

S B

366

STEVE FRANK
DISTRICT K
SEAT A

119 N. Cushman, Rm. 213
Fairbanks, Alaska 99701

While in Juneau
P.O. Box V
Juneau, Alaska 99811
(907) 465-3709
Capitol Rm. 514

Alaska State Legislature




Senate

MEMBER
Finance Committee
Resources Committee
Legislative Council
Special Committee on Banking &
Economic Development

VICE-CHAIR
Community & Regional
Affairs Committee

MEMORANDUM

TO: All Senators

FROM: Senator Steve Frank 

RE: Legislation to Open the Dalton Highway to the Public

DATE: August 4, 1989

I plan to introduce legislation to open the James Dalton Highway (North Slope Haul Road) for public travel all the way to Prudhoe Bay and I would welcome your co-sponsorship.

As you all know the Dalton Highway is maintained by the Department of Transportation and Public Facilities with state general fund dollars. However, access past Disaster Creek is limited to those with a "commercial purpose." In my opinion, it is inappropriate for the average citizen to be denied the privilege of driving a road that they pay for, whether directly or indirectly.

Recently I returned from a trip up the Dalton Highway with the Department of Transportation and I was impressed with the unique beauty of this land. More surprising to me, however, was the tremendous potential for tourism that is just barely being tapped.

It has been over a decade since the road was turned over to the state. The road has been opened further and further over time and our experience has been good. In my opinion, concerns about the impact on the wildlife and safety of the traveling public so far have not proven to be significant and those legitimate ones can be addressed. This is evidenced by the support of the Cowper administration's departments of Transportation and Public Safety.

I think that it is time that we open this public road to the public and I look forward to working with you on this legislation in the upcoming session. For more information please contact Rick Solie of my staff at 452-3421.

Thank you for your consideration.

NORTH SLOPE BOROUGH

OFFICE OF THE MAYOR

P.O. Box 69
Barrow, Alaska 99723

Phone: 907-852-2611

George N. Ahmaogak, Sr., Mayor



January 16, 1990

Senator Al Adams
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99801

RE: S.366 - Dalton Highway

Dear Senator Adams,

The North Slope Borough's position of record on the opening of the Dalton Highway to free access by the public has historically been one of opposition. The Borough's reasons for opposing legislation to open the haul road are well-documented in previous testimony and position papers, and are solely concerned with adequate protections in law for both the public and for Borough residents and resources: increased patrols by Public Safety and Fish and Game officers with oversight concentrated in the most active hunting areas; citation and prosecution of offenders in the taking of wildlife; full emergency services; and provision of roadside services.

Adequate funding to guarantee these protections at an effective level has been sadly lacking in previous proposed legislation. We again seek to continue limited and controlled access to the Dalton Highway unless and until legislation to open the road includes fiscal notes to satisfy our reasonable concerns.

We again request your help in preserving the Borough's position on S.366, and ask that this letter be submitted for inclusion in the Senate Transportation Committee packet for the hearing scheduled on Tuesday, January 16.

Very truly yours,

Anthony Kesler, Manager
State Government Affairs

cc: Representative Eileen MacLean

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Special Committee on Banking &
Economic Development

VICE-CHAIR
Community & Regional
Affairs Committee

INTENT LANGUAGE - SB 366

It is the intent of the Legislature that the Department of Transportation and Public Facilities work with the operators of the Prudhoe Bay oil fields to allow access beyond the security checkpoints to the Arctic Ocean and that the operators of the oil fields continue to maintain those roads which are beyond the security checkpoints.

FIRST COMMITTEE OF REFERRAL

DATE: January 8, 1990

FURTHER: State Affairs
Finance

Date of 5-Day Notice: 1/16/90
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 1/16/90

Transportation Committee considered

SENATE BILL NO. 366

"An Act relating to the Dalton Highway."

and recommended:

- replace with _____ CS _____ same title
- attached amendment(s) new title
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

Department(s)/Date:

fiscal note(s) DOT PF 1/8
DPS 1/12

zero fiscal note(s) _____

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Pat Louchard with further wildlife protection
[Signature]
[Signature]

[Signature] (Do Pass)
Chair: Signature and Recommendation

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Senate

MEMBER
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Special Committee on Banking &
Economic Development

VICE-CHAIR
Community & Regional
Affairs Committee

MEMORANDUM

TO: Senate Transportation Committee

FROM: Senator Steve Frank

RE: Senate Bill 366 "An Act relating to the Dalton Highway."

DATE: January 16, 1990

SB 366 would open the James Dalton Highway (North Slope Haul Road) for public travel all the way to Prudhoe Bay.

The Dalton Highway is maintained by the Department of Transportation and Public Facilities (DOT/PF) with state general fund dollars. However, access past Disaster Creek is limited to those with a "commercial purpose." In my opinion, it is inappropriate for the average citizen to be denied the privilege of driving a road that they pay for, whether directly or indirectly.

This summer I participated in a DOT/PF sponsored trip up the Dalton Highway and I was impressed by the unique beauty of the land. There is a tremendous potential for tourism business that is just barely being tapped.

It has been over a decade since the road was turned over to the state. During that time the highway has been opened further and further and our experience has been good. I believe, concerns about the impact on the wildlife and the safety of the traveling public so far have not proven to be significant and those legitimate ones can be addressed.

The Cowper administration's Department of Transportation has been supportive of opening the highway and the other affected agencies have indicated that they can adequately handle the additional traffic and any impact on wildlife.

I think that it is time that we open this public road to the public. Thank you for your consideration

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION: SB 366
PUBLISH DATE: 1/08/90

REQUEST: FISCAL NOTE

Revision Date:
Title: An Act Relating to the Dalton
Highway
Sponsor: Frank
Requestor: Frank

Agency Affected: DOT&PF
BRU: Northern Region
Interior M&O
Components:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	12.0	12.0	12.0	12.0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTURAL	20.0	20.0	20.0	0	0	0
SUPPLIES	0	0	0	20.0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	32.0	32.0	32.0	32.0	0	0
CAPITAL	92.0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	124.0	32.0	32.0	32.0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	124.0	32.0	32.0	32.0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: See Attached.

Prepared by: Paul Prusak
Division: Northern Region Planning

Phone: 474-2427
Date: 1/12/90

Approved by Commissioner: 
Agency: Department of Transportation and Public Facilities

Date: 1/15/90

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

FISCAL NOTE BACKUP
SB-366

1/12/90

1. Assumptions

Four wayside facilities are needed with vault toilets and litter barrels; two of these facilities should include campsites. Locations, construction and maintenance would have to be coordinated by DNR and BLM. Due to the remote location, litter barrel maintenance would likely fall on DOT&PF.

2. Capital Costs

Two Campsite Facilities	\$33,000
Four Vault Toilets	52,000
Information Signs	2,000
Bear Proof Litter Barrels	<u>4,000</u>

TOTAL \$92,000

3. Operating Costs

Personal Services:	\$12,000
New Costs: Campsite/Litter Barrel Maintenance	
Contractual Services:	\$20,000
New Costs: Toilet Maintenance	

TOTAL IMPACT \$32,000

These figures indicate an annual maintenance cost of \$32,000 for new roadside facilities. The contractual cost for seasonal operation of the Dietrich Checkpoint was \$20,000 in 1987 and increased to \$44,000 in 1989. However, direct funding was not provided for the checkpoint operation and the cost was absorbed by the Dalton Highway operating budget. Therefore, closing the checkpoint does not represent a net savings.

4. Note: Also see the attached Fiscal Note prepared in February, 1988 for HB-115. Conditions and assumptions noted above are slightly different.

1 IN THE HOUSE

BY FRANK, MILLER AND BOYER

2

HOUSE BILL NO. 115

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to public use of the Dalton High-
7 way."

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

9 * Section 1. AS 19.40.110 is repealed and reenacted to read:

10 Sec. 19.40.110. PUBLIC USE OF THE HIGHWAY. The department shall
11 maintain the highway between the Yukon River and the Arctic Ocean and
12 shall keep the highway open to the public throughout the year without
13 a toll for use of the highway or a portion of the highway.

14 * Sec. 2. AS 19.40.100 is repealed.

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
 Title: Dalton Highway Maintenance
and Access BRU: Alaska State Troopers
 Sponsor: Senor Frank, etc. Component: Detachments
 Requestor: Senate Transportation

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	243.3	243.3	243.3	243.3	243.3	243.3
TRAVEL	6.0	6.0	6.0	6.0	6.0	6.0
CONTRACTUAL	91.0	91.0	91.0	91.0	91.0	91.0
SUPPLIES	9.9	9.9	9.9	9.9	9.9	9.9
EQUIPMENT	77.4	-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	427.6	350.2	350.2	350.2	350.2	350.2

CAPITAL	322.0	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND	749.6	350.2	350.2	350.2	350.2	350.2
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	749.6	350.2	350.2	350.2	350.2	350.2

POSITIONS:

FULL-TIME	3	3	3	3	3	3
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

(See attached.)

