

S B

165

Offered: 4/18/83

Original sponsor: V.Fischer

1 IN THE SENATE

BY THE RULES COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165 (Rules) am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to racing events on public high-
7 ways."

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

9 * Section 1. AS 05.90.001 is amended to read:

10 Sec. 05.90.001. RACING EVENTS. (a) To the extent that it is
11 consistent with federal law and regulations, a [SNOW VEHICLES, AUTOMO-
12 BILES, AND MOTORCYCLES MAY BE OPERATED ON STATE HIGHWAYS FOR] special
13 racing event [EVENTS] of limited duration that is [WHICH ARE] conduc-
14 ted according to (b) of this section may be held on a state highway.

15 (b) The Department of Public Safety may grant permission for a
16 [ATHLETIC COMMISSION MAY ISSUE, AND FOR CAUSE CANCEL, A PERMIT TO
17 CONDUCT A SNOW VEHICLE, AUTOMOBILE OR MOTORCYCLE] racing event as
18 provided in this section under terms and conditions and at times and
19 places the department [COMMISSION] may determine. [IF THE COMMISSION
20 REFUSES TO GRANT A PERMIT TO AN APPLICANT, OR CANCELS A PERMIT, THE
21 APPLICANT OR HOLDER OF THE CANCELLED PERMIT MAY, UPON APPLICATION,
22 HAVE A HEARING UNDER THE PROVISIONS OF THE ADMINISTRATIVE PROCEDURE
23 ACT (AS. 44.62). (NO PERMIT MAY BE ISSUED BY THE COMMISSION FOR THE
24 USE OF A STATE HIGHWAY WITHOUT THE CONCURRENCE OF THE COMMISSIONER OF
25 HIGHWAYS AND THE COMMISSIONER OF PUBLIC SAFETY.]

I. REQUEST

Bill/Resolution No.: SS SB 165
 Title: Racing on Public Highways
 Sponsor: Fischer
 Requestor: _____

II. FISCAL DETAIL

Agency Affected: DOT&PF
 Program Category Affected: _____
 BRU, Program of Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	*-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

*Fiscal impact to the Department is not quantifiable.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Harry Keller Phone: 789-0841 Ext. 2
 Division: Standards & Technical Services Division Date: 4/12/83
 Approved by Commissioner: *Gary Senger* Date: 4/26/83
 Department: DOT & PF

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

SS SB 165
Racing Events on Public Highways
Department Analysis

Presently AS 05.90.001 permits issuance by the Alaska Athletic Commission of permits to hold snow vehicle, automobile, and motorcycle racing events on State highways. Such a permit may be issued only with the concurrence of the Commissioners of Public Safety and Transportation and Public Facilities.

SS SB 165 proposes to amend AS 05.90.001 so as to allow issuance of such a permit for any racing event. While there is some evidence in SB 165 that the intent is to provide for bicycle racing, the language of SS SB 165 would allow for human foot races, animal races, "go-cart" races, and any other type of speed contest which could be staged upon a public right-of-way. The major impact of this proposal, if it were enacted, would be to increase the number of racing events allowable on the public ways. This increase in racing events would also increase the number of incidents wherein the traveling public would have less than full use of the public highway for normal transportation functions.

AS 19.05.030 sets forth the duties of the Department in terms of planning, programming, design, construction, maintenance and operation. The Alaska Supreme Court has further defined those duties as follows:

"The duty to maintain a highway safe for travel includes ...a duty of warning the travelling public of any other condition which endangers travel...caused by...the act of third persons." (Racers)

17 AAC 20.020 permits the Department to close or restrict any highway for the protection of the public and requires traffic guidance and/or suitable detours be provided "...as soon as possible to minimize traffic delay."

The interaction of these requirements to provide a safe efficient public way for normal transportation operations is reasonable in light of the large public investment in highways and the need to maintain safe, efficient, transportation for the economic well being of the State.

