

1. Organization and Administration

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This Manual was developed to administer policies and procedures for accommodating, adjusting, and relocating utility facilities located within its rights-of-way and other lands that the Alaska Department of Transportation and Public Facilities (DOT&PF or the Department) holds a property interest. Such lands include highways, roads, airports, harbors, breakwaters, and section line easements. The Department of Administration manages state buildings.

1.1. Responsibility

The Department manages utility accommodation policies through the Utility Sections within each region. Each regional Utility Section is organized to support the needs in its region. The organizational charts in Figure 1-1 indicate the organization of each region.

The objective is to ensure that all utility facilities within the Department's rights-of-way maximize public safety, optimize the efficient use of rights-of-way by multiple utilities, minimize the potential for future relocation, and provide timely cost-effective solutions for utilities impacted by the Department's activities.

Regional utility engineers are responsible for implementing and administering the utility accommodation policy and coordinating utility relocations to facilitate the Department's construction program.

1.2. History and Organization

The Alaska Road Commission was created in 1905 and remained until 1959. The Department of Public Works was then created to oversee highways, airports, water and harbors, buildings, and other related functions.

The Governor established the Department of Highways and Public Works in 1962 by executive order. It remained as the parent organization of

Aviation, Water and Harbors, Buildings, and the newly created Division of Marine Transportation.

The Department of Highways was eliminated in 1977 and the Department of Transportation and Public Facilities was established to combine the work of the two previous departments (ref. appendix page 7-1).

1.2.1. Organization

The Department is organized geographically with regional offices in Juneau (Southeast Region), Anchorage (Central Region) and Fairbanks (Northern Region) as well as headquarters offices located in Juneau.

The commissioner of the Department of Transportation and Public Facilities is appointed by the governor and confirmed by the legislature. Under the commissioner are deputy commissioners and three regional directors.

The state headquarters chief of right-of-way is responsible for developing, implementing, and coordinating policies and procedures for accommodating utilities within Department owned rights-of-way and lands, in accordance with the latest statutes and regulations.

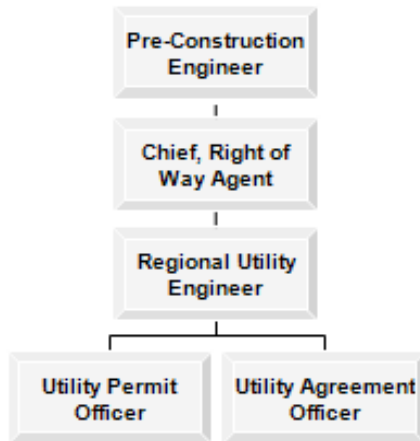
1.3. Statutes, Regulations, Standards, and Appeals

1.3.1. Alaska Statutes

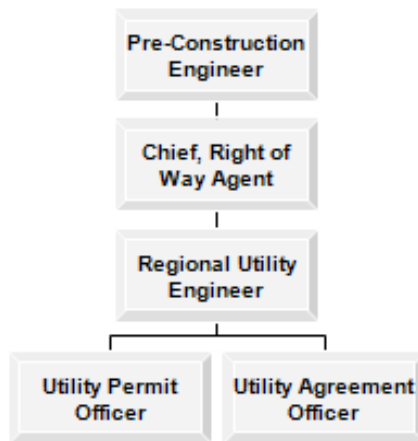
Alaska Statutes (AS) listed below authorizes the Department to adopt rules and regulations to implement the law and define the Department's powers and authority to manage utilities on airports, highways, and public facilities.