Prepared by: Francis C. Allan
 Division: Alaska State Troopers
 Approved by Commissioner: Arthur English
 Agency: Department of Public Safety

Phone: 269-5691
 Date: 01/12/90

Date: 1-12-90

1/12/90

CONTINUATION OF FISCAL NOTE ANALYSIS

Department of Public Safety

SB 366, Dalton Highway Maintenance and Access

In order to keep the Dalton Highway open throughout the entire year, a full range of law enforcement services must be maintained. In order to provide accident response, patrol, investigation, and search and rescue services, three additional State Trooper positions will be needed; one at Coldfoot, and two others in Prudhoe Bay. The costs below summarize their Personal Services and related costs. It is anticipated that equipment will be needed in the first year only and that the road would not be open to the public until July 1, 1990. Further, FY 91 costs are based upon budgeted costs for FY 91 with no inflation included for future years.

<u>Operating Budget</u>	<u>Trooper Coldfoot</u>	<u>Trooper Prudhoe Bay</u>	<u>Trooper Prudhoe Bay</u>	<u>Increased Helo Oper. Costs (1)</u>	<u>Total</u>
Personal Services	81.1	81.1	81.1		243.3
Travel	2.0	2.0	2.0		6.0
Contractual	13.4	37.4	37.4	2.8	91.0
Supplies	3.3	3.3	3.3		9.9
Equipment	<u>25.8</u>	<u>25.8</u>	<u>25.8</u>		<u>77.4</u>
Total	<u>125.6</u>	<u>149.6</u>	<u>149.6</u>	<u>2.8</u>	<u>427.6</u>

(1) - Helicopter costs include two additional trips up and down the highway, fueling at Coldfoot and Prudhoe Bay (contract). This is expected to involve seven hours on each trip @ \$200 per hour.

Capital Budget

There is no housing available in Coldfoot. Accordingly, it will be necessary to construct a new housing unit located next to the FWP unit in Coldfoot. Cost is estimated to be \$322,000 for a single family unit.

Position Title		State Trooper		No. of Positions	Range/Step	Barg. Unit
				1	76/A	PSEA
Time Status	Staff Months	Location		Election District		
PFT	12.0	Coldfoot		22		
				Justification:		
Type of Expenditure				Amount		
1		2		3		
Salary*		59,195		////////////////////		
Benefits*		21,934		////////////////////		
Premium Pay (Included in Above)		////////////////////		////////////////////		
Other		////////////////////		////////////////////		
Total Personal Services		////////////////////		81.1		
Travel				2.0		
Contractual				13.4		
Commodities				3.3		
Equipment				25.8		
Other						
Total Cost				125.6		
Funding Source for Total Cost						
Federal Receipts		1002				
G.F. Match		1003				
General Fund		1004		125.6		
Program Receipts/GF		1005				
I-A Receipts		1007				
CIP Receipts		1061				
Other						
* Personal Services Salary and Benefits Costs are from PACS.						

A fully trained and experienced law enforcement officer is needed to provide accident response, patrol, investigation and Search and Rescue along the Dalton Highway. This Trooper position must have 4 x 4 vehicle (152P) in order to be able to travel the rough road during winter conditions. All other costs are average Trooper costs and are based upon experience.

Additionally, no housing currently exists in Coldfoot and a unit would need to be constructed with CIP funds.

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 BRU Alaska State Troopers
 COMPONENT Detachements

Page 3 of 5
 Revised Date

FY 91

Position Title State Trooper		No. of Positions 1	Range/Step 76/A	Barg. Unit PSEA
Time Status PFT	Staff Months 12.0	Location Prudhoe Bay		Election District 22
Justification:				
A fully trained and experienced law enforcement officer is needed to provide accident response, patrol, investigation and Search and Rescue along the Dalton Highway. This Trooper position must have 4 x 4 vehicle (152P) in order to be able to travel the rough road during winter conditions. All other costs are average Trooper costs and are based upon experience.				
Contractual costs include housing and office space at a cost of \$2,000 per month, which is based upon previous AST experience in Prudhoe Bay and assumes space availability.				
Type of Expenditure		Amount		
1	2	3		
Salary*	59,195	////////////////////		
Benefits*	21,934	////////////////////		
Premium Pay (Included in Above)	////////////////////	////////////////////		
Other	////////////////////	////////////////////		
Total Personal Services	////////////////////	81.1		
Travel		2.0		
Contractual		37.4		
Commodities		3.3		
Equipment		25.8		
Other				
Total Cost		149.6		
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	149.6		
Program Receipts/GF	1005			
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS.				

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 BRU Alaska State Troopers
 COMPONENT Detachements

Page 4 of 5
 Revised Date

FY 91

Position Title		State Trooper	No. of Positions	1	Range/Step	76/A	Barg. Unit	PSEA		
Time Status	PFT	Staff Months	12.0	Location	Prudhoe Bay	Election District	22			
Type of Expenditure			Amount		Justification: A fully trained and experienced law enforcement officer is needed to provide accident response, patrol, investigation and Search and Rescue along the Dalton Highway. This Trooper position must have 4 x 4 vehicle (152P) in order to be able to travel the rough road during winter conditions. All other costs are average Trooper costs and are based upon experience. Contractual costs include housing and office space at a cost of \$2,000 per month, which is based upon previous AST experience in Prudhoe Bay and assumes space availability.					
1			2						3	
Salary*			59,195						////////////////////	
Benefits*			21,934						////////////////////	
Premium Pay (Included in Above)			////////////////////						////////////////////	
Other			////////////////////						////////////////////	
Total Personal Services			////////////////////						81.1	
Travel									2.0	
Contractual									37.4	
Commodities									3.3	
Equipment									25.8	
Other										
Total Cost									149.6	
Funding Source for Total Cost										
Federal Receipts			1002							
G.F. Match			1003							
General Fund			1004		149.6					
Program Receipts/GF			1005							
I-A Receipts			1007							
CIP Receipts			1061							
Other										
* Personal Service: Salary and Benefits Costs are from PACS.										

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
BRU Alaska State Troopers
COMPONENT Detachments

Page 5 of 5
Revised Date

FY 91

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSHB 115(FIN)
PUBLISH DATE: _____

FISCAL NOTE

REQUEST: House Finance

Revision Date: 2/26/88
Title: "An Act Relating to Public Use
of the Dalton Highway"
Sponsor: Representative Frank
Requestor: House Finance Committee

Agency Affected: Public Safety
BRU: Alaska State Troopers
Components: Detachments

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	213.0	213.0	213.0	213.0	213.0
TRAVEL	0	3.9	3.9	3.9	3.9	3.9
CONTRACTUAL	0	63.2	63.2	63.2	63.2	63.2
SUPPLIES	0	6.6	6.6	6.6	6.6	6.6
EQUIPMENT	0	66.9				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	353.6	286.7	286.7	286.7	286.7

CAPITAL		250.0				
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REVENUE						
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FUNDING : (Thousands of Dollars)

GENERAL FUND		603.6	286.7	286.7	286.7	286.7
FEDERAL FUNDS						
OTHER						
TOTAL	0	603.6	286.7	286.7	286.7	286.7

POSITIONS :

FULL-TIME	0	3	3	3	3	3
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by: Rep. Adams *ADA* Phone: 465-3709
Division: Chairman, House Finance Date: 2/26/88

Approved by Commissioner: _____ Date: _____
Agency: _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

✓

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 115

In order to keep the Dalton Highway open throughout the entire year, a full range of law enforcement services must be maintained. In order to provide accident response, patrol, investigation, and search and rescue services, three additional State Trooper positions will be needed; one at Coldfoot, and two others in Prudhoe Bay. The costs below summarize their Personal Services and related costs. It is anticipated that equipment will be needed in the first year only and that the road would not be open to the public until July 1, 1988. Further, FY89 costs are based upon budgeted costs for FY88 with no inflation included and basic costs for 8 months only.

<u>Operating Budget</u>	<u>Trooper Coldfoot</u>	<u>Trooper Prudhoe Bay</u>	<u>Trooper Prudhoe Bay</u>	<u>Increased Helo Oper. Costs (1)</u>	<u>Total</u>
Personal Services	71.0	71.0	71.0		213.0
Travel	1.3	1.3	1.3		3.9
Contractual	5.7	28.1	28.1	1.3	63.2
Supplies	2.2	2.2	2.2		6.6
Equipment	22.3	22.3	22.3		66.9
Total	102.5	124.9	124.9	1.3	353.6

(1) - Helicopter costs include one additional trip up and down the highway, fueling at Coldfoot and Prudhoe Bay (contract). This is expected to involve seven hours @ \$187 per hour.

Capital Budget

Currently, there is no housing available in Coldfoot as was originally anticipated when this fiscal note was first prepared. Accordingly, it will be necessary to construct a new housing unit located next to the FWP unit in Coldfoot. Cost is estimated to be \$95,000 for a single family unit.

