

Leg. Finance - House & Senate Finance Comte Files (1975-76) 346

C SHB 63 (3/27/67) cont.

1 facility, and right-of-way thereof, and further includes a ferry
2 system, whether operated solely inside the state or to connect with a
3 Canadian highway, and any such related facility;

4 (9) "maintenance" means the preservation of each type of
5 highway, roadside structure and facility as nearly as possible in its
6 original condition as constructed, or as subsequently improved, and
7 the operation of highway facilities and services to provide satisfactory
8 and safe highways;

9 (10) "municipality" means a home rule or general law borough
10 or city, and includes a municipality unified under AS 29.68 [AN INCOR-
11 PORATED CITY OR POLITICAL SUBDIVISION] which has jurisdiction over
12 highways in its incorporated area;

13 (11) Repealed by sec. 6, ch. 233 SLA 1968.

14 (12) "utility" includes publicly, privately, and cooperative-
15 ly owned utilities;

16 (13) "encroachment" means and includes a tower, pole, pole
17 line, pipe, pipeline, driveway, private road, fence, billboard, stand
18 or building, or a structure or object of any kind which is or has been
19 placed in, on, under or over a portion of a highway or road.

20 * Sec. 16. AS 19.17.010 is amended to read:

21 Sec. 19.17.010. POSTING OF LAW. The commissioner of transporta-
22 tion [HIGHWAYS] shall place a sign near the state boundary at each
23 primary and secondary highway which informs the public of the prohibi-
24 tion against, and penalty for, highway littering and may place similar
25 signs at other locations in the state when considered necessary.

26 * Sec. 17. AS 19.20.090 is amended to read:

27 Sec. 19.20.090. HIGHWAY CONSTRUCTION NEAR AIRPORTS. (a) No
28 person may construct, reconstruct, relocate, or extend a federal-aid
29 highway within two miles of an airport, airstrip, or private air fa-

1 cility without first obtaining the written approval of the commissioner
2 of transportation [HIGHWAYS], as provided by regulation.

3 (b) The commissioner of transportation [HIGHWAYS] shall not
4 approve the construction, reconstruction, relocation, or extension of
5 a highway under this section if the construction would constitute a
6 hazard to the traveling public or if the construction would otherwise
7 not be in the public interest.

8 (c) The commissioner of transportation [HIGHWAYS] shall promulgate
9 [RULES AND] regulations, to effectuate the purpose of this section,
10 which are consistent with standards established by participating
11 federal agencies.

12 * Sec. 18. AS 19.22.030(2) is amended to read:

13 (2) "department" means the Department of Transportation
14 [HIGHWAYS].

15 * Sec. 19. AS 19.25.160(2) is amended to read:

16 (2) "interstate system" means that portion of the National
17 System of Interstate and Defense Highways located in this state, as
18 officially designated, or as may hereafter be so designated, by the
19 commissioner of transportation [HIGHWAYS], and approved by the secretary
20 of transportation (or by the secretary of commerce before the effective
21 date of the transfer of functions under Public Law 89-670 [80 Stat.
22 931]), under the provisions of Title 23, United States Code, "Highways";

23 * Sec. 20. AS 19.25.160(3) is amended to read:

24 (3) "primary system" or "secondary system" means that
25 portion of connected main highways, as officially designated, or as
26 may hereafter be so designated, by the commissioner of transportation
27 [HIGHWAYS], and approved by the secretary of transportation (or by the
28 secretary of commerce before the effective date of the transfer of
29 functions under Public Law 89-670 [80 Stat. 931]), under the provisions

1 of Title 23, United States Code, "Highways";

2 * Sec. 21. AS 19.25.160(4) is amended to read:

3 (4) "department" means the Department of Transportation
4 [HIGHWAYS].

5 * Sec. 22. AS 19.27.110(4) is amended to read:

6 (4) "interstate system" means that portion of the National
7 System of Interstate and Defense Highways located in this state, as
8 officially designated, or as may hereafter be so designated, by the
9 commissioner of transportation [HIGHWAYS], and approved by the secretary
10 of transportation (or by the secretary of commerce before the effective
11 date of the transfer of functions under Public Law 89-670 [80 Stat.
12 931]), under the provisions of Title 23, United States Code, "Highways";

13 * Sec. 23. AS 19.27.110(5) is amended to read:

14 (5) "primary system" or "secondary system" means that
15 portion of connected main highways, as officially designated, or as
16 may hereafter be so designated, by the commissioner of transportation
17 [HIGHWAYS], and approved by the secretary of transportation (or by the
18 secretary of commerce before the effective date of the transfer of
19 functions under Public Law 89-670 [80 Stat. 931]), under the provisions
20 of Title 23, United States Code, "Highways";

21 * Sec. 24. AS 19.27.110(6) is amended to read:

22 (6) "department" means the Department of Transportation
23 [HIGHWAYS].

24 * Sec. 25. AS 19.30.040(a) is amended to read:

25 (a) Upon approval of an application and agreement as to state
26 participation, the applicant resource developer shall submit to the
27 commissioner of natural resources road plans and specifications for
28 the standard of construction he believes to be necessary to develop
29 the mineral resource and protect the fish and game resources that may

1 be affected by the road construction. Plans and specifications submitted
2 by each applicant shall be forwarded by the commissioner of natural
3 resources to the commissioner of transportation [HIGHWAYS] and the
4 commissioner of fish and game and upon approval by them, the applicant
5 may proceed with construction.

6 * Sec. 26. AS 19.30.040(b) is amended to read:

7 (b) The applicant will be allowed credit for the use of his own
8 men and equipment or those of his contractor as his share of cost
9 participation. The applicant must submit documentation satisfactory
10 to the commissioner of transportation [HIGHWAYS] to support his partici-
11 pation for this credit.

12 * Sec. 27. AS 19.30.045 is amended to read:

13 Sec. 19.30.045. CANADIAN MINERALS. The state may elect, at the
14 joint discretion of the commissioners of transportation [HIGHWAYS] and
15 natural resources, to authorize participation in a similar manner, to
16 that authorized in secs. 20--40 of this chapter, in construction and
17 maintenance of developmental access roads to the Alaskan border for
18 the development of mineral resources which are in adjacent Canadian
19 lands if such access roads are the most feasible way of developing
20 those mineral resources, and if it is considered by the commissioners
21 to be in the interest of Alaska to construct the roads; however, the
22 state may participate up to \$50,000, or up to one-third of the cost of
23 construction and of the maintenance of these roads in Alaska, whichever
24 is lower.

25 * Sec. 28. AS 19.30.051 is amended to read:

26 Sec. 19.30.051. REGULATIONS. The commissioner of natural resources
27 and the commissioner of transportation [HIGHWAYS] shall adopt [PROMUL-
28 GATE RULES AND] regulations to accomplish [EFFECTUATE] the purposes of
29 secs. 20--51 of this chapter.

1 * Sec. 29. AS 19.30.070 is amended to read:

2 Sec. 19.30.070. CONTRACTS FOR CONSTRUCTION OF ROADS. The director
3 of the division of lands may contract with private persons for the
4 construction of roads to and on state lands programmed for surface
5 disposal which are not more than six miles from existing roads or
6 highways. The location of each proposed road is subject to the approval
7 of the commissioner of transportation.

8 * Sec. 30. AS 19.30.080 is amended to read:

9 Sec. 19.30.080. CONSTRUCTION STANDARDS AND MAINTENANCE. Access
10 roads constructed under secs. 60--100 of this chapter shall be of low
11 standard, not necessarily suitable for all weather use. The state is
12 not under obligation to maintain these roads. Right-of-way width
13 shall be determined by the division of lands and the Department of
14 Transportation [HIGHWAYS] if constructed outside local government
15 units which have zoning ordinances. If these roads are constructed
16 within the boundaries of local government units which have zoning
17 ordinances, the width shall conform to subdivision control ordinances
18 of the local government units. Contracts for the work shall be
19 awarded to the lowest responsible bidder qualified to contract with
20 the state.

21 * Sec. 31. AS 19.30.151(a) is amended to read:

22 (a) Upon application by a local government, local service roads
23 and trails constructed under the provisions of secs. 111--241 of this
24 chapter and located within the jurisdictional boundaries of a local
25 government, as defined in sec. 241(3) of this chapter, may be trans-
26 ferred to that local government upon approval by the Department of
27 Transportation [HIGHWAYS] and after a vote of the people in the area.
28 A local government which has assumed road powers before May 20, 1971
29 may not be required to hold an election as provided by this section.

1 * Sec. 32. AS 19.40.020(c) is amended to read:

2 (c) The contract with the participants shall include such addi-
3 tional terms and conditions as appear to be in the best interests of
4 the state. Any advance payments made under such a contract shall be
5 deposited in a special account which will be used for disbursements to
6 the contractor charged with construction of the highway. Disbursements
7 to the contractor shall be made on order of the commissioner of trans-
8 portation [HIGHWAYS] on presentation of a proper voucher or the presen-
9 tation of a voucher by an employee of the department authorized in
10 writing to certify as to such payment.

11 * Sec. 33. AS 19.40.060(2) is amended to read:

12 (2) certification by the commissioner of the Department of
13 Transportation [HIGHWAYS] that the road design and construction methods
14 will cause minimal landscape defacement or environmental degradation
15 by erosion or waste disposal;

16 * Sec. 34. AS 19.40.080(1) is amended to read:

17 (1) "department" means the Department of Transportation
18 [HIGHWAYS];

19 * Sec. 35. AS 19.60.010 is repealed and re-enacted to read:

20 CHAPTER 60. STATE FERRY SYSTEM.

21 Sec. 19.60.010. CONSTRUCTION AND OPERATION OF STATE FERRY SYSTEM.

22 (a) The department is responsible for the planning, management,
23 operation, and maintenance of state ferries and ferry terminals and
24 facilities.

25 * Sec. 36. AS 19.60 is amended by adding a new section to read:

26 Sec. 19.60.015. DUTIES OF DEPARTMENT OF PUBLIC WORKS. The
27 Department of Public Works, shall design and construct ferries and
28 ferry terminals and facilities planned and programmed for by the
29 Department of Transportation. It shall perform a life-cycle cost

1 analysis for each proposed ferry or ferry terminal facility planned by
2 the Department of Transportation, consistent with the provisions of AS
3 35.10.160, 35.10.180, 35.10.190 and with regulations adopted by the
4 Department of Transportation.

5 * Sec. 37. AS 19.60.030 is amended to read:

6 Sec. 19.60.030. REGULATIONS. The department may adopt [RULES
7 AND] regulations governing the use of ferry terminal facilities by the
8 public which it considers necessary and proper in the public interest.

9 * Sec. 38. AS 19.60.070(1) is amended to read:

10 (1) "department" means the Department of Transportation
11 [PUBLIC WORKS];

12 * Sec. 39. AS 28.01.010(d) is amended to read:

13 (d) A municipality shall erect necessary official traffic control
14 devices on streets and highways within its jurisdiction which as far
15 as practicable conform to the current edition of the Alaska Traffic
16 Manual prepared by the Department of Transportation [HIGHWAYS].

17 * Sec. 40. AS 28.05.010 is amended to read:

18 Sec. 28.05.010. POWERS AND DUTIES OF COMMISSIONER OF TRANSPORTA-
19 TION [HIGHWAYS]. The commissioner of transportation [HIGHWAYS] has
20 the following powers and duties:

21 (1) to adopt and designate a uniform standard for the
22 manufacture, display, erection, and location of all signs, signals,
23 signboards, guideposts, and other traffic devices necessary to the
24 safe and orderly guidance of traffic;

25 (2) to erect and maintain upon the public highways such
26 signs and other devices he considers necessary;

27 (3) to designate main-traveled roads and highways as arterial
28 highways as appears to him necessary;

29 (4) to order a public road or highway, or portion of it,

1 closed entirely or closed as to certain classes of vehicles when for
2 any reason the use or continued use of it would cause damage or be
3 dangerous to traffic, or when it is being constructed, altered, repaired,
4 or maintained in such a manner as to require restriction of traffic;
5 when practicable, reasonable notice of an order closing or restrict-
6 ing a road or highway shall be given to the traveling public before
7 the order becomes effective.

8 * Sec. 41. AS 28.05.020 is amended to read:

9 Sec. 28.05.020. AUTHORITY OF COMMISSIONER OF TRANSPORTATION
10 [HIGHWAYS] TO ADOPT REGULATIONS. The commissioner of transportation
11 [HIGHWAYS] may adopt [RULES AND] regulations

12 (1) preventing the restriction, obstruction, or stoppage of
13 normal traffic upon any road or highway;

14 (2) prohibiting a person from committing a wilful or careless
15 act causing injury or damage to a road, highway, trail, or bridge;

16 (3) governing the size, weight, and load limits of all
17 vehicles operating upon public roads, highways, or bridges, including
18 the issuance or withholding of special permits for excessive sizes,
19 weights, and loads; limiting or prescribing conditions of operation of
20 vehicles when necessary to assure against undue damage to the road
21 foundations, surfaces, or structures; and prescribing fees for special
22 permits.

23 * Sec. 42. AS 28.05.025 is amended to read:

24 Sec. 28.05.025. AUTHORITY OF THE DEPARTMENT OF PUBLIC SAFETY
25 [COMMERCE] TO ADOPT REGULATIONS. The Department of Public Safety
26 [COMMERCE] is responsible for the operation of motor vehicle weighing
27 stations, and the enforcement of highway weight and load limitations.
28 The department shall adopt [RULES AND] regulations necessary for the
29 operation of motor vehicle weighing stations, and regulations necessary

1 to enforce weight and load limitations on state highways.

2 * Sec. 43. AS 28.05.050 is amended to read:

3 Sec. 28.05.050. DEPARTMENT OF PUBLIC SAFETY TO PUBLISH REGULATIONS
4 AND LAWS RELATING TO VEHICLES. The Department of Public Safety shall
5 publish in pamphlet form the [RULES AND] regulations adopted under
6 authority of secs. 10--50 of this chapter, traffic laws governing the
7 operation of motor vehicles, driver's licensing and motor vehicle
8 licensing and dealer laws, and accident reporting and safety responsi-
9 bility statutes. These [RULES,] regulations[,] and laws shall be
10 distributed free of charge to the motoring public through officers or
11 agencies designated for the purpose. The cost of producing the pamphlet
12 shall be jointly shared by the Department of Transportation [HIGHWAYS]
13 and the Department of Public Safety.

14 * Sec. 44. AS 30.05.010 is amended to read:

15 Sec. 30.05.010. SUBSIDIES TO FREIGHT CARRIERS. The Department
16 of Transportation [PUBLIC WORKS] may pay a sum of money not to exceed
17 \$30,000 a year to the owner or charterer of a vessel of American
18 registry who operates the vessel as a common carrier of freight and
19 mail to and from points the Department of Transportation [PUBLIC
20 WORKS] designates.

