

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

11095 HOUSE TRANSPORTATION

**Subject: Support for SB 260**

**Date:** Sun, 14 Mar 2004 14:35:35 -0900

**From:** carlson family <carlson1@gci.net>

**To:** Representative\_Pete\_Kott@legis.state.ak.us

**CC:** Ben Stevens <Senator\_Ben\_Stevens@Legis.state.ak.us>

**We strongly urge you to fully support Senate Bill 260. History depicts an appalling lack of representation & communication between AMATS & the public it purports to serve. It is time to insure a better balance & fiduciary decision making when our shrinking dollars must stretch farther.**

**Thank you for your time and consideration.**

**Sincerely,**

**Michael P. Carlson  
Barbara L. Carlson  
6050 W. Dimond Blvd.  
Anchorage, AK 99502  
248-2503**

**Subject: SB 260**

**Date:** Sat, 13 Mar 2004 11:40:29 -0900

**From:** Dave Carter <davedane@gci.net>

**To:** Senator\_Ben\_Stevens@legis.state.ak.us

**CC:** Representative\_Lesil\_McGuire@legis.state.ak.us

Dear Senator Stevens: As a resident of Anchorage, and as one of your constituents, I wanted to send along this message of support for your efforts to reform the AMATS process to increase public oversight of how federal transportation funds are spent in Anchorage. Frankly, I think AMATS is a mystery to most Anchorage residents. I support your idea to increase the membership of AMATS' policy board from five to seven, and to have members of the board selected by the municipality, the governor's office, and the legislature. Anchorage is and will be facing a number of very significant decisions regarding transportation issues over the next several years. A broader base of board membership, as well as a board which seeks more public input (and reasonable advance notice to the public to allow for reasonable public input) should be encouraged.

Please feel free to share this email with your colleagues in the Senate. By cross-copy of this email to Representative McGuire, I would encourage her to share this email with her colleagues in the House.

David S. Carter  
1920 Shore Dr  
Anchorage, AK 99515

**Subject: Senate Bill 260**

**Date:** Thu, 05 Feb 2004 13:10:34 -0900

**From:** Dee Essert <dessert@gci.net>

**To:** Ben Stevens <Senator\_Ben\_Stevens@legis.state.ak.us>

**CC:** Norman Representative Rokeberg <Representative\_Norman\_Rokeberg@legis.state.ak.us>, Lesil McGuire <Representative\_Lesil\_McGuire@legis.state.ak.us>, Dan Sullivan <sullivan@ci.anchorage.ak.us>

Senator Ben Stevens,

I and many others in the Sand Lake area support Senate Bill 260. Our roads in the Sand Lake area are inadequate, filled with pot holes and have no curbs and shoulders on West Dimond ( between Sand Lake), Kincaid and others.

However, the MOA Traffic Department continues to build and propose to build trails. I support a majority of my gasoline tax going to roads and if trails are built, they should be built along the roads, not in the mud flats.

AMATS has representatives from the Alaska Railroad, the Port, etc. It is reasonable to seat a Legislator on AMATS. It is reasonable to include ROW and construction costs for trails. If we are going to be asked to vote road bonds, we need to know the total costs of what the MOA is spending on enhancements.

Dee Essert

Municipality of Anchorage  
and  
State of Alaska

AMATS  
INTER-GOVERNMENTAL OPERATING AGREEMENT  
for  
TRANSPORTATION AND AIR QUALITY PLANNING

In The Metropolitan Area of the  
Anchorage Metropolitan Planning Organization

ERRATA SHEET  
AMATS Operating Agreement  
September, 2002

Page 2, Section 1, Sentence 1: Change to read: "The parties to this Agreement are the State of Alaska (herein the "State") and the Municipality of Anchorage (herein the "Municipality) as the designated Metropolitan Planning Organization (herein also "MPO")." Delete second sentence.

Page 3, Section 3.1, Metropolitan Planning Organization Designation: Change "Study" to "Solutions".

Page 3, Section 4, "ASSEMBLY": Change "6" to "15".

Page 5, Section 5.2, Sentence 1, Line 5: Change "therefor" to "therefore".

**Municipality of Anchorage  
and  
State of Alaska**

**INTER-GOVERNMENTAL OPERATING AGREEMENT  
for  
TRANSPORTATION AND AIR QUALITY PLANNING**

**SECTION 1 – PARTIES TO THIS AGREEMENT**

The parties to this Agreement are the State of Alaska and the Municipality of Anchorage (herein the "Municipality"). The Municipality the designated Metropolitan Planning Organization (herein after also "MPO").

**SECTION 2 – PURPOSE**

This agreement is entered into in accord with 23 USC §134 to provide the structure and process for the continuing, cooperative, and comprehensive consideration, development and implementation of transportation and air quality plans and programs for intermodal transportation in the Metropolitan Planning Area (MPA) herein after of Anchorage, Alaska, 23 USC §134 states in pertinent part:

It is in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner which will efficiently maximize mobility of people and goods within and through urbanized areas and minimize transportation-related fuel consumption and air pollution. To accomplish this objective, metropolitan planning organizations, in cooperation with the State, shall develop transportation plans and programs for urbanized areas of the State. Such plans and programs shall provide for the development of transportation facilities (including pedestrian walkways and bicycle transportation facilities) which will function as an intermodal transportation system for the State, the metropolitan areas, and the Nation. The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems. 23 USC §134(a).

**SECTION 3 – LEGAL AUTHORITY**

**3.1 Federal Transportation Planning Statutes**

23 USC Sections 104(f) and 134 and the Urban Mass Transportation Act of 1964, as amended, provide funding and require designation of a metropolitan planning organization for urbanized areas of at least 50,000 population to carry out a transportation planning process and receive federal funding. Those Statutes require the State and the Municipality to coordinate the planning and construction of all urban transportation facilities with a continuing, cooperative, and comprehensive transportation planning process.

### 3.2 Metropolitan Planning Organization Designation

On April 8, 1976 the Governor of the State of Alaska designated the Municipality of Anchorage as the Metropolitan Planning Organization and identified the Anchorage Metropolitan Area Transportation Study ("AMATS") Policy Committee as the then existing policy body providing the direction of transportation planning in the MPO in accordance with Federal law.

### 3.3 Federal Air Quality Regulations

Air Quality Title 42, USC 7504 et. seq. requires each areawide air quality planning agency to prepare an areawide air quality plan providing for attainment of National Ambient Air Quality Standards ("NAAQS"). Alaska Statutes Chapter 46.14 requires the Alaska Department of Environmental Conservation ("ADEC") to develop a State Implementation Plan ("SIP") providing for the attainment of the NAAQS. The Municipality has been designated by the Governor as an air quality planning agency and has adopted an Air Quality Plan, which is the local component of the SIP. The MPO is the planning agency that coordinates transportation related air quality planning within the Municipality. The Unified Planning Work Program includes the annual preparation of a Reasonable Further Progress Report on Air Quality and review of the goals of the Air Quality Plan.

## SECTION 4 – DEFINED TERMS

As used in this Agreement, the following words and phrases shall have the meanings ascribed unless the context clearly indicates otherwise:

"*ADEC*" is the State of Alaska Department of Environmental Conservation

"*ADOT&PF*" is the State of Alaska Department of Transportation and Public Facilities

"*AIR QUALITY PLAN*" is the Anchorage component of the State Implementation Plan for Air Quality regarding air quality strategies in non-attainment areas.

"*AQAG*" is the Air Quality Advisory Group.

"*AMATS*", stands for Anchorage Metropolitan Area Transportation Solutions ("AMATS"). Note: the "S" previously meant, "Study" however it has been changes to "Solutions".

"*ANCHORAGE*" or "*MUNICIPALITY*" is the Municipality of Anchorage, a unified, home rule, political subdivision of the State of Alaska.

"*ASSEMBLY*" is the Anchorage Municipal Assembly, the legislative, governing body of the Municipality comprised of 11 elected public officials representing 6 local Assembly election districts within the Municipality.

"*DOT*" or "*USDOT*" is the United States Department of Transportation

"*DBE*" is Disadvantaged Business Enterprises.

"*EPA*" is the United States Environmental Protection Agency.

"*FHWA*" is the Federal Highway Administration, United States Department of Transportation.

"*FTA*" is the Federal Transit Administration, United States Department of Transportation.

"*LRTP*" means and shall be referred to as the AMATS' adopted Long-Range Transportation Plan and all revisions thereto adopted as the MPO's Metropolitan (official intermodal) Transportation Plan for the Metropolitan Planning Area reviewed and approved in accordance with this Agreement.

"*MAJOR AMENDMENTS*" are significant changes that will include any new project or change to an existing project in the Transportation Improvement Program or Long-Range Transportation Plan that requires an air quality conformity determination, an Environmental Impact Statement or an Environmental Assessment, or promotes a change in the type of required environmental document or a project that is deleted from the TIP or LRTP. Major amendments will include a minimum 30-calendar day review period.

"*METROPOLITAN PLANNING AREA*" ("*MPA*") means the geographic area determined pursuant to 23 USC §134(c) in which the MPO carries out the development and implementation of transportation and air quality plans and programs under 23 USC §134 and the Federal Transit Act §8, respectively, shown in *Attachment #1* to this Agreement.

"*MPO*" is the Municipality of Anchorage acting in its capacity as the Metropolitan Planning Organization.

"*MINOR AMENDMENT*" A minor amendment includes a new project or a change in an existing project in the existing Transportation Improvement Program or Long-Range Transportation Plan that does not prompt a change in the type of environmental document or that does not require an Air Quality Conformity Determination. No public involvement comment period is required.

"*NAAQS*" is the National Ambient Air Quality Standards.

"*NON-ATTAINMENT AREA*" is that portion of the Municipality, which has been designated as an air quality non-attainment area in the Federal Register (area shown in *Attachment #2* to this Agreement).

"*OFFICIAL STREETS AND HIGHWAYS PLAN*" establishes the location, classification and minimum right-of-way for those streets and highways required to accommodate the highway transportation needs of the community.

"*PL*" is Metropolitan Transportation Planning funds authorized by 23 USC §134.

"*P&Z (or "Planning and Zoning") Commission*" is the Municipality's Planning and Zoning Commission.

"*PM10*" is the EPA designated standard for air particulates, 10 microns or greater in size.

"*POLICY COMMITTEE*" or "*AMATS POLICY COMMITTEE*" is the AMATS Policy Committee established in Section 5.2 of this Agreement for the cooperative decision making in accordance with this Agreement.

"*SIP*" is State of Alaska Air Quality Implementation Plan.

"*STATE*" is the State of Alaska.

"*STIP*" is the Statewide Transportation Improvement Program, which is the State's three year, state-wide, financially constrained intermodal program of transportation projects. The STIP is consistent with the statewide transportation plan, and incorporates the TIP. It is developed pursuant to 23 USC §135(f), and is approved by the Commissioner of ADOT&PF, the Governor, FTA and FHWA.

"TAC" is or "AMATS" "TECHNICAL ADVISORY COMMITTEE" the AMATS Technical Advisory Committee established in Section 5.3. of this Agreement for the cooperative decision making in accordance with this Agreement

"TEA21" stands for the Transportation Equity Act for the 21<sup>st</sup> Century. It is the federal legislation that guides all transportation plans and improvement programs supported with federal funds. TEA21 was signed into law by President Clinton on June 8, 1998 to carry on the intent of its predecessor the Intermodal Surface Transportation Efficiency Act of 1991.

"TIP" is the Transportation Improvement Program that is the AMATS' three year, financially constrained, intermodal program of transportation projects consistent with the AMATS LRTP for funding Metropolitan Area transportation improvements, updated at least every two years and approved by the AMATS Policy Committee and the Governor in accordance with this Agreement.

"UPWP" is the Unified Planning Work Program that is the annual operating program detailing funding and responsibilities for transportation planning and air quality work tasks within the Metropolitan Area. The UPWP provides for a continuing and comprehensive transportation planning process carried out by AMATS.

## SECTION 5 – ORGANIZATION AND RESPONSIBILITIES

### 5.1 AMATS

AMATS is the balanced, cooperative, coordinated and comprehensive process between the Municipality (MPO) and State for the development of an AMATS Long Range Transportation Plan, a Transportation Improvement Program and the Unified Planning Work Program.

5.1.1 In order to receive and expend federal funding for transportation and air quality improvements there must be cooperation between the State and the MPO as required by federal regulations. Therefore, the purpose of AMATS is to provide the framework and mechanism for the MPO and the State to jointly develop and implement transportation and air quality plans and programs, which will assure compliance with State and Federal transportation planning and air quality requirements. The duties and responsibilities within AMATS are further described in this section.

5.1.2 AMATS is responsible for the metropolitan transportation planning process within the urbanized boundaries in accordance with the Unified Planning Work Program approved by the Policy Committee, the FHWA, and the FTA. The AMATS responsibilities hereunder are subject to appropriations.

### 5.2 AMATS Policy Committee

There is hereby established a five (5) member AMATS Policy Committee (herein also the "Policy Committee") consisting of two Anchorage Assembly members appointed by the Assembly and serving at its pleasure in accordance with Anchorage Charter §12.03, the Mayor of Anchorage or designee, and the Commissioner of the ADOT&PF and Commissioner of ADEC or designees therefor designated to serve by and at the pleasure of the Governor. The Chairman of the Policy Committee shall be the ADOT&PF member. A Vice-Chairman shall be the Mayor to act as the presiding officer in the absence of the Chairman. Each member of the Policy Committee shall have one vote. Actions of the Policy Committee shall be by a majority vote of its total authorized membership (three or more votes) voting in person by the appointed member.

5.2.1 The Powers and Duties of the AMATS Policy Committee

The AMATS Policy Committee shall have overall responsibility for the implementation of this Agreement, coordination of the AMATS' efforts and responsibilities of the TAC, the AQAG, the Planning and Zoning Commission's advisory functions, the Assembly review and recommendations on the AMATS LRTP and TIP and the ultimate development and adoption of the AMATS UPWP, the AMATS TIP and the AMATS LRTP. Specifically, the Policy Committee shall:

- (1) Give policy direction to the Technical Advisory Committee ("TAC") in their function of reviewing all AMATS related transportation plans, programs and funding requirements. The Policy Committee shall give direction and approval to the transportation planning effort performed by the State or the Municipality, which shall be reviewed by the TAC.
- (2) Formulate transportation planning policy and objectives and monitor the implementation of the Metropolitan Planning Area transportation and air quality plans to ensure conformance with the State and Federal transportation and air quality and local land use guidelines and requirements.
- (3) Direct, adopt and update the Unified Planning Work Program elements, allocating responsibility for planning activities/studies between the State and the Municipality, in accordance with the guidelines set forth by the Metropolitan Planning Regulations (23 CFR Subpart C, Part 450,) to the extent applicable to AMATS including major planning issues to be addressed, available resources, operating procedures, funding estimates, time tables, and task status for the Air Quality Plan and any subsequent amendments or revisions.
- (4) Prepare and approve all joint financial participation and related operating agreements. Arrange for third party financial participation in the air quality planning process, including other funding sources such as the Federal Environmental Protection Agency ("EPA").
- (5) Provide overall direction to the Technical Advisory Committee, the AQAG, and the transportation planning and air quality planning staffs, including but not limited to, guidance on project alternative plan formation, assessments, development of feasible strategies and report preparation.
- (6) Ensure public involvement throughout the AMATS' transportation and air quality planning process, including, but not limited to, the use of the Planning and Zoning Commission and the AQAG as a citizens' forum and for the scheduling of public hearings.
- (7) Produce and publicize issues, findings, periodic progress reports, conclusions, other pertinent planning process information and the Federally required AMATS documents.
- 8) Ensure the preparation, for the Assembly's review and recommendation, of a Transportation Improvement Program (TIP) and a transportation plan (AMATS LRTP) conforming to Federal law. The Policy Committee shall

annually endorse the AMATS' transportation plans and programs and certify that the AMATS' planning process is being carried out in conformance with all pertinent requirements of 49 USC 5303 et seq, 42 USC 7504, 7506(c) and (d), and 23 CFR Subpart C. of Part 450 applicable to AMATS. In accordance with Anchorage Ordinance 97-139(S), to the extent feasible, the AMATS LRTP shall be consistent with the Municipality's long range transportation plans.

