

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
6183 HOUSE TRANSPORTATION

587

with 2 years,
everybody wants to limit jurisdiction,
and place powers of ~~port~~ airport
police officers in title 2.

Bette - motion to adopt amendments

Ben - moved to adopt amendments

No objections
moved

Michael Judd - Sergeant at Fairbanks airport
President.
PSEA^U (Public Safety Emp. Assn)

Loren
- How many people in Fairbanks
are not currently certified

None, currently part of FAA
standards adopted in 1975 that all
airport security officers attend
training academy. All have
been there

Loren
Does it affect salaries +
benefits

~~Judd~~

No - it will not change salaries, retirement or any benefits.

Bill

Will you have ability to move police officers within public safety. Say from airport to a trooper.

Judd

No, not at this time.
P.S.O. all work for D.O.T.
~~division~~ Troopers work for Dept of P.S.

Bill

Do you all belong to some union

Judd

Yes - so you could request a transfer to a different ~~division~~ ~~with~~ ~~the~~ department - from D.O.T to Public Safety

Anchoage
Airport 9099

)))

Used to be in APA along with troopers. Then troopers changed to PSEA. Two years ago PSO changed to PSEA. Only group within PSEA that is not employed by Public Safety.

PSO have always performed the same duties as troopers.

Work closely with troopers, particularly in Fairbanks where P.S.O. work on occasion as

state troopers

Fears the requirements under
this bill is a paperwork formality.
The duties this bill requires are
+ training

already being performed

The only additional benefit is
that any officer ~~that~~ whose
conduct is questionable will
have to go before police standards
council and justify their behaviour.
~~It is~~ ~~the~~ the Police Standards
Council could remove certification
of an officer. At this stage
the officer would be dismissed

Supports 2 year certification requirement
but does not support limiting jurisdiction.
Does not support setting up another
Police standards council to handle ~~Dispos~~ Safety officers

Howa
OK

This bill would not create
a different police standards council. There
would continue to be only one police
standards council.

The question of general police
powers has never been decided.
It is a grey area
This bill does not limit jurisdiction

horen

As regards powers - can you
stop someone off airport property
for a D. W. I

guy

Yes, we can + do quite
frequently

Ben

How often do you enforce
laws off the airport?

guy

Not frequently but the point is
ASO can + ~~will~~ do perform
all duties municipal police
officers perform

Ben

Who responds to police calls
around airport not on airport
property

guy

- Municipal police do + ASO do.
Co-ordinate + work together.
Feels ASO does most of calls

horen

-

Up until last summer
everything west of Travel Lake
was responsibility of P.S.O.
But cross over responsibilities
with municipality officers

Bette

How many officers on at one time

Gitty

Have more officers on every shift
than Anchorage police force has.
Usually approx 16 men

Bette

If a problem outside airport
grounds - what A.S.O. are helping
municipal officers off airport
property - what happens if
there is a problem at airport

gag

Only dispatch 2-3 officers
off airport grounds at one time.
Other A.S.O. are assigned to
areas such as fire, safety etc

Hudson

~~Agrees A.S.O. to meet all~~
~~requirements currently set down in this~~
~~bill~~

Bette

Clarify - Is it correct that
on any shift there are more
A.S.O. on duty at airport
than there are police officers on
duty for municipality of Anchorage

Gay

At times the amount of
ASO on duty at airport 15-16
are the same number as the
number of police officers on duty
for municipality of Anchorage

Nancy

To clarify

Currently ASO have the same
training as police officers but they
do not have to ~~not~~ have the
same qualifications for hire as
state troopers + municipal police officers

Carroll (→
ASO
qualifications)

21 years of age
Have Alaska driver license
+ one other requirement

Bill

Do A.P. Standards Council do
background checks before certifying

??

Yes, before issuing certificate
A.P.S. Council will do background
check on employees

Jack Wrang

Bette

Ask Larry Simmons if D.O.T.
does a background check on
prospective employees as A.S.O.

Bandy

Do some background check but
not nearly as expensive
D.O.T. does minimal check

Problem now is currently with
D.O.T. is A.S.O. had a
felony or misdemeanor they
could still get employment, as
there are no minimum standards
currently — Under this bill
A.P.S. Council would have
standards set before person
could qualify to be employed
as A.S.O. employee



Official Business

COMMITTEE:

House Transportation Committee

DATE: 2/9/87

SIGN-IN

Subject of meeting:

HB: 94

NAME Please include title **ADDRESS** Please use full address. Please include zip. **PHONE** **REPRESENTING** **DO YOU WANT TO TESTIFY?**

✓ Nancy Groszek Aide to	Representative Mark Boyer	465-3466	Rep. Boyer	
G. HORETSKI	BOX N, JUN.	4322	Duply Comm P.P.S.	ONLY IF Q'S
✓ R Simmons	PS Box 2	3900	DOT/IF	Yes
✓ Laurie Otto	PO Box KC	3428 ✓	Law	IF Requested
✓ M. Judd	575 Pleasure Drive Fbks AK 99705	488-6919	DOT/IF	Yes
✓ JACK WRAY	Box N. JUNEAU, AK	465-4378	APSC	IF Requested
Richard Ray ✓				
✓ G. GRESSETT	Airport Study Office Anch. AK. ANCH INT'L AIRPORT 6014 Glenkerig Anchorage 99504	266 1415	P.S.E.A. Public Safety Assoc.	YES

6-0528E ✓
Lauterbach
2/10/89

Original sponsors: Boyer, Swackhammer,
Gruenberg, and Zawacki

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2 CS FOR HOUSE BILL NO. 94 (Transportation)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to certain officers and employees of
7 the Department of Transportation and Public Facili-
8 ties who are stationed at an international airport."

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

10 * Section 1. AS 02.15.230(a) is amended to read:

11 (a) The commissioner and those officers and employees of the
12 department who the commissioner may designate have general police
13 powers in aid of the enforcement of this chapter, and the regulations
14 and orders issued under it and all other laws of the state relating to
15 aeronautics. An officer or employee stationed at an international
16 airport and designated by the commissioner to have the police powers
17 authorized under this subsection is a

18 (1) "police officer" subject to AS 18.65.130 - 18.65.280
19 and the regulations adopted under AS 18.65.130 - 18.65.280;

20 (2) "policeman" for purposes of AS 23.10.037(b).

21 * Sec. 2. Notwithstanding AS 02.15.230(a), as amended by sec. 1 of this
22 Act, an officer or employee of the Department of Transportation and Public
23 Facilities who holds a position on the effective date of this Act that
24 would be covered by the amendment made to AS 02.15.230(a) and who does not
25 have a police officer certificate issued by the Alaska Police Standards
26 Council is not subject to AS 18.65.130 - 18.65.280 and the regulations
27 adopted under AS 18.65.130 - 18.65.280 while employed by the Department of
28 Transportation and Public Facilities until two years after the effective
29 date of this Act. During this two-year period, the Department of Transpor-

1 ration and Public Facilities may not discriminate against a person describ-
2 ed by this section in an employment matter related to the person's wages
3 and benefits payable, promotion and reassignment opportunities, or training
4 necessary to attain certification because the person does not have a cer-
5 tificate issued by the Alaska Police Standards Council.
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6-0528H
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8 ties who are stationed at an international airport."

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

10 * Section 1. AS 18.65.290(5) is amended to read:

11 (5) "police officer" means

12 (A) a full-time employee of the state or a local
13 police department with the authority to arrest and issue cita-
14 tions; detain a person taken into custody until that person can
15 be arraigned before a judge or magistrate; conduct investigations
16 of violations of and enforce criminal laws, regulations and
17 traffic laws; search with or without a warrant persons, dwell-
18 ings, and other forms of property for evidence of a crime; carry
19 a concealed weapon; and take other action consistent with exer-
20 cise of these enumerated powers when necessary to maintain the
21 public peace; and

22 (B) an officer or employee of the Department of Trans-
23 portation and Public Facilities who is stationed at an interna-
24 tional airport and has been designated to have general police
25 powers under AS 02.15.230(a);

26 * Sec. 2. AS 23.10.037(b) is amended to read:

27 (b) The provisions of (a) of this section do not apply to the
28 state or a political subdivision of the state when dealing with
29 policemen in its employ or with persons applying to be employed as

1 policemen. In this subsection, "policemen" includes officers and
2 employees of the Department of Transportation and Public Facilities
3 who are stationed at an international airport and have been designated
4 to have general police powers under AS 02.15.230(a).

5 * Sec. 3. Notwithstanding AS 18.65.290(5), as amended by sec. 1 of this
6 Act, an employee of the Department of Transportation and Public Facilities
7 who holds a position on the effective date of this Act that would be
8 covered by the amendment made to AS 18.65.290(5) by sec. 1 of this Act and
9 who does not hold a certificate issued by the Alaska Police Standards
10 Council is not subject to the jurisdiction of the Alaska Police Standards
11 Council while employed by the Department of Transportation and Public
12 Facilities until two years after the effective date of this Act. During
13 this two-year period, the Department of Transportation and Public Facili-
14 ties may not discriminate against a person described by this section in an
15 employment matter related to the person's wages and benefits payable,
16 promotion and reassignment opportunities, or training necessary to attain
17 certification because the person does not have a certificate issued by the
18 Alaska Police Standards Council.

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HB

156

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
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JUNEAU, ALASKA 99811
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Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMFR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HB 150

House Transportation 2/23/87

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 8, 1989

FURTHER REFERRALS: JUDICIARY waived
FINANCE

Date of Committee Action: 2/28/89

The TRANSPORTATION Committee considered:

HB 156

HOUSE BILL NO. 156 [UNCLAIMED PROPERTY: UNUSED AIRLINE TICKETS]
"An Act relating to unused airline tickets; and providing for an effective date."

RECOMMENDS:

- replacing with HB 156 [] the same title [] a new title
- [] the attached amendment(s)
- [] do pass
- [] do not pass
- [] no recommendation
- [] individual recommendations
- [] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact
- [] zero fiscal note
- [] zero with analysis

APPROVES PREVIOUS:

- [] fiscal note(s) published: _____
- [] zero fiscal notes(s) published: _____

SIGNING DO PASS:

SIGNING OTHER THAN DO PASS:
(Do Not Pass, No Recommendation, Amend)

Butte Cuts
Ben S. Adams
Bill Hudson
Richard Story 2
Arew Adelman

Butte Cuts
Chairman's signature

House Bill 156

"An Act Relating to Unused Airline Tickets"

Section 1

Chapter 29, SLA 1988 amended the definition of unclaimed property (under the Unclaimed Property Statute of 1986) to exclude unused airline tickets. Because Ch 29, SLA 88 was not retroactive to 1986, the Department of Revenue has the right to enforce the original statute for a two year window (1986-88). As was demonstrated during last year's hearings, this exercise would be counter productive, as the cost of enforcement would likely exceed the benefits to the State. The accounting cost of compliance to the effected airline would exceed the value of any "unused and unclaimed airline tickets." Further, the old statute was in conflict with the stated contract terms of airline tickets, and without addresses of the unclaimed ticket holders, it is extremely unlikely that money would be returned to the person who originally purchased the ticket.

After discussions with the Department of Revenue, it was concluded that this clean up legislation was the best means of solving any uncertainty about the Department's responsibilities for the period 1986-88.

Section 2

The Department of Revenue has received payment from one airline (under protest) for "unmatched airline coupons." The

airline requested a refund of the money after passage of Ch 29, SLA 88, but was denied. Section 2 requires DOR to return any funds collected while the prior statute was in effect (the total refund is approximately \$23,000). It would be unfair for one airline to have been singled out for compliance.

①

HB 156 RELATES TO UNUSED AIRLINE TICKETS.

