

Introduced: 2/4/81  
Referred: Transportation and  
Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 90

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to management of the highway from the  
7 Yukon River to the Deadhorse Airport; and providing  
8 for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 19.40.065 is amended to read:

11 Sec. 19.40.065. REGULATIONS AND PENALTIES. All departments and  
12 agencies of the state are given the specific authority to adopt under  
13 the Administrative Procedure Act (AS 44.62) emergency, temporary and  
14 permanent regulations necessary to accomplish the purposes of AS 19.-  
15 40.020 -- 19.40.390 [19.40.050]. The violation of any regulation  
16 adopted under AS 19.40.020 -- 19.40.390 [19.40.050] is a misdemeanor  
17 and upon conviction the person is punishable by a fine of not more than  
18 \$10,000 for each offense.

19 \* Sec. 2. AS 19.40.080 is amended to read:

20 Sec. 19.40.080. DEFINITIONS. In AS 19.40.010 -- 19.40.080 [THIS  
21 CHAPTER]

22 (1) "department" means the Department of Transportation and  
23 Public Facilities;

24 (2) "highway" means the secondary highway from the Yukon  
25 River to the Arctic Ocean.

26 \* Sec. 3. AS 19.40 is amended by adding new sections to read:

27 ARTICLE 2. MANAGEMENT OF HIGHWAY FROM YUKON RIVER TO  
28 DEADHORSE AIRPORT.

29 Sec. 19.40.300. PURPOSE. It is the purpose of AS 19.40.300 --

1 19.40.390 to establish a long-range management policy for the highway  
2 from the Yukon River to the Deadhorse Airport which is consistent with  
3 the following principles:

4 (1) in formulating the long-range management policy for the  
5 highway, consideration must be given to the concerns of local govern-  
6 ments as well as the economic concerns and cultural heritage of local  
7 residents;

8 (2) in formulating the long-range management policy for the  
9 highway, consideration must be given to the protection of the natural  
10 ecosystems through which the highway passes;

11 (3) the long-range management policy for the highway must  
12 reflect the primary importance of the industrial uses for which the  
13 highway was built, including operation of the oil pipeline, the con-  
14 struction and operation of the proposed gas pipeline, and any future  
15 development which is vital to state or national interests and the  
16 necessary support services required for that development; and

17 (4) the long-range management policy for the highway must be  
18 consistent with the careful and thoughtful development of the tourist  
19 and recreation potential of the area.

20 Sec. 19.40.310. LIMITATIONS ON USE OF THE HIGHWAY. (a) The  
21 highway must be maintained for and open to general public use by private  
22 vehicle from June 1 through August 31 under the following conditions:

23 (1) subject to AS 19.05.040, AS 19.10.060, 19.10.070, 19.10.-  
24 100, and 17 AAC 20.020, and if the operational facilities and services  
25 necessary to support the general public use of private vehicles on the  
26 highway are in existence, general public use of the highway by private  
27 vehicle may be permitted by June 1, 1983 as far north as a point in the  
28 Dietrich area to be determined by the commissioner;

29 (2) if the necessary operational facilities and services

1 referred to in (1) of this subsection are not in place by June 1, 1983,  
2 then there may not be general public use of the highway by private  
3 vehicle until those facilities are in place;

4 (3) general public use by private vehicle is not permitted  
5 on the portion of the highway running from the Dietrich area to the  
6 Deadhorse Airport;

7 (4) whether the necessary operational facilities and ser-  
8 vices referred to in (1) and (2) of this subsection are in existence is  
9 to be determined by the commissioner;

10 (5) all general public use of the highway by private vehicle  
11 may be suspended during the construction phase of the gas pipeline, the  
12 period of suspension to be determined by the commissioner.

13 (b) Subject to AS 19.05.040, AS 19.10.060, 19.10.070, 19.10.100,  
14 and 17 AAC 20.020, the highway must be maintained and open year-round  
15 from the Yukon River to Deadhorse Airport for official travel, for  
16 travel by local residents, and for industrial or commercial travel.  
17 Official travel, travel by local residents, and industrial or commer-  
18 cial travel on the highway must be in accordance with 17 AAC 25 and  
19 17 AAC 30.

