

**HB 186 – Email exchange with Amy Erickson, Alaska DMV Director
August 2015
Summary of current statutory regulations, using examples.**

On Mon, Aug 4, 2014 at 4:40 PM,
Jonathan Kreiss-Tomkins
<jonath...@gmail.com> wrote:

Hi Amy --

Let's talk Class D licenses. A community like Hoonah or Angoon is not connected to the land-connected state highway system. However, from the Division's perspective, folks in Hoonah and Angoon *do* have access to a division office -- in Juneau. Is this an accurate statement? If so, who in the Division makes the interpretation that ferry service constitutes "access" to Juneau?

Yes. That is an accurate statement. Alaska Regulation 2 AAC 90.220(b) allows DMV to waive the road test and issue an off highway class D restricted license if the applicant operates a motor vehicle in an area of the state not connected to the land-connected state highway system and with no access to a division office offering road testing. Because of the "and" conjunction they need to meet both not connected and with no DMV access. Angoon has access to the Alaska State Ferry System, which then provides them access, albeit inconvenient, with the Juneau and Haines DMVs. DMV's interpretation of the Alaska Marine Highway being the same as a traditional highway is defined in AS 28.90.990 (13): "'highway' means the entire width between the boundary lines of every way that is publicly maintained when a part of it is open to the public for purposes of vehicular travel, including but not limited to every street and the Alaska state marine highway system but not vehicular ways or areas."

I wonder if that interpretation could be revisited? From my time in these communities, there's a lot of expense (a couple of nights in a hotel) and time dedicated to going to Juneau just for a DMV test.

From the Divison's perspective, what communities, *do* meet the criteria for a Class D license? (Is there a comprehensive list somewhere?) I think this might help contextualize my understanding of Class D licenses.

Here is a list of the communities that are not required to road test. To clarify, residents of these communities would receive a Class D license with an off-highway restriction, which means they are only able to drive in off-highway communities. They would not be able to drive in Juneau, for example, without taking a road test <http://doa.alaska.gov/dmv/reg/exempt.htm>. These communities are also exempt from registration.

From: Erickson, Amy J (DOA) [mailto:amy.er...@alaska.gov]
Sent: Friday, April 18, 2014 4:00 PM
To: Rep. Jonathan Kreiss-Tomkins
Subject: RE: Angoon/Doris Williams

Good afternoon, Representative Kreiss-Tomkins:

After some internal debate, we have determined Angoon does not meet the regulatory parameters for issuing an off-highway restricted license. Please allow me to explain.

Alaska Regulation 2 AAC 90.220(b) allows DMV to waive the road test and issue an off highway class D restricted license if the applicant operates a motor vehicle in an area of the state not connected to the land-connected state highway system and with no access to a division office offering road testing. Because of the "and" conjunction they need to meet both not connected and with no DMV access. Angoon has access to the Alaska State Ferry System, which then provides them access, albeit inconvenient, with the Juneau and Haines DMVs. Because of this access, Angoon does not meet the requirements for DMV to offer an off-highway restricted license.

In thinking about how to reconcile this issue, DMV discussed changing its regulations to mirror those for commercial driver licenses, which requires that the community not be connected to the land-connected state highway and has an average daily traffic count of less than 500. Even by applying these other parameters to the community of Angoon, it still would not meet the threshold to issue an off-highway restricted license. Surprisingly, Angoon's average daily traffic count is 1,500.

Regarding sending a DMV staff member to Angoon to conduct road tests. It my understanding, and correct me if I'm wrong, that Angoon lacks the necessary requirements for conducting road exams such as traffic control devices, opportunities for lane changes, etc. I would gladly consider sending a staff member to Angoon if there is indeed infrastructure to conduct the tests, and if there are enough residents in need of a road test to justify the trip.

Please let me know if you have any other questions.

Sincerely,
Amy

