

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

10492 HOUSE TRANSPORTATION

concerned about noise and safety impacts, while others saw opportunities for connections from home to nearby trails and recreation areas.

**Regulation / Enforcement / Education** - "Self-regulation" was cited by many snowmobilers as the ideal way to govern behavior. The public recognized that law enforcement has a very limited ability to regulate snowmachining activities (as one person commented, how can "more regulations solve the problems that existing regulations fail to solve"). At the same time, there is widespread agreement that training programs and education are needed to promote responsible snowmachining. Snowmobilers themselves, as well as other members of the public, described snowmobile safety education as a "better investment than trying to develop and enforce laws." Limited budgets and Alaska's large open spaces present major challenges to enforcement efforts. Many people stressed that Alaska should follow the example of most other northern states, and by law, require snowmachiners to have some level of safety education and training, especially younger riders. Members of the public suggested several different approaches including: offering safety education in local schools; developing state sponsored programs; and requiring every snowmobiler to become a dues paying member of a club or organization that would provide safety education and training. Some people suggested that a public service media campaign is needed to educate trail users about laws and regulations (such as snowmobile permits), because "most users are currently unaware."

**Funding / Fees / Taxes** Many snowmobilers and other users suggested that some form of licensing, registration, and user fees be levied on snowmobiles in order to pay for education and safety programs. Others suggested that they would be willing to pay a fee in order to have better trail maintenance, signage, and new trail construction. Note: Alaska now requires the registration of all snowmobiles (\$10/Two-Years), with a portion going to support a trails grant program administered by the Alaska Department of Natural Resources, Division of Parks & Outdoor Recreation.

**Liability / Insurance** - Some members of the public suggested that instead of limiting snowmobile access because of state liability, that "a driver's license and mandatory insurance should be required of all snowmobilers". Others suggested that if the State required everyone to take a mandatory written test on the snowmobile regulations and "rules of the road," then the State's liability would be diminished significantly. Finally, DOT&PF was asked to revisit the ability of communities, private groups or volunteers to do trail grooming, which is currently disallowed because of a number of safety, management oversight, and liability issues.

**Maintenance** - According to public input, winter trail maintenance issues vary by user-type and community location. In more urban areas, pedestrians and winter cyclists prefer to have regularly cleared sidewalks and bike trails, with motorized use prohibited or highly restricted. Cross-country skiers would like no maintenance early in the season to allow a "hardpack to develop" and would prefer that other users and maintenance crews not "ruin their tracked trails". Snowmobilers are plagued by snowberms along road corridors, especially at intersections and driveway crossings. Riders sometimes "feel that they are forced into the street" because of constant battle with snowberms. Additionally, snowmobilers have specifically asked DOT&PF if they can designate and "adopt" trails in the right of way and provide the grooming and maintenance required to improve travel on these trails. Conversely, some people have asked that DOT&PF prohibit maintenance and trail grooming for snowmobiles, because it "allows snowmobilers to move at much higher speeds that are safe."

**DRAFT**  
FAIRBANKS OFFICE

# SNOWMOBILES IN STATE RIGHTS-OF-WAY / A Comparison of Regulations in Northern Jurisdictions

NORTHERN JURISDICTION	MILES OF TRAILS	REGISTRATION REQUIREMENTS	# OF SNOWMOBILES REGISTERED	RESPONSIBLE AGENCY ADMINISTRATION	FUNDING	RESPONSIBLE AGENCY SAFETY TRAINING & ENFORCEMENT	ON-HIGHWAY USE	OPERATIONS IN RIGHTS-OF-WAY	ACCESS TO TRAILS	DAY/NIGHT RESTRICTIONS
Alaska	Unknown	Valid driver license. Titled the same as car.	23,551	Various	\$18.00 biannual registration fee	Department of Fish and Game and the State Trooper provide law enforcement. Local snowmobile clubs, trail associations and corporate trail clubs provide a variety of safety and education programming.	Where authorized and posted in accordance with restrictions provided by governing authority. Use of bridges, drawbridges is allowed facing east along the extreme right-hand edge when it does not interfere with traffic.	Allowed on non-controlled access facilities outside the roadway or shoulder, no closer than 3 feet from the roadway edge. Right driving restricted to same direction and right-hand side of traffic.	All trails of bikeway status only. If designated by local officials and when snow conditions permit.	ROV night driving restricted to same direction and right-hand side of traffic.
Idaho	7,300	Operator must have valid motor vehicle operator's license.	46,892		Snowmobile sales tax is placed in the State Snowmobile account and distributed to each county annually. The funds are allocated for law enforcement, and administratively costs. \$30.00 annual parking permit fee. Out-of-state trail users for \$21.50, resident registration for \$21.50.		Operation on public roadways and highways is prohibited unless the roadway is impassable by other motor vehicles or a portion of highway or roadway that is not maintained for the operation of conventional motor vehicles.		Must have lighted headlight and taillight between dusk and dawn and when crossing any public roadway or highway.	
Alaska	12,550	Yes. Must be 16 years old to operate in public way, 10 years elsewhere.	81,935	Off Road Vehicle Division of the Department of Conservation, Bureau of Parks and Lands	\$15.00 registration fee. \$1.00 in agent. Designated portions of entitled persons in state trail fund and in municipalities where fees are collected. Cost to state for enforcement, training, and safety.	Department of Interior Fisheries Game Warden Colonel	No use on controlled access highways. Illegal on main traveled portion, the sidewalks, or the plowed snow banks of a public way.	May operate on that portion of public "way" not maintained and utilized by conventional motor vehicles. Must yield to all other motor vehicles. Must be operated on the extreme right of public way within built-up portion of a municipality, unorganized or unincorporated township if governmental unit has designated the public way as a snowmobile access route for access to businesses. Must be conspicuously covered for safety and posted. Not in railroad ROW.	Access to businesses via designated route that has been posted. Cannot operate in railroad ROW without permission, or cross tracks if posted.	Cannot operate on "left" side of way.
Minnesota	28,000	Registration is required upon purchase. No person under the age of 18 may register a snowmobile. Residents born after 12/31/1979 must have a snowmobile sales certificate to operate a snowmobile anywhere in the state. Snowmobiles operated or transported must be registered with the DNR.	279,718	Department of Natural Resources	Snowmobile \$41.00 for 3 years. Dealer \$42 every year. Alternative \$153 every year. Motor location dealer sticker \$15 every year. Snowmobile state trail sticker \$16 every year.	Public Safety Officers are responsible for the enforcement of the rules set by the commissioner of natural resources. Conservation officers of the department of natural resources, sheriff, deputies, and other peace officers may arrest a person for violation.	Operation on any trunk, county state aid, or county highway in the state is unlawful except in emergency situations. Operation is lawful on bridges that are not part of the main traveled lanes of an interstate highway.	No snowmobiles within the ROW of any trunk, county state aid, or county highway between the hours of one-half hour after sunset to one-half hour before sunrise, except on the right-hand side of such ROW and in the same direction as the highway traffic on the nearest lane of the roadway adjacent. No snowmobile shall be operated at any time within the ROW of any interstate highway or freeway within this state.	Most trails are multi-use. However, state parks, state recreation areas, state historic sites, Wildlife Management Areas, and state wildlife areas are off limits unless otherwise posted.	Must have lighted headlight and taillight between dusk and dawn. Speed limit at night is 40 mph.
Montana	3,171	Valid driver's license is required to operate on public ways unless the road is closed to other motor vehicles. Must have certificate showing completion of state-approved snowmobile safety education course.	23,440	Montana Fish, Wildlife, and Parks	\$22.40 registration / sticker. Also gas tax.	Any authorized peace officer may enforce regulations.	Allowed by local ordinance and when road is closed to other motor vehicles. 90-degree crossings to meet from one authorized road to another.	Operator must have a valid driver's license to operate on public roads and highways unless the road is closed to other motor vehicles.	Crossing permitted to move from one permitted area to another.	None. Must have lighted headlight and taillight between dusk and dawn.
New Hampshire	8,800	Valid driver's license or safety certificate.	55,338	Department of Resources and Economic Development, Bureau of Trails	\$35.00 registration fee, gas tax, and FIA T-21 Forest Service Challenge Cost Share.	Department of Fish and Game.	Allowed only on roads not maintained by snow removal, or where permitted by local authority.	Allowed in ROW, including sidewalks if authorized and posted. Use allowed on separate walkways along interstate highways, (on roads, or limited access highways where approved by the NHDOT Commission for snow conditions permit). Riders must yield to pedestrians, hot wheel strollers, vehicles in driveways, and other trail users.	A "Region Winter Trail Program" connects residential and downtown core areas and hotels with existing trails.	At least one lighted headlight and one lighted taillight required from 1/2 hour after sunset to 1/2 hour before sunrise.

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North Dakota	2,001	Valid driver's license; ages 13-16 require a safety certificate or driver's license.	19,310	Snowmobile North Dakota	\$20.00 bi-annual registration fee; \$17 snowmobile trail tax; \$1 fee for the unaffiliated judgment fund (in each year collected).	State peace officers or authorized representatives.	Director may restrict or prohibit use on roadways, shoulders, in slopes and medians within the right of way; governing bodies or political subdivisions may also regulate. Snowmobiles are subject to all state motor vehicle laws, including DMV and insurance requirements.	Highway ROW closed between April 1 and November 1. Also, no towing of a sled, skid, or other vehicle in ROW unless towed by a kinged or towed sled.		At night, same direction as traffic.
Ontario	30,000	Valid driver's license or a snow vehicle operator's license.	350,000	Ontario Federation of Snowmobile Clubs	\$10 registration fee; \$15 annual validation decal; \$100 trail user fee. Fees not required if use is restricted to owner's property, or for children with use limited to reserve land, and for residents of Northern Ontario. \$2 Snow Vehicle Operator's License fee.	Ontario Provincial Police	As designated by the Motorist Snow Vehicles Act.			
Vermont										
Washington	2,400	Operator must have valid registration and driver's license to operate on public roadways. Person ages 12 to 16 must be certified in a safety education course.	66,322		Registration fee of \$32.00 a year.		Only when the road has been closed to other motor vehicles or in an emergency. Should-use is legal. Ages 12 and under may not have access on access public lands. Ages 16 and under must be accompanied by a registered adult.	Snowmobiles must yield to other motor vehicles.		Must have lighted headlight and taillight between dusk and dawn.
Wisconsin	25,000	2-year certificate. \$20 fee credited to "snowmobile account".	221,054	DNR, Snowmobile & Off Road Trail Aid Programs	\$10.00 public use registration fee. Also gas tax.	DNR, Bureau of Law Enforcement	Where not maintained by snow removal. Also allowed on designated snowmobile routes. No freeway use.	On U.S. Highway, at a distance of 10 feet or more. Along town highways outside of the roadway.	"Purpose of Residential Access" Statute and "Purpose of Access from Loading" law.	Direction of travel restriction.
Wyoming	2,500	Yes	35,040	Wyoming State Parks and Historic Sites	\$10.00 registration fee and \$10.00 transfer. Selling agent retains \$1.00 of each fee. Also fee from fuel sold to snowmobiles.	Wyoming State Parks and Historic Sites voluntary program (1993).	At right angles at crossings, within cities and towns pursuant to ordinance; when roadways are closed to vehicular traffic on posted state roadways or national parks; open posted portions per county commissions.	Allowed in WYDOT ROWs with all improved surfaces if road is not maintained for motor vehicles. Local governments may regulate within their jurisdictions.		Night operation in the same direction as traffic unless permitted by WYDOT.
Yukon Territory	1,000	Must be licensed to operate on the highway.		Department of Renewable Resources, Park and Protected Areas Branch	\$8 registration fee.	Territory Officer or person appointed pursuant to the Motor Vehicles Act.	Snowmobiles are granted all rights and are subject to all duties of any other vehicle operated on the highway.			No use on a residential street between 10 PM and 7 am.

# SNOWMOBILES IN STATE RIGHTS-OF-WAY / A Comparison of Regulations in Northern Jurisdictions

NORTHERN JURISDICTION	ROAD CROSSINGS	SPEED LIMITS	DESIGN STANDARDS	SIGNING/ MAINTENANCE	SAFETY EQUIPMENT	EDUCATION/ TRAINING	ALCOHOL ISSUES	LIABILITY ISSUES	FIRARM USE	NOISE LIMITATIONS
Alaska (continued)	At a right angle where visibility is sufficiently clear to allow driver. If necessary stop before crossing and yield to all traffic. Snowmobile and non-motorized traffic locations may not be crossed unless the area is open to snowmobile operation and safety precautions followed.	Must follow posted speed limits for wheeled vehicles.	Trails and heights of way not designed for snowmobile use (e.g. trail light distances set at max. 25 mph speed).		Snowmobile must be equipped with headlight, tail light and brake. Must comply with FSCC standards. Also a rear snow flap, a protective shield against moving parts, reflectors, etc.	None required. (Although users are required to obtain a driver license and thus know the basic safety rules of the road).	Some laws apply as for wheeled vehicles/motorists.		Operators are allowed to carry loaded firearms, but are restricted from firing from a moving snow machine.	Varies depending on location. Fairbanks allows inner-city travel at posted speed limits. Anchorage area does not allow use in the municipality but in part in noise pollution.
Idaho (continued)	Snowmobiles may cross, as directly as possible after a full stop, highways and public roadways, except controlled access highways.	Must be reasonable and prudent in existing conditions. 45 mph limit on groomed trails.			Headlights, taillights, and reflectors.		It is a misdemeanor offense to drive under the influence of alcohol on a public roadway or highway.			An abatement system in good working order is not a supplanting system. Not to exceed 98 dba on the "A" scale.
Maine (continued)	May cross on a public way only distance necessary on the extreme right of the way for crossing as directly as possible a public way, sidewalk, or culvert. Can't use roadway farther than 500 yards in past of crossing bridge, overpass or underpass.	Reasonable and prudent in existing conditions. Cannot create substantial risk of serious bodily injury.		Bureau of Parks and Lands can use money and make plans to organizations. Government will for research, development, and planning of trails.	Headlight and tail light. Noise restriction.	None required. Age restrictions only.	Illegal for minors to operate under the influence even adult with greater than .08 percent alcohol. Must submit to test when asked by authority-implicated consent.	Landowner does not have to keep premises safe for authorized or unauthorized use. Only exception if fee is charged. Snowmobile owner is jointly and severally liable for damages for those under 18.		98 dba at 50 feet. Not to close to certain buildings and cemeteries.
Minnesota (continued)	Crossing authorized at a 90 degree angle of snowmob, must come to a complete stop before entering a roadway. Must yield ROW to vehicles. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway. No person under 14 may cross a public road.	A rate of speed that is reasonable and proper under all the surrounding circumstances. It is unlawful to operate in any area where planting seed. No more		There is created in the state treasury an account known as the snowmobile fund and enforcement account in the natural resources fund. The funds are used for construction and maintenance of trails, safety programs, and administration enforcement.	All snowmobiles made after 6/10/93, and sold in Minnesota, shall bear the maker's permanent ID number. A muffler in good working order. Helmets, headlights and taillights, brakes, and reflectors required.	Persons 12 years and older are required to have immediate possession of a valid snowmobile safety certificate issued by the commissioner. Persons 14 to 18 may cross roads if in immediate possession of a safety certificate or driver's license and a person 18 or older.	It is a misdemeanor offense to operate under the influence of alcohol when the person's alcohol concentration is 0.10 or more.	The snowmobiler in lawful control of a snowmobile is jointly responsible for laws broken while on that snowmobile.	Unlawful to transport a firearm on a snowmobile unless unloaded and completely enclosed in a case. An archery bow must be unstrung or enclosed in a case. It is also unlawful to use a snowmobile to chase, run over, or kill an animal; shoot an attempt to shoot an animal from a snowmobile.	86 decibels on the A scale at 50 feet.
Alaska (continued)	Direct crossing authorized at an angle of 90 degrees as necessary to get from one authorized area of operation to another. Only where no obstruction exists. Must make complete stop and yield to oncoming traffic.	Posted speed limits where not closed to wheeled traffic. Not in cases of reckless maneuvers where.	State and local design standards.		One headlamp and one tail light, on all times. Equipped with suitable braking device. Working muffler required and cannot be altered to level higher than original noise level.	Voluntary safety program administered by the Department of Fish, Wildlife, and Parks. Only on public street or highway with completion of a Minnesota-approved snowmobile safety education course. In presence and under supervision of 18 year old or older.		"Inherent risk of snowmobiling" recognized as part of registration.	Cannot discharge weapon from snowmobile.	Restricted to 83 dba measured at 50 feet.
New Hampshire (continued)	At right angle, yielding to traffic.	State statute places a 45 mph limit on approved OHRV trails not otherwise posted; 35 mph on trail connectors; 15 mph on designated paved trails; and 10 mph in ROW adjacent to highways, at trail junctions, or designated town or city sidewalks, on bridges, within 150 feet of fishing activities, and when passing grooming equipment. Speed is also governed by a "reasonable and prudent" use standard. And 35 mph speed limit for night-time driving.	Established by the Bureau of Trails for multi use.		OHRV must meet minimum safety standards for Snowmobile Safety and Certification Committee certification in effect at time of manufacture. Noise levels cannot exceed 73 decibels (on 1978 or newer machines). Riders under 18 years of age must wear protective helmet and eye protection.	Voluntary safety and education program. OHRV Safety Education Classes provide certification required by riders not possessing a valid driver license. Children under age 12 may only operate on land owned/leased by parent/guardian.		Landowners not required to keep land safe for authorized or unauthorized use; also not required to post property against OHRV use. By law, riders accept full responsibility for inherent risks and dangers.		

