

Original sponsor: Bowman, Swanson
and Kelley

Offered: 3/26/76
Referred: Finance

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

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SENATE CS FOR CS FOR HOUSE BILL NO. 63

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

NINTH LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: "An Act relating to the organization of transportation related functions; creating the Department of Transportation; 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 diverse transportation needs of the state would best be served by the creation of a single department for the planning, study, development, management and operation of integrated, intermodal transportation systems. The purpose of this department is to evaluate, plan, design, construct, manage, operate and maintain all state transportation modes and systems, relying on analysis of the relative advantages of different modes and systems and considering their social, economic, and environmental consequences.

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

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CHAPTER 42. DEPARTMENT OF TRANSPORTATION.

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Sec. 44.42.010. COMMISSIONER OF TRANSPORTATION. The principal executive officer of the Department of Transportation is the commissioner of transportation.

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Sec. 44.42.020. POWERS AND DUTIES. (a) The department shall
(1) plan, design, and construct all state modes of transportation and transportation facilities;
(2) study existing transportation modes and facilities in the state to determine how they might be improved or whether they

1 should continue to be maintained;

2 (3) study alternative means of improving transportation in
3 the state with regard to the economic costs of each alternative and
4 its environmental and social effects;

5 (4) develop a comprehensive, long-range intermodal transpor-
6 tation plan for the state;

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

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

12 (7) delegate its duties for the design and construction of
13 transportation facilities to the Department of Public Works;

14 (8) work cooperatively with the Department of Public Works
15 to assure that design and construction of transportation facilities by
16 the Department of Public Works is consistent with plans and with
17 management and operational requirements;

18 (9) manage, operate, and maintain state transportation
19 facilities, including all state highways, vessels, railroads, pipelines,
20 airports, and aviation facilities;

21 (10) study alternative means of transportation in the
22 state, considering the economic, social, and environmental impacts of
23 each alternative;

24 (11) coordinate and develop state and regional transportation
25 systems, considering deletions, additions, and the absence of altera-
26 tions;

27 (12) develop facility program plans for transportation
28 facilities required to implement the duties set out in this section,
29 including but not limited to (A) first and life-cycle cost budgets;

1 (B) functional performance criteria; and (C) schedules for completion;
2 these program plans shall be reviewed by the Department of Public
3 Works before commencement of transportation facility project designs;

4 (13) supervise and maintain all state automotive and
5 mechanical equipment, aircraft, and vessels except vessels used by the
6 Department of Fish and Game; and

7 (14) supervise aeronautics and transportation-related
8 communications inside the state, under AS 02.10.

9 (b) The department may

10 (1) engage in experimental projects relating to available
11 or future modes of transportation and any means of improving existing
12 transportation facilities and service;

13 (2) exercise the power of eminent domain, including the
14 declaration of taking as provided in AS 09.55.

15 Sec. 44.42.030. DUTIES OF DEPARTMENT OF PUBLIC WORKS; TRANSPORTA-
16 TION FACILITIES. The Department of Public Works shall design and
17 construct, or cause to be designed and constructed, only those trans-
18 portation facilities which have been planned and programmed for construc-
19 tion by the Department of Transportation. It shall cooperate with
20 that department in the hearing and planning processes described in
21 this chapter. It may turn over a transportation facility to the
22 Department of Transportation for management, operation and maintenance
23 when construction of the facility is substantially completed, subject
24 to the request of the Department of Transportation that earlier
25 occupancy or control be permitted. It shall turn over a transportation
26 facility to the Department of Transportation for management, operation
27 and maintenance when construction of the facility is entirely complete.
28 In either event, the Department of Public Works shall continue to
29 administer construction contracts during guaranty or warranty periods.

1 Sec. 44.42.040. REGULATIONS. The department may adopt regulations
2 under the Administrative Procedure Act (AS 44.62) to implement, inter-
3 pret, or make more specific its powers and duties.

4 Sec. 44.42.050. DEPARTMENTAL ORGANIZATION; ADVISORY BOARDS. (a)
5 The commissioner shall establish transportation regions within the
6 state, corresponding with the state's major physiographic regions.
7 The functions of the department within each transportation region
8 shall be performed, to the maximum extent feasible, through a regional
9 office. Each regional office shall be directed by a regional trans-
10 portation director appointed by the commissioner.

11 (b) The commissioner shall provide for the creation of regional
12 transportation advisory boards comprised of residents of the transporta-
13 tion regions established under (a) of this section. The regional
14 transportation advisory boards shall advise the commissioner and
15 shall, with the assistance of the regional transportation directors,
16 prepare recommendations on transportation-related public policy,
17 departmental operations, and capital improvements programming within
18 their respective regions. The number of members of each regional
19 transportation advisory board shall be determined by the commissioner.

20 (c) The governor shall appoint members to each regional transpor-
21 tation advisory board from lists of nominees submitted by municipalities
22 located within each transportation region and from lists of nominees
23 submitted by any interested organization which has its principal
24 office within the region. In addition, the mayor of each organized
25 borough and each home rule and first class city located within each
26 region shall appoint one member, to the board.

27 (d) In order to avoid duplication or disruption of regional
28 efforts, the commissioner may designate a non-profit, public interest,
29 regional organization as a regional transportation advisory board.

1 (e) Each regional transportation advisory board shall annually
2 elect a chairperson from among its members. The chairperson shall
3 designate the time and location of meetings of the board. Members are
4 entitled to transportation expenses and per diem established by law
5 for state boards and commissions.

6 Sec. 44.42.060. ALASKA TRANSPORTATION ADVISORY BOARD. (a)
7 There is established the Alaska Transportation Advisory Board consisting
8 of the chairpersons of each regional transportation advisory board.
9 The board shall elect a chairperson from its members. The chairperson
10 shall designate the time and location of meetings of the board.
11 Members of the board are entitled to travel expenses and per diem
12 established by law for state boards and commissions.

