

ALASKA STEEL INDUSTRIES - COST 7/00

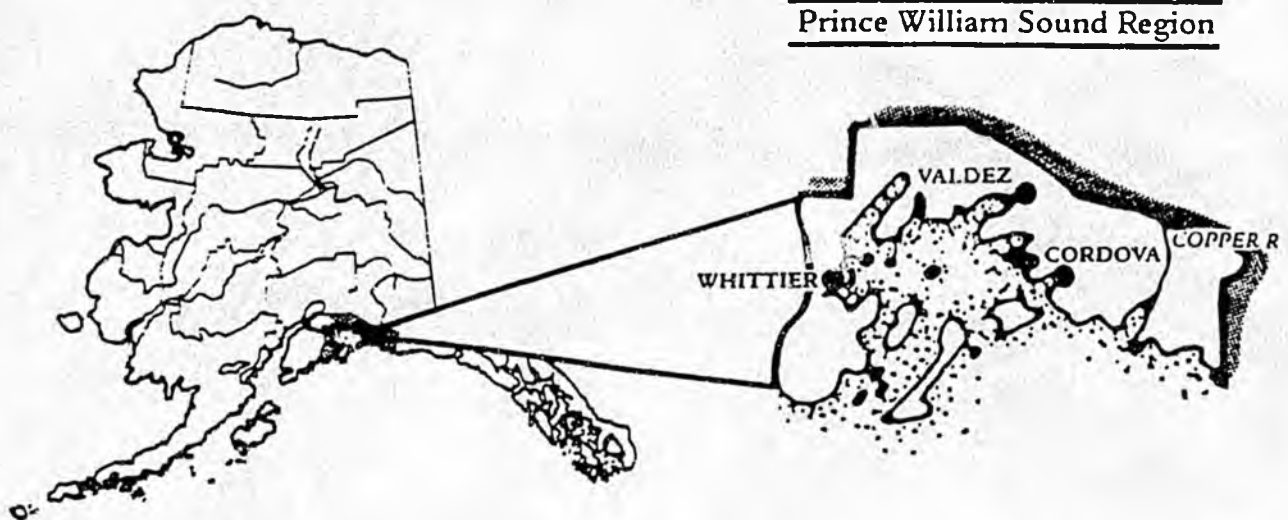
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SB 374 -

SB 424

9881

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PRINCE WILLIAM SOUND REGION

A. Introduction

The Department of Natural Resources is currently preparing the Prince William Sound Area Plan for this region. The plan will be finished in 1987 and develop the policy the department will follow for offering land in this area. Until this plan is completed, the department will follow the policy outlined below.

B. Supply and Demand for Settlement Land

The state owns or has selected approximately 850,000 acres in the Prince William Sound Area. Approximately 70,000 acres of this state owned land is accessible and suitable for settlement. Almost all this accessible and suitable land is located on the water in the area's many attractive bays and fjords. Most of the land with potential for settlement is also valuable for either recreation, fish and wildlife and/or mining.

Although the great majority of land in the Prince William Sound region is federally owned, Native corporations own several large blocks of land in the region that also are suitable for settlement. The Native corporations own almost all the land between Valdez and Cordova, and much of the land near Chenega and Latouche Islands.

To date, the state has offered only the Blying Sound remote parcel area. Despite difficult access, this disposal was one of the most popular in the state's history. Any additional waterfront land the state offers in this region will be extremely popular.

C. State Land Offerings

1. Total Land Designated for Disposal

The total amount of land that is likely to be identified for offering over the next twenty years as a result of the Prince William Sound area planning process is between 1,500 and 15,000 acres. Through the Prince William Sound Area Plan, the Commissioner of DNR will determine the amount

and location of state settlement areas, establish the land disposal policies that will guide the department's actions in the area and help determine the pacing of annual land offerings.

2. Average Amount of Land for Disposal Each Year

The average amount of land sold each year for settlement over the next twenty years will be identified by the Commissioner through the Prince William Sound area planning process. Until the plan is completed, land sales will proceed at a moderate rate in Prince William Sound.

3. State Land Offerings - FY86 through FY88

Table 1 below shows the preliminary list of disposal projects the department currently intends to offer in FY86, 87 and 88. These projects are now in various stages of DNR's Land Availability Determination System (LADS) process. LADS is the detailed three year process DNR uses to evaluate, design and offer all planned state land offerings. The process includes an evaluation of building conditions, title to the land, access, regulations of other agencies affecting the planned disposal, public opinion, etc. Because the projects have not completed this assessment process and also because not all projects are funded, the disposal project timing, design and acreages are all subject to change.


TABLE 1

PRINCE WILLIAM SOUND REGION
PLANNED LAND DISPOSAL OFFERINGS, FY86 - FY88

| FISCAL YEAR | PROJECT NAME/ TYPE | ACREAGE | | ACCESS IMPROVEMENTS REQUESTED | LOCATION |
|----------------|--------------------------|---------|-----|--|--------------------------------|
| | | GROSS | NET | | |
| FY86 | Heiden View Sub | 171 | 100 | Yes-fill or barricade wash out in existing road | North of Valdez |
| | Eccles Creek Odd Lot | 1.3 | 1.3 | None needed | Near Cordova |
| | Jack Bay Hstd. | 755 | 400 | None needed | On coast west of Valdez |
| FY87 | Poe Bay Sub | 750 | 140 | None needed | Passage canal near Whittier |
| FY88 | Logging Camp Bay | 280 | 160 | None Needed | Passage canal near Whittier |

4. State Land Offerings—After FY88

Currently, there are no specific projects identified for sale after 1988. The planning team for the Prince William Sound Area Plan will identify projects that will be offered after FY88. One project will be identified in this region this fiscal year to start through the three year LADS process.



Unique — even in Alaska!

THE CITY OF WHITTIER

January 31, 1986

The Office of Senator DeVries
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Attention: Margaret

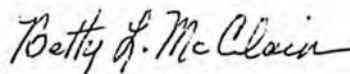
Dear Margaret:

Enclosed is some material which Councilmember, Fred Joiner has asked me to forward to you.

I am also enclosing information which the City Clerk compiled and attempted to fax to you on Wednesday. This is all the information he could locate at that time. I believe that he intends to forward additional information at a later date.

In the meantime, if you think of any other information that would be helpful to you, please let us know.

Sincerely,



Betty L. McClain
Deputy City Clerk

Enclosures

cc: The Honorable Bette Cato
The Honorable Jalmer Kerttula



Whittier Small Boat Harbor

P. O. Box 608
Whittier, Alaska 99693
472-2330

July 26, 1985

Mr. Fred Joiner, Jr.
Whittier, AK 99693

Dear Fred:

In response to your request, a copy of the economic and traffic flow study conducted for the new Portage Visitor Center was obtained from the Chugach National Forest. I've enclosed a copy of Scenario I, Alternative A for your information.

As a caution, do not take the average expenditure column at face value. This was calculated on the dollar turn over in the local economy. It is therefore an indicator of value in an economic system and is not true dollar income.

The increase in use was projected on the basis of per cent of past increase. There may be some hazard in use of this concept since it could well be affected by the recent economic down turn. The study was completed in 1981. Also, I would doubt that the Resident-Visitor projection will increase at the rate shown. The population growth curve for south central Alaska has leveled out faster than expected.

I think we can safely assume that the capacity figures shown in year 13 will be reached; however, it may be further in the future than projected. The expected use in Portage Valley will ultimately reach 2,183,800 plus residents and 608,200 visits or a total of 2,792,000 visits per year. As a general rule an average of three people per vehicle can be expected. This would mean about 930,666 vehicles will enter Portage Valley when use reaches the capacity of the area.

Some questions that can be asked then are (1) How many of these vehicles will come into Whittier if there is an access or transportation capacity? and (2) If Portage Valley is receiving use to capacity, how much of the future growth will come through to Whittier for an alternative recreation recreation experience or maybe even select this area for a primary experience? Regardless, there will be an exciting future for Whittier if things are

are encouraged to proceed, as planned, in an orderly manner.

If I can provide additional information, please let me know.

Sincerely,



E. Lynn Mitchell
Harbor Master

SCENARIO 1

ALTERNATIVE A KCM DESIGN

Assume VC in full operation CY 86

Max. visitation/year 2 592,000

| year | NON RESIDENT | RESIDENT | AVG. EXPENDITURE | AVG. EXPENDITURE | TOTAL |
|---------|-------------------|------------------|----------------------|-------------------|----------------------|
| | VISITORS | VISITORS | NON RESIDENT | RESIDENT | EXPENDITURE |
| | Visits | Visits | \$84/VISIT | \$16/VISIT | |
| 0-1985 | 424,800 | 165,900 | 35,683,200 | 2,654,400 | 38,337,600 |
| 1 | 560,700 | 207,375 | 47,098,800 | 3,318,000 | 50,416,800 |
| 2 | 633,600 | 228,100 | 53,222,400 | 3,649,600 | 56,872,000 |
| 3 | 715,900 | 250,900 | 60,135,600 | 4,014,400 | 64,150,000 |
| 4 | 809,600 | 276,000 | 68,006,400 | 4,416,000 | 72,422,400 |
| 5-1990 | 914,200 | 303,600 | 76,792,800 | 4,857,600 | 81,650,400 |
| 6 | 1,033,000 | 333,900 | 86,772,000 | 5,342,400 | 92,114,400 |
| 7 | 1,167,400 | 367,300 | 98,061,600 | 5,876,800 | 103,938,400 |
| 8 | 1,319,000 | 404,200 | 110,804,400 | 6,467,200 | 117,271,600 |
| 9 | 1,490,600 | 444,500 | 125,210,400 | 7,112,000 | 132,322,400 |
| 10 | 1,624,400 | 502,285 | 141,489,600 | 8,036,560 | 149,526,160 |
| 11 | 1,903,300 | 537,900 | 159,877,200 | 8,606,400 | 168,483,600 |
| 12 | 2,150,800 | 591,700 | 180,667,200 | 9,467,200 | 190,134,400 |
| 13* | 2,183,800 | 608,200 | 183,439,200 | 9,731,200 | 193,170,400 |
| 14 | 2,183,800 | 608,200 | 183,439,200 | 9,731,200 | 193,170,400 |
| 15-2000 | 2,183,800 | 608,200 | 183,439,200 | 9,731,200 | 193,170,400 |
| 16 | 2,183,800 | 608,200 | 183,439,200 | 9,731,200 | 193,170,400 |
| 17 | 2,183,800 | 608,200 | 183,439,200 | 9,731,200 | 193,170,400 |
| 18 | 2,183,800 | 608,200 | 183,439,200 | 9,731,200 | 193,170,400 |
| 19 | 2,183,800 | 608,200 | 183,439,200 | 9,731,200 | 193,170,400 |
| 20-2005 | 2,183,800 | 608,200 | 183,439,200 | 9,731,200 | 193,170,400 |
| | <u>32,277,800</u> | <u>9,479,260</u> | <u>2,711,335,200</u> | <u>15,166,816</u> | <u>2,863,003,360</u> |

∴ 20 = 143,150,160
year average

* Maximum capacity reached.

