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**210**

1 IN THE SENATE

BY DUNCAN

2 SENATE BILL NO. 210

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to planning for and funding of  
7 expansion of and major improvements to the state  
8 transportation system; and providing for an effective  
9 date."

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

1 \* Section 1. PURPOSE. The purpose of this Act is to

2 (1) ensure that long-range transportation planning includes  
3 consideration of projects for expansion of and major improvements to  
4 transportation systems in the state; and

5 (2) designate a source of funding for projects to expand and  
6 make major improvements to the highway transportation system that are  
7 identified through the transportation planning process.

8 \* Sec. 2. AS 19.05.030 is amended by adding a new subsection to read:

9 (b) The department shall designate 10 percent of the state's  
10 annual allocation of federal aid highway funds for planning and con-  
11 struction of projects to expand or make major improvements to the  
12 state's highway system, including the Alaska marine highway system,  
13 that are identified under AS 19.10.140.

14 \* Sec. 3. AS 19.10.140 is amended to read:

15 Sec. 19.10.140. LONG-RANGE PROGRAM FOR HIGHWAY CONSTRUCTION AND  
16 MAINTENANCE. The governor shall require the department to establish a  
17 continuing, long-range program for highway construction, including  
18 expansion of and major improvements to the highway system, and mainte-  
19 nance. The program must annually project proposed construction and  
20

1 maintenance of highways for not less than the next succeeding five  
2 years. A statement of the program shall be submitted by the governor  
3 to the legislature annually, and the long-range program shall include  
4 in detail the program prepared under AS 19.10.150.

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

6 (a) The commissioner shall develop annually a comprehensive,  
7 intermodal, long-range transportation plan for the state. In develop-  
8 ing and revising the state plan, the commissioner shall consider means  
9 and costs of expanding and making major improvements to [IMPROVING]  
10 existing modes and facilities, state and federal subsidies, and the  
11 costs and benefits of new transportation modes and facilities. The  
12 commissioner shall also consider the recommendation of the Alaska  
13 Transportation Planning Council. The plan shall be submitted to the  
14 governor for review and approval and submitted by the governor to the  
15 legislature.

16 \* Sec. 5. This Act takes effect January 15, 1991.  
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6-1000H✓  
Utermohle  
4/22/89

Original sponsor: Duncan

IN THE SENATE

BY THE TRANSPORTATION COMMITTEE

CS FOR SENATE BILL NO. 210 (Transportation)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to planning for and funding of expansion of or major improvements to the state transportation system; and providing for an effective date."

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

\* Section 1. PURPOSE. The purpose of this Act is to

(1) ensure that long-range transportation planning includes consideration of projects for expansion of and major improvements to transportation systems in the state; and

(2) designate a source of funding for projects to expand and make major improvements to the highway transportation system that are identified through the transportation planning process.

\* Sec. 2. AS 19.05.030 is amended by adding a new subsection to read:

(b) The department shall designate 10 percent of the state's annual allocation of federal aid highway funds for planning and construction of projects to expand the state's highway system, including the Alaska marine highway system, that are identified under AS 19.10.-140.

\* Sec. 3. AS 19.10.140 is amended to read:

Sec. 19.10.140. LONG-RANGE PROGRAM FOR HIGHWAY CONSTRUCTION AND MAINTENANCE. The governor shall require the department to establish a continuing, long-range program for highway construction, including expansion of and major improvements to the highway system, and maintenance. The program must annually project proposed construction and

maintenance of highways for not less than the next succeeding five years. A statement of the program shall be submitted by the governor to the legislature annually, and the long-range program shall include in detail the program prepared under AS 19.10.150.

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(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 expanding and making major improvements to [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 review and approval and submitted by the governor to the legislature.

\* Sec. 5. This Act takes effect January 15, 1991.

6-1000E ✓  
Utermohle  
4/11/89

Original sponsor: Duncan

1 IN THE SENATE BY THE TRANSPORTATION COMMITTEE  
 2 CS FOR SENATE BILL NO. 210 (Transportation)  
 3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
 4 SIXTEENTH LEGISLATURE - FIRST SESSION  
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Original sponsor: Duncan

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BY THE TRANSPORTATION COMMITTEE

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STATE OF ALASKA  
1989 LEGISLATIVE SESSION

BILL VERSION: CSSB 210 (Trsp)  
PUBLISH DATE: 4-22-89

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: Relating to Planning and Funding  
Major Highway Expansion  
Sponsor: Duncan  
Requestor: \_\_\_\_\_

Agency Affected: DOT&PF  
BRU: \_\_\_\_\_  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

SEE ATTACHED

Prepared by: R. T. Meketa, Chief of Planning  
Division: Southeast Region, DOT&PF

Phone: 789-6264  
Date: 4-26-89

Approved by Commissioner: *Mak S. Kelly*  
Agency: \_\_\_\_\_

Date: 4/26/89

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

DOT&PF ANALYSIS      CSSB 210

Based on a quick preliminary review of the Committee Substitute, we do not anticipate a fiscal impact. We are, however, reviewing this further.

FISCAL NOTE

Revision Date: 3-9-89  
Title: Relating to Planning and Funding  
Major Highway Expansion & Improvements

Agency Affected: DOT&PF  
BRU:

Sponsor: Duncan  
Requestor: Senate Transportation

Components:

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTURAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (THOUSANDS OF DOLLARS)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER*	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

SEE ATTACHED

Prepared by: R. T. Meketa, Chief of Planning  
Division: Southeast Region, DOT&PF

Phone: 789-6264  
Date: 4-7-89

Approved by Commissioner: Mark S. Hickey *MSH*  
Agency: Department of Transportation and Public Facilities

Date: 4/10/89

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

ANALYSIS - SB 210

Senate Bill 210 (SB 210) amends the statutory responsibility of DOT & PF by adding language that requires the department to designate 10% of federal highway funds specifically for expansion and major improvements to the state's highway system. SB 210 further requires DOT & PF to establish long range construction programs that include these types of projects.

DOT & PF is currently charged with the responsibility to plan, construct, and maintain a state highway system based on a comprehensive, coordinated, and continuing long-range transportation plan. SB 210 simply provides additional policy direction to this process.

There is no fiscal impact from the Bill.

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 5-DAY NOTICE April 16, 1989  
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER

FIN

\*\*FISCAL NOTE(S) MUST BE ATTACHED  
IN ACCORDANCE WITH AS 24.08.035

DATE TURNED INTO OFFICE April 26, 1989

3/9/89  
Mr. President:

TRSP

Committee considered

SB 210

planning for and funding of expansion of and major improvements to the state transportation system; efd

and recommended:

- replace with CS SB 210 (Trsp)  same title  new title
- attached amendment(s) and
- \_\_\_\_\_ letter of intent adopted
- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to \_\_\_\_\_

FISCAL NOTE(S) attached  zero  appropriation no FN attached

fiscal impact  Gov. FN introduced w/ bill

MEMBER SIGNING TO PASS

*[Handwritten signature]*  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

OTHER RECOMMENDATIONS

*Let Finance not do not pass*  
*Tabunkang No Rec*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*[Handwritten signature]*  
Chairman signature and recommendation

Committee backup attached

# Alaska State Legislature



SENATOR JIM DUNCAN

P.O. Box V JUNEAU, ALASKA 99811-3100

(907) 465-4766

COMMITTEES:  
FINANCE  
VICE CHAIR -  
HEALTH EDUCATION  
& SOCIAL SERVICES  
BUDGET & AUDIT  
BANKING &  
ECONOMIC  
DEVELOPMENT

MARCH 8, 1989

MAR 08 1989

TO: SENATOR LLOYD JONES, CHAIR  
SENATE TRANSPORTATION COMMITTEE

FROM: SENATOR JIM DUNCAN

SUBJECT: REQUEST FOR TRANSPORTATION COMMITTEE HEARING  
ON ROAD ACCESS BILLS

TOMORROW I WILL BE INTRODUCING THREE PIECES OF LEGISLATION WHICH I HAVE REQUESTED BE REFERRED DIRECTLY TO THE SENATE TRANSPORTATION COMMITTEE. THESE PIECES OF LEGISLATION WILL REQUIRE THAT THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES ESTABLISH A MECHANISM TO PRIORITIZE AND FUND MAJOR TRANSPORTATION SYSTEM EXPANSION PROJECTS THROUGHOUT THE STATE OF ALASKA. MY CONCERN LOCALLY FOCUSES ON IMPROVED ACCESS PROJECTS FOR JUNEAU.

I AM REQUESTING THAT YOU SCHEDULE THE FOLLOWING LEGISLATION FOR HEARINGS IN THE SENATE TRANSPORTATION COMMITTEE AS SOON AS POSSIBLE. THE NUMBERS OF THE LEGISLATION ARE YET TO BE ASSIGNED BUT THE TITLES ARE LISTED BELOW:

- SCR - RELATING TO A PLAN FOR EXPANSION OR MAJOR IMPROVEMENTS TO THE ALASKA TRANSPORTATION SYSTEM.
- SB - RELATING TO PLANNING FOR AND FUNDING OF EXPANSION OF AND MAJOR IMPROVEMENTS TO THE STATE TRANSPORTATION SYSTEM.
- SB - MAKING AN APPROPRIATION FOR ENVIRONMENTAL IMPACT STATEMENTS ON CERTAIN PROPOSALS FOR ROAD ACCESS TO JUNEAU - \$600,000 G.F.

IN ORDER THAT ALL BILLS WHICH DEAL WITH THIS TOPIC BE HEARD BY THE TRANSPORTATION COMMITTEE ON THE SAME DATE, I ASK THAT YOU ALSO SCHEDULE SB 124 AND SB 125, WHICH WERE INTRODUCED BY SENATOR COGHILL. SB 124 AUTHORIZES THE DOT/PF TO CONSTRUCT A LYNN CANAL ROUTE AND SB 125 APPROPRIATES \$102.1 MILLION IN STATE AND FEDERAL DOLLARS FOR CONSTRUCTION OF THAT ROUTE.

