

Introduced: 1/21/77  
Referred: State Affairs and  
Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 92

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

9 \* Section 1. AS 19.30.070 is amended to read:

10 Sec. 19.30.070. CONTRACTS FOR CONSTRUCTION OF ROADS. The  
11 director of the division of lands may contract with private persons  
12 for the construction of roads to and on state lands programmed for  
13 surface disposal which are not more than six miles from existing roads  
14 or highways. The location of each proposed road is subject to the  
15 approval of the commissioner of transportation and public facilities.

16 \* Sec. 2. AS 44.42.020(a)(10) is amended to read:

17 (10) develop facility program plans for transportation  
18 facilities required to implement the duties set out in this section  
19 including but not limited to (A) functional performance criteria;  
20 [AND] (B) schedules for completion; and (C) first and life cycle cost  
21 budgets for particular transportation facilities consistent with the  
22 provisions of AS 35.10.160, 35.10.180, and 35.10.190;

23 \* Sec. 3. AS 44.42 is amended by adding a new section to read:

24 Sec. 44.42.065. PUBLIC HEARINGS AND SURVEYS. (a) When a major  
25 new state transportation facility or a significant extension or altera-  
26 tion of an existing system or facility is proposed, the department  
27 shall give notice of the proposal and of the opportunity to request a  
28 public hearing to the governing body of an affected municipality and  
29 residents of each affected community. The purpose of this notice is

1 to provide information to the governing body and those residents and  
2 provide an opportunity for informed public review of a proposal from  
3 the earliest time practicable.

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

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

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

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

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

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

9 (h) Affected communities may exclude themselves, withdraw from,  
10 or reject the proposal providing that, within sixty days after the  
11 receipt of the documents described in (g) of this section, a majority  
12 of the affected communities which will be directly served by the  
13 proposal, vote to exclude themselves, withdraw from, or reject the  
14 proposed new transportation system or facility or the extension or  
15 alteration of an existing transportation facility by: a resolution,  
16 adopted by a majority of all the members of the governing body of each  
17 community, submitting the exclusion from, withdrawal from, or rejection  
18 of the proposal to the electorate of each affected community at the  
19 next general election, which is adopted by a majority of qualified  
20 voters voting on the question.

21 (i) This section does not apply to improvements or modifications  
22 of existing facilities which do not significantly affect the environment  
23 nor to actions and repairs which may be necessary to meet a disaster  
24 or emergency which threatens human lives as determined by the commis-  
25 sioner.

26 (j) For the purposes of this section,

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

1 or in which a proposed facility would actually be located, or which  
2 would be directly served by a proposed facility;

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

5 \* Sec. 4. AS 44.42.070 is amended to read:

6 Sec. 44.42.080. 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 publicly-owned land described below in this  
14 subsection, unless there is no feasible and prudent alternative to  
15 using that land, and the corridor or facility is planned and con-  
16 structed so as to minimize harm to the land: land designated by the  
17 federal, state, or local legislative bodies or administrative officials  
18 having jurisdiction over it, as a

19 (1) park;

20 (2) recreation area;

21 (3) wildlife or waterfowl refuge or sanctuary;

22 (4) historic site;

23 (5) wilderness area;

24 (6) critical habitat area; or

25 (7) wetland.

26 \* Sec. 5. This Act takes effect July 1, 1977.  
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