NOTE: Constant 1981 dollars without adjustment for inflation.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SSSB 374
Title: An Act Relating to State Toll Facilities

Sponsor: DeVries and Faiks
Requestor: Senate Transportation
Date of Request: 2/10/86

FISCAL DETAIL

Agency Affected: DOT&PF
BRU: Design and Construction

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 | FY 91 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| CAPITAL | | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| REVENUE | | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

FUNDING: (Thousands of Dollars)

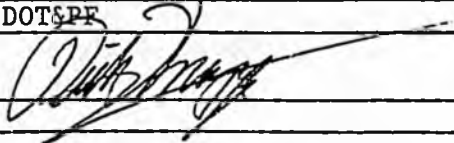
| | | | | | | |
|---------------|--|-----|-----|-----|-----|-----|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

POSITIONS:

| | | | | | | |
|-----------|--|-----|-----|-----|-----|-----|
| FULL-TIME | | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| PART-TIME | | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TEMPORARY | | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

ANALYSIS: There is no fiscal impact in adding tunnels to existing toll authority. The specific fiscal impacts of a Whittier Toll Road would be subject to AS 37.15.730.

Prepared By: William R. Snell, Deputy Commissioner (Signed) Phone: 266-1440
Division: Central Region DOT&PF Date: 2/11/86

Approved by Commissioner:  Date: 2/11/86
Agency: DOT&PF

Distribution (by Agency preparing fiscal note):

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




Dept. of Transportation & Public Facilities

Position Paper

BILL NO: SSSB 374

TITLE: An Act Relating to State
Toll Facilities

APPROVED: 
R. J. Knapp
Commissioner

DATE: 2/11/86

The Department of Transportation and Public Facilities supports expanding the current toll facility authority to include tunnels. In addition, we support the addition of the Whittier Toll Road facility to AS 37.15.730. This legislation reinforces the desire to ensure that projects such as this are financially feasible and able to produce revenues to cover their costs whenever possible.

The Department is currently conducting an economic analysis and financial plan for transportation access to Whittier. A key part of this financial plan, which will be available in mid-March, will be to look at funding the project through the use of revenue bonds generated from tolls.



THE CITY OF WHITTIER

January 27, 1986

The Honorable Edna DeVries
Pouch V
Juneau, AK 99811
Mail Stop 3100

Dear Senator DeVries,

Thank you for your inquiry of January 27, 1986, regarding information on the request from the City of Whittier for a Highway Toll Authority. Before considering this, perhaps some of the City's goals can be discussed. Overall, the City plans an orderly development program to encourage and support tourism, recreation, transportation and commercial fishing. (including fish processing)

To facilitate this program an overall goal has been established to improve access from Portage Valley to Shotgun Cove. Admittedly, this is an expensive undertaking, but it is supported by a willingness to require users to pay associated costs over an extended time period. Hence, our inquiry into the establishment of a toll authority to cover the entire length of the Access route. This will be discussed further in this letter.

Before the City can accommodate much of an increase in vehicular traffic, space must be developed for them. This has led to development of a proposal to divide access improvements into segments, with supporting facilities being developed simultaneously.

LANDS

A major factor which could influence growth in Whittier stems from the recent acquisition by the State of about 4800 acres of what was previously federal land. Of this land grant, 600 acres has already been designated as an entitlement to the city of Whittier. Another 418 acres has been designated as settlement to the Chugach Native Corporation. Out of the remaining lands, several areas in the Whittier vicinity have been designated by the State for potential disposal into private hands.



Edna DeVries
January 27, 1986
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These areas are, Pigot Bay, 295 acres; Poe Bay 440 acres; Logging Camp, 325 acres and Billings Creek for a yet unknown amount of acreage. These areas will eventually require service from Whittier and will support user funded access when it is realized.

SHOTGUN COVE - WHITTIER SUBDIVISION

According to the Shotgun Cove Steering Committee, a joint organization of Whittier and the Chugach Native Corporation, the first stage of development in support of improved access should be the Shotgun Cove Road. Total cost of this will be 19.5 million dollars, based on the existing engineering design. This project may be broken into two parts with a requirement of approximately 10 million dollars needed to build the road from Whittier to Trinity point beginning in 1986.

If the road can be started this year, the City will advertise a request for proposals to develop 200 acres of Municipal Entitlement Land known as the Whittier Subdivision. This could be by a private developer with the lands being furnished by the City of Whittier. Application for these lands has been filed with the Alaska Department of Natural Resources and a letter of entry is expected before the coming spring.

A preliminary site plan indicates approximately 197 residential lots can be developed. In addition, the Chugach Alaska Corporation owns approximately 318 acres adjacent to the proposed subdivision. This is proposed for residential and commercial development through private capital. At a density of about 2 people per acre this combined development could support up to 1030 people depending on the actual form development may take.

Before the summer of 1986, the City of Whittier and Chugach Alaska Corporation will, through a joint venture, select an additional 400 acres of Municipal Entitlement Land and 100 acres of Corporation Land in Shotgun Cove. The Shotgun Cove Steering Committee has recommended that a request for proposals for private development should be advertised soon after the land selection has been finalized. While the ultimate form of development is unknown, it has been agreed that the RFP will include some high density residential development, harbor facilities, commercial enterprises and improved marine freight handling and passenger facilities as standards for the project. If future population density were to reach 4 people per acre, not an exceptionally high figure, the combined development could support about 2000 residents.

Edna DeVries
January 27, 1986
Page 3

Again, this aspect of future development could easily be accomplished with private capital, with a long range benefit to the City being a stable tax base. The Chugach Alaska Corporation has mentioned on occasion the potential for winter recreation facilities they could develop. If followed through, this would result in a year round influx of recreational enthusiasts. Access to the area would cost another 9.5 million dollars in road construction as it is currently engineered.

Once the Whittier Subdivision and Shotgun Cove projects are under way, access improvement from Portage Valley to Whittier, via a toll road, could easily be supported by the increased traffic generated by the developments.

We understand that a report is forthcoming to this legislature from the Alaska Department of Transportation evaluating the feasibility of financing alternatives for Whittier access based on various studies completed in the past. This study is apparently due about February 15, 1986. We have deep concerns that this study will reflect only traffic projections to Whittier at it's existing level of development and not what the potential will be with development as proposed above. However, we believe that access from Portage to Whittier should be user paid. The best way to provide for this would be to charge those who derive the most benefit from the development. In order to establish this as a possible alternative however, will require ammendment of the toll authority established for the proposed Knik Arm Crossing.

Obviously the above proposals are quite ambitious. However, we are certain they are reasonable. We have collected some information which supports our position. The following will show some of the diverse considerations that are operative in our area which may not have been adequately adressed elsewhere.

HARBOR FACILITIES

Harbor facilities, or the lack thereof, is a major concern. The existing harbor was constructed in 1972. It was full the following year. In 1980 the size was doubled. It was again immediately over subscribed.

At present, there are 332 slips in the harbor. Of these, 279 are permanently assigned. 53 are held open for transient vessels.

Presently, 86 transient vessels are spending the Winter

Edna DeVries
January 27, 1986
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moored in the harbor. This is a 29% increase over the same period last year. The only problem is, They are large vessels which occupy most of the slips for the larger size classes. It is getting more difficult to accomodate winter use primarily from fishing vessels.

In the summer, from April 15, through September 15, the situation becomes chaotic. There was an approximate increase of 15% use in the harbor. With July 1985 being an example, there was 279 assigned berths with an average of 227 transient boats in the harbor for and average of 506 boats in the harbor designed for 332 boats. On five occasions in 1985, the Harbormaster broadcasted to all boats entering the harbor that there was no more space available. Up to 105 boats were on the priority list awaiting permission to enter the harbor. Some were anchored up for three days before space could be make available. The need for additional harbor space is desparate. Shotgun Cove can provide it.

In the analysis of the reason for this demand the following facts can be verified.

1. 87% of the vessels using the harbor are from Anchorage and Eagle River.
2. 3% are from the Mat-Su Borough.
3. 1% are from Whittier.
4. 7% are from either Seward, Homer, Cordova or Valdez.
5. 2% are from other areas including out of state.

Arthur Young and Associates has prepared a summary of various studies conducted between 1979 and 1983 to prepare a demand analysis of boating requirements for Anchorage and the Kenai Penninsula. It was concluded that 1 in every 13 people in that area require boating facilities.

If the population of Anchorage is approximately 244,000, as mentioned in the 1985 Municipal Officials directory, then there is a demand for 18,769 slips to satisfy Anchorage alone. Less than a third of these are available in the Anchorage/Kenai Penninsula area.

Whittier is only 60 miles from this demand; compared to over twice that distance to Seward and over four times that

Edna DeVries
January 27, 1986
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distance to Homer. In addition Whittier is a major gateway to Prince William Sound, which contains some of the best recreational waters in the state. All that prevents it from being used to its potential is access and facilities.

The U.S. Army Corps of Engineers is nearing completion of the feasibility study for a harbor in Shotgun Cove. This report is due for completion by the Spring of 1986. The Preliminary draft shows definite feasibility. There are two viable alternatives for construction. One alternative is for approximately 832 slips. The other, approximately 790 slips for a total of 1622 spaces which could ultimately be developed. While this does not meet all of the Anchorage needs, it would certainly help.

If the State is unable to help in construction of a new harbor in Shotgun Cove, then perhaps a private corporation could develop it. For example part of the slips could be sold into private ownership on a condo arrangement to recover a large part of the investment.

MARITIME ACTIVITIES

In 1986 there are 34 Cruise Ship dockings scheduled into the Port of Whittier. Each of these ships carry about 800 passengers to and from Alaska. This adds up to a total of 27,200 people entering and 27,200 departing for a total of 54,000 passengers that will pass through Whittier and Anchorage next season. In addition each ship carries approximately 200 crew members for a total of 6800 crew person visits to the city. This is a considerable contribution to the economy of Alaska. It constitutes a tremendous impact on the City however, which provides EMS, Fire and Police support, in addition to water and sanitation services.

In addition to the above, 18,066 passengers were accommodated by private cruise ship between Whittier and Valdez. This number will increase significantly in 1986 with the addition of two more vessels of about ninety foot in length, catering to the demand. It is conceivable that this number will triple in the next two years.

This is in large part due to lack of capacity on the Marine Highway System (M.V. Bartlett) which operates at over capacity during the summer months. This vessel in 1984 transported about 22,000 walk on passengers between Whittier and Valdez and about 5000 automobiles and recreational vehicles. It can accommodate no more. Perhaps it is only proper that additional demand be met by the private sector. However, moorage must be provided for the private vessels.

