

**HB**

**361**

# FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. HB 361

Revision Date _____	Dept. Affected <u>DOT&amp;PF</u>	
Title <u>Private Maintenance of State Highway</u>	BRU <u>Commissioners Office</u>	
	Component <u>Office of the Commissioner</u>	
Sponsor <u>Representative Masek</u>		
Requester <u>(H) TRA</u>	Component Serial No. <u>530</u>	

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	-----	-----	-----	-----	-----	-----

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY98) cost: 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:** *(Attach a separate page if necessary)*

Prepared by Dennis Poshard, Special Assistant  
 Division Commissioners Office  
 Approved by *Joseph L. Rubens* Commissioner  
 Agency Department of Transportation and Public Facilities

Phone 465-3900  
 Date 1/17/98  
 Date 1/17/98

**PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE**

For further distribution information, call the Governor's Legislative Office

## SENATE CS FOR CS FOR HOUSE BILL NO. 361(TRA)

## IN THE LEGISLATURE OF THE STATE OF ALASKA

## TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE TRANSPORTATION COMMITTEE

Offered:  
Referred:

Sponsor(s): REPRESENTATIVE MASEK

## A BILL

## FOR AN ACT ENTITLED

1 "An Act relating to private maintenance of state highways."

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

3 \* Section 1. AS 19.10 is amended by adding a new section to read:

4 Sec. 19.10.095. Private maintenance of state highways. A person who  
5 undertakes to maintain a state highway that the department normally maintains but has  
6 determined not to maintain during the winter shall, to the extent feasible, provide for  
7 two lanes of travel or, if two lanes are not feasible, pull-outs at regular intervals to aid  
8 the flow of two-way traffic and for parking areas at regular intervals to allow public  
9 access to public lands adjacent to the state highway. A person who undertakes to  
10 maintain a state highway that is not maintained by the department may not recover  
11 compensation from the state or the public for the costs that the person incurs in  
12 maintaining a state highway. A person may not recover civil damages from the state  
13 for personal injury, death, or property damage resulting from the private maintenance  
14 of a state highway that the department has determined not to maintain during the  
15 winter and has posted that persons travel at their own risk.



# Alaska State Legislature

## Senate

**JERRY WARD**

State Capital  
Juneau, AK 99801-1182  
Phone (907) 465-4940  
Fax (907) 465-4766

716 W. 4th Ave., Ste. 450  
Anchorage, AK 99501-2133  
Phone (907) 258-8183  
Fax (907) 258-0670

145 Main Street Loop  
Kenai, AK 99841  
Phone (907) 283-7990  
Fax (907) 283-3075

### MEMORANDUM

DATE: April 30, 1998  
TO: Legislative Legal  
FROM: Lydia A. Jones *L.A. Jones*  
Senate Transportation Committee  
RE: SCS for CSHB 361

---

Please prepare a Senate Transportation Committee Substitute for CSHB 361 (version B) in final form as follows:

On page 1, delete lines 7 and 8

On line 6, after "...provide for" insert "multiple type vehicle access to allow public...."



# Alaska State Legislature

Representative Beverly Masek

Chair, Military & Veterans Affairs

Vice Chair, Transportation

Vice Chair, Resources

Legislative Council

During Interim:  
600 East Railroad Avenue  
Wasilla, AK 99654  
907-376-2679  
907-376-6180 (fax)

During Session:  
State Capitol  
Juneau, Ak. 99801-1182  
(907) 465-2679  
(907) 465-4822 FAX  
(800) 505-2678

## MEMORANDUM

*Gerry*  
**TO:** Senator ~~Jerry Ward~~

*Beverly*  
**FROM:** Rep. ~~Beverly Masek~~

**RE:** HB 361

**DATE:** Apr. 21, 1998

Please consider this my formal request for hearing on House Bill 361.

CSHB 361(TRA) deals with the private maintenance of state highways. This legislation is intended to give the Department of Transportation and Public Facilities the ability to regulate private parties who undertake the maintenance of state-owned highways. HB 361 makes it clear that those persons maintaining a state highway, that is not normally maintained in the winter months, do so in a reasonable manner so that other members of the public may continue to access private properties.

Should you have any questions, please contact my staff, Eddie Grasser, at extension 3306.

