

H B

70

I. REQUEST

Bill/Resolution No.: HB 70
 Title: Relating to regions in DOT & PF and prescribing duties of directors
 Sponsor: Cato
 Requestor: Cato

II. FISCAL DETAIL

Agency Affected: DOT & PF
 Program Category Affected: All
 BRU, Program of Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LANDS & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL OPERATING	0.0	8,785.8	9,225.1	9,686.3	10,170.7	10,679.2
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

General Funds

IV. ANALYSIS: See Attached for Analysis.

Prepared By: Paula Ramsey Phone: 465-4060
 Division: Planning and Programming Date: 4/14/83
 Approved by Commissioner: [Signature] Date: 4/18/83
 Department: Transportation and Public Facilities

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different for Sponsor)

Estimated Additional Design and Construction functions:

Central Region - Director's Office	457.3
Buildings & Harbors	555.1
Southeast Region - Right of Way	324.0
Technical Services	410.6
Highway and Aviation	746.8
Subtotal:	<u>2,493.8</u>
Southcentral Residency	(122.5)
Western Residency	(115.6)
Total	<u>2,255.7</u>
Estimated COLA 20%	451.1
Total	<u>2,706.8</u>

Estimated Additional Planning and Programming functions:

Interior Region - Transportation Planning	1,596.3
Facility Planning	345.6
Subtotal	<u>1,941.9</u>
Estimated COLA 10%	194.2
Total	<u>2,136.1</u>

Subtotal D & C and P & P:	4,842.9
X Two additional region,	x 2
	<u>9,685.8</u>
Less estimate of 11 Directors (5 M&O, 3 D&C, 3 P&P) and 4 Deputies which exist in current regions	<u>(1,500.0)</u>
Total	<u>8,185.8</u>
Plus estimate of 5 Directors (one for each region) and 1 Deputy	600.0
Total	<u>8,785.8</u>

T O T A L

\$8,785.8

IV. ANALYSIS

The operating costs to duplicate the regional organizations for Design and Construction Unit and the Planning Programming Unit in two additional regions would approximate \$8.8 million in general funds. This estimate does not attempt to cover any cost which would be required for space and other capital costs. Without further detailed study, we estimate that space costs could range from \$500,000 to \$3,000,000. Additional facilities will be needed in both new regions, and Nome has little to no space currently available.

The actual costs would vary greatly based upon the level of autonomy desired in the regions and refinement of possible reduction in the existing regions. Reductions for duplication of effort would be minimal compared to the total cost. The estimate provided here is based upon the assumption that only the Design and Construction (D&C) and Planning and Programming (P&P) Units would be expanded into the two additional regions. No specific estimates have been made for costs of increased administrative services required in the regions. Each region could operate with relative autonomy in the three major components, D&C, P&P, and Maintenance and Operations (M&O).

Beyond these assumptions, the estimated changes are conservative. Economies are identified in reductions on possibly duplicative management staff in all regions, and yet cost reductions are minimal compared to the total cost.

In order to estimate five full regions, we removed the functions in the Western Maintenance and Operations (M&O) Region and the Southcentral Region, which are Design and Construction (D&C) positions known as "Residencies". These positions formerly served limited reconnaissance and coordination functions in Nome and Valdez. This leaves three full regions, with all three components, and two with the M&O component only. Each component, however, currently has a director, and the proposal in HB 70 speaks of only five directors, one for each region. We therefore estimate conservatively that eleven directors (five for M&O, three for Planning and Programming (P&P), and three for D&C) and four deputy directors be removed from the cost estimate.

We then estimated the cost of adding a D&C and P&P component to both the Western and Southcentral Regions. These estimates were derived from the component in existing full regions we thought most realistically appropriate. The proxies were selected for D&C functions from either Central or South-eastern Region, whichever was lower. Interior Region's P&P functions were used as proxies for the P&P component.

With D&C and P&P components added in, we then had five full regions with all three components in each, but without management. Accordingly, we added back in the cost of five directors (one for each region as specified in the bill) and one deputy director.

The direct costs for capital projects were not included because it is assumed they would be transferred from the regional offices now handling those projects.

Attachment

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
Deputy Commissioner - Standards and Statewide Programs

Pouch Z
Juneau, Alaska 99811
(907)465-3900

March 30, 1983

The Honorable Bette Cato
Representative
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Representative Cato:

In response to your recent questions regarding the Department of Transportation and Public Facilities (DOT&PF), the following information is provided:

- 1) The Department currently employs a total of 85 planners, Transportation Planners and Facility Planners as follows:

Central Region	34
Interior Region	19
Southeast Region	28
Headquarters	4

- 2) There is nothing formal in the State's personnel system which states the minimum qualifications for Deputy Commissioners. For your information, however, the Department's new appointments have the following experience in positions related to their current functions:

Fred Seeger, Deputy Commissioner for Standards and Statewide Programs-15 years
David Haugen, Deputy Commissioner for Central Region-16 years
H. "Glen" Glenzer, Deputy Commissioner for Interior Region-15 years
Jonathan W. Scribner, Acting Deputy Commissioner for Southeast Region-15 years

- 3) Enclosed please find a 24" X 36" Organization Chart of DOT&PF, which is identical to the one distributed to Department employees.
- 4) The Executive Budget, Book II is the most recent official version of the FY 84 Capital Budget which is available. A copy is enclosed.
- 5) Although I have not yet received a transcript or tape of the meeting on March 28th, I will attempt to summarize my comments. I cautioned the

committee to be very careful of any expansion which would be occasioned by the creation of additional regional offices in the DOT&PF. The costs, in particular, to be concerned about are administrative overhead costs, such as Administrative Officers and other personnel. The proposal to expand to five regions would increase these costs for both Planning and Programming and Design and Construction functions. Enclosed, please find a copy of the fiscal note prepared for CSHB 649 introduced last year. It will provide some idea of how costly such a decision might be--as much as \$9.7 million for staff and as much as \$500,000 to \$3 million for space cost.

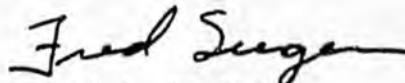
- 6) A list of the locations of DOT&PF Maintenance Stations follows. Some of these serve for both road and airport maintenance. There are additional maintenance stations - not listed here - which are entirely, or almost entirely for airport maintenance.

Maintenance Stations (Road Camps)

Bear Creek	Girdwood	Birch Lake
Cottonwood	Silver Tip	Eagle
Nome	Moose Pass	O'Brien Creek
St. Mary's	Seward	South Fork
Bethel	Kalsin Bay	Tok
McGrath	Kodiak	Gardiner Creek
Dillingham	Seldovia	Slana
King Salmon	Homer	Skagway
Ruby	Ninilchik	Haines
Deadhorse	Soldotna	Juneau
Livengood	North Kenai	Sitka
Manley Hot Springs	Cascade	Kake
Fairbanks	Nelchina	Petersburg
Nenana	Cordova	Wrangell
Healy	Valdez	Klawock
Cantwell	Thompson Pass	Ketchikan
East Fork	Ernestine	Hyder
Chulitna	Chitna	Seven Mile
Talkeetna	Taslina	Jim River
Willow	Gulkana	Cold Foot
Palmer	Paxson	Chandalar
Birchwood	Trims	Fag River
Anchorage	Big Delta	

If our office can be of further assistance, please call.

Sincerely,



Fred J. Seeger
Deputy Commissioner

Enclosure

cc: John C. Bates
Wayne E. Weeks
Emil Notti
Office of the Governor

FJS/PR/rw

1.6

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CSHB 649 Relating to regions in DOTPF and prescribing
 Title duties of directors
 Requested by House Transportation Committee Date March 26, 1982

II. FISCAL DETAIL
 Agency Affected _____
 Program Category Affected _____
 ERJ, Program, Or Subprogram(s) Affected _____
 (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						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	up to 9720.0					

FUNDING (Thousands of Dollars)

	up to	9720.0				
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)
 The operating costs to duplicate the regional organizations for the Design and Construction Unit and the Planning and Programming Unit in two additional regions would approximate \$9.7 million in general funds. This estimate does not attempt to cover any costs which would be required for space and other capital costs.