Enactment of SS SB 165 would minimally increase the operations costs of the Department by increasing the number of times temporary warning and directional devices would be needed to safely and efficiently direct traffic through or around a section of highway where races were being held. The larger cost to the State is not readily quantifiable. These costs are those related to increased user cost associated with detours and

potential tort claims against the State in the event of damage or injury caused by restricting use of the section of highway.

As indicated previously, SS SB 165 increases the exposure by permitting more racing contests on State highways than are now permitted. The existing statutes already inhibit public use of the public ways for motor vehicle racing and further restriction of general public use of public ways does not appear to be in the best interest of the State. There are not too many organizations which are financially able to sponsor snow vehicle, automobile and/or motorcycle races so the demand for use of State highways for such racing is minimal. However, a number of organizations are capable of sponsoring human foot races, bicycle races, "go-cart" races, etc., which could lead to substantially increasing pressure to use State highways for racing participants and observers to the detriment of the traveling public.

We therefore recommend against enactment of SS SB 165. Further, considering the increasing demand being placed upon our transportation facilities we suggest that repeal of AS 05.90.001 may be appropriate.

Page 1, following line 14:

Delete all material and insert

"Sec. 2. AS 05.90.001(b) is repealed and reenacted to read:

(b) the Department of Public Safety may issue, and for cause cancel, permission to conduct a special racing event as provided in this section under terms and conditions and at times and places the department may determine. If an applicant's permission is refused or cancelled, the applicant may, upon application to the Department of Public Safety, have a hearing under the provisions of the Administrative Procedure Act (AS 44.62).

Senator Vic Fischer

Alaska State Legislature
Pouch V • Juneau, Alaska 99811 • (907) 465-4954



May 5, 1983

To: Representative Bette ~~Cato~~, Chair
House Transportation ~~Committee~~

From: Senator Vic Fischer *V. Fischer*

Re: SS SB 165

SS SB 165 is currently before the House Transportation Committee. Following is a brief history of the evolution of SB 165 along with other considerations addressed by this legislation.

- * Current regulations (13 AAC 02.400 (h) forbid bicycle racing events on state highways unless they are permitted under AS 05.90.001.
- * Apparently by oversight, AS 05.90.001, gives authority to issue permits for special racing events along state highways only to snow machines, automobiles, and motorcycles.
- * SB 165 amended AS 05.90.001 to include bicycles.
- * Prior to the first committee hearing on SB 165 it became apparent that simply including bicycles under AS 05.90.001 failed to address the inevitability that permits would be sought for racing events involving vehicles other than those authorized (foot races, bathtub races, roller skating races, etc.).
- * SS SB 165 was introduced amending AS 05.90.001 so that permits can be issued for any special racing event of limited duration along state highways within limits set by provisions for public safety and compliance with federal laws.
- * SS SB 165 was amended in the Rules committee and on the floor of the Senate to require the Department of Public Safety rather than the Athletic Commission to issue permits for special racing events. The Senate felt the troopers were a more appropriate agency to grant and administer permits. A requirement that permits only be issued with the concurrence of the Commissioner of DOTPF and provisions for hearings under the Administrative Procedures Act for persons denied permits were also deleted by floor amendment.
- * The Senate clearly concurred that permits for special racing events along state highways should be made more available to the general public and that the process for obtaining those permits should be made easier.

Under current law, no state agency has clear authority to grant permission to conduct racing events along state highways except ones involving motorcycles, automobiles, and snowmachines.

In the absence of that authority, general statutes governing the use of highways apply. These statutes (AS 28.35.140) and regulations (13AAC 02.175(d)&(e)) specifically forbid pedestrians and others from obstructing traffic or being on or along a state highway. Without SB 165, footracers, cross-country skiers, dog-mushers, etc. cannot legally conduct racing events on or along state highways.

Particularly in Alaska, where transportation corridors are at a premium, the need for the public to occasionally use state highways for racing events is apparent. SB 165 is a vehicle for streamlining the process of obtaining permits in a manner consistent with public safety.

