

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 00/2

9494 HOUSE TRANSPORTATION

151



**SENATOR DAVE DONLEY**  
**ALASKA STATE LEGISLATURE**

October 22, 1997

Mr. David Miller  
Acting Division Administrator  
Federal Highway Administration  
PO Box 21648  
Juneau, AK 99802

Dear Mr. Miller:

The Anchorage Caucus, a bipartisan group of Anchorage legislators, wishes to add two Anchorage legislators to the Anchorage Municipal Area Transportation Study (AMATS) policy committee. Would your agency object to the State of Alaska adding two Anchorage state legislators to the AMATS policy committee?

Since the population of the Municipality of Anchorage (MOA) exceeds 200,000 it was required to form a Metropolitan Planning Organization (MPO) under ISTEA requirements. Given this MPO requirement the MOA created the AMATS committee. The current composition of the AMATS committee consists of two Anchorage Assembly members, one representative from the State Department of Transportation and Public Facilities, one representative from the State Department of Environment Conservation and the Mayor of Anchorage.

Currently the state legislature is the only participating government entity not represented on AMATS. Since without legislative authorization no funds can be expended it would assist the process to have legislative participation on AMATS. What federal agency or agencies must approve the composition of the AMATS policy committee? Who is the federal official currently responsible for this decision?

If two Anchorage area legislators were added to the existing policy committee is there any reason the AMATS program would not remain in compliance with federal requirements?

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**MEMBER:** Senate Finance Committee • Legislative Budget & Audit Committee  
• Senate Community & Regional Affairs Committee

Mr. David Miller  
Page 2  
October 22, 1997

I appreciate your consideration of this request. If you have further questions, please contact James Armstrong of my staff at 258-8181. I look forward to your response.

Sincerely,

  
Senator Dave Donley

DD/jja



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

Alaska Division

P.O. Box 21648  
Juneau, Alaska 99802

January 30, 1998

HPR-AK  
Adm-Gen 11

Senator Dave Donley  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

Dear Senator Donley:

We have received your January 26, 1998 letter indicating that the Anchorage Caucus wishes to change the membership of the AMATS policy committee. You asked if AMATS would remain in compliance with federal law if the State Department of Environmental Conservation member was replaced by an Anchorage area legislator. The federal regulations state in 23 CFR 450.306(i) that the voting membership of an MPO policy body must include appropriate State officials. There is nothing that specifically states that MPOs in air quality nonattainment areas must include a State environmental agency representative on the MPO policy committee.

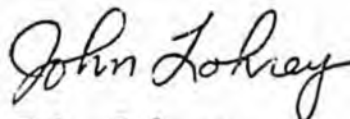
There are some good reasons to have a DEC member on the policy committee. Anchorage is in the process of being redesignated from a moderate CO nonattainment area to a serious nonattainment area. This redesignation will have direct implications on transportation planning. Anchorage also has the potential to become a nonattainment area for PM-10 (dust), which would also impact transportation planning. The EPA air quality conformity rule (40 CFR 93.105) contains requirements for consultation and coordination between the MPO and the state air agency (and other agencies as well) in the process of making transportation conformity determinations. This coordination has been very effective with the current AMATS structure.

Although there are benefits to having DEC represented on the AMATS Policy Committee, there is no federal requirement to do so. If the DEC member is dropped from the Policy Committee, the September 25,

1978 memorandum of understanding for area wide air quality planning between the Municipality and DEC should be revised to put in place procedures that will assure continued coordination between DEC and AMATS. If you have any questions, please call John Lohrey at 586-7422.

Sincerely yours,

Stephen A. Moreno  
Division Administrator



By: John Lohrey  
Division Planner

cc: Ron King, DEC  
John Horn, ADOT&PF Central Region



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

Alaska Division

P.O. Box 21648  
Juneau, Alaska 99802

October 29, 1997

HPR-AK  
Adm-Gen 11

Senator Dave Donley  
716 W. 4th Ave. Ste 430  
Anchorage, AK 99501

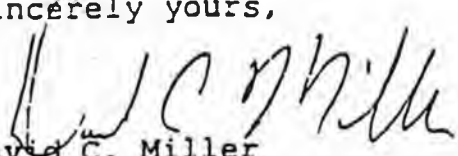
Dear Senator Donley:

Your letter of October 27, 1997 asked if the Federal Highway Administration (FHWA) would object to the State of Alaska adding two Anchorage state legislators to the AMATS policy committee. We would have no objection. Neither the FHWA nor any other federal agency would have to approve the addition of members to the policy committee, and there is no reason the AMATS program would not remain in compliance with federal requirements.

There are two processes through which membership can be added to the AMATS policy committee. AMATS in cooperation with the State could agree to add membership, or AMATS could be redesignated by agreement of the governor and the Municipality of Anchorage. This information is included in 23 CFR 450.306.

If you have any further questions, please call John Lohrey at (907) 586-7422.

Sincerely yours,

  
David C. Miller  
Acting Division Administrator

cc: John Horn, AK DOT&PF, Director, Central Region

# ALASKA STATE LEGISLATURE



Senate Co-Chair  
Senator Dave Donley

House Co-Chair  
Representative Eric Croft

## Anchorage Caucus

December 8, 1997

### Senate Members

Johnny Ellis  
Rick Halford  
Tim Kelly  
Loren Leman  
Sean Pamell  
Drue Pearce  
Randy Phillips  
Jerry Ward

Honorable Tony Knowles  
Governor, State of Alaska  
PO Box 110001  
Juneau, AK 99811-0001

Dear Governor Knowles:

On behalf of the 26 state legislators who constitute the Anchorage Caucus we request you reach an agreement with the Mayor of Anchorage and amend the current membership of the Anchorage Metropolitan Area Transportation Study (AMATS) Policy Committee to delete one representative of the State Executive Branch and add one State Senator and one State Representative.

### House Members

Ramona Barnes  
Ethan Berkowitz  
Con Bunde  
John Cowdery  
Fred Dyson  
Joe Green  
Mark Hanley  
Allen Kemplen  
Vic Kohring  
Pete Kott  
Terry Martin  
Eldon Mulder  
Brian Porter  
Norman Rokeberg  
Joe Ryan  
Jerry Sanders

We request that the Senate member be appointed by the Senate President in January of each even numbered year from among Senators representing Anchorage. We request that the House member be appointed by the Speaker of the House in January of each even numbered year from among Representatives representing Anchorage.

The current agreement between the State and the Municipality creates a policy committee that has representatives of all relevant branches of local and state government except the state legislature. Although the legislature has the power to not fund projects on the list developed by this committee, it can not add to the list. Clearly, publicly elected officials who represent the community affected and who must eventually approve the expenditures in question have a far greater and appropriate interest in the policy committee's priority list development than executive branch non-elected administrators.

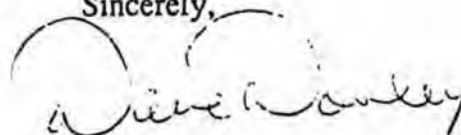
Additionally, an equal balance between state and local elected officials and an increase in elected public officials as members will more fairly represent the public interest involved.

Attached is a letter from David Miller of the US Department of Transportation, Federal Highway Administration explaining that the Policy Committee's current composition is not a federal mandate and that federal law does not bar state legislators from being on the Policy Committee. In fact, the Honolulu, Hawaii equivalent of AMATS has six state legislators, five city council members, one appointee by the Mayor and one appointee by the governor.

Governor Tony Knowles  
December 8, 1997  
Page 2

The Anchorage Caucus looks forward to working with you to improve Anchorage's transportation system. I respectfully request a written response within 21 days so the Anchorage Caucus can begin drafting appropriate legislation to make this change if you do not agree to make this change by agreement.

Sincerely,



Senator Dave Donley

cc: Mayor Rick Mystrom  
Assembly member Mark Begich, Chair  
Assemblymember George Wuerch  
Assemblymember Ted Carlson  
Assemblymember Pat Abney  
Assemblymember Cheryl Clementson  
Assemblymember Joe Murdy  
Assemblymember Kevin Meyer  
Assemblymember Charles Wohlforth  
Assemblymember Dan Kendall  
Assemblymember Bob Bell  
Assemblymember Fay Von Gemmingen  
Commissioner Michele Brown, Dept. of Environmental Conservation  
Commissioner Joe Perkins, Dept. of Transportation & Public Facilities

Enclosure

DD/dh

## WHAT IS OMPO?

OMPO is an advisory organization responsible for coordinating transportation planning on Oahu.

OMPO was created by the State Legislature in 1975 and reorganized in 1986. The decision-making body of OMPO is its Policy Committee, which consists of six state legislators, five Honolulu City Council members, an appointee of the Governor and an appointee of the Mayor of Honolulu.

OMPO's function is to coordinate the activities of the "3-C" transportation planning process (comprehensive, continuing, and cooperative planning) on Oahu. The planning itself is done largely by the City and the State planning and transportation departments (City Department of Transportation Services, City Planning Department, State Department of Transportation, and State Department of Business, Economic Development, and Tourism (DTS, PD, DOT, and DBEDT, respectively)). These "participating agencies" are part of the OMPO planning process.

OMPO does not construct projects or implement programs. Rather, OMPO's directive focuses upon the development of plans and programs to produce an integrated intermodal transportation system.

## HOW IS OMPO ORGANIZED?

OMPO is composed of four parts: a Policy Committee, a Technical Advisory Committee (TAC), a Citizen Advisory Committee (CAC), and a staff (see Figure 1).

## WHAT ARE THE ROLES OF EACH PART?

THE POLICY COMMITTEE is the "heart" of the OMPO planning process. It determines the direction of the OMPO effort, considers and approves transportation planning issues, and makes the final approval for OMPO matters.

THE TECHNICAL ADVISORY COMMITTEE provides the technical input to OMPO's planning process. The TAC acts as the technical liaison between the Policy Committee and the OMPO Executive Director, provides advice to the Policy Committee and the OMPO Executive Director on technical matters, and insures the technical competence of the planning process. The TAC has direct responsibility for land use, transportation-related planning, and transit management.

THE CITIZEN ADVISORY COMMITTEE was created by the Policy Committee in July 1977 to ensure effective public input into Oahu's transportation planning process. The CAC is a vehicle whereby public input can be solicited to advise the Policy Committee and the OMPO Executive Director on transportation planning issues. Beside being a vehicle for informing interested citizens of various transportation issues and for face-to-face discussions with key decision-makers and project administrators, the CAC is a



valuable source of public input. The CAC also reviews and develops recommendations to improve the OMPO public involvement program.

## WHO ARE THE MEMBERS OF OMPO?

THE POLICY COMMITTEE is made up of 13 members. Five members are from the City Council, including the chair of the Council's transportation committee. Three members are State senators, including the chair of the Senate's transportation committee. Three members are State representatives, including the chair of the House's transportation committee. One member is the director of the State DOT and one member is the director of the City DTS. Although not a member of the Policy Committee, the CAC Chair has been invited to attend and take part in discussions at Policy Committee meetings.

For FY 1998, the members of the OMPO Policy Committee are:

From the Honolulu City Council:	John Henry Felix Muft Hannemann ( <i>Vice Chair</i> ) Donna Mercado Kim Rene Mansho Jon Yoshimura
From the State Senate:	Whitney Anderson Cal Kawamoto ( <i>Chair</i> ) Norman Sakamoto
From the House of Representatives:	Kenneth T. Hiraki Mark Moses Paul T. Oshiro
State DOT Director:	Kazu Hayashida
City DTS Director:	Cheryl Soon

THE TECHNICAL ADVISORY COMMITTEE members include the four directors of the City and the State planning and transportation departments. In addition, representatives of the Federal Highway Administration and Federal Aviation Administration attend TAC meetings as non-voting members.

The members of the TAC are:

City and County of Honolulu DTS, Director Planning Department, Chief Planning Officer	Current Representative Cheryl Soon Patrick Onishi
State of Hawaii Department of Business & Economic Development, & Tourism, Director DOT, Director	Seiji Naya Kazu Hayashida

THE CITIZEN ADVISORY COMMITTEE is a volunteer group of non-governmental organizations interested in transportation planning on Oahu. The CAC membership includes community organizations, professional associations, neighborhood boards, special interest groups, and transportation providers. Organizations seeking CAC membership need to have their representatives attend at least four (4) meetings of the CAC or its subcommittees within a twelve-month period and submit, to the OMPO Policy Committee Chair, a written request for appointment to the CAC. The CAC presently consists of the following 36 member organizations:

Aia Moana/Kakaako Neighborhood Board (NB) #11	Kaneohe NB #30
American Planning Association	Kokua Council of Senior Citizens
American Society of Landscape Architects	Kuliouou/Kalani-Iki NB #2
American Society of Civil Engineers	League of Women Voters
Chamber of Commerce of Hawaii	Leeward Oahu Transportation Mgmt. Assn.
Charley's Taxi	Life of the Land
Construction Industry Legislative Org.	Liliha/Kapalama NB #14
Downtown NB #13	Makakilo/Kapolei/Honokai Hale NB #34
Ewa Beach NB #23	Makiki/Lower Punchbowl/Tantalus NB #10
Hawaii Bicycling League	Mililani/Waipio/Melemanu NB #25
Hawaii Carpenters Union Local 745	Outdoor Circle, The
Hawaii Transportation Association	Pacific Resource Partnership, The
Hawaii's Thousand Friends	Sierra Club of Hawaii
Honolulu Community Action Program	Tax Foundation of Hawaii
ILWU	Teamsters Union Local 996
Institute of Transportation Engineers	Waianae Coast NB #24
Kailua NB #31	Waianae Coast Transportation Concerns Group
Kalaheo Community Association	Waikiki NB #9
Kalihi Valley NB #16	Waikiki Residents Association

## WHY WAS OMPO CREATED?

The Federal Surface Transportation Assistance Act of 1973 required the formation of a metropolitan planning organization (MPO) for any urbanized area with a population greater than 50,000. This mandate was based on the need to ensure that existing and future expenditures for transportation projects and programs were based on a comprehensive, cooperative, and continuing (3-C) planning process. Federal funding for transportation projects and programs are channeled through this planning process.

In 1975, the State Legislature established the OMPO by passing Act 180, Chapter 279E, Hawaii Revised Statutes. Although this act was later revised in 1986, it continued to identify the OMPO's function as serving in an advisory capacity to the State Legislature and the Honolulu City Council in carrying out the 3-C planning process. The responsibilities of OMPO and its participating agencies in carrying out the 3-C planning process is identified in a Comprehensive Agreement signed by the Governor, City transit operator (or the Honolulu City Council), and OMPO.

## WHAT ARE OMPO'S RESPONSIBILITIES?

OMPO is responsible for identifying Oahu's future transportation needs and programming the federal funds for such projects and programs. This is achieved primarily through the development of the following three documents:

- The Oahu Regional Transportation Plan (ORTP)
- The Overall Work Program (OWP)
- The Transportation Improvement Program (TIP)

**THE REGIONAL TRANSPORTATION PLAN** is a blueprint for identifying the development of future transportation improvements on Oahu. It should be noted, however, that the inclusion of a project into this plan does not guarantee its construction. Rather, it allows a project to begin a series of more detailed evaluations and to be eligible to seek federal funding. During these more detailed evaluations, a project could be postponed or terminated for any number of reasons, such as environmental impact, cost, or lack of public support.

