

Interim Report

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HOUSE
TRANSPORTATION
COMMITTEE

INTERIM REPORT #1

REPRESENTATIVE BETTIE CATO
CHAIRMAN

SEPTEMBER 15, 1984

MEMBERSHIP
HOUSE TRANSPORTATION COMMITTEE
THIRTEENTH ALASKA STATE LEGISLATURE

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Rep. Bette Cato, Chairman

HOUSE TRANSPORTATION COMMITTEE
INTERIM REPORT NO. 1
SEPTEMBER 15, 1984

The House Transportation Committee interim staff is Rhonda Cargill and Loretta Knightlinger who work under the direction of Representative Bette Cato, Chairman. The following report constitutes the first report of the House Transportation Committee to the Majority Leader and includes the various issues that have been ongoing since the office opened the first of July.

Staff has continued to keep abreast of the Capital Projects Cleanup (CPC) Committee. CPC was formed to identify problems and recommend solutions in the department's program/project management. Several changes have taken place since the CPC group presented their report to the House and Senate Transportation Committees during the Second Session of the Thirteenth Legislature, but staff continues to be able to communicate with the CPC group and the progress, or lack of progress that is being made. We have requested the Department of Transportation, through the CPC group, for a status report on the appropriations made during the 1984 session in HB 636, HB 691, SB 364, SB 94, HB 452, HB 487, and SB 409. It is important to the Chairman of House Transportation to have that information readily available to review, especially during session when additional appropriations are being made for projects.

Representative Bette Cato met with the Deputy Commissioner of the Marine Highway System the first week of August to discuss the possibility of a strike by the ferry workers. Mr. Camp outlined the major points of negotiations that were being discussed at that time. Those included the issues of vacation time; overtime payment and tie-up agreements. Although there is still the possibility of ferry strike in April, at the time of the writing of this report, negotiations are continuing to move forward.

Among the other topics discussed with Mr. Camp included what had happened to the M/V Columbia and the fact that it needs an underpower bowthruster as it is a fairweather ship; he mentioned that he had been looking at the possibility of catamarans as opposed to the jetfoil for Southeast; Mr. Camp mentioned that he is exploring the various steps that could be taken to grant MHS greater autonomy and flexibility while remaining in DOT. Due to the Chairman's strong interest in the MHS and her agreement with this concept, staff continues to follow the progress of MHS as a separate division of DOT; per Rep. Cato's request we received a draft of the ferry winter schedule and are expecting the final

publication the end of September; and the reservation system was discussed as to what is still needed. MHS received the funding for a centralized reservation system and the contract (request for proposal) is out for a contractor to do the design system. Staff will be continuing to communicate with Mr. Camp to be kept abreast of these and other topics regarding the Marine Highway System.

A very concerned item which staff has been following is the proposition of the abolishment of the Alaska Transportation Commission. Several articles have been written as to what could happen if the voters did in fact choose to abolish the commission and what the ramifications could be.

A tremendous amount of time has been spent on this due to the many avenues that could be taken and rather than staff duplicating efforts of numerous agencies, industries, concerned individuals, we have collected various materials to have at our fingertips as a library of ATC information. We have included in this report several pieces of information such as the language that will appear on the ballot for the public to vote on the ATC issue; a neutral summary written by Legal Services of the initiative; Judge Pegues' decision on whether the ATC initiative should appear on the ballot; and a copy of the Functional Responsibilities of the ATC as written by Office of Management and Budget.

The main concern of Chairman Cato is the possible loss of safety regulations, especially when there is such an outcry on the matter of unsafe trucks on Alaska's roads. Chairman Cato has instructed the staff to continue efforts, which were started during the session, which includes proposing legislation to address the need of safety. We are patiently awaiting the outcome of that vote in November and at the same time are watching what is happening on the federal level.

The House Transportation Committee staff has learned that the Motor Carrier Safety Act (S. 2174) is still in the Senate and most likely will not be passed this year. To date, we are awaiting the committee report on what changes this legislation has been through.

To briefly explain the Motor Carrier Safety Act, essentially the bill would increase safety enforcement by the U.S. DOT in several ways. It gives the Secretary of Transportation authority to promulgate comprehensive safety rules and regulations; it expands U.S. DOT's authority to prosecute safety violations and establishes an updated system of civil and criminal penalties; it requires U.S. DOT to establish standards to require annual vehicle inspections (inspection of a vehicle in one state in accordance with federal standards shall be recognized as adequate in every other state); all private and for-hire carriers will be required to meet safety fitness standards; and the bill opts for national uniformity of truck safety laws and regulations. It will allow states to retain laws and regulations only if the DOT has no laws or regulations governing the same subject matters or if a state can prove that it

has need for a special truck safety rule because of locally compelling conditions. This information is from a March report, but until staff receives an update as to the changes, this is basically what was introduced. Of course there are many pros and cons on this legislation, and staff will continue to follow the workings of this and other federal legislation. Especially since there may be federal funds involved.

Alaska Railroad Transfer As has been reported in the newspapers, Governor Sheffield is still in the process filtering through the names submitted for members of the Board. We expect to receive the Transition Team's work plan for this transitional period by late September.

Trucking Regulations We have attached the updated Alaska Administrative Code and the newly adopted regulations concerning the trucking industry which became effective September 1, 1984. The changes dealt with the wheeled vehicles as follows: (1) allowing vehicles with widths up to 102 inches to operate on all state highways; (2) specially designated certain state highways for the operation of described overlength truck-trailer combinations; and provided for reasonable access to and from specially designated highways. We have contacted T.J. Thrasher, Managing Director of the Alaska Trucking Association and asked her about the adopted regulations of which she said the association fully supported.

In regards to the 120-day trial period for the tandem trailers on the Richardson Highway, (see attached news article) that trial period has been extended to December 31, 1984. We understand that the tandems were doing fine with no problems.

Invitation for Bids In addition to following regulations that DOTPF is proposing, the committee staff has begun to track those projects that are put out to bid. Due to the fact that this is a new project (new for this interim) and of course is ongoing, at this time we can report those projects that have been advertised as a public notice of one kind or another.

Invitation for bids:

Wasilla Airport (land lease)
Cordova Airport (land lease)
Homer Airport (land lease)
Hydro-axe Brush Cutter with Operator, Tazlina Area
Aggregate Processing, Mile 141 Glenn Highway and Mile 9.7 Lake Louise Road
Carpet Installation, DOTPF Administration Building, Valdez
Airport and Road Maintenance, locations: Aliakaket, Beaver, Birch Creek, Circle City, Chicken, Chalkyitsik, Clear, Hughes, Huslia, Kaltag, Koyukuk, Nulato, Rampart, Minchumina, Stevens Village and Norway
Project No. G-27026, Eagle River Road Grading and Drainage
Project No. R-20026, Jenny M. Creek Firewood Access Road

Project No. R-20001, Tok Fire Facility
 Project No. I-0A2-3(2), Richardson Hwy, Boondox to Canyon Cr.
 Pavement Overlay
 Project No. R-10643, Harborview Developmental Center, Campus
 Development
 Project No. RRP0005(52) and RS-666(4), Spenard Builders Site
 Relocation Work and Nome Drive Connector
 Project No. G-57017, Glennallen High School Access Road
 Guardrail Improvements
 Project NO. R-20023, Nome Jail
 Project No. A-81251, Central Dust Control, Phase III
 Roof Renovations, Ernestine Maintenance Facility
 Project NO. 84-25-2-44, Tok Area Road Maintenance
 Clark Bay Ferry Terminal Lighting and Restrooms, Clark Bay, AK
 Glacier Hwy-Nugget Mall to Loop Road, Juneau, AK
 Juneau-State Office Building HVAC System Modifications (6th
 floor), Juneau, AK
 Salmon Creek Intersection, Juneau
 Airport and Road Maintenance, Fort Yukon
 Fairbanks International Airport, General Aviation Ramp and
 Runway Improvements
 Project No. I-R-042-3(1) Richardson Highway, Tanana River
 to Delta Junction
 Project No. RS-F-071-1(42) Richardson Highway, Mile 16-19
 Project No. H-90646, Ernestine Warm Storm Building
 Project No. H-20004, Eighty Mile Steese Maintenance
 Facility
 Project No. FIR-IR-0A1-4(1), Glenn Highway Rehabilitation
 Little Nelchina River to Glennallen Mile 138-198
 Anchorage McLaughlin Youth Center
 Iliamna Airport
 Kodiak-Near Island Bridge
 Anchorage Terminal Expansion
 Project No. 84-25-2-47, Dalton Highway Checkpoint Manning
 Project No. 85-25-2-18, Fairbanks Area Equipment Rental
 Project No. RS-0863(5), Dayville Road Guardrail
 Ft. Yukon Airport and Road Maintenance
 SE Region Fire Sprinkler System Maintenance (1984-87)
 Ketchikana and Juneau, Alaska
 Juneau-State Office Building Plaza Repairs, Juneau
 Juneau National Guard Armory, Shower/Toilet Room
 Renovations, Juneau
 Sitka Pioneer Home Heat Renovation, Sitka
 Stikine and Evergreen Avenue and Airport Road Overlay
 Wrangell
 Wrangell-Reliance Boat Harbor Float Replacement
 Nunapitchuk Airport
 Tok Maintenance Shop Energy Retrofit, #85-25-2-19
 Painting Livengood Maintenance Station #84-25-2-34
 Project No. AIP 3-02-0404-01, Shishmaref Airport
 Relocation
 Project No. AIP 3-02-0110-01, Gulkana Airport
 Improvements
 Project No. AIP 3-02-0026-01, Wiley Post/Will Rogers

Memorial Airport
 Project No. A-84371, Gilmore Trail Grading, Drainage
 and Paving
 Sitka Japonski Harbor Water System, Sitka
 Project No. MT-336, Alaska Marine Highway System
 Automated Reservation System
 Birchwood Airport
 Project No. AIP 3-0200339-01, Deadhorse Airport
 Parallel Taxiway
 Project No. A-86071, Dalton Highway Resur' ling and
 Bridge repair
 Project No. H-60071, Fairbanks Jail Fencing Modifi-
 cations
 Project No. BRS-750(2), Fish Creek Crossing Grading
 and Drainage
 Painting Delta Combined Office Facility #85-25-2-23
 Project No. AIP 3-02-0083-01, Eagle Runway Improvements
 Project No. AIP 3-02-0103-01, Gambell Airpo t Runway
 Rehabilitation
 Project No. H-79357, Fairbanks International Airport/
 Crash Fire Rescue Boiler Replacement
 Project No. R-20028, Rebuild Umiat Airport Maintenance
 Facility
 Project No. R-20023, Nome Youth Facility Remodeling
 Project No. AIP 3-02-0137-01, Kaltag Runway Improvements
 Project No. AIP 3-02-0311-01 and X-20220, Valdez Airpor'
 Road Improvements, Drainage and Fencing
 Project No. H-60071 and H-60054, Fairbanks State Jail
 Parking Lot Addition
 Delta Area Equipment Rental, #85-25-2-24
 Tok Area Equipment Rental, #85-25-2-25
 Structural Steel Repair, Tanana River Bridge #202
 Nenana, #85-25-2-26
 Installation of Fuel Dispensers and Tanks at Coldfoot
 and Deadhorse, #85-25-2-27
 Tenakee Ferry Passenger Facility, Tenakee Springs
 Petersburg Harbor Facilities
 Yakutat Runway Grooving
 Project No. A-86001, East College Road Marietta Avenue
 to N. Steese
 Concrete Patio, Fairbanks Pioneer Home, #85-25-2-29
 Remodeling Judicial Services Complex, State Court
 and Office Building, Fairbanks, #85-25-2-28
 OMB-Court Building Space Remodel, Levels 4 and 5, Juneau
 Hoonah Harbor Maintenance Dredging
 Seaplace Float Repairs, Metlakatla, Tenakee, Hawk Inlet,
 Juneau-Community Building Renovations
 Juneau Prison Industries Security System/Partitions
 Project No. MT-343, M/V LeConte Drydocking and Repairs
 State of Alaska Ferry Propulsion Systems
 Ketchikan Airport Runway and Taxiway Overlay
 Sitka-Public Safety Academy Standby Generator Installation
 Juneau-Glacier Avenue Building Renovations
 Galena Equipment Storage Building

Project No. G-27035, Tok Area Road
Project No. A-86281, Miller House Bridge
Project No. D-35331, Ruby Airport Runway Expansion
Fence for Equipment Storage, Peger Rd, Fairbanks
85-25-2-30

Conferences/Meetings attended by Representative Cato

Thompson Pass/Valdez Representative Cato met with Commissioner Knapp, in Valdez, concerning employee moral and problems of supervisors. All came to an agreement to promote a more harmonious work atmosphere and to improve relations between employees/employers.

Red Dog Mine Attached are photos taken by Representative Cato while on a tour of the Red Dog Mine on September 4.

Des Moines, Iowa: National Association of Governors' Highway Safety Representatives (NAGHSR) Conference September 9-13 At present time Chairman Cato is attending this conference, but we do know from the information received that the Honorable James J. Howard (D-NJ) is to deliver the keynote address at the conference. Congressman Howard chairs the Public Works and Transportation Committee of the House of Representatives and will focus upon Congressional perspectives regarding highway safety.

Chenega Representative Cato was invited to go to Chenega for ceremonies of their new town after being rebuilt from damages done by the 1964 earthquake. Representative Cato was able to get as far as Anchorage, but due to weather conditions was not able to go on to Chenega. Later she learned that during the ceremonies, Chenega dedicated and named their road after her.

Seward Road Closure While touring the district, Representative Cato found that the Kluane Construction had closed a section of road from Bertha Creek to Ingram Creek on the Seward Highway between the hours of 10 a.m. to 2 p.m. This created a great deal of problems and confusion due to the Seward Salmon Derby. Many participants traveled this road to and from the derby grounds, therefore causing a tremendous traffic problem. Representative Cato summoned the company and asked if a more suitable schedule could be met until the derby was over. They agreed this could be done. Representative Cato learned that the reason for the hours of the road closure was that OSHA prohibits blasting after sunset, unless special lighting is used to render the area bright as day and unless a special permit is used.

Oregon Trip to observe asphalt emulsion projects Trip report and photographs are attached.

APPENDICES

ALASKA
MARINE HIGHWAY SYSTEM

Ferry strike vote a possibility

ANCHORAGE (AP)—About 650 state ferry system workers could vote next month on whether to strike if contract negotiations with state officials remain at an impasse.

The employees are represented by the Inland Boatman's Union of the Pacific.

Union leaders have said the state's final proposal includes drastic reductions in vacation, sick leave, overtime pay rates and safety conditions, as well as a smaller pay increase than other state employees have received.

The labor organization, an affiliate of the International Longshoremen's and Warehousemen's Union, represents junior engineers, deckhands, oilers, wipers, pursers, stewards and cooks.

While both sides have been working with a federal mediator, Mike Wilson, spokesman for the Inland Boatman's Union said the efforts have not settled the basic disputes. He said the union has proposed the contract be submitted for binding arbitration.

Bill Gibbons, director of labor relations for the state, said Alaska officials will decide on the binding arbitration question within a few days.

The contract expired March 31, but has been extended to Aug. 7.

Wilson said the union will present the state's final best offer to its members on that date, and a strike vote may be taken.

Ferry strike growing possibility

By **CHUCK KLEESCHULTE**
 The Juneau Empire

While both sides say they do not want a strike, they also warn a walkout of state ferry workers that could shut down the ferry system during the height of this summer's tourism season is a growing possibility.

The president of the International Longshoremen's and Warehousemen's Union Jim Herman of San Francisco Thursday night charged that the state is guilty of "unfair and dishonest" bargaining practices and is attempting to use its "muscle" to force unwarranted concessions from some of the 650 of the 850 state ferry workers represented by the Inlandboatmen's Union of the Pacific, Alaska Region, a union affiliated with the ILWU.

Herman, at a Juneau press conference before a meeting of ferry workers, said the situation between the state and union has "turned very difficult," employees feeling frustrated and fearful they may have to strike to protect contract benefits won in previous negotiations with the state.

"We want to resolve this matter, but workers will react with militancy if they think that 16 to 18 years of negotiating effort is being taken away," said Herman.

Talks over a new three-year contract for the largest group of Marine



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Highway workers broke off June 27 and have yet to resume. Currently workers are balloting on whether to authorize a strike, the authorization vote scheduled to be tallied by the state Labor Relations Agency Aug. 15.

Herman and Don Liddle, Pacific president of the IBU, both refused to set a strike deadline, but a walkout of the ferry workers could start anytime after the authorization vote is certified. The workers have been on the job as a result of a six-month extension of their contract since last February.

Talks broke off as both sides are far apart on wage, overtime, vacation, sick leave and staffing requirements. The union says the state is offering ferry workers a wage freeze, a contract that would cut overtime pay and one that would reduce by over a half the amount of vacation workers gain.

Herman said all workers want is to keep their current benefits and gain the same cost-of-living pay increase granted to other state employees this year.

Herman attacked state efforts to reduce the vacation time, saying the current vacation arrangement is fairly standard in the maritime industry. He accused state negotiators — notably C. Gary Donworth, a Seattle labor consultant — of making "false statements" either by design or "because they don't know any better."

Joe Camp, deputy commissioner of administration in charge of the ferry system, said the state is willing to bargain and accept wage increases, but he said the union should be willing to give up part of its current vacation time.

"When you look at the past ferry contracts it looks like the pacts were negotiated by someone not very familiar with maritime benefits. We want to return to the table and avoid a strike, but we don't intend to knuckle down and just give in to the union," said

Camp this morning.

He said a 10-year ferry worker, receiving seven two-week periods of vacation, might work just 19 weeks a year, a vacation benefit package nearly three times more expansive than enjoyed by other state workers.

"We aren't asking employees to take anything less than others in the industry receive. Right now though they have the best contract in the nation," Camp said.

Camp said the state is not expecting the union to ask for talks to resume until the union is armed with a strike authorization vote. Herman said the union doesn't see a need to resume talks until the state signals its intention to bargain in good faith — the sides agreeing there is no date set for talks to resume.

Herman charges the state knows its position is indefensible since the state has refused to submit to binding arbitration to settle the wage dispute. Camp, however, said the state is convinced its position is just and doesn't want to submit to binding arbitration because so often an arbitrator "will just split the difference" between the two sides.

The state's nine-vessel ferry fleet is largely responsible for the movement of freight and vehicle traffic among Southeast towns.

Ferry contract talks resume; strike delayed

By CHUCK KLEESCHULTE
The Juneau Empire

Negotiators from the state and the Inland Boatmen's Union of the Pacific, Alaska Region, will return to the bargaining table Thursday for the first time in seven weeks in an effort to hammer out agreement on a new three-year contract for the state's ferry workers.

While a strike may become legal anytime after Friday if talks fail, union sources say a strike is now highly unlikely until fall and won't come until at least next April 1, if rank and file workers follow a recommendation made last week by union leaders.

Whether the 650 of the ferry's 850 workers who belong to the IBU-P will accept the recommendation won't be clear until after the final in a series of union meetings with workers Friday in Ketchikan and Juneau.

Whether the state will permit the union to simply extend the old contract until spring, or impose a reduced pact on workers that might prompt a fall or winter strike, also is questionable.

The entire issue is further complicated by the IBU-P's apparent belief that negotiations with the state are being affected by a potential challenge to the union's right to represent the ferry workers by the rival bargaining unit, the Inland Boatmen's Union - Seafarers International Union, an AFL-CIO backed faction that four years ago chal-

tends to field the state's "final" contract offer Thursday and then poll members whether they find that proposal acceptable. That balloting could take until October, Wilson said Monday.

If it is rejected, as the union expects it will be, the union is considering challenging its rival, the IBU-SIU to file a petition calling for a new representation election among the ferry workers to settle once and for all who will represent the workers in contract talks.

"The (current bargaining) committee is unanimous in the opinion that we will not receive an acceptable proposal from the state until the question of representation is resolved. Why should the state negotiate in good faith with the union when they believe a question of representation exists?" Wilson said in his letter to ferry workers.