/gb

Senator Vic Fischer

Alaska State Legislature
Pouch V • Juneau, Alaska 99811 • (907) 465-4954



May 3, 1983

Dan Casey, Commissioner
Department of Transportation
and Public Facilities
Pouch Z
Juneau, AK 99811

Dear Commissioner Casey:

On April 26, 1983, I received a fiscal note and department position paper on SB 165--a bill relating to racing events along state highways. There are several things about the way the fiscal note was prepared, its timeliness, and the arguments offered to support the department's recommendation against the bill that I want to bring to your attention because they demonstrate why legislators sometimes become exasperated with agency actions and interactions. Specifically they are:

- ** The fiscal note (and presumably the position paper) was prepared on 4/12/83. It was not approved until 4/26/83 and not delivered until 4/27/83. During those two weeks SB 165 was on the Senate floor twice and referred back to the Rules Committee for five days. There was ample time to address the issues raised in the position paper, but the failure to submit it on a timely basis prevented the Senate from doing so. In fact, I received the fiscal note nearly a week after SB 165 passed the full Senate.
- ** SB 165 has a zero fiscal note. I have been unable to find out who originally requested a fiscal note from your Department on this bill. As best as I can determine, neither the State Affairs Committee, the Senate Transportation Committee, nor the Senate Rules Committee's records indicate that they requested it.

Personally, I question why a division would offer a late, and apparently unsolicited position paper on a bill which, as their own research indicated, would have minimal or no impact on their division.

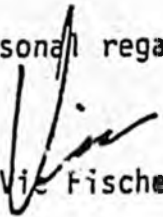
- ** I truly resent what I refer to as the "Ferraris ok/no bicycle" argument used to justify the department's opposition to this bill. To support current law because it restricts the use of state highways for racing events to the "not too many organizations which are financially able to sponsor snow vehicle, automobile and/or

Commissioner Casey
Page 2
May 3, 1983

motorcycle races so the demand for use of state highways for such racing is minimal" is in my opinion a lazy, shallow, and callous argument.

I bring these points to your attention mainly in the hope that you can assure more timely and sensible responses by people in your department.

Best personal regards,


Senator Vic Fischer

bcc: Ginger Baum

STATE OF ALASKA
FISCAL NOTE

I. REQUEST

Bill/Resolution No.: SS SB 165
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 Sponsor: Fischer
 Requestor: _____

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PART-TIME						
TEMPORARY						

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IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Harry Keller Phone: 789-0841 Ext.
 Division: Standards & Technical Services Division Date: 4/12/83
 Approved by Commissioner: *Harry Keller* Date: 4/26/83
 Department: DOT & PF

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Racing Events on Public Highways
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We therefore recommend against enactment of SS SB 165. Further, considering the increasing demand being placed upon our transportation facilities we suggest that repeal of AS 05.90.001 may be appropriate.

SB 165

SENATE JOURNAL - PAGE 339- 4 3/ 8/83

SENATE BILL NO. 165 by Senator Vic Fischer, entitled:

"An Act relating to bicycle racing on public highways."

was read the first time and referred to the Transportation Committee.

SB 165

SENATE JOURNAL - PAGE 458- 1 3/22/83

<SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165> by Senator Vic Fischer, entitled:

"An Act relating to racing events on public highways."

was read the first time and referred to the Transportation Committee.

SB 165

SENATE JOURNAL - PAGE 495- 2 3/25/83

The Transportation Committee considered <SPONSOR SUBSTITUTE> <FOR SENATE BILL NO. 165> (racing events on public highways) and a majority of the committee recommended do pass. The report was signed by Senator Moss, Chairman and concurred in by Senators Faiks and Kerntula. Senator Gilman signed "no recommendation".

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165 was referred to the Rules Committee.

