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## Dept. of Transportation & Public Facilities

# Position Paper

BILL NO: SB 373

HB 528

TITLE: An Act Relating to Metropolitan  
Planning Organizations

APPROVED

*R. J. Knapp*  
Commissioner

DATE: February 11, 1986

In reviewing this bill, three key issues must be kept in mind: 1) the appropriateness of legislation to modify Policy Committee membership, 2) the desirability of including legislative and citizen representation on the committee and, 3) the technical aspects of the bill itself. This paper addresses these concerns.

### Need for Legislation to Modify Committee Membership

The first issue to examine is the need for the legislation. The Code of Federal Regulation (CFR) 23 450.106(a) states "MPOs shall be made by agreement among the units of general purpose local government and the Governor." The current Governor's designation dated April 8, 1976 (copy attached) establishes a "three-person Policy Committee with two elected representatives - the Mayor and a Municipal Councilman, and the third member is the Commissioner of Highways." Based on the CFR and the language in the Governor's designation, it appears legislation is not required to amend membership in the AMATS Policy Committee. An amended Governor's designation could be used to change the policy committee composition and would provide a more flexible mechanism for future modifications than specific enacted legislation.

A question has also been raised by CFR references which indicate local governments shall agree to MPO representation. This could be interpreted to mean the local government must be agreeable to any proposed changes. However, FHWA has verbally indicated that "agreement" in this context means that the views of the local government have been considered in any decision making.

### Desirability of Legislative/Citizen Representation

The second issue raised is the desirability of legislative and citizen representation. CFR 23 450.106(b) states "principal elected officials of general purpose local governments shall be represented on the MPO to the extent agreed to pursuant to paragraph (a) above". The intent of Congress when establishing MPO's was to provide local (city) governments a greater voice in the planning and programming of federal aid receipts. The addition of two legislators may be perceived by the local government as tipping the balance in the State's favor and outweighing local voices. However, proponents of legislative representation may argue legislators represent local interests as they are elected by a local constituency. The CFR only requires local government have a voice; voting control is not stipulated. Proponents may also argue state representation should be increased considering the number of state transportation facilities and the magnitude of State dollars appropriated to the Municipality. At present, only the State is authorized to construct facilities with federal aid dollars.

For further information call Susan Fleischauer at 465-3900.

Other distinct advantages and disadvantages of legislative membership on the Policy Committee are as follows.

Advantages

1. Current regulations require both the local government and the Legislature to ultimately approve the expenditure of federal funds within the urbanized area. The local government must approve the expenditure of federal dollars, however, the Legislature must also authorize the State to receive and expend federal funds. Therefore, mutual cooperation between the local government and Legislature is necessary. Legislative representation on the Policy Committee could facilitate legislative approval of transportation capital budgets by:
  - a. inducing closer legislative/local government cooperation
  - b. increasing legislative familiarity and support of projects and their priorities.
2. The current MPO designation by the Governor is dated 1976. Since then Anchorage has grown immensely in size and complexity. Increased membership may be more representative of the complexities of the community. Legislative participation would increase the membership and provide a different community perspective.

Disadvantages

1. The Legislature has existing power to approve/disapprove the capital budget request as discussed above. Therefore, representation on the Policy Committee would be a duplication of legislative effort and involvement. Additionally, the branches of government should be kept separate to provide a check and balance system. Legislators on the Policy Committee would have the dual roles of both approving the planning document at the local level and then acting on funding decisions at the legislative level.
2. Coordination/attendance of meetings, particularly when the Legislature is in session could be difficult. The MPO is required to produce specific planning documents. Policy Committee meetings in April through June are critical to the timely submission of the annual Transportation Improvement Program (TIP) and the Unified Work Program (UWP).
3. In light of reduced funding, the expenses incurred and who pays for legislative travel to attend meetings while the Legislature is in session must be addressed. If the MPO is expected to pay travel costs and/or per diem, it will decrease monies available for planning.
4. Partisan politics may be difficult to avoid, particularly during election years. Officials currently on the Policy Committee are elected in a non-partisan manner. Given the existing political structure, legislative representation could create decision making delays.

