

HB

160

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HC+RA	2-21-85	3:00 P.M.
	2-20-85	3:00 P.M.

Moen  
2/21/85

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE COMMUNITY AND REGIONAL  
AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 60 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to relocation of utilities incident  
7 to highway projects; and providing for an effective  
8 date."

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

10 \* Section 1. AS 19.25.020(c) is amended to read:

11 (c) The cost of change, relocation, or removal necessitated by  
12 highway construction is a cost of highway construction to be paid [BY  
13 THE STATE] in accordance with AS 19.45.001(4) as follows:

14 (1) by the department as a cost of highway construction,  
15 provided that the utility facility is properly installed in accordance  
16 with a permit, or in the absence of a permit, was installed before the  
17 effective date of this subsection in the proper location in accordance  
18 with department regulations;

19 (2) by the utility in all other cases [ , NOTWITHSTANDING THE  
20 TERMS OR PROVISIONS OF ANY EXISTING PERMIT, AGREEMENT, REGULATION OR  
21 STATUTE TO THE CONTRARY].

22 \* Sec. 2. This Act takes effect July 1, 1985.  
23  
24  
25  
26  
27  
28  
29



HB 160

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 1, 1985

The Honorable Ben Grussendorf  
Speaker of the House  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that clarifies who is responsible for the payment of relocation or removal costs when a utility facility is required to be changed, removed, or relocated as a result of highway construction. The bill addresses an ambiguity in AS 19.25.020(c) which presently leaves open the question of whether the state must pay for these costs even though a utility facility was not installed or authorized under the authority of a utility permit or, if a permit exists, even though the facility is not installed in the location provided for in the permit.

Some utility companies have expressed a concern over that part of paragraph (2) of sec. 1 of the bill which says that, for utility permits issued after July 1, 1960, the question of who is to pay for relocation costs is to be determined by the terms of the permit. These utility companies point out that utility permits issued between July 1, 1960 and July 1, 1977 require the utility to pick up these costs. (All permits issued after July 1, 1977 require the state to pay for relocation costs.) The utilities' concern is a legitimate one and, if this bill passes, DOT/PF is prepared to amend all those permits issued between July 1, 1960 and July 1, 1977 so that it is clear that the state will bear the costs of relocation. There is no need to amend these permits now because AS 19.25.020(c) presently requires the state to pay for these costs notwithstanding the terms of any existing permit. A draft copy of this proposed amendment is attached.

The bill also makes clear that the question of who pays for future relocation costs is to be a matter of negotiation between the state and the utility to be reflected in the language of the permit.

Section 1 amends AS 19.25.020(c) by creating four new paragraphs:

Paragraph (1) requires the state to pay for the costs of the change, removal, or relocation of any utility facility installed before July 1, 1960 regardless of whether the facility is authorized by a utility permit at the time the change, relocation, or removal of the facility is required. This is a matter of equity and fairness since there was no real uniform utility permit system in place before July 1, 1960.

Paragraph (2) requires either the state or the utility to pay for the costs of the change, removal, or relocation of the utility facility depending on the terms of the permit, provided the permit was issued after July 1, 1960. The effect of this paragraph is to make it clear that the question of who is to pay for relocation costs is a matter to be negotiated between the state and the utility. Presently, the state is required to pay for all relocation costs regardless of any agreement with the utility to the contrary.

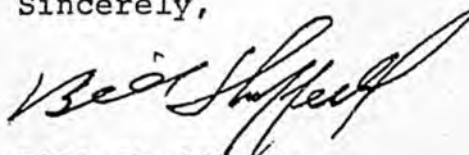
Paragraph (3) requires the utility to pay for relocation costs if their facility was installed after July 1, 1960 and is not under permit. Under existing law, it is ambiguous whether a utility has to pay relocation costs if it does not have a utility permit.

Paragraph (4) requires the utility to pay for relocation costs if their facility is not installed in the location provided for in a permit. Currently, it is unclear whether a utility must pay relocation costs even if its facility is not installed in the location set out in the utility permit.

Section 2 of the bill sets an effective date of July 1, 1985 for this bill.

I urge your favorable action on this measure so that the question of who pays for utility relocation costs under the various circumstances described in the bill is answered in clear statutory language.

Sincerely,



Bill Sheffield  
Governor

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: October 17, 1984

Page 1 of 3  
REQUEST  
 Bill/Resolution No.: HB 160 No 1  
 Title: Relocation Assistance  
 Amendment Act - AS Title 34  
 Sponsor: DOT&PF  
 Requestor: \_\_\_\_\_  
 Date of Request: October 10, 1984

FISCAL DETAIL Department of Transportation and  
 Agency Affected: Public Facilities  
 Program Category Affected: Right of Way and  
Land Acquisition  
 BRU, Program or Subprogram(s) Affected:  
Relocation Assistance

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT			SEE ATTACHED			
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>						
<b>CAPITAL</b>	-0-	83.5	83.5	83.5	83.5	83.5
<b>REVENUE</b>						

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-0-	83.5	83.5	83.5	83.5	83.5
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	83.5	83.5	83.5	83.5	83.5

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						
NO NEW POSITIONS REQUIRED						

ANALYSIS: Attach a separate page if necessary

Prepared By: Milton H. Lentz, Chief, Relocation Phone: 465-2985  
 Division: Standards & Technical Svs. Assistance Date: October 17, 1984  
 Headquarters  
 Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
 Agency: \_\_\_\_\_

Distribution (by Agency preparing fiscal note):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

7/1/84

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

ANALYSIS            HB 160    Page 2 of 3

	<u>FY 85</u>	<u>FY 86</u>	<u>FY 87</u>	<u>FY 88</u>	<u>FY 89</u>
100 - Personal Services	12.5	12.5	12.5	12.5	12.5
200 - Travel	5.0	5.0	5.0	5.0	5.0
300 - Contractual	2.0	2.0	2.0	2.0	2.0
400-500 - Commodities and Equipment	1.0	1.0	1.0	1.0	1.0
600 - Land and Structures (Relocation Assistance)	60.0	60.0	60.0	60.0	60.0
 TOTAL	 83.5	 83.5	 83.5	 83.5	 83.5

- 100 - Based on 450 person-hours x \$28.00/hr.
- 200 - Project-oriented travel for reconnaissance, studies, project development and performance.
- 300 - Contract service for various estimates, such as moving cost, inventories, etc.
- 400-500 - Material and equipment required to perform job, such as booklets, signs, etc.
- 600 - Estimated cost of relocation assistance (15 parcels/yr. @ \$4,000/parcel average).

Note: Based on past experience with state-funded projects, there have been about 10-20 parcels per year that would be affected by this program. There would be no appreciable difference in years except that a change in philosophy may increase or decrease state-funded projects.

<b>TITLE OF INCREMENT/DECREMENT:</b> Relocation Assistance Amendment Act - A.S. Title 34	<b>AGENCY CONTACT/PHONE NUMBER:</b> Milton H. Lentz 465-2985	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:5%;">CODE</th> <th style="width:75%;">EXPENDITURE BY OBJECT</th> <th style="width:10%;">AGENCY REQ.</th> <th style="width:10%;">COM'S REQ.</th> </tr> </thead> <tbody> <tr><td>100</td><td>Personal Services</td><td>12.5</td><td></td></tr> <tr><td>200</td><td>Travel</td><td>5.0</td><td></td></tr> <tr><td>300</td><td>Contractual Services</td><td>2.0</td><td></td></tr> <tr><td>400</td><td>Supplies</td><td>0.5</td><td></td></tr> <tr><td>500</td><td>Equipment</td><td>0.5</td><td></td></tr> <tr><td>600</td><td>Lands, Buildings, Etc.</td><td>60.0</td><td></td></tr> <tr><td>700</td><td>Grants, Claims, Etc.</td><td></td><td></td></tr> <tr><td>800</td><td>Miscellaneous</td><td></td><td></td></tr> <tr><td colspan="2" style="text-align: right;"><b>TOTAL</b></td><td><b>83.5</b></td><td></td></tr> <tr><td colspan="4" style="text-align: center;">I-A Receipts for (NON-ADD)</td></tr> <tr><td>1002</td><td>Federal Receipts</td><td></td><td></td></tr> <tr><td>1003</td><td>General Fund Match</td><td></td><td></td></tr> <tr><td>1004</td><td>General Fund</td><td></td><td></td></tr> <tr><td>1005</td><td>I-A Receipts</td><td></td><td></td></tr> <tr><td>1028</td><td>Program Receipts</td><td></td><td></td></tr> <tr><td>1061</td><td>Other CIP receipts</td><td>83.5</td><td></td></tr> <tr><td colspan="2" rowspan="4" style="vertical-align: middle;">POSITION INFORMATION</td><td>PFT</td><td></td></tr> <tr><td>PPT</td><td></td></tr> <tr><td>Non Permanent</td><td></td></tr> <tr><td>Staff Months</td><td></td></tr> </tbody> </table>	CODE	EXPENDITURE BY OBJECT	AGENCY REQ.	COM'S REQ.	100	Personal Services	12.5		200	Travel	5.0		300	Contractual Services	2.0		400	Supplies	0.5		500	Equipment	0.5		600	Lands, Buildings, Etc.	60.0		700	Grants, Claims, Etc.			800	Miscellaneous			<b>TOTAL</b>		<b>83.5</b>		I-A Receipts for (NON-ADD)				1002	Federal Receipts			1003	General Fund Match			1004	General Fund			1005	I-A Receipts			1028	Program Receipts			1061	Other CIP receipts	83.5		POSITION INFORMATION		PFT		PPT		Non Permanent		Staff Months	
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<b>DESCRIBE WHY THIS INCREMENT/DECREMENT IS NEEDED AND WHAT IT PURCHASES:</b>  Alaska Statute Title 34, Chapter 60, allows and requires this Department to administer a program which gives relocation assistance and makes payments to people and businesses that must move as a result of construction of capital improvements. The payments are in addition to the fair market value of property taken. They are confined to federally assisted activities in the existing law.  This proposed legislation would expand the statute to include state-funded programs. All state activities would then be subject to the same relocation assistance whether they were funded with or without federal-aid, thus providing uniformity and equality throughout the state program. The need for this consistency is readily apparent when a state project and federal-aid project are located in the same area at the same time.		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:70%; vertical-align: top;"> <input type="checkbox"/> Enhance Existing Service Compared to FY 85  <input checked="" type="checkbox"/> New Service Compared to FY 85  <input type="checkbox"/> Continuation of FY 85 Service Level         </td> <td style="width:30%; vertical-align: top;"> <input type="checkbox"/> Formula Program         </td> </tr> </table>	<input type="checkbox"/> Enhance Existing Service Compared to FY 85 <input checked="" type="checkbox"/> New Service Compared to FY 85 <input type="checkbox"/> Continuation of FY 85 Service Level	<input type="checkbox"/> Formula Program																																																																												
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<b>IMPACT FROM CAPITAL PROJECT (NAME)</b> <hr/> Chapter _____ SLA _____ Page/Line _____																																																																																

<b>C5</b> INCREMENT/DECREMENT REQUEST  Agency Priority _____ of _____	AGENCY Department of Transportation & Public Facilities	HB 160	FY 85
	PROGRAM _____		
	BRU _____		
	COMPONENT _____		
	PROJECT _____		

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Page 1 of 2

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: HB 160, No 2

Title: Utility Relocation/  
Highway Encroachments

Sponsor: \_\_\_\_\_

Requestor: DOT&PF

Date of Request: October 22, 1984

**FISCAL DETAIL**

Agency Affected: DOT&PF  
Program Category Affected: Utilities

BRU, Program or Subprogram(s) Affected: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>REVENUE</b>						
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-0-	(250.0)*	(250.0)*			
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** Attach a separate page if necessary

SEE ATTACHMENTS

\* STATE FUNDS ONLY

Federal funding agencies will not participate in relocation costs when a utility is not under permit or properly installed.

Prepared By: Bruce R. Freitag/Roger Allington

Division: Standards & Technical Services

Phone: 465-2957

Date: 10-22-84

Approved by Commissioner: [Signature]

Agency: Transportation & Public Facilities

Date: 11-15-84

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

Relocation of Utilities Incident To Highway Projects

The need for this legislation is to revise statute authority such that Department reimbursement for utility relocation work incident to highway construction would only be allowed if the utility facility was properly permitted by the Department within State highway rights-of-way. The Department's permit also provides assurance that the utility facility is properly located and installed in accordance with established codes (ie electrical, safety, etc). Presently the law allows for utility relocation reimbursement even if the utility facility is not under permit or within code requirements.