Joe Camp, deputy commissioner of administration, in charge of ferry system, this morning said the state is not in a position to comment on the potential for a strike since the state will be offering a modified contract proposal to the union when the two sides meet Thursday.

He said, however, if the union doesn't reject the state's final offer and launch a strike, the state could implement the terms of its final offer and reduce benefits from the current contract.

Contract talks, which started last December, broke off June 27 in a dispute over wages, overtime pay, vacation,



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lenged the IBU-Pacific for the right to bargain for the ferry workers.

What is clear is that the Alaska Labor Relations Agency should rule on Wednesday whether ferry workers have authorized a strike against the system during balloting that opened in late July. Since a twice temporarily extended contract between the state and the union expires at midnight Thursday, workers will be legally free to strike Friday, if they vote to permit a strike during the still-open strike balloting.

Under a letter to the ferry workers sent out last week by IBU-P local "patrolman" Michael Wilson, the union in-

sick leave and manning requirements. The most serious issue is the state's demand that ferry workers accept a cut in vacation time that would reduce the vacation of a 10-year employee by over half.

Currently, a 10-year ferry employee receives seven two-week vacation periods yearly, an amount the state says costs more than three times what it gives to other state workers. The union argues the time is only fair given the family disruptions that workers experience.

It also says the provision only makes up for employees working 84-hour work weeks at straight pay, compared to 37½-hour weeks for non-supervisory state employees. The union also says the provision helps state employment by producing 20 percent more jobs.

The union in general is seeking a continuation of current contract terms, plus the same cost of living increase given other state workers.

Meanwhile, Greg O'Claray, an official of the IBU-SIU, said his union already has enough signed representation cards from ferry workers to prompt a representation election, but that his group hasn't decided whether to seek an election.

He denied that his union's presence is hampering IBU-P talks saying that unit made no progress in contract talks for six months prior to workers signing the first of the representation cards.

Ferry workers opt for strike

96% of voting ferry workers-406 of 430-chose to strike against the Marine Highway System rather than give up wages and benefits they have had for years.

Only seven voted no and there were seven challenged ballots.

Inland Boatmens Union of the Pacific's regional director Jerry Johansen said this does not mean the ferry will stop running next week.

"We are scheduled to meet with ferry administrators in Juneau today," Johansen said, "hopefully we will reach a tentative agreement."

If accord is reached, the current contract will be extended until members ratify the new one by secret ballot. The new contract would last for three years and the ferry will run as usual.

If no agreement is made, Inland Boatmens Union of the Pacific leadership will not extend the old contract.

This would open the door for a rival union, Inland Boatmens Union of Alaska, to file for a representational election.

The IBU of Alaska claims it has pledge cards from 30 percent of Inland Boatmens Union of the Pacific members in Juneau, Ketchikan and southwestern Alaska, calling for the representational election, Johansen said.

A contract extension

would bar the rival group from requesting a representational election.

If a representational election is required, the state Labor Relations Board will conduct it by secret ballot and by December, ferry workers would know which union represented them.

Johansen said members have been advised that in case of a representational battle, there will be no strike until April 1985. By then, not only will the issue be settled, but also the ferry system will have begun its busy season, and a strike would be more effective.

OPEN LETTER TO IBU OF THE PACIFIC MEMBERS



As you know, the IBU of the Pacific has been bargaining with the State of Alaska for five months, seeking to negotiate a new contract to cover all unlicensed crew members of the Alaska Marine Highway System.

The Seafarer's International Union claims through its representative Greg O'Claray to have 360 pledge cards signed by IBU of the Pacific members.

It is in the best interest of everyone — The citizens of Alaska, the State and you the workers — that the collective bargaining process work properly and conclude in a fair and equitable labor agreement so the Alaska Marine Highway System can operate.

The question of representation has to this point completely frustrated bargaining and will continue to do so until it is resolved.

The IBU of the Pacific is therefore asking the SIU in the name of decency and as a demonstration of respect for you the workers, to file with the Alaska State Labor Relations Agency between August 17 and August 31, 1984 the pledge cards they claim to have in order that an expedited election can be held to determine which Union will represent you in the future.

Once this question of representation is resolved, we are confident that the IBU of the Pacific bargaining Committee will successfully conclude a labor agreement with the State of Alaska on your behalf.

**Fraternally,
IBU of the Pacific
Bargaining Committee**

**Homer Sarber
Virgil Campbell
Lynn Daniels
Bob Armstrong
Ellis Lundin
Mike Wilson
Jerry Johansen,
Regional Director
Don Liddle, President**

Post jetfoil: Catamarans?

By KIRK McALLISTER
The Juneau Empire

In addition to the regular state ferries, there appears to be a need for some form of high-speed ferry service in Southeast. But there are other options besides the expensive Boeing jetfoil, a Department of Transportation official said today.

Joe Camp, deputy commissioner for the Marine Highway System, said that the most attractive alternative so far is a high-speed catamaran that is one-tenth the initial cost of the jetfoil and has 80 percent less operating and maintenance costs.

The Australian-designed catamaran, built by Nichols Brothers Co. of Whidbey Island, Wash., can carry 70 to 80 passengers, six to eight cars and has a top speed of 35 mph.

The catamaran doesn't travel as fast as the 50-mph jetfoil but it only burns about 70 gallons of fuel an hour compared to 480 gallons an hour for the jetfoil, said Camp. Initial cost of the catamaran is about \$1.7 million compared to \$18 million for the jetfoil.

Camp said he was "very impressed" after riding one of the catamarans recently near Whidbey Island. The boats

are currently operated in Puget Sound and the San Juan Islands and were originally built for service between Australia and Tasmania.

One of the boats has been purchased by a private operator in Alaska and will be used on the Yukon River next year, Camp said.

The jetfoil, which is being tested this summer in Southeast, has attracted only about 42 percent of its hoped-for passenger volume, according to DOTPF officials.

Meanwhile, the ferry system is putting out bids to replace the engines in the Matanuska. Camp said the cost of the new engines should be about \$4 million and installation should be completed by next spring.

Despite annual overhauls, there has been heavy wear on the original 1967 Matanuska engines and it would have cost more to rebuild them than to replace them completely, said Camp.

Between \$4 million and \$6 million is spent annually for maintenance on engines in the nine-ship state ferry system plus there is usually at least one major overhaul every five to seven years.

Camp said he is considering several

other projects for the next few years including adding 56 cabins to the Columbia and replacing the aging Tustumena, which serves Southwestern Alaska.

By the end of the year, prior to the legislative session, a master plan study of the ferry system will be completed. The plan is designed to guide planning and financial requests for the next five years or so, Camp said.

ALASKA TRANSPORTATION COMMISSION

FUNCTIONAL RESPONSIBILITIES

Transportation market entry, air and motor carrier rate establishment and the safety of these operations are regulatory responsibilities of ATC. They are conducted through ATC's quasi-judicial process. In this report section, we briefly summarize the processes used by ATC to perform these functions.

Appendix A is a glossary of terms commonly used in the transportation industry.

Entry Regulations

Entry regulations control the number of carriers allowed to serve a particular market. The statutory standards used to determine entry into the motor carrier industry differ from those used to determine entry into the air carrier industry. Both motor and air carriers must submit applications for operating authority to the ATC.

Motor carriers seeking authority to offer new services must submit an application and a filing fee for the proposed services. Contract carriers apply for authority to serve specific customers under specified contractual terms. Common carriers apply for an operating authority to offer services to the public. Private and exempt carriers are not subject to entry regulations.

Entry standards in the motor carrier industry serve to protect existing carriers from new competitors by requiring the applicant to prove that there is a need for new service. These standards, referred to as "Public Convenience and Necessity Standards," allow the ATC to establish or deny an authority based on three determinations:

1. Whether the service will serve a useful public purpose.
2. Whether the service could be performed as well by existing carriers.
3. Whether the applicant can perform this service without endangering the operations of existing carriers.

Each applicant must prove there is a need for new service. Entry standards also include financial standards designed to determine the applicant's ability to establish and operate the proposed business.

Air Carriers seeking authority to offer new service are not required to prove public convenience and necessity if their proposed operations will consist of less than 7,500 pounds of operating capacity and/or seating capacity of less than 30

people. Statutory entry regulations for all air carriers require new applicants to prove the following:

1. Adequate operational capabilities.
2. Adequate management capabilities.
3. Adequate equipment and facilities for proposed size of operation.
4. Adequate maintenance provisions.
5. Adequate financial capability and economic feasibility for the proposed operation.

Financial capability is determined by evaluating the applicant's ability to successfully finance operations. Economic feasibility and ATC's final decision to grant or reject the application for operating authority is assessed in terms of the market: Is it large enough to warrant additional entrants without damaging the current competitors' businesses?

Rate Regulations

The ATC reviews all tariffs submitted by carriers to assure that the rates are competitive and to provide a fair rate of return to the shipper while not discriminating between shippers. According to the ATC, tariff regulation is based on the theory that the public should have needed services available at fair and reasonable cost without forcing other segments of the public to pay unreasonable prices for services they need. The Commission answers public complaints about excessive charges, and, if the complaints are found to be accurate, requires that appropriate refunds are made. Rate regulation in the motor carrier industry is far more structured and organized than in the air carrier industry.

Motor carriers' rates are regulated for two types of carriers: contract and common carriers. Private and exempt carriers are not subject to rate regulation. Contract carrier rate regulation is minimal. The rates are negotiated between the shipper and the carrier as part of a negotiated contract and the rates are filed with the ATC. The filings are a matter of public record, but the ATC does little to disseminate the rate information filed by contract carriers.

Common carrier rates, however, must comply with governing standards which restrict the tariffs to be charged for certain commodities. The rates which common carriers may charge are divided into many classes of product commodities. Each class includes commodities which have similar characteristics such as density, volume, value, or ease of handling.

The ATC regulates tariff filings by requiring common motor carriers to submit tariff changes and supporting documentation. This supporting financial data shows how the rate is compensatory and the ATC review shows how the new tariff filings comply to governing standards. The ATC periodically audits selected common carrier records to assure rate compliance. These audits are performed randomly; there is no system which assures that records for all carriers are periodically audited.

Air carriers' rates are regulated less formally. Each new air carrier rate filing is handled on a case-by-case basis, not evaluated against an industry-wide standard, as in the motor carrier industry. Newly proposed rates are compared by the ATC tariff staff to similar, competitive rates in the same geographical or market region.

Safety Regulations

The ATC has statutory responsibility to establish and enforce a commercial vehicle safety program. Safety regulations require commercial motor vehicles to meet specific equipment standards; drivers to meet specific qualifications; and cargo loads to comply with specific safety guidelines designed to protect the road system and the public.

The ATC has been responsible for a commercial vehicle safety program since 1966. For several years, the primary responsibility for safety inspections and load/weight standards enforcement was delegated to the Department of Public Safety as part of highway scale house operations. The operation of the scale house was transferred to the Department of Commerce, Division of Measurement Standards, in 1982. In March, 1983, the inspection responsibilities were reassumed by the ATC.

Although the ATC currently has statutory responsibility for a comprehensive commercial vehicle safety program, the functional responsibilities of the program are shared by three agencies. Statutory safety compliance, affecting vehicles and drivers, is enforced through random vehicle inspections performed by the ATC enforcement staff. The enforcement staff randomly stops commercial vehicles (sometimes at the scale houses and sometimes on the highways) and determines if the vehicle, driver and load comply with safety regulations. If not in compliance, a citation is issued and resolved through ATC quasi-judicial proceedings.

The Department of Public Safety also enforces the commercial vehicle safety regulations on the highways. If a commercial vehicle is out of compliance, State Troopers issue a citation. This citation is processed through the courts, not through the ATC quasi-judicial proceedings.

The Department of Commerce and Economic Development, Division of Measurement Standards, enforces regulations pertaining to weight

and size of cargo loads. They issue citations for overload violations and violations pertaining to non-compliance of load requirements. Division of Measurement Standards personnel operate the highway scale houses. Citations issued by Measurement Standards personnel are processed through the courts, not through the ATC quasi-judicial process.

The above Sponsor is duly
authorized to circulate

INITIATIVE PETITION

ENTITLED "REDUCING GOVERNMENT REGULATION OF TRANSPORTATION."

PROPOSITION #83-02

This initiative would repeal statutes which establish the Alaska Transportation Commission and the statutes which empower the commission to regulate activities of air carriers and motor freight operators. The initiative requires that persons who carry passengers or freight for hire provide insurance or other adequate security to assure financial responsibility for their activities. The initiative restricts the power of municipalities to regulate persons who carry passengers or freight. It also directs the governor to seek repeal of federal statutes (the Jones Act) which require the use of United States vessels to ship goods between United States ports.

WARNING

"A PERSON WHO SIGNS A NAME OTHER THAN HIS OWN ON THIS PETITION, OR WHO KNOWINGLY SIGNS HIS NAME MORE THAN ONCE FOR THE SAME PROPOSITION AT ONE ELECTION, OR WHO SIGNS THE PETITION KNOWING HE OR SHE IS NOT A QUALIFIED VOTER, UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000 OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH. (AS 15.45.100)"

(See next page for text of bill.)

AN INITIATIVE

For an Act entitled: "An Act terminating the Alaska Transportation Commission and repealing transportation laws administered by the commission; requiring persons who carry passengers or freight for hire to hold insurance or other security; and requiring the governor to lobby Congress for the repeal of the federal Jones Act."

- BE IT ENACTED BY THE PEOPLE OF THE STATE OF ALASKA:

* Section 1. STATEMENT OF PURPOSE. The people of Alaska recognize that

(1) because of Alaska's great size and distance from markets, Alaskans must have access to efficient low-cost transportation in order for people and goods to move safely inside and outside the state;

(2) a little-known but powerful state regulatory agency, the Alaska Transportation Commission (ATC), creates motor and air carrier monopolies by legalized price fixing and tariffs, which artificially raises shipping rates and makes consumer goods more expensive for all Alaskans;

(3) the primary purpose of the ATC is to fix rates, not promote safety, and other government agencies can insure safety standards while allowing persons to contract freely for services;

(4) abolishing the ATC and its anti-competitive practices will subject air carriers and trucking companies to free market competition, thereby reducing freight rates, improving service, and saving Alaskan consumers millions of dollars each year;

(5) a federal law, known as the Jones Act, requires that ships bound for Alaska from other American ports must be built and registered in the United States and staffed with American crews, thereby granting such ships an unfair monopoly and protecting them from free market competition, which costs Alaskan consumers millions of dollars each year;

(6) the Jones Act should be repealed, and the governor should use all appropriate means to persuade Congress to do so.

* Sec. 2. AS 29.48 is amended by adding a new section to read:

Sec. 29.48.036. REGULATION OF TRANSPORTATION CARRIERS. Notwithstanding AS 29.48.035(a), a municipality may not regulate an activity regarding transportation of passengers or freight for hire if the regulation conflicts with the regulation of that activity by the Alaska Transportation Commission as the regulation existed on April 1, 1983 under former AS 02.05, AS 42.07, or AS 42.10.

* Sec. 3. AS 42.30 is amended by adding a new section to read:

ARTICLE 5. RESPONSIBILITIES OF MOTOR AND AIR CARRIERS.

Sec. 42.30.200. FINANCIAL RESPONSIBILITY. (a) A person who carries passengers or freight for hire intrastate shall procure and maintain security in an amount determined by the Department of Public Safety as necessary for the reasonable protection of the public against damages or injury caused by the person.

(b) Evidence of security required under (a) of this section shall be filed with the department and must be

(1) a policy or certificate of insurance issued by an insurer acceptable to the department; or

(2) a bond of a surety company licensed to write surety bonds in the state; or

(3) evidence accepted by the department, showing ability to self-insure; or

(4) other security approved by the department.

(c) The department may authorize enforcement officers to enforce this section.

* Sec. 4. AS 44.19 is amended by adding a new section to article 1 to read:

Sec. 44.19.035. JONES ACT REPEAL. The governor shall use best efforts and all appropriate means to persuade the United States Congress to repeal 46 U.S.C. secs. 861, et seq., known as the Jones Act. Until that Act is repealed, the governor shall publish an annual report documenting the harmful effects of the Act on Alaska commerce, and progress made towards its repeal. The report shall be submitted to the legislature no later than its convening each year.

* Sec. 5. If any provision of this Act is held invalid, the remaining provisions of this Act are severable and remain in effect.

* Sec. 6. AS 02.05; AS 28.10.111(b); AS 39.25.120(c)(7); AS 39.50.200(b)(30); AS 42.07; AS 42.10; and AS 44.66.010(a)(2) are repealed.

MEMORANDUM

State of Alaska

TO: Mary Lou Miners
Division of Elections
Lieutenant Governor's Office

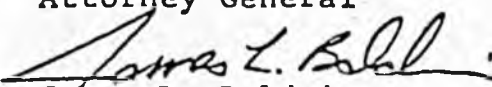
DATE: May 23, 1983

FILE NO: 366-593-83

TELEPHONE NO: 465-3600

FROM: Norman C. Gorsuch
Attorney General

SUBJECT: Initiative Petition
Applicaton con-
cerning regulation
of commerce


By: James L. Baldwin
Assistant Attorney General
Government Affairs-Juneau

We have reviewed the form of the proposed bill contained in a sponsor application to initiate a law to (1) repeal existing law which provides for the regulation of certain common carriers in the state, (2) enact provisions requiring adequate insurance coverage for common carriers, and (3) enact a law directing the governor to lobby Congress for repeal of the Jones Act.

We believe the proposed bill is generally in the proper form for the purposes of AS 15.45.040. We have reached this conclusion after carefully considering whether the proposed bill contains more than one subject. Specifically, the provision directing the governor to lobby for the repeal of the Jones Act is arguably a subject which is incongruous with other provisions of the bill repealing the regulatory powers of the Alaska Transportation Commission.

There are no Alaska decisions construing the meaning of the single subject requirement contained in AS 15.45.040(1). However, the Alaska Supreme Court has construed the single-subject requirement contained in Article II, Section 13, of the Alaska Constitution. That section provides: "[e]very bill shall be confined to one subject unless it is an appropriation bill or one codifying, revising, or rearranging existing laws."

In Gellert v. State, 522 P.2d 1120 (Alaska 1974), the court explained the application of the single-subject requirement contained in Art. II, Section 13 as follows:

In determining whether a bill is confined to one subject, we agree with the statement: [a]ll that is necessary is that the act should embrace some one general subject; and by this is meant, merely,

that all matters treated of should fall under some one general idea, be so connected with or related to each other logically or in popular understanding as to be parts of, or germane to, one general subject.

Id. at 1123 (citation omitted). The court has explained the nature and purpose of the single-subject requirement imposed by the Alaska Constitution as follows:

These requirements are designed to prevent the inclusion of incongruous and unrelated matters in the same bill in order to get support for it which the several subjects might not separately command and to guard against inadvertance, stealth and fraud in legislation.

State v. A.L.I.V.E. Voluntary, 606 P.2d 769, 772 (Alaska 1980); quoting from Suber v. Alaska State Bond Commission, 414 P.2d 546 (Alaska 1966). it is reasonable to view the proposed bill as addressing the general subject relating to government regulation of commerce. There should be no concern with the possibility that the allegedly incongruous subject will slip by the notice of the voters. We have prepared an impartial summary which clearly explains the contents of the proposed bill.

We note that the proposed bill is not in the proper form specified in the 1982 Manual for Legislative Drafting published by the Legislative Affairs Agency. Attached is a revised version of the proposed bill which should be included in the initiative petition. Our revisions do not make substantive changes to the proposed bill. However, it should be noted that we believe there will be major interpretation problems encountered if the bill is enacted. These problems concern the lack of a savings provision which apply to pending proceedings before the ATC and the proper interpretation of the provisions to be added by Section 2.

