

SB

259

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. SB 259

Revision Date _____	Dept. Affected <u>DOT&PF</u>
Title <u>An Act relating to the membership of and the state's participation in a metropolitan highway planning organization</u>	BRU <u>Office of the Commissioner</u>
Sponsor <u>Senate Transportation Committee</u>	Component <u>Commissioner's Office</u>
Requester <u>Senate Transportation</u>	Component Serial No. <u>530</u>

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: 0.0

POSITIONS

POSITIONS	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
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)*

Prepared by Dennis Poshard
 Division Office of the Commissioner
 Approved by: *Joseph L. Perkins*, Commissioner
 Agency Department of Transportation and Public Facilities

Phone 465-3904
 Date 1/30/98
 Date 1/30/98

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SPONSOR STATEMENT

Senate Bill 259

METROPOLITAN PLANNING AUTHORITY

The Anchorage Metropolitan Area Transportation Study (AMATS) was created to comply with federal law requiring communities of over 50,000 in population to have a Metropolitan Planning Organization in order to qualify for federal highway funding.

The AMATS Policy Committee is presently composed of two Anchorage Assembly members, one representative from the State Department of Transportation and Public Facilities, one representative from the State Department of Environment Conservation and the Mayor of Anchorage. The AMATS Policy Committee has representation from all relevant branches of local and state government except the state legislature.

While AMATS policy requires legislative authorization before any federal funds can be expended on AMATS priority projects, no member of the Alaska State Legislature sits on the committee.

Senate Bill 259 would amend the AMATS operating agreement to add two Anchorage legislators; one member of the senate and one from the house. Both legislative members would have districts that are partially or wholly within the metropolitan area and they would be selected by a majority of the members of their respective bodies whose districts also fall partially or wholly within the metropolitan area. One of the state administrative members to the policy committee would be deleted. This change in membership would create an equal balance of state and local members on the AMATS policy committee.

The Federal Highway Administration (FHWA) has stated no objection to changing the composition of the AMATS Policy Committee to include members of the State Legislature. Further, the FHWA has stated that there is no reason that the AMATS program would not remain in compliance with federal regulations once the change in membership has been instituted.

An example of a successful metropolitan planning organization is the Oahu Metropolitan Planning Organization (OMPO) in Honolulu, Hawaii. Under the auspices of the federal government, created by the State Legislature in 1975 and reorganized in 1986, the OMPO is composed of four parts: a Policy Committee, or decision making body, a Technical Advisory Committee, a Citizen Advisory Committee and a staff person. The Policy Committee consists of six state legislators, five Honolulu City Council members, an appointee of the Governor and an appointee of the Mayor of Honolulu.

SB 259 -- Sponsor Statement
Page 2

The OMPO does not construct projects or implement programs. Rather, its directive focuses upon development of plans and programs to produce an integrated intermodal transportation system.

It should be noted that passage of SB 259 would have no impact on the operation or functions of the Anchorage Assembly or the Municipality of Anchorage.

CS FOR SENATE BILL NO. 259(TRA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE TRANSPORTATION COMMITTEE

Offered:
Referred:

Sponsor(s): SENATE TRANSPORTATION COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the membership of a metropolitan highway planning
2 organization."

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

4 * Section 1. AS 19.20 is amended by adding new sections to read:

5 Article 2. Metropolitan Highway Planning Organizations.

6 Sec. 19.20.200. Metropolitan highway planning organizations. A
7 metropolitan highway planning organization designated, redesignated, or organized
8 under 23 U.S.C. 134 shall consist of six members. Three members of the organization
9 shall be designated by the municipalities that are located partially or wholly within the
10 metropolitan area and three members shall be designated as follows:

11 (1) one member of the senate whose district is located partially or
12 wholly within the metropolitan area and who is selected by a majority of the members
13 of the senate whose districts are located partially or wholly within the metropolitan
14 area; a person who is selected to serve as a member of a metropolitan planning

1 organization under this paragraph may not receive compensation for service on the
2 metropolitan planning organization;

3 (2) one member of the house of representatives whose district is located
4 partially or wholly within the metropolitan area and who is selected by a majority of
5 the members of the house of representatives whose districts are located partially or
6 wholly within the metropolitan area; a person who is selected to serve as a member
7 of a metropolitan planning organization under this paragraph may not receive
8 compensation for service on the metropolitan planning organization; and

9 (3) one member appointed by the governor.



SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

October 22, 1997

Mr. David Miller
Acting Division Administrator
Federal Highway Administration
PO Box 21648
Juneau, AK 99802

Dear Mr. Miller:

The Anchorage Caucus, a bipartisan group of Anchorage legislators, wishes to add two Anchorage legislators to the Anchorage Municipal Area Transportation Study (AMATS) policy committee. Would your agency object to the State of Alaska adding two Anchorage state legislators to the AMATS policy committee?

Since the population of the Municipality of Anchorage (MOA) exceeds 200,000 it was required to form a Metropolitan Planning Organization (MPO) under ISTEA requirements. Given this MPO requirement the MOA created the AMATS committee. The current composition of the AMATS committee consists of two Anchorage Assembly members, one representative from the State Department of Transportation and Public Facilities, one representative from the State Department of Environment Conservation and the Mayor of Anchorage.

Currently the state legislature is the only participating government entity not represented on AMATS. Since without legislative authorization no funds can be expended it would assist the process to have legislative participation on AMATS. What federal agency or agencies must approve the composition of the AMATS policy committee? Who is the federal official currently responsible for this decision?

If two Anchorage area legislators were added to the existing policy committee is there any reason the AMATS program would not remain in compliance with federal requirements?

January-May: STATE CAPITOL • JUNEAU, AK • 99801-1182 • (907) 465-3892 • FAX: (907) 465-6595
June-December: 716 W. 4TH AVE. • STE. 430 • ANCHORAGE, AK • 99501 • (907) 258-8181 • FAX: (907) 258-1648

MEMBER: Senate Finance Committee • Legislative Budget & Audit Committee
• Senate Community & Regional Affairs Committee

Mr. David Miller
Page 2
October 22, 1997

I appreciate your consideration of this request. If you have further questions, please contact James Armstrong of my staff at 258-8181. I look forward to your response.

Sincerely,


Senator Dave Donley

DD/jja



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

Alaska Division

P.O. Box 21648
Juneau, Alaska 99802

January 30, 1998

HPR-AK
Adm-Gen 11

Senator Dave Donley
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Senator Donley:

We have received your January 26, 1998 letter indicating that the Anchorage Caucus wishes to change the membership of the AMATS policy committee. You asked if AMATS would remain in compliance with federal law if the State Department of Environmental Conservation member was replaced by an Anchorage area legislator. The federal regulations state in 23 CFR 450.306(i) that the voting membership of an MPO policy body must include appropriate State officials. There is nothing that specifically states that MPOs in air quality nonattainment areas must include a State environmental agency representative on the MPO policy committee.

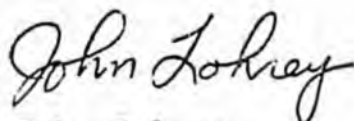
There are some good reasons to have a DEC member on the policy committee. Anchorage is in the process of being redesignated from a moderate CO nonattainment area to a serious nonattainment area. This redesignation will have direct implications on transportation planning. Anchorage also has the potential to become a nonattainment area for PM-10 (dust), which would also impact transportation planning. The EPA air quality conformity rule (40 CFR 93.105) contains requirements for consultation and coordination between the MPO and the state air agency (and other agencies as well) in the process of making transportation conformity determinations. This coordination has been very effective with the current AMATS structure.

