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Walsh
4/23/24

CS FOR SENATE BILL NO. 263(TRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE TRANSPORTATION COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATE TRANSPORTATION COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Roads and Highways Advisory Board; relating to metropolitan**
2 **planning organizations; relating to the statewide transportation improvement program;**
3 **and providing for an effective date."**

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

5 *** Section 1.** AS 19.20.220 is amended to read:

6 **Sec. 19.20.220. Approval of local transportation improvement plan.** The
7 governor may approve a transportation improvement plan or an amendment to a
8 transportation improvement plan prepared by a metropolitan planning organization if
9 the plan is consistent with applicable federal law and regulation [AND THE POLICY
10 BOARD OF THE METROPOLITAN PLANNING ORGANIZATION IS
11 ORGANIZED IN ACCORDANCE WITH APPLICABLE PROVISIONS OF
12 AS 19.20.210].

13 *** Sec. 2.** AS 44.42 is amended by adding a new section to read:

14 **Sec. 44.42.053. Statewide transportation improvement program.** (a) The

department shall develop a four-year statewide transportation improvement program for transportation system preservation, improvement, and development and shall revise the program every two years.

(b) The statewide transportation improvement program must include a description of how the program contributes to the goals and objectives listed in the long-range transportation plan developed under AS 44.42.050.

(c) The department shall conform the statewide transportation improvement program to the requirements for participation in a federal transportation program and for participation in other available transportation funding programs.

(d) The department shall incorporate without change in the statewide transportation improvement program

(1) a transportation improvement plan prepared by a metropolitan planning organization and approved by the governor under AS 19.20.220; and

(2) an in-state transportation improvement program approved by the Federal Highway Administration that is part of a tribal transportation program, federal lands transportation program, or federal lands access program.

(e) The department shall provide an ongoing opportunity for public participation in the development of the statewide transportation improvement program by means of an Internet website. The department shall make available on the Internet website an agreement between the state and a metropolitan planning organization regarding

(1) designation, redesignation, and boundaries of a metropolitan planning organization; or

(2) state and metropolitan planning organization responsibilities for projects of regional significance and projects on roads that are within the national highway system under 23 U.S.C. 103 and regulations adopted under that section.

(f) The department shall notify the senate secretary, the chief clerk of the house of representatives, and the public when the department submits the statewide transportation improvement program, or a change to the statewide transportation improvement program, to the federal government. The notice must include the program or change that was submitted to the federal government. The department may

1 use the Alaska Online Public Notice System under AS 44.62.175 or another public
2 Internet website to provide notice to the public.

3 * **Sec. 3.** AS 44.42 is amended by adding new sections to read:

4 **Article 4A. Roads and Highways Advisory Board.**

5 **Sec. 44.42.450. Roads and Highways Advisory Board.** The Roads and
6 Highways Advisory Board is established in the department.

7 **Sec. 44.42.460. Membership.** (a) The board consists of the following
8 members appointed by the governor, with at least two members from each judicial
9 district:

- 10 (1) one member from the commercial trucking industry;
11 (2) one member from a highway-related travel or tourism industry;
12 (3) one member from the heavy construction industry;
13 (4) one member from each metropolitan planning organization in the
14 state;
15 (5) one member who represents an advocacy group for nonmotorized
16 or limited mobility transportation;
17 (6) one member who represents the department; and
18 (7) one public member.

19 (b) The board shall elect a chair from among its members.

20 (c) The department shall provide staff for the board.

21 (d) Members of the board serve without compensation, but are entitled to per
22 diem and travel expenses authorized for boards and commissions under AS 39.20.180.

23 **Sec. 44.42.470. Terms.** Members of the board serve staggered terms of three
24 years. A member of the board may not serve more than two consecutive terms.

25 **Sec. 44.42.480. Meetings.** A majority of the members of the board constitutes
26 a quorum. The board shall meet at least quarterly and by a call of the chair. Meetings
27 may be held in person or by electronic means. In addition to the subjects that may be
28 considered in an executive session under AS 44.62.310(c), the board may consider in
29 an executive session matters that relate to transportation plans and projects that are not
30 yet public but will be subject to public comment at a later time.

31 **Sec. 44.42.490. Purpose and duties of the board.** (a) The purpose of the

board is to provide recommendations to the commissioner on public policy related to the powers and duties of the department with respect to state road and highway functions.

(b) The board shall focus on highway construction, equipment use, deferred maintenance, capital spending, project assessment, project prioritization criteria, including a future projects list, and identifying other critical needs of the state's road and highway transportation infrastructure.

(c) At least once every two years, the department shall provide to the board a list of all projects that have been in the preconstruction phase for at least five years. The board may request a presentation from the department on any listed project. Following the presentation, the board may issue a recommendation regarding whether it is in the best interest of the state to proceed with the project as planned, reevaluate the project, or close the project with federal government approval. The board shall submit the recommendation to the department, senate secretary, and chief clerk of the house of representatives, and notify the legislature that the recommendation is available.

(d) The board shall advise the department as the department develops and revises project selection and prioritization criteria and make recommendations to the department, by resolution of the board, regarding proposed changes in criteria.

(e) In this section, "road and highway" does not include the Alaska marine highway system or a road or highway within the boundaries of a rural or international airport.

* **Sec. 4.** AS 19.20.210 is repealed.

* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPOINTMENT OF INITIAL MEMBERS OF THE ROADS AND HIGHWAYS ADVISORY BOARD. Notwithstanding AS 44.42.470, added by sec. 3 of this Act, the governor shall appoint the initial members of the Roads and Highways Advisory Board established in AS 44.42.450, added by sec. 3 of this Act, to staggered terms as follows:

(1) five members shall be appointed to serve terms that expire two years after the effective date of this Act; and

1 (2) the remaining members shall be appointed to serve terms that expire three
2 years after the effective date of this Act.

3 * **Sec. 6.** This Act takes effect January 1, 2025.