

HB 82: Off-Highway Driver's Licenses

House State Affairs | Rep. Kreiss-Tomkins

Prepared by Berett Wilber

What is an OHDL?

- Off-highway driver's licenses were designed for off road-system communities without DMVs to be able to get driver's licenses through the mail.
- Since before 1984, operating in 294 off-highway communities.
- No road test — just written test — required.
- Only valid in off-highway communities.
- Exempt from registration and insurance.

**1120
OHDLs
currently
in AK**

Adak	Cape Lisburne	Elim	Kanatak	Meshik	Pelican	Savoonga	Tyonek
Afognak	Cape Newenham	Ellamar	Kantishna	Metlakatla	Pennock Island	Scammon Bay	Ugashik
Akiak	Cape Pole	Emmonak	Karluk	Meyers Chuck	Perry Island	Seal Bay	Umiat
Akiachak	Cape Yakataga	English Bay	Kashegelo	Moses Point	Perryville	Selawik	Umnak
Akiak	Chakaktolik	Evansville	Kasigluk	Mountain Village	Pikmiktalik	Shageluk	Unalakleet
Akolmiut	Chalkyitsik	Excursion Inlet	Katalla	Mumtrak	Pile Bay	Shaktoolik	Venetie
Akulurak	Chandalar	Falls Bay	Kiana	Nanwalek	Pilot Point	Sheldon Point	Wainwright
Akutan	Chaniliut	False Pass	King Cove	Napaimiut	Pilot Station	Shemya	Wales
Alakanuk	Chase	Fire Cove	King Island	Napakiak	Pitka's Point	Shishmaref	White Mountain
Alatna	Chatham	Flat	Kipnuk	Napamute	Platinum	Shungnak	Wiseman
Allakaket	Chefornak	Fort Yukon	Kivalina	Napaskiak	Point Baker	Skwentna	Woody Island
Amakdedori	Chenega	Fortuna Ledge	Kiwalik	Nashagak	Point Chatham	Sleetmute	Yes Bay
Ambler	Chenega Bay	Galena	Kobuk	Naukati Bay	Point Hope	Snettisham	Mentasta Lake
Amchitka	Chenik	Gambell	Kokhanok	Nelson Lagoon	Point Lay	South Naknek	Pedro Bay
Amook	Chernofski	Golovin	Kokrines	New Stuyahok	Point Nowell	Squaw Harbor	
Anaktuvuk Pass	Chevak	Goodnews Bay	Koliganek	Newhalen	Poorman	St. George Island	
Andreafski	Chichagof Island	Grayling	Kongiganak	Newtok	Port Alexander	St. Lawrence Island	
Aniak	Chignik	Gustavus	Kotlik	Nightmute	Port Alsworth	St. Mary's	
Annette Island	Chignik Lagoon	Hawk Inlet	Koyuk	Nikolai	Port Ashton	St. Michael	
Anvik	Chignik Lake	Hawkins Island	Koyukuk	Nikolski	Port Bailey	St. Paul Island	
Arctic Village	Chisana	Haycock	Kvichak	Noatak	Port Clarence	Stebbins	
Atka	Christian	Hinchinbrook Island	Kwethluk	Nolan	Port Graham	Stevens Village	
Atmautluak	Chuathbaluk	Hobart Bay	Kwigillingok	Nondalton	Port Heiden	Stony River	
Atkasuk	Clark's Point	Hogatza	Kwiguk	Noorvik	Port Lions	Takotna	
Attu	Cold Bay	Holy Cross	Kwinhagak	Nuiqsut	Port Moller	Taku Harbor	
Baranof	Crevice Creek	Hooper Bay	Lake Minchumina	Nulato	Port Oceanic	Tanana	
Bartlett Cove	Crooked Creek	Hughes	Larsen Bay	Nunachuak	Port San Juan	Tanunak	
Beaver	Cube Cove	Huslia	Latouche	Nunam Iqulia	Port Wakefield	Tatitlek	
Belkofski	Deering	Iditarod	Levelock	Nunapitчук	Port Walter	Tatlina	
Bell Island	Diomede	Igiugig	Lime Village	Nushagak	Port Williams	Tenakee Springs	
Belmezok	Dolomi	Igushik	Little Diomede	Nyac	Portlock	Tetlin	
Bettles	Dora Bay	Iliamna	Long	Old Harbor	Pribilof Islands	Tin City	
Bettles Field	Edna Bay	Inalik	Loring	Olga Bay	Quinhagak	Todd	
Biorka	Eek	Ivanof Bay	Lower Kalskag	Ophir	Railroad City	Togiak	
Birch Creek	Egavik	Ivanoff Bay	Manokotak	Orca	Rampart	Tokéen	
Border	Egegik	Kachemak	Marshall	Oscarville	Red Devil	Toksook Bay	
Brevig Mission	Ekuk	Kaguyak	Mary's Igloo	Ouzinkie	Ruby	Tululsak	
Buckland	Ekwok	Kakhonak	McGrath	Pauloff Harbor	Russian Mission	Tuntutuliak	
Candle	Elfin Cove	Kaktovik	Medfra	Pavlot Harbor	Sanak	Tununak	
Canyon	Kaltag	Kalskag	Mekoryuk	Peak Island	Sand Point	Twin Hills	

294
off-highway
communities

Why do we care?