Edna DeVries
January 27, 1986
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The City port facilities are already over taxed. Added harbor facilities in Whittier and Shotgun Cove will help provide the necessary moorage facilities and passenger services which are now totally lacking.

Another form of maritime activity is the amount of rail barge freight which passes through Whittier every year. An estimate from the largest of the rail barge companies serving Whittier, Alaska Hydro Train, places a figure of over 500,000 tons on the amount of freight which is shipped northbound alone through Whittier. The Alaska Railroad has plans to expand their capabilities to handle rail barge traffic by upgrading their second slip, which is now used only for staging. This project has been slated to begin in the Spring of 1986.

ALASKA RAILROAD

The Alaska Railroad and the other transportation companies plan on moving more freight through Whittier to Anchorage than ever before. Present summer passenger and vehicle shuttles are increasingly coming into conflict with the movement of freight. Additionally it is well documented that rail passenger service does not pay for itself when the tourist season and the off season are averaged together. More passengers are showing up each year than the Alaska Railroad cares to handle between Portage and Whittier in the summer.

According to Alaska Railroad conductor estimates, about 160,000 people rode the shuttle in 1985. In addition, 22,000 vehicles, including buses, motor homes, van trucks and personal vehicles were transported. When considered on the basis of train days, or the number of day per year that the train makes at least one regularly scheduled shuttle run, it appears that an average of 615 passengers were served each day. Since the train runs every day for the four months of summer, that equals 120 train days. In the 8 winter months the train runs three days a week or 15 days a month also equal to 120 train days.

Obviously the people moved in 1984 were not all Whittier residents of Whittier. In 1985 Whittier had only 338 residents, based on revenue sharing information filed with the state. If the projection for the 1986 cruise ship schedule and the actual number of people served by public and private ferry service in 1985, are subtracted from the 1985 railroad figures, the average daily figure for activity on the train would still nearly equal the population of Whittier or about 334 passengers a day.

Edna DeVries
January 27, 1986
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U.S. ARMY PETROLEUM TANK FARM

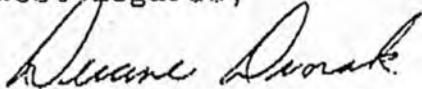
While there is not a lot of information available, the U. S. Army Petroleum Tank Farm is continuing its program to expand and upgrade facilities. This is bound to have an effect on Whittier. They will complete three new tanks in summer of 1986 and this may require either more rail tank service or more tanker ship service to be brought to the area.

CONCLUSION

We of the City of Whittier visualize a great future for our community. The potential is here. To realize it, your support and assistance is badly needed. The demand exists for what we can offer. If we do not guide our growth, it will happen in a manner which will not reflect well on our city or the state. The major key is providing access and facilities on a timely basis.

We are asking for help from the legislature and administration in making it happen.

Best Regards,



Duane Dvorak
Acting City Manager, Whittier



Unique — even in Alaska!

THE CITY OF WHITTIER

January 17, 1986

JAN 28 1986

The Honorable Edna DeVries
P.O. Box 321
Palmer, AK 99645

Dear Senator DeVries,

The enclosures of this letter are the result of a project that was undertaken by our city council and other community members at the close of last summer. Through administrative oversight, these documents were not distributed in a timely fashion; however, the Whittier City Council felt it would be a shame to lose the efforts of so many people. Therefore, the City of Whittier humbly submits a petition, a resolution, and a state information guide that was used as a basis for our discussions of a toll authority for the Whittier area.

We hope that you may find time to share our information and our concerns with your colleagues in Juneau. We realize the economics of funding access is not very favorable at present. Yet, we feel strongly that a toll would, in the long run, provide a large measure of revenue toward amortizing a project of the type proposed to link Whittier with the greater Anchorage area.

To live and work in Whittier is to know just what this location can mean to the rest of the state. With our physical proximity to the largest economic and population center in the state, Anchorage, we are aware almost daily of the potential for increased freight handling and recreation opportunities for the entire region.

If there is any further information that you require, please call our city office at 472-2327, or FAX 472-2404. Thank you for your attention.

Sincerely,

Duane Dvorak
City Clerk, Whittier

A RESOLUTION SETTING FORTH THE LEGISLATIVE PRIORITIES FOR THE CITY OF WHITTIER, ALASKA, FOR CONSIDERATION DURING THE 1985-86 STATE LEGISLATIVE SESSION.

WHEREAS, the City of Whittier is in need of funding to continue the growth and improvement of the community, and;

WHEREAS, funding is available from the Alaska State Legislature for development projects within small communities, and;

WHEREAS, the City Council, realizing that the Legislature has limited funds available, has met and carefully considered and determined their priorities for funding,

NOW, THEREFORE, THE WHITTIER CITY COUNCIL RESOLVES:

That, the City Council of the City of Whittier requests funding from the Legislature for the following projects, which are presented as a statement of needs assessment.

"Our priority is to support development of improved access from Bear Valley (Portage Galacier Visitors Center), situated in the southeastern corner of the Anchorage borough, to Shotgun Cove, located on Passage Canal in beautiful Prince William Sound. This corridor encompasses access from Bear Valley to the Whittier core, from the core area to Whittier subdivision, and from the subdivision to Shotgun Cove."

PASSED AND APPROVED THIS 5th day of November, 1985 by a duly constituted quorum of the City Council of Whittier, Alaska.

Rawson E. Knight
Rawson E. Knight, Mayor

Mei Wooten
Mei Wooten, Councilmember

Sue Rains
Sue Rains, Councilmember

Kent Barker
Kent Barker, Councilmember

Amanda Hale
Amanda Hale, Vice-Mayor

Georgia Buck
Georgia Buck, Councilmember

Fred Joiner
Fred Joiner, Councilmember

ATTEST: *Duane Dvorak*
Duane Dvorak,
City Clerk, Whittier

... RESOLUTION OF THE CITY OF WHITTIER, ALASKA, CARRIED FOR THE AMENDMENT OF AS 37.15, AS 19.05, TO INCLUDE THE FINANCING AND CONSTRUCTION OF TUNNELS AS PROPER ACTIVITIES SUBJECT TO THE INTENT AND AUTHORITY OF THE ACTS.

WHEREAS, the current ferry, barge and rail lines linking Whittier and Anchorage constitute an important, established supply link for the State of Alaska and its citizens; and,

WHEREAS, increased demand for supplies by a growing economy has resulted in a stricture on the growth potential of Whittier and the State of Alaska because of the lack of adequate access by road; and,

WHEREAS, increasing economic activity has been shown to increase employment as well as revenue for state and local government; and,

WHEREAS, the cost-effective and timely movement of goods to the major economic and population centers of the state would result in lower cost to consumers and improved distribution to remote communities; and,

WHEREAS, the City of Whittier expects to one day benefit from a road which would connect the community, via a tunnel, to the major economic and population centers of the state; and,

WHEREAS, the City Council wishes to express that which would be beneficial to the state and the general public whenever possible;

NOW, THEREFORE, THE WHITTIER CITY COUNCIL RESOLVES:

FIRST: That legislation which pertains to the financing and construction of toll road facilities be amended to allow for the consideration of a tunnel and concomitant road to connect Portage, Alaska with Whittier, Alaska; specifically, Alaska Statute 37.15.730 to be amended to read that a Portage to Whittier access road with tunnel to be the first state toll facility.

SECOND: In addition, Alaska Statutes 37.15.720, 37.15.760, and 19.05.040, in referring to those activities of potential toll authority be amended to include the term tunnel as part of the definition.

PASSED AND APPROVED this 3rd day of September, 1985 by a duly-constituted quorum of the city council of Whittier, Alaska.

Rawson E. Knight
Rawson E. Knight, Mayor

Amanda L. Hale
Amanda L. Hale, Vice-Mayor

T. Kent Barker
T. Kent Barker, Councilmember

Don Hatmaker
Don Hatmaker, Councilmember

Fred L. Joiner
Fred L. Joiner, Councilmember

Don Shofner
Don Shofner, Councilmember

Clyde M. Wooten
Clyde M. Wooten, Councilmember

ATTEST: Diane Donohue
City Clerk
Whittier, Alaska

OF A STATE TOLL AUTHORITY A TOP PRIORITY SO THAT NEW ROADS MAY BE CONSTRUCTED WITHIN THE STATE WITHOUT CAPITAL APPROPRIATIONS FROM THE STATE BUDGET.

| <u>NAME</u> | <u>ADDRESS</u> | <u>TELEPHONE NO.</u> |
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| <u>Froy Carleso</u> | <u>P.O. Box 1002</u> <u>Whittier AK 99693</u> | <u>907-472-2305</u> |
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| <u>Sienda Tolman</u> | <u>P.O. Box 704</u> <u>Whittier, Alaska</u> | <u>907-472-2501</u> |
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| <u>Roscoe Daniel</u> | <u>Box 634 Whittier</u> <u>99693</u> | <u>472 2587</u> |
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|---------------------------|--|-----------------|
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| <u>Douglas J. Bolle</u> | <u>Box 712</u> <u>Whittier AK 99693</u> | <u>472-2572</u> |
| <u>Ronda G. Bolle</u> | <u>Whittier AK 99693</u> <u>GEN DEL</u> | <u>472-2572</u> |
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| Terrence Ziegler | Apt 511 Branch Towers Box 686 Whittier AK | 472-2318 |
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| J. J. J. | Whittier AK 99693 #1412 | |
| Laura J Kottler | Whittier #908 | ⊕ |
| Mark L. Kottler | GENERAL DELIVERY #908 | |
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| | P.O. Box 676 | |
| Naki Christensen | Whittier Alaska | 472-2314 |
| | P.O. Box 635 | |
| Christy M. Wilson | Whittier, AK 99693 | 472-2375 |
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| Lord McKenley | P.O. Box 687 WHITTIER, AK. 99693 | NO PHONE |
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| <u>Claudia Smith</u> | <u>Whittier AK</u> <u>99693</u> | |
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Small Creek

William
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172

Richard Parry

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Girdwood AK 99587

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John Linnick

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FRESH RIVER AK 99577

694-4446

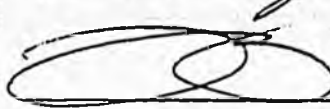
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ANCHORAGE

Chance Young

ANCHORAGE
FRED 935 Gambell

345-5768



MORING ST ANCHORAGE AK
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Janita Arango

