

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672  
6175 HOUSE TRANSPORTATION

579

SUMMARY: Alaska Commercial Vehicle safety Inspection Plan

The primary inspection activity (Base and Extended) will be carried out by a staff of four State civilian inspectors, strategically placed and specifically trained to do commercial vehicle safety inspections and hazardous materials inspections. In teams, they will travel to other weigh stations throughout the State and schedule a limited number of education oriented safety reviews of motor carrier safety programs. This will increase the effectiveness of self inspection activities.

The local programs will be staffed and supervised by local enforcement officers, and monitored by MCSAP through the inspection reports. The self inspecting activity will be industry wide

The first two components, the Base Inspections Component and the Extended Inspections Component, depend on meeting requirements for a basic MCSAP grant. The Local Inspections Component is funded when the State meets the qualifications for the basic grant and a supplemental enforcement plan is approved. This inspection activity is empowered to the degree to which the MCSAP program is available to verify industry safety equipment programs.

Each component of this three-part commercial vehicle safety inspection plan has merit in its own right, but together they have a greater impact than they would as separate activities. Cooperatively, they have an interrelated and powerful impact, all four working together to create safer highways in the State of Alaska.

ALERTS #: 6-14-89-02-00  
 COMP SER #: 827

STATE OF ALASKA  
 OFFICE OF MANAGEMENT & BUDGET  
 DIVISION OF BUDGET REVIEW

DATE: 12/29/89  
 TIME: 10:41:16  
 PROG: CDBTAIL

FY '91 DRAFT OPERATING BUDGET (DEC. 15, 1989 RELEASE)

AGENCY: DEPARTMENT OF PUBLIC SAFETY  
 COMPONENT: COMMERCIAL VEHICLE SAFETY

BUDGET REQUEST UNIT: HIGHWAY SAFETY PLANNING AGENCY

\*\*\*\*\* COMPARISON OF AGENCY SUBMISSION TO GOVERNOR'S RECOMMENDATION \*\*\*\*\*

DESCRIPTION	REF NUM	TRANS TYPE	PROPOSED BY	----- AGENCY SUBMISSION -----			----- GOVERNOR'S RECOMMENDATION -----						
				PFT	PPT	TOTAL	GEN FUND	OTH FUNDS	PFT	PPT	TOTAL	GEN FUND	OTH FUNDS
FY '90 LEGISLATIVE CONFERENCE COMMITTEE				1.0	0.0	62.1	12.1	50.0	1.0	0.0	62.1	12.1	50.0
Increase Commercial Vehicle Inspection Program	4007	INC	AGENCY	4.0	1.0	219.2	44.2	175.0	4.0	1.0	219.2	44.2	175.0
*** COMPONENT TOTALS ***				5.0	1.0	281.3	56.3	225.0	5.0	1.0	281.3	56.3	225.0

\*\*\*\*\* DERIVATION OF GOVERNOR'S FY '91 RECOMMENDATION, BY IMPACT AND LINE ITEM \*\*\*\*\*

DESCRIPTION	REF NUM	PERSONAL SERVICES	TRAVEL	CONTRACTUAL			LAND/ BUILDINGS	GRANTS/ CLAIMS	MISC.	TOTALS
				SERVICES	COMMODITIES	EQUIPMENT				
FY '89 ACTUAL EXPENDITURES (NON-ADD)		53.5	4.1	3.4	1.4	0.0	0.0	0.0	62.4	
FY '90 LEGISLATIVE CONFERENCE COMMITTEE		54.1	5.3	2.4	0.3	0.0	0.0	0.0	62.1	
Increase Commercial Vehicle Inspection Program	4007	176.1	12.0	18.0	3.8	9.3	0.0	0.0	219.2	
*** COMPONENT TOTALS ***		230.2	17.3	20.4	4.1	9.3	0.0	0.0	281.3	

\*\*\*\*\* NEW POSITIONS INCLUDED IN GOVERNOR'S RECOMMENDATION (excluding non-permanent positions) \*\*\*\*\*

CLASS TITLE	LOCATION	TYP	PCN	TOTAL COST	PERS SVCS FUNDING	POSITION JUSTIFICATION (ABBREVIATED)
INSPECTOR PS	ANCHORAGE	F	N038	Pers. Svcs. 45.9 Travel 2.0 Contractual 1.0	1002 Fed Rcpts 36.7 1003 G/F Match 9.2	Currently, Alaska does not have an active commercial vehicle inspection program. Although the department operates scalehouses statewide to regulate the size and weight of

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CLASS TITLE	LOCATION	TYP	PCN	TOTAL COST	PERS SVCS FUNDING			POSITION JUSTIFICATION (ABBREVIATED)
				Commodities 0.7 Pos'n Cost 49.6				commercial vehicles, there is no provision for the inspection of these vehicles to ensure compliance with safety regulations.
INSPECTOR PS	ANCHORAGE	F	N039	Pers. Svcs. 40.5 Travel 2.0 Contractual 1.0 Commodities 0.7 Pos'n Cost 44.2	1002	Fed Rcpts 32.4		Currently, Alaska does not have an active commercial vehicle inspection program. Although the department operates scalehouses statewide to regulate the size and weight of commercial vehicles, there is no provision for the inspection of these vehicles to ensure compliance with safety regulations.
					1003	G/F Match 8.1		
INSPECTOR PS	ANCHORAGE	F	N040	Pers. Svcs. 36.3 Travel 2.0 Contractual 1.0 Commodities 0.7 Pos'n Cost 40.0	1002	Fed Rcpts 29.0		Currently, Alaska does not have an active commercial vehicle inspection program. Although the department operates scalehouses statewide to regulate the size and weight of commercial vehicles, there is no provision for the inspection of these vehicles to ensure compliance with safety regulations.
					1003	G/F Match 7.3		
INSPECTOR PS	ANCHORAGE	F	N041	Pers. Svcs. 36.3 Travel 2.0 Contractual 1.0 Commodities 0.7 Pos'n Cost 40.0	1002	Fed Rcpts 29.0		Currently, Alaska does not have an active commercial vehicle inspection program. Although the department operates scalehouses statewide to regulate the size and weight of commercial vehicles, there is no provision for the inspection of these vehicles to ensure compliance with safety regulations.
					1003	G/F Match 7.3		
DOCUMENTS PROCESSOR II	ANCHORAGE	P	N042	Pers. Svcs. 14.0 Commodities 1.0 Pos'n Cost 15.0	1002	Fed Rcpts 11.2		Currently, Alaska does not have an active commercial vehicle inspection program.
					1003	G/F Match 2.8		

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TRUCKING IN THE STATES - 1989 UPDATE

Data as published in "Transport Topics" (10/30/89) is an update of trucking information by state. Sources vary, but are noted where known. The Commercial Drivers Licensing program (CDL) is nationally required to be implemented by April 1, 1992. The "Total User Fees" is based upon a FHWA typical truck which travels 60,000 miles and consumes 14,035 gallons of diesel fuel in 12 months. Most of the information can be considered current year figures.

STATE	VEHICLE COST DATA-1988/ATA & HUF*				SAFETY DATA-1988/MCS/AAMVA/FHWA*					HIGHWAY FUNDING DATA-1988/DOT*				SOURCES
	REGISTRATION WEIGHT	FUEL TAX \$ PER GAL	3RD STRUCTURE TAXES	TOTAL USER FEES	CDL TESTING STARTS	ROADSIDE INSPECTIONS 1988	HAZMAT INSPECTIONS	OUT OF SERVICE VEHICLES	OUT OF SERVICE DRIVERS	(Million)				
										ROADS AND BRIDGES	MANT.	ADMN.	LAW ENFORCEMENT	
ALASKA	240	08.0c		1,363	Jan-91	3,055	44	424	47	\$148.5	\$105.4	\$25.8	\$6.6	ATA - American Trucking Association
HAWAII	490	11.0c		2,034	Jan-90	1,647	71	768	5	\$84.7	\$1.7	\$17.2	\$1.4	HUF - Highway Users Federation
GEORGIA	708	11.5c		2,322	Oct-89	24,351	6,105	16,661	4,254	\$680.8	\$188.3	\$66.7	\$67.6	MCS - Motor Carrier Safety Assistance Program
FLORIDA	987	09.7c		2,348	Jul-90	36,151	1,017	22,101	4,823	\$1,800.0	\$177.6	\$80.6	\$101.4	AAMVA - American Association of Motor Vehicle Administrators
CALIFORNIA	\$1,183	09.0c		2,448	Jan-89	25,649	2,898	15,238	1,241	\$1,200.0	\$4,229.3	\$192.0	\$511.0	FHWA - Federal Highway Administration
DELAWARE	430	18.0c		2,678	Apr-89	3,940	335	1,653	450	\$109.8	\$32.4	\$20.7	\$32.5	DOT - U.S. Department of Transportation
NEW HAMPSHIRE	737	14.0c		2,702	Aug-89	4,652	286	1,698	1,006	\$74.8	\$75.0	\$5.2	\$17.6	
NEW JERSEY	858	13.5c		2,754	Jan-90	22,716	5,535	10,545	1,514	\$884.6	\$231.8	\$138.0	\$143.1	
ALABAMA	900	14.0c		2,785	Oct-90	17,230	943	5,123	1,613	\$34.9	\$50.0	\$36.6	\$39.0	
MASSACHUSETTS	\$1,230	11.0c		2,774	Apr-91	15,508	1,572	5,268	935	\$300.0	\$141.2	\$119.0	\$100.4	
OKLAHOMA	\$600	13.0c		2,822	Jan-90	3,350	456	783	237	\$267.3	\$106.3	\$54.9	\$42.6	
TEXAS	\$650	15.0c		2,980	Apr-90					\$1,900.0	\$496.8	\$241.5	\$111.9	
SOUTH CAROLINA	\$810	16.0c		3,058	Apr-90	6,098	393	3,787	474	\$282.9	\$135.2	\$29.3	\$36.8	
LOUISIANA	\$970	16.0c		3,216	Jan-90	11,058	6,178	6,677	1,788	\$466.5	\$62.6	\$32.7	\$85.2	
D.C.	700	18.0c		3,230	Sep-90									
RHODE ISLAND	440	20.0c		3,247	Mar-90	4,909	372	2,594	685	\$132.7	\$24.1	\$8.0	\$9.7	
MISSOURI	\$1,728	11.0c		3,272	Jul-90	41,055	1,882	21,271	4,193	\$311.3	\$190.7	\$77.0	\$70.2	
WYOMING	\$120	09.0c	02.4c	3,303	Jan-90					\$136.9	\$44.7	\$16.0	\$9.5	
NORTH DAKOTA	\$1,058	17.0c		3,442	Jul-89	6,224	625	1,869	500	\$74.4	\$30.3	\$9.5	\$6.9	
VIRGINIA	\$1,223	16.2c		3,497	Jan-90	11,710	714	5,006	1,681	\$847.0	\$154.0	\$59.9	\$81.2	
WEST VIRGINIA	\$736	20.4c		3,592	Nov-89	14,650	1,026	4,513	513	\$345.2	\$124.2	\$43.0	\$20.6	
PENNSYLVANIA	\$1,152	18.0c		3,678	Nov-89	44,561	2,620	18,989	5,510	\$1,400.0	\$597.5	\$83.3	\$185.3	
WASHINGTON	\$1,158	18.0c		3,684	Oct-89	53,626	1,846	15,254	1,505	\$456.2	\$152.2	\$58.0	\$77.0	
MAINE	\$888	17.0c		3,695	Jan-90	5,871	316	3,800	270	\$96.4	\$79.4	\$10.5	\$16.9	
KANSAS	\$1,351	17.0c		3,737	Jan-91	11,105	1,000	6,229	701	\$271.8	\$74.0	\$45.3	\$23.2	
TENNESSEE	\$1,351	17.0c		3,737	Jul-89	87,156	8,753	45,823	6,023	\$350.0	\$154.7	\$29.4	\$40.9	
UTAH	\$1,111	17.0c		3,838	Oct-89	9,312	660	4,849	364	\$111.7	\$47.6	\$19.0	\$25.7	
MARYLAND	\$1,111	16.5c		3,896	Sep-89	37,805	2,446	11,978	2,042	\$616.2	\$121.0	\$70.1	\$85.6	
NORTH CAROLINA	\$923	21.2c		3,908	Sep-90	63,962	1,859	20,444	2,854	\$473.8	\$335.7	\$59.0	\$118.3	
MICHIGAN	\$1,316	19.0c		3,983	Jan-90	54,182	3,413	19,141	1,872	\$475.5	\$167.3	\$74.9	\$127.4	
SOUTH DAKOTA	\$1,470	18.0c		3,996	Oct-89					\$84.9	\$31.5	\$17.4	\$14.6	
VERMONT	\$1,065	17.0c		4,051	Jul-90					\$50.0	\$27.4	\$11.0	\$12.2	
MISSISSIPPI	\$1,531	18.0c		4,057	Jan-90	8,411	13	2,470	691	\$229.1	\$41.8	\$15.9	\$31.0	
CONNECTICUT	\$1,391	20.0c		4,198	Jan-90	14,709	1,400	9,809	668	\$451.0	\$75.0	\$37.1	\$57.5	
INDIANA	\$1,380	21.0c		4,327	Jul-90	36,895	2,410	17,571	2,180	\$202.8	\$217.7	\$128.1	\$70.0	
NEBRASKA	\$1,281	22.0c		4,369	Sep-90	10,058	482	3,763	1,440	\$123.1	\$45.6	\$9.7	\$18.5	
MONTANA	\$1,731	20.0c		4,538	Oct-89	15,101	553	2,409	1,573	\$113.9	\$33.5	\$12.0	\$15.9	
MINNESOTA	\$1,783	20.0c		4,570	Jan-90	30,204	1,451	10,155	1,077	\$490.0	\$109.7	\$36.4	\$40.5	
WISCONSIN	\$1,750	20.8c		4,683	Jan-91	23,340	830	9,847	4,635	\$297.2	\$125.2	\$45.0	\$43.5	
ARKANSAS	\$1,044	12.5c	02.5c	4,796	Jan-90	28,152	2,359	10,545	2,085	\$241.3	\$106.1	\$12.7	\$26.0	
IOWA	\$1,705	22.5c		4,863	Jul-90	27,434	1,269	411	1,727	\$258.3	\$92.9	\$75.1	\$28.4	
OHIO	\$797	18.0c	02.0c	4,123	Jan-90	83,199	8,034	32,745	9,499	\$644.7	\$222.9	\$175.0	\$92.9	
NEW MEXICO	\$133	18.2c	03.2c	4,941	Sep-90	100	0	0	1	\$219.7	\$70.0	\$40.5	\$16.7	
ILLINOIS	\$2,212	24.5c		5,651	Apr-90	34,048	31,248	14,702	2,733	\$1,000.0	\$243.7	\$120.6	\$167.5	
NEW YORK	\$961	16.8c	03.3c	5,859	Jul-90	38,148	4,852	21,995	0	\$984.4	\$449.1	\$178.3	\$123.5	
KENTUCKY	\$1,280	12.0c	04.0c	6,064	Jan-91	46,961	3,311	23,253	786	\$461.0	\$138.9	\$58.5	\$36.0	
IDAHO	\$138	18.0c	04.5c	6,254	Apr-90	17,651	1,102	2,987	1,532	\$83.0	\$32.6	\$11.1	\$17.3	
NEVADA	\$498	20.0c	04.2c	6,705	Jan-90	6,988	1,006	3,103	588	\$110.2	\$28.3	\$6.9	\$13.7	
COLORADO	\$37	20.5c	06.0c	7,714	Jan-91	30,060	2,434	13,816	3,207	\$282.6	\$107.0	\$6.5	\$7.5	
OREGON	\$205	18.0c	11.3c	9,245	Jan-90	15,808	911	6,608	512	\$209.9	\$85.0	\$25.4	\$32.3	
ARIZONA	\$1,107	17.0c	08.0c	9,893	Jan-90	6,890	0	1,682	1,199	\$598.7	\$48.9	\$7.4	\$8.2	
AVERAGE	\$1,018	16.8c		\$4,111		24,128	2,541	10,200	1,808	\$438.3	\$219.6	\$6.9	\$63.7	
ALASKA	\$240	08.0c		\$1,363	Jan-91	3,055	44	424	47	\$148.5	\$105.4	\$25.8	\$6.6	

