

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8207 HOUSE TRANSPORTATION

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Alaska State Legislature

STEVE FRANK

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Juneau, Alaska 99811
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Capitol Rm. 417

Senate

TO: Representative Richard Foster, Chairman
House Transportation Committee

FROM: Senator Steve Frank

RE: CSSB 82(TRANS) "An Act relating to the Dalton Highway"

DATE: April 8, 1993

I am writing to ask that you schedule Senate Bill 82 for a hearing at your earliest convenience.

Senate Bill No. 82 would open the James Dalton Highway (North Slope Haul Road) for public travel all the way to Prudhoe Bay.

Currently, access past Disaster Creek, which is about 200 hundred miles south of Deadhorse, is limited to those with a "commercial purpose". However, the entire length of the road is maintained with state general fund monies.

Unlike our other highways, federal dollars may not be used on the closed portion of the road because of its restricted use. If the road is opened, the state could use federal highway funds to upgrade the highway.

Thank you for your consideration.

LETTER OF INTENT - SB82

IN THE SENATE

BY FRANK

It is the intent of the Legislature that the Department of Transportation work with the oil field operators at Prudhoe Bay to allow public access to the Arctic Ocean.

adopted 4/7/93

LETTER OF INTENT

It is the intent of the legislature that the Administration will maintain adequate fish and wildlife protection and enforcement officials in the game management units adjacent to the Dalton Highway during hunting seasons in those units for the purpose of enforcing AS 16.05.789, and other applicable game laws and regulations. It is also the intent of the legislature to support the continuation of a game management check point on the Dalton Highway. That checkpoint yields significant voluntary information that allows our state to properly manage game resources. Finally, in order to better serve the residents living in the area adjacent to the Dalton Highway corridor, it is the intent of the legislature that the Administration use its executive powers to create and periodically convene a Dalton Highway Regional Advisory Committee, composed of individuals, organizations or agencies with interest in the region, to make recommendations with respect to economic activities and opportunities in the region as well as other topics of concern, including public safety and game management issues.

adopted 4/7/93

The legislation effectively opens the Dalton Highway throughout the entire year for public travel. A full range of law enforcement services must be provided to assure the safety of the public and enforcement of fish and game laws.

Increased activity is projected for both Alaska State Trooper (AST) enforcement patrol unit and Fish and Wildlife Protection (FWP) enforcement units. AST will be assigned to cover the area to provide for accident response, highway patrol, criminal investigation, and most importantly search and rescue services. FWP is projecting an increase in fish and game violations which will require additional enforcement. The majority of enforcement will require off-highway activity.

Four additional State Trooper positions (3 AST and 1 FWP) will be needed to provide adequate enforcement. One AST Trooper will be assigned to Seven Mile (where housing is available at virtually no increased cost) and two others which will rotate from Fairbanks to pipeline camps to provide coverage of the road system. Communications is anticipated to rely on the Alyeska security system. Non-personal services costs include seventy-five flying hours for the Fairbanks based AST helicopter, vehicles and operating costs.

The FWP Trooper will occupy the Coldfoot housing unit that was slated for closure in the FY94 budget (thus incurring only minimal housing costs). Additionally, a seasonal (five months) Fish and Wildlife Enforcement Officer will be stationed in Coldfoot (using transit living accommodations in the existing hangar). Other costs include a vehicle purchase and operating costs plus seventy-five additional hours of helicopter time to reach remote sites.

Summarized on the following page are the personal services and related operating costs for each location for the first year only:

Department of Public Safety
 Fiscal Note Analysis
 SB 82, Dalton Highway
 Page 3

	AST Trooper <u>1x7Mile</u>	AST Trooper <u>2xRoving</u>	FWP Trooper <u>1xColdfoot</u>	FWP FWEO <u>1xColdfoot</u>	Total
Pers. Serv.	\$68.6	\$137.2	\$84.5	\$25.0	\$ 315.3
Travel	11.0	12.0	11.0	-	34.0
Contractual	21.9	43.8	52.0	-	117.7
Supplies	2.5	5.0	20.8	-	28.3
Equipment	27.7	55.4	208.3	-	291.4
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Totals	\$131.6	\$253.3	\$376.6	\$25.0	\$ 786.7

Personal Services

Four full-time trooper positions and one seasonal FWEO.

Travel

Required per mandatory training needs. Transfer costs for the Troopers to be stationed at Seven Mile and Coldfoot are included in the first year only.

Contractual

Expenses related to utilities, vehicle and aircraft operation and maintenance, personnel training, and personnel support costs.

Supplies

Office supplies and miscellaneous enforcement needs, personnel uniforms, consumable vehicle accessories.

Equipment

Four heavy duty 4 X 4 vehicles with necessary communications, one single engine aircraft with wheels & skis (FWP use and Search & Rescue missions), one snow machine & one ATV and trailer, minimal office furniture, and standard trooper firearms. Equipment is needed in the first year only.

Position Title AST State Trooper		Number of Positions 2	Range/Step 76/A	Bargaining Unit PSEA
Time Status PFT	Staff Months 24.0	Location Fairbanks	Election District 29-34	
Type of Expenditure		Justification		
1	2	3	Two fully trained and experienced law enforcement officers are needed to provide accident response, patrol, investigation, and search and rescue along the Dalton Highway. These Trooper positions must have 4 X 4 vehicles (class 152) in order to be able to travel the rough road during winter conditions. 4.0 is included for training costs for the new Troopers to fill these positions. All other costs are average Trooper costs and are based upon experience.	
Salary*	95,130			
Benefits*	12,080			
Premium Pay (Included in Above)				
Other				
Total Personal Services		137.2		
Travel		12.0		
Contractual		43.8		
Commodities		4.9		
Equipment		55.4		
Other				
Total Cost		253.3		
Funding Source For Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	253.3		
Program Receipts/GF	1005			
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS calculations.				

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety

BRU Alaska State Troopers

COMPONENT Detachments

FY 94

Page 4 of 6

Revised Date

11/92) POSITION.NEW

Position Title FWP State Trooper		Number of Positions 1	Range/Step 76/A	Bargaining Unit PSEA
Time Status PFT	Staff Months 12.0	Location Coldfoot	Election District 36	
Type of Expenditure		Amount		
1	2	3		
Salary*	59,428			
Benefits*	25,075			
Premium Pay (Included in Above)				
Other				
Total Personal Services		84.5		
Travel		11.0		
Contractual		52.0		
Commodities		20.8		
Equipment		208.3		
Other				
Total Cost		376.8		
Funding Source For Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	376.6		
Program Receipts/GF	1005			
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefit's Costs are from PACS calculations.				

Justification

A fully trained and experienced law enforcement officer is needed to provide accident response, patrol, investigation, and search and rescue along the Dalton Highway. This Trooper position must have a 4 X 4 vehicle (class 056) in order to be able to travel the rough road during winter conditions. All other costs are average Trooper cost and are based upon experience. Other items of equipment needed by this FWP Troopers are a snow machine and a four-wheel all-terrain vehicle to allow for off-road patrol to enforce game regulations.

One single-engine aircraft and its operation of approximately 300 hours is included with this position. The aircraft will be used for highway patrol, off-highway enforcement of game laws, search and rescue missions, and emergency evacuations.

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety

BRU Fish & Wildlife Protection

COMPONENT Enforcement & ISU

FY 94

Page 5 of 6

Revised Date

(1/92) POSITION.NEW

Position Title AST State Trooper		Number of Positions 1	Range/Step 76/A	Bargaining Unit PSEA
Time Status PFT	Staff Months 12.0	Location Seven Mile	Election District 36	
Type of Expenditure		Amount		
1	2	3		
Salary*	47,565			
Benefits*	21,040			
Premium Pay (Included in Above)				
Other				
Total Personal Services		68.6		
Travel		11.0		
Contractual		21.9		
Commodities		2.5		
Equipment		27.7		
Other				
Total Cost		131.7		
Funding Source For Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	131.7		
Program Receipts/GF	1005			
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS calculations.				

Justification

A fully trained and experienced law enforcement officer is needed to provide accident response, patrol, investigation, and search and rescue along the Dalton Highway. This Trooper position must have a 4 X 4 vehicle (class 158) in order to be able to travel the rough road during winter conditions. All other costs are average Trooper cost and are based upon experience.

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety

BRU Alaska State Troopers

COMPONENT Detachments

FY 94

Page 6 of 6

Revised Date



*Department of Transportation
and Public Facilities*

POSITION PAPER

BILL NO: SB 82

APPROVED:

A handwritten signature in black ink, appearing to read "K. J. ...", written over a horizontal line.

TITLE: Opening the Dalton Highway

DATE: February 16, 1993

The Department of Transportation and Public Facilities (DOT&PF) supports opening the entire Dalton Highway to public use. The existing policy of allowing only commercial, industrial, and residential use is expensive to administer, inhibits capital improvement of the facility, limits growth of Alaska's tourist industry, and has not been effective at preventing renegade public traffic from travelling the route. Opening the road to public use would save DOT&PF money by eliminating the need to process requests and issue permits. It would also allow DOT&PF to move forward with much needed improvements by making Federal Aid Highway Program funding available to the northern half of the route. Federal funding is currently not available to the northern half of the highway specifically because it is closed to public use.

The inability to use federal funding for improvements on the route has made it necessary to devote General Fund and operating monies to needed improvements. This has detracted from the state's ability to perform routine maintenance work. Resources that should have been devoted to such work as grading and plowing have had to be diverted to the most critical resurfacing, settlement and drainage repair needs. Bridges which are in need of repair and strengthening had to be deleted from a previous Federal Aid project. Those bridges currently limit the gross weight of truck traffic serving Prudhoe Bay.

The lack of Federal Aid improvement funding on the northern half of the route, coupled with the need to spread an inadequate maintenance budget thinly across a long list of needed improvement and maintenance, has led to a progressive deterioration of much of the 416-mile route. Approximately 50 miles of the closed section of the route were recently rehabilitated with General Fund money. Prospects for similar funding for needed rehabilitation work on another 157 miles are not encouraging. Without opening the route to public traffic, making it eligible for

For Further Information contact Katy McHugh at 465-3900.

BILL NO: SB 82

TITLE: Opening the Dalton Highway

DATE: February 12, 1993

Federal Aid funding, there is no apparent means to accomplish the needed rehab work. The northern half of the route would continue to deteriorate to where service would become less reliable, equipment wear would increase, and eventual highway repair would become prohibitively expensive and difficult. The ability to dedicate Federal Aid funding to the entire route would help efforts to bring the route up to an adequate and efficient level of service. It would also allow maintenance funding to be spent on maintaining the everyday drivability of the route.

Additional traffic resulting from opening the Dalton Highway to public use is not expected to add significantly to the amount of maintenance needed. This is because additional traffic would be light, as evidenced by public use of the portion of the highway that is now open, and because the additional traffic would likely consist of standard passenger vehicles which cause comparatively little wear on the road.

The Bureau of Land Management (BLM) has planned for, and is developing, traveler facilities along the route. In responding to existing needs (including traffic that ignores the existing road closure), BLM has made traveler oriented improvements as far north as Galbraith Lake, approximately 67 miles into the closed section. Their planning efforts recognize the recreational potential of the route and are geared to providing services as recreational growth occurs. The tourism that would be drawn to the Dalton Highway would visit other areas of the state as well, and would profit the tourist industry statewide.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. SB 82

Revision Date: February 1, 1993
 Title: An Act relating to the Dalton Highway
 Sponsor: Senators Frank, Sharp, Miller, Pearce, Phillips
 Requestor: _____

Dept. Affected: Natural Resources
 BRU: Resource Development
 Component: Land Development
 COMPONENT SERIAL NO. 431

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
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
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	0	0	0	0
CAPITAL	0	0	0	0	0	0

REVENUE FUND SOURCE:	None	None	None	None	None	None
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FUNDING:

(Thousands of Dollars)

1002 FEDERAL RECEIPTS						
1003 GF MATCH						
1004 GF						
1005 GF/PROG RECEIPTS						
1006 GF/MHTIA						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	None	None	None	None	None	None
PART-TIME	None	None	None	None	None	None
TEMPORARY	None	None	None	None	None	None

Estimate of current year (FY 93) impact \$ None

ANALYSIS: (Attach a separate page if necessary.)
 This bill will open up the Dalton Highway to public use to the Arctic Ocean. We expect that this increased public use will create additional infrastructure demands which will be met by the Department of Transportation and Public Facilities. In BLM's Utility Corridor Management Plan, they have suggested that the state develop a destination campground at the terminus of the Dalton Highway. If such a facility is needed it will be identified as a separate CIP funded project (in combination with available federal funds).

Prepared By: Ron Swanson
 Division: Land

Phone: 762-2692
 Date: Feb. 18, 1993

Approved by Commissioner: *[Signature]*
 Agency: Natural Resources

Date: 2-22-93

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FISCAL NOTE

Bill Version: CS SB 82 (TRA)

(S) Publish Date: 3-22-93

Revision Date: 3/22/93
 Title: An Act relating to the Dalton Highway
 Sponsor: Senator Frank
 Requestor: Senate Finance Committee

Affected Agency: Dept of Public Safety
 BRU: Wildlife
 Components: Enforce & Invest. Service
 Comp. Ser. No.: _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
Personal Services	75.0	75.0	75.0	75.0	75.0	75.0
Travel						
Contractual	9.0	9.0	9.0	9.0	9.0	9.0
Supplies	15.0	15.0	15.0	15.0	15.0	15.0
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	99.0	99.0	99.0	99.0	99.0	99.0

CAPITAL						
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REVENUE						
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FUNDING: (THOUSANDS OF DOLLARS)

General Fund	99.0	99.0	99.0	99.0	99.0	99.0
Federal Fund						
Other						
TOTAL	99.0	99.0	99.0	99.0	99.0	99.0

POSITIONS:

Full-Time						
Part-Time						
Temporary	3	3	3	3	3	3

Est. of FY93 impact: 0.0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

Will allow for 3 seasonal (5 months) fish & wildlife enforcement officers; two to be stationed at Coldfoot and one roving.

