

HOUSE BILL NO. 80

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES BRICE, Green

Introduced: 1/21/97

Referred: Transportation, State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing the Alaska Transportation Commission and relating to
2 planning, design, construction, and maintenance of transportation facilities by the
3 Department of Transportation and Public Facilities; and providing for an effective
4 date."

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

6 * **Section 1.** AS 44.21 is amended by adding new sections to read:

7 **Article 6A. Alaska Transportation Commission.**

8 **Sec. 44.21.350. Alaska Transportation Commission.** (a) There is created
9 in the Department of Administration the Alaska Transportation Commission. The
10 commission is responsible for the preparation of transportation plans and the annual
11 proposed budget for capital expenditures for transportation projects to be constructed,
12 maintained, or operated by the Department of Transportation and Public Facilities.

13 (b) The commission consists of eleven members. The commissioner of
14 transportation and public facilities, commissioner of commerce and economic

1 development, and commissioner of natural resources are ex officio members of the
2 commission. Eight members of the commission are public members appointed by the
3 governor. The governor shall appoint one public member of the commission from
4 among the residents of each of the eight transportation areas in the state. The public
5 members serve at the pleasure of the governor for staggered four-year terms and until
6 a successor is appointed. A vacancy among the appointed members of the commission
7 occurring other than by expiration of term shall be filled in the same manner as the
8 original appointment but only for the unexpired term and until a successor is appointed
9 and qualified.

10 (c) The public members of the commission serve without compensation but are
11 entitled to per diem and travel expenses authorized for boards and commissions under
12 AS 39.20.180. The public members of the commission shall comply with AS 39.50
13 (conflict of interest).

14 (d) The members of the commission shall select a chair from among its
15 members. Six members of the commission constitute a quorum. The commission may
16 take action upon the affirmative vote of six of its members.

17 (e) The commission may employ staff as the commission determines necessary
18 to perform its duties.

19 (f) The operating budget of the commission is subject to AS 37.07.

20 (g) The Department of Transportation and Public Facilities shall designate
21 eight transportation areas that in total comprise the entire state. Each transportation
22 area shall be compact, consist of contiguous areas, and contain an approximately equal
23 portion of the total lane miles of state roads in the state.

24 **Sec. 44.21.360. Powers and duties of the commission.** (a) The commission
25 shall prepare and submit to the governor for inclusion in the state capital projects
26 budget a capital construction and maintenance program for transportation facilities that
27 includes the projects to be undertaken during the following two fiscal years, including
28 a ranking of priorities for proposed transportation capital projects. Funds for
29 transportation construction and maintenance projects and necessary contingencies
30 identified by the commission must be itemized as allocations within the capital budget
31 proposal submitted to the governor.

1 (b) The commission shall prepare the transportation capital projects budget in
2 the manner, and in accordance with the schedule, set out under AS 37.07.

3 (c) The commission may submit proposals for transportation capital projects
4 to the governor for inclusion in supplemental or special appropriation bills.

5 (d) The capital construction and maintenance program for transportation
6 facilities and the capital budget proposal prepared by the commission shall be
7 submitted to the legislature at the same time they are submitted to the governor.

8 **Sec. 44.21.370. State transportation plan.** (a) The commission shall
9 develop annually a comprehensive, intermodal, long-range transportation plan for the
10 state. In developing and revising the state plan, the commission shall consider means
11 and costs of improving existing modes and facilities, state and federal subsidies, and
12 the costs and benefits of new transportation modes and facilities. The commission
13 shall also consider the recommendation of the Alaska Transportation Planning Council.
14 The plan shall be submitted to the governor for submission to the legislature.

15 (b) In developing and revising the plan, the commission shall seek public
16 review and evaluation by any reasonable means and may

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

21 (2) request from the Department of Transportation and Public Facilities
22 or other agency of the state government or of a political subdivision of the state, or
23 from a public authority, the assistance and data that may be necessary to enable the
24 commission to carry out responsibilities under this section; every such entity shall
25 provide the assistance and data requested.

