

ALASKA STATE LEGISLATURE
SENATE TRANSPORTATION STANDING COMMITTEE

April 16, 2024

1:40 p.m.

MEMBERS PRESENT

Senator James Kaufman, Chair
Senator David Wilson, Vice Chair
Senator Löki Tobin
Senator Jesse Kiehl
Senator Robert Myers

MEMBERS ABSENT

All members present

OTHER LEGISLATORS PRESENT

Representative Kevin McCabe

COMMITTEE CALENDAR

CONFIRMATION HEARING(S) :

Board Of Marine Pilots
Andrew Mew - Anchorage

- CONFIRMATION ADVANCED

HOUSE JOINT RESOLUTION NO. 19 AM

Supporting the completion of the Port MacKenzie Rail Extension and the Northern Rail Extension; supporting the increase in defensive capabilities at Fort Greely, Alaska; encouraging a renewed commitment by the Alaska Railroad to a community-minded approach to future rail expansion; and encouraging the development of critical Arctic infrastructure.

- MOVED HJR 19 AM OUT OF COMMITTEE

SENATE BILL NO. 263

"An Act relating to the Roads and Highways Advisory Board; relating to metropolitan planning organizations; relating to the statewide transportation improvement program; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HJR 19

SHORT TITLE: PORT MACKENZIE & NORTHERN RAIL EXTENSIONS

SPONSOR(S): TRANSPORTATION

02/14/24	(H)	READ THE FIRST TIME - REFERRALS
02/14/24	(H)	TRA, MLV
02/22/24	(H)	TRA AT 1:30 PM BARNES 124
02/22/24	(H)	-- MEETING CANCELED --
02/27/24	(H)	TRA AT 1:30 PM BARNES 124
02/27/24	(H)	Moved HJR 19 Out of Committee
02/27/24	(H)	MINUTE(TRA)
02/28/24	(H)	TRA RPT 6DP 1NR
02/28/24	(H)	DP: STUTES, MCKAY, VANCE, SUMNER, C.JOHNSON, MCCABE
02/28/24	(H)	NR: MINA
02/28/24	(H)	MLV REFERRAL REMOVED
03/06/24	(H)	TRANSMITTED TO (S)
03/06/24	(H)	VERSION: HJR 19 AM
03/07/24	(S)	READ THE FIRST TIME - REFERRALS
03/07/24	(S)	TRA
04/04/24	(S)	TRA AT 1:30 PM BUTROVICH 205
04/04/24	(S)	Heard & Held
04/04/24	(S)	MINUTE(TRA)
04/16/24	(S)	TRA AT 1:30 PM BUTROVICH 205

BILL: SB 263

SHORT TITLE: ROADS & HWYS ADV BOARD; IMPROVEMENT PRGM

SPONSOR(S): TRANSPORTATION

04/12/24	(S)	READ THE FIRST TIME - REFERRALS
04/12/24	(S)	TRA
04/16/24	(S)	TRA AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

ANDREW MEW, Appointee
Board of Marine Pilots
Anchorage, Alaska

POSITION STATEMENT: Testified as the governor's appointee to the Board of Marine Pilots.

PAUL FUHS, Lobbyist
Southwest Alaska Pilots Association

Anchorage, Alaska

POSITION STATEMENT: Testified on the appointment of Andrew Mew to the Board of Marine Pilots.

MATTHEW HARVEY, Staff
Senator James Kaufman
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided an introduction and presented the sectional analysis for SB 263.

ANDY MILLS, Special Assistant to the Commissioner
Office of the Commissioner
Department of Transportation and Public Facilities (DOTPF)
Juneau, Alaska

POSITION STATEMENT: Answered questions on SB 263.

ACTION NARRATIVE

[1:40:32 PM](#)

CHAIR JAMES KAUFMAN called the Senate Transportation Standing Committee meeting to order at 1:40 p.m. Present at the call to order were Senators Myers, Wilson, Kiehl, and Chair Kaufman.

