

ALASKA LEGISLATURE COMMITTEE FILES 1999-2000 8672

9848 HOUSE JUDICIARY

BOATING SAFETY DOLLARS AT WORK IN TENNESSEE



ADMINISTERING OFFICE
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STATE BOATING FACTS

1996	Registered Boats	297,719	Lakes	700,000 acres
1996	Boating Accidents	154	Rivers	19,000 miles
1996	Boating Deaths	31	Coastline	0
1996	Boat*, Motor, Trailer and Accessory Sales	\$191,536,000	FY 98 Federal Grant	\$1,115,756

* Retail values for inboard boats, sterndrive boats and outboard boats.

PROJECTS AND PROGRAMS

- To promote children under 12 to wear a life jacket, the Tennessee Wildlife Resources Agency (TWRA) partnered with a national fast-food restaurant to provide free ice cream to children seen wearing their flotation devices.
- To promote National Safe Boating Week in Nashville, employees of a national restaurant chain were furnished with large lapel buttons with "Snoopy" and the slogan "They Float, You Don't."
- To promote responsible riding of personal watercraft, the TWRA furnished support and a patrol boat for 125 personal watercraft riders who traveled 600 miles of the Tennessee River in five days. Money raised was used to purchase educational material specific to personal watercraft safety.
- TWRA purchased television air time to distribute boating safety announcements to specific audiences. One announcement used took top honors in a national campaign that selected the best PSA.
- The TWRA purchased three specially equipped patrol boats for use in special marine events.
- The TWRA funded a statewide boating accident investigator position. That person will investigate accidents and train others to help with investigations.
- Patrol boats were upgraded with digital radio systems allowing multiple enforcement and marine channels.
- A statewide toll-free telephone line was established in each Agency's regional office and one directly into the statewide boating registration and safety office.
- The four regional swiftwater rescue teams were better equipped and were mobilized in conjunction with severe flooding.
- Hazard buoys were placed where vessel congestion was creating accidents or "near-misses." The wording on the hazard buoy simply read, "Slow: Congested Area." All reports have been favorable in slowing traffic.

PROGRAM EXPANSION

- The governing body of the Tennessee Wildlife Resources Agency, and the Tennessee Legislature have both endorsed mandatory training (education) programs for all Tennessee boaters. A full-time education position to implement a statewide education campaign, including mandatory education has been approved pending increased funding. (\$243,000)
- Presently, all boating patrols are done with officers who have joint wildlife and boating responsibilities. Plans have been approved and the exact placement of 28 full time boating officers announced. Their sole duty would be boating patrol, search and rescue, and boating education. (\$1.2 million)
- With adequate funding, a "safety sign" program at 200 state-owned launching sites would remind boaters of regulations and safety messages. (\$7,500)
- Greatly enhanced use of television and radio air time would raise public awareness of boating safety. A series of topics would be produced on navigation aids; life jackets; fire extinguishers; cold water/cold weather boating and related topics. We have commitments for the segments to air on select network news programs as well as statewide public television channels. (\$63,000)
- An out-of-date computer boating safety game would be upgraded and reproduced for every sixth grade class in the Tennessee school system. (\$134,000)

BOATING SAFETY DOLLARS AT WORK IN TEXAS



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STATE BOATING FACTS

1996	Registered Boats	611,374	Lakes	2,065,000 acres
1996	Boating Accidents	160	Rivers	80,000 miles
1996	Boating Deaths	28	Coastal Waters	3,600,000 acres
1996	Boat*, Motor, Trailer and Accessory Sales	\$482,830,000	FY 98 Federal Grant	\$2,060,768

* Retail values for inboard boats, sterndrive boats and outboard boats.

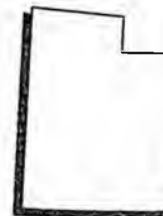
PROJECTS AND PROGRAMS

- Implementation of a multifaceted statewide "safe boating" campaign through a cooperative effort by the state and other governing entities, organizations, and volunteers. This effort includes a multimedia program in high market areas, a stepped effort to recruit boating education instructors and students, and BWI/saturation patrols on high profile lakes in the state.
- The river recreational specialist enforcement officer program was continued in order to minimize conflicts between user groups. The river recreation specialists are assigned to statistically hazardous portions of rivers.
- Promotion of recreational boating safety for future generations through education and public awareness is targeted toward the youth and minorities. Every game warden has a yearly performance goal to sponsor participation in outdoor-related activities including safe boating operations.
- Public service announcements were developed for radio and television. The focus of the PSAs were the wearing of PFDs, personal watercraft safety, and the hazards of operating a motorboat while under the influence.
- Training programs are essential to the state's recreational boating safety program. Approximately 105 game wardens were recertified on the Intoxilizer 5000. Twenty-four game wardens graduated from the Texas Game Warden Training Academy which included field sobriety training, boat accident and boat theft investigation training.
- Many hours of meeting with state representatives, legislative committee meetings, and meeting with trade associations resulted in a major water safety reform bill which includes mandatory boater education and a marine safety enforcement officer certification program.

PROGRAM EXPANSION

- Growing interest in recreational boating activities has increased the public demand for marine safety officers. The Department presently has 59 game warden positions less than the 1993 level. The cost to hire, train and equip 50 game wardens is \$5,108,385.
- Specialized radio and television public service announcements and time for four markets at a cost of \$275,000.
- Two mobile processing units for testing, detention, communication and administrative requirements, \$165,000.
- RBS's share of an updated communication system, \$4,100,000.
- RBS law enforcement instructors to coordinate, maintain and instruct all enforcement officers on LE trends related to RBS, \$250,000.
- Instructional, recruitment and promotional items for boating education instructors and students, \$200,000.

BOATING SAFETY DOLLARS AT WORK IN UTAH



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STATE BOATING FACTS

1996	Registered Boats	71,688	Lakes	1,000,000 acres
1996	Boating Accidents	170	Rivers	500 miles
1996	Boating Deaths	4	Coastline	0
1996	Boat*, Motor, Trailer and Accessory Sales	\$91,893,000	FY 98 Federal Grant	\$580,301

* Retail values for inboard boats, stern-drive boats and outboard boats.

PROJECTS AND PROGRAMS

- Utah has a PWC Education Course which is mandatory for all operators between the ages of 12 and 17. Utah's PWC Education Program has proved to be very successful. There have been over 5,500 students between the ages of 12 and 17 taught since 1995. This particular age group has shown a 45% decline in accidents in 1996 and a 59% reduction in 1997. Overall, Utah has seen a 21% and 48% decrease in PWC accidents during 1996 and 1997 respectively, in spite of an increase in PWC registration.
- A full-time boating education position has been created and filled to oversee, run and enhance the boating education program.
- Boating safety and law enforcement patrols have been enhanced with the use of PWCs "loaned" to the Division by various PWC manufacturers.
- Utah's Boating Rangers are trained on how to use Sound Level Meters (SLM) to enforce motorboat noise requirements. These instruments have made boating in Utah a quieter and more enjoyable experience. With the addition of *Alco-Sensor IV* preliminary breath test instruments as a part of Utah's Boating Ranger's enforcement equipment, the number of boaters arrested for operating under the influence of alcohol has increased dramatically. "Range Finders" have also been integrated into boating safety and law enforcement patrols to determine distances between vessels in enforcing Utah's 150-foot *Speed and Proximity* rule.
- "Captain B. Safe" is a remote-controlled boat which is used in boating safety presentations in schools and boat shows, especially to educate youth.
- Tens of thousands of *Highlights of the Utah Boating Laws and Rules* have been printed and distributed to the boating public.
- Numerous copies of *Utah Boating Basics* were prepared for home study courses, and can be used for more structured Boating Safety Education formats.

PROGRAM EXPANSION

- Utah plans to continue to upgrade and improve the patrol fleet and its equipment, including communications equipment (GPS, depth finders, etc).
- Outfitting Utah's full-time Boating Rangers with laptop computers.
- The Division will continue to assess and address personal watercraft issues.
- Mandatory boating education will be addressed. Meanwhile, expansion and enhancement of the boating safety education program will continue to be a major issue, especially with the results obtained from our PWC Education Course.
- Designing, constructing and outfitting Boating Safety and Education kiosks to be placed at boat launch ramps throughout the state.
- Additional boating safety patrols, both in numbers and hours, are needed. Additional boating safety and law enforcement officers must be hired and trained.
- Enforcement officer training, in basic and in specialized areas such as BUI, SLM and accident reporting and investigation, must be expanded and enhanced.

BOATING SAFETY DOLLARS AT WORK IN VERMONT



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 Boating Law Administrator
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STATE BOATING FACTS

1996	Registered Boats	38,638	Lakes	218,240 acres
1996	Boating Accidents	7	Rivers	5,000 miles
1996	Boating Deaths	1	Coastline	0
1996	Boat*, Motor, Trailer and Accessory Sales	\$22,073,000	FY 98 Federal Grant	\$408,030

* Retail values for inboard boats, sterndrive boats and outboard boats.

PROJECTS AND PROGRAMS

- The Vermont State Police Marine Officers are funded with federal monies. They are responsible for providing a safe environment for the recreational uses of Vermont's public waterways. This is accomplished through enforcement, education and the maintenance of navigational aids.
- Federal funding has allowed the purchase of two new 23 1/2' vessels and one 20' vessel that will patrol Lake Champlain, and one new 20' vessel that will patrol Lake Memphremagog.
- Education is the key to providing a safe environment on our waterways. Since 1989, a mandatory boater education requirement became law for persons born after January 1, 1974. One of the long-range goals is to introduce the safe boating course to all the public schools in the state. As of 1996, we have introduced the course into 34 of the 200-plus school systems. As of 1989, we have had over 9,000 people take our boating safety course.
- We also continue to increase our presence at boat shows, civic events, law enforcement days and boater organizations, which allows us to reach more boaters.
- Vermont's boating education program, in conjunction with the American Red Cross, has modified an existing instructor/trainer course. The 40-hour canoeing course places heavy emphasis on cold water operations and provides instructors with hands-on training.
- On-the-water training courses have been developed for the Boy Scouts of America and the Vermont Department of Environmental Conservation, Fish and Wildlife Division.
- The backbone of our education programs are the instructors. Currently, we use approximately 200 volunteer boating safety instructors to accomplish this, by educating the majority of the boating public. We are now on the Internet. The address is www.boatsafe.com/vermont.

PROGRAM EXPANSION

- There is more demand for enforcement and education due to increases in user conflicts on the public waters of Vermont. The Department is looking into different ways to increase manpower to meet these needs, and to establish additional patrols to address these concerns.
- Federal funding would be used to augment the purchase of new equipment, such as portable radios capable of scanning both UHF and VHF channels, navigational equipment for the boats, such as radar and Global Positioning System (GPS), and additional trailerable boats to meet the needs in new areas of conflict. These needs would have to be met in addition to the current needs of the fleet, keeping it up-to-date, and the staffing is at least kept at current levels or increased.
- Boating education courses in the public school systems need to increase until we are able to reach every young boater in the state that has the desire to participate.
- Demand increases each year for additional navigational aids, including speed and danger buoys and information signs.
- BWI enforcement needs to be enhanced with dedicated people, as it is a constant and ever-increasing problem.
- We will be adding a second buoy/patrol boat and four new small replacement patrol boats.
- This year we will be budgeting \$45,000 for another full time trooper for the program.

BOATING SAFETY DOLLARS AT WORK IN VIRGINIA



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STATE BOATING FACTS

1996	Registered Boats	225,871	Lakes	135,000 acres
1996	Boating Accidents	176	Rivers	3,700 miles
1996	Boating Deaths	13	Coastline	5,000 miles
1996	Boat*, Motor, Trailer and Accessory Sales	\$164,831,000	FY 98 Federal Grant	\$901,502

* Retail values for inboard boats, stern-drive boats and outboard motors.

PROJECTS AND PROGRAMS

- The Department has conducted an extensive study of boating education and safety in Virginia, as requested by the 1997 General Assembly. A study group used input from statewide focus group sessions and a survey of boat owners and boating organizations. Recommendations were developed and reviewed with the boating community in additional public meetings. Issues addressed in the study included safety education requirements, operator licensing, life jacket requirements, operator age restrictions, speed limits, no wake definition and restricted operation zones, waterskiing requirements, improper and reckless operation, and boating law enforcement. Recommendations were advanced to the 1998 General Assembly concerning reckless operation of personal watercraft, defining no wake, minimum age, restricted operation areas, and education requirements for personal watercraft renters and those in the business of selling, demonstrating, and renting motorboats to others.
- Wallop-Breaux funds have helped the Department move from a reactive position to being proactive in dealing with BUI and reckless operation. In FY 97 there was a 20% increase in boating enforcement hours, a 16% increase in boating safety inspections and a 7% increase in BUI arrests. There has been more than 100 special operations directed at detection and reduction of BUI, reckless operation and other serious safety violations. In addition, there were over 30 special operations directed at the detection of improper/reckless PWC operation. A special emphasis was placed on scheduling patrols on weekends and holidays.
- Virginia's 232 public boat access areas are now in excellent condition after repairs in response to damage caused by Hurricane Fran. Maintenance is assigned by zone to five regional boat landing supervisors. Regular inspections and repairs keep small problems from becoming larger ones. However, facilities do need to be replaced after they reach their life expectancy. These maintenance personnel combine forces several times each summer to complete these larger repairs or renovations.

PROGRAM EXPANSION

- The most critical current demand is to address personal watercraft safety through more class offerings of the Department's eight-hour PWC course and the certification of additional volunteer instructors skilled in PWC operation. Youth programs continue to be developed and implemented. Substantial funding would also benefit our public/private partnerships for more effective use of the electronic media in spreading the boating safety message.
- With the help of Wallop-Breaux funds, the Department hired ten additional game wardens on January 1, 1998 to focus on boating law enforcement. With salaries, training and equipment, the average cost per officer for the first year is approximately \$72,000. The Department plans to have a substantial increase in boating enforcement hours in the coming year. The new inflatable boats (with jet drive outboard motors), has greatly enhanced the ability of the game wardens to patrol the small rivers of the state, such as the Shenandoah, Maury, upper Rappahannock and along the fall line of the James River through the City of Richmond.
- Boat landing maintenance needs are expanding with ever-increasing numbers of boats and boat landings each year. Boat landing supervisors will focus on maximizing the potentials of existing sites. Enlarging parking lots and organizing parking is one of the most appreciated accomplishments of the maintenance crew. These activities allow more boaters to use each site.

BOATING SAFETY DOLLARS AT WORK IN WASHINGTON



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 State Parks & Recreation Commission
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 Olympia, WA 98504-2654

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STATE BOATING FACTS

1996	Registered Boats	246,257	Lakes	700,000 acres
1996	Boating Accidents	131	Rivers	7,000 miles
1996	Boating Deaths	25	Coastline	2,400 miles
1996	Boat*, Motor, Trailer and Accessory Sales	\$150,215,000	FY 98 Federal Grant	\$850,602

* Retail values for inboard boats, sterndrive boats and outboard boats.

PROJECTS AND PROGRAMS

- Federal funding has been used to develop specifications for several high-quality models of patrol vessels. Over 30 such vessels are now in service with county or city agencies. Patrol vessels include center-console outboard utility boats in welded aluminum or rigid hull inflatables, and onboard, welded aluminum jet-powered river boats. This funding has been instrumental in expanding the number of local boating safety agencies from 15 to 47 since 1984.
- A comprehensive boating education program entitled "H₂O IQ" was developed in cooperation with the state superintendent of public instruction and area schools. This program presents the essential core boating lessons at age-appropriate levels to students K-12. Lessons range from basic water safety to hands-on exercises in cold water survival to skill development courses in small craft handling. "Adventures in Boating" with Bill Nye the Science Guy, combining video with a comprehensive curriculum, was developed for middle school students as part of the program.
- Training courses certified by the Criminal Justice Training Commission are offered annually to local law enforcement officers. They include basic marine law enforcement, boating accident investigation, vessel sound level enforcement and various other specialized training workshops. Federal funds support all course offerings, instructor training, production of materials and equipment used in training and in field enforcement.
- Federal funds are awarded annually to grassroots boating safety programs, to support new, innovative approaches to long-standing boating safety problems. (Several programs have become models for use elsewhere nationwide, including the development of the robotic tugboat "Tommy The Tug," which appears at school assemblies and trade shows.)

PROGRAM EXPANSION

- There are inadequate numbers of patrol vessels and properly trained staff to serve Washington salt water shoreline including: Puget Sound, the San Juan Islands and all coastal bays and harbors. Estimated need includes five 30' patrol vessels, equipment and staffing.
- To better serve the increasing number of recreational boaters and to effectively address Washington's high boating fatality and accident rates, funds are requested to expand the boating safety and education program. The proposed program expansion will: add four seasonal employees trained in boating safety education, increase the distribution of boating education materials, launch a boating safety media campaign, provide alcohol measurement units to marine law enforcement agencies and provide four statewide two-day training classes for marine patrol officers.

BOATING SAFETY DOLLARS AT WORK IN WEST VIRGINIA



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 Deputy Chief
 Boating Law Administrator
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STATE BOATING FACTS

1996	Registered Boats	52,314	Lakes	22,000 acres
1996	Boating Accidents	18	Rivers	7,000 miles
1996	Boating Deaths	7	Coastline	0
1996	Boat*, Motor, Trailer and Accessory Sales	\$22,735,000	FY 98 Federal Grant	\$415,502

* Retail values for inboard boats, sterndrive boats and outboard boats.

PROJECTS AND PROGRAMS

- We continue participating in the Tri-State Water Safety Committee. This group is comprised of West Virginia DNR, Ohio DNR Water Patrol, U.S. Army Corps of Engineers, U.S. Coast Guard, Coast Guard Auxiliary and the American Red Cross. The committee is a clearinghouse for water safety information and education, where groups or organizations request speakers for short talks, safety classes or just general information.
- Essentially, West Virginia's boating program runs from Memorial Day through Labor Day each year. Conservation officers are on patrol constantly during the summer months and especially at peak use times around the holidays. During the summer months of 1997, our officers spent hours on the water routinely checking for compliance with the boating laws and rules. We continued the BUI special emphasis patrols, paying overtime to officers using a grant from the Governor's Commission on drunk driving. At our sobriety checkpoints, we always remove the intoxicated boater from the water. With the help of the media, we get our messages on safe boating out to the public.
- Mixing pleasure boaters and commercial tow boats pushing two by sixes loaded with coal and other products sometimes causes problems. Unfortunately, officers are not always available to patrol our navigable rivers. At the request of the U.S. Coast Guard and the commercial operators, the DNR distributed written complain forms to all the towing companies using the rivers. They are now able to report incidences of reckless operation and other violations that are eventually investigated by our officers.

PROGRAM EXPANSION

- As in most states, personal watercraft ownership is on the increase. The number of PWC complaints from other users are on the rise. We have entered in loan agreements and have trained officers in PWC use. The summer of '98 will be the first year the crafts will be used for law enforcement purposes.
- Two officers also attended swiftwater rescue schools as well as advanced instructor training during the past year. West Virginia, like a lot of other states, suffers from an occasional flood. Plans are being formulated to use these craft for limited rescue duty during these emergency situations.
- We began attending travel shows about three years ago, where we speak to attendees about all the outdoor activities that abound in West Virginia. Tourism is one of our fastest growing industries and people are looking for places to go to "just get away." We also participate in local sport and boating shows around the state.
- Our aging fleet of patrol craft is in dire need of replacement. Additional funding has been requested from the legislature to remedy this need. If this doesn't work, we will seek funding from alternative sources. An additional \$600,000 is needed to get us back on the water where we need to be. These funds would also take care of a mandatory boating safety education program that has been proposed to the legislature.

BOATING SAFETY DOLLARS AT WORK IN WISCONSIN



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STATE BOATING FACTS

1996	Registered Boats	540,835	Lakes	1,274,223 acres
1996	Boating Accidents	225	Rivers	43,600 miles
1996	Boating Deaths	20	Coastline	650 miles (Great Lakes)
1996	Boat*, Motor, Trailer and Accessory Sales	\$304,346,000	FY 98 Federal Grant	\$1,501,585

* Retail values for inboard boats, sterndrive boats and outboard boats.

