



# LAWS OF ALASKA

1971

Source

Chapter No.

CSHB 236 am

84

## AN ACT

Relating to local service roads and trails; and providing for an effective date.

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

\* Section 1. AS 19.30.110 - 19.30.170 are repealed.

\* Sec. 2. AS 19.30 is amended by adding new sections to read:

#### ARTICLE 3. LOCAL SERVICE ROADS AND TRAILS.

Sec. 19.30.111. PURPOSE. It is the purpose of secs. 111 - 251 of this chapter to provide for the construction of local service roads and trails which are not included in the approved federal-aid primary or secondary highway systems eligible for federal-state matching funds.

Sec. 19.30.121. REGULATIONS. The commissioner may make regulations necessary to carry out secs. 111 - 241 of this chapter.

Sec. 19.30.127. ALLOCATION DISTRICTS. The state is divided into five allocation districts as follows:

(1) The boundary of allocation district one begins in Kamishak Bay at 59°15'N, 154°00'W; and travels north along longitude line 154°00'W to latitude 63°00'N; thence east along latitude line 63°00'N to a point common with the boundaries of allocations districts two and five; southerly of the Denali Highway at Corkscrew Creek (Milepost 59.1); thence southerly to Prince William Sound at Fairmount Point 60°53'45"N, 147°27'W and inclusive of Kodiak, Afognak, Barren, Trinity and Chirjkof Islands.

(2) The boundary of allocation district two

begins at and includes the point at which the Alaska Highway intersects the Alaska-Yukon border; travels north-westerly to the west abutment of the Little Tok River Bridge on Tok Cutoff Highway (Milepost 91.2); thence west to the northerly abutment of the McCallum Creek Bridge on the Richardson Highway (Milepost 202.4); thence west to a point directly north of the Denali Highway at Corkscrew Creek (Milepost 59.1); thence southwesterly to the Glenn Highway at Summit (Milepost 118) and continuing along that line to latitude 63°00'N; thence west along latitude 63°00'N to longitude 154°00'W; thence north along longitude 154°00'W to the Arctic Ocean.

(3) The boundary of allocation district three begins in the Gulf of Alaska on longitude line 141°00'W; thence north along longitude 141°00'W to Boundary Point 187; thence southeasterly along the Canadian-United States border bounding Southeastern Alaska in its entirety.

(4) The boundary of allocation district four begins in the Arctic Ocean at Smith Bay 70°54'N, 154°19'W; on longitude line 154°00'W; travels south along longitude 154°00'W to latitude 59°15'N in Kamishak Bay; thence east along latitude 59°15'N to longitude 152°15'W; thence southwesterly through Shelikof Strait and bounds of the entire Aleutian Chain.

(5) The boundary of allocation district five begins at the Gulf of Alaska on longitude line 141°00'W and travels northerly along that line to the point (but not including the point) at which Alaska Highway intersects the Alaska-Yukon border; thence northwesterly to the west abutment of the Little Tok River Bridge on the Tok Cutoff Highway (Milepost 91.2); thence west to the northerly abutment of McCallum Creek Bridge on the Richardson Highway (Milepost 202.4); thence west to the point directly north of Denali Highway at Corkscrew Creek (Milepost 59.1); thence southwesterly to the Glenn Highway at Summit (Milepost 118); thence southerly to Prince William Sound at Fairmount Point 60°53'45"N, 147°27'W.

Sec. 19.30.131. ALLOCATION OF FUNDS. (a) During each fiscal year the commissioner shall allocate sums appropriated or otherwise designated for expenditure upon local service roads for that fiscal year among the five allocation districts in the following manner: one-half in the ratio which the area of each allocation district bears to the total area of the state and one-half in the ratio which the population of each allocation district bears to the total population of the state as shown by the latest available federal census.

