

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 86/2

3186 ST SB 10 (FILE 2) - SB 30 3186

restriction. Actually, it is permissive in the sense that its major function is to be very detailed in defining what conflicts of interest are. Secondly, to allow the authority to operate in the face of existence of conflicts of interest, to deal with them in order to allow it to function. The state code is basically two parts, a financial disclosure aspect and a bare prohibition against acting in cases where there are conflicts of interest. It does not define conflicts of interest to this extent. Incidentally, I would pause in the explanation to note that this provision is basically consistent with a rapidly developing area of the law concerning private boards of directors and fiduciary duties owed by those directors to their colleagues or their companies.

Harle: Mr. Johnson, what is the need for this article in total. Why couldn't the board of commissioners establish these procedures, instead of through legislation?

Johnson: Because the state statute is so explicit and doesn't reach this, it was our opinion that simply delegating broad, rule making power in this area to the board would not be sufficient to allow them to save a decision in the face of a conflict of interest. The meat of this provision is to first narrowly define what an inhibiting conflict of interest is, and secondly provide a procedure through which the disclosure of other minor conflicts of interest and then the board proving participation of the member following disclosure, that the board can actually make a decision. That we feel is very important.

Harle: So this article is required by law because it's a public authority-

Johnson: It's not required by law and you could do without it. It just gives this body more flexibility it makes it better (end of tape) circumstances from judicial attack. Which is very important.

Gates: Article two or the second part of this article, deals with public board meetings. This is the very first instance where we approach a subject of competition. And I'd like to take just one minute if I could to say get a real consideration here that this is a tough, thorny issue that must be considered. And that is the long term effects of this bill on all transportation competition into southcentral and the railbelt. You're dealing with exemption from taxes, tax exempt financing, railroad operating modes of transportation other than a railroad, rate making by legislative fiat as opposed to fully allocated costs, exemption from state anti-trust provisions, the ability to form contract rates as opposed to other carriers not having that ability, entering water transportation with direct competition with some existing carriers. How far do we want to make the Alaska Railroad a profitable beast? Do we want to eliminate SeaLand and TOTE? Do we want to eliminate present competition on the long term and do you only want the ARR serving the railbelt? It's a tough, thorny issue, but how much subsidy, how much help do you give the railroad when it in fact when it competes for general cargo and could drive out competition that is normally considered beneficial.

Johnson: You're raising a policy question regarding the ability of the ARR as a quasi public entity to function like a private carrier. If the board of TOTE or SeaLand would agree to set their rates in public hearings then I think the state of Alaska should consider comity. Since they don't do that and since the ICC doesn't require any other carrier to do that I think that the Alaska Railroad should probably enjoy the same protection from the inappropriate disclosure of proprietary information.

Gates: This is just the tip of the iceberg. When they can do all these things and have access to capital subsidies from the legislature. It's a real issue.

Johnson: To some extent you're mixing apples and oranges. The legislature doesn't have to give them capital subsidies. If it does give them a capital subsidy, then the ICC in regulation of the railroad's rates will take that into account.

Gates: Contract rates?

Johnson: Contract rates are subject to regulation.

Gates: SeaLand can't enter into contract rates as a public common carrier, the railroad is entitled to do that without any disclosure at all. Without any filing of tariffs.

Johnson: I think we're into something other than an explanation of this provision. I would just point out to you that the purpose of this public board meeting section as well as the disclosure of public information later on is to give the railroad entity access to the same exemptions that exist under state law for other public entities plus additional ones that are peculiar to the railroad business, that would be necessary for it to operate. I would simply point out that the concerns that have been raised are largely ones that are subject to the regulation of the railroad by the federal government. Minutes of meeting: that provision is there simply to go the creation issue some of your Supreme Court decisions invalidating the creation of independent public corporations outside of the 22 department limit have looked to provisions in those statutes requiring the submission of minutes in this manner to support the creation of entities outside the 22 agency limit. The administrative procedure section, the gentlemen who asked the question, unfortunately is gone, but this is a section which is basically a provision exempting the authority from the state Admin. Proc. Act and giving it an independent streamlined rule making power. There is one provision here that requires the submission of certain types of rules and regulations to the attorney general for review. The inclusion of that is not required by law and it was made basically as a policy decision and one may or may not feel that that is appropriate for an independent authority. With the exception of that provision, the administrative procedure section represents substantially the provision to the authority of substantially greater flexibility than any other public entity would have. All this does is say that with respect certain types of regulations that effect the public in major ways, the

railroad has to comply the bare minimum of due process, which, I noticed is an opportunity to be heard.

Public disclosure information we discussed. Again, the Alaska Code requires the disclosure of everything that's public.

Speaker: Could I go back to Administrative procedure? At the bottom of page 11, it says the legislature can annul or temporarily suspend any regulation it likes. To me that seems to give the legislature an infinite capability of doing anything it wants.

Johnson: That, unfortunately, is a requirement of you law at the moment.

Speaker: Is it a requirement of a law that is higher than this law?

Johnson: Yes, it's a generic requirement. I'm trying to recall the history of this a bit and maybe what I should do is to refresh my memory and get back in touch with you on this. There have been Supreme Court decisions on this question and I think I care to go right now.

Gates: Would this have any effect if this were operated by a private entity? Would those regs that are internally generated have to be approved by the legislature?

Johnson: If it were operated by a private entity under a public authority, the public authority would still be subject to this. The ability for it to delegate out from under requirements like this to a contract management is not clear. It's something that would require a lot of work to determine in order for it to be done right. If the railroad was simply transferred to the private sector, taken by the state and sold or given away, then these requirements would not follow.

Speaker: If you could give us some help on that one, it kind of sticks in our craw a bit. A lot of our people question that.

Johnson: Sure, we'd be happy to do that.

Speaker: That would apparently cover operating rules..then it would have to go before the legislature.

Johnson: There's a bifurcation here. Regs affect things relating to the outside world. Rules affect the internal governance of the authority. This goes only to regs so it's not as broad as it at first appears to be. We'd be happy to reflect on that and provide more information to the commission.

Lewis: Article 3, page 14: The first 4 pages specify 32 specific powers plus one general power that is expressly delegated by the legislature to the railroad authority. I'm not going to go into the details and again they are self explanatory. They're in there for a variety of reasons. Often when people challenge actions of public authorities, one of the challenges is that the public authority doesn't has not been delegated the legal authority by the state legislature to do something. So this was intended as a long shopping list to take all the issues that

have been controversial that we know about (indesc) and to specifically challenges that have been made in this state to the authority of your other public authorities in making clear that the authority has those. 33 is a catch all which says that if something that has been left out in the first 32 items, the public authority has the power to do all things necessary, convenient and desirable to carry out the powers and duties expressly granted that necessarily apply to this chapter or any of the other laws of the state, etc. It's also designed, in looking ahead, one of the other things that we've given a great deal of attention to are the bonding provisions. Some of these specific powers are in here to satisfy some of the bond council. When the railroad floats a bond to do something, and the bond council asks for an opinion that the railroad has the power to do that. This would be the reference that the bond council would look to. So it's designed in a prospective way to deal with bonding provisions that we'll come to later.

Wright: Could you elaborate briefly on 27? I assume there has been discussion about the latter half of that and the railroad's ability to acquire the modes of transportation and for example compete with private trucking industry.

Lewis: It's a policy question. There has been tons of discussion about that.

Wright: It is the intent of this legislation that the railroad could compete with private industry and other things, other forms of transportation other than the railroad, such as the barge lines or trucking firm, a wholly owned subsidiary of the railroad which could be a trucking firm that would compete as a feeder service for some railroad terminal to say Valdez, or Delta or Tok. Is that a specific intent of this or is it an accidental happening that it's there.

Lewis: I'm trying to recall and I'm also trying to be careful.

Johnson: You are looking at the May 4 draft, that draft was subsequently amended in the house committee. Power number 27, to provide for extension of the ARR rail system with negotiation of thru tariffs with providers of inter and intra state transportation. That was done, in the rational of the sponsors of you amendment, to go to your point. In spite of the fact of the way that the bill was drawn previously, diversification of other modes was one of those things which was subject to the legislative review provisions.

Wright: So as you're describing it, my concern is no longer valid.

Johnson: Your concern to this particular power on the day that the legislature adjourned is no longer valid.

Speaker: When we go back to this issue that we talked about in the findings where some of us consider that this authority should be in power to consider transfer of the railroad to private enterprise. Again, mention of that ability to consider that should be in these subsequent articles where the activities of the board are allowed or condoned or set in a framework of approvals or what not. It's an issue that should

show up in a couple of places as we go along. I'm just saying this to the board and not to you.

Lewis: There is nothing to preclude that from being added here.

Speaker: Well if you had it one place, I think it's important that we had it the others too.

Lewis: If you get into that, you get into the notion that the legislature still has veto power over those kinds of things. You'd have to decide whether to take out or put it in.
Any other questions?

Bill Zyback: Gerry just referred to the piece of legislation that was passed at the end of the session. The question that I have is whether this advisory commission is going to be dealing with the May 5 version, as I understood it was, or some subsequent version with changes that we are not aware of?

Lewis: Gerry was referring to a House bill. My understanding is that the commission is looking at the senate bill where the house bill was different from the senate bill, this commission would presumably decide whether they think the different provisions of the house bill should be considered with the senate bill or not.

Zyback: We were not aware of that and this is why Buki brought that point to your and the commissions attention.

Lewis: I'm sure the commission will look carefully at any differences between the house and senate versions. Annual reports. This also responds, as I alluded to earlier, Sec. 42.40.310, Annual reports. The board shall direct preparation of, certify and distribute to the governor and each member of the legislature a report generally describing the operations and financial conditions, etc. In the next section 42.40.320, says the board shall have the financial records audited etc. Then we go on irto, the next section, 325, the authority shall prepare and the board shall adopt a long range program. All of these are assuming that the board will its CEO prepare these things for its review and that the board will vote on them, approve them or disapprove them or change them, and the board will submit them to its seniors, the legislature the governor.

Johnson: One additional point on that. This collection of provisions also assumes or in lieu of annual appropriation of the authority's revenues.

Lewis: This bill does not contemplate any annual appropriations by the by the legislature. It is quite explicit that all the revenue generated by the railroad will be retained by the railroad and will not go into the general fund, one. Two, the railroad will not look to the general fund for appropriations. The legislature is simply saying to the authority: We want to know what's going on, what your plans are, and we want to make sure that you plan. That you plan in one and five year intervals or other provisions early on for 18 month intervals. But it's

basically the legislature responding to some of these outside studies done and some of the studies of the other public authorities and through these various provisions required the board to plan both policy, program and financial planning and to do it on a regular basis and to require them by law to submit those things to the legislature and to the governor. So that the gov. and the leg. will know: one, that the railroad authority is planning to do something, and that two they'll know how they plan to carry it out.

There is an annual audit that I referred to in sec. 320. There are other sections in the back of this bill, I'll refer to briefly on page 47, sections 10 and 11, talk about the first reports and audits, right after the initial start up. Sections 10 and 11 have little asterisks, because after the first the first time they are complied with, they'll fade into history and they'll be superseded by the annual requirements that we just talked about in the main body of the legislation. It's an interesting fertile area and the commission will look very carefully into this because this is really the part of the bill that deals with planning and that sets out the requirements that the authority plan and disclose its information to the state policy makers.

Mr. Ebert: If audit by an independent public accountant is provided why is there also audit by the governor and the legislature whenever they consider necessary, which I guess if they disagree with railroad policy could be arranged to be during the evening hours of every day.

Lewis: That's a very good question. One answer is that it's not necessary, if there's an audit, there's an audit. And that's all that one needs. There was concern, and I don't remember the details, both by the governor's office and by the legislative leadership that apparently somebody had had some difficulty with some of the existing public authorities and the wanted a provision to get information from them.

Johnson: And only during normal business hours.

Lewis: That's right. See the whole debate is playing out again. The authority shall, at all times during normal business hours, etc. That's one part. The other part, and as often governor's auditor or the legislative audit division considers necessary make available.

Johnson: One other point, deserves passing, is that although the auditors can examine the authority's records, the information cannot not be disclosed unless its consistent with the protection of information that we've seen in other aspects of the bill.

Lewis: Page 19, sec 42.40.330, use of authority assets. This is really is the only part that really differs in some ways from a private entity the authority shall apply all money, property, other assets accredited to the authority towards activities authorized by this chapter. Now first of all this is limitation they can't use their money for something that's not authorized in this legislation, presumably they could not go into raising ox or wheat or something, they couldn't manufacture blivits.

Ebert: Except one of their expressed powers and authorities is to invest in the stock of other corporations who might be raising wheat, manufacturing blivits.

Lewis: Which number are you referring to?

Ebert: It's in the litany (Lewis: Back in on of those 32 powers?) yes.

Lewis: well you're talking about section 13, (yes).

Ebert: Acquire, hold and dispose of stocks, memberships, contracts, bonds general limited partnership interests or other interests in another corporation, association, partnership, joint venture or other legal entity.

Lewis: That is still subject to the substantial limitations, that's a technical provision to say that if a purpose, I suppose some of you mentioned grain, somehow you grain elevator and that's not a bad example. If there was a decision that somebody didn't have enough capital to build their own grain elevator or spur or siding or that type of thing and the purpose of the railroad required them in carrying out their other purposes to participate in a silo then this gives them explicit authority to engage in that specific legal arrangement where it's necessary to carry out one of the substantive powers that's been authorized by this chapter.

Ebert: I thought this was the purposes in substantive powers.

Lewis: Well it is, I think the normal parlance divides between things that are necessary to do something and the purpose. The purpose of the authority would not be to borrow money. The purpose is to provide transportation.

Ebert: Is that stated in here somewhere?

Speaker unidentified: That's in the findings.

Lewis: I think that's the way statutes are normally construed. Again, this is for bonding issues and those kinds of things. You look at explicit provisions. The purpose of entity is not to sign contracts but it is given the power to sign contracts where it necessary to do something else. But the purpose of the entity is not to sign contracts. The purpose is to provide transportation.

Speaker unidentified: I have one concern. Isn't this section subject to litigation? Assuming that maybe the Alaska Railroad were to make money, isn't there a provision in our constitution that all monies shall go back into the general treasury. I'd like for you to address that.

Lewis: That's a very important question that received a lot of debate. You looked at two things. That what you are referring to derived from the state constitution. There is an exception in the state constitution that says that where required authorized by federal programs, the money does not have to go into the general treasury. The federal legislation

that Gerry described earlier had an explicit provision that says that all revenues generated by the Alaska Railroad shall be retained by the authority for purpose authorized under this chapter and shall not go into the general fund.

Speaker unidentified: We don't know if that provision is going to survive, do we?

Lewis: That's right and if it doesn't the bill will be a significant problem. The next part that says notwithstanding provisions that set those limitations we just talked about, this is a traditional section that says that the board may nevertheless pay the board members fees, dues, or service charges, etc., and defendant identified. Presuming the board will be sued anytime the railroad runs over somebody or somebody thinks that they default on a contract or something, people will typically sue everybody in sight including the individual board members. This simply says that the board can use board revenue to protect and defend and indemnify its employees, counsel members, and commissioners. Buy insurance and that type of thing. That brings us to Article 4 which Gerry will talk about.

Johnson: Rail properties. This section is, I think, largely self explanatory. The first Subsection of .400 deals with the receipt by the railroad of the property from the federal government under the transfer legislation in its own name. So that it doesn't have to first pass through the state and then to the authority. Authorizing direct receipt. The one issue that I would mention here that was a policy decision that has caused some controversy is the so called bifurcation of the properties. The requirement the authority reconvey subsurface to the state for management by the Commissioner of Natural Resources. That is a policy decision. It is not required by state law. Authority yes.

Ebert: Why did you hitch it to the term subsurface, state which we are all going to be learning what it means over the course of the years as the district court tells us what villages own and what regions own? Why not use the Section 6(i) in the statenood act language.

Johnson: This language was proposed by assistant attorneys general in the Department of Natural Resources. It is their policy, their idea.

Gates: Between the last draft and this draft you added on line 7, page 21, and in accordance with AS 42.410(g), Coal. What does that refer to? Does that allow the railroad to mine its own coal, for example?

Johnson: If you'll look on page 24 you'll see for .410(g). This is a coal amendment, basically, which allows the authority to use coal. That provision is to protect the railroad authority to use its own coal and notwithstanding the reconveyance back to the subsurface. If the policy decision is made to keep the title unified, then the coal provision, obviously, would not be necessary. It's merely a cross reference to the internal provision. The rest of these subsections speak to basically the ability of the railroad to settle claims and apply for federal land in its own name. The next section in classification acquisition of use and state land for railroad purpose, again, is self explanatory. Allows

the railroad expansion, for instance, or for other purposes to seek the allocation to bid on state lands and provides an expedited process for doing that requiring certain findings by the Department of Natural Resources and so on. Whether or not that is adequate is something I think you should review. Development of oil, gas, minerals, geothermal, resources, this again, is required as a result of bifurcation of title. In the event this provision is essential to tax the operation of the railroad in the event the Department, in its ownership and management of the subsurface decides that it wants to export minerals therein requires that notification be given and that findings be made the railroad has to certify and so on. It's not going to impair the operation of the railroad. Furthermore it establish funds in the treasury into which revenues are deposited that the railroad would benefit from. .420, land use regulation. Straight forward provision allowing the railroad to promulgate regulations concerning the land. .430 is the eminent domain provision. It grants the railroad the power of condemnation for railroad purposes. That brings us to the financial provisions.

Speaker unidentified: If we consider that the railroad might one day be sold to a private entity and would like to keep in a bundle, the land, the railroad, and its operations, for consideration of that purpose there's no constitutional reason why the lands and the subsurface or the 6(i) definition if you want to use that one, don't state in the authority as a package and could subsequently be passed off. That's a policy decision.

Johnson: That's right although I think when the time comes that should be looked at carefully. I haven't given that much thought and it would have to be considered. I don't believe that's impediment.

Speaker: If that was the case then you wouldn't need all this other language about geothermal and coal and things. The land would be the authority's.

Johnson: That's there strictly because of bifurcation that is envisioned here at the outset. That conveyance back of the subsurface. If you don't do that then you don't need any of this stuff.

Easley: Do you know what the decision was on the bifurcation of the (indesc).

Johnson: It was strictly the preference of the Department of Natural Resources and the previous administration. I'm not even sure the policy survives. I think its strictly up to them to think about and of course it's within the pervue of this group to make a recommendation. We believe it is technically (indesc) done.

Lewis: Article 5, financial provisions. Bonds and notes. Any questions?

Gates: As long as the commission is aware that we don't create a monster. Go to far. Saying that we want efficient railroad, which we do and everybody does, but we don't get it to the point where private enterprise, which competes against it and 13% of its revenues, general

cargo, that we don't create a monster that just kicks that out through these special provisions that private enterprise does not have access to. Such as tax support, exemption from taxes in total, such as acquiring other modes which I'm glad to hear did not survive in the House version. Such as exemption from antitrust provisions which private operators must abide by. Such as the ability to go with contract rates private carriers can operate with. On and on. There's just the ability here to change the competitive aspect and its up to eliminate competition and I think its a public purpose to have good competition. Head to head competition and not create a distinct advantage on one hand over and above the other hand. It's just that we don't go too far and it's not something that's obstructive.