The actual costs would vary greatly based upon the level of autonomy desired in the regions and the refinement of possible reduction in the existing regions. Reductions for duplication of effort would be minimal compared to the total cost.

Reductions to the existing regions have been limited to those now used for the Nome and Valdez Residencies and the three existing director positions which would be deleted.

IV. DATE March 30, 1982 PREPARED BY Ronald Lind *RL*
 AGENCY DOT/PF
 Original: Legislative Finance PHONE 465-3000
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

The cost estimates are based upon the assumptions that only the Design and Construction and Planning and Programming Units would be expanded into the two additional regions. No specific estimates have been made for costs of increased administrative services required in the regions.

The costs were calculated as follows:

For the Design and Construction activities, the lower general fund amount in the Southeast or Central Division in the 1983 budget for each component was used. The general fund costs for the two residencies were then deleted. The estimate for the Planning and Programming activities is based upon costs for the Transportation and Facility components for the Interior Region. The direct costs for capital projects were not included because it is assumed that they would be transfers.

Attachment

Attachment for Fiscal Note -
CSHB 649

General Fund

	<u>Operating</u>	<u>Indirect</u>
Central Region - Director's Office	450.0	105.0
" " Technical Services	260.0	200.0
" " Buildings & Harbors	395.0	175.0
Southeast Region - Right of Way	310.0	20.0
" " Highway and Aviation	570.0	95.0
Subtotal:	<u>\$1,985.0</u>	<u>595.0</u>
Southcentral Residency	[30.0]	-
Western Residency	[40.0]	-
Estimated COLA 20%	<u>\$1,915.0</u>	<u>595.0</u>
	380.0	120.0
	<u>\$2,295.0</u>	<u>715.0</u>
Interior Transportation Planning	\$1,450.0	-0-
" Facility Planning	500.0	-0-
Estimated COLA 10%	<u>\$1,950.0</u>	-0-
	200.0	-0-
	<u>\$2,150.0</u>	
Subtotal D & C and P & P	\$4,445.0	715.0
Less estimate of 3 Directors which exist in current region	[300.0]	-0-
Two additional regions	<u>\$4,145.0</u>	<u>715.0</u>
	x 2	x 2
	<u>\$8,290.0</u>	<u>\$1,430.0</u>
TOTAL		<u><u>\$9,720.0</u></u>

ALASKA

DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES REGIONS

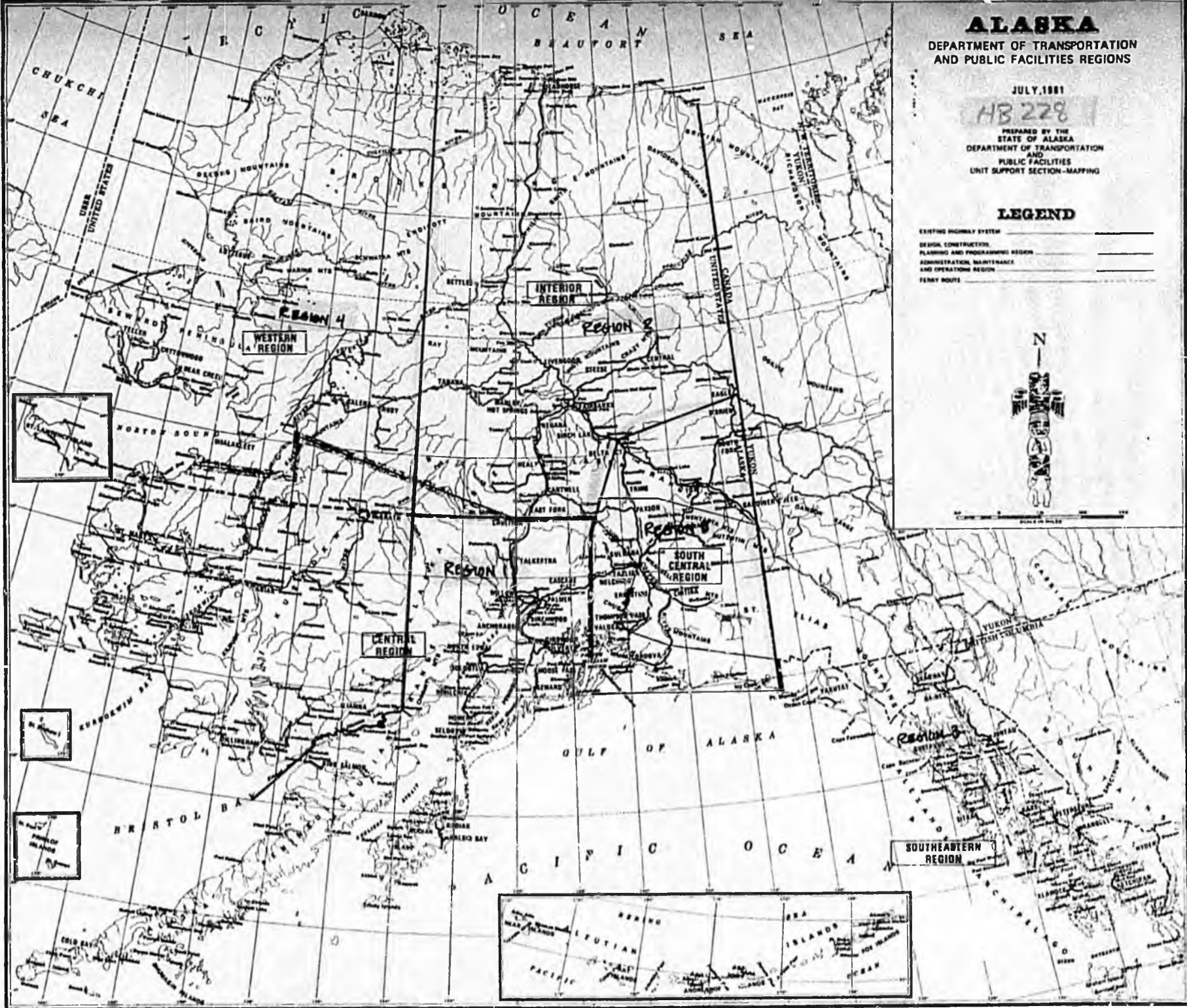
JULY, 1981

HB 228

PREPARED BY THE
STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND
PUBLIC FACILITIES REGION
UNIT SUPPORT SECTION-MAPPING

LEGEND

- EXISTING HIGHWAY SYSTEM _____
- DESIGN, CONSTRUCTION, PLANNING AND PROGRAMMING REGION _____
- ADMINISTRATION, MAINTENANCE AND OPERATION REGION _____
- FERRY ROUTE - - - - -



Original sponsor: Cato

1 IN THE HOUSE

BY THE TRANSPORTATION
COMMITTEE

2 CS FOR HOUSE BILL NO. 70 (Transportation)

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 regions in the Department of
7 Transportation and Public Facilities and prescribing
8 the duties of regional transportation and public
9 facilities directors."

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

11 * Section 1. AS 44.42.040 is amended to read:

12 Sec. 44.42.040. REGIONAL [DEPARTMENTAL] ORGANIZATION OF DEPART-
13 MENT. (a) The commissioner shall establish five regions within the
14 state in accordance with (b) of this section. The functions of the
15 department within each region shall be performed, to the maximum
16 extent feasible, through a regional office. Each regional office
17 shall be directed by a regional transportation and public facilities
18 director appointed by the commissioner. Each regional transportation
19 and public facilities director shall have at least six years experi-
20 ence in transportation construction or engineering.

21 * Sec. 2. AS 44.42.040 is amended by adding a new subsection to read:

22 (b) The five regions are:

23 (1) Region one begins in Bristol Bay on latitude 58°00'N
24 and travels east along that line to longitude line 158°00'W; then
25 north along longitude line 158°00'W to the mouth of Kvichak Bay; then
26 travels northeasterly along the southern bank of the Kvichak River to
27 Iliamna Lake; then northeasterly along the southern shore of Iliamna
28 Lake to longitude line 154°00'W, and travels north along longitude
29 line 154°00'W to a point due west of the community of Cantwell; then

1 east to the community of Cantwell; then southwesterly to the junction
2 of the Glenn Highway and the Fishhook-Willow Road (approximately one
3 mile northeast of Palmer); then southeasterly to Prince William Sound
4 at Fairmount Point 60°53'45"N, 147°27'W and inclusive of Kodiak,
5 Afognak, Barren, Trinity, Chirikof, and Pribilof Islands.