13 (b) The Alaska Transportation Advisory Board shall meet at least
14 once in the fall of each year to review the work of the previous year
15 and the then current state transportation plan, and make recommen-
16 dations to the commissioner regarding the plan and departmental
17 operations. The department shall provide staff support and assistance
18 to the board.

19 Sec. 44.42.070. STATE TRANSPORTATION PLAN. (a) The commissioner
20 shall develop annually a comprehensive, intermodal, long-range trans-
21 portation plan for the state. In developing and revising the state
22 plan, he shall consider means and costs of improving existing modes
23 and facilities, state and federal subsidies, and the costs and benefits
24 of new transportation modes and facilities. The plan shall be submitted
25 to the governor for his review and approval and submitted by the
26 governor to the legislature.

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

29 (1) consult and cooperate with officials and representatives

1 of the federal government, other governments, interstate commissions
2 and authorities, local agencies and authorities, interested corporations
3 and other organizations concerning problems affecting transportation
4 in the state; and

5 (2) request from an agency or other unit of the state
6 government or of a political subdivision of it, or from a public
7 authority, the assistance and data that may be necessary to enable the
8 commissioner to carry out his responsibilities under this section;
9 every such entity shall provide the assistance and data requested.

10 (c) Copies of the plan, as revised, shall be kept on file as a
11 public document in the office of the commissioner and at each regional
12 office of the department.

13 (d) The plan shall include a description of projects planned for
14 design and construction for the following two years. The description
15 shall include an itemization of the estimated cost for each project
16 and the total cost of all projects. The commissioner shall propose
17 and forward to the governor for his review and approval and inclusion,
18 as approved, in the capital budget a construction program which includes
19 the projects to be undertaken during the following two years, including
20 recommended project priorities. Appropriations for transportation
21 construction projects shall be included annually in the general appro-
22 priations Act.

23 Sec. 44.42.080. PUBLIC HEARINGS AND SURVEYS. (a) When a major
24 new state transportation facility or a significant extension or altera-
25 tion of an existing system or facility is proposed, the department
26 shall give notice of the proposal and of the opportunity to request a
27 public hearing to the governing body of an affected municipality and
28 residents of each affected community. The purpose of this notice is
29 to provide information to the governing body and those residents and

1 provide an opportunity for informed public review of a proposal from
2 the earliest time practicable.

3 (b) Before a final decision is made regarding a proposal, the
4 department shall give a second notice and opportunity for public
5 hearing.

6 (c) A notice given under this section shall describe the project,
7 invite written comments regarding the proposal, inform that all current
8 and relevant information regarding the proposal will be made available
9 in at least one designated location within the affected community, and
10 inform that basic information regarding the proposal will be provided
11 upon the request of any person. The notice shall also inform that a
12 public hearing will be held upon the written request of the governing
13 body of an affected municipality or of at least 20 interested residents
14 of an affected community.

15 (d) If the governing body of an affected municipality requests a
16 hearing, the hearing shall be conducted by and may take place before
17 that governing body. Otherwise the public hearing may be held by the
18 department at any convenient location. If a public hearing is held,
19 the deadline for written comment may be not earlier than 30 days after
20 the hearing.

21 (e) At a public hearing held under (a) of this section, the
22 department shall describe the proposal, identify the essential considera-
23 tions in favor of and against it, and receive comments and answer
24 questions from any interested person. In addition, at a hearing, the
25 department shall present its recommendations, to the extent they have
26 been developed, regarding the proposal, its costs and benefits, its
27 environmental and social effects, and the alternatives which have been
28 considered, including the alternative of not constructing a facility.

29 (f) The department may use other means of enabling the residents

1 of each affected community to express opinions regarding the proposal.

2 (g) Within 90 days after a hearing, the department shall prepare
3 and mail to the governing body of an affected municipality and to each
4 person known to be interested a report which summarizes the oral
5 testimony and written comments received and the results of surveys and
6 other relevant data and which informs whether and to what extent the
7 proposal has been modified as a result of public comments, surveys and
8 other relevant data.

9 (h) Within 60 days after receipt of the documents described in
10 (g) of this section, an affected community may exclude itself, withdraw
11 from, or reject the proposed new transportation system or facility or
12 the extension or alteration of an existing transportation system or
13 facility either by

14 (1) a resolution adopted by a majority of all the members
15 of the governing body; or

16 (2) a measure submitted to the electorate of the affected
17 community, either by initiative or referendum, adopted by a majority
18 of the qualified voters voting on the question.

19 (i) This section does not apply to improvements or modifications
20 to existing facilities which do not significantly affect the environment
21 nor to actions and repairs which may be necessary to meet a disaster
22 or emergency which threatens human lives.

23 (j) For the purposes of this section,

24 (1) "affected community" means a municipality or an unincor-
25 porated village of 25 or more persons which is directly served by an
26 existing facility, or where an existing facility is actually located
27 or in which a proposed facility would actually be located, or which
28 would be directly served by a proposed facility;

29 (2) "municipality" means a home rule or general law borough

1 or city, and includes a municipality unified under AS 29.68.

2 Sec. 44.42.090. GRANTS TO THE DEPARTMENT. The commissioner may
3 apply for and accept, on behalf of the state, grants from the federal
4 government or an agency of it, or from another state, a foundation, or
5 any person, for any of the functions or purposes of the department.

6 Sec. 44.42.100. LIMITATION ON TRANSPORTATION FACILITIES. (a)
7 The department shall consult with the appropriate officials of other
8 departments regarding environmental risks and economic and social
9 considerations that may arise by reason of the location, design,
10 construction or 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 land from a recreation area, wildlife or waterfowl
14 refuge, historic site, forest land, wetland, game land, wilderness
15 area, public park or a critical habitat area designated as such by
16 federal, state or local government unless

17 (1) there is no feasible and prudent alternative to the use
18 of that land; and

19 (2) the corridor or facility is planned and constructed so
20 as to minimize harm to the land.