Senator Tobin arrived thereafter.

He announced that the agenda would consist of a governor's appointee to the Board of Marine Pilots, HJR 19, and SB 263.

CONFIRMATION HEARING(S): BOARD OF MARINE PILOTS

[1:41:36 PM](#)

CHAIR KAUFMAN announced the consideration of governor's appointee Andrew Mew to the Board of Marine Pilots.

He noted that Alaska Statute 08.62 establishes the board of marine pilots and their duties. The Board adopts regulations to carry out its mission to provide efficient and competent pilotage service for the protection of shipping, the safety of human life and property, and the protection of the marine environment. It makes final licensing decisions and takes disciplinary action against people who violate the licensing laws. The Board meets three times a year and offers a public comment period at each meeting.

CHAIR KAUFMAN said Mr. Mew was appointed to the Board March 31, 2024. If confirmed, his term would expire March 1, 2028.

[1:42:30 PM](#)

ANDREW MEW, Appointee, Board of Marine Pilots, Anchorage, Alaska, introduced himself as the governor's appointee to the Board of Marine Pilots and provided a summary of his education, Navy career through 2012 and his maritime experience in Alaska from 2013 to the present. He said the past 10 years of his career were spent working closely with issues relating to Alaska marine pilots and scheduling vessel calls throughout the state. He said he has extensive maritime operations background in Southcentral Alaska, Western Alaska and Northern Alaska. He acknowledged that his experience in Southeast Alaska was limited. He said he would offer perspective and balance, serving the marine pilots, the public and business interests as a member the Board of Marine Pilots because of his experience working with all of them.

[1:44:01 PM](#)

SENATOR KIEHL thanked Mr. Mew for his service. He pointed out that Mr. Mew had been appointed to a seat that represents the people who hire pilots. He asked Mr. Mew to share the major issues he sees coming for the board from the perspective of those who employ marine pilots.

[1:44:25 PM](#)

MR. MEW explained that the Board of Marine Pilots works on behalf of vessels coming to Alaska. They engage pilots that are appropriate for the vessels while the vessel is in the state. He opined that things are solid now with regard to regulations, and the major issue is that, industry-wide, pilots struggle to replace themselves. He said there is a steady increase in the number of cruise vessels and cargo vessels. He emphasized the importance of maintaining the number of available pilots so there are not delays for vessels. He said it would be important for the Board of Marine Pilots to support pilot associations as they monitor the number of people in the pilot "pipeline" and ensure they have enough qualified applicants and trainees to pilot all the vessels that come to the state.

[1:45:57 PM](#)

CHAIR KAUFMAN opened public testimony on the governor's appointment of Andrew Mew to the Board of Marine Pilots.

[1:46:18 PM](#)

PAUL FUHS, Lobbyist, Southwest Alaska Pilots Association, Anchorage, Alaska, testified with a neutral stance on the appointment of Andrew Mew to the Board of Marine Pilots. He

addressed the potential perception of conflict of interest for appointees to the Board of Maritime Pilots. He explained that it is in the best interest of the industry to have appointees with experience from the pilot's point of view and from the industry point of view. He said when there is conflict, a decision will be reached by the three [neutral] public members of the board. He said the primary concern and priority of the Board of Marine Pilots is safety.

[1:47:27 PM](#)

CHAIR KAUFMAN expressed appreciation for the testimony to the board's mutual shared emphasis on safety.

[1:47:47 PM](#)

CHAIR KAUFMAN acknowledged Representative McCabe arrived.

[1:48:07 PM](#)

CHAIR KAUFMAN closed public testimony. on the appointment of Andrew Mew to the Board of Marine Pilots.

[1:48:33 PM](#)

CHAIR KAUFMAN solicited a motion.

[1:48:38 PM](#)

SENATOR WILSON moved Andrew Mew, appointee to the Board of Marine Pilots, be forwarded to a Joint Session of the legislature for consideration.