A M E N D M E N T

Offered in the Community &  
Regional Affairs Committee

By: Gruenberg  
House Bill No. 159

1. Change Title as follows:

"An Act relating to the use of State Airports, Public Facilities and Highways for Utility Encroachment, and other purposes, and providing for an effective date."

2. AS 02.15.090 is amended by adding a new subsection as follows:

(c) In its proprietary capacity acting as agent for the state with respect to any airport facility, the department or any municipality acting in a similar capacity may calculate and grant a credit against fees charged under this section to any air carrier charging passenger tariffs between that airport facility and other destinations which cost no more per mile than the average per mile passenger tariff charged by all regularly scheduled air carriers between the ten most frequently traveled domestic air routes in the contiguous continental United States.

3. Renumber all succeeding sections.

**Sec. 02.15.090. Operation and use privileges.** (a) State operation. In operating an airport or air navigation facility owned or controlled by the state, the department may enter into contracts, leases and other arrangements covering periods not exceeding 55 years with a person or municipality or the United States, granting the privilege of using or improving an airport or air navigation facility or a portion of it or space in it for commercial or governmental purposes; or conferring the privilege of supplying goods, commodities, services or facilities at an airport or air navigation facility. The department may establish the terms and conditions and fix the charges, rentals, and fees for the privileges or services, which are reasonable and uniform for the same class of privilege or service. These terms, conditions, charges, rentals and fees shall be established with due regard to the property and improvements used and the expense of operation to the state. In no case shall the public be deprived of its rightful, equal and uniform use of the airport, air navigation facility, or portion thereof.

(b) Other operation. The department may by contract or other arrangement, upon a consideration fixed by it, grant to any qualified municipality or person for a reasonable period of time the privilege of operating, as agent of the state or otherwise, any airport owned or controlled by the state. No municipality or person granted that privilege may operate the airport other than as a public airport or enter into any contract, lease or other arrangement in connection with the operation which the department may not have undertaken under (a) of this section. (§ 5 E ch 123 SLA 1949; added by § 1 ch 117 SLA 1959)

add new  
sec. (5)

→ **Sec. 02.15.095. Ground transportation: "Courtesy cars."** Notwithstanding the provisions of AS 02.15.090(a), the department may not exclude from the streets, roads, highways, parking facilities or other portions of a state-operated airport designated for operation or parking of ground transportation vehicles, nor may the department prohibit from picking up and discharging passengers, those motor vehicles commonly known as "courtesy cars" owned or operated by hotels, motels or other similar places of public accommodation for the transportation of their guests to and from the airport at the request of the guest and for which service no charge is made to the guest. (§ 1 ch 9 SLA 1974)

**Sec. 02.15.100. Liens.** The department may enforce the payment of any charges for repairs, improvements, storage, or care of personal property made or furnished by the department or its agents, in connection with the operation of an airport or air navigation facility owned or operated by the state. The state has those lien rights generally allowed by law to secure payment for those services. (§ 5 E ch 123 SLA 1949; added by § 1 ch 117 SLA 1959)

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 19, 1985

SUBJECT: Alaska's Airline Industry  
(Work Order No. 14-0620)

TO: Representative Gruenberg  
Chairman,  
Health, Education, & Social Services Committee

FROM: Michael F. Ford *M.F.*  
Legislative Counsel

You have requested that I examine Alaska's airline industry to determine if there is any method by which the state could affect the prices being charged for travel between Alaska and the other States. The price of air travel is generally recognized as being higher per air mile between Alaska and points south, than between equivalent distances in the continental U.S..

Under the Airline Deregulation Act of 1978 (P.L. 95-504), the restrictions on raising or lowering fares for domestic travel were minimized. Other than a thirty day notice requirement, the airlines have been able to set fares as they wish. In some markets this has resulted in lower fares as competition has grown, in some markets such as Alaska, the deregulation has not appreciably lowered prices. The power of the state to affect interstate travel is limited by the doctrine of federal preemption. In essence the federal government's authority over this area preempts any efforts by the state to regulate or affect the prices charged by carriers for interstate travel.

This does not mean that the state cannot act at all, simply that it must act without intruding upon that area controlled by federal law. The Airline Deregulation Act (P.L. 95-504) addressed this question in section 4(a) and provided that no state could enact any law, regulation, or other provision having the force or effect of law relating to rates, routes, or services of any interstate air carrier. This prohibition

contains an exception however, as regards a State's proprietary powers and rights as the owner or operator of an airport. As an owner, the state exercises proprietary rights in charging the air carriers fees for landing, parking, terminal space and fuel. The two places in which Alaska exercises such rights are Anchorage and Fairbanks, through the Department of Transportation and Public Facilities. It is possible that the state could use it's proprietary powers to advance a consumer interest, such as lower airfares. Assuming that the state is legitimately charging for the use of it's facilities through the use of landing, parking, space and fuel fees, the state could give a credit against those charges to those air carriers who maintain a particular airfare. This would be intended to encourage lower airfares for customers, at no cost to the air carrier. To be a permissible law, it is important that the credit be a function of the State's proprietary powers, and not an effort to require air carriers to set specific airfares. Although an air carrier could still argue that the state is attempting to regulate air fares, and hence is violating federal law, this approach would appear to have a good chance of surviving a court challenge. Assuming that the credit would be entirely optional with the air carrier, it would seem difficult to argue that the state is imposing a burden on interstate commerce, or violating federal preemption of the control of airfares.

It is also possible that a close examination of the charges made for the use of Alaska's airports would reveal an additional tax or fee could legitimately be charged that is not being collected at present. If so, the state would not be losing any revenues currently going into the general fund. The amount of revenue that could be collected is governed by federal law, 49 U.S.C. 1513.

I have contacted the state D.O.T.P.F. and requested further information on the calculation of the particular fees being collected for the use of airport facilities. I have also spoken to the federal D.O.T. concerning calculation of airline tariffs. I will also be receiving information on the methodology of determining costs per airline mile. Assuming that a credit system is implemented, it will be necessary to develop a method for comparing costs between particular air routes.

All of the above also assumes that the state is willing to forego revenue from airport fees in order to promote

Representative Gruenberg  
February 19, 1985  
page 3

consumer interests in lower airfares. I have also placed a research request with the National Conference of State Legislatures. If they have any pertinent information they will forward it to me.

Providing a credit for state airport fees might also have the effect of attracting additional air carriers into the market, with resulting increased competition and lower fares. The amount of the credit would need to be determined before any accurate effect on the market could be predicted.

The complexity of this project would seem to dictate that it will require considerable time to prepare legislation. The concept of a credit for airport charges based on existing airline tariffs has not to my knowledge been implemented in any other state. Please let me know if you wish to proceed with this idea, or if I can be of further assistance.

MFF:lmb  
L4/051

TITLE 17.  
TRANSPORTATION AND PUBLIC FACILITIES

Chapter

- 5. Administration (17 AAC 05.010-17 AAC 05.020)
- 10. Engineering: Encroachments, Driveways, and Road Approaches (17 AAC 10.010-17 AAC 10.050)
- 15. Utility and Railroad Permits  
(17 AAC 15.010-17 AAC 15.901)
- 20. Maintenance (17 AAC 20.010-17 AAC 20.040)
- 25. Operations, Wheeled Vehicles  
(17 AAC 25.010-17 AAC 25.110)
- 30. North Road Operations  
(17 AAC 30.010-17 AAC 30.070)
- 40. Aviation (17 AAC 40.010-17 AAC 40.550)
- 50. Buildings (17 AAC 50.010)
- 70. Marine Transportation  
(17 AAC 70.010-17 AAC 70.230)
- 80. Water and Harbors  
(17 AAC 80.010-17 AAC 80.110)

Editor's Note: To avoid undue printing expenses, individual page headings in this title will be changed from "HIGHWAYS" to "TRANSPORTATION AND PUBLIC FACILITIES" only when regulations in Title 17 are amended.

TITLE 17.  
TRANSPORTATION  
AND PUBLIC FACILITIES

## Chapter

- 5. Administration  
(17 AAC 05.010-17 AAC 05.020)
- 10. Engineering: Encroachments,  
Driveways, and Road Approaches  
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- 50. Buildings (17 AAC 50.010)
- 70. Marine Transportation  
(17 AAC 70.010-17 AAC 70.230)
- 80. Water and Harbors  
(17 AAC 80.010-17 AAC 80.110)

CHAPTER 05.  
ADMINISTRATION

## Section

- 10. Alaska Highway System
- 20. Commissioner's deed

17 AAC 05.010. ALASKA HIGHWAY SYSTEM. (a) A highway system consisting of such facilities as the commissioner may designate shall be known as the "Alaska Highway System."

(b) The Alaska Highway System shall be compiled in a list and published for public information in a suitable manner and shall contain the following:

- (1) the name common to or designated for the facility;
- (2) its numerical designation, if any;
- (3) its beginning and terminal points; and
- (4) its general route by denoting principal settlements and landmarks along its course.

(c) Maps and other identifying documents may be inspected at district and headquarter offices located at Anchorage, Fairbanks, Juneau, Nome and Valdez.

(d) The Alaska Highway System shall become official upon a declaration of adoption by the commissioner, and no revision, addition, or deletion to it may become effective without a similar declaration, except by law; official maps of the system shall be made available at cost.

(e) The provisions of this section relating to the adoption of the Alaska Highway System do not apply to minor adjustments, revisions, or relocations to it so long as the general location, route, and termini remain substantially unchanged and the class of the highway is not altered.

(f) The Alaska Highway System may include both present and future routes, provided that the latter are suitably distinguished from the former upon all maps, and in all recommendations and declarations. (Eff. 6/25/69, Reg. 30; am 9/3/72, Reg. 43)

Authority: AS 19.05.020  
AS 19.10.020

17 AAC 05.020. COMMISSIONER'S DEED. Whenever any real property, or interest therein, shall have been acquired by or transferred to the state through inadvertence or mistake in connection with highway purposes, the department shall prepare and submit a deed signed by the commissioner reconveying the right, title, or interest acquired. However, the reconveyance may not be executed until the state has been repaid the consideration, if any, for the acquisition or transfer. (Eff. 6/19/69, Reg. 30; am 9/3/72, Reg. 43)

Authority: AS 19.05.020  
AS 19.05.040

CHAPTER 10.  
ENGINEERING: ENROACHMENTS,  
DRIVEWAYS, AND ROAD APPROACHES

## Section

- 10. Encroachments
- 20. Driveways and road approaches
- 30. Driveway and road approach permits and utilities
- 40. Facility service roads and trails
- 50. Definitions

17 AAC 10.010. ENCROACHMENTS. Encroachments may be installed or permitted within highway lands, or rights-of-way, under certain conditions, when they have been the subject of a previously secured written authorization issued by the department and, in respect to all highways acquired or constructed in whole, or in part, with federal-aid funds, in accordance with the federal regulations governing the future use and occupation of such highways. (Eff. 6/25/69, Reg. 30)

Authority: AS 19.05.020

17 AAC 10.020. DRIVEWAYS AND ROAD APPROACHES. (a) All driveways or road approaches constructed under permit within any highway lands or rights-of-way shall be the property of the state, but all cost and liability in their connection or in connection with their maintenance shall be at the sole expense of those lands served.

(b) Such facilities shall be constructed and maintained in such a manner that the highway, and all its appurtenances or facilities including, but not limited to, all drainage facilities, pipes, culverts, and ditches, and their safety shall not be impaired or endangered in any way by the construction or maintenance; the permits shall contain express conditions which provide for the enforcement of (a) and (b) of this section.

(c) The permit forms, except the utility permits described in 17 AAC 15, shall contain a clause which provides that the permittee shall adjust or relocate such encroachments without cost or liability to the state if, at any time, or from time to time, the use or safety of the highway within which such encroachment exists requires that the encroachment be adjusted or relocated, and that the permittee shall save and keep harmless the

state, its officers, agents, employees, and contractors in any matters pertaining to the encroachment, and that the permittee shall assume all liability or cost in connection with the encroachment.

(d) Permits may be issued for driveways on any highway not converted to, or originally established as, a controlled access facility, if, in the opinion of the department, the driveways are proposed to be located in a manner which is compatible with the public safety and which will not interfere with the use of the highway; provided, however, that if the highway was financed in whole, or in part, with federal-aid funds, a stipulation in the permit shall provide that the driveway is a portion of the public facility; and further provide, that the permittee or his successors and assigns shall assume all cost and liability occasioned by either the construction or maintenance of the driveway.