Set out below is the official ballot title and summary required by AS 15.45.090:

Ballot Title:

Reducing Government Regulation of Transportation

Impartial Summary

This initiative would repeal statutes which establish the Alaska Transportation Commission and the statutes which

empower the commission to regulate the activities of air carriers and motor freight operators in the state. The initiative would establish a requirement that persons who carry passengers or freight within the state provide adequate security to assure financial responsibility for their activities. The initiative restricts the power of municipalities in the state to regulate persons who carry passengers or freight. The initiative directs the governor to seek repeal of federal statutes (the Jones Act) which require the use of United States vessels to ship goods between United States ports.

We hope this memorandum answers your questions and provides you with the material you need to proceed with the initiative process.

JLB:jf

1 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
2 FIRST JUDICIAL DISTRICT AT JUNEAU

3 YUTE AIR ALASKA, INC.; WRIGHT AIR)
SERVICE; WRANGELL AIR SERVICE;)
4 VALDEZ AERO SERVICE; TYEE)
AIRLINES, INC.; SHELLABARGER)
5 FLIGHT SERVICE; RYAN AIR SERVICE,)
INC.; PENINSULA AIRWAYS, INC.;)
6 NELSON ISLAND AIR SERVICE, INC.,)
d/b/a EXECUTIVE CHARTER SERVICES;)
7 MARKAIR, INC.; MOUNTAIN AVIATION;)
L.A.B. FLYING SERVICE, INC.;)
8 LARRY'S FLYING SERVICE; FRONTIER)
FLYING SERVICE; FOSTER AVIATION;)
9 FLIRITE, INC.; EVERGREEN)
HELICOPTERS OF ALASKA, INC.;)
10 CAPE SMYTH AIR SERVICE, INC;)
CHANNEL FLYING, INC.; BARROW)
11 AIR, INC.; BAKER AVIATION; AMBLER)
AIR SERVICE; ALASKA HELICOPTERS,)
12 INC.; ALASKA AIRLINES; ALASKA)
TRUCKING ASSOCIATION, INC.,)

13 Plaintiffs,)

14 v.)

15 STEPHEN A. McALPINE, Lieutenant)
16 Governor of the State of Alaska)
and MARY LOU MEINERS, Director)
17 of the Division of Elections of)
the State of Alaska,)

18 Defendants.)

19 (P)

FILED IN THE TRIAL COURTS
STATE OF ALASKA, FIRST DISTRICT
AT JUNEAU

JUL - 2 1984

Clerk of Court

By Sh

Deputy

No. 1JU-84-559 Civil

20 MEMORANDUM DECISION

21 I. Introduction.

22 The defendants (McAlpine) have decided to place an
23 initiative proposition on the November 1984 general election
24 ballot which will repeal statutes regulating motor and air
25 carriers in Alaska, open the carrier business to any and all
26 financially responsible persons, prohibit municipalities from
27 regulating these activities, and require the governor to seek
28 repeal of the federal statute (the Jones Act) which requires the
29 use of United States vessels for shipping goods between United
30 States ports. The initiative proposition is entitled, "Reducing
31 Government Regulation of Transportation." The initiative is a
32 project of the Alaska Libertarian Party for 1984.

1 No. 1.

2 The plaintiffs (Yute Air),¹ all of which are regulatees
3 under the state laws to be repealed and apparently not ready for
4 free enterprise in 1984, seek to prevent the proposition from
5 being on the ballot, either permanently on grounds of invalidity
6 or at least until the first statewide election following the next
7 convening and adjourning of a session of the Alaska Legislature.

8 They raise the following issues:

9 1. The initiative violates the single-
10 subject rule.

11 2. The constitution implicitly requires
12 that the signatures in support of the in-
13 itiative be verified before the legislature
14 both convenes and adjourns in order for it to
15 be submitted to the voters.

14 II. The Single-Subject Rule.²

15 Yute Air's argument here divides into two parts. The
16 first is the traditional one: The initiative acts both on the
17 deregulation of Alaska's intra-state air and motor carriers and
18 also on the federally regulated, interstate sea carriers, that
19 is, on two subjects. After the decision in State v. First Nat'l
20 Bank of Anchorage, 660 P.2d 406 (Alaska 1982), it is difficult to
21 sustain that argument. Suffice to say, that even if the court
22 went too far in that case and were inclined - although there is
23 no sign of it - to step back from that decision, the initiative
24 here does not embrace two, unrelated subjects. Indeed, the

25
26 ¹ Plaintiffs are named in reverse alphabetical order, with Yute
27 Air Alaska, Inc., leading off and Alaska Airlines and the Alaska
28 Trucking Association, Inc., closing.

29 ² Article II, Section 13, of the Alaska Constitution requires
30 that "[e]very bill shall be confined to one subject" The
31 same restriction is enacted at AS 15.45.040 with respect to
32 initiatives. Whether this limitation is within the legislature's
power under Article XI is questionable. But Article XII, Section
11, makes the law making power equal, and the Article II restric-
tion, therefore, applies to initiatives.

1 economic effects of these two sources of regulation over trans-
2 portation of freight in and to Alaska may well be perceived by
3 deregulators as one of this state's most serious problems. The
4 two sources of regulation are, from that viewpoint, inextricably
5 related, certainly far more integrated and related than boat har-
6 bors and flood control projects or than trooper facilities and
7 new and improved prisons.

8 Nor should it matter that the repeal of the federal law
9 and the repeal of the state laws do not interact or interrelate
10 legally with one another. To the miner at Minto who wants to
11 bring his supplies from Seattle, the interaction and interrela-
12 tion is more than just self-evident - it is glaringly so. While
13 one could address the existing laws in two or three bills, it is
14 rational to address all of them together.

15 The second part of Yute Air's single-subject argument
16 is more interesting. It argues that the provisions of the ini-
17 tiative which require the governor to seek the repeal of the
18 Jones Act³ are not law but rather a plebiscite directing adminis-
19 trative activities, and therefore, not a proper subject for an
20 initiative under the Alaska Constitution which limits the use of
21 the initiative to the enactment of laws. Alaska Const., art. XI,
22 § 1. It cites Seattle Building Construction Trades Council v.
23 City of Seattle, 620 P.2d 82 (Wash. 1980), as an example of the
24 case law in support of its point.

25 Seattle Building is one of a line of cases, all or
26 almost all of which limit the use of municipal initiatives, in

27 ³

28 Section 4 of the Initiative reads:

29 Sec. 44.19.035. JONES ACT REPEAL. The governor shall use
30 best efforts and all appropriate means to persuade the United
31 States Congress to repeal 46 U.S.C. secs. 861, et seq., known as
The Jones Act. Until that Act is repealed, the governor shall
publish an annual report documenting the harmful effects of the
Act on Alaska commerce, and progress made towards its repeal.
The report shall be submitted to the legislature no later than

1 which the courts attempt to draw a line between laws and admini-
2 strative acts. The cases usually involve municipalities because,
3 unlike state governments in which the three great powers are
4 separated, local governing bodies are generally vested with an
5 admixture of both legislative and administrative powers. City
6 councils, county commissioners, and borough assemblies not only
7 enact laws but they also administer them to a very great extent
8 and they also sit as boards of review, exercising quasi-judicial
9 powers at times and making fundamental executive policy at other
10 times. Where the city or county voters seek to exercise these
11 latter kinds of powers through the initiative, so the theory
12 goes, they exceed the law making power vested in them under
13 initiative provisions.

14 A close reading of the cases finds many of them to be
15 analytically defective. Laws frequently reverse prior admini-
16 strative decisions and set new policies for administrators to
17 follow. There is nothing legally wrong with that. Indeed, it is
18 precisely policy which law is intended to set, and the executive
19 is bound under the constitution to carry out that policy..
20 Alaska Const., art. III, § 16.

21 Nothing in the constitution of this state limits the
22 legislature's power to enact laws establishing as this state's
23 policy a change in existing federal law. Indeed, the Alaska
24 Territorial Legislature, a creature of very limited power under
25 federal law and control, by law established an Alaska Statehood
26 Committee to do just that, that is, to make Alaska a state rather
27 than a territory. Chapter 103, SLA 1949. And it is (was?) com-
28 mon knowledge that one of the most vexing drawbacks of territorial
29 status perceived by statehood promoters was the very Jones Act
30 which the legislation here would have the governor seek to repeal.
31 It would certainly come as a surprise to the framers of the
32 Alaska Constitution that they had somehow prohibited direct (r)

1 legislation on that subject.

2 Analytically, laws may be enacted on any subject under
3 the sun: They can command the tides to stand still for King
4 Canute or the mountain to come to Mohammed. That they may or may
5 not be effective is of no moment. It will hardly do to say that
6 a law may not be enacted because it is silly - not at least at
7 this late date. Only if one can point to some prohibition
8 expressed or implied in the state or federal constitution can it
9 be said that some proposed law would violate the constitution and
10 may not, therefore, be the subject of an initiative. Yute Air
11 argues only that the provisions of the initiative relating to
12 the Jones Act are not "law" That argument is simply not correct.
13 Those provisions establish a public policy and they make it the
14 chief executive's duty to carry that policy out. They are a
15 solemn expression of legislative will, and that is what law is
16 all about. Black's Law Dictionary 1074 (3rd ed. 1933). It is
17 presumed that the chief magistrate will carry out that law, and
18 this court will not entertain any argument to the contrary.

19 Yute Air also argues, however, that the state's law
20 making power does not include the law maker's directing the
21 executive (or the judiciary) with respect to the relationship
22 between the State of Alaska and the United States. In other
23 words, the legislature or the people may, by law, establish
24 public policy on all subjects which are within their jurisdiction
25 under the constitution. But when they step outside their juris-
26 diction - here to seek repeal of a federal law on maritime ship-
27 ping - they have no power to make law on the subject and may not
28 purport to use the law making power to proclaim public policy on
29 the subject. Stated another way, the law makers may, within
30 their jurisdiction, establish public policy which must be fol-
31 lowed by the executive and the judiciary. But where, as here,
32 the subject matter is outside their jurisdiction, the law making

1 power may not be invoked.

2 It follows under this view that the law makers may
3 themselves lobby the Congress or send it resolutions but that in
4 doing so they are not exercising the law making power. While the
5 legislature's enacting a law on the subject could not be sub-
6 jected to judicial restraint, the use of the initiative is sub-
7 ject to judicial oversight and restraint if it exceeds the bounds
8 authorized by the constitution. Boucher v. Engstrom, 528 P.2d
9 456 (1974). Where, as here, so they theory goes, the initiative
10 is used not as an exercise of the law making power but rather as
11 a directive outside the jurisdiction of the law makers, it should
12 be enjoined.

13 The problem with this argument is that the legislature
14 frequently enacts laws prescribing the conduct of officials or
15 agencies of state government on matters over which the state has
16 no legal jurisdiction. For example, the State Geographic Board
17 is established by law in the Office of the Governor, AS 44.19.054,
18 to - among other things - serve as state representatives on the
19 United States Geographical Board and cooperate with that board to
20 avoid conflicts in state and federal designations of geographical
21 features in the state. Obviously, the state's law making power
22 does not extend to those federal designations, but state offi-
23 cials can influence them. The Alaska International Development
24 Commission in the Office of the Governor is to prepare a plan for
25 joint development and use of the resources of the upper Yukon
26 River (in Canada) and cooperate with Canadian and United States
27 agencies for resource development near the Alaska-Canada border.
28 AS 44.19.064. The Alaska State Office in Tokyo promotes trade
29 between Alaska and the Far East. AS 44.19.074. The Yukon-Taiya
30 Commission studies, compiles and publishes information, and
31 promotes development of the international Yukon-Taiya Hydro-
32 electric project. AS 44.19.181.

1 The most apt example is the Steering Council for Alaska
2 Lands. AS 38.95.100-104. The inter-branch council was estab-
3 lished in 1977 to "develop a unified lobbying and informational
4 effort" on Alaska lands legislation then being considered by
5 Congress. Of course, the law assigned the council other func-
6 tions - as does section 4 here - but its principal purpose was to
7 lobby Congress on ANILCA.

8 Presumably, under section 4 of the proposed initiative,
9 the governor would delegate to the personnel of the Alaska office
10 in Washington, D.C. the additional function of persuading Con-
11 gress to repeal the Jones Act and compile information and publish
12 an annual report on the Act's effects and their progress (or lack
13 thereof) in getting it repealed. It would not make section 4 any
14 more of an exercise in making law if it provided for a commission
15 or council to promote the repeal of the Jones Act and report
16 annually on its efforts.

17 It seems to this court that section 4 does not usurp
18 the executive's powers, is not the exercise of an executive or
19 quasi-judicial function, and is not an exercise of power barred
20 to the law makers by the constitution. Accordingly, it is valid.
21

22 III. 1984.

23 Yute Air argues that, even if the initiative survives
24 their single-subject challenge, it may not be placed on the
25 ballot in 1984. It reasons that, under Article XI, section 4, of
26 the Alaska Constitution, the initiative is to be voted on at "the
27 first statewide election held more than one hundred twenty days
28 after adjournment of the legislative session following the filing
29 [of the initiative]." This "filing," it argues, must be read
30 consistently with the requirements of Article XI, section 3, of
31 the constitution that the initiative petition must be signed by a
32 prescribed number of "qualified voters" before "it may be filed

1 with the lieutenant governor." From this, it argues that the
2 signatures must be verified, that is, the voter's qualifications
3 ascertained, before the petition may be deemed to be "filed" for
4 purposes of calculating the proper election at which the initia-
5 tive should be submitted to the voters.

6 Yute Air buttresses its argument with the provisions of
7 the Election Code which provide for verification within a pre-
8 scribed period (sixty days), AS 15.45.150, provide the basis for
9 determining impropriety with respect to subscribers, AS 15.45.150,
10 provide for supplementary petitions to cure the improprieties, AS
11 15.45.170, provide for ballot preparation, AS 15.45.180, and
12 provide for the initiative to go on the ballot at the first
13 statewide election held 120 days after the adjournment of the
14 legislature which convened after the petition and any supple-
15 mentary petition were "filed." AS 15.45.190.

16 It argues that the meaning of these interlocking pro-
17 visions cannot be doubted, that the statutory provisions are
18 clearly, not in conflict with the constitution but rather contem-
19 plated by it, Alaska Const., Art. XI, § 6, and Vol. 4 Minutes
20 Alaska Const. Conv. 2965-2967 (1955), and that they clearly
21 illustrate how for purposes of determining when to place an
22 initiative on the ballot, verification is a prerequisite for a
23 petition's being "properly filed." AS 15.45.180.

24 McAlpine argues that there is a longstanding contem-
25 poraneous construction of these constitutional and statutory
26 provisions which is contrary to the carriers' interpretation.
27 However, the carriers' reply to that argument must prevail.
28 There simply has been no consistent construction of the constit-
29 ution or the statute on the issue raised here; indeed, the pre-
30 cise issue has never been raised before.

31 The question here is close. The logic of the decision
32 in Kays v. McCall, 418 P.2d 511, 514 (Ore. 1966), is highly

1 persuasive and makes excellent sense, and those possessing the
2 power to make law may well wish to consider it. But this court's
3 role is not to amend the constitution or the statute but rather
4 to interpret them, and it seems clear that neither contemplates
5 the result sought by Yute Air.

6 Under the Election Code, McAlpine was to place the
7 initiative on the ballot "[i]f it is properly filed." AS 15-
8 .45.180. He had sixty days after it was filed in which to make
9 that determination. AS 15.45.150. The question goes on the
10 ballot at the first statewide election held after

11 (1) the petition and any supplementary peti-
12 tion have been filed, (2) a legislative
13 session has convened or adjourned, and (3) a
period of 120 days has expired since the
adjournment of the legislative session.

14 AS 15.45.190. It seems obvious that the framers contemplated the
15 need to verify signatures. Vol. 4, Minutes Alaska Const. Conv.
16 2966 (1955). But nothing in the constitution says or implies
17 that the verification process tolls the time in which the initia-
18 tive is to be considered by the legislature and proceeds onto the
19 ballot (or is voided by legislative enactment of substantially
20 the same measure).

21 Similarly, the statutory provisions neither express nor
22 imply any tolling of the time. The legislature used the terms
23 "file," "filed," "properly or improperly filed," "properly
24 filed," and "filing" at various places throughout sections 140
25 through 190 of chapter 45, title 15, relating to the initiative
26 petition. Each of the differing uses denoted a particular mean-
27 ing appropriate to the use. The unmodified term "filed" is used
28 in section 190 (placing proposition on ballot). Had the legis-
29 lature contemplated the meaning attributed to the term by Yute
30 Air, it is more likely than not that a more precise term would
31 have been used by it. Indeed, it is most unlikely, given the
32 precision in the legislature's use of these terms, that - had

1 Yute Air's meaning been intended - the unmodified term would have
2 been used. It is much more likely that the legislature would
3 have added appropriate language to section 190, for example, the
4 underlined words in the following: "(1) the petition and any
5 supplementary petition have been reviewed and determined to
6 have been properly filed."

7 The Alaska Constitution and the Election Code, prior to
8 the amendments made to some of their provisions, were unusually
9 well drafted, each with its own interlocking parts and with terms
10 carefully chosen and consistently used to denote specific things.
11 Their respective authors generally followed the first rule of
12 statutory drafting: Say what you mean and mean what you say.
13 The constitution and the code do not say (or fairly imply) what
14 Yute Air says they mean, and therein lies the fatal flaw in Yute
15 Air's argument.

16 Yute Air's argument is, however, more subtle: It may
17 be ready to assume that neither the framers nor the legislature
18 really contemplated the necessary effect of requiring verifica-
19 tion. Thus, it is immaterial that the language of article XI and
20 of title 15, chapter 45, neither says nor fairly implies that the
21 subscribing signatures must be verified as those of qualified
22 voters before the initiative can be deemed to have been properly
23 filed. The constitution clearly requires that an initiative
24 petition must be signed by the specified number of qualified
25 voters before it may be filed. It also requires that, before the
26 initiative may be submitted to the voters, it must be filed, then
27 a legislative session must be convened and adjourned, and then
28 one hundred twenty days must pass. Thus, to give full effect to
29 the provision requiring an initiative to lie before the legis-
30 lature for a complete session after it is filed, its verification
31 must perforce occur before the session convenes.

32 ///

1 The argument overlooks the obvious. Both logically and
2 as a matter of practical experience, the legislature does not
3 need an initiative petition to be verified before it considers
4 the same subject. It suffices for all practical purposes that a
5 facially valid initiative be filed. (This is not to say that the
6 legislature could not require verification in advance for the
7 sake of greater certainty.)

8 On January 16, 1974, two related initiative petitions
9 were filed with the lieutenant governor, one on conflict of in-
10 terest, the other on campaign disclosure. The former was certi-
11 fied on March 1, 1974, and the latter on March 20, 1974. The
12 legislature, which adjourned on April 26, 1974, considered both
13 subjects, did not enact legislation on conflict of interest but
14 enacted legislation, chapter 76, SLA 1974, on campaign disclo-
15 sures. It was held to be substantially the same, thereby voiding
16 that initiative. Warren v. Boucher, 543 P.2d 731 (Alaska 1975).
17 The conflict of interest initiative was adopted by the voters on
18 August 27, 1974. The 1975 legislature convened on January 20 and
19 passed a bill to amend the latter initiative as one of its first
20 orders of business. Chapter 2, SLA 1975. It became effective on
21 February 8, 1975. Warren v. Thomas, 568 P.2d 400 (Alaska 1977).

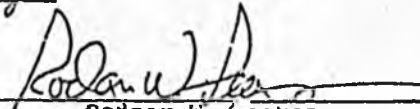
22 The two Warren cases establish the proposition that the
23 provisions of section 6 of article XI on amendment of adopted
24 initiatives and on voiding pending initiatives vest the legis-
25 lature with broad powers to protect the state against the un-
26 toward effects of initiatives. Warren v. Thomas, *id.*, at 402, n.
27 7. More importantly, they illustrate more convincingly than any
28 a fortiori argument that verification of an initiative petition
29 before the legislature convenes is not a prerequisite for the
30 legislature's invoking those powers.