In 2012, our constituents from Angoon got in touch.

People from Angoon, Kake, and Hoonah were recently denied eligibility for off-highway licenses after decades of enjoying eligibility.

This prompted us to learn more.

They were confused and frustrated.

Regarding off-highway licenses: I applied for one when I was visiting my daughter in Wrangell last year, and they would not issue one because they said we are no longer off-road.

- Georgina Davis-Gastelum, Angoon

I have had my off system license for years, then they took it away. I am needing my off system license for getting to and from work. I "DO NOT" drive in any cities. Getting off system back in places like Hoonah would be beneficial to people like me who only drives in own community.

Or if we are city status as they claim, then spend thousands bringing DMV office and employees to Hoonah. Off system is a better option though.

Especially for us that chose not to drive in cities and very much need it for work. As with my job, getting up at 4 am and walking to work during spring/summer is not an option with bears. And other job I held I worked till 11pm and walking home at night once again is not an option.

A cab would be only other option. I can't afford \$5 a night. Be looking at a few hundred a month for cabs — when I already have a truck paid off and insured, that I can no longer drive.

- Anjanette Larsen, Hoonah

The DMV will not give "off system" licenses anymore and says that Kake drivers need at least a class D license. Which is fine, but if they are going to do that to people here then they should find a way to offer a road test in Kake so they don't have to travel to do it or at least do extra road tests at the dmV in Juneau that accommodate people who have to come in from out of town.

Many people cannot afford to travel to Juneau (\$340 by plane or \$132 + meals and longer time off by ferry), pay for a hotel (\$\$\$), pay for meals, pay for their dmV fees, & take work off (because they don't offer road tests on the weekends), just for a license to drive in a town that has a speed limit of 30 mph at the highest. Please help!

-Rissa Jackson, Kake

You have to take the Driver's Test (in Juneau). For the kids outside of Juneau to practice driving in Juneau to take test, it's pretty hard. Than you take the test, hope you pass or wait a year for a new permit...

The ferries really don't work well for going over and taking a test and then coming back the same day. The dmV will tell you yes you can use a rental, or no you can't use a rental. All depending on who you talk to (I don't think they even know)...coming from Hoonah, getting in a car you're not familiar with -- than take a test in Juneau.

It's crazy stupid! It just puts the kids in the village a step behind the rest... Go through all that just to drive in Hoonah.

-Michelle Anderson, Hoonah

Regulatory History!

1984-2006: From 1984 until 2006, there were no explicit provisions in the Administrative Code providing for off-highway driver's licenses. The old regulations relating to classes of licenses (13 AAC 08.150) were replaced and moved to Title 2 in 2006. As best we can tell, DMV used common sense to deem eligibility for off-highway driver's licenses.

2006-2011: After two decades of informally administering OHDLs, DMV drafted regulations, as part of a Palin-era push to formalize regulations of all kinds. The new OHDL eligibility regs listed two criteria communities needed to qualify for OHDLs: (1) not connected to the road system, and (2) without access to a DMV office offering road testing (2 AAC 90.220(b)).

2011-2014: The regulatory language changes again! The new regs restrict OHDL eligibility only to communities not connected to the "land-connected state highway system" and with no access to a DMV office offering road testing. The DMV interpreted a ferry as counting as "access."

Considering that a trip to Juneau from Angoon typically involves an overnight stay, Rep. Kreiss-Tomkins questioned the liberal interpretation of "access" and engaged DMV on the interpretation.

So then....

JKT office gets in touch with the DMV.

The former DMV director notes that because Angoon and Hoonah people can hop on a ferry (even if the ferry takes 12 hours) to Juneau, Angoon and Hoonah residents do have "access" to a DMV office.

Rep. JKT points out that these regulations are being applied inconsistently. Many communities on the AMHS system are still eligible for OHDLs (Old Harbor, Cold Bay, Sandy Point) — but not Angoon, Hoonah, and Kake.

In September of 2014, DMV proposes new regulations that directly correspond to Rep. JKT's question.

2014: DMV promulgates new regulations (replacing the 2011 regulations), which borrow criteria from vehicle registration exemption statutes. The new 2014 regs add a requirement that a community not have an average daily traffic count over 499.

This creates a new "hard" criterion definitively excluding Angoon, Kake, and Hoonah from OHDL eligibility. Angoon, Kake, and Hoonah happen to be three of the very few off-highway communities in Alaska for which DMV says they have traffic data. DMV says that they do not have traffic data for other OHDL communities, including (for instance) Sand Point, which has a population twice that of Angoon's.