Although there are benefits to having DEC represented on the AMATS Policy Committee, there is no federal requirement to do so. If the DEC member is dropped from the Policy Committee, the September 25,

1978 memorandum of understanding for area wide air quality planning between the Municipality and DEC should be revised to put in place procedures that will assure continued coordination between DEC and AMATS. If you have any questions, please call John Lohrey at 586-7422.

Sincerely yours,

Stephen A. Moreno
Division Administrator



By: John Lohrey
Division Planner

cc: Ron King, DEC
John Horn, ADOT&PF Central Region



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

Alaska Division

P.O. Box 21648
Juneau, Alaska 99802

October 29, 1997

HPR-AK
Adm-Gen 11

Senator Dave Donley
716 W. 4th Ave. Ste 430
Anchorage, AK 99501

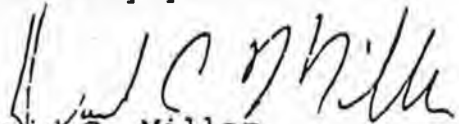
Dear Senator Donley:

Your letter of October 27, 1997 asked if the Federal Highway Administration (FHWA) would object to the State of Alaska adding two Anchorage state legislators to the AMATS policy committee. We would have no objection. Neither the FHWA nor any other federal agency would have to approve the addition of members to the policy committee, and there is no reason the AMATS program would not remain in compliance with federal requirements.

There are two processes through which membership can be added to the AMATS policy committee. AMATS in cooperation with the State could agree to add membership, or AMATS could be redesignated by agreement of the governor and the Municipality of Anchorage. This information is included in 23 CFR 450.306.

If you have any further questions, please call John Lohrey at (907) 586-7422.

Sincerely yours,


David C. Miller
Acting Division Administrator

cc: John Horn, AK DOT&PF, Director, Central Region

ALASKA STATE LEGISLATURE



Senate Co-Chair
Senator Dave Donley

House Co-Chair
Representative Eric Croft

Anchorage Caucus

December 8, 1997

Senate Members

Johnny Ellis
Rick Halford
Tim Kelly
Loren Leman
Sean Pamell
Drue Pearce
Randy Phillips
Jerry Ward

Honorable Tony Knowles
Governor, State of Alaska
PO Box 110001
Juneau, AK 99811-0001

Dear Governor Knowles:

On behalf of the 26 state legislators who constitute the Anchorage Caucus we request you reach an agreement with the Mayor of Anchorage and amend the current membership of the Anchorage Metropolitan Area Transportation Study (AMATS) Policy Committee to delete one representative of the State Executive Branch and add one State Senator and one State Representative.

House Members

Ramona Barnes
Ethan Berkowitz
Con Bunde
John Cowdery
Fred Dyson
Joe Green
Mark Hanley
Allen Kemplen
Vic Kohring
Pete Kott
Terry Martin
Eldon Mulder
Brian Porter
Norman Rokeberg
Joe Ryan
Jerry Sanders

We request that the Senate member be appointed by the Senate President in January of each even numbered year from among Senators representing Anchorage. We request that the House member be appointed by the Speaker of the House in January of each even numbered year from among Representatives representing Anchorage.

The current agreement between the State and the Municipality creates a policy committee that has representatives of all relevant branches of local and state government except the state legislature. Although the legislature has the power to not fund projects on the list developed by this committee, it can not add to the list. Clearly, publicly elected officials who represent the community affected and who must eventually approve the expenditures in question have a far greater and appropriate interest in the policy committee's priority list development than executive branch non-elected administrators.

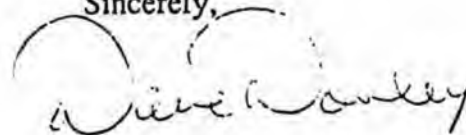
Additionally, an equal balance between state and local elected officials and an increase in elected public officials as members will more fairly represent the public interest involved.

