

MEMORANDUM OF UNDERSTANDING
for Highway Project Review Process

This agreement, made and entered into this 18th day of July, 1988, by and between the Alaska Department of Transportation and Public Facilities Northern Region (DOT&PF), and the Fairbanks North Star Borough (F.N.S.B.), provides procedures for the continued local review process for DOT&PF capital projects. This effort includes public hearing scheduling and review procedures that will apply to various types of projects submitted by DOT&PF for local approval.

Whereas, 23 U.S. Code 105 requires projects to be selected by the state highway department and the appropriate local officials in cooperation with each other. For projects on the Federal-aid urban system, projects shall be selected by the appropriate local officials with the concurrence of the state highway department.

Whereas, the DOT&PF and F.N.S.B. are participants in the Fairbanks Metropolitan Area Transportation System, which provides guidance for long range transportation planning in the Borough; and

Whereas, AS 35.30.010 requires review and approval by local planning authorities; and

Whereas, the Fairbanks North Star Borough is the local planning authority and pursuant to AS 29.40.010 et seq. the Fairbanks North Star Borough has established a planning commission and platting board to regulate land activities; and

Whereas, AS 35.30.020 requires DOT & PF actions to comply with local planning and zoning ordinances and other regulations in the same manner and to the same extent as other landowners; and

Whereas, Fairbanks North Star Borough Title 2.40.041C states that all public agencies not a part of the borough are requested to submit all pertinent information on the location and design of traffic arterials within such time frame as will enable the commission to make recommendations as to whether the proposed project is consistent with the comprehensive plan;

NOW, THEREFORE, BE IT RESOLVED, that the Alaska Department of Transportation and Public Facilities and the Fairbanks North Star Borough agree to cooperate and participate in a highway project review process that will effectively meet the requirements of the Federal Highway Administration, Alaska State Statutes, and Fairbanks North Star Borough ordinances; and

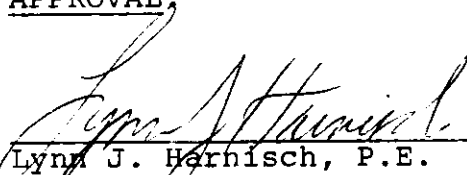
BE IT FURTHER RESOLVED, that each agency will be responsible for costs associated with the specific legal requirements of their agency; and

BE IT FURTHER RESOLVED, that this process will allow comprehensive public involvement, and insure local government review by the Fairbanks North Star Borough Assembly, Planning Commission, and Platting Board, and the City of Fairbanks and North Pole; and

BE IT FURTHER RESOLVED, that the parties in this agreement accept the review procedures as outlined in attached Exhibits A, B, and C; and

BE IT FURTHER RESOLVED, that this document supplements the overall FMATS Memorandum of Understanding.


APPROVAL;



Lynn J. Harnisch, P.E.
Regional Director, Alaska Dept.
of Transportation and Public
Facilities, No. Region

7-18-88

Date



Juanita Helms, Mayor
Fairbanks North Star Borough

7/18/88

Date

EXHIBIT A

FAIRBANKS NORTH STAR BOROUGH
AND
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
FORMAL COORDINATION
LOCAL PLANNING AND PROJECT DEVELOPMENT

APPLICATION PROCESS

When a project reaches a point where at least a build decision and a location can be recommended, the DOT&PF will submit an application to the FNSB for Local Planning Authority Approval. FNSB staff will review the application, select the appropriate review process, prepare a staff report (as necessary) and formally begin the coordination process.

NON-SIGNIFICANT PROJECTS

Definition

Non-significant projects are those actions defined by the Department of Transportation, Federal Highway Administration, Urban Mass Transit Administration, Environmental Impact and related procedures, 23 CFR Part 771, and/or having the following characteristics.

- 1) Do not individually or cumulatively have a significant effect on the environment, community or the comprehensive plan.
- 2) Are consistent with federal, state and locally adopted plans, i.e., EMATS, Comprehensive Plan.
- 3) Do not require substantial planning time or substantial resources.
- 4) Do not cause land use changes.
- 5) Do not change the function of the roadway or connecting roadways by altering traffic patterns.

