

ALASKA LEGISLATIVE COMMITTEE ON

3164 HT HB 294 - HB 313

3164

decide that they can't afford this project, would it be possible instead to have the state cede to this bridge authority title to a substantial section of the state land over there and allow the bridge authority to sell the land as they see fit to raise the money to pay for the bridge.

Number 922

Representative Jerry Ward: I have written that right next to your first proposal. I think that it is entirely possible, I don't see why not. The State, the people own the land anyway, its already theirs. I might as well make one thing clear, along with House Bill 295 and 294, there is a letter of intent that is accompanying it at this time and it does appropriate \$25 million from FY '83 and the additional \$25 million in FY '84. Which would mean \$25 million this year and \$25 million the following year. This has been proposed by the people that are in the bonding business that would be enough to get the program off the ground and to start the rolling, generatings of the revenue bonds to make it work. But your proposal does sound very interesting and all of these proposals are going to get consideration as this bill passes through the committees.

Number 937

Ron Windeler: Thank you.

Number 940

Representative Ward: Is there anybody else that would like to testify there.

Number 945

Dave Ring: I'm always good at afterthoughts. I don't think I covered this before and thats a matter of establishing priority on State spending. I'm pretty well aware and I'm sure everybody else is that we've got about 100 projects for every dollar laying around. I think it comes down to mentioning a few projects where I would willing put this project first. For one, I'd like to see this project undertaken and completed before we spend \$5 billion on a hydro project anywhere or Susitna. I would rather see this job undertaken and funded and built before I see the people of the State of Alaska take over an already operating railroad, and I don't really think that the State has demonstrated the ability to operate that much better than the people that are there. That would dry up a billion dollars worth of state money to buy the railroad. The third idea, I've heard a

couple of our former Governors kick around the idea of spending \$25 billion to build a gas line to somewhere. There is some merit in building a gas line all right, I don't deny that at all but I think for the State of Alaska to involve any money in that thing I'd vote for that just right after a Knik Arm Bridge. I don't think I'd want to put that project first. I wouldn't recommend that you put it first either. I think there's a good many projects throughout the state that while they do have some merit, they do have some worth, and they'll have a long term benefit I don't think there's any of them that's going to exceed this project. I would willing put education in this state ahead of the Knik Arm Bridge. I would willing see our schools and our colleges come first. I would willing see the health and welfare measures come first. I would like to see construction of a Knik Arm Bridge come right behind them. I wouldn't want to see any major projects in the state come ahead of the Knik Arm Bridge, if they did, I'd sure want to look at it quite a while to see if it really had the merit to give a dollar per dollar return that a Knik Arm Bridge might possess. Thank you.

Number 987

Representative Tischer: This is Representative Mae Tischer and I'd like to add to your comments by saying that its abhorable that the state of Alaska with just a little under 420,000 people have to spend \$1.7 billion just to operate state government. That's the first thing I think that surprised the heck right out of me. That's approximately, with state employees running something like 15,000 in total and right now nobody's been able to give us an exact figure of what number the state has in employees, thats about 1 employee for every 23 people in this state. Thats almost like a classroom teacher ratio. And to me, we're spending a lot of money on bureaucracy where we should be taking it and doing something like the Knik Arm Crossing. I believe that that should be looked at too.

Number 001

Dave Ring: Thanks a whole lot.

Number 005

Representative Larson: If I may, maybe I just found the \$50 million for us. I agree with Representative Tischer that the population of the State of Alaska is

somewhere in the neighborhood of 415 to 420,000. Yet we're paying out 471,000 dividend checks that means \$51 million in fraud. There we go.

Number 012

Representative Ward: Yes, Dave, I'd like to add this to you since you did bring up two things that I basically hold in high esteem because I think that they are worthwhile projects although I haven't had the opportunity to have that legislation in front of me and that is the Susitna and also the railroad, and when I look at those I also want the Knik Arm Crossing. As I look at the bill on the Knik Arm Crossing if it does not stand on its merits, meaning that it will not pay for itself, I will not vote for it, I will not allow it to pass, I'll do everything I can to stop it. I intend to do the same thing on Susitna Dam, I intend to do the same thing on the Alaska Railroad, and I think that is the general error of the peoples thinking down here and I'm sure that this has not always been the case. But the people that are in this room and the sponsors of this bill I would say at least have this fundamental basis philosophy and that is if the project is worthwhile and it will stand on its own merit, then we are going to support. If it isn't then we are going to call it what it is, an idea that its time has not and will come. But I intend to look at all of those things, the railroad, the Susitna and the Knik with that in mind and I do believe that the Knik Arm Crossing absolutely stands upon its own merits and it will pay for itself and it will be one of the generating, income producers for the city of Anchorage and for the State of Alaska much, much longer after I'm gone. I hope that the Alaska Railroad and Susitna Dam will also fit into that category although I do not have the proper numbers for it at this time.

Number 043

Dave Ring: I appreciate your comments. I think I could be more enthusiastic about a Susitna hydro development if it were scaled down, if it were say a billion dollar project I would probably be more enthusiastic about it. I look at a billion dollar project as needing to return about \$100 million a year in benefits. I look at a \$5 million project as needing to return \$500 million a year in benefits. So far, from what I can see it

doesn't make that promise. On the other hand the Knik Arm Bridge promises to return 4 times its cost in a 30 year period from about 4 different ways and if I messed up somewhere along the line there, excuse me for letting a little of my enthusiasm get in there. But I appreciate what you're doing and I appreciate the opportunity for everybody to have a whack at this. There's quite a few people in the crowd that do want to speak and I don't want to take more time hoping that somebody else has shown up that will. Thank you again for the opportunity and I hope that we can do this again in the future sometime and maybe involve a few more of the legislators at the same time. Thank you.

Number 067

Representative Ward: Thank you very much Dave, and just for clarification, your arithmetic is exactly the same as mine and I'm hoping that those are the numbers that I've been given and if those numbers remain and the projections remain on Susitna and the railroad, then yes they are in jeopardy at this time but being one that's an optimistic person I always see that the good things have a habit of turning out fine. May we have the next speaker now.

Number 078

Walt Corey: Yeah, this is Walt Corey here and I've been Alaska around 25-26 years and it seems like year after I got here somebody was talking about building a dam thing or something across the inlet but I wasn't too enthused about it then because I didn't know anything about it. However, the past few years last 10 or 12, 15, I have been quite enthused about it. I think it should have been just like you people said a few minutes ago, it should have been built 10 years ago. The rate things are going, it doesn't look like its going to get built for another 10 years. I'd like to see it finished in 3 but that's well, neither here or there. With the pollution, with the crowded conditions, with everything else that's been brought up here tonight, I am wondering if we have any choice but to build that thing as quickly as we can and that's about all I have to say.

Number 092

Representative Ward: We thank you very much and everybody in this room is shaking their heads, Walt and that is our feeling right now that we feel that it must be built for these

reasons and each person here has a separate reason as far as the economics of why its justifiable and also because of the crime and because of the pollution that you've mentioned and I'm glad that you spoke and you finally said it. Yes, we must build it and we'll be glad to take the next person at this time and we hope that people that are observing would gladly come forward. We work for you. At this time I will say my sign off and turn it over to the other Representatives and my name is Representative Jerry Ward and my sign off will be 278-3668 to send in the free public opinion message, 50 words or less 278-3668 or you can write letters to the editors of the Anchorage Times or News and if anybody wants to get on the 6:00 news and say that they want to build a bridge, that would be fine too. And we will do the work on this end, we're working for you and we're gonna get the project done and good night to you and I'll turn it over to Representative Larson at this time.

Number 115

Representative Larson: Yes, I just want to thank Representative Ward for the opportunity of taking part in this teleconference tonight and I guess if I had any words of wisdom I would say that probably one of our problems at this point is that we've been preaching to the Christians, its time we go out now and make a few converts.

Number 120

Representative Tischer: Thank you Ron, thats an excellent idea and that just spurred a little spark in my head also. Mae Tischer speaking, you know one of the things that I learned over a good number of years when I worked for the Muscular Distrophy Association was that enthusiasm breeds enthusiasm and one of the ways to do that is that you kind of carry the flag and then I learned that while campaigning in this last election myself that visibility has a great deal to do with the success of a job to get done and the visibility can be done in many ways, in a campaign you put yard signs up and bumper stickers out and put flyers out and so forth, some people parade up and down the street, some people have rally's and some people demonstrations. Well I've seen demonstrations down here on the capital steps for various and sundry causes and they're very effective. I've seen demonstrations

down at City Hall in Anchorage, I've seen them on the federal building steps, I've seen car rally's with signs all over them running up and down the street, up and down the highway and so forth and I'm so terribly enthusiastic about the support that so far we've heard and we haven't heard any negativeness coming out and of course, as Ron has said you know there are some converts out there that need some attention. The group that we are speaking to tonight and those that for this project and will favor it have now the opportunity with the enthusiasm that we have down here in the legislature, outside especially the support from the communities is a vital, vital portion of getting this job done and any means by which you can foster this project, by means of demonstrations, by the telephone calls and the letters and the public opinion messages and the bumper stickers and whatever else you can think of rally around the flag if you will, I encourage you to do that. It may sound rather light if you will but it has a tremendous impact and it certainly does get in the news and the news has a way of spreading, it has a way of influencing people. The more they hear about it the more they think and the more encouraged we will be than to feel that going ahead is the positiveness and the feeling of and concurrence with the constituents that we represent. So with that I would like very much to thank all of you for coming out tonight and to Jerry for getting this teleconference together and as Ron said earlier, as many meetings and as many things that we need to do we will be there to do it. Thank you and good night.

Number 163

Neil Phelps-Munson: And finally, this is Neil one more time for Speaker Joe Hayes and he asked me this evening to give each of you listening his word that he is certainly four square behind the project and has been for some years and as I mentioned earlier was instrumental in the most recent increment of money to be put forward for the project. I also know that he very clearly recognizes the value as the three members here have said, all public demonstrations behalf of something like this whether it be an actual demonstration in terms of marching on the legislative information office or as Mae,

Jerry and Mr. Larson have said, letters to the editor and practically any way you think of to attract public attention to the project in Juneau, there's no reason it can't be done, there's no reason the legislature cannot be encouraged to go for it this year and as I said the Speaker is certainly four square behind it. After all he is prime sponsor of the two bills before us right now. Again, on his behalf, thanks a lot for participating tonight, we hope you will continue to participate until you can drive across that cotton-pickin bridge.

H B

295

COMMITTEE REPORT

5/12

HOUSE

FINANCE

FURTHER:

(9)

3/24/83

Date: 5-11-83

Mr. Speaker:

The Committee on TRANSPORTATION has had HB 295

An Act making a special appropriation to the Alaska Toll Bridge and Causeway Authority for the design and construction of Knik and Turnagain Arm Causeways; and providing for an effective date. "

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 295 (7.1.83) same title
- new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached

referred to the Finance *already referred to Finance* Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Charles Stenholm Do Pass

Scott Cook

Michael Phelan

Bill Wicks

Mike Johannessen No Rec.

Mike Wainwright No Rec.

W.D. Miller No Rec.

Scott Cook
CHAIRMAN

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION
and PUBLIC FACILITIES

DEPUTY COMMISSIONER

Bill Sheffield, Governor

4111 AVIATION AVENUE, POUCH 6900
ANCHORAGE 99502 (TELEX 25-185)
PHONE: 266-1440

May 3, 1983

The Honorable Bette Cato
Representative
Alaska State Legislature
Pouch V
Juneau, AK 99811

MAY 11 1983

Dear Representative Cato:

The following analysis gives a breakdown of the costs associated with the Knik Arm Crossing project. The Department anticipates that all of appropriated funds (\$5.5 million) will be required to complete the project. The amount of funding actually spent or from the project account as of March 23, 1983 was \$931,445.

	<u>Total</u>	<u>Item Allocation</u>	<u>Amount spent as of 3/23/81</u>
Amount Appropriated	\$5,500,000		
Funding Allocation	\$5,500,000		
1. Overhead, RSA & Contingency	\$ 600,000		
a) DOT&PF Overhead		\$ 86,575	\$ 86,575
b) RSA with University of Alaska for Geotechnical Analysis		70,000	-0-
c) Contingency		<u>443,425</u>	<u>-0-</u>
Sub-Total	<u>\$ 600,000</u>	<u>\$ 600,000</u>	<u>\$ 86,575</u>
2. Design & Construction Division			
Authorization	\$4,900,000		
a) Consultant Work Plan		\$ 30,000	\$ 30,000
b) Consultant Contract for EIS and Preliminary Design (thru Invoice #5)		4,200,000	330,763
c) Department Personnel, Expenses and Other Contracts		<u>670,000</u>	<u>484,107*</u>
Sub-Total	<u>\$4,900,000</u>	<u>\$4,900,000</u>	<u>\$844,870</u>
Total	<u>\$5,500,000</u>	<u>\$5,500,000</u>	<u>\$931,445</u>

* Of this amount approximately \$208,431 was for contractual services to provide aerial photography.

May 3, 1983

Our current consultant contract with Engineering Manpower Services/Sverdrup and Parcel may be summarized as follows:

	<u>Cost Allowance</u>
Cycle 1 - Corridor Identification	\$ 1,300,000.00
Cycle 2 - Environmental Investigation	2,400,000.00
Cycle 3 - Preliminary Design	<u>500,000.00</u>
	\$ 4,200,000.00

Cycles 1 and 2 involve determining specific location and alignments for the crossing and highway approaches; and obtaining an approved Environmental Impact Statement which is necessary for obtaining required construction permits.

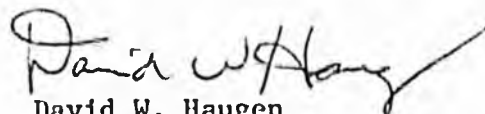
In February, the consultant was directed to temporarily suspend the project work plan, and to focus all efforts on an evaluation of the economics of the crossing. The consultant has completed that evaluation, and its results are included in a report titled, "Economic Feasibility" (April 15, 1983), in which costs, benefits, and environmental impacts are estimated based on conceptual design of a representative alignment. The report concludes that building the Knik Arm Crossing and approach roads is economically feasible.

In light of the report, the Department has directed the consultant to proceed with Cycles 1 and 2 (Corridor Identification and Environmental Investigation) of the original work program. Cycle 3 (Preliminary Design) will be modified to include bid documents for private financing, design, construction and operation. Negotiations for the contract changes are underway and will take several months to complete.

Although some Cycle 3 tasks may be deleted, the requirements for bid documents are essentially an increase in work effort. Additional costs which cannot be absorbed through changes to the current contract will be funded from the contingency allocation of \$443,425.00.

If you have additional questions on this matter, please contact me.

Sincerely,



David W. Haugen
Deputy Commissioner
Central Region

WRS/MM/RM/JH/ey/bpa

cc: Dick Armstrong, Director
Design and Construction, DOT&PF

Jerry Hamel, Project Manager
DOT&PF

\$631 million Knik crossing plan unveiled

4-16-83

by Bill White
Times Juneau Bureau

Juneau — Gov. Bill Sheffield Friday unveiled a \$631 million proposal for a 3-mile bridge across Knik Arm linking Anchorage to the Matanuska and Susitna valleys.

Sheffield gave the go-ahead for the state to explore building the long-awaited crossing with a blend of state and federal money.

Dan Casey, commissioner of transportation, said the state will use a \$5.5 million appropriation made two years ago to conduct engineering — including final route selection — and environmental studies for the project over the next year.

If the project is found to be viable, bids could be let as early as next year with actual construction between 1986 and 1989, Casey said.

The proposal drew the tentative endorsements of Senate President Jay Kerttula, D-Palmer, and House Speaker Joe Hayes, R-Anchorage. The two lawmakers have backed the

crossing for decades. This year they sponsored identical legislation that would take a different approach to building the crossing.

But, as Kerttula said, "If there's a better mousetrap, I will support it."

The proposal is contained in a 73-page report by EMPS-Sverdrup on the economic feasibility of the project.

The engineering firm looked at 11 crossings of Knik Arm — with accesses to the bridge ranging from downtown Anchorage to Eagle River — to come up with the \$631 million proposal that appears to be the best "concept."

The preferred route for the bridge calls for a 43.7-mile highway to be built starting at the junction of the Glenn Highway and Boniface Parkway, and connecting north to the Parks Highway near Houston.

A four-lane, double-deck bridge would cross Knik Arm five miles north of downtown Anchorage.