IN 1986 THE UNCLAIMED PROPERTY ACT PASSED INTO LAW. UNCLAIMED PROPERTY INCLUDED SUCH THINGS AS DIVIDENDS, MONEY, CHECKS, STOCKS, BONDS, INSURANCE POLICIES, CREDIT MEMOS PLUS NUMEROUS OTHER TANGIBLE AND INTANGIBLE ITEMS. UNUSED AIRLINE TICKETS WERE PART OF THE UNCLAIMED PROPERTY THAT HAD TO BE REPORTED AND PAID TO THE DEPARTMENT OF REVENUE. ESSENTIALLY, THIS IS HOW IT WORKED - YOU BOUGHT A TICKET FROM THE AIRLINES TO GO TO FLORIDA, YOU DIDN'T USE THIS TICKET AND CIRCUMSTANCES AROSE WHERE YOU DID NOT TURN THE TICKET IN FOR A REFUND. AFTER 5 YEARS, THE AIRLINE HAD TO REPORT THIS TICKET TO THE DEPT. OF REVENUE AS UNCLAIMED PROPERTY. REVENUE OF COURSE WOULD ATTEMPT TO LOCATE YOU AND NOTIFY YOU OF THIS UNCLAIMED PROPERTY .THIS REQUIREMENT CREATED SOME MAJOR PROBLEMS FOR THE AIRLINES BECAUSE THE ACCOUNTING COST OF COMPLIANCE TO THE EFFECTED AIRLINE WOULD EXCEED THE VALUE OF ANY "UNUSED OR UNCLAIMED AIRLINE TICKET". FURTHER, THE OLD STATUTE WAS IN CONFLICT WITH THE STATED CONTRACT TERMS OF AIRLINE TICKETS, ADDITIONALLY, WITHOUT ADDRESSES OF THE UNCLAIMED TICKET HOLDERS, IT IS EXTREMELY UNLIKELY THAT MONEY WOULD BE RETURNED TO THE PERSON WHO ORIGINALLY PURCHASED THE TICKET.

IN 1988 WE PASSED SB 463 WHICH EXEMPTED UNUSED AIRLINE TICKETS FROM THE UNCLAIMED PROPERTY ACT. SO, ESSENTIALLY PRIOR TO 1986 THE AIRLINES DID NOT HAVE TO REPORT UNUSED AIRLINE TICKETS, THEN, IN 1986 AFTER THE UNCLAIMED PROPERTY ACT PASSED

INTO LAW, AIRLINES HAD TO PAY TO THE DEPT. OF REVENUE THE AMOUNT OF ALL AIRLINE TICKETS THAT HAD NOT BEEN USED IN THE PAST 5 YEARS. IN 1988, SB 463 PASSED INTO LAW AND THE AIRLINE NO LONGER HAD TO ACCOUNT TO THE DEPT. OF REVENUE FOR THESE FUNDS.

SO THERE WAS A TWO YEAR PERIOD IN THERE, FROM 1986 WHEN THE ACT WENT INTO EFFECT, TO 1988 WHEN UNUSED AIRLINE TICKETS WERE EXEMPTED THAT THE AIRLINES WERE REQUIRED TO PAY THESE FUNDS TO REVENUE.

ONLY ONE AIRLINE COMPLIED. THIS AIRLINE HAS SINCE REQUESTED THE DEPARTMENT OF REVENUE TO EITHER REFUND THE AMOUNT PAID, OR REQUIRE THE OTHER AIRLINES TO COMPLY WITH THIS TWO YEAR WINDOW PERIOD. THE DEPARTMENT OF REVENUE HAS NO STATUTORY AUTHORITY TO REFUND THE MONEY, HOWEVER, THE TIME AND EXPENSE TO WORK ON COLLECTION OF THESE FUNDS WOULD OUTWEIGH THE ACTUALY BENEFIT OF ATTEMPTING TO GO AFTER THOSE CARRIER WHO DID NOT COMPLY. ESPECIALLY WHEN WE CONSIDER THAT IT IS ONLY FOR THE TWO YEAR PERIOD. IT IS THE OPINION OF THE DEPARTMENT THAT IF THE LEGISLATURE DECIDED IN 1988 TO EXEMPT UNUSED AIRLINE TICKETS FROM THE UNCLAIMED PROPERTY ACT, IT WOULD NOW BE BENEFICIAL TO CLARIFY THIS 2 YEAR WINDOW PERIOD.

I FEEL THAT THIS IS RATHER UNUSUAL, WE ARE SAYING TO THE ONE AIRLINE THAT COMPLIED, SORRY, WE CANNOT DO ANYTHING FOR YOU. THIS CERTAINLY PROVIDES NO INCENTIVE FOR PRIVATE INDUSTRY TO

COMPLY WITH NEW LAWS AND REQUIREMENTS. IT ENCOURAGES THE WAIT AND SEE ATTITUDE, WAIT AND SEE IF ANYBODY ELSE PAYS FIRST. I THINK THIS IS DEFINITELY THE WRONG MESSAGE TO BE SENDJNG OUT.

SECTION 2 OF HB 156 REQUIRES DEPT. OF REVENUE TO RETURN ANY FUNDS COLLECTED WHILE THE PRIOR STATUTE WAS IN EFFECT. (THE TOTAL REFUND IS APPROXIMATELY \$21,000) I URGE YOUR SUPPORT TO HELP CLEAR UP THIS TWO YEAR WINDOW PERIOD. WE COULD HAVE CONSIDERED CLARIFYING THIS WINDOW WHEN WE EXEMPED UNUSED AIRLINE TICKETS IN 1988, WE DID NOT. I FEEL WE NEED TO ADDRESS THIS NOW. WE HAVE EXEMPTED UNUSED AIRLINE TICKETS, LET'S CLARIFY OUR 1988 INTENT.

THANK YOU FOR CONSIDERING THIS BILL

Alaska Statutes

Title 34. Property.

Chapter

- 03. Uniform Residential Landlord and Tenant Act (§§ 34.03.100, 34.03.120, 34.03.220, 34.03.225)
- 07. Horizontal Property Regimes Act (§§ 34.07.020 — 34.07.050)
- 08. Common Interest Ownership (§§ 34.08.010 — 34.08.040, 34.08.070, 34.08.090, 34.08.140, 34.08.160 — 34.08.180, 34.08.200, 34.08.210, 34.08.250 — 34.08.260, 34.08.320, 34.08.340, 34.08.440, 34.08.470, 34.08.590, 34.08.620, 34.08.700, 34.08.740, 34.08.990)
- 10. Land Registration Law (§ 34.10.170)
- 15. Conveyances (§§ 34.15.010, 34.15.015, 34.15.260, 34.15.343)
- 20. Mortgages and Trust Deeds (§§ 34.20.020, 34.20.070, 34.20.090, 34.20.160)
- 35. Liens (§§ 34.35.025, 34.35.062 — 34.35.067, 34.35.069 — 34.35.071, 34.35.074, 34.35.080, 34.35.112, 34.35.114, 34.35.117, 34.35.118, 34.35.120, 34.35.135, 34.35.160, 34.35.185, 34.35.190, 34.35.200, 34.35.205, 34.35.240, 34.35.250 — 34.35.260, 34.35.275, 34.35.280, 34.35.305, 34.35.325, 34.35.330, 34.35.340, 34.35.345, 34.35.391, 34.35.400, 34.35.405, 34.35.415, 34.35.425, 34.35.440 — 34.35.445, 34.35.900)
- 45. Unclaimed Property (§§ 34.45.030, 34.45.070, 34.45.090, 34.45.110, 34.45.120, 34.45.140 — 34.45.260, 34.45.280 — 34.45.340, 34.45.360 — 34.45.430, 34.45.450 — 34.45.470, 34.45.700 — 34.45.780)
- 55. Uniform Land Sales Practices Act (§ 34.55.020)
- 65. Land Surveys (§§ 34.65.030 — 34.65.050)

Chapter 03. Uniform Residential Landlord and Tenant Act.

Article

- 3. Landlord Obligations (§ 34.03.100)
- 4. Tenant Obligations (§ 34.03.120)
- 6. Landlord Remedies (§§ 34.03.220, 34.03.225)

ject to AS 34.45.110 — 34.45.780 must include all items of property that would have been presumed abandoned during the six-year period preceding September 7, 1986, as if AS 34.45.110 — 34.45.780 had been in effect during that period. (§ 11 ch 133 SLA 1986)

Sec. 34.45.730. Regulations. The department shall adopt regulations necessary to carry out the provisions of AS 34.45.110 — 34.45.780. (§ 11 ch 133 SLA 1986)

Sec. 34.45.740. Uniformity of application and construction. AS 34.45.110 — 34.45.780 shall be applied and construed so as to effectuate their general purpose to make uniform the law with respect to unclaimed property among states enacting the Uniform Unclaimed Property Act. (§ 11 ch 133 SLA 1986)

Sec. 34.45.750. Report by department upon failure to make report or making false report. If a person fails to submit a report as required under AS 34.45.110 — 34.45.780, or makes, wilfully or otherwise, a false report, the department shall make the report from the information it obtains under AS 43.05.050. A report made by the department is prima facie valid for all legal purposes. (§ 11 ch 133 SLA 1986)

Sec. 34.45.760. Definitions. In AS 34.45.110 — 34.45.780, unless the context requires otherwise,

(1) "apparent owner" means the person whose name appears on the records of the holder as the person entitled to property held, issued, or owing by the holder;

(2) "banking organization" means a bank, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, or an organization defined by other applicable laws as a bank or banking organization;

(3) "business association" means a nonpublic corporation, joint stock company, investment company, business trust, partnership, or association for business purposes of two or more individuals, whether or not for profit, including a banking organization, financial organization, insurance company, or utility;

(4) "commissioner" means the commissioner of the Department of Revenue;

(5) "department" means the Department of Revenue;

(6) "domicile" means the state of incorporation of a corporation and the state of the principal place of business of an unincorporated person;

(7) "financial organization" means a savings and loan association, cooperative bank, building and loan association, or credit union;

(8) "holder" means a person, wherever organized or domiciled, who is

- (A) in possession of property belonging to another,
- (B) a trustee, or
- (C) indebted to another on an obligation;

(9) "insurance company" means an association, corporation, fraternal or mutual benefit organization, whether or not for profit, that is engaged in providing insurance coverage, including accidental, burial, casualty, credit life, contract performance, dental, fidelity, fire, health, hospitalization, illness, life, including endowments and annuities, malpractice, marine, mortgage, surety, and wage protection insurance:

(10) "intangible property"

(A) includes

(i) money, checks, drafts, deposits, interest, dividends, and income;

(ii) credit balances, customer overpayments, gift certificates, security deposits, refunds, credit memos, unpaid wages, and unidentified remittances;

(iii) stocks and other intangible ownership interests in business associations;

(iv) money deposited to redeem stocks, bonds, coupons, and other securities, or to make distributions;

(v) amounts due and payable under the terms of insurance policies; and

(vi) amounts distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit-sharing, employee savings, supplemental unemployment insurance, or similar benefits;

(B) does not include

(i) unused airline tickets; or

(ii) shares of stock issued by a corporation organized under 43 U.S.C. 1601 — 1629a (Alaska Native Claims Settlement Act) or unclaimed dividends payable on the shares of stock;

(11) "last known address" means a description of the location of the apparent owner sufficient for the purpose of the delivery;

(12) "owner" means a depositor in the case of a deposit, a beneficiary in the case of a trust other than a deposit in trust, a creditor, claimant, or payee in the case of other intangible property, or a person having a legal or equitable interest in property subject to AS 34.45.110 — 34.45.780; the term includes a person's legal representative;

(13) "person" means an individual, business association, state, municipality or other government, including the United States government, subdivision or agency, public corporation, public authority, estate, trust, two or more persons having a joint or common interest, or other legal or commercial entity;

(14) "property" means personal property;

(15) "state" means a state, district, commonwealth, territory, insular possession, or other area subject to the legislative authority of the United States;

(16) "utility" means a person who owns or operates for public use a plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas. (§ 11 ch 133 SLA 1986; am § 1 ch 29 SLA 1988)

Effect of amendments. — The 1988 amendment, in paragraph (10), deleted "unused airline tickets" following "wages" in subparagraph (A)(ii), divided subparagraph (B) into introductory language and item (i) and, in that subparagraph, inserted item (ii) and deleted "to" preceding "unclaimed" in item (ii).

