

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

10491 HOUSE TRANSPORTATION

36

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 4
 Bill Version: CSHB 350(JUD)
 (H) Publish Date: 4/18/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title "An Act relating to criminal mischief
and terroristic threatening..." BRU Legal and Advocacy Services
 Component Public Defender Agency
 Sponsor Rep. McGuire
 Requester (H) Judiciary Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 See attached.

Prepared by: Barbara Brink, Director Phone (907) 334-4416
 Division Public Defender Agency Date/Time 2/21/02 1:29 PM
 Approved by: Jim Duncan, Commissioner Date 2/21/2002
 Agency Department of Administration

FISCAL NOTE #4

STATE OF ALASKA
2002 LEGISLATIVE SESSION

BILL NO. CSHB 350(JUD)

ANALYSIS CONTINUATION

This legislation would amend the crime of criminal mischief in the first degree (class B felony) to include tampering with a water supply with intent to cause physical injury. The crime currently prohibits tampering with other items with intent to cause physical injury (food, drugs, cosmetics). The bill also proposes to amend the crime of terroristic threatening (a class C felony) to include when a person knowingly makes a false report that a circumstance dangerous to human life exists or is about to exist that disrupts the schedule of a public transportation service or causes evacuation of a public area or public conveyance, or a false report that a circumstance exist or is about to exist that is dangerous to the safe functioning of an oil or gas pipeline or supporting facility, utility, or transportation or cargo facility.

The last provision in Section 2, subsection (a)(2) would likely have a fiscal impact on the Public Defender Agency. This subsection may cover a sizeable variety of situations not currently covered as felonies. It is not possible to determine the extent of that impact, however, because it is unknown how many potential cases would result from this broadly written proscriptive language. Since the Agency cannot predict how many more felony cases would result if this proposed legislation passed, an indeterminate fiscal note is submitted.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 5
 Bill Version: CSHB 350(JUD)
 (H) Publish Date: 4/18/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
 Title An Act relating to terroristic threat BRU Administration and Operations
 Component All
 Sponsor Rep. McGuire
 Requester House Judiciary Committee Component No. 694

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	***	***	***	***	***	***

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

FUND SOURCE	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	***	***	***	***	***	***

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
 This legislation expands the circumstances under which someone can be charged with Terroristic Threatening, a felony. This bill will add a provision to include knowingly making a false report that a circumstance dangerous to human life exists or is about to exist and causes evacuation of a public area, mode of public transportation or building or disrupts the schedule of an entity providing transportation services for persons or property. It additionally will include false reports of a circumstance exists or is about to exist regarding the safe or proper functioning of oil or gas pipeline or supporting facility, etc. Any addition of circumstances expanding felony prosecution will likely have a fiscal impact on the Department of Corrections. It is anticipated that the number of cases that apply in this legislation will be minimal, therefore, the Dept. of Corrections is submitting an indeterminate fiscal note.

Prepared by: Candace Brower Phone 465-4652
 Division: Commissioner's Office Date/Time 2/26/02 4:53 PM
 Approved by: Margaret Pugh, Commissioner Date 2/26/02
 Agency: Dept. of Corrections

HB

369

STATE OF ALASKA
DEPARTMENT OF MILITARY & VETERANS AFFAIRS
OFFICE OF THE COMMISSIONER

FEB 05 REC'D
TONY KNOWLES, GOVERNOR

P.O. BOX 5800
FT. RICHARDSON, AK 99505-5800
PH: (907) 428-6003

February 5, 2002

The Honorable Vic Kohring, Chair
House Transportation Committee
State Capitol
Juneau, AK 99801

Dear Representative Kohring:

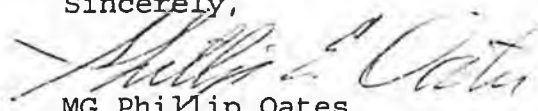
The Department of Military and Veterans' Affairs respectfully requests a hearing on HB 369 "An Act naming bridge number 1121, across the Knik River, the Sergeant James Bondstell Bridge of Honor; and providing for an effective date."

Mr. Bondsteel was a recipient of the Medal of Honor given for his conspicuous gallantry for actions in battle in Viet Nam. He died in a traffic accident on April 9, 1987 on bridge number 1121.

On Monday, February, 11, the Alaska Veterans' community will be in Juneau for the annual veteran fly-in. Some members will extend their visit to Tuesday, February 12th. If you decide to grant a hearing on this bill, I request you consider these days for a hearing so the veterans may attend and provide testimony for your committee.

I look forward to working with you on this bill. If you need further information, please call either me, Laddie Shaw, 428-6068 or Carol Carroll, 465-4730.

Sincerely,


MG Phillip Oates
Commissioner

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HB 369
(H) Publish Date: 2/1/02

Revision Date/Time (Note if correction): _____ Dept. Affected: DOT&PF
Title Name Bridge for James Bondsteel BRU Central Region Highways & Aviation
Component Central Region Highways & Aviation
Sponsor Rules by Request of Governor
Requester _____ Component No. 564

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will require the department to install 2 traffic signs on a bridge. The cost will be absorbed by our Central Region highways and aviation sign budget.

Prepared by: Dennis R. Poshard Phone 465-3904
Division Commissioner's Office Date/Time 12/12/01 9:21 AM
Approved by: Joseph L. Perkins, Commissioner Date 12/12/2001
Agency DOT&PF

HB

374

Alaska State Legislature

SESSION ADDRESS:
State Capitol
Juneau, Alaska 99801-1182
Phone (907) 465-2693
Toll Free 800-463-2693
Fax 907-465-3835

INTERIM ADDRESS:
35477 Suite 101-B Spur Hwy
Soldotna, Alaska 99669
Phone 907-260-5236
Fax 907-260-3044



Representative Ken Lancaster
District 8

February 11, 2002

MEMORANDUM

To: Representative ^{Vic} Kohring, Chairman
House Transportation Committee

From: Representative ^{Ken} Lancaster

Subject: House Bill 374

I want to thank you for having a committee hearing on House Bill 374 – Naming the David Douthit Veterans' Memorial Bridge. Enclosed is a sponsor statement and a Soldotna City Council Resolution supporting this legislation.

If I can be of further assistance, please let me know. Thank you!

Alaska State Legislature

SESSION ADDRESS:
State Capitol
Juneau, Alaska 99801-1182
Phone (907) 465-2693
Toll Free 800-463-2693
Fax 907-465-3835



INTERIM ADDRESS:
35477 Suite 101-B Spur Hwy
Soldotna, Alaska 99669
Phone 907-260-5236
Fax 907-260-3044

Representative Ken Lancaster
District 8

Sponsor Statement for

HB 374

"An Act naming the David Douthit Veterans' Memorial Bridge"

There has been a request to name the bridge that crosses the Kenai River at mile 80 of the Sterling highway (currently the Kenai River Bridge) to the David Douthit Veterans' memorial bridge.

David Douthit was the only Alaskan killed during the Persian Gulf War. He was a Staff Sergeant serving in the Marine Corp. He was a Calvary Scout serving on a gunner tank. David was killed in action February 27, 1991. He is survived by his wife Jesse and a small daughter, Rebecca, along with his parents, Nita and Harvey Douthit all residing in Soldotna.

E-Mail: Representative_Ken_Lancaster@legis.state.ak.us

Cooper Landing • Bear Creek • Funny River • Hope • Moose Pass • Ridgeway • Seward • Soldotna • Sterling
Listening to you – Getting things done.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 374
 (H) Publish Date: 2/20/02

Revision Date/Time (Note if correction): _____ Dept. Affected: DOT&PF
 Title An Act naming the David Douthit BR'J Highways and Aviation
Veterans' Memorial Bridge Component Central Region Highways and Aviation
 Sponsor Lancaster
 Requester House Transportation Component No. 564

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The department expects to install one sign on either end of the bridge. Production and installation costs approximately \$1500/sign. The department will absorb this cost in our annual maintenance program.

Prepared by: Dennis R. Poshard, Assistant to Commissioner Phone 465-3904
 Division: Commissioner's Office Date/Time 2/19/02 11:54 AM
 Approved by: Joseph L. Perkins, Commissioner Date 2/19/2002
 Agency: Alaska Department of Transportation and Public Facilities

CITY OF SOLDOTNA

RESOLUTION 2001-93

*(Requested by Mayor Carey)*A RESOLUTION REQUESTING THE KENAI RIVER BRIDGE IN SOLDOTNA
BE NAMED THE DAVID DOUTHIT VETERANS MEMORIAL BRIDGE

WHEREAS, David Douthit, a graduate of Soldotna High School, was the only Alaskan killed in action on February 27, 1991 during the Gulf War; and

WHEREAS, residents of Soldotna have served gallantly and honorably in the United States military since we have become a city; and

WHEREAS, the city council approved a motion during their meeting on October 20, 2001 asking that the Kenai River Bridge in Soldotna be named the David Douthit Veterans Memorial Bridge; and

WHEREAS, Soldotna Representative Lancaster has agreed to work on this project in the State Legislature,

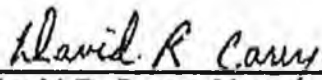
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOLDOTNA, ALASKA:

Section 1. The City of Soldotna requests that the Soldotna Bridge across the Kenai River be named:

THE DAVID DOUTHIT VETERANS MEMORIAL BRIDGE.

Section 2. This resolution becomes effective immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL this 12th day of December, 2001.



David R. Carey, Mayor

ATTEST:


Patricia C. Burdick, CMC, City Clerk

HB

397

CS FOR HOUSE BILL NO. 397()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): HOUSE TRANSPORTATION COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act exempting a person driving certain motor vehicles, aircraft, and watercraft
2 from driver licensing requirements."

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

4 * Section 1. AS 28.15.021 is amended to read:

5 Sec. 28.15.021. Persons exempt from driver licensing. The following
6 persons are exempt from driver licensing under this chapter:

7 (1) an employee of the United States government while operating a
8 motor vehicle owned by or leased to the United States government and being operated
9 on official business, unless the employee is required by the United States government
10 or an agency of that government to have a state driver's license;

11 (2) a nonresident who is at least 16 years of age and who has a valid
12 driver's license issued by another jurisdiction; however, an Alaska driver's license
13 must be obtained by the end of a 90-day period after entry into the state;

14 (3) a member of the armed forces of the United States who has a valid

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driver's license issued by another jurisdiction when the permanent residence of the member is maintained in that jurisdiction:

(4) a person when driving an implement of husbandry, as defined by regulation, that is only temporarily driven or moved on a highway;

(5) a person when driving or operating an off-highway vehicle, watercraft, aircraft, or other vehicle not designed for highway use as specified by the department by regulation.

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


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 19, 2002

SUBJECT: Driver's license exemption (CSHB 397(), Draft Version "J")

TO: Representative Vic Kohring
Attn: Mike

FROM: Michael F. Ford 
Legislative Counsel

The blank CS you requested is enclosed. I also wanted to let you know that by excluding certain types of vehicles from driver licensing requirements, you also exclude those drivers from the open container law under AS 28.35.029. This result occurs because under AS 28.35.029(c)(3), "motor vehicle" means a vehicle for which a driver's license is required. While this is not a legal problem, I wanted you to be aware of this result under the CS.

Please contact me if you have further questions.

MFF:med
02-294.med

Enclosure

Alaska State Legislature



Interim:
600 East Railroad Avenue
Wasilla, Alaska 99654
907-373-1842
Fax - 907-373-4729

Session:
State Capitol Building, Room 421
Juneau, Alaska 99801-1182
(907) 465-2186
Fax: (907) 465-3818

Representative Vic Kohring
District 26

SPONSOR STATEMENT

HOUSE BILL 397

In 2001, the Alaska Department of Transportation released its Winter Transportation Study. The House Transportation Committee reviewed the study during the 2001 session.

Initially, the study was to address snow machine issues in the Fairbanks area but immediately grew into a statewide study. DOT reviewed the existing laws and regulations and determined that many enforcement officers and the general public were not aware of existing requirements. DOT concluded that a serious effort is needed to clarify and improve these laws and to promote more responsible snowmobiling.

Snowmobiles are defined as "motor vehicles" and are subject to those laws. As such, snowmobile operators are required to possess a valid Alaska driver's license to "operate upon a highway, vehicular way or area, or other public property."

The original version of this bill merely exempts snowmobile operators from needing a driver's license. The committee substitute bill instead ends a state legal requirement for operators of all types of off-road motor vehicles (boat, plane, all-terrain vehicle, or snowmachines) to have an automobile driver's license to operate on public properties, other than on roads. The bill would not affect existing laws requiring vehicles driven on-road to have minimum equipment, such as brake lights and turn signals.

For state government to require a person to pass a test to drive a car appears to have nothing in common with running a boat on a lake or river, flying a plane, or riding an ATV while hunting. Those who depend on snowmobiles, boats, and ATVs for basic transportation to work, hunt, and fish in many parts of Alaska need to have their rights protected.

Having a driver's license has nothing to do with safe operation of an off-road vehicle. If safety is the concern, then the focus needs to be on safety, not on requiring a driver's license.

Alaska State Legislature



Interim:
600 East Railroad Avenue
Wasilla, Alaska 99654
907-373-1842
Fax - 907-373-4729

Session:
State Capitol Building, Room 421
Juneau, Alaska 99801-1182
(907) 465-2186
Fax: (907) 465-3818

Representative Vic Kohring
District 26

FOR IMMEDIATE RELEASE: Feb. 19, 2002

CONTACT: Rep. Vic Kohring (907) 465-2186

Kohring Seeks End to Licensing Requirement **Calls Drivers License "Unnecessary" for Boating, Snowmachining**

(JUNEAU) – Rep. Vic Kohring (R-Wasilla/Peters Creek) said today he plans to hold a hearing Thursday on House Bill 397, which seeks to end a state legal requirement that operators of off-road vehicles must have an automobile driver's license.

"It is ridiculous that state government requires a person to have a driver's license to operate a boat, plane, all-terrain vehicle, or snowmachine on all public property," Kohring said. "What does passing a test to drive a car have to do with running a boat on a lake or river, flying a plane, or riding an ATV while hunting?"

"Those who depend on snowmobiles, boats, and ATVs for basic transportation to work, hunt, and fish in many parts of Alaska need to have their rights protected. This is just one example of government making laws just for the sake of having laws."

Kohring said he plans to propose revised legislation at Thursday's meeting of the House Transportation Committee, which he chairs. While the bill would free drivers of off-road vehicles from having to have a valid driver's license, licenses would still be required to operate such vehicles on public roads. Likewise, the bill would not affect existing laws requiring vehicles driven on-road to have minimum equipment, such as brake lights and turn signals.

"We are not saying that off-road vehicle drivers should be allowed to operate unsafely," Kohring said. "Having a driver's license has nothing to do with safe operation of an off-road vehicle. We are saying that if safety is the concern, then let's focus on safety."

