

Introduced: 1/18/83  
Referred: Transportation  
and Finance

1 IN THE HOUSE

BY CATO

2

HOUSE BILL NO. 69

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST 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  
9 the department."

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  
17 the principal executive officer of the department. The board shall  
18 appoint the commissioner of transportation and public facilities  
19 subject to the 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  
22 be appointed by the governor and are subject to confirmation by a  
23 majority of the members of the legislature in joint session.

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

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

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

- 1           (2) two members shall have an aeronautical background;
- 2           (3) one member shall have a maritime background;
- 3           (4) one member shall be an economist; and
- 4           (5) one member shall be selected from the public at large.

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

7           Sec. 44.42.017. COMPENSATION OF BOARD MEMBERS. Each member of  
8 the board is entitled to travel expenses and per diem for each day  
9 going to and from and for each day in actual attendance at board meet-  
10 ings. A member is entitled to per diem for each day going to and from  
11 and for each day in actual attendance at other meetings or conferences  
12 authorized by the board.

13          Sec. 44.42.019. BOARD STAFF. The board may employ the staff it  
14 considers necessary to meet its responsibilities. The staff of the  
15 board are in the partially exempt service under AS 39.25.120.

16          Sec. 44.42.021. POWERS AND DUTIES OF BOARD. (a) The board  
17 shall recommend policies for adoption by the legislature that are  
18 designed to assure the development and maintenance of a comprehensive  
19 and balanced statewide transportation system that will meet the needs  
20 of the people of the state for safe and efficient transportation  
21 services. The policies shall provide, when appropriate, for the use  
22 of integrated intermodal transportation systems to implement the  
23 social, economic, and environmental policies, goals, and objectives of  
24 the people of the state, and especially to conserve nonrenewable  
25 natural resources including land and energy. In preparing these  
26 policies the board shall

- 27           (1) consider the transportation policies that are stated in  
28 existing state laws and recommend changes in these laws that the board  
29 considers desirable;

1           (2) inventory the policies, goals, and objectives of  
2 municipal governments of the state and define the role of the state  
3 and municipal governments in determining transportation policies, in  
4 transportation planning, and in implementing the state transportation  
5 plan;

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

11           (4) integrate the state transportation plan with the needs  
12 of the elderly and the handicapped and coordinate federal and state  
13 programs directed at assisting municipalities to answer the needs of  
14 the elderly and the handicapped.

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

18           (1) plan, design, construct, and maintain all state modes  
19 of transportation and transportation facilities, communication  
20 facilities, and all docks, floats, breakwaters, buildings, and similar  
21 facilities;

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

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

28           (4) develop a comprehensive, long-range intermodal  
29 transportation plan for the state;

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

3           (6) cooperate and coordinate with and enter into agreements  
4 with federal, state, and local government agencies and private  
5 organizations and persons in exercising its powers and duties;

6           (7) manage, operate, and maintain state transportation  
7 facilities, communication facilities, and all docks, floats,  
8 breakwaters, and buildings, including state highways, vessels,  
9 railroads, pipelines, airports, and aviation facilities;

10          (8) study alternative means of transportation in the state,  
11 considering the economic, social, and environmental impacts of each  
12 alternative;

13          (9) coordinate and develop state and regional  
14 transportation systems, considering deletions, additions, and the  
15 absence of alterations;

16          (10) develop facility program plans for transportation and  
17 communication facilities and state buildings, docks, and breakwaters  
18 required to implement the duties set out in this section, including  
19 but not limited to

20                 (A) functional performance criteria; and

21                 (B) schedules for completion;

22          (11) supervise and maintain all state automotive and  
23 mechanical equipment, aircraft, and vessels, except aircraft and  
24 vessels used by the Department of Fish and Game or the Department of  
25 Public Safety;

26          (12) supervise aeronautics and communications inside the  
27 state, under AS 02.10;

28          (13) complete and maintain a current inventory of public  
29 facilities, including a projection of the serviceability of the

1 facilities and projections of replacements and additions to facilities  
2 needed to provide the level of services programmed by the various user  
3 agencies, for municipalities with populations of less than 12,000, and  
4 for unincorporated communities, and perform those duties on a  
5 cooperative basis with larger municipalities;

6 (14) adopt energy performance standards for public  
7 facilities of the state that are constructed after July 1, 1980; the  
8 standards shall be based on thermal and lighting energy standards  
9 established by the American Society of Heating, Refrigeration and Air  
10 Conditioning Engineers as adapted for application in high latitude,  
11 cold climate environs;

12 (15) provide planning assistance, including but not limited  
13 to energy audits and related technical services, to school districts  
14 and regional educational attendance areas to develop and implement

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

17 (B) energy conservation measures for rural educational  
18 facilities.

