

ALASKA STATE LEGISLATURE
HOUSE TRANSPORTATION STANDING COMMITTEE

March 16, 2004

1:35 p.m.

MEMBERS PRESENT

Representative Jim Holm, Chair
Representative Beverly Masek
Representative Vic Kohring
Representative Dan Ogg
Representative Nick Stepovich

MEMBERS ABSENT

Representative Mary Kapsner
Representative Albert Kookesh

COMMITTEE CALENDAR

CS FOR SENATE BILL NO. 260(TRA) am

"An Act relating to metropolitan planning organizations and to the policy board of the metropolitan planning organization for the Anchorage metropolitan area; relating to transportation planning in federally recognized metropolitan planning areas; and providing for an effective date."

- HEARD AND HELD

HOUSE BILL NO. 392

"An Act relating to motor vehicle safety belt violations."

- BILL HEARING POSTPONED TO 3/23/04

PREVIOUS COMMITTEE ACTION

BILL: SB 260

SHORT TITLE: METROPOLITAN PLANNING ORGANIZATIONS/AREAS

SPONSOR(S): SENATOR(S) STEVENS B

01/12/04	(S)	READ THE FIRST TIME - REFERRALS
01/12/04	(S)	CRA, TRA
02/06/04	(S)	CRA AT 1:30 PM FAHRENKAMP 203
02/06/04	(S)	-- Rescheduled to 02/09/04 --
02/09/04	(S)	CRA AT 1:30 PM FAHRENKAMP 203
02/09/04	(S)	Moved SB 260 Out of Committee
02/09/04	(S)	MINUTE(CRA)

02/11/04 (S) CRA RPT 3DP
02/11/04 (S) DP: STEDMAN, WAGONER, STEVENS G
02/17/04 (H) TRA AT 1:30 PM CAPITOL 17
02/17/04 (S) Moved CSSB 260(TRA) Out of Committee
02/17/04 (S) MINUTE(TRA)
02/18/04 (S) TRA RPT CS 1DP 4NR NEW TITLE
02/18/04 (S) DP: COWDERY; NR: WAGONER, THERRIAULT,
02/18/04 (S) OLSON, LINCOLN
03/05/04 (S) IN THIRD READING ON 3/8/2004 CALENDAR
03/08/04 (S) TRANSMITTED TO (H)
03/08/04 (S) VERSION: CSSB 260(TRA) AM
03/09/04 (H) READ THE FIRST TIME - REFERRALS
03/09/04 (H) TRA, CRA
03/16/04 (H) TRA AT 1:30 PM CAPITOL 17

WITNESS REGISTER

SENATOR BEN STEVENS
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Spoke as the sponsor of SB 260.

CRAIG LYON, Coordinator
Anchorage Metropolitan Area Transportation Solutions (AMATS)
Municipality of Anchorage
Transportation Planning Manager
Anchorage, Alaska
POSITION STATEMENT: Related the Municipality of Anchorage's
opposition to CSSB 260(TRA)am.

ACTION NARRATIVE

TAPE 04-9, SIDE A
Number 0001

CHAIR JIM HOLM called the House Transportation Standing
Committee meeting to order at 1:35 p.m. Representatives Holm,
Masek, Stepovich, Kohring, and Ogg were present at the call to
order.

SB 260-METROPOLITAN PLANNING ORGANIZATIONS/AREAS

Number 0052

CHAIR HOLM announced that the only order of business would be CS
FOR SENATE BILL NO. 260(TRA) am, "An Act relating to
metropolitan planning organizations and to the policy board of

the metropolitan planning organization for the Anchorage metropolitan area; relating to transportation planning in federally recognized metropolitan planning areas; and providing for an effective date."