Lewis: Any other questions about the bond provisions? I would be very happy to go into them. We've given a lot of thought to them. There was some earlier suggestion that the bond provision didn't do something. I had hoped that whoever it was would be here. We've had it reviewed carefully by bond underwriters as well as bond counsel and based upon the fair amount of experience we've had representing public authorities in these areas. I think I'll defer that until some questions. Lets skip those to page 33, Section 42.45.40. There is again making it clear that the credit of the state is not pledged to this authority. That the authority stands on its own. The section we talked about before and I'll mention it one other time is .550, revenues. Revenues generated by the authority did not become part of the general fund of the state's but is kept and managed by the authority for purposes authorized by this chapter. The validity of this there has been a debate conflicting attorney general opinions by our previous attorney general about the dedication of funds issue. That's what this refers to. Sometimes you attorney general thinks that dedication of funds would not apply to revenue generated by something like this railroad since it was generated by property that was acquired by the federal government rather than property that was acquired funds which had been raised by taxes. Big debate upon that issue. There is a provision in the federal legislation, though, that is consistent with the federal exceptions of the state constitution and if that provision survives in the federal legislation then presumably this is an effected provision in this legislation.

Babcock: Is there any chance a good attorney could do something with that word "do" as opposed to "may?" Revenues generated by the authority "do" not become part of the general fund as opposed to "may" not.

Lewis: I would say "do" is a better word there than may or will not or should not. I think the intent is clear here. Maybe there should be some clarification. Should take a look at that.

Wright: Same section there. Purposes authorized by this chapter. I'm assuming the authority is authorized to operate the railroad, repair, maintenance, etc. Not just retire bonds.

Lewis: Yes. We all know that certain things are part of running a railroad. Well, that's it on that section. The next section, Article

6, is one of the most important articles in the legislation. I talked earlier in detail about the relationship between the commission and its management. This talks in detail about the relationship between the commission and the state and Gerry will handle this.

Johnson: This section attempts to establish the relationship between the state and its creature, the authority.. To establish is on a mutually understood clearly defined and formal basis so that each actor knows when accountability is expected and the relationship can function in a formal and hopefully ultimately routine way. It is designed to make the relationship as structured as possible in the sense that it limits state oversight and interference by defining the manner in which the state relates to the authority. There are four basic mechanisms. The first of them is state review which for those things set out on page 34 on the authority prior to undertaking them must first notify the governor. He, at that point, has the option, notification, incidentally, means to specify those things on the top of page 35, the governor then has three choices. He may approve it in which case the authority can go ahead. He can send it to wait for the legislature to come into session or he can disapprove it. The provision in (e) explains what the legislature's options then are and that continues on through (f). In (g) there are somethings delineated which require the approval of the legislature, the governor's aide keeping function notwithstanding. In other words they're considered so significant that the legislature must approve them. They're not things that the governor could simply brew and allow the authority to go ahead on their own. The items which are subject to these various levels of approval are again policy types of decisions. They were considered the types of activities over which the state, for a variety of reasons, ought to have some control because they were either on different activities than what the railroad is eventually doing or they were financial undertakings so substantial as to either potentially impair the viability of the entity itself or perhaps the credibility of the state. The coverage of these items, the treatment of the items within the mechanism were again policy decision. I think we could debate whether or not its appropriate or whether more things or fewer things should be subject to review. The point I would stress here today is examination of the mechanism is built. The mechanism is something which we were responsible for.

Bates: Under Article 6, Subsection (a) 1, "significant or prominent change must be approved." Is there any possibility of further defining that beast so that it does not rear its ugly head.

Johnson: That's a very good point and its something a lot of people thought long and hard about. It still worries me. We stopped short of more detail because we were already concerned about the level of specificity, complexity of the legislation. I think it's entirely appropriate to consider some further elaboration on that point.

Speaker: Could you refer that back to .300 which gives them general powers? There's some conflict there. One place it says its their power to do and the other says you can't do without approval.

Johnson: I think that's not an entirely different thought.

Speaker: Because what's significant one day might not be the next and vice versa.

Bates: I think they've got wires down that are killing moose now. The fact of getting those wires up if that's significant to the news media would it be significant to the governor?

Harle: We would encourage the commission to look at this particular Article 6 very carefully with regards to seeing if they couldn't somehow consider depoliticizing this section of the article.

Johnson: Let me just say one thing about that. The whole purpose of this article is to depoliticize the relationship. It may not be apparent but I think the politization of the relationship between the state and the authority is something that worried everyone that's been working on this. The decision was made that there ought to be a mechanism through which the two can relate so that instead of it being informal and subject to abuse on an adhoc basis that the relationship would be defined. This is an effort to do it. Whether it achieves that result I don't know.

Harle: In our view it does not accomplish that. What it does is require the commission to come back for specific activities and still remains to leave open the other issues that are unwritten to be directed by various political entities. We view this as somewhat as an interference. You should set up a commission, give it directives, and let it do its day to day work.

Johnson: The other objective in this section was to strike a balance between accountability and independence. I suppose on the one hand you could say that it makes the railroad overly accountable and results in interference. It wasn't intended to do that.

Harle: . . . approval prior to proceeding and that is a definite hinderance on certain things major things.

Johnson: What we were told was that the operation of the railroad and the functions that it currently has and hopefully willing to undertake in the future is so important to the state that there had to be a formal mechanism for insuring that it was accountable and not reckless.

Harle: Isn't that mechanism inherent in organization as you have developed this?

Johnson: I think that whether it is or not is a judgement call and whether this (indesc) the objectives I mentioned to you is again is subject to personal judgement.

Speaker : It seems that you've got three different points in Article 6 where you have an interface between the legislature and the authority. You've got 600 and 610 and 615 and they all act separately. Couldn't you say just leave it with 615 which says the governor shall intervene and excersize some control over the authority if necessary and specify the areas that are a real concern.

Johnson: They do different things. Maybe we should move through the rest of them quickly and talk about them as a subset. The last two are escalating. The first two are companions. The first one requires authority to seek approval for certain activities. The second one allows the governor or the legislature to request the authority to do certain things. It's the converse. They have that relationship as well but also for anything basically the governor or the legislature can ask that the railroad take action. Instead of having a whole bunch of things coming from a whole bunch of different sources to which the railroad make varying responsive replies what this attempts to do is to structure the relationship so that the governor or the legislature may officially ask the railroad to do something or not to do something. The railroad is then obligated to respond in writing with some specificity and then that sets up, it poses the policy issue in an informed way for the subsequent action of the state government. Make a decision on way or the other. Intervention and trusteeship are more regulatory in nature. They deal with situations in which the railroad has gone awry, in a sense. The first one allows the governor when authorized by the legislature to intervene and temporarily control the affairs of the authority in a case of those five things listed on page 37. Trusteeship has something of a conotation of bankruptcy of almost where the affairs of the railroad are still troubled that the management of it has to be totally taken over and things set right.

Ebert: You've got intervention triggered by an insufficient membership to constitute a quorum which itself would be a condition brought about by the governor failing to appoint. So the governor would be in a position to create the condition of his own intervention.

Johnson: No. He can only intervene when the legislature authorizes him to it.

Ebert: In which case all of this is academic. The circumstances underwhich the legislature would chose to authorize intervention would presumably be addressed when they authorize the intervention.

Johnson: This sets up a set of circumstances underwhich the governor could seek it or the authority could seek it or the legislature could initiate it. It creates a new entity. If, for instance, the authority in number 2 is represented to the public or the creditors that they have access to the credit of the state in their dealings, then this poses the opportunity for the legislature to step in.

Ebert: Doesn't the legislature have that option at anytime anyway?

Johnson: Well, the legislature can abolish the authority. There is no question about that. This is an interim mechanism that saves it. It provides a way in which a cure can be imposed at short of simply abolishing it or taking it within the Department of Transportation.

Ebert: Even though it would be a situation procured by the gentleman proposing to intervene?

Johnson: Well, in that case I think that if the governor were setting up that circumstance by not appointing people then assuming the legislature wouldn't authorize him to intervene. Do you see that that is not a circular situation.

Ebert: Actually I do not see that that is not circular. If this section has any life without future legislation it's circular. If it has not life without future legislation then why is it here.

Johnson: Well, I guess I don't agree with your characterization. These mechanisms, I know, are new to you. There's nothing like them currently in Alaska law. They were developed as a result of the concern of the policy group to achieve that balance of independence and accountability and also to respond to the criticisms of the many existing public corporations that you have in this state that have come out in legislative audits and in the review by the Institute of Public Affairs. We drew heavily on those materials in working with the policy people who developed these mechanisms.

Bill Zybach, Fairbanks North Star Borough: Is there an inconsistency in (g) of this section where it says there needs to be approval for the provision of management and operation of the railroad by a third party contractor and on page 6 when we were talking about management of the authority it seemed to indicate that the board could provide for management by a third party?

Johnson: Yes, the legislation provides for the possibility of contracting out to management. What this is additive in a sense that it requires the legislature to approve it if they elect to do that.

Babcock: I might pose the same question as before to Captain Adlum and Dr. Olson in their experience how they see this Section 6 operating. Is it workable, is it not, are there any pitfalls.

Dr. Olson: Let me respond to that. I spent a good deal of time going through this section first time up and again before coming up this time. I recall this morning I characterized the set of relationships you are dealing with here as the twilight zone and what is characterized as the twilight zone is that not many people know very much about how it operates or who acts on whom are the rest. I think that its a very imaginative way of trying to do as Mr. Johnson says, maximize the kind of independence and autonomy for this quasi public entity at the same time as having checkpoints that assure a measure of public control. On the first two of these, the state review and the action forcing mechanism, the first one is requiring a set of reports, accountability, and responsiveness to the parental government while the second is allowing for policy direction. I think you come down in the end on this second one by saying that the parental government of the entity ought to or ought not to have the ability to set broad policy issues for the entity and if you come down on the affirmative on that question, the action forcing mechanism is about as controlled a set of policy interventions as I have seen in other public authorities. I don't have problems with either the review or the action forcing mechanisms. On intervention and trusteeship, trusteeship is tied to a fairly specific set of

contingencies. Intervention seems to be the one that gives people the greatest degree of pause and it is attempting to anticipate a set of events that would require intervention and I think Mr. Johnson is quite in correct in saying that experience and working through this intervention mode is about all one can rely upon at this point. I don't see any necessary problems nor do I think its necessarily a circular set of requirements that are being set out here. So within that general area of the twilight zone, this is at least as good as most of the other sets of relationships that I have seen. We're in a very difficult area because you're trying to say that we want the degree of autonomy, flexibility for the entity in order for it to be an efficient business like organization but you're also saying that you want a set of structures that insure public accountability and policy direction. Combining those two is a very difficult enterprise and I think that's where most of the concern comes from.

Babcock: I recognize the balancing effort there and agree with you . It's nice to have the structure instead of not structure. The problem is that like any balance you can put as many on either side as you want and what maybe we should focus us is restrict it to the significant ones. And again that's the definition of significant (that's right) do we invite too much balance, too much balancing so there's no operation you might say. Is there any protective mechanisms that might be.

Adlum: The fact that it's here I think might cause the commission to keep pretty much on the straight and narrow and not get themselves in a position where they could be exercise (indesc) up against them. They know it was there and could be used. I think right now in the state of Washington, why I don't think our law says this, but the legislature could move in with an investigating committee and did once about 21 or 2 years ago.

Olson: Let me just take an example of public agency, public authority, that's gone awry for the lack of this type of attention. Washington Public Power Supply System lacked both the requirements of state review in the first instance, so that superior governmental levels knew what was going on, let alone could agree with what was going on, and, secondly, the state legislature failed to have the tools of intervention until the most recent period, the last couple of years. So that even when they found out how far things had gone awry, on the contracting system on the financing of the entities, it took some doing for them to intervene. And I take it what has been attempted here is to try to anticipate worse case scenarios with respect to trusteeship and intervention, at the same time as allowing for policy influence, policy direction on the action forcing mechanism and more regularized review through the review stage. I think your comment is probably best taken: It's better to have this kind of anticipation of the wayward agency than not to have it at all.

Speaker: I noticed at the federal level that there is a great deal of politication with regard to legislative (indesc). This piece of legislation is review (?) in that regard. I'm referring to the FTC legislation in Congress with all the proposed regulations (indesc)

Johnson: First of all, the legislative veto situation, had you point out something that is a developing question in the law. It's also a problem that is founded on the constitution of any particular entity, the separation of powers, delegation and that sort of thing. I think that particularly with respect in this case where we have a state creature that has operative responsibilities rather than regulatory ones. That should not be a problem, even if any precedents could be applied from the federal litigation to the state system.

Speaker: Doesn't it call for the propagation of regulations?

Johnson: No. You have a legislative annulment scheme now, which is more directly on point than this system. I think that would be in trouble long before these provisions would be. I would point out again, that these are substantive rather than regulatory. And it's not a veto situation in the strict sense either. It's a good, valid concern.

Gates: Wouldn't the defaulting on any revenue bonds by the authority impair the credit worthiness of the state? Just hurt the credit rating of the state?

Johnson: Not necessarily. I think everyone is more skiddish about that these days than they used to be. No. It depends upon the relationship, particularly in the constitutional document which is what this is. If an effort has been made to segregate the liabilities as here, that's something that the rating houses would look to in answering your questions.

Gates: I would really disagree with that.

Olson: There have been a number of studies on the flirtation with default and actual default in the past that shows that there is contamination effect. But it shows that it is not blanket. It really depends on what that geographically proximate agency is, does, and how it operates so that it is disaggregated by the nature of the agency. I would predict for example: if default occurs on the WPPSS bonded indebtedness, the Port of Seattle would continue to hold its AA rate.

Adlum: I was just going to use that example. At that time, that WPPSS was up to 15%, the state itself was at 12% or 13%, not in good shape at all. The Port was still selling bonds as 7% and 8%. Its AA or AAA rating was not affected because of the WPPSS within the same state or the state itself which couldn't balance its budget.

Johnson: Another good example of that also relates to WPPSS and the City of Seattle, which is a participant in three of the five plants but not all five of them. The City's bond rate has been preserved in the face of a declining bond valuation of other public utilities in the state. The bond has to be pretty sophisticated in that if the case is made to them appropriately. It's no guarantee of course.

Olson: It's not denying your point, there is a contamination effect if the other agency. Like if the state of Alaska's budgetary system were itself in jeopardy, then the contamination effect would probably occur.

But if it's not, there is no evidence that that relationship would hold. Johnson: Maybe these days, the state's condition would impair the authority's. Anything else on this section?

The next article is Miscellaneous Provisions. I'll just breeze through this quickly. The first section regarding personnel is a treatment of a couple of issues posed by the transfer of the railroad to the state. I know this is of great concern to the unions on the property and I'm aware that it does not treat a number of these issues to their satisfaction, nor does it reach all of the issues of concern to them, or all the issues that the state will have to address concerning retirement. I think this is something that is policy in nature and not something that we need to spend a lot of time on now. Unless you all want to express....

Leonard Black, Brotherhood of Railway Carmen: It is my opinion, that the first three section of 42.40.700, are anti-labor. Though I can't speak for the management people, I can say that being placed in a restrictive category AS 23.40.200, a, 1, which allows us to take no job actions, and when these provisions provide us with no benefits, the bill appears to us to be anti-labor.

Johnson: I think you should present your concerns to the commission.

Black: Because it would be better if these two sections were completely deleted.

Tony Bashelier, International Assoc. of Machinists and Aerospace Workers: My question would be if you can shed any light on how and why they reached the decisions, number one to exempt us from AS 39 but yet put us in 23.40.200, a (1), the most restrictive category?

Johnson: I really can't, it was simply a decision at the time to do that. Exempting you from the state civil service and at the same time classifying you under that subsection for purposes of job actions. Again, the ball game is not over on this one. It's not my decision to make.

Mike Olson, United Transportation Union: It says here that the provisions of AS 39 do not apply. Would that mean that as general chairman of the UTU, that I could not negotiate into state retirement?

Johnson: No. That has to do with the state civil service. The ability of the authority to provide for a retirement to the state civil service retirement system is something that would have to be separately authorized. In any case. This doesn't preclude it. The legislature would have to allow the authority to elect that option, under the federal transfer legislation. You remember earlier, after two years the state has the option of incorporating you into the state system or setting up a substantially equivalent one that is independent. If they elect the first course, obviously the legislature would have to approve it. That was one decision last year that the policy people decided not to make and really to leave it to the authority to make a recommendation on.

Black: I have one other problem. This bill allows us to deal with management but yet we are dealing with nobody, since the authority has to approve. And then again the legislature has to approve. We are dealing with the bottom step of the ladder and I feel that it puts us in a very disadvantageous position.

Ebert: This does not provide that the legislature must approve a labor contract?

Johnson: No.

(Black and Johnson talking at the same time, indesc.)

Johnson: Political activities is self explanatory. It's protection from politification of the authority or an attempt to severely constricts the ability of board of commissioners from behaving in political activities or using authority funds for that purpose. Licenses and permits from other governmental entities to the same extent would. Claims against the authority. This is basically a more detailed treatment of the principle that the authority's debts are its own and not a debt to the state. It also exempts the authority from any possible suggestion that the authority would be subject to state claims process, in effect the authority will settle its own claims outside of the state system. Exemption from taxation merely clarifying the

Gates: Whoa. Exemption from taxation again. As long as the commission is sensitive to the fact that you are going to be competing against your established system of bringing goods, general cargo, food, clothing, into the state, by allowing special circumstances to exist for one carrier verses others is detrimental to the long term competition. That competition has been a very productive thing. It's allowed the reduction of rates with the head to head competition.

Johnson: Does the Port of Anchorage pay taxes?

Ebert: The railroad does not presently pay taxes. If these other modes survive without the railroad paying taxes I don't suppose they are going to be damaged cause the railroad doesn't pay taxes.

Gates: This is just one of many. As long as the commission is sensitive that we don't go too far. Yes, we want an efficient railroad, but let's watch the other end of the extreme too.

Ebert: If the commission does really want to get into the whole structure of public subsidies to various modes of transportation, the commission will not complete its work for several years to come.

Johnson: Payments in lieu of local property taxes and impact aid. This is a totally discretionary provision through which the authority may make payments in lieu or provide impact aid for its activities.

Lewis: Last article. Article 8, page 43, general provisions. Some of these might be controversial; however, I think most are not. The first section involves criminal laws, it's one of the interesting aspects of

this. The decision made to give the security officers for the authority the authority of other state law enforcement officials to enforce state and authority laws and regulations. With respect to violations of the laws or regulations that occur on or to the property owned, managed or transported by the authority. People can think that's a good idea or a bad idea. But are there any questions about what the effects of that would be.

The next section .880, it's clear I think, again you can think its good or bad.

The next section, .900. A series of definitions. We've probably talked about most of them as we went through. I'd be happy to answer any questions anybody might have about any of these definitions.

Ebert: I'm curious why you tie rail properties to the closing report as opposed to tying it to the property that you ultimately in fact receive.

Lewis: Those are the same thing. The closing report will describe the properties.

Ebert: Under the federal legislation, as it's presently written, the closing report is not intended to be a judicial declaration of what properties go in what direction. It's only a planning document. There's a provision for adjudication of valid existing rights with court appeal. It would seem more appropriate to give the rail authority jurisdiction over properties they in fact receive which might be greater or lessor than the closing report predicted they would receive.

Johnson: Which section?

Ebert: On page 45, item 10. If you're giving someone administrative jurisdiction you should give them jurisdiction over something they in fact get, not someone predicted they would or would not get.

Johnson: Actually, I think the identification of the closing report is not a useful concept in this concept. I think we should say transferred to the authority under the legislation.

Speaker: Could I suggest that maybe we just ask if there's any comments on this last article and deal with those specifically.