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North Dakota (continued)	At right angles where no obstruction prevents a quick & safe crossing; must come to a complete stop; must yield to traffic. Divided highway crossings only allowed at intersections with public streets or highways.	As posted in NDICOT ROW; reasonable and prudent (pld).			A headlight, tail light, brake and working muffler are required. Also, operators and passengers under 18 must wear a helmet.	Safety course administered by the Department of Parks and Recreation. Provides certification for ages 12-16.	Operates on public land (or private land with public access) consent to testing for alcohol and/or drug use; refusal results in a prohibition of driving a snowmachine for up to 3 years.			
Ontario (continued)	Must come to a complete stop, yield to traffic and turn at a right angle.	Reasonable and prudent.			Must meet SSC standards. Tail light, headlamp must remain on when engine is running and have an emergency stop switch. Helmet must be worn.					
Vermont (continued)										
Washington (continued)	Crossing authorized at a 90-degree angle of roadway, must come to a complete stop before entering a roadway. Cannot cross within 100 feet of any intersection. Must yield to vehicles.	Must be reasonable and prudent, satisfying conditions.			A braking device and head and taillights.	Anyone age 14 or under is required to obtain certification in a safety education course in order to ride public roads.	It is a misdemeanor for any person to operate any snowmobile on or to land, or the person of another while under the influence of intoxicating liquor or narcotics.			Stuffed required on motor before 1-1-1975. Restricted to 83 dbA measured at 50 feet.
Wisconsin (continued)	Allowable on 4 or fewer lanes after stop and yield. Allowed at designated locations on 5 lanes and larger. Also on bridges and fairspecial events.	As posted on road. Reasonable and proper, not endangering property.			Headlight, taillight, at least one brake, side reflector. Noise restriction.	Mandatory safety and education program. Ages 12-16 must have safety certificate. Underage 16 must be accompanied by adult otherwise. 6 hour Empire Publishing Snowmobile Safety Program.	DNR charged with public education and awareness campaign.	No duty to keep property safe for recreational activities - immunity from liability. Does not limit liability of state for death or injury on state property at extent upon which admission fee charged over a result of malicious act.		
Wyoming (continued)	At right angles, yielding to traffic.	Reasonable and prudent. Safe and appropriate at crossings, curves, hillsides, narrow, winding roads, and when special hazards present.	AASHTO standards incorporated facilities. Facilities are designed for both non-motorized and snowmobiles. Gravel banks at top of backslope usually. No specific planning for snowmobile use.	Signed by State Parks and Historic Sites	Lights and mufflers.					No duty on part of owner to keep premises safe open to notice of hazard of facilities used for recreational purposes without charge.
Yukon Territory (continued)	Snowmobiles are granted all rights and are subject to all duties of any other vehicle operated on the highway.	Snowmobiles are granted all rights and are subject to all duties of any other vehicle operated on the highway.			Headlights and tail light, adequate braking system to include an emergency or parking brake are required. Passenger must wear helmets.					



# Outdoors Online!



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## Snowmachine deaths demand attention

TIM MOWRY, *Outdoors Editor*

It's becoming apparent that something must be done about snowmachines in Alaska.

There are virtually no laws regarding snowmachining in Alaska. You don't have to wear a helmet. You don't have to have a license. There are no speed limits. There is no minimum age limit.

This has been a deadly year for snowmachiners in Alaska, particularly the Interior, where five people have died so far as a result of injuries sustained in snowmachine accidents and several others have been seriously injured.

One woman was killed when she was thrown from the snowmachine she was riding and slammed headfirst into the trunk of a parked car. She wasn't wearing a helmet. One man was buried in an avalanche near Cantwell. Another was killed when he struck a light pole along the Mitchell Expressway at 80 mph. A third man was killed when he ran into a hole off the side of the trail on the Salcha River. A fourth man was found dead next to his snowmachine between Galena and Ruby after apparently hitting something and getting thrown from his machine.

There have been several near misses, too, the closest of which was the young man who was thrown from his snowmachine and impaled on a 16-foot aspen tree 3 inches in diameter. The word lucky is not sufficient to explain why he is still alive. Two weeks ago another snowmachiner was plucked from a crevasse by a military helicopter near Summit Lake. His \$8,000 snowmachine still rests in the bottom of the glacier.

Just this week, a 16-year-old boy wound up in the hospital after colliding with a Subaru station wagon at a street intersection on Geist Road. According to witnesses, the boy was riding his Arctic Cat on the sidewalk along the road fast enough so that he was passing traffic when he rolled into the car. He was not wearing a helmet.

I realize it's impossible and probably foolish to establish a speed limit for snowmachines given the terrain they travel in and the continuing technological advances that have



resulted in bigger, faster machines.

Likewise, it's not realistic to keep snowmachines out of places where they might fall into a crevasse or get buried by an avalanche. Alaska is too big and wild for that. Besides, one of the reasons people buy snowmachines is to get to those places.

The only thing that can prevent someone from smacking into a light pole along a highway at 80 mph, zipping around town without a helmet or highmarking on a steep, snow-loaded slope is common sense and common sense does not come in the form of laws and safety seminars.

It obviously does not come in the form of deaths, either. A dozen snowmachiners died as a result of avalanches triggered by highmarking last year and it is still a common practice for many riders, even though they are obviously aware of the dangers.

But there must be something that can be done, whether it's require a safety training course for everyone who buys a new snowmachine or pass a law requiring snowmachiners to wear helmets or stepping up enforcement by Alaska State Troopers.

One place to start may be for the state to create some kind of Office of Snowmachine Safety similar to the Office of Boating Safety that was opened two years ago in an attempt to reduce the number of boating deaths in Alaska, which has the highest boater fatality rate in the country. Granted, the Office of Boating Safety was also created to qualify for hundreds of thousands of dollars in federal funding.

Believe it or not, almost as many people die in snowmachine accidents each year in Alaska as die in boating accidents. In the last six years, the average annual number of boating deaths in Alaska is 24.

That's the same number of people who died in snowmachine accidents last year and with 17 snowmachine deaths so far this winter, and three months of riding left, we're on track to equal or top that this year.

It was almost a year ago the Legislature passed the Alaska Boating Safety Act, which requires a boat to carry life jackets for every person on board and anyone under 13 to be wearing one, among other safety requirements.

Coincidentally, the number of boating deaths last year was the lowest since 1996. Whether the Boating Safety Act was the reason for that is unknown, but it obviously didn't hurt.

I am not anti-snowmachine. I am a dog musher and I am thankful for the trails they create. Without snowmachines, Alaska would be a much smaller place for many backcountry travelers.

But the fact remains that snowmachines are bigger and faster than ever. They are no different than a car or boat except that they travel on snow instead of pavement or water.

It's time for the state to pull its head out of that snow and do something to recognize that fact.

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## Helmetless teen gets a second chance after wreck

February 04, 2001

By BETH IPSEN  
Staff Writer

Phillip Snyder was headed home on a borrowed snowmachine after visiting his girlfriend Tuesday when he made an unexpected stop--right into the side of a 1990 Subaru.

The 16-year-old is lucky because despite the fact that he wasn't wearing a helmet, Snyder came away with only a bad concussion and a three-day stay in the hospital. Otherwise, he could have been the 18th snowmachine fatality in the state.

Snyder admits to skipping school that day by telling his mother, who home-schools him, that he had to work. He also admits he was going about 60 mph on the bike path running beside Geist Road, which is illegal.

He and the car, driven by 32-year-old Laurel Drews, were both headed east toward University Avenue. Snyder said Drews turned off Geist and onto Wilcox Street. He had about 150 feet to brake, but at the speed he was going, it still wasn't enough and he hit the car at about 45 mph.

"It tried to go off the side, but it was way too slippery," Snyder said. Instead, he turned the snowmachine sideways and hit the car, spinning it about 90 degrees.

"If he would have hit head on he probably wouldn't have survived," said his mother, Cathy Westling.

Snyder remembers keeping hold of the handlebars during the impact, but little else.

Westling said his chest hit the passenger side door and his chin just cleared car level. Troopers who arrived at the scene said Snyder was found lying along side the car with half of his body underneath it.

Drews and the dog that was riding with her didn't suffer any injuries, but the car was left with a huge dent almost the length of the snowmachine. Snyder has to pay for repairs to both the borrowed snowmachine and Drews' car out of money from his part-time job.

When troopers called Westling after the accident, they told her Snyder only had minor injuries.

Westling brought the "two things he ignored that morning" with her to the hospital--the boy's helmet and Bible.

Shortly after her arrival, doctors discovered brain hemorrhaging and told Westling her son might be flown to Anchorage for treatment.

Westling prepared for the worst.

She went into a meditation room at the hospital and started thinking about organ



donation because a head injury can turn bad in an instant. She said an unexpected urge to pray for her kids' safety at 5 a.m. that day spiritually prepared her for the accident.

After an hour the bleeding stopped. That left Snyder to concentrate on complaining about hospital food until his release Thursday.

On Friday he awoke with a headache, a remnant from the concussion, and he still tires easily. But his mother said the boy is back to his old self.

"This whole thing didn't scare me into wearing a helmet all the time," he admitted Friday afternoon while sitting on a couch at the downtown assisted living home Westling and her husband, Les, own. "I do realize that it's smarter to wear a helmet."

The incident has shaken up his mother more.

The day before the accident she made Snyder, the second-oldest of six children, promise her he'd wear his helmet. Westling eventually got him to agree, more for her peace of mind than his safety. Snyder doesn't remember making that promise.

Then after the accident, Westling said, she felt her son had hurt her by not making good on that promise and not thinking what kind of effect his death would have on his family.

"We have people here (at the assisted living house) with mental illnesses because they couldn't deal with a child's death," Westling said. "Kids often don't realize what kind of effect that would have on their parents."

In retrospect, she realizes she should have kept a closer eye on her son that day. She had explained snowmachine safety and law that prohibits them on bike paths to Snyder.

"I did everything I could except for follow him around like a puppy," Westling said.

She does have advice for parents.

"If you don't have a young person that doesn't comply with the safety measures, take the machine away," Westling said. "That's one of the reasons why we don't have a machine."

Snyder concedes that he will wear a helmet when he rides snowmachines, simply because more head trauma could inflict more permanent injuries.

Trooper spokesperson Greg Wilkinson puts Snyder among the lucky few, especially when many of the 17 deaths this year happened to people who were wearing helmets.

"The fact of the matter is, if there's anything learned, it's so easy to die while wearing a helmet, why would take you a risk and ride one without," Wilkinson said.

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## Troopers planning snowmachine patrols

January 06, 2001

By AMANDA BOHMAN and BETH IPSEN  
Staff Writer

Last year was a particularly devastating year for snowmachiners in Alaska, and the trend is continuing in 2001. This time, Fairbanks is getting hit hard.

Half of the eight snowmachine-related deaths in Alaska in the last month occurred in or near Fairbanks or happened to people from here.

"And we still have some prime snowmachine accident months ahead of us," said Alaska State Troopers spokesman Greg Wilkinson.

Two Fairbanksans had fatal accidents in town; one involved someone driving on a road way and another, the latest death, involved excessive speed.

Troopers said 22-year-old Michael Hampton was apparently going 80 mph when he hit a light pole and died from internal injuries Friday morning.

"Snowmachines are really powerful now, they're making them faster and faster," Trooper Sgt. Ron Wall said. "Some of the snowmachines will do well over 100 mph easily."

Alaska does not have a law requiring helmet use or a speed limit for snowmachines.

"Parents may tend to let their young people go and ride without proper supervision, which is a dangerous thing to do," said Trooper Lt. Greg Tanner.

A third Fairbanksan died in an avalanche down south.

The fourth death is of Galena man traveling between Galena and Ruby who was found dead beside his snowmachine. Troopers think the man probably hit something and was thrown from his machine.

The four other Alaska deaths in the last month, all drownings, occurred in Western Alaska.

In part because of the high number of accidents last winter--24 people died--troopers patrolled on snowmachines checking registrations, and warning snowmachiners traveling illegally on pedestrian trails, roadways and sidewalks.

Wall said another such campaign is scheduled for this year, but this time instead of warning violators, people will be cited.

"We're already planning and gearing up," Wall said. "As soon as the staffing allows us, we're going to implement it."

Snowmachine advocate Lee Johnson says more snowmachine trails and a statewide safety effort would address the problem.

"States that have done research have found that most accidents occur in an



uncontrolled situation--meaning not on the trail," said Johnson, a member of the Fairbanks Sno Travelers. "There are small grassroots efforts to put on some minimal safety training in different places in the state. There is just not an organized, statewide effort. It's piecemeal."

The state offers a pamphlet, "Common Sense About Snowmobiling," free at trooper posts. Snowmachining groups and manufacturers also have safety information, but in Alaska, snowmachiners aren't required to wear helmets and they aren't required to have safety training.

As a matter of fact, Johnson said, there aren't any certified snowmachine safety courses offered in the state.

He said volunteers occasionally hold safety courses, such as at the North Pole Winter Carnival, but the material taught varies because there aren't any standards that set out how classes should be conducted.

Johnson said an organization needs to take on implementing a statewide safety effort.

"Alaska is a big state so it's difficult to get it done on any scale," he said.

Why is the local death rate higher this year than last year? It's probably chance mixed with warmer weather beckoning people outside, Johnson said.