- (a) In accordance with Anchorage Ordinance 97-139(S), the AMATS LRTP and amendments thereto subject to 23 CFR 450.322 shall be submitted to the Assembly for its review and recommendations prior to final action thereon by the Policy Committee. The Assembly shall review and by resolution adopt recommendations on the AMATS LRTP and such amendments within 45 days after the AMATS LRTP or such amendments are introduced for Assembly action, unless the Policy Committee and the Assembly otherwise agree to a longer period of time. If the Assembly fails to submit such a resolution to the Policy Committee within 45 days after such introduction or within the time otherwise agreed to by the Policy Committee and the Assembly, then the requirement for an Assembly resolution prior to final action on the AMATS' LRTP by the Policy Committee is waived.
  - (b) The TIP and major amendments thereto under 23 CFR 450.326 shall be submitted to the Assembly for its review and recommendations prior to final action thereon by the AMATS Policy Committee. The Assembly shall review and by resolution adopt recommendations on the TIP or such amendments within 30 days after the TIP or such amendments are introduced for Assembly action, unless the AMATS Policy Committee and the Assembly otherwise agree to a longer period of time. If the Assembly fails to submit such resolution to the Policy Committee within 30 days after such introduction or within the time otherwise agreed to by the Policy Committee and the Assembly, then the requirement for such Assembly resolution prior to final action by the Policy Committee is waived. To the extent feasible, the Assembly review and recommendation shall be scheduled to occur annually during the same time period as consideration of the municipal capital improvement budget.
  - (c) The statements, reports, and recommendations of the Policy Committee, the TAC and the Municipal Planning and Zoning Commission on the AMATS LRTP and the TIP shall be forwarded to the Assembly for consideration in connection with such LRTP and TIP.
- (9) Provide guidance for the development of an Air Quality Plan and recommend it to the Municipal Assembly for adoption and municipal submittal to the ADEC for incorporation into the State Air Quality Implementation Plan.
  - (10) Annually review this Agreement, the Air Quality Plan and progress made towards the achievement of National Ambient Air Quality standards throughout the area.

### 5.3 Technical Advisory Committee (TAC)

There shall be an eleven (11) member Technical Advisory Committee ("TAC") consisting of the Municipality's Directors of the Departments of Planning, Project Management & Engineering, Health and Human Services, Port of Anchorage, Public Transportation and Traffic, or such Director's designees; the ADOT&PF Chief of Central Region Planning and Administrative Services or designee, ADOT&PF Regional Pre-Construction Engineer or designee; the ADEC Manager of the Southcentral Region Air Quality Program, or designee; a representative from the Alaska Railroad Corporation or designee; and a member of the AMATS Air Quality Advisory Group designated by said Group. The Chairman of the TAC shall be the Municipality's Director of Traffic. A Vice-Chair shall be the ADOT&PF, Chief of Central Region Planning and Administrative Services to act as the presiding officer on the absence of the chairman. Each member of the TAC shall have one vote and all actions of the TAC, including recommendations to the Policy Committee, shall be by a majority vote of the total authorized number of members (six or more votes).

5.3.1 The AMATS Technical Advisory Committee is subordinate to and shall report to the AMATS Policy Committee. The TAC shall be responsible for the AMATS' transportation plans and programs and air quality plan development, reviews and recommendations to the Municipal Planning and Zoning Commission, the Assembly and AMATS Policy Committee.

5.3.2 The Technical Advisory Committee shall:

- (1) Provide assistance and recommendations to the Policy Committee, the Municipal Planning and Zoning Commission and the Assembly regarding the effects of transportation and air quality plans and programs on the plans of member agencies.
- (2) Provide technical assistance, advice and recommendations to the Policy Committee, the Municipal Planning and Zoning Commission and the Assembly in fulfilling their responsibilities for the continuing, comprehensive and cooperative transportation and air quality planning processes within the Metropolitan Planning Area.
- (3) Prepare and maintain the Metropolitan Planning Area's transportation plans, technical studies, joint planning process certification, air quality plan and other transportation and air quality programs.
- (4) Provide assistance, advice, and periodic reviews of the progress and findings of on-going projects and recommendations to the Policy Committee in its review of Federal and State funded transportation projects and programs.

### 5.4 Municipality's Planning and Zoning Commission

The Municipality's Planning and Zoning Commission shall provide a public forum for and advisory reports to other AMATS committees and groups and officials in its review and consideration of citizen comments and recommendations on suggested transportation and air quality plans and programs.

As a body representative of the community at large, the Municipality's Planning and Zoning Commission shall provide land use advice and transmit advisory recommendations on the AMATS LRTP, for the Anchorage Bowl and Chugiak/Eagle River areas, and the TIP to the Assembly and the Policy Committee prior to final Assembly review and recommendations and Policy Committee final approval.

The Planning & Zoning Commission will also consider the:

- (1) Official Streets and Highways Plan;
- (2) Air Quality Plan;
- (3) The UPWP; and
- (4) Other relevant transportation plans to include but not limited to Trails, Congestion Management, and Freight Mobility etc.

#### 5.5 Air Quality Advisory Group

An AMATS Air Quality Advisory Group ("AQAG"), shall be an air quality technical advisory group consisting of experienced professional, technical and public persons with scientific, professional or technical training in or experience with air quality issues relating to AMATS. AQAG shall be a public forum for and provide advisory comments and recommendations to other AMATS bodies on AQAG issues relevant to the AMATS LRTP, TIP, UPWP, and the Air Quality Plan.

##### 5.5.1 Responsibilities of the Air Quality Advisory Group

The AQAG shall:

- (1) Review and submit advisory recommendations to the AMATS Technical Advisory Committee and the AMATS Policy Committee regarding air quality planning proposals developed by the AMATS TAC; and
- (2) Assist in facilitating public participation in the AMATS air quality planning process.

#### 5.6 The Municipal Assembly

As the governing (legislative) body of the Municipality the Assembly shall:

- (1) In accordance with Anchorage Ordinance 97-139(S) and this Agreement, timely review and by resolution make recommendations on the AMATS LRTP required by 23 USC §134(g) prior to final approval by the AMATS Policy Committee and its transmittal to the Governor for informational purposes pursuant to 23 USC §134(g)(5); and
- (2) In accordance with Anchorage Ordinance 97-139(S) and this Agreement, timely review and by resolution make recommendations on the TIP required by 23 USC 134(h) prior to final approval by the Policy Committee and its transmittal to the Governor for approval and incorporation into the STIP.

#### 5.7 Metropolitan Planning Area under 23 USC 134(c).

The Metropolitan Planning Area (formerly referred to as the "Study Area") specified by 23 USC §134(c) shall be the geographical area shown on Attachment #1 to this Agreement incorporated hereto by reference. Provided such boundaries conform to the requirements of 23 USC §134(c), the MPO and the Governor may mutually agree to change the boundaries of the Metropolitan Planning Area.

## SECTION 6 –KEY PLANS, PROGRAMS

6.1 There are four primary planning or programming activities, which AMATS is responsible for developing. This section summarizes these key plans and programs, which include the Air Quality Plan, the AMATS Long-Range Transportation Plan, the AMATS Transportation Improvement Program and the AMATS Unified Planning Work Program.

### 6.2 Air Quality Plan

6.2.1 The Municipality, with full assistance from the State and all other cooperating agencies, is responsible for developing and updating an Air Quality Plan, which shall:

- (1) Identify areawide objectives and policies required to attain the NAAQS for carbon monoxide (CO) and particulate matter for the Metropolitan Planning Area;
- (2) Inventory technical, physical, and other air quality planning data;
- (3) Analyze alternatives and establish strategies designed to attain the NAAQS for the Metropolitan Planning Area;
- (4) Address any other air quality issues required by the EPA or US Department of Transportation;
- (5) Provide for the implementation of the adopted air quality strategies as expeditiously as practical; and
- (6) Provide for and show Reasonable Further Progress towards achievement of carbon monoxide and particulate matter standards within the non-attainment area.

### 6.3 AMATS Long-Range Transportation Plan

The Municipality, in cooperation with the State, is responsible for developing or updating an AMATS Long-Range Transportation Plan that shall:

- (1) Follow the latest federal planning requirements, (as prescribed in October 1993, 23 CFR Part 450, subsection 450.322).
- (2) In summary:
  - (a) Include the development of a transportation plan addressing at least a twenty-three year horizon with short and long range strategies/actions that leads to an integrated intermodal transportation system that facilitates the efficient movement of people and goods;
  - (b) Be reviewed and updated at least every three years;
  - (c) Be financially constrained;
  - (d) Meet air quality conformity requirements of the Clean Air Act; and
  - (e) Provide a minimum 30-day public comment period on plan development (draft document) and major amendments.

6.4 Transportation Improvement Program

6.4.1. The Municipality, in cooperation with the State, is responsible for developing or updating the AMATS Transportation Improvement Program, which shall:

- (1) Follow the latest federal planning requirements, (as prescribed in October 1993, 23 CFR Part 450, subsection 450.324); and
- (2) In summary:
  - (a) Include capital transportation improvements and projects (roads, transit, pedestrian/bicycle, and congestion mitigation etc.) that are consistent with the AMATS Long-Range Transportation Plan;
  - (b) Cover a period of time not less than three years;
  - (c) Be reviewed and updated at least every two years;
  - (d) Be financially constrained;
  - (e) Provide an air quality conformity analysis;
  - (f) Provide a minimum 30-day public comment period on program development (draft program) and major amendments.

6.5 Amendments to the AMATS Long-Range Transportation Plan (LRTP) and AMATS Transportation Improvement Program (TIP).

6.5.1 A major amendment will include the following:

- Any new project in the AMATS LRTP or the AMATS TIP that requires an Air Quality Conformity Determination, an environmental impact statement (EIS), or an environmental assessment (EA).
- Any change in an existing project in the AMATS LRTP or the AMATS TIP that requires an Air Quality Conformity Determination, or promotes a change in the type of required environmental document
- Any project deleted from the AMATS LRTP or the AMATS TIP.

Major amendments will include a 30 calendar-day review period. When written and oral comments are received on the draft AMATS LRTP or the AMATS TIP, a summary, analysis, or report on the nature of the comments shall be made part of the final AMATS LRTP and /or AMATS TIP as part of the document or as an appendix. Major amendments will require Assembly action, as described in Section 5, and Policy Committee approval.

6.5.2 A minor amendment or revision will include the following:

- Any change in an existing project that does not prompt a change in the type of required environmental document.
- Any new project that does not require an air quality conformity determination, an EIS, or an EA.

Minor amendments to the AMATS LRTP or AMATS TIP do not require Assembly action or AMATS Policy Committee approval and no public review will be required. The AMATS Technical Advisory Committee with its responsibility to maintain existing plans and programs while meeting the overall policy direction set by the AMATS Policy Committee shall approve minor amendments. Notification of such amendments will be provided as information to the Assembly and AMATS Policy Committee following the AMATS Technical Advisory Committee action.

#### 6.6 AMATS Unified Planning Work Program

6.6.1. The Municipality, with full assistance from the State and all other cooperating agencies, is responsible for developing or adjusting the AMATS Unified Planning Work Program, which shall:

- (1) Describe all the transportation and air quality planning and operational activities to be completed in a calendar year;
- (2) Be developed in accordance with Section 7 of this agreement.

6.6.2 Changes in work assignments and studies to be performed to meet the air quality and transportation planning requirements may be made by the AMATS Policy Committee at such times and to such extent as deemed necessary. Total funds to be made available for the performance of said work and services shall not exceed the amount specified in the annual AMATS Unified Planning Work Program. Reimbursement will be made by ADOT&PF to the Municipality, in accordance with procedures stated herein, and shall be expended only on the AMATS Unified Planning Work Program approved by the AMATS Policy Committee, FHWA and FTA.

### SECTION 7 – UNIFIED PLANNING WORK PROGRAM

#### 7.1 Unified Planning Work Program Preparation

No later than October 1 of each year, ADOT&PF shall submit to the Municipality in writing the amount of estimated Federal PL funds, and the required match ratios, to be made available to AMATS for the next UPWP. ADOT & PF shall recommend work tasks and its budget for tasks in which it participates. AMATS shall develop and implement a UPWP public involvement program and prepare a UPWP with the full cooperation of ADOT&PF and members of the AMATS TAC, AQAG and P&Z. Discussion between ADOT&PF and the Municipality shall take place to determine how the proposed tasks can be accomplished in the most efficient and effective manner. The AMATS UPWP shall be reviewed by the AMATS TAC, approved by the AMATS Policy Committee and forwarded for concurrent approval by FHWA and FTA prior to any of the approved work being performed.

#### 7.2 Unified Planning Work Program Changes/Amendments

Changes in funding levels for tasks, or changes in tasks, shall be requested as soon as possible after the need for such changes is recognized. Generally, after appropriate AMATS approvals, major revisions shall go through the same approval procedures as for the AMATS UPWP. Minor revisions shall be forwarded to ADOT&PF for approval. Formal ADOT&PF policy and procedures govern specific revisions of tasks funded by PL funds. The Municipality shall be responsible for the performance of tasks in the AMATS UPWP, as revised. No charges which exceed the adopted AMATS UPWP budget will be eligible for reimbursement until the AMATS UPWP budget is adjusted as per the following procedures.

- 7.2.1 Major AMATS UPWP Adjustments (no additional funding required). Cumulative adjustments to the element budget amounts that exceed 20 percent of the original approved element budget, individual changes of \$25,000 or more to element budgets, or significant scope changes require the concurrence of the AMATS Policy Committee, ADOT&PF, and FHWA before becoming effective.
- 7.2.2 Minor AMATS UPWP Adjustments (no additional funding required). Changes to element budgets that do not affect the total program funding level and are 20 percent or less of the original element budget amount may be submitted to ADOT&PF for approval without formal AMATS Policy Committee approval. Minor adjustments to funding levels among tasks and elements can be made while adhering to the AMATS Policy Committee's intent. The AMATS Technical Advisory Committee with it responsibility to "maintain" existing plans and programs while meeting the overall policy direction set by the AMATS Policy Committee shall approve minor adjustments. The AMATS Policy Committee will be notified of changes at the first AMATS Policy Committee meeting following ADOT&PF approval.
- 7.2.3 Program Total Funding Adjustments

Requests for additional program funding will require the approval of ADOT&PF, the Policy Committee, FHWA, and FTA.

