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1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 528 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to transportation services and plan-
7 ning; and providing for an effective date."

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

9 * Section 1. AS 19 is amended by adding a new chapter to read:

10 CHAPTER 65. ALASKA MARINE HIGHWAY REVIEW COMMITTEE.

11 Sec. 19.65.010. DECLARATION OF POLICY. The state ferry system,
12 operated by the division of marine transportation in the Department of
13 Public Works, its management, officers, crews, vessels, terminals,
14 routes and other facilities and services is a moving highway commonly
15 known as the Alaska Marine Highway. It is a substitute for a network of
16 roads and highways along and through the maritime areas of the state
17 where geography makes the construction and maintenance of a traditional
18 highway system economically unfeasible, environmentally unsound, and
19 impractical from an engineering standpoint. It is the purpose of this
20 chapter to provide users of the state ferry system and the taxpayers of
21 the state with a ferry service operated and managed as a public service
22 for their benefit under a fair and reasonable tariff schedule, and to
23 ensure that marine transportation services will be rendered equitably,
24 economically and efficiently to all users. It is also the purpose of
25 this chapter to make certain that the state ferry system is properly
26 developed and improved, in coordination with other transportation modes
27 and services, to assure the traveling public complete and dependable
28 marine transportation services, and that the state ferry system is
29 operated in the public interest.

1 Sec. 19.65.020. REVIEW COMMITTEE CREATED, MEMBERSHIP. (a) There
2 is created in the Department of Public Works, division of marine trans-
3 portation, the Alaska Marine Highway Review Committee consisting of
4 members of the traveling public in Alaska, residents of the coastal
5 communities served, commercial users of the state ferry system, and
6 representatives of the tourism industry in the state.

7 (b) The committee consists of

8 (1) five persons appointed by the governor and confirmed by a
9 majority of the members of the legislature in joint session; one of the
10 appointees shall be a resident of a community not served by the state
11 ferry system;

12 (2) two members of the legislature, one each from the house
13 and senate appointed by the governor from a list of nominees provided by
14 the president of the senate and the speaker of the house of represen-
15 tatives; the legislative members may not be members of the same poli-
16 tical party.

17 (c) The commissioner of public works, the director of the division
18 of marine transportation, and the director of the division of tourism in
19 the Department of Commerce and Economic Development, or their designees,
20 shall be ex officio members of the committee, but may not vote on
21 matters before the committee.

22 Sec. 19.65.030. TERM OF OFFICE; VACANCIES. (a) The members of
23 the committee except legislative members shall serve four-year staggered
24 terms, or until their successors are appointed and qualify. One initial
25 gubernatorial appointee shall serve for one year, one for two years, two
26 for three years, and one for four years.

27 (b) Legislative members shall serve two-year terms ending on the
28 convening of the legislature on each odd year.

29 (c) Vacancies shall be filled in the same manner as original

1 appointment.

2 Sec. 19.65.040. OFFICERS. The chairman and vice-chairman of the
3 committee shall be elected by the members of the committee.

4 Sec. 19.65.050. MEETINGS; RULES OF PROCEDURE. (a) The committee
5 shall prescribe its own rules of procedure. The committee shall meet at
6 least once quarterly at a time and place determined by the chairman, or
7 at other times and places as the chairman or a majority of the members
8 of the committee consider necessary. A quorum is a majority of the
9 committee members. The votes of the committee members shall be re-
10 corded, and effective action requires the affirmative vote of a majority
11 of the committee members present. No committee member may vote for or
12 on behalf of another member of the committee.

13 (b) The committee shall meet either in the communities served by
14 the state ferry system, aboard the vessels of the state ferry system, or
15 at other places in the state to enable it to serve as an effective
16 communications link between the public and the division of marine trans-
17 portation, and affording the public an opportunity to express its views
18 concerning the planning, operation, management and expansion of state
19 ferry services.

20 Sec. 19.65.060. FUNCTIONS OF THE COMMITTEE. The committee shall
21 review and make recommendations

22 (1) concerning the program budget for the operation of the
23 division for each fiscal year before it is submitted to the department
24 or to the governor under the Executive Budget Act (AS 37.07);

25 (2) concerning the schedule of tariffs and other charges for
26 services provided by the division;

27 (3) relating to the policies, operation, and management of
28 the state ferry system, including but not limited to

29 (A) planning for, and review of, the routes, vessel

1 schedules, types of services and facilities the division should
2 provide to meet the needs of the traveling or using public;

3 (B) the level of staffing and funding for these pro-
4 grams, activities, services or facilities;

5 (C) the relationship of state ferry services to other
6 transportation services provided by the state or the publicly
7 regulated private sector of the transportation industry;

8 (4) concerning capital improvement projects and the means of
9 managing and financing them, including both vessels and shore facili-
10 ties, and their relationship to other transportation services and
11 facilities; and

12 (5) concerning the naming of ferry vessels.