As of  
12/10/89

TRUCKING IN THE STATES - 1990 UPDATE

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STATE	VEHICLE COST DATA-TOTALS A & HUF*				SAFETY DATA-TOTALS/MCS/AAMVA/FHWA*				HIGHWAY FUNDING DATA-TOTALS/DOY*				SOURCES	
	REGISTRATION/WEIGHT	FUEL TAX PER GAL	3RD STRUCTURE TAXES	TOTAL USER FEES	CDL TESTING STARTS	ROADSIDE INSPECTIONS 1989	HAZMAT INSPECTIONS	OUT OF SERVICE VEHICLES	OUT OF SERVICE DRIVERS	ROADS AND BRIDGES	MAINT.	ADML.		LAW ENFORCEMENT
										(Million)				
ALABAMA	1,800	14.0¢		2,785	Oct-90	17,230	643	5,123	1,813	324.9	350.0	336.6	339.0	AIA - American Trucking Association
ALASKA	240	08.0¢		1,383	Jan-91	3,056	44	424	47	148.5	108.4	25.8	58.6	HUF - Highway Users Federation
ARIZONA	1,107	17.0¢	02.0¢	9,890	Jan-90	8,880	0	1,682	1,130	596.7	418.9	337.4	358.2	MCS - Motor Carrier Safety Assistance Program
ARKANSAS	1,044	12.5¢	02.5¢	4,798	Jan-90	28,182	2,358	10,545	2,085	241.3	108.1	112.7	328.9	AAMVA - American Association of Motor Vehicle Administrators
CALIFORNIA	1,183	09.0¢		2,448	Jan-89	25,649	2,808	15,238	1,241	\$1,200.0	\$4,229.3	\$192.0	\$511.0	FHWA - Federal Highway Administration
COLORADO	337	20.5¢	08.0¢	7,714	Jan-91	30,090	2,434	13,816	3,207	328.8	107.0	126.5	337.5	DOT - U.S. Department of Transportation
CONNECTICUT	\$1,391	20.0¢		4,199	Jan-90	14,709	1,400	9,809	668	\$451.0	\$75.0	\$37.1	\$57.9	
D.C.	708	18.0¢		3,235	Sep-90									
DELAWARE	420	18.0¢		2,878	Apr-90	3,940	336	1,663	450	\$109.8	\$32.4	\$20.7	\$32.3	
FLORIDA	987	09.7¢		2,348	Jul-90	38,181	1,017	27,101	4,823	\$1,800.0	\$177.6	180.8	\$101.4	
GEORGIA	708	11.5¢		2,322	Oct-88	24,351	6,105	16,661	4,254	\$680.6	\$188.3	368.7	\$67.8	
HAWAII	490	11.0¢		2,034	Jan-90	1,647	71	788	5	\$64.7	13.7	\$17.2	\$1.4	
IDAHO	138	18.0¢	04.5¢	6,254	Apr-90	17,651	1,102	2,987	1,532	\$83.0	32.6	\$11.1	\$12.3	
ILLINOIS	\$2,212	24.5¢		5,851	Apr-90	34,048	31,248	14,702	2,733	\$1,000.0	\$243.7	\$120.8	\$187.5	
INDIANA	\$1,380	21.0¢		4,327	Jul-90	36,895	2,470	17,571	2,180	\$202.9	\$217.7	\$128.1	\$70.0	
IOWA	\$1,705	22.5¢		4,883	Jul-90	27,434	1,288	9,411	1,727	\$258.3	\$92.9	\$75.1	\$28.4	
KANSAS	\$1,351	17.0¢		3,237	Jan-91	11,105	1,000	8,229	701	\$271.8	\$74.0	\$45.3	\$23.2	
KENTUCKY	\$1,280	12.0¢	04.0¢	4,064	Jan-91	48,981	3,311	23,253	789	\$481.0	\$138.9	\$58.5	\$38.0	
LOUISIANA	\$870	18.0¢		3,218	Jan-90	11,059	8,178	8,877	1,788	\$488.5	\$62.8	\$32.7	\$85.2	
MAINE	\$888	20.0¢		3,695	Jan-90	5,871	316	3,800	270	\$98.4	\$79.4	\$10.5	\$18.9	
MARYLAND	\$1,300	16.5¢		3,896	Sep-89	37,605	2,446	11,976	2,042	\$618.2	\$121.0	\$70.1	\$85.6	
MASSACHUSETTS	\$1,230	11.0¢		2,774	Apr-91	15,506	1,572	5,268	905	\$300.0	\$141.2	\$119.0	\$100.4	
MICHIGAN	\$1,316	18.0¢		3,983	Jan-90	54,182	3,413	19,141	1,872	\$475.5	\$167.3	\$74.0	\$127.4	
MINNESOTA	\$1,783	20.0¢		4,570	Jan-90	30,204	1,451	10,155	1,077	\$490.0	\$109.7	\$36.4	\$48.5	
MISSISSIPPI	\$1,531	18.0¢		4,057	Jan-90	8,411	13	2,476	691	\$289.1	\$41.8	\$15.9	\$31.0	
MISSOURI	\$1,728	11.0¢		3,272	Jul-90	41,055	1,882	21,271	4,189	\$311.3	\$180.7	\$72.0	\$70.2	
MONTANA	\$1,731	20.0¢		4,538	Oct-89	15,101	583	2,408	1,573	\$113.9	\$33.5	\$20	\$15.9	
NEBRASKA	\$1,281	22.0¢		4,369	Sep-90	10,058	482	3,783	1,449	\$123.1	\$45.8	\$8.7	\$18.5	
NEVADA	408	20.0¢	04.2¢	6,705	Jan-90	6,986	1,008	3,103	598	\$110.2	\$28.3	\$26.9	\$13.7	
NEW HAMPSHIRE	\$737	14.0¢		2,702	Aug-89	4,852	256	1,898	1,068	\$74.8	\$75.0	\$25.2	\$17.6	
NEW JERSEY	\$859	13.5¢		2,754	Jan-90	22,718	5,535	10,545	1,514	\$884.6	\$231.8	\$130.0	\$143.1	
NEW MEXICO	\$133	18.2¢	03.2¢	\$4,941	Sep-90	100	0	40	1	\$218.7	\$70.0	\$40.5	\$16.7	
NEW YORK	\$961	16.8¢	03.3¢	\$5,859	Jul-90	38,148	4,852	21,895	0	\$698.4	\$48.1	\$178.3	\$123.5	
NORTH CAROLINA	\$833	21.2¢		\$3,908	Sep-90	63,982	1,858	20,444	2,854	\$473.8	\$35.7	\$59.0	\$118.3	
NORTH DAKOTA	\$1,056	17.0¢		\$3,442	Jul-88	8,224	825	1,969	500	\$74.4	\$30.3	\$9.5	\$8.9	
OHIO	797	18.0¢	02.0¢	\$4,923	Jan-90	93,193	8,034	32,945	9,499	\$644.7	\$222.9	\$175.0	\$92.9	
OKLAHOMA	997	13.0¢		\$2,822	Jan-90	3,350	458	783	237	\$267.3	\$106.3	\$54.9	\$42.6	
OREGON	205	18.0¢	11.3¢	\$9,245	Jan-90	15,808	911	6,808	512	\$209.8	\$85.0	\$25.4	\$32.3	
PENNSYLVANIA	\$1,152	18.0¢		\$3,878	Nov-89	44,581	2,820	18,989	5,510	\$1,400.0	\$587.5	\$83.3	\$185.3	
RHODE ISLAND	440	20.0¢		\$3,247	Mar-90	4,809	372	2,594	685	\$132.7	\$24.1	\$8.0	\$9.7	
SOUTH CAROLINA	\$810	18.0¢		\$3,058	Apr-90	8,008	393	3,787	474	\$282.9	\$135.2	\$29.3	\$38.8	
SOUTH DAKOTA	\$1,470	18.0¢		\$3,990	Oct-89					\$34.9	\$31.5	\$17.4	\$14.0	
TENNESSEE	\$1,351	17.0¢		\$3,737	Jul-88	87,158	8,753	45,823	8,023	\$355.0	\$154.7	\$29.4	\$40.9	
TEXAS	1,855	15.0¢		\$2,980	Apr-90					\$1,800.0	\$498.6	\$241.5	\$111.9	
UTAH	1,171	19.0¢		\$3,838	Oct-88	9,312	660	4,849	354	\$173.7	\$47.8	\$19.0	\$25.7	
VERMONT	1,085	17.0¢		\$4,051	Jul-90					\$50.0	\$27.4	\$11.0	\$12.2	
VIRGINIA	1,223	18.2¢		\$3,497	Jan-90	11,710	714	5,088	1,661	\$847.0	\$454.6	\$69.9	\$91.2	
WASHINGTON	1,158	18.0¢		\$3,884	Oct-89	53,628	1,648	15,254	1,505	\$486.2	\$152.2	\$58.0	\$77.0	
WEST VIRGINIA	\$736	20.4¢		\$3,682	Nov-88	14,850	1,028	4,513	513	\$345.2	\$124.2	\$43.0	\$20.8	
WISCONSIN	\$1,750	20.9¢		\$4,683	Jan-91	23,340	800	9,847	4,035	\$287.2	\$125.2	\$45.0	\$43.5	
WYOMING	\$120	09.0¢	02.4¢	\$3,303	Jan-90					\$138.9	\$44.7	\$16.0	\$3.5	
AVERAGE	\$1,018	18.8¢		\$4,111		24,128	2,541	10,200	1,808	\$499.3	\$219.0	\$69.9	\$63.7	
ALASKA	\$240	08.0¢		\$1,383		3,056	44	424	47	\$148.5	\$105.4	\$25.8	\$58.6	





## Funding in FY 91 Gov's budget

Weigh stations -

## ↑ Funding

Increases \$229,300

this provides 6 new full time positions

3 Fairbanks

2 Anchorage

1 Valdez (5 days a week staffing)

Not funded

\$37,900 not funded for weights + measures inspector

Increment for 7 month seasonal position

request not funded \$119,000

Seasonals currently work approximately 3 months each year.

The \$119,000 request was to increase these seasonal positions to 7 months/year.

These seasonal positions are in addition to the 6 new positions funded in the Gov's budget

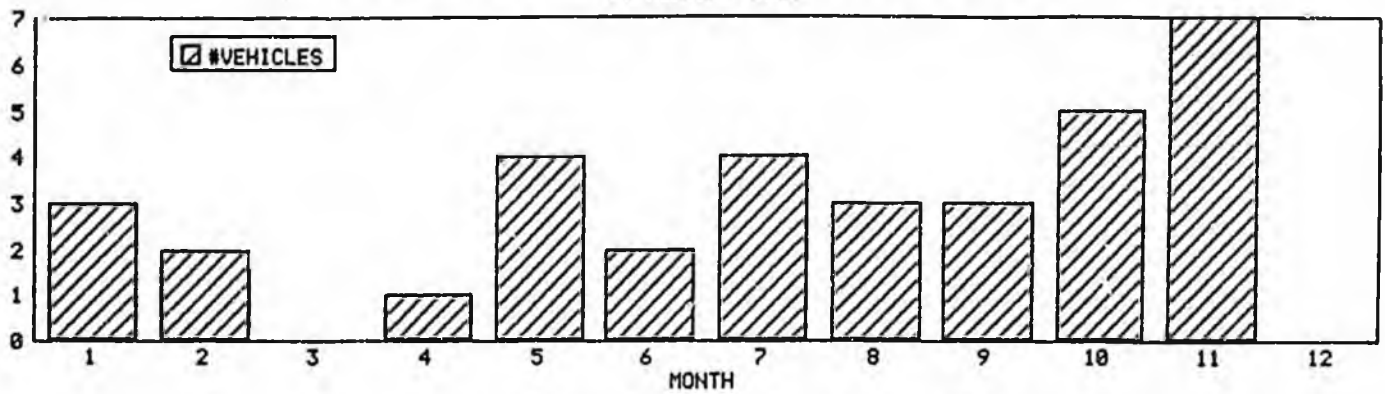


COMMERCIAL VEHICLE ACCIDENTS

Case#	#	Date	Time	Highway/Milepost	or	Intersection
8901271	1	01/04/89	20:00	PARK ;		132.
8903872	1	01/13/89	20:00	PARKS		115.
8904323	1	01/06/89	16:00	PALMER ALTERNA		16.1
8912973	1	02/22/89	6:20	GLENN		30.
8914419	1	02/28/89	10:30	PARKS		37.5
8928891	1	04/29/89	9:45	PARKS		70.
8932945	1	05/14/89	4:53	PARKS		37.2
8933192	1	05/15/89	11:30	PALMER WASILLA		4.
8933902	1	05/18/89	10:15	GLENN		34.
8937326	1	05/31/89	19:17	PARKS		38.
8937908	1	06/08/89	2:00	PARKS		122.
8939298	1	06/08/89	4:33	GLENN		64.
8950190	1	07/14/89	11:00	PARKS		42.
8951418	1	07/15/89	16:45	PARKS		41.
8951817	1	07/20/89	11:30	RICHARDSON		91.
8952720	1	07/24/89	9:45	PARKS		87.
8957146	1	08/03/89	20:50	GLENN		123.
8957247	1	08/07/89	14:07	BOGARD		6.7
8959212	1	08/11/89	17:30	RICHARDSON		101.
8964182	1	09/01/89	14:20	GLENN		35.2
8968160	1	09/15/89	16:30	PARKS		41.1
8968568	1	09/16/89	14:00	WASILLA FISHHO		1.9
8974333	1	10/09/89	13:41	PARKS		42.1
8976907	2	10/17/89	13:30	GLENN		117.
8978020	1	10/23/89	7:15	PARKS		53.
8978144	1	10/23/89	11:41	GLENN		77.9
8983662	3	11/14/89	21:30	PARKS		47.5
8984985	1	11/20/89	16:00		DANNYC WAY	MATANUSKA
8985148	1	11/21/89	12:57	GLENN		39.
8985605	1	11/27/89	10:00	RICHARDSON		20.
8985960	1	11/24/89	12:45	GLENN		35.2
TOTAL 34						