26 (c) Copies of the plan, as revised, shall be kept on file as a public document
27 in the office of the commission, the office of the commissioner of transportation and
28 public facilities, and at each regional office of the Department of Transportation and
29 Public Facilities.

30 (d) The plan must include a description of transportation projects planned for
31 design, construction, and maintenance for the following two years. The description is

1 in addition to the long-range plan required by (a) of this section and by AS 44.21.375.
2 The description must include an itemization of the estimated cost for each project and
3 the total cost of all projects. The commission shall propose a capital project
4 construction and maintenance program that includes the projects to be undertaken
5 during the following two years, including recommended project priorities. The
6 commission shall forward the plan to the governor for review and approval and
7 inclusion in the governor's capital budget request to the legislature.

8 **Sec. 44.21.375. Highway construction and maintenance program.** (a) The
9 commission shall establish a continuing, long-range program for highway construction
10 and maintenance. The program must annually project proposed construction and
11 maintenance of highways for not less than the next succeeding five years. The
12 program must include consideration of plans developed by the Department of
13 Transportation and Public Facilities under AS 19.20 and must include in detail the
14 program prepared under (b) of this section. A statement of the program shall be
15 submitted by the governor to the legislature annually.

16 (b) Before February 2 of each year, the commission shall prepare a statement
17 showing what construction work has been requested and proposed and may be
18 undertaken by the Department of Transportation and Public Facilities. The statement
19 must set out a general itemization of the estimated cost for each project and the total
20 estimates of all projects. The commission shall adopt a construction program that,
21 subject to appropriation by the legislature, must include the projects to be undertaken
22 by the Department of Transportation and Public Facilities during the following
23 construction season and must establish project priorities. The commission may
24 increase, decrease, amend, or revise the construction program from time to time as
25 circumstances warrant.

26 **Sec. 44.21.380. Alaska marine highway system plan.** The commission shall
27 prepare a comprehensive long-range plan for the development and improvement of the
28 Alaska marine highway system and shall revise and update the plan at least every five
29 years. The commission shall submit the comprehensive long-range plan and revisions
30 and updates of the plan to the governor, legislature, and the commissioner of
31 transportation and public facilities.

1 **Sec. 44.21.390. Definitions.** In AS 44.21.350 - 44.21.390,

2 (1) "capital project" means a project with a cost exceeding \$10,000 to
3 acquire or improve an asset with an anticipated life exceeding one year and includes
4 land acquisition, construction, repair, or structural improvement of a facility,
5 engineering and design for a facility, and acquisition or repair of equipment;

6 (2) "commission" means the Alaska Transportation Commission;

7 (3) "highway" has the meaning given in AS 19.45.001;

8 (4) "transportation" includes the following means of conveyance or
9 travel, including related or auxiliary structures, facilities, or services: air, rail, water,
10 highway, and pipeline.

11 * **Sec. 2.** AS 19.05.010 is amended to read:

12 **Sec. 19.05.010. Department to supervise highway system.** The department
13 is responsible for the **design** [PLANNING], construction, maintenance, protection, and
14 control of the state highway system.

15 * **Sec. 3.** AS 19.05.030 is amended to read:

16 **Sec. 19.05.030. Duties of department.** The department has the following
17 duties:

18 (1) direct approved highway **design** [PLANNING] and construction and
19 maintenance, protection, and control of highways;

20 (2) employ assistants and employees;

21 (3) certify and approve vouchers;

22 (4) provide a program of highway research;

23 (5) prepare a budget;

24 (6) **assist the Alaska Transportation Commission in its** review **of** the
25 annual highway program;

26 (7) develop and implement an avalanche control plan to protect persons
27 who use public highways.