Number 0089

SENATOR BEN STEVENS, Alaska State Legislature, speaking as the sponsor of SB 260, informed the committee that it should have the following information: the latest version of the bill; the sponsor statement for CSSB 260(TRA)am; the sectional analysis of CSSB 260(TRA)am; the zero fiscal note; and a letter dated February 22, 2001, from the regional director of the Federal Highway Administration (FHWA) aforementioned letter relates the sentiment that legislative members on a metropolitan planning organization (MPO) doesn't constitute a redesignation so long as the members of the MPO agree to it. The committee should also have a spreadsheet specifying the amount of money over which the Anchorage Metropolitan Area Transportation Solutions (AMATS) has had discretion. He pointed out that from 2004-2006 the approved Transportation Improvement Program (TIP) amounts to \$1.25 billion. The AMATS Policy Committee, he highlighted, has an enormous amount of influence and discretion over road construction, maintenance, and facilities in Anchorage. The committee should also have a flow chart of the makeup of AMATS.

Number 0282

CHAIR HOLM inquired as to the committee on which the two members proposed by the legislation would sit.

SENATOR BEN STEVENS specified that those two members would sit on the AMATS Policy Committee. He mentioned that the Department of Transportation & Public Facilities (DOT&PF) representative is always the chair of the AMATS Policy Committee. In further response to Chair Holm, Senator Ben Stevens confirmed that he isn't changing the structure of AMATS. He also mentioned that the AMATS Policy Committee originally consisted of three members and was amended in 1999 to add two more members for a total of five members.

SENATOR BEN STEVENS directed attention to a pie chart in the committee packet entitled "Distribution of Federal-Aid Transportation Formula Funds Per 17 AAC 05.155-200." The aforementioned chart specifies how funds for transportation are spent in Alaska. The amount of money being discussed under this

legislation is 27.8 percent of the total, which equates to the \$1.25 billion.

SENATOR BEN STEVENS pointed out that the committee should also have a list of definitions from the Statewide Transportation Improvement Program (STIP). The committee should have the Code of Federal Regulations (C.F.R.), which is the governing body over the formation of the MPO agreement. Moreover, the committee should have a copy of the MPO agreement between the Municipality of Anchorage and the State of Alaska. The committee packet should include a series of letters dating back to June 1974 forward. He explained that he included the latter because there has been discussion regarding whether adding members is a redesignation, which means that the memorandum of understanding would have to be redrawn. Senator Ben Stevens offered his interpretation that as long as the changes proposed don't change the intent of the MPO agreement, then it doesn't constitute a redesignation. If the members agree to the change, then it's an amendment rather than a redesignation. Senator Ben Stevens opined that if CSSB 260(TRA)am passes as it is, the Municipality of Anchorage won't agree to it as an amendment, which is the challenge.

Number 0675

SENATOR BEN STEVENS turned to the sectional analysis. In Section 1 the language requiring the design to be adequate for at least the next 25 years is deleted. The engineers and planners agree with the concept of trying to work with MPOs and traffic consultants in terms of understanding future traffic patterns. However, the requirement of making a road adequate for 25 years after its construction would essentially mean looking into the future 30-32 years because it takes up to seven years to design a road. Seeing that far into the future isn't quite attainable, and therefore this legislation returns to the original language of the 20-year requirement, which is the requirement most planning areas use across the country. He noted that the aforementioned change was at the suggestion of the engineers and DOT&PF.

SENATOR BEN STEVENS moved on to Section 2, which addresses the MPO. Under Section 2, AS 19.20.200 inserts language establishing the MPO; this is language that hasn't been [in statute] before. Alaska Statute 19.20.210 establishes the membership of the policy committee of the MPO, and therefore adds the two voting members as specified on page 2, line 25

through page 3, line 4. He noted that the language on page 2, lines 25-26, is such that Eagle River could be included.

Number 0860

CHAIR HOLM highlighted that Fairbanks has a Metropolitan Area Transportation Solutions, although it doesn't have the policy [structure of AMATS].

