

HB

654

List of Equipment

Beacon- C B radio and Wide-Load sign

Safety

Chains  
Fire extinguisher  
Flares  
Artic Gear  
Sleeping Bag  
Should have pick-up  
for North Haul Road  
1/2 or 3/4 top (optinal) 4/4

Extra Parts for Vehicle

Fan Belt  
Alternater Belt  
Spark Plug  
Head Lights  
Air Filter  
Oil  
Heat  
2 Spare Tires  
Tools  
Jack  
Extra Fuel  
Extra Food and Water  
Jumper Cables  
Fuses

This should be standard equipment in the pilot cars at all times.

Sincerely:

*Geraldine Chisum*

Geraldine Chisum  
Cherokee Pilot Car Service

*Florence McKenzie*

Florence McKenzie  
5th Wheel Pilot Car Service

## Pilot Car Rights and Public Safety Regulations

### Section 1

1. To obtain rights as a pilot car company, must have proof of at least (seven years) of driving experince south and north of Fairbanks.
2. For public safety on th Alaska State highways a pilot car driver shall pass a written test on piloting a over-sized or over-length load.
3. Shall be at least 19 years of age, with a good driving record.
4. Proof of full insurance coverage on pilot vehicle and the insurance company be advised that the vehicle is being used as a pilot car.
5. Should have a Alaska business license.

### Section 11

1. Equipment that should be carried at all times, and the driver know how to use the safety equipment and do minor repaires on own vehicle.

Delivered by  
Asst Sgt Arms  
1:40 pm 5-382

Cherokee Pilot Car Service  
S.R.A. Box 462  
Willow, AK 99688  
May 2, 1982

Senator Vic Fischer  
Pouch V.  
Juneau, AK 99811

Dear Mr. Fischer:

We started working last fall with Senator Korttula trying to get some safety regulations for pilot cars.

After reviewing the status of other states, Senator Korttula advised us to get in contact with you concerning this problem. In the last year there have been several accidents involving our over-sized loads on our public high ways.

On June 1st the haul road will be opened to the public again, with road conditions and the increase in heavy hauling. The state has passed a regulation that pilot cars go to Prudho Bay with all over-sized loads.

The trucking firms are using any one with the cheapest rate no matter if they are qualified or not.

The pilot cars should be a safety factor, but without proper regulations and training most of them are a hazard.

As it stands the only regulations are a flashing beacon and a wide load sign, so we are sending what we feel should be part of the requirements of any "Pilot Car Service."

We would appreciate your help in this matter with this bill #135 going on the floor Monday, May 3, 1982. We feel that the pilot cars should not be included in with the other-operators.

At this time we are in negotiations with union local 959 to try and get us off the same contract with the line drivers or (owner-operators). We need our own regulations not a take off of the truckers.

Sincerely:

*Geraldine Chisum*  
Geraldine Chisum  
Cherokee Pilot Car Service

*Florence McKenzie*  
Florence McKenzie  
5th Wheel Pilot Car Service

To: Vic

From: Bob

Re: CSHB 651 and CSHB 654, Rough Notes --- Subject to Change

Date: 5/4/81

CSHB 651 by Cato (House Transportation) creates the "Alaska Marine Transportation Authority". The authority would be a public corporation of the state.

The "Authority" would consist of 8 directors. Seven of these would be appointed by the Governor, subject to confirmation by the Legislature. The 8th director would be the Commissioner of DOTPF, and would be a non voting ex officio member.

Not including ARCC, there are six government corporations in Alaska, the Municipal Bond Bank Authority, ASHA, AHFC, AIDA CFAB and the APA. All of these public corporations were originally created for specific purposes related to financing.

A recent report done for the Legislative Budget and Audit Committee by the Institute of Public Administration entitled Alaska's Public Corporations a Framework for Assesment, January 1982, says the new debt to be issued by Alaska's six public corporations during 1982 will exceed \$1.0 billion.

This is more than the total general obligation (voter approved) debt of the entire state issued since statehood. The G.O debt as of 6/30/80 was \$1.1 billion.

Technically, bonds or debt incurred by a public corporation are not guaranteed by the state. The debt is, for the most part, revenue bonds. But, to quote the LBA report,

"Nevertheless, history has proven that should the repayment of any of these bonds run into difficulty, it is indeed the state government that would be held responsible by the bond market."

The Authority created under CSHB 651 will not, and in fact cannot incur debt. However, that is one of the primary reasons to create an authority. The other is to make it autonomous or insulate it from the normal bureaucracy.

CSHB 651 accomplishes only the second point. The bill separates the Division of Marine Highways from the DOTPF, but does not give it the normal power of an Authority.

Rep. Cato's office maintains that the Division of Marine Transportation is not responsive to the public's needs, and that it needs to be separated from DOTPF. However, an Authority is more insulated from the public than a Division, and certainly more immune to public pressure. Going back to the LBA report it states,

"...important development decisions (especially distribution and pricing of transportation, energy, housing and industrial capitalization) could become separated from legitimate political institutions based on voter support."

In other words, an Authority may become less responsive to public pressure than the Division of Marine Highways.

Although the Marine Highway Authority does not have the power to sell bonds it does have considerable power in other regards. One power of particular interest is contained in AS 19.70.050 (9) which allows the Authority to establish rates and tariffs.

Right now the Division of Marine Transportation operates under a generally agreed upon rule that the Legislature will subsidize about 50% of the operating costs through general fund appropriations. The rest of the funds come from program receipts. Under CSHB 651 the directors of the authority can unilaterally change this policy, although the Authority is subject to the Executive Budget Act.

To conclude, the Authority created under CSHB 651 does not have the power to incur debt, which is normally one reason to create an authority. Also, it may actually exacerbate the problem of public accountability, by insulating the Authority from the normal political process.

Regarding CSHB 654, as mentioned, the Commissioner of DOTPF would be an ex officio Director of the Authority. Under provisions of CSHB 654, a companion bill by the sponsor, the Commissioner of DOTPF would not be appointed by the Governor, but rather by a "Board of Transportation.