Attached is a letter from David Miller of the US Department of Transportation, Federal Highway Administration explaining that the Policy Committee's current composition is not a federal mandate and that federal law does not bar state legislators from being on the Policy Committee. In fact, the Honolulu, Hawaii equivalent of AMATS has six state legislators, five city council members, one appointee by the Mayor and one appointee by the governor.

Governor Tony Knowles
December 8, 1997
Page 2

The Anchorage Caucus looks forward to working with you to improve Anchorage's transportation system. I respectfully request a written response within 21 days so the Anchorage Caucus can begin drafting appropriate legislation to make this change if you do not agree to make this change by agreement.

Sincerely,



Senator Dave Donley

cc: Mayor Rick Mystrom
Assembly member Mark Begich, Chair
Assemblymember George Wuerch
Assemblymember Ted Carlson
Assemblymember Pat Abney
Assemblymember Cheryl Clementson
Assemblymember Joe Murdy
Assemblymember Kevin Meyer
Assemblymember Charles Wohlforth
Assemblymember Dan Kendall
Assemblymember Bob Bell
Assemblymember Fay Von Gemmingen
Commissioner Michele Brown, Dept. of Environmental Conservation
Commissioner Joe Perkins, Dept. of Transportation & Public Facilities

Enclosure

DD/dh

WHAT IS OMPO?

OMPO is an advisory organization responsible for coordinating transportation planning on Oahu.

OMPO was created by the State Legislature in 1975 and reorganized in 1986. The decision-making body of OMPO is its Policy Committee, which consists of six state legislators, five Honolulu City Council members, an appointee of the Governor and an appointee of the Mayor of Honolulu.

OMPO's function is to coordinate the activities of the "3-C" transportation planning process (comprehensive, continuing, and cooperative planning) on Oahu. The planning itself is done largely by the City and the State planning and transportation departments (City Department of Transportation Services, City Planning Department, State Department of Transportation, and State Department of Business, Economic Development, and Tourism (DTS, PD, DOT, and DBEDT, respectively)). These "participating agencies" are part of the OMPO planning process.

OMPO does not construct projects or implement programs. Rather, OMPO's directive focuses upon the development of plans and programs to produce an integrated intermodal transportation system.

HOW IS OMPO ORGANIZED?

OMPO is composed of four parts: a Policy Committee, a Technical Advisory Committee (TAC), a Citizen Advisory Committee (CAC), and a staff (see Figure 1).

WHAT ARE THE ROLES OF EACH PART?

THE POLICY COMMITTEE is the "heart" of the OMPO planning process. It determines the direction of the OMPO effort, considers and approves transportation planning issues, and makes the final approval for OMPO matters.

THE TECHNICAL ADVISORY COMMITTEE provides the technical input to OMPO's planning process. The TAC acts as the technical liaison between the Policy Committee and the OMPO Executive Director, provides advice to the Policy Committee and the OMPO Executive Director on technical matters, and insures the technical competence of the planning process. The TAC has direct responsibility for land use, transportation-related planning, and transit management.

THE CITIZEN ADVISORY COMMITTEE was created by the Policy Committee in July 1977 to ensure effective public input into Oahu's transportation planning process. The CAC is a vehicle whereby public input can be solicited to advise the Policy Committee and the OMPO Executive Director on transportation planning issues. Beside being a vehicle for informing interested citizens of various transportation issues and for face-to-face discussions with key decision-makers and project administrators, the CAC is a

valuable source of public input. The CAC also reviews and develops recommendations to improve the OMPO public involvement program.

WHO ARE THE MEMBERS OF OMPO?

THE POLICY COMMITTEE is made up of 13 members. Five members are from the City Council, including the chair of the Council's transportation committee. Three members are State senators, including the chair of the Senate's transportation committee. Three members are State representatives, including the chair of the House's transportation committee. One member is the director of the State DOT and one member is the director of the City DTS. Although not a member of the Policy Committee, the CAC Chair has been invited to attend and take part in discussions at Policy Committee meetings.