SENATOR BEN STEVENS informed the committee that FMATS was established in 2001 and became operational in 2002. The language "for populations greater than 200,000" was included so that FMATS wouldn't be required to do this. However, he opined that at some point FMATS will want to move in this direction. He continued the sectional analysis with AS 19.20.220, which provides the governor and the commissioner the ability to approve a TIP that's developed by an MPO Policy Committee with the makeup as designated in AS 19.20.210. Section 3 inserts a new section that allows Anchorage's MPO Policy Committee to be restructured in conformance with AS 19.20.210 and the restructuring must be performed in a manner such that it isn't a redesignation of the Anchorage MPO. Senator Ben Stevens highlighted that a redesignation doesn't preempt any planning process, federal money, or the ability for AMATS to operate. If [restructuring of an MPO] is declared to be a redesignation, the existing MPO stays in place until the redesignation is ratified. If a redesignation is declared, the two bodies negotiate and conclude with a reformatted agreement. He said he didn't believe the aforementioned would be a bad thing.

Number 1044

REPRESENTATIVE STEPOVICH inquired as to the fears of the municipality.

SENATOR BEN STEVENS remarked that the fear of redesignation is overstated because it's only a matter of time [before it will be necessary] to review the agreement that's 30 years old in order to determine whether other municipal entities should be incorporated. He emphasized that his objective is to open the process in order to involve more people with regard to the determination of how these monies are used within the municipality.

REPRESENTATIVE MASEK turned to the sponsor statement and the following sentence from it: "The current process of prioritizing and allocating this funding for transportation

projects within Anchorage is difficult to understand and has long been the source of discontent among Anchorage residents." She requested that the sponsor discuss that and whether there are any projects that hindered AMATS and DOT&PF from doing their job.

SENATOR BEN STEVENS said that De Armoun Road resurfacing and relocation comes to mind. The aforementioned project has been through planning and design. However, when the project was put out for public comment in the final phase, it was discovered that most of those living along De Armoun Road weren't in favor of the road redesign and relocation. The project required acquiring a significant increase in right-of-way and the demolition of several homes. While the project was already in the TIP and approved, the community said it didn't want the project. Therefore, the project was eventually taken off the TIP. The aforementioned is an example of a situation in which the local community's concerns were ignored up until the final step in the process. Senator Ben Stevens clarified that his intent is to have more involvement through the membership of legislators who can listen to their constituents and voice their concerns through the MPO Policy Committee.

REPRESENTATIVE MASEK highlighted that legislators appropriate funding with DOT&PF and work with the federal T-21 funding. However, the aforementioned process hasn't worked well either.

CHAIR HOLM opined that one of the problems is a disconnect with what [the legislature] views as important projects for an area and those projects that are actually on the STIP. With FMATS and AMATS in the middle of this, [the legislature] tries to maintain the power of appropriation in order to have a bit more control with the projects. Chair Holm remarked that the process really has no bearing on whether the public agrees with what's going on and this legislation seems to offer a better connection between the legislature and the constituents and back to FMATS and AMATS.

SENATOR BEN STEVENS explained that the TIP, as developed by AMATS and approved by the commissioner is rolled into the STIP and the [legislature] has no input. The legislature only approves or disapproves [the funding]; [the legislature] has [always approved the STIP funding]. He reiterated that all he is attempting is a broader representation on the MPO Policy Committee, which develops the TIP.

REPRESENTATIVE MASEK asked if this legislation has anything to do with SB 71 from last year.

SENATOR BEN STEVENS replied no. "This is accountability on how the projects are prioritized across all the money, not just in transportation enhancements, but road projects, transportation enhancements, pedestrian facilities -- it's all across everything," he explained.

Number 1410

REPRESENTATIVE MASEK pointed out that the only two appointees [that sit on the MPO Policy Committee] are the DOT&PF and Department of Environmental Conservation (DEC) representatives while the other three members are elected officials. Therefore, she questioned why the [MPO Policy Committee] should be broadened if the members are already elected at the local level.

SENATOR BEN STEVENS highlighted that currently all three elected officials who are members of the [MPO Policy Committee] are from east Anchorage. In fact, the Anchorage Assembly members who sit on [the MPO Policy Committee] are from the same assembly district. Therefore, he proposed the argument that the entire metropolitan area isn't being represented by the assembly members, although he acknowledged that the mayor does provide city-wide representation. Still, Senator Ben Stevens opined that the more people involved with the planning process provides more access to a greater diversity of constituents. He emphasized that [the MPO Policy Committee] has great discretion over the future planning of the city, which has grown.

