

Introduced: 2/26/81  
Referred: Transportation and  
Finance

1 IN THE SENATE

BY HOHMAN BY REQUEST

2 SENATE BILL NO. 219

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to surface transportation projects,  
7 exempting those projects from certain state permit  
8 requirements, amending and repealing laws relating to  
9 roads on state land, and authorizing construction of  
10 certain transportation projects; and providing for an  
11 effective date."

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

13 \* Section 1. AS 19.30.060 is amended to read:

14 Sec. 19.30.060. PURPOSE. It is the purpose of AS 19.30.060 -  
15 19.30.100 to provide access to state lands which are programmed for  
16 agricultural development or surface disposal [, AND TO PROVIDE ACCESS  
17 ROADS AT THE LOWEST POSSIBLE COST].

18 \* Sec. 2. AS 19.30.070 is amended to read:

19 Sec. 19.30.070. CONTRACTS FOR CONSTRUCTION OF ROADS. The commis-  
20 sioner of transportation and public facilities [DIRECTOR OF THE DIVI-  
21 SION OF LANDS] may contract with private persons for the construction  
22 of roads to and on state lands which will be available [PROGRAMMED] for  
23 agricultural development or surface disposal [WHICH ARE NOT MORE THAN  
24 SIX MILES FROM EXISTING ROADS OR HIGHWAYS].

25 \* Sec. 3. AS 19.30.080 is amended to read:

26 Sec. 19.30.080. CONSTRUCTION STANDARDS AND MAINTENANCE. Access  
27 roads constructed under AS 19.30.060 - 19.30.100 shall be of low stan-  
28 dard, not necessarily suitable for all weather use. [THE STATE IS NOT  
29 UNDER OBLIGATION TO MAINTAIN THESE ROADS.] Right-of-way width shall be

1 determined by [THE DIVISION OF LANDS AND] the Department of Transpor-  
2 tation and Public Facilities if constructed outside cities or boroughs  
3 [LOCAL GOVERNMENT UNITS] which have zoning ordinances. If these roads  
4 are constructed within the boundaries of cities and boroughs [LOCAL  
5 GOVERNMENT UNITS] which have zoning ordinances, the width shall conform  
6 to subdivision control ordinances of the city or borough [LOCAL GOVERN-  
7 MENT UNITS]. Contracts for the work shall be awarded to the lowest  
8 responsible bidder qualified to contract with the state.

9 \* Sec. 4. AS 19.30 is amended by adding new sections to read:

10 Sec. 19.30.084. REVIEW OF ACTIVITY. The department may provide  
11 an opportunity to other state agencies to review and comment on activi-  
12 ty which it proposes to take under AS 19.30.060 - 19.30.100. When  
13 opportunity for review and comment is provided by the department, an  
14 agency shall respond in writing by the date specified by the depart-  
15 ment.

16 Sec. 19.30.088. PERMIT PROVISIONS INAPPLICABLE. The department  
17 is not required to secure a permit to carry out its duties under  
18 AS 19.30.060 - 19.30.100. For purposes of this section, "permit" means  
19 any permit which may be obtained under the Environmental Procedures  
20 Coordination Act (AS 46.35).

21 \* Sec. 5. AS 19.30.100 is amended to read:

22 Sec. 19.30.100. COMMISSIONER OF TRANSPORTATION AND PUBLIC FACILI-  
23 TIES [NATURAL RESOURCES] MAY ADOPT REGULATIONS. The commissioner of  
24 transportation and public facilities [NATURAL RESOURCES] may adopt  
25 [RULES AND] regulations necessary to carry out the purposes of AS 19.-  
26 30.060 - 19.30.100.

27 \* Sec. 6. PURPOSE. It is the purpose of AS 19.33 to provide for the  
28 construction of major highways and roads connecting the principal municipal-  
29 ities of the state which are not included in the approved federal aid pri-

1 mary or secondary highway systems and which are designated for construction  
2 by the legislature. The highways and roads to be constructed under AS 19.33  
3 are projects which shall be constructed by the Department of Transportation  
4 and Public Facilities without financial participation by a municipality in  
5 which the highway or road is to be located.

6 \* Sec. 7. AS 19 is amended by adding a new chapter to read:

7 CHAPTER 33. INTERMUNICIPAL ROADS.

8 Sec. 19.33.010. ACQUISITION AND CONVEYANCE OF RIGHTS-OF-WAY. (a)

9 The commissioner shall acquire all rights-of-way required for inter-  
10 municipal road construction.

11 (b) When rights-of-way for an intermunicipal road are required on  
12 land owned by the state, the commissioner shall obtain the rights-of-  
13 way from the department having jurisdiction over the land. A depart-  
14 ment having jurisdiction over land shall transfer the jurisdiction of  
15 the land to the commissioner.