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Cynthia Smith

ANCHORAGE AK
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344-1060

John Kristof

SITKA ALASKA

92835

Vivian Hall

Box 974 Chitina AK
Whittier Alaska

Cheri Probst

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Willie P. Mess

ANCHORAGE AK 99508

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Authority Personnel

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MARY LEE BROWN BOX 714
MARILYN C. SCOTT
FROY CARLISLE BOX 602
APRYLE WOOTEN BOX 681
NYAL WORSHAM BOX 673
PAULINE R. IVERS BOX 663
VICKI L. HARTMAN BOX 675
ROBERT L. WARDLOW BOX 721
BRENDA TOLMAN BOX 704
PATSY HATMAKER BOX 624
WILMA WILCOX BOX 614
MARE E. ROBERTS BOX 727
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THOMAS J. TEL
BABS REYNOLDS BOX 665
STACY SMITH BOX 612
LAWRENCE MORIN BOX 669
DOUGLAS BOLLE BOX 712
RONDA BOLLE BOX 712
BRUCE SOLEM
JAMES L. PARKS BOX 695
VICKY M. JOHNSON BOX 623
D.E. MCELHANEY JR. BOX 623
W. BREWSTER BOX 737
C.D. EWING BOX 697
DON C. HATMAKER BOX 624
RANDALL HARTMAN BOX 675
DORIS V. BENDER BOX 711
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ED BECKER
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PEIR A. BUCK BOX 747
CECIL ZEIGLER BOX 686
BERNADINE ZEIGLER BOX 686
KAY SHEPARD BOX 727
TOM FOX
ALLEN L. HOWARD BOX 645

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TOM H. MCCA HILL BOX 732
SUE RAINS BOX 724
CHARLES RAINS BOX 724
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LYLE C. ROBERTS BOX 713
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LAURE J. KOTTER
MARK KOTTER
BONI COLBERT BOX 642
CAMILLA TOWNSEND BOX 642
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DORTHY M. WILSON BOX 635
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ADAM PENEBERG
WALT CODY
RICHARD PARRY BOX 105 GIRDWOOD 99587
JOHN CUNNIFE PLAZA 7, #180 BOX 2117 EAGLE RIVER 99577
DOUG WILSON
CHANCE YOUNG
FRED MORINO 935 GAMBELL ANCHORAGE

JOHN P. TURNAGE BOX 1209 WASILLA
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CYNTHIA SMITH 1200 W. DIMOND ANCHORAGE
JOHN KRISTOVAL 617 KATLIAN A17 SITKA 99835
VERA HALL BOX 954 CORDOVA
CHERI PROBST
WILLIE E. BRAGG BOX 8726 ANCHORAGE 99508

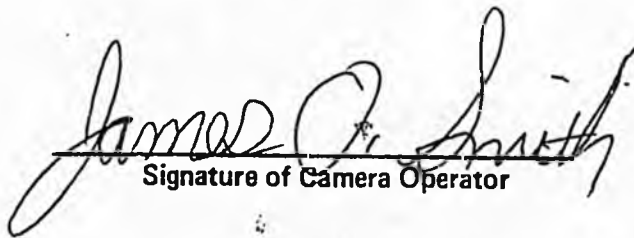
ALL ADDRESSES ARE WHITTIER AK 99693 UNLESS OTHER WISE INDICATED
IF NO POST OFFICE BOX IS LISTED SEND IN CARE OF GENERAL DELIVERY

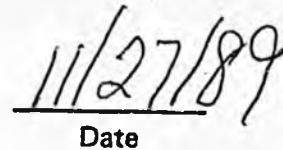


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Signature of Camera Operator


Date

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Alaska State Legislature

Senate Transportation Committee



Sen. John B. (Jack) Coghill, Chairman
Sen. Paul Fischer, Vice-chairman
Sen. Mitch Albood
Sen. Jan Faiks
Sen. Joe Josephson

Douglas V.
Juneau, Alaska 99811

MEMORANDUM

TO: Committee Members
Senate Transportation

FROM: Committee Staff

RE: SB 411 Relating to Road Maintenance Service Areas

Wednesday, April 9, the committee will be holding a hearing on SB 411 "An act relating to road maintenance service areas." Enclosed in your packet you will find an introduction by Senator Faiks to SB 411, with a sectional analysis and its rationale, a fiscal note and position paper by DOT/PF and a copy of the bill.

Also enclosed are two proposed amendments to SB 411 as per Senator Faik's request.

Offered: 3/21/86
Referred: Transportation
Original sponsor: Faiks

1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2

CS FOR SENATE BILL NO. 411 (C&RA)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to road maintenance service areas."

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

8 * Section 1. AS 19.30.260 is amended to read:

9 Sec. 19.30.260. PURPOSE. The purpose of AS 19.30.260 - 19.30.-
10 320 is to facilitate funding for the upgrading, reconstruction, re-
11 habilitation, or paving of existing subdivision roads within a road
12 maintenance service area established under AS 29.35.450 or under a
13 home rule charter. Grants to road maintenance service areas under
14 AS 19.30.260 - 19.30.320 are limited to those road maintenance service
15 areas in which road improvement was not financed through the issuance
16 of municipal debt during the three previous fiscal years.

17 * Sec. 2. AS 19.30.280 is amended to read:

18 Sec. 19.30.280. ELIGIBILITY. (a) After establishing a road
19 maintenance service area under AS 29.35.450, or under a home rule
20 charter, a municipality may apply to the department for a grant as
21 money is available for road improvements, subject to regulations
22 adopted by the department to carry out the provisions of AS 19.30.-
23 260 - 19.30.320. The department shall require a municipality to
24 submit a five-year plan for the upgrading, reconstructing, rehabilita-
25 ting, or paving of maintenance service area roads for approval before
26 October 1 of each fiscal year and to show the source of funds used for
27 road improvement within each road maintenance service area during the
28 prior three fiscal years.

29 (b) A municipality shall establish design standards for

MAR 13 1986

Alaska State Legislature

CO-CHAIRMAN
FINANCE COMMITTEE

907-465-3740



JAN FAIKS
POUCH V
CAPITOL BUILDING
JUNEAU, ALASKA 99811

Senate

March 11, 1986

MEMORANDUM

TO: Senator DeVries, Chairman
Senate Community and Regional Affairs Committee

FROM: Senator Jan Faiks

SUBJECT: Request for Committee Substitute and Background
on Senate Bill 411

Alaska Statutes 19.30.260 through 19.30.320 contain legislation which I introduced during the Thirteenth Legislature. This legislation was intended to facilitate the funding of road improvements to outlying areas through the establishment of road maintenance service areas - "RMSA's".

This bill will make changes to the RMSA program in order to bring it into line with the original intent of this legislation and to help the Department of Transportation and Public Facilities implement this program.

The original intent of the program was to provide road improvement funds to those outlying districts which do not have access to such funds. Since the program came into being, however, some RMSA's have been established within road service areas which already have improvement funds available to them. These funds are based upon the the issuance of municipal debt, i.e., the selling of general obligation bonds.

Those RMSA's within the Anchorage Roads and Drainage Service Area (ARDSA) are an example. In FY 1985, ARDSA sold approximately \$15 million worth of general obligation bonds for road improvements within its boundaries. In the same year, at least \$317,357 was granted by the RMSA program for road improvements to service areas within its boundaries. This represents about 10% of the total \$3,000,000 distributed by the RMSA program that year.

OUT OF SESSION

1024 WEST SIXTH AVENUE, SUITE 302 ANCHORAGE, ALASKA 99501 907-274-6611

In other words, about 1/10th of the money under this state program was given to service areas which already had improvement funds available to them, instead of being reserved for those areas which have no other funding sources. This was certainly not the intent of my legislation two years ago.

Sections 1 and 2 of this bill will solve this problem by excluding from the RMSA program any service area whose road improvements have been financed by the issuance of municipal debt during the preceding three years.

The remaining sections of the bill contain amendments which were proposed by the Department of Transportation and Public Facilities. These are offered to help the Department administer the RMSA program.

Section 3 makes it clear that road improvements may be performed by municipal forces as well as private contractors. Section 4 changes the reporting date to October 1st so that it is consistent with the reporting date for the 5-year plan in AS 19.30.280 and the Local Service Roads and Trails program. This will simplify the administration of both programs by the municipalities.

Section 5 clarifies that financing costs are excluded, but that costs to realign and widen existing roads are included for program funding. Finally, Section 6 expands the definition of municipality to make it consistent with more common terminology in our statutes.

Since this bill was introduced, I have discovered several changes which are needed to further accomplish these goals. I offer them to you as a possible committee substitute for this bill. These changes are:

1. On page 1, line 15, the word "maintenance" should be changed to "improvement". "Maintenance" is not proper here because I have been advised that road maintenance can never be funded through municipal debt.
2. On page 2, line 29, replace the word "or" with the word "and" since some municipalities possess maintenance powers but not construction powers.

Thank you.

AMENDMENT NUMBER ONE

On Page 1, Line 15:

DELETE "maintenance"

ADD "improvement"

AMENDMENT NUMBER TWO

On Page 2, line 29

DELETE "or"

ADD "and"

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

3/21/86

Date 4-9-86

Mr. President

The Committee on TRANSPORTATION considered SB 411
relating to raod maintenance service areas.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title _____
- same title and recommends _____
- and attached a "LETTER OF INTENT" [] NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Jan [Signature]
[Signature]
Joe [Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Signature]
 Chairman
[Signature]
 Chairman recommendation

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB 411
 Title : An act relating to road maintenance service areas
 Sponsor : Faiks
 Requestor : DeVries
 Date of Request : March 11, 1986

FISCAL DETAIL

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

EXPENDITURES/REVENUES : (Thousands of Dollars)

| OPERATING | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 | FY 91 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | -0- | -0- | -0- | -0- | -0- |

| | | | | | | |
|---------|-----|-----|-----|-----|-----|-----|
| CAPITAL | -0- | -0- | -0- | -0- | -0- | -0- |
|---------|-----|-----|-----|-----|-----|-----|

| | | | | | | |
|---------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|---------|--|--|--|--|--|--|

FUNDING : (Thousands of Dollars)

| | | | | | | |
|---------------|--|--|--|--|--|--|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | | | | | |

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

ATTACHED

Prepared by : Charles D. Karella
 Division : Plans, Programs, and Budget

Phone : 465-2171
 Date : 3/13/86

Approved by Commissioner : *[Signature]*
 Agency : Transportation and Public Facilities

Date : 3/14/86

Distribution (by Agency preparing fiscal note) :

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

Fiscal Note

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB411

ANALYSIS

The proposed bill is strictly a housekeeping measure and has no fiscal impact on either the operating or capital budget. No additional positions are required.

The proposed bill revised AS 19.30 in five areas:

- 1) AS 19.30.260 and 19.30.280 prohibit funding in those road improvement areas that are financed through the issuance of municipal debt. For clarity, the addition to 19.30.260 should read as follows: Grants to road maintenance service areas under AS 19.30.260 - 19.30.320 are limited to those road maintenance service areas in which road improvement was not financed through the issuance of municipal debt during the three previous fiscal years.
- 2) AS 19.30.290(b) clarifies the fact that road construction can be performed by the municipality.
- 3) AS 19.30.310 changes the due date for reports. This change does not adversely affect the departments capability to submit a combined annual report to the Governor by December 1.
- 4) As 19.30.320(1) clarifies exceptable expenditures related to road improvements by expanding the definition.
- 5) AS 19.30.320(3) clarifies the definition and requirements of a municipality and should be revised as follows to reflect the powers necessary to qualify for a road improvement grant:
 - (3) "municipality" means an organized borough of any class, a unified municipality, or a city of any class, that has road construction and [OR] maintenance powers.