#### SECTION 8 – ASSIGNMENT OR TRANSFER OF WORK

- 8.1 AMATS staff or the Municipality of Anchorage staff (depending on project management responsibility) shall provide a copy of a draft scope of work for consultant services for ADOT&PF review and approval. ADOT&PF shall submit that scope of work to ADOT&PF Headquarters staff and to the FHWA with a recommendation for final review and approval. No Request for Proposals can be issued until FHWA has approved the scope of work. If a private consultant is chosen to assist in preparing a pre-solicitation cost estimate for a future contract, that consultant is precluded from responding to the Request for Proposals.
- 8.2 The Municipality shall offer the ADOT&PF the opportunity to serve on the selection committee for all proposed contracts. The Municipality shall provide eight copies of all Municipal and consultant draft final work products to ADOT&PF for review and comment prior to review and approval by the AMATS TAC and/or AMATS Policy Committee.

#### SECTION 9 – INSPECTION OF WORK

ADOT&PF, as well as FHWA and FTA, shall at all times be accorded review and inspection of the work and shall at all reasonable times have access to the premises, to all data, notes, records, correspondence, and instruction memoranda or descriptions which pertain to the work involved in the AMATS UPWP.

#### SECTION 10 -- ADDITIONAL AND SEPARATE WORK PROJECTS

From time to time, ADOT&PF or the Municipality may desire one of the other parties to perform additional work projects for services separate and apart from those set forth in the AMATS UPWP. At such times, the requesting party will notify the other party of this intention, including a request for the specific work and/or services desired. If there is a willingness and ability to do the work or perform the services requested, written acceptance by the requesting party of the terms accepted shall constitute authority to proceed with the work and/or services requested. The requesting party shall pay for such work or services within a reasonable time after billing. Such billing shall be made pursuant to the terms agreed upon for each particular work project.

## SECTION 11 – PROGRAM REPORTING REQUIREMENTS

### 11.1 Reporting:

All information developed by the planning process shall be available upon request to each party within a reasonable time after development of such information. The Municipality, with the full support of the other parties involved, shall report regularly upon the status of such planning and progress made on associated documents. The reporting procedures shall include, but not be limited to, the following:

### 11.2 Quarterly Reports:

A quarterly narrative progress report and financial statement shall be submitted by the Municipality to ADOT&PF no later than the 23rd day following the last day of each AMATS UPWP fiscal quarter, in order to meet the requirements of 49CFR 18.40 as supplemented by 23 CFR 420.113. Within 30 days of the last day of the fiscal quarter, ADOT&PF shall either review, and approve the report, or if found necessary, request modifications. ADOT&PF staff will forward the report to ADOT&PF Headquarters staff. It will be reviewed and forwarded to FHWA to meet the reporting requirements of 23 CFR, Part 420. If ADOT&PF staff request modifications, the report will be forwarded to ADOT&PF Headquarters staff as a draft report. The Municipality shall then convey a revised submittal to ADOT&PF no later than 40 days following the last day of each fiscal year quarter. ADOT&PF shall approve or request additional modifications to the re-submittal no later than 50 days following the last day of each fiscal year quarter. This final report shall serve as the basis for reimbursement, pending review and approval by FHWA.

11.2.1 In the financial statement of each quarterly report, the following data shall be included for each task: 1) current quarter expenditures, 2) fiscal year to date expenditures, 3) PL and local funds/in-kind expended to date, and 4) PL and local funds/in-kind remaining. The following information shall be included for the program summary: 1) current quarter expenditures, 2) fiscal year to date expenditures, 3) PL and local funds/in-kind expended to date, and 4) PL and local funds/in-kind remaining.

11.2.2 The narrative progress report shall include 1) a description of work accomplished during the quarter, 2) significant events (i.e. travel, training, conferences, and 3) milestones reached in sufficient detail to justify the quarterly expenditures. For each task, the percentage complete shall be given, how the scheduled completion date matches the program estimated date, as well as the estimated completion date. Explanatory information shall be provided if the estimated completion date differs from the date contained in the Unified Planning Work Program.

11.2.3 Quarterly reports prepared by the Municipality shall contain financial and narrative progress information concerning the disposition of PL funds and tasks for which PL funds have been made available. Completed reports and material emerging out of the tasks shall be identified in the quarterly reports and copies shall be attached. Six copies of each report with necessary attachments shall be forwarded to the ADOT&PF Central Region Planning Manager.

### 11.3 Final Fiscal Year Quarterly Report.

The final quarterly report for the AMATS UPWP fiscal year will contain an annual technical report concerning and summarizing the pertinent development, activities, and accomplishments of the tasks outlined within the Unified Planning Work Program of the past fiscal year. The annual technical report will be submitted within 90 days of the end of the fiscal year. The report will contain 1) a complete comparison of actual performance with established goal, 2) status of expenditures

comparing budgeted (approved) amounts with actual costs incurred; 3) identify overruns and underruns and all information being consistent with AMATS UPWP revisions.

#### 11.4 Significant Events.

Events that have significant impact on the work program shall be reported as soon as they become known. The type of events or conditions that require reporting include problems, delays or adverse conditions that materially affect the ability to attain program objectives. This disclosure shall be accompanied by a statement of the action taken or contemplated, and any state or federal assistance required resolving the situation.

#### 11.5 Other Reports.

Copies of formal reports, informal reports, and material emerging out of a task specified in the Unified Planning Program shall be governed by Section 9 of this agreement.

### SECTION 12 -- PLANNING REPORTS

#### 12.1 Planning Reports:

From time to time, ADOT&PF and the Municipality may publish reports, documents etc., upon completion of a portion and/or a phase of a particular planning element in the continuing transportation planning process. In order for the preparation and publishing of such reports to be eligible for participation of Federal funds, the AMATS TAC shall review the report, and four copies of the report in draft form must be submitted to ADOT&PF for review and comment.

#### 12.2 Publication

Publication by any party to the Agreement shall give credit to the other parties and FHWA. However, if any party or FHWA does not wish to subscribe to the findings or conclusion of the study the following statement shall be added:

"The opinions, findings, and conclusions expressed in this publication are those of the authors and not necessarily those of the [excluded party(ies) or the ] FHWA".

#### 12.3 Copies

Two (2) copies of the draft reports and four (4) copies of the final report shall be sent to FHWA through ADOT&PF for informational purposes. Two (2) copies of the draft and final reports should be sent through ADOT&PF to FTA for informational purposes. ADOT&PF, FTA and FHWA reserve license to publish, reproduce, or otherwise utilize any copyrighted material developed under this Agreement.

### SECTION 13 -- DIVISION OF COST AND PAYMENT

#### 13.1 Reimbursement

The maximum amount of Metropolitan Planning Funds available each year for reimbursement to the Municipality shall not exceed the budget approved in the AMATS UPWP or as amended. ADOT&PF will make reimbursement in accordance with the following procedures:

- (1) The Municipality shall submit to ADOT&PF a quarterly narrative progress report and financial statement, as defined in Section 11 of this Agreement.
- (2) Reimbursement will be made within 30 days after ADOT&PF receipt and approval of the quarterly narrative progress reports and financial statements, subject to Federal Planning Funds being made available and received for the allowable costs.
- (3) Within 60 days of ADOT&PF approval of the last quarter narrative progress report and financial statement for the fiscal year, ADOT&PF will close the AMATS UPWP account and request that an audit be performed.
- (4) The audit will be completed and final payment adjustments made within 120 days of the last quarter or to the extent possible.

#### 13.2 ADOT&PF Tasks:

The parties may agree that ADOT&PF can most efficiently and effectively perform a task or a portion of a task to be funded with PL funds in the approved UPWP. In such cases, ADOT&PF shall (1) provide the Municipality with all necessary documentation in order to permit the preparation of the reports required in Section 11 of this agreement, Program Reporting Requirements, (2) upon ADOT&PF approval of the quarterly narrative progress reports and financial statements, ADOT&PF shall submit a billing to FHWA for direct payment to ADOT&PF for approved AMATS UPWP costs, (3) ADOT&PF shall be reimbursed at the rate contained in the applicable Unified Planning Work Program, (4) ADOT&PF shall promptly provide the Municipality with copies of its billings and statements.

#### 13.3 Overruns:

The ADOT&PF and the Municipality acknowledge that they will receive benefits from the information developed by performance of the elements outlined in the AMATS UPWP. They agree to pay that portion of their element costs which exceed the total program funding level budgeted for the agency, as shown in the AMATS UPWP, without recourse to the other parties.

#### 13.4 Cost Limitations:

Reimbursement of administrative and operational costs will be made without profit or markup. These costs shall be limited to:

- (1) Direct salaries and wages, with payroll taxes and fringe benefits at actual costs, or if prorated to be allocated on an equitable basis;
- (2) Telephone charges and necessary travel limited to program specific charges;
- (3) Overhead or indirect costs as approved annually in the respective AMATS UPWP line item budget and verified by audit. Such overhead shall be allocated on an equitable basis. Eligibility shall conform to the provisions of 23 CFR 420.111(c);
- (4) Training as approved specifically in the AMATS UPWP or otherwise specifically approved by ADOT&PF and FHWA.

#### 13.5 Rate of Reimbursement:

Reimbursement shall be at the rate specified and contained in the applicable AMATS UPWP.

13.6 Financial Accounting Level:

The expended funds will be accounted for at the task level (110, 120, 130, etc )

13.7 Fiscal Year and Quarters:

The AMATS UPWP fiscal year will coincide with the municipal fiscal year of January 1 to December 31. The AMATS UPWP fiscal year quarters shall end on the last day of March, June, September, and December.

**SECTION 14 -- PROCUREMENT, MANAGEMENT, AND DISPOSITION OF PROPERTY**

Procurement and management of property acquired for the program, including disposition of property if the program is discontinued, will be in accordance with 41 CFR Part 1 - 8.5, 48 CFR, and 49 CFR Part 18.31 - 33.

**SECTION 15 -- AUDIT PROCEDURES**

15.1 In addition to the requirements stated in this section, requirements for audit as defined in 23 CFR Part 420 and 49 CFR Part 18 will be used as guidelines. Also, with respect to contract cost principles and procedures, 48 CFR Part 31 will be used as guidelines.

15.2 Each participating agency will maintain complete records of all manpower, materials and out-of-pocket expenses, and will accomplish all record keeping in accordance with the following procedures:

15.2.1 Each participating agency will furnish ADOT&PF copies of all certified payrolls which shall include the hourly rate for each employee working on the project during the reporting period. In addition, a loaded rate factor will be shown in a manner compatible with existing MOA procedures. The load rate factor is subject to adjustment based upon audits occurring during the life of this Agreement.

15.2.2 Time Sheets

Individual time sheets will be maintained reflecting the daily total amount of hours worked and amount of time spent on each task within the program. It is imperative that the hours be traceable to the task.

15.2.3 Materials

Copies of invoices shall support costs of any purchased materials utilized on this project.

15.2.4 Out-of-pocket Expenses

Copies of receipts shall support all expenses.

15.2.5 Record System

The record system will be such that all costs can be easily traceable from all billings through the ledgers to the source document. Each expenditure must be identified with the task within the current approved AMATS UPWP.

15.2.6 Cost Overruns

When expenditures are anticipated to overrun in one AMATS UPWP work element, the procedures for budget changes as outlined in Section 7.2 must be followed.

- 15.3 The Municipality will prepare overhead cost allocation plans within 60 days of each fiscal year, submit a copy to ADOT&PF annually, and maintain these plans on file. ADOT&PF will review the Municipal annual cost allocation plan and forward its recommendations on the overhead rate to FHWA. The cost allocation plan will be completed and forwarded by the Municipality to ADOT&PF at the end of each calendar year. Upon receipt of FHWA's concurrence, this rate will be reflected in the following year's UPWP and the PL billings.
- 15.4 Each consultant contract or professional services agreement, in which the Municipality or ADOT&PF engages, may require a specific audit for that project or agreement. The award of any such construction related engineering design services contract must be made in conformity with applicable Federal and ADOT&PF contracting procedures including ADOT&PF Procedure 10.02.010, and related PSA Handbook, or based on acceptable alternative contracting procedures approved by ADOT&PF and FHWA. This requirement is in addition to any agency-wide audit conducted pursuant to 23 CFR Part 12 - Single Audit Requirements.
- 15.5 The AMATS Program is to be audited annually by ADOT&PF Internal Review auditors to insure adequate coverage. ADOT&PF may opt to request audits be performed every other year. ADOT&PF and the Municipality and/or its subcontractors under this Agreement shall maintain all records and accounts relating to its costs and expenditures for the work during any fiscal year for a minimum of three (3) years following receipt of the final payment, and shall make them available for audit by representatives of ADOT&PF, FHWA and FTA at reasonable times. The Municipality shall maintain records in a form approved by ADOT&PF. Final payment is defined as the final voucher paid by FHWA to ADOT&PF based on an audit. A Municipal request to close out a fiscal year or project account does not constitute final payment.
- 15.6 Any review, which does not meet Federal requirements, will be resolved between ADOT&PF and the Municipality. The financial records relating to a AMATS UPWP year may be closed out once FHWA accepts the audit and final payment adjustments have been made.

#### SECTION 16 – COMPLIANCE WITH TITLE VI, CIVIL RIGHTS ACT OF 1964

- 16.1 The Municipality hereby agrees as a condition to receiving any Federal financial assistance from the US Department of Transportation, to comply with Title VI of the Civil Rights Act of 1964, 78 Statute 252, 42 USC. 2000d - 2000d-4 hereinafter referred to as the "Act") and all requirements imposed by or pursuant to Title 49 CFR, US Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the US Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations"), 49 CFR Part 26 Participation of Disadvantaged Business Enterprises in Department of Transportation financial assistance programs (see Section 14 of this document), and the Americans with Disabilities Act and other pertinent directives to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall on the grounds of race, color, sex, or national origin be excluded from participation in, be denied the benefits of, or activity for which the Municipality receives Federal financial assistance from the US Department of Transportation, including FHWA and FTA, and hereby gives assurance that it will promptly take any measure necessary to effectuate this Agreement. This assurance is required by 49 CFR Part 21, subsection 21.7A(1),
- 16.2 More specifically, and without limiting the above general assurance, the Municipality hereby gives the following specific assurance with respect to the project:

- 16.2.1 The Municipality agrees that each "program" and "facility" as defined in subsections 21.23 (b) and (e) of the Regulations, will be (with regard to a program) conducted or will be (with regard to a facility) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
  - 16.2.2 The Municipality shall insert the clauses of this assurance in every contract subject to the Act and Regulations.
  - 16.2.3 Where the Municipality received Federal financial assistance to carry out a program of managerial training, under section 10(a) of the UMTA Act of 1964, as amended, the assurance shall obligate the Municipality to make selection of the trainee or fellow without regard to race, color, sex, or national origin.
  - 16.2.4 Where the Municipality receives Federal financial assistance to carry out a program under the UMTA Act of 1964, as amended, the assurance shall obligate the Municipality to assign transit operators, and to furnish transit operators, for charter purposes without regard to race, color, sex, or national origin.
  - 16.2.5 Where the Municipality receives Federal financial assistance to carry out a program under the UMTA Act of 1964, as amended, routing scheduling, quality of service, frequency of service, age/quality of vehicles assigned to routes, quality of stations serving different routes, and locations of routes may not be determined on the basis of race, color, sex, or national origin.
  - 16.2.6 This assurance obligates the Municipality for the period during which Federal financial assistance is extended to the project, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon; in which case the assurance obligates the Municipality or any transferee for the longer of the following periods: a) The period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or b) the period during which the Municipality retains ownership or possession of the property.
  - 16.2.7 The Municipality shall provide for such methods of administration for the program, as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other Municipal sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this assurance.
  - 16.2.8 The Municipality agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, Regulations and this assurance.
- 16.3 This Assurance is given in consideration of and for the purpose of obtaining, any and all Federal grants, loans, contracts, property, discounts, or other Federal financial assistance extended after the date thereof to the Municipality by the FHWA and/or FTA programs and is binding on it, other Municipal sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants in FHWA and/or FTA programs. The person or persons whose signature appears below are authorized to sign this assurance on behalf of the Municipality.

