

HOUSE BILL NO. 133

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE BROWN

Introduced: 1/27/95

Referred:

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Alaska transportation system and local review of public**
2 **projects."**

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

4 * **Section 1. FINDINGS.** (a) The legislature finds that the first priority of the Department
5 of Transportation and Public Facilities is the operation and maintenance of the existing state
6 transportation system.

7 (b) The legislature further finds that

8 (1) "northern design" technologies in other northern regions of the world have
9 demonstrated the benefits of innovative transportation and community development
10 technologies and systems; the State of Alaska should strive to be a leader in the development
11 of "northern design" technologies; the Department of Transportation and Public Facilities
12 should incorporate principles of "northern design" technologies into transportation planning
13 and construction projects where practicable;

14 (2) the Department of Transportation and Public Facilities should incorporate,

1 wherever practicable, pedestrian, bicycle, and other individual transportation modes as part of
2 the transportation projects that it undertakes.

3 * **Sec. 2.** AS 19.15 is amended by adding new sections to read:

4 Sec. 19.15.050. LEGISLATIVE CONSIDERATION OF APPROPRIATIONS
5 TO MUNICIPALITIES. The department shall report annually to the legislature the
6 estimated amount of federal highway funds that the department anticipates the state
7 will receive for the next fiscal year and the amount that will be required as a state
8 match for those federal funds. Based upon this report, the legislature may consider
9 appropriating 35 percent of that total to boroughs or unified municipalities or to
10 municipalities in the unorganized borough for local transportation projects.

11 Sec. 19.15.060. ESTIMATING COSTS OF TRANSPORTATION PROJECTS.
12 When estimating the cost of a transportation project, the department shall calculate and
13 report an accounting of the complete and true costs of the project. The department
14 shall solicit testimony from the public concerning the estimated costs of a
15 transportation project. In this section, "complete and true costs" include the

16 (1) financial cost of initial construction and the operation and
17 maintenance costs of the project for the 10-year period following completion of the
18 project; and

19 (2) potential social and land-use costs.

20 Sec. 19.15.100. LOCAL TRANSPORTATION PLANNING GRANTS. (a)
21 The department may make grants to municipalities, villages, or nonprofit transportation
22 planning organizations for public education and information, to purchase professional
23 engineering and planning consulting services, and for public opinion surveys, meetings,
24 and other activities that facilitate local citizen involvement in the transportation
25 planning process of a municipality.

26 (b) An application for a grant under this section must include a detailed budget
27 of proposed expenditures, a detailed description of the activities or projects for which
28 the grant is to be used, a description of how these activities or projects will facilitate
29 citizen involvement in the transportation planning process of the municipality, and any
30 other information required by the department.

31 (c) Information a municipality, village, or organization develops or obtains

1 under a grant under this section shall be made available to the department and the
2 public.

3 (d) The department shall adopt regulations to implement this section.

4 (e) The department shall report annually to the legislature the total of the
5 amount of federal highway funds and state matching funds required for the acceptance
6 of the federal funds so that the legislature may consider appropriating one percent of
7 those funds for transportation planning grants under this section.

8 (f) In this section,

9 (1) "transportation planning organization" means an organization that
10 is based within a municipality, whose directors all live within the municipality, and
11 one of whose purposes is to facilitate local citizen involvement in the transportation
12 planning process of the municipality;

13 (2) "village" has the meaning given in AS 35.30.040.

14 * **Sec. 3.** AS 35.30.010 is repealed and reenacted to read:

15 Sec. 35.30.010. REVIEW AND APPROVAL BY LOCAL AUTHORITIES.

16 (a) Except as provided in (b) of this section, before commencing construction of a
17 public project if the project is located (1) in a municipality, the department shall
18 submit the plans for the project to the planning commission of the municipality for
19 review and approval; (2) within 50 miles of a village, the department shall submit the
20 plans to the village council for review and comment; (3) within one-half mile of the
21 boundary of an area represented by a community council established by municipal
22 charter or ordinance, the department shall submit the plans to the community council
23 for review and comment. If final disapproval by resolution of the governing body of
24 the affected municipality is not received within 90 days from the date the project was
25 submitted to the municipality, the department may proceed with the project.