Hello, HB 82.

Clarifies OHDL community eligibility to bring eligibility criteria into alignment with the intent of OHDLs.

- Traffic count is a highly arbitrary metric. In 2013, Angoon had a traffic count of 915: not eligible for OHDLs. In 2015, Angoon's highest traffic count was 433 — suddenly, it's eligible! But for Angoon, there's no difference: whether their traffic count is above or below 499, they still can't get a driver's license unless they take the ferry to Juneau. In small, limited-road communities, it shouldn't be a surprise that everyone drives on the same one or two main roads over and over. Your ability to get a driver's license shouldn't be staked on whether or not a traffic count was measured on a busy day in town.
- There's no systematic way for DOT to share traffic count data with DMV. Removing traffic count from the equation allows DMV to go back to using common sense metrics to determine whether a community is off-highway, and saves DMV the administrative hassle of having redetermine whether each community is eligibility each year.
- If it's made prohibitively difficult for people in rural communities to get driver's licenses, they will (and do) drive illegally.

What should matter?

Is your community off the road system?

Do you not have a DMV?

Then you should qualify for off-highway driver's licenses.

That's what our bill does.

It's simple. And it's the way it effectively worked
(and worked well) for more than two decades.

	Population	Regular Licenses	Registered Vehicles	# of off Highway Licenses	% of population with Off Hwy Licenses
Currently Eligible Communities:					
Sand Point	976	415	168	95	9.70%
Hooper Bay	1093	132	15	6	0.55%
Gustavus	442	479	489	13	2.94%
Togiak	817	207	46	10	1.22%
Unalakleet	689	386	133	33	4.79%
King Cove	938	333	113	93	9.91%
Metlakatla	1375			124	9.01%
Newly Eligible Communities:					
				*applied avg of OHDLs	Average: 5.45%
Hoonah	760	565	644	41	
Kake	557	289	210	31	
Angoon	459	219	143	25	
Seldovia	255	418	715	14	
Hyder	87	74	122	5	

Metrics

- Traffic count does not provide any information about whether a community is off-highway.
- There are significantly larger communities which are OHDL eligible.
- Only a small proportion of an eligible population typically gets an OHDL.
- There are communities with ferry access currently eligible.

OHDL Eligible Towns with Ferry Access

Metlakatla
Sand Point
Akutan
King Cove
Port Lions
Tatitlek
Cold Bay
Chignik
Alatna

Other committee questions.

1

How many people are eligible for driver's licenses in these communities and don't have them?

Hard to say! You can't count unlicensed as a definitive category.

Total population of community - number of currently licensed drivers =

Hoonah: 195
Kake: 268
Angoon: 240
Seldovia: -163 (0)
Hyder: 13

Total: 716

2

How many cars are currently registered in Angoon, Hoonah, Kake, Seldovia, and Hyder?

There are 1834 cars currently registered and 1565 regular licenses among a total combined population of 2118.

(Population data from 2010 US Census, Cars and license data from Marla Thompson, AK DMV Director)

3

Of all the communities with DMVs, what's the community that has the *lowest* "highest ADT"?

The community of Anderson has the lowest "highest ADT." For 2015, we calculate its Average Annual Daily Traffic at 340.

Anderson is a small community of 246 in the Denali Borough, north of Healy and Southwest of Fairbanks.

(2016 numbers not yet available.)
(Mike Lesmann, DOT)

How many cars go to Seldovia?

Disembarking AMHS Vehicle Traffic

OHDL Eligibility	Community	2013	2014	2015	Average
No	Seldovia	877	1,312	1,182	1124
No	Kodiak	3,445	4,857	4,473	4258
Yes	Gustavus	1,433	1,509	1,567	1503
Yes	Port Lions	183	548	481	404
No	Homer	3,285	4,977	4,664	4309
Yes	Sand Point	54	101	95	83



Seldovia, currently ineligible for off-highway licenses, has around 1124 vehicles arrive on the ferry each year.

In comparison, 1503 vehicles which get off the ferry each year in Gustavus, where drivers currently can get OHDLs.

Thanks.

- DMV: Marla Thompson, Director.
Audrey O'Brien, Office Manager.
- DOA: Sheldon Fisher, Commissioner
Minta Montalbo, Leg Liaison.
- DOT: Mike Lesman, Leg Liaison.
Jennifer Anderson, Transportation
Planner
Clint Farr, Crash Monitor
David Epstein, Architect and Technical
Engineer
- DPS: Alison Hanzawa, Leg Liaison.
- Courts: Nancy Meade, Deputy Admin
Director
- DCCED: Micaela Fowler, Leg Liaison,
Division of Insurance
- DOL: Michael Stanker, Attorney
- City of Seldovia: Cassidi Little