6 (2) Region two begins at the Arctic Ocean on latitude 141°
7 00'W; then southerly along that line to a point due east of the
8 community of Eagle; then southwest to the community of Cantwell; then
9 west to longitude 154°00'W; thence north along longitude 154°00'W; to
10 the Arctic Ocean.

11 (3) Region three begins in the Gulf of Alaska on longitude
12 line 141°00'W; then north along longitude 141°00'W to Boundary Point
13 187; then southeasterly along the Canadian-United States border bound-
14 ing Southeastern Alaska in its entirety.

15 (4) Region four begins in the Arctic Ocean at Smith Bay on
16 longitude line 154°00'W; travels south along longitude 154°00'W to a
17 point where longitude line 154°00'W crosses the southern shore of
18 Iliamna Lake; then southwesterly along the southern shore of Iliamna
19 Lake to the Kvichak River; then southwesterly along the southern bank
20 of the Kvichak River to Kvichak Bay; then south along longitude line
21 158°00'W to latitude line 58°00'N, then west along that line into
22 Bristol Bay, and inclusive of St. Matthew, St. Lawrence, and Nunivak
23 Islands.

24 (5) Region five begins at the Gulf of Alaska on longitude
25 line 141°00'W and travels northerly along that line to a point due
26 east of the community of Eagle; then southwest to the community of
27 Cantwell; then southwesterly to the junction of the Glenn Highway and
28 the Fishhook-Willow Road (approximately one mile northeast of Palmer);
29 then southeasterly to Prince William Sound at Fairmount Point

1 60°53'45"N, 147°27'W.

2 * Sec. 3. AS 44.42 is amended by adding a new section to read:

3 Sec. 44.42.045. DUTIES OF REGIONAL TRANSPORTATION AND PUBLIC
4 FACILITIES DIRECTORS. (a) Each regional transportation and public
5 facilities director is responsible for planning, design, and construc-
6 tion within the region consistent with the state transportation plan
7 established under AS 44.42.050 and the state public facilities plan
8 established under AS 44.42.055.

9 (b) Each regional transportation and public facilities director
10 shall submit to the commissioner proposed program plans, agency budget
11 requests, and reports of program performance at a time directed by the
12 director of the division of budget and management, Office of the
13 Governor.] The commissioner may comment on the program and financial
14 plans submitted by a regional transportation and public facilities
15 director under AS 37.07 but shall forward the program and financial
16 plans submitted by a regional transportation and public facilities
17 director to the division of budget and management without change.]

18 (c) Each regional transportation and public facilities director
19 shall submit to the commissioner a plan implementing the state trans-
20 portation plan and the state public facilities plan 90 days before the
21 end of a fiscal year for implementation in the succeeding fiscal year.
22 A revision of the plan implementing either the state transportation
23 plan or the state public facilities plan may be submitted at any time.
24 A regional implementation plan or a revision of a regional implementa-
25 tion plan is final unless disapproved by the commissioner within 30
26 days of its receipt by the commissioner.

Alaska State Legislature

House of Representatives

Committee on Transportation

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4858



Rep. Bette Cato, Chairman

APRIL 4, 1983
AMENDMENTS TO CSHB 70

Page 1, lines 18-20:

Delete: Each regional transportation and public facilities director shall have at least six years experience in transportation construction or engineering.

Insert: The Department of transportation and public facilities shall require that a director or candidates for regional directors position possess at least 6 years experience in transportation construction and engineering.

Page 1, lines 23 - Page 2 line 5

The boundary lines for Region one will include Rep. Herrmann's election district boundary lines in order to accomodate her concerns of having her election district incorporated into one region.

Page 3, lines 9 through 26 TO BE DELETED.

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 649

I strongly support the primary concepts contained in this bill. The original idea of a state DOT envisioned regional transportation directors who would be responsible for coordinating planning, programming, operations and maintenance in their regions and who would report directly to the Commissioner. The director for each region could be selected for a background that most suited the problems of that region.

Normally, it is bad practice to place administrative boundaries in the statutes as this bill does. However, it is not a major problem and if other regions were created it could be accomplished at the next legislative session.

I would hope that we would soon have another region for Kodiak, the Aleutians, the Alaska Peninsular and Bristol Bay. I believe that the unique transportation requirements of western Alaska can best be met by having two regions which are devoted solely to those problems and staffed to handle those problems.

I also believe that the AMATS and FMATS structures could be separated out from their regions and handled as independent entities with liaison and coordination staff from DOT. This would leave Central Region and Interior free to handle the state concerns and the intent of AMATS and FMATS for maximum municipal control would be further enhanced. In the same manner, there is no particular reason why the Anchorage and Fairbanks International Airports could not be independent entities for administrative purposes. This would ensure that the regional director would focus most of his energies on regional concerns rather than on the major units for which he has responsibility. Obviously, planning would relate to all of the above both at the regional and statewide level but it would be planning for systems and not for day to day operations and maintenance.

Finally, the structure proposed in this bill would enable the Commissioner's office to become a lean planning, auditing and evaluating function. This would leave the Commissioner free for interaction with the regional directors, other state and federal agencies, the Governor and the legislature to maintain overall policy direction. The main point is that the relationship between regional directors and the Commissioner would be uninterrupted by other staff levels. Overall system direction for highways, aviation, marine, transit and other systems could be maintained through assignments in the Commissioner's office.

MAR 9 1982

Woodrow Johansen
P.O. Box 80422
College, AK. 99708

March 3, 1982

Subject: House Bills/DOT&PF

Steve Soenksen
Administrative Assistant
House Transportation Committee
Alaska House of Representatives
Fouch V
Juneau, Alaska 99811

Dear Mr. Soenken:

I want to thank you for the opportunity of reviewing the seven pieces of legislation recently introduced to the House of Representatives concerning reorganization of the Department of Transportation and Public Facilities.

I found the proposals interesting and it is heartening to know that there are concerns in Juneau for the efficient administration of the transportation segment of the state government.

I cannot agree with all proposed changes but they definitely are a starting point for discussion.

There are attached my comments on the bills submitted in numerical sequence.

Sincerely,



Woodrow Johansen

Attachments

House Bill 649

This bill establishes five Department of Transportation and Public Facilities Regions within the state and further places a director in charge of each region. I have no comment on the number of regions established. I do believe, however, that the boundaries of the regions should be studied. Consideration should be given to the transportation and communication facilities within the regions and between the regions. I heartily agree with the concept of placing one individual in charge of a region, that individual to be completely responsible for the functioning of the department within that region. I also believe, however, that there must be an organization existing within the state exercising control over all the regions by establishing policy and procedures on a statewide basis. Without this statewide organization to establish uniformity in policy and procedure, the department would function as a group of independent entities.

ESTABLISHING FIVE REGIONS WITHIN THE
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

HB 649

The Department of Transportation and Public Facilities (DOTPF) was created for several good reasons, one of which was to place the authority and responsibility for designing, constructing and maintaining public transportation facilities in the hands of those people closest to those facilities. The philosophy that prompted that decision was, "those people closest to the transportation problem are most intimate with the problem and left to their own devices, they are in the most knowledgeable position to solve that problem at the lowest possible cost to the taxpayer while providing the safest and most convenient transportation facility to the traveling public."

Unfortunately the DOTPF did not turn out as planned. The administration advocated a strong emphasis on planning, which resulted in the creation of a completely independent section headed by a director who had more authority than the regional engineer. The planning section duplicated the work that the design section had been doing but they did it with many more people and in reality the planning and the construction estimates were still being done by the design section. The planning section's primary function was to send the paperwork into headquarters which would allocate federal or state money to the individual projects so that the design and construction section could begin the project development which would ultimately lead to construction.