31 While the court in no way disagrees with the importance
32 of the safeguard afforded by requiring the initiative to lie

1 before a complete session of the legislature, it concludes on the
2 basis of the language of the constitution and the election code
3 and on the basis of experience that actual filing of a facially
4 valid initiative suffices to invoke that safeguard. Certainly,
5 the legislature is at least as capable as this or any court of
6 apprehending and appraising the priority which should be assigned
7 to the many matters brought before it. Had it considered this
8 matter to be important enough it could have stayed in session to
9 deal with it. Here, the legislature chose not to act. It would
10 be idle to speculate why. Suffice to say that the legislature
11 may call itself, or be called, into special session to act on the
12 matter, or if the initiative is adopted by the voters, act to
13 amend it at its next regular session.

14 Accordingly, summary judgment is granted for the
15 defendants.

16 DATED this 22 day of July, 1984.

17
18 
19 Rodger W. Legues
20 Superior Court Judge

21
22
23
24
25
26
27
28 CERTIFICATION

29 The undersigned certifies that on the 2nd day of
30 July, 1984, a true copy of this
31 document was served on the following attorneys:

32 Aurum Gross
James Baldwin
By Aue E. Bui

BALLOT MEASURE NO. 3

Initiative No. 83-02
REDUCING GOVERNMENT REGULATION OF TRANSPORTATION

SUMMARY

(As it will appear on the November 6, 1984 General Election Ballot)

This initiative would repeal statutes which establish the Alaska Transportation Commission and the statutes which empower the commission to regulate activities of air carriers and motor freight operators. The initiative requires that persons who carry passengers or freight for hire provide insurance or other adequate security to assure financial responsibility for their activities. The initiative restricts the power of municipalities to regulate persons who carry passengers or freight. It also directs the governor to seek repeal of federal statutes (the Jones Act) which require the use of United States vessels to ship goods between United States ports.

BALLOT FORM:

A vote "FOR" adopts the initiative.

A vote "AGAINST" rejects the initiative.

FOR
AGAINST

LEGISLATIVE AFFAIRS AGENCY SUMMARY

(As required by law)

This initiative, if approved, would eliminate the Alaska Transportation Commission and would substantially reduce the amount of state regulation of the transportation industry. This initiative would add a new section to the Alaska Statutes that would limit the power of municipalities to regulate the transportation of passengers and freight for hire. The new statute would require that regulation of such activity by a municipality not conflict with regulations in existence on April 1, 1983, that were adopted by the Alaska Transportation Commission under the Alaska Air Commerce Act of 1960 (AS 02.05), the Alaska Transportation Commission Act (AS 42.07), or the Alaska Motor Freight Carrier Act (AS 42.10). This initiative also would add a new section to the Alaska Statutes that would require a person transporting passengers or freight for hire within the state to obtain insurance, post a bond, or file evidence of other security approved by the Department of Public Safety for the protection of the public against damages or injury caused by the person. This initiative also would add a new section to the Alaska Statutes that would direct the governor to "use best efforts and all appropriate means" to secure the repeal by the Congress of the Merchant Marine Act of 1920 (46 U.S.C. secs. 861-889), which includes the Jones Act (46 U.S.C. sec. 883). The new section also would require the governor, pending the repeal of the Merchant Marine Act, to submit to the legislature an annual report on "the harmful effects of the Act on Alaska commerce, and progress made towards its repeal".

NEUTRAL SUMMARY -- BALLOT MEASURE NO. 3

(Initiative #83-02)

Reducing Government Regulation of Transportation:

This initiative, if approved, would eliminate the Alaska Transportation Commission and would substantially reduce the amount of state regulation of the transportation industry. This initiative would add a new section to the Alaska statutes that would limit the power of municipalities to regulate the transportation of passengers and freight for hire. The new statute would require that regulation of such activity by a municipality not conflict with regulations in existence on April 1, 1983, that were adopted by the Alaska Transportation Commission under the Alaska Air Commerce Act of 1960 (AS 02.05), the Alaska Transportation Commission Act (AS 42.07), or the Alaska Motor Freight Carrier Act (AS 42.10). This initiative also would add a new section to the Alaska Statutes that would require a person transporting passengers or freight for hire within the state to obtain insurance, post a bond, or file evidence of other security approved by the Department of Public Safety for the protection of the public against damages or injury caused by the person. This initiative also would add a new section to the Alaska Statutes that would direct the governor to "use best efforts and all appropriate means" to secure the repeal by the Congress of the Merchant Marine Act of 1920 (46 U.S.C. secs. 861 - 889), which includes the Jones Act (46 U.S.C. sec. 883). The new section also would require the governor, pending the repeal of the Merchant Marine Act, to submit to the legislature an annual report on "the harmful effects of the Act on Alaska commerce, and progress made towards its repeal". This initiative would repeal the following statutes:

AS 02.05, the Alaska Air Commerce Act of 1960;

AS 28.10.411(b), which requires that certain motor carrier and bus transportation fees be paid at the same time the registration fee is paid;

ALASKA RAILROAD TRANSFER

Feds, state pass papers for railroad

By PAUL JENKINS
Associated Press Writer

ANCHORAGE—Gov. Bill Sheffield and federal rail officials exchanged historic documents in a brief ceremony today, clearing the tracks for final state purchase of the Alaska Railroad for \$22.3 million.

"It doesn't look like you're prepared to give us the keys, so you won't find a check in there either," Sheffield said as he exchanged certification documents with Federal Railroad Administrator John Riley.

"We have made history today," Riley said.

Alaska's senators, state lawmakers, federal officials and a crowd of about 200 were on hand to watch the exchange.

The letters signal one of the final steps in the transfer of the 526-mile line, its rolling stock and facilities to the state of Alaska. In the letters, Alaska agreed to purchase the railroad for the \$22.3 million price set by the U.S. Railway Association, made commitments to continue rail operations and assumed existing railroad obligations.

Officials have agreed to set a date within the next three months for the transfer of the railroad, which runs from Seward to Fairbanks, and is the only federally owned line in the nation. The switch in ownership is expected sometime in January.

In brief remarks from the makeshift stage in front of an Alaska Railroad car, Sen. Ted Stevens recounted the fight to acquire the line from the federal government, and said, "We need this railroad.

"I believe future Alaskans will recognize this act of agreeing to purchase the railroad from the federal government as one of the most important actions ever taken by our state."

Congress approved construction of the railroad in 1914 to connect the southern coast of Alaska with interior coal fields and agricultural lands. It took eight years and \$52 million to build the line that now winds through a spectacular route of glacier-fed rivers, deep valleys and snow-covered mountains.

Sheffield last week penned his name on controversial legislation detailing how the 61-year-old railroad will be managed after its purchase.

Under state control, the line will be under the Department of Commerce and Economic Development. A seven-member, quasi-public Alaska Railroad Corp. board is to manage the operation.

The officials present for Thursday's ceremonies were scheduled to ride a train to Portage and return after the ceremony.

Transfer complete, real work begins on railroad

by E.W. Piper
Times Writer

Gov. Bill Sheffield settled into the soft, pastel-colored chair on the upper level of the elegantly refurbished, 1952-vintage rail car and sighed. "It's good to finally clear something off my desk," he said with a smile.

Just minutes before, on a cool and sunny Thursday morning, Alaska's elected leaders and the federal managers of the Alaska Railroad had driven the bureaucratic spike. After 61 years of federal ownership, the Alaska Railroad was being

"The Alaska Railroad should be in state hands by the first of the year," said Sheffield, anticipating the official end of the transition period.

And then they all boarded the train for a ride to Portage, where they feasted on elegant comestibles and took a break from several years' worth of negotiating and arguing.

But that is not the end of this story. Now that Alaskans own this railroad, what are we going to do with it?

In a state without many roads, there

transferred to the State of Alaska, whose development has been dominated by the 470-mile line for more than six decades.

All hailed the transfer as a momentous event.

"One of the most important acts ever taken by this state," said Sen. Ted Stevens, who muscled the bill authorizing the transfer onto the Senate floor at the last minute before Congress adjourned in 1983.

"This removes one of the last vestiges of Alaska's territorial status," said John Riley, head of the Federal Railroad Administration.

will always be freight to haul from Seward to Fairbanks. In a state with such natural beauty, there will always be tourists to ride north to see Mount McKinley. And in a state with such mineral potential, there will always be an urge to get those minerals to market.

Minerals and the railroad were linked in nearly every conversation with state and federal officials on the train from Anchorage to Portage after Thursday's ceremony.

The legislation pertaining to the trans-
See Sheffield, page A-6

Sheffield plans easy pace for rail rehabilitation

Continued from page A-1

fer gives the state the right to condemn land for rail expansion. It also gives the state preferential and expedited consideration in Washington, D.C., if Alaska needs permits to cross federal land.

"Undoubtedly there's some strong interest in expansion," said Dave Walsh, an Anchorage assemblyman who worked closely with federal officials in Washington during negotiations last year. "But expansion does not come quickly or cheaply."

And these days, the minerals markets are not booming. Expenditures for mineral development in the state have dropped precipitously in the past two years. According to the state Department of Natural Resources, the \$27.8 million spent for mineral development this year is a full 50 percent below 1981 levels.

World markets for base metals and many other minerals are stagnant, and the state officials interviewed Thursday said they would not favor expanding the railroad unless the project could pay for itself.

That could mean state involvement in mineral projects that need a transportation system, in the same ways the state may help with the financing of the port needed at Cominco Alaska's proposed Red Dog lead-

zinc mine in the northwest Arctic.

Building a rail spur and letting the mine operator pay back the cost of construction is one way to diversify the economy and help keep the railroad profitable. "We'll front-end a project because obviously we want the railroad to haul whatever it can haul," said Richard Lyon, the commissioner of Commerce and Economic Development.

But, he added, the state will participate "only where it makes sense" economically and socially.

Major expansion — expansion that would cost, say, \$2 billion — would also make it difficult to make what Lyon said is the ultimate transfer: from the public sector to the private sector. A major expansion may be a major asset, but buying it would require more than major financing.

"If I were going to get into the railroad business, I'd rather get into it early than late," said Lyon.

Private ownership — if it ever happens — is more than a decade away, so major expansion in that time is not likely.

The first order of business is an orderly transition from federal to state control. Next comes the maintenance and upgrading of track and facilities. Estimates run anywhere from \$15 million to

\$60 million over the next few years.

"I want to run the railroad for a while," said Sheffield, settling back in the plush, privately owned observation car on the Portage train. "We'll move rather slowly and try to make it run as best as possible."

Sheffield — or any other governor, for that matter — will not be running the railroad alone. The governor will appoint a seven-member board to oversee the operation (two cabinet members, two professional railroad managers, a labor union representative and two members from outside government); Sheffield pushed hard to keep the railroad administration under the executive branch.

"Ultimately, whatever goes wrong with the railroad will be the governor's fault," said Sheffield. "If it's my responsibility, then I want to have some input."

But Sheffield admitted that it is impossible to protect such a board from political pressures. Changing administrations and changing political climates could jeopardize the long-range goals of a business — which is, after all, what the state's railroad will be.

Dave Walsh thinks some political insulation can be provided by sound planning and sound precedents set by the very first railroad board. If that board makes a set of long-term goals and articulates them well to the public, politicians will be wary of using the railroad as leverage in bargaining with the administration.

If things are done right the first time around, the public will feel it has a stake in achieving the goals set by the first board.

"And anyone who would tamper with that," he added, "would be doing so at great risk to himself."

Sheffield recruits RR board

By DEAN FOSDICK
The Associated Press

The Sheffield administration has begun recruiting people for the seven-member Alaska Railroad board of directors so the panel can help get a new management team aboard when the state takes over the rail line — probably before the end of the year.

Gov. Bill Sheffield told members of his cabinet Tuesday he was hoping to make the appointments within the next 30 to 60 days, so they should contact him quickly if they had any names to submit.

"We hope to take over the railroad by late November or early December," Sheffield said.

The state is spending \$22.3 million to buy the 525-mile line from the federal

government.

The railroad extends from Fairbanks, in the Interior, to Whittier, on the coast, and has been owned and operated by the federal government since 1924.

Carol Derfner, a member of the governor's staff who helps select people for the state's 130 boards and commissions, said "the word has gone out" about the railroad board.

"We haven't begun the process of selection yet, but we're looking at about 20 to 25 names," Derfner said. "We hope to get it done quickly. One of their first tasks will be to help put together an altogether new corporate team to run the railroad."

Two of Sheffield's cabinet members will sit on the board — the commission-

ers of the departments of Commerce and Economic Development and Transportation and Public Facilities.

The rest will be public members — but there are some strings attached, Derfner said.

"The Legislature specified that one member should be from one of the seven (labor) bargaining units attached to the railroad," she said. "Another was to be someone with 10 years' experience in railroad management. We may combine that seat with a former chief executive officer of a railroad. And we'll probably look outside the state for that.

"That would leave three unencumbered seats for the governor," she said. "But they must reside in the judicial districts served by the railroad."

Moss wants to investigate operating changes in RR

By DEAN FOSDICK
The Associated Press

The chairman of the Senate Transportation Committee said Thursday he intends to investigate allegations that operating changes are being made to the Alaska Railroad that weren't a part of the state's deal to buy it from the federal government.

Sen. Pappy Moss, R-Delta Junction, made the comments after meeting more than an hour with Dick Knapp, commissioner of the Department of Transportation and Public Facilities.

Moss, defeated in the Aug. 28 primary by Jack Coghill, a Nenana Republican, said he has no political axes to grind in looking into the situation.

"This is not for show," Moss said of

his call for a public hearing. "I'm particularly concerned about moves by the railroad's current managers to contract out work on locomotive maintenance in Fairbanks and freight handling in Anchorage.

"I intend to call a meeting of the committee on Oct. 2 in Anchorage to put under a flashbow what's been done behind closed doors," he said. "This is something we may have to live with after we take over the railroad. I don't think we have enough input on what's being done now."

But Arnie Polanchek, assistant general manager of the Alaska Railroad, denied that any major changes were in the works. And he said no moves would be made without first

consulting with labor leaders and state officials.

"We're all in this together," Polanchek said, referring to the various groups who have been working to shift the operation from federal to state control. "We're careful in what we do now because we know it's a sensitive time."

Polanchek, who indicated Moss contacted him about the allegations, said any changes in the way the railroad handles its day-to-day operations would be minor and are merely in the talking stages.

"Nothing has been done yet," Polanchek said. "We're just discussing ways to improve our revenue picture."

"There are several unprofitable things the railroad has been doing and

we're thinking about changing," he said. "It's anything any normal business would do — review its operating procedures."

Knapp, meanwhile, said he "has no disagreement" with Moss about a public hearing.

"Apparently, the railroad is in a management improvement mode," Knapp said. But he added he "didn't find a lot of fault" with what its current managers are doing.

"As a result of this ... we'll be in closer touch, not in terms of dictating policy but basically to insure that, to the maximum extent practicable, we

end up getting what we bargained for."

The Sheffield administration has begun recruiting people for the seven-member Alaska Railroad board of directors so the panel can help get a new management team aboard when the state takes over the rail line — probably before the end of the year.

The state is spending \$22.3 million to buy the 525-mile line from the federal government.

The railroad extends from Fairbanks, in the Interior, to Seward, on the coast, and has been owned and operated by the federal government since 1924.

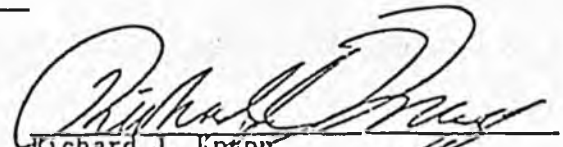
TRUCKING REGULATIONS

ORDER AMENDING REGULATIONS OF THE
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

The attached 3 pages of regulations, dealing with the operation of wheeled vehicles, are hereby adopted and certified to be correct copies of the regulations which the Department of Transportation and Public Facilities adopts, amends, or repeals under authority vested by AS 19.05.020, 19.05.040, 19.10.060 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

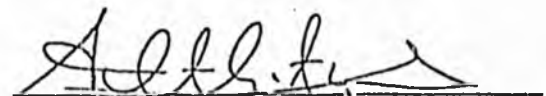
This order takes effect on the 30th day after it has been filed by the lieutenant governor as provided in AS 44.62.180.

DATE: JUNE 20, 1984
Juneau, Alaska


Richard J. Knapp
Commissioner, Department of
Transportation and Public
Facilities

FILING CERTIFICATION

I, Stephen McAlpine, Lieutenant Governor for the State of Alaska, certify that on August 12, 1984, at 3:15 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


Lieutenant Governor

Effective September 1, 1984.
Register 84, October 1984.

10

CHAPTER 25

OPERATIONS, WHEELED VEHICLES

Section

- 10. Prohibited Vehicles and Loads
- 20. Width of Vehicles and Loads
- 30. Height and Length of Vehicles and Loads
- 35. Reasonable Access
- 40. Confinement of Loads
- 50. Trailers and Towed Vehicles
- 60. Allowable Gross Weights
- 70. (Repealed)
- 80. (Repealed)
- 90. (Repealed)
- 100. Road Closures and Restrictions
- 105. Specially Designated Highways
- 110. Definitions

17 AAC 25.010(a) is amended to read:

(a) No person may drive or move ^{on a highway} a vehicle, or vehicle with a load ^{if the vehicle or vehicle with a load exceeds}, ~~according to the size or weight limitations stated in this chapter on any highway~~ ^{17 AAC 25} No owner or lessee may cause or permit a vehicle, or vehicle with a load, ^{which} ~~exceeding~~ the size or weight limitations stated in ~~this chapter~~ to be driven or moved on any highway. (Eff. 6/25/69, Register 30; am 9/3/72, Register 43; am 3/22/81, Register 77; am 11/16/83, Register 88; am / / . Register)

Authority: AS 19.05.020
AS 19.10.060

17 AAC 25.020(a) is amended to read:

~~17 AAC 25.020.~~ WIDTH OF VEHICLES. (a) The total outside width of any vehicle or vehicle with a load may not exceed 102 inches. However, safety devices and load binders may extend three inches beyond the 102 inch limit on either side if they are situated more than four feet above the roadway. Load binders must be located on the right-hand side of the vehicle when possible. (Eff. 6/25/69, Register 30; am 9/3/72, Register 43; am 3/22/81, Register 77; am 6/19/81, Register 78; am / / , Register)

Authority: AS 19.05.020
AS 19.10.060

^{is amended}
17 AAC 25.030 ~~(a), (b), (c), (d), and (e) are amended and (f), (g), and (h) are added to read:~~

17 AAC 25.030 HEIGHT AND LENGTH OF VEHICLES AND LOADS. (a) No vehicle, including load, may exceed a height of 13 feet 6 inches.

(b) No single vehicle, including load, may exceed a length of 40 feet including front and rear bumpers, except as provided in (c) and (f) of this section.

(c) Except on the specially designated highways listed in 17 AAC 25.105, no semitrailer may exceed an overall length of 45 feet, and no combination of truck tractor and semitrailer, including load, may exceed a length of 70 feet, including front and rear bumpers.

(d) Except on the specially designated highways listed in 17 AAC 25.105, no combination of truck and trailer or truck tractor and semitrailer and trailer, including load, may have an overall length in excess of 75 feet, including front and rear bumpers.

(e) Subject to the provisions of this section limiting the length of vehicles and loads, the load on any vehicle or combination of vehicles may not extend more than three feet beyond the front bumper or more than four feet beyond the rear of the bed or body of the vehicle or trailer.

(f) On the specially designated highways listed in 17 AAC 25.105, no semitrailer in a truck tractor-semitrailer combination may exceed a length of 48 feet.

(g) On the specially designated highways listed in 17 AAC 25.105, no semitrailer or trailer in a truck tractor-semitrailer-trailer combination may exceed a length of 48 feet. Measurement from the front of the of the first semitrailer to the rear of the second semitrailer or trailer shall not exceed 90 feet. Overall length is not restricted.

