

Original sponsor(s): REP. MENARD, Navarre, Brown, Ellis, Grussendorf,
Finkelstein, Donley, Goll, Jacko

1 IN THE HOUSE BY THE TRANSPORTATION COMMITTEE

2 CS FOR HOUSE BILL NO. 484 (Transportation)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to destruction of moose by the
7 Alaska Railroad."

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

9 * Section 1. AS 42.40 is amended by adding a new section to read:

10 Sec. 42.40.445. PROTECTION OF WILDLIFE. (a) The corporation
11 shall adopt policies, procedures, and practices to limit the destruc-
12 tion of moose by operations of the railroad. The corporation shall
13 cooperate with the Department of Fish and Game to mitigate the effects
14 of the operations of the railroad on moose by granting access to
15 railroad rights-of-way to the department and its contractors. The
16 corporation shall, to the extent feasible and compatible with railroad
17 operations, provide rail transportation and use of railroad facilities
18 and equipment to the department and its contractors.

19 (b) The board shall establish a research program to investigate
20 the use of devices, substances, or procedures to reduce the destruc-
21 tion of moose by operations of the railroad.

22 (c) The board shall establish a committee to advise the corpo-
23 ration on the development of the contingency plan required under (d)
24 of this section and on policies, procedures, and practices necessary
25 to mitigate the effects of the operations of the railroad on moose.
26 The committee shall consist of

27 (1) one representative appointed by each of the following:
28 (A) the board;
29 (B) the Department of Fish and Game;

1 (C) the Department of Natural Resources; and
2 (D) the Matanuska-Susitna Borough; and
3 (2) a person residing in a community served by the railroad
4 who is appointed by the commissioner of fish and game.

5 (d) The corporation shall prepare a contingency plan to prevent
6 the destruction of moose by operations of the railroad when snow
7 conditions cause moose to use the railroad right-of-way. The contin-
8 gency plan must provide for the use of pilot cars to precede trains,
9 the scheduling of trains in a manner that reduces destruction of
10 moose, removal of saplings, seedlings, and shrubs from the railroad
11 right-of-way in areas identified by the Department of Fish and Game,
12 removal or compaction of snow to create trails on both sides of and
13 parallel to the tracks within the railroad right-of-way, or other
14 measures found to be feasible under (b) of this section or recommended
15 by the Department of Fish and Game or the committee established under
16 (c) of this section. The corporation shall implement the contingency
17 plan on portions of the railroad right-of-way where moose and 24
18 inches or more of snow are present.

19 (e) If more than four moose are killed within a week by opera-
20 tions of the railroad, the corporation shall schedule trains in a
21 manner that reduces the destruction of moose and shall use pilot cars
22 to precede trains through moose concentration areas identified by the
23 Department of Fish and Game.

24 (f) The corporation shall provide for the salvage of moose
25 killed by operations of the railroad. The corporation shall cooperate
26 with the Department of Public Safety in distributing salvaged moose
27 meat to persons identified by the Department of Public Safety as
28 qualified to receive salvaged moose meat.

29 (g) A train engineer shall report immediately to the train

1 dispatcher if a train operated by the engineer strikes a moose. The
2 report must include the time and location, by railroad milepost, of
3 the moose strike. It is a class A misdemeanor for a train engineer to
4 intentionally fail to report to the train dispatcher within 24 hours
5 after the collision that a train operated by the engineer has struck a
6 moose.

7 (h) The chief executive officer of the corporation shall report,
8 or cause to be reported, to the Department of Fish and Game if a train
9 operated by the corporation strikes a moose. The report must include
10 the time and location, by railroad milepost, of the moose strike. It
11 is a class A misdemeanor for the chief executive officer of the corpo-
12 ration to intentionally fail to report, or intentionally fail to cause
13 to be reported, to the Department of Fish and Game within 48 hours
14 after the collision that a train operated by the corporation has
15 struck a moose.