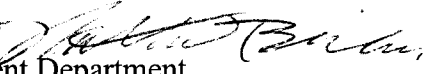


# MEMORANDUM

CITY/BOROUGH OF JUNEAU  
155 South Seward Street, Juneau, Alaska 99801

**DATE:** March 10, 2005

**TO:** Planning Commission

**FROM:** Nathan Bishop, Planner   
Community Development Department

**FILE NO.:** CSP2005-00001

**PROPOSAL:** Road improvements to Montana Creek Rd. and Skaters Cabin Rd.

## GENERAL INFORMATION

**Applicant:** STATE OF ALASKA, DOT/PF

**Property Owner:** State of Alaska, DOT/PF

**Property Address:** Montana Creek Road/Skaters Cabin

**Zoning:** D-1, D-3, D-5, and RR

**Access:** Mendendhall Loop Road

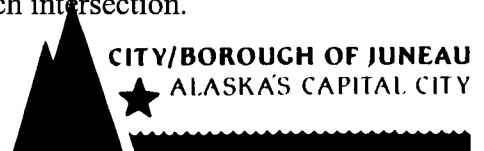
**Existing Land Use:** Right-Of-Way

**Surrounding Land Use:** Residential and Recreational

## PROJECT DESCRIPTION

**Existing Conditions** – Montana Creek Road is a two-lane roadway without shoulders or sidewalks. The pavement is in fair to poor condition and few of the intersections have any overhead lighting.

**Proposed Action** The State of Alaska Department of Transportation and Public Facilities (DOT/PF) is pursuing City/State Project approval for the project entitled “JNU-UPGRADE MONTANA CK. & SKATER’S CABIN” Project number MGS-000S(409)/68411. The proposed project will restore and rehabilitate Montana Creek Road / Skater’s Cabin Road from the Back Loop to the Forest Service (FS) boundary. A separated 8-foot wide paved pathway will also be constructed from Back Loop to the FS boundary. The existing roadway will be shifted approximately 6-8 feet to the left as you are headed to Skater’s Cabin to accommodate construction of the pathway on the right hand side. Intersection lighting will be upgraded or provided as needed at each intersection.



That part of the project inside the FS boundary will be constructed under an agreement between DOT&PF and the FS. It will be funded entirely by the FS. DOT&PF will design and administer the construction contract for the FS. This part of the project will pave Skater's Cabin Road inside the FS property up to the West Glacier Trailhead. It will also expand and pave the parking area to allow for buses, and increase the number of available spaces. It will also address any drainage deficiencies

This project is part of an agreement that CBJ has been negotiating with DOT&PF for quite some time. In exchange for these proposed improvements and others on Riverside Drive, CBJ will be taking over maintenance responsibilities for this roadway. These improvements will help to support the residential and recreational uses that have been growing in this area for some years now.

The following attachments are included as part of this staff report.

- Attachment A – Project Location
- Attachment B – Project cross-sections
- Attachment C – Resolution Serial No. 1757
- Attachment D - Agreement between ADOT and CBJ

## ANALYSIS

In accordance with Alaska Statute:

**Sec. 35.30.010(a) (1)** 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;

**CBJ 49.10.170(c)** provides: “the commission shall review and make recommendations to the assembly on .... capital improvement project by an City and Borough Agency. The report and recommendations of the commission shall be based upon the provisions of this title, the comprehensive plan, and the capital improvements program.”

**CBJ 49.10.170(c)** is the only section of code that provides direction to the Planning Commission on review of public works projects. Therefore, CBJ 49.10.170(c) will be used as the basis for review of this project. The single exception will be with respect to a review of the “capital improvements program” (CIP) as a state project will not necessarily be included in the City CIP. Therefore, the project will be reviewed against Title 49 of the CBJ code and the CBJ Comprehensive Plan.

According to the Definitions found in CBJ Code, Section 49.80.120, Montana Creek Road falls under the category of “collector” (see the definitions that follow):

***Street, collector,*** means a street which collects traffic from local streets and connects the minor and major arterials.

***Street, major arterial,*** means a street with access control, channelized intersections, restricted parking, and which collects and distributes traffic to and from minor arterials.

**Street, minor arterial**, means a street with signals at important intersections and stop signs on the side streets, and which collects and distributes traffic to and from collector streets.

**Street, local**, means a street intended for vehicular access to abutting property and not intended for through traffic.

Chapter 49.35 of the CBJ code identifies requirements for public improvements. This project will be reviewed with respect to Chapter 49.35.