SENATOR LLOYD JONES  
MARCH 8, 1989  
PAGE 2

ATTACHED IS A COPY OF THE "JUNEAU ROAD ACCESS IMPROVEMENTS"  
REPORT DONE BY THE JUNEAU ECONOMIC DEVELOPMENT COUNCIL FOR YOUR  
INFORMATION. IF YOU DESIRE FURTHER INFORMATION ON THIS ISSUE,  
PLEASE CONTACT ME AT 465-4766.

ATTACHMENTS



STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 10, 1989

SUBJECT: Sectional Summary; SB 210, An Act relating to planning for and funding of expansion of and major improvements to the state transportation system; and providing for an effective date

TO: Senator Jim Duncan

FROM: George Utermohle *GU*  
Legislative Counsel

This memorandum is a sectional summary of SB 210 as requested by Roxanne Stewart of your staff.

A summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill sets out the purposes of the bill.

Section 2 of the bill amends AS 19.05.030 by adding a new subsection that requires the Department of Transportation and Public Facilities to designate 10 percent of the state's allocation of federal aid highway funds for planning and construction of projects to expand or make major improvements to the state's highway and marine highway systems. Projects funded by the funds designated under this provision are identified through the long-range highway construction and maintenance program under AS 19.10.140.

Section 3 of the bill amends AS 19.10.140 in order to provide that the long-range highway construction and maintenance program includes projects for the expansion of and major improvements to the state highway system.

Section 4 of the bill amends AS 44.42.050(a) in order to provide that the comprehensive, intermodal, long-range

Senator Jim Duncan  
Page 2  
April 10, 1989

transportation plan for the state considers means and costs of expanding and making major improvements to existing transportation modes and facilities in the state.

Section 5 of the bill provides that the bill takes effect January 15, 1991.

GU:gc  
WKG9/029

MARCH - 1989

PROVIDED BY SENATOR JIM DUNCAN

SUMMARY OF JUNEAU ECONOMIC DEVELOPMENT COUNCIL "JUNEAU ROAD ACCESS IMPROVEMENTS" REPORT RECOMMENDATIONS:

1. THE STATE OF ALASKA SHOULD PURSUE HIGH SPEED FERRIES FOR NORTHERN LYNN CANAL TO PROVIDE SHORT-TERM IMPROVED ACCESS FOR JUNEAU.
2. THE STATE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES (DOT/PF) SHOULD MAKE THE COMMITMENT TO HARD SURFACE ACCESS TO JUNEAU.
3. TO EXPEDITE SUCH ROAD ACCESS, A FORMAL ENVIRONMENTAL IMPACT STATEMENT (E.I.S.) SHOULD BE STARTED IMMEDIATELY ON THE TAKU RIVER CORRIDOR AND THE JUNEAU TO HAINES-EAST OPTION.
4. THE OFFICE OF THE GOVERNOR SHOULD INITIATE IMMEDIATE DISCUSSIONS WITH THE CANADIAN GOVERNMENT TO DETERMINE UNDER WHAT CIRCUMSTANCES THEY WOULD PARTICIPATE IN THE COST OF A ROAD UP THE TAKU RIVER CORRIDOR.
5. THE STATE SHOULD ALLOCATE TEN PERCENT OF ITS ANNUAL ALLOTMENT OF FEDERAL HIGHWAY FUNDS FOR NEW ROAD CONSTRUCTION.

ACTIONS TAKEN BY SENATOR DUNCAN IN RESPONSE TO THE JUNEAU ECONOMIC DEVELOPMENT COUNCIL "JUNEAU ROAD ACCESS IMPROVEMENTS" REPORT:

1. ASKED THE DOT/PF TO INCLUDE HIGH SPEED SHUTTLE FERRIES FOR NORTHERN LYNN CANAL IN THEIR MASTER PLAN WHICH IS DUE OUT ON APRIL 15.
2. INTRODUCED SCR 25, RELATING TO A PLAN FOR EXPANSION OF AND MAJOR IMPROVEMENTS TO THE ALASKA TRANSPORTATION SYSTEM. THIS RESOLUTION WILL REQUIRE THAT THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES ESTABLISH A PROCESS TO PRIORITIZE AND FUND MAJOR PROJECTS, SUCH AS A ROAD ACCESS PROJECT FOR JUNEAU.
3. SINCE THE FEDERAL GOVERNMENT WILL NOT PARTICIPATE IN THE COST OF AN E.I.S. FOR ANY ROUTE UNTIL THEY ARE SURE THAT THE STATE PLANS TO BUILD IT, SENATOR DUNCAN HAS

JEDC "Juneau Road Access  
Improvements" report recommendations

SENATOR DUNCAN'S ROAD ACCESS  
PAGE 2

SPONSORED SB 211, APPROPRIATING \$600,000 IN GENERAL FUNDS TO CONDUCT AN E.I.S. ON THE TWO ROUTES RECOMMENDED BY THE JEDC.

4. FORMALLY REQUESTED THAT THE GOVERNOR INITIATE TALKS WITH THE CANADIANS CONCERNING THE POSSIBILITY OF A JOINTLY FUNDED ROAD PROJECT UP THE TAKU RIVER CORRIDOR.
5. INTRODUCED SB 210 WHICH WILL REQUIRE THAT THE DOT/PF USE 10 PERCENT OF THE STATE'S ANNUAL FEDERAL HIGHWAY ALLOTMENT, AMOUNTING TO AROUND \$15.0 MILLION FOR USE ON THE MAJOR PROJECTS IDENTIFIED THROUGH THE PROCESS INITIATED IN SCR 25.

# Alaska Statutes

## Title 19. Highways and Ferries.

### Chapter

- 05. Administration (§§ 19.05.010 — 19.05.125)
- 10. State Highway System (§§ 19.10.010 — 19.10.260)
- 15. Financial Provisions (§§ 19.15.010 — 19.15.040)
- 20. Cooperation by and with the State (§§ 19.20.010 — 19.20.080)
- 22. Landscaping and Scenic Enhancement (§§ 19.22.010 — 19.22.030)
- 25. Protection and Use of State Highways and Roads (§§ 19.25.010 — 19.25.250)
- 27. Junk Yards (§§ 19.27.010 — 19.27.140)
- 30. Access Roads (§§ 19.30.020 — 19.30.320)
- 40. James Dalton Highway (§§ 19.40.010 — 19.40.210)
- 45. Miscellaneous Provisions (§§ 19.45.001 — 19.45.015)
- 60. Ferry Terminal Facilities (§§ 19.60.010 — 19.60.070)
- 65. Alaska Marine Highway System (§19.65.020)

Revisor's notes. — In 1977, "commissioner of transportation and public facilities" and "Department of Transportation and Public Facilities" were substituted for "commissioner of highways" and "Department of Highways" throughout the title in

order to implement sec. 11, Executive Order No. 39 (1977). In 1988, the provisions of this title were redrafted to remove personal pronouns pursuant to sec. 4, ch. 58, SLA 1982, and to make other minor word changes.

### Chapter 05. Administration

#### Article

- 1. Department of Transportation and Public Facilities (§§ 19.05.010 — 19.05.070)
- 2. Acquisition of Property (§§ 19.05.080 — 19.05.122)
- 3. General Provisions (§ 19.05.125)

#### Article 1. Department of Transportation and Public Facilities.

##### Section

- 10. Department to supervise highway system
- 20. Regulations
- 30. Duties of department
- 40. Powers of department
- 46. Accounting and disposition of receipts from nonstate entities

##### Section

- 50. Roads in tourist and trailer camps
- 60. Sale of obsolete equipment and material
- 70. Vacating and disposing of land and rights in land

**Sec. 19.05.020. Regulations.** The department shall adopt regulations necessary to carry out the purpose of AS 19.05 — AS 19.25. The regulations may not conflict with AS 36.30 (State Procurement Code) or regulations adopted by the Department of Administration to implement that chapter. (§ 1 art III title I ch 152 SLA 1957; am § 10 ch 106 SLA 1986)

**Effect of amendments.** — The 1986 amendment added the second sentence.

**Opinions of attorney general.** — A policy of publishing regulations concerning bidding and letting of contracts in the Administrative Code is consistent with the Alaska Administrative Procedure Act

(AS 44.62.010 — 44.62.650), since these regulations are regulations in which an important portion of the public has a vital interest and since they are of great use to the portion of the public interested in dealing and contracting with the state. 1959 Op. Att'y Gen. No. 27.

#### NOTES TO DECISIONS

Cited in *State v. Alyeska Pipeline Serv. Co.*, Sup. Ct. Op. No. 3092 (File No. S-986), 723 P.2d 76 (1986).

**Sec. 19.05.030. Duties of department.** The department has the following duties:

- (1) direct approved highway planning and construction and maintenance, protection and control of highways;
- (2) employ assistants and employees;
- (3) certify and approve vouchers;
- (4) provide a program of highway research;
- (5) prepare a budget;
- (6) review the annual highway program;
- (7) develop and implement an avalanche control plan to protect persons who use public highways. (§ 2 art IV title I ch 152 SLA 1957; am § 2 ch 119 SLA 1980)

**Cross references.** — For participation in statewide avalanche warning system, see AS 18.76.010.

#### NOTES TO DECISIONS

**Responsibility for highway maintenance.** — AS 19.05.010 — 19.05.020 provides that the Department of Highways (now Department of Transportation and Public Facilities) is responsible for highway maintenance. *State v. Abbott*, Sup. Ct. Op. No. 804 (File Nos. 1463, 1467), 498 P.2d 712 (1972).

But it fails to specify what standard shall be used to measure performance of that duty. *State v. Abbott*, Sup. Ct. Op. No. 804 (File Nos. 1463, 1467), 498 P.2d 712 (1972).

The scope of the state's duty to maintain highways should be defined by ordinary negligence principles. *State v. Abbott*, Sup. Ct. Op. No. 804 (File Nos. 1463, 1467), 498 P.2d 712 (1972).

