

Introduced: 3/9/73
Referred: Commerce, Judiciary and
Finance

1 IN THE HOUSE

BY BOWMAN, BRADNER, FINK, MCVEIGH,
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2 HOUSE BILL NO. 328

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Department of Transportation; and
7 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 transportation
18 master plan for the state;

19 (2) coordinate, develop and operate a modern, safe and
20 efficient system of highway, mass transit, marine and aviation facili-
21 ties and services;

22 (3) promote and coordinate the efficient use of all available
23 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 imple-
26 ment plans and programs to improve urban travel;

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

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

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

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

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

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

16 Sec. 44.42.030. DEPARTMENTAL ORGANIZATION. The commissioner shall
17 organize the department into the following operating divisions:

- 18 (1) division of administration;
19 (2) division of planning and research;
20 (3) division of highways;
21 (4) division of rail and transit;
22 (5) division of aviation;
23 (6) division of marine transportation;
24 (7) division of harbors.

27 Sec. 44.42.040. LONG-RANGE TRANSPORTATION MASTER PLAN. (a) The
28 commissioner shall develop a comprehensive long-range transportation
29 master plan. The planning shall consider all available and future
modes of transportation including, but not limited to, transportation
by highway, air, water and rail. The plan shall be designed to fulfill

1 the present and future needs of the state and assure development and
2 maintenance of adequate, modern, safe and efficient transportation
3 facilities and services.

4 (b) In developing and revising the plan the commissioner may:

5 (1) conduct public hearings;

6 (2) consult and cooperate with officials and representatives
7 of the federal government, Canada, other states, federal interstate
8 commissions and authorities, local agencies and authorities, interested
9 corporations and other organizations concerning problems affecting
10 transportation in the state;

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

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

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

21 Sec. 44.42.050. STUDY OF EXISTING TRANSPORTATION FACILITIES. (a)
22 Before September 1 of each year, the commissioner shall conduct and
23 complete an investigation and report on the several modes of trans-
24 portation in the state, in which he shall evaluate the adequacy of the
25 facilities and services connected with each mode, and shall determine
26 the needs of the state transportation system.

27 (b) The commissioner may engage in experimental projects relating
28 to an available or future mode of transportation including, but not
29 limited to, high speed rail service, the development of heliports and

1 hovercraft service and any means of improving existing transportation
2 facilities and service.

3 Sec. 44.42.060. GRANTS TO THE DEPARTMENT. The commissioner
4 may apply for and accept on behalf of the state grants from the
5 federal government or an agency of it or from a foundation, corporation,
6 association or individual, for any of the functions or purposes of
7 the department, and, when authorized by a budget amendment approved
8 by the governor and the Legislative Budget and Audit Committee, may
9 expend the money so received to effect these functions and pur-
10 poses.

11 Sec. 44.42.070. LIMITATION ON TRANSPORTATION FACILITIES.

12 (a) The department shall consult with the appropriate officials
13 in the Departments of Fish and Game, Health and Social Services,
14 Natural Resources and Environmental Conservation regarding the en-
15 vironmental hazards and the conservation, sanitation, recreation and
16 social considerations that may arise by reason of the location,
17 design, construction or reconstruction of a transportation
18 facility.

19 (b) No highway, transit line, highway interchange, airport
20 or other transportation corridor or facility may be built or expanded
21 in such a way as to use the land from a recreation area, wildlife
22 or waterfowl refuge, historic site, state park, state forest, state
23 game land, wilderness area or public park unless (1) as a matter of
24 sound engineering, there is no feasible and prudent alternative to
25 the use of that land; and (2) the corridor or facility is planned
26 and constructed so as to minimize harm to the land.

27 Sec. 44.42.080. ANNUAL REPORT. The commissioner shall submit
28 to the governor and the legislature an annual report on or before
29 January 1 of each year. The report shall include the recommendations

1 of the commissioner for legislation necessary to develop and
2 maintain a modern, efficient and well-balanced transportation
3 system.

4 * Sec. 2. AS 44.15.010 is amended by adding a new paragraph to read:

5 (18) Department of Transportation

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

9 (1) the Department of Highways;

10 (2) the Commission for Northern Operations of Rail Transporta-
11 tion and Highways;

12 (3) the Department of Public Works in respect to construction,
13 maintenance and operation of state ferries, airports, docks, floats,
14 breakwaters and similar facilities.

15 (b) The following divisions are transferred as indicated:

16 (1) the division of buildings, Department of Public Works, is
17 transferred to the Department of Administration;

18 (2) the division of communications, Department of Public Works,
19 is transferred to the Department of Public Safety.

20 (c) Appropriations, records, equipment and other property of depart-
21 ments, divisions and agencies of the state designated in (a) of this sec-
22 tion are transferred to the department.

23 (d) This section does not abate or otherwise affect an action or
24 proceeding, civil or criminal, brought by or against a department, division,
25 agency, or commission designated in (a) of this section and pending on
26 January 1, 1974. Such actions or proceedings may be maintained in the same
27 manner as if the section had not taken effect.

28 (e) All applications, petitions, hearings and other proceedings pend-
29 ing on December 31, 1973 before a department, division, agency or commission

1 designated in (a) of this section shall be continued and determined by the
2 affected body.

3 (f) Appropriations and other money available to and to become available
4 to a department, division, agency or commission the functions, powers and
5 duties of which have been transferred to the department established under
6 this Act, or to any other department to which has been transferred additional
7 functions, shall be available for the objects and purposes for which appro-
8 priated or otherwise made available, subject to terms, restrictions, limita-
9 tions or other requirements imposed under this section or other state or
10 federal law.

11 (g) Regulations, rules, orders, or other acts in effect with respect
12 to a department, division, agency or commission transferred to the department
13 under this section shall continue in full force and effect until amended,
14 modified, repealed or rescinded as the commissioner determines in accordance
15 with law. Existing contracts made by a department, division or agency trans-
16 ferred to the department under this Act remain in effect according to the
17 terms of the contracts.

18 (h) The powers, duties and functions transferred to the department
19 under this section are in addition to, and not derogated by, the powers,
20 duties and functions otherwise vested in the department under this Act.

21 (i) The following statutes are modified to the extent necessary to
22 bring them into conformity with this section: AS 02.10 - 02.35; AS 19;
23 AS 28.05; AS 35; AS 36; AS 39; AS 41; AS 44.15; AS 44.19.410, 44.19.820; and
24 AS 44.57.

25 * Sec. 4. AS 44.15.010(13) and (15); AS 44.19.700 - 44.19.714; AS 44.43;
26 and AS 44.44 are repealed.

27 * Sec. 5. This Act takes effect on January 1, 1974.
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