[1:48:48 PM](#)

CHAIR KAUFMAN stated that in accordance with AS 39.05.080, the Senate Transportation Standing Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration:

Board of Marine Pilots

Andrew Mew - Anchorage

He noted that a signature on this report does not reflect an intent by any of the members to vote for or against the confirmation of the individuals during any further sessions.

[1:49:11 PM](#)

SENATOR TOBIN joined the meeting.

[1:49:16 PM](#)

At ease

HJR 19-PORT MACKENZIE & NORTHERN RAIL EXTENSIONS

[1:50:51 PM](#)

CHAIR KAUFMAN reconvened the meeting and announced the consideration of HOUSE JOINT RESOLUTION NO. 19 am "Supporting the completion of the Port MacKenzie Rail Extension and the Northern Rail Extension; supporting the increase in defensive capabilities at Fort Greely, Alaska; encouraging a renewed commitment by the Alaska Railroad to a community-minded approach to future rail expansion; and encouraging the development of critical Arctic infrastructure."

He noted that this is the second hearing of HJR 19.

[1:51:35 PM](#)

At ease

[1:51:38 PM](#)

CHAIR KAUFMAN reconvened the meeting.

[1:51:43 PM](#)

CHAIR KAUFMAN solicited the will of the committee.

[1:51:46 PM](#)

SENATOR WILSON moved to report HJR 19 am, [work order 33-LS1344\B.A], from committee with individual recommendations and attached fiscal note(s).

[1:52:06 PM](#)

CHAIR KAUFMAN found no objection and HJR 19 am was reported from the Senate Transportation Standing Committee.

[1:52:11 PM](#)

At ease

SB 263-ROADS & HWYS ADV BOARD; IMPROVEMENT PRGM

[1:53:34 PM](#)

CHAIR KAUFMAN reconvened the meeting and announced the consideration of SENATE BILL NO. 263 "An Act relating to the Roads and Highways Advisory Board; relating to metropolitan planning organizations; relating to the statewide transportation improvement program; and providing for an effective date."

He noted that this is the first hearing of SB 263.

[1:54:08 PM](#)

MATTHEW HARVEY, Staff, Senator James Kaufman, Alaska State Legislature, Juneau, Alaska, provided an introduction and presented the sectional analysis for SB 263.

Introduced SB 263, reading from the following prepared statement:

[Original punctuation provided.]

SB 263 establishes the Roads and Highways Advisory Board and the Statewide Transportation Improvement Program, otherwise known as the STIP, in state statute.

The recent rejection of the STIP by federal highway officials, spotlighted challenges in Alaska's transportation planning process. The initial rejection led to fears of individual summer projects at risk, or worse, a construction season at risk. In a commendable effort, Alaska DOT worked with Federal officials to arrive at an approved STIP. Still, these concerns raised the visibility of Alaska's STIP process and the importance of a robust and transparent planning framework.

Alaska already has tools and systems at its disposal, and the Roads and Highways Advisory Board is one of those tools.

The Roads and Highway's Advisory Board was established by AO 287 in 2017 and extended by AOs 316 and 337, currently expiring on June 30, 2025. The Roads and Highways Board has provided beneficial input to DOT regarding transportation policies and priorities.

SB 263 makes minor adjustments to RHAB aimed at clarifying the membership, purpose, duties, and operational guidelines of the board. Alongside these clarifications, RHAB is formally integrated into DOT's STIP development process through the inclusion of a duty to review DOT's project selection and prioritization criteria.

SB 263 also formally codifies the STIP in state statute. The STIP is not currently in statute, but a version of the transportation plan is likely needed even if the federal government changes its

requirements, so SB 263 is drafted with that flexibility in mind, sticking to general requirements and planning best practices.

SB 263 is largely a reinforcement of duties that are already being carried out, both by the Roads and Highways Board and by DOT in their STIP process. The additions are intended to be minor tweaks aimed at ensuring our transportation planning is robust, compliant, and ready to meet the challenges of tomorrow.