Kohring said he anticipated taking testimony on the bill from citizen's boards, user groups, state agencies, local officials and the general public on Thursday, and invited interested parties to contact his office to see how they could weigh in on the issue.

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CS FOR HOUSE BILL NO. 397(TRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Offered: 2/25/02

Referred: State Affairs

Sponsor(s): HOUSE TRANSPORTATION COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to driver licensing requirements and the privilege to drive."

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

3 * Section 1. AS 28.15.011(a) is amended to read:

4 (a) A person may not be denied the privilege to drive a motor vehicle upon a
5 roadway [HIGHWAY] in this state, except as prescribed by law.

6 * Sec. 2. AS 28.15.011(b) is amended to read:

7 (b) Every person exercising the person's privilege to drive [,] or exercising any
8 degree of physical control of a motor vehicle upon a roadway or [HIGHWAY.]
9 vehicular way or area [, OR OTHER PUBLIC PROPERTY IN THIS STATE,] is
10 required to have in the possession of the person a valid Alaska driver's license issued
11 under the provisions of this chapter for the type or class of vehicle driven, unless
12 expressly exempted by law from this requirement.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 397(TRA)
 (H) Publish Date: 2/25/02

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title Snowmobile drivers' licensing exempt. BRU Alaska Court System
 Component Trial Courts
 Sponsor House Transportation
 Requester House Transportation Component No. 768

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The court system does not anticipate any fiscal impact from the passage of HB 397.

Prepared by: Douglas Wooliver Phone 463-4750
 Division Alaska Court System Date/Time 2/22/02 9:55 AM
 Approved by: Stephanie Cole Date 2/22/02
 Agency Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSHB 397(TRA)
 (H) Publish Date: 2/25/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title Snowmobile Drivers' License BRU AST Detachments
Exemption Component AST Detachments
 Sponsor House Transportation Committee
 Requester House Transportation Committee Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will have no fiscal impact for the Department of Public Safety.

Prepared by: Lt. Julia Grimes Phone 269-4532
 Division Division of Alaska State Troopers Date/Time 2/21/02 8:15 AM
 Approved by: Commissioner Glenn Godfrey Date 2/21/2002
 Agency Department of Public Safety

APPLICABLE LEGAL DEFINITIONS

HB 397

Sec. 28.40.100. Definitions for title.

- (7) "driver" means a person who drives or is in actual physical control of a vehicle;
- (8) "driver's license" or "license," when used in relation to driver licensing, means a license, provisional license, or permit to drive a motor vehicle, or the privilege to drive or to obtain a license to drive a motor vehicle, under the laws of this state whether or not a person holds a valid license issued in this or another jurisdiction;
- (13) "motor vehicle" means a vehicle which is self-propelled except a vehicle moved by human or animal power;
- (11) "highway" means the entire width between the boundary lines of every way that is publicly maintained when a part of it is open to the public for purposes of vehicular travel, including but not limited to every street and the Alaska state marine highway system but not vehicular ways or areas;
- (19) "roadway" means that portion of a highway designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm, or shoulder, even though the sidewalk, berm, or shoulder is used by persons riding bicycles or other human powered vehicles; and in the event that a highway includes two or more separate roadways, the term refers to each roadway separately but not to all such roadways collectively;
- (25) "vehicular way or area" means a way, path, or area, other than a highway or private property, that is designated by official traffic control devices or customary usage and that is open to the public for purposes of pedestrian or vehicular travel, and which way or area may be restricted in use to pedestrians, bicycles, or other specific types of vehicles as determined by the Department of Public Safety or other agency having jurisdiction over the way, path, or area.
- 13 AAC 40.010 (a) (30)** "off-highway vehicle" means a vehicle designed or adapted for cross-country operation over unimproved terrain, ice or snow, and which has been declared by its owner at the time of registration and determined by the department to be unsuitable for general highway use, although the vehicle may make incidental use of a highway as provided in this title; it does not include implements of husbandry or special mobile equipment.

Chapter 28.15. DRIVERS' LICENSES

Sec. 28.15.010. License required. [Repealed, Sec. 19 ch 178 SLA 1978].

Repealed or Renumbered

Sec. 28.15.011. Drivers must be licensed.

(a) A person may not be denied the privilege to drive a motor vehicle upon a highway in this state, except as prescribed by law.

(b) Every person exercising the person's privilege to drive, or exercising any degree of physical control of a motor vehicle upon a highway, vehicular way or area, or other public property in this state, is required to have in the possession of the person a valid Alaska driver's license issued under the provisions of this chapter for the type or class of vehicle driven, unless expressly exempted by law from this requirement.

(c) A person licensed under the provisions of this chapter may exercise in this state the privilege to drive a motor vehicle and is subject to the restrictions prescribed by this chapter. A municipality may not require a person to obtain any other driver's license to drive or operate a motor vehicle in this state.

Subject: Re: off-road definition is

Date: Thu, 21 Feb 2002 12:51:59 -0900

From: Mary Marshburn <Mary_Marshburn@admin.state.ak.us>

To: Mike Kriber <Mike_Kriber@legis.state.ak.us>

13 AAC 40.010 (a) (30). Keep in mind that the division has a hand in this in that we can declare a item unsuitable for general highway use . . . and that the definition has served us well for all these years. There was a wheelchair rider cited in the Mountain View area of Anchorage some years back for having a wheelchair in the street - illegal operation on a roadway and it was upheld in court.

Mike Kriber wrote:

> can you please give me the AAC citation for this defn?

>

> Mary Marshburn wrote:

>

> > "off-highway vehicle" means a vehicle designed or adapted for
> > cross-country operation over unimproved terrain, ice or snow, and which
> > has been declared by its owner at the time of registratin and determined
> > by the department to be unsuitable for general highway use, although the
> > vehicle may make incidental use of a highway as provided in this title;
> > it does not include implements of hushandry or special mobile equipment;

February 6, 2002

P.O. Box 772024
Eagle River, Alaska 99577
dmcbride@alaska.net
694-2095 (hm)
786-3633 (wk)

I am writing in regard to the recent revelation regarding the statutory requirement for a driver's license to operate a snow machine. Along with virtually everyone else in the State, I became aware of this after reading the February 5 article in the ADN.

I am strongly opposed to the content of this regulation. It appears both obvious and logical that the "motor vehicles" referenced in the driver's license statute are vehicles that can be lawfully driven on either roads or elsewhere – cars, trucks, and motorcycles. This has been the universal and practical application of this statute for 24 years. I find it hard to believe that law makers in 1978 intended to preclude all unlicensed drivers from driving snow machines, ATV's, or motorized boats under all circumstances?

Further, I am offended and appalled by the manner in which DNR and DOT chose to handle this matter. After researching this question, both departments apparently prepared a brochure to provide notice for implementation of this requirement. After a 24-year hiatus, prudent public policy and common sense would dictate bringing this issue to the attention of the Governor and Legislature for direction. Instead, the entire snow machining public was "informed" during mid-season via a confusing article in which the degree of enforcement is questionable and appears to be selective by agency.

The callous manner in which this was handled directly affected the lives of three young men in our Boy Scout Troop. I am an Assistant Scout Master in charge of planning a snow machine trip for our troop. We successfully conducted a snow machine trip to Yentna Roadhouse last year. To qualify for this trip, we use a minimum age of 13, and mandatory completion of the Ft. Richardson snow machine safety course. We had already finalized this year's roster when we learned of the licensing requirement. At tonight's meeting, I had to inform the three under-aged Scouts that they could no longer attend this trip. No matter our personal feelings in this matter, we are the Boy Scouts of America and duty to Country directly speaks to abiding by the law.

This law is bad public policy and needs to be fixed. Requiring a driver's license to operate the broadest possible definition of motor vehicles on all public lands is a travesty. If, after research and due public process and review, a minimum qualification for snow machines and ATV's is needed; then clearly define the settings in which those qualifications apply.

I look forward to your immediate attention to this matter and would appreciate a reply.

Doug McBride

FEB 21 REC'D
11:45PM




Alaska State Legislature

Please enter into the record my testimony to the TRANSPORTATION
 Committee name

Committee on HOUSE BILL NO. 397 / DRIVER LICENSE REQUIREMENTS, dated 2/21/02
 Bill/Subject

THIS IS A MOVE IN THE RIGHT DIRECTION. WE NEED TO REMEMBER WE ARE A WINTER TIME STATE. NEED TO MAKE MANY MORE LAWS MORE PRO-ACTIVE FOR A WINTER TIME STATE. MANY OF OUR LAWS ARE MORE RESTRICTIVE THAN THE LAWS OF THE FEDERAL HIGHWAY ADMINISTRATION. I.E. SNOWMACHINE USE ON PEDESTRIAN TRAILS.

Signed:  TIM KRUG
 Testifier

CITY OF WASILLA
 Representing (Optional)

390 E. HERVING AVE WASILLA AK 99654
 Address

373-9092
 Phone number

FEB 19 REC'D

February 10, 2002

6400 Peppertree Circle
Anchorage, Alaska 99504

Representative Vic Kohring
Alaska State Capitol
Juneau, Alaska 99801

Re: Repeal of Licensing Requirement for operation of Snowmachines and
ATV's

Dear Representative Kohring:

Thank you so much for introducing legislation to repeal the licensing requirements for the operation of snowmachines and ATV's. (I hope the article that I read was accurate since it was in the Anchorage Daily News which, as you are well aware, is known for extremely biased reporting if not outright falsehoods regarding motorized recreation and certain elected representatives that oppose their philosophy.)

My wife and I and our grandson were shocked to learn that we were lawbreakers of the so-called law and had been for a number of years and will continue to be until the law is repealed. Our grandson, who does not have a driver's license for operation of a car or light truck, operates a snowmachine with my wife and I. We have ridden together for several years at such places as Big Lake, Hatcher Pass, Eureka, Lake Louise and the Arctic Man near Paxson. If this so-called law has been on the books since 1978, I guess we may have been lawbreakers back then when the grandson's mom was young and rode snowmachines with us before her and her sister were licensed to operate a car.

As anyone with any sense will realize, a car drivers license only attests to an individuals ability to operate a car or light truck on paved roads and has little if any to do with proper or responsible operation of a snowmachine or ATV. I assume the law was enacted during the early days of the radical environmentalists who will go to any extreme to limit or outlaw every motorized off-road vehicle including boats, helicopters or privately owned aircraft and now punishes the law-abiding citizen.

In Bush Alaska, snowmachining is basic transportation. In the rest of Alaska, snowmachining is a family oriented activity that results in responsible young adults. The best time to instill these values is during the pre-teen years. If these youngsters are not allowed to operate a snowmachine or ATV until they are licensed to operate a car on the public road, it will ruin a sport as a family activity. All of the kids that participate in the mini-snowmobile races will be lawbreakers and big brother government will continue to take away the freedoms of Alaskans which, unfortunately, is the goal of some in this state.

Thank you for not letting this happen and please keep up the good work by setting such an excellent example as an elected representative.

Sincerely Yours,

Mark E. Teitzel
Lucy Teitzel

Mark and Lucy Teitzel

P.S. Enclosed is a page from a national publication featuring an article and picture of a family living in White Mountain, Alaska that has made snowmachining a family affair and are now all lawbreakers of the so-called law.

Cc. Senator Loren Lemam
Representative Lisa Murkowski
Senator Ben Stevens
Representative Andrew Halcro
Anchorage Snowmobile Club
MatSu Motor Musers Snowmobile Club
Alaska State Snowmobile Association
Alaska Boating Association



HE'S HOOKED

This is our grandson, Jay Lura, of Hawley, Minn. His pride and joy is his Z 120. The lake in our backyard was already open when we had a late April snowstorm in 2001, and Jay was very happy to have another day of riding. He loves looking at his dad and grandpa's *Pride* magazine; his dad, grandpa and three uncles all ride Arctic Cat snowmobiles, and his dad has an Arctic Cat four-wheeler. The look on his face says it all: He's hooked!

BETTY LURA
HAWLEY, MINN.



IN THE BUSH

A HOMETOWN TOUR

Sue's new Z 440 only had 20 miles on it when we arrived in Thief River Falls, Minn. We checked into our hotel room and went to the Arctic Cat plant to register for the Hometown Tour. Because Sue was a rookie, we decided to sign up for the 50-mile ride.

After meeting our group and getting on our way, Sue was lagging behind. Our guide stopped so everyone could catch up, and she asked me if anything was wrong. I told her Sue was new to snowmobiling, and the guide responded by slowing the pace. By the end of the 50 miles Sue had done it all, but she was exhausted. Some fast-talking convinced her to take the tour of the Arctic Cat plant, after which she talked to an Arctic Cat employee about being new to snowmobiling. She gave Sue lots of good riding advice that really helped. Some of us who have been riding awhile don't think of the little things that make a difference.

Two thumbs up to the people at Arctic Cat. And hats off to the officials that led the rides. You were fantastic. We're all looking forward to the 2002 Hometown Tour.

SUE GUNDER, GREG VARNES &
TIM WOLTMAN
COLUMBIA HEIGHTS, MINN.

My wife and I are teachers in White Mountain and have lived on the Seward Peninsula for the last 10 years. Although not for everyone, I love the "bush" lifestyle and really love the country and people here. One of the many benefits of living in White Mountain is that it's a gas stop for the Iron Dog, and I've been lucky to meet racers like Kirk Hibbert and Scott Davis.

Our son Ben is a real stuntman on his new Z 120, and our daughter Cate is hooked, too! Her 1995 Kitty Cat has been rebuilt and repainted just for her.

There are no roads to White Mountain, so we often travel by snowmobile. I'm just tickled with my new 600 EFI LE Mountain Cat: It's packed with tools and survival gear, and I use it for hunting, transportation and recreation. Our Arctic Cats are very reliable and have always returned us home safely. In the bush, our lives depend on our snowmachines. Arctic Cat has always built dependable machines that have been a very important part of our family.

JASON CURRIER
WHITE MOUNTAIN, ALASKA

PRIORITIES

I have been going to Bistcho Lake on the Alberta-Northwest Territories border to ice fish since I was 12. Needless to say, when I met my future husband, Chris, he became part of our family's annual trip. Last March was the first year I missed the outing, but I had a good excuse: I was pregnant! I was due April 5, 2001, and not able to bear the five-day snowmobile trip hundreds of miles from the nearest hospital.

We have a 1998 ZR 500 and a 1999 ZR 700, and we also purchased a Kitty Cat two years ago. Being Cat lovers, people weren't shocked to hear, "No, the baby room isn't ready, but we have a Kitty Cat!" We are proud Cat owners and will pass the pride to our children!

