

Amended: 4/10/90
Offered: 4/2/90
Referred: Rules

6-2096J

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

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 484 (Finance) am
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. The plan
7 shall be implemented when snow conditions cause moose to use the
8 railroad right-of-way and more than four moose are killed within a
9 week by operations of the railroad; the corporation shall continue to
10 operate under the contingency plan until the Department of Fish and
11 Game determines that the frequency of moose kills has declined to an
12 acceptable level. The contingency plan must provide for, but is not
13 limited to, the use of pilot cars to precede trains, the scheduling of
14 trains in a manner that reduces destruction of moose, removal of
15 saplings, seedlings, and shrubs from the railroad right-of-way in
16 areas identified by the Department of Fish and Game, removal or com-
17 paction of snow to create trails on both sides of and parallel to the
18 tracks within the railroad right-of-way, or other measures found to be
19 feasible under (b) of this section or recommended by the Department of
20 Fish and Game or the committee established under (c) of this section.

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

26 (f) A train engineer shall report immediately to the train
27 dispatcher if a train operated by the engineer strikes a moose. The
28 report must include the time and location, by railroad milepost, of
29 the moose strike. It is a violation for a train engineer, knowing of

1 the circumstances giving rise to the need for a report under this
2 subsection, to fail to report to the train dispatcher within 24 hours
3 after the collision that a train operated by the engineer has struck a
4 moose.

5 (g) The chief executive officer of the corporation shall report,
6 or cause to be reported, to the Department of Fish and Game if a train
7 operated by the corporation strikes a moose. The report must include
8 the time and location, by railroad milepost, of the moose strike. It
9 is a violation for the chief executive officer of the corporation or
10 the chief executive officer's designee, knowing of the circumstances
11 giving rise to the need for a report under this subsection, to fail to
12 report, or fail to cause to be reported, to the Department of Fish
13 and Game within 48 hours after the collision that a train operated by
14 the corporation has struck a moose.