(e) If a driveway constitutes the replacement of an existing means of access to privately owned lands, the department, at the time of the construction or reconstruction of the highway, shall cause such driveways to be constructed in a manner and location consistent with the engineering standards proper to the highway, in preference to replacing the existing means of access in kind, and any major improvement in the property thus effected shall be considered to be a special benefit to be offset against any severance damages to the land. Upon the completion of the construction of the highway, the owner of said lands shall be issued a standard encroachment permit containing the provisions described in (d) of this section.

(f) If no means of access, as described in (e) of this section, exist to serve any such private parcel of land, and provided that the owner is resident thereon, or has made improvements to the land, the department shall designate and construct such a driveway at a location which best serves the land, or at a location selected and designated by the owner of the land, to the extent that such driveway locations are consistent with good engineering practice and economy, the standards pertaining to such highway, and the full use and safety of such highway. Upon the completion of the construction of the highway, the owner of the

land shall be issued a standard encroachment permit which contains the provisions described in 17 AAC 10.010. The entire amount by which the driveway enhances the value of the land is a special benefit to be offset against any severance damages to the land.

(g) The burden and cost of maintaining a driveway within a highway right-of-way shall be upon the lands served by said driveway, and shall be maintained to conform to standards set forth by the department.

(h) In the event that a critical situation arises in connection with a driveway within a highway right-of-way, the state may correct said situation with state personnel or equipment, or both, in which the event the cost thereof shall become a charge against the lands served by said driveway. (Eff. 6/25/69, Reg. 30)

Authority: AS 19 05.020

Historical Note: 1. Source of (a)-(f) is former 14 AAC 2.361-.366. 2. Source of (g) and (h) is former 14 AAC 2.390(g) and (k).

**17 AAC 10.030. DRIVEWAY AND ROAD APPROACH PERMITS AND UTILITIES.** The finished grade of a proposed driveway or road approach may not be less than the minimum vertical clearance requirements of 17 AAC 15.201 or the minimum depth-of-bury requirements of 17 AAC 15.211. The department will, in its discretion, grant a permit to an applicant who arranges with the owners of the affected utility facilities to adjust the facilities, at no cost to the department, to conform to the requirements of 17 AAC 15. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.121  
AS 19.05.040 AS 19.40.065  
AS 19.30.051

**17 AAC 10.040. FACILITY SERVICE ROADS AND TRAILS.** Ingress or egress to highway rights-of-way for a service road or trail is subject to the provisions of 17 AAC 10.020 and the 1975 edition of the department's publication entitled "Driveway Regulations." (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.121  
AS 19.05.040 AS 19.40.065  
AS 19.30.051

**17 AAC 10.050. DEFINITIONS.** In this chapter

(1) "driveway" and "road approach" mean that area of the right-of-way between the edge of the pavement or the edge of the traveled way and that part of the adjacent property line which is not encumbered by the right-of-way and which is used for the movement of traffic between the highway and the adjacent property;

(2) "service road or trail" means a road or trail that parallels a communication facility, electrical facility, pipeline, railroad, or other utility facility and is used to patrol and maintain the facility. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.121  
AS 19.05.040 AS 19.40.065  
AS 19.30.051

CHAPTER 15.  
UTILITY AND RAILROAD PERMITS

Article

1. Utility Permits  
(17 AAC 15.010 – 17 AAC 15.111)
2. Utility Standards and Requirements  
(17 AAC 15.120 – 17 AAC 15.301)
3. Utility Relocation and Installation  
(17 AAC 15.310 – 17 AAC 15.461)
4. Railroads  
(17 AAC 15.471–17 AAC 15.551)
5. General Provisions (17 AAC 15. 901)

ARTICLE 1.  
UTILITY PERMITS

Section

10. (Repealed)
11. Utility permits
20. (Repealed)
21. Application for utility permit
30. (Repealed)
31. Application for utility permit on section-line rights-of-way
40. (Repealed)
41. Permit fees, charges and rentals
50. (Repealed)
51. Bond
60. (Repealed)
61. Indemnification
70. (Repealed)
71. Assignment and transfer of utility permit
80. (Repealed)
81. Joint-use facilities
90. (Repealed)
91. Revocation of utility permit
100. (Repealed)
101. Permits for utility service connections
110. (Repealed)
111. Utility facilities installed without permit

17 AAC 15.010. APPLICATION FOR UTILITY PERMIT. Repealed 5/23/82.

17 AAC 15.011. UTILITY PERMITS.  
(a) Upon written application, the department will, in its discretion, issue a permit authorizing the applicant to construct or install utility facilities within a department right-of-way. Permits for railroad facilities will be issued under 17 AAC 15.471 – 17 AAC 15.551.

(b) A utility permit will authorize the activities reasonably required for the construction, maintenance, or operation of the utility facility described in an approved permit application.

(c) The department will, in its discretion, attach to the utility permit special provisions it considers necessary to protect the public interest.

(d) Utility permits expire if construction or installation of the facility has not started within one year after the date of approval, unless the applicant obtains an extension of time in writing from the department.

(e) This chapter applies only to those utility facilities that require utility permits. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020	AS 19.30.051
AS 19.05.040	AS 19.30.121
AS 19.25.010	AS 19.40.065
AS 19.25.200	AS 44.42.030

17 AAC 15.020. UTILITY PERMIT. Repealed 5/23/82.

17 AAC 15.021. APPLICATION FOR UTILITY PERMIT. (a) Application for issuance of a utility permit must be made on a form prescribed by the department.

(b) The application must describe in detail the type of facility and its proposed location within the department right-of-way or other location. The application must include plans, specifications, and other pertinent data. A diagram or drawing showing the location of all known overhead, surface, and underground facilities existing in the vicinity of the proposed facility must also be included with the application.

(c) If a utility facility covered by an existing permit is to be reconstructed or modified substantially, the permittee shall apply for a new permit. If the proposed modifications are not substantial, the permittee need only apply for an amended permit. In either case the application must comply with (b) of this section.

(d) The applicant shall notify all known utilities in the immediate vicinity of the proposed installation.

(e) Permit applications for pipeline installations must describe the nature of the substance to be transmitted; the maximum working, test, and design pressures; and the design standards for the pipe. When it is anticipated that there will be a change in the nature of the substance that is transmitted, or an increase in maximum design pressure from that specified in the permit, the permittee shall obtain, in advance, written department approval for the change.

(f) If a utility proposes to locate a facility within a department highway right-of-way within a national forest, national park, military reservation, or other land of the federal government, the utility shall obtain written approval from the appropriate controlling federal agency.

(g) If a utility proposes to locate a facility within a department right-of-way that crosses navigable water, the utility shall obtain written approval from the U.S. Army Corps of Engineers or the U.S. Coast Guard.

(h) If a utility proposes to locate a facility within a department right-of-way which passes through restricted Native allotment land, the utility shall obtain written approval from the Bureau of Indian Affairs.

(i) If a utility proposes to locate a facility within a department right-of-way which passes through Bureau of Land Management land, the utility shall obtain written approval from the Bureau of Land Management.

(j) If a utility proposes to locate a facility within a department right-of-way that crosses a river, lake, or stream specified in the List of Waters Important to Anadromous Fish in 5 AAC 95, the utility shall obtain written approval from the Alaska Department of Fish and Game.

(k) If a utility proposes to locate an overhead facility within a department right-of-way located within two statute miles of any airport, airstrip, or private air facility, the utility shall obtain written approval from the Federal Aviation Administration or, if the airport or airstrip is under military control, from the appropriate military command.

(l) Applications not approved by the department will be returned to the applicant accom-

panied by a letter of explanation. (Eff. 5/23/82, Reg. 82)

Authority: AS 02.15.020	AS 19.25.200
AS 19.05.020	AS 19.30.051
AS 19.05.040	AS 19.30.121
AS 19.20.090	AS 19.40.065
AS 19.25.010	AS 44.42.030

17 AAC 15.030 BOND. Repealed 5/23/82.

17 AAC 15.031. APPLICATION FOR UTILITY PERMIT ON SECTION-LINE RIGHT-OF-WAY. (a) Utility permits are required only for section-line rights-of-way presently used or proposed for use by the department. A person seeking to install a utility facility within a section-line right-of-way shall check with the department to determine whether the department presently uses or proposes to use the affected portion of the section-line right-of-way.

(b) Before issuing a permit for the installation of a utility facility within a section-line right-of-way, the department must be satisfied that a section-line right-of-way exists at the location where the facility is proposed to be installed by the permit applicant. The permit applicant shall furnish proof of the existence of the section-line right-of-way.

(c) An applicant that is granted a permit for the installation of a utility facility within a department section-line right-of-way shall coordinate the installation of the facility with any proposed department project using the section-line right-of-way.

(d) The permittee shall provide one copy of each permit for the installation of any utility facility within a department-controlled section-line right-of-way to the Department of Natural Resources.

(e) The department will immediately submit written notice to the Department of Natural Resources if a section-line permit application is denied. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020	AS 19.30.051
AS 19.05.040	AS 19.30.121
AS 19.25.010	AS 19.40.065
AS 19.25.200	

17 AAC 15.040. INSPECTION OF WORK AUTHORIZED BY UTILITY PERMIT. Repealed 5/23/82.

17 AAC 15.041. PERMIT FEES, CHARGES AND RENTALS. (a) The department will, in its discretion, establish a nonrefundable filing fee for each permit application.

(b) The department will, in its discretion, require a permittee to reimburse the department for the actual cost of inspection if the special provisions of the utility permit require an inspection.

(c) The department will, in its discretion, establish a schedule of annual rental fees for attachment of utility facilities to department-owned or -controlled structures. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051  
AS 19.05.040 AS 19.30.121  
AS 19.25.200 AS 19.40.065

17 AAC 15.050. FACILITY MAINTENANCE. Repealed 5/23/82.

17 AAC 15.051. BOND. The department will, in its discretion, require a bond or assurance to pay for damage to or repair of a highway or other state facility which may result from a permittee's construction along, in, over, or under a department right-of-way. The department will determine the amount and duration of the bond or assurance. The bond form must comply with requirements of the department. The department will, in its discretion, require the permittee's contractor to furnish an indemnification bond secured by cash or other security when it is determined to be in the public interest. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051  
AS 19.05.040 AS 19.30.121  
AS 19.25.010 AS 19.40.065

17 AAC 15.060. SAFETY AND PROTECTION. Repealed 5/23/82.

17 AAC 15.061. INDEMNIFICATION. The permittee shall indemnify and hold harmless the state from all liability for damage to property and injury or death of persons arising wholly or in part from any action taken by a permittee in relation to the permittee's facilities on depart-

ment rights-of-way or other permitted locations. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051  
AS 19.05.040 AS 19.30.121  
AS 19.25.010 AS 19.40.065

17 AAC 15.070. HIGHWAY POLICY FOR ACCOMMODATION OF UTILITIES. Repealed 5/23/82.

17 AAC 15.071. ASSIGNMENT AND TRANSFER OF UTILITY PERMIT. (a) A permittee may not assign or transfer any rights granted by the utility permit to another individual or other entity without prior written approval from the department.

(b) When a permittee sells out to another utility, or combines or merges with another utility, or otherwise changes identity, the new utility shall inform the department in writing within 30 days after the date of the transaction, and shall furnish the department with the names and addresses of the new officials responsible for the permittee's facilities. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051  
AS 19.05.040 AS 19.30.121  
AS 19.25.010 AS 19.40.065  
AS 19.25.200

17 AAC 15.080. BRIDGES. Repealed 5/23/82.

17 AAC 15.081. JOINT-USE FACILITIES. (a) The department will, in its discretion, require two or more utilities desiring to locate facilities on a department right-of-way to jointly use a single facility.

(b) Utilities jointly using utility facilities must enter into a formal agreement concerning the joint use. A copy of this agreement must be furnished to the department. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051  
AS 19.05.040 AS 19.30.121  
AS 19.25.010 AS 19.40.065  
AS 19.25.200 AS 42.05.311

17 AAC 15.090. JOINT USE. Repealed 5/23/82.

**17 AAC 15.091. REVOCATION OF UTILITY PERMIT.** (a) A utility permit may be revoked if

(1) the facilities were not constructed or installed in accordance with the terms of the utility permit;

(2) the facilities do not conform to the applicable federal, state, and local standards and requirements;

(3) the permittee fails to adequately maintain the facility after having been notified to do so in writing by the department;

(4) the permittee fails to provide safe and adequate detours, barricades, signs, flagmen, or other controls to protect the public as provided in 17 AAC 15.241;

(5) the permittee fails, after written notice from the department, to take corrective measures to comply with the department's instructions or requests;

(6) it is in the mutual interest of the department and the utility as provided in 17 AAC 15.451.