PROJECTS AND PROGRAMS

- After seeing dramatic decreases in the accident rate in PWC due to Wisconsin's PWC law, overall PWC accidents were analyzed again and it was determined that a majority of the remaining accidents were due to rental situations and borrowed boats. The Department of Natural Resources then passed administrative rules which regulated rental agents and required them to give educational information to the renter before operating. This program has reduced the accident rate even further, from 6.89 accidents per 1,000 registered PWC in 1991 to 2.266 accidents per 1,000 registered in 1997. The basic program still is addressing the borrowed craft problem which should reduce this figure even further.
- The Department of Natural Resources continues to run the "Cool Twist" program with the Hardee's restaurant chain which has saved an estimated 10+ children from dying in boating accidents in the last five years. This innovative program, which rewards children under 16 years of age for wearing their PFDs while in the waterway, has been adopted by 20-plus states using Hardee's and other vendors. The promotion of this program will continue as it is one of the most innovative programs that is saving lives.
- The Department of Natural Resources added an additional five positions dedicated to boating enforcement in the state of Wisconsin out of federal funds. This will start to address the demand for more enforcement due to the expanding population of boaters and increased user conflicts on the state's waterways. The agency is still listed as having the least amount of officers per registered boats in the nation.

PROGRAM EXPANSION

- The Department of Natural Resources will seek to increase the number of officers dedicated to boating enforcement and education in the state as the current number is not enough to address the needs of the public. The Department will also work to allow current officers to have more time for field enforcement activity.
- The boating program is expanding its education course to allow home study for students over 16 years of age. Agreements are currently being worked out with providers. Proctored exams will be required.
- The boating program is working on changing all of its educational materials to be scannable which will speed up the process in receiving a certification and reduce costs to allow more field enforcement time and to use the savings to increase safety programs in targeted areas.
- The Department will be looking at creating a mandatory boat education program for PWC operators due to the high number of accidents related to borrowed PWC in the state of Wisconsin. This user group is the hardest to get to as they are secondary users.

BOATING SAFETY DOLLARS AT WORK IN WYOMING



ADMINISTERING OFFICE
 Wyoming Game & Fish Department
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STATE BOATING FACTS

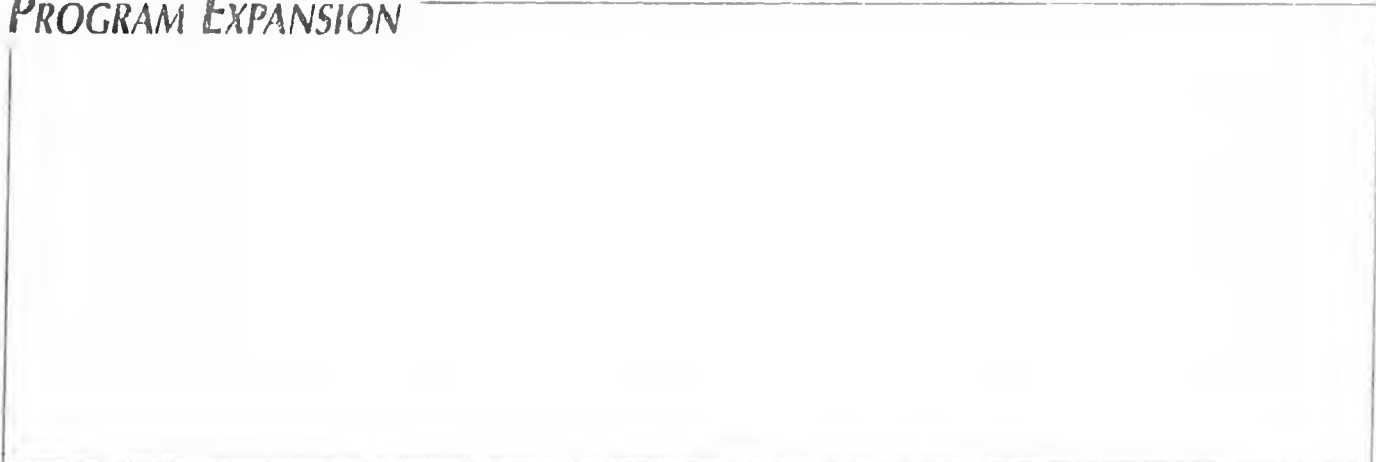
1996	Registered Boats	28,458	Lakes	311,040 acres of water
1996	Boating Accidents	9	Rivers	N/A
1996	Boating Deaths	1	Coastline	0
1996	Boat*, Motor, Trailer and Accessory Sales	\$6,081,000	FY 98 Federal Grant	\$364,966

* Retail values for inboard boats, sterndrive boats and outboard boats.

PROJECTS AND PROGRAMS

- Each year, with the assistance of funding provided by the U.S. Coast Guard, we are able to hire between eight and ten additional personnel to supplement our regions statewide. The reservoir crews receive approximately 80 hours of training prior to beginning their duties throughout the state. Their primary focus is on the bodies of water which have the greatest number of watercraft users. They have been extremely effective at ensuring the compliance levels regarding watercraft safety statutes and regulations are kept at an acceptable level. They all receive training in OUI detection and have been working diligently to keep intoxicated boaters off the water. Without the assistance of the reservoir crews, the effectiveness of our boating safety program would be greatly diminished.
- Purchase of buoys to mark hazards and swimming areas on lakes.

PROGRAM EXPANSION



BOATING SAFETY DOLLARS AT WORK IN GUAM



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STATE BOATING FACTS

1996	Registered Boats	3,000	Lakes	N/A
1996	Boating Accidents	0	Rivers	N/A
1996	Boating Deaths	0	Coastline	N/A
1996	Boat*, Motor, Trailer and Accessory Sales	N/A	FY 98 Federal Grant	\$321,510

* Retail values for inboard boats, sterndrive boats and outboard boats.

PROJECTS AND PROGRAMS

- Guam's primary focus for federal boating funds is on purchasing and maintaining equipment and training officers to provide an increased presence on the water. With the proliferation of commercial personal watercraft operations and an increased awareness of reporting requirements, we have had a dramatic increase of boating accident reports. All reported boating accidents are currently investigated by a boating safety officer. We have been working closely with the commercial operators to decrease the incidents of accidents.
- Guam has contracted a consultant to develop a boat registration computer program to automate the registration records. We hope to have the program in place and the data converted by the fall of 1998.
- Guam's boating safety officers, in partnership with the local Coast Guard Auxiliary and the fire department rescue units are planning the upcoming National Safe Boating Week activities. Guam's primary boating safety issues differ from the continental United States. Although PFD usage and BUI are concerns, filing float plans and safety equipment carriage are much more important. The boating environment in Guam and the lack of resources have combined to shift the primary safety issues.
- The Guam Police Department reorganized its boating safety efforts into a dedicated boating safety unit in October, 1995. This has resulted in a dramatic increase in our RBS patrol and enforcement activities.

PROGRAM EXPANSION

- The island's patrol and rescue boats are aging and a programmed replacement needs to be continued.
- Continued maintenance of patrol and rescue boats, and associated equipment are ongoing.
- The agency plans to continue to upgrade the boating safety and rescue crews skills with continued training in boat operations, maritime law enforcement, equipment maintenance and boating accident skills.
- In partnership with the local Coast Guard Auxiliary, GPD will assist the Auxiliary to increase the number of recreational boaters taking a boater course.
- None of the completed projects or future plans could be accomplished without federal boating safety dollars.
- Future plans for federal boating dollars include the hiring of a registration clerk for the boating program. This will help GPD get the boat registration data base project completed and provide the boating public a "one stop" boat registration process.
- Sign an MOU with the local Coast Guard Auxiliary regarding boater education.
- Develop and maintain a boating safety web site that will provide local boaters with safe boating information, class schedules, links to other RBS-related sites and related information.
- Update local recreational boating safety statutes and regulations.

BOATING SAFETY DOLLARS AT WORK IN PUERTO RICO



ADMINISTERING OFFICE

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STATE BOATING FACTS

1996	Registered Boats	37,903	Lakes	7,309.5 acres
1996	Boating Accidents	2	Rivers	16 miles
1996	Boating Deaths	3	Coastline	234 miles
1994	Boat*, Motor, Trailer and Accessory Sales	N/A	FY 98 Federal Grant	\$487,467

* Retail values for inboard boats, sterndrive boats and outboard boats.

PROJECTS AND PROGRAMS

- The Department of Environmental and Natural Resources has improved the state vessel numbering and licensing system and the reporting and analysis of marine boating accidents.
- State boating safety education course is provided to all interested boat operators and required by all operators born after July 1, 1972.
- Basic Course is now of three days duration with emphasis on Rules of the Road.
- The DENR is maintaining the quality of the marine safety educational program courses by having a highly motivated group of educators and several have attended NBS Instructor's Course at Yorktown, VA.
- Specialized boating law enforcement training is provided to 20 rangers. The training includes information on applicable state boating safety laws and regulations. Stateside law enforcement courses have been attended by our rangers. Six PWCs have been added to the Ranger Maritime Unit for at Sea Law Enforcement.
- DENR also installs and maintains buoy systems designated for swimming beaches and controlled areas.

PROGRAM EXPANSION

- Amended Recreational Pleasure Craft Regulations will be implemented in 1997.
- The problems created by an increasing number of boat and PWC operators who disregard the laws and regulations concerning safe recreational boating will be given top priority.
- Incidence of failure to register boats or yearly decal renewal, including documented vessels, will be addressed.

BOATING SAFETY DOLLARS AT WORK IN VIRGIN ISLANDS



ADMINISTERING OFFICE
 Department of Planning & Natural Resources
 Division of Enforcement
 396-1 Foster Plaza
 Annas Retreat
 St. Thomas, USVI 00802

PRINCIPAL CONTACT
Lucia Roberts
 Boating Law Administrator
 Phone: (809) 776-8600
 Fax: (809) 776-8608

STATE BOATING FACTS

1996	Registered Boats	3,305	Lakes	0
1996	Boating Accidents	4	Rivers	0
1996	Boating Deaths	0	Coastline	235 miles
1994	Boat*, Motor, Trailer and Accessory Sales	N/A	FY 98 Federal Grant	\$340,858

* Retail values for inboard boats, sterndrive boats and outboard boats.

PROJECTS AND PROGRAMS

- Over the past year, boating safety tips were developed and broadcast over two radio stations in the territory. The messages emphasized the use of PFDs, navigation, weather and BWI.
- Funds were also used to conduct several sessions of Boating Safely, a course for youngsters between the ages of 11 and 17. For the past three years during National

Safe Boating Week, the highlight activity is a Boating Safety Fun Day, held at a public beach to teach youngsters and adults the safety aspects of recreational boating. There was information on the use of floats, PFDs, displays of all basic safety equipment, and complimentary boating safety examinations by the U.S. Coast Guard Auxiliary.

PROGRAM EXPANSION

- There is an increasing number of boaters in the community, so the Virgin Islands will need to develop a management plan to guide the boating safety efforts into the next century. Presently, congestion caused by more boats settling in Virgin Island waters requires the Department of Planning and Natural Resources to put management plans in place.
- There has been no increase in the number of enforcement officers, and the increased traffic and interest in boating shows a need for more. There is a continued need for boating safety education courses in an effort to prevent problems from arising.

BOATING SAFETY DOLLARS AT WORK IN AMERICAN SAMOA



ADMINISTERING OFFICE
 Department of Public Safety
 Bureau of Special Operations
 Marine Patrol Division
 P.O. Box 1086
 Pago Pago, American Samoa 96799

PRINCIPAL CONTACT
 Cmdr. Maliliefa Salanoa
 Boating Law Administrator
 Phone: (684) 633-2004
 Fax: (684) 633-5031

STATE BOATING FACTS

1996	Registered Boats	160	Lakes	N/A
1996	Boating Accidents	0	Rivers	N/A
1996	Boating Deaths	0	Coastline	92 miles
1996	Boat*, Motor, Trailer and Accessory Sales	N/A	FY 98 Federal Grant	\$317,267

* Retail values for inboard boats, sterndrive boats and outboard boats.

PROJECTS AND PROGRAMS

- Trained and certified six (6) Marine Enforcement Officers to detect Boat Operator Under the Influence of Alcohol (OUI). The training is conducted locally by Captain Mika Kelemete Jr., who is our certified OUI instructor.
- Continued having pre-inspection on all recreational boats to make sure all safety equipment is aboard all boats or vessels, prior to registration and boat stickers being issued to all boats.
- All Marine Enforcement Officers have been payed under this federally funded program (Recreational Boating Safety). For patrolling territorial waters and bodies of water throughout American Samoa Island, to enforce all boating safety laws, local and federal, and other marine laws, assisting the public and making our waterways the safest.
- Continued having lectures on boating safety equipment which is required to be aboard all recreational boats through elementary school and high school in American Samoa. Purpose is for their safety on board when any recreational boat is underway.
- Also Recreational Boating Safety federal grant covered the cost for repairs of our outboard motors. Service was provided by local ASCO company. Same grant was used to purchase three (3) computers with accessories for record keeping and word processing.

PROGRAM EXPANSION

- In the future, I would like to purchase and install a communications system under this federal grant used for our Radio Coordination Center for the recreational boats, small boats and our local fishing fleet (Alia). This system is more effective and a quick response to all vessels in distress. Also to collect data and information and to avoid other radio interference in emergency status.
- Plan to hire additional staff, enforcement officers and education specialists.
- Install mooring buoy in various boat harbors to secure small boats and small fishing vessels during bad weather. This is a public demand and the Coast Guard agreed to it. Requested by two villages.
- Under the Recreational Boating Safety grant, we plan to build two or three boat ramps throughout the island to assist the public in hauling their boats in and out of the water.

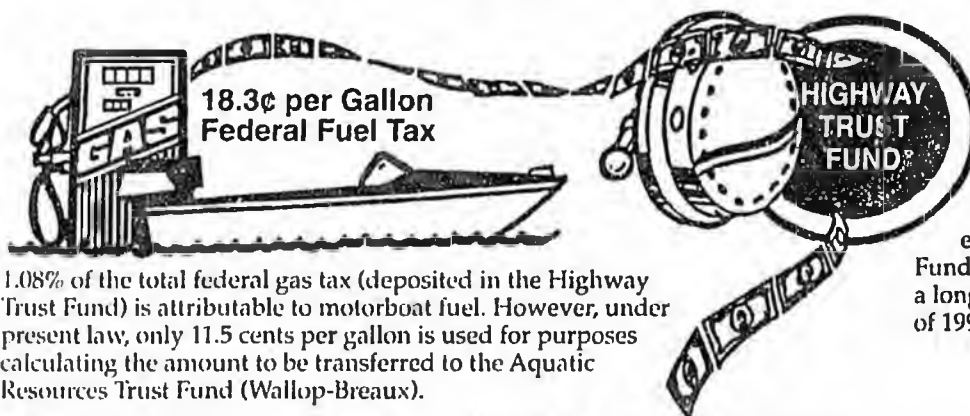
The National Nonprofit Public Service Organization Grant Program

Supporting State boating programs through the State Recreational Boating Safety Grant Program is a very effective method of improving and coordinating individual State efforts. However, some safety initiatives can be accomplished more efficiently and effectively through a coordinated effort at the national level. Section 13103(c) of Title 46, United States Code, provides that up to five percent of the Boat Safety Account funds appropriated for allocation to the States may be used to fund national boating safety activities of national nonprofit public service organizations. Funding for the nonprofit organization grant program has grown from \$650,000 in fiscal year 1985 to \$2,750,000 for fiscal year 1998. Projects funded by this program range from small, onetime efforts to provide specific services or products, to multi-year endeavors affecting all aspects of the boating safety program.

Some projects are designed to fulfill a specific safety information/education need, such as a study of small boat occupant protection; materials targeted toward "nontraditional" boaters who view boats merely as platforms for hunting and fishing; a handbook on barrier-free public boating facilities; and a boating safety curriculum for organized youth camps. Other projects are designed to develop pilot programs for potential use by State and local government agencies or private organizations, such as a boating safety course for boating safety law offenders; a safety course specifically addressing boating and alcohol use; and an information clearinghouse on the status of State boating legislation.

Several grantee organizations have provided long-term support for State activities through recurring grant projects, such as boating accident investigation training for State personnel; the annual International Boating and Water Safety Summit; and National Safe Boating Week campaigns. While not specifically designed to aid only State efforts, several grant projects will prove to be of great value to State authorities as well as Federal and local agencies active in boating safety. These include studies of various aspects of boating under the influence of alcohol or drugs; efforts to collect better accident data; and development of a comprehensive guide to multiple-use waterway management.

Aquatic Resources Trust Fund (Wallop/Breaux) Flow Chart



1.08% of the total federal gas tax (deposited in the Highway Trust Fund) is attributable to motorboat fuel. However, under present law, only 11.5 cents per gallon is used for purposes calculating the amount to be transferred to the Aquatic Resources Trust Fund (Wallop-Breaux).

S1519
A compromise bill. The bill was a temporary measure that extends the Wallop-Breaux Trust Funds until Congress comes up with a long-term bill (6 years) in the spring of 1998.

Land and Water Conservation Fund
\$1,000,000

WALLOP/BREAUX



The Aquatic Resources Trust Fund (Wallop-Breaux) consists of excise taxes attributable to motorboat fuels and fishing equipment along with import duties on fishing equipment, yachts and pleasure boats, interest earned on the funds and excise taxes attributable to gasoline used in small engines.

Boat Safety Account Authorization

State Program 1, 2, 3

U.S. Coast Guard 1

FY 97 \$35 million

FY 97 \$35 million

S1519 extended present authorization until a long-term bill is passed in the spring of 1998. State program received \$35 million appropriation for FY 1998.

1. Funds used to defray costs of services to the recreational boater.
2. 1-2 percent used to defray costs to C.G. administrative program.
3. Up to 5% authorized to be used by nonprofit organizations through C.G. grants.

Sport Fish Restoration Account 1997 Gross Receipts

1) Motorboat Fuel Tax	\$142 million
2) Small Engine Gas Tax	\$57 million
3) Fishing Equipment Tax	\$90 million
4) Sonar Tax	\$3 million
5) Import Duties	\$33 million
6) Interest	\$48 million

Total \$373 million

CLEAN VESSEL ACT OF 1992

This Act authorized Wallop-Breaux Trust Funds for Boating Safety and a competitive grant program for states to construct/renovate pumpout and dump stations to dispose of vessel sewage from recreational boaters.

Boating Safety		Pumpout	
FY 93	\$5 million	FY 93	\$5 million
FY 94	\$7.5 million	FY 94	\$7.5 million
FY 95	\$7.5 million	FY 95	\$7.5 million
FY 96	\$10 million	FY 96	\$10 million
FY 97	\$10 million	FY 97	\$10 million
FY 98	\$20 million	FY 98	-0-

Clean Vessel Act subject to reauthorization for FY 1999 and beyond.



Produced under a grant from
the Aquatic Resources
(Wallop/Breaux) Trust Fund
administered by the U.S. Coast Guard



LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

April 7, 1999

SUBJECT: Sectional Summary of CSHB 108(TRA)(Draft version "N")

TO: Representative Bill Hudson
Attn: Melinda

FROM: Michael F. Ford 
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Intent section.

Section 2. Imposes safety equipment requirements on boats. Imposes restrictions on when a boat must be operated with lights and imposes requirements for carrying life jackets. Prohibits use of emergency lights except for police or emergency services. Allows the department to require additional safety equipment, by regulation.

Section 3. Imposes restrictions on using boats to tow another person.

Section 4. Requires a person involved in a boat accident to render assistance and to exchange information. Requires the boat operator to file certain accident information with the department. Requires the department to provide certain statistical information.

Section 5. Technical amendment regarding a boat owner's civil liability.

Section 6. Technical amendment.

Section 7. Requires the department to establish a uniform state waterway marking system and to administer a statewide boating safety program. Requires the boating safety program to be structured to qualify for federal funding. Requires an undocumented boat to be registered and numbered by the Department of Administration. Provides that a registration number is valid for three years and that records of boat ownership are public records. Exempts certain boats from the numbering and registration provisions of this section.