## **SECTION 17 Disadvantaged Business Enterprises (DBE) PROGRAM REQUIREMENTS**

### **17.1 Compliance**

The parties, their agents and employees shall comply with the provisions of 49 CFR Part 26 and Title VI of the Civil Rights Act of 1964. 49 CFR Part 26 requires that each Municipality shall agree to abide by the statements in paragraphs 17.1 and 17.2 and shall include these statements in the Municipality's USDOT financial assistance agreement and in all subsequent agreements between the Municipality and any sub-grantee and in all subsequent USDOT assisted contracts between the Municipality or sub-grantees and any contractor.

### **17.2 Policy**

It is the policy of the USDOT that disadvantaged business enterprises as defined in 49 CFR Part 26 shall have an equal opportunity to participate in the performance of contracts financed in whole or part with Federal funds under this agreement. Consequently the DBE requirements of 49 CFR Part 26 apply to this Agreement.

### **17.3 DBE Obligation**

The Municipality or its contractor agrees to ensure that Disadvantaged Business Enterprises (DBE), as defined in 49 CFR Part 26 have an equal opportunity to participate in the performance of contracts and sub-contracts financed in whole or part with Federal funds provided under this agreement. In this regard the Municipality and/or its contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 26 to ensure that DEE's have an equal opportunity to compete for and perform contracts. The Municipality and/or its contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of USDOT assisted contracts.

## **SECTION 18 -- HOLD HARMLESS CLAUSE**

Insofar as they may legally do so, the State and the Municipality shall indemnify each other and hold each other harmless against any and all suits, actions, claims or losses of any kind, nature and description, including costs, expenses and attorney fees that may be incurred by reason of any act or omission, neglect or misconduct of the State and Municipality in the fulfillment of their respective work which is the subject of this Agreement.

## **SECTION 19 -- AMENDMENTS**

This Agreement may be amended only in writing, and must be done prior to undertaking changes or work resulting therefrom or incurring additional costs or any extension of time. Said amendments are subject to approval by the AMATS Policy Committee the FHWA and the FTA.

## **SECTION 20 -- LIMITATION OF LIABILITY**

No liability shall be attached to the State and/or the Municipality by reason of entering into this Agreement, except as expressly provided herein.

## SECTION 21 -- COMPLIANCE WITH LAWS

In addition to the laws, statutes, regulations and requirements stated herein, the State and Municipality shall be knowledgeable of and comply with all Federal, State and local laws and ordinances applicable to the work to be done under this Agreement.

## SECTION 22 -- TERMINATION OF AGREEMENT

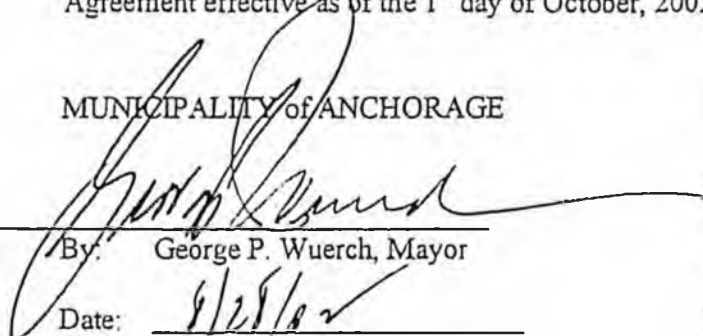
- 22.1 The State and Municipality may terminate this Agreement at such time as they choose not to approve the AMATS UPWP for the continuing transportation planning process or a portion thereof. To do so, a party shall give 60 days written notice to the other parties. The resigning party may also request the other party revise and resubmit the AMATS UPWP for reconsideration. Furthermore, in the event that the Municipality is dissolved or its present structure radically changed, the remaining party may, at its option, terminate this Agreement upon 60 days written notice to the parties subject to this Agreement.
- 22.2 In the event of any termination by any of the parties outlined above, full payment of the State's and Municipality's applicable reimbursable share of actual costs pursuant to and subject to the provisions set forth above and in the AMATS UPWP shall be made for all work performed to the date of termination.
- 22.3 It is anticipated that this Agreement will continue in force until or unless the State and Municipality terminate the Agreement in writing as previously described.

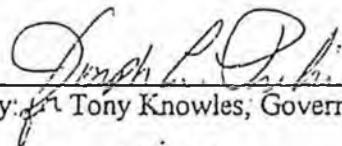
SECTION 23 -- AGREEMENT SIGNATURES

This Agreement, having been approved on the 23<sup>rd</sup> day of April 2002 by Anchorage Municipal Assembly Resolution No. ("AR") 2002 - 119, the parties to this Agreement hereby enter into this Agreement effective as of the 1<sup>st</sup> day of October, 2002.

MUNICIPALITY of ANCHORAGE

STATE OF ALASKA

  
By: George P. Wuerch, Mayor

  
By: Gov. Tony Knowles, Governor

Date: 8/28/02

Date: 10/16/02



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

# Memorandum

**Federal Transit  
Administration**

**SENT BY ELECTRONIC MAIL**

Subject: INFORMATION: Eligibility of Membership Dues for FHWA/FTA Planning Funds (signed by Cindy Burbank) Date: October 8, 2002

From: Cynthia J. Burbank, FHWA Associate Administrator for Planning, Environment & Realty (signed by J.M. Ryan for) Charlotte Adams, FTA Associate Administrator for Planning Reply to: HEP-2 Attn. of: TPL-10

To: FHWA Division Administrators  
FHWA Resource Center Managers  
FTA Regional Administrators

The purpose of this memorandum is to provide guidance on the use of FHWA and FTA State planning and research and metropolitan planning funds for membership dues in professional associations or other organizations.

This responds to several recent questions from field offices, State DOTs, and MPOs. The guidance below is based on the guidelines in the following OMB Circulars: A-87, Cost Principles for State, Local and Indian Tribal Governments; A-21, Cost Principles for Educational Institutions; and A-122, Cost Principles for Non-Profit Organizations.

A basic guideline in these OMB circulars is that for a cost to be allowable, as either a direct or indirect cost, it must be necessary and reasonable for proper and efficient performance of the Federally funded program and must be assignable to the Federal program and other activities in accordance with the benefits received by those activities. In essence, a cost can be billed to a Federal award based on the relative benefits to the work being performed with the Federal funds versus other benefiting activities.

For organizations such as the American Association of State Highway and Transportation Officials (AASHTO), the American Public Transportation Association (APTA), and the National Association of Regional Councils (NARC), which are multipurpose organizations that provide benefits to their members for more than just transportation planning, the membership dues need to be treated as an indirect cost or the dues must be allocated to all benefiting activities of the member agency on an equitable basis that considers the relative benefits to the federally funded transportation planning work.



In the case of the Association of Metropolitan Planning Organizations (AMPO), which is an organization that specifically serves the MPOs responsible for carrying out the metropolitan planning process required by title 23 U.S.C. and Chapter 53 of title 49, U.S.C., the eligible portion of the dues may be billed directly to FHWA/FTA funds if similar costs are billed directly to other benefiting activities. Similarly, NARC Transportation Supplemental Services membership fees may be billed as a direct cost.

Memberships in any organization or professional association must be in the name of the member agency and not in the name of an individual in order to be allowable. In addition, in all cases the portion of the organization's dues that is used for lobbying is unallowable and cannot be billed to Federal funds as either an indirect or direct cost. In the case of non-profit organizations such as AASHTO, NARC, APTA, and AMPO, those activities that are considered to be lobbying and unallowable are identified in OMB Circular A-122, Attachment B, paragraph 25 (copy attached). If these organizations do not notify their members of the portion of the dues that are for lobbying activities, the State DOT or MPO should request such information from the organization.

If you have any questions about this subject, please contact Tony Solury on 202-366-5003 or at [tony.solury@fhwa.dot.gov](mailto:tony.solury@fhwa.dot.gov) or Candace Noonan on 202-366-1648 or at [candace.noonan@fta.dot.gov](mailto:candace.noonan@fta.dot.gov).

Attachment

## OMB Circular A-122, Attachment B

### 25. Lobbying.

a. Notwithstanding other provisions of this Circular, costs associated with the following activities are unallowable:

(1) Attempts to influence the outcomes of any Federal, State, or local election, referendum, initiative, or similar procedure, through in kind or cash contributions, endorsements, publicity, or similar activity;

(2) Establishing, administering, contributing to, or paying the expenses of a political party, campaign, political action committee, or other organization established for the purpose of influencing the outcomes of elections;

(3) Any attempt to influence: (i) The introduction of Federal or State legislation; or (ii) the enactment or modification of any pending Federal or State legislation through communication with any member or employee of the Congress or State legislature (including efforts to influence State or local officials to engage in similar lobbying activity), or with any Government official or employee in connection with a decision to sign or veto enrolled legislation;

(4) Any attempt to influence: (i) The introduction of Federal or State legislation; or (ii) the enactment or modification of any pending Federal or State legislation by preparing, distributing or using publicity or propaganda, or by urging members of the general public or any segment thereof to contribute to or participate in any mass demonstration, march, rally, fundraising drive, lobbying campaign or letter writing or telephone campaign; or

(5) Legislative liaison activities, including attendance at legislative sessions or committee hearings, gathering information regarding legislation, and analyzing the effect of legislation, when such activities are carried on in support of or in knowing preparation for an effort to engage in unallowable lobbying.

b. The following activities are excepted from the coverage of subparagraph a:

(1) Providing a technical and factual presentation of information on a topic directly related to the performance of a grant, contract or other agreement through hearing testimony, statements or letters to the Congress or a State legislature, or subdivision, member, or cognizant staff member thereof, in response to a documented request (including a Congressional Record notice requesting testimony or statements for the record at a regularly scheduled hearing) made by the recipient member, legislative body or subdivision, or a cognizant staff member thereof; provided such information is readily obtainable and can be readily put in deliverable form; and further provided that costs under this section for travel, lodging or meals are unallowable unless incurred to offer testimony at a regularly scheduled Congressional hearing pursuant to a written request for such presentation made by the Chairman or Ranking Minority Member of the Committee or Subcommittee conducting such hearing.

(2) Any lobbying made unallowable by subparagraph a.(3) to influence State legislation in order to directly reduce the cost, or to avoid material impairment of the organization's authority to perform the grant, contract, or other agreement.

(3) Any activity specifically authorized by statute to be undertaken with funds from the grant, contract, or other agreement.

c. (1) When an organization seeks reimbursement for indirect costs, total lobbying costs shall be separately identified in the indirect cost rate proposal, and thereafter treated as other unallowable activity costs in accordance with the procedures of subparagraph B.3 of Attachment A.

(2) Organizations shall submit, as part of the annual indirect cost rate proposal, a certification that the requirements and standards of this paragraph have been complied with.

(3) Organizations shall maintain adequate records to demonstrate that the determination of costs as being allowable or unallowable pursuant to paragraph 25 complies with the requirements of this Circular.

(4) Time logs, calendars, or similar records shall not be required to be created for purposes of complying with this paragraph during any particular calendar month when: (1) the employee engages in lobbying (as defined in subparagraphs (a) and (b)); 25 percent or less of the employee's compensated hours of employment during that calendar month, and (2) within the preceding five-year period, the organization has not materially misstated allowable or unallowable costs of any nature, including legislative lobbying costs. When conditions (1) and (2) are met, organizations are not required to establish records to support the allowability of claimed costs in addition to records already required or maintained. Also, when conditions (1) and (2) are met, the absence of time logs, calendars, or similar records will not serve as a basis for disallowing costs by contesting estimates of lobbying time spent by employees during a calendar month.

(5) Agencies shall establish procedures for resolving in advance, in consultation with OMB, any significant questions or disagreements concerning the interpretation or application of paragraph 25. Any such advance resolution shall be binding in any subsequent settlements, audits or investigations with respect to that grant or contract for purposes of interpretation of this Circular; provided, however, that this shall not be construed to prevent a contractor or grantee from contesting the lawfulness of such a determination.

COMPLIMENTS OF  
ALASKA STATE ARCHIVES

June 25, 1974

The Honorable Alexander P. Butterfield  
Administrator  
Federal Aviation Administration  
U. S. Department of Transportation  
800 Independence Avenue, Southwest  
Washington, D. C. 20591

Dear Mr. Butterfield:

In response to your joint letter of June 3, 1974, concerning urban transportation planning in Anchorage, I wish to inform you that a joint metropolitan planning organization has been in operation for several years.

This organization, the Anchorage Metropolitan Area Transportation Study (AMATS), is headed by a Policy Committee consisting of the Mayor of the City of Anchorage, the Mayor of the Greater Anchorage Area Borough, and the Commissioner of Highways. By mutual agreement the AMATS Policy Committee recently consummated a revised agreement which states that the Greater Anchorage Area Borough has the responsibility of drafting the Unified Work Program and for carrying on the continuing phase of AMATS. It further provides that the AMATS Policy Committee shall have the responsibility of providing policy direction and of approving Unified Work Programs and funding.

I am personally convinced that in order to have a workable, continuing, comprehensive, cooperative urban transportation planning program, it is essential that each governmental agency involved have a proper share of both decision-making authority and actual responsibility for implementation of the planning process. In analyzing the difficulties which have arisen in other metropolitan areas throughout the country it appears that, too often, designation of one specific governmental entity to implement the continuing planning process has resulted in abdication of responsibility by those agencies and local governments not directly involved in actually achieving results. As a consequence it appears that in some instances frictions and lack of cooperation have followed, and the goal of cooperative, comprehensive planning has been circumvented.

*Highway*  
3-2

The Honorable  
Alexander P. Butterfield -2-

June 25, 1974

I fully agree with your commitment to implement new programs with maximum flexibility for State and local governments, as only with such flexibility will the best interests of the public be served. As a consequence I concur in the agreement reached by the AMATS Policy Committee, and agree that funding made available for urbanized area transportation planning from all sources should be administered in the same manner and by the same organization.

I hope that this designation will bring about a continuation of the cooperative, intergovernmental planning approach in Alaska's most populous urban community.

Sincerely,

William A. Egan  
Governor

bcc: Mr. James A. Walsh  
Chairman, Intermodal Planning Group  
Federal Standard Region  
Federal Highway Administration  
412 Mohawk Building  
222 Southwest Morrison Street  
Portland, Oregon 97204

The Hon. John R. Roderick  
Mayor of the Greater Anchorage Area Borough

The Hon. George M. Sullivan  
Mayor of Anchorage

Division of Planning and Research

Department of Highways

HIGHWAYS/WC:LL:cw

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Fax #	Fax #	

April 3, 1976

Mr. Bruce Cannon, Chairman  
 Intermodal Planning Group  
 Department of Transportation  
 Federal Highway Administration  
 222 S. W. Morrison Street  
 Portland, Oregon 97204

Dear Mr. Cannon:

As a result of the unification election in September 1975 the City of Anchorage and the Greater Anchorage Area Borough combined into one governing entity, the Municipality of Anchorage. The approved boundaries of the urbanized area fall within the new boundaries. At this time, the State would like to designate the new Municipality of Anchorage as the Metropolitan Planning Organization (MPO), not only to reflect the political changes but to promote a planning process as responsive to the desires of local residents as possible.