CHRIS, HOLLY & COLE DRADER
TANGENT, ALBERTA

Alaska State Legislature
Public Opinion Messages

Garvan P Bucaria,
Po Box 870298
Po Box 870298
Wasilla, AK 99687-0298
Phone: -
E-mail:

Subject/Bill MOTOR VEHICLES

I support the licensing of snowmachines required under motor vehicles regulations - minimum age 16. Most problems with snowmachines have been under age operators. Private property rights and illegal (unsafe) use is a serious problem in Wasilla. Education registration insurance and enforcement are required!

Date Sent: 02/06/2002

Constituency: C
Distribution: 60
Affiliation:
Reg Voter: Y

Thanks Stan for your thoughts. I'll keep them in mind as we address this issue.

Vic Kohring

Stan Justice wrote:

I am glad to see the legislature finally begin to tackle the snowmachine issue but HB 397 is a simple solution to a complex problem. In Wasilla as in Fairbanks snowmachines turn the community bike paths and trails into a thrill sport arena driving other users into the protection of their cars.

Snowmachines are dangerous motor vehicles and some type of drivers license should be required! In Fairbanks we had a 13 year old kid on a snowmachine hit by a car. If there had been an enforced age limit the parents might have had a chance to keep their child safe.

Simply removing the license requirement will make a bad situation worse.

Stan Justice
1750 Reed Circle
Fairbanks, Alaska 99709

ffsrj@uaf.edu

(907)479-5017

Talking Points

February 21, 2002

Background:

Committee reviewed the DOT WINTER TRANSPORTATION STUDY last session.

Committee recognizes the importance of snow machines and other off-roads vehicles for basic transportation in many parts of Alaska

This DOT study identified the existing laws regarding snow machine use in Alaska, including the need for operators to have licenses....implying that a minimum age of 16 applies to driving a snow machine.

A review of the statutes show that driver's licenses are also required for operating all motor vehicles on ALL public properties.

This issue came into the public focus due to the headline story in the Feb 5th ADN

HB 397, as filed, merely eliminates the need for a driver's license to operate a snowmachine. It does not address ATV's, boats, or airplanes.

Discuss Proposed CS

Proposed CS differs greatly from the original bill:

- It applies to all types of motor vehicles operated off-road.
- A driver's license is still required to operate any type of motor vehicle, snow machines included, on roads. (Rationale: if you are going to be on the roadway, you need to know how driving rules and laws apply in order to operate safely)

ISSUES to be Discussed

- Should the law be changed so that off-road uses do not require a driver's license?
- Should there be a law requiring a minimum age to operate any type of motor vehicles (ATV's, boats, airplanes, snowmachines) even when used off-road?
- Should there be a "safety certification" instead of a driver's license requirement in order to operate motor vehicles off-road?
- Should the State establish a "safety education" program for various motor vehicles (similar to the "boating safety" program run by the State)?

Suggested Issues to Discuss

- Should the law be changed so that off-road uses do not require a driver's license?
- Should there be a law requiring a minimum age to operate any type of motor vehicles (ATV's, boats, airplanes, snowmachines) even when used off-road?
- Should there be a "safety certification" instead of a driver's license requirement in order to operate motor vehicles off-road?
- Should the State establish a "safety education" program for various motor vehicles (similar to the "boating safety" program run by the State)?

Subject: [Fwd: Vic Kohring's Bill]

Date: Tue, 26 Feb 2002 12:37:04 -0900

From: Mike Krieber <Mike_Krieber@legis.state.ak.us>

Organization: Alaska State Legislature

To: Rynnieva Moss <Rynnieva_Moss@legis.state.ak.us>

fyi

Subject: Re: Vic Kohring's Bill

Date: Tue, 26 Feb 2002 12:30:32 -0900

From: "David A. Bunzow" <sndabl@alaska.edu>

To: Mike Krieber <Mike_Krieber@legis.state.ak.us>

Mike:

Thank you for helping me to understand this legislation and its history. I would have to say that it makes a lot more sense now that you provide this information. The state from which I recently relocated (Idaho) has tried to make progress through citizen's groups, but without much success: Perhaps you have "seen" their sad response to the Yellowstone fiasco; they are joining the snowmobile manufacturer's lawsuit against the NPS for banning snowmobiles from the park, when the real issue relate to something totally different.

I appreciate your taking the time and effort to help educate me. I will do my citizen's duty and pass on the information you have provided.

Thanks! To both you and Vic

David

Mike Krieber wrote:

Welcome to Alaska and thank you for your comments David.

As you know, the legislation that Rep. Kohring is proposing will eliminate the requirement for obtaining a vehicle (car) driver's license to operate all types of motorized vehicles. Obviously this existing requirement would eliminate those under 16 years old from using them as well as place hardships on those in rural communities that don't have access to DMV offices, or to cars for that matter. We should not be telling people to look the other way and disobey the law. Rep. Kohring's bill fixes this problem. (Please note that the bill that unanimously passed out of the Transportation Committee will STILL requires driver's licenses to operate all types of motor vehicles on the roadways and vehiclular ways (parking lots) and ONLY where such right-of-way operations are approved by the local government.)

Regarding safety: During our teleconferenced hearing last Thursday, the issues of operator safety, impact to/illegal trespassing of private property, and the illegal use on roads were discussed at length by witnesses and the committee members.

One of the committee members, Rep. Beverly Masek, introduced and passed the existing snowmobile registration & fee law a few years ago. She discussed the many private groups that provide safety training now, some of that training resulted from her legislation. (There is no operator's licensing or training REQUIRED.)

We had Jim Stratton, the Director of the DNR Division of Parks testify addressing what action the "SnoTrak" citizens group was taking regarding recommending a safety/education program(s). He reported that over the past year the group has started their efforts. Their next meeting is in April. He was optimistic that the group would be making recommendations to the Legislature next year. I would anticipate that the recommendations could be extended to ATV's/dirt bikes. (FYI, there is already a state boating safety & registration program overseen by DNR.)

The committee did not believe that the Legislature should take unilateral action to create a new safety/education/certification/licensing/registration program while a statewide citizens/users group effort was underway. In the meanwhile, the committee took action to eliminate the "criminal & disobedience" aspects of the existing law.

FYI, the bill will next be heard in the House State Affairs Committee (Rep. John Coghill - chair), probably in mid-March. Rynnieva is the State Affairs Committee aide.

Thanks again for your input..

"David A. Bunzow" wrote:

As a fairly new resident to the State of Alaska, I wanted to "weigh in" on this issue. I come from a state with a large number of snowmobiles, aircraft and pleasure boats as well, and my reasoning for general opposition to Vic's HB 397.

I strongly support the licensing of pleasure craft and their owners/operators when used on public lands, as a method to help financially support response agencies and their critical activities. Search and Rescue activities are costly emergency operations that the general public should not be encumbered with as part of their financial obligation. If the people in Alaska choose to partake in these high-risk activities, they should also take on the responsibility for ALL costs associated with their rescue. Licensing fees should go to support these response agencies and their missions.

I do AGREE that people should not be required to obtain an automobile license to operate these vehicles, but I do not see his support for the additional licensing requirements. Clearly, there are special skills involved with operating these vehicles that are not related to driving an automobile. However, that is also important that owners/operators have insurance, possess minimum skills and capabilities that must be demonstrated, and observe a set of laws and regulations that protect safety of the rest of the public.

I hope Vic Kohring will reconsider his position and withdraw or properly amend his bill to address these critical issues raised above.

--

David A. Bunzow CET; CHMM; REM
University of Alaska
Many Traditions One Alaska
Statewide Office of Risk Management
Environmental, Health and Safety Manager
1-907-474-5005 (phone)
1-907-474-5634 (fax)
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--
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1-907-474-5005 (phone)
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sndabl@alaska.edu
www.alaska.edu/swrisk/

Subject: Re: HB 397/Snowmachine DL

Date: Mon, 18 Mar 2002 09:05:07 -0900

From: Mary Marshburn <Mary_Marshburn@admin.state.ak.us>

To: Mike Krieber <Mike_Krieber@legis.state.ak.us>

If you read the mandatory insurance law you'll see that it applies to vehicles required to be registered under AS 28.10 - regular cars. Boats and snowmachines are not reg under 28.10.

Mike Krieber wrote:

> I had a chance to look a little closer at some peripheral issues. Of course
> that resulted in questions for you:

>
> 1. Insurance of Motor Vehicles; AS 28.20.010 limits insurance requirements
> for all motor vehicles to only vehicles that need to be registered.

>
> 2. So does that insurance requirement apply to snow machines and boats
> since they need to be registered?

>
> Since the State does not register 4-wheelers or any other vehicles
> (wheelchairs, IT, etc) insurance requirements do not apply ??

> Mary Marshburn wrote:

>
> > Mike -

> >
> > I have been out of the office until this morning. Anne and Chuck worked
> > on language which I saw this a.m. and like. It is clean and gives the
> > state the flexibility to restrict street use as new modes of
> > transportation are developed or changed and without having to amend
> > statutes continually. The #5 exemption of the main HB 397 would read:

> >
> > "(5) a person when driving an off-highway vehicle, watercraft, or
> > aircraft, or other vehicle not designed for highway use as defined by
> > regulation."

> >
> > This brings into play regs like the ones that dictate what equipment, or
> > fed safety standards a transportation device must have to be used
> > legally on the street.

> >
> > Anne/Chuck - I've been gone; anything either of you want to add to this
> > conversation?

> >
> > Anne - did you have anything

> >
> > Mike Krieber wrote:

> >
> > > Hi Mary,

> > >
> > > any info on your proposed substitute bill??

APPLICABLE LEGAL DEFINITIONS

HB 397

Sec. 28.40.100. Definitions for title.

- (7) "driver" means a person who drives or is in actual physical control of a vehicle;
- (8) "driver's license" or "license," when used in relation to driver licensing, means a license, provisional license, or permit to drive a motor vehicle, or the privilege to drive or to obtain a license to drive a motor vehicle, under the laws of this state whether or not a person holds a valid license issued in this or another jurisdiction;
- (13) "motor vehicle" means a vehicle which is self-propelled except a vehicle moved by human or animal power;
- (11) "highway" means the entire width between the boundary lines of every way that is publicly maintained when a part of it is open to the public for purposes of vehicular travel, including but not limited to every street and the Alaska state marine highway system but not vehicular ways or areas;
- (19) "roadway" means that portion of a highway designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm, or shoulder, even though the sidewalk, berm, or shoulder is used by persons riding bicycles or other human powered vehicles; and in the event that a highway includes two or more separate roadways, the term refers to each roadway separately but not to all such roadways collectively;
- (25) "vehicular way or area" means a way, path, or area, other than a highway or private property, that is designated by official traffic control devices or customary usage and that is open to the public for purposes of pedestrian or vehicular travel, and which way or area may be restricted in use to pedestrians, bicycles, or other specific types of vehicles as determined by the Department of Public Safety or other agency having jurisdiction over the way, path, or area.
- 13 AAC 40.010 (a) (30)** "off-highway vehicle" means a vehicle designed or adapted for cross-country operation over unimproved terrain, ice or snow, and which has been declared by its owner at the time of registration and determined by the department to be unsuitable for general highway use, although the vehicle may make incidental use of a highway as provided in this title; it does not include implements of husbandry or special mobile equipment.

Sec. 28.10.011. Vehicles subject to registration.

Every vehicle driven, moved, or parked upon a highway or other public parking place in the state shall be registered under this chapter except when the vehicle is

- (1) driven or moved on a highway only for the purpose of crossing the highway from one private property to another, including an implement of husbandry as defined by regulation;
- (2) driven or moved on a highway under a dealer's plate or temporary permit as provided for in AS 28.10.031 and 28.10.181(j);
- (3) special mobile equipment as defined by regulation;
- (4) owned by the United States;
- (5) moved by human or animal power;
- (6) exempt under 50 U.S.C. App. 501-591 (Soldiers' and Sailors' Civil Relief Act);
- (7) driven or parked only on private property;
- (8) the vehicle of a nonresident as provided under AS 28.10.121 ;
- (9) transported under a special permit under AS 28.10.151 ;
- (10) being driven or moved on a highway, vehicular way, or a public parking place in the state that is not connected by a land highway or vehicular way to
 - (A) the land-connected state highway system, or
 - (B) a highway or vehicular way with an average daily traffic volume greater than 499;
- (11) an implement of husbandry operated in accordance with the provisions of AS 19.10.065 .

Chapter 28.15. DRIVERS' LICENSES

Sec. 28.15.010. License required. [Repealed, Sec. 19 ch 178 SLA 1978].

Repealed or Renumbered

Sec. 28.15.011. Drivers must be licensed.

(a) A person may not be denied the privilege to drive a motor vehicle upon a highway in this state, except as prescribed by law.

(b) Every person exercising the person's privilege to drive, or exercising any degree of physical control of a motor vehicle upon a highway, vehicular way or area, or other public property in this state, is required to have in the possession of the person a valid Alaska driver's license issued under the provisions of this chapter for the type or class of vehicle driven, unless expressly exempted by law from this requirement.

(c) A person licensed under the provisions of this chapter may exercise in this state the privilege to drive a motor vehicle and is subject to the restrictions prescribed by this chapter. A municipality may not require a person to obtain any other driver's license to drive or operate a motor vehicle in this state.

Sec. 28.40.100. Definitions for title.

(a) Unless otherwise specifically defined or unless the context otherwise requires, in this title and in regulations adopted under this title

(1) "cancel" means to annul or terminate, by formal action of the department, a certification, registration, license, permit or privilege issued or allowed under this title or regulations adopted under this title, because of an error or defect in the document issued or the application for issuance or because the person holding the document is no longer entitled to it;

(2) "commercial motor vehicle" means a motor vehicle or a combination of a motor vehicle and one or more other vehicles

(A) used to transport passengers or property;

(B) used upon a land highway or vehicular way; and

(C) that

(i) has a gross vehicle weight rating or gross combination weight rating greater than 26,000 pounds;

(ii) is designed to transport more than 15 passengers, including the driver; or

(iii) is used in the transportation of materials found by the United States Secretary of Transportation to be hazardous for purposes of 49 U.S.C. 5101 - 5127;

(D) except that the following vehicles meeting the criteria in (A) - (C) of this paragraph are not commercial vehicles:

(i) emergency or fire equipment that is necessary to the preservation of life or property;

(ii) farm vehicles that are controlled and operated by a farmer; used to transport agricultural products, farm machinery, or farm supplies to or from that farmer's farm; not used in the operations of a common or contract motor carrier; and used within 150 miles of the farmer's farm; and

(iii) recreational vehicles used exclusively for purposes other than commercial purposes;

(3) "commercial purposes" means activities for which a person receives direct monetary compensation or activities for which a person receives no direct monetary compensation but that are incidental to and done in furtherance of the person's business;

(4) "commissioner" means the commissioner of administration;

(5) "custom collector vehicle" means a vehicle whose body and frame were manufactured before 1949 or a replica of a vehicle whose body and frame were manufactured before 1949 and that has been modified for safe road use; in this paragraph, "modified" includes a material alteration of the drive-train, suspension, brake system, or dimensions of the body;

(6) "department" means the Department of Administration;

(7) "driver" means a person who drives or is in actual physical control of a vehicle;

(8) "driver's license" or "license," when used in relation to driver licensing, means a license, provisional license, or permit to drive a motor vehicle, or the privilege to drive or to obtain a license to drive a motor vehicle, under the laws of this state whether or not a person holds a valid license issued in this or another jurisdiction;

(9) "gross combination weight rating" means the value specified by the manufacturer as the loaded weight of a combination vehicle, except that if a value has not been specified by the manufacturer, the gross combination weight rating is determined by adding the gross vehicle weight rating of the power unit and the total weight of the towed unit and the load on the towed unit;

(10) "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a single vehicle;

(11) "highway" means the entire width between the boundary lines of every way that is publicly maintained when a part of it is open to the public for purposes of vehicular travel, including but not limited to every street and the Alaska state marine highway system but not vehicular ways or areas;

(12) "highway work zone" means an area identified by advance signing where road construction, repair, or maintenance work is being done on or adjacent to a highway, whether or not work is actually being done at that time.