21 Sec. 44.42.900. DEFINITIONS. In this chapter, unless the context
22 requires otherwise,

23 (1) "commissioner" means the commissioner of the Department
24 of Transportation;

25 (2) "department" means the Department of Transportation;

26 (3) "transportation" or "transportation mode" includes, but
27 is not limited to, the following means of conveyance or travel, includ-
28 ing their related or auxiliary structures, facilities or services:
29 air, rail, water, highway, and pipeline; however, these terms do not

1 include facilities provided for under AS 35.10.090--35.10.120.

2 * Sec. 3. AS 02.10.080 is amended to read:

3 Sec. 02.10.080. DEPARTMENT DEFINED. As used in this chapter,
4 "department" means the state Department of Transportation [PUBLIC
5 WORKS].

6 * Sec. 4. AS 02.15.060 is amended to read:

7 Sec. 02.15.060. ESTABLISHMENT, OPERATION AND MAINTENANCE. The
8 department may plan, [ESTABLISH, CONSTRUCT, ENLARGE, IMPROVE,] maintain,
9 equip, operate, regulate, protect and police airports and air navigation
10 facilities within the state.

11 * Sec. 5. AS 02.15 is amended by adding a new section to read:

12 Sec. 02.15.065. DUTIES OF DEPARTMENT OF PUBLIC WORKS. The
13 Department of Public Works, shall design, construct, enlarge and
14 improve airports and airport facilities that are planned and programmed
15 by the Department of Transportation. It shall perform a life-cycle
16 cost analysis for each proposed airport and airport facility planned
17 by the Department of Transportation, consistent with the provisions of
18 AS 35.10.160, 35.10.180, 35.10.190, and regulations adopted by the
19 Department of Transportation.

20 * Sec. 6. AS 02.15.205 is amended to read:

21 Sec. 02.15.205. APPROVAL REQUIRED FOR AIRPORT CONSTRUCTION. (a)
22 No person may construct, reconstruct, relocate, or extend an airport,
23 airstrip, or private air facility [WITHIN TWO MILES OF A FEDERAL-AID
24 HIGHWAY OR PROPOSED FEDERAL-AID HIGHWAY] without first obtaining the
25 written approval of the commissioner of transportation [PUBLIC WORKS],
26 as provided by regulation.

27 (b) The commissioner of transportation [PUBLIC WORKS] shall not
28 approve the construction, reconstruction, relocation, or extension of
29 an airport, airstrip, or private air facility if the construction would

1 constitute a hazard to the traveling public or if the construction would
2 otherwise not be in the public interest.

3 (c) The commissioner of transportation [PUBLIC WORKS] shall
4 promulgate [RULES AND] regulations, to effectuate the purpose of this
5 section, which are consistent with standards established by partici-
6 pating federal agencies.

7 * Sec. 7. AS 02.15.260(8) is amended to read:

8 (8) "commissioner" means the commissioner of the Department
9 of Transportation [PUBLIC WORKS] of the state;

10 * Sec. 8. AS 02.15.260(9) is amended to read:

11 (9) "department" means the Department of Transportation
12 [PUBLIC WORKS];

13 * Sec. 9. AS 02.20.070 is amended to read:

14 Sec. 02.20.070. DEPARTMENT DEFINED. In this chapter "department"
15 means the Department of Transportation [PUBLIC WORKS].

16 * Sec. 10. AS 02.25.110(4) is amended to read:

17 (4) "department" means the Department of Transportation
18 [PUBLIC WORKS] of this state;

19 * Sec. 11. AS 02.35.150 is amended to read:

20 Sec. 02.35.150. "DEPARTMENT" AND "COMMISSIONER" DEFINED. In
21 this chapter, "department" means the state Department of Transportation
22 [PUBLIC WORKS]; "commissioner" means the commissioner of transportation
23 [PUBLIC WORKS].

24 * Sec. 12. AS 19.05.030 is amended to read:

25 Sec. 19.05.030. DUTIES OF DEPARTMENT. The department has the
26 following duties:

27 (1) direct approved highway planning and construction and
28 maintenance, protection and control of highways;

29 (2) employ assistants and employees;

- 1 (3) certify and approve vouchers;
2 (4) provide for a program of highway research;
3 (5) prepare a budget;
4 (6) review the annual highway program;
5 (7) delegate its duties for the design and construction of
6 highways and highway facilities to the Department of Public Works;
7 (8) establish by regulation steps for the coordination of
8 life-cycle analysis by the Department of Public Works for highways and
9 highway facilities planned by the department.

10 * Sec. 13. AS 19.05 is amended by adding a new section to read:

11 Sec. 19.05.035. DUTIES OF DEPARTMENT OF PUBLIC WORKS. The
12 Department of Public Works shall design and construct, as an agent for
13 the Department of Transportation, highways and highway facilities
14 planned and programmed by the Department of Transportation. It shall
15 perform a life-cycle cost analysis for each proposed highway and
16 highway facility planned by the Department of Transportation, consistent
17 with the provisions of AS 35.10.160, 35.10.180, 35.10.190 and regula-
18 tions adopted by the Department of Transportation.

19 * Sec. 14. AS 19.05.125 is amended to read:

20 Sec. 19.05.125. PURPOSE. The purpose of chs. 5--25 of this
21 title is to establish in the Department of Transportation the capability
22 for [A HIGHWAY DEPARTMENT CAPABLE OF] carrying out a highway planning,
23 construction, and maintenance program which will provide a common
24 defense to the United States and Alaska, a network of highways linking
25 together cities and communities throughout the state (thereby contribut-
26 ing to the development of commerce and industry in the state, and
27 aiding the extraction and utilization of its resources), and otherwise
28 improve the economic and general welfare of the people of the state.