Lewis: I think that's an excellent suggestion. Are there any questions on this last article?

Gates: When does the definition for the leadership of the legislature come into play. The definition is really extensive: Speaker of the House, President of the Senate, minority leaders for each house, chairman of the senate and house transportation and finance committees and chairman of the legislative budget and audit committees. I forget when that becomes important. But that is going to be a real battle.

Lewis: I think that is not important and was deleted.

Johnson: For purposes of giving notices under the act, when the authority was required to inform the legislature of certain things the thought

was it was better to have it go to certain people rather than to all of them or one of them or something. That concept was removed.

Ebert: With this discussion of collective bargaining agreements, the discussion on page 47 and over to 48, that the state will continue in existence the existing contracts, until they expire by their terms or as required under the federal legislation, they are renegotiated. It seems to me the federal legislation contains a two year limit on this which is not expressed here. Are they really parallel?

Johnson: Yes. The federal legislation requires them to be renegotiated at the end of the period (indesc) basically within that period of time. Some of them expire sooner than that by their own terms. Others have no explanation date at all.

Speaker: I have a couple of general questions directed toward Adlum and Olson. The first one is regarding Article 4, Lands and it's a question of flexibility or the interrelationship of agencies and their impact on the authority. The Dept. of Natural Resources will have control over the subsurface rights on railroad land. Do you see that as a problem with the authority. Is that going to create a difficulty in its flexibility to carry out its operations?

Adlum: I don't see that its going to be a problem because any right of eminent domain there are still (indesc) in the courts in one manner or another. We have the right of eminent domain in the Port of Seattle but if we can't reach a price between their appraisers and our appraisers we end up going to court. What's decided there is whether have the right to take it and then deciding the fight (indesc)

Olson: I presume that this policy choice toward DNR will have control over the subsurface rights to place in parallel, the mandate of self sufficiency on the part of the rail line such that revenue generation comes from its mode of operation of the rail as opposed to its extractive capacity. To that extent you ought to build in, inducements to efficiency on the rail line itself. I happen to personally agree with that policy declaration if I understand it correctly that they're saying that the resources that lie in the subsurface rights will go to the DNR and the state general treasury and the railroad will attempt to achieve self sufficiency of its own operation. That is a powerful inducement to efficiency.

Adlum: If the government had done this when they alloted all those spaces to the railroad that came across the nation at the turn of the century, they might be in a lot better shape right now.

Speaker: One other question. On the article that deals with the make up of the board. What are the implications of having a union member on the board? Is that something that's common in other authorities?

Adlum: I'm the first union official to serve on the pacific coast that I know of.

Olson: The port commission currently has two of its members whose backgrounds are in organized labor. Informally, which is what's

happening, that by elections, two of those members have come from organized labor. In other ports across the country, there is a formal slotting of positions. The Port of Milwaukee, for example, mandates that one of its members be drawn from organized labor. It also mandates one of its members from the south side of Milwaukee, one from the north side of Milwaukee, one from the Chamber of Commerce. MASSPORT, Boston's port has a similar slating of membership. My own analysis says that the greater the degree of formal slotting of positions to occupational groups, and this is not a criticism of organized labor because the slotting is going on the business side as well, or the residential basis, the more precise the slotting, the greater the attention to particularistic issues as opposed to universalistic issues. Let me get away from the academic jargon. What that means is: particularistic issues are those that are specific to the group or to the constituency that is being represented; universalistic issues are those that deal with larger questions of the operation of the entity. What you get is a function of how you orient yourself toward that question, of slotting or not slotting. As I read what this bill does there is a half way house that is struck. It does not, as the gentleman from Fairbanks suggested, draw a line for geographic representation. It does not give the vote to organized labor's representation on the board. So that it is once again a delicate compromise that is reflective of interests within the state and within the legislature and I suspect that set of compromises will continue forward as this bill is enacted. My point is that the kind of representation, the kind of policy orientation you get on the board, is partly a function of how you draw the criteria for membership on the board and you get very different things.

Adlum: I get the jeweler and the other guy's vote a helluva lot quicker than I get the other labor guys' votes.

Lewis: Are there any other questions about Article 8?

Gates: AS 23.10. 055. The Alaska Railroad Authority is considered a political subdivision for the state for the purposes of the section. I thought I had the rest of them figured out, but that one escaped me. Can you explain that for me? Why is the ARR Authority considered a political subdivision-

Lewis: I'll call you tomorrow. I don't remember which one that is.

Ebert: Workman's compensation, I think.

Gates: Cause you get into troubles of establishing a new form of government which is...

Lewis: I don't think we'll be able to help much cause I can't remember what that section is.

Chairman Swalling: If there are no more questions, these men have to catch an airplane. We're very grateful that they were able to come up. Now, I'd like to say that if any of you have a position paper or anything that you'd like to submit either today or at some future time we solicit your input. It will help us if it is in writing. Now we will

have a very short meeting to decide a little about our future. You're all welcome to stay. I'll tell you what we're going to discuss, is where do we go from here, because we are not in a position yet to prepare a report. Our request for funding for a word merchant has been frozen. So we don't know when our next meeting will be. We're going to take a few minutes and discuss where we go from here.

Harle: Mr. Chairman, I have a concept that is written and I would like to them to the commission for your consideration.

Chairman Swalling: We appreciate that very much.

Wright: Chairman Swalling, I have not a concept, but a position paper that I'd like to submit also from the Greater Fairbanks Chamber of Commerce. And I'd also like to formally request and invite the commission to at some point hold some of your meetings in Fairbanks so you can get more input from the people in the interior.

Chairman Swalling: It is doubtful that we are going to have another public meeting such as this for input. I thank you all for being very cooperative and very attentive as to presenting your views and we're gonna try to go from here and put a report together.

Speaker: The State Chamber has already submitted their position but we would also like to go on record in support of the Fairbanks Chamber position which they have submitted to you.

Chairman Swalling: Anyone is perfectly welcome to stay. We've got to stay and decide what we've got to do now.

S

B

2

8

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

OFFICE OF THE COMMISSIONER

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

March 23, 1983

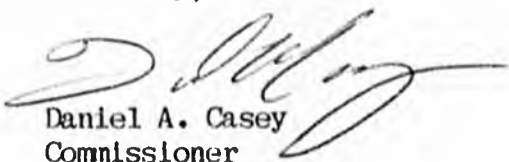
The Honorable Pappy H. Moss, Chairman
Senate Transportation Committee
State of Alaska
Pouch V
Juneau, Alaska 99811

Dear Senator Moss:

Enclosed per your request is the Department of Transportation and Public Facilities position on Senate Bill 28, regarding two-way left turn lanes. We believe present law authorizes designation of two-way left turn lanes; provides a description of the marking used for such designation; and provides for enforcement. Consequently, we see no need to enact SB 28. In fact, if SB 28 were enacted as presently drafted with non-standard markings description, we could jeopardize our federal aid funding and, more importantly, could cause motorist confusion and increased accidents.

We therefore respectfully recommend against enactment of SB 28.

Sincerely,


Daniel A. Casey
Commissioner

Enclosure

cc: Emil Notti
Office of the Governor

Representative Bette Cato
Senator Vic Fischer

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
ANALYSIS OF SB 28 (Two-way Left Turn Lanes)

Senate Bill No. 28 would authorize road agencies to designate two-way left turn lanes; would define the pavement markings to be used in designating such a lane; and would make it unlawful to use such a lane except for the purpose of making a left turn.

The Alaska Statutes (AS 19.10.040) direct the Department of Transportation and Public Facilities to "...provide a uniform system of marking and posting...highways" and further provides that the system shall "...conform to the ...Manual on (Uniform) Traffic Control Devices as adopted by the American Association of State Highway Officials." The Department has adopted said Manual (commonly referred to as MUTCD) with an Alaska Supplement. The combined document (MUTCD plus Alaska Supplement) is commonly referred to as the Alaska Traffic Manual (ATM).

The MUTCD provides in Section 3B-12 Combination Lane and Centerline Markings for Unique Applications: "A two-way left turn is a lane reserved in the center of highway for exclusive use of left turn vehicles..." It further provides that the lane "...shall be marked by a single direction, no-passing marking on each edge of the lane." (A single direction, no-passing marking is a double line consisting of normal broken yellow line and a normal solid yellow line where passing is prohibited for traffic adjacent to the solid yellow line.)

In summary, the Alaska Statutes and the Manual on Uniform Traffic Control Devices provides the authority for designating two-way left turn lanes, and provides a description of the markings to be used.

Insofar as enforcement is concerned, 13 AAC 02.200(b)(2) of the Alaska Administrative Code provides: "Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic control devices:

- (A) a left turn may not be made from any other lane;
- (B) a vehicle may not be driven in the lane except when preparing for or making a left turn from or into a roadway or when preparing for or making a U-turn when permitted by law."

Consequently, there does not appear to be a need for SB 28 inasmuch as the present statutes and administrative law authorize designation of a two-way left turn lane, provide a nationally recognized description of the uniform marking to be used in designating the lane and provide for enforcement of proper two-way left turn lane usage. Additionally, the markings described in SB 28 to designate a two-way left turn lane not only vary substantially from the nationally recognized marking; the marking described in SB 28 is used to indicate a reversible lane, that is, a lane used for through traffic

flowing different directions at different times. (Extra lane for peak traffic conditions.) Use of the non-standard markings described in SB 28 could have serious consequences in terms of federal aid for highway projects and more importantly, in terms of confusing the motorist with a non-standard marking thereby adding to the accident potential.

If the intent of SB 28 is to clearly indicate that local governments may also use the two-way left turn lane marking, AS 19.10.040 should be amended to provide the uniform system of markings applies to all highways. As a minimum, SB 28 should be amended by deleting the first sentence of Section 1(b) of SB 28 and replacing it with: "A two-way left turn lane shall be designated by distinctive roadway markings consistent with uniform markings developed by the Department of Transportation and Public Facilities."

Attachment 7 Alaska Administrative Code

Attachment 6 Code of Federal Regulations

Attachment 5 Manual on Uniform Traffic Control Devices

Attachment 4 Transportation and Traffic Engineering Handbook

Attachment 3 Handbook of Highway Engineering

Attachment 2 Manual on Uniform Traffic Control Devices

Attachment 1 Alaska Statutes

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



March 12, 1983

TO: Senator Pappy Moss, Chair
Senate Transportation Committee

FROM: Senator Vic Fischer

RE: Explanation of SB 28--an act relating to middle turning lanes

SB 28 would authorize the Department of Transportation and Public Facilities (DOTPF) to establish regulations governing the use of middle turning lanes on state highways.

Middle turning lanes have been incorporated in several DOTPF highway projects statewide, but there are currently no regulations governing their use. During the 1982 interim, several constituents complained that they had recently been involved in a traffic accident involving a middle turning lane. In each case, confusion over the use of the lane had precipitated the accident.

As you know, some Alaskans believe the middle turning lane is a passing lane, it becomes obvious why many are now referring to it as the "suicide lane."

SB 28 is necessary to give DOTPF authority to regulate middle turning lanes in the interest of public safety for Alaskan highway users. I would appreciate your earliest attention to this bill.

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

Expenditure Type
 Revenue Type

I. REQUEST

Bill/Resolution No. Senate Bill No. 28
Title "An act governing...use of middle turning lanes on highways"
Requested by Senate Transportation Date _____

II. FISCAL DETAIL

Agency Affected Department of Public Safety
Program Category Affected Administration of Justice
BRU, Program, Or Subprogram(s) Affected Alaska State Troopers
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

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

FUNDING (Thousands of Dollars)

| | | | | | | |
|------------------------|--|--|--|--|--|--|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify Source) | | | | | | |
| | | | | | | |

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL TIME | | | | | | |
| PART TIME | | | | | | |
| TEMPORARY | | | | | | |

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

No fiscal impact is anticipated.

RECEIVED

FEB 9 1983

LEGISLATIVE FINANCE

IV. DATE January 21, 1983 PREPARED BY Francis C. Allan Phone 269-5691

Original: Legislative Finance DIVISION State Troopers Initials mcl

cc: Budget and Management DEPARTMENT OF PUBLIC SAFETY Initials [Signature]

Prime Sponsor (First Legislator Named) [Signature]

33-001 (Rev. 12/82)

OMB Reviewed by: Eric Laschever

FISCAL NOTE

Expenditure Type
 Revenue Type

I. REQUEST

Bill/Resolution No. Senate Bill No. 28
Title "Amendment governing...use of middle turning lanes on highways"
Requested Senate Transportation Date _____

II. FISCAL D'TAIL

Agency Affected Department of Public Safety
Program Category Affected Administration of Justice
BRU, Program, Or Subprogram(s) Affected Alaska State Troopers
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

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

FUNDING (Thousands of Dollars)

| | | | | | | |
|------------------------|--|--|--|--|--|--|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify Source) | | | | | | |

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL TIME | | | | | | |
| PART TIME | | | | | | |
| TEMPORARY | | | | | | |

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

No fiscal impact is anticipated.

RECEIVED

FEB 9 1983

LEGISLATIVE FINANCE

IV. DATE January 21, 1983 PREPARED BY Francis C. Allan Phone 269-5,91

Original: Legislative Finance DIVISION State Troopers Initials mck

cc: Budget and Management DEPARTMENT OF PUBLIC SAFETY Initials Miller

Prime Sponsor (First Legislator Named) D

33-001 (Rev. 12/82)

OMB Reviewed by: Eric Laschever

(b) A person who is not legally blind may not use a white cane or a guide dog for the purpose of securing the right-of-way provided by this section. (Eff. 12/31/69, Reg. 31; am 6/28/79, Reg. 70)

Authority: AS 28.05.011

13 AAC 02.195. PEDESTRIANS YIELD TO AUTHORIZED EMERGENCY VEHICLES.

(a) A pedestrian shall yield the right-of-way upon the approach of an authorized emergency vehicle making use of an audible signal as provided in 13 AAC 04.210(d), or a visual signal as provided in 13 AAC 04.090 or upon the approach of a vehicle making use of a flashing blue light as provided in 13 AAC 04.100.

(b) This section does not relieve the driver of an authorized emergency vehicle or a vehicle displaying a flashing blue light from the duty to exercise care to avoid colliding with a pedestrian. (Eff. 6/28/79, Reg. 70)

Authority: AS 28.05.011

ARTICLE 5.

TURNING, STARTING, AND SIGNALS ON TURNING-STARTING AND STOPPING

Section

- 200. Required position and method of turning
- 205. Limitations on turning
- 210. Starting parked vehicle
- 215. Turning movements and required signals
- 220. (Repealed)
- 225. (Repealed)

13 AAC 02.200. REQUIRED POSITION AND METHOD OF TURNING. (a) Right Turns. Except as provided in (c) of this section, both the approach for a right turn, and a right turn, must be made as close as practicable to the right-hand curb or edge of the roadway.

(b) Left Turns.

(1) The driver of a vehicle intending to turn left shall approach and make the turn from the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the vehicle. Unless conditions prevail which necessitate other action to assure safety, a vehicle turning to the left must proceed into the

extreme left-hand lane lawfully available to traffic moving in the same direction as the vehicle on the roadway being entered.

(2) Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic-control devices

(A) a left turn may not be made from any other lane;

(B) a vehicle may not be driven in the lane except when preparing for or making a left turn from or into a roadway or when preparing for or making a U-turn when permitted by law.

(c) When the Department of Transportation and Public Facilities or a municipality, in their respective jurisdictions, places an official traffic-control device within or adjacent to an intersection which requires that a different course from that specified in this section be traveled by a vehicle turning at an intersection, no driver may turn a vehicle at an intersection other than as directed by the device. (In effect before 7/28/59; am 12/15/61, Reg. 22; 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 02.205. LIMITATIONS ON TURNING.

(a) The driver of a vehicle may not turn a vehicle so as to proceed in the opposite direction unless the turn can be made safely and without interfering with other traffic.

(b) No vehicle may be turned so as to proceed in the opposite direction in a business district, upon a curve, or upon approach to or near the crest of a grade, where the vehicle cannot be seen by the driver of another vehicle approaching from either direction within 500 feet. (In effect before 7/28/59; am 12/15/61, Reg. 3; am 8/10/66, Reg. 22; am 12/31/69, Reg. 21; am 6/28/79, Reg. 70)

Authority: AS 28.05.011

13 AAC 02.210. STARTING PARKED VEHICLE.

(a) No person may move onto a roadway a vehicle which is stopped, standing, or parked until the movement can be made with reasonable safety.

TITLE 13.
PUBLIC SAFETY

PART 1.
DIVISION OF STATE TROOPERS

Chapter

- 02. Motor Vehicle and Driving Offenses: Rules of the Road (13 AAC 02.005-13 AAC 02.585)
- 04. Motor Vehicle and Driving Offenses: Vehicle Equipment and Inspection (13 AAC 04.001-13 AAC 04.420)
- 06. Inspection of Vehicles (13 AAC 06.010-13 AAC 06.060)
- 08. Driver Licensing and Safety Responsibility (13 AAC 08.005-13 AAC 08.400)
- 10. (Repealed)
- 15. Amusement and Sports (13 AAC 15.010-13 AAC 15.320)
- 20. General Administration (13 AAC 20.005-13 AAC 20.200)
- 25. Administration and Business and Occupations. Regulations (13 AAC 25.010-13 AAC 25.300)
- 40. General Provisions (13 AAC 40.010)

CHAPTER 02.
MOTOR VEHICLE AND DRIVING
OFFENSES. RULES OF THE ROAD

Article

- 1. Traffic-control Devices (13 AAC 02.005-13 AAC 02.035)
- 2. Use of Roadway (13 AAC 02.050-13 AAC 02.107)
- 3. Right-of-way (13 AAC 02.120-13 AAC 02.140)
- 4. Pedestrian Rights and Duties (13 AAC 02.150-13 AAC 02.195)
- 5. Turning, Starting, and Signals on Turning-Starting and Stopping (13 AAC 02.200-13 AAC 02.225)
- 6. Special Stops Required (13 AAC 02.240-13 AAC 02.265)
- 7. Speed Restrictions (13 AAC 02.275-13 AAC 02.330)
- 8. Stopping, Standing, and Parking (13 AAC 02.340-13 AAC 02.377)
- 9. Special Rules for Bicycles, Certain Nonmotorized Conveyances, Motorcycles, and Motor-driven Vehicles (13 AAC 02.380-13 AAC 02.427)
- 10. Special Rules for Snowmobiles and Other Off-highway Vehicles (13 AAC 02.430-13 AAC 02.465)

- 11. Miscellaneous Provisions (13 AAC 02.480-13 AAC 02.550)
- 12. General Provisions (13 AAC 02.560-13 AAC 02.585)

ARTICLE 1.
TRAFFIC-CONTROL DEVICES

Section

- 5. Obedience to and required traffic-control devices
- 10. Traffic-control signal legend
- 15. Pedestrian-control signals
- 20. Flashing signals
- 25. Lane-use control signals
- 30. Display of unauthorized signs, signals, or markings
- 35. (Repealed)

13 AAC 02.005. OBEDIENCE TO AND
REQUIRED TRAFFIC-CONTROL DEVICES.

(a) All pedestrians and drivers of vehicles must obey the instructions of an applicable official traffic-control device placed and displayed in accordance with the provisions of statutes, regulations, or ordinances, unless otherwise directed by a police officer or other authorized person directing traffic, and except as provided in 13 AAC 02.517 and 13 AAC 02.520 for emergency vehicles.