Sec. 34.45.780. Short title. AS 34.45.110 — 34.45.780 may be cited as the Uniform Unclaimed Property Act. (§ 11 ch 133 SLA 1986)

Chapter 55. Uniform Land Sales Practices Act.

Section

20. General powers and duties

Sec. 34.55.020. General powers and duties. (a) The department shall adopt regulations under the Administrative Procedure Act (AS 44.62). The regulations shall include but not be limited to provisions for advertising standards to assure full and fair disclosure; provisions for escrow or trust agreements or other means reasonably to assure that all improvements referred to in the application for registration and advertising will be completed and that purchasers will receive the interest in land contracted for; provisions for operating procedures; and other provisions as are necessary and proper to accomplish the purpose of this chapter.

(b) The department, by regulation or by an order, after notice and hearing, may require the filing of advertising material relating to subdivided land before its distribution.

(c) If it appears that a person has engaged or is about to engage in an act or practice constituting a violation of this chapter, or a regulation or order under this chapter, the department, with or without prior administrative proceedings may bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter or a regulation or order under this chapter. Upon proper showing, injunctive relief or temporary restraining orders shall be granted, and a receiver or conservator may be appointed. The department is not required to post a bond in court proceedings.

(d) The department may intervene in a suit involving subdivided land. In a suit by or against a subdivider involving subdivided land.

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: HB 156
PUBLISH DATE: 2/8/89

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Unused Airline Tickets

Agency Affected: Revenue
BRU: Income & Excise Audit

Sponsor: Cato
Requestor: Transportation

Components: Operating

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95
OPERATING						
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LANDS & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	(20.9)	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Steven E. Kettel
Division: Income and Excise Audit

Phone: (907) 465-2320
Date: February 17, 1989

Approved by Commissioner: Hugh Malone
Agency: Department of Revenue

Date: February 17, 1989

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

Analysis:

The bill provides that AS 34.45.760(10) which exempts airlines from reporting unused airline tickets under the Uniform Unclaimed Property Act are exempt retroactive to passage of the act on September 8, 1986. The original act did not specifically exempt airlines. In 1988 Ch.29, SLA 1988 prospectively exempted unused airline tickets from the reporting requirements of the act.

Fiscal Impact

To date, a single airline has complied with AS 34.45 and submitted an unclaimed property report and paid over cash representing unclaimed airline tickets. Approximately \$25,000 was paid to the Department with over \$4,000 being returned to the rightful owners to date. The remaining \$20,900 will be returned to the airline upon passage of HB156 within 90 days after the bills effective date.

Department's Position

We do not have objections to passage of this bill

A handwritten signature in dark ink, appearing to be "S. Kettel", is written over the end of the sentence "We do not have objections to passage of this bill".

HB 156 RELATES TO UNUSED AIRLINE TICKETS.

IN 1986 THE UNCLAIMED PROPERTY ACT PASSED INTO LAW. UNUSED AIRLINE TICKETS WERE PART OF THE UNCLAIMED PROPERTY THAT HAD TO BE REPORTED AND PAID TO THE DEPARTMENT OF REVENUE.

ESSENTIALLY, THIS IS HOW IT WORKED - YOU BOUGHT A TICKET FROM THE AIRLINES TO GO TO FLORIDA, YOU DIDN'T USE THIS TICKET AND CIRCUMSTANCES AROSE WHERE YOU DID NOT TURN THE TICKET IN FOR A REFUND. AFTER 5 YEARS, THE AIRLINE HAD TO REPORT THIS TICKET TO THE DEPT. OF REVENUE AS UNCLAIMED PROPERTY. REVENUE OF COURSE WOULD ATTEMPT TO LOCATE YOU AND NOTIFY YOU OF THIS UNCLAIMED PROPERTY .THIS REQUIREMENT CREATED SOME MAJOR PROBLEMS FOR THE AIRLINES.

IN 1988 WE PASSED SB 463 WHICH EXEMPTED UNUSED AIRLINE TICKETS FROM THE UNCLAIMED PROPERTY ACT. SO, ESSENTIALLY PRIOR TO 1986 THE AIRLINES DID NOT HAVE TO REPORT UNUSED AIRLINE TICKETS, THEN, IN 1986 AFTER THE UNCLAIMED PROPERTY ACT PASSED INTO LAW, AIRLINES HAD TO PAY TO THE DEPT. OF REVENUE THE AMOUNT OF ALL AIRLINE TICKETS THAT HAD NOT BEEN USED IN THE PAST 5 YEARS. IN 1988, SB 463 PASSED INTO LAW AND THE AIRLINE NO LONGER HAD TO ACCOUNT TO THE DEPT. OF REVENUE FOR THESE FUNDS.

SO THERE WAS A TWO YEAR PERIOD IN THERE, FROM 1986 WHEN THE ACT WENT INTO EFFECT, TO 1988 WHEN UNUSED AIRLINE TICKETS WERE EXEMPTED THAT THE AIRLINES WERE REQUIRED TO PAY THESE FUNDS TO REVENUE.

ONLY ONE AIRLINE COMPLIED. THIS AIRLINE HAS SINCE REQUESTED THE DEPARTMENT OF REVENUE TO EITHER REFUND THE AMOUNT PAID, OR REQUIRE THE OTHER AIRLINES TO COMPLY WITH THIS TWO YEAR WINDOW PERIOD. THE DEPARTMENT OF REVENUE HAS NO STATUTORY AUTHORITY TO REFUND THE MONEY, HOWEVER, THE TIME AND EXPENSE TO WORK ON COLLECTION OF THESE FUNDS WOULD OUTWEIGH THE ACTUALY BENEFIT OF ATTEMPTING TO GO AFTER THOSE CARRIER WHO DID NOT COMPLY. ESPECIALLY WHEN WE CONSIDER THAT IT IS ONLY FOR THE TWO YEAR PERIOD. IT IS THE OPINION OF THE DEPARTMENT THAT IF THE LEGISLATURE DECIDED IN 1988 TO EXEMPT UNUSED AIRLINE TICKETS FROM THE UNCLAIMED PROPERTY ACT, IT WOULD NOW BE BENEFICIAL TO CLARIFY THIS 2 YEAR WINDOW PERIOD.

I FEEL THAT THIS IS RATHER UNUSUAL, WE ARE SAYING TO THE ONE AIRLINE THAT COMPLIED, SORRY, WE CANNOT DO ANYTHING FOR YOU. THIS CERTAINLY PROVIDES NO INCENTIVE FOR PRIVATE INDUSTRY TO COMPLY WITH NEW LAWS AND REQUIREMENTS. IT ENCOURAGES THE WAIT AND SEE ATTITUDE, WAIT AND SEE IF ANYBODY ELSE PAYS FIRST. I THINK THIS IS DEFINITELY THE WRONG MESSAGE TO BE SENDING OUT.

I URGE YOUR SUPPORT TO HELP THIS TWO YEAR WINDOW PERIOD. WE COULD HAVE CONSIDERED CLARIFING THIS WINDOW WHEN WE EXEMPED UNUSED AIRLINE TICKETS IN 1988, WE DID NOT. I FEEL WE NEED TO ADDRESS THIS NOW. WE HAVE EXEMPTED UNUSED AIRLINE TICKETS, LET'S CLARIFY OUR 1988 INTENT.

THANK YOU FOR CONSIDERING THIS BILL

Rep
Belle
Cato

Article #2

House Bill 156

"An Act Relating to Unused Airline Tickets"

Section 1

Chapter 29, SLA 1988 amended the definition of unclaimed property (under the Unclaimed Property Statute of 1986) to exclude unused airline tickets. Because Ch 29, SLA 88 was not retroactive to 1986, the Department of Revenue has the right to enforce the original statute for a two year window (1986-88). As was demonstrated during last year's hearings, this exercise would be counter productive, as the cost of enforcement would likely exceed the benefits to the State. The accounting cost of compliance to the effected airline would exceed the value of any "unused and unclaimed airline tickets." Further, the old statute was in conflict with the stated contract terms of airline tickets, and without addresses of the unclaimed ticket holders, it is extremely unlikely that money would be returned to the person who originally purchased the ticket.

After discussions with the Department of Revenue, it was concluded that this clean up legislation was the best means of solving any uncertainty about the Department's responsibilities for the period 1986-88.

Section 2

The Department of Revenue has received payment from one airline (under protest) for "unmatched airline coupons." The

airline requested a refund of the money after passage of Ch 29, SLA 88, but was denied. Section 2 requires DOR to return any funds collected while the prior statute was in effect (the total refund is approximately \$23,000). It would be unfair for one airline to have been singled out for compliance.

362

5:04

Winters and
holders of reduced
paid tickets

357

Att

new #156

I/R

311 loan - Some of funds in profits
348 Royce - this special first meet. that will be held

335 Hudson

305 loan

319 Hudson - who paid - lease

Mannual Fund impact. no objection to Log's station

290

Dept of Rec Royce Rollan
Uniforms undervalued property Act

280 Royce - Intangible property -
Significance of 1986 Act

SAT

230

Act out of harness was (HIS 156)
Act out of bus. HIS 156

Who
He or to
Rep Best cut well to both
Rep Best lead from
With reference

fund transfer to the Red Fish's desk

8:39

writer testimony File #1
Actual #2

The Calendar was revised (HB3)
Studies amount of money spent in April
as City prep for April.

42 Cato

C/S HB 3

#2 Require AK Resident Artist. Post. of 1711 Act.

#3 Public evaluation expanded Selection Committee.

plaque

Artist, Title of Piece, Names of Selection Committee
Date of Completion

123 Cato -

140 Harley

167 Cato

170 Hardy

176 Hudson

183 Ben

189 Harley

194 Ben

205 Hudson

217 -

2:0

does not violate this Constitutional Provision

It's possible that it could
be challenged in law court.

Principle: Amend would
not pass
Common Clause -

State Equal Protection Clause.
likely that HB3 would not
violate

- Supports HB3, Requirement of AK Artists -
Rep Comm come to pass C/S HB3
So ordered

HB

163

(5)

Date Referred February 10, 1989

HOUSE REFERRALS: FINANCE

Date of Committee Action: 2/28/89

The TRANSPORTATION Committee considered:

HB 163

HOUSE BILL NO. 163 [APPROP: UPGRADE LOFTUS ROAD-FAIRBANKS]

"An Act making a special appropriation to the Department of Transportation and Public Facilities for improvements to Loftus Road in Fairbanks, and providing for an effective date."

RECOMMENDS:

- replacing with _____ the same title
- the attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact
- zero fiscal note
- zero with analysis

APPROVES PREVIOUS:

- fiscal note(s) published: _____
- zero fiscal notes(s) published: _____

SIGNING DO PASS:

Bette Cato
Brew A. Brown (w/ letter of intent)

SIGNING OTHER THAN DO PASS: (Do Not Pass, No Recommendation, Amend)

Richard Jones - No Rec.
Richard Jones - No Rec.

Bette Cato
Chairman's signature



Official Business

COMMITTEE:

House Transportation Committee

DATE: 2/28/89

SIGN-IN

Subject of meeting:

HJR 11

HB 163

NAME Please include title **ADDRESS** Please use full address. Please include zip. **PHONE** **REPRESENTING** **DO YOU WANT TO TESTIFY?**

NAME Please include title	ADDRESS Please use full address. Please include zip.	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY?
✓ JEFF CITRAN DIRECTOR	PO Box 2 Juneau	907-2751	DOYF	IF NECESSARY
MEREDITH HARRISON STUDENT	PO BOX 56092 North Pole	180 0625	Fairbanks Alternative	yes
Steven Torok ✓	3200 Hospital Dr. Juneau	586-7619	U.S. EPA	yes
LARRY DIETRICK ✓	PO Box 33013 Juneau AK	465-2640	ADEC	yes
P	✓	379-1	Har. M.	