Highway authorities have a duty to exercise reasonable care to keep the highway in a safe condition. *State v. Abbott*, Sup. Ct. Op. No. 804 (File Nos. 1463, 1467), 498 P.2d 712 (1972).

As to duty of care the state owes to persons using its highways in general, see

State v. Abbott, Sup. Ct. Op. No. 804 (File Nos. 1463, 1467), 498 P.2d 712 (1972).

The duty to maintain a highway safe for travel includes not only a duty to maintain the surface of the highway in a condition reasonably safe for travel, but also a duty of warning the travelling public of any other condition which endangers travel, whether caused by a force of nature, such as snow or ice, or by the act of third persons, such as a ditch dug in the sidewalk or roadway or an obstruction placed upon it. State v. Abbott, Sup. Ct. Op. No. 804 (File Nos. 1463, 1467), 498 P.2d 712 (1972).

**Liability of state for negligent winter highway maintenance.** — See State v. Abbott, Sup. Ct. Op. No. 804 (File Nos. 1463, 1467), 498 P.2d 712 (1972).

Once the basic decision to maintain the highway in a safe condition throughout the winter is reached, the state should not be given discretion to do so negligently. State v. Abbott, Sup. Ct. Op. No. 804 (File Nos. 1463, 1467), 498 P.2d 712 (1972).

In some circumstances the state will be held liable for dangerous highway conditions caused by ice and snow accumulation. State v. Abbott, Sup. Ct. Op. No. 804

(File Nos. 1463, 1467), 498 P.2d 712 (1972).

To impose a lesser standard of care upon the state for highway maintenance would substantially diminish the risk-spreading effects of AS 09.50.250 and seriously undermine the sound policy consideration upon which it is based. State v. Abbott, Sup. Ct. Op. No. 804 (File Nos. 1463, 1467), 498 P.2d 712 (1972).

In making a determination of negligence by the state in maintaining highways, all of the following factors would be relevant: Whether the state had notice of the dangerous condition, the length of time the ice and snow had been on the highway, the availability of men and equipment, and the amount of traffic on the highway. State v. Abbott, Sup. Ct. Op. No. 804 (File Nos. 1463, 1467), 498 P.2d 712 (1972).

To impose liability on the state for its negligent failure to maintain Alaska highways through the winter would not place an "impossible burden" on the state. State v. Abbott, Sup. Ct. Op. No. 804 (File Nos. 1463, 1467), 498 P.2d 712 (1972).

Cited in State v. Alyeska Pipeline Serv. Co., Sup. Ct. Op. No. 3092 (File No. S-986), 723 P.2d 76 (1986).

**Sec. 19.05.040. Powers of department.** The department may

- (1) acquire property;
- (2) exercise the power of eminent domain;
- (3) take immediate possession of real property, or any interest in it under a declaration of taking or by other lawful means;
- (4) acquire rights-of-way for present or future use;
- (5) control access to highways;
- (6) regulate roadside development;
- (7) preserve and maintain the scenic beauty along state highways;
- (8) dispose of property acquired for highway purposes;
- (9) accept and dispose of federal funds or property available for highway construction, maintenance, or equipment;
- (10) enter into contracts or agreements relating to highways with the federal government, municipalities, a political subdivision, or with a foreign government, if the contract is approved by the federal government;
- (11) establish, levy, and collect tolls, fees, charges, and rentals for the use of state roads, highways, bridges, tunnels, crossings, and causeways; and
- (12) exercise any other power necessary to carry out the purpose of AS 19.05 — AS 19.25. (§ 2 art III title I ch 152 SLA 1957; am § 3 ch 35 SLA 1971; am § 2 ch 162 SLA 1984; am § 1 ch 165 SLA 1988)

*Sec. 19.05.140. Penalties. [Renumbered as AS 19.45.002.]*

*Sec. 19.05.150. Naming of a highway. [Renumbered as AS 19.10.085.]*

## Chapter 10. State Highway System.

### Article

1. Designation, Marking, and Use (§§ 19.10.010 — 19.10.100)
2. Planning (§§ 19.10.110 — 19.10.160)
3. Construction (§§ 19.10.170 — 19.10.260)

### Article 1. Designation, Marking, and Use.

#### Section

10. Dedication of land for public highways
15. Establishment of highway widths
20. Designation of state highway system
30. Responsibility for system
40. Uniform system of marking and posting
50. Traffic control signals
60. Regulation of weight and load of vehicles and use of highways during certain seasons

#### Section

65. Operation of farm equipment on highways
70. Speed limits and zones
72. Procedures for determination of speed limits and zones
80. Designation of through highways
85. Naming of a highway
90. Erection and maintenance of guard rails
100. Closing highways

**Sec. 19.10.010. Dedication of land for public highways.** A tract 100 feet wide between each section of land owned by the state, or acquired from the state, and a tract four rods wide between all other sections in the state, is dedicated for use as public highways. The section line is the center of the dedicated right-of-way. If the highway is vacated, title to the strip inures to the owner of the tract of which it formed a part by the original survey. (§ 1 ch 123 SLA 1951; am § 1 ch 35 SLA 1953)

**Opinions of attorney general.** — For opinion discussing section line dedications

for construction of highways, see 1969 Op. Att'y Gen. No. 7.

### NOTES TO DECISIONS

**Acceptance of federal grant.** — The enactment of ch. 35, SLA 1953, was a positive act clearly manifesting the territorial legislature's intent to accept the federal grant under 43 U.S.C. § 932 of right of way for the construction of highways over public lands, not reserved for public uses. *Girves v. Kenai Peninsula Borough*, Sup. Ct. Op. No. 1163 (File No. 2016), 536 P.2d 1221 (1975).

**Scope of use of easement.** — Although the state expressly reserved a section line easement of 100 feet for use as a

public highway when it sold two parcels of land, a development corporation planning to construct a public road along the easement could clear only the amount of trees reasonably necessary to construct the roadway. *Anderson v. Edwards*, Sup. Ct. Op. No. 2274 (File No. 4586), 625 P.2d 282 (1981).

A utility may construct a powerline on an unused section line easement reserved for highway purposes under this section. *Fisher v. Golden Valley Elec.*



Article 2. Planning.

Section	Section
110. Traffic surveys, plans and recommendations	<u>140. Long-range program for highway construction and maintenance</u>
120. Research on highway development	150. Construction program
130. Inspection and testing of materials	160. Standard plans and specifications

**Sec. 19.10.110. Traffic surveys, plans and recommendations.** The department may collect, analyze, and interpret physical and economic data needed to measure existing and estimated future highway characteristics such as origin and destination, volumes, speeds, accidents, congestion, parking, pedestrian use of highways and the economic loss caused by inferior traffic facilities, including the preparation of traffic plans and recommendations. (§ 5 art IV title II ch 152 SLA 1957)

**Collateral references.** — 39 Am. Jur. 2d, Highways, Streets and Bridges, §§ 92, 93.  
 40 C.J.S., Highways, §§ 175-179.  
 Liability of governmental entity or public officer for personal injury or damages arising out of vehicular accident due to negligent or defective design of highway. 45 ALR3d 875.

**Sec. 19.10.120. Research on highway development.** The department may gather, investigate, and compile information concerning the use, construction, and maintenance of highways, the practices and methods of efficient highway organization, financing, and other information, data and statistics of the state and the extent of the natural resources of road-building materials in the state. The department may enter into agreements with states, municipalities, or research organizations to carry on research and test projects involving highway development. The department may disseminate this information, together with recommendations, when advisable. (§ 4 art IV title II ch 152 SLA 1957)

**Sec. 19.10.130. Inspection and testing of materials.** The department may inspect and test materials, supplies, equipment and machinery used by it or by a contractor constructing or maintaining highways in the state, and develop methods and procedures for this inspection and testing. (§ 6 art IV title II ch 152 SLA 1957)

**Sec. 19.10.140. Long-range program for highway construction and maintenance.** The governor shall require the department to establish a continuing, long-range program for highway construction and maintenance. The program must annually project proposed construction and maintenance of highways for not less than the next succeeding five years. A statement of the program shall be submitted by the governor to the legislature annually, and the long-range pro-

g am shall include in detail the program prepared under AS 19.10.150. (§ 1 ch 124 SLA 1959)

**Cross references.** — For responsibility of the Department of Transportation and Public Facilities for state transportation planning, see AS 44.42.050.

**Sec. 19.10.150. Construction program.** Before February 2 of each year, the department shall prepare a statement showing what construction work has been requested and proposed and may be undertaken by the department. The statement must set forth a general itemization of the estimated cost for each project and the total estimates of all projects. The department shall adopt a construction program which must include the projects to be undertaken by it during the following construction season and must establish project priorities. The department may increase, decrease, amend, or revise the construction program from time to time as circumstances warrant. (§ 3 art IV title II ch 152 SLA 1957)

**Cross references.** — For responsibility of the Department of Transportation and Public Facilities for state transportation planning, see AS 44.42.050.

**Sec. 19.10.160. Standard plans and specifications.** The department shall prepare and adopt uniform standard plans and specifications for the establishment, construction, and maintenance of highways in the state. The department may amend the plans and specifications as it considers advisable. The standards must conform as closely as practicable to those adopted by the American Association of State Highway and Transportation Officials. (§ 1 art IV title II ch 152 SLA 1957; am § 12 ch 106 SLA 1986)

**Cross references.** — For responsibility of the Department of Transportation and Public Facilities for state transportation planning, see AS 44.42.050. **Effect of amendments.** — The 1986 amendment inserted "and Transportation" near the end of the section.

**Article 3. Construction.**

**Section**  
 170. Construction by department  
 180. Request for public bids  
 200. Procedures for the award of contracts  
 230. Method of construction of highway ditches

**Section**  
 240. Warning signs of road construction  
 250. Penalty for failure to erect warning signs  
 260. Replacement of permanent markers and filing of right-of-way map after construction

**Collateral references.** — Validity and construction of "no damage" clause with respect to delay in building or construction contract. 74 ALR3d 187.

