

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

10714 SENATE TRANSPORTATION

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HB

271

Alaska State Legislature

HOUSE OF REPRESENTATIVES

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Labor & Commerce



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Labor & Commerce Sub-Committee

Aviation Insurance

Punitive Damage Statutory Limit

An integral part of dealing with the dilemma of unobtainable aviation insurance was addressing the issue of exorbitant court awards.

So Rep. Halcro went to the source: spoke with representatives of the insurance companies:

- the issues of pooling and industry enhancements in the way of safety initiatives are fine in their own right, but.....
- the only viable solution that would have a direct effect on insurance rates would need to involve some sort of tort reform.

Consensus of recent AK Air Carriers Conference that some sort of Tort Reform is the real solution.

In this regard, Work Draft #22-LS0741A Limits the amount of punitive damages that can be awarded in the event of an aviation accident.

The amounts shown are purely a starting point, being reflective of what is currently in statute under other limits:

A plausible solutions is limits not to exceed:
\$500K for with < 100 employees
\$1M for companies with > 100 employees

Intention: To provide a tangible limit to the liability incurred when writing policies in Alaska.

Factors:

- Jury awards have been steadily increasing in the past decade
- The liability assumed by insurers has been expanded by recent court decisions, which had an immediate, direct affect of increases for policy premiums



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Anchorage Daily News

State air carriers feel insurance pinch

COSTS: Rates have risen at least 20 percent in the past year.

The Associated Press

(Published: February 27, 2002)

Anchorage -- Alaska air carriers are being squeezed by rising insurance premiums and a dwindling number of companies willing to write policies.

Now only a handful of companies offer policies in Alaska.

Air carriers and insurance officials blame high accident rates and repair costs, a slumping stock market and the cost of doing business after the Sept. 11 terrorist attacks.

The bottom line is that increased costs will likely be passed on to passengers.

Rates for Alaska air carriers have increased from 20 percent to more than triple in the past year, depending on the number of company claims, said Mike Salazar, a Ketchikan-based agent with Acordia Northwest, an insurance brokerage firm in Seattle.

"Most air carriers with a clean record had a 20 percent increase," said Salazar, adding that those who had claims are seeing rates go up as high as 200 percent or more.

Mike Vanard, vice president of Seattle-based U.S. Aviation Underwriters Inc., said insurance that his company offers has risen 18 to 30 percent in the last year.

"Insurance is cyclical, it has big, sweeping curves. Right now we're at the opposite (high) end of that curve," Vanard said.

Orin Seybert, president of Peninsula Airways Inc., has been in the commercial airline business since 1956. The longtime Alaska aviator agreed the rates are cyclical.

"I look at insurance like a pendulum, it goes in cycles, every four to six years it goes up," Seybert said. "It's been edging up there and it is absolutely the highest I've seen it."

Seybert said insurance accounts for about 10 percent of his company's overall costs.

Vanard's company is one of about five or six companies willing to offer insurance in Alaska. A few years ago that number was at least a dozen, according to air carriers and insurance officials.

Nationwide, there also has been a decrease in the number of companies willing to insure air carriers.

Aviation insurance companies, who write both general aviation and commercial policies, have paid out as much as \$1.25 for every dollar taken in, but the company would still make money in investments during a healthy economy, said Thomas Turner, an aviation author and former insurance broker based in Cleveland, Tenn.

Until a few years ago underwriters could operate at a loss, turn around and take the money and invest it in the stock market and make a small fortune out of it," he said.

Air carriers see leap in insurance bills

By James MacPherson
Journal Reporter

Insurance premiums are skyrocketing for air carriers, and the number of companies willing to write policies in Alaska has dropped to just a handful in the past few years.

High accident rates and repair costs, a slumping stock market, lawsuits and the terrorists attacks of Sept. 11 are just some of the reasons for soaring insurance costs in Alaska and elsewhere, air carriers and insurance officials say.

The bottom line likely will be increased prices for airplane seats, as the costs will be

passed on to passengers.

Rates for Alaska air carriers have increased anywhere from 20 percent to more than triple in the past year, depending on the number of company claims, said Mike Salazar, a Ketchikan-based agent with Acordia Northwest, an insurance brokerage firm in Seattle.

"Most air carriers with a clean record had a 20 percent increase," said Salazar, adding that those who had claims are seeing rates go up as high as 200 percent or more.

Salazar is not unsympathetic to air carri-

ers. For nearly 30 years before selling aviation insurance, he owned Ketchikan Air Service Inc., a company he sold in 1998.

"Certainly my time in the industry helped me understand the problems on their side of the fence," Salazar said.

Mike Vanard, vice president of Seattle-based U.S. Aviation Underwriters Inc., said insurance his company offers generally has risen 18 to 30 percent in the last year.

"Insurance is cyclical, it has big, sweeping curves. Right now we're at the opposite (high) end of that curve," Vanard said.

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Economy helps push insurance rates up

Continued from Page 1

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Nationwide, there also has been a decrease in the amount of companies willing to insure air carriers.

When selling insurance, companies, whether aviation or otherwise, bet that they will not have to pay out a claim; those buying an insurance policy are betting they may have a claim, said Thomas Turner, an aviation author and former insurance broker based in Cleveland, Tenn.

In the case of aviation, both sides are losing, Turner said, as accidents are up and so are claim amounts.

That also has prompted many insurance underwriters to get out of the aviation business, Turner said.

Key to understanding aviation insurance industry is what is called "loss ratio," the amount of money paid out in claims versus what is taken in by the insurer, Turner said.

Aviation insurance companies, who write both general aviation and commercial policies, have paid out as much as \$1.25 for every dollar taken in, but the company would still make money — 30 percent or more — in investments during a healthy economy, Turner said.

"Until a few years ago underwriters could operate at a loss, turn around and take the money and invest it in the stock market and make a small fortune out of it," Turner said.

Seybert, who has operated in Alaska for 46 years, said he believes the economy more than claims is what drives insurance costs.

"Rates are not determined by losses as much as on the economy in general," Seybert said.

Simply buying aviation insurance is not the problem, but the amount of coverage offered to many carriers may not be sufficient to cover lawsuits, air carrier and insurance representatives say.

Many air carriers in the state are operating at minimum liability coverage levels, but not by choice.

"Some operators are at a \$250,000 per person limit, and in this day and age, that is unrealistic. The carrier is exposed," Seybert said.

Most carriers in Alaska, according to Salazar of Acordia Northwest, carry insurance liability minimums of between \$500,000 and \$1 million per aircraft passenger seat.

"Most attorneys will almost always try to breach that," Salazar said.

The threat of lawsuits scares underwriters, Turner said, and most insurance companies know they'll lose a jury trial. Out-of-court settlements are typical, he said.

"From a legal standpoint, pilot negligence is easy to prove, because almost all accidents do have some sort of pilot error," Turner said.

Title: *Aviation* rates set to take off.

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Abstract: Focuses on the anticipated rate hikes for *aviation insurance* in the United States according to discussions at the 2000 meeting of the *Aviation Insurance Association* in Washington, D.C. Factors attributed to threats to the market's survival; Challenges in expanding the *insurance* market.

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AVIATION RATES SET TO TAKE OFF

WASHINGTON -- Commercial airlines and air frame manufacturers should prepare for dramatic *insurance* rate hikes later this year, says a top executive for a U.S. *aviation* underwriting group.

A leading underwriting executive in the London market agrees that the airline and *aviation* market cannot survive if claims continue to far outpace premium volume, as has been the case for most of the last decade.

And as underwriters try to push up rates, they will have to address several other market problems, including how to expand the market and replenish a depleted talent pool, said the executives during a session at the *Aviation Insurance Assn.*'s 24th Annual Educational Conference. The AIA held the conference in Washington earlier this month.

Opinions vary on whether the airline and *aviation* market is hardening, observed Daniel M. Izard, president and chief executive officer of Short Hills, N.J.-based Associated *Aviation* Underwriters, a consortium of U.S. underwriters.

Mr. Izard said that he hears from brokers that the market is too overcapitalized to turn, but he quickly pointed out that they have noticed a greater underwriting discipline among insurers.

"Most people recognize the time is at hand" for a market turn, Mr. Izard said.

