

Introduced: 1/11/82
Referred: Transportation and
Finance

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2 HOUSE BILL NO. 654

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Department of Transportation
7 and Public Facilities and establishing the Board of
8 Transportation and Public Facilities at the head of the
9 department; and providing for an effective date."

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

11 * Section 1. AS 44.42 is amended by adding new sections to read:

12 Sec. 44.42.011. BOARD OF TRANSPORTATION AND PUBLIC FACILITIES.

13 There is at the head of the Department of Transportation and Public
14 Facilities the Board of Transportation and Public Facilities.

15 Sec. 44.42.013. COMMISSIONER OF TRANSPORTATION AND PUBLIC FACIL-
16 ITIES. The commissioner of transportation and public facilities is the
17 principal executive officer of the department. The board shall appoint
18 the commissioner of transportation and public facilities subject to the
19 approval of the governor.

20 Sec. 44.42.015. COMPOSITION OF BOARD AND TERMS OF MEMBERS. (a)
21 The board consists of seven members. The members of the board shall be
22 appointed by the governor and are subject to confirmation by a majority
23 of the members of the legislature in joint session.

24 (b) One member of the board shall be appointed from each allocation
25 district described in AS 19.30.127. Two members of the board shall be
26 appointed from the state at large.

27 (c) Members appointed shall have the following qualifications:

28 (1) two members shall be experienced in highway construction;

29 (2) two members shall have an aeronautical background;

1 (3) one member shall have a maritime background;
2 (4) one member shall be an economist; and
3 (5) one member shall be a graduate of an accredited law
4 school.

5 (d) Members serve overlapping four-year terms. A member may not
6 serve more than two full terms on the board.

7 Sec. 44.42.021. POWERS AND DUTIES OF BOARD. (a) The board shall
8 recommend policies for adoption by the legislature that are designed to
9 assure the development and maintenance of a comprehensive and balanced
10 statewide transportation system that will meet the needs of the people
11 of the state for safe and efficient transportation services. The poli-
12 cies shall provide, when appropriate, for the use of integrated inter-
13 modal transportation systems to implement the social, economic, and
14 environmental policies, goals, and objectives of the people of the
15 state, and especially to conserve nonrenewable natural resources includ-
16 ing land and energy. In preparing these policies the board shall

17 (1) consider the transportation policies that are stated in
18 existing state laws and recommend changes in these laws that the board
19 considers desirable;

20 (2) inventory the policies, goals, and objectives of municipi-
21 pal governments of the state and define the role of the state and municipi-
22 pal governments in determining transportation policies, in transportation
23 planning, and in implementing the state transportation plan;

24 (3) propose a six-year transportation plan for the state and,
25 after notice and public hearings, submit the transportation plan and
26 estimates of the appropriation necessary to implement the plan as well
27 as annual revisions of the plan to the legislature by the 10th day of
28 each regular legislative session;

29 (4) integrate the state transportation plan with the needs of

1 the elderly and the handicapped and coordinate federal and state programs
2 directed at assisting municipalities to answer the needs of the elderly
3 and the handicapped.

4 (b) In conformity with the policies, goals, and objectives stated
5 in (a) of this section and the state transportation plan adopted by the
6 legislature, the board shall

7 (1) plan, design, construct, and maintain all state modes of
8 transportation and transportation facilities, communication facilities,
9 and all docks, floats, breakwaters, buildings, and similar facilities;

10 (2) study existing transportation modes and facilities and
11 communication facilities in the state to determine how they might be
12 improved or whether they should continue to be maintained;

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

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

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

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

23 (7) manage, operate, and maintain state transportation facili-
24 ties, communication facilities, and all docks, floats, breakwaters, and
25 buildings, including state highways, vessels, railroads, pipelines, air-
26 ports, and aviation facilities;

27 (8) study alternative means of transportation in the state,
28 considering the economic, social, and environmental impacts of each
29 alternative;

1 (9) coordinate and develop state and regional transportation
2 systems, considering deletions, additions, and the absence of altera-
3 tions;