28 * **Sec. 4.** AS 19.05.125 is amended to read:

29 **Sec. 19.05.125. Purpose.** The purpose of AS 19.05 - AS 19.25 is to establish
30 a highway department capable of carrying out a highway **design** [PLANNING],
31 construction, and maintenance program that will provide a common defense to the

1 United States and Alaska, a network of highways linking together cities and
 2 communities throughout the state (thereby contributing to the development of
 3 commerce and industry in the state, and aiding the extraction and utilization of its
 4 resources), and otherwise improve the economic and general welfare of the people of
 5 the state.

6 * **Sec. 5.** AS 19.10.120 is amended to read:

7 **Sec. 19.10.120. Research on highway development.** The department may
 8 gather, investigate, and compile information concerning the use, construction, and
 9 maintenance of highways, the practices and methods of efficient highway organization,
 10 financing, and other information, data, and statistics of the state and the extent of the
 11 natural resources of road-building materials in the state. The department may enter
 12 into agreements with states, municipalities, or research organizations to carry on
 13 research and test projects involving highway development. The department **shall**
 14 [MAY] disseminate this information, together with recommendations it considers
 15 advisable, **to the Alaska Transportation Commission and the public.**

16 * **Sec. 6.** AS 19.30.141 is amended to read:

17 **Sec. 19.30.141. Acquisition and construction programs.** Before October 1
 18 of each fiscal year, each local government eligible for allocation of funds under
 19 AS 19.30.131 shall submit to the **Alaska Transportation Commission**
 20 [COMMISSIONER] for approval a five-year plan for the acquisition and construction
 21 of local service roads and trails. Before December 1 of each fiscal year, the
 22 **commissioner** [COMMISSIONER] shall submit to the governor a five-year plan for
 23 the acquisition and construction of local service roads and trails, including the
 24 approved local government programs. An organized borough shall include in its five-
 25 year plan local service road acquisition and construction programs for all cities other
 26 than home rule cities within the boundaries of the borough. The **commission**
 27 [COMMISSIONER] shall include in the five-year plan local service road and trail
 28 acquisition and construction within the unorganized borough.

29 * **Sec. 7.** AS 19.30.310 is amended to read:

30 **Sec. 19.30.310. Report.** No later than August 1 of each year, a municipality
 31 that has received money under AS 19.30.270 shall submit a report to the department

1 showing the use of the money by the municipality during the preceding fiscal year.
2 No later than December 1 of each year, the department shall prepare and submit to the
3 governor **and the Alaska Transportation Commission** a report showing the use of
4 the money allocated under AS 19.30.270 during the preceding fiscal year.

5 * **Sec. 8.** AS 39.50.200(b) is amended by adding a new paragraph to read:

6 (56) Alaska Transportation Commission (AS 44.21.350).

7 * **Sec. 9.** AS 43.40.010(g) is amended to read:

8 (g) The proceeds of the revenue from the tax on all motor fuels, except as
9 provided in (e), (f), and (j) of this section, shall be deposited in a special highway fuel
10 tax account in the state general fund. The legislature may appropriate funds from it
11 for expenditure by the Department of Transportation and Public Facilities directly or
12 as matched with available federal-aid highway money for maintenance of highways,
13 construction of highway projects and ferries included in the program provided for in
14 **AS 44.21.375** [AS 19.10.150], including approaches, appurtenances, and related
15 facilities and acquisition of rights-of-way or easements, and other highway costs
16 including surveys, administration, and related matters. All departments of the state
17 government authorized to spend funds collected from taxes imposed by this chapter
18 shall perform, when feasible, all construction or reconstruction projects by contract
19 after the projects have been advertised for competitive bids, except that, when feasible,
20 arrangements shall be made with political subdivisions to carry out the construction
21 or reconstruction projects. If it is not feasible for the work to be performed by state
22 engineering forces, the commissioner of transportation and public facilities may
23 contract on a professional basis with private engineering firms for road design, bridge
24 design, and services in connection with surveys. If more than one private engineering
25 firm is available for the work, the contracts shall be entered into on a negotiated basis.