(h) Any combination of three or more cargo carrying units is prohibited. For purposes of this subsection, "cargo carrying unit" means truck, semitrailer, or trailer. (Eff. 6/25/69, Register 30; am 9/3/72, Register 43; am 11/16/83, Register 88; am / / , Register)

Authority: AS 19.05.020
AS 19.05.040
AS 19.10.060

17 AAC 25 is amended by adding a new section to read:

17 AAC 25.035. REASONABLE ACCESS. Vehicles operating under the provisions of 17 AAC 25.030(f) and (g) may move to or from the specially designated highways listed in 17 AAC 25.105 to reach or return from terminals and facilities for food, fuel, or rest. When moving to or from the specially designated highways, vehicles shall use the most direct interconnecting truck route whenever possible. Vehicles moving to or from the specially designated highways under this section shall not move further than 25 miles from these highways. All movement within organized municipalities and boroughs is subject to local ordinances. (Eff. / / , Register)

Authority: AS 19.05.020
AS 19.05.040
AS 19.10.060

Register , 1984

TRANSPORTATION AND
PUBLIC FACILITIES

17 AAC 25.105
17 AAC 25.110

17 AAC 25 is amended by adding a new section to read:

17 AAC 25.105, SPECIALLY DESIGNATED HIGHWAYS. For purposes of this ~~chapter~~, specially designated highways are:

(1) Alaska Route 1 (AK-1) from Anchorage (Potter Weigh Station) to Palmer (Palmer-Wasilla Highway Junction).

(2) Alaska Route 2 (AK-2) from Fairbanks (Gaffney Road Junction) to Delta Junction (HP 1412).

(3) Alaska Route 3 (AK-3) from ^{its} junction with AK-1 to Fairbanks (Gaffney Road Junction). (Eff. / / , Register)

Authority: AS 19.05.020
AS 19.10.060

17 AAC 25.110 (5), (11), (16), and (17) are amended and (18) is added to read:

(5) "highway" ~~means~~ and includes a highway, road, street, bridge, tunnel, and right-of-way;

(11) "vehicle" means every wheeled device capable of transporting persons or property on a highway;

(16) "truck/tractor" means a self-propelled motor vehicle designed and used primarily for drawing a semitrailer or semitrailer and trailer;

(17) "safety devices" means equipment designed to

(A) enhance a driver's view to the front, rear, and side of a vehicle;

(B) enhance a driver's access to a vehicle and load; or

(C) provide protection to other vehicles, and includes rear view mirrors, rubber fenders, mud flaps, rock guards, antispray devices, tires (due to expansion), clearance lights, rub rails, binder chains, pin pockets, door handles, turning signal brackets, steps, bumpers, and backup lights, and tire chain hangers mounted on headache racks, and

(18) "terminal" means a recognized trucking place of business where goods are loaded or unloaded, or services are obtained. (Eff. 6/25/69, Register 30; am 9/3/72, Register 43; am 6/19/81, Register 78; am 11/16/83, Register 88; am / / , Register)

Authority: AS 19.05.020
AS 19.10.060

CHAPTER 25.
OPERATIONS, WHEELED VEHICLES

6/25/69, Reg. 30; am 9/3/72, Reg. 43; am
3/22/81, Reg. 77; am 6/19/81, Reg. 78)

Authority: AS 19.05.020

AS 19.10.060

Section

- 10. Prohibited vehicles and loads
- 20. Width of vehicles
- 30. Height and length of vehicles and loads
- 40. Confinement of loads
- 50. Trailers and towed vehicles
- 60. Allowable gross weights
- 70. (Repealed)
- 80. (Repealed)
- 90. (Repealed)
- 100. Road closures and restrictions
- 110. Definitions

17 AAC 25.010. PROHIBITED VEHICLES AND LOADS. (a) No person may drive or move, nor may an owner or lessee cause or knowingly permit to be driven or moved on a highway, a vehicle or vehicles of a size or weight or having a load exceeding the limitations stated in this chapter.

The provisions of this chapter governing size, weight, and load do not apply to a vehicle or vehicles with a load operated under the terms of a permit issued, under AS 44.33.020(25). (Eff. 6/25/69, Reg. 30; am 9/3/72, Reg. 43; am 3/22/81, Reg. 77; am 11/16/83, Reg. 88)

Authority: AS 19.05.020

AS 19.10.060

17 AAC 25.020. WIDTH OF VEHICLES. (a) The total outside width of any vehicle or load on a vehicle may not exceed 96 inches, except by permit as provided in AS 28.05.011(8). Balloon or duplex tires on trucks may extend three inches beyond the limit on either side. Vehicles used in public transportation may have a total outside width, including load, of 102 inches when operating on roadways with a lane width of 12 feet. Safety devices and load binders may extend three inches beyond the limit on either side if they are situated more than four feet above the roadway. Load binders must be located on the right-hand side of the vehicle if possible.

(b) No passenger vehicle may be operated on a highway with a load which extends beyond the line of the fenders on the left side, nor which extends more than six inches beyond the line of the fenders on the right side. (Eff.

17 AAC 25.030. HEIGHT AND LENGTH OF VEHICLES AND LOADS. (a) No vehicle, including any load thereon, shall exceed a height of 13 feet 6 inches.

(b) No single vehicle, including any load thereon, may exceed a length of 40 feet inclusive of front and rear bumpers, except as provided in (c) of this section.

(c) No semitrailer may exceed an overall length of 45 feet. No combination of truck-tractor and semitrailer, including any load, may exceed a length of 70 feet, including front and rear bumpers.

(d) No combination of truck-tractor and trailer or trailers, or other combination of vehicles, including any load, may have an overall length in excess of 75 feet, including front and rear bumpers.

(e) Subject to the foregoing provisions of this chapter limiting the length of vehicles and loads, the load on any vehicle or combination of vehicles may not extend more than three feet beyond the front bumper or more than four feet beyond the rear of the bed or body of the vehicle or trailer. (Eff. 6/25/69, Reg. 30; am 9/3/72, Reg. 43; am 11/16/83, Reg. 88)

Authority: AS 19.05.020

AS 19.05.040(5),(11)

AS 19.10.060(1)

17 AAC 25.040. CONFINEMENT OF LOADS. (a) No vehicle shall be driven or moved on any highway unless it is so constructed or loaded as to prevent any of the load from dropping, shifting, leaking, or escaping, except that sand may be dropped for the purpose of securing traction, and water or other substance may be sprinkled on a roadway in cleaning or maintaining it.

(b) No person may operate on any highway any vehicle with a load unless the load and any covering on it is securely fastened so as to prevent the covering or load from coming loose, detached or in any manner a hazard to other

users of the highway. (Eff. 6/25/69, Reg. 30; am 9/3/72, Reg. 43)

Authority: AS 19.05.020
AS 19.10.060
AS 28.05.020

17 AAC 25.050. TRAILERS AND TOWED VEHICLES. When one vehicle is towing another, the drawbar or other connections shall be of such strength, design and configuration to control the towed vehicle. (Eff. 6/25/69, Reg. 30; am 9/3/72, Reg. 43)

Authority: AS 19.05.020
AS 19.10.060
AS 28.05.020

17 AAC 25.060. ALLOWABLE GROSS WEIGHTS. The gross weight of any vehicle or combination of vehicles may not exceed any of the limits provided in this section. The most restrictive limitation of the following shall determine the maximum allowable weight of every vehicle or vehicle combination:

(1) The maximum gross vehicle weight may not exceed that weight as determined from the following formula:

$$W = 500 \left[\frac{LN}{N-1} + 12N + 36 \right]$$

where

W = The maximum gross vehicle weight to the nearest 500 pounds

L = The distance in feet between extreme axles, and

N = The number of axles.

(2) The weight on axles may not exceed and the distance between axles may not be less than the following:

	Weight	Distance
Single Axles	20,000 pounds	10' minimum spacing*
2-Axle Tandem	34,000 pounds	3'6" minimum spacing
3-Axle Tandem	42,000 pounds	3'6" minimum spacing
4-Axle Tandem Group	50,000 pounds	3'6" minimum spacing

*Any axle spaced less than 10 feet from any other axle is considered as part of a tandem group.

Any axle which can be elevated from the roadway, thus transferring its portion of the vehicle weight to the other axles, will not be considered as a load-carrying axle unless the vehicle is equipped with an approved tell-tale device. The tell-tale device shall indicate that the lift axle is in full load-carrying position and shall be clearly visible from the left side of the vehicle under normal operating conditions. Vehicles which were on order or manufactured prior to the effective date of this regulation are exempt from the requirements of this subsection until one year following the effective date.

(3) The weight on any tire shall not exceed 500 pounds per inch of tire width, on such axles, based on the tire manufacturer's rating of tire width. (Eff. 6/25/69, Reg. 30; am 9/3/72, Reg. 43; am 9/3/74, Reg. 51)

Authority: AS 19.10.060
AS 28.05.020

Editor's Note: Beginning with Register 51 (October 1974), the formula in paragraph (1) of this section was erroneously printed. It has been corrected as of Register 66 (July 1978).

17 AAC 25.070. ENFORCEMENT. Repealed 11/16/83.

17 AAC 25.080. PERMITS FOR EXCESS SIZE AND WEIGHT. Repealed 3/22/81.

17 AAC 25.090. REQUIREMENTS FOR PERMITS. Repealed 11/16/83.

17 AAC 25.100. ROAD CLOSURES AND RESTRICTIONS. (a) The Department of Transportation and Public Facilities may prohibit the operation of vehicles upon any highway or may impose restrictions on any aspect of vehicle operation on any highway whenever the highway, in the judgment of the commissioner, may be seriously damaged or destroyed by such operation or whenever it is deemed necessary by the commissioner in the interests of safety to the traveling public. The restrictions shall be effective after due notice has been given to the public except in an emergency requiring immediate action.

(b) Whenever weight restrictions imposed by the commissioner or his representative are stated as a percentage of legal allowable weights, the percentage shall be applied to the maximum axle loading of 17 AAC 25.060(2).

(1) Permits may not be issued allowing overweight vehicles to travel on weight-restricted highways during the period when weight restrictions are imposed.

(2) Passenger vehicles are exempt from the provision of (c)(1) of this section and may be issued permits. (Eff. 6/25/69, Reg. 30; am 9/3/72, Reg. 43; am 9/3/74, Reg. 51)

Authority: AS 19.05.020 AS 19.10.100
AS 19.05.040 AS 28.05.020
AS 19.10.060

Editor's Note: As of Register 77, the reference to the Department of Highways has been corrected to refer to the Department of Transportation and Public Facilities.

17 AAC 25.110. DEFINITIONS. Unless the context indicates otherwise, in this chapter

(1) "axle" means the common axis of rotation of two or more wheels, whether power driven or freely rotating, attached to the vehicle or trailer for the purpose of carrying a portion of the vehicle or trailer weight.

repealed 11/16/83;

(3) "gross weight" means the total weight of a vehicle including the load and any accumulated snow, ice, or mud;

(4) "height" means the total vertical dimension of any vehicle above the roadway surface, including any load and load-holding device thereon;

(5) "highway" includes a highway, road, street, bridge, tunnel, drainage structure and other similar or related structure or facility, and right-of-way;

(6) "semi-trailer" means a vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and the weight of its load rests on or is carried by another vehicle;

(7) "single axle weight" means the total weight transmitted to the roadway by the wheels of a single axle;

(8) "tandem axle" means an assembly of two

or more axles which are attached to the vehicle by a connecting mechanism designed to distribute the vehicle weight evenly to all axles of the tandem group;

(9) "tandem axle weight" means the total weight transmitted to the roadway by a tandem axle;

(10) "trailer" means a towed vehicle with one or more axles, one of which may be a steering axle, configured so that no significant portion of its total weight rests upon the towing vehicle;

(11) "vehicle" means every device capable of being moved upon a public highway and in, upon, or by which a person or property is or may be transported or drawn upon a public highway;

(12) "load" means anything that is carried on or in a vehicle but which is not permanently attached to it;

(13) "emergency" means a condition that is either hazardous to life or property or that prevents a damaged roadway from being used by the public;

(14) "public transportation" means a system of vehicles operated by or for a municipality to carry persons to or from locations within that municipality;

(15) "truck" means a motor vehicle of more than 10,000 pounds unladen gross vehicle weight designed, used, or maintained primarily for the movement of a load;

(16) "truck-tractor" means a self-propelled motor vehicle designed and used primarily for drawing a semitrailer, full trailer, or trailers;

(17) "safety devices" means equipment designed to enhance a driver's view to the front, rear, and side of a vehicle, a driver's access to a vehicle and load, and equipment designed to provide protection to other vehicles such as rear view mirrors, rubber fenders, mud flaps, rock guards, anti-spray devices, tires (due to expansion), clearance lights, rub rails, binder chains, pin pockets, door handles, turning signal brackets, steps, bumpers, and backup lights and

tire chain hangers mounted on headache racks. (Eff. 6/25/69, Reg. 30; am 9/3/72, Reg. 43; am 6/19/81, Reg. 78; am 11/16/83, Reg. 88)

Authority: AS 19.05.020
AS 19.10.060

Editor's Note: As of Register 77, the references to the Department of Commerce and the Department of Highways have been corrected to refer to the Department of Commerce and Economic Development, and the Department of Transportation and Public Facilities.

Many vehicles remain unsafe, truckers say

by Robin Pierson
Times Writer

Alaska's roads are filled with unsafe trucks because the state's vehicle inspection program is inadequate and drivers aren't paid enough to be able to properly maintain their vehicles, a group of Anchorage truckers said recently.

"I've had my truck for 3½ years and it's never been inspected," said Jim Fenton of Anchorage. "Drivers know no one is going to look at their trucks, so they just keep on running them. We're working too cheap to maintain them."

In the last month, Anchorage has been rocked by tragic acci-

dents involving large commercial vehicles. Earlier this week a loaded dump truck careened out of control through the intersection of Minnesota Drive and Raspberry Road. It came to rest atop a passenger vehicle, crushing to death three of the five occupants.

In mid-June, on the Seward Highway near the turnoff to Hope, an Anchorage man collided with an out-of-control tanker filled with asphalt. The man lost his legs after they were severely burned when hot asphalt seeped into his car, where he was trapped.

The driver of the asphalt

See Trucks, page A-12

truck will be charged with negligent driving, said Alaska State Troopers.

Whether or not the dump truck, which overturned on the passenger vehicle, was in safe driving condition before the accident currently is being investigated.

Through the truckers' grapevine, Fenton said he has learned of three other drivers who were in accidents within the last month after their equipment — including steering mechanisms and tires — failed.

Officials at the Alaska Transportation Commission, the agency charged with inspecting commercial vehicles, admit that they do not have the staff to conduct a comprehensive commercial vehicle inspection program.

"Most states have mandatory inspection for trucks registered in the state," said Larry Michou, the ATC's executive director. Alaska does not.

Instead, trucks are randomly inspected at weigh stations and on the road. ATC field agents also occasionally check vehicles at trucking companies whose drivers have received numerous safety violations.

The scale-house checks take an average of 10 to 15 minutes, occur infrequently and are not thorough, truckers say.

"Basically they're a joke," John Carr, an Anchorage trucker, said about the weigh-station checks. "I'm sure I can slip a truck through without brakes."

Though no one officially is assigned to the task, an Alaska State Trooper occasionally shows up at the weigh stations. Truckers complain that troopers are notorious for keeping clean — checking nothing on a truck but instead inspecting drivers' medical cards and log books.

Check" where the most critical part of the truck, including brakes, steering mechanisms and points of connection between the power unit and the trailer, are inspected.

Inspection procedures are not consistent between the two agencies, Michou said.

Of the 759 safety violations given to the more than 10,000 registered truckers in Anchorage last year by the ATC, 158 were for inadequate lights. Next on the list, were unsafe tires, wheels and failure to carry a medical certificate.

Only 23 drivers were cited for bad brakes.

Fenton's and his fellow truckers' motives for lobbying for stricter inspections appear to be two-fold.

If stricter or mandatory inspections were instituted, the truckers contend that their employers would have to pay higher wages so the owner-operators could afford to keep their vehicles in shape.

Truckers who drive to Prudhoe Bay, for example, say they now are paid about half, or about \$5,000, for the run compared to nearly \$10,000 in the mid-1970s. While wages have decreased, part prices have risen.

A tire for the combination trailers-trucks costs \$430 now compared to \$220 during the pipeline days, says longtime trucker Roy Goodrow.

"We're not making enough money to maintain our trucks like we should," Goodrow said.

But besides using stricter inspections as a way to lobby for higher pay, the truckers say they fear for their safety.

"It's like a race track out there," Fenton said, since truckers are speeding to make more trips — making up for the pay cuts.

Surprise trooper inspection sidelines 58 trucks

By LARRY CAMPBELL
Daily News reporter

A surprise inspection of commercial trucks in Anchorage and the Matanuska Valley this week sidelined nearly half the vehicles, a record that shows no improvement since a similar sweep earlier this summer, according to Alaska State Troopers.

A special team of troopers and Anchorage police officers inspected 106 trucks — most of them gravel haulers — between Tuesday and Thursday.

roadside traffic stops in the Sand Lake area and in the Valley.

Citations for 108 separate violations were issued, some being multiple violations given to a single vehicle. One driver was arrested for reckless driving, two for driving with suspended licenses and two on other outstanding warrants not associated with the inspection sweep.

Troopers conducted a similar surprise sweep in May, McConnaughey said. The in-

them. I reached down and unscrewed one with my fingers and handed it to him.

"Those nuts weigh about 16 ounces. Can you imagine what one of those things would do to a windshield if it popped off the wheel at 55 miles an hour?"

"One truck we stopped out in Sand Lake had brakes so bad the driver couldn't keep the truck on the portable weight scales," McConnaughey said.

Most trucks stopped this

Fifty-eight were taken out of service for equipment repairs, said Lt. Terry McConnaughey. He is deputy commander of the trooper detachment that includes Anchorage, the Valley and east to Valdez.

The inspections were prompted by numerous complaints from residents, he said. The inspection team stopped vehicles at the state truck weigh station on the Glenn Highway north of Muldoon Road and conducted

inspections are conducted by Fairbanks troopers who specialize in truck safety, plus city police officers.

Overloaded trucks were not a problem this week, but equipment violations were at the same high levels as in May, he said. Brakes and loose lug nuts, used to hold tires to the axles, were the most prevalent violations.

"One truck drove up and I could see his lug nuts were loose," he said. "The driver told me he'd just checked

week were owner-operated rigs, that is drivers with their own vehicles who hire out to local contractors, McConnaughey said.

That half the trucks inspected needed serious repairs shows that too many operators still are not maintaining their vehicles, he said.

"Because of the nature of the work they do, so many times these guys are working by the load or have to make

so many trips a day," McConnaughey said. "I think the numbers show that too many of them are not spending as much time maintaining their trucks as they are driving them."

McConnaughey said he also saw some well-kept vehicles among the moving potential disasters.

"Some were absolutely immaculate," he said. "And the drivers were really conscious of keeping them that way."

The inspections caught no more than 10 percent of the trucks registered in the Anchorage and Mat-Su Valley areas, according to figures from the Department of Motor Vehicles. McConnaughey could not say whether the poor safety showing revealed this week translates to the entire area, however.

There are some truckers who are changing their attitudes about keeping their rigs in shape, McConnaughey said. But the inspection results mean constant enforcement is still necessary to convince every driver, he added.

"Things improved this week, but before long we'll have to come back," he said. "I know a lot of drivers will probably howl and say I'm wrong, but the numbers tell it all."

"Things are not going to change unless we're out there. And unless we're out there, it'll get worse."

Truckers want new image

A top priority for the motor carrier industry is to improve the public's perception of trucks, according to the industry's top elected official.

The industry intends to make a strong case for itself to counter efforts to restrict the productive use of trucks, he said.

Robert Cox, chairman of the board of the American Trucking Associations Inc., Washington, D.C., addressed the 25th anniversary banquet of the Alaska Trucking Association in Valdez. He said the current public perception of trucks has led to several punitive proposals within the state.

