



# LAWS OF ALASKA

2005

**Source**  
CSSSSB 16(TRA)

**Chapter No.**  
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## AN ACT

Relating to the powers and duties of the Department of Transportation and Public Facilities; repealing the requirement for a long-range program for highway construction and maintenance; and repealing a requirement that public facilities comply with energy standards adopted by the Department of Transportation and Public Facilities; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1



**AN ACT**

1 Relating to the powers and duties of the Department of Transportation and Public Facilities;  
2 repealing the requirement for a long-range program for highway construction and  
3 maintenance; and repealing a requirement that public facilities comply with energy standards  
4 adopted by the Department of Transportation and Public Facilities; and providing for an  
5 effective date.

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7 \* **Section 1.** AS 19.05.040 is amended to read:

8 **Sec. 19.05.040. Powers of department.** The department may

9 (1) acquire property;

10 (2) exercise the power of eminent domain;

11 (3) take immediate possession of real property, or any interest in **real**  
12 **property** [IT] under a declaration of taking or by other lawful means;

13 (4) acquire rights-of-way for present or future use;

- 1 (5) control access to highways;
- 2 (6) regulate roadside development;
- 3 (7) preserve and maintain the scenic beauty along state highways;
- 4 (8) dispose of property acquired for highway purposes;
- 5 (9) accept and dispose of federal funds or property available for
- 6 highway construction, maintenance, or equipment;
- 7 (10) enter into contracts or agreements relating to highways with the
- 8 federal government, municipalities, a political subdivision, or with a foreign
- 9 government, if the contract is approved by the federal government;
- 10 (11) establish, levy, and collect tolls, fees, charges, and rentals for the
- 11 use of state roads, highways, bridges, tunnels, crossings, and causeways;
- 12 (12) exercise any other power necessary to carry out the purpose of
- 13 AS 19.05 - AS 19.25; and
- 14 (13) award **and administer** grants **authorized by appropriation by**
- 15 **the legislature** [NECESSARY OR INCIDENTAL TO THE PERFORMANCE OF
- 16 THE DUTIES AND EXECUTION OF THE POWERS OF THE HIGHWAY
- 17 SAFETY PLANNING AGENCY].

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

- 19 (a) The department shall
- 20 (1) plan, design, construct, and maintain all state modes of
- 21 transportation and transportation facilities and all docks, floats, breakwaters, buildings,
- 22 and similar facilities;
- 23 (2) study existing transportation modes and facilities in the state to
- 24 determine how they might be improved or whether they should continue to be
- 25 maintained;
- 26 (3) study alternative means of improving transportation in the state
- 27 with regard to the economic costs of each alternative and its environmental and social
- 28 effects;
- 29 (4) develop a comprehensive, long-range, intermodal transportation
- 30 plan for the state;
- 31 (5) study alternatives to existing modes of transportation in urban areas

1 and develop plans to improve urban transportation;

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

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

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

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

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

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

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

27 (13) [COMPLETE AND MAINTAIN A CURRENT INVENTORY  
28 OF PUBLIC FACILITIES, INCLUDING A PROJECTION OF THE  
29 SERVICEABILITY OF THE FACILITIES AND PROJECTIONS OF  
30 REPLACEMENTS AND ADDITIONS TO FACILITIES NEEDED TO PROVIDE  
31 THE LEVEL OF SERVICES PROGRAMMED BY THE VARIOUS USER

1 AGENCIES, FOR MUNICIPALITIES WITH POPULATIONS OF LESS THAN  
2 12,000 AND FOR UNINCORPORATED COMMUNITIES, AND PERFORM  
3 THOSE DUTIES ON A COOPERATIVE BASIS WITH LARGER  
4 MUNICIPALITIES;

5 (14) ADOPT ENERGY PERFORMANCE STANDARDS FOR  
6 PUBLIC FACILITIES OF THE STATE, THE CONSTRUCTION OF WHICH  
7 BEGINS AFTER JULY 1, 1980; THE STANDARDS SHALL BE BASED ON  
8 THERMAL AND LIGHTING ENERGY STANDARDS ESTABLISHED BY THE  
9 AMERICAN SOCIETY OF HEATING, REFRIGERATION AND AIR  
10 CONDITIONING ENGINEERS AS ADAPTED FOR APPLICATION IN HIGH  
11 LATITUDE, COLD CLIMATE ENVIRONS;