Rates have been rising for the past six months, though the increases have not been sufficient, Mr. Izard said. Indeed, underwriters "didn't get the job done during the fourth quarter," he said.

But during spring renewals -- a far less busy renewal season for underwriters than the peak fall renewal season -- rate hikes continued, Mr. Izard said.

Rates increased 15% to 20% for those few airlines that renewed their hull and liability *insurance* this spring, he said. Manufacturers' *insurance* rates rose by single digits up to 9%, he said.

"Underwriters appear to have drawn a line in the sand," Mr. Izard said.

For the remainder of the year, he said he expects to see rate hikes "on every class of business" that AAU writes, largely due to the higher reinsurance rates that underwriters are facing.

By the time fall renewals come along, "30% to 40% increases are not going to be uncommon," he predicted.

"We have some very definite changes in rates coming," Mr. Izard warned.

Mr. Izard and London market underwriting executive Graham A. Nichols said a hardened market is critical to maintain the market's viability after nearly a decade of underwriting losses.

For example, premium volume for the London airline and *aviation insurance* market during the 1990s exceeded claims in only two calendar years, noted Mr. Nichols, citing figures produced by the London Processing Centre. The LPC is the paper and electronic-processing unit of the International Underwriting Assn. of London.

And in both years, 1995 and 1996, premiums exceeded claims only marginally. But during the first four years of the decade and in 1998, claims exceeded premiums by between 25% and 75%.

"I don't understand how a market can trade on that set of figures for that length of time," said Mr. Nichols, chief executive and chief underwriter for Westminster *Insurance Agencies Ltd.*, which underwrites on behalf of two French companies in the London market.

"It's a pretty dire scene," he said.

Pointing to the U.S. airline and *aviation* market's 120% combined ratio in 1999, Mr. Izard described the market as "extremely volatile" for investors.

There are probably some emotional reasons to invest in the market right now "but not too many good business reasons," he observed. "Nobody can make money on investment income when we have a level of returns like that."

Mr. Nichols noted that the market does not have a capacity problem. "Whether we can deal with pricing is another question," he said.

"We have a huge responsibility" to the marketplace, Mr. Izard told airline and *aviation* underwriters. "The only way it is going to work is if we make money using other people's money."

Mr. Nichols said that the market does not want a rating correction that is forced on policyholders and underwriters because of a capacity shortfall resulting from investors abandoning the market.

"We don't want to see that happen to our customers," he said.

The consolidation of airlines and air frame manufacturers over the years has compounded the premium volume problem for underwriters, Mr. Nichols noted. Combined risks do not generate as much premium volume for underwriters.

In addition, bigger risks have much greater ability to retain losses or manage them differently using other financial markets, Mr. Nichols said. Such risk financing decisions could pull even more premium out of the market, he said.

"The fact that's not happening now might say something about the price of our product," Mr. Nichols observed.

But in addition to raising rates, airline and *aviation* insurers should take several other steps to improve their underwriting results and their investors' returns, Mr. Izard said.

U.S. underwriters in particular need to expand their market reach globally, he said. European insurers have been better about looking for growth beyond their borders because of the small size of their local markets, he said.

"We have to get aggressive or get left behind," Mr. Izard maintained.

Just as important, he said, is that "we have to provide more than the traditional *insurance* products."

With the convergence of financial services, "people are looking for non-traditional services for financial products," he said.

Outdated technology is another customer service problem for the market, according to Mr. Izard.

"The Internet has changed the world -- has changed how we perceive the world," Mr. Izard observed.

"We have to back away from the traditional way" of dealing with customers, he said. Insurers have to enhance their product, "and the Internet is a big part of that."

But to take advantage of that opportunity, a much bigger investment in technology by insurers will be required, he said.

"Insurers need to catch up quickly" to the technology investments other industries already have made, he said.

At the same time, the airline and *aviation insurance* market faces some "severe problems" in attracting and keeping talent, Mr. Izard noted. "We need to find ways to lure people into the business."

For example, he said, the U.S. market lacks international expertise. "We're a very provincial country, but we need to think more globally."

Mr. Izard said that all of the issues the market faces have important implications. Unless those matters are addressed, airline and *aviation* insurers face becoming takeover targets or having a tough time raising capital, he said.



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By Dave Lenckus

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## Cost of Plane *Insurance* Skyrockets

LONDON, Sep 28, 2001 (AP Online via COMTEX) -- Airlines are being hit with huge increases to insure their planes after the terrorist attacks in the United States, a major *aviation insurance* company said Friday.

Goshawk *Insurance* Holdings, which insures aircraft around the world, said rates had soared as much as 10-fold since the Sept. 11 terror attacks when four airliners were destroyed in the United States.

Goshawk finance director Chris Fagan said the cost of insuring planes against war, terrorism and political risks was increasing before the American attacks. *Insurance* companies have begun reviewing *aviation insurance* policies to reduce their risk after the American incidents, Fagan said.

The company denied the *insurance* industry was trying to profit from the recent attacks.

"Rates had started to go up anyway. We are reacting to the market," Fagan said.

Airlines around the world have cut services and dismissed staff as their business has plunged in the wake of the crisis. They are also struggling with increased security costs.

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**Alaska Aviation Accident Data Summary**  
**Alaska Interagency Aviation Safety Initiative**  
**NIOSH, Alaska Field Station**  
**April 25, 2000**

Prior to collation, these data were obtained from NTSB, FAA, Alaska Bureau of Vital Statistics, Alaska Office of the Medical Examiner, and the Alaska Department of Labor. All data for 1999 is preliminary.

- **Total aviation accidents in Alaska for the ten-year period of 1990-1999 = 1665, an average of one every other day**
  
- **Total aviation fatalities for 1990-1999 = 398, an average of one every 9 days**
  - There were 186 fatal crashes involving 194 aircraft during this time period with a total of 398 fatalities.
  - Of these 398 fatalities, 106 were occupational pilots, 86 were non-pilot occupational fatalities, and 206 were non-occupational fatalities.
  - The mean number of fatal crashes for this time period per year was 18.6, with an average of 2.1 fatalities per fatal crash, and an average of 39.8 fatalities per year.
  - 173 fatal crashes involved fixed wing aircraft, 14 involved helicopters (one crash involved both plane and helicopter, so adds to 187)
  - For 1990-1998, the most common first finding of the fatal crashes was loss of control in flight (28%), followed by in flight collision with terrain or water (28%), in flight encounter with weather (15%), and airframe/component/system failure/malfunction (5%). *(This section has not been updated for 1999 because data is not yet available.)*
  
- **Total serious injuries = 271 (1/90 through 10/99, most recent available data)**
  
- **Total minor injuries = 448 (1/90 through 10/99, most recent available data)**
  
- **Average of 11 pilot fatalities per year out of a commercial pilot workforce of 2600 = an annual pilot fatality rate of 420 per 100,000 pilots (or 0.4%).**
  - This is equivalent to a 30-year career fatality risk of 12% for commercial pilots in Alaska.
  - Compared to the average U.S. worker (with a 30-year career risk of 0.12), Alaska commercial pilots have a 100-fold increased risk of fatality.
  
- **Total of direct and indirect costs, and lost future wages based on 11 pilot fatalities per year are over \$18 million**

- **Total of direct and indirect costs, and lost future wages based on average of 9 non-pilot occupational deaths per year = yearly cost of \$9,279,000:**
- **Total of direct and indirect costs, and lost future wages based on average of 21 non-occupational deaths per year = yearly cost of \$26,355,000:**
- **Total combined costs of pilots, non-pilot occupational, and non-occupational fatalities = a total yearly cost of over \$53 million or over \$1.3 million per death.**

**Alaska Interagency Aviation Safety Initiative:**

- The 3-year interagency initiative involves the Federal Aviation Administration (FAA), the National Transportation Safety Board (NTSB), the National Weather Service (NWS), and the National Institute for Occupational Safety and Health (NIOSH). All four agencies share an interest in promoting aviation safety and preventing aircraft crashes. The initiative involves five elements:
  - Gather and analyze data
  - Bring together working groups
  - Work to develop communication and education tools
  - Evaluate effectiveness of and changes in flight safety practices
  - Evaluate progress and suggest additional improvements
- **Goal:** To reduce the number of occupational aviation-related fatalities in Alaska by 50 percent for the years 2000-2009 (compared to 1990-1999)
- **Objective:** To improve aviation data management and collaborative analysis capacity and optimize efforts by federal agencies (FAA, NTSB, NWS, NIOSH, and industry) to reduce aviation accidents in Alaska through partnerships.

