

**SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 133**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE BROWN**

**Introduced: 3/17/95**

**Referred: Transportation, State Affairs, Finance**

**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. The report must also describe the progress made in  
9 achieving the goals of the previous transportation plan developed under  
10 AS 44.42.050(a) and the obstacles encountered that prevented the accomplishment of  
11 the goals of the previous plan, the status of specific projects currently approved or  
12 funded by the legislature, the status of general, nonsite specific projects and programs  
13 currently approved or funded by the legislature, the amount expended during the  
14 previous year for each type and category of transportation project in each organized  
15 borough and the unorganized borough, the nature and extent of deferred maintenance  
16 of transportation systems in the state, and the manner and degree of success of the  
17 department in meeting the requirements and goals of the federal transportation  
18 programs in which the department participates including transportation management  
19 systems under 23 U.S.C. 303. Based upon this report, the legislature may consider  
20 appropriating 35 percent of that total to boroughs or unified municipalities or to  
21 communities in the unorganized borough for local transportation projects.

22           Sec. 19.15.060. ESTIMATING COSTS OF TRANSPORTATION PROJECTS.  
23 When estimating the cost of a transportation project, the department shall calculate and  
24 report an accounting of the complete and true costs of the project. The department  
25 shall solicit testimony from the public concerning the estimated costs of a  
26 transportation project. In this section, "complete and true costs" include the

27                   (1) financial cost of initial construction and the operation and  
28 maintenance costs of the project for the 10-year period following completion of the  
29 project; and

30                   (2) potential social and land-use consequences, both positive and  
31 negative.

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

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

12          (c) Information a municipality, village, or organization develops or obtains  
13          under a grant under this section shall be made available to the department and the  
14          public.

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

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

20          (f) In this section,

21                  (1) "transportation planning organization" means an organization that  
22                  is based within a municipality, village, or community, and that has as one of its  
23                  purposes the facilitation of local citizen involvement in the transportation planning  
24                  process of a municipality or the department;

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

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

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

28                  (a) Except as provided in (b) of this section, before commencing design of a public  
29                  project if the project is located (1) in a municipality, the department shall submit the  
30                  plans for the project to the planning commission of the municipality for review and  
31                  approval; (2) within 50 miles of a village, the department shall submit the plans to the

1 village council for review and comment; (3) within one-half mile of the boundary of  
2 an area represented by a community council established by municipal charter or  
3 ordinance, the department shall submit the plans to the community council for review  
4 and comment. If final disapproval by resolution of the governing body of the affected  
5 municipality is not received within 90 days from the date the project was submitted  
6 to the municipality, the department may proceed with the project.

7 (b) Notwithstanding AS 19, if the public project is to be constructed by the  
8 department and is a highway, local service road, or other transportation project, the  
9 department may not begin design of the project until it has first received the approval  
10 of the

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

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

15 \* **Sec. 4.** AS 35.30.030 is amended to read:

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

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

22 Sec. 44.42.015. STATE TRANSPORTATION POLICY. It is the policy of the  
23 state that

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

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

31 (3) the state transportation system shall provide safe access for

1 pedestrians and bicyclists, provide transportation for people who do not own vehicles,  
2 and mobility for elderly persons, persons with disabilities, and economically  
3 disadvantaged persons in both urban and rural areas of the state;

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

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

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

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

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

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

19 (b) The commissioner shall adopt regulations establishing citizen advisory  
20 councils to advise the commissioner and report to the commissioner on the  
21 department's procedures for public involvement in transportation planning and the  
22 department's performance in fulfilling the state's obligations under 23 U.S.C., P.L. 102-  
23 240, and state law and to serve as a forum for citizen participation in the evaluation  
24 of transportation needs and opportunities, development of criteria for project selection,  
25 and examination of alternative solutions to transportation problems. The councils may  
26 participate in local, regional, and statewide transportation planning conducted by the  
27 department. A council shall be established in each of the southeast, southcentral,  
28 northern, and western regions of the state. The commissioner shall set the number of  
29 and terms for members of each council, designate one member of each council as  
30 chair, and authorize the council to meet and hold public hearings on matters consistent  
31 with the purposes for which the councils are established. Members of a council are

1 not entitled to compensation for service on a council, but may be eligible for per diem  
2 and travel expenses authorized for members of boards and commissions under  
3 AS 39.20.180 if the commissioner so provides by regulation. Each council shall  
4 forward its comments and recommendations to the commissioner. If the commissioner  
5 does not follow the recommendations of a council, the commissioner shall inform the  
6 council of the decision and the reasons for not following the recommendation.

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

8 (a) The commissioner shall develop annually a comprehensive, intermodal,  
9 long-range transportation plan for the state. In developing and revising the state plan,  
10 the commissioner shall consider **factors described in (e) of this section,** means and  
11 costs of improving existing modes and facilities, state and federal subsidies, and the  
12 costs and benefits of new transportation modes and facilities. The commissioner shall  
13 also consider the **comments and recommendations of the citizen advisory councils**  
14 **established under AS 44.42.040** [RECOMMENDATION OF THE ALASKA  
15 TRANSPORTATION PLANNING COUNCIL]. The plan shall be submitted to the  
16 governor for review and approval and submitted by the governor to the legislature.

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

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

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

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

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

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

31 (1) the results of management systems required under 23 U.S.C. 134

1 and 23 U.S.C. 135(b);

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

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

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

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

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

12 (7) connectivity between metropolitan areas in the state and  
13 metropolitan areas in other states;

14 (8) recreational travel and tourism;

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

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

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

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

23 (13) methods to expand and enhance transit services and to encourage  
24 the use of transit services;

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

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

30 (16) innovative mechanisms for financing transportation projects;

31 (17) preservation of rights-of-way for construction of future

1 transportation projects;

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

3 (19) methods to enhance the efficient movement of commercial motor  
4 vehicles;

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

7 (21) coordination of the state transportation plan with metropolitan  
8 planning organization transportation plans and the reconciliation of the plans to ensure  
9 connectivity of state and metropolitan transportation systems;

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

13 (23) concerns of organizations representing the interests of Alaska  
14 Natives.

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