

HOUSE BILL NO. 239

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE BY REQUEST

Introduced: 3/30/05

Referred: Transportation, Finance

A BILL

FOR AN ACT ENTITLED

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

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

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 **periodically** [ANNUALLY] evaluate the cost,
20 efficiency, and commercial availability of **alternative fuels** [NATURAL GAS] for
21 automotive purposes, and the purpose for which the vehicles are intended to be used,
22 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)~~ periodically 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 46.11.900(8) is amended to read:

1 (8) "thermal and lighting energy standards" means the thermal and
2 lighting energy standards

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

5 [(i) BY THE COMMISSIONER OF
6 TRANSPORTATION AND PUBLIC FACILITIES UNDER
7 AS 44.42.020(a) FOR PUBLIC FACILITIES; OR

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

10 (B) developed in regulations adopted

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.

16 * **Sec. 6.** AS 19.10.140 and AS 46.11.010 are repealed.