The previous designation letter, sent to Mr. Butterfield by former Governor Egan on June 25, 1974, designated a representative membership of local government as the MPO. The designation will not affect the make-up of the bodies which establish the direction of transportation planning in the Anchorage area. The three-person Policy Committee has two elected representatives - the Mayor and a Municipal Councilman - and the third member is the Commissioner of Highways. The Technical Committee also has three voting members - the Municipal Planning Director, the Municipal Director of Transportation, and the State Department of Highways' District Engineer. As required by current regulations, this process will enable transportation planning to be carried out by the MPO in cooperation with the highway agency and the transit operator. The Highway Department has representation on both committees. Since the transit operation is a division of the Municipal Department of Transportation, it too, implicitly, has representation on these committees, though only implicitly. Also, the transit operator is an associate member of the Technical Committee.



Mr. Bruce Cannon

-2-

April 2, 1976

As Anchorage has been designated an urbanized area for only two years, its transportation planning activities are still evolving, but it is felt that transferring the responsibility to the Municipality will hasten further development and improvement.

Sincerely,

Jay S. Hammond  
Governor

BCC: Gene A. Hanna, FHWA, Juneau  
George Sullivan, AMATS Policy Committee  
George Dickson, AMATS Policy Committee  
Jack Spake, AMATS Technical Committee  
William Fort, UMTA, Seattle  
Department of Highways

JSH/JLU/mth

DEC-17-91 TUE 01:44

MOA DEDP

FAX NO. 907344220

P. 08



FEDERAL HIGHWAY ADMINISTRATION

Room 412 Mohawk Building  
222 S.W. Morrison Street  
Portland, Oregon 97204

72L  
(H/A-Ts)

April 28, 1976

Honorable Jay S. Hammond  
Governor of Alaska  
Juneau, Alaska 99801

Dear Governor Hammond:

Anchorage Urban Area, Designation of  
Metropolitan Planning Organization

IN REPLY TO	Div.	Sub-Div.	Int.
	Div. Admin.		
	Engr. Coord.		
	Asst. Engr. Coord.		
	Engr. Coord.		
	Bridges Engineer		
	R.O.W. Officer		
	Plan. & Res. I, 2		
	Field Off. Engr.		
	Area A		
	Area B		
	Area C		
	Asst. Area Engr.		
	Audits		
	Admin. Manager	7/57	
	Fiscal		
	State		
	10/3 & 5/1		

We acknowledge your April 8, 1976 designation of the Municipality of Anchorage as the Metropolitan Planning Organization (MPO) for the Anchorage urban area.

With this designation, the Municipality is the established eligible recipient of Department of Transportation planning funds for comprehensive urban transportation planning. Also the organization, together with the State, is responsible for conducting the metropolitan transportation planning program. The policy and technical committees structured by you and the Municipality are the means to fulfill this responsibility.

The U.S. Department of Transportation administrations in this region are looking forward to continuing their working relationship with the Municipality of Anchorage and the State on the Anchorage transportation/land use planning process.

Sincerely yours,

*Bruce Cannon*

Bruce Cannon, Chairman  
Intermodal Planning Group,  
Region X

5/11/76

cy to  
Blankenship  
1/85

## TRANSPORTATION PLANNING AGREEMENT

## Anchorage Metropolitan Area

This agreement is entered into this 3 day of February, 1977, by and between the ALASKA DEPARTMENT OF HIGHWAYS, hereinafter called the "DEPARTMENT", the MUNICIPALITY OF ANCHORAGE, hereinafter call the "MUNICIPALITY".

## WITNESSETH:

WHEREAS, voters of the former Greater Anchorage Area Borough and the former City of Anchorage created a single government entity, the Municipality of Anchorage, which was incorporated as a unified home rule Municipality on September 15, 1974; and

WHEREAS, the former Borough passed and approved Resolution No. 212 on April 15, 1968, providing for the participation by the Borough in the Anchorage Metropolitan Area Transportation Study AMATS; and

WHEREAS, the May 7, 1968, Agreement between the DEPARTMENT, the former BOROUGH and the former CITY provided for a cooperative effort by the signatories in the AMATS as well as in its continuing phase; and

WHEREAS, the MUNICIPALITY has, by state law, areawide planning powers throughout its jurisdiction and is responsible for comprehensive planning; and

WHEREAS, the Bureau of Census announced the designation of the Anchorage area as an urbanized area on March 1, 1974; and

WHEREAS, for purposes of complying with Section 134 and Section 104(f), Title 23, U.S. Code, the date recognized for planning purposes has been established as February, 1974; and

WHEREAS, Federal regulations promulgated in the September 17, 1975, Federal Register call for an urban transportation process to be carried out in urbanized areas by a Metropolitan Planning Organization (MPO), in cooperation with the State and in cooperation with publicly-owned operators of mass transportation services; and

WHEREAS, The MUNICIPALITY is the only publicly-owned operator of mass transportation serviced in the study area; and

WHEREAS, the Governor of the State of Alaska designated the MUNICIPALITY as the Metropolitan Planning Organization for the Anchorage Metropolitan Area on April 8, 1976; and

WHEREAS, the designation establishes the MUNICIPALITY as the eligible recipient of planning funds from the Department of Transportation for conducting comprehensive urban transportation planning and gives it the responsibility in cooperation with the DEPARTMENT to conduct an urban transportation planning process; and

WHEREAS, the Anchorage Metropolitan Area Transportation Study AMATS Policy and Technical Committees represent the mechanism whereby the MUNICIPALITY and the DEPARTMENT exercise the above responsibility; and

WHEREAS, the AMATS Policy Committee is composed of the Commissioner of Highways from the DEPARTMENT, and the Municipal Mayor and one representative from the Municipal Assembly from the MUNICIPALITY, and provides necessary policy direction to the Technical Committee to accomplish details required in the continuing phase of study; and

WHEREAS, the AMATS Technical Committee is composed of the Division Engineer from the DEPARTMENT, the Municipal Director of Transportation and the Municipal Director of Planning, or their representatives as voting members; and additional non-voting members as appointed by the Policy Committee and is responsible to the Policy Committee for giving technical advice in performing the continuing phase of AMATS, and has the additional responsibility of technically reviewing the work produced in conjunction with the continuing phase of AMATS.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL BENEFITS and the provisions, promises, and considerations herein provided to satisfy the requirements of Title 23, U.S. Code, Section 134 and Section 104(f), and the Urban Mass Transportation Act of 1964 as amended, the parties hereto agree as follows:

The MUNICIPALITY with full assistance of the DEPARTMENT and other cooperating agencies shall be responsible for annually drafting a Unified Work Program for approval by the Policy Committee. The MUNICIPALITY shall assume the responsibility as outlined in the Prospectus for managing the urban transportation planning process of AMATS, and the MUNICIPALITY shall proceed in accordance with the Unified Work Program approved by the Policy Committee.

Changes in work assignments and studies to be performed may be made by the Policy Committee at such times and to such extent as deemed necessary. Total funds to be made available for the performance of said work and services shall not exceed the amount specified in the annual Unified Work Program. Reimbursement will be made by the DEPARTMENT to the MUNICIPALITY in accordance with procedures to be established by the DEPARTMENT in the Fiscal and Reporting Agreement and shall be expended only on the Unified Work Program approved by the Policy Committee.

The AMATS Technical Committee, within the study area, shall have the responsibility of technically reviewing all plans prepared and monitoring all studies in progress as part of the continuing phase of AMATS. The Technical Committee shall report to the Policy Committee on a periodic basis concerning the progress and preliminary findings of the ongoing urban transportation planning process.

The AMATS Policy Committee shall have the responsibility of giving policy direction to the Technical Committee in their function of reviewing and acting on work produced through the continuing phase of AMATS and shall approve Unified Work Programs and necessary funding. In addition, all plans and reports must be approved by the Policy Committee prior to issuance of official documents. The AMATS Policy Committee has the authority to give direction and approval to

the transportation planning effort in accordance with Section 104(f), Title 23, U.S. Code, which is performed by the MUNICIPALITY and the Technical Committee in their managing function of the continuing phase. All actions of the Policy Committee shall be by majority vote.

This agreement shall remain in effect unless terminated or revised. Should any of the signatories find reason to terminate this agreement, they may do so upon sixty (60) days written notice to each of the other members of the Policy Committee. In the event of termination of this agreement, full payment of the applicable reimbursable share of actual costs pursuant to and subject of the reimbursable provision set forth above shall be made by the DEPARTMENT for all work performed to the date of termination.

The comprehensive planning area for the purpose of this agreement shall be the area within the study boundaries as shown in Figure 1, Volume II of the Future Travel Demands and Recommended Transportation Plan, dated August, 1970. The urbanized area boundary, as approved by the Policy Committee in August, 1975, is included within this study area. The study area may be adjusted upon mutual agreement by the DEPARTMENT, the MUNICIPALITY and approval by the Federal Highway Administration and the Urban Mass Transportation Administration.

IN WITNESS WHEREOF, the undersigned members of the State and the Municipality have executed this AGREEMENT on the day and year first above written.

STATE OF ALASKA  
DEPARTMENT OF HIGHWAYS

By: *H. D. Scougal*  
H. D. Scougal, Commissioner

MUNICIPALITY OF ANCHORAGE

By: *George W. Sullivan*  
George W. Sullivan, Mayor

MEMORANDUM OF UNDERSTANDING  
FOR AREAWIDE AIR QUALITY PLANNING

This memorandum of understanding entered into this 25 day of September, 1970, by and between the State of Alaska Department of Environmental Conservation and the Municipality of Anchorage.

The parties agree as follows:

Section 1. Legal Authority.

A. 42 USC 7504 et. seq. requires each areawide air quality planning agency to prepare an areawide air quality plan providing for attainment of national ambient air quality standards. The Municipality has been designated an areawide air quality planning agency and intends to adopt such a plan for submission to the state as the local revision to the State's Implementation Plan.

B. Chapter 46.03 of the Alaska Statutes requires the State to develop a State Implementation Plan providing for the attainment of national ambient air quality standards.

C. The Federal Highway Act of 1962 (23 USC 134), as amended, and the Urban Mass Transportation Act of 1964 (49 USC 1601), as amended, require the State and the Municipality to coordinate the planning and construction of all urban transportation facilities with a continuing, cooperative, and comprehensive transportation planning process. The Governor of the State has designated the Municipality as the Metropolitan Planning Organization in accordance with federal law. The

Metropolitan Planning Organization shall ensure the preparation and adoption of a transportation plan as required by federal law. The Metropolitan Planning Organization Policy Committee shall review and endorse AMATS annually.

D. The Demonstration Cities and Metropolitan Development Act of 1965 (42 USC 3334), as amended, and OMB Circular A-95, as amended, require an areawide air quality planning agency to review all applications for federal assistance with metropolitan projects. The Governor of the State has designated the Municipality as the areawide clearing-house for the Area.

Section 2. Definitions.

A. "Advisory Committee" means the Environmental Health Advisory Committee, an arm of the Municipal Health Commission.

B. "Air Quality Plan" or "Planning" means the local revision to the State Implementation Plan with regard to the Area.

C. "AMATS" means the Anchorage Metropolitan Area Transportation Study.

D. "Area" means that portion of the Municipality which has been designated as nonattainment in the Federal Register.

E. "Municipality" means the Municipality of Anchorage.

F. "Policy Committee" means the Air Quality Planning Policy Committee.

G. "State" means the State of Alaska Department of Environmental Conservation.

H. "Technical Committee" means the Air Quality Planning Technical Advisory Committee.

Section 3. Purpose.

The State and Municipality agree to develop jointly an air quality plan for the area which will assure Area compliance with state and federal air quality requirements.

Section 4. Air Quality Planning Policy Committee.

A. ~~There shall be a Policy Committee consisting of three members of the AMATS Policy Committee, one municipal assemblyman who is concurrently serving as a member of the Cook Inlet Air Resources Management District Commission, and the Commissioner for the State Department of Environmental Conservation. Each member shall have one vote.~~

B. The Policy Committee shall:

1. Prepare, adopt, and update a Unified Work Program allocating responsibility for planning activities and studies between the State and the Municipality in accordance with the guidelines set forth in the Federal Intermodel Planning Group, Region X, and including a multi-year prospective, major planning issues to be addressed, available

- resources, operating procedures, funding estimates, timetables, task status for the air quality plan.
2. Supervise the development and adopt a recommended Air Quality Plan for the Area and submit it to the State and Municipality for adoption.
  3. Coordinate effective public participation in the air quality planning process including, among other things, use of the Advisory Committee as a citizens advisory committee and the scheduling of public hearings.
  4. Arrange for third party financial participation in the air quality planning process.
  5. Provide overall direction to the municipal air quality planning staff and the technical committee including, but not limited to, guidance on alternative formation and assessments, development of feasible strategies, and report preparation.
  6. Annually review this agreement, the Unified Work Program, the air quality plan, and progress made towards the achievement of national ambient air quality standards throughout the Municipality.

7. Produce and publicize periodic written reports describing factual findings, planning conclusions, planning progress, and other pertinent information about the planning process.

C. The Policy Committee shall elect a chairman from among its members.

Section 5. Air Quality Planning Technical Advisory Committee.

A. There shall be a Technical Committee consisting of six members selected by the Policy Committee and including one representative from the Municipal Health Department, one representative from the Municipal Planning Department, one representative from the Municipal Transportation Department, one representative from the State Department of Environmental Conservation, one representative from the State Department of Transportation and Public Facilities, and one representative from the Advisory Committee. Each member shall have one vote.

B. The Technical Committee shall:

1. Coordinate with the municipal air quality planning staff to develop an air quality plan for the area for submission to the policy committee; and
2. Assist, advise, and submit recommendations to the policy committee with regard to planning proposals developed by the municipal air quality planning staff.

C. The Municipality shall provide an air quality plan coordinator and staff to work with the Technical Committee to develop an air quality plan for the Area.

D. The Policy Committee shall select a chairman for the Technical Committee.

Section 6. Public Participation.

The Policy Committee and the Technical Committee shall endeavor to maximize public participation in the air quality planning process herein provided.

Section 7. Air Quality Plan.

The Air Quality Plan shall:

A. Identify area-wide objectives and policies required to attain the national ambient air quality standards for carbon monoxide for the Area by December 31, 1982.

D. Inventory technical, physical and other air quality planning data.

C. Analyze alternatives and establish strategies designed to attain the national ambient air quality standards for the area.

D. Address any other air quality issues required by the Federal Environmental Protection Agency or the United States Department of Transportation.

E. Provide adequate assurance that there will be sufficient personnel, funding, and authority to carry out the selected plan.

F. Provide for the implementation of all reasonably available strategies as expeditiously as practical.

G. Provide for and show reasonable further progress towards achievement of carbon monoxide standards.

Section 8. Coordination with Transportation Planning.

To minimize transportation related emissions, the State and Municipality shall endeavor to integrate and coordinate the air quality planning process provided herein with AMATS.

Section 9. Termination.

Either party may terminate this agreement for cause by delivering written notice to that effect at least sixty (60) days before the effective date of termination, but not before January 1, 1979.

Section 10. Civil Rights.