REPRESENTATIVE MASEK asked if this legislation would be a problem for those projects currently under way.

SENATOR BEN STEVENS replied no, and pointed out that the effective date of the change will occur with the development of the next TIP, which is July 1, 2005.

Number 1546

REPRESENTATIVE STEPOVICH noted his agreement that there should be more input into this process, especially in light of the fact that there is no state or federal input.

SENATOR BEN STEVENS turned attention to a chart entitled "Centerline Miles by Functional Class and Ownership", which illustrates that through the memorandum of understanding the

state has deferred maintenance to the city in the ratio of almost 3:1. He acknowledged that there has been the argument that this legislation attempts to take control of a local process, which he refuted.

REPRESENTATIVE STEPOVICH related his view that in order for the legislature to appropriate funds efficiently, it should have representation on the board.

SENATOR BEN STEVENS clarified that the people being added to the process would be elected within the MPO area.

REPRESENTATIVE STEPOVICH commented that this is something that could be reviewed for Fairbanks.

Number 1761

SENATOR BEN STEVENS turned to [Amendment 1], which he requested be offered on his behalf. Amendment 1 read as follows:

Page 2, line 21:

Delete "Three"

Insert "Four"

Page 2, line 23:

Delete "Two"

Insert "Three"

Page 2, line 24:

Delete "Two voting members"

Insert "At least one member designated by the municipalities and at least one member appointed by the governor shall be public members who reside within the metropolitan area and who are not elected public officials. The public members shall serve for three-year terms.

(b) Two nonvoting members of the policy board of a metropolitan planning organization that is subject to (a) of this section"

Reletter the following subsections accordingly.

SENATOR BEN STEVENS said that Amendment 1 is an attempt to compromise between his desire to open up the process and the difficulty some have with allowing legislators to be involved. Therefore, Amendment 1 would add two more members to the MPO Policy Committee, one of which would be designated by the

municipality and the other designated by the governor, both of which would be nonelected public officials. The amendment also changes the legislative members' involvement such that they would remain on the committee, but would be nonvoting members. With the adoption of Amendment 1, the membership of the MPO Policy Committee would increase to 9 members, two of which would be nonvoting legislators.

REPRESENTATIVE MASEK expressed concern with creating a larger board, and inquired as to what will happen if this larger board doesn't [accomplish what the sponsor intended].

SENATOR BEN STEVENS answered that there could be another change. He highlighted that [Anchorage] has a small MPO. He maintained his belief in "the more members, the better."

CHAIR HOLM noted that the Fairbanks North Star Borough has a budget of about \$100 million and [its MPO] has 11 members. He surmised that Senator Ben Stevens is attempting to have representation from all districts in the area.

REPRESENTATIVE STEPOVICH commented that roads spread across a municipality, and therefore one would want to represent all of them. He asked if there is any district designation on specific seats [of the MPO Policy Committee].

SENATOR BEN STEVENS replied no.

REPRESENTATIVE STEPOVICH expressed his belief that the legislators should be voting members because they are as much a part of the municipality as the other members.

SENATOR BEN STEVENS agreed, but reiterated that Amendment 1 is an attempt to compromise and meet the objective of more public involvement in the AMATS Policy Committee process.

REPRESENTATIVE STEPOVICH stated that the legislators should be voting members because they are involved in the appropriation process and are members of the municipality. He opined that having voting legislative members would benefit the community.

CHAIR HOLM turned to public testimony.

Number 2162

CRAIG LYON, Coordinator, Anchorage Metropolitan Area Transportation Solutions (AMATS), Municipality of Anchorage,

Transportation Planning Manager, noted that he has sent the committee some materials, including a position statement, a letter from the Federal Highway Administration dated March 5, and a copy of the resolution passed by the Anchorage Assembly. As Senator Ben Stevens related, AMATS was established in 1976 as a multi-agency team to plan and fund the transportation systems in the Anchorage and Chugiak-Eagle River areas when federal funds are used. Federal funding accounts for about 90 percent of public monies being spent to develop Anchorage's transportation system. The \$1.25 million in the TIP accounts for all federal monies spent on transportation projects in the AMATS area. The AMATS Policy Committee controls about \$40 million a year. He related that the policy committee, the primary decision-making body for AMATS, is responsible for annually approving the transportation plan and programs and providing policy direction to the AMATS process.