- AS 02.15 Aeronautics - Alaska Aeronautics Act of 1949
- AS 19.25 Highways and Ferries - Utilities, Advertising, Encroachments, and Memorials
- AS 30.15 Navigations, Harbors, Shipping, and Transportation Facilities - State Participation in Port Facilities and Development
- AS 35.10 Public Buildings, Works and Improvements - Public Works
- AS 44.42 State Government - Department of Transportation & Public Facilities

Southeast Region



Northern Region



Central Region

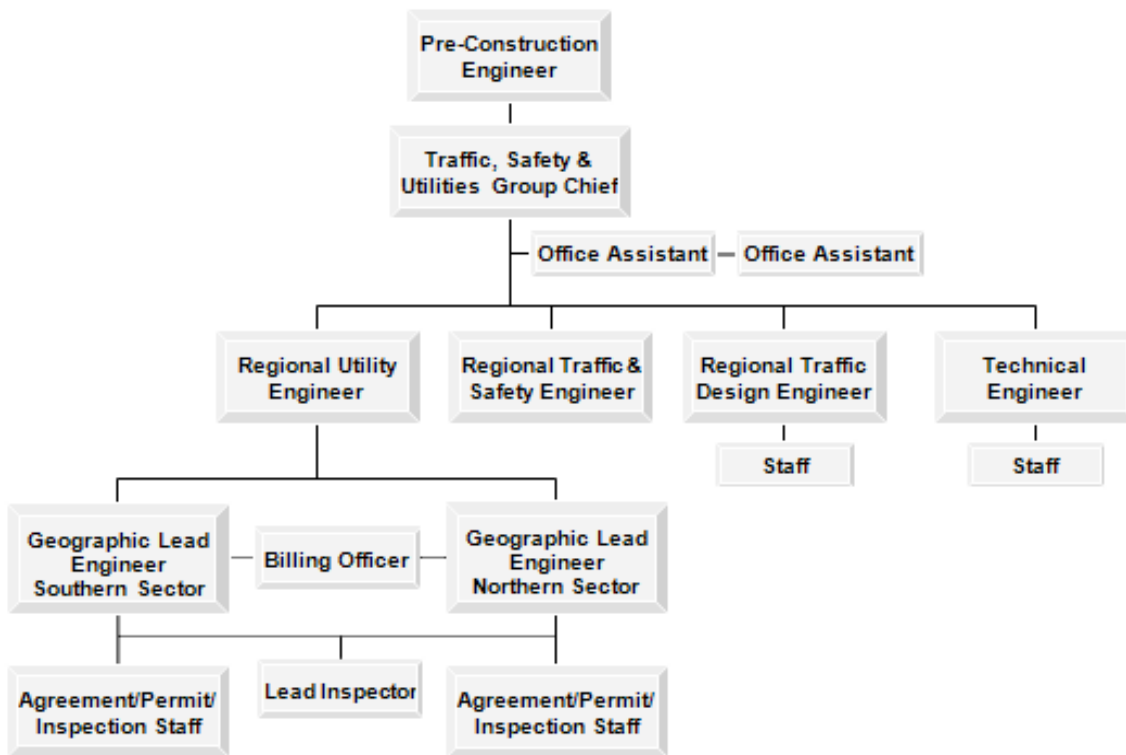


Figure 1-1
Regional Organization

1.3.2. Alaska Administrative Code

The *Alaska Administrative Procedure Act* (AS 44.62) empowers the Department to prescribe regulations that are consistent with the laws of the state. The regulations pertaining to the administration of accommodation, adjustment, and relocation of utilities are contained in 17 AAC 15: Utility and Railroad Permits.

1.3.3. Standards

Utility facilities installed in the Department's rights-of-way, public facilities, or airports shall be constructed in accordance with applicable codes and industry standards current at the time of application.

1.3.4. Appeals

The Department has established a formal process to appeal its decisions that deny, modify, or revoke a permit or privilege under utility or railroad permitting. The procedure is found in 17 AAC 85: Transportation and Public Facilities - Appeals.

1.4. Other State Agencies

The Alaska Statutes also authorize other state agencies and departments to permit and regulate utility construction, maintenance and operating practices, and standards.

1.4.1. The Department of Commerce, Community, and Economic Development

The Department of Commerce, Community, and Economic Development (DCCED) regulates electric and telephone cooperatives under the authority of AS 10.25: Corporations and Associations - Electric and Telephone Cooperative Act. This Act:

- Allows the cooperatives to construct and maintain their facilities within publicly owned lands including all highway, road, and street rights-of-way.
- Defines construction standards to which compliance shall be met.