**49.35.120 Extent and nature of improvements.** Subsection (c) provides “install street name signs, traffic control signs and traffic control pavement markings in accordance with the approved plans and the requirements of the current issue of the Manual on Uniform Traffic Control Devices, including the current supplement.”

*According to the Alaska DOT&PF Preconstruction Manual, all DOT&PF projects will comply with the M.U.T.C.D. and current Alaska supplement.*

**49.35.210(e) Right-of-way widths.** Sub-section (1) Identifies a minimum 100-foot ROW width for primary arterials, and 80-foot ROW width for secondary arterials. Sub-section (2) identifies a minimum 60-foot ROW width for collector, and other minor streets.

*Montana Creek ROW varies between 60' and 100'+ with most of the project at or in excess of 60' in width. The project therefore exceeds the requirements of this section.*

**49.35.230(b) Sight distance.** This section requires that the project meet the requirements of the 1984 AASHTO Policy on Geometric Design of Highways and Streets.

*The State of Alaska Preconstruction manual “is the preeminent design standard for the Department. This document interprets, amends, and augments AASHTO policies.” Because the project was developed in accordance with the Preconstruction Manual, this section of CBJ code is satisfied.*

**49.35.230(c) Street grades.** This section of code requires that grades on arterial streets be less than 6% and other streets, less than 12%.

*Inspection of the plans identified that all grades are less than 6%.*

**49.35.230(d) Intersections.** CBJ Code identifies minimum requirements for intersection design in this section. The following paragraphs review the project with respect to this section.

**49.35.230(d) (1)** “Residential Streets should not intersect with arterial or other major streets.”

*As this is a collector intersections with residential streets are allowed.*

**49.35.230(d)(2)** “Corner sight distance shall be in accordance with subsection (b) of this section; however in no case shall the sight distance be less than 200 feet.”

*See the analysis of CBJ 49.35.230(b) for a discussion of sight distance.*

**49.35.230(d)(3)** “Intersections of right-of-way lines shall not be less than 60 degrees. Intersection of construction centerlines shall not be less than 80 degrees.”

*All crossroad centerlines intersect Montana Creek Road at angles greater than 80 degrees. The two driveway intersections are at 90 degrees to the roadway.*

**49.35.230(d)(4)** “The grade on the approach leg of an intersection shall not exceed six percent for the last 100 feet toward the centerline of the intersection and shall not exceed two percent for the final 15 feet to the edge of the major street. The distances shall be measured along centerlines. The grades shall be computed on a line within the traveled way and no more than seven feet from the edge of the roadway.”

*Grades on Montana Creek road do not exceed two percent at any intersection.*

**49.35.510 Drainage plan.** Sub-section (a) states “The developer shall provide a total surface drainage plan for approval by the director of engineering. The plan shall show all drainage facilities and the effect of proposed drainage changes on the adjacent properties.”

*The project includes some drainage improvements within the National Forest Boundaries but as this work is being contracted by the Federal Government it is not subject to CBJ review.*

**49.35.620 Sidewalks.** Section (a) provides that “The sub divider shall construct sidewalks on both sides of all streets furnished with curbs and gutters in any residential or commercial subdivision within the urban service area, provided that local access streets may be constructed with one sidewalk not less than five feet wide.”

*This project does not lie within a residential or commercial subdivision, and does not include curb and gutter; therefore, this section of code does not apply. However, as part of the reconstruction a separated, eight foot wide paved multi use path will be built.*

**49.35.630 Bike Paths.** This section provides “Bike Paths, where required, shall be constructed pursuant to the state department of transportation and public facilities highway preconstruction manual on ‘Bicycle Ways.’”

*As part of the reconstruction a separated, eight foot wide paved multi use path will be built.*

## **PLAN REVIEW**

### ***Comprehensive Plan***

**Policy 4.3.11** states, “Require sidewalks and bicycle paths or lanes along existing or newly constructed arterial and collector streets where appropriate to provide safe and efficient access and recreation and to reduce pedestrian/automobile conflicts.”

*Per the previous section, an 8-foot wide separated multi use path will be constructed.*

**Subarea 3** The roadway system is not mentioned in the subarea maps for this area.

### ***Juneau Non-Motorized Transportation Plan***

The Juneau Non-Motorized Transportation Plan recognizes the need for the proposed improvements on Montana Creek Road. In this plan, widening the shoulders to 6-feet is identified as an immediate need. While the proposed improvement does not exactly conform to this recommendation, in the opinion of staff, the separated 8-foot paved pathway is an improvement over the plans recommendation.