He cited a movement to limit the speed of trucks to 35 miles per hour within an 80-square mile area surrounding Anchorage, while other traffic would be permitted to travel at the 55-mile-

per-hour speed limit.

"This kind of mix is an open invitation to disaster . . . but this proposed action is a governmental response to a fatal accident involving a truck," Cox explained in a news release.

The industry is employing a two-track nationwide approach to create a more positive image, because the issue is bigger than any one state.

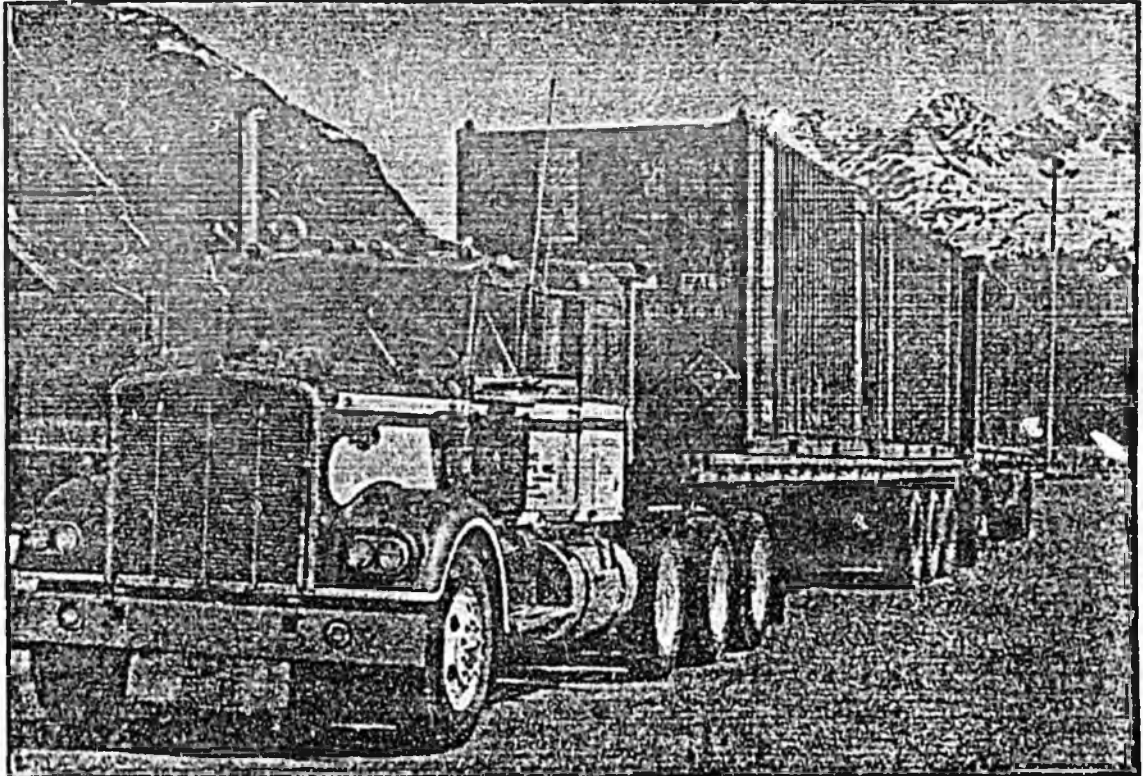
"First, we are going to try to set the record straight. We are going to do everything we can to bring the perception of this industry on the part of the officials, news media and everyone else into focus, so that what they say,

what they write, what they believe will at least be close to accurate.

"And secondly, we are going to do whatever we can do to improve our performance and our image," Cox said.

Other trucking issues that would benefit from this kind of unified approach are federal and state taxes, he continued.

Cox also told Alaskan trucking executives that meeting the many challenges facing the motor carrier industry now and in the future will require "a dedication to work, their community to the total transportation system and to safety."



At the Port of Valdez, George Hillar of Alaska Freight Lines prepares to run the first set of 40-foot trailers to the Interior.

Tandems OK on highway

The Alaska Department of Commerce and Economic Development, Division of Measurement Standards, recently granted trucking firms using the Port of Valdez to operate tandem trailer combinations that are up to 105 feet in overall length on the Richardson Highway.

The authority extends the full length of the highway from Valdez to Fairbanks.

Transportation firms serving Valdez have been petitioning the Department of Commerce and Economic Development for some time. They said the permit to haul two 40-foot doubles was necessary in order to offer shippers rates that were competitive with other routes to

the Interior.

A pilot program was established for a 120-day period to monitor the safety and security of this new service. The Alaska Department of Transportation and Public Facilities will actively participate in this project to assure that all permit regulations are observed. It is expected that the authorization will be made permanent.

The first carrier to secure the permit was Alaska Freight Lines of Valdez. Commenting on the newly granted authority, George Hillar of A.F.L. said, "We are very pleased to have received this long awaited permit. Now we will be able to perform a much needed inland service at economical tariff levels."

For more information contact the Port of Valdez. In Alaska call 835-4313 or toll free Zenith 4300 from Fairbanks, Delta Junction and Anchorage. In the Lower 48 states call (503) 227-4567 or (206) 624-4414 in Seattle.

CONFERENCES AND MEETINGS

Chenega...

President Gail Evanoff put her shoulder to the wheel lobbying endlessly, arguing, enduring years of blank stares and queries of "Where's Chenega? Why do you want to rebuild it?"

Finally home amid the results of her work, Gail Evanoff took the occasion of the dedication ceremony to compliment one of the few politicians who really did back Chenega Bay all along—Bette Cato. The main gravel road in the village is named for her.

While Gail worked for funds, Larry Evanoff served as projects manager seeing that the 21 homes, gravel roads, school, store, utilities and dock were built. Last Saturday, his was the enjoyable task of welcoming Chenegans to their new home.

Other guest speakers included Chugach Alaska Inc. board chairman Edgar Blatchford, North Pacific Rim executive director Derenty Tabios, George Irvin of the Alaska Federation of Natives; Governor Sheffield's chief of staff John Shively and former State Representative Margaret Branson.

Tabios noted "with the rebirth of Chenega our region is once again whole," and Blatchford commented that "the Chenegans have overcome more obstacles in 20 years than most people do in several generations."

Plans for Father Nicholas Kompkoff, Sr. to bless the new homes and church grounds were postponed because Fr.

Kompkoff has been ill.

Already living in the new one-story home are nine families: most young people with kids. From Anchorage: Don & Gail Kompkoff and children Dino, Joyce, Stephanie and Alexander John. Gail is the fee agent person and serves on the Native Advisory Committee. Charles Selanoff Jr. & Norma Selanoff plus two kids, Diana and Lynnette. Charles is water/sewer technician for Public Health Services. George and Marlene Selanoff and their son Bill. Larry and Gail Evanoff are also from Anchorage; besides their village council jobs, they are public safety officer and community health aide, respectively.

Michael Vigil from Anchorage will run the community store. He is sharing a house with his sister Sharon from Seattle.

From Cordova are Frank and Susan Gurske and children Sally and Frank Jr.; and Joel Kompkoff Sr. and sons Joes and Lloyd. Ken Selanoff has moved in from

Tatitlek.

More people will arrive after fishing season, including Chuck Totemoff, Maggie and John Totemoff; John and Phyllis Pipkin; Paul and Minnie Kompkoff and dis; Mike Eleshansky and his family and Nick Kompkoff Sr. and his wife Mary.

After the dedication and salmon dinner that followed, Gail Evanoff reported on future plans—a teacher is coming next week; a community center with health care and public safety facilities will soon be built; a post office will be established as soon as 25

people and two businesses are in residence; and regular air service is being sought.

"There's lots to do," she said. "Some people are worried about jobs...they should just come home. Then we'll work it out."

Chenega Bay is home at last!

"If not for Larry and Gail Evanoff, this could never have happened," Chenega Village Corporation president Don Kompkoff said at the August 26 dedication of Chenega Bay. "And it sure feels good to be home and have a house so close to the fishing grounds."

Kompkoff was giving recognition to the tremendous effort spent by the Evanoffs for ten years to rebuild the lost village of Chenega.

Chenega Bay Village Council Chairman Larry Evanoff was one of the children who survived the 1964 earthquake and tidal wave that killed 23 of the original Chenegans and destroyed their home. For

years, he kept the dream of rebuilding the village and recreating the life he once enjoyed.

After the quake, state disaster funds rebuilt most Prince William Sound communities. Not Chenega. The government tried to relocate Chenega survivors in Tatitlek.

It didn't work. Chenegans moved on to Cordova, Anchorage and Valdez, returning to the old site in the 1976 for a memorial service, then deciding to relocate from Chenega Island to nearby Evans Island—a more protected spot with fewer memories.

Now Village Council

Road closures resume

After a brief Salmon Derby respite, daytime road closures began Monday, 10am-2pm for blasting the Seward Highway rebuild.

Closures will be daily until November snows prevent Kluane Construction from further work.

Intermittent closures of up to half an hour will also be allowed any time of the day; but there will be no closures Saturdays or Sundays.

The winter closure schedule was to have begun last week, but was held off at the request of Rep. Bette Cato, due to Salmon Derby.

Mike Fargo, resident engineer for the Department of Transportation/Public Facilities, said OSHA prohibits blasting after sunset, unless special lighting is used to render the area bright as day, and unless a special permit is issued.

"They told us 'Forget it'," Fargo said. "Plus it would have added hundreds of thousands of dollars to the price tag."

He said the only time OSHA normally gives out blasting permits is when there is no alternative—"like on the North Slope in winter."

Traffic counts and consultation with scheduled haulers and the Post Office revealed the best time for blasting closures is 9pm to 1am. That is when

the work was being done this summer. Now days are shorter and the next best time period must be used—the 10am to 1pm slot.

Cato asks halt to road closure

Rep. Bette Cato reported she complained to the Department of Transportation/Public Facilities about 10 a.m.-2 p.m. road closures by Kluane Construction, Bertha Creek-Ingraham Creek on the Seward Highway, beginning today.

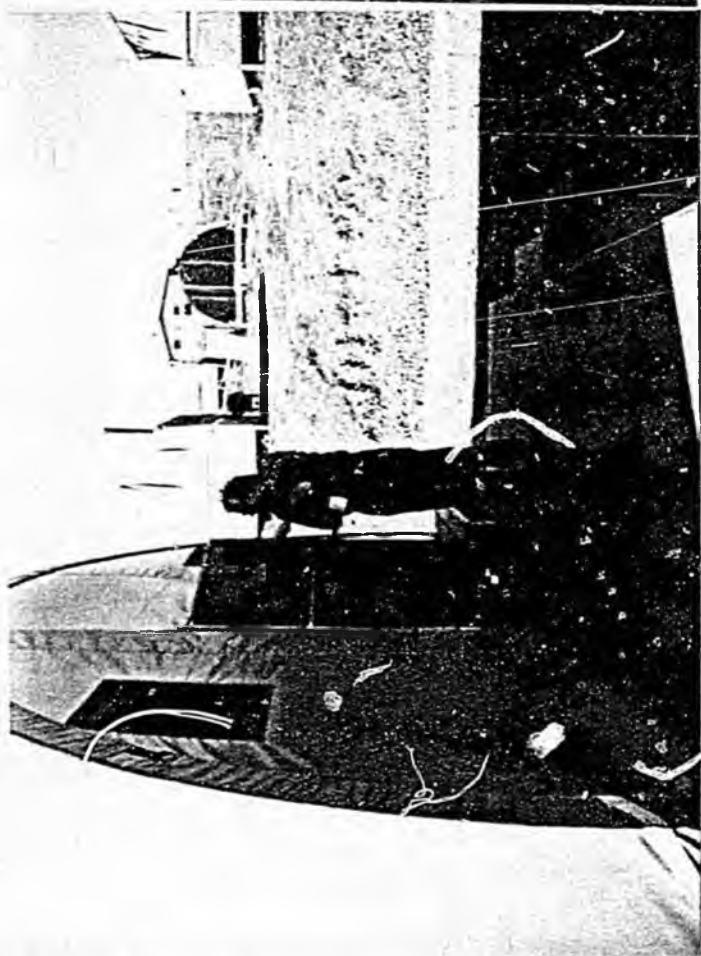
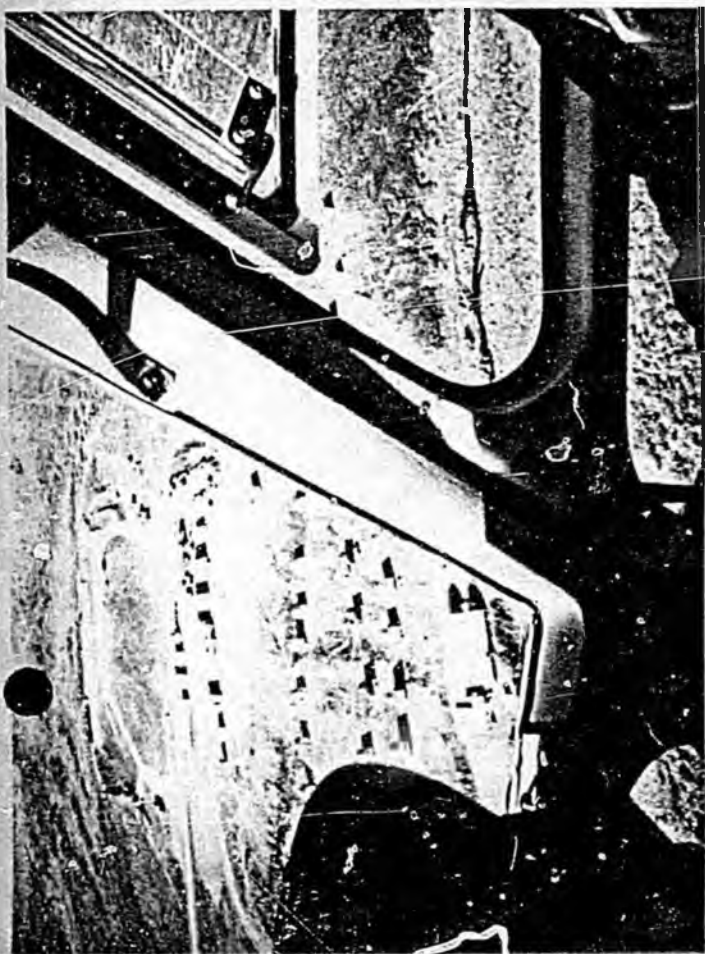
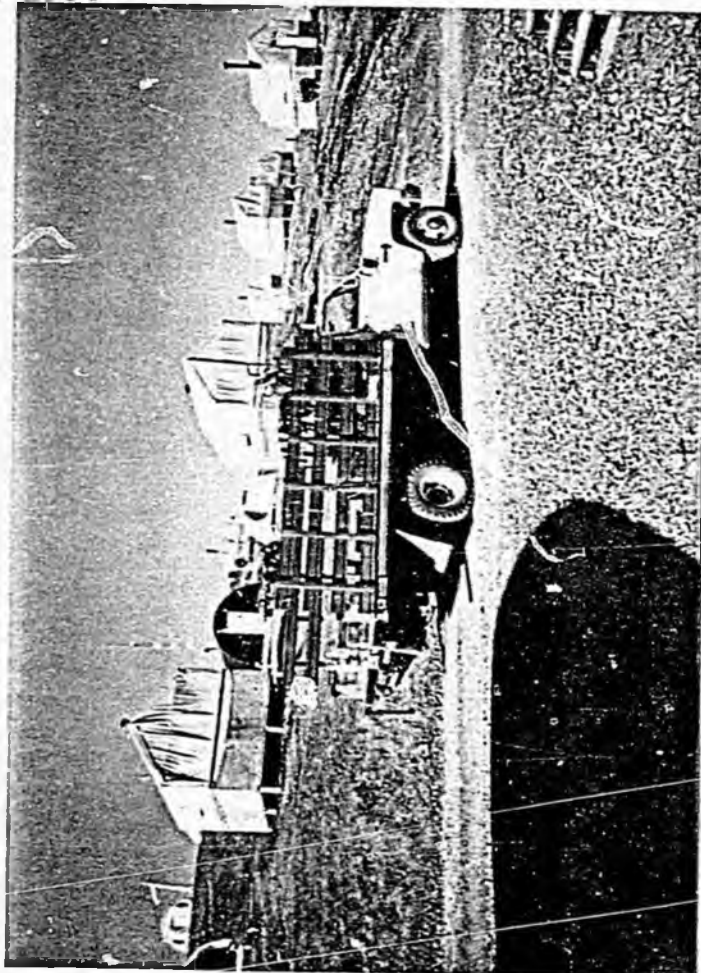
"They are sending a team down to keep it

open, and it will stay open all weekend," Cato said. "Then a better schedule will be arranged to meet Peninsula traffic needs."

Red Dog Mine Tour
September 1984



Red Dog Mine Tour
September 1984



TRIP REPORT
EMULSION ROAD CONSTRUCTION
STATE OF OREGON
AUGUST 21 - 25, 1984

Due to the fact that Alaska's road system is in a deplorable condition, the House Transportation committee continues to learn all they can about the various construction techniques. Both the House and Senate Transportation Committees have pushed for DOT to research such techniques as high float emulsion (HFE) asphalt road construction. We were involved with the resolution which urged DOT to use high float emulsion asphalt, on an experimental basis, as some of the advantages of HFE asphalt is that it stays soft longer, is considerably less expensive and has a long term advantage of being temperature stable. To date, three projects have been laid and we are expecting DOT's first report on those projects either by the end of the year or in January.

The House Transportation Committee along with the Senate Transportation Committee and Associated General Contractors of America, Inc. sponsored a Highway Symposium in February of 1984 where several presentations were given on what is happening in the area of emulsified asphalt road construction. We have also been communicating with the Yukon Territory and their use of high float emulsion surface treatments. (Almost the entire Alaska Highway has HFE asphalt surface treatment)

We are fortunate to have as the Chairman of the House Transportation Committee an individual who is knowledgeable about road construction and what is needed in the state of Alaska. Thus, when the Northwest Division of Chevron U.S.A. Inc. (who has been a leader in emulsion road construction) extended an invitation to Chairman Cato, we were eager to have yet another opportunity to observe this type of construction in progress as well as roads which have been in service for many years in the State of Oregon.

Chairman Cato, accompanied by her professional assistant, Rhonda Cargill, arrived in Portland, OR on August 21 and traveled approximately 1300 miles of Oregon roads within the next 2½ days. The following is a report of not only what they were able to learn from the trip, but also from various reports that were furnished by Chevron U.S.A.

We began our trip on the evening of August 21 with the opportunity to casually meet with Frank Begich and Susan MacFarland, both of Chevron.

On the morning of August 22, Susan MacFarland, Technical Service Representative, Asphalt Division, picked us up to begin our tour of the various construction of roads with emulsions. Susan is the chemist who meets with the people involved with road construction,

such as the county officials, state officials, and private contractors to determine which emulsified asphalt to use. Among the various factors that we learned, the key to successfully using emulsion asphalts is to select the right emulsion for the aggregate and construction system involved.

Our first stop was in Odell, Hood River County, where we met Jim Lyons, County Engineer, who then took us to observe an open-graded CMS-2 project which had been completed three years ago and one which was in progress.

Before going on, to explain a little bit what emulsified asphalts such as CMS-2 are about--

Asphalt emulsions are divided into three categories, one of those being cationic which is what the C stands for in CMS-2. Emulsions are also classified on the basis of how quickly the asphalt will revert to asphalt cement (Coalesce). Thus MS means medium-setting which means that a medium-setting emulsion is expected to mix with coarse, but not fine aggregate. And the 2 is part of the designation that denotes general viscosity (fluid's resistance to flow) for emulsified asphalt.

The first road we looked at in Hood River County is a logging road and CMS-2 was used as a surface treatment, as opposed to a reconstruction project. The medium-setting grades are designed for mixing with coarse aggregate. (which is shown in Photo 1 using the car keys to show the relationship of the size of the aggregate to a set of car keys) Because these grades do not break immediately upon contact with aggregate, mixes using them remain workable for a few minutes (break meaning basically when the asphalt separate from the water phase). The CMS grades have high viscosities to prevent runoff.