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Tony Knowles, Governor

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February 2, 2001

The Honorable Andrew Halcro  
House of Representatives  
State Capitol, Room 414  
Juneau, AK 99801-1182

Dear Representative Halcro:

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Re: Aviation Insurance

Legislators, the Division of Insurance (Division) and the news media have all heard from Alaskan air carriers about the difficulty of obtaining affordable liability insurance for their operations. The loss of commercial aviation operations would have a significant negative impact on Alaska, both for the air carriers as well as the rural Alaskans who depend on them for transportation.

The Division has identified options that may improve the availability and affordability of this insurance coverage. The issues of availability and affordability are related yet distinct. Availability refers to the ability of a consumer to obtain insurance coverage. Affordability refers to the price of the coverage.

From discussions the Division has had with consumers and insurance producers, coverage continues to become less affordable. These discussions indicate that renewal premiums may be increasing at amounts up to 50 percent and in a few instances even higher. Some of this increase is due to poor loss experience. Some of it is due to a hardening of the soft insurance market.

Another factor related to the availability and affordability issues is the per seat limit of coverage that air carriers need or want to purchase. Alaska Statute 02.40.010 requires a minimum limit of \$150,000 per seat for bodily injury. Air carriers desiring to purchase higher limits may find availability and affordability problems in obtaining the desired coverage.

**SAFETY**

Aviation insurers have pointed to the need for more stringent safety in the aviation industry. On June 30, 1999, The National Institute for Occupation Safety and Health issued a report that states the occupation of air taxi pilot in rural Alaska is

more hazardous than that of lumberjack or crab fisherman. However, unlike the air taxi pilot, neither the lumberjack nor crab fisherman routinely places the lives of trusting passengers at risk in the performance of his job.

The aviation insurance availability and affordability problems are directly related to safety. Insurance premiums are driven by the cost of issuing a policy and paying any covered claims. Reducing the frequency or severity of claims has the greatest impact on reducing policy premiums.

Safety programs are an essential factor in reducing claims and, therefore, premiums. Air carriers who implement a comprehensive safety plan and are consistent in carrying out the safety plan should expect to see credits on their insurance policies as a result of these efforts. Use of flight simulator training, which is available in Anchorage, could be part of a safety plan. The air carriers association would be a possible source for additional information on safety programs.

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If not adopted on a voluntary basis, safety plans could become a mandatory requirement for air carriers operating in Alaska. This would probably require legislation to implement and set up a statewide safety plan. Difficulties in implementing a mandatory plan include costs to monitor compliance with the plan, development of a safety plan that meets the variety of situations faced by air carriers in Alaska, and possible conflicts with FAA regulation. A mandatory plan could also be an additional burden for those air carriers which currently have an effective safety-plan in place.

#### MARKETS CURRENTLY AVAILABLE IN ALASKA

Based on discussions with consumers and producers, the Division is aware of the following markets that are available in Alaska. Detailed information on these entities should be obtained from the producers or insurers themselves. However, they are listed here to show the various options that may be available now. The players in the market are always subject to change.

United States Aircraft Insurance Group (USAIG) is a group, or pool, of insurers that collectively provide aviation insurance on a worldwide basis. On its website at [www.usau.com](http://www.usau.com), USAIG states that its primary goal is "to provide a stable, reliable aviation insurance market by (1) insuring individuals and organizations whose safety standards and loss histories satisfy our underwriting requirements; and (2) charging premiums which are sufficient to support expected losses."

Associated Aviation Underwriters (AAU), the U.S. branch of British Aviation Insurance, is another pool of insurers writing limited business in Alaska, mainly corporate jets with commercial pilots, not owner flown.

London Aviation Underwriters and Houston Casualty Company write air taxi operations as well as other types of aviation risks.

AIG Aviation is non-renewing its book of business.

W Brown & Associates is not writing new business but is renewing its existing book of business.

ACE USA writes in Alaska on a limited basis.

AirSure Ltd. writes mainly large fleets.

Lloyds of London also write portions of some risks.

#### OPTIONS CURRENTLY AVAILABLE BUT NOT USED IN ALASKA

Pooling may be seen to be a solution to the availability and affordability issues. However, pooling does not necessarily improve the loss experience of the members of the pool. If members of a pooling arrangement have poor loss experience, the costs of insurance coverage may not become more affordable. The following four options are ways that air carriers could join together to purchase insurance coverage. They are listed in the order from easiest to most difficult to implement.

##### 1. Risk Purchasing Group

A risk purchasing group is authorized under the federal Liability Risk Retention Act, 15 USC 3901-3906. Members of a risk purchasing group may be able to obtain better rates and customized forms because of the buying power available to a group that is not available to an individual purchaser. The risk purchasing group can also provide loss control services (e.g. safety programs) for its members. As mentioned above, this is an important feature needed to negotiate better rates. Purchasing groups have been used elsewhere by small airlines to lower costs by avoiding minimum premium charges.

The purpose of a risk purchasing group is to purchase liability insurance on a group basis for its members. The group members must have similar business activities and their risk exposure must be similar or related to one another. A group consisting of air carriers would appear to meet this test.

A risk purchasing group may be domiciled in any state. If it is not domiciled in Alaska, then it must register with the state under AS 21.89.090. Purchasing groups are subject to regulation under Title 21.

Guaranty association coverage is available if the purchasing group obtains coverage from an admitted insurer. Guaranty association coverage provides protection to policyholders if the insurer becomes insolvent and cannot pay outstanding claims.

A purchasing group may only provide liability coverage to its members, therefore hull coverage must still be procured individually.

## 2. State Based Joint Underwriting Association or Joint Reinsurance

A joint underwriting association (JUA) and joint reinsurance are combinations of insurers joining together to provide the capacity to write a specific type of risk. A JUA and joint reinsurance are distinguished by the way in which the insurers share the risk among themselves. The national pools mentioned above are organizations of this type. The difference between the national pools and a state pool is that only insurers writing in Alaska would combine together and only Alaska air carriers would be able to obtain coverage from the state pool. The premium would be based upon the experience of the JUA or the reinsurance pool.

JUA's and joint reinsurance are subject to rate regulation under AS 21.39.110. Since aviation insurance is exempt from AS 21.39, a JUA or joint reinsurance writing only aviation insurance would be exempt from AS 21.39.110. However, other section of Title 21 would apply to these pools.

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The disadvantage to a state based JUA is that there are few risks over which the exposure can be shared. The law of large numbers is difficult to achieve in the Alaska market. Guaranty association coverage would not be available for non-admitted insurers participating in a JUA or joint reinsurance.

## 3. Reciprocal Insurer

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A reciprocal insurer is an unincorporated aggregation of subscribers operating individually and collectively through an attorney-in-fact to provide insurance among themselves. Ten or more persons may join together to form a reciprocal. The liability of each subscriber is individual, several and proportionate liability, not joint. Reciprocal insurers are authorized under AS 21.75.

A reciprocal insurer controls all aspects of the insurance coverage such as underwriting, rating, and claims handling. A reciprocal insurer is subject to regulation under Title 21. Guaranty association coverage is available to subscribers of a reciprocal.

The main disadvantage of a reciprocal is the start-up costs for establishing the reciprocal. The minimum capital and surplus requirements for an Alaska domestic reciprocal writing liability insurance are \$1,500,000. There is also a relatively small base from which potential members can be drawn.

Alaska Timber Insurance Exchange in Ketchikan is authorized as a reciprocal insurer under AS 21.75. They would be a good source of additional information on the operations of a reciprocal.

## 4. Risk Retention Group (RRG)

A risk retention group is a corporation or limited liability association formed under the federal Risk Retention Act, 15 USC 3901-3906. An RRG operates like an insurance company to provide liability insurance for the group. The primary

purpose and activity is to assume, or spread among the members, any or all of the liability exposure of the members. The group must consist of members whose business or activity exposure is similar or related to one another.

