

CS FOR HOUSE BILL NO. 327(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 4/30/04

Referred: Rules

Sponsor(s): REPRESENTATIVES HOLM, Ogg

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the powers and duties of the Department of Transportation and
2 Public Facilities; relating to a long-range program for highway construction and
3 maintenance; repealing a requirement that public facilities comply with energy
4 standards adopted by the Department of Transportation and Public Facilities; relating
5 to the adoption of regulations regarding estimates of costs and benefits of transportation
6 projects; and providing for an effective date."

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

8 * **Section 1.** AS 19.10.140 is amended to read:

9 **Sec. 19.10.140. Long-range program for highway construction and**
10 **maintenance.** The [GOVERNOR SHALL REQUIRE THE] department may [TO]
11 establish a continuing, long-range program for highway construction and maintenance.
12 The program must periodically [ANNUALLY] project proposed construction and
13 maintenance of highways for not less than the next succeeding two [FIVE] years. The

1 **program shall become part of the state transportation plan developed under**
 2 **AS 44.42.050** [A STATEMENT OF THE PROGRAM SHALL BE SUBMITTED
 3 BY THE GOVERNOR TO THE LEGISLATURE ANNUALLY, AND THE LONG-
 4 RANGE PROGRAM SHALL INCLUDE IN DETAIL THE PROGRAM PREPARED
 5 UNDER AS 19.10.150].

6 * **Sec. 2.** AS 44.42.020(a) is amended to read:

7 (a) The department shall

8 (1) plan, design, construct, and maintain all state modes of
 9 transportation and transportation facilities and all docks, floats, breakwaters, buildings,
 10 and similar facilities;

11 (2) study existing transportation modes and facilities in the state to
 12 determine how they might be improved or whether they should continue to be
 13 maintained;

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

17 (4) develop a comprehensive, long-range, intermodal transportation
 18 plan for the state;

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

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

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

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

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

31 (10) develop facility program plans for transportation and state

1 buildings, docks, and breakwaters required to implement the duties set out in this
 2 section, including but not limited to functional performance criteria and schedules for
 3 completion;

4 (11) supervise and maintain all state automotive and mechanical
 5 equipment, aircraft, and vessels, except vessels and aircraft used by the Department of
 6 Fish and Game or the Department of Public Safety; for state vehicles maintained by
 7 the department, the department shall periodically [ANNUALLY] evaluate the cost,
 8 efficiency, and commercial availability of alternative fuels [NATURAL GAS] for
 9 automotive purposes, and the purpose for which the vehicles are intended to be used,
 10 and convert or purchase vehicles to use alternative fuels [UTILIZE NATURAL
 11 GAS] whenever practicable; the department may participate in joint ventures with
 12 public or private partners that will foster the availability of alternative fuels
 13 [NATURAL GAS] for all automotive fuel consumers;

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

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

21 (14) [ADOPT ENERGY PERFORMANCE STANDARDS FOR
 22 PUBLIC FACILITIES OF THE STATE, THE CONSTRUCTION OF WHICH
 23 BEGINS AFTER JULY 1, 1980; THE STANDARDS SHALL BE BASED ON
 24 THERMAL AND LIGHTING ENERGY STANDARDS ESTABLISHED BY THE
 25 AMERICAN SOCIETY OF HEATING, REFRIGERATION AND AIR
 26 CONDITIONING ENGINEERS AS ADAPTED FOR APPLICATION IN HIGH
 27 LATITUDE, COLD CLIMATE ENVIRONS;

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

31 (A) standards for the design, construction, and operation of

1 rural educational facilities; and

2 (B) energy conservation measures for rural educational
3 facilities;

4 **(15)** [(16)] implement the safety and financial responsibility
5 requirements for air carriers under AS 02.40;

6 **(16)** [(17)] inspect weights and measures;

7 **(17) provide an annual summary report of the activities of the**
8 **department under this section to the legislature by the 15th legislative day of each**
9 **regular session of the legislature; the department shall make the summary report**
10 **available to the public and shall publish notice of the availability of the summary**
11 **report in a newspaper of general circulation in the state for at least once each**
12 **week for three weeks following delivery of the summary report to the legislature.**

13 * **Sec. 3.** AS 44.42.050(a) is amended to read:

14 (a) The commissioner shall develop [ANNUALLY] a comprehensive,
15 intermodal, long-range transportation plan for the state. **The plan may be developed**
16 **in separate documents and divided into logical components, including geographic**
17 **areas, modes of transportation, transportation corridors, systems, and other**
18 **distinct subjects. The commissioner shall include the estimated costs of projects**
19 **described in the plan and, except as provided in (e) of this section, an estimate of**
20 **the benefits of the project.** In developing and revising the state plan, the
21 commissioner **may** [SHALL] consider **the requirements of 23 U.S.C. 135, as**
22 **amended. Upon approval of the plan by the commissioner, the commissioner**
23 **may transmit the plan to the governor and** [MEANS AND COSTS OF
24 IMPROVING EXISTING MODES AND FACILITIES, STATE AND FEDERAL
25 SUBSIDIES, AND THE COSTS AND BENEFITS OF NEW TRANSPORTATION
26 MODES AND FACILITIES. THE COMMISSIONER SHALL ALSO CONSIDER
27 THE RECOMMENDATION OF THE ALASKA TRANSPORTATION PLANNING
28 COUNCIL. THE PLAN SHALL BE SUBMITTED TO THE GOVERNOR FOR
29 REVIEW AND APPROVAL AND SUBMITTED BY THE GOVERNOR TO] the
30 legislature.