One of the earlier regional transportation plans was prepared in 1967 by the Oahu Transportation Planning Program. The plan was called the "Oahu Transportation Study" (OTS) and used 1985 as its horizon year. It recommended many of the highway and transit improvements that have since been completed, including parts of H-1 and H-2, and served as a guide for improvements to major highways such as Likelike, Pali, Farrington, Kamehameha, and Kalaniana'ole.

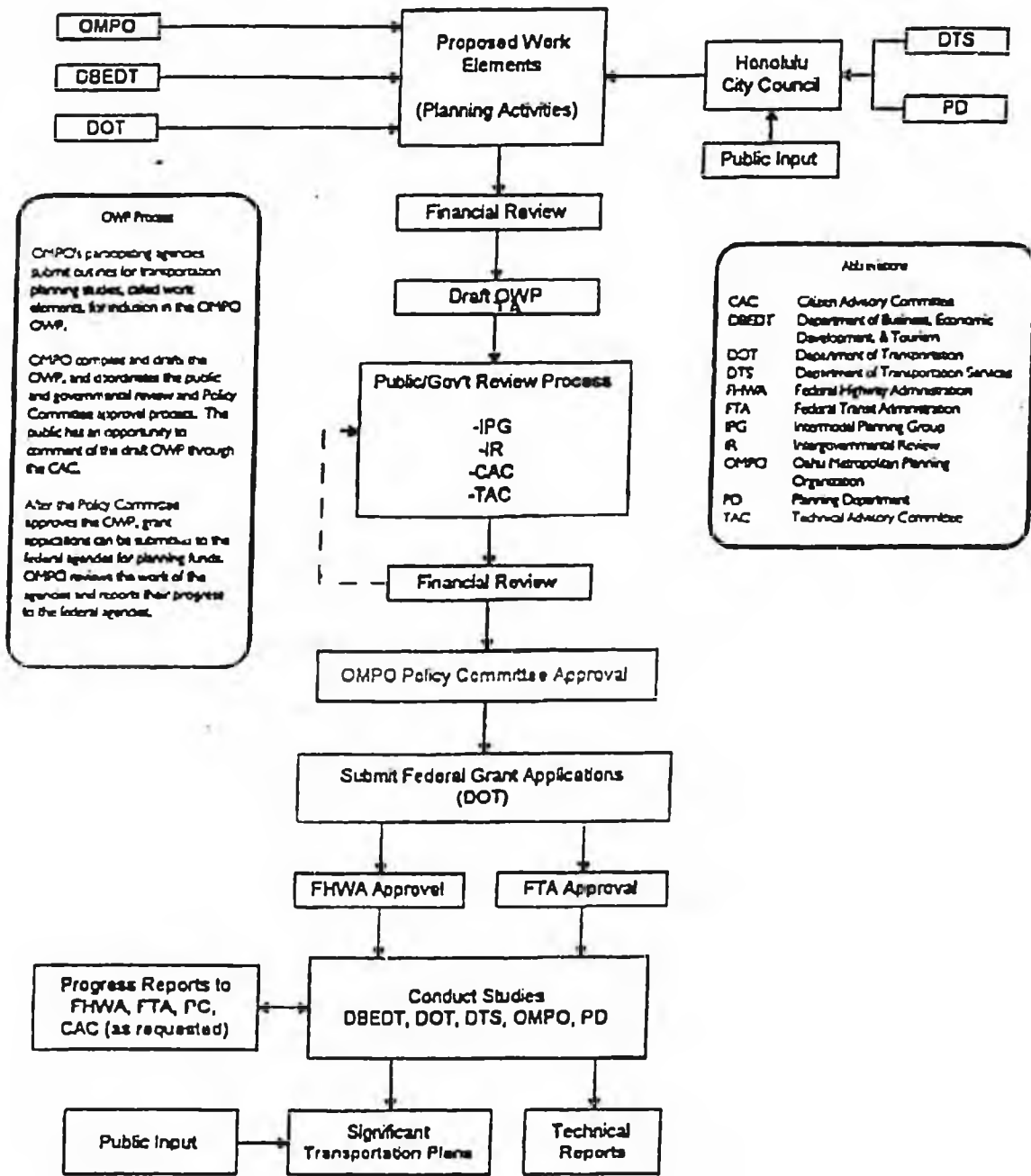
Under the new Intermodal Surface Transportation Efficiency Act (ISTEA), an area's regional transportation plan must have a minimum twenty-year horizon, be fiscally-constrained, and be updated at least every five years. In order to conform to this requirement, OMPO endorsed a year 2020 regional transportation plan in November 1995. This plan was forwarded to the State DOT and incorporated, in fact, into the Statewide Transportation Plan.

**THE OVERALL WORK PROGRAM (OWP)** serves as the key management tool for monitoring State and City transportation activities on Oahu. It describes transportation-related planning studies to be conducted in a given year (see Figure 2). The OWP defines project objectives and tasks and identifies budgetary and staff requirements needed to carry out the projects. In addressing current transportation issues and problems, the OWP responds to local planning requirements, federal transportation priorities, and ISTEA requirements. The OWP also includes land use studies as they relate to transportation needs.

A draft OWP is prepared each winter and submitted for review in March. After considerable review and revision by citizens and Federal and local agencies, a final OWP is adopted in late spring for the next fiscal year.

**THE TRANSPORTATION IMPROVEMENT PROGRAM (TIP)** is a programming document that lists transportation projects that will be undertaken by the State and City and generally funded in part by federal money. Projects identified in the TIP must not be inconsistent with the ORTP (see Figure 3). The TIP is closely related to the State's and the City and County's Capital Improvement Programs and is prepared

# OMPO's Overall Work Program (OWP)



**Figure 2**

# THE TRANSPORTATION IMPROVEMENT PROGRAM AND ITS RELATIONSHIPS

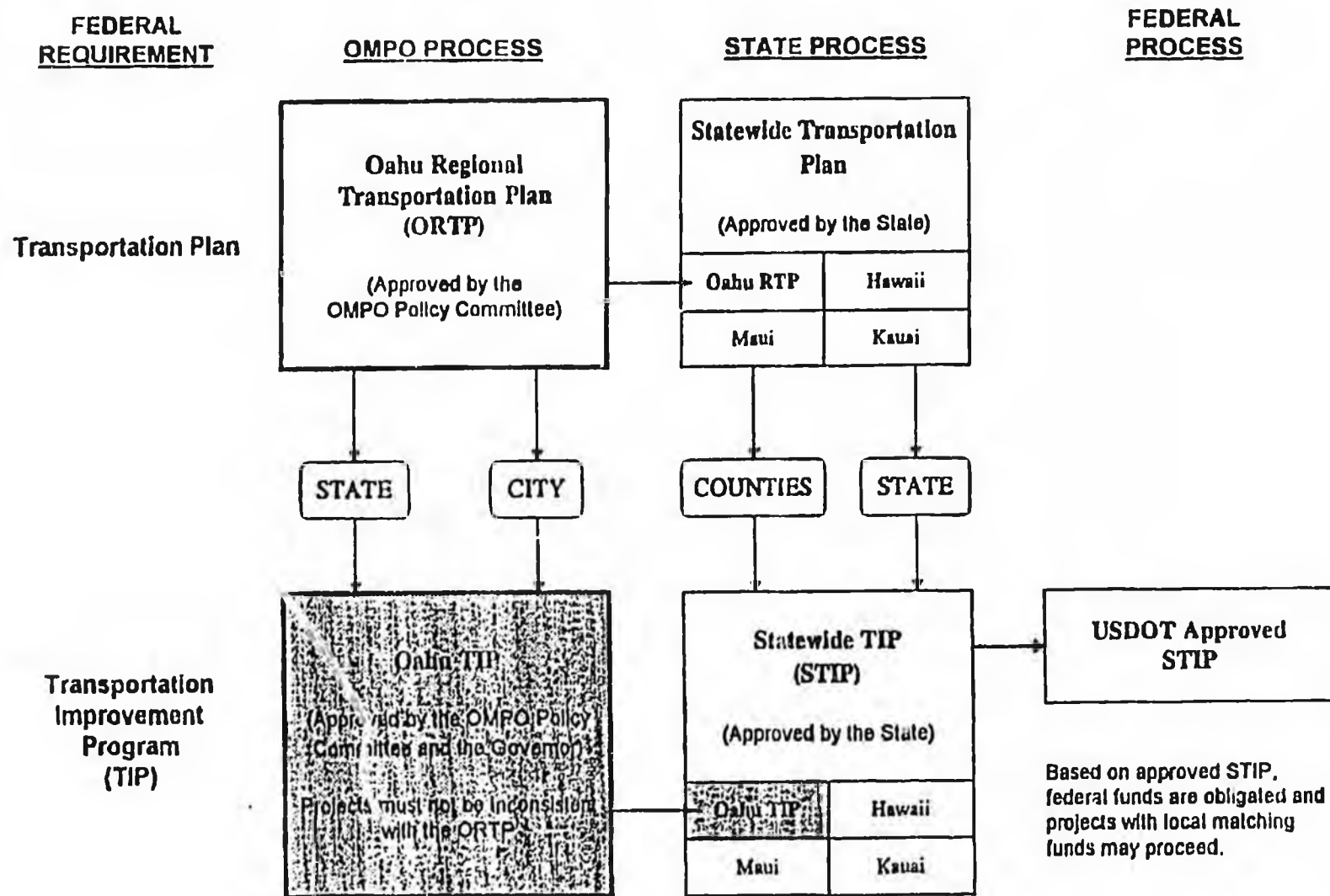


FIGURE 3

every other year in the spring. The TIP identifies funding amounts by source of funding, jurisdictional responsibility, type of project, and year of funding for these projects. Thus, the TIP is an important reference document of transportation projects.

The Oahu TIP is the short-term three-year implementation program for federally-assisted surface transportation projects that support the Oahu Regional Transportation Plan. The TIP describes and prioritizes federally-assisted and major locally-funded transportation programs and projects selected by the OMPO Policy Committee for implementation during the program period. An annual review and a major biennial update of the TIP are scheduled, with off-schedule amendments considered as needed.

The TIP is adopted by the OMPO Policy Committee and sent to the Governor for approval. Upon his approval, the TIP is incorporated as the Oahu element of the Statewide TIP (STIP). The STIP is the official document the U.S. DOT uses to authorize federal funds for projects in Hawaii.

## HOW DOES THE PUBLIC GET INVOLVED?

OMPO has developed a "Guide to Public Involvement" (GPI) handbook that describes how OMPO communicates with the public prior to and during the development of transportation plans and programs. The GPI has been prepared to help members of the public understand 1) the planning process for Oahu's major surface transportation efforts and 2) how to participate effectively in that process. It focuses on those aspects and areas of transportation planning that fall within OMPO's purview. This includes both long- and short-range conceptual planning of facilities and programs.

**SB**

**263**

# Alaska State Legislature



## Committee Membership

Senate Finance  
Senate Resources  
Senate Rules  
Legislative Budget & Audit

District Address:  
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Kenai, AK 99611  
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fax 283-9267

Session Address:  
State Capitol: Room 514  
Juneau, AK 99801-1182  
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fax 465-4779

*Senator John Torgerson*

## CSSB 263 am S: Secondary Roads & STIP Sponsor Statement

SB 263 establishes a statutory system for the Statewide Transportation Improvement Program (STIP) and establishes a secondary roads program for upgrading Alaska's secondary graveled or cold asphaltic roads.

The current ranking system for the STIP is internalized within the Department of Transportation and the projects are often placed in various categories. This bill:

1. standardizes the STIP by identifying three STIP categories in statute;
2. defines subcategories for the Community Transportation Program (CTP) category;
3. prohibits placement of a project in the CTP category if it is eligible elsewhere;
4. requires evaluation and ranking of projects in each category according to processes established by the department and according to:
  - a. 20% of ranking based on volume of use; and
  - b. additional priority for upgrading projects to be transferred to a municipality for maintenance; and
5. requires at least 60% of the allocation to the CTP be allocated for projects in the rural and urban streets and roads subcategory.

The premise of the secondary roads program is to upgrade and pave state maintained graveled or cold asphaltic roads by establishing a secondary road standard. Those roads will then be ranked project by project, against other secondary roads - not against the major highway system or other paved roads. Increased ranking will be given to a road when the local government accepts transfer of the road from the State.

The program may be funded annually at \$20 million from the new federal funds and will sunset in five years.

There are problems with secondary graveled roads in many areas of Alaska. The problem is not poor maintenance by DOT; the problem is the poor condition of the road itself. Without an ongoing road improvement program specific to these types of roads, the problems only get worse.

# Alaska State Legislature



## Committee Membership

Senate Finance  
Senate Resources  
Senate Rules  
Legislative Budget & Audit

District Address:  
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Kenai, AK 99611  
(907) 283-2690  
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Session Address:  
State Capitol: Room 514  
Juneau, AK 99801-1182  
(907) 465-2828  
fax 465-4779

*Senator John Torgerson*

## CSSB 263 am S: Secondary Roads Sectional Analysis

**Sec. 1:** (a) Establishes three categories for the statewide transportation improvement program (STIP); national highway system (NHS), trails and recreation access to Alaska projects (TRAAK), and community transportation projects (CTP). Provides for preparation and revisions of the program. Authorizes a process for evaluating the projects in the CTP according to:

(b) subcategories in the CTP; rural and urban streets and roads, remote roads and trails, transit projects, and Alaska marine highway system; restricts inclusion in the CTP if the project is eligible elsewhere in STIP;

(c) ranking system which requires that 20% of the ranking of the project is based on the volume of use and added priority is given to upgrading projects which will be transferred to a municipality for maintenance;

(d) allocation of at least 60% of the anticipated appropriations to the CTP to the subcategory for rural and urban streets and roads.

**Sec. 2:** (a) Establishes duties of the Department of Transportation and Public Facilities for the Secondary Roads Program.

(b) Establishes the mechanism by which a secondary road may be transferred from the State to a municipality.

(c) Provides authority for appropriations of \$20 million per year into the secondary road program.

(d) Sets out definitions this special legislation.

**Sec. 3:** Provides for termination of the program in five years.

**Sec. 4:** Effective date of legislation.

SA CSSB 263 am S: 4/20/98: mj

*Representing the Kenai Peninsula*

**SB**

**304**





# SENATOR DAVE DONLEY

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## ALASKA STATE LEGISLATURE

### Sponsor Statement for CS for SB 304 (RLS)

Senate Bill 304 would double the fines for moving traffic violations in construction zones in an effort to protect highway construction workers. If passed, Alaska would join 26 other states which have increased sanctions for motorists who recklessly endanger the safety of roadway workers.

Work zone accidents and deaths have increased due to motorists speeding in highway construction zones. In 1994, work zone fatalities in the United States climbed to an all-time high when 833 people were killed. Senate Bill 304 imposes stiffer fines on motorists who disregard speeding laws in construction zones.