Revised 2/16/88

Position Title State Trooper		No. of Positions 1	Range/Step 76/A	Barg. Unit PSEA
Time Status PFT	Staff Months 8.0	Location Coldfoot		Election District 22
Type of Expenditure		Amount		
1	2	3		
Salary	36,124			
Benefits	31,584			
Premium Pay	3,334			
Other				
Total Personal Services		71.0		
Travel		1.3		
Contractual		5.7		
Commodities		2.2		
Equipment		22.3		
Other				
Total Cost		102.5		
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	102.5		
I-A Receipts	1006			
CIP Receipts	1061			
Other				
Revised 2/16/88				
<p>Justification</p> <p>A fully trained and experienced law enforcement officer is needed to provide accident response, patrol, investigation, and Search and Rescue along the Dalton Highway. This trooper position must have a 4 x 4 vehicle (152P) in order to be able to travel the rough road during winter conditions. All other costs are average Trooper costs and are based upon experience. Eight months funding is included to coincide with the length of time the road would be open.</p> <p>Additionally, no housing currently exists in Coldfoot and a unit would need to be constructed.</p>				

REQUEST FOR
NEW POSITION

Agency Department of Public Safety

BRU Alaska State Troopers

Component Detachments and CIB

FY 89

Page 1 of 3
Revised Date

Position Title		State Trooper		No. of Positions	1	Range/Step	76/A	Barg. Unit	PSEA				
Time Status	PFT	Staff Months	8.0	Location	Prudhoe Bay		Election District	22					
Type of Expenditure			Amount			<p>Justification</p> <p>A fully trained and experienced law enforcement officer is needed to provide accident response, patrol, investigation, and Search and Rescue along the Dalton Highway. This trooper position must have a 4 x 4 vehicle (152P) in order to be able to travel the rough road during winter conditions. All other costs are average Trooper costs and are based upon experience. Eight months funding is included to coincide with the length of time the road would be open.</p> <p>Contractual costs include housing and office space at a cost of \$2,800 per month, which is based upon previous AST experience in Prudhoe Bay and assumes space availability.</p>							
1		2		3									
Salary		36,124											
Benefits		31,584											
Premium Pay		3,334											
Other													
Total Personal Services				71.0									
Travel				1.3									
Contractual				28.1									
Commodities				2.2									
Equipment				22.3									
Other													
Total Cost				124.9									
Funding Source for Total Cost													
Federal Receipts		1002											
G.F. Match		1003											
General Fund		1004				124.9							
I-A Receipts		1006											
CIP Receipts		1061											
Other													
Revised 2/16/88													

REQUEST FOR
NEW POSITION

Agency Department of Public Safety
 BRU Alaska State Troopers
 Component Detachments and CIB

FY 89

Page 2 of 3
 Revised Date

Position Title State Trooper		No. of Positions 1	Range/Step 7G/A	Barg. Unit PSEA
Time Status PFT	Staff Months 8.0	Location Prudhoe Bay		Election District 22
Type of Expenditure		Amount		
1	2	3		
Salary	36,124			
Benefits	31,584			
Premium Pay	3,334			
Other				
Total Personal Services		71.0		
Travel		1.3		
Contractual		28.1		
Commodities		2.2		
Equipment		22.3		
Other				
Total Cost		124.9		
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	124.9		
I-A Receipts	1006			
CIP Receipts	1061			
Other				
Revised 2/16/88				
<p>Justification</p> <p>A fully trained and experienced law enforcement officer is needed to provide accident response, patrol, investigation, and Search and Rescue along the Dalton Highway. This trooper position must have a 4 x 4 vehicle (152P) in order to be able to travel the rough road during winter conditions. All other costs are average Trooper costs and are based upon experience. Eight months funding is included to coincide with the length of time the road would be open.</p> <p>Contractual costs include a leased housing space of approximately \$24,000 per year, assuming that it is available.</p>				

REQUEST FOR
NEW POSITION

Agency Department of Public Safety

BRU Alaska State Troopers

Component Detachments and CIB

FY 89

Page 3 of 3
Revised Date

Fiscal Note HB 115
Coldfoot Trooper Housing Unit

1. Direct Construction Cost - House	
\$150 per sq. foot x 1,376 sq ft =	\$206,400
2. Direct Construction Cost - Garage	
\$75 per sq ft x 288 sq ft =	21,600
3. Sight preparation (backfill)	40,000
4. Paving	<u>10,000</u>
	subtotal
	278,000
5. Indirect overhead - Engineering, Architectural, etc. - DOT/PF related - 35%	
	<u>92,000</u>
	subtotal
	370,000
6. Inflation thru actual construction 6-7 %	<u>25,000</u>
	Total
	<u><u>\$395,000</u></u>

STATE OF ALASKA 1988 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: CSHB 115
Publish Date: _____

REQUEST _____
Revision Date: _____
Title: Cost for Opening the Dalton Highway to the Public
Sponsor: Frank
Requestor: Frank

Agency Affected: DOT&PF
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		10.0	10.0	10.0	10.0	10.0
TRAVEL						
CONTRACTUAL		0	0	0	0	0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		10.0	10.0	10.0	10.0	10.0
CAPITAL		84.0	0	0	0	0
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		94.0	10.0	10.0	10.0	10.0
FEDERAL FUNDS						
OTHER						
TOTAL		94.0	10.0	10.0	10.0	10.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: See attached

Prepared by: Norm Piispanen/Lynn J. Harnisch Phone: 474-2423/451-2210
Division: DOT&PF Planning/Reg. Director, Northern Region Date: 2/25/88

Approved by Commissioner: Mark S. Hickey *M.S.H.* Date: 2/26/88
Agency: DOT&PF

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
Senate Secretary

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 115

1. Assumptions

In order to open the remainder of the Dalton Highway to the public, we anticipate the need for two wayside facilities with campsites, vault toilets and litter barrels. One such facility would probably be developed in the Atigun/Galbraith area. The other would probably be developed in the Happy Valley area.. Preferably they would be located in existing material sources. Also, we would expect to install four additional sets of litter barrels and two additional vault toilets (additional toilets not included in 1/27/88 fiscal note for the same bill) at locations scattered along the northern portion of the route.

2. Capital Costs

Two Campsite Facilities	\$30,000
Four Vault Toilets	48,000
Information Signs	2,000
Bear Proof Litter Barrels (Six Pair)	4,000
TOTAL	<u>\$84,000</u>

3. Operating Costs

Personal Services:	\$10,000
Campsite/Litter Barrel Maintenance	
TOTAL	\$10,000
Contractual Services:	20,000
Vault Toilet Maintenance	
Contractual Services:	<20,000>
Savings: Closing Existing Checkpoint	
Contractual Services Subtotal	<u>-0-</u>
TOTAL IMPACT	\$10,000

These figures indicate an annual maintenance cost of \$30,000 for new facilities. Of that, \$20,000 would be offset by closing the existing checkpoint. Closing the Dalton Highway to public use during the winter months would not cause the figures to change.

The northern terminus of the Dalton Highway is approximately 2 miles short of the Deadhorse Airport and approximately 12 miles short of the Arctic Ocean. Beyond the terminus of the Dalton Highway the roads have been built, and are maintained, by the oil companies. Public use of them would require coordination with the oil companies. Public access from the Dalton Highway to the Deadhorse Airport is probably easily attainable.

Public access to the Arctic Ocean, if it is desired, is more involved and could be expected to be more sensitive to the oil companies. While access to the Arctic Ocean may be desirable, it is not critical to opening the Dalton Highway to public use.