[1:56:26 PM](#)

MR. HARVEY explained the sectional analysis for SB 263:

[Original punctuation provided.]

**Sectional Analysis for SB 263 – Bill Version A
"An Act relating to the Roads and Highways Advisory
Board; relating to metropolitan planning
organizations; relating to the statewide
transportation improvement program; and providing for
an effective date."**

Section 1:

Revises AS 19.20.220 to remove reference to AS 19.20.210 (which is repealed in Section 4).

Section 2:

Adds a new section AS 44.42.053 defining the Statewide Transportation Improvement Program

- Requires DOT to develop a 4-year "STIP" updated every 2 years.
- Requires the STIP to describe its alignment with the long-range transportation plan's goals and objectives.
- Requires that the STIP conforms with requirements for federal funding and other transportation funding programs.
- Requires DOT to incorporate, without revision, plans developed by metropolitan planning organizations (MPOs) into the STIP.
- Requires ongoing opportunities for public participation through an online website and notification sent to the legislature and public when the STIP is submitted or amended.

[1:57:34 PM](#)

MR. HARVEY continued explaining the sectional analysis for SB 263:

[Original punctuation provided.]

Section 3:

Adds a new Article to AS 44.42 (State Government → DOT&PF)

New Section 44.42.450:

Creates the Roads and Highways Advisory Board within DOT&PF.

New Section 44.42.460:

- Specifies the board's makeup, including representatives from various sectors and judicial districts.
- The board elects a chair from among its members. • DOT provides staff for the board.
- Members of the board serve without compensation but may receive per diem and travel expenses.

New Section 44.42.470:

Board members serve three-year terms and may not serve more than two consecutive terms.

New Section 44.42.480:

Defines guidelines for board operations including quorum, minimum meeting frequency, and allowable executive session topics.

[1:58:27 PM](#)

New Section 44.42.490:

- Defines the board's purpose and specifies the focus of the board including policy, operations, project selection and prioritization criteria, and infrastructure needs.
- Requires that the board assess continued viability of projects that have been in the preconstruction phase

for three years and issue related recommendations to DOT.

- Advises DOT on project selection and prioritization criteria and make recommendations to DOT through a formal resolution regarding proposed changes to criteria.
- Excludes AMHS and rural/international airport roads from the board's purview.

Section 4:

Repeals AS 19.20.210 related to membership of policy boards of MPOs. The courts have ruled that this is a local control issue and this change brings statute in compliance with that ruling.

Section 5:

Defines the staggered terms of the initial members of the Roads and Highways Advisory Board.

Section 6:

Sets a January 1, 2025 effective date.

[1:59:31 PM](#)

SENATOR MYERS referred to SB 263, Section 2, page 2, line 3 and asked why revision of the Statewide Transportation Improvement Plan (STIP) is called for every two years when Department of Transportation and Public Facilities (DOTPF) testimony on the STIP suggested they would be moving toward a rolling STIP model with annual revisions.

[1:59:57 PM](#)

MR. HARVEY said that DOTPF would be able to update the STIP annually under SB 263, however if it becomes burdensome to move from the current updating cadence to annual revision, this model would provide a best practice for planning and allow flexibility.

[2:00:38 PM](#)

SENATOR MYERS referred to SB 263, Section 2(d), line 10 and asked whether incorporating a transportation improvement plan (TIP) submitted by a metropolitan planning organization (MPO) "without change" would cause the state to be constrained by local government plans.

[2:01:10 PM](#)

MR. HARVEY said the federal government required this provision. He said there could be distinctions drawn between non-national roads and national highway system roads. He said the bill aligns with federal requirements that state an improvement plan prepared by a MPO should be incorporated [into the STIP] without change. He emphasized that DOTPF has representation on the policy boards. He referred to SB 263, Section 4, which is the proposed repeal of AS 19.20.210. AS 19.20.210 defined the makeup of those boards and was ruled unconstitutional. He explained that the makeup of the policy boards is set by local governments. The main intent of SB 263 was to align the STIP development with federal requirements.

