

ALASKA STATE LEGISLATURE



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House Transportation Committee Representative Peggy Wilson District 33

HB 371 Sponsor Statement

“An act providing for the Department of Transportation and Public Facilities to hold the surface estate of certain state land; relating to the transfer of certain state land and materials from the Department of Natural Resources to the Department of Transportation and Public Facilities for the construction or maintenance of the state highway system, state airports, and state public building and facilities; relating to the lease or sale of certain marine or harbor facilities; relating to the lease or disposal by the Department of Transportation and Public Facilities of rights-of-way, property interests, or improvements that are no longer required; relating to the grant of certain easements over submerged state land to the federal government; relating to the transfer of certain maintenance stations on the James Dalton Highway to the Department of Transportation and Public Facilities; relating to the conveyance of land for right-of-way purposes from the Alaska Railroad Corporation to the Department of Transportation and Public Facilities; providing for an effective date.”

HB 371 will clarify that the transfer of land or materials from the Department of Natural Resources to the Department of Transportation and Public Facilities for construction or maintenance of an airport, highway, or public facility is not a “disposal” of state land. This is a transfer of state land from multiple-use public domain land to solely government-use land as recognized in Article VIII, section 6 of the Constitution. In addition since the capital improvements have been funded by the legislature these transfers of property are presumed to be in the public’s interest. The bill will provide a procedural mechanism for interagency transfers of property. The bill also would provide for public notice of intended land transfers through the Alaska Online Public Notice System.

Also HB 371 will waive legislative approval of land conveyances from the Alaska Railroad Corporation to the Department of Transportation and Public Facilities. This will reduce project development timelines by over a year when federal aid or other rules necessitate exclusive right-of-way access for a Department of Transportation and Public Facilities project.

HB 371 will authorize the Department of Natural Resources to lift the 55-year restriction on specific easements granted to the United States Forest Service, so that the United States Forest Service may reciprocate by lifting the 55-year restriction on easements granted to the Department of Transportation and Public Facilities for the construction of transportation and utility corridors through the Tongass National Forest.

This bill will allow the Department of Transportation and Public Facilities to efficiently administer the construction and maintenance programs for the state’s highways, airports, and public facilities consistent with the public interest. The language in the bill has been coordinated between DOT/PF and DNR.