MR. LYON informed the committee that the Municipality of Anchorage is opposed to CSSB 260(TRA)am for the following reasons. Firstly, there is the matter of local control. He reminded the committee that MPOs were established by the federal government to prioritize the expenditure of federal transportation dollars within certain urbanized municipalities. Adding two more state positions to the MPO would tilt the balance away from local control. The current process allows local citizens the opportunity to discuss transportation issues with his or her local representative. Having two legislators on the committee would decrease public participation because the citizens couldn't meet with two legislative members of the policy committee because they would be in Juneau for four months of the year. Secondly, this legislation would be inconsistent with federal law. In a letter dated March 5, 2004, the FHWA has stated: "The actions suggested in this bill would be inconsistent with federal regulations that govern MPOs. This bill would, in effect, cause a restructuring and redesignation of the MPO that would have to be agreed upon by the local governing body and the governor." In testimony given May 1, 2001, in the House Community and Regional Affairs Standing Committee, the director of the Federal Highways Division office in Juneau explained that it was acceptable for the MPO to add membership when the government units and the governor agreed.

MR. LYON said that as the sponsor pointed out, there isn't a problem with a legislator serving on an MPO, but it depends upon "how they get there." This legislation purports to add the legislators unilaterally, which, according to federal highways, would be inconsistent with the federal regulations that govern

MPOs. In the 300-400 MPOs around the country, there are no MPOs that have legislators as members. Hawaii used to have legislators sitting on its MPO, but the process became so politicized that members of [Anchorage's] MPO and members of several other MPOs were sent to Hawaii in an attempt to remedy the process. Therefore, Hawaii no longer has legislators serving on the MPO. Having legislators on an MPO isn't something that is utilized throughout the [country].

TAPE 04-9, SIDE B

MR. LYON informed the committee that on February 3, 2004, the Anchorage Assembly voted to oppose CSSB 260(TRA)am. Additionally, the State and Local Government Committee of the Anchorage Chamber of Commerce voted for the Board of Directors to oppose this legislation. Mr. Lyon then turned to the size of the MPO, and reminded the committee that within the boundary of this MPO there is one municipality. However, in Fairbanks there is Fairbanks and North Pole, which means that there must be representatives from each local government unit. When the Anchorage MPO was designated there wasn't the need for other groups to be represented, which is why it is comprised of five members.

MR. LYON addressed the 90:10 split with the 90 percent being federal monies coming through to the MPO. The 10 percent is the state's match, which is decreasing and in some cases going away completely. Therefore, it seems ironic that in a time when the state is actually decreasing the amount of funding the state is providing to the process, there is legislation proposed to increase the membership of the policy committee.

Number 2210

REPRESENTATIVE STEPOVICH said that he was having difficulty with the distinction between local and nonlocal because legislators are elected by the people in the community and are also members of the community itself.

MR. LYON acknowledged that legislators are elected by the people in the legislator's local district. However, for purposes of federal highways and how this relates to these statutes, a legislator is considered a member of a state body rather than a local body.

REPRESENTATIVE STEPOVICH highlighted that two members of the policy committee aren't elected, but are members of the community. He indicated that local roots are important.

MR. LYON said that he didn't disagree. However, the MPOs were established to provide local officials a sense of ownership in the process. According to the FHWA, the local members are the members of a local governing body not locally elected officials who represent people on a state body.

Number 2140

CHAIR HOLM asked if Mr. Lyon agreed that the local folks aren't putting any money into this program.

MR. LYON disagreed, and pointed out that every time an individual purchases gasoline or a new set of tires he or she puts money into the program.

CHAIR HOLM offered, "The 10 percent match that we put in as a state is our ... part The people that ... would be supporting you would be your representatives from the Anchorage area for AMATS who would be giving you the 10 percent match to the federal ... highway money coming in." Therefore, he asked Mr. Lyon if he felt there should be some oversight from the folks giving that 10 percent match.