SB 165

SENATE JOURNAL - PAGE 592- 1 4/ 6/83

The Rules Committee considered <SPONSOR SUBSTITUTE FOR SENATE> <BILL NO. 165> (racing events on public highways) and a majority of the committee recommended it be placed on the April 6 calendar. The report was signed by Senator Faiks, Chairman and concurred in by Senators Kelly and Ferguson.

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165 appears on today's calendar.

SB 165

SENATE JOURNAL - PAGE 339- 4 3/ 8/83

SENATE BILL NO. 165 by Senator Vic Fischer, entitled:

"An Act relating to bicycle racing on public highways."

was read the first time and referred to the Transportation Committee.

SB 165

SENATE JOURNAL - PAGE 458- 1 3/22/83

(SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165) by Senator Vic Fischer, entitled:

"An Act relating to racing events on public highways."

was read the first time and referred to the Transportation Committee.

SB 165

SENATE JOURNAL - PAGE 495- 2 3/25/83

The Transportation Committee considered (SPONSOR SUBSTITUTE) (FOR SENATE BILL NO. 165) (racing events on public highways) and a majority of the committee recommended do pass. The report was signed by Senator Moss, Chairman and concurred in by Senators Faiks and Kerttula. Senator Gilman signed "no recommendation".

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165 was referred to the Rules Committee.

SB 165

SENATE JOURNAL - PAGE 592- 1 4/ 6/83

The Rules Committee considered (SPONSOR SUBSTITUTE FOR SENATE) (BILL NO. 165) (racing events on public highways) and a majority of the committee recommended it be placed on the April 6 calendar. The report was signed by Senator Faiks, Chairman and concurred in by Senators Kelly and Ferguson.

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165 appears on today's calendar.

<SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165> (racing events on public highways) was read the second time.

Senator Ray moved and asked unanimous consent that SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165 be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165 was read the third time.

The question being: "Shall SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165 (racing events on public highways) pass the Senate?" The roll was taken with the following result:

SS SB 165 3RD

Yeas: 15 Bennett, Elason, Fahrenkamp,
Faiks, Ferguson, Fischer Paul,
Fischer Vic, Josephson, Kerttula,
Moss, Mulcahy, Ray, Sackett,
Sturgulewski, Ziegler

Nays: 5 Gilman, Halford, Kelly, Pettyjohn,
Rodey

and so, SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165 passed the Senate.

Senator Rodey gave notice of reconsideration on SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165.

Senator Rodey requested that the reconsideration of <SPONSOR> <SUBSTITUTE FOR SENATE BILL NO. 165> (racing events on public highways) be taken up at this time.

SENATE BILLS IN THIRD READING

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165 was before the Senate on reconsideration.

Senator Rodey moved and asked unanimous consent that SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165 be held one day. Without objection, it was so ordered.

Senator Vic Fischer moved and asked unanimous consent that (SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165) (racing events on public highways) be returned to the Rules Committee. Without objection, it was so ordered.

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



TO: Senator Pappy Moss, Chair
Senate Transportation Committee

FROM: Senator Vic Fischer

DATE: March 12, 1983

RE: Explanation of SB 165.

Senate Bill 165 amends AS 05.90.001 to include bicycles among vehicles authorized to seek permits for the athletic commission for racing events of limited duration on state highways.

AS 05.90.001 provides authority to grant special permits, consistent with federal law and regulations, for racing events on state highways involving snow vehicles, automobiles and motorcycles. AS 05.90.001 (b) specifically authorizes the athletic commission to grant those permits and sets out application procedures and methods to appeal denial of a permit from the commission.

Recently, bicycle enthusiasts have sought permits to conduct races along state highways for community fundraising events and other public purposes. Because AS 05.90.001 does not mention bicycles, the athletic commission cannot grant permits which they have no authority to consider.

AS 05.90.001 clearly establishes the legislature's intent to provide special authorization for "unconventional" use of state highways involving specified vehicles. It appears bicycles were left out as an oversight, rather than any intention on the part of the legislature to exclude them.