Staff finds that in accordance with the analysis provided in this staff report, the project to reconstruct with said improvements, Montana Creek Road and Skaters Cabin Road complies with CBJ Land Use Code (Title 49), and is consistent with the Comprehensive Plan.

## **RECOMMENDATION**

It is recommended that the Planning Commission adopt the Director's analysis and findings and approve the city project review. The permit would allow the reconstruction of Montana Creek Road and Skaters Cabin Road between the Mendenhall Loop Road and West Glacier trailhead.

# ATTACHMENT A

TONGASS NATIONAL FOREST

U.S.S. 2079

TONGASS NATIONAL FOREST

BRIGADOON ESTATES  
SUBDIVISION

68411 - Back Loop &  
Skaters Cabin  
Road Improvements

MONTANA CREEK  
SUBDIVISION

LUPINE ACRES  
SUBDIVISION

U.S.S. 2178

TRACT 1

U.S.S. 1796

U.S.S. 2091

FRAC. U.S.S. 1796

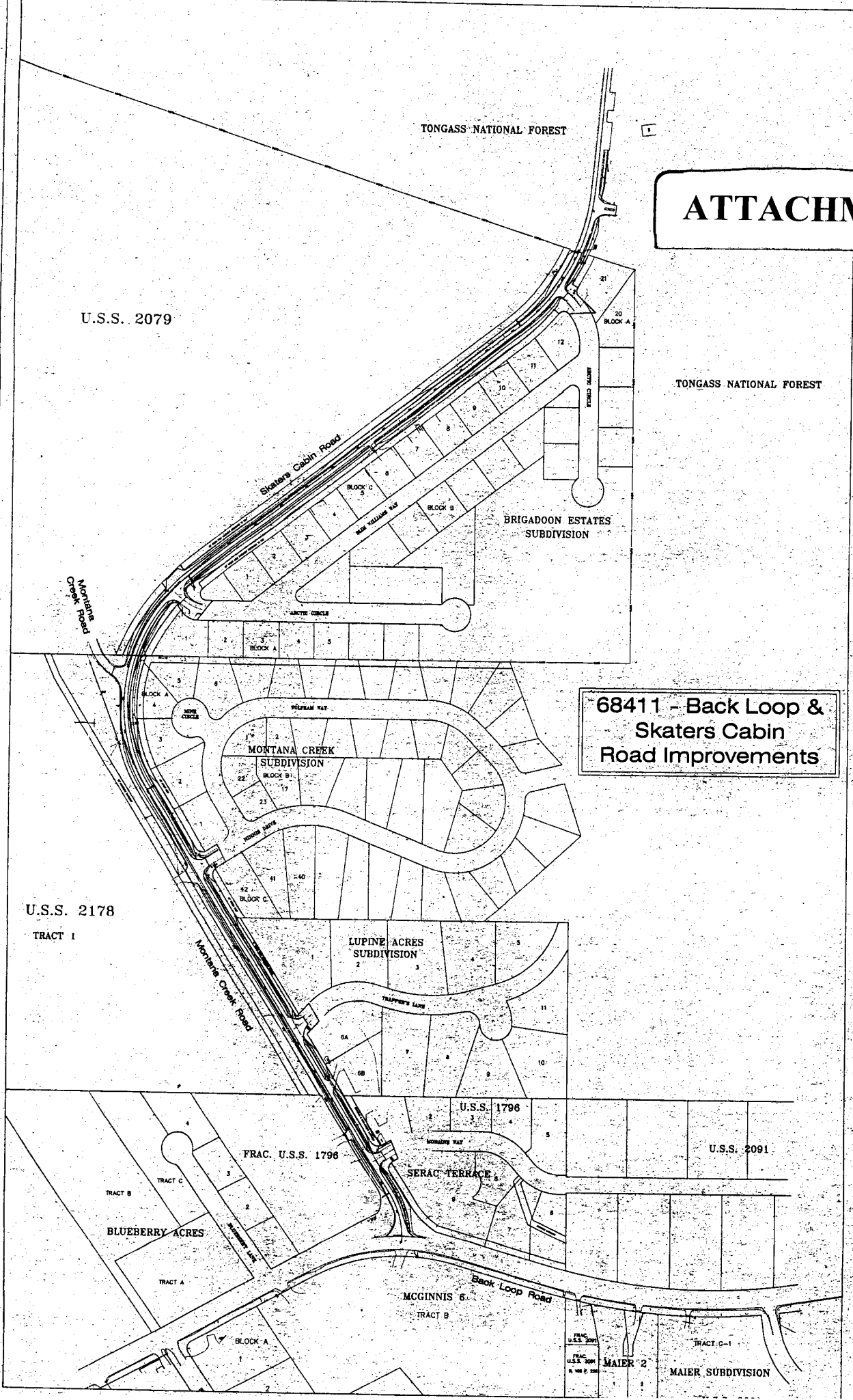
SERAC TERRACE

BLUEBERRY ACRES

MCGINNIS 6

MAIER 2

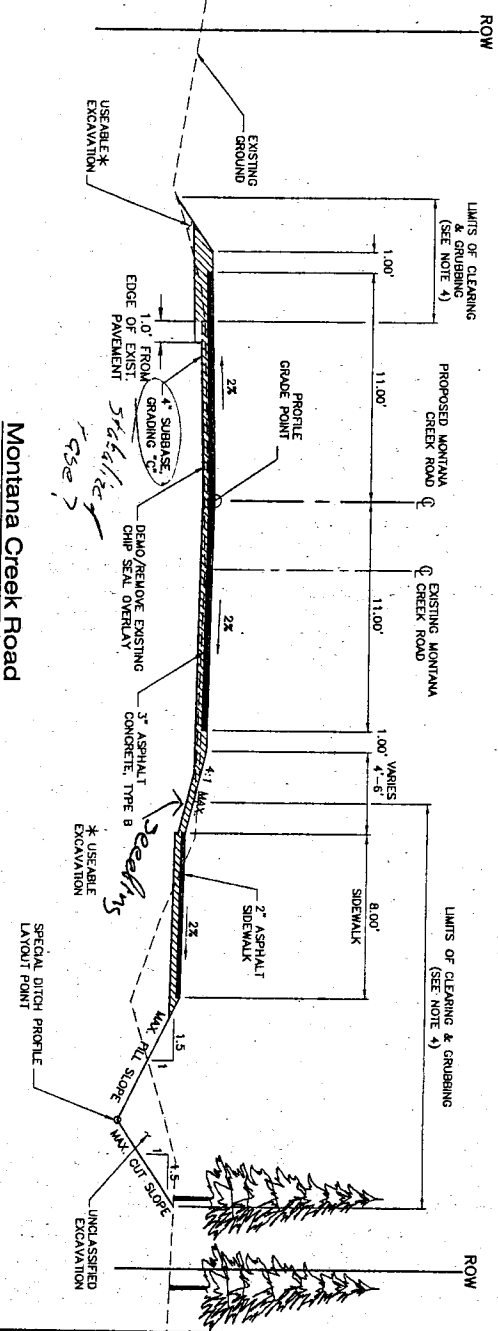
MAIER SUBDIVISION