Representative Bill Hudson
April 7, 1999
Page 2

Establishes the Alaska Boating Safety Council and provides for seven members appointed by the governor.

Section 8. Prohibits a person from operating a boat in a reckless or negligent manner, while not equipped as required by law, or in a manner inconsistent with a regulatory marker.

Section 9. Exempts certain boats from AS 05.25.

Section 10. Provides for enforcement of AS 05.25 by a peace officer and for issuance of citations.

Section 11. Establishes penalties for violating provisions of AS 05.25. Requires the supreme court to establish a bail schedule for disposition of a citation without a court appearance.

Section 12. Provides that the department may adopt regulations, except as provided in this section. Provides certain restrictions on department regulatory authority.

Section 13. Imposes certain fees for services performed by the department.

Section 14. Definitions.

Section 15. Provides that boating accident reports are not public documents.

Section 16. Provides that a person receiving a boating citation does not have to provide a written promise to appear in court.

Section 17. Authorizes the Department of Natural Resources to adopt regulations.

Section 18. Effective date for section 17.

MFF:glc
99-167.glc

Alaska State Legislature



Representative Bill Hudson

State Capitol
Juneau, Alaska
9C801-1182
Phone: (907) 465-3744
Fax: (907) 465-2273

Committees:
Chair
Fisheries
Utilities Restructuring
Member
Transportation
State Affairs

HB 108. SPONSOR STATEMENT

HB 108, if enacted, would establish a comprehensive boating safety program in Alaska.

HB 108 proposes to transfer the responsibilities and regulatory authority over boat safety equipment requirements from the Coast Guard to the State of Alaska. Additionally, the State would assume vessel registration that is currently being managed by the Coast Guard. The Department of Motor Vehicles will conduct the registration process, utilizing their current systems (mail, on-line, and in person registration at any DMV office) In addition, new boat dealers will also be authorized to register boats at the point of sale for the convenience of the boating public.

In 1998, 38 Alaskans lost their lives in boating accidents, and Alaska continues to experience boating fatalities at nearly ten times the national rate. Currently Alaska's boating safety programs are a combination of Coast Guard, State of Alaska, and private and public efforts, which are not centrally located or coordinated. Passage of HB 108 will assure that the State manages and controls it's own boating safety laws and programs.

HB 108 would mandate that boats placed on state waters be equipped with some or all of the following: fire extinguishers, personal flotation devices, a sound producing device, back-fire flame protectors, ventilation, and visual distress signals. The actual carriage requirements will be identical to the Coast Guard requirements for the size and type of vessel being licensed. Currently, the Coast Guard requirements call for this safety equipment to be carried on vessels when on navigable waters within the state. This legislation would expand the current Coast Guard requirement to carry this safety equipment to all waters within the state (the addition of some small streams and small lakes.)

Alaska is the only state in the nation that does not have an approved Boating Safety Program. Because Alaska does not comply with the Federal Safe Boating Act of 1971, our share of federal marine fuel taxes that Alaskans pay is not redistributed back to Alaska, as it is in all other states. Passage of HB 108 will assure we are included in the redistribution of these taxes, bringing approximately \$500,000 annually back to the State, along with approximately \$600,000 annually in program receipts being added into the state coffers. These dollars will allow the State to make a major push to educate the boating public about boating safety, thereby lowering the rate of accidents and death on Alaska's waterways.

Under this proposal, the charge for new registrations will be identical to the charges established by the Coast Guard and will replace those now assessed by the Coast Guard.



MEMORANDUM

Department of Natural Resources

State of Alaska

Division of Parks and Outdoor Recreation

Director's Office

TO: Shari Kochman
Deputy Legislative Director

DATE: January 14, 1999

TELEPHONE NO: 269-8701

FAX NO: 269-8907

FROM: Jim Stratton
Director

SUBJECT: Support for Boating Safety

1998 was not a good year for recreational boaters. Alaska's recreational boating death rate averages 22 persons a year which is 10 times the national average based on ratio of deaths to the number of boats registered. In 1998, over half again as many people died (38), including numerous children that perished when entire families disappeared in open skiffs off the Diomedes islands and near Kodiak. The impact of these deaths has been significant within the health and safety community and among boating organizations and retailers. There is a keen interest in promoting boating safety all across Alaska. In the Bush, the Indian Health Service has started a program of providing personal flotation devices (PFDs) at cost to village boaters. The result has been no boating deaths in the program area of the lower Yukon-Kuskokwim region. They are very interested in expanding this program and see a Coast Guard sanctioned state boating safety program as the key for increased revenue.

In support of the Division's work on boating safety education programs, we established the Alaska Boating Safety Council just before Christmas. We have not raised the legislative issue before this group, however they represent boat users like the Marine Dealers, Coast Guard Auxiliary, Alaska Boating Association, Whittier Boat Owner's Association, Fairbanks Paddlers Association, and health and safety interests like Tanana Chiefs Conference and Southeast Alaska Regional Health Corporation. This council could easily be activated to support this issue from Bush to urban communities and across all types of users from airboats to kayakers.

Since the Governor and Commissioner Shively created the Office of Boating Safety at the Division of Parks and Outdoor Recreation last July, we have been contacted by the organizations listed below. They have all expressed their interest in promoting a boating safety act as the key to establishing a Coast Guard recognized state boating safety program. Several of these organizations, including the Governor's Health and Safety Council and the Denali Safety Council have made boating safety a top priority.

From the perspective of the Division of Parks and Outdoor Recreation, there is a huge constituency anxiously waiting for leadership from somewhere in government on this issue. A bill needs to be introduced, either by the Governor or a friendly legislator, so the following organizations can engage their grassroots and organizational interest in a positive manner to improve the boating safety record in Alaska.

State Boards and Councils

- Governor's TRAAK Board - resolution attached
- Alaska Municipal League
- Governor's Health and Safety Council - this is their #1 legislative priority

State Agencies

- Alaska Department of Fish and Game
- Alaska Department of Public Safety
- Alaska Department of Health and Social Services - Community Health and EMS

Federal Agencies

- United States Coast Guard - will send person from DC to be in Juneau to provide technical assistance (they sent a person from DC in 1991, the last time the legislature addressed this issue)
- US Public Health Service - Indian Health Service - this is a top priority for 1999. They will be the cooperating agency to provide PFDs and education to the Bush, Environmental Health

Federal Boards and Non Profits

- National Transportation Safety Board - will send up representative from DC to testify in favor
- National Water Safety Congress
- National Association of State Boating Law Administrators - Members are the Boating Law Administrators and associate members from every state and territory.
- National Boating Safety Council

State Non Profits

- Alaska Marine Safety Education Association - The recognized leader in providing marine safety instructor training, and safety training for commercial fishers. AMSEA is a statewide organization of marine safety educators.
- Denali Safety Council - Formed in 1994, an organization of safety professionals of Alaskan companies, agencies and unions organized to promote safety in the workplace, the community and at home. Boating Safety is one of their top three issues. Members include:

- National Bank of Alaska
- University of Alaska
- Teamsters local 302
- Carr's
- Anchorage Daily News
- VECO
- Alyeska Pipeline
- ARCO
- NANA/Marriott
- Federal and State OSHA
- Alaska Safe Communities

- USCG Auxiliary
- Anchorage Safe Communities
- Alaska Safe Kids

State Boating Organizations

- Alaska Boating Association - with several hundred members, the ABA is Alaska's largest boating organization. The ABA promotes boating safety and boating access. Many members are Mat-Su area air boaters.
- Whittier Boat Owner's Association
- Fairbanks Paddlers Association
- Alaska Marine Dealers Association - statewide association of all major commercial boat retailers. They support point of sale registration.

1998 BOAT ACCIDENT DATA BY CENSUS REGION

Wednesday, December 09, 1998

Page 1

County	# Accidents	# Fatalities	# Inj.	# Acc/Inj	# Acc. Inv. PWC	# PWC Involved	One Boat	Two Boat	Three Boat	Four Boat	Five Boat	Total Vessels
Aleutians East	0	0	0	0	0	0	0	0	0	0	0	0
Aleutians West	0	0	0	0	0	0	0	0	0	0	0	0
Anchorage	4	2	1	1	0	0	3	1	0	0	0	5
Bethel	2	2	0	0	0	0	2	0	0	0	0	2
Bristol Bay	2	1	2	1	0	0	2	0	0	0	0	2
Dillingham	1	0	1	1	0	0	1	0	0	0	0	1
Fairbanks	2	2	0	0	0	0	2	0	0	0	0	2
Haines	0	0	0	0	0	0	0	0	0	0	0	0
Juneau	19	3	6	5	0	0	18	1	0	0	0	20
Kenai	15	2	7	6	1	1	10	5	0	0	0	20
Ketchikan	18	1	1	1	1	2	16	2	0	0	0	20
Kodiak Island	8	4	4	2	0	0	8	0	0	0	0	8
Lake & Penin	0	0	0	0	0	0	0	0	0	0	0	0
Matanuska	7	2	3	3	2	2	3	4	0	0	0	11
Nome Census	1	6	0	0	0	0	1	0	0	0	0	1
North Slope	0	0	0	0	0	0	0	0	0	0	0	0
Northwest	4	6	0	0	0	0	3	0	0	0	0	3
Prince of Wales	0	0	0	0	0	0	0	0	0	0	0	0
SE Fairbanks	1	0	0	0	0	0	1	0	0	0	0	1
Sitka Borough	5	2	0	0	0	0	5	0	0	0	0	5
Skagway/Yak	4	3	4	1	0	0	3	1	0	0	0	5
Valdez/Cord	10	1	1	1	0	0	10	0	0	0	0	10
Wade Hampt	0	0	0	0	0	0	0	0	0	0	0	0
Wrangell/Pet	1	0	0	0	0	0	0	1	0	0	0	2
Yukon/Koy	1	1	0	0	0	0	1	0	0	0	0	1

105 38 30 22 4 5 89 15 0 0 0 119

1997 BOAT ACCIDENT DATA BY CENSUS REGION

Wednesday, December 09, 1998

Page 1

County	# Accidents	# Fatalities	# Inj.	# Acc/Inj	# Acc. Inv. PWC	# PWC Involved	One Boat	Two Boat	Three Boat	Four Boat	Five Boat	Total Vessels
Aleutians East	0	0	0	0	0	0	0	0	0	0	0	0
Aleutians West	0	0	0	0	0	0	0	0	0	0	0	0
Anchorage	3	3	2	1	0	0	2	1	0	0	0	4
Bethel	4	3	1	1	0	0	3	1	0	0	0	5
Bristol Bay	1	1	0	0	0	0	1	0	0	0	0	1
Dillingham	2	0	3	2	0	0	0	2	0	0	0	4
Fairbanks	1	1	0	0	1	1	1	0	0	0	0	1
Haines	1	0	1	1	0	0	1	0	0	0	0	1
Juneau	13	0	0	0	0	0	13	0	0	0	0	13
Kenai	18	4	2	2	0	0	18	0	0	0	0	18
Ketchikan	16	0	2	2	0	0	14	1	0	0	0	16
Kodiak Island	2	1	0	0	0	0	2	0	0	0	0	2
Lake & Penin	2	0	4	2	0	0	1	1	0	0	0	3
Matanuska	7	1	5	3	5	7	1	6	0	0	0	13
Nome Census	0	0	0	0	0	0	0	0	0	0	0	0
North Slope	0	0	0	0	0	0	0	0	0	0	0	0
Northwest	2	2	0	0	0	0	2	0	0	0	0	2
Prince of Wale	3	3	0	0	0	0	3	0	0	0	0	3
SE Fairbanks	0	0	0	0	0	0	0	0	0	0	0	0
Sitka Borough	5	2	0	0	0	0	5	0	0	0	0	5
Skagway/Yak	1	0	0	0	0	0	1	0	0	0	0	1
Valdez/Cord	8	2	1	1	0	0	8	0	0	0	0	8
Wade Hampt	0	0	0	0	0	0	0	0	0	0	0	0
Wrangell/Pet	2	0	0	0	0	0	1	1	0	0	0	3
Yukon/Koy	0	0	0	0	0	0	0	0	0	0	0	0

91 23 21 15 6 8 77 13 0 0 0 103

1996 BOAT ACCIDENT DATA BY CENSUS REGION

Wednesday, December 09, 1998

Page 1

County	# Accidents	# Fatalities	# Inj.	# Acc/Inj	# Acc. Inv. PWC	# PWC Involved	One Boat	Two Boat	Three Boat	Four Boat	Five Boat	Total Vessels
Aleutians East	2	0	0	0	0	0	2	0	0	0	0	2
Aleutians West	1	0	0	0	0	0	1	0	0	0	0	1
Anchorage	4	0	0	0	0	0	3	1	0	0	0	5
Bethel	6	1	0	0	0	0	6	0	0	0	0	6
Bristol Bay	0	0	0	0	0	0	0	0	0	0	0	0
Dillingham	0	0	0	0	0	0	0	0	0	0	0	0
Fairbanks	2	1	0	0	0	0	2	0	0	0	0	2
Haines	0	0	0	0	0	0	0	0	0	0	0	0
Juneau	10	1	0	0	0	0	9	1	0	0	0	11
Kenai	12	2	0	0	0	0	12	0	0	0	0	12
Ketchikan	12	0	0	0	0	0	11	1	0	0	0	13
Kodiak Island	4	0	0	0	0	0	4	0	0	0	0	4
Lake & Penin	1	1	0	0	0	0	1	0	0	0	0	1
Matanuska	5	2	0	0	1	1	2	3	0	0	0	8
Nome Census	1	0	0	0	0	0	1	0	0	0	0	1
North Slope	0	0	0	0	0	0	0	0	0	0	0	0
Northwest	2	0	0	0	0	0	2	0	0	0	0	2
Prince of Wales	3	0	0	0	0	0	2	1	0	0	0	4
SE Fairbanks	1	1	0	0	0	0	1	0	0	0	0	1
Sitka Borough	8	3	0	0	0	0	7	0	0	0	0	7
Skagway/Yak	3	0	0	0	0	0	3	0	0	0	0	3
Valdez/Cord	9	1	0	0	0	0	9	0	0	0	0	9
Wade Hampt	0	0	0	0	0	0	0	0	0	0	0	0
Wrangell/Pet	3	0	0	0	0	0	3	0	0	0	0	3
Yukon/Koy	2	1	0	0	0	0	2	0	0	0	0	2
	91	14	0	0	1	1	83	7	0	0	0	97

Boating Safety Information

The Coast Guard is responsible for registration of vessels in Alaska. They register all vessels that run in salt water and in navigable waters.

At present, there are 33,000 vessels registered with the Coast Guard. The fee is \$6.00 for a three-year permit. Revenue from this current system is \$66,000 annually in fees and the Marine Motor Fuel Tax of 5¢ per gallon. All of the current revenue is collected by the feds and distributed to other states that have a Boating Safety Act.

The Coast Guard is currently increasing the 3 year permit costs and it is estimated that the fees will be \$24. Based on 33,000 vessels renewing at 11,000 a year the Coast Guard will collect fees of \$264,000 a year along with the fuel tax.

If the state passes a Boating Safety Act, it is estimated that registrations will increase to 75,000 or 37,500 a year. The state proposes to set the fee at \$20.00 biennially for a total revenue stream of \$375,000 for the first half-year and \$750,000 in the out years.

In addition to the collection of fees, the state will receive from the federal government most if not all of the marine motor fuel taxes that previously went out of state. DNR does not have any firm information on the amount of the fuel taxes paid. However, we estimate that the state's share of federal boating program money could be up to \$600,000 a year.

Start up costs of the registration program are estimated by DMV to be \$302.9 and \$212.6 the first and second years of the program. After the program is stable, it is estimated that \$190.1 will maintain the registration program at DMV.

DNR will receive \$329,000 from the federal government in FY 99 to initiate a boating safety program, Trooper curriculum development etc. This amount requires a 50% match of expenditures on the state side. DNR, Parks matched that amount by identifying existing expenditures for boating safety activities by the Troopers, Park Rangers, Marine Recreation Project and the AK Marine Safety Education Assoc. This matching methodology continues into the future if Alaska passes a Boating Safety Act. If not, the \$329,000 will go away in five years.

Total estimated revenues available after initial start-up are at least the \$750,000 registration and the \$329,000 federal (that Parks believes could grow to \$600,000 with passage of the bill) for a total of \$1,350,000. (with the existing expenditures and the increased amount by DMV on the registration program, state effort will be \$519.1. With additional effort the state can easily meet the match requirements.)

Registration of boats in rural areas is required on salt water and on all rivers that are navigable. The Coast Guard has not been able to date to give us any firm numbers on boats registered in a particular area. We have requested information to this effect.

Registered Boat Census Area Report (1/19/99)
 (Includes Actively Registered Vessels)

	# of boats	98 pop.	%
Aleutians East	121	2,355	
Aleutians West (CA)	154		
Anchorage	8305	254,849	3%
Bethel (CA)	618	5,277	12%
Bristol Bay	390	1,270	31%
Denali	50	1,899	3%
Dillingham (CA)	343	2,252	15%
Fairbanks North Star	1496	82,278	2%
Haines	218	1,429	15%
Juneau	3520	30,396	12%
Kenai Peninsula	4921	48,098	10%
Ketchikan Gateway	2524	14,599	17%
Kodiak Island	897	14,181	6%
Lake and Peninsula	165	1,816	9%
Matanuska-Susitna	2003	52,669	4%
Nome (CA)	72	3,656	2%
North Slope	64	9,189	1%
Northwest Arctic	39	7,108	1%
Prince of Wales-Outer	997		
Sitka	1274	8,733	15%
Skagway-Hoonah-Ang	594	2,338	25%
Southeast Fairbanks (137		
Valdez-Cordova (CA)	773	6,953	11%
Wade Hampton (CA)	146		
Wrangell-Petersburg (1663	5,975	28%
Yakutat	89	833	11%
Yukon-Koyukuk (CA)	75	126	60%
Total boats listed:	31,648	558,279	7%

*population for Koyukuk only

Life Jackets (Personal Floatation Devices PFD'S)

Nationwide, over 82% of those killed in boating accidents were not wearing PFD's.

Type	Buoyancy	Description	Comments
I "Offshore" PFD	22 lbs. min	Horse collar, and some vests with collars.	Tends to float an unconscious person face up. Uncomfortable. Very little hypothermia protection.
II "Near Shore" PFD	15.5 lbs. min	Horse collar design.	Tends to float an unconscious person face up. Very little hypothermia protection. Best used in locations where a quick rescue is available.
III "Floatation Aid"	15.5 lbs. min	Vests, float coats, some Inflatables	Comfortable. Not adequate for rough water. Some hypothermia protection. Best used in locations where a quick rescue is available.
IV "Throw able"	16.5 lbs. min	Cushions and rings	Should have floating line and reflective tape attached. Dependent on conscious person that is able to hold on. No hypothermia protection. Does not count as a wearable PFD.
V Restricted Use	Variable	Work type flotation coveralls, some white water paddling vests.	Approved only for specific uses. Expensive. Comfortable. Hypothermia protection - variable.
V Hybrid	7.5 lbs. inherent, 22 lbs. inflated	Some float coats, and jackets with both inherent buoyancy and inflation capability,	Mix of inherent and inflatable buoyancy. Very comfortable. Expensive. Mechanism dependent, so not as reliable as some other PFD's. Directions on label and owner's manual must be followed to count legally as a PFD. Hypothermia protection - variable. NOT for persons under 90 lbs.
Immersion Suits	22 lbs min	Several brands of similar design.	Also called survival suits, these have the BEST hypothermia protection.

The best PFD? It's the one you wear!

STATEMENT OF UNDERSTANDING
BETWEEN THE
STATE OF ALASKA
AND THE
UNITED STATES COAST GUARD

1. **PURPOSE.** To define the relationship between the State of Alaska and the Commander, Seventeenth Coast Guard District, United States Coast Guard, in the conduct of recreational boating safety programs, including the mutual enforcement of laws relating to boating safety on waters within the concurrent jurisdiction of the State of Alaska and the United States.

