

**SB**

**271**

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## **SB 271 NEPA**

The National Environmental Policy Act (NEPA) requires the evaluation of the environmental effects of any project with federal funding.

Alaska is one of five states participating in a federal pilot program delegating the review and approval of NEPA documents and related environmental approvals.

NEPA documents for highway projects are currently written by the State and submitted to the Federal Highway Administration (FHWA) for approval. In some cases these documents must be reviewed by FHWA Staff in Washington D.C. before the Alaska Division of FHWA can approve the document.

Under the pilot program DOT Headquarters will review and approve these documents. This insures that Alaskans are making decisions about Alaska, just like how Fish and Game makes decisions about the management of Alaska's fish and game.

The pilot program will streamline the environmental approval process for transportation projects using federal funds.

This does **NOT** weaken any environmental laws. Documents must meet the requirements of NEPA and all applicable state and federal environmental laws and regulations. Participation in the pilot program gives the state the opportunity to make sure that Alaska's priority projects are receiving priority attention.

Alaskans want improved highway and ferry transportation, while maintaining a clean environment. Under the pilot program Alaskans can have both quicker development of projects and better environmental decisions.

### **Does participation in the NEPA process grow government?**

Participation in this pilot project adds 4 positions to DOT and 1 to DOL. These positions are not being funded out of the general fund – they are funded with CIP receipts. There are two examples of how this program is an investment in our transportation infrastructure:

- If just one project a year gets to the construction phase one year sooner because Alaskans understand the issues and concerns discussed in a NEPA document, the money saved - due just to inflation - will pay for these positions.
- Alaskans prioritizing NEPA documents can insure that those projects needing review and approval for the upcoming construction season get it. With Alaska's short construction season, a one month delay, can mean the loss of the whole construction season.

SB271



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STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 7, 2006

The Honorable Ben Stevens  
President of the Senate  
Alaska State Legislature  
State Capitol, Room 111  
Juneau, AK 99801-1182

Dear President Stevens:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that would authorize the Alaska Department of Transportation and Public Facilities to assume certain federal programmatic and environmental responsibilities as provided for by the United States Congress in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), P.L. 109-59. A prerequisite to assumption of the duties is that the State of Alaska agree to a waiver of immunity to suit in federal court for those duties specifically assumed from the United States Department of Transportation.

Under the recent SAFETEA-LU amendments, the State of Alaska is one of only five named states with the opportunity to participate in a so-called "pilot program" for assumption of duties and responsibilities under 23 U.S.C. 327 (National Environmental Policy Act of 1969). This bill provides a unique opportunity for the State of Alaska to have more direct involvement, and control, in the planning and decision-making process involved with many public projects.

I urge your prompt and favorable action on this measure.

Sincerely yours,

Frank H. Murkowski  
Governor

Enclosure

COMMITTEE COPY



# FISCAL NOTE

STATE OF ALASKA  
2006 LEGISLATIVE SESSION

Fiscal Note Number: 2  
Bill Version: SB 271  
(S) Publish Date: 2/8/06

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DEC  
Title: NEPA Pilot Program RDU \_\_\_\_\_  
Component \_\_\_\_\_  
Sponsor: Rules Committee  
Requester: Governor Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Struct. res						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

Prepared by: Molly Hicks  
Division: Office of the Commissioner  
Approved by: Kurt Fredriksson  
Agency: Department of Environmental Conservation

Phone: 465-5065  
Date/Time: 12/21/05 9:12am  
Date: 12/21/05 10:02am

# FISCAL NOTE

STATE OF ALASKA  
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: SB 271  
(S) Publish Date: 2/8/06

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DOT&PF  
Title: NEPA Pilot Project RDU: Design, Engineering, Construction  
Component: Statewide Design & Eng Svcs  
Sponsor: \_\_\_\_\_  
Requester: Governor Component No.: 2357

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	422.7	422.7	422.7	422.7	422.7	
Travel	50.0	50.0	50.0	50.0	50.0	
Contractual	154.7	154.7	154.7	154.7	154.7	
Supplies	20.0	10.0	10.0	10.0	10.0	
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>647.4</b>	<b>637.4</b>	<b>637.4</b>	<b>637.4</b>	<b>637.4</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1061 CIP Rcpts	647.4	637.4	637.4	637.4	637.4	
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>647.4</b>	<b>637.4</b>	<b>637.4</b>	<b>637.4</b>	<b>637.4</b>	<b>0.0</b>

Estimate of any current year (FY2006) cost: 0.0  
Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time	4	4	4	4	4
Part-time					
Temporary					

**ANALYSIS:** *(Attach a separate page if necessary)*  
Under Section 6005 of SAFETEA-LU, the State of Alaska may assume the responsibilities of the Federal Highway Administration (FHWA) under the National Environmental Policy Act of 1969. Specifically, the FHWA may assign, with some exceptions, all or part of their responsibilities for environmental review, consultation, approvals or other actions required under any federal environmental law pertaining to the review and approval of federally funded projects. For the State to assume these obligations 1) DOT/PF requires two positions to fulfill the role of performing federal actions such as reviewing and approving federal environmental documents, 4(f) statements and environmental document re-evaluations (2 positions at range 24C and 2 positions at range 21C plus support costs). 2) the Attorney General's office requires one position to perform required legal sufficiency reviews of environmental documents (provided through a reimbursable services agreement (RSA). Federal authorization for this pilot program expires in FY2011.

Prepared by: Nancy Siagle, Director  
Division: Administrative Services  
Approved by: Mike Barton  
Agency: DOT&PF

Phone: 465-3911  
Date/Time: 12/30/05 9:00am  
Date: 12/30/05