HJR 11
HB 163
HJR 11

Alaska State Legislature



House of Representatives

Committee on Transportation

Rep. Bette Cato, Chairman

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4858

LETTER OF INTENT TO ACCOMPANY HB 163

It is the intent of the House Transportation Committee that the design services and contract administration services for the expansion of Loftus Road, as well as other projects, be provided by private engineering consultants to the greatest extent possible.

Alaska State Legislature
Representative Niilo Koponen

Pouch V
Juneau, Alaska 99811
(907) 465-4992

House District 21

119 N. Cushman, Suite 207
Fairbanks, Alaska 99701
(907) 456-8172

POSITION PAPER

HB 163

This bill would provide funding for the upgrade and widening of Loftus Road, a project made necessary by the opening next Fall of two new schools, the 600 pupil University Park Elementary School and Howard Luke Alternative Jr./Sr. High.

The greatest concern is for the children who live nearby, and who will walk or bicycle to and from school. There is now no sidewalk or bikepath to provide for the safety of pedestrians. There is, in fact, not even a shoulder. In addition, there are no streetlights along Loftus Road, a significant hazard in itself during the dark winter months.

At present, Loftus Road has two 10ft. wide lanes. It serves primarily to provide access to major arteries for the surrounding residential neighborhood. The two schools, however will become a destination attracting an estimated 1,000 additional vehicles per day, including school busses. This increase will approximately double the current use.

There is strong neighborhood support for the proposed upgrade, particularly among parents with children who will attend the new schools.

Design work has already been completed, having been funded in last year's reappropriation bill. Because of the immediate life safety issue, it is important that construction begin as soon as possible. The passage of HB 163 would provide for such timely action.

Department of Transportation & Public Facilities



POSITION PAPER

BILL NO: HB 163
A special appropriation to the
DOT&PF for improvements to
TITLE: Loftus Road in Fairbanks.

APPROVED: *WR Gerde*
DATE: February 27, 1989

The department supports this legislation.

Scope-of-Work: Loftus Road is to be upgraded between Geist Road and Birch Lake. Improvements will include construction of roadway illumination, shoulder widening on the east side of the road, and curb and sidewalk on the west side.

Engineer's Estimate: \$580,140

Comments: The Department of Transportation and Public Facilities (DOT&PF) currently has the maintenance responsibility for this section of Loftus Road. Two new schools (University Park Elementary and Howard Lake Alternative Jr./Sr. High School) are now under construction along Loftus Road. These schools are scheduled to be opened in the fall, 1989.

Design work is now being completed by DOT&PF and was funded under Chapter 10/88/12/15. Advertising for construction bids can begin in May, 1989 and construction completed by late summer, 1989.

FISCAL NOTE

Revision Date: 2/10/89
Title: An Act making a special appropriation to the Department of Transportation and Public Facilities for improvements to Loftus Road in Fairbanks; and providing for an effective date.

Agency Affected: DOT&PF
BRU:

Sponsor: Koponen, Boyer, M. Davis and Sharp
Requestor: House Transportation

Components:

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTURAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	3.5	3.5	3.5	3.5

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (THOUSANDS OF DOLLARS)

GENERAL FUND	0	0	3.5	3.5	3.5	3.5
FEDERAL FUNDS	0	0	0	0	0	0
OTHER*	0	0	0	0	0	0
TOTAL	0	0	3.5	3.5	3.5	3.5

POSITIONS:

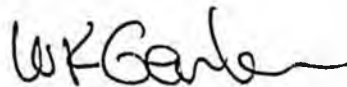
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Additional funds are needed because the roadway would be widened and illuminated.

Prepared by: Paul Prusak
Division: Planning

Phone: 474-2433
Date: 2/27/89



Approved by Commissioner: Mark S. Hickey
Agency: Department of Transportation and Public Facilities

Date: 2/27/89

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

7/12

★ Fairbanks North Star Borough

809 Pioneer Road

P.O. Box 1267

Fairbanks, Alaska 99707

907 452-4761

MEMORANDUM

TO: Current Planning
FROM: Todd Boyce, ⁸⁸Transportation Planner
DATE: February 16, 1988
SUBJECT: CU 014-88

Traffic Impact

The proposed elementary school would generate approximately 600 vehicle trips per day. The recently approved alternative school, which also has access onto Loftus Road will add about 400 trips. Staff estimates that about 80% of this traffic will access Loftus from Geist Road. When combined with the existing traffic on Loftus Road (1000) the traffic using Loftus Road between the site and Geist Road would be 1800 vehicles per day.

DOT&PF has indicated that this volume of traffic will not require the signalization of the Loftus Road/Geist Road intersection. If a left turn pocket is required on Geist Road in the future, DOT&PF has indicated that it could be provided on the road surface, by merely restriping.

Pedestrian/Bicycle Access

Geist Road has a bicycle path running along its south side. Loftus Road does not presently have a sidewalk or bikepath, but its south end has a connection to the Parks Highway bikepath.

It would be highly desirable if a pedestrian/bicycle connection could be made between these two existing bikepaths. A sidewalk/bikepath along Loftus Road would be necessary for elementary school age children to walk or bicycle to school.

If the approved funding for this project exceeds the contract amount for the school, a bicycle/pedestrian facility connecting the site to Geist Road should be funded from the remainder. If such funding is not available, FNSB should apply for LSR&T or other state or federal funds to construct this bicycle/pedestrian facility.

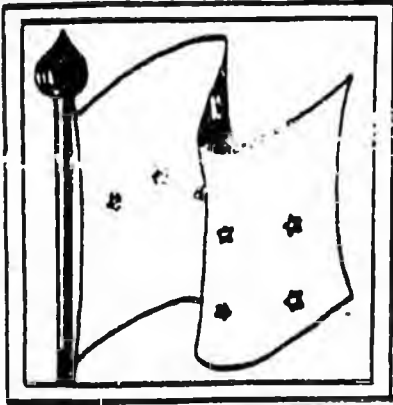
Current Planning
CU 014-88
Page 2

Access

Driveways into the school site should align with existing subdivision road and/or the driveway for the alternative school. This will be necessary to allow for construction of an adequate turning radius for school buses and minimize the hazard of vehicles falling into Deadman's Slough.

DOT&PF driveway permits will also be required for driveways onto Loftus Road.

TB/bhn



LOCATION / DESIGN STUDY REPORT

LOFTUS ROAD



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES
NORTHERN REGION

WINTER 1988-89

LOFTUS ROAD

Project 64308

Location/Design Study Report

WINTER 1988-89

Prepared by:

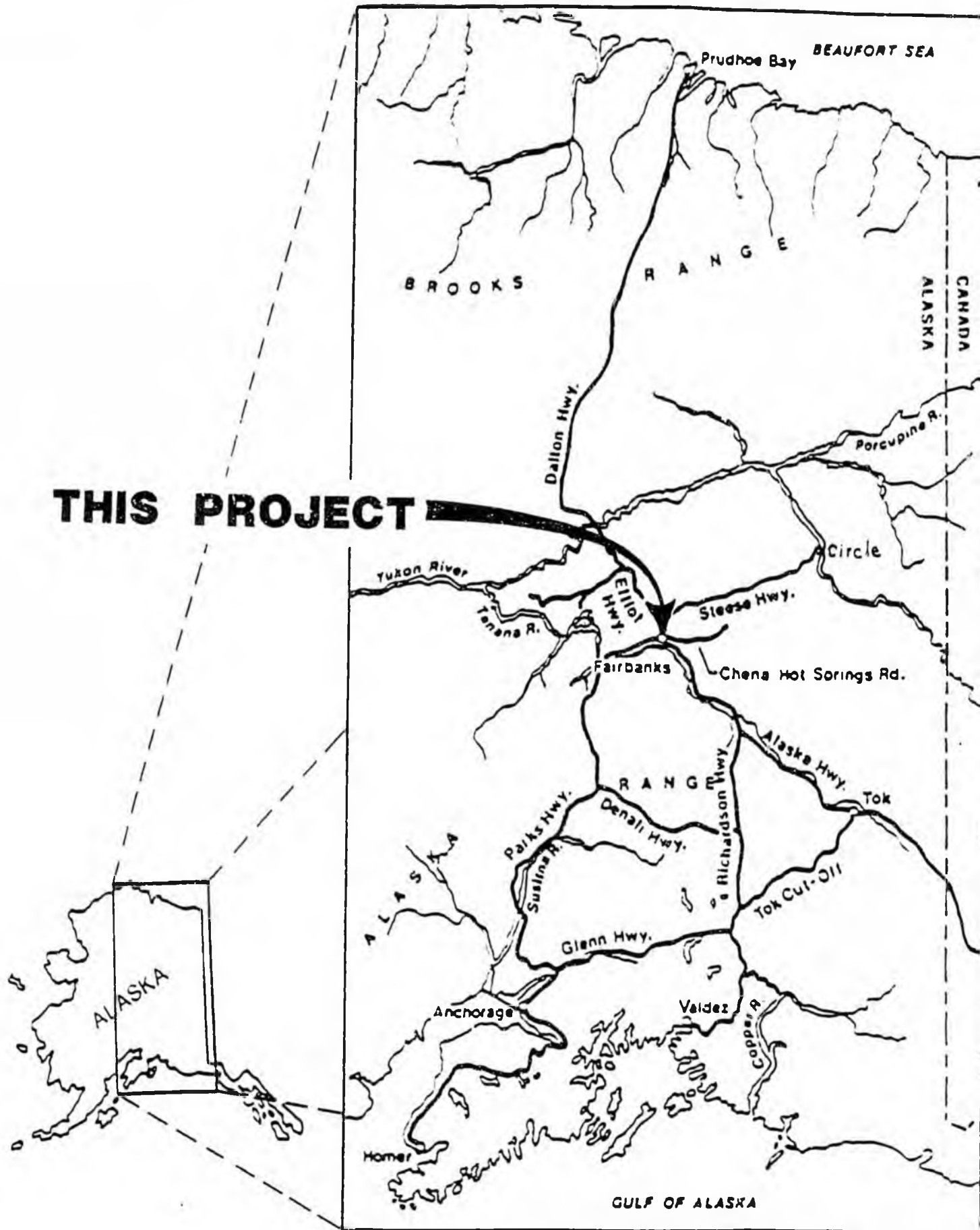
Donald E. Carlson, P.E.



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES
NORTHERN REGION
DESIGN SECTION

NOTICE

The Location/Design Study document reflects the Department's location and design decisions, as of the date of the Northern Region Design & Construction Director's approval to proceed with final plans. Changes frequently occur during the evolution of the design process, so persons who may rely on the information contained in this document should check with the Alaska Department of Transportation and Public Facilities for the most current design. Contact the Design Engineer at 451-2200 for this information.



VICINITY MAP

DESIGN AND LOCATION STUDY REPORT

PROJECT NO. 64308
PROJECT NAME: LOFTUS ROAD

Requested by: Joseph R. Keeney 1/17/89
Project Manager Date

Requested thru: Stephen C. Dink 1/17/89
Design Chief Date

Approved by: E. L. Engle 1-18-89
Director, Design & Construction Date

cc: Project Manager
Design Chief
Project Control Chief
Tech. Services Chief
Right of Way Chief
Utilities Section

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Traffic	3
Design Criteria	3
Pavement Design	3
Right-of-Way.	3
Utilities	4
Drainage.	4
Soils	4
Illumination.	4
Bicycle & Pedestrian Facilities	4
Safety.	5
Maintenance	5
Environmental Impacts	5
Preliminary Construction Cost Estimate.	5
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Typical Section	APPENDIX B
Pavement Design Charts.	APPENDIX C
Preliminary Cost Estimate	APPENDIX D
Air Photo Layout.	APPENDIX E

INTRODUCTION

Purpose

The State of Alaska, Department of Transportation and Public Facilities is planning to upgrade approximately .4 miles of Loftus Road from Birch Lane to Geist Road. The purpose of this report is to present an evaluation of the present and projected future usage of this route and to recommend a standard of improvement that will meet anticipated traffic demands. Some of the factors that will be considered in providing the recommendation include: safety, convenience to the traveling public, economic factors, environmental considerations, current AASHTO and State of Alaska highway design standards, and maintenance problems.