29 * Sec. 15. AS 19.05.130 is amended to read:

1 Sec. 19.05.130. DEFINITIONS. Unless otherwise provided, in [IN]
2 chs. 5--40 of this title

3 (1) "commissioner" means the commissioner of transportation
4 [HIGHWAYS];

5 (2) "construction" or any derivation means construction,
6 reconstruction, alteration, improvement or major repair;

7 (3) "controlled-access facility" means a highway especially
8 designed for through traffic, and over, from, or to which owners or
9 occupants of abutting land or other persons have either no right or
10 easement or only a controlled right or easement of access, light, air,
11 or view;

12 (4) "cost of change, relocation, or removal" means the entire
13 cost incurred by the utility properly attributed to the change, reloca-
14 tion, or removal of a utility after deducting any increase in the value
15 of the new facility and any salvage value derived from the old facility;

16 (5) "department" means the Department of Transportation
17 [HIGHWAYS];

18 (6) "excess lands" means land acquired by the state in
19 excess of land required for a highway, when the remaining portion of a
20 parcel of land so acquired is left in such shape or condition as to be
21 of little or no value to its owner, or to give rise to claims or
22 litigation concerning severance or other damage;

23 (7) "federal-aid primary, federal-aid secondary, and inter-
24 state system" include any highway which is a part of the federal-aid
25 systems as provided in the Federal-Aid Highway Act of 1956, and any
26 laws amending or supplementing it;

27 (8) "highway" includes a highway (whether included in
28 primary or secondary systems), road, street, trail, walk, bridge,
29 tunnel, drainage structure and other similar or related structure or

1 facility, and right-of-way thereof, and further includes a ferry
2 system, whether operated solely inside the state or to connect with a
3 Canadian highway, and any such related facility;

4 (9) "maintenance" means the preservation of each type of
5 highway, roadside structure and facility as nearly as possible in its
6 original condition as constructed, or as subsequently improved, and
7 the operation of highway facilities and services to provide satisfactory
8 and safe highways;

9 (10) "municipality" means a home rule or general law borough
10 or city, and includes a municipality unified under AS 29.68 [AN INCOR-
11 PORATED CITY OR POLITICAL SUBDIVISION] which has jurisdiction over
12 highways in its incorporated area;

13 (11) Repealed by sec. 6, ch. 233 SLA 1968.

14 (12) "utility" includes publicly, privately, and cooperative-
15 ly owned utilities;

16 (13) "encroachment" means and includes a tower, pole, pole
17 line, pipe, pipeline, driveway, private road, fence, billboard, stand
18 or building, or a structure or object of any kind which is or has been
19 placed in, on, under or over a portion of a highway or road.

20 * Sec. 16. AS 19.17.010 is amended to read:

21 Sec. 19.17.010. POSTING OF LAW. The commissioner of transporta-
22 tion [HIGHWAYS] shall place a sign near the state boundary at each
23 primary and secondary highway which informs the public of the prohibi-
24 tion against, and penalty for, highway littering and may place similar
25 signs at other locations in the state when considered necessary.

26 * Sec. 17. AS 19.20.090 is amended to read:

27 Sec. 19.20.090. HIGHWAY CONSTRUCTION NEAR AIRPORTS. (a) No
28 person may construct, reconstruct, relocate, or extend a federal-aid
29 highway within two miles of an airport, airstrip, or private air fa-

1 cility without first obtaining the written approval of the commissioner
2 of transportation [HIGHWAYS], as provided by regulation.

3 (b) The commissioner of transportation [HIGHWAYS] shall not
4 approve the construction, reconstruction, relocation, or extension of
5 a highway under this section if the construction would constitute a
6 hazard to the traveling public or if the construction would otherwise
7 not be in the public interest.

8 (c) The commissioner of transportation [HIGHWAYS] shall promulgate
9 [RULES AND] regulations, to effectuate the purpose of this section,
10 which are consistent with standards established by participating
11 federal agencies.

12 * Sec. 18. AS 19.22.030(2) is amended to read:

13 (2) "department" means the Department of Transportation
14 [HIGHWAYS].

15 * Sec. 19. AS 19.25.160(2) is amended to read:

16 (2) "interstate system" means that portion of the National
17 System of Interstate and Defense Highways located in this state, as
18 officially designated, or as may hereafter be so designated, by the
19 commissioner of transportation [HIGHWAYS], and approved by the secretary
20 of transportation (or by the secretary of commerce before the effective
21 date of the transfer of functions under Public Law 89-670 [80 Stat.
22 931]), under the provisions of Title 23, United States Code, "Highways";

23 * Sec. 20. AS 19.25.160(3) is amended to read:

24 (3) "primary system" or "secondary system" means that
25 portion of connected main highways, as officially designated, or as
26 may hereafter be so designated, by the commissioner of transportation
27 [HIGHWAYS], and approved by the secretary of transportation (or by the
28 secretary of commerce before the effective date of the transfer of
29 functions under Public Law 89-670 [80 Stat. 931]), under the provisions

1 of Title 23, United States Code, "Highways";

2 * Sec. 21. AS 19.25.160(4) is amended to read:

3 (4) "department" means the Department of Transportation
4 [HIGHWAYS].

5 * Sec. 22. AS 19.27.110(4) is amended to read:

6 (4) "interstate system" means that portion of the National
7 System of Interstate and Defense Highways located in this state, as
8 officially designated, or as may hereafter be so designated, by the
9 commissioner of transportation [HIGHWAYS], and approved by the secretary
10 of transportation (or by the secretary of commerce before the effective
11 date of the transfer of functions under Public Law 89-670 [80 Stat.
12 931]), under the provisions of Title 23, United States Code, "Highways";

13 * Sec. 23. AS 19.27.110(5) is amended to read:

14 (5) "primary system" or "secondary system" means that
15 portion of connected main highways, as officially designated, or as
16 may hereafter be so designated, by the commissioner of transportation
17 [HIGHWAYS], and approved by the secretary of transportation (or by the
18 secretary of commerce before the effective date of the transfer of
19 functions under Public Law 89-670 [80 Stat. 931]), under the provisions
20 of Title 23, United States Code, "Highways";

21 * Sec. 24. AS 19.27.110(6) is amended to read:

22 (6) "department" means the Department of Transportation
23 [HIGHWAYS].