See Governor, page A-4

Governor reveals bridge plan

Continued from page A-1

The bridge itself would cost about \$339 million and would be built by a private firm, Casey said. That firm would make back its construction cost by charging a toll of about \$2 per car, he said. Once the builder has recovered its investment, the state would own the bridge, under the proposal.

The state would provide the financing for the highway and bridge approaches, estimated at \$180 million. Another \$64 million

would be needed to relocate facilities at Elmendorf Air Force Base, including an ammunition dump. Inflation would bring the project cost up to about \$631 million.

"This approach is very simple," Casey said, "and it's the most cost effective." The options examined included tunneling under the arm, building a causeway and building a suspension bridge.

The bridge should be able to withstand intense pressure from tremendous tidal actions, siltation and ice buildup, Casey said.

EMPS-Sverdrup estimated the Point Mackenzie area would have about 9,000 households 11 years after the crossing is completed. The figure would double within 30 years, the study said.

About 29,000 vehicles would cross the bridge daily in the year 2001 and an estimated 46,000 a day would cross by 2030.

The bridge would cut driving time from Point Mackenzie to downtown Anchorage from about two hours to about 30 minutes, according to the study.

H B

303

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

POUCH Z
JUNEAU, ALASKA 99811
PHONE: (907) 465-3900

OFFICE OF THE COMMISSIONER

January 10, 1984

Re: Fiscal Note Transmittal

Distribution

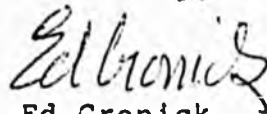
The Department of Transportation and Public Facilities hereby transmits the fiscal note and supporting documentation for the legislation identified below. This transmittal supersedes all previous distributions.

Bill No.: HB 303

Title : "...Pittman Road upgrade and Paving..."

Sponsor : Lacher, Larson

Sincerely,



Ed Cronick
Legislative Liaison
Department of Transportation
& Public Facilities

DISTRIBUTION:

Legislative Finance

Legislative Sponsor

Requestor - ~~House Transportation~~

Office of Management and Budget - Lisa Emerson

Impacted Agency(ies) Attn: Legislative Liaison - N.A.

Regional Directors of Administrative Services - J. Merrill

Regional Director P&P - R. Snell

STATE OF ALASKA
FISCAL NOTE

Revision Date: 11/30/83

I. REQUEST

Bill/Resolution No.: HB 303
 Title: Pittman Road Upgrade and Paving
 Sponsor: Lacher and Larson
 Requestor: House Transportation
 Date of Request: 10/1/83

II. FISCAL DETAIL

Agency Affected: DOT&PF
 Program Category Affected: _____
 BRU, Program or Subprogram(s) Affected: Design and Construction

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL OPERATING				60.4	66.4	73.1
CAPITAL			9,877.2			
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND			9,877.2	60.4	66.4	73.1
FEDERAL FUNDS						
OTHER (Specify Source)						
TOTAL			9,877.2	60.4	66.4	73.1

POSITIONS:

FULL TIME						
PART TIME						
TEMPORARY						
TOTAL						

II. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Source of funds to offset fiscal impact of bill not identified by sponsors

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared by: William R. Snell, Director Phone: 266-1462
 Division: Central Region Planning & Programming Date: 11/30/83
 Approved by Commissioner: David W. Hauden Date: 11/30/83
 Department: Deputy Commissioner, Central Region

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor
 Copy to Requestor (if different from Sponsor)

9/14/83

HB 303 Analysis:

- A. Impact on Existing Programs: Pittman Road is currently maintained by DOT&PF.
- B. Impact of New Programs or Activities: Will compete against other priorities and needs identified in the capital budget development process.
- C. Figures in Cost Estimate: Developed from information from the consultant location report by DOT&PF Project Development staff. This preliminary cost estimate range of reliability is -10% to +10%.
- D. Additional information: This project was not included in the Department's FY 85 CIP budget request but it is anticipated to be included in the Department's FY 86 CIP budget request. The project preliminary engineering is expected to be completed in FY 84. The road design recommends a 34 foot width road surface with paving.

Pittman Road preliminary engineering is currently under consultant contract.

The cost estimate in FY 84 dollars for the development of this project is:

Engineering:	550,000
Utilities:	913,000
Right of way:	1,100,000
Construction:	5,600,000
	<u>8,163,000</u>

Cost estimated provided for fiscal not have been inflated to FY86 dollars for a total project cost of \$9,135,500 (excluding engineering).

STATE OF ALASKA
FISCAL NOTE

I. REQUEST

Bill/Resolution No.: HB 303
 Title: Pittman Road Upgrade and Paving
 Sponsor: Lacher and Larson
 Requestor: House Transportation

II. FISCAL DETAIL

Agency Affected: DOT&PF
 Program Category Affected: _____
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL OPERATING				3,478.9	31.1	34.3
CAPITAL		263.1	4,000.0			
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		263.1	4,000.0	3,478.9	31.1	34.3
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL TIME						
PART TIME						
TEMPORARY						

II. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

None identified in HB 303

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared by: William R. Snell Phone: 266-1440
 Division: Planning & Programming Date: 4/20/83
 Approved by Commissioner: David W. Haugen Date: 4/20/83
 Department: Deputy Commissioner, Central Region

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor
 Copy to Requestor (if different from Sponsor)

3/8/83

PITTMAN ROAD

Analysis

A cost estimate for this project was prepared in 1981 to upgrade Pittman Road to 26 feet in width and pave it. The following cost estimate was made in FY'81 dollars:

Preliminary Engineering	\$ 131,040
Right-of-Way Acquisition	75,000
Utilities	10,000
Construction	<u>4,892,160</u>
	\$5,619,000

The initial phase of the preliminary engineering on the project is anticipated to be completed under consultant contract by July 1983. One of the tasks to be conducted under this preliminary engineering contract is to develop detailed, reliable cost estimates for the right-of-way acquisition, utility relocation and construction phases of the project. The Design and Construction Division recommends the funding of this project be based upon these detailed cost estimates.

To obtain a rough idea of what the estimated cost could be in current and future dollars, without the benefit of a detailed cost estimate, the 1981 cost estimate was assumed to increase at 10% per year through the life of the project. The following assumptions were made:

1. The additional preliminary engineering was assumed to be done under consultant contract in FY'84 at a cost of \$150,000.
2. The right-of-way acquisition was assumed to be completed in FY'84 for \$99,825. The utility phase was also assumed to be completed in FY'84 for \$13,310.
3. The construction phase was assumed to be carried out in FY'85 and FY'86 under the following funding:

FY'85	\$4,000,000
FY'85	3,478,900

4. Since this project includes the widening of an existing road by approximately one-half lane, maintenance and operations costs are assumed to increase as follows:

FY'87	31,149
FY'88	34,258

The Design and Construction Division emphasizes they consider the above cost estimates to be unreliable until the detailed cost estimate is completed.

Alaska State Legislature

REPRESENTATIVE
BARBARA LACHER
P.O. BOX 478
PALMER, ALASKA 99645
(907) 376-4215



WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4894

House of Representatives

MEMORANDUM

TO: Representative McBride
FROM: Representative Barbara Lacher
DATE: April 19, 1983
RE: House Bill 303

I. HISTORY

In 1980, the State contracted with M & B Construction Company to upgrade Pittman Road which at that time was little more than a wagon trail. The State had conducted a land disposal program in the area and the population was rapidly increasing.

Portions of the road upgrade work was performed with substandard silt materials that becomes a mire when wet and raises long lasting dust clouds when dry. Since the M & B contract work, the state maintenance workers have continued to use immediately available substandard material to make temporary repairs.

In 1981 the residents along Pittman Road petitioned Representative Pat Carney for assistance in obtaining increased road maintenance. The road use was continuing to increase and the road condition continued to deteriorate. Representative Carney introduced legislation which resulted in paving Pittman Road from Church Road to Fishhook Road. Since 1981 the population and road usage along the unpaved portion has continued to increase and the road has further deteriorated.

II. NEED

The average daily traffic count is highest in the summer months, as sections of the road are impossible to travel along in the winter months. In February 1983 a citizen traffic count was taken along Pittman Road, just north of the Parks Highway Intersection, for a 16 hour period. This is the area of heaviest use along the 15.8 mile length of road. The actual count for this period was 848 vehicles. Traffic counts were taken by the use of a counter by DOT/PF for the years 1977 - 1981. DOT/PF discontinued traffic counts along the road in 1982 and have not been conducting them since.

The area directly impacted by House Bill 303 has 373 permanent dwellings, and a total of 1073 residents who live along the road. This does not include seasonal residents. These figures do not take into account the continued growth due to state imposed requirements for the building of permanent structures, within a specified time limit, according to the provisions of State land lotteries.

Safety hazards along the road are numerous and have every indication of worsening over the next year should this project be delayed. The road is so narrow along many sections that two vehicles cannot pass. Numerous blind curves, and the absence of stop signs at intersections threaten life loss in accidents. Potholes, and dust, and peat quagmires have made sections of the road impassable. School Bus accidents have already occurred on the road this last winter, and it is only a matter of time before a serious accident happens.

DOT/PF maintenance of the road is dependent upon the weather conditions. Grading is impossible unless it follows a rain storm, and when done only lasts for a few days to a week due to the heavy use patterns. From July 1 to September 7, 1982 the road was graded 12 times in the 9 week period. For dust control calcium chloride was placed on the road 3 times during the 1982 summer, and 4,000 gallons of dust oil was spread along the road in the same period. In the winter months, from November 1982 to April 1982 the road was plowed 22 times by the state and 4 times by contract plows. These figures are averages, and DOT informed us that they do not have exact counts for maintenance on this road. Constituent P.O.M. s and letters strongly suggest that: (1) the current maintenance is inadequate and (2) that the need for paving and upgrading is urgent for the Safety of the residents of the area.

III. STATUS

The Pittman road project is on the current Mat-Su Borough priority list. It was included in the DOT/PF TIP recommendations to the Governor, and is included on the DOT/PF 6-year Transportation Plan prepared this year. Funding for the project is not included in the Governor's FY '84 Budget.

IV. FUTURE

Scheduled land disposals in the area, as well as new construction this year as a result of earlier disposals attest to continued population increase in the area. Traffic counts can only be expected to increase as well. With already unsafe conditions, we can only expect the situation to become more critical.

V. MAPS

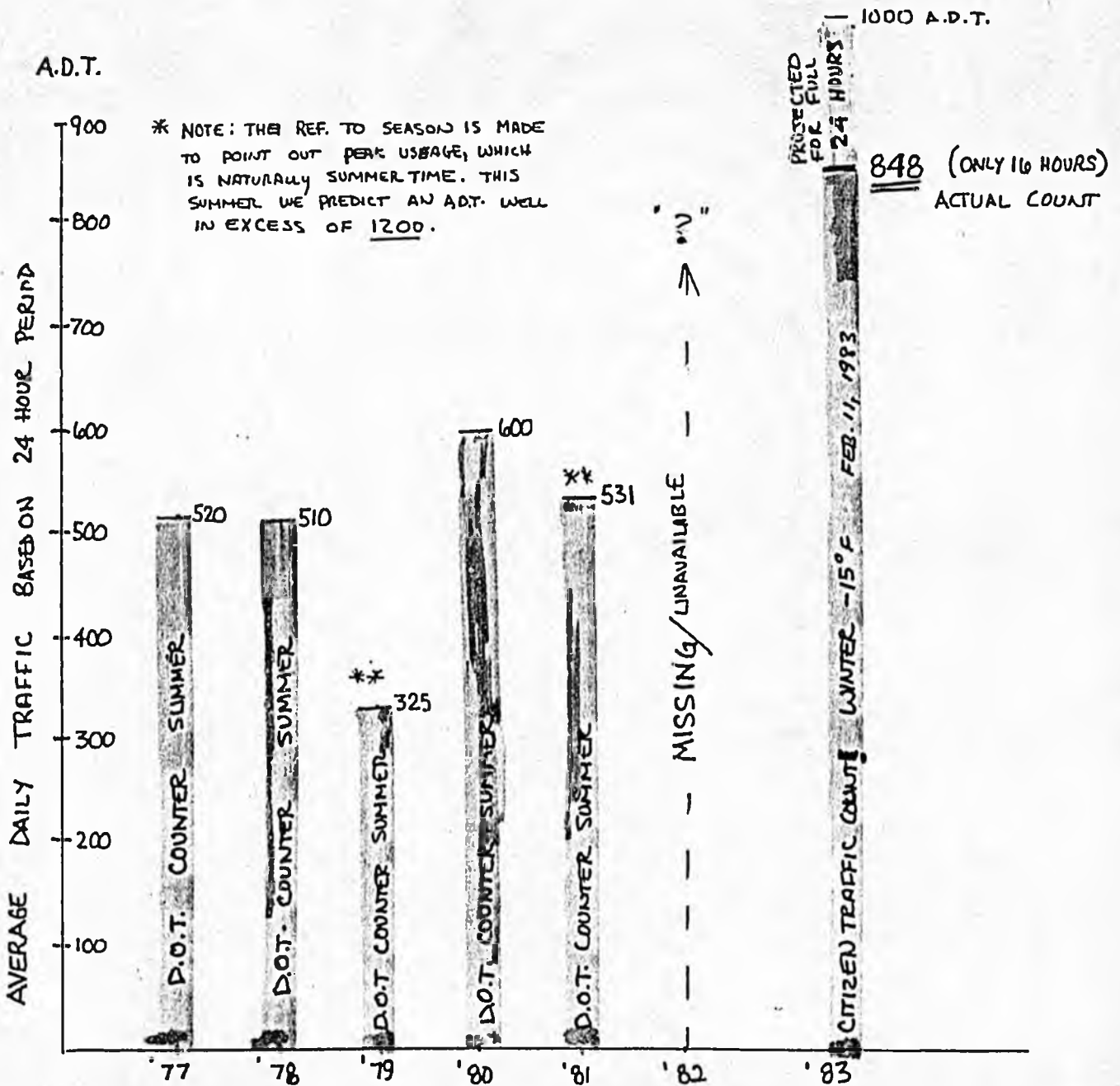
Attached are Borough and DOT/PF Maps of the Pittman Road and surrounding area.

VI. POM'S AND LETTERS

PITTMAN ROAD TRAFFIC DATA

Compiled by Rod Ewing
Feb. 12, 1983

ALL COUNT DATA IS REFERENCED "mp 0". THIS POINT IS JUST NORTH OF THE RAILROAD CROSSING ON PITTMAN ROAD AND APPROXIMATELY ONE HUNDRED YARDS FROM THE INTERSECTION WITH THE PARKS HIGHWAY. THE D.O.T. PROVIDED MECHANICAL COUNTER FIGURES THROUGH 1981, HOWEVER DATA FOR 1982 WAS UNAVAILABLE. THE FIGURE FOR THE 1983 WINTER COUNT WAS OBTAINED THROUGH A VOLUNTEER CITIZEN COUNT WHICH ENCOMPASSED ONLY 16 HOURS ON FEB. 11, 1983.



** THE ACCURACY OF THE '79 & '81 COUNTER TOTALS IS SUSPECT TO BE GROSSLY IN ERROR!

WE, THE UNDERSIGNED, LIVE EITHER ON SCHROCK-PITTMAN ROAD OR USE IT TO ACCESS OUR HOMES DIRECTLY OFF SCHROCK-PITTMAN. WE ARE PETITIONING OUR STATE, THE STATE OF ALASKA, THROUGH OUR ELECTED REPRESENTATIVE, ~~PAT CARMY~~ WE ARE FACED WITH A DIRE HEALTH AND SAFETY EMERGENCY, BROUGHT ON BY A MAJOR INCREASE IN ROAD USE OVER THE PAST FEW YEARS. COINCIDENT WITH NEW HOUSE CONSTRUCTION, THE CURRENT AND EVER GROWING ROAD USE HAS EXCEEDED THE DESIGN CAPABILITY OF THE ROAD. A MAJOR HEALTH HAZARD EXISTS AS A DIRECT RESULT OF THE HIGH DUST LEVELS. THESE SUSPENDED FINE PARTICLES ARE THE LEADING CAUSE OF EYE IRRITATION AND INFECTIONS, AND, MAY CONTRIBUTE TO RESPIRATORY DISTRESS. THE DUST ALSO POSES A SERIOUS PUBLIC SAFETY HAZARD RESULTING IN REDUCED VISIBILITY DURING PEAK USE PERIODS. IT IS NOT SAFE TO ALLOW CHILDREN TO RIDE BICYCLES/HORSEBACK OR EVEN WALK TO THE NEIGHBOR'S HOUSE. COINCIDENT WITH THE HEALTH/SAFETY DILEMMA, THE ROAD SURFACE IS RAPIDLY DETERIORATING. PRESENT METHODS OF STATE MAINTENANCE ARE ADEQUATE FOR ONLY A FEW HOURS OF USE. WE NEED THE ROAD TO BE WATERED THROUGHOUT THE DAY ON A DAILY BASIS AND GRADED MUCH MORE FREQUENTLY. THANK YOU.