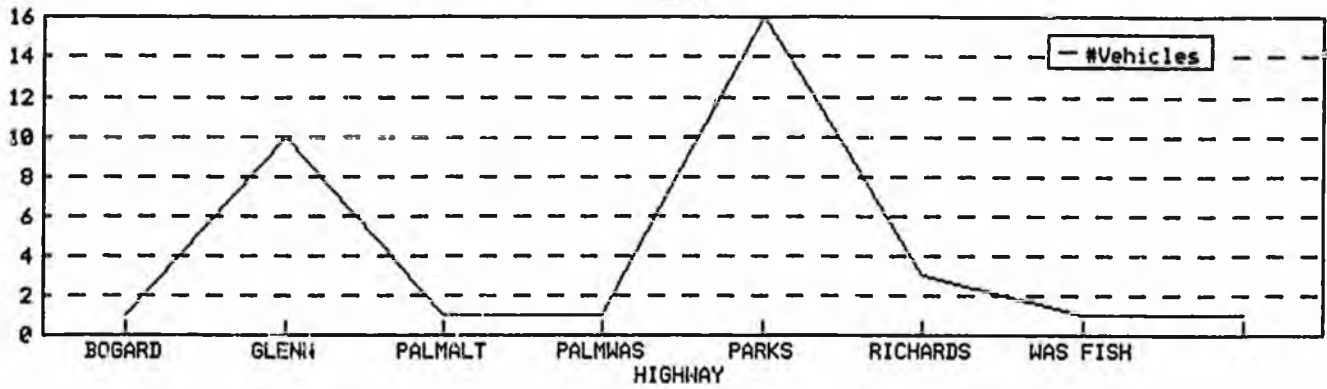
### COMMERCIAL VEHICLE ACCIDENTS

BY MONTH - 1989



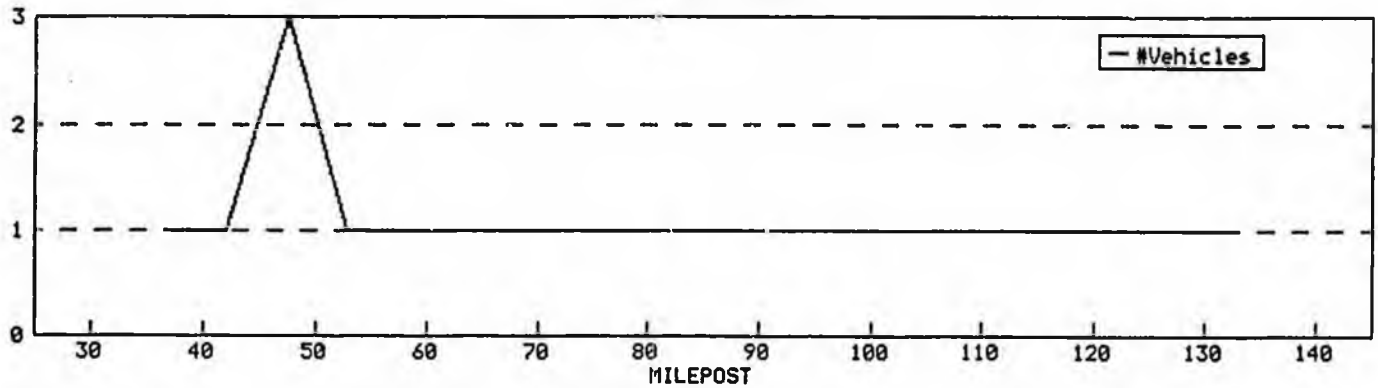
### COMMERCIAL VEHICLE ACCIDENTS

1989



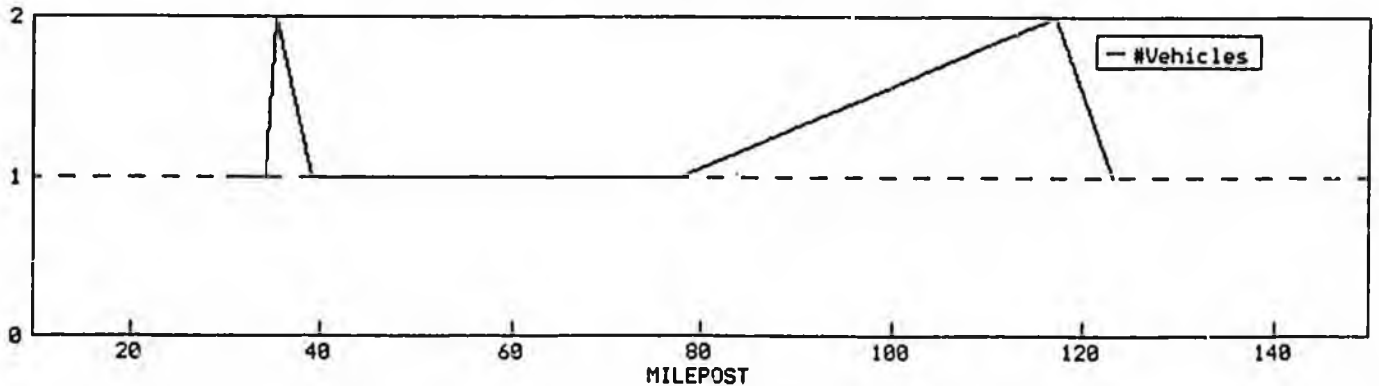
### COMMERCIAL VEHICLE ACCIDENTS

PARKS HWY - 1989



### COMMERCIAL VEHICLE ACCIDENTS

GLENN HWY - 1989



**CURRENT TRUCK SIZE AND WEIGHT REGULATIONS FOR VEHICLES IN REGULAR OPERATION  
NATIONAL NETWORK AND OTHER DESIGNATED HIGHWAYS**

	ALASKA	ARIZONA	CALIFORNIA	COLORADO	HAWAII	IDAHO	MONTANA	NEVADA	NEW MEXICO	NORTH DAKOTA	OKLAHOMA	OREGON	SOUTH DAKOTA	TEXAS	UTAH	WASHINGTON	WYOMING	WASITO RECOMMENDATIONS
<u>Height</u>	14'	13'6"	14'	14'6"	13'6"	14'	14'	14'	13'6"	13'6"	14'	13'6"	13'6"	14'	14'	14'	14'	14'
<u>Width</u>	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"
<u>Single Unit Length</u>	40'	40'	40'	40'	40'	40'	40'	40'	40'	50'	45'	40'	45'	45'	45'	40'	60'	45'
<u>Truck-Trailer</u> *Overall Length	75'	68'6"	65'	70'	65'	75'	75'	70'	65'	75'	70'	75'	80'	65'	65'	75'	85'	70'
<u>Tractor-Semitrailer</u> *Overall Length	70'	65' <sup>b</sup>	65'	<sup>c</sup>	60'	--	--	70' <sup>d</sup>	65' <sup>d</sup>	75' <sup>e</sup>	70'	60'	--	--	--	--	85'	65'
**Trailer Length	45'	51'	--	57'4"	--	48' <sup>k</sup>	53'	--	--	53'	53'	48'	55'	57'	48'	48'	60'	48'
King Pin Distance	--	--	40'	--	--	39' <sup>k</sup>	--	--	--	--	--	--	--	--	--	--	--	--
<u>Tractor-Semitrailer-Trailer (Doubles)</u> *Overall Length	75'	--	75'	<sup>f</sup>	65'	75' <sup>g</sup>	--	70' <sup>f</sup>	65' <sup>f</sup>	75' <sup>e</sup>	70'	75'	--	--	--	--	--	--
Combined Trailer Length	--	--	--	--	--	61'	--	--	--	--	--	--	81'6"	--	61'	60'	80'	61'
Individual Trailer Length	45'	28'6"	28'6"	28' <sup>c</sup>	--	--	28'6"	--	--	53'	29'	40'	45'	28'6"	--	48'	<sup>h</sup>	--
<u>Weights/inch of Tire Width</u> Steering Axle	550#	--	--	--	--	600#	600#	--	600#	550#	--	600#	600#	650#	600#	600#	750#	600#
Other Axles	550#	--	--	--	--	600#	600#	--	600#	550#	--	600#	600#	650#	600#	600#	600#	500#
<u>Axle Weights (In 1000 lbs.)</u> Steering Axle	--	20	12.5	20	--	--	20	--	20	12.1	20	--	20	--	20	20	20	--
Single Axle	20	20	20	20	24	20	20	20	21.5	20	20	20	20	20	20	20	20	20
Tandem Axle	38	34	34	40	34	34	34	34	34.32	34	34	34	34	34	34	34	36	34
<u>Gross Weight (In 1000 lbs.)</u>	--	80	80	85	88	105.5	--	--	86.4	105.5	90	80	--	80	80	80	117	80
<u>Federal Bridge Formula?</u>	Yes	Yes	Yes	<sup>i</sup>	<sup>j</sup> Modified	Yes	Yes	Yes	Yes	Yes	Yes	Modified	Yes	Yes	Yes	Yes	Yes	Yes

\*Does not apply to National Network Highways.  
\*\*On National Network Highways Grandfather Rights.  
Apply which way be different than lengths shown here.

<sup>a</sup> Highways with a surface width of 20' or more.  
<sup>b</sup> None unless the semitrailer exceeds 51'.  
<sup>c</sup> None unless the semitrailer exceeds 57'4".

<sup>d</sup> None unless the semitrailer exceeds 48'.  
<sup>e</sup> Some highways are 88' and 110'.  
<sup>f</sup> None unless semitrailer or trailer exceeds 28'6".  
<sup>g</sup> None unless trailer combination length is exceeded.  
<sup>h</sup> 48' semitrailer, 40' trailer  
<sup>i</sup> Formula:  $W = 1000 \times (L+40)$ .  
<sup>j</sup> Formula:  $W = 900 \times (L+40)$ .  
<sup>k</sup> On some restricted routes

# MEMORANDUM

# State of Alaska

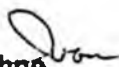
Department of Transportation and Public Facilities

TO: Earl Clark  
Highway Safety Planning Agency  
Department of Public Safety

DATE: September 7, 1989

FILE NO.:

TELEPHONE NO.: 465-2171

FROM: Ivan Frohne   
Operations Research Analyst  
Plans, Programs and Budget

SUBJECT: 1988 Truck Accidents

The attached table gives Alaska heavy truck accidents by truck type, 1986-1988. Also tabulated are the number of injuries, fatalities, and total property damage, again by truck type.

Truck accidents increased by nearly 13% in 1988. However, almost all of the increase was in single-unit truck accidents--they were up more than 16%. Total property damage and the number of fatalities declined; the number of injuries increased only 2%.

About 5.0% of all Alaska traffic accidents were heavy truck accidents in 1986 and in 1987; this percentage rose to 5.6% in 1988. This relative increase is statistically significant: it (or a more extreme increase) would occur only about 1% of the time by chance if truck accidents were as likely to happen as accidents involving other vehicle types.

It may be that single-unit trucks logged more vehicle-miles in 1988 than in 1986 or 1987. At any rate, single-unit truck accidents are not becoming more serious: the number of fatalities declined from 4 to 3 to 1 (1986-1988), and the number of injuries per accident remained constant at 0.23 over the period.

cc: Ruth Ferris, Statistical Technician II, Plans, Programs and Budget  
Bruce Freitag, Chief of Engineering and Operations Standards  
Leo Lutchansky, Jr., Supervisor, C&I, Plans, Programs and Budget  
Steve Moreno, Transportation Planner, FHWA

IF/cm

**Alaska Heavy Truck Accidents, Injuries, Deaths, and  
Total Property Damage, 1986-1988**

	Accidents	Injuries	Fatalities	Property Damage
<b>Single Unit Trucks</b>				
1986	560	127	4	1,560,000
1987	534	122	3	1,356,000
1988	621	144	1	1,436,000
<b>Tractor Trailers</b>				
1986	169	57	6	1,423,000
1987	123	50	2	1,085,000
1988	124	31	2	734,000
<b>Long Tractor Trailers</b>				
1986	5	4	0	62,000
1987	1	0	0	13,000
1988	0	0	0	0
<b>Long Combinations</b>				
1986	3	0	0	100,000
1987	2	0	0	4,000
1988	0	0	0	0
<b>All Heavy Trucks</b>				
1986	737	188	10	3,145,000
1987	660	172	5	2,458,000
1988	745	175	3	2,170,000

Compiled September 1, 1989

**CURRENT TRUCK SIZE AND WEIGHT REGULATIONS FOR VEHICLES IN REGULAR OPERATION  
NATIONAL NETWORK AND OTHER DESIGNATED HIGHWAYS**

	ALASKA	ARIZONA	CALIFORNIA	COLORADO	HAWAII	IDAHO	MONTANA	NEVADA	NEW MEXICO	NORTH DAKOTA	OKLAHOMA	OREGON	SOUTH DAKOTA	TEXAS	UTAH	WASHINGTON	WYOMING	WASHTO RECOMMENDATIONS
<u>Height</u>	14'	13'6"	14'	14'6"	13'6"	14'	14'	14'	13'6"	13'6"	14'	13'6"	13'6"	14'	14'	14'	14'	14'
<u>Width</u>	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"	8'6"
<u>Single Unit Length</u>	40'	40'	40'	40'	40'	40'	40'	40'	40'	50'	45'	40'	45'	45'	45'	40'	60'	45'
<u>Truck-Trailer</u> *Overall Length	75'	68'6"	65'	70'	65'	75'	75'	70'	65'	75'	70'	75'	80'	65'	65'	75'	85'	70'
<u>Tractor-Semitrailer</u> *Overall Length	70'	65' <sup>b</sup>	65'	<sup>c</sup>	60'	--	--	70' <sup>d</sup>	65' <sup>d</sup>	75' <sup>e</sup>	70'	60'	--	--	--	--	85'	65'
**Trailer Length	45'	51'	--	57'4"	--	48' <sup>k</sup>	53'	--	--	53'	53'	60'	53'	57'	48'	48'	60'	48'
King Pin Distance	--	--	40'	--	--	39' <sup>k</sup>	--	--	--	--	--	--	--	--	--	--	--	--
<u>Tractor-Semitrailer-Trailer (Doubles)</u> *Overall Length	75'	--	75'	<sup>f</sup>	65'	75' <sup>g</sup>	--	70' <sup>f</sup>	65' <sup>f</sup>	75' <sup>e</sup>	70'	75'	--	--	--	--	--	--
Combined Trailer Length	--	--	--	--	--	61'	--	--	--	--	--	--	81'6"	--	61'	60'	80'	61'
Individual Trailer Length	45'	28'6"	28'6"	28' <sup>c</sup>	--	--	28'6"	--	--	53'	29'	40'	45'	28'6"	--	48'	<sup>h</sup>	--
<u>Weights/inch of Tire Width</u> Steering Axle	550#	--	--	--	--	600#	600#	--	600#	550#	--	600#	600#	650#	600#	600#	750#	600#
Other Axles	550#	--	--	--	--	600#	600#	--	600#	550#	--	600#	600#	650#	600#	600#	600#	500#
<u>Axle Weights (In 1000 lbs.)</u> Steering Axle	--	20	12.5	20	--	--	20	--	20	12.1	20	--	20	--	20	20	20	--
Single Axle	20	20	20	20	24	20	20	20	21.6	20	20	20	20	20	20	20	20	20
Tandem Axle	38	34	34	40	34	34	34	34	34.32	34	34	34	34	34	34	34	36	34
<u>Gross Weight (In 1000 lbs.)</u>	--	80	80	85	88	105.5	--	--	86.4	105.5	90	80	--	80	80	80	117	80
<u>Federal Bridge Formula?</u>	Yes	Yes	Yes	<sup>i</sup>	<sup>j</sup> Modified	Yes	Yes	Yes	Yes	Yes	Modified	Yes	Yes	Yes	Yes	Yes	Yes	Yes

\*Does not apply to National Network Highways.

\*\*On National Network Highways Grandfather Rights.  
Apply which may be different than lengths shown here.

a Highways with a surface width of 20' or more.

b None unless the semitrailer exceeds 51'.

c None unless the semitrailer exceeds 57'4".

d None unless the semitrailer exceeds 48'.

e Some highways are 88' and 110'.

f None unless semitrailer or trailer exceeds 28'6".

g None unless trailer combination length is exceeded.

h 48' semitrailer, 40' trailer

i Formula:  $W = 1000 \times (L+40)$ .

j Formula:  $W = 900 \times (L+40)$ .

k On some restricted routes





# General Teamsters Local 959 State of Alaska

*Affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America*

ANCHORAGE, ALASKA 99510, P.O. BOX 102092 (907) 333-2311

JACK SLAMA (Secretary/Treasurer)

FAIRBANKS, ALASKA 99707, P.O. Box 70609, (907) 452-8221  
JUNEAU, ALASKA 99801, 306 Willoughby, (907) 586-3225  
KENAI, ALASKA 99611, P.O. Box 1549, (907) 283-4498

January 19, 1990

Representative Richard Foster  
Co-Chairman  
House Transportation Committee  
Alaska State Legislature  
P.O. Box V (MS3100)  
Juneau, Alaska 99811

JAN 22  
Wendy

Dear Representative Larson:

As Secretary Treasurer of Teamsters Local 959, I feel I have a unique perspective of the trucking industry. As you may know our Union has been in existence since 1903 and was formed specifically to cover workers in transportation.

With this perspective, I would like to offer you some thoughts and observations which I feel support inclusion of the \$229,703 General Fund budget item that would expand Weigh Station hours of operation to nearly 24 hours, 7 days a week.

This appropriation would allow proper staffing levels at the key weight stations in the State and thereby insure that weight and safety regulations are uniformly enforced.