These officers would use the Department's existing aircraft that is under utilized in Fairbanks. Four wheel drive vehicles and other equipment would come from the Department's current inventory.

Prepared By: Senator Frank, Co-chair *[Signature]* Date: 3/22/93
 Phone: 465-3709

[Signature]
 Prepared By: Senator Pearce, Co-chair Date: 3/22/93
 Phone: 465-4993

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: SB 82

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An Act relating to the Dalton Highway." BRU: Alaska State Troopers and Fish & Wildlife Protection
 Component: Detachments (AST) and Enforcement & (SI) (FWP)
 Sponsor: Senator Frank

Requestor: Senate Transportation Committee COMPONENT SERIAL NO. 799 and 490

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

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	315.3	315.3	315.3	315.3	315.3	315.3
TRAVEL	34.0	16.0	16.0	16.0	16.0	16.0
CONTRACTUAL	117.7	117.7	117.7	117.7	117.7	117.7
SUPPLIES	28.3	28.3	28.3	28.3	28.3	28.3
EQUIPMENT	291.4	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	786.7	477.3	477.3	477.3	477.3	477.3
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE FUND SOURCE:	0.0					

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	786.7	477.3	477.3	477.3	477.3	477.3
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	786.7	477.3	477.3	477.3	477.3	477.3

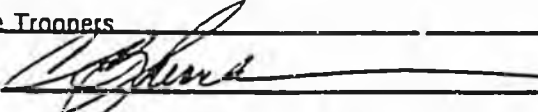
POSITIONS:

FULL-TIME	4	4	4	4	4	4
PART-TIME	1	1	1	1	1	1
TEMPORARY						

Estimate of current year (FY 93) impact: \$ 786.7

ANALYSIS: (Attach a separate page if necessary.)

See attached analysis.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 02/12/93
 Approved by Commissioner:  Date: 2/16/93
 Agency: Richard L. Burton, Dept. of Public Safety

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FISCAL NOTE

Revision Date:
Title: Opening the Dalton Highway

Department Affected: DOT&PF
BRU: Northern M&O

Sponsor: Frank
Requestor:

Component: Interior M&O
Component Serial Number: 586

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
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
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	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS	0	0	0	0	0	0
1003 GF MATCH	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/PROGRAM RECEIPTS	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL FUNDING:	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

Estimate of current year (FY93) impact: \$0

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Norm Piispanen

Phone: 451-2381

Division: Northern Region Planning

Date: February 11, 1993

Approved by Commissioner: 
Frank C. Tarpin

Phone: 465-3900

Agency: Department of Transportation and Public Facilities

Date: February 11, 1993

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. SB 82

Revision Date: _____

Department Affected: Fish and Game

Title: An Act relating to the Dalton Highway

SRU: Wildlife Conservation

Component: Wildlife Conservation

Sponsor: Senator Frank

Requestor: Senate Transportation

COMPONENT SERIAL NO. 0473

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	10.6	10.9	11.2	11.5	11.8	12.1
TRAVEL	2.5	2.5	2.5	2.5	2.5	2.5
CONTRACTUAL						
SUPPLIES	3.0	3.0	3.0	3.0	3.0	3.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	16.1	16.4	16.7	17.0	17.3	17.6

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	16.1	16.4	16.7	17.0	17.3	17.6
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	16.1	16.4	16.7	17.0	17.3	17.6

POSITIONS:

FULL-TIME						
PART-TIME	1	1	1	1	1	1
TEMPORARY						

Estimate of current year (FY93) impact: \$ 0

ANALYSIS: (Attach a separate page if necessary.)

Fish and Wildlife Tech III will be hired for 3 months to monitor hunting activities and help enforce regulations relating to off-road vehicles.

Prepared By: Wayne L. Regelin

Phone: 465-4190

Division: Wildlife Conservation

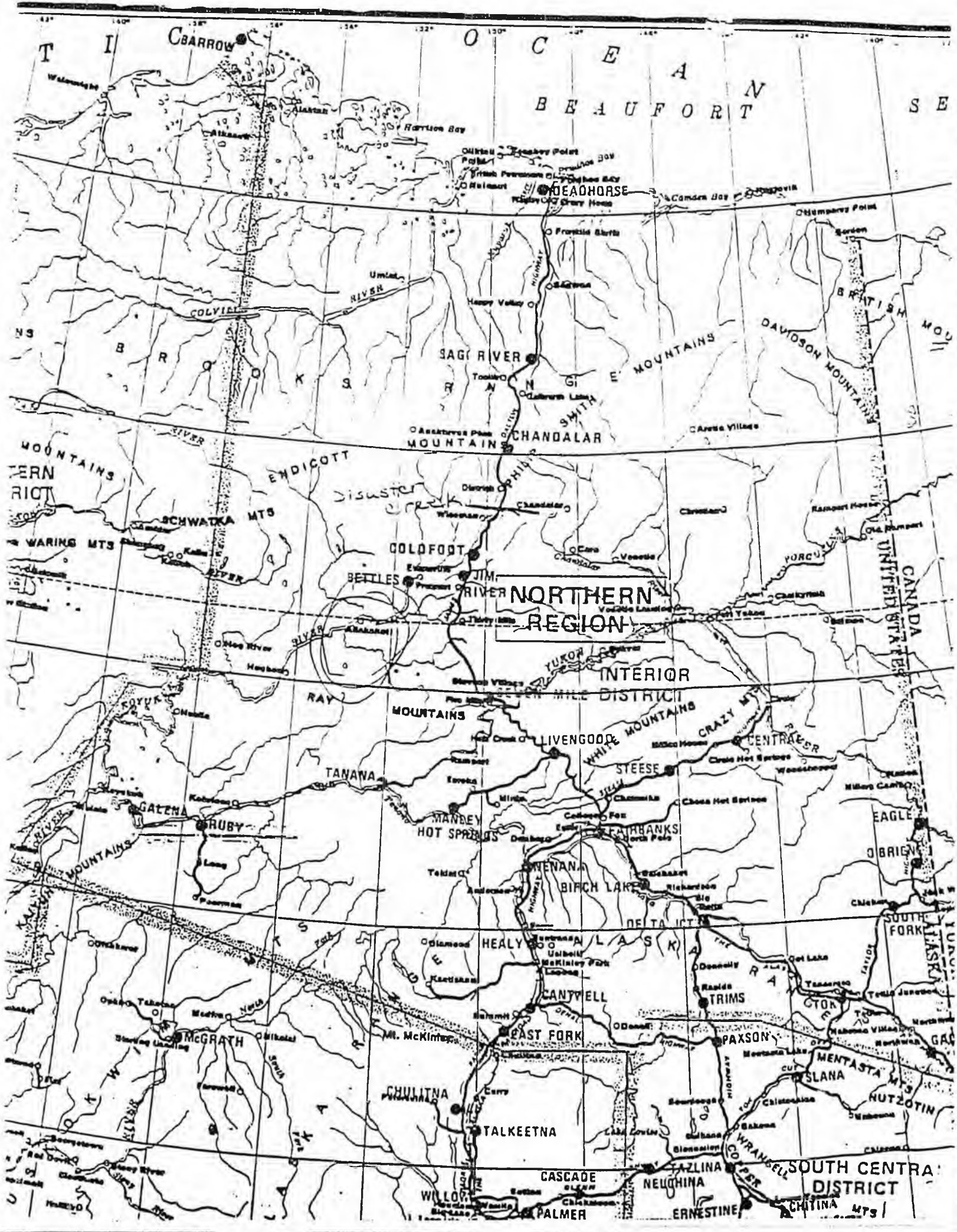
Date: 2/11/93

Approved by Commissioner: *[Signature]*

Agency: Department of Fish and Game

Date: 2/12/93

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NORTHERN REGION

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HEALY

CANYELL

EAST FORK

TRIMS

PAXSON

WENASTA

SLANA

NUTZOTIN

WRENSSELL

SOUTH CENTRAL DISTRICT

NELOCHINA

ERNESTINE

CHITINA Mts

T I B E A U F O R T S E

B R O O K S M O U N T A I N S

S C H W A T K A M T S

Y U K O N R I V E R

T A N A N A R I V E R

C H U L I T N A M O U N T A I N S

C A S C A D E M O U N T A I N S

W R A N G E L L M O U N T A I N S

W I L L O W M O U N T A I N S

C A N A D A

U N I T E D S T A T E S

E A G L E

S O U T H F O R K

G A

C H I T I N A

MILEAGE FOR ELLIOTT & DALTON HIGHWAYS

LOCATION	FROM FAIRBANKS	FROM MP 0 DALTON	FROM YUKON RIVER	BETWEEN POINTS
FOX	11.5	73.5	130.7	
LIVENGOOD	30.8	4.2	61.4	69.3
0 MILE TAPS	35.0	0.0	57.2	4.2
PUMP STATION 6	140.0	55.0	2.2	55.0
YUKON RIVER	142.2	57.2	0.0	2.2
5 MILE AIRPORT	146.4	61.4	4.2	4.2
7 MILE CAMP	148.0	63.0	5.8	1.6
FINGER MOUNTAIN	185.3	100.3	43.1	37.3
OLD MAN	194.5	109.5	52.3	9.2
BEAVER SLIDE	196.4	111.4	54.2	1.9
ARCTIC CIRCLE	202.0	116.0	60.0	5.8
GOBBLERS KNOW	220.1	135.1	77.9	17.9
PUMP STATION 6	225.4	140.4	33.2	5.3
JIM RIVER MAINTENANCE	226.4	141.4	34.2	1.0
KOYUKUK	245.0	160.0	102.8	18.6
COLDFOOT	264.3	179.3	122.1	19.3
WISEMAN TURNOFF	278.2	193.2	136.0	13.9
NETRICH	300.4	215.4	158.2	22.2
SHANDALAR	333.0	248.0	190.8	32.6
ATIGUN SUMMIT	337.6	252.6	195.4	4.6
ATIGUN CAMP	342.5	257.5	200.3	4.9
PUMP STATION 4	361.9	276.9	219.7	19.4
GALBRAITH TURNOFF	367.9	282.9	225.7	6.0
TOOLIK	377.7	292.7	235.5	9.8
MS 117-1	384.0	299.0	241.8	6.3
SAG RIVER MAINTENANCE	399.6	314.6	257.4	15.6
PUMP STATION 3	406.0	321.0	263.8	6.4
ICE CUT	419.8	334.8	277.6	13.8
HAPPY VALLEY	429.8	344.4	287.6	10.0
PUMP STATION 2	455.4	370.4	313.2	25.6
FRANKLIN BLUFFS	474.7	389.7	332.5	19.3
END OF DALTON HIGHWAY	511.9	426.9	369.7	37.2
DEADHORSE AIRPORT	515.9	430.9	373.7	4.0

Chapter 35. Relocation Assistance.

[Repealed. § 2 ch 41 SLA 1971.]

Chapter 40. James Dalton Highway.

Section

- 10. Declaration of policy
- 15. Highway named
- 20. Contractual authority
- 30. Undertakings of contractors
- 40. Exemption
- 50. Highway width
- 60. Conditions to be met
- 65. Regulations and penalties
- 70. Conflict with other laws

Section

- 100. Use of the highway by industrial or commercial traffic
- 110. Public use of a portion of the highway
- 120. Closure of the highway to traffic
- 200. Disposal of land or materials
- 210. Prohibition of off-road vehicles
- 290. Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) "Industrial or commercial traffic" means

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

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

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

Effect of amendments. — The 1935 amendment deleted "which are common carriers or contract carriers regulated by the Alaska Transportation Commission under AS 42.10" at the end of paragraph (3) of subsection (b).

NOTES TO DECISIONS

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

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

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

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

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

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

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

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

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

NOTES TO DECISIONS

Applied in *Kuhn v. State*, Sup. Ct. Op. No. 2868 (File Nos. 6833, 7080), 65 P.2d 261 (1984).

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

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

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

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

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

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

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

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

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

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

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

Legislative history reports. — For governor's letter returning SCS HB am S H, failed eff. date; see 1980 House Journal, p. 1240, and 1980 Senate Journal, p. 1781.

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

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

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

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

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

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

Sec. 19.40.290. Definitions. In this

- (1) "department" means the Department of Transportation and Public Facilities;
- (2) "highway" means the secondary highway from the Yukon River to the Arctic Ocean. (§ 1 ch 231 SLA 1970)

Revisor's notes. — Formerly AS 19.40.080. Renumbered in 1986.

Chapter 45. Miscellaneous Provisions.

Section
01. Definitions
02. Penalties

Section
15. Highway construction near airports

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

- (1) "commissioner" means the commissioner of transportation and public facilities;
- (2) "construction" or any derivation means construction, reconstruction, alteration, improvement or major repair;
- (3) "controlled-access facility" means a highway especially designed for through traffic, and over, from, or to which owners or occupants of

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HIGHWAYS AND FERRIES

§ 19.10.100

(4) that speed at which safe and prudent drivers could pass through the speed zone; and

(5) the effectiveness of local enforcement of the speed zone.