The members of the Board of Transportation would be appointed by the Governor subject to approval by the Legislature. They in turn would choose the Commissioner. The Commissioner would not have to be approved by the Legislature.

Hence, under CSHB 651 you would have an 8 member Authority making decisions relating to Marine Highways with one member, the Commissioner appointed by a seven member board which oversees the Department. And, the Board under AS 44.42.021(b)(11) of CSHB 654 must,

"supervise and maintain all state ... vessels"

DOTPF maintains that CSHB 654 will create another layer of bureaucracy, and when combined with CSHB 651 it becomes confusing and there is an overlap of responsibility.

CREATING BOARD AT THE HEAD OF  
THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

HB 654

This proposed bill would create a DOT Board. This bill, if passed, might be the only method possible to make the DOT function efficiently. Currently the directions to the DOT come from the Governor, the Administration, the Legislature, the four Deputy Commissioners at the DOT Headquarters, and the several Directors within each region.

The workers, the few that are left, receive these various directions which are usually conflicting and at odds with one another, and the predictable result is that production and morale are extremely low.

Almost all of the other States have gone to a Board of Commissioners due to the very same problems that are currently confronting the State of Alaska DOT. Other States have found that an unsalaried Board of Commissioners is the sole body that filters the directions from the Administration, the Legislature, and other interested agencies, and gives a unified single direction to the DOT organization. This has generally resulted in a stable long-range program without constantly juggling priorities.

You may consider requiring the appointment of members to represent both major political parties equally with one independent member, so that all major political factions would be represented regardless of who occupies the Governor's mansion.

The current DOT is not and has not functioned effectively since its inception in 1977. Since that time, there is \$50,000,000 in Federal Highway funds that should have been spent to upgrade the existing transportation system in the State. Instead, the money is on the Federal Aid books and it will soon be lost to the State. Even if the money is obligated by some miracle in the near future, inflation will have eroded its potential to repair and reconstruct the thousands of miles of highways that are disintegrating due to lack of maintenance and reconstruction.

This bill (12-1989) and House Bill 12-1993 appear to conflict since they are both creating Commissions that have authority to plan for and implement transportation systems. 12-1993 has authority just for the Marine Highway System whereas 12-1989 is intended to have overall authority for all transportation modes. Generally, when you have overlapping authorities, you end up with infighting to gain greater control and the end result is lower efficiency due to the transportation planning going in too many directions. The Marine Highway is tied directly to the Land Highway System and the authority for both modes should remain under one Board of Commissioners.

Sec. 6. AS 44.42.050 (d) should be revised to include a 10% contingency to cover project overruns in design and construction. All too frequently several major and badly needed projects are delayed because there are insufficient or no funds set up to cover these overruns. It should be noted that most overruns are not the result of mistakes, but they are usually caused by additions to the projects demanded by State and Federal agencies or as a result of requests made at public hearings.

Sec. 8. AS 44.42.055 (b) (1) The budgets requested by the Commission should be prepared by the Department Heads in the lower echelons who are responsible for project development. Too often during the last few years, the budgets have been made out by the new Directors who have recently been brought into the DOT who really have no conception of the needs of their departments. Great sums of money are being expended by the DOT, but in many cases, the funds are being misspent. Funds for outside travel, especially to the Planning Section, are being allocated, where in fact, the funds could be spent to increase productivity in the Department by purchasing desk computers, and some of the latest state of the art survey and drafting equipment.

(2) The Board of Commissioners would be more receptive to Municipal demands than the current isolated and insulated Commissioner and Deputy Commissioners. For instance, the City of Valdez has repeatedly requested the minor expenditure of DOT funds for the extension of the bike path from the Airport Road intersection along the Richardson Highway to the new recreational complex at Mile 1.5. There have been five automobile fatalities and one bike fatality in this area during the last five years. The City has been told that there are higher priorities than this bike path. The people closest to the transportation problems usually have the best solutions to those problems. The duties of the Board of Commissioners, as outlined in this bill, would require the Board to listen to public input from the municipalities and from other public and private organizations.

1. BY STATUTE, WHAT ROADS AND HIGHWAYS DOES THE STATE HAVE RESPONSIBILITY TO CONSTRUCTION AND MAINTAIN?

ARIZONA

The State of Arizona constructs, improves, repairs, and maintains portions of the State routes which have been designated and accepted as State highways by the Arizona Transportation Board (28-1861). City streets which link State highways, or carry State highway traffic through a municipality may be designated as State highways (28-1866). A county board of supervisors may petition the Transportation board to take over and designate a State route located within the county as a State highway (28-1863). The Board cannot include a route in the State system until there are funds for its improvement in the budget of the Department of Transportation (28-1863).

COLORADO

Colorado's State highway system consists of federal-aid primary roads, federal-aid secondary road, the interstate system and its extensions into urban areas, and other roads designated as part of the State system by the State Highway Commission (43-2-101). (Roads specially designated as part of the system by the Commission may not exceed 5% of the mileage of the other three systems.) A board of county commissioners may petition the State Highway Commission to accept any section of county road as part of the State system. After determining that the county road is of such construction and in such state of repair as will make it proper to accept it as a State highway, the Commission in its discretion may designate it as part of the State system (43-1-207).

The State Department of Highways must construct and maintain all roads comprising the State highway system (43-2-102).

1. BY STATUTE, WHAT ROADS AND HIGHWAYS DOES THE STATE HAVE RESPONSIBILITY TO CONSTRUCTION AND MAINTAIN?

HAWAII

By statute, the State of Hawaii must maintain the State highway system and all roads on which federal aid funds have been spent (17 Sect. 264-31, Sect. 264-43). The State's Director of Transportation determines which roads will be included in the State highway system, and may include any public highway used primarily for through traffic and not for access to any specific property (17 Sect. 264-42). The director may designate a county highway as part of the State system. In this event, ownership of the county highway transfers to the State without compensation (17 Sect. 264-2).