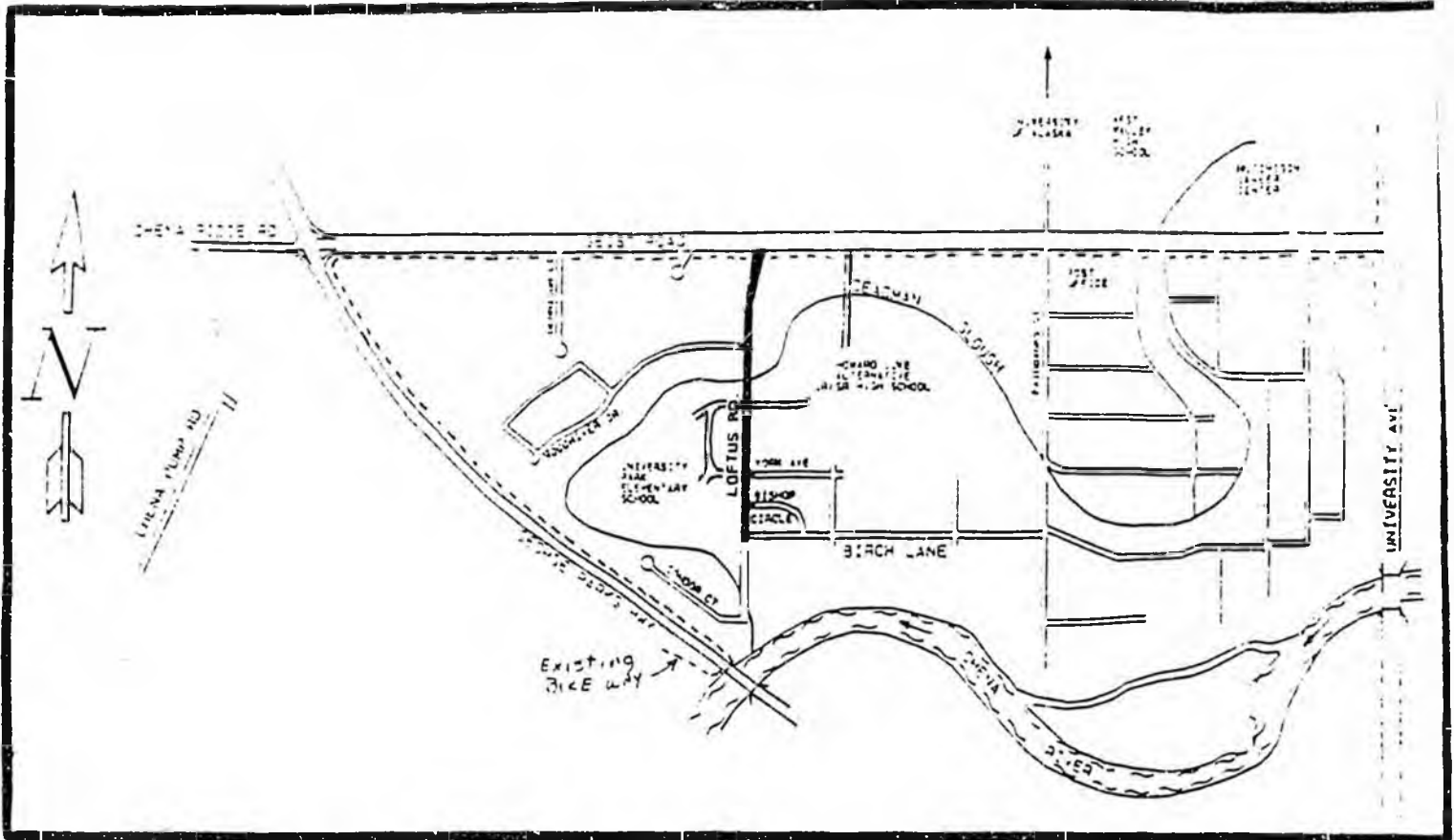
History

Loftus Road was originally an extension of Geist Road, possibly built to access Bunnel Park Subdivision in 1959. In 1970, it was officially renamed Loftus Road. In 1972, the State upgraded Loftus Road by ditching and applying an asphalt and chip surface treatment (A.S.T.). In 1975, the State rebuilt the approach to Loftus Road during the extension of Geist Road to the Parks Highway. In 1981, the State overlaid the existing A.S.T. with 1 1/2" of asphalt concrete pavement, retaining the existing two 10 ft. lane configuration.

Importance

Loftus Road is a two-lane, two-way minor collector with no on-street parking. Current lane widths are 10 feet with no shoulders and 2:1 sideslopes. The primary function of Loftus Road, at this time, is to access the local residential area. From 1964 to 1977 it also provided access to the College Utilities Sewage Treatment Plant, which is no longer in existence. Currently, the new University Park Elementary School and the Howard Luke Alternate Jr./Sr. High School are being built along Loftus Road. Due to the new schools and the residential growth in the area, vehicular and pedestrian traffic will continue to increase. The lack of shoulders for a place to walk or ride a bike along with the lack of illumination makes this route undesirable for pedestrian and bicycle traffic. The narrow lanes constrict vehicular traffic flow, too.

Safe easy access to the new schools and the surrounding area via Loftus Road can be improved by widening the traveled way, by constructing sidewalks and shoulders, and by installing street lights. The Loftus Road Project can provide these improvements with adequate funding. The only feasible alternative to upgrading Loftus Road is the "no build" option. The "no build" option is not recommended due to the new elementary school being built along this route.



LOFTUS ROAD
 Project No. 64308

LOCATION MAP

Public Involvement

The affected public will be involved in developing this project in the following ways: local government approval by the Borough Assembly, which may, at the request of the Planning Commission, include a public hearing; mailing specific impact statements to property owners within the project limits who may be affected by the proposed design.

ROADWAY REQUIREMENTS

Traffic

Traffic projections for the Loftus Road project were generated by DOT&PF Northern Region Planning Section. Projected volumes warrant two lanes with shoulders or curb and gutter. Signalization of the Geist Road intersection is not warranted at this time or within the next 10 years. The posted speed shall remain at 35 mph. An engineering study shall be made during the design phase to determine the need for and location of school speed limit signs and other school zone traffic controls.

A general traffic maintenance plan will be included in the contract plans to provide details on any special signing, detours and/or time constraints required during the construction phase.

Design Criteria

Based on the traffic projections for the year 2010 and current AASHTO standards, the following criteria will govern the design of the proposed project.

Design Speed = 40 mph
Maximum Curvature = 11.5°
Width of Travelled Way = 24 ft.

Detailed design criteria are shown in Appendix A.

Pavement Design

The pavement structure for Loftus Road has been analyzed to a depth of 42 inches using EAL's provided by DOT&PF Planning. Preliminary pavement design indicates 2 inches of asphalt concrete surfacing is appropriate. See Appendix B for the Typical Section. See Appendix C for pavement design charts.

Right-of-Way

Right-of-Way conflicts are not anticipated on this project. Construction permits may be needed for some approaches and in areas where construction is adjacent to the Right-of-Way.

Current private land uses will not be altered in the areas affected by this project.

Utilities

Involvement with existing underground and overhead utilities is not anticipated on this project.

Drainage

The curb and gutter will be drained by inlets with pipes draining into the ditch along the west side of Loftus Road. Existing ditch drainage into Deadman Slough will be retained and improved on both sides of Loftus Road. The Deadman Slough culvert will have to be extended on both ends.

Soils

Loftus Road soils were drilled and tested by the DOT&PF Northern Region Materials Section in October, 1988. The preliminary materials report indicates the existing embankment fill is contaminated with fine-grained soil (silt). The maintenance history and the existing good condition of the roadway surface indicates that the silt contamination has not been a deleterious factor. Subexcavation of silt in contact with the water table will be necessary from Deadman Slough thru the Woodriver Drive intersection. Reconstruction to the desired typical section should provide a firm surface with a design life of 20 years.

Borrow materials required for this project will be contractor supplied.

Illumination

The only street light on Loftus Road at this time is at the Geist Road intersection. The schools currently under construction will have street lights at or near the entrance approaches. Current estimates indicate that 300 elementary students will not be bused to school. The high volume of non-bused students will increase vehicular and pedestrian traffic during the morning and evening hours when it is dark or twilight. Illumination of this route is recommended to provide safe access to the schools and the surrounding neighborhood.

Preliminary design indicates 9 street lights will be required to provide the necessary illumination and they will be installed along the west side behind the new sidewalk.

Bicycle & Pedestrian Facilities

The 6 foot shoulder along the east side and the 9 foot sidewalk along the west side of Loftus Road will provide sufficient capacity for the expected bicycle and pedestrian volumes. Handicapped access ramps will be constructed at all curb returns in the sidewalk areas.

Safety

The new sidewalk, street lights, wider lanes and shoulder will improve the safety of this route.

Maintenance

Since the 1981 overlay, the only maintenance performed was to seal transverse thermal cracks in the pavement. Rutting and alligator cracking is not apparent within the project limits. Reconstruction to the desired typical section will reduce roadway surface maintenance costs during the 20 year design life. The wider design will increase snow removal costs and the street lights will cost about \$1500/year to maintain and operate.

Environmental Impacts

No significant adverse environmental impacts are anticipated as a result of this project. Approximately 2 acres of clearing and grubbing of brush within the right-of-way will be required on this project. Loftus Road is located in Flood Zone B, which is an area protected from a 100 year flood by dikes and levees. The area 100 feet either side of Deadman Slough is in Flood Zone A which can be affected by a 100 year flood.

The State of Alaska DOT&PF Northern Region Environmental Section has determined that the proposed project qualifies for the U.S. Army Corps of Engineers 404 Nationwide Permit. Additional required permits and clearances are a Fairbanks North Star Borough Floodplain Permit, a State Historic Preservation Office clearance and a Department of Fish and Game Title 16 permit. Concerns and requirements arising from these permits and clearances will be addressed during the design of this project.

Preliminary Construction Cost Estimate

The estimated construction cost for this project, based on preliminary design as discussed in this report is \$580,000. Unit costs are based on those recently experienced on similar projects in the Northern Region.

The work required for this project is expected to take less than one construction season to complete. See Appendix D for Pay Item descriptions and preliminary estimated unit costs. See Appendix E for an air photo layout.