24 * Sec. 25. AS 19.30.040(a) is amended to read:

25 (a) Upon approval of an application and agreement as to state
26 participation, the applicant resource developer shall submit to the
27 commissioner of natural resources road plans and specifications for
28 the standard of construction he believes to be necessary to develop
29 the mineral resource and protect the fish and game resources that may

1 be affected by the road construction. Plans and specifications submitted
2 by each applicant shall be forwarded by the commissioner of natural
3 resources to the commissioner of transportation [HIGHWAYS] and the
4 commissioner of fish and game and upon approval by them, the applicant
5 may proceed with construction.

6 * Sec. 26. AS 19.30.040(b) is amended to read:

7 (b) The applicant will be allowed credit for the use of his own
8 men and equipment or those of his contractor as his share of cost
9 participation. The applicant must submit documentation satisfactory
10 to the commissioner of transportation [HIGHWAYS] to support his partici-
11 pation for this credit.

12 * Sec. 27. AS 19.30.045 is amended to read:

13 Sec. 19.30.045. CANADIAN MINERALS. The state may elect, at the
14 joint discretion of the commissioners of transportation [HIGHWAYS] and
15 natural resources, to authorize participation in a similar manner, to
16 that authorized in secs. 20--40 of this chapter, in construction and
17 maintenance of developmental access roads to the Alaskan border for
18 the development of mineral resources which are in adjacent Canadian
19 lands if such access roads are the most feasible way of developing
20 those mineral resources, and if it is considered by the commissioners
21 to be in the interest of Alaska to construct the roads; however, the
22 state may participate up to \$50,000, or up to one-third of the cost of
23 construction and of the maintenance of these roads in Alaska, whichever
24 is lower.

25 * Sec. 28. AS 19.30.051 is amended to read:

26 Sec. 19.30.051. REGULATIONS. The commissioner of natural resources
27 and the commissioner of transportation [HIGHWAYS] shall adopt [PROMUL-
28 GATE RULES AND] regulations to accomplish [EFFECTUATE] the purposes of
29 secs. 20--51 of this chapter.

1 * Sec. 29. AS 19.30.070 is amended to read:

2 Sec. 19.30.070. CONTRACTS FOR CONSTRUCTION OF ROADS. The director
3 of the division of lands may contract with private persons for the
4 construction of roads to and on state lands programmed for surface
5 disposal which are not more than six miles from existing roads or
6 highways. The location of each proposed road is subject to the approval
7 of the commissioner of transportation.

8 * Sec. 30. AS 19.30.080 is amended to read:

9 Sec. 19.30.080. CONSTRUCTION STANDARDS AND MAINTENANCE. Access
10 roads constructed under secs. 60--100 of this chapter shall be of low
11 standard, not necessarily suitable for all weather use. The state is
12 not under obligation to maintain these roads. Right-of-way width
13 shall be determined by the division of lands and the Department of
14 Transportation [HIGHWAYS] if constructed outside local government
15 units which have zoning ordinances. If these roads are constructed
16 within the boundaries of local government units which have zoning
17 ordinances, the width shall conform to subdivision control ordinances
18 of the local government units. Contracts for the work shall be
19 awarded to the lowest responsible bidder qualified to contract with
20 the state.

21 * Sec. 31. AS 19.30.151(a) is amended to read:

22 (a) Upon application by a local government, local service roads
23 and trails constructed under the provisions of secs. 111--241 of this
24 chapter and located within the jurisdictional boundaries of a local
25 government, as defined in sec. 241(3) of this chapter, may be trans-
26 ferred to that local government upon approval by the Department of
27 Transportation [HIGHWAYS] and after a vote of the people in the area.
28 A local government which has assumed road powers before May 20, 1971
29 may not be required to hold an election as provided by this section.

1 * Sec. 32. AS 19.40.020(c) is amended to read:

2 (c) The contract with the participants shall include such addi-
3 tional terms and conditions as appear to be in the best interests of
4 the state. Any advance payments made under such a contract shall be
5 deposited in a special account which will be used for disbursements to
6 the contractor charged with construction of the highway. Disbursements
7 to the contractor shall be made on order of the commissioner of trans-
8 portation [HIGHWAYS] on presentation of a proper voucher or the presen-
9 tation of a voucher by an employee of the department authorized in
10 writing to certify as to such payment.

11 * Sec. 33. AS 19.40.060(2) is amended to read:

12 (2) certification by the commissioner of the Department of
13 Transportation [HIGHWAYS] that the road design and construction methods
14 will cause minimal landscape defacement or environmental degradation
15 by erosion or waste disposal;

16 * Sec. 34. AS 19.40.080(1) is amended to read:

17 (1) "department" means the Department of Transportation
18 [HIGHWAYS];

19 * Sec. 35. AS 19.60.010 is repealed and re-enacted to read:

20 CHAPTER 60. STATE FERRY SYSTEM.

21 Sec. 19.60.010. CONSTRUCTION AND OPERATION OF STATE FERRY SYSTEM.

22 (a) The department is responsible for the planning, management,
23 operation, and maintenance of state ferries and ferry terminals and
24 facilities.