21 * Sec. 45. AS 30.05.020 is amended to read:

22 Sec. 30.05.020. PAYMENT OF SUBSIDIES. The subsidy shall be paid
23 in the installments the Department of Transportation [PUBLIC WORKS]
24 thinks proper, after proof is submitted that the conditions of the
25 contract or subsidy are fulfilled up to the time of payment. The
26 inability to touch at a point along the route designated by the Depart-
27 ment of Transportation [PUBLIC WORKS] due to a lack of proper docking
28 or harbor facilities or to stress of weather does not prevent the
29 owner or charterer from receiving the money otherwise earned, and is

1 not a cause for reducing the amount of the subsidy. If the subsidized
2 vessel is lost, wrecked, or damaged, the Department of Transportation
3 [PUBLIC WORKS] may permit the contractor to carry out the service
4 temporarily with another vessel or ship of American registry that
5 meets with its approval.

6 * Sec. 46. AS 30.05.030 is amended to read:

7 Sec. 30.05.030. TARIFF OF RATES. The owner or charterer of the
8 vessel awarded the subsidy must adopt and publish a tariff of freight
9 rates to be approved by the Department of Transportation [PUBLIC
10 WORKS]. The tariff must be reasonable, and it is unlawful for the
11 operator of the vessel to charge more than provided for in the tariff.
12 The tariff must be published before services are performed under the
13 subsidy.

14 * Sec. 47. AS 30.05.040 is amended to read:

15 Sec. 30.05.040. REPORT BY OWNER OR CHARTERER. It is a condition
16 in awarding of the subsidy that the contractor agrees to make a report
17 under oath, in form and manner designated by the Department of Trans-
18 portation [PUBLIC WORKS] at the end of each year, giving the following
19 information:

- 20 (1) tariff sheet of freight rates for the route covered;
21 (2) total tonnage carried;
22 (3) gross earning from freight and mail service rendered,
23 segregating the two amounts;
24 (4) a statement in detail of all expenses incurred and on
25 what account, the names and addresses of all persons employed, and the
26 gross earnings and gross expense of the route covered.

27 * Sec. 48. AS 30.07.020 is amended to read:

28 Sec. 30.07.020. REGULATIONS. The Department of Transportation
29 [COMMERCE] may adopt [PROMULGATE] regulations, not in conflict with

1 federal law or regulations, which establish standards for marine
2 communications in the state.

3 * Sec. 49. AS 30.15.010 is amended to read:

4 Sec. 30.15.010. STATE GRANTS FOR PORT FACILITIES CONSTRUCTION.
5 To the extent funds are appropriated by the legislature, or from the
6 proceeds from the sale of bonds, the state may make grants to munici-
7 palities to finance a portion of the cost of constructing local,
8 regional or state port facilities. The state shall participate only
9 in those projects approved by the governor on recommendation of the
10 commissioner of transportation and the commissioner of public works.

11 * Sec. 50. AS 39.25.120 is amended by adding a new paragraph to read:

12 (9) regional transportation directors of the Department of
13 Transportation.

14 * Sec. 51. AS 41.20.050 is amended to read:

15 Sec. 41.20.050. SELECTION OF SITES. The Department of Transpor-
16 tation [PUBLIC WORKS] and the Department of Natural Resources, jointly,
17 shall select sites of ten acres or less for their historic or scenic
18 value, or for recreation beaches along waterways, roadside rests for
19 travelers resting, camping, or parking, and determine what facilities
20 are necessary or desirable at these sites. Selection of the sites for
21 roadside rests and recreation beaches shall be based upon the flow of
22 traffic and distances to and between facilities otherwise provided.
23 Insofar as possible, sites shall be located on, or adjacent to, highway
24 rights-of-way and small boat waterways. The Department of Natural
25 Resources may acquire the sites jointly selected by grant, gift, pur-
26 chase, lease, dedication or prescription and hold them in the name of
27 the state.

28 * Sec. 52. AS 41.20.060 is amended to read:

29 Sec. 41.20.060. CONSTRUCTION AND MAINTENANCE OF FACILITIES. The
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1 Department of Public Works may construct and the Department of Natural
2 Resources may maintain facilities at scenic sites, recreation beaches
3 or roadside rests as are determined to be necessary and desirable.
4 Facilities may include, but are not limited to, access roads, camp
5 facilities, including picnic tables, fire places, and toilets, camping
6 areas or other facilities that are considered necessary and desirable
7 for the convenience and benefit of travelers and small boat operators.

8 * Sec. 53. AS 41.20.080 is amended to read:

9 Sec. 41.20.080. SELECTION. The Department of Natural Resources,
10 in consultation with the Departments of Fish and Game and Transportation
11 [PUBLIC WORKS], shall designate a system of wilderness trails and
12 campsites throughout the state. Significant in the selection shall be
13 the scenic, historic, natural, or cultural qualities of the areas
14 through which the trails may pass. The Department of Natural Resources
15 may acquire the trail sites jointly selected by grant, gift, purchase,
16 lease, dedication or prescription and hold them in the name of the
17 state.

18 * Sec. 54. AS 41.20.110(a) is amended to read:

19 (a) The Department of Public Works may construct and the Depart-
20 ment of Natural Resources may maintain campsites throughout the wilderne
21 trails system. Campsites may include any type of shelter or camp
22 facility considered necessary and desirable for the benefit and
23 convenience of travelers.

24 * Sec. 55. AS 44.15.010(15) is amended to read:

25 (15) Department of Transportation [HIGHWAYS].

26 * Sec. 56. AS 44.19.360 is amended to read:

27 Sec. 44.19.360. COMPOSITION. The State Geographic Board consists
28 of the commissioner [DIRECTOR] of the Department of Community and
29 Regional Affairs, the curator of the state museum, the state historical

1 librarian, the commissioner of the Department of Transportation [HIGH-
2 WAYS], the commissioner of the Department of Natural Resources, the
3 commissioner of the Department of Education, the director of the divi-
4 sion of lands, and one other person appointed by the governor.

5 * Sec. 57. AS 44.19.820(3) is amended to read:

6 (3) the commissioner of transportation [HIGHWAYS] or his
7 representative;

8 * Sec. 58. AS 44.21.020 is amended by adding a new paragraph to read:

9 (12) maintain and operate state buildings.

10 * Sec. 59. AS 44.43.020 is repealed and re-enacted to read:

11 Sec. 44.43.020. GENERAL POWERS AND DUTIES OF DEPARTMENT. The
12 Department of Public Works shall design and construct all state build-
13 ings, highways, ferries, airports, ports, harbors, railroads, pipelines,
14 and similar facilities.

15 * Sec. 60. AS 44.57.010(a) is amended to read:

16 (a) There is created the Alaska Toll Bridge Authority composed
17 of the governor, the commissioner of the Department of Transportation
18 [HIGHWAYS], the commissioner of the Department of Administration, the
19 commissioner of the Department of Public Works, and the commissioner
20 of the Department of Revenue. The Alaska Toll Bridge Authority is a
21 public corporation of the state. The authority is an instrumentality
22 of the state within the Department of Transportation [HIGHWAYS], but
23 has a legal existence independent of and separate from the state. If
24 the office of a commissioner is discontinued or abolished by law, the
25 governor shall appoint any person or officer of the state to fill the
26 vacancy resulting from the abolition or discontinuance of the office.

27 * Sec. 62. AS 44.57.140 is amended to read:

28 Sec. 44.57.140. CONSTRUCTION OF TOLL BRIDGES. Whenever in the
29 judgment of the Department of Transportation [HIGHWAYS] it is considered

1 in the best interest of the public highways of the state that a new
2 toll bridge or bridges be constructed upon a public highway and across
3 a stream, body of water, gulch, navigable water, swamp or other topo-
4 graphical formation and operated by the state, the Department of
5 Transportation [HIGHWAYS] shall submit its recommendation to that
6 effect to the Alaska Toll Bridge Authority together with preliminary
7 estimates of the cost of construction and an estimate of the amount
8 necessary to be raised for that purpose by the issuance of revenue
9 bonds, and a statement of the probable amount of money, property,
10 materials or labor to be contributed from other sources in aid of the
11 construction. If the Alaska Toll Bridge Authority concurs in the
12 recommendation of the Department of Transportation [HIGHWAYS] or on
13 its own motion determines to construct a toll bridge or toll bridges,
14 the Alaska Toll Bridge Authority shall adopt a resolution declaring
15 that public interest and necessity require the construction of the
16 toll bridge or bridges, and may thereafter issue bonds therefor as
17 provided herein.

18 * Sec. 62. AS 44.57.150 is amended to read:

19 Sec. 44.57.150. AUTHORITY TO ACQUIRE RIGHT OF WAY IN CONSTRUCTING
20 A TOLL BRIDGE. Whenever the Alaska Toll Bridge Authority authorizes
21 the construction of a toll bridge, the Department of Transportation
22 [HIGHWAYS] is empowered to secure right of way therefor and for
23 approaches thereto by gift or purchase, or by condemnation in the
24 manner provided by law for the taking of private property for public
25 highway purposes.

26 * Sec. 63. AS 44.57.170(b) is amended to read:

27 (b) When it becomes necessary for the Department of Transportation
28 [HIGHWAYS] to condemn real estate to be used in connection with a toll
29 bridge, the attorney general of the state shall represent the depart-

1 ment. In eminent domain proceedings to acquire property for any of
2 the purposes of this chapter, a toll bridge, real property, personal
3 property, franchises, rights, easements or other property or privileges
4 appurtenant thereto appropriated or dedicated to a public use or
5 purpose by a person, firm, private, public or municipal corporation,
6 borough, city, district or political subdivision of the state, may be
7 condemned and taken, and the acquisition and use as herein provided
8 for the same public use or purpose to which the property has been so
9 appropriated, dedicated, or for any other public use or purpose, shall
10 be considered a superior and permanent right and necessity, and a more
11 necessary use and purpose than the public use or purpose to which the
12 property has already been appropriated or dedicated. It is not
13 necessary in an eminent domain proceeding under this chapter to plead
14 or prove any acts or proceedings preliminary or prior to the adoption
15 of the resolution hereinbefore referred to describing the property
16 sought to be taken and directing the proceedings.

17 * Sec. 64. AS 44.65.050(c) is amended to read:

18 (c) The Department of Natural Resources and the Department of
19 Transportation [PUBLIC WORKS] may enter into agreements under this
20 chapter for the acquisition of rights of way, construction, reconstruc-
21 tion, maintenance, repair or alteration of access roads serving public
22 airports.

23 * Sec. 65. The commissioner of transportation shall replace the commis-
24 sioner of highways on all boards and commissions not expressly dealt with
25 in this Act.

26 * Sec. 66. All litigation, hearings, investigations and other proceedings
27 pending under a law amended or repealed by this Act, or in connection with
28 functions transferred by this Act, continue in effect and may be continued
29 and completed notwithstanding a transfer or amendment or repeal provided

1 for in this Act. Certificates, orders, and regulations issued or adopted
2 under authority of a law amended or repealed by this Act remain in effect
3 for the term issued, until revoked, vacated, or otherwise modified under
4 the provisions of this Act. All contracts, rights, liabilities, and obliga-
5 tions created by or under a law amended or repealed by this Act, and in
6 effect on the effective date of this Act, remain in effect notwithstanding
7 the enactment of this Act. Records, equipment, and other property of
8 agencies of the state whose functions are transferred under this Act shall
9 be transferred commensurate with the provisions of this Act.

10 * Sec. 67. All other references to the Department of Highways and to
11 the commissioner of highways in the Alaska Statutes not expressly amended
12 by or referred to in this Act shall be read as the Department of Transporta-
13 tion and the commissioner of transportation, respectively, in order to
14 implement this Act. The revisor of statutes shall prepare instructions for
15 the publisher of the Alaska Statutes so that the transfers of and changes
16 in functions made by this Act are reflected throughout the text of the
17 Alaska Statutes.

18 * Sec. 68. During Fiscal Year 1977, all appropriation items made for
19 that fiscal year and prior years for the Department of Highways and the
20 Department of Public Works may, upon approval of the governor, be appro-
21 priately transferred to implement the purposes of this Act.

22 * Sec. 69. AS 35.10.200(3); AS 44.19.700 -- 44.19.714; AS 44.33.020(9);
23 and AS 44.44 are repealed.

24 * Sec. 70. This Act takes effect July 1, 1976.
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Original sponsor: Bowman, Swanson
and Kelley

Offered: 4/23/75
Referred: Rules

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IN THE HOUSE

BY THE FINANCE COMMITTEE

CS FOR HOUSE BILL NO. 63 (Finance) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act creating the Department of Transportation;
and providing for an effective date."

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

* Section 1. FINDINGS AND PURPOSE. The legislature finds that the diverse transportation needs of the state would best be served by the creation of a single department for the planning, study, construction and operation of integrated, intermodal transportation systems. The purpose of this department is to evaluate, plan, design, construct, operate and maintain all state transportation modes and systems, relying on analysis of the relative advantages of different modes and systems and considering their social, economic, and environmental consequences.

* Sec. 2. AS 44 is amended by adding a new chapter to read:

CHAPTER 42. DEPARTMENT OF TRANSPORTATION.

Sec. 44.42.010. COMMISSIONER OF TRANSPORTATION. The principal executive officer of the Department of Transportation is the commissioner of transportation.

Sec. 44.42.020. POWERS. The department may

(1) plan all state modes of transportation and transportation facilities;

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

(3) study alternative means of improving transportation in the state with regard to the economic costs of each alternative and

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1 its environmental and social effects;

2 (4) develop a comprehensive long-range, intermodal trans-
3 portation plan for the state;

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

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

9 (7) engage in experimental projects relating to available or
10 future modes of transportation, and any means of improving existing
11 transportation facilities and service;

12 (8) exercise the power of eminent domain; and

13 (9) adopt regulations under the Administrative Procedure Act
14 (AS 44.62) to implement, interpret, or make more specific its powers and
15 duties.

16 Sec. 44.42.030. DUTIES. The department shall:

17 (1) plan, construct, maintain and operate state transportation
18 facilities, including all state highways, marine transportation ships
19 and facilities, docks, breakwaters, airports and navigation facilities
20 except design and construction of buildings which is the responsibility
21 of the Department of Public Works;

22 (2) study alternative means of transportation in the state,
23 considering the economic, social and environmental impacts of each
24 alternative;

25 (3) coordinate and develop state and regional transportation
26 systems, considering deletions, additions and the absence of alterations
27 and

28 (4) develop facility program plans for transportation facili-
29 ties required to implement these duties including but not limited to (A)

1 first and life cycle cost budgets; (B) functional performance criteria;
2 and (c) schedules for completion.

3 Sec. 44.42.040. DEPARTMENTAL ORGANIZATION. The commissioner may,
4 with the approval of the governor, organize the department into those
5 divisions that can most efficiently perform the functions of the depart-
6 ment.

7 Sec. 44.42.050. STATE TRANSPORTATION PLAN. (a) The commissioner
8 shall develop and keep current by periodic revision, at intervals not
9 less frequent than five years, a comprehensive intermodal long-range
10 transportation plan for the state. The state plan shall consider means
11 and costs of improving existing modes and facilities, state subsidies,
12 and the costs and benefits of new transportation modes and facilities.

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

15 (1) consult and cooperate with officials and representatives
16 of the federal government, other governments, interstate commissions and
17 authorities, local agencies and authorities, interested corporations and
18 other organizations concerning problems affecting transportation in the
19 state; and

20 (2) request and receive from an agency or other unit of state
21 government or of a political subdivision of it, or from a public author-
22 ity, the assistance and data that may be necessary to enable the com-
23 missioner to carry out his responsibilities under this section.

