

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
POLICY AND PROCEDURES

P & P No.	80-6000	Page	1	OF	1
Effective Date	September 23, 1986				
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APPROVED BY					

SUBJECT
State Harbors

DIVISION Headq. Plans,
Programs & Budget

SECTION
Stwd. Planning

CHAPTER TITLE
State Harbor Operation & Management

PURPOSE:

To establish departmental policy on the operation and management of state harbors and to clarify the relationship between the Department and local operators of state harbors.

POLICY:

It shall be the policy of the Department that locally operated state harbors shall be managed according to the provisions of the following State Harbors Policy Statement, as adopted on September 23, 1986. All contracts, agreements and arrangements between the Department and local harbor operators shall not conflict with this statement.

DISTRIBUTION:

All Policy and Procedures Manual holders.

Revised 03/04/86

STATE HARBORS PROGRAM

POLICY STATEMENT

I. PROGRAM PURPOSE

The primary purpose of the State Harbors Program is to provide moorage for boats operating in Alaskan waters.

II. PROGRAM DESCRIPTION

The State Harbors Program is concerned with the planning, design, construction, maintenance, operation, management and administration of boat harbors and related facilities necessary to provide moorage for boats in Alaska. The program is not concerned with major port facilities or marine highway facilities intended primarily for the transfer of cargo or vehicles.

III. PROGRAM POLICIES

The State Harbors Program shall be operated by the Alaska Department of Transportation and Public Facilities (ADOT&PF) according to the following policies.

A. The ADOT&PF will provide facilities directly related to the moorage of boats and access to any existing or proposed state harbor development, subject to legislative appropriations.

B. State harbors shall be operated on an equitable and non-discriminatory basis. Harbor facilities and services must be equally available to all persons regardless of age, sex, race, national origin, color, religion or ancestry. Operators of State harbors shall not discriminate in the assignment of berths or the provision of services on the basis of boat-owner residency or vessel home port. Harbor docks, gangways and floats are considered to be extensions of public streets and sidewalks; unrestricted public access will be maintained.

C. Transfer of title of State harbor facilities to local governments is encouraged consistent with AS 35.10.120, to the maximum extent possible. Assumption of harbor ownership will not jeopardize a community's position regarding State funding priority in the ADOT&PF statewide harbor development program, including new project starts. Such transfer of ownership will carry with it the requirements expressed elsewhere in this policy statement regarding access, nondiscrimination, management and maintenance.

D. The ADOT&PF will contract with local governments, incorporated service districts, non-profit corporations or private operators, as appropriate and necessary, for the operation and maintenance of State harbor facilities. Harbor operators will be authorized and encouraged to assess fees and charges for the use of harbor facilities and services to cover the full costs of harbor management, operation, maintenance, and to the extent possible improvement and rehabilitation, plus a reasonable profit for private operations. The ADOT&PF will inspect state harbors periodically to ensure adequate maintenance and determine facility condition.

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E. State harbors shall be managed in a manner whereby they generate revenues to pay for the costs of facility management, operation, maintenance, and rehabilitation. Revenues from harbor operations shall be accounted for separately from other funds and shall be used solely for harbor purposes. The ADOT&PF will periodically audit harbor accounts.

F. The ADOT&PF will, subject to budgetary limitations, repair or replace basic components of State harbors specified in IV.A.1. which are lost or damaged beyond use by storm, tsunami, landslide, avalanche, other natural disaster, act of war, sabotage or other catastrophic event.

G. The ADOT&PF will require that harbor operators indemnify the state against liabilities created by the management, operation and maintenance of state harbor facilities.

H. Operators of State harbors will make no additions, deletions, rearrangement or other changes to harbor facilities without the expressed advance approval and permission of the ADOT&PF.

I. The ADOT&PF will request funding, via the state executive budget process, for only those harbor expansion and new harbor development projects which will satisfy demonstrated and documented moorage needs, which are endorsed, sponsored or requested by a local government or other representative group, and which prove to be environmentally, physically and economically feasible.