A representative of the citizen Transportation Advisory Committee is also proposed for Policy Committee membership. This proposal varies significantly from the rest of the committee representation in that a citizen member would not be accountable to an elective body or a government agency. The existing members and the proposed legislative members by mandate represent a broad perspective. CFR 23 450.106(b) requires "principal officials of general purpose governments shall be represented on the MPO..." Elected officials are chosen by the public to represent the general citizenry and are accountable to their constituencies. The existing Policy Committee may wish to evaluate the role of public involvement in the AMATS process. However, legislation is not required to achieve this end and the existing Policy Committee could direct increased public involvement efforts. Other MPO's generally do not have citizen representatives on their policy committees.

#### Technical Problems with the Bill as Proposed

The last issue this paper addresses is the technical problems with the bill itself. They are as follows:

Page 1, line 12: Population of 200,000 or more - should read population of 50,000 or more which is consistent with the federal definition of an "urbanized" area. The 200,000 population is an important distinction in the distribution and reporting requirements of Urban Mass Transportation Act (UMTA) funds utilized by the Municipal Department of Transit. The population figure is determined by the decennial census.

Page 1, lines 15-26: This section establishes a six-member policy committee. Six voting members will not allow resolution of a split vote.

Page 2, lines 4, 5: Committee shall adopt internal procedures to govern the conduct of business - should read shall amend the Transportation Planning Operating Agreement which will govern the conduct of business...

#### Conclusions

In summary, and in consideration of the foregoing we have two overriding reservations:

1. Inclusion of State Legislators on a Municipal planning organization puts them in the positions of both proposal and disposal.
2. Inclusion of a private citizen, accountable to no particular group of organization, could be counter-productive.

However should the Legislature elect to proceed, such action could, with the approval of the Governor, be accomplished administratively.



# Fairbanks North Star Borough

Mayor: Juanita Helms

## M E M O R A N D U M

TO: Linda Anderson, Legislative Liaison  
THRU: Pat Walsh, Special Assistant  
FROM: Ron Moore, Transportation Director

The Fairbanks North Star Borough's position on House Bill 528 and Senate Bill 373 is the following:

1. The Metropolitan Planning Organization (MPO) is mandated by the Federal Government in order to receive Federal funds for transportation purposes. The policy Committee members are determined by 23 USC 134 or 49 USC 1607.
2. The Policy Committee selection process is specifically designed to keep the decision-making process of setting priorities at the local level, not at the state level.
3. This bill would more than likely violate Federal law and would be challenged in court.
4. The present makeup of MPO's has worked fine nationwide, and the FNSB would not support a change that the Federal Government will not accept.

# Alaska State Legislature

CO-CHAIRMAN  
FINANCE COMMITTEE

907-465-3740



JAN FAIKS  
POUCH V  
CAPITOL BUILDING  
JUNEAU, ALASKA 99811

Senate

February 11, 1986

## MEMORANDUM

TO: Members of the Senate Transportation Committee

FROM: Senator Jan Faiks *Jan Faiks*

SUBJECT: Background on Senate Bill 373, an Act Relating to Metropolitan Planning Organizations

As a condition of receiving Federal highway funds, urban areas with populations of 200,000 or more are required to establish a metropolitan planning organization. The purpose of this organization is to ensure that highway funds are spent according to a continuing, cooperative, and comprehensive transportation planning process.

Transportation in the Anchorage area is the responsibility of the Anchorage Metropolitan Area Transportation Study, or "AMATS". The AMATS consists of a policy committee which is comprised of the Mayor, the Commissioner of the Department of Transportation and Public Services, and one Assembly member. Although there is an advisory component through a subcommittee of the Planning and Zoning Commission, it appears that its ability to effectively represent public opinion before the policy committee is limited.

In the planning process, it is important that members of the planning organization represent a wide cross section of community interests. In addition, the organization should seek and be guided by public input. The planning of new road construction and improvement is too important to be delegated to a few administrators who may be insulated from the public's priorities.