IOWA

Iowa does not have a state system per se. Instead, the State, through the Department of Transportation, has jurisdiction over the construction and maintenance of "primary roads", which are defined as those roads classified as "freeway-expressway, arterial and arterial connector" (Chapter 306.2, 306.4). The State also has jurisdiction over roads and streets wholly within the boundaries of State lands operated as parks, institutions, and so forth (306.1). Concurrent jurisdiction is shared by the State and counties in which secondary roads enter and exit from State lands at separate points (306.4).

The State freeway-expressway system is limited by statute to 2,660 miles, while the arterial system may not exceed 3,500 miles (306.1). No limit is placed on the arterial connector system, the other major component of the State-governed road network.

1. BY STATUTE, WHAT ROADS AND HIGHWAYS DOES THE STATE HAVE RESPONSIBILITY TO CONSTRUCT AND MAINTAIN?

MONTANA

The State of Montana maintains those highways which have been designated as State highways, the federal-aid interstate system the federal-aid primary system and its extensions, the federal-aid secondary system and its extensions, and other public highways included in the State maintenance system by the Montana Highway Commission (32-2407.1). Additionally, the State Highway Department has responsibility for maintenance of all public highways which it maintained on July 1, 1976 (32-2407.2). Montana enters into cooperative agreements with the National Park Service and the federal highway administration regarding maintenance of National Park approach roads (32-2601).

The Highway Commission may designate highways which are not located entirely within Montana as part of the State's federal-aid system. The State would assume responsibility for constructing and maintaining these roads. Highways included in this provision must be located outside of Montana because of natural geographical or physical conditions which make the construction of the highway within the State impossible, and may not be part of another state's highway system (32-2408).

OREGON

The Oregon Transportation Commission may "select, establish, designate, construct, maintain, operate, and improve" the State highway system. The State system consists of both primary and secondary highways. The State Division of Highways determines which county roads will be included in the system, by law, selecting routes which will promote the completion of a connecting network of intercounty roads (366-290). County roads designated as part of the State system are maintained and repaired by the State (366.290). The Department of Transportation is responsible for portions of State highways located within municipalities, and is required by statute to construct, maintain, and improve other city streets which a) form a link in the State highway system or join two State highways, or b) have been designated as streets or roads over which State highway traffic is routed (373.030).

The Department may eliminate any portion of a highway from the State system. However, the State must continue maintaining the road if it is still in use.

1. BY STATUTE, WHAT ROADS AND HIGHWAYS DOES THE STATE HAVE RESPONSIBILITY TO CONSTRUCT AND MAINTAIN?

WASHINGTON

The State of Washington constructs and maintains the State highway system which consists of roads and highways specified as part of the system by the Legislature ( e.g., RCS 45.17.005,010). State highways are not distinguished as primary or secondary routes. Streets within incorporated cities may be included as part of the State Highway system (RCW 47.27.010). The State operates and controls all traffic control devices on such streets which have been assigned as part of the State highway system in cities and towns having a population of 15,000 or less (RCW 47.24.020). Larger communities may operate and control their own traffic signals, subject to the approval of the State Highway Commission. Similarly, municipal regulations pertaining to speed and parking on such streets must be approved by the State Highway Commission (RCW 47.24.020).

The Legislature makes a specific appropriation for maintenance of the State highway system, after a thorough review of maintenance program plans at the legislative committee level (RCW 47.05.040). Briefing material used in legislative deliberations on the State highway maintenance appropriation for 1979-1981 is attached.

WYOMING

Wyoming's State highway commissioner designates which public highways will be State highways (Sect. 24-2-109). The cost of constructing and maintaining these highways is borne by the State (Sect. 24-1-118). The State also pays for State highways located within National Forests (Sect. 24-2-108). The Commissioner may designate any county highway as part of the State system, and assume responsibility for maintenance and construction (Sect. 24-2-109). The commissioners of each county in Wyoming determine what roads, existing or not yet established, will be county roads (Sect. 24-1-101). The expense of constructing and maintaining county highways is paid by the county (Sect. 24-1-102).

The State participates in several other road programs at the county and municipal levels. 93% of the expense of constructing roads under the State-county roads program is assumed by the State. Counties pay the remaining 7% of construction costs and assume all responsibility for maintenance after a road has been completed (Sect. 24-2-110). The farm to market road program which includes mine to market roads, rural free delivery roads, public school bus roads and other rural roads connecting important highways, or leading rail shipping points or local settlements is also jointly financed by State and county funds. Again, the State pays 93% of all construction costs and the county provides 7% and performs all maintenance (Sect. 24-4-102).

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(Continued)

1. BY STATUTE, WHAT ROADS AND HIGHWAYS DOES THE STATE HAVE RESPONSIBILITY TO CONSTRUCTION AND MAINTAIN?

Counties may also propose the establishment of "industrial roads", but must have the cash money available to pay 50% of the construction costs before initiating the project (Sect. 24-5-102). The State pays the remaining 50% of industrial road project costs.

The State may enter into cooperative agreements with incorporated municipalities for the construction of city streets which directly connect established State highways. The State pays the entire expense of such construction projects, and the cost of necessary repairs. The municipality, if it has a population of fifteen hundred or more, is responsible for cleaning these streets and snow removal (Sect. 24-2-111).

The State directly controls and supervises all construction projects in which State money is spent (Sect. 24-2-108).

WYOMING

2. IS THERE A STATUTORY PROVISION REQUIRING/ENABLING LOCAL GOVERNMENTS TO ASSUME RESPONSIBILITY FOR CONSTRUCTION AND MAINTENANCE OF THESE ROADS?

ARIZONA

There seems to be no provision in the Arizona statutes enabling local governments to assume responsibility for State highways within their jurisdiction. Local authorities may alter the maximum speed limits on State highways and urban extensions of State system, however, changes must be approved by the director of the Department of Transportation (28-703(D)).