4 (10) develop facility program plans for transportation and
5 communication facilities and state buildings, docks, and breakwaters
6 required to implement the duties set out in this section, including but
7 not limited to

8 (A) functional performance criteria; and

9 (B) schedules for completion;

10 (11) supervise and maintain all state automotive and mechani-
11 cal equipment, aircraft, and vessels, except aircraft and vessels used
12 by the Department of Fish and Game or the Department of Public Safety;

13 (12) supervise aeronautics and communications inside the
14 state, under AS 02.10;

15 (13) complete and maintain a current inventory of public
16 facilities, including a projection of the serviceability of the facili-
17 ties and projections of replacements and additions to facilities needed
18 to provide the level of services programmed by the various user agencies,
19 for municipalities with populations of less than 12,000, and for unincor-
20 porated communities, and perform those duties on a cooperative basis
21 with larger municipalities;

22 (14) adopt energy performance standards for public facilities
23 of the state that are constructed after July 1, 1980; the standards
24 shall be based on thermal and lighting energy standards established by
25 the American Society of Heating, Refrigeration and Air Conditioning
26 Engineers as adapted for application in high latitude, cold climate
27 environs;

28 (15) provide planning assistance, including but not limited to
29 energy audits and related technical services, to school districts and

1 regional educational attendance areas to develop and implement

2 (A) standards for the design, construction, and opera-
3 tion of rural educational facilities; and

4 (B) energy conservation measures for rural educational
5 facilities.

6 (c) The board may

7 (1) engage in experimental projects relating to available or
8 future modes of transportation and any means of improving existing
9 transportation facilities and service and communication;

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

12 (d) Under procedures adopted by it the board shall supervise the
13 execution by the commissioner of other statutory powers and responsi-
14 bilities granted to the commissioner by law.

15 * Sec. 2. AS 44.42.030 is amended to read:

16 Sec. 44.42.030. REGULATIONS. The board [DEPARTMENT] may adopt
17 regulations under the Administrative Procedure Act (AS 44.62) to imple-
18 ment, interpret, or make more specific its powers and duties.

19 * Sec. 3. AS 44.42.040 is amended to read:

20 Sec. 44.42.040. DEPARTMENTAL ORGANIZATION. The board [COMMIS-
21 SIONER] shall establish regions within the state. The functions of the
22 department within each region shall be performed, to the maximum extent
23 feasible, through a regional office. Each regional office shall be
24 directed by a regional transportation and public facilities director
25 appointed by the commissioner.

26 * Sec. 4. AS 44.42.050(a) is amended to read:

27 (a) The board [COMMISSIONER] shall develop annually a comprehen-
28 sive, intermodal, long-range transportation plan for the state. In
29 developing and revising the state plan, the board [COMMISSIONER] shall

1 consider means and costs of improving existing modes and facilities,
2 state and federal subsidies, and the costs and benefits of new transpor-
3 tation modes and facilities. The board [COMMISSIONER] shall also con-
4 sider the recommendation of the Alaska Transportation Planning Council.
5 The plan shall be submitted to the governor for his review and approval
6 and submitted by the governor to the legislature.

7 * Sec. 5. AS 44.42.050(b) is amended to read:

8 (b) In developing and revising the plan, the board [COMMISSIONER]
9 shall seek public review and evaluation by any reasonable means and may

10 (1) consult and cooperate with officials and representatives
11 of the federal government, other governments, interstate commissions and
12 authorities, local agencies and authorities, interested corporations and
13 other organizations concerning problems affecting transportation in the
14 state; and

15 (2) request from an agency or other unit of the state govern-
16 ment or of a political subdivision of it, or from a public authority,
17 the assistance and data that may be necessary to enable the board [COM-
18 MISSIONER] to carry out its [HIS] responsibilities under this section;
19 every such entity shall provide the assistance and data requested.