In order to provide authorization for bicycle events this summer, it is necessary to pass SB 165 as soon as possible. Your earliest consideration on this bill would be much appreciated.

cc: Senator Jalmar Kerttula

3-17-1983

Representative Terry Martin
State Capitol Building
Pouch V
Juneau, Alaska 99811

Re: Legislative efforts to develop a permitting procedure for bicycle races.

Dear Mr. Martin:

I am working on behalf of the bicycle racing community to help modify certain Alaska Statutes so that we may be able to develop a permitting procedure for bicycle racing.

Within the past few years an addition has been made to Title 13 of the Alaska Administrative Code which reads as follows:

" (h) No bicycle race may be conducted upon a roadway, except as provided under AS 05.35.
(In effect before 7/28/59; am 12/15/61, Reg. 3;
am 8/10/66, Reg. 22; am 12/31/69, Reg. 31; am
6/28/79, Reg. 70) Authority: AS 28.05.011 "

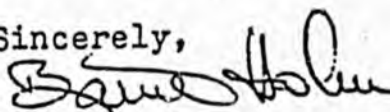
However, Chapter 35 as referred to in the above quotation, through apparent oversight, neglects to mention " bicycles " within Sec. 05.35.010 and Sec. 05.35.020. In the most recent update of the Alaska Statutes AS 05.35 has been renumbered AS 05.90.001. A copy of the relevant part of Title 13 and the current wording of AS 05.90.001 is attached.

I have also included a letter I received from Senator Jay Kerttula, dated 2-28-1983, and a bill which Senator Vic Fisher introduced on our behalf, dated 3-8-1983. In the letter from Senator Kerttula he acknowledges that an oversight was made concerning bicycles when Title 13 was adopted. I had contacted Senator Kerttula in my initial request for legislative help. He forwarded our packet of information to the Senate State Affairs Committee, chaired by Senator Vic Fisher and to the Health, Education, and Social Services Committee, chaired by Senator Joe Josephson for their review. Within a matter of days Senator Vic Fisher had introduced the attached bill.

I have been in touch with aides of both Senators Vic Fischer and Joe Josephson. I have been told that if a similar bill were introduced on the House side, speedier legislative action might result. I am hoping you might be in a position to help us with this legislation. Our racing season gets underway in less than a month. Until the bill passes we have the support of law enforcement officials and the highway department as long as we do all we can to help expedite the legislative process. According to AS 05.90.001 we must obtain permission through a permitting procedure from the athletic commission with the concurrence of the commissioners of highways and public safety. I have contacted the latter two commissioners and their replies are attached. I have written a letter to commission chairman Bob Vogt of the athletic commission, but he will apparently be out of state until later this month. With regard to your efforts in working with Senator Joe Josephson to redefine the responsibilities of the athletic commission, we would certainly be in favor of any legislation which would help streamline our permitting process for bicycle racing.

Please contact me if you have any questions. I look forward to hearing from you.

Sincerely,



Bjarne Holm

P.O. Box 4-2442

Anchorage, Alaska
99509

(b) No person may violate the provisions of secs. 385-420 of this chapter. The parent or guardian of a child may not authorize or knowingly permit a child to violate a provision of this chapter.

(c) When signs are erected indicating that no right, left or U-turn is permitted, no person operating a bicycle may disobey the direction of the sign unless first pulling to the extreme right or shoulder of the road, dismounting and making the turn as a pedestrian. (In effect before 7/28/59; am 12/15/61, Reg. 3; am 8/10/66, Reg. 22; am 12/31/69, Reg. 31; am 6/28/79, Reg. 70)

Authority: AS 28.05.011

13 AAC 02.390. TRAFFIC LAWS AND REGULATIONS APPLY TO PERSON RIDING BICYCLE. Repealed 6/28/79.

13 AAC 02.395. RIDING ON BICYCLES AND CERTAIN NONMOTORIZED CONVEYANCES. (a) Repealed 6/28/79.

(b) No person operating a bicycle upon a highway may carry a person other than the operator, unless the bicycle is equipped with a seat for the passenger, except that an adult rider may carry a child securely attached to his person in a backpack or sling.

