

**ALASKA STATE LEGISLATURE**  
**SENATE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE**

February 9, 2004

1:33 p.m.

**TAPE (S) 04-3**

**MEMBERS PRESENT**

Senator Bert Stedman, Chair  
Senator Thomas Wagoner, Vice Chair  
Senator Gary Stevens

**MEMBERS ABSENT**

Senator Kim Elton  
Senator Georgianna Lincoln

**COMMITTEE CALENDAR**

SENATE BILL NO. 260

"An Act relating to metropolitan planning organizations and to establishment of a metropolitan planning organization for the Anchorage metropolitan area; and providing for an effective date."

MOVED SB 260 OUT OF COMMITTEE

**PREVIOUS ACTION**

BILL: SB 260

SHORT TITLE: METROPOLITAN PLANNING ORGANIZATIONS

SENATOR(S): STEVENS B

**WITNESS REGISTER**

Senator Ben Stevens  
Alaska State Capitol  
Juneau, AK 99801-1182  
**POSITION STATEMENT:** Sponsor SB 260

Craig Lyon  
Municipality of Anchorage  
4501 South Bragaw  
Anchorage, Alaska 99508  
**POSITION STATEMENT:** Opposed SB 260

Dick Tremain

Anchorage Assembly  
4501 South Bragaw  
Anchorage, Alaska 99508  
**POSITION STATEMENT:** Opposed SB 260

Deanna Essert  
No address provided  
**POSITION STATEMENT:** Supported SB 260

Mary Whitmore  
No address provided  
**POSITION STATEMENT:** Supported SB 260

Theodore Volin  
No address provided  
**POSITION STATEMENT:** Supported SB 260

Gordon Keith  
Department of Transportation &  
Public Facilities  
3132 Channel Dr.  
Juneau, AK 99801-7898  
**POSITION STATEMENT:** Testified on SB 260

Will Blin  
No address provided  
**POSITION STATEMENT:** Supported SB 260

David Lee  
No address provided  
**POSITION STATEMENT:** Supported SB 260

**ACTION NARRATIVE**

**TAPE 04-3, SIDE A**

**CHAIR BERT STEDMAN** called the Senate Community and Regional Affairs Standing Committee meeting to order at 1:33 p.m. Present were Senators Gary Stevens, Wagoner, and Chair Stedman.

**SB 260-METROPOLITAN PLANNING ORGANIZATIONS**

CHAIR BERT STEDMAN announced SB 260 to be up for consideration and that he intended to move the bill that day provided no issues were raised to slow that process. He read the bill title and invited the sponsor to come forward and introduce the bill.

SENATOR BEN STEVENS, sponsor of SB 260 and representative from Senate District N in Anchorage, reported this is the third time this bill has been introduced. The legislation would change the makeup of the Anchorage Metropolitan Planning Organization (MPO) by increasing the board membership from five to seven members to include two legislators that were elected from the Anchorage area.

He referred to the Distribution of Federal-Aid Transportation Formula Funds Per 17 AAC 05.155-200 chart to point out that AMATS [Anchorage Metropolitan Area Transportation Solutions] has discretionary use of 27.8 percent of the state's available surface transportation funds. He described his motivation for sponsoring the legislation as an effort to bring increased transparency to the public process in the AMAT procedure. Elected Anchorage officials would be more involved and help AMATS meet its objective to enhance transportation systems in the Anchorage area.

SENATOR THOMAS WAGONER asked whether a legislator from outside the Anchorage area could serve.

SENATOR BEN STEVENS told him that is a good question and brings up a valid point that needs clarification. He explained that legislators from districts other than Anchorage wouldn't be eligible to sit on the Anchorage Metropolitan Area Transportation Solutions Board. Only officials elected from Anchorage would be considered

SENATOR WAGONER noted the Kenai Peninsula Borough has a population that is close to the threshold. Mary Jackson discussed the issue of urban area and urbanized area with him and he asked the sponsor whether he had a copy of the definitions.

SENATOR BEN STEVENS said he didn't have a copy.

SENATOR WAGONER stated he had no questions and fully supports the bill.

SENATOR GARY STEVENS said he was ready to move the bill.

CHAIR STEDMAN acknowledged he wasn't as familiar with the bill and asked if it was correct that it targets areas with populations that exceed 200,000.

SENATOR BEN STEVENS confirmed it did and explained the 200,000 population threshold was incorporated so that Fairbanks isn't required to participate. He noted that Fairbanks is beginning to pay attention to the problems that Anchorage is experiencing and if Fairbanks legislators so desired, adjustments could be made to include that area.

CHAIR STEDMAN commented the board composition would go from 5 to 7 members, which wouldn't be unwieldy and noted the effort is to increase public awareness and participation within the board.

SENATOR BEN STEVENS agreed.