24 (c) The commission shall submit copies of proposed policies and
25 plans annually to the legislature within 10 days after the legislature
26 convenes. The legislature may approve, reject or modify the policies
27 and plans by concurrent resolution. If the legislature fails to act
28 during the legislative session the policies and plans are approved.

29 (d) Copies of the plan, as revised, shall be kept on file as a

1 public document in the office of the commissioner and at each regional
2 or district office of the department.

3 Sec. 44.42.060. PUBLIC HEARINGS AND SURVEYS. (a) When a major
4 new state transportation facility or a significant extension or altera-
5 tion of an existing system or facility is proposed, the department shall
6 give notice of the proposal and of the opportunity to request a public
7 hearing to the governing body of an affected municipality and residents
8 of each affected community. The purpose of this notice is to provide
9 information to the governing body and those residents and provide an
10 opportunity for informed public review of a proposal from the earliest
11 time practicable.

12 (b) In giving notice under this section, the notice shall describe
13 the project, invite written comments regarding the proposal, inform that
14 all current and relevant information regarding the proposal will be made
15 available in at least one designated location within the affected com-
16 munity, and inform that basic information regarding the proposal will be
17 provided upon the request of any person. The notice shall also inform
18 that a public hearing will be held upon the written request of the
19 governing body of an affected municipality or of at least 20 interested
20 residents of the affected community.

21 (c) If the governing body of an affected municipality requests a
22 hearing, the hearing shall take place before that governing body.
23 Otherwise the public hearing may be held by the department at any con-
24 venient location. If a public hearing is held, the deadline for written
25 comment may be not earlier than 30 days following the hearing.

26 (d) At a public hearing the department shall describe the proposal,
27 identify the essential considerations in favor of it, and receive com-
28 ments and answer questions from any interested person. In addition, at
29 a hearing, to the extent they have been developed, the department shall

1 present its recommendations regarding the proposal, its costs and
2 benefits, its environmental and social effects, and the alternatives
3 which have been considered including the alternative of not constructing
4 a facility.

5 (e) The department shall conduct surveys of the residents of each
6 affected community to enable the residents to express opinions regarding
7 the proposal.

8 (f) Within 90 days following a hearing the department shall pre-
9 pare and mail to the governing body of an affected municipality and to
10 each known interested person a report which summarizes the oral testimony
11 and written comments received and the results of surveys and other
12 relevant data and which informs whether and to what extent the proposal
13 has been modified as a result of public comments, surveys and other
14 relevant data.

15 (g) This section does not apply to improvements or modifications
16 to existing facilities which do not significantly affect the environment
17 nor to actions and repairs which may be necessary to meet a disaster or
18 emergency which threatens human lives.

19 (h) For purposes of this section,

20 (1) "affected community" means a municipality or an unincor-
21 porated village of 25 or more persons which is directly served by an
22 existing facility, or where an existing facility is actually located or
23 in which a proposed facility would actually be located, or which would
24 be directly served by a proposed facility;

25 (2) "municipality" means a home rule or general law borough
26 or city including but not limited to a unified municipality organized
27 under AS 29.68.

28 (i) The commissioner may adopt regulations under the Administra-
29 tive Procedure Act (AS 44.62) to implement this section.

1 Sec. 44.42.070. GRANTS TO THE DEPARTMENT. The commissioner may
2 apply for and accept, on behalf of the state, grants from the federal
3 government or an agency of it or from another state, a foundation,
4 corporation, association or individual, for any of the functions or
5 purposes of the department, and may expend the money received under this
6 section for those functions or purposes.

7 Sec. 44.42.080. LIMITATION ON TRANSPORTATION FACILITIES. The
8 department shall consult with the appropriate officials of other depart-
9 ments regarding environmental risks and economic and social considera-
10 tions that may arise by reason of the location, design, construction or
11 reconstruction of a transportation facility.

12 * Sec. 3. (a) The Department of Transportation is vested with the duties
13 and powers formerly held by the Department of Public Works relating to
14 planning, construction, maintenance and operation of transportation facili-
15 ties, including state ferries, airports and water and harbor facilities
16 except for design and construction of buildings and appurtenant structures.

17 (b) The Department of Transportation is vested with the duties and
18 powers formerly held by the Department of Highways relating to planning,
19 construction, maintenance and operation of state transportation facilities
20 including state highways, roads, bridges, traffic signs and signals, the
21 supervision and maintenance of state automotive and mechanical equipment, the
22 control of outdoor advertising visible from state highways and all other
23 duties and powers of the Department of Highways.

24 * Sec. 4. The commissioner of transportation shall replace the commis-
25 sioner of highways on the State Geographic Board, the Alaska Toll Bridge
26 Authority, the Alaska Safety Council and all other boards and commissions.

27 * Sec. 5. AS 44.19.700 - 44.19.714 and AS 44.44.010 are repealed.

28 * Sec. 6. This Act takes effect July 1, 1975.
29

ALASKA STATE LEGISLATURE

NINTH Legislature . . . FIRST Session

HOUSE BILL NO. 63 . .

By BOWMAN SWANSON
AND KELLEY

"An Act creating the Department of Transportation, and providing for an effective date."

Creating Dept. of Transportation

Introduced in the House 1/24/, 19.75

HISTORY IN THE HOUSE

19 75	Read first time and referred to Committee on
Jan 24	State Affairs and Finance
Mar 7	Reported back with recommendation that <i>State Affairs report of CS Dept. to Finance</i>
Apr 23	<i>Finance report of CS (Fin) Dept. to House</i>
Apr 25	Read second time and <i>CS (Finance) adopted amended order</i>
Apr 25	Read third time and
Apr 25	PASS ^{ad} Yeas 25 Nays 8 Absent --- Excused 4
	Effective Date Yeas Nays <i>Pass</i> Absent Excused
	Reconsideration
	PASS Yeas Nays Absent Excused
	Effective Date Yeas Nays Absent Excused
	Reported correctly engrossed
	Signed by Speaker
	Sent to Senate
	<i>Frank Rosten</i> CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19 75	Read first time and referred to Committee on
4 26	<i>Commerce, Finance</i>
19 76	Reported back with recommendation that
	Read second time and
	Read third time and
	PASS Yeas Nays Absent Excused
	Effective Date Yeas Nays Absent Excused
	Reconsideration
	PASS Yeas Nays Absent Excused
	Effective Date Yeas Nays Absent Excused
	Reported correctly engrossed
	Signed by President
	Returned to House
	SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19	Received from Senate
	Reported correctly enrolled
	Sent to Governor
	By Governor
	Filed with Lt. Governor
	Chapter No.

STATEMENT IN OPPOSITION TO A DEPARTMENT OF TRANSPORTATION
AS PROPOSED IN SENATE CS FOR CS FOR HB 63

Submitted To Senate Finance Committee 5/26/76

The Alaska Carriers Association has made a comprehensive study of state Departments of Transportation as proposed and as now functioning in various states. From this basis, and from a careful study of HB 63 in its present form, we find it contrary to the public interest and feel that its passage would be in no way beneficial to the orderly development of Alaska's transportation facilities and functions.

Our main objection is to the unwieldy structure of one department (Transportation) doing the planning and operating and another department (Public Works) doing the designing and constructing. One of the chief complaints in the past has been lack of coordination and communication between departments. This would be a built-in problem between departments in HB 63.

There is no state DOT in the nation that has the complex structure as proposed here. The Federal DOT has expressed reservations as to its workability.

One of the recognized national authorities on highway management procedures, Mr. James Granum, has said of this Alaska DOT proposal, "The inter-relations between planning, financing, contracting, construction, payment and audit are so complex that such divided responsibilities are almost inconceivable." (See memo attached)

Our other objections to the bill include the following:

1. The charges of lack of communication and coordination between departments, and the charges of overstaffing in departments, cannot be corrected by putting a super structure on top of the present one. This is the responsibility of the governor and his department heads. It can be corrected without this major change.

2. There has been no competent management study made of the various departments involved as to manpower, procedures, and efficiency. Before creating an experimental department such a study should be authorized and completed.
3. Environmental provisions in the bill may be in conflict with established procedures in Federal Highway and environmental requirements. Adding further provisions and requirements to present regulations creates delay and confusion in attempts to build or improve any transportation facility.
4. This proposal weakens legislative authority and places more power in the hands of the governor through his approval or disapproval of all transportation proposals and through his appointees. We believe the legislature is far more responsive to public needs and should retain as much control as possible.
5. A "no-growth" concept for the state is inherent in the built-in provisions of HB 63 if the governor or DOT director wishes to follow this philosophy. This is through total control of planning and projects. Transportation could be preferentially slanted toward a single mode, whether air, water, or highway if a governor should so desire.
6. Specific provisions of the measure appear to create conflict with present laws as well as create dual authority with other government agencies such as Department of Natural Resources and Division of Lands Management. The bill creates a need for more and not less interdepartmental communication and coordination. This creates more, and not less, bureaucracy and empire-building.

7. No adequate financial impact has been determined since the many revisions to the proposal. We join with the Associated General Contractors and other organizations in opposing HB 63 in its present form. We do not oppose the concept of a state DOT, and pledge the efforts of our Association in support of a meaningful and competent study of ways to improve and develop Alaska's transportation network and facilities. However, HB 63 in its present form is not the answer.

ALASKA CARRIERS ASSOCIATION, INC.

BY L. V. Venable, Acting General Manager

LWV/lid

HIGHWAY USERS FEDERATION FOR SAFETY AND MOBILITY

INTER-OFFICE MEMORANDUM

Date March 9, 1976

To Larry Venable
From James O. Granum
Subject Alaska DOT

Per your telephone request, enclosed is information regarding other state DOT's. Note my letter of February 9, 1976 to Harold Gainer which describes the enclosures except for the one entitled "ACIR State Legislative Program." This was issued subsequent to the ACIR report "Toward More Balanced Transportation."

I think you will note that none of these provide for construction activities to be carried on by a department other than a DOT. I have checked our California files regarding new legislation establishing the California DOT, and find that functions of the old Department of Public Works relating to transportation have been folded into the California DOT which, however, remains in the Business and Transportation Agency, headed by the Governor's cabinet level Secretary. While we have not tried to keep track of current organizational developments in California, I do not believe that there has been any change in the basic responsibilities.

I cannot conceive of separate DPW handling construction of highways (along with everything else) whenever Federal aid is involved. The inter-relations between planning, financing, contracting, construction, payment and audit are so complex that such divided responsibilities are almost inconceivable. Perhaps your FHWA Division Engineer could elaborate. Good luck.

JOG:ac

cc: Owen Allen



FINANCE COMMITTEE SUBSTITUTE FOR SENATE CS FOR CS FOR HOUSE BILL 63

1. Page 4, delete (d), lines 27, 28, and 29.

2. Page 8, delete (h), lines 9 - 18 and replace with the following:

(h) Affected communities may exclude themselves, withdraw from, or reject the proposal providing that, within sixty days after the receipt of the documents described in (g) of this section, a majority of the affected communities which will be directly served by the proposal, vote to exclude themselves, withdraw from, or reject the proposed new transportation system or facility or the extension or alteration of an existing transportation facility by: a resolution, adopted by a majority of all the members of the governing body of each community, submitting the exclusion from, withdrawal from, or rejection of the proposal to the electorate of each affected community at the next general election, which is adopted by a majority of qualified voters voting on the question.

3. Page 21, delete (3), lines 16 - 22.

Page 21, delete Sec. 42, lines 24 - 29.

Page 22, delete lines 1.

Page 21, add new Sec. 42 as follows:

(7) the operation of motor vehicle weighing stations and the enforcement of size, weight, and load limitations, including the issuance or withholding of special permits and prescribing fees for special permits, based upon directives of the Department of Transportation for limiting or prescribing conditions of operation of vehicles when necessary to assure against undue damage to the road foundations, surfaces, or structures.

4. Page 26, lines 5 - 7, delete all materials and renumber remaining bill sections. (See next amendment for repeal of Alaska Safety Council. (AS 28 interim committee and Lt. Governor agree that 'council' is non-existent and that virtually all its duties are handled by Public Safety's traffic bureau.)

5. Page 29, lines 22 - 23, add AS 19.10.060(2) and AS 44.19.800 - 44.19.850.

6. Page 29, line 24, change effective date to November 1, 1976.

The Commerce Committee has had COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 63 (Finance) amended (creating the Department of Transportation) under consideration and a majority of the committee recommends it be replaced with SENATE COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 63, entitled:

CS
HB
63
(Fin)
am

"An Act relating to the organization of transportation related functions; creating the Department of Transportation; and providing for an effective date."

and that the Senate committee substitute do pass with the following amendment:

646

SENATE JOURNAL

March 26, 1976

CS
13
63
(Fin)
am

Page 8, line 3: Delete "and to each"

line 4: Delete "person known to be interested"

line 13: Delete "either"

lines 14 - 18: Delete in entirety and insert following:

(1) a resolution adopted by a majority of all the members of the governing body submitting the recommended facility to the electorate of the affected community at the next general election adopted by a majority of the qualified voters voting on the question.

line 22: After "lives" delete the period and insert "as determined by the commissioner."

Page 10, line 1: After "AS 35.10.090 delete "-" and insert "through"

Page 10, lines 23-24: Restore original language shown in brackets.

The report was signed by Senator Kerttula, Chairman, and concurred in by Senators Colletta and Bradley. Senator Willis signed "do not pass this version of DOT." Senator Ziegler signed "don't pass any version of DOT."

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INTRODUCTION AND REFERENCE OF SENATE RESOLUTIONS

SJR SENATE JOINT RESOLUTION NO. 53 by the Judiciary Committee,
53

Commending the United States Coast Guard,

was read the first time and referred to the Resources Committee.

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

OFFICE OF THE COMMISSIONER

POUCH C - JUNEAU 99811

March 16, 1976

HB63

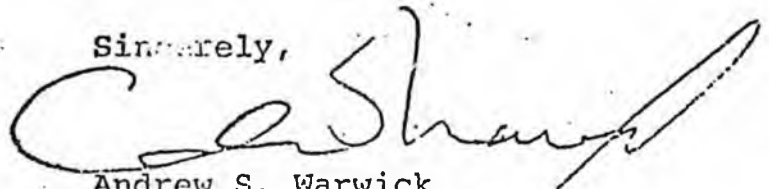
Honorable Jalmar M. Kerttula
Chairman, Senate Commerce Committee
Alaska State Legislature
Pouch V - State Capitol
Juneau, Alaska 99811

Dear Senator Kerttula:

Please find attached the fiscal note for Senate Committee Substitute for Committee Substitute for House Bill 63 which creates a Department of Transportation. This fiscal note was prepared by the Department of Administration in cooperation with the Departments of Public Works and Highways.

Please do not hesitate to call if I can be of any further assistance in this matter.

Sincerely,



Andrew S. Warwick
Commissioner

ASW/mjc
Attachment

3-18-76

I. REQUEST

Bill No. SCS CS HB 63
 Title: Department of Transportation
 Requested by: _____ Date: _____
 Return Date Requested: _____
 Agency: Administration Program: Budget & Management

II. FISCAL DETAIL

All Transportation BRU's plus seven General

Budget Request Unit(s) Affected: Government BRU's

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	-0-	-0-	-0-	-0-

B. FUNDING: (Thousands of dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS		-0-	-0-	-0-	-0-	-0-
OTHER		-0-	-0-	-0-	-0-	-0-

C. POSITIONS:

PERMANENT/TEMPORARY	/	0 / 0	0 / 0	0 / 0	0 / 0	0 /
MAN MONTHS (P./T.)	/	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Analysis on separate attachment.