(b) A provision of this chapter for which official traffic-control devices are required may not be enforced against an alleged violator if, at the time and place of the alleged violation, an official traffic-control device is not operable or is not in a position which is sufficiently visible and legible so as to be observed by a reasonably observant person.

(c) When official traffic-control devices are placed in position and displayed pursuant to the requirements of this chapter, the devices are presumed to have been placed and displayed by an official act or direction of lawful authority, and are presumed to comply with the requirements and provisions of this chapter unless the contrary is established by competent evidence.

(d) Repealed 6/28/79.
(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

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
ANALYSIS OF SB 28 (Two-way Left Turn Lanes)

Senate Bill No. 28 would authorize road agencies to designate two-way left turn lanes; would define the pavement markings to be used in designating such a lane; and would make it unlawful to use such a lane except for the purpose of making a left turn.

The Alaska Statutes (AS 19.10.040) direct the Department of Transportation and Public Facilities to "...provide a uniform system of marking and posting...highways" and further provides that the system shall "...conform to the ...Manual on (Uniform) Traffic Control Devices as adopted by the American Association of State Highway Officials." The Department has adopted said Manual (commonly referred to as MUTCD) with an Alaska Supplement. The combined document (MUTCD plus Alaska Supplement) is commonly referred to as the Alaska Traffic Manual (ATM).

The MUTCD provides in Section 3B-12 Combination Lane and Centerline Markings for Unique Applications: "A two-way left turn is a lane reserved in the center of highway for exclusive use of left turn vehicles..." It further provides that the lane "...shall be marked by a single direction, no-passing marking on each edge of the lane." (A single direction, no-passing marking is a double line consisting of normal broken yellow line and a normal solid yellow line where passing is prohibited for traffic adjacent to the solid yellow line.)

In summary, the Alaska Statutes and the Manual on Uniform Traffic Control Devices provides the authority for designating two-way left turn lanes and provides a description of the markings to be used.

Insofar as enforcement is concerned, 13 AAC 02.200(b)(2) of the Alaska Administrative Code provides: "Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic control devices:

- (A) a left turn may not be made from any other lane;
- (B) a vehicle may not be driven in the lane except when preparing for or making a left turn from or into a roadway or when preparing for or making a U-turn when permitted by law."

Consequently, there does not appear to be a need for SB 28 inasmuch as the present statutes and administrative law authorize designation of a two-way left turn lane, provide a nationally recognized description of the uniform marking to be used in designating the lane and provide for enforcement of proper two-way left turn lane usage. Additionally, the markings described in SB 28 to designate a two-way left turn lane not only vary substantially from the nationally recognized marking; the marking described in SB 28 is used to indicate a reversible lane, that is, a lane used for through traffic flowing different directions at different times. (Extra lane for peak traffic conditions.) Use of the non-standard markings described in SB 28

could have serious consequences in terms of federal aid for highway projects and more importantly, in terms of confusing the motorist with a non-standard marking thereby adding to the accident potential.

If the intent of SB 28 is to clearly indicate that local governments may also use the two-way left turn lane marking, AS 19.10.040 should be amended to provide the uniform system of markings applies to all highways. As a minimum, SB 28 should be amended by deleting the first sentence of Section 1(b) of SB 28 and replacing it with: "A two-way left turn lane shall be designated by distinctive roadway markings consistent with uniform markings developed by the Department of Transportation and Public Facilities."

(b) A person who is not legally blind may not use a white cane or a guide dog for the purpose of securing the right-of-way provided by this section. (Eff. 12/31/69, Reg. 31; am 6/28/79, Reg. 70)

Authority: AS 28.05.011

13 AAC 02.195. PEDESTRIANS YIELD TO AUTHORIZED EMERGENCY VEHICLES. (a) A pedestrian shall yield the right-of-way upon the approach of an authorized emergency vehicle making use of an audible signal as provided in 13 AAC 04.210(d), or a visual signal as provided in 13 AAC 04.090 or upon the approach of a vehicle making use of a flashing blue light as provided in 13 AAC 04.100.

(b) This section does not relieve the driver of an authorized emergency vehicle or a vehicle displaying a flashing blue light from the duty to exercise care to avoid colliding with a pedestrian. (Eff. 6/28/79, Reg. 70)

Authority: AS 28.05.011

**ARTICLE 5.
TURNING, STARTING, AND SIGNALS
ON TURNING—STARTING AND STOPPING**

Section

- 200. Required position and method of turning
- 205. Limitations on turning
- 210. Starting parked vehicle
- 215. Turning movements and required signals
- 220. (Repealed)
- 225. (Repealed)

13 AAC 02.200. REQUIRED POSITION AND METHOD OF TURNING. (a) Right Turns. Except as provided in (c) of this section, both the approach for a right turn, and a right turn, must be made as close as practicable to the right-hand curb or edge of the roadway.

(b) Left Turns.

(1) The driver of a vehicle intending to turn left shall approach and make the turn from the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the vehicle. Unless conditions prevail which necessitate other action to assure safety, a vehicle turning to the left must proceed into the

extreme left-hand lane lawfully available to traffic moving in the same direction as the vehicle on the roadway being entered.

(2) Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic-control devices

(A) a left turn may not be made from any other lane;

(B) a vehicle may not be driven in the lane except when preparing for or making a left turn from or into a roadway or when preparing for or making a U-turn when permitted by law.

(c) When the Department of Transportation and Public Facilities or a municipality, in their respective jurisdictions, places an official traffic-control device within or adjacent to an intersection which requires that a different course from that specified in this section be traveled by a vehicle turning at an intersection, no driver may turn a vehicle at an intersection other than as directed by the device. (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 02.205. LIMITATIONS ON TURNING. (a) The driver of a vehicle may not turn a vehicle so as to proceed in the opposite direction unless the turn can be made safely and without interfering with other traffic.

(b) No vehicle may be turned so as to proceed in the opposite direction in a business district, upon a curve, or upon approach to or near the crest of a grade, where the vehicle cannot be seen by the driver of another vehicle approaching from either direction within 500 feet. (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 02.210. STARTING PARKED VEHICLE. (a) No person may move onto a roadway a vehicle which is stopped, standing, or parked until the movement can be made with reasonable safety.

Attachment 1

§ 19.10.020

HIGHWAYS AND FERRIES

§ 19.10.052

NOTES TO DECISIONS

Applied in *State v. P'Anson*, Sup. Ct. Op. No. 1102 (File No. 2032), 529 P.2d 188 (1974).

Sec. 19.10.020. Designation of state highway system. The department may designate, locate, create, and determine what highways constitute the state highway system. In designating, locating, creating and determining the several routes of the state highway system, the department shall strive to attain the purposes and objectives set out in AS 19.05.125. (§ 1 art III title II ch 152 SLA 1957)

Sec. 19.10.030. Responsibility for system. The department is responsible for the construction and maintenance of the state highway system. (§ 2 art III title II ch 152 SLA 1957)

Sec. 19.10.040. Uniform system of marking and posting. The department shall classify, designate and mark highways under its jurisdiction and shall provide a uniform system of marking and posting these highways. The system of marking and posting shall correlate with and shall, as far as possible, conform to the recommendations of the Manual on Traffic Control Devices as adopted by the American Association of State Highway Officials. (§ 3 art III title II ch 152 SLA 1957)

Sec. 19.10.050. Traffic control signals. The department shall prescribe types of traffic control signals to regulate traffic on highways. These signals shall correlate with and, as far as possible, conform to the recommendations of the Manual on Uniform Traffic Control Devices as adopted by the American Association of State Highway Officials. The department shall prescribe uniform rules for the placing and installation of traffic control signals. (§ 4 art III title II ch 152 SLA 1957)

NOTES TO DECISIONS

Quoted in *State v. P'Anson*, Sup. Ct. Op. No. 1102 (File No. 2032), 529 P.2d 188 (1974).

Sec. 19.10.052. Local control of traffic control device systems.

Transferred to AS 19.20.017.

Revisor's notes. — This section was renumbered by the revisor of statutes pursuant to AS 01.05.031.

3A-6 Widths and Patterns of Longitudinal Lines

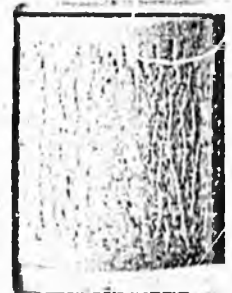
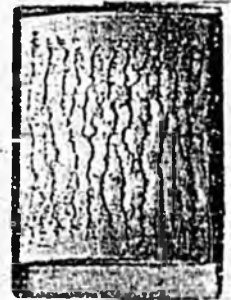
The widths and patterns of longitudinal lines shall be as follows:

1. A normal width line is 4" to 6" wide.
2. A wide line is at least twice the width of a normal line.
3. A double line consists of two normal width lines separated by a discernible space.
4. A broken line is formed by segments and gaps, usually in the ratio of 1:3. On rural highways, a recommended standard is 10 foot segments and 30 foot gaps. Other dimensions in this ratio may be used as best suit traffic speeds and need for delineation.
5. A dotted line is formed by short segments, normally two feet in length, and gaps, normally four feet or longer.

3A-7 Types of Longitudinal Lines

The following examples illustrate the application of the principles and standards set forth in sections 3A-4 to 3A-6:

1. A normal broken white line is used to delineate the edge of a travel path where travel is permitted in the same direction on both sides of the line. Its most frequent application is as a lane line of a multilane roadway.
2. A normal broken yellow line is used to delineate the left edge of a travel path where travel on the other side of the line is in the opposite direction. A frequent application is as a center line of a two-lane, two-way roadway where overtaking and passing is permitted.
3. A normal solid white line is used to delineate the edge of a travel path where travel in the same direction is permitted on both sides of the line but crossing the line is discouraged and to mark the right edge of the pavement. A frequent application is as a lane line approaching an intersection. A wide solid white line is used for emphasis where the crossing requires unusual care. It is frequently used as a line to delineate left or right turn lanes.
4. A double solid white line is used to delineate a travel path where travel in the same direction is permitted on both sides of the line, but crossing the line is prohibited. It is frequently used as a channelizing line in advance of obstructions which may be passed on either side but not encroached upon.
5. A double line consisting of a normal broken yellow line and a normal solid yellow line delineates a separation between travel paths in opposite directions where overtaking and passing is permitted with care for traffic adjacent to the broken line and is prohibited for traffic adjacent to the solid line. This is a one direction no-passing marking. It is used on two-way, two- and three-lane roadways to regulate passing. It is also used to delineate the edges of a lane in which travel in either direction is permitted (but only as part of a left turn maneuver). In the latter application, the markings are to be placed with the solid lines on



the outside and the dashed lines to the inside of the lane. Traffic adjacent to the solid line may cross this marking with care only as part of a left-turn maneuver.

6. A double line consisting of two normal solid yellow lines delineates the separation between travel paths in opposite directions where overtaking and passing is prohibited in both directions. This is a two direction no-passing marking. Crossing this marking with care is permitted only as part of a left-turn maneuver. It is frequently used as a channelizing line in advance of an obstruction which must be passed on the right and to form a channelizing island separating traffic in counter directions.

~~7. A double normal broken yellow line delineates the edge of a lane which the direction of travel is changed from time to time in such a way that the line serves as the centerline of the roadway during some period. Its use is for a reversible lane.~~

8. A normal dotted line is used to delineate the extension of a line through an intersection or interchange area. It shall be the same color as the line it extends.

9. A solid yellow line delineates the left edge of a travel path to indicate a restriction against passing on the left or delineates the left edge of each roadway of divided streets or highways, one-way roadways, and ramps in the direction of travel.

3A-8 Transverse Markings

Transverse markings, which include shoulder markings, word and symbol markings, stop lines, crosswalk lines, speed measurement markings, parking space markings and others shall be white except that:

1. Transverse median markings shall be yellow (sec. 3B-10).
2. Markings visible only to traffic proceeding in the wrong direction on a one-way roadway may be red.

Because of the low approach angle at which pavement markings are viewed, it is necessary that transverse lines be proportioned to give visibility equal to that of longitudinal lines. Pavement marking letters, numerals, and symbols shall be in accordance with the Standard Alphabets for Highway Signs and Pavement Markings.*

3A-9 Curb Markings

Curb markings fall into two categories: roadway delineation (sec. 3D-3) and parking regulations (sec. 3B-18).

* Available from the Federal Highway Administration (HIO-20), Washington, D.C. 20590.



For reversible lane markings, each edge of the lane shall be marked by the use of a double normal broken yellow line with the gaps and segments adjacent to one another. Signs and/or signals shall be used to supplement the pavement markings (fig. 3-1, page 3B-3).

A two-way left-turn lane is a lane reserved in the center of a highway for exclusive use of left-turn vehicles and shall not be used for passing and overtaking or for right-by-drivers except to make a left turn. The lane may be used by drivers making the left turn in either direction. A two-way left-turn lane shall be marked by a single direction, no-passing marking on each edge of the lane. This is generally used on a five-lane highway where there are two lanes of through traffic in each direction. Signs shall be used with the pavement markings (sec. 2B-12). Symbol markings as shown in figure 3-5a may be used in addition to the required signs.

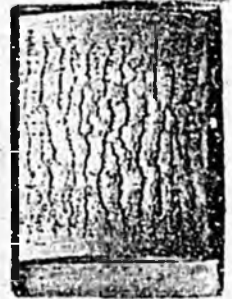
3B-13 Approach to an Obstruction

Pavement markings shall be used to guide traffic on the approach to fixed obstructions within a paved roadway. An obstruction may be so located that all traffic must keep to the right of it, or it may be between two lanes of traffic moving in the same direction. The markings in either case must be designed to guide traffic away from the obstruction. The use of channelizing lines or no-passing markings are generally effective. Obstruction approach markings for bridge supports, refuge islands, median islands, and channelization islands shall consist of a diagonal line, or lines, extending from the center line or the lane line to a point 1 or 2 feet to the right side, or to both sides, of the approach end of the obstruction (fig. 3-13).

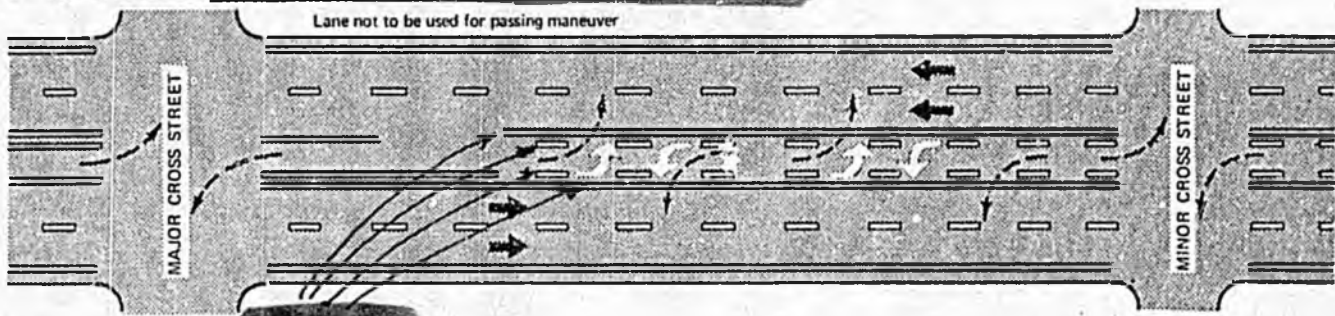
The length of the diagonal markings (taper length) should be computed by the formula $L = WS$ for freeways, expressways and all other roadways having a posted speed of 45 m.p.h. or greater. The formula $L = WS^2/60$ should be used to compute taper length on urban, residential, and other streets where the posted speeds are 40 m.p.h. or less. Under both formulas, L equals the taper length in feet, W the width of the offset in feet, and S the off-peak 85 percentile speed in miles per hour. The minimum taper length shall be 100 feet in urban areas and 200 feet in rural areas.

If traffic is required to pass only to the right of the obstruction, the marking shall consist of a no-passing marking at least twice the length of the diagonal portion determined by the applicable taper formula (above). Yellow markings may be placed in the triangular area so formed.

If traffic may pass either to right or left of the obstruction, the markings shall consist of two channelizing lines diverging from the lane line, one to either side of the obstruction for a length determined by the applicable taper formula. In advance of the point of divergence, a wide, solid white line or double white line shall be extended in place of the



a - Typical multi-lane, two-way marking with single lane, two-way left-turn channelization.



3B-6

b - Typical multi-lane, two-way marking with restricted lanes.

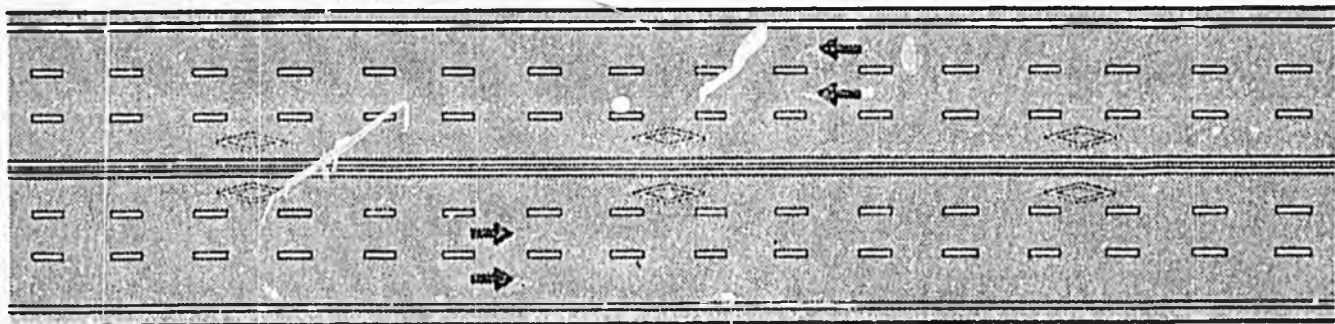


Figure 3-5. Typical multilane, two-way marking applications.

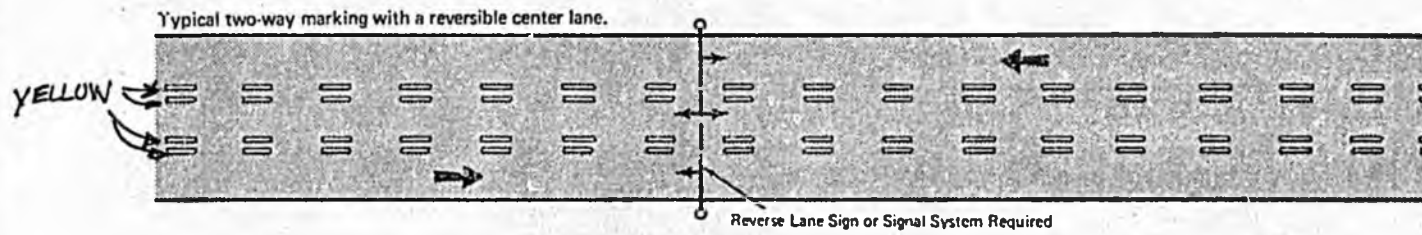


Figure 3-1. Typical reversible lane marking application.

