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# MEMORANDUM


# State of Alaska

TO R. D. Shumway, P.E.  
Deputy Commissioner  
Design & Construction  
DOT/PF

DATE: January 15, 1981

FILE NO: 242-2519

TELEPHONE NO: 364-2121 Ext. 111

FROM Charles S. Matlock   
Director, Highway  
Design & Construction  
DOT/PF

SUBJECT: Senate Bill No. 40  
Local Service Roads and  
Trails Act Revision

Senate Bill No. 40 coincides with the Attorney General's opinion 11/25/80 and agreed to by DOT/PF 11/28/80. (Copies attached.)

Please note minor changes in the wording which do not change the meaning.

Section 4 added. We concur.

Attachment



# MEMORANDUM

State of Alaska <sup>VED</sup>  
HIGHWAY DESIGN & CONSTRUCTION

TO: Jack McGee  
Assistant Attorney General  
Transportation Section  
Department of Law

DATE: November 28, 1980

FILE NO: 200H-251 DIRECTOR'S OFFICE

FROM: Jonathan W. Scribner <sup>11/25/80</sup>  
Assistant Deputy Commissioner  
Design & Construction  
Department of Transportation  
and Public Facilities

TELEPHONE NO:

SUBJECT: ISR&T  
Legislation

The draft Local Service Roads & Trails Legislation you sent to us for review on November 25, adequately addresses our needs.

Thank you for a job well done.

cc: R. D. Shumway  
Dennis Dooley, w/cc of McGee's memo & draft  
✓ Charles S. Matlock, w/cc of McGee's memo & draft

JWS/sh

# MEMORANDUM

# State of Alaska

TO: Jon Scribner *JS* 11/26/80  
Deputy Commissioner  
DOT/PF

DATE: November 25, 1980

FILE NO: J77-041-81

TELEPHONE NO: 465-3603

FROM: Jack McGee, Supervising Attorney *JSM*  
Assistant Attorney General  
Transportation Section  
Department of Law - Juneau

SUBJECT: Local Service Roads  
& Trails Legislation

Attached is a draft of the local service roads and trails legislation requested by DOT/PF. DOT/PF originally suggested five separate changes. The relationship between these suggested changes and the draft bill is as follows:

- a) DOT/PF's suggested section (1) is incorporated into section (1) of the draft bill;
- b) DOT/PF's suggested sections (2) and (3) are incorporated into section (2) of the draft bill; and
- c) DOT/PF's suggested section (4) is incorporated into section (3) of the draft bill.



There are some difficulties with DOT/PF's suggested section (5). The suggested section (5) would repeal AS 19.30.221(c). However, AS 19.30.221(c) merely states that the five year spending limitation set out in AS 19.30.221(b) is applicable to AS 19.30.151(b) funds, i.e., local service roads and trails funds transferred to a local government. (AS 19.30.221(b) puts a five year spending limitation on funds allocated for local service roads and trails.) Were AS 19.30.221(c) to be repealed, it would be unclear whether the five-year period applies only to allocated local service roads and trails funds and not to these funds after they have been transferred to a local government. Accordingly, it would not seem to be advisable to repeal AS 19.30.221(c).

A brief explanation of each of the three sections of the draft bill is as follows:

Section 1: This amendment requires local governments with road powers as well as those without road powers to use their own funds to pay for the acquisition of rights of way for local service roads and trails.

Prior to this amendment, only local governments with road powers were required to pay for rights of way out of their own funds. Right of way costs for local governments without road powers were to be charged to the local road project allocation.

Section 2: This statutory change requires local governments without road powers to enter into an agreement with DOT/PF for the construction of a specific local road project.

Prior to the change, it was unclear whether local governments without road powers could perform the project work themselves, or whether they were required to have DOT/PF do the work.

Section 3: This amendment permits a local government to request DOT/PF to discontinue maintenance of a project that was maintained by DOT/PF as of January 1, 1980.

Prior to this amendment, it was unclear whether a local government could take over maintenance of a road that was maintained by DOT/PF as of January 1, 1980.

If you have any questions or comments concerning this bill, please contact me. I would like to have the final draft form of the bill in Art Peterson's office by December 1.

JM/bt  
Attachment