(c) No person operating a bicycle or other nonmotorized conveyance may attach, hold on by hand or otherwise secure the bicycle or conveyance or himself to another vehicle so as to be towed or pulled.

(d) A person operating a bicycle upon a highway shall maintain control of the bicycle and shall at all times keep at least one hand upon the handlebars of the bicycle.

(e) No person may operate a unicycle, coaster, roller or a similar device on a roadway.

(f) This section does not apply upon a roadway closed to motorized vehicle traffic. (In effect before 7/28/59; am 12/15/61, Reg. 3; am 8/10/66, Reg. 22; am 12/31/69, Reg. 31; am 6/28/79, Reg. 70)

Authority: AS 28.05.011

13 AAC 02.400. RIDING BICYCLES ON ROADWAYS AND BICYCLE PATHS. (a) A person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, and shall give way to the right as far as practicable to a motor vehicle proceeding in the same direction when the driver of the motor vehicle gives audible signal.

(b) Persons riding bicycles on a roadway may not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding bicycles two abreast may not impede traffic and, in a laned roadway, shall ride within the farthest right lane.

(c) When a shoulder of the highway is maintained in good condition, an operator of a bicycle shall use the shoulder of the roadway.

(d) A person operating a bicycle on a trail, path, sidewalk, or sidewalk area shall

(1) exercise care to avoid colliding with other persons or vehicles;

(2) give an audible signal before overtaking and passing a pedestrian; and

(3) yield the right-of-way to any pedestrian.

(e) Repealed 6/28/79.

(f) A person riding a bicycle intending to turn left shall, unless he dismounts and crosses as a pedestrian, comply with the provisions of sec. 200 of this chapter. The operator of a bicycle must give a signal by hand and arm continuously during the last 100 feet traveled unless the hand is needed in the control or operation of the bicycle. When stopped to await an opportunity to turn, a hand and arm signal must be given continuously by the operator.

(g) No person may ride a bicycle upon a sidewalk in a business district or where prohibited by an official traffic-control device.

(h) No bicycle race may be conducted upon a roadway, except as provided under AS 05.35. (In effect before 7/28/59; am 12/15/61, Reg. 3; am 8/10/66, Reg. 22; am 12/31/69, Reg. 31; am 6/28/79, Reg. 70)

Authority: AS 28.05.011

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Sec. 05.30.100. Reporting of accidents. The operator of a snow vehicle involved in an accident resulting in injury to, or death of a person, or property damage other than to his snow vehicle the estimated amount of which is \$100 or more, shall immediately, by the quickest means of communication, give notice of the accident to the nearest state trooper or city police officer. (§ 1 ch 182 SLA 1968)

Collateral references. — Accidents involving negligence in operation of snowmobile, skimobile, or similar vehicle. 42 ALR3d 1422.

Liability for injury or death allegedly caused by defect in snowmobile or other recreational-purpose vehicle. 81 ALR3d 394.

Sec. 05.30.110. Penalty. A person who violates a provision of this chapter or a regulation adopted under this chapter is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than \$100 for each offense. (§ 1 ch 182 SLA 1968)

Revisor's notes. — The word "adopted" was substituted for "promulgated" by the revisor of statutes pursuant to AS 01.05.031(b).

Cross references. — As to sentences for misdemeanors, see AS 12.55.135.

Sec. 05.30.120. Definition. In this chapter "snow vehicle" means a vehicle propelled by mechanical power, supported in part by skis, belts, cleats, or low pressure tires, and primarily designed to travel over ice or snow. (§ 1 ch 182 SLA 1968)

Revisor's notes. — A former paragraph defining "cowling" was transferred and redesignated as AS 05.30.040(b) by the

revisor of statutes pursuant to AS 01.05.031(b).