Senate Bill 373 will require that the planning organization establish a policy committee and that this committee

OUT OF SESSION

1024 WEST SIXTH AVENUE, SUITE 302 ANCHORAGE, ALASKA 99501 907-274-6611

appoint a local citizen's advisory group. The six member committee will be composed of two representatives of local government, two local state legislators who are members of their respective finance or transportation committees, the Commissioner of Transportation and Public Facilities, and a member of the citizen's advisory group.

Finally, the bill requires that the policy committee adopt internal procedures which will insure that it solicits and considers public opinion when making policy or planning decisions.

Simply stated, Senate Bill 373 will insure that our transportation planning process responds to the people that it serves.

Thank you.

Introduced: 1/31/86  
Referred: Community & Regional  
Affairs, Transportation and  
Finance

1 IN THE HOUSE

BY SZYMANSKI

2

HOUSE BILL NO. 528

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to metropolitan planning organiza-  
7 tions."

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

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

10 Sec. 19.15.025. METROPOLITAN TRANSPORTATION PLANNING ORGANIZA-  
11 TIONS. (a) A metropolitan planning organization established in an  
12 urbanized area with a population of 200,000 or more as a condition of  
13 receiving federal capital or operating assistance under 23 U.S.C. 134  
14 or 49 U.S.C. 1607 shall include a policy committee.

15 (b) The policy committee consists of two members who are princi-  
16 pal elected officials of municipalities in the urbanized area; a  
17 legislator representing a district within the urbanized area who is a  
18 member of the house transportation committee or house finance commit-  
19 tee appointed by the speaker of the house of representatives; a legis-  
20 lator representing a district within the urbanized area who is a  
21 member of the senate transportation committee or senate finance com-  
22 mittee appointed by the president of the senate; the commissioner of  
23 the Department of Transportation and Public Facilities or the commis-  
24 sioner's designee; and one representative from the membership of the  
25 citizen transportation advisory committee selected by the citizen  
26 transportation advisory committee membership.

27 (c) The policy committee shall appoint a citizen transportation  
28 advisory committee of persons residing in the urbanized area subject  
29 to the metropolitan planning organization. The membership of the

1 citizen transportation advisory committee shall represent the breadth  
2 of community opinion on issues of urban transportation planning and  
3 development.

4 (d) The policy committee shall adopt internal procedures to  
5 govern the conduct of business by the municipal planning organization,  
6 including the procedure to solicit, receive, and consider comments  
7 from the public and the citizen transportation advisory committee on  
8 all issues, policies, plans, and programs addressed, prepared, or  
9 endorsed by the municipal planning organization.

# Alaska State Legislature

## House of Representatives

Representative Mike Szymanski

11920 Johns Road  
Anchorage, Alaska 99515  
Phone (907) 349-3373

While in Session:  
Pouch V

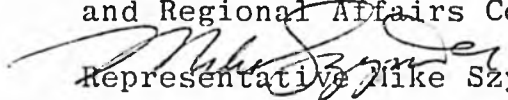
State Capitol  
Juneau, Alaska 99811  
(907) 465-4978/4979

Finance Committee  
Oil and Gas Committee

March 5, 1986

### MEMORANDUM

TO: Members of the House Community  
and Regional Affairs Committee

FROM:  Representative Mike Szymanski

SUBJECT: HB 528, relating to Metropolitan Planning  
Organizations

For your information, I am attaching some background information on this legislation which was prepared by Senator Faiks for SB 373, a bill which is identical to HB 528.

There are, however, two changes which I feel need to be made to the bill and I believe this will come before you in the form of a committee substitute:

- 1) The population level of 200,000 needs to be lowered to 50,000. At the 200,000 level, Anchorage would not be included; as a matter of fact, no community in Alaska would be covered. Furthermore, the figure of 50,000 will be consistent with the federal definition of an "urbanized" area. This was brought to my attention by the Department of Transportation.
- 2) Both the Municipality of Anchorage and the Department of Transportation have requested that we delete the requirement for a citizen representative. The rationale is that such a person, while having an equal voice, would not be accountable to an organization or group.

Thank you for your attention.