Review Process For Projects Not Requiring A Public Hearing

Projects will not need a public hearing if they:

- 1) Do not involve the acquisition of right of way or the relocation of businesses or homes; and
- 2) Do not involve changing the function of an existing road; and
- 3) Are not expected to produce negative public comment.

The projects will automatically be placed on the Planning Commission consent agenda, but may be removed by the commission chairperson at the request of staff or a Planning Commission member. If approved as part of the consent agenda, the review will not be forwarded to the assembly, and a letter of finding will be sent to the applicant. The remainder of the 90-day review period will be waived.

Those projects which have been removed from the consent agenda will be considered by the Planning Commission. If unconditionally approved by the Planning Commission, the project will not require Assembly action and the remainder of the 90-day period will be waived.

If the Planning Commission takes no formal action, adds conditions to its approval, or objects to a project, the project will be sent to the Assembly for review and action. A letter of finding will be sent to the applicant.

After action by the Assembly, a letter of finding will be sent to the applicant, and the remainder of the 90-day review period will be waived.

Review Process For Projects Requiring A Public Hearing

If projects involve one or more of the following, a Public Hearing will be necessary:

- 1) Acquisition of right-of-way and/or relocation of business(es) or home(s).
- 2) Changing the function of the roadway to be constructed and/or connecting roads.
- 3) Controversy and public comment is expected.

These projects will be placed on the Planning Commission's agenda under New Business as a public hearing item, and will appear in the local newspaper as part of the Planning Commissions' agenda five days before the Planning Commission meeting.

Additional public notification will include "Dear Property Owner" letters sent out prior to the hearing. At a minimum, an attempt will be made to notify all persons that would have property taken as a result of right-of-way acquisition for the project. Also, a legal advertisement will be published in the local newspaper along with other items on the Planning Commission public hearing agenda.

Projects given unconditional approval by the Planning Commission will not require Assembly approval and the remainder of the 90-day objection period will be waived. A letter of finding will be sent to the applicant.

If the Planning Commission takes no formal action, adds conditions to its approval, or objects to a project, the project will be sent to the Assembly for review and action.

Assembly approval of the project represents consistency with the comprehensive plan and compliance with all aspects of the local review process except platting, which is addressed in the following section. A letter of finding will be sent to the applicant after action by the Assembly.

Platting Process

After the FNSB Planning Commission has taken action on a preliminary design, and before DOT&PF begins right-of-way acquisition, the FNSB Platting Board will perform a preliminary plat review of all projects which involve right-of-way acquisition. At this time, DOT&PF will submit an application containing information as specified by the Platting authority. Upon completion of the preliminary plat by the Platting Board, a letter of finding will be sent to the applicant.

When the DOT&PF reaches a point in project development that the right-of-way can be certified, a final plat will be submitted to the FNSB for review. The final plat will incorporate changes to the preliminary plat that have been made since its approval.

If the FNSB finds that no major changes have occurred since prior approvals, the Platting Officer will process the plat and the plat will be submitted to the Recorder's Office. If the FNSB finds that major changes have been made, the project will be resubmitted for the appropriate level of review.

Final FNSB approval completes the review process.

Significant Projects

Definition

Significant projects are those actions defined by DOT&PF Regulation and Policy as significant and/or having the following characteristics. The projects:

- 1) Individually or cumulatively have a significant effect on the environment or the community; or
- 2) Require substantial planning time or resources; or
- 3) Change the function of the roadway or connecting roadway by altering traffic patterns; or
- 4) Cause land use changes or impact the comprehensive plan.

Review Process For Significant Projects

All significant projects will require at least one public hearing.

Whenever possible, the Borough will work with DOT&PF to schedule and jointly hold necessary public hearings.

This coordination will include a joint hearing with the Borough Planning Commission and DOT&PF whenever possible for the corridor/location or location/design public hearing. Public hearing requirements of both agencies will be followed as closely as possible. The Planning Commission may conduct the hearing and set the rules for public testimony. DOT&PF will give a description of the project before public testimony begins. Questions from the public will be answered and an opportunity will be provided for both agencies to fulfill any legal requirements. Minutes for these hearings will be kept verbatim.