IV. STATE/LOCAL RELATIONSHIPS

It is the intent of the ADOT&PF that the State Harbors Program operate as a joint effort with local communities and/or private operators. The responsibilities of the State and local partners in the program are as follows:

A. State Responsibilities

1. Provide, subject to funding availability, the basic harbor facilities for safe moorage for boats operating in Alaskan waters. ADOT&PF responsibilities include essential protective works such as breakwaters, seawalls, bulkheads, etc.; original entrance channel and berthing area dredging; land fills and staging areas; original construction of basic inner harbor developments such as floats, piling, harbor service docks and approaches, gridirons, gangways, launching ramps; water service on main floats and harbor security lighting in those places where water and electrical utilities are available to the harbor location. For the sake of construction efficiency, other components of harbor development may be included in State managed harbor construction projects to the extent that their costs are borne by local communities or other sponsors. ADOT&PF will pursue funding for such harbor projects only after a municipality or other representative group has stated in writing its intent to accept responsibility for the management, maintenance, and operation of the facility. Harbor construction will be undertaken only after a harbor management agreement has been executed between ADOT&PF and a municipal harbor operator or other representative group. ADOT&PF will replace state harbor facilities when their normal useful life has been exhausted, subject to budgetary restraints.

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2. Ensure the preservation of State constructed and owned harbors and harbor facilities, and to protect the State investments in them.
3. Minimize or eliminate State liability exposure in the operation and public use of State harbor facilities.
4. Ensure waterside and landside access to State harbor facilities for the general public on an equitable and non-discriminatory basis.
5. Establish and maintain a data base of harbor usage and facility condition to support the development of plans for harbor construction, harbor program management, harbor maintenance and related purposes.
6. Provide technical assistance and advice to communities, organizations and interest groups on the development, management, administration, operation and maintenance of harbor projects and facilities.

B. Local Responsibilities

1. Provide supplemental, ancillary or supporting elements of harbor developments, including such components as land, easements and rights-of-way; provide upland developments such as parking areas, harbormaster offices, sanitary facilities; electrical power distribution systems and water distribution systems in addition to those provided by the State; fire suppression systems; waste oil collection and containment facilities.
2. Perform maintenance and repair activities necessary to minimize the deterioration of State harbor facilities and rehabilitate harbor facilities when routine maintenance is no longer adequate. Repairs or rehabilitation attributable to improper or insufficient maintenance on the part of the harbor operator and/or normal wear and tear of components shall be accomplished at the expense of the operator.
3. Allocate a reasonable number of berths in each harbor to the moorage of transient vessels. Transient vessels are any vessels which are not customarily berthed in that harbor or community.
4. Enact, adopt, publish and enforce rules, regulations and ordinances, as appropriate, to carry out their responsibilities and to protect the State's interests. Such rules, regulations and ordinances shall address berth assignments, user fees and charges, waiting lists, designation of harbormaster and other harbor staff, use of harbor services and facilities, removal of abandoned or derelict vessels and may address other subjects such as commercial enterprises and liveaboards, as appropriate. Such rules, regulations and ordinances shall incorporate an appropriate process for appeals from adverse decisions and shall comply with applicable laws. Necessary rules and regulations shall be set forth in any contracts between ADOT&PF and non-municipal operators of State harbors.
5. Indemnify the State against liabilities related to harbor facility maintenance, operation and management.
6. Collect and provide to the State data and information related to harbor usage and facility condition as provided in a management agreement.

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V. HARBOR OPERATION

The following provides general direction to operators of State harbors.

A. Usage Fees

It is intended that the operation of State harbors should be financially self-sufficient. Harbor revenues shall be utilized solely for harbor purposes and shall be accounted for separately from other funds. Municipal harbor operators should set the rates for fees and charges high enough to fully cover the costs of harbor maintenance, management, improvement, administration, reserves, services and operations, or should use other municipal funds to cover the costs, or use any combination of user fees and municipal funds.

B. Maintenance

Preventive maintenance shall be performed regularly; routine repairs and maintenance dredging (where not performed by the U.S. Army Corps of Engineers) should be performed when needed; friction points, pivots, hardware, fastenings and other potential trouble spots should be inspected regularly and repaired or replaced when needed. Inspections, repairs and maintenance should be documented.

C. Berthing Assignments

Harbor operators may make berths available on a reserved or assigned usage basis. Rental of reserved berthing neither implies nor creates any assignment of property rights or interest in State harbor facilities.

D. Size of Vessels

Excessively large vessels, barges, rafts or other floating structures which could damage harbor facilities shall not be allowed to secure to State harbor facilities.

9/23/86

Date



R.J. Knapp, Commissioner
Alaska Department of Transportation
and Public Facilities