For FY 1998, the members of the OMPO Policy Committee are:

From the Honolulu City Council:	John Henry Felix Mufl Hannemann (<i>Vice Chair</i>) Donna Mercado Kim Rene Mansho Jon Yoshimura
From the State Senate:	Whitney Anderson Cal Kawamoto (<i>Chair</i>) Norman Sakamoto
From the House of Representatives:	Kenneth T. Hiraki Mark Moses Paul T. Oshiro
State DOT Director:	Kazu Hayashida
City DTS Director:	Cheryl Soon

THE TECHNICAL ADVISORY COMMITTEE members include the four directors of the City and the State planning and transportation departments. In addition, representatives of the Federal Highway Administration and Federal Aviation Administration attend TAC meetings as non-voting members.

The members of the TAC are:

<u>City and County of Honolulu</u> DTS, Director Planning Department, Chief Planning Officer	<u>Current Representative</u> Cheryl Soon Patrick Onishi
<u>State of Hawaii</u> Department of Business & Economic Development, & Tourism, Director DOT, Director	Seiji Naya Kazu Hayashida

THE CITIZEN ADVISORY COMMITTEE is a volunteer group of non-governmental organizations interested in transportation planning on Oahu. The CAC membership includes community organizations, professional associations, neighborhood boards, special interest groups, and transportation providers. Organizations seeking CAC membership need to have their representatives attend at least four (4) meetings of the CAC or its subcommittees within a twelve-month period and submit, to the OMPO Policy Committee Chair, a written request for appointment to the CAC. The CAC presently consists of the following 36 member organizations:

Aia Moana/Kakaako Neighborhood Board (NB) #11	Kaneohe NB #30
American Planning Association	Kokua Council of Senior Citizens
American Society of Landscape Architects	Kuliouou/Kalani-Iki NB #2
American Society of Civil Engineers	League of Women Voters
Chamber of Commerce of Hawaii	Leeward Oahu Transportation Mgmt. Assn.
Charley's Taxi	Life of the Land
Construction Industry Legislative Org.	Liliha/Kapalama NB #14
Downtown NB #13	Makakilo/Kapolei/Honokai Hale NB #34
Ewa Beach NB #23	Makiki/Lower Punchbowl/Tantalus NB #10
Hawaii Bicycling League	Mililani/Waipio/Melemanu NB #25
Hawaii Carpenters Union Local 745	Outdoor Circle, The
Hawaii Transportation Association	Pacific Resource Partnership, The
Hawaii's Thousand Friends	Sierra Club of Hawaii
Honolulu Community Action Program	Tax Foundation of Hawaii
ILWU	Teamsters Union Local 996
Institute of Transportation Engineers	Waianae Coast NB #24
Kailua NB #31	Waianae Coast Transportation Concerns Group
Kalaheo Community Association	Waikiki NB #9
Kalihi Valley NB #16	Waikiki Residents Association

WHY WAS OMPO CREATED?

The Federal Surface Transportation Assistance Act of 1973 required the formation of a metropolitan planning organization (MPO) for any urbanized area with a population greater than 50,000. This mandate was based on the need to ensure that existing and future expenditures for transportation projects and programs were based on a comprehensive, cooperative, and continuing (3-C) planning process. Federal funding for transportation projects and programs are channeled through this planning process.

In 1975, the State Legislature established the OMPO by passing Act 180, Chapter 279E, Hawaii Revised Statutes. Although this act was later revised in 1986, it continued to identify the OMPO's function as serving in an advisory capacity to the State Legislature and the Honolulu City Council in carrying out the 3-C planning process. The responsibilities of OMPO and its participating agencies in carrying out the 3-C planning process is identified in a Comprehensive Agreement signed by the Governor, City transit operator (or the Honolulu City Council), and OMPO.

WHAT ARE OMPO'S RESPONSIBILITIES?