IV. ATTACHMENTS

V. DATE: 3/15/81 PREPARED BY: *Ch. Shaw*
 COMMISSIONER OF ADMINISTRATION

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor: (First Legislator Named)

III. ANALYSIS

The fiscal detail indicated above is based on an incremental analysis for administration, maintenance and operation, planning, design, and construction activities but does not attempt to net out any costs associated with possible delays in these activities that might occur due to reorganization and employee resistance. It seems probable that some difficulties will occur due to unclear delineation of responsibility, altered SOP's, and employee resistance to change. The most probabilistic occurrence would be sporadic delays in construction of transportation projects. This fiscal note provides for all activities in the existing Department of Public Works and the Department of Highways except for the building maintenance function in the Division of Buildings.

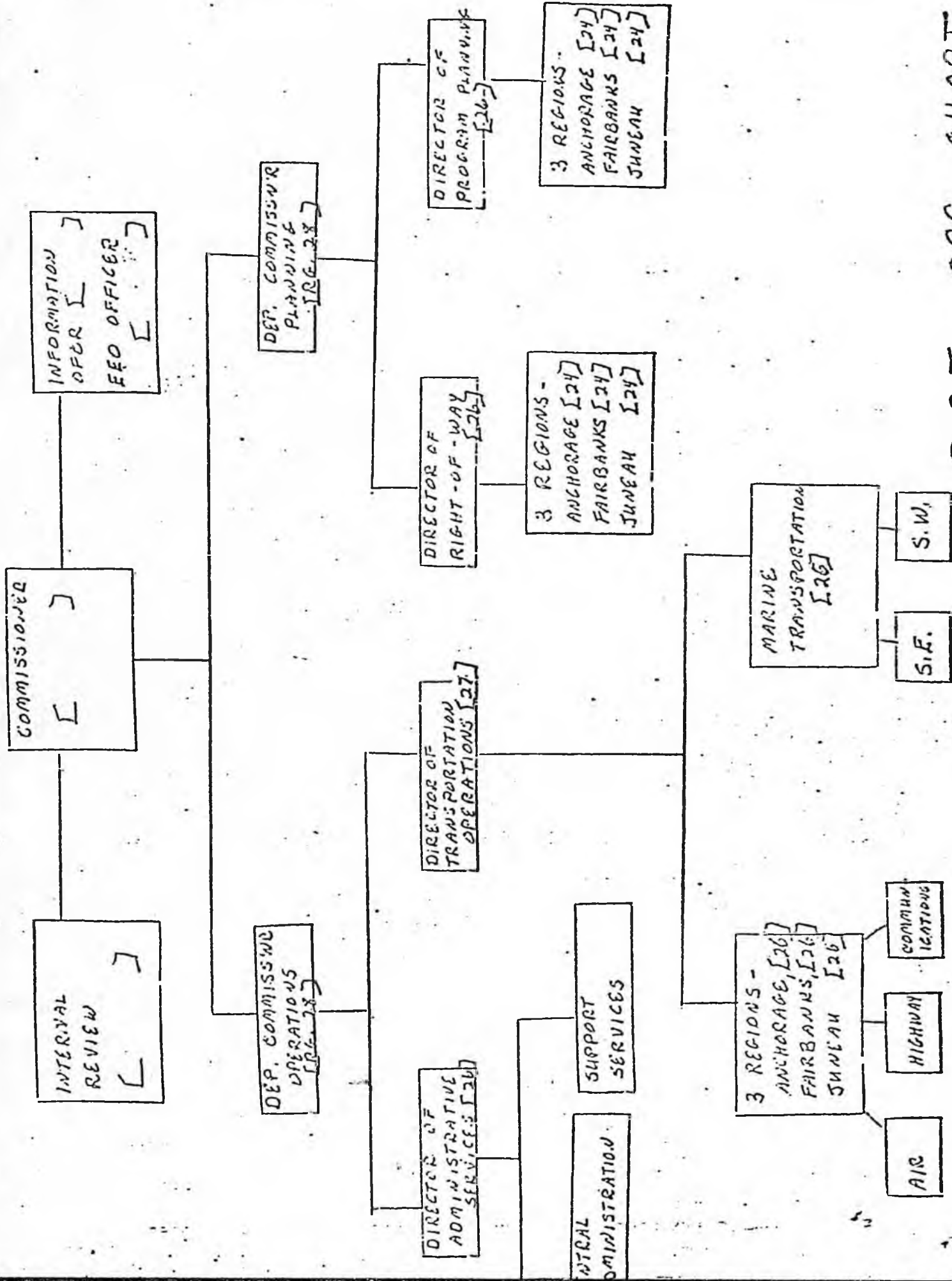
It is assumed that establishment of a Department of Transportation would result in better transportation planning and hence, a more efficient use of State resources (funds) for transportation purposes. Long-term savings should be expected to accrue due to commitment of funds to an optimal transportation mode for a given situation (heretofore unheard of) and a life cycle cost methodology that would lower maintenance and operations costs as well as user costs and costs associated with degradation of the quality of life. The concept of division of responsibilities -- DOT with planning, maintenance, and operation with Department of Public Works having design and construction -- provides a system of checks and balances that will not only insure a closer adherence to the various published transportation construction programs but should also abolish the proverbial buck-passing that occurs when a facility fails. Although it appears certain that these effects will result in substantial long-term savings, there is insufficient experience with the proposal to make it possible to quantitatively estimate the value of these benefits.

Several substantial assumptions were made in the above fiscal detail:

1. That work loads will not change appreciably for either the budgeted administrative, maintenance and operations personnel or for the non-budgeted capital improvement positions. This assumption is necessary in order to make comparisons between the existing and proposed organizations.
2. That without increased work loads, the only increases in number of positions that could be justified would be for new duties, increased emphasis on certain duties, or alleged duplication of effort caused by the split Department of Transportation concept. Since it appears clear that the intent of this bill is to enhance the planning effort in the transportation sector, it would be logical to expect some increase in positions in this area. However, since there are already approximately two hundred existing positions in the two departments that can be identified within the broad area of transportation planning, it seems unreasonable to expect increases in the number of positions for this purpose. There will have to be an increased number of positions for the internal audit function for both departments. However, this number is relatively small and can probably be supported by reclassifying some existing operating positions whose function or responsibility has been deleted by the reorganization. The only other increases that appear warranted are

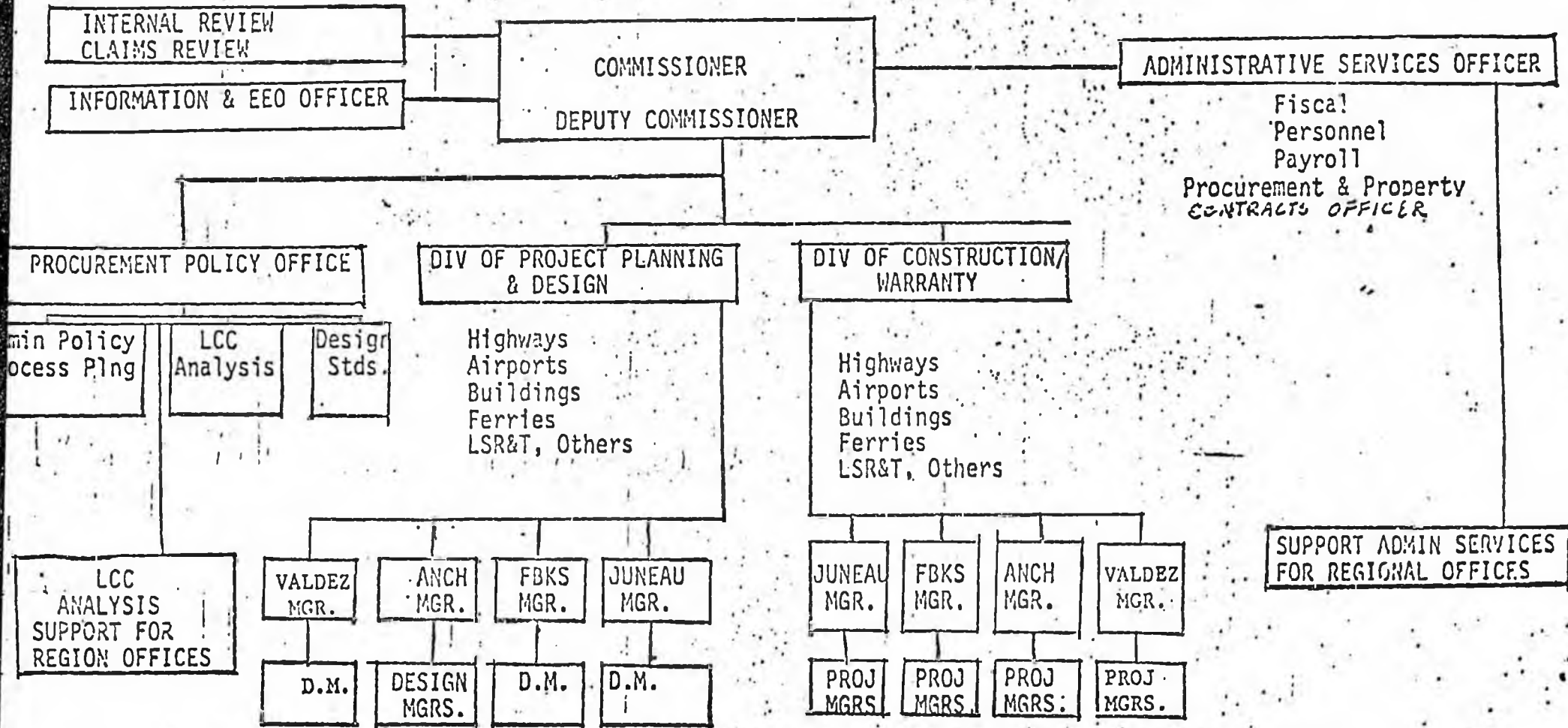
also small: a few addition CIP positions will probably be needed in design review and in planning coordination between the two departments. However, with the substantial number of CIP positions that are either sporadically unfilled or constantly vacant, it would appear that the latter small increase in staffing requirements could be handled without establishing additional new positions.

3. That reclassification of positions that are either transferred to new sections or given new duties will not require additional State funds — that is, that costs incurred due to upward reclassifications will equal savings resulting from downward reclassifications.
4. That net effect of various PCN transfers will be zero. Although a few individual positions will inevitably be transferred to new locations it is felt that positions with similar duties and pay ranges will be available, either as transferred positions from another location or existing positions, so that the actual number of employees that will have to physically change duty stations will be negligible. Hence, no funds have been requested to pay employee relocation expense.
5. That no additional administration and support positions will be necessary with the transfer of the Building Maintenance BRU to the Department of Administration.



D.O.T. ORG. CHART

DEPARTMENT OF PUBLIC WORKS
ORGANIZATIONAL CHART



FINANCE COMMITTEE SUBSTITUTE FOR SENATE CS FOR CS FOR HOUSE BILL 63

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53

Commending the United States Coast Guard,

was read the first time and referred to the Resources Committee.

FILE D.O.T.

Senator BillRay, Chairman
Senate Finance Committee

Dear Senator:

The President of the Associated General Contractors has asked me to deliver to you a typed speech that he made regarding SCS H.B. 63.

The Associated General Contractors are very much opposed to this bill in its present form. I think the statement will speak for itself.

Sincerely,

Mark

Mark Jensen

MY NAME IS E. W. "PETE" CASPER, I AM A RESIDENT OF ANCHORAGE AND I AM A VICE PRESIDENT AND ALASKA MANAGER FOR GREEN CONSTRUCTION COMPANY. - HOWEVER, I AM HERE TODAY REPRESENTING THE ALASKA CHAPTER OF THE ASSOCIATED GENERAL CONTRACTORS OF WHICH I AM THE CURRENT PRESIDENT, IN RESPECT TO OUR POSITION ON SENATE COMMITTEE SUBSTITUTE FOR H.B. 63.

I AM SPEAKING FOR A MAJORITY OF OUR MEMBERS.. THE INDIVIDUAL CONTRACTORS WHO HAVE AN OPPOSITE VIEW WILL APPEAR THEMSELVES, OR CONTACT YOU BY LETTER.

TWO WEEKS AGO YESTERDAY AT A SPECIAL BOARD OF DIRECTOR'S MEETING, OUR ASSOCIATION ADOPTED A MOTION WHICH SIMPLY STATES THAT "THE ALASKA AGC IS OPPOSED TO THE DEPARTMENT OF TRANSPORTATION BILL AS WRITTEN."

WE ARE NOT OPPOSED TO A DEPARTMENT OF TRANSPORTATION BILL PER SE. APPROXIMATELY 1/2 OF THE STATES NOW HAVE A D.O.T. WHICH IN ALMOST EVERY CASE HAS MERGED THE HIGHWAY, AVIATION AND MASS TRANSIT ACTIVITIES INTO ONE DEPARTMENT. MOST OF US HAVE LONG FELT THAT SOME FORM OF CONSOLIDATION IS IN ORDER, MOST PARTICULARLY BETWEEN HIGHWAYS AND AVIATION, WHERE ENGINEERING DISCIPLINES AND MAINTENANCE OPERATIONS ARE VERY SIMILAR.

OUR OPPOSITION TO THE BILL IS BASED UPON OUR OPINION THAT IT CONTAINS FEATURES THAT WILL MAKE OPERATION OF THE HIGHWAY PROGRAM SO CUMBERSOME THAT IT WILL BE ALMOST IMPOSSIBLE TO CARRY ON A CONSTRUCTIVE PROGRAM OF DEVELOPING ALASKA'S TRANSPORTATION FACILITIES - FACILITIES

WHICH ALASKA WITH ITS VAST AREA SORELY NEEDS.

THERE ARE TWO FEATURES OF THE BILL THAT ARE BOTHERSOME TO US: ONE, THE COMPLEX LAYERS OF ADVISORY BOARDS, AND SECOND, THE SEPARATION OF THE DESIGN AND CONSTRUCT FUNCTIONS TO THE PUBLIC WORKS DEPARTMENT.

COSTS OF ROAD AND AIRPORT BUILDING IS EXPENSIVE IN ALASKA. FOR THIS REASON THE NUMBER OF MILES OF NEW ROADS OR OF AIRPORTS CONSTRUCTED EACH YEAR IS GOING TO BE RELATIVELY SMALL. IT SHOULD NOT CALL FOR BIG ADVISORY BOARDS THROUGHOUT THE STATE TO GAIN ALASKA PUBLIC INPUT. THE CURRENT REQUIREMENTS FOR PUBLIC HEARINGS AND IMPACT STATEMENTS IS MORE THAN ENOUGH TO COVER THIS ASPECT. A COMPLEX PATTERN OF REGIONAL ADVISORY BOARDS DEVELOPED AT THIS TIME WILL CAUSE FRICTION, CHAOS AND DEVLEOP NOTHING BUT DIALOGUE AND MORE DIALOGUE - WHILE THE PER DIEM EXPENSE GOES ON AND ON, COUPLED WITH THE LACK OF "GO AHEAD" DECISIONS AND PLANNING.