(b) The commissioner shall also further allocate the sums in each allocation district to the boroughs within each allocation district in the following manner: one-half in the ratio which the area of each organized borough (excluding salt water areas) within that district bears to the total area of the allocation district and one-half in the ratio which the population of each organized borough area within that district bears to the total population of the allocation district as shown by the latest available federal census.

(c) The commissioner shall also further allocate portions of the sum allocated to any borough, either organized or unorganized, and to any home rule city within the borough in the following manner: one-half in the ratio which the area of each home rule city bears to the total area of the borough (excluding salt water areas) and one-half in the ratio which the population of each home rule city bears to the total population of the borough as shown by the latest available federal census.

(d) The sums not allocated within each district to a local government under (b) and (c) of this section shall be allocated to the unorganized borough and administered by the department.

Sec. 19.30.141. CONSTRUCTION PROGRAMS. Before October 1 of each fiscal year each local government eligible for allocation of funds under sec. 131 of this chapter shall submit to the commissioner for approval a long-range program for the construction of local service roads and trails. Before December 1 of each fiscal year the commissioner shall submit to the governor a long-range program for the construction of local service roads and trails, including the approved local government programs. An organized borough shall include in its long-range program local service road construction programs for all cities other than home rule cities within the boundaries of the borough. The commissioner shall include in his long-range program local service road and trail construction within the unorganized borough.

Sec. 19.30.151. LOCAL GOVERNMENT PARTICIPATION. (a) Upon application by a local government local service roads and trails constructed under the provisions of secs. 111 - 241 of this chapter and located within the jurisdictional boundaries of a local government, as defined in sec. 241(3) of this chapter, may be transferred to that local government upon approval by the Department of Highways and after a vote of the people in the area. A local government which has assumed road powers before the effective date of this Act may not be required to hold an election as provided by this section.

(b) The commissioner is authorized to transfer funds to any local government which he determines to be qualified to construct local service roads or trails.

(c) Nothing in secs. 111 - 241 of this chapter prohibits a local government from participating financially in the construction of a local service road or trail.

Sec. 19.30.161. DESIGN STANDARDS. Design standards for each local service road and trail project shall have the prior approval of the commissioner.

Sec. 19.30.171. ACQUISITION AND CONVEYANCE OF RIGHTS-OF-WAY. (a) The local government shall acquire all rights-of-way required for local service road and trail construction. However, if the local government is unable to acquire the necessary right-of-way, the commissioner is authorized to acquire it in accordance with AS 19.05.080 - 19.05.120. The commissioner may convey to the local

government by appropriate instrument executed in the name of the state, any land or interest in land which has been acquired by the state for the construction of local service roads or trails.

(b) The costs incurred by the commissioner in acquiring this land or interest in land includes all costs and any fees incidental to acquisition, including relocation assistance and payments in accordance with ch. 35 of this title. All costs incurred by the commissioner in connection with the acquisition of the land or interest in land shall be paid by the local government for which the land or interest in land is acquired.

(c) When rights-of-way for local service roads are acquired over land or interest in land owned by the state, the commissioner may make such arrangements with the department having jurisdiction over the land as may be necessary to give the local government adequate rights-of-way, and any such department is directed to transfer the jurisdiction of the land to the commissioner.

Sec. 19.30.181. PROJECT AGREEMENTS. As soon as practicable after a specific project has been approved by the commissioner, the commissioner shall enter into a formal project agreement with a qualified local government concerning the construction of the project.

Sec. 19.30.191. LETTING OF CONTRACTS. (a) If the construction is to be performed by the local government, or under its supervision, a request for submission of bids shall be made by advertisement unless some other method is approved by the commissioner. The commissioner shall require plans and specifications and methods of bidding which will be effective in securing competition.

(b) Construction of each project subject to the provisions of this section shall be performed by contract awarded by competitive bidding, unless the commissioner finds that, under the circumstances relating to the project, some other method is in the public interest. Contracts for the construction of each project shall be awarded only on the basis of the lowest responsible bid submitted by a bidder meeting established criteria of responsibility. No requirement or obligation may be imposed upon a bidder as a condition precedent to the award of a contract to a bidder unless the requirement or obligation is otherwise lawful and specifically set out in the advertised specifications.