(b) The construction operations of a permittee or his contractor will, in the department's discretion, be suspended by the department for any of the conditions listed in (a) of this section until the conditions are corrected. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020	AS 19.25.220
AS 19.05.040	AS 19.30.051
AS 19.10.240	AS 19.30.121
AS 19.25.010	AS 19.40.065
AS 19.25.200	

**17 AAC 15.100. MULTIPLE FACILITIES.** Repealed 5/23/82.

**17 AAC 15.101. PERMITS FOR UTILITY SERVICE CONNECTIONS.** (a) The department will, in its discretion, require an amendment to an existing utility permit or new permit for all utility service connections.

(b) The department will, in its discretion, allow a permittee to install additional service connections across or within a department right-of-way where a longitudinal underground,

surface, or overhead distribution or feeder line has been installed under a utility permit. The utility permit will be amended by the department to include the additional service connections.

(c) New permits are required for underground utility service connections which cross a department right-of-way and which originate from distribution lines located outside the right-of-way. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020	AS 19.30.051
AS 19.05.040	AS 19.30.121
AS 19.25.010	AS 19.40.065
AS 19.25.200	

**17 AAC 15.110. DRIVEWAYS AND ROAD APPROACHES UTILITY CONFLICTS.** Repealed 5/23/82.

**17 AAC 15.111. UTILITY FACILITIES INSTALLED WITHOUT PERMIT.** (a) Except for facilities installed before July 1, 1960, or installed under 17 AAC 15.031, any utility facility installation located within a department right-of-way without a utility permit is an unauthorized encroachment.

(b) The owner of a utility facility within a department right-of-way and which is an unauthorized encroachment shall submit an application for a utility permit to the department.

(c) The department will issue a utility permit for encroaching utility facilities meeting the requirements of this chapter.

(d) The owner of an encroaching utility facility shall relocate the facility in order to comply with the minimum requirements of this chapter. Any relocation will be at the owner's expense. If the owner does not take appropriate action within a reasonable time, the unauthorized encroachment is subject to removal under AS 19.25.220 - 19.25.250. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020	AS 19.30.051
AS 19.05.040	AS 19.30.121
AS 19.25.010	AS 19.40.065
AS 19.25.210	

**ARTICLE 2.  
UTILITY STANDARDS AND  
REQUIREMENTS**

**Section**

- 120. (Repealed)
- 130. (Repealed)
- 131. Utility accommodation on controlled-access highways
- 140. (Repealed)
- 141. Utility accommodation on existing highways to be converted to controlled access
- 150. (Repealed)
- 151. Overhead crossings on controlled-access highways
- 160. (Repealed)
- 161. Underground crossings on controlled-access highways
- 170. (Repealed)
- 171. Utility accommodation on urban highways and streets
- 180. (Repealed)
- 181. Utility accommodation on rural highways and roads
- 190. (Repealed)
- 191. Utility accommodation in scenic areas
- 200. (Repealed)
- 201. Overhead clearances
- 210. (Repealed)
- 211. Underground facilities
- 220. (Repealed)
- 221. Irrigation and drainage facilities
- 230. (Repealed)
- 231. Highway structures
- 240. (Repealed)
- 241. Safety precautions to be taken by permittee
- 250. (Repealed)
- 251. Installation and inspection
- 260. (Repealed)
- 261. Errors in facility placement
- 270. (Repealed)
- 271. Right-of-way clearing and restoration
- 280. (Repealed)
- 281. Routine maintenance
- 290. (Repealed)
- 291. Emergency maintenance
- 300. (Repealed)
- 301. Utility codes and standards

17 AAC 15.120. UNDERGROUND FACILITIES. Repealed 5/23/82.

17 AAC 15.130. UTILITY STANDARDS OF THE DEPARTMENT OF HIGHWAYS. Repealed 5/23/82.

17 AAC 15.131. UTILITY ACCOMMODATION ON CONTROLLED-ACCESS HIGHWAYS. (a) No utility facility may be installed longitudinally within the controlled-access limits of a highway unless the utility demonstrates to the satisfaction of the department that there is no feasible alternative, and that the proposed utility facility will not adversely affect the design, construction, maintenance, safety, or operation of the highway.

(b) Access for maintenance of a utility facility located within controlled-access limits of a highway or from the entrance or exit ramp of a highway is prohibited.

(c) A facility located within the controlled-access limits of a highway as of the effective date of this section must be relocated or other provisions made so that it can be maintained without using access from the highway or from entrance or exit ramps of the highway. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020	AS 19.25.200
AS 19.05.040	AS 19.30.051
AS 19.20.030	AS 19.30.121
AS 19.20.070	AS 19.40.065
AS 19.25.010	

17 AAC 15.140. CODES OF GOVERNMENTAL AND STATE AGENCIES. Repealed 5/23/82.

17 AAC 15.141. UTILITY ACCOMMODATION ON EXISTING HIGHWAYS TO BE CONVERTED TO CONTROLLED ACCESS. (a) A facility located within the right-of-way limits of an existing highway which will be or has been converted to a controlled-access highway will, in the department's discretion, be permitted to remain in its existing location if the facility can be maintained without using access from the highway or its entrance or exit ramps.

(b) The department will relocate any existing facility that can be maintained only from the proposed controlled access of a highway or its entrance or exit ramps or make other provisions to maintain the facility without requiring access from the highway or its entrance or exit ramps.

The department will pay the cost of the relocation or other provisions.

(c) No utility facility installation is permitted within the controlled-access limits, except as provided in 17 AAC 15.131 (a) and (b). (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.25.200  
 AS 19.05.040 AS 19.30.051  
 AS 19.20.030 AS 19.30.121  
 AS 19.20.070 AS 19.40.065  
 AS 19.25.010

17 AAC 15.150. CLEARING FOR UTILITIES IN HIGHWAY RIGHT-OF-WAY. Repealed 5/23/82.

17 AAC 15.151. OVERHEAD CROSSINGS ON CONTROLLED-ACCESS HIGHWAYS.

(a) An existing overhead facility may not cross a controlled-access highway if it interferes with the design requirements of the highway, or if it can be maintained or serviced only from within the controlled-access limits.

(b) New or relocated overhead utility facilities or overhead utility facilities located within the right-of-way of an intersecting roadway which crosses a controlled-access highway may not be maintained or serviced from within the controlled-access limits.

(c) New or relocated overhead facility crossings of controlled-access highways must be designed and constructed as double dead-end structures where the transmission voltage is 33,000 volts or more. Where the transmission voltage is less than 33,000 volts, design and construction standards must equal or exceed standards of the 1981 edition of the National Electrical Safety Code. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.25.200  
 AS 19.05.040 AS 19.30.051  
 AS 19.20.030 AS 19.30.121  
 AS 19.20.070 AS 19.40.065  
 AS 19.25.010

17 AAC 15.160. AERIAL CLEARANCE, MINIMUM. Repealed 5/23/82.

17 AAC 15.161. UNDERGROUND CROSSINGS ON CONTROLLED-ACCESS HIGHWAYS.

(a) Underground facility crossings of a controlled-access highway, existing as of the

effective date of this section or proposed for construction after that date, may not be maintained from within the controlled-access limits.

(b) New underground crossings must be as nearly perpendicular to the highway centerline as practicable. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.25.200  
 AS 19.05.040 AS 19.30.051  
 AS 19.20.030 AS 19.30.121  
 AS 19.20.070 AS 19.40.065  
 AS 19.25.010

17 AAC 15.170. PRIOR RIGHTS. Repealed 5/23/82.

17 AAC 15.171. UTILITY ACCOMMODATION ON URBAN HIGHWAYS AND STREETS.

(a) The department will, in its discretion, allow utility facilities to be located within the rights-of-way of urban highways and streets.

(b) Manholes for underground facilities must be located so that their maintenance may be accomplished with minimum interference to the roadway.

(c) Utility facilities that are proposed to be installed in the department rights-of-way of existing or proposed urban highways or other permitted locations, must be installed so that future expansion of the utility facility will avoid interference with the operation and maintenance of the existing or proposed highway and its related structures.

(d) The minimum distance between the nearest part of an above-ground utility facility and the edge of the traveled way of an urban highway or street without curbs must comply with the following table:

Minimum distance in feet	Posted Roadway Speed in Miles Per Hour			
	above 50	40 to 50	30 to 39	below 30
	30	20	10	5

(e) On urban highways with curbs, the minimum distances between the face of the curb and the nearest part of the facility may not be less than two feet.

(f) Facilities existing as of the effective date of this section may remain in their existing location, unless the facilities are determined to

be roadside hazards. Facilities that have been determined to be roadside hazards must be relocated to conform with this chapter. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051  
AS 19.05.040 AS 19.30.121  
AS 19.25.010 AS 19.40.065  
AS 19.25.200

**17 AAC 15.180. FREQUENCY OF REQUESTED RELOCATION AND/OR ADJUSTMENTS. Repealed 5/23/82.**

**17 AAC 15.181. UTILITY ACCOMMODATION ON RURAL HIGHWAYS AND ROADS.**

(a) Longitudinal utility facilities located within the rights-of-way of rural highways and roads must meet the following minimum offset requirements:

Minimum distance in feet	Posted Roadway Speed in Miles Per Hour			
	above 50	40 to 50	30 to 39	below 30
	30	20	10	5

(b) Existing longitudinal overhead facilities located within newly used highway rights-of-way may remain if the facilities meet the offset requirements of (a) of this section and are located at least three feet from the toe of fill or five feet from the top of cut. Facilities located within the rights-of-way of existing rural highways and roads may remain if they are at least three feet from the toe of fill or five feet from the top of cut and are not roadside hazards.

(c) Longitudinal overhead facilities to be constructed in highway rights-of-way must be located on a line not more than five feet from the highway right-of-way line or, when directed by the department, in accordance with the offset requirements of (a) of this section and at least 10 feet from the toe of fill or the top of cut.

(d) Existing overhead facilities crossing an existing or newly used highway right-of-way may remain if they are at least three feet from the toe of fill or five feet from the top of cut and are not roadside hazards.

(e) New overhead facilities crossing a highway right-of-way must be installed so that that part

of the facility nearest to the edge of the traveled way is located in accordance with the offset requirements of (a) of this section and is at least 10 feet from the toe of fill or the top of cut. These facilities must be as nearly perpendicular to the highway centerline as is practicable.

(f) New longitudinal surface-mounted facilities must be located not more than five feet from the right-of-way line or, when directed by the department, in accordance with the offset requirements of (a) of this section and at least 10 feet from the toe of fill or the top of cut.

(g) If the utility can demonstrate that adherence to the requirements of this section is impractical because of difficult topography, mountainous terrain, or other special conditions, the department will, in its discretion, modify the requirements.

(h) A facility determined by the department to be a roadside hazard must be relocated to conform to the requirements of this chapter.

(i) "Offset," as used in (a) of this section, is measured from the edge of the traveled way to the nearest surface of a surface-mounted facility. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.25.200  
AS 19.05.040 AS 19.30.051  
AS 19.20.010 AS 19.30.121  
AS 19.25.010 AS 19.40.065

**17 AAC 15.190. ERRORS IN FACILITY PLACEMENT BY PERMITTEE. Repealed 5/23/82.**

**17 AAC 15.191. UTILITY ACCOMMODATION IN SCENIC AREAS.** (a) The department will, in its discretion, require utility facilities that are inconsistent with the values of scenic areas to be relocated.

(b) The installation, within scenic areas, of new utility facilities, including those required for department purposes, must be made in accordance with the directions of the department.