BECAUSE ALASKA IS VERY MUCH A WILDERNESS AREA, OVER-ALL TRANSPORTATION IS VITAL TO ITS GROWTH. HOWEVER, THE DECISION SHOULD COME FROM THE LEGISLATORS REPRESENTING THE WISHES OF THE PEOPLE IN THAT PARTICULAR AREA, WHETHER IT BE AN AIRPORT OR A ROAD. SCS-HB 63 GIVES THE DIRECTOR OF TRANSPORTATION AND THE GOVERNOR SUPER POWER OVER THE WISHES AND MANDATES OF THE LEGISLATORS. WE FEEL A BETTER APPROACH WOULD BE A SECTION 26-TYPE OF A TRANSPORTATION COMMISSION OR A TRANSPORATION COMMITTEE, MADE UP OF AREA REPRESENTATION BY LEGILATORS WHO COULD HELP PROGRAM THE FIVE-YEAR DEVELOPMENT PLAN. IF THIS WERE DONE IN COOPERATION WITH THE PROFESSIONAL

ENGINEERS, PLUS PEOPLE IN THE GOVERNOR'S OFFICE, IT COULD PROBABLY CUT DOWN MUCH FRICTION THAT MIGHT DEVELOP OTHERWISE.

THE SEPARATION OF THE DESIGN AND CONSTRUCTION FUNCTIONS TO DIFFERENT DEPARTMENTS IS OF EVEN MORE CONCERN TO OUR INDUSTRY. BECAUSE SO MUCH OF OUR HIGHWAY AND AIRPORT PROGRAM IS INVOLVED IN FEDERAL MONIES, WE THINK THAT ANY NEW PROGRAM SHOULD BE THOROUGHLY SCRUTINIZED BY THE RESPONSIBLE FEDERAL PEOPLE. THE STATE AND FEDERAL INTER-RELATIONSHIP BETWEEN PLANNING, FINANCING, DESIGNING, CONTRACTING, CONSTRUCTION, PAYMENT, AND AUDIT ARE THE BACKBONE OF THE FEDERAL DOLLARS THAT MAKE UP THE ALASKA HIGHWAY AND AVIATION YEARLY PROGRAMS.

WE HAVE YET TO FIND ANY STATE OR FEDERAL OFFICIAL WHO HAS BEEN ABLE TO SATISFACTORILY EXPLAIN TO US HOW THE MECHANICS OF THIS INTER-RELATIONSHIP IS GOING TO WORK WITH TWO OF THE MOST IMPORTANT FUNCTIONS OF OPERATION BEING PASSED ON TO A 3RD PARTY. IT CAN ONLY ADD ANOTHER LAYER OF BUREAUCRACY WHICH WILL CAUSE GREATER DELAYS IN ARRIVING AT DECISIONS AND IN THE SOLUTION OF UNEXPECTED PROBLEMS, AND, IN ALL PROBABILITY, WILL LEAD TO GREATER INTER-AGENCY FRICTION.

THIS WILL WORK TO A DETRIMENT TO US, THE CONTRACTOR, AND LIKEWISE TO THE GENERAL PUBLIC AS PROJECTS ARE DELAYED, CONSTRUCTION DETOURS ARE PROLONGED AND COSTS ARE ESCALATED.

A FURTHER POTENTIAL PROBLEM IS THE POSSIBILITY THAT THE EXISTING BILL MAY NOT BE DEEMED LEGAL UNDER TITLE 23, SECTION 302(A) OF THE

U.S. CODE WHICH STATES: "ANY STATE DESIRING TO AVAIL ITSELF OF THE PROVISIONS OF THIS TITLE SHALL HAVE A STATE HIGHWAY DEPARTMENT WHICH SHALL HAVE ADEQUATE POWERS AND BE SUITABLY EQUIPPED AND ORGANIZED TO DISCHARGE TO THE SATISFACTION OF THE SECRETARY THE DUTIES REQUIRED BY THIS TITLE."

WE WOULD LIKE TO POINT OUT THAT NO OTHER STATE DEPARTMENT OF TRANSPORTATION OR STATE HIGHWAY DEPARTMENT SEPARATES ANY OF ITS HIGHWAY FUNCTIONS. THIS FACT TENDS TO DEMONSTRATE THAT THERE CANNOT BE ANY GREAT FAULT WITH THIS SYSTEM.

TO US, IT SEEMS TOO BIG A RISK FOR ALASKA, WHICH IS FAR MORE DEPENDENT ON FEDERAL AID THAN ANY OTHER STATE, TO PIONEER SUCH A RADICAL DEPARTURE FROM PROVEN PROCEDURE, A DEPARTURE THAT COULD PUT THE FEDERAL MATCHING FUNDS IN JEOPARDY.

WE WOULD LIKE TO POINT OUT THAT GOVERNOR EGAN IN 1961 BY EXECUTIVE ORDER MOVED THE THEN DIVISION OF HIGHWAYS FROM THE DEPARTMENT OF PUBLIC WORKS TO A FULL DEPARTMENT STATUS FOR THE PURPOSE OF IMPROVING THE FLOW OF COMMUNICATION BETWEEN THE DEPARTMENT AND FEDERAL BUREAU OF PUBLIC ROADS.

THOSE OF US WHO HAVE WITNESSED THE GROWTH OF THE DEPARTMENT OF HIGHWAYS AND THE DIVISION OF AVIATION WILL REMEMBER THE CONFUSION AND CHAOS THAT EXISTED IN THE EARLY AND MID '60s.

SINCE THEN, THE DEPARTMENTS HAVE BEEN ABLE TO ATTRACT MANY QUALIFIED PROFESSIONAL ENGINEERS, AND AT THIS POINT IN TIME, THE DEPARTMENTS ARE CONSIDERED BY CONTRACTORS AS BEING AMONG THE MOST STABLE CONTRACTING AGENCIES.

COMMENTS HAVE BEEN MADE THAT ENGINEERING AND DESIGN COSTS ARE TOO HIGH ON SOME PROJECTS. THIS COULD WELL BE AND WE WOULD RECOMMEND SOME OF THE OVERHEAD BE CUT BY CONTRACTING OUT PEAK LOADS OF ENGINEERING TO PRIVATE FIRMS.

WE BELIEVE THAT NO BILL IS BETTER THAN THE CURRENT BILL AND THAT A GOOD COMMISSIONER CAN STREAMLINE THE DEPARTMENT AND MAKE IT MORE RESPONSIVE TO THE LEGISLATURE AND THE PUBLIC. IT IS A FACT THAT QUALITY LEADERSHIP IS THE ANSWER TO AN EFFICIENT OPERATION, BE IT IN GOVERNMENT OR THE PRIVATE SECTOR.

ON BEHALF OF THE ALASKA AGC, I WISH TO EXPRESS OUR APPRECIATION FOR THE OPPORTUNITY TO PRESENT OUR OPINION TO THE COMMITTEE.

May 17, 1976

Mr. Larry V. Venable
Acting General Manager
Alaska Carriers Association, Inc.
3443 Minnesota Drive
Anchorage, Alaska 99503

Dear Mr. Venable:

Never have I agreed to pass CSHB 63, the state DOT bill, out of committee in exchange for anything, let alone certain road benefits for Juneau. The newscaster, or his informant, was in serious error if that is what he reported.

When and if the Senate Finance Committee does consider the DOT bill, we will inform you so that you may be present, or send a representative, to testify.

Thank you very much for your interest.

Sincerely,

Alaska Carriers Association, Inc.

3443 MINNESOTA DRIVE
ANCHORAGE, ALASKA 99503

TELEPHONE (907) 272-0568

May 12, 1976

REFER TO FILE:

The Honorable William Ray, Chairman
Senate Finance Committee
State Capitol
Juneau, Alaska 99811

Dear Senator Ray:

A newscast this morning from Juneau was reported as stating that you had agreed to pass CS for HB 63, the State DOT bill out of your committee in exchange for certain road benefits in Juneau. At this time it is hearsay only but we do repeat our request to you and your committee that we be given an opportunity to appear before you prior to any action by the Senate Finance Committee.

The Alaska Carriers Association has many reasons for opposing the creation of a State Department of Transportation as proposed in CS for HB 63. By previous letter we have requested that our association, along with the other opponents to the bill, be permitted to testify before your committee on this measure. In our previous letter we outlined some of our objections and the dangers to the state's transportation programs if a Department were to be created as CS for HB 63 calls for.

We will not duplicate all our objections here but refer you to that letter and to our testimony before Senate Commerce Committee. This was based on expert appraisal of the bill and experiences of state DOT's and proposals for same in other states.

Our objections, and those of other opponents, are valid and involve major issues, such as the weakening of legislative control and strengthening of executive power in transportation matters. Imposing a super-agency structure on top of present departments that are allegedly over-staffed is not in the best interests of the state.

The "no growth" aspects of the environmental provisions written in to the bill, and the doubts expressed by federal agencies and highway management consultants as to the problems inherent in the proposed structure are also of concern.

We do appreciate the pressures on you and your committee in these closing days of the session but urge nevertheless that hearings be given to this measure and that we and other opponents be notified in advance and can be given a fair hearing.

Sincerely,



Alaska Carriers Association, Inc.
BY L. V. Venable, Acting General Manager

cc: All Members of Senate Finance Committee

IF YOU'VE GOT IT, IT CAME BY TRUCK

Bill, I don't know if you have seen the enclosed correspondence or not, but I feel it should receive wide distribution in the Legislature prior to any action on the D.C.T. bill. The letter from Norbert T. Tieman, Federal Highway Administrator, Washington D.C., to Governor Hammond and the testimony given by Gene Hanna, Division Administrator, FHWA Juneau, to Deputy Commissioner Holden and Mr. Freston, Assistant Attorney General, address Senate Bill #548. However, their statements are pertinent to Senate CS for CS for House Bill #63, the current rendition of the D.O.T.

The Federal administrators are hesitant to come right out and state that the proposed legislation is in violation of Title 23 as they are acting on the advice of their attorneys not to become involved in, or dictate to the State its internal affairs. However, if you read between the lines, it is very clearly spelled out that the separation of the design and construction functions from the maintenance, operations and planning functions of what is considered a viable highway agency is not acceptable to the FHWA and they are reserving their final opinion.

Should the D.C.T. become a reality as it is now proposed and the FHWA determines its organization is unacceptable, their only recourse under the law is to withhold Federal Aid funds for Highway and Ferry construction. At present, this figure sits at around some one hundred million dollars annually. I don't think that jeopardizing these funds is in the best interest of the State or our people, particularly just to promote a political plum.

When the concept of a D.O.T. to unify all modes of transportation in the State under one department was first introduced, I couldn't have been more in agreement. This seemed to be a very practical and efficient idea. But now this idea has evolved into a popularity contest at the Cabinet level with the "good guys" getting the biggest and best portion of the pie and to hell with efficiency and the taxpayer's dollar.

The D.C.T. bill now under consideration would only serve to confuse and lengthen the bureaucratic process. Employees in both the D.C.T. and DFW would become reviewers of reviewers as the paperwork is shuffled between the two departments, not to mention FHWA's all encompassing role in the administration of our Federal Aid dollars.

Another disturbing facet of the D.O.T. bill is DFW's professed desire to utilize consultant firms for design and construction activities, with the ultimate savings of 850 State jobs. While this is possible, I seriously question the economics. In the past, consultant firms have been utilized for highway construction with disastrous results. The Parks Highway is a good example. Normally productive State employees spend their time monitoring and reviewing consultant activities with no apparent savings in either time or money. In addition, there are not enough Alaska based consultant firms to take on the responsibility of our highway construction program. The obvious answer is that "South 48" firms would be enlisted and the cash flow would be directed out of the State, placing a further drain on our economy. It should be remembered that consultants in anything are not cheap. It costs X dollars to perform a service. Private industry naturally is profit motivated and the margin of profit is

automatically added on top of X dollars required to perform the service or supply the goods. My point is that unless profit sharing is instituted into the ranks, design and construction activities are best left to responsible State employees as opposed to the utilization of private consultants.

Another disturbing and completely personal concern is that it is rumored that should the D.O.T. bill pass, there will be a "blood-letting" at the director level in the Highway Department. I, fortunately, am not in jeopardy but I am concerned as these people represent a multitude of highway experience in Alaska and the wasting of this talent is inexcusable. The rumor incidentally is not hearsay but came from the Kangaroo's mouth.

For obvious reasons, this will remain unsigned as my kids have acquired the habit of eating regularly, but I and almost all of the other employees of Highways and DFI appreciate your assistance in overcoming this legislation.

CS FOR SENATE BILL No. 548

DOT LEGISLATION

General Comments:

1. The FHWA Division office is in the position to offer comments based on experience and personal opinion. Final approval authority, however, has been reserved by the Administrator per his letter to Governor Hammond dated February 5, 1976. A complete package of the DOT legislation, organizational charts of DOT and DPW, implementing regulations, and other pertinent data should accompany the request for approval. Submission should be through the Division office.

2. The organizational structure of the DOT is left to the Commissioner with the approval of the Governor (Sec. 44.42.050). The unique proposal to delegate design and construction functions of highways to DPW makes it most difficult to comment on the organizational charts proposed. Some of the concerns of the FHWA Division office regarding the final organization are:
 - a. Final decisions and authorities regarding design and construction functions for highways are reserved within DOT per the Administrator's letter.

 - b. Duplication of preliminary engineering functions and personnel should be held to a minimum. Unlike construction engineering costs which are limited to a maximum of 15 percent of the overall construction costs of the project (23 U.S.C. 121(d)), no such limitation exists for preliminary engineering studies. A policy statement on the extent of the intended use of consultants would also apply to this

area of concern.

c. Adequate staffing and expertise must be retained within DOT to perform the planning, design, and maintenance functions assigned.

3. The reorganization required under the proposed legislation will have significant and lasting impacts on the administration and operation of the highway program in Alaska. Serious study should be given to the manner and means of the proposed reorganization as it impacts on the highway program. The on-going procedures of the highway department, developed over the years, will require in-depth revisions in many areas--for instance, the Action Plan. During the formative years of the Department of Highways (1961-67), the BPR-FHWA Alaska office was afforded Regional status with a permanent staff of about 45-48 persons representing all disciplines needed for the administration of the programs. These were fully utilized in providing in-depth assistance to the State. These disciplines and staffing were reduced as the highway department gained in experience, staffing levels, and permanent organizational structures. The FHWA Division office staff now numbers 21. Although the FHWA stands ready to assist, it no longer has the capabilities to again become involved in the day-to-day operations of the highway program. Accordingly, we will require an organization and implementing regulations that allow FHWA to deal exclusively with DOT in the administration of the highway program.
4. From our own administrative viewpoint, the FHWA Division office does not endorse the concept proposed by Senate Bill No. 548 that delegates the duties for design and construction to DPW.