25 * Sec. 36. AS 19.60 is amended by adding a new section to read:

26 Sec. 19.60.015. DUTIES OF DEPARTMENT OF PUBLIC WORKS. The
27 Department of Public Works, shall design and construct ferries and
28 ferry terminals and facilities planned and programmed for by the
29 Department of Transportation. It shall perform a life-cycle cost

1 analysis for each proposed ferry or ferry terminal facility planned by
2 the Department of Transportation, consistent with the provisions of AS
3 35.10.160, 35.10.180, 35.10.190 and with regulations adopted by the
4 Department of Transportation.

5 * Sec. 37. AS 19.60.030 is amended to read:

6 Sec. 19.60.030. REGULATIONS. The department may adopt [RULES
7 AND] regulations governing the use of ferry terminal facilities by the
8 public which it considers necessary and proper in the public interest.

9 * Sec. 38. AS 19.60.070(1) is amended to read:

10 (1) "department" means the Department of Transportation
11 [PUBLIC WORKS];

12 * Sec. 39. AS 28.01.010(d) is amended to read:

13 (d) A municipality shall erect necessary official traffic control
14 devices on streets and highways within its jurisdiction which as far
15 as practicable conform to the current edition of the Alaska Traffic
16 Manual prepared by the Department of Transportation [HIGHWAYS].

17 * Sec. 40. AS 28.05.010 is amended to read:

18 Sec. 28.05.010. POWERS AND DUTIES OF COMMISSIONER OF TRANSPORTA-
19 TION [HIGHWAYS]. The commissioner of transportation [HIGHWAYS] has
20 the following powers and duties:

21 (1) to adopt and designate a uniform standard for the
22 manufacture, display, erection, and location of all signs, signals,
23 signboards, guideposts, and other traffic devices necessary to the
24 safe and orderly guidance of traffic;

25 (2) to erect and maintain upon the public highways such
26 signs and other devices he considers necessary;

27 (3) to designate main-traveled roads and highways as arterial
28 highways as appears to him necessary;

29 (4) to order a public road or highway, or portion of it,

1 closed entirely or closed as to certain classes of vehicles when for
2 any reason the use or continued use of it would cause damage or be
3 dangerous to traffic, or when it is being constructed, altered, repaired,
4 or maintained in such a manner as to require restriction of traffic;
5 whenever practicable, reasonable notice of an order closing or restrict-
6 ing a road or highway shall be given to the traveling public before
7 the order becomes effective.

8 * Sec. 41. AS 28.05.020 is amended to read:

9 Sec. 28.05.020. AUTHORITY OF COMMISSIONER OF TRANSPORTATION
10 [HIGHWAYS] TO ADOPT REGULATIONS. The commissioner of transportation
11 [HIGHWAYS] may adopt [RULES AND] regulations

12 (1) preventing the restriction, obstruction, or stoppage of
13 normal traffic upon any road or highway;

14 (2) prohibiting a person from committing a wilful or careless
15 act causing injury or damage to a road, highway, trail, or bridge;

16 (3) governing the size, weight, and load limits of all
17 vehicles operating upon public roads, highways, or bridges, including
18 the issuance or withholding of special permits for excessive sizes,
19 weights, and loads; limiting or prescribing conditions of operation of
20 vehicles when necessary to assure against undue damage to the road
21 foundations, surfaces, or structures; and prescribing fees for special
22 permits.

23 * Sec. 42. AS 28.05.025 is amended to read:

24 Sec. 28.05.025. AUTHORITY OF THE DEPARTMENT OF PUBLIC SAFETY
25 [COMMERCE] TO ADOPT REGULATIONS. The Department of Public Safety
26 [COMMERCE] is responsible for the operation of motor vehicle weighing
27 stations, and the enforcement of highway weight and load limitations.
28 The department shall adopt [RULES AND] regulations necessary for the
29 operation of motor vehicle weighing stations, and regulations necessary

1 to enforce weight and load limitations on state highways.

2 * Sec. 43. AS 28.05.050 is amended to read:

3 Sec. 28.05.050. DEPARTMENT OF PUBLIC SAFETY TO PUBLISH REGULATIONS
4 AND LAWS RELATING TO VEHICLES. The Department of Public Safety shall
5 publish in pamphlet form the [RULES AND] regulations adopted under
6 authority of secs. 10--50 of this chapter, traffic laws governing the
7 operation of motor vehicles, driver's licensing and motor vehicle
8 licensing and dealer laws, and accident reporting and safety responsi-
9 bility statutes. These [RULES,] regulations[,] and laws shall be
10 distributed free of charge to the motoring public through officers or
11 agencies designated for the purpose. The cost of producing the pamphlet
12 shall be jointly shared by the Department of Transportation [HIGHWAYS]
13 and the Department of Public Safety.

14 * Sec. 44. AS 30.05.010 is amended to read:

15 Sec. 30.05.010. SUBSIDIES TO FREIGHT CARRIERS. The Department
16 of Transportation [PUBLIC WORKS] may pay a sum of money not to exceed
17 \$30,000 a year to the owner or charterer of a vessel of American
18 registry who operates the vessel as a common carrier of freight and
19 mail to and from points the Department of Transportation [PUBLIC
20 WORKS] designates.

21 * Sec. 45. AS 30.05.020 is amended to read:

22 Sec. 30.05.020. PAYMENT OF SUBSIDIES. The subsidy shall be paid
23 in the installments the Department of Transportation [PUBLIC WORKS]
24 thinks proper, after proof is submitted that the conditions of the
25 contract or subsidy are fulfilled up to the time of payment. The
26 inability to touch at a point along the route designated by the Depart-
27 ment of Transportation [PUBLIC WORKS] due to a lack of proper docking
28 or harbor facilities or to stress of weather does not prevent the
29 owner or charterer from receiving the money otherwise earned, and is

1 not a cause for reducing the amount of the subsidy. If the subsidized
2 vessel is lost, wrecked, or damaged, the Department of Transportation
3 [PUBLIC WORKS] may permit the contractor to carry out the service
4 temporarily with another vessel or ship of American registry that
5 meets with its approval.

