

HOUSE BILL NO. 372

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE BUCH

Introduced: 2/19/08

Referred: Transportation, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to highway design flexibility and to the assumption by municipalities of**
2 **certain duties related to highways."**

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

4 *** Section 1.** AS 19.10.160(a) is amended to read:

5 (a) The department shall prepare and adopt uniform standard plans and
6 specifications for the establishment, construction, and maintenance of highways in the
7 state. The department may amend the plans and specifications as it considers
8 advisable. The standards

9 (1) must conform as closely as practicable to those adopted by the
10 American Association of State Highway and Transportation Officials; and

11 (2) may include flexible highway design guidelines that are
12 consistent with standards used by the Federal Highway Administration; in
13 adopting standards under this paragraph, the department may consider the
14 following factors:

1 **(A) safety, durability, and economy of maintenance;**

2 **(B) the constructed and natural environment of the area;**

3 **(C) community development plans and relevant municipal**
 4 **ordinances;**

5 **(D) sites listed on the National Register of Historic Places or**
 6 **identified by the Alaska Historical Commission established under**
 7 **AS 41.35.310;**

8 **(E) the environmental, scenic, aesthetic, historic,**
 9 **community, and preservation effects of the activity;**

10 **(F) access for other modes of transportation, including**
 11 **bicycle and pedestrian transportation;**

12 **(G) access to and integration of sites considered culturally**
 13 **and historically significant to the communities affected;**

14 **(H) acceptable engineering practices and standards; and**

15 **(I) safety studies and other pertinent research.**

16 * **Sec. 2.** AS 19.10.160 is amended by adding new subsections to read:

17 (c) A municipality may assume from the department the duties described in (a)
 18 of this section if that assumption is supported by an appropriation by law for that
 19 purpose. A municipality that assumes the duties of the department under this
 20 subsection shall conform the plans and requirements adopted by the municipality to
 21 the uniform standard plans and specifications prescribed by (a) of this section.

22 (d) In establishing guidelines described in (a)(2) of this section, the
 23 commissioner or the municipality that assumes the duties of the department under this
 24 section, as appropriate, shall solicit and consider the views of organizations and
 25 elected officials, including

26 (1) persons with expertise in

27 (A) environmental protection;

28 (B) historic preservation;

29 (C) scenic conservation;

30 (D) bicycle and pedestrian transportation; and

31 (E) urban design architecture or landscape architecture;

- 1 (2) community planning organizations;
2 (3) the subunit of the Department of Natural Resources that concerns
3 itself with state historic preservation; and
4 (4) the Federal Highway Administration.

5 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
6 read:

7 TRANSITION. To determine whether flexible highway design guidelines should be
8 adopted under AS 19.10.160(a)(2), added by sec. 1 of this Act, before June 30, 2009, the
9 commissioner of transportation and public facilities shall identify and evaluate flexible
10 highway design guidelines to address the considerations set out in that paragraph and (d) of
11 that section. The guidelines must also provide for documentation of the facts, circumstances,
12 and considerations involved in the flexible design decision, including an explanation of the
13 process and the reasoning that led to the decision.