Photo #2 is showing what is called "run-off". Run-off has to do with the amount and method in which water is used in making the emulsified asphalt or the amount of water which an aggregate might contain. If too much water is present, pavement life could be reduced.

This particular road was a good project to view as the proper procedures were followed. If proper construction practices are not followed, the mix can prematurely stiffen and a rough surface can be produced during laydown. This road had excellent rock retention and has sufficient drainage to preserve the road surface.

Our next stop in Hood River County was to observe the application of CMS-2 by a county crew. We have no photos of this particular process, but will give an explanation of the application as we have photos of another project we watched in progress.

A factor we picked up from Mr. Lyons was the advantage of the cost effectiveness of emulsified asphalt mixes. Emulsified asphalt

45

mixes provide an alternative for roads that are in back woods areas yet need durable roads at a less costly method of construction, plus would not effect the environment with dust, smoke, evaporating solvents and fire hazards.

Moving on, we went up to see a pugmill used for cold mixtures. The type of pugmill that we were observing is one that is referred to as a travel plant, as it can be set up near the construction site.

Open graded emulsified asphalt is produced by mixing the emulsified asphalt with the aggregate with no heating required. After mixing is completed, the cold mix is transported and placed in virtually the same manner as hot mix. This method also allows rapid construction with minimal interruption of traffic flow. Photos #3, #4 and #5 show just that. Crushed rock is loaded into the cold feed bin which is attached to a conveyor belt which takes the rock to the pugmill mixer where it is mixed with the emulsified asphalt and then is dumped into the truck hopper. The process we were watching was the loading of 25 ton trucks in 4 minutes.

The mixed emulsified asphalt aggregate mixture which we had observed at the pugmill is basically asphalt coated aggregate particles. They are formed into a layer or blanket and are part of the roadway.

Our next stop, of course, was to the construction site where the asphalt was being laid as a reconstruction job, which is the Morse Brothers' job.

Here we watched the belly dump trucks, dump the CMS-2 asphalt in a berm followed by the spreader/paver and conventional roller. See Photos #6, #7, #8, #9 and #10.

Since the emulsified asphalt tends to be sticky, the steel wheel roller was used for compaction and then traffic would do the rest of the job.

Susan feels that after rolling it is advantageous to dry choke (dust) the surface as it eliminates the sticky surface condition and helps tighten up the surface and will seal the surface to allow a positive seal to be constructed.

That evening we met with Carlos Van Ellisberg, Public Works Director, Pendleton Umatilla County in Pendleton as he was to be show us some seal coating projects in his county. Carlos had previously worked as county engineer in Hood River County so we were able to have further discussions on the roads we had seen earlier in the day.

August 23 Representative Cato, Susan and Rhonda met with Carlos Van Ellisberg who took us to Milton Freewater area (Dry Creek) where we were given a chance to watch seal coating in process. Carlos

pointed out that this seal coating job was to add life to the pavement. We were able to see the "spray on" application of CMS-2 where as the Morse Brothers' job was a "mix in" application.

In chatting with the crew we learned how critical the timing was between spraying of the asphalt and application of the aggregate. Again we learned about the breaking and curing of the asphalt. If the asphalt emulsion is to perform its ultimate function of cementing and waterproofing, the asphalt must separate from the water phase. For seal coating, the emulsions are formulated to break upon contact with a foreign substance such as aggregate or a pavement surface. The asphalt droplets coalesce and produce a continuous film of asphalt on the aggregate or pavement. It is quite critical that the aggregate is laid immediately after the spraying of the emulsified asphalt so that the adhesion of the asphalt to the aggregate takes. This particular project was followed up with a rubber roller. A conventional roller would not be used as it would crush the aggregate and lose the adhesion or have loss of stones from the pavement.

At this project we had the opportunity to speak with the driver of the distributor and learn that the science of application is not an easy task. Each individual sprayer must be angled at a specific angle, there must be a certain number of valves open, of which none must be defective or clogged. Photo #11 is showing the valves and back of the distributor. While driving down the pavement, the driver must watch an indicator which shows the volume/pressure of asphalt being sprayed per foot of road. Photo #12 is showing the spraying application. (He has a guide which tells him what specifications which must be met.)

We also spoke with the crew of the spreader who gave us an explanation of how their piece of equipment functions. They showed us how the grave truck hooks up to the spreader and dump the rock into the spreader. The rock then travels up a conveyor belt to a screen in the front of the spreader which sifts the rock so only a certain size rock falls through the screen to the spreader and onto the road. Again, timing is important. Photos #13 and #14 are showing spreader in progress.

Our next destination was to visit with Dan Ball, Road Master of Morrow County outside Heppner. (Dan is responsible for 1100 miles of road and has a crew of 26) Here we were able to see a pavement project which was a cold mix recycling project.

Cold mix recycling basically involves salvaging the old road, adding new material (asphalt emulsion for an example), and combining it with new aggregate. You can grind up an untreated aggregated base in place, stabilize it with an asphalt emulsion, use it as a base layer then pour. At this particular project the old pavement was ground up and laid back down and then a chip seal was applied.

A point of interest which was relayed is that a lot of credit is to be given to the equipment manufacturers. They have developed improvements that allow road construction contractors to do massive recycling projects at a time when the concept really wasn't well developed. They committed a lot of capital money to the development of equipment that is now available to the user.

We then went to Canyon City and looked at a cold mix recycle job where the seal coat was lost

We overnighed in John Day and on August 24 we headed out for Bend to meet with one of Oregon's regional engineers.

Arriving in Bend we had the opportunity to have lunch with Dale Allen, Regional Engineer of the largest region in Oregon.

On route to Portland we stopped in Zig Zag to look at a stock pile mix of Spec 200. We were able to see how CMS-2 can be stock piled as it retains enough moisture and adhesion (Shown in Photo #15) that all the road crews have to do is bring their trucks in and load it up with Spec 200 for patching projects. Photo #16 is the Spec 200 stock pile.

We have also attached a copy of the map of Oregon outlining our travels to observe open graded emulsion asphalt road construction. Not included in this particular report are areas which are pointed out on the map that we didn't actually get out to observe, but discussed as we were driving on them.

We were most fortunate to be given this opportunity to learn more about emulsified asphalts and how this technique could be an alternative that Alaska should continue to experiment with and research.

OFFICIAL HIGHWAY MAP OF
OREGON

- Interstate Exchange
- State Traffic Interchange
- Arched Canal
- Interstate Route Marker
- U.S. Route Marker
- State Route Marker
- Traverse and Numbers
- Lower or Higher

- City Seats
- County Seats
- County Lines
- Number of Land Management Center
- Center of Airport
- Center of County
- Lighthouse
- Light Railway
- Water Sports Area
- Accumulated Maximum Distance
- Where Between Towns and Distances

SCALE
1" = 50 MILES
1" = 80 KILOMETERS

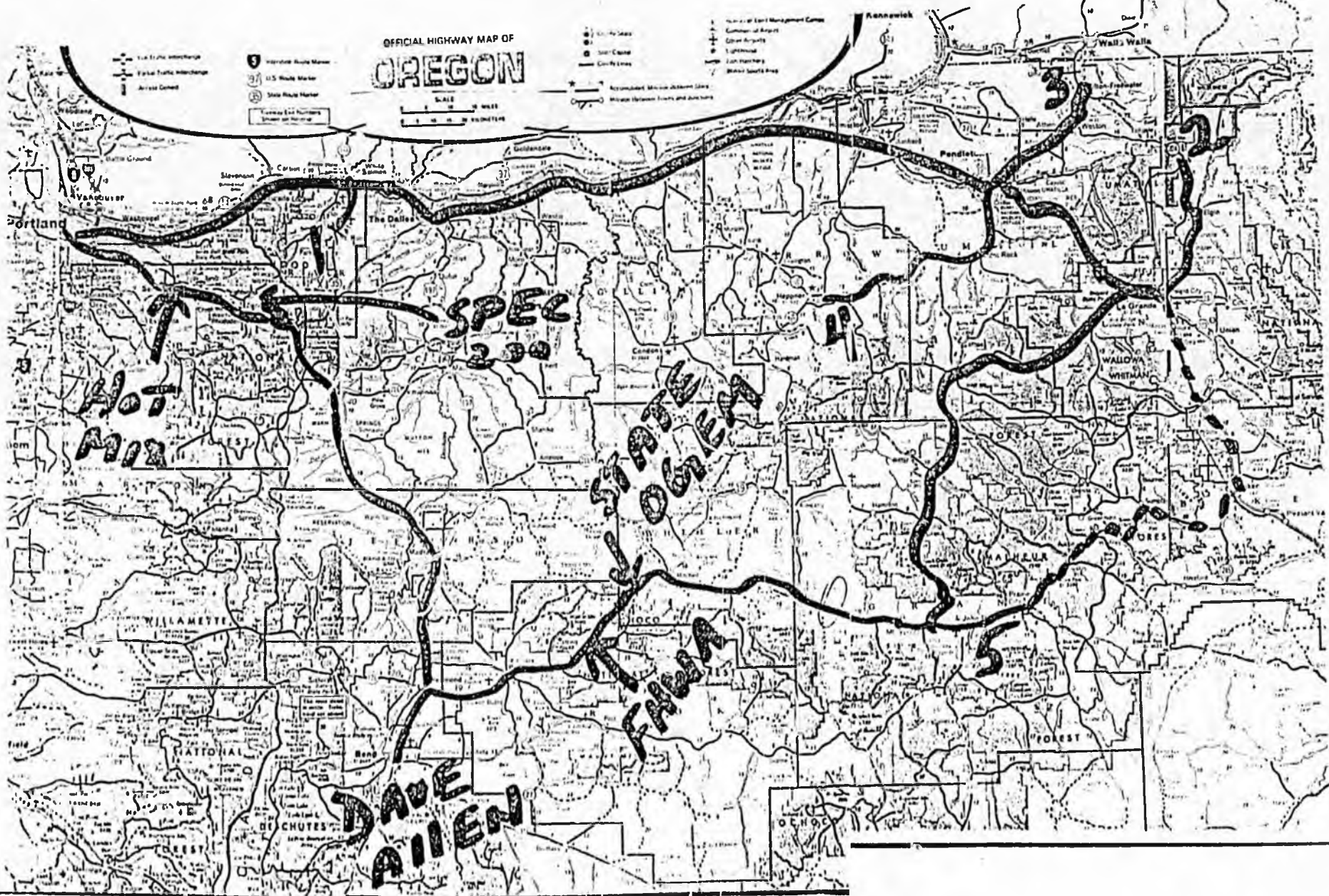
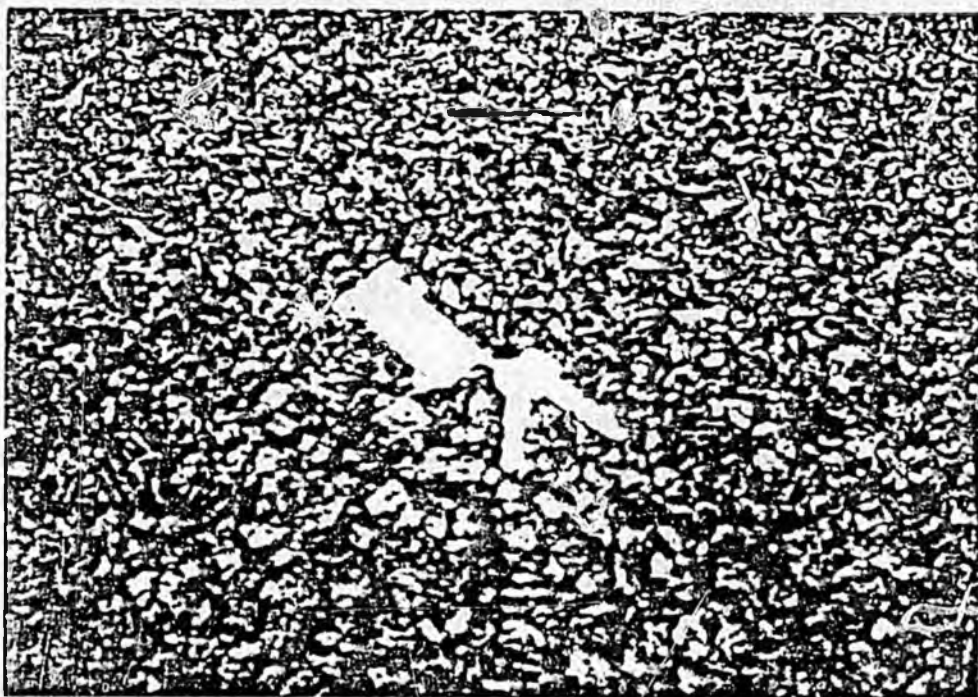


PHOTO #1



Keys on pavement to emphasize
size of aggregate used in mix

PHOTO #2



"RUN-OFF"

PHOTO #3 crushed rock into bin



PUGMILL

PHOTO #4 conveyor belt to mix

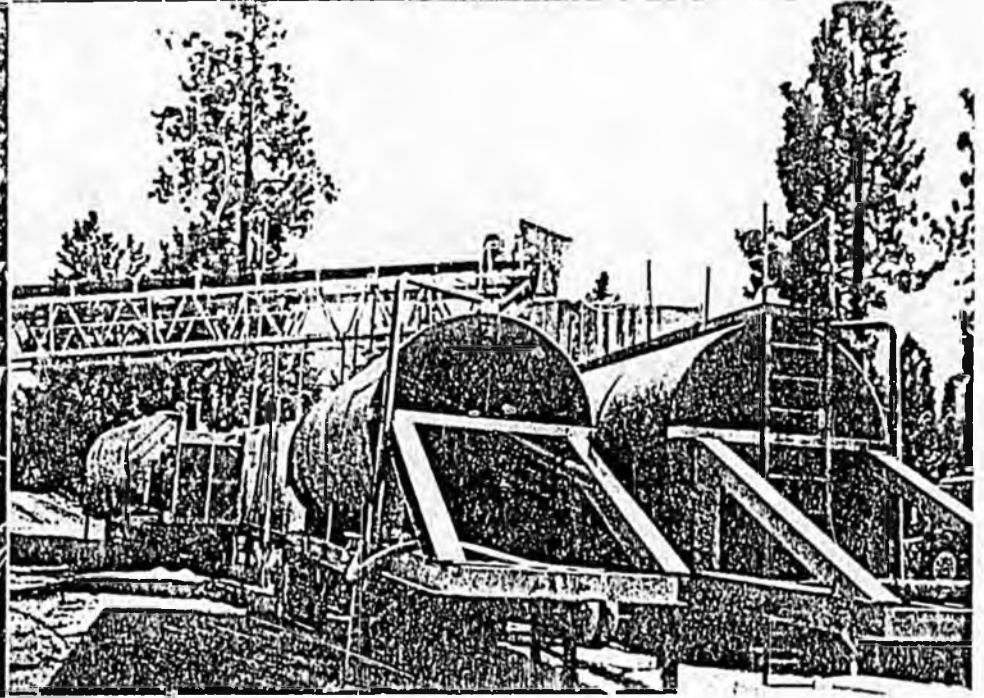


PHOTO #5
Truck loads
of mixture

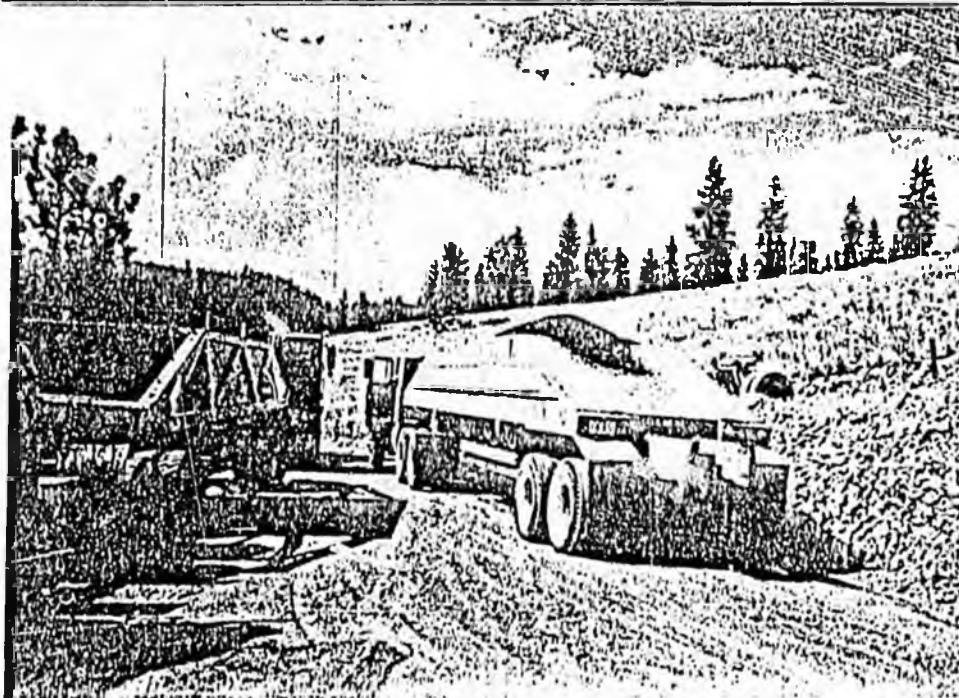
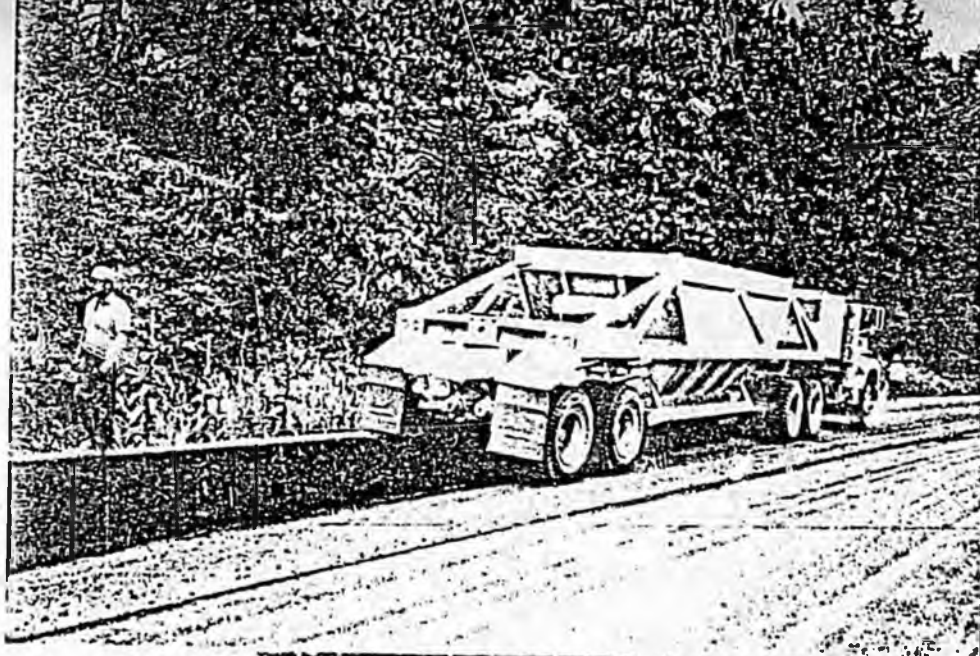
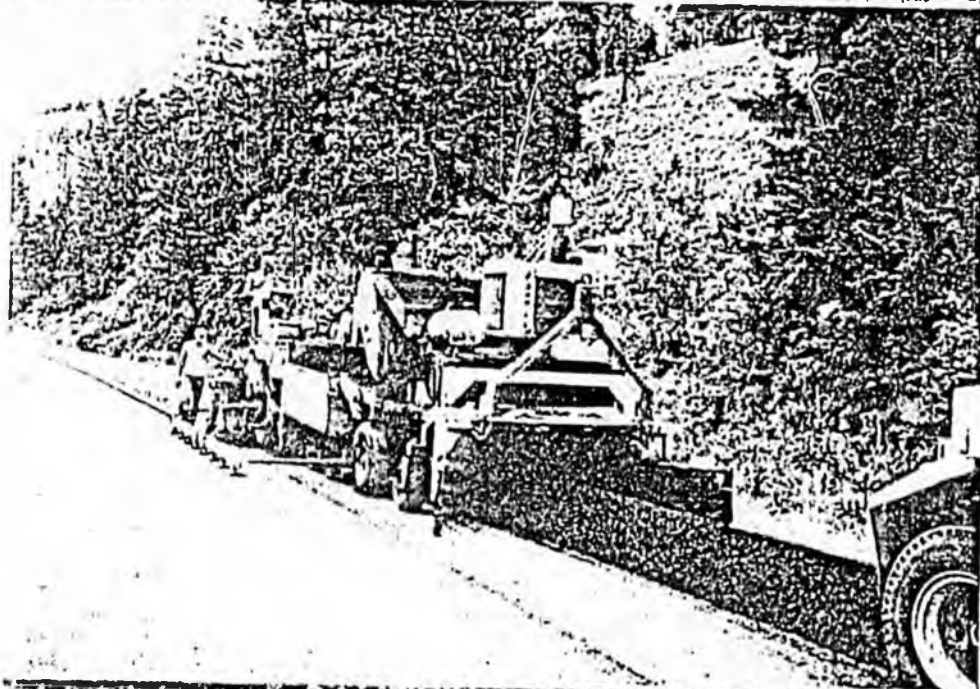