An RRG must be licensed or chartered and authorized as a liability insurance company in a state. If the RRG is licensed in another state, it must register with Alaska under AS 21.89.090. RRG's are subject to regulation under Title 21.

As with a reciprocal, the primary disadvantage of a risk retention group is the start-up costs. A domestic Alaskan RRG has minimum capital and surplus requirements of \$2,000,000. Other disadvantages are that an RRG may only provide liability coverage to its members, so hull coverage would need to be obtained individually. Also, guaranty association coverage is not available to an RRG.

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#### ~~OPTIONS REQUIRING NEW STATUTORY PROVISIONS~~

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##### 1. Assigned Risk Plans

An assigned risk plan is one method used to provide coverage in the residual market. (The residual market consists of persons or organizations who cannot get the insurance coverage they need from private insurance companies.) Alaska currently has two assigned risk plans, one for automobile insurance, the other for workers compensation insurance. ~~An assigned risk plan for aviation insurance~~ could be modeled after these plans as in AS 21.39.155. The auto assigned risk plan is also mentioned in AS 28.20.580.

Assigned risk plans are managed by an administrator representing insurers licensed in the state and writing the kind of insurance offered by the plan. Participation in the plan is mandatory with policies assigned to insurers based on their voluntary market share. The plan may use servicing carriers who handle claims and other policy related services. Some plans pool the losses among all participating insurers, other plans require the individual insurer to accept the profit or loss from its share of the assigned risk market.

Implementing an assigned risk plan could cause insurers to withdraw from the state since they may be required to bear additional assessments if the plan operates at a loss. If these assessments are larger than an insurer can bear, the cost can be passed on to their own policyholders, thereby increasing costs for the voluntary market.

##### 2. Risk-Sharing Plans

Arkansas and New Hampshire both have statutes allowing the director to intervene in markets when a kind of insurance is not readily available. The director may direct insurers to prepare a plan to provide the necessary insurance coverage. If the plan submitted by the insurers is not acceptable, the director may develop his or her own plan.

A copy of the Arkansas statute may be found in the Arkansas Code sections 23-95-101 through 23-95-108. This statute may be accessed via the state website at [www.state.ar.us](http://www.state.ar.us).

The New Hampshire statute may be found under NHRSA 404-C. This statute may be accessed via the NH state website at <http://sudoc.nhsl.lib.nh.us/rsa>.

### 3. Market Assistance Plan

Maine has a statute that allows the director to establish a market assistance plan when a particular type of insurance is unavailable or unaffordable. The market assistance plan is a voluntary agreement between the division and the insurers that the insurers will write the insurance at an agreed upon rate for those persons that are unable to obtain the coverage.

---

The Maine statute is found in section 2325-A. Internet access is available at [http://janus.state.me.us/legis/statutes/24\\_A/title24-Asec2325\\_A.html](http://janus.state.me.us/legis/statutes/24_A/title24-Asec2325_A.html).

This program was successfully used a couple of years ago when day care liability was difficult to obtain. Additional information on the operation of this program would be available from Maine.

---

### 4. Joint Insurance Arrangement

A joint insurance arrangement (JIA) allows members of the JIA to pool contributions to either assume risks from losses to the participants on a group basis or purchase coverage for the participants on a group basis. JIA's are authorized under AS 21.76. JIA's are not subject to regulation by the Division, except for review of the cooperative agreement.

Formation of an aviation JIA would require a statute change since only municipalities, city and borough school districts and regional educational attendance areas may enter cooperative agreements. Guaranty association coverage is not available to members of a JIA.

## ALTERNATIVE MARKETS

There are at least two sources of information for hard-to-place coverage. The National Underwriter publishes a supplement called "Agent/Broker Buyers Guide to Insurance Coverages." Rough Notes Company, Inc. publishes "The Insurance Marketplace." Both of these guides list markets by type of risk and each of these guides includes an aviation or aircraft section. However, most of these markets may be through wholesalers not licensed in Alaska or with nonadmitted unlisted insurers.

February 2, 2001

tax credit would overcome the underwriting judgement of the riskiness of the market.

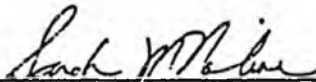
### 3. Subsidization

Many of the options described are likely to have more effect on availability of coverage rather than affordability. Even in a pooling arrangement, if claim costs are high, the insurance premiums will be high. If claim costs are high, some type of subsidization may be the only way to lower insurance premiums.

### CONCLUSION

For any of the options outlined above to improve availability and affordability of aviation liability insurance, the aviation community will need to address safety issues and find ways to reduce the frequency and severity of losses. We have tried to identify various options that may assist air carriers to obtain the coverage they need. If you need additional information, or if you would like to discuss particular options further, we would be happy to discuss these with you.

Sincerely,



For Robert A. Lohr  
Director

RAL/SMG/pb4958.doc

# ALASKA STATE LEGISLATURE

Representative Lisa Murkowski Chair  
Representative Andrew Halcro Vice-Chair  
Representative Pete Kott  
Representative Kevin Meyer  
Representative Norman Rokeberg  
Representative Harry Crawford  
Representative Joe Hayes



Alaska State Capitol  
Juneau, AK 99801-1182  
Telephone: (907) 465-4954  
Fax: (907) 465-2293  
Representative\_Lisa\_Murkowski@legis.state.ak.us

## HOUSE LABOR AND COMMERCE COMMITTEE

### MEMORANDUM

TO: Senator John Cowdery, Chair  
Senate Transportation Committee

FM: Representative Andrew Halcro, Vice-Chair *AH*  
House Labor & Commerce Committee

DATE: May 3, 2002

RE: Committee Hearing for CSHB 271(JUD)

---

At your earliest convenience, could you please schedule CS HB 271(JUD), regarding limits on punitive damages from aviation accidents. If you have any questions, please don't hesitate to call me anytime at x4939.

# ALASKA STATE LEGISLATURE

Representative Lisa Murkowski Chair  
Representative Andrew Halcro Vice-Chair  
Representative Pete Kott  
Representative Kevin Meyer  
Representative Norman Rokeberg  
Representative Harry Crawford  
Representative Joe Hayes



Alaska State Capitol  
Juneau, AK 99801-1182  
Telephone: (907) 465-4954  
Fax: (907) 465-2293  
Representative\_Lisa\_Murkowski@legis.state.ak.us

## HOUSE LABOR AND COMMERCE COMMITTEE

### Sponsor Statement

#### CS HB 271(JUD)

**“An Act relating to recovery of punitive damages resulting from an aviation accident and providing for an effective date.”**

In the past few years, aviation insurance has skyrocketed leaving some air carriers in the state without adequate or affordable insurance coverage. The industry's biggest problem regarding insurance relates to liability. In 1998, \$24.68 million was paid out by insurance companies to cover aviation accidents in Alaska, while the industry only netted \$14.74 million in premiums. In order to save air operations in Alaska, the House Labor & Commerce Committee introduced House Bill 271.

Recent court cases have added to an increasing gap between outgoing payments and incoming premiums. Unfortunately, insurance companies have had to raise rates dramatically, creating monetary ceilings, which limit aviation carrier operations by high-cost premiums. Some air carrier businesses have downsized or quit the business altogether. Without adequate and affordable insurance, more companies may quit flying and cut-off an only source of transportation to many communities in Alaska.

HB 271 controls the high cost of premiums by limiting the threat of punitive damage awards and lengthy, expensive trials for punitive claims. In any liability case resulting in compensatory damages(loss of work, life, future wages. etc.), punitive damages are always used as a hammer to leverage higher damage awards.

If premiums continue to climb, most air carriers will be forced to close their doors. A loss of commercial aviation operations in Alaska could severely and negatively impact rural communities.

In some situations renewal premiums have been increasing at 50 percent per year. Alaska Statute requires a minimum limit of \$150,000 per seat for bodily injury. Most air carriers have increased liability insurance to \$500,000 or more a seat to limit bankruptcy award settlements. Affordable premiums or finding coverage is nearly impossible at those levels, hence the impetus for introducing HB 271.

HB 271 clearly limits in state statute punitive damage awards for airplane disasters. By introducing tort reform for air carrier insurance, the Labor & Commerce Committee hopes to lower insurance premiums or stabilize the current insurance market, guaranteeing future air travel for all Alaskans.