DD/jja

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*MEMBER:* Senate Finance Committee • Legislative Budget & Audit Committee  
• Senate Community & Regional Affairs Committee

## Summary Table of Special Sanctions for Exceeding the Speed Limit in Either a Construction or School Zone

S T A T E	Sanctions for Speeding in a Construction Zone	Sanctions for Speeding in a School Zone
AK		Six (6) points are assessed on a person's record for exceeding the speed limit in school zone.
AR		1st offense: Jail - 1 to 10 days/fine - \$25 to \$100 2nd offense (within 1 year): Jail - 5 to 25 days/fine - \$50 to \$250 Subsequent offense (within 1 year): Jail -25 days to 6 months/fine - \$250 to \$1,000 3rd offense (within 1 year): License suspension for 1 year.
D CO	If a speeding offense occurs in a construction zone, the designed fine is <b>double</b> the usual amount.	
D CT	If a speeding offense occurs in a construction zone, the designed fine is <b>double</b> the usual amount.	
D FL	If a speeding offense occurs in a construction zone, the designed fine is <b>double</b> the usual amount.	If a speeding offense occurs in a construction zone, the designed fine is <b>double</b> the usual amount.
C GA	Jail - not more than <b>12 months</b> /fine - \$100 to \$2,000	
O IL	There is a minimum fine of \$150.	There is a minimum fine of \$150.
D IA	The fine is <b>double</b> the amount in the fine schedule.	
D KS	The fine is <b>double</b> the usual amount.	
D KY	If a speeding offense occurs in a construction zone, the designed fine is <b>double</b> the usual amount.	
D MI	A fine is <b>double</b> that prescribed by law.	Imprisonment for not more than 90 days and a fine that is <b>double</b> that prescribed by law (i.e., not >\$200).
		A surcharge is assessed

O	MN	A surcharge is assessed which equals the fine. However, the surcharge cannot be <\$25.	which equals the fine. However, the surcharge cannot be <\$25.
O	MS	For exceeding the posted speed limit in a "highway work zone," there is a fine of no more than \$250.	
O	MO	For speeding in a construction zone, a person is assessed an additional fine of \$35.	
D	MT	If a speeding offense occurs in a construction zone, the designed fine is double the usual amount.	
D	NE	If a speeding offense occurs in a construction zone, the designed fine is double the usual amount.	If a speeding offense occurs in a school crossing zone, the designed fine is double the usual amount.
D	NV	There is an additional sanction which is equal to the original sanction imposed for exceeding such limit. Imprisonment sanctions for the original and additional sanctions must run consecutively. However, the combined sanctions cannot exceed 6 months of imprisonment, \$1,000 or 120 hours of community service.	
D	NJ	The fine is double the usual amount.	
O	NY	Exceeding the speed limit 10 MPH: Fine - \$60 to \$100. Exceeding the speed limit >10 MPH but <30MPH: Jail - Not more than 30 days/fine - \$100 to \$120. Exceeding the speed limit >30MPH: Jail - not more than 30 days/fine - \$240 to \$400 For a 2nd offense (within 18 months) for any of the above offenses, the fine is increased by \$100. For a subsequent offense (within 18 months) for any of the above offenses, the fine is increased by \$250.	
O	NC	There is a mandatory \$100 fine.	There is a mandatory \$25 fine and 3 points are assessed against a person's driving record.
O	ND	Fee schedule for exceeding the speed limit by 1 to 10 MPH - \$40. Fee schedule for exceeding the speed limit by >10 MPH - \$40 plus \$1 for each MPH over 10 MPH.	
D	OH	If a speeding offense occurs in a construction zone, the designed fine is double the usual amount.	
D	PA	If a speeding offense occurs in a construction zone, the designed fine is double the usual amount.	Exceeding the speed limit in a school zone - \$35 plus \$2 for every MPH in excess of 5 MPH.
D	SD	If a speeding offense occurs in a construction zone, the designed fine is double the usual amount.	

<p>0</p> <p>TN</p>	<p>For speeding in a construction zone, a person is subject to a fine from \$250 (mandatory) to \$500.</p> <p>The following points have been assigned for speeding in a construction zone: Speeding violations where the vehicle's speed was not noted on the citation - 3 points; exceeding the speed limit 1 through 5 MPH - 2 points; exceeding the speed limit 6 through 15 MPH - 6 points; exceeding the speed limit 16 through 35 MPH - 7 points; and, exceeding the speed limit by 36 or more MPH - 8 points.</p> <p>The following points have been assigned for speeding in a construction zone by a commercial vehicle: Speeding violations where the vehicle's speed was not noted on the citation - 4 points; exceeding the speed limit 1 through 5 MPH - 2 points; and, exceeding the speed limit 6 through 14 MPH - 5 points.</p>	
<p>0</p> <p>TX</p>	<p>If a speeding offense occurs in a construction zone, the minimum and maximum fines are doubled.</p>	
<p>0</p> <p>VA</p>	<p>The fine for exceeding the speed limit in a construction zone is not more than \$250.</p>	<p>The fine for exceeding the speed limit in a school crossing zone is not more than \$250.</p>
<p>WA</p>		<p>There is a mandatory fine for exceeding the speed limit in a school zone which is double the normal amount.</p>
<p>WV</p>		<p>1st or subsequent offense: Fine - \$100 to \$500 Subsequent offense (within 2 years): Jail - not more than 6 months.</p>
<p>0</p> <p>WI</p>	<p>If a speeding offense occurs in a construction zone, the designed fine is double the usual amount.</p>	<p>1st offense: Fine - \$40 to \$300 Subsequent offense: Fine - \$80 to \$600.</p>

**SUMMARY TABLE OF SPECIAL SANCTIONS FOR EXCEEDING THE  
SPEED LIMIT IN EITHER A CONSTRUCTION OR SCHOOL ZONE**

STATE	SANCTIONS FOR SPEEDING IN A CONSTRUCTION ZONE	SANCTIONS FOR SPEEDING IN A SCH
AK		Six (6) points are assessed on a person's record for exce school zone.
AR		1st offense: Jail-1 to 10 days/jail/fine-\$25 to \$100  2nd offense (within 1 year): Jail-5 to 25 days/fine-\$50 to \$100 (within 1 year): Jail-25 days to 6 months/fine-\$250 to \$500  3rd offense (within 1 year): License suspension for 1 ye
CT	If a speeding offense occurs in a construction zone, the designed fine is <u>double</u> the usual amount.	
FL	If a speeding offense occurs in a construction zone, the designed fine is <u>double</u> the usual amount	If a speeding offense occurs in a school zone, the design usual amount
GA	Jail-not more than 12 months/fine-\$100 to \$2,000	
IL	There is a minimum fine of \$150	There is a minimum fine of \$150
KY	If a speeding offense occurs in a construction zone, the designed fine is <u>double</u> the usual amount	
MI		Jail-not more than 90 days/fine-not more than \$100
MO	For speeding in a construction zone, a person is assessed an additional fine of \$35	
NE	If a speeding offense occurs in a construction zone, the designed fine is <u>double</u> the usual amount	
NY	<p>Exceeding the speed limit 10 MPH Fine-\$60 to \$100</p> <p>Exceeding the speed limit &gt;10 MPH but &lt;30 MPH Jail-Not more than 30 days/fine-\$120 to \$100</p> <p>Exceeding the speed limit &gt;30 MPH Jail-Not more than 30 days/fine-240 to \$400</p> <p>For a 2nd offense (within 18 months) for any of the above offenses, the fine is increase by \$100</p> <p>For a subsequent offense (within 18 months) for any of the above offenses, the fine is increase by \$250</p>	

0	ND Fee schedule for exceeding the speed limit by 1 to 10 MPH-\$40 Fee schedule for exceeding the speed limit by >10 MPH-\$40 plus \$1 for each MPH over 10 MPH	
D	OH If a speeding offense occurs in a construction zone, the designed fine is <u>double the usual amount.</u>	
D	PA If a speeding offense occurs in a construction zone, the designed fine is <u>double the usual amount.</u>	Exceeding the speed limit in a school zone-\$35 plus \$2 of 5 MPH
D	SD If a speeding offense occurs in a construction zone, the designed fine is <u>double the usual amount.</u>	
0	TN For speeding in a construction zone, a person is subject to a fine of from \$250 to \$500. If the offense occurred while operating a commercial vehicle, 2 to 5 points are added to the person's driving record	
	VA The fine for exceeding the speed limit in a construction zone is not more than \$250.	
	WV	<u>Subsequent offense (within 2 years)</u> Jail-not more than <u>1st or subsequent offense.</u> Fine-\$100 to \$500
D	WI If a speeding offense occurs in a construction zone, the designed fine is <u>double the usual amount.</u>	<u>1st offense</u> Fine-\$40 to \$300 <u>Subsequent offense.</u> Fine-\$80 to \$600



Washington State  
Department of Transportation

Washington

## Work Zone Safety Legislation

### WORK ZONE SAFETY LEGISLATION GIVES WORKERS ADDED PROTECTION

"All it takes is one careless motorist and in the blink of an eye, many lives can be tragically changed forever"... These were the words of Tammy Malone, widow of WSDOT/Northwest Region engineer Michael D. Malone, as she testified in support of work zone safety measures before the Senate Transportation Committee on January 18, 1994. Her husband, Mike Malone, was killed after being struck by a drunk driver last June while working on Interstate 5 in Seattle.

Also testifying was Pat Forinash who was struck by a driver going 65 mph through a work zone in Seattle in August, 1993. He experienced first hand how current safety measures have failed to protect workers from drivers who show blatant disregard for other people's well being, or from drivers who are under the influence of alcohol or other substances or both. "Highway workers no longer wonder whether or not they will be injured by a driver or their passengers. Rather we wonder when and how badly," said Forinash.

As a result of the increasing numbers of work zone accidents, a new law was enacted by the Legislature in 1994 aimed at protecting highway workers. The two major provisions of the law are doubled fines for speeding in work zones and provisions for citing persons who drive negligently in work zones for endangerment of roadway workers.

Statewide, traffic collision reports indicate 17,297 incidents were reported within construction work zones from January 1, 1991 to June 30, 1996. These incidents included 12,184 injuries and 69 fatalities.

WSDOT's Work Zone Safety Task Force convened in September 1993 to study the problem. They found that drivers speeding through work zones created a substantial risk of injury or death to flaggers and other construction crew workers within highway work zones.

This new protective legislation, combined with the task force's 27 other recommendations, will ultimately lead to safer work zones and fewer injuries and deaths for WSDOT personnel. Task force recommendations call for increased and improved worker protection, operating procedures, worker and contractor training and incident reporting.

Some of those improvements will come through the use of innovative work zone safety devices, such as water-filled barriers, truck-mounted attenuators and movable barriers. Other changes include making workers' clothing more visible, using more law enforcement vehicles at work sites, and closely monitoring traffic control operations to make sure unneeded barrels and signs are removed. An added emphasis on safety in the work zone is also being provided for employees at district safety meetings.

Another major part of the work zone safety program is the Washington "Give 'em a Brake" public education campaign. Entering into its fifth year, the campaign will focus on developing a "partnering" agreement with the traveling public. Busboards, media packets, radio and television

public service announcements will be used to develop driver appreciation for what goes on in a construction work zone from a safety standpoint. In return, the department will keep the public informed of work, while minimizing delays by using various techniques to expedite work.

As construction and maintenance activities gear up, we can all do our part to raise awareness of safety in the work zones. Talk to your neighbors and friends. Write a letter to the editor. Let them know we are out there doing an important job and that we matter. If you have a good idea for spreading the word that you want to share, contact the Eastern Region Public Information Office at (509)324-6015 or Headquarters Communications in Olympia at (360)705-7075.

(This story was written by Ann Briggs of the WSDOT Olympic Region Communications Office.)

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Washington State Department of Transportation/Eastern Region  
2714 N. Mayfair St.  
Spokane, WA 99207  
(509)324-6000

[Top of page](#)

*Last updated: May 05, 1997*

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Texas Department of Transportation

Texas

FOR IMMEDIATE RELEASE, June 17, 1997

## Speeding in work zones becomes costlier with passage of new state law

(Austin, Texas) — Motorists who blatantly disregard construction laws will have to ante up more money for their transgressions. Under House Bill 981, which passed this last legislative session, fines will double for speeding in construction zones or ignoring warning signs. That means that motorists who don't obey posted construction warning signs could pay as much as \$400 for the offense. And for highway construction workers, the news couldn't have come at a better time, say officials with the Texas Department of Transportation (TxDOT).

"Summer is probably our busiest time since a lot of our roadway construction and maintenance is done in the warmer, drier months. That's also the time more Texans are on the roadways traveling. Each year between May and August, on-the-job accidents and injuries at TxDOT increase significantly. HB 981 is just one more tool we can use to better our workers' chances of being safe on the roadway," said Bill Burnett, executive director for TxDOT. Burnett and Rep. Clyde Alexander were on hand in Athens today for the first unveiling in the state of a new work zone warning sign that will be posted in construction work zones. Rep. Alexander, as chairman of the House Transportation Committee, authored the legislation.

Instead of the usual "Observe Warning Signs" that motorists typically see in construction zones, the new 3 feet by 6 feet "Traffic Fines Double" sign will greet drivers as they enter work zones. The signs, which bear the typical construction orange and black, are strikingly different from most construction signs. They, according to Rep. Alexander, carry more punch.

"Call it friendly caution from the state to speeders: you've been warned. The next time you speed in a construction zone or ignore a construction warning, it's going to cost you," said Rep. Alexander.

Although the signs were unveiled today, enforcement won't begin until January, the effective date of the legislation. The early posting of the signs, Burnett said, are simple reminders to the public of the importance of the law.

In 1995, there were 9,337 work-zone accidents in Texas, claiming the lives of 112 Texans. More than 19 percent of those accidents were caused by drivers either speeding or driving too fast for conditions.

"Everyday our workers put their lives on the line to make Texas roads better, to help Texans get to their destinations. All we want in return is to work in a safe environment. We don't think that's asking too much," Burnett said.

For more information, call Randall Dillard, (512)463-9896.

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TxDOT Phone Numbers

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## Give Us a Brake!



### **Slow down and save a life.**

Meet Homer. He's your typical kind of guy. He's your neighbor, your friend, your relative. Every day Homer puts on his flashy orange vest, hard hat and steel-toed boots to protect himself from the dangers he faces at work. Homer is a highway worker. Orange signs, flashing yellow warning lights and winding lanes mark the area that Homer calls his "office." Construction work zones are perceived by motorists as inconvenient, but for highway workers like Homer, they are a way of life. Highway workers know how to make construction work zones safe for motorists and themselves, but Homer needs your help.

### **Slow down and save a life.**

Work zones are designed to keep travelers and workers safe on Texas roads. When motorists fail to obey traffic signs in work zones, both highway workers and motorists can lose.

### **Slow down and save a life.**

Imagine going to work each morning knowing you are putting your life on the line. In 1994, 89 fatal work-zone accidents occurred on Texas highways. The increasing rate of work-zone accidents has cost hundreds of Texas highway workers and motorists their lives.

### **So drive smart - slow down and save a life.**

Highway workers put their lives on the line to improve roads that make your trip safer, faster and more enjoyable. They join Homer in his plea for motorists to slow down and save a life: **Give Us A BRAKE!**

### **Don't speed.**

Observe orange work-zone warning signs calling for reduced speed. Eighteen percent of work-zone accidents are caused by motorists driving too fast for conditions.

