

Introduced: 3/3/71  
Referred: State Affairs and  
Finance

1 IN THE HOUSE

BY GUESS

2 HOUSE BILL NO. 247

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Department of Transportation;  
7 and providing for an effective date."

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

9 \* Section 1. AS 44 is amended by adding a new chapter to read:

10 CHAPTER 42. DEPARTMENT OF TRANSPORTATION.

11 Sec. 44.42.010. COMMISSIONER OF TRANSPORTATION. The principal  
12 executive officer of the Department of Transportation is the commis-  
13 sioner of transportation.

14 Sec. 44.42.020. POWERS AND DUTIES OF DEPARTMENT. The department  
15 shall

16 (1) coordinate and develop comprehensive, balanced trans-  
17 portation policy and planning to include a long-range master plan of  
18 transportation for the state;

19 (2) coordinate and assist in the development and operation  
20 of a modern, safe and efficient system of highway, mass transit,  
21 marine and aviation facilities and services;

22 (3) promote the coordinated and efficient use of all avail-  
23 able and future modes of transportation;

24 (4) study commuter and urban travel and in cooperation with  
25 federal, regional and local agencies and persons formulate and  
26 implement plans and programs to improve travel;

27 (5) study means of providing facilities for parking motor  
28 vehicles so as to encourage travel by the combination of motor vehicle  
29 and other modes of transportation and in cooperation with federal,

1 regional and local agencies and persons to formulate and implement  
2 plans and programs for this purpose;

3 (6) study means of improving transportation safety and to  
4 formulate and implement plans and programs and promulgate regulations  
5 for this purpose;

6 (7) study the operations of existing airports, to determine  
7 the need for changes in those airports and the need for future air-  
8 ports, and to formulate and implement plans and programs to improve  
9 aviation facilities and services;

10 (8) cooperate with federal, state, interstate and local  
11 agencies, organizations and persons performing activities relating to  
12 transportation;

13 (9) construct, maintain and operate state highways, roads,  
14 bridges, traffic signs and signals, ferries, airports, docks, floats,  
15 breakwaters and all other state transportation facilities.

16 Sec. 44.42.30. DEPARTMENTAL ORGANIZATION. The commissioner  
17 shall organize the department into the following operating divisions:

- 18 (1) division of planning and research;  
19 (2) division of highways;  
20 (3) division of rail and motor carrier services;  
21 (4) division of aeronautics;  
22 (5) division of waterways; and  
23 (6) division of administration.

24 Sec. 44.42.040. LONG-RANGE PLANNING. Comprehensive long-range  
25 planning concerning the future transportation needs of the state shall  
26 be coordinated and performed by the department under the direction  
27 and supervision of the commissioner. This planning shall be directed  
28 to all available and future modes of transportation including but not  
29 limited to transportation by highway, air, water and rail and shall be

1 designed to assure a modern, safe and efficient system of transportation  
2 facilities and services.

3 Sec. 44.42.050. MASTER TRANSPORTATION PLAN. (a) The commissioner  
4 shall develop a comprehensive, long-range, master transportation plan  
5 designed to fulfill the present and future needs of the state and to  
6 assure the development and maintenance of an adequate, safe and  
7 efficient transportation system.

8 (b) In developing and revising the plan the commissioner may

9 (1) conduct public hearings;

10 (2) consult and cooperate with officials and representatives  
11 of the federal government, neighboring states, interstate commissions  
12 and authorities, local agencies and authorities, interested corpora-  
13 tions and other organizations concerning problems affecting transporta-  
14 tion in the state;

15 (3) request and receive from any agency or other unit of  
16 state government or of any political subdivision of it, or from any  
17 public authority, the assistance and data that may be necessary to  
18 enable the commissioner to carry out his responsibilities under this  
19 section; and

20 (4) to the extent he may consider necessary, make use of,  
21 and incorporate in the plan, any existing long-range transportation  
22 plan, survey or report developed by a public or private agency or  
23 person.

24 (c) Copies of the plan, as revised, shall be kept on file as a  
25 public document in the office of the commissioner.

26 Sec. 44.42.060. STUDY OF EXISTING TRANSPORTATION FACILITIES. (a)  
27 Before September 1 of each year, the commissioner shall conduct and  
28 complete an investigation and study of the several modes of transporta-  
29 tion in the state, in which he shall evaluate the adequacy of the

1 facilities and services connected with each mode, and shall determine  
2 the needs of the state transportation system.

3 (b) The commissioner may engage in experimental projects relating  
4 to any available or future mode of transportation, including but not  
5 limited to high speed rail service, the development of heliports and  
6 the development of hovercraft service and any means of improving  
7 existing transportation facilities and service.