12 (15) PROVIDE PLANNING ASSISTANCE, INCLUDING BUT NOT  
13 LIMITED TO ENERGY AUDITS AND RELATED TECHNICAL SERVICES, TO  
14 SCHOOL DISTRICTS AND REGIONAL EDUCATIONAL ATTENDANCE  
15 AREAS TO DEVELOP AND IMPLEMENT

16 (A) STANDARDS FOR THE DESIGN, CONSTRUCTION,  
17 AND OPERATION OF RURAL EDUCATIONAL FACILITIES; AND

18 (B) ENERGY CONSERVATION MEASURES FOR RURAL  
19 EDUCATIONAL FACILITIES;

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

22 (14) [(17)] inspect weights and measures;

23 (15) at least every four years study alternatives available to finance  
24 transportation systems in order to provide an adequate level of funding to sustain  
25 and improve the state's transportation system.

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

27 (a) The commissioner shall develop [ANNUALLY] a comprehensive,  
28 intermodal, long-range transportation plan for the state. The plan may be developed  
29 in multiple documents that address logical components, including geographic  
30 areas, modes of transportation, transportation corridors, systems, and other  
31 distinct subjects relevant to transportation planning. The components of the plan

1 shall be revised as the commissioner determines appropriate. In developing and  
2 revising the state plan, the commissioner shall conform to the requirements for the  
3 eligibility and use of federal and other funds, as applicable. Upon approval of  
4 each component of the plan by the commissioner, the commissioner shall  
5 transmit notice of the approval of that component to the governor and  
6 [CONSIDER MEANS AND COSTS OF IMPROVING EXISTING MODES AND  
7 FACILITIES, STATE AND FEDERAL SUBSIDIES, AND THE COSTS AND  
8 BENEFITS OF NEW TRANSPORTATION MODES AND FACILITIES. THE  
9 COMMISSIONER SHALL ALSO CONSIDER THE RECOMMENDATION OF  
10 THE ALASKA TRANSPORTATION PLANNING COUNCIL. THE PLAN SHALL  
11 BE SUBMITTED TO THE GOVERNOR FOR REVIEW AND APPROVAL AND  
12 SUBMITTED BY THE GOVERNOR] to the legislature.

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

14 (d) The commissioner shall develop a list [PLAN MUST INCLUDE A  
15 DESCRIPTION] of projects scheduled [PLANNED] for design, [AND] construction,  
16 or other necessary activities for a period of not less than [THE FOLLOWING] two  
17 years that is consistent with the plan developed under (a) of this section. The list  
18 of projects [DESCRIPTION] is in addition to the long-range plan required by (a) of  
19 this section [AND BY AS 19.10.140]. The list of projects [DESCRIPTION] must  
20 include an estimate of federal, state, and other funds anticipated to be received to  
21 fund the projects and a description, location, and itemization of the estimated cost  
22 for each project and the total cost of all projects. [THE COMMISSIONER SHALL  
23 PROPOSE AND FORWARD TO THE GOVERNOR FOR REVIEW AND  
24 APPROVAL AND INCLUSION, AS APPROVED, IN THE CAPITAL BUDGET A  
25 CONSTRUCTION PROGRAM THAT INCLUDES THE PROJECTS TO BE  
26 UNDERTAKEN DURING THE FOLLOWING TWO YEARS INCLUDING  
27 RECOMMENDED PROJECT PRIORITIES. FUNDS FOR TRANSPORTATION  
28 CONSTRUCTION PROJECTS AND NECESSARY CONTINGENCIES SHALL BE  
29 ITEMIZED AS ALLOCATIONS WITHIN THE BILL FOR THE GENERAL  
30 APPROPRIATIONS ACT.]

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

1 (e) In evaluating new highways, airports, terminals, ferries, and other major  
2 components for inclusion in the plan, the commissioner shall prepare a cost-  
3 effectiveness analysis using a consistent methodology. A cost-effectiveness analysis  
4 is not required for a project that involves the rehabilitation and maintenance of an  
5 existing transportation system or that primarily serves local transportation needs.

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

7 (8) "thermal and lighting energy standards" means the thermal and  
8 lighting energy standards

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

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

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

16 (B) developed in regulations adopted

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

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

22 \* **Sec. 7.** AS 19.10.140 and AS 46.11.010 are repealed.

23 \* **Sec. 8.** Section 5 of this Act takes effect July 1, 2006.