

**ALASKA STATE LEGISLATURE
HOUSE TRANSPORTATION STANDING COMMITTEE**

April 8, 2021

1:02 p.m.

MEMBERS PRESENT

Representative Grier Hopkins, Chair
Representative Sara Hannan, Vice Chair
Representative Ivy Spohnholz
Representative Harriet Drummond
Representative Tom McKay
Representative Kevin McCabe
Representative Mike Cronk

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

OVERVIEW: DISCUSSION OF PROPOSED REGULATION 2021200079

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

RODNEY DIAL, Mayor
Ketchikan Gateway Borough
Ketchikan, Alaska

POSITION STATEMENT: Testified during the overview of proposed regulation 2021200079.

BRYCE WARD, Mayor
Fairbanks North Star Borough
Fairbanks, Alaska

POSITION STATEMENT: Testified during the overview of proposed regulation 2021200079.

ALICE RUBY, Mayor
City of Dillingham
Dillingham, Alaska

POSITION STATEMENT: Testified during the overview of proposed regulation 2021200079.

JIM MATHERLY, Mayor
City of Fairbanks
Fairbanks, Alaska

POSITION STATEMENT: Testified during the overview of proposed regulation 2021200079.

JOHN MOOSEY, City Manager
City of Palmer
Palmer, Alaska

POSITION STATEMENT: Testified during the overview of proposed regulation 2021200079.

ACTION NARRATIVE

[1:02:38 PM](#)

CHAIR GRIER HOPKINS called the House Transportation Standing Committee meeting to order at 1:02 p.m. Representatives Drummond, Hannan, and Hopkins were present at the call to order. Representatives McKay, McCabe, Cronk, and Spohnholz arrived as the meeting was in progress.

OVERVIEW: Discussion of Proposed Regulation 2021200079

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REPRESENTATIVE HOPKINS announced that the only order of business would be an overview of proposed regulation 2021200079.

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RODNEY DIAL, Mayor, Ketchikan Gateway Borough, said "the ATV Assembly" had not met on the topic; therefore, his comments on this issue would be his own and based on his years as mayor and former Alaska State Trooper. Mr. Dial said he had worked in many small communities and could understand the reason for this regulation change. It is easier to ship an ATV to many of these areas, and ATVs and snow machines are more suited for use on some of the roads and rough terrain. He noted that many of small communities are exempt from mandatory vehicle insurance compliance. He stated his assumption that citizens of the Ketchikan Gateway Borough would prefer to keep the status quo in terms of keeping these vehicles off the main roads but may welcome the economic opportunity of allowing their use on remote

roads. He said he does not have any objection to the regulation. He indicated that the ability of the local municipality to make the regulation change minimizes the potential negatives and allows specific authorized uses and areas to be approved for nontraditional motor vehicle uses.

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The committee took an at-ease from 1:09 p.m. to 1:11 p.m.

[1:11:20 PM](#)

REPRESENTATIVE HANNAN asked about the Alaska State Troopers' non-pursuit policy regarding pursuit of someone on an ATV or snow machine, and she asked for more information about the policy.

MR. DIAL replied there were a number of high profile cases in which people were being pursued and it resulted in death. As far as ATVs and snow machines, due to the high risk involved there should be substantial justification for pursuit, such as the death of another.

REPRESENTATIVE HANNAN asked about ATVs becoming "street legal" and whether circumstances would allow more latitude.

MR. DIAL replied that the use of vehicles within a borough is currently illegal. He envisioned that if a change were made, someone could petition the borough to pass an ordinance to exempt certain areas or roadways. He surmised the desire would be to maintain the status quo. He recognized the many opportunities regarding tourism, and he indicated there may be justification to allow the use of ATVs and snow machines.

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CHAIR HOPKINS asked if it were less amenable after closing public comment to allow changes in regulations.

MR. DIAL replied it allowed the borough to do more while maintaining the status quo.

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BRYCE WARD, Mayor, Fairbanks North Star Borough, stated that the borough had not taken a position on this issue, but its assembly would be considering a resolution on April 15 to consider the

changes in order to comment before April 18. He said the proposed regulation could potentially make sense for non-urbanized areas, but for urbanized areas - particularly second-class boroughs without road or police powers - it appears problematic, both from the perspective of safety and the use of federal highway dollars.

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REPRESENTATIVE MCCABE asked whether Mr. Ward had reason to believe that federal monies would "go away" if ATVs or snow machines are allowed on the trail.

MR. WARD replied they might not go away but there are concerns about safety and continued funding; the effect of the changes is unclear. In response to a request for the source, he said he could not answer but the issue was "brought up as an item of concern" that would be discussed at the next assembly meeting.

REPRESENTATIVE MCCABE requested that Mr. Ward share any subsequently discovered information with the committee.