19 (c) The board may

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

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

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

28 \* Sec. 2. AS 44.42.030 is amended to read:

29 Sec. 44.42.030. REGULATIONS. The board [DEPARTMENT] may adopt

1 regulations under the Administrative Procedure Act (AS 44.62) to  
2 implement, interpret, or make more specific its powers and duties.

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

4 Sec. 44.42.040. DEPARTMENTAL ORGANIZATION. The board [COMMIS-  
5 SIONER] shall establish regions within the state. The functions of  
6 the department within each region shall be performed, to the maximum  
7 extent feasible, through a regional office. Each regional office  
8 shall be directed by a regional transportation and public facilities  
9 director appointed by the commissioner.

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

11 (a) The board [COMMISSIONER] shall develop annually a comprehen-  
12 sive, intermodal, long-range transportation plan for the state. In  
13 developing and revising the state plan, the board [COMMISSIONER] shall  
14 consider means and costs of improving existing modes and facilities,  
15 state and federal subsidies, and the costs and benefits of new  
16 transportation modes and facilities. The board. [COMMISSIONER] shall  
17 also consider the recommendation of the Alaska Transportation Planning  
18 Council. The plan shall be submitted to the governor for [HIS] review  
19 and approval and submitted by the governor to the legislature.

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

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

24 (1) consult and cooperate with officials and  
25 representatives of the federal government, other governments,  
26 interstate commissions and authorities, local agencies and  
27 authorities, interested corporations and other organizations  
28 concerning problems affecting transportation in the state; and

29 (2) request from an agency or other unit of the state

1 government or of a political subdivision of it, or from a public  
2 authority, the assistance and data that may be necessary to enable the  
3 board [COMMISSIONER] to carry out its [HIS] responsibilities under  
4 this section; every such entity shall provide the assistance and data  
5 requested.

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

7 (d) The plan shall include a description of projects planned for  
8 design and construction for the following two years. The description  
9 is in addition to the long-range plan required by (a) of this section  
10 and by AS 19.10.140. The description shall include an itemization of  
11 the estimated cost for each project and the total cost of all  
12 projects. The board [COMMISSIONER] shall propose and forward to the  
13 governor for [HIS] review and approval and inclusion, as approved, in  
14 the capital budget a construction program which includes the projects  
15 to be undertaken during the following two years, including recommended  
16 project priorities. Funds for transportation construction projects and  
17 necessary contingencies shall be itemized as allocations within the  
18 bill for the General Appropriations Act.

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

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

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

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

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

29 (2) consult with officials and representatives of

1 municipalities, the federal government, interested corporations and  
2 other organizations concerning public facility needs in the state;

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

5 (A) sewage transmission and treatment systems;

6 (B) water transmission and treatment systems;

7 (C) electrical generation and distribution systems;

8 (D) health care and social services facilities;

9 (E) educational facilities;

10 (F) transportation facilities;

11 (G) public safety and justice facilities;

12 (H) recreational facilities;

13 (I) sanitation facilities; and

14 (J) cultural facilities;

15 (4) prepare recommendations to accommodate the various  
16 levels of service identified by state agencies and other parties with  
17 respect to the services described in (3) of this subsection, to  
18 include

19 (A) current and future facility needs;

20 (B) space standards and design guidelines for the  
21 appropriate facility types;

22 (C) maintenance and operations standards for the  
23 appropriate facility types;

24 (D) construction techniques and contracting methods;

25 (E) facility project budget requirements; and

26 (F) relative costs of identified alternatives (life  
27 cycle cost analysis) including but not limited to the  
28 installation and operation of energy systems which are not  
29 dependent on oil or gas for water heating, space heating and

1           cooling requirements, and for the generation of electrical or  
2           mechanical power;

3           (5) identify common public facility needs among the various  
4           user agencies; and

5           (6) submit its findings, plans and recommendations to the  
6           governor and to the appropriate state agency to facilitate the  
7           development of agency capital improvement budget requests.

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

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

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

15          (2) make recommendations on the total capital improvement  
16          program to affected state agencies, local governments, and other  
17          interested parties and organizations, and to the divisions of budget  
18          and management and policy development and planning.