PITTMAN
PETITION
SPRING
1981

RESIDENT'S NAME	RESIDENCE	Mailing Address	PHONE
ROD EWING JR	MI 1.5 PITTMAN	P.O. BOX 623 WASILLA, AK	376-2229
PETE VADIS	MI 1/2 PITTMAN	Box 1376 Wasilla	
Caryle A Jones	Box 846 mile 1		376-4343
George M. Sorenson	SR Box 2932	Wasilla	376-2222
Maureen J. Repert	2950	Wasilla	
Paula D. Manning	SR Box 2870	Wasilla	
Ann Russian	P.O. Box 620	Wasilla	376-5172 ✓
LELAND D. BOWMAN	1941 EASTRIDGE	ANCH.	
MICHAEL P. O'NEILL	P.O. Box 238	WASILLA AK	
Jack W. Hattis	ST RT Box 2888	Wasilla	
Kathy Chute	MI-1 Pittman	8430 Richards Rd Anch.	337-2677
Jean Casquella	Rainbow Lake	P.O. Box 1363	376-5584 ✓
Jean Brody	P.O. Box 983	Wasilla	376-2773 ✓
Henry Borchert	P.O. Box 983	Wasilla	376-2773 ✓
Curtis M. Holman	P.O. Box 846	Palmer	376-5621 ✓
Edwin Hankin	SR Box 2146	Wasilla, AK	592-2237

WE, THE UNDERSIGNED, LIVE EITHER ON SCHROCK-PITTMAN ROAD OR USE IT TO ACCESS OUR HOMES DIRECTLY OFF SCHROCK-PITTMAN. WE ARE PETITIONING OUR STATE, THE STATE OF ALASKA, THROUGH OUR ELECTED REPRESENTATIVE, PAT CARNEY. WE ARE FACED WITH A DIRE HEALTH AND SAFETY EMERGENCY, BROUGHT ON BY A MAJOR INCREASE IN ROAD USE OVER THE PAST FEW YEARS. COINCIDENT WITH NEW HOUSE CONSTRUCTION, THE CURRENT AND EVER GROWING ROAD USE HAS EXCEEDED THE DESIGN CAPABILITY OF THE ROAD. A MAJOR HEALTH HAZARD EXISTS AS A DIRECT RESULT OF THE HIGH DUST LEVELS. THESE SUSPENDED FINE PARTICLES ARE THE LEADING CAUSE OF EYE IRRITATION AND INFECTIONS, AND, MAY CONTRIBUTE TO RESPIRATORY DISTRESS. THE DUST ALSO POSES A SERIOUS PUBLIC SAFETY HAZARD RESULTING IN REDUCED VISIBILITY DURING PEAK USE PERIODS. IT IS NOT SAFE TO ALLOW CHILDREN TO RIDE BICYCLES/HORSEBACK OR EVEN WALK TO THE NEIGHBOR'S HOUSE. COINCIDENT WITH THE HEALTH/SAFETY DILEMMA, THE ROAD SURFACE IS RAPIDLY DETERIORATING. PRESENT METHODS OF STATE MAINTENCE ARE ADEQUATE FOR ONLY A FEW HOURS OF USE. WE NEED THE ROAD TO BE WATERED THROUGHOUT THE DAY ON A DAILY BASIS AND GRADED MUCH MORE FREQUENTLY. THANK YOU.

Pittman
Petition - Spring 1981

RESIDENTS NAME	RESIDENCE	Mailing Address	PHONE
Lloyd Rude	Beverly L.K. Rd.	Box 359 Wasilla	None
Kellie Mackay	S.P. Box 2905	Schrock-Pittman	376-5925
Jeanne Kelly	S.R. Box 2911	Schrock-Pittman?	
Lois Neisewander	"	Schrock-Pittman	
Angelba Chaudhri	Rainier Lake	Box 530 Wasilla	376-5366
Rona Chamberlain	Rainier Lake	Box 530 Wasilla	376-5366
David Phillips	Pittman School	PO Box 429 Wasilla	
Matt Graham	Palmer - mi. 1.2	1 Wasilla Ave	376-3614
Barbara Beave	Pittman - mi. 1.2	Wasilla	376-3944
Rod J Bowe	" " " "	" " " "	" " " "
Donna Latta	Sumner Lake	S.P. Box 2908 Wasilla	376-3744
Shirley Morgan	Sumner Lake	S.P. Box 2910	
Erlyn Coperbarger	Box 1650	Wasilla	
Raf Coperbarger	Box 1650	Wasilla	
David M Latt	MILE 3.8	PITTMAN RD.	
Lola A. Smith	Sumner Lake P.O. Box 513	Palmer	376-4358
Ellen B. Beers	Scott Lake	S.R. 2918	Wasilla
Leo Anderson	Scott Lake	P.O. Box 992	Wasilla 376-2070

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Dustman Petition 5/14/80

RESIDENT'S NAME	RESIDENCE	MAILING ADDRESS	PHONE
Koddy Sands	Anch ^{cabin}	9599 Brayton	344-099
Ray Johnson	Anch ^{cabin}	9599 Brayton	344-0990
Louann O'Conna	Anch ^{cabin}	1200 W Diamond ¹¹⁰²	349-610
Clyde W Smith	Anch ^{cabin}	1200 W Diamond ¹¹⁰²	549-610
Kane Bain		Box 81 Wasilla	376-58
P. Sandlin		Box 531 Wasilla	376-58
Tonya Perry		SR Box 2320 Big Lake	892
Norman D Walker	Fishing Anch	PO Box 752 Chugiak	99
Jerry W. Hebler	Skinner Lake	WASILLA, AK	
Peter Sapiro	Pittman Rd	SR Box 2867 Wasilla, Ak	
John B. Sapiro	Pittman Rd	SR Box 2867 Wasilla, Ak	
Stina Kalluth	Cabin	Pouch 7-025 Anohmag ⁹⁹	
Wayle M. Janneck	RAINBOW LK.	SR Bx 2864 WASILLA	376-5
Wm C. Fowler	Beverly Lake, lot B,	WASILLA, AK.	
Hubert Carl		PO Box 917, WASILLA, AK, 99687	
Ray Kullback		SR PO BOX 2891 WASILLA AK.	
Clare Hampton		PO 214 Big Lake, AK	99687
Curtis M. Holman		PO 848 Palmer	376-56.

WE, THE UNDERSIGNED, LIVE EITHER ON SCHROCK-PITTMAN ROAD OR USE IT TO ACCESS OUR HOMES DIRECTLY OFF SCHROCK-PITTMAN. WE ARE PETITIONING OUR STATE, THE STATE OF ALASKA, THROUGH OUR ELECTED REPRESENTATIVE, PAT CARNEY. WE ARE FACED WITH A DIRE HEALTH AND SAFETY EMERGENCY, BROUGHT ON BY A MAJOR INCREASE IN ROAD USE OVER THE PAST FEW YEARS. COINCIDENT WITH NEW HOUSE CONSTRUCTION, THE CURRENT AND EVER GROWING ROAD USE HAS EXCEEDED THE DESIGN CAPABILITY OF THE ROAD. A MAJOR HEALTH HAZARD EXISTS AS A DIRECT RESULT OF THE HIGH DUST LEVELS. THESE SUSPENDED FINE PARTICLES ARE THE LEADING CAUSE OF EYE IRRITATION AND INFECTIONS, AND, MAY CONTRIBUTE TO RESPIRATORY DISTRESS. THE DUST ALSO POSES A SERIOUS PUBLIC SAFETY HAZARD RESULTING IN REDUCED VISIBILITY DURING PEAK USE PERIODS. IT IS NOT SAFE TO ALLOW CHILDREN TO RIDE BICYCLES/HORSEBACK OR EVEN WALK TO THE NEIGHBOR'S HOUSE. COINCIDENT WITH THE HEALTH/SAFETY DILEMMA, THE ROAD SURFACE IS RAPIDLY DETERIORATING. PRESENT METHODS OF STATE MAINTENANCE ARE ADEQUATE FOR ONLY A FEW HOURS OF USE. WE NEED THE ROAD TO BE WATERED THROUGHOUT THE DAY ON A DAILY BASIS AND GRADED MUCH MORE FREQUENTLY. THANK YOU.

Pittman Rd
Petition signed 8/1

RESIDENT'S NAME	RESIDENCE	MAILING ADDRESS	PHONE
David Ness	mile 3 Pittman Schrock	st Rt 2928	376-5730
C.R. Matheson	mi 3.2 Pittman Schrock	Box 384	376-2258
Judy Matheson	M. 3.2 Pittman Schrock	Box 384	376-2258
Lynn Shine	M. 3.5 Pittman Schrock	Box 2930	376-5975
Linda J Shine	M. 3.5 Pittman Schrock	Box 2930	376-5975
Timothy Shine		Box 414 Wasilla Alaska	
Clair D. Randall	S.R. Box 2880	Wasilla AK	376-3131
Gene B. Randall	A.R. Box 2880	Wasilla AK	99687
Robert N. Walker	st. Rt 2859	Wasilla AK	99687 376-5970
Charles Walker	S.R. Box 2859	Wasilla, AK	99687 376-5970
Lynn Shalmeier	P.O. Box 596	wasilla	376 5026
Richard D. Lewis	Box 1492	wasilla	892 6657
Rosalee Lewis	P.O. Box 1492	" "	892 6657
A. Ruth Denny	S.R. Box 2912	wasilla	376-2258
Jacuz Ripken	82015 BREKUS DRIVE	SAME	272-2822
C. F. McKay	Rain BO LAKE,		
Belinda T. McKay	" "		
Susan Darby	Box 469	Eagle River, Ak.	

WE, THE UNDERSIGNED, LIVE EITHER ON SCHROCK-PITTMAN ROAD OR USE IT TO ACCESS OUR HOMES DIRECTLY OFF SCHROCK-PITTMAN. WE ARE PETITIONING OUR STATE, THE STATE OF ALASKA, THROUGH OUR ELECTED REPRESENTATIVE, PAT CARNEY. WE ARE FACED WITH A DIRE HEALTH AND SAFETY EMERGENCY, BROUGHT ON BY A MAJOR INCREASE IN ROAD USE OVER THE PAST FEW YEARS. COINCIDENT WITH NEW HOUSE CONSTRUCTION, THE CURRENT AND EVER GROWING ROAD USE HAS EXCEEDED THE DESIGN CAPABILITY OF THE ROAD. A MAJOR HEALTH HAZARD EXISTS AS A DIRECT RESULT OF THE HIGH DUST LEVELS. THESE SUSPENDED FINE PARTICLES ARE THE LEADING CAUSE OF EYE IRRITATION AND INFECTIONS, AND, MAY CONTRIBUTE TO RESPIRATORY DISTRESS. THE DUST ALSO POSES A SERIOUS PUBLIC SAFETY HAZARD RESULTING IN REDUCED VISIBILITY DURING PEAK USE PERIODS. IT IS NOT SAFE TO ALLOW CHILDREN TO RIDE BICYCLES/HORSEBACK OR EVEN WALK TO THE NEIGHBOR'S HOUSE. COINCIDENT WITH THE HEALTH/SAFETY DILEMMA, THE ROAD SURFACE IS RAPIDLY DETERIORATING. PRESENT METHODS OF STATE MAINTENANCE ARE ADEQUATE FOR ONLY A FEW HOURS OF USE. WE NEED THE ROAD TO BE WATERED THROUGHOUT THE DAY ON A DAILY BASIS AND GRADED MUCH MORE FREQUENTLY. THANK YOU.

Pittman
Petition
Rt 1
Spill

RESIDENT'S NAME	RESIDENCE	MAILING ADDRESS	PHONE
Joseph M. Sullivan	Mi 3 1/2	2932-C	Wasilla, Ak
Walter Roman	Mi 3 2/10	2931-B	Wasilla
Emma Bzirnoff	Mi. 4	Bx 4414	Wasilla Alaska
Camarcha A Buekle	Mi 4	PO Box 1137	Wasilla
William A Buekle	Mi 4	PO Box 1137	Wasilla
David C. Edmister	Mi 4	ST. RT Box 2942	Wasilla
Charles D. Oyst	Mi 4	SR 2945	11
Kenneth L. Ketchum	1. 1/2	STRT 2955	Wasilla
John W. Ketchum	Mi 4	P.O. Box 11	Wasilla
Virginia Ketchum	Mi 5.4	Box 2955	Wasilla
Ed J. Skerrett	MILE 3.6	S.R. Box 2941	WASILLA
Michael Skerrett	MILE 3.6	S R. BOX 2941	WASILLA
Opal A. Skerrett	MILE 3.6	U.P. Box 2941	Wasilla
Don Pettigrew	mile 3.8	ST RT Box 2940	Wasilla
Paula Pettigrew	Mile 3.8	SR Box 2940	Wasilla
Harold Sanderson	Mi 3.5	SR Box 2935	Wasilla
W.D. Acker	Mile 3	SR Box 2928	Wasilla
Chas. Miller	Mile 1.2	Box 2936	Wasilla Ak

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Pittman Rd
Petition
Spring 1981

RESIDENT'S NAME	RESIDENCE	MAILING ADDRESS	PHONE
Steve Johnson	Rainbow Lake	Box 1051 Wasilla, AK.	376 5925
Roge Johnson	"	"	"
Verna Stiffenkagen	Rainbow Lake	P.O. 2488 Palmer AK.	376 55
Deann Frisby	"	P.O. Box 504 Palmer Alaska	745-44
Sue Longaker	Valley T.V.	P.O. Box 45 Big Lake	89264
BETTY BARUE	Ridge Crest Dr.	P.O. Box 650 - Wasilla	
LAON BARUE	" " "	P.O. Box 650 - Wasilla	
Daniel Wrape	R/V	SR. 3242 WASILLA	
Hubert Collins	South Lake	SP 2922 Wasilla	
Timmy Papbert	Schrock Pittman	P.O. Box 10-2134 Anch. AK 99511	
Linda M. Scheuk	Rainbow Lake	9910 Whitefish Anch. Alaska	
Bacel Jellies	Schrock Rd.	P.O. Box 210 Wasilla Alaska	99687
Leslie P. Harris	SEYMOUR LAKE	P.O. BOX 637 WASILLA AK	99687
Norm L. Harris	Seymour Lake	P.O. Box 637 Whitefish Alaska	99687
Joseph Mosler	Recreation	P.O. Box 10-1731 Anchorage, AK	99511
Calvin Vander	Beverly Lake	Box 2 Wasilla	376 4335
Theretta Sand	South Lake	Wasilla, AK	99687
Brad Hall	Fuller Lake	Box P.O. Box 2527 Palmer, A.	7964

181
Space Petter
Pittman

Dec. 17 or 18 1-4-

Bill Bush P.O. Box 19 WASILLA AK 9-647

Elli Mahoney - ST. RT. BOX 2498-A WASILLA

Krupa, Annette, Joseph, Marjorie

POY BOX 158, Wasilla

~~_____~~
~~_____~~
~~_____~~

C

CC

John ...
Paul Cheney

Douglas Jct. St. Co. 3585 Wash.
Scott Lake 17-305 99687
3764242

Jennifer Thompson

Scott Lake P.O. Box Bq 99687
17-305 Lake

Jerry L. McTulen

Rainbow Lake Apt 2868 99687

CS

83-00012706 PKTY 1 03/03/83 17:34:04 ORIG: LMO1 IN= 0001 OUT= 077
FROM: JUDY/MATSU TO: JUNEAU INFO.
SUBJECT: LJHL SUPJ: P.D.I.S.

JUDY/MATSU 3/3/83

TO: REPRESENTATIVE LACHER

FROM: DR. VON MITTON

WHAT IS THE STATUS OF PITTMAN-SCHROCK ROAD PAVING PROJECT? IS THERE ANYTHING I CAN DO TO EXPEDITE THE PAVING?

MSG 4848 MARTIE/MATSU 3/31 1:55 PM

TO: REPS. LACHER AND LARSON

FROM: VIRGINIA ELKINS
STAR ROUTE BOX 2941-E
WASILLA
PHONE: 376 3810

THANK YOU FOR HB303, PAVING OF PITTMAN RD. THE ROAD IS DANGEROUS, FALLING APART, FULL OF POTHoles, AND IS RUINING OUR VEHICLES. IT IS ICY ON THE WINTER AND DUSTY IN THE SUMMER. LETTERS WILL FOLLOW.