(b) In determining safe speed limits and safe speed zones within a municipality, the department shall consult with that municipality. In determining safe speed limits and safe speed zones on highways and other roadways under its jurisdiction, the department shall also consult with community councils or other community organizations in the affected area if the community councils or other community organizations request in writing to participate in the determination. The department shall provide notice and opportunity for a hearing before establishing a speed limit or speed zone other than as recommended by a municipality, community council or other community organization. (§ 2 ch 23 SLA 1986)

Sec. 19.10.080. Designation of through highways. The department may designate through highways by erecting stop signs at the entrances to them. (§ 7 art III title II ch 152 SLA 1957)

Sec. 19.10.085. Naming of a highway. (a) A highway constructed by the department under AS 19.05 — AS 19.40 may be given a name only by law.

(b) This section does not apply to

(1) a road constructed by a municipality under a grant authorized by AS 19.05 — AS 19.40;

(2) local service roads and trails. (§ 1 ch 4 SLA 1981)

Revisor's notes. — Enacted as AS 19.05.150. Renumbered in 1981.

Sec. 19.10.090. Erection and maintenance of guard rails. The department may erect and maintain guard rails, stretch wires and other devices, on highways. (§ 8 art III title II ch 152 SLA 1957)

Sec. 19.10.100. Closing highways. When it is necessary to exclude traffic from any portion of a highway, the department may close that portion of the highway by posting in a conspicuous manner, at each end of the portion closed, suitable signs warning the public that the road is closed under authority of law, and by erecting suitable obstructions. (§ 8 art IV title II ch 152 SLA 1957)

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

P.O. BOX 25526
JUNEAU, ALASKA 99802-5526
PHONE: (907) 465-4100

February 26, 1993

FEB 26 1993

The Honorable Bert Sharp
Chairman, Senate Transportation
Committee
State Capitol, Room 514
Juneau, AK 99801-1182

Dear Senator Sharp:

Members of the Senate Transportation Committee requested information on the potential impact of opening the Dalton Highway north of Disaster Creek to the public. Opening this portion of the Dalton Highway to the public will increase use of the Dalton Highway corridor and areas accessible from the road by non-local residents and nonresidents for hunting, fishing, and possibly trapping. Increased competition with local residents for fish and wildlife resources might lead to more restrictive regulations being promulgated by the Federal Subsistence Board for lands under its jurisdiction. Closure of federal public lands currently open to non-subsistence uses near or readily accessible from the Dalton Highway corridor could result. We could only speculate as to how or if the state boards would respond if harvest pressures subsequently increased in areas under their jurisdiction.

We see no immediate nor long-term need to alter hunting seasons or bag limits on game species in areas adjacent to the Dalton Highway if the road is opened to the public. The areas near the road are already managed as a road accessible area because many hunters ignore the road closure. Most hunters using areas near to the road target caribou in the Central Arctic herd. This herd numbers about 22,000; annual harvest is 450 to 480 caribou. Bow hunters take about a hundred each year in the five-mile road corridor. The harvest of the Central Arctic herd could more than double before restrictions would be necessary.

Most hunters using the Dalton Highway hunt caribou in the Western Arctic herd. This herd numbers about 480,000; annual harvest is only 10,000. An increase in harvest would be beneficial to the long-term health of the herd. Few hunters use the Dalton Highway to access the Porcupine caribou herd because it usually migrates to Canada or eastern interior Alaska by August.

February 26, 1993

Residents of the Dalton Highway area have experienced increasing competition in recent years, in part because the permit requirement for travel north of Disaster Creek has not been strictly enforced. More hunters have used the road as an affordable (compared to air charters) jumping off point to access airstrips, river crossings, and transporters' bases north of the Yukon River and especially north of Coldfoot. This practice would continue and potentially generate additional conflict between local residents and nonlocal/nonresident hunters, fishers, and trappers.

The fall 1992 hunting season confirms that the public will travel from long distances to use the Dalton Highway Corridor--if the regulations offer sufficient incentive. Hunters drove from as far away as Haines to hunt under the federal subsistence regulations in the corridor. The conflicts and problems experienced last fall have been well-documented and are primarily a result of actions taken by the Federal Subsistence Board.

Increasing public use will require or encourage development of new and expansion of existing facilities to serve highway travelers. Further information is needed to measure what impacts such development might have on resource habitat and subsistence harvest areas used by local residents.


Finally, some residents and communities in northern Alaska are concerned that facilitating public use of the Dalton Highway will promote plans to construct new roads and make currently remote areas even more accessible. They envision this as leading to even more conflicts with local subsistence activities.

Sincerely,



Ron Somerville
Deputy Commissioner

REVISED

TO: Senator Frank
FROM:  Rick Solie
RE: SB 82 - Opening the Dalton Highway: Senator Lincoln's questions
DATE: March 18, 1993

Below are Senator Georgianna Lincoln's seven questions asked in Senate Transportation that I pulled from the committee minutes:

1) Concern about the trash along both sides of the Highway;

Response: the Bureau of Land Management is planning to construct wayside facilities, which would include trash receptacles (see attached BLM recreation plan).

2) Concern about the Department of Transportation's zero fiscal note;

Response: The DOT/PF has testified on numerous occasions (John Horn 3/17/93) that they already maintain the road for heavy truck traffic and that private vehicle traffic will not cause additional maintenance requirements.

3) Requested a written report on the status of Tanana Chiefs Co. v. State of Alaska lawsuit;

Response: see attached letter from the Department of law dated 3/17/93.

4) What are the state's recommendations for subsistence use in the BLM resource management plan for the Dalton Highway corridor?

Response: the state has made no single recommendation, but has over the past 14 years sent numerous memos and letters to the BLM (see attached "Chronology of Dalton Highway Management Related to Hunting").

5) What is the Oil Industry's position on opening the road?

Response: we understand that they are neutral as long as the road is opened to "a terminus near the Arctic Ocean".

6) Wants a briefing by Commissioner Blatchford regarding the status of negotiations with the North Slope Borough and Tanana Chiefs Conference;

Response: Commissioner Blatchford briefed the committee on 3/17/93 and indicated that the state is still working with the North Slope Borough and the Tanana Chief Conference on an agreement.

7) Wants a report by the Department of Fish & Game on Subsistence uses that would be affected by public access;

Response: see attached letter from the Department of Fish & Game that indicates that there would likely be no adverse impact and in fact additional hunting may help the caribou population.



U.S. Department of the Interior
Bureau of Land Management

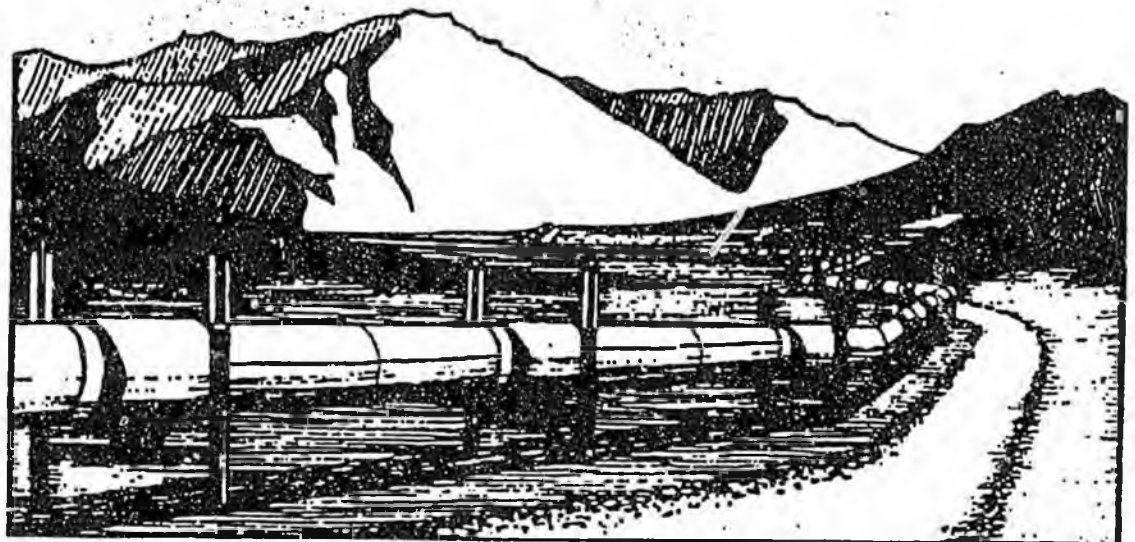


Arctic District
Fairbanks, Alaska

November 1991

Dalton Highway Recreation Area Management Plan

Summary



578 22 1993

Construction Phase 1

Phase 1 Construction (first 3 years):

Yukon Crossing:

- Temporary Visitor Contact Station *
- Dump station
- RV Overflow *

Yukon Flats Overlook

Whimbrel Hill RV Overflow *

Finger Mountain:

- Wayside
- Interpretive Site

Old Man Camp RV Overflow *

Arctic Circle:

- Wayside/Interpretive Site *
- Campground
- RV Overflow *

Little Nasty Creek RV Overflow *

Solstice Point Wayside/Interpretive Site *

Prospect Creek/Jim River RV Overflow *

South Fork Koyukuk Recreation Site (sanitation and litter only) *

Cathedral Lake Overlook

Rosie Creek Corral

Coldfoot:

- Marion Creek Campground
- Dump Station *
- Administrative Site
- Trailhead
- RV Overflow *

Sukakpak Mountain Wayside/Interpretive Site *

Disaster Creek RV Overflow *

Upper Dietrich River Wayside

Spike Camp Creek Wayside

Atigun Valley Overlook

Galbraith Lake:

- Visitor Contact Station
- Wayside *
- RV Overflow *

Toolik Lake Overlook

Happy Valley RV Overflow **

* Denotes projects to be completed for Rendezvous '92, the year-long celebration of the 50th anniversary of the completion of the Alaska Highway in 1942.

** Denotes sites on land available for state selection (no development without state concurrence)

Facility Development

Site Name or Location	Mile post	Primary Issues ¹ Addressed	Type of Development	R/T ¹	Primary Activities ² Possible	Phase ⁴
Yukon Crossing Node (includes 60 Mile site)	56 to 60	All	visitor contact station, dump station, campground, river access, administrative site, RV overflow area	R/T	camping, fishing, boating, hiking, picnicking, hunting, interpretive sightseeing	1 & 2
Ray River	70	RO	river access	-	floatboating, fishing, hiking, hunting	2
Sand Hill	73	I	interpretive site	-	interpretive sightseeing	3
Yukon Flats	86	I	overlook	-	interpretive sightseeing	1
Whimbrel Hill	94	RP	RV overflow	-	overflow camping	1
Finger Mountain	98	H&S, I	wayside, overlook	R/T	interpretive sightseeing, hiking	1
Olsons Lake	103	I	overlook	T	interpretive sightseeing, hiking	3
Old Man Camp	107	RP	RV overflow	-	overflow camping	1
Arctic Circle	115	All	campground, wayside, RV overflow, interpretive site	R/T	camping, hiking, interpretive sightseeing, picnicking	1
Bonanza Creek	124	RP, RO	corral, trailhead, cabin	R/T	hunting, hiking, fishing, floatboating, camping	2
Little Nasty Creek	129	RP	RV overflow	-	overflow camping	1
Solstice Point	132	H&S, I	wayside	R/T	interpretive sightseeing, off-road vehicles	1
Prospect Creek/ Jim River	135	RP, RC	campground, RV overflow	R/T	camping, fishing, hunting, hiking, floatboating, interpretive sightseeing, picnicking	1 & 2
Grayling Lake	150	RO	lake access, dock	T	floatplane access, picnicking	2
South Fork Koyukuk River	156	RP	recreation site	R/T	fishing, hunting, hiking, floatboating, recreational mining	1 & 2
Casper Lake	158	RO	trailhead, cabin	T	fishing, hiking, hunting	3
Chapman lake	161	RP, I	interpretive site	T	fishing, hiking, picnicking	2
Tramway Bar	161	RO	river access, recreation site	T	floatboating, fishing, hunting, picnicking	2
Cathedral Lake	165	I	overlook	-	interpretive sightseeing	1
Rosie Creek	173	RP	corral	T	horseback riding, hunting	1
Bob Marshall	187	I	overlook	T	interpretive sightseeing	2
Coldfoot Node (includes Marion Creek)	175 to 180	All	visitor contact facility, administrative site, campground, river access, trailhead, RV overflow, dump station	R/T	camping, interpretive sightseeing, floatboating, fishing, hiking, hunting, picnicking, dog mushing	1 & 2

Site Name or Location	Mile post	Primary Issues ¹ Addressed	Type of Development	R/T ²	Primary Activities ³ Possible	Phase ⁴
Gold Creek Trail	197	RP, RO	trailhead, corral	T	off-road vehicles, hiking, horseback riding, hunting, recreational mining	2
Sukakpak Mountain	204	H&S, I	wayside, interpretive site	R/T	interpretive sightseeing	1
Bettles River	207	RO	trailhead, river access	-	fishing, hiking, hunting, floatboating, recreational mining	3
Disaster Creek	211	RP	wayside, RV overflow	R/T	rest area, turnaround	1 & 2
Arctic Loons Ponds	215	I	overlook	T	interpretive sightseeing	2
Nutirwik Creek	227	RO	trailhead	T	hiking	3
Upper Dietrich River	235	H&S	wayside	R/T	rest area	1
Chandalar Shelf	237	I	overlook	-	interpretive sightseeing	2
Spike Camp Creek	250	H&S	wayside	R/T	interpretive sightseeing, rest area	1
Atigun Valley	261	I	overlook	-	interpretive sightseeing	1
Galbraith Lake	275	All	campground, wayside, corral, trailhead, RV overflow	R/T	camping, hiking, interpretive sightseeing, picnicking	1 & 2
Toolik Lake	286	I	overlook	-	interpretive sightseeing	1
Slope Mountain	301	I	overlook	T	interpretive sightseeing	2
Ice Cut	325	I	interpretive site	-	interpretive sightseeing	3
Happy Valley Node	334	H&S, RP	wayside, RV overflow, administrative site	R/T	rest area, overflow camping	1 & 2
Sarwon Bluffs	344	I	overlook	-	interpretive sightseeing	3
Coastal Plain	354	I	overlook	T	interpretive sightseeing	3

NOTE: Sites indicated in *italics* are on lands to be available to state selection; further planning and development will not proceed without state concurrence.