Specific Comments

1. Since the Administrator's letter requires final decision and authority to be reserved exclusively with DOT in matters relating to the Federal-aid highway program, we would expect that the contracting authority for this program would remain in DOT.
2. Regarding consultants, the use of consultants on Federal-aid highway projects would require FHWA approval on a project-by-project basis. We would expect the responsibility and authority to be retained in DOT.
3. The revised wording "final design" in lieu of "design" regarding the delegation of duties to DPW is a significant change from the legislation reviewed and commented on by the Administrator. We find this change, and the definition of final design, "all design requested by DOT after holding design hearings and receiving public input," desirable from FHWA's administration of the highway program. This allows FHWA to deal exclusively with DOT in the formative stages of project development.
4. In line with the retention of preliminary design function in DOT, we would expect that the major materials function would also remain in DOT with sufficient materials staffing in DPW to provide the necessary materials controls during the construction of projects.
5. The public hearing requirements outlined in Sec. 44.42.070 do not comply fully with FHWA requirements for highway projects. The conflict applies

to when the State shall hold a hearing. The number of persons impacted normally has no bearing on this determination under FHWA procedures.

6. We concur in the committee's action of deleting "privately owned land" and adding "designated" in the wording of Sec. 44.42.090(b). Serious conflicts with Federal statutes could result from privately owned land being afforded equal status to park lands and the like.

7. A definition of a long-range plan may be desirable to differentiate from the five-year highway construction program and others.

Retyped Copy for Legibility

FEDERAL HIGHWAY ADMINISTRATION

February 5, 1976

Honorable Jay Hammond
Governor of Alaska
Juneau, Alaska 99801

Dear Governor Hammond:

The Federal Highway Administration (FHWA) has reviewed the Rule's Committee's proposed substitute bill, prepared January 28, 1976, for Senate Bill 548. This substitute was discussed in detail last week by officials of this agency with your representatives, Mr. Holden, Deputy Commissioner of Public Works and Mr. Preston, Assistant Attorney General.

The substitute bill would create in Alaska a Department of Transportation with the powers to plan, design, maintain and construct all State modes of transportation and transportation facilities. The substitute bill empowers the Department of Public Works to design and construct only those transportation facilities which have been planned and programmed for construction by the Department of Transportation, and requires that the Department of Transportation shall "delegate those duties for the design and construction of highways and highway facilities to the Department of Public Works."

The Federal question involved here is whether the proposed organization of the Department of Transportation would comply with 23 U.S.C. 302(a) which states that any State desiring to avail itself of the provisions of the Federal-aid Highway program shall have a State highway department which shall have adequate powers and be suitably equipped and organized to discharge to the satisfaction of the Secretary the duties required by title 23. This provision of law has been in effect since 1921 and the legislative history evidences an attempt to provide uniformity by providing that the States have a competent highway department with which the Federal Government could deal. The substitute bill can be interpreted as creating a State transportation department with all the necessary powers to plan, maintain, operate and construct the highways of Alaska. Unfortunately, the bill also contains a provision which requires this newly created department to delegate its design and construction functions of highways to another State department. This comes quite close to violating section 302 unless the final decision and authority is reserved exclusively within the Department of Transportation for the design and construction function.

Therefore, before I can give final approval to this bill as meeting the requirements of Section 302(a), I must be assured that the subsequent delegation of the design and construction functions of highway reserves in the Department of Transportation the final approval and decision relative to these functions. Hence, this tentative approval of the substitute bill is subject to my subsequent approval of tables of organization of the two departments as they relate to Federal-aid highway work, as well as approval of the implementing regulations to be issued by the Alaska Department of Transportation.

It must be said further that this tentative approval is based in part on the unique position of the State of Alaska, as described by your representatives in attempting to coordinate and best utilize the limited resources of the State in carrying out a much needed transportation construction program in the State.

We will be happy to work with you further in this matter.

Sincerely yours,

/s/ Norbert T. Tieman
Federal Highway Administration

FEDERAL HIGHWAY ADMINISTRATION

WASHINGTON, D.C. 20590

February 5, 1976

IN REPLY REFER TO:

HCC-2

Honorable Jay S. Hammond
 GOVERNOR OF ALASKA
 JUNEAU, ALASKA 99801

Dear Governor Hammond:

The Federal Highway Administration (FHWA) has reviewed the Rules Committee's proposed substitute bill, prepared January 28, 1976, for Senate Bill 543. This substitute was discussed in detail last week by officials of this agency with your representatives, Mr. Holden, Deputy Commissioner of Public Works and Mr. Preston, Assistant Attorney General.

The substitute bill would create in Alaska a Department of Transportation with the powers to plan, design, maintain and construct all State roads of transportation and transportation facilities. The substitute bill transfers the Department of Public Works to design and construct only those transportation facilities which have been planned and programmed for construction by the Department of Transportation, and requires that the Department of Transportation shall "delegate those duties for the design and construction of highways and highway facilities to the Department of Public Works."

The Federal question involved here is whether the proposed organization of the Department of Transportation would comply with 23 U.S.C. 302(a) which states that any State desiring to avail itself of the provisions of the Federal-aid highway program shall have a State highway department which shall have adequate powers and be suitably equipped and organized to discharge to the satisfaction of the Secretary the duties required by title 23. This provision of law has been in effect since 1921 and the legislative history evidences an attempt to provide uniformity by providing that the States have a competent highway department with which the Federal Government could deal. The substitute bill can be interpreted as creating a State transportation department with all the necessary powers to plan, maintain, operate and construct the highways of Alaska. Unfortunately, the bill also contains a provision which requires this newly created department to delegate its design and construction functions of highways to another State department. This comes quite close to violating section 302 unless the final decision as to whether it is exercised exclusively within the Department of Transportation for the design and construction functions.

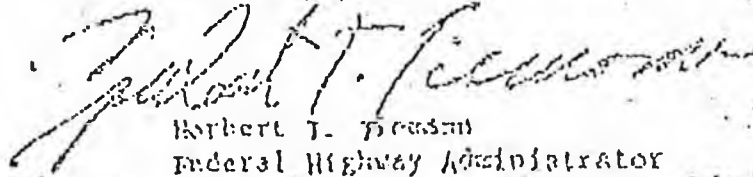
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 [Handwritten initials]

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It must be said further that this tentative approval is based in part on the unique position of the State of Alaska, as described by your representatives; in attempting to coordinate and best utilize the limited resources of the State in carrying out a much needed transportation construction program in the State.

We will be happy to work with you further in this matter;

Sincerely yours,



Robert T. Peaslee
Federal Highway Administrator

April 13, 1976

Mr. Larry Venable
Legislative Representative
Alaska Carriers Association, Inc.

Dear Mr. Venable:

This is to acknowledge receipt of your letter detailing the objections of the Alaska Carriers Association to SCS CSHB 63.

You may be assured your comments will be taken into consideration when the Finance Committee makes a final determination on the proposed legislation.

Sincerely,

Alaska Carriers Association, Inc.

3443 MINNESOTA DRIVE
ANCHORAGE, ALASKA 99503

TELEPHONE (907) 272-0568

REFER TO FILE:

April 6, 1976

Honorable Bill Ray
Chairman, Senate Finance Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Ray:

The Alaska Carriers Association has numerous reservations and objections to the proposed creation of a State Department of Transportation as outlined in Senate CS for CS to House Bill 63.

We are joined in our opposition by the Associated General Contractors Association and it is our understanding that organized labor is also opposing this measure.

If hearings are scheduled on this, we would appreciate advance notification so as to bring in some of our membership and to prepare further testimony. However, we can summarize here our major objections to the bill.

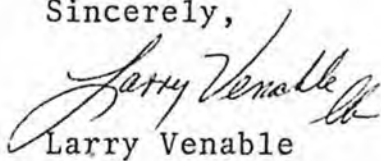
1. The proposal is an experimental one, raising doubts as to its workability or legality in handling federal funds.
2. The lengthy and detailed environmental provisions in the bill invite a "no-growth" concept, and deal with areas already covered under Federal Highway Administration and Environmental Protection Agency requirements. The result could be an overlapping and confusion of laws and procedures and an effective tool for advocates of a "no-growth" policy from both inside and outside our state.
3. Most of the objections to the present transportation structure in state government have been based on charges of over-staffing and poor communications between departments. Super-imposing a massive super agency on top of the present structures cannot and will not correct such a situation, if the charges are true.
4. Recognizing that Alaska's Governor has strong authority in all departments of state government, we are concerned at any further erosion of legislative control and authority. It is our feeling that the legislature is more responsive to public needs and wishes than a super agency controlled by the incumbent governor, whomever he may be.

The Honorable Bill Ray
April 6, 1976
Page Two

Attached is a commentary of Mr. James Granum, P.E., who is the head of the Engineering and Research Division of the National Highway Users Federation. Mr. Granum is nationally recognized as an authority on engineering administrative procedures, participates in the activities of the National Highway Research Board, and is well qualified to comment on the subject.

We will be pleased to submit further data and commentary on this bill if you so desire.

Sincerely,



Larry Venable
Legislative Representative

cc: Anchorage Office, Alaska Carriers Association
G. Harang, President, Alaska Carriers Association
Senator Poland
Senator Rader
Senator Chance
Senator Ferguson
Senator Butrovich
Senator Sackett

HIGHWAY USERS FEDERATION FOR SAFETY AND MOBILITY

INTER-OFFICE MEMORANDUM

Date March 9, 1976

To Larry Venable
From James O. Granum
Subject Alaska DOT

Per your telephone request, enclosed is information regarding other state DOT's. Note my letter of February 9, 1976 to Harold Gainer which describes the enclosures except for the one entitled "ACIR State Legislative Program." This was issued subsequent to the ACIR report "Toward More Balanced Transportation."

I think you will note that none of these provide for construction activities to be carried on by a department other than a DOT. I have checked our California files regarding new legislation establishing the California DOT, and find that functions of the old Department of Public Works relating to transportation have been folded into the California DOT which, however, remains in the Business and Transportation Agency, headed by the Governor's cabinet level Secretary. While we have not tried to keep track of current organizational developments in California, I do not believe that there has been any change in the basic responsibilities.

Note!!

I cannot conceive of separate DFW handling construction of highways - (along with everything else) whenever Federal aid is involved. The inter-relations between planning, financing, contracting, construction, payment and audit are so complex that such divided responsibilities are almost inconceivable. Perhaps your FHWA Division Engineer could elaborate. Good luck.

JOG:ac

cc: Owen Allen

JOG

Original sponsor: Bowman, Swanson
and Kelley

Offered: 3/26/76
Referred: Finance

1 IN THE HOUSE BY THE COMMERCE COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 63
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the organization of transporta-
7 tion related functions; creating the Department of
8 Transportation; and providing for an effective
9 date."

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

11 * Section 1. FINDINGS AND PURPOSE. The legislature finds that the
12 diverse transportation needs of the state would best be served by the
13 creation of a single department for the planning, study, development,
14 management and operation of integrated, intermodal transportation systems.
15 The purpose of this department is to evaluate, plan, design, construct,
16 manage, operate and maintain all state transportation modes and systems,
17 relying on analysis of the relative advantages of different modes and
18 systems and considering their social, economic, and environmental conse-
19 quences.

20 * Sec. 2. AS 44 is amended by adding a new chapter to read:

21 CHAPTER 42. DEPARTMENT OF TRANSPORTATION.

22 Sec. 44.42.010. COMMISSIONER OF TRANSPORTATION. The principal
23 executive officer of the Department of Transportation is the commission-
24 er of transportation.

25 Sec. 44.42.020. POWERS AND DUTIES. (a) The department shall

26 (1) plan, design, and construct all state modes of transpor-
27 tation and transportation facilities;

28 (2) study existing transportation modes and facilities in
29 the state to determine how they might be improved or whether they

1 should continue to be maintained;

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

5 (4) develop a comprehensive, long-range intermodal transpor-
6 tation plan for the state;

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

9 (6) cooperate and coordinate with and enter into agreements
10 with federal, state and local government agencies and private organiza-
11 tions and persons in exercising its powers and duties;

12 (7) delegate its duties for the design and construction of
13 transportation facilities to the Department of Public Works;

14 (8) work cooperatively with the Department of Public Works
15 to assure that design and construction of transportation facilities by
16 the Department of Public Works is consistent with plans and with
17 management and operational requirements;

18 (9) manage, operate, and maintain state transportation
19 facilities, including all state highways, vessels, railroads, pipelines,
20 airports, and aviation facilities;

21 (10) study alternative means of transportation in the
22 state, considering the economic, social, and environmental impacts of
23 each alternative;

24 (11) coordinate and develop state and regional transportation
25 systems, considering deletions, additions, and the absence of altera-
26 tions;

27 (12) develop facility program plans for transportation
28 facilities required to implement the duties set out in this section,
29 including but not limited to (A) first and life-cycle cost budgets;

1 (B) functional performance criteria; and (C) schedules for completion;
2 these program plans shall be reviewed by the Department of Public
3 Works before commencement of transportation facility project designs;

4 (13) supervise and maintain all state automotive and
5 mechanical equipment, aircraft, and vessels except vessels used by the
6 Department of Fish and Game; and

7 (14) supervise aeronautics and transportation-related
8 communications inside the state, under AS 02.10.

9 (b) The department may

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

13 (2) exercise the power of eminent domain, including the
14 declaration of taking as provided in AS 09.55.

15 Sec. 44.42.030. DUTIES OF DEPARTMENT OF PUBLIC WORKS; TRANSPORTA-
16 TION FACILITIES. The Department of Public Works shall design and
17 construct, or cause to be designed and constructed, only those trans-
18 portation facilities which have been planned and programmed for construc-
19 tion by the Department of Transportation. It shall cooperate with
20 that department in the hearing and planning processes described in
21 this chapter. It may turn over a transportation facility to the
22 Department of Transportation for management, operation and maintenance
23 when construction of the facility is substantially completed, subject
24 to the request of the Department of Transportation that earlier
25 occupancy or control be permitted. It shall turn over a transportation
26 facility to the Department of Transportation for management, operation
27 and maintenance when construction of the facility is entirely complete.
28 In either event, the Department of Public Works shall continue to
29 administer construction contracts during guaranty or warranty periods.

1 Sec. 44.42.040. REGULATIONS. The department may adopt regulations
2 under the Administrative Procedure Act (AS 44.62) to implement, inter-
3 pret, or make more specific its powers and duties.

4 Sec. 44.42.050. DEPARTMENTAL ORGANIZATION; ADVISORY BOARDS. (a)
5 The commissioner shall establish transportation regions within the
6 state, corresponding with the state's major physiographic regions.
7 The functions of the department within each transportation region
8 shall be performed, to the maximum extent feasible, through a regional
9 office. Each regional office shall be directed by a regional trans-
10 portation director appointed by the commissioner.

11 (b) The commissioner shall provide for the creation of regional
12 transportation advisory boards comprised of residents of the transporta-
13 tion regions established under (a) of this section. The regional
14 transportation advisory boards shall advise the commissioner and
15 shall, with the assistance of the regional transportation directors,
16 prepare recommendations on transportation-related public policy,
17 departmental operations, and capital improvements programming within
18 their respective regions. The number of members of each regional
19 transportation advisory board shall be determined by the commissioner.

20 (c) The governor shall appoint members to each regional transpor-
21 tation advisory board from lists of nominees submitted by municipalities
22 located within each transportation region and from lists of nominees
23 submitted by any interested organization which has its principal
24 office within the region. In addition, the mayor of each organized
25 borough and each home rule and first class city located within each
26 region shall appoint one member, to the board.

27 (d) In order to avoid duplication or disruption of regional
28 efforts, the commissioner may designate a non-profit, public interest,
29 regional organization as a regional transportation advisory board.