Sharon J. Hess
Star Route, Box 2928
Wasilla, Alaska 99587
April 1, 1983

APR 7 1983

Commissioner Dan Casey
Dept of Transportation
Pouch Z
Juneau AK 99811

Dear Commissioner Casey

I support House Bill 303 concerning paving of the Pittman-Schrock Road.

It has been in serious need for quite a few years. Use of the road has exceeded its capacity. It is now a very serious hazard to drive the three miles that I have to use. There is so much dust that it is almost impossible to breathe. Numerous potholes cause control and front-end problems.

There are three subdivision roads where people do not stop when coming out on the Pittman-Schrock Road. Many do this at 30 or 40 MPH. There are no stop signs. On one blind corner with mailboxes on a curve, people park at the mail boxes. As you drive around the curve, you are confronted with a car in the road with no way of knowing whether you can pass safely. It's a wonder no really serious accidents have occurred at this location yet.

We have one curve that has a steep bank on one side. A trail is worn on the bank where cars are always driving on the bank because of improper banking when the road was built. I hope it won't be the school bus one of these days.

There was a time when the school bus went off the road on a causeway (through a lake) which is almost too narrow for two cars to pass, let alone a bus and truck. Luckily, the lake was frozen at the time.

Many reasons exist why the road should be improved (paved). A large population (because of subdividing mostly) is now using the road.

Sincerely,


Sharon J. Hess

CC: Governor Sheffield
Senator Kerttula
Rep. Lacher
Rep. Larson

CG 53-00008417 PRTY 1 04/14/83 10:03.38 ORIG: LMC0 IN= 0002 OUT= 0012
FROM: MARTIE/MATSU TO: JUNEAU INFORMATION
TARGET: LUHL SUBJ: POM'S

TO: REPRESENTATIVES CATO, M.W.MILLER, ABCOB, PHILLIPS, LACHER, HERRMANN,
SEYMANSKI, MOBRIDE, DAVIS, AND LARSON

FROM: DR. VON KITTON
PO BOX 2200
MADILLA 99687

APR 15 1983

E. H9 303

SUPPORT THE BILL AND ENCOURGE YOU TO PUSH IT. I WILL DO ANYTHING I CAN
O HELP. LET ME KNOW WHAT WOULD BE BEST.
HE PAVING IS NEEDED FOR SAFETY.

MSG 83-00006529 PRTY 1 04/07/83 17:40.55 ORIG: LM00 IN= 0012 OUT= 0139
FROM: MARY/MATSU TO: JNU INFO
TARGET: LJHL SUBJ: P.O.M.

TO: SENATOR KERTTULA
REF. LACHER
REF. LARSON

APR 15 1983

FR: JERRY L MCINTIRE
TUNDRA TOURS DRIVER & HOME OWNER ON PITTMAN ROAD
SR BOX 2868
WASILLA 99687
HM: 376-4048 WK: 376-5354

RE: UPGRADING OF PITTMAN ROAD
THE ROAD FROM THE PARKS HIGHWAY TO BIG LAKE SAND & GRAVEL (PHILLIPS CORNER),
ABOUT 3 MILES IN LENGTH, IS IN VERY ROUGH CONDITION DUE TO THE GRAVEL
TRUCKS. IT IS GRADED ONE DAY AND FULL OF HOLES THE NEXT. ON TOP OF THE HILL
THERE IS NO ROAD BASE, JUST PEAT. I HAVE HAD A BUS DROOP TO THE AXLES IN
THE SPRING TIME. YOU CANNOT PASS TWO BUSES SIDE BY SIDE ON MOST OF THE
ROAD. THE ROAD IS TEARING THE BUSES APART.

APR 7 1983

Sharon J. Hess
Star Route, Box 2926
Wasilla, Alaska 99687
April 1, 1983

Commissioner Dan Casey
Dept of Transportation
Pouch Z
Juneau AK 99811

Dear Commissioner Casey

I support House Bill 303 concerning paving of the Pittman-Schrock Road.

It has been in serious need for quite a few years. Use of the road has exceeded its capacity. It is now a very serious hazard to drive the three miles that I have to use. There is so much dust that it is almost impossible to breathe. Numerous potholes cause control and front-end problems.

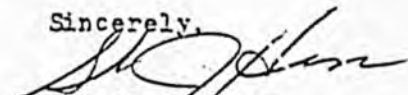
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Many reasons exist why the road should be improved (paved). A large population (because of subdividing mostly) is now using the road.

Sincerely,



Sharon J. Hess

CC: Governor Sheffield
Senator Kerttula
Rep. Lacher
Rep. Larson

ARY/MATSU - 4/8/83 - 6681

O: SENATOR KERTTULA

REP. LARSON, LACHER, CATO, M.MILLER, ABOOD, PHILLIPS, HERRMANN,
SZYMANSKI, MCBRIDE, DAVIS

R: LARRY CARROLL

TUNDRA TOURS SCHOOL BUS DRIVER

P O BOX 67

WASILLA 99687

WK: 376-5354

HM: 745-5456

E: PITTMAN ROAD PAVING

DRIVE ROUTE 57 WHICH INCLUDES DRIVING OVER PART OF PITTMAN ROAD.
IT IS MY DESIRE THAT SOMETHING CAN BE DONE FOR IMPROVING THE CONDITION
OF THIS ROAD. MY BUS HAS BEEN KNOCKED OUT OF ALIGNMENT RECENTLY ON
THIS ROAD. THE SAFETY OF MY CHILDREN IS MY MAIN CONCERN.

ARY/MATSU - 4/8/83 - 6681

O: SENATOR KERTTULA

REP. LARSON, LACHER, CATO, M.MILLER, ABOOD, PHILLIPS, HERRMANN,
SZYMANSKI, MCBRIDE, DAVIS

R: RAY MORGAN

TUNDRA TOURS BUS DRIVER

P O BOX 67

WASILLA 99687

E: PITTMAN

PITTMAN ROAD IS NOT A VERY SAFE ROAD. THERE ARE AT LEAST FIVE BLIND CURVES
WITH BARELY ENOUGH ROOM FOR TWO CARS. THE ROAD HAS SEVERAL LARGE SPOTS THAT
ARE VERY SOFT CLAY AND, WHEN IT RAINS, THEY BECOME QUAGMIRES. THE ROAD MUST
BE STRAIGHTENED AND PAVED. IF THE PAVING IS DONE WITHOUT STRAIGHTENING AND
STRENGTHENING THE ROAD BED, IT WILL BECOME A FAST DANGEROUS ROAD.

MSG 83-00005769 PRTY 1 04/05/83 16:28:20 ORIG: LM01 IN= 0005 OUT= 0148
FROM: JUDY/MATSU TO: JUNEAU INFO.
TARGET: LJHL SUBJ: P.O.MS.

MESS. 45719 JUDY/MATSU 4/5/83

TO: SENATOR KERTTULA
REPRESENTATIVE LARSON AND LACHER

FROM: JOHN BOZINOFF
P.O. BOX 414
WASILLA 99687 PH.376-5746

APR - 6 1983

RE: UPGRADING AND PAVING PITTMAN ROAD

THE INCREASE IN POPULATION IN OUR AREA HAS BROUGHT AN INCREASE IN TRAFFIC.
THE POTENTIAL OF AN EVEN HIGHER INCREASE IS DUE TO A LOT OF AVAILABLE LAND.
THE HIGHWAY DEPARTMENT COST TO MAINTAIN THE PRESENT INADEQUATE ROAD SHOULD
JUSTIFY PAVING.

11 17 00 4:00 PM

REFS. LARSON AND LACHER

DM: PEGGY PUTNAM
GENERAL DELIVERY
WASILLA 99687
PHONE: 376 3432

APR - 5

HB303

THANK YOU FOR HB 303, PAVING OF PITTMAN CHROCK RD. IT IS A DANGEROUS ROAD THE
IT IS NOW WITH ALL THE HILLS AND SHARP CURVES. SOMEDAY A SCHOOL BUS IS GO-
TO GET HIT BECAUSE SOMEONE WILL COME OVER THE HILL AND THERE IT WILL BE-
CK!

MARY/MATSU - 4/1 - 5067

TO: SENATOR KERTTULA
REPS. LACHER, LARSON, CATO, MILLER, ABOOD, DAVIS, HERRMANN, MCBRIDE,
PHILLIPS, SZYMANSKI

APR - 4 1983

FR: MARGARET LOVEJOY
SR BOX 2924A
WASILLA 99687 PH: 376-6927

I FEEL HB 303, PAVING OF PITTMAN ROAD, IS LEGISLATION OF VITAL IMPORTANCE TO RESIDENTS WHO HAVE ACCESS TO PITTMAN ROAD. THE OVERALL CONDITION OF THE ROAD IS DEPLORABLE. THE TRAFFIC LOAD OF 1100 PER DAY JUSTIFIES A PAVED ROAD, THE DUST CONDITIONS ARE UNDESCRIBABLE. THE PAVING SHOULD NOT BE DELAYED BUT DONE IN 1983. THANK YOU.

MARY/MATSU - 4/1 - 5067

O: SENATOR KERTTULA
REPS. LACHER, LARSON, CATO, MILLER, ABOOD, DAVIS, HERRMANN,
MCBRIDE, PHILLIPS, SZYMANSKI

R: ED, SHARON & DAVID HESS
SR BOX 2928
WASILLA 99687 PH: 376-5730

APR - 4 1983

WE SUPPORT THE PASSAGE OF HB303, PAVING OF PITTMAN ROAD. THE HAZARDS OF THE ROAD INCLUDE, DUST TO POINT CAN NEITHER BREATHE OR SEE, APPROXIMATELY 90' CURVES WITH IMPROPER BANKING, TOO NARROW FOR PARKING BUT PEOPLE DO ANYWAY, SUBDIVISIONS WITH NO STOP SIGNS COMING ON TO THE ROAD, AT SOME TIMES UNABLE TO HAVE SCHOOL BUSES TRAVEL THE ROAD, OVERTAXED WITH POTHoles. BETTER FOLLOWS. THANK YOU.

MAR 8 1983

Peter E. & Shirley D. Dreith
P.O. Box 404
Wasilla, AK 99667

March 1, 1983

Ronald L. Larson
Box 53
Palmer, AK 99645

Dear Mr. Larson:

Sometime around 1961, the state improved our Homestead Road from Schrock Road to the highway at Pittman (now called Pittman Road). If my memory serves me right, it was done at a cost of only \$40,000. It wasn't much of a road, but it was an improvement for several years, until the very thin layer of gravel disappeared and the road wore out. After that it became a nightmare. I remember one time when I had to get a neighbor with a D-8 cat to pull me out at break-up time.

About four years ago, the state upgraded the first five miles of the Pittman end of the road. That section is now fairly stable and does not go out at break-up time. They completely ignored the last four miles that now connects with the church road.

When the state maintenance section grades Pittman Road in the summer, most of the time they do not even put the blade down until they get to the West end of the road that was upgraded. When we ask them why, they tell us that they can do no good on our end because there is nothing but dirt or mud for surfacing.

I believe that in the next two years, approximately thirty-five families are going to have to build and move onto their lots in the state sub-division 'Greensword' or lose them. They must be living on their lots to comply with state lottery regulations. This will again increase the amount of traffic on a road that is not passable in the spring without severe damage to our vehicles.

If we have a bad break-up again this year, the road can become impassable. One of the two school busses that travel the entire length of this road was off the road and in the ditch this winter because of unsafe road conditions. Some curves are banked the wrong way, some not banked at all, and the road is rough and narrow in places.

I would suggest that to get a true picture of the last four miles of this road (East end), you contact the State Division of Highway Maintenance section at Palmer.

We think it is deplorable and a disgrace that with all the money the state has had, and still does this year, to ignore the needs of all the families, and allow a twenty-four year old road to remain in this condition. We don't think it is necessary to wait until some of our school children are killed or injured on

our school busses, to get this road upgraded to a safe driving condition.

Any help we can get on this matter will be appreciated and expected.

Sincerely,

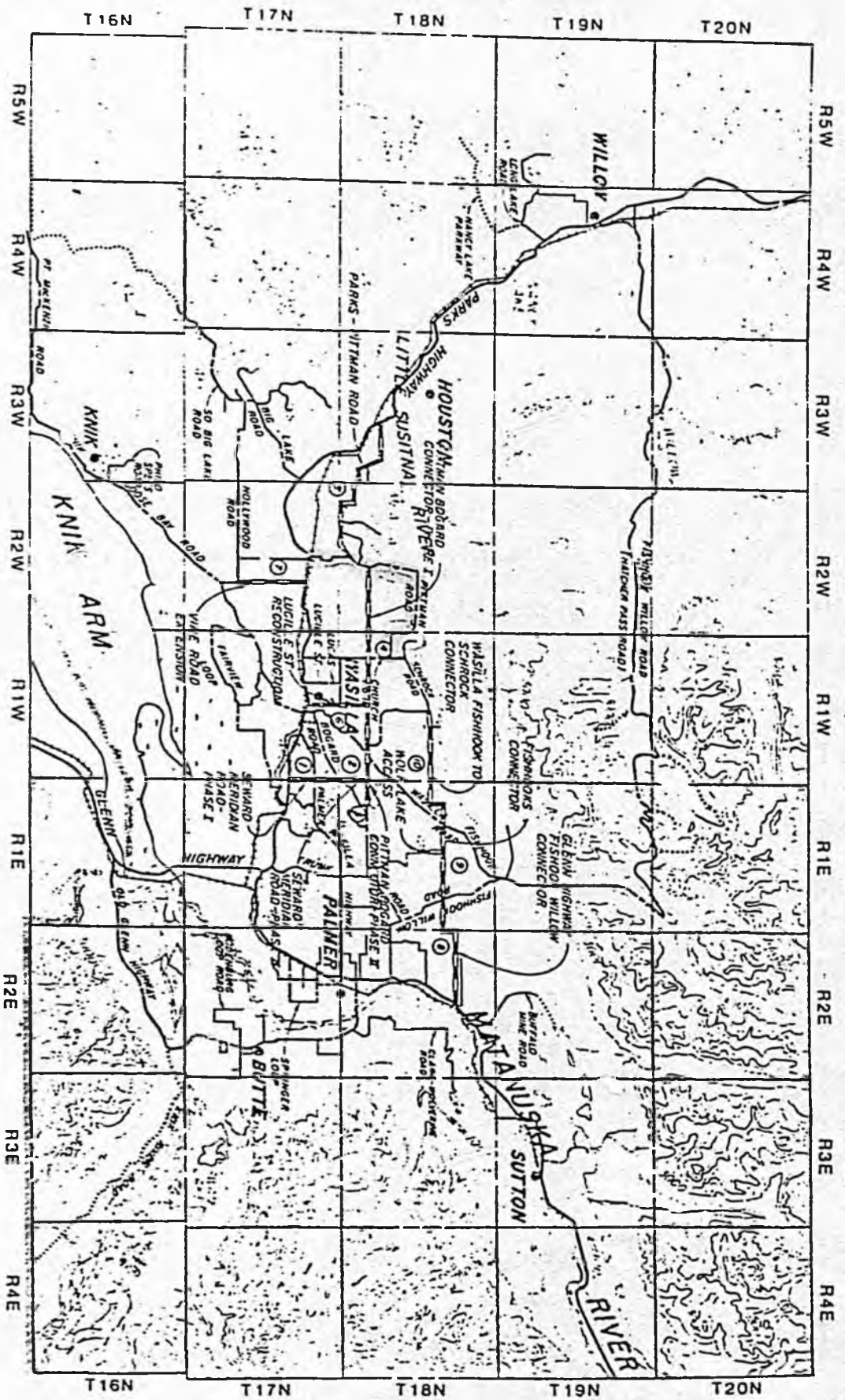
Peter E. & Shirley D. Dreith

Peter E. &
Shirley D. Dreith

PED/ma

cc: Gov. Sheffield
Barbara Lacher
Jalmar Kerttula

NOTE: ORIGINAL DOCUMENT IS COLOR-CODED. IF NECESSARY
TO PROPER INTERPRETATION, REFER TO ORIGINAL DOCUMENT
IN THE ALASKA STATE ARCHIVES



PROJECT NO. _____
 DATE _____
 DRAWN _____
 CHECKED _____

REVISIONS:

LEGEND:
 CAPITAL IMPROVEMENTS PROJECTS
 AIR ROADS
 COLLECTOR ROADS
 ARTERIAL ROADS
 STATE ROADS

PROJECT INVESTIGATION NUMBERS

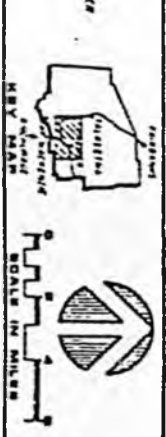


FIGURE 11
 6-YEAR CAPITAL
 IMPROVEMENT PLAN
 MATANUSKA-SUSITNA BOROUGH

HB

313

NOTE REGARDING THE FOLLOWING FRAME(S) ON MICROFILM:
COMPLETE DOCUMENT IS AVAILABLE IN ORIGINAL FILES.
TITLE PAGE ONLY HAS BEEN FILMED.