[2:02:16 PM](#)

SENATOR KIEHL referred to SB 263, Section 1, page 1, line 7. He asked whether approval of the MPOs TIP by the governor is required by the federal government. He suggested that it is counterintuitive for the state to be unable to change a TIP, but that the governor must approve it.

[2:02:47 PM](#)

CHAIR KAUFMAN called on Mr. Mills to join Mr. Harvey to answer questions.

[2:03:11 PM](#)

MR. HARVEY deferred to Mr. Mills regarding the specific agreements and boundaries of MPOs and agreements [between DOTPF and MPOs] regarding scope.

[2:03:51 PM](#)

ANDY MILLS, Special Assistant to the Commissioner, Office of the Commissioner, Department of Transportation and Public Facilities (DOTPF), Juneau, Alaska, agreed that it is a federal requirement for the governor to approve TIPs produced by MPOs. He pointed out the difference in AS 19.20.210, which SB 236 proposes to repeal and tighten, is the additional statutory requirement on top of the federal requirement. He said the purpose of SB 263, Section 1 was to align with the current practice and with the federal requirements.

[2:04:50 PM](#)

SENATOR MYERS referred to SB 263, Section 3(c), pages 3 and 4. He noted the concerns of constituents in Northern Region regarding federal funding for projects that had not been completed. He said when federal funds are accepted early in a project, it helps with environmental studies and permitting locally, but local planners have subsequently found it difficult

to discontinue a project when federal funds have been used. He asked how SB 236 would affect those situations.

[2:06:14 PM](#)

MR. MILLS referred to the term "At-Risk PE" (Pre-Environmental or Pre-Engineering) and said it describes the planning and environmental work done in the early phases of a project. He said if something is found to make the project unfeasible, the state is not on the hook for repayment of those early funds. He said [reimbursement of federal funds] is typically required if work has begun on a federally funded project that does not result in usable infrastructure. He opined that SB 263 describes a different situation. He read SB 263, Section 3, page 3, lines 29-31 and said the preconstruction phase has multiple elements, including planning, design, and environmental review. He said three years is not a very long time for that extensive level of planning. He said a significant number of DOTPF's projects would be subject to detailed review by the volunteer board and by DOTPF. He recalled the review effort to DOTPF's Community Transportation Program and Community Transportation Alternatives Program and he said the project evaluation board reviewed and scored around 180 projects, a task he described as Herculean. He suggested thinking through this piece of SB 263 between DOTPF and the committee to quantify the effort by board volunteers and by DOTPF to satisfy the requirements described by the bill.

[2:08:54 PM](#)

SENATOR TOBIN affirmed that further contemplation and committee discussion around what assessment of the continued viability of unfinished projects entails. She mentioned the 92nd Avenue project and the attempt to develop a mechanism for people to provide quality feedback to an entity that could make a recommendation to policymakers and to DOTPF. She asked that DOTPF employ their insight and expertise to define what it will mean to assess projects.

[2:10:13 PM](#)

SENATOR KIEHL noted that SB 263 does not refer to tribal transportation improvement programs. He recalled that Federal Highways Administration (FHWA) expressed concerns about how tribal TIPS were integrated in the first STIP submittal. He asked whether it was a choice to leave tribal TIPS out of the bill or if consideration had been given to adding them.

[2:10:49 PM](#)

MR. HARVEY said tribal TIPS could be included in SB 263. He said there was no desire to leave anything out of the bill, while

also maintaining flexibility to the possibility of changing federal requirements.

[2:11:31 PM](#)

SENATOR KIEHL referred to SB 263, Section 3, page 2-3 which described the members of the advisory board. He noted the last three members would be selected based on geographic location. He asked whether a member could satisfy more than one of the selection criteria. He also asked whether the board would be a minimum of eleven members or if one member might conceivably fulfill and represent more than one criteria.

