads.

## Article 1. Utilities in Highways.

*Section 19.25.010*  
Use of rights-of-way for utilities  
Relocation of utilities incident to highway projects

**§ 19.25.010. Use of rights-of-way for utilities.** A utility facility may be constructed, placed, or maintained across, along, over, under, or within a state right-of-way only in accordance with regulations prescribed by the department and if authorized by a written permit issued by the department. (§ 8 art VII title II ch 152 SLA 1957; am 13 ch 106 SLA 1977)

*Effect of amendments.* — The 1977 amendment rewrote this section.

**§ 19.25.020. Relocation of utilities incident to highway projects.** (a) If, incident to the construction of a highway project, the department determines and orders that a utility facility located across, along, over, under, or within a state right-of-way 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 department shall provide a reasonable time period for compliance.

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 for any amount for which the state may be liable to a contractor because of the encroachment.

The cost of change, relocation, or removal necessitated by highway construction is a cost of highway construction to be paid by the state in accordance with AS 19.05.130(4), notwithstanding the terms or provisions of any existing permit, agreement, regulation or statute to the contrary.

If requested by a municipality, the department shall implement AS 19.25.010 - 19.25.250 by requiring to the maximum extent possible the location underground of electric power transmission lines within the municipality. (§§ 2, 3 ch 57 SLA 1961; am § 4 ch 106 SLA 1977)

*Effect of amendments.* — The 1977 amendment rewrote this section.

Title 15  
Education

Title 14  
Education

Title 14  
Education

Title 14  
Education

Title 14  
Education

5/6/82 - (no Gussendorf)

SB 871 - Relocation of Utilities

Dave Hutchins - pro bill -

Omro question - time element - no effective date in bill = 90 days after gov signs - should there be a time frame here -

DH - Maybe should be phase in method attached to it.

Bylone - contracts let before effective date

~~DH~~ - No situations so specifically writing for this bill.

Clockin - Maybe require municipalities to pay for any changes "~~is~~ within its jurisdiction"

Bylone - no problem - Municipalities has no jurisdiction over "state hwy's"

C - Arch has plan for city to own & operate state hwy's.

- Bill to give local gov'ts option to take over maintenance not ownership

Derry Point - City Mgr. of Concord - Problem with transition part of this bill.