

CS FOR HOUSE BILL NO. 502(TRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Offered: 5/8/02

Referred: Finance

Sponsor(s): HOUSE TRANSPORTATION COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to transportation facilities of the state highway system; relating to the
2 statewide transportation improvement program and to rustic roads, highways, and
3 trails; relating to a study of economic development roads; and providing for an effective
4 date."

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

6 * **Section 1.** AS 19.10.020 is amended to read:

7 **Sec. 19.10.020. Designation of state highway system.** The department may
8 designate, locate, create, and determine what transportation facilities [HIGHWAYS]
9 constitute the state highway system. The state highway system includes
10 transportation facilities within the following program categories

11 (1) highways that are included within the national highway system
12 under the requirements of 23 U.S.C. 134;

13 (2) the Alaska highway system; and

14 (3) state-owned and maintained highways and transportation

1 **related facilities** [IN DESIGNATING, LOCATING, CREATING, AND
 2 DETERMINING THE SEVERAL ROUTES OF THE STATE HIGHWAY SYSTEM,
 3 THE DEPARTMENT SHALL STRIVE TO ATTAIN THE PURPOSES AND
 4 OBJECTIVES SET OUT IN AS 19.05.125].

5 * **Sec. 2.** AS 19.10 is amended by adding a new section to read:

6 **Sec. 19.10.075. Designation of rustic roads, highways, and trails; funding.**

7 (a) A rustic road or highway is an unpaved road or highway that has been designated
 8 as a rustic road or highway by the legislature. A rustic trail is an unpaved trail or
 9 pathway used for access to a place for economic, historical, or recreational purposes
 10 that has been designated as a rustic trail by the legislature. The department shall plan,
 11 design, construct, and maintain a rustic road, highway, or trail according to
 12 appropriate planning, design, construction, maintenance, and safety standards for
 13 unpaved roads, highways, and trails. The department may not pave a rustic road,
 14 highway, or trail.

15 (b) The department may nominate an unpaved road, highway, or trail or a
 16 portion of an unpaved road, highway, or trail for designation as a rustic road, highway,
 17 or trail by the legislature. The department may solicit recommendations and
 18 comments from the public regarding unpaved roads, highways, or trails to be
 19 nominated for designation as rustic roads, highways, and trails. The department may
 20 also nominate, and solicit recommendations to nominate, designated rustic roads,
 21 highways, and trails to be removed from the list of rustic roads, highways, and trails
 22 designated by the legislature.

23 (c) The following roads, highways, and trails are designated as rustic roads,
 24 highways, and trails:

25 (1) the portions of the Denali Highway that are not paved on the
 26 effective date of this Act;

27 (2) the portion of the Hatcher Pass Road from milepost 18 to milepost
 28 25;

29 (3) the portion of the Copper River Highway from milepost 18 to
 30 milepost 49, including the Million Dollar Bridge (bridge number 0206).

31 (d) The department shall establish a program to develop rustic trails. The

1 department shall emphasize the development of rustic trails with the participation of
2 local nonprofit historical, recreational, and other trail development organizations.

3 (e) The department shall incorporate projects for the planning, design,
4 construction, and maintenance of rustic roads, highways, and trails into the statewide
5 transportation improvement program under AS 19.10.155. The department shall
6 evaluate rustic road and highway projects based on whether the project will promote
7 economic development, the amount of the contribution for the project made from
8 public and private sources, other than the state or federal governments, and the status
9 of environmental approval for the project. The department shall evaluate rustic trail
10 projects based on the amount of support for and contribution to the project by private
11 nonprofit historical, recreational, or other trail development organizations.

12 * **Sec. 3.** AS 19.10 is amended by adding a new section to read:

13 **Sec. 19.10.155. Statewide transportation improvement program.** (a) The
14 department shall develop and adopt a statewide transportation improvement program
15 to schedule the expenditure of funds for designated surface transportation projects for
16 the three fiscal years following the adoption of the program by the department.

17 (b) The statewide transportation improvement program must include projects
18 within the following categories:

- 19 (1) national highway system;
- 20 (2) Alaska highway system;
- 21 (3) community transportation system;
- 22 (4) trails and recreational access for Alaska system;
- 23 (5) rustic road system.

24 (c) In developing the statewide transportation improvement program, the
25 department shall estimate the annual amount of the nonrestricted apportionments of
26 federal funds, excluding necessary costs, for the purpose of allocating the remaining
27 funds among statewide transportation improvement program categories as follows:

- 28 (1) 48 percent to the national highway system; one percent of the
29 amount allocated to the national highway system shall be further allocated for
30 coordinated public transportation;
- 31 (2) at least seven percent to the Alaska highway system;

- 1 (3) at least 33 percent to the community transportation system;
 2 (4) at least five percent to the trails and recreational access for Alaska
 3 system; and
 4 (5) at least four percent to the rustic road system.

5 (d) Notwithstanding (c) of this section, the department may transfer funds
 6 allocated to the national highway system to the Alaska highway system, if the
 7 commissioner determines that the transfer is in the best interest of the state.