APPENDIX A

ALASKA DOT & PF HIGHWAY PRECONSTRUCTION MANUAL
CHAPTER 11 - DESIGN

SEPTEMBER 1988

FIGURE 11-00(01)

PROJECT DESIGN CRITERIA

PROJECT NUMBER: 64308
PROJECT NAME: LOFTUS ROAD
FUNCTIONAL CLASS: MINOR URBAN COLLECTOR, LEVEL TERRAIN

DESIGN YEAR (Usually 5 yr. increment @ least
20 years after construction)... 2010
PRESENT ADT..... 1000
DESIGN YEAR ADT..... 2000
MID DESIGN PERIOD ADT..... N/A
DESIGN HOURLY VOLUME (DHV%)..... 10% (200)
DIRECTIONAL SPLIT (D)..... 45-55
TRUCKS (T%)..... 2%
EQUIVALENT AXLE LOADING (EAL)..... 33,600 (Total thru 2010)
PAVEMENT DESIGN YEAR (Construction Yr. + N): 2010

DESIGN VEHICLE (Usually AASHTO WB-50)..... BUS
DESIGN SPEED..... 40
STOPPING SIGHT DISTANCE..... 325'
PASSING SIGHT DISTANCE..... 1500'
MAXIMUM ALLOWABLE GRADE..... 7%
MINIMUM ALLOWABLE GRADE..... .3% (.5% Desirable)

MAX. ALLOWABLE DEGREE OF CURVATURE..... 11.25
MIN. K-VALUE FOR SAG CURVE..... 70
MIN. K-VALUE FOR CREST CURVE..... 80

NUMBER OF ROADWAYS..... 1
WIDTH OF TRAVELED WAY..... 24'
WIDTH OF RIGHT/OUTSIDE SHOULDER..... 6'
WIDTH OF LEFT/INSIDE SHOULDER..... 0'
TRAVELED WAY SURFACE TREATMENT..... 2" ASPHALT CONCRETE
SHOULDER SURFACE TREATMENT..... 2" ASPHALT CONCRETE
FORESLOPE RATIO: 4:1 (2:1 behind sidewalk)
BACKSLOPE RATIO: 4:1 (as R/W permits)

MEDIAN TREATMENT: N/A
ILLUMINATION: 9 NEW LUMINAIRES ON WEST SIDE BEHIND SIDEWALK.
CURB USAGE & TYPE: STANDARD CURB & GUTTER ALONG WEST SIDE.
BICYCLE PROVISIONS: 9' SIDEWALK LEFT & 6' SHOULDER RIGHT
PEDESTRIAN PROVISIONS: 9' SIDEWALK
MISC. CRITERIA: N/A

PROPOSED BY: [Signature]
DESIGN PROJECT MANAGER

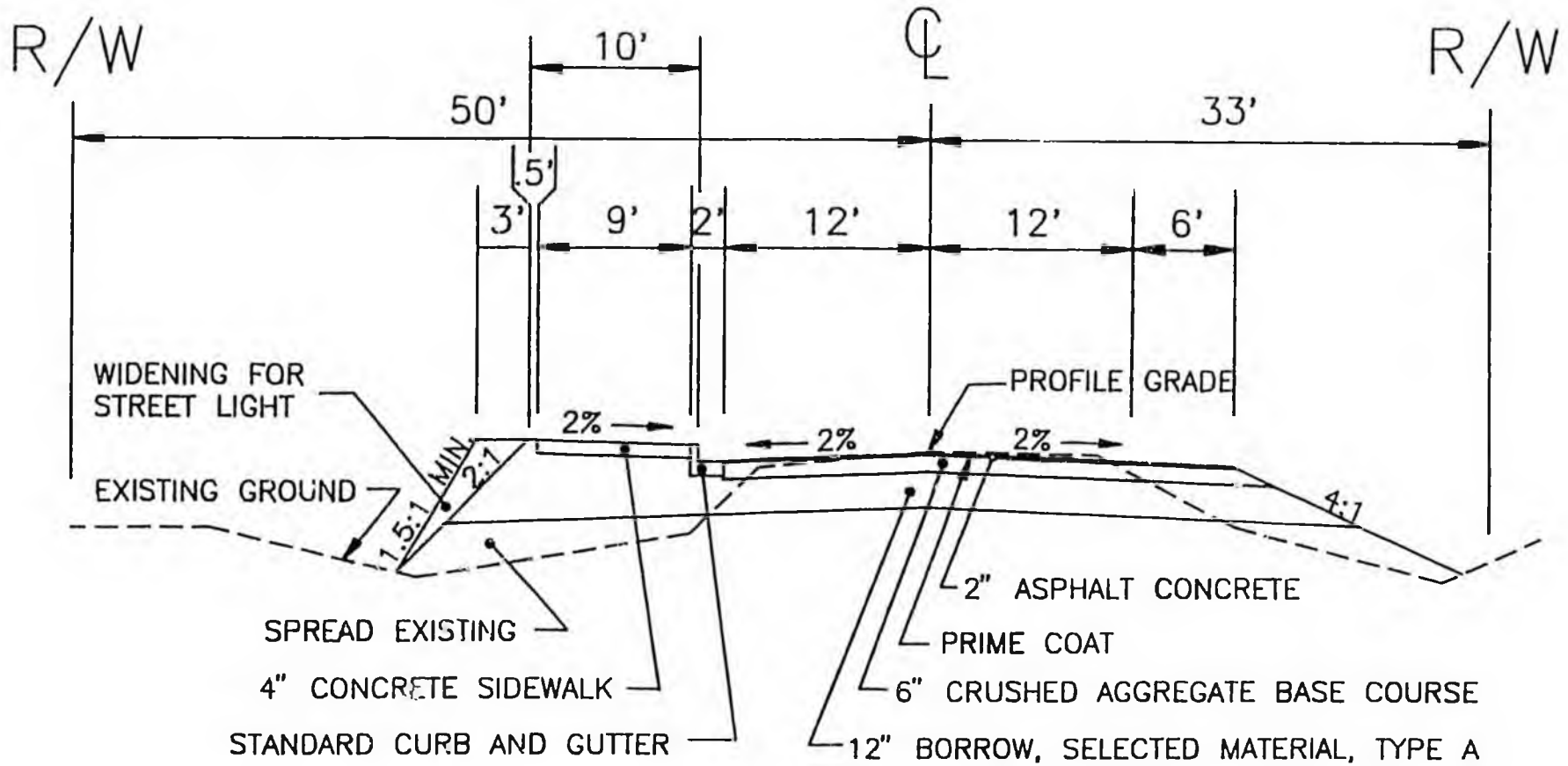
DATE: 1/17/89

ACCEPTED BY: [Signature]
REGIONAL DESIGN CHIEF

DATE: 1/17/89

APPENDIX B

LOFTUS ROAD - 64308



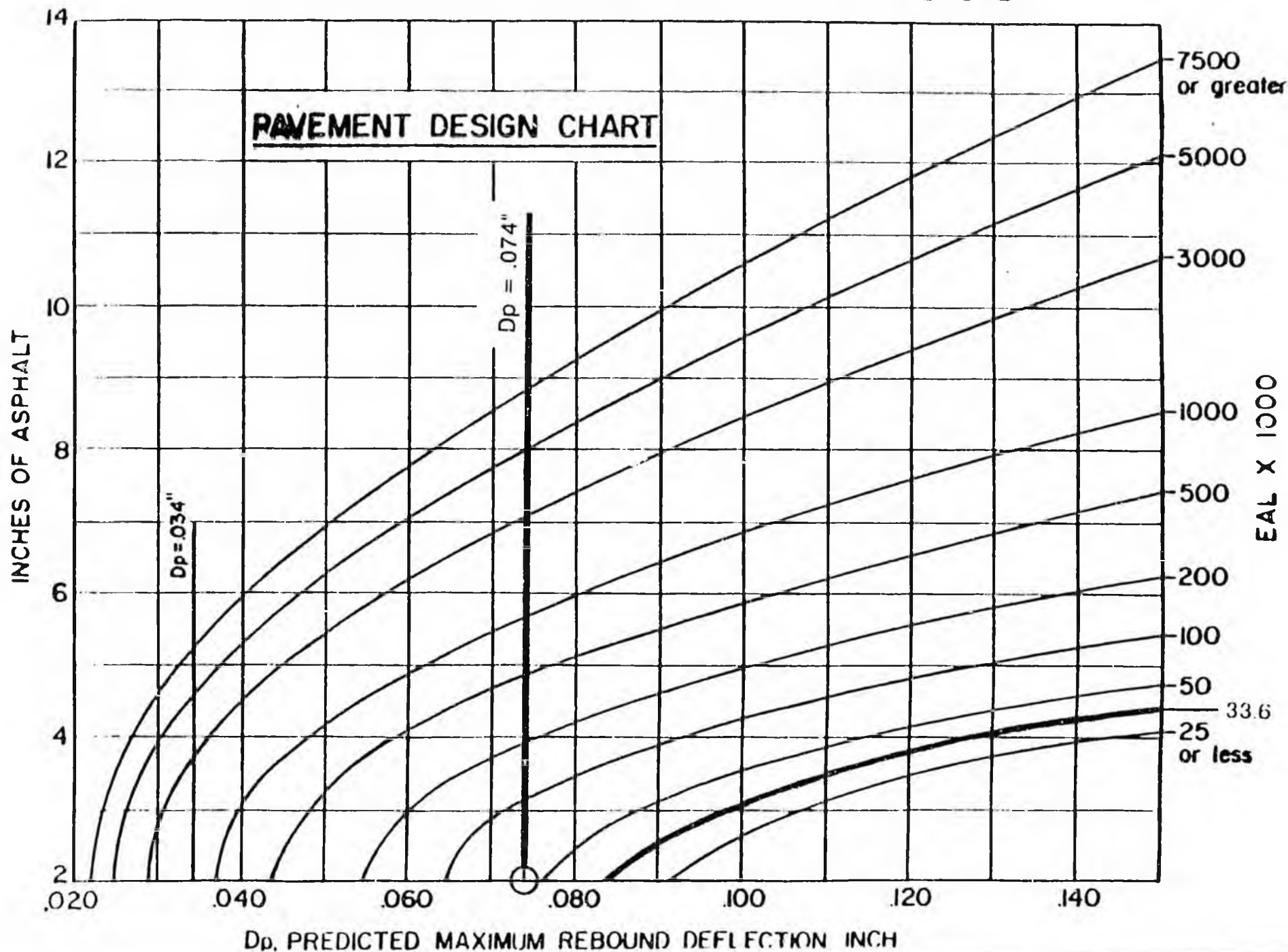
TYPICAL SECTION

APPENDIX B

APPENDIX C

LOFTUS ROAD - 64308

APPENDIX C



LOFTUS ROAD - 64308

Column	①	②	③	④	⑤	⑥	⑦	⑧
Obtained from:	Triad Dimensions	Specifications or Field Data	Fig 3	② - ③	Fig 4	Fig 4	⑥ - ⑤	⑦ × ④ ^{0.8}
Layer Number	Depth Interval (in)	Fines Content (P ₂₀₀)	Maximum Fines (P _{cr})	Excess Fines	SRF @ Top of Layer	SRF @ Bottom of Layer	(ΔSRF)	(EFF)
1	0-6	6.0	6.0	0.0	.00	.44	.44	0.0
2	6-12	6.0	7.0	0.0	.44	.68	.24	0.0
3	12-18	6.0	9.4	0.0	.68	.81	.13	0.0
4	18-24	80.0	10.5	69.5	.81	.87	.06	1.79
5	24-30	80.0	13.4	66.6	.87	.92	.05	1.44
6	30-42	80.0	27.9	52.1	.92	1.00	.08	1.89