(13) "motor vehicle" means a vehicle which is self-propelled except a vehicle moved by human or animal power;

(14) "motorcycle" means a vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground; the term does not include a tractor;

(15) "motor-driven cycle" means a motorcycle, motor scooter, motorized bicycle, or similar conveyance with a motor attached and having an

engine with 50 or less cubic centimeters of displacement;

(16) "official traffic-control device" means a sign, signal, marking, or other device not inconsistent with this title, placed or erected by authority of a state or municipal agency or official having jurisdiction, for the purpose of traffic regulating, warning, and guiding;

(17) "owner" means a person, other than a lienholder, having the property in or title to a vehicle, including but not limited to a person entitled to the use and possession of a vehicle subject to a security interest in another person, but exclusive of a lessee under a lease not intended as security;

(18) "revoke" means the termination, by formal action of the Department of Public Safety or the Department of Administration or by formal action of a court, of a certification, registration, license, permit, or privilege issued or allowed under this title or regulations adopted under this title; the certification, registration, license, permit, or privilege may not be reissued, renewed, or restored during the time for which revoked; however, after that time, an application for a new certificate, registration, license, permit, or privilege may be made;

(19) "roadway" means that portion of a highway designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm, or shoulder, even though the sidewalk, berm, or shoulder is used by persons riding bicycles or other human powered vehicles; and in the event that a highway includes two or more separate roadways, the term refers to each roadway separately but not to all such roadways collectively;

(20) "serious physical injury" has the meaning given in AS 11.81.900(b);

(21) "suspend" means the temporary withdrawal, by formal action of the Department of Public Safety or the Department of Administration or by formal action of a court, of a certificate, registration, license, permit, or privilege issued or allowed under this title or regulations adopted under this title, effective for a period of time which must be specifically designated by the appropriate department or by the court;

(22) "traffic" means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using a highway or vehicular way or area that is open to public use for purposes of travel;

(23) "underinsured motor vehicle" means a motor vehicle licensed for highway use with respect to ownership, operation, maintenance, or use for which there is a bodily injury or property damage insurance policy or a bond applicable at the time of an accident and the amount of insurance or bond

is less than the amount the covered person is legally entitled to recover for bodily injury or property damage from the owner or operator of the underinsured motor vehicle;

(24) "vehicle" means a device in, upon, or by which a person or property may be transported or drawn upon or immediately over a highway or vehicular way or area; "vehicle" does not include

(A) devices used exclusively upon stationary rails or tracks;

(B) mobile homes;

(25) "vehicular way or area" means a way, path, or area, other than a highway or private property, that is designated by official traffic control devices or customary usage and that is open to the public for purposes of pedestrian or vehicular travel, and which way or area may be restricted in use to pedestrians, bicycles, or other specific types of vehicles as determined by the Department of Public Safety or other agency having jurisdiction over the way, path, or area.

(b) The commissioner of public safety or the commissioner of administration, as appropriate, shall adopt regulations to define other terms that are used in this title and in regulations adopted under this title.

Re: off-road definition is

Subject: Re: off-road definition is

Date: Thu, 21 Feb 2002 12:51:59 -0900

From: Mary Marshburn <Mary_Marshburn@admin.state.ak.us>

To: Mike Krieber <Mike_Krieber@legis.state.ak.us>

13 AAC 40.010 (a) (30). Keep in mind that the division has a hand in this in that we can declare a item unsuitable for general highway use . . . and that the definition has served us well for all these years. There was a wheelchair rider cited in the Mountain View area of Anchorage some years back for having a wheelchair in the street - illegal operation on a roadway and it was upheld in court.

Mike Krieber wrote:

> can you please give me the AAC citation for this defn?

>

> Mary Marshbur . wrote:

>

> > "off-highway vehicle" means a vehicle designed or adapted for

> > cross-country operation over unimproved terrain, ice or snow, and which

> > has been declared by its owner at the time of registratin and determined

> > by the department to be unsuitable for general highway use, although the

> > vehicle may make incidental use of a highway as provided in this title;

> > it does not include implements of husbandry or special mobile equipment;

Teleconference Order Form

Fax #465-2864

#4872

Sponsor and/or Committee Name			Date
HTRA- Rep. Kohring, Chair			2/21/02
Start/End Time	Chairing site	Juneau Room	Testimony
1-3	Juneau	Cap17	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Invitational <input type="checkbox"/>
Contact Person and	Phone Number	Other sites may add?	Testimony Limit
Mike Krieber	465-4899	YES	3 MINS
Subject of meeting and/or Bills on agenda			

HB 397 DRIVER'S LICENSE EXEMPTION FOR SNOWMACHINES

Sites - LIOs		Sites - Offnets	Phone #
Anchorage	✓		
Barrow			
Bethel		MARY MARSHBURN/DMV	269-5008
Cordova			
Delta Junction			
Dillingham			
Fairbanks	✓		
Glennallen			
Homer			
Juneau			
Kenai	✓		
Ketchikan			
Kodiak	✓	MARIANNE BACKMAN	(CALLING FROM FBX NUMBER UNKNOWN (TRAVELING))
Kotzebue			
Matsu	✓	TIM KRUG	373-9089
Nome			
Petersburg		PAT CARLSON	486-9300
Seward			
Sitka		DOUG McBRIDE	786-3633
Tok	✓		
Valdez		JIM JANSEN	206-439-5328
Wrangell			

Notes

Snow Machine D/L Hearing Witness List

<u>Who</u>	<u>Representing</u>	<u>Location</u>	<u>Off-Net Number?</u>	<u>Written Testimony</u>
Mary Marshburn	Admin/DMV	Anch	269-5008	
Marianne Backman	SnowTrac Chair	Fbx		
Tim Krug	Wasilla	Wasilla	373-9089	
Pat Carlson	Kodiak	Kodiak	486-9300	
Garvin Bucaria		Wasilla		POM 373-4974
2:00 Doug McBride	Boy Scouts		786-3633	Email 694-2095 786-3633
2:15 Jim Jansen	self		206- 439- 5528	800-426-3201
Sgt Robin	AST		269-4532	
			892-7875	

41.21.866

ADN

FEB 19, 2002

Safety first

Rep. Kohring makes a start on snowmobile license law

News that state law requires snowmobile drivers to hold a valid Alaska driver's license came as a shock to law enforcement types and most everybody else last week. State Rep. Vic Kohring had about half of the right response.

Rep. Kohring introduced a bill to repeal the requirement on grounds that it imposes a hardship in rural Alaska, where snowmobiles are an essential part of transportation. Kids living on the road system use snowmobiles too, but it's less a way of life and more a recreational matter for them than for those in the Bush.

The problem, beyond the difficulty of enforcing the law, is that plenty of kids too young to get a driver's license at age 16 or learner's permit at 14 are fully capable of and accustomed to driving the family snowmobile. Cracking down on them would be more than a nuisance; it would be actively hurtful. And even if we wanted to enforce the driver's license law, we don't have the resources.

That doesn't mean, however, that snowmobiles are safe for kids without proper training and equipment. Snowmobiles are heavy, powerful, speedy machines. Fast ones go upwards of 100 mph; even low-end models will push 50 mph. They're not toys, even if they are a lot of fun.

In villages and elsewhere, kids under 14 should be able to drive a snowmobile -- but only after they've undergone some training and can show they know how to control the machine and keep themselves safe. The same holds for adults. There are various proposals around for how to get the job done. The schools could do it, as with driver's ed programs. There's also a state boating safety training program that could offer some clues.

Either way, the injury and death toll is too high to overlook the problem. Rep. Kohring should work to get the driver's license requirement repealed -- and also to improve the prospects for snowmobile safety.

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Central Microfilm Services
Department of Education & Early Development
State of Alaska

Anchorage Daily News

Tuesday, February 5, 2002

ALASKA'S NEWSPAPER

www.adn.com

What the ... ? Snowmobilers need a driver's license

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By RICHARD MAUER
Anchorage Daily News

For years, state officials have said that the only rules preventing youngsters from operating snowmachines on public lands are the ones set by their parents.

Now they say that's been wrong all along.

Two state agencies have produced a brochure that says in no uncertain terms that a driver's license is required to operate a snowmobile or all-terrain vehicle anywhere except on private property.

Many Alaska State Troopers say that's news to them. Pete Panarese, a Department of Natural Resources official who oversees law enforce-

ment in state parks, said he was embarrassed that it was a revelation to him as well — even though, he has since found out, the law has been on the books since 1978.

"It's not unheard of for regulations to lie in the shadows," Panarese said.

"We expected that this would raise some eyebrows," said Jim Renkert, the chief snowmobile trails official at Natural Resources. His office co-produced the brochure with the state De-

partment of Transportation.

"It's been there all along? Wow!" said Dr. Stephen Tower, an Anchorage orthopedist who has studied snowmobile accidents and has argued that the high-powered machines are too dangerous for most children to operate. Even if it has not been enforced, he said, he is pleased to see state law seems to agree.

"For a motor vehicle that's 10 times more dangerous per mile trav-

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With 16 the minimum age for a driver's license in Alaska — a person can get a learner's permit at 14 but requires immediate supervision by a licensed driver — people across the state are routinely committing misdemeanors, winter and summer.

According to the Anchorage dis-

See Back Page, SNOWMACHINES

Continued from A-1

strict attorney's office, the maximum penalty is a year in jail and a \$5,000 fine.

The brochure has been circulating for about a month.

Kevin Hite, president of the Alaska State Snowmobile Association, said he didn't want to comment on the brochure until he got more information. He said he knew state officials had been contemplating including the provision on licensing.

Troopers spokesman Greg Wilkinson, himself taken by surprise, said the new interpretation of the old law will probably have little effect, given that it is "not a high enforcement priority."

That especially holds true in the Bush, he said, where few people have licenses and snowmobiles and ATVs are the chief mode of overland travel. Even in the state's recreation hot spots, like the Big Lake area, troopers are unlikely to enforce the law unless a snowmobile operator is behaving badly, he said.

Many troopers aren't aware of the law.

Eric M. Wilmes, the Big Lake man accused of driving the snowmachine that struck and killed a pedestrian near Houston in October, had his driver's license suspended until 2005.

Though Wilmes faces more serious charges, troopers Sgt. Rick Terry said Monday that he had not planned to also charge Wilmes with operating a snowmachine without a license.

"I haven't heard of that," Terry said.

Nor had the Palmer post trooper lieutenant. "That's news to me," Lt. Randy Hahn said. "I don't know that we have been told that or given the direction to enforce that."

Paul Prusak, the northern region planning manager for the Department of Transportation, discovered the law about a year and a half ago as part of an expanding study of winter transportation.

The study began in 1997, when groups in Fairbanks asked for authority to groom bike trails for winter snowmachine traffic. Some trails had signs saying they could be used by snowmobilers.

But in researching the issue, Prusak and a department attorney found state law prohibits motorized traffic on the trails, winter or summer.

Prusak wondered what other surprises were in the law. He discovered that the state's driver's license statute covers operation of a "motor vehicle" not only on roads or rights of way but also on "other public property in this

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Still skeptical, Prusak found a case in which a judge read the law the same way and held that the operator of an all-terrain vehicle needed a license.

The winter transportation study, with help from the Anchorage planning firm of Land Design North, will include a compilation of snowmobile rules from 30 northern states and other jurisdictions. Most states and provinces allow children too young for a license to operate a snowmachine with a special permit after taking safety classes.

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"Every person exercising the person's privilege to drive, or exercising any degree of physical control of a motor vehicle upon a highway, vehicular way or area, or other public property in this state, is required to have in the possession of the person a valid Alaska driver's license. ... There are no exemptions for snowmobiles in Alaska Statute."

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"The definition of 'motor vehicle' includes all snowmobiles and ATVs."

From: "Alaska Snowmobile Safety Laws, Rules and Regulations, 2001-2002" by the Alaska Department of Transportation and the Alaska Division of Parks and Outdoor Recreation

RON ENGSTROM / Anchorage Daily News

Trails Advisory Committee to begin discussing new rules that could be presented to the Legislature and replace current law.

■ Reporter Richard Mauer can be reached at rmauer@adn.com or 257-4345. Reporter S.J. Komamitsky contributed to this story.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 397(TRA)
(H) Publish Date: 2/25/02

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title Snowmobile drivers' licensing exempt. BRU Alaska Court System
Component Trial Courts
Sponsor House Transportation
Requester House Transportation Component No. 768

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The court system does not anticipate any fiscal impact from the passage of HB 397.

Prepared by: Douglas Wooliver Phone 463-4750
Division: Alaska Court System Date/Time 2/22/02 9:55 AM
Approved by: Stephanie Cole Date 2/22/02
Agency: Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 397
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title Snowmobile Drivers' License BRU AST Detachments
Exemption Component AST Detachments
 Sponsor House Transportation Committee
 Requester House Transportation Committee Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will have no fiscal impact for the Department of Public Safety.

Prepared by: Lt. Julia Grimes Phone 269-4532
 Division Division of Alaska State Troopers Date/Time 2/21/02 8:15 AM
 Approved by: Commissioner Gienn Godfrey Date 2/21/2002
 Agency Department of Public Safety

FISCAL NOTE

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 Agency Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSHB 397(TRA)
 (H) Publish Date: 2/25/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title Snowmobile Drivers' License BRU AST Detachments
Exemption Component AST Detachments
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APPLICABLE LEGAL DEFINITIONS

HB 397

Sec. 28.40.100. Definitions for title.