### **Keep a safe distance from the vehicle in front of you.**

Most accidents in work zones involve rear-end collisions.

### **Stay alert.**

Keep your eyes peeled for orange work-zone traffic signs. Pay attention to flaggers in orange vests directing traffic.

**Be patient.**

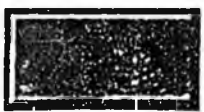
Traffic delays in work zones are unavoidable as improvements are made to Texas roads. Patience can prevent accidents.

**Highway work-zone accident facts**

- High speed causes 18 percent of accidents
- Most accidents occur in July
- Most accidents occur on a Friday
- Most accidents occur between 5 and 6 p.m.

**For information about work zone safety, contact the TxDOT office nearest you.**

[TxDOT Phone Numbers]



**SJR**

**12**

**HOUSE COMMITTEE REPORT**

(7)  
Date Referred to Committee: February 27, 1997

**FURTHER REFERRALS:**

Date of Committee Action: 2/5/97

The TRANSPORTATION Committee considered:

SJR 12 am

SENATE JOINT RESOLUTION NO. 12 am

**CONSTRUCTION OF ALASKA HIGHWAY**

Relating to reconstruction and paving of the Alaska Highway.

recommends it be replaced with the following committee substitute \_\_\_\_\_  the same title  
 a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_ APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_  
 fiscal note(s) \_\_\_\_\_  fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_  zero fiscal note(s) Senate Trans. Committee

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Bill Hudson</i>	Hudson	✓			
<i>K. S. Elton</i>	ELTON			✓	
<i>Allan Kookesh</i>	Kookesh	✓			
<i>Doug Sanders</i>	SANDERS	✓			
<i>John Cowdery</i>	Cowdery	✓			
<i>Beverly Masek</i>	Masek	✓			
<i>W.K. Williams</i>	Williams	✓			

CHAIR'S SIGNATURE *W.K. Williams*  
Williams



# ALASKA STATE LEGISLATURE

SENATOR RANDY PHILLIPS  
SENATE DISTRICT L

**SESSION**  
State Capitol  
Juneau, AK 99801  
(907) 465-4949  
600-478-4950  
Fax: 465-4979

**INTERIM**  
P.O. Box 142  
Eagle River AK 99577  
(907) 694-4949  
Fax: 694-4948

## Memorandum

TO: All Senators

FROM: Senator Randy Phillips

DATE: February 17, 1997

RE: Senate Joint Resolution No. 12  
Relating to reconstruction and paving of the Alaska Highway

I support the passage of Senate Joint Resolution No. 12 which requests the United States Congress to appropriate \$94 million to complete the Shakwak project, the reconstruction of the primary surface link between Southeast Alaska and the rest of the state.

In 1977 the United States and Canada entered into an agreement to reconstruct the Haines Highway and that portion of the Alaska Highway between Haines Junction and the Alaska-Yukon border near Beaver Creek. The agreement calls for the United States to provide the funding and for Canada to provide the rights of way and administer the construction contracts. Canada has guaranteed access to U.S. citizens and guaranteed that the highway will remain toll free.

The Shakwak project includes 325 miles of highway, of which 221 miles have either been completed or funded. It is currently estimated that \$94 million additional will be needed to complete the remaining 104 miles of highway. Congress is currently considering reauthorization of highway funding and it is important that this project be brought to their attention.

## SHAKWAK HIGHWAY PROJECT

### Project History

The original construction of the Alaska Highway and Haines Road was undertaken by the U.S. Army and the U.S. Public Roads Administration during 1942 and 1943, as part of the supply line to the State of Alaska during World War II. At the end of the war, responsibility for maintenance and improvements to these highways (North West Highway System) was passed to Canada.

Canadian efforts, since takeover, have been directed at the more southerly, well travelled portions of the Alaska Highway.

In 1955, initial discussions were held regarding the possible upgrading of the Haines Road and Alaska Highway from Haines Junction, Yukon, to the Alaska/Yukon border near Beaver Creek, Yukon. In 1970, Congress requested that a feasibility study be made for paving the Haines Road and the portion of the Alaska Highway described, to provide an all-weather roadway between Southeast and Interior Alaska. These discussions culminated in an agreement, dated February 11, 1977, between the Canadian and United States Governments. The agreement, in general, provided that Canada would arrange for the reconstruction of the highway, to a jointly agreed asphalt concrete pavement standard, using funds appropriated for that purpose by the Congress of the United States. Canada, in part, would provide the highway right-of-way and maintain the highway.

The Shakwak Highway Reconstruction Project covers 325 miles (520 kilometres) of which 50 miles (80 kilometres) are located in northwestern British Columbia, the remainder being in the Yukon Territory. The Project derives its name from the Shakwak Trench through which a significant portion of the highway runs.

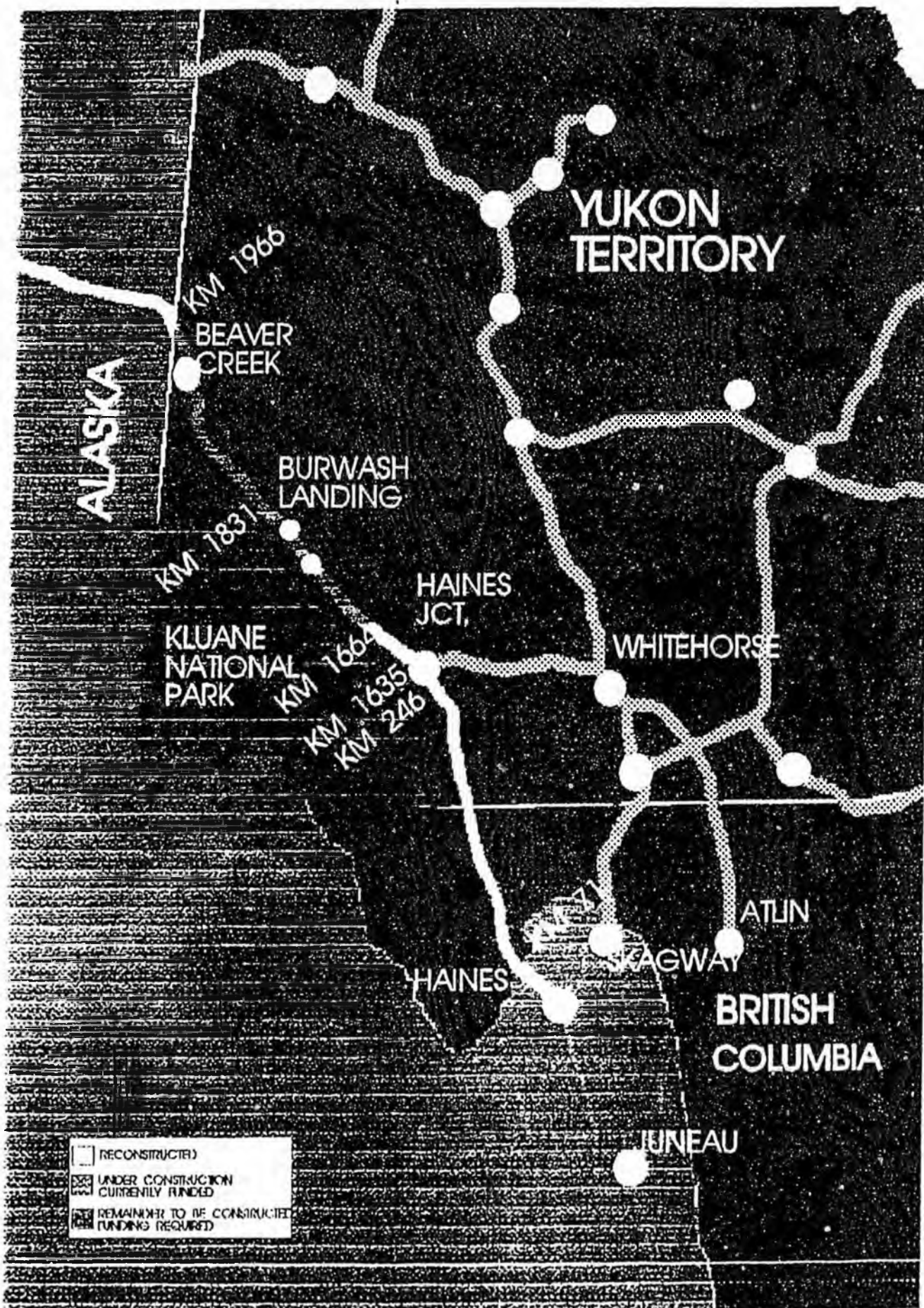
The Project was proposed by the United States Government, to provide for the predominately American users of the highway (80 to 85%), and has been funded by the United States Government through the Federal Highways Administration, and during the 1980's through the State of Alaska. The design and construction until 1992 was managed by Public Works Canada. Transfer of responsibilities for the Alaska Highway to the Government of the Yukon in 1992 also provided for the transfer of responsibility for management of site work on the project.

### Current Status

In the initial allotment the 115 miles (185 kilometres) of the Haines Road, as well as 18.5 miles (30 kilometres) of the Alaska Highway, immediately north of Haines Junction, have been reconstructed to a Bituminous Surface Treatment (BST) standard. The cost of the work was \$74.7 million (US \$). The current available funding of \$89.6 million (US\$) largely through ISTEA for 1992 to 1996 is anticipated to reconstruct 84 miles (135 kilometres) of the northern end of the project to a BST standard and construct a new bridge over the White River. So far 37 miles (59 kilometres) of this work has been completed and surfaced. A further 14 miles (23 kilometres) is ready for surfacing this summer and 21 miles (33 kilometres) is presently under construction. Contracts for reconstruction of another 12 miles (20 kilometres) and the new bridge over the White River will be let later this year.

It is anticipated that an additional \$94 million (US\$) will be required to reconstruct the remaining 104 miles (167 kilometres) of the project to BST standard, including four major bridge replacements across the Slims, Duke, Donjek, and Beaver Rivers. An additional stage to provide asphalt concrete in order to complete the agreement could be undertaken at some future date.

# SHAKWAK PROJECT LOCATION





Community and Transportation Services

# FAX COVER SHEET

Box 2703, Whitehorse, Yukon Y1A 2C6

TO: Jerry Burnett FAX# (907) 465-4979  
from Senator Randy Phillips office Total # of PGS 8

**CONFIDENTIALITY CAUTION**

This communication is intended for the use of the addressee ONLY and may contain information that is privileged and confidential. Further disclosure, dissemination, distribution, copying or use of this communication in whole or in part by any other person in any manner is strictly prohibited. If you have received this communication in error, please notify us by telephone immediately and return the original message to us at the above address, at our expense.

FROM: John Cormie LOCATION: Whitehorse

FAX: (403) 393-6266 DATE: 97.2.14

REMARKS: 1977 Shokwak Agreement

Further to discussions on Feb 13, I have attached a copy of the 1977  
Shokwak Agreement for use with respect to the resolution on Shokwak,  
funding.

VG(4300)PD Please phone (403) 667-5155 immediately if all pages are not received.



OTTAWA, February 11, 1977.

Note No. GMU-156

PA  
2142-1-2  
vsh

Excellency,

I have the honour to refer to your Note No. 11 of January 11, 1977, concerning bilateral cooperation in the reconstruction of Canadian portions of the Alaska Highway.

I am pleased to inform you that the Government of Canada accepts the proposals set out in your Note and agrees that your Note, together with its Annex, and this reply, which is authentic in English and French, shall constitute an agreement between our two Governments which shall enter into force on today's date. ✓

Accept, Excellency, the renewed assurances of my highest consideration.

Secretary of State  
for External Affairs

His Excellency Thomas O. Enders,  
Ambassador of the United States of America,  
Ottawa.

1  
1/11/77  
290

EMBASSY OF THE  
UNITED STATES OF AMERICA

No. 11

Ottawa, January 11, 1977.

Sir:

I have the honor to refer to the discussions between representatives of our two governments regarding bilateral cooperation in the reconstruction of Canadian portions of the Alaska Highway.

As a result of these discussions, I now have the honor to propose that the conditions set forth in the attached annex, which accord with the understandings reached between the representatives of our two governments, should govern such reconstruction. These conditions shall not affect continuing obligations of the two governments regarding the status and use of the Alaska Highway, including the agreements effected by exchanges of notes dated March 17 and 18, 1942; November 28 and December 7, 1942; and April 10, 1943.

If these conditions are acceptable to your government, I propose that this note, together with its annex, and your reply indicating such concurrence, shall constitute an agreement between our two governments, which shall enter into force on the date of your reply. Accept, Sir, the renewed assurances of my highest consideration.

The Honorable

Donald Jamieson,

Secretary of State

for External Affairs,

Ottawa.

*Richard O. Evans*  
6/12

ANNEX

Agreed conditions regarding a program of cooperation between the Government of the United States represented by the Federal Highway Administrator, Department of Transportation, and the Government of Canada, represented by the Minister of Public Works, to improve certain highways in Canada to facilitate transportation between and within their respective countries, and to implement the purposes of section 218 of Title 23, United States Code. These shall apply only to the program authorized by that section.

The Government of the United States and the Government of Canada agree as follows:

Article I

For purposes of this Agreement:

1. "Highways" means that portion of the Alaska Highway from the Yukon-Alaska border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the British Columbia-Alaska border.
2. "Reconstruction" means the supervising, inspecting, actual rebuilding, paving, and all other work incidental to the reconstruction of the highways (except for providing right-of-way), including but not limited to planning studies, environmental studies, locating, surveying, plan and specification preparation, contracting, financial control, traffic control devices, and those utility relocations which are the responsibility of the Canadian Government.
3. "Maintain such highways" means to perform such work on a year-round basis as shall be necessary to keep the completed highway and related facilities in a state of repair and use equivalent to the standards to which they are reconstructed under this Agreement.

Article II

1. The United States and Canada agree to the reconstruction of such highways in accordance with standards agreed to by them jointly in writing prior to commencement of reconstruction. ✓

2. The United States will pay to Canada the cost of reconstruction out of funds appropriated for that purpose by the Congress of the United States and will

(a) Inform Canada of the amount of funds appropriated from time to time therefor in order that Canada may schedule and perform the reconstruction or such part thereof as may from time to time be paid for out of such appropriated funds,

(b) Provide liaison with Canadian officials responsible for the program to meet and discuss planning, programming and scheduling of reconstruction, and

(c) Process an Environmental Impact Statement in accordance with the laws of the United States and of Canada.