31 * **Sec. 4.** AS 44.42.050(d) is amended to read:

1 (d) The **commissioner shall periodically develop a program** [PLAN MUST
 2 INCLUDE A DESCRIPTION] of projects planned for design and construction for **a**
 3 **period of not less than** [THE FOLLOWING] two years **that implement the plan**
 4 **developed under (a) of this section. In developing the program of projects, the**
 5 **commissioner may consider the requirements of 23 U.S.C. 135, as amended.** The
 6 **program** [DESCRIPTION] is in addition to the long-range plan required by (a) of this
 7 section [AND BY AS 19.10.140]. The **program** [DESCRIPTION] must include an
 8 **estimate of federal, state, and other funds anticipated to be received and a**
 9 **description, location, and** itemization of the estimated cost for each project and the
 10 total cost of all projects. The commissioner shall propose and forward to the governor
 11 for review and approval **and to the legislature for review** [AND INCLUSION, AS
 12 APPROVED, IN THE CAPITAL BUDGET] a construction program that includes the
 13 projects to be undertaken during the following **year** [TWO YEARS], including
 14 recommended project priorities. [FUNDS FOR TRANSPORTATION
 15 CONSTRUCTION PROJECTS AND NECESSARY CONTINGENCIES SHALL BE
 16 ITEMIZED AS ALLOCATIONS WITHIN THE BILL FOR THE GENERAL
 17 APPROPRIATIONS ACT.]

18 * **Sec. 5.** AS 44.42.050 is amended by adding a new subsection to read:

19 (e) The commissioner shall adopt regulations establishing procedures for
 20 preparation of estimates of costs and benefits for projects included in a
 21 comprehensive, intermodal, long-range transportation plan under (a) of this section.
 22 The regulations may provide for an exemption from the requirement to prepare an
 23 estimate of benefits for a specific transportation project if

24 (1) the project is required for compliance with a federal or state statute
 25 or regulation;

26 (2) the small scale of the project makes the preparation of an estimate
 27 of benefits for the project impractical;

28 (3) the cost of preparing an estimate of benefits for the project is
 29 excessive;

30 (4) preparation of an estimate of benefits is not practical or is not
 31 useful due to factors such as the nature of the project or the impracticability of

1 measuring benefits; or

2 (5) the commissioner determines that the preparation of an estimate of
3 benefits is not in the best interest of the state.

4 * **Sec. 6.** AS 46.11.900(8) is amended to read:

5 (8) "thermal and lighting energy standards" means the thermal and
6 lighting energy standards

7 (A) established by the American Society of Heating,
8 Refrigeration, and Air Conditioning Engineers as revised

9 [(i) BY THE COMMISSIONER OF
10 TRANSPORTATION AND PUBLIC FACILITIES UNDER
11 AS 44.42.020(a) FOR PUBLIC FACILITIES; OR

12 (ii)] by the Alaska Housing Finance Corporation for
13 buildings and structures that are not public facilities; or

14 (B) developed in regulations adopted

15 [(i) BY THE COMMISSIONER OF
16 TRANSPORTATION AND PUBLIC FACILITIES UNDER
17 AS 44.42.020(a) FOR PUBLIC FACILITIES; OR

18 (ii)] by the Alaska Housing Finance Corporation for
19 buildings and structures that are not public facilities.

20 * **Sec. 7.** AS 46.11.010 is repealed.

21 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
22 read:

23 ADOPTION OF REGULATIONS UNDER AS 44.42.050(e). (a) The Department of
24 Transportation and Public Facilities shall provide a copy of regulations that the department
25 proposes to adopt under authority of AS 44.42.050(e), added by sec. 5 of this Act, to each
26 incumbent state legislator, the secretary of the state senate, and the chief clerk of the state
27 house of representatives at the time the department publishes the notice under AS 44.62.190
28 of the proposed adoption of those regulations. In addition to the publication of the notice of
29 the proposed adoptions of regulations that is required under AS 44.62.190(a), the notice of the
30 proposed adoption of regulations under authority of AS 44.42.050(e), added by sec. 5 of this
31 Act, by the department shall be published once a week for three additional weeks in a

1 newspaper of general circulation in the state. The department shall accept public comment on
2 the regulations until at least 51 days have elapsed from the first publication in a newspaper of
3 general circulation in the state of the notice of the proposed adoption of the regulations.
4 Regulations adopted under authority of AS 44.42.050(e), added by sec. 5 of this Act, may not
5 be filed with the lieutenant governor until at least 60 days have elapsed from the first
6 publication of the notice in a newspaper of general circulation in the state of the proposed
7 adoption of the regulations.

8 (b) On the day that the secretary of the state senate and the chief clerk of the state
9 house of representatives each receives a copy of regulations that the Department of
10 Transportation and Public Facilities proposes to adopt under authority of AS 44.42.050(e),
11 added by sec. 5 of this Act, the secretary and the chief clerk shall each provide notice in
12 writing to the lieutenant governor that they have received a copy of the proposed regulations.
13 The lieutenant governor shall provide notice in writing to the revisor of statutes and the
14 regulations attorney that the lieutenant governor has received the notice required under this
15 subsection from the secretary and the chief clerk.

16 (c) This section applies only the initial adoption of the regulations under authority of
17 AS 44.42.050(e), added by sec. 5 of this Act.

18 * **Sec. 9.** Sections 5 and 8 of this Act take effect immediately under AS 01.10.070(c).

19 * **Sec. 10.** Sections 1 - 4, 6, and 7 of this Act take effect on the day after the date on which
20 the lieutenant governor has received notice in writing from the secretary of the state senate
21 and the chief clerk of the state house of representatives under sec. 8 of this Act that they have
22 each received a copy of regulations that the Department of Transportation and Public
23 Facilities proposes to adopt under authority of AS 44.42.050(e), added by sec. 5 of this Act.