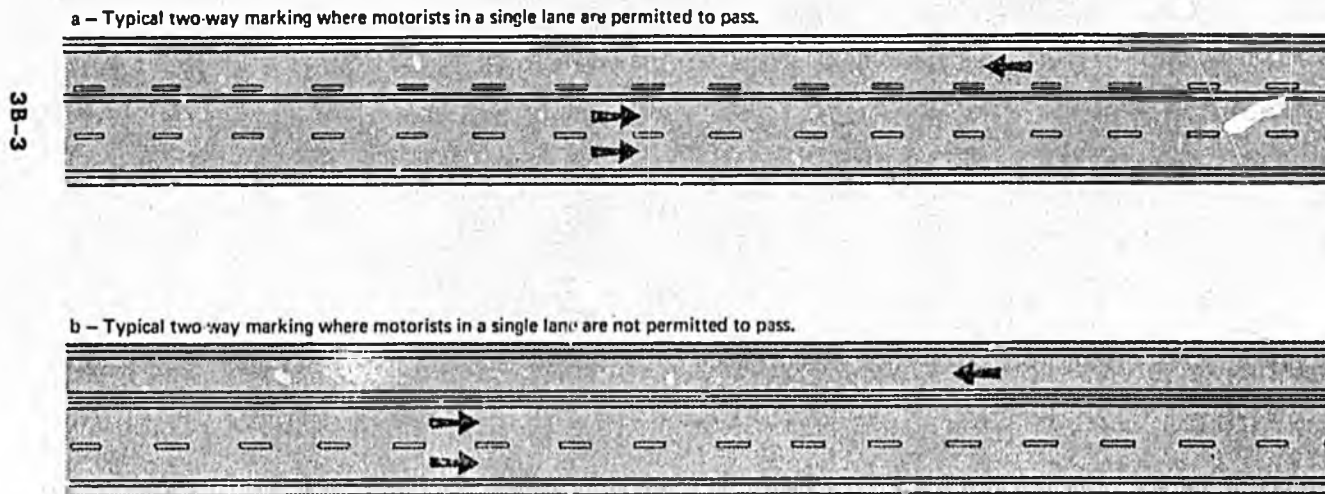


Figure 3-2. Typical 3-lane, two-way marking applications.

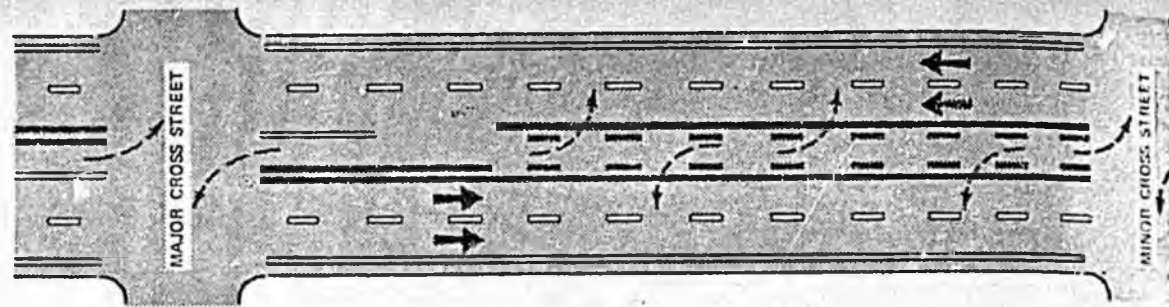


Fig. 10-16. Recommended pavement marking for two-way left turn lanes. (From Ref. 18)

Two-Way Left-Turn Lanes

In the last decade, the use of two left-turn lanes has gained a wide acceptance in many parts of the country. A two-way left-turn lane is a lane reserved in the center of a multilane highway for exclusive use of left-turning vehicles from both approach directions. Use of these lanes for passing maneuvers is not permitted.

Advantages

This technique provides a means of permitting more freedom of access for property along a highway in an urbanized or built-up area.

It also provides a middle-ground design alternative between a conventional undivided multilane facility—characterized by turning conflicts and resulting loss of capacity—and a median divided roadway, with its partially restrictive access design.

Where median sections are used, left-turn movement can be made only where a median opening is provided, thus focusing or accumulating these left turns at sometimes critical points, such as major intersections.

Recommended Locations

It has been found that the most suitable location for use of two-way left-turn lanes is in urbanized areas where speeds are moderate and land use is primarily commercial along the roadway.

Under these conditions, a spatial diversity of left-turn demand usually exists, and could benefit from the turning freedom offered by two-way left-turn lanes. Through traffic is also benefited, as queuing left-turning vehicles into the main lanes rarely occurs in this operation.

Standard pavement-marking treatment of the two-way left-turn lane is shown in Fig. 10-16 with 4-6-in-wide (10-15 cm) yellow paint lines used for both dashed and solid markings defining the turn lane. Signing of the type shown in Fig. 10-17 are recommended for placement above the turning lane.



R3-5
30" x 36"



R3-6
30" x 36"

Fig. 10-17. Recommended sign designating two-way left turn lane. (From Ref. 18)

Pedestrian and Bicycle Operations

Pedestrian-vehicle and, more recently, bicycle conflicts have shown a marked increase in urban areas. The pedestrian and the bicyclist are less restricted in their travel routes than the motorized vehicle. Their movements are accordingly less predictable and bicycle control require special consideration.

Traffic laws and ordinances should consider the rights and responsibilities of nonmotorists. Pedestrian regulations should not only be adequate for the protection of the pedestrian as well, to command the observance of the nonmotorist. The *Uniform Vehicle Code* and the *Model Traffic Ordinance* for municipalities recommend pedestrian and bicycle regulations.

Pedestrian Provisions

Urbanization has created a strong demand for pedestrian control and facilities that provide for both protection and convenience. However, for pedestrian regulations to be effective, education of the public and the enforcement of regulations also must be included. Pedestrian control, from the engineer's standpoint, can be achieved by the following protection devices:

1. *Sidewalks.* Need for sidewalks can be evaluated by considering pedestrian volumes, traffic volume, and speed for the roadway. However, sidewalk installation is justified on the basis of existing or anticipated conditions. Special consideration also should be given to children and the elderly in determining need for sidewalks.

Sidewalks should be set back from the roadway to minimize hazards, and should be of adequate width to accommodate pedestrian movement without need to cross into adjacent roadways.

2. *Crosswalks.* Pedestrian crosswalks are recommended in urban and rural areas where pedestrian and vehicle conflicts are such that, after careful engineering study, it is desirable to delineate locations where pedestrians should cross the roadway.

Crosswalks should be marked at intersections where there is sufficient conflict between pedestrians and vehicles to justify such markings. Other locations of high pedestrian concentrations also may require crosswalks, such as passenger loading islands, pedestrian crossings, blocks, and other locations where pedestrians should recognize the proper place to cross.

Mid-block crosswalks may require parking for adequate visibility, and warning signs to alert drivers. The *Manual on Uniform Traffic Control Devices* contains information on crosswalk marking.

be placed where edge delineations are desirable in order to reduce driving on paved shoulders or refuge areas.

6. Crosswalks should be marked wherever studies show that there is a substantial conflict between vehicles and pedestrian movements. They should also be installed at points of pedestrian concentration and where pedestrians cannot recognize the best place to cross.

SPECIAL MARKINGS

The safe operation and needed capacity of many streets and highways quite often depends on special applications of traffic markings. These special markings which utilize pavement markers as well as signs, object markers, and delineators can be identified as:

1. *Lane reduction transitions.* Pavement line markings can be effectively used to supplement the standard signs that guide traffic where the pavement width reduces to a lesser number of lanes (see Figure 16.12). Many variations are possible, depending on which lanes must be offset or eliminated and on the amount of the offset. One or more lane lines must be discontinued and the remaining center and lane lines must be connected in such a way that traffic safely merges into the reduced number of lanes.

Lines marking pavement width transitions should be the standard design for center, lane, or barrier lines. Converging lines should have a length of not less than that determined by the formula $L = S \times W$, where L equals the length in feet, S the off-peak 85-percentile speed in miles per hour, and W the offset distance in feet.

2. *Obstruction approach markings.* Pavement markings are frequently used to supplement standard signs in order to guide traffic approaching a fixed obstruction within a paved roadway (see Figure 16.13). If the obstruction is in the center of the roadway, all traffic is usually directed to drive to the right of it. Sometimes the obstruction may be between two lanes of traffic moving in the same direction. The use of obstruction approach markings and signs does not eliminate the need for adequate object markings on the obstruction itself. These markings normally consist of a diagonal line (or lines) extending from the center or lane line to a point from 12 to 24 in. (31 to 61 cm) to the right side (or to both sides) of the approach end of the obstruction. The length of the diagonal markings can be determined by the formula $L = S \times W$, where L equals the length in feet, S the off-peak 85-percentile speed in miles per hour, and W the width of the obstruction in feet. The diagonal line should never be less than 200 ft (61 m) in length in rural areas or 100 ft (30 m) in urban areas.

~~Reversible lane markings.~~ The capacity of many urban and suburban arterial streets and highways has been effectively increased by the use of reversible lanes, i.e., lanes that are assigned to opposite directions of traffic movement at different times of the day. The proper use of the assigned lanes can be achieved by lane-direction traffic signals. In addition, double, broken yellow center and lane lines are to be used on each side of the dual-usage reversible lanes.

4. *Two-way left turn lanes.* Many urban streets and highways that are wide enough to create an odd number of lanes can have their capacity increased by making the center lane a two-way left-turn lane. (Vehicles from both directions turn

,left into driveways and side streets from the same lane.) The two-way left-turn lane must be well-defined and marked with a yellow, no-passing solid line on each edge of the lane.

5. *Channelization.* Painted channelization can be used to increase efficiency and safety and has the advantage of easy modification when warranted by driver behavior. If a more positive barrier is required, curbs and islands may be constructed, but the paint channelization may well serve initially to establish the best layout arrangement before permanent construction is established.

MARKING MATERIALS, MAINTENANCE PROCEDURES, AND SCHEDULES

Although traditionally the most common materials used for pavement and curb markings have been paint and glass beads, newer materials that are more durable and sometimes more effective during inclement weather are now available. Although they may have a much higher initial cost, lower maintenance costs, less interruption of traffic, better visibility and legibility through winter months, etc. can justify their use.

PAINTED TRAFFIC LINES

Technological improvements also continue to be made in traffic paints materials, beads and their gradations, and methods of applications. Research continues to improve the final product—a reflectorized line that has been installed at a minimum cost and will serve for six months or, more desirably, one year on the heavily traveled streets and highways. In 1965 in almost all state highway departments in the United States, the predominant wet film thickness of traffic paint was 15 mils, and the bead, which were applied at a rate of about 6 lb of drop-on beads per gallon of paint, had a standard refractive index of 1.50+ as opposed to 1.65 or more.²⁵

One of the biggest improvements in paint has been the development of "rapid-dry" binders that can be applied with slightly modified, existing equipment at "low" heat or with specially constructed "high"-heat equipment. Their main advantage is less disruption to traffic flow. As the material costs are further reduced, there will be very little difference in applied costs because the amount of equipment can be reduced and the need for cones or other devices during the drying period will be eliminated.

There are several methods used for selection of a traffic paint or binder. The final selection and purchase however, is generally based on price. A brief summary of established specifications include:

1. A performance specification with a laboratory and service test procedure to be used to rate the submitted samples. Usually, a committee of representatives of traffic engineering, materials testing, and purchasing departments evaluate paint performance. Qualities evaluated may include general daylight appearance, color, film condition, bead retention, and reflectance. Various rating methods have been used to evaluate these qualities.²⁶

²⁵ "1965 Usage of Pavement Marking Materials by Government Agencies in the United States," *Highway Research Circular No. 79* (Washington, D.C.: Highway Research Board, 1968).

²⁶ "A Model Performance Specification for the Purchase of Pavement Marking Paints," a Tentative Revised ITE Standard, *Traffic Engineering*, XLII, No. 6 (1972), pp. 18-24.



D6.1-1978

ATTACHMENT 5
 (SEE NEXT PAGE) **MANUAL
 ON
 UNIFORM
 TRAFFIC
 CONTROL
 DEVICES**

FOR STREETS AND HIGHWAYS

THIS EDITION DEVELOPED WITH THE COOPERATION OF
 THE NATIONAL ADVISORY COMMITTEE
 ON UNIFORM TRAFFIC CONTROL DEVICES

- American Association of State Highway & Transportation Officials
- Institute of Transportation Engineers
- National Committee on Uniform Traffic Laws and Ordinances
- National Association of Counties
- National League of Cities
- National Association of Governors' Highway Safety Representatives
- International Association of Chiefs of Police, Inc.
- National Electrical Manufacturers Association
- American Road and Transportation Builders' Association
- International Bridge, Tunnel & Turnpike Association



U.S. DEPARTMENT OF TRANSPORTATION
 FEDERAL HIGHWAY ADMINISTRATION
 1978

TABLE OF CONTENTS

PART I
General Provisions

PART II Signs
A Intro. & Gen. Specs.

PART II-B
Regulatory Signs

PART II-C
Warning Signs

PART II-D
Guide Signs Contr. Roads

Approved by the Federal Highway Administrator as the National Standard for all
Highways open to public travel in accordance with Title 23, U.S. Code, Sections
103(b), 105(d) and 402(a) and 23 CFR 1204.4

Approved as the National Standard
By the American Road & Builders Builders

06.1-1978

(Supersedes 06.1-1071)

Revisions to this Manual will be published periodically
and are available from the Government Printing Office

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402

NA
Am
Tr
444
Was
Insti
1815
Arlin
Natio
Ord
1776
Washi
Natio
1735 N
Washi
Natio
1620 E
Washi
Natio
Repr
444 No
Washi
Internat
11 First
Gaithers
National
155 East
New Yor
Americ
Associ
525 Schoo
Washingt
Internatio
Inc.
Suite 307
1225 Conn
Washingto

ATTACHMENT 6
(SEE NEXT PAGE)

PART II. FEDERAL-AID HIGHWAYS

SUBPART A. TITLE 23, UNITED STATES CODE, "HIGHWAYS."

Title 23. United States Code—"Highways"

Chapter 1.—FEDERAL-AID HIGHWAYS

Sec.

101. Definitions and declaration of policy.
102. Authorizations.
103. Federal-aid systems.
104. Apportionment.
105. Programs.
106. Plans, specifications, and estimates.
107. Acquisition of rights-of-way—Interstate System.
108. Advance acquisition of rights-of-way.
- ~~109. Standards.~~
110. Project agreements.
111. Agreements relating to use of and access to rights-of-way—Interstate System.¹
112. Letting of contracts.
113. Prevailing rate of wage.²
114. Construction.
115. Construction by States in advance of apportionment.³
116. Maintenance.
117. Certification acceptance.⁴
118. Availability of sums apportioned.
119. Repealed.⁵
120. Federal share payable.
121. Payment to States for construction.
122. Payment to States for bond retirement.
123. Relocation of utility facilities.
124. Advances to States.
125. Emergency relief.
126. Diversion.
127. Vehicle weight and width limitations—Interstate System.
128. Public hearings.
129. Toll roads, bridges, tunnels, and ferries.⁶
130. Railway-highway crossings.
131. Control of outdoor advertising.⁷
132. Payments on Federal-aid Projects Undertaken by a Federal Agency.⁸

¹ Amended by sec. 139(a), Public Law 94-280, May 5, 1976 (90 Stat. 445).

² Amended by sec. 12, Public Law 90-495, Aug. 23, 1968 (82 Stat. 815).

³ Amended by sec. 25, Public Law 90-495, Aug. 23, 1968 (82 Stat. 815).

⁴ Amended by sec. 116(b), Public Law 93-87, Aug. 13, 1973 (87 Stat. 258).

⁵ Repealed by sec. 139(b), Public Law 94-280, May 5, 1976 (90 Stat. 445).

⁶ Amended by sec. 5(b), Public Law 86-657, July 14, 1960 (74 Stat. 522).

⁷ Revised by sec. 102, Public Law 89-285, Oct. 22, 1965 (79 Stat. 1030).

⁸ Added by sec. 4, Public Law 86-657, July 14, 1960 (74 Stat. 522).

share of the funds advanced for deposit in, and credit to, the right-of-way revolving fund.⁹⁰

Sec. 109. Standards.

(a) The Secretary shall not approve plans and specifications for proposed projects on any Federal-aid system if they fail to provide for a facility (1) that will adequately meet the existing and probable future traffic needs and conditions in a manner conducive to safety, durability, and economy of maintenance; (2) that will be designed and constructed in accordance with standards best suited to accomplish the foregoing objectives and to conform to the particular needs of each locality.

(b) The geometric and construction standards to be adopted for the Interstate System shall be those approved by the Secretary in cooperation with the State highway departments. Such standards, as applied to each actual construction project, shall be adequate to enable such project to accommodate the types and volumes of traffic anticipated for such project for the twenty-year period commencing on the date of approval by the Secretary, under section 106 of this title, of the plans, specifications, and estimates for actual construction of such project. Such standards shall in all cases provide for at least four lanes of traffic. The right-of-way width of the Interstate System shall be adequate to permit construction of projects on the Interstate System to such standards. The Secretary shall apply such standards uniformly throughout all the States.⁹¹

(c) Projects on the Federal-aid secondary system in which Federal funds participate shall be constructed according to specifications that will provide all-weather service and permit maintenance at a reasonable cost.

(d) On any highway project in which Federal funds hereafter participate, the location, form and character of informational, regulatory and warning signs, curb and pavement or other markings, and traffic signals and devices installed by any public authority or other agency shall be subject to the approval of the State highway department with the concurrence of the Secretary, who is directed to consent only in such instances as will promote the safe and efficient utilization of the highways.

(e) No funds shall be approved for expenditure on any Federal-aid highway, or highway affected under chapter 2 of this title, unless proper safety protective devices complying with safety standards determined by the Secretary at that time as being adequate shall be installed or be in operation at any highway and railroad grade crossing or drawbridge on that portion of the highway with respect to which such expenditures are to be made.

(f) The Secretary shall not, as a condition precedent to his approval under section 106 of this title, require any State to acquire title to, or control of,

⁹⁰ New subsec. (c) added by sec. 7(b) of Public Law 90-477, Aug. 23, 1968 (82 Stat. 815) and by sec. 113(b) of Public Law 93-417, Aug. 13, 1973 (87 Stat. 257); and amended by sec. 115(c) of Public Law 94-280, May 5, 1976 (90 Stat. 436).

⁹¹ Amended by sec. 4 of Public Law 88-157, Oct. 24, 1963 (77 Stat. 276); and by sec. 5(a) of Public Law 89-574, Sept. 13, 1966 (80 Stat. 766).