1 (e) Each regional transportation advisory board shall annually
2 elect a chairperson from among its members. The chairperson shall
3 designate the time and location of meetings of the board. Members are
4 entitled to transportation expenses and per diem established by law
5 for state boards and commissions.

6 Sec. 44.42.060. ALASKA TRANSPORTATION ADVISORY BOARD. (a)
7 There is established the Alaska Transportation Advisory Board consisting
8 of the chairpersons of each regional transportation advisory board.
9 The board shall elect a chairperson from its members. The chairperson
10 shall designate the time and location of meetings of the board.
11 Members of the board are entitled to travel expenses and per diem
12 established by law for state boards and commissions.

13 (b) The Alaska Transportation Advisory Board shall meet at least
14 once in the fall of each year to review the work of the previous year
15 and the then current state transportation plan, and make recommen-
16 dations to the commissioner regarding the plan and departmental
17 operations. The department shall provide staff support and assistance
18 to the board.

19 Sec. 44.42.070. STATE TRANSPORTATION PLAN. (a) The commissioner
20 shall develop annually a comprehensive, intermodal, long-range trans-
21 portation plan for the state. In developing and revising the state
22 plan, he shall consider means and costs of improving existing modes
23 and facilities, state and federal subsidies, and the costs and benefits
24 of new transportation modes and facilities. The plan shall be submitted
25 to the governor for his review and approval and submitted by the
26 governor to the legislature.

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

29 (1) consult and cooperate with officials and representatives

1 of the federal government, other governments, interstate commissions
2 and authorities, local agencies and authorities, interested corporations
3 and other organizations concerning problems affecting transportation
4 in the state; and

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

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

13 (d) The plan shall include a description of projects planned for
14 design and construction for the following two years. The description
15 shall include an itemization of the estimated cost for each project
16 and the total cost of all projects. The commissioner shall propose
17 and forward to the governor for his review and approval and inclusion,
18 as approved, in the capital budget a construction program which includes
19 the projects to be undertaken during the following two years, including
20 recommended project priorities. Appropriations for transportation
21 construction projects shall be included annually in the general appro-
22 priations Act.

23 Sec. 44.42.080. PUBLIC HEARINGS AND SURVEYS. (a) When a major
24 new state transportation facility or a significant extension or altera-
25 tion of an existing system or facility is proposed, the department
26 shall give notice of the proposal and of the opportunity to request a
27 public hearing to the governing body of an affected municipality and
28 residents of each affected community. The purpose of this notice is
29 to provide information to the governing body and those residents and

1 provide an opportunity for informed public review of a proposal from
2 the earliest time practicable.

3 (b) Before a final decision is made regarding a proposal, the
4 department shall give a second notice and opportunity for public
5 hearing.

6 (c) A notice given under this section shall describe the project,
7 invite written comments regarding the proposal, inform that all current
8 and relevant information regarding the proposal will be made available
9 in at least one designated location within the affected community, and
10 inform that basic information regarding the proposal will be provided
11 upon the request of any person. The notice shall also inform that a
12 public hearing will be held upon the written request of the governing
13 body of an affected municipality or of at least 20 interested residents
14 of an affected community.

15 (d) If the governing body of an affected municipality requests a
16 hearing, the hearing shall be conducted by and may take place before
17 that governing body. Otherwise the public hearing may be held by the
18 department at any convenient location. If a public hearing is held,
19 the deadline for written comment may be not earlier than 30 days after
20 the hearing.

21 (e) At a public hearing held under (a) of this section, the
22 department shall describe the proposal, identify the essential considera-
23 tions in favor of and against it, and receive comments and answer
24 questions from any interested person. In addition, at a hearing, the
25 department shall present its recommendations, to the extent they have
26 been developed, regarding the proposal, its costs and benefits, its
27 environmental and social effects, and the alternatives which have been
28 considered, including the alternative of not constructing a facility.

29 (f) The department may use other means of enabling the residents

1 of each affected community to express opinions regarding the proposal.

2 (g) Within 90 days after a hearing, the department shall prepare
3 and mail to the governing body of an affected municipality and to each
4 person known to be interested a report which summarizes the oral
5 testimony and written comments received and the results of surveys and
6 other relevant data and which informs whether and to what extent the
7 proposal has been modified as a result of public comments, surveys and
8 other relevant data.

9 (h) Within 60 days after receipt of the documents described in
10 (g) of this section, an affected community may exclude itself, withdraw
11 from, or reject the proposed new transportation system or facility or
12 the extension or alteration of an existing transportation system or
13 facility either by

14 (1) a resolution adopted by a majority of all the members
15 of the governing body; or

16 (2) a measure submitted to the electorate of the affected
17 community, either by initiative or referendum, adopted by a majority
18 of the qualified voters voting on the question.

19 (i) This section does not apply to improvements or modifications
20 to existing facilities which do not significantly affect the environment
21 nor to actions and repairs which may be necessary to meet a disaster
22 or emergency which threatens human lives.

23 (j) For the purposes of this section,

24 (1) "affected community" means a municipality or an unincor-
25 porated village of 25 or more persons which is directly served by an
26 existing facility, or where an existing facility is actually located
27 or in which a proposed facility would actually be located, or which
28 would be directly served by a proposed facility;

29 (2) "municipality" means a home rule or general law borough

1 or city, and includes a municipality unified under AS 29.68.

2 Sec. 44.42.090. GRANTS TO THE DEPARTMENT. The commissioner may
3 apply for and accept, on behalf of the state, grants from the federal
4 government or an agency of it, or from another state, a foundation, or
5 any person, for any of the functions or purposes of the department.

6 Sec. 44.42.100. LIMITATION ON TRANSPORTATION FACILITIES. (a)
7 The department shall consult with the appropriate officials of other
8 departments regarding environmental risks and economic and social
9 considerations that may arise by reason of the location, design,
10 construction or reconstruction of a transportation facility.

11 (b) No highway, transit line, highway interchange, airport or
12 other transportation corridor or facility may be built or expanded in
13 such a way as to use land from a recreation area, wildlife or waterfowl
14 refuge, historic site, forest land, wetland, game land, wilderness
15 area, public park or a critical habitat area designated as such by
16 federal, state or local government unless

17 (1) there is no feasible and prudent alternative to the use
18 of that land; and

19 (2) the corridor or facility is planned and constructed so
20 as to minimize harm to the land.

21 Sec. 44.42.900. DEFINITIONS. In this chapter, unless the context
22 requires otherwise,

23 (1) "commissioner" means the commissioner of the Department
24 of Transportation;

25 (2) "department" means the Department of Transportation;

26 (3) "transportation" or "transportation mode" includes, but
27 is not limited to, the following means of conveyance or travel, includ-
28 ing their related or auxiliary structures, facilities or services:
29 air, rail, water, highway, and pipeline; however, these terms do not

1 include facilities provided for under AS 35.10.090--35.10.120.

2 * Sec. 3. AS 02.10.080 is amended to read:

3 Sec. 02.10.080. DEPARTMENT DEFINED. As used in this chapter,
4 "department" means the state Department of Transportation [PUBLIC
5 WORKS].

6 * Sec. 4. AS 02.15.060 is amended to read:

7 Sec. 02.15.060. ESTABLISHMENT, OPERATION AND MAINTENANCE. The
8 department may plan, [ESTABLISH, CONSTRUCT, ENLARGE, IMPROVE,] maintain,
9 equip, operate, regulate, protect and police airports and air navigation
10 facilities within the state.

11 * Sec. 5. AS 02.15 is amended by adding a new section to read:

12 Sec. 02.15.065. DUTIES OF DEPARTMENT OF PUBLIC WORKS. The
13 Department of Public Works, shall design, construct, enlarge and
14 improve airports and airport facilities that are planned and programmed
15 by the Department of Transportation. It shall perform a life-cycle
16 cost analysis for each proposed airport and airport facility planned
17 by the Department of Transportation, consistent with the provisions of
18 AS 35.10.160, 35.10.180, 35.10.190, and regulations adopted by the
19 Department of Transportation.

20 * Sec. 6. AS 02.15.205 is amended to read:

21 Sec. 02.15.205. APPROVAL REQUIRED FOR AIRPORT CONSTRUCTION. (a)
22 No person may construct, reconstruct, relocate, or extend an airport,
23 airstrip, or private air facility [WITHIN TWO MILES OF A FEDERAL-AID
24 HIGHWAY OR PROPOSED FEDERAL-AID HIGHWAY] without first obtaining the
25 written approval of the commissioner of transportation [PUBLIC WORKS],
26 as provided by regulation.

27 (b) The commissioner of transportation [PUBLIC WORKS] shall not
28 approve the construction, reconstruction, relocation, or extension of
29 an airport, airstrip, or private air facility if the construction would

1 constitute a hazard to the traveling public or if the construction would
2 otherwise not be in the public interest.

3 (c) The commissioner of transportation [PUBLIC WORKS] shall
4 promulgate [RULES AND] regulations, to effectuate the purpose of this
5 section, which are consistent with standards established by partici-
6 pating federal agencies.

7 * Sec. 7. AS 02.15.260(8) is amended to read:

8 (8) "commissioner" means the commissioner of the Department
9 of Transportation [PUBLIC WORKS] of the state;

10 * Sec. 8. AS 02.15.260(9) is amended to read:

11 (9) "department" means the Department of Transportation
12 [PUBLIC WORKS];

13 * Sec. 9. AS 02.20.070 is amended to read:

14 Sec. 02.20.070. DEPARTMENT DEFINED. In this chapter "department"
15 means the Department of Transportation [PUBLIC WORKS].

16 * Sec. 10. AS 02.25.110(4) is amended to read:

17 (4) "department" means the Department of Transportation
18 [PUBLIC WORKS] of this state;

19 * Sec. 11. AS 02.35.150 is amended to read:

20 Sec. 02.35.150. "DEPARTMENT" AND "COMMISSIONER" DEFINED. In
21 this chapter, "department" means the state Department of Transportation
22 [PUBLIC WORKS]; "commissioner" means the commissioner of transportation
23 [PUBLIC WORKS].

24 * Sec. 12. AS 19.05.030 is amended to read:

25 Sec. 19.05.030. DUTIES OF DEPARTMENT. The department has the
26 following duties:

27 (1) direct approved highway planning and construction and
28 maintenance, protection and control of highways;

29 (2) employ assistants and employees;

- 1 (3) certify and approve vouchers;
- 2 (4) provide for a program of highway research;
- 3 (5) prepare a budget;
- 4 (6) review the annual highway program;
- 5 (7) delegate its duties for the design and construction of
- 6 highways and highway facilities to the Department of Public Works;
- 7 (8) establish by regulation steps for the coordination of
- 8 life-cycle analysis by the Department of Public Works for highways and
- 9 highway facilities planned by the department.

10 * Sec. 13. AS 19.05 is amended by adding a new section to read:

11 Sec. 19.05.035. DUTIES OF DEPARTMENT OF PUBLIC WORKS. The

12 Department of Public Works shall design and construct, as an agent for

13 the Department of Transportation, highways and highway facilities

14 planned and programmed by the Department of Transportation. It shall

15 perform a life-cycle cost analysis for each proposed highway and

16 highway facility planned by the Department of Transportation, consistent

17 with the provisions of AS 35.10.160, 35.10.180, 35.10.190 and regula-

18 tions adopted by the Department of Transportation.

19 * Sec. 14. AS 19.05.125 is amended to read:

20 Sec. 19.05.125. PURPOSE. The purpose of chs. 5--25 of this

21 title is to establish in the Department of Transportation the capability

22 for [A HIGHWAY DEPARTMENT CAPABLE OF] carrying out a highway planning,

23 construction, and maintenance program which will provide a common

24 defense to the United States and Alaska, a network of highways linking

25 together cities and communities throughout the state (thereby contribut-

26 ing to the development of commerce and industry in the state, and

27 aiding the extraction and utilization of its resources), and otherwise

28 improve the economic and general welfare of the people of the state.

29 * Sec. 15. AS 19.05.130 is amended to read:

1 Sec. 19.05.130. DEFINITIONS. Unless otherwise provided, in [IN]
2 chs. 5--40 of this title

3 (1) "commissioner" means the commissioner of transportation
4 [HIGHWAYS];

5 (2) "construction" or any derivation means construction,
6 reconstruction, alteration, improvement or major repair;

7 (3) "controlled-access facility" means a highway especially
8 designed for through traffic, and over, from, or to which owners or
9 occupants of abutting land or other persons have either no right or
10 easement or only a controlled right or easement of access, light, air,
11 or view;

12 (4) "cost of change, relocation, or removal" means the entire
13 cost incurred by the utility properly attributed to the change, reloca-
14 tion, or removal of a utility after deducting any increase in the value
15 of the new facility and any salvage value derived from the old facility;

16 (5) "department" means the Department of Transportation
17 [HIGHWAYS];

18 (6) "excess lands" means land acquired by the state in
19 excess of land required for a highway, when the remaining portion of a
20 parcel of land so acquired is left in such shape or condition as to be
21 of little or no value to its owner, or to give rise to claims or
22 litigation concerning severance or other damage;

23 (7) "federal-aid primary, federal-aid secondary, and inter-
24 state system" include any highway which is a part of the federal-aid
25 systems as provided in the Federal-Aid Highway Act of 1956, and any
26 laws amending or supplementing it;

27 (8) "highway" includes a highway (whether included in
28 primary or secondary systems), road, street, trail, walk, bridge,
29 tunnel, drainage structure and other similar or related structure or

1 facility, and right-of-way thereof, and further includes a ferry
2 system, whether operated solely inside the state or to connect with a
3 Canadian highway, and any such related facility;

4 (9) "maintenance" means the preservation of each type of
5 highway, roadside structure and facility as nearly as possible in its
6 original condition as constructed, or as subsequently improved, and
7 the operation of highway facilities and services to provide satisfactory
8 and safe highways;

9 (10) "municipality" means a home rule or general law borough
10 or city, and includes a municipality unified under AS 29.68 [AN INCOR-
11 PORATED CITY OR POLITICAL SUBDIVISION] which has jurisdiction over
12 highways in its incorporated area;

13 (11) Repealed by sec. 6, ch. 233 SLA 1968.

14 (12) "utility" includes publicly, privately, and cooperative-
15 ly owned utilities;

16 (13) "encroachment" means and includes a tower, pole, pole
17 line, pipe, pipeline, driveway, private road, fence, billboard, stand
18 or building, or a structure or object of any kind which is or has been
19 placed in, on, under or over a portion of a highway or road.

20 * Sec. 16. AS 19.17.010 is amended to read:

21 Sec. 19.17.010. POSTING OF LAW. The commissioner of transporta-
22 tion [HIGHWAYS] shall place a sign near the state boundary at each
23 primary and secondary highway which informs the public of the prohibi-
24 tion against, and penalty for, highway littering and may place similar
25 signs at other locations in the state when considered necessary.

26 * Sec. 17. AS 19.20.090 is amended to read:

27 Sec. 19.20.090. HIGHWAY CONSTRUCTION NEAR AIRPORTS. (a) No
28 person may construct, reconstruct, relocate, or extend a federal-aid
29 highway within two miles of an airport, airstrip, or private air fa-
SCS CSHB 63

1 cility without first obtaining the written approval of the commissioner
2 of transportation [HIGHWAYS], as provided by regulation.