JAMES DALTON HIGHWAY

CONSTRUCTION

BUILDER: Alyeska Pipeline Service Company Contractors

DATES: April 29, 1974 - September 29, 1974 = 154 days

LENGTH: 415 Miles = Livengood to Deadhorse

MATERIAL: 32,000,000 cubic yards - free use, mostly BLM

MANPOWER: 3,000,000 plus man hours

COST: \$370,000,000 - State has engineering dollars only
in project

YUKON RIVER BRIDGE: Completed 1975 - \$26,000,000; \$3,000,000 State funds

MAINTENANCE

ALYESKA: September 1974 - October 15, 1978

STATE OF ALASKA: October 15, 1978

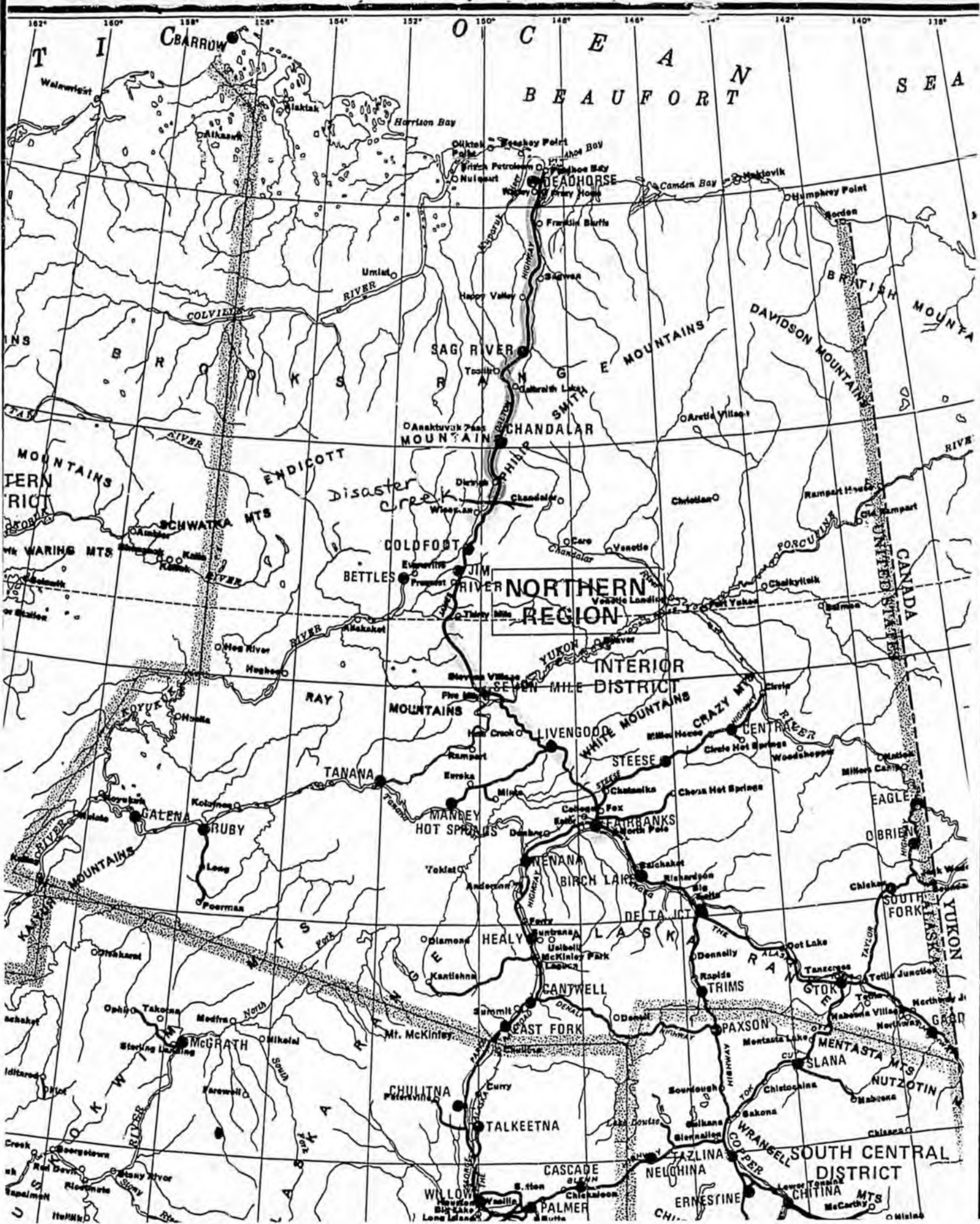
PERSONNEL

<u>Location</u>	<u>PFT</u>	<u>PPT</u>	<u>PFT Buildings</u>
7-Mile	4	0	2
Jim River	4	0	2
Coldfoot	4	1	1
Chandalar	8	1	2]
Sag River	6	1	2] Rotation
Deadhorse	8	1	1] Stations
<hr/>			
	34	4	9 = 47 Positions

FG/lf

Background on Dalton

Closed to traffic other than industrial or commercial
Opens to all public traffic



MILEAGE FOR ELLIOTT & DALTON HIGHWAYS

LOCATION	FROM FAIRBANKS	FROM MP 0 DALTON	FROM YUKON RIVER	BETWEEN POINTS
TOX	11.5	73.5	130.7	
LIVENGOOD	80.8	4.2	61.4	69.3
0 MILE TAPS	85.0	0.0	57.2	4.2
PUMP STATION 6	140.0	55.0	2.2	55.0
YUKON RIVER	142.2	57.2	0.0	2.2
5 MILE AIRPORT	146.4	61.4	4.2	4.2
7 MILE CAMP	148.0	63.0	5.8	1.6
FINGER MOUNTAIN	185.3	100.3	43.1	37.3
OLD MAN	194.5	109.5	52.3	9.2
BEAVER SLIDE	196.4	111.4	54.2	1.9
ARCTIC CIRCLE	202.0	116.0	60.0	5.8
GOBBLERS KNOW	220.1	135.1	77.9	17.9
PUMP STATION 6	225.4	140.4	83.2	5.3
JIM RIVER MAINTENANCE	226.4	141.4	84.2	1.0
KOYUKUK	245.0	160.0	102.8	18.6
COLDFOOT	264.3	179.3	122.1	19.3
WISEMAN TURNOFF	278.2	193.2	136.0	13.9
NETRICH	300.4	215.4	158.2	22.2
HANDALAR	333.0	248.0	190.8	32.6
ATIGUN SUMMIT	337.6	252.6	195.4	4.6
ATIGUN CAMP	342.5	257.5	200.3	4.9
PUMP STATION 4	361.9	276.9	219.7	19.4
GALBRAITH TURNOFF	367.9	282.9	225.7	6.0
TOOLIK	377.7	292.7	235.5	9.8
MS 117-1	384.0	299.0	241.8	6.3
SAG RIVER MAINTENANCE	399.6	314.6	257.4	15.6
PUMP STATION 3	406.0	321.0	263.8	6.4
ICE CUT	419.8	334.8	277.6	13.8
HAPPY VALLEY	429.8	344.4	287.6	10.0
PUMP STATION 2	455.4	370.4	313.2	25.6
FRANKLIN BLUFFS	474.7	389.7	332.5	19.3
END OF DALTON HIGHWAY	511.9	426.9	369.7	37.2
DEADHORSE AIRPORT	515.9	430.9	373.7	4.0

11/9/88

DALTON HIGHWAY CHECK POINT

AVERAGE DAILY TRAFFIC
VEHICLE COUNT
1976 - 1988

MONTH YEAR	76	77	78	79	80	81	82	83	84*	85	86	87	88
January		98	89	73	68	122	164	105					
February		262	96	49	68	122	131	122					
March		465	112	59	76	215	181	156					
April		433	98	68	75	206	169	113					
May		251	96	69	83	149	145	95					
June		240	157	75	105	112	174	81					
July	402	222	119	81	125	122	151	100	79	109	88	57	72
August	381	210	142	89	154	139	137	104		76	91	67	80
September	349	203	81	84	136	159	150	98		36	69	64	85
October	231	142	62	73	130	136	122	94			63	55	64
November	166	131	71	69	115	140	97	96			58	48	
December	119	120	69	59	100	134	103	71					
ANNUAL AVERAGE	275	231	99	71	103	146	144	103	79	74	74	58	77
LOCATION	YUKON RIVER							DISASTER CREEK		CHANDALAR SHELF			

* 1984 figures are from DOT&PF traffic counter at Atigun River

STANDING COMMITTEE REPORTS

SJR 20

The Community and Regional Affairs Committee considered SENATE JOINT RESOLUTION NO. 20 (Disapproving the Local Boundary Commission recommendation for annexation of territory to the City of Dillingham). Senator Sturgulewski, Chairman and Senator Zharoff signed "do pass". Senators Halford and Szymanski signed "no recommendation".

Zero fiscal note published today from the Community and Regional Affairs Committee.

SENATE JOINT RESOLUTION NO. 20 was referred to the Rules Committee.

SB 10

The Transportation Committee considered SENATE BILL NO. 10 (An Act removing a limitation on the power of the Alaska Railroad to apply for a right-of-way or exercise eminent domain) and a majority of the committee recommended do pass. The report was signed by Senator Jones, Chairman and concurred in by Senators Abood, Coghill and Fahrenkamp.

Senator Binkley, Co-chairman, moved and asked unanimous consent that SENATE BILL NO. 10 have an additional referral to the Finance Committee. Without objection, it was so ordered.

SENATE BILL NO. 10 was referred to the Finance Committee.

SB 132

The Transportation Committee considered SENATE BILL NO. 132 (An Act relating to public use of the Dalton Highway) and a majority of the committee recommended do pass. The report was signed by Senator Jones, Chairman and concurred in by Senators Fahrenkamp and Coghill. Senator Abood signed "do not pass - not enough info available in the interest of safety and accommodations for the public".

Fiscal note published today from Department of Transportation and Public Facilities.

SENATE BILL NO. 132 was referred to the Finance Committee.

HB 89

The Rules Committee considered CS FOR HOUSE BILL NO. 89 (FIN) (efd fld) (An Act making a special appropriation for disaster relief; appropriating the balance of the budget reserve fund to the general fund) and a majority of the committee recommended the Senate Finance Committee Substitute (page 473) be adopted and calendar March 4. The report was signed by Senator Eliason, Chairman and concurred in by Senators Bennett, Binkley and Faiks.

CS FOR HOUSE BILL NO. 89 (FIN) (efd fld) is on the calendar.