20 * Sec. 6. AS 44.42.050(d) is amended to read:

21 (d) The plan shall include a description of projects planned for
22 design and construction for the following two years. The description is
23 in addition to the long-range plan required by (a) of this section and
24 by AS 19.10.140. The description shall include an itemization of the
25 estimated cost for each project and the total cost of all projects. The
26 board [COMMISSIONER] shall propose and forward to the governor for his
27 review and approval and inclusion, as approved, in the capital budget a
28 construction program which includes the projects to be undertaken during
29 the following two years, including recommended project priorities. Funds

1 for transportation construction projects and necessary contingencies
2 shall be itemized as allocations within the bill for the General Appro-
3 priations Act.

4 * Sec. 7. AS 44.42.055(a) is amended to read:

5 (a) The board [COMMISSIONER] shall develop and annually revise a
6 statewide comprehensive facility procurement plan for public facilities
7 of the state and its municipalities.

8 * Sec. 8. AS 44.42.055(b) is amended to read:

9 (b) In developing and annually revising the facility procurement
10 plan, the board [COMMISSIONER] shall

11 (1) request and receive on an annual basis from all state
12 agencies a projection of the anticipated facility needs of the agency
13 for the next annual capital improvement program;

14 (2) consult with officials and representatives of municipali-
15 ties, the federal government, interested corporations and other organiza-
16 tions concerning public facility needs in the state;

17 (3) develop specific facility procurement plans for projects
18 in each of the following categories:

- 19 (A) sewage transmission and treatment systems;
20 (B) water transmission and treatment systems;
21 (C) electrical generation and distribution systems;
22 (D) health care and social services facilities;
23 (E) educational facilities;
24 (F) transportation facilities;
25 (G) public safety and justice facilities;
26 (H) recreational facilities;
27 (I) sanitation facilities; and
28 (J) cultural facilities;

29 (4) prepare recommendations to accommodate the various levels

1 of service identified by state agencies and other parties with respect
2 to the services described in (3) of this subsection, to include

3 (A) current and future facility needs;

4 (B) space standards and design guidelines for the appro-
5 priate facility types;

6 (C) maintenance and operations standards for the appro-
7 priate facility types;

8 (D) construction techniques and contracting methods;

9 (E) facility project budget requirements; and

10 (F) relative costs of identified alternatives (life
11 cycle cost analysis) including but not limited to the installation
12 and operation of energy systems which are not dependent on oil or
13 gas for water heating, space heating and cooling requirements, and
14 for the generation of electrical or mechanical power;

15 (5) identify common public facility needs among the various
16 user agencies; and

17 (6) submit its findings, plans and recommendations to the
18 governor and to the appropriate state agency to facilitate the develop-
19 ment of agency capital improvement budget requests.

20 * Sec. 9. AS 44.42.055(c) is amended to read:

21 (c) In the preparation and revision of the facility procurement
22 plan, the board [COMMISSIONER] may

23 (1) develop and adopt regulations for use in carrying out the
24 purpose of (b) of this section; regulations may not be adopted under
25 this section unless approval is received from appropriate program
26 agencies;

27 (2) make ~~recommendations~~ on the total capital improvement
28 program to affected state agencies, local governments, and other inter-
29 ested parties and organizations, and to the divisions of budget and

1 management and policy development and planning.

2 * Sec. 10. AS 44.42.060 is amended to read:

3 Sec. 44.42.060. GRANTS TO THE DEPARTMENT. The board [COMMIS-
4 SIONER] may apply for and accept, on behalf of the state, grants from
5 the federal government or an agency of it, or from another state, a
6 foundation, or any person, for any of the functions or purposes of the
7 department.

8 * Sec. 11. AS 44.42.900 is amended by adding a new paragraph to read:

9 (4) "board" means the Board of Transportation and Public
10 Facilities.

11 * Sec. 12. AS 35.15.080(a)(2) is amended to read:

12 (2) may provide by agreement for transfer to and assumption
13 by the municipality of the department's responsibilities relating to the
14 planning, design, and construction of a public works project, unless the
15 board [COMMISSIONER] determines that assumption of responsibilities by
16 the municipality is not practicable or not in the best interests of the
17 state.

