

HOUSE BILL NO. 103

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES BROWN, Finkelstein

Introduced: 1/29/93

Referred: Community & Regional Affairs, Transportation, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring local government approval of highway, local service road, and
2 other transportation projects within the boundaries of a municipality or within
3 two miles of a village; and allowing the Department of Transportation and Public
4 Facilities to make grants to qualified nonprofit transportation planning
5 organizations."

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

7 * Section 1. AS 19.15 is amended by adding a new section to read:

8 ARTICLE 2. LOCAL TRANSPORTATION PLANNING GRANTS.

9 Sec. 19.15.100. GRANTS TO NONPROFIT TRANSPORTATION
10 PLANNING ORGANIZATIONS. (a) The department may make grants to nonprofit
11 transportation planning organizations for public education and information, to purchase
12 professional engineering and planning consulting services, for public opinion surveys,
13 meetings, and for other activities that facilitate local citizen involvement in the

1 transportation planning process of their municipality.

2 (b) An application for a grant under this section must include a detailed budget
3 of proposed expenditures, a detailed description of the activities or projects for which
4 the grant is to be used, a description of how these activities or projects will facilitate
5 citizen involvement in the transportation planning process of the municipality, and any
6 other information required by the department.

7 (c) Information an organization develops or obtains under a grant under this
8 section shall be made available to the department and the public.

9 (d) The department shall adopt regulations to implement this section.

10 (e) The legislature may appropriate for grants under this section from funds
11 received from the federal government for local or state transportation planning.

12 (f) In this section, "nonprofit transportation planning organization" means a
13 nonprofit organization that is based within a municipality, whose directors all live
14 within the municipality, and one of whose purposes is to facilitate local citizen
15 involvement in the transportation planning process of the municipality.

16 * **Sec. 2.** AS 35.30.010 is repealed and reenacted to read:

17 **Sec. 35.30.010. REVIEW AND APPROVAL BY LOCAL AUTHORITIES.**

18 (a) Except as provided in (b) of this section, before commencing construction of a
19 public project if the project is located (1) in a municipality, the department shall
20 submit the plans for the project to the planning commission of the municipality for
21 review and approval; (2) within two miles of a village, the department shall submit the
22 plans to the village council for review and comment; (3) within one-half mile of the
23 boundary of an area represented by a community council established by municipal
24 charter or ordinance, the department shall submit the plans to the community council
25 for review and comment. If final disapproval by resolution of the governing body of
26 the affected municipality or village is not received within 90 days from the date the
27 project was submitted to the municipality or village, the department may proceed with
28 the project.

29 (b) Notwithstanding AS 19, if the public project is to be constructed by the
30 department and is a highway, local service road, or other transportation project, then
31 the department may not begin construction on the project until it has first received the

1 majority approval of the
2 (1) governing body of the municipality if the project is located within
3 the boundaries of a municipality; or
4 (2) village council of the village if the project is located within, or
5 within two miles of, a village.
6 * Sec. 3. AS 35.30.030 is amended to read:
7 Sec. 35.30.030. WAIVER. For a public project, other than a highway,
8 local service road, or other transportation project, if [IF] a department clearly
9 demonstrates an overriding state interest, waiver of local planning authority approval
10 and the compliance requirement may be granted by the governor. The governor shall
11 issue specific findings giving reasons for granting any waiver under this section.