(c) "Scenic area," as used in (a) of this section, includes scenic strips, view points, rest areas, adjacent highway rights-of-way, and the portions of highway rights-of-way which pass through

public parks, recreation areas, wildlife and waterfowl refuges, and historic sites. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051  
AS 19.05.040 AS 19.30.121  
AS 19.25.010 AS 19.40.065  
AS 19.25.200

**17 AAC 15.200. SPECIAL PROVISIONS AND/OR STIPULATIONS. Repealed 5/23/82.**

**17 AAC 15.201. OVERHEAD CLEARANCES.** The minimum vertical clearance between an overhead facility and a department right-of-way must comply with the requirements of the 1981 edition of the National Electrical Safety Code. New or relocated facilities should be installed with a minimum clearance of 20 feet. In no case may the minimum vertical clearance be less than 18 feet. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051  
AS 19.05.040 AS 19.30.121  
AS 19.25.010 AS 19.40.065  
AS 19.25.200

**17 AAC 15.210. SPECIAL USE PERMITS FOR HIGHWAYS. Repealed 5/23/82.**

**17 AAC 15.211. UNDERGROUND FACILITIES.** (a) Longitudinal underground facilities on a uniform alignment may not be located closer than five feet from a department right-of-way, unless otherwise directed by the department. Longitudinal underground facilities may not be closer than 10 feet from the toe of fill or the top of cut, unless the utility can demonstrate to the department's satisfaction that the 10-foot requirement is not feasible and that a closer location will not adversely affect the design, construction, maintenance, safety, or operation of the highway or other department structure. Surface facilities must comply with the minimum distances requirements of 17 AAC 15.171 (d).

(b) Underground facility crossings must be installed by boring, coring, or jacking through the roadway prism. Wet-boring is not permitted. The department will, in its discretion, allow trenched or open-cut construction where untrenched construction is not practical. Underground facility crossings must be as nearly perpendicular to the highway centerline as practicable. Underground facility crossings in

other department rights-of-way must conform to the specifications set out in the special provisions of the utility permit.

(c) Encasement of underground facilities is required for crossings under controlled-access highways or other department rights-of-way unless an alternate proposal by the utility is approved by the department. Underground pipelines carrying flammable, corrosive, or other hazardous materials must be encased if required by the department. The department will, in its discretion, permit a utility bridge, tunnel, utilidor, or other mechanical protection in place of encasement.

(d) The depth of burial for underground facilities construction or installed under pavement, roadway, or runway surfaces must be at least four feet measured from the surface of the pavement, roadway, or runway to the top of the cable, conduit, pipeline, or encasement. Underground facilities constructed or installed under other surfaces, including unlined ditches, must be buried at least three feet, measured from the surface to the top of the cable, conduit, pipeline, or encasement.

(e) In areas of seasonally frozen soil or permafrost, the depth of burial must be such that any liquid transmitted will not freeze and so that any underground structure will withstand the increased impact loads transmitted through the frozen soil. The department will, in its discretion, allow the depth of burial to be reduced by the use of adequate insulation and protective materials or methods.

(f) The department will, in its discretion, require underground facilities to be rerouted or protected with casing or other mechanical protection when it is impractical to achieve the minimum depth of burial.

(g) When a utility locate service is not available, reference markers must be installed and maintained at both ends of underground facility highway crossings, at angle points in the alignment of the underground facilities, and at designated points along longitudinal alignments as specified in the special provisions of the utility permit. (Eff 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051  
AS 19.05.040 AS 19.30.121  
AS 19.25.010 AS 19.40.065  
AS 19.25.200

17 AAC 15.220. PERMITTEE'S NOTICE OF INTENTION OF COMMENCEMENT OF WORK. Repealed 5/23/82.

17 AAC 15.221. IRRIGATION AND DRAINAGE FACILITIES. (a) A longitudinal irrigation or drainage canal or ditch is not permitted within a department right-of-way unless the applicant can demonstrate to the department's satisfaction that an alternate location is not feasible and that the construction of the facility will not adversely affect the design, construction, maintenance, safety, and operation of the highway or other department structures.

(b) Flume, pipe, or siphon crossings must be installed in accordance with 17 AAC 15.211. Crossings of canals and ditches may be made with bridges or culverts. (Eff. 5/23/82, Reg. 82)  
 Authority: AS 19.05.020 AS 19.30.051  
 AS 19.05.040 AS 19.30.121  
 AS 19.25.200 AS 19.40.065

17 AAC 15.230. INDEMNIFICATION CLAUSE. Repealed 5/23/82.

17 AAC 15.231. HIGHWAY STRUCTURES. (a) The department will, in its discretion, permit the attachment of utility facilities to a highway structure. The chief bridge engineer is responsible for exercising this discretion to grant permission.

(b) Attachments to a bridge must be located beneath the bridge structure's floor, between outer beams or within a cell of a box beam, and must be located above the lowest steel or masonry members. If the utility can demonstrate to the department's satisfaction that a location requirement is not feasible and that attachment at an alternate location will not adversely affect the design, construction, maintenance, safety, or operation of the structure, the department will, in its discretion, permit the attachment at an alternate location.

(c) Communication and electric power cables or conductors must be encased in an approved conduit supported by suitable hangers or brackets and must have appropriate expansion devices. Acceptable alternate methods of installation for communication cable will, in the department's discretion, be permitted.

(d) Where required by special provisions in the utility permit, pipelines carrying flammable, corrosive, or other hazardous materials must be encased and have sufficient venting. The facility must be provided with automatic shut-off valves or other safety devices at or near each end of the structure as specified in the special provisions of the permit. The department will, in its discretion, require cathodic protection.

(e) A utility shall restore or repair any portion of a bridge or highway that is damaged by the installation or the operation of a facility attached to a highway bridge structure or its appurtenances.

(f) The department will, in its discretion, require a utility to reimburse the department for any or all costs incurred by the department for engineering, design changes, or modifications of the highway bridge structure that are necessary to accommodate attachment of the utility facility. (Eff. 5/23/82, Reg. 82)  
 Authority: AS 19.05.020 AS 19.30.051  
 AS 19.05.040 AS 19.30.121  
 AS 19.25.010 AS 19.40.065  
 AS 19.25.200

17 AAC 15.240. WAIVER. Repealed 5/23/82.

17 AAC 15.241. SAFETY PRECAUTIONS TO BE TAKEN BY PERMITTEE. Each permittee shall protect the public and provide for the continued safe use of a highway or other state property during construction, modification, or maintenance of utility facilities. Closing off a highway or highway segment or creating a detour must be specifically authorized in the permit and must be done in a manner approved by the department. All traffic-control devices must comply with the 1978 edition of the Alaska Traffic Manual. (Eff. 5/23/82, Reg. 82)  
 Authority: AS 19.05.020 AS 19.30.051  
 AS 19.05.040 AS 19.30.121  
 AS 19.25.200 AS 19.40.065

17 AAC 15.250. DEPARTMENT'S INTEREST IN PUBLIC HIGHWAY RIGHTS-OF-WAY. Repealed 5/23/82.

17 AAC 15.251. INSTALLATION AND INSPECTION. (a) Each permittee shall give the department written notice not less than 10 days before the start of construction on any utility facility.

(b) A copy of the permit must be at the work site during construction and installation operations and must be shown, upon request, to any department representative, Alaska State Trooper, or other enforcement officer of the state.

(c) The department will, in its discretion, require inspection of the facility during construction and installation operations. The inspection must be sufficient to ensure full compliance with the provisions of the permit. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020	AS 19.30.051
AS 19.05.040	AS 19.30.121
AS 19.25.200	AS 19.40.065

**17 AAC 15.260. REVOCATION OF UTILITY PERMIT.** Repealed 5/23/82.

**17 AAC 15.261. ERRORS IN FACILITY PLACEMENT.** Errors by a permittee in construction or location of a facility must be corrected by the permittee at his expense as soon as he has knowledge of the error. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020	AS 19.30.051
AS 19.05.040	AS 19.30.121
AS 19.25.010	AS 19.40.065

**17 AAC 15.270. DISTRICT ADMINISTRATION OF UTILITY PERMIT.** Repealed 5/23/82.

**17 AAC 15.271. RIGHT-OF-WAY CLEARING AND RESTORATION.** (a) Clearing for utility facility installations within department rights-of-way must be kept to the minimum that is necessary to accommodate the installation, construction, operation, and maintenance of the facility. Indiscriminate cutting of trees or the disfiguration of any feature of scenic value will not be permitted.

(b) A utility may use chemical sprays only in compliance with applicable federal and state statutes and regulations.

(c) Each utility shall dispose of trees, brush, debris, refuse or waste as specified in the utility permit.

(d) The department will, in its discretion, require the permittee to restore or replace, at his expense, trees or shrubbery damaged or

disturbed during the construction. Any damage to private property must be remedied as directed by the department.

(e) All excavated material in excess of the quantity required for backfill in a department right-of-way must be hauled by the permittee, at his cost and expense, and stockpiled as specified by the department. All unusable material must be disposed of at the permittee's expense and may not be placed within the limits of a department right-of-way unless approved by the department.

(f) Each utility shall maintain temporary pavement patches to provide a smooth all-weather surface at all times. Permanent replacement of the temporary patches must be made as soon as practicable after all other work under the permit is completed.

(g) The department will, in its discretion, require seeding or sodding of the construction area to prevent soil erosion or to replace the natural vegetative cover. Seeding and sodding operations must comply with the 1981 edition of the Alaska Standard Specifications for Highway Construction and the special provisions of the utility permit. Any area of right-of-way that is adjacent to private property and which has a protective vegetative cover must be fully restored.

(h) The department will notify the permittee of cleanup and restoration work that has not been satisfactorily performed in accordance with the provisions of the utility permit and will specify a date for completion of the corrective work. The department will, in its discretion, perform the cleanup and restoration work that has not been completed to the satisfaction of the department by the specified date. The permittee shall reimburse the department for all work done by the department. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020	AS 19.30.051
AS 19.05.040	AS 19.30.121
AS 19.25.010	AS 19.40.065
AS 19.25.200	

**17 AAC 15.280. AUTHORITY OF COMMISSIONER, DEPARTMENT OF HIGHWAYS.** Repealed 5/23/82.

**17 AAC 15.281. ROUTINE MAINTENANCE.**

(a) Each permittee shall perform routine maintenance on the utility facility on a continuing basis. Maintenance work may not endanger any highway, airstrip, or other department property or create a hazard to the public.

(b) Each permittee shall secure authorization from the department before performing any maintenance which requires excavation, plowing, jacking, or boring within, or in areas immediately adjacent to, a department right-of-way. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020	AS 19.30.051
AS 19.05.040	AS 19.30.121
AS 19.25.010	AS 19.40.065
AS 19.25.200	

**17 AAC 15.290. CLEAR ROADSIDE POLICY.**  
Repealed 5/23/82.

**17 AAC 15.291. EMERGENCY MAINTENANCE.** If an accident, disaster, or other occurrence which damages a utility facility located within a department right-of-way, damages a highway structure or other state property, or places a utility facility in danger of damage, the permittee shall immediately act to safeguard the public and its facilities and shall immediately notify the department and the Alaska State Troopers of its action. Temporary repairs must be made permanent as soon as practicable. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020	AS 19.30.121
AS 19.05.040	AS 19.40.065
AS 19.30.051	

**17 AAC 15.300. UTILITY SERVICE CONNECTIONS.** Repealed 5/23/82.

**17 AAC 15.301. UTILITY CODES AND STANDARDS.** (a) Electric power and communication facilities installed within department rights-of-way must comply with the following codes and standards:

(1) the National Electrical Code (1981);

(2) the National Electrical Safety Code (American National Standards Institute, C2, 1981);

(3) the provisions of 3 AAC 52.110 – 3 AAC 52.340 (Electrical and Telephone Utilities); and

(4) the provisions of 8 AAC 61.010, Alaska Occupational Safety and Health Standards, subchapter 03, Electrical Code.

(b) Water line and sanitary sewer facilities installed within department rights-of-way must comply with the following codes and standards:

(1) the American Water Works Standards, as revised through 1981;

(2) the provisions of 18 AAC 72 (Wastewater Disposal); and

(3) the provisions of 18 AAC 80 (Drinking Water).

(c) Pressure pipelines for natural gas, petroleum, steam, or other hazardous materials installed within department rights-of-way must comply with the following codes and standards:

(1) the American National Standards Institute

(A) Power Piping (American National Standards Institute, B31.1, 1980);

(B) Fuel Gas Piping (American National Standards Institute, B31.2, 1968);

(C) Chemical Plant and Petroleum Refinery Piping (American National Standards Institute, B31.3, 1980);

(D) Liquid Petroleum Transportation Piping Systems (American National Standards Institute, B31.4, 1979);

(E) Refrigeration Piping (American National Standards Institute, B31.5, 1974);

(F) Gas Transmission and Distribution Piping Systems (American National Standards Institute, B31.8, 1975);

(2) the Code of Federal Regulations, Title 49, Transportation

(A) Part 192, Transportation of Natural and Other Gas by Pipeline: Minimum Federal Standards;

(B) Part 195, Transportation of Liquids by Pipeline;

(3) the provisions of 3 AAC 52.010 – 3 AAC 52.080 (Gas utilities).