[2:12:28 PM](#)

MR. HARVEY said reviewing the membership section, AS 44.42.460, would be open to discussion with the committee. The current drafting provides for eleven members, each with exclusive designation to a subsection of the statute. He said there is a risk to note with respect to the current drafting that the potential addition of a new MPO could result in an even number of board members or to a cumbersome number of board members. He expressed interest in the committee's participation to determine the optimal board size and composition.

[2:13:49 PM](#)

SENATOR MYERS read SB 263, Section 3, page 3, line 18-20. He asked for the rationale behind providing for the board to "consider in executive session matters that relate to transportation plans and projects that are not yet public but will be subject to public comment at a later time."

[2:14:13 PM](#)

MR. HARVEY offered a hypothetical situation to illustrate that public participation early in the planning between DOTPF and the board might bog down the process. He suggested that it would benefit the work between DOTPF and the Roads and Highways Advisory Board to ensure that their work would be subject to public comment at a later time. He emphasized that the public would not be left out of any discussion and that early phases of planning or developing planning criteria would be between DOTPF and the Roads and Highways Board.

[2:15:28 PM](#)

SENATOR MYERS asked for further explanation of the provision for private discussions between the board and DOTPF.

[2:15:58 PM](#)

MR. HARVEY said that it was a policy decision intended to promote the working relationship between DOTPF and the Board of Roads and Highways and to allow the planning process to reach a certain point before including public comment.

[2:17:08 PM](#)

CHAIR KAUFMAN suggested there is an opportunity for a healthy argument [about executive sessions for DOTPF and the Board of Roads and Highways], followed by coming to terms and moving forward with the normal process.

[2:17:23 PM](#)

SENATOR MYERS, with regard to codifying the existing Roads and Highways Board, asked for a description of the board's usefulness up to this point, what the board's role was and how it has gone so far.

[2:17:53 PM](#)

MR. MILLS said DOTPF has found great value in the board's advisory nature and its support of DOTPF from an industry standpoint. The Roads and Highways Board has revitalized in the past couple of years. He reported that the board dealt with and passed resolutions on some substantive issues. He recalled a conversation with the previous commissioner, MacKinnon, about whether there was enough utility in some of the board's functions and he said engagement of the board was not as robust then as it has been recently. He noted the importance of the rural representation on the board and that they have galvanized around and maintained the board's focus on Southwest Region and other rural needs.

[2:19:43 PM](#)

SENATOR MYERS said he would be interested in hearing more specifics about what the Board of Roads and Highways has done since it was created. He asked about their input toward the STIP and specific projects.

[2:20:17 PM](#)

MR. MILLS replied that the board did contribute to the STIP and he said DOTPF would report to the committee on the board's resolutions.

[2:20:30 PM](#)

CHAIR KAUFMAN noted that SB 263 is an opportunity to codify the STIP process. He said the process of developing the STIP is a big operation that has significant effect on the economy and the ongoing work to improve Alaska. He said establishing statute for

the continuing work of producing the STIP will allow for definition and standardization of the road planning and improvement process.

[2:22:10 PM](#)

MR. HARVEY thanked the committee and said he would be following up on the questions and comments from the committee.

[2:22:31 PM](#)

MR. MILLS said DOTPF would look forward to the opportunity to walk through SB 263 and engage in robust conversation about several elements of the bill. He thanked Senator Tobin for passing along an early version of the bill for DOTPF to familiarize themselves with it.

[2:23:02 PM](#)

CHAIR KAUFMAN held SB 263 in committee.

[2:23:23 PM](#)

SENATOR MYERS expressed appreciation for the opportunity to ask extensive questions about SB 263.

[2:23:40 PM](#)

There being no further business to come before the committee, Chair Kaufman adjourned the Senate Transportation Standing Committee meeting at 2:23 p.m.