3 (b) The commissioner of transportation [HIGHWAYS] shall not
4 approve the construction, reconstruction, relocation, or extension of
5 a highway under this section if the construction would constitute a
6 hazard to the traveling public or if the construction would otherwise
7 not be in the public interest.

8 (c) The commissioner of transportation [HIGHWAYS] shall promulgate
9 [RULES AND] regulations, to effectuate the purpose of this section,
10 which are consistent with standards established by participating
11 federal agencies.

12 * Sec. 18. AS 19.22.030(2) is amended to read:

13 (2) "department" means the Department of Transportation
14 [HIGHWAYS].

15 * Sec. 19. AS 19.25.160(2) is amended to read:

16 (2) "interstate system" means that portion of the National
17 System of Interstate and Defense Highways located in this state, as
18 officially designated, or as may hereafter be so designated, by the
19 commissioner of transportation [HIGHWAYS], and approved by the secretary
20 of transportation (or by the secretary of commerce before the effective
21 date of the transfer of functions under Public Law 89-670 [80 Stat.
22 931]), under the provisions of Title 23, United States Code, "Highways";

23 * Sec. 20. AS 19.25.160(3) is amended to read:

24 (3) "primary system" or "secondary system" means that
25 portion of connected main highways, as officially designated, or as
26 may hereafter be so designated, by the commissioner of transportation
27 [HIGHWAYS], and approved by the secretary of transportation (or by the
28 secretary of commerce before the effective date of the transfer of
29 functions under Public Law 89-670 [80 Stat. 931]), under the provisions

1 of Title 23, United States Code, "Highways";

2 * Sec. 21. AS 19.25.160(4) is amended to read:

3 (4) "department" means the Department of Transportation
4 [HIGHWAYS].

5 * Sec. 22. AS 19.27.110(4) is amended to read:

6 (4) "interstate system" means that portion of the National
7 System of Interstate and Defense Highways located in this state, as
8 officially designated, or as may hereafter be so designated, by the
9 commissioner of transportation [HIGHWAYS], and approved by the secretary
10 of transportation (or by the secretary of commerce before the effective
11 date of the transfer of functions under Public Law 89-670 [80 Stat.
12 931]), under the provisions of Title 23, United States Code, "Highways";

13 * Sec. 23. AS 19.27.110(5) is amended to read:

14 (5) "primary system" or "secondary system" means that
15 portion of connected main highways, as officially designated, or as
16 may hereafter be so designated, by the commissioner of transportation
17 [HIGHWAYS], and approved by the secretary of transportation (or by the
18 secretary of commerce before the effective date of the transfer of
19 functions under Public Law 89-670 [80 Stat. 931]), under the provisions
20 of Title 23, United States Code, "Highways";

21 * Sec. 24. AS 19.27.110(6) is amended to read:

22 (6) "department" means the Department of Transportation
23 [HIGHWAYS].

24 * Sec. 25. AS 19.30.040(a) is amended to read:

25 (a) Upon approval of an application and agreement as to state
26 participation, the applicant resource developer shall submit to the
27 commissioner of natural resources road plans and specifications for
28 the standard of construction he believes to be necessary to develop
29 the mineral resource and protect the fish and game resources that may

1 be affected by the road construction. Plans and specifications submitted
2 by each applicant shall be forwarded by the commissioner of natural
3 resources to the commissioner of transportation [HIGHWAYS] and the
4 commissioner of fish and game and upon approval by them, the applicant
5 may proceed with construction.

6 * Sec. 26. AS 19.30.040(b) is amended to read:

7 (b) The applicant will be allowed credit for the use of his own
8 men and equipment or those of his contractor as his share of cost
9 participation. The applicant must submit documentation satisfactory
10 to the commissioner of transportation [HIGHWAYS] to support his partici-
11 pation for this credit.

12 * Sec. 27. AS 19.30.045 is amended to read:

13 Sec. 19.30.045. CANADIAN MINERALS. The state may elect, at the
14 joint discretion of the commissioners of transportation [HIGHWAYS] and
15 natural resources, to authorize participation in a similar manner, to
16 that authorized in secs. 20--40 of this chapter, in construction and
17 maintenance of developmental access roads to the Alaskan border for
18 the development of mineral resources which are in adjacent Canadian
19 lands if such access roads are the most feasible way of developing
20 those mineral resources, and if it is considered by the commissioners
21 to be in the interest of Alaska to construct the roads; however, the
22 state may participate up to \$50,000, or up to one-third of the cost of
23 construction and of the maintenance of these roads in Alaska, whichever
24 is lower.

25 * Sec. 28. AS 19.30.051 is amended to read:

26 Sec. 19.30.051. REGULATIONS. The commissioner of natural resources
27 and the commissioner of transportation [HIGHWAYS] shall adopt [PROMUL-
28 GATE RULES AND] regulations to accomplish [EFFECTUATE] the purposes of
29 secs. 20--51 of this chapter.

1 * Sec. 29. AS 19.30.070 is amended to read:

2 Sec. 19.30.070. CONTRACTS FOR CONSTRUCTION OF ROADS. The director
3 of the division of lands may contract with private persons for the
4 construction of roads to and on state lands programmed for surface
5 disposal which are not more than six miles from existing roads or
6 highways. The location of each proposed road is subject to the approval
7 of the commissioner of transportation.

8 * Sec. 30. AS 19.30.080 is amended to read:

9 Sec. 19.30.080. CONSTRUCTION STANDARDS AND MAINTENANCE. Access
10 roads constructed under secs. 60--100 of this chapter shall be of low
11 standard, not necessarily suitable for all weather use. The state is
12 not under obligation to maintain these roads. Right-of-way width
13 shall be determined by the division of lands and the Department of
14 Transportation [HIGHWAYS] if constructed outside local government
15 units which have zoning ordinances. If these roads are constructed
16 within the boundaries of local government units which have zoning
17 ordinances, the width shall conform to subdivision control ordinances
18 of the local government units. Contracts for the work shall be
19 awarded to the lowest responsible bidder qualified to contract with
20 the state.

21 * Sec. 31. AS 19.30.151(a) is amended to read:

22 (a) Upon application by a local government, local service roads
23 and trails constructed under the provisions of secs. 111--241 of this
24 chapter and located within the jurisdictional boundaries of a local
25 government, as defined in sec. 241(3) of this chapter, may be trans-
26 ferred to that local government upon approval by the Department of
27 Transportation [HIGHWAYS] and after a vote of the people in the area.
28 A local government which has assumed road powers before May 20, 1971
29 may not be required to hold an election as provided by this section.

1 * Sec. 32. AS 19.40.020(c) is amended to read:

2 (c) The contract with the participants shall include such addi-
3 tional terms and conditions as appear to be in the best interests of
4 the state. Any advance payments made under such a contract shall be
5 deposited in a special account which will be used for disbursements to
6 the contractor charged with construction of the highway. Disbursements
7 to the contractor shall be made on order of the commissioner of trans-
8 portation [HIGHWAYS] on presentation of a proper voucher or the presen-
9 tation of a voucher by an employee of the department authorized in
10 writing to certify as to such payment.

11 * Sec. 33. AS 19.40.060(2) is amended to read:

12 (2) certification by the commissioner of the Department of
13 Transportation [HIGHWAYS] that the road design and construction methods
14 will cause minimal landscape defacement or environmental degradation
15 by erosion or waste disposal;

16 * Sec. 34. AS 19.40.080(1) is amended to read:

17 (1) "department" means the Department of Transportation
18 [HIGHWAYS];

19 * Sec. 35. AS 19.60.010 is repealed and re-enacted to read:

20 CHAPTER 60. STATE FERRY SYSTEM.

21 Sec. 19.60.010. CONSTRUCTION AND OPERATION OF STATE FERRY SYSTEM.

22 (a) The department is responsible for the planning, management,
23 operation, and maintenance of state ferries and ferry terminals and
24 facilities.

25 * Sec. 36. AS 19.60 is amended by adding a new section to read:

26 Sec. 19.60.015. DUTIES OF DEPARTMENT OF PUBLIC WORKS. The
27 Department of Public Works, shall design and construct ferries and
28 ferry terminals and facilities planned and programmed for by the
29 Department of Transportation. It shall perform a life-cycle cost

1 analysis for each proposed ferry or ferry terminal facility planned by
2 the Department of Transportation, consistent with the provisions of AS
3 35.10.160, 35.10.180, 35.10.190 and with regulations adopted by the
4 Department of Transportation.

5 * Sec. 37. AS 19.60.030 is amended to read:

6 Sec. 19.60.030. REGULATIONS. The department may adopt [RULES
7 AND] regulations governing the use of ferry terminal facilities by the
8 public which it considers necessary and proper in the public interest.

9 * Sec. 38. AS 19.60.070(1) is amended to read:

10 (1) "department" means the Department of Transportation
11 [PUBLIC WORKS];

12 * Sec. 39. AS 28.01.010(d) is amended to read:

13 (d) A municipality shall erect necessary official traffic control
14 devices on streets and highways within its jurisdiction which as far
15 as practicable conform to the current edition of the Alaska Traffic
16 Manual prepared by the Department of Transportation [HIGHWAYS].

17 * Sec. 40. AS 28.05.010 is amended to read:

18 Sec. 28.05.010. POWERS AND DUTIES OF COMMISSIONER OF TRANSPORTA-
19 TION [HIGHWAYS]. The commissioner of transportation [HIGHWAYS] has
20 the following powers and duties:

21 (1) to adopt and designate a uniform standard for the
22 manufacture, display, erection, and location of all signs, signals,
23 signboards, guideposts, and other traffic devices necessary to the
24 safe and orderly guidance of traffic;

25 (2) to erect and maintain upon the public highways such
26 signs and other devices he considers necessary;

27 (3) to designate main-traveled roads and highways as arterial
28 highways as appears to him necessary;

29 (4) to order a public road or highway, or portion of it,
SCS CSHD 63

1 closed entirely or closed as to certain classes of vehicles when for
2 any reason the use or continued use of it would cause damage or be
3 dangerous to traffic, or when it is being constructed, altered, repaired,
4 or maintained in such a manner as to require restriction of traffic;
5 whenever practicable, reasonable notice of an order closing or restrict-
6 ing a road or highway shall be given to the traveling public before
7 the order becomes effective.

8 * Sec. 41. AS 28.05.020 is amended to read:

9 Sec. 28.05.020. AUTHORITY OF COMMISSIONER OF TRANSPORTATION
10 [HIGHWAYS] TO ADOPT REGULATIONS. The commissioner of Transportation
11 [HIGHWAYS] may adopt [RULES AND] regulations

12 (1) preventing the restriction, obstruction, or stoppage of
13 normal traffic upon any road or highway;

14 (2) prohibiting a person from committing a wilful or careless
15 act causing injury or damage to a road, highway, trail, or bridge;

16 (3) governing the size, weight, and load limits of all
17 vehicles operating upon public roads, highways, or bridges, including
18 the issuance or withholding of special permits for excessive sizes,
19 weights, and loads; limiting or prescribing conditions of operation of
20 vehicles when necessary to assure against undue damage to the road
21 foundations, surfaces, or structures; and prescribing fees for special
22 permits.

23 * Sec. 42. AS 28.05.025 is amended to read:

24 Sec. 28.05.025. AUTHORITY OF THE DEPARTMENT OF PUBLIC SAFETY
25 [COMMERCE] TO ADOPT REGULATIONS. The Department of Public Safety
26 [COMMERCE] is responsible for the operation of motor vehicle weighing
27 stations, and the enforcement of highway weight and load limitations.
28 The department shall adopt [RULES AND] regulations necessary for the
29 operation of motor vehicle weighing stations, and regulations necessary

1 to enforce weight and load limitations on state highways.

2 * Sec. 43. AS 28.05.050 is amended to read:

3 Sec. 28.05.050. DEPARTMENT OF PUBLIC SAFETY TO PUBLISH REGULATIONS
4 AND LAWS RELATING TO VEHICLES. The Department of Public Safety shall
5 publish in pamphlet form the [RULES AND] regulations adopted under
6 authority of secs. 10--50 of this chapter, traffic laws governing the
7 operation of motor vehicles, driver's licensing and motor vehicle
8 licensing and dealer laws, and accident reporting and safety responsi-
9 bility statutes. These [RULES,] regulations[,] and laws shall be
10 distributed free of charge to the motoring public through officers or
11 agencies designated for the purpose. The cost of producing the pamphlet
12 shall be jointly shared by the Department of Transportation [HIGHWAYS]
13 and the Department of Public Safety.

14 * Sec. 44. AS 30.05.010 is amended to read:

15 Sec. 30.05.010. SUBSIDIES TO FREIGHT CARRIERS. The Department
16 of Transportation [PUBLIC WORKS] may pay a sum of money not to exceed
17 \$30,000 a year to the owner or charterer of a vessel of American
18 registry who operates the vessel as a common carrier of freight and
19 mail to and from points the Department of Transportation [PUBLIC
20 WORKS] designates.

21 * Sec. 45. AS 30.05.020 is amended to read:

22 Sec. 30.05.020. PAYMENT OF SUBSIDIES. The subsidy shall be paid
23 in the installments the Department of Transportation [PUBLIC WORKS]
24 thinks proper, after proof is submitted that the conditions of the
25 contract or subsidy are fulfilled up to the time of payment. The
26 inability to touch at a point along the route designated by the Depart-
27 ment of Transportation [PUBLIC WORKS] due to a lack of proper docking
28 or harbor facilities or to stress of weather does not prevent the
29 owner or charterer from receiving the money otherwise earned, and is

1 not a cause for reducing the amount of the subsidy. If the subsidized
2 vessel is lost, wrecked, or damaged, the Department of Transportation
3 [PUBLIC WORKS] may permit the contractor to carry out the service
4 temporarily with another vessel or ship of American registry that
5 meets with its approval.

6 * Sec. 46. AS 30.05.030 is amended to read:

7 Sec. 30.05.030. TARIFF OF RATES. The owner or charterer of the
8 vessel awarded the subsidy must adopt and publish a tariff of freight
9 rates to be approved by the Department of Transportation [PUBLIC
10 WORKS]. The tariff must be reasonable, and it is unlawful for the
11 operator of the vessel to charge more than provided for in the tariff.
12 The tariff must be published before services are performed under the
13 subsidy.

14 * Sec. 47. AS 30.05.040 is amended to read:

15 Sec. 30.05.040. REPORT BY OWNER OR CHARTERER. It is a condition
16 in awarding of the subsidy that the contractor agrees to make a report
17 under oath, in form and manner designated by the Department of Trans-
18 portation [PUBLIC WORKS] at the end of each year, giving the following
19 information:

- 20 (1) tariff sheet of freight rates for the route covered;
21 (2) total tonnage carried;
22 (3) gross earning from freight and mail service rendered,
23 segregating the two amounts;
24 (4) a statement in detail of all expenses incurred and on
25 what account, the names and addresses of all persons employed, and the
26 gross earnings and gross expense of the route covered.

27 * Sec. 48. AS 30.07.020 is amended to read:

28 Sec. 30.07.020. REGULATIONS. The Department of Transportation
29 [COMMERCE] may adopt [PROMULGATE] regulations, not in conflict with