CHAIR STEDMAN announced there were a number of individuals that wanted to give testimony via teleconference. He asked Craig Lyon to identify himself and state his position.

CRAIG LYON, AMATS coordinator for the Municipality of Anchorage, outlined the history of the team. He reported that the annual \$40 million in federal funding accounts for about 90 percent of the public money for development of the Anchorage transportation system.

The AMATS policy committee is charged with approving the transportation plan and programs as well as providing the policy direction of the AMATS process. SB 260 proposes to add two [locally elected] legislators to the AMATS policy committee and the Municipality of Anchorage opposes that for a number of reasons not the least of which is the issue of local control.

MR. LYON explained that Metropolitan Planning Organizations (MPO) were established by the federal government for the purpose of prioritizing spending federal transportation money within certain urbanized municipalities. Adding two more state positions to the MPO would tilt the balance away from local control, he opined. At present, the process allows private citizens the opportunity to discuss transportation issues with their local representatives. He pointed out that legislators spend five months in Juneau each year, which would decrease public participation of the process "if citizens couldn't meet with two members of the policy committee due to their being in Juneau."

He argued that the bill is also inconsistent with federal law because the Federal Highway Administration has stated in writing that the action suggested in this legislation would restructure and redesignate the MPO. The governor and the local governing

body would have to agree to the restructuring and if agreement couldn't be reached, there would be no functioning MPO process in Anchorage, which could jeopardize federal highway funding.

He cited a February 2004 conversation between Mayor Mark Begich and the Secretary of Transportation where Secretary Mineta expressed support for the status quo. The Anchorage Assembly has opposed similar legislation in the past, he declared, and that position hasn't changed as evidenced by a February 3, 2004 resolution that passed with overwhelming support. In addition, the State and Local Government Committee of the Anchorage Chamber of Commerce voted to oppose the bill.

SENATOR WAGONER referred to the comment regarding tilting away from local control and remarked that his interpretation is that the committee would have more local control through the addition of two Anchorage legislators.

MR. LYON replied he was relying on previous federal highway statements that refer to legislators as state officials rather than local officials. As such that would add two more state officials to the policy board for a total of four thereby tilting the balance.

SENATOR WAGONER asked how often the committee meets in Anchorage.

MR. LYON replied the AMATS policy committee meets once a month.

SENATOR WAGONER noted the legislative session lasts 120 days so the two Anchorage legislators would have to fly to Anchorage four times or make arrangements to attend four meetings telephonically. He wasn't sure that would be a reason not to have Anchorage legislators on the committee.

SENATOR BEN STEVENS distributed copies of a letter from David Miller, federal highways administrator in Juneau, addressing this issue during a previous bill hearing on the same topic. Mr. Miller stated there is nothing in federal regulation prohibiting legislators from being members of a MPO. He then asked Mr. Lyon to provide him a copy of any correspondence between Secretary Mineta and Mayor Begich corroborating the statement that Secretary Mineta prefers the status quo.

CHAIR STEDMAN announced he didn't want to take redundant testimony. He noted that Dick Trainee from the Anchorage Assembly

was on the list to testify and if Mr. Lyon had omitted a point, then Mr. Traine was welcome to give new information.

Mr. Traine was not online.

MR. DICK TREMAIN testified via teleconference. After he introduced himself, he made an effort to distinguish himself from Mr. Traine in a provocative manner.

CHAIR STEDMAN firmly warned him about making only appropriate comments in a public meeting.

MR. TREMAIN announced that he was representing the Municipality of Anchorage. Several years ago he sat on the AMATS committee as one of three publicly elected local officials and found the committee's workings "to be Byzantine at best, not understandable, projects moved around in priority without any apparent reason to the policy makers.

The policy committee found that the project managers were setting priorities and the policy makers weren't getting full information. Senator Donley was interested in participating at that time and he was invited to do so. In fact, the committee extended the invitation to the all legislators. He emphasized that anytime legislators sit at the table, members listen to what they say.

While he served on the AMATS committee and since, he noted there have been divided votes between the mayor and the assembly, between Anchorage elected officials and state appointed officials. There was never any evidence that the parties were acting in collusion.

He noted that Senator Ben Stevens said he would like to give transparency to the public process and although they welcome the assistance, he believes it is disingenuous to suggest that voting is the only way to bring transparency to the process.

MR. TREMAIN reported that he sits on a number of committees representing Anchorage where he has no official voice yet he is always welcome to participate and contribute. He agrees that more public participation is needed and that the process should be more understandable. He welcomes ways to better accomplish that, but policy meetings are open and decisions are not made behind closed doors.

On February 3, 2004 the assembly passed resolution 2437 clearly stating they do not support SB 260. That position hasn't changed in the last five years. "If state law, as passed by your joint bodies and the governor, come in conflict with local decision, there will have to be some negotiations between the governor and the mayor." Federal funds are at risk, he asserted.