COLORADO

The State Department of Highways may enter into a contract with a city or incorporated town for the maintenance or construction of urban extensions of the State highway system, where it appears that the city or town has adequate facilities to do such construction or maintenance (43-2-103). The Highway Department may make similar arrangements with counties (43-2-104). Municipalities may regulate and enforce all traffic on city streets which are part of the State highway system, although the Department of Highways must approve all regulations before they are effective (43-2-135(g)). The Department installs and operates traffic control signals, signs, and traffic control devices on State highways in cities having a population of five thousand or less. Larger cities may maintain and operate such signals, signs, and devices at their own expense. However, no local authority may erect signs or traffic control signals so as to stop traffic on any State highway without written permission from the Department of Highways (43-2-135(1)).

Cities and counties may assume responsibility for any portions of the State highway system which have been removed from the State system by the Highway Commission (43-2-106).

2. IS THERE A STATUTORY PROVISION REQUIRING/ENABLING LOCAL GOVERNMENTS TO ASSUME RESPONSIBILITY FOR CONSTRUCTION AND MAINTENANCE OF THESE ROADS?

HAWAII

The State may contract with a county legislative body to have the county maintain portions of the State highway system located within its jurisdiction (17 Sect. 264-44). The reverse is also true; a county may contract with the Department of Transportation for State maintenance of portions of the county highways designated as part of the federal primary or secondary highway system (17 Sect. 265-2). Counties are required by law to accept, maintain, and repair privately constructed highway improvements (17 Sect. 265-6).

IOWA

The transfer of responsibility for all roads within the State is governed by "functional classification boards" on the county and State level. The county boards classify each segment of the public roads in accordance with classification definitions established by code. Roads may be reclassified as needs and conditions change. Jurisdiction and responsibility over the roads are based on these classifications. The State board hears appeals of decisions made by the county boards and renders final decisions.

Iowa recently completed a total reclassification of all roads in the State, which resulted in an increase in the road mileage for which counties and cities are responsible and a corresponding decrease in the State road mileage responsibility.

2. IS THERE A STATUTORY PROVISION REQUIRING/ENABLING LOCAL GOVERNMENTS TO ASSUME RESPONSIBILITY FOR CONSTRUCTION AND MAINTENANCE OF THESE ROADS?

MONTANA

Montana statute 32-1627 states that the Department of Highways shall pay the entire cost of constructing and maintaining State highways within incorporated municipalities. However, the municipalities must pay one half of the State's share of the cost of curbs and gutters along these streets. According to Montana law, "The Department of (of Highways) may enter into an agreement with a local government body to maintain portions of public highways within its boundaries..." (32-2407.3). This statute is ambiguous. It may or may not enable local governments to assume responsibility for construction and maintenance of roads situated within their jurisdiction.

OREGON

In several instances, local governments can assume responsibility for portions of the State highway system. The State may enter into cooperative agreements with counties and municipalities regarding construction, maintenance and repair work on State highways within their jurisdictions (366.770). The Department of Transportation may also eliminate a road from the State's secondary highway system, transferring responsibility for it to the county in which it is located (366.290(3)).

2. IS THERE A STATUTORY PROVISION REQUIRING/ENABLING LOCAL GOVERNMENTS TO ASSUME RESPONSIBILITY FOR CONSTRUCTION AND MAINTENANCE OF THESE ROADS?

WASHINGTON

There is no provision in the Washington statutes enabling a local government to assume responsibility for a portion of the State highway system located within its jurisdiction unless that portion is no longer needed as part of the State system (RCW 36.75.090, 47.24.010). The State and county governments may enter into cooperative agreements with one another "where a necessity appears therefor or where economy in public highway improvement and maintenance will be best served" (RCW 36.75.030). It appears as if the State can enter into similar agreements with municipal governments (RCW 47.24.020). If a county or municipality agrees to maintain a road and does not do so to the satisfaction of the State, the State may perform the job and deduct the cost from the county's/ municipality's share of funding the next year (RCW 36.75.250, 47.24.020).

WYOMING

The Wyoming Highway Commission may remove any portion of a State highway from the State highway system and relinquish it to county or city control (Sect. 24-3-126). There are no other provisions for local control, construction or maintenance of the State highway system.

3. WHAT IS THE REVENUE SHARING FORMULA FOR HIGHWAY CONSTRUCTION AND MAINTENANCE?

Arizona levies several vehicle license and highway user taxes which are apportioned among municipalities, counties, and the State. The vehicle license tax which is collected by each county is distributed as follows:

- 1) 20% to the State treasurer to be placed in the State general fund;
- 2) 25% to the general fund of the county;
- 3) 25% to the State treasurer to be placed in the State general fund to aid in school financial assistance;
- 4) 25% to the incorporated municipalities of the county, allocated to each one in proportion to its population;
- 5) 5% to the county general fund to cover administrative costs of the vehicle license tax program (28-1591).

Moneys received from the license tax upon motor vehicle carriers engaged in interstate commerce are allocated according to the following formula:

- 1) 25% goes to the general fund of the State;
- 2) 25% is apportioned among the State's counties. The amount each county receives is based on the total mileage of State and federal highways in the State;
- 3) 25% is given to common and high school districts, with special reference to the needs of one and two room and accommodation schools;
- 4) 25% is distributed among cities and towns proportionate to the total mileage of State and Federal highways within each one (28-1592).

Highway user revenues, the largest pool of transportation funds, are allocated as follows:

- 1) 11% to the Arizona highway patrol;
- 2) 57% to the State highway fund;
- 3) 15% to the counties to be further distributed to each individual county based on the proportion that the sale of motor vehicle fuel and the estimated consumption of use fuel in each county bears to the statewide totals;
- 4) 17% to the incorporated cities. One-half of this money is apportioned to each city on the basis of its population. The remaining one-half is distributed first on the basis of the county origin of sales of motor vehicle fuels within the State, and further allocated among the cities and towns within each county in the proportion that the population of each city or town bears to the total population of all cities and towns in the county (28-1598).