TITLE 13.
PUBLIC SAFETY

PART 1.
DIVISION OF STATE TROOPERS

Chapter

- 02. Motor Vehicle and Driving Offenses: Rules of the Road (13 AAC 02.005-13 AAC 02.585)
- 04. Motor Vehicle and Driving Offenses: Vehicle Equipment and Inspection (13 AAC 04.001-13 AAC 04.420)
- 06. Inspection of Vehicles (13 AAC 06.010-13 AAC 06.060)
- 08. Driver Licensing and Safety Responsibility (13 AAC 08.005-13 AAC 08.400)
- 10. (Repealed)
- 15. Amusement and Sports (13 AAC 15.010-13 AAC 15.320)
- 20. General Administration (13 AAC 20.005-13 AAC 20.200)
- 25. Administration and Business and Occupational Regulations (13 AAC 25.010-13 AAC 25.300)
- 40. General Provisions (13 AAC 40.010)

CHAPTER 02.
MOTOR VEHICLE AND DRIVING
OFFENSES: RULES OF THE ROAD

Article

- 1. Traffic-control Devices (13 AAC 02.005-13 AAC 02.035)
- 2. Use of Roadway (13 AAC 02.050-13 AAC 02.107)
- 3. Right-of-way (13 AAC 02.120-13 AAC 02.140)
- 4. Pedestrian Rights and Duties (13 AAC 02.150-13 AAC 02.195)
- 5. Turning, Starting, and Signals on Turning-Starting and Stopping (13 AAC 02.200-13 AAC 02.225)
- 6. Special Stops Required (13 AAC 02.240-13 AAC 02.265)
- 7. Speed Restrictions (13 AAC 02.275-13 AAC 02.330)
- 8. Stopping, Standing, and Parking (13 AAC 02.340-13 AAC 02.377)
- 9. Special Rules for Bicycles, Certain Nonmotorized Conveyances, Motorcycles, and Motor-driven Vehicles (13 AAC 02.380-13 AAC 02.427)
- 10. Special Rules for Snowmobiles and Other Off-highway Vehicles (13 AAC 02.430-13 AAC 02.465)

- 11. Miscellaneous Provisions (13 AAC 02.480-13 AAC 02.550)
- 12. General Provisions (13 AAC 02.560-13 AAC 02.585)

ARTICLE 1.
TRAFFIC-CONTROL DEVICES

Section

- 5. Obedience to and required traffic-control devices
- 10. Traffic-control signal legend
- 15. Pedestrian-control signals
- 20. Flashing signals
- 25. Lane-use control signals
- 30. Display of unauthorized signs, signals, or markings
- 35. (Repealed)

~~13 AAC 02.005 OBEDIENCE TO AND REQUIRED TRAFFIC-CONTROL DEVICES~~
~~(a) All pedestrians and drivers of motor vehicles shall obey the instructions of an official traffic-control device placed and displayed in accordance with the provisions of statutes, regulations, or ordinances, unless otherwise directed by a police officer, or other authorized person, in an emergency, and except as provided in 13 AAC 02.005-13 AAC 02.035 for emergency vehicles.~~

(b) A provision of this chapter for which official traffic-control devices are required may not be enforced against an alleged violator if, at the time and place of the alleged violation, an official traffic-control device is not operable or is not in a position which is sufficiently visible and legible so as to be observed by a reasonably observant person.

(c) When official traffic-control devices are placed in position and displayed pursuant to the requirements of this chapter, the devices are presumed to have been placed and displayed by an official act or direction of lawful authority, and are presumed to comply with the requirements and provisions of this chapter unless the contrary is established by competent evidence.

(d) Repealed 6/28/79.
(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

Typical two-way marking with a reversible center lane.

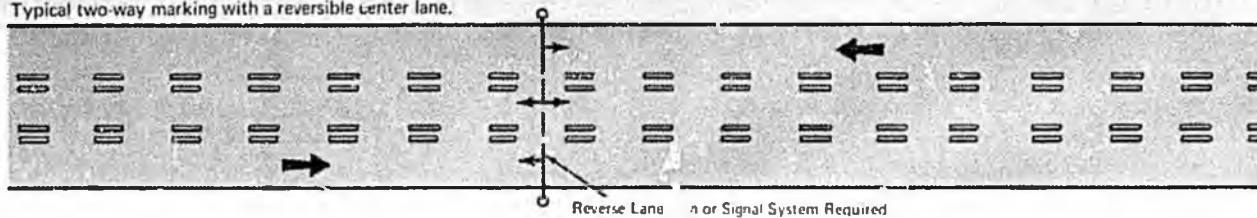
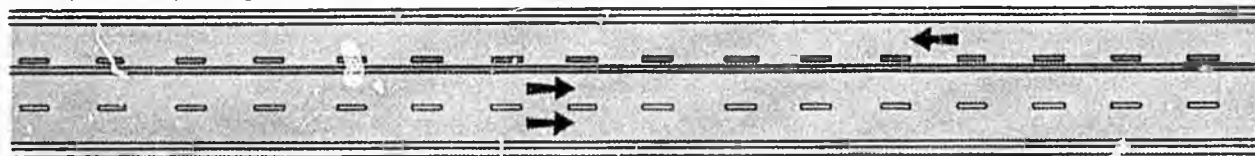


Figure 3-1. Typical reversible lane marking application.

a - Typical two-way marking where motorists in a single lane are permitted to pass.



b - Typical two-way marking where motorists in a single lane are not permitted to pass.

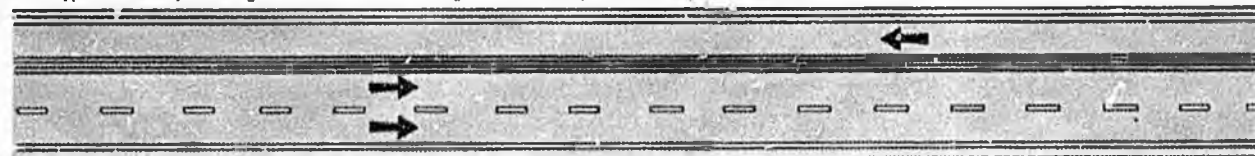
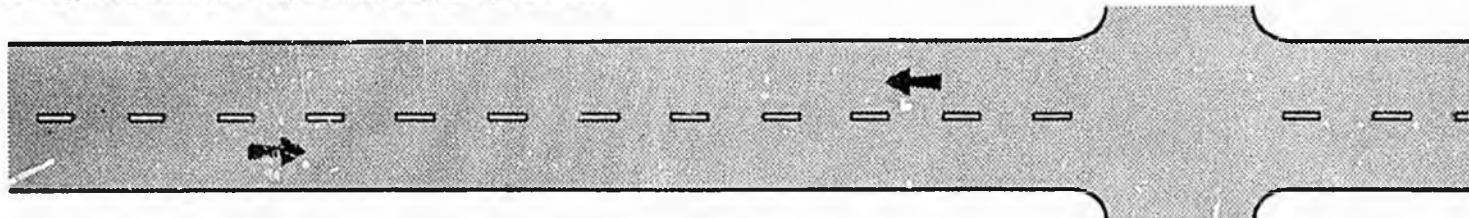


Figure 3-2. Typical 3-lane, two-way marking applications.

a - Typical two-lane, two-way marking with passing permitted.



3B-4

b - Typical two-lane, two-way marking with passing prohibited zones.

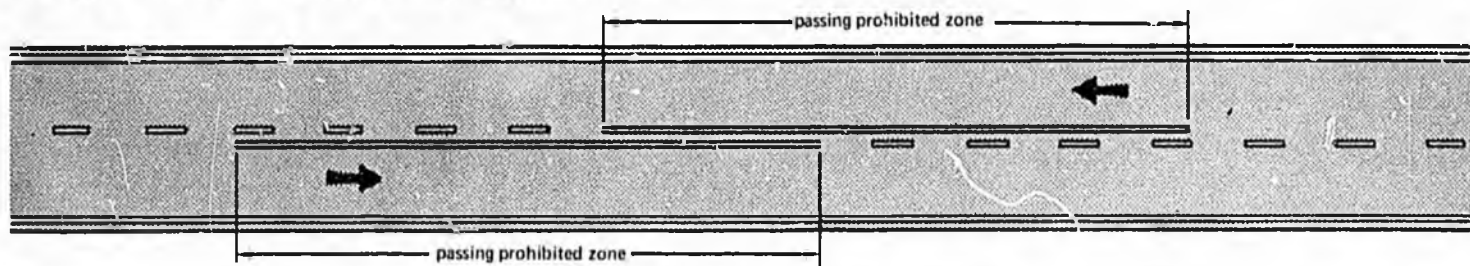
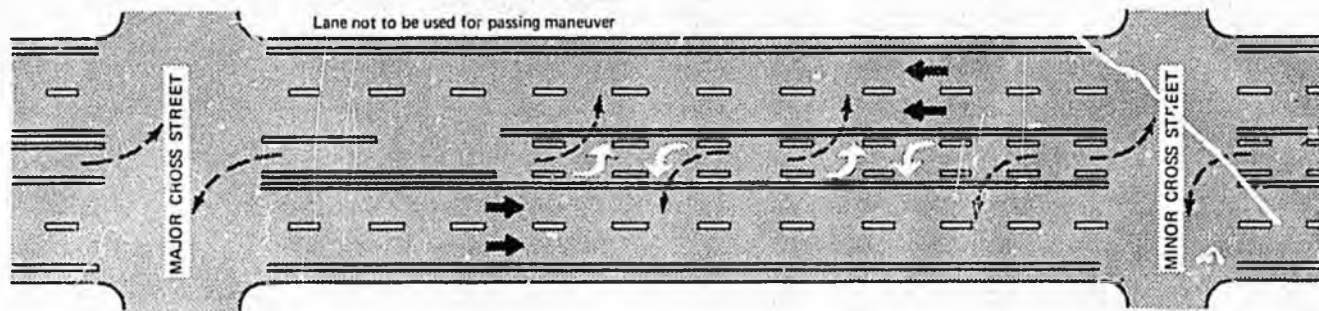


Figure 3-3. Typical 2-lane, two-way marking applications.

a -- Typical multi-lane, two-way marking with single lane, two-way left turn channelization.



b -- Typical multi-lane, two-way marking with restricted lanes.

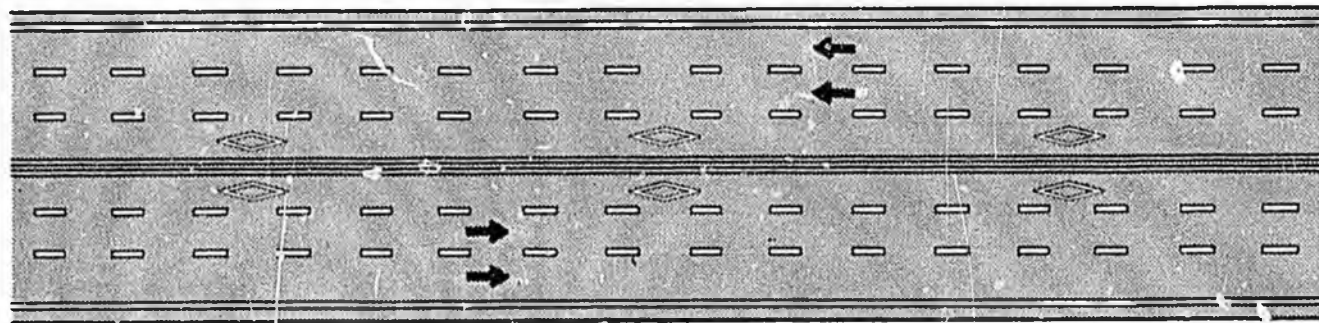
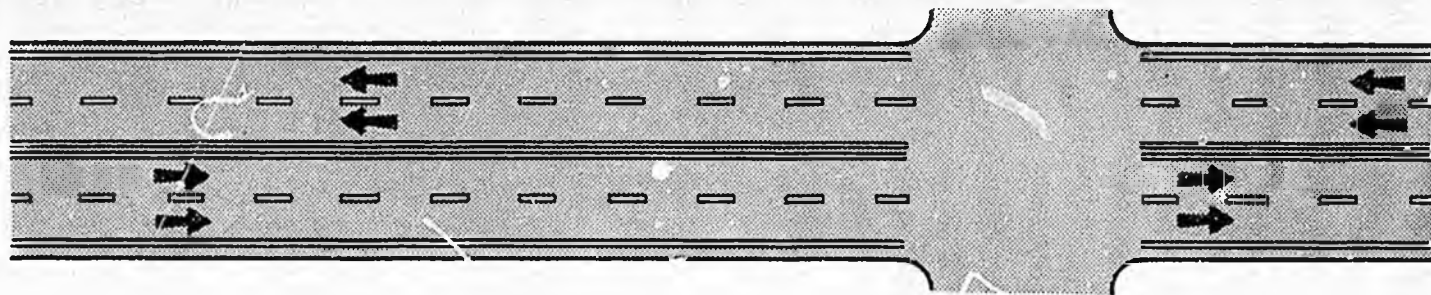


Figure 3-5. Typical multilane, two-way marking applications.

a - Typical multi-lane, two-way marking.



3B-5

b - Typical multi-lane, two way marking with single lane left turn channelization.

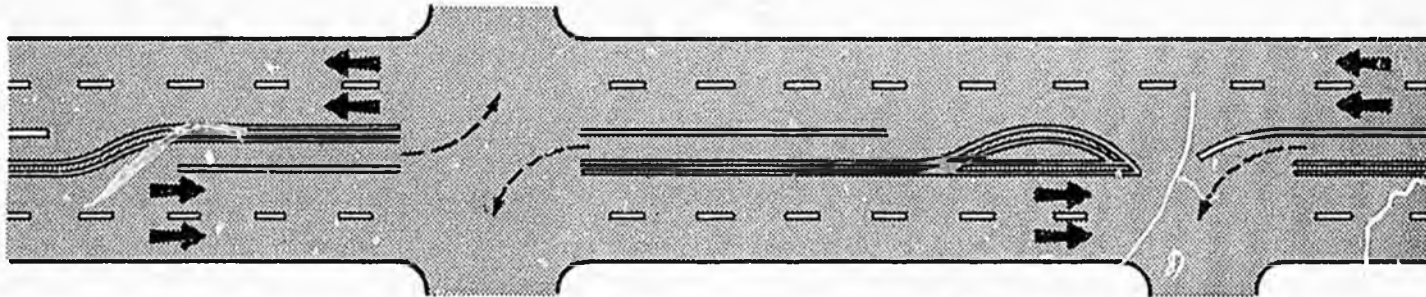


Figure 3-4. Typical multi-lane, two-way marking applications.

- Attachment 1 Alaska Statutes
- Attachment 2 Manual on Uniform
Traffic Control Devices
- Attachment 3 Handbook of Highway
Engineering
- Attachment 4 Transportation and
Traffic Engineering Handbook
- Attachment 5 Manual on Uniform
Traffic Control Devices
- Attachment 6 Code of Federal
Regulations
- Attachment 7 Alaska Administrative
Code

(b) A person who is not legally blind may not use a white cane or a guide dog for the purpose of securing the right-of-way provided by this section. (Eff. 12/31/69, Reg. 31; am 6/28/79, Reg. 70)

Authority: AS 28.05.011

13 AAC 02.195. PEDESTRIANS YIELD TO AUTHORIZED EMERGENCY VEHICLES. (a) A pedestrian shall yield the right-of-way upon the approach of an authorized emergency vehicle making use of an audible signal as provided in 13 AAC 04.210(d), or a visual signal as provided in 13 AAC 04.090 or upon the approach of a vehicle making use of a flashing blue light as provided in 13 AAC 04.100.

(b) This section does not relieve the driver of an authorized emergency vehicle or a vehicle displaying a flashing blue light from the duty to exercise care to avoid colliding with a pedestrian. (Eff. 6/28/79, Reg. 70)

Authority: AS 28.05.011

ARTICLE 5.

TURNING, STARTING, AND SIGNALS ON TURNING--STARTING AND STOPPING

Section

- 200. Required position and method of turning
- 205. Limitations on turning
- 210. Starting parked vehicle
- 215. Turning movements and required signals
- 220. (Repealed)
- 225. (Repealed)

13 AAC 02.200. REQUIRED POSITION AND METHOD OF TURNING. (a) Right Turns. Except as provided in (c) of this section, both the approach for a right turn, and a right turn, must be made as close as practicable to the right-hand curb or edge of the roadway.

(b) Left Turns.

(1) The driver of a vehicle intending to turn left shall approach and make the turn from the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the vehicle. Unless conditions prevail which necessitate other action to assure safety, a vehicle turning to the left must proceed into the

extreme left-hand lane lawfully available to traffic moving in the same direction as the vehicle on the roadway being entered.

(2) Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic-control devices

(A) a left turn may not be made from any other lane;

(B) a vehicle may not be driven in the lane except when preparing for or making a left turn from or into a roadway or when preparing for or making a U-turn when permitted by law.

(c) When the Department of Transportation and Public Facilities or a municipality, in their respective jurisdictions, places an official traffic-control device within or adjacent to an intersection which requires that a different course from that specified in this section be traveled by a vehicle turning at an intersection, no driver may turn a vehicle at an intersection other than as directed by the device. (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 02.205. LIMITATIONS ON TURNING. (a) The driver of a vehicle may not turn a vehicle so as to proceed in the opposite direction unless the turn can be made safely and without interfering with other traffic.

(b) No vehicle may be turned so as to proceed in the opposite direction in a business district, upon a curve, or upon approach to or near the crest of a grade, where the vehicle cannot be seen by the driver of another vehicle approaching from either direction within 500 feet. (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 02.210. STARTING PARKED VEHICLE. (a) No person may move onto a roadway a vehicle which is stopped, standing, or parked until the movement can be made with reasonable safety.

**TITLE 13.
PUBLIC SAFETY**

**PART 1.
DIVISION OF STATE TROOPERS**

Chapter

- 02. Motor Vehicle and Driving Offenses:
Rules of the Road
(13 AAC 02.005-13 AAC 02.585)
- 04. Motor Vehicle and Driving Offenses:
Vehicle Equipment and Inspection
(13 AAC 04.001-13 AAC 04.420)
- 06. Inspection of Vehicles
(13 AAC 06.010-13 AAC 06.060)
- 08. Driver Licensing and Safety Responsibility (13 AAC 08.005-13 AAC 08.400)
- 10. (Repealed)
- 15. Amusement and Sports
(13 AAC 15.010-13 AAC 15.320)
- 20. General Administration
(13 AAC 20.005-13 AAC 20.200)
- 25. Administration and Business and
Occupational Regulations
(13 AAC 25.010-13 AAC 25.300)
- 40. General Provisions (13 AAC 40.010)

**CHAPTER 02.
MOTOR VEHICLE AND DRIVING
OFFENSES: RULES OF THE ROAD**

Article

- 1. Traffic-control Devices
(13 AAC 02.005-13 AAC 02.035)
- 2. Use of Roadway
(13 AAC 02.050-13 AAC 02.107)
- 3. Right-of-way
(13 AAC 02.120-13 AAC 02.140)
- 4. Pedestrian Rights and Duties
(13 AAC 02.150-13 AAC 02.195)
- 5. Turning, Starting, and Signals on
Turning-Starting and Stopping
(13 AAC 02.200-13 AAC 02.225)
- 6. Special Stops Required
(13 AAC 02.240-13 AAC 02.265)
- 7. Speed Restrictions
(13 AAC 02.275-13 AAC 02.330)
- 8. Stopping, Standing, and Parking
(13 AAC 02.340-13 AAC 02.377)
- 9. Special Rules for Bicycles, Certain
Nonmotorized Conveyances, Motor-
cycles, and Motor-driven Vehicles
(13 AAC 02.380-13 AAC 02.427)
- 10. Special Rules for Snowmobiles and
Other Off-highway Vehicles
(13 AAC 02.430-13 AAC 02.465)

- 11. Miscellaneous Provisions
(13 AAC 02.480-13 AAC 02.550)
- 12. General Provisions
(13 AAC 02.560-13 AAC 02.585)

**ARTICLE 1.
TRAFFIC-CONTROL DEVICES**

Section

- 5. Obedience to and required traffic-control devices
- 10. Traffic-control signal legend
- 15. Pedestrian-control signals
- 20. Flashing signals
- 25. Lane-use control signals
- 30. Display of unauthorized signs, signals, or markings
- 35. (Repealed)

13 AAC 02.005. OBEDIENCE TO AND REQUIRED TRAFFIC-CONTROL DEVICES.

(a) All pedestrians and drivers of vehicles must obey the instructions of an applicable official traffic-control device placed and displayed in accordance with the provisions of statutes, regulations, or ordinances, unless otherwise directed by a police officer or other authorized person directing traffic, and except as provided in 13 AAC 02.517 and 13 AAC 02.520 for emergency vehicles.