MR. LYON reiterated that the FHWA established this organization such that the local officials would have the lead role in acquiring those federal monies. Therefore, he suggested that [AMATS] provides 90 percent of the funds because the federal government has provided that money to [AMATS] to determine how to spend it, while the legislature has provided the other 10 percent.

SENATOR BEN STEVENS directed attention to 23 U.S.C. 134(b), which specifies:

(b) Designation of Metropolitan Planning Organizations. -

(1) In general. -

To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000 individuals

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(A)

by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census); or

(B)

in accordance with procedures established by applicable State or local law.

SENATOR BEN STEVENS explained that per the above, local law doesn't supersede state law rather it refers to "State or local law."

Number 2022

REPRESENTATIVE MASEK directed attention to the resolution from the Anchorage Municipal Assembly, which is in opposition to the passage of SB 260. Lines 31-33 of the resolution read as follows: "WHEREAS, this change would, in effect, be removing a strong local voice in Anchorage's transportation system planning and design, and would be inconsistent with Federal regulations governing metropolitan planning organizations;". However, this legislation specifies that there must be agreement between the local governing body and the governor. If the local governing body and the governor don't agree, the [AMATS] TIP and Long-Range Transportation Plan (LRTP) will be in jeopardy. She then turned to the March 5, 2004, letter from the FHWA, U.S. Department of Transportation, and highlighted the following: "... we are of the opinion that the proposed State legislative requirement would unilaterally add members to the AMATS governing board above and beyond the MPO's existing structure and by-laws, thereby likely constituting a formal redesignation of the AMATS governing board." From the same letter she also highlighted the following: "... the State legislature without the consent and support of local officials and the Governor would appear to be inconsistent with the intent of 23 U.S.C. 134." She noted that she is concerned with the conflicting information.

SENATOR BEN STEVENS opined that there is [conflicting information] because of the perceived power struggle. He further opined:

Those that have the power over the appropriation of this money -- the five people that meet behind closed doors and produce transportation improvement plans ... and they bring them out to meetings that occur once a

month at 1:00 in the afternoon where there's no public involvement, and that they approve them with no public debate, and they spend the money with no public approval. There is ... a conflicting position here. And my position is ... to open this up and get more public involvement. If ... the AMATS Policy Committee and the Mayor of Anchorage won't accept legislators as public involvement why won't they accept increased members of the public as increased public involvement. And Mr. Lyon's refusal to address the amendment that ... all of us in this room understand the impact of it. There is inconsistency and there is conflicting positions on this. But those that are controlling the money don't want to give up any control and any exertion of public involvement in this. ... that's what this entire effort on my behalf is: ... to exert public involvement in the ... planning process. And, by the way, the letter from Mr. Miller ... in March of 2001 is ... in total conflict with the letter from March of 2004. So, to add to ... Representative Masek's confusion, we have letters coming out of FHWA; one from Washington, DC, and I find it ironic that a local government agency has to go all the way to Washington, DC, the largest bureaucracy on the planet to say we want you to support our local government authority.

CHAIR HOLM commented, "It does sound a little bit inconsistent, Senator."

REPRESENTATIVE OGG asked if the Municipality of Anchorage has the understanding that SB 260 is being introduced because the state is reducing its road construction contribution.

MR. LYON said that the municipality isn't suggesting any reason behind this legislation than that stated by its sponsor.

REPRESENTATIVE OGG clarified his question as follows: "I was just saying that the increase in state oversight comes as the state is reducing its contribution Is that your understanding that the only reason for this bill is that we're not putting as much contribution into road construction so that we want more control over the federal dollars? Is that the city's position?"

MR. LYON specified that the aforementioned isn't the city's position. The point is that it's ironic that at the time when

fewer funds are being funneled to the municipalities and cities, in terms of a matching program, the state through this legislation wants more oversight.