2. **BASIC GUIDELINES.**

- a. The Commander, Seventeenth Coast Guard District, hereinafter referred to as the District Commander, has the final authority to perform the functions of the United States Coast Guard, hereinafter referred to as the Coast Guard, that are within the geographical jurisdiction for all matters covered by this agreement. The District Commander has, or may in the future, further delegate their authority to carry out the functions addressed by this agreement. The responsibility by the State to carry out this Cooperative Agreement exists with the State of Alaska, Department of Natural Resources, Division of Parks and Outdoor Recreation, here after referred to as the Office of Boating Safety. Primary operational interface on waters of concurrent jurisdiction occurs between the Coast Guard and the State of Alaska Office of Boating Safety. Portions of this statement may be delegated by the State to other State agencies under various State laws which define their respective jurisdictions or the appropriate local authority, should it have jurisdiction. This statement neither expands nor reduces any such jurisdiction for any such agency or local authority. Where the word "State" is used, therefore, it shall mean the appropriate State of Alaska agency or State of Alaska local authority having jurisdiction over the matter. Where a specific agency is cited, that agency has clear jurisdiction to carry out the provisions of that section.
- b. The State and the United States exercise concurrent jurisdiction over those waters within the jurisdiction of the State that are also waters subject to the jurisdiction of the United States, except as to matters preempted by Federal law.
- c. The State has exclusive jurisdiction over those waters within the State that are not waters subject to the jurisdiction of the United States.
- d. This understanding does not abrogate or limit the jurisdiction of the State or the United States. Nothing in this agreement supplants duly established Coast Guard policy or state law governing the state, and any such conflicting terms contained in this agreement shall be void.

- e. All vessels equipped with propulsion machinery, except vessels exempt under the provisions of 33 CFR part 173.11 or vessels documented or required to be documented under Federal law, that are principally operated on waters subject to the jurisdiction of the State of Alaska are subject to the numbering laws of that State.
- f. The State shall, to the fullest extent practicable, endeavor to conform its laws, rules and regulations with Federal law, subject to the Federal preemption provisions contained in 46 U.S.C. 4306. The Coast Guard and the Office of Boating Safety shall promptly furnish to each other the text of any proposed or enacted law, rule or regulation having to do with numbering, titling, equipping or operating vessels that are the subject of this agreement and any administrative interpretations thereof.
- g. The Coast Guard and the Office of Boating Safety will provide to each other a copy of statistical and other data pertinent to the matters agreed to herein.

3. TERMS OF UNDERSTANDING.

a. Law Enforcement.

- (1) The State has primary law enforcement responsibility concerning recreational vessels on waters subject to concurrent jurisdiction of the State and the United States. In these waters the United States has primary responsibility for the enforcement of vessel inspection and other Federal statutes applicable to non-recreational vessels. The State may enforce State laws applicable to numbered non-recreational vessels not required to be inspected by the Coast Guard and operating on waters subject to the concurrent jurisdiction of the State and the United States. The Coast Guard has authority to enforce Federal statutes and regulations applicable to recreational vessels on all waters subject to the jurisdiction of the United States.
- (2) In order to provide the most effective law enforcement possible with the vessels and personnel available and to avoid duplication of efforts in a given area at a given time, the Boating Law Administrator and the District Commander shall coordinate or arrange for coordination of law enforcement patrols on waters subject to concurrent jurisdiction of the State and the United States.
- (3) Joint safety patrols for the monitoring of program effectiveness by Coast Guard and State marine law enforcement officers may be conducted periodically on all waters subject to concurrent jurisdiction of the State and the United States. The use of either Federal or State vessels is authorized, however, actual enforcement shall namely be by the agency with primary responsibility as identified in the document or if not identified in the document then as agreed to among the participants.
- (4) The Office of Boating Safety may be notified of any numbering violations observed by Coast Guard boarding officers. In addition, other recreational boating violations

may be referred to the Office of Boating Safety at the discretion of the District Commander.

- (5) Violations of Federal safety standards including those applicable to manufacturers of boats and associated equipment detected by State marine law enforcement officers will be reported to the Coast Guard Boating Safety Infoline (1-800-368-5647) for investigation and disposition.
- (6) Violations of vessel safety requirements or other marine safety laws by non-recreational vessels that are observed by State marine law enforcement officers will be reported to the Coast Guard Marine Safety Infoline (1-800-521-9219) for disposition.
- (7) When a complaint is made to the Coast Guard alleging an offense that is a violation of the State recreational boating laws or regulations, the Coast Guard will normally refer the complaint to the proper State or local authority. Similarly, when a complaint is made to the State of a violation of any vessel laws or regulations within the exclusive jurisdiction of the United States, the State will normally refer the complaint to the Coast Guard.
- (8) State marine law enforcement officers and Coast Guard boarding officers are encouraged to consider the need for a boating safety inspection if the operator produces evidence of a recent satisfactory State or Coast Guard examination or the vessel displays a current Coast Guard Auxiliary Courtesy Marine Examination (CME) or State inspection decal. However, notwithstanding a recent satisfactory examination, boarding will be undertaken when there are indications of a violation of numbering, loading, equipment or operating requirements, or as part of a special local enforcement operation. Additionally, if there is reasonable suspicion that a vessel or any person on board is, or has been, involved in illegal activity, or if the vessel appears to be manifestly unsafe, the law enforcement officer or boarding officer may investigate as necessary to confirm or refute that suspicion.
- (9) State marine law enforcement officers who observe violations of vessel safety laws or other regulations of the United States, will generally be made available to testify for the State or Federal prosecution related to the violation. Coast Guard personnel will be made available to provide evidence at state judicial proceedings or administrative forums to the extent authorized by Title 49, part 9 of the Code of Federal Regulations.
- (10) Nothing contained within this agreement will prohibit field personnel from making temporary arrangements for joint or cooperative action in emergencies to cover a local situation involving reckless or negligent operation or other conditions involving safety of life, property, or serious violations of the law.

b. Boating While Intoxicated.

- (1) A common goal of the Coast Guard and the Office of Boating Safety is to eliminate the risk posed to the boating public and the marine environment by an intoxicated boat operator. To this end, the Office of Boating Safety and the Coast Guard agree to coordinate their operating a vessel under the influence (OUI) enforcement efforts so that the most effective enforcement option is prosecuted in each case, and each will encourage the establishment of mutual assistance and cooperative agreements between Coast Guard and State marine law enforcement officials operating in the same area.

c. Public Education and Training.

- (1) The parties will cooperate in public educational and safety information programs. The Office of Boating Safety will distribute the pamphlet *Federal Requirements and Safety Tips for Recreational Boats*, and other Federal boating publications as agreed upon, through its home and field offices. The Coast Guard will distribute the pamphlet *Alaska Boater's Handbook* through offices and field units.
- (2) The Coast Guard will furnish to the Office of Boating Safety information concerning the time and place of public education courses within the state that are sponsored by the U.S. Coast Guard Auxiliary. The parties will cooperate in providing NASBLA approved public boating safety education programs to be used within the state.
- (3) The Coast Guard will provide boating safety instructor training for state law enforcement personnel through the National Boating Safety Course located at the Reserve Training Center, Yorktown, VA. Commandant (G-OPB-2), United States Coast Guard is responsible for providing billets, administration and enrollment into the course. Similarly, the State will provide the Coast Guard, on an "as available" basis, instructors and facilities for the training of Coast Guard personnel. In addition, safe boating and/or boat handling programs may be arranged with Coast Guard Auxiliary resources.

d. Vessel Numbering.

- (1) Until such time as a State Boating Safety Bill is passed, the Coast Guard will continue to issue Certificates of Number to vessels equipped with machinery propulsion in Alaska which are operated on navigable waters of the United States. The Office of Boating Safety agrees to assist in distribution of Coast Guard applications and other forms for motorboat numbering, vessel casualty report forms, and such boating

pamphlets as are made available for that purpose by the Coast Guard.

- (2) Following the passage of a State Boating Safety Bill, the State will assume authority for issuance of Certificates of Number to vessels equipped with machinery propulsion operated within the state. The Coast Guard will distribute State applications and other forms for motorboat numbering, state vessel casualty report forms, and such boating pamphlets as are made available for that purpose by the State.

e. **Boating Casualty Reports and Investigative Reports**

- (1) For the purposes of this agreement a "boating casualty" is defined as an accident involving a fatality, a disappearance, or a personal injury that requires medical treatment beyond first aid. An "accident" is defined as an accident involving damage to a vessel and other property totaling more than \$500.00, or the total loss of a vessel.
- (2) Until such time as a State Boating Safety Bill is passed, the Coast Guard will continue to serve as the lead agency for reporting of boating casualties. Following the passage of a State Boating Safety Bill, the Office of Boating Safety will assume lead agency responsibility for investigation and reporting of boating casualties.
- (3) The Coast Guard will notify the State of all reportable boating accidents where Coast Guard resources are used. Both parties will cooperate in sharing accident data to ensure that overall state boating accident statistics are as accurate as possible.
- (4) The State agrees to investigate all recreational boating fatalities within the jurisdiction of the State. The Coast Guard may investigate accidents involving fatalities on vessels used on waters of concurrent jurisdiction, including the high seas, if the case warrants further investigation.
- (5) The State shall review for accuracy and completeness all accident reports and shall determine the cause and circumstances surrounding each reportable accident, including whether or not alcohol or drugs were a factor.
- (6) The State shall abstract accident data from each boating accident report form and enter such data into the boating accident report database (BARD), which was developed in cooperation with the National Association of State Boating Law Administrators (NASBLA). The State agrees to ensure the quality of data entry is accurate and complete providing for a successful data transfer into the national BARD located at Coast Guard Headquarters.
- (7) An electronic copy of each State's accident and investigative report data, including any alcohol/drug test results, shall be forwarded to the Office of Command and Control Architecture (G-OCC-2) at Coast Guard Headquarters within 30 days receipt of the initial casualty or accident report. States that lack electronic data transfer

technology may forward copies of the accident and investigative reports to G-OCC-2. The Coast Guard will review the reports and investigations received for appropriate action. A copy of this report will be provided to the District Commander for use in Coast Guard boating safety efforts.

f. Search and Rescue.

- (1) On State waters that are not within the jurisdiction of the United States, the State has exclusive responsibility for providing search and rescue service. On waters subject to the concurrent jurisdiction of the United States and the State, the partners have joint responsibility. The Coast Guard will concentrate its activity primarily on coastal waters, harbor areas, and inland water areas in the vicinity of Coast Guard facilities. On other inland waters subject to concurrent jurisdiction, the Coast Guard will look primarily to search and rescue facilities provided by the State and its political subdivisions.
- (2) The State and the Coast Guard agree to coordinate their search and rescue operations so that the most effective assistance will be rendered to those in distress on waters of concurrent jurisdiction. Each party will encourage the establishment of mutual assistance and cooperative arrangements between Coast Guard and State facilities that are established in the same area. The local authority for providing federal search and rescue assistance on Federal waters within the State is Commander, Seventeenth Coast Guard District, P.O. Box 25517, Juneau AK 99802-5517. This authority is exercised through the Coast Guard Command Center, telephone number (907) 463-2000, or (800) 478-5555. The competent authority for exercising coordination of State search and rescue activities on state waters is the State of Alaska, Department of Public Safety, 5700 Tudor Road, Anchorage, Alaska 99507, telephone number (907) 428-7200.
- (3) The State and the Coast Guard agree to actively support and participate in local search and rescue workshops, water safety councils and other such organizations to foster closer cooperation and coordination among State and local agencies, Federal agencies and others who have an interest or responsibility in search and rescue matters.

g. Coast Guard Auxiliary.

- (1) Under Section 141 of Title 14 United States Code, the services of the Coast Guard Auxiliary may be used to assist the State in the promotion of boating safety and other activities for which Auxiliarists are especially qualified, when requested by proper State authority. The State fully supports the Coast Guard Auxiliary's programs, in particular, those to do with vessel safety checks, safety patrols and public education. The State welcomes the presence of the Auxiliary on all waters for these purposes.

- (2) On those occasions when assistance by the Coast Guard Auxiliary is expressly desired by the State for a specific purpose, a competent authority within a state agency will initiate such requests for assistance. Requests will usually be submitted at least 14 days in advance to allow sufficient time for processing and coordination. The Coast Guard reserves the right to require reimbursement for use of the Coast Guard Auxiliary to support a specific event or activity.

h. Regattas and Marine Parades.

- (1) The authorization and regulation of regattas or marine parades upon navigable waters of the United States that are subject to the concurrent jurisdiction of the United States and State shall be within the province of the State when, in the opinion of the District Commander, the State is able to regulate in such a manner as to ensure safety of life. However, the regulations issued by the Office of Boating Safety may not impede the operation of other vessels, commercial or recreational, operating on waters subject to the jurisdiction of the United States.
- (2) For the purposes of this agreement, the terms "regatta" or "marine parade" both mean an organized water event of limited duration that is conducted according to a prearranged schedule.
- (3) Regattas and marine parades shall be administered in accordance with 33 CFR Part 100. The Coast Guard and the Office of Boating Safety will provide each other copies of all permits issued for events to occur on waters of concurrent jurisdiction.
- (4) The District Commander reserves the right to assume primary responsibility for any regatta or marine parade on navigable waters of the Seventeenth Coast Guard District when he deems such action to be in the public interest. Events of this type may include, but are not limited to:
 - (a) Regattas of marine parades of such size as to require patrols that the District Commander knows to be in excess of the resources available to the State, or
 - (b) Those events on waterways where commercial or other traffic will be disrupted significantly.

4. LIAISON:

For the State of Alaska:

Jeffrey S. Johnson
Boating Law Administrator
State of Alaska, DNR
Division of Parks & Outdoor Recreation
3601 C Street, Suite 1280

Anchorage, Alaska 99503-5921
(907) 269-8705

Jim Stratton
Director
State of Alaska, DNR
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John Shively
Commissioner
State of Alaska, Department of Natural Resources
400 Willoughby Avenue
Juneau, AK 99801-1724

Tony Knowles
Governor
State of Alaska
P.O. Box 110001
Juneau, AK 99811-0001

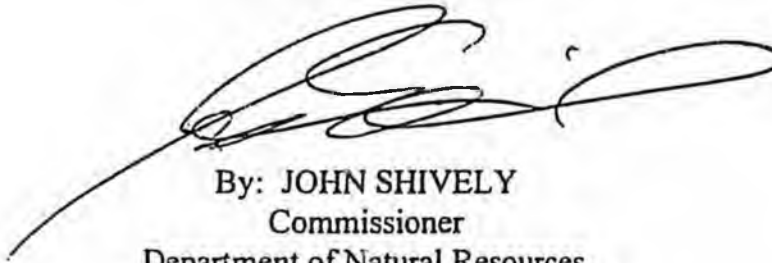
FOR THE UNITED STATES:

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Boating Safety Specialist
Seventeenth Coast Guard District (moc)
P.O. Box 25517
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(907) 463-2297

RADM Terry M. Cross
Commander
Seventeenth Coast Guard District
P.O. Box 25517
Juneau, AK 99802-5517
(907) 463-2050

5. DURATION OF AGREEMENT: This agreement is effective upon the signatures of all parties and may be terminated by any party upon notice to all parties. The terminating party will provide the other party with at least 30 days notice. A representative of each party will review the agreement at least every four years to ascertain whether any revisions are necessary. A copy of the review will be appended to each party's copy of the agreement, and a copy will be provided to Commandant (G-OPB-2).

STATE OF ALASKA



By: JOHN SHIVELY
Commissioner
Department of Natural Resources
Date: 1/5/99

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD



By: TERRY M. CROSS
Rear Admiral
Commander, Seventeenth Coast Guard District
Date: 1/6/99

NUMBERING & TITLING

[Table 3.8]

State	Require Non-powered Vessels to Be Numbered	Require Non-powered Vessels to Be Titled	Require Non-powered Vessels to Be Registered
Alabama	Yes	No	Yes
Alaska	No	No	No
American Samoa	No	No	No
Arizona	Yes	No	Yes
Arkansas	No	No	No
California	Yes	Yes	Yes
Colorado	Yes	No	Yes
Connecticut	Yes	No	Yes
Delaware	No	No	No
District of Columbia	Yes	Yes	Yes
Florida	No	Yes	No
Georgia	Yes	No	Yes
Guam	Yes	Yes	Yes
Hawaii	No	No	No
Idaho	Yes	No	Yes
Illinois	Yes	Yes	Yes
Indiana	No	No	No
Iowa	Yes	Yes	Yes
Kansas	Yes	No	Yes
Kentucky	No	No	No
Louisiana	Yes	No	Yes
Maine	No	No	No
Maryland	No	No	No
Massachusetts	No	No	No
Michigan	Yes	No	Yes
Minnesota	Yes	Yes	Yes
Mississippi	Yes	No	Yes
Missouri	Yes	Yes	Yes
Montana	No	No	No
N. Mariana Islands	No	No	No
Nebraska	No	No	No
Nevada	No	No	No
New Hampshire	Yes	No	Yes
New Jersey	Yes	Yes	Yes
New Mexico	No	No	No
New York	No	No	No
North Carolina	No	No	Yes
North Dakota	No	No	No
Ohio	Yes	Yes	Yes
Oklahoma	Yes	Yes	Yes
Oregon	Yes	Yes	Yes
Pennsylvania	No	No	No
Puerto Rico	Yes	No	No
Rhode Island	Yes	Yes	Yes
South Carolina	No	No	No
South Dakota	Yes	Yes	Yes
Tennessee	No	No	No
Texas	Yes	Yes	Yes
Utah	Yes	Yes	Yes
Vermont	No	No	No
Virgin Islands	Yes	No	Yes
Virginia	No	Yes	No
Washington	No	No	No
West Virginia	No	No	No
Wisconsin	Yes	No	Yes
Wyoming	No	No	No

Revision date: 13 Aug, 1998

NAVIGABLE WATERS OF THE U.S. WITHIN THE SEVENTEENTH

COAST GUARD DISTRICT (STATE OF ALASKA)

SECTION I. NAVIGABLE WATERS OF THE U.S. BY DEFINITION UNDER 33 CFR 2.05-25(A) (1) OR (2): These waters include the territorial seas of the U.S. and all internal waters of the U.S. that are subject to tidal influence. Internal waters that are subject to tidal influence are too numerous to list by name.