(d) Unless otherwise noted in the special provisions of the utility permit, all utility construction within department rights-of-way must comply with the following construction standards:

(1) Alaska Department of Transportation and Public Facilities Construction Manual, 1972 as revised through December 4, 1981;

(2) Alaska Standards Specifications for Highway Construction, 1981;

(3) Federal-Aid Highway Program Manual, Volume 6, Chapter 6, Section 3, Subsection 2, Accommodation of Utilities (PPM 30-4.1), as revised through 1981;

(4) American Association of State Highway And Transportation Officials

(A) Construction Manual for Highway Construction, 1980;

(B) Construction Manual for Highway Bridges and Incidental Structures, 1973.

(e) Unless otherwise noted in the special provisions of the utility permit, all utility designs for facilities to be installed within department rights-of-way must comply with the following design standards:

(1) Alaska Department of Transportation and Public Facilities, Standard Drawings, as revised through 1981;

(2) Federal-Aid Highway Program Manual, Volume 6, Chapter 6, Section 3, Subsection 2, Accommodation of Utilities (IPM 30-4.1);

(3) American Association of State Highway and Transportation Officials

(A) A Policy for Accommodation of Utilities on Freeway Rights-of-way, 1969;

(B) A Guide for Accommodating Utilities on Highway Rights-of-way, 1970;

(4) Utilities Manual of Alaska Department of Transportation and Public Facilities, 1981.

(f) Construction safety procedures must comply with the provisions of 8 AAC 61.010, Alaska Occupational Safety and Health Standards

(1) subchapter 01, General Safety Code;

(2) subchapter 05, Construction Code.

(g) Unless otherwise noted in the special provisions of the utility permit, traffic-control devices and procedures must comply with the provisions of the following codes and standards:

(1) Alaska Traffic Manual, 1978;

(2) Alaska Sign Design Specifications, 1981. (Eff. 5/23/82, Reg. 82)

Authority: AS 10.25.440	AS 19.25.200
AS 19.05.020	AS 19.30.051
AS 19.05.040	AS 19.30.121
AS 19.10.040	AS 19.40.065
AS 19.25.010	

### ARTICLE 3. UTILITY RELOCATION AND INSTALLATION

#### Section

- 310. (Repealed)
- 320. (Repealed)
- 321. Eligibility
- 330. (Repealed)
- 331. Utility notification and cooperation
- 341. Relocation agreements
- 351. Estimates and costs
- 361. Plans
- 371. Scope-of-work statement
- 381. Utility change orders
- 391. Engineering consultants
- 401. Contract advertising and award
- 411. Utility relocation by state contract
- 421. Construction and inspection
- 431. Billing and audit
- 441. Utility installation agreements
- 451. Termination agreements
- 461. Emergency relocation

17 AAC 15.310. ASSIGNMENT AND TRANSFER OF UTILITY PERMIT. Repealed 5/23/82.

17 AAC 15.320. HORIZONTAL CLEARANCE BETWEEN HIGHWAY AND UTILITY FACILITIES. Repealed 5/23/82.

17 AAC 15.321. ELIGIBILITY. If utility facilities are ordered by the department, under AS 19.25.020, to be relocated in order to accommodate proposed highway or other construction, utilities that have facilities occupying department rights-of-way that were installed before July 1, 1960 or that were installed under the terms of a permit issued under this chapter are eligible for reimbursement for the cost of the relocation. (Eff. 5/23/82, Reg.82)

Authority: AS 19.05.020 AS 19.25.210  
AS 19.05.040 AS 19.30.051  
AS 19.25.010 AS 19.30.121  
AS 19.25.020 AS 19.40.065  
AS 19.25.200

17 AAC 15.330. UTILITY DEFINITION. Repealed 5/23/82.

17 AAC 15.331. UTILITY NOTIFICATION AND COOPERATION. (a) The department will notify each utility whose facilities are known by the department to be affected by a proposed department project as soon as possible after the location and scope of the project are known.

(b) The department will furnish preliminary project plans and related right-of-way maps to each utility within the proposed project limits. After receipt of these plans and maps, each utility with facilities located within the project limits shall notify the department in writing of the location of all these facilities.

(c) If there is a conflict between a proposed project and existing utility facilities, the department will, in its discretion, require the utility to relocate its facilities. The department will authorize the utility in writing to proceed with preliminary engineering for the required relocation of the facilities and will advise the utility of its eligibility to be reimbursed for the cost of relocation. The utility shall furnish the department with its proposal for accomplishing the relocation work. This proposal must include the estimated cost of the relocation work and the working schedule the utility intends to follow regarding the relocation work. The work described in the proposal must be the most economical method of accomplishing the relocation.

(d) The department will furnish the utility with all necessary construction plans and

relocation schedule forms so that the utility can coordinate its relocation plans, estimates, and agreements in accordance with 17 AAC 15.421.

(e) The department will furnish the utility with field information necessary for the utility to establish the location and grade for the relocation of its facilities. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.25.210  
AS 19.05.040 AS 19.30.051  
AS 19.05.080 AS 19.30.121  
AS 19.25.010 AS 19.40.065  
AS 19.25.020

17 AAC 15.341. RELOCATION AGREEMENTS. (a) When it is necessary to relocate utility facilities because of a proposed project by the department, the utility shall enter into an agreement with the department setting out the terms of the relocation work along with the terms of the reimbursement for the costs of the relocation work. The department will establish the general format of this agreement.

(b) If a utility facility located within a department right-of-way is required to be relocated due to highway or other construction, the department will modify the existing utility permit or will issue a new utility permit.

(c) The department will, in its discretion, elect to use a lump-sum reimbursement agreement.

(d) The department will, in its discretion, require that any utility relocation agreement between the department and a municipality include a certificate of authority or a resolution authorizing execution of the agreement by the appropriate governing body of the municipality.

(e) The department will return an executed copy of the relocation agreement to the utility along with a written authorization to proceed with the relocation work. (Eff. (5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051  
AS 19.05.040 AS 19.30.121  
AS 19.25.010 AS 19.40.065  
AS 19.25.020

17 AAC 15.351. ESTIMATES AND COSTS. (a) The cost estimate referred to in 17 AAC

15.331(c) must reflect all the work shown on the plans and the scope-of-work statement referred to in 17 AAC 15.361 and 17 AAC 15.371, respectively. The estimate must set out the items of work to be performed in sufficient detail to provide a reasonable basis for analysis by the department. All factors included in the utility's general overhead account must be listed in the cost estimate.

(b) Preliminary engineering costs incurred after the date of the department's letter authorizing the utility to proceed with preliminary engineering will be reimbursable or chargeable to the utility's relocation-project work order or account. Preliminary engineering costs will continue to be chargeable to the utility's relocation-project work order or account until the date that the utility relocation agreement has been approved and signed by the department. Construction engineering costs, including engineering and inspection costs associated with the relocation of the utility facility, that are incurred after the date that the utility agreement is signed and approved by the department are reimbursable.

(c) Charges for engineering, inspection, equipment, transportation, materials handling, and labor included in the utility's general overhead account, need not be listed separately in the cost estimate.

(d) Charges incurred by the utility before the department's letter of authorization to proceed with preliminary engineering is sent will, in the discretion of the department, be ineligible for reimbursement.

(e) When the department determines that an existing facility must be removed by a utility, the actual cost of removal will, in the discretion of the department, be eligible for reimbursement. Where appropriate, the salvage value of the facility to be removed will be credited against the cost of removal.

(f) The department will have a credit against reimbursable costs set out in the relocation agreement equal to the value of any materials removed by the utility, unless the utility relocation work is being performed under a state contract or under a utility-let contract and the utility relocation agreement specifies that all

removed materials become the property of the contractor. The value of the department's credit is to be measured by whatever rate the utility uses in its normal operations and is to be equal to the salvage value of all materials removed less the cost of removal. All materials must be removed by the most economical method possible. Recovered materials which are not usable in the normal operations of the utility but which have a sale value as scrap must be included in the calculation of the credit granted to the department. The value of the recovered scrap materials is to be determined by their estimated scrap value. Temporary-use materials which are reusable must be credited to the utility relocation project at stock prices, less the utility's prescribed stock-handling charge.

(g) Where betterments are not required by the department's construction project, but are installed solely for the benefit of the utility company, all costs attributable to these betterments are not eligible for reimbursement.

(h) The utility shall show on its work order account all relocation costs specified by the relocation agreement, including reimbursable and non-reimbursable items. Separate work order accounts will, in the discretion of the department, be used where the reimbursable and non-reimbursable portions of work can be distinguished by location or type of facility. All work order accounts to be used by the utility must be shown in the relocation agreement.

(i) An eligibility ratio for reimbursement must be determined and set out in the relocation agreement when the relocation work includes both reimbursable and non-reimbursable items.

(j) The department has an expired service life credit against reimbursement costs when the length of the replacement facilities consists of a longitudinal segment of one mile or more in length or includes betterments not required by the department's construction project. If the utility can show that the service life of the replaced facility has not been extended, the department does not have an expired service life credit. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020

AS 19.05.040

AS 19.25.010

AS 19.25.020

AS 19.30.051

AS 19.30.121

AS 19.40.065

17 AAC 15.361. PLANS. (a) The plans, sketches, or drawings showing both existing and proposed facilities must be attached to each relocation agreement. If there is a combination of reimbursable and non-reimbursable work, the plans must clearly indicate which portion of the relocation work is reimbursable and which portion is non-reimbursable.

(b) The plans, sketches, or drawings must be sufficiently detailed to show all necessary work. In addition, the plans, sketches, or drawings must indicate that the planned relocation meets all construction design requirements of the department. Construction plans prepared by the utility must be approved by the department. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051  
 AS 19.05.040 AS 19.30.121  
 AS 19.25.010 AS 19.40.065  
 AS 19.25.020

17 AAC 15.371. SCOPE-OF-WORK STATEMENT. (a) A scope-of-work statement describing the items of work set out in the plans in sufficient detail so that they may be correlated with the proper items of cost in the cost estimate must be attached to the relocation agreement. The scope-of-work statement must describe any special methods of construction that are required.

(b) The department will, in its discretion, require the utility to include staking sheets in the scope-of-work statement. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051  
 AS 19.05.040 AS 19.30.121  
 AS 19.25.010 AS 19.40.065  
 AS 19.25.020

17 AAC 15.381. UTILITY CHANGE ORDERS.

(a) Changes in the plans, specifications, or quantities of work for relocating facilities must be authorized by a utility change order issued by the department.

(b) Modified cost estimates, plans, and a scope-of-work statement must be included in each utility change order. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051  
 AS 19.05.040 AS 19.30.121  
 AS 19.25.010 AS 19.40.065  
 AS 19.25.020

17 AAC 15.391. ENGINEERING CONSULTANTS. (a) If a utility is not adequately staffed to perform the engineering for the relocation of its utility facilities, the department will, in its discretion, authorize the utility to retain an engineering consultant to perform the required engineering. The engineering proposal made by a consultant is subject to review and approval by the department.

(b) If a utility has a continuing contract with a consultant for engineering services, and if the consultant regularly performs the utility's engineering work at a reasonable cost, the utility may request approval for the use of the consultant by submitting a copy of the continuing contract to the department for review and approval. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051  
 AS 19.05.040 AS 19.30.121  
 AS 19.25.020 AS 19.40.065

17 AAC 15.401. CONTRACT ADVERTISING AND AWARD. (a) A utility may let a contract for the relocation of its facilities when it can show that the contract is necessary because it is not adequately staffed or equipped to perform the work itself. Bids must be requested through advertisement or solicited from qualified bidders, and the contract must be awarded to the lowest responsible bidder. The contract documents must be approved by the department before a contract is awarded.

(b) If a utility proposes to perform the work of relocation under an existing contract, the utility must furnish the department with a copy of the contract for review and approval. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051  
 AS 19.05.040 AS 19.30.121  
 AS 19.25.020 AS 19.40.065

17 AAC 15.411. UTILITY RELOCATION BY STATE CONTRACT. (a) Utility relocation work may be performed under a construction contract or a utility relocation contract let by the department if the utility can demonstrate to the department that it is in the public interest to do so.

(b) When the utility relocation work that is to be included in a construction contract let by the department or in a utility relocation contract let

by the department includes non-reimbursable items, the utility and the department must enter into an agreement by which the utility agrees to repay the department for the costs of the non-reimbursable contract items and any engineering expenses associated with non-reimbursable items.