To a degree, Wilkinson agrees.

"The warm weather I'm sure has been responsible for some of these drownings (but) I don't think we're looking at anything new this year. We're looking at open water and we're looking at people going too fast," he said.

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## Man dies in sno-go accident

January 06, 2001

By BETH IPSEN  
Staff Writer

The second snowmachine fatality in a week claimed the life of a 22-year-old Fairbanks man early Friday morning.

Alaska State Troopers said Matthew M. Hampton died of internal injuries after he struck a streetlight next to the Mitchell Expressway about 2:20 a.m. Hampton was wearing a helmet and hit the pole with his torso, Trooper Capt. Mike Stickler said.

Hampton was apparently riding a 600cc 1997 Ski-doo Formula II at a high rate of speed on a snowmachine trail beside the expressway between University Avenue and Peger Road when he swerved to the right to avoid the metal light pole, a trooper report said.

But the left side of the snowmachine hit the light pole and its concrete base, slamming Hampton into the pole, the report said. The snowmachine traveled an additional 70 feet before landing against a sign post.

"He was traveling with a friend," Trooper Lt. Greg Tanner said. "The friend got down to University (Avenue) and discovered that the victim (Hampton) was not behind him any longer and went back and found him."

"The friend said they were doing 80 mph, so obviously speed had a factor in the accident," Tanner said. Alcohol doesn't appear to be involved, troopers said.

Hampton was not breathing when troopers arrived on scene. Troopers said medics performed cardiopulmonary resuscitation and transported him to Fairbanks Memorial Hospital, where he was pronounced dead on arrival.

The fatal accident was the second involving a snowmachine in less than a week. A third Fairbanksan, also on a snowmachine, died in December in an avalanche. Another rider was seriously injured in a separate incident.

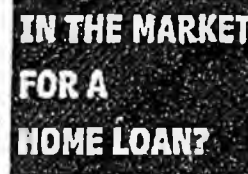
Kelly Anne Gibson, 26, died Monday of head injuries a day after she was partially ejected from the back of a snowmachine and struck the trunk of a parked car along Bentley Drive. Neither she nor the driver of the Polaris Indy Trail, Mark Alan Brady, 32, was wearing a helmet.

Police say alcohol may have been a factor. Records said Brady had a .03 breath-alcohol level at the time. The state's .10 limit for driving applies to snowmachine use. Charges may be pending, police said.

On Dec. 9, James W. Thompson, 44, died in an avalanche while snowmachining in Denali National Park and Preserve about 20 miles south of Cantwell.

A North Pole snowmachiner was injured when he was impaled by a 10-foot-long branch off the Old Richardson Highway Dec. 23.

Bryan Carpenter, 22, was listed in fair condition at Fairbanks Memorial Hospital



Friday. A 3-inch-diameter branch pierced Carpenter's left lower chest, protruding about four feet.

"If people aren't being careful, people can get themselves in trouble," Tanner said. "Snowmachines can be wonderful recreation vehicles, but they're machines with a lot of power. People tend to get carried away and ride beyond their limits."

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## Snowmachine crackdown due

Other trail users suffer from lack of enforcement

January 14, 2001

By STAN JUSTICE

The News-Miner has run a number of stories critical of snowmachine restrictions in Denali Park, Hatcher Pass, Yellowstone National Park, etc. This trend continued with the newspaper's Dec. 4 editorial titled "Snowmachine Squeeze," which bemoaned the restrictions, and advocated building a statewide snowmachine trail system.

The editorial failed to mention the larger problem with recreational snowmachining, and the multiple reasons that jurisdiction after jurisdiction have banned them, or are attempting to ban them. The sport of snowmachining is broken, prompting agencies and individuals to do everything in their power to squeeze the obnoxious and dangerous machines out.

On the local level, Fairbanks now has "No Motor Vehicle" signs on all the bike paths. The understaffed troopers have started issuing a few tickets to snowmachiners who violate current state laws banning snowmachines from bike paths, sidewalks and roadways. The Alaska Department of Transportation has made it clear they do not want snowmachines in their rights-of-way. Alaska Railroad does not want them in their ROW. The University of Alaska does not want them on campus lands, and there are numerous angry property owners exasperated at the trespassing machines.

Enforcement is difficult, forcing property owners to expend considerable money and effort to build barriers. Examples include the chain link fence that was installed around the Fairbanks Golf and Country Club and the 100 posts that volunteers planted to try to protect the UAF ski-trail system.

The recent editorial made a good start by mentioning the noise and the stench, certainly things that need to be fixed, but failed to address the lack of speed limits, lack of user age limits, lack of a way to identify the machine or the driver, lack of a license requirement for the driver, lack of training, lack of insurance requirement, or lack of a police force able to enforce snowmachine rules.

The lack of controls combined with more capable machines has resulted in a predictable increase in the death and injury rate including the recent string of tragic accidents. Dr. Steven Tower, an orthopedic surgeon, studied the statewide trauma registry and medical examiners' databases. He reports in the December issue of the Nordic Skier newsletter the following statistics:

"From 1996-99, 44 Alaskans died related to winter recreational pursuits. Forty of the fatalities were related to snowmachining. The rate of fatalities related to snowmachining appears to be increasing in that the 1999-2000 season saw 24 fatalities whereas 12 to 15 fatalities would have been expected based on review of the 1996-99 data."

Tower also reported that "from 1996-97, 451 Alaskans were hospitalized related to winter recreational activities. Of that total, 322 of these hospitalizations were related to snowmachining. Fifteen of the snowmachine injured were Alaskans



struck or run over while ... hiking, skiing and mushing." The Alaska State epidemiologist has determined the rate of death or hospitalizations per mile traveled by snowmachine is 10 times that of road traffic, noted Tower, who concludes: "I would not recommend that children or teens use trails also used by snowmachines and adults need to be wary in this setting."

There was a time when snowmachines were useful for setting a trail. They were heavy and the track moved at the same speed as the machine. Today's lightweight machines with track-spinning power and paddle tracks turn the trails to mounds of mush interspersed with areas stripped to bare ground.

If one attempted to design a machine for destroying trails, they couldn't do much better than today's snowmachines.

The state of Alaska does need to take the lead, but not in the direction the News-Miner editorial suggested. The state needs to set aside more areas for quiet recreation and confine snowmachine racing to racetracks where they belong. Comprehensive legislation needs to be passed and implemented to bring snowmachining into line with the controls we apply to people driving cars--speed limits, age limits, noise limits, pollution controls, licensing (driver and machine), training, insurance, and enforcement. A lot needs to be done before the public is going to embrace construction of a network of snowmachine trails.

Stan Justice is a frequent user of the Fairbanks trail systems as a skier, cyclist, and former competitive runner.

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## Sno-go drivers not all alike

January 21, 2001

By MARTY HALL

I'm a snowmachiner who looks forward to winter and getting out on my machine.

Many of the trails I use are shared trails. Shared by snow machines, mushers, skiers and even walkers. And the moose. One must never forget we're sharing with the moose. I practice courtesy and expect it from those other groups. Except the moose. Generally, I see it. However, on occasion I see people in all groups doing things with total disregard of other people in any group, including their own.

We all have seen the idiot on the winter rocket blasting down the side of the road, or in the road or trail, in total disregard for safety or anything else around him. As a citizen of the area I don't like that. When I see that I hope for someone in power to nail their butt to the wall.

While I feel for the family they may leave behind to grieve and suffer, or any innocent individual involved, if someone has a total lack of consideration for any kind of rules of safety and kills themselves--so be it. But stupidity is not the sole property of snow machiners.

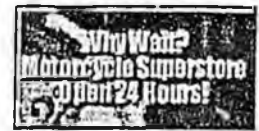
One late evening I was going home and slowed approaching an intersection. As I began turning left, I slowed down even more. The ice fog was bad. The road was slippery, and there was no option to continue straight. Suddenly, out of the fog from my right, came this ghostly apparition on a bike with no lights, no reflectors, nothing for me to see him before he was right there in front of me. This was definitely not an isolated case--a version of it happens to us all on a regular basis in many locations, winter or summer.

I somewhat envy the person on the bike at 30 below who can get out there and do his thing if he gives me half a chance to avoid hitting him. If he's out there in the driving lane with nothing on him making light, or at least reflecting my headlights, this pinhead is jeopardizing me with his stupidity. If my 2,500-pound truck cannot stop or turn in time, am I going to hit him? Or end up in a ditch, hopefully that being my only problem?

How about those groups of runners/cyclists traveling two, three or four abreast in the road. The ones that when you come up on them from either direction, won't even turn their heads to acknowledge the fact that you're there. Or, on a hill, when there's someone in the road weaving back and forth because his bike won't gear down enough make it up going straight, and a vehicle coming down the hill. You want to avoid injuring anyone so you do whatever is required, but in all of this there's not one lick of acknowledgment that you are trying to share the road as you should. Or on your snowmachine with the skier on the trail.

This lack of consideration by certain members of these groups surely can't cause as much damage to trails as some uncaring idiot on a snow machine, but the behavior is just as rude and inconsiderate. Injury can be caused by these people not only to themselves, but also to others. Most likely the injury to the 'others' occurs while attempting to not injure the cyclist or runner.

It would be a shame to paint all runners and cyclists with the same brush. I reserve



the terms of derision above only for those who deserve them. As a rule, most of them are aware of the world around them and are intelligent enough to do something to allow themselves to be seen and avoided. And to let me know that they know I'm there. That's all I ask from them.

As for the snowmachiners criticized by Stan Justice in his Jan. 14 guest opinion, if he can suggest any reasonable way to control those in my group who deserve controlling, I will surely support his efforts. But when he paints all who ride and enjoy snowmachines, including those who attempt to ride them in a safe sane manner, all the same color, I strenuously object.

Marty Hall is an inspector for an airline and a 28-year resident of Fairbanks.

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...s flagrant dis... of  
...il rights and... on's  
...moral beliefs. If these peo-  
...he other way from what  
...dumped on the country,  
...ine about Ashcroft's get-  
...y are afraid he will actual-  
...al and civil rights and  
...eir practices of double

— John A. Morrison  
Anchorage

## How to keep jobs competitive

Respond to Gene Wheeler's  
his letter regarding the  
on vs. collective bargain-  
we had a purpose in the  
s that were not safe and  
working conditions, but now  
vrote. Yes. However, the  
protection did not help the  
r the brakes failed on the  
or his employer in Valdez.  
belong to a union that not  
ins for my r...y but also  
e and efficient for my em-  
us have jobs that do not  
fitting at the drop of a hat  
ent plans, etc., because  
really, isn't it? Have a nice

— Ed Cullinane  
Anchorage

## Who might become the proper nickname

Several stories recently  
dollar coin and its cool re-  
an public. The Center for  
Baby-Back anticipated this  
ago and has been diligent-  
the acceptance of the dol-  
group of Alaskans may hold  
in success of this coin.  
The center has been using its  
nickname "Baby-Back."  
Who have the "Loon" and  
names that are catchy and  
doesn't cut it in this depart-

gram, and they meet fewer days a week for only  
40 minutes. Unfortunately, the negative effects  
of these cuts are becoming painfully evident.

It is a proven fact that children who study  
music, play a musical instrument or sing in a  
musical group do better in school. Their brains  
develop more fully, they excel in math and other  
subjects, score better on tests, have higher self-  
esteem and learn to work together cooperative-  
ly.

Anything that has such a tremendous effect  
on our young people is worth the time, energy  
and money it takes to keep it going. It is much  
better to invest in our school music programs  
now than to spend the money on remedial edu-  
cation, juvenile detention programs, mental  
health counseling and abuse or addiction pro-  
grams later. Music is important to all of us, in  
more ways than you can imagine. Music is es-  
sential, not optional.

— Adam Stewart, high school student  
Anchorage

## An apathetic public is yielding to frightening new administration

Our new president and his administration  
are frightening to me. As a baby boomer, I ob-  
served the changes our country went through  
during the Vietnam War, peace protest, draft  
resistance and the abuse of force by Chicago  
Mayor Daley, as well as Kent State. But regard-  
less of what side you favored, the purpose was  
to initiate change and speak up, resulting in  
many changes that our kids experience today  
and that made us, as a nation, better.

This is why I am so surprised and shocked at  
how apathetic we've become. With a stroke of  
his pen, our newly elected president has  
stopped federal funds from going to overseas  
operations of Planned Parenthood. Justifica-  
tion: In an educational manner they discuss  
abortions. They don't perform them but merely  
speak of them. Then President Bush breaks a  
200-plus-year rule of our founding fathers, the  
separation of church and state. Bush wants to  
give federal funding and an office in the White  
House to "faith-based" charities.

I assumed, incorrectly I see, that this would  
create ire; instead no one in politics wants to  
cast that first accusatory stone. So a trend be-  
gins: a leader whose rule was never ques-  
tioned, whose orders were carried out obedi-  
ently and quickly. But in America we're too

I am app... at Alaska Airlines' ever having  
to be on l...oad to recovery." If it had not  
cheated and cut costs to maintain seven-figure  
corporate salaries and put the money where it  
was needed, into proper airplane maintenance,  
this story never would have needed to be print-  
ed, 88 people would not have had to die, and  
families would not have had to be destroyed.

I am not "loving it" that the airline is  
"putting more resources on the line," and I  
wish it had done the right thing in the first  
place. I wish that 88 people had not died and  
hope that I do not have to suffer in terror every  
time a plane hits a bit of turbulence or makes a  
bad landing.

— Mary D. Mundell  
Clugiak

## Noisy children should be welcome at city's traditional folk festival

Robert Gunchuck pointed out problems that  
the Anchorage Folk Festival has with extrane-  
ous noise and some suggestions for the An-  
chorage Folk Festival to ameliorate those  
problems ("Yakking cellphone users, children  
who can't behave ruin folk festival," Letters,  
Jan. 29). Kids are always a problem, it seems.  
I hope the Folk Festival does not come down too  
hard on those noisy kids. I want to see kids  
keep coming to the Anchorage festival. It has  
been wonderful to watch so many of them grow  
from babies to adults and take their music with  
them.

The Anchorage Folk Festival has truly been  
a place for traditional music to be passed from  
one generation to another. During this past fes-  
tival, I have had the pleasure of playing with  
some of the most talented musicians I have ever  
met, most of them less than half my age and  
from Alaska. The Anchorage Folk Festival  
gives kids a place to show off and jam at vol-  
umes that don't permanently damage anyone's  
hearing and in a drug- and alcohol-free envi-  
ronment. It is such a pleasure to watch them  
get better with each year.

OK, so it's noisy. That's the way families are.  
That's the way kids are. It's not the opera. It's  
the passing of music from old to young. It's  
friends seeing one another. It's a great show.  
It's an annual community tradition. And you  
noisy kids, go out in the halls and jam.  
That's where you belong, dang it!

— Jim Kerr  
Anchorage

As the environmental impact of 'omobile  
use begins to outweigh the merc... ability of  
oil, let's decide whether we w... cities de-  
signed and constructed for easy and safe  
pedestrian access. I think we do.

— Bob Curtis-Johnson  
Anchorage

## Stop whining, snow machiners; you are earning your own bad rap

My husband and I are fed up with snowmo-  
biles running up and down our street at all  
hours, being ridden by teens who are not even  
old enough to drive. They seem to think they  
own the roads in our development and can do  
as they please when they please.

We have called to report them and had not  
one thing done by the troopers, who are sup-  
posed to come out here.