COMMITTEE REPORT
SENATE

FURTHER:

TRSP
FINANCE

2/14/86

Date 3/20/86

Mr. President

The Committee on C&RA considered SB 411
relating to road maintenance service areas.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 411 (C+RA)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" ~~NEW~~ FISCAL NOTE
Zuo
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

William Sturgis
[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Signature] NR

Edna Weis
 Chairman
Do Pass
 Chairman recommendation

Article 4. Road Maintenance Service Areas.

| | |
|--------------------------|-----------------|
| Section | Section |
| 260. Purpose | 300 Maintenance |
| 270. Allocation of money | 310 Report |
| 280. Eligibility | 320 Definitions |
| 290. Administration | |

Effective date of article. — Section 2, ch. 56, SLA 1984, provides "This Act takes effect July 1, 1984."

Sec. 19.30.260. Purpose [Effective January 1, 1986]. The purpose of AS 19.30.260 — 19.30.320 is to facilitate funding for the upgrading, reconstruction, rehabilitation, or paving of existing subdivision roads within a road maintenance service area established under AS 29.35.450 or under a home rule charter. (§ 1 ch 56 SLA 1984; am § 47 ch 74 S.L.A 1985)

Effect of amendments. — The 1985 substituted "AS 29.35.450" for "AS amendment, effective January 1, 1986, 29.63."

Sec. 19.30.270. Allocation of money. (a) During each fiscal year each municipality shall receive money from the department that has been appropriated or otherwise designated for expenditure for road improvements within the municipality, based on the total road mileage in each road maintenance service area in the municipality. The amounts that are available shall be distributed pro rata among eligible municipalities.

(b) Money allocated to a municipality under this section shall be disbursed by the municipality for road maintenance service areas based on a first come, first served priority of road maintenance service area applications, subject to a 50 percent match by each road maintenance service area.

(c) Money allocated under this section shall be available for expenditure in the road maintenance service area for which the funds are authorized for a period of five years after the end of the fiscal year for which the funds are authorized. Money allocated for a road maintenance service area that is unexpended and unobligated at the end of the five-year period shall be used for other road maintenance service areas in the same municipality in accordance with AS 19.30.260 — 19.30.320. If there are no other road maintenance service areas in the municipality for which the money can be used, the municipality shall remit the unexpended and unobligated money to the department and it shall lapse into the general fund.

(d) Fifty percent of the cost of construction in a road maintenance service area shall be paid by the road maintenance service area through road improvement district assessments, grants, or other appropriate financing means. (§ 1 ch 56 SLA 1984)

Sec. 19.30.280. Eligibility. (a) [Effective January 1, 1986] After establishing a road maintenance service area under AS 29.35.450, or under a home rule charter, a municipality may apply to the department for a grant as money is available for road improvements, subject to regulations adopted by the department to carry out the provisions of AS 19.30.260 — 19.30.320. The department shall require a municipality to submit a five-year plan for the upgrading, reconstructing, rehabilitating, or paving of maintenance service area roads for approval before October 1 of each fiscal year.

(b) A municipality shall establish design standards for construction in a road maintenance service area. An application for a grant for improving an existing road under this section which is constructed after July 1, 1984 may not be granted by the department until the existing road meets the minimum design standards of the municipality. (§ 1 ch 56 SLA 1984; am § 48 ch 74 SLA 1985)

Effect of amendments. — The 1985 substituted "AS 29.35.450" for "AS 29.63" amendment, effective January 1, 1986, in the first sentence of subsection (a).

Sec. 19.30.290. Administration. (a) A contract entered into by a municipality for road construction within a road maintenance service area for which funds allocated to the municipality under AS 19.30.260 — 19.30.320 are used shall be awarded only on the basis of the lowest responsible bid by a bidder meeting established criteria of responsibility.

(b) Construction under AS 19.30.260 — 19.30.320 shall be administered by the municipality in which the road maintenance service area is located. (§ 1 ch 56 SLA 1984)

Sec. 19.30.300. Maintenance. The road maintenance service area shall be responsible for maintaining roads constructed under AS 19.30.260 — 19.30.320. The road maintenance service area may contract with a municipality for maintenance of the roads. (§ 1 ch 56 SLA 1984)

Sec. 19.30.310. Report. No later than August 1 of each year, a municipality that has received money under AS 19.30.270 shall submit a report to the department showing the use of the money by the municipality during the preceding fiscal year. No later than December 1 of each year, the department shall prepare and submit to the governor a report showing the use of the money allocated under AS 19.30.270 during the preceding fiscal year. (§ 1 ch 56 SLA 1984)

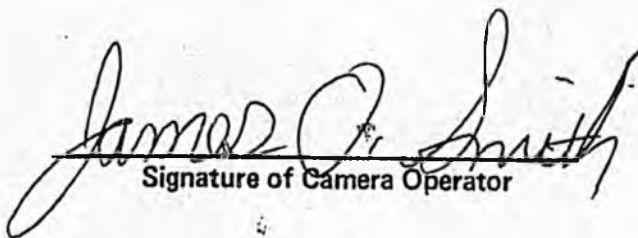
Sec. 19.30.320. Definitions. In AS 19.30.260 — 19.30.320

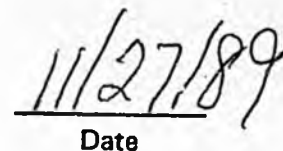
- (1) "construction" or "road improvement" has the meaning given in AS 19.45.001 and includes utility and drainage costs but excludes financial costs, right-of-way costs, and new road construction;
- (2) "department" means the Department of Transportation and Public Facilities;
- (3) "municipality" means a municipality that has road construction or maintenance powers;
- (4) "subdivision" has the meaning given in AS 40.15.190(2). (§ 1 ch 56 SLA 1984)



RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

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Daily News 1/18/86

Lemon squeeze

Laws protect owners of bum cars, pickups

By KAY MONROE LEVINE
Daily News reporter

Your car says ka-chunk, ka-chunk, ka-thwwwwup. Then it's "The Sounds of Silence."

The mechanic tells you it'll be \$42 an hour for exploratory tinkering, the nearest parts are in Los Angeles and he's up to his eyebrows in work. Weeks later you have to threaten mayhem to get the car back and now it has this strange whine . . .

That may sound like an episode from "I Love Lucy," but consumer advocates say it can happen in Alaska.

More people complain about

their cars — and repairs performed on those cars — than about anything else handled by the Attorney General's Consumer Protection Section. During fiscal year 1985, there were 660 vehicle-related complaints, topping the 404 complaints dealing with mail-order companies.

Rhonda Huffman, who runs the Alaska Better Business Bureau Auto Line program, doesn't know how many complaints her bureau handles but says the load is heavy.

Automotive complaints are high in Alaska because we don't have an abundance of

See Page D-2, STATE

State and federal laws aim to protect car buyers stuck with new or used lemons

Continued from Page D-1

mechanics — especially mechanics who know what they're doing, says Ronald "Scotty" Dawkins, who investigates auto fraud for the attorney general.

"If you look at some numbers, you'll find from 1977 till 1982, Alaska auto dealers had an increase in sales, measured in dollars, of 80 percent. During that same period, they increased the number of employees in the five or six percent range. You go into any of the dealers, there are lots of sales folks but there's nobody to fix the damned automobiles.

"We also don't pay the mechanics very well — the good ones move on to (North) Slope jobs, move on to construction jobs, move on to fixing fishing boats. Most good mechanics don't stay working for car dealers."

Dieter Wuerth, general manager at Pacific Mitsubishi, agrees that good mechanics are hard to come by, but he says wages are not the reason.

"Mechanics, by and large, are well-paid," he says. He attributes the nationwide shortage — despite healthy wages — to the complexity of modern automobiles and to the fact that mechanics have to work with asbestos and toxic chemicals.

Wuerth adds that customers fume about the cost of car maintenance because cars start depreciating in value just when they become more expensive to keep up.

If you're having trouble with cars or repairs, your options dealing with the problem include:

- Talking to the car dealer or repair shop involved in the dispute;
- Writing the manufacturer;
- Notifying the Attorney General's Consumer Protection Section;
- Notifying the Better Business Bureau;
- Going to court.

Before you file a formal complaint anywhere, you should talk to the owner of the shop or dealership

first, consumer advocates say. This step is recommended by Consumer Protection but is *required* by the Better Business Bureau.

Another smart preliminary step is to check with a national auto safety hotline to find out if your problem is related to anything that's the subject of a manufacturer's recall. The hotline is operated by the National Highway Traffic Safety Administration. The number is (800) 424-9393.

This suggestion applies to used cars as well as new ones, says Dawkins, especially if your complaint relates to premature failure of some part or if your car has a problem with brakes or steering that mechanics can't diagnose. You'll also be helping to build up a valuable national record about mechanical defects in automobiles if you register your complaint with the traffic safety administration.

At this point, the complaint-resolution path begins to branch.

USED CARS

• **Complaints against private parties:** If you're having trouble with a car you bought from an individual, your only recourse — if the person won't take responsibility — is legal action. Small claims court is the place to go if the amount is less than \$2,000; superior court handles cases that are more than \$2,000.

• **Complaints against dealerships:** If you bought your secondhand car from a licensed dealer, you'll find several mechanisms for settling disputes.

One is the Attorney General's Consumer Protection Section. Workers here will ask you to fill out a complaint form or submit a letter describing your problem. It doesn't cost anything. Dawkins probably will handle your case unless it centers on deceptive advertising. In that case, you'll be working with attorney Sheridan Strickland.

Both these investigators rely on informal mediation whenever possible: They will telephone the shop

owner or car dealer and try to convince him to "make it right," as Dawkins puts it. Because the case-load is so high, however, legal action is reserved for businesses that violate consumer protection statutes flagrantly or often.

Consumer Protection can require any business to respond to customer complaints and can file lawsuits in civil court against owners who commit fraud, run false advertising or misrepresent their goods.

Further, the section can turn over its most serious cases — like those involving automobile odometer roll-backs — to the District Attorney's office for criminal prosecution.

Another way to settle used-car complaints is through the voluntary mechanism run by the Alaska Better Business Bureau. This group, which opened in 1984, mediates complaints between nearly 600 member companies and their customers; expenses are paid by business membership fees. Businesses don't have to join the bureau, but those that do are required to respond to complaints and participate in arbitration if necessary.

NEW CARS

Owners having problems with new cars that are still under warranty have more ways to settle disputes. The ultimate solution is filing suit under the 1984 Alaska Lemon Law. The first known Lemon Law suit was filed against Ford Motor Co. on Jan. 8.