# ALASKA STATE LEGISLATURE

Representative Lisa Murkowski Chair  
Representative Andrew Halcro Vice-Chair  
Representative Pete Kott  
Representative Kevin Meyer  
Representative Norman Rokeberg  
Representative Harry Crawford  
Representative Joe Hayes



Alaska State Capitol  
Juneau, AK 99801-1182  
Telephone: (907) 465-4954  
Fax: (907) 465-2293  
Representative\_Lisa\_Murkowski@legis.state.ak.us

## HOUSE LABOR AND COMMERCE COMMITTEE

### Sectional Analysis

#### CS HB 271(JUD)

**“An Act relating to recovery of punitive damages resulting from an aviation accident and providing for an effective date.”**

**\*Section 1.** Amends the statute AS 09.17.020(h) by adding a new number (1) to renumber and letter current statutes limiting punitive damage awards(drafter's changes to existing statutes).

Adds a new number to AS 09.17.020(h) that being number (2). New limitations on punitive damages resulting from an aviation accident are added to current statute. Damages are limited by the size of an aircraft, which reflects current FAA size differentiation regulations.

**\*Section 2.** Amends the codified law relating to applicability. \*Section (1) is only applicable if an aviation accident occurred on or after the effective date.

**\*Section 3.** States that the effective date will be July 1, 2002.

# FISCAL NOTE

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: HB 271  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DCED  
Title An Act relating to recovery of punitive BRU Insurance (116)  
damages resulting from an aviation accident Component Insurance Operations  
Sponsor House Labor & Commerce  
Requester House Labor & Commerce Component No. 354

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

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

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

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| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
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|-------------------------------|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**FUND SOURCE** (Thousands of Dollars)

|                                    |            |            |            |            |            |            |
|------------------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts              |            |            |            |            |            |            |
| 1003 GF Match                      |            |            |            |            |            |            |
| 1004 GF                            |            |            |            |            |            |            |
| 1005 GF/Program Receipts           |            |            |            |            |            |            |
| 1037 GF/Mental Health              |            |            |            |            |            |            |
| 1156 GF Receipt Supported Services |            |            |            |            |            |            |
| <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 has no fiscal impact on this component.

Prepared by: Robert A. Lohr, Director Phone 907-269-7900  
Division Insurance Date/Time 4/9/02 8:35 AM  
Approved by: Deborah B. Sedwick, Commissioner Date 4/9/2002  
Agency Department of Community & Economic Development

# FISCAL NOTE

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 271  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title An Act relating to recovery of punitive damages from an aviation accident BRU Risk Management  
 Component Risk Management  
 Sponsor House Labor and Commerce  
 Requester House Labor and Commerce Component No. 71

**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> |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|

|                               |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**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 state's insurance program for aviation liability exposures will not be affected by this bill.

Alaska statute 09.50.280 already exempts the state from punitive damages. The additional protections and limitations being provided in this legislation will have no effect on state agencies that own or operate aircraft or airports that might be interpreted by the courts as "owner or operator of an aviation business".

Therefore, there is no fiscal impact to the state.

Prepared by: J. Brad Thompson, Director Phone 465-5723  
 Division Risk Management Date/Time 4/4/02 4:08 PM  
 Approved by: Jim Duncan, Commissioner Date 4/4/2002  
 Agency Department of Administration



Tony Knowles, Governor

*Alaska* Department of Community  
and Economic Development

**Division of Insurance**

P.O. Box 110805, Juneau, AK 99811-0805

Telephone: (907) 465-2515 • Fax: (907) 465-3422 • Text Telephone: (907) 465-5437

Email: [Insurance@dced.state.ak.us](mailto:Insurance@dced.state.ak.us) • Website: [www.dced.state.ak.us/insurance/](http://www.dced.state.ak.us/insurance/)

April 26, 2002

The Honorable Andrew Halcro  
House of Representatives  
State Capitol, Room 414  
Juneau, AK 99801-1182

Dear Representative Halcro:

Re: HB 271

Aviation insurance rates have been increasing for several years and the number of insurers offering coverage in Alaska is limited. While there are many reasons for this situation, one factor may be the uncertain exposure related to punitive damages judgments. If the costs of punitive damages are under represented in an insurer's rates, the changes in this bill may not be a major factor affecting aviation insurance rates. However, it may be a factor in an insurer's decision to offer coverage in Alaska. To the extent that this bill can provide certainty to the amount of exposure an insurer will have, it increases the incentive to keep insurers in the Alaska aviation insurance market.

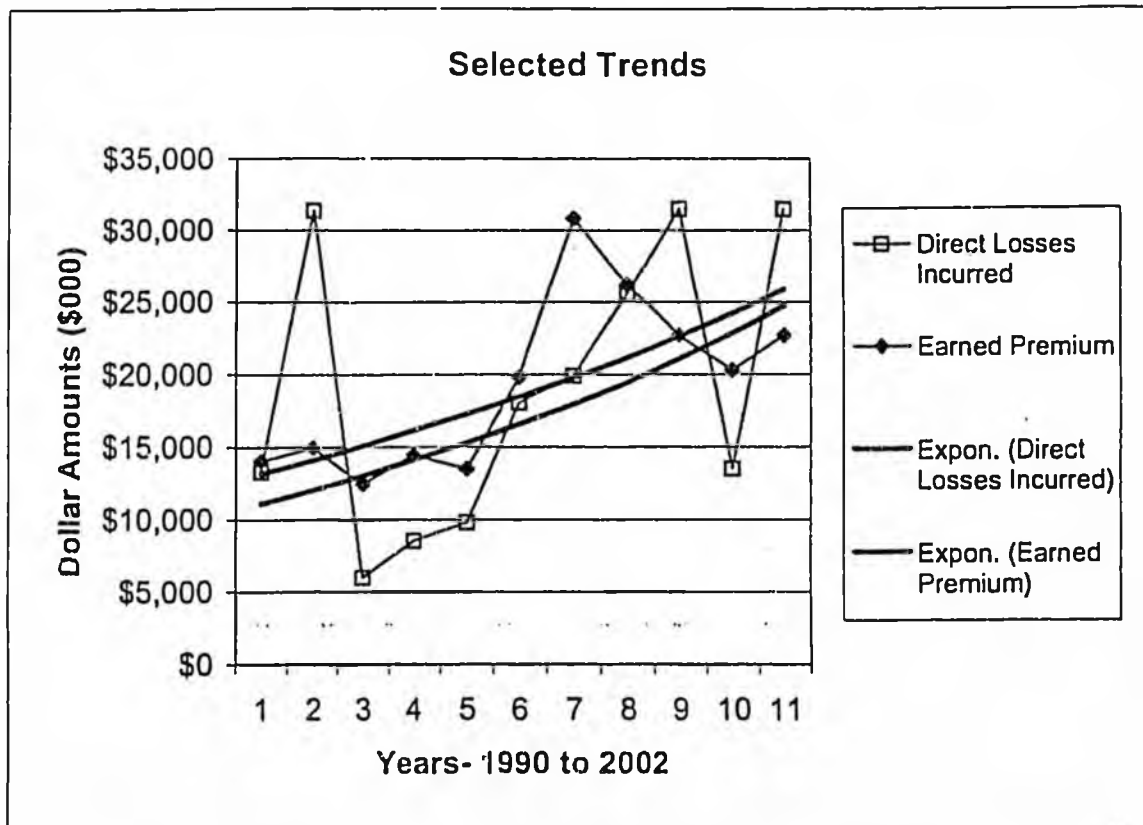
Sincerely,

Robert A. Lohr  
Director

## Aircraft

| Calander Year           | Number of Companies | Direct Losses Incurred | Earned Premium |
|-------------------------|---------------------|------------------------|----------------|
| 1990                    | 47                  | \$13,304               | \$14,034       |
| 1991                    | 44                  | \$31,341               | \$14,929       |
| 1992                    | 42                  | \$5,976                | \$12,433       |
| 1993                    | 45                  | \$8,513                | \$14,465       |
| 1994                    | 45                  | \$9,797                | \$13,488       |
| 1995                    | 48                  | \$18,045               | \$19,790       |
| 1996                    | 47                  | \$19,868               | \$30,799       |
| 1997                    | 46                  | \$25,588               | \$26,195       |
| 1998                    | 39                  | \$31,455               | \$22,691       |
| 1999                    | 40                  | \$13,500               | \$20,263       |
| 2000                    | 40                  | \$31,455               | \$22,669       |
| 2001                    | xxx                 | xxx                    | xxx            |
| 2002                    | xxx                 | xxx                    | xxx            |
| Average Annual % Change | -1.20%              | 8.35%                  | 6.99%          |
| 1990 to 2000 % change   | -12.39%             | 141.67%                | 110.36%        |