The State has tremendous investment in our highways and overweight commercial vehicles cause considerable damage to our roads. As the Department of Transportation and Public Facilities reported the Anchorage to Fairbanks segment of the Parks Highway suffers more than \$300,000 per year in damages from overweight vehicles. As you can tell potential savings on this road alone would more than offset the cost of the budget item.

Aside from highway repair costs savings, expanding the hours of operation of weigh stations would also promote fair competition in the trucking industry. While most firms and individual operators in the State operate within current weight restrictions, there are those who deliberately operate overweight vehicles on a consistent basis. They are quite skilled figuring out when weigh stations will be closed and operate during those hours.


This puts the reputable firms and operators at a distinct disadvantage in competing for business. When this occurs, the reputable operator justifiably feels that he is being economically punished by adhering to the law.

Page 2  
Representative Foster  
January 19, 1990

Certainly the intention of the State Legislature in establishing weight regulations laws was that these laws be enforced. I submit that the inadequate staffing situation that currently exists precludes effective enforcement and would urge that the Legislature correct this problem by funding the six additional positions recommended by DOT.

Sincerely,

TEAMSTERS LOCAL 959



JACK SLAMA  
Secretary-Treasurer

cc: Governor Cowper

EOJS.90\LEGIS06

\*  
\* DELIVER TO: LIOCJOA  
\*

\* ORIGINAL

\* SENT: 01/02/90 TIME: 08:22  
\* FROM: LIOCINE  
\* SUBJECT: 90-01-191; BL; TRUCKING; 2-1  
\* PRINT DATE: 01/02/90 TIME: 08:22  
\*

\*\*\*\*\*  
TC NO: 90-01-191

DATE: FEB. 2, 1990  
SPONSOR: HOUSE TRANSPORTATION  
SUBJECT: TRUCKING ISSUES IN ALASKA  
MODERATOR: INEZ WEBB  
SITE: ANCHORAGE

SITES FOR TODAY'S TELECONFERENCE:

1. ANCHORAGE -- 7 (4 TO TESTIFY)
2. JUNEAU \*\*CHAIRING SITE\*\*
3. ~~KETCHIKAN -- 1 TO LISTEN~~

*DeReg AJC*  
*Chair DeReg*  
*No rns-3*  
*No Vehic MAN*

EMAIL ADDRESS: LIOCINE  
BACKUP NUMBER: 561-1199

\*\*\*\*\*  
 \*  
 \* DELIVER TO: LIOCJOA  
 \*  
 \* ORIGINAL  
 \* SENT: 01/02/90 TIME: 08:19  
 \* FROM: LIOCINE  
 \* SUBJECT: 90-01-191; FL; TRUCKING; 2-1  
 \* PRINT DATE: 01/02/90 TIME: 08:20  
 \*  
 \*\*\*\*\*

TNC NO: 90-01-191

DATE: FEB. 2, 1990  
 SPONSOR: HOUSE TRANSPORTATION  
 SUBJECT: TRUCKING ISSUES IN ALASKA  
 MODERATOR: INEZ WEBB  
 SITE: ANCHORAGE

PARTICIPANT LIST

\*\*\*\*\*  
 TO TESTIFY

- 1. DAVE HAUGEN, LYNDEN, INC. *No TAXES*
- 2. MIKE LADNER, SEALAND SERVICE *- Bd mbr AK TRK9 Need 3x AXLES*
- 3. DEMS BURGESS, AK TRUCKING ASSOC. *- Bd mbr Scales open All Time*
- 4. WILLIAM L. FRITSCH, AK TRUCKING ASSOC. *gen mbr Rich whtBuck is ceo 3 1/2 yrs 6 ADD ops in 90's*
- 5.
- 6.

\*\*\*\*\*  
 TO OBSERVE:

- 1. BILL JAMES, PACIFIC MOVERS
- 2. MARK ANDERSON, AK WEST EXPRESS
- 3.
- 4.

BACKUP NUMBER - 561-1199  
 EMAIL ADDRESS - LIOCINE

\*  
\* DELIVER TO: LIOCJOA  
\*

\* ORIGINAL

\* SENT: 01/02/90 TIME: 08:43  
\* FROM: LIOCINE  
\* SUBJECT: 90-01-191; PL#2; TRUCKING; 2-1  
\* PRINT DATE: 01/02/90 TIME: 08:43  
\*

\*\*\*\*\*

TNC NO: 90-01-191

DATE: FEB. 2, 1990  
SPONSOR: HOUSE TRANSPORTATION  
SUBJECT: TRUCKING ISSUES IN ALASKA  
MODERATOR: INEZ WEBB  
SITE: ANCHORAGE

PARTICIPANT LIST

\*\*\*\*\*

TO TESTIFY:

- 1. DAVE HAUGEN, LYNDEN, INC. X
- 2. MIKE LADNER, SEALAND SERVICE X
- 3. DEMS BURGESS, AK TRUCKING ASSOC. X
- 4. WILLIAM L. FRITSCH, AK TRUCKING ASSOC. X
- 5. MARK ANDERSON, AK WEST EXPRESS X
- 6.

\*\*\*\*\*

TO OBSERVE:

- 1. BILL JAMES, PACIFIC MOVERS → 1953
- 2. MARCO PIGNALBERI
- 3. TIM BRADNER, AK LEGISLATIVE DIGEST

BACKUP NUMBER - 561-1199  
EMAIL ADDRESS - LIOCINE



# Representative Bette Cato, Chair House Transportation Committee

SUBJECT OF MEETING:

DATE:

PLACE:

weigh stations  
ift  
xles  
doubles  
riders  
lease  
program

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
EARL D. CLARK	DPS, HSPA	DEPART OF Public Safety, Juneau	99801	789-9235	465-2446	Y	N	Response to questions
AVES D. THOMPSON	DCED MEAS STPS	1205 W. INDUSTRY WAY ANCHorage 99518		272-8161 345-7750	345-7750	Y	(N)	QUESTIONS
JEFF C. OTTENSEN	DOTPP	PO Box 2 Juneau	99801	465-2951		(Y)	N	IF QUES
Jay N. Dulany	DMV	5700 E. Tudor Rd, Anchorage	99507	264-5351		Y	N	CDK
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	



**WORK  
SESSION  
WESTERN  
ALASKA  
DOT**

HOUSE TRANSPORTATION COMMITTEE

February 28, 1990

8:15 a.m.

MEMBERS PRESENT

Rep. Richard Foster, Chairman

Rep. Loren Leman

Rep. Bill Hudson

MEMBERS ABSENT

Rep. Gene Kubina

Rep. Ben Grussendorf

COMMITTEE CALENDAR

WORKSESSION/TELECONFERENCE

Overview - Transportation Issues in Western Alaska

WITNESS REGISTER

Jack McFarland

Kodiak Island Borough

710 Mill Bay Road

Kodiak, Alaska 99616

ACTION NARRATIVE

TAPE SIX A, SIDE A

Number 000

The House Transportation Committee meeting was called to order by Acting Chairman Leman at 8:22 a.m. Members present were Representatives Foster, Leman and Hudson. Representative Leman announced that the meeting was a worksession to discuss western Alaska transportation issues.

Tape number 6A can be found in the House Transportation Committee room, Capitol building, room 17, or the Legislative Reference Library.

There being no further business to come before the House Transportation Committee, Acting Chairman Leman adjourned the meeting at 9:20 a.m.

# KODIAK AREA ISSUES

BRIEFING PAPER

Department of Transportation  
and Public Facilities

Central Region  
Planning Section

February 14, 1990

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## KODIAK AREA ISSUES

The Kodiak Island Borough includes the communities of Akhiok, Karluk, Kodiak, Larsen Bay, Old Harbor, Ouzinkie, and Port Lions. There is no road access between any of the communities on the island.

### CITY OF AKHIOK

#### Erosion Control

Akhiok residents constructed a small seawall to shore up the cove around which Akhiok is centered. However, tides and strong northeast winds blowing across Akhiok Bay continue to threaten waterfront residences and a community diesel fuel storage tank. The community has continued to seek funds for an erosion control project. This project has not been identified as a priority by the DOT&PF Erosion Control Task Force. No project is identified in the six-year CIP.

#### Permanent Dock Facility

The city has been working with the Department of Community and Regional Affairs (DC&RA) to identify capital improvements for the community. The highest priority project is construction of a permanent dock facility to replace the floating dock. A docking facility would serve the commercial fishing fleet, barges and local boats. Construction costs are estimated to total \$1.5 million. The project has been included on the area needs assessment, but has not been identified for funding in the six-year CIP.

### VILLAGE OF KARLUK

No known transportation-related issues.

### CITY OF KODIAK

#### St. Hermans Small Boat Harbor-Breakwater Construction

The City of Kodiak and the Kodiak Island Borough support the construction of a permanent breakwater to protect the 45 acre St. Hermans Small Boat Harbor as the highest priority capital improvement. The 360 vessel harbor is currently being protected by a floating breakwater. The floating breakwater was constructed by the department in 1982 as a temporary measure to protect the harbor.

The COE initiated studies for construction of the permanent breakwater based on a U.S. Congress appropriation of \$50,000 in FY'88. This amount is sufficient to allow planning efforts to progress and to collect the necessary environmental field data for the supplemental environmental impact statement. The price for the breakwater is still an estimate, but is expected to range between \$15.0-\$17.0 million. DOT&PF is working

closely with the COE, locally, to ensure that all the preliminary steps will be met should the final appropriation be forthcoming.

This project is funded under the COE's General Investigation (GI) program and will require a congressional appropriation. A \$2,000,000 project was funded in the state's FY'90/GF capital budget to provide match money for the construction. This appropriation will be TORA'd to the city, as local sponsor, once they sign the Local Cooperation Agreement (LCA) with the Corps.

#### St. Paul Harbor Finger Float Replacement and Repair

The FY'91 GF budget had included a \$500,000 budget recommendation for finger float replacement and repair to Kodiak's St. Paul Harbor. The maintenance project was not included in the Governor's budget recommendations.

#### Mill Bay Road

Unfortunately, the situation remains very bad. The recent freeze-thaw cycle in Kodiak over the last six weeks has caused Mill Bay Road to literally explode. The maintenance crew can fill in potholes along a stretch of the road and 20 feet behind them a new pothole will open up in the driving surface.

The maintenance crew has used 30 tons of hydro-patch material, stockpiled in Kodiak for emergency road repairs, on Mill Bay Road and Rezanof Drive this winter. There is no other cold mix or hot mix available on the island. The maintenance crew has been reduced to filling the potholes with gravel. This solution works only as long as the surface remains frozen.

At the present time M&O is trying to recycle asphalt removed from Runway 7/25 at the state airport during last summer's construction project. Unfortunately, this asphalt is not very good and Maintenance & Operations does not foresee this providing a good patch. However, it is the only short-term solution to the problem, until we can again transport material to the island. If there is no relief in the weather, M&O may be forced to strip the asphalt from Mill Bay Road and return it to a gravel surface.

The deterioration of Mill Bay Road is far beyond the ability of the maintenance crew to contain. The problem on Mill Bay Road is that the entire subsurface must be reconstructed. The road is one of the oldest roads in Alaska. The Russians originally constructed the road to transport products between Mill Bay and St. Paul Harbor when wind conditions prevented passage around the island.

In the past, the city and borough have ranked the reconstruction of Mill Bay Road as the highest priority Kodiak area road improvement project.



In turn, Central Region has identified the project as a high priority during the development of the FY'89 and FY'90 capital budgets. Unfortunately, due to the scarcity of state general funds, no capital improvement project has been funded.

Again this year the department proposed a \$5 million general fund reconstruction project in our annual capital budget recommendations. The \$5 million would fund reconstruction of 1.9 miles of the road, from the "Y" intersection to Benny Benson. The City of Kodiak has agreed to assume jurisdictional responsibility for the road if it is improved and reconstructed to municipal standards. The municipal Public Works Department prepared the \$5 million estimate for the reconstruction project built to municipal standards.

In a more recent discussion with city officials, they have revised the estimate and expanded the project scope. The city recommends a \$7.5 million appropriation to rebuild the entire length of road, a total of 2.59 miles, from the "Y" intersection through the Benny Benson intersection onto Rezanof Drive East. This additional one-half mile of road was resurfaced by the department in 1984. However, the project was limited in scope and only minor reconstruction occurred. The project installed curb and gutter along the half mile of road. Traffic along this end of the road has increased steadily over the last few years (1986-1,392 ADT/1987-1,434 ADT/1988-1,640 ADT) with the expansion of Brechan Enterprises (contractor) and the opening of a Safeway Store.

In February, the capital budget was released including only a \$3 million appropriation for Mill Bay Road. Unfortunately, this amount cannot accomplish the complete reconstruction the roadbed requires. Reconstruction of Mill Bay Road, between just the "Y" and Benny Benson Drive, will cost almost twice that amount. The subject has been discussed with the city, but no strategy has been developed regarding this reduced appropriation. It is our intent to support city efforts to match this appropriation with additional funds to complete the project as originally proposed. Our ultimate goal in a complete reconstruction was a transfer of the road from the state to the city. While the city has been very supportive of this strategy, it is unlikely that this partial funding will allow us to accomplish that goal.

In the past there was discussion regarding the prospect of adding the road to the federal-aid system in order to be able to use federal highway funds on the project. Federal design parameters, however, would require widening the road to four lanes to accommodate existing traffic loads. The preliminary cost estimate for widening and reconstruction to four lanes ranged between \$7-9 million. A federal highway project would significantly alter the character of Mill Bay Road by causing the closure and relocation of numerous businesses to accommodate right-of-way requirements. The city and the borough expressed a preference that improvements to the existing road be made without any change to the existing alignment. It was agreed that the department would not pursue

the federal-aid designation, but rather would continue to pursue state general fund dollars to complete the reconstruction.

#### Rezanof Drive East/Surface Deterioration

The City and the Borough have expressed concern about the rapid deterioration of Rezanof Drive East. They are very concerned about the imminent loss of the roadway if a resurfacing project is not undertaken on the road immediately. Rezanof Drive East is the main thoroughfare through the city. The road surface has deteriorated badly in the last 18 months. The road was originally paved in 1975/76. No maintenance has been done on the road since that time. A preliminary cost estimate for the resurfacing is \$1.5 million (approximately two miles of road). No project has been identified for the resurfacing in the six-year CIP. This road is on the federal aid secondary system, but must compete with other higher priority rural projects on the federal aid system (i.e. Unalaska, Dillingham, Bethel, King Salmon-Naknek). No general fund project has been identified for the improvement, since the highest priority general fund project has been the proposed improvement to Mill Bay Road.

Although no capital improvement project is currently identified for Rezanof Drive, M&O is optimistic that a major capital improvement project on Mill Bay Road can have some secondary benefit to Rezanof Drive. Most obvious is the fact that the maintenance crew would be allowed to concentrate their resources on just one road.

#### Kodiak "Y" Intersection Improvement

This intersection currently has both geometric and traffic control deficiencies due to its "Y" configuration, access to and from Center Street at the junction with Lower Mill Bay Road and Rezanof Drive West, and other access drives to local business establishments. The department received funding in the FY'90 federal highway program for preliminary engineering to study solutions for this intersection.

Solutions for this intersection may include channelization to better direct traffic movements, restrictions to turning movements, signalization or other traffic control devices, and minor or major reconstruction of the intersection geometrics. Traffic anticipates that they will be scheduling a public meeting in Kodiak in March to discuss alternatives with the community. No meeting date has been scheduled.

#### Cape Chiniak Road (Kalsin Hill)

In April, 1988, a state grader went off the cliff at Kalsin Hill. The accident was due to a mechanical failure and not to the condition of the road. It was unfortunate that it occurred on the steep portion of the hill, but the accident was not caused by the condition of the road.

PARTICIPANT LIST

\*\*\*\*\*  
TESTIFIED

NAME/REPRESENTING	ADDRESS	PHONE	BILL NO.
1. DICK NELSON, MARK AIR EXPRESS			
2. CINDY ANDRECHECK			
3. THOMAS HAWKINS			
4.			
5.			