The parties, their agents and employees shall comply with the provisions of 49 CFR 21 and Title VI of the Civil Rights Act of 1964. Attachment A which assures that the Municipality shall comply with the Civil Rights Act of 1964 and is attached hereto and incorporated herein as if set forth in full. /

Section 11. Review of Agreement.

The parties shall review this agreement annually and revise it as necessary.

Section 12. Amendment.

The parties may amend this agreement only by written agreement, which shall be attached as an appendix hereto.

Section 13. Term.

This agreement shall become effective on Aug. 25 1978, and continue to be in force until its purposes are accomplished or it has been terminated as provided herein.

Section 14. Integration.

This instrument and all appendices and amendments hereto embody the entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein; and this agreement shall supersede all previous communications, representations or agreements, either oral or written, between the parties hereto.

IN WITNESS WHEREOF, the parties have executed this agreement on the date first hereinabove written.

MUNICIPALITY OF ANCHORAGE

STATE OF ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

[Signature]  
Name \_\_\_\_\_  
Title Mayor

[Signature]  
Name \_\_\_\_\_  
Title \_\_\_\_\_

ATTEST:

APPROVED AS TO FORM:

[Signature]  
Municipal Clerk [Signature]

[Signature]  
State Attorney General

APPROVED AS TO FORM:

[Signature]  
Assistant Municipal Attorney



MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE DEPARTMENT OF TRANSPORTATION  
AND  
THE ENVIRONMENTAL PROTECTION AGENCY  
REGARDING  
THE INTEGRATION OF TRANSPORTATION AND AIR QUALITY PLANNING

I. Introduction

The Clean Air Act Amendments of 1977 were signed into law by the President on August 7, 1977. These Amendments require state and local governments to develop for all areas where national ambient air quality standards have not been attained, revisions to state implementation plans (SIPs). The revised SIPs must be submitted by the state to the Environmental Protection Agency (EPA) by January 1, 1979. These revised plans must provide for attainment of the national ambient air quality standards by 1982 or, in the case of areas with severe photochemical oxidant or carbon monoxide problems, not later than 1987. The revised plans must also provide for incremental reductions in emissions ("reasonable further progress") between the time the plans are submitted and the attainment deadline.

In many major urbanized areas of the country the revised SIPs will require transportation controls, i.e. strategies designed to reduce emissions from transportation-related sources by means of structural and operational changes in the transportation system. A mechanism is required that will enable state and local governments to: (1) develop a wide range of alternative transportation control strategies, (2) analyze the air quality and other impacts of the strategies, and (3) select among the alternatives in a timely and informed manner.

Federal transportation planning requirements in urbanized areas are implemented by the Department of Transportation (DOT) through a joint delegation of authority to the Federal Highway Administration (FHWA) and the Urban Mass Transportation Administration (UMTA). The FHWA and UMTA provide funds to states and local governments to plan, develop, and improve transportation systems and services. In urbanized areas improvements are implemented according to a continuing, comprehensive, and cooperative transportation planning process carried out pursuant to FHWA/UMTA joint regulations. It

is in this context that "DOT" is utilized in this document. In order to effectively achieve the objectives of the 1977 Clean Air Act Amendments, the DOT and Environmental Protection Agency (EPA) agree that the transportation-related air quality planning requirements of EPA will be integrated with the transportation planning process administered by the DOT. Closer integration of the planning requirements of DOT and EPA will ensure the timely consideration of air quality concerns and will reduce potentially duplicative, overlapping, and inconsistent activities at the state and local level. DOT administers other planning programs through other administrations (e.g. FAA and FRA) which have lesser impact on air quality but may be subject to future discussion.

## II. Purpose

This Memorandum of Understanding, developed pursuant to the President's request, is designed (1) to establish certain principles which DOT and EPA agree to follow in the preparation of more detailed regulations and administrative procedures required to achieve the objective of integrating the air quality and transportation planning processes; (2) to identify specific areas of agreement with regard to the joint administration of the air quality aspects of the planning process.

## III. Principles that Will Guide the Integration of the Air Quality and Transportation Planning Processes

- A. The reduction of air pollution is an important national goal and must be among the highest priorities of the transportation planning process in areas not meeting primary Air Quality Standards. However, the transportation planning process must also consider other national and local objectives such as mobility, safety, energy conservation, urban economic development, full employment and orderly metropolitan growth.
- B. It is the affirmative responsibility of federal, state and local agencies involved in funding or conducting transportation planning and implementation to ensure that evaluation of an adequate range of alternative transportation control strategies is conducted in order to furnish local, state and federal officials with an adequate basis on which to reach informed decisions.
- C. Any transportation planning activities conducted pursuant to this agreement must continue to provide for an adequate process of consultations with and involvement of the general purpose local government, responsible state agencies and the public as called for in the joint UMTA/FHWA Urban Transportation Planning regulations.

D. It is the objective of the activities undertaken pursuant to this agreement to contribute to the maximum extent feasible, in combination, with other emission reduction measures, to a reduction of emissions necessary to meet the prescribed air quality standards.

IV. Joint Administration of the Air Quality Aspects of the Urban Transportation Planning Process

The Department of Transportation and Environmental Protection Agency agree to modify existing procedures concerning the administration of the urban transportation and air quality planning processes in nonattainment areas as follows:

1. DOT and EPA regional/division offices will have the opportunity for joint review of and concurrence in the Unified Work Program (UWP) required pursuant to paragraph 450.114 of the Joint Planning Regulations (23 CFR 450), to ensure that adequate air quality planning tasks are included in the planning programs. Any disagreements at the regional level shall be referred to the DOT Secretary for resolution. Before making his final decision on the UWP, the Secretary will consult with the EPA Administrator and will notify EPA of the disposition of its comments, with appropriate supporting materials. In addition, where an MPO has failed, without adequate reason to carry out the analysis or other activities committed in its Unified Work Program, DOT will prescribe conditions which will require specified remedial actions to be taken in order to correct the identified failure in the Unified Work Program. DOT and EPA will develop in the near future a document identifying appropriate categories of remedial actions.

*Joint concurrence in UWP*

2. DOT and EPA regional/division offices will have the opportunity for joint review of transportation plans (including TSM elements) in nonattainment areas required pursuant to paragraph 450.116 of the Joint Planning Regulations, to ensure that air quality considerations are adequately addressed. DOT and EPA will consult with the planning agency on how air quality related planning deficiencies will be corrected. DOT will also explicitly consider EPA comments in taking subsequent actions on program approvals and will notify EPA of the disposition of its comments, with appropriate supporting materials.

*Joint review and EPA comment disposition on transportation plans.*

3. DOT and EPA regional/division offices will have the opportunity for joint review in connection with the annual planning certification required pursuant to paragraph 450.122 of the Joint Planning Regulations, on the adequacy of the planning process to address air quality considerations. DOT and EPA will consult with the planning agency on how air quality related planning deficiencies will be corrected. DOT will also explicitly consider EPA comments in making any certification decisions and will notify EPA of the disposition of its comments, with appropriate supporting material.

*issue*

Joint review of TIP and disposition of EPA comments. If EPA disapproves TIP DOT will

4. DOT and EPA regional/division offices will have the opportunity for joint review of the Transportation Improvement Program (TIP) and its annual element required pursuant to paragraph 450.118 of the Joint Planning Regulations for consistency with the air quality elements of the transportation plan and/or the SIP. DOT will explicitly consider EPA's comments in program approvals, and will notify EPA of its disposition of the comments. If EPA disagrees with the disposition of its comments, the procedures for resolution set forth in Addendum 1 to this memorandum will be followed.

5. DOT and EPA regional/division offices will have the opportunity for joint review of the revised SIPs, for compliance with the objectives of statutes administered by DOT (e.g., Title 23 USC and the Urban Mass Transportation Act) to provide for mobility and for safe and efficient transportation. EPA will explicitly consider DOT comments in approving or disapproving SIP revisions, and will notify DOT of its disposition of the comments, with appropriate supporting materials. If DOT disagrees with the disposition of its comments, the procedures for resolution set forth in Addendum 2 to this memorandum will be followed.

6. DOT and EPA agree to work toward greater coordination in the administration of their respective grants for local planning activities by including these grants in the UWP, to ensure that such grants support effectively the related objectives of both agencies while avoiding duplication and overlapping planning activities.

DOT and EPA will take appropriate steps to alter their existing internal procedures and to issue a joint appendix to the existing transportation planning regulations to implement the above understandings.

DOT and EPA agree to consult one another in the development of criteria and procedures required by Section 176 of the Clean Air Act, including insuring that all major capital improvement projects are consistent with the SIP.

Signed in Washington, D.C. this 14th day of June, 1978.

Department of Transportation

Environmental Protection Agency

By: 

By: 

ADDENDUM 1

If the EPA Regional Administrator disagrees with the disposition of his comments by DOT, he will so notify the DOT Regional/Division Administrator within seven days. In such a case, the DOT Regional/Division Administrator will not approve the element or elements of the TIP in disagreement until so advised by headquarters.

<sup>2 in 105</sup>  
Within 30 days after the EPA Regional Administrator notifies DOT of his disagreement, the EPA Administrator will notify the Secretary of Transportation if the EPA Administrator disagrees with the DOT field staff disposition of EPA comments, and the reason for the EPA Administrator's disagreement.

If such notification is received within 30 days, the Secretary of Transportation will carefully consider the EPA Administrator's views and in the event of disagreement will notify the EPA Administrator of the disposition of his comments, with appropriate supporting materials before making his decision.

## ADDENDUM 2

If the DOT Regional/Division Administrator disagrees with the disposition of his comments by EPA, he will so notify the EPA Regional Administrator within seven days. In such a case, the EPA Regional Administrator will not approve the SIP until so advised by headquarters.

Within 30 days after the DOT Regional/Division Administrator notifies EPA of his disagreement, the Secretary of Transportation will notify the EPA Administrator if the Secretary of Transportation disagrees with the EPA field staff disposition of DOT comments, and the reason for the Secretary's disagreement.

If such notification is received within 30 days, the EPA Administrator will carefully consider the Secretary of Transportation's views and in the event of disagreement will notify the Secretary of the disposition of his comments, with appropriate supporting materials before making his decision.

Submitted by: Assemblymembers TESCHE,  
VON GEMMINGEN  
Prepared by: Department of Assembly  
For reading: February 3, 2004

ANCHORAGE, ALASKA  
AR NO. 2004-37

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY OPPOSING PASSAGE OF SB  
260 AND URGING THE LEGISLATURE TO RETAIN A STRONG LOCAL VOICE IN THE PLANNING  
AND DESIGN OF ANCHORAGE'S ROAD SYSTEM.

WHEREAS, the Municipality of Anchorage has been designated the Metropolitan Planning  
Organization to be responsible, together with the State of Alaska, for carrying out the provisions of  
23 U.S.C. 134; and

WHEREAS, the AMATS Policy Committee is the federally recognized governing body of the  
local Metropolitan Planning Organization which plans and designs Anchorage's road system; and

WHEREAS, the current composition of the AMATS Policy Committee provides for three  
representatives of local government and two representatives of state government; and

WHEREAS, Senate Bill 260, an act relating to metropolitan planning organizations, has been  
introduced which proposes to add two State Legislators to the Policy Committee; and

WHEREAS, the effect of SB 260 would be to change the composition of the Policy Committee  
to four representatives of state government and three representatives of local government, thus  
changing it from a locally directed committee to a state directed one; and

WHEREAS, this change would, in effect, be removing a strong local voice in Anchorage's  
transportation system planning and design, and would be inconsistent with Federal regulations  
governing metropolitan planning organizations; and

WHEREAS, such a re-designation would need to be approved by the local governing body,  
which in this case is the Anchorage Assembly, and

WHEREAS, if such an approval is not received, then there is not a functioning metropolitan  
planning process in the Municipality of Anchorage and Federal funding for transportation projects  
could be in jeopardy.

NOW, THEREFORE, BE IT RESOLVED, that the Anchorage Assembly opposes passage of  
SB 260 and urges the Legislature to retain a strong local voice in the planning and design of  
Anchorage's road system.

PASSED AND APPROVED by the Anchorage Assembly this 3 day of February  
2004.

  
Chair

ATTEST:

  
Municipal Clerk

EGJ/2004RESOLUTIONS/AR04

Municipality of Anchorage  
Position on State Senate Bill 260

**Summary:**

The Municipality of Anchorage opposes SB260, which would add two state legislators to the local panel charged with making decisions about the allocation of federal transportation dollars in Anchorage.

**Background:**

The Anchorage Metropolitan Area Transportation Solutions (AMATS), was established in 1976 as a multiagency team set up to work together to plan and fund the transportation system in the Anchorage and Chugiak-Eagle River areas when federal funds are being used.

Federal funding accounts for about 90 percent of public monies being spent to develop Anchorage's transportation system and averages about \$40 million a year in Anchorage. The Policy Committee, which is the primary decision-making body for AMATS, is responsible for annually approving the transportation plans and programs and providing policy direction to the AMATS Process.

Senate Bill 260 proposes to add two legislators to the AMATS Policy Committee. The Municipality of Anchorage opposes this proposed legislation for the following reasons:

- **Local Control** - Metropolitan Planning Organizations (MPO'S) were established by the federal government for the purpose of prioritizing the expenditure of federal transportation dollars within certain urbanized municipalities. This bill would add two more state positions to the MPO, thus tilting the balance away from local control. This is a local issue that should be decided in Anchorage. The current process allows local citizens the opportunity to discuss transportation issues with their local representatives. Having two legislators serve on the board who are in Juneau for five months of the year would decrease public participation in the process if citizens couldn't meet with two members of the Policy Committee due to their being in Juneau.

- **Inconsistent with Federal Law** – FHWA has stated in the past, both in writing and in testimony, that the actions suggested in the bill would be inconsistent with federal regulations that govern MPO's. This bill would in effect cause a restructuring and redesignation of the MPO that would have to be agreed upon by the local governing body and the governor. If there is no agreement, then there isn't a functioning metropolitan planning process in Anchorage and as the TIP and LRTP have a shelf life, federal funding would be in jeopardy. In a January 2004 conversation between U.S. Transportation Secretary Norm Mineta and Mayor Mark Begich, Secretary Mineta expressed support for retaining the current composition of AMATS. Ironically, the proposal to increase state oversight comes as the state is reducing its contribution for road construction.
- **Municipal opposition** – Similar legislation in the past has been opposed by the Assembly. The Anchorage Assembly voted overwhelmingly on Feb. 3, 2004, to oppose Senate Bill 260. In addition, the State and Local Government Committee of the Anchorage Chamber of Commerce voted for the Board of Directors not to support SB 260.
- **Politicizing the process** – Adding legislators will further politicize the process, making an already confusing, labored, at times misunderstood process even worse, not better.



U.S. Department  
of Transportation  
Federal Highway  
Administration

March 5, 2004

Craig H. Lyon, Coordinator  
Anchorage Metropolitan Area Transportation Solutions  
Municipality of Anchorage  
Transportation Planning Division  
Permit Center, 4700 Bragaw Street, 2<sup>nd</sup> Floor  
P. O. Box 196650  
Anchorage, Alaska 99519-6650

Dear Mr. Lyon:

Thank you for your February 18, 2004 letter, which requested our review of proposed Alaska Senate Bill 260 (TRA) for consistency with current Federal statutory and regulatory requirements regarding metropolitan transportation planning processes.