Public notification of these meetings will be accomplished by:

- 1) Display advertisement published a minimum of twice in the local newspaper, one to appear at least 30 days in advance and the second to appear between 5 and 7 days in advance of the meeting.
- 2) A legal advertisement to appear ten days before the hearing.
- 3) "Dear Property Owner" letters will be sent out prior to the hearing. The mailing list for these letters will be decided upon jointly by the FNSB and the DOT&PF. At a minimum, an attempt will be made to notify all persons that would have property taken as a result of right-of-way acquisition for the project.

Information sought at the public hearing and from public comments will be used to identify and prioritize the issues and concerns of the public on the proposed corridor.

The Planning Commission may choose not to act on the project the night of the meeting, but may wait until a later date (maximum of 30 days, unless otherwise agreed to by DOT&PF and FNSB). The Planning Commission's final decision will be forwarded to the Borough Assembly. The Borough Assembly, at the discretion of the presiding officer may choose to hold additional public hearings.

When a project is acted upon by the Borough Assembly, a letter of finding will be sent to the applicant. The remainder of the 90-day review period will be waived.

If projects in the DOT&PF design phase change in such a manner that the significance of the project, as previously approved, has changed, the project will be resubmitted to the FNSB for review. Any of the following circumstances would generally require submittal:

- 1) Moving the location, termini, system or connections.
- 2) Changes in the effect on the community.

- 3) A lapse of two years or more between FNSB approval and the DOT&PF-FIWA design approval.

If requested by the FNSB, a new application for the project or portion thereof will be submitted and will follow the appropriate review process.

Projects which were originally submitted solely for corridor/location approval will be resubmitted to the Planning Commission prior to design approval. Review procedures will be the same as the location approval process, but will deal only with impacts of the project design, rather than location.

Assembly approval of the location/design or design phase represents consistency with the comprehensive plan and compliance with all aspects of the local review process except platting, which is addressed subsequently.