- (7) "driver" means a person who drives or is in actual physical control of a vehicle;
- (8) "driver's license" or "license," when used in relation to driver licensing, means a license, provisional license, or permit to drive a motor vehicle, or the privilege to drive or to obtain a license to drive a motor vehicle, under the laws of this state whether or not a person holds a valid license issued in this or another jurisdiction;
- (13) "motor vehicle" means a vehicle which is self-propelled except a vehicle moved by human or animal power;
- (11) "highway" means the entire width between the boundary lines of every way that is publicly maintained when a part of it is open to the public for purposes of vehicular travel, including but not limited to every street and the Alaska state marine highway system but not vehicular ways or areas;
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Alaska State Legislature



Interim:
600 East Railroad Avenue
Wasilla, Alaska 99654
907-373-1842
Fax - 907-373-4729

Session:
State Capitol Building, Room 421
Juneau, Alaska 99801-1182
(907) 465-2186
Fax: (907) 465-3818

Representative Vic Kohring
District 26

SPONSOR STATEMENT

HOUSE BILL 397

In 2001, the Alaska Department of Transportation released its Winter Transportation Study. The House Transportation Committee reviewed the study during the 2001 session.

Initially, the study was to address snow machine issues in the Fairbanks area but immediately grew into a statewide study. DOT reviewed the existing laws and regulations and determined that many enforcement officers and the general public were not aware of existing requirements. DOT concluded that a serious effort is needed to clarify and improve these laws and to promote more responsible snowmobiling.

Snowmobiles are defined as "motor vehicles" and are subject to those laws. As such, snowmobile operators are required to possess a valid Alaska driver's license to "operate upon a highway, vehicular way or area, or other public property."

The original version of this bill merely exempts snowmobile operators from needing a driver's license. The proposed committee substitute bill instead seeks to end a state legal requirement for operators of all types of off-road motor vehicles (boat, plane, all-terrain vehicle, or snowmachines) to have an automobile driver's license to operate on public properties, other than on roads. The bill would not affect existing laws requiring vehicles driven on-road to have minimum equipment, such as brake lights and turn signals.

For state government to require a person to pass a test to drive a car appears to have nothing in common with running a boat on a lake or river, flying a plane, or riding an ATV while hunting. Those who depend on snowmobiles, boats, and ATVs for basic transportation to work, hunt, and fish in many parts of Alaska need to have their rights protected.

Having a driver's license has nothing to do with safe operation of an off-road vehicle. If safety is the concern, then the focus needs to be on safety, not on requiring a driver's license.

Anchorage Daily News

Tuesday, February 5, 2002

ALASKA'S NEWSPAPER

www.adn.com

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"We expected that this would raise some eyebrows," said Jim Renkert, the chief snowmobile trails official at Natural Resources. His office co-produced the brochure with the state De-

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"It's been there all along? Wow!" said Dr. Stephen Tower, an Anchorage orthopedist who has studied snowmobile accidents and has argued that the high-powered machines are too dangerous for most children to operate. Even if it has not been enforced, he said, he is pleased to see state law seems to agree.

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See Back Page, SNOWMACHINES

Continued from A-1

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RON ENGSTROM / Anchorage Daily News

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■ Reporter Richard Mauer can be reached at rmauer@adn.com or 257-4345. Reporter S.J. Komarnitsky contributed to this story.

WINTER TRANSPORTATION STUDY



DOT & PF

DRAFT

Winter Transportation Study Summary

DRAFT
PLANNING OFFICE

I. Background

The Alaska Department of Transportation & Public Facilities (ADOT&PF) oversees approximately 5,000 miles of highways and roads. Transportation on these facilities is predominantly motor vehicle travel on the roadway surface. However, other activities also occur within the state highway rights of way including bicycling and walking, and increasingly in the winter, snowmachining, dog mushing and cross country skiing. Most of these off-the-road activities are along the contiguous highway system are for recreational purposes, especially in the Rail Belt Area. For many years, these off-road winter uses coexisted with little concern or conflict, but today the situation has become far more complex.

In 1999, DOT&PF Northern Region Planning initiated a Winter Transportation Study. This was the result of several events in the Fairbanks area including:

- ❖ Growing popularity and promotion of snowmachining, especially near urban areas.
- ❖ Requests made to DOT&PF by snowmachine advocates and local governments to include winter trail components on various highway construction projects.
- ❖ Requests made to DOT&PF by local snowmachine club members to allow a demonstration trail-grooming project in the Fairbanks area.
- ❖ Advice given to DOT&PF by the State Attorney General's Office relating to liability issues and various unsafe, and perhaps illegal practices.
- ❖ Growing concerns expressed by the public and non-motorized winter trail users, especially near urban areas.

Work completed under Phase I included: a series of public meetings; research of current State of Alaska laws and regulations related to snowmachining; and research of laws, practices and programs in other northern states and Canada. Phase I was quickly expanded beyond the Northern Region boundaries at the requests of residents, trail users and public officials in other areas who were struggling with similar problems.

The Winter Transportation Study, Phase II is a continuing effort to examine the challenges facing the State of Alaska and the public. Specifically, the study will further examine current laws and regulations as they apply to snowmachining in Alaska and will attempt to provide some guidance for solving the growing problems and conflicts. It will go on to identify DOT&PF's current policies governing snowmachine use of state rights-of-way.

Phase II will focus on the contiguous highway system and urban areas where snowmobiling activities are generally recreation-oriented and incidental to roadway travel. This is where DOT&PF faces the greatest increase in public safety concerns, and the growing need to clarify departmental policy and legal issues. Some issues will overlap with activities in rural Alaskan communities that are not connected to the highway system, where snowmobiling is more accurately considered a primary means of winter transportation.

A. Winter Transportation Study, Phase II - New Directions

When the Winter Transportation Study was initiated in Fairbanks, it grew out of the spirit of DOT&PF wanting to improve safety and access for snowmachines in state rights-of-way in that area. As the study moved forward it began to go into a statewide study. However, as an agency with limited authority and resources, DOT&PF now realizes that it cannot go much beyond the status-quo in terms of policy and action when addressing the wide range of issues. Unfortunately, the hard fact is that DOT&PF is not in the

business of promoting snowmachine use. Although snowmachines may have a legitimate transportation function, a significant portion of the interest in improving trails and access for snowmachines comes from the growing popularity of recreational use. This study raises some important concerns about snowmachine access and safety that, while they are not within DOT&PF's power or resources to address, positively affect the way state rights-of-way are used and the future of snowmachining in the state.

As stated above, the study was originally addressing snowmachine issues in the Fairbanks area, but it soon grew into a statewide study. After seeing the increased number of snowmachine accidents and fatalities this season and reviewing the statutes and codes, ADOT & PF realized that many of the issues at hand are far beyond the purview of ADOT & PF's authority. With this in mind, it was decided that the focus of the study would specifically address ADOT & PF's legal responsibilities regarding safe travel on its highway facilities. It was also decided that there was a need for more education regarding the existing laws and regulations that apply to snowmachines. As a result, this study will create and distribute a flyer regarding the existing laws and regulations.

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B. Goals

Goal # 1: The primary goal of the Winter Transportation Study, Phase II is to identify and clarify the Alaska Statutes (Laws) and Administrative Codes (Regulations) as they apply to snowmachining. Additionally, it will specifically identify ADOT & PF's legal responsibilities in providing safe travel on its highway facilities. These responsibilities and the related liability issues may translate into inflexibility on the part of ADOT & PF. It is important that the liability issues are clearly understood by users, especially where they are translated into laws and regulations.

During the course of this study it became clear that the general public, public officials and even enforcement officials are not fully aware of the existing laws and regulations. A serious effort is needed within the State of Alaska to clarify and improve these laws and regulations and promote more responsible snowmobiling.

Goal # 2: The secondary goal is to look at the many access, safety, and management issues specific to snowmachine use along state rights-of-way and develop recommendations that may be implementable under DOT&PF's legal authority and within the department's resources.

While bigger issues need to be addressed, most of these extend far beyond DOT&PF's authority (i.e., safety education, law enforcement, and economic development associated with winter recreational activities), and require instead that the leadership of user organizations, special interest groups, and local governments working together with state and federal agencies to promote comprehensive, proactive solutions that support the growing popularity of snowmachining in Alaska.

II Snowmachines in State Rights-of-Way: Current Laws and Regulations

A. ADOT&PF's Legal Authority & Responsibilities

The Alaska Department of Transportation and Public Facilities (ADOT&PF) is established by Alaska Statute (AS) as an agency of the state's executive branch of government [AS 19.05 - 19.25]. Under state law, "The department [ADOT&PF] is responsible for the planning, construction, maintenance, protection and control of the state highway system" [AS 19.05.010]. In addition, "the department shall adopt necessary regulations to carry out the purpose of Alaska's statutes that govern state highways and roads" [AS 19.05.020]. Such regulations become part of the state's Alaska Administrative Code (AAC) [AS 44.62]. Some of the basic authorities of ADOT&PF are found in the Alaska Administrative Code under "Title 17: Highways and Ferries", and include the following:

- "A highway system consisting of such facilities as the commissioner [ADOT&PF] may designate shall be the known as the Alaska Highway System." [17 AAC 05.010(a)]

- The department has the following duties: "direct approved highway planning and construction and maintenance, protections and control of highways." [17 AAC 05.030(1)]
- The department may: "(4) acquire rights of way for present or future use; (5) control access to highways; (6) regulate roadside development;..." [17 AAC 05.040]

Regulations governing ADOT&PF's authority over state highways, rights of way, and facilities are largely concerned with protecting the traveling public, the safety and integrity of a highway's design and construction, the public interest, and the best interests of the state. For many years, off-road winter uses, including snowmachining, coexisted with little concern for or conflict with these interests. However, several things have been happening in Alaska that raise concerns for ADOT&PF:

1) Snowmachining is becoming more popular, especially in proximity to population centers (Fairbanks, Anchorage, Wasilla);

2) New generations of snowmachines are extremely fast and powerful, and pose a higher degree of danger both to users and to other traffic. A fatal accident occurred this winter in a road right-of-way where the operator was travelling upward of eighty miles per hour. Yet, even the legal speed limit, which most snowmachine riders more sensibly drive below (that are comparable to auto traffic limits) may be too fast for safe travel when no snowmachine-specific design standards exist or have been applied to road shoulders that also house utilities, lightpoles, snowbanks, vegetation and other unintended obstructions.

3) In Alaska, very few private snowmachine trails or trail easements have been protected, especially near population centers. This de-facto concentrates snowmachine activities in state rights-of-way where access remains legal, especially as many communities have outlawed use of local roads' rights-of-way for liability and safety reasons. While snowmachiners and ADOT&PF might both prefer to see special snowmachine trails developed away from the road corridors, especially along roads carrying heavy traffic volumes and where driveway and road crossings are common, the trend is in the opposite direction.

4) ADOT&PF faces shrinking budgets, and has limited resources to address basic maintenance and road improvement issues. The department does not have the resources to improve access for snowmachines (except in "Bush" Alaska), primarily because federal funds cannot be used for snowmachine-specific improvements. Even when the department knows about "trouble spots", or areas where a separate crossing may provide a big improvement, its hands are tied because of the limitations or restrictions on funding.

5) A lack of awareness and/or compliance with basic snowmachine safety laws by operators is compromising the safety of all corridor and right-of-way users. Alaska has on its books a number of laws which, if complied with, would provide a baseline for safe snowmachine use in state rights-of-way. Many snowmachine users, and sometimes even state troopers admit they are not clear on what all these laws are. Whereas multiple other states have both mandatory education and testing on state laws, and additionally publish guidebooks with state laws and rules of the road, Alaska currently does neither of these. Of special concern is the lack of compliance with the requirement to hold a drivers' license in order to operate in state rights-of-way. Increasingly, unlicensed young riders are illegally using snowmachines in state rights-of-way as a means for access because they are not old enough to legally drive a car.

Transportation vs. Recreation

Rights-of-way along state roads are an important and legal means of access for many snowmachiners in Alaska. In many cases, it simply allows snowmachines to gain access to specific recreational areas, and to their homes and/or private property that are not accessible through any other way. As such, traditionally, ADOT&PF's resources and efforts have been concentrated chiefly on making snowmachine-oriented access safer through the following:

- The direct funding and development of trailheads in areas adjacent to recreational lands that provide snowmachiners with access to Alaska's vast open spaces and snowmachine-specific trails.

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As recreational snowmachining and roadside winter activities have grown in popularity, ADOT&PF has maintained these efforts, but has been constrained in its ability to address new, more location-specific requests and challenges, such as problematic intersections, or recreationalists' desires for special trail maintenance or development. ADOT&PF's budgets, especially for maintenance, are stretched just to meet the most basic transportation needs. To make matters more difficult, snowmachine specific improvements that could serve significant safety purposes (such as snowmachine overpasses of highways at critical locations, or snowmachine-specific pathways and controlled crossings) cannot be developed using Federal Highway Funds or the Transportation Equity Act (TEA)-21 funding that is available for pedestrian and bicycle trail funding along highways. This means that special state appropriations, recreational trail grants, local funding, or user fees are the key means available for developing snowmachine-specific improvements

ADOT&PF is in the business of meeting transportation needs, and not recreational needs. As local governments, snowmachine organizations, and other entities which could promote recreational access have been slow to develop snowmachine trails or reserve easements, ADOT&PF has become subject to increasing pressure to improve state rights-of-way for recreational users. ADOT&PF does not have the authority, the mandate, or the resources to try to meet these needs. Although some argue that snowmachines are alternative forms of transportation, this call comes largely from users in proximity to population centers where, by definition, transportation is predominantly through motor vehicle travel. In this context, state funds are stretched to meet basic road maintenance and development needs, and federal funds to encourage "alternative forms of transportation" cannot be used for snowmachine-oriented improvements. Therefore, ADOT&PF in practice treats snowmachine use within the urban areas as a secondary activity that can remain in the right-of-way as long as it can coexist safely without extra expenditure. Moreover, wherever use of snowmachines compromises the primary transportation functions of the road corridor, ADOT&PF is required to protect the larger interests.

Recognizing ADOT&PF's limited ability to respond directly to their interests, snowmachine users have specifically volunteered to manage specific areas and create improvements that enhance snowmachine use. Unfortunately, for the following liability reasons, under current state law this is not an acceptable option:

- ADOT&PF and the State are ultimately responsible and liable for the conditions of the facility. This means that all volunteer work would have to be overseen by ADOT&PF maintenance staff. Additionally ADOT&PF is liable for any unsafe condition which volunteers might unknowingly cause.
- There is potential for damage to the facility (or to adjoining landowners' property) by volunteers, and the state needs to protect this public investment.
- Unsafe situations could develop from volunteer work crews stopping or parking on or along the roadway.

ADOT&PF is responsible for the planning, construction, maintenance, protection and control of the state highway system, and for helping to regulate safe use of the rights-of-way. ADOT&PF currently supports the legal and safe use of state rights-of-way by snowmachines through the development of trailhead parking and related facilities. ADOT&PF has the authority, but simply does not have the resources to go further and provide snowmachine-specific maintenance, trails or improvements, especially when such an investment would potentially increase use in some already congested corridors where more comprehensive solutions are needed that are outside ADOT&PF's authority (i.e., the purchase of separate trail easements as the basis for a snowmachine trail system, safety education, effective law enforcement, etc.). Additionally, ADOT&PF cannot allow local snowmachine organizations to provide trail maintenance for the reasons cited above.