A PERFORMANCE REVIEW OF THE
DEPARTMENT OF COMMERCE
AND ECONOMIC DEVELOPMENT
ALASKA TRANSPORTATION COMMISSION

April 1, 1982

Audit Control Number

08-092-0069-R

Commissioner, Department of Commerce
and Economic Development

Charles R. Webber

Deputy Commissioner, Department of
Commerce and Economic Development

Edward Eboch

Members of the Alaska Transportation Commission

Chairman
Commissioner
Commissioner

Keith Miller
Walter Kubley
H.D. Scougal

Rep Cato
Room 108

Rec'd Act. 3/26
pm.

STATEMENT OF POSITION

offered by

ALASKA TRUCKING ASSOCIATION, INC.

SUPPORTING THE CONTINUATION OF THE
ALASKA TRANSPORTATION COMMISSION

STATEMENT OF POSITION

The Alaska Trucking Association, Inc. (Association) is a non-profit trade organization representing 325 trucking firms and allied industry firms throughout the State of Alaska. Our membership consists generally of two major groups, the For-Hire Carrier and the Private Carrier. The for-hire carrier group includes common carriers, contract carriers and exempt carriers as well as the water carriers. Our membership stretches from the northernmost tip of Alaska (Barrow) to the extreme south and west (Dutch Harbor and Ketchikan), to the Nome/Kotzebue area and to the Canadian border on the west. The largest concentration of membership is in the Southcentral, Southeast and Interior regions.

The Association's purpose is to foster and promote an economically sound transportation system in Alaska.

The regulated motor carrier industry is composed overwhelmingly of small firms with the vast majority grossing less than \$500,000 a year. At the other end of the spectrum are the large well-established carriers and included in the group are some of the industry's publicly held firms.

The importance of a regulated motor carriage system, and the trucking industry as a whole to our State's vital transportation system cannot be overstated. Our motto, "If you got it, it came by truck," is not an attempt to overrate our industry. It is simply a fact that goods, supplies and materials are shipped to Alaska by outside manufacturing markets and that shipment always begins and ends with truck movement.

There are approximately 13,281 commercial trucks registered with the State of Alaska and approximately 9,178 commercial trailers. Most of these trucks and trailers are involved with freight movement and these numbers give some indication of the number of jobs offered to Alaskans within the trucking industry. The trucking industry is one of the largest private industry employers in the state.

Recently, Senate Bill 35 was introduced. Senate Bill 35 is an act "relating to transportation merging the Alaska Transportation Commission with the Alaska Public Utilities Commission; and providing for an effective date." Inherent in this bill are some changes in the manner in which motor transportation is regulated in the State of Alaska.

Senate Bill 35 contains a number of items. First, it increases certain weight and application fees for aircraft and motor vehicles. While the state trucking association is cognizant of the need to keep fees in line with inflation, the Association is partially opposing a fee increase at this time because of the recent federal increase in taxes which, in part, are directed exclusively against the motor transportation industry. The association will provide a separate statement dealing with the increased fees portion of the bill.

I. Merger of the Alaska Transportation Commission (ATC) with the Alaska Public Utilities Commission. The Alaska Trucking Association has considered the findings and recommendations of the Division of Legislative Audit in this regard but believes that the merger of the two commissions is not warranted at this time. The Association's reasons for opposing the merger are as follows:

1. The Public Utilities Commission, at the present time, is still assimilating the Alaska Pipeline Commission. It already has an overcrowded docket and the assimilation of another 500 to 600 cases annually would, of necessity, dilute the time spent on transportation matters by the state regulatory commission. The Association believes that the Commission should be directed to refocus its attention on the proper administration of the state Transportation Act. The Association believes that this will best serve the public interest.

2. The saving in space and personnel would, at best, be illusory. Commissioner Miller, in his testimony before this committee, indicated that the Commission was underfunded by over \$100,000 in its last budget. The legislative audit report suggests that the change be a reorganization of policies, procedures and staffing. However, based on a review of the recommendations put forth by the report, it would appear that more staff and commission work is needed rather than less; hence, the Association does not believe any real cost savings will result from a merger.

3. Alaska's unique needs and isolation from the contiguous 48 states makes it totally dependent upon motor and air transportation. The previous Governor and the Legislature have already recognized the importance of transportation to the state in forming the Department of Transportation. The same recognition should be given to the regulatory phases of transportation. In fact, it might be noted that the federal government has two agencies dealing with motor and air transportation, to wit, the Interstate Commerce Commission and the Civil Aeronautics Board.

4. Regulatory policies that are necessary in dealing with transportation, i.e., a greater degree of competition in the marketplace, a greater number of carriers, a greater number of diverse needs to be met, are not consistent with the regulatory policies that might be applied for public utility regulation which deal with companies with high fixed assets and, generally, a monopoly or quasi-monopoly service area. This difference was one of the original justifications for splitting the Alaska Transportation Commission from the original Public Services Commission. This difference was true in 1967 when the split occurred and is even more true today in light of Alaska's diverse transportation needs.

II. The Legislature Should Direct the Commission to Undertake Regulatory Initiatives in Three Major Areas, (1) Certificates of Authority, (2) Tariffs, and (3) Safety Inspections.

1. Certificates of Authority. The Association recommends two initiatives in this area.

(A) The legislative audit report, in its Recommendation No. 2, advised the Legislature that temporary authority to motor and air carriers should be granted in accordance with statutes. Discussion of the Commission practices in this regard is already contained in the legislative audit report and will not be further discussed herein. The audit report also directed the Commission to strengthen its review of a carrier's financial fitness. Financial fitness is critical in determining the suitability of a given carrier to provide transportation. If a carrier is in financial trouble, often the first items to go are maintenance and safety procedures. If a carrier's financial capability is more closely examined to begin with, there will be greater assurance that the carrier will have sufficient assets to pay its expenses as they become due. While there is no guarantee in the transportation business that a company will make money, at least a closer financial analysis will insure a greater probability of a financially solvent carrier and will thus enable the carrier to operate properly and safely.

(B) The second aspect of authority certification that is of great concern to the association is dealing with carriers who operate either beyond their authority or who have no authority at all. The legislative audit committee, in its Recommendation No. 4, recommended that the Commission Staff take a stronger position and a stronger enforcement posture. Alaska Transportation Commission Chairman Miller, in testifying before the committee last week, noted that the Commission was aware of 50 unauthorized operations. The committee should realize that the failure to take an efficient enforcement posture ultimately costs every consumer who deals with an authorized carrier more in shipping charges. A carrier's revenue must come through its tariff charges. If the total pool of common carrier traffic is being diverted to non-authorized operations, the authorized carrier, in order to cover its costs, must, of necessity, raise rates. A strong enforcement posture will reduce this illegal siphoning off of carrier traffic revenue and will reduce the pressure to increase transportation charges.

2. Tariffs. Again, the Association recommends two initiatives in this area.

(A) First, the Commission must perform field surveys of regulated motor carriers. The legislative audit report noted that of 630 regulated carriers in 1981, 38 field surveys were performed, all on air carriers. None were performed on any motor carriers. Illegal operations can also include illegal applications of tariffs. Carriers provide services usually below their tariffs, again illegally siphoning off traffic and having the same financial effect on authorized carriers as illegal operations.

The Association would note that some of the smaller carriers may not have experienced tariff personnel. The ATC, in performing its field surveys, can assist the carriers' personnel in the proper application of the carriers' tariffs. The Association is not recommending that a Commission enforcement agent be placed in every trucking concern's office, but rather that the Commission use its best judgment in insuring tariff compliance. Obviously, if a carrier repeatedly violates its tariff or misuses its authority, it should be prosecuted to the full extent of the law.

(B) The second area in tariff regulation is the need by the Commission to propose appropriate cost and accounting regulations in order that it will be able to properly review tariff filings by carriers. Again, the legislative audit report, in its Recommendation 3(B) recommended that the Commission require the carriers to submit appropriate financial data for rate changes. To this, the Association has no objection, per se; however, the Commission must adopt suitable accounting and rate regulations and perform proper cost studies since the filing of raw financial data alone is not enough to review the appropriateness of tariff filings in motor transportation. The Association supports the need for such accounting and cost justification regulations, but the initiative must come from the Commission. Obviously, with 630 motor and air carriers and the recognition that not all of these companies are large companies, the type of information that the Commission will need must be tailored to the competitive needs of the industry and the geographical location. However, something must be done because already there is evidence of predatory pricing which will only further exacerbate the weak financial condition of the motor transportation industry in Alaska. Also, it might be noted that such regulations would give shippers and other members of the public a opportunity to have their input in the regulatory process. The Commission already has powers to prevent predatory pricing by using its minimum rate order powers.

3. Safety Inspections. The Association understands that as of March 11, 1983, money for the safety inspection function of the Commission has run out. It is unthinkable to the Association that Alaskans can think of multi-million dollar capital projects being funded while this important element of public safety is neglected. The Commission is urged to institute and the Legislature is urged to appropriate sufficient funds for safety inspections. Under Recommendation No. 5 of the legislative audit report, it was noted that field surveys should include safety inspections. The Association concurs with inspections because of the obvious benefit of inspections and surveys to both the public and to the motor carrier, i.e., less probability of accidents occurring. Also, such inspections have a more positive effect in that if the number of accidents occurring are reduced, presumably insurance rates would go down and the pressure to raise transportation rates would decrease. Again, the initiative must come from the Commission along with the assistance of both the Legislature and the Alaska transportation industry.

4. Other Matters. In regard to the de-regulation of dump truck operators, the Association believes that this should be a separate subject matter in separate legislation and not in the bill. The Dump Truck Industry has its own association. This Association does perform some services for them such as providing the casualty insurance trust; however, it is believed that the best interests of the public are served by severing this provision from the bill and dealing with it separately and allowing the affected industry to speak for itself.

III. CONCLUSION

THE LEGISLATURE SHOULD EXTEND THE ALASKA TRANSPORTATION COMMISSION FOR FOUR (4) YEARS AND SUPPORT THE COMMISSION WITH ADEQUATE FUNDING.

The Alaska Trucking Association generally endorses the results of the legislative audit. However, it believes that a merger of the Alaska Transportation Commission with the Alaska Public Utilities Commission will only exacerbate the problems set forth in the legislative audit report rather than solve them. For example, the legislative audit Recommendation No. 6 suggests that commissioners and hearing examiners write all of the formal orders of the Commission. Obviously, the suggestion of transferring only one commissioner who has a background in transportation to the Public Utilities Commission if merger is approved and attempting to comply with this recommendation is inconsistent. What the Alaska Transportation Commission needs is more help and not less.

Generally, the suggestions made by the legislative audit and endorsed by the Alaska Trucking Association all require time to implement. Tariff regulations are needed on costs and accounting. The legislative auditors noted several areas in which the Commission must improve its internal procedures. The Association believes that what is needed is suitable financial support for the Commission and not merger of the Commission with the Public Utilities Commission.

It is, therefore, the recommendation of the Alaska Trucking Association that the Alaska Transportation Commission's term be extended under the Sunset Law for four (4) years. Coupled with that should be a legislative committee report urging the Commission to comply with the recommendations of the legislative audit. Legislative direction should be given with adequate and sufficient financial support, both from manpower and budgetary standpoints, to enable the Commission to effectively do its job. The Association does not think it is necessary to have a Commission enforcement agent threatening civil penalties to insure compliance with the Commission's regulations. For the most part, most air and motor operators try diligently to comply with the law. However, because transportation regulations, as in any other regulated field, are often complicated, Commission guidance is needed to assure that operators comply with the law. However, where appropriate, the full enforcement capability of the Commission should be brought to bear on those operators who refuse to comply with the law.

Good regulation should be continued in the public interest. It assists the public, which, after all, involves each of us as consumers; it assists shippers; and it assists those connected with the motor carrier industry.

Thank you for the opportunity to provide this statement of position.

ALASKA TRUCKING ASSOCIATION, INC.

By W. H. Prasher
Its Managing Director



OFFICIAL BUSINESS

ALASKA STATE LEGISLATURE - SENATE

COMMITTEE ON LABOR AND COMMERCE

SENATOR RICHARD I. ELIASON
CHAIRMAN

POUCH V. JUNEAU, ALASKA 99811
(907) 465-3844

4/12/83

LETTER OF INTENT FOR CSSB 184

During the scheduled hearings in which the Alaska Transportation Commission (A.T.C.) was discussed and reviewed, many problem areas were identified. The Performance Review of the Alaska Transportation Commission conducted by the Division of Legislative Audit, April 1, 1982, concluded that the functions of A.T.C. could be better performed if A.T.C. were to merge with the Alaska Public Utilities Commission.

However, several questions were raised which remain unanswered:

- 1) Is State involvement in the Essential Air Service Program required?
- 2) Does the State want to deregulate surface and air transportation within Alaska?
- 3) What method does the State wish to employ to assure the public that air and motor carriers have sufficient insurance coverage to protect the public's interest?
- 4) What is the role of the Alaska Transportation Commission in regard to a commercial vehicle safety program?
- 5) Would a citizen's board be an appropriate mechanism to perform the oversight functions which are currently the responsibility of the Commissioners of the Alaska Transportation Commission.

With the passage of this legislation, it is the intent of the Senate Labor and Commerce Committee that the Office of Management and Budget conduct a thorough performance review of the functions of A.T.C. The review will include, but will not be limited to, the scope of areas previously outlined.

The Office of Management and Budget will report back to the Thirteenth Legislature within ten days after the second session convenes in 1984. The report shall outline the findings of the audit as well as specific actions to implement any changes recommended.

Respectfully submitted,

Sen. Dick Eliason, Chair

MAR 2 1983

ATC

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS
OF THE ALASKA TRANSPORTATION COMMISSION

Notice is hereby given that the Alaska Transportation Commission, under authority vested by AS 42.10, proposes to repeal regulations in Title 3, Part 6 of the Alaska Administrative Code, dealing with forwarders, to implement AS 42.10.070, .080 as follows:

3 AAC 64.340 is repealed. This section is replaced by 3 AAC 69.020(c) and is therefore no longer necessary.

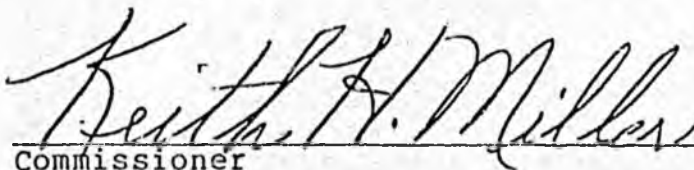
Notice is also given that any person interested may present written statements or arguments relevant to the action proposed by delivering a copy of his comments to the Alaska Transportation Commission, Frontier Building, 3601 C Street, Suite 778, Anchorage, AK 99503, before April 1, 1983.

Any person who believes that oral hearing is necessary to resolve this matter shall in writing set out the reasons why they believe oral hearing is necessary and submit them to this Commission on or before March 20, 1983. If no requests for oral hearing are received, the Commission shall proceed on written submission.

This action is not expected to require an increased appropriation.

The Alaska Transportation Commission upon its own motion or at the instance of any interested person, may after April 6, 1983 adopt the proposals substantially as described above without further notice or may decide to take no action on them.

DATED at ANCHORAGE, ALASKA, this 24th day of February 1983.