What is it going to take to get something  
done? Someone getting hurt badly or killed?  
What is wrong with parents these days?

Then all these snowmobile riders complain  
about getting a bad name with people. This is  
one of the reasons. To our knowledge it is  
against the law to ride down a road with a four-  
wheeler or snowmobile. So why are they al-  
lowed to do it? Isn't there any way we can get it  
stopped?

If these teens are not taught to ride by the  
laws of this state, then they ought to have the  
machines taken away from them. And anyone  
who buys one of these machines should have to  
go to classes to learn the proper way to ride  
and the laws for them.

Back in New Hampshire, we belonged to a  
snowmobile club and never rode like some of  
these people do here. We had respect for oth-  
ers and the laws. You crossed the roads, you  
didn't ride down them at any time.

Let some of these riders who complain  
about their rights come out here and see whose  
rights are being abused.

— Sandra Holt  
Wasilla

## Goodman is wrong; contraception's only real payoff is more abortions

Re Ellen Goodman's column "In sacri-  
fices free speech to abortion politics" (Jan. 26)

She makes a blanket statement that the only  
things that prevent abortion are family plan-

**HB**

**405**

# REPRESENTATIVE KEVIN MEYER

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HOUSE DISTRICT 19

## MEMORANDUM

**DATE:** February 13, 2002

**TO:** Representative Vic Kohring *VLC*  
Chairman, House Transportation Committee

**FROM:** Representative Kevin Meyer *KM*

**RE:** Scheduling House Bill 405

---

At your earliest convenience please schedule HB 405 Crimes Committed on State Watercraft for a hearing in your committee.

HB 405 gives the State jurisdiction on state owned watercraft even if the watercraft is outside state waters.



# REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 19

## SPONSOR STATEMENT

### HB 405

**“An Act relating to the prosecution of criminal offenses committed on or against ferries and other watercraft owned or operated by the state; and providing for an effective date.”**

House Bill 405 gives the State jurisdiction over state owned watercraft including watercraft that is outside state waters.

Last year a young woman was sexually assaulted on a state ferry while it was traveling from Bellingham to Ketchikan. The assault occurred while the ferry was in Canadian waters. Under federal maritime law, the United States government has jurisdiction over crimes committed on United States vessels in Canadian waters.

The jurisdiction to prosecute the crime by the federal government is not exclusive. The State of Alaska may also prosecute the offense, as long as the state shows a sufficient connection between the offense and a valid state interest, and the federal government has not indicated intent to exercise exclusive authority over the offense.

In this particular situation, the District Attorney in Ketchikan presented the case to a grand jury and the grand jury found the defendant guilty. However, the Superior Court dismissed the indictment, finding that without a statute specifically authorizing the state to prosecute under these circumstances, Alaska had no jurisdiction. The State is appealing that ruling.

The dismissal by the court is a concern because the crime is unlikely to be prosecuted by the federal government or the Canadian government. The federal government does not generally prosecute offenses such as sexual assault, and the Canadian government has little interest in pursuing charges involving an Alaska victim on an Alaska ferry.

HB 405 will eliminate the loophole that prevents the State from prosecuting such crimes in the future.

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# Inlandboatmen's Union of the Pacific

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8/8/01

## LOCAL COURT RULES STATE FERRIES AREN'T UNDER STATE JURISDICTION, IMPERILS CREW and PASSENGERS

In a stunning decision by Superior Court Judge Larry Weeks, the crews and passengers on the A.M.H.S. vessels have been threatened with both possible criminal acts and civil actions. They've been left with no one to enforce order or law, and placed in a bizarre situation of being sued by criminals in civil court if the crew acts to protect crew or passengers. The court decision in the Vernon Jack case\* appears to apply just to Canadian Waters, but has implications any time a ferry is not tied to a dock anywhere except possible in Washington.

The US legal system and Common Sense have failed again. Other countries have "Admiralty Courts" staffed with people who know Maritime Law. The United States, and the state of Alaska, appoints Maritime cases to judges who are not experts in Maritime Law and then appoints DAs with far less (or no) experience and knowledge. I am told Judge Weeks is fair and extremely conscientious, but he apparently had limited resources presented to him. Now we are left with the following absurd and dangerous situation:

In a typical case of avoiding responsibility, all the involved bureaucracies refuse to act.

- 1) The U.S. Coast Guard won't enforce "crime" unless it is a crewmember committing the act, and then only for certain defined acts. They won't enforce if the crime is against crew by passengers/non-crew unless it is certain defined and extreme acts, or passenger against passenger. They dump that on the FBI or, previously, on the State.
- 2) The Canadians won't enforce and arguably do not have jurisdiction. The State (and maritime law) has always argued that is correct — the Canadians don't have jurisdiction.
- 3) The Feds won't enforce criminal statute except possibly specified crimes like terrorism or mass murder. It is apparently a matter of budget and "importance".
- 4) The AK Div. of Retirement & Benefits tried to argue a ferry deck is not Alaskan soil for purposes of Residency. They lost that. Then the Alaska Permanent Fund Corporation argued our decks aren't Alaskan soil south of the Dixon Entrance A-B Line even on the Rupert run. They lost that only when we got help from the Legislature.

We note that there are laws available, but apparently not the will or budget. Just as examples, under Federal laws, 18 USC 2244 gives the Feds jurisdiction over sexual crimes at sea, and 18 USC 13a allows the Feds to take on State laws under the Assimilative Crimes Act. But why should we have to resort to the Feds at all?

- 5) Now a judge who is seemingly unfamiliar with Maritime law and wasn't brought up to speed by the prosecutor declares crime committed on a ferry in Canadian waters is not in Alaska State jurisdiction. Is he aware the entire Inside Passage is "International Waters"? What about the Tustumena and Kennicott when in the Gulf of Alaska — International waters and "beyond the boundary line"?
- 6) After this decision, what use is a Trooper or Police Officer riding in uniform except as a scarecrow? Judge Weeks has just had to tell criminals they can disregard uniformed Alaska Peace Officers and the ferry crews. Our uniformed officers have been invaluable up until now. I guess they are at least trained in how to restrain violent people, but this seemingly opens them up to civil penalties.

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Bottom of  
page 1.

# Alleged crime aboard Alaska ferry in

By LEILA KHEIRY  
Daily News Staff Writer

A man accused of rape on board a state ferry might not be prosecuted if the Alaska Court of Appeals upholds a recent Superior Court judge's decision.

On July 12, Superior Court Judge Larry Weeks of Juneau dismissed a Ketchikan grand jury's indictment against Vernon Jack, 29, of Boise, Idaho, who is accused of sexually

assaulting a 16-year-old girl. The alleged assault took place on board the Alaska Marine Highway Ferry M/V Matanuska while the ship was in Canadian waters. The dismissal is based on Jack's claim that Alaska does not have jurisdiction.

Weeks, presiding judge for the First Judicial District which includes Ketchikan and Juneau, wrote in his dismissal order that "there is no question that this offense was com-

mitted outside the State of Alaska if it was committed."

He cited a statute that allows the state to prosecute crimes committed outside of Alaska only if the crime is completed within the state.

"That, and the lack of any explicit statutory authority allowing for prosecutions on an Alaskan ferry in Canadian waters causes this court to find that it does not have jurisdiction in the case," Weeks wrote.

## Canadian waters raises jurisdiction issue

State prosecutors appealed Weeks' decision on July 17, claiming that Alaska does have jurisdiction over crimes committed on an Alaska vessel. The Matanuska is an American-flagged ship, and is owned and operated by the State of Alaska, said Ketchikan Assistant District Attorney Dan Schally in a Wednesday telephone interview.

Before Weeks' decision, the local prosecutor's office had cited a previ-

ous Ketchikan case in which a man allegedly assaulted a crew member aboard the same ship while it was in Canadian waters. That man was prosecuted, pleaded guilty to the charges and was sentenced to 60 days in jail.

Prosecutors also cited U.S. foreign relations laws to support its jurisdiction claim.

Responding to the prosecutor's opposition, defense attorney Barb

Kissner wrote that her client does not necessarily question the United States' jurisdiction in the matter.

"The issue before this court is whether the State of Alaska has jurisdiction over this case," she wrote.

The Alaska Legislature has "expressly limited its jurisdictional boundaries" in its statutes, wrote Kissner, who was unavailable for an

See, 'Crime jurisdiction,' page 3

C7

interview Wednesday.

Unless the Legislature drafts a broader jurisdiction statute, cases where criminal conduct occurs outside of Alaska's boundaries should not be prosecuted in Alaskan courts, she argued.

"In the instant case, it would ... violate jurisdictional due process for this court to exercise jurisdiction simply because the United States may have jurisdiction," Kissner wrote.

The problem, said Schally, is that if Alaska does not prosecute the case, Jack likely will not be prosecuted at all.

Federal prosecutors do not try "ordinary" criminal cases, he said; most criminal prosecutions in the United States occur at the state or local level.

"Pedestrian or ordinary crimes, even serious ones .. the feds are just not involved in that," Schally said.

Canada could possibly prosecute Jack, said Schally, but is unlikely to do so.

"It has nothing to do with them other than the fact that it happened off their coast," he said. "Their interest in getting involved in that probably would be low."

Therefore, he said, the State of Alaska is responsible for prosecuting crimes committed on its ferries, even when they are in Canadian water.

The prosecution also claims that Alaska has a vital interest in this case.

Its written opposition to the dismissal motion states. "If people believe that crimes can be committed on ferries to Alaska without any real risk of being prosecuted, then this could have a harmful effect on the welfare of Alaska's community, particularly tourism."

According to a clerk at the state Court of Appeals office in Anchorage, paperwork on the case could take up to six months, which means the court might not see the case until January. Schally said the court could choose to act quickly in this case after that, partly because the defendant is still in jail, but that the appeals process can take more than a year.

In the meantime, Jack is being held at the Ketchikan Correctional Center on \$3,000 bail. According to Alaska statutes, if the state appeals a dismissal, the court will set bail as if a trial was going to take place.

Thursday, Aug. 2, 2001  
KETCHIKAN DAILY NEWS

DS

# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSHB 350(TRA)  
 (H) Publish Date: 2/20/02

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
 Title Terroristic threatening BRU Alaska Court System  
 Component Trial Courts  
 Sponsor Representative McGuire  
 Requester Representative McGuire 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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (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 350.

Prepared by: Douglas Wooliver Phone 463-4750  
 Division Alaska Court System Date/Time 2/20/02 9:28 AM  
 Approved by: Stephanie Cole Date 2/20/02  
 Agency Alaska Court System

# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: HB 405  
 (H) Publish Date: 2/20/02

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
 Title Crimes committed on state BRU Alaska Court System  
watercraft Component Trial Courts  
 Sponsor Representative Meyer  
 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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (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 405.

Prepared by: Douglas Wooliver Phone 463-4750  
 Division Alaska Court System Date/Time 2/20/02 9:24 AM  
 Approved by: Stephanie Cole Date 2/20/02  
 Agency Alaska Court System

# FISCAL NOTE

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

Fiscal Note Number: 2  
Bill Version: HB 405  
(H) Publish Date: 2/20/02

Corrected Version

Revision Date/Time (Note if correction): 2/19/02 8:27 AM Dept. Affected: Law  
Title: "...prosecution of criminal offenses committed on or against ferries and other watercraft..." BRU: Criminal  
Sponsor: Representative Meyer Component: All  
Requester: House Transportation Committee Component No. \_\_\_\_\_

**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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (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 allow the state to prosecute offenses committed on, or against, ferries and other state-owned or -operated vessels. Recently, a superior court judge dismissed a prosecution for rape that occurred on an Alaska ferry while in Canadian water. The court found that there was no statutory authority for the State of Alaska to prosecute the crime, even though the victim was an Alaskan, and the ferry was an Alaskan ferry. This bill will clarify that the state has that statutory authority.

Crimes of this nature are relatively rare, and passage of this legislation is not anticipated to have a fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson  
Division: Attorney General's Office  
Approved by: Kathryn Daughhettee for Bruce M. Botelho, Attorney General  
Agency: Department of Law

Phone: (907) 465-5370  
Date/Time: 2/19/02 8:27 AM  
Date: 2/19/2002

**HB**

**473**

22-LS1568\C  
Utermohle  
3/5/02

**CS FOR HOUSE BILL NO. 473(TRA)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SECOND LEGISLATURE - SECOND SESSION**

**BY THE HOUSE TRANSPORTATION COMMITTEE**

**Offered:**  
**Referred:**

**Sponsor(s): REPRESENTATIVE GREEN**

**A BILL**  
**FOR AN ACT ENTITLED**

1 **"An Act relating to transportation; and providing for an effective date."**

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

3 **\* Section 1.** AS 44.42.050(a) is amended to read:

4 (a) The commissioner shall develop annually a comprehensive, intermodal,  
5 long-range transportation plan for the state. In developing and revising the state plan,  
6 the commissioner shall consider means and costs of improving existing modes and  
7 facilities, state and federal subsidies, and the costs and benefits of new transportation  
8 modes and facilities. The commissioner shall also consider the recommendation of the  
9 Alaska Transportation Planning Council. The plan shall be submitted to the governor  
10 for review and approval and submitted by the governor to the legislature by  
11 December 15 of each year.

12 **\* Sec. 2.** AS 44.42.050 is amended by adding new subsections to read:

13 (e) The commissioner shall update each analysis of the costs and benefits of  
14 new transportation projects, including trail and transportation enhancement projects,  
15 prepared under (a) of this section to reflect increased preconstruction, construction,

1 and maintenance costs of the project identified during preconstruction planning for the  
2 project. If (1) the initial costs of preconstruction planning, including preliminary  
3 engineering and design and environmental assessment or impact analysis, for a new  
4 surface transportation project have increased by more than 50 percent since the initial  
5 project agreement to pay those costs for the project was entered into with the Federal  
6 Highway Administration, or (2) more than three years have elapsed without  
7 commencing construction of the project since the initial approval of the project by the  
8 legislature, then the commissioner may neither submit a preliminary design or  
9 environmental document to the Federal Highway Administration for approval nor  
10 contract for additional preliminary engineering and design of the project, for the  
11 purchase of right-of-way for the project, or for construction of the project until the  
12 commissioner has included an updated analysis of the costs and benefits of the project  
13 in the next annual update of the state transportation plan submitted to the legislature  
14 under (a) of this section and the legislature has had the opportunity to review changes  
15 in the costs and benefits of the project and approve, or rescind prior approval of, the  
16 project during its consideration of the capital projects budget after the updated state  
17 transportation plan is received by the legislature.

18 (f) Transportation projects that have a benefit-to-cost ratio greater than one are  
19 presumed efficient and projects that have a benefit-to-cost ratio of less than one are  
20 presumed inefficient. The governor may not include an inefficient transportation  
21 project in a capital budget bill under AS 37.07.062 unless the bill is accompanied by a  
22 written analysis of the costs and benefits of the project and a detailed justification for  
23 the project. The governor shall provide the analysis and justification for the project to  
24 the legislature in order to aid the legislature in assessing the merits of the project.

25 \* **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).

# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 473  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DOT&PF  
 Title "An act relating to transportation" BRU Design & Engineering Services  
 Component Statewide Design & Engineering Svcs  
 Sponsor Green  
 Requester House Transportation Component No. 2357

**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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES	***	***	***	***	***	***

CHANGE IN REVENUES ( )						

**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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (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 cannot determine the fiscal effect of this bill at this time. For those projects this bill affects, there will likely be an increase in cost.