6 * Sec. 46. AS 30.05.030 is amended to read:

7 Sec. 30.05.030. TARIFF OF RATES. The owner or charterer of the
8 vessel awarded the subsidy must adopt and publish a tariff of freight
9 rates to be approved by the Department of Transportation [PUBLIC
10 WORKS]. The tariff must be reasonable, and it is unlawful for the
11 operator of the vessel to charge more than provided for in the tariff.
12 The tariff must be published before services are performed under the
13 subsidy.

14 * Sec. 47. AS 30.05.040 is amended to read:

15 Sec. 30.05.040. REPORT BY OWNER OR CHARTERER. It is a condition
16 in awarding of the subsidy that the contractor agrees to make a report
17 under oath, in form and manner designated by the Department of Trans-
18 portation [PUBLIC WORKS] at the end of each year, giving the following
19 information:

- 20 (1) tariff sheet of freight rates for the route covered;
21 (2) total tonnage carried;
22 (3) gross earning from freight and mail service rendered,
23 segregating the two amounts;
24 (4) a statement in detail of all expenses incurred and on
25 what account, the names and addresses of all persons employed, and the
26 gross earnings and gross expense of the route covered.

27 * Sec. 48. AS 30.07.020 is amended to read:

28 Sec. 30.07.020. REGULATIONS. The Department of Transportation
29 [COMMERCE] may adopt [PROMULGATE] regulations, not in conflict with

1 federal law or regulations, which establish standards for marine
2 communications in the state.

3 * Sec. 49. AS 30.15.010 is amended to read:

4 Sec. 30.15.010. STATE GRANTS FOR PORT FACILITIES CONSTRUCTION.
5 To the extent funds are appropriated by the legislature, or from the
6 proceeds from the sale of bonds, the state may make grants to munici-
7 palities to finance a portion of the cost of constructing local,
8 regional or state port facilities. The state shall participate only
9 in those projects approved by the governor on recommendation of the
10 commissioner of transportation and the commissioner of public works.

11 * Sec. 50. AS 39.25.120 is amended by adding a new paragraph to read:

12 (9) regional transportation directors of the Department of
13 Transportation.

14 * Sec. 51. AS 41.20.050 is amended to read:

15 Sec. 41.20.050. SELECTION OF SITES. The Department of Transpor-
16 tation [PUBLIC WORKS] and the Department of Natural Resources, jointly,
17 shall select sites of ten acres or less for their historic or scenic
18 value, or for recreation beaches along waterways, roadside rests for
19 travelers resting, camping, or parking, and determine what facilities
20 are necessary or desirable at these sites. Selection of the sites for
21 roadside rests and recreation beaches shall be based upon the flow of
22 traffic and distances to and between facilities otherwise provided.
23 Insofar as possible, sites shall be located on, or adjacent to, highway
24 rights-of-way and small boat waterways. The Department of Natural
25 Resources may acquire the sites jointly selected by grant, gift, pur-
26 chase, lease, dedication or prescription and hold them in the name of
27 the state.

28 * Sec. 52. AS 41.20.060 is amended to read:

29 Sec. 41.20.060. CONSTRUCTION AND MAINTENANCE OF FACILITIES. The

1 Department of Public Works may construct and the Department of Natural
2 Resources may maintain facilities at scenic sites, recreation beaches
3 or roadside rests as are determined to be necessary and desirable.
4 Facilities may include, but are not limited to, access roads, camp
5 facilities, including picnic tables, fire places, and toilets, camping
6 areas or other facilities that are considered necessary and desirable
7 for the convenience and benefit of travelers and small boat operators.

8 * Sec. 53. AS 41.20.080 is amended to read:

9 Sec. 41.20.080. SELECTION. The Department of Natural Resources,
10 in consultation with the Departments of Fish and Game and Transportation
11 [PUBLIC WORKS], shall designate a system of wilderness trails and
12 campsites throughout the state. Significant in the selection shall be
13 the scenic, historic, natural, or cultural qualities of the areas
14 through which the trails may pass. The Department of Natural Resources
15 may acquire the trail sites jointly selected by grant, gift, purchase,
16 lease, dedication or prescription and hold them in the name of the
17 state.

18 * Sec. 54. AS 41.20.110(a) is amended to read:

19 (a) The Department of Public Works may construct and the Depart-
20 ment of Natural Resources may maintain campsites throughout the wilderness
21 trails system. Campsites may include any type of shelter or camp
22 facility considered necessary and desirable for the benefit and
23 convenience of travelers.

24 * Sec. 55. AS 44.15.010(15) is amended to read:

25 (15) Department of Transportation [HIGHWAYS].

26 * Sec. 56. AS 44.19.360 is amended to read:

27 Sec. 44.19.360. COMPOSITION. The State Geographic Board consists
28 of the commissioner [DIRECTOR] of the Department of Community and
29 Regional Affairs, the curator of the state museum, the state historical

1 librarian, the commissioner of the Department of Transportation [HIGH-
2 WAYS], the commissioner of the Department of Natural Resources, the
3 commissioner of the Department of Education, the director of the divi-
4 sion of lands, and one other person appointed by the governor.

5 * Sec. 57. AS 44.19.820(3) is amended to read:

6 (3) the commissioner of transportation [HIGHWAYS] or his
7 representative;

8 * Sec. 58. AS 44.21.020 is amended by adding a new paragraph to read:

9 (12) maintain and operate state buildings.

10 * Sec. 59. AS 44.43.020 is repealed and re-enacted to read:

11 Sec. 44.43.020. GENERAL POWERS AND DUTIES OF DEPARTMENT. The
12 Department of Public Works shall design and construct all state build-
13 ings, highways, ferries, airports, ports, harbors, railroads, pipelines,
14 and similar facilities.