19 \* Sec. 10. AS 44.42.060 is amended to read:

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

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

26          (4) "board" means the Board of Transportation and Public  
27          Facilities.

28 \* Sec. 12. AS 35.15.080(a) is amended to read:

29          (a) A municipality may, by resolution of its governing body,

1 request the assumption of all or part of the department's  
2 responsibilities relating to the planning, design, and construction of  
3 a public works project of the state that is to be located within the  
4 boundaries of the municipality and that would otherwise be constructed  
5 in the manner provided in AS 35.15.010. After receipt of the request,  
6 the department may provide by agreement for transfer to and assumption  
7 by the municipality of the department's responsibilities relating to  
8 the project, unless the board [COMMISSIONER] determines that  
9 assumption of responsibilities by the municipality is not practicable  
10 or not in the best interests of the state.

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

12 (b) If the board [COMMISSIONER OF TRANSPORTATION AND PUBLIC  
13 FACILITIES] determines that assumption of responsibilities by a  
14 municipality under (a) of this section is not practicable or not in  
15 the best interests of the state, it [HE] shall notify the governing  
16 body of the municipality of its [HIS] finding and specify reasons for  
17 it. If the governing body requests reconsideration of the decision,  
18 the board shall direct the commissioner to [HE SHALL] hold a hearing  
19 in the municipality within 30 days following mailing of the request.  
20 Following the hearing, the board [HE] may affirm, modify or reverse  
21 its [HIS] initial decision and shall specify in writing the reasons.

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

23 (c) A municipality may request joint assumption of  
24 responsibilities with the department relating to the planning, design,  
25 and construction of a public works project. Two or more  
26 municipalities may by agreement provide for cooperative assumption of  
27 responsibilities relating to the planning, design, and construction of  
28 a public works project. If two or more municipalities request

1 assumption of responsibilities for a project and meet the standard of  
2 practicability set out in (a) of this section, the board  
3 [COMMISSIONER] shall determine which municipality is best able to  
4 direct planning, design, and construction of the project and enter  
5 into an agreement with that municipality or provide for joint or  
6 cooperative administration, as the parties may agree or the board  
7 [COMMISSIONER] may determine. Decisions of the board [COMMISSIONER]  
8 under this subsection are final.

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

10 (f) To carry out the purpose of this section, the board [COMMIS-  
11 SIONER OF TRANSPORTATION AND PUBLIC FACILITIES] shall adopt  
12 regulations relating to the application for and the making and the  
13 conditions of agreements and the local assumption of responsibilities  
14 for the planning, design and construction of public works under this  
15 section. It [HE] shall include in grant contracts terms and  
16 conditions requiring a regional school board and its contractors to  
17 adhere to the provisions of AS 36.05.010 with respect to the payment  
18 of wage rates on construction projects, and AS 36.10.010 with respect  
19 to employment preference, and may require different terms in  
20 agreements for different projects to meet local conditions and unique  
21 requirements and to assure compliance with the public facilities  
22 procurement policies developed by the department under AS 35.10.160 -  
23 35.10.200. If necessary, the board [COMMISSIONER] may require as a  
24 condition of an agreement approval of the agreement by the federal  
25 government. Regulations adopted, amended or repealed by the  
26 department under this section which relate to educational facilities  
27 shall be developed in conjunction with the Alaska Association of  
28 School Boards and the Alaska Association of School Administrators and  
29 reviewed by those associations before final action on the regulations

1 is taken by the department.

2 \* Sec. 16. AS 35.20.050 is amended to read:

3           Sec. 35.20.050. AUTHORITY TO PURCHASE PROPERTY FOR THE PURPOSE  
4 OF EXCHANGE. When the board [COMMISSIONER] formally declares that it  
5 is in the best public interest of the state to do so, the department  
6 may acquire by purchase or otherwise privately or publicly owned land  
7 or an interest in it for the purpose of exchanging it for privately or  
8 publicly owned land which the department is authorized by law to  
9 acquire.

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

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

13 \* Sec. 18. AS 39.25.120(b) is amended by adding a new paragraph to  
14 read:

15           (19) the staff of the Board of Transportation and Public  
16 Facilities.

17 \* Sec. 19. AS 44.42.010 and 44.42.020 are repealed.

18 \* Sec. 20. Members of the Board of Transportation and Public Facilities  
19 shall be appointed for the following initial terms: two for four years,  
20 two for three years, two for two years, and one for one year.