OMPO is responsible for identifying Oahu's future transportation needs and programming the federal funds for such projects and programs. This is achieved primarily through the development of the following three documents:

- The Oahu Regional Transportation Plan (ORTP)
- The Overall Work Program (OWP)
- The Transportation Improvement Program (TIP)

THE REGIONAL TRANSPORTATION PLAN is a blueprint for identifying the development of future transportation improvements on Oahu. It should be noted, however, that the inclusion of a project into this plan does not guarantee its construction. Rather, it allows a project to begin a series of more detailed evaluations and to be eligible to seek federal funding. During these more detailed evaluations, a project could be postponed or terminated for any number of reasons, such as environmental impact, cost, or lack of public support.

One of the earlier regional transportation plans was prepared in 1967 by the Oahu Transportation Planning Program. The plan was called the "Oahu Transportation Study" (OTS) and used 1985 as its horizon year. It recommended many of the highway and transit improvements that have since been completed, including parts of H-1 and H-2, and served as a guide for improvements to major highways such as Likelike, Pali, Farrington, Kamehameha, and Kalaniana'ole.

Under the new Intermodal Surface Transportation Efficiency Act (ISTEA), an area's regional transportation plan must have a minimum twenty-year horizon, be fiscally-constrained, and be updated at least every five years. In order to conform to this requirement, OMPO endorsed a year 2020 regional transportation plan in November 1995. This plan was forwarded to the State DOT and incorporated, in fact, into the Statewide Transportation Plan.

THE OVERALL WORK PROGRAM (OWP) serves as the key management tool for monitoring State and City transportation activities on Oahu. It describes transportation-related planning studies to be conducted in a given year (see Figure 2). The OWP defines project objectives and tasks and identifies budgetary and staff requirements needed to carry out the projects. In addressing current transportation issues and problems, the OWP responds to local planning requirements, federal transportation priorities, and ISTEA requirements. The OWP also includes land use studies as they relate to transportation needs.

A draft OWP is prepared each winter and submitted for review in March. After considerable review and revision by citizens and Federal and local agencies, a final OWP is adopted in late spring for the next fiscal year.

THE TRANSPORTATION IMPROVEMENT PROGRAM (TIP) is a programming document that lists transportation projects that will be undertaken by the State and City and generally funded in part by federal money. Projects identified in the TIP must not be inconsistent with the ORTP (see Figure 3). The TIP is closely related to the State's and the City and County's Capital Improvement Programs and is prepared

OMPO's Overall Work Program (OWP)