Your car might qualify as a lemon if:

• Mechanics have tried three times to repair the same defect while the warranty is in effect or while the original owner has had the car for a year or less;

• If the vehicle is out of service for repair for 30 or more business days during the same one-year period;

• Or if the problem substantially impairs the use or the market value of the vehicle.

For more details, contact Con-

sumer Protection for a brochure on the Lemon Law.

The law requires you to submit your Lemon Law case to an approved arbitration board before filing a civil suit in court. In Alaska, the attorney general has the authority to approve or disapprove such arbitration boards. The only one it has approved so far is the one at the BBB.

The BBB's Auto Line got under way in November 1984 and covers these manufacturers:

American Motors, Audi, Buick, Cadillac, Chevrolet and Chevrolet truck, General Motors Corp. (trucks only), Honda, Jeep, Nissan, Oldsmobile, Pontiac, Porsche, Renault, Rolls-Royce, Volkswagen, Volvo, Jaguar, Maserati, Peugeot and Saab.

But before you go to the BBB with a potential Lemon Law problem, there are several steps you should take first.

To start with, talk to the dealer or authorized repair shop about your problem. Follow up those calls with letters. If that doesn't resolve your grievance, write to the manufacturer's headquarters. If the car dealer won't give you the address, you can get it from the reference desk at the Z.J. Loussac Library. Always keep copies of letters and retain the originals of any documentation such as receipts, experts advise.

If the manufacturer agrees with your position, it may instruct the local dealer to handle your complaint.

If that doesn't work, your next step is the Better Business Bureau. The manufacturers listed above have volunteered to participate in arbitration. The arbitrator's decision is binding on the manufacturers, but not on you.

If you're not satisfied with the decision, you can hire an attorney and file a lawsuit.

Two major manufacturers not participating in the BBB's program are Ford and Chrysler Corp. They have in-house arbitration set-ups, and both have taken steps to gain Consumer Protection approval for their procedures.

If Consumer Protection approves

these manufacturers' arbitration boards, participation will be mandatory for complaining customers.

In November, the attorney general rejected Chrysler's application because it was decided the process favored the manufacturer. Last Monday, Ford's application was turned down for the same reason. However, consumer officials say the door is open for both companies to re-apply.

Until and unless Ford and Chrysler arbitration boards are approved, the customer may bypass arbitration and take his case directly to court.

Since the Alaska Lemon Law and the BBB arbitration mechanism both are new, consumer experts say, it's not yet certain whether the Ford and Chrysler customers have a better deal. They may be fortunate because they can sue immediately; they may also be missing an opportunity for cheap and relatively easy complaint resolution.

A strong, private-sector arbitration program, seen as fair by industry and customers alike, would be invaluable, say consumer advocates; however, it may take some years to build such a program.

Linda Chamberlain is a paralegal who volunteers as an arbitrator for the Auto Line program. Before moving to Alaska, she served as an arbitrator in an Auto Line program in New York state.

She says the Alaska BBB should provide a comprehensive training program for arbitrators (they get a one-night meeting now); she also advocates a three-person panel to review "buy-back" decisions, those cases where an arbitrator orders the manufacturer to refund the customer's money.

Where to find help:

• Alaska Better Business Bureau, 417 Barrow St., Anchorage 99501. 276-5901.

• State Consumer Protection Section, 1031 W. 4th Ave., Suite 300, Anchorage 99501. 279-0428.

• Workers at either agency can tell you how to contact a car manufacturer's in-house arbitration board.

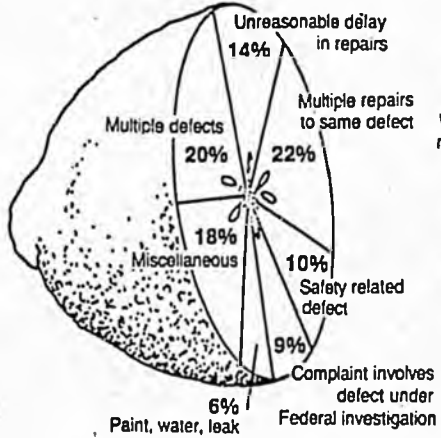
ALASKA'S AUTO LEMONS

PROFILE OF AUTO WARRANTY COMPLAINTS TO CONSUMER PROTECTION

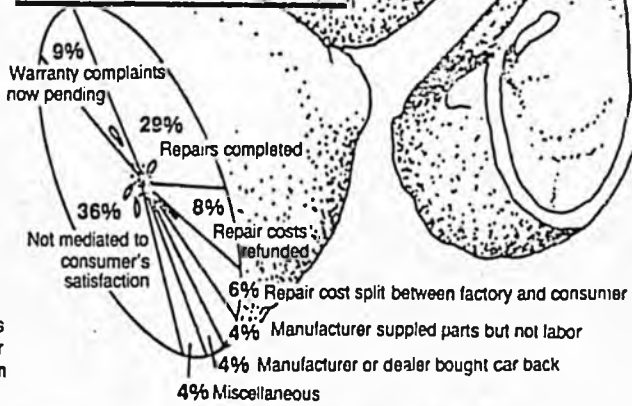
January, 1981 to April, 1983

TOTAL: 133

COMPLAINTS BY PRIMARY ALLEGATIONS

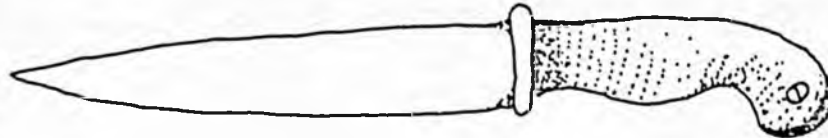


DISPOSITION OF WARRANTY COMPLAINTS



REGIONAL BREAKDOWN

Southcentral/Anchorage 76%
Interior/Fairbanks 10%
Southeast/Juneau 14%



SOURCE: Alaska Department of Law

Anchorage Daily News/ Pamela Dunlap-Snohl

USED CAR LEMON LAW **USED CAR LEMON LAW**

USED CAR LEMON LAW

State of New York Attorney General Robert Abrams



STATE OF NEW YORK
DEPARTMENT OF LAW

ALBANY 12224

ROBERT ABRAMS
ATTORNEY GENERAL

Dear New Yorker:

We have all heard stories of people who bought used cars only to experience breakdown after breakdown. Some people even have had difficulty making it from the used car lot to home without mishap. Unfortunately these stories are not fiction -- but painful facts.

Buyers of new cars are protected by the manufacturer's warranty and by various state laws. But until now, there has not been adequate protection for used car buyers even though used cars outsell new cars two to one. Now, New York State has passed the first law in the nation to offer real protection to the hundreds of thousands of New Yorkers who buy used cars each year from dealers.

The Used Car Lemon Law represents a great victory for consumers. My office was instrumental in formulating this bill and, along with others, worked hard to secure its passage. The new law, which went into effect November 1, 1984, provides long-needed consumer protection for used car buyers. It requires dealers to give consumers a written warranty when they buy a used car costing \$1,500 or more. If the car has over 36,000 miles, the warranty lasts for 30 days or 1,000 miles; if the car has under 36,000 miles, the warranty lasts for 60 days or 3,000 miles. Most essential mechanical parts are covered.

The workings of this new law are explained in this publication prepared by my office to help consumers understand the law and how it affects and protects them.

If you have further questions about the lemon law for used cars or require additional assistance, write to my nearest local office.

Sincerely,

Robert Abrams

What Is The Purpose Of The Used Car Lemon Law?

The Used Car Lemon Law (General Business Law §198-b) provides a new legal remedy for buyers of used cars that turn out to be lemons. The law requires dealers to give consumers a written warranty the duration of which is determined by the mileage on the used car purchased. Under the warranty, dealers must either repair, free of charge, or replace used cars that turn out to be lemons.

Who Is Protected By The Used Car Lemon Law?

The law protects consumers who purchase any used passenger motor vehicle sold for \$1500 or more from a dealer in New York State on or after November 1, 1984. A consumer is the purchaser of a used motor vehicle normally used for personal, family or household purposes. The spouse or child of the purchaser is covered if the car is transferred to either during the duration of any applicable warranty. Any other person entitled by the terms of the warranty to enforce its obligations is also covered.

The private sale of a used car between individuals is not covered by the lemon law.

Which Used Motor Vehicles Are Covered?

A used motor vehicle is a passenger motor vehicle which has been driven more than the limited use necessary in moving or road testing a new car prior to delivery. Used motorcycles, motor homes, off-road vehicles and cars which sell for less than \$1,500 are not covered by the law. A "classic car" registered under §401 of the vehicle and traffic law is not covered.

Which Used Car Dealers Are Included?

A dealer is any person or business which sells or offers for sale a used car after selling or offering for sale three or more used cars in the previous twelve month period. Banks or other financial institutions are not included. Others excluded are: a business selling a used car to its own employee; a lessor selling a leased car to the lessee of that car; a family member or an employee of such lessee; the state or local government.

What Does The Law Require The Dealer To Do?

A dealer who sells a used car to a consumer is required to give the consumer a mandatory written warranty whose terms are specified in the law. This warranty is called a statutory warranty and must be honored by the dealer. The statutory warranty must specify that while it is in effect the dealer or

his agent will repair, free of charge, the failure of any part of the used car covered by the warranty. The dealer may elect to reimburse the consumer for the reasonable cost of repairing the failure of any covered part.

How Long Does The Warranty Last?

If the used car has 36,000 miles or less, the warranty must last for at least 60 days or 3,000 miles, whichever comes first.

If the used car has more than 36,000 miles, the warranty must last for at least 30 days or 1,000 miles, whichever comes first.

What Parts Are Covered?

Covered parts must at least include:

ENGINE -- All lubricated parts, water pump, fuel pump, manifolds, engine block, cylinder head, rotary engine housings and flywheel.

TRANSMISSION -- The transmission case, internal parts, and the torque converter.

DRIVE AXLE -- Front and rear axle housings and internal parts, axle shafts, propeller shafts and universal joints.

BRAKES -- Master cylinder, vacuum assist booster, wheel cylinders, hydraulic lines and fittings and disc brake calipers.

RADIATOR

STEERING -- The steering gear housing and all internal parts, power steering pump, valve body, piston and rack.

ALTERNATOR

GENERATOR

STARTER

IGNITION SYSTEM EXCLUDING BATTERY

What If The Dealer Does Not Give The Statutory Warranty?

If a dealer fails to give a consumer the written statutory warranty as required, the dealer is nevertheless considered to have given the warranty.

Can A Dealer Limit Coverage Under The Statutory Warranty?