¹ Issues:

H&S: Visitor Health, Safety and Basic Services
 RP: Resource Protection
 RO: Developed Recreation Opportunity
 I: Information and Interpretation

² R/T: Indicates presence of restrooms (R) and/or trash (T) receptacles

³ Primary activities best suited for this area. (At present, snowmachining opportunities are restricted by State law, thus it is not listed. Snowmachining will be an opportunity at many locations if restrictions are lifted.)

⁴ Phase indicates when construction is to *begin* (assuming funding is available). At sites where many facilities are proposed with different development schedules, more than one phase may be indicated. Phases indicated are:

- 1: First phase construction, to begin in first 3 years;
- 2: Second phase construction, to begin in years 4 through 6;
- 3: Third phase construction, to begin in year 7 or later.

WALTER J. HICKEL, GOVERNOR

PLEASE REPLY TO:

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KEY BANK BUILDING
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P.O. BOX 110300 - STATE CAPITOL
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 463-5295

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

March 17, 1993

The Honorable Steve Frank
Alaska State Senate
Room 518
State Capitol
Juneau, AK 99801-1182

Dear Senator Frank:

Rick Solie of your office asked us to provide a brief update on the status of the litigation pertaining to the Dalton Highway. He is a brief chronology:

- May, 1991 - Administration proposes opening Dalton Highway to public north of Dietrich Camp.
- June, 1991 - North Slope Borough (NSB) and Tanana Chiefs Conference (TCC) express concern over proposed opening and threaten litigation.
- June - July, 1991 - Litigation initiated by NSB and TCC to prevent road opening. State enjoined from opening road to public.
- August, 1991 - Superior Court in Anchorage rules that State does not have authority to open road and continues injunction.
- September, 1991 - State appeals Superior Court decision.
- May, 1992 - State files opening appeal brief seeking authorization to open road to public.
- December, 1992 - NSB files brief in opposition to states position.
- March, 1993 - TCC files brief in opposition to states position.
- April, 1993 - State will file reply brief to NSB and TCC's opposition briefs.

The Honorable Steve Frank
Alaska State Senate

March 17, 1993
Page 2

June - September, 1993 - Oral arguments before the Alaska Supreme Court will probably be scheduled and heard.

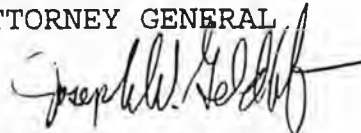
October, 1993 - March, 1994 - Decision by Alaska Supreme Court.

The significant issue presented to the Alaska Supreme Court for decision is whether the Department of Transportation and Public Facilities has statutory authority to open the road north of Dietrich to the public. There are four other minor issues presented for appellate review that revolve around the propriety of the Superior Court's grant of injunctive relief. The most significant of these minor issues is whether the superior court properly determined that the state administration should be enjoined from opening the road for failure to prepare a fiscal note.

Please call if we can answer additional questions.

Very truly yours,

CHARLES E. COLE
ATTORNEY GENERAL



By: Joseph W. Geldhof
Assistant Attorney General

JWG:pch

cc: Kathrine McHugh
Deborah Behr

SB

152

HOUSE COMMITTEE REPORT

(7)
Date Referred: April 8, 1993

FURTHER REFERRALS:

Date of Committee Action: 3/22/94

The TRANSPORTATION Committee considered:

SB 152

SENATE BILL NO. 152

WEIGHTS & MEASURES: INSPECTIONS/CITATIONS

"An Act changing the frequency of certain state inspections of weights and measures and relating to the issuance of citations for weights and measures violations."

RECOMMENDATIONS: [] the same title
 be replaced with _____ [] a new title

[] have attached amendments(s)

[] do pass

[] do not pass

[] no recommendations

individual recommendations

[] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

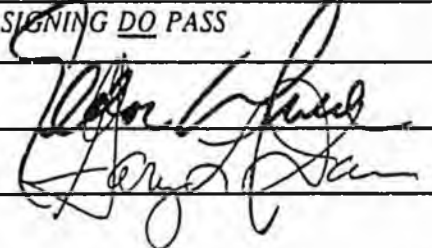
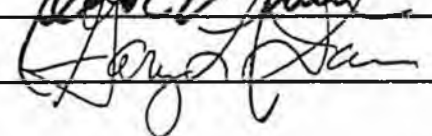
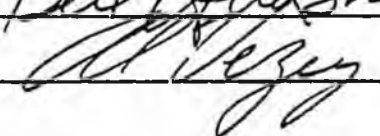
APPROVES PREVIOUS: (Dept/Date)

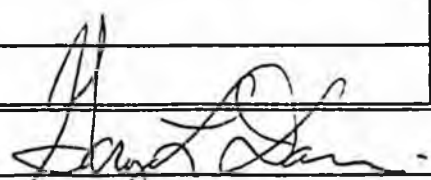
[] fiscal impact _____

[] fiscal note(s) _____

zero fiscal note CRA; CED 3/23

[] zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
	✓	Bill Hudson		✓	
	✓			✓	



 CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB 152

Revision Date: 3/21/94
Title: Changing frequency of certain state inspections of weights and measures
Sponsor: Senate Judiciary
Requestor: House Transportation

Department Affected: Commerce and Economic Development
BRU: Division of Measurement Standards
Component: _____
COMPONENT SERIAL NO. _____

Expenditures/Revenues:

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
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
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	0	0	0	0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GFMHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

Estimate of current year (FY 94) cost: \$ 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.)

In 1986, certain modifications were made to AS.45.75 to provide the authority for weigh station operators to issue citations for truck size and permit violations. The then present authority for Weights and Measures Inspectors to issue citations was inadvertently deleted.

Prepared by: Wendy Mulder, DCED
Division: Commissioner's office

Phone: 465-2500
Date: _____

Approved by Commissioner: Paul Fuhs
Agency: Commerce and Economic Development

Date: 3-21-94

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OVERVIEW SB 152

The Division of Weights and Measures, Department of Territorial Police, enforced territorial weights and measures laws adopted in 1939. Devices found incorrect were marked "condemned for repairs" and had 90 days for repairs. The fine for penalty was \$500 or one year in jail.

The "Weights and Measures Act," Alaska Statute Title 45, Chapter 75, was enacted in 1961. Implementing regulation, Alaska Administrative Code, Title 3, Chapters 33 and 34, were adopted in 1964, establishing the Weights and Measures Program, requiring the testing and certification of accuracy of weighing and measuring devices used in commerce in Alaska.

The Division of Measurement Standards is charged with the responsibility of assuring that all weights and measures in commercial service within the state are suitable for their intended use and accurate to determine prices by weight, measure, or account and to test prepackaged commodities to ensure that the appropriate net weight, unit price, total price and product identification are stated on the label.

Currently the Weights and Measures Act requires the twice annual device and package testing of over 20,000 devices in 300 locations across the state. However, in view of declining financial resources, the division is in the process of rearranging its method of legislative requirements in the area of enforcement cycles, generating funds through "program receipts" and restructuring administrative practices in an effort to maximize existing resources and maintain a credible weights and measures program in the fast pace of technological advancements in the industry.

Weights and Measures officials currently have no enforcement mechanism requiring device owners and managers to comply with weights and measures regulations pertaining to the following but not limited to: Stop-use orders, removal of a state seal, misleading packaged commodities, removing a rejected tag, hindering or obstructing an inspector in the performance of official duties under this chapter, failing to register devices with the director, failure to pay registration fees and failure to keep accurate records of devices.

Prior to 1986, Weights and Measures Officials were authorized to issue citations for violations of the Weights and Measures Act. In 1986, changes were made to the Weights and Measures Act to authorize Weigh Station Operators to issue citations for violations of the truck size and permitting laws. In this process, the Weights and Measures Officials' authority inadvertently disappeared.

This proposed legislation will provide:

- the reestablishment of the Weights and Measures officials' authority allowing for effective administration and enforcement of the weights and measures regulations and, specifically, provide the authority to effectively enforce the registration fee requirements of the regulations.
- the ability to increase program receipts by ensuring that all who are obliged to register weighing and measuring devices will register and pay the fee.
- the director with the ability to better utilize available resources and improve the level of coverage of the state with an increase in the number of devices inspected and registered. The present law requires twice annual inspection for all weighing and measuring devices in the state. Since the enactment of the law in 1964, it has not been possible to meet the twice annual requirement. This change will allow the director to reduce the frequency of testing of certain types of devices that, through experience, do not require such frequent testing. This change will allow the division to redirect its efforts into areas that have not received as much attention because of the twice annual testing for all other devices.
- the ability to search our new devices used in commerce for testing and registration purposes.

The fiscal impact related to additional financial allocations is based on estimated devices in service across the state, funding generated through the "device registration" program receipts could optimistically total \$100.0 annually. Therefore, it is division management's position that the proposed changes in AS 45.75 would expedite collection of device registration fees and place basic policy powers in the day-to-day weights and measures regulatory process. Reducing the twice annual field device inspections would put the state and the division closer to a legal operation, also, allowing the director flexibility to efficiently administer the Weights and Measures program.

Edward Moses, Director
Division of Measurement Standards
Department of Commerce and
Economic Development

001.mos
031693a

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. SB 152

Revision Date: _____
Title: Weights and Measures Test/Violations
Sponsor: Judiciary
Requestor: _____

Department Affected: Commerce and Economic Development
BRU: Measurement Standards
Component: Measurement Standards
COMPONENT SERIAL NO. 349

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
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
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	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	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

Estimate of current year (FY 93) impact: None

ANALYSIS: (Attach a separate page if necessary.)

In 1986, certain modifications were made to AS 45.75 to provide the authority for Weigh Station Operators to issue citations for truck size and permit violations. The then present authority for Weights and Measures Inspectors to issue citations was inadvertently deleted.

Prepared by: Jennifer Breslin
Division: Measurement Standards

Phone: 345-7750
Date: 3/10/93

Approved by Commissioner: Paul Fuhs
Agency: Commerce and Economic Development

Date: 3-15-93

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SB 152: "An Act changing the frequency of certain state inspections of weights and measures and relating to the issuance of citations for weights and measures violations."

Prior to 1986, weights and measures inspectors had the authority to issue citations for weights and measures violations. Changes were made to AS 45.75 in 1986 to authorize weigh station operators to issue citations for truck size and permit violations. When these changes were made, the weights and measures inspectors were inadvertently stripped of their authority to issue citations. During the last year, the Division of Measurement Standards promulgated regulations that provide for the registration of all weighing and measuring devices with the division and the payment of an annual fee. To allow the division to adequately enforce AS 45.75, it is necessary for the weights and measures inspectors to have the authority to issue citations for those persons who choose to violate the law. Most, if not all, weights and measures jurisdictions in the United States and Canada possess this authority. This does not mean that a rash of new citations will be issued, but it does give the weights and measures official an effective enforcement tool.

Within current budget constraints, the division is unable to maintain semiannual inspections in all locations in Alaska. Amending AS 45.75.080 will allow the Director to establish inspection priorities based on inspection history of various device types, inspecting most devices at least annually, and others more often if necessary.


Paul Fuhs, Commissioner

Date

3 AAC 32.710
 3 AAC 32.720
 3 AAC 32.730
 3 AAC 32.740
 3 AAC 32.750
 3 AAC 32.760

ARTICLE 13. WEIGHING AND MEASURING
 DEVICE REGISTRATION AND FEES

Section

- 700. Registration Required
- 710. Forms, Certificates, and Application
- 720. Term of Registration
- 730. Schedule of Fees
- 740. Past Due Fees
- 750. Transitional Provision
- 760. Definitions

3 AAC 32.700. REGISTRATION REQUIRED. A person who uses, or has in possession for the purpose of using, for a commercial purpose specified in AS 45.75.080, a new or used weighing or measuring device not previously used in commerce, must register the device with the Division of Measurement Standards and pay the registration fee before the device is used in commerce. (Eff. 8/15/91, Reg. 119)

Authority: AS 45.75.040
 AS 45.75.050
 AS 45.75.380

3 AAC 32.710. FORMS, CERTIFICATES, AND APPLICATION. Application for registration of a weighing or measuring device must be made on a form prescribed and furnished by the Division and must contain the information the Division requires. Upon completion of registration and receipt of the registration fee the Division will provide a certificate or other evidence of device registration compliance to the registrant. (Eff. 8/15/91, Reg. 119)

Authority: AS 45.75.040
 AS 45.75.050
 AS 45.75.380

3 AAC 32.720. TERM OF REGISTRATION. Weighing and measuring device registrations expire on June 30 of each year. Application for renewal of registration, and the registration fee, are due by July 1 of each calendar year (Eff. 8/15/91, Reg. 119)

Authority: AS 45.75.040
 AS 45.75.050
 AS 45.75.380

3 AAC 32.730. SCHEDULE OF FEES. The following registration fees apply for weighing and measuring devices:

(1) Liquid Measuring Devices:	Annual Fee
(A) Maximum Flow Rate (Manufacturer's rate)	
25 gpm	\$15
150 gpm	30
greater than 150 gpm	60
(B) Retail Remote Control, Indicating or Recording Unit	50
(C) Key Lock or Card Reader System	
25 gpm	15
150 gpm	30
greater than 150 gpm	60
(D) Bulk Plant Remote Indicating or Recording Unit	50

(2) Weighing Devices:

(A) Nominal Capacity	Annual Fee
To 50 LB	10
50+ to 1,000 LB	15
1,000+ to 5,000 LB	25
Over 5,000+ LB	100
(B) Vehicle Scale	150
(C) Railroad Scale	200
(D) Belt Conveyor	125
(3) Scanner Systems:	50
(4) Prepackaging Devices:	Same Fees as in Paragraphs (1) and (2) above

(Eff. 8/15/91, Reg. 119)

Authority: AS 45.75.040
AS 45.75.050
AS 45.75.380

3 AAC 32.740. PAST DUE FEES. Registration renewal fees are past due on July 16. For initial registrations, fees are past due if not paid on or before the date the device is first placed in service. The past due fee is \$25 for each device, plus the normal registration fee. (Eff. 8/15/91, Reg. 119)

Authority: AS 45.75.040
AS 45.75.050
AS 45.75.380

3 AAC 32.750. TRANSITIONAL PROVISION. All weighing and measuring devices used in commerce on August 15, 1991 must be registered with the Division of Measurement Standards and the registration fee paid within 60 days after August 15, 1991. (Eff. 8/15/91, Reg. 119)

Authority: AS 45.75.040
AS 45.75.050
AS 45.75.380

3 AAC 32.760. DEFINITIONS. As used in 3 AAC 32.700 - 3 AAC 32.760 "device" means a weighing and measuring device as described in Item G-A1 of Section 1.10 General Code, National Institute of Standards and Technology Handbook 44, adopted by reference in AS 45.75.050(d). (Eff. 8/15/91, Reg. 119)

Authority: AS 45.75.040
AS 45.75.050
AS 45.75.380

Editor's Note. Handbook 44 and supplements to it are published yearly by the U.S. Department of Commerce, National Bureau of Standards, and may be purchased from the Superintendent of Documents, U.S. Printing Office, Washington, D.C. 20402.