Chapter 90. Miscellaneous Provisions.

Section

01. Racing events

Sec. 05.90.001. Racing events. (a) To the extent that it is consistent with federal law and regulations, snow vehicles, automobiles and motorcycles may be operated on state highways for special racing event of limited duration which are conducted according to (b) of this section.

(b) The athletic commission may issue, and for cause cancel, a permit to conduct a snow vehicle, automobile or motorcycle racing events as provided in this section under terms and conditions and at times and places the commission may determine. If the commission refuses to grant a permit to an applicant, or cancels a permit, the applicant or holder of the cancelled permit may, upon application, have a hearing under the provisions of the Administrative Procedure Act (AS 44.62). No permit may be issued by the commission for the use of

a state highway without the concurrence of the commissioner of highways and the commissioner of public safety. (§ 2 ch 192 SLA 1970; AS 05.35.010, 05.35.020)

Revisor's notes. — This section derives from AS 05.35.010 and AS 05.35.020 and was renumbered by the revisor of statutes under AS 01.05.031.

In renumbering the provisions comprising this section, the revisor designated the provisions of former AS 05.35.010 as subsection (a) and the provisions of former AS 05.35.020 as subsection (b), substituted "(b) of this section" for "a prearranged schedule under permit as provided for in AS 05.35.020" in subsection (a), and substituted "this section" for a reference to former AS 05.35.010 — 05.35.020 in the first sentence of subsection (b).

Collateral references. — 4 Am. Jur. 2d Amusements and Exhibitions §§ 28, 29-34, 46, 78.

61A C.J.S. Motor Vehicles §§ 571-587.

Zoning regulation forbidding "racing" or a "race track." 83 ALR2d 877.

Liability of participant in unauthorized highway race for injury to third person directly caused by other racer. 13 ALR3d 431.

Liability of public authority for injury arising out of automobile race conducted on street or highway. 80 ALR3d 1192.



Official Business

Alaska State Legislature

Senate

Office of the President

Pouch V
State Capitol
Juneau, Alaska 99811

February 28, 1983

Mr. Bjarne Holm
The Arctic Bicycle Club
P.O. Box 4-2442
Anchorage, AK. 99509

Dear Mr. Holm:

Thank you for your recent letter. It does appear that there has been an oversight made concerning bicycles when Title 13 of the Alaska Administrative Code was adopted. I have forwarded your letter and attached materials to the Senate State Affairs Committee, Chaired by Sen. Vic Fischer; and the Health, Education, and Social Services Committee, chaired by Sen. Joe Josephson for their review and possible action. You may also wish to contact them directly on this matter.

Thank you for contacting me. I hope this matter is corrected to your satisfaction, and your race is a success.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jay Kerttula".

Senator Jay Kerttula
Senate President

JK/ja/jdk

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

OFFICE OF THE COMMISSIONER

POUCH Z
JUNEAU, ALASKA 99811
(TELEX 45-328)

February 8, 1983

Mr. Bjarne Holm
Arctic Bicycle Club
P.O. Box 4-2442
Anchorage, AK 99509


Dear Mr. Holm:

In response to your letter of January 11, 1983 as stipulated in Alaska Statutes Supplement Section 05.35.010, the Athletic Commission has the authority for initial issuance of permits for racing events. If the event occurs on the State highway, the concurrence of the Commissioner, Department of Public Safety must be obtained.

Since the permitting authority rests with the Athletic Commission, the basic requirements should be established by them. However, any vehicle, i.e. bicycle, operated on a State highway must conform to all general and any specific traffic regulations pertaining to that vehicle. Any Department of Transportation and Public Facilities restrictions or requirements would be in keeping with these Alaska Statutes or Administrative Code governing such activities. If these procedures are followed, there should be no problem in obtaining Department concurrence.

Thank you for the opportunity to comment on this matter of mutual concern.

