

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

DIVISION OF PROGRAM DEVELOPMENT

SEAN PARNELL, GOVERNOR

PO Box 112500
3132 CHANNEL DRIVE
JUNEAU, ALASKA 99811-2511

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

Kris Riesenber
FHWA Alaska Division
Planning Program Manager
709 West 9th St., Room 851
Juneau, AK 99802

February 23, 2011

Dear Mr. Riesenber;

Alaska DOT&PF has successfully completed the 5 year update to the Non-Metropolitan Local Official Consultation process (NMLOCP) required by 23 CFR 450.210 (b).

Those updates consisted of; updating the CFR's to meet SAFETEA-LU requirements, the definition of "consultation", adding another method of communication with Non-Metropolitan officials – Govdelivery.com, and detailing our method of reaching Non-Metropolitan Officials by using the Alaska Municipal Leagues on-line mailing lists.

We received a total of 6 comments; all were addressed and responded to. No substantive changes to the draft process were made in considering all of the comments received. In general, the comments concerned two themes: (1) communication modes between the State and Local Officials and (2) advocating for a Rural Transportation Planning Organization in Southeast Alaska.

If you wish to view any of the comments received and our responses, please contact Marcheta Moulton or Eric Taylor at 465-4070.

Sincerely,



Jeff Ottesen,
Director

Attachment: Updated NMLOCP process

"Providing for the safe and efficient movement of people and goods and the delivery of state services."

Alaska Department of Transportation and Public Facilities Non Metropolitan Local Official Consultation Process - Final

DOT&PF has developed the following process to ensure consultation with local officials in non-metropolitan areas for transportation planning programs administered by DOT&PF as required by federal regulation 23 CFR 450.210 (b). This rule requires states to have a documented process for consulting with non-metropolitan local officials for both the statewide transportation improvement program (STIP) and the statewide long range transportation plan (SLRTP).

Per 23 CFR 450.210(b) (1), DOT&PF will review and solicit comments from non-metropolitan officials for a period of not less than 60 days on the effectiveness of the consultation process every five (5) years. The previous review of this process was conducted in 2006 with no comments received.

This process fulfills *only* the specific requirement in the federal rule to extend consultation to non-metropolitan local officials (as it has been previously extended to *metropolitan* local officials). DOT&PF consultation with federally-recognized tribes is addressed in DOT&PF Policy and Procedure 01.03.010 *Government-to-government relations with the federally-recognized tribes of Alaska* (March 2002), the force of which is not affected or diminished by the process delineated here.

Non-metropolitan local official means elected and appointed officials of general purpose local government, in non-metropolitan areas, with jurisdiction/responsibility for transportation (23 CFR 450.104).

Consultation means that one or more parties confer with other identified parties in accordance with an established process and, prior to taking action(s), considers the views of the other parties and periodically informs them about action(s) taken. This definition does not apply to the "consultation" performed by the States and the MPOs in comparing the long-range statewide transportation plan and the metropolitan transportation plan, respectively, to State and Tribal conservation plans or maps or inventories of natural or historic resources (see 450.214(i) and 450.322(g)(1) and (g)(2)).(23 CFR 450.104)

This process for consultation with local officials is separate and discrete from the public involvement procedure for statewide transportation planning (17 AAC 05.135 for SLRTP and 17 AAC 05.160 for STIP), but there is much in the public involvement procedure that aids in local official consultation. In particular, the public comment periods occurring in the public involvement procedure present local officials with given opportunities for consultation that fit easily into the normal progression of SLRTP and STIP development.

DOT&PF's public involvement procedure for statewide transportation planning was developed and approved in 1996 as required by the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA) and successive federal transportation legislation. It was developed with broad input from the Alaska public, and subsequently incorporated into 17 AAC 05. The procedure reflects an Alaska-unique provision (23 USC 118(e))

permitting the state to expend federal highway funds on any public road that receives maintenance, rather than only on a limited roadway network as in other states.

This process is distinct from the process for consulting with local officials from metropolitan areas. In metropolitan areas, as prescribed by federal law (23 USC 134), transportation plan development is cooperatively administered by the metropolitan planning organizations (MPOs). Alaska has two MPOs: the Anchorage Metropolitan Area Transportation Solutions (AMATS), and the Fairbanks Metropolitan Area Transportation System (FMATS).

Consultation with Local Officials in Non-Metropolitan Areas

DOT&PF will use the following process for consultation with local officials in non-metropolitan areas:

- DOT&PF will directly notify and consult the elected and appointed local official with transportation responsibility in each organized city and borough using database provided by the Alaska Municipal League regarding updates to the Statewide Long Range Transportation Plan (SLRTP) and amendments of the Statewide Transportation Improvement Program (STIP), and also announce the availability of this information on GovDelivery.com. Cities and boroughs impacted by change(s) in SLRTP or its area plan components, STIP administrative modifications and amendments will be informed so that the officials have opportunity to evaluate and comment on the impacts to their community. This notification will give a deadline for comments (usually 45 days from public notice) so that they can be considered prior to approval of the change in the SLRTP or STIP. Additionally, DOT&PF will directly notify the impacted local officials of the approved outcome(s), and in cases where a community's proposal is not accepted make publicly available on the DOT&PF website (<http://www.dot.state.ak.us>) reasons for non-acceptance and announce on GovDelivery.com the availability of this information on the DOT&PF website along with link.
- DOT&PF will review and consider resolutions, plans, and project priorities of local governments presented to DOT&PF.
- DOT&PF will assign each community a contact person (known as the Area Planner (<http://dot.alaska.gov/stip> and click "contact us"), and will notify the community when there is a change in their contact person.
- This consultation process is distinct from DOT&PF's public involvement procedures (17 AAC 05.135 and 17 AAC 05.160), which provide for multiple means of input into the planning process and access to documents for all interested organizations, interest groups, and the public at large through appropriate public involvement methods.