AN ACT

Relating to the powers and duties of the Department of Transportation and Public Facilities; repealing the requirement for a long-range program for highway construction and maintenance; and repealing a requirement that public facilities comply with energy standards adopted by the Department of Transportation and Public Facilities; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1
AN ACT

Relating to the powers and duties of the Department of Transportation and Public Facilities; repealing the requirement for a long-range program for highway construction and maintenance; and repealing a requirement that public facilities comply with energy standards adopted by the Department of Transportation and Public Facilities; and providing for an effective date.

* Section 1. AS 19.05.040 is amended to read:

Sec. 19.05.040. Powers of department. The department may

(1) acquire property;
(2) exercise the power of eminent domain;
(3) take immediate possession of real property, or any interest in real property [IT] under a declaration of taking or by other lawful means;
(4) acquire rights-of-way for present or future use;
(5) control access to highways;
(6) regulate roadside development;
(7) preserve and maintain the scenic beauty along state highways;
(8) dispose of property acquired for highway purposes;
(9) accept and dispose of federal funds or property available for highway construction, maintenance, or equipment;
(10) enter into contracts or agreements relating to highways with the federal government, municipalities, a political subdivision, or with a foreign government, if the contract is approved by the federal government;
(11) establish, levy, and collect tolls, fees, charges, and rentals for the use of state roads, highways, bridges, tunnels, crossings, and causeways;
(12) exercise any other power necessary to carry out the purpose of AS 19.05 - AS 19.25; and
(13) award and administer grants authorized by appropriation by the legislature [NECESSARY OR INCIDENTAL TO THE PERFORMANCE OF THE DUTIES AND EXECUTION OF THE POWERS OF THE HIGHWAY SAFETY PLANNING AGENCY].

* Sec. 2. AS 44.42.020(a) is amended to read:

(a) The department shall

(1) plan, design, construct, and maintain all state modes of transportation and transportation facilities and all docks, floats, breakwaters, buildings, and similar facilities;
(2) study existing transportation modes and facilities in the state to determine how they might be improved or whether they should continue to be maintained;
(3) study alternative means of improving transportation in the state with regard to the economic costs of each alternative and its environmental and social effects;
(4) develop a comprehensive, long-range intermodal transportation plan for the state;
(5) study alternatives to existing modes of transportation in urban areas
and develop plans to improve urban transportation;

(6) cooperate and coordinate with and enter into agreements with federal, state, and local government agencies and private organizations and persons in exercising its powers and duties;

(7) manage, operate, and maintain state transportation facilities and all docks, floats, breakwaters, and buildings, including all state highways, vessels, railroads, pipelines, airports, and aviation facilities;

(8) study alternative means of transportation in the state, considering the economic, social, and environmental effects of each alternative;

(9) coordinate and develop state and regional transportation systems, considering deletions, additions, and the absence of alterations;

(10) develop facility program plans for transportation and state buildings, docks, and breakwaters required to implement the duties set out in this section, including but not limited to functional performance criteria and schedules for completion;

(11) supervise and maintain all state automotive and mechanical equipment, aircraft, and vessels, except vessels and aircraft used by the Department of Fish and Game or the Department of Public Safety; for state vehicles maintained by the department, the department shall every five years [ANNUALLY] evaluate the cost, efficiency, and commercial availability of alternative fuels [NATURAL GAS] for automotive purposes, and the purpose for which the vehicles are intended to be used, and convert or purchase vehicles to use alternative fuels [UTILIZE NATURAL GAS] whenever practicable; the department may participate in joint ventures with public or private partners that will foster the availability of alternative fuels [NATURAL GAS] for all automotive fuel consumers;

(12) supervise aeronautics inside the state, under AS 02.10;

(13) [COMPLETE AND MAINTAIN A CURRENT INVENTORY OF PUBLIC FACILITIES, INCLUDING A PROJECTION OF THE SERVICEABILITY OF THE FACILITIES AND PROJECTIONS OF REPLACEMENTS AND ADDITIONS TO FACILITIES NEEDED TO PROVIDE THE LEVEL OF SERVICES PROGRAMMED BY THE VARIOUS USER]
AGENCIES, FOR MUNICIPALITIES WITH POPULATIONS OF LESS THAN 12,000 AND FOR UNINCORPORATED COMMUNITIES, AND PERFORM THOSE DUTIES ON A COOPERATIVE BASIS WITH LARGER MUNICIPALITIES;