Sincerely,


Daniel A. Casey
Commissioner

DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

POUCH N
JUNEAU, ALASKA 99811
PHONE: 465-4322

January 21, 1983

Mr. Bjarne Holm
Arctic Bicycle Club
P.O. Box 4-2442
Anchorage, AK 99509

Dear Mr. Holm:

It sounds as if you and your organization are in the midst of planning for an exciting year. Your first priority should be to ensure that the amendment to the wording of AS 05.90.001, to include bicycles, is accomplished. This will allow you to proceed legally for the proper authorization for the event.

Any future correspondence with reference to the request for authorization to conduct these events should be directed to the following address:

Alaska State Troopers
P.O. Box 6188 Annex
Anchorage, AK 99502
Attn: Director's Office

Your correspondence should include the scheduled date, time, proposed route, insurance coverage, and any other pertinent data. The Director's office will provide the originator of the correspondence with a form listing all the requirements and will be responsible for forwarding the required documents to this office for authorization.

To provide an idea of what this involves, a copy of this particular type of document is attached for your review. This involves snow machine racing so yours would be somewhat different.

As you can see from the enclosed document, approval must be obtained from the Commissioners of Athletics, Transportation and Public Facilities, and Public Safety. I can expedite the application once it is received by my office. However, I would recommend that you allow at least thirty (30) days from the date of application until the final authorization.

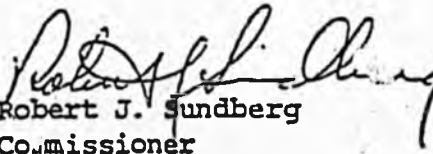
Mr. Bjarne Holm

-2-

January 21, 1983

I do hope that I have been able to assist you in this matter, and if you have any further questions, I will be happy to discuss them with you.

Sincerely,



Robert J. Sundberg
Commissioner

cc: Col. Michael Kolivosky, Director
Alaska State Troopers

Attachment: a/s

The (agency's name) _____ will sponsor this race, and as sponsors will have liability insurance coverage in effect at the time of the event for all participants in the amount of \$ _____.

This event, to be known as _____ (name of race or contest) is scheduled to occur between _____, Alaska and _____, Alaska (route map attached) on the date of _____, 198 _____.

The sponsors will provide road guards, flagmen, signs, and barricades for any and all road crossings along the route of snowmachine travel.

All snowmachines will be properly registered in compliance with State statutes AS 05.30.020 through AS 05.30.080.

The crossings of all roads and bridges shall be at a maximum speed of 15 miles per hour.

All crossings will be so located as to provide adequate sight distance for motorists using the roadway.

At road crossings, all caution and safety signs intended to regulate traffic flow and insure maximum safety shall provide the following information (BE PREPARED TO STOP, CW20-8, 36" by 36", located 1000 feet from each side of crossing point). Two flagmen with orange vests and stop-go paddles are provided, one for each direction of travel.

Sign stating flagman ahead, 500 feet, size CW20-7, 36" by 36", shall be located 500 feet each side of crossing point. These signs and placement shall conform to the Alaska Traffic Manual. If, at any time, either the Department of Transportation and Public Facilities or the Department of Public Safety feel that the race is endangering the traveling public, the race will be suspended.

No night (hours of darkness) crossings will be authorized.

No parking within 500 feet of any snowmachine crossing point.

The motor mushers will file a bond with the State for any necessary cleanup as a result of this race.

Other Special Requirements:

By signing below the applicant agrees to perform all the conditions of this permit and shall indemnify and save harmless the State, its officers and employees from all liability, judgement, cost, expenses and claims growing out of damages or alleged damages, of any nature whatsoever to any person or property arising out of performance or nonperformance of the permit.

Authorized Representative

Director of Alaska State Troopers

Authorized Representative

Date

APPROVAL

Commissioner, Dept. of Transportation/Public Facilities

Date

Commissioner, Department of Public Safety

Date

Commissioner of Athletics

Date