3. WHAT IS THE REVENUE SHARING FORMULA FOR HIGHWAY CONSTRUCTION AND MAINTENANCE?

The Colorado highway users tax fund is apportioned as follows:

- 1) The highway crossing protection fund receives \$20,000 each month to promote public safety and pay costs of installing and improving safety signals at railroad and street railway crossings (43-4-205);
- 2) The Colorado State Patrol receives an amount specified by the Colorado General Assembly;
- 3) 65% of the balance of the fund is paid into the State highway fund (43-4-206);
- 4) Counties receive 26% of the balance of the fund. 80% of this money is allocated among individual counties in proportion to the mileage of public highways, excepting mileage of State highways, in each one. 20% is allocated to the counties in proportion to their motor vehicle registration (43-4-207).
- 5) Municipalities are entitled to 9% of the balance of the highway users tax fund. 80% of this money is distributed to individual cities in proportion to their motor vehicle registration. The remaining 20% is allocated among cities on the basis of the mileage of streets in each one (43-4-208).

COLORADO

3. WHAT IS THE REVENUE SHARING FORMULA FOR HIGHWAY CONSTRUCTION AND MAINTENANCE?

HAWAII

Local governments in Hawaii do not receive highway moneys by means of a revenue sharing formula. The counties of Hawaii are allowed to collect miscellaneous highway and vehicle "user" fees, and are also permitted by statute to levy a county fuel tax on each gallon of liquid fuel sold for use within the county. The amount of the tax is set by each county council (14 Sect. 243).

IOWA

Funds for construction and maintenance are allocated to the counties and cities from the road use tax fund. The fund is composed of motor vehicle registration fees, motor fuel taxes, use taxes, and other moneys. Allocations from the road use tax fund are made on the following basis after first deducting entitlements for several special purpose funds: (1) 45% to the primary road fund (State); (2) 28% to the secondary road fund of the counties; (3) 9% to the county farm-to-market road fund; (4) 18% to the street construction fund of the cities.

Sixty percent of the county allocation is distributed to each county based on the need of each county in relation to the total needs of the entire county road system; 40% is based on the area of each county relative to the total area of the State. The needs of the counties were determined until 1979 by a periodically convened special highway study committee, and are now assessed by the Department of Transportation.

The distribution of funds to cities is based on population of each city in relation to the total population of all cities in the State.

3. WHAT IS THE REVENUE SHARING FORMULA FOR HIGHWAY CONSTRUCTION AND MAINTENANCE?

Montana annually allocates \$6,500,000 of gas tax revenues among eleven "financial" districts" each of which contains several counties (32-2603). The financial districts receive money for portions of the federal-aid highway system, the federal-aid secondary system, and the federal-aid interstate system located within their boundaries. Each district receives an amount for federal-aid primary highways based on the ratio between the incomplete mileage (figure includes all mileage which doesn't meet State standards) of the district and the total incomplete mileage in the State (32-2606). The proportion of funding each district receives for federal-aid secondary highways is computed on the following basis:

- (a) 1/4 in the ratio of land area in each district to the total land area in the State.
- (b) 1/4 in the ratio of the rural population in each district to the total rural population in the State.
- (c) 1/4 in the ratio of the rural road mileage in each district to the total rural road mileage in the State.
- (d) 1/4 in the ratio of the value of rural lands in each district to the total value of rural land in the State.

MONTANA

The money appropriated to each district is further apportioned to each county in the district on the same basis (32-2607). The amount given to each district for federal-aid interstate highways is based on the ratio between the estimated cost of constructing the system in each district and the estimated cost of constructing the entire system within the State (32-2609). The department may give a limited amount of additional money to a district for any of the systems. However, the succeeding fiscal year, the district's allocation will be reduced by a like sum (32-2610).

The Department of Highways annually makes funds available to each county and city over 5,000 for matching federal-aid off-system road and urban highway grants. Counties receive this money on the same basis that they receive funding for federalaid secondary highways (32-2607.1). The allocation to cities is based on the ratio of urban population in the city to total urban population in all cities over 5,000 in the State (32-2611).

3. WHAT IS THE REVENUE SHARING FORMULA FOR HIGHWAY CONSTRUCTION AND MAINTENANCE?

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20% of all monies credited to the Oregon highway fund must be appropriated among the State's counties (366.525). In any year, individual counties receive an amount which is based on the ratio of the number of vehicles and trailers in the county, to the total number of vehicles and trailers in the State (366.530). Cities are entitled to 12% of the money credited to the State highway fund. Each city receives a share proportionate to the size of its population (366.800(5)).

OREGON

Counties and "road districts" (counties may be divided into road districts by popular initiative) may levy several different taxes to pay local road construction, maintenance, and repair costs (371; 373.240). In some cases, counties must allocate revenues from taxes among the road districts according to a formula specified by statute (368.710).

3. WHAT IS THE REVENUE SHARING FORMULA FOR HIGHWAY CONSTRUCTION AND MAINTENANCE?

WASHINGTON

Local governments receive statutorily dedicated highway funds and administrative assistance through the State Aid Division of the Washington State Department of Transportation. Proceeds from the State fuel tax, vehicle ownership and licensing fees, and fines accrue to a "motor vehicle fund" (RCW 46.68.020, 030, 050; 82.36.020) which is distributed among city, county and State highway and road programs according to the following statutory formula: 11.53% to cities and towns, 22.78% to counties, and 52.21% to the State (RCW 46.68.100). Money is allocated to individual cities and counties according to another formula specified by statute (RCW 46.68.110; 46.68.115; 46.68.120). Another 7.12% of the motor vehicle fund goes into an urban arterial trust account which finances bond programs and limited "pay as you go" construction of local arterials (RCW 46.68.100). 6.95% of the State's portion of the motor vehicle fund is dedicated to construction and improvement of State highways in urban areas (RCW 46.68.150).