Post-It brand fax transmittal memo 7571		# of pages > 5
To: <i>Vonda Muiders</i>	From: <i>Jennifer Brasler</i>	
cc: <i>Commerce Dept</i>	CP: <i>Measurement Standards</i>	
Dept: <i>Liaison</i>	Phone: <i>345-7755</i>	
Fax #	Fax: <i>345-6335</i>	



§ 45.75.133

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§ 45.75.140 TRADE AND COMMERCE § 45.75.380

appearance, the issuing peace officer or employee shall write on the citation the amount of bail forfeiture applicable to the violation.

(b) A person cited for a violation for which a bail forfeiture amount has been established under (a) of this section may, within 15 days after the date of the citation, mail or personally deliver to the clerk of the court in which the citation is filed by the employee

- (1) the amount of bail indicated on the citation for that offense; and
- (2) a copy of the citation indicating that the right to an appearance is waived, a plea of no contest is entered and the bail is forfeited.

(c) When the cited person has forfeited bail under (b) of this section, the court shall enter a judgment of conviction. Forfeiture of bail is a complete satisfaction for the violation. The clerk of the court accepting the bail forfeiture shall provide the offender with a receipt stating that fact.

(d) A cited person who fails to pay the bail forfeiture amount established under (a) of this section or to appear in court as required, is guilty of a class B misdemeanor.

(e) Notwithstanding other provisions of law, if a person cited for a violation for which a bail forfeiture amount has been established under (a) of this section appears in court and is found guilty, the court may not impose a penalty that exceeds the bail forfeiture amount for that offense established under (a) of this section. (§ 2 ch 85 SLA 1987)

Sec. 45.75.140. Powers and duties of deputy director and inspector. The powers and duties of the director specified in AS 45.75.070 — 45.75.130, 45.75.170, and 45.75.380 shall also be exercised by the deputy director and inspectors, when acting under the instructions and at the direction of the director. (§ 17 ch 101 SLA 1961)

Revisor's notes. — "AS 45.75.070 — 45.75.070, 45.75.130" in 1990 to correct a 45.75.130" was substituted for "AS manifest error.

Article 5. General Provisions.

Section
360. [Repealed];
360. Offenses and penalties

Sec. 45.75.360. Hindering or obstructing officer and penalty. (Repealed. § 5 ch 85 SLA 1987.)

Sec. 45.75.380. Offenses and penalties. (a) A person commits a violation subject to the penalty specified in AS 12.55.035(b)(5) if the person does one or more of the following acts:

- (1) uses or has in possession for the purpose of using for a commercial purpose specified in AS 45.75.080, sells, offers, or exposes for sale.

or hire, or has in possession for the purpose of selling or hiring, an incorrect weight or measure or a device or instrument used to or calculated to falsify a weight or measure;

(2) uses or has in possession for current use, in buying or selling a commodity or thing, or for hire or award, or in the computation of a basic charge or payment for services rendered on the basis of weight or measurement, or in the determination of weight or measurement when a charge is made for determination, a weight or measure that has not been tested and sealed by the appropriate authority within one year, unless

(A) the person gives written notice to the appropriate authority to the effect that the weight or measure is available for examination, or is due for reexamination, as the case may be;

(B) the person receives specific written permission to use the weight or measure from the appropriate authority; or

(C) the weight or measure is exempt from sealing or annual testing requirements by AS 45.75.080 or by a regulation adopted under AS 45.75.050;

(3) disposes of a rejected or condemned weight or measure in a manner contrary to law or regulation;

(4) removes from a weight or measure, contrary to law or regulation, a tag, seal, or mark placed on it by the appropriate authority;

(5) sells or offers for sale less than the quantity the person represents of a commodity, thing, or service;

(6) takes more than the quantity the person represents of a commodity, thing, or service when, as buyer, the person furnished the weight or measure that the seller used to determine the amount of the commodity, thing, or service;

(7) keeps for the purpose of sale, advertises, or offers for sale, or sells a commodity, thing, or service in a condition or manner contrary to law or regulation;

(8) uses in retail trade, except in the preparation of packages put up in advance of sale and of medical prescriptions, a weight or measure that is not so positioned that a customer may accurately read, from a position that may reasonably be assumed by a customer, its indications and observe the weighing or measuring operation;

(9) hinders or obstructs the director, an inspector, a sealer, or a deputy sealer in the performance of official duties under this chapter;

(10) violates a provision of an overweight or oversize vehicle permit issued under AS 44.33.020(25);

(11) violates a weight, load, or size limitation established under AS 19.10.060 or a regulation adopted under AS 19.06.020, AS 44.33.020(25), or AS 45.75.050(b)(b);

(12) violates a provision of this chapter or a regulation adopted under this chapter for which a specific penalty is not prescribed.

(b) Notwithstanding (a) of this permit governmental authority of \$.05 for the vehicle.

Effect of amendment substituting directory language in the main paragraph "any" preceding paragraph (1), in minor word and str out and in subparagraph "adopted" for "of" paragraph (5) substituted "or exposes, situated "that the mine" for "by means "is determined" a graph, deleted "or

Ch

Section 10. Application foreign trade

Sec. 45.77.0 zone. (a) A publishing, operating the state as p Zones Act), an and maintain

(b) With the economic development (a) of this section operate, and 1

(c) Nothing entering into a c the foreign tra

Effect of amendment. effe

Sec. 45.77.1 (1) "foreign der 19 U.S.C. or any laws c provisions;

(b) Notwithstanding the maximum fine for a violation provided under (a) of this section, a person who violates a regulation or special permit governing the weight limit of a motor vehicle shall pay a penalty of \$.05 for each pound of weight over the authorized weight limit for the vehicle. (§ 39 ch 101 SLA 1961; am §§ 3, 4 ch 85 SLA 1987)

Effect of amendments. The 1987 amendment substituted the present introductory language for the language found in the main pamphlet, substituted "a" for "any" preceding "commercial purpose" in paragraph (1), in paragraph (2) made minor word and stylistic changes throughout and in subparagraph (C) substituted "adopted" for "of the director issued" in paragraph (5) substituted "or offers" for "offers or exposes," in paragraph (6) substituted "that the seller used to determine" for "by means of which" and deleted "is determined" at the end of the paragraph, deleted "or exposes" following "of-

fers" in paragraph (7), in paragraph (8) substituted "a customer may accurately read, from a position that may reasonably be assumed by a customer, its indications and observe the weighing or measuring operation" for "its indications may be accurately read and the weighing or measuring operation observed from some position which may reasonably be assumed by a customer," designated former paragraph (9) as present paragraph (12), inserted paragraphs (9)-(11), and deleted "of" preceding "a regulation" in paragraph (12); and added subsection (b).

Chapter 77. Foreign Trade Zones.

Section

10. Application for establishment of foreign trade zone

Section

20. Definitions

Sec. 45.77.010. Application for establishment of foreign trade zone. (a) A public corporation may apply for the privilege of establishing, operating, and maintaining a foreign trade zone or zones in the state as provided in 19 U.S.C. secs. 81a — 81u (Foreign Trade Zones Act), and if the application is granted, may establish, operate, and maintain the zone in accordance with applicable law.

(b) With the approval of the commissioner of commerce and economic development, any private corporation may apply as described in (a) of this section, and, if the application is granted, may establish, operate, and maintain a foreign trade zone.

(c) Nothing in this section prevents a successful applicant from entering into a contract for services for the operation or maintenance of the foreign trade zone. (§ 1 ch 95 SLA 1980; am § 1 ch 146 SLA 1988)

Effect of amendments. — The 1988 amendment, effective June 10, 1988, re-wrote this section to the extent that a detailed comparison is impracticable.

Sec. 45.77.020. Definitions. In this chapter,

(1) "foreign trade zone" means a foreign trade zone established under 19 U.S.C. secs. 81a — 81u (Foreign Trade Zones Act), as amended, or any laws of the United States enacted as replacements for those provisions;

SB

210

FISCAL NOTE

Revision Date: _____ Department Affected: DOT&PF
 Title: Disposal of Dalton Hwy Right Of Way Land BRU: Northern Region Planning
 Sponsor: Sharp Component: Northern Region Planning
 Requestor: _____ Component Serial Number: #578

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
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
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	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS	0	0	0	0	0	0
1003 GF MATCH	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/PROGRAM RECEIPTS	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL FUNDING:	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

Estimate of current year (FY94) impact: \$0

Changes in CSSB 210 (FIN) have no fiscal impact. This fiscal note is appropriate.

ANALYSIS: (Attach a separate page if necessary)

Adoption of this bill would not adversely affect DOT&PF. As a possible user of utility services, DOT&PF may benefit from it.

2-15-94 date mm Comte Aide (initial)

Prepared by: Norman Piispanen
 Division: Northern Region Planning
 Approved by Commissioner: B.K. Campbell
 Agency: Department of Transportation and Public Facilities

Phone: 451-2385
 Date: January 14, 1994
 Phone: 465-3901
 Date: January 18, 1994

Changes in CSSB 210 (RES) have no fiscal impact. This fiscal note is appropriate.
2-4-94 date mm Comte Aide (initial)

FISCAL NOTE

No. 3
 Bill Version: CSSB 210 (FIN)
 (S) Publish Date: 2-15-94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

B1

Revision Date: 14-Feb-94 Dept Affected: Natural Resources
 Title: "An Act relating to disposals of state land within BRU: Resource Development
five miles of the right-of-way of the Dalton Highway to a licensed..." Component: Land Development
 Sponsor: Senator Sharp
 Requestor: Senate Finance Committee Component Serial No. 431

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	10.0 / 50.0	10.0 / 50.0	20.0 / 50.0	20.0 / 50.0	20.0 / 50.0	20.0 / 50.0

FUND SOURCE (Thousands of Dollars)

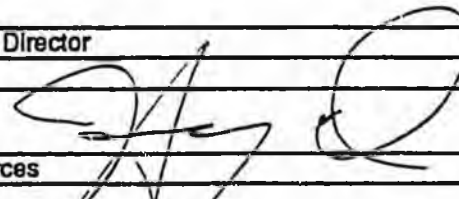
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY94) cost: \$ None

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)
 DNR supports the bill.
 Revenue generation can vary widely depending on whether the highway is opened for public use. The figures above reflect both situations (closed / open).

Prepared by: Ron Swanson, Director Phone: 762-2692
 Division: Land Date: 14-Feb-94
 Approved by Commissioner:  Date: 14-Feb-94
 Agency: Natural Resources

SECTIONAL ANALYSIS

CSSB 210(Fin)

An Act relating to disposal of state land within five miles of the right-of-way of the Dalton Highway for certain uses.

*Section 1. The allowable uses for state land under AS 19.40.200(b) of this section is expanded to include:

(b)(1) a licensed public utility or a licensed common carrier under AS 38.05.810(e);

(b)(2) nonresidential development within the Yukon River Crossing, Coldfoot, Happy Valley, Franklin Bluffs and Deadhorse development areas;

(b)(3)(C)(ii) reconstruction or maintenance of state highways;

(b)(3)(C)(iii) construction or maintenance of airports.

SPONSOR STATEMENT

CSSB-210(Fin)

Senator Bert Sharp

Under current statute, the state is prohibited from disposing of or leasing state land within five miles of the right-of-way of the Dalton Highway. The state has recently acquired several parcels of land in this area, under its land selection allocation, yet it cannot be leased or purchased. This is in spite of the fact that the previous owner (federal BLM) did lease parcels in these areas.

In the summer of 1992, Summit Telephone Company applied to the Alaska Public Utilities Commission for certification to provide telephone service to Coldfoot and Wiseman. BLM assured them they would not have any problems obtaining a long term lease for a central switching office and 60 foot radio tower in Coldfoot.

Upon receiving certification from APUC, Summit immediately went to BLM to obtain the land. They were told that the land surrounding Coldfoot had been transferred to the State of Alaska, and they would have to apply to the Department of Natural Resources to obtain land in Coldfoot.