18 * Sec. 13. AS 35.15.080(b) is amended to read:

19 (b) If the board [COMMISSIONER OF TRANSPORTATION AND PUBLIC FACILI-
20 TIES] determines that assumption of responsibilities by a municipality
21 under (a)(2) of this section is not practicable or not in the best
22 interests of the state, it [HE] shall notify the governing body of the
23 municipality of its [HIS] finding and specify reasons for it. If the
24 governing body requests reconsideration of the decision, the board
25 shall direct the commissioner to [HE SHALL] hold a hearing in the munici-
26 pality within 30 days following mailing of the request. Following the
27 hearing, the board [HE] may affirm, modify or reverse its [HIS] initial
28 decision and shall specify in writing the reasons.

29 * Sec. 14. AS 35.15.080(c) is amended to read:

1 (c) A municipality may request joint assumption of responsibilities
2 with the department relating to the planning, design and construction of
3 a public works project. A regional educational attendance area may
4 request joint assumption of responsibilities with the department relating
5 to the planning, design and construction of an educational facility. Two
6 or more municipalities or regional educational attendance areas may by
7 mutual agreement provide for cooperative assumption of responsibilities
8 relating to the planning and construction of a public works project. If
9 two or more municipalities or regional educational attendance areas
10 request assumption of responsibilities for a project and meet the stan-
11 dard of practicability set out in (a)(2) of this section, the board
12 [COMMISSIONER] shall determine which municipality or regional educational
13 attendance area is best able to direct planning, design, and construction
14 of the project and enter into an agreement with that municipality or
15 regional educational attendance area, or provide for joint or cooperative
16 administration, as the parties may agree or the board [COMMISSIONER] may
17 determine. Decisions of the board [COMMISSIONER] under this subsection
18 are final.

19 * Sec. 15. AS 35.15.080(f) is amended to read:

20 (f) To carry out the purpose of this section, the board [COMMIS-
21 SIONER OF TRANSPORTATION AND PUBLIC FACILITIES] shall adopt regulations
22 relating to the application for and the making and the conditions of
23 agreements and the local assumption of responsibilities for the planning,
24 design and construction of public works under this section. It [HE]
25 shall include in grant contracts terms and conditions requiring a
26 regional school board and its contractors to adhere to the provisions of
27 AS 36.05.010 with respect to the payment of wage rates on construction
28 projects, and AS 36.10.010 with respect to employment preference, and
29 may require different terms in agreements for different projects to meet

1 local conditions and unique requirements and to assure compliance with
2 the public facilities procurement policies developed by the department
3 under AS 35.10.160 - 35.10.200. If necessary, the board [COMMISSIONER]
4 may require as a condition of an agreement approval of the agreement by
5 the federal government. Regulations adopted, amended or repealed by the
6 department under this section which relate to educational facilities
7 shall be developed in conjunction with the Alaska Association of School
8 Boards and the Alaska Association of School Administrators and reviewed
9 by those associations before final action on the regulations is taken by
10 the department.

11 * Sec. 16. AS 35.20.050 is amended to read:

12 Sec. 35.20.050. AUTHORITY TO PURCHASE PROPERTY FOR THE PURPOSE OF
13 EXCHANGE. When the board [COMMISSIONER] formally declares that it is in
14 the best public interest of the state to do so, the department may
15 acquire by purchase or otherwise privately or publicly owned land or an
16 interest in it for the purpose of exchanging it for privately or publicly
17 owned land which the department is authorized by law to acquire.

18 * Sec. 17. AS 35.25.020 is amended by adding a new paragraph to read:

19 (7) "board" means the Board of Transportation and Public
20 Facilities established in AS 44.42.011.

21 * Sec. 18. AS 44.42.010 and 44.42.020 are repealed.

22 * Sec. 19. Members of the Board of Transportation and Public Facilities
23 shall be appointed for the following initial terms: two for four years, two
24 for three years, two for two years, and one for one year.

25 * Sec. 20. This Act takes effect July 1, 1982.
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