Highway construction contractor's lia-

bility for injuries to third persons by materials or debris on highway during course of construction or repair. 3 ALR4th 770.

Personal injury liability of civil engineer for negligence in highway or bridge

**Chapter 41. Department of Public Safety.**

**Section**

- 10. Commissioner of public safety
- 20. Duties of department
- 30. Report to division of personnel

**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)

**Collateral references.** — 1 and 2 Am. Works and Contracts, § 1 et seq.; 72 Am. Jur. 2d, Administrative Law, § 1 et seq; 63 Am. Jur. 2d, States, Territories and Dependencies, §§ 66 to 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)

**NOTES TO DECISIONS**

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), overruled on other grounds, *Munroe v. City Council*, Sup. Ct. Op. No. 1236 (File No. 2382), 545 P.2d 165 (1976).

**Sec. 44.41.030. Report to division of personnel.** The Department of Public Safety shall submit a report to the director of the division of personnel quarterly and on request of the director. The report shall contain a description of each emergency and shall include the total amount of time by hours for each emergency for which emergency guards under AS 39.25.120(c)(18) were used. (§ 3 ch 103 SLA 1984)

**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

feasible, through a regional office. Each regional office shall be directed by a regional transportation and public facilities director appointed by the commissioner. (E.O. 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 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 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 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. (E.O. 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

## CHRONOLOGY OF EVENTS - JUNEAU ROAD ACCESS

PROVIDED BY SENATOR JIM DUNCAN, APRIL 1, 1989

- 1921 TAKU VALLEY RECON. REPORT PREPARED FOR THE ALASKA ROAD COMMISSION - TIDEWATER TO THE CANADIAN BORDER.
- 1951-52 RECONNAISSANCE REPORT ON PROPOSED TAKU RIVER ROUTE AND PHOTO RECON. REPORT FOR THE BPR.
- 1954 DECEMBER - RECONNAISSANCE SURVEY OF THE TAKU ROUTE FOR THE ALASKA ROAD COMMISSION.
- 1963 TAKU GLACIER EVALUATION STUDY BY MAYNARD MILLER FOR THE ALASKA DEPT. HIGHWAYS AND BPR - INDICATED UNSTABLE SITUATION.
- 1964 NOVEMBER - RECONNAISSANCE REPORT FOR PROPOSED FOREST HIGHWAY DONE FOR THE U.S. FOREST SERVICE. ACCESS TO TIMBER AND THE GLACIER BAY NATIONAL MONUMENT THE GOAL.
- 1967 APRIL - RECONNAISSANCE REPORT ON THE CHILKAT RIVER CROSSING BY DOT/PF - TO PICK CROSSING LOCATION. ASSUMES A WEST SIDE ROUTE.
- 1970 STATE DEPT OF. HIGHWAYS DEVELOPS PLANS FOR CHILKAT RIVER CROSSING BUT FINDS RIGHT OF WAY PROBLEMS WITH INDIAN RESERVATION, ALSO ENVIRONMENTAL ISSUES ARISE.
- 1974 SEPTEMBER - LYNN CANAL ENVIRONMENTAL ASSESSMENT FOR THE ALASKA DEPARTMENT OF HIGHWAY.
- 1974 OCTOBER - ALASKA DEPARTMENT OF HIGHWAYS PREPARES A COST ESTIMATE ON THE JUNEAU TO SKAGWAY ROUTE.
- 1975 LYNN CANAL TRANSPORTATION CORRIDOR PUBLIC HEARING BROCHURE PREPARED BY THE DEPT. OF HIGHWAYS. CONCENTRATED PRIMARILY ON SURFACE TRANSPORTATION, TRANSPORTATION COSTS AND ENVIRONMENTAL ISSUES.

Juneau Road Access

- Chronology of events -

CHRONOLOGY OF EVENTS  
JUNEAU ROAD ACCESS

- 1979           SOUTHEAST TRANSPORTATION PLAN BY WILBUR SMITH & ASSOC. EXAMINES TAKU ROUTE AND ROUTES TO HAINES AND SKAGWAY.
- 1980           COST ESTIMATES PREPARED ON JUNEAU TO HAINES ROUTE BY DOT/PF
- 1981           JANUARY - JUNEAU TO HAINES LOCATION INVESTIGATION DONE BY R&M FOR THE SENATE TRANSPORTATION COMMITTEE.
- 1986           EVALUATION OF CORRIDOR ALTERNATIVES BY ACRES INTERNATIONAL FOR DOT/PF
- 1987           MARCH - GREATER JUNEAU CHAMBER OF COMMERCE, ECONOMIC DEVELOPMENT COMMITTEE PREPARES AN EVALUATION AND RECOMMENDATIONS STATING THE ACRES REPORT DID NOT INCLUDE IMPORTANT ECONOMIC FACTORS.
- 1987           MAY - SENATOR DUNCAN APPROPRIATES \$100,000 TO DETERMINE THE ECONOMIC FEASIBILITY OF ROAD ACCESS TO JUNEAU.
- 1988           MARCH - THE FEDERAL HIGHWAY ADMINISTRATION INDICATES THE NEXT STEP IN THE PROCESS SHOULD BE AN ENVIRONMENTAL IMPACT STATEMENT FOR A HIGHWAY CONNECTION BETWEEN JUNEAU, HAINES AND SKAGWAY. THE FHWA WOULD REQUIRE A COMMITMENT ON THE PART OF THE DEPARTMENT TO BUILD IN ORDER TO PROCEED.
- 1988           AUGUST - MAYNARD MILLER RELEASES INFORMATION STATING THE TAKU GLACIER WAS ADVANCING AT AN ACCELERATING RATE AND COULD DAM THE RIVER IN SIX TO 10 YEARS.
- 1988           SEPTEMBER 15 - MAYNARD MILLER RETRACTS HIS PREVIOUS STATEMENT SAYING AN ASSISTANT HAD CONFUSED FEET WITH METERS.
- 1988           SEPTEMBER - SENATOR DUNCAN ASKS DNR, FISH AND GAME AND THE U.S. GEOLOGICAL SURVEY TO DETERMINE WHETHER OR NOT THE INFORMATION ON THE GLACIAL PROBLEMS ON THE TAKU ROUTE WAS CORRECT.
- 1988           SEPTEMBER - SENATOR DUNCAN ASKS THE JUNEAU ECONOMIC DEVELOPMENT COUNCIL TO TAKE THE LEAD IN PULLING TOGETHER A COMMUNITY CONSENSUS ON A ROAD OPTION, BY PROVIDING OBJECTIVE INFORMATION ON ALL

CHRONOLOGY OF EVENTS  
JUNEAU ROAD ACCESS

POSSIBLE OPTIONS. THE JEDC AGREES TO TAKE ON THE PROJECT EVEN THOUGH NO FUNDING IS AVAILABLE.

- 1988 NOVEMBER - SENATOR COGHILL ASKS FOR AND RECEIVES A \$6,000 GRANT FROM THE SENATE LEADERSHIP FUNDS FOR RED SWANSON.
- 1989 JANUARY 18 - SENATOR COGHILL INTRODUCES SB 124 AND SB 125 WHICH WOULD AUTHORIZE DOT/PF TO CONSTRUCT THE LYNN CANAL HIGHWAY PROJECT AND APPROPRIATE \$102.0 MILLION IN FEDERAL AND STATE FUNDS.
- 1989 JANUARY 24 - THE JUNEAU CITY AND BOROUGH ASSEMBLY ENDORSES THE JUNEAU ECONOMIC DEVELOPMENT COUNCIL APPROACH TO IMPROVED ACCESS TO JUNEAU IN SUPPORT OF A RATIONAL PROCESS THAT WILL MAKE OBTAINING FUNDING A MORE REALISTIC GOAL. THE ASSEMBLY EXPRESSED CONCERNS WITH SB 125, SENATOR COGHILL'S LYNN CANAL APPROPRIATION AS BEING PREMATURE.
- 1989 JANUARY 27 - THE JUNEAU BRANCH, ALASKA MINERS ASSOCIATION ISSUED THE FOLLOWING STATEMENT:
- "WHILE THE JUNEAU BRANCH OF THE ALASKA MINERS ASSOCIATION FAVORS THE CONCEPT OF ENHANCED ACCESS TO THE STATE CAPITOL, IT CHOOSES AT THIS TIME NOT TO ENDORSE ANY PARTICULAR PLAN AS THE BRANCH FEELS THE ISSUE MERITS FURTHER STUDY."
- 1989 MARCH 3 - SENATOR DUNCAN FORMALLY ASKS BOB RUBY OF THE FEDERAL HIGHWAY ADMINISTRATION (FHWA) EXACTLY WHAT THE STATE SHOULD DO TO SHOW A COMMITMENT TO BUILD A SPECIFIC ROAD PROJECT.
- 1989 MARCH 6 - BOB RUBY, FHWA RESPONDS; "IT IS THE FHWA POLICY THAT FEDERAL-AID HIGHWAY FUNDS FOR PRELIMINARY ENGINEERING WORK, SUCH AS ENVIRONMENT, LOCATION OR DESIGN STUDIES, SHOULD NOT BE AUTHORIZED WITHOUT A REASONABLE ASSURANCE THAT CONSTRUCTION WILL PROCEED WITHIN FIVE YEARS FOLLOWING THE INITIAL AUTHORIZATION...THE NORMAL PROCEDURES FOR THIS FUNDING COMMITMENT WOULD BE INCLUSION OF A SIGNIFICANT CONSTRUCTION PROJECT IN THE ALASKA DOT&PF'S SIX-YEAR PLAN." MR. RUBY WENT ON TO SAY THAT "LEGISLATION TO APPROPRIATE FUNDS IN EXCESS OF THOSE AVAILABLE TO THE STATE FROM FHWA CAN NOT BE CONSIDERED A SATISFACTORY COMMITMENT FOR FEDERAL-AID HIGHWAY PROGRAM PURPOSES."