Cooperatives are still required to obtain a DOT&PF utility permit for use of rights-of-way and lands in which the Department holds a property interest.

1.4.2. The Department of Fish and Game

The Department of Fish and Game (ADF&G) requires utility companies to obtain permits and approval of

plans prior to construction in and adjacent to anadromous fish streams and waters under the authority of AS 16: Fish and Game, Chapter 5 Fish and Game Code and Chapter 10 Fisheries and Fishing Regulations. These permits are independent of a DOT&PF utility permit.

1.4.3. The Department of Labor and Workforce Development

The Department of Labor Workforce Development (DOLWD) regulates work safety practices under AS 18: Health, Safety and Housing - Safety. This provides for the establishment and enforcement of:

- Occupational safety and health standards
- Minimum electrical safety standards
- Procedures for working in the vicinity of high-voltage electrical lines and conductors
- Piping standards

The DOLWD also regulates minimum pay rates for laborers and mechanics in public contracts under AS 36.05: Public Contracts - Wages and Hours of Labor. These provisions are commonly known as the "Little Davis Bacon Act" and mirror the Federal Davis Bacon Act. The DOLWD administers minimum rates of pay for:

- Agency let contracts for utility installation or relocation
- Public utility let contracts for utility installation or relocation associated with a public contract
- Private utility let contracts for utility installation or relocation associated with a public contract
- Private utility force installation or relocation associated with a public contract

DOLWD requires weekly contractor labor reports for federal-aid projects and bi-weekly reports for state-funded projects. There is a fee for applicable contract work.

1.4.4. Municipalities

Municipalities have the power to control and regulate public utilities under AS 29.35: Municipal

Government- Municipal Powers and Duties. The municipality is authorized to:

- Control and regulate the use of municipal rights-of-ways.
- Grant franchises to utilities not certified by the Regulatory Commission of Alaska (RCA)
- Permit and regulate the use of public streets and rights-of-way by the franchisee
- Regulate rates and charges of utility services furnished to the municipality or its inhabitants by a utility not regulated under AS 42.05

Municipalities are authorized to adopt platting requirements to control utility facilities installation and public utility easement dedications under AS 29.40: Platting, Planning, and Land Use Regulation.

1.4.5. The Department of Natural Resources

The Department of Natural Resources (DNR) issues permits, right-of-way leases and easements for field gathering lines, distribution and transmission pipelines, and telephone and electric distribution and transmission lines across state lands under the authority of AS 38: Public Land, Chapter 5 Alaska Land Act and Chapter 35 Right-of-Way Leasing Act and AS 38.95 - Miscellaneous Provisions; the exception being section line easements where the Department is the permitting authority per 17 AAC 15.031.

1.4.6. State Historical Preservation Office

The State Historical Preservation Office (SHPO) regulates the preservation of historical, pre-historical, and archeological resources that are threatened by public construction under Title 41 Public Resources, Chapter 35 - Alaska Historic Preservation (AS 41.35).

1.4.7. The Regulatory Commission of Alaska

The Regulatory Commission of Alaska (RCA) regulates the operations of utility and pipeline companies under the authority of Title 42 - Public Utilities and Carriers and Energy Programs, Chapter 5 Alaska Public Utilities Regulatory Act (AS 42.05) and Chapter 6 Pipeline Act (AS 42.06). These statutes make provisions for:

- Using borough and city streets for utility facilities

- Establishing requirements for joint-use of facilities
- The definition of additional utility and pipeline terms

1.4.8. Alaska Legislated Corporations and Authorities

The Alaska Legislature established several corporations and authorities to further the best interests of the state. The corporations and authorities may exist under a state department, or be a separate quasi-governmental entity with legislated missions and powers similar to other state departments.

Following are several examples of state corporations and authorities. Others may exist beyond those listed.