\*\*\*\*\*  
OBSERVED

NAME/REPRESENTING	ADDRESS	PHONE	BILL NO.
1. 3 OBSERVING			
2.			
3.			
4.			
5.			

\*\*\*\*\*

TESTIFIED:  
UNABLE:  
OBSERVED:  
TOTAL:

START TIME:

END TIME:

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\*  
\* DELIVER TO: LIOCBLS \*  
\*  
\* ORIGINAL \*  
\* SENT: 02/28/90 TIME: 08:26 \*  
\* FROM: LIOCBET \*  
\* SUBJECT: 90-02-136; PL#2; DOTPF; 2-28-90 \*  
\* PRINT DATE: 02/28/90 TIME: 08:26 \*  
\*  
\*\*\*\*\*

T/C NO: 90-02-136  
DATE: FEBRUARY 28, 1990  
SPONSOR: HOUSE TRANSPORTATION  
SUBJECT: OVERVIEW OF DOTPF CONCERNS FOR WESTERN ALASKA  
MODERATOR: WALLY RICHARDSON  
SITE: BETHEL

\*\*\*\*\*  
 \* DELIVER TO: LIOCBL5 \*  
 \* \* \* \* \*  
 \* ORIGINAL \*  
 \* SENT: 02/28/90 TIME: 08:24 \*  
 \* FROM: LIOCINE \*  
 \* SUBJECT: 90-02-136, BL, DOTPF, 2-28 \*  
 \* PRINT DATE: 02/28/90 TIME: 08:24 \*  
 \* \* \* \* \*  
 \*\*\*\*\*

TC NO: 90-02-136  
 DATE: FEBRUARY 28, 1990  
 SPONSOR: HOUSE TRANSPORTATION  
 SUBJECT: OVERVIEW OF DOTPF CONCERNS FOR WESTERN ALASKA  
 MODERATOR: INEZ WEBB  
 SITE: ANCHORAGE

SITES FOR TODAY'S TELECONFERENCE:

- 1. BETHEL -- 3
- 2. UNALASKA -- HERY HENSLEY, CITY MANAGER TO SPEAK  
 ROE STURGULEWSKI, PUBLIC WORKS DIRECTOR  
 GLENN REID >
- basket* 3. HOOPER BAY -- HARVEY JOE
- 4. KIPNUK -- PAUL KINGUA *Kiyunga*
- resub* 5. NAKNEK -- MIKE SWAIN, DOT STATE EQUIPMENT
- 6. JUNEAU \*\*CHAIRING SITE\*\*

EMAIL ADDRESS: LIOCINE  
 BACKUP NUMBER: 561-1199

HOUSE TRANSPORTATION COMMITTEE  
February 28, 1990  
8:15 a.m.

MEMBERS PRESENT

Rep. Richard Foster, Chairman  
Rep. Loren Leman  
Rep. Bill Hudson

MEMBERS ABSENT

Rep. Gene Kubina  
Rep. Ben Grussendorf

COMMITTEE CALENDAR

Worksession/teleconference  
Overview - transportation issues in western region

WITNESS REGISTER

Jack McFarland  
Kodiak Island Borough  
710 MillBay Road  
Kodiak, Alaska 99616

PREVIOUS ACTION

ACTION NARRATIVE

TAPE FIVE A, SIDE A  
Number 000

The House Transportation Committee meeting was called to order by Acting Chairman Leman at 8.22 a.m. Members present were Representatives, Foster, Leman and Hudson. Representative Leman announced that the meeting was a worksession to discuss western Alaskan transportation issues.

Tape Number 5A can be found in the House Transportation Committee room, Capital building, Room #17, or the Legislative Reference Library.

There being no further business to come before the House Transportation Committee, Chairman Leman adjourned the meeting at 9.20 a.m.







# Representative Bette Cato, Chair House Transportation Committee

SUBJECT OF MEETING:

DATE:

PLACE:

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
S. L. McFarland	Kodiak Island	710 Mill Pt. Rd	99615		(907) 486-5736	Y N	Roads
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

KATY McQueen  
AIRP DOT Liaison  
- on PERS?

TOM HAWKINS  
\* Betu Dick Nelson MKAR Expr MT Rnwys Russ m... No MT No... No...  
\* HBBy - AIRP MER Rnwyr 16" v UNSAFE Big AIRC No MT equip  
BAD Rd - Now Level w/GRS  
\* KUPn - PAUL KANUNYA - AIRP MER - NO Blg equip 24x48 RDSinking  
APRON Small IN SUMMER No...  
\* UNAK  
NAKACIL  
ANIML - KING SALM MIKE SWAN 13 DOT MER No m... 40x60 BL  
DILL CONTR AF KING SALM, Needs Bl... BAD SHAR

WKSSES  
28 Feb 90

Betu

CINDY ANDRECHER NO MTGS Betu AIRP MER + LEASE-HOLDERS  
30 AIRP - Betu

HADLON AIR TAXI TOM HADLON AIRP MER TO VIII - NO CONTROL  
NOPEQUIP  
NON-STAND equip - Lowest BIDDER - NO PARTS INVENT  
PLAN FOR STANDIZ IN AIR?  
CONTRACTS - AIR Policy clear or clws?

UNAK

H Hensley - Rds PAVED 450.0 city funds 5310 SPENT POP 1331 → 1988  
250.0 city " Rd open 2265  
Gren Leed  
ROE STURBLEWESKI - 30 MI. (5310 IS 3-4/MI.)  
6600 - 3030 Rd cars daily  
↓ 4600 - 3030 Rd cars daily  
per FEDS → This FY Used By FEDS  
1981 BRIDGE PLANK  
60.0 CHANGE TEMPOR. NEEDED STUDY  
NO DRAINAGE  
NO CROWN  
300.0 NEEDED  
DOT FUNDS  
THIS YR  
2.5 MILL SPENT  
LAST YR OR  
1/2 MATCH FOR WATER  
1. PAVING  
2. 300.0 NEEDED

JACK McFARLAND - KODIAC BOROUGH  
Bd Rds AK HI-WAYS (2) MILBAY + RESSIN PAVED R  
↓ 3 MILL IN BUDG → 1.5 MILL  
7.5 - 9 MILL NEEDED

ANIAK PUB WKS DIR

852-5511 ✓ - Dil' igham. - Norman (Will try to come)

Not on

543-4495 - Bethel - Bill Christovich ✓

758-4127 - Hooper Bay - Harvey Joe ✓

675-4446 - Aniak - Alan Ciseron - Public works director  
call Tuesday. a.m.

? Not on

896-5315 - Kipnuk - Paul <sup>Kanya</sup> Kaunya - We need to call him  
Need to call him ✓

581-1786 - Unalaska - Stan Hasbuck (P.O.T) only does airport runway ✓  
581-1251 ✓ - City office Bldg - Herb Hansley - city Manager -

246-3023 - Aknets - line is ? out ✓  
Bristol Bay Borough Building  
King Salmon

# Workshop - Workshop

2-28-90

8:23

Hudson, Foster, Lemay.

Bethel - Hoopa - Kipnuk - Oly - Unalakleet - Naknek -

Bethel

Dick Nelson. pres. North Air Express. - St. Mary's + Bethel - <sup>poor</sup> <sup>mainten</sup> <sup>and</sup> <sup>snow</sup> <sup>conditions</sup>  
as a result - pilots canceled  
redirection - maybe helicopters cover them.

Cindy Anduehke. overview -

- ① policy consistency
- ② consistency between airports
- ③ management between airport mgmt and leaseholder.
- ④ designated use compared to actual use.
- ⑤ clarity + access.
- ⑥ maintenance concerns.

accidents

runway -  
potholes -

grader disabled on the  
pilot hit it. plus

Tom Humbkins. main concern ① control by regional maint mgr.

one rural contractor. should go back to state + feds -  
we never know what the local conditions are.

Contractors need to call in but don't. [Nunapiachuk]

[Napeskiak - operator out of town, grader broke down]

- ② Non-standardized fleet of equipment.
- ③ does state have an inventory of parts or does the state  
have a plan for standardization?
- ④ does state have a policy on getting current airport status.



(2)

Unalaska

Hew Aensley. Roads.

Health Committee  
adoption Res. 310 highway

5310 now on Fed. program

no D.O.T. presence of on Unalaska - City covers costs.  
last 18 months spent 450,000 on roads.  
250,000 / yr.

population Unalaska  
FY88 - 1331  
FY89 - 1908  
FY90 - 2265  
FY91 + even more.

{ 6807 cars/day/Sept.  
3030 cars/day/Nov. ← need to use these #'s otherwise  
Fed. requires 4 lane.

{ # 2 1/2 million city match for water match  
doing it again this year. #5.0!

we're concerned we've been ignored.

Western Seafoods 100

WISEA 40-50

Alaska 30

July 1 → 200 million in new plants + processing facilities

① need help on paving road.

② 300,000 to help.

\*

TAPE 0400

(3)

Hudson - is # 70000 in Gov's budget?

Ken Maszjini - working w/ Rep. Jacobs.

Rosztungowski - same as Herv.

Hooper Bay → • grader needs to be replaced.

- roads need to be replaced or upgraded - base is eroded.

○ call Joe →

- Kipnuk .
- equipment is worn but water is leaking
  - equipment building - don't have one.
  - road is sinking - grader is always getting stuck .
  - 5 privately owned aircraft - need expansion.
  - need more Money!!

Naknek \_\_\_\_\_ Swaine .

- takes 4 people minimum to patch pot holes on new road.
- ① • manpower shortage . part 2 wks - road open + closed too much snow . ② • need more <sup>blower + loader</sup> eqmt. & manpower.

Bristol Bay Borough - doing more on highway than state .

- ③ shop facilities - terrible shape . higher priority .

Kodiak . Jack McFarland Kodiak Is. Borough.

- ① Roads . A] Mill Bay Road . slowly deteriorating
- B] Rezanof Drive .

(4)

cont.

- Kodiak would be willing to take over control of the Road if the state would bring it up to the standards set out by state policy.

it is in the budget for 3.0 million - Mill Bay Rd.

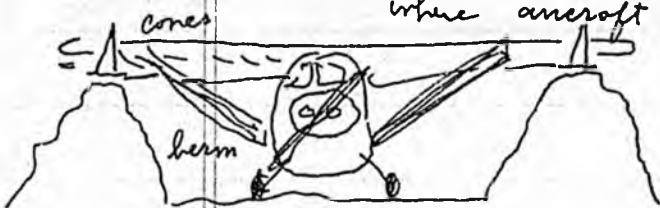
est. total cost = \$ 7.5 → 9.0

Kozanoff drive = \$1.5 m.

→ encourage us to look @ M. + O. budget on the positive list.

Aniak. alan Simerson? no one there.

Q+ Foster - - re: the liability issue? state airport not to agree upon stipulations - Tom Hankins - several instances where aircraft hit berms from snow plowing.



Ripon - need equipment to get those berms down.

Unalaska. Her Hensley. concern re: bridge. plank type surface.

- ① do a study of the stress on the bridge.
- ② recalculate traffic on the bridge.



5

sign off on teleconference

0251

Q - Foster: maybe we could support, by letter, all the concerns between air taxi operators + department officials.

Q - Hudson - sounds like we further discussion / follow up on the Communications issues.

• concludes discussion.

March 1, 

- IJR 87
- CSHJR 79
- Confirmation Hearings.

9:27 am.

**Н В**

**3**

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

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

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

*House Transportation 2/21/89*

FEBRUARY 21, 1989

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COMMITTEE CALENDAR

HB 3: "An act relating to art in public places; and providing for an effective date."

\*Alaska Railroad Overview/Board Members.

FOR THIS MEETING, YOU HAVE BEEN GIVEN:

Folder 1: HB 3

- ITEM #1: HB 3
- #2: Work Draft C/S HB 3 Transportation
- #3: Fiscal Note: Department of Transportation
- #4: Statutes
- #5: Art Program Procedures
- #6: Comparison & Information

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 22, 1989

SUBJECT: CSHB 3 (Transportation); Resident Artist Requirement

TO: Representative Bette Cato  
Chair, House Transportation Committee


FROM: Pamela Finley  
Assistant Revisor of Statutes

You have asked for an opinion concerning the constitutionality of the resident artist requirement in proposed AS 35.27.020(g), found in bill section 2 of CSHB 3 (Transportation). This subsection, as it appears in the bill, would require the committee selecting an artist for public buildings or facilities under AS 35.27 to select a resident of Alaska. In all likelihood, this requirement violates the Privileges and Immunities Clause of the federal constitution.

A statute which prefers state residents over non-residents implicates three provisions of the federal constitution--the Privileges and Immunities Clause, the Commerce Clause, and the Equal Protection Clause---as well as the Equal Protection Clause of the state constitution.

A. The Privileges and Immunities Clause

The Privileges and Immunities Clause (sec.2, art. IV, Constitution of the United States) provides:

 The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

The primary purpose of the clause is to prevent states from discriminating against nonresidents for the purpose of economic protectionism. Robison v. Francis, 713 P.2d 259 (Alaska 1986.) The clause protects only fundamental rights that involve basic and essential activities. Employment on

public construction projects is considered such an activity. United Building and Construction Trades Council of Camden County v. Mayor and Council of the City of Camden, 465 U.S. 208, 104 S. Ct. 1020, 79 L. Ed.2d 249 (1984). It is likely that contracts for art in those public buildings would also be subject to the same protection.

When the Privileges and Immunities Clause applies, discrimination against nonresidents is prohibited unless the state has a substantial justification for the discrimination, and the means employed by the statute are closely related to the interests served by the statute. Robison v. Francis, 713 P.2d 259 (Alaska 1986). To overcome a challenge based on the Privileges and Immunities Clause, the state would have to show that nonresidents are "a peculiar source of the evil" which the state's action is meant to remedy, and that the state's purpose is something other than protecting residents from competition. Robison v. Francis, 713 P.2d 259 (Alaska 1986.)

It is true that the state has greater leeway under this clause in perceiving local evils and prescribing cures when it is acting as a "market participant" (owner of the project) than it does when it is regulating the market as the sovereign. See, United Building and Construction Trades Council of Camden County v. Mayor and Council of the City of Camden, 465 U.S. 208, 104 S. Ct. 1020, 79 L. Ed.2d 249 (1984.) But, in Robison v. Francis, 713 P.2d 259, 265 (Alaska 1986), the court indicated it could give little deference to the state, despite the fact that the state was acting as a "market participant" (owner), because all municipal and state construction projects were covered by the resident preference and because those projects amounted to 60-70% of all commercial construction in the state. If, as I suspect, there are few if any private art projects in Alaska as large as the ones covered by the bill, the decision in Robison would also apply to this bill.

Based on the law discussed above, especially Robison, I think it is likely that the provision in section 2 of the bill would violate the Privileges and Immunities Clause of the federal constitution.

#### B. The Commerce Clause.

The Commerce Clause does not prohibit a state from favoring its own residents when the state is acting as a "market par-

participant." White v. Massachusetts Council of Construction Employers, Inc., 460 U.S. 204, 103 S. Ct. 1042, 75 L. Ed 2d 1 (1983.) Accordingly, the proposed bill should not violate this constitutional provision.

### C. The Federal Equal Protection Clause.

Because most resident hire statutes are decided under the Privileges and Immunities Clause, there are not a lot of cases discussing resident hire statutes (not involving durational residency requirements in excess of 30 days) in relation to the federal Equal Protection Clause. The U.S. Supreme Court has upheld a city ordinance requiring city employees to be city residents. McCarthy v. Philadelphia Civil Service Com'n., 424 U.S. 645, 96 S. Ct. 1154, 47 L. Ed.2d 366 (1976.) The problem is that to pass muster under the federal Equal Protection Clause, a statute must be rationally related to a legitimate state purpose. Alaska's Supreme Court has already indicated that making more jobs available for Alaskans is not a permissible justification under the Privileges and Immunities Clause, Robison v. Francis, 713 P.2d 259, 266 (Alaska 1986), and has also used Privileges and Immunities Clause analysis to determine whether a purpose is legitimate for the purposes of the Equal Protection Clause. Hicklin v. Orbeck, 565 P.2d 159, 167 (Alaska 1977), overruled on other grounds, 437 U.S. 518, 98 S. Ct. 2482, 57 L. Ed.2d 397 (1978.) Therefore it is likely that the bill's requirement that the artist be a resident would also violate the federal Equal Protection Clause.

