

MEMORANDUM

State of Alaska

Department of Transportation and Public Facilities
Statewide Design and Engineering Services Division

TO: Regional Preconstruction Engineers
Dave Bloom, P.E., Northern
Pat Kemp, P.E., Southeast
Steve Horn, P.E., Central

DATE: February 22, 2002

FILE NO:

TELEPHONE NO: 465-2960

FAX NUMBER: 465-2460

TEXT TELEPHONE: 465-3652

FROM: Michael L. Downing, P.E.
Chief Engineer 

SUBJECT: Project Development
Coordination with
Municipalities

Attached is 1) guidance for project development coordination with municipalities with planning authority, and 2) a sample transmittal letter requesting municipal review of plans and specifications. The effective date is today. Revisions to the Environmental and Preconstruction Manuals will follow. The guidance describes opportunities for municipal input during project development from initial scoping through plan review. It also identifies required Department actions and the appropriate local government contacts.

I will emphasize two points. First, municipalities have a vested interest in local transportation. It is important we make a good faith effort in reaching agreement for issues raised by the municipality. Second, we will respond in writing with disposition of written municipal comments during environmental scoping, environmental document review, and plans-in-hand review.

Attachments: 1) Guidance for Project Development Coordination w/Municipalities
2) Sample Transmittal Letter

cc: Bob Doll, Regional Director, Southeast Region
Dave Eberle, Regional Director, Central Region
Ralph Swarthout, P.E., Regional Director, Northern Region

Opportunities for Municipal Input During Project Development

Relationship with Municipalities

AS 35.30.010 states, "if the project is located in a municipality, the department shall submit the plans for the project to the planning commission of the municipality for review and approval;

AS 25.30.020 states, "A department shall comply with local planning and zoning ordinances and other regulations in the same manner and to the same extent as other landowners."

As partners in maintaining a local transportation system, it is in the interest of the public for the state and the involved municipality to agree on project planning and design. As a matter of policy the project engineer shall:

- Involve the municipality early in the project planning and design processes as described below;
- Respond to comments from municipalities timely in writing as described below; and
- Make a good faith effort to come to agreement on all identified issues within the time frames identified below before proceeding. In the event the municipality is not satisfied with the project manager's formal disposition of comments, the municipality may elevate.

Planning Phase

If a planning or traffic study is conducted prior to the environmental phase of a project, the Department shall extend an opportunity for involvement to the local planning authority.

Environmental Phase

Scoping Letter

Purpose/action: The scoping letter describes the proposed action (what, where, when and why) for the purpose of the municipality identifying and responding with issues/concerns. The Department responds in writing as to disposition of comments. This exchange occurs early in the development of the environmental document.

Municipality contact: Planning Director and Coastal Zone Coordinator (when applicable)

Applicable projects:

- All projects requiring an Environmental Impact Statement (EIS), Environmental Assessment (EA), and Categorical Exclusion (CE) that involve protected resources (e.g., fish streams, wetlands, cultural resources) or require right-of-way takes.

Section 106 Coordination

Purpose/action: Coordinate with communities designated as "Certified Local Governments" (CLG) to ensure compliance with the specific requirements of Section 106.

Municipality contact: Designated staff

Applicable projects:

- All projects that impact historical structures that are registered or eligible for registration.

EA, EIS Document

Purpose/action: Municipality comment for the public record during environmental document public review. The Department responds in writing in addition to disposition of comments appended to the environmental document. Municipality can appeal the Final EIS (FEIS) to the FHWA prior to FHWA issuing the Record of Decision (ROD). Municipality provided with approved document.

Municipality contact: Planning Director, staff as required (example – Coastal Zone Coordinator, Section 106 Coordinator)

Municipal Permits

Purpose/action: Department securing municipal permits (i.e. flood hazard, noise).

Municipality contact: Designated staff

Applicable projects:

- All projects requiring permit as per local ordinances.

Agency Permits

Purpose/action: Municipality has the opportunity to review and comment on permits issued by State and Federal agencies.