8 (e) Notwithstanding (c) and (d) of this section, the department may amend an
 9 adopted statewide transportation improvement program as necessary to accommodate

- 10 (1) a change in the amount of funds available for a project;
 11 (2) emergency requirements;
 12 (3) unanticipated delays in completion of a project or a phase of a
 13 project;
 14 (4) a change in the scope, cost, or development of a project; or
 15 (5) the best interest of the state.

16 (f) The commissioner shall document in writing a decision made under (d) or
 17 (e) of this section on the basis of the best interest of the state. The documentation of
 18 the decision must address matters significant to the state that affected the decision of
 19 the commissioner.

20 (g) In this section,

21 (1) "Alaska highway system" means existing or planned highway
 22 facilities that are of statewide significance that are not included in the national
 23 highway system; "Alaska highway system" includes marine vessels and facilities of
 24 the Alaska marine highway system that are not included in the national highway
 25 system, vessels and facilities owned and operated by political subdivisions of the state
 26 that provide surface transportation services between communities in the state, and
 27 roads identified by the department by regulation;

28 (2) "community transportation system" means existing or planned
 29 surface transportation facilities of local or regional significance that are owned by the
 30 state or a political subdivision of the state, that do not qualify for inclusion in the
 31 national highway system, and that are not included in the Alaska highway system;

1 (3) "coordinated public transportation" means public and private
2 transportation services provided to elderly persons, persons with disabilities, and the
3 general public;

4 (4) "rustic road system" means unpaved roads, highways, and trails
5 that have been designated as rustic roads, highways, and trails by law;

6 (5) "trails and recreational access for Alaska system" means those
7 surface transportation projects that qualify for funding under the Land and Water
8 Conservation Fund Act of 1965 (16 U.S.C. 4601-4 - 4601-11), as amended, the federal
9 recreational trails program (23 U.S.C. 206), as amended, or the Intermodal Surface
10 Transportation Efficiency Act of 1991 (P.L. 102-240; 105 Stat. 1914), as amended.

11 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
12 read:

13 STUDY OF ECONOMIC DEVELOPMENT ROADS. (a) The commissioner of
14 transportation and public facilities shall identify roads that are important to the future
15 economic development of the state, study the feasibility of developing or upgrading those
16 roads in order to promote the future economic development of the state, research existing
17 plans to develop or upgrade those roads, determine the availability and source of funds to
18 develop or upgrade those roads, review alternative funding sources for ongoing maintenance,
19 and establish a priority ranking for projects to develop or upgrade roads identified by the
20 commissioner. The commissioner shall also recommend a schedule of appropriations, subject
21 to the availability of federal or other funds, for projects to develop or upgrade the roads and to
22 acquire rights-of-way identified as important to the future economic development of the state.

23 (b) The commissioner shall place particular emphasis on reviewing the following road
24 projects to determine whether the road projects should be identified as important to the future
25 economic development of the state and whether the road projects should be nominated for
26 designation as rustic roads, highways, or trails by the legislature under AS 19.10.075, added
27 by sec. 2 of this Act:

- 28 (1) Williamsport Road from Iliamna Bay to Pile Bay;
29 (2) a road to the Pogo Mine;
30 (3) Rock Creek Road in the Nome area;
31 (4) a road to Tazlina Lake;

- 1 (5) a road from Wasilla to Tyonek;
- 2 (6) a road along the west shore of Cook Inlet;
- 3 (7) a road to Nome;
- 4 (8) a road to Ruby;
- 5 (9) a road to Fort Yukon;
- 6 (10) Donlin Creek Road;
- 7 (11) a road to Dillingham;
- 8 (12) a road around the northern end of Lake Iliamna;
- 9 (13) upgrading the Dalton Highway;
- 10 (14) a road from Rampart to Eureka;
- 11 (15) a road from Ruby to McGrath;
- 12 (16) a road from Healy to the Richardson Highway;
- 13 (17) a road from Ruby to Takotna;
- 14 (18) a road from Takotna to Flat to Crooked Creek;
- 15 (19) Tonsina North Access Road;
- 16 (20) a road from Juneau to Atlin, British Columbia;
- 17 (21) a road from the Dalton Highway west to the Ambler copper district;
- 18 (22) Bradfield Canal Road;
- 19 (23) Shelter Cove Road;
- 20 (24) Chena/Circle Hot Springs Loop;
- 21 (25) a road across Cleveland Peninsula;
- 22 (26) any other road that the commissioner finds merits review.

23 (c) Funding to perform the duties assigned to the commissioner under this section
 24 may be allocated to the commissioner under the rustic road system category of the statewide
 25 transportation improvement program.

26 (d) The commissioner shall submit a written report of the commissioner's findings
 27 and recommendations to the legislature and the governor before the Second Regular Session
 28 of the Twenty-Third Alaska State Legislature convenes.

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

31 STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM;

1 APPLICABILITY. AS 19.10.155, added by sec. 3 of this Act, applies to statewide
2 transportation improvement programs prepared by the Department of Transportation and
3 Public Facilities beginning with the statewide transportation improvement program prepared
4 for 2004.

5 * **Sec. 6.** This Act, this Act takes effect immediately under AS 01.10.070(c).