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: HB528 & SB373  
Title: Metropolitan Planning Organizations

Sponsor: \_\_\_\_\_  
Requestor: House C&RA  
Date of Request: 3/3/86

FISCAL DETAIL

Agency Affected: DOT&PF  
BRU: Planning, Design & Construction

Components: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL		1.424	1.424	1.424	1.424	1.424
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		1.424	1.424	1.424	1.424	1.424
<b>CAPITAL</b>						
<b>REVENUE</b>						

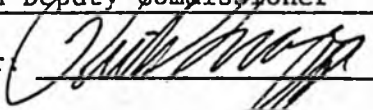
**FUNDING: (Thousands of Dollars)**

GENERAL FUND		1.424	1.424	1.424	1.424	1.424
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		1.424	1.424	1.424	1.424	1.424

**POSITIONS:**

FULL-TIME		0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: See attached

Prepared By: William R. Snell (signed) Phone: 266-1440  
Division: Central Region Deputy Commissioner Date: 3/4/86  
Approved by Commissioner:  Date: 3/4/86  
Agency: DOT&PF

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB528 & SB373

Metropolitan Planning Organizations

3/4/86

The only identified fiscal impact of this bill is for legislative travel. It is estimated that each legislator would attend two Policy Committee meetings during the session; therefore, the costs are estimated as follows:

2 legislators x 2 trips x \$356 (airfare per trip) = \$1,424

It is assumed that there will be no per diem and that the airfare costs remain the same. Please note that the bill does not specify who is responsible for travel costs.

# Municipality of Anchorage



P.O. BOX 6-650  
ANCHORAGE, ALASKA 99502-0650  
(907) 264-4960

TONY KNOWLES,  
MAYOR

INTERGOVERNMENTAL AFFAIRS  
February 20, 1986

Sen. Jan Faiks  
Pouch V  
Juneau, Alaska 99811

Re: SB373, Metropolitan Planning Organizations

Dear Sen. Faiks:

This letter is a follow-up to our discussions regarding SB373 and my testimony on the bill in the Senate Transportation Committee. I have discussed with the Mayor the practical and policy implications of the legislation. As I said before the Committee, the legislation was reviewed from the perspective of constructive criticism, setting forth any problems perceived with the proposed approach, while recognizing that there is also benefit in the proposal. This is the spirit in which I offer the following comments:

. The need for the legislation. There are two important points here. First, I want to stress again that AMATS is working in its present form. While there is always room for improvement in any process, the proof is in the pavement. The systemwide approach which we have taken in AMATS over the past several years has resulted in an unprecedented transportation improvement program for the Anchorage area. Not only has this helped federal aid road construction. The process has helped us determine which roads should be more properly constructed with state and local dollars and where the local government should have project management authority. For the first time that I can recall, the Transportation Improvement Program for AMATS matches the Anchorage Assembly capital budget request, which also matches the Governor's proposed capital budget. This is the kind of consistency that results in effective transportation improvements and which can be understood by the public. The second point is that we do see merit in codifying metropolitan planning organizations in state law. Many other states have taken this step, and it would be appropriate for Alaska to do the same.

. Public Participation. This is one of the most important elements of the transportation planning process, and one which we have sought to improve over the past several years. Our major step in this regard has been to establish the AMATS Citizen Advisory Committee as a subcommittee of the Planning and Zoning Commission. This has proven to be a very effective step for several reasons. There is a strong relationship between transportation and land use. People

Sen. Jan Faiks  
February 20, 1986  
Page Two

view transportation improvement in terms of where a road will take them, and how that road may affect their own neighborhood. Citizens are used to discussing land and neighborhood issues in the Planning and Zoning Commission forum, and do not relate as well to a separate citizen committee. Citizen input to AMATS through the Planning and Zoning Commission model has been a more accurate and effective reflection of neighborhood concerns. In addition, the Urban Design Commission has recently been invited to participate in the AMATS Technical Committee forum. We feel strongly that these are the proper forums for direct citizen participation. Each of the members of the Policy Committee as presently constituted is an elected official or directly accountable to an elected official. Your bill proposes legislative representation on the Policy Committee. A legislator would also be directly accountable to the public at large as an elected official. An appointed citizen member would carry equal weight in the Policy Committee decisions, but not equal accountability. This is an imbalance. A separate appointed citizen should not be a member of the Policy Committee.