(b) A provision of this chapter for which official traffic-control devices are required may not be enforced against an alleged violator if, at the time and place of the alleged violation, an official traffic-control device is not operable or is not in a position which is sufficiently visible and legible so as to be observed by a reasonably observant person.

(c) When official traffic-control devices are placed in position and displayed pursuant to the requirements of this chapter, the devices are presumed to have been placed and displayed by an official act or direction of lawful authority, and are presumed to comply with the requirements and provisions of this chapter unless the contrary is established by competent evidence.

(d) Repealed 6/28/79.
(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

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

RECEIVED

121
FEB 3 1983

FISCAL NOTE

LEGISLATIVE FINANCE

I. REQUEST
 Bill/Resolution No. SB 28 - Governing designation and use of turning
 Title lanes on highways.
 Requested by Senator Vic Fischer Date 1/18/83

II. FISCAL DETAIL
 Agency Affected Dept. of Transportation & Public Facilities
 Program Category Affected _____
 BRU, Program, Or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

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

FUNDING (Thousands of Dollars)

| | | | | | | |
|------------------------|--|--|--|--|--|--|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify Source) | | | | | | |
| | | | | | | |

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL TIME | | | | | | |
| PART TIME | | | | | | |
| TEMPORARY | | | | | | |

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

RECEIVED

FEB 3 1983

LEGISLATIVE FINANCE

IV. DATE 1/31/83 PREPARED BY John C. Bates
 AGENCY DOT/PF
 PHONE 465-3900
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/82)

jm

Introduced: 1/18/83
Referred: Transportation

1 IN THE SENATE

BY V.FISCHER

2

SENATE BILL NO. 28

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act governing designation and use of middle turning lanes on highways."

7

8

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

9

* Section 1. AS 19.20 is amended by adding a new section to read:

10

Sec. 19.20.065. TWO-WAY TURNING LANES. (a) The Department of Transportation and Public Facilities or a municipality acting alone or in cooperation with each other may designate a two-way left-turn lane on a highway. A two-way left-turn lane is a lane near the center of the highway set aside for use by vehicles making left turns in both directions from or into the highway.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

(b) A two-way left-turn lane shall be designated by distinctive roadway markings ~~consisting of parallel dashed double yellow lines~~ ^{DROP THIS} on each side of the lane. The Department of Transportation and Public Facilities may determine and describe standards and specifications governing length, width, and positioning of the distinctive pavement markings or medians in accordance with the procedures set out in the Administrative Procedure Act (AS 44.62). On and after September 1, 1983, pavement markings designating a two-way left-turn lane shall conform to these standards and specifications.

25

* Sec. 2. AS 28.35 is amended by adding a new section to read:

26

Sec. 28.35.145. UNLAWFUL USE OF TURNING LANES. (a) A vehicle may not be driven in a two-way left-turn lane designated under AS 19.20.065, except when preparing for or making a left turn from or into a highway. A left turn may not be made from any other lane where a

27

28

29

SB 28

*DOT IS CONCERNED
with line 17. Please
drop per Henger Beina
of the Fischer office
so they can get a fiscal note.
2/4/83 10:40am Linda
Requested:
2/15/83
mce*

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800


LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

January 25, 1983

SUBJECT: School signals
(CSSB 28)

TO: Senator H. Pappy Moss
Chairman, Senate Transportation
Committee

FROM: Richard C. Folta 
Legislative Counsel

Appended hereto is a draft of a committee substitute for SB 28 as requested by the Committee. There is a federal regulation concerning school signals as follows:

23 C.F.R. 609(b)(3). All traffic and pedestrian signals, including school crossing signals, within the limits of a traffic control device project that do not conform to standards of the Manual on Uniform Traffic Control Devices (MUTCD), shall be replaced or removed. In these instances Federal funds may participate in the replacement and removal costs.

The regulation encourages uniformity of devices on all highways and assures future devices will be installed in conformance with MUTCD.

RCF:ljb

Enclosure

S B

30

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

SIP
pls send copy
to Senate
Transportation
→ return to me.
GB.

Bill No: SB 30 Date on Bill: _____
Title: An appropriation to DOT/PF for access, highway and har
in Whittier.

Sponsor: _____
Requestor: Fischer

1. Estimate fiscal impact on:

a. Expenditures:

(Thousands of Dollars)

| | | | FY 84 | FY 85 | FY 86 | FY 87 | | |
|-----------|--|--|-------|-------|---------|-------|--|--|
| Capital | | | | | | | | |
| Operating | | | | | | | | |
| Total | | | -0- | -0- | 1,800.0 | | | |

b. Revenues:

| | | | | | | | | |
|---------|--|--|--|--|--|--|--|--|
| Revenue | | | | | | | | |
|---------|--|--|--|--|--|--|--|--|

2. Source of funds to offset fiscal impact of bill:

Not identified by the sponsor

3. Assumptions: (See Attached Analysis)

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Wayne Weeeks Phone: 465-4070
Division: DOT/PF, Planning & Programming Date: _____

Approved by Commissioner:  Date: 3-2-83
Department: Department of Transportation & Public Facilities

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

III. ANALYSIS (cont'd)

The Shotgun Cove Road Location and Design Study Report was received January 23, 1982, and gave a total cost in 1983 dollars of \$34.1001 million rather than the \$34.8 million reported in a previous Legislative Request (12/82). This amount has been inflated at 10% to the construction years (1984 and 1985), resulting in a total cost of \$39.4 million. The \$39.4 million figure should be used in the bill rather than the uninflated estimate.

DOT/PF suggests that the wording of Section 1(3), line 20 be modified to include an analysis of the feasibility of moving the Whittier ferry dock to Shotgun Cove, and to include an economic analysis of the Shotgun Cove Development, including the road, small boat harbor, and ferry dock. The COE Reconnaissance Study done in 1979 did not have the benefit of current cost data for the road and harbor project. Therefore, its conclusions are now somewhat out of date and further study is needed. This study should be completed before the major repair work needed for the ferry dock is done.

The figure presented in FY'86 under maintenance and operations is for Shotgun Cove only, including the cost of equipment purchases.

Maintenance and operation for Whittier access improvements would not begin until FY'87.

Shotgun Cove M & O Operating Costs

| FY 86 | | |
|-------|-----------|---------------------|
| 100 - | \$103,200 | Personnel |
| 300 - | 150,000 | Contractual |
| 400 - | 39,200 | Commodities |
| 500 - | 428,600 | Equipment |
| 600 - | 1,078,000 | Land and Structures |
| Total | 1,799,000 | |

As the Department does not have any maintenance capability at Whittier at this time, \$1,078,000 has been added to purchase land and build a maintenance shed. These costs should be added to the appropriations bill rather than operating budget however.

| Class | Item | Equipment Costs |
|-------|---|-----------------|
| | | Cost |
| 353H | Tractor with Wings, Ripper and Front Plow | \$182.9 |
| 338H | Loader with 4 yard Bucket | 124.3 |
| 726J | 1250 ton/hr blower attachment | 95.1 |
| 860H | 10 yard V-blade for blower | 11.7 |
| 154E | 3/4 ton 4 wheel drive Pickup | 14.6 |
| | | <u>\$428.6</u> |

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SB 30 Date on Bill: January 18, 1983
 Title: An appropriation to DOT/PF for access, highway and harbor improvement in Whittier.
 Sponsor: _____
 Requestor: Fischer

1. Estimate fiscal impact on:

a. Expenditures:

(Thousands of Dollars)

| | | | FY 84 | FY 85 | FY 86 | FY 87 | | |
|-----------|--|--|-------|-------|---------|-------|--|--|
| Capital | | | | | | | | |
| Operating | | | | | | | | |
| Total | | | -0- | -0- | 1,800.0 | | | |

b. Revenues:

| | | | | | | | | |
|---------|--|--|--|--|--|--|--|--|
| Revenue | | | | | | | | |
|---------|--|--|--|--|--|--|--|--|

2. Source of funds to offset fiscal impact of bill:

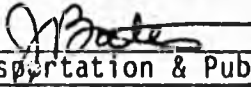
Not identified by the sponsor

3. Assumptions: (See Attached Analysis)

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Wayne Weeeks Phone: 465-4070
 Division: DOT/PF, Planning & Programming Date: _____

Approved by Commissioner:  Date: 3-2-83
 Department: Department of Transportation & Public Facilities

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

III. ANALYSIS (cont'd)

The Shotgun Cove Road Location and Design Study Report was received January 23, 1982, and gave a total cost in 1983 dollars of \$34.1001 million rather than the \$34.8 million reported in a previous Legislative Request (12/82). This amount has been inflated at 10% to the construction years (1984 and 1985), resulting in a total cost of \$39.4 million. The \$39.4 million figure should be used in the bill rather than the uninflated estimate.

DOT/PF suggests that the wording of Section 1(3), line 20 be modified to include an analysis of the feasibility of moving the Whittier ferry dock to Shotgun Cove, and to include an economic analysis of the Shotgun Cove Development, including the road, small boat harbor, and ferry dock. The COE Reconnaissance Study done in 1979 did not have the benefit of current cost data for the road and harbor project. Therefore, its conclusions are now somewhat out of date and further study is needed. This study should be completed before the major repair work needed for the ferry dock is done.

The figure presented in FY'86 under maintenance and operations is for Shotgun Cove only, including the cost of equipment purchases.

Maintenance and operation for Whittier access improvements would not begin until FY'87.

Shotgun Cove M & O Operating Costs

| | | |
|-------|------------------|---------------------|
| | FY 86 | |
| 100 | - \$103,200 | Personnel |
| 300 | - 150,000 | Contractual |
| 400 | - 39,200 | Commodities |
| 500 | - 428,600 | Equipment |
| 600 | - 1,078,000 | Land and Structures |
| Total | <u>1,799,000</u> | |

As the Department does not have any maintenance capability at Whittier at this time, \$1,078,000 has been added to purchase land and build a maintenance shed. These costs should be added to the appropriations bill rather than operating budget however.

| Class | Item | Equipment Costs |
|-------|--|-----------------|
| | | Cost |
| 353H | Grader with Wings, Ripper and Front Plow | \$182.9 |
| 338H | Loader with 4 yard Bucket | 121.3 |
| 726J | 1250 ton/hr blower attachment | 95.1 |
| 860H | 10 yard V-blade for blower | 11.7 |
| 154E | 3/4 ton 4 wheel drive Pickup | 14.6 |
| | | <u>\$428.6</u> |

Introduced: 1/18/83
Referred: Transportation
and Finance

Funding Information
General Fund \$70,979,000
Other Funds -0-
\$70,979,000

1 IN THE SENATE

BY V. FISCHER

2

SENATE BILL NO. 30

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act making appropriations to the Department of
7 Transportation and Public Facilities for access,
8 highway and harbor improvements in the Whittier area;
9 and providing for an effective date."

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

11 * Section 1. The sum of \$70,979,000 is appropriated from the general
12 fund to the Department of Transportation and Public Facilities to be al-
13 located as follows:

14 (1) \$35,679,000 for the construction of improvements to
15 Whittier's access as set out in the Department of Transportation and Public
16 Facilities report entitled "Whittier Transportation Options Study - 1980
17 Alternative No. 1";

18 (2) \$34,800,000 for construction of a road from Whittier to
19 Shotgun Cove;

20 (3) \$500,000 for designing a small boat harbor at Shotgun Cove.

21 * Sec. 2. The appropriation made by this Act is for capital projects
22 and is subject to AS 37.25.020.

23 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
24 10.070(c).

BACK-UP ON SB30

CONTACT GINGER
Baim - 4954

FOR MORE INFO.

SB 30



Alaska State Legislature

Senate Committee on State Affairs

Vic Fischer, Chairman • 1024 W. 6th Ave., Suite 204 C,
Anchorage, Alaska 99501
(907) 278-3654

Official Business

To: All Interested Parties

From: Sen. Vic Fischer, Chair
Parks and Recreation Subcommittee
Senate Resources Committee

Date: September 29, 1982

Re: Prince William Sound Recreation

A handwritten signature in black ink, appearing to read "Vic Fischer".

The potential of Prince William Sound to help meet the recreation needs of Anchorage and the Railbelt area will be the subject of a public meeting and statewide teleconference on Friday, October 15, 2:00 to 5:00 p.m., (AST), at the Anchorage Legislative Information Office, 1024 West 6th Ave., (278-3661).

The scenic beauty and recreation potential of Prince William Sound have long been recognized. But few Alaskans or visitors have the opportunity to take advantage of these potentials due to limited access, lack of facilities, unavailability of land and high costs.

Recent and prospective developments give promise that the excellent recreation possibilities at Prince William Sound may become available to the majority of Alaskans. Major developments in the past year have been:

1. transfer of federal land in Chugach National Forest to private native corporations
2. final Forest Service recommendations on land management in the Chugach National Forest
3. state legislation introduced establishing the Alaska Marine Park system
4. recommendations of sites within the Sound for inclusion in the U.S. marine sanctuary program
5. initial settlement of New Chenega
6. appropriations passed for harbor development and improvement in communities within Prince William Sound

Testimony before the Senate Parks and Recreation Subcommittee will focus on recreation plans for Prince William Sound areas on the part of government agencies and private owners, Whittier access alternatives, provision of boat moorage and service facilities around Whittier and in other parts of Prince William Sound, recreational site development, provision of tourism services, and any other topics related to Prince William Sound recreation.

3
The purpose of the meeting is to follow up on a similar public hearing held in December 1981 and to explore ideas and suggestions for use and development of this area for recreation, to examine how existing problems can be overcome, and to explore what state government can do to help achieve Prince William Sound recreation potential. Of special concern is the significant rise in search and rescue missions associated with the increasing number of people visiting the area.

Persons in the following communities should contact the nearest Legislative Information Office to arrange teleconference participation: Fairbanks, Valdez, Soldotna, Seward, Homer, Wasilla, and Kodiak. Teleconference participation for Cordova and Whittier will be through the Mayor's office.

Written comments are welcome and should be sent to Senator Vic Fischer, 1024 West 6th Ave., Suite 204-C, Anchorage, Alaska 99501. For further information contact Ginger Baim at 278-3654 or your local Legislative Information Office.

STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

DIVISION OF COMMUNITY PLANNING

JAY S. HAMMOND, GOVERNOR

REPLY TO:

POUCH B
JUNEAU, ALASKA 99811
(907) 465-4750

225 CORDOVA STREET, BLDG. B
ANCHORAGE, ALASKA 99501
(907) 264-2206
(907) 264-2255

July 13, 1982

Mr. Orson Smith
Corps of Engineers
U.S. Dept. of the Army
P.O. Box 7002
Anchorage, Ak 99510

Dear Mr. Smith:

The Department of Community and Regional Affairs, Division of Community Planning is currently engaged in developing an updated comprehensive plan for the City of Whittier. As a part of this project this Division has completed an updated base map for the City, initiated a short term land use plan for the small boat harbor, conducted a community attitudinal survey, researched past studies and negotiated a preliminary land ownership arrangement for the Shotgun Cove area with the City, State Division of Parks and Chugach Natives, Inc. We were quite disheartened to learn that the Corps is not planning to follow up on the recent Shotgun Cove reconnaissance study. We understand that the Corps is concerned about making a substantial investment in the design of a small boat harbor which may not have overland access. As you are undoubtedly aware, access is a key issue for both the residents in Whittier and many of the 180,000 people in the Municipality of Anchorage who would like improved access to the Prince William Sound.

The development of Shotgun Cove was first raised by a Corps study in 1949. This study found conditions at the Cove to be favorable for development. As time past, Anchorage has grown into the major urban area of the State. Recreational use of the areas adjacent to Anchorage along existing transportation routes has reached the saturation point. As a result, pressure is being brought upon the State to open up new areas and improve existing access. In response to this demand the State has started a program of improvements to the Seward Highway which will greatly enhance access to the Portage area. An access study has been completed for the Portage and Whittier area. This was followed by funding to engineer and design a road between Whittier and Shotgun Cove and between the U.S. Forest Service Portage Visitor Center and Bear Valley. The engineering plans for the Shotgun Cove road should be complete by summer of 1983 and the Bear Valley road engineering work will likely be contracted this fall. Funding to begin construction of the Shotgun Cove road was proposed in the State Legislature this last session. Although it was not included in this year's capital budget, it likely will be proposed again next year. The four front running gubernatorial candidates have also expressed support for improved facilities and access to Whittier. Whittier's role as entryway for Anchorage to the Prince William Sound Area will be greatly enhanced as a result of this State activity.

Mr. Smith
July 13, 1982
Page 2

A delay by the Corps in designing the breakwater and harbor at Shotgun Cove could put this development out of phase with the above State efforts. Three years from now could see the State finishing construction of the road to Shotgun Cove. The recent settlement of the Chugach Natives' land claims in Prince William Sound means that this corporation, with its 12 million dollar cash payment, will be working to develop its resource base in the Sound. The corporation has plans to open in the summer of 1984 a tourist lodge at the Columbia Glacier. Whittier will serve as the main supply and headquarters for this enterprise.

Hopefully, the preceding overview of the activities and pressures for development directly affecting Whittier illustrates the need to proceed on the Shotgun Cove study as quickly as possible. Should you have any questions concerning our efforts on the behalf of Whittier or need of information about this region, please contact Gordon Lewis at this office. Gordon has been active in planning efforts in several Prince William Sound communities during the past two years and can be counted upon to provide assistance.

Sincerely,

Lawrence H. Kimball, Jr.

Lawrence H. Kimball, Jr.
Director

cc: The Honorable Terry Miller
Lieutenant Governor

The Honorable Bette Cato
Alaska House of Representatives

The Honorable Jay Kerttula
Alaska State Senate

✓ The Honorable Vic Fischer
Alaska State Senate

The Honorable Ed Dankworth
Alaska State Senate

The Honorable Don Gilman
Alaska State Senate

Al Meiners, Department of Natural Resources
Division of Parks

Mary Brown, Acting City Administrator
City of Whittier

Edgar Blatchford, Chairman
Chugach Natives, Inc.

Bill Sheffield
Tom Fink
Steve Cowper



Unique even in Alaska

THE CITY OF WHITTIER

8 December 1981

Commissioner Robert Ward
Department of Transportation
and Public Facilities
Pouch Z
Juneau, Alaska 99811

Re: \$85,000.00 Shuttle Track Changes Grant

Dear Commissioner Ward:

The matter of acceptance of the referenced \$85,000.00 Shuttle Track Changes Grant has come up at two Whittier City Council meeting and been tabled at both sessions. The reason for this has been frankly that Whittier did not have enough information about the grant, and the City Council wisely deferred the matter until I was able to make inquiries and obtain additional information concerning the grant.

We could not locate in our files any application for such funds. As it turned out the City of Whittier had never applied for such funds. Upon making inquiries to our State representatives, it was determined that we could not change the purpose of the grant to construction of facilities or improvements that was more to our chosing.

Last week I had a discussion with the Chief Engineer of the Alaska Railroad, Mr. Francis C. "Obie" Weeks, and traced down the grant application as having been made by the Alaska Railroad.

The Alaska Railroad
DEC 10 1981
OFFICE OF
GENERAL MANAGER

Letter to Commissioner Ward - 8 December 1981

(See letter to Commissioner Ward from Frank Jones, Alaska Railroad General Manager, dated 15 September 1981; see also letter to Senator Dankworth also from Mr. Jones dated 29 January 1981 at page 3, third paragraph.)

The manner in which the grant was issued appears to be very irregular. It is almost as if Whittier is being asked to "launder" funds given by the State to the Alaska Railroad - i.e. the Federal Government. This is not to deprecate the purpose of the grant, but only to call into question the manner of the grant issuance and the proposed mode of administration.