From our understanding, this proposed State legislation would add two State legislators to the governing board of the Anchorage Metropolitan Area Transportation Solutions (AMATS), which serves as Anchorage's metropolitan planning organization (MPO). Since the enactment of the Intermodal Surface Transportation Efficiency Act of 1991, Congressional intent has been to ensure that MPOs serve as effective transportation decision-making forums that provide local officials a sense of ownership of the process and its resulting decisions.

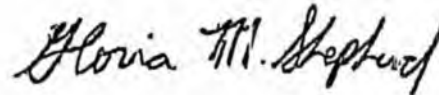
Under 23 U.S.C. 134(b)(5), MPO redesignation is predicated on "agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census)." On one hand, our agency's position has been that changes to MPO governing/policy boards do not automatically constitute a redesignation, as long as such changes are consistent with existing MPO by-laws. However, after reading this proposed State legislation and conferring with our Alaska Division Office, we are of the opinion that the proposed State legislative requirement would unilaterally add members to the AMATS governing board above and beyond the MPO's existing structure and by-laws, thereby likely constituting a formal redesignation of the AMATS governing board.

We have been asked to comment on similar legislative proposals in other States, and have provided the same general observations. The above is consistent with the information and feedback provided in the April 5, 2001 letter from our agency to the Alaska Department of Transportation and Public Facilities regarding Alaska Senate Bill 88, which contained similar provisions to those now reflected in Alaska Senate Bill 260 (TRA). As stated in that letter, an action by the State legislature without the consent and support of local officials and the Governor would appear to be inconsistent with the intent of 23 U.S.C. 134. Additionally, Mr. David Miller, Division Administrator in our Alaska Division Office, recently provided similar

information and feedback in a meeting with State Senator Ben Stevens, sponsor of Alaska Senate Bill 260 (TRA).

If you have any additional questions on this matter, please contact me at (202) 366-0106.

Sincerely yours,



Gloria M. Shepherd  
Director, Office of Planning



**Subject:** [Fwd: SB 260]

**Date:** Wed, 17 Mar 2004 10:44:23 -0900

**From:** Lesil Mcguire <Representative\_Lesil\_Mcguire@Legis.state.ak.us>

**Organization:** Alaska State Legislature

At the request of my constituent I am forwarding this messages to all of my colleagues. I agree with Mr. Carter and believe he has made very valid points.

Thank you for your time on this matter,

Lesil.

----- Original Message -----

**Subject:** SB 260

**Date:** Sat, 13 Mar 2004 11:40:29 -0900

**From:** Dave Carter <davedane@pci.net>

**To:** Senator\_Ben\_Stevens@legis.state.ak.us

**CC:** Representative\_Lesil\_McGuire@legis.state.ak.us

Dear Senator Stevens: As a resident of Anchorage, and as one of your constituents, I wanted to send along this message of support for your efforts to reform the AMATS process to increase public oversight of how federal transportation funds are spent in Anchorage. Frankly, I think AMATS is a mystery to most Anchorage residents. I support your idea to increase the membership of AMATS' policy board from five to seven, and to have members of the board selected by the municipality, the governor's office, and the legislature. Anchorage is and will be facing a number of very significant decisions regarding transportation issues over the next several years. A broader base of board membership, as well as a board which seeks more public input (and reasonable advance notice to the public to allow for reasonable public input) should be encouraged. Please feel free to share this email with your colleagues in the Senate. By cross-copy of this email to Representative McGuire, I would encourage her to share this email with her colleagues in the House. David S. Carter1920 Shore DrAnchorage, AK 99515

Oahu  
Metropolitan  
Planning  
Organization

# OMPO

Ocean View Center, Suite 200  
707 Richards Street  
Honolulu, Hawaii 96813-4623

(808) 587-2015  
(808) 523-4178  
FAX (808) 587-2018

April 1, 2004

The Honorable Ben Stevens  
State Senator  
State Capitol Room 119  
Juneau, Alaska 99801-1182

Dear Senator Stevens,

### OMPO Policy Committee Composition

As requested by your staff, I am writing to describe the membership of the Oahu Metropolitan Planning Organization's Policy Committee. The Policy Committee is OMPO's decision-making body.

Since OMPO was established in 1975, its Policy Committee has always included state legislators. The first Policy Committee consisted of nine members from the Honolulu City Council, five members of the Hawaii Senate, and five members of the Hawaii House of Representatives.

In the mid-1980's, the Policy Committee's composition was reduced from 19 to 13 - five members from the Honolulu City Council, three members of the Hawaii Senate, three members of the Hawaii House of Representatives, a member appointed by the Governor of Hawaii, and a member appointed by the Mayor of Honolulu.

In 1997, the composition of the Policy Committee was again changed. In place of the Governor's and Mayor's appointees, the Hawaii Department of Transportation Director and the Honolulu Department of Transportation Services Director were made members.

Please call me if you have any further questions regarding this matter.

Sincerely,

Gordon G.W. Lum  
Executive Director

*Barbara,  
FYI Re: SB 260  
Kristy*

**f a c s i m i l e**  
**T R A N S M I T T A L**

---

**Name:** Christie  
**Organization:** Senator Ben Stevens' Office  
**Fax:** 907-465-3872

**From:** Gordon Lum  
**Organization:** Oahu Metropolitan Planning Organization  
**Date:** April 1, 2004  
**Subject:** OMPO Policy Committee Composition  
**Pages:** 2

*Comments:*

The accompanying letter will be signed and sent tomorrow.

## OAHU METROPOLITAN PLANNING ORGANIZATION

# Policy Committee

---

[\[Upcoming Meeting\]](#) [\[Past Meetings and Agendas\]](#)

---

## About the Policy Committee

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

The Policy Committee is made up of 13 members. Five members are from the City Council, including the chair of the Council's transportation committee. Three members are State senators, including the chair of the Senate's transportation committee. Three members are State representatives, including the chair of the House's transportation committee. One member is the Director of the State Department of Transportation (DOT) and one member is the Director of the City Department of Transportation Services (DTS).

## Policy Committee Members

Chair: Senator Cal Kawamoto

Vice Chair: Councilmember Nestor Garcia

*Oahu  
'97 → changed*

### Honolulu City Council:

- Romy Cachola
- Charles Djou
- Nestor Garcia
- Ann Kobayashi
- Gary Okino

### State Senate:

- Brian Kanno
- Cal Kawamoto
- Gordon Trimble

### House of Representatives:

- Kirk Caldwell
- Mark Moses
- Joseph Souki

### State DOT Director:

- Rodney Haraga

City DTS Director:

- Cheryl Soon

---

**[Back to OMPO Home](#)**

Craig Lyon's Testimony before House Transportation  
March 16

"In the 300 to 400 MPOs around the country, there are no MPOs that have legislators on them. Hawaii use to have them but the process got so politicized that members of this MPO and members of several other MPOs were sent to Hawaii to try to fix the process and they no long have legislators serving on their MPO. The public process wasn't working, TIP structuring and the production process was deemed not working, so it's not something utilized through out the country and there must be a reason for that."

SB

316

AMENDMENT

1

OFFERED IN THE HOUSE

TO: SB 316

Passes

1 Page 1, line 3:

2 Delete all material and insert:

3 **"\* Section 1.** AS 28.05.095(e) is amended to read:

4 (e) Notwithstanding any other provision of law, a peace officer may not stop  
5 or detain a motor vehicle not being operated on a highway to determine compliance  
6 with (a) of this section, or issue a citation for a violation of (a) of this section, unless  
7 the peace officer has probable cause to stop or detain the motor vehicle other than for  
8 a violation of (a) of this section."

Ordered final  
5/5 8:45 a.m.

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 3  
 Bill Version: SB-316  
 Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_  
 Title Motor Vehicle Seat Belt Violations

Dept. Affected: Public Safety  
 BRU AK State Troopers Appropriation and AST Detachments

Sponsor Sen. Bunde  
 Requester \_\_\_\_\_

Component \_\_\_\_\_  
 Component No. \_\_\_\_\_

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

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

OPERATING EXPENDITURES	FY2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	***	***	***	***	***	***

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

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

Estimate of any current year (FY2005) cost: \*\*\*  
 Check this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 Public Safety:  
 \*\*\*This bill will create compulsory action by the State Troopers to initiate a traffic stop of drivers who do not wear a seat belt. This compulsory action will increase the number of traffic stops and therefore increase the time devoted to traffic stops by State Troopers and number of tickets issued. The fiscal impact is positive but unknown.

Prepared by: \_\_\_\_\_ Phone \_\_\_\_\_  
 Division House Transportation Committee Date/Time \_\_\_\_\_  
 Approved by: House Transportation Committee Date \_\_\_\_\_  
 Agency Alaska State Legislature

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 4  
 Bill Version: SB-316  
 Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Alaska Court System  
 Title Motor Vehicle Seat Belt Violations BRU Trial Courts Appropriation  
 Component \_\_\_\_\_  
 Sponsor Sen. Bunde Component No. \_\_\_\_\_  
 Requester \_\_\_\_\_

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

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

OPERATING EXPENDITURES	FY2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	***	***	***	***	***	***

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

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

Estimate of any current year (FY2005) cost: \*\*\*  
 Check this box (X) if funding for this bill is included in the Governor's FY 2005 hudget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Alaska Court System:  
 \*\*\*This bill will increase the number of traffic violations that the Alaska Court System will adjudicate each year. The fiscal impact is positive but unknown.

Prepared by: \_\_\_\_\_ Phone \_\_\_\_\_  
 Division House Transportation Committee Date/Time \_\_\_\_\_  
 Approved by: House Transportation Committee Date \_\_\_\_\_  
 Agency Alaska State Legislature

(7)

Date Referred to Committee: March 22, 2004

FURTHER REFERRALS: Judiciary

Date of Committee Action: May 4, 2004

The TRANSPORTATION Committee considered:

SB 316

SENATE BILL NO. 316

SEAT BELT VIOLATION AS PRIMARY OFFENSE

"An Act relating to motor vehicle safety belt violations."

Recommends it be replaced with  HCS or  CS for \_\_\_\_\_  
For Senate Bills with new title:  Technical Title  New Title: HCR \_\_\_\_\_  Same Title  New Title

- attach amendments
- add new referral to \_\_\_\_\_ Committee
- Letter of Intent \_\_\_\_\_ Committee

List of Abbrev for Depts.:

- ADM
- CED
- COR
- CRT
- EED
- DEC
- DFG
- GOV
- HSS
- LEG
- LAW
- LWF
- MVA
- DNR
- DPS
- REV
- DOT
- UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
<i>Mary Karsner</i>	KARSNER	✓			
<i>(white) Koolen</i>	Koolen	✓			
<i>Beverly Masek</i>	MASEK		✓		
<i>NO FOR</i>	Ogg			✓	
<i>Viggo Kohnen</i>	Kohnen		✓		
<i>Stephanek</i>	Stephanek		✓		
Chair: <i>[Signature]</i>			✓		
Chair: <i>[Signature]</i>					

Alaska State Legislature


Senator Con Bunde  
District P

Vice Chair: Senate Finance Committee  
Chair: Senate Labor & Commerce Committee  
Member: Legislative Budget & Audit Committee

During Session:  
State Capitol  
Juneau, AK 99801-1182  
(907) 465-4843

During Interim:  
716 W. Fourth Avenue  
Anchorage, AK 99501-2133  
(907) 269-0181

MEMORANDUM

DATE: April 21, 2004  
TO: Representative Jim Holm  
Chair, House Transportation Committee  
FKOM: Senator Con Bunde   
RE: Senate Bill 316

---

Dear Representative Holm,

Attached you will find the bill packet for Senate Bill 316. I would very much appreciate a hearing for the bill in the House Transportation Committee.

Thank you for your consideration of this request. If you have any questions or would like more information, please call my office at x 4843.

Sincerely,



Senator Con Bunde

THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES

SB 316



ALPHA

# ALASKA PUBLIC HEALTH ASSOCIATION

Committed To Advancing Alaska's Public Health Since 1978

May 3, 2004  
(H) Judiciary

## IN SUPPORT OF SB 316 "PRIMARY SEAT BELT LAW"

On behalf of the Alaska Public Health Association, representing two hundred and thirty five public health professionals who are deeply committed to developing sound public health policy to improve the health of all Alaskans, we encourage you to vote **YES on SB 316**.

The Alaska Public Health Association and our national organization, the American Public Health Association, have long established resolutions in support of the use of seat belts to save lives.

**APHA's first resolution in support of seat belt legislation is from 1958 – before statehood! Then, as now, public health professionals have been strong advocates of the effectiveness of seat belts in minimizing the degree of injury and death resulting from traffic accidents.**

**Seat belts are the single most effective safety device in preventing injuries and fatalities. Enacting a primary seat belt law, SB 316, will save lives and money.**

Based on research by the National Highway Traffic Safety Administration, **enacting a primary seat belt law contributes to a 10-15% increase in seat belt use.** Similar results of close to a 15% increase in seat belt use have been observed in Fairbanks this past year, following the recent increase in fines by the borough for seat belt violations.

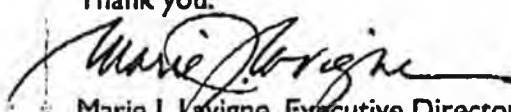
**Enacting a primary seat belt law also brings to Alaska close to \$4 Million in additional federal highway funding -- along with extra funding for educational campaigns to promote compliance with the new law.**

*Time is of the essence! It has been 12 years since the first primary seat belt law was introduced in the Alaska legislature. This is your chance to be heroes.*

To quote Senator Bunde in his sponsor letter, **"Enacting a primary seat belt law may save more lives than any other single piece of legislation before you this session."**

As important public health legislation, we encourage you to support SB 316 and pass it out of the Judiciary Committee today.

Thank you.

  
Marie J. Lavigne, Executive Director  
Alaska Public Health Association

# STATE OF ALASKA

## DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

DIVISION OF PROGRAM DEVELOPMENT

FRANK H. MURKOWSKI, GOVERNOR

3132 CHANNEL DRIVE  
JUNEAU, ALASKA 99801-7898

PHONE: (907) 465-4070  
TTY/TDD: (907) 465-3652  
FAX: (907) 465-6984

May 3, 2004

The Honorable Jim Holm, Chairman  
House Transportation Committee  
Alaska State House of Representatives  
State Capitol – Room 416  
Juneau, Alaska 99801

Dear Jim,

I would like to request that you include SB 316 as a part of your committee meeting on Tuesday May 4<sup>th</sup>.

The bill was heard by the committee last Tuesday and held until Representative Kapsner could participate in the debate.

Please let me know if there is anything the committee may need in order to finish consideration of the bill.