Prepared by: Dennis R. Poshard, Assistant to Commissioner Phone 465-3904  
 Division Commissioner's Office Date/Time 3/5/02 11:32 AM  
 Approved by: Joseph L. Perkins, Commissioner Date 3/5/2002  
 Agency Alaska Department of Transportation and Public Facilities

# Alaska State Legislature

ALASKA STATE LEGISLATURE  
CLERK OF COURSE  
JENNIFER M. HARRIS  
1000 EAST BROADWAY  
ANCHORAGE, ALASKA 99514  
PHONE: 274-3100  
FAX: 274-3101  
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ALASKA STATE LEGISLATURE  
OFFICE OF THE CLERK  
1000 EAST BROADWAY  
ANCHORAGE, ALASKA 99514  
PHONE: 274-3100  
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Representative Joe Green  
District 10

## **Sponsor Statement for House Bill 473** "An Act relating to transportation"

While efficient spending has long been a governing principle of state and federal highway law, it is not easy to apply this concept to existing projects. Without updated information, it is difficult for the Legislature to oversee planning costs and determine whether projects deserve continued appropriations.

The statute changes proposed in House Bill 473 will allow the Legislature to re-assess projects before they are built, to assure that Alaska gets the most benefit out of its federal and state transportation spending and to minimize the likelihood that the State will be committed to a project with significant construction and maintenance cost over-runs.

House Bill 473 addresses this problem by creating a mechanism that will trigger review when the projected costs for a project have increased by more than 50 percent since initial approval. When this occurs, the Department of Transportation and Public Facilities will provide additional information on the project in the annual state transportation plan update, including why the costs have significantly increased, if further increases are anticipated and an updated analysis of the project's costs-benefits ratio.

Since efficiency is a subjective term, this bill also provides a concrete definition for transportation projects. A project that creates more benefits than costs is efficient, while one that creates fewer benefits than costs is inefficient. This will help focus funds on transportation projects that are most worthy.

THE LAW OFFICE OF  
**GEOFFREY Y. PARKER**

Phone: (907) 222-6859  
Fax: (907) 258-7304

E-mail: gparker@gci.net

730 I Street, Suite 226  
Anchorage, Alaska 99501

Outline of Jeff Parker's Testimony on HB 473  
March 5, 2002

**PURPOSES OF HB 473:**

- Promote efficient transportation planning and expenditures by reducing waste on inefficient projects.
- Enhance Legislature's and public's ability to examine costs and benefits of new projects.

**MAIN POINTS:**

- ADOT does not prepare an annual state transportation plan required by AS 44.42.050.  
**Missing ingredient:** cost-benefit analysis of any new transportation facility.  
**Results:** (1) deprives the legislature of an ability to compare the cost-effectiveness of projects; (2) deprives legislature of an ability to prevent waste on ineffective projects; (3) diminishes ability to fund effective projects; (4) inhibits ability to fund proper maintenance.
- HB 473 would improve the situation by compelling an updated cost-benefit analysis whenever costs of preliminary engineering and design skyrocket on a new facility.
- HB 473 should be amended to improve it further by providing that an updated cost-benefit analysis would also be required if no construction has occurred and significant time, such as three years, has elapsed since the legislature initially allocated funds to the project.
- Updating cost-benefit analysis is appropriate in such circumstances. Dramatically increased costs for preliminary design and engineering indicate that the project is not evolving as originally anticipated and may cost substantially more to construct. Significant passage of time without construction may mean that other projects are more deserving.

**SUMMARY:**

The issue is how to achieve efficient expenditure of transportation dollars and avoid waste, without interfering with federally required planning requirements. The Coastal Trail, the Iliamna-Nondalton project, and the proposed Southwest Alaska Transportation Plan reveal two problems: (1) when preliminary engineering and design costs skyrocket, then the project is not evolving as originally anticipated, and the costs and benefits are likely to be very different than originally anticipated; (2) ADOT proposes to waste nearly a billion dollars on projects it admits are not cost-effective.

HB 473 addresses the first by requiring an updated cost benefit analysis. HB 473 should be amended to address the second by requiring an updated analysis in the second situation, too, because years may elapse between the plan and the funding request.

## ATTACHMENTS

### Attachment A (ADOT-FHWA Project Agreements re: Extension of Coastal Trail):

- Costs of preliminary engineering and design, including environmental analysis, have skyrocketed from \$300,000 to \$ 2.2 million, and there is still no proposed route or environmental document.
- This indicates that costs of construction and maintenance are likely to be very different from original estimates, and updated cost-benefit analysis would help Legislature decide whether to fund a substantially-changed project.

### Attachment B (Excerpt of ADOT contract re: Extension of Coastal Trail):

- Contract for preliminary engineering, design and environmental is a "time and expense" contract – a form of public contract that is highly disfavored because it contains no incentive to control costs.

### Attachment C (ADOT approval in 1986 of benefit-cost analysis re: Iliamna-Nondalton Road):

- Benefit-cost ratio in 1986 for proposed Iliamna-Nondalton Road was 0.26, and therefore project was cancelled as not economically justified after \$4 million wasted.

### Attachment D (Excerpt of ADOT's current Statewide Transportation Improvement Program re: Iliamna-Nondalton project):

- Iliamna-Nondalton is revived without any new cost-benefit analysis.

### Attachment E (Excerpts of 1995 and 1996 capital budget acts re Iliamna-Nondalton project):

- Why does ADOT seek \$10 million for a project it claims will cost \$5 million?

### Attachment F (Excerpt of February 2002 Draft Southwest Alaska Transportation Plan):

- Concedes (p. vi) that "some" recommended projects are not cost-beneficial.
- Table 11 -- Cook Inlet to Bristol Bay corridor estimated cost is \$363 MILLION.
- Table 12 -- Cook Inlet-Bristol Bay corridor costs far more than it saves:

$$\text{BENEFIT-COST RATIO} = \frac{\$6 \text{ million annual savings}}{\$37 \text{ million annual cost (capital + O\&M)}} = \underline{0.16}$$

- Table 15 -- Alaska Peninsula corridor estimated cost is \$556 MILLION.
- Table 16 -- Alaska Peninsula corridor costs far more than it saves:

$$\text{BENEFIT-COST RATIO} = \frac{\$3 \text{ million annual savings}}{\$57 \text{ million annual cost (capital + O\&M)}} = \underline{0.05}$$

### Conclusion

ADOT proposes wasting nearly a BILLION DOLLARS on projects that are not cost-beneficial.

**HB 473**

**TESTIMONY OF  
GEOFFREY PARKER**

**ATTACHMENT A**

TO BE COMPLETED BY FHWA MONTHLY TRANSACTION NUMBER <p style="text-align: center; font-size: 1.2em;">9-40</p>		<b>FEDERAL-AID PROJECT AGREEMENT AND APPROVAL/AUTHORIZATION</b>  U.S. Department of Transportation Federal Highway Administration		State <p style="text-align: center; font-size: 1.2em;">Alaska</p> Federal Project No. <p style="text-align: center; font-size: 1.2em;">TEA-0001(126)</p> State Project No. <p style="text-align: center; font-size: 1.2em;">52514</p>	
Place Code <p style="text-align: center; font-size: 1.2em;">03000C</p>					
County <p style="text-align: center; font-size: 1.2em;">020</p>	FHWA Area <p style="text-align: center; font-size: 1.2em;">X-1</p>				
<p style="font-size: 0.8em;">The State, through its Highway Agency, having considered, or hereby agreeing to comply, with the applicable terms and conditions set forth in (1) Title 23, U.S. Code, Highways, (2) the Regulations issued pursuant thereto and, (3) the policies and procedures promulgated by the Federal Highway Administration relative to the above designated project, and the Federal Highway Administration having authorized certain work to proceed as evidenced by the date entered opposite the specific item of work, Federal funds are obligated for the project not to exceed the amount shown herein, the balance of the estimated total cost, being an obligation of the State. Such obligation of Federal funds extends only to project costs incurred by the State after the Federal Highway Administration authorization to proceed with the project involving such costs.</p>					
<b>PROJECT TERMINI:</b> Kincaid Park to the Potter Welch Station on Seward Highway.					
<b>Project Scope: (Below)</b>					
				<b>Length: (Miles)</b>	12.0
Extend the Coastal Trail from its existing southern terminus at Kincaid Park to the Potter Welch Station on the Seward Highway. This project will complete missing segments and improve trail and pedestrian safety throughout the Municipality of Anchorage.					
Request funding and authority for PE through Environmental Document Approval.					
<b>REQUEST AUTHORITY TO PROCEED FOR FUNDING UNDER CERTIFICATION ACCEPTANCE</b> (1) EXEMPT					<b>EFFECTIVE DATE</b>
<b>PRELIMINARY ENGINEERING</b>		<input type="checkbox"/> Reconnaissance Study		<input type="checkbox"/> Final PS&E	
		<input checked="" type="checkbox"/> Environmental Document Approval		SEP 11 1996	
<b>RIGHTS-OF-WAY</b>		<input type="checkbox"/> Appraisals and Acquisitions		<input type="checkbox"/> Utility Relocation	
<b>CONSTRUCTION</b>		<input type="checkbox"/>			
<b>HIGHWAY PLANNING &amp; RESEARCH (HP&amp;R)</b>		<input type="checkbox"/>			
<b>ATTACHMENTS:</b>					
REMARKS: (FHWA use only)		<input checked="" type="checkbox"/> COST ESTIMATE		<input checked="" type="checkbox"/> MAP	
		<input checked="" type="checkbox"/> SUPPORTING DATA		<input type="checkbox"/> CERTIFICATION CHECKLIST	
		Environmental Document Approval		STIP ( )	
		Date			
<b>ESTIMATED TOTAL COST OF PROJECT</b>		<b>FEDERAL FUNDS</b>		<b>APPN CODE</b>	<b>PROJECT TYPE</b>
305,000		272,910		33B	12
		RECOMMENDED BY <i>Carol Winkler</i>		9-10-96 OPERATIONS ENGINEER	
<p style="font-size: 0.8em;">The State further stipulates that as a condition of payment of the Federal funds obligated, it accepts and will comply with the applicable provisions set forth in 23 CFR Part 630, Subpart C, Appendix A which is incorporated therein by reference.</p>					
State of Alaska, Department of Transportation and Public Facilities <small>(Official name of Highway Agency)</small>			U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION		
By <u>Carol Winkler</u>			By <u>[Signature]</u> <small>(Division Administrator)</small>		
DOT&PF/Authorized Agent			Date Executed <u>SEP 11 1996</u>		
<p style="font-size: 0.8em;">Any real property acquired for this project determined to be in excess to the present or future program needs will be disposed of in accordance with OMB's Common Rule and governing FHWA requirements.</p>					

Attachment B; p 1 of 7

STATE OF ALASKA PROJECT ESTIMATE					
Department of Transportation and Public Facilities					September 5, 1998
Federal project no: TEA-0001(126)		State project no: 52514			
Project Name: Coastal Trail Southern Extension					
ITEM	WORKTYPE	TOTAL EST'D COST	MATCHING RATIO	FEDERAL FUNDS	MILES
1) 10	Requested Program and Agreement PENG	305,000	90.97%	272,910	12.0
TOTALS		305,000		272,910	

1) Includes \$5,000 non-participating.

*Attachment A  
p. 2 of 7*

TO BE COMPLETED BY FHWA MONTHLY TRANSACTION NUMBER <b>9-31</b>		<b>MODIFICATION OF FEDERAL-AID                  PROJECT AGREEMENT                  AND                  APPROVAL/AUTHORIZATION</b>  U.S. Department of Transportation Federal Highway Administration	State
Place Code 03000C			Alaska
County 020	FHWA Area X-1		Federal Project No. CM-TEA-0001(126)
			State Project No. 52514

**PROJECT TERMINI:**  
Kincaid Park to the Potter Weigh Station on Seward Highway.

**A. Project Scope B. Reason for Modification** Length: (Miles) 12.0

A. Extend the Coastal Trail from its existing southern terminus at Kincaid Park to the Potter Weigh Station on the Seward Highway. This project will complete missing segments and improve trail and pedestrian safety throughout the Municipality of Anchorage.

B. Additional design funding requested for increased costs and environmental analysis.

The Project Agreement for the above-referenced project entered into between the undersigned parties and executed by the Division Administrator on September 11, 1998 is hereby modified as follows:

Appn Code	Federal Funds	Total Estimated Cost
33B	\$272,910	\$305,000
Q22	\$636,790	\$700,000
320	\$195,586	\$215,000
Estimated total cost of project	\$1,105,286	\$1,220,000

REQUEST AUTHORITY TO PROCEED FOR FUNDING UNDER CERTIFICATION ACCEPTANCE		<input type="checkbox"/> EXEMPT	EFFECTIVE DATE
PRELIMINARY ENGINEERING	<input type="checkbox"/> Reconnaissance Study	<input type="checkbox"/> Final PS&E	
	<input type="checkbox"/> Environmental Document Approval		
RIGHTS-OF-WAY	<input type="checkbox"/> Appraisals and Acquisitions	<input type="checkbox"/> Utility Relocation	
CONSTRUCTION	<input type="checkbox"/>		
HIGHWAY PLANNING & RESEARCH (HP&R)	<input type="checkbox"/>		
ATTACHMENTS:	<input checked="" type="checkbox"/> COST ESTIMATE	<input type="checkbox"/> MAP	<input checked="" type="checkbox"/> SUPPORTING DATA <input type="checkbox"/> CERTIFICATION CHECKLIST
REMARKS: (FHWA use only)	Environmental Document Approval	Date	STIP ( )

STIP 227B	SECTION: Enhancements PAGE NO. 08-00 AMATS TIP Rank #5	RECOMMENDED BY	OPERATIONS ENGINEER:
-----------	--	----------------	----------------------

NAME: AMATS Coastal Trail Southern Extension. ALL OTHER TERMS AND CONDITIONS OF THE PROJECT AGREEMENT WILL REMAIN IN FULL FORCE AND EFFECT.

State of Alaska, Department of Transportation  
and Public Facilities  
(Official name of Highway Agency)

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

By *Carol Taylor*  
DOT&PF/Authorized Agent

By *[Signature]*  
(Division Administrator)  
Date Executed SEP 15 1998

*Attachment A  
p. 3 of 7*



## STATE OF ALASKA PROJECT ESTIMATE

Department of Transportation and Public Facilities

August 23, 1989

Federal project no: CM-TEA-0001(128)State project no: 52514Project Name: Coastal Trail Southern Extension.

ITEM	WORKTYPE	TOTAL ESTD COST	MATCHING RATIO	FEDERAL FUNDS	MILES
As Programmed and Agreement					
<u>APPN: 33B</u>					
1) 10	PENG	105,000	90.97%	90,970	12.0
11	PENG (L)	200,000	90.97%	181,940	
		<u>305,000</u>		<u>272,910</u>	
<u>APPN: Q22</u>					
2) 11	PENG (L)	700,000	90.97%	636,790	
<u>APPN: 320</u>					
10	PENG	50,000	90.97%	45,485	
11	PENG (L)	165,000	90.97%	150,101	
		<u>215,000</u>		<u>195,586</u>	
TOTALS		<u>1,220,000</u>		<u>1,105,286</u>	

1) Includes \$5,000 non-participating.

2) MOA to design.