15 * Sec. 60. AS 44.57.010(a) is amended to read:

16 (a) There is created the Alaska Toll Bridge Authority composed
17 of the governor, the commissioner of the Department of Transportation
18 [HIGHWAYS], the commissioner of the Department of Administration, the
19 commissioner of the Department of Public Works, and the commissioner
20 of the Department of Revenue. The Alaska Toll Bridge Authority is a
21 public corporation of the state. The authority is an instrumentality
22 of the state within the Department of Transportation [HIGHWAYS], but
23 has a legal existence independent of and separate from the state. If
24 the office of a commissioner is discontinued or abolished by law, the
25 governor shall appoint any person or officer of the state to fill the
26 vacancy resulting from the abolition or discontinuance of the office.

27 * Sec. 62. AS 44.57.140 is amended to read:

28 Sec. 44.57.140. CONSTRUCTION OF TOLL BRIDGES. Whenever in the
29 judgment of the Department of Transportation [HIGHWAYS] it is considered

1 in the best interest of the public highways of the state that a new
2 toll bridge or bridges be constructed upon a public highway and across
3 a stream, body of water, gulch, navigable water, swamp or other topo-
4 graphical formation and operated by the state, the Department of
5 Transportation [HIGHWAYS] shall submit its recommendation to that
6 effect to the Alaska Toll Bridge Authority together with preliminary
7 estimates of the cost of construction and an estimate of the amount
8 necessary to be raised for that purpose by the issuance of revenue
9 bonds, and a statement of the probable amount of money, property,
10 materials or labor to be contributed from other sources in aid of the
11 construction. If the Alaska Toll Bridge Authority concurs in the
12 recommendation of the Department of Transportation [HIGHWAYS] or on
13 its own motion determines to construct a toll bridge or toll bridges,
14 the Alaska Toll Bridge Authority shall adopt a resolution declaring
15 that public interest and necessity require the construction of the
16 toll bridge or bridges, and may thereafter issue bonds therefor as
17 provided herein.

18 * Sec. 62. AS 44.57.150 is amended to read:

19 Sec. 44.57.150. AUTHORITY TO ACQUIRE RIGHT OF WAY IN CONSTRUCTING
20 A TOLL BRIDGE. Whenever the Alaska Toll Bridge Authority authorizes
21 the construction of a toll bridge, the Department of Transportation
22 [HIGHWAYS] is empowered to secure right of way therefor and for
23 approaches thereto by gift or purchase, or by condemnation in the
24 manner provided by law for the taking of private property for public
25 highway purposes.

26 * Sec. 63. AS 44.57.170(b) is amended to read:

27 (b) When it becomes necessary for the Department of Transportation
28 [HIGHWAYS] to condemn real estate to be used in connection with a toll
29 bridge, the attorney general of the state shall represent the depart-

1 ment. In eminent domain proceedings to acquire property for any of
2 the purposes of this chapter, a toll bridge, real property, personal
3 property, franchises, rights, easements or other property or privileges
4 appurtenant thereto appropriated or dedicated to a public use or
5 purpose by a person, firm, private, public or municipal corporation,
6 borough, city, district or political subdivision of the state, may be
7 condemned and taken, and the acquisition and use as herein provided
8 for the same public use or purpose to which the property has been so
9 appropriated, dedicated, or for any other public use or purpose, shall
10 be considered a superior and permanent right and necessity, and a more
11 necessary use and purpose than the public use or purpose to which the
12 property has already been appropriated or dedicated. It is not
13 necessary in an eminent domain proceeding under this chapter to plead
14 or prove any acts or proceedings preliminary or prior to the adoption
15 of the resolution hereinbefore referred to describing the property
16 sought to be taken and directing the proceedings.

17 * Sec. 64. AS 44.65.050(c) is amended to read:

18 (c) The Department of Natural Resources and the Department of
19 Transportation [PUBLIC WORKS] may enter into agreements under this
20 chapter for the acquisition of rights of way, construction, reconstruc-
21 tion, maintenance, repair or alteration of access roads serving public
22 airports.

23 * Sec. 65. The commissioner of transportation shall replace the commis-
24 sioner of highways on all boards and commissions not expressly dealt with
25 in this Act.

26 * Sec. 66. All litigation, hearings, investigations and other proceedings
27 pending under a law amended or repealed by this Act, or in connection with
28 functions transferred by this Act, continue in effect and may be continued
29 and completed notwithstanding a transfer or amendment or repeal provided

1 for in this Act. Certificates, orders, and regulations issued or adopted
2 under authority of a law amended or repealed by this Act remain in effect
3 for the term issued, until revoked, vacated, or otherwise modified under
4 the provisions of this Act. All contracts, rights, liabilities, and obliga-
5 tions created by or under a law amended or repealed by this Act, and in
6 effect on the effective date of this Act, remain in effect notwithstanding
7 the enactment of this Act. Records, equipment, and other property of
8 agencies of the state whose functions are transferred under this Act shall
9 be transferred commensurate with the provisions of this Act.

10 * Sec. 67. All other references to the Department of Highways and to
11 the commissioner of highways in the Alaska Statutes not expressly amended
12 by or referred to in this Act shall be read as the Department of Transporta-
13 tion and the commissioner of transportation, respectively, in order to
14 implement this Act. The revisor of statutes shall prepare instructions for
15 the publisher of the Alaska Statutes so that the transfers of and changes
16 in functions made by this Act are reflected throughout the text of the
17 Alaska Statutes.

18 * Sec. 68. During Fiscal Year 1977, all appropriation items made for
19 that fiscal year and prior years for the Department of Highways and the
20 Department of Public Works may, upon approval of the governor, be appro-
21 priately transferred to implement the purposes of this Act.

22 * Sec. 69. AS 35.10.200(3); AS 44.19.700 -- 44.19.714; AS 44.33.020(9);
23 and AS 44.44 are repealed.

24 * Sec. 70. This Act takes effect July 1, 1976.
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