20 Sec. 19.40.320. MOTOR VEHICLES OFF HIGHWAY. (a) No person may  
21 operate a motor vehicle off the highway and within five miles of either  
22 side of the centerline of the highway, except for the following pur-  
23 poses:

- 24 (1) emergency situations;  
25 (2) travel by local residents;  
26 (3) industrial and commercial travel subject to the condi-  
27 tion set out in (b) of this section;  
28 (4) law enforcement purposes; and  
29 (5) other authorized governmental purposes.

1 (b) Official travel, travel by local residents, and industrial  
2 and commercial travel in motor vehicles off the highway and within five  
3 miles of the centerline of the highway must be in accordance with  
4 regulations of the appropriate land management agencies of the state  
5 and federal governments.

6 Sec. 19.40.330. INTERGOVERNMENTAL COORDINATION. The department  
7 and other administrative agencies of the state shall assist and coordi-  
8 nate with the federal government and appropriate local governments in  
9 planning facilities and services and developing recreational opportuni-  
10 ties along the highway.

11 Sec. 19.40.340. DISCHARGE OF FIREARMS PROHIBITED. No firearm may  
12 be discharged within five miles of either side of the centerline of the  
13 highway.

14 Sec. 19.40.350. DISPOSAL OF STATE LAND CONTIGUOUS TO HIGHWAY  
15 PROHIBITED. No state agency or state official may dispose of fee  
16 simple title to state land located within five miles of either side of  
17 the centerline of the highway and any such disposal made after the  
18 effective date of this section is void.

19 Sec. 19.40.390. DEFINITIONS. In AS 19.40.300 -- 19.40.390

20 (1) "commissioner" means the commissioner of the Department  
21 of Transportation and Public Facilities;

22 (2) "department" means the Department of Transportation and  
23 Public Facilities;

24 (3) "Dietrich area" means the area around the Dietrich air-  
25 strip located near the Dietrich River;

26 (4) "emergency situations" includes but is not limited to  
27 situations in which an individual has suffered or is likely to suffer  
28 physical injury or sickness, or in which property damage has occurred  
29 or is likely to occur;

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(5) "firearm" means

(A) a pistol, revolver, rifle, or shotgun; or

(B) any weapon designed for discharging a shot capable of causing death or serious injury;

(6) "gas pipeline" means the proposed gas pipeline from the Arctic Ocean to Fairbanks;

(7) "highway" means that portion of the highway designated as Federal Aid Primary Route Number 65 from the Yukon River to the Deadhorse Airport;

(8) "industrial or commercial travel" means

(A) travel necessary and related to resource exploration and development or to support of those activities, if the individual engaged in those activities has all necessary permits; or

(B) travel by a vehicle engaged in mass transportation and certified by the Alaska Transportation Commission as a common carrier or which is a private or contract carrier in compliance with AS 42.10 and 3 AAC 62 - 3 AAC 76;

(9) "local resident" means any individual residing in close proximity to the highway;

(10) "motor vehicle" means a vehicle which is self-propelled; it does not include a vehicle moved by human or animal power;

(11) "official travel" means travel by vehicles while engaged in official government business or university-affiliated research;

(12) "other authorized governmental purpose" means any purpose relating to governmental functions and authorized by a state or federal agency;

(13) "private vehicle" means any type of motor vehicle which meets the safety standards of AS 28.05 and is not owned by the federal government or the State of Alaska or any of its political subdivisions

1 and is not used for industrial or commercial travel as defined in this  
2 section;

3 (14) "resource exploration and development" means exploration  
4 and development of any mineral, oil, or gas resource;

5 (15) "travel by local residents" means travel necessary and  
6 related to access by local residents to their property;

7 (16) "vehicle" means a device in, upon, or by which a person  
8 or property may be transported.

9 \* Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-  
10 070(c).