INTRODUCTION AND REFERENCE OF SENATE BILLS

SB 22

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 22 by Senator Coghill, entitled:

"An Act exempting certain telephone and electric utilities and certain transactions from regulation by the Alaska Public Utilities Commission; and providing for an effective date." (new title)

was read the first time and referred to the Labor and Commerce Committee and the Finance Committee.

SB 160

SENATE BILL NO. 160 by Senator Uehling, entitled:

"An Act relating to land owned by the Alaska Railroad Corporation."

was read the first time and referred to the State Affairs Committee, the Labor and Commerce Committee, the Judiciary Committee and the Finance Committee.

Chapter 35. Relocation Assistance.

[Repealed, § 2 ch 41 SLA 1971.]

Chapter 40. James Dalton Highway.

Section	Section
10. Declaration of policy	100. Use of the highway by industrial or commercial traffic
15. Highway named	110. Public use of a portion of the highway
20. Contractual authority	120. Closure of the highway to traffic
30. Undertakings of contractors	200. Disposal of land or materials
40. Exemption	210. Prohibition of off-road vehicles
50. Highway width	290. Definitions
60. Conditions to be met	
65. Regulations and penalties	
70. Conflict with other laws	

Opinions of attorney general. — It is within the power of the Department of Transportation and Public Facilities un-

der AS 19.05.040(11) to charge a toll for use of the James Dalton Highway. February 20, 1987 Op. Att'y Gen.

Sec. 19.40.010. Declaration of policy. (a) The legislature finds and declares that there is an immediate need for a public highway from the Yukon River to the Arctic Ocean and that this public highway should be constructed by the State of Alaska at this time because

(1) it will assist in the fulfillment of art. VIII, § 1, Constitution of the State of Alaska, in which it is provided that it is the policy of the state to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest;

(2) it will provide the first year-round, overland route from north of the Yukon River to the Arctic Ocean, and will consequently result in the completion of a highway from the Pacific Ocean to the Arctic Ocean;

(3) it is in conformity with the policy of 23 U.S.C. 101(b) (Federal-Aid Highway Act of 1956), in which it is declared to be in the national interest to accelerate the construction of certain highways which are of primary importance to the national defense;

(4) it will benefit local and interstate commerce because the area north of the Yukon River is rich in natural resources but is inaccessible at the present time because of the lack of roads and this inaccessibility prohibits the successful use of the natural resources of this area;

(5) it is consonant with art. VIII, § 2, Constitution of the State of Alaska, in which it is provided that the legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the state, including land and water, for the maximum

benefit of its people, because the highway will benefit not only local and interstate commerce but will also augment the revenue of the state and result in conservation of natural resources, for example, by facilitating a system of forest fire suppression.

(b) It is the sense of the legislature that the construction of the highway will not impair the natural wilderness adjacent to the highway and will not unreasonably interfere with subsistence hunting, fishing, trapping, and gathering.

(c) It is the intent of the legislature that the state shall be reimbursed for the cost plus interest of constructing the public highway from the Yukon River to the Arctic Ocean.

(d) It is the intent of the legislature that employment of Alaska residents be encouraged and that the provisions of AS 36.10 be complied with. (§ 1 ch 231 SLA 1970)

Sec. 19.40.015. Highway named. The highway is named the James Dalton Highway. (§ 2 ch 10 SLA 1981)

Sec. 19.40.020. Contractual authority. (a) Subject to (b) of this section, the department may contract in accordance with AS 36.30 for the construction of a secondary highway from the Yukon River to the Arctic Ocean. The provisions of AS 36.10 govern in employment practices on all work authorized by this chapter.

(b) The authority granted under (a) of this section may not be exercised until the state enters into a contract with the participants in the Trans Alaska Pipeline System or other organization formed for the purpose of transporting oil by pipeline from the North Slope (that area of Alaska lying north of 68 degrees latitude). The contract shall provide for reimbursement to the state by the participants, jointly and severally, in the Trans Alaska Pipeline System or other organization formed for the purpose of transporting oil by pipeline, of the full amount of the highway's cost of construction plus interest on the state's expenditures at the rate of seven and one-half per cent per year. Complete reimbursement together with interest shall be made within five years from the date of the contract. The state may, with the agreement of the participants, elect to construct an oil pipeline from the North Slope. In that event, the provisions of this subsection requiring reimbursement do not apply.

(c) The contract with the participants must include additional terms and conditions that are in the best interests of the state. Any advance payments made under the contract shall be deposited in a special account which will be used for disbursements to the contractor charged with construction of the highway. Disbursements to the contractor shall be made on order of the commissioner of transportation and public facilities on presentation of a proper voucher or the presentation of a voucher by an employee of the department authorized in

writing to certify as to such payment. (§ 1 ch 231 SLA 1970; am § 18 ch 106 SLA 1986)

Effect of amendments. — The 1986 amendment inserted "in accordance with AS 36.30" in the first sentence in subsection (a) and deleted the former second sentence in subsection (a) which read, "The department may request bids and award

contracts for the construction of the highway, or it may elect to directly negotiate contracts for the construction of the highway if it appears to be in the best interests of the state."

Sec. 19.40.030. Undertakings of contractors. The department, in place of the bonds or individual sureties required by AS 36.25.010, may accept corporate undertakings that include the same essential provisions of the bonds or individual sureties required by AS 36.25.010 and that are satisfactory to the department. (§ 1 ch 231 SLA 1970)

Sec. 19.40.040. Exemption. The Alaska Net Income Tax Act and the Alaska Business License Act do not apply to any money received by the general contractor from the state under a highway construction contract authorized under this chapter if the money is to be paid to a subcontractor for work performed under the construction contract. The money received by the subcontractors is subject to the Alaska Net Income Tax Act, the Alaska Business License Act, and any other applicable state taxes. (§ 1 ch 231 SLA 1970)

Sec. 19.40.050. Highway width. In accordance with AS 19.10.015, the width of this highway is designated as 200 feet. (§ 1 ch 231 SLA 1970)

Sec. 19.40.060. Conditions to be met. Construction authorized under AS 19.40.020 — 19.40.050 may not be undertaken until all of the following conditions are met:

(1) certification by the commissioners of natural resources and fish and game that adequate precautions have been taken to protect and preserve the total ecology of the area traversed;

(2) certification by the commissioner of transportation and public facilities that the road design and construction methods will cause minimal landscape defacement or environmental degradation by erosion or waste disposal;

(3) certification by the commissioner of health and social services that adequate and reasonable precautions have been taken for the prevention of pollution during construction and subsequent public use;

(4) all certifications, as well as the regulations, contract provisions, specifications, inspection procedures, and programs necessary to im-

plement and accomplish AS 19.40.020 — 19.40.050 shall be filed with the governor's office and published;

(5) the governor has approved all certifications and supporting material submitted under (4) of this section as being in the best public interest, and has certified that the contract required by AS 19.40.020 has been executed. (§ 1 ch 231 SLA 1970; am § 6 ch 104 SLA 1971)

Sec. 19.40.065. Regulations and penalties. All departments and agencies of the state are given the specific authority to adopt under the Administrative Procedure Act (AS 44.62) emergency, temporary, and permanent regulations necessary to accomplish the purposes of AS 19.40.020 — 19.40.050. The violation of any regulation adopted under AS 19.40.020 — 19.40.050 is a misdemeanor and upon conviction the person is punishable by a fine of not more than \$10,000 for each offense. (§ 1 ch 231 SLA 1970)

Sec. 19.40.070. Conflict with other laws. In the event of a conflict between this chapter and any other law of this state, the provisions of this chapter govern and supersede any such other law. (§ 1 ch 231 SLA 1970)

Sec. 19.40.100. Use of the highway by industrial or commercial traffic. (a) The department shall maintain the highway and keep it open to industrial or commercial traffic throughout the year.

(b) "Industrial or commercial traffic" means

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

(2) travel necessary and related to access by local residents to their property; or

(3) motor carriers engaged in commerce. (§ 3 ch 177 SLA 1980; am § 51 ch 59 SLA 1982; am § 10 ch 21 SLA 1985)

Effect of amendments. — The 1985 amendment deleted "which are common carriers or contract carriers regulated by

the Alaska Transportation Commission under AS 42.10" at the end of paragraph (3) of subsection (b).

NOTES TO DECISIONS

Negligence action against state precluded. — The state was immune from tort liability, under the discretionary function immunity exception to the Tort Claims Act, in an action based on negligent failure to institute dust control procedures on the Dalton Highway. *Freeman v. State*, Sup. Ct. Op. No. 2976 (File No. S-458), 705 P.2d 918 (1985).

Indemnity provision in highway use permit held unenforceable. — Semi-

trailer operator injured in a single-vehicle accident was not barred by an indemnity and hold harmless provision in the highway use permit from seeking recovery for personal injuries and property damage from the state for its alleged negligence; the indemnity provision was unenforceable because the state's maintenance of the highway was a "public duty." *Kuhn v. State*, Sup. Ct. Op. No. 2868 (File Nos. 6833, 7080), 692 P.2d 261 (1984).