REPRESENTATIVE OGG said that he doesn't have the impression that this legislation [is being introduced] because the state's contribution to road construction is decreasing. He then turned attention to the last bullet on page 2 of the additional position statements from the Municipality of Anchorage. That bullet says: "**Politicizing the process** - Adding legislators will further politicize the process, making an already confusing, labored, at times misunderstood process even worse, not better." The aforementioned seems to acknowledge that presently the AMATS process is "confusing, labored, at times misunderstood process".

Number 1675

MR. LYON related that anyone involved in an MPO around the country would say that it's a confusing process and Byzantine, at best. The "**Politicizing the process**" bullet [is derived] from the experience in Hawaii where legislators were members of the MPO, which lead the process to become convoluted and politicized to the point at which the legislators are no longer members of the MPO. Mr. Lyon pointed out that Alaska can review what it has done in the past and say that the problems in the past necessitate this drastic step. On the other hand, Alaska could look forward under the new Administration in Anchorage and Juneau and attempt to work together to get some roads built and congestion solved.

MR. LYON informed the committee that FHWA was in Anchorage for a three-day workshop. He explained that although the federal legislation may not specifically say that local officials must be the lead, the federal officials who recently visited said that the local officials should have the lead. With regard to the AMATS process, the meetings aren't held behind closed doors. In fact, the public is invited and able to testify at any point during the proceedings. At the last policy committee meeting, there was a request to have evening and weekend meetings in order to achieve more public involvement.

CHAIR HOLM inquired as to how long Mr. Lyon has been involved in the AMATS program.

MR. LYON answered that he has been involved since July 8, 2003. In further response to Chair Holm, Mr. Lyon specified that AMATS has been a functioning MPO since 1976.

CHAIR HOLM remarked, "And only now you're offering that you could have weekend meetings or you could have meetings that might help the public enter into the process."

MR. LYON said that he wasn't sure. He noted that since he has been with AMATS there have been evening meetings.

SENATOR BEN STEVENS referred to a letter dated [June] 25, 1974, the second paragraph of which begins as follows: "This organization, the Anchorage Metropolitan Area Transportation Study (AMATS), is headed by a Policy Committee consisting of the Mayor of the City of Anchorage, the Mayor of the Greater Anchorage Area Borough, and the Commissioner of Highways." In 1974 Anchorage was a small community that barely made the 50,000 threshold. He then highlighted portions of the third paragraph of this letter as follows: "... it is essential that each governmental agency involved have a proper share of both decision-making authority and actual responsibility for implementation of the planning process. ... too often, designation of one specific governmental entity to implement the continuing planning process has resulted in abdication of responsibility by those agencies and local governments not directly involved in actually achieving results."

SENATOR BEN STEVENS mentioned that he had a meeting with FHWA when recently in the state during which the FHWA told him that one would have to go back to the original intent of the memorandum of understanding that formulated the MPO. As long as changes are agreeable to the entities involved with the MPO and it doesn't change the intent of the agreement, it's merely an amendment. However, the fear is that the changes proposed in the legislation will cause redesignation. Senator Ben Stevens commented that to him redesignation isn't such a bad idea because [AMATS] is working under an agreement that's over 30 years old. In terms of meeting public demand and concerns, he questioned what would be so bad about redesignation. He highlighted that during a redesignation nothing constitutes a discontinuation of any federal process. Therefore, he surmised that the Municipality of Anchorage, the Mayor of Anchorage, and the Anchorage Assembly don't want a redesignation because they have diminished authority.

MR. LYON said that he wanted to be sure what Amendment 1 would achieve. He related his understanding that with the adoption of Amendment 1 the policy committee would have nine members, which would include two nonvoting legislators; four representatives of the Municipality of Anchorage consisting of one public member and three members of the local government; and three representatives from the State of Alaska consisting of one public member, one member from DOT&PF, and one member from DEC. He asked if his understanding is correct.

SENATOR BEN STEVENS agreed and clarified that Amendment 1 would change the policy committee such that it would consist of nine members, two of which would be nonvoting legislators and seven of which would be voting members. Of the voting members, four members would be from the municipality and three from the state. Therefore, the changes under Amendment 1 would be that the Municipality of Anchorage would appoint one public member and the governor would appoint one public member.