26 (b) Notwithstanding AS 19, if the public project is to be constructed by the
27 department and is a highway, local service road, or other transportation project, the
28 department may not begin construction on the project until it has first received the
29 approval of the

30 (1) governing body of the municipality if the project is located within
31 the boundaries of a municipality; or

1 (2) village council of the village if the project is located within, or
2 within 50 miles of, a village.

3 * **Sec. 4.** AS 35.30.030 is amended to read:

4 Sec. 35.30.030. WAIVER. **For a public project, other than a highway,**
5 **local service road, or other transportation project, if** [IF] a department clearly
6 demonstrates an overriding state interest, waiver of local planning authority approval
7 and the compliance requirement may be granted by the governor. The governor shall
8 issue specific findings giving reasons for granting **a** [ANY] waiver under this section.

9 * **Sec. 5.** AS 44.42 is amended by adding a new section to read:

10 Sec. 44.42.015. STATE TRANSPORTATION POLICY. It is the policy of the
11 state that

12 (1) the state transportation system shall be a statewide system that is
13 economically efficient and environmentally sound, that allows the state to compete in
14 the national and international economy, that enhances the communities of the state, and
15 that moves people and goods in an energy efficient manner;

16 (2) all forms of transportation, but not necessarily all roads, shall be
17 connected and unified in order to reduce energy consumption and air pollution while
18 improving public transportation;

19 (3) the state transportation system shall provide safe access for
20 pedestrians and bicyclists, provide transportation for people who do not own vehicles,
21 and mobility for elderly persons, persons with disabilities, and economically
22 disadvantaged persons in both urban and rural areas of the state;

23 (4) social benefits and the full costs of transportation shall be
24 considered with particular attention to the external benefits of reduced air and water
25 pollution, reduced traffic congestion, and other aspects of the quality of life in the
26 state;

27 (5) the public shall be actively involved in identifying transportation
28 needs and determining transportation priorities;

29 (6) the state transportation system shall be designed, operated, and
30 maintained with constant attention to innovation, competition, energy efficiency,
31 productivity, growth, and accountability;

1 (7) communities in the state do not have to be connected by roads if
2 they do not desire and the state is not required to connect every community desiring
3 improved transportation to the state highway network;

4 (8) persons most affected by local, regional, or statewide transportation
5 decisions shall have a strong voice in making those decisions.

6 * **Sec. 6.** AS 44.42.040 is amended by adding a new subsection to read:

7 (b) The commissioner shall adopt regulations establishing citizen advisory
8 councils to advise the commissioner and report to the commissioner on the
9 department's procedures for public involvement in transportation planning and the
10 department's performance in fulfilling the state's obligations under 23 U.S.C., P.L.
11 102-240, and state law and to serve as a forum for citizen participation in local,
12 regional, and statewide transportation planning conducted by the department. A
13 council shall be established in each of the southeast, southcentral, northern, and
14 western regions of the state. The commissioner shall set the number of and terms for
15 members of each council, designate one member of each council as chair, and
16 authorize the council to meet and hold public hearings on matters consistent with the
17 purposes for which the councils are established. Members of a council are not entitled
18 to compensation for service on a council, but may be eligible for per diem and travel
19 expenses authorized for members of boards and commissions under AS 39.20.180 if
20 the commissioner so provides by regulation. Each council shall forward its comments
21 and recommendations to the commissioner. If the commissioner does not follow the
22 recommendations of a council, the commissioner shall inform the council of the
23 decision and the reasons for not following the recommendation.

24 * **Sec. 7.** AS 44.42.050(a) is amended to read:

25 (a) The commissioner shall develop annually a comprehensive, intermodal,
26 long-range transportation plan for the state. **The plan must describe the progress**
27 **made in achieving the goals of the previous plan and the obstacles encountered**
28 **that prevented the accomplishment of the goals of the previous plan, the status**
29 **of specific projects currently approved or funded by the legislature, the status of**
30 **general, nonsite specific projects and programs currently approved or funded by**
31 **the legislature, the amount expended during the previous year for each type and**

1 category of transportation project in each organized borough and the unorganized
2 borough, the nature and extent of deferred maintenance of transportation systems
3 in the state, and the manner and degree of success of the department in meeting
4 the requirements and goals of the federal transportation programs in which the
5 department participates including transportation management systems under 23
6 U.S.C. 303. In developing and revising the state plan, the commissioner shall consider
7 factors described in (e) of this section, means and costs of improving existing modes
8 and facilities, state and federal subsidies, and the costs and benefits of new
9 transportation modes and facilities. The commissioner shall also consider the
10 recommendation of the Alaska Transportation Planning Council and the comments
11 and recommendations of the citizen advisory councils established under
12 AS 44.42.040. The plan shall be submitted to the governor for review and approval
13 and submitted by the governor to the legislature.