16 Sec. 19.33.020. DESIGN STANDARDS, RIGHTS-OF-WAY AND WIDTHS.

17 Design standards, rights-of-way and widths for each intermunicipal road  
18 shall be approved by the commissioner.

19 Sec. 19.33.030. CONSTRUCTION. (a) The construction of an inter-  
20 municipal road by the department or under its direct supervision shall  
21 be according to approved design standards and subject to the inspection  
22 and approval of the commissioner.

23 (b) All construction work done and labor performed on an inter-  
24 municipal road shall be in accordance with state law.

25 (c) Construction of an intermunicipal road subject to this section  
26 shall be performed by contract awarded by competitive bidding, unless  
27 the commissioner finds that, under the circumstances relating to the  
28 road, some other method of construction is in the public interest.  
29 When the commissioner awards contracts for construction of a project

1 under this chapter, all contracts relating to construction of the  
2 project shall be awarded at the same time.

3 (d) A contract for the construction of an intermunicipal road  
4 shall be awarded on the basis of the lowest responsible bid submitted  
5 by a bidder meeting criteria of responsibility established by the  
6 commissioner. A requirement may not be imposed upon a bidder as a  
7 condition precedent to the award of a contract unless the requirement  
8 is lawful and specifically set out in the advertised specifications.

9 Sec. 19.33.040. MAINTENANCE. (a) The department shall maintain,  
10 or cause to be maintained, an intermunicipal road constructed by the  
11 department under this chapter, except that upon mutual agreement of the  
12 commissioner and a municipality the responsibility for maintenance may  
13 be transferred to the municipality if it is authorized to assume road  
14 maintenance powers.

15 (b) A municipality may contract with the department for mainte-  
16 nance of a portion of an intermunicipal road which lies within its  
17 boundaries.

18 Sec. 19.33.050. PROGRAM ADMINISTRATION. The department may  
19 provide an opportunity to other state agencies to review and comment on  
20 activity which it proposes under this chapter. When opportunity for  
21 review and comment is provided by the department, an agency shall  
22 respond in writing by the date specified by the department.

23 Sec. 19.33.060. PERMIT PROVISIONS INAPPLICABLE. The department  
24 may not be required to secure a permit to carry out its duties under  
25 this chapter. For purposes of this section, "permit" means any permit  
26 which may be obtained under the Environmental Procedures Coordination  
27 Act (AS 46.35).

28 Sec. 19.33.070. DEFINITIONS. In this chapter,

29 (1) "commissioner" means the commissioner of transportation

1 and public facilities;

2 (2) "department" means the Department of Transportation and  
3 Public Facilities;

4 (3) "intermunicipal road" means a highway or road, not part  
5 of the federal aid highway system, which connects two or more munici-  
6 palities in Alaska.

7 \* Sec. 8. PURPOSE. It is the purpose of AS 19.36 to provide for the  
8 construction of major highways and roads within the principal municipalities  
9 of the state which are not included in the approved federal aid primary or  
10 secondary highway systems and which are designated for construction by the  
11 legislature. The highways and roads to be constructed under AS 19.36 are  
12 projects which shall be constructed by the Department of Transportation and  
13 Public Facilities without financial participation by a municipality in which  
14 the highway or road is to be located.

15 \* Sec. 9. AS 19 is amended by adding a new chapter to read:

16 CHAPTER 36. URBAN ROADS.

17 Sec. 19.36.010. ACQUISITION AND CONVEYANCE OF RIGHTS-OF-WAY. (a)  
18 The commissioner shall acquire all rights-of-way required for construc-  
19 tion of an urban road.

20 (b) When rights-of-way for an urban road are required on land  
21 owned by the state, the commissioner shall obtain the rights-of-way  
22 from the department having jurisdiction over the land. A department  
23 having jurisdiction over land shall transfer the jurisdiction of the  
24 land to the commissioner.

25 Sec. 19.36.020. DESIGN STANDARDS, RIGHTS-OF-WAY AND WIDTHS.  
26 Design standards, rights-of-way and widths for each urban road shall be  
27 approved by the commissioner.

28 Sec. 19.36.030. CONSTRUCTION. (a) The construction of an urban  
29 road by the department or under its direct supervision shall be accord-

1 ing to approved design standards and subject to the inspection and  
2 approval of the commissioner.

3 (b) All construction work done and labor performed on an urban  
4 road shall be in accordance with state law.

5 (c) Construction of an urban road subject to this section shall  
6 be performed by contract awarded by competitive bidding, unless the  
7 commissioner finds that, under the circumstances relating to the road,  
8 some other method of construction is in the public interest.

9 (d) A contract for the construction of an urban road shall be  
10 awarded on the basis of the lowest responsible bid submitted by a  
11 bidder meeting criteria of responsibility established by the commis-  
12 sioner. A requirement may not be imposed upon a bidder as a condition  
13 precedent to the award of a contract unless the requirement is lawful  
14 and specifically set out in the advertised specifications.