(c) The department will, in its discretion, require the utility to make periodic progress payments for the costs of the non-reimbursable contract items. Any requirement for progress payments must be included in the non-reimbursable agreement referred to in (b) of this section. The department will, in its discretion, use these payments to pay for the work done by its contractor. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020	AS 19.30.051
AS 19.05.040	AS 19.30.121
AS 19.25.010	AS 19.40.065
AS 19.25.020	

17 AAC 15.421. CONSTRUCTION AND INSPECTION. (a) Whenever practicable, a utility shall schedule the work of relocating its facilities so that the work can be completed before the department's construction work begins. When the utility relocation work is to be performed along with the department's construction work, the utility shall coordinate the work schedule of its own personnel or of its contractor with the work schedule of the department's contractor. The utility shall work with the department's project engineer in order to effect this coordination.

(b) The utility is responsible for identifying and locating its facilities. The utility is also responsible for extra costs resulting from delays to the department contractor's operations if the utility facilities are not relocated in accordance with the relocation agreement, except when the delays are beyond the control of the utility.

(c) Unless otherwise provided in the relocation agreement, the utility shall give the department written notice not less than 10 days before the utility intends to begin work on the relocation of its facilities.

(d) If required by the relocation agreement, the utility shall furnish the department with records of all work performed and all materials installed or removed.

(e) The utility shall stockpile all unusable materials removed from the project and shall notify the department when these materials are available for inspection. The department's inspector and a representative of the utility will inspect these materials and record their disposition in order to determine if any credit is due the department.

(f) When an unforeseen problem arises during utility relocation work, the department will confer with the utility or utilities involved and will endeavor to bring about a satisfactory resolution of the problem. If the problem cannot be resolved by the parties, it will be referred to the commissioner or his designee for consideration. The commissioner's decision is final. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020	AS 19.25.200
AS 19.05.040	AS 19.30.051
AS 19.25.010	AS 19.30.121
AS 19.25.020	AS 19.40.065

17 AAC 15.431. BILLING AND AUDIT. (a) Reimbursement for utility relocation work will be based upon the utility relocation agreement executed between the department and the utility described in 17 AAC 15.341.

(b) Reimbursement for railroad relocation work will be based upon the railroad relocation agreement executed between the department and the railroad as provided in 17 AAC 15.521.

(c) The utility shall furnish the department with its final and complete billing for all costs incurred in connection with the relocation of the facility within 120 days after the completion of the relocation work. The billing statement must disclose the cost of each item in the cost estimate that is attached to the utility relocation agreement described in 17 AAC 15.351(a).

(d) If the utility fails to submit a proper billing within the 120-day period specified in (c) of this section, the department will, in its discretion, audit the utility's records and make the final reimbursement payment to the utility based on the audit findings.

(e) Under a lump-sum agreement as provided by 17 AAC 15.341(c), a single and final billing must be submitted upon completion of the

work. This billing must be for the amount that is stipulated in the agreement. Upon certification by the department that the work was completed in compliance with the agreement, the utility will be paid the lump-sum amount.

(f) All cost records and accounts of the utility are subject to audit by the department. Except where a lump-sum agreement is used under 17 AAC 15.341(c), final payment will, in the department's discretion, be based on audit determinations made by the department. The department will, in its discretion, withhold a retainage from any billing. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051  
AS 19.05.040 AS 19.30.121  
AS 19.25.020 AS 19.40.065

17 AAC 15.441. UTILITY INSTALLATION AGREEMENTS. When it is in the public interest to use utility personnel and equipment to install new facilities to serve a department purpose or to install new utility distribution facilities to serve department installations, and when the utility will retain ownership of the facility, the utility and the department shall enter into a utility installation agreement. This agreement must include cost estimates, plans, and a scope-of-work statement as required by 17 AAC 15.351 - 17 AAC 15.371. The utility is eligible for reimbursement for the costs of installing the new facilities. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.121  
AS 19.05.040 AS 19.40.065  
AS 19.30.051

17 AAC 15.451. TERMINATION AGREEMENTS. When it is in the mutual interest of the department and the utility to terminate a previously executed utility agreement or utility permit, a utility termination agreement must be executed. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.121  
AS 19.05.040 AS 19.40.065  
AS 19.30.051

17 AAC 15.461. EMERGENCY RELOCATION. Where unforeseen circumstances arise during construction on a department right-of-way that require an immediate relocation of a utility facility, the department will, in

its discretion, require the immediate relocation of the facility, notwithstanding the terms of any existing utility permit or relocation agreement. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.121  
AS 19.05.040 AS 19.40.065  
AS 19.30.051

#### ARTICLE 4. RAILROADS

##### Section

- 471. Railroad permits
- 481. Railroad accommodation policy
- 491. Maintenance and repairs
- 501. Eligibility for relocation
- 511. Railroad relocation
- 521. Railroad relocation agreements
- 531. Engineering consultants
- 541. Railroad relocation contracts
- 551. Engineering standards

17 AAC 15.471. RAILROAD PERMITS.  
(a) Upon written application, the department will, in its discretion, issue a permit authorizing the applicant to construct or install railroad facilities within a department right-of-way.

(b) No permit is required for the reconstruction of existing crossings, structures, or other facilities or for the construction of additional crossings, structures, or other facilities in areas where a railroad holds a fee title or an easement for a railroad right-of-way.

(c) An application for a railroad permit must specifically describe the proposed facility and its proposed location within the department's right-of-way. The application must include plans and specifications so that the department can evaluate the engineering design and proposed location.

(d) All railroad permits will be issued in accordance with this section and 17 AAC 15.011 - 17 AAC 15.111.

(e) Whether or not a railroad facility permit is required, the railroad shall notify the department in writing not less than 15 days before any construction or major maintenance activity

in an area bordering on, adjacent to, or crossing a department right-of-way. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020	AS 19.25.010
AS 19.05.040	AS 19.25.200
AS 19.10.010	AS 19.30.051
AS 19.10.020	AS 19.30.121
AS 19.20.030	AS 19.40.065
AS 19.20.050	

17 AAC 15.481. RAILROAD ACCOMMODATION POLICY. (a) Grade separation is required for all railroad crossings on controlled-access highways. At-grade railroad crossings on rural highways and roads, and urban highways and streets will normally be allowed. However, the department will, in its discretion, require grade separation where warranted by conditions of topography and traffic density.

(b) A railroad crossing on a highway with defined shoulders may not be less than the full width of the highway including its defined shoulders. A railroad crossing on a rural highway with undefined shoulders must extend a minimum of five feet beyond the traveled portion of the highway. The surface of the highway must be in the same plane as the top of the rails for a distance of two feet outside of the rails for either multiple- or single-track crossings.

(c) The intersection of the highway alignment and the railroad track must be as nearly perpendicular as practicable.

(d) A railroad/highway crossing sign (cross-buck) must be installed on the right-hand side of the roadway on each approach to any crossing, except when, in the discretion of the department, it is determined that local conditions require an alternate location. Where railroad/highway crossing signals are used, the crossbuck must be an integral part of the signal assembly. A supplemental sign indicating the number of tracks must be used where there are two or more sets of tracks at the crossing.

(e) The department will, in its discretion, require railroad crossing signals which indicate the approach or presence of trains to be installed at those railroad crossings where there is a need for protection beyond that provided by signs. On multiple-lane highways, cantilever-mounted signals will, in the discretion of the department,

be required. For railroad crossings at highway intersections, additional signal-light units may be used to supplement the normal complement of lights. At crossings where multiple train movements may occur simultaneously or at crossings in congested urban areas, the use of gates will, in the discretion of the department, be required.

(f) Supports for post-mounted signal heads at the side of a street with curbs must have a horizontal clearance of not less than two feet from the face of the vertical curb. Where there is no curb, supports for post-mounted signal heads must have a horizontal clearance of not less than two feet from the edge of the shoulder, and must have a minimum clearance of six feet from the edge of the traveled way. Where there is no curb or shoulder, the minimum horizontal clearance must be six feet from the edge of the traveled way. All portions of signals and supports which extend over the roadway must have a vertical clearance of not less than 17 feet above the roadway surface.

(g) The department's chief bridge engineer is responsible for approving clearances proposed for new grade separation structures or for modifications of existing grade separation structures.

(h) All railroad signs and signals must conform to the requirements of the 1978 edition of the Alaska Traffic Manual or the special provisions of a railroad permit issued under 17 AAC 15.471 relating to vertical clearances of signs and signals over highways or other other highway-related facilities such as bike paths, pathways, and sidewalks.

(i) Railroad communication, electric power, pipeline, and drainage facilities installed in the department rights-of-way must be installed in accordance with 17 AAC 15.120 - 17 AAC 15.301. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020	AS 19.25.010
AS 19.05.040	AS 19.25.200
AS 19.10.040	AS 19.30.051
AS 19.20.030	AS 19.30.121
AS 19.20.050	AS 19.40.065

17 AAC 15.491. MAINTENANCE AND REPAIRS. (a) Upon completion of a railroad crossing on a highway, the railroad is responsible for the maintenance and repair of all track

bed and rail components and any state property located within the width of the railway ties occupying the crossing area. The department is responsible for the maintenance and repair of all state property located outside the area within the railway ties. Allocation of the costs of all maintenance and repairs must be included in the railroad permit issued under 17 AAC 15.471.

(b) The railroad must operate and maintain all railroad crossing signals or other protective devices.

(c) Unless otherwise specified in the railroad permit, upon completion of a grade-separation structure, the department is responsible for the maintenance and repair of the structure and approaches and the railroad is responsible for the maintenance and repair of the track bed and rail components. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051  
AS 19.05.040 AS 19.30.121  
AS 19.25.010 AS 19.40.065

17 AAC 15.501. ELIGIBILITY FOR RELOCATION. If railroad facilities are ordered by the department, under AS 19.25.020, to be relocated in order to accommodate proposed highway or other construction, railroads that have railroad facilities occupying a department right-of-way are eligible for reimbursement for the cost of the relocation. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051  
AS 19.05.040 AS 19.30.121  
AS 19.25.010 AS 19.40.065  
AS 19.25.020

17 AAC 15.511. RAILROAD RELOCATION.

(a) The department will notify each railroad whose railroad facilities are known by the department to be affected by a proposed department project as soon as possible after the location and scope of the project are known.

(b) The department will furnish preliminary project plans and related right-of-way maps to each railroad within the proposed project limits. After receipt of these plans and maps, each railroad with railroad facilities located within the project limits shall notify the department in writing of the location of all those facilities.

(c) If there is a conflict between a proposed project and existing railroad facilities, the department will, in its discretion, require the railroad to relocate its railroad facilities. The department will authorize the railroad in writing to proceed with preliminary engineering for the required relocation of the facilities and will advise the railroad of its eligibility to be reimbursed for the cost of relocation. The railroad shall furnish the department with its proposal for accomplishing the relocation work. This proposal must include the estimated cost of the relocation work and working schedule the railroad intends to follow regarding the relocation work. The work described in the proposal must be the most economical method of accomplishing the relocation.

(d) The department will furnish the railroad with all necessary construction plans and relocation schedule forms so that the railroad can prepare and coordinate its relocation plans in accordance with 17 AAC 15.421.

(e) The department will furnish the railroad with field information necessary for the railroad to establish the location and grade for the relocation of its facilities. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051  
AS 19.05.040 AS 19.30.121  
AS 19.25.010 AS 19.40.065  
AS 19.25.020

17 AAC 15.521. RAILROAD RELOCATION AGREEMENTS.

(a) When it is necessary to relocate railroad facilities because of a proposed project, the railroad shall enter into an agreement with the department setting out the terms of the relocation work along with the terms of the reimbursement for the costs of the relocation work. This agreement will, in the department's discretion, provide for a lump-sum payment.

(b) The agreement mentioned in (a) of this section must contain a cost estimate, plans, and a scope-of-work statement as provided in 17 AAC 15.351, 17 AAC 15.361, and 17 AAC 15.371, respectively.

(c) If railroad facilities located within a department right-of-way are required to be relocated due to highway or other construction, the

department will modify the existing railroad permit or will issue a new railroad permit.

(d) Changes in the plans, specifications, or quantities of work for relocating railroad facilities must be authorized by a railroad change order issued under 17 AAC 15.381.

(e) The department will return an executed copy of the relocation agreement to the railroad along with a written authorization to proceed with the relocation work.