The Department of Natural Resources informed Summit Telephone that there could be no leasing or sale of land in the Coldfoot area, because such disposal was prohibited by statute.

Also included in the land transfer was the transfer to the state of existing leaseholds and pending leasehold applications.

The state is unable to renew existing leases as they expire or to consider new applications, or accomodate legitimate state needs. Besides the Summit Telephone application, there are existing leases, some of which are at Coldfoot to Petro Star, Inc. for a 33-acre parcel and a Unocal staging area at Franklin Bluffs.

There are several other application pending.

The Department of Natural Resources has testified that the lands involved and subject to leasing or sale are located in areas where such activity is presently allowed.

Those are the five mile Yukon River Crossing, Coldfoot-Wiseman and the Happy Valley-Franklin Bluffs areas and Deadhorse.

Senate Bill 210 would modify this ban and allow the Department of Natural Resources to lease the land for non-residential development. This would enable telephone service, airport and highway maintenance activities to proceed as well as public service needs.

I urge your favorable vote on this legislation. Thank you.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FAX: (907) 465-3886

January 24, 1994

The Honorable Mike Miller
Chair, Resources Committee
Alaska State Senate
State Capitol
Juneau, Alaska 99801-1182

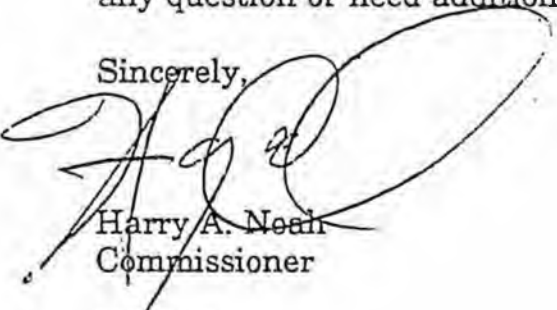
Dear Senator Miller:

We fully support Senate Bill 210 which authorizes the Department of Natural Resources to dispose of state land within five miles of the right-of-way of the Dalton Highway to a licensed public utility or a licensed common carrier. This is needed to allow for the construction and operation of such things as pipelines, electric and telephone lines. These uses are currently prohibited under AS 19.40.200.

We would also recommend that the statute be further amended to authorize the Department to dispose of land for industrial and commercial uses within the identified development nodes at Coldfoot, Happy Valley, Franklin Bluffs, Yukon Crossing and Deadhorse. In the last year, land at these locations has been conveyed to the state. We are prohibited from issuing leases or permits, for even the existing facilities, at these locations. In addition, we are prohibited from removing or disposing of gravel. There is currently a need for gravel at Deadhorse for airport improvement that we are unable to provide.

Please feel free to contact me or Ron Swanson, Director, Division of Land, if you have any question or need additional information.

Sincerely,



Harry A. Neath
Commissioner

HAN/sf

cc: Senator Sharp
Commissioner Bruce Campbell, DOT/PF
Ron Swanson, Director, Div. of Land
Jerry Gallagher, Legislative Liaison, DNR
Raga Elim, Legislative Liaison, Office of the Governor



*Department of Transportation
and Public Facilities*

POSITION PAPER

BILL NO: SB 210

APPROVED: 

TITLE: Disposal of Dalton Hwy
Right of Way Land

DATE: January 18, 1994

The Department of Transportation and Public Facilities (DOT&PF) supports amendment of AS 19.40.200 to allow disposal of state land within five miles of the Dalton Highway right of way for the purpose of establishing public utility systems.

DOT&PF recommends that AS 19.40.200 also be amended to allow disposal of state land and materials for construction, improvement and maintenance of public facilities. Such an amendment would facilitate work on corridor airports, service roads, access roads and waysides, as well as on the Dalton Highway south of 68 degrees north latitude.

For Further Information contact J.K. Ginger Johnson at 465-3904.

SUMMIT TELEPHONE COMPANY
571 Aquilla Street
Fairbanks, Alaska 99712
Phone (907)452-1012

April 29, 1992

Senator Bert Sharp
State Capital
Juneau, Alaska 99801-1182

Dear Senator Sharp:

In the summer of 1992, Summit Telephone Company, Inc. (Summit) decided to apply to the Alaska Public Utilities Commission (APUC) to serve the communities of Coldfoot and Wiseman. Our plan required that we obtain an acre or two at Coldfoot for the central switching office and 60 ft. radio tower. We visited the federal BLM office here in Fairbanks to discuss the land acquisition. The BLM informed us that there would be no problem obtaining a long term lease of federally owned property in Coldfoot for such a purpose.

Recently the APUC certified Summit to serve the Coldfoot and Wiseman area. Yesterday we visited the BLM office to begin the paperwork to obtain a lease. The BLM told us that the land surrounding Coldfoot had been transferred to the State of Alaska in August 1992. We would have to apply to the Alaska DNR to obtain land at Coldfoot.

We visited the Alaska DNR office in Fairbanks. We were told that there could be no leasing or sale of land by the state in the Coldfoot area because such disposals are prohibited by AS 19.40.200.

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

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

- (1) an oil and gas lease under AS 38.05.180;
- (2) exploration, development, production, or transportation of oil and gas north of 68 degrees north latitude; or
- (3) a state lease or materials sale for exploration, development, production, or transportation of oil and gas or reconstruction or maintenance of the highway north of 68 degrees north latitude.

(c) Before the sale of materials under (b)(3) of this section to a private entity or person or to a state agency the state shall give due consideration to the availability of materials from private sources in the area where the materials are needed.

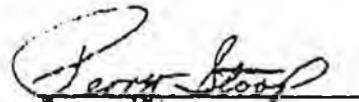
This prohibition against nearly all uses of state land seems needlessly harsh. There is a population in the area that has need of a public telephone utility. The state has a lot of land in the area, yet none of that land can be leased or purchased from the state for use by Summit, the certificated public telephone utility. Elsewhere, Alaska Statutes allow for the lease or purchase of state land by licensed (certificated) public utilities.

Sec. 38.05.810(e) The lease, sale, or other disposal of state land at appraised fair market value may be negotiated with a licensed public utility or a licensed common carrier by the director with the approval of the commissioner if the utility or carrier reasonably requires the land for the conduct of its business under its license.

Summit suggests that §19.40.200(b) be changed as follows to allow state land to be available to public utilities:

§19.40.200(b) The prohibition of disposal of state land under (a) of this section does not apply to AS 38.05.810(e) nor to a disposal necessary for
(1) an oil

I would be glad to discuss this issue with you at any time. Thank you.


Perry Stoop

SB

275

3-LS15100
Luckhaupt\Utermohle
4/28/94

HOUSE CS FOR CS FOR SENATE BILL NO. 275()
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATE TRANSPORTATION COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the disposal of real property by the Department of
2 Transportation and Public Facilities."

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

4 * Section 1. AS 19.05.070 is amended by adding a new subsection to read:

5 (d) Notwithstanding (a) and (b) of this section and except as provided under
6 AS 19.05.100, the department shall, upon completion of a highway project or upon a
7 decision not to construct a highway project, dispose of land acquired by eminent
8 domain for the project if the land is no longer needed for highway or public work
9 purposes. If the disposal is consistent with and allowed by federal and local laws, the
10 department may offer, under provisions of this subsection, excess land acquired by
11 eminent domain to the person from whom the land was acquired or to the person's
12 successor in interest. If the land acquired by eminent domain consisted of the entire
13 contiguous parcel owned by the person from whom the land was acquired, the
14 department shall make a reasonable effort to locate the person and offer the property

1 that is available to that person. If the land acquired by eminent domain consisted of
2 a severed portion of a larger parcel owned by the person from whom the land was
3 acquired, the department shall make a reasonable effort to locate the person who
4 owned the larger parcel, or the person's successor in interest, and offer the property
5 to that person. The disposal of excess land under this subsection to the former owner,
6 or the former owner's successor in interest, shall be at a price that is (1) equal to the
7 fair market value of the land at the time of the disposal, if federal funds were used to
8 acquire the land; or (2) the lesser of the price paid for the land in the eminent domain
9 proceedings or the fair market value of the land at the time of the disposal, if federal
10 funds were not used to acquire the land. The department may impose a surcharge to
11 recover the administrative costs of the disposal that are incurred by the department.

12 * Sec. 2. AS 35.20.070 is amended to read:

13 Sec. 35.20.070. VACATING OF LAND OR RIGHTS IN LAND. (a) Except
14 as provided in (b) of this section, the [THE] department may vacate land, or part of
15 it, or rights in land acquired for public work purposes by executing and recording a
16 deed in the appropriate recording district. Upon vacating, title reverts to the persons,
17 heirs, successors, or assigns in whom it was vested at the time of the acquisition.

18 (b) The department shall, upon completion of a public work project or
19 upon a decision not to construct a public work project, dispose of land acquired
20 by eminent domain for the project if the land is no longer needed for public work
21 or highway purposes. If the disposal is consistent with and allowed by federal
22 and local laws, the department may offer, under provisions of this subsection,
23 excess land acquired by eminent domain to the person from whom the land was
24 acquired or to the person's successor in interest. If the land acquired by eminent
25 domain consisted of the entire contiguous parcel owned by the person from whom
26 the land was acquired, the department shall make a reasonable effort to locate the
27 person and offer the property that is available to that person. If the land
28 acquired by eminent domain consisted of a severed portion of a larger parcel
29 owned by the person from whom the land was acquired, the department shall
30 make a reasonable effort to locate the person who owned the larger parcel, or the
31 person's successor in interest, and offer the property to that person. The disposal

1 of excess land under this subsection to the former owner, or the former owner's
2 successor in interest, shall be at a price that is (1) equal to the fair market value
3 of the land at the time of disposal, if federal funds were used to acquire the land;
4 or (2) the lesser of the price paid for the land in the eminent domain proceedings
5 or the fair market value of the land at the time of the disposal, if federal funds
6 were not used to acquire the land. The department may impose a surcharge to
7 recover the administrative costs of the disposal that are incurred by the
8 department.

9 (c) [. TAKING] The department may transfer land considered no longer
10 necessary for public works purposes to the Department of Natural Resources for
11 disposal. The proceeds of disposal by the Department of Natural Resources shall be
12 credited to the funds from which the purchase was originally made.

13 * Sec. 3. AS 38.05.030(d) is amended to read:

14 (d) Except for land that is required to be returned to the department
15 under (b) of this section. [REAL PROPERTY ACQUIRED BY AND UNDER THE
16 MANAGEMENT OF THE AGENCIES REFERRED TO IN (b) OF THIS SECTION
17 THAT IS NO LONGER NEEDED FOR ITS INTENDED USE SHALL BE
18 TRANSFERRED TO THE COMMISSIONER, EXCEPT THAT] the Department of
19 Transportation and Public Facilities may dispose of real property acquired by it under
20 AS 02.15.070, AS 19.05.040(1) and (2), [AS 19.05.040(2) AND] 19.05.080 -
21 19.05.120, AS 35.05.040(1) and (2), and AS 35.20.010 - 35.20.050. Land conveyed
22 under this section to a municipality for less than fair market value shall be
23 credited against the municipality's entitlement under AS 29.65.

Alaska State Legislature

SENATOR
BERT SHARP
CHAIRMAN



FAIRBANKS

DENALI BANK BUILDING
119 N. CUSHMAN, SUITE 201
FAIRBANKS, ALASKA 99701
(907) 452-7885/7886

SESSION ADDRESS

STATE CAPITOL, ROOM 514
JUNEAU, ALASKA 99801-1182
(907) 465-3004/4921

Senate Transportation Committee

MEMORANDUM

DATE: April 25, 1994

TO: Representative Richard Foster, Chairman
House Transportation Committee

FROM: Senator Bert Sharp

RE: Request for hearing - CSSB 275

I am requesting that CS for SB 275, "An Act relating to the disposal of real property by the Department of Transportation and Public Facilities," be heard before the House Transportation Committee at your earliest convenience.

CS for SB 275 has been introduced by the Senate Transportation Committee at the request of the DOT&PF. This legislation is essentially a housekeeping measure which makes airport and facilities land disposal consistent with highway property disposal. An ambiguity, in AS 38.05.030 has resulted in DOT&PF being forced to transfer airport and facilities lands to DNR when they are no longer needed for their intended use. CS for SB 275 clears up the ambiguity and allows DOT&PF to dispose of property it acquires for airport & facility purposes in a manner consistent with its authority to dispose of highway lands. DNR does not oppose this legislation.



Department of Transportation
and Public Facilities

POSITION PAPER

BILL NO: SB 275

APPROVED: 

TITLE: Disposal of Real Property
by DOT&PF

DATE: February 7, 1994

DOT&PF is in favor of the proposed legislation. The provisions of AS 3805.030 are ambiguous and contradictory with respect to DOT&PF. The AG's opinion is that since the statute expressly states that the DOT&PF has the authority to dispose of highway lands and does not so specify for airport or facilities lands, then DOT&PF's authority to dispose of airport or facilities lands, either by sale or exchange, is repealed by implication (failure to list Title 2 and Title 35 when Title 19 is mentioned). DOT&PF's right to dispose or exchange airport (Title 2) or public facilities (Title 35) lands has been a problem for several years.

The clarification of DOT&PF's authority to dispose of airport or facilities lands will benefit both DOT&PF and DNR. It will allow DOT&PF to correct trespass problems it has at several airports across the state. It will also allow DOT&PF to exchange old airport or facilities sites for new sites without tying up DNR staff and resources resulting from DNR being used as a middleman to accomplish these exchanges.