**General Typical Section Notes:**

GRADE RAISE AREAS WILL TAPER TO MATCH EXISTING GRADES AT INTERSECTIONS AND DRIVEWAYS. THE INTENTION OF GRADINGS AND DRIVEWAYS IS TO PREVENT WATER FROM PAVED PATHWAY SURFACES.  
 MAXIMUM LONGITUDINAL GRADE IS 5%  
 TOPSOIL AND SEED ALL NEW SLOPES AND DISTURBED AREAS. TOPSOIL SHALL BE PLACED WITH A MINIMUM DEPTH OF 2". EXISTING TOPSOIL MAY BE STRIPPED AND REUSED WHEN PRESENT.  
 ALL TREES WITHIN THE CUT LIMITS WILL BE CLEARED AND GRUBBED AS DIRECTED. THIS WORK INCLUDES STUMP REMOVAL AS SPECIFIED IN SECTION 201.

**ATTACHMENT B**



**Montana Creek Road Typical Section**

\* USEABLE EXCAVATION MUST MEET GRADING REQUIREMENTS OF SELECTED MATERIAL, TYPE B.

PROJECT DESIGNATION NUMBER	MGS-000S(409)/68411
STATE	ALASKA
YEAR	2005
SHEET NUMBER	B1
TOTAL SHEETS	#

JNU-UPGRADE MONTANA CK. & SKATER'S CABIN  
 MGS-000S(409) - 68411

**Typical Section**



DESIGNED BY: J. COBURN  
 DRAWN BY: BENNETT/STEWENS  
 STATE OF ALASKA  
 DEPARTMENT OF TRANSPORTATION  
 PUBLIC FACILITIES & ENGINEERING  
 JNU-UPGRADE MONTANA CK. & SKATER'S CABIN

## ATTACHMENT C

Presented by: The Manager  
Introduced: 04/03/95  
Drafted by: A.T.B./J.R.C.

### RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 1757

#### A RESOLUTION ESTABLISHING A POLICY FOR STREET CONSTRUCTION WITHIN THE CITY AND BOROUGH OF JUNEAU.

WHEREAS, several city and borough rights-of-way were established prior to street construction requirements and remain undeveloped, and

WHEREAS, some of these rights-of-way have unmaintained roadways not meeting modern dimensional and other standards, and

WHEREAS, some of these streets are periodically improved or reconstructed to dimensions which are improved, but still not meeting the current standards for new streets, and

WHEREAS, it may not be feasible or practical to construct or improve these streets to standards designed for streets in newly dedicated rights-of-way, and

WHEREAS, the Assembly Public Works and Facilities Committee at its meeting of February 1, 1995, reviewed the following policy and recommended that it be forwarded to the Assembly for action;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

\* Section 1. Street Construction Requirements.

The following shall be city and borough policy for street construction:

(a) RECONSTRUCTION OR IMPROVEMENTS TO EXISTING MAINTAINED STREETS. The Assembly finds that existing improvements, driveways, utilities, rights-of-way and topography usually do not allow existing maintained streets to be reconstructed to the standards adopted for new street construction. It is the policy of the city and borough that existing streets, which are publicly maintained, will not be decreased in width or increased



DRAFT  
**MEMORANDUM OF AGREEMENT  
BETWEEN  
THE CITY AND BOROUGH OF JUNEAU  
AND  
THE STATE OF ALASKA  
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES  
SOUTHEAST REGION**

**ATTACHMENT D**

**TO PROVIDE FOR THE TRANSFER OF OWNERSHIP AND MAINTENANCE RESPONSIBILITY  
FOR MONTANA CREEK ROAD AND SKATERS CABIN ROAD**

**WHEREAS**, the City and Borough of Juneau (hereafter CBJ) desires to maintain and preserve public access to public and private land accessed by Montana Creek Road and Skaters Cabin Road, further described as follows:

- Montana Creek Road from its intersection with Back Loop Road and extending 3.4 miles northwesterly along Montana Creek, terminating near McGinnis Creek.
- Skaters Cabin Road from its intersection with Montana Creek Road and extending 0.4 mile northeasterly, terminating at the Tongass Forest Boundary near Arctic Circle.

**WHEREAS**, CBJ desires to restore and rehabilitate worn driving surfaces on Riverside Drive.

**WHEREAS**, the three above named roadways are on the Federal Aid System and Federal funds have been used in their design and construction.

**WHEREAS**, Federal Highway Administration holds DOTPF responsible to maintain, or cause to be maintained any project constructed under the Federal-aid highway system.

**WHEREAS**, it is the intention of both parties that the CBJ assume ownership, maintenance and jurisdictional responsibility for Montana Creek Road and Skaters Cabin Road and continue its maintenance and jurisdictional responsibility for Riverside Drive.

**WHEREAS**, the Alaska Department of Transportation and Public Facilities (hereafter DOTPF) has the authority and funding to make highway improvements and the authority to enter into an agreement for the transfer of highways under AS 19.05.040.

**WHEREAS**, CBJ has the authority to enter into this agreement under its ordinances.

**THEREFORE, DOTPF and CBJ do hereby agree to the following:**

**1. DOTPF will:**

- Restore and rehabilitate the Montana Creek Road/Skaters Cabin roadways and construct an eight-foot wide multi-use path along Montana Creek Road/Skaters Cabin Road from Back Loop Road to the Tongass Forest boundary near Arctic Circle.
- Restore and rehabilitate the driving surface of Riverside Drive from Egan Drive to Marion Street.
- Complete the above-described work by September 30, 2006.
- Quitclaim all Montana Creek Road and Skaters Cabin Road rights of way under its jurisdiction, to the CBJ upon completion of the Montana Creek Road/Skaters Cabin Road project and all associated platting requirements.
- Retain control of Montana Creek Road's access to Back Loop Road.