(f) Billing and audit of relocation costs must be in accordance with 17 AAC 15.431. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051  
AS 19.05.040 AS 19.30.121  
AS 19.25.020 AS 19.40.065

17 AAC 15.531. ENGINEERING CONSULTANTS. (a) If a railroad is not adequately staffed to perform the engineering for the relocation of its railroad facilities, the department will, in its discretion, authorize the railroad to retain an engineering consultant to perform the required engineering. The engineering proposal made by an engineering consultant is subject to review and approval by the department.

(b) If a railroad has a continuing contract with a consultant for engineering services, and if the consultant regularly performs the railroad's engineering work at a reasonable cost, the railroad may request approval for the use of the consultant by submitting a copy of the continuing contract to the department for review and approval. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051  
AS 19.05.040 AS 19.30.121  
AS 19.25.020 AS 19.40.065

17 AAC 15.541. RAILROAD RELOCATION CONTRACTS. (a) If a railroad is not adequately staffed or equipped to perform the relocation work with its own forces, the department will, in its discretion, authorize the railroad to contract the work of relocation in accordance with 17 AAC 15.411.

(b) Railroad relocation work may be performed under a construction contract or

railroad relocation contract let by the department in accordance with 17 AAC 15.411.

(c) Construction of railroad facilities performed by the railroad or the railroad's contractor must be done in accordance with 17 AAC 15.421. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.051  
AS 19.05.040 AS 19.30.121  
AS 19.25.020 AS 19.40.065

17 AAC 15.551. ENGINEERING STANDARDS. Railroad facilities installed across or within a department right-of-way must comply with 17 AAC 15.301 and with the following codes and standards:

(1) the American Railway Engineering Association

(A) Manual for Railway Engineering (Fixed Properties), 1981 - 1982;

(B) Portfolio of Trackwork Plans, 1981 - 1982;

(2) the Signal Manual, 1980, of the Association of American Railroads, Communication and Signal Section;

(3) Manual on Uniform Traffic Control Devices, Part 8, American National Standards Institute, D6.1, 1978;

(4) Federal-Aid Highway Program Manual (for federal-aid highway projects)

(A) Railroad-highway Projects, Vol. 6, Ch. 6, Sec. 2, Subsec. 1, as revised through 1981;

(B) Railroad-highway Insurance Protection Required of Contractors, Vol. 6, Ch. 6, Sec. 2, Subsec. 2, as revised through 1981;

(C) Railroad-highway Grade Crossing Surfaces, Vol. 6, Ch. 6, Sec. 2, Subsec. 3, as revised through 1981. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.121  
AS 19.05.040 AS 19.40.065  
AS 19.30.051

ARTICLE 5.  
GENERAL PROVISIONS

## Section

## 901. Definitions

17 AAC 15.901. DEFINITIONS. In this chapter

(1) "at-grade railroad crossing" means the place where a railroad track and a department right-of-way intersect at the same elevation or grade;

(2) "betterment" means any upgrading of a utility facility that is made solely for the benefit of the utility and is not required by the department to be made in order to accommodate construction by the department;

(3) "boring" means the method of installing underground conduit or pipe under a structure or through an embankment by use of a drilling auger;

(4) "cantilever-mounted signals" means railroad crossing signals that are mounted on an arm or a truss beam which extends over the roadway and is attached to a post or tower placed at the side of the roadway;

(5) "casing" means any pipe that encloses a pipeline;

(6) "cathodic protection" means a process or system used to control electrochemical corrosion of an underground metallic structure (such as a pipeline) by the application of an electric current;

(7) "commissioner" means the commissioner of the Department of Transportation and Public Facilities or his designee;

(8) "coring" means the method of installing underground conduit or pipe through hard material like rock or concrete by using a hollow-tube drilling instrument with cutting teeth on the end;

(9) "controlled-access highway" means a highway upon which the rights to access, light, view, and air by owners or occupants of abutting land or other persons are controlled by the department so as to facilitate through traffic;

(10) "controlled-access limits" means the area of the highway right-of-way in which highway access is controlled;

(11) "cost of relocation" means the cost incurred by a railroad or utility that is properly attributed to the relocation of a utility or railroad facility after the deduction of any increase in the value of the new facility and any salvage value attributable to the old facility;

(12) "depth of burial" means the depth to the top of the pipe, cable, or other underground structure as measured from the surface of a roadway, ditch, or natural ground;

(13) "department" means the Department of Transportation and Public Facilities;

(14) "double deadend structure" means an overhead wire safety device designed to prevent an overhead wire from falling onto a roadway;

(15) "eligibility ratio" means that ratio between utility or railroad relocation costs that are eligible for reimbursement and the total cost of the entire utility or railroad relocation work;

(16) "encroachment" means any structure or object which is in, on, under, or over a portion of a department right-of-way;

(17) "expired service life credit" is equal to the original cost of the existing facility multiplied by the number of years the facility has been in service divided by total life expectancy of the facility in years;

(18) "facility" or "facilities" or "utility facility" includes, but is not limited to, poles, lines, trenches, bridges, utilidors, tunnels, pipelines, and any other system for furnishing, producing, generating, transmitting, or distributing power, electricity, communications, telecommunications, water, gas, oil, petroleum products, steam, heat, light, chemicals, air, sewage, drainage not connected with highway drainage, irrigation, or any other substance;

(19) "frontage road" means a local street or road auxiliary to and located on the side of an arterial highway and used for service to abutting property and adjacent areas and for control of access;

(20) "grade separation" means the vertical separation by the use of a suitable structure of the grades of two intersecting roadways or the grades of a roadway and an intersecting railroad track;

(21) "grade-separation structure" means a bridge, culvert, tunnel, viaduct, or other similar structure;

(22) "highway" means a road, roadway, street, trail, walk, bridge, tunnel, road drainage structure, or other road-related structure or facility, including the entire area within a highway right-of-way;

(23) "highway structure" includes bridges, buildings, culverts, pedestrian overcrossings, pedestrian tunnels, retaining walls, utilidors, and tunnels;

(24) "jacking" means the method of installing underground conduit or pipe under a roadway or other state property or through an embankment by pushing or packing a liner or heavy-gauge pipe beneath the facility;

(25) "joint-use agreement" means an agreement between a utility owning poles, trenches, or other facilities and other utilities which sets forth the terms and conditions by which the poles, trenches, or other facilities, owned by the first facility, can be used by other utilities;

(26) "joint-use facility" includes a pole line, trench, bridge, utilidor conduit, or tunnel which is used by two or more utilities;

(27) "longitudinal utility facility" means a utility facility that runs relatively parallel to a highway or airstrip;

(28) "median" means the portion of a divided highway that separates the traveled ways for traffic;

(29) "non-pipe push" means the method of installing non-pipe materials under a roadway or other state property or through an embankment by using a pushing force;

(30) "plowing" means the installation of underground cable for electricity, telephone, or cable television by use of a mounted plow-

like instrument which digs and feeds out cable at the same time;

(31) "railroad" includes all rail carriers, whether publicly or privately owned, including steam, diesel, and electric railroads, interurban railways, interurban street railways, and every other type of street railway;

(32) "railroad crossing" includes the tracks, structures, crossing slabs, drainage structures, and crossing protection devices which are required to permit railroad trains to cross a department right-of-way either at-grade or by use of grade-separation structures;

(33) "railroad crossing signal" means a signal with flashing lights that is used to indicate the approach or presence of trains at railroad crossings;

(34) "railroad facility" means any structure or facility that is used for railroad purposes;

(35) "relocate" means adjust, change, remove, or reposition;

(36) "restoration" means replacing, repairing, or otherwise restoring a right-of-way or other area to the same condition that existed before any construction or relocation work took place;

(37) "right-of-way" and "department right-of-way" mean a highway easement, airport easement, section line easement, and any material site or borrow pit leased or owned by the state;

(38) "roadway" means that portion of the highway, including shoulders, intended for vehicular use;

(39) "roadway prism" means that portion of the highway right-of-way between the bottoms of the ditches on either side of the roadway, the toes of fills on either side of the roadway, or the backs of curbs on either side of the roadway, including the slope, shoulders, pavement, and median strips less than 60 feet wide;

(40) "routine maintenance" means the repair of any defective or damaged part of a facility or the replacement of that part at the same

location by another part of the same type, capacity, or design, and includes the routine clearing of the area immediately adjacent to pedestals, vents, pipes, marker signs, or other similar objects to ensure their visibility to the public and other users of department rights-of-way;

(41) "rural highway or road" means a road or highway without access controls that is located outside of an urban area;

(42) "siphon" means a conduit, pipe, or tunnel that is used to conduct water from an open waterway to a lower elevation and then return it to another open waterway at the elevation of the original waterway;

(43) "specifications" means all directions and requirements pertaining to and governing the performance of work;

(44) "state" means the State of Alaska;

(45) "department contract" means a contract for construction of a project which is advertised, awarded, and administered by the department and which may contain items relating to utility or railroad facilities work;

(46) "surface-mounted facility" means any utility or railroad facility extending above the surface of the ground, including poles, posts, and hydrants;

(47) "telecommunications" or "communications" means the transmission and reception of messages, impressions, pictures, and signals by means of electromagnetic waves, force variations, impulses, or any other kind of energy, whether conveyed through cable or wire, or whether radiated through space or transmitted through any other medium;

(48) "toe of fill" means the point where the slope of the roadway building foundation fill, or airport runway fill intersects with the natural ground;

(49) "top of cut" means the point where the back slope of a roadway cut section intersects with the natural ground;

(50) "traveled way" means that portion of the roadway intended for the movement of vehicles, exclusive of shoulders and parking lanes;

(51) "undefined shoulder" means the area adjacent to a traveled way where the roadway surface is on the same level as the natural ground and there is no longitudinal drainage ditch or roadway fill or cut;

(52) "urban highway or street" means any roadway or highway without access controls that is located within a first or second class city, or is located within the municipal center of a unified municipality or within a developed area that has a commercial, industrial, or residential character;

(53) "utilidor" means a structure containing one or more channels, usually prefabricated in units, including units that are fitted with a removable cover that may also be used as sidewalk or roadway surface;

(54) "utility" includes any corporation, company, individual, or association of individuals, or any lessee, trustee, or court-appointed receiver, that owns, operates, manages, or controls any line, plant, pipeline, or system for furnishing, producing, generating, transmitting, or distributing power, electricity, communications, telecommunications, water, gas, oil, petroleum products, steam, heat, light, chemicals, air, sewage, drainage not connected with highway drainage, irrigation, or similar products including publicly owned fire and police signal systems and street lighting systems which directly or indirectly serve the public or a segment of the public; "utility" also includes any corporation, company, individual, or association of individuals, or any lessee, trustee, or court-appointed receiver that owns, operates, manages, or controls any system for furnishing transportation of goods or persons by means of a railway, tramway, cableway, conveyer, flume, canal, tunnel, pipeline, or any other similar means;

(55) "utility locate service" means a service provided by a utility to locate its buried utility facilities;

(56) "utility service connection" means the cable, wire, or pipe that connects the utility distribution line to the premises served;

(57) "wet-boring" means the method or process of boring with the use of jets of water or liquid slurry. (Eff. 5/23/82, Reg. 82)

Authority: AS 19.05.020 AS 19.30.121  
AS 19.05.040 AS 19.40.065  
AS 19.30.051

1) PAGE 1 LINE 23 DELETE [WITHIN A REASONABLE TIME SET BY THE DEPARTMENT IN THE ORDER.]

ADD WITHIN 90 DAYS OR AS AGREED BY THE RESPECTIVE PARTIES

2) PAGE 1 LINE 24 - 28 DELETE SUBSECTION (b).

3) PAGE 2 LINE 15 DELETE [UNLESS THE DEPARTMENT PROVIDES OTHERWISE BY REGULATION]

PLACE A PERIOD (.) AFTER DEPARTMENT.

4) PAGE 2 LINE 22 DELETE [ A REASONABLE TIME SET BY THE DEPARTMENT IN THE ORDER]

ADD WITHIN 90 DAYS OR AS AGREED BY THE RESPECTIVE PARTIES.

5) PAGE 2 LINE 24 - 27 DELETE [ IF THE OWNER DOES NOT CHANGE, THROUGH ....PROVISIONS OF AS 02.15.114 ]

6) PAGE 3 LINES 7 - 8 DELETE [ WITHIN A TIME LIMIT SET BY THE DEPARTMENT ]

ADD WITHIN 90 DAYS OR AS AGREED BY THE RESPECTIVE PARTIES.

7) PAGE 3 LINE 10 DELETE [ MAY ] ADD SHALL

ADD. AFTER, BY CERTIFIED MAIL RETURN RECEIPT REQUESTED

8) PAGE 3 DELETE LINES 23 - 26