WYOMING

10% of Wyoming's gasoline license tax revenues are reserved solely for payment of the State's share of the county-state road construction program. This money must be allocated among the counties based 50% on the ratio which the rural population of the county bears to the total rural population of the State, and 50% on the ratio which the area of the county bears to the area of the State (Sect. 24-2-110). 75% of the amount of any bond issue issued by the State for State highway construction must be apportioned to each county in the proportion which the assessed valuation of the county bears to the total assessment of the State (Sect. 24-1-119).

4. WHAT CRITERIA DO THE STATUTES CONTAIN REGARDING THE ALLOCATION OF STATE HIGHWAY CONSTRUCTION AND MAINTENANCE FUNDS?

ARIZONA

Arizona has a Transportation Priority Planning Committee which recommends statewide highway construction project priorities to the State Transportation Board. The committee prepares and annually updates a long range statewide transportation facilities construction program which prioritizes construction projects to be undertaken in each of the five ensuing fiscal years. The estimated cost of the program for each year must be approximately equal to the revenues estimated to be available for highway construction during that year. The committee must devise a rating formula to use when deciding project priorities, taking into account the following criteria: (a) sufficiency rating, (b) user benefits, (c) economic factors, (d) continuity of improvement, (e) social factors, (f) land use, (g) aesthetic and environmental factors, (h) conservation factors, (i) safety factors, (j) life expectancy, (k) recreational factors, (l) availability of State and federal funds, (m) any other relevant criteria developed by the committee (28-111).

Additionally, Arizona law provides that the Department of Transportation must spend money from the State highway fund first for construction of highways which are joint federal-state projects, and second, for taking over and constructing other State highways. Reconstruction or replacement of existing highways damaged or destroyed by acts of God or other sudden or unexpected causes must be the priority use of the Department's maintenance moneys. Damaged federal-state roads must be repaired before reconstruction of other State highways is undertaken (28-1822).

COORADO

The State Highway Commission must determine priorities for construction on the State highway system before May 30 of the year preceding the year during which construction is to be undertaken (43-2-136(a)).

In establishing priorities, the State Highway Commission must make use of a highway "sufficiency rating" system which takes into consideration traffic volume, composition of traffic, width of roadbed, pavement type, and other construction factors which are necessary in order to adequately compare existing highway facilities with the known desirable standards for highways (43-2-136). Counties and cities must annually submit to the Highway Commission priorities for the construction of roads, streets, and highways within their jurisdiction. Counties and cities may use a highway sufficiency rating method similar to that employed by the State Department of Highways (43-2-137; 43-2-138).

4. WHAT CRITERIA DO THE STATUTES CONTAIN REGARDING THE ALLOCATION OF STATE HIGHWAY CONSTRUCTION AND MAINTENANCE FUNDS?

HAWAII

Hawaii law specifies how each county's fuel tax revenues may be spent, but only prior to one type of expenditure: counties must pay amounts due on road construction bonds before spending money on other projects (Sect. 243-6). The State's share of fuel tax revenue is also "earmarked" by statute, but not prioritized. Moneys in the State highway fund may be expended for the following purposes:

- (1) To pay the costs of repairs and maintenance of the State highway system.
- (2) To pay the costs of acquisition, planning, designing, construction and reconstruction of the State highway system and bikeways.
- (3) To reimburse the general fund for interest on and principal of general obligation bonds issued to finance highway projects (14 Sect. 248-9).

There are also general instructions regarding money generated by motor vehicle and "user" taxes levied by the county. These funds may be used for the following purposes:

- (1) For all costs involved in construction and maintenance of public highways.
- (2) For installation, maintenance, and repair of street lights on county-maintained public roads.
- (3) For purposes connected with traffic control and safety.
- (4) For payment of interest on and redemption of bonds.
- (5) For purposes connected with mass transit.
- (6) For the design and construction of bikeways.

These projects are not prioritized by statute. (Sect. 249-18).

IOWA

Iowa's statutes provide little direction for the allocation of State highway funding. Highway planning appears to be a joint function of the Transportation Commission and the Highway Division of the Department of Transportation. The Commission is responsible for the development of an annual transportation policy and plan, while the Highways Division has jurisdiction over the planning, design, construction and maintenance of the State primary highways (307.10, 307.24).

Improvements to the State primary road system are given statutory priority over new construction. Such improvements are to be made "as rapidly as funds become available therefore until the entire mileage of the primary roads system meets traffic requirements (313.8). The condition of the primary roads to be equalized as nearly as possible by such improvements.

The statutes also provide that sufficient funds will be made available to equal the total federal allotment to the State for road purposes, and to maintain the roads constructed with such funds. (313.1).

4. WHAT CRITERIA DO THE STATUTES CONTAIN REGARDING THE ALLOCATION OF STATE HIGHWAY CONSTRUCTION AND MAINTENANCE FUNDS?

MONTANA

Montana State statutes do not prioritize highway construction or maintenance projects. However, before money is appropriated to the financial districts, counties or cities funds are removed for four types of projects: bridge replacement, construction and reconstruction of federal-aid priority primary routes, upgrading highways through economic growth centers, and improving highway safety (32-2613, 32-2614, 32-2617; 36-2618). "Reasonable" amounts must also be spent for establishing footpaths and bicycle trails, which, by law, must be constructed along all sections of the interstate highway system (32-2626).

OREGON

Oregon statutes contain several provisions regarding expenditure of the State Highway Fund. "Reasonable" amounts must be spent to establish footpaths and bicycle trails. Except where specified by statute, footpaths and bicycle trails must be established wherever a highway, road, or street is being constructed, reconstructed, or relocated (366.514). Before allocating the State's highway monies, the Department of Transportation must first set aside an amount sufficient to comply with the terms of the various federal aid programs in which the State participates (366.735). By law, the Department must also withdraw \$250,000 each year from the amount appropriated for cities. This money must be spent by the department on city streets which are receiving excessive wear through sudden increases in population, or heavy and unusual traffic. The Department may not use this money for streets which are part of the State highway system (366.805).