Commissioner

All correspondence refer to Docket 82-630-RR/O

3 AAC 64.340 SECURITIES OR SURETY BONDS REQUIRED FOR
BROKERS AND FORWARDERS. Repealed.

Authority: 42.07.121
42.07.141
42.10.050
42.10.070
42.10.100
42.10.110
42.10.420

C E R T I F I C A T I O N

I HEREBY CERTIFY that I have this date mailed a true and correct copy of the NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA TRANSPORTATION COMMISSION in Docket 82-630-RR/O, postage prepaid to the following parties of record:

Hon. Mitchell E. Abood, Jr.
House of Representatives
Pouch V
Juneau, AK 99811

Hon. John Cowdery
House of Representatives
Pouch V
Juneau, AK 99811

Hon. Albert P. Adams
House of Representatives
Pouch V
Juneau, AK 99811

Hon. Mike Davis
House of Representatives
Pouch V
Juneau, AK 99811

Hon. Ramona L. Barnes
House of Representatives
Pouch V
Juneau, AK 99811

Hon. Jim Duncan
House of Representatives
Pouch V
Juneau, AK 99811

Hon. Robert H. Bettisworth
House of Representatives
Pouch V
Juneau, AK 99811

Hon. Joe Flood
House of Representatives
Pouch V
Juneau, AK 99811

Hon. Charlie Bussell
House of Representatives
Pouch V
Juneau, AK 99811

Hon. Milo Fritz
House of Representatives
Pouch V
Juneau, AK 99811

Hon. Bette M. Cato
House of Representatives
Pouch V
Juneau, AK 99811

Hon. John G. "Jack" Fuller
House of Representatives
Pouch V
Juneau, AK 99811

Hon. Donald E. Clocksin
House of Representatives
Pouch V
Juneau, AK 99811

Hon. Walt Furnace
House of Representatives
Pouch V
Juneau, AK 99811

Hon. Peter Goll
House of Representatives
Pouch V
Juneau, AK 99811

Hon. Ben F. Grussendorf
House of Representatives
Pouch V
Juneau, AK 99811

Hon. Joe L. Hayes
House of Representatives
Pouch V
Juneau, AK 99811

Hon. Ad~~meid~~ Herrmann
House of Representatives
Pouch V
Juneau, AK 99811

Hon. Vernon L. Hurlbert
House of Representatives
Pouch V
Juneau, AK 99811

Hon. Niilo Koponen
House of Representatives
Pouch V
Juneau, AK 99811

Hon. Barbara Lacher
House of Representatives
Pouch V
Juneau, AK 99811

Hon. Ronald L. Larson
House of Representatives
Pouch V
Juneau, AK 99811

Hon. John Lindauer
House of Representatives
Pouch V
Juneau, AK 99811

Hon. John J. Liska
House of Representatives
Pouch V
Juneau, AK 99811

Hon. Hugh Malone
House of Representatives
Pouch V
Juneau, AK 99811

Hon. Terry Martin
House of Representatives
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Hon. Jack McBride
House of Representatives
Pouch V
Juneau, AK 99811

Hon. M. Mike Miller
House of Representatives
Pouch V
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Hon. Mike Miller
House of Representatives
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Hon. Sam Pestinger
House of Representatives
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Hon. Randy E. Phillips
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Hon. John Ringstad
House of Representatives
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Juneau, AK 99811

Hon. Richard Shultz
House of Representatives
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Juneau, AK 99811

Hon. Mike Szymanski
House of Representatives
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Hon. Mae Tischer
House of Representatives
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Hon. Rick Uehling
House of Representatives
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Hon. Anthony N. Vaska
House of Representatives
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Hon. Jerry Ward
House of Representatives
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Hon. Ron Wendte
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Hon. Fred F. Zharoff
House of Representatives
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Hon. Don Bennett
State Senate
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Juneau, AK 99811

Hon. Richard I. Eliason
State Senate
Pouch V
Juneau, AK 99811

Hon. Bettye Fahrenkamp
State Senate
Pouch V
Juneau, AK 99811

Hon. Jan Faiks
State Senate
Pouch V
Juneau, AK 99811

Hon. Frank R. Ferguson
State Senate
Pouch V
Juneau, AK 99811

Hon. Paul Fischer
State Senate
Pouch V
Juneau, AK 99811

Hon. Vic Fischer
State Senate
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Juneau, AK 99811

Hon. Donald E. Gilman
State Senate
Pouch V
Juneau, AK 99811

Hon. Richard W. Halford
State Senate
Pouch V
Juneau, AK 99811

Hon. Joe Josephson
State Senate
Pouch V
Juneau, AK 99811

Hon. Arliss Sturgulewski
State Senate
Pouch V
Juneau, AK 99811

Hon. Tim Kelly
State Senate
Pouch V
Juneau, AK 99811

Hon. Robert H. Ziegler, Sr.
State Senate
Pouch V
Juneau, AK 99811

Hon. Jalmar Kerttula
State Senate
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Hon. H. "Pappy" Moss
State Senate
Pouch V
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Hon. Bob Mulcahy
State Senate
Pouch V
Juneau, AK 99811

Hon. Fritz Pettyjohn
State Senate
Pouch V
Juneau, AK 99811

Hon. Bill Ray
State Senate
Pouch V
Juneau, AK 99811

Hon. Patrick M. Rodey
State Senate
Pouch V
Juneau, AK 99811

Hon. John C. Sackett
State Senate
Pouch V
Juneau, AK 99811

Legislative Affairs Agency
Pouch Y
Juneau, AK 99811

Legislative Regulation Review
Committee
Pouch V
Juneau, AK 99811

State House Committee on
Transportation
Pouch V
Juneau, AK 99811

State Senate Committee on
Transportation
Pouch V
Juneau, AK 99811

Richard Lyon, Commissioner
Alaska Department of Commerce
& Economic Development
Pouch D
Juneau, AK 99811

Catherine Wallen
Information Officer
Alaska Department of Commerce &
Economic Development
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Juneau, AK 99811

Arthur H. Peterson
Assistant Attorney General
Alaska Department of Law
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Juneau, AK 99811

Office of the Attorney
General
Alaska Department of Law
1031 W 4th Ave., Suite 200
Anchorage, AK 99501

Robert Sundberg, Commissioner
Alaska Dept. of Public Safety
Pouch N
Juneau, AK 99811

Director
Division of Motor Vehicles
Alaska Dept. of Public Safety
P.O. Box 6188 Annex
Anchorage, AK 99510

Alaska Carriers Association,
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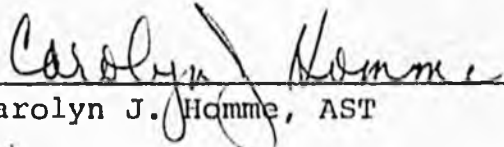
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DATED at ANCHORAGE, ALASKA, this 25th day of February 1983.

ALASKA TRANSPORTATION COMMISSION



Carolyn J. Homme, AST

Alaska State Legislature



House of Representatives

Committee on Transportation


Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4858

Rep. Bette Cato, Chairman

DATE: 20 April 1983

TO: REP. WALTER FURNACE, CHAIRMAN
Labor and Commerce Committee

REP. AL ADAMS, CHAIRMAN
Finance Committee

FROM: Rep. M. W. Miller, Acting Chairman
House Transportation Committee 

RE: HB 313

It is the recommendation of the House Transportation Committee that it is in the State's best interest to continue the Alaska Transportation Commission (ATC) because of the importance of the ATC in order to provide for the enforcement of surface and air transportation regulations. Alaska has seen a substantial increase in the surface and air transportation in recent years.

In testimony before the House Transportation Committee, several witnesses said that the reason the Alaska Transportation Commission has not been able to implement recommendations from previous audits, is that they have not received sufficient funding from the legislature to hire personnel necessary to accomplish the recommendations.

In testimony, several witnesses also said that the ATC has been neglectful in following practices to ensure an efficient operation. This was supported by the findings in the legislative audit.

It is further suggested that the qualifications of the Commissioners and the number of Commissioners setting on the ATC should be reviewed to ensure a more efficient operation both for the benefit of the carriers and the public in the area of safety.

The Alaska Transportation Commission is a most important link or buffer between the Federal government, the State and the industries, therefore, the ATC should be continued after having been fully reviewed.

COMMITTEE REPORT

HOUSE

FINANCE

FURTHER:

(9)

4/4/83

Date:

4-18-83

Mr. Speaker:

The Committee on TRANSPORTATION has had HB 313

An Act extending the termination date of the Alaska Transportation Commission; and providing for an effective date.

under consideration and reports it back as follows:

do pass

do not pass

do pass with attached amendments(s)

replace with CS for _____

same title
 new title

and recommends _____

AND attaches a "Letter of Intent"

New Fiscal Note

reports it back without recommendation

Zero Fiscal Note Attached

referred to the _____

Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Mike Hood
John M. ...
M.W. Miller

Mike Hood
John M. ...
...
...

M.W. Miller VICE Chairman
CHAIRMAN

Supplemental

Sec. 42.07.021. Term of office; vacancy. (a) The commissioners first appointed under AS 42.07.011 — 42.07.191 shall continue in office for terms of two, four and six years, respectively, but their successors shall each be appointed for a term of six years unless appointed to fill an unexpired term. A commissioner, upon the expiration of his term, shall continue to hold office until his successor is appointed and qualified. The term of a member begins on February 1.

(b) A vacancy arising in the office of commissioner shall be filled by appointment by the governor and confirmed by the legislature in joint session and an appointee selected to fill a vacancy shall hold office for the balance of the full term for which his predecessor on the commission was appointed.

(c) A vacancy in the commission does not impair the authority of a quorum of commissioners to exercise all the powers and perform all the duties of the commission.

(d) The governor may remove a commissioner from office for cause including but not limited to incompetence, neglect of duty or misconduct in office. A commissioner, to be removed for cause, shall be given a copy of the charges against him and afforded an opportunity to be publicly heard in person or by counsel in his own defense upon not less than 10 days notice. If a commissioner is removed for cause, the governor shall file with the lieutenant governor a complete statement of all charges made against the commissioner and his finding based on the charges, together with a complete record of the proceedings. (§ 2 ch 104 SLA 1969; am § 1 ch 218 SLA 1970)

Revisor's notes. — In this section the 1970 Alaska constitutional amendment (SJR 2) changing the designation of "secretary of state" has been changed to "lieutenant governor" in conformity with that office.

Sec. 42.07.031. Quorum. Two members of the commission constitute a quorum for the transaction of business, for the performance of a duty, or for the exercise of a power of the commission, except as provided in AS 42.07.181(d). (§ 2 ch 104 SLA 1969; am § 19 ch 115 SLA 1980)

Effect of amendments. — The 1980 AS 42.07.181(d)" to the end of the section. amendment added "except as provided in

Sec. 42.07.041. Qualifications. (a) Each commissioner shall be a citizen of the United States and a resident of the state.

(b) Each commissioner shall be appointed with regard to his fitness and ability to exercise the powers and duties of the commission, based upon his experience and familiarity with the principles of public utility regulation or his educational and experience background in the fields of engineering or transportation or law or business administration, finance and accounting.

(c) Members of the commission shall be qualified as follows:

(1) one member shall be a graduate of an accredited university with a major or degree in economics and have experience in the economics of public transportation;

(2) one member shall have substantial experience in transportation and

(A) be a graduate of an accredited university with a major or a degree in financial management or business administration; or

(B) have six years of experience in business or financial affairs;

(3) one member shall have 10 years management experience in a field of transportation. (§ 2 ch 104 SLA 1969; am § 20 ch 115 SLA 1980)

Effect of amendments. — The 1980 amendment added subsection (c).

Editor's notes. — Section 30, ch. 115, SLA 1980 provides: "Notwithstanding the provisions of AS 42.07.041(c), enacted in

sec. 20 of this Act, the members of the Alaska Transportation Commission may continue in office for the remainder of their terms."

Sec. 42.07.061. Restrictions. A commissioner, employee or agent of the commission may not have an official or professional relation or connection with, or hold stock or securities or have a pecuniary interest in, any business or agency subject to regulation under AS 42.07.011 — 42.07.191, 02.05.010 — 02.05.260, or 42.10.010 — 42.10.430. Membership in a cooperative association is not a "pecuniary interest" within the meaning of this section. If a commissioner or employee becomes the owner of such stocks or securities or becomes pecuniarily interested in such a business or agency otherwise than voluntarily, his office or employment shall become vacant unless within a reasonable time he divests himself of the ownership or interest. A commissioner may not, for two years after leaving his position as a commissioner, act as a representative of a business or agency in a matter before the commission. (§ 2 ch 104 SLA 1969; am § 21 ch 115 SLA 1980)

Effect of amendments. — The 1980 amendment in the first sentence, substituted "A commissioner" for "No commissioner" at the beginning of the sentence, inserted "not" preceding "have an official"

and added "02.05.010 — 02.05.260, or 42.10.010 — 42.10.430" to the end of the sentence. The amendment also added the last sentence.

Sec. 42.07.071. Compensation. Members of the commission are in the exempt service and are entitled to a monthly salary equal to Step C, Range 26 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska. (§ 2 ch 104 SLA 1969; am § 8 ch 47 SLA 1974; am § 16 ch 148 SLA 1976; am § 16 ch 263 SLA 1976; am § 11 ch 80 SLA 1978; am §§ 12, 27 ch 3 SLA 1980)

Effect of amendments. — The second 1976 amendment substituted "as established under AS 39.23" for "equivalent to that of a district court judge payable in equal monthly installments."

The 1978 amendment substituted "set by AS 39.27.011(a) for Range 27, Step C of the state pay plan" for "as established under AS 39.23."

Section 12, ch. 3, SLA 1980, retroactive to January 1, 1979, and applicable to calendar year 1979, substituted "and are

entitled to an annual salary of \$49,000, payable monthly in 12 equal installments" for "under AS 39.25 and shall receive an annual salary set by AS 39.27.011(a) for Range 27, Step C of the state pay plan." Section 27 of ch. 3, retroactive to January 1, 1980, substituted "and are entitled to a monthly salary equal to Step C, Range 26 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska" for the language substituted by § 12.

Sec. 42.07.101. Employment of commission personnel. (a) The commission may employ an executive director who shall have at least five years of experience in public transportation management or regulation, law, accounting, or an allied field. A member of the commission may act as executive director for no longer than 90 days. The commission may employ engineers, hearing officers, staff legal counsel, experts, clerks, accountants, and other agents and assistants it considers necessary. The executive director, his deputy, and staff legal counsel, and hearing officers to the commission are in the partially exempt service under AS 39.25.120. All other employees and agents of the commission are in the classified service under AS 39.25.100.

(b) In addition to its staff of regular employees, the commission may contract for and engage the services of consultants and experts the commission considers necessary. (§ 2 ch 104 SLA 1969; am § 2 ch 218 SLA 1970; am § 22 ch 115 SLA 1980)

Effect of amendments. — The 1980 amendment rewrote the section.

NOTES TO DECISIONS

The legislature intended the use of hearing officers without commissioners. *Alaska Transp. Comm'n v. Gandia*, Sup. Ct. Op. No. 1964 (File No. 3469), 602 P.2d 402 (1979).

Such use held lawful. — The Alaska transportation commission's use of a

hearing officer, without the presence of the individual commissioners, violated neither the applicable state statutes nor constitutional due process. *Alaska Transp. Comm'n v. Gandia*, Sup. Ct. Op. No. 1964 (File No. 3469), 602 P.2d 402 (1979).

Article 2. Powers and Duties of Commission.

Section
121. General powers and duties
126. Exempt transportation carriers
131. Authority limited by federal law
136. Requirements for exempt carriers

Section
171. Enforcement authority
181. Stop orders
191. Definition

Sec. 42.07.121. General powers and duties. The commission shall supervise and regulate transportation in the state as provided in AS 42.07.011 — 42.07.191 and in AS 02.05.010 — 02.05.260 and

42.10.010 — 42.10.430, and may do all things, whether specifically designated in AS 42.07.011 — 42.07.191 or in AS 02.05.010 — 02.05.260 or 42.10.010 — 42.10.430, which are necessary or convenient in the exercise of this power and jurisdiction. (§ 2 ch 104 SLA 1969; am § 1 ch 120 SLA 1972; am § 23 ch 115 SLA 1980)

Effect of amendments. — The 1980 amendment substituted "commission" for "Alaska Transportation Commission" and deleted "AS 42.15 and AS 42.25" following "AS 02.05.010 — 02.05.260 and 42.10.010 — 42.10.430" and "AS 42.15 or AS 42.25, or in addition thereto" following "AS 02.05.010 — 02.05.260 or 42.10.010 — 42.10.430."