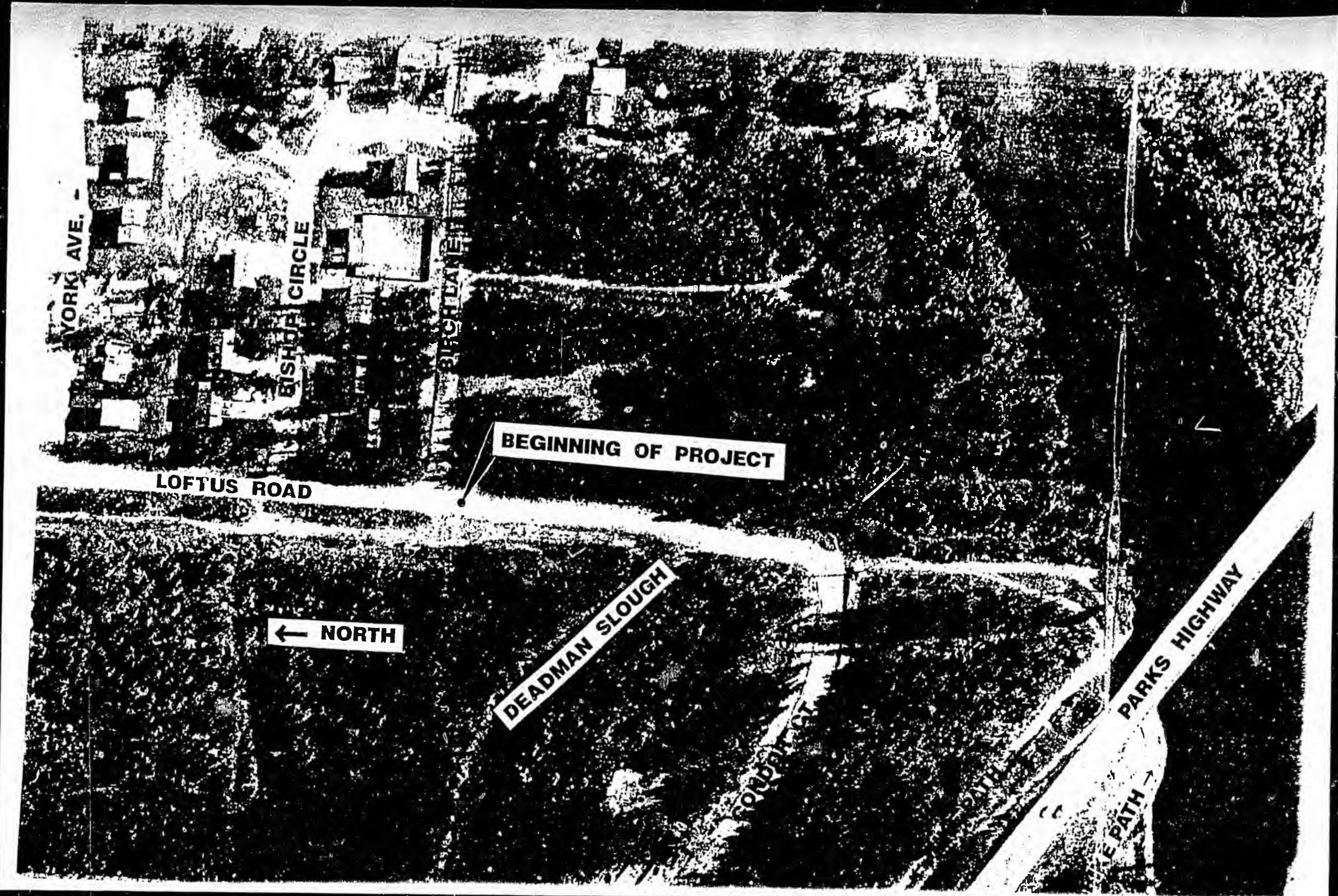
APPENDIX C

Calculations: Predicted Deflection: EFF₁ = ΣEFF =
 If EFF₁ = 0; D_p = .034" Column 8
 If EFF₁ > 0; D_p = .056" + .0035(EFF₁) Total = 5.11
D_p = .074"

Pavement thickness from Fig 6 (Enter with D_p on Horizontal Axis, rise vertically to curve for EAL and then horizontally to read pavement thickness on left axis) = 2.0 inches

APPENDIX D

APPENDIX E



YORK AVE.

BISHOP CIRCLE

BIRCHLANE

BEGINNING OF PROJECT

LOFTUS ROAD

← NORTH

DEADMAN SLOUGH

TRAIL PATH

PARKS HIGHWAY

TRAIL PATH →

GEIST ROAD

BIKE PATH

HOWARD LUKE ALTERNATIVE
JR./SR. HIGH SCHOOL

DEADMAN SLOUGH

END OF PROJECT

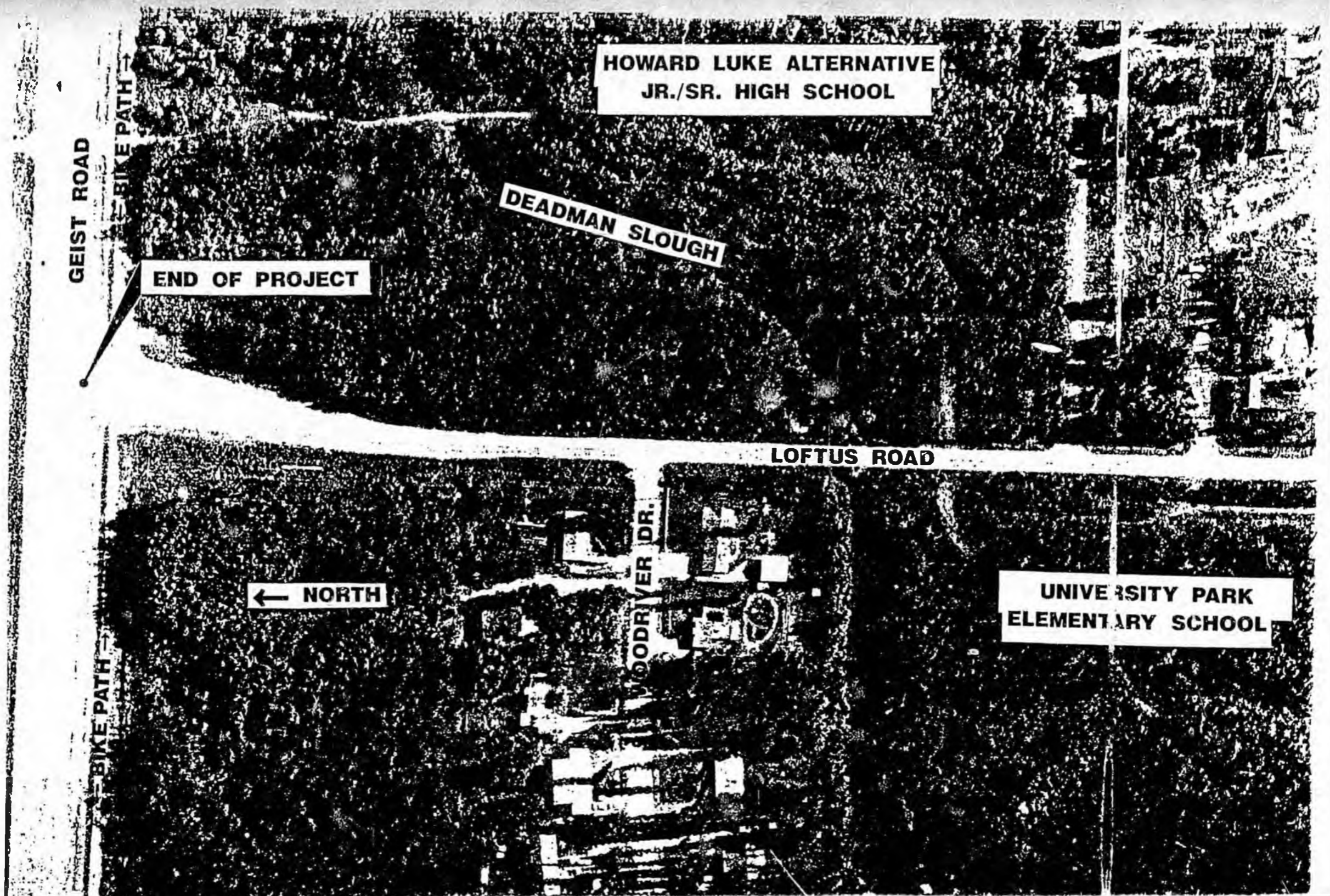
LOFTUS ROAD

← NORTH

WOODRIVER DR.

UNIVERSITY PARK
ELEMENTARY SCHOOL

BIKE PATH



ALASKA STATUTES

Title 37 Public Finance

OCTOBER 1988

Chapter 25. Miscellaneous Provisions.

Section

10. Unexpended balances of one-year appropriations

Section

20. Unexpended balances of appropriation for capital projects

Opinions of attorney general. — The provisions of AS 37.25.010 and 37.25.020 regarding unexpended balances of appropriations are applicable to the University of Alaska. February 28, 1977 Op. Att'y Gen.

There is no constitutional obstacle to making the University of Alaska subject to the provisions contained in this title. February 28, 1977 Op. Att'y Gen.

Sec. 37.25.010. Unexpended balances of one-year appropriations. (a) The unexpended balance of a one-year appropriation authorized in an appropriation bill lapses on June 30 of the fiscal year for which appropriated. However, a valid obligation (encumbrance) existing on June 30 is automatically reappropriated for the fiscal year beginning on the succeeding July 1 if it is recorded with the Department of Administration by August 31 of the succeeding fiscal year.

(b) An indebtedness arising from a prior year for which the appropriation has lapsed shall be paid from the current year's appropriations, if (1) this expenditure does not exceed the balance lapsed; and (2) the original obligation date is not more than two years from the requested date of disbursement.

(c) University receipts received on or before June 30 of a fiscal year in excess of the amount expended for that year may be expended in the succeeding fiscal year if an appropriation of university receipts has been made for the succeeding fiscal year. The amount of university receipts expended in a fiscal year may not exceed the amount of university receipts appropriated for that year.

(d) The University of Alaska shall report the amount of university receipts received in one year and expended in the succeeding fiscal year to the Department of Administration and the Legislative Budget and Audit Committee by September 30 of the succeeding fiscal year.

(e) In this section, "university receipts" has the meaning given in AS 14.40.491. (§ 1 ch 113 SLA 1962; am § 8 ch 143 SLA 1986)

Effect of amendments. — The 1986 amendment added subsections (c) — (e).

Sec. 37.25.020. Unexpended balances of appropriation for capital projects. An appropriation made for a capital project is valid for the life of the project and the unexpended balance shall be carried forward to subsequent fiscal years. Between July 1 and August 31 of each fiscal year, a statement supporting the amount of the unex-

pending balance required to complete the projects for which the initial appropriation was made and the amount that may be lapsed shall be recorded with the Department of Administration. (§ 2 ch 113 SLA 1962)

Opinions of attorney general. — Appropriations that are available for expenditure in a fiscal year should be counted only against the appropriation limit of § 16, art. IX, of the state constitution, for the first fiscal year during which they could be completely expended, even if an unexpended balance is carried forward into the next fiscal year. 1983 Op. Att'y Gen. No. 01.

Sec. 37.25.030. Appropriations for projects of the Alaska energy center. [Repealed, § 65 ch 14 SLA 1987.]

Sec. 37.25.040. [Renumbered as AS 37.05.530.]

Chapter 30. Local Government Bonding.

Section

100. Prohibited bidding on bonds

Secs. 37.30.010 — 37.30.090. Anticipatory borrowing. [Repealed, § 1 ch 118 SLA 1972.]

Sec. 37.30.100. Prohibited bidding on bonds. (a) A person who provides financial programming or marketing assistance to a political subdivision of the state, whether home rule or otherwise, in connection with the issuance or sale of general obligation bonds, revenue bonds, or bond anticipation notes of the political subdivision may not bid on the bonds or notes if offered at public sale, or negotiate for their purchase if sold at private sale.

(b) The sale of general obligation, revenue bonds, or bond anticipation notes of a political subdivision to a person prohibited from bidding on, or negotiating for the sale of bonds or notes under (a) of this section is against public policy and the sale is void.

(c) In this section "person" means an individual, firm, agent, factor, intermediary, partnership, corporation, association, bond house, stockbroker, or bond broker. (§ 2 ch 102 SLA 1974)

HB

234

Article #2

Testimony
Rep Mike Miller

May 2, 1989

On December 28, 1987, Mayor Carleta Lewis received a letter from a railbelt mayor that contained the following statement: "... I believe we both have a mutual problem, the Alaska Railroad". This statement sums up much of the frustration that exists between many municipal leaders and property owners along the railbelt and the Alaska Railroad Corporation.

