

Original sponsor: Bowman, Swanson
and Kelley

Offered: 3/7/75
Referred: Finance

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

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CS FOR HOUSE BILL NO. 63

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

NINTH 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."

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

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* Section 1. FINDINGS AND PURPOSE. The legislature finds that the
10 diverse transportation needs of the state would best be served by the crea-
11 tion of a single department for the planning, study, and operation of inte-
12 grated, intermodal transportation systems. The purpose of this department is
13 to evaluate, plan, operate and maintain all state transportation modes and
14 systems, relying on analysis of the relative advantages of different modes
15 and systems and considering their social, economic, and environmental con-
16 sequences.

17

* Sec. 2. AS 44 is amended by adding a new chapter to read:

18

CHAPTER 42. DEPARTMENT OF TRANSPORTATION.

19

Sec. 44.42.010. COMMISSIONER OF TRANSPORTATION. The principal
20 executive officer of the Department of Transportation is the commis-
21 sioner of transportation.

22

Sec. 44.42.020. POWERS. The department may

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(1) plan all state modes of transportation and transportation
24 facilities;

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(2) study existing transportation modes and facilities in the
26 state to determine how they might be improved or whether they should
27 continue to be maintained;

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(3) study alternative means of improving transportation in
29 the state with regard to the economic costs of each alternative and

1 its environmental and social effects;

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

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

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

9 (7) work cooperatively with the Department of Public Works to
10 assure that design and construction of transportation facilities by the
11 Department of Public Works are consistent with plans and operational
12 requirements;

13 (8) engage in experimental projects relating to available or
14 future modes of transportation, and any means of improving existing
15 transportation facilities and service;

16 (9) exercise the power of eminent domain; and

17 (10) adopt regulations under the Administrative Procedure Act
18 (AS 44.62) to implement, interpret, or make more specific its powers and
19 duties.

20 Sec. 44.42.030. DUTIES. The department shall:

21 (1) maintain and operate state transportation facilities,
22 including all state highways, marine transportation ships and facilities,
23 docks, breakwaters, airports and aviation facilities;

24 (2) study alternative means of transportation in the state,
25 considering the economic, social and environmental impacts of each
26 alternative;

27 (3) coordinate and develop state and regional transportation
28 systems, considering deletions, additions and the absence of alterations;
29 and

1 (4) develop facility program plans for transportation facili-
2 ties required to implement these duties including but not limited to (A)
3 first and life cycle cost budgets; (B) functional performance criteria;
4 and (c) schedules for completion. These program plans shall be reviewed
5 by the Department of Public Works before commencement of transportation
6 facility project designs.

7 Sec. 44.42.040. DEPARTMENTAL ORGANIZATION. The commissioner may,
8 with the approval of the governor, organize the department into those
9 divisions that can most efficiently perform the functions of the depart-
10 ment.

11 Sec. 44.42.050. STATE TRANSPORTATION PLAN. (a) The commissioner
12 shall develop and keep current by periodic revision a comprehensive
13 intermodal long-range transportation plan for the state. The state plan
14 shall consider means and costs of improving existing modes and facili-
15 ties, state subsidies, and the costs and benefits of new transportation
16 modes and facilities.

17 (b) In developing and revising the plan, the commissioner shall
18 seek public review and evaluation by any reasonable means and may

19 (1) consult and cooperate with officials and representatives
20 of the federal government, other governments, interstate commissions and
21 authorities, local agencies and authorities, interested corporations and
22 other organizations concerning problems affecting transportation in the
23 state; and

24 (2) request and receive from an agency or other unit of state
25 government or of a political subdivision of it, or from a public author-
26 ity, the assistance and data that may be necessary to enable the com-
27 missioner to carry out his responsibilities under this section.

28 (c) Copies of the plan, as revised, shall be kept on file as a
29 public document in the office of the commissioner and at each regional

1 or district office of the department.

2 Sec. 44.42.060. PUBLIC HEARINGS AND SURVEYS. (a) When a major
3 new state transportation facility or a significant extension or altera-
4 tion of an existing system or facility is proposed, the department shall
5 give notice of the proposal and of the opportunity to request a public
6 hearing to the governing body of an affected municipality and residents
7 of each affected community. The purpose of this notice is to provide
8 information to the governing body and those residents and provide an
9 opportunity for informed public review of a proposal from the earliest
10 time practicable.

11 (b) In giving notice under this section, the notice shall describe
12 the project, invite written comments regarding the proposal, inform that
13 all current and relevant information regarding the proposal will be made
14 available in at least one designated location within the affected com-
15 munity, and inform that basic information regarding the proposal will be
16 provided upon the request of any person. The notice shall also inform
17 that a public hearing will be held upon the written request of the
18 governing body of an affected municipality or of at least 20 interested
19 residents of the affected community.