8 Sec. 44.42.070. INVESTIGATIONS, INQUIRIES AND HEARINGS. The  
9 department may hold investigations, inquiries and hearings concerning  
10 all matters within the jurisdiction of the department. The commissioner  
11 may administer oaths and affirmations, certify to all official acts,  
12 issue subpoenas and compel the attendance and testimony of witnesses  
13 and the production of papers, records, books and documents. If a  
14 person refuses to attend, testify or produce papers, records, books  
15 or documents as ordered, a judge of the superior court, upon applica-  
16 tion of the commissioner, may make an order that is appropriate to  
17 aid in the enforcement of this section.

18 Sec. 44.42.080. GRANTS TO THE DEPARTMENT. The commissioner  
19 may apply for and accept on behalf of the state grants from the  
20 federal government or any agency of it or from a foundation, corpora-  
21 tion, association or individual, for any of the functions or purposes  
22 of the department, and may expend the money so received to effect  
23 those functions or purposes.

24 Sec. 44.42.090. ANNUAL REPORT. The commissioner shall submit  
25 to the governor and the legislature an annual report. The report  
26 shall include the recommendations of the commissioner for legislation  
27 necessary to develop and maintain a modern, efficient and well-balanced  
28 transportation system.

29 Sec. 44.42.100. LIMITATION ON TRANSPORTATION FACILITIES. (a) The

1 department shall consult with the appropriate officials in the depart-  
2 ments of fish and game, health and welfare and natural resources regard-  
3 ing the environmental hazards and the conservation, sanitary, recreation  
4 and social considerations that may arise by reason of the location,  
5 design, construction or reconstruction of a transportation facility.

6 (b) No highway, transit line, highway interchange, airport, or  
7 other transportation corridor or facility, may be built or expanded  
8 in such a way as to use land from a recreation area, wildlife or  
9 waterfowl refuge, historic site, state forest land, state game land,  
10 wilderness area or public park unless (1) there is no feasible and  
11 prudent alternative to the use of that land, and (2) the corridor or  
12 facility is planned and constructed so as to minimize harm to the land.

13 \* Sec. 2. AS 44.44 is repealed.

14 \* Sec. 3. TRANSFER OF FUNCTIONS. (a) The Department of Transportation  
15 is hereby vested with the duties, powers and responsibilities formerly  
16 exercised and held by

17 (1) the Department of Highways;

18 (2) the Alaska Transportation Commission;

19 (3) the Commission for Northern Operations of Rail Transportation  
20 and Highways;

21 (4) the Department of Commerce as provided in AS 30, AS 42.25 and  
22 AS 44.33.020(9); and

23 (5) the Department of Public Works as provided in AS 02.10 -  
24 AS 02.25, AS 02.35, AS 19.60, AS 30 and AS 44.43 in respect to construction,  
25 maintenance and operation of state ferries, airports, docks, floats, break-  
26 waters and similar facilities.

27 (b) Appropriations, records, equipment and other property of depart-  
28 ments, divisions and agencies of the state designated in (a) of this section  
29 are transferred to the department.

1 (c) This section does not abate or otherwise affect an action or  
2 proceeding, civil or criminal, brought by or against a department, division,  
3 agency or commission designated in (a) of this section and pending on  
4 July 1, 1971. Such actions or proceedings may be maintained in the same  
5 manner as if the section had not taken effect.

6 (d) All applications, petitions, hearings and other proceedings pend-  
7 ing on June 30, 1971, before a department, division, agency or commission  
8 designated in (a) of this section shall be continued and determined by the  
9 affected body.

10 (e) Appropriations and other money available and to become available  
11 to a department, division, agency or commission the functions, powers and  
12 duties of which have been transferred to the department established under  
13 this Act shall be available for the objects and purposes for which appropri-  
14 ated or otherwise made available, subject to terms, restrictions, limitations  
15 or other requirements imposed under this section or other state or federal  
16 law.

17 (f) Regulations, rules, orders or other acts in effect with respect  
18 to a department, division, agency or commission transferred to the department  
19 under this section shall continue in full force and effect until amended,  
20 modified, repealed or rescinded as the commissioner determines in accordance  
21 with law.

22 (g) The powers, duties and functions transferred to the department  
23 under this section are in addition to, and not derogated by, the powers,  
24 duties and functions otherwise vested in the department under this Act.

25 (h) The following statutes are modified to the extent necessary to  
26 bring them into conformity with this section: AS 02.05; AS 02.10 - 02.25;  
27 AS 02.35; AS 19.05 - 19.40; AS 19.60; AS 28.05; AS 30; AS 42.07; AS 42.10;  
28 AS 42.15; AS 42.25; AS 44.19.700 - 44.19.714; AS 44.33.020(9); AS 44.43; and  
29 AS 44.57.

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\* Sec. 4. EFFECTIVE DATE. This Act takes effect on July 1, 1971.