Yes, but only as specified in the law. The law permits a dealer to add additional language to the statutory warranty excluding coverage:

(a) for a failure of a covered part caused by a lack of customary maintenance;

(b) for a failure of a covered part caused by collision, abuse, negligence, theft, vandalism, fire or other casualty and damage from the environment (windstorm, lightning, road hazards, etc.);

(c) if the odometer has been stopped or altered such that the vehicle's actual mileage cannot be readily determined or if any covered part has been altered such that a covered part was thereby caused to fail;

(d) for maintenance services and the parts used in connection with such services such as seals, gaskets, oil and grease unless required in connection with the repair of a covered part;

(e) for a motor tuneup;

(f) for a failure resulting from racing or other competition;

(g) for a failure caused by towing a trailer or another vehicle unless the used motor vehicle is equipped for this as recommended by the manufacturer;

(h) if the used motor vehicle is used to carry passengers for hire;

(i) if the used motor vehicle is rented to someone else;

(j) for repair of valves and/or rings to correct low compression and/or oil consumption which are considered normal wear;

(k) to the extent otherwise permitted by law, for property damage arising or allegedly arising out of the failure of a covered part; and

(l) to the extent otherwise permitted by law, for loss of the use of the used motor vehicle, loss of time, inconvenience, commercial loss or consequential damages.

Can The Dealer Cause Buyers To Waive Their Rights Under The Lemon Law By Use Of A Contract Clause?

No. Any contract clause which seeks to waive a buyer's rights under the Used Car Lemon Law is void.

Can A Dealer Give Additional Warranty Protection?

Yes. The statutory warranty sets only minimum obligations for dealers. A dealer may agree as part of the sale to give a consumer more warranty protection than the law requires. Extra warranty protection can be a matter of negotiation between the dealer and consumer.

What Should A Used Car Buyer Do If There Is A Problem?

The buyer should immediately report any malfunction or defect of a covered part to the dealer and give the dealer the opportunity to make the necessary repairs. If the consumer has notified the dealer of a problem within the warranty period, the dealer must make the repair even if the warranty has expired.

What Happens To The Warranty When The Car Is Being Repaired?

The warranty is extended during any in-shop time for repairs.

How Can The Buyer Help Prove He/She Is A Lemon Owner?

It is very important to keep careful records of complaints and copies of all work orders and repair bills.

What If The Dealer Does Not Repair The Car?

If the dealer is unable to repair the problem after a reasonable number of attempts, and if the problem "substantially impairs the value of the used car" to the consumer the dealer must accept the return of the car and make a refund. A refund includes the full purchase price plus the sales tax. A reasonable allowance may be taken by the dealer for any damage beyond normal wear or use. An adjustment may also be made for any modification to the car which either increases or decreases its market value.

Does The Law Set Limits On The Number Of Repair Attempts?

Yes. It is presumed that there have been a reasonable number of repair attempts by the dealer if during the statutory warranty period: (1) the same problem has been subject to repair three or more times and the problem continues to exist - or (2) the car is out of service by reason of repair for a cumulative total of 15 or more days. When calculating this 15 day total, days during which repairs could not be completed due to the unavailability of necessary parts are not included. However, the dealer is required to exercise due diligence in attempting to get the necessary parts and there is an absolute 45 day limit.

Under The Law, Can The Dealer Provide A Replacement Vehicle Instead Of A Full Refund To The Consumer?

Yes, if the consumer is willing to accept a replacement car instead of a full refund. But the decision to offer a replacement car rests with the dealer. If the dealer offers a replacement vehicle and the consumer agrees, the parties must negotiate between themselves any adjustment in price.

If A Trade-in Was Involved, How Is A Refund Determined?

The dealer can choose either to return any vehicle traded-in by the consumer at the time of the sale of the used car; or, to refund the wholesale value of the car when it was traded-in. The wholesale value must be determined by referring to the "NADA Used Car Guide"*. An adjustment may be taken for mileage, improvements or major defects that existed at the time of the trade-in. The dealer need not refund the value of the trade-in car listed in the sales contract. The sales contract must clearly describe this required method of calculating the value of any trade-in vehicle which is not returned to the consumer.

* The State Motor Vehicle Department is authorized to approve the use of an alternative guidebook.

Are There Any Exceptions To The Requirement For Refund Or Replacement?

Yes. The dealer does not have a duty to make a refund of the purchase price if: (1) the problem does not substantially impair the value of the car to the buyer; or (2) the problem is the result of the buyer's abuse, neglect or unreasonable alteration of the car.

What Type Of Problem Will Be Considered A Substantial Impairment Of The Value Of The Used Car To The Buyer?

There is no easy answer. It will depend on the facts in each case. In general, the buyer's complaint must be about a serious problem. A defect in the engine which makes the car inoperable is clearly substantial. Some courts have found that the cumulative effect of numerous minor defects can add up to a substantial impairment of value.

Is The Buyer Automatically Eligible For A Refund After A Reasonable Number Of Repair Attempts?

No. The buyer must first participate in any mediation procedure that the dealer may have established or joined if that procedure conforms to Federal Trade Commission regulations.

What Are The Major Federal Trade Commission Requirements For Mediation Procedures?

The mediation procedure must be: (1) free of charge; (2) non-binding on the buyer; (3) explained in the car warranty; (4) a decision must be generally given within 60 days after receipt of the buyer's complaint; and (5) the decision must be free from the influence of the dealer.

How Can A Buyer Find Out If A Particular Dealer's Mediation Procedure Complies With Federal Trade Commission Requirements?

A buyer can write to the Federal Trade Commission, Washington, D.C. 20508, or to the nearest office of Attorney General Robert Abrams.

What Happens After The Buyer Participates In A Mediation Procedure And Is Not Satisfied With The Decision?

The buyer can sue the dealer in court to enforce his/her rights under the law. In court, a car which has not been repaired after three attempts, or 15 days, will be presumed to be a lemon.

If The Buyer Decides To Sue The Dealer When Must The Lawsuit Be Started?

The lawsuit must be started within four years of the date of original delivery to the consumer.

If The Buyer Wins In Court Can Attorney's Fees Also Be Recovered?

Yes. The law authorizes the court to award reasonable attorney's fees to a buyer who wins in court.

Does The Used Car Lemon Law Eliminate Or Limit Any Of The Other Legal Remedies Already Available To Buyers Of Defective Cars Or Other Goods?

No. The Used Car Lemon Law adds to the buyer's arsenal of existing legal remedies. The most important of these remedies is the warranty of serviceability. (Vehicle and Traffic Law §417) This warranty cannot be waived by the buyer. It requires a dealer to certify to a used car buyer that the car is in condition and repair to render, under normal use, satisfactory and adequate service at the time of delivery. In addition, specified safety equipment must be in good working order. The Motor Vehicle Department can help a buyer to enforce this warranty.

Where Can I Get Help On Any Questions Regarding The Used Car Lemon Law?

You can contact the nearest office of Attorney General Robert Abrams listed in this pamphlet. You may also wish to consult your own lawyer.

This fact sheet was prepared by Assistant Attorney General Sandy Mindell and Assistant Attorney General In Charge of the Consumer Frauds and Protection Bureau, Peter Bienstock. Produced by the Office of Public Information, Joan Libby, Director.

OFFICES OF THE ATTORNEY GENERAL

The Capitol
Albany, New York 12224.....(518) 474-5481

Two World Trade Center
New York, New York 10047.....(212) 488-7330

REGIONAL OFFICES

59-61 Court Street, 7th Floor
Binghamton, New York 13901.....(607) 773-7823

65 Court Street
Buffalo, New York 14202.....(716) 847-7169

State Office Building
Veterans Memorial Highway
Hauppauge, New York 11788.....(516) 360-6196

190 Willis Avenue
Mineola, New York 11501.....(516) 742-3700

Adam Clayton Powell Jr.
State Office Building
163 West 125 Street
New York, New York 10027.....(212) 678-2385

70 Clinton Street
Plattsburgh, New York 12901.....(518) 563-8012

235 Main Street
Poughkeepsie, New York 12601....(914) 485-3900

16 Main Street East
Rochester, New York 14614.....(716) 454-3412

333 East Washington Street
Syracuse, New York 13202.....(315) 428-4283

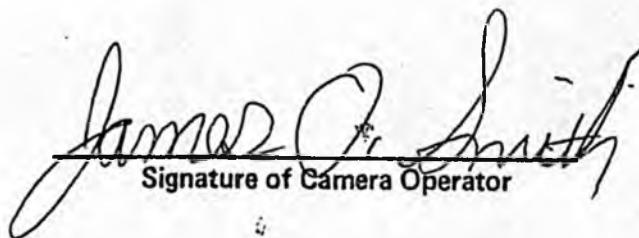
207 Genessee Street
Utica, New York 13501.....(315) 793-2225

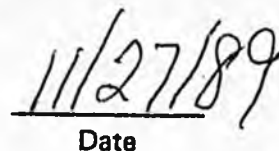
317 Washington Street
Watertown, New York 13601.....(315) 782-0100 Ext. 444



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Signature of Camera Operator


Date

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Alaska State Legislature

Senate Transportation Committee



Sen. John B. (Jack) Coghill, Chairman
Sen. Paul Fischer, Vice-chairman
Sen. Mitch Abood
Sen. Jan Finks
Sen. Joe Josephson

Douch V
Juneau, Alaska 99811

April 14, 1986

TO: All Committee Members

FROM: Committee Staff

RE: SB 424, Snow Tires

Last Wednesday the committee heard a committee substitute for SB 424, requiring snow tires on rental vehicles.

This CS reflects the concerns of the committee. It was observed that the committee is concerned about safety, but also desired setting up a workable structure for the rental owner.

In Sec. 1 (f) the CS reflects the dates now used throughout the state when snow tires can be used. The sponsor's original language is maintained, "shall equip vehicles from the rental fleet at each rental location," but no percentage or minimum number of vehicles is required to comply with this law.

"Rental fleet" is defined as unrented vehicles and those already rented. This provision would insure that the renter would not be penalized because he or she does not have a car available with snow tires.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB 424
 Title : "An Act relating to studded tires or chains on rented motor vehicles."
 Sponsor : Senator Sackett
 Requestor : Senate Transportation
 Date of Request : 4/03/86

FISCAL DETAIL

Agency Affected : PUBLIC SAFETY
 BRU : DPS Administration
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

| OPERATING | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 | FY 91 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | 0 | 0 | 0 | 0 | 0 |

| | | | | | | |
|---------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|---------|--|--|--|--|--|--|

| | | | | | | |
|---------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|---------|--|--|--|--|--|--|

FUNDING : (Thousands of Dollars)

| | | | | | | |
|---------------|--|---|---|---|---|---|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | 0 | 0 | 0 | 0 | 0 |

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Prepared by : *K Niles* Kathy Niles, Admin Assistant Phone : 465-4336
 Division : Commissioner's Office Date : 4/03/86
 Approved by Commissioner : *J* *Wm JBS* Date : 4/3/86
 Agency : Public Safety

Distribution (by Agency preparing fiscal note):

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

Ford
4/16/86 ✓

Original sponsor: Sackett

1 IN THE SENATE BY THE TRANSPORTATION COMMITTEE
 2 CS FOR SENATE BILL NO. 424 (Transportation)
 3 IN THE LEGISLATURE OF THE STATE OF ALASKA
 4 FOURTEENTH LEGISLATURE - SECOND SESSION
 5 A BILL

6 For an Act entitled: "An Act relating to studded tires or chains on rented
 7 motor vehicles."

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

9 * Section 1. AS 28.35.024 is amended by adding a new subsection to
 10 read:

11 (f) Except for that period when studded tires or chains are
 12 prohibited under AS 28.35.155, a person who rents motor vehicles to
 13 others shall, upon request of the person to whom the vehicle is to be
 14 rented, provide a vehicle equipped with studded tires or chains
 15 adequate to inhibit skidding or loss of control of the vehicle. This
 16 subsection does not apply to a person who rents motor vehicles to
 17 others if all available motor vehicles equipped with studded tires or
 18 chains are temporarily not at the rental location because they have
 19 been rented to a customer.