Highway permit indemnity regulation held unenforceable. — A highway permit indemnity regulation (17 AAC 30.050) was inconsistent with subsection (a) of this section because the regulation bore no reasonable relation to the state's statutory duty to maintain the highway,

and the regulation was unenforceable where it did not fall within one of the AS 19.05.040 exceptions to the duty. *State v. Alyeska Pipeline Serv. Co.*, Sup. Ct. Op. No. 3092 (File No. S-986), 723 P.2d 76 (1986).

Sec. 19.40.110. Public use of a portion of the highway. The department shall maintain the section of the highway between the Yukon River and Dietrich Camp and shall keep that section of the highway open to use by the public between June 1 and September 1 each year. (§ 4 ch 177 SLA 1980)

Revisor's notes. — Enacted as AS 19.40.120. Renumbered in 1980.

Opinions of attorney general. — This section should be interpreted as setting the maximum extent to which the Dalton Highway may be kept closed to public traffic by regulation, rather than the maximum

that it may be opened; it is not an impediment to the department's adopting regulations which would open the Dalton Highway to Dietrich Camp to year-round public traffic. September 2, 1983 Op. Att'y Gen.

NOTES TO DECISIONS

Applied in *Kuhn v. State*, Sup. Ct. Op. No. 2868 (File Nos. 6833, 7080), 692 P.2d 261 (1984).

Sec. 19.40.120. Closure of the highway to traffic. The provisions of AS 19.10.100 apply to the closure of the highway by the department. (§ 3 ch 177 SLA 1980)

Revisor's notes. — Enacted as AS 19.40.110. Renumbered in 1980.

Sec. 19.40.200. Disposal of land or materials. (a) The state may not dispose of state land under AS 38 which is within five miles of the right-of-way of the highway.

(b) The prohibition on disposal of state land under (a) of this section does not apply to a disposal necessary for

(1) an oil and gas lease under AS 38.05.180;

(2) exploration, development, production, or transportation of oil and gas north of 68 degrees north latitude; or

(3) a state lease or materials sale for exploration, development, production, or transportation of oil and gas or reconstruction or maintenance of the highway north of 68 degrees north latitude.

(c) Before the sale of materials under (b)(3) of this section to a private entity or person or to a state agency the state shall give due consideration to the availability of materials from private sources in the area where the materials are needed. (§ 5 ch 177 SLA 1980; am § 1 ch 77 SLA 1985)

Revisor's notes. — By judgment dated March 19, 1981, in Alaska Legislative Council v. Hammond, case no. 4FA-80-1689, the superior court for the fourth judicial district upheld the validity of the enactment of ch. 177, SLA 1980.

Effect of amendments. — The 1985 amendment added subsections (b) and (c).

Editor's notes. — Section 3, ch. 77, SLA 1985 made the 1985 amendments to this section retroactive to October 5, 1980.

Legislative history reports. — For governor's letter returning SCS HR am S (H. failed eff. date) see 1980 House Journal, p. 2240, and 1980 Senate Journal, p. 1781.

For Senate letter of intent relating to (b)(3) of this section, see 1985 Senate Journal, page 264, which refers to identical language in an earlier version of the bill.

Sec. 19.40.210. Prohibition of off-road vehicles. Off-road vehicles are prohibited on land within five miles of the right-of-way of the highway. However, this prohibition does not apply to off-road vehicles necessary for oil and gas exploration, development, production, or transportation or to a person who holds a mining claim in the vicinity of the highway and who must use land within five miles of the right-of-way of the highway to gain access to the mining claim. (§ 5 ch 177 SLA 1980; am § 2 ch 77 SLA 1985)

Revisor's notes. — Enacted as AS 19.40.200(b). Renumbered in 1980.

Effect of amendments. — The 1985 amendment in the second sentence inserted "to off-road vehicles necessary for oil and gas exploration, development, pro-

duction, or transportation or" and substituted "the" for "his" following "access to."

Editor's notes. — Section 3, ch. 77, SLA 1985 made the 1985 amendments to this section retroactive to October 5, 1980.

Sec. 19.40.290. Definitions. In this chapter

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

(2) "highway" means the secondary highway from the Yukon River to the Arctic Ocean. (§ 1 ch 231 SLA 1970)

Revisor's notes. — Formerly AS 19.40.080. Renumbered in 1988.

Chapter 45. Miscellaneous Provisions.

Section
01. Definitions
02. Penalties

Section
15. Highway construction near airports

Sec. 19.45.001. Definitions. In AS 19.05 — AS 19.40

(1) "commissioner" means the commissioner of transportation and public facilities;

(2) "construction" or any derivation means construction, reconstruction, alteration, improvement or major repair;

(3) "controlled-access facility" means a highway especially designed for through traffic, and over, from, or to which owners or occupants of

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

P.O. BOX 3-2000
JUNEAU, ALASKA 99802-2000
PHONE: (907) 465-4100

February 18, 1988

The Honorable Steve Frank
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Frank:

Circumstances relating to caribou hunting near the Dalton Highway north of the Yukon River have been somewhat confusing for a number of years. Some background may help put the matter in perspective.

As you know, public access has been constrained by statute (AS 19.40.100 and 19.40.110), and use of off-road vehicles within five miles on each side of the Dalton Highway right-of-way is prohibited except for access to mining claims (AS 19.40.210). However, because no penalty provision was included in the latter section, the prohibition on off-road or all-terrain vehicles (ORV/ATV) could not be enforced. Although these laws were in place, people were able to gain access to the northern portion of the Dalton Highway. Also because the ORV/ATV restriction was ineffective, a convention of use of these vehicles developed among people who were able to gain access to the northern Dalton Highway. Thus, public use of the highway and of ORV/ATVs for hunting purposes was only partly constrained.

This situation contributed to a rapid increase in caribou harvest from along the highway between 1982 and 1986. Seasons and bag limits for the Central Arctic Caribou Herd (CAH) during that period were designed to provide ample opportunity for use of caribou for food by local residents of Game Management Unit 26B (GMU 26B), and presumed that restrictions of Dalton Highway and ATV use effectively moderated hunting pressure from elsewhere. That was not the case, and in 1986 the department recommended and the Board of Game adopted a regulation reducing from five to two the number of caribou that could be transported out of GMU 26B. That regulation was in effect in 1986-87. Also, the administration in 1986 introduced a bill containing a

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penalty provision for off-road use of ATVs so that the law would be enforceable, but it did not pass.

In March 1987, the Department of Fish and Game proposed a regulation establishing a bag limit of five caribou for subsistence hunters, and one caribou for other hunters. This proposed regulation also expanded the area affected to include all of the principal range of the CAH. The Board of Game adopted this proposal as regulation, which became effective July 1, 1987. In addition, the board promulgated a regulation prohibiting the use of motorized vehicles, (except for licensed highway vehicles, aircraft, and motor boats) for hunting purposes within the Dalton Highway corridor. The net effect was to prohibit use of ORV/ATVs for hunting purposes.

These changes have affected total harvests of caribou as shown below.

Reported Harvest of Central Arctic Caribou Herd

<u>Year</u>	<u>Total</u>
1982-83	81
1983-84	170
1984-85	364
1985-86	662
1986-87	345
1987-88 (through 2/5/88)	181

We anticipate that the total harvest in 1987-88 will be below that of 1986-87. Although even at the highest harvest level, in 1985-86, there was no danger to the CAH's well-being, the trend was of concern, since a continued rapid increase in harvest levels could have stopped or reversed growth of the herd.

Under the present regulatory regime, hunting will not limit growth of the CAH. However, the more conservative seasons and bag limits and the enforceable regulation on use of ATVs in the Dalton Highway corridor for hunting, have reduced public hunting opportunities. Further experience with the current regulations may indicate in the future that some relaxation of restrictions may be warranted. Because the herd's welfare is also being studied in relation to oilfield development, it is important that hunting not constrain herd growth.

Some other difficulties with management of the CAH remain unresolved. First, Wiseman, located within the utility corridor, is a recognized subsistence community under federal law and is classified as rural under state law.

February 18, 1988

Because of the prohibition on the use of firearms and ATVs, its residents are at a disadvantage in hunting in or near the corridor. Other residents of the corridor are also considered rural. This disadvantage is aggravated by the fact that nonlocals and nonresidents can hunt there with bows and arrows.

Second, because of the history of ATV use during the several years when an ATV use prohibition existed but was widely known as being unenforceable, a number of local people and other state residents now feel that they have been treated unfairly by the imposition of the regulation prohibiting ATV use for hunting in the corridor.

Public use of the entire Dalton Highway as an access route to northern hunting areas remains a subject of contention.

Given the current regulatory regime, the presence of Fish and Wildlife Protection staff and of our own staff in the area, and the apparent cooperation by most of the public with current regulations, we are confident of being able to ensure the well-being of the Central Arctic Caribou Herd and of other wildlife in the Dalton Highway area.