SECTION II. INTERNAL WATERS DETERMINED TO BE NAVIGABLE WATERS OF THE U.S.:

NAME OF WATERWAY:	DECISION SOURCE:	DECISION YEAR:	DECISION BASIS:	LIMIT OF NAVIGABILITY:	CLARIFYING REMARKS:
Alexander Creek	Administrative Determination	1998	33 CFR 2.05-25 (a) (3) (i)	Entire Waterway	Anchorage Area
Big Lake	Administrative Determination	1975	33 CFR 2.05-25 (a) (3) (i)	Entire Waterway	Anchorage Area
Buskin River	Administrative Determination	1994	33 CFR 2.05-25 (a) (2)	Mouth upstream to 0.25 miles	Kodiak Island
Chena River	Administrative Determination	1971/ 1991	33 CFR 2.05-25 (a) (3) (i)	Mouth to Fairbanks	Fairbanks Area
Chulitna River	Administrative Determination	1998	33 CFR 2.05-25 (a) (3) (i)		Near Talkeetna
Colville River	Administrative Determination	1975	33 CFR 2.05-25 (a) (3) (i)	Mouth to Killik River	Harrison Bay Area
Copper River	Administrative Decision	1995	33 CFR 2.05-25 (a) (3) (i)	Entire Waterway Gulf of Alaska	Northeast of Anchorage

SECTION II. INTERNAL WATERS DETERMINED TO BE NAVIGABLE WATERS OF THE U.S.:

NAME OF WATERWAY:	DECISION SOURCE:	DECISION YEAR:	DECISION BASIS:	LIMIT OF NAVIGABILITY:	CLARIFYING REMARKS:
Deshka River (Kroto Creek)	Administrative Decision	1998	33 CFR 2.05-25 (a) (3) (i)		Anchorage Area
English Bay River	Administrative Decision	1994	33 CFR 2.05-25 (a) (3) (i)	Tidal Portion	Southwest of Homer
Gulkana River	Judicial Determination	1989		Mouth to Mile 33.5 (Sourdough)	9TH Cir. Court of Appeals
Iliamna Lake	Administrative Determination	1991	33 CFR 2.05-25 (a) (3) (i)	Entire Waterway	
Kahilitna River	Administrative Determination	1998	33 CFR 2.05-25 (a) (3) (i)	Entire Waterway	
Kashwitna River	Administrative Determination	1998	33 CFR 2.05-25 (a) (3) (i)	Nav 2 Miles Below It's Confluence	Anchorage Area
Kenai Lake	Administrative Determination	1991	33 CFR 2.05-25 (a) (3) (i)	Entire Waterway	Kenai Area
Kenai River	Administrative Determination	1971/ 1991	33 CFR 2.05-25 (a) (3) (i)	Mouth to and including Kenai Lake	Kenai Area
Klehini River	Administrative Determination	1994	33 CFR 2.05-25 (a) (3) (i)	Mouth to entry of Porcupine Creek	Northwest of Haines
Kobuk River	Administrative Determination	1971/ 1991	33 CFR 2.05-25 (a) (3) (i)	Mouth to Kobuk	Hotham Inlet Area
Kuskokwim River	Administrative Determination	1971/ 1991	33 CFR 2.05-25 (a) (3) (i)	Mouth to McGrath	Kuskokwim Bay Area

SECTION II. INTERNAL WATERS DETERMINED TO BE NAVIGABLE WATERS OF THE U.S.:

NAME OF WATERWAY:	DECISION SOURCE:	DECISION YEAR:	DECISION BASIS:	LIMIT OF NAVIGABILITY:	CLARIFYING REMARKS:
Little Susitna River	Administrative Determination	1998	33 CFR 2.05-25 (a) (3) (i)	Entire Waterway	Talkeetna Mount.
Little Willow Creek	Administrative Determination	1998	33 CFR 2.05-25 (a) (3) (i)	Entire Waterway	North of Anchorage
Kvichak River	Administrative Determination	1971/ 1991	33 CFR 2.05-25 (a) (3) (i)	Entire Waterway	Kvichak Bay Area
Matanuska River	Administrative Determination	1994	33 CFR 2.05-25 (a) (3) (i)	Caribou Creek to Knik Arm	North of Anchorage
Mendenhall River	Administrative Determination	1983	33 CFR 2.05-25 (a) (2)	Mouth to Montana Creek	Juneau Area
Naknek River	Administrative Determination	1971/ 1991	33 CFR 2.05-25 (a) (2)	Mouth to Mile 25	Kvichak Bay Area
Nancy Lake (Lake Creek)	Administrative Determination	1998 1998	33 CFR 2.05-25 (a) (2) (i)	Entire Lake	Next to Big Lake
Nenana River	Administrative Determination	1994	33 CFR 2.05-25 (a) (3) (i)	Mile 121 to Tanana River	North of Anchorage
Noatak River	Administrative Determination	1971/ 1991	33 CFR 2.05-25 (a) (3) (i)	Mouth to Noatak	Kotzebue Sound Area
Nushagak River	Administrative Determination	1971/ 1991	33 CFR 2.05-25 (a) (3) (i)	Mouth to Koliganek	Dillingham Area
Porcupine River	Administrative Determination	1971/ 1991	33 CFR 2.05-25 (a) (3) (i)	Entire Waterway	Yukon Tributary

SECTION II. INTERNAL WATERS DETERMINED TO BE NAVIGABLE WATERS OF THE U.S.:

NAME OF WATERWAY:	DECISION SOURCE:	DECISION YEAR:	DECISION BASIS:	LIMIT OF NAVIGABILITY:	CLARIFYING REMARKS:
Portage Lake	Administrative Determination	1995	33 CFR 2.05-25 (a) (3) (i)	Entire Waterway	Turnagain Arm
Skilak Lake	Administrative Determination	1991	33 CFR 2.05-25 (a) (3) (i)	Entire Waterway	Kenai Area
Susitna River	Administrative Determination	1970	33 CFR 2.05-25 (a) (2)	Mouth to Gold Creek	
Talketna River	Administrative	1998	33 CFR 2.05-25		
Tanana River	Administrative Determination	1971/ 1991	33 CFR 2.05-25 (a) (3) (i)	Mouth to Chena River	Yukon Tributary
Tokositna River	Administrative Determination	1998	33 CFR 2.05-25 (a) (3) (i)	Entire Waterway	Parallels Parks
Willow Creek	Administrative Determination	1998	33 CFR 2.05-25 (a) (3) (i)	Entire Waterway	Bald Mountain Ridge
Wood River	Administrative Determination	1971/ 1991	33 CFR 2.05-25 (a) (2) & (3) (i)	Entire Waterway	Dillingham Area
Yentna River	Administrative Determination	1998	33 CFR 2.05-25 (a) (2) (i)	Entire Waterway	
Yukon River	Administrative Determination	1971/ 1991	33 CFR 2.05-25 (a) (3) (i)	Entire Waterway	

SECTION III. INTERNAL WATERS FOR WHICH RECORDS OF NEGATIVE DETERMINATIONS EXIST:

NAME OF WATERWAY:	DECISION SOURCE:	DECISION YEAR:	LIMIT OF NON-NAVIGABILITY:	CLARIFYING REMARKS:
Big Boulder Creek	Administrative Determination	1980	Non-Tidal Portion	Skagway Area
Billion Slough	Administrative Determination	1993	Non-Tidal Portion	Talkeetna Area
Buskin River	Administrative Determination	1994	Non-Tidal Portion	Kodiak Island
Canyon Creek	Administrative Determination	1993	Non-Tidal Portion	Chugach National Forest Area
Chilkoot Lake	Administrative Determination	1987	Non-Tidal Portion	Skagway Area
English Bay River	Administrative Determination	1994	Non-Tidal Portion	Homer Area
Glacier Creek	Administrative Determination	1980	Non-Tidal Portion	Skagway Area
Herman Creek	Administrative Determination	1980	Non-Tidal Portion	Skagway Area
Hood Lake	Administrative Determination	1963	Non-Tidal Portion	
Jarvis Creek	Administrative Determination	1980	Non-Tidal Portion	Skagway Area
Jean Creek	Administrative Determination	1993	Entire Waterway	Kenia Area

SECTION III. INTERNAL WATERS FOR WHICH RECORDS OF NEGATIVE DETERMINATIONS EXIST:

NAME OF WATERWAY:	DECISION SOURCE:	DECISION YEAR:	LIMIT OF NON-NAVIGABILITY:	CLARIFYING REMARKS:
Knik River	Administrative Determination	1986	From Old Glen Hwy Bridge to Knik Glacier	Anchorage Area
Little Boulder Creek	Administrative Determination	1980	Non-Tidal Portion	Skagway Area
Little Salmon River	Administrative Determination	1980	Non-Tidal Portion	Skagway Area
Louise Lake	Administrative Determination	1970	Non-Tidal Portion	Gulkana Area
Porcupine Creek	Administrative Determination	1980	Non-Tidal Portion	Skagway Area
Scottie Creek	Administrative Determination	1995	Non-Tidal Portion	Eastern Alaska
Spenard Lake	Administrative Determination	1963	Non-Tidal Portion	Anchorage Area
Susitna Lake	Administrative Determination	1970	Non-Tidal Portion	
Susitna River	Administrative Determination	1970	Above Gold Creek	
Tyone Lake	Administrative Determination	1970	Non-Tidal Portion	Gulkana Area
Tyone River	Administrative Determination	1970	Non-Tidal Portion	

**Alaska Recreational Boating Accident Statistics
1998 Update (As of 12/9/98)**

**Point of Contact: Sue Hargis, Boating Safety Specialist
(907) 463-2297 or shargis@cgalaska.uscg.mil**

<u>Year</u>	<u># of Total Alaska Accidents</u>	<u># of Alaska Fatalities</u>	<u># of Total U.S. Fatalities</u>	<u># of Boats Numbered In Alaska</u>	<u>AK Fatality Rate*</u>	<u>U.S. Fatality Rate*</u>
1987	47	46	1036	27,717	165.0	10.4
1988	42	34	946	28,278	120.2	9.1
1989	35	37	896	29,014	127.5	8.3
1990	34	27	865	30,911	87.3	7.8
1991	44	29	924	31,822	91.1	8.3
1992	30	32	816	32,331	99.0	7.3
1993	18	24	800	31,340	76.6	7.09
1994	31	24	784	31,909	75.2	6.86
1995	24	19	829	32,467	58.5	7.06
1996	91	14	709	33,767	41.5	5.97
1997	90	23	819	25,819	89.1	6.65
1998	105	38 (As of 12/9/98)				

Multi-Year Fatality Rates:	Alaska	U.S.
10 Years (1988-1997):	84.8	7.83 (1987-1996)
5 Years (1993-1997):	64.5	6.8 (1992-1996)
1 Year (1997):	70.9	5.9 (1996)

Fishing Vessel vs Non-Commercial (recreational) fatalities:
1989 – Present (10 years): 266 recreational vs. 225 fishing vessel fatalities

*Rate is calculated per 100,000 numbered boats. Alaska continues to have approximately 10 times the latest national fatality rate for one and five-year periods.

*Accident statistics are affected by boat registration compliance (number of registered boats). This is a nationwide issue, although Alaska has a lower registration compliance rate than many states. Statistics are also affected by reporting rates, which are low in Alaska. Summary Alaska Effect:
(1) Fewer registered boats = Higher Rate, (2) Fewer reported accidents = Lower rate.

1997 Alaska Non-Commercial/Recreational Boating Accident Information

Point of Contact: Sue Hargis, Boating Safety Specialist, USCG

(907) 463-2297 or shargis@cgalaska.uscg.mil

**In 1997, Alaska had 90 reported boating accidents, with 23 fatalities. Of the 23 fatalities, 4 were 16 or under, and another was 18. This means that 22% of accidents were 18 or younger.

**In overall non-commercial ("recreational") boating accidents, Alaska has approximately 10 times the national average. The 5-year national average per 100,000 registered boats is 6.8, and for Alaska it is 64.5 (1993-1997). The 1-year rate for Alaska in 1997 is 70.9 fatalities per 100,000 registered boats, based on Alaska's 32,418 registered vessels.

**Of the 23 fatalities, 10 (43%) occurred in salt water, and 13 (57%) occurred in fresh water.

**PWC accidents (remember "Jet Ski" is a name brand): 6 of the 90 reported accidents were on personal watercraft, involving 8 total personal watercraft. 5 of the 6 accidents involved 2 vessels, which means that 83% of 1997 pwc accidents were 2 vessel accidents. In contrast, of the other 84 accidents, only 7 other accidents involved 2 vessels, for a rate of 8% versus 83%.

**Alcohol was a factor in at least 7 of the 23 fatalities, although it may have a factor in up to 16 of the fatalities. Most reports did not address whether or not alcohol was a factor, and it is impossible to tell from many victims who disappeared or were found days after the accident.

**PFD Use: PFD use was confirmed for only 4 of the 23 fatalities. Indications are that the other 19 (83%) of victims were not wearing a personal flotation device.

**In the fifteen years 1980-1994, 100 children and adolescents (0-14) died in Alaska due to drowning. This includes both boating and non-boating fatalities. (Alaska Trauma Registry)

**The drowning rate for children and teenagers in Alaska is almost 2 1/2 times the national average. (Serious and Fatal Child and Adolescent Injuries in Alaska 1991-1994)

Multi-Year Fatality Rates:	Alaska	U.S.
10 Years (1988-1997):	84.8	7.83 (1987-1996)
5 Years (1993-1997):	64.5	6.8 (1992-1996)
1 Year (1997):	70.9	5.9 (1996)

*Rate is calculated per 100,000 numbered boats. Alaska continues to have approximately 10 times the latest national fatality rate for one and five-year periods, although our rate is slowly dropping.

*Statistics are affected by boat registration compliance (number of registered boats). This is a nationwide issue, although Alaska has a lower registration compliance rate than many states. Statistics are also affected by reporting rates, which are low in Alaska. Summary Alaska Effect: (1) Fewer registered boats = Higher Rate, (2) Fewer reported accidents = Lower rate.



RESOLUTION
March 17, 1999

WHEREAS, Alaska has some 33,000 miles of coastline, over 3,000 streams and rivers, and as estimated two million lakes, and

WHEREAS, Alaska citizens own an estimated 60,000 non-commercial and commercial boats, and

WHEREAS, Alaska has the highest rate of boating fatalities in the Nation (38 per 100,000 population in 1997), and

WHEREAS, Alaska is the only state in the Nation with no boating safety statute, no uniform safety rules for the several classes of boats, and no system of registration for boats, and

WHEREAS, House bill 108 and Senate Bill 86, companion bills, have been introduced in the 21st legislature,

NOW BE IT RESOLVED, Whittier Boat Owners Association supports and urges passage of HB 108 and/or SB 86, and that a copy of this RESOLUTION be furnished to the appropriate committee chairman.

WBOA RESOLUTION #4, March 17, 1999

Vote: Ayes, 29
Nays, .0

Attest:

Bernard L. Marsh, President
Whittier Boat Owners Association



Sitka State Parks Citizens Advisory Board, Box 142, Sitka, AK. 99835

March 26, 1999

Representative Bill Hudson
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

RE: Boating Safety Act

Dear Representative Hudson:

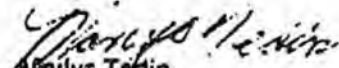
The Sitka State Parks Citizens Advisory Board strongly supports passage of the Alaska Boating Safety Act. The Alaska Boating Safety Act will be a great benefit to the State and residents of Alaska.

Passage of this act is imperative. In a typical year, Alaska has 10 times the national average of drownings from recreational boating. In 1988, 38 people died in recreational boating accidents; 9 were children.

The Boating Safety Act will keep registration money in Alaska for investment in boating safety and educational programs. Currently, boats are registered by the US Coast Guard and all fees go to Washington D.C. The Boating Safety Act will allow Alaska to be eligible for \$460,000 in federal boating safety funds from motor fuel tax paid by boaters. At this time, Alaska is the only state that does not qualify for these funds.

We strongly urge you to pass the Boating Safety Act and hope for your support on this important legislation.

Sincerely,


Marlys Tadin
Chairwoman

CC: Jim Stratton, Director Alaska State Parks

.....

Seward Boat Owners Association, Inc.

March 24, 1999

[Click here and type recipient's address]

Dear Sir or Madam:

The Seward Boat Owner's Association represents the interests of all boat owners (power, sail, commercial, and recreational) in Seward. The Association has over 100 members.

We have been following the progress of the State of Alaska's "Safe Boating Act" (SB 86 & HB 108) and the actions of the United States Coast Guard (USCG) with respect to increasing registration fees. Representatives from our Board of Directors attended the organizational meeting of DNR's Alaska Boating Safety Advisory Council. At our request, Jeff Johnson, the State Boating Law Administrator made a presentation at our last general membership meeting concerning Alaska's boating safety program and the proposed changes in the boating safety law and vessel registration.

The Association supports the proposed changes in the boating safety law and supports registration of vessels by the State of Alaska. The proposed fee schedule appears reasonable and is consistent with the USCG audit of actual costs. The Association urges the legislature to hold the hearing as soon as possible so that this program can be in place for the upcoming boating season. The Association would also appreciate the opportunity to participate in the hearings.

The Association urges the Division of Motor Vehicles to retain the same numbering system as is currently used by the USCG. Registered vessels currently have the numbers painted or otherwise permanently applied to their vessels bow both port and starboard. Any change in numbers upon transfer from the federal to state system would be costly to boaters and an unnecessary burden to harbor officials, lenders and others who currently track vessels using the registration number.

.....

Seward Boat Owners Association, Inc.

March 24, 1999
Page 2

The Association is also concerned that funding for boating safety continue to come from the federal portion of the marine motor fuel tax and other resources. The State portion of the marine motor fuel tax should continue to support infrastructure maintenance and expansion for those harbors that generate the fuel tax.

Sincerely,

James Collman
President

← Fw: alaska safe boating legislation

Subject: Fw: alaska safe boating legislation

Date: Thu, 25 Mar 1999 08:53:04 -0900

From: Jim Stratton <stratto@dnr.state.ak.us>

To: Melinda Hofstad <Melinda_Hofstad@legis.state.ak.us>

Melinda - this is a good letter from the Seward Harbormaster and former Assistant Chief of the Coast Guard's Search and Rescue operation in Seattle.

From: Harbor Department <swdhbr@arctic.net>

Subject: Fw: alaska safe boating legislation

Date: Thu, 25 Mar 1999 07:06:40 -0900

To: john torgerson <john_torgerson@legis.state.ak.us>

-----Original Message-----

From: James Beckham <swdhbr@arctic.net >

To: gary davis <gary_davis@legis.state.ak.us >

Date: Thursday, March 25, 1999 7:02 AM

Subject: alaska safe boating legislation

i am not able to make it to juneau to testify but please accept this email in support of alaska's safe boating legislation.

i was asst chief of the coast guard's search and rescue branch in seattle wa for four years. i supervised the command center and was responsible for the implementation of the coast guard's search and rescue program for the thirteenth coast guard district, which includes or, wa, id, mt. i was there during the lean yrs of washington's boating safety program. i was also a ship captain and spent most of my sea time here in alaska.

it is always a contentious issue, adding legislation and government oversight. washington almost scrapped their program when i was there, but with the dedication of a few key people, it survived and is a large, growing and very successful program. the recreational boating deaths in that state have continued to decline since the program was adopted. in this area, i think we the people of alaska have proven we are not willing to take it upon ourselves to be better educated, better trained and better equipped when it comes to recreational boating. it took federal legislation to get the required effort in the commercial fleet, and the deaths have declined every year since the implementation of the commercial fishing vessel safety act. similarly, every state that has adopted a proactive recreational boating safety program has seen their death rate decrease dramatically, except alaska.

as a harbormaster in probably one of the busiest harbors in the state, i see people every day departing the harbor that are not prepared in some form or another. i see children under the age of thirteen without pfd's. i have towed people in at 2:00am from south of fox island who didn't have a vhf radio and didn't have a chart; his cellular telephone was all he had. this would have been a tragic case had the wx been a little worse and had he been a little further out, his cellular would not have worked. i see overloaded boats, unskilled operators, overpowered boats. i may make a video to assist dnr in identifying 'things not to do'.

the main focus should be on education and training and dnr's desire is to provide that focus. a program designed to change bad habits cannot be successful if we rely on willful compliance. if that were the case, we wouldn't need the legislation. an

appropriate enforcement mechanism with penalties to ensure compliance is necessary in all compliance type programs. i personally feel the bill as drafted doesn't go far enough. pfd's will save your life. period. if you're in a boat, you should wear one. i do, and i personally owe my life to mine. i think anyone not outfitting a child with a properly fitted pfd should be treated like a criminal. i don't like to think of the many rescue cases where we lost children and the parents survived their own stupidity. i don't care if you're in the big water or in the salcha river or lake louise; large boat or 14ft canoe. a properly worn and fitted pfd will keep you afloat and may save your life. sometimes keeping afloat is all you need in order to make some decisions about your survival. we had two people die in an overturned canoe in a river last year. no pfd's. how tragic and unnecessary.

we have the largest concentration of recreational in the state here on the kenai peninsula. we have the most incidents as well. the state has the highest death per 100,000 incidents in the country by a factor of ten. many of those deaths occur here on the kenai and are preventable.

please support bill hudson's effort in boating safety. it is not just another layer of government and control. it is about saving lives and teaming up with other state and federal agencies to save lives through education and training. it is important and it is necessary to reduce the number of preventable boating deaths throughout the state.

thank you for listening.

james b. beckham

po box 1298

seward, ak 99664

--- End of Original Message

Name: Jeff Johnson
E-mail: jeffj@dnr.state.ak.us
Date: 03/25/99
Time: 07:52:08

--- End of Original Message

Name: Jim Stratton
E-mail: stratto@dnr.state.ak.us
Date: 03/25/99
Time: 08:53:03



Aquatic Resources (Wallop-Breaux) Trust Fund Information Recreational Boating Safety Program

ALASKA COAST GUARD OFFICE
Seventeenth Coast Guard District
P.O. Box 25517
Juneau, AK 99802-5517

PRINCIPAL CONTACT
Sue Hargis
Boating Safety Coordinator
(907) 463-2297

PROGRAM SUMMARY

- Receipts in the Aquatic Resources (Wallop-Breaux) Trust Fund are derived from Federal excise taxes attributable to motorboat and small-engine fuel use and on sport fishing equipment, along with import duties on fishing equipment, yachts and pleasure craft. Total Wallop-Breaux Trust Fund receipts average about \$450 million per year. Of that amount, nearly \$180 million is derived from motorboat fuel taxes. Up to \$70 million per year of the motorboat fuel tax receipts is authorized for the Boat Safety Account of Wallop-Breaux. The balance of motorboat fuel taxes and all other Wallop-Breaux receipts are transferred into the Sport Fish Restoration Account. Funds in the Boat Safety Account are subject to annual discretionary appropriation by Congress, while the Sport Fish Restoration Account is a mandatory appropriation.
- In 1998, several amendments were enacted to the statutes governing the Wallop-Breaux programs. The most significant of these for the Boating Safety Program ensures a minimum level of funding each year for grants to the States. If the full discretionary amount is appropriated, total funds available for State grants would be \$71.6 million. If there is no discretionary appropriation from the Boat Safety Account, States are guaranteed a minimum of \$59 million in funding through a transfer from the Sport Fish Restoration Account. The Coast Guard is authorized to retain not more than 2% of the amount available for State grants to cover costs of administering the funds, and 5% for grants to national non-profit public service organizations for boating safety programs.
- The allocation formula for distribution of boating safety funds to the States is based on:
 - 1/3 – Distributed equally among States;
 - 1/3 – Distributed according to the ratio of the number of vessels registered in the State; and
 - 1/3 – Distributed according to the ratio of State funds expended for boating safety.
- The Coast Guard estimates that Alaska will be eligible for \$420,000-460,000 in Wallop-Breaux boating safety funds, depending on the number of boats registered and amount of State funds Alaska is able to claim as boating safety-related expenditures.
- States must provide matching funds; and Federal reimbursement of a State's RBS expenditures cannot exceed one-half of its total program costs during a fiscal year. In order to receive all allocated Federal funds, the State of Alaska must document an equal amount of State expenditures. Approved expenditures may include costs of the State to register boats, boating safety education and enforcement costs, boating access and facility costs, and other relevant State expenditures.