The creation of the planning section added one more layer of paper shufflers to the growing bureaucracy and the end result was higher preliminary engineering costs due to the many new highly paid planners that charged their time to these projects, and most severe, was the fact that the projects were delayed because each Project Development Authorization PDA form had to be signed by five to seven different level planners before the project could be funded.

The old Department of Highways operated fairly efficiently because there was one person in charge who could resolve internal disputes. The DOTPF created a many headed monster that was only controlled by the commissioner. The general organization is shown below:

Your reorganization of the DOTPF, to be effective, should establish one leader in each region.

This one leader or director in each region would report directly to a chief engineer at headquarters.

The Chief Engineer would report to a board of commissioners appointed from each region and representing all of the required sciences as outlined in 12-1989 "Bradley". The preferred organizational chart is shown below:

Section 44.42.040 (a) spells out the requirement for six years of experience. This is good but you should add the word "civil" prior to "engineering". Civil engineering encompasses all phases of transportation engineering. It is very important that the Regional Director have a good academic education and practical experience in civil engineering so that he can effectively direct those working under him to accomplish the goals set by the Commission and/or Legislature.

The regional boundaries that you have set up are generally good. However, Region I (Anchorage) is primarily an urban region and the boundaries should be moved from Mile 118 on the Glenn Highway to Mile 66. This would put the Cascade Maintenance station in Region V and it would allow Region V, which is a rural region, to upgrade the road access between Valdez and Palmer. The section of the Glenn Highway from Palmer to the existing regional boundary at Mile 118 has not had a single mile of reconstruction since 1961 and there is nothing planned in this section within the next six year program.

The Longitude line used for the East Boundary of Region I should be $148^{\circ} 42' W$, South to Latitude $61^{\circ} N.$, thence East along Latitude 61° to Prince William Sound, as shown on the attached map.

The new region that represents the greater Anchorage Bowl should not have jurisdiction over the Glenn Highway North of Palmer since they have exhibited no interest in upgrading that section of highway since Statehood. The Glenn Highway is the main thoroughfare for travelers driving into the State of Alaska and it is in deplorable condition from Palmer out to the existing regional boundary at Mile 118.

Section 44.42.045 (a) - The creation of the DOTPF was intended to streamline the department and make it more efficient and productive. The opposite has occurred because of one major blunder. Someone determined that one person should not be in charge of each region because he had too much power, or the job was too complicated, or because there were too many disciplines under his command. The solution to this problem was to create several equal directors in each region who would report directly to one of the four deputy commissioners in headquarters. The result is that the following sections:

1. Maintenance and Operations
2. Design and Construction
3. Planning
4. Administration

are controlled by a different deputy commissioner at headquarters and each section is protective of its authorities and is almost totally uncooperative with the other sections.

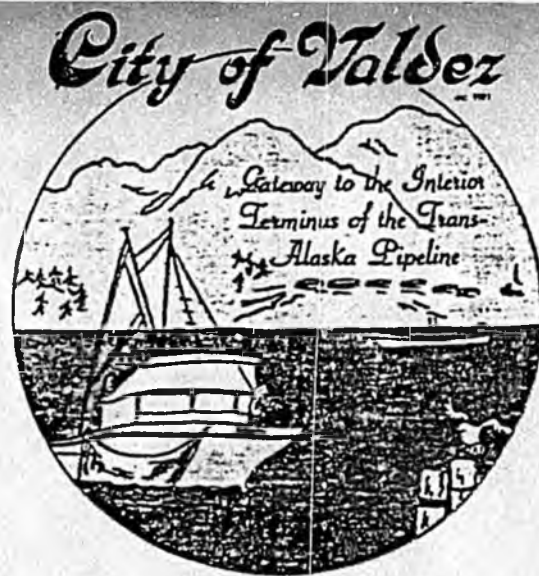
The solution to this problem is obvious to anyone working in any of the regions. They need one person in charge who can coordinate the work of the region and who can resolve disputes between the sections. Woody Johansen and his leadership in the Interior Region (Fairbanks) is a good example of how the region should be run. The Interior Region is the only region that has developed a good land transportation system in the state. Mr. Johansen could not accomplish what he did under the current DOT segmented authority.

This section should be revised to place the authority of all sections in the region under the authority of one person.

HB 70, by Cato. Would organize the Department of Transportation & Public Facilities into five regions within the state (currently organized in regions--no number specified.) Sets out specific location of each region. Provides each regional director shall have six years experience in transportation construction or engineering. Outlines duties of the directors, stating each is responsible for planning, design, and construction within the region, as well as for submission of plans, budget requests, and reports of program performance to the Commissioner of DOTPF. Does not provide for an effective date (effective 90 days after Governor's signature)

Sec. 3 AS 44.42 Adds a new section for duties of the directors.

- (a) Each director is responsible for planning, design, and construction within the region consistent with the state transportation plan and the public facilities plan.
- (b) directors shall submit to the commissioner proposed program plans, program budget requests, and reports of program performance at a time directed by the director of the division of budget and management. The commissioner may comment on the plan but shall forward it to budget and management without change.
- (c) The directors shall submit to the commissioner a plan for their region implementing the statewide plan 90 days prior to the end of the fiscal year, for the following year. A change in plan can be submitted at any time but the commissioner has 90 days to disapprove of the plan.



Representative Bette Cato
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Re: House Bill No. 649
Valdez Backup Information

Dear Representative Cato:

Due to perceived inefficiencies within the Department of Transportation and Public Facilities (DOT/PF), the Commissioner decided, during the spring of 1981, to reorganize the DOT/PF design section into three regions. Historically, there have been five regions administered from Valdez, Nome, Anchorage, Fairbanks and Juneau. However, not all functions of the department were necessarily represented in each region.

The reorganization plan is reducing the number of regions responsible for design functions to three, eliminating the design component in Valdez (Nome not currently having a design component) by transferring Valdez construction employees to Anchorage and Fairbanks. In conjunction with this transfer will be the expansion of the three regional offices' authority and responsibilities so that disputes can be settled on the regional level and need not be mediated by the Juneau Headquarters. This reorganization is supposedly being accomplished in order to increase the efficiency of the department by:

- facilitating the integration of department functions and eliminating duplicative efforts by maximizing the utilization of available design personnel; and
- decentralizing headquarters authority into strong regional organizations that can more adequately fulfill the myriad types of projects required of the department.

However, from the outset there has been strong opposition to this reorganization from the Valdez community and the DOT/PF employees effected by the plan. Four points keep surfacing when considering the organizational changes and the affect it will and has had upon Valdez.

- 1) A major concern of the opponents of the move/reorganization is that the removal of the highway design function in the Southcentral Region, served by Valdez, may result in a reduced interest in the rural highway systems. There is legitimate and strong fear that the design component for those highway projects will have to compete for attention and funding with urban projects.

This concern has already been proven justified due to the change in the five-year capital improvement priorities plan that has occurred since the reorganization of the Southcentral District Headquarters. The new capital improvement plan for this area now includes projects for the Whittier area, which had never previously been considered a part of the Southcentral District, and the overall budgets have been cut considerably for each year.

- 2) There was also considerable pride in Valdez that the Valdez design contingent has proven itself to be one of the most efficient design units in the State. Valdez residents have contended that if the DOT/PF Commissioner wants to increase the efficiency of the department, he should not integrate one of the most efficient units into a design unit that has a high concentration of problems.
- 3) Of major concern in and for Valdez are the adverse social and economic impacts on the community of Valdez. The loss of these state jobs will and is having an impact on retail businesses, the schools (the Growden-Harrison Grade School already under consideration for shutting down) and to some extent, the regional economy. Also, the Valdez DOT/PF design personnel are totally integrated within the community and are therefore actively involved in community affairs, serving on the many boards and commissions and providing many significant "professional" contributions to the growth and potential of the City.
- 4) The original reorganization plan stated that of the thirty-five positions in the design and construction unit in Valdez, twenty-five positions would move by October 01, 1982, leaving only construction employees in the design and construction unit in Valdez. As a result of these transfers, there would be two promotions and five demotions for the Valdez employees. In addition to the permanent employees in the design and construction unit in Valdez, there were fifty seasonal employees. After the transfer there would be fifty-two seasonal employees in design and construction in Valdez.