PHOTO #6



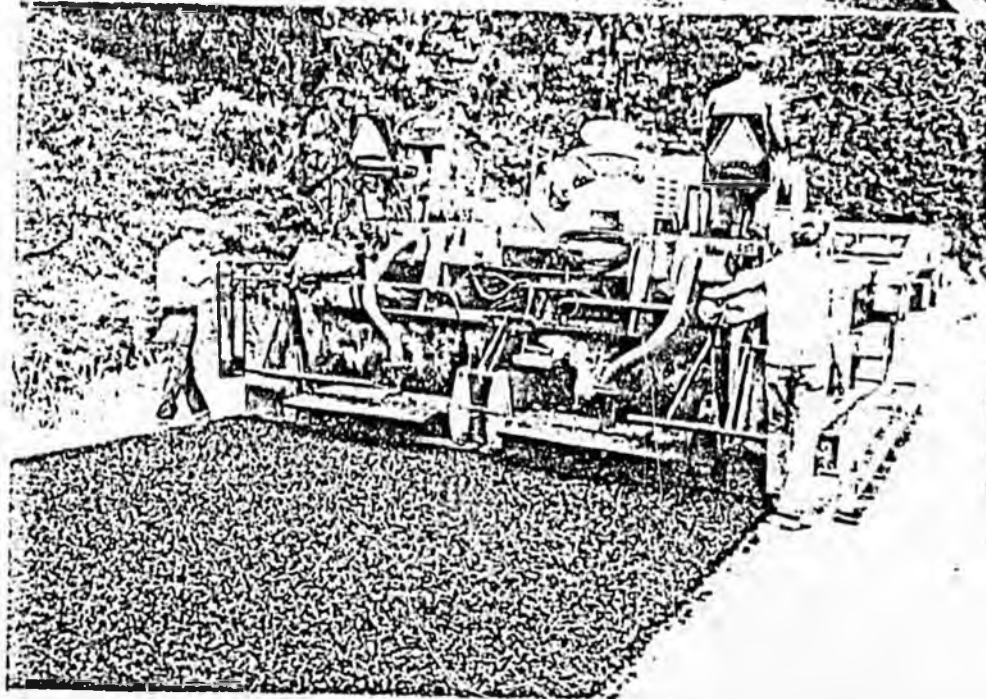
Berm of mixture
being laid

PHOTO #7



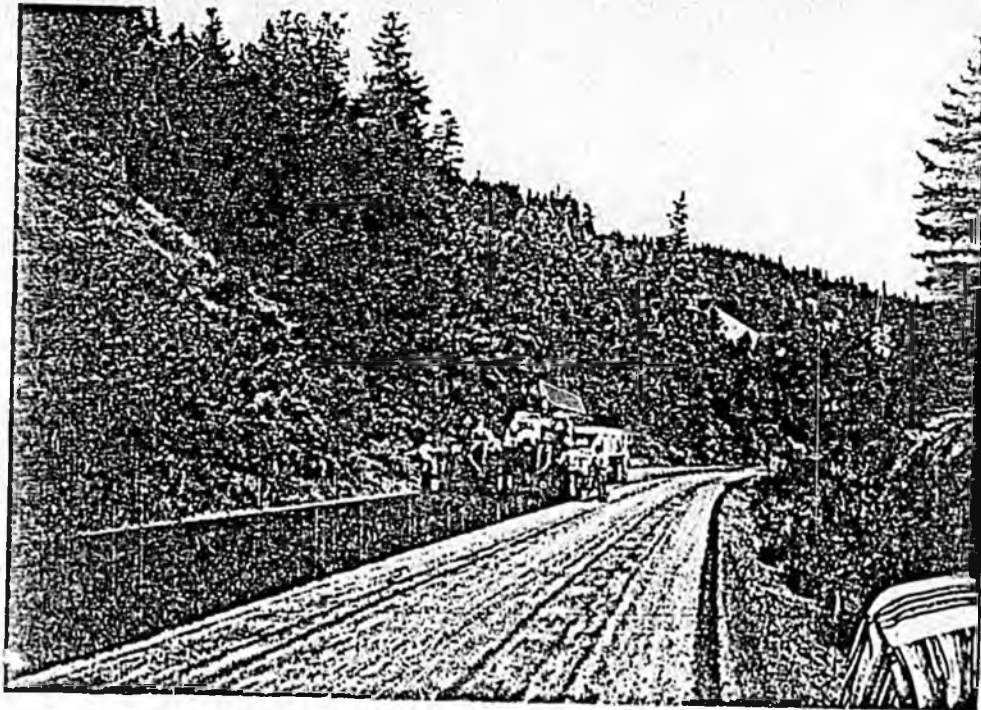
Spreader/paver

PHOTO #8



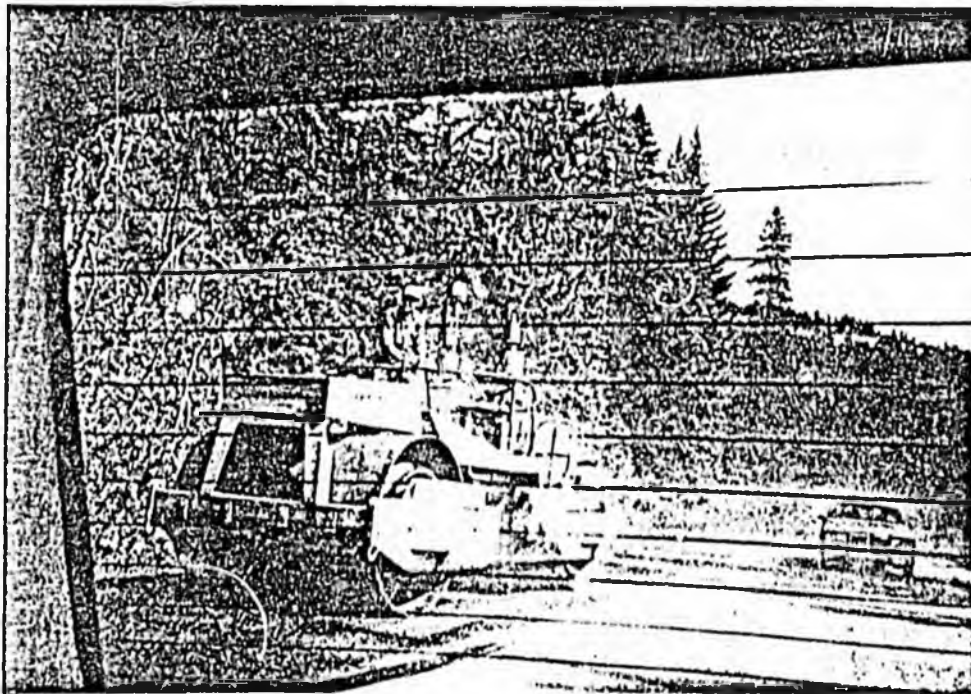
Conventional
roller

PHOTO #9



Paver

PHOTO #10



Once over with
roller and
road is open
to traffic

PHOTO #11
Distributor
values

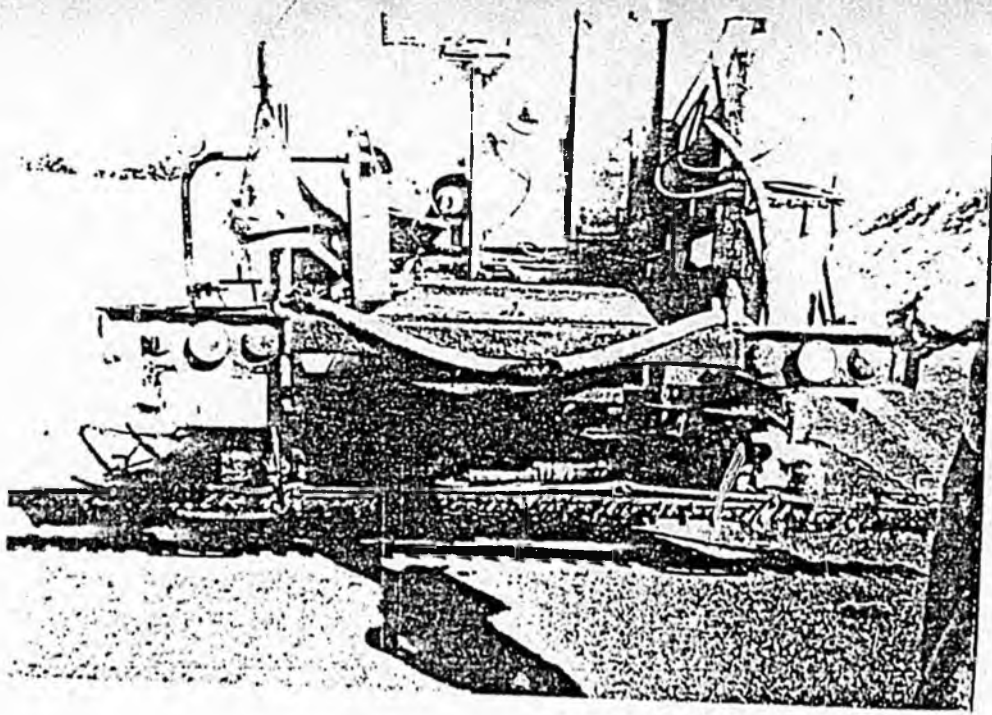
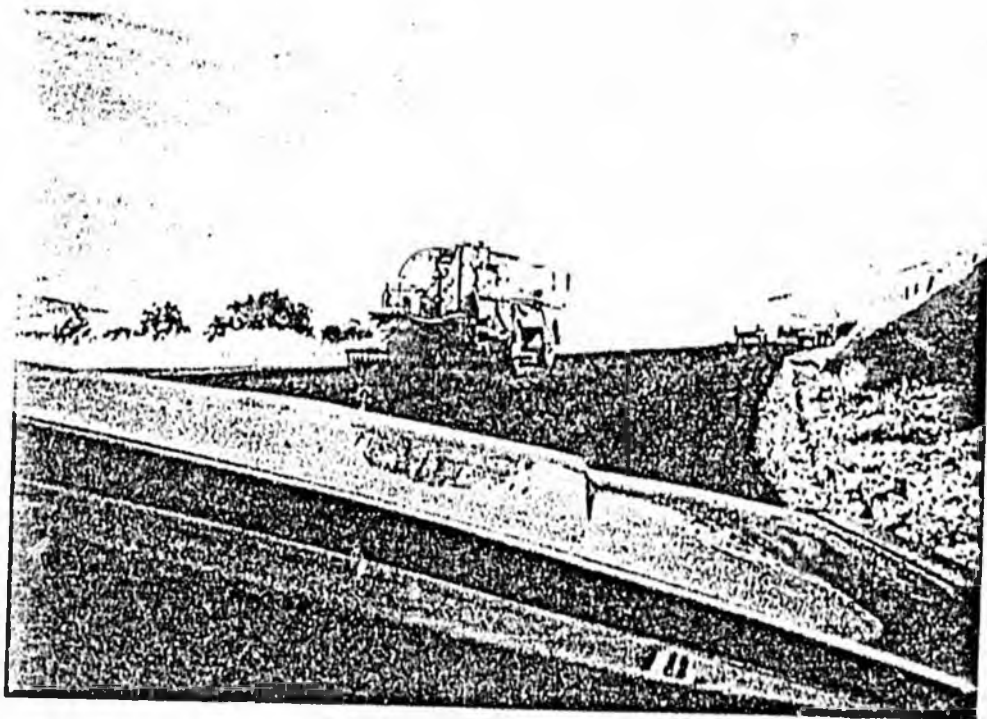
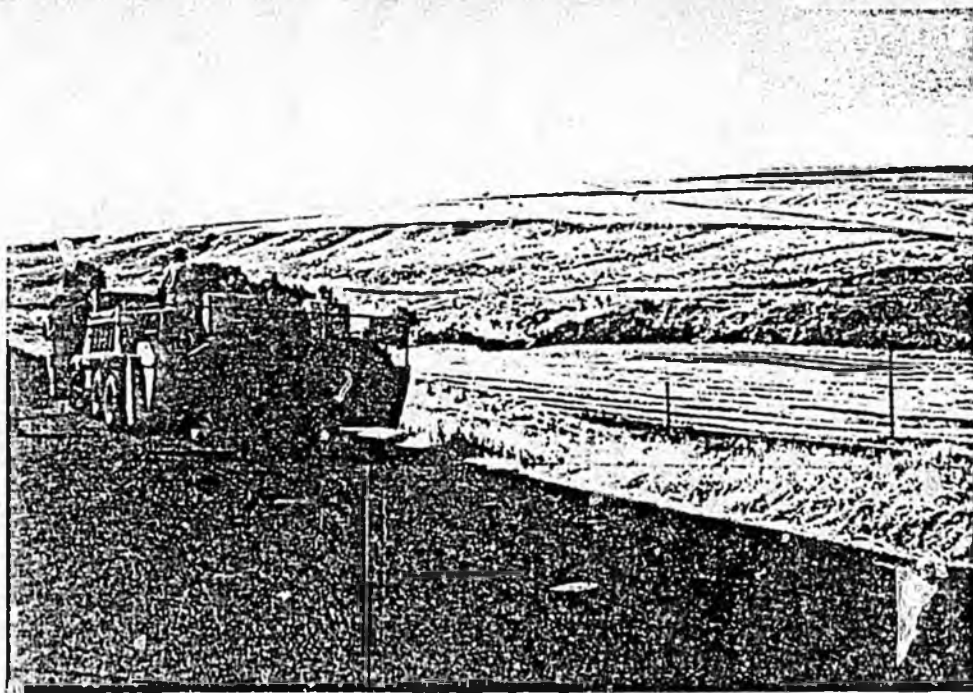


PHOTO #12
Distributor
spraying CMS-2



HOTO #13
preader with
ravel truck
ooked up to it.



HOTO #14
preader laying
ggregate

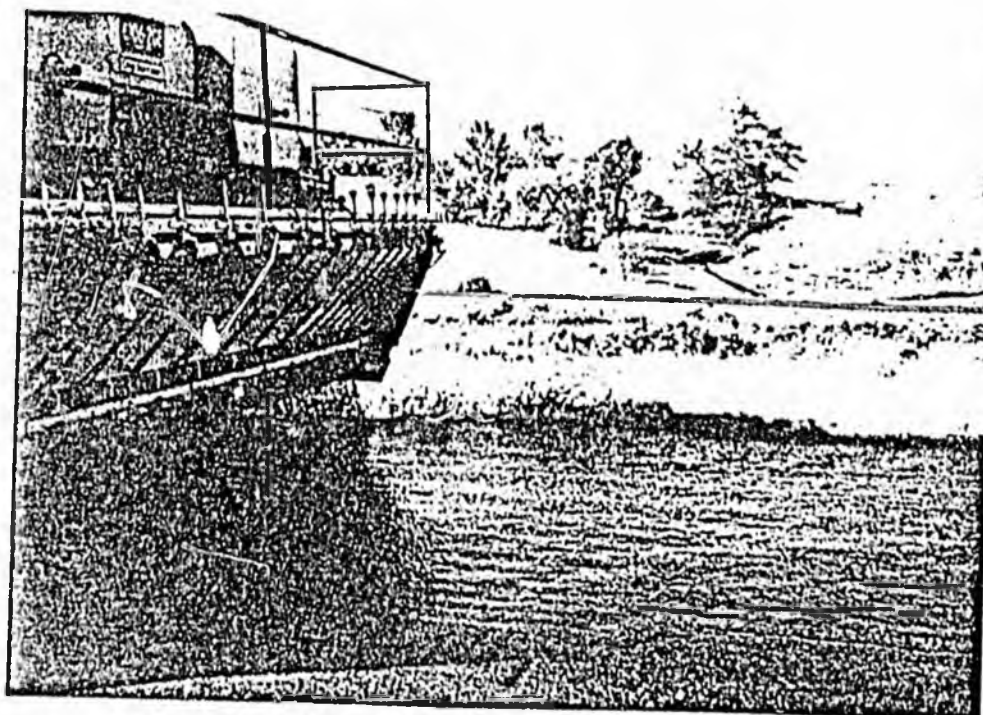


PHOTO #15 Showing "Goey-ness" of Spec 200 stock pile

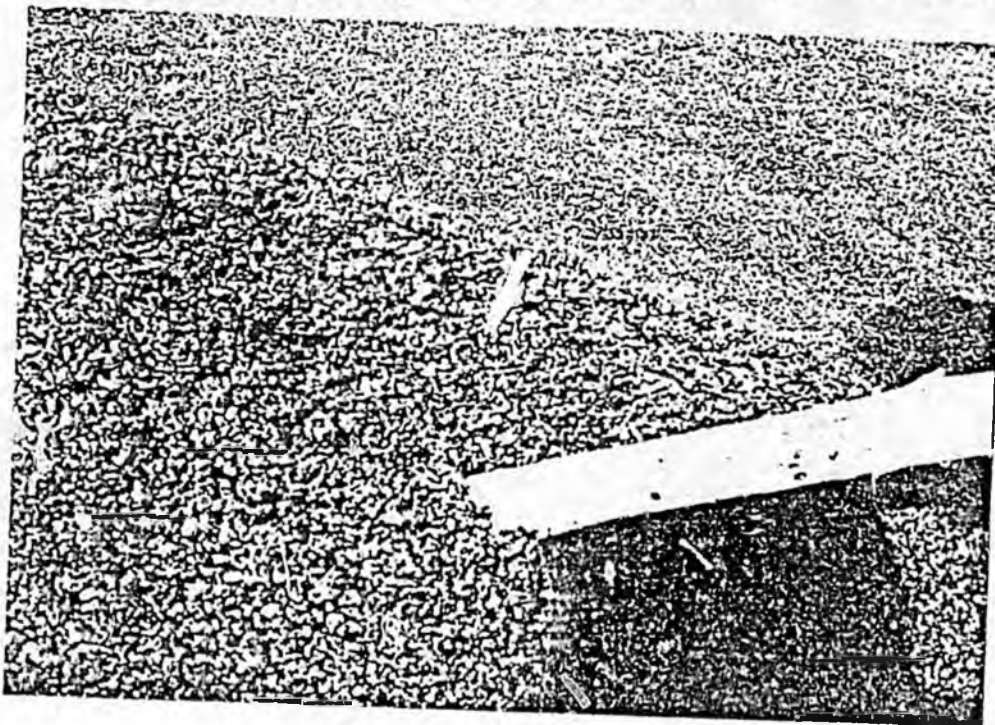


PHOTO #16 Spec 200 stock pile