Sec. 42.07.126. Exempt transportation carriers. Except as provided in AS 42.07.136, the jurisdiction of the commission does not extend to the regulation of ferry or bus transportation. (§ 24 ch 115 SLA 1980)

Sec. 42.07.131. Authority limited by federal law. The provisions of AS 42.07.011 — 42.07.191 and 02.05.010 — 02.05.260 and 42.10.010 — 42.10.430 apply to transportation carriers engaged in foreign commerce and interstate commerce to the extent permitted by the constitution and laws of the United States. (§ 2 ch 104 SLA 1969; am § 25 ch 115 SLA 1980)

Effect of amendments. — The 1980 amendment deleted "and AS 42.15" following "AS 42.10.010 — 42.10.430."

Sec. 42.07.136. Requirements for exempt carriers. The commission shall require carriers exempted under AS 42.07.126 and AS 42.10.020(5) to file information necessary to carry out AS 42.07.011 — 42.07.191 and to procure and maintain appropriate bodily injury and property damage liability insurance and cargo insurance from a company licensed to write insurance in the state or deposit security for the limits of liability and upon the terms and conditions the commission determines necessary for the reasonable protection of the public against damage and injury for which the carrier may be liable by reason of its operation. Evidence of the required insurance shall be filed with the commission. (§ 26 ch 115 SLA 1980)

Sec. 42.07.141. Administrative authority, regulations and hearing procedures.

NOTES TO DECISIONS

Effect of exemption, etc.
In accord with original. See Alaska Transp. Comm'n v. Gandia, Sup. Ct. Op. No. 1964 (File No. 3469), 602 P.2d 402 (1973).

Use of hearing officer without commissioners. — The Alaska Transportation Commission's use of a hearing officer, without the presence of the individual commissioners, violates neither the

applicable state statutes nor Comm'n v. Gandia, Sup. Ct. Op. No. 1964
 constitutional due process. Alaska Transp. (File No. 3469), 602 P.2d 402 (1979).

Sec. 42.07.151. Application of Administrative Procedure Act.

NOTES TO DECISIONS

Effect of subsection (a), etc.

In accord with original. See Alaska Transp. Comm'n v. Gandia, Sup. Ct. Op. No. 1964 (File No. 3469), 602 P.2d 402 (1979).

Subsection (a) of this section specifically exempts the Alaska transportation commission from the requirements of both AS 44.62.340, forbidding the delegation of the hearing power absent express statutory authorization, and AS 44.62.500, requiring the hearing officer to prepare a proposed decision and forbidding members of the applicable government agency from voting on the decision if they have not

heard the evidence. Alaska Transp. Comm'n v. Gandia, Sup. Ct. Op. No. 1964 (File No. 3469), 602 P.2d 402 (1979).

Use of hearing officer without commissioners. — The Alaska transportation commission's use of a hearing officer, without the presence of the individual commissioners, violates neither the applicable state statutes nor constitutional due process. Alaska Transp. Comm'n v. Gandia, Sup. Ct. Op. No. 1964 (File No. 3469), 602 P.2d 402 (1979).

Cited in Keystone Servs., Inc. v. Alaska Transp. Comm'n, Sup. Ct. Op. No. 1485 (File No. 3151), 568 P.2d 952 (1977).

Sec. 42.07.161. Investigations and hearing.

NOTES TO DECISIONS

Use of hearing officer without commissioners. — The Alaska transportation commission's use of a hearing officer, without the presence of the individual commissioners, violates neither the

applicable state statutes nor constitutional due process. Alaska Transp. Comm'n v. Gandia, Sup. Ct. Op. No. 1964 (File No. 3469), 602 P.2d 402 (1979).

Sec. 42.07.171. Enforcement authority. An enforcement officer authorized and designated by the commission or by the Department of Public Safety has the authority set out in this section to enforce regulations and orders of the commission and to enforce the statutes that the commission administers. The commission may authorize the enforcement officer to

(1) require the operator of a surface or air vehicle which may be subject to the authority of the commission to present documents of vehicle registration, ownership, or other documents required by regulation to be in the possession of the operator;

(2) stop a surface or air vehicle which may be subject to the authority of the commission and request the right to inspect cargo within the vehicle to determine whether the operation of the vehicle violates a regulation or order of the commission or a statute which the commission administers; if the operator of that vehicle refuses to permit inspection of the vehicle or its cargo, the enforcement officer may, by

placing a seal on or around the cargo, prohibit the discharge of the cargo except at a point of destination and in the presence of an authorized enforcement officer of the commission;

(3) detain or remove from service a surface vehicle which may be subject to the authority of the commission when it reasonably appears to an enforcement officer of the commission that the continued operation of the vehicle would jeopardize the public safety; if an enforcement officer discovers a safety violation which in his opinion will not cause an accident or breakdown, he may order the vehicle to proceed to a designated repair area where the violation shall be corrected before the vehicle departs the area;

(4) issue citations for a violation of a regulation, order, or statute administered by the commission; and

(5) apply to a court for an appropriate order. (§ 26 ch 115 SLA 1980)

Sec. 42.07.181. Stop orders. (a) The commission may, following a hearing under its regulations, issue a stop order directed to a person violating or aiding or abetting a violation of a regulation, order, or statute administered by the commission.

(b) The commission may issue a stop order on its own motion before a hearing if it finds that immediate and irreparable harm is likely to occur to the public if the order is not issued. In addition, the commission may issue a stop order on its own motion if it finds that the party to whom the order is directed

(1) has failed to file required insurance or surety bonds;

(2) is no longer fit, willing and able to operate properly;

(3) is operating without an appropriate certificate or permit allowing him to conduct the transportation in question; or

(4) is operating a surface vehicle in a manner that will jeopardize the public safety if such an order is not issued.

(c) A stop order issued by the commission on its own motion and without a hearing is effective for 10 days and the order shall provide the respondent a hearing within 10 days. If requested by the respondent, the hearing shall be held in the judicial district in which the principal place of business of the respondent is located. If a hearing has been provided within 10 days, the commission may extend the stop order an additional 10 days in order that the commission may decide the matter.

(d) A single commissioner may issue a stop order without a hearing if he finds that a person engaging in surface transportation regulated under AS 42.10.010 — 42.10.430 does so in a manner that jeopardizes the public safety if a stop order is not issued. A stop order issued by a single commissioner is effective for 48 hours or until a stop order is issued by the commission under (c) of this section.

(e) A respondent subject to a stop order shall be given the opportunity to have the stop order rescinded because he has complied with its requirements.

(f) If, after a hearing, the commission finds that a respondent violated the stop order, the commission may fine that person not more than \$1,000 for each day the violation of the stop order continues or an amount equal to revenue that person earned as a result of violating the stop order, whichever is greater.

(g) A person who refuses to allow an enforcement officer of the commission to examine his vehicle or cargo within the vehicle upon request under AS 42.07.171(2) and who is subsequently determined to have been in violation of a regulation, order, or statute under the jurisdiction of the commission may be fined \$1,000 a day for each day of the violation or fined an amount equal to the gross revenue earned by the violator in that particular operation, whichever is greater.

(h) In this section, "respondent" means a person against whom a stop order or citation is directed. (§ 26 ch 115 SLA 1980)

Sec. 42.07.191. Definition. In AS 42.07.011 — 42.07.191, "commission" means the Alaska Transportation Commission. (§ 26 ch 115 SLA 1980)

Chapter 10. Alaska Motor Freight Carrier Act.

Article 1. Scope and Application.

Section

20. Exempt vehicles

Sec. 42.10.020. Exempt vehicles. AS 42.10.010 — 42.10.430 shall apply to all vehicles unless specifically exempted by this section. AS 42.10.010 — 42.10.430, except when specifically otherwise provided, does not apply to

(1) motor vehicles operated exclusively in the transportation of United States mail or in the transportation of newspapers or periodicals alone or in conjunction with an express service delivering packages not to exceed 100 pounds to any one receiver;

(2) motor vehicles owned and operated by the United States, the state, or a borough, city, town, or municipality in the state, or by a department of any of them, except when the vehicles are used to transport property of the general public for compensation in competition with other common carriers subject to this chapter, and to the extent regulation of vehicles operated by the United States is permitted by the laws of the United States;

(3) motor vehicles not exceeding an unladen total gross weight of 16,000 pounds, owned by a person deriving his primary source of livelihood from the operation of a ranch, farm, or dairy and which vehicle is used exclusively to transport his own ranch, farm, or dairy products to and from the market or to transport supplies, commodities, or equipment to be used on his ranch, farm, or dairy; motor vehicles driven under this classification shall be identified as farm vehicles in

or necessary for an integral line of pipe to effectuate the transportation from point to point, excluding, however, gas processing plants, treaters and separators;

(10) "pipeline carrier" means the owner, including corporations organized under the laws of the United States or of other states, of any pipeline, as the term is defined in this section, or any interest in it;

(11) "regulation" includes rules;

(12) "tariff" means a rate, charge, toll, rule or regulation of an oil or gas pipeline facility relating to services furnished by the facility to the general public or other users for compensation. (§ 1 ch 139 SLA 1972; am §§ 7, 8 ch 6 FSSLA 1973)

Effect of amendment. — The 1973 amendment rewrote paragraphs (4) and (8).

Sec. 42.06.640. Short title. This chapter may be cited as the Alaska Pipeline Commission Act. (§ 1 ch 139 SLA 1972)

Chapter 07. Alaska Transportation Commission Act.

Article

1. Establishment of Transportation Commission (§§ 42.07.011 — 42.07.111)
2. Powers and Duties of Commission (§§ 42.07.121 — 42.07.161)

Repeal of former chapter. — Section 1, ch. 104, SLA 1969, repealed former Chapter 07, entitled "Alaska Transportation

Commission." The former chapter consisted of §§ 42.07.010 — 42.07.150, and derived from § 1, ch. 139, SLA 1966.

Article 1. Establishment of Transportation Commission.

Section

11. Creation and composition
21. Term of office: vacancy
31. Quorum
41. Qualifications
51. Oath of office
61. Restrictions
71. Compensation of members of the Alaska Transportation Commission

Section

81. Principal office and seal
91. Legal counsel
101. Employment and compensation of personnel
- ~111. Annual report

Sec. 42.07.011. Creation and composition. (a) There is created the Alaska Transportation Commission within the Department of Commerce and Economic Development. The commission consists of three members appointed by the governor and confirmed by the legislature in joint session.

(b) The governor shall designate one member of the commission as chairman of the commission. This member shall serve as chairman for

a term of two years, but may be appointed for successive terms. (§ 2 ch 104 SLA 1969; am § 86 ch 218 SLA 1976)

Effect of amendment. — The 1976 amendment substituted "Department of Commerce and Economic Development" for "Department of Commerce" at the end of the first sentence of subsection (a).

~~Sec. 42.07.021. Term of office; vacancy. (a) The commissioners first appointed under this chapter shall continue in office for terms of two, four and six years, respectively, but their successors shall each be appointed for a term of six years unless appointed to fill an unexpired term. A commissioner, upon the expiration of his term, shall continue to hold office until his successor is appointed and qualified. The term of a member begins on February 1.~~

~~(b) A vacancy arising in the office of commissioner shall be filled by appointment by the governor and confirmed by the legislature in joint session and an appointee selected to fill a vacancy shall hold office for the balance of the full term for which his predecessor on the commission was appointed.~~

~~(c) A vacancy in the commission does not impair the authority of a quorum of commissioners to exercise all the powers and perform all the duties of the commission.~~

~~(d) The governor may remove a commissioner from office for cause including but not limited to incompetence, neglect of duty or misconduct in office. A commissioner, to be removed for cause, shall be given a copy of the charges against him and afforded an opportunity to be publicly heard in person or by counsel in his own defense upon not less than 10 days notice. If a commissioner is removed for cause, the governor shall file with the secretary of state a complete statement of all charges made against the commissioner and his finding based on the charges, together with a complete record of the proceedings. (§ 2 ch 104 SLA 1969; am § 1 ch 218 SLA 1970)~~

Legislative committee report. — For report on ch. 218, SLA 1970 (HCSSB 543), see 1970 House Journal, p. 1244.

~~Sec. 42.07.031. Quorum. Two members of the commission constitute a quorum for the transaction of business, for the performance of a duty, or for the exercise of a power of the commission. (§ 2 ch 104 SLA 1969)~~

~~Sec. 42.07.041. Qualifications. (a) Each commissioner shall be a citizen of the United States and a resident of the state.~~

~~(b) Each commissioner shall be appointed with regard to his fitness and ability to exercise the powers and duties of the commission, based upon his experience and familiarity with the principles of public utility regulation or his educational and experience background in the fields of engineering or transportation or law or business administration, finance and accounting. (§ 2 ch 104 SLA 1969)~~

Sec. 42.07.051. Oath of office. Each commissioner, before entering upon the duties of his office, shall take the oath prescribed for principal officers of the state. (§ 2 ch 104 SLA 1969)

Cross reference. — For further provisions as to oaths of office, see AS 39.05.040 and AS 39.05.130.

~~**Sec. 42.07.061. Restrictions.** No commissioner, employee or agent of the commission may have an official or professional relationship or connection with, or hold stock or securities or have a pecuniary interest in, any business or agency subject to regulation under this chapter. Membership in a cooperative association is not a "pecuniary interest" within the meaning of this section. If a commissioner or employee becomes the owner of such stocks or securities or becomes pecuniarily interested in such a business or agency otherwise than voluntarily, his office or employment shall become vacant unless within a reasonable time he divests himself of the ownership or interest. (§ 2 ch 104 SLA 1969)~~

~~**Sec. 42.07.071. Compensation of members of the Alaska Transportation Commission.** The commissioners are in the exempt service under AS 39.25 and shall receive an annual salary equal to that of a district court judge. (§ 2 ch 104 SLA 1969; am § 8 ch 47 SLA 1974; am § 16 ch 148 SLA 1976)~~

Effect of amendments. — The 1974 amendment rewrote this section.

The 1976 amendment deleted "payable in equal monthly installments" from the end of the section.

Editor's note. — Section 13, ch. 263, SLA 1976, amends this section to read as follows: "Sec. 42.07.071. Compensation of members of the Alaska Transportation

Commission. The commissioners are in the exempt service under AS 39.25 and shall receive an annual salary as established under AS 39.23."

Section 21, ch. 263, SLA 1976, provides that this section takes effect "on the effective date of the first recommendations submitted to the legislature under AS 39.23.080(c)."

Sec. 42.07.081. Principal office and seal. (a) The commission shall establish a principal office. For the convenience of the public or of parties to a proceeding the commission may hold hearings or other proceedings at another location.

(b) The commission shall have an official seal. (§ 2 ch 104 SLA 1969)

Sec. 42.07.091. Legal counsel. (a) The attorney general is the legal counsel for the commission. He shall advise the commission in legal matters arising in the discharge of its duties and represent the commission in suits to which it is a party. The attorney general may represent the public interest in any proceeding before the commission.

(b) The commission may employ temporary legal counsel in proceedings before the commission in which the attorney general is representing the public interest or a party before the commission. (§ 2 ch 104 SLA 1969)

Sec. 42.07.101. Employment and compensation of personnel. (a) The commission may employ engineers, hearing officers, experts, clerks, accountants, and other agents and assistants it considers necessary. Employees and agents of the commission, other than legal counsel, are in the classified service under AS 39.25.

(b) In addition to its staff of regular employees the commission may contract for and engage the services of the consultants, experts and hearing officers the commission considers necessary for the purpose of developing information or conducting studies, investigations, hearings or other proceedings. (§ 2 ch 104 SLA 1969; am § 2 ch 218 SLA 1970)

Legislative committee report. — For report on ch. 218, SLA 1970 (HCSSB 543), see 1970 House Journal, p. 1244.

Sec. 42.07.111. Annual report. The commission shall publish an annual report reviewing its work and submit it to the legislature by February 15 of each year. In addition, the report shall contain information and data which bear a significant relationship to the development and regulation of transportation in the state. (§ 2 ch 104 SLA 1969)

Article 2. Powers and Duties of Commission.

<p>Section 121. General powers and duties 131. Authority limited by federal law 141. Administrative authority, regulations and hearing procedures</p>	<p>Section 151. Application of Administrative Procedure Act 161. Investigations and hearing</p>
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Sec. 42.07.121. General powers and duties. The Alaska Transportation Commission shall supervise and regulate transportation in the state as provided in this chapter and in AS 02.05 and chs. 10, 15 and 25 of this title, and may do all things, whether specifically designated in this chapter or in AS 02.05 or chs. 10, 15 or 25 of this title, or in addition thereto, which are necessary or convenient in the exercise of this power and jurisdiction. (§ 2 ch 104 SLA 1969; am § 1 ch 120 SLA 1972)

Effect of amendment. — The 1972 amendment substituted "chs. 10, 15 and 25" for "chs. 10 and 15" and substituted "chs. 10, 15 or 25" for "chs. 10 or 15."