CHRONOLOGY OF EVENTS  
JUNEAU ROAD ACCESS

1989 MARCH 8 - REPORT RELEASED BY THE JUNEAU ECONOMIC DEVELOPMENT COUNCIL ENTITLED "JUNEAU ROAD ACCESS IMPROVEMENTS" WHICH RECOMMENDS HIGH SPEED FERRIES AS THE SHORT TERM ALTERNATIVE WITH LONG TERM COMMITMENT TO HARD LINK ACCESS RECOMMENDED.

1989 MARCH 8 - IN RESPONSE TO THE JEDC REPORT, SENATOR DUNCAN:

1. REQUESTS THAT DOT/PF COMPLETE THE MARINE HIGHWAYS' MASTER PLAN AND THAT IT INCLUDE FUNDING FOR HIGH SPEED FERRIES FOR THE JUNEAU-HAINES-SKAGWAY ROUTE;

2. REQUESTS THAT THE GOVERNOR INITIATE TALKS WITH THE CANADIAN GOVERNMENT CONCERNING A POSSIBLE JOINT PROJECT VIA THE TAKU ROUTE.

1989 MARCH 9 - IN RESPONSE TO THE JEDC REPORT OF MARCH 8, SENATOR DUNCAN INTRODUCES THE FOLLOWING LEGISLATION:

SCR 25 - RELATING TO A PLAN FOR EXPANSION OR MAJOR IMPROVEMENTS TO THE ALASKA TRANSPORTATION SYSTEM. THIS RESOLUTION WOULD REQUIRE THE DOT/PF TO REPORT TO THE LEGISLATURE BY JANUARY, 1990 ON THE DEPARTMENT'S PLAN FOR EXPANSION AND MAJOR IMPROVEMENTS TO THE ALASKA TRANSPORTATION SYSTEM AND PROVIDE A PRIORITIZED LIST OF SUCH MAJOR PROJECTS TO THE LEGISLATURE BY JANUARY OF 1991, AND INCLUDE THOSE PROJECTS IDENTIFIED THROUGH THIS PROCESS IN THE DEPARTMENT'S SIX YEAR PLAN.

SB 210 - RELATING TO PLANNING FOR AND FUNDING OF MAJOR PROJECTS. THIS BILL DESIGNATES TEN PERCENT OF THE ANNUAL ALLOCATION OF FEDERAL AID HIGHWAY FUNDS FOR PLANNING AND CONSTRUCTION OF PROJECTS TO EXPAND THE STATE'S TRANSPORTATION SYSTEM. IT ALSO AMENDS THE STATE TRANSPORTATION PLAN STATUTE TO REQUIRE THE DEPARTMENT TO INCLUDE SYSTEM EXPANSION AND MAJOR IMPROVEMENTS TO OUR TRANSPORTATION SYSTEM IN THEIR ANNUAL PLANNING PROCESS.

SB 211 - APPROPRIATES \$600,000 FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES TO DO A FORMAL ENVIRONMENTAL IMPACT STATEMENT ON THE TAKU RIVER VALLEY ROUTE AND THE LYNN CANAL ROUTE.



REGIONAL OBLIGATIONS FHWA (federal fiscal year 10/1-9/30)

REGION	1985	1986	1987	1988	4 YEAR TOTAL	% OF TOTAL
CENTRAL	\$65,994,920	\$62,287,166	\$66,332,534	\$56,926,235	\$251,540,855	42.2%
NORTHERN	\$68,325,725	\$68,659,852	\$62,472,840	\$48,367,167	\$247,825,584	41.6%
SOUTHEAST	\$15,810,749	\$13,599,446	\$13,587,649	\$13,179,368	\$56,177,212	9.4%
MARINE HIGHWAY	\$6,134,715	\$2,756,150	\$5,314,384	\$10,291,143	\$24,496,392	4.1%
PLANNING (ALL REGIONS)	\$2,869,019	\$3,456,449	\$3,864,573	\$3,115,518	\$13,305,559	2.2%
STATEWIDE *	\$228,178	\$391,260	\$824,423	\$774,165	\$2,218,026	0.4%
<b>TOTAL OBLIGATED</b>	<b>\$159,363,306</b>	<b>\$151,150,323</b>	<b>\$152,396,403</b>	<b>\$132,653,596</b>	<b>\$595,563,628</b>	<b>100.0%</b>
ALLOCATION FOR 1989						
CENTRAL	\$60,000,000					
NORTHERN	\$50,200,000					
SOUTHEAST	\$12,500,000					
MARINE HIGHWAY	\$7,900,000					
PLANNING (ALL REGIONS)	\$3,200,000					
STATEWIDE *	\$1,000,000					
<b>TOTAL PLANNED</b>	<b>\$134,800,000</b>					

\* PROJECTS SUCH AS BRIDGE INSPECTION and GEOREFERENCING MONUMENTATION WHICH APPLY TO ALL REGIONS.

P. 3

FHWA regional obligations

JAN 05 '89 10:47 AM

# Alaska State Legislature



SENATOR JIM DUNCAN

P. O. Box V JUNEAU, ALASKA 99811-3100

(907) 465-4766

MARCH 8, 1989

COMMITTEES:  
FINANCE  
VICE CHAIR —  
HEALTH EDUCATION  
& SOCIAL SERVICES  
BUDGET & AUDIT  
BANKING &  
ECONOMIC  
DEVELOPMENT

MR. MARK HICKEY, COMMISSIONER  
DEPARTMENT OF TRANSPORTATION AND  
PUBLIC FACILITIES  
P.O. BOX Z  
JUNEAU, ALASKA 99811

DEAR COMMISSIONER HICKEY:

AS YOU KNOW, LAST SEPTEMBER I ASKED THE JUNEAU ECONOMIC DEVELOPMENT COUNCIL (JEDC) TO EVALUATE ALL POSSIBLE OPTIONS WHICH WOULD PROVIDE IMPROVED ACCESS FOR JUNEAU AND REPORT TO ME ON THEIR FINDINGS. TODAY I HAVE RECEIVED THEIR REPORT ENTITLED "JUNEAU ROAD ACCESS IMPROVEMENTS" AND I PROVIDE YOU WITH A COPY FOR YOUR INFORMATION.

I UNDERSTAND THE MARINE HIGHWAYS' MASTER PLAN WILL BE FINALIZED ON APRIL 15, 1989. IN RESPONSE TO THE JEDC REPORT WHICH IDENTIFIED HIGH SPEED SHUTTLE FERRIES AS THE BEST ALTERNATIVE TO IMPROVED ACCESS IN THE NEAR FUTURE, I ASK THAT YOU INCLUDE FUNDING FOR HIGH SPEED SHUTTLE FERRIES FOR THE LYNN CANAL FROM JUNEAU TO HAINES AND SKAGWAY IN THE MARINE HIGHWAYS' MASTER PLAN WHICH IS PRESENTLY BEING DEVELOPED.

THANK YOU FOR YOUR FAVORABLE CONSIDERATION OF THIS REQUEST.

SINCERELY,

A handwritten signature in black ink, appearing to read "Jim Duncan", written over a horizontal line.

JIM DUNCAN  
SENATOR

ATTACHMENT

# Alaska State Legislature



SENATOR JIM DUNCAN

P. O. Box V JUNEAU, ALASKA 99811-3100  
(907) 465-4766

COMMITTEES:  
FINANCE  
VICE CHAIR —  
HEALTH EDUCATION  
& SOCIAL SERVICES  
BUDGET & AUDIT  
BANKING &  
ECONOMIC  
DEVELOPMENT

MARCH 3, 1989

MR. BOB RUBY  
DIVISION ADMINISTRATOR  
FEDERAL HIGHWAY ADMINISTRATION  
P.O. BOX 21648  
JUNEAU, ALASKA 99802-1648

DEAR MR. RUBY:

AS DISCUSSED WITH YOU AND BARRY MOREHEAD AT OUR JANUARY 30, 1989 MEETING WITH COMMISSIONER HICKEY AND JON SCRIBNER OF THE DEPARTMENT OF THE TRANSPORTATION AND PUBLIC FACILITIES (DOT/PF), I WOULD LIKE TO PROCEED WITH AN ENVIRONMENTAL IMPACT STATEMENT ON ROAD ACCESS PROJECTS FOR JUNEAU.

AT THE MEETING YOU INDICATED THAT A STATE COMMITMENT TO THE PROJECT HAD TO BE SHOWN BEFORE FEDERAL DOLLARS COULD BE USED FOR EITHER AN ENVIRONMENTAL IMPACT STATEMENT OR CONSTRUCTION. I WOULD LIKE TO GET CLARIFICATION OF EXACTLY WHAT YOU BELIEVE WOULD CONSTITUTE A SUFFICIENT STATE COMMITMENT TO GUARANTEE FEDERAL PARTICIPATION IN THE PROJECT. FOR EXAMPLE, WOULD ANY OF THE FOLLOWING ACTIONS BE SUFFICIENT TO SHOW SUCH A COMMITMENT?

1. A REPORT FROM THE JUNEAU ECONOMIC DEVELOPMENT COUNCIL (JEDC) DUE ON MARCH 8 WILL PROVIDE SPECIFIC RECOMMENDATIONS AS TO WHICH JUNEAU ACCESS OPTIONS SHOULD BE PURSUED FURTHER, EITHER FOR CONSTRUCTION FUNDING OR ENVIRONMENTAL IMPACT STATEMENTS.

2. INTRODUCTION OF LEGISLATION TO APPROPRIATE THE MINIMUM OF \$100.0 MILLION IN FHWA FUNDS AND STATE MATCH NECESSARY TO CONSTRUCT SUCH A PROJECT. THIS WOULD BE AN APPROPRIATION OF FUNDS WHICH ARE IN ADDITION TO THE ANNUAL STATE APPORTIONMENT FROM THE FHWA, WITHOUT A PREVIOUS COMMITMENT TO BUILD THE PROJECT NOR AN E.I.S. FROM THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, AND WITHOUT A COMMITMENT FROM THE FHWA THAT SUCH ADDITIONAL FUNDS, UNALLOCATED TO ANOTHER STATE, ARE AVAILABLE FOR ALLOCATION TO OUR PROJECT.