The original strength of the entire Valdez DOT/PF contingent was 110 full-time positions and 100 seasonal.

positions. About 25% of the entire contingent will be or has been effected by the move.

Although we are unable to ascertain if this original plan has been precisely activated, I do feel sure that these are fairly accurate numbers when estimating the DOT/PF employees already relocated out of Valdez. Additionally, there is valid concern among Valdez residents that more transfers will follow. The construction unit (eight employees) will remain in Valdez through the 1982 construction season because of the large number of projects on-line in the Southcentral Region, but there is a great deal of uneasiness that some support personnel will be moved to Anchorage and Fairbanks subsequent to this transfer of the design unit.

Additionally, the housing impact is and will continue to be large, due to several houses going on the market at the same time in a town the size of Valdez. This affects the price of existing housing as well as new construction.

- 4) A final point of concern, one voiced by both employees of Valdez DOT/PF and by other members of the community, is that the DOT/PF design contingent works within a relatively compact DOT/PF unit in Valdez. There is justifiable concern that this move to the much larger structures in Fairbanks and Anchorage will contribute to inter-division disputes being sent to headquarters for resolution, thus delaying and diluting decisions. Currently, disputes and/or differences between different sections can be resolved easily in-house because of the smallness of the operation in Valdez.

Therefore, due to our concerns mentioned above, it is the City of Valdez' opinion that a five-region DOT/PF system is preferable to a three region system. A persuasive case can and has been made for preserving a "rural-oriented" highway design and construction unit in Valdez. If the existing unit in Valdez is meshed into the larger more urban-oriented Anchorage and Fairbanks regions, the rural highway needs of a vast section of Alaska will most likely suffer. A design unit located in a region where sensitivities are attuned to rural highway requirements will undoubtedly be more affective in dealing with those requirements.

One of the basics that cannot be overlooked is that the Department of Transportation and Public Facilities was created for several good reasons, one of which was to place the authority and responsibility for designing, constructing and maintaining public transportation facilities in the hands of those people closest to those facilities. The philosophy that prompted that decision was, "those people closest to the transportation problem are most intimate with the problem and left to their own

House Bill No. 649
February 23, 1982
Page four

devices, they are in the most knowledgeable position to solve that problem at the lowest possible cost to the taxpayer while providing the safest and most convenient transportation facility to the traveling public".

This then forms the basis for proceeding with House Bill 649 and our belief in a "rural-oriented" system, which is what a five-region program provides.

Much of Alaska's road system, covering less than one-fourth of the State, can be easily served out of Valdez. Consequently, Valdez' current role should be at least maintained if not expanded. Rather than abolishing the rural highway emphasis, serious consideration should be given to expanding the Valdez region's jurisdictional area to cover more highway miles, both north towards Fairbanks and north and west towards Anchorage. Approximately two years ago the DOT/PF even considered expanding the Valdez region's reach and we feel this consideration was valid.

Additionally, the Prince William Sound area represents a major target area for expansion of the State's transportation system. The DOT/PF unit in Valdez should become the focal point for that expansion. Given the transportation benefits of making the area more accessible for recreation and visitor use as well as general economic development, an expanded DOT/PF presence in Valdez seems called for.

In closing I wish to reiterate that the City of Valdez heartily supports House Bill No. 649 and will assist its approval in any manner we possibly can.

If you require any additional information, please let me know.

Re: 12-1988
Bradley

BY CATO

The Department of Transportation and Public Facilities was created for several good reasons, one of which was to place the authority and responsibility for designing, constructing and maintaining public transportation facilities in the hands of those people closest to those facilities. The philosophy that prompted that decision was, "those people closest to the transportation problem are most intimate with the problem and left to their own devices, they are in the most knowledgeable position to solve that problem at the lowest possible cost to the taxpayer while providing the safest and most convenient transportation facility to the traveling public."

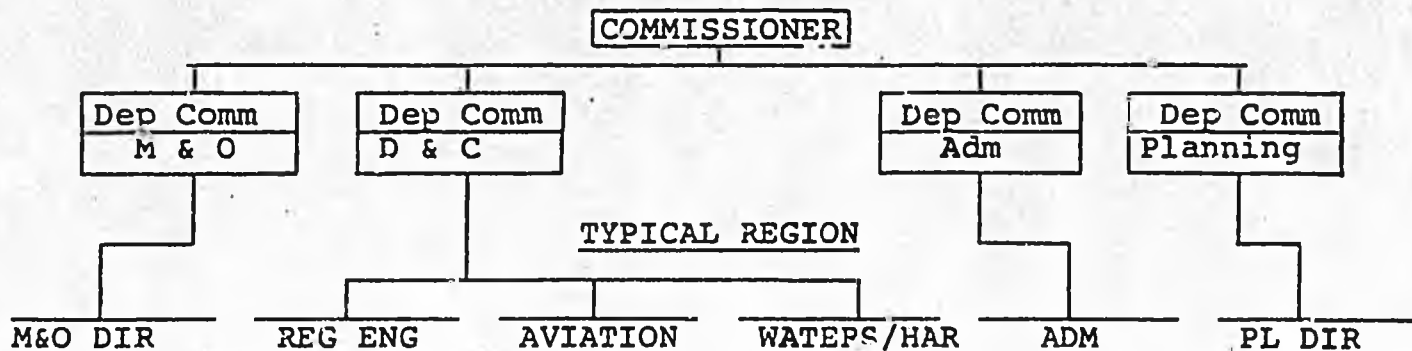
Unfortunately the DOT/PF did not turn out as planned. The administration advocated a strong emphasis on planning, which resulted in the creation of a completely independent section headed by a director who had more authority than the regional engineer. The planning section duplicated the work that the design section had been doing but they did it with many more people and in reality the planning and the construction estimates were still being done by the design section. The planning section's primary function was to send the paperwork into headquarters which would allocate federal or state money to the individual projects so that the design and construction section could begin the project development which would ultimately lead to construction.

The creation of the planning section added one more layer of paper shufflers to the growing bureaucracy and the end result was higher preliminary engineering costs due to the many new highly paid planners that charged their time to these projects, and most severe was the fact that the projects were delayed because each Project Development Authorization PDA form had to be signed by five to seven

different level planners before the project could be funded.

The old Department of Highways operated fairly efficiently because there was one person in charge who could resolve internal disputes. The DOT/PF created a many headed monster that was only controlled by the commissioner. The general organization is shown below:

TYPICAL ORGANIZATION CHART

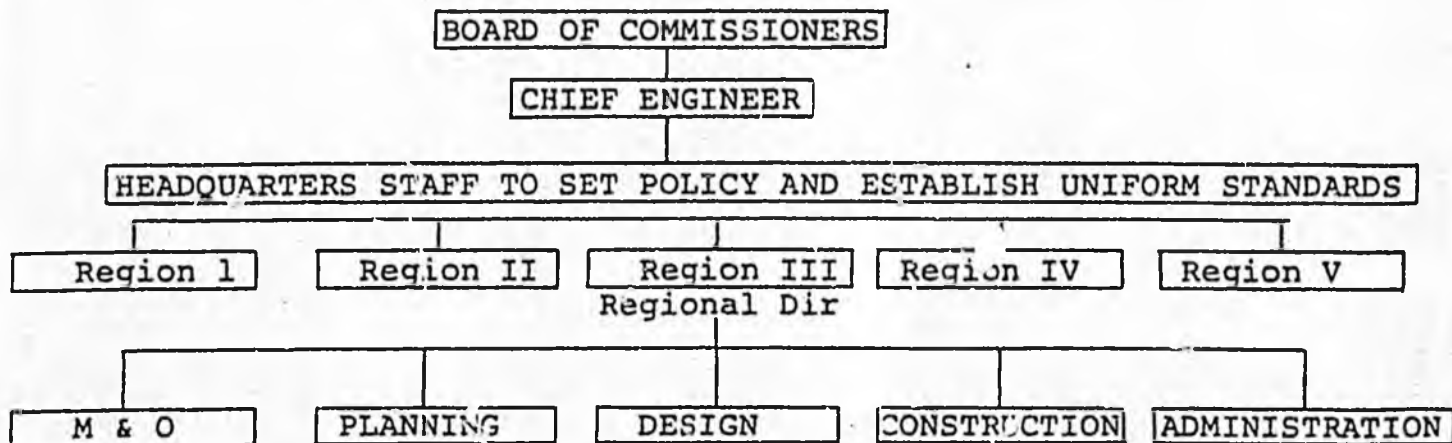


Your reorganization of the DOT/PF, to be effective should establish one leader in each region.