B. Existing State Laws and Regulations

Snowmachine use in Alaska is governed under existing state law and regulations, which are established by the Alaska State Legislature and by state agencies to protect public safety and property. Laws and regulations exist currently which describe where snowmachines are permitted or prohibited within state rights-of-way, the "rules of the road", snowmachine licensing, registration and safety equipment requirements. In all cases, state laws apply to snowmachine activities in state rights-of-way.

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It is critical to note that additional federal and/or local laws may apply which are not covered in this study. Moreover, where jurisdictions are present at the local level, the state laws described herein may be strengthened by local regulations (for example, all snowmachine use is prohibited on public rights-of-way--state and local--within the Municipality of Anchorage). Additionally, local laws that apply to local roads can be different than state laws, and may be more liberal or restrictive than state regulations (for example, contrary to the law that applies to state roads, Valdez allows snowmachine access on local roads. Wasilla and Kenai on the other hand expressly disallow snowmachine use of local roads and rights-of-way). As a final precaution, this section does not discuss all applicable state laws, only key regulations currently on the books that are subject to change.

Snowmachine uses in the state are currently controlled under two specific sets of Alaskan legal documents, as follows: 1) The Alaska Statutes (AS) are the laws passed by the State Legislature and signed by the Governor. The two key applicable titles, or sections include: Title 19: Highways, Title 28: Motor Vehicles; 2) The Alaska Administrative Code contains the regulations adopted by each state agency and filed with the lieutenant governor as required under AS 44.62, the Alaska Administrative Procedure Act. Key titles include: Title 11: Natural Resources (ADNR), Title 13: Public Safety (ADPS), Title 17: Transportation & Public Facilities (ADOT&PF).

Legally, first and foremost snowmachines are "motor vehicles" and are subject to laws governing them as such. Additionally, they are subject to laws that specifically address snowmachine activity and access.

The following is a discussion of what the laws generally mean under the headings, "Access", "Safety", and "Management". Additionally, any special issues, or inadequacies of the current law are discussed, recognizing that enforcement and public awareness of these laws is a separate issue.

Alaska Statutes (AS) and Alaska Administrative Code (AAC) as They Apply to Snowmachining

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FURTHER REVIEW REQUIRED

AS 19.05.010: DOT is to supervise the highway system. They are responsible for the planning, construction, maintenance, protection, and control of the state highway system.

AS 19.05.020. Regulations: The department shall adopt regulations necessary to carry out the purpose of AS 19.05 - AS 19.25. The regulations may not conflict with AS 36.30 (State Procurement Code) or regulations adopted by the Department of Administration to implement that chapter.

AS 19.05.030. Duties of the department. The department has the following duties:

(1) direct approved highway planning and construction and maintenance, protection and control of highways;

AS 19.05.040. Powers of department. The department may:

(5) control access to highways;

(6) regulate roadside development;

(7) preserve and maintain the scenic beauty along state highways;

(10) enter into contracts or agreements relating to highways with the federal government, municipalities, a political subdivision, or with a foreign government, if the contract is approved by the federal government;

AS 28.15.011. Drivers must be licensed.

(b) Every person exercising the person's privilege to drive, or exercising any degree of physical control of a motor vehicle upon a highway, vehicular way or area, or other public property in this state, is required to have in the possession of the person a valid Alaska driver's license issued under the provisions of this chapter for the type or class of vehicle driven, unless expressly exempted by law from this requirement.

AS 19.10.300 - 19.10.399, Definitions

(8) "motor vehicle" means a vehicle that is self-propelled except a vehicle moved by human or animal power;

Chapter 28.39. SNOWMOBILES

AS 28.39.250. Definitions.

(10) "snowmobile" means a self-propelled vehicle primarily designed or altered for travel on snow or ice when supported in part by skis, belis, or cleats; "snowmobile" does not include machinery used strictly for the grooming of snowmobile trails or ski slopes.

AS. 28.39.010. Snowmobile registration.

(a) Except as provided in this subAStion, a person may not operate a snowmobile within the state unless the snowmobile has been registered and numbered as required by this chapter. Registration under this subAStion is not required for a snowmobile owned by the United States.

(b) A person who violates (a) of this AStion is guilty of an infraction and is subject to a \$300 fine under AS 28.40.050 (c).

AS. 28.39.020. Authority of department; registration agents; registration applications.

(a) The department is authorized to assign identification numbers and register snowmobiles.

(b) The department shall authorize agents, including snowmobile dealers, to register snowmobiles. The department may authorize a snowmobile dealer authorized as an agent for snowmobile registration to issue temporary and permanent registrations, and to renew registrations.

(c) A snowmobile dealer shall require a purchaser of a new or used snowmobile sold at retail to complete a registration application and pay the registration fee before the snowmobile leaves the dealer's premises unless the snowmobile is exempt from registration or a registration fee under this chapter.

(d) In a manner set out in this chapter and as may be prescribed by the department, an authorized agent shall accept a registration application and registration fee, issue a registration, and forward the application and registration fee to the department.

(e) The original and each renewal registration fee for a snowmobile is as provided under AS 28.10.421, except that the fee shall be multiplied by two for a four-year registration and multiplied by three for a six-year registration.

AS. 28.39.030. Proof of ownership for registration purposes.

The department may require proof of ownership of the snowmobile before registering a snowmobile under this chapter.

AS. 28.39.040. Issuance of a certificate of registration and decals; inspection of registration; expiration of registration.

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(a) Upon receipt of a completed application for registration of a snowmobile, the department shall record the registration of the snowmobile under a number assigned to the snowmobile by the department. A number assigned to a snowmobile at the time of the original registration must remain with the snowmobile until the snowmobile is destroyed, abandoned, or permanently removed from the state or until the registration number is changed or terminated by the department.

(b) The department shall issue a registration without the payment of a fee if the snowmobile is owned by a state agency, a political subdivision of the state, or another state. The department may, upon request, issue a registration without the payment of a fee if the snowmobile is owned by the United States.

(c) The department shall, upon assignment of a registration number, issue and deliver to the owner a certificate of registration in a form prescribed by the department. A certificate of registration is not valid unless it is signed by the person who signed the application for registration.

(d) At the issuance of the original certificate of registration and upon renewal, the department shall issue to the registrant a validation decal indicating the validity of the current registration and the expiration date. A validation decal must be affixed to the snowmobile in the manner prescribed by the department. A snowmobile is not validly registered under this chapter unless a validation decal and current registration have been issued as required by this ASion.

(e) A snowmobile shall display the registration number assigned to it at all times in the manner prescribed by the department.

(f) While operating a snowmobile that is required to be registered under this chapter, a person shall have in possession or carry in the snowmobile a valid registration. Upon demand by a peace officer authorized to enforce this chapter, a person operating a snowmobile shall produce for inspection the certificate of registration for the snowmobile and furnish to the peace officer any information necessary for the identification of the snowmobile and its owner.

(g) A snowmobile owner holding a certificate of registration shall notify the department in writing of a change of residence within 15 days after the change occurs.

(h) A snowmobile may be registered for two, four, or six years. A snowmobile registration expires at the end of the last season for which it is issued. An application for renewal of registration for the succeeding years must be made at a time and in a form prescribed by the department.

(i) The department may issue a replacement certificate of registration if the owner demonstrates to the department that the original certificate has been lost, mutilated, or destroyed.

AS. 28.39.050. Termination of ownership; used snowmobiles held for resale; termination of use.

(a) If there is a change of ownership of a snowmobile, the seller and buyer shall fill out the transfer of ownership ASion of the registration, and the seller shall sign over the registration to the new owner. The seller shall promptly submit the transfer of ownership ASion to the department, and the department shall issue a new certificate of registration to the new owner.

(b) This chapter does not require a snowmobile dealer to renew the registration of a used snowmobile held solely for purposes of resale until the snowmobile is resold.

(c) An owner of a snowmobile registered under this chapter shall notify the department in writing of the termination of use, destruction, or permanent removal of the snowmobile from the state within 15 days after the termination of use, destruction, or removal.

AS. 28.39.060. Regulations authorized.

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The commissioner shall adopt regulations governing the registration of snowmobiles and display of registration numbers on snowmobiles as may be necessary to carry out this chapter.

Title 38. PUBLIC LAND

POLICY FOR USE AND CLASSIFICATION OF STATE LAND SURFACE

AS 38.04.050. Access to private use areas.

Wherever state land is surveyed for purposes of private use, legal rights-of-way and easements shall be reserved for access and, where appropriate, for utility services to each parcel of land. A right-of-way or easement shall be located to assure adequate and feasible access for the purposes for which the right-of-way or easement was intended. Where necessary and appropriate for the use intended or where required by local subdivision ordinances, the director shall arrange for the development of surface access as part of the land availability program. The direct cost of local access development shall be borne by the recipient of the land unless otherwise provided by state statutes or regulations.

AS 38.04.055. Access through private use areas.

The commissioner shall reserve easements and rights-of-way on and across land that is made available for private use as necessary to reach or use public water and public and private land. An easement or right-of-way reserved under this AS 38.04.055 shall include trails that have an established history of use for commerce, recreation, transportation, or providing access to a traditional outdoor activity. In this AS 38.04.055, "traditional outdoor activity" has the meaning given in AS 38.04.200 .

AS 38.04.058. Restrictions on easement or right-of-way use.

The commissioner may, under terms agreed to in writing by a grantee, lessee, or interest holder of state land, restrict the use of an easement or right-of-way reserved under AS 38.04.050 , 38.04.055, or other law in order to protect public safety or property. The commissioner may not agree to or enforce a restriction under this AS 38.04.058 unless the restriction is narrowly tailored to achieve the protection of public safety and property while preserving access to the maximum extent practicable and the commissioner makes a written finding identifying how the restriction will protect public safety and public or private property.

AS 38.04.200. Traditional means of access.

(a) The commissioner may not manage state land, water, or land and water so that a traditional means of access for traditional outdoor activities is restricted for the purpose of protecting aesthetic values of the land, water, or land and water or is prohibited unless the restriction or prohibition is

- (1) for an area of land, water, or land and water that encompasses 640 contiguous acres or less;
- (2) temporary in nature and effective cumulatively less than eight months in a three-year period;
- (3) for the protection of public safety and public or private property;
- (4) for the development of natural resources and a reasonable alternative for the traditional means of access across the land, water, or land and water for traditional outdoor activities on other land, water, or land and water is available and approved by the commissioner; or
- (5) authorized by act of the legislature.

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(b) In this section:

(1) "aesthetic values" means those values that exist as an expression of the social or cultural viewpoint held by a portion of the population;

(2) "traditional means of access" means those types of transportation on, to, or in the state land, water, or land and water, for which a popular pattern of use has developed; the term includes flying, ballooning, boating, using snow vehicles, operation of all-terrain vehicles, horseback riding, mushing, skiing, snowshoeing, and walking;

(3) "traditional outdoor activities" means those types of activities that people may use for sport, exercise, subsistence, including the harvest of foodstuffs, or personal enjoyment, including hunting, fishing, trapping, gathering, or recreational mining, and that have historically been conducted as part of an individual, family, or community life pattern on or in the state land, water, or land and water.

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AS 28.39.050. Termination of ownership; used snowmobiles held for resale; termination of use.

(a) If there is a change of ownership of a snowmobile, the seller and buyer shall fill out the transfer of ownership ASction of the registration, and the seller shall sign over the registration to the new owner. The seller shall promptly submit the transfer of ownership ASction to the department, and the department shall issue a new certificate of registration to the new owner.

SPECIAL RULES FOR SNOWMOBILES AND OTHER OFF-HIGHWAY VEHICLES

AAC 13 02.430: APPLICABILITY OF REGULATIONS; PARENTAL RESPONSIBILITY.

(a) No parent or guardian may authorize or knowingly permit a child to violate a provision of ASs. 430 - 455 of this chapter.

(b) Every person operating a snowmobile or other off-highway vehicle upon a highway has the rights and is subject to the duties applicable to the driver of any other vehicle under this chapter, except as otherwise provided in ASs. 430 - 455 of this chapter, and except as to those provisions of this chapter which by their nature have no application.

AAC 13 02.455: OPERATION ON HIGHWAYS AND OTHER LOCATIONS.

(a) A snowmobile or an off-highway vehicle may be driven on a roadway or shoulder of a highway only under the following circumstances:

(1) when crossing a highway as provided in (f) of this ASction, or when traversing a bridge or culvert on a highway, but then only by driving at the extreme right-hand edge of the bridge or culvert and only when the traverse can be completed with safety and without interfering with other traffic on the highway;

(2) when use of the highway by other motor vehicles is impossible because of snow or ice accumulation or other natural conditions or when the highway is posted or otherwise designated as being open to travel by off-highway vehicles;

(3) when highway driving is authorized by an authority having jurisdiction over the highway, but only in accordance with restrictions which may be imposed by that authority with regard to highway use; or

(4) when driven on the right-of-way of a highway which is not a controlled-access highway, outside the roadway or shoulder, and no closer than three feet from the nearest edge of the roadway; night driving may be only on the right-hand side of the highway and in the same direction as the highway motor vehicle

traffic in the nearest lane of the roadway; no person may drive an off-highway vehicle within the area dividing the roadways of a divided highway, except to cross the highway as provided in (f) of this ASion.

(f) A snowmobile or an off-highway vehicle may make a direct crossing of a highway if

(1) the crossing is made approximately at a right angle to the highway and at a location where visibility along the highway in both directions is clear for a sufficient distance to assure safety, and the crossing can be completed safely and without interfering with other traffic on the highway; and

(2) the vehicle is brought to a complete stop before crossing the shoulder or roadway, and the driver yields the right-of-way to all traffic on the highway.

(g) No snowmobile or other off-highway vehicle may cross or travel on a sidewalk, a location intended for pedestrian or other nonmotorized traffic, an alley, or a vehicular way or area which is not open to snowmobile or off-highway vehicle operation, except as provided in (f) of this ASion.

AAC 13 02.487: DRIVING ON SIDEWALK.

No person may drive a vehicle on a sidewalk or sidewalk area other than upon a permanent or temporary driveway, except as a municipality allows the riding of bicycles on sidewalks outside of a business district.

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AAC 13 04.001: SCOPE AND EFFECT OF REGULATIONS.

(b) Nothing in this chapter may be construed to prohibit equipment required by the United States Department of Transportation or the use of a part or accessory on a vehicle not inconsistent with the provisions of this chapter. A federal motor vehicle safety standard which conflicts with a provision of this chapter supercedes the provision in this chapter with respect to a vehicle which must comply with the federal standard.