4. WHAT CRITERIA DO THE STATUTES CONTAIN REGARDING THE ALLOCATION OF STATE HIGHWAY CONSTRUCTION AND MAINTENANCE FUNDS?

Washington State statutes outline a procedure for prioritizing highway projects. The Washington State Highway Commission establishes three categories of highway improvements:

- (1) Category A improvements consist of those necessary to sustain the structural, safety, and operational integrity of the existing State highway system;
- (2) Category B improvements consist of those continuing the development of the interstate system;
- (3) Category C consists of major transportation improvements (other than improvements to the interstate system) including designated but unconstructed highways which are vital to the state-wide transportation network (RCW 47.05.030).

The Commission prepares a long range plan allocating the estimated revenues for a fourteen year period among the categories, giving primary consideration to the following factors:

- (a) The relative needs in each of the categories.
- (b) The need to provide adequate funding for Category A improvements to protect the State's investment in its existing highway system; and
- (c) The continuity of future highway development of all categories of improvements with those previously planned (RCW (47.05.035)).

In preparing the long range plan, the Highway Commission must adopt a schedule for performing Category A improvements within each classification of State highways (all State highways are classified by the Commission according to their function and importance (RCW 47.05.020) (RCW 47.05.035(2))).

The Commission must prioritize all A and B improvement projects according to the following criteria:

- (a) The highway's structural ability to carry loads imposed on it;
- (b) Its capacity to move traffic at reasonable speeds without undue congestion.

(continued)

4. WHAT CRITERIA DO THE STATUTES CONTAIN REGARDING THE ALLOCATION OF STATE HIGHWAY CONSTRUCTION AND MAINTENANCE FUNDS?

- (c) Its adequacy of alignment and related geometrics;
- (d) Its accident experience; and
- (e) Its fatal accident experience (RCW 47.05.050).

When selecting which category C projects to perform, the Commission must compare the projects on the basis of the following:

- (a) Continuity of development of the highway transportation network;
- (b) Coordination with the development of other modes of transportation;
- (c) The State long range goals of the local area and its transportation plan;
- (d) Its potential social, economic, and environment impacts;
- (e) Public views concerning proposed improvements;
- (f) The conservation of energy resources and the capacity of the transportation corridor to move people and goods safely and at reasonable speeds; and
- (g) Feasibility of financing the full proposed improvement (RCW 47.05.051).

There are statutory provisions permitting the Highway Commission to deviate from the established prioritization of projects (RCW 47.05.051(g); 47.05.055).

According to Wyoming statutes, the State Highway Commission prioritizes only county industrial road projects using the following criteria: (1) date project was proposed; (2) county money available for project; (3) traffic count; (4) number of people project will service; (5) tax value of the area served by the proposed industrial road (Sect. 24-5-121).

House Bill 654

This is "an act relating to the Department of Transportation and Public Facilities and establishing a board at the Department of Transportation and Public Facilities and providing for an effective date."

This bill establishes a board of transportation made up of 7 members. One member of the Board shall be appointed from each allocation district as in AS.19.30.127, (Local Service Roads and Trails districts.)

two members with highway construction experience  
two members with aeronautical experience  
one member with a maritime background  
one member with to be an economist  
one member shall be selected from the public at large

Members serve overlapping terms with no member serving more than two terms.

Sec. 44.42.017 The board is entitled to compensation of \$150 per day as well as travel and per diem, and is authorized \$100 for board approved meetings or conferences.

Sec. 44.42.019 The board is authorized to hire staff as necessary. Staff is in the partially exempt category.

Sec. 44.42.021, Powers and Duties

(a) The board shall: "Recommend policy for adoption to the legislature to assure the development and maintenance of a comprehensive and balanced statewide system that will meet the needs of the people of the state for safe and efficient transportation services." The bill outlines considerations for the board in their preparation of these policies. (inasmuch as these are straightforward in the bill, I will not go into detail here, but highlight significant areas)

(c) The board may (1) engage in experimental projects relating to existing or future modes of transportation.. (2) exercise the power of eminent domain, including the declaration of taking as in AS. 09.55.

(d), .." the board shall supervise the execution (of the plan) by the commissioner of other statutory powers and responsibilities granted to the commissioner by law.", which gives added accountability from the commissioner to the board.

Sec. 44.42.040 The board may adopt regulations.

Sec. 44.42.040 The board shall adopt regions in the state. The functions of the department.. shall be performed, to the maximum extent possible through the regional office. Region directors are appointed by the commissioner. (Recall that the board has supervisory powers here)

This section also elaborates on the "plan" for transportation.  
Sec. 4, AS.44.42.050(a) provides for an annual comprehensive  
intermodal, long range plan.

Sec. 5 AS 44.42.050(b) provides for amendments to the plan.

Sec. 6 speaks to "two year" plan but does not address two phase funding.  
See HB 650.

Sec. 7 through Sec. 10 speaks to Public Facilities and outlines  
procedures for the public facilities and other plans.

Sec. 12 through Sec. 16 inserts the word board in place of the word  
commissioner

TESTIMONY ON CS HB 648, CS HB 649, CS HB 651,  
CS HB 652 and CS HB 654

My name is Walter B. Parker. I am a resident of Anchorage, Alaska residing at 3724 Campbell Airstrip Road. I have been active in Alaskan transportation operations and planning since 1946.

CS HB 654

I strongly support this bill. I believe that the Board would serve as the forum that has long been needed to discuss the transportation affairs of the state. It is time to decentralize some of the power in the state executive and this bill certainly is a good step in that direction.

I believe if we look at the Department of Education and see that the same Commissioner working with his board has survived some of the greatest policy changes in state history is a good indication of the way in which the board proposed in this bill might work for transportation. As a former Commissioner I would regard the board as an enhancement of the decision making power rather than a check upon it.