Correspondence regarding the  
Juneau road access question

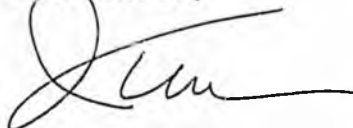
MR. BOB RUBY  
FEDERAL HIGHWAY ADMINISTRATION  
MARCH 3, 1989  
PAGE 2

3. DEVELOPMENT OF A MASTER PLAN BY THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES WHICH PRIORITIZES MAJOR PROJECTS STATEWIDE AND PROVIDES A LONG TERM MEANS OF FUNDING THE PROJECTS WHICH ARE FOUND TO BE THE HIGHEST PRIORITIES. THE FUNDING MECHANISM WOULD POSSIBLY BE AN ANNUAL PERCENTAGE OF THE EXISTING STATE ALLOCATION OF FEDERAL HIGHWAY FUNDS. ASSUMING THAT A JUNEAU ACCESS PROJECT RISES TO THE TOP OF THE DEPARTMENT'S STATEWIDE PRIORITIZATION, WOULD THE FHWA THEN PARTICIPATE IN THE PROJECT?

ANOTHER POINT UPON WHICH I WOULD LIKE CLARIFICATION IS, IF I WERE TO APPROPRIATE STATE GENERAL FUNDS TO CONDUCT A FORMAL ENVIRONMENTAL IMPACT STATEMENT ON THE OPTIONS IDENTIFIED BY THE JEDC AND ONE OF THE PROJECTS IN THE E.I.S. IS LATER SLATED FOR CONSTRUCTION BY THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, WOULD THE FHWA CONSIDER REIMBURSING THE STATE FOR THOSE COSTS AT A LATER DATE?

YOUR IMMEDIATE RESPONSE TO THIS INQUIRY WILL BE GREATLY APPRECIATED.

SINCERELY,



JIM DUNCAN  
SENATOR



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

Alaska Division

P.O. Box 21648  
Juneau, Alaska 99802-1648

March 6, 1989

HDA-AK  
F-093

The Honorable Jim Duncan  
Alaska State Senate  
P.O. Box V  
Juneau, Alaska 99811

Dear Senator Duncan:

Your March 3 letter requested clarification of the Federal Highway Administration (FHWA) requirement for a State commitment adequate to allow Federal-aid highway funds to be expended on current proposals to extend the highway system from Juneau to a connecting road system.

It is FHWA policy that Federal-aid highway funds for preliminary engineering work, such as environment, location, or design studies, should not be authorized without a reasonable assurance that construction will proceed within five years following the initial authorization. The primary purpose of this policy is to assure the limited amount of available federal funding will not be reduced by financing studies that do not result in the timely construction of highway projects. In accordance with this policy, we have indicated that before we could authorize Federal-aid highway funds for preparation of an environmental impact study or any other engineering studies on any of the Juneau access options, we need a State commitment that funds are available for construction.

The normal procedures for this funding commitment would be inclusion of a significant construction project in the Alaska DOT&PF's Six-Year Plan. For a system expansion of this magnitude a normal scheduling plan would be to authorize for year one and two, engineering funds for preparation of an environmental impact statement for the entire route. For year three, authorize funds for design of a segment of the approved route. For year four, authorize funds for acquisition of right-of-way for the first segment. For year five, authorize funds for preparation of contract documents. For year six, authorize construction of the first segment. Subsequent years would have similar funding authorizations for other segments until the entire route had been constructed. This schedule is only an example of one of several possibilities for an acceptable timeframe for funding commitments.

March 6, 1989

Your letter also presented three specific actions for comment.

In example No. 1, a report recommending development of an EIS or pursuit of construction funding can not be considered a satisfactory commitment for Federal-aid highway program purposes.

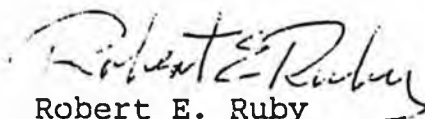
In example No. 2, legislation to appropriate funds in excess of those available to the State from FHWA can not be considered a satisfactory commitment for Federal-aid highway program purposes. This example also mentions additional unallocated funds received from other states. Additional funds are not received from other states. The annual redistribution is obligation authority and does not provide additional funds. To clarify, each year the states are apportioned more funds than they are allowed to spend. The spending limit is called obligation authority. In this fiscal year, Alaska was apportioned approximately \$157 million. The obligation limit for spending was set at approximately \$142 million. In August, this spending limit may be increased if other states have not spent up to their obligation ceiling. Historically, Alaska has received \$6 to \$8 million of additional obligation authority. However, the total funds available to the State will remain at the \$157 million limit.

Example No. 3 addresses our involvement in the statewide prioritization process for major projects. Each State can determine project priorities by whatever method they deem rational. FHWA will accept any major project selected by the State if it is included in the Six-Year Plan.

Your final clarification concerns Federal-aid highway program reimbursement for work done prior to federal authorization. For instance, development of the environmental impact statement with State funds and a later request for reimbursement during construction. The Federal-aid highway program regulations are very strict that any work done prior to the authorization date for Federal-aid fund participation is not eligible for reimbursement.

If any of these responses require further clarification, do not hesitate to contact us.

Sincerely yours,



Robert E. Ruby  
Division Administrator

# Alaska State Legislature



SENATOR JIM DUNCAN

P. O. Box V JUNEAU, ALASKA 99811-3100  
(907) 465-4766

COMMITTEES:  
FINANCE  
VICE CHAIR —  
HEALTH EDUCATION  
& SOCIAL SERVICES  
BUDGET & AUDIT  
BANKING &  
ECONOMIC  
DEVELOPMENT

MARCH 8, 1989

THE HONORABLE STEVE COWPER, GOVERNOR  
STATE OF ALASKA  
POST OFFICE BOX A  
JUNEAU, ALASKA 99811-0101

DEAR GOVERNOR COWPER:

IN SEPTEMBER OF 1988 I ASKED THE JUNEAU ECONOMIC DEVELOPMENT COUNCIL (JEDC) TO EVALUATE ALL POSSIBLE OPTIONS WHICH WOULD PROVIDE IMPROVED ACCESS FOR JUNEAU AND REPORT TO ME ON THEIR FINDINGS. TODAY I HAVE RECEIVED THEIR REPORT ENTITLED "JUNEAU ROAD ACCESS IMPROVEMENTS" AND I PROVIDE YOU WITH A COPY FOR YOUR INFORMATION.

RECOMMENDATION IV, ON PAGE 16 OF THE JEDC REPORT, STATES;

"THE STATE OF ALASKA, THROUGH THE OFFICE OF THE GOVERNOR, SHOULD INITIATE IMMEDIATE DISCUSSIONS WITH THE CANADIAN BRITISH COLUMBIA AND FEDERAL GOVERNMENTS FOR THE PURPOSE OF ESTABLISHING DEMAND THRESHOLDS AND THE PROTOCOL FOR THE CONSTRUCTION OF JOINT ROAD PROJECTS."

THIS RECOMMENDATION IS DIRECTLY RELATED TO THE TAKU RIVER CORRIDOR WHICH IS ONE OF THE TWO HARD LINK PROJECTS IDENTIFIED IN THE JEDC REPORT AS BEING WORTHY OF FURTHER EVALUATION. I WOULD APPRECIATE YOUR STAFF INVOLVEMENT IN DISCUSSIONS WITH THE CANADIAN GOVERNMENT CONCERNING THE POSSIBILITY OF A JOINTLY FUNDED PROJECT UP THE TAKU RIVER CORRIDOR.

YOUR FAVORABLE RESPONSE TO THIS REQUEST WILL BE APPRECIATED. I WILL BE HAPPY TO DISCUSS THIS MATTER WITH YOU AT YOUR CONVENIENCE.

SINCERELY,

A handwritten signature in black ink, appearing to be "Jim Duncan", written over a horizontal line.

JIM DUNCAN  
SENATOR

ATTACHMENT

DISTRICT C

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

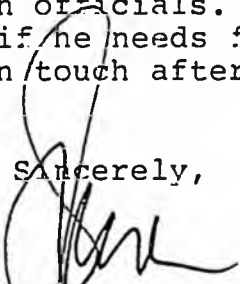
March 20, 1989

The Honorable Jim Duncan  
Alaska State Senator  
P.O. Box V  
Juneau, AK 99811

Dear Jim,

Thanks for the copy of the Juneau Economic Development Council's report on "Juneau Road Access Improvements." I'll share it with both Mark Hickey and Ron Clarke. We'll examine the report's recommendations with an eye toward discussions with Canadian officials. Commissioner Hickey will contact you if he needs further information. We'll be in touch after we've looked through the report.

Sincerely,



Steve Cowper  
Governor

cc: Commissioner Mark S. Hickey  
Department of Transportation  
and Public Facilities

Ronald G. Clarke  
Special Staff Assistant  
to the Governor





# Alaska State Legislature

SENATOR JIM DUNCAN

P. O. BOX V JUNEAU, ALASKA 99811

(907) 465-4766

COMMITTEES:  
FINANCE  
RESOURCES  
BUDGET AND AUDIT

SEPTEMBER 26, 1988

MR. JAMES KOHLER, EXECUTIVE DIRECTOR  
JUNEAU ECONOMIC DEVELOPMENT COUNCIL  
POST OFFICE BOX 1227  
JUNEAU, ALASKA 99802

DEAR MR. KOHLER:

AS YOU ARE AWARE, IMPROVING ACCESS TO JUNEAU IS AN ISSUE UNDER CONTINUING DISCUSSION AND DEBATE IN THIS COMMUNITY.