\*Dollar amounts are in (\$000)



**HB**

**374**

Alaska State Legislature

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



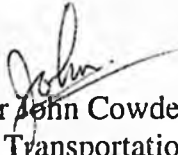
INTERIM ADDRESS:  
35477 Suite 101-B Spur Hwy  
Soldotna, Alaska 99669  
Phone 907-260-5236  
Fax 907-260-3044


Representative Ken Lancaster  
District 8

OK - fjc

April 15, 2002

MEMORANDUM

To: Senator  John Cowdery, Chairman  
Senate Transportation Committee

From:  Representative Ken Lancaster

Subject: House Bill 374 – Naming the David Douthit Veterans' Memorial Bridge

I would like to request a hearing for House Bill 374 "An Act naming the David Douthit Veterans Memorial Bridge" which is now in the Senate Transportation Committee. Attached is information concerning the bill. If you have any questions or need further information, please let me know.

Thank you.

*Alaska State Legislature*

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



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

*Representative Ken Lancaster*  
*District 8*

Sponsor Statement for

HB 374

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

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

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

# FISCAL NOTE

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

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: H3374  
 () Publish Date: \_\_\_\_\_

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

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

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

| OPERATING EXPENDITURES | FY 2003    | FY 2004    | FY 2005    | FY 2006    | FY 2007    | FY 2008    |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services      |            |            |            |            |            |            |
| Travel                 |            |            |            |            |            |            |
| Contractual            |            |            |            |            |            |            |
| Supplies               |            |            |            |            |            |            |
| Equipment              |            |            |            |            |            |            |
| Land & Structures      |            |            |            |            |            |            |
| Grants & Claims        |            |            |            |            |            |            |
| Miscellaneous          |            |            |            |            |            |            |
| <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> |

|                             |  |  |  |  |  |  |
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| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
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|                               |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

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

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

Alaska State Legislature

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



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

*Representative Ken Lancaster*  
*District 8*

Sponsor Statement for

HB 374

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

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

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E-Mail: [Representative\\_Ken\\_Lancaster@legis.state.ak.us](mailto:Representative_Ken_Lancaster@legis.state.ak.us)

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

Alaska State Legislature

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




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


Representative Ken Lancaster  
District 8

OK-fgc

April 15, 2002

MEMORANDUM

To: Senator  John Cowdery, Chairman  
Senate Transportation Committee

From: Representative  Ken Lancaster

Subject: House Bill 374 – Naming the David Douthit Veterans' Memorial Bridge

I would like to request a hearing for House Bill 374 "An Act naming the David Douthit Veterans Memorial Bridge" which is now in the Senate Transportation Committee. Attached is information concerning the bill. If you have any questions or need further information, please let me know.

Thank you.

## CITY OF SOLDOTNA

## RESOLUTION 2001-93

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

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

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

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

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

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

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

THE DAVID DOUTHIT VETERANS MEMORIAL BRIDGE.

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

ADOPTED BY THE CITY COUNCIL this 12<sup>th</sup> day of December, 2001.

David R. Carey  
David R. Carey, Mayor

ATTEST:

Patricia C. Burdick  
Patricia C. Burdick, CMC, City Clerk

**Subject: House Bill Names Bridge to Honor Soldotna Soldier**

**Date: Wed, 13 Mar 2002 19:05:59 -0900**

**From: Dan Saddler <Dan\_Saddler@legis.state.ak.us>**

**Organization: House Majority**

Alaska State Legislature  
House of Representatives  
Representative Ken Lancaster

FOR IMMEDIATE RELEASE: March 13, 2002  
CONTACT: Rep. Ken Lancaster, (907) 465-2693

## House Bill Names Bridge to Honor Soldotna Soldier

HB 374 Memorializes Alaska's Gulf War Casualty, All Veterans

(JUNEAU) -- The House today passed a measure that would name the Sterling Highway bridge spanning the Kenai River at Soldotna in honor of David Douthit, who was the only Alaskan to give his life in military service during the 1991 Gulf War.

Rep. Ken Lancaster (R-Soldotna) introduced House Bill 374 to name the bridge David Douthit Veterans' Memorial Bridge, to preserve and honor the memory of an Alaskan who died far from his home, his state and his country, and whose ultimate sacrifice deserves to be memorialized.


"David Douthit was the only Alaskan killed during the Persian Gulf War," Lancaster said. "He died for h's country -- for our country -- on Feb. 27, 1991, serving on a Bradley fighting vehicle as a gunner. David was a good friend and neighbor of mine for many years in Soldotna, and this bill is supported by the local community and by the local veterans."

Douthit was a sergeant in the U.S. Army. He is survived by his widow, Jessie, and their daughter, Rebecca; and by his parents, Nita and Harvey Douthit.

HB 374 was passed unanimously by the House. The bill moves next to the Senate for consideration.

###

**Broadcasters note: Comments are available on the Majority Actuality Line 1-800-478-6540, or on the Majority webpage at [www.akrepublicans.org](http://www.akrepublicans.org)**

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Dan Saddler <[Dan\\_Saddler@legis.state.ak.us](mailto:Dan_Saddler@legis.state.ak.us)>

## CITY OF SOLDOTNA

## RESOLUTION 2001-93

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

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

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

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

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

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

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

THE DAVID DOUTHIT VETERANS MEMORIAL BRIDGE.

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

ADOPTED BY THE CITY COUNCIL this 12<sup>th</sup> day of December, 2001.

David R. Carey  
David R. Carey, Mayor

ATTEST:

Patricia C. Burdick  
Patricia C. Burdick, CMC, City Clerk

**Subject:** House Bill Names Bridge to Honor Soldotna Soldier

**Date:** Wed, 13 Mar 2002 19:05:59 -0900

**From:** Dan Saddler <Dan\_Saddler@legis.state.ak.us>

**Organization:** House Majority

Alaska State Legislature  
House of Representatives  
Representative Ken Lancaster

FOR IMMEDIATE RELEASE: March 13, 2002  
CONTACT: Rep. Ken Lancaster, (907) 465-2693

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HB 374 was passed unanimously by the House. The bill moves next to the Senate for consideration.

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 [lancaster douthit bridge 03132002.doc](#)

**Name:** lancaster douthit bridge 03132002.doc

**Type:** WINWORD File (application/msword)

**Encoding:** base64

**Download Status:** Not downloaded with message

Dan Saddler <[Dan\\_Saddler@legis.state.ak.us](mailto:Dan_Saddler@legis.state.ak.us)>

**HB**

**397**

# FISCAL NOTE

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

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

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

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

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

| OPERATING EXPENDITURES | FY 2003    | FY 2004    | FY 2005    | FY 2006    | FY 2007    | FY 2008    |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services      |            |            |            |            |            |            |
| Travel                 |            |            |            |            |            |            |
| Contractual            |            |            |            |            |            |            |
| Supplies               |            |            |            |            |            |            |
| Equipment              |            |            |            |            |            |            |
| Land & Structures      |            |            |            |            |            |            |
| Grants & Claims        |            |            |            |            |            |            |
| Miscellaneous          |            |            |            |            |            |            |
| <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> |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|

|                               |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**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 397.