DOT&PF requests the following language be added to SB 275 to also clarify DOT&PF's authority to dispose of facilities lands: AS 35.05.040(1) and (2) and AS 35.20.010 - 35.20.050.

DNR has indicated to DOT&PF that it does not oppose the proposed changes, but would like language added to ensure that any land transferred from state ownership to municipal ownership is charged against any outstanding entitlement the municipal government may have pursuant to Title 29. DOT&PF has no objection to the following language being added to the legislation. "Land conveyed under this section to a municipality of the state shall be credited against a municipality's remaining entitlement under AS 29.65, unless this land conveyance is in consideration for other lands required for state purposes.

TRANS
25
INCLUDES
BOTH
TRANSFERS

For Further Information, Contact [Redacted] at 465-3904.

DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

OFFICE OF THE COMMISSIONER

332 CHANNEL DRIVE
NOME, AK 99801-7898
PHONE: (907) 465-3900
FAX: (907) 586-8365
TEXT (907) 465-3652

December 13, 1993

Senator Bert M. Sharp
119 N. Cushman Street, Suite 201
Fairbanks, AK 99701-2879

Representative Richard Foster
P.O. Box 1630
Nome, AK 99762-1630

Dear Senator Sharp and Representative Foster:

Enclosed are three proposed pieces of legislation which I would appreciate being introduced through the Transportation Committees in the next session:

AS 43.40.010

The increase in aviation fuel tax in the amount of \$.007/gallon is the result of the Legislative request to not assess landing fees on rural airports.

See the Legislative intent language contained in the DOT&PF FY 94 operating budget.

AS 38.05.030

This amendment simply makes airport property disposal consistent with highway property disposal. This is a housekeeping measure which should have been handled when DOT&PF was created -- it wasn't.

All property and right-of-ways are handled in one DOT&PF section and this housekeeping measure makes the operations consistent.

AS 19.05.040

This minor addition to the statutes allows DOT&PF to enter property to determine if hazardous substances exist. This change is needed because DOT&PF has purchased property for right-of-way purposes only to find out that it is contaminated and the cost of cleanup exceeded the cost of moving the facility to avoid the contaminated area had that fact been known.

FISCAL NOTE

Revision Date: Department Affected: DOT&PF
Title: Disposal of Real Property by DOT&PF BRU:

Sponsor: Senate Transportation Component:
Requestor: Component Serial Number:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
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
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	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS	0	0	0	0	0	0
1003 GF MATCH	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/PROGRAM RECEIPTS	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL FUNDING:	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

Estimate of current year (FY94) impact: \$0

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Jonathan A. Widdis, Director

Phone: 266-1460

Division: Statewide Aviation

Date: February 7, 1994

Approved by Commissioner: 

Phone: 465-3901

Agency: Department of Transportation and Public Facilities

Date: February 7, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB275

Revision Date: Original Dept Affected: Natural Resources
 Title: "An Act relating to the disposal of real property BRU: Resource Development
by the Department of Transportation and Public Facilities." Component: Land Development
 Sponsor: Senate Transportation Committee
 Requestor: Senate Transportation Committee Component Serial No. 431

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY94) cost: \$ None

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)

The Department of Natural Resources supports this bill. We suggest an amendment that if land is conveyed to a municipality that has an acreage entitlement under AS 29.65, that the land conveyed would be charged against that entitlement.

Prepared by: Ron Swanson, Director Phone: 782-2692
 Division: Land Date: 9-Feb-94
 Approved by Commissioner: Harry A. Noah Date: 9-Feb-94
 Agency: Natural Resources

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public "agency" that
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 Union Oil Co. v.
 al Resources, 526
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Administrative code
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 P.2d 1357 (Alaska

Sec. 38.05.025. Continuing regulations, agreements, etc. All rules, regulations, procedures, funds, contracts and agreements established or entered into by the Department of Lands before May 2, 1959, under the authority of ch. 126, SLA 1953, as amended, and ch. 184, SLA 1957, are continued, and are subject to amendment by the commissioner except where inconsistent with this chapter. (§ 2 art XIII ch 169 SLA 1959)

Sec. 38.05.027. Cooperative resource management or development agreements. (a) Consistent with the authority of the commissioner under law, the commissioner, after determining that the agreement is in the best interests of the public and the state, may enter into cooperative resource management or development agreements with the federal government, state agency, a village or municipality, or a person. Specific guidelines to protect the state and public interest shall be established, if necessary, by the commissioner before entering into an agreement under this section.

(b) A summary of agreements entered into under this section shall be submitted to the legislature within 30 days of the beginning of each regular session. (§ 2 ch 143 SLA 1976)

Cross references. — For legislative intent, see § 1, ch. 143, SLA 1976 in the Temporary and Special Acts."

Sec. 38.05.030. Exceptions. (a) *[Repealed, § 88 ch 152 SLA 1984.]*

(b) The provisions of this chapter do not apply to any power, duty or authority now or in the future granted to the Department of Transportation and Public Facilities in the name of the state, to acquire, use, lease, dispose of, or exchange real property, or any interest in real property. Land assigned by the division of lands to the Department of Transportation and Public Facilities shall be returned to the management of the division of lands when it is no longer needed for the purposes assigned.

(c) In addition to the requirements specified in AS 38.50.090, the agencies referred to in (b) of this section and other state agencies with authority to acquire or dispose of land shall give written notification of the fact of acquisition, lease, disposal, or exchange to the commissioner within three months after the date that they make the acquisition, lease, disposal, or exchange.

(d) Real property acquired by and under the management of the agencies referred to in (b) of this section that is no longer needed for its intended use shall be transferred to the commissioner, except that the Department of Transportation and Public Facilities may dispose of real property acquired by it under AS 19.05.040(2) and 19.05.080 — 19.05.120.

Sec. 02.15.060. Establishment, operation and maintenance. The department may plan, establish, construct, enlarge, improve, maintain, equip, operate, regulate, protect, and police airports and air navigation facilities within the state. (§ 5 A ch 123 SLA 1949; am § 2 ch 68 SLA 1955)

NOTES TO DECISIONS

Applied in *Clark v. State*, Ct. App. Op. No. 716 (File No. A-1840), 738 P.2d 765 (1987).

Collateral references. — 8 Am. Jur. 2d, Aviation, §§ 17-19, 55 et seq.
2A C.J.S., Aeronautics and Aerospace, § 57 et seq.

Power to establish or maintain public airport, or to create separate airport au-

thority. 161 ALR 733.

Airport operations or flight of aircraft as nuisance. 79 ALR3d 253.

Airport operations liability insurance. 92 ALR3d 1267.

Sec. 02.15.070. Acquisition and disposal of property. (a) For the purposes specified in AS 02.15.060 the department may, by purchase, gift, devise, lease, condemnation, or otherwise, acquire real or personal property, or any interest in the property including easements in airport hazards or land outside the boundaries of an airport or airport site, necessary to permit the removal, elimination, obstruction-marking, or obstruction-lighting of airport hazards, or to prevent the establishment of airport hazards. ~~The department may acquire existing airports and air navigation facilities in the same manner except it may not acquire or take over an airport or air navigation facility owned or controlled by a municipality or person without the consent of the municipality or person.~~

(b) The department may, by sale, lease, or otherwise, dispose of all, a portion of, or an interest in a property, airport, or air navigation facility described in (a) of this section. The proceeds of any disposition shall be used for the purposes set out in this chapter. (§ 5 A, B ch 123 SLA 1949; am § 2 ch 68 SLA 1955)

Collateral references. — 8 Am. Jur. 2d, Aviation, §§ 9-19, 62, 67.
2A C.J.S., Aeronautics and Aerospace, §§ 61, 65-67.

Exercise of eminent domain for purposes of airport. 135 ALR 755.

Plotting or planning in anticipation of improvement as taking or damaging of property affected. 37 ALR3d 127.

Zoning regulations limiting use of prop-

erty near airport as taking of property. 18 ALR4th 542.

Operations or flight of aircraft as constituting taking or damaging of property. 22 ALR4th 833.

Damages resulting from temporary conditions incident to public improvements or repairs as compensable taking. 23 ALR4th 674.

State v. Abbott, Sup. Ct. Op. No. 804 (File Nos. 1463, 1467), 498 P.2d 712 (1972).

The duty to maintain a highway safe for travel includes not only a duty to maintain the surface of the highway in a condition reasonably safe for travel, but also a duty of warning the travelling public of any other condition which endangers travel, whether caused by a force of nature, such as snow or ice, or by the act of third persons, such as a ditch dug in the sidewalk or roadway or an obstruction placed upon it. State v. Abbott, Sup. Ct. Op. No. 804 (File Nos. 1463, 1467), 498 P.2d 712 (1972).

Liability of state for negligent winter highway maintenance. — See State v. Abbott, Sup. Ct. Op. No. 804 (File Nos. 1463, 1467), 498 P.2d 712 (1972).

Once the basic decision to maintain the highway in a safe condition throughout the winter is reached, the state should not be given discretion to do so negligently. State v. Abbott, Sup. Ct. Op. No. 804 (File Nos. 1463, 1467), 498 P.2d 712 (1972).

In some circumstances the state will be held liable for dangerous highway conditions caused by ice and snow accumulation. State v. Abbott, Sup. Ct. Op. No. 804

(File Nos. 1463, 1467), 498 P.2d 712 (1972).

To impose a lesser standard of care upon the state for highway maintenance would substantially diminish the risk-spreading effects of AS 09.50.250 and seriously undermine the sound policy consideration upon which it is based. State v. Abbott, Sup. Ct. Op. No. 804 (File Nos. 1463, 1467), 498 P.2d 712 (1972).

In making a determination of negligence by the state in maintaining highways, all of the following factors would be relevant: Whether the state had notice of the dangerous condition, the length of time the ice and snow had been on the highway, the availability of men and equipment, and the amount of traffic on the highway. State v. Abbott, Sup. Ct. Op. No. 804 (File Nos. 1463, 1467), 498 P.2d 712 (1972).

To impose liability on the state for its negligent failure to maintain Alaska highways through the winter would not place an "impossible burden" on the state. State v. Abbott, Sup. Ct. Op. No. 804 (File Nos. 1463, 1467), 498 P.2d 712 (1972).

Cited in State v. Alyeska Pipeline Serv. Co., Sup. Ct. Op. No. 3092 (File No. S-986), 723 P.2d 76 (1986).

Sec. 19.05.040. Powers of department. The department may

- (1) acquire property;
- (2) exercise the power of eminent domain;
- (3) take immediate possession of real property, or any interest in it under a declaration of taking or by other lawful means;
- (4) acquire rights-of-way for present or future use;
- (5) control access to highways;
- (6) regulate roadside development;
- (7) preserve and maintain the scenic beauty along state highways;
- (8) dispose of property acquired for highway purposes;
- (9) accept and dispose of federal funds or property available for highway construction, maintenance, or equipment;
- (10) enter into contracts or agreements relating to highways with the federal government, municipalities, a political subdivision, or with a foreign government, if the contract is approved by the federal government;
- (11) establish, levy, and collect tolls, fees, charges, and rentals for the use of state roads, highways, bridges, tunnels, crossings, and causeways; and
- (12) exercise any other power necessary to carry out the purpose of AS 19.05 — AS 19.25. (§ 2 art III title I ch 152 SLA 1957; am § 3 ch 35 SLA 1971; am § 2 ch 162 SLA 1984; am § 1 ch 165 SLA 1988)

19.05.070

§ 19.05.080

HIGHWAYS AND FERRIES

§ 19.05.080

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Sec. 19.05.080. Acquisition of land, rights-of-way, and materials by purchase or eminent domain. The department on behalf of the state and as part of the cost of constructing or maintaining a highway may purchase in the open market, acquire, take over, or condemn under the right and power of eminent domain land in fee simple or easements that it considers necessary for present public use, either temporary or permanent, or that it considers necessary and reasonable for the public use. By the same means, the department may obtain material, including clay, gravel, sand, or rock, or the land necessary to obtain material, including access to it. The department may acquire the land or materials notwithstanding the fact that title to it is vested in the state or a department, agency, commission, or institution of the state. Acquisition of materials by purchase in the open market under this section is governed by AS 36.30 (State Procurement Code). (§ 1 art I title IV ch 152 SLA 1957; am § 11 ch 106 SLA 1986)

Cross references. — For general provisions concerning eminent domain, see AS 09.55.240 — 09.55.460. For power of department of transportation and public facilities to exercise power of eminent domain, see AS 44.42.020(b).

Effect of amendments. — The 1986 amendment inserted "in the open market" near the middle of the first sentence and added the last sentence.

NOTES TO DECISIONS

Department may acquire real property for highway through eminent domain. — The Department of Highways (now Department of Transportation and Public Facilities) may acquire real property for the purpose of constructing a highway through the exercise of eminent domain power, under the authority of AS 19.05.040, this section through AS 19.05.120, and AS 19.20.040. *Babinec v. State*, Sup. Ct. Op. No. 908 (File No. 1539), 512 P.2d 563 (1973), rev'd on other grounds, Sup. Ct. Op. No. 1766 (File Nos. 3108, 3109), 586 P.2d 966 (1978).

Construction of state lease reserving right to grant right-of-way. — Provision in a lease issued by the State of Alaska, division of lands, expressly reserving the right to grant an easement or right-of-way across the leased property was construed to include an interagency transfer of a right-of-way to the Department of Highways (now Department of Transportation and Public Facilities). *Weasells v. State*, Dep't of Hwys., Sup. Ct. Op. No. 1403 (File No: 2834), 562 P.2d 1042 (1977).

Collateral references. — 27 Am. Jur. 2d, Eminent Domain §§ 325-332. 39 Am. Jur. 2d, Highways, Streets and Bridges, §§ 32-40.

