

1 IN THE HOUSE

BY MILLER

2 HOUSE BILL NO. 3

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH 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."

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 crea-
11 tion of a single department for the planning, study, construction and opera-
12 tion of integrated, intermodal transportation systems. The purpose of this
13 department is to evaluate, plan, design, construct, 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. The department may

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

25 (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;

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

12 (8) exercise the power of eminent domain; and

13 (9) adopt regulations under the Administrative Procedure Act
14 (AS 44.62) to implement, interpret, or make more specific its powers and
15 duties.

16 Sec. 44.42.030. DUTIES. The department shall

17 (1) plan, construct, maintain and operate state transportation
18 facilities, including all state highways, marine transportation ships
19 and facilities, docks, breakwaters, airports and aviation facilities
20 except design and construction of buildings which is the responsibility
21 of the Department of Public Works;

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

25 (3) coordinate and develop state and regional transportation
26 systems, considering deletions, additions and the absence of alterations
27 and

28 (4) develop facility program plans for transportation facili-
29 ties required to implement these duties including but not limited to (A)

1 first and life cycle cost budgets; (B) functional performance criteria;
2 and (C) schedules for completion.

3 Sec. 44.42.040. DEPARTMENTAL ORGANIZATION. The commissioner may,
4 with the approval of the governor, organize the department into those
5 divisions that can most efficiently perform the functions of the depart-
6 ment.

7 Sec. 44.42.050. STATE TRANSPORTATION PLAN. (a) The commissioner
8 shall develop and keep current by periodic revision, at intervals not
9 less frequent than five years, a comprehensive intermodal long-range
10 transportation plan for the state. The state plan shall consider means
11 and costs of improving existing modes and facilities, state subsidies,
12 and the costs and benefits of new transportation modes and facilities.

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

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

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

24 (c) The commissioner shall submit copies of proposed policies and
25 plans annually to the legislature within 10 days after the legislature
26 convenes. The legislature may approve, reject or modify the policies
27 and plans by concurrent resolution. If the legislature fails to act
28 during the legislative session, the policies and plans are approved.

29 (d) Copies of the plan, as revised, shall be kept on file as a

1 public document in the office of the commissioner and at each regional
2 or district office of the department.

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

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

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

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

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

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

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

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

19 (h) For purposes of this section,

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

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

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

1 Sec. 44.42.070. GRANTS TO THE DEPARTMENT. The commissioner may
2 apply for and accept, on behalf of the state, grants from the federal
3 government or an agency of it or from another state, a foundation,
4 corporation, association or individual, for any of the functions or
5 purposes of the department, and may expend the money received under this
6 section for those functions or purposes.

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

12 * Sec. 3. (a) The Department of Transportation is vested with the duties
13 and powers formerly held by the Department of Public Works relating to
14 planning, construction, maintenance and operation of transportation facili-
15 ties, including state ferries, airports and water and harbor facilities
16 except for design and construction of buildings and appurtenant structures.

17 (b) The Department of Transportation is vested with the duties and
18 powers formerly held by the Department of Highways relating to planning,
19 construction, maintenance and operation of state transportation facilities
20 including state highways, roads, bridges, traffic signs and signals, the
21 supervision and maintenance of state automotive and mechanical equipment, the
22 control of outdoor advertising visible from state highways and all other
23 duties and powers of the Department of Highways.

24 * Sec. 4. The commissioner of transportation shall replace the commis-
25 sioner of highways on the State Geographic Board, the Alaska Toll Bridge
26 Authority, and all other boards and commissions.

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

28 * Sec. 6. This Act takes effect July 1, 1977.