### The State Equal Protection Clause

Before the recent addition to the state constitution, of sec. 23, article I (allowing resident preferences to the extent allowed by the federal constitution) it was likely that the bill's residency requirement would have been invalid under the state Equal Protection Clause. See, Robison v. Francis, 713 P.2d 259, 271-272 (Alaska 1986) (Burke, J., concurring.) Since the recent amendment has not yet been construed by Alaska's Supreme Court, it is not clear whether the resident artist requirement would violate the state Equal Protection Clause.

### Summary and Suggestions

If the purpose of the resident artist provision is to protect Alaskan artists from competition from nonresident ar-

Representative Bette Cato

Page 4

February 22, 1989

tists, it is likely that the provision would violate the Privileges and Immunities Clause, and possibly the federal Equal Protection Clause as well. If the resident artist provision has some other purpose, the legislative history should clearly establish the validity of the other purpose and a very close link between the purpose and the resident artist requirement. In order to be "legitimate," the discrimination would have to be based on a showing that the nonresidents are "a peculiar source of [some] evil" that the bill is intended to remedy.

I can, however, see no constitutional prohibition against preferring art which has a theme or design evocative of Alaska. Such a requirement would, of course, limit the artistic expression of all the artists (including the residents), but could in some situations give residents an advantage since they are more likely to be familiar with the state.

If I may be of further assistance to you, please advise.

Enclosure

PF:kb  
wkk2/043



Original sponsors: Hanley, Zawacki,  
and Leman

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2 CS FOR HOUSE BILL NO. 3 (Transportation)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to art in public places; and provid-  
7 ing for an effective date."

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

9 \* Section 1. AS 35.27.020(c) is amended to read:

10 (c) One-half [AT LEAST ONE PERCENT OR, IN THE CASE OF A RURAL  
11 SCHOOL FACILITY, AT LEAST ONE-HALF] of one percent of the construction  
12 cost of a building or facility shall [APPROVED FOR CONSTRUCTION BY THE  
13 LEGISLATURE AFTER SEPTEMBER 1, 1977, WILL] be reserved for the follow-  
14 ing purposes: the design, construction, mounting and administration of  
15 works of art in a school, office building, court building, vessel of  
16 the marine highway system, or other building or facility that [WHICH]  
17 is subject to substantial public use. All administrative costs,  
18 including those of the department, associated with the art project  
19 shall be paid from the money reserved under this subsection.

20 \* Sec. 2. AS 35.27.020(g) is amended to read:

21 (g) Each selection committee established under AS 35.27.021 [THE  
22 ARCHITECT, SUPERINTENDENT, DEPARTMENT, AND THE ALASKA STATE COUNCIL ON  
23 THE ARTS] shall encourage the use of state cultural resources in these  
24 art works and shall select [THE SELECTION OF ALASKA RESIDENT] artists  
25 for the commission of these art works who are residents of the state  
26 under AS 01.10.055.

27 \* Sec. 3. AS 35.27 is amended by adding a new section to read:

28 Sec. 35.27.021. SELECTION OF ART. (a) The artist who executes  
29 a work of art for a public school shall be selected by a majority vote

1 of a committee, with the approval of the school board. The committee  
2 shall be composed of the architect, the project manager administering  
3 the facility construction, two representatives from the school dis-  
4 trict staff, and three members of the public who reside in the commu-  
5 nity where the school is located. The president of the school board  
6 or a designee shall provide reasonable public notice that public  
7 member seats on the committee are available. The school board shall  
8 select the representatives from the school district and the members of  
9 the public.

10 (b) Except as provided in (a) of this section, an artist who  
11 executes a work of art for buildings and facilities shall be selected  
12 by a majority vote of a committee convened by the project manager  
13 administering the facility construction. The committee shall be  
14 composed of the architect, the project manager, a designee of the  
15 Alaska State Council on the Arts, a designee of the principal user of  
16 the public building or facility, and three members of the public who  
17 reside in the community where the building is located. To select the  
18 public members, the department shall advertise for applicants by  
19 appropriate public notice and pick the members by lottery from among  
20 the applicants.

21 (c) All meetings of the selection committee under (a) or (b) of  
22 this section are subject to the public meeting and notice requirements  
23 of AS 44.62.310.

24 \* Sec. 4. AS 44.27.060(b) is amended to read:

25 (b) The commissioner of a department responsible for the design  
26 and construction of a building or facility shall deposit into the art  
27 in public places fund one-half of one percent of the construction cost  
28 of a building or facility if the building or facility is exempt from  
29 the requirements of AS 35.27 and the exemption is because

1           (1) the estimated construction cost of the building or  
2 facility is less than \$250,000; or

3           (2) the building or facility is not designed for substan-  
4 tial public use.

5 \* Sec. 5. AS 44.27.060 is amended by adding a new subsection to read:

6           (e) A work of art shall be identified by a permanent plaque  
7 installed on or near the work of art. The plaque must contain the  
8 name or title of the work of art, the name of the artist, the year of  
9 completion, and the names of the members of the selection committee.

10 \* Sec. 6. AS 35.27.020(e) and (f) are repealed.

11 \* Sec. 7. The amendments made by this Act do not apply to the construc-  
12 tion of a building or facility if, before the effective date of this Act,  
13 the department or the Alaska State Council on the Arts has entered into a  
14 contract to meet the art requirements under this chapter for the building  
15 or facility.

16 \* Sec. 8. This Act takes effect immediately under AS 01.10.070(c).  
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REQUEST: **FISCAL NOTE**

Revision Date:  
Title: An act relating to Art in Public Places

Agency Affected: DOT&PF  
BRU: Buildings Design & Construction  
and the Alaska State Council on  
the Arts

Sponsor: Hanley  
Requestor:

Components:

**EXPENDITURES/REVENUES:** (THOUSANDS OF DOLLARS)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTURAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	(195)	(195)	(195)	(195)	(195)	(195)
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REVENUE	0	0	0	0	0	0
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**FUNDING:** (THOUSANDS OF DOLLARS)

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

\* International Airport Revenue Fund

**POSITIONS:**

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

ANALYSIS: (Attach a separate page if necessary)

Based on the attached analysis a reduction in the amount of funds for artwork of 1/2% could provide additional construction funds in the amounts indicated.

Prepared by: Rod Wilson, Architect  
Division: Engineering & Operations Standards

Phone: 465-2960  
Date: 02/17/89

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

Date: 02/17/89

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

STATEMENT OF ANALYSIS RE:  
An act relating to Art in Public Places

FISCAL NOTE PREARATION FOR:  
Committee Substitute for House Bill 3

Assumptions made:

- (1) It has been assumed that language changes to section AS 35.27.020(c) (lines 12 and 13) will not change the current legal opinion excluding federal funds from the artwork requirements.
- (2) Based on anticipated construction activities of \$30 million net savings would result as follows:

\$30,000,000	(current eligible projects)
X .005	(reduced % for artwork)
\$ 150,000	(additional project funds)
X 1.30	(factor for artwork administrative costs)
\$ 195,000	(total of additional available monies)

Due to unpredictability of the future CIP program this same amount has been assumed into the budgets for FY 90 through 94.



*Department of Transportation & Public Facilities*

# POSITION PAPER

**BILL NO:** CS to HB 3

**APPROVED:**

*Mark S. Kelly*

**TITLE:** An Act Relating to Art in Public Places

**DATE:** February 17, 1989

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The department supports this bill. It is estimated that these changes could provide an additional \$195,000 annually towards actual construction of the facility.

For further information call Catherine A. McHugh at 465-3900

## Chapter 25. General Provisions.

*[Renumbered as AS 35.95.]*

## Chapter 27. Art Works in Public Buildings and Facilities.

### Section

10. Purpose

20. Art requirements for public buildings and facilities

### Section

30. Definitions

**Cross references.** — For nonapplicability of this chapter to memorials to Alaska veterans, see AS 44.35.030.

**Sec. 35.27.010. Purpose.** The state recognizes its responsibility to foster culture and the arts and the necessity for the viable development of its artists and craftsmen. The legislature declares it to be a state policy that a portion of appropriations for capital expenditures be set aside for the acquisition of works of art to be used for state buildings and other public facilities. (§ 1 ch 54 SLA 1975)

**Legislative history reports.** — For House State Affairs Committee report on ch. 54, SLA 1975 (CSHB 133(Fin)), see 1975 House Journal, p. 567; for House Finance Committee report on that bill, see 1975 House Journal, pp. 713-714; for Senate Finance Committee letter of intent on that bill, see 1975 Senate Journal, p. 939.

**Sec. 35.27.020. Art requirements for public buildings and facilities.** (a) A building or facility constructed after June 30, 1975, or remodeled or renovated after June 30, 1975, shall include works of art, including but not limited to sculptures, paintings, murals or objects relating to Native art.

(b) The department, before preparing plans and specifications for buildings and facilities, shall consult with the Alaska State Council on the Arts regarding the desirability of inclusion of works of art.

(c) At least one percent or, in the case of a rural school facility, at least one-half of one percent of the construction cost of a building or facility approved for construction by the legislature after September 1, 1977, will be reserved for the following purposes: the design, construction, mounting and administration of works of art in a school, office building, court building, vessel of the marine highway system, or other building or facility which is subject to substantial public use.

(d) A building or facility with an estimated construction cost of less than \$250,000 is exempt from the requirements of this chapter unless

inclusion of works of art in the design and construction of the building or facility is specifically authorized by the department.

(e) The artist who executes these works of art shall be selected by the architect for the department with the approval of the department, after consultation with the Alaska State Council on the Arts and the principal user of the public buildings or facilities.

(f) The artist who executes these works of art in the public schools shall be selected by the superintendent of a school district in which a public school is to be built with the approval of the school board. Should the department find in the best interest of the state that the selection of the artist who executes these works of art by the superintendent may result in a cost overrun to the state or delay of construction, the department shall make the selection of the artist in consultation with the superintendent.

(g) The architect, superintendent, department, and the Alaska State Council on the Arts shall encourage the use of state cultural resources in these art works and the selection of Alaska resident artists for the commission of these art works. (§ 1 ch 54 SLA 1975; am §§ 1, 2 ch 96 SLA 1977; art. §§ 1 — 4 ch 176 SLA 1980)

**Cross references.** — For the responsibilities of the Alaska State Council on the Arts in the management of the Art in Public Places Fund, see AS 44.27.060.

**Sec. 35.27.030. Definitions.** In this chapter

(1) "building" or "facility" means a permanent improvement constructed by the department; the term

(A) includes, but is not limited to,

(i) schools, office buildings, and court buildings;

(ii) other buildings which the commissioner determines are designed for substantial public use;

(iii) boats and vessels of the marine highway system;

(iv) transportation facilities which accommodate traveling passengers;

(B) excludes other transportation facilities;

(2) "commissioner" means the commissioner of transportation and public facilities;

(3) "construction cost" is that cost expended for the actual construction of the facility, exclusive of the costs of land acquisition, site investigation, design services, administrative costs, equipment purchases and any other costs not specifically incurred within the construction contract or contracts awarded for the construction of the facility. (§ 1 ch 54 SLA 1975; am §§ 3, 4 ch 96 SLA 1977; am E.O. No. 39, § 11 (1977); am §§ 5, 6 ch 176 SLA 1980; am § 57 ch 14 SLA 1987)



**Sec. 44.27.058. National endowment funds.** The council is the official agency of this state to receive and disburse funds made available by the National Endowment for the Arts. (E.O. No. 44, § 4 (1980))

*Revisor's notes.* — Enacted as AS 44.27.140. Renumbered in 1980.

**Sec. 44.27.060. Art in public places fund.** (a) The art in public places fund is established. The council shall manage the fund.

(b) The commissioner of a department responsible for the design and construction of a building or facility shall deposit into the art in public places fund one percent of the construction cost of a building or facility if the building or facility is exempt from the requirements of AS 35.27 and the exemption is because

(1) the estimated construction cost of the building or facility is less than \$250,000; or

(2) the building or facility is not designed for substantial public use.

(c) The council may use the money in the art in public places fund

(1) to commission or purchase a work of art which is to be made a permanent part of, or placed on loan in, a building or facility owned or leased by the state which has substantial public use; and

(2) to meet expenses for a commissioned work of art for a building or facility which has substantial public use if the cost of the work of art exceeds the amount reserved under AS 35.27.020(c).

(d) In (c) of this section, "building" or "facility" means

(1) a building or facility of the state, as defined by AS 35.27.030(2), which is designed for and which is subject to substantial public use; and

(2) a building or facility which is leased by the state and subject to substantial public use. (§ 8 ch 176 SLA 1980; am § 97 ch 59 SLA 1982)

*Revisor's notes.* — Enacted as AS 44.19.942. Renumbered in 1980.

*Effect of amendments.* — The 1982 amendment substituted "if the building or facility" for "which" in the introductory language of subsection (b).

### Article 3. Alaska Historical Commission.

**Section**

- 61. Creation
- 62. Composition
- 63. Appointment
- 64. Terms of office
- 65. Compensation

**Section**

- 70. Duties of the commission
- 72. Reports
- 74. Executive director
- 76. Gifts and income

**Sec. 44.27.061. Creation.** There is created in the Department of Education the Alaska Historical Commission. (E.O. No. 43, § 3 (1930))

*Revisor's notes.* — Enacted as AS 44.27.040. Renumbered in 1980.

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

inclusion of works of art in the design and construction of the building or facility is specifically authorized by the department.

(e) The artist who executes these works of art shall be selected by the architect for the department with the approval of the department, after consultation with the Alaska State Council on the Arts and the principal user of the public buildings or facilities.

(f) The artist who executes these works of art in the public schools shall be selected by the superintendent of a school district in which a public school is to be built with the approval of the school board. Should the department find in the best interest of the state that the selection of the artist who executes these works of art by the superintendent may result in a cost overrun to the state or delay of construction, the department shall make the selection of the artist in consultation with the superintendent.

(g) The architect, superintendent, department, and the Alaska State Council on the Arts shall encourage the use of state cultural resources in these art works and the selection of Alaska resident artists for the commission of these art works. (§ 1 ch 54 SLA 1975; am §§ 1, 2 ch 96 SLA 1977; am §§ 1 — 4 ch 176 SLA 1980)

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**Chapter 25. General Provisions.**

*[Renumbered as AS 35.95.]*

**Chapter 27. Art Works in Public Buildings and Facilities.**

<p><b>Section</b>                  10. Purpose                  20. Art requirements for public buildings and facilities</p>	<p><b>Section</b>                  30. Definitions</p>
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**Cross references.** — For nonapplicability of this chapter to memorials to Alaska veterans, see AS 44.35.030.

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**Legislative history reports.** — For House State Affairs Committee report on ch. 54, SLA 1975 (CSHB 133(Fin)), see 1975 House Journal, p. 567; for House Finance Committee report on that bill, see 1975 House Journal, pp. 713-714; for Senate Finance Committee letter of intent on that bill, see 1975 Senate Journal, p. 939.

**Sec. 35.27.020. Art requirements for public buildings and facilities.** (a) A building or facility constructed after June 30, 1975, or remodeled or renovated after June 30, 1975, shall include works of art, including but not limited to sculptures, paintings, murals or objects relating to Native art.

(b) The department, before preparing plans and specifications for buildings and facilities, shall consult with the Alaska State Council on the Arts regarding the desirability of inclusion of works of art.

(c) At least one percent or, in the case of a rural school facility, at least one-half of one percent of the construction cost of a building or facility approved for construction by the legislature after September 1, 1977, will be reserved for the following purposes: the design, construction, mounting and administration of works of art in a school, office building, court building, vessel of the marine highway system, or other building or facility which is subject to substantial public use.