Sincerely,



Don Smith  
Administrator  
Alaska Highway Safety Office


CC: Sen. Con Bundo  
Sen. John Cowdery  
Office of the Governor

**ALPHA****ALASKA PUBLIC HEALTH ASSOCIATION****Committed To Advancing Alaska's Public Health Since 1978**May 3, 2004  
(H) Transportation**PLEASE MOVE SB 316 "PRIMARY SEAT BELT LAW"**

Dear Chairman Holm,

**SB 316, the "Primary Seat Belt Bill" was heard and held in earlier last week.****When (H)TRA convenes again this week, please bring this important public health bill to a vote and move SB 316 out to (H)JUD.****Seat belts are the single most effective safety device in preventing injuries and fatalities. Enacting a primary seat belt law, SB 316, will save lives and money.****Based on research by the National Highway Traffic Safety Administration, enacting a primary seat belt law contributes to a 10-15% increase in seat belt use. Similar results of close to a 15% increase in seat belt use have been observed in Fairbanks this past year, following the recent increase in fines by the borough for seat belt violations.****Enacting a primary seat belt law also brings to Alaska close to \$4 Million in additional federal highway funding -- along with extra funding for educational campaigns to promote compliance with the new law.****On behalf of the Alaska Public Health Association, representing two hundred and thirty five public health professionals who are deeply committed to developing sound public health policy to improve the health of all Alaskans, we encourage you to pass SB 316 out of Committee.****Since 1958, the Alaska Public Health Association and our national organization, the American Public Health Association, have supported the use of seat belts to save lives.****Then, as now, public health professionals have been strong advocates of the effectiveness of seat belts in minimizing the degree of injury and death resulting from traffic accidents.****On behalf of the Alaska Public Health Association, representing 235 public health professionals who are committed to developing sound public health policy to improve the health of all Alaskans, we encourage you to move SB 316 out of Committee.**

Thank you.

  
Marie J. Lavigne, Executive Director

AMENDMENT

OFFERED IN THE HOUSE TRANSPORTATION

BY REP. STEPOVICH

TO: SB 316

1 Page 1, line 3:

2 Delete:

3 (e)

4

5 Insert:

6 (a)

7

8

9

11

12

13

14

15

16

17

18

Joan Diamond  
343-6583 anch

off-net

Kurt Winston  
US DOT - Hwy Safety  
HB 316

206-220-7652  
Seattle

HB 316

g-net

off-not.

Paul Harris

F P D

450 - 6515



Alaska State Legislature

Senator Con Bunde  
Senate District P

Vice Chair: Senate Finance Committee  
Chair: Senate Labor & Commerce Committee  
Member: Legislative Budget & Audit Committee

## Sponsor Statement

### Senate Bill 316

“An Act relating to motor vehicle safety belt violations.”

Currently, Alaska state law requires *all* individuals to wear a seat belt while driving or riding in any vehicle. Senate Bill 316 changes the enforcement measures of this law to allow police officers and state troopers to pull over individuals who are not wearing their seat belt. Presently, officers may cite drivers only if they are pulled over for another violation. As a direct result of this legislation, we have the opportunity to save lives, collect millions of dollars in Federal highway funding that comes with compliance of a primary seat belt law and save the state hundreds of thousands of dollars in emergency, rehabilitative and insurance costs annually.

Motor vehicle accidents are the *leading cause of death* for Americans of every age from 6 to 33 years of age and Alaska has one of the leading accident related death rates of all 50 states. Although seat belt use is required by statute and is the single most effective safety device in preventing injuries and fatalities, we are currently unable to enforce its use. In Alaska, a change in enforcement powers would lead to a 10-15% increase in seat belt use. That increase alone will prevent hundreds of injuries and save 12-15 lives in the first year alone.

The State of Alaska will automatically receive \$3,921,250 as a one time Federal grant for enacting a primary seat belt law (U.S. Department of Transportation. SAFETEA Primary Safety Belt Law Incentives Program). The grant may be used towards any road improvement plan statewide, including work on guardrails, new lanes, hazard elimination or any needed repairs. Additional funds to run advertisement campaigns and awareness programs will also be available based on current seat belt use and public compliance with the law.

Lastly, the primary enforcement seat belt law has been proven to save billions of dollars that society bears annually from motor vehicle accidents. Eighty-five percent of all costs involved in a motor vehicle crash are borne by society. On a national level in 2000, the total cost of motor vehicle crashes was over 230 billion dollars (Alaska paid nearly a half a billion dollars), a cost of \$820 per person (National Highway Traffic Safety Administration). Safety belt usage saves approximately 50 billion dollars annually; conversely we spend an *extra* 26 billion on non-use.

Enacting a primary seat belt law may save more lives than any other single piece of legislation we consider this session. Currently, 20 states plus the District of Columbia have chosen to enforce a primary seat belt law. If every state did, we would save 1,900 lives, prevent 49,000 injuries and save Americans billions of dollars in health care, taxes and insurance costs in the first year alone. This bill saves money and lives. I urge you to consider the evidence before you and support SB 316.

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
Bill Version: SB 316  
(S) Publish Date: 2/27/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
Title Motor Vehicle Seat Belt Violations RDU Alaska State Troopers  
Component AST Detachments  
Sponsor Sen. Bunde  
Requester S. State Affairs Component No. 2325

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

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

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

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill will repeal AS 28.05.095(e) that will, in affect, change seat belt violations from a "secondary" violation to a "primary" violation. This will allow law enforcement officers to contact motorists when a seatbelt violation is observed. As the law is now, the officer must have another reason to contact the violator before enforcement action can be taken for the seatbelt violation.

It is anticipated the implementation of this bill will have no fiscal impact on the Department of Public Safety.

Prepared by: Lt. Al Storey Phone 269-4532  
Division Alaska State Troopers Date/Time 2/23/04 9:24 AM  
Approved by: Commissioner William Tandeske Date 2/23/2004  
Agency Department of Public Safety

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: SB 316  
 (S) Publish Date: 2/27/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DOT&PF  
 Title Seat Belt Violation as Primary Offense RDU Administration & Support  
 Component Commissioner's Office  
 Sponso Bunde  
 Requester Senate State Affairs Component No. 530

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

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

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

Estimate of any current year (FY2004) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Prepared by: Nona Wilson Phone 465-6973  
 Division Legislative Liaison Date/Time 2/20/04 9:12 AM  
 Approved by: John MacKinnon Date 2/20/2004  
 Agency Deputy Commissioner

## Alaska Seat Belt Cost Analysis

### EXECUTIVE SUMMARY

#### OBJECTIVES

An average of more than 39,000 Alaskans are involved in motor vehicle crashes every year. It is an expensive and painful problem with no single cause. For the citizens of Alaska, the medical costs alone are estimated to be over \$14.5 million per year, while property damage and long-term disabilities add millions more to this figure. Alaskans pay a significant portion of these costs through publicly funded programs.

It is well documented that wearing a seat belt significantly reduces the severity of injury and decreases the risk of death in a motor vehicle crash. The *Alaska Seat Belt Cost Analysis* attempted to quantify the medical costs associated with restrained and unrestrained occupants involved in motor vehicle crashes and the sources of payment for these hospitalizations.

#### RESULTS

With data supplied by the Alaska Department of Transportation and Public Facilities and the Alaska Trauma Registry (ATR), a thorough analysis of the health care costs to treat restrained and unrestrained vehicle occupants was undertaken. The data covered the years 1996 through 1999.

The study revealed that the decision not to wear a seat belt has economic consequences for everyone:

- ✓ During the time period analyzed, medical costs for those who were not wearing a seat belt at the time of the crash totaled \$13 million. Of this amount, 50% was paid with public funds.
- ✓ Victims of crashes in Alaska spent a cumulative average of 2,672 days in the hospital each year. The majority of these individuals - 58% - were unrestrained at the time of the crash.
- ✓ Medicaid costs to treat 83 crash victims under the age of 20 totaled \$1.6 million.
- ✓ Post-hospitalization care for victims of motor vehicle crashes is also expensive. Nineteen crash survivors were placed in "skilled nursing facilities" at a cost of \$1 million, of which 77% was paid by public sources. Of those 19 individuals, 13 were not wearing a seat belt at the time of their crash.

More than \$2.6 million in public funds is spent each year to care for unbuckled victims of motor vehicle crashes, and these are just the documented economic costs. Death and long-term disabilities involving the brain or spinal cord take their own toll on individuals and families and are very difficult to quantify.

#### CONCLUSIONS AND RECOMMENDATIONS

The *Alaska Seat Belt Cost Analysis* makes a compelling economic case for the use of seat belts. The most recent observational survey of seat belt use conducted in July 2003 showed that Alaskans are buckling up at a rate of 78.9%. While higher than previous years, there is a substantial segment of the population who is still not wearing a seat belt. Introduction and implementation of programs and public policies to encourage seat belt use will result in fewer injuries and deaths, ultimately reducing the financial burden on the taxpayers of Alaska.

# **Alaska Seat Belt Cost Analysis**

**Alaska Injury  
Prevention Center**



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**Anchorage, Alaska  
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This research was made possible with funding from the Automotive Coalition for Traffic Safety, Inc.

## EXECUTIVE SUMMARY

### OBJECTIVES

An average of more than 39,000 Alaskans are involved in motor vehicle crashes every year. It is an expensive and painful problem with no single cause. For the citizens of Alaska, the medical costs alone are estimated to be over \$14.5 million per year, while property damage and long-term disabilities add millions more to this figure. Alaskans pay a significant portion of these costs through publicly funded programs.

It is well documented that wearing a seat belt significantly reduces the severity of injury and decreases the risk of death in a motor vehicle crash. The *Alaska Seat Belt Cost Analysis* attempted to quantify the medical costs associated with restrained and unrestrained occupants involved in motor vehicle crashes and the sources of payment for these hospitalizations.

### RESULTS

With data supplied by the Alaska Department of Transportation and Public Facilities and the Alaska Trauma Registry (ATR), a thorough analysis of the health care costs to treat restrained and unrestrained vehicle occupants was undertaken. The data covered the years 1996 through 1999.

The study revealed that the decision not to wear a seat belt has economic consequences for everyone:

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## Introduction

Motor vehicle crashes are the leading cause of death for Americans between the ages of 2 to 33 years.<sup>1</sup> Every 13 minutes, someone in America dies in a traffic crash, and every 10 seconds, someone is injured.<sup>2</sup> Each year in the U.S., traffic crashes claim about 42,000 lives and result in approximately three million injuries. These crashes cost every person in the U.S. an average of \$820 each.<sup>3</sup> The financial costs are minor compared with the pain and suffering of the victims or the loss of a loved one.

According to the National Highway Traffic Safety Administration (NHTSA), in the year 2002, 42,815 people were killed in motor vehicle-related crashes and 2.92 million were injured. The total cost was \$230.6 billion.<sup>4</sup> NHTSA also reported that failure to wear seat belts led to approximately 9,200 deaths and 143,000 injuries, costing the U.S. economy \$26 billion.

In 1999, Alaska had the highest unintentional injury death rate of all the 50 states. Of these deaths, motor vehicle-related fatalities were over twice as high as the next leading cause.<sup>5</sup> Seat belts are the single most effective safety device in preventing serious injuries and reducing fatalities in motor vehicle crashes. Research has shown that lap and shoulder safety belts, when used properly, reduce the risk of fatal injury to front-seat occupants by 45% and the risk of moderate-to-critical injury by 50%. Child safety seats, when used properly, reduced infant fatalities in passenger cars by 71%.<sup>6</sup>

A 1995 NHTSA study, *Safety Belt Use Laws: An Evaluation of Primary Enforcement and Other Provisions*, showed that states with primary enforcement laws have significantly higher safety belt usage than states with secondary laws. Belt use was about 15% higher in the states with primary enforcement laws. Primary enforcement allows a police officer to stop a vehicle when occupants are unrestrained, while secondary enforcement allows for citing the unbelted motorist only if another infraction resulted in the stop.

Given the documented effectiveness of seat belts in reducing fatalities, the severity of injuries in traffic crashes and, therefore, medical costs associated with those injuries, the Alaska Injury Prevention Center decided to investigate the economic implications of unrestrained vehicle occupants involved in crashes.

This report attempts to quantify the hospital costs associated with seat belt use and non-use in Alaska, as well as to determine what portions of those costs are borne by taxpayers. The research was conducted by the Alaska Injury Prevention Center with funding support from the Automotive Coalition for Traffic Safety, Inc.

## Methods

The *Alaska Seat Belt Cost Analysis* project used data from the Department of Transportation and Public Facilities (DOT&PF) from 1990-2001, to compare seat belt usage patterns for all Alaskan motor vehicle occupants. The DOT&PF data are taken from police reports that document seat belt use, property damage, fatalities, time of day, weather conditions, passenger seat belt use, contributing factors, etc.

The Alaska Trauma Registry (ATR) was used extensively for this study because it documents every trauma case resulting in at least one overnight stay in an Alaskan hospital. The ATR contains information about the length of stay, costs for treatment, source of payment, reported seat belt use, age, sex, injury severity, etc. The ATR does not contain information about outpatient visits, scene deaths, private physician contacts, chiropractor visits, and other costs for motor vehicle-related injuries.

Another database maintained by Medicaid, was explored but found to be of limited use because it did not track the cause of injury. If the Medicaid data could be linked with DOT&PF and ATR by age, sex, date of injury, etc., some of the long-term expenses beyond the hospital stay could potentially be tracked.

Hospitalization costs (from the Alaska Trauma Registry) for belted and unbelted occupants injured in a motor vehicle crash in Alaska, for the years 1996 – 1999 were compared. Hospital costs were analyzed by seat belt use or non-use, source of payment, days spent in the hospital, discharge location, and fatalities.

Restraint use was categorized into either the YES group or the NO group in the following manner:

YES	NO
Air Bag and Seat Belt	Air Bag Only (not restrained)
Seat Belt only	None
Infant/Child Restraint	

Many of the entries listed restraint use as UNKNOWN. The case narrative field in the ATR was used to re-categorize a few of the unknowns, but restraint use or non-use could not be determined for most of the unknowns, therefore they were analyzed separately.

In a landmark publication, *The Cost of Injury in the United States*, Rice and MacKenzie documented motor vehicle-related injuries per victim as the most costly of all unintentional injury categories. The average cost for each person

hospitalized for motor vehicle-related injuries was calculated to be \$43,409.<sup>7</sup> Several studies have estimated the loss of productivity or quality of life costs for various types of injury, but for this analysis only the quantifiable hospital related costs were examined.

Costs attributed to the "general public" included payments from programs such as Medicaid, Medicare, Indian Health Service, military, CHAMPUS (military dependents), and no-pay patients. We could not adequately define uninsured motorists' costs which could also be attributed to public costs.

## Results

Observational surveys completed by the University of Alaska's Institute for Social and Economic Research showed that in the Year 2000, 62% of the front seat occupants of motor vehicles were wearing seat belts. In the Year 2001, 63% of the front seat occupants of motor vehicles were wearing seat belts. These statistically valid surveys represent the driving population of the state and are important when examining seat belt use percentages among motor vehicle crash victims who are injured, hospitalized, or merely involved in a crash.

According to Alaska DOT&PF data from 1998 through 2000, an annual average of 39,613 motor vehicle occupants were involved in traffic crashes, and approximately 62 of these occupants lost their lives each year.<sup>8</sup> Of all the motor vehicle occupants involved in a crash, only 6% reported not wearing a restraint, 66% were wearing a restraint, and 28% had unknown restraint use (see Table 1). When all of the cases with documented restraint use were analyzed separately, 9% were reportedly not wearing a seat belt, while 60% of the fatalities were unrestrained.

**Table 1**  
**Alaska Seat Belt Use (DOT&PF Data)**  
1998, 1999, 2000 Combined and Averaged

	All Motor Vehicle Occupants	All Occupants Where Seat Belt use Documented	All Fatals	Fatals Where Seat Belt use Documented	Major Injuries	Minor Injuries	No Injuries
No Restraint	6% (7,641)	9%	54% (34)	60%	37%	15%	5%
Restraint Used	66% (77,936)	91%	37% (23)	40%	49%	74%	65%
Unknown Use	28% (33,263)		9% (5)		12%	11%	31%
<i>Annual Average</i>	39,613		62				