

Introduced: 1/19/76
Referred: Commerce and
Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 548

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

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 AND DUTIES. The department shall

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

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

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

its environmental and social effects;

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

4 (5) study alternatives to existing modes of transportation
5 in 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 organi-
8 zations and persons in exercising its powers and duties;

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

13 (8) maintain and operate state transportation facilities,
14 including all state highways, marine transportation ships and facili-
15 ties, airports and aviation facilities;

16 (9) study alternative means of transportation in the state,
17 considering the economic, social and environmental impacts of each
18 alternative;

19 (10) coordinate and develop state and regional transportation
20 systems, considering deletions, additions and the absence of alterations
21 and

22 (11) develop facility program plans for transportation
23 facilities required to implement these duties including but not limited
24 to (A) first and life-cycle cost budgets; (B) functional performance
25 criteria; and (C) schedules for completion; these program plans shall
26 be reviewed by the Department of Public Works before commencement of
27 transportation facility project designs.

28 (b) The department may

29 (1) engage in experimental projects relating to available

1 or future modes of transportation, and any means of improving existing
2 transportation facilities and service;

3 (2) exercise the power of eminent domain.

4 Sec. 44.42.030. REGULATIONS. The department may adopt regula-
5 tions under the Administrative Procedure Act (AS 44.62) to implement,
6 interpret, or make more specific its powers and duties.

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

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. In de-
14 veloping and revising the state plan, he shall consider means and
15 costs of improving existing modes and facilities, state and federal
16 subsidies, and the costs and benefits of new transportation modes and
17 facilities.

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

20 (1) consult and cooperate with officials and representa-
21 tives of the federal government, other governments, interstate com-
22 missions and authorities, local agencies and authorities, interested
23 corporations and other organizations concerning problems affecting
24 transportation in the state; and

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

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

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

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

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

27 (d) At a public hearing the department shall describe the
28 proposal, identify the essential considerations in favor of it, and
29 receive comments and answer questions from any interested person. In

1 addition, at a hearing, to the extent they have been developed, the
2 department shall present its recommendations regarding the proposal,
3 its costs and benefits, its environmental and social effects, and the
4 alternatives which have been considered including the alternative of
5 not constructing a facility.

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

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

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

20 (h) For the purposes of this section,

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

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

28 Sec. 44.42.070. GRANTS TO THE DEPARTMENT. The commissioner may
29 apply for and accept, on behalf of the state, grants from the federal

1 government or an agency of it, or from another state, a foundation, or
2 any person, for any of the functions or purposes of the department,
3 and may spend the money received under this section for those functions
4 or purposes.

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

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

18 Sec. 44.42.090. DEFINITIONS. In this chapter, unless the
19 context requires otherwise

20 (1) "commissioner" means the commissioner of the Department
21 of Transportation;

22 (2) "department" means the Department of Transportation.

23 * Sec. 3. (a) The Department of Transportation is vested with the
24 duties and powers held by the Department of Public Works before the effective
25 date of this Act, relating to planning, management, maintenance, and
26 operation of transportation facilities, including state ferries, and
27 airports.

28 (b) The Department of Transportation is vested with the duties
29 and powers held by the Department of Highways before the effective date of

1 this Act, relating to planning, management, maintenance, and operation of
2 state transportation facilities including state highways, roads, bridges,
3 traffic signs and signals, the supervision and maintenance of state auto-
4 motive and mechanical equipment, the control of outdoor advertising visible
5 from state highways and all other duties and powers of the Department of
6 Highways not related to design and construction.

7 (c) The Department of Public Works is vested with the duties and
8 powers held by the Department of Highways before the effective date of this
9 Act, relating to design and construction of state highways, roads, bridges
10 and traffic signs and signals, and the acquisition of property for its
11 public works, including the right to use a declaration of taking in the
12 exercise of the power of eminent domain.

13 (d) The Department of Public Works shall design and construct,
14 or cause to be designed and constructed, only those transportation facilities
15 that have been planned and programmed for construction by the Department of
16 Transportation. It shall cooperate with that department in the hearing and
17 planning processes described in this Act. It shall turn over a transporta-
18 tion facility to the Department of Transportation for management, operation
19 and maintenance when construction of the facility is substantially completed,
20 but shall continue to administer construction contracts during guaranty or
21 warranty periods.

22 (e) The Department of Transportation and the Department of
23 Public Works shall coordinate the planning, design and construction of
24 transportation facilities in accordance with the provision of AS 35.10.160,
25 35.10.180 and 35.10.190, and shall consult with other agencies which will
26 be affected by a proposed transportation facility. The Department of Public
27 Works shall provide a life-cycle cost analysis for each proposed facility.
28 Before requesting the Department of Public Works to begin design of a
29 transportation facility, the Department of Transportation must obtain the

1 approval of the Division of Policy Development and Planning for that proposed
2 facility, and shall submit evidence of that approval to the Department of
3 Public Works.

4 * Sec. 4. The commissioner of transportation shall replace the com-
5 missioner of highways on the State Geographic Board, the Alaska Toll
6 Bridge Authority, the Alaska Safety Council and all other boards and
7 commissions.

8 * Sec. 5. The Department of Transportation is vested with the duties
9 and powers held by the Department of Commerce before the effective date of
10 this Act, relating to motor vehicle weighing stations and the enforcement
11 of weight and load limitations on state highways.

12 * Sec. 6. The Alaska revisor of statutes shall prepare instructions for
13 the publisher of the Alaska Statutes so that the transfers of and changes
14 in functions made by this Act are reflected throughout the Alaska Statutes.

15 * Sec. 7. AS 44.19.700--44.19.714 and AS 44.44 are repealed.

16 * Sec. 8. This Act takes effect July 1, 1976.
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