Revised Program and Agreement					
<u>APPN: 33B</u>					
1) 10	PENG	105,000	90.97%	90,970	12.0
11	PENG (L)	200,000	90.97%	181,940	
		<u>305,000</u>		<u>272,910</u>	
<u>APPN: Q22</u>					
2) 11	PENG (L)	700,000	90.97%	636,790	
<u>APPN: 320</u>					
10	PENG	50,000	90.97%	45,485	
11	PENG (L)	165,000	90.97%	150,101	
		<u>215,000</u>		<u>195,586</u>	
<u>APPN: Q40</u>					
10	PENG	300,000	90.97%	272,910	
TOTALS		<u>1,520,000</u>		<u>1,378,196</u>	

1) Includes \$5,000 non-participating.

2) MOA to design.

Attachment A  
P. 577



## STATE OF ALASKA PROJECT ESTIMATE

Department of Transportation and Public Facilities

April 17, 2002

Federal project no: CM-TEA-0001(126) State project no: 52514

Project Name: Coastal Trail Southern Extension

ITEM	WORKTYPE	TOTAL ESTD COST	MATCHING RATIO	FEDERAL FUNDS	MILES
As Programmed and Agreement		APPN: 33B			
1) 10	PENG	105,000	90.97%	90,970	12.0
11	PENG (L)	200,000	90.97%	181,940	
		305,000		272,910	
		APPN: Q22			
2) 11	PENG (L)	700,000	90.97%	636,790	
		APPN: 320			
10	PENG	50,000	90.97%	45,485	
11	PENG (L)	165,000	90.97%	150,101	
		215,000		195,586	
		APPN: Q40			
10	PENG	300,000	90.97%	272,910	
TOTALS		1,520,000		1,378,196	

1) Includes \$5,000 non-participating.

2) MDA to design.

Revised Program and Agreement		APPN: 33B			
1) 10	PENG	105,000	90.97%	90,970	12.0
11	PENG (L)	200,000	90.97%	181,940	
		305,000		272,910	
		APPN: Q22			
2) 11	PENG (L)	700,000	90.97%	636,790	
		APPN: 320			
10	PENG	50,000	90.97%	45,485	
11	PENG (L)	165,000	90.97%	150,101	
		215,000		195,586	
		APPN: Q40			
10	PENG	400,000	90.97%	363,880	
11	PENG (L)	600,000	90.97%	545,820	
		1,000,000		909,700	
TOTALS		2,220,000		2,014,986	

1) Includes \$5,000 non-participating.

2) MOA to design.

Attorney A  
P. 7 of 7

**HB 473**

**TESTIMONY OF  
GEOFFREY PARKER**

**ATTACHMENT B**

# PROFESSIONAL SERVICES AGREEMENT

Agreement No: P22024  
Federal Project No: TEA-0001(126)  
AKSAS Project No: 52514

Project Title: Coastal Trail Southern Extension

To this Agreement between THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES, STATEWIDE DESIGN & ENGINEERING SERVICES

hereafter the CONTRACTING AGENCY, and HDR Alaska, Inc.

hereafter the CONTRACTOR, effective on the last date executed by its parties, in consideration of the terms, conditions and promises of Articles 1 through 7 in this document, the parties hereby agree.

### CONTRACTOR

Signature: [Signature]  
Name: Duane A. Hippe, P.E.  
Title: Senior Vice President

8.51.01  
Date

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

### CONTRACTING AGENCY

Contract Manager

Signature: [Signature]  
Name: Jim Childers, P.E.  
Title: Project Manager

8.31.01  
Date

Contracting Officer

Signature: [Signature]  
Name: Steven R. Horn, P.E.  
Title: PreConstruction Engineer

8/5/01  
Date

### ARTICLE 1 - PURPOSE

- 1.1 This contract incorporates the services performed under Municipal Contract No. 74679. See Appendix F. All work under Municipal Contract No. 74679, which entailed Preliminary Engineering and the Viable Alternatives Phases, has been completed, accepted, and paid for. These services are now referred to as Task A.
- 1.2 The Contractor shall conduct engineering and environmental analyses and studies; gather data from governmental agencies and the public; and make presentations at scoping meetings and at a public hearing; and prepare an Environmental Impact Statement (EIS).

### ARTICLE 2 - COMPENSATION

2.1 The maximum amount payable under this Agreement as set out in Appendix C, shall not exceed:

Already compensated under Municipal Agreement 74679, Nine hundred seven thousand, one hundred twenty nine dollars (\$907,129). This agreement adds Five Hundred Thirty Eight Thousand Three and No/100 Dollars (\$538,003) for the new services, for a total compensation of One Million Four Hundred Forty Five Thousand, One Hundred Thirty Two and No/100.

(\$1,445,132)

### ARTICLE 3 - PERIOD OF PERFORMANCE

3.1 CONTRACTOR shall commence services under this Agreement as authorized by written Notice(s) to Proceed and shall complete the services in accordance with any time schedule required by Appendices. This Agreement is of no force or effect until executed by the CONTRACTOR and the CONTRACTING AGENCY and no services shall be undertaken or performed until a Notice to Proceed is issued.

3.2 The Period of Performance under this Agreement shall end: December 31, 2002

# COMPENSATION

## APPENDIX C EXHIBIT C-1, METHOD(S) OF PAYMENT

AKSAS Project No: 52514  
 Federal Project No: TEA-0001(126)  
 Date Prepared: 8/31/01

1. Payments will be made in accordance with Article A7 (Basic Agreement), Articles C1 - C9 (Appendix C), the following, and the applicable discussions of Methods of Payment presented below.

CONTRACTOR & SUBCONTRACTORS	SUBCONTRACTOR TO: (FIRM)	METHOD OF PAYMENT	ESTIMATED COST	FEE	ESTIMATED PRICE
Task A Services (fully paid)					\$907,129
New Services, Task Group B:					
HDR Alaska, Inc.		T & E	\$369,440		\$369,440
LDN	HDR Alaska, Inc.	T & E	\$52,593		\$52,593
DOWL	HDR Alaska, Inc.	T & E	\$40,970		\$40,970
ABR	HDR Alaska, Inc.	T & E	\$45,000		\$45,000
CMJV	HDR Alaska, Inc.	T & E	\$22,000		\$22,000
CRC	HDR Alaska, Inc.	T & E	\$2,600		\$2,600
Arktos	HDR Alaska, Inc.	T & E	\$5,400		\$5,400
Total Agreement Amount:					\$1,445,132

Note: If a Method of Payment is "Fixed Price", then the amount listed under "Estimated Price" is the Fixed Price.

2. **TIME AND EXPENSES** payments will be made according to the following:

2.1 Payments for **TIME** will be equivalent to the number of hours expended by each job classification multiplied by the applicable Billing Rate. Work will be performed by personnel with the lowest reasonable skill levels and hourly rates. Further, when performing work for which they are over qualified, individuals will charge time at rates equivalent to skill levels commensurate with the work they perform.

2.1.1 **BILLING RATES** for persons who work on this contract shall be the sum of the person's actual Direct Labor Rate plus an allowance for Indirect Cost at the then current Agency approved Indirect Cost Rate for the person's employer (firm) plus a fee (profit) of ten percent; e.g.:  $\$25 + (1.50 \times \$25) + (.10 \times [\$25 + (1.50 \times \$25)]) = \$68.75$ .

2.1.1.1 Billing Rates for HDR Alaska, Inc. personnel were negotiated utilizing an IDCR of 158.6% and a 12.5% profit factor. The IDCR referenced in this agreement for HDR Alaska, Inc. is fixed at 158.6%, effective July 1, 2001 to June 30, 2002 based on audit 01-PA-16 dated June 19, 2001. Effective July 1, 2002 this rate would become a Provisional Rate until a new audit is performed and a new IDCR is negotiated and approved by the Contracting Agency. HDR Alaska, Inc. billing rates over \$140.00 per hour that are fixed as defined in paragraph 3, Special Considerations, are itemized below:

JOB CLASSIFICATION	PERSON'S NAME	BILLING RATE (\$/HR)
Contract Manager	Duane Hippe	\$140.66
Project Manager	Mark Dalton	\$142.55

2.1.1.2 Billing Rates for all subcontractors were negotiated using the general formula in paragraph 2.1.1. Subcontractor billing rates over \$140.00 per hour that are fixed as defined in paragraph 3, Special Considerations, are itemized below:

JOB CLASSIFICATION	PERSON'S NAME	BILLING RATE (\$/HR)
None		

2.1.2 **BILLING RATES** are negotiated hourly labor rates which include compensation for all Costs (Direct Cost of Direct Labor and all Indirect Costs) plus Fee, except for allowable direct Expenses.

HB 473

**TESTIMONY OF  
GEOFFREY PARKER**

ATTACHMENT C

CENTRAL REGION  
DEPARTMENT OF TRANSPORTATION and PUBLIC FACILITIES  
**MEMORANDUM** State of Alaska

TO: R. J. Knapp  
Commissioner  
Department of Transportation  
Public Facilities

DATE: April 3, 1986

FILE NO:

266-1440

TELEPHONE NO:

FROM: William R. Snell  
Deputy Commissioner  
Central Region

APR 08 1986

SUBJECT:

Nondalton-Newhalen/  
Iliamna Pioneer Road  
Economic Feasibility  
Study

RECEIVED  
DOT/TF  
COMMISSIONER'S OFFICE

Transmitted for your review and approval is a copy of the Nondalton-Newhalen/Iliamna Pioneer Road Economic Feasibility Study. The analysis was undertaken at your request to determine the economic viability of continuing the Pioneer Road project.

A number of socioeconomic elements regarding the three communities was analyzed in the analysis in order to develop adequate background information and to identify future travel demands. The elements included: 1) an overview of the Triangle communities; 2) transportation and land use development; 3) general economy of the communities; 4) on-going activities and future outlook of the Triangle communities; 5) population trends; and, 6) future travel demand forecasts between the Triangle communities.

Material for the study was gathered from a number of sources including community leaders, government agencies, and private sector officials. In addition, a thorough review of all available documents was made and a site visit conducted to gather information about the communities.

The benefit/cost analysis evaluated a number of items in developing the final ratio. The benefits accruing to the project included:

1. The present worth of annual user savings with the proposed road (\$1,672,516);
2. The present worth of the annual savings in the cost of consumer goods (\$260,954); and
3. The present worth of local employment benefits (\$1,430,352).

The effect of completing the new road is to increase the opportunity for travel and create cost savings for travelers between Nondalton and Newhalen/Iliamna. Three persons would also directly benefit from local employment opportunities. The present worth of benefits of the project cited above are estimated to total \$3,363,822.

The cost of completing the new road means that a commitment of resources must be made to the project. The present worth of the total costs for the Nondalton/Newhalen project are estimated to total \$12,828,312. This includes:

EXHIBIT  
1  
33 42

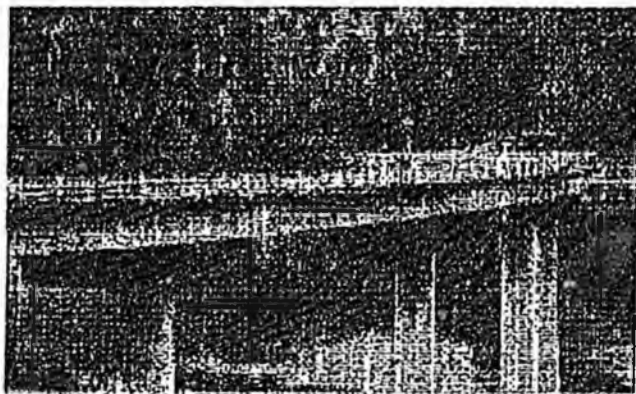
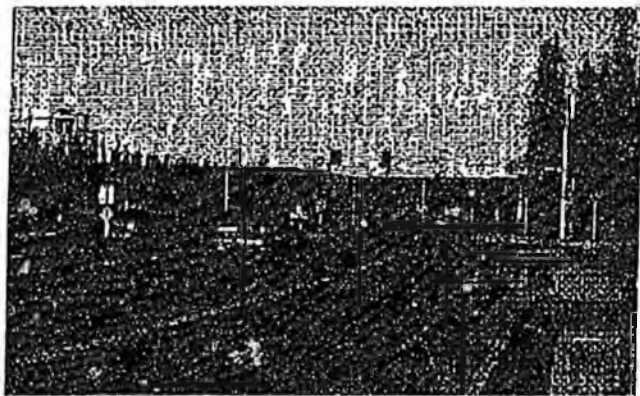
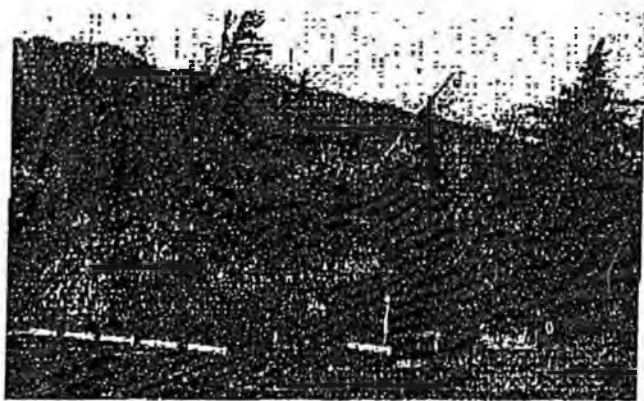
Approved C  
P. 172



HB 473

**TESTIMONY OF  
GEOFFREY PARKER**

ATTACHMENT D



AKUST  
P 1 8 2

# 2001 - 2003 Statewide Transportation Improvement Program

AMENDMENT #6 FINAL

Alaska Department of  
Transportation and  
Public Facilities  
November 2001

Final

Community Transportation Program

2001-2003 STIP Amendment #6

Need ID	Project Description/Funding Source	Phase	Applm	FFY 01	FFY 02	FFY 03	FFY 04	FFY 05	FFY 06	Req'd Funding by Year
3611	Install Landfill Road Upgrade the 1 mile road to the proposed landfill site	2			75,000		25,000			
		3						550,000		
		4						318,395		
			STIP	0.000	0.000	88,228	0.843	0.000	0.000	
			State	0.000	0.000	8,773	-0.943	31,895	0.000	
			Other				25,000			
	Project Total			0.000	0.000	75,000	25,000	350,000	0.000	0.000
12560	Hydrex Salmon River Road and Treatise Rehabilitation	2			350,000		57,000			
		3								
		4								
			STIP	0.000	0.000	251,716	72,776	5,000,000	0.000	
			State	0.000	0.000	58,000	16,000	600,000	0.000	
			Other	0.000	0.000	30,284	11,224	561,208	0.000	
	Project Total			0.000	0.000	350,000	100,000	5,000,000	0.000	0.000
2384	Bridge Rehabilitation	2		180,000						
		3								
		4								
			STIP	0.000	0.000					
			State	1,001,000						
			Other	1,001,000						
	Project Total			2,002,000						
2386	Traverse Dam Road Completion	2								
		3								
		4								
			STIP	0.000	181,840		0.000	0.000	0.000	
			State	0.000	18,892		0.000	8,000	0.000	
			Other							
	Project Total			0.000	200,732		0.000	8,000	0.000	
13039	Implementation of the Intelligent Transportation System Strategic Deployment Plan	all		3,780,000						
			STIP	1,876,000	0.000	0.000	0.000	0.000	0.000	
			State	1,775,000	0.000	0.000	0.000	0.000	0.000	
			Other	730,000	0.000	0.000	0.000	0.000	0.000	
	Project Total			3,780,000	0.000	0.000	0.000	0.000	0.000	
10070	Juniper Capital Transit Bicycle Improvements	2								
		3								
		4								
			STIP	0.000	0.000	0.000	0.000	0.000	0.000	
			State	0.000	0.000	0.000	0.000	0.000	0.000	
			Other							
	Project Total			0.000	0.000	0.000	0.000	0.000	0.000	
				0.000	0.000	0.000	0.000	0.000	0.000	0.000

