

**SPONSOR SUBSTITUTE FOR SENATE BILL NO. 16**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-FOURTH LEGISLATURE - FIRST SESSION**

**BY SENATOR GARY STEVENS**

**Introduced: 1/14/05**

**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.** The uncodified law of the State of Alaska is amended by adding a new section  
8 to read:

9 PURPOSE OF SECTION 4 OF THIS ACT. The purpose of the amendment of  
10 AS 44.42.050(a) by sec. 4 of this Act is to conform state statutes with federal standards and  
11 current practice of the state for planning of transportation systems.

12 \* **Sec. 2.** AS 19.05.040 is amended to read:

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

- 1 (1) acquire property;
- 2 (2) exercise the power of eminent domain;
- 3 (3) take immediate possession of real property, or any interest in **real**
- 4 **property** [IT] under a declaration of taking or by other lawful means;
- 5 (4) acquire rights-of-way for present or future use;
- 6 (5) control access to highways;
- 7 (6) regulate roadside development;
- 8 (7) preserve and maintain the scenic beauty along state highways;
- 9 (8) dispose of property acquired for highway purposes;
- 10 (9) accept and dispose of federal funds or property available for
- 11 highway construction, maintenance, or equipment;
- 12 (10) enter into contracts or agreements relating to highways with the
- 13 federal government, municipalities, a political subdivision, or with a foreign
- 14 government, if the contract is approved by the federal government;
- 15 (11) establish, levy, and collect tolls, fees, charges, and rentals for the
- 16 use of state roads, highways, bridges, tunnels, crossings, and causeways;
- 17 (12) exercise any other power necessary to carry out the purpose of
- 18 AS 19.05 - AS 19.25; and
- 19 (13) award grants necessary or incidental to the performance of the
- 20 duties and execution of the powers of the **department** [HIGHWAY SAFETY
- 21 PLANNING AGENCY].

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

23 (a) The department shall

- 24 (1) plan, design, construct, and maintain all state modes of
- 25 transportation and transportation facilities and all docks, floats, breakwaters, buildings,
- 26 and similar facilities;
- 27 (2) study existing transportation modes and facilities in the state to
- 28 determine how they might be improved or whether they should continue to be
- 29 maintained;
- 30 (3) study alternative means of improving transportation in the state
- 31 with regard to the economic costs of each alternative and its environmental and social

1 effects;

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

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

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

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

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

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

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

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

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

31 (13) [COMPLETE AND MAINTAIN A CURRENT INVENTORY

1 OF PUBLIC FACILITIES, INCLUDING A PROJECTION OF THE  
 2 SERVICEABILITY OF THE FACILITIES AND PROJECTIONS OF  
 3 REPLACEMENTS AND ADDITIONS TO FACILITIES NEEDED TO PROVIDE  
 4 THE LEVEL OF SERVICES PROGRAMMED BY THE VARIOUS USER  
 5 AGENCIES, FOR MUNICIPALITIES WITH POPULATIONS OF LESS THAN  
 6 12,000 AND FOR UNINCORPORATED COMMUNITIES, AND PERFORM  
 7 THOSE DUTIES ON A COOPERATIVE BASIS WITH LARGER  
 8 MUNICIPALITIES;

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

16 (15) PROVIDE PLANNING ASSISTANCE, INCLUDING BUT NOT  
 17 LIMITED TO ENERGY AUDITS AND RELATED TECHNICAL SERVICES, TO  
 18 SCHOOL DISTRICTS AND REGIONAL EDUCATIONAL ATTENDANCE  
 19 AREAS TO DEVELOP AND IMPLEMENT

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

22 (B) ENERGY CONSERVATION MEASURES FOR RURAL  
 23 EDUCATIONAL FACILITIES;

24 (16)] implement the safety and financial responsibility requirements  
 25 for air carriers under AS 02.40;

26 (14) [(17)] inspect weights and measures;

27 (15) periodically study alternatives available to finance  
 28 transportation systems in order to provide an adequate level of funding to sustain  
 29 and improve the state's transportation system.

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

31 (a) The commissioner shall develop [ANNUALLY] a comprehensive,

1 intermodal, long-range transportation plan for the state. **The plan shall be developed**  
 2 **in multiple documents that address logical components, including geographic**  
 3 **areas, modes of transportation, transportation corridors, systems, and other**  
 4 **distinct subjects relevant to transportation planning. The components of the plan**  
 5 **shall be revised as the commissioner determines appropriate.** In developing and  
 6 revising the state plan, the commissioner shall **conform to the requirements for the**  
 7 **eligibility and use of federal and other funds, as applicable. Upon approval of**  
 8 **each component of the plan by the commissioner, the commissioner shall**  
 9 **transmit notice of the approval of that component to the governor and**  
 10 [CONSIDER MEANS AND COSTS OF IMPROVING EXISTING MODES AND  
 11 FACILITIES, STATE AND FEDERAL SUBSIDIES, AND THE COSTS AND  
 12 BENEFITS OF NEW TRANSPORTATION MODES AND FACILITIES. THE  
 13 COMMISSIONER SHALL ALSO CONSIDER THE RECOMMENDATION OF  
 14 THE ALASKA TRANSPORTATION PLANNING COUNCIL. THE PLAN SHALL  
 15 BE SUBMITTED TO THE GOVERNOR FOR REVIEW AND APPROVAL AND  
 16 SUBMITTED BY THE GOVERNOR] to the legislature.

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

18 (d) The **commissioner shall develop a list** [PLAN MUST INCLUDE A  
 19 DESCRIPTION] of projects **scheduled** [PLANNED] for **expenditure** [DESIGN  
 20 AND CONSTRUCTION] for **a period of not less than** [THE FOLLOWING] two  
 21 years **that is consistent with the plan developed under (a) of this section.** The **list**  
 22 **of projects** [DESCRIPTION] is in addition to the long-range plan required by (a) of  
 23 this section [AND BY AS 19.10.140]. The **list of projects** [DESCRIPTION] must  
 24 include an **estimate of federal, state, and other funds anticipated to be received to**  
 25 **fund the projects and a description, location, and** itemization of the estimated cost  
 26 for each project and the total cost of all projects. The commissioner shall propose and  
 27 forward to the governor for review and approval **a** [AND INCLUSION, AS  
 28 APPROVED, IN THE] capital budget [A CONSTRUCTION PROGRAM] that  
 29 includes the projects to be undertaken during the following **year** [TWO YEARS],  
 30 including recommended project priorities. [FUNDS FOR TRANSPORTATION  
 31 CONSTRUCTION PROJECTS AND NECESSARY CONTINGENCIES SHALL BE

1           ITEMIZED AS ALLOCATIONS WITHIN THE BILL FOR THE GENERAL  
2           APPROPRIATIONS ACT.]

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

4                           (8) "thermal and lighting energy standards" means the thermal and  
5           lighting energy standards

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

8   [(i) BY THE COMMISSIONER OF  
9           TRANSPORTATION AND PUBLIC FACILITIES UNDER  
10          AS 44.42.020(a) FOR PUBLIC FACILITIES; OR

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

13   (B) developed in regulations adopted

14   [(i) BY THE COMMISSIONER OF  
15          TRANSPORTATION AND PUBLIC FACILITIES UNDER  
16          AS 44.42.020(a) FOR PUBLIC FACILITIES; OR

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

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