39A C.J.S., Highways, §§ 2, 25-36. Constitutionality of statutory provisions as to political corporations or divisions which shall bear cost of establishing or maintaining highway. 2 ALR 746; 122 ALR 1482.

Classification as regards counties or other political subdivisions permissible in

statute imposing cost of construction or maintenance of highways upon property specially benefited. 77 ALR 1286.

Jurisdiction and power in respect of street or road which is part of or touching upon state or federal highway. 144 ALR 307.

Electric light or power line in street or highway as additional servitude. 58 ALR2d 525.

Inclusion or exclusion of first and last days in computing time for giving notice

of hearing for location of public highway, which notice must be given a certain number of days before a known future date. 98 ALR2d 1397.

Extent and reasonableness of use of private way in exercise of easement granted in general terms. 3 ALR3d 1256.

Validity of "freezing" ordinances or statutes preventing prospective condemnation from improving, or otherwise changing, the condition of his property. 36 ALR3d 751.

Plotting or planning in anticipation of improvement as taking or damaging of property affected. 37 ALR3d 127.

Measure of damages for condemnation of cemetery lands. 42 ALR3d 1314.

Traffic noise and vibration from highway as element of damages in eminent domain. 51 ALR3d 860.

Right to condemn property owned or used by private educational, charitable, or religious organization. 60 ALR3d 833.

Recovery of value of improvements made with knowledge of impending condemnation. 58 ALR3d 504.

Assemblage or plottage as factor affect-

ing value in eminent domain proceedings. 8 ALR4th 1202.

Measure and elements of lessee's compensation for condemnor's taking or damaging of leasehold. 17 ALR4th 337.

Sufficiency of condemnor's negotiations required as preliminary to taking in eminent domain. 21 ALR4th 765.

Damages resulting from temporary conditions incident to public improvements or repairs as compensable taking. 23 ALR4th 674.

Compensability of loss of view from owner's property — state cases. 25 ALR4th 671.

Statute of limitations applicable to inverse condemnation or similar proceedings to obtain compensation for direct appropriation of land without institution or conclusion of formal proceedings against specific owner. 26 ALR4th 68.

Private improvement of land dedicated but not used as street as estopping public rights. 36 ALR4th 625.

Unity or contiguity of separate properties sufficient to allow damages for diminished value of parcel remaining after taking of other parcel. 59 ALR4th 308.

Sec. 19.05.090. Declaration of taking. A declaration of taking in the form of an order signed by the commissioner, or by a designee of the commissioner within the department, declaring that the real property, or interest in it, or an easement, is necessary for the public use of the state vests title in the state. However, a declaration of taking is not effective until eminent domain proceedings have been instituted in the proper court, and a copy of the declaration of taking has been recorded in the office of the recorder in the district where the land is located. The department shall pay from the appropriate fund into court the amount it considers represents a reasonable valuation for the land, easement or materials taken. (§ 1 art I title IV ch 152 SLA 1957; am § 1 ch 88 SLA 1967)

Revisor's notes. — Minor word changes related to the recording of documents were made in this section in 1988 because of the enactment of ch. 161, SLA 1988.

Cross references. — For general pro-

visions concerning eminent domain, see AS 09.55.240 — 09.55.460; for power of Department of Transportation and Public Facilities to exercise power of eminent domain, including declaration of taking, see AS 44.42.020(b).

NOTES TO DECISIONS

Access. — Although the language granting access was erroneously included in the declaration of taking of property for a controlled access facility, a party who purchased the remainder of the adjoining

parcel for his insurance business acted reasonably in believing that he would have direct access and was entitled to compensation because he did not receive direct access. State v. 18,018 square feet,

more or less, Sup. Ct. Op. No. 2232 (File No. 4637), 621 P.2d 887 (1980).

Sec. 19.05.100. Acquisition of excess land. When a part of a parcel of land is taken and the remainder is in a shape or condition that is of little value to its owner, or give rise to claims or litigation concerning severance or other damage, the department may acquire the whole parcel and may sell the remainder or exchange it for other property needed for state highway rights-of-way. (§ 2(1) art I title IV ch 152 SLA 1957; added by § 3 ch 122 SLA 1960)

Sec. 19.05.110. Authority to condemn or acquire publicly owned property for the purpose of exchange. When property that is devoted to or held for another public use for which the power of eminent domain may be exercised is taken for highway purposes, the department may, with the consent of the person or agency in charge of the other public use, condemn the real property to be exchanged for the real property so taken. This section does not limit the authorization of the department to acquire, other than by condemnation, property for that purpose in any other manner. (§ 2(2) art I title IV ch 152 SLA 1957; added by § 3 ch 122 SLA 1960)

Sec. 19.05.120. Authority to purchase property for the purpose of exchange. When the commissioner formally declares that it is in the best public interest of the state to do so, the department may acquire by purchase or otherwise privately or publicly owned land or ~~an interest in it for the purpose of exchanging it for privately or~~ publicly owned land which the department is authorized by law to acquire. (§ 2(3) art I title IV ch 152 SLA 1957; added by § 3 ch 122 SLA 1960)

Sec. 19.05.122. Utility corridor for extension of the Alaska Railroad. (a) Not later than April 1, 1982, the interior division of the department shall delineate a proposed utility corridor for the extension of the Alaska Railroad to the Canadian border. The proposed utility corridor shall include a complete legal description of the proposed railroad right-of-way.

(b) Within 90 days after receiving a report transmitting the work of the interior division of the department under (a) of this section, the commissioner shall, in conformity with the Administrative Procedure Act (AS 44.62), if necessary, adopt a regulation approving, modifying, or rejecting the proposed utility corridor and railroad right-of-way.

(c) If the commissioner approves or modifies the proposed utility corridor and railroad right-of-way,

Alaska Statutes

Title 35. Public Buildings, Works, and Improvements.

Chapter

- 05. Administration (§ 35.05.040).
- 10. Public Works (§§ 35.10.015, 35.10.195, 35.10.210, 35.10.230, 35.10.270)
- 15. Construction Procedures (§ 35.15.110)
- 20. Acquisition and Disposition of Property (§§ 35.20.020, 35.20.070)
- 30. Consistency with Local Government Plans and Ordinances (§ 35.30.010)
- 40. Names of Public Works (§§ 35.40.030 — 35.40.085)

Chapter 05. Administration.

Section

- 40. Powers of department

Sec. 35.05.040. Powers of department. The department may

- (1) acquire property;
- (2) exercise the power of eminent domain;
- (3) take immediate possession of real property, or any interest in it under a declaration of taking or by other lawful means;
- (4) acquire rights-of-way for present or future use;
- (5) dispose of excess property or property rights;
- (6) accept and dispose of federal funds or property available for public works construction, maintenance, or equipment;
- (7) enter into contracts or agreements relating to public works with the federal government and political subdivisions, and also enter into contracts with a foreign government if approved by the federal government;
- (8) exercise any other power necessary to carry out the purpose of this title;
- (9) lease or grant land or any interest in land to the Alaska Housing Finance Corporation for a purpose set out in AS 18.55.100 — 18.55.960 on terms and conditions prescribed by the department;
- (10) procure directly materials, labor and contractual services for planning, designing and constructing public facilities of the state. (§ 2 art III title I ch 152 SLA 1957; am § 15 ch 99 SLA 1965; am § 3 ch 116 SLA 1975; am § 110 ch 4 FSSLA 1992)

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Sec. 35.15.120. Definitions. In AS 35.15.080 — 35.15.120

(1) "construction" or any derivative of the term "construct" means, in addition to the meaning given in AS 35.95.100, selecting and acquiring a project site and necessary rights-of-way and easements, providing for and connecting to utilities, and building, supervising and inspecting the public works project;

(2) "governing body" means in the case of a municipality, its assembly or council, and, in the case of a regional educational attendance area, its regional school board. (§ 1 ch 57 SLA 1976; am § 2 ch 62 SLA 1978; am § 88 ch 74 SLA 1985)

Effect of amendments. — The 1985 amendment repealed former paragraph (3), which defined "municipality."

Chapter 20. Acquisition and Disposition of Property.

Section

- 10. Acquisition of land, rights-of-way, and materials by purchase or eminent domain
- 20. Declaration of taking
- 30. Acquisition of excess land
- 40. Authority to condemn or acquire

Section

- publicly owned property for the purpose of exchange
- 50. Authority to purchase property for the purpose of exchange
- 60. Sale of obsolete equipment and material
- 70. Vacating of land or rights in land

Sec. 35.20.010. Acquisition of land, rights-of-way, and materials by purchase or eminent domain. The department, on behalf of the state and as part of the cost of constructing or maintaining a public work, may purchase in the open market, acquire, take over, or condemn under the right and power of eminent domain land in fee simple or easements that it considers necessary for present public use, either temporary or permanent, or that it considers necessary and reasonable for the public use. By the same means, the department may obtain material including clay, gravel, sand, or rock, or the land necessary to obtain the material, and the necessary land or easements to provide access to it. The department may acquire the land or material notwithstanding the fact that the title to it is in the state or a department, agency, commission or institution of the state. Acquisition of material in the open market under this section is governed by AS 36.30 (State Procurement Code). (§ 1 art I title IV ch 152 SLA 1957; am § 37 ch 106 SLA 1986)

Cross references. — For provisions relating to eminent domain proceedings, see AS 09.55.240 — 09.55.460.

Effect of amendments. — The 1986 amendment, effective January 1, 1988, in-

serted "in the open market" in the first sentence and added the last sentence.

Opinions of attorney general. — The interaction of AS 38.03.230(b), 38.05.035(a)(7) and (12), AS 35.05.040(1),

and AS 35.20.010 was examined to determine (1) which agency of the state had authority to accept title to land transferred by the federal government and (2) which agency had authority to manage the land, which was conveyed for airport and other purposes. The division of lands is the proper agency for acceptance of title. The division of aviation in the (for-

mer) Department of Public Works (now the Department of Transportation and Public Facilities) possesses the authority to manage the granted land for airport and directly related purposes while the division of lands possesses the authority to manage the land for other public purposes. April 14, 1977 Op. Att'y Gen.

NOTES TO DECISIONS

This section and AS 35.20.030 grant to the Department of Public Works (now the Department of Transportation and Public Facilities) eminent domain powers, as well as the right to em-

ploy a declaration of taking in eminent domain proceedings. Tallman v. State, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

Collateral references. — 26 Am. Jur. 2d, Eminent Domain, § 1 et seq.

29A C.J.S., Eminent Domain, § 1 et seq.

Sec. 35.20.020. Declaration of taking. A declaration of taking, in the form of an order signed by the commissioner of the department, declaring that the real property, or an interest in it, or any easement is necessary for the public use of the state is sufficient to vest title in the state. However, a declaration of taking is not effective until eminent domain proceedings have been instituted in the proper court, and a copy of the declaration of taking is filed in the office of the recorder located in the recording district where the land is located. The department may pay or have paid, from the appropriate fund, into court the amount it considers represents a reasonable valuation for the land, easement or materials taken. (§ 1 art I title IV ch 152 SLA 1957)

Cross references. — For procedures under declaration of taking, see AS 09.55.420 — 09.55.460.

NOTES TO DECISIONS

This section and AS 35.20.010 grant to the Department of Public Works (now the Department of Transportation and Public Facilities) eminent domain powers, as well as the right to em-

ploy a declaration of taking in eminent domain proceedings. Tallman v. State, Sup. Ct. Op. No. 862 (File No. 1612), 506 P.2d 679 (1973).

Sec. 35.20.030. Acquisition of excess land. When a part of a parcel of land is taken and the remainder is in such shape or condition as to be of little value to its owner, or gives rise to claims or litigation concerning severance or other damage, the department may acquire the whole parcel and may sell the remainder or exchange it for other

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PUBLIC BUILDINGS, WORKS, ETC.

§ 35.20.070

property needed for public works. (§ 2 art I title IV ch 152 SLA 1957; added by § 3 ch 122 SLA 1960)

Sec. 35.20.040. Authority to condemn or acquire publicly owned property for the purpose of exchange. When property that is devoted to or held for another public use for which the power of eminent domain may be exercised is taken for purposes set out in this title, the department may, with the consent of the person or agency in charge of the other public use, condemn the real property to be exchanged for the real property so taken. This section does not limit the authorization of the department to acquire, other than by condemnation, property for those purposes in any other manner. (§ 2 art I title IV ch 152 SLA 1957; added by § 3 ch 122 SLA 1960)

Sec. 35.20.050. Authority to purchase property for the purpose of exchange. When the commissioner formally declares that it is in the best public interest of the state to do so, the department may acquire by purchase or otherwise privately or publicly owned land or an interest in it for the purpose of exchanging it for privately or publicly owned land that the department is authorized by law to acquire. (§ 2 art I title IV ch 152 SLA 1957; added by § 3 ch 122 SLA 1960)

Sec. 35.20.060. Sale of obsolete equipment and material. The department may sell, exchange or otherwise dispose of obsolete machinery, equipment and material no longer needed, required or useful for construction or maintenance purposes. Money derived from the sale of the property shall be credited to the fund from which the purchase was originally made. (§ 3 art IV title IV ch 152 SLA 1957)

Sec. 35.20.070. Vacating of land or rights in land. The department may vacate land, or part of it, or rights in land acquired for public work purposes by executing and filing a deed in the appropriate recording district. Upon vacating, title reverts to the persons, heirs, successors, or assigns in whom it was vested at the time of the taking. The department may transfer land considered no longer necessary for public works purposes to the Department of Natural Resources for disposal. The proceeds of disposal by the Department of Natural Resources shall be credited to the funds from which the purchase was originally made. (§ 4 art IV title IV ch 152 SLA 1957)