Attachment D  
p. 2 of 2

**HB 473**

**TESTIMONY OF  
GEOFFREY PARKER**

**ATTACHMENT E**

MAR-18-00 THU 04:24 PM ANC LEGIS INFO OFC

FAX NO. 807 289 0229

P. 01



# LAWS OF ALASKA

## 1995

Chapter No.  
103

Source  
SCS CSHE 268(FIN) am. S (recompressed)

ration:  
y created under  
created under  
  
on and Public  
construction of  
transfer facilities

### AN ACT

Corporation:  
nt Board:  
Institute:

Making and amending appropriations; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Approved with Item Vetoes: June 30, 1995  
Actual Effective Date: Sections 54 and 71 take effect July 2, 1995; remainder of Act takes effect July 1, 1995

Post-it® Fax Note	7671	Date	3-16	# of pages	2
To	Jeff Barker	From	ANC LID		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	272-3317	Fax #			

Attachment  
P 1 of 4

MAR-18-00 THU 04:24 PM ANC LEGIS INFO OFC

FAX NO. 907 269 0229

P. 02

Department of Transportation/Public Facilities (cont.)				Department of Transportation			
	Appropriation	General	Other				
	Accounts	Fund	Fund				
4	Nome - Harding Street and	20,000			4	Alaska Marine Highways	
5	Rocky Gulch Park,				5	Compliance Mon	
6	Transportation Enhancements				6	Communications	
7	(ED 38)				7	Alaska Marine Highways	
8	Saint Mary's - Airport Road	200,000			8	Seaweed Seabed	
9	Rehabilitation (ED 38)				9	(ED 37)	
10	Saint Michael - Sanitation	150,000			10	Alaska Marine Highways	
11	Road Construction (ED 38)				11	Pier Safety	
12	Seaplane Bay - Sanitation Road	2,400,000			12	Belton Highway	
13	Construction (ED 38)				13	Rehabilitation	
14	Shaktolik - Landfill Road	250,000			14	Belton Highway	
15	Construction (ED 38)				15	Reconstruction	
16	Toksook Bay - Sanitation Road	730,000			16	Elliot Highway	
17	Construction (ED 38)				17	Rehabilitation	
18	Unalakleet - Landfill Road	500,000			18	Glenn Highway	
19	Construction (ED 38)				19	(Regional Dev	
20	Bethel - Kitchener Drive	1,300,000			20	Rehabilitation	
21	Rehabilitation (ED 39)				21	Glenn Highway	
22	Billingham - Aleknagik Road	1,350,000			22	(Kings River)	
23	Rehabilitation MP 7-23 (ED 39)				23	(ED 38)	
24	Kwigillingak - Airport Access	730,000			24	Glenn Highway	
25	Road Improvements (ED 38)				25	(Denochle Hill	
26	Mapakik - Sanitation Road	310,000			26	Rehabilitation	
27	Construction (ED 39)				27	Northern Region	
28	Tuntutuliak - Airport Sewage	1,250,000			28	Safety Improv	
29	Lagoon Boardwalk Construction				29	(ED 39)	
30	(ED 39)				30	Northern Region	
31	Igluigig Landfill Access Road	500,000			31	Management Sys	
32	Construction (ED 40)				32	Implementation	
33	Mondakton - Iliamna Road	5,300,000			33	Northern Region	
34	Reconstruction/Completion				34	Signage, Trar	
35	(ED 40)				35	Enhancement	
36	Sand Point - Main Street to	650,000			36	Payment Monayw	
37	Airport Road Rehabilitation				37	Skills Training	
38	(ED 40)						

AS 28.00.000  
P 274



LAWS OF ALASKA

1996

Source

HCS 2d CSSD 1361(IN) with H(b)1, FWD, and H(b)1(c)(1) (H.S.)

Appendix E  
P 384

Chapter No.

123

AN ACT

Making, amending, and repealing appropriations.

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

THE ACT FOLLOWS ON PAGE 1

Approved with Item Vetoed: June 30, 1996

Actual Effective Date: July 1, 1996, per sec. 20, ch. 5, FSSLA 1996. Section 13(a) is retroactive to June 30, 1994; section 27(d) is retroactive to July 7, 1993; section 32(a) is retroactive to July 1, 1994; section 32(b) is retroactive to July 1, 1993

Chapter 123

1 Department of Transportation/Public Facilities (cont.)		Chapter 123		
	Appropriation	General	Other	
	Allocations	Fund	Funds	
4	Glenn Highway: MP 97 to 100	1,000,000		
5	Rehabilitation, Pinocchio Mill			
6	(ED 26-28)			
7	Homes East End Road 0.0-1.75	3,120,000		
8	Rehabilitation (ED 7)			
9	Homes Ferry Terminal Building	175,000		
10	Improvements (ED 8)			
11	Xonger Bay Sanitation Road	3,580,000		
12	Construction (ED 18)			
13	Ilisnoo-Wendalton Road	5,880,000		
14	Construction (ED 40)			
15	<del>construction phases of the Ilisnoo-Wendalton Road, the Department of Transportation and Public Facilities shall reconsider the level of environmental evaluation needed</del>			
16	<del>for the project.</del>			
18	Juneau - Capital Transit	1,040,000		
19	Busse Purchase (ED 3)			
21	Juneau - Glacier Highway:	6,370,000		
22	Indian Point to Point Louisa			
23	Reconstruction/Allocation			
24	(ED 4)			
25	Juneau - Thane Road Ferry	2,420,000		
26	Terminal to Rock Dump			
27	Reconstruction (ED 3)			
28	Juneau: Willoughby and	645,000		
29	Glacier Avenue Rehabilitation			
30	(ED 3)			
31	Kake Ferry Terminal Dolphin	1,100,000		
32	and Bridge Replacement (ED 5)			
33	Ketchikan Seaman Roads	690,000		
34	Improvements (ED 1)			
35	Ketchikan-Herring Cove &	470,000		
36	Ketchikan Creek Bridges			
37	Rehabilitation (ED 1)			

Chapter 123

1 Department of Transportation/Public Facilities (cont.)		Chapter 123		
	Appropriation	General	Other	
	Allocations	Fund	Funds	
1	Ketchikan: North Tongass	1,720,000		
2	Highway: Hard Cove to Whipple			
3	Creek Widening (ED 1)			
4	Ketchikan: Tongass/3rd Avenue	1,490,000		
5	Reconstruction/Extension			
6	(ED 1)			
7	Elgnuk Sanitation Road	100,000		
8	Construction (ED 19)			
9	Rodisk: Chinik Highway:	800,000		
10	Maintain Hill Hazard Removal			
11	(ED 4)			
12	Rodisk: Resand Drive 'V'	1,220,000		
13	Intersection Improvement			
14	(ED 4)			
15	H/V Hataniska Life Boats and	1,380,000		
16	Structural Renewal (ED 99)			
17	H/V Twatunasa Structural Fire	500,000		
18	Proofing (ED 99)			
19	Matanuska-Susitna: Vine Road	1,700,000		
20	(ED 26-28)			
21	Matanuska-Susitna: Edlund	480,000		
22	Road Rehabilitation (ED 26-28)			
23	Matanuska-Susitna: Hollywood	1,100,000		
24	Road Improvements (ED 26-28)			
25	Matanuska-Susitna: Houston -	480,000		
26	King Arthur Road Resurfacing			
27	(ED 26-28)			
28	Hatlekalia: Dunes Purchase	200,000		
29	(ED 5)			
30	Hone City Field Structures	350,000		
31	(ED 18)			
32	Northern Region Pavement	1,120,000		
33	Crack Sealing & Bridge			
34	Rehabilitation (ED 19)			

Approved by  
R. J. B. 9

**HB 473**

**TESTIMONY OF  
GEOFFREY PARKER**

**ATTACHMENT F**

# SOUTHWEST ALASKA TRANSPORTATION PLAN

**An Element of the Alaska Statewide Transportation Plan**



Prepared for the

**Alaska Department of Transportation and Public Facilities**

Prepared by

**Parsons Brinckerhoff**

In association with

*HDR Alaska, Inc.*

*Northern Economics, Inc.*

*The Glosien Associates, Inc.*

*Christopher Beck & Associates*

*Ogden Beeman & Associates, Inc*

**February 2002**

**ON THE WEB!** <http://www.dot.state.ak.us> Public comment period ends March 25, 2002

*Attachment F  
P 186*



## Preface

---

This document presents the Southwest Alaska Transportation Plan, which culminates a four-year effort to define and select a blueprint for the region's transportation future in the coming decades. The Alaska Department of Transportation and Public Facilities (DOT&PF), as the State agency responsible for highways, ferries, airports and ports and harbors, undertook this effort to ensure that future investments in the region's transportation infrastructure are the most cost-effective and beneficial to the residents of the region.

This plan is one of a series of regional, multi-modal transportation plans being undertaken for Alaskan communities. It forms part of the Statewide Transportation Plan and presents the project recommendations for the Southwest Alaska region. This plan draws its authority from Alaska Statute 44.42.050, which requires DOT&PF to prepare plans for transportation facilities, and is also an element of the Federally-required Statewide Transportation Plan as defined in 23 CFR 450.214. The Federal requirement is important, as Federal transportation funds must be allocated consistent with transportation plans prepared following Federal guidelines.

The Southwest Alaska Transportation Plan is not about changing services and facilities for the sake of change. Rather, it reflects a broad-based public involvement effort that seeks to improve year-round mobility and access for residents and visitors, lower the costs of moving goods, and remove barriers to regional economic development and coordination.

Because of the remote and largely undeveloped character of the region, conventional methods for determining the value of system improvements used in typical urban and rural settings are not helpful. Rather, the plan examines the region's geographical, economic and socio-political characteristics and envisions the corridors that would link the communities together. The multi-modal analysis then proceeds to determine the most economical sequence for establishing infrastructure and the most suitable facilities to employ.

We concede that some infrastructure improvements recommended in these pages may not "pay for themselves" using typical methods used to assess costs and benefits over a 20-year timeframe. The question is much more basic: "What transportation infrastructure is needed to provide a stable economic climate in the region, and how is the best way to go about investing in it?" Transportation is intrinsic to the region's economic vitality, providing the necessary mobility to make the difference between self-sufficiency and dependency. The Southwest Alaska Transportation Plan begins the long process of infrastructure development in the region.

This infrastructure will lower the per-person costs of government services, enhance the region's economic outlook, and improve the quality of life and future of the region's families and businesses.

This document does not portray the sum total of the planning effort, but rather a summation of the findings and key processes. The supporting technical memoranda are numerous, each representing the findings up to the point when it was published. Due to the limited planning budget, the technical memoranda were not revised to bring them up-to-date, but new findings were incorporated into each subsequent product. The technical memoranda can be accessed and downloaded through DOT&PF's website (<http://www.dot.state.ak.us>) or can be sent in CD form upon written request.

Attachment F  
p. 2 of 6

**Table 11**  
**Recommended Priority Order for Road Construction**  
**Cook Inlet to Bristol Bay Corridor**

Segment	Estimated Capital Cost
Williamsport to Pile Bay	\$34,885,500
Naknek to South Naknek	\$59,805,500
Pile Bay to Pedro Bay to Iliamna	\$51,870,000
Iliamna to Igiugig	\$87,880,000
Igiugig to Naknek	\$127,675,000

Table 12 describes cost and effectiveness measures for each of the Cook Inlet to Bristol Bay Corridor roadway segments. The first recommended segment, Williamsport to Pile Bay, has the lowest net annualized cost of the group, while the second segment, Naknek to South Naknek has the lowest net annualized cost per person trip accommodated. The Naknek to South Naknek connection, by providing access for South Naknek residents to the communities on the north side of the Naknek River and to the regional airport at King Salmon, would shift the purpose of the South Naknek airport away from its current role as primary community access. With a bridge connection to South Naknek, the appropriate roles and ownership of all the airports in the Bristol Bay Borough, South Naknek, Naknek and King Salmon, should be re-examined. Projects for this area in the Statewide Transportation Improvement Program include:

Programmed Projects (FY 2001-2003)		
Location	Description	Estimated Capital Cost
Iliamna - Nondalton	Newhalen River Bridge and roadway improvements	\$5,300,000
Igiugig	Sanitation Road. Construct approximately 0.3 miles of new gravel surface roadway and widen/resurface another 0.3 miles of existing road.	\$1,200,000
Naknek / King Salmon	In Naknek construct approximately 3.5 miles of bike/ped trails from downtown to Donna G. Subdivision. In King Salmon construct approximately 2.5 miles of trail from downtown to Flat Nose Henry Road.	\$3,150,000
Proposed Projects		
Location	Description	Estimated Capital Cost
King Salmon	King Salmon/Naknek Road Improvements	\$12,593,000
King Salmon	Naknek Lake Access Road improvements	\$3,445,000
Naknek	Naknek Crossing road link and area aviation needs study	\$200,000
Naknek	2 <sup>nd</sup> Avenue reconstruction	\$837,000
Naknek	Pederson Point Road extension	\$1,750,000
Pedro Bay	Rushing Creek Bridge replacement	\$687,000

*Attachment F*  
*p. 376*

**Table 12  
Cost and Effectiveness Measures of Proposed Roadway Segments  
Cook Inlet to Bristol Bay Corridor**

Segment	Annual O&M Cost	Annualized Capital Cost @ 7% Interest	Annualized Capital Cost plus O&M Cost	Estimated Annual Freight Cost Savings <sup>10</sup>	Net Annualized Cost	Cook Inlet to Bristol Bay Roadway System Only		Full System	
						Estimated Annual 2020 Person Trips	Net Annualized Cost per Person Trip	Estimated Annual 2020 Person Trips	Net Annualized Cost per Person Trip
Williamsport to Pile Bay	\$208,250	\$3,292,940	\$3,502,200	\$3,554,600	\$0	1,800	\$0.00	5,000	\$0.00
Pile Bay to Pedro Bay to Ilfamna	\$513,000	\$4,898,160	\$5,409,200	\$754,100	\$4,655,100	22,900	\$203.28	33,300	\$139.79
Ilfamna to Iglugig	\$758,000	\$8,295,250	\$9,051,300	\$89,300	\$8,962,000	116,800	\$77.39	126,300	\$70.86
Iglugig to Naknek	\$1,012,500	\$12,051,620	\$13,064,100	\$2,076,800	\$10,987,500	127,500	\$86.18	214,460	\$51.24
Naknek to South Naknek	\$81,290	\$5,845,220	\$5,706,500	\$340,100	\$5,366,400	115,400	\$46.50	278,300	\$19.28

*Appendix F  
p. 4 of 6*

<sup>10</sup> The calculation of freight cost savings is described in Appendix B of this report.