3. Canada will

(a) Provide, without participation of the United States funds appropriated for the reconstruction, all necessary right-of-way for the reconstruction of such highways for a period of 25 years from the date of entry into force of this agreement and thereafter until five years (or such shorter period as the parties may agree upon) after either party shall have notified the other that the right-of-way is no longer required for its purposes for the said highways, whereupon this Agreement shall cease to have force or effect,

(b) Not impose any highway toll, or permit any such toll to be charged for the use of such highways by vehicles or persons,

*Original  
Agreement*

(c) Not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of such highways by vehicles or persons from the United States that does not apply equally to vehicles or persons of Canada,

(d) Continue to grant reciprocal recognition of vehicle registrations and drivers' licenses in accordance with agreements between responsible authorities in each country,

(e) Maintain such highways after reconstruction while this Agreement remains in force and effect,

(f) Permit those performing the reconstruction to obtain natural construction materials, such as gravel, rock and earth fill, without cost to be used in the reconstruction, provided that the materials required shall be obtained in accordance with the directions and regulations of the appropriate Department of the Government of Canada,

(g) Perform all reconstruction engineering, including preparation of Environmental Assessments and Statements, all necessary surveys, and preparation of reconstruction plans, specifications and estimates,

(h) Commence the reconstruction only after receiving advice from the United States that the Environmental Impact Statement has been satisfactorily processed in accordance with the laws of the United States,

(i) Arrange for the reconstruction to be performed under contracts awarded by competitive bidding insofar as possible and without regard as to whether the contractors are American or Canadian,

(j) Supervise the reconstruction,

(k) Obtain interim and final concurrence of the United States in the following:

- (1) Programming and scheduling of work.
- (2) Scope, terms of reference and provisions of the Environmental Assessment and Statement.
- (3) Alignment of the highways.
- (4) Contract plans, specifications and estimates.
- (5) Award of contracts.
- (6) Acceptance of projects for final payment.

(1) Permit the reasonable access of authorized representatives of the United States to the site of reconstruction and will make available the accounts and records relating to the reconstruction contracts, at all reasonable times, for purposes of inspection, verification and general monitoring of the reconstruction.

4. (1) The United States and Canada will jointly consider the settlement of claims by contractors or other persons arising out of reconstruction contracts and the reconstruction or either of them, and if any such claim cannot be resolved by agreement, the same shall be determined by the Federal Court of Canada in an action by or against Her Majesty the Queen in right of Canada,

(2) All legal costs, and other monies, paid out by Canada to settle any such claim whether pursuant to a final judgment of the Federal Court of Canada, or otherwise, shall be one of the costs of reconstruction for the purposes of this Agreement.

~~(3) The United States shall not be liable for the payment of such claims or judgments to the extent that they are held by the Federal Court of Canada to be the result of negligence on the part of Canada or its employees during the administration of the reconstruction.~~

5. The United States and Canada jointly will develop operating procedures consistent with this Agreement, including procedures for resolving disputes between the parties.

Article III

This Agreement shall not be construed so as to vest in the United States any proprietary interest in the highways, and upon completion of the project, or any part thereof, the highways shall remain, in all respects, an integral part of the Canadian Highway System.

**SJR**

**15**

FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

No. 1  
E Bill Version: CSSJR 15 (FIN)  
(S) Publish Date: 3-13-97

Revision Date: 13-Mar-97  
Title: Reauthorization of ISTE A  
Sponsor: Senate Transportation Committee  
Requestor: Senate Finance Committee

Dept. Affected: \_\_\_\_\_  
BRU: \_\_\_\_\_  
Components: \_\_\_\_\_  
Serial #: \_\_\_\_\_

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (THOUSANDS OF DOLLARS)

General Fund						
Federal Fund						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)  
see attached analysis

Prepared by: SENATE FINANCE COMMITTEE

  
SENATOR DRUE PEARCE, COCHAIR

Date: 3-13-97  
Phone: 465-4993

  
SENATOR BERT SHARP, COCHAIR

Date: 3-13-97  
Phone: 465-3004

# Alaska State Legislature



Session:  
State Capitol, Room 423  
Juneau, AK 99801-1182  
(907) 465-4921

Interim:  
716 W. 4th Avenue, Ste. 450  
Anchorage, AK 99501-2133  
(907) 258-8183

## SENATE TRANSPORTATION COMMITTEE

### Sponsor Statement SJR 15

#### "Relating to reauthorization of the Federal Intermodal Surface Transportation Act of 1991"

SJR 15 calls upon the Federal Government to reauthorize the Intermodal Surface Transportation Act of 1991, known as ISTEA. This is a federal transportation program which shares federal gasoline tax revenues with the states. It is due to expire on September 30, 1997.

Since 1991 Alaska has received over one billion dollars in federal funds to build transportation facilities including highways, ferries and airports. Federal ISTEA funds represent approximately one third of the state total transportation budget. The purpose of the act was to link the nation with a viable transportation system.

SJR 15 calls for the Federal Government to renew the program and give states more flexibility to use the funds to fill their individual needs.

Reauthorization of ISTEA may be the most important legislation, relating to states, to come before Congress in years. Unanimous support of the reauthorization of ISTEA will send a strong message to Washington and our congressional delegation.

BNA's ISTEAs Daily Briefing  
No. 31 Monday April 7, 1997

## Transportation

### ISTEA Reauthorization In Full Gear As Lawmakers Return From Recess

Negotiations on the reauthorization of the nation's highway and mass transit programs will shift into full gear as Congress returns from recess, with lawmakers readying for the debate over the funding and structure of the massive bill.

With much of the groundwork already having been laid for the rewrite of the Intermodal Surface Transportation Efficiency Act during the winter, House and Senate lawmakers now will have to begin making key decisions on the look of the programs and how to wrestle more funds for them in upcoming budget discussions.

While lawmakers still are introducing their competing ISTEAs reauthorization bills, most of the major plans already are known, as are the proposals to finance them. And, during the past weeks, key players have indicated how they plan to approach the reauthorization, with many positioning themselves to go after more funds for transportation.

Although the House Transportation and Infrastructure Committee is in the process of developing its ISTEAs reauthorization bill, its counterpart in the Senate remains divided over the basics of the successor to the landmark 1991 act. But members on the House panel and the Senate Environment and Public Works Committee appear to agree on one thing: they want more money for ISTEAs programs.

In the next few weeks, members of both authorizing panels will be pressing the House and Senate budget committees to recommend significantly higher transportation spending levels in the FY 1998 budget resolution. At the same time, lawmakers will be maneuvering to shift to the Highway Trust Fund the 4.3 cents that now goes to deficit reduction--with a half-cent of that tax likely to be given to intercity rail.

### Flurry Of Senate Bills Expected

While the House panel chaired by Rep. Bud Shuster (R-Pa) is in the process of writing a consensus bill to report from committee this spring, senators are essentially split into three camps over the structure of the programs. In large part, they are divided along regional lines, and their positions reflect their states' current return on the gas tax payments sent to Washington.

Introduced early on by Sen. John Warner (R-Va), chairman of the Transportation and Infrastructure Subcommittee, and many other lawmakers from the South and Midwest is the so-called STEP 21 bill (S 335) that would restructure the federal aid highway program and give states much more control over funds. The legislation, which only addresses the highway portion of ISTEAs, promises to give states a 95 percent return on their gas tax payments.

That bill stands in sharp contrast to the proposals being offered by the Clinton administration and many lawmakers from the Northeast who want to keep ISTEA intact with few changes. The administration, which finally released its six-year proposal in mid-March, would keep ISTEA but increase its flexibility and eligible uses for highway funds. Among other things, it would make Amtrak eligible for highway monies.

When the Senate returns the week of April 7, Sen. Daniel Patrick Moynihan (D-NY) and several other lawmakers from the Northeast are planning to introduce their own ISTEA Reauthorization Act. It would retain the basic structure of ISTEA but update outmoded formulas. It creates a new 'high- and low-density state adjustment' to address states' concerns about the highway formula. Still, it is not expected to fully address the donor states' concerns about their share of highway funds.

About the same time, Sen. Max Baucus (D-Mont), the Senate Environment and Public Works Committee's ranking Democrat, is expected to introduce another bill that is being positioned as a middle ground between STEP 21 and the so-called ISTEA Works bills. Baucus and other lawmakers from Western states are readying their 'STARS 2000' bill, which would direct 60 percent of available funds to the National Highway System and 40 percent to the Surface Transportation Program. It also calls for raising annual highway funding from \$20 billion to about \$26 billion.

Aides said the decision by Baucus to introduce a separate reauthorization bill was a motivation for Senate Environment and Public Works Committee Chairman John Chafee (R-RI) to agree to join Moynihan and other lawmakers in sponsoring the ISTEA Works bill. With Chafee sponsoring that legislation, the three camps now are pretty well entrenched within the committee, aides said, adding that it mirrors the division in the overall Senate.

Amidst all of this, Sen. Connie Mack (R-Fla) is expected to push his own separate plan to completely dismantle ISTEA and 'turn back' most of program to the states. While Mack has not actually introduced the legislation, the proposal continues to be discussed, particularly in the context of STEP 21, which has been positioned as a moderate alternative to 'devolution.'

For Mack and other proponents of 'turnback,' a large problem is scoring the actual legislation. Repealing most of the federal gas tax--which the proposal would do--would require Mack to find billions in offsets. In addition, it is not clear that states are ready to increase their own gas taxes to make up for any lapse in funding from Washington.

#### House Developing Legislation This Spring

All of the same proposals are under discussion in the House, but, so far, the 73-member Transportation and Infrastructure Committee appears determined to back a consensus reauthorization bill that will be circulated in the Spring and then reported from committee by the Memorial Day recess.

Given the divisiveness of the formula issue--as well as many others raised by the ISTEA rewrite--aides said they would not be surprised if the committee misses those deadlines. But the panel already seems far ahead of the Senate

Environment and Public Works Committee, with its hearings mostly complete and its list of project requests catalogued.

According to aides, Shuster and other lawmakers will be briefed the week of April 7 on the staff's work during the recess.

'We're at the point now where we will be able to make recommendations,' an aide said.

#### Under Construction

Aides indicated that the bill under development will keep ISTEA as the framework for the reauthorization. After city and county officials spent the winter attacking STEP 21 and calling for retention of ISTEA, they said, it appears that there is not enough political support for a major restructuring of the programs.

However, with House GOP Whip Tom DeLay (R-Texas) and other donor state lawmakers pushing STEP 21, aides said the committee will try to fine-tune the act to give states more flexibility and a better return on their gas tax payments.

While the committee is only in the beginning stages of developing the bill, aides suggested that the multi-year legislation could reflect the following:

- o Fine-tuning of ISTEA's different highway categories to give states a greater say over how money is spent. Among other things, the STP and Congestion Mitigation and Air Quality programs may be changed to allow funds to be transferred to other uses.
- o Revamping the formula and creation of one large equity account that will eliminate ISTEA's multiple categories and help improve donor states' returns. A large portion of that account may be aimed at Texas.
- o Funding for highway and transit 'demo' projects, with the bill's annual funding for road projects only expected to exceed \$1 billion.
- o Funding for special corridors, including those to address increased activity generated by the North American Free Trade Agreement.
- o Programs for innovative finance, Appalachian highways, and border infrastructure.

Most significantly, the bill is expected to reflect Shuster's desire to get much more money into the core highway and transit programs. The legislation, aides said, may very likely call for shifting the 4.3 cents gas tax to the Highway Trust Fund and also taking that trust fund off budget to free up the monies. All of those moves, they said, could support annual highway spending in excess of \$32 billion and annual transit spending in excess of \$6 billion.

#### Push For More Money In Budget Plan

While the structure of the bill continues to divide lawmakers, both key House and Senate lawmakers are intent on getting more money for the programs.

In the House, a large majority of members have asked Shuster for project money this year, and about 190 of them have signed on as cosponsors on Shuster's bill (HR 4) to take the Highway Trust Fund off budget.

The strength of last year's vote on an identical bill, plus the backing of almost 200 members in the 105th Congress, is putting pressure on House Budget Committee Chairman John Kasich (R-Ohio) to write a budget resolution that recommends higher transportation funding. Kasich, who earlier planned to offer his own "devolution" bill, continues to oppose the off-budget bill but may end up allowing greater transportation spending.

On the Senate side, Warner and Baucus also moved out early on the funding issue, collecting the support of some 55 other lawmakers in a letter to Senate Budget Committee Chairman Pete Domenici (R-NM) urging \$26 billion in annual highway funding in the budget resolution. And, while most lawmakers continue to officially oppose the off-budget bill, Senate Minority Leader Tom Daschle (D-SD) recently indicated that he plans to support the proposal.

In a move that Shuster considered significant, Chafee and Sen. Kit Bond (R-Mo) recently offer a bill (S 404) that would not take the trust fund off budget but would "wall off" highways in the budget process so that annual gas tax receipts could be spent.

#### 4.3 Cents Tax Key Issue

For most of ISTEA's funding issues, the key appears to be the fate of the 4.3 cents, which since its creation in 1993's budget act has flowed to the general fund to reduce the federal deficit. During the recent season of posturing, many key lawmakers also began to signal their support for shifting the tax to the trust fund to help finance ISTEA, including Daschle, Senate GOP Leader Trent Lott (R-Miss), Baucus, and Warner.

Significantly, the leaders of the House and Senate tax-writing panels also have indicated their own support for shifting the tax to the trust fund. But in staking out their positions, House Ways and Means Committee Chairman Bill Archer (R-Texas) and Senate Finance Committee Chairman Bill Roth (R-Del) have set up a situation where financing for Amtrak will be a factor in negotiating a deal on the gas tax.

In recent remarks, Archer said he will support shifting the 4.3 cents tax to the trust fund as part of ISTEA. However, he said he does not believe Amtrak should receive any trust fund money.

In contrast, Roth recently introduced legislation (S 436) to direct only a half-cent of that 4.3 cents away from deficit reduction, and that half-cent would go to Amtrak.

Aides said a deal appears likely, particularly as Amtrak's financial situation becomes more acute. In recently announcing the creation of a panel to develop an emergency plan to save Amtrak, Shuster said he would support giving the railroad a half-cent if the bulk of the 4.3 cents was shifted to the trust fund to better finance highway and transit programs.

The panel is headed by Tom Larson, who served as federal highway administrator during the 1991 surface transportation reauthorization. The 13-member group is expected to make recommendations on Amtrak's finances during the next 30 to 60 days, a period that will coincide with the development of the budget resolution.

-- By Nancy Ognanovich

Major ISTEA Reauthorization and Financing Proposals

BILL	STATUS	OUTLOOK
<p>National Economic Crossroads Efficiency Transportation Act, NEXTEA, proposed by Clinton administration. Introduced by Sens. 468 by Sens. and Moynihan. Introduced in program. Amtrak included as eligible highway funds. has strong political backing.</p>	<p>Would retain ISTEA as framework for reauthorization, with relatively flat funding over next six years. Includes expanded eligibility for highway funds, revamped formula, new border infrastructure program and partnerships with states and localities</p>	<p>Total \$175 billion in highway and transit funding has been criticized, as well as share of funding for many Western, Northeastern, and other states. But retention of ISTEA framework and partnerships with states and localities</p>
<p>ISTEA Reauthorization Act, or ISTEA Works, to be introduced by Sens. Moynihan, Lieberman, Lautenberg. Including Chafee, the will have about cosponsors. In the</p>	<p>Retains the basic structure of ISTEA but updates outmoded formulas, provides flexibility, and streamlines the equity adjustment programs. Creates a new "high- and</p>	<p>Retention of ISTEA framework popular, but funding for donor states under plan likely to be criticized. and bill 20 House,</p>

## Regulations and Requirements Not Asked For by the Act

### Major Investments Studies

#### ISSUE:

Major Investment Study requirements are redundant and overly prescriptive, introducing unnecessary costs and unrealistic expectations into the project development process.