This one leader or director in each region would report directly to a chief engineer at headquarters.

The Chief Engineer would report to a board of commissioners appointed from each region and representing all of the required sciences as outlined in 12-1989 "Bradley".

The preferred organizational chart is shown below:



Section 44.42.040 (a)

The requirement for six years of experience is good but you should add the word "civil" prior to "engineering". Civil engineering encompasses all phases of transportation engineering. It is very important that the Regional Director have a good academic education and practical experience in civil engineering so that he can effectively direct those working under him to accomplish the goals set by the Commission and/or Legislature.

The regional boundaries that you have set up are generally good. However, Region I (Anchorage) is primarily an urban region and the boundaries should be moved from Mile 118 on the Glenn Highway to Mile 66. This would put the Cascade Maintenance station in Region V and it would allow Region V, which is a rural region, to upgrade the road access between Valdez and Palmer. The section of the Glenn Highway from Palmer to the existing regional boundary at Mile 118 has not had a single mile of reconstruction since 1961 and there is nothing planned in this section within the next six year program.

The Longitude line used for the East Boundary of Region I should be 148° 42' W, South to Latitude 61° N., thence East along Latitude 61° to Prince William Sound, as shown on the attached map.

The new region that represents the greater Anchorage Bowl should not have jurisdiction over the Glenn Highway North of Palmer since they have exhibited no interest in upgrading that section of highway since Statehood. The Glenn Highway is the main thoroughfare for travelers driving into the State of Alaska and it is in deplorable condition from Palmer out to the existing regional boundary at Mile 118.

Sec. 44.42.045 (a)

The creation of the DOT was intended to streamline the department and make it more efficient and productive. The opposite has occurred because of one major blunder. Someone determined that one man should not be in charge of each region because he had too much power, or the job was too complicated, or because there were too many disciplines under his command. The solution to this problem was to create several equal directors in each region who would report directly to one of the four deputy commissioners in headquarters. The result is that the following sections:

1. Maintenance and Operations
2. Design and Construction
3. Planning
4. Administration

are controlled by a different deputy commissioner at headquarters and each section is protective of its authorities and is almost totally uncooperative with the other sections.

The solution to this problem is obvious to anyone working in any of the regions. They need one man in charge who can orchestrate the work of the region and who can resolve disputes between the sections. Woody Johansen and his leadership in the Interior Region (Fairbanks) is a good example of how the regions should be run. The Interior Region is the only region that has developed a good land transportation system in the state. Mr. Johansen could not accomplish what he did under the current DOT segmented authority.

This section should be revised to place the authority of all sections in the region under the authority of one person.

Sec. 44.39.040. Vacancy. If a vacancy occurs in the office of the commissioner of fish and game, the governor shall appoint a successor for the unexpired term in the manner provided for the regular appointment. (§ 17 ch 64 SLA 1959)

Sec. 44.39.050. Removal of commissioner. The Board of Fisheries or the Board of Game may submit a resolution to the governor requesting the removal of the commissioner. The resolution shall set out the grounds for the request and the governor shall give the commissioner and both boards an opportunity to be heard. The final decision to remove or retain the commissioner shall be made by the governor. (§ 17 ch 64 SLA 1959; am § 38 ch 206 SLA 1975)

Chapter 41. Department of Public Safety.

Section

- 10. Commissioner of public safety
- 20. Duties of department

Sec. 44.41.010. Commissioner of public safety. The principal executive officer of the Department of Public Safety is the commissioner of public safety. (§ 18 ch 64 SLA 1959)

Am. Jur. 2d and C.J.S. references. — 1 and 2 Am. Jur. 2d, Administrative Law, § 1 et seq.; 63 Am. Jur. 2d, Public Funds, § 1 et seq.; 63 Am. Jur. 2d, Public Officers and Employees, § 22; 64 Am. Jur. 2d, Pub-

lic Works and Contracts, § 1 et seq.; 72 Am. Jur. 2d, States, Territories and Dependencies, §§ 66-74. 81A C.J.S. States § 147.

Sec. 44.41.020. Duties of department. The Department of Public Safety shall administer functions relative to the protection of life and property. (§ 18 ch 64 SLA 1959)

State troopers are employees of the Department of Public Safety. *Lee v. State*, Sup. Ct. Op. No. 749 (File No. 1395), 490 P.2d 1206 (1971).

And are not shielded by AS 09.65.090 from liability for ordinary negligence.

— The Good Samaritan Statute, AS 09.65.090, does not shield a police officer from liability for ordinary negligence. *Lee v. State*, Sup. Ct. Op. No. 749 (File No. 1395), 490 P.2d 1206 (1971).

Chapter 42. Department of Transportation and Public Facilities.

Section

- 10. Commissioner of transportation and public facilities
- 20. Powers and duties
- 30. Regulations
- 40. Departmental organization
- 50. State transportation plan
- 55. State public facilities plan

Section

- 60. Grants to the department
- 65. Conservation of energy in public buildings
- 70. Limitation on transportation facilities
- 80. Capital projects funds
- 900. Definitions

Editor's Order No. 3 AND PUR the diverse state would of a single study, de operation o portation departmen construct, all state systems, re advantage and consid environme

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Editor's note. — Section 1, Executive Order No. 39 (1977) provides: "FINDINGS AND PURPOSE. As governor, I find that the diverse transportation needs of the state would best be served by the creation of a single department for the planning, study, development, management and operation of integrated, intermodal transportation systems. The purpose of this department is to evaluate, plan, design, construct, manage, operate and maintain all state transportation modes and systems, relying on analysis of the relative advantages of different modes and systems and considering their social, economic, and environmental consequences."

Section 8, Executive Order No. 39 (1977) provides: "All litigation, hearings, investigations and other proceedings pending under a law amended or repealed by this Order, or in connection with functions transferred by this Order, continue in effect and may be continued and completed notwithstanding a transfer or amendment or repeal provided for in this Order. Certificates, orders, and regulations issued or adopted under authority of a law amended or repealed by this Order remain in effect for the term issued, until revoked, vacated, or otherwise modified under the provisions of this Order. All contracts, rights, liabilities, and obligations created by or under a law amended or repealed by this Order, and in effect on the effective date of this Order, remain in effect notwithstanding this Order's taking effect. Records, equipment, and other property or agencies of the state whose functions are transferred under this Order shall be transferred commensurate with the provisions of this Order."

Section 9, Executive Order No. 39 (1977) provides: "(a) The Department of Transportation and Public Facilities is vested with the duties and powers formerly held by the Department of Public Works

relating to planning, construction, maintenance and operation of transportation facilities, including state ferries, airports and water and harbor facilities, and for design and construction of buildings and appurtenant structures, and specifically including all powers and duties formerly held by the Department of Public Works under AS 02, AS 30.05, AS 30.15, AS 35, AS 41.20 and AS 44.65.

"(b) The Department of Transportation and Public Facilities is vested with the duties and powers formerly held by the Department of Highways relating to planning, construction, maintenance and operation of state transportation facilities including state highways, roads, bridges, traffic signs and signals, the supervision and maintenance of state automotive and mechanical equipment, the control of outdoor advertising visible from state highways and all other duties and powers of the Department of Highways, and specifically including powers and duties formerly held by the Department of Highways under AS 19, AS 28.01, AS 28.05, and AS 44.57."

Section 10, Executive Order No. 39 (1977) provides: "The commissioner of transportation and public facilities shall replace the commissioner of highways on the state Geographic Board, the Alaska Toll Bridge Authority, and all other boards and commissions."

Section 12, Executive Order No. 39 (1977) provides: "During Fiscal Year 1978, all appropriation items made for that fiscal year and prior years for the Department of Highways and the Department of Public Works may, upon approval of the governor, be appropriately transferred to implement the purposes of this Order."