(d) A building or facility with an estimated construction cost of less than \$250,000 is exempt from the requirements of this chapter unless

**Sec. 44.27.058. National endowment funds.** The council is the official agency of this state to receive and disburse funds made available by the National Endowment for the Arts. (E.O. No. 44, § 4 (1980))

**Revisor's notes.** — Enacted as AS 44.27.140. Renumbered in 1980.

**Sec. 44.27.060. Art in public places fund.** (a) The art in public places fund is established. The council shall manage the fund.

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(2) to meet expenses for a commissioned work of art for a building or facility which has substantial public use if the cost of the work of art exceeds the amount reserved under AS 35.27.020(c).

(d) In (c) of this section, "building" or "facility" means

(1) a building or facility of the state, as defined by AS 35.27.030(2), which is designed for and which is subject to substantial public use; and

(2) a building or facility which is leased by the state and subject to substantial public use. (§ 8 ch 176 SLA 1980; am § 97 ch 59 SLA 1982)

**Revisor's notes.** — Enacted as AS 44.19.942. Renumbered in 1980.

**Effect of amendments.** — The 1982 amendment substituted "if the building or facility" for "which" in the introductory language of subsection (b).

### Article 3. Alaska Historical Commission.

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**Revisor's notes.** — Enacted as AS 44.27.040. Renumbered in 1980.

**Article 6. Agency Meetings Public.****Section**

310. Agency meetings public

312. State policy regarding meetings

**Sec. 44.62.310. Agency meetings public.** (a) All meetings of a legislative body, of a board of regents, or of an administrative body, board, commission, committee, subcommittee, authority, council, agency, or other organization, including subordinate units of the above groups, of the state or any of its political subdivisions, including but not limited to municipalities, boroughs, school boards, and all other boards, agencies, assemblies, councils, departments, divisions, bureaus, commissions or organizations, advisory or otherwise, of the state or local government supported in whole or in part by public money or authorized to spend public money, are open to the public except as otherwise provided by this section. Except for meetings of a house of the legislature, attendance and participation at meetings by members of the public or by members of a body may be by teleconferencing. Agency materials that are to be considered at the meeting shall be made available at teleconference locations. Except when voice votes are authorized, the vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote. The vote at a meeting held by teleconference shall be taken by roll call. This section does not apply to any votes required to be taken to organize a public body described in this subsection.

(b) If excepted subjects are to be discussed at a meeting, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that come within the exceptions contained in (c) of this section shall be determined by a majority vote of the body. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. No action may be taken at the executive session.

(c) The following excepted subjects may be discussed in an executive session:

- (1) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit;
- (2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
- (3) matters which by law, municipal charter, or ordinance are required to be confidential.

(d) This section does not apply to

- (1) judicial or quasi-judicial bodies when holding a meeting solely to make a decision in an adjudicatory proceeding;
- (2) juries;

- (3) parole or pardon boards;
- (4) meetings of a hospital medical staff; or
- (5) meetings of the governing body or any committee of a hospital when holding a meeting solely to act upon matters of professional qualifications, privileges or discipline.

(e) Reasonable public notice shall be given for all meetings required to be open under this section. The notice must include the date, time, and place of the meeting, and if the meeting is by teleconference the location of any teleconferencing facilities that will be used.

(f) Action taken contrary to this section is void. (§ 1 art VI (ch 1) ch 143 SLA 1959; am § 1 ch 48 SLA 1966; am § 1 ch 78 SLA 1968; am § 1 ch 7 SLA 1969; am §§ 1, 2 ch 98 SLA 1972; am § 2 ch 100 SLA 1972; am § 1 ch 189 SLA 1976; am §§ 2, 3 ch 54 SLA 1985)

**Effect of amendments.** — The 1985 amendment in subsection (a) added the second, third, and next-to-last sentences and in the last sentence substituted "a

public body described" for "the bodies specified" and added the last sentence of subsection (e).

#### NOTES TO DECISIONS

**"Meeting".** — A private meeting between a quorum of the Anchorage Municipal Assembly and a developer to discuss in detail the developer's application for rezoning violated this section; a "meeting" for purposes of the Open Meetings Act includes every step of the deliberative and decision-making process when a governmental unit meets to transact public business. The rezoning ordinance later passed by the assembly that allowed a modified plan of development was therefore held void. *Brookwood Area Homeowners Ass'n v. Municipality of Anchorage*, Sup. Ct. Op. No. 2953 (File Nos. S-575, S-629), 702 P.2d 1317 (1985).

**Findings.** — There is nothing in the Administrative Procedure Act requiring a board to make any findings when exercising its quasi-legislative function, and therefore there is nothing in the act regulating the manner in which findings must be adopted or approved. *State v. Hebert*, Ct. App. Op. No. 748 (File A-1743), P.2d (1987).

**Legislature's alleged violation of Open Meetings Act held nonjusticiable.** — The Open Meetings Act, as it applies to the legislature, like the legislature's Uniform Rule 22, merely establishes a rule of procedure concerning how the legislature has decided to conduct its business; a failure to follow a rule of procedure is not the subject matter of judicial inquiry where there are no allegations that the legislature, acting pursuant to or in violation of one of its rules of procedure, has infringed on the rights of a third person not a member of a legislature or has ignored constitutional restraints or violated fundamental rights. *Abood v. League of Women Voters*, Sup. Ct. Op. No. 3230 (File Nos. S-1831, S-1841, S-1957), 743 P.2d 333 (1987).

**Applied in** *Meiners v. Bering Strait School Dist.*, Sup. Ct. Op. No. 2857 (File Nos. S-125, S-140), 687 P.2d 287 (1984); *Abood v. Gorsuch*, Sup. Ct. Op. No. 2958 (File No. S-706), 703 P.2d 1158 (1985).

**Sec. 44.62.312. State policy regarding meetings.** (a) It is the policy of the state that

(1) the governmental units mentioned in AS 44.62.310(a) exist to aid in the conduct of the people's business;

(2) it is the intent of the law that actions of those units be taken openly and that their deliberations be conducted openly;



(3) the people of this state do not yield their sovereignty to the agencies which serve them;

(4) the people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know;

(5) the people's right to remain informed shall be protected so that they may retain control over the instruments they have created;

(6) the use of teleconferencing under this chapter is for the convenience of the parties, the public, and the governmental units conducting the meetings.

(b) AS 44.62.310(c)(1) shall be construed narrowly in order to effectuate the policy stated in (a) of this section and avoid unnecessary executive sessions. (§ 3 ch 98 SLA 1972; am § 4 ch 54 SLA 1985)

**Effect of amendments.** — The 1985 amendment added paragraph (6) of subsection (a).

**NOTES TO DECISIONS**

Quoted in Brookwood Area Home- age, Sup. Ct. Op. No. 2953 (File Nos. owners Ass'n v. Municipality of Anchor- S-575, S-629), 702 P.2d 1317 (1985).

**Article 7. Legislative Review of Rules.**

**Sec. 44.62.320. Legislative annulment of regulations and review.**

**Editor's notes.** — The Alaska Const., art. II, § 22 amendment proposal that was mentioned in the notes to decisions was defeated in the November, 1984 election.

**Article 8. Administrative Adjudication.**

<p><b>Section</b> 330. Application of AS 44.62.330 — 44.62.630</p>	<p><b>Section</b> 410. Time and place of hearing 600. Voting procedure</p>
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**Sec. 44.62.330. Application of AS 44.62.330 — 44.62.630.**

(a) The procedure of the state boards, commissions, and officers listed in this subsection or of their successors by reorganization under the constitution shall be conducted under AS 44.62.330 — 44.62.630. This procedure, including, but not limited to, accusations and statements of issues, service, notice and time and place of hearing, subpoenas, depositions, matters concerning evidence and decisions, conduct of hearing, judicial review and scope of judicial review, continuances, reconsideration, reinstatement or reduction of penalty, contempt, mail vote, oaths, impartiality, and similar matters shall be governed by this chapter, notwithstanding similar provisions in the statutes dealing with the state boards, commissions, and officers listed. Where indi-

## PERCENTAGE FOR PUBLIC ART PROGRAM PROCEDURES

### I. Purpose of Alaska Statute 35.27.010-030, amended.

The legislation declares, "The state recognizes its responsibility to foster culture and the arts and the necessity for the viable development of its artists and craftsmen. The legislature declares it to be a state policy that a portion of appropriations for capital expenditures be set aside for the acquisition of works of art to be used for state buildings and other public facilities."

The Department of Transportation and Public Facilities (DOTPF) and the Alaska State Council on the Arts (ASCA) have defined the following goals related to the purpose of the Act:

**GOAL:** To nurture our living culture by recognizing and providing for the aesthetic needs and the artistic growth of the people of Alaska.

#### **SUBGOALS:**

1. To Provide access to works of art in public spaces;
2. To offer a variety of visual experiences in varied styles, methods and media;
3. To further humanize our man-made surroundings with the artistic statements of living artists.
4. To provide a supportive working environment and the opportunity for personal creative accomplishment;
5. To contribute to the development and recognition of a professional artistic community; and
6. To accomplish broad cultural goals by introducing new visual ideas to the general public.

### II. Definitions

A. "Works of Art": For the purpose of this Act, all forms of original creations of visual art objects, including but not limited to:

1. Sculpture; in the round, bas relief, high relief, mobile, fountain, kinetic, electronic, etc., in wood, clay, stone, metal, plastic, fiber, ivory, concrete, etc.
2. Painting; in oil, tempera, acrylic, water soluble medium, etc on wood, paper, canvas, skin, prepared surface, etc.
3. Graphics;
  - a. Prints in silk-screen, lithography, etching, embossing, and other techniques on paper, etc.
  - b. Drawing in pencil, ink, charcoal, pastel, etc. on paper skin, bone, etc.

4. Murals, mosaics, super-graphics, frescos; in paint, tile, glass, stone, etc., on a prepared surface.
  5. Photographs; on light sensitive paper, light sensitive emulsions, etc.
  6. Ceramics; in porcelain, clay, etc., in functional and non-functional application.
  7. Fiber; in wool, cotton, leather, grass, etc., in functional and non-functional application.
  8. Metalcrafts; in copper, silver, gold, etc., singularly or in combination with other metals or materials.
  9. Mixed Media; any combination of materials or forms.
- B. "Artist": A practitioner in the visual arts, generally recognized by critics and his or her peers as a professional who is committed to producing high quality work on a regular basis. Indicators of professionalism include but are not limited to proportion of income received from art sales, or art related activities, frequent or consistent exhibitions, purchase of works by museums and other public institutions. The project architect or a member of the project architect's firm will generally not be considered as an eligible artist for consideration unless they are specifically solicited by the art advisory committee.
- C. "User Agency": The state agency or state-funded institution for which funds have been set aside for artworks from the construction appropriation for any new facility or renovation project within its jurisdiction.
- D. "Agency Representative": A person within the user agency, or another person designated by and from that agency who represents the agency and has decision authority during the selection process.
- E. "Site": The physical space occupied by the work of art.
- F. "Construction Cost": The cost expended for the actual construction of the facility, exclusive of the costs of the land acquisition, site investigation, design services, administrative costs, equipment purchase and any other costs not specifically incurred within the construction contract or contracts awarded for the construction of the facility.
- G. "Public Facilities": Including, but not limited to, schools, office buildings, court buildings, the vessels of the state ferry system, and other facilities designed for substantial public use.

### III. Location

The work of art must either be an integral part of the facility, attached to the facility or detached within or outside the facility. The artwork must be within reasonable proximity of the facility. Portable artworks may be exhibited outside the facility in other public facilities as long as the artworks have a permanent place to reside in the facility that is being constructed.

### IV. Inclusions and Exclusions

- A. Inclusions: The portion of the capital appropriations reserved for works of art may be expended for the purchase of existing works of art or commissioned pieces and the design consultant services of artists. The following are included:
1. The cost of the work of art: Generally if the artist is commissioned to produce a new work, the following are taken into account in the contract:
    - a. Artists's fee for professional design and execution of a work of art and for consultation and on-site preparation for art works.
    - b. Labor of assistants, and materials required for production of the work.
    - c. Studio and operating costs of the artists, including rent, depreciation, utilities, communications, insurance, and other direct and indirect costs.
    - d. Travel of the artist for the site visitation(s) and research.
    - e. Transportation of the work to the site.
    - f. Installation of the completed work.
    - g. Taxes where applicable.
  2. Waterworks and electrical and mechanical devices or equipment which are integral parts of the work of art.
  3. Frames, mats, or pedestals necessary for the proper presentation of the works of art.
  4. Exhibitions and educational aspects.
  5. Site modification necessary for the installation of the work of art.
- B. Exclusions: The portion of the capital appropriation reserved for works of art may not be expended for the following:
1. Reproductions by mechanical or other means of original works of art. Included, however, may be limited editions, controlled by the artist, of original prints, cast sculpture, photographs, etc.
  2. Decorative, ornamental, or functional elements which are designed by the building architect or consultants other than artists under these procedures engaged by the architect (see V., paragraph 3.)
  3. Those elements generally considered to be components of a landscape architectural design: plant material, pools, paths, benches, receptacles, fixtures, planters, etc. (Exceptions to this are noted under General Policies).

4. "Art Objects" which are mass produced of standard design such as a playground sculpture or fountains.
5. Directional, or other functional elements, such as super-graphics signing, color coding, maps, etc., except where a recognized graphic artist is employed under these procedures.
6. Those items which are required to fulfill the basic purpose of the agency. Examples would be works of art in the collection of a state museum, or works of art fulfilling an interpretive or educational role in a state park, the state library, or a college or university art museum or gallery.
7. Preparation of the adjacent areas necessary for access to the work of art.
8. Recurring operational costs of electrical, water, or mechanical service for activation of the work.
9. In connection with the works of art, after they are installed; lighting, registration, dedication, unveiling, insurance, security, publicity or publications, and maintenance (preservation, conservation, restoration, repair).

#### V. Scope and Nature of Expenditures

The act applies to all state facilities and all grants of state funds to municipal and other agencies for capital construction projects.

The one per cent of construction cost is a required minimum with the exception of public schools funded after September 1, 1977 for which the required minimum is one-half of one per cent of the construction cost.

In cases where the project architect is working closely with the artist(s) from the inception of a project, the DOTPF may negotiate a separate contract with the project architect for the artist(s)' design services. Such a contract for artist consultation will not be construed to define the artist as a member of the architectural firm.

#### VI. Selection Principles

##### A. Criteria for selected works:

1. Quality: Of highest priority is the inherent quality of the work itself.
2. Media: All visual art forms may be considered.
3. Style and Nature: The art should be appropriate in scale, material, form, and content for both its immediate environment and for the general environment in which it is placed.

4. Elements of Design: The art advisory committee and the artist will take into account the fact that, as differentiated from works in a museum context, art in public places may serve to establish focal points; terminate areas, modify, enhance, or define specific places; or establish identity.
5. Permanence: Due consideration will be given to structural and surface soundness and to permanence in terms of relative proof against theft, vandalism, weathering, or excessive maintenance or repair costs.
6. Method of acquisition: Either existing works or those commissioned specifically for the site may be acquired.
7. Diversity: The participating agencies will strive, in the overall program, to attain reasonable diversity in style, scale, media, and materials represented.

B. Eligibility of Artists:

1. Alaska artists: Preference will be given to artists currently residing in the State of Alaska at the time of review by the art advisory committee for the project.
2. Artists from Other Areas: Certain artists from other areas may, because of their unique talents or style, be the logical choice of an art advisory committee.