BOATING SAFETY IN ALASKA



ADMINISTERING OFFICES

Department of Natural Resources
Division of Parks and Outdoor Recreation
3601 C Street, #1280
Anchorage, AK 99503-5921

Seventeenth Coast Guard District

P.O. Box 25517
Juneau, AK 99802-5517

PRINCIPAL CONTACTS

Jeff Johnson
Boating Law Administrator
Phone: (907) 269-8705
Fax: (907) 269-8907

Sue Hargis
Boating Safety Coordinator
(907) 463-2297

STATE BOATING FACTS

1998	Registered Boats	32,989
1998	Boating Accidents	107
1998	Alaska Boating Fatalities	38
1997	U.S. Boating Fatalities (1998 TBD)	819
FY 99	Alaska Federal Grant	Up to \$329,000
	Total Available with Alaska Program	\$460,000

- *Estimated 50,000 unregistered boats
- *Alaska has history of low reporting rate
- *Alaska Fatality Rate: 71/100,000 boats
- *U.S. Fatality Rate: 6/100,000 boats
- *Only partial funding at this time
- *Plus State vessel registration revenues

PROJECTS AND PROGRAMS

- Partial federal funding of \$329,000 was authorized for Alaska in federal FY 99 for the first time. Alaska has submitted an application for federal funding and has received conditional federal approval of the State's program. Full approval is based on implementation of a state program.
- Current boating safety programs in Alaska are a combination of Coast Guard, State of Alaska, and private and public community efforts, which are not centrally coordinated.
- Local and Coast Guard education and enforcement efforts are limited due to lack of funding and unable to substitute for an approved State Boating Safety Program.
- The Coast Guard is the administering agency for Wallop-Breaux boater fuel tax funds and, as such, is statutorily prohibited from receiving funds for use in Alaska. Additionally, the Coast Guard does not have units or personnel in many areas of Alaska. All boating safety program efforts utilize funding from other Alaska Coast Guard programs.
- Alaska boating fatalities per 100,000 boats are 10-20 times higher than the national average.

PROGRAM EXPANSION

- Alaska is the only state in the nation without a federally approved boating safety program. Legislation is needed for the State of Alaska to fully implement a state boating safety program and receive all authorized federal grant funds. Required program elements include vessel registration, accident reporting, and implementation of basic safety equipment carriage regulations (equivalent to U.S. Coast Guard requirements). In addition to federal funds, Alaska would then receive vessel registration revenues, for total gross projected program revenues of \$750,000 - \$1 million dollars.

Revenue and Finance

ALASKA MUNICIPAL
LEAGUE RESOLUTION

1997 Policy Statement

harbor facilities to a reasonable standard prior to transfer to municipalities. Thereafter, the funds will be distributed in the form of grants to maintain harbors statewide with special emphasis on harbor facilities that do not receive substantial marine fuel tax revenues.

b. Motor Vehicle Fuel Tax The League supports the increase of the motor vehicle fuel tax to a rate not higher than the national average of \$.22 per gallon to fund state and municipal highway and road operation, maintenance, and improvements. Such legislation should authorize payment of that increase to the municipality where the fuel was sold or by an equitable formula based on actual maintenance costs and maintenance needs of state and local roads.

6. State Fisheries Business and Fisheries Landing Taxes: The League supports the continued funding of the statutory 50-50 sharing of the State Fisheries Business and Fisheries Landing Tax revenues between the state and municipalities. The League urges the state to strengthen its enforcement and collection efforts in this program. (am 11/95) The state is urged to take over the management of the licensing of documented and personal vessels.

7. Matching Grants: If a state program requires municipal match to receive funds, the matching requirement should be imposed on all grantees, and not just municipalities (in that program).

C. STABILIZATION OF MUNICIPAL REVENUE SHARING

1. Consolidation of the Municipal Assistance and State Revenue Sharing Programs: The League supports a consolidation of the two current Municipal Assistance and State Revenue Sharing programs into one that provides long-term stability for revenue sharing and considers population, local resources (assessed value), and local effort in providing municipal basic services (such as police, road maintenance, and education). The municipal revenue sharing distribution philosophy is to provide a portion of the wealth from Alaska's commonly owned resources (oil revenue) to ensure a basic level of public services to all Alaskans. The new program should include a minimum level of funding for a municipality adequate to support a basic level of public services. The revenue sharing payment should be made on July 1.

Most important, the League supports a stable revenue relationship for municipalities with the state to promote local fiscal planning and to promote local economic and community development.

Post-It® Fax Note	7671	Date	12-16	# of pages	1
To	SUE HARRIS	From	AL Municipal League		
Co./Dept	Court Clerk	Co.	See last sentence		
Phone #		Phone #	7 paragraph 6		
Fax #	463-2299	Fax #	01		

Safe boating?

Juneau one step closer to goal

When state lawmakers debate whether to adopt a safe-boating law this session, let them look back to 1998, when 38 boaters drowned in Alaska waters. That rate translates to over 100 deaths per 100,000 registered boats. Elsewhere in the nation, noncommercial boaters are drowning at rates of seven per 100,000.

The high number of drowning deaths in Alaska is unacceptable and a state disgrace.

Now, legislators have a real chance to reduce the deaths — at little or no cost to the state. That chance comes via two bills that were introduced this week in the Alaska Legislature. With their proposals on the table, Rep. Bill Hudson and Gov. Tony Knowles are among those leading the charge for safer waterways.

Good for them.

A state safe-boating law is required by the Federal Boat Safety Act of 1971, which transferred responsibility for boater education, prevention and enforcement to the states. The immediate incentive for states to adopt a law was boater-fuel tax money that they split after it was collected by the feds.

Since then, adoption of safe-boating laws across the nation have had their intended consequence: a reduction in boating deaths and injuries. Before the 1971 act was passed, national drowning rates were running at 32 deaths per 100,000 registered boats.

The dramatic decrease in drownings elsewhere in the nation, says U.S. Coast Guard boating safety specialist Sue Hargis, "shows how much this money is needed in Alaska to help address the problems."

Rep. Hudson says two conditions spurred him to sponsor legislation. First, his desire for an administration that would strongly back the law was met in Gov. Knowles. He feels his second condition, that there would be enough federal money not only to run the program but expand boating safety to "smaller and more Interior reaches of Alaska," also has been addressed by the state and Coast Guard. Alaska now stands to gain up to \$600,000.

Some critics of a safe-boating law mistakenly think it will immediately mean more government regulation. The Juneau Republican is very much aware of the anti-government sentiment that runs deep in Alaska. His measure wouldn't have the state add laws that don't exist on the federal level.

To its credit, the U.S. Coast Guard has already agreed with the state that it will continue its limited, but effective, boating safety operations if a state law is passed. At the same time, it will defer program management to the state, as it should.

With this deal, Alaskans will come out winners.

But first things first: The Alaska Legislature needs to pass a long-overdue safe-boating law. To do less is to go home and sit back as more people drown.

Safe boating

Legislators: Golden chance to act

Even as lawmakers scramble to get a grip on a projected \$1 billion deficit, they must evaluate unrelated legislation and new ideas that will make Alaska a better place. A comprehensive safe-boating law is one measure that should pass this session.

Actually, it's past time for such a law.

Alaska's ranking as the state with the nation's highest drowning rate is reason enough for 60 legislators to sit up and take notice. It is no coincidence that Alaska is the only state that lacks a comprehensive safe-boating law.

In 1998, 38 Alaskans drowned while engaged in noncommercial boating. The previous year, 23 people died.

A 1971 federal law designed to encourage states to create boater-safety programs comes with a sweetener: Federal boater-fuel tax dollars are distributed to states that have adopted comprehensive safe-boating laws.

This means that if Alaska passes a law, the bulk of safe-boating money that the state spends on education, prevention and enforcement efforts can come from federal coffers. This kind of state-friendly arrangement helps offset declining oil dollars that will raise the bar for new state-funded programs.

To coax Alaska along, the U.S. Coast Guard has agreed to free up just more than \$300,000 for safe-boating initiatives. The administration of Gov. Tony Knowles was able to squeeze this money out of the feds because it was able to persuade them that Alaska is coming along on this issue. While the governor is said to be weighing introduction of a safe-boating law to get the subject on the table, the Legislature holds the key. If lawmakers don't act in a timely manner, the federal dollars can be yanked and Alaska will be back where it started.

Lawmakers who want to learn more about safe boating can turn to two handy aids.

First, the newly created state Office of Boating Safety has produced Alaska's first state boating handbook. The booklet covers boat registration, equipment requirements and waterway rules. It reads and looks much like the state's manual for automobile drivers.

Second, the National Association of State Boating Law Administrators has issued a magazine-style publication called "Boating Safety Dollars at Work." The handout explains how state and U.S. Coast Guard partnerships have improved recreational boating safety across the nation. In recent years, it notes, boating fatalities were reduced nearly 12 percent.

Alaska's unacceptably high rates of recreational drowning will begin to go down after legislators do their part and pass a comprehensive safe-boating law. Make no mistake: There is a link between safe-boating laws and reduced drowning deaths.

Alaska should be part of this national trend to make waterways safer.

ANCHORAGE DAILY NEWS 1/26/99

Recreational Boating Safety State Grant Program (Wallop-Breaux Funds)

State Eligibility Criteria for Federal Funds

- 1. A designated State authority or agency to administer the program;**
- 2. A cooperative boating assistance program (MOA) with the Coast Guard;**
- 3. Patrol and other activity to ensure enforcement of State boating safety laws and regulations;**
- 4. Include in general the substantive content of Model State Boat Act (minimum vessel safety equipment carriage requirements—same as U.S. Coast Guard requirements);**
- 5. Boating safety education programs;**
- 6. A marine casualty reporting system; and**
- 7. A State vessel numbering system.**

Allocation of Federal Funds (FY 1998: \$55 Million)

Not more than 2% of available funds is withheld for costs to administer the State grant program, and 5% is withheld for grants to national nonprofit public service organizations for boating safety programs.

1/3: Allocated equally among participating States;

1/3: Allocated according to the ratio of the number of vessels numbered in the State;

1/3: Allocated according to the ratio of State funds expended for boating safety.

Authorized Uses of Federal Funds

- 1. Provide facilities, equipment, and supplies for boating safety education and law enforcement.**
- 2. Train personnel in skills related to boating safety and enforcement of boating safety laws and regulations.**
- 3. Provide public boating safety education.**
- 4. Acquire, construct, or repair public access sites used primarily by recreational boaters.**
- 5. Conduct boating safety inspections and marine casualty investigations.**
- 6. Establish and maintain emergency or search and rescue facilities and provide assistance.**
- 7. Establish and maintain waterway markers and other appropriate aids to navigation.**
- 8. Provide State recreational vessel numbering and titling programs.**

HB

134

Memo



To: House Judiciary Committee
From: Chris Ross
CC:
Date: 03/24/99
Re: Testimony for Judiciary Hearing on HB 134

Good day Mr. Chairman and Committee Members.

My name is Chris Ross, and I am the Corporate Health, Safety and Environmental Manager for NANA Development Corporation (that's my day job). I also serve on the Alaska Safety Advisory Council. Today, however, I would like to address you from the perspective of my volunteer job, that as a ski patroller at Mt. Alyeska, and as Alaska Division Director of the National Ski Patrol.

HB 134 is a needed piece of legislation to strengthen the existing Ski Area Liability Act (hereinafter referred to as "Act") that the legislature enacted several years ago. This bill will help correct two major oversights in the Act.

The first is to expand the scope of the Act to all ski areas in Alaska, not just the few that are on or about State controlled lands. This will allow ski areas such as Moose Mountain, Birch Hill, Black Rapids, Hilltop, Hillberg, Anchorage Nordic and Eaglecrest the same set of conditions as the other ski areas.

The second part of the bill will provide necessary language to allow bail schedules to be set for violations of the Act.

I have heard some say that this may limit individual freedoms, but I believe exactly the opposite. This is actually all about safety. Safety for me, safety for you, safety for our families.

Under the current law, if a winter recreation user (we can't use the term "skier" anymore, because there are skiers, snowboarders, telemark skiers, "big foot" users and many other "sliders!"), chooses to behave badly at any of the ski areas mentioned above, the Act does not apply. This means that there may be little or no repercussion for the actions of the individual.

Also under the current Act, if a person is skiing or boarding out of control and crashes into a small child at the base of the lift, there is no provision for ticketing - no repercussion - and no future deterrent.

If a skier or snowboarder chooses to duck under an Avalanche Closure sign under the current Act, there may be little or no deterrent that ski area managers have in the form of meaningful citation or fines. This may well put me or other patrollers in jeopardy as we face the decision of whether or not to follow those tracks.

This bill is really about protecting the rights of our guests on the hill, and our patrollers. The most common complaint I hear when I patrol is "can't you do something about that reckless (too fast/ out-of-control/ you pick the adjective) skier/boarder that almost ran us over?"

Ski areas are in the customer service business. No ski area wants to alienate customers, or be perceived as limiting the rights of patrons. Ski areas need happy customers and repeat customers. Therefore, it is highly unlikely that the passage of this bill would cause a huge increase in citations. Rather, I suspect all it would take would be a few tickets issued, and the bad actors would get the picture and (hopefully) act more responsibly.

Thank you for your careful consideration of this matter and I urge you to adopt HB 134. I would be happy to answer any questions you may have.

Chris Ross
PO Box 92207
Anchorage, AK 99509
907-265-4113 phone
907- 265-4382 fax
chris.ross@nana-dev.com



EAGLECREST Ski Area

DATE: March 25, 1999

TO: All Interested Parties

FROM: Gary Mendivil, Vice President
Alaska Ski Areas Association

SUBJECT: Background Information on HB134- Ski Violations Bail Schedule

When the Alaska Ski Safety Act was passed in 1994, it included provisions for issuing citations relating to safety. It specifically limited the citations to the following offenses:

1. Entering a posted closed area
2. Using a ski without a retention device.
3. Crossing the uphill track of a surface lift or placing an object in the uphill track.
4. Using a tramway, ski slope or trail while the skier's ability is impaired by the influence of alcohol or a controlled substance.
5. Knowingly enter upon public or private land from an adjoining ski area when the land has been closed by an owner and is posted by the owner or by the ski area operator.
6. Leaving the scene of a collision without giving their name and address to the other person(s) involved or a ski patroller.

In December of 1994, the Dept. Of Natural Resources contacted the Alaska Court System to get a bail schedule established. In August of 1995, the Court System declined to create a schedule because there was "no clear authorization in the statute for such a schedule". In July of 1997, the Alaska Ski Areas Association met in Juneau and adopted a resolution requesting the Department of Natural Resources to help sponsor legislation to correct this situation. This past fall, the Alaska Ski Areas Association worked with Rep. Hudson's office. since he was helpful in the passage of the original Ski Safety Act.

HB 134 was introduced to carry out the original intent of the bail schedule as contained in the Ski Safety Act of 1994. The original list has not been expanded to include any other offenses. The proposed bail schedule does not address skiers who venture out-of-bounds, although the ski safety act notes that skiers do so at their own risk. There is a specific difference between closed areas and out-of-bounds areas. HB 134 does not address reckless skiing, although the Ski Safety Act of 1994 does require a ski area to have a specific policy for dealing with reckless skiers and revocation of skiing privileges. This legislation does not address skiing out of control, although the Ski Safety Act of 1994 does say that skiers have a duty to ski in control.



Alaska State Legislature

REPRESENTATIVE BILL HUDSON

State Capitol
Juneau, Alaska
99801-1182
(907) 465-3744
Fax (907) 465-2273

COMMITTEES

CHAIR
Fisheries Committee
Utility Restructuring Committee

MEMBER
State Affairs Committee
Transportation Committee

Sponsor Statement HB 134: Ski Violations Bail Schedule

HB 134 amends sections of the Alaska Ski Safety Act that have proven to be unclear and therefore unenforceable. The proposed amendments are technical in nature; they clarify the statutes, allowing for improved enforcement and are consistent with the original provisions of the Alaska Ski Safety Act.

Enacted by the 18th Alaska State Legislature, the Alaska Ski Safety Act defines the rights and responsibilities of both ski areas and skiers. However, under current statutes all ski areas are not included in the enforcement provisions under AS 05.45.100 (h). HB 134 creates a level playing field by allowing for citations to be issued in all ski areas in accordance with the Alaska Ski Safety Act. Additionally, in 1995 the Alaska Supreme Court determined that current law does not provide them with adequate authorization to establish the bail forfeiture schedule. HB 134 provides the Court with the necessary authority to adopt the bail forfeiture schedule for the specific violations included in AS 05.45.100. These measures will allow for full implementation of the enforcement provisions within the Alaska Ski Safety Act.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 17, 1999

SUBJECT: Citation for skiing violations - (HB 134)

TO: Representative Bill Hudson
Attn: Paulyn Swanson

FROM: Michael F. Ford *M.F.F.*
Legislative Counsel

You have asked for an explanation of the changes to existing law made by HB 134. Section 1 of the bill expands the authority of the Department of Natural Resources in a manner that provides for issuance of citations in all ski areas. This change is necessary because existing law limits the department's authority to those ski areas over which the state has jurisdiction, which excludes a number of ski areas in the state. Section 2, requires the Alaska Supreme Court to establish a schedule of bail amounts for ski citations. This change is necessary because the court system believes that existing law (AS 05.45.100(h)) is insufficient to require that a bail schedule be established. Finally, section 3 concerns a provision of law providing that the cited person is not required to sign the citation. This section is not necessary to accomplish the goal of issuing citations in all ski areas of the state, but the change is consistent with other provisions of law regarding similar citations.

Please contact me if you have further questions.

MFF:glc
99-111.glc

FAX TRANSMISSION

ADNR/DIV OF LAND
3601 C Street, Suite 1080
Anchorage, Alaska 99503-5937
907-269-8566
Fax 907-269-8913

To: Paulyn Swanson
Fax #: 465-2273
From: Mike Sullivan
Subject: ski act

Date: March 8, 1999
Pages: 1 (including this cover sheet)

COMMENTS:

Greetings Paulyn--In regards to "state jurisdiction" in my discussion with Mike Ford, he believed that means on state lands.