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Car and Truck Renting and Leasing Association

State Wide Headquarters
P.O. Box 190028
Anchorage, Alaska 99519
Telephone (907) 243 - 4300



March 17, 1986
MAR 20 1986

Senator John B. (Jack) Coghill
Chairman, Senate Transportation Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Coghill:

I'm now writing under a different hat as President of the Car and Truck Rental and Leasing Association (CATRALA) of Alaska. Representing that organization, I am most concerned about Senate Bill No. 424 - "An Act relating to studded tires or chains on rented motor vehicles.". We don't understand what triggered this, but here are our concerns:

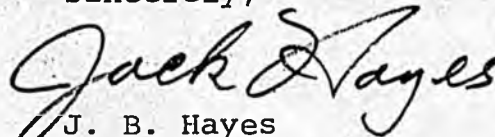
- None of us are aware of any identified safety problem that requires this legislation. Indeed, knowledgeable Alaskan drivers know that under some winter conditions, the use of chains can be more rather than less hazardous -- or at best, offer no greater degree of safety.
- As a matter of policy, chains are not provided for local city travel or travel to nearby locations. Experience has shown that chains encourage some customers to try to go where they shouldn't during winter months or drive faster than is safe. The proposed bill could inadvertently result in unsafe use of our vehicles.
- Most rental agencies provide studded snow tires on the majority of rental vehicles, on the drive-wheels. However, at least one rental agency does not use them. The customer thus can make the choice.
- Certain of the high-quality radial tires are all-weather and are used year-round on some makes of cars.
- Thus, the bill imposes an added cost for no apparently justifiable reason.
- In general, such specificity in the law is poor practice and to the degree justified should be left to regulation.
- To the best of our knowledge, rental car operators are providing customers with cars that drive adequately under winter conditions. For example, chains are often provided as a matter of course to intercity travelers.

March 17, 1986

I understand that a hearing has been scheduled at 3:30 p.m., March 26, using the teleconference room here in Anchorage. Mr. Bob Vitale of Holiday Payless in Fairbanks would also like to testify at your Fairbanks teleconference center if that is possible. Please ask your staff to let me know.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Jack B. Hayes". The signature is written in dark ink and is positioned above the typed name and title.

J. B. Hayes
President
CATRALA

:cm

cc Senator John C. Sackett

Alaska State Legislature

SENATOR

John C. Sackett

CO-CHAIRMAN

SENATE FINANCE COMMITTEE

MEMBER

LABOR & COMMERCE COMMITTEE

BUDGET & AUDIT COMMITTEE

SENATE ADVISORY COUNCIL

COMMITTEE ON COMMITTEES



Senate

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P. O. BOX 11
RUBY, ALASKA 99768

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
TELEPHONE 465-3753

ANCHORAGE
TELEPHONE 272-3404

MEMORANDUM

Date: April 9, 1986

To: Senator Sackett

From: Max Gifford,
Administrative Aide

Subj: SB-424. relating to studded tires or chains on
rental motor vehicles

The proposed Sen. Transportation Committee CS effectively kills the purpose and intent of your original bill. A rental agency would be happy to rent any vehicle to anyone who wanted studded tires or chains if they had them available. The fact is (and testimony to the committee verified that fact) rental agencies do not have studded tires or chains readily available for those who request them. Your bill simply requires that rental agencies make the effort to have such equipment on hand during certain months so that those who want them may request the equipment for the rental vehicle. If all the equipment is being used, then the potential customer has the choice to accept a vehicle without studded tires or chains or move on to another rental agency.

I talked with Mike Ford, Legal Services, and he said that the CS effectively makes the intent of the bill, moot.

MEMO - Gifford to Sackett
Effect of Trns. CS

Original sponsor: Sackett

1 IN THE SENATE

BY THE TRANSPORTATION COMMITTEE

2 CS FOR SENATE BILL NO. 424 (Transportation)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to studded tires or chains on rented
7 motor vehicles."

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

9 * Section 1. AS 28.35.024 is amended by adding a new subsection to
10 read:

11 (f) During the period from October 1 to April 1 of each year, a
12 person who rents motor vehicles to others shall, upon request of the
13 person to whom the vehicle is to be rented, provide a vehicle equipped
14 with studded tires or chains adequate to inhibit skidding or loss of
15 control of the vehicle, if the person has a vehicle equipped with
16 studded tires or chains available for rental.
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Alaska State Legislature

Senate Transportation Committee



Sen. John B. (Jack) Coghill, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Mitch Abood
Sen. Jan Fuiks
Sen. Joe Josephson

Pouch V
Juneau, Alaska 99811

March 26, 1986

TO: All Committee Members
FROM: Committee Staff
RE: Today's meeting

Today the committee will hear SB 424, "An Act relating to studded tires or chains on rented motor vehicles." This bill, sponsored by Senator Sackett, would add a new section to Chapter 35, the miscellaneous provisions of the motor vehicle code. This bill would make it mandatory for car rental agencies to supply cars with studded tires or chains from October 1 to April 1 upon the request of the renter.

Mr. Jack Hayes, president of the Car and Truck Renting and Leasing Association and Mr. Bob Vitale of Holiday Payless in Fairbanks will be testify via teleconference.

Mr. Max Gifford of Senator Sackett's office will testify on the merits of the bill.

On another subject, the committee substitute for SB 428, the prepared rights of way bill, will be up for consideration.

Alaska State Legislature

SENATOR

John C. Sackett

CO-CHAIRMAN
SENATE FINANCE COMMITTEE

MEMBER
LABOR & COMMERCE COMMITTEE
BUDGET & AUDIT COMMITTEE
SENATE ADVISORY COUNCIL
COMMITTEE ON COMMITTEES



Senate

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JUNEAU, ALASKA 99811
TELEPHONE 485-3753

ANCHORAGE
TELEPHONE 272-3404

MEMORANDUM

Date: March 26, 1986

To: Senator Jack Coghill
Chair - Senate Transportation Committee

From: John C. Sackett
Senator

Subj: SB-424, an Act relating to studded tires or
chains on rented motor vehicles

As a result of a personal experience which happened to me last Fall, I have introduced SB-424, which adds a new subsection to AS 28.35.024, pertaining to the rental of motor vehicles.

I rented a vehicle in Anchorage last year on the day snow first fell last Fall. I inquired about having studded tires but was informed that the vehicle was equipped with adequate tires for the icy road conditions. Shortly after leaving the rental facility I attempted to brake and found that I had little or no control over the rental car. I bumped into the rear of another vehicle. Following the mishap I inquired as to the laws pertaining to renting vehicles and whether it was required to provide studded tires or chains when weather conditions warranted. I learned that such a law did not exist.

My staff contacted the National Safety Council and learned that chains and studded tires provided greater safety to motorists when ice and snow make road conditions dangerous. With this information at hand I decided it would be in the best interest of the driving public that they at least have the option of having studded tires or chains on vehicles they may rent. The facts seem clear, all-weather radial tires do not provide the driver of a vehicle with any additional safeguards while driving in snow or ice. The attached fact sheet from the National Safety Council supports the conclusion that the statutes should be amended to include provisions for studded tires or chains for those drivers who desire them.

FANCY SNOW TIRES STILL SPIN: All that fancy tread work on snow tires doesn't do a heck of a lot for winter drivers, according to a National Safety Council study. In fact, the average snow tire performed worse than regular tires on glare-ice braking tests. Adding metal (i.e. studs or chains) to their rubber is the best safeguard for winter drivers, the study concludes. Here's the test results, based on percent improvement over regular tires:

TRACTION ON GLARE ICE:

snow tires 28 percent
 studded snow tires 218 percent
 tire chains 630 percent

TRACTION ON LOOSELY PACKED SNOW:

snow tires 51 percent
 studded tires no data
 tire chains 313 percent

BRAKING ON GLARE ICE:

snow tires -1 percent
 studded tires 19 percent
 tire chains 49 percent

BRAKING ON LOOSELY PACKED SNOW:

snow tires 13 percent
 studded tires no data
 tire chains 37 percent

TRACTION RATING

| ON GLARE ICE at 25°F | | | | | | | |
|--------------------------------------|-----|--|-----|--|--|-----|------------------------------|
| REGULAR TIRES | 100 | | | | | | % IMPROVEMENT OVER REG. TIRE |
| SNOW TIRES | 128 | | | | | | 28% |
| STUDED SNOW TIRES | | | 318 | | | | 218% |
| REINFORCED TIRE CHAINS | | | | | | 730 | 630% |
| ON LOOSELY PACKED SNOW | | | | | | | |
| SNOW TIRES | 151 | | | | | | 51% |
| REINFORCED TIRE CHAINS | | | 413 | | | | 313% |
| RATING 0 100 200 300 400 500 600 700 | | | | | | | |

BRAKING DISTANCE

FROM 20 MPH—AFTER YOU GET YOUR FOOT ON THE PEDAL
(REACTION TIME ADDS ANOTHER 22 FEET TO THE FIGURES SHOWN)

| ON GLARE ICE at 25°F | | | | | | | |
|---------------------------------|--|----|-----|--|--|-----|------------------------------|
| REGULAR TIRES | | | | | | 150 | % IMPROVEMENT OVER REG. TIRE |
| SNOW TIRES | | | | | | 151 | -1% |
| STUDED SNOW TIRES | | | 120 | | | | 19% |
| REINFORCED TIRE CHAINS | | | 75 | | | | 50% |
| ON LOOSELY PACKED SNOW | | | | | | | |
| REGULAR TIRES | | 60 | | | | | — |
| SNOW TIRES | | 52 | | | | | 13% |
| REINFORCED TIRE CHAINS | | 38 | | | | | 37% |
| FEET 0 25 50 75 100 125 150 175 | | | | | | | |



National Safety Council

444 North Michigan Avenue • Chicago, Illinois 60611