The change I would suggest would be to have two maritime members and drop the economist. This does not reflect a bias against economists who despite our present revenue forecasts I tend to admire as a profession. However, I believe this board should reflect overall transportation background and not specified professional expertise.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 654 Relating to DOTPF and establishing the  
Title Board of Transportation & Public Facilities at the head of the Dept.  
 Requested by House Transportation Date 1/21

II. FISCAL DETAIL

Agency Affected Department of Transportation and Public Facilities  
 Program Category Affected Administration and Support  
 EPU, Program, Or Subprogram(s) Affected Board of Transportation and Facilities  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	-0-	89.8	98.8	108.6	119.4	131.3
200 TRAVEL	-0-	41.0	46.1	50.7	55.8	61.3
300 CONTRACTUAL	-0-	55.0	60.5	66.5	73.1	80.4
400 COMMODITIES	-0-	5.0	5.5	6.0	6.6	7.2
500 EQUIPMENT	-0-	10.0	1.0	1.0	1.0	1.0
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
<b>TOTAL</b>	<b>-0-</b>	<b>201.7</b>	<b>211.9</b>	<b>232.8</b>	<b>255.9</b>	<b>281.2</b>

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	-0-	201.7	211.9	232.8	255.9	281.2
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	-0-	2	2	2	2	2
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

See attached notes and HB 654 1982.

IV. DATE 2/4/82

PREPARED BY D.H. Wong Don Paul  
 AGENCY Department of Transportation & Public Facilities  
 PHONE 415-3710

Original: Legislative Finance

ESTIMATED COST ON HB654  
For Board of Transportation & Facilities

100	Personal Services			
	2 Full time Staff			
	Executive Director			
	24A 4320/mo	\$51,840		
	Secretary I			
	10B 1726/mo	<u>20,712</u>	\$72,552	
	Benefits at 23.8%		<u>17,257</u>	\$89,819

200	Travel			
	Per Diem-Members			
	\$80/day			
	(per as 39.20.160)			
	Meetings			
	5 days - Initial set up x 7 members (35)			
	3 days - 6 Regular x 7 members (126)			
	5 days - Special x 7 members (35)			
	3 days x 3 Inspection x 7 members (63)			
		<u>259</u> x \$80/day	\$20,720	
	Per Diem-Staff			
	5 days (5)			
	3 days 6 times (18)			
	5 days 1 time (5)			
		<u>28</u> x \$80/day	\$ 2,240	

200	Air Fare - Members & Staff			
	\$1,566 per meeting x 8 meetings	12,528		
	Avg/trip = \$261			
	\$261 x 7 members x 3 inspection trips	5,481		
	Total air fare	<u>\$18,009</u>		
	Inflation/Rate increase 5%	<u>900</u>	<u>\$18,909</u>	
	Total Travel			\$41,869

300	Contractual			
310	Communication		\$ 6,000	
320	Printing & Advert.		9,000	
330	Space rental		9,300	
364	Equipment Rental		6,000	
380	Professional Services		20,000	
390	Other Contractual Services		<u>4,700</u>	
	Total Contractual			\$55,000

400

Commodities

450

Office Supplies

\$ 5,000

Total Commodities

\$ 5,000

500

Equipment

Furniture & Office

Equipment including

10,000

2 desks, 2 chairs

10,000

3 file cabinets, 1 book shelf

1 typewriter, 1 calculator

3 guest chairs, 1 table

Total cost Estimated

: \$201,688

Total Estimated Cost FY 83

\$201,700

Sec. 39.20.160. Regulations. The fixing and payment under AS 39.20.110 — 39.20.170 of travel and per diem allowances and of advances and recovery and reimbursement of travel expenses shall be in accordance with regulations adopted by the commissioner of administration. The regulations shall be uniform for all officials and employees, and all agencies and departments. The regulations shall also govern the use of public transportation facilities by officials and employees. The regulations relate to the internal management of state agencies and their adoption is not subject to the Administrative Procedure Act (AS 44.62). (§ 9 ch 60 SLA 1957; am § 2 ch 13 SLA 1963)

Sec. 39.20.170. Construction of AS 39.20.110 — 39.20.170. AS 39.20.110 — 39.20.170 may not be construed to modify or repeal a law providing for the travel expenses of the governor, or members of the legislature, or members of boards or commissions of the state government. (§ 10 ch 60 SLA 1957)

Sec. 39.20.180. Transportation and per diem expenses for members of boards, commissions, etc. Except as otherwise provided by law, from and after March 27, 1962, the provisions in this section relating to per diem and transportation govern exclusively and supersede all other provisions of law with respect to a member of a state board, commission, committee, judicial council, or other similar body of persons of the state organized or established under the authority of law, but excluding any other state employee other than a legislator, who is otherwise entitled by law to receive from the state payments for expenses of transportation, and for reimbursement or for per diem in lieu of reimbursement for other expenses incident to his duties as such member:

(1) For transportation, the member is entitled either to the use of state transportation requests, or to be reimbursed for expenses of transportation to the same extent, in the same manner, and under the same conditions as provided for state officials and employees by the provisions of AS 39.20.110 — 39.20.170.

(2) For reimbursement for other expenses, the member is entitled to a per diem allowance prescribed by the commissioner of administration under the regulatory authority set out in AS 39.20.160 for each day or portion of a day spent in actual meeting or on authorized official business incident to his duties as a member. (§ 1 ch 130 SLA 1953; am § 1 ch 34 SLA 1960; am § 1 ch 37 SLA 1962; am § 5 ch 136 SLA 1967; am § 12 ch 47 SLA 1974)

Cross reference. — As to coverage of state board and commission members under the Worker's Compensation Act, see AS 23.30.242.

Cited in *Laborers & Hod Carriers Local 341 v. Groothuis*, Sup. Ct. Op. No. 773 (File Nos. 1435, 1439), 494 P.2d 808 (1972).

Quoted in *Employers Liab. Assurance Corp. v. Groothuis*, 8 Alas. L.J. No. 12, p. 134 (Nov., 1970).

Title 40  
Public Records  
and Records

Title 41  
Public Resources

Public Utilities  
and Carriers