Number 1232

REPRESENTATIVE OGG moved that the committee adopt Amendment 1, which read as follows:

Page 2, line 21:

Delete "Three"
Insert "Four"

Page 2, line 23:

Delete "Two"
Insert "Three"

Page 2, line 24:

Delete "Two voting members"
Insert "At least one member designated by the municipalities and at least one member appointed by the governor shall be public members who reside within the metropolitan area and who are not elected public officials. The public members shall serve for three-year terms."

(b) Two nonvoting members of the policy board of a metropolitan planning organization that is subject to (a) of this section"

Reletter the following subsections accordingly.

REPRESENTATIVE STEPOVICH objected, and specified that he would like the voting members to come from the legislature. Therefore, he suggested an amendment to Amendment 1, which would delete the word "nonvoting" in subsection (b).

REPRESENTATIVE OGG objected to the amendment to Amendment 1. He opined that a legislator's job is to vote in the legislature not in [other committees outside of the legislature]. He further opined that the point of a legislator being on the AMATS Policy Committee is to observe and bring back information to the legislature.

REPRESENTATIVE STEPOVICH related his view, "I just think the vote would express the intent of the money appropriated."

CHAIR HOLM noted his disagreement with Representative Stepovich. He said he understood Senator Ben Stevens to make the case that the legislative members are validated as members of the community, but not heavy handed members over AMATS.

REPRESENTATIVE STEPOVICH said, "This whole bill is dealing with the intent of the appropriations" He surmised that Senator Ben Stevens is concerned with how the appropriations are handled within AMATS and the legislators are placed on the AMATS Policy Committee to oversee those appropriations. Representative Stepovich withdrew his amendment to Amendment 1 [and removed his objection to Amendment 1].

REPRESENTATIVE MASEK objected to Amendment 1.

A roll call vote was taken. Representatives Stepovich, Kohring, Ogg, and Holm voted in favor of Amendment 1. Representative Masek voted against it. Therefore, Amendment 1 was adopted by a vote of 4-1.

Number 0995

REPRESENTATIVE KOHRING noted his support of this legislation. He agreed that it's time to revise the AMATS process in light of the fact that the Anchorage area has grown. He noted his further agreement that increasing the public involvement improves the process. Moreover, this seems to be an effective manner in which to manage organizations in the Lower 48.

REPRESENTATIVE OGG said that he likes the approach of this legislation. However, the effective date clause seems problematic because should there be a failure of the governor to

enter into an agreement with the municipality, the legislation could be in effect with no agreement. Therefore, he questioned what would happen if no agreement is reached.

SENATOR BEN STEVENS explained that the current TIP is in effect until 2006. Therefore, this legislation would go into effect and the new TIP would be developed for 2007-2009. Theoretically, the parties would have until July 1, 2007, to come to agreement. He agreed that there would be a period of uncertainty as described by Representative Ogg.

Number 0750

REPRESENTATIVE STEPOVICH asked if Mr. Lyon agreed that there should be state input on this matter.

MR. LYON opined that there isn't a problem with regard to state input on this as there is such currently.

CHAIR HOLM inquired as to the will of the committee.

Number 0717

REPRESENTATIVE STEPOVICH moved to report CSSB 260(TRA)am, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE MASEK objected.

REPRESENTATIVE OGG said that he didn't have a problem, but hoped that the sponsor would address the [possibility of there being no agreement between the governor and the municipality].

The committee took an at-ease from 2:59 p.m. to 3:00 p.m.

Number 0666

REPRESENTATIVE OGG expressed the desire to be sure that the ball isn't dropped because of the agreement and the effective date.

CHAIR HOLM commented that perhaps that could be reviewed between now and the next hearing on the legislation. He highlighted that AMATS has been in existence since 1976, and weekend and evening meetings came up because of Senator Ben Stevens not because of AMATS or the Municipality of Anchorage. Obviously, the aforementioned is an issue for his constituents.

[SB 260 was held over.]

ADJOURNMENT

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 3:01 p.m.