Editor's note. — Section 4, ch. 104, SLA 1969, provides: "All litigations, hearings, investigations and other proceedings whatsoever, pending under any law repealed by this Act, shall continue in full effect, and may be continued and completed under the provisions of this Act. All certificates, orders, rules, regulations, or

tariffs made, issued, or filed under any law repealed by this Act, and in full effect upon May 21, 1969, shall remain in full effect for the term issued, or until revoked, created, or modified under the provisions of this Act. All existing contracts and obligations of the commission, entered into or created under any law repealed by this Act, and in effect upon May 21, 1969, shall remain in full effect and shall continue to be performed by the commission."

~~Sec. 42.07.131. Authority limited by federal law. The provisions of this chapter and AS 02.05 and chs. 10 and 15 of this title apply to transportation carriers engaged in foreign commerce and interstate commerce to the extent permitted by the constitution and laws of the United States. (§ 2 ch 104 SLA 1969)~~

Sec. 42.07.141. Administrative authority, regulations and hearing procedures. (a) The commission may adopt regulations, not inconsistent with the law, necessary or proper in the exercise of its powers or for the performance of its duties under this chapter.

(b) The commission shall adopt regulations, consistent with due process of law, which govern practice and procedure and the conduct of all investigations, hearings and proceedings which it holds.

(c) Common law and statutory rules of evidence apply to investigations, hearings and proceedings before the commission, except when the commission determines that their application is not required in order to assure fair treatment of all parties and that the evidence is relevant and of the sort on which responsible persons are accustomed to rely in the conduct of serious matters.

(d) The commission, each commissioner or an employee authorized by the commission may administer oaths, certify to all official acts, and issue subpoenas and other process to compel the attendance of witnesses and the production of testimony, records, papers, accounts and documents in an inquiry, investigation, hearing, or proceeding before the commission in any part of the state. The commission may petition a court of this state to enforce its subpoenas or other process. (§ 2 ch 104 SLA 1969)

Cross reference. — See Editor's note to AS 42.07.121.

Legislative policy behind subsection (b). — See *Mukluk Freight Lines v. Nabors Alas. Drilling, Inc.*, Sup. Ct. Op. No. 967 (File No. 1870), 516 P.2d 408 (1973).

The legislature has in subsection (b) explicitly expressed a policy requiring compliance with due process guarantees. *Mukluk Freight Lines v. Nabors Alas. Drilling, Inc.*, Sup. Ct. Op. No. 967 (File No. 1870), 516 P.2d 408 (1973).

Commission cannot conduct procedures on ad hoc basis. — The legislative policy behind subsection (b) clearly suggests that the commission should not conduct its procedures on an ad hoc basis. *Mukluk Freight Lines v. Nabors Alas. Drilling, Inc.*, Sup. Ct. Op. No. 967 (File No. 1870), 516 P.2d 408 (1973).

A consistent application of regulations giving parties adequate notice of internal policies and procedures would preclude ad hoc considerations and create standards that could be judicially reviewed in

accordance with the due process guarantees anticipated in subsection (b). *Mukluk Freight Lines v. Nabors Alas. Drilling, Inc.*, Sup. Ct. Op. No. 967 (File No. 1870), 516 P.2d 408 (1973).

Section imposes mandatory obligation to adopt procedural regulations. — Although the adoption of regulations is under subsection (a) discretionary, subsection (b), on the other hand, deals specifically with regulations governing practice and procedure. Hence, this section imposes a mandatory obligation on the commission to adopt procedural regulations. *Mukluk Freight Lines v. Nabors Alas. Drilling, Inc.*, Sup. Ct. Op. No. 967 (File No. 1870), 516 P.2d 408 (1973).

Subsection (b) requires the commission to adopt rules of procedure as a prerequisite to the use of a modified procedure. The ad hoc application of the modified procedure to an application for transfer of operating authority is improper. *Mukluk Freight Lines v. Nabors Alas. Drilling, Inc.*, Sup. Ct. Op. No. 967 (File No. 1870), 516 P.2d 408 (1973).

Effect of exemption in AS 42.07.151(a) on obligation. — It is significant that AS 42.07.161(a) exempted the commission's adjudications from nearly all of the standard procedural safeguards of the Alaska Administrative Procedure Act (AS 44.62). However, this exemption should not be interpreted as giving the commission an unlimited discretion to avoid all procedural safeguards, since subsection (b) requires the promulgation of procedural regulations consistent with due process. *Mukluk*

Freight Lines v. Nabors Alas. Drilling, Inc., Sup. Ct. Op. No. 967 (File No. 1870), 516 P.2d 408 (1973).

Rather AS 42.07.151 and this section should be read in conjunction as giving the commission considerable flexibility in choosing its own procedures, but all the while requiring the procedures to meet due process of law. *Mukluk Freight Lines v. Nabors Alas. Drilling, Inc.*, Sup. Ct. Op. No. 967 (File No. 1870), 516 P.2d 408 (1973).

Sec. 42.07.151. Application of Administrative Procedure Act. (a) The administrative adjudication procedures of the Administrative Procedure Act (AS 44.62) do not apply to adjudicatory proceedings of the commission except that final administrative determinations by the commission are subject to judicial review as provided in AS 44.62.560 — 44.62.570.

(b) AS 44.62.10 — 320, 44.62.640 and 44.62.650 apply to regulations adopted by the commission. (§ 2 ch 104 SLA 1969)

Rules for transfer of permits must be consistent with Administrative Procedure Act. — It is incumbent upon the commission to adopt rules for the transfer of permits consistent with the requirements of the Administrative Procedure Act (AS 44.62). *Mukluk Freight Lines v. Nabors Alas. Drilling, Inc.*, Sup. Ct. Op. No. 967 (File No. 1870), 516 P.2d 408 (1973).

Effect of subsection (a) on commission's obligation to promulgate procedural regulations. — It is significant that subsection (a) exempted the commission's adjudications from nearly all of the standard procedural safeguards of the Alaska Administrative Procedure Act (AS 44.62). However, this exemption should

not be interpreted as giving the commission an unlimited discretion to avoid all procedural safeguards, since AS 42.07.141(b) requires the promulgation of procedural regulations consistent with due process. *Mukluk Freight Lines v. Nabors Alas. Drilling, Inc.*, Sup. Ct. Op. No. 967 (File No. 1870), 516 P.2d 408 (1973).

Rather, this section and 42.07.141 should be read in conjunction as giving the commission considerable flexibility in choosing its own procedures, but all the while requiring the procedures to meet due process of law. *Mukluk Freight Lines v. Nabors Alas. Drilling, Inc.*, Sup. Ct. Op. No. 967 (File No. 1870), 516 P.2d 408 (1973).

Sec. 42.07.161. Investigations and hearing. An investigation or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any one or more commissioners designated for the purpose by the commission. The testimony and evidence in an investigation or hearing may be taken by the commissioner to whom the investigation or hearing has been assigned. All investigations or hearings before or by commissioners are considered to be the investigations and hearings of the commission. A determination or order of commissioners upon such an investigation or hearing, so undertaken, is not effective until approved and confirmed by the commission. Upon confirmation, the determination or order is the determination or order of the commission. (§ 2 ch 104 SLA 1969)

Chapter 66. Review of the Activities of Agencies, Boards and Commissions.

Section

10. Termination of state boards and commissions

Sec. 44.66.010. Termination of state boards and commissions.

(a) Boards and commissions listed in this subsection expire on the date set out after each:

- (1) Alcoholic Beverage Control Board (AS 04.06.010) — June 30, 1983;
- (2) Alaska Transportation Commission (AS 42.07.011) — June 30, 1983;
- (3) State Board of Parole (AS 33.15.010) — June 30, 1982;
- (4) Alaska Public Utilities Commission (AS 42.05.010) — June 30, 1985;
- (5) Repealed by § 20 ch 110 SLA 1981.
- (6) Alaska Council on Science and Technology (AS 44.21.241) — June 30, 1983;
- (7) Alaska Resources Corporation (AS 37.12.010) — June 30, 1992;
- (8) Alaska Code Revision Commission (AS 24.20.075) — June 30, 1985;
- (9) Rural Development Council (AS 44.47.160 — 44.47.190) — June 30, 1987;
- (10) Older Alaskans Commission (AS 44.21.200) — June 30, 1985;
- (11) Council on Domestic Violence and Sexual Assault — June 30, 1985.

(b) Upon termination, a commission listed in (a) of this section shall continue in existence until June 30 of the next succeeding year for the purpose of concluding its affairs.

(c) A commission scheduled for termination under AS 44.66.010 — 44.66.060 may be continued or reestablished by the legislature for a period not to exceed four years. (§ 3 ch 149 SLA 1977; am § 3 ch 101 SLA 1978; am § 10 ch 179 SLA 1978; am § 3 ch 44 SLA 1980; am § 1 ch 115 SLA 1980; am § 11 ch 131 SLA 1980; am § 11 ch 136 SLA 1980; am § 3 ch 172 SLA 1980; am § 1 ch 32 SLA 1981; am § 1 ch 64 SLA 1981; am § 4 ch 79 SLA 1981; am § 3 ch 101 SLA 1981; § 20 ch 110 SLA 1981; am Executive Order No. 48, § 5 (1981); am § 1 ch 65 SLA 1982; am § 31 ch 142 SLA 1982)

Revisor's notes. — In subsection (a)(6), the reference "AS 44.21.241" was substituted for "AS 44.21.200" to reflect the renumbering of that section by the revisor of statutes under AS 01.05.031.

Effect of amendments. — The first 1981 amendment substituted "1982" for "1980" in paragraph (3) of subsection (a).

The second 1981 amendment substituted "1983" for "1981" in subsection (a)(1).

The third 1981 amendment added paragraph (10) of subsection (a).

The fourth 1981 amendment added paragraph (11) of subsection (a).

The fifth 1981 amendment repealed

paragraph (5) of subsection (a) which provided a termination date for the Alaska Pipeline Commission.

The sixth 1981 amendment substituted "AS 44.21.241" for "AS 44.19.181" in paragraph (6) of subsection (a).

The first 1982 amendment substituted

"1985" for "1982" in paragraph (8) of subsection (a).

The second 1982 amendment, effective July 1, 1982, deleted "Renewable" preceding "Resources Corporation" and substituted "June 30, 1992" for "June 30, 1982" in paragraph (7) of subsection (a).

Part 6. State Property.

Chapter

68. State-Owned Vehicles (§ 44.68.020)

74. Management and Disposition (§§ 44.74.010, 44.74.040, 44.74.070)

Chapter 68. State-Owned Vehicles.

Article

1. Use of State-Owned Vehicles (§ 44.68.020)

Article 1. Use of State-Owned Vehicles.

Section

20. Rules regarding the use of state-owned vehicles

Sec. 44.68.020. Rules regarding the use of state-owned vehicles. The Department of Transportation and Public Facilities shall prescribe rules which

(1) define what is the use of state-owned automotive and mechanical vehicles in the conduct of state business and distinguish this use from misappropriation for private use;

(2) prescribe use governing the storage of state-owned vehicles in those locations where storage space, under the jurisdiction of the Department of Highways, is available for storage of state-owned vehicles;

(3) provide for the marking of state-owned vehicles as property of the state and for the use of distinctive license tags for state-owned vehicles. (§ 2 ch 178 SLA 1959; am § 1 ch 12 SLA 1960; am § 50 ch 127 SLA 1974; am Executive Order No. 39, § 11 (1977))

Effect of amendments. — The 1977 amendment substituted "Department of Transportation and Public Facilities" for "Department of Highways."

§ 44.66.020

STATE GOVERNMENT

§ 44.66.050

The fourth 1980 amendment added paragraph (8) of subsection (a).

The fifth 1980 amendment added paragraph (9) of subsection (a).

Sec. 44.66.020. Agency programs. (a) Agency programs and activities listed in this subsection which are specifically designated as provided in AS 44.66.030 are subject to termination during the regular legislative session convening in the month and year set out after each:

(1) programs in the budget categories of general government, public protection, and administration of justice — January, 1980;

(2) programs in the budget categories of education and the University of Alaska — January, 1981;

(3) programs in the budget categories of health and social services — January, 1982;

(4) programs in the budget categories of natural resources management, development and transportation — January, 1983.

(b) An agency program or activity designated in (a) of this section shall be subject to termination during the regular legislative session convening four years after the preceding review and may be subject to termination at any time upon the recommendation of the Legislative Budget and Audit Committee and the concurrence of the legislature as if under AS 44:66.030. (§ 3 ch 149 SLA 1977)

Sec. 44.66.030. Program identification. During the legislative session preceding each of the years set out in AS 44.66.020, the Legislative Budget and Audit Committee shall designate, not later than March 1 of those years, the programs and activities within each program category which shall be subject to termination in the next fiscal year. The recommendations of the Legislative Budget and Audit Committee shall be submitted to the respective houses of the legislature in the form of a bill which, if enacted into law, would terminate those designated programs and activities on or before July 1 of the following year. (§ 3 ch 149 SLA 1977)

Sec. 44.66.050. Legislative oversight. (a) Before the termination, dissolution, continuation or reestablishment of a board or commission under AS 08.03.010 or AS 44.66.010, or of an agency program under AS 44.66.020 and 44.66.030, a committee of reference of each house, which shall be the standing committee of legislative jurisdiction as provided in the Uniform Rules of the Legislature, shall hold one or more hearings to receive testimony from the public, the commissioner of the department having administrative responsibility for each named board, commission, or agency program, and the members of the board or commission involved. The hearings may be joint hearings. The committee shall also consider the proposed budget of the board, commission, or agency program, prepared in accordance with AS 37.07.050(f), and the performance audit of the activities of the board, commission, or agency program, prepared by the legislative audit division as prescribed in AS 24.20.271(1). The committee may consider

any other report of the activities of the board, commission or program, including but not limited to annual reports, summaries prepared by the Legislative Affairs Agency, and any evaluation or general report of the manner of conduct of activities of the board, commission, or agency program prepared by the office of the ombudsman.

(b) During a public hearing, the board, commission or agency shall have the burden of demonstrating a public need for its continued existence or the continuation of the program, and the extent to which any change in the manner of exercise of its functions or activities may increase efficiency of administration or operation consistent with the public interest.

(c) A determination as to whether a board or commission or agency program has demonstrated a public need for its continued existence shall take into consideration the following factors:

(1) the extent to which the board, commission or program has operated in the public interest;

(2) the extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters;

(3) the extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest;

(4) the extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided;

(5) the extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions;

(6) the efficiency with which public inquiries or complaints regarding the activities of the board, commission or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of the ombudsman have been processed and resolved;

(7) the extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public;

(8) the extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission or agency to its own activities and the area of activity or interest; and

(9) the extent to which statutory, regulatory, budgeting or other changes are necessary to enable the agency, board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

(d) As to each board, commission, or agency program assigned to it for purposes of review, the committee of reference shall, not later than the 60th day of the legislative session, submit a report to the presiding officer of the house. The report shall contain a summary of the findings of the committee as to the compliance of the board, commission or program with the factors enumerated in (c) of this section, together with a summary or recommendations of the committee as to each of the following:

(1) an identification of the problems or the needs that the programs and activities of the board, commission or agency are intended to address;

(2) a statement, to the extent practicable, of the objectives of the program of the board, commission, or agency program, and its anticipated accomplishments;

(3) an identification of any other programs having similar, conflicting or duplicate objectives;

(4) an assessment of alternative methods of achieving the purposes of the program;

(5) an assessment of the consequences of eliminating the board, commission or program and consolidating its activities with another program, or of funding it at a lower level;

(6) a justification for the recommended continuation or extension of the board, commission or program, and an explanation of the manner in which it avoids duplication of or conflict with other efforts; and

(7) any other information which, in the opinion of the committee, would improve the performance of the board, commission or agency with respect to its representation of and responsiveness to the public interest.

(e) The committee of reference may introduce a bill providing for the reorganization or continuation of the board, commission or agency program. No more than one board, commission, or agency program shall be continued or reestablished in any legislative bill, and the board, commission, or agency program shall be mentioned in the title of the bill. (§ 3 ch 149 SLA 1977)

Sec. 44.66.060. Existing claims. This chapter shall not cause the termination or dismissal of a claim or right of a citizen against a board, commission or program of an agency terminated under this chapter which is subject to litigation. Claims and rights shall be assumed by the department to which the board or commission terminated under this chapter was attached for administrative purposes. (§ 3 ch 149 SLA 1977)