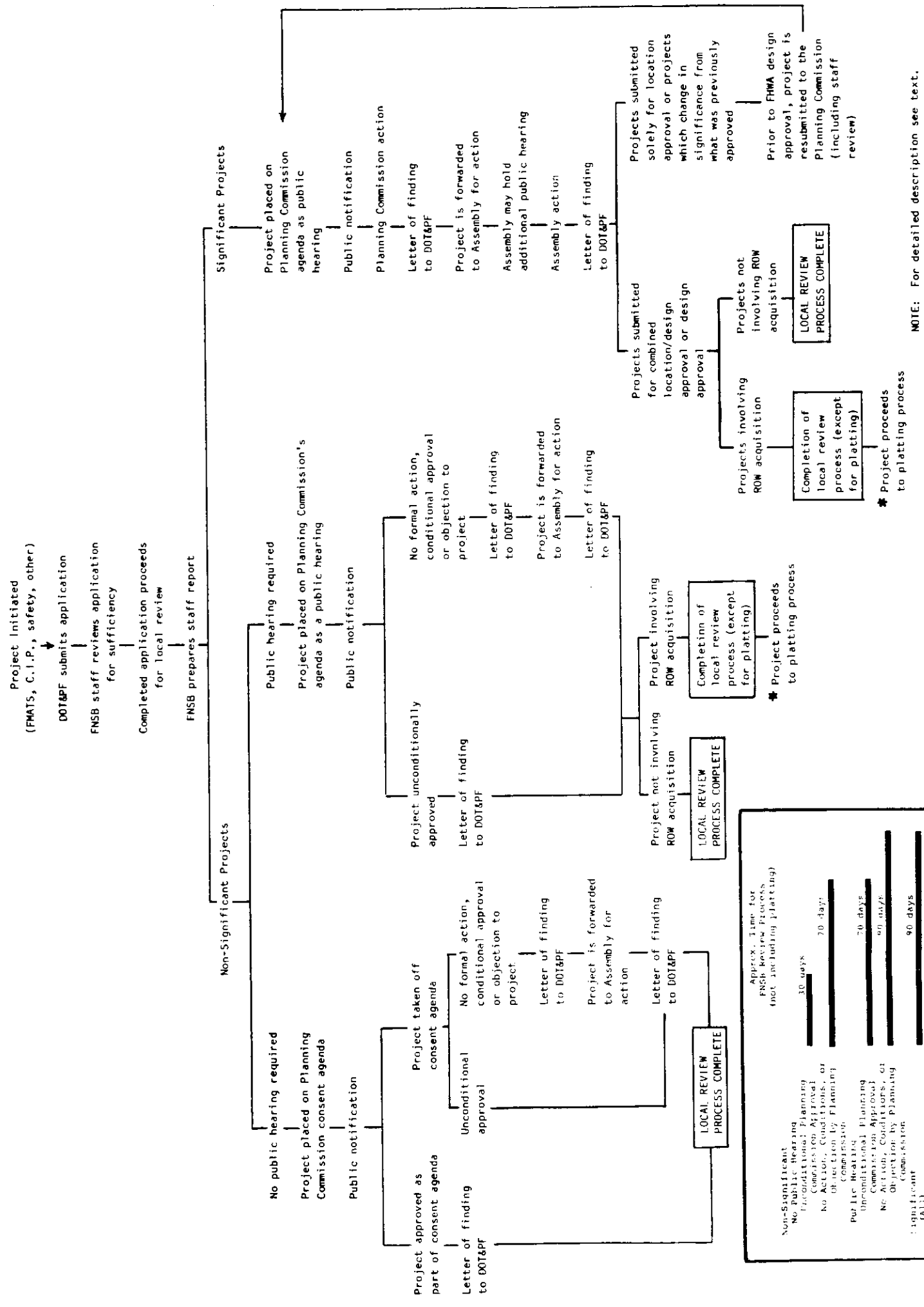
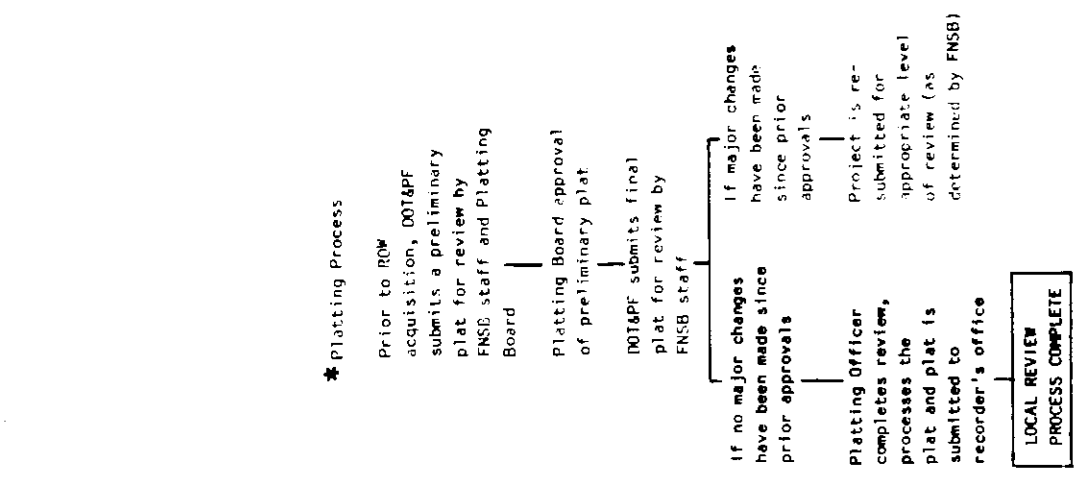
Platting Requirements For Significant Projects

After the FNSB Planning Commission has taken action on the preliminary design and before DOT&PF begins right-of-way acquisition, DOT&PF shall submit all projects which involve right-of-way acquisition for review by the FNSB Platting Board. This process will be the same as outlined by the platting process for non-significant projects.

Final FNSB approval completes the review process.