I will be glad to be of further assistance in any way that I can.

Sincerely,



Don W. Collinsworth
Commissioner

cc: L. Pamplin
D. Bishop

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

P.O. BOX Z
JUNEAU, ALASKA 99811-2500
PHONE: (907) 465-3900

OFFICE OF THE COMMISSIONER

January 29, 1988

The Honorable Al Adams
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Representative Adams:

In response to your recent request, the following is an analysis of how opening the entire Dalton Highway to public use would affect Department of Transportation and Public Facilities (DOT&PF) responsibilities.

Elimination of the checkpoint and the need for processing permits would save the cost of checkpoint operation (currently \$20,000 per year), would save the time and cost involved with administering the system and issuing permits, and would save highway users the bother and expense of obtaining permits. It would also end the constant public involvement effort necessary to explain the current policy to people who feel they have a right to travel the route. Opening the remainder of the Dalton Highway to public use would represent a standardized policy for operation and management of all rural state access routes. Though some of them are open only seasonally, all other state highways are open to the public.

To date there has been no federal participation in road improvement projects north of the Yukon River Bridge even though the entire Dalton Highway is on the federal-aid system. This is due to the requirement that federally funded highway projects be open to the public. The limited ability of the public to travel parts of the highway has clouded the issue of federal participation. Recently, the Federal Highway Administration (FHWA) declined to include a Barrow to Prudhoe Bay corridor on the federal-aid system, in part because the Dalton Highway is not open to the public. In the future, this would preclude our ability to utilize federal funding for construction of a Nuiqsut to Prudhoe Bay Road.

Opening the remainder of the Dalton Highway to the public would necessitate some additional traveler services. Private facilities providing vehicular services and lodging are available at the Yukon Crossing, Coldfoot and Deadhorse. It would probably prove necessary for someone to develop additional private facilities between Coldfoot and Deadhorse. We see the need for two additional public wayside/campsite facilities, with vault toilets and litter barrels (like what we have now at the Arctic Circle and at Marion Creek) along the northern section of the road. Some signing and additional litter barrels would also be required. We estimate the development cost for these facilities to be \$60,000. We expect they would cost approximately \$20,000 per year to maintain. That maintenance cost would be offset by the savings which would be realized by closing the existing checkpoint, thereby resulting in a neutral operating budget impact for DOT&PF. Enclosed is a new fiscal note detailing these expenses.

There may also be a need to extend the Dalton Highway to the terminal area of the Deadhorse Airport. Currently, the Dalton Highway ends approximately 2 miles short of the terminal area. The remaining segment of road, though on airport property, was built and is maintained by the oil companies. We do not see a problem reaching a reasonable accommodation, so we have not included a cost estimate for this on the attached fiscal note.

Another problem and additional cost may occur since the current road stops several miles short of the Arctic Ocean. If the Legislature desires access as far as the Arctic Ocean, as currently suggested in HB 115 and SB 132, there may be additional costs for inclusion. Arrangements would have to be made with the oil companies to achieve this goal.

Summer and fall traffic volumes would increase as a result of opening the remainder of road. However, as indicated by past limited openings of the route, we would not expect a large volume of additional traffic. The long distances involved, the cost of services and repairs, and the lack of pavement would tend to hold the number of pleasure vehicles down. Since we already maintain the route for truck traffic, we do not anticipate an appreciable increase in maintenance costs resulting from the additional traffic. The smaller public vehicles would have little effect on the road surface relative to the commercial trucks.

The capacity of the road would also not be a limiting factor. Again, where improvement is needed, it is already needed for the existing truck traffic and is needed to improve the level of service provided by the facility rather than to increase the capacity. The geometric standards of the Dalton Highway are already superior to those of several other rural routes in the state which are open to public use and are subject to higher traffic volumes.

While there may be some concern that public traffic would interfere with possible gasline construction, we do not feel that this is a significant negative consideration. Just as with oil pipeline construction activity, gasline construction activity would share hundreds of miles of highway such as the Steese, Elliott and Richardson Highways with substantially higher traffic volumes than would occur on the Dalton Highway. Construction activity itself may deter some people from using the route. If it becomes necessary during gasline construction to temporarily close a portion of the highway to public use, this could be done under A.S. 19.10.100.

As it pertains to DOT&PF, the opening of the entire Dalton Highway would require minimal additional state facilities, would relieve us of the troublesome task of administering the existing user permitting program, would not require appreciable additional maintenance, and would not tax the traffic volume capacity of the existing facility. For us, the positive effects of opening the entire highway to public use outweigh the possible negative effects.

There are a number of other issues, that while not direct DOT&PF concerns, I believe would need attention to implement this decision properly. The following is a list of key concerns.

January 29, 1988

A. Traffic Safety/Fish and Wildlife Enforcement

Opening the entire Dalton to general public access, particularly on a year-round basis, could significantly affect Public Safety's ability to perform these responsibilities.

B. Environmental/Fish And Game Impact

A range of environmental and fish and game impacts could occur due to an opening decision. This could include detrimental impacts from off-road vehicle and hunting violations, and other negative impacts associated with off-road activities along the currently restricted road portions.

C. Facility Development Needs

Year-round access will necessitate additional development of commercial service facilities (i.e., auto services; food; lodging) at one or two new locations north of Coldfoot. Some effort will be needed to ensure the opportunity is available for private sector development.

D. Land Selection Status

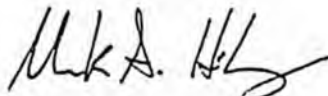
State efforts are continuing in terms of state selections within the Bureau of Land Management (BLM) Utility Corridor. I would recommend contacting DNR to ascertain any possible problems that might be posed by this proposal. (See Mike Pentold)

E. Partial Opening

It may be wise, at least at first, to limit general access to eight months, thereby avoiding public safety risks during the dead of winter. You might want to contact DPS on this question.

Since this question does impact a number of other areas, I have taken the liberty of copying affected agencies for their information. You may also want to contact Bob Evans so the administration can work with you in a more coordinated manner.

Sincerely,



Mark S. Hickey
Commissioner

Enclosure

cc: J. Anthony Smith, Commissioner, Department of Commerce and Economic Development
Dennis D. Kelso, Commissioner, Department of Environmental Conservation
Don W. Collingsworth, Commissioner, Department of Fish and Game
Arthur A. English, Commissioner, Department of Public Safety
Mary Halloran, Associate Director, Office of Management and Budget
Bob Evans, Legislative Liaison, Office of the Governor

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

P.O. BOX N
JUNEAU, ALASKA 99811-1200
PHONE: 465-4322

February 10, 1988

The Honorable Steve Frank
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Frank:

During our last hearing, concern was expressed for the Fish and Wildlife Protection activities along the Dalton Highway. The following information was obtained from the Fish and Wildlife Protection Division relating to violations which occurred from January, 1987 to the present within the Dalton Highway corridor.

1. Carcasses found:	5
2. No hunting/fishing license:	2
3. Trapping:	2
4. Guiding:	1
5. Use of firearms within corridor:	9
6. Highway permits:	15

As you can see, our caseload for the corridor is quite low. The Coldfoot trooper, however, now has the added responsibility of covering Bettles, as well as other area villages. Since this is a remote post, the Fish and Wildlife Protection Trooper's duties also include the "blue shirt" activities.

With the closing of our Bettles post and transferring the aircraft and officer to Coldfoot, we now have the ability to conduct aircraft patrol throughout the area with either a Supercub or a Cessna 185. In those instances where it appears off-the-road violations have occurred, we will have the ability to better cover the area by using our aircraft. This does give us limited enforcement profile, however, it also increases the area that we can cover with limited manpower.

As I mentioned during our meeting, if the Dalton Highway were to open, it would be necessary for us to station two

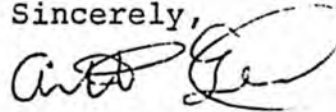
The Honorable Steve Frank

-2-

February 10, 1988

additional employees at Prudhoe Bay, an AST "blue shirt," and another FWP "brown shirt." In addition, we will add another "blue shirt" to the Coldfoot post. With these personnel, our enforcement effort would be enhanced; however, we would still have a limited impact on the area.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arthur English".

Arthur English
Commissioner



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Alaska State Office
701 C Street, Box 13
Anchorage, Alaska 99513-0099



IN REPLY REFER TO:

(910)

FEB 3 - 1988

Honorable Steve Frank
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Steve
Dear ~~Mr. Frank~~:

This letter is in response to your request for information on BLM's Utility Corridor Resource Management Plan (RMP) and the agency's preferred policies along the Dalton Highway.

The draft RMP, published in August of 1987, reiterated the primary purpose of the Utility Corridor which is the transportation of energy minerals. BLM's overall management policy for the corridor is to preserve it for this nationally important purpose. This agency, as stated in the draft plan, would take no action which would impede the operation of the present pipeline system or place undue restrictions on the construction of new systems.