The City of Whittier does not wish to be placed in the position as a "spoiler" of a clearly beneficial public capital improvement. But neither does the City of Whittier want to be used as some sort of back door conduit for State subsidization of the Federal Government.

One of the fundamental precepts of a government of a free people is that the government must be fully accountable for public expenditures.

How can the City of Whittier be accountable for the expenditure of funds over which we have no say, for which we did not make application, which benefits a much broader class of the public than the City of Whittier itself, (e.g. Anchorage, State tourism, etc.) and which are merely passed through our hands with no discretion on Whittier's part?

Whittier is placed in a double bind by this predicament.

Letter to Commissioner Ward - 8 December 1981

If we accept the funds for pass through without raising questions, we may be discredited from applying for additional funds for some other railroad related project of our choosing in the future under the rationale that we have already received our due under the \$85,000.00 grant.

If we do not accept the funds for pass through, we are cast in the role of a spoiler, and thus discredited from applying for future funds because of our failure to cooperate.

I would appreciate any advice which you could offer to the City of Whittier with regards to this particular grant. I shall keep you posted of any actions by the City Council.

Thank you for your time and consideration.

Sincerely,



George E. Weiss
Whittier City Manager

cc: Frank Jones, Alaska Railroad
Senator Jay Kerttula
Senator Ed Dankworth
Representative Betty Cato
Whittier City Council
Senator Mike Colletta

~~FINNCE WILLIAM SENATOR~~

~~Sportsman's Club~~ INN

P. O. Box 698
Whittier, Alaska 99693

March 3, 1981

Senator George Hohman
Pouch V
Juneau, Alaska 99811

Dear Senator Hohman:

I applaud your foresight to recognize the tremendous asset offered by the acquisition of the Alaska Railroad. The expansion of the rail system in Alaska is the key to future growth and stability of our economy.

Recognizing the fact that to be competitive in world markets we must have an efficient and economical transportation system, and in order to complete the efficiency of the system, we must have a deep water port connecting to the rail system. The Alaska Railroad owns a port such as this located in Whittier.

Under the auspices of the state, through the acquisition of the Alaska Railroad, create a Port Authority to develop the "Port of Alaska" which seems to be the most efficient and economical way to serve the majority in our quest to promote growth and development in the state.

There are three port locations currently connected by rail. Each of these locations have strategic and economic importance to the growth of the state. Therefore, each should be supported for their individual value.

In support of the port located in Whittier, I wish to point out certain comparisons which should be considered. First, the port in water depth is well over minimum requirements to handle deep draft ocean going vessels on any tide. Currently, facilities are being used to supply fuel to Fort Richardson from ocean going fuel tankers. Second, the port is ice free in winter and has half the tide action compared to Cook Inlet; and third, there is relatively no silting which wherefore would require virtually no dredging.

The development of the Port of Alaska will allow the vast resources of the interior to be exported to world markets by the most economical means - water and rail transportation. And by the same token, allow goods and materials to be imported on the same basis.

I hope that the foregoing will be considered and a rail authority, as well as a port authority be initiated. I strongly believe one authority without the other will limit the ultimate growth we seek in the development of our natural and renewable sources.

I'm not in your district, but I would appreciate hearing from you on the future progress of your bill.

Sincerely yours,

Rawson E. Knight

P.S. I'm taking the liberty of sending copies of this letter to Senators Kerttula and Dankworth.

SENATE STATE AFFAIRS
STANDING COMMITTEE
Sub-Committee on Parks and Recreation
October 16, 1982
2:00 p.m.

Members Present: Senator Vic Fischer

Members Absent: Senator Mike Colletta
Senator Brad Bradley
Senator Dick Eliason
Senator Terry Stimson

COMMITTEE CALENDAR

Prince William Sound Teleconference Hearing.

WITNESS REGISTER

Mr. Don Dickey
Director of the Division of Tourism
9th Floor, State Office Building
Pouch E
Juneau, Alaska 99811
465-2010
Position Statement: Placed high importance on the recreational potential of Prince William Sound.

Mr. Reed Stoops
Director of Research and Development
for the Department of Natural Resources
555 Cordova Street
Pouch 7-005
Anchorage, Alaska 99510
276-2653
Position Statement: Spoke in reference to status of the land distribution in Prince William Sound.

Mr. Rodger Burggraf
SR Box 20086
Fairbanks, Alaska 99701
479-2596
Position Statement: Spoke in favor of Marine Parks in Prince William Sound.

Mr. John Allen
President of a Native Corporation
(no address or phone provided)
Valdez, Alaska 99686
Position Statement: Spoke in support of Marine Parks in Prince William Sound and does not anticipate a Native Lands lock-up in the sound.

Mr. Stan Moberly
Director of the Fisheries Enhancement Rehabilitation
FRED Division
P.O. Box 3-2000
Juneau, Alaska 99801
465-4160

Position Statement: Gave the specifics and status of fisheries enhancement in Prince William Sound.

Mr. Tom Scott
Southern Emergency Medical Services
1135 West 8th, #7
Anchorage, Alaska 99501
274-3651

Position Statement: Explained the Emergency Medical Services functions.

Mr. Ron Larkin
Director of the
Emergency Medical Services
(no address or phone provided)

Position Statement: Spoke in reference to providing emergency medical care in Prince William Sound.

Mr. Stan McCalister
Department of Transportation and
Public Facility
Pouch 6900
Anchorage, Alaska 99502
266-1455

Position Statement: Spoke on the current status of the Whittier Access Option Study.

Mr. Bill Coghil
Manager of Planning
Alaska Railroad
Pouch 7-211
Anchorage, Alaska 99510
276-2667

Position Statement: Spoke on specifics to the Whittier access issue.

Mr. Bix Willis
Division of Land & Water Management
Department of Natural Resources
Pouch 7-005
Anchorage, Alaska 99510
276-2653

Position Statement: Spoke on land disposal of property that is accessible to the people.

Ms. Judy Marquez
Director of the Alaska
Division of Parks

Department of Natural Resources
Pouch 7-005
Anchorage, Alaska 99501
264-2103

Position Statement: Gave current status on the proposed Alaska Marine Park System.

Mr. Alan Meiners
Park Planner for the Alaska Division of Parks
619 Warehouse Avenue
Suite 210
Anchorage, Alaska 99504
274-4676

Position Statement: Spoke in reference to the development of aquaculture facilities in the Sound.

Mr. John Sturgeon
State Forester
Alaska Division of Forestry
P.O. Box 10-727
Anchorage, Alaska 99510
276-2653

Position Statement: Explained the functions of the Division of Forestry and timber sale status.

Mr. Wayne Mundy
Land Management Officer
Southcentral District
Division of Land & Water Management
Department of Natural Resources
Pouch 7-005
Anchorage, Alaska 99510
276-2653

Position Statement: Spoke in reference to land disposals in the Prince William Sound area.

Mr. Jim Tallerico
Recreational Planner for the
Chugach National Forest
221 East Northern Lights
Anchorage, Alaska 99502
279-5541

Position Statement: Spoke in reference to the recreation potential and the multi-use aspects of the Chugach Forest.

Ms. Gail Evanoff
President of the Chenega Village Council
and Secretary for the Chenega Corporation
(no address provided)
276-2121 extension: 43
Anchorage, Alaska 99501

Position Statement: Spoke on the status and development plans for the Chenega Lands.

Ms. Mary Lee Brown
(no address or phone provided)
Whittier, Alaska 99693
Position Statement: Gave emphasis on the need to consider
Whittier in all future plans concerning the
sound.

Mr. Charles Garrett
(no address or phone provided)
Whittier, Alaska 99693
Position Statement: Spoke in reference to the Shot Gun Cove
Harbor, Phase II, and Phase II of the
Whittier Harbor.

Ms. Kay Shepard
Whittier Historical Center
Fine Arts Museum
(no address or phone provided)
Whittier, Alaska 99693
Position Statement: Spoke in reference to Prince William Sound
access.

Mr. Dan Velderback
(no address or phone provided)
Cordova, Alaska 99574
Position Statement: Spoke in reference to sport fishing in
Prince William Sound.

Mr. David Finkelstein
Consultant to Conservation Groups
1069 West 6th Avenue
Anchorage, Alaska 99501
272-9317
Position Statement: Emphasized recreation and fisheries in
Prince William Sound.

Mr. Dale Fox
Alaska Visitors Association
201 East Third Avenue
Anchorage, Alaska 99501
279-4116
Position Statement: Spoke in reference to the visitors industry
statewide.

Mr. Richard Gruff
(no address or phone provided)
Cordova, Alaska 99574
Position Statement: Spoke in reference to the land status in the
Sound.

Ms. Nancy Decker
(no address or phone provided)
Cordova, Alaska 99574
Position Statement: Spoke in reference to Prince William Sound.

Mr. Perry Levit
(no address or phone provided)
Cordova, Alaska 99574
Position Statement: Spoke in support of the Marine Parks System.

Ms. Helen Wooding
Kayaker
Box 1386
Palmer, Alaska 99645
745-3487
Position Statement: Spoke on utilization of the Sound by independent kayakers.

Mr. Chuck Evans
P.O. Box 10-727
Anchorage, Alaska 99511
345-2782
Position Statement: Spoke in reference to Prince William Sound.

Mr. John Durkin
Fisherman
(no address or phone provided)
Cordova, Alaska 99574
Position Statement: Spoke in reference to Prince William Sound.

Mr. Jeff Stonehill
Commercial Fisherman
(no address or phone provided)
Cordova, Alaska 99574
Position Statement: Spoke in reference to Prince William Sound.

PREVIOUS ACTION

Please refer to Prince William Sound public hearing meeting of December 1981.

ACTION NARRATIVE

TAPE#P.S:
Recording
Number 003

This is the public hearing of the Senate Resources Committee, Sub-Committee on Parks and Recreation in reference to Prince William Sound issues. Senator Fischer, Chairman of the Committee was present, all other members were absent.

Number 004

Senator Fischer: This hearing is a follow-up on a hearing we had last December to explore issues related to Prince William Sound recreation. At that time we had a lot of excellent presentations and very good

testimony, all of it reinforcing what we knew was the tremendous potential of Prince William Sound to serve the recreational needs of the railbelt as well as its value for tours and other purposes. At that time I made a commitment that we would follow-up on our discussions principally because we found that the critical problems of access being talked about with no discussions had been made, no money had been allocated, land status was uncertain, Forest Service was in final draft stages of preparing its plan for Chugach Forest but we still did not have the clearer alternative through it. A lot of things were not flux. One of the things that did come out of the Prince William Sound hearings that were held last December was a bill to establish the Marine Park System with 11 sites, it will be located initially in Prince William Sound. The Senate passed that bill, it ran into flak in the House unfortunately, there was opposition mostly political from the leadership, generally a lot of favor. It is my hope that we will be able to keep pushing on Marine Parks and I expect we will hear more on that today. There are a couple of items that I hope we will not spend too much time on, one of them is Latouche Island Harbour, hearings have been held on that in recent times and I am not sure what we would accomplish, the decision is up to the Feds right now, so we will go ahead. If anyone has to say something on that you are welcome to say it. But, I trust that you will go too deeply into it. The other issue is one that has arisen in more recent times, and that is the proposed Marine Sanctuary sights in the Sound. We have been advised in view of the questions raised and the controversies in connections with the proposals, there will be extensive hearings on any proposed Marine Sanctuaries before they are established both in Anchorage and in Prince William Sound Communities. For the purpose of this meeting I mainly want to make sure that no one confuses a Marine Sanctuaries with Marine Parks. Marine Parks System is an Alaska conceived and Alaska based idea designed to serve recreational needs of Alaskans as well as visitors to the state was the basic concept behind Marine Sanctuaries to set those resources aside for scientific and other preservation purposes.

We will have a number of people testifying on the status of lands and prospective developments in and around Prince William Sound. One of the parties that we would have hoped to testify who will not be represented today is Chugach Native Incorporated. A year ago we heard from Chugach about their problems with land status and we had hoped to have a presentation from them at this time because some of the basic problems have been resolved. Unfortunately, none of the people, the five, six people who possibly could testify, none are available they are all out of State. So they will be providing extensive written comments, written information and that will be made available to all of the people who signed in as participants in today's meeting. We are advised however, that Chugach plans to move ahead very quickly with recreational related development in Prince William Sound. Some of the proposed development will provide facilities for the general public and non-share holders including service facilities for recreational uses in Prince William Sound. I personally look forward to what they have to say and their specific proposals and contributions. One final preliminary comment and that is everyone is welcome to provide written testimony, written materials for inclusion in our report. Last year we followed the hearings with a fairly comprehensive report and we would like to be able to do the same today. If anyone has written testimony, please give us a copy. If you are in one of the other sites other than Anchorage, please provide the copy to the Teleconference Coordinator. Or you can mail the material to me at 1024 West 6th Avenue, Suite 204C, Anchorage, Alaska 99501. We would like to have materials for inclusion in the record by November 1st, which will provide several weeks. If you need to consult on anything you can call my office at 278-3654 and Ginger Baim who is sitting next to me is the staff member in charge of the Resources and other activities having to do with Prince William Sound. Enough preliminary, enough from me. We will basically proceed to hear some briefing testimony from several agencies, we will start with DOT, then DNR, then we will sort of have open testimony, we

will first go to Juneau because of the time difference and anyone else in Southeastern, after that we will hear from Prince William Sound communities and then we will take testimony in Anchorage and other communities were people are interested. At this point we would like to hear from DOT, in each case come up to the mike, introduce yourself, tell us who you represent and go right ahead.

Number 106

Don Dicky: Yes Senator, this is Don Dickey, Director of the Division of Tourism, and I appreciate the opportunity to briefly comment on the Divisions importance that we place on recreational potential of the Prince William Sound area. I think by way of background let me just touch on some of the problem statistics I think would show the growing population trend and the acceptance of Alaska as a visitor recreation center. These are statewide, I was going to go back just a quick five years to 1977, on that occasion we had a report from the research institute which tells us that in '77 it estimated that there were 389 thousand pleasure visitors to Alaska, who spent in the excess of 175 million dollars in in-state sales from the visitors. In just a couple of years by 1981, those visitors had grown to 660 thousand pleasure visitors, 434 million dollars in state sales and expenditures. In just a couple of years, in 1985 to be exact, we are planning for and counting on having a million visitors to the state of Alaska. That figure is a little more meaningful when you realize that we've got just a little over 400 thousand people in this state. So that is going to be quite a visitation, and shows the indication of the need for developing new and having balanced recreational opportunities. We think that the Prince William Sound area has that potential, and recognizing as everyone does, that the Prince William Sound area actually plays a dual role. For one it not only post and provide sevices and attraction to out of state visitors, but it also the recreational play ground for our largest city Anchorage and our largest area the southcentral region and the people who reside there. So it does have a great value in a part in the program of promoting travel and tourism to our

state. I think two things are our needs, one is diversification of attractions the second is increased accessibility to those attractions so the people can reach them with ease, we are not bottled up or causing more problems to ourselves, or other words, walking through the tulip fields when these are the things that the people actually came to see. So we do want to keep a balance. I think the certain areas that we are talking about contains fantastic attractions, certainly no one need know the beauties of the Homer, the Whittier, Valdez, and Cordova areas. And just a few thoughts that come to our mind here in checking with officials of the Marine Highway System we find that their ferry department has been running at near capacity for the last two or three years between the Whittier and Valdez run. This proves to be one of the most popular travel links in the state. But they tell me that this past year they had anticipated or estimated, they have carried over 20 thousand passengers to those two destinations into the sound and have been experiencing about a 5 to 6% growth rate in the past two or three years. This in addition to the fact, that in the private sector, the private crews stores have been growing in popularity and in use. With the growing number of passengers utilizing and requiring and requesting that type of travel experience. For example, a Columbia Glacier tour of one of many out there, which is operated by former Senator Brad Phillips and his wife. They have indicated that about in 1974 when they started, they had carried on their ship just a little under 3 thousand passengers who were privileged to see that great area the glaciers and seas. By 1982, when the season just closed they had estimated that they had a five fold increase and carried over 15 thousand passengers. So you can see the growing interest and utilizations of that mode of transportation. We know that around the bend in Valdez we have seen a community with pride, devote about 7 million dollars to a very attractive and modern convention and visitors center, which is not only going to attract more conventions to the area but more visitors. The Alaska Visitors Association has just concluded successfully their convention in Fairbanks, some 350 delegates has chosen

Valdez, next year at large we have the basis of that new accommodation. And the Switzerland of America at Valdez will attract not only convention delegates but the usual traveler looking for an outdoor experience and to enjoy the fishing, packing, and hiking and the major attractions offered in those areas. This without question is going to mean a need for improvements in our road and highway system for upgrading and continuing to keep pace with our Marine Transportation System. I am confident that the private sector with their transportation facilities and attractions will keep pace and I think that this is most important that we are prepared for these growing number of visitors that we are setting up attractions for. Shelter certainly as I have watched over the years in Portage and perhaps in Whittier would be desirable for some of the people who now have to stand or wait outside for the transportation links. This week I was talking to officials from the State Park System who came down and met with our division of tourism. We were impressed, and although we have not seen the final plan, we are interested in their plans for the Marine Park System which you have touched on. In talking with them at the same time you should not confuse that as you point out with the Marine Sanctuaries. In fact the confusion could result in that the maybe in conflict, and that is only a possibility. One is to utilize and provide, as I understand it, the Marine Park System Utilization for people wanting those recreational facilities. And from what little we have heard, and we are anxious to get more information the Marine Sanctuary on the contrary maybe to lock up or lock out fishermen, recreationalists and others who would like to utilize those attractions, I just would like to draw your attention to that. The NOAA people, the National Oceanic and Atmospheric Administration, recognizing some of the interests and concerns has extended from October 1 I'm told to November the time for having hearings. Alaska, there is some 18 areas identified for possible selection that will be boiled down, I understand to 3 to 5 sites that will be chosen in the State. I would like to point out to you during this testimony that two of

those 18 areas Katchimak near Homer some 345 square miles is involved and Knights Island in Prince William Sound area has 500 square miles. So I think that it would behoove all of us to look closely with this because I think it will relate to the recreational package. I am please to have learned from Senator Murkowski and others that special hearing will be held, as you pointed out, this month October 19th, 6:00 in the Federal Building in Anchorage, we are to have one in Juneau and I heard you mention that there is to be one in the Prince William Sound area. I do not know the area, but certainly the people listening to us I am sure would share the interest and the desire to be a part of that testimony. I think to insure the Prince William area meets its recreational potential, the government, speaking of both State and Federal has a responsibility to work to see that the access and the infrastructure is provided. That's the highways, the harbours, and certainly the small boat harbours, railroad, and the transportation links that are needed. The private sector I am certain in the future as they have in the past, will respond to that challenge by providing the needed accommodations and developing the natural attractions to balance the nature's attractions which are in abundance in that area. I think that our objectives in developing this recreational area, as I say, is to spread the people out so they are not bunched up in one area of the usage of the land and the facilities is not causing havoc to the very things that people are coming here and being attracted to see. Our desire and the Division of Tourism is to make sure that the growing number of AMERICANS stop, stay, spend, and hopefully enjoy their vacation in Alaska. And I can think of no better partnership between government and private sector, than teaming up to make certain that the recreational facilities available in Prince William Sound meet the drawing demands, as we are confident, it is already showing itself and will grow in leaps and bounds. Thank you for the opportunity to present this brief input.

Number 222

Senator Fischer: Thank you very much for your testimony, I am glad that you emphasized the tourism aspects and the