#### *Analysis*

---

MIS requirements are very prescriptive in terms of identifying the types of facilities that must be evaluated and the extent of studies that are required. The amount of analysis required is very extensive. This is combined with a broad definition of projects covered by these requirements that includes more facilities than is reasonable to be subjected to this type of analysis.

The result is that multimodal analysis intended to provide input into the long-range plan cannot be achieved. Analyzing short segments of road projects (1 mile) means that segmented analysis is being done. The extent of analysis is similar to NEPA analysis, which is more extensive than what is necessary for a system evaluation appropriate to support a long-range plan. Therefore, system studies become burdened with EPA and environmental permit requirements, often resulting in analysis being re-done several times throughout the life of the project.

MIS requirements are applied unilaterally to all areas of the country, a process which is not appropriate. It is a waste of time to conduct alternative mode analysis in small metropolitan areas where it is not feasible.

MIS was not required by ISTEA but has been included by FHWA as an interpretation of regulation in 23 CFR 450.318. This interpretation has created an artificial study process that overlaps with and duplicates planning and project development processes already in place. The intent of identifying alternative modes early in the process is done through the long-range plan and Congestion Management System requirements.

The environmental and cost benefit analysis is done through NEPA. Requiring that this analysis be done on a macro-level of detail can not realistically be achieved. For example, analysis of land use alternatives can not be done on a large scale because models are not available or reliable. Macro-level environmental analysis is unacceptable to environmental and

permitting agencies, the result being that work done under MIS would need to be re-done during NEPA.

The concern has been expressed that without this requirement, MIS-type analyses would not be undertaken. In fact, states and MPOs have traditionally done corridor and system analyses at a level appropriate to the area and the issues. These are ongoing activities that should not be prescriptively mandated.

***Recommendation*** \_\_\_\_\_

Use existing long-range systems planning, Congestion Management System and NEPA processes to meet the intent of MIS through one of the following courses of action.

- Repeal 23 CFR 450.318 prescribing the Major Investment Studies.

**REFERENCES:** 23 CFR 450.318, Re-authorization Surveys

gion to the transportation problems in the area and their complexity, the growth rate of the area (e.g., fast, moderate or slow), the appropriateness of the factors specified for consideration in this subpart including air quality, and the desirability of continuing any planning process that has already been established. Areas experiencing fast growth should give consideration to a planning process that addresses all of the general requirements specified in this subpart. As a minimum, all areas employing a simplified planning process will need to develop a transportation plan to be approved by the MPO and a TIP to be approved by the MPO and the Governor.

(d) The metropolitan transportation planning process shall include preparation of technical and other reports to assure documentation of the development, refinement, and update of the transportation plan. The reports shall be reasonably available to interested parties, consistent with §450.316(b)(1).

**§450.318 Metropolitan transportation planning process: Major metropolitan transportation investments.**

(a) Where the need for a major metropolitan transportation investment is identified, and Federal funds are potentially involved, major investment (corridor or subarea) studies shall be undertaken to develop or refine the plan and lead to decisions by the MPO, in cooperation with participating agencies, on the design concept and scope of the investment. Where the studies have not been completed prior to plan approval, the provisions of §450.322(b)(8) apply.

(b) When any of the implementing agencies or the MPO wish to initiate a major investment study, a meeting will be convened to determine the extent of the analyses and agency roles in a cooperative process which involves the MPO, the State department of transportation, public transit operators, environmental, resource and permit agencies, local officials, the FHWA and the FTA and where appropriate community development agencies, major governmental housing bodies, and such other related agencies as may be impacted by the proposed scope of analysis. A reasonable opportunity, consistent with

§450.316(b)(1), shall be provided for citizens and interested parties including affected public agencies, representatives of transportation agency employees, and private providers of transportation to participate in the cooperative process. This cooperative process shall establish the range of alternatives to be studied, such as alternative modes and technologies (including intelligent vehicle and highway systems), general alignment, number of lanes, the degree of demand management, and operating characteristics.

(c) To the extent appropriate as determined under paragraph (b) of this section, major investment studies shall evaluate the effectiveness and cost-effectiveness of alternative investments or strategies in attaining local, State and national goals and objectives. The analysis shall consider the direct and indirect costs of reasonable alternatives and such factors as mobility improvements; social, economic, and environmental effects; safety; operating efficiencies; land use and economic development; financing; and energy consumption.

(d) These major investment studies will serve as the "alternatives analyses" required by section 3(i)(1)(A) of the Federal Transit Act (49 U.S.C. app. 1602(i)) for certain projects for which discretionary section 3 "New Start" funding is being sought. The studies will also be used as the primary source of information for the other section 3(i)(1)(A) Secretarial findings on cost-effectiveness, local financial commitment and capacity, mobility improvements, environmental benefits, economic development, operating efficiency, etc.

(e) These major investment studies also will, when appropriate, serve as the analysis of demand reduction and operational management strategies pursuant to 23 CFR 500.509.

(f) A major investment study will include environmental studies which will be used for environmental documents as described in paragraphs (f)(1) and (2) of this section:

(1) As a minimum the participating agencies will use the major investment study as input to an environmental impact statement or environmental assessment prepared subsequent to the

completion of the study. In such a case, the major investment study reports shall document the consideration given to alternatives and their impacts; or

(2) The participating agencies may elect to develop a draft environmental impact statement or environmental assessment as part of the major investment study. At any time after the completion of the study and the inclusion of the major transportation investment in the plan and the TIP the participating agencies may request the development of final environmental decision documents required under NEPA for such major transportation investments, culminating in the execution of a Record of Decision or Finding of No Significant Impact by the FHWA and/or the FTA.

(g) Major investment studies may lead to decisions that modify the project design concept and scope assumed in the plan development process. In this case, the study shall lead to the specification of a project's design concept and scope in sufficient detail to meet the requirements of the U.S. EPA conformity regulations (40 CFR part 51).

(h) Major investment studies are eligible for funds authorized under sections 8, 9 and 26 of the Federal Transit Act (49 U.S.C. app. 1607, 16072, and 1622) and planning and capital funds apportioned under title 23, U.S.C., and shall be included in the UPWP. If CMAQ, STP, NHS, or other capital funds administered by the FHWA are utilized for this purpose, the study must also be included in the TIP.

(i) Where the environmental process has been completed and a Record of Decision or Finding of No Significant Impact has been signed, § 450.318 does not apply. Where the environmental process has been initiated but not completed, the FHWA and the FTA shall be consulted on appropriate modifications to meet the requirements of this section.

**§ 450.320 Metropolitan transportation planning process: Relation to management systems.**

(a) As required by the provisions of the management system regulations 23 CFR part 500, within all metropolitan planning areas, the congestion manage-

ment, public transportation, and intermodal management systems, to the extent appropriate, shall be part of the metropolitan transportation planning process required under the provisions of 23 U.S.C. 134 and 49 U.S.C. app. 1607.

(b) In TMAs designated as nonattainment for ozone or carbon monoxide, Federal funds may not be programmed for any project that will result in a significant increase in carrying capacity for single occupant vehicles (a new general purpose highway on a new location or adding general purpose lanes, with the exception of safety improvements or the elimination of bottlenecks) unless the project results from a congestion management system (CMS) meeting the requirements of 23 CFR part 500, subpart E. Such projects shall incorporate all reasonably available strategies to manage the SOV facility effectively (or to facilitate its management in the future). Other travel demand reduction and operational management strategies identified under 23 CFR 500.505(e), as appropriate for the corridor, but not appropriate for incorporation into the SOV facility itself, shall be committed to by the State and the MPO for implementation in a timely manner, but no later than the completion date for the SOV project. Projects that had advanced beyond the NEPA stage prior to April 6, 1992, and which are actively advancing to implementation, e.g., right-of-way acquisition has been approved, shall be deemed programmed and not subject to this provision.

(c) In TMAs, the planning process must include the development of a CMS that provides for effective management of new and existing transportation facilities through the use of travel demand reduction and operational management strategies and meets the requirements of 23 CFR part 500, subpart E.

(d) The effectiveness of the management systems in enhancing transportation investment decisions and improving the overall efficiency of the metropolitan area's transportation systems and facilities shall be evaluated periodically, preferably as part of the metropolitan planning process.

§ 450.102 Applicability.

The definitions in this subpart are applicable to this part, except as otherwise provided.

§ 450.104 Definitions.

Except as defined in this subpart, terms defined in 23 U.S.C 101(a) are used in this part as so defined.

*Consultation* means that one party confers with another identified party and, prior to taking action(s), considers that party's views.

*Cooperation* means that the parties involved in carrying out the planning, programming and management systems processes work together to achieve a common goal or objective.

*Coordination* means the comparison of the transportation plans, programs, and schedules of one agency with related plans, programs and schedules of other agencies or entities with legal standing, and adjustment of plans, programs and schedules to achieve general consistency.

*Governor* means the Governor of any one of the fifty States, or Puerto Rico, and includes the Mayor of the District of Columbia.

*Maintenance area* means any geographic region of the United States designated nonattainment pursuant to the CAA Amendments of 1990 (Section 102(e)), 42 U.S.C. 7410 et seq., and subsequently redesignated to attainment subject to the requirement to develop a maintenance plan under section 175A of the Clean Air Act as amended (CAA), 42 U.S.C. 7410 et seq.

*Major metropolitan transportation investment* means a high-type highway or transit improvement of substantial cost that is expected to have a significant effect on capacity, traffic flow, level of service, or mode share at the transportation corridor or subarea scale. Consultation among the MPO, State department of transportation, transit operator, the FHWA and the FTA may lead to the designation of other proposed improvements as major investments beyond the examples listed below. Examples of such investments could generally include but are not limited to: Construction of a new partially controlled access (access allowed only for public roads) principal arterial, extension of an existing par-

tially controlled access (access allowed only for public roads) principal arterial by one or more miles, capacity expansion of a partially controlled access (access provided only for public roads) principal arterial by at least one lane through widening or an equivalent increase in capacity produced by access control or technological improvement, construction or extension of a high-occupancy vehicle (HOV) facility or a fixed guideway transit facility by one or more miles, the addition of lanes or tracks to an existing fixed guideway transit facility for a distance of one or more miles, or a substantial increase in transit service on a fixed guideway facility. For this purpose, a fixed guideway refers to any public transportation facility which utilizes and occupies a designated right-of-way or rails including (but not limited to) rapid rail, light rail, commuter rail, busways, automated guideway transit, and people movers. Projects that generally are not considered to be major transportation investments include but are not limited to: Highway projects on principal arterials where access is not limited to public roads only, small scale improvements or extensions (normally less than one mile) on principal arterials with the primary goal of relieving localized safety or operational difficulties, resurfacing, replacement, or rehabilitation of existing principal arterials and equipment, highway projects not located on a principal arterial, and changes in transit routing and scheduling.

*Management system* means a systematic process, designed to assist decisionmakers in selecting cost effective strategies/actions to improve the efficiency and safety of, and protect the investment in the nation's infrastructure. A management system includes: identification of performance measures; data collection and analysis; determination of needs; evaluation, and selection of appropriate strategies/actions to address the needs; and evaluation of the effectiveness of the implemented strategies/actions.

*Metropolitan planning area* means the geographic area in which the metropolitan transportation planning process required by 23 U.S.C. 134 and sec-

tion 8 of the I be carried out

*Metropolitan (MPO)* means transportation metropolitan designated prior this regulatory redesignated § 450.106 and n tended to req designation.

*Metropolitan* means the offi tation plan adopted thrc transportation metropolitan

*Nonattainment* graphic regio that the Er Agency (EPA) attainment a related pollut tional Ambler (NAAQS) exists

*Regionally s* project (other be grouped in to § 450.216 and cility which tation needs from the are major activit major planne new retail r etc., or trar well as most t would norma modelling of transportation minimum, al ways and all cilities that native to regi

*State* mean States, the I Puerto Rico.

*State Implem* the portion (c ble Implemer promulgated, sion thereof, and 175A of th 7409, 7601, and

*Statewide ti* program (ST multiyear, st gram of tran:

**SJR**

**25**

Revision Date \_\_\_\_\_ Dept. Affected \_\_\_\_\_  
 Title Support Access to Denali/Wonder Lake BRU \_\_\_\_\_  
 Component \_\_\_\_\_  
 Sponsor Senator Wilken \_\_\_\_\_  
 Requester Senate Transportation Component Serial No. \_\_\_\_\_

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

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES [ ]						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1091 Designated Program Receipts						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY97) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This resolution has no fiscal impact on state departments.

Prepared by Senate Transportation Committee Phone 465-6641  
 Division \_\_\_\_\_ Date \_\_\_\_\_  
 Approved by Senator Jerry Ward, Chairman Date 4/4/97  
 Agency \_\_\_\_\_

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## SPONSOR STATEMENT

### Senate Joint Resolution 25 "Support Access to Denali/Wonder Lake"

SJR 25 calls for the Alaska Legislature's endorsement of a proposed northern access railroad route into Denali National Park. A new northern railroad route, connecting the Alaska Railroad with Wonder Lake, would not only provide enhanced viewing opportunities for Alaskans, but for visitors to the state as well. This could serve to bolster tourism in Alaska, since the Park, the Mountain and all of the surrounding wild beauty would be accessible on a year-round basis, instead of just the summer months. In addition to improving access into the Park, this proposal would enable the state to encourage and monitor development opportunities involving the private sector, without substantially affecting the state's financial resources.

This proposed northern access route is supported by the National Park Service Advisory Board along with many of the organizations and communities along the existing Alaska Railroad corridor, including but not limited to the Municipality of Anchorage, Fairbanks North Star Borough, the City of North Pole, the City of Nenana, the City of Seward, and the Mantanuska-Susitna Borough.

# The Denali Railway System Project

## Park Access for the 21st Century

The purpose of this overview is to illustrate how the Denali Railway System will positively effect the visitor/tourism industry in the railbelt region of Alaska and its communities while at the same time making positive impact on future operations of Denali National Park and Preserve.

The Denali Railway System Project (DRS), is tourism infrastructure development for all of Alaska. Infrastructure is usually developed with government funds, the public's money, and generates no revenue, either to repay the cost of the development or produce ongoing revenue for the government that supplied the funds. The DRS is different. The DRS will be built with private capital for the public's benefit. The DRS will be a "keystone" in the tourism infrastructure of Alaska.

The DRS creates a new Denali venue for Alaska's highway visitors and the cruise ship industry during the traditional summer season. Through the implementation of Air-Rail Touring<sup>®</sup>, utilizing the international airports at Anchorage and Fairbanks and the Alaska Railroad System, the DRS will attract a new element of visitors to Alaska and Denali - year-round.

Kantishna Holdings Inc., (KHI) an Alaskan corporation, conceived and developed the DRS to provide adequate and feasible access into the Park interior for visitors, inholders and the National Park Service (NPS) and, to create a controlled and regulated form of efficient transportation that will assure long term resource protection of the park environs. The DRS is a "System" which incorporates and integrates all necessary facilities for a complete visitor experience, at the edge of, and in the interior of the Denali National Park. Additionally all elements of the system are located outside the Wilderness areas of the Park. The DRS system includes Visitor Center-Hotels inclusive of Railroad Terminals at both ends of its service line. In short, the DRS will create a new, much needed venue for all Americans and their visitors into Denali.