(c) The provisions of this chapter which require equipment on vehicles do not apply to implements of husbandry, special mobile equipment, motor-driven cycles, bicycles, or snowmobiles or other off-highway vehicles, except as specifically provided in this chapter.

EQUIPMENT ON SNOWMOBILES AND OFF-HIGHWAY VEHICLES

AAC 13 04.400: LIGHTS AND REFLECTORS.

(a) A snowmobile or other off-highway vehicle which is driven during the times when lights are required by AS. 10 of this chapter must be equipped with at least one headlight, aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead under normal atmospheric conditions.

(b) A snowmobile or other off-highway vehicle must be equipped with one red light, one stop-signal light and one red reflector, which must be mounted upon the rear or rear cowling of the vehicle. The lights must be visible from a distance of at least 1000 feet to the rear. The reflector must be visible from a distance of at least 600 feet to the rear when directly in front of the lawful lower beams of the headlights on a motor vehicle other than a snowmobile or an off-highway vehicle.

AAC 13 04.405: BRAKES.

A snowmobile or other off-highway vehicle must be equipped with brakes which will control the movement, stop, and hold the vehicle under normal driving conditions on any grade upon which it normally may be driven, and under all conditions of loading.

AAC 13 04.410: THROTTLE.

A snowmobile or other off-highway vehicle operated by hand controls must be equipped with a throttle or idle spring in good working condition which, when released by hand, will return the engine speed to idle, close the carburetor, and disengage the clutch.

AAC 13 04.415: MUFFLERS AND EMISSION-CONTROL SYSTEMS.

(a) A snowmobile or other off-highway vehicle must be equipped with a carburetor intake, exhaust muffler, and an emission-control system in good working order, and may not use a muffler cutout, bypass or other similar device.

(b) An exception to the requirements of (a) of this ASction may be made under a special racing permit as provided in AS 05.35.

AAC 13 04.420: OTHER EQUIPMENT.

(a) The following equipment is required on a snowmobile or other off-highway vehicle:

(1) a rear snowflap installed to deflect downward a cleat or other object or material which may be thrown by the track or wheels;

(2) a protective shield over all moving parts;

(3) reflectors placed on the sides or side cowling which meet the standards established by the Society of Automotive Engineers in effect on the effective date of this ASction;

(4) when towing a sled or other object, a rigid drawbar no greater than 10 feet in length; and

(5) a spark arrester.

AAC Title 17 Highways

AAC 17 05.030: OFF-SYSTEM ROADS.

(a) In order to provide access that is appropriate for specific uses and local conditions, the department may classify a road, which is not part of the Alaska Highway System described in 17 AAC 05.010, as a trail, basic access road, pioneer road or community road under (b) - (e) of this ASction.

(b) A trail may be any foot path or way open to public use as a matter of right that

(1) is not more than eight feet wide;

(2) is not graded or surfaced; and

(3) whose drainage improvements, if any, do not meet minimum department standards for ASondary roads.

(c) A basic access road may be any road open to public use as a matter of right that

(1) is at least eight feet wide;

(2) has portions of its route graded and surfaced;

(3) has drainage improvements that do not meet minimum department standards for ASondary roads;

(4) has structural improvements that permit the fording of streams;

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(5) has no signs indicating road junctions or other road-related information; and

(6) provides access to a

(A) cabin, homestead, or lodge, or

(B) mineral resource extraction site.

(d) A pioneer road may be any road open to public use as a matter of right that

(1) is at least eight feet wide;

(2) has portions of its route graded and surfaced;

(3) has drainage improvements that do not meet minimum department standards for ASondary roads;

(4) has structural improvements that permit the crossing of natural features such as streams, gullies and wet areas;

(5) has signs indicating road junctions and other road-related information; and

(6) provides access from a

(A) town, village or community to a local site used by the residents of the town, village or community, or

(B) mineral resource extraction site to a mineral resource transportation facility.

(e) A community road may be any road open to public use as a matter of right that

(1) meets the minimum department standards for ASondary roads, as set out in the Alaska Department of Transportation and Public Facilities' Highway Preconstruction Manual, Part II, including those standards set out in ch. 11, ASition 11-03.06, Drainage; and

(2) provides access from a

(A) town, village or community to a local site used by the residents of the town, village or community, or

(B) mineral resource extraction site to a mineral resource transportation facility.

SPEED RESTRICTIONS

AAC 13 02.275: BASIC RULE AND MAXIMUM LIMITS.

(a) No person may drive a vehicle at a speed greater than is reasonable and prudent considering the traffic, roadway, and weather conditions.

(b) Except when a special hazard exists that requires a lower speed for compliance with (a) of this ASition, the limits specified in this subASition are the maximum lawful speeds throughout the state, and no person may drive a vehicle at a speed in excess of these maximum limits, unless otherwise posted:

(1) 15 miles per hour in an alley;

(2) 20 miles per hour in a business district;

(3) 25 miles per hour in a residential district; or

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(4) 55 miles per hour on any other roadway.

(e) The maximum speed limits set forth in (b) of this ASion may be altered as authorized in 13 AAC 02.280 .

AS 41.21.866. Paths and trails along highways.

The commissioner of transportation and public facilities shall administer the plan and program providing for the establishment and maintenance of footpaths, bridle paths, bicycle paths, ski trails, dog sled trails, motorized vehicle trails and other paths and trails along certain designated existing highways, or when a highway, road or street is being constructed, reconstructed or relocated after June 7, 1972. Trails established under an approved plan submitted by the Department of Transportation and Public Facilities may be used for those types of uses written into the plan. A uniform system of marking the paths and trails established under this ASion shall be established by the commissioner of transportation and public facilities.

AAC 13 40.010: DEFINITIONS.

(a) In Chapters 02, 04, 06, and 08 of this title, and in AS 28, unless otherwise provided

(48) "sidewalk" means that portion of a street between the curblines or the lateral lines of a roadway and the adjacent property lines, and intended for use by pedestrians;

(49) "snowmobile" means a motor vehicle designed to travel over ice or snow, and supported in part by skis, belts, cleats, or low-pressure tires;

AS 19.45.001. Definitions.

(3) "controlled-access facility" means a highway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have either no right or easement or only a controlled right or easement of access, light, air, or view;

(9) "highway" includes a highway (whether included in primary or ASondary systems), road, street, trail, walk, bridge, tunnel, drainage structure and other similar or related structure or facility, and right-of-way thereof, and further includes a ferry system, whether operated solely inside the state or to connect with a Canadian highway, and any such related facility;

AS 19.10.300 - 19.10.399, Definitions.

(7) "highway" means the entire width between the boundary lines of every way that is publicly maintained when a part of it is open to the public for purposes of vehicular travel, including but not limited to every street and the Alaska state marine highway system but not vehicular ways or areas;

(8) "motor vehicle" means a vehicle that is self-propelled except a vehicle moved by human or animal power;

(12) "vehicle" means a device in, upon, or by which a person or property may be transported or drawn upon or immediately over a highway or vehicular way or area; "vehicle" does not include

(13) "vehicular way or area" means a way, path, or area, other than a highway or private property, that is designated by official traffic control devices or customary usage and that is open to the public for purposes of pedestrian or vehicular travel, and which way or area may be restricted in use to pedestrians, bicycles, or other specific types of vehicles as determined by the Department of Public Safety or other agency having jurisdiction over the way, path, or area.

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Summary

After reading through the statutes and codes, it is obvious that some are in need of improvement. The problem is, these improvements cannot be done overnight. However, the existing laws and regulations overall provide for relatively safe riding. The problem is that the snowmachine community, the enforcement agencies, and the general public are not aware of what these laws and regulations cover. With that in mind, this study will continue by taking a look at other northern jurisdictions and how they handle similar problems.

III. Northern Jurisdictions

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A. Comparisons

Most northern states and Canadian provinces have many miles of multi-use winter trails and also allow some form of snowmachine use in state or provincial rights-of-way. A consideration for Alaska is whether or not other northern jurisdictions' laws can provide any solutions or ideas for improving our own laws, especially in areas where we have deficiencies. As a result, a survey of the laws of eleven states and provinces was conducted.

Of the eleven states and provinces surveyed, most have safety regulations in place, including:

- Speed limits which are tailored to snowmachine safety and design considerations;
- Requirements that snowmachine users yield to pedestrians and other non-motorized users, to traffic emerging from driveways, and to traffic when crossing roads;
- Special snowmachine-related DUI laws;
- Age restrictions;
- Requisite safety education programs;
- Sound level limits;
- Requirements that snowmachines travel in the direction of roadway travel after dark in order to not cause auto traffic to become disoriented or blinded by headlights.

This following section looks to see whether or not the laws of other northern jurisdictions would be useful to apply in Alaska. The pull out charts inserted following this page give a generalized comparison of the laws specific to snowmachines that are on the books in other northern jurisdictions.

Critical Differences

A consideration when looking at other states' laws is to keep in mind that Alaska is unique both in its amount of public land, and its low population density and wide open spaces. Although Canadian laws are not as directly applicable, places like Ontario are useful because they are more like Alaska in that they use snowmachines widely for both basic transportation and for recreation.

Moreover, snowmachine laws from other northern jurisdictions reflect their own states' history, situation, resources, and cultural values. In some cases, this difference makes it difficult or impossible to apply a law or develop a program in Alaska that is highly effective elsewhere. The following differences are cases in point:

- 1) Alaska is the only northern jurisdiction that does not have a specific statewide organization or agency spearheading and coordinating snowmachine safety programs, and acting as a key advocate for improved access opportunities. In most other northern jurisdictions, a user group (such as the Ontario Federation of Snowmachine Clubs) or someone within the existing Department of Natural Resources takes on this leadership role. Not having such an organization to work with limits ADOT&PF from potentially cooperating on winter trails-type programs, because there is no one leading the way in reserving easements and coordinating to develop a network of snowmachine trails, or take on all the necessary components of such a program (i.e., liability insurance, local maintenance and law

enforcement, funding, and safety education). A potential model for Alaska that user organizations may consider is the Vermont Association of Snow Travellers, which is effectively a state-wide umbrella organization with local chapters that had significant powers and responsibilities.

- 2) A related issue is that in Alaska very few private snowmachine trails or trail easements have been protected, especially near population centers. In other states, access is almost exclusively focused on trails away from the road system with occasional road crossings at points where there are relatively low daily traffic volumes. This fundamentally changes DOT's role in other states, so that the agency has only minor dealings with snowmachine traffic or safety issues. Generally, most other northern jurisdictions have adequate ranch or farm lands abutting rights of way that allow reservation of easements for snowmachine use. In Alaska, land not in the hands of the government that is along the right-of-way is typically residential. Thus, in Alaska, this concentrates of snowmachine activities in state rights-of-way as snowmachining becomes more popular, and as development displaces traditional local access routes. If this trend continues, at some point snowmachine activity could begin to threaten the safe travel of other motor vehicles, which will force ADOT&PF to further limit access.
- 3) In terms of law enforcement, in other northern states, local authorities play a significant role in overseeing snowmachine use. In Alaska, the small population spread out over vast spaces, and the lack of local forms of government in some locations means that most snowmachine use is largely ungoverned by anything other than a users' judgement or courtesy.
- 4) In Alaska, a number of the rights-of-way along the contiguous highway system attract unsafe use by underage users who are not old enough to drive vehicles. Other states have safety courses and registration requirements for 12-16 year olds, and allow them access on par with that of an adult. However, these underage drivers are generally traveling on trails, not within a road corridor with heavy traffic or with driveway crossings. While ADOT&PF would support education of Alaska's younger users, access within state rights of way is incomparable to access on carefully monitored separate-use trails, and Alaska's current law serves an important safety function.
- 5) Other states have high numbers of users and large population bases that pay relatively high taxes. Snowmachine owners and riders "pay" significant amounts to support trail development and administration of user programs. Users often pay in multiple ways including gas taxes, registration fees, trail users' fees (\$50 to \$100 per year is not uncommon), liability insurance, non-profit membership dues, and the like. Alaska typically has very low or no taxes at the state or local level, and its' small population does not have the same "critical mass" that would allow users to fund trail development to the same degree.
- 6) Alaskans have world-class recreational snowmachining opportunities on state lands. With the exception of Ontario, other states have a relatively limited land base. In other states, efforts to establish trails and easements have been a big priority of snowmachine advocates, and yet what snowmachiners enjoy in terms of networked trails, they lack in terms of open space.

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IV. Beyond DOT&PF: The Need for Comprehensive Solutions

When this study was initiated in Fairbanks, it grew out of the spirit of DOT&PF wanting to improve safety and access for snowmachines in state rights-of-way in that area. However, as an agency with limited authority and resources, DOT&PF now realizes that it cannot go much beyond the status-quo in terms of policy and action. Yet, as alluded to above, the study raises some important concerns about snowmachine access and safety that, while they are not within DOT&PF's power or resources to address, affect positively both the way state rights-of-way are used and the future of snowmachining in the state. These are significant issues which cannot be solved piecemeal, but rather require comprehensive solutions through cooperative effort. They include:

Trail Development and Improved Access. As described above, DOT&PF does not have the resources to develop and/or maintain trails for snowmachine use, and is not in the business of meeting recreational users' needs. While this is perhaps disappointing to snowmachine users, overall this study points to a trend

that could have more of a negative impact on the future of snowmachining in the state. Namely, because local governments and user-groups have been slow to develop snowmachine trails and reserve easements, as communities grow, local snowmachine access is becoming more and more restricted. In many cases, snowmachine activities near communities are being concentrated into state rights-of-way that provide the only legal access left open. However, these corridors become less and less safe as traffic levels and the number of intersecting driveways increase, and eventually, may be made off limits to snowmachines for basic safety reasons, and in order to protect the corridor's primary transportation function. Moreover, as TLA-21 federal funding is widely available for development of bike and pedestrian trails within rights-of-way, these trails are being developed in traditional snowmachine use areas. Once such a trail is constructed, snowmachine use of the trail is illegal under state law, and very often there is not enough of an additional shoulder to also accommodate snowmachine access. Unless local governments and user-groups, potentially with some support from state agencies and boards (such as the Department of Natural Resources, or the Alaska Land Managers' Forum's Inter-Agency Trails Council) begin to develop and reserve local trail easements, snowmachine activities could become largely confined to state lands and wide-open spaces.

Law Enforcement. Members of the public have stressed during this study that if most snowmachine users understood and followed existing laws, that many safety problems in DOT&PF's rights-of-way would disappear. Obviously DOT&PF is not the state agency that legitimately deals with enforcement issues, but rather, the Department of Public Safety and local law enforcement should be addressing these issues. However, in such a large state, and in the face of limited law enforcement budgets, enforcement of snowmachine laws is generally a lower priority. Additionally, local governments, Village Safety Officers and residents in areas without local law enforcement have limited means to enforce state laws. This is an issue that requires cooperative action by the Department of Public Safety, state troopers and local law enforcement officers, but more importantly, requires vocal action by snowmachine operators and user groups. Self-enforcement can be a powerful tool if users understand how their sport suffers when illegal and discourteous acts occur. Additionally, the state needs to make user education of its laws a higher priority so there is no confusion on the part of users, or law enforcement.