Alaska Railroad Corporation

The Alaska Railroad Corporation (ARRC) is established under AS 42.40 as a public corporation within DCCED. The corporation has a legal existence independent of the state. All ARRC rights-of-way are independent of Department rights-of-way and are designated as utility corridors to be used for transportation, communication, and transmission purposes. The placement of highway crossings or utility facilities across or through ARRC property requires a permit and/or easement from the ARRC.

Alaska Gasline Development Corporation

The Alaska Gasline Development Corporation (AGDC) is established under AS 38.34.03(a) and AS 18.56.086 as a public corporation within the Alaska Housing Finance Corporation. The purpose of the AGDC is to develop natural gas pipelines within the State of Alaska. DNR issued the AGDC a right-of-way lease (ADL 418997) for the Alaska Stand-Alone Pipeline, which applies to state lands in which DOT&PF has an interest or administers.

Knik Arm Bridge and Toll Authority

The Knik Arm Bridge and Toll Authority (KABATA) is established as a public corporation within DOT&PF. The purpose of the KABATA is to construct and operate a bridge connecting the Municipality of Anchorage and the Matanuska-Susitna Borough.

1.4.9. The Department of Administration

The Department of Administration (DOA) provides studies and designs in addition to implementing and

managing telecommunications systems and services of the state under the authority of AS 44.21: State Government - DOA.

1.4.10. The Department of Environmental Conservation

The Department of Environmental Conservation (DEC) regulates air and water pollution under the authority of AS 46: Water, Air, Energy, and Environmental Conservation.

AS 46.03: Environmental Conservation authorizes:

- The issuance of waste disposal permits
- Establishing safeguard standards for petroleum and natural gas pipeline construction, operation, and modification
- Establishing standards for the construction, improvement, and maintenance of public water supply systems, sewage disposal systems, and wastewater treatment facilities
- The approval of construction plans for water supply and treatment facilities, and sewage disposal and wastewater treatment facilities
- The management of the Alaska Pollutant Discharge Elimination System (APDES) Program under 18 AAC 83

AS 46.07: Village Safe Water Act authorizes the construction of village water supply and wastewater treatment systems.

AS 46.30: Certification of Water and Wastewater Works Operators provides for:

- Classifying all potable water supply systems and facilities and wastewater treatment systems and facilities
- Certifying water and wastewater operators

1.5. Attorney General Opinion Requests

Legal opinions are rendered only by the Attorney General's Office. These opinions provide guidance for the Department's decisions, policies, and actions.

The regional utility engineer may request a conference or opinion from the assistant attorney general assigned to their region. The Attorney General's Office bills regions for legal support.

1.6. Federal Aid Program Guidelines

1.6.11. Highways

The Federal Highway Administration (FHWA) administers the Federal Aid Highway Program (FAHP) in accordance with the *Code of Federal Regulations* (CFR) Title 23 Highways.

FHWA and the Department formalize respective roles and responsibilities for managing the FAHP through the *Stewardship and Oversight Agreement*. Under the agreement, the design phase includes preparation and approval of utility agreements by the Department and utility certification by the Department that is approved by FHWA.

The FHWA Program Guide, Utility Relocation, and Accommodation on Federal Aid Highway Projects dated January 2003 provides additional guidance to the (CFR).

FHWA's approval of this Alaska Utilities Manual constitutes FHWA determination Alaska DOT&PF policies satisfy the provisions of 23 USC 109, 111, and 116, and 23 CFR 1.23 and 1.27, and the requirements of 23 CFR 645, and approves these policies for use on federal-aid highway projects in Alaska.

1.6.12. Airports

The Federal Aviation Administration (FAA) administers the Federal Aid Airport Program (FAAP) in accordance with 14 CFR and FAA Order 5100.38C, June 2005: *Airport Improvement Program Handbook*.

The FAA and the Department formalize their roles and responsibilities for managing the FAAP through a *Federal-Aid Project Oversight Responsibility Agreement* between the FAA Alaska Region and the Department. Under the agreement, the design phase includes preparing and approving utility agreements and utility certifications.

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