KHI has proposed that all track and facilities be located on NPS managed lands within Denali, not private lands. This placement should insure the highest level of development quality and eliminate the potential of rambling development. Several sites are suitable for the location of "in-park" facilities in the viewshed of Wonder Lake and Mt. McKinley.

The main objective of the DRS is to provide rail passenger service to the interior of Denali, reducing the congestion on the existing road - a 300' wide Park strip - bisecting the two Wilderness Areas of the Denali.

With the existing road reaching its carrying capacity, the shifting of NPS administrative and other utility traffic destined for the Wonder Lake and Kantishna area, the **DRS** could eliminate about 1,000 to 1,200 vehicle events per year (each vehicle into the park equaling one vehicle event), which an NPS consultant estimates could be converted to visitor bus events, thus allowing 47,000 to 56,400 more visitors into the park annually.

Wonder Lake is an Icon of Alaska, the location of the best known photos of Mt. McKinley and a remarkable place. As example, a recent PBS series called "Living Edens" was filmed in Denali. The film extolled the virtues of Wilderness, but to the experienced eye, the film was shot mostly from road side locations near Wonder Lake. In truth, Wonder Lake is one of the least accessible destinations for the average Park visitor due to the woefully inadequate transportation system. The **DRS** will solve this problem without conflicting with visitor activities on the existing road. The road and rail system are in different valleys of the Park separated by a mountain range. The two systems would be in view of each other only near the north end of Wonder Lake. With the volume of visitors to Alaska growing by 7-8% per year the **DRS** will provide adequate visitor capacity well into the next century. Starting with the estimated 525,000 visitors now visiting the state on a year-round basis who are unable to get into Denali.

#### List of Benefits of the **DRS**

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- The **DRS** creates a new venue within the Park and allows for increased access for visitors and residents in a controlled and regulated manner
- The **DRS** will be located on State lands and National Park lands and be a long term, environmentally safe and sensible solution to visitor and Inholding access problems at Denali National Park.
- The entire route of the **DRS** and all facilities will be located outside the Wilderness Areas of the Park.
- The **DRS** will provide adequate and feasible access to the interior of the park on a year - round basis.
- The **DRS** connects the "Day Use" at Wonder Lake to a gateway area, just north of Healy, Alaska, reducing congestion near the existing Park entrance (a concept suggested in the Vail Agenda).
- The **DRS** eastern terminus, near Healy, is out of view of the George Parks Highway. Therefore the Project will not contribute to the sense of urban sprawl present near the Park entrance.
- The **DRS** western terminus at Wonder Lake, could include a Ranger Station with state-of-the-art communications for providing security in the interior region of the park. The **DRS** proposes to provide residential units for the NPS personnel, eliminating the need for an expanded NPS budget to facilitate the development of the **DRS**.
- The dry, interior, non-maritime climate of the north side provides grand vistas to the **DRS** traveler, including the ultimate north side view of Denali.
- All **DRS** "in-park" facilities are proposed to use LNG / LPG fuel systems and the latest in co-generation techniques for the cleanest possible operation.

- The **DRS** will comply fully with the Americans With Disabilities Act and will actively market to and encourage use of the system by people experiencing disabilities.
- The **DRS** will be an all First Class System, providing comfort and safety to the elderly and young. Lodging facilities will be of 2 Stars quality or better.
- KHI has proposed the construction of a 60 bed Travelers Hostel near the Wonder Lake area facilities in order to provide a lower price point facility for those traveling on student budgets.
- Terminals will have emergency medical facilities capable of providing service to the interior region of the Park on an emergency basis. The **DRS** will develop a comprehensive emergency plan for the entire route including fire response.
- The **DRS** will generate new revenue for Denali National Park and Preserve. Based on a \$5 per passenger head fee, the estimated 525,000 passengers annually could generate \$2,625,000 in revenue, about 40% of the current operating budget of the Park. This revenue should exceed any increase in operational costs experienced by the NPS in relation to the operation of the **DRS**.
- The **DRS** will create a museum quality, educational and informative atmosphere within the Visitor Center/Hotel/Terminal facilities. Diorama, electronic, pictorial, mechanical, and other methods of display will be used in the interpretive process.
- The **DRS** will provide an alternative to those not wishing to take the arduous 8 to 12 hour bus based wildlife tours on the park road and those more interested in the opportunity to view The Mountain.
- All developmental and operational costs for the **DRS** will be undertaken with private capital.
- The **DRS** will connect to the Alaska Railroad System which in turn connects to International Airports in Fairbanks and Anchorage. The **DRS** is truly an efficient and ethical Intermodal infrastructure concept. Air-Rail Touring packages for the independent traveler as well as, the larger packaged groups will be able to utilize the **DRS** infrastructure.

On Dec. 14th, 1994, following a presentation KHI, the National Park System Advisory Board (NPSAB), the parent board of the Denali Task Force, endorsed the creation of a new northern railroad route to Wonder Lake. Soon after, in early February of 1995, KHI petitioned Secretary of the Interior Bruce Babbitt to create a rail / utility corridor and grant a lease of that right-of-way to KHI under the Secretary's management powers. In 1996, Congress mandated a "North Access Study" for Denali, to be completed by late March or early April of 1997, subject to that study and other factors, the decision to create a right-of-way is still pending before the Secretary.

The **DRS** Project has another very significant potential that other proposed activities around Denali do not. The **DRS** system will create long term year-round jobs for Alaskans, between 350 and 650 people seasonally. Current efforts to create "Touch the Park experiences", outside the park, south of the Park's entrance all rely on the appropriation of public funds, and create very few, if any, year-round jobs. At best, the South Side Plan will be 10 to 15 years in the making. The **DRS** can be complete within four years with elements operational

within two years. There is no doubt that this development will benefit the Alaskan economy in a far superior fashion.

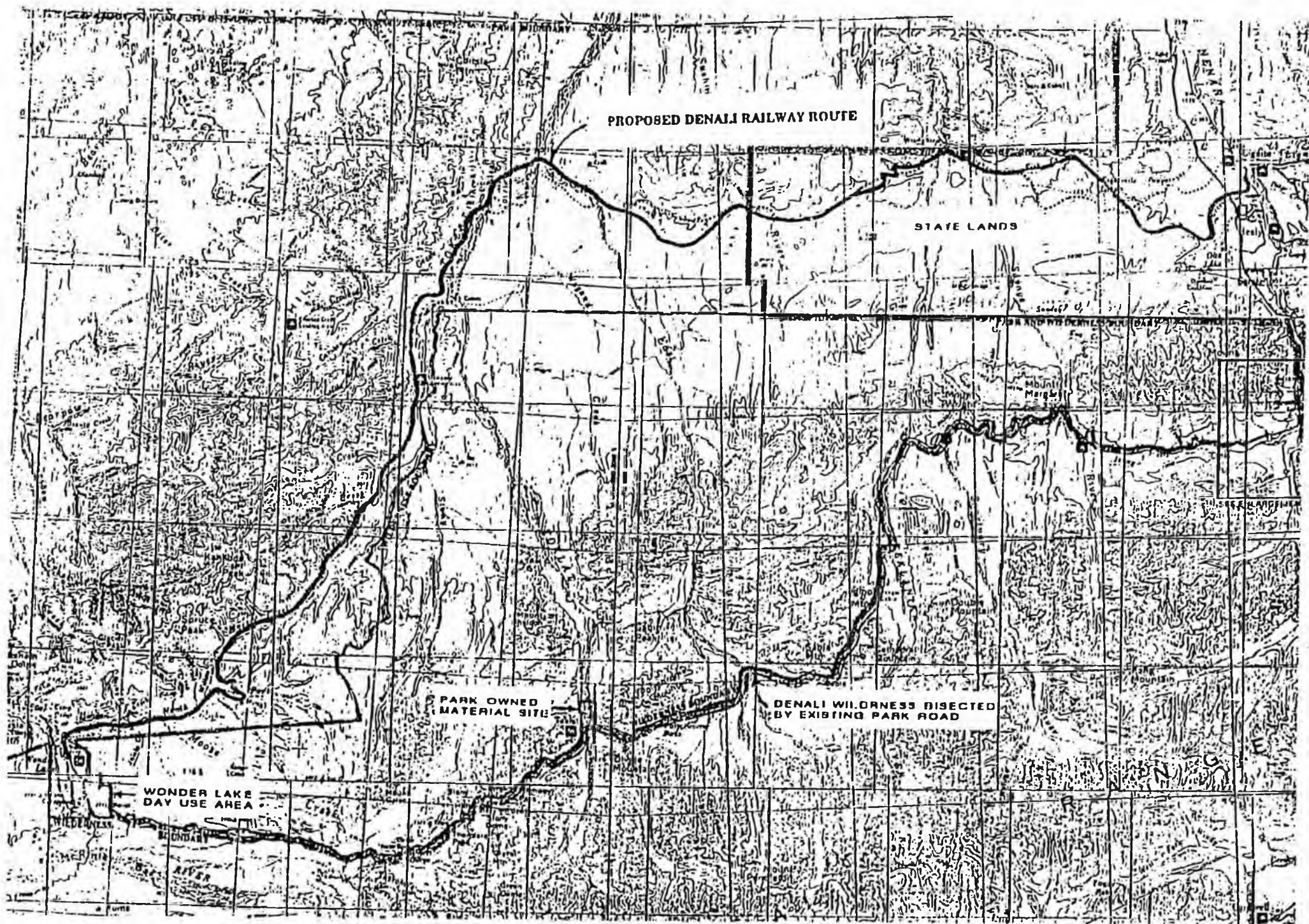
Denali National Park is a very large Park, 6.4 Million Acres or 10,000 square miles. Imagine a quarter mile long strip of land. Walk to the middle of that strip, turn 90 degrees either direction and walk for forty thousand miles! That is the size of Denali. The existing road corridor is about 3,300 Acres (300' x 90mi.), the equivalent of 1/1955th of the Park. The 57 miles of 200' wide **DRS** railroad right-of-way equals only 1381 acres - 1/4631th of the Park. Two - thirds (2/3) of Denali, about 4.2 million acres is non-Wilderness Area, Park and Preserve, mostly on the north side. In all that area, there are scarcely more than 10 miles of road, none connecting to the front country of the park without going through the Wilderness Area. This Project will have little negative impact on the Park

In closing, the **DRS** Project is an ideal opportunity for a Public - Private development relationship. Clearly, Denali is an economic engine for Alaska, particularly so for the Railbelt of the Alaska. But it needs better access.

The attached documents present the broad constituency the **DRS** Project has developed in Alaska. We believe this constituency is very similar to the make-up of the general population of America and that the **DRS** concept is a unique and innovative way of dealing with the problems facing many of the other national parks in the west as well. If you have questions or comments, please contact me directly.

Sincerely,

Joseph N. Fields III, Chairman & President  
Kantishna Holdings Inc.



**ENDORSEMENTS OF  
THE DENALI RAILWAY SYSTEM<sub>2</sub>  
AND  
NORTHERN RAILROAD ACCESS FOR  
DENALI NATIONAL PARK AND PRESERVE**

- The Denali Borough - Resolution 93-02 - 2/14/93
- The Alaska State Legislature - IIJR 28 - Legislative Resolve No. 19 - 2/08/94
- National Park System Advisory Board - Resolution 12/14/94
- The Fairbanks North Star Borough - Resolution No. 96-095 - 4/11/96
- The City of Nenana - Resolution No. 96-08 - 4/11/96
- The City of Seward - Resolution No 96-053 - 4/22/96
- Interior District Democrats in Convention - 4/13/96
- The City of Fairbanks - Resolution No. 3652 - 4/22/96
- The Matanuska - Susitna Borough - Resolution No. 96-027 - 6/4/96
- The Greater Fairbanks Chamber of Commerce - Resolution No. 96-0325.3 - 4/16/96
- The Fairbanks Convention and Visitors Bureau. 7.96
- The Citizen's Advisory Commission on Federal Areas - 11/15/95
- The Alaska Visitors Association - Letter - 5.11.94
- The Fairbanks Building & Construction Trades Council AFL - CIO - Letter - 4/24/96
- The Alaska Miners Association - Letter - 7/7/95
- Access Alaska Inc.- Non-Profit Disability Access Advocates - Letter - 5/11/94
- The Alaska Railroad Corporation - Letter - 11/3/93
- The Associated General Contractors of Alaska - Letter - 1/19/96
- Gil Carmichael: Former U.S. Railroad Administrator in Progressive Railroading -6/95
- Dr. Bradford Washburn. Famed Mt. McKinley Surveyor/Photographer - Letter -1/30/96
- City of North Pole - Resolution of Endorsement, N° 96-10, October 7th. 1996
- Municipal Assembly of Anchorage, Resolution of Endorsement. N°96-274, October 7th. 1996
- Anchorage Convention and Visitors Bureau - Resolution of Endorsement. October 5. 1996

Many other private citizens and companies have also endorsed the DRS Project.

FRANK H. MURKOWSKI

ALASKA

COMMITTEES:

CHAIRMAN

ENERGY AND NATURAL RESOURCES

FINANCE

VETERANS' AFFAIRS

INDIAN AFFAIRS

United States Senate

WASHINGTON, DC 20510-0202

(202) 224-6665

222 WEST 7TH AVENUE, BOX 1  
ANCHORAGE, AK 99513-7570  
(907) 271-3735

101 12TH AVENUE, BOX 7  
FAIRBANKS, AK 99701-6278  
(907) 456-0233

P.O. Box 21647  
JUNEAU, AK 99902-1647  
(907) 586-7400

130 TRADING BAY ROAD, SUITE 350  
KENAI, AK 99611-7716  
(907) 283-5808

109 MAIN STREET  
KETCHIKAN, AK 99901-6489  
(907) 225-6880

February 26, 1997

Mr. Joseph N. Fields, III  
President  
Kantishna Holdings Inc.  
Post Office Box 71047  
Fairbanks, AK 99707

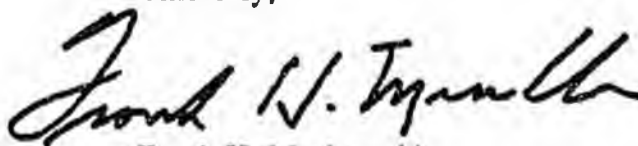
Dear Joseph:

Thank you for sending a copy of the Kantishna Holdings response to the National Park Service's Scoping Questions for the North Access Study at Denali. As you know, I advocate a northern access route and would prefer to investigate the possibilities of a railway system along the Stampede Trail.

I have forwarded the Kantishna Holdings materials to Jim O'Toole, Professional Staff Member of the Energy and Natural Resources Committee. He is my point man on the Denali access issue, and I know you will find him knowledgeable and helpful on this subject. I look forward to reviewing your proposal further and will contact you if there are any questions about the submitted material. If you would like to arrange a meeting for the next time you are in Washington, please contact Janet Klinger of my office (202-224-6665) to schedule an appointment with either myself or with Jim O'Toole.

Thank you again for your continued support in this very important endeavor.