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CHAIR HOPKINS, regarding the possible cause of concern, read a note the committee had received the prior week from the Department of Transportation & Public Facilities (DOT&PF), as follows:

These regulation changes would not be prohibited by federal highway administration; FHWA only requires states to track accidents and meet performance targets to maintain its funding support. FHWA can also require states to submit corrective action plans if they do not meet their targets.

CHAIR HOPKINS asked how planning would work if different municipalities within a borough had different opt-in/opt-out options.

MR. WARD responded that it could be challenging with different sets of standards, but it is possible.

REPRESENTATIVE MCCABE named various sets of regulation as federal, Alaska State Trooper, the City of Fairbanks, and the City of North Pole.

MR. WARD offered his understanding that if the cities are doing enforcement, "they are doing it off of the state books ... unless there is a particular nuance aspect for their jurisdiction."

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ALICE RUBY, Mayor, City of Dillingham, said the City Council had not taken action on this regulation but has taken action to address ATVs and snow machines in Dillingham. She stated that the city cannot support the changes in regulations, because its residents are vocal about not mixing ATV and snow machine use with motor vehicle use on the city's primary streets; the primary concern is one of safety. She gave a description of Dillingham, including that there are approximately 40 miles of roads, 15 miles of which are state roads, which are paved, two-lane, with pedestrian trails adjacent. City streets feed into the state roads. She said currently all the roads in Dillingham are restricted to 45 miles per hour or under, so this regulation would affect them all. Snow machines and ATVs are widely used and are "workhorses." She talked about planning and enforcement involved in allowing access and safe crossing for ATVs and snow machines while keeping them off the main roads. Ms. Ruby said she would support opting in rather than opting out.

MS. RUBY said she thinks neither the 45-mile per hour nor the gravel road qualifier are good. She said they would support "opt-in" rather than "opt-out" as communities that needed or demanded their use could do so. She pointed out that adding an issue like this on top of dealing with COVID-19 is not good timing, creating another issue for the Division of Motor Vehicles (DMV) at the moment could become another challenge, and few ATVs were registered or had insurance.

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REPRESENTATIVE HANNAN, referencing a chart provided on governments that had exercised control over ATVs and snow machines [included in the committee packet], referred to a stated speed limit of less than 20 miles per hour (mph) and asked whether that meant roads with that speed limit or certain vehicles restricted to that speed limit.

MS. RUBY explained that is in reference to five subdivision roads designed with speed limits of 20 mph or less. In response to a follow-up question, she confirmed there are no roads in Dillingham with a speed limit of 45 mph on which ATVs or snow

machines are allowed to operate, with the exception that they are allowed to cross the road, and they can be operated on "the primary corridor" to operate on the shoulder of the road. In response to Representative McCabe, she explained that the ATV operator is required to maintain a certain distance when riding on the shoulder.

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JIM MATHERLY, Mayor, City of Fairbanks, said the City of Fairbanks has no regulations in place specific to snow machines and ATVs but goes by state violations and citations. He said the city sent a letter, dated April 5, 2021, expressing concerns for the proposed changes. He said ATVs and similar vehicles are not equipped with sufficient safety equipment, personal restraints, and adequate directional lighting. He said snow removal equipment can be hazardous. He said safety should be paramount; drivers of ATVs and snow machines may not be accustomed to following traffic laws allowing them to be operated on the roadways. He indicated this issue has come up in the past and been voted down almost unanimously. He opined that the "opt-out" option would be "wonky" and almost impossible to enforce, because the borough could not but the city could. He predicted that if this regulation passes, there will be an increase in accidents and a lot more work for already stressed police and fire departments.

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REPRESENTATIVE MCCABE suggested changing the city code to prohibit use of ATVs and snow machines, thus directing the issue to the city rather than the state.

MR. MATHERLY replied that that makes sense, and he said he would look into it with the chief of police.

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JOHN MOOSEY, City Manager, City of Palmer, said the City of Palmer would like to have within the [regulation] that all public roadways within "the corporation limit" are determined by the city, as the city officials are capable of doing that. He allowed that the [regulation] may be appropriate for 95 percent of the state, but said that the City of Palmer is "different" and wants to make its own determinations.

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REPRESENTATIVE MCCABE offered his understanding that the City of Palmer already regulates off-highway vehicles through Chapter 10 of its municipal code.

MR. MOOSEY confirmed that is correct. He expressed concern that the city has both city and state roads, and would like to make decisions regarding ATVs regardless. In response to a follow-up question, he clarified, "My concern is going to be that we cannot determine issues for state roads and highways through the City of Palmer."

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CHAIR HOPKINS recommended to the city officials that if they take any action on this issue or have discussions within their communities, then they make certain to pay attention to what type of vehicles would be addressed under this regulation, which includes not just ATVs and snow machines, but also includes "the all-purpose vehicle definition," which he said is more expansive.

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ADJOURNMENT

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 1:54 p.m.