26 * **Sec. 10.** AS 44.42.020(a) is amended to read:

27 (a) The department shall

28 (1) [PLAN,] design, construct, and maintain all state modes of
29 transportation and transportation facilities and all docks, floats, breakwaters, buildings,
30 and similar facilities;

31 (2) study existing transportation modes and facilities in the state to

1 determine how they might be improved or whether they should continue to be
2 maintained;

3 (3) study alternative means of improving transportation in the state with
4 regard to the economic costs of each alternative and its environmental and social
5 effects;

6 (4) **provide assistance to the Alaska Transportation Commission as**
7 **necessary to** develop a comprehensive, long-range intermodal transportation plan for
8 the state **or to develop other transportation plans**;

9 (5) study alternatives to existing modes of transportation in urban areas
10 and develop plans to improve urban transportation;

11 (6) cooperate and coordinate with and enter into agreements with
12 federal, state, and local government agencies and private organizations and persons in
13 exercising its powers and duties;

14 (7) manage, operate, and maintain state transportation facilities and all
15 docks, floats, breakwaters, and buildings, including all state highways, vessels,
16 railroads, pipelines, airports, and aviation facilities;

17 (8) study alternative means of transportation in the state, considering
18 the economic, social, and environmental effects of each alternative;

19 (9) coordinate and develop state and regional transportation systems,
20 considering deletions, additions, and the absence of alterations;

21 (10) develop facility program plans for **specific** transportation **facilities,**
22 [AND] state buildings, **and other facilities** [DOCKS, AND BREAKWATERS]
23 required to implement the duties set out in this section, including [BUT NOT
24 LIMITED TO] functional performance criteria and schedules for completion;

25 (11) supervise and maintain all state automotive and mechanical
26 equipment, aircraft, and vessels, except vessels and aircraft used by the Department of
27 Fish and Game or the Department of Public Safety; for state vehicles maintained by
28 the department, the department shall annually evaluate the cost, efficiency, and
29 commercial availability of natural gas for automotive purposes, and the purpose for
30 which the vehicles are intended to be used, and convert or purchase vehicles to utilize
31 natural gas whenever practicable; the department may participate in joint ventures with

1 public or private partners that will foster the availability of natural gas for all
2 automotive fuel consumers;

3 (12) supervise aeronautics inside the state, under AS 02.10;

4 (13) complete and maintain a current inventory of public facilities,
5 including a projection of the serviceability of the facilities and projections of
6 replacements and additions to facilities needed to provide the level of services
7 programmed by the various user agencies, for municipalities with populations of less
8 than 12,000 and for unincorporated communities, and perform those duties on a
9 cooperative basis with larger municipalities;

10 (14) adopt energy performance standards for public facilities of the
11 state, the construction of which begins after July 1, 1980; the standards shall be based
12 on thermal and lighting energy standards established by the American Society of
13 Heating, Refrigeration and Air Conditioning Engineers as adapted for application in
14 high latitude, cold climate environs;

15 (15) provide planning assistance, including but not limited to energy
16 audits and related technical services, to school districts and regional educational
17 attendance areas to develop and implement

18 (A) standards for the design, construction, and operation of rural
19 educational facilities; and

20 (B) energy conservation measures for rural educational facilities.

21 * **Sec. 11.** AS 19.10.140, 19.10.150; AS 19.65.011; and AS 44.42.050 are repealed.

22 * **Sec. 12.** DESIGNATION OF TRANSPORTATION AREAS. On or before August 1,
23 1997, the Department of Transportation and Public Facilities shall complete and forward to
24 the governor a description of the eight transportation areas described under AS 44.21.350,
25 added by sec. 1 of this Act.

26 * **Sec. 13.** INITIAL APPOINTMENT OF PUBLIC MEMBERS OF THE ALASKA
27 TRANSPORTATION COMMISSION. Notwithstanding AS 44.21.350, added by sec. 1 of this
28 Act, the persons appointed to the initial terms on the Alaska Transportation Commission shall
29 be appointed to terms as set out under AS 39.05.055(6).

30 * **Sec. 14.** This Act takes effect July 1, 1997.