

CS FOR SENATE BILL NO. 371(TRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE TRANSPORTATION COMMITTEE

Offered: 4/7/04

Referred: Finance

Sponsor(s): SENATE STATE AFFAIRS COMMITTEE

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; and providing for an effective date."**

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

5 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 PURPOSE AND INTENT OF SECTION 4 OF THIS ACT. (a) The purpose of the
8 amendment of AS 44.42.050(a) by sec. 4 of this Act is to validate and affirm the long-
9 standing practice of the state with regard to the procedures used by the state for the planning
10 of transportation projects and to ensure the validity of all existing administrative regulations
11 of the Department of Transportation and Public Facilities.

12 (b) It is the intent of the legislature in amending of AS 44.42.050(a) to expressly
13 overrule the decision of the Alaska Superior Court in Trout Unlimited v. State, 3AN-02-
14 09363 Civil, and to affirm the validity of the state transportation planning process.

1 * **Sec. 2.** AS 19.10.140 is amended to read:

2 **Sec. 19.10.140. Long-range program for highway construction and**
 3 **maintenance.** The [GOVERNOR SHALL REQUIRE THE] department **may** [TO]
 4 establish a continuing, long-range program for highway construction and maintenance.
 5 The program must **periodically** [ANNUALLY] project proposed construction and
 6 maintenance of highways for not less than the next succeeding **two** [FIVE] years. **The**
 7 **program shall become part of the state transportation plan developed under**
 8 **AS 44.42.050** [A STATEMENT OF THE PROGRAM SHALL BE SUBMITTED
 9 BY THE GOVERNOR TO THE LEGISLATURE ANNUALLY, AND THE LONG-
 10 RANGE PROGRAM SHALL INCLUDE IN DETAIL THE PROGRAM PREPARED
 11 UNDER AS 19.10.150].

12 * **Sec. 3.** AS 44.42.020(a) is amended to read:

13 (a) The department shall

14 (1) plan, design, construct, and maintain all state modes of
 15 transportation and transportation facilities and all docks, floats, breakwaters, buildings,
 16 and similar facilities;

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

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

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

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

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

30 (7) manage, operate, and maintain state transportation facilities and all
 31 docks, floats, breakwaters, and buildings, including all state highways, vessels,

1 railroads, pipelines, airports, and aviation facilities;

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

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

6 (10) develop facility program plans for transportation and state
7 buildings, docks, and breakwaters required to implement the duties set out in this
8 section, including but not limited to functional performance criteria and schedules for
9 completion;

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

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

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

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

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

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

6 (B) energy conservation measures for rural educational
7 facilities;

8 (16) implement the safety and financial responsibility requirements for
9 air carriers under AS 02.40;

10 (17) inspect weights and measures.

11 * **Sec. 4.** AS 44.42.050(a) is amended to read:

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

27 * **Sec. 5.** AS 44.42.050(d) is amended to read:

28 (d) The **commissioner shall periodically develop a program** [PLAN MUST
29 INCLUDE A DESCRIPTION] of projects planned for design and construction for **a**
30 **period of not less than** [THE FOLLOWING] two years **that implement the plan**
31 **developed under (a) of this section. In developing the program of projects, the**

1 **commissioner may consider the requirements of 23 U.S.C. 135, as amended.** The
 2 **program** [DESCRIPTION] is in addition to the long-range plan required by (a) of this
 3 section [AND BY AS 19.10.140]. The **program** [DESCRIPTION] must include an
 4 **estimate of federal, state, and other funds anticipated to be received and a**
 5 **description, location, and** itemization of the estimated cost for each project and the
 6 total cost of all projects. The commissioner shall propose and forward to the governor
 7 for review and approval [AND INCLUSION, AS APPROVED, IN THE CAPITAL
 8 BUDGET] a construction program that includes the projects to be undertaken during
 9 the following **year** [TWO YEARS], including recommended project priorities.
 10 [FUNDS FOR TRANSPORTATION CONSTRUCTION PROJECTS AND
 11 NECESSARY CONTINGENCIES SHALL BE ITEMIZED AS ALLOCATIONS
 12 WITHIN THE BILL FOR THE GENERAL APPROPRIATIONS ACT.]

13 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
 14 read:

15 RETROSPECTIVITY. Section 4 of this Act is retrospective to July 1, 1977.

16 * **Sec. 7.** This Act takes effect immediately under AS 01.10.070(c).