20 (c) If the governing body of an affected municipality requests a
21 hearing, the hearing shall take place before that governing body.
22 Otherwise the public hearing may be held by the department at any con-
23 venient location. If a public hearing is held, the deadline for written
24 comment may be not earlier than 30 days following the hearing.

25 (d) At a public hearing the department shall describe the proposal,
26 identify the essential considerations in favor of it, and receive com-
27 ments and answer questions from any interested person. In addition, at
28 a hearing, to the extent they have been developed, the department shall
29 present its recommendations regarding the proposal, its costs and

1 benefits, its environmental and social effects, and the alternatives
2 which have been considered including the alternative of not constructing
3 a facility.

4 (e) The department shall conduct surveys of the residents of each
5 affected community to enable the residents to express opinions regarding
6 the proposal.

7 (f) Within 90 days following a hearing the department shall pre-
8 pare and mail to the governing body of an affected municipality and to
9 each known interested person a report which summarizes the oral testimony
10 and written comments received and the results of surveys and other
11 relevant data and which informs whether and to what extent the proposal
12 has been modified as a result of public comments, surveys and other
13 relevant data.

14 (g) This section does not apply to improvements or modifications
15 to existing facilities which do not significantly affect the environment
16 nor to actions and repairs which may be necessary to meet a disaster or
17 emergency which threatens human lives.

18 (h) For purposes of this section,

19 (1) "affected community" means a municipality or an unincor-
20 porated village of 25 or more persons which is directly served by an
21 existing facility, or where an existing facility is actually located or
22 in which a proposed facility would actually be located, or which would
23 be directly served by a proposed facility;

24 (2) "municipality" means a home rule or general law borough
25 or city including but not limited to a unified municipality organized
26 under AS 29.68.

27 (i) The commissioner may adopt regulations under the Administra-
28 tive Procedure Act (AS 44.62) to implement this section.

29 Sec. 44.42.070. GRANTS TO THE DEPARTMENT. The commissioner may

1 apply for and accept, on behalf of the state, grants from the federal
2 government or an agency of it or from another state, a foundation,
3 corporation, association or individual, for any of the functions or
4 purposes of the department, and may expend the money received under this
5 section for those functions or purposes.

6 Sec. 44.42.080. LIMITATION ON TRANSPORTATION FACILITIES. (a) The
7 department shall consult with the appropriate officials of other depart-
8 ments regarding environmental risks and economic and social considera-
9 tions that may arise by reason of the location, design, construction or
10 reconstruction of a transportation facility.

11 (b) No highway, transit line, highway interchange, airport or
12 other transportation corridor or facility, may be built or expanded in
13 such a way as to use privately owned land or land from a recreation
14 area, a wildlife or waterfowl refuge, an historic site, state forest
15 land, a wetland, game land, a wilderness area, a public park or a cri-
16 tical habitat area unless (1) there is no feasible and prudent alterna-
17 tive to the use of that land, and (2) the corridor or facility is planned
18 and constructed so as to minimize harm to the land.

19 * Sec. 3. (a) The Department of Transportation is vested with the duties
20 and powers formerly held by the Department of Public Works relating to
21 planning, maintenance and operation of transportation facilities, including
22 state ferries, airports and water and harbor facilities.

23 (b) The Department of Transportation is vested with the duties and
24 powers formerly held by the Department of Highways relating to planning,
25 maintenance and operation of state transportation facilities including state
26 highways, roads, bridges, traffic signs and signals, the supervision and
27 maintenance of state automotive and mechanical equipment, the control of
28 outdoor advertising visible from state highways and all other duties and
29 powers of the Department of Highways not related to design and construction.

1 (c) The Department of Public Works is vested with the duties and powers
2 formerly held by the Department of Highways relating to design and construct-
3 ion of state highways, roads, bridges and traffic signs and signals, and the
4 acquisition of property for its public works, including the right to use a
5 declaration of taking in the exercise of the power of eminent domain and the
6 duty to administer the relocation assistance program under AS 34.60.

7 (d) The Department of Public Works shall design and construct, or cause
8 to be designed and constructed, only those transportation facilities that
9 have been planned and programmed for construction by the Department of Trans-
10 portation. It shall cooperate with that department in the hearing and plan-
11 ning processes described in this Act. It shall turn over a transportation
12 facility to the Department of Transportation for operation and maintenance
13 when construction of the facility is substantially completed, but shall
14 continue to administer construction contracts during guaranty or warranty
15 periods.

16 * Sec. 4. The commissioner of transportation shall replace the commis-
17 sioner of highways on the State Geographic Board, the Alaska Toll Bridge
18 Authority, the Alaska Safety Council and all other boards and commissions.

19 * Sec. 5. AS 44.19.700 - 44.19.714 and AS 44.44.010 are repealed.

20 * Sec. 6. This Act takes effect July 1, 1975.
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