FNSB - DOT&PF
LOCAL REVIEW PROCESS FOR HIGHWAY PROJECTS

EXHIBIT B

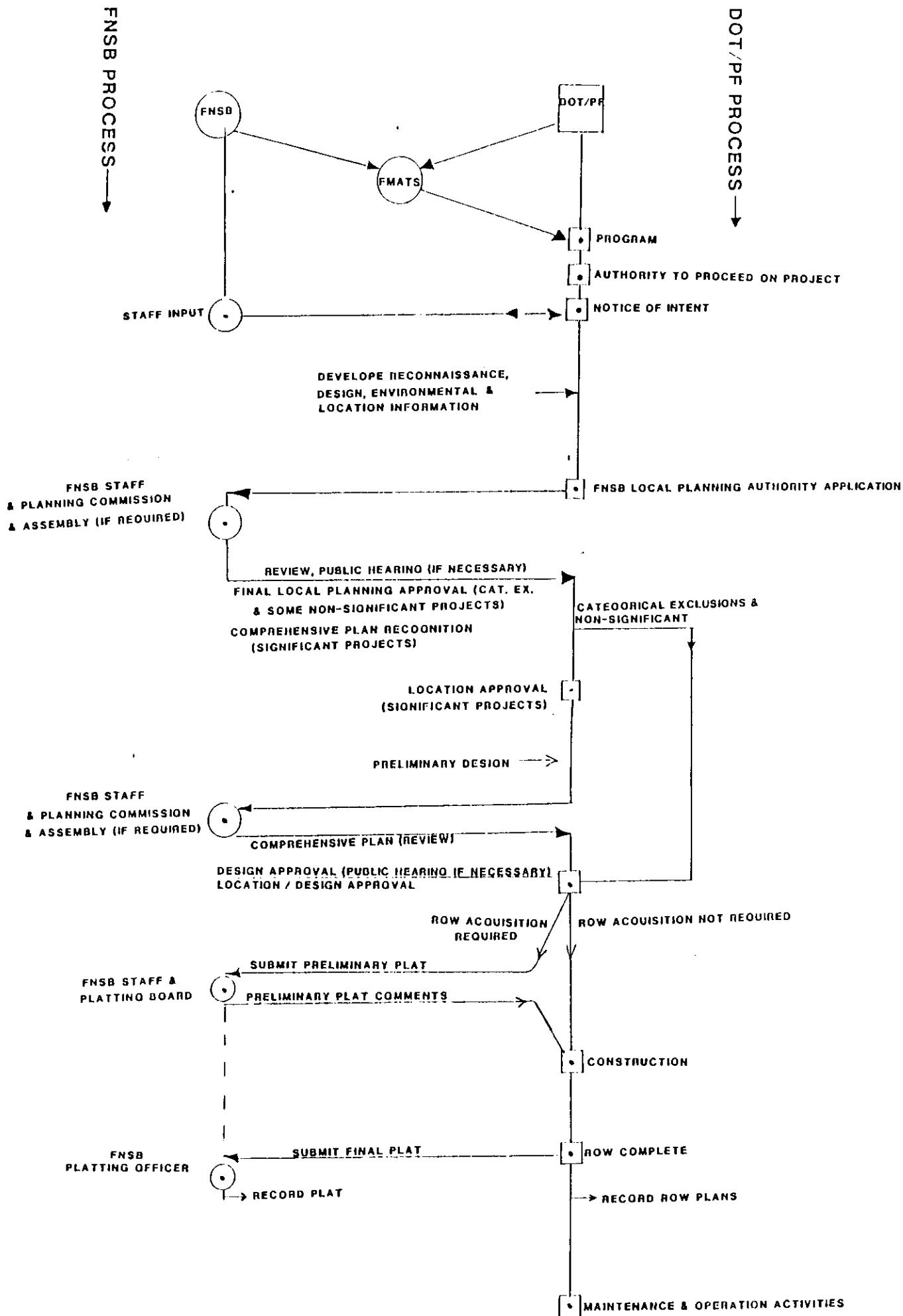


NOTE: For detailed description see text.

	Approx. Time for FNSB Review Process (not including Platting)
Non-Significant	
No Public Hearing	30 days
Unconditional Planning Commission Approval	70 days
No Action, Conditions, or Objection by Planning Commission	70 days
Public Hearing	
Unconditional Planning Commission Approval	70 days
No Action, Conditions, or Objection by Planning Commission	90 days
Significant (ALL)	90 days
Significant Allowed by Alaska Statute (Unlisted Values)	90 days

EXHIBIT C

PROJECT COORDINATION



○ FNSB STEP

□ DOT/PF STEP

FNSB = FAIRBANKS NORTH STAR BOROUGH

DOT/PF = DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES

ROW = RIGHT OF WAY

FMATS = FAIRBANKS METROPOLITAN AREA TRANSPORTATION SYSTEM