**Table 15**  
**Recommended Priority Order for Road Construction**  
**Alaska Peninsula Corridor**

Segment	Estimated Capital Cost
Chignik Intervillage Road	\$28,146,000
Chignik to Port Heiden	\$84,630,000
Chignik to Perryville	\$56,166,500
Perryville to Ivanof Bay	\$13,650,000
Port Heiden to Ugashik	\$119,847,000
Ugashik to Pilot Point	\$53,067,000
Pilot Point to Egegik	\$74,802,000
Egegik to South Naknek	\$129,205,000

### Air Transportation System

A number of aviation improvement projects are currently programmed for airports in the Alaska Peninsula Corridor<sup>12</sup>:

Programmed Projects (FY 2001-2003)		
Location	Description	Estimated Capital Cost
Chignik Lagoon	ALP Update	\$60,000
Egegik	Runway Extension and Resurfacing and Crosswind Runway	\$5,500,000
Ivanof Bay	Airport Master Plan	\$350,000
Perryville	Airport Improvements Stage 1	\$250,000
Port Heiden	Runway Resurfacing and Safety Area Expansion	\$4,100,000
Proposed Projects		
Location	Description	Estimated Capital Cost
Chignik area	Tri-community Airport Master Plan <sup>1</sup>	\$400,000
Chignik	Airport Lighting Installation	\$350,000
Chignik Lagoon	Interim Improvements <sup>2</sup>	\$1,000,000
Chignik Lake	Airport Improvements <sup>2</sup>	\$2,800,000
Perryville	Airport Improvements Stage 2	\$2,500,000
Pilot Point	Runway Extension	\$3,000,000

<sup>1</sup> Southwest Transportation Plan recommendation. Not previously on Aviation Needs List

<sup>2</sup> Need documented on Aviation Needs List but project should be reevaluated pending completion of tri-community Airport Master Plan

ATTACHED  
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<sup>12</sup> The projects included in this table are based upon a spreadsheet provided by Roger Maggard to Stephanie MacLachlan on March 20, 2001. Only those projects slated for funding by FY 2003 are included. In an effort to report only projects of regional significance, equipment purchases and other "operational" expenditures are not included.

**Table 16**  
**Cost and Effectiveness Measures of Proposed Roadway Segments**  
**Alaska Peninsula Corridor**

Segment	Annual O&M Cost	Annualized Capital Cost @ 7% Interest	Annualized Capital Cost plus O&M Cost	Estimated Annual Freight Cost Savings	Net Annualized Cost	Alaska Peninsula Roadway System Only		Full System	
						Estimated Annual 2020 Person Trips	Net Annualized Cost per Person Trip	Estimated Annual 2020 Person Trips	Net Annualized Cost per Person Trip
South Naknek to Egegik	\$877,500	\$12,196,040	\$13,073,500	\$0	\$13,073,500	-	NA	149,500	\$87.46
Egegik to Pilot Point	\$739,800	\$7,060,780	\$7,800,600	\$387,300	\$7,433,300	21,300	\$348.98	120,100	\$61.89
Pilot Point to Ugashik	\$159,300	\$5,009,150	\$5,168,500	\$468,000	\$4,699,500	31,800	\$147.78	95,200	\$49.36
Ugashik to Port Helden	\$1,185,300	\$11,312,710	\$12,498,000	\$35,700	\$12,462,300	32,400	\$384.64	93,300	\$133.57
Port Helden to Chignik	\$837,000	\$7,988,470	\$8,825,500	\$639,500	\$8,186,000	42,700	\$191.71	71,100	\$115.13
Chignik Intervillage Road	\$305,100	\$2,911,930	\$3,217,000	\$1,094,800	\$2,122,200	109,800	\$19.36	110,800	\$19.15
Chignik to Perryville	\$541,350	\$6,301,720	\$5,843,100	\$445,800	\$5,397,300	26,800	\$201.39	27,500	\$196.27
Perryville to Ivanof Bay	\$135,000	\$1,288,460	\$1,423,500	\$73,000	\$1,350,500	12,500	\$108.04	12,800	\$105.51

*AKA  
P. 676*

Attachment B (Excerpt of ADOT contract re: Extension of Coastal Trail):

- Contract for preliminary engineering, design and environmental is a "time and expense" contract – a form of public contract that is highly disfavored because it contains no incentive to control costs.

Attachment C (ADOT approval in 1986 of benefit-cost analysis re: Iliamna-Nondalton Road):

- Benefit-cost ratio in 1986 for proposed Iliamna-Nondalton Road was 0.26, and therefore project was cancelled as not economically justified after \$4 million wasted.

Attachment D (Excerpt of ADOT's current Statewide Transportation Improvement Program re: Iliamna-Nondalton project):

- Iliamna-Nondalton is revived without any new cost-benefit analysis.

Attachment E (Excerpts of 1995 and 1996 capital budget acts re Iliamna-Nondalton project):

- Why does ADOT seek \$10 million for a project it claims will cost \$5 million?

Attachment F (Excerpt of February 2002 Draft Southwest Alaska Transportation Plan):

- Concedes (p. vi) that "some" recommended projects are not cost-beneficial.
- Table 11 -- Cook Inlet to Bristol Bay corridor estimated cost is \$363 MILLION.
- Table 12 -- Cook Inlet-Bristol Bay corridor costs far more than it saves. Annualized Capital cost to State (capital + O&M): \$37 million/year. Net Annualized cost to Alaskans: \$30 million. Net Annualized Savings to Alaskans: \$6 million. Benefit-cost ratio: \$6 million/\$37 million equals 0.16.
- Table 15 -- Alaska Peninsula corridor estimated cost is \$556 MILLION.
- Table 16 -- Alaska Peninsula corridor costs far more than it save. Annualized Capital cost to State (capital + O&M): \$57 million/year. Net Annualized cost to Alaskans: \$54 million. Net Annualized Savings to Alaskans: \$3 million. Benefit-cost ratio: \$3 million/\$57 million equals 0.05.
- Conclusion: ADOT proposes wasting a BILLION DOLLARS on projects not cost-beneficial.

SUMMATION:

The issue is how to achieve efficient expenditure of transportation dollars and avoid waste, without interfering with federally required planning requirements. The Coastal Trail, the Iliamna-Nondalton project, and the Southwest Plan reveal two problems: (1) when preliminary design costs skyrocket, as in the case of the Coastal Trail, the project is not evolving as originally anticipated, and the costs and benefits are likely to be very different than originally anticipated; (2) ADOT proposes vast waste on projects it admits are not cost-effective.

HB 473 addresses the first by requiring an updated cost benefit analysis. HB 473 should be amended to address the second by requiring an updated analysis in the second situation, too, because years may elapse between the plan and the funding request.

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Outline of Jeff Parker's Testimony on HB 473  
March 4, 2002

PURPOSES OF HB 473:

- Promote efficient transportation planning and expenditures by reducing waste on inefficient projects.
- Enhance legislature's and public's ability to examine costs and benefits of new projects.

MAIN POINTS:

- ADOT does not prepare an annual state transportation plan required by AS 44.42.050.

Missing ingredient: cost-benefit analysis of any new transportation facility.

Results: (1) deprives the legislature of an ability to compare the cost-effectiveness of projects; (2) deprives legislature of an ability to prevent waste on ineffective projects; (3) diminishes ability to fund effective projects; (4) inhibits ability to fund proper maintenance.

- HB 473 would improve the situation by compelling an updated cost-benefit analysis whenever costs of preliminary engineering and design skyrocket on a new facility.
- HB 473 could be amended to improve it further by providing that an updated cost-benefit analysis would also be required if no construction has occurred and significant time, such as three years, has elapsed since the legislature initially allocated funds to the project.
- Updating cost-benefit analysis is appropriate in such circumstances. Dramatically increased costs for preliminary design and engineering indicate that the project is not evolving as originally anticipated and may cost substantially more to construct. Significant passage of time without construction may mean that other projects are more deserving.

ATTACHMENTS

Attachment A (ADOT-FHWA Project Agreements re: Extension of Coastal Trail):

- Costs of preliminary engineering and design, including environmental analysis, have skyrocketed from \$300,000 to \$ 2.2 million, and there is still no proposed route or environmental document.
- This indicates that costs of construction and maintenance are likely to be very different from original estimates, and updated cost-benefit analysis would help Legislature decide whether to fund a substantially-changed project.

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6262 W. Dimond Blvd.  
Anchorage, Alaska 99502  
Phone: (907-243-1894)  
E-mail: [dessert@uci.net](mailto:dessert@uci.net)

Testimony on HB 473  
Submitted March 5, 2002

- **Background:** My name is Deanna Essert and I live at 6262 W. Dimond Blvd. I have served on the Citizen's Advisory Group for The South Coastal Trail Extension in 99 and 2000. Presently I serve as the Sand Lake Community Council representative to AMATS, (Anchorage Metropolitan Area Transportation Study) where I act as an observer of the AMATS Technical Advisory and Policy committees. My duties are to report on proposed projects and their costs. Originally I became interested in AMATS in 1996 when the request was made for the initial \$300,000 allocation for preliminary engineering to extend the existing Coastal Trail. According to the Areawide Trails Plan, this trail is supposed to improve the travel options in under-served South Anchorage. Sand Lake has had difficulty in securing funding to build any new links in the existing trail system. Studies that supported links were often shelved and new trails were proposed, each more grandiose than the other. My interest is in a cost effective trail that will benefit people of all ages and abilities and provide safe convenient access to link our parks, recreation facilities and schools.
- **History of Participation:** Over the years I have increased my attendance at AMATS meetings and have become increasingly concerned about the methods used for advancing projects and at the alarming increase in costs for some projects. I note that individual members of the AMATS Technical and Policy Committees have protested that they have difficulty in tracking individual projects. Supposedly, projects are selected for the TIP (Transportation Improvement Program) based on a set of ranking criteria. There is no cost benefit analysis that determines how individual projects are ranked. New projects are added and projects already on the TIP are often moved down in ranking or shifted to the Capital Improvement Program for bonding. Projects that cost the most often migrate to the top of the list.
- **Example #1:** One example of a project that is out of control on the TIP is the extension of the South Coastal Trail. Preliminary Engineering costs for the Coastal Trail extension have expanded from the initial \$300,000 in 1996 to the present \$2,200,000. In January of 2002 the Policy Committee requested an additional \$250,000 for design of the Coastal Trail. At the time of this latest request, Frank Dillon, from the Policy Committee asked ADOT what was the intended use of the \$200,000 since he was not aware something had been designed or that a route had been chosen for the Coastal Trail Extension. Ms. Rigg from DOT explained that additional funding was requested for preliminary engineering. While the dollars are being allocated for preliminary engineering for the Coastal Trail extension, other projects that are more cost effective are being delayed or moved off the TIP. I support Mr. Parker's argument for requiring an updated cost-benefit analysis whenever costs for preliminary engineering and design increase disproportionately for a new project.

- **Example #2:** A second example of a project that is out of control on the TIP is the Ship Creek Trail. Changes in the project pushed up the cost of the Ship Creek Trail from the initial projected \$5,700,000 to the projected \$9,290,000 in the Amended 1998-2000 TIP. The Ship Creek Trail project was originally written to extend the Coastal trail 4 miles, from its current terminus at 2<sup>nd</sup> Ave., via Ship Creek to the Glenn Highway with connections to Government Hill. In the 2001-2003 Amended TIP, the Ship Creek Trail now has four phases and an anotation explaining that "funding for construction needs to be adjusted in future TIP amendments updates." It is now 2002, four years since funds were allocated for the project and no construction has occurred. Mr. Parker's proposal to require an updated cost-benefit analysis, if construction doesn't occur within three years of allocation of funds, will help contain costs and steer funding towards more deserving projects.
- **Overview:** As a concerned citizen, I have inquired why preliminary engineering and design costs double and triple for projects. One ADOT planner stated "it costs what it costs". No one could explain WHY it costs what it costs! Due to my concern, I volunteered to review ADOT contracts and spent multiple afternoons reviewing contracts for various state projects. Many compensation contracts masquarading as "time plus expenses" allowed the contractors to increase their fees by increasing their costs. A better description of this type of compensation contract would be "cost plus % of cost" and I understand that this type of compensation contract is illegal under FHWA guidelines. Now, I know why it "costs what it costs"!
- **SUMMARY**  
I support HB 473 because it will improve the Legislature's ability to curtail costs and bring projects forward that are cost effective. Massive projects consume most of the Federal TEA-21 dollars and often require expensive redesign and maintenance. Often, the promised economic benefits do not meet expectations, but the economic costs exceed expectations. **Requiring** a cost-benefit analysis in the initial planning stages will save us millions of dollars.

Deanna Essert

*Deanna Essert*

**TESTIMONY ON HB 473**  
**TIMOTHY G. BRIDGMAN**  
**MARCH 5, 2002**

Good afternoon. My name is Tim Bridgman. My permanent residence for the last twenty years is 240 Pacific View Drive in Anchorage. I am a degreed civil engineer and am self-employed as a consultant specializing in project management of projects requiring design, construction, operations and maintenance. I am testifying to support HB 473.

I am concerned with a tendency for some projects that pass over the threshold of good engineering practice and economic sense and seemingly develop a mind of their own as they are further propelled by emotions and other forces to a point that is way past their economic justification. HB 473 will curb these runaway projects by requiring a reassessment of the project if the initial costs of design and environmental assessment exceed the original estimate by 50%. The reassessment will be included in the annual update of the State Transportation Plan, which is reviewed and approved by the Legislature.

When estimating the cost of a project, it is obviously not possible to know exactly the pitfalls that will lie ahead that will drive up the costs of the design. That is why contingencies for unknown conditions are included in the originating estimates. Therefore a project whose costs have exceeded the estimate by more than 50% indicates that something is drastically different from the assumptions made in the original estimate. This bill calls for a reassessment of these projects.

*the evaluation of projects*

One tool used in this analysis is the cost/benefit analysis, which is an estimate of the costs of a project ~~and is~~ <sup>and is</sup> compared to the costs of the benefits usually expressed as a ratio of benefit costs divided by the project costs. This should not be confused with ~~costs and benefits~~ <sup>the requirement for</sup> ~~benefits~~, which sometimes appears as a list of the costs and list of the benefits without attempting to quantify the benefits.

*cost/benefit*

By way of example, I would like to mention two projects that have escalated in costs way beyond the threshold of reasonableness and economic sense and where I think this bill will give the Legislature the opportunity for further review. The examples are the

~~Anchorage Coastal Trail and the Illiamna-Nondalton road.~~

*Further amplify costs associated with* *Not repeat Mr. Parker's testimony*

I have a personal interest in the Anchorage Coastal Trail and so have attempted to inform myself of its progress. The Project Agreement between the Federal Highway Administration and the Alaska Department of Transportation was signed on September 11, 1996 and authorized funding for preliminary engineering through to the approval of environmental documents amounting to \$305,000.

In September 1998, additional design funds for further environmental analysis were requested bringing the total design funding to \$1,220,000.

A further request for additional design funds was made in April 2000 to perform additional technical studies bringing the total for design funding to \$2,220,000. We are now four years into the project, nothing has been built, and we have spent over two million dollars for a lot of paper. Members of the Legislature, please, at what point do we say enough is enough?

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We know that projects go through changed conditions. We also know that projects are driven by many forces not all of them either logical or economic. However, I urge you to support HB 473 because it will provide you, the Legislature, with legislative oversight of projects that appear to be out of control.

COVER SHEET

Anchorage Legislative Information Office  
Office - (907) 269-0111 Fax - (907) 269-0229

To: (H) Transportation

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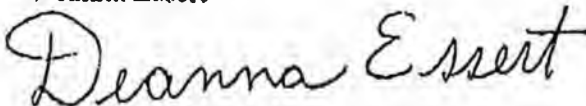
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*delete*

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