**2. CBJ will:**

Deleted: 04/05/05

- Accept maintenance and management responsibility for Montana Creek Road and Skaters Cabin Road immediately upon substantial completion of that project consistent with federal and state regulations, such as 23 CFR §1.23 (Right-of-Way), 23 CFR § 1.27 (Maintenance), and DOTPF's Alaska Highway Maintenance and Operations Manual (AHMOM). In the event of a conflict between 23 CFR § 1.27 and AHMOM, the more stringent provisions set the minimum standards.
- Upon substantial completion of the Riverside Drive improvements, maintain Riverside Drive including the driving surfaces restored and rehabilitated by DOTPF according to the standards outlined above.
- Perform its activities under this agreement at its sole cost and expense and without reimbursement from DOTPF. Maintenance activities include those activities reasonably necessary for proper and safe functioning of the roads in accordance with applicable governing rules and regulations.
- Accept ownership and jurisdiction of Montana Creek Road and Skaters Cabin Road rights of way upon substantial completion of the that project and all associated platting requirements.

**3. Indemnification and Hold Harmless**

CBJ shall hold DOTPF, its officers, employees, and agents (collectively, "the State") harmless from and defend and indemnify the State for liability, claims, or causes of action arising out of this agreement. Notwithstanding the foregoing, CBJ shall have no obligation to hold harmless and indemnify the State to the extent the State is determined to be liable for its own acts or omissions, except that:

- To the maximum extent allowed by law, CBJ shall hold the State harmless from and indemnify the State for liability, claims, or causes of action arising from an alleged defect in the design or construction of facilities existing on the premises at the date of project completion, regardless of negligence or other fault, if such liability, claim, or cause of action arises out of an incident that occurs more than two years after the project completion date.
- CBJ's duty to defend shall apply regardless of whether it is also alleged that the State's acts or omissions contributed to the injury (including injury to personal property, real property or persons, including fatal injury).
- Neither liability, claims or causes of action arising from injuries which occurred prior to the project completion date nor liabilities imposed by, or claims or causes of action arising from or asserted under AS 46.03.822 shall be governed by this indemnification clause.

**4. Contacts**

DOTPF's contact is the Southeast Alaska Regional Director. CBJ's contact is the City Manager. Resignations may be made upon written notice.

**5. Term of the Agreement**

CBJ agrees to maintain the roads in perpetuity.

**6. Agreement Termination**

Either party may terminate this agreement should the other party fail to perform any of its obligations under the agreement. Nothing in this agreement precludes either party's right to recover damages from the defaulting party.

**7. The Whole Agreement**

This agreement constitutes the entire agreement between the parties. There are no other understandings or agreements between the parties, either oral or memorialized in writing regarding the matters addressed in this agreement. This agreement may not be amended by the parties unless agreed to in writing with both parties signing through their authorized representatives. Both parties participated in the drafting of this agreement and the agreement will not be interpreted against either party.

**8. Assignment**

Neither party may assign any obligations under this agreement without the other party's written consent.

Dated: \_\_\_\_\_ CITY AND BOROUGH OF JUNEAU

By: \_\_\_\_\_  
Rod Swope  
City Manager

Dated: \_\_\_\_\_ STATE OF ALASKA, DEPARTMENT OF  
TRANSPORTATION AND PUBLIC  
FACILITIES

By: \_\_\_\_\_  
Gary L. Paxton  
Regional Director  
Southeast Region

ACKNOWLEDGMENT OF CITY AND BOROUGH OF JUNEAU

Subscribed and sworn to or affirmed before me by \_\_\_\_\_,  
City Manager of the City and Borough of Juneau, Alaska on the \_\_\_\_ day of \_\_\_\_\_,  
2005.

\_\_\_\_\_  
Notary Public, State of Alaska  
My Commission expires: \_\_\_\_\_

ACKNOWLEDGMENT OF STATE OF ALASKA

Subscribed and sworn to or affirmed before me by Gary L. Paxton, Southeast Regional Director,  
Alaska Department of Transportation and Public Facilities at Juneau, Alaska on the \_\_\_ day of  
\_\_\_\_\_, 2005.

\_\_\_\_\_  
Notary Public, State of Alaska  
My Commission expires: \_\_\_\_\_

ACKNOWLEDGMENT OF THE CITY AND BOROUGH ASSEMBLY OF THE CITY AND BOROUGH  
OF JUNEAU

Be it remembered that on the \_\_\_\_ day of \_\_\_\_\_, 2005, at a regular meeting, the  
City and Borough Assembly of the City and Borough of Juneau granted its approval of the foregoing  
instrument.

Dated: \_\_\_\_\_  
\_\_\_\_\_  
City Clerk