15 Sec. 19.36.040. MAINTENANCE. (a) The department shall maintain,  
16 or cause to be maintained, an urban road constructed by the department  
17 under this chapter, except that upon mutual agreement of the commis-  
18 sioner and a municipality the responsibility for maintenance may be  
19 transferred to the municipality if it is authorized to assume road  
20 maintenance powers.

21 (b) A municipality may contract with the department for mainte-  
22 nance of a portion of an urban road which lies within its boundaries.

23 Sec. 19.36.050. PROGRAM ADMINISTRATION. The department may  
24 provide an opportunity to other state agencies to review and comment on  
25 activity which it proposes under this chapter. When opportunity for  
26 review and comment is provided by the department, an agency shall  
27 respond in writing by the date specified by the department.

28 Sec. 19.36.060. PERMIT PROVISIONS INAPPLICABLE. The department  
29 may not be required to secure a permit to carry out its duties under

1 this chapter. For purposes of this section, "permit" means any permit  
2 which may be obtained under the Environmental Procedures Coordination  
3 Act (AS 46.35).

4 Sec. 19.36.070. DEFINITIONS. In this chapter,

5 (1) "commissioner" means the commissioner of transportation  
6 and public facilities;

7 (2) "department" means the Department of Transportation and  
8 Public Facilities;

9 (3) "urban road" means a highway or road, not part of the  
10 federal aid highway system, within or near a city, borough or unified  
11 municipality.

12 \* Sec. 10. AS 19.30.090 is repealed.

13 \* Sec. 11. ROAD PROJECTS AUTHORIZED. The Department of Transportation  
14 and Public Facilities shall acquire necessary rights-of-way and design and  
15 construct,

16 (1) as intermunicipal road projects under AS 19.33, each of the  
17 following:

18 (A) a highway, with a bridge crossing Knik Arm, between the  
19 Municipality of Anchorage and the Matanuska-Susitna Borough, connecting  
20 to the Parks Highway;

21 (B) a highway, with bridge and ferry crossings, connecting  
22 Juneau, in the vicinity of Comet Creek north of Berner's Bay, and the  
23 west shore of Lynn Canal at the south end of Sullivan Island, with  
24 Haines, and a highway, with bridge crossings connecting Haines and  
25 Skagway through the Ferebee River and Burro Creek valleys;

26 (C) a highway between Bethel and Napakiak, with a bridge  
27 crossing Napakiak Slough;

28 (2) as urban road projects under AS 19.36, each of the following:

29 (A) Schoenbarr Bypass, Ketchikan: Roosevelt Drive to Knudsen

1 Cove

2 (B) Nikiski Bypass, Kenai: bypass industrial area to North  
3 Kenai

4 \* Sec. 12. CORRIDOR FOR EXTENSION OF SURFACE TRANSPORTATION TO NORTH-  
5 WESTERN ALASKA. (a) By July 1, 1984, the interior and western divisions of  
6 the Department of Transportation and Public Facilities shall jointly propose  
7 a surface transportation corridor between the Interior of the state and the  
8 Seward Peninsula. In proposing a surface transportation corridor, these  
9 divisions of the Department of Transportation and Public Facilities may also  
10 prepare a survey of a surface corridor extension between the Interior of the  
11 state and the Colville River.

12 (b) The proposed surface transportation corridor shall include a  
13 proposed railroad right-of-way between a point on the Alaska Railroad north  
14 of Denali National Park and Nome or Kotzebue. The commissioner of transpor-  
15 tation and public facilities may approve, modify, or reject the proposed  
16 surface transportation corridor and proposed railroad right-of-way.

17 (c) When the Department of Transportation and Public Facilities has  
18 approved the proposed surface transportation corridor and proposed railroad  
19 right-of-way,

20 (1) the Department of Natural Resources shall classify, or reclas-  
21 sify, and reserve all state land within the surface transportation corridor  
22 for use as a transportation corridor; and

23 (2) the department shall exercise its power under AS 19.05.040 to  
24 acquire rights-of-way across land within the surface transportation corridor  
25 through eminent domain.

26 (d) The requirements of the Alaska Land Act (AS 38.05) relating to  
27 classification and reclassification of land do not apply to actions taken  
28 under this section.

29 (e) The Department of Transportation and Public Facilities may provide

1 an opportunity to other state agencies to review and comment on activity  
2 which it proposes to take under this section. When opportunity for review  
3 and comment is provided, an agency shall respond in writing to the depart-  
4 ment by the date specified by the department.

5 (f) The Department of Transportation and Public Facilities may not be  
6 required to secure a permit to carry out its duties under this section. For  
7 purposes of this section, "permit" means any permit which may be obtained  
8 under the Environmental Procedures Coordination Act (AS 46.35).

9 \* Sec. 13. This Act takes effect immediately in accordance with AS 01.-  
10 10.070(c).

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