Safety Education. Most northern jurisdictions and states require completion of mandatory safety education training for snowmachine operators. Although this study and the public input point to the need for a similar program, education clearly does not fall under DOT&PF's jurisdiction, except through the activities the Highway Safety Office, formerly under the Department of Public Safety, which is now part of DOT&PF. This office promotes highway safety and education, however, it does not have the resources to undertake a substantial campaign, and it is less likely to effectively reach users than local snowmachine clubs. To start and effectively run such a program, a number of interests need to step forward and work together. The one thing DOT&PF can legitimately do to support this effort would be the dissemination of information on the "rules of the road", user etiquette and safety.

Coordination. Interestingly, this study discovered that Alaska is the only northern jurisdiction that does not have a specific statewide advocacy organization or agency spearheading and coordinating snowmachine safety and access programs. In most other northern jurisdictions, a user group (such as the Ontario Federation of Snowmachine Clubs), or an office within the existing Department of Natural Resources takes on statewide issues in a leadership, proactive capacity. In order for a comprehensive approach to be taken on snowmachine use in Alaska, some comparable coordinating private or public coordinating body needs to be developed.

Currently, Alaska has one limited-role "State Snowmachine Coordinator" that administers the Snowmachine Trails Advisory Committee (SnoTRAC, an advisory committee appointed by the Director of Alaska State Parks to work with and advise the state on funding and policy issues to promote safe snowmachining and improve snowmachine facilities and opportunities in Alaska), Sno TRAC Grants, and Rec Trails Grants along with the Governor's TRAAK Board. However, to tackle the bigger issues comprehensively, Alaska clearly needs a coordinating body with sufficient resources and authority that works with local users and/or governments to improve the safety and opportunities for snowmachining in Alaska. Not having such an organization to work with limits DOT&PF from potentially cooperating on winter trails type programs because there is no one leading the way on establishing the necessary

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components for such a program (i.e., liability insurance, local maintenance and law enforcement, funding and safety education).

Given these issues and the DOT&PF's legally defined role and responsibilities, it is up to the user groups and other entities, such as state agencies to take up the leadership, and work cooperatively to improve the future and safety of snowmachining in Alaska. Some of the key parties who would be required to provide support or some form of leadership include the following:

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User Groups

Alaska has a variety of snowmachine-users' groups and organizations that are predominantly locally-oriented, or are state-wide but have limited resources and powers. These organizations have a critical role to play in securing local trail easements, and/or in working with each other and with state and federal agencies to seek solutions that can help improve snowmachine opportunities statewide. User organizations also can help provide a rallying cry for self-enforcement of laws and improved courtesy, and also for education of younger snowmachiners who without knowing it, may act dangerously or damage the reputation of the sport through discourteous acts.

One model for bringing together existing Alaska organizations, is the non-profit organization called the Vermont Association of Snow Travelers (VAST). VAST receives 85% of the funds collected in the state for registration, training, and penalties related to snowmachine use. The umbrella organization, through member local organizations, collects fees, runs training programs, maintains, and signs trail systems in the state. All users of snowmachines in the state must belong to a member local organization, whether they are living in the state or are a visitor from out of state. The local chapter then collects a state "Trails Maintenance Access (TMA) Pass" each year. This creates a pool of money that greatly enhances the trail system, provides safe passages for snowmachines, and provides an education program. Although this model could be difficult to fully replicate in Alaska, to a great degree due to the remoteness of many communities in the state, the concept could be taken in part.

Local Jurisdictions / Governments

Local and community governments have a much clearer understanding of how access and safety issues specific to snowmachines in state rights-of-way impact their community. Existing state laws allow local jurisdictions to significantly improve access, safety and opportunities by passing local ordinances both allowing and regulating local use (on public lands through trail development or along local roads, such as Valdez allows) and through the funding of specific projects and improvements.

State Agencies

The Department of Public Safety is Alaska's primary law enforcement agency for federal, state, and local laws. The mandate of the department is to prevent loss of life and property as a result of illegal or unsafe acts. The Alaska State Troopers and Village Safety Officers are the primary means for enforcement of laws specific to snowmachine use. DOT&PF would like to ask for stepped up law enforcement in critical locations on critical issues, but more importantly would like to see user groups work with this department and other appropriate agencies to develop safety education (courses, materials, etc) and preventative measures that focus on self-enforcement and user etiquette.

In many other states, the Department of Natural Resources or its equivalent provides oversight and broad administration over snowmachine use, safety education, registration, and the development of trails and new opportunities. As discussed above, DNR currently administers several grant programs that provide funding for snowmachine facilities and trails, but with additional resources this office could take on a more proactive role and help address the bigger issues of access and safety.

The Department of Administration oversees the registration and collection of fees specific to snowmachine use. In order to create an effective link between resources the agency collects, and improved educational efforts, this agency's cooperation will be essential.

The Department of Community and Economic Development in cooperation with local governments, Chambers of Commerce, Snowmachine Clubs, and businesses, conducts planning to determine ways to enhance tourism and recreational opportunities associated with snowmachine and other recreational uses. In other states, namely Minnesota, New Hampshire and Wisconsin, economic opportunities are developed around winter trails and snowmachine activities.

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V. CONCLUSION

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A. Findings

ADOT&PF undertook this study wishing to gain a clearer picture of the issues and opportunities represented by winter use of its' state rights-of-way, and to find ways to resolve snowmachine use issues and improve safety and access to the degree possible. The unexpected result of the study is the clear understanding that significant issues related to snowmachine use along the contiguous road system in Alaska are outside of ADOT&PF's statutory authority. Comprehensive solutions are needed to resolve the various issues related to the growing popularity of snowmachining, however, it is not ADOT&PF's place to undertake this important effort for the following reasons:

- ADOT&PF is not in the business of promoting snowmachine use. Although snowmachines may have a legitimate transportation function, a significant portion of the interest in improving trails and access for snowmachines comes from the growing popularity of recreational use. ADOT&PF is not in the recreation business. In other states, user organizations play the leadership role in improving access and undertake significant duties which include the development of new trails, trail maintenance, safety education, purchase of liability insurance, and coordination with law enforcement. These organizations are the backbone of other states' winter trail programs, and are largely self-funded through user and registration fees.
- Along the contiguous road system ADOT&PF does not want to encourage snowmachine use of state rights-of-way. While state rights-of-way may provide legal access for snowmachine use, ADOT&PF is concerned about the growing volume of snowmachine activity within busy road corridors, and does not want to improve access and thereby encourage additional use. As discussed in the study, snowmachine trail easements have not been protected by local governments or user groups, so that as many communities grow, snowmachine use is concentrated into state rights-of-way. Snowmachine use of state rights-of-way along the contiguous road system is secondary to the critical transportation function of state road corridors. In order to protect the public's safety interests and protect against state liability, ADOT&PF must be conservative about inviting additional use.
- Limited ADOT&PF Authority. Key issues of law enforcement, safety education, and recreational trail development are not within ADOT&PF's authority;
- State Funding Limitations. ADOT&PF has extremely limited funding for basic road maintenance and improvements, which along the contiguous road system, take priority over snowmachine-specific improvements;
- Federal Funding Restrictions. Federal transportation funding has restrictions prevent the funding of snowmachine-specific improvements and amenities beyond the establishment of trailheads;
- No Easy or Affordable Universal Design/Maintenance Solutions. There is no cheap and easy way to adjust current design and maintenance practices to better accommodate snowmachines in state rights-of-way. No snowmachine safety design standards exist which could inexpensively be added on to planned projects (for trails, crossings, etc.). Furthermore, current winter road maintenance practices which can create snowberms and obstructions for snowmachines at intersecting roads and driveways cannot be adjusted without adding significant operator time and additional expense which the state cannot afford. Summer brush removal to enhance snowmachine use cannot be funded with federal highway funds, and the state

cannot afford to increase current efforts. Finally, because of serious liability issues described in this report, volunteers cannot maintain rights-of-way for snowmachine use.

Given the limitations outlined above, ADOT&PF cannot undertake to resolve the bigger access and safety issues that have implications for the future of snowmachining in Alaska. It also cannot do much more than it already does in terms of right-of-way maintenance and snowmachine-specific improvements or trails. These larger tasks can only be addressed by an as yet undefined entity that will have to emerge out of the cooperation of user groups and the DNR.

When, and if a robust organization emerges which can take on significant responsibility for "the bigger issues", i.e., local maintenance, liability insurance, law enforcement, safety education and establishment of snowmachine trail networks away from road corridors, then perhaps ADOT&PF could consider allowing a limited number of Winter Trails for snowmachines to be developed within state rights-of-way. Only when the comprehensive issues are addressed will this be feasible from a public safety standpoint. Under existing ADOT&PF authority, such Winter Trails could be established by using encroachment permits, which can only be issued to a local municipality or state agency such as DNR. However, such a program would be conducted on a limited basis, subject to specific discretionary criteria that would need to be developed within ADOT&PF, but which might include the following:

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- Low levels of current and projected volume of vehicular traffic in the corridor;
- Limited number of driveways and intersecting roads;
- Availability of adequate space on both sides to support one-way travel (which helps prevent head-on collisions and resolves on-road driver disorientation issues at night);
- Compatibility with other winter uses of the corridor and local snow removal maintenance and storage activities,
- Makes valuable links between winter trail segments, or to recreational lands, trailheads, and snowmachine-specific economic development;
- The ability of the municipality, state agency (most likely DNR) to comply with a maintenance agreement, and potentially, or in cooperation with a user-group, to cover the trail with liability insurance for the life of the permit;
- Surrounding land uses, development and local land use plans and regulations as they affect the future of the site;
- Consideration for potential adjacent landowners' concerns and interests (i.e., trespassing, noise, etc.)
- Consideration of whether the potential "winter trail" (i.e., existing trail or site) can safely accommodate snowmachines (i.e., design, width, obstructions, sight distances, etc.), or would require modifications, special restrictions (such as to speed limits), or signage.

In summary, ADOT&PF cannot, and will not go beyond the status quo in terms of improving snowmachine access or providing maintenance in the foreseeable future. However, if other entities in the state take up the leadership and responsibility for addressing the comprehensive safety and access issues raised by this study, ADOT&PF will be willing to cooperate where possible to support this effort.

B. Recommendations & Action Items

In the meanwhile ADOT&PF can and will undertake implementation of the following measures, identified by this study, that will help promote safer snowmachine use of state rights-of-way and support safer snowmachine activity in the state in general.

1. Continue to put resources into trailhead development and emphasize this as an ADOT&PF funding priority;
2. Work to revise existing state laws in cooperation with the state legislature after gaining public feedback. Revisions should address the following issues: a) Lower the speed limits for snowmachines to better match right-of-way conditions and constraints; b) Add a helmet requirement under safety

- equipment, and provide a clarification of noise laws; c) create a more stringent alcohol law; d) Look at potential ways of consolidating snowmachine laws into one section for ease of public understanding;
3. Propose new legislation, including an "Inherent Risks of Snowmachining" law. Explore the potential for mandating safety education, for requiring a snowmachine license plate large enough to allow other right-of-way users to help with law enforcement efforts, and also the possibility of allowing private snowmachine grooming equipment to travel on state roads under the same provisions that agricultural equipment is subject to;
 4. Create a pamphlet for publication by Department of Public Safety that lists the existing laws and regulations as they apply to snowmachining in the State of Alaska.
 5. Support a much needed public education effort on existing laws and "rules of the road". Department of Natural Resources and Snowmachine groups throughout the state should oversee this effort.

C. Next Steps & Public Feedback

At a series of public meetings in five locations (Fairbanks, Wasilla, Glennallen, Anchorage and Kenai), members of the public will be presented with the information detailed in this report and will be asked to provide comment.

This report and other project-related information can also be found at the following website under the statewide planning page: <http://www.dot.state.ak.us/>

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APPENDIX

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PUBLIC COMMENTS

PHASE I - SUMMARY

Under Phase I of this study, a number of public meetings were held to solicit comments about issues related to winter off-road uses within state highway rights-of way. These public meetings were attended primarily by snowmobile users. For the most part, non-motorized users such as skiers, hikers, walkers, and mushers tended to submit their comments after the public meetings by letter or by e-mail via the project website. Key issues identified by project participants to date include:

Access - Many winter trail users feel strongly that DOT&PF should consider the needs of all users groups. Pedestrians, dog mushers, skiers, bicyclists, skijorers, and snowmobilers all currently use the portions of state highway rights-of-ways. In more remote locations, snowmobiling and dog mushing are often considered valid modes of transportation. There is also the growing potential for economic development associated with winter tourism, and the need to develop a network of trails to link businesses, railheads and recreational areas along highway corridors.

Safety - Safety is a primary concern among all winter trail users, nearby residents, highway travelers and public officials who offered comments. The number and diversity of recreational users along highway corridors is growing. This presents increasing safety concerns and conflicts between off-road motorized users, non-motorized users and highway travelers. Frequent comments were directed at both ATV's and snowmobiles, their extreme range of operating speeds and the potential for serious accidents. These machines are capable of traveling at high rates of speeds, while conditions often do not support a top speed of 20 or 30 mph. Many people commented on the need for trail design standards and operating practices. Other critical safety issues identified by the public include:

- Sight restrictions, snow berms along the roadway surface and weather conditions present a serious challenge for both highway travelers and snowmachine riders. These factors contribute to major conflicts at trail/highway crossings, road intersections and driveways crossings.
- The unsupervised and illegal use of snowmobiles by under age riders is a major public concern, especially near more populated areas.
- Automobile travelers may experience confusion from the headlights of an oncoming snowmobile traveling in close proximity to the roadway surface or in the worst case, on the wrong side of the road.
- Utility structures (power poles, wires, utility boxes), fences, signs and other structures within and adjacent to highway rights of way often present a hazard to unsuspecting snowmobilers.
- Alcohol use threatens the safety of everyone. Alcohol is a contributing factor in a high proportion of snowmobile accidents in northern states and Canada.

Environment - Some members of the public have concerns about the effect of the growing use of snowmachines and ATV's. Noise and air pollution were mentioned as primary environmental concerns, especially by non-motorized trail users and by residents within earshot of highway rights-of-way. Some comments focused on mufflers and supported regulations that would require that equipment meet or exceed original manufactures specifications.

Quality of Experience - It was clear that outdoor and recreational experiences mean different things to different people. To some it means an opportunity to experience nature (and silence) whether in a remote area or just close to home. For others it is the exhilaration of getting outside on a snowmobile on a sunny winter day. Another perspective came from property owners adjacent to DOT&PF roadways; some were