IT APPEARS THAT THERE ARE VARIOUS INTEREST GROUPS IN FAVOR OF A TAKU ROUTE, FAST FERRIES OR A ROAD LINK NORTH TO HAINES OR SKAGWAY. I FEEL IT IS IMPORTANT FOR SOME GROUP TO TAKE THE LEAD IN PUTTING TOGETHER A TASK FORCE TO EVALUATE THE THREE ALTERNATIVES TO SEE IF THERE IS SUFFICIENT INFORMATION AVAILABLE ON EACH ROUTE TO MAKE AN INFORMED DECISION. IF INSUFFICIENT INFORMATION IS AVAILABLE ON ANY OF THE POSSIBLE SOLUTIONS, I WILL MOVE FORWARD NEXT SESSION TO APPROPRIATE THE FUNDS NECESSARY TO GATHER COMPLETE INFORMATION ON EACH ALTERNATIVE.

I FEEL THE JUNEAU ECONOMIC DEVELOPMENT COUNCIL IS THE APPROPRIATE ORGANIZATION TO PULL TOGETHER THE VARIOUS PROPOSALS INTO A COHESIVE COMMUNITY APPROACH TO IMPROVED ACCESS FOR JUNEAU. THE ISSUE CONTINUES TO BE TOO POLITICAL AND I DO NOT THINK IT CAN BE RESOLVED IN THE POLITICAL ARENA. IT IS TIME TO LOOK AT THE OPTIONS MORE OBJECTIVELY.

I PROPOSE THAT THE JUNEAU ECONOMIC DEVELOPMENT COUNCIL COORDINATE SUCH AN EFFORT AND PRESENT TO MY OFFICE A RATIONAL AND FEASIBLE PROPOSAL FOR ADDRESSING THE ACCESS PROBLEM AS SOON AS POSSIBLE.

I AM WILLING TO ASSIST YOU AND THE COUNCIL IN ANY WAY THAT I CAN. IF I CAN PROVIDE INFORMATION OR ASSISTANCE PLEASE DO NOT HESITATE TO CONTACT ME.

SINCERELY,

  
JIM DUNCAN  
SENATOR

cc: Greg O'Clary

# JUNEAU ECONOMIC DEVELOPMENT COUNCIL

(907) 463-3662

P.O. Box 21227 • 1107 West 8th St.

Juneau, Alaska 99802



## MEMBERS

Greg O'Claray, Chairperson  
Deborah Baley, Vice-Chairperson

William Brock, Treasurer  
Patrick Anderson  
William M. Howe

Peter Hildre  
Theodore R. Merrell

## CIB REPRESENTATIVES

Mayor Ernest E. Polley  
Kevin Ritchie

September 28, 1988

Senator Jim Duncan  
State Capitol Bldg.  
Juneau, Alaska 99811

Dear Senator Duncan:

The Juneau Economic Development Council met this afternoon and took up your request to organize and lead a community task force effort focusing on improved transportation links between Juneau and Canada as part of its regular business.

The JEDC unanimously passed a motion accepting your challenging task. However, the Council felt it was necessary to express one qualification in its acceptance. The JEDC is simply not prepared to invest more than a very limited amount of its financial resources in the execution of this work effort. As a result, the Council may have to report back to you early with a summary of existing information and an outline of additional data requirements that will need to be met to reach any conclusions or recommendations.

With the qualification expressed and understood the JEDC welcomes the opportunity to assist the community focus its energies on a specific project.

Council members who will take a lead role in the execution of this effort are Greg O'Claray and Peter Hildre. I recommend that Greg, Peter and myself meet with you and your staff in the near future, at your convenience, to articulate consensus on expectations, process and schedule.

The entire Council looks forward to working with you on this task.

Sincerely,

James M. Kohler  
Executive Director

# Alaska State Legislature

SENATOR JIM DUNCAN

P. O. Box V      JUNEAU, ALASKA 99811

(907) 465-4766

COMMITTEES:  
FINANCE  
RESOURCES  
BUDGET AND AUDIT

August 5, 1987

Honorable Ted Stevens  
United States Senate  
522 Hart Building  
Washington, D.C. 20510

Dear Senator Stevens:

The purpose of this letter to ask you to support a project I believe is crucial to the economic vitality of Alaska's capital city, a Road Link North.

For years the possibility of a road/ferry link to Haines from Juneau has been discussed, and funding has been made available for "feasibility studies" on several occasions.

I believe it is time to quit talking about the Road Link North and build it. The Juneau Chamber of Commerce is highly supportive of the project and has economic analyses (copy attached) which favor construction of a road link to Skagway and on to Haines, rather than a road/ferry link to Haines then on to Skagway. The East side road-only route is estimated at \$365.0 million in construction cost, while a road with a bridge across Lynn Canal near Haines would cost around \$440.0 million.

A project of this magnitude will take a major long-term commitment of capital funds. I inserted \$100,000 in this year's capital budget to initiate work on the environmental and economic feasibility of constructing the project. Our next hurdle is to obtain sufficient federal funding to proceed into the design and construction phases of the project. Since the Federal Highway Administration funds available to Alaska annually amount to under \$150.0 million, and the Southeast region of the state receives less than \$15.0 million of that, or 10%, it seems likely we would need to go outside the normal federal highway allocation for funding. A phased construction seems to be the most reasonable approach, with an initial \$100.0 million commitment and around \$15.0 million annually thereafter for construction.

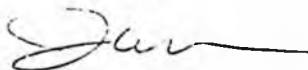
Honorable Frank Murkowski  
August 5, 1987  
Page 2

I would like your thoughts on the possibility of the Juneau Road Link North project being designated a "Demonstration" or "Pilot" project. I understand "Demonstration" projects of similar magnitude were funded in last year's FHWA budget.

This proposal provides the opportunity to replace an extremely expensive to operate ferry system with a relatively inexpensive to operate and maintain roadway. This tradeoff of cost is unique among new road project proposals and can be economically justified in the long term on this basis alone. In fact, the high capital roadway costs needed up front have made it difficult to begin this effort.

Please let me hear from you with any funding ideas for this project.

Sincerely,



Jim Duncan  
Senator

Attachment

JOHN C. STERNIS, MISSISSIPPI, CHAIRMAN

ROBERT C. BYRD, WEST VIRGINIA  
WILLIAM PROXMIRE, WISCONSIN  
DANIEL K. INOUE, HAWAII  
ERNEST F. HOLLINGS, SOUTH CAROLINA  
LAWTON CHILES, FLORIDA  
J. BENNETT JOHNSTON, LOUISIANA  
QUENTIN N. BURDICK, NORTH DAKOTA  
PATRICK J. LEAHY, VERMONT  
JIM SASSER, TENNESSEE  
DENNIS D'CONCINI, ARIZONA  
DALE BUMPERS, ARKANSAS  
FRANK R. LAUTENBERG, NEW JERSEY  
TOM HARKIN, IOWA  
BARBARA A. MIKULSKI, MARYLAND  
HARRY REID, NEVADA

MARK O. HATFIELD, OREGON  
TED STEVENS, ALASKA  
LOWELL P. WEICKER, JR., CONNECTICUT  
JAMES A. MACCLURE, IDAHO  
JAKE GARN, UTAH  
THAD COCHRAN, MISSISSIPPI  
ROBERT W. KASTEN, JR., WISCONSIN  
ALFONSE M. D'AMATO, NEW YORK  
WARREN RUDMAN, NEW HAMPSHIRE  
ARLEN SPECTER, PENNSYLVANIA  
PETE V. DOMENICI, NEW MEXICO  
CHARLES E. GRASSLEY, IOWA  
DOH NICKLES, OKLAHOMA

## United States Senate

COMMITTEE ON APPROPRIATIONS  
WASHINGTON, DC 20510-6025

FRANCIS J. SULLIVAN, STAFF DIRECTOR  
J. KEITH KENNEDY, MINORITY STAFF DIRECTOR

November 5, 1987

The Honorable Jim Duncan  
Alaska State Legislature  
P.O. Box V  
Juneau, Alaska 99811

Dear Jim:

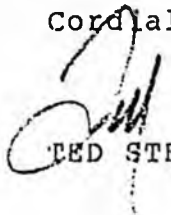
Thank you for your letter concerning a road link from Juneau to Haines. Unfortunately, funding is simply not available for initiation of a \$300-400 million highway project.

The State Government is the final arbiter of highway projects in the State. I suggest you contact the Department of Transportation and Public Facilities to explore what commitment they are prepared to make of their allocation of Highway funds toward this project. In the alternative, Alaska's share of the demonstration project funds which were contained in the Highway Bill have not yet been committed. In the Transportation Appropriations Bill, I included language that would allow the State of Alaska to use those funds for non-traditional modes of transportation.

Jim, I appreciate your interest in this project, and I'm sorry I can't be of more help.

With best wishes,

Cordially,

  
TED STEVENS

FRANK H. MURKOWSKI  
ALASKA

COMMITTEES:  
VETERANS' AFFAIRS (RANKING MEMBER)  
ENERGY AND NATURAL RESOURCES  
FOREIGN RELATIONS  
INDIAN AFFAIRS  
INTELLIGENCE

## United States Senate

WASHINGTON, DC 20510  
(202) 224-6665

September 8, 1987

ANCHORAGE  
U.S. FEDERAL BUILDING  
701 C STREET, BOX 1, 99513  
(907) 271-3735

FAIRBANKS  
U.S. FEDERAL BUILDING  
101 12TH AVENUE, BOX 7, 99701  
(907) 456-0233

JUNEAU  
U.S. FEDERAL BUILDING  
BOX 1647, 99802  
(907) 526-7400

The Honorable Jim Duncan  
P.O. Box 020690  
Juneau, Alaska 99802

Dear Jim:

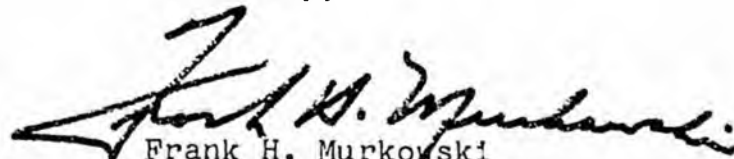
Thank you for your letter which included a copy of the Lynn Canal Transportation Plan. I concur with you in your belief that a road connection to Juneau would be of immense benefit, and congratulate you on your efforts to get the project rolling with funding for environmental and economic feasibility studies.