13 Sec. 19.65.070. TARIFF SCHEDULE; NOTICE AND PUBLIC HEARING. (a)
14 After public notice, hearing, and receipt of the recommendations of the
15 committee and the director of the division of marine transportation, the
16 commissioner of public works shall establish a tariff schedule and
17 charges for other services rendered by the state ferry system. For the
18 purpose of fixing the tariff schedule, vehicular and passenger traffic
19 may be classified in an appropriate, reasonable manner. The tariff
20 schedule and other charges shall be just and reasonable and may not be
21 unduly or improperly discriminatory or preferential.

22 (b) No change may be made by the department in the tariff schedule,
23 or in the classification of traffic for this purpose, or in the charges
24 for other services rendered by the state ferry system except after
25 notice to the public and public hearing. Public hearings concerning the
26 changes shall be conducted by the committee in all or a representative
27 number of the communities served by the state ferry system, and else-
28 where in the state, at times and at places convenient to the public, in
29 the manner the committee considers appropriate.

1 (c) The committee shall make its findings and recommendations
2 public and shall present them to the director and to the commissioner.

3 Sec. 19.65.080. REGULATIONS. Subject to the Administrative Pro-
4 cedure Act (AS 44.62), the department may promulgate regulations to
5 carry out the provisions of this chapter.

6 Sec. 19.65.090. ANNUAL REPORT. The committee shall make an annual
7 report to the governor, commissioner, director and to the legislature
8 and the public concerning its activities, findings and recommendations.
9 The report shall be submitted not later than the convening of each
10 regular session of the legislature.

11 Sec. 19.65.100. COMPENSATION. Members of the committee serve
12 without compensation but are entitled to per diem and travel expenses as
13 may be authorized by law for boards and commissions.

14 Sec. 19.65.110. CONFLICT OF INTEREST REPORTS. Members of the
15 committee are subject to AS 39.50 (conflict of interest).

16 Sec. 19.65.120. DEFINITIONS. In this chapter

17 (1) "review committee" or "committee" means the Alaska Marine
18 Highway Review Committee created under sec. 20 of this chapter;

19 (2) "commissioner" means the commissioner of public works;

20 (3) "department" means the Department of Public Works;

21 (4) "director" means the director of the division of marine
22 transportation;

23 (5) "division" means the division of marine transportation;

24 (6) "tariff" means a schedule of fares, rates, fees or other
25 charges for the movement of vehicular and passenger traffic over the
26 terminals and aboard the vessels between all ports served, and for all
27 other services rendered or provided by the state ferry system.

28 * Sec. 2. AS 39.50.200(9) is amended by adding a new subparagraph to
29 read:

1 (LL) Alaska Marine Highway Review Committee (AS 19.65.010)

2 * Sec. 3. AS 19 is amended by adding a new chapter to read:

3 CHAPTER 50. TRANSPORTATION PLANNING.

4 Sec. 19.50.010. FINDINGS AND PURPOSE. The legislature finds that
5 the diverse transportation needs of the state would best be served by
6 the development of an integrated intermodal state transportation plan.
7 The purpose of this plan is to coordinate and interrelate all state
8 transportation needs, modes, and systems, relying on analysis of the
9 relative advantages of different modes and systems and considering their
10 social, economic, and environmental consequences.

11 Sec. 19.50.020. STATE TRANSPORTATION PLAN. (a) The commissioner
12 shall develop a comprehensive, intermodal, long-range transportation
13 plan for the state. In developing and revising the state plan, he shall
14 consider means and costs of improving existing modes and facilities,
15 state and federal subsidies, and the costs and benefits of new trans-
16 portation modes and facilities. The plan shall be submitted to the
17 governor for his review and approval and submitted by the governor to
18 the legislature.

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

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

26 (2) request from an agency or other unit of the state govern-
27 ment or of a political subdivision of it, or from a public authority,
28 the assistance and data that may be necessary to enable the commissioner
29 to carry out his responsibilities under this section; every such entity

1 shall provide the assistance and data requested.