Am. Jur. 2d and C.J.S. references. — 39 Am. Jur. 2d, Highways, Streets, and Bridges, § 1 et seq.

39A C.J.S. Highways § 1 et seq.

Sec. 44.42.010. Commissioner of transportation and public facilities. The principal executive officer of the Department of Transportation and Public Facilities is the commissioner of transportation and public facilities. (Executive Order No. 39 § 2 (1977))

~~Sec. 44.42.020. Powers and duties. (a) The department shall~~

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

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

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

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

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

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

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

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

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

(10) develop facility program plans for transportation and communication facilities and state buildings, docks and breakwaters required to implement the duties set out in this section, including but not limited to (A) functional performance criteria; and (B) schedules for completion;

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

(12) supervise aeronautics and communications inside the state, under AS 02.10.

(13) complete and maintain a current inventory of public facilities, including a projection of the serviceability of the facilities and projections of replacements and additions to facilities needed to provide the level of services programmed by the various user agencies, for municipalities with populations of less than 12,000 and for unincorporated communities, and perform those duties on a cooperative basis with larger municipalities.

(14) adopt energy performance standards for public facilities of the state, the construction of which begins after July 1, 1980; the standards shall be based on thermal and lighting energy standards established by

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the American Society of Heating, Refrigeration and Air Conditioning Engineers as adapted for application in high latitude, cold climate environs;

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

(A) standards for the design, construction and operation of rural educational facilities; and

(B) energy conservation measures for rural educational facilities.

(b) The department may

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

(2) exercise the power of eminent domain, including the declaration of taking as provided in AS 09.55. (Executive Order No. 39 § 2 (1977); am § 13 ch 168 SLA 1978; am § 12 ch 83 SLA 1980)

Effect of amendments. — The 1978 amendment added paragraph (13) to subsection (a).

supreme court over state court facilities, see AS 22.05.025.

Cross reference. — For the responsibility and authority of the

The 1980 amendment added paragraphs (14) and (15) to subsection (a).

Sec. 44.42.030. Regulations. The department may adopt regulations under the Administrative Procedure Act (AS 44.62) to implement, interpret, or make more specific its powers and duties. (Executive Order No. 39 § 2 (1977))

Sec. 44.42.040. Departmental organization. The commissioner shall establish regions within the state. The functions of the department within each region shall be performed, to the maximum extent feasible, through a regional office. Each regional office shall be directed by a regional transportation and public facilities director appointed by the commissioner. (Executive Order No. 39 § 2 (1977))

Sec. 44.42.050. State transportation plan. (a) The commissioner shall develop annually a comprehensive, intermodal, long-range transportation plan for the state. In developing and revising the state plan, the commissioner shall consider means and costs of improving existing modes and facilities, state and federal subsidies, and the costs and benefits of new transportation modes and facilities. The commissioner shall also consider the recommendation of the Alaska Transportation Planning Council. The plan shall be submitted to the governor for his review and approval and submitted by the governor to the legislature.

(b) In developing and revising the plan, the commissioner shall seek public review and evaluation by any reasonable means and may

(1) consult and cooperate with officials and representatives of the federal government, other governments, interstate commissions and

authorities, local agencies and authorities, interested corporations and other organizations concerning problems affecting transportation in the state; and

(2) request from an agency or other unit of the state government or of a political subdivision of it, or from a public authority, the assistance and data that may be necessary to enable the commissioner to carry out his responsibilities under this section; every such entity shall provide the assistance and data requested.

(c) Copies of the plan, as revised, shall be kept on file as a public document in the office of the commissioner and at each regional office of the department.

(d) The plan shall include a description of projects planned for design and construction for the following two years. The description is in addition to the long-range plan required by (a) of this section and by AS 19.10.140. The description shall include an itemization of the estimated cost for each project and the total cost of all projects. The commissioner shall propose and forward to the governor for his review and approval and inclusion, as approved, in the capital budget a construction program which includes the projects to be undertaken during the following two years, including recommended project priorities. Funds for transportation construction projects and necessary contingencies shall be itemized as allocations within the bill for the General Appropriations Act. (Executive Order No. 39 § 2 (1977))

Sec. 44.42.055. State public facilities plan. (a) The commissioner shall develop and annually revise a statewide comprehensive facility procurement plan for public facilities of the state and its municipalities.

(b) In developing and annually revising the facility procurement plan, the commissioner shall

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

(2) consult with officials and representatives of municipalities, the federal government, interested corporations and other organizations concerning public facility needs in the state;

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

- (A) sewage transmission and treatment systems;
- (B) water transmission and treatment systems;
- (C) electrical generation and distribution systems;
- (D) health care and social services facilities;
- (E) educational facilities;
- (F) communications facilities and transportation facilities;
- (G) public safety and justice facilities;
- (H) recreational facilities;

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(J) cultural

(4) preparation of service identification the services

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- (I) sanitation facilities; and
 - (J) cultural facilities;
 - (4) prepare recommendations to accommodate the various levels of service identified by state agencies and other parties with respect to the services described in (3) of this subsection, to include
 - (A) current and future facility needs;
 - (B) space standards and design guidelines for the appropriate facility types;
 - (C) maintenance and operations standards for the appropriate facility types;
 - (D) construction techniques and contracting methods;
 - (E) facility project budget requirements; and
 - (F) relative costs of identified alternatives (life cycle cost analysis) including but not limited to the installation and operation of energy systems which are not dependent on oil or gas for water heating, space heating and cooling requirements, and for the generation of electrical or mechanical power;
 - (5) identify common public facility needs among the various user agencies; and
 - (6) submit its findings, plans and recommendations to the governor and to the appropriate state agency to facilitate the development of agency capital improvement budget requests.
- (c) In the preparation and revision of the facility procurement plan, the commissioner may
- (1) develop and adopt regulations for use in carrying out the purpose of (b) of this section; regulations may not be adopted under this section unless approval is received from appropriate program agencies;
 - (2) make recommendations on the total capital improvement program to affected state agencies, local governments, and other interested parties and organizations, and to the divisions of budget and management and policy development and planning.
- (d) In this section, "public facility"
- (1) means a capital improvement within one of the categories described in (b) of this section which is constructed
 - (A) for subsequent occupancy or operation by the state, a public corporation of the state, the University of Alaska, a political subdivision, or a regional educational attendance area;
 - (B) by a political subdivision or any private party with the assistance of financial support provided by the state if funds appropriated or paid by way of a grant or loan in advance of construction of the facility, or any part of it, are 50 per cent or more of the estimated costs of construction of the facility;
 - (2) does not include projects constructed with the proceeds of one or more loans issued by a loan program administered by the Department of Commerce and Economic Development. (§ 14 ch 168 SLA 1978; am § 6 ch 62 SLA 1979; am § 13 ch 83 SLA 1980)

Revisor's note. — The word "recommended" in subsection (b)(4) was deleted by the revisor under AS 01.10.036 to clarify the meaning of the section.

Cross reference. — For the responsibility and authority of the supreme court over state court facilities

see AS 22.05.025.

Effect of amendments. — The 1979 amendment, in subsection (b), added subparagraph (J) to paragraph (3).

The 1980 amendment rewrote subparagraph (4)(F) in subsection (b).

Sec. 44.42.060. Grants to the department. The commissioner may apply for and accept, on behalf of the state, grants from the federal government or an agency of it, or from another state, a foundation, or any person, for any of the functions or purposes of the department. (Executive Order No. 39 § 2 (1977))

Sec. 44.42.065. Conservation of energy in public buildings. (a) The department shall, as soon as practicable after July 1, 1980, and at least once every seven years thereafter, perform an energy audit of each public building. A report of the results of the energy audits performed during the preceding year shall be submitted to the legislature not later than February 1 of each year.

(b) The department shall include in the report required in (a) of this section recommendations for corrective measures to improve the energy efficiency and to minimize the life-cycle cost of the public buildings surveyed. These measures may include (1) energy conservation measures, (2) measures involving solar technology and other alternative energy systems, (3) energy management, and (4) maintenance and operating procedures and energy-related modifications. In recommending the corrective measures, the department shall give priority to changes in maintenance and operating procedures over measures requiring substantial structural modification or installation of equipment.