. Legislative Participation. This is a sensitive area, and there are pros and cons. Legislative participation varies among jurisdictions throughout the country. On the negative side, each of the members of the existing Policy Committee has the ability to plan and program federal funds, but does not participate in the appropriation process. The Legislature appropriates federal receipts. While this may appear awkward at times, it also represents an effective check-and-balance. If a legislator or legislators were to serve on the Policy Committee, that member or members would have the unique ability to operate in both worlds, participating in both the planning and appropriation decisions. In essence, they would have greater standing in the transportation program than other members of the Policy Committee. On the positive side, it could be helpful to have a member or members of the Legislature with detailed knowledge of the AMATS process and the decisions which led to the budgets ultimately proposed to the Legislature. This is a judgment call. While we feel AMATS works, we can accept some legislative participation. However, participation should be limited to one member of the Legislature. Membership should alternate between House and Senate. The legislator should be a member of the Transportation Committee of either the House or Senate. Under this arrangement, the Policy Committee would be constituted of four officials - one member of the local assembly, one member of the legislative delegation from the local planning area, the mayor, and the Governor's designee (Commissioner of the Department of Transportation). This would appear to represent a balance. Even numbers are not a problem. Tie votes would lose. One other point is significant. Many AMATS decisions are made in the spring while the Legislature is in session. It is essential that a legislative member of the Policy Committee be present personally, and not a substitute in the person of a staffer. Many of the major transportation decisions we face are sensitive. Rather than improving the public process in confidence, we would leave ourselves wide open for criticism if major policy votes were made in absentia.

Sen. Jan Faiks  
February 20, 1986  
Page Three

. Effect Upon Various Municipalities. As stated above, there is merit in codifying in state law the state/local planning process. There is legitimate debate concerning any change to the make-up of the present committees. However, it would be a serious mistake to codify the planning process in a way which separates Anchorage from the rest of the State. Any change in the make-up of local planning organization policy committees should at least apply to the major urban areas in the three transportation regions of the State (southern, central and north). On this point, we are firm. The federal government may have "cut-off numbers" which distinguish Anchorage or only Anchorage and Fairbanks as urban areas. This argument does not hold water in Alaska. As we often note, Alaska is unique. Alaska, in fact, has exemptions in federal highway law. Any legislation we craft should fit Alaska's situation, not be based on a cookie cutter from the Potomac, even though that's the source of the dough. Juneau, for example, receives FAUS funds, has a public transit system, and has an air quality plan. The State should not mandate a planning organization for its capital city differing from that mandated for other urban areas. In summary, while AMATS is working, we can support SB373 with certain amendments as recommended above.

Thank you for the opportunity to comment. I look forward to working with you. If you have any further questions, please call on me.

Sincerely,



Chip Dennerlein

cc: Mayor Tony Knowles  
Assemblyman Dana Brockway, Member, AMATS  
Commissioner Richard J. Knapp  
Deputy Commissioner Riley Snell  
Sen. Mitch Abood, Member, Senate Transportation Committee  
Sen. Joe Josephson, Member, Senate Transportation Committee  
Rep. Mike Szymanski, Member, House Transportation Committee

AMENDMENT #1

Offered in the HOUSE

by Gruenberg

TO: HB 528

Page 1, line 17;

Delete "who is a member of the house transportation  
committee or house finance committee"

AMENDMENT #2

Offered in the HOUSE

by Gruenberg

To: HB 528

Page 1, line 20:

Delete "who is a member of the senate transportation committee or senate finance committee appointed by the president of the senate".

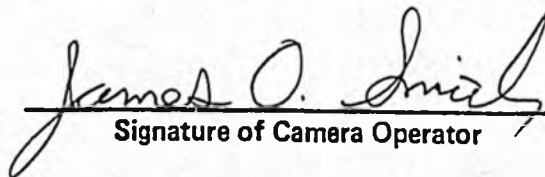


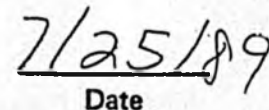
# RECORDS



# CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

  
Signature of Camera Operator

  
Date