VII. Selection Procedures

- A. Public Schools: The superintendent of a school district in which a public school is to be constructed will be responsible for establishing selection procedures for artist and art work selection with the approval of the local school board. The Alaska State Council on the Arts may be consulted concerning procedures, review of artist portfolios, contracting procedures, and purchase of art from the Public Art Collection.
- B. Facilities Except Public Schools:
  1. Notification: Upon receipt of allocated construction funds the DOTPF shall notify the ASCA of the amount of the projected construction contract, the function and location of the proposed facility, the amount of the 1% public art allocation, and the name and address of the project architect when that person and firm has been selected.
  2. Methods of Acquisition: The ASCA will advise the agency representative of the owner agency which of the acquisition methods is the most feasible, depending upon the amount of public art monies available and the function and location of the proposed facility. Three recommended categories are identified:

- 61
- a. Category I - Amounts under \$5,000.
    - 1) Portable Art: Selection of existing works by arts advisory committees either by public viewing or through slide presentation.
    - 2) Artists-in-Residence: An educational participatory residency by an artist selected by the art advisory committee resulting in a permanent work of art for the facility.
  - b. Category II - Amounts over \$5,000 but less than \$20,000.
    - 1) Includes Portable Art and Artists-in-Residence and,
    - 2) Design Integrated Commissions: Works of art especially commissioned for the specific sites which will in some way be integrated into the overall facility or specific site, or which will reflect some special function or aspect of the owner agency.
  - c. Category III - Amounts over \$20,000. 1) Includes Portable Art and Artists-in-Residence, Design Integrated Commissions, and,
    - 2) Architecture Integrated Commissions: Major works of art which are integrated into the facility design, or works which will require special design consideration for their installation or display.
3. Art Advisory Committee: A special committee will be chosen according to the category of acquisition. The Committee shall be responsible for the necessary recommendations and/or the selections of art for the proposed facility.
- a. Appointments:
    - 1) Facility Users and Community representatives will be appointed by the agency representative. Composition should include individuals knowledgeable in the arts and be representative of the regular users of the facility. To insure maximum involvement of the community and users, a wide variety of view points should be included.
    - 2) Public Art Panel members are artists appointed to the panel by the Chairman of the ASCA. A regional representative of the panel will be delegated by the ASCA Chairman to each of the art advisory committees where their presence is indicated.
    - 3) ASCA Visual Arts Committee members are appointed by the ASCA Chairman from among the members of the ASCA and delegated to each appropriate committee by the ASCA Chairman.



NOTE: The project architect, a member of the project architect's firm, an ASCA member or Public Art Panel member that is participating on an art advisory committee may not be considered for a commission or have their work considered for purchase.

b. Composition:

- 1) Category I: Agency Representative (Chairman)  
Project Architect  
Facility Users/Community Representatives
- 2) Category II: Agency Representative (Chairman)  
DOTPF Regional Design Manager  
Project Architect  
Facility Users/Community Representatives  
Regional member of the Public Art Panel
- 3) Category III: Agency Representative (Chairman)  
DOTPF Regional Design Manager  
Project Architect  
Facility Users/Community Representatives  
Regional Member of the Public Art Panel  
Member of the ASCA Visual Arts Committee

4. Methods of Commission

- a. Direct Commission. The art advisory committee will review the portfolios of artists that have been filed with the ASCA. If there are artists in whom they express interest that are not represented by the portfolios, they may request that the artist be contacted to determine if he/she would like to file a portfolio and be considered. The committee will select three artists of their choice for each work of art to be commissioned and place them in priority. Upon approval from the ASCA the artists will be contacted by the user agency in order to determine if they are willing and able to undertake the commission.

When a contract has been negotiated by DOTPF, it will include a 5% design fee as the first payment. The artist will prepare a written presentation accompanied by sketches, plans, and/or a model of the proposed work of art. The committee will review the plan and recommend acceptance, rejection or modifications. If and when approval is given by the art advisory committee the artist will proceed into the production phase of the project. If agreement is not reached the contract will be terminated and the next artist on the priority list will be contracted for a similar procedure.

- b. Limited Competition. Based on portfolio review the art advisory committee will invite a limited number of artists to present a detailed written proposal accompanied by sketches, plan and/or model for the selected site(s). A design fee equal to 5% of the total commission value will be paid to each artist that is invited to enter. The artists may be invited to personally present their proposal to the committee. In such a case the artists' transportation and per diem costs will be provided by the owner agency.

When a decision is reached a contract will be negotiated with the selected artist(s) per 5. below. Should none of the designs be selected the committee will start the selection process over (See Reconsideration).

The design fees paid to the artists will be drawn from the percentage for public art funds available to the project.

- c. Other forms of competitions: Special projects may suggest other selection methods.
5. Contract Authority: For all methods the contracting authority shall be DOTPF with approval of contract and payments by the ASCA. Technical assistance in contract preparation may be obtained from the ASCA upon request.

### VIII. Reconsideration process

When reconsideration of the selection of artist or works for purchase is requested by an agency's art advisory committee approval of reconsideration must be obtained from the ASCA.

The art advisory committee must discuss the project with the selected artist(s). If no agreement can be reached the agency must notify the ASCA and the following methods may be implemented:

- A. A joint meeting with the artist, agency, and Visual Arts Committee of the ASCA to work out a solution.
- B. Request the artist to resubmit alternative examples or designs for the project.
- C. Place the project into another round of selections.
- D. Employ another procedure for selection.

All costs of reconsideration will be born by the owner agency requesting the reconsideration.

IX. Variance

There may be some capital construction projects funded by the State of Alaska for which inclusion of works of art may be inappropriate due to lack of substantial public use. The owner agency of the proposed facility may request in writing permission for exemption, in whole or in part, from the requirements of the Percentage for Public Art Act from the ASCA. The ASCA will review the request in relation to the potential aesthetic benefits to the principal users of the building and the community-at-large and recommend to DOTPF to accept, reject, or modify the percentage of construction costs that will be allocated.

X. Documentation and Evaluation

- A. For the documentation of the Percentage for Public Art Program the artist will furnish the ASCA and the DOTPF the following photographs of the completed work as installed:
  - 1. Two 35 mm color slides of good quality to each agency;
  - 2. Two 8" x 10" black and white glossy photographs to each agency; and
  - 3. A full written description of each piece.
- B. Identification: Plaques or labels identifying the work will be provided by the ASCA and will be permanent, unobtrusive and well designed. Included will be the name of the artist, title of the work (if any), medium and year completed.
- C. Registration: The ASCA will maintain accession records similar to those of art museums for all public art acquisitions, including those of public schools. Owner agencies including public schools will register all portable works as public agency property under the normal procedures.
- D. Evaluations: The ASCA shall annually make a public written report to the DOTPF on the projects of the previous year and shall conduct periodic evaluations of the program.

PERCENTAGE FOR PUBLIC ART RESPONSIBILITIES AND GENERAL POLICIES

Responsibilities

- A. The Department of Transportation and Public Facilities shall:
  - 1. Upon receipt of allocated construction funds for a specific project(s), notify the ASCA of the projected amount of the construction contract, the facility(s) location(s) and function(s), agency representative(s), and amount of Percentage for Public Art allocation.

2. Contract with the selected artist(s) for works of art and make contract payments upon approval of the ASCA.
  3. Maintain such records as are required for the execution of contracts.
  4. Accept, reject, or modify the ASCA recommendations for variance from the Act.
- B. The Alaska State Council on the Arts shall:
1. Notify the user agency of the amount of Percentage for Public Art allocation and request the appointment of an agency representative, and facility user/community representatives.
  2. Appoint Public Art Panel members or Visual Arts Committee members to the Art Advisory Committees as required.
  3. Approve final selections of Art Advisory Committees and forward the names of recommended artists to DOTPF.
  4. Assist in contract negotiations with artists.
  5. Review requests for variances and forward recommendation to DOTPF.
  6. Maintain accession records of all art acquisitions.
  7. Provide identification labels for all art acquisitions.
  8. Conduct a yearly review of the overall program.
- C. The Advisory Committee shall:
1. Meet to consider the location(s), method(s) of acquisition, and artist(s) based upon the amount of Percentage for Public Art allocation.
  2. Forward recommendations to ASCA.
  3. Review proposals prepared by artists and forward recommendation to the DOTPF.
- D. The User Agency shall:
1. Appoint an agency representative and form a local art advisory committee in consultation with the ASCA.

- 2. Be responsible for maintenance, repair and security of the work(s)
- 3. Handle public information aspects of the project with assistance from the ASCA.

E. The Project Architect shall:

- 1. Recommend to the art advisory committee specific sites for works of art and the scale and type of work most appropriate.
- 2. If requested, work closely with the artist, provide engineering and technical assistance to the artist and supervise the delivery and installation of the work under contract with the contracting agency.
- 3. Assure that all service requirements for the work of art are met in the design documents.

F. The Artist shall:

- 1. Submit proposals as outlined by contract.
- 2. Be commissioned by the contracting agency to execute and complete the work in a timely and professional manner, or transfer title of an existing work of art to the agency for incorporation in its new or renovated facility.
- 3. Preferably deal personally with all other parties in all phases of the negotiations. However, the artist may, at his/her option, designate dealers or agents to represent him/her in certain aspects of the project.
- 4. Maintain a close working relationship with the architect.

General Policies

- A. Integration of Art and Architecture: So that artists and architects can gain from each others' design insights and, thereby produce a more integrated solution, all parties involved should strive for engagement of the artist or artists as soon as possible after the employment of the architect.
- B. Design Services by Artists: Architects are encouraged to contract with artists for custom design of lighting fixtures and systems, gates, railings, fences, doors, door knobs, drawer pulls, furniture, hand-crafted musical instruments, planters, benches, windows, signs maps and other equipment, accessories, and architectural elements. The consultation of an artist(s) is also encouraged during the design of display areas for portable works of art. The cost of artist design services may be borne by the Percentage for Public Art Program monies. The selection of artists would fall under these procedures.

- C. Freedom of expression: All parties shall encourage the artists to reach creative solutions to the design problems they have been employed to solve. The artist, on their part, must be sensitive to the unique qualities of public art and the guidelines and parameters which, of necessity, have been agreed upon.
- D. Exhibitions and Educational Aspects: To serve various publics more fully, the contracting agencies should consider undertaking the following, funded with monies other than those made available under the Percentage for Public Art Act:
1. Exhibitions of sketches and maquettes from limited or open competitions.
  2. Involvement of students and art instructors in workshops with artists creating works, especially those for educational institutions.
  3. Employment of an artist to design, jointly, with elementary and secondary school students, a work for a school with the design motifs springing from the school's history and heritage, the cultural traditions of ethnic minorities, or simply the rich imagination of the students. A present or former Artist-in-Residence could be a candidate for such a project.
  4. Tours of a site involving many works, conducted by trained docents.
  5. Use of state educational and other facilities by the artist in development of concepts and creation of the work, so that state employees and students can witness and assist in the creative act. Such facilities might include studio space, foundries, machine welding and woodworking shops, printing and photographic facilities, etc.
- E. Professional Assistance. Where suitable, the private sector may be consulted. Gallery owners and dealers provide valuable assistance in gaining access to quality art works throughout the State. The ASCA recommends that dealers' fees on new commissioned works should not exceed 10% of the artist's fee after manufacture or cost of the work is subtracted.

All public agencies shall deal directly with the artist unless otherwise requested by the artist.

- F. Supplemental Funds: The National Endowment for the Arts provides matching funds for works of art in public places on a grants application basis. In some cases the agency may generate funds locally to supplement their art allocation. The ASCA encourages the utilization of these resources in matching state funds.
- G. Publications: As collections grow, owner agencies are encouraged to publish informative folders and booklets on their works of art. The ASCA will offer editorial and professional assistance if requested.

- H. Dedication: If a dedication or "unveiling" of the work is desired, arrangements and costs incurred will be the responsibility of the owner agency, though technical assistance can be requested of the ASCA.
- I. Administrative Costs: The DOTPF and ASCA will cover all costs of administering the program from funds other than the Percentage for Public Art Allocation.



## APPENDIX III.

## Public Art Program Comparison Chart

	State of Alaska	Municipality of Anchorage	First Banks, Minneapolis (corporation)
Percentage	1%/5% for rural schools	1%	Annual Budget
Total value of collection	\$4.5 million	\$2.5 million	\$3.5 million invested \$7.0 million (appraised value)
Administrative Responsibility	Decentralized among ASCA, DOT/PF, University of Alaska, School districts and other user agencies	Centralized with the Anchorage Museum of History & Art through a Program Director	Curatorial staff
Number of staff assigned to program	0	1	2 full-time 3 interns 1 consultant
Administrative budget	0	\$74,000	\$500,000
Budget for maintenance and conservation	0	\$6,000 (1988 only)	Figures not available
Selection process	Selection committees	Selection committees	Curatorial choices
Public information program	Monthly bulletin Annual reports	Public hearings required in selection process, annual bus tours, presentations to civic groups, press releases	Highly active feedback mechanism interpretive labeling on artworks, seminars and curatorial of employees
Deaccessioning policy	None in place	In formative stages	In place, designed to improve investment
Average annual acquisition budget	\$450,000	\$310,000	\$440,000

APPENDIX IV.

## Total Expenditures 1978-1988

	All Commissions	Projects in Progress	Awarded to Non-Residents	Unspent, or No Data
1% For Facilities	2,734,408	542,100	1,244,101	439,676
.5% for Schools	1,837,272	25,000	561,370	558,537
<b>Total</b>	<b>\$4,571,680</b>	<b>\$567,100</b>	<b>\$1,805,471</b> (39% of total)	<b>\$998,213</b>

8:35

Hudson, Cat heard

HB 3

Heenan moved c/s be adopted

Hudson

Outlined HB 3

Only difference in c/s is requirement that administrative costs be paid for from this  $\frac{1}{2}\%$

Reduce 1% to  $\frac{1}{2}$  of 1%

Requires use of resident artists

Requires selection committee be expanded

Requires plaques be placed with all art funded by these funds

Hudson moved to hold c/s HB 3 over until next meeting of HTC

Mailbox

Cato introduced Mr. George Sullivan

Pep Foster here 8:40

George introduced George Chafetz + Jerry Valaska who are AMM board members

George turned over to Turpin

Mr Turpin stated that this agreement would be a little dry + as they would just hit rights +

Ken would be available to answer questions.

### Financial performance

Over 4 years of operating ARPA has a return on investment of 11% / year. This is a return on total investment.

All income is reinvested in ARPA as it was in very poor shape on transfer. Have invested over \$50 million in past 4 years in capital project. Plan to put another \$17 million in to capital over next few years.

### Marvin letter p. 3

1985	7 million profit
1986	lost 1 million because of Crown point, floods + freight ↓
1987	3 million profit
1988	5.8 million
1989	6.1 million budgeted

Heenan

- What is source of \$17 million that is proposed for capital projects

Marvin

5 million income  
4 million depreciation  
7 million borrowed. Have very good return to pay off borrowed money.

Heenan

- IS ARPA debt backed up by state

Frank

No. Statutes won't allow it. All borrowed + backed up by equipment or assets of ARPA

Have \$10 million line of credit  
for emergencies

How does A.P.M. make money

Page 1 - defines the basic  
areas that A.P.M. works to save  
money.

In addition some examples of  
savings include

At fire ~~state~~ bought A.P.M. cost  
was 23% <sup>Direct payroll</sup> in benefits thru feds. State  
had 28%. Now state has 43% and  
A.P.M. has 19%. This makes a tremendous  
difference

In order to cut sick leave, first  
2 days are unpaid then 3rd etc are  
paid. Saves \$140,000

New employees start at 80% of medical  
benefits.

A.P.M. does not do a capital project  
unless there is a good return.  
Have pulled down 83 buildings in last  
4 years. These were old and feds  
were spending a great deal to maintain  
these buildings.  
Big savings here



A.R.A.'s entire approach is a push  
+ drive approach to cutting costs

Hudson

What does it cost per person insurance  
costs

Frank

700k 1986 premium \$314 / mt. Any  
additional increase has to be  
paid for by employee. As a  
result employees much more willing  
to negotiate changes to benefits  
A.R.A. has a committee that has  
2 union members + three other  
members that review options +  
provide recommendations

Pop Hudson asked about risk  
insurance. More Tetter stated  
they would have to get back to  
Bill. To complex to address now

### Real estate

page 9

Over last few years real  
estate in Anchorage dropped.  
A.R.A. has not been affected as  
dramatically as other industries because  
now charge \$200 for permits  
Increased new leases by 10%  
Very few leases have to be  
foreclosed upon as A.R.A. get  
together + work with leases  
to help her in short run to  
make it through.