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

COMMITTEE COPY

# FISCAL NOTE

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

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

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

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

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

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

|                               |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**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**

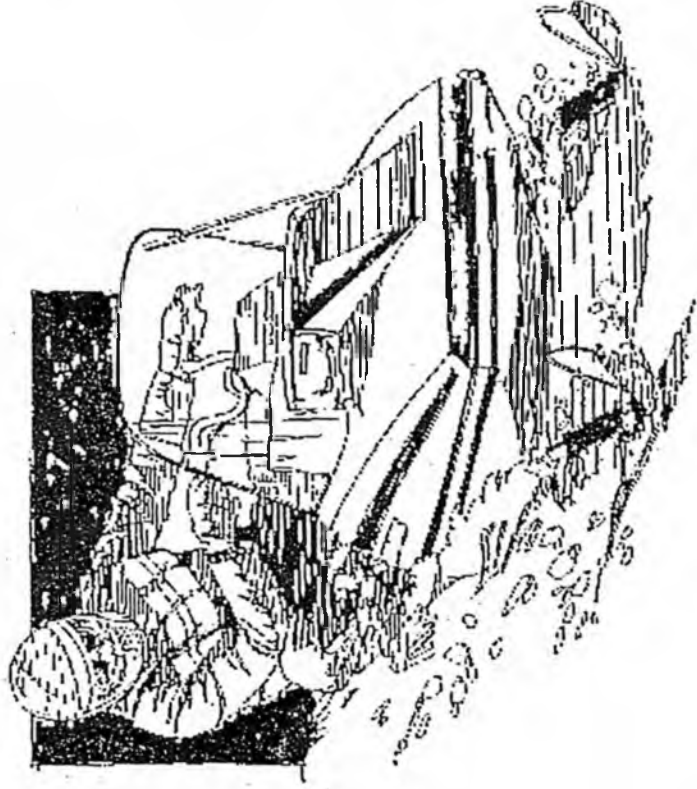
|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |

**ANALYSIS:** (Attach a separate page if necessary)

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

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

# WINTER TRANSPORTATION STUDY



DOT & PF

\*\*DRAFT\*\*

# Alaska State Legislature



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

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

Representative Vic Kohring  
District 26

## SPONSOR STATEMENT

### HOUSE BILL 397

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

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

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

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

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

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

## APPLICABLE LEGAL DEFINITIONS

### HB 397

#### **Sec. 28.40.100. Definitions for title.**

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

# Anchorage Daily News

Tuesday, February 5, 2002

ALASKA'S NEWSPAPER

www.adn.com

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

■ **THAT'S RIGHT:** Troopers, other officials surprised to find that's the law.

By RICHARD MAUER  
Anchorage Daily News

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

Now they say that's been wrong all along.

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

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

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

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

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

partment of Transportation.

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

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

eled than an auto, that makes a lot of sense," Tower said.

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

According to the Anchorage dis-

See Back Page, SNOWMACHINES

*Continued from A-1*  
istrict attorney's office, the maximum penalty is a year in jail and a \$5,000 fine.

The brochure has been circulating for about a month.

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

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

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

Many troopers aren't aware of the law.

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

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

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

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

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

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

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

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

state." The definition of "motor vehicle" elsewhere in the law was so broad that it clearly included snowmobiles and all-terrain vehicles.

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

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

In 2000, after reviewing alarming statistics on accidental injuries and deaths of children, the American Academy of Pediatrics recommended that states not allow children younger than 16 to operate snowmobiles at all and not to let them operate ATVs unless they have a driver's license. The organization urged that training programs be put in place for older teens.

Prusak said Alaskans probably won't want their state to be one of the most restrictive places when it comes to snowmobiling. They expect the state's nine-member Snowmobile

### required



#### ■ LICENSE REQUIREMENT

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

#### ■ MOTOR VEHICLE

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

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

804 END11864 / Anchorage Daily News

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

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

## Winter Transportation Study Summary

**DRAFT**  
PLANNING OFFICE

### I. Background

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

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

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

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

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

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

#### A. Winter Transportation Study, Phase II – New Directions

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

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

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

**DRAFT**  
FAIRBANKS OFFICE

#### B. Goals

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

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

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

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

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

### A. ADOT&PF's Legal Authority & Responsibilities

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

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

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

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

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

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

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

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

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

#### Transportation vs. Recreation

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

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

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

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

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

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

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

## B. Existing State Laws and Regulations

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

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

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

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

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

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

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

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

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

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

AS 19.05.040. Powers of department. The department may:

(5) control access to highways;

(6) regulate roadside development;

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

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

AS 28.15.011. Drivers must be licensed.

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

AS 19.10.300 - 19.10.399, Definitions

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

Chapter 28.39. SNOWMOBILES

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AS 28.39.250. Definitions.

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

AS. 28.39.010. Snowmobile registration.

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

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

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

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

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

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

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

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

AS. 28.39.030. Proof of ownership for registration purposes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**AS. 28.39.060. Regulations authorized.**

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

## Title 38. PUBLIC LAND

### POLICY FOR USE AND CLASSIFICATION OF STATE LAND SURFACE

#### AS 38.04.050. Access to private use areas.

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

#### AS 38.04.055. Access through private use areas.

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

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

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

#### AS 38.04.200. Traditional means of access.

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

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

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(b) In this section:

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

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

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

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

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

#### **SPECIAL RULES FOR SNOWMOBILES AND OTHER OFF-HIGHWAY VEHICLES**

##### **AAC 13 02.430: APPLICABILITY OF REGULATIONS; PARENTAL RESPONSIBILITY.**

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

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

##### **AAC 13 02.455: OPERATION ON HIGHWAYS AND OTHER LOCATIONS.**

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

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

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

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

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

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

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

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

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

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

#### AAC 13 02.487: DRIVING ON SIDEWALK.

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

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#### AAC 13 04.001: SCOPE AND EFFECT OF REGULATIONS.

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

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

### EQUIPMENT ON SNOWMOBILES AND OFF-HIGHWAY VEHICLES

#### AAC 13 04.400: LIGHTS AND REFLECTORS.

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

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

#### AAC 13 04.405: BRAKES.

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

#### AAC 13 04.410: THROTTLE.

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

**AAC 13 04.415: MUFFLERS AND EMISSION-CONTROL SYSTEMS.**

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

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

**AAC 13 04.420: OTHER EQUIPMENT.**

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

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

(2) a protective shield over all moving parts;

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

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

(5) a spark arrester.

**AAC Title 17 Highways**

**AAC 17 05.030: OFF-SYSTEM ROADS.**

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

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

(1) is not more than eight feet wide;

(2) is not graded or surfaced; and

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

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

(1) is at least eight feet wide;

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

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

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

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

(6) provides access to a

(A) cabin, homestead, or lodge, or

(B) mineral resource extraction site.

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

(1) is at least eight feet wide;

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

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

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

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

(6) provides access from a

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

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

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

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

(2) provides access from a

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

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

## SPEED RESTRICTIONS

### AAC 13 02.275: BASIC RULE AND MAXIMUM LIMITS.

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

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

(1) 15 miles per hour in an alley;

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

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

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

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

AS 41.21.866. Paths and trails along highways.

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

AAC 13 40.010: DEFINITIONS.

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

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

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

AS 19.45.001. Definitions.

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

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

AS 19.10.300 - 19.10.399, Definitions.

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

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

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

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

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## Summary

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

## III. Northern Jurisdictions

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### A. Comparisons

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

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

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

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

### Critical Differences

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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#### User Groups

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

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

#### Local Jurisdictions / Governments

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

#### State Agencies

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

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

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

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

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## V. CONCLUSION

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### A. Findings

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

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

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

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

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

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

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

## **B. Recommendations & Action Items**

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

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

equipment, and provide a clarification of noise laws; c) create a more stringent alcohol law; d) Look at potential ways of consolidating snowmachine laws into one section for ease of public understanding;

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

### C. Next Steps & Public Feedback

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

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

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## APPENDIX

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### PUBLIC COMMENTS

#### PHASE I - SUMMARY

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

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

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

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

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

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

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 speed limits), 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."