Much of this frustration stems from requirements contained in the current railroad crossing permit which property owners are forced to sign in order to have access across the railroad right-of-way. Under this system, the permit holders are required to bear 100% of the cost of maintaining permitted crossings while the railroad corporation makes 100% of the decisions regarding what maintenance work needs to be done, when it will be done, and who will do it.

HB 234 and SB 233 were introduced in an attempt to bring a sense of balance back to the issue of safe access across the Alaska Railroad right-of-way. The bills establish a system by which all future standardized crossing agreements must be brought before the Legislature for review before they can be implemented by the railroad corporation. In addition, the bills direct the railroad to renegotiate all the existing crossing permits once the first standardized permit is approved in 1990.

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THE LEGISLATURE

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907-465-3800

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMFR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HB 234

House Transportation

5/2/89

HOUSE COMMITTEE REPORT

(5)

Date Referred: March 21, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: 5/2/89

The TRANSPORTATION Committee considered:

HB 234

HOUSE BILL NO. 234

[ALASKA RAILROAD CROSSING AGREEMENTS]

"An Act relating to standardized railroad crossing permit agreements of the Alaska Railroad Corporation; and providing for an effective date."

RECOMMENDATIONS:

- [] be replaced with _____ [] the same title
[] have attached amendment(s) [] a new title
[] do pass
[] do not pass
[] no recommendation
[] individual recommendations
[] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):
(Dept)

APPROVES PREVIOUS: (Date/Dept)

- [] fiscal impact _____
[] zero fiscal note _____
[] zero with analysis _____

- [] fiscal note(s) _____
[] zero fiscal note(s) _____
[] zero fn/analysis _____

SIGNING DO PASS:

SIGNING:
(Check approp. column)

Bette Cate
Bar ...
Richard ...

	Do Not Pass	No Rec	Amend

Bette Cate
Chairman's Signature

ALASKA RAILROAD CORPORATION



P.O. Box 7-2111 • Anchorage, Alaska 99510-7069

FACSIMILE COVER SHEET

TO: Terry w/ the office of Senator Lloyd Jones

Wendy w/ the office of Representative Bette Cato

FROM: Larry D Wood

General Counsel

General Counsel's Office
Alaska Railroad Corporation

DATE: April 12, 1989

NUMBER OF PAGES (including cover sheet): 13

If you have any questions/problems with transmittal, please call (907) 265-2461.

4796L

Terry and/or Wendy

Please distribute copies to the committee members.
Thanks.

ALASKA RAILROAD CORPORATION



P.O. Box 7-2111 • Anchorage, Alaska 99510-7069

April 12, 1989

The Honorable Lloyd Jones, Chairman
Senate Transportation Committee
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

The Honorable Bette Cato, Chairman
House Transportation Committee
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Re: SB 233/HB 234 An Act Relating to Standardized Railroad
Crossing Permit Agreements of the Alaska Railroad
Corporation

Dear Senator Jones and Representative Cato,

Thank you for providing this opportunity for the Alaska Railroad Corporation ("ARRC") to respond to SB 233 and HB 234 which, as you know, relate to railroad/highway crossing permit agreements. I understand that your committees will consider this legislation during the course of a joint hearing on April 13. We are hopeful that the attached analysis, fiscal note, and press release provide helpful information concerning these bills and ARRC's responses to recent crossing issues.

ARRC strongly opposes SB 233 and HB 234. We believe that the legislation will create serious and unwarranted administrative difficulties for the railroad corporation. It also unjustifiably interferes with the sound management of ARRC operations by a previously appointed Board of Directors.

The heart of the dispute concerns municipal dissatisfaction with preexisting commitments to accept crossing maintenance costs and liabilities. In response, ARRC has already helped develop a statewide Alaska Railroad/Highway Crossing Policy to more effectively administer crossing development and maintenance needs. It has also standardized annual signal maintenance fees and waived annual permit fees in an effort to mitigate municipal financial concerns. Finally, ARRC recently invited the state Ombudsman to review its railroad/highway

Page 2

Letter to Senator Jones and Representative Cato

crossing permit process in an attempt to resolve differences between the railroad and local communities regarding crossing liability and crossing maintenance costs. Hence, we believe that legislative intervention is unnecessary, inconsistent with ARRC's original mission, and usurps the good faith negotiations which have previously led to the execution of valid and reasonable grade crossing agreements.

Thank you very much.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Larry D. Wood".

Larry D. Wood
General Counsel

cc: ARRC Board of Directors
F. G. Turpin, President & CEO

8165L

ALASKA RAILROAD CORPORATION



P.O. Box 7-2111 • Anchorage, Alaska 99510-7069

April 12, 1989

SENATE BILL 233/HOUSE BILL 234

An Act Relating to Standardized Railroad Crossing
Permit Agreements of the Alaska Railroad Corporation;
and Providing for an Effective Date

I. Introduction.

Identical proposals, Senate Bill 233 and House Bill 234, have been introduced to regulate the use of standard crossing permit agreements by the Alaska Railroad Corporation ("ARRC"). A proposed revision of the railroad's enabling legislation will prohibit ARRC from using a crossing agreement form unless the form has been reviewed by the Legislature. In addition, ARRC will be required to submit a crossing permit form to legislative review before January 20, 1990. Unless the proposed agreement is disapproved during the 60 days which follow, ARRC must use it to renegotiate all existing crossing agreements within 12 months. Legislative disapproval will presumably delay the beginning of this renegotiation period.

ARRC strongly opposes this legislation. The bills may have been filed at the request of several municipalities, Wasilla and North Pole in particular, which have publicly and privately expressed dissatisfaction with their preexisting obligations to handle all costs and liabilities associated with railroad/highway crossings in their respective communities. Importantly, these crossings were installed over existing rail lines for the sake of community convenience and growth. In the past, community leaders have recognized that certain costs associated with crossing safety and maintenance would be regularly incurred, and they accepted those responsibilities as part of the price to be paid for economic expansion and an enlarged tax base.

Despite the historical development of community/railroad crossing relations and in the wake of a state-wide fiscal crisis, some public leaders have suggested that crossing maintenance expenses be shifted to ARRC, a previously self-sufficient, state-owned business. By fettering ARRC

operations with unnecessary government regulation of its railroad/highway crossing program and permits, a few municipal leaders may be assuming that the railroad's standard crossing permit will be amended to their satisfaction, a result which would otherwise depend upon good faith negotiations. This political solution also represents an effort to hogtie ARRC's administrative and operational autonomy, despite the previously expressed spirit and philosophy of its unique enabling legislation.

The following discussion underscores ARRC's efforts to responsibly manage railroad affairs by continuing to insist that municipal authorities be accountable for the maintenance of crossings which have been installed at their request and for their convenience. However, ARRC has also been sensitive to municipal financial concerns and sponsored the development of the Alaska Railroad/Highway Crossing Policy which sets forth clear standards relating to the development and maintenance of grade crossings. It has also standardized signal maintenance costs and waived permit fees. In hopes that his observations will help resolve ongoing controversy, ARRC has recently invited a neutral third party, the state Ombudsman, to review and comment upon crossing liability and maintenance costs issues.

II. Present Procedures.

An overview of ARRC's railroad/highway crossing statistics and permitting process is a prerequisite to a clearer understanding of the potential impact of these bills on railroad operations.

a. Crossing Statistics. Few members of the public realize that ARRC has 359 road crossings. All but 40 are covered by written permits and agreements which in most cases were negotiated and issued by the federal Alaska Railroad. The Department of Transportation and Public Facilities ("DOT/PF") owns 106 of the crossings and local governments own a total of 108. The remaining crossings are permitted to various other entities, both private (commercial and residential) and public (university, military, etc.). Only 76 of the 359 crossings are signalized.

b. Permit Process. To better preserve and protect its resources, ARRC insists that entry onto its lands will be governed by written permits, whatever the proposed use (road crossings, water and sewer lines, bike paths, etc.). ARRC retains approval authority for development activities within its right-of-way to insure compatibility with railroad operations. ARRC has also retained the prerogative to permit other consistent uses within the right-of-way to allow

utilities, roadways, and rail lines to safely co-exist within the same "permit area." In order to provide for its long-term needs on railroad lands, ARRC retains the right to terminate such permits on reasonable notice.

Railroad, state, and municipal representatives agreed many years ago that the entity which benefits from a crossing facility will bear all attendant costs. The railroad predated roads in most locations, and both the federal and state-owned railroads have insisted that state and local governments accept all responsibility for crossings which have been developed to access government and private lands. Similarly, where the railroad has been the latecomer and developed rail extensions over existing highways, it bears those responsibilities and costs.

Liability is addressed in two ways in ARRC's present permit form. The permit holder must have general liability insurance or, in the case of public entities, self-insurance is accepted. In addition, the road owner must agree to indemnify ARRC for all claims arising out of the operation of its railroad crossing. As noted, a permit holder pays for all construction and maintenance costs related to its crossing. Maintenance costs are primarily composed of three categories, sight triangle clearance, roadway and crossing surface maintenance, and signal maintenance.

Sight triangles are established to provide an area clear of vegetation and other obstructions so that an oncoming motorist and an approaching train crew can see each other. While the permit holder must perform clearing work, ARRC does provide flag protection without cost if it is arranged in advance.

State and local governments also install and maintain highway signs and roadway surfaces in accord with state regulations.

Signal maintenance is performed by ARRC employees, but railroad costs are reimbursed by permittees. Signal maintainers have at least four years of classroom and on-the-job training. Their work is based on industry standards and includes a weekly visit to signalized crossings for inspection, testing, and servicing. "Trouble calls" are sometimes necessary to perform repairs after accidents or vandalism. ARRC has standardized the routine maintenance charges for signalized crossings. These charges are also audited by DOT/PF personnel under Federal Highway Administration guidelines. ARRC is simply reimbursed for its personnel, materials, and overhead costs: it does not reap profits from performing signal maintenance work. For the current year, these charges amount to \$3,192 per crossing. Trouble calls average an additional \$500 per crossing.

ARRC waives annual administrative fees related to the handling of federal, state, and municipal crossing permits.

c. Alaska Railroad/Highway Crossing Policy. The Alaska Railroad/Highway Crossing Policy has been developed and implemented with extensive local government participation. It was drafted by a joint DOT/PF, ARRC, and Federal Highway Administration Task Force, and was formally adopted by the DOT/PF Commissioner and ARRC's Board of Directors. The policy defines "public" and "private" crossings and establishes a diagnostic team to evaluate proposed crossings and major improvements of existing crossing facilities. Made up of DOT/PF, ARRC and local government representatives, the team recommends the level of safety protection needed at evaluated crossings and prioritizes them for improvements based on relative hazard rankings.

III. Impact of SB 233/HB 234.

a. Management Functions. Negotiation of railroad/highway crossing agreement terms has historically been conducted between railroad management and state and local government authorities. The Alaska Railroad Corporation Act vested exclusive responsibility for management of railroad affairs in a Board of Directors and its management team. Both have been charged to operate a self-sustaining, successful railroad in a responsible and business-like manner. The formula has worked well in the four years since transfer. Subjecting corporate contracts to unnecessary legislative review will fly in the face of an effective railroad management plan and hamstring ARRC's efforts to balance the need for community access with adequate protection of railroad assets and financial resources.

All railroads and most commercial property owners use standard form permits and leases to more effectively manage corporate properties. Governmental agencies employ the same approach to avoid administrative nightmares. Similarly, ARRC's crossing agreement form clearly sets forth and assigns construction and maintenance responsibilities which have been negotiated over many years. The form has been previously reviewed and approved by railroad management. In light of preexisting legislation which has already directed that such railroad affairs be handled by responsible managers who are subject to ARRC board oversight, the devotion of substantive legislative time to further examine railroad right-of-way agreements appears to be duplicitous and perhaps wasteful in light of more pressing issues currently faced by state government.

b. Public Stalemate. The public cannot afford further delays in gaining access across railroad rights-of-way. The bills do not differentiate between permits for road crossings,