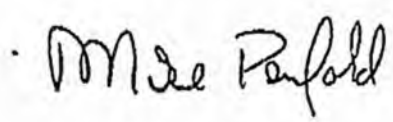
The Utility Corridor also offers unique opportunities for the development of public recreation in the area. The natural pristine character of corridor lands combined with the access offered by the Dalton Highway has focused the agency's attention on the potential for recreation facilities. Consistent with the multiple resource use mission of BLM, energy transportation needs and recreation development in the area are not incompatible. In the draft plan, I have taken the position that the BLM should take an active role in the future development of recreational facilities along the Dalton Highway when they are found to be fully compatible with the need for energy transportation.

With this emphasis on recreation BLM would like to enter a period of intense recreational facility planning. When the agency enters this detailed planning phase, after publication of the final RMP, it is hoped that it can be accomplished through a joint or cooperative BLM-State effort. This joint effort should address the appropriate location and type of facilities to be developed along the Dalton Highway. Public access along the Dalton Highway would be essential.

I would like to emphasize that the Utility Corridor Resource Management Plan is still in draft form. No definite decisions have yet been made on the final configurations of allowable land uses in the corridor.

If there is any additional information on these matters or other matters concerning the Utility Corridor please do not hesitate to write or call me.

Sincerely yours,



Michael J. Penfold
State Director



Resource Development Council

for Alaska, Inc.

807 "G" Street, Suite 200, Anchorage, Alaska 99501-3448
 Box 100516, Anchorage, Alaska 99510-0516 - 907/276-0700

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 Senator Ted Stevens
 Senator Frank Murkowski
 Congressman Don Young

March 5, 1987

Representative Steve Frank
 Alaska State Legislature
 Pouch V
 Juneau, AK 99811

re: HB 115 and SB 132

Dear Steve:

The Resource Development Council is pleased to support HB 115 and SB 132, Acts relating to public use of the Dalton Highway. Our Executive Committee's action in this regard was unanimous.

We agree that these bills will allow the state to further develop the industries that rely on access to Northern Alaska. We need to encourage development and use of this key element in the state's road system if we are to foster development of valuable resources.

Please call on RDC if we can be of assistance to your office on this issue.

Sincerely,

RESOURCE DEVELOPMENT COUNCIL
 for Alaska, Inc.

Paula P. Easley
 Executive Director

cc: Senator Jack Coghill
 Mayor Juanita Helms
 Mayor Bill Walley

Position Papers



Greater Fairbanks

Chamber

of Commerce

First National Center
100 Cushman Street

(907) 452-1105

P.O. Box 74446
Fairbanks, Alaska 99707

RESOLUTION 3-0287

A RESOLUTION TO OPEN THE DALTON HIGHWAY TO THE GENERAL PUBLIC

WHEREAS, there is no justifiable reason that the general public should not have access to a public highway, and

WHEREAS, public funds are used to maintain this road, and

WHEREAS, the denial of the public to use the Dalton Highway as any other highway in Alaska, as stated in A.S. 19.40.120, is discriminatory, and

WHEREAS, there are existing state and federal regulations which provide for management of public use of land and resources adjoining public highways, and

WHEREAS, the opening of the Dalton Highway has been part of the program of work as stated in the Interior Transportation Needs Study developed by the Greater Fairbanks Chamber of Commerce;

NOW, THEREFORE, be it resolved, that the Greater Fairbanks Chamber of Commerce recommends that the Legislature pass HB 115 without further restrictions.

Be it further resolved that this resolution be sent to the following:

Governor Cowper
The Interior Delegation
The Congressional Delegation
The Commissioner of Transportation

DATED THIS 23rd

DAY OF February, 1987

BY James P. Dodson
James Dodson, Chairman of the Board

BY Althea St. Martin
Althea St. Martin, Acting President

Editorial Opinion and Comment of

FAIRBANKS

Daily News - Miner

"Independent in All Things . . . Neutral in None"

Other opinions expressed on this page do not necessarily reflect those of the Daily News-Miner.

Dalton daffiness

We continue to be mystified by state officials who don't think their constituents should be allowed to drive the Dalton Highway.

At a recent hearing on the subject, an official of the Alaska Department of Public Safety delivered a masterpiece of bureaucratic circle-think.

The road is unsafe, he said, because traffic is sparse and there are few facilities. As even he acknowledged, the reason is obvious: The state keeps the road closed to the public.

A state senator, meanwhile, said the road shouldn't be opened because truckers and the Alyeska Pipeline Service Company might get stuck caring for stranded motorists.

"There's some places the public shouldn't go, for their own safety," he said.

Maybe we're wrong, but we have the idea that Alaskans don't want or need to be protected from themselves. In fact, we suspect there are a good many who came here to get away from the smothering embrace of bureaucrats and politicians who see it as their duty to protect people from themselves.

These are the same tired arguments we've heard for years against opening the Dalton, and they make less sense than ever.

The "sparse traffic, few facilities" reasoning collapses of its own weight, so we'll not devote further attention to it here, except to reiterate our serene confidence that the free enterprise system is able and willing to provide such facilities as are needed; certainly that has happened on the lower portion of the road that is open to the public.

As for the senator's tender concern for the burden that will be placed on Alyeska or truckers on the highway, we have no doubt that the development of facilities will speedily remedy that problem, if it ever arises. In addition, travelers on the road should be advised of its hazards and warned that they travel at their own risk.

Finally, let's remember that the state pays to maintain this road, but the oil industry is about the only user. If the public is going to pay for the upkeep of the Dalton Highway, the public should be allowed to drive it.



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COLDFOOT, ALASKA

Mailing Address
COLDFOOT SERVICES
COLDFOOT, ALASKA 99701-9998

February 23, 1987

Dear Mrs. Cato,

I should like to express my views concerning HB# 115 related to the Dalton Highway.

In April 1981 the legislature opened the Dalton Highway to the public. Then Governor Hammond, by decree, allowed the highway north of the Yukon River to Disaster Creek be opened only for the months of June, July and August.

The State at the same time decreed that someone provide a service facility at Coldfoot for the traveling public. That someone ended up being myself.

When Gov. Sheffield arrived on the scene, I approached him with the fact that we were here in Coldfoot year around, yet the road was opened to the general public only three months. He immediately, by Governor's decree, opened the road for the entire year, yet still only to Disaster Creek. This policy continues today.

There are several facilities opened to the public at Deadhorse, motels, restaurants, service stations and of course, the state airport facilities.

I can't see why the Dalton Highway should be divided, south or north of the Yukon River or south or north of Dietrich.

1. It's a state maintained road, using public funds.
2. Facilities are available year around.
3. Tourist traffic exceeds commerical traffic for five months of each year.
4. The state spends millions encouraging tourism.
5. Tour buses run the Dalton Highway fully realizing the attraction of:
 1. Yukon River
 2. Driving north of the Arctic Circle.
 3. The allure of the Brooks Range.
 4. The interest of Prudhoe Bay area.

The State D.O.T. maintains the checkpoint is a saftey checkpoint when we realize in fact, it's a political matter.

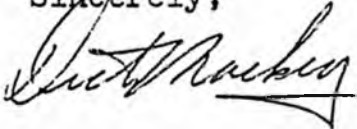
If in fact, it's a saftey checkpoint, then you should arrive, state you have extra tires and gasoline and continue on your way.

If it's a political matter, consider that no tourist is upsetting the lifestyle of any North Slope Borough resident as none live along the highway, that no corporation lands border the highway. That the D.O.T. when it does issue a permit, issues that permit for the vehicle, irregardless of the number of passengers. Why should one receive a permit to take a vehicle over a given section of highway right-of-way, and others be denied?!

Page 3

I believe it's time to adhere to our state constitution, open the highway, see the results of promotion of tourism and quit the political games with the North Slope Borough.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dick Mackey". The signature is written in dark ink and is positioned below the word "Sincerely,".

Dick Mackey

Coldfoot Services

Mile 175 Dalton Hwy.

Coldfoot, AK 99701-9998

1455 Skopline Dr

Fairbanks AK 99712

457-5602

Rep. Steve Frank

P.O. Box 5

Juneau, AK. 99811

This letter is to clarify my public affairs message of yesterday, and to add further emphasis for my support to the legislation to allow public use of the highway to its terminus.

I feel that because of the regulations already in place regarding hunting and fishing along the highway, and because to the south of Wiseman there is a distance of about 50 miles East and west to any native village, and to the north, the distance is greater to the only two villages Niqnesuit, to the west and Kallovik to the east, the highway should be opened to the public.

2.
Further emphasis is added by the fact that
tour busses are presently allowed to
travel the road to its terminus. Only
the common citizen is prevented from exercising
his rights of free travel on public roads.

I regard the road as a restricted public
highway by virtue of the fact that state and
Federal funds are being expended to maintain
and repair the highway.

I feel that justice will be served
by the passage of HB 115.

As chief of the village of Wiseman, the only
community on the haul road, which has
been reported since 1970, to do otherwise
is a travesty of justice.

Sincerely
Dennis Thiller, Chief, Wiseman