Anchorage, he concluded, receives 27.8 of the federal surface transportation funds for the state, but it has 40 percent of the population. Perhaps, he suggested, legislators should give Anchorage more funds.

There were no questions.

CHAIR STEDMAN called Tom Chapple.

TOM CHAPPLE, director of air quality, Department of Environmental Conservation, informed members he has been a member of the AMATS committee as one of the two state officials. He was available for questions and had no specific testimony.

DEANNA ESSERT, testified via teleconference to say she is concerned that the budget is using road dollars for enhancement projects and citizens are being forced to bond for roads. She attends public meetings as a concerned citizen and at one time someone chided her for attending so frequently and commented that she didn't have anything better to do.

She charged that local government isn't listening to community needs. Rather, they are responding to wants. She understands 40 percent of the Anchorage roads are state owned and she knows they aren't in good repair.

As a taxpayer, she would like to know where the enhancements are calculated in the budget She has asked and has received no response to her inquiries. She understands that construction and design costs for enhancements are hidden in the road budget, which makes it difficult to know how much is spent on enhancements.

Several community councils have passed resolutions asking that enhancements be restricted to the federally mandated 10 percent, but AMATS has not responded to them either. She concluded, "I'm just a concerned citizen and I want my money spent so that it will protect the roads."

SENATOR GARY STEVENS asked her to clarify whether she was testifying in favor of SB 260.

MS. ESSERT replied she supports SB 260.

MARY WHITMORE, South Anchorage resident, insisted it's time that AMATS becomes more accountable for how federal highway funds are used. She stated, "I think SB 260 will provide more representation on AMATS and a hope for accountability." As a community council member, she reported that AMATS has not responded to questions that were posed.

She insisted AMATS has been spending more than the required 10 percent on enhancements and has been using road dollars for enhancement projects. Mayor Begich is asking citizens to vote in favor of a \$46 million road and drainage bond but, she declared, with increased accountability more than half of the projects could be funded with AMATS money in the next four years.

MS. WHITMORE said she looks forward to having local legislative representation on the AMATS policy committee. "We should start fixing AMATS so AMATS can start fixing our roads."

THEODORE VOLIN stated he would address several issues regarding the municipal assembly meeting referenced earlier. He clarified the conversation focused on AR 2004-26 and the vote was not overwhelming; three people didn't support the resolution.

He noted that the state attached conditions when it transferred the coastal trail [Tony Knowles Coastal Trail] project back to the Municipality of Anchorage. AMATS advised the municipality not to accept those conditions, which he finds troubling. He urged favorable action on the bill.

GORDON KEITH, acting regional construction and operations director for the central region, DOTPF, and acting chair of the AMATS policy committee, reported that DOTPF supports SB 260. He stated, "It boils down to representation in the public process; and I think with a greater number of people we have more representation of a greater constituency and it reduces the chance of special interest groups controlling AMATS."

However, according to the Federal Highway Administration there is a problem with the bill. To change the composition of the committee, one of two things must happen:

- AMATS, in cooperation with the state, could agree to add members
- AMATS could be redesignated by agreement between the governor and the municipality

There were no questions.

WILL BLINE expressed support for SB 260 because of local control. He charged there are a lot of South Anchorage residents that have no representation so the public isn't being served.

DAVID LEE, Ocean View resident, stated support for SB 260 because he feels more local control is needed to prioritize projects. A number of community councils have been involved in trying to influence the AMATS process and they have been unsuccessful in their efforts. Although it has recently become easier to get copies of minutes, the transparency of the process has been disappointing and trying to determine what money is spent has been difficult. Restricting enhancements to 10 percent would be a step in the right direction.

There were no questions.

CHAIR STEDMAN closed public testimony.

SENATOR GARY STEVENS established that a legislator would need to have more than half of his or her district in Anchorage to be eligible to serve on the board then asked the sponsor how many Senators and Representatives were in that pool.

SENATOR BEN STEVENS replied he wasn't sure how many were in the pool, but there are 6.5 Senators that would qualify and a corresponding 13 Representatives.

CHAIR STEDMAN remarked he would not ask the sponsor to define half a Senator.

SENATOR BEN STEVENS laughed and clarified he was referring to districts. There would be at least 6 Senators and 12 Representatives.

CHAIR STEDMAN asked for a motion.

SENATOR WAGONER made a motion to pass SB 260 from committee with individual recommendations and attached fiscal note. There being no objection, it was so ordered.

CHAIR STEDMAN announced the next meeting would be held Wednesday February 11, 2004 at which time SB 269 would be heard. With no other business to come before the committee, he adjourned the meeting at 2:10 pm.