

STATE LANDS AND MATERIALS

HB 371

Primary Purpose

To clarify DOT&PF's authority as primary manager of the surface estate for highway, airport, and public facility lands under Article VIII, s. 6 of the Alaska Constitution by resolving ambiguity in State law regarding overlapping management authorities held by DOT&PF and DNR.

Provide Improved Transparency and Faster Response to the Public

- The Department of Transportation and Public Facilities (DOT&PF) is authorized to acquire, manage, and dispose of state right-of-way properties for transportation and public facility purposes.
- The Department of Natural Resources (DNR) is similarly authorized for the conservation and development of the state's natural resources.
- This bill clarifies the unintended ambiguity between state right-of-way and state lands.

Reduce Bureaucracy and Redundancy Between DOT&PF and DNR

- In order to legally construct a project, DOT&PF is often required to acquire land held by DNR.
- DNR must consider all potential uses of land necessary to complete a DOT&PF project prior to "disposal".
- This bill clarifies that the transfer of state land from DNR to DOT&PF is not a "disposal" of state land. Therefore, legislature requested DOT&PF projects are presumed to be in the public interest.

Swiftly Resolve Longstanding Title Ownership with the Public

- DOT&PF is required to dispose formerly owned DNR uneconomic remnant properties. These excess right-of-way properties are released back to neighboring land owners.
- Complicated transfer process between DOT&PF and DNR means neighboring property could wait years before reconstruction of property frontage is allowed. This bill will efficiently streamline reconstruction.
- This bill also allows DOT&PF to lease or dispose of unused or underutilized public facilities to the non-state-government entities that currently operate and maintain the properties.

Minimize the Material Acquisition Process Between DOT&PF and DNR

- This bill clears DOT&PF from the DNR contracting process to access sand, gravel, and rock for the construction or maintenance of state-owned infrastructure.
- The bill also clarifies that DOT&PF's use of state-owned material sites is not a "disposal" of state land.

Streamline Project Delivery Time

- Legislative approval regularly increases project delivery timelines by more than a year when federal-aid or other rules necessitate DOT&PF's exclusive right-of-way control.
- The bill waives legislative approval of land conveyances between the Alaska Railroad Corporation (ARRC) and DOT&PF.

Remove Easement Term Year Restrictions

- This bill will remove the US Forest Service (USFS) easement limitations (55 years) on DOT&PF's highway and utility easements.
- This will occur when DNR removes their log transfer facility easements (55 years) on the USFS.

Acquisition of Sites to Be Used as Maintenance Stations and Airstrips

- This bill transfers sites for future state-owned airports and facilities at the Dalton Highway's Franklin Bluffs and Happy Valley from DNR to DOT&PF.
- DOT&PF's need for these sites as maintenance stations and airstrips is increasing to support recent resource development activity in this corridor.