# Alaska State Legislature

## Senate

**JERRY WARD**

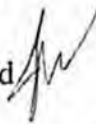
State Capital  
Juneau, AK 99801-1182  
Phone (907) 465-9940  
Fax (907) 465-3766

716 W. 4th Ave., Ste. 450  
Anchorage, AK 99501-2133  
Phone (907) 258-8183  
Fax (907) 258-0820

145 Main Street Loop  
Kenai, AK 99611  
Phone (907) 283-7996  
Fax (907) 283-3075



### MEMORANDUM

DATE: April 25, 1998  
TO: Legislative Legal  
FROM: Senator Jerry Ward   
RE: Amendment to CSHB 361

---

Please prepare a Senate Transportation Committee Substitute to CSHB 361 as follows:

Page 1, line 9:

“...access to public lands adjacent to the state highway. A person who undertakes to maintain a state highway that is not maintained by the department [SHALL OBTAIN WRITTEN APPROVAL FROM THE DEPARTMENT AND] may not recover compensation from the state or the public for the costs that the person incurs in maintaining a state highway.



# Alaska State Legislature

Representative Beverly Masek  
Chair, Military & Veterans Affairs  
Vice Chair, Transportation  
Vice Chair, Resources  
Legislative Council

During Interim:  
600 East Railroad Avenue  
Wasilla, AK 99654  
907-376-2679  
907-376-6180 (fax)

During Session:  
State Capitol  
Juneau, Ak. 99801-1182  
(907) 465-2679  
(907) 465-4822 FAX  
(800) 505-2678

## SPONSOR STATEMENT – 361

### Setting Conditions for Private Maintenance of State Highways

This legislation is intended to give the Department of Transportation and Public Facilities the ability to regulate private contractors who undertake the maintenance of state owned roads.

The impetus for this legislation arose out of a situation in my district where a private company began maintaining a state owned road that was posted by the Department as being closed for the winter. The problem we encountered was there were no requirements in law or regulation that would hold them to any kind of standards. This resulted in numerous complaints from the general public who were having problems accessing recreational lands and private property.

After some discussion with the Department it was concluded that some statutory authority needed to be put into place so they could have some enforcement capabilities in regulating private contractors who undertook maintenance of those roads the Department chose not to in the winter.

HB 361 also makes it clear the state would not be liable if a private contractor began maintaining a state road. It also states that such maintenance shall not be eligible for cost recovery from the state.

Although this bill addresses a specific circumstance, I believe it is a good idea for the legislature to head off future problems by giving DOT/PF the statutory ability to regulate these types of operations. Any time a private contractor begins maintaining a state road, they should have to follow guidelines set out by the Department so that public access and public safety are protected. Furthermore, the state needs to be able to make sure the maintenance is performed in a manner that is not damaging to the road surface and roadbed.



# ALASKA MINERS ASSOCIATION, INC.

3305 Arctic #202, Anchorage, Alaska 99503 FAX: (907) 563-9225 Telephone: (907) 563-9220

April 24, 1998

Honorable Jerry Ward  
Chair, Senate Transportation  
Capitol Building  
Juneau, AK 99801

RE: House Bill 361, Private Maintenance of State Roads

Dear Senator Ward,

Thank you for the opportunity to comment on House Bill 361 which deals with instances where private parties maintain state owned roads and at no cost to the state.

We have identified one additional point in the current version of CSHB-361(TRA) am (Version E.a) that we would suggest changing. We would suggest a change beginning on page one line 9 as follows:

"...access to public lands adjacent to the state highway. A person who undertakes to maintain a state highway that is not maintained by the department [SHALL OBTAIN WRITTEN APPROVAL FROM THE DEPARTMENT AND] may not recover compensation from the state or the public for the costs that the person incurs in maintaining a state highway. A person..."

We feel it should not be necessary to require someone providing a benefit to the state to also be required to obtain permission beforehand. In many areas of the state it would take an extreme effort to - determine who to contact, make the contact to get the correct address, get a letter written, receive the approval in a reasonable amount of time, etc. Rather, it should be left as simple as possible for the general public to do this kind of maintenance at no cost to the State. If someone does not leave turn-outs when removing snow or other such items, this bill gives DOT the authority to require it. Giving DOT this authority is the primary thrust of this bill. Another benefit of removing this requirement is that there will be no need for added regulations, special forms, an office to be responsible, etc. I.E. it will be less costly for DOT.

If we can be of further assistance in this matter please contact me.

Sincerely,

Steven C. Borell, P.E.  
Executive Director

cc: Representative Beverly Masek