Prior to discussing the issue with Mike F. My original interpretation was that the phrase "over which the state has jurisdiction" referred to ski areas that were required under 5.45.040 to submit operations plans to ADNR for approval. However, this phrase is not included in the portion of the bill that requires submittal of operation plans to ADNR or on the sections detailing signage requirements for lifts and trails. I defer to his expertise and opinion and more importantly see no harm in deleting the phrase in question from the law. This should serve to avoid any future discussion over its meaning

It was pointed out to me by Gary Mendevil that deleting the phrase entirely would mean that this section now applies to the military ski areas at places like Hillberg in Anch., the Coast Guard lift on Kodiak and ski areas on military land at Delta and Ft. Wainwright. All these areas are specifically exempt from providing operations plans to the state in AS 5.45.040. Gary and I discussed this and agreed that by removing the phrase from 5.45.100(b) we aren't requiring these areas to do anything new, they could choose to use the provision or not. Our guess is none of them would as out of bounds skiing has only been an issue for Eaglecrest and Alyeska though past operators of Alpenglow (arcic valley in anch) have indicated they would also like to be able to cite out of bounds skiers.

In regards to what areas are within state jurisdiction ...upper slopes at Alyeska are on a state land lease, otherwise Alpenglow is on an old state land lease issued in the 60's, however the surrounding land is federal land part of an old military reservation but title is held by BLM. BLM has entered into an agreement with Chugach State Park Officials allowing the property to be managed as part of the park but it's really not state land. As to whether or not that qualifies as within state jurisdiction....?

This is probably more info than you wanted but I suppose most important is that I support proposed change as best way to get Eaglecrest and Alyeska the tools they need to protect their boundaries and limit the # of times they or the local boro has to send employees on rescue missions to retrieve errant skiers in dangerous backcountry areas.ms

Subject: Re: Ski Areas

Date: Wed, 24 Mar 1999 07:33:04 -0900

From: "Mike Sullivan" <mikes@dnr.state.ak.us>

To: Paulyn Swanson <Paulyn_Swanson@legis.state.ak.us>

Paulyn--no problem and the answer is

1. Alyeska Resort in Girdwood
2. Eaglecrest
3. Moose Mtn in Fairbanks
4. Skiland in Fbks
5. Eyak ski area in Cortiova
6. Homer Ski club rope tow in Homer
7. Hilltop in Anchorage
8. Alpenglow (Arctic Valley) in Anch
9. Russian Jack ski tow in Anch.

Of these Alpenglow, Alyeska and Eaglecrest have indicated they have problems with out of bounds skiers and would like to be able to issue citations. Eaglecrest and Alyeska are the two most concerned. Hope this helps.ms> Hi Mike;

>

> I need a bit more information. Please send me a list of all of the
> ski areas that are required to submit an operations plan to DNR
> as directed under AS 05.45.040.

>

> Thanks!

> Paulyn Swanson

> Staff to Rep. Hudson

>

>

>

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

MEMO

To: Paulyn Swanson
From: Mike Sullivan
Subject: Ski Safety Act
Date: February 22, 1999

Paulyn--got your 2/17/99 note with the changes to the ski act. As you know the reason behind this "tweeking" of the ski safety act was the need to get a bail forfeiture schedule for violations of the original ski act. Apparently court officials didn't believe the original bill included authority to establish a bail schedule for the offenses listed in AS 5.45.100.

Currently the Division of Land is using AS 41 21 955 (this statute applies only to state parks and recreation facilities) and 11 AAC 12.335 to enforce out of bounds skiing and this only applies to Alyeska ski resort as Alyeska is located on state land and was formally designated as a recreational facility in 11 AAC 20.956. Also the current fine is only \$50.00 for conducting an activity in an area closed to that use such as camping or building campfires away from fire pits in parks, an insufficient amount in the view of resort managers who want to return to the higher fine amounts that applied during the USFS's administration of the ski area that ended in 1994. At present this is the only place in the state where the Division of Land is authorized to issue written citations. Therefore, as a 20 year Div of Land employee I have minimal experience with issuing citations but I've been told that before we can issue citations we need a number of statutes or regulations in place:

1st. The activity must be clearly stated to be against state law--AS 5.45.100 should satisfy this.

2Nd Statute must say what type of infraction the activity is. AS 5.45.100(h) addresses this and identifies these rules infractions as "violations" as defined in AS 11.81.900.

3Rd State law must then include a specific penalty for the infraction, for "violations" as defined above, this is done thru a bail forfeiture schedule. This is the missing piece of the enforcement chain for the ski safety act and based on my experience the proposed language should correct this. I trust someone at Dept of Law will be looking this over to verify this info.

In regards to your question about what if someone wants to contest the, it's again my understanding that for AS 81.900 violations court appearances are not mandatory but if the accused elects to contest the citation they appear before a magistrate much as folks do who got a minor traffic ticket. There is no prosecutor other than the policeman who issued the traffic ticket, in the case of the ski act likely either someone from the Division of Land and/or a ski patroller or ski area official would appear. For Anchorage I'm sure we'd go for Juneau I doubt we'd go unless our presence was particularly important. This has happened once since we took over the Alyeska program, a staff person from here attended along with the ski patrol director from Alyeska. The offender basically said he wasn't out of bounds, we said he was, the magistrate asked if we had authority to issue citation, we said yes, offender was found guilty and fined.

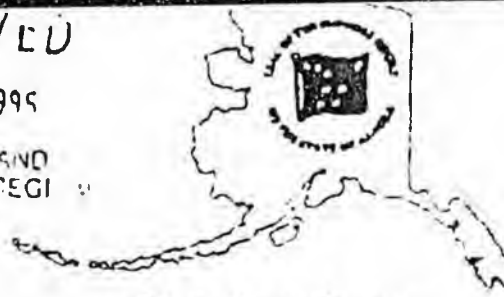
For Juneau we'd do the same as we do for Alyeska when an out of bounds skier is caught, resort forwards a report to us, we may call responsible resort employee to double check info, then we write citation and mail via certified mail. This is the same way it was handled at Alyeska under the USFS.

Hope this helps, I'm at 269-8566.ms

RECEIVED

AUG 21 1995

LAND
REGI



Susan Miller
Office of Special Projects

Alaska Court System
State of Alaska
OFFICE OF THE ADMINISTRATIVE DIRECTOR

303 K Street
Anchorage, Alaska 99501-2099

Phone: (907) 264-8229
Fax: (907) 258-4968

August 16, 1995

Mike Sullivan
Natural Resource Manager
Division of Land
Department of Natural Resources
PO Box 107005
Anchorage AK 99510-7005

Dear Mr. Sullivan:

On August 8 the Alaska Supreme Court discussed your December 21, 1994 request that a bail forfeiture schedule be adopted for the new skiing offenses defined in AS 05.45.100. The court declined to create such a schedule because there is no clear authorization in the statute for such a schedule. Administrative Rule 43(a) states: "The supreme court will consider adopting a bail forfeiture schedule only when so authorized by statute...." The court decided the language in AS 05.45.100(h) is not an adequate authorization.

Please give me a call when you get a chance. A copy of Administrative Rule 43 is attached.

Sincerely,

Susan Miller

Susan Miller
Office of Special Projects

SM:lb

Enclosure

Memorandum

Alaska Court System

103 K Street, Anchorage, AK 99501-2099
Phone: 254-8229 Fax: 258-4668

TO: Christine Johnson
Court Rules Attorney

DATE: July 24, 1995

FROM: Susan Miller
Special Projects

SUBJ: Ski Area Bail Forfeiture Schedule

Issue: Can the new Alaska Ski Safety Act offenses in AS 05.45.100 be added to the Parks Bail Forfeiture Schedule?

It is my understanding that the supreme court will not create bail forfeiture schedules without a clear mandate from the legislature. The Department of Natural Resources has requested that a bail forfeiture schedule be adopted for six of the new downhill skiing offenses created by the Alaska Ski Safety Act of 1994. A copy of the request and a copy of the new law (ch 63 SLA 1994) are attached.

There is no explicit requirement in this legislation that the court create a bail forfeiture schedule for these offenses. However, Mike Sullivan, author of the attached memorandum from the Department of Natural Resources, believes it was the intent of the drafters of the legislation that such a schedule be created. He points to AS 05.45.100(h) as the authority for this. Paragraph (h) states:

(h) A person who violates a provision of (c) or (g) of this section is guilty of a violation as defined in AS 11.81.900. The commissioner of natural resources, a person designated by the ski area operator who is authorized by the commissioner, or an employee of the Department of Natural Resources authorized by the commissioner may issue a citation in accordance with the provisions of AS 41.21.960 to a person who violates (c) or (g) of this section within a ski area over which the state has jurisdiction.

Apparently the drafters thought all that was required to make the new offenses eligible to be on a bail forfeiture schedule was to make them "violations" rather than misdemeanors. This is, of course, not correct. Alternatively, they apparently believed that the reference to AS 41.21.960 in the last sentence was enough to make it clear that the court should add the offenses to the Parks Bail Schedule.

AS 41.21.960(a) authorizes issuance of a citation for "a misdemeanor offense committed within a park or recreational facility subject to the department's supervision." Paragraph (b) of the statute requires the supreme court to create a bail forfeiture schedule for "those offenses that are amenable to disposition without court appearance." The statute is not completely clear about which offenses can be included in the bail schedule. Arguably, however, "those offenses" means misdemeanors defined in AS 41.21 or a regulation adopted under AS 41.21 which are committed within a park or recreational facility subject to the supervision of the Department of Natural Resources. See AS 41.21.950 and AS 41.21.960(a), attached.

The new downhill skiing offenses in Title 5 do not seem to qualify under this interpretation of AS 41.21.960(b). They are not misdemeanors, they are not offenses defined in AS 41.21 or a regulation adopted under AS 41.21, and it is not clear that they would be committed within a park or recreational facility subject to the supervision of DNR. So, the question becomes: Is the supreme court willing to add these offenses to the Parks Bail Forfeiture Schedule based on the second sentence in AS 05.45.100(h) quoted above?

Susan

Valdez	3VA
Whitmer	3WH
Fourth District	
Aniak	4AA
Bethel	4BE
Delta Junction	4DJ
Fairbanks	4FA
Fort Yukon	4FY
Galena	4GA
Healy	4HE
Kauaiuk (closed)	4KS
McGrath	4MC
Mekoryuk	4ME
Nesana	4NE
Quinhagak	4QU
Rampart (closed)	4RA
Tazewell	4TA
Tek	4TO
Tosovak	4TU

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 478 effective August 17, 1981; by SCO 541 effective October 1, 1982; by SCO 564 effective April 4, 1983; by SCO 565 effective May 3, 1983; by SCO 617 effective May 15, 1985; by SCO 672 effective June 15, 1986; by SCO 1034 effective June 14, 1990; by SCO 1035 effective nunc pro tunc February 1, 1991; and by SCO 1132 effective July 15, 1993)

Cross References

CROSS-REFERENCES: Administrative Bulletin No. 7 (Case Numbering)

Rule 42. Docketing.

There shall be no court docket kept on any case filed in the district or superior court. Any dockets prepared prior to the effective date of this rule shall continue to be maintained until a final disposition has been entered in the case. No rule of court shall be interpreted to require docketing of documents or hearings.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 554 effective April 4, 1983; by SCO 630 effective September 15, 1985; and by SCO 656 effective September 15, 1989)

Rule 43. Bail Forfeiture Schedules.

(a) Procedure for Adopting Bail Forfeiture Schedule. The supreme court will consider adopting a bail forfeiture schedule only when so authorized by statute. The agency charged with enforcement under a statute for which a bail forfeiture schedule has been authorized shall forward to the administrative director its recommendations for a proposed schedule, listing offenses by number, describing the offenses, and proposing a bail forfeiture amount. The

proposed schedule shall be accompanied by commentary explaining the basis for the agency's recommendation, and by a copy of the proposed citation form. The supreme court shall consider the recommendation, and shall determine whether to adopt a bail forfeiture schedule, and if so, shall determine which offenses are amenable to disposition by bail forfeiture and whether the bail forfeiture amounts are appropriate. The administrative director shall notify the agency when an order adopting the schedule is issued.

(b) Procedures for Amending Bail Forfeiture Schedules.

(1) By July 1 of each year, each agency charged with enforcement under a statute for which a bail forfeiture schedule has been authorized shall forward to the administrative director of the Alaska Court System its written recommendation concerning whether the schedule must be amended to reflect any legislative and regulatory changes, or whether policy considerations warrant revisions. Any proposed amendments shall be accompanied by commentary. The supreme court shall consider the agency's recommendations and determine by October 1 whether to adopt them. If it will be impractical for the court to respond by that date, the administrative director will inform the agency of the date by which the response can be expected. The administrative director shall notify the agency when an order amending the schedule is issued.

(2) In addition to the provisions of paragraph (b)(1), an agency may request a bail forfeiture schedule amendment whenever the need arises.

(3) Any person or agency may request a bail forfeiture schedule amendment at any time by proposing an amendment in writing to the chief justice or to the administrative director.

(Adopted by SCO 412 effective July 1, 1980; amended by SCO 651 effective July 1, 1985; and by SCO 1180 effective July 15, 1993)

Rule 43.1. Traffic Bail Forfeiture Schedule.

Pursuant to AS 28.05.151, the following vehicle and traffic offenses are amenable to disposition without court appearance upon payment and forfeiture of the bail amounts listed. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the bail amount for that offense listed below. An offense for which a bail forfeiture amount has been established shall be charged on a citation which meets the requirements of District Court Criminal Rule 8(c) and shall not be filed, numbered or processed as a criminal case.

Effective January 1, 1996, as a condition of the

MEMORANDUM State of Alaska

Department of Natural Resources

Division of Land, Southcentral Region

TO: Susan Miller
Special Projects
Ak Court System

DATE: December 21, 1994

THRU: Rick Thompson *RJT*
Regional Manager

FILE NO.:

TELEPHONE NO: 762-2270

FROM: Mike Sullivan *MS*
Natural Resource Manager

SUBJECT: Bail Schedule
Ak Ski Safety Act

The 1994 legislature enacted a new state law dealing with the expanding downhill ski industry in Alaska (chapter 63 SLA 1994). This legislation was patterned after a similar Colorado law which clarifies the responsibilities and duties of both skiers and ski area operators. This bill was sponsored and supported by the Alaska Ski Areas Association. The purpose of this memorandum is to request that a bail forfeiture schedule be adopted for specific violations of the act as included in AS 05.45.090 (c) and (g). Enforcement of out of bounds and closed area skiing is especially important to ski area operators because out of bounds skiers pose a danger not only to themselves but also to ski area employees. Out of bounds skiers often enter terrain highly susceptible to avalanches. Rescuing or otherwise assisting lost or injured skiers is extremely hazardous for both the rescuer's and the wayward skier. This danger is particularly acute at Mt. Alyeska but is also present at other Alaskan ski areas. In the past the United States Forest Service (USFS) has issued citations for out of bounds skiing at Alyeska. These violations carried a \$150.00 fine pursuant to 36 CFR 261.53(e). This enforcement tool was fairly effective in deterring out of bounds skiers. In April of 1993 the property was transferred to the state.

ADNR believes reckless skiing offenses are appropriate for inclusion in a bail forfeiture schedule because the legislature directed in AS 5.45.100(h) that such offenses be treated as "violations" rather than misdemeanors.

December 21, 1994

Page 2

AK Ski Safety Act

Before preparing specific recommendations for these violations contact were made with the USFS (the majority of ski areas on public lands in the US are in National Forests) and the states of Colorado and Utah (Colorado has more skier visits than any other state and has a ski safety act). Both Colorado and Utah treat out of bounds skiing as misdemeanors or petty crimes. The offense is subject to a fine and/or jail time. Typical fines in Colorado are \$300.00 and in Utah \$185.00. Provisions are also included to charge for cost of rescues. As previously referenced the USFS has a \$150.00 fine, though in states like Utah or Colorado state or county officials handle such violations. These entities make no distinction between skiing on a closed trail or skiing on adjacent lands closed to skiing. Colorado requires drunk skiers or skiers leaving the scene of an accident to appear in court with possible fines up to \$300.00 and/or jail time.

Colorado has also charged skiers involved in collisions with assault and manslaughter. They have (in special or unique circumstances) charged people skiing without ski brakes with reckless endangerment. Skiing across surface lifts has not been a problem for Colorado and state law does not address this activity. Utah officials would also look to similar existing statutes to enforce violations of this type.

Federal law does not specifically address any of the violations included in the Alaska law except skiing out of bounds. Federal law does provide for a \$100.00 fine for atv use by someone under the influence (36 CFR 261.13e) and a similar fine for reckless or careless conduct that could endanger others (36 CFR 261.13g).

After considering this information and the existing bail schedule used by the Department of Natural Resources, Division of Parks (Administrative Rule 43.3, Supreme Court Order #992), the Division of Lands recommends the following bail amounts for violations referenced in the Alaska Ski Safety Act of 1994:

AS 05.45.100(c)1	Skiing on a closed slope or trail	\$150.00
AS 05.45.100(c)2	Use a ski w/o a stopping device	\$ 50.00

December 21, 1994

Page 3

AK Ski Safety Act

AS 05.45.100(c)3	Cross uphill track of surface lift	\$ 50.00
AS 05.45.100(c)4	Ski or ride lifts under influence of alcohol or drugs	\$100.00
AS 05.45.100(c)5	^{INCLUDED PERMANENT} Ski outside ski area boundaries	\$150.00
AS 05.45.100(g)	Skier involved in collision leaves the scene of accident	\$150.00

If you have any questions please feel free to contact me.



EAGLECREST Ski Area

January 25, 1999

JAN 27 1999

Representative Hudson
State Capitol, Room 108
Juneau, AK 99801-1182

Dear Representative Hudson,

Thank you for your past support of the ski industry in Alaska. Your help was instrumental in the passage of the Alaska Ski Safety Act of 1994. That legislation more clearly defined all parties rights and responsibilities.

The Alaska Ski Safety Act allows the Commissioner of the Department of Natural Resources to designate authorized individuals who may issue citations to reckless skiers. Unfortunately, the Alaska Court system determined that the bail schedule was not specified clearly in the Act and that there is not sufficient authority to establish the bail schedule. It is our understanding that this situation can be corrected by legislative amendment. The bail schedule would specifically cover the following items noted in the ski safety act:

- AS 05.45.100(c)3 Crossing the uphill track of a surface lift or rope tow except at locations designated by the operator, or place an object in the uphill track.
- AS 05.45.100(c)4 moving uphill on a tramway or use a ski slope or trail while the skier's ability is impaired by the influence of alcohol or a controlled substance as defined in AS11.71.900 or other drug.
- AS 05.45.100(c)5 knowingly enter upon public or private land from an adjoining ski area when the land has been closed by an owner and is posted by the owner or by the ski area operator.
- AS 05.45.100(g) Except for the purpose of securing aid for a person injured in the collision, a skier involved in a collision with another skier or person that results in an injury may not leave the vicinity of the collision before giving the skiers name and current address to the other person involved in the collision and to an employee of the ski area operator or a member of the voluntary ski patrol. A person who leaves the scene of a collision to obtain aid shall give the person's name and current address as required by this subsection after obtaining aid.

As an attachment, I have included the proposed amendment to the Alaska Ski Safety Act, the bail schedule proposed by the Department of Natural Resources and a list of the members of the Alaska Ski Areas Association. The Alaska Ski Areas Association would be happy to work with you and your staff in any way during the coming legislative session.

I have asked our other ski area members to contact their respective legislators to ask for their help with this amendment to the Alaska Ski Safety Act of 1994. If you would be interested in co-sponsoring this legislation, we will certainly keep you advised of any progress we are able to make in this regard.

Sincerely

A handwritten signature in black ink, appearing to read 'Gary Mendivil', with a long horizontal line extending to the right.