(14) ADOPT ENERGY PERFORMANCE STANDARDS FOR PUBLIC FACILITIES OF THE STATE, THE CONSTRUCTION OF WHICH BEGINS AFTER JULY 1, 1980; THE STANDARDS SHALL BE BASED ON THERMAL AND LIGHTING ENERGY STANDARDS ESTABLISHED BY THE AMERICAN SOCIETY OF HEATING, REFRIGERATION AND AIR CONDITIONING ENGINEERS AS ADAPTED FOR APPLICATION IN HIGH LATITUDE, COLD CLIMATE ENVIRONS;

(15) PROVIDE PLANNING ASSISTANCE, INCLUDING BUT NOT LIMITED TO ENERGY AUDITS AND RELATED TECHNICAL SERVICES, TO SCHOOL DISTRICTS AND REGIONAL EDUCATIONAL ATTENDANCE AREAS TO DEVELOP AND IMPLEMENT

(A) STANDARDS FOR THE DESIGN, CONSTRUCTION, AND OPERATION OF RURAL EDUCATIONAL FACILITIES; AND

(B) ENERGY CONSERVATION MEASURES FOR RURAL EDUCATIONAL FACILITIES;

(16)] implement the safety and financial responsibility requirements for air carriers under AS 02.40;

(14) [(17)] inspect weights and measures;

(15) at least every four years study alternatives available to finance transportation systems in order to provide an adequate level of funding to sustain and improve the state's transportation system.

* Sec. 3. AS 44.42.050(a) is amended to read:

(a) The commissioner shall develop [ANNUALLY] a comprehensive, intermodal, long-range transportation plan for the state. The plan may be developed in multiple documents that address logical components, including geographic areas, modes of transportation, transportation corridors, systems, and other distinct subjects relevant to transportation planning. The components of the plan
shall be revised as the commissioner determines appropriate. In developing and revising the state plan, the commissioner shall conform to the requirements for the eligibility and use of federal and other funds, as applicable. Upon approval of each component of the plan by the commissioner, the commissioner shall transmit notice of the approval of that component to the governor and [consider means and costs of improving existing modes and facilities, state and federal subsidies, and the costs and benefits of new transportation modes and facilities. The commissioner shall also consider the recommendation of the Alaska Transportation Planning Council. The plan shall be submitted to the governor for review and approval and submitted by the governor] to the legislature.

* Sec. 4. AS 44.42.050(d) is amended to read:

(d) The commissioner shall develop a list [plan must include a description] of projects scheduled [planned] for design, [AND] construction, or other necessary activities for a period of not less than [the following] two years that is consistent with the plan developed under (a) of this section. The list of projects [description] is in addition to the long-range plan required by (a) of this section [and by AS 19.10.140]. The list of projects [description] must include an estimate of federal, state, and other funds anticipated to be received to fund the projects and a description, location, and itemization of the estimated cost for each project and the total cost of all projects. [The commissioner shall propose and forward to the governor for review and approval and inclusion, as approved, in the capital budget a construction program that includes the projects to be undertaken during the following two years including recommended project priorities. Funds for transportation construction projects and necessary contingencies shall be itemized as allocations within the bill for the general appropriations act.]

* Sec. 5. AS 44.42.050 is amended by adding a new subsection to read:
(e) In evaluating new highways, airports, terminals, ferries, and other major components for inclusion in the plan, the commissioner shall prepare a cost-effectiveness analysis using a consistent methodology. A cost-effectiveness analysis is not required for a project that involves the rehabilitation and maintenance of an existing transportation system or that primarily serves local transportation needs.

* Sec. 6. AS 46.11.900(8) is amended to read:

(8) "thermal and lighting energy standards" means the thermal and lighting energy standards

(A) established by the American Society of Heating, Refrigeration, and Air Conditioning Engineers as revised

[(i) BY THE COMMISSIONER OF TRANSPORTATION AND PUBLIC FACILITIES UNDER AS 44.42.020(a) FOR PUBLIC FACILITIES; OR

(ii)] by the Alaska Housing Finance Corporation for buildings and structures that are not public facilities; or

(B) developed in regulations adopted

[(i) BY THE COMMISSIONER OF TRANSPORTATION AND PUBLIC FACILITIES UNDER AS 44.42.020(a) FOR PUBLIC FACILITIES; OR

(ii)] by the Alaska Housing Finance Corporation for buildings and structures that are not public facilities.

* Sec. 7. AS 19.10.140 and AS 46.11.010 are repealed.

* Sec. 8. Section 5 of this Act takes effect July 1, 2006.