Your suggestion that additional funding might be made available through the Federal government by means of a Highway Demonstration Project is a creative one and deserves serious thought. Although I am not sanguine about the possibility in the short term, it may be that the results of your studies would provide the information needed to convince others that funds should be made available.

As you know, the highway reauthorization bill passed earlier this year was for a period of five years, and it may be some time before another appropriate vehicle comes along. However, I will be happy to work with you on the strategy for gaining funding at that time.

On the positive side, it is worth noting the increasing support in Congress for taking the highway trust fund "off-budget," which would allow expenditures to be increased. If legislation on this matter is indeed approved, it could measurably improve our chance to gain funding.

Sincerely,



Frank H. Murkowski  
United States Senator



U.S. Department  
of Transportation

Federal Highway  
Administration

Alaska Division

P.O. Box 21648  
Juneau, Alaska 99802-1648

March 17, 1988

HDA-AK  
734.1

RECEIVED MAR 22 1988

Jon Scribner, Regional Director  
Southeast Region, Alaska DOT&PF  
Juneau, Alaska

Dear Mr. Scribner:

Your January 26, 1988 letter asked for an indication of support to fund an additional study of the Lynn Canal Corridor. Our review indicates the initial two phases of the proposed study seems to be adequately covered in your recently completed Southeast Alaska Transportation Plan. Therefore, we could not support a duplicate study. Phase III is the preparation of an Environmental Impact Statement for a highway connection between Juneau, Haines and Skagway. Providing you can furnish documentation of Legislative and AKDOT&PF Headquarter's intent to advance this route to construct, we could support this phase.

Should you wish to pursue this part of your proposal, we would estimate the cost of this work to be \$600,000 which is considerably in excess of the funds authorized last year by the Legislature.

Sincerely yours,

Barry F. Morehead  
Division Administrator

cc: Mark Hickey, Commissioner

RECEIVED MAR 18 1988



RECEIVED JAN 31 1989

OFFICE OF THE MAYOR  
CITY AND BOROUGH OF JUNEAU

January 21, 1989

The Honorable Senator Jim Duncan  
Alaska State Legislature  
P.O. Box V  
Juneau, Alaska 99811

Dear Senator Duncan:

The members of the Juneau Assembly have asked me to write you regarding Senate Bill 125, "An Act Making a Special Appropriation for Construction of Roads and for Construction of Vessels and Ferry Terminals of the Alaska Marine Highway System for the Lynn Canal Highway Project." We share your concern about this bill.

While we appreciate and agree with the spirit behind SB 125, i.e., to increase the accessibility of Juneau, it seems reasonable to us to determine the best short and long term solutions for increasing access before seeking funds for construction.

The Assembly is on record as endorsing the effort you have requested of the Juneau Economic Development Council to determine the most feasible route. We are closely following the JEDC effort and believe it is a rational process that will make obtaining funding a more realistic goal.

We appreciate your efforts and look forward to continuing to work with you on this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bruce M. Botelho".

Bruce M. Botelho  
Mayor

BMB:smo



Juneau Branch  
Alaska Miners Association

Box 21684  
Juneau, Alaska 99802

January 27, 1989

Mr. Curt McVee  
Executive Director  
Alaska Miners Assn.

Dear Curt,

The Juneau Branch Directors took two actions this morning in a Juneau Board Meeting.

(1) We passed unanimously, a proposed letter from Neil MacKinnon Chapter chairman to Steven Ambrose of the U.S. Forest Service protesting the construction of another hikers-recreationists cabin under the leadership of the Taku Conservation Society.

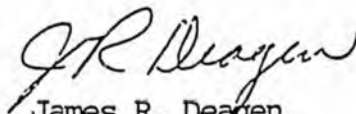
We also took action on the proposed Juneau - Haines Road. Motion by John Barnett, second by Lance Miller to pass the following statement:

(2) While the Juneau Branch of the Alaska Miners Association favors the concept of enhanced access to the State Capitol, it chooses at this time not to endorse any particular plan as the Branch feels the issue merits further study.

Directors and Branch officers in favor: Barnett, Bracken, Clough, Crafford, Miller, MacKinnon, Henkins, Deagen. Those opposed: none. Branch Directors absent: Denton, Kirkham, Tangen and Wanamaker.

A CONFERENCE JUNEAU planning session was also held, excellent progress is being made on all aspects.

Sincerely,

  
James R. Deagen  
Secretary/Treasurer



## Alaska R.O.A.D. Association

P.O. Box 535, Cordova, Alaska 99574-0535  
(907) 424-5755

Senator Lloyd Jones  
Box V (MS 3100)  
Juneau, Alaska, 99811

March 24, 1989

MAR 28 1989

Dear Senator Jones:

A year has come and gone since I last talked with you at the Legislative Information Offices in Ketchikan after one of your Health Services Advisory hearings. I am saddened to report that the Copper River Road seems no nearer to completion now than it did then. It seems that 50 years is long enough to wait.

I have attached a copy of document 6-1000A, SB 210, which I have taken the liberty of amending in such a way that should be found pleasing to all persons who have decided there will never be another new road built in the State. I hope you will take my thoughts into consideration when the Transportation Committee hears the bill.

Many Alaskans are discouraged with the continual flow of FHWA funds into the urban centers for "major system improvements." Unfortunately, these "improvements" do nothing to increase the over-land transportation infrastructure. Thus, I have taken liberties with SB 210, removing the "improvements" language, so the bill reads in such a way that the unfulfilled need of system expansion is directly and plainly addressed. We have seen far too many multi-million dollar improvements. The DOT&PF needs clear language to prioritize for the future. We need additional roads to travel now.

We continue our efforts for the Copper River Road. Many in Juneau and around the state give us the sympathetic ear and say they will try to help. However, when the gravy goes around, it seems only a few drops fall our way. We are hoping to see a bill to directly re-allocate Capital Projects Clean-up funds to the CRR. We (along with everyone else) are hoping the RBEF might have application to us...for our vital job. Of course, the toll bonding may be the only solution.

I hope you will give my thoughts on SB210 consideration. Thank you.

Sincerely,  
cc. Bette Cato

Larry M. Hogan D.C.

**Alaska Road Opportunities for Access & Development Association**

1 IN THE SENATE

BY DUNCAN

2

SENATE BILL NO. 210

3

IN THE LEGISLATURE OF THE STATE OF ALASKA.

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to ~~\_\_\_\_\_~~ funding of  
7 expansion of ~~\_\_\_\_\_~~ the states  
8 transportation system; and providing for an effective  
9 date."

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

11 \* Section 1. PURPOSE. The purpose of this Act is to

12 (1) ensure that long-range transportation planning includes  
13 consideration of projects for expansion of ~~\_\_\_\_\_~~  
14 transportation systems in the state; and

15 (2) designate a source of funding for projects to expand ~~\_\_\_\_\_~~  
16 ~~\_\_\_\_\_~~ the highway transportation system that are  
17 identified through the transportation planning process.

18 \* Sec. 2. AS 19.05.030 is amended by adding a new subsection to read:

19 (b) The department shall designate <sup>25</sup> percent of the state's  
20 annual allocation of federal aid highway funds for ~~\_\_\_\_\_~~ <sup>planning and</sup> con-  
21 struction of projects to expand ~~\_\_\_\_\_~~ the  
22 state's highway system, including the Alaska marine highway system,  
23 that are identified under AS 19.10.140.

24 \* Sec. 3. AS 19.10.140 is amended to read:

25 Sec. 19.10.140. LONG-RANGE PROGRAM FOR HIGHWAY CONSTRUCTION ~~\_\_\_\_\_~~  
26 ~~\_\_\_\_\_~~. The governor shall require the department to establish a  
27 continuing, long-range program for highway construction, including  
28 expansion of ~~\_\_\_\_\_~~ the highway system, ~~\_\_\_\_\_~~  
29 ~~\_\_\_\_\_~~. The program must annually project proposed construction ~~\_\_\_\_\_~~

1 ~~\_\_\_\_\_~~ of highways for not less than the next succeeding five  
2 years. A statement of the program shall be submitted by the governor  
3 to the legislature annually, and the long-range program shall include  
4 in detail the program prepared under AS 19.10.150.

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

6 (a) The commissioner shall develop annually a comprehensive,  
7 intermodal, long-range transportation plan for the state. In develop-  
8 ing and revising the state plan, the commissioner shall consider means  
9 and costs of expanding ~~\_\_\_\_\_~~ *and improving the* ~~\_\_\_\_\_~~ the [IMPROVING]  
10 existing modes and facilities, state and federal subsidies, and the  
11 costs and benefits of new transportation modes and facilities. The  
12 commissioner shall also consider the recommendation of the Alaska  
13 Transportation Planning Council. The plan shall be submitted to the  
14 governor for review and approval and submitted by the governor to the  
15 legislature.

16 \* Sec. 5. This Act takes effect January 15, 1991.

*1990?*

PROJECT TITLE: JUNEAU ACCESS FEASIBILITY STUDY

LOCATION: JUNEAU

COMPLETION DATE:

ELECTION DISTRICT: 4

APPROPRIATION TO: DOT/PF

PROGRAM: HIGHWAYS

FUNDING:		CAPITAL REQUEST	OPERATING COSTS	NEW POSITIONS (PFT):
1002	FEDERAL RECEIPTS	100.0		
1003	GENERAL FUND MATCH			0
1004	GENERAL FUND			
1006	INTER-AGENCY RECEIPTS			
TOTALS:		100.0		

PROJECT DESCRIPTION AND JUSTIFICATION:

This request provides funding to determine the feasibility of a road or road/ferry link from Juneau to Haines or Juneau to Skagway.

Submission  
 FY 88 Capital budget

CP1	CAPITAL PROJECTS DESCRIPTION
PRIORITY _____	OF _____

AGENCY DOT/PF \_\_\_\_\_

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Revised Date: _____

FY 88