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

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

15 Sec. 19.50.030. PUBLIC HEARINGS AND SURVEYS. (a) When a major
16 new state transportation facility or a significant extension or altera-
17 tion of an existing system or facility is proposed, the department shall
18 give notice of the proposal and of the opportunity to request a public
19 hearing to the governing body of an affected municipality and residents
20 of each affected community. The purpose of this notice is to provide
21 information to the governing body and those residents and provide an
22 opportunity for informed public review of a proposal from the earliest
23 time practicable.

24 (b) Before a final decision is made regarding a proposal, the
25 department shall give a second notice and opportunity for public hear-
26 ing.

27 (c) A notice given under this section shall describe the project,
28 invite written comments regarding the proposal, inform that all current
29 and relevant information regarding the proposal will be made available

1 in at least one designated location within the affected community, and
2 inform that basic information regarding the proposal will be provided
3 upon the request of any person. The notice shall also inform that a
4 public hearing will be held upon the written request of the governing
5 body of an affected municipality or of at least 20 interested residents
6 of an affected community.

7 (d) If the governing body of an affected municipality requests a
8 hearing, the hearing shall be conducted by and may take place before
9 that governing body. Otherwise the public hearing may be held by the
10 department at any convenient location. If a public hearing is held, the
11 deadline for written comment may be not earlier than 30 days after the
12 hearing.

13 (e) At a public hearing held under (a) of this section, the
14 department shall describe the proposal, identify the essential considera-
15 tions in favor of and against it, and receive comments and answer
16 questions from any interested person. In addition, at a hearing, the
17 department shall present its recommendations, to the extent they have
18 been developed, regarding the proposal, its costs and benefits, its
19 environmental and social effects, and the alternatives which have been
20 considered, including the alternative of not constructing a facility.

21 (f) The department may use other means of enabling the residents
22 of each affected community to express opinions regarding the proposal.

23 (g) Within 90 days after a hearing, the department shall prepare
24 and mail to the governing body of an affected municipality and to each
25 person known to be interested a report which summarizes the oral testi-
26 mony and written comments received and the results of surveys and other
27 relevant data and which informs whether and to what extent the proposal
28 has been modified as a result of public comments, surveys and other
29 relevant data.

1 (h) This section does not apply to improvements or modifications
2 to existing facilities which do not significantly affect the environment
3 nor to actions and repairs which may be necessary to meet a disaster or
4 emergency which threatens human lives.

5 (i) For the purposes of this section

6 (1) "affected community" means a municipality or an unincor-
7 porated village of 25 or more persons which is directly served by an
8 existing facility, or where an existing facility is actually located or
9 in which a proposed facility would actually be located, or which would
10 be directly served by a proposed facility;

11 (2) "municipality" means a home rule or general law borough
12 or city, and includes a municipality unified under AS 29.68.

13 Sec. 19.50.040. GRANTS TO THE DEPARTMENT. The commissioner may
14 apply for and accept, on behalf of the state, grants from the federal
15 government or an agency of it, or from another state, a foundation, or
16 any person, for any of the functions or purposes of this chapter.

17 Sec. 19.50.050. LIMITATION ON TRANSPORTATION FACILITIES. (a) The
18 department shall consult with the appropriate officials of other depart-
19 ments regarding environmental risks and economic and social considera-
20 tions that may arise by reason of the location, design, construction, or
21 reconstruction of a transportation facility.

22 (b) No highway, transit line, highway interchange, airport or
23 other transportation corridor or facility may be built or expanded in
24 such a way as to use land from a recreation area, wildlife or waterfowl
25 refuge, historic site, forest land, wetland, game land, wilderness area,
26 public park, or a critical habitat area designated as such by federal,
27 state or local government unless

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

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

3 Sec. 19.50.060. REGULATIONS. The department may adopt regulations
4 under the Administrative Procedure Act (AS 44.62) to implement, inter-
5 pret, or make more specific its powers and duties under this chapter.

6 Sec. 19.50.070. DEFINITIONS. In this chapter, unless the context
7 requires otherwise,

8 (1) "commissioner" means the commissioner of highways;

9 (2) "department" means the Department of Highways;

10 (3) "transportation" or "transportation mode" includes, but
11 is not limited to, the following means of conveyance or travel, includ-
12 ing their related or auxiliary structures, facilities or services: air,
13 rail, water, highway, and pipeline; these terms

14 (A) include port facilities development projects under
15 AS 30.15;

16 (B) do not include small boat harbor projects under
17 AS 35.10.090 - 35.10.120.

18 * Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-
19 070(c).