(c) In this section, "energy audit" means a determination of (1) the energy consumption characteristics of a building, including the size, type, and rate of energy consumption of major energy-consuming systems of the building and the climate characterizing the region where the building is located; and (2) a determination of the energy conservation and cost savings likely to result from appropriate energy-conserving maintenance and operating procedures and modifications, including the purchase and installation of energy-related fixtures. (§ 14 ch 83 SLA 1980)

Editor's note. — For declaration of legislative policy on energy conservation, see sec. 1, ch. 83, SLA 1980, in the 1980 Temporary and Special Acts and Resolves.

Section 46, ch. 83, SLA 1980 provides: "A report of the results of the first energy

audit completed by the Department of Transportation and Public Facilities under AS 44.42.065, added by sec. 14 of this Act, shall be submitted to the legislature not later than January 31, 1982."

Sec. 44.42 department departments consideration construction Order No. 3

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Sec. 44.42.070. Limitation on transportation facilities. The department shall consult with the appropriate officials of other departments regarding environmental risks and economic and social considerations that may arise by reason of the location, design, construction or reconstruction of a transportation facility. (Executive Order No. 39 § 2 (1977))

Sec. 44.42.080. Capital projects funds. There is created within the department the following capital projects funds:

- (1) educational, cultural, and related facilities;
- (2) transportation and related facilities;
- (3) public institutions and related facilities;
- (4) public safety, justice, and related facilities;
- (5) health, and related facilities;
- (6) natural resource development facilities;
- (7) general purpose facilities. (§ 15 ch 168 SLA 1978)

Sec. 44.42.900. Definitions. In this chapter, unless the context requires otherwise,

- (1) "commissioner" means the commissioner of the Department of Transportation and Public Facilities;
- (2) "department" means the Department of Transportation and Public Facilities;
- (3) "transportation" or "transportation mode" includes, but is not limited to, the following means of conveyance or travel, including their related or auxiliary structures, facilities or services: air, rail, water, highway and pipeline. (Executive Order No. 39 § 2 (1977))

Chapter 46. Department of Environmental Conservation.

Article

1. Organization (§§ 44.46.010—44.46.020)
2. Environmental Advisory Board (§§ 44.46.030—44.46.050)
3. Alaska Council on Science and Technology (§§ 44.46.070 — 44.46.110)

Editor's note. — Section 5, ch. 120, SLA 1971 provides: "All litigation, hearings, investigations and other proceedings pending under any law amended or functions which may be transferred by this Act, continue in effect and may be continued and completed notwithstanding any such transfer or amendment provided for in this Act. Certificates, orders, rules or regulations issued or filed under authority of a law amended by this Act or functions which may be transferred by this Act, remain in

effect for the term issued, unless or until revoked, vacated, or otherwise modified under the provisions of this Act. All contracts or other obligations created by any law amended by this Act or by virtue of functions which may be transferred by this Act, and in effect on July 1, 1971, remain in effect unless or until revoked, or modified under the provisions of this Act."

Legislative history report. — For report on ch. 120, SLA 1971 (SB 75 am H), see 1971 House Journal, p. 1016.

Secs. 44.37.100 — 44.37.180. Creation and purpose; composition and appointment; compensation; chairman and quorum; personnel; powers and duties; report to legislature; dissolution of committee.

Repealed by § 99 ch 59 SLA 1982, effective May 28, 1982.

Editor's notes. — The repealed article derived from § 1, ch. 152, SLA 1966.

Chapter 42. Department of Transportation and Public Facilities.

Section

20. Powers and duties

55. State public facilities plan

Sec. 44.42.020. Powers and duties. (a) The department shall

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

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

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

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

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

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

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

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

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

(10) develop facility program plans for transportation and state buildings, docks and breakwaters required to implement the duties set out in this section, including but not limited to (A) functional performance criteria; and (B) schedules for completion;

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

(12) supervise aeronautics inside the state, under AS 02.10;

(13) complete and maintain a current inventory of public facilities, including a projection of the serviceability of the facilities and projections of replacements and additions to facilities needed to provide the level of services programmed by the various user agencies, for municipalities with populations of less than 12,000 and for unincorporated communities, and perform those duties on a cooperative basis with larger municipalities;

(14) adopt energy performance standards for public facilities of the state, the construction of which begins after July 1, 1980; the standards shall be based on thermal and lighting energy standards established by the American Society of Heating, Refrigeration and Air Conditioning Engineers as adapted for application in high latitude, cold climate environs;

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

(A) standards for the design, construction and operation of rural educational facilities; and

(B) energy conservation measures for rural educational facilities.

(b) The department may

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

(2) exercise the power of eminent domain, including the declaration of taking as provided in AS 09.55.010 — 09.55.640. (Executive Order No. 39 § 2 (1977); am § 13 ch 168 SLA 1978; am § 12 ch 83 SLA 1980; am Executive Order No. 50, § 10 (1981))

Effect of amendments. — The 1981 amendment, in subsection (a), deleted "communication facilities" following "transportation facilities" in paragraph (1), deleted "and communication facilities" following "modes and facilities" in paragraph (2), deleted "and communication" following "improving transportation" in paragraph (3), deleted "communication facilities" following "transportation facilities" in paragraph (7), deleted "and

communication facilities" following "plans for transportation" in paragraph (10), deleted "and" at the end of paragraph (11), deleted "and communications" following "aeronautics" and substituted a semicolon for a period near the end of paragraphs (12) and (13). The amendment also deleted "and communication" following "facilities and service" in paragraph (1) of subsection (b).

Sec. 44.42.055. State public facilities plan. (a) The commissioner shall develop and annually revise a statewide comprehensive facility procurement plan for public facilities of the state and its municipalities.

(b) In developing and annually revising the facility procurement plan, the commissioner shall

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

(2) consult with officials and representatives of municipalities, the federal government, interest corporations and other organizations concerning public facility needs in the state;

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

(A) sewage transmission and treatment systems;

(B) water transmission and treatment systems;

(C) electrical generation and distribution systems;

(D) health care and social services facilities;

(E) educational facilities;

(F) transportation facilities;

(G) public safety and justice facilities;

(H) recreational facilities;

(I) sanitation facilities; and

(J) cultural facilities;

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

(A) current and future facility needs;

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

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

(D) construction techniques and contracting methods;

(E) facility project budget requirements; and

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

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

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

(c) In the preparation and revision of the facility procurement plan, the commissioner may

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

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

(d) In this section, "public facility"

(1) means a capital improvement within one of the categories described in (b) of this section which is constructed

(A) for subsequent occupancy or operation by the state, a public corporation of the state, the University of Alaska, a political subdivision, or a regional educational attendance area;

(B) by a political subdivision or any private party with the assistance of financial support provided by the state if funds appropriated or paid by way of a grant or loan in advance of construction of the facility, or any part of it, are 50 per cent or more of the estimated costs of construction of the facility;

(2) does not include projects constructed with the proceeds of one or more loans issued by a loan program administered by the Department of Commerce and Economic Development. (§ 14 ch 168 SLA 1978; am § 6 ch 62 SLA 1979; am § 13 ch 83 SLA 1980; am Executive Order No. 50, § 11 (1981)."

Effect of amendments. — The 1981 facilities and" near the beginning of sub-amendment deleted "communication section (b)(3)(F).

Chapter 46. Department of Environmental Conservation.

Article

1. Organization (§ 44.46.020)
3. Alaska Council on Science and Technology (Repealed)

Article 1. Organization.

Section

20. Duties of department

Sec. 44.46.020. Duties of department. The Department of Environmental Conservation shall

(1) have primary responsibility for coordination and development of policies, programs and planning related to the environment of the state and of the various regions of the state;

(2) have primary responsibility for the promulgation and enforcement of regulations setting standards for the prevention and abatement of all water, land, subsurface land and air pollution, and other sources or potential sources of pollution of the environment, including by way of example only, petroleum and natural gas pipelines;

(3) promote and develop programs for the protection and control of the environment of the state;

(4) take such actions as are necessary and proper to further the policy declared in AS 46.03.010.

(5) adopt regulations for

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