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# 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's license. Treated the same as car.                                                                                                                                                                                                                                               | 23,331                      | Various                                                                                | \$10.00 biennial registration fee                                                                                                                                                                                                                                                   | Department of Fish and Game and the State Trooper provide law enforcement. Local snowmobile clubs, trail associations and corporations provide a variety of safety and education programming.                                                                        | Where authorized and permitted in accordance with restrictions provided by governing authority. Use of bridges overcut is prohibited. Allowed traveling 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. Night driving restricted to same direction and right-hand side of trail.                                                                                                                                                                                                                                                                    | Winterize all bikes/pedestrian trails only if designated by local officials and when in ice conditions permit.                                                                               | RTW night driving restricted to 1600 direction and right-hand side of feature.                                            |
| Idaho                 | 7,700           | Operator must have valid motor vehicle operator's license.                                                                                                                                                                                                                                     | 46,992                      |                                                                                        | Snowmobile sales tax placed in the State Snowmobile account and distributed to each county annually. The funds are allocated for law enforcement, and administrative costs. \$30.00 annual parking permit fee. Out of state trail users \$21.50, resident registration fee \$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.       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                              | All must have lighted headlight and taillight between dusk and dawn and when crossing any public roadway or highway.      |
| Alaska                | 13,950          | Yes. Must be 14 years old to operate in public way, 18 years elsewhere.                                                                                                                                                                                                                        | 81,935                      | Off Road Vehicle Division of the Department of Conservation, Bureau of Parks and Lands | \$35.00 registration fee, \$1.00 to agent. Designated portion of collected revenues to state trail fund and to municipalities where fees are collected. Goes to state for interpretation, training, and safety.                                                                     | Department of Inland Fisheries - Game Warden Control                                                                                                                                                                                                                 | No use on controlled-access trail, way. Illegal on main-stayed portion; the sidewalk, etc. placed 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, unincorporated or unincorporated township if governmental trail has designated the public way as a snowmobile access route forward to be marked. Must be continuously marked for safety and posted. Not in railroad ROW. | Access to facilities via designated route that has been posted. Cannot operate in railroad ROW without permission, or trail tracks if posted.                                                | Cannot operate on "left" side of way.                                                                                     |
| Minnesota             | 10,000          | 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 safety certificate to operate a snowmobile anywhere in the state. Snowmobiles operated or transported must be registered with the DNR. | 279,730                     | Department of Natural Resources                                                        | Snowmobile \$43.00 for 3 years. Dealer \$52 every year. Manufacturer \$152 every year. Alkal traction device sticker \$13 every year. Snowmobile state trail sticker \$16 for one season.                                                                                           | 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 police officers may arrest a person for violations. | Operation on any town, 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 town, 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 adjacent side 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 scientific areas are off limits unless otherwise posted. | All must have lighted headlight and taillight between dusk and dawn. Speed limit at night is 40 mph.                      |
| Montana               | 3,772           | 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                                                      | \$21.50 registration fee. Also gas tax.                                                                                                                                                                                                                                             | Any authorized peace officer may enforce regulations.                                                                                                                                                                                                                | Allowed by local ordinances and when road is closed to other motor vehicles. 90-degree crossings to move from one authorized area to another.                                                                                      | Operators 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         | 6,000           | Valid driver's license or safety certificate.                                                                                                                                                                                                                                                  | 55,330                      | Department of Resources and Economic Development, Bureau of Trails                     | \$35.00 registration fee, gas tax, and FICA 7-21 Fossil 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 separated walkways along interstate highways, toll roads, or limited access highways where approved by the NHDOT. Commissioner may conditionally permit. Riders must yield to pedestrians, bicyclists, skiers, skaters 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 before sunset to 1/2 hour before sunrise. |

# 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                                                      |
|-----------------------|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| North Dakota          | 3,000           | Valid driver's license age 17 and require a valid certificate of driver's license.                                                                               | 19,340                      | Snowmobile North Dakota                                           | \$20.00 bi-annual registration fee; \$19 snowmobile trail tax \$1 fee for unattended judgment and (in each year collected).                                                                                                                                           | State police officers or authorized representatives.                  | Director may restrict or prohibit use on roadways, shoulders, in ditches and adjacent within the right of way governing bodies or political subdivisions may also regulate. Snowmobiles are subject to all state motor vehicle laws, including title and insurance requirements. | Highway ROW closed between April 1 and November 1. Also, no vehicle in ROW unless permitted by a signed permit and license plate.                      |                                                                                  | At night, same direction as traffic.                                        |
| Ontario               | 30,300          | Valid driver's license of a snow vehicle operator's license.                                                                                                     | 350,000                     | Ontario Federation of Snowmobile Clubs                            | \$10 registration fee; \$15 annual validation fee; \$100 trail user fee. Fees not required if use is restricted to owner's property, uses abutments with use limited to cross a land, and for residents of Northern Ontario. \$7 Snow Vehicle Operator's license fee. | Ontario Provincial Police                                             | As designated by the Motorized Snow Vehicles Act.                                                                                                                                                                                                                                |                                                                                                                                                        |                                                                                  |                                                                             |
| Vermont               |                 |                                                                                                                                                                  |                             |                                                                   |                                                                                                                                                                                                                                                                       |                                                                       |                                                                                                                                                                                                                                                                                  |                                                                                                                                                        |                                                                                  |                                                                             |
| Washington            | 2,400           | Operator must have valid registration and driver's license to operate on public roadways. Persons age 12 to 16 must be accompanied in a safety education course. | 66,312                      |                                                                   | Registration fee of \$12.00 a year.                                                                                                                                                                                                                                   |                                                                       | Only when the road has been closed to other motor vehicles or in an emergency. Shoulders are legal. Ages 12 and under may not have access on state or public roads. Ages 14 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             | 35,000          | 3-year certificate. \$30 fee credited to "snowmobile account".                                                                                                   | 122,454                     | WIHA, Snowmobile & Off Road Trail Aid Program                     | \$10.00 public use registration fee. Also gas fee.                                                                                                                                                                                                                    | DNR, Bureau of Law Enforcement                                        | Where not maintained by town council. Also allowed on designated snowmobile routes. No freeway etc.                                                                                                                                                                              | On U.S. highways, at a distance of 10 feet or more. Along town highways outside of the roadway.                                                        | "Passage of Residential Access" Rights and "Passage of Access from Logging" law. | Direction of travel restriction.                                            |
| Wyoming               | 2,500           | Yes                                                                                                                                                              | 35,000                      | Wyoming State Parks and Historic Sites                            | \$15.00 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 200 feet and lowest pursuant to ordinance; when conditions are related to vehicle traffic on posted state roadways or nation or parks; snow posted pursuant per county commissioners.                                                       | Allowed in WYDOT ROWs well as improved surface if road is not maintained for motor vehicles. Local governments may regulate within their jurisdiction. |                                                                                  | 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 Area Branch | \$8 registration fee.                                                                                                                                                                                                                                                 | Peace 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 operating on the highway.                                                                                                                                                                  |                                                                                                                                                        |                                                                                  | No use on a residential street between 10 PM and 5 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                                                                                                                                                                                              | FIREARM USE                                                                                                                                                                                                                                                                                        | NOISE LIMITATIONS                                                                                                                                                             |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Alaska (continued)        | At a right angle where visibility is sufficiently clear to ensure safety. Must come to a full stop before crossing and yield to all traffic. Sidewalks and non-enclosed 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 rights-of-way not designed for snowmobile use (e.g., trail light distance set at 100 ft; 25 mph speed). |                                                                                                                                                                                                                                                                | Snowmobiles must be equipped with headlight, tail light and brake. Must comply with SCC standards. Also a rear snowcap, a protective shield, overall working parts, reflectors, etc.                                                                                                       | None required. (Although users are required to obtain a driver's license and know the basic safety rules of the road).                                                                                                                                                    | Same laws apply as for wheeled vehicles/motocross.                                                                                                               |                                                                                                                                                                                                               | Operator not allowed to carry load. If accident, he/she is restricted from filing from a moving snow machine.                                                                                                                                                                                      | Varies depending on location. Federal allowed laws apply level of posted speed limits. Anchorage Area does not allow use in the municipality due to past air 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 for 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 individual is liable in good faith for negligent maintenance of a snowmobile. Not to exceed 90 dba on the "A" scale.                                                       |
| Alaska (continued)        | May operate on a public way only where necessary on the extreme right of the way for crossing or directly as possible a public way, sidewalk, etc. Can't use roadway for more than 500 feet at a time of crossing bridge, overpass or underpass.                                                                        | Reasonable and prudent for existing conditions. Cannot create substantial risk of serious bodily injury.                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                    | Bureau of Land Management and make grants to organizations, government units 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 of alcohol with greater than .08 