(c) All contracts by a local government awarded by competitive bidding under (b) of this section must comply with the provisions of this section, and have the prior concurrence of the commissioner.

Sec. 19.30.201. CONSTRUCTION. The construction of a local service road or trail undertaken by a local government or under its direct supervision under the provisions of secs. 111 - 241 of this chapter, shall be performed according to approved design standards and are subject to the inspection and approval of the commissioner. All construction work done and labor performed by or under the

direct supervision of the local government shall be in accordance with the laws of that local government and applicable state law.

Sec. 19.30.211. MAINTENANCE. The department shall maintain, or cause to be maintained, any project constructed under the provisions of secs. 111 - 241 of this chapter, except that upon mutual agreement of the commissioner and the local government the responsibility for maintenance may be transferred to the local government if it is authorized to assume road maintenance powers.

Sec. 19.30.221. AVAILABILITY OF ALLOCATED SUMS. (a) On and after the date that the commissioner has certified the sums allocated to each local government, the sums shall be available for expenditure by the local government under the provisions of this chapter.

(b) These sums shall continue available for expenditure by that local government for a period of five years after the close of the fiscal year for which the sums are authorized and any amounts so obligated remaining unexpended at the end of that period shall lapse and shall be available for other local service road or trail construction within that allocation district in accordance with secs. 111 - 241 of this chapter.

Sec. 19.30.231. PAYMENT FOR CONSTRUCTION. (a) The commissioner may from time to time as the work progresses, make payments to a local government for the total cost of completed construction incurred by it on a project.

(b) After completion of a project and approval of the final voucher by the commissioner, a local government is entitled to payment of the unpaid balance for the project from the sums allocated to it.

(c) No payment under this section may be made except for a project covered by a project agreement. No final payment may be made to a local government for its costs of construction of a project until the completion of the construction has been approved by the commissioner following inspections under sec. 201 of this chapter.

(d) The payments shall be made to the official or depository as may be designated by the local government and authorized under the laws of the local government to receive public funds of the local government.

Sec. 19.30.241. DEFINITIONS. In secs. 111 - 241 of this chapter

(1) "construction" means the building of a new road, street or trail or the improvement of existing roads, streets or trails and includes the necessary preliminary engineering, construction engineering and utility relocation;

(2) "home rule city" means a city defined in AS 29.05.010;

(3) "local government" means an organized

borough of any class or a home rule city;

(4) "local service road" means a public road which is not designated as a route on the approved federal-aid highway system;

(5) "project" means an undertaking to construct a particular portion of a local service road or trail, or if the context so implies, the particular portion of a local service road or trail so constructed;

(6) "trail" means a footpath or way on land or water that is open to public use as a matter of right whether or not a thoroughfare, particularly for dog sleds and mechanized snow vehicles.

Sec. 19.30.251. LOCAL GOVERNMENT POWERS. Road construction and maintenance authority is granted to local governments, as defined in sec. 241(3) of this chapter, which do not otherwise have that authority; however, the authority granted is limited to participation in the construction and maintenance of local service roads under secs. 111 - 241 of this chapter.

\* Sec. 3. AS 43.18.010(b) is amended to read:

(b) During each fiscal year the state shall pay to a city or organized borough of any class which has power to provide for road maintenance and exercises the power a sum equal to \$1,500 a mile for each mile of road, street or highway maintained by the local government, excluding the official state highway system, roads, streets or highways not dedicated to public use, any roads, streets or highways maintained under the local service road program (AS 19.30.-111 - 19.30.251), and alleyways, in accordance with regulations adopted by the Department of Highways. No payments may be made for maintenance of roads not used by automotive equipment.

\* Sec. 4. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.