Gary Mendivil
Vice-Chairman
Alaska Ski Areas Association

January 11, 1999

Senator Sean Parnell
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Representative Con Bunde
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182



ALYESKA RESORT

Re: Bail Schedule of Alaska Ski Safety Act of 1994

Dear Senator Parnell,

In 1994, the legislature passed a bill itemizing the responsibilities of both the ski areas and the skiers. This bill has been very useful to the ski areas and to the state.

There is a weakness in the bill however. The bill gives the Department of Natural Resources (DNR) authority to fine skiers who disregard provisions of the act. Unfortunately, the court has ruled that the bail forfeiture schedule was not specific in the act and therefore not enforceable above the \$50.00 level. This makes enforcement of area boundaries and avalanche closures much more difficult.

Commissioner Shively of the DNR is supportive of the ski industry's request. We would hope that you would be willing to work with the DNR on this issue.

I hope we can work together on this matter. Please feel free to contact me on this issue if I can be of assistance.

Sincerely,

Larry K. Daniels, General Manager
- Alyeska Ski Area & The Anchorage Golf Course

P.O. Box 249
GIRDWOOD, ALASKA 99507
TELEPHONE (907) 754-1111
FAX (907) 754-2200

xc. John Shnively, Commissioner - DNR

Chapter 05.45. SKI LIABILITY, SAFETY, AND RESPONSIBILITY

Sec. 05.45.010. Limitation on actions arising from skiing.

Notwithstanding any other provision of law, a person may not bring an action against a ski area operator for an injury resulting from an inherent danger and risk of skiing.

Sec. 05.45.020. Effect of violations.

(a) A ski area operator or other person who violates a requirement of this chapter, a provision of a plan of operation prepared under AS 05.45.040, or a regulation adopted by the Department of Labor under AS 05.20.070 is negligent and civilly liable to the extent the violation causes injury to a person or damage to property.

(b) Notwithstanding the provisions of AS 09.17.080,

(1) the limitation of liability described under AS 05.45.010 is a complete defense in an action against a ski area operator for an injury if an inherent danger or risk of skiing is determined to be a contributory factor in the resulting injury, unless the ski area operator has violated a requirement of this chapter, a provision of a plan of operation prepared under AS 05.45.040, or a regulation adopted by the Department of Labor under AS 05.20.070;

(2) a violation of the passenger duties imposed under AS 05.45.030 or skier duties imposed under AS 05.45.100 is a complete defense in an action against a ski area operator if the violation is determined to be a contributory factor in the resulting injury, unless the ski area operator has violated a requirement of this chapter, a provision of a plan of operation prepared under AS 05.45.040, or a regulation adopted by the Department of Labor under AS 05.20.070.

(c) If the ski area operator is determined to have violated a requirement of this chapter, a provision of a plan of operation prepared under AS 05.45.040, or a regulation adopted by the Department of Labor under AS 05.20.070, the provisions of AS 09.17.080 apply in an action against a ski area operator for an injury resulting from the violation.

Sec. 05.45.030. Duties of passengers.

(a) A passenger may not board a tramway if the passenger does not have

(1) sufficient physical dexterity or ability and knowledge to negotiate or use the facility safely; or

(2) the assistance of a person authorized by the ski area operator to assist a skier.

(b) A passenger may not

(1) embark upon or disembark from a tramway except at a designated area unless reasonably necessary to prevent injury to the passenger or others; this paragraph does not apply if the tramway stops and the operator assists the passengers to disembark from the tramway;

(2) intentionally throw or expel an object from a tramway while riding on the tramway, except as permitted by the operator;

(3) act while riding on a tramway in a manner that may interfere with proper or safe operation of the tramway;

(4) engage in conduct that may contribute to or cause injury to a person;

(5) intentionally place in an uphill track of a J-bar, T-bar, platter pull, rope tow, or another surface lift an object that could cause another skier to fall;

(6) embark upon a tramway marked as closed;

(7) disobey instructions posted in accordance with this chapter or oral instructions by the ski area operator regarding the proper or safe use of a tramway unless the oral instructions are contrary to this chapter or contrary to posted instructions.

Sec. 05.45.040. Required plan and patrol by ski area operators.

(a) A ski area operator shall prepare a plan of operation for each ski season and shall implement the plan throughout the ski season. A plan of operation must include written provisions for ski patrol, avalanche control, avalanche rescue, grooming procedures, tramway evacuation, hazard marking, missing person procedures, and first aid. Before the operation of the ski area for that season, the plan shall be reviewed and approved by the commissioner of natural resources except that if an agency of the United States manages the land on which the ski area operates, the plan shall be reviewed and approved by that agency. The commissioner of natural resources may require a ski area operator to pay a fee not to exceed the department's cost of reviewing the plan, and may adopt regulations to implement this subsection.

(b) A ski area operator shall provide a ski patrol whose members meet or exceed the training standards of the National Ski Patrol System, Inc. This subsection does not apply to a ski area if the operator transports skiers using only a single tramway consisting of a rope tow, the rope tow does not transport skiers more than 500 vertical feet, and the ski area is operated by a nonprofit corporation or a municipality. In this subsection, "nonprofit corporation" means a corporation that qualifies for exemption from taxation under 26 U.S.C. 501(c)(3) or (4) (Internal Revenue Code).

(c) Notwithstanding any other law, the state and the commissioner of natural resources are not civilly liable for damages resulting from an act or omission in reviewing, approving, or disapproving a plan of operation under (a) of this section.

Sec. 05.45.050. Required signs for tramways; duties of operators.

(a) A ski area operator who operates a tramway shall maintain a sign system with concise, simple, and pertinent information for the protection and instruction of passengers. Signs shall be prominently placed on each tramway, readable in conditions of ordinary visibility, and where applicable adequately lighted for nighttime passengers. Signs shall be posted

(1) at or near the loading point of each tramway, regardless of the type, advising that a person not familiar with the operation of the device must ask the operator of the device for assistance and instruction;

(2) in the interior of each two-car and multicar tramway showing

(A) the maximum capacity in pounds of the car and the maximum number of passengers allowed;

(B) instructions for procedures in emergencies;

(3) in a conspicuous place at each loading area of two-car and multicar tramways stating the maximum capacity in pounds of the car and the maximum number of passengers allowed;

(4) at all chair lifts stating the following:

(A) "Prepare to Unload," which shall be located not less than 50 feet ahead of the unloading area;

(B) "Keep Ski Tips Up," which shall be located ahead of any point where the skis may come in contact with a platform or the snow surface;

(C) "Unload Here," which shall be located at the point designated for unloading;

(D) "Stop Gate," which shall be located where applicable;

(E) "Remove Pole Straps from Wrists," which shall be located prominently at each loading area;

(F) "Check for Loose Clothing and Equipment," which shall be located before the "Prepare to Unload" sign;

(5) at all J-bars, T-bars, platter pulls, rope tows, and any other surface lift, stating the following:

(A) "Remove Pole Straps from Wrists," which shall be placed at or near the loading area;

(B) "Stay in Tracks," "Unload Here," and "Safety Gate," which shall be located where applicable;

(C) "Prepare to Unload," which shall be located not less than 50 feet ahead of each unloading area;

(6) near the boarding area of all J-bars, T-bars, platter pulls, rope tows, and any other surface lift, advising passengers to check to be certain that clothing, scarves, and hair will not become entangled with the lift;

(7) at or near the boarding area of all lifts, stating the skier's duty set out in AS 05.45.100(c)(2).

(b) Signs not specified by (a) of this section may be posted at the discretion of the ski area operator.

(c) A ski area operator, before opening the tramway to the public each day, shall inspect the tramway for the presence and visibility of the signs required by (a) of this section.

(d) A ski area operator shall post and maintain signs that are required by (a) of this section in a manner that they may be viewed during conditions of ordinary visibility.

Sec. 05.45.060. Required signs for trails and slopes; duties of operators.

(a) A ski area operator shall maintain a sign and marking system as required in this section in addition to that required by AS 05.45.050. All signs required by this section shall be maintained so as to be readable and recognizable under conditions of ordinary visibility.

(b) A ski area operator shall post a sign recognizable to skiers proceeding to the uphill loading point of each base area lift that depicts and explains signs and symbols that the skier may encounter at the ski area. The sign must include the following:

(1) the least difficult trails and slopes, designated by a green circle and the word "easier";

(2) the most difficult trails and slopes, designated by a black diamond and the words "most difficult"; trails intended for expert skiers may be marked with a double black diamond and the words "expert only";

(3) the trails and slopes that have a degree of difficulty that falls between the green circle and the black diamond designation, designated by a blue square and the words "more difficult";

(4) danger areas designated by a red exclamation point inside a yellow triangle with a red band around the triangle and the word "danger" printed beneath the emblem;

(5) closed trails or slopes designated by a sign with a circle or octagon around a figure in the shape of a skier with a band running diagonally across the sign from the upper right-hand side to the lower left-hand side and with the word "closed" printed beneath the emblem.

(c) If applicable, a sign shall be placed at or near the loading point of each tramway as

follows:

difficult) slopes only.

WARNING: This lift services (most difficult) or (most difficult and more difficult) or (more

(d) If a particular trail or slope or portion of a trail or slope is closed to the public by a ski area operator, the operator shall place a sign notifying the public of that fact at each identified entrance of each portion of the trail or slope involved. A slope without an entrance defined by terrain or forest growth may be closed with a line of signs in a manner readily visible to skiers under conditions of ordinary visibility. This subsection does not apply if the trail or slope is closed with ropes or fences.

(e) A ski area operator shall

(1) place a sign at or near the beginning of each trail or slope, which must contain the appropriate symbol of the relative degree of difficulty of that particular trail or slope as described in (b) of this section; this paragraph does not apply to a slope or trail designated "easier" that to a skier is substantially visible in its entirety under conditions of ordinary visibility before beginning to ski the slope or trail;

(2) mark the ski area boundaries in a fashion readily visible to skiers under conditions of ordinary visibility;

(3) mark that portion of the boundary with signs as required by (b)(5) of this section if the owner of land adjoining a ski area closes all or part of the land and notifies the ski area operator of the closure;

(4) mark hydrants, water pipes, and all other man-made structures on slopes and trails that are not readily visible to skiers under conditions of ordinary visibility from a distance of at least 100 feet and adequately and appropriately cover man-made structures that create obstructions with a shock absorbent material that will lessen injuries; any type of marker is sufficient, including wooden poles, flags, or signs, if the marker is visible from a distance of 100 feet and if the marker itself does not constitute a serious hazard to skiers; in this paragraph, "man-made structures" does not include variations in steepness or terrain, whether natural or as a result of slope design, snow making, grooming operations, roads and catwalks, or other terrain modifications;

(5) mark exposed forest growth, rocks, stumps, streambeds, trees, or other natural objects that are located on a slope or trail that is regularly used by skiers or that is regularly packed and prepared by a ski area operator using a snow vehicle and attached implements and that are not readily visible to skiers under conditions of ordinary visibility from a distance of at least 100 feet;

(6) mark roads, catwalks, cliffs, or other terrain modifications that are not readily visible to skiers under conditions of ordinary visibility from a distance of at least 100 feet;

(7) post and maintain signs that contain the warning notice specified in (g) of this section: the notice shall be placed in a clearly visible location at the ski area where lift tickets and ski school lessons are sold and in a position to be recognizable as a sign to skiers proceeding to the uphill loading point of each base area lift; the signs may not be smaller than three feet by three feet and must be white with black and red letters as specified in this paragraph: the word "WARNING" must appear on the sign in red letters; the warning notice specified in this paragraph must appear on the sign in black letters with each letter to be a minimum of one inch in height.

(f) A ski lift ticket sold or made available for sale to skiers by a ski area operator must

contain in clearly readable print the warning notice specified in (g) of this section.

(g) The signs described in (e)(7) of this section and the lift tickets described in (f) of this section must contain the following warning notice:

WARNING

Under Alaska law, the risk of an injury to person or property resulting from any of the inherent dangers and risks of skiing rests with the skier. Inherent dangers and risks of skiing include changing weather conditions; existing and changing snow conditions; bare spots, rocks, stumps and trees; collisions with natural objects, man-made objects, or other skiers; variations in terrain; and the failure of skiers to ski within their own abilities.

Sec. 05.45.070. Other duties of ski area operators.

(a) A ski area operator shall equip a motorized snow-grooming vehicle with a light visible at any time the vehicle is moving on or in the vicinity of a ski slope or trail.

(b) When maintenance equipment is being employed to maintain or groom a ski slope or trail while the ski slope or trail is open to the public, the ski area operator shall place a conspicuous notice regarding the maintenance or grooming at or near the top of that ski slope or trail.

(c) A motor vehicle operated on the ski slope or trails of a ski area shall be equipped with at least

- (1) one lighted head lamp;
- (2) one lighted red tail lamp;
- (3) a brake system maintained in operable condition; and
- (4) a fluorescent flag at least 40 square inches mounted at least six feet above the bottom of the tracks.

(d) A ski area operator shall make available at reasonable fees, instruction and education regarding the inherent danger and risk of skiing and the duties imposed on skiers under this chapter. Notice of the availability of the instruction and education required under this subsection shall be placed in a clearly visible location at the ski area where lift tickets and ski school lessons are sold, in a position to be recognizable as a sign to skiers proceeding to the uphill loading point of each base area lift, and printed on equipment rental agreements.

Sec. 05.45.080. Skiers outside marked boundaries.

A ski area operator does not have a duty arising out of the operator's status as a ski area operator to a skier skiing beyond the area boundaries if the boundaries are marked as required by AS 05.45.060(e)(2).

Sec. 05.45.090. Reckless skiers; revocation of skiing privileges.

(a) A ski area operator shall develop and maintain a written policy covering situations involving reckless skiers, including a definition of reckless skiing, procedures for approaching and warning skiers regarding reckless conduct, and procedures for taking action against reckless skiers, including revocation of ski privileges. A ski area operator shall designate ski patrol personnel responsible for implementing the ski area operator's policy regarding reckless skiers.

(b) A ski area operator, upon finding a person skiing in a careless and reckless manner, may revoke that person's skiing privileges. This section may not be construed to create an affirmative duty on the part of the ski area operator to protect skiers from their own or from another skier's carelessness or recklessness.

Sec. 05.45.100. Duties and responsibilities of skiers.

(a) A skier is responsible for knowing the range of the skier's own ability to negotiate a ski slope or trail and to ski within the limits of the skier's ability. A skier is responsible for an injury to a person or property resulting from an inherent danger and risk of skiing, except that a skier is not precluded under this chapter from suing another skier for an injury to person or property resulting from the other skier's acts or omissions. Notwithstanding any other provision of law, the risk of a skier's collision with another skier is not an inherent danger or risk of skiing in an action by one skier against another.

(b) A skier has the duty to maintain control of the skier's speed and course at all times when skiing and to maintain a proper lookout so as to be able to avoid other skiers and objects. However, a person skiing downhill has the primary duty to avoid collision with a person or object below the skier.

(c) A skier may not

(1) ski on a ski slope or trail that has been posted as "closed" under AS 05.45.060(b)(5) and (d):

(2) use a ski unless the ski is equipped with a strap or other device capable of stopping the ski should the ski become unattached from the skier;

(3) cross the uphill track of a J-bar, T-bar, platter pull, or rope tow except at locations designated by the operator, or place an object in an uphill track;

(4) move uphill on a tramway or use a ski slope or trail while the skier's ability is impaired by the influence of alcohol or a controlled substance as defined in AS 11.71.900 or other drug;

(5) knowingly enter upon public or private land from an adjoining ski area when the land has been closed by an owner and is posted by the owner or by the ski area operator under AS 05.45.060(e)(3).

(d) A skier shall stay clear of snow grooming equipment, vehicles, lift towers, signs, and other equipment on the ski slopes and trails.

(e) A skier has the duty to heed all posted information and other warnings and to refrain from acting in a manner that may cause or contribute to the injury of the skier or others. Evidence that the signs required by AS 05.45.050 and 05.45.060 were present, visible, and readable at the beginning of a given day creates a presumption that all skiers using the ski area on that day have seen and understood the signs.

(f) Before beginning to ski from a stationary position or before entering a ski slope or trail from the side, a skier has the duty to avoid moving skiers already on the ski slope or trail.

(g) Except for the purpose of securing aid for a person injured in the collision, a skier involved in a collision with another skier or person that results in an injury may not leave the vicinity of the collision before giving the skier's name and current address to the other person involved in the collision and to an employee of the ski area operator or a member of the voluntary ski patrol. A person who leaves the scene of a collision to obtain aid shall give the person's name and current address as required by this subsection after obtaining aid.

(h) A person who violates a provision of (c) or (g) of this section is guilty of a violation as defined in AS 11.81.900. The commissioner of natural resources, a person designated by the ski area operator who is authorized by the commissioner, or an employee of the Department of Natural Resources authorized by the commissioner may issue a citation in accordance with the provisions of AS 41.21.960 to a person who violates (c) or (g) of this section within a ski area over which the state has jurisdiction.

Sec. 05.45.110. Competition; immunity for ski area operator.

(a) The ski area operator shall, before the beginning of a ski competition, allow an athlete who will ski in the competition a reasonable visual inspection of the course or area where the competition is to be held.

(b) An athlete skiing in competition assumes the risk of all course or area conditions, including weather and snow conditions, course construction or layout, and obstacles that a visual inspection would have revealed. A ski area operator is not liable for injury to an athlete who skis in competition and who is injured as a result of a risk described in this subsection.

Sec. 05.45.120. Use of liability releases.

(a) A ski area operator may not require a skier to sign an agreement releasing the ski area operator from liability in exchange for the right to ride a ski area tramway and ski in the ski area. A release that violates this subsection is void and may not be enforced.

(b) Notwithstanding (a) of this section, a ski area operator may

(1) require a special event coach, participant, helper, spectator, or rental customer to sign an agreement releasing the ski area operator from liability in exchange for the right to coach, participate, assist in, or observe the special event; or

(2) use a release agreement required by a third party as a condition of operating a rental program or special event at the ski area.

(c) In this section, "special event" means an event, pass, race, program, rental program, or service that offers competition or other benefits in addition to a ticket representing the right to ride a ski area tramway and ski on the ski slopes or trails, whether or not additional consideration is paid.

Sec. 05.45.200. Definitions.

In this chapter,

(1) "base area lift" means a tramway that skiers ordinarily use without first using some other tramway;

(2) "conditions of ordinary visibility" means daylight or, where applicable, nighttime, in nonprecipitating weather;

(3) "inherent danger and risk of skiing" means a danger or condition that is an integral part of the sport of skiing, including changing weather conditions; snow conditions as they exist or may change, including ice, hard pack, powder, packed powder, wind pack, corn, crust, slush, cut-up snow, and machine-made snow; surface or subsurface conditions including bare spots, forest growth, rocks, stumps, streams, streambeds, and trees, or other natural objects, and collisions with natural objects; impact with lift towers, signs, posts, fences or enclosures, hydrants, water pipes, other man-made structures, and their components; variations in steepness or terrain, whether natural or as a result of slope design, snowmaking or grooming operations, including roads and catwalks or other terrain modifications; collision with other skiers; and the failure of skiers to ski within their own abilities; the term "inherent danger and risk of skiing" does not include the negligence of a ski area operator under AS 05.45.020, or acts or omissions of a ski area operator involving the use or operation of ski lifts;

(4) "injury" means property damage, personal injury, or death;

(5) "passenger" means a person who is lawfully using a tramway;

(6) "ski area" means all downhill ski slopes or trails and other places under the

control of a downhill ski area operator: "ski area" does not include a cross-country ski trail;

(7) "ski area operator" means a person having operational responsibility for a downhill ski area, and includes an agency of the state or a political subdivision of the state;

(8) "skier" means an individual using a downhill ski area for the purpose of

(A) skiing;

(B) sliding downhill on snow or ice on skis, a toboggan, a sled, a tube, a ski-bob, a snowboard, or another skiing or sliding device; or

(C) using any of the facilities of a ski area, including ski slopes and trails;

(9) "ski slopes or trails" means those areas designated by a ski area operator to be used by a skier;

(10) "tramway" means a device that is a passenger tramway, aerial or surface lift, ski lift, or rope tow regulated under AS 05.20.

Sec. 05.45.210. Short title.

This chapter may be cited as the Alaska Ski Safety Act of 1994.