Sincerely,



Frank H. Murkowski  
United States Senator

CONFIDENTIAL

**THE NATIONAL PARK SYSTEM ADVISORY BOARD  
SPECIAL CALLED MEETING  
DECEMBER 14, 1994  
1:00pm  
DEPARTMENT OF THE INTERIOR**

**RESOLUTION No.**

**BE IT RESOLVED**, that the National Park System Advisory Board in its Special Called Meeting to review the Board's Special Task Force Committee Report for Denali National Park, Alaska, does hereby recommend the following:

**WHEREAS**, the increasing demand for access to Denali National Park and Preserve cannot be met by the single existing Denali Road, and

**WHEREAS**, adequate data exists to suggest that the Denali Road is reaching its carrying capacity, and any appreciable increase in traffic will result in a loss of corridor wildlife, and

**WHEREAS**, Kaniishna land owners are guaranteed access to their inholdings, and

**WHEREAS**, the National Park Service has very limited control over development of the private lands at Kaniishna, and

**WHEREAS**, each new development puts more pressure on the Denali Road, and

**WHEREAS**, the Denali Committee recognized that the South Slope developments, if completed, would reduce North side pressures "only in part", and

**WHEREAS**, alternative transportation modes and/or routes would prevent the necessity of a "loop road", which was opposed by both the committee and the Park management, and

**WHEREAS**, dedicating a few hundred acres of the six-million acre park for use by the people will not degrade the Park, and will provide for the enjoyment and education of many, and

**WHEREAS**, a North access is the only reasonable means of accommodating the increasing tourist demand, and

**WHEREAS**, the Denali Committee was not able to sufficiently examine alternative transportation modes/access to evaluate their merits.

**NOW, THEREFORE**, the National Park System Advisory Board approves the Denali Task Force Committee Report with an Amendment for endorsement of establishing a new northern railroad route contingent upon prior stakeholder agreements on the extent and nature of

**NATIONAL PARK SYSTEM ADVISORY BOARD  
SPECIAL CALLED MEETING  
DENALI NATIONAL PARK TASK FORCE COMMITTEE REPORT  
RESOLUTION No. III  
December 14, 1994  
Page 2**

development in the immediate Wonder Lake area.

**DONE**, this Fourteenth Day of December, Nineteen Hundred and Ninety Four, here in Washington, DC.

By: Mayor Jim Sampson  
Paul Chizmar  
Hank Hove  
Bob Logan  
Layne St. John  
Cheryl Kilgore  
Hank Bartos  
Ladd McBride  
Larry Hackenmiller  
Dan LaSota  
Introduced: 04/11/96  
Adopted: 04/11/96

RESOLUTION NO. 96-035

A RESOLUTION SUPPORTING KANTISHNA HOLDINGS INC.'S  
PROPOSAL FOR THE CREATION OF A NORTHERN RAILROAD RIGHT-OF-WAY  
TO WONDER LAKE AND FOR THE BUILDING OF THE DENALI RAILWAY  
SYSTEM TO SERVICE DENALI NATIONAL PARK

WHEREAS, Denali National Park (Denali) is the top visitor destination in Alaska and a critical element in the Alaska visitor/tourism industry and access into Denali is extremely restricted due to the limited existing transportation infrastructure; and

WHEREAS, the existing park road in Denali is at its carrying capacity and is creating adverse impacts on the environment, management problems for the National Park Service, a bottleneck in the visitor/tourism delivery system of Alaska, and access problems for park inholders; and

WHEREAS, no new road access to the interior of Denali is being proposed by the state or federal governments; and

WHEREAS, the National Park System Advisory Board's December 14, 1994, resolution accepting the "Denali Task Force Report" specifically endorsed the creation of a new northern railroad route to Wonder Lake; and

WHEREAS, Kantishna Holdings Inc. has proposed the Denali Railway System to ensure long term resource protection at Denali and to provide year-round access to the interior of Denali; and

WHEREAS, Kantishna Holdings Inc. has petitioned the Secretary of the Interior to create a new northern railroad right-of-way to the area of Wonder Lake on which to build the Denali Railway System; and

WHEREAS, the proposed Denali Railway System is an environmentally sound and sensible undertaking which will commit substantial private financial investment in permanent infrastructure in Alaska and the creation of hundreds of new jobs in Alaska's economy; and

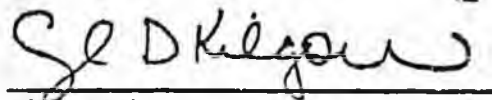
WHEREAS, the visitor/tourism industry of the entire state of Alaska will be enhanced by the year-round operation of new infrastructure created by the Denali Railway System; and

WHEREAS, all of Alaska's "Railbelt," including the community served by the Fairbanks North Star Borough, will benefit from the permanent jobs and other economic activity created by the construction and operation of the Denali Railway System; and

NOW, THEREFORE, BE IT RESOLVED that the Fairbanks North Star Borough Assembly and the Borough Mayor endorse the creation of a new northern railroad right-of-way to Wonder Lake and to construct and operate the Denali Railway System within Denali National Park and Preserve.

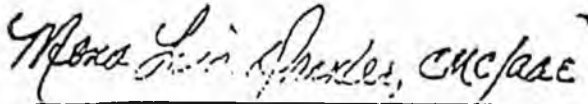
BE IT FURTHER RESOLVED that the Fairbanks North Star Borough encourages the Secretary of the Interior to request the National Park Service to act upon the proposal of Kantishna Holding Inc. and create the railroad right-of-way; and that the Fairbanks North Star Borough also encourages the Governor of the State of Alaska and the Alaska Legislature to give their fullest support to the creation of the Denali Railway System.

PASSED AND APPROVED THIS 11TH DAY OF APRIL, 1996.



Cheryl Kilgore  
Presiding Officer

ATTEST:



Mona Lisa Drexler, CMC/AE  
Municipal Borough Clerk

Ayes: Bartos, Logan, LaSota, St. John, Hove, McBride, Hackenmiller, Chizmar  
and Kilgore

Noes: None

Introduced by: John Immel  
Date: April 22nd, 1996

RESOLUTION NO. 3652

A RESOLUTION SUPPORTING KANTISHNA HOLDINGS INC.'S PROPOSAL FOR THE CREATION OF A NORTHERN RAILROAD RIGHT-OF-WAY TO WONDER LAKE AND FOR THE BUILDING OF THE DENALI RAILWAY SYSTEM TO SERVICE DENALI NATIONAL PARK.

WHEREAS, Denali National Park (Denali) is the top visitor destination in Alaska and critical element in the Alaska visitor/tourism industry and access into Denali is extremely restricted due to the limited existing transportation infrastructure; and

WHEREAS, the existing park road in Denali is at it carrying capacity and is creating adverse impacts on the environment, management problems for the National Park Service, a bottleneck in the visitor/tourism delivery system of Alaska, and access problems for park inholders; and

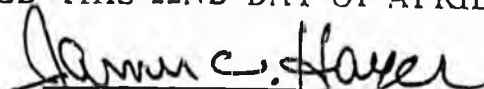
WHEREAS, no new road access to the interior of Denali is being proposed by the State or Federal governments; and

WHEREAS, the National Park System Advisory Board's December 14th, 1994 resolution accepting the "Denali Task Force Report" specifically endorsed the creation of a new northern railroad route to Wonder Lake; and

NOW, THEREFORE, BE IT RESOLVED BY THE FAIRBANKS CITY COUNCIL encourages the Secretary of the Interior to request the National Park Service to act upon the proposal of Kantishna Holding Inc. and create the railroad right-

of-way; and that the Fairbanks City Council also encourages the Governor of the State of Alaska and the Alaska Legislature to give their fullest support to the creation of the Denali Railway System.

PASSED and APPROVED THIS 22ND DAY OF APRIL, 1996.

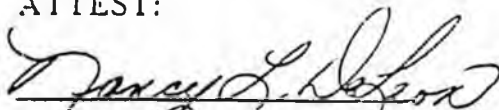
  
JAMES C. HAYES, Mayor

AYES:  
NAYES:  
ABSTAIN:  
ABSENT:  
ADOPTED:

APPROVED AS TO FORM:

  
HERBERT P. KUSS, City Attorney

ATTEST:

  
NANCY L. DeLEON, CITY CLERK



# CITY OF SEWARD

P.O. BOX 167  
SEWARD, ALASKA 99664



- Main Office (907) 224-3331
- Police (907) 224-3338
- Harbor (907) 224-3138
- Fire (907) 224-3445
- Fax (907) 224-3248

April 29, 1996

Joe Fields  
Kantishna Holdings, Inc  
P. O. Box 71047  
Fairbanks, Alaska 99707


Dear Mr. Fields:

Enclosed is a copy of the resolution of support for the development of the Denali Railway System to serve Denali National Park that was passed by the Seward City Council on April 22, 1996. Letters and copies of the resolution have been forwarded to the Governor's office, the State and Federal legislative delegations and the Secretary of the Interior.

Your proposal to build a railway system into Denali National Park will benefit tourists and locals alike. This is an exciting project that would open Denali Park to more visitors. In addition, the rail system will enhance the City of Seward's tourism industry and the creation of permanent jobs and other activities associated with the construction and operation of the system. The City of Seward endorses the creation of a new northern railroad right-of-way to Wonder Lake and construction of the Denali Railway System.

Sincerely,

The City of Seward, Alaska

  
Louis A. Bencardino  
Mayor

Enclosures: Letter and Resolution No. 96-053

**CITY OF SEWARD, ALASKA  
RESOLUTION NO. 96-053**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF SEWARD, ALASKA, IN SUPPORT OF KANTISHNA HOLDINGS,  
INC.'S PROPOSAL FOR THE CREATION OF A NORTHERN  
RAILROAD RIGHT-OF-WAY TO WONDER LAKE AND FOR THE  
BUILDING OF THE DENALI RAILWAY SYSTEM TO SERVICE  
DENALI NATIONAL PARK**

**WHEREAS.** Denali National Park (Denali) is one of Alaska's most important visitor destinations and is a critical element in the Alaska Visitor/Tourism Industry, and access to Denali is extremely restricted due to the limited existing transportation infrastructure; and

**WHEREAS.** the existing park road servicing Denali is near its carrying capacity and is creating adverse impacts on the environment, management problems for the National Park Service, a bottleneck in the visitor/tourism delivery system of Alaska and access problems for park in-holders; and

**WHEREAS.** neither the state nor federal government has proposed a new road access to the interior of Denali; and

**WHEREAS.** on December 14, 1994, the National Park System Advisory Board approved a resolution accepting the Denali Task Force Report and specifically endorsed the creation of a new northern railroad route to Wonder Lake; and

**WHEREAS.** Kantishna Holdings, Inc., has proposed the Denali Railway System to insure long term resource protection at Denali and to provide year-round access to the interior of Denali; and

**WHEREAS,** the proposed new railway system is an environmentally sound and sensible undertaking which will commit substantial private financial investment in permanent infrastructure in Alaska, creating hundreds of new jobs in Alaska's economy; and

**WHEREAS,** new infrastructures created by the Denali Railway System will enhance the City of Seward's visitor/tourism industry, and the creation of permanent jobs and other activity associated with the construction and operation of the Denali Railway System will benefit all of Alaska's railbelt communities;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, that:**

CITY OF SEWARD, ALASKA  
RESOLUTION NO. 96-053

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**Section 1.** The City of Seward endorses the creation of a new northern railroad right-of-way to Wonder Lake and the Denali Railway System as proposed by Kantishna Holdings, Inc.

**Section 2.** The City of Seward encourages the Secretary of the Interior to direct the National Park Service to act upon the proposal made by Kantishna Holdings, Inc., immediately and requests that Governor Knowles and the Alaska State Legislature give their full support to the creation of the Denali Railway System.

**Section 3.** This resolution shall take effect immediately upon its adoption.


PASSED AND APPROVED by the City Council of the city of Seward, Alaska, this 22nd day of April, 1996.

THE CITY OF SEWARD, ALASKA

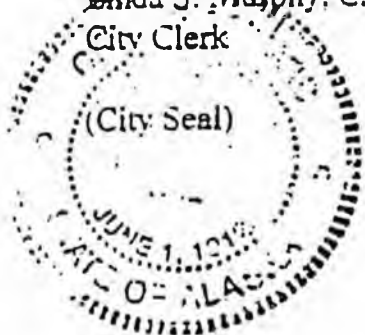
  
Louis A. Bencardino, Mayor

AYES: Anderson, Bencardino, Crane, Deeter, Keil, King, Sieminski  
NOES: None  
ABSENT: None  
ABSTAIN: None

ATTEST:

  
Linda S. Murphy, CMC/AAE  
City Clerk

(City Seal)



Municipality  
of  
Anchorage



P.O. Box 196650  
Anchorage, Alaska 99519-6650  
Telephone: (907) 343-4431  
Fax: (907) 343-4499

*Rick Mystrom, Mayor*

OFFICE OF THE MAYOR

August 30, 1996

Mr. Joseph N. Fields III  
Kantishna Holdings, Inc.  
PO Box 71047  
Fairbanks, AK 99707

Dear Mr. Fields:

Thank you for providing my office with a copy of the Denali Railway System Project Overview. I am impressed by the magnitude of your proposal and by the broad support you have gathered for the project.

Constructing the railway will totally revolutionize access to our beautiful Denali National Park by both visitors and Alaskans alike, and would be a substantial improvement over existing, overburdened infrastructure. I also very much like the idea of being able to visit Denali on a year round basis with minimal impact on natural surroundings. I look forward to being kept abreast of developments as the project progresses

Thank you again for sharing the information. I wish you success in your on-going efforts.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rick Mystrom". The signature is written in dark ink and is positioned above the printed name.

Rick Mystrom  
Mayor

CLERK'S OFFICE

APPROVED

Date:.....10-08-96

Submitted by: Assemblymembers WUERCH, BELL,  
Carlson, Kendall, Meyer, Von Gemmingen  
Prepared by: Assembly Policy and Budget  
For reading: October 8, 1996

ANCHORAGE, ALASKA  
AR NO. 96-274

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY ENDORSING THE  
CREATION OF A NORTHERN RAILROAD RIGHT-OF-WAY TO WONDER LAKE  
AND THE BUILDING OF THE DENALI RAILWAY SYSTEM

---

WHEREAS, Denali National Park is the premier visitor destination in Alaska and access into Denali is extremely restricted due to the limited existing transportation infrastructure of the Park; and

WHEREAS, the Denali Railway System will create new year-round access from the North side of the Park to the Kantishna/Wonder Lake area; and

WHEREAS, no new road access into the interior of Denali is now being proposed by the State or Federal governments; and

WHEREAS, the Denali Railway System will be privately funded and will not compete with the publicly funded Denali Southside Development Plan; and

WHEREAS, all of Alaska will be enhanced by the year-round operation of the Denali Railway System, especially Alaska's "Railbelt" including the Municipality of Anchorage The Gateway to Alaska; and

WHEREAS, the National Park System Advisory Board's December 14, 1994 Resolution accepting the "Denali Task Force Report" specifically endorsed the creation of a new modern railroad route to Wonder Lake.

NOW, THEREFORE, the Anchorage Municipal Assembly resolves:

Section 1: The Assembly endorses the development of the Denali Railway System and requests the Secretary of the Interior to create a railroad right-of-way suitable for such development within the Denali National Park and Preserve.

Section 2: That the Assembly encourages the Governor of Alaska, his Commissioners and staff, and the Alaska Legislature to give their fullest support to the creation of the Denali Railway System.