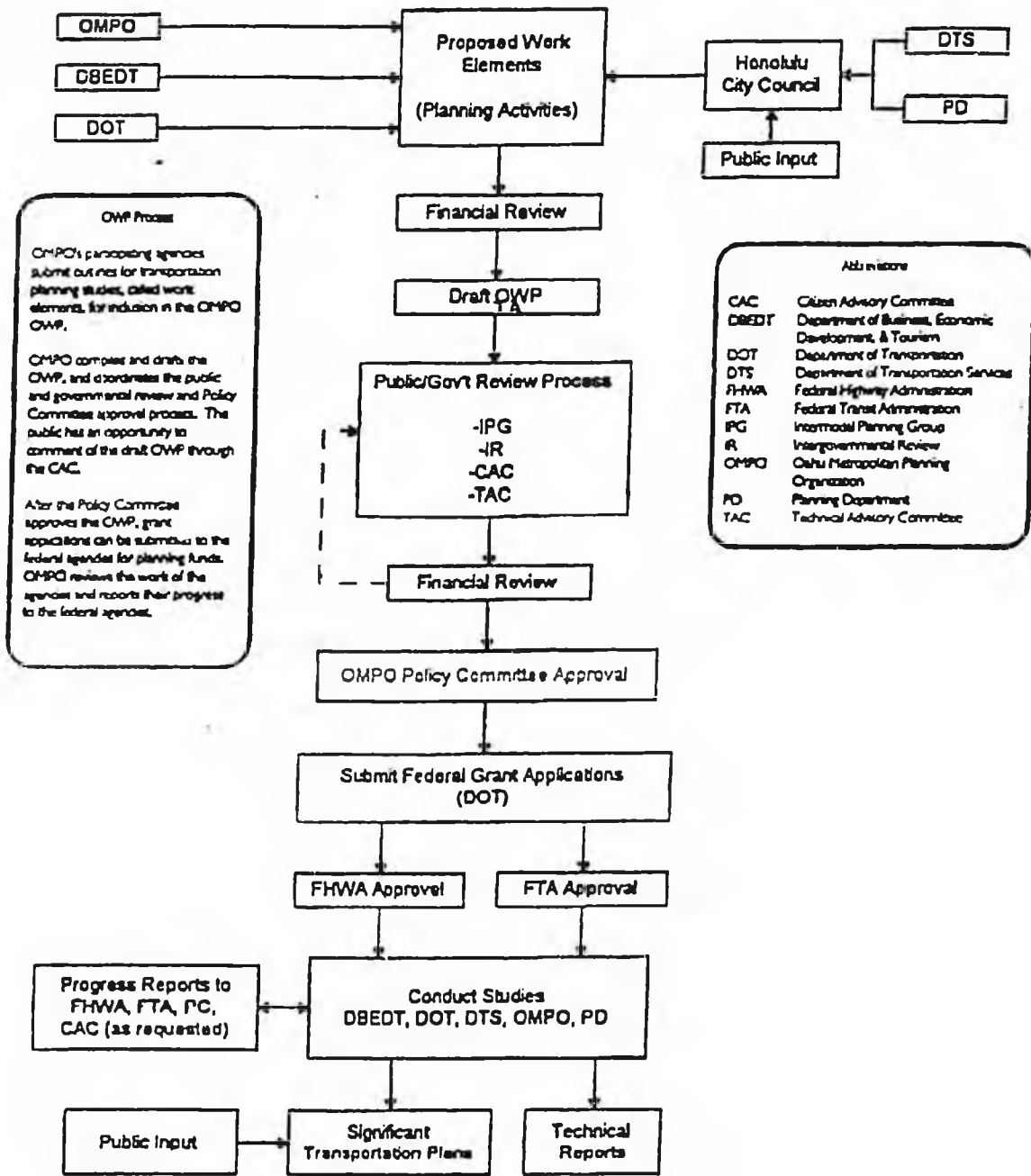


Figure 2

THE TRANSPORTATION IMPROVEMENT PROGRAM AND ITS RELATIONSHIPS

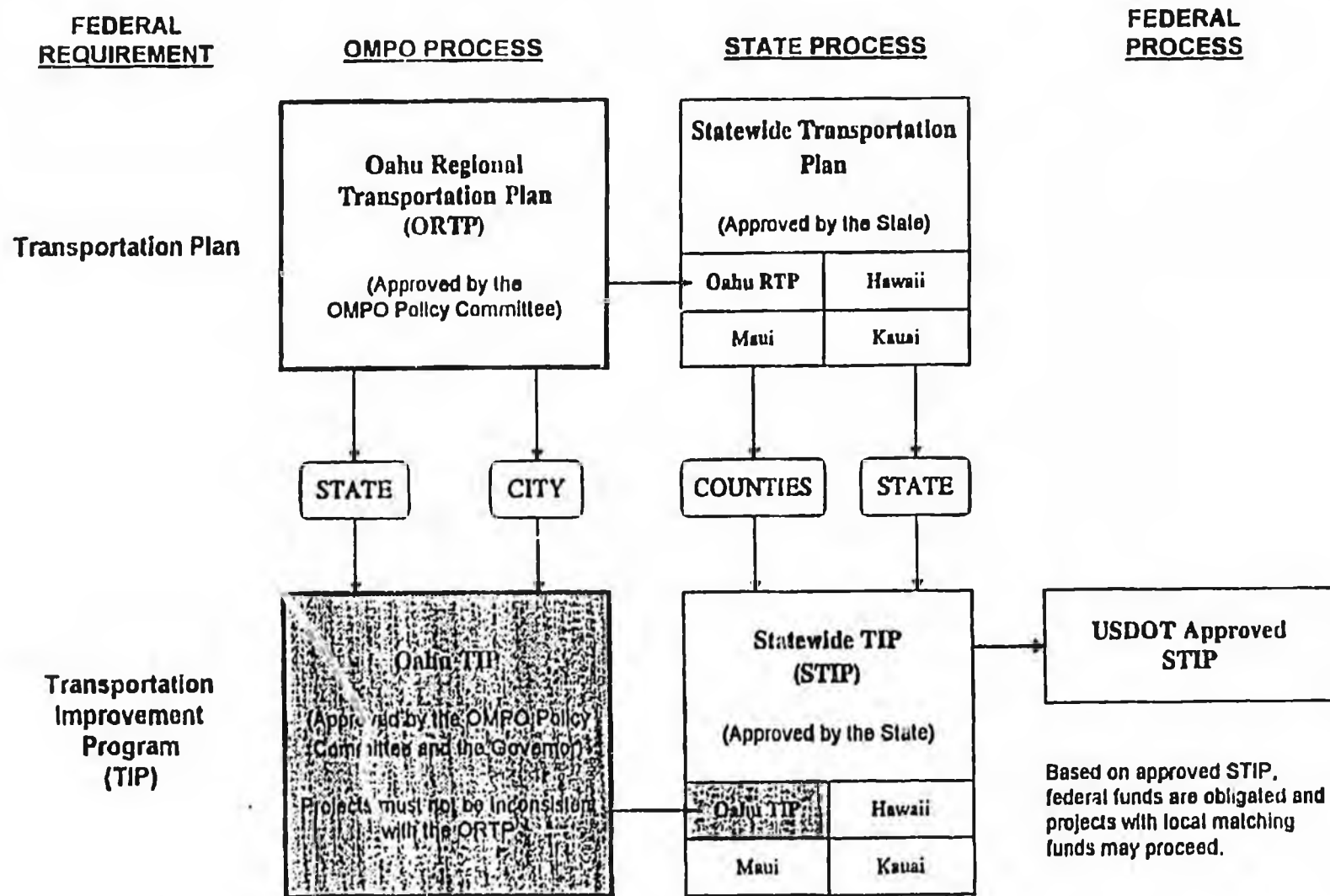


FIGURE 3

every other year in the spring. The TIP identifies funding amounts by source of funding, jurisdictional responsibility, type of project, and year of funding for these projects. Thus, the TIP is an important reference document of transportation projects.

The Oahu TIP is the short-term three-year implementation program for federally-assisted surface transportation projects that support the Oahu Regional Transportation Plan. The TIP describes and prioritizes federally-assisted and major locally-funded transportation programs and projects selected by the OMPO Policy Committee for implementation during the program period. An annual review and a major biennial update of the TIP are scheduled, with off-schedule amendments considered as needed.

The TIP is adopted by the OMPO Policy Committee and sent to the Governor for approval. Upon his approval, the TIP is incorporated as the Oahu element of the Statewide TIP (STIP). The STIP is the official document the U.S. DOT uses to authorize federal funds for projects in Hawaii.

HOW DOES THE PUBLIC GET INVOLVED?

OMPO has developed a "Guide to Public Involvement" (GPI) handbook that describes how OMPO communicates with the public prior to and during the development of transportation plans and programs. The GPI has been prepared to help members of the public understand 1) the planning process for Oahu's major surface transportation efforts and 2) how to participate effectively in that process. It focuses on those aspects and areas of transportation planning that fall within OMPO's purview. This includes both long- and short-range conceptual planning of facilities and programs.