Responsible municipal official: Designated staff.

Applicable projects:

- All projects requiring State and Federal permits.

Design Phase

Early Design Coordination

Purpose/action: The Department may initiate early design coordination for the purpose of describing the proposed action and the municipality identifying and responding to issues/concerns.

Municipality contact: Planning Director

Applicable projects:

- CE projects with no right-of-way acquisitions or impacted protected resources. These projects are not coordinated in the environmental phase. It is the first time the municipality has an opportunity to comment on project scope. If appropriate, early coordination could occur for more complex projects; however, this is generally not advisable given no new information has been developed since the environmental phase.
- Projects that are expected to cause significant controversy or impacts upon a local government.

Plan review @ 30 – 50%

Purpose/action: Municipality review and comment on plans.

Municipality contact: Planning Director

Applicable projects:

- Major urban projects with an EA or EIS level environmental document.

Plan review @ 55 – 75%

Purpose/action: Municipality review and comment on plans and specifications. In addition to a general review of plans and specifications, the Municipality will be asked to specifically address compliance with “planning and zoning ordinances and other regulations per AS 35.30.020.” For each comment, the municipality shall be invited to cite their local ordinance or regulatory authority. As a general guide, planning and design features reviewed at the 30-50% review level should not be revisited at the 55-75% review unless they have been substantially changed.

Municipality contact: Planning Director

If municipality fails to respond within 90 days, no response required by the Department.

For written responses received within 90 days, the Department

- Will either bring the project into compliance with planning and zoning ordinances or other regulations per AS 35.30.020, or seek a waiver from municipal planning authority.
- Will consider all other comments and attempt to come to agreement. The Department will respond in writing with disposition of comments.

Applicable projects:

- State facilities – all construction¹ projects (maintenance projects excluded).
- Municipality facilities – all projects.

Notification Letter

Purpose/action: Letter notifying municipality of project scope and estimated advertising date.

Municipality contact: Planning Director

Applicable projects:

- DOT&PF Contract Maintenance¹ projects.

Plat Approval

Purpose/Action: Plat approval process in accordance with local ordinances/agreements. Typically, preliminary plat approval is requested prior to property acquisition. Final plat approval requested upon project completion. Submittals in accordance with local ordinances/agreements.

Municipality contact: Designated staff

Applicable projects:

- Projects with property acquisition in fee.

Maintenance Agreement Letter

Purpose/action: Agreement consummating municipality responsibility to perform maintenance. Executed as early in design development as reasonable, but no later than plan review.

Municipality contact: Administrative Manager

Applicable projects:

- Facilities owned by Municipality.
- Facilities owned by DOT&PF with municipality commitment to maintain.

¹Sec. 19.45.001. Definitions

(2) “construction” or any derivation means construction, reconstruction, alteration, improvement or major repair;

(10) “maintenance” means the preservation of each type of highway, roadside structure and facility as nearly as possible in its original condition as constructed, or as subsequently improved, and the operation of highway facilities and services to provide satisfactory and safe highways;

Comments

1. DOT&PF and municipal interaction can expand as project needs indicate to include work sessions, working groups, etc.
2. Municipality may elevate concerns at any time.
3. A municipality may enter into an agreement with the Department specifying how interaction will be conducted within the municipality.

4. Project Development Process

Appendix 2 Letter to Municipal Director of Planning

Certified Mail #: _____
Return receipt requested

Date

Name and Address of Planning Director or designee

RE: *Project Name, Number, and Location*

Dear _____:

We are submitting the enclosed plans for your review and comment. In addition to a general review, please specifically review for compliance in accordance with AS 35.30.020.

Under AS 35.30.020, the Department must comply with local planning and zoning ordinances and other regulations in the same manner and to the same extent as other landowners. If you believe that the Department's construction of this project would result in a violation of planning, zoning, or other regulations, generally applicable to landowners, please identify the portions of the project that would be in violation, and the specific planning, zoning, or other regulations that you believe would be violated.

Sincerely,

DOT&PF Project Manager

Enc: Project Plans