14 * **Sec. 8.** AS 44.42.050(b) is amended to read:

15 (b) In developing and revising the plan, the commissioner shall seek public
16 review and evaluation by any reasonable means, including public hearings held by
17 citizen advisory councils established under AS 44.42.040, and may

18 (1) consult and cooperate with officials and representatives of the
19 federal government, other governments, interstate commissions and authorities, local
20 agencies and authorities, interested corporations, and other organizations concerning
21 problems affecting transportation in the state; and

22 (2) request from an agency or other unit of the state government or of
23 a political subdivision of the state [IT], or from a public authority, the assistance and
24 data that may be necessary to enable the commissioner to carry out responsibilities
25 under this section; every such entity shall provide the assistance and data requested.

26 * **Sec. 9.** AS 44.42.050 is amended by adding new subsections to read:

27 (e) The state transportation plan must address the following factors:

28 (1) the results of management systems required under 23 U.S.C. 134
29 and 23 U.S.C. 135(b);

30 (2) federal, state, and local energy use, goals, programs, or
31 requirements;

1 (3) strategies for incorporating bicycle transportation facilities and
2 pedestrian walkways into transportation projects, where appropriate;

3 (4) international border crossings and access to ports, airports,
4 intermodal transportation facilities, major freight distribution routes, national parks,
5 recreation and scenic areas, monuments and historic sites, and military installations;

6 (5) transportation needs of nonmetropolitan areas through a process that
7 includes consultation with local elected officials with jurisdiction over transportation;

8 (6) metropolitan area plans developed under 23 U.S.C. 134;

9 (7) connectivity between metropolitan areas in the state and
10 metropolitan areas in other states;

11 (8) recreational travel and tourism;

12 (9) a state plan developed under 33 U.S.C. 1251 - 1376 (Federal Water
13 Pollution Control Act);

14 (10) transportation system management and investment strategies
15 designed to make efficient use of existing transportation facilities;

16 (11) the overall social, economic, energy, and environmental effects of
17 transportation decisions;

18 (12) methods to prevent or reduce traffic congestion, including methods
19 that reduce motor vehicle travel, particularly single-occupant motor vehicle travel;

20 (13) methods to expand and enhance transit services and to encourage
21 the use of transit services;

22 (14) effect of transportation decisions on land use and land
23 development, including the need for consistency between transportation decision
24 making and applicable short-range and long-range land use and development;

25 (15) transportation needs identified through the management systems
26 required under 23 U.S.C. 303;

27 (16) innovative mechanisms for financing transportation projects;

28 (17) preservation of rights-of-way for construction of future
29 transportation projects;

30 (18) long-range needs of the state transportation system;

31 (19) methods to enhance the efficient movement of commercial motor

1 vehicles;

2 (20) use of life-cycle costs in the design and engineering of bridges,
3 tunnels, and pavement;

4 (21) coordination of the state transportation plan with metropolitan
5 planning organization transportation plans and the reconciliation of the plans to ensure
6 connectivity of state and metropolitan transportation systems;

7 (22) investment strategies to improve roads that support rural economic
8 growth and tourism development, federal agency renewable resource management, and
9 multipurpose land management practices;

10 (23) concerns of Alaska Native organizations having jurisdiction over
11 land in the state.

12 (f) The department may not expend funds for a project or program unless the
13 project or program has been included in the state transportation plan, reviewed by the
14 governor and legislature, and funded under a specific appropriation made by the
15 legislature for the project or program. After July 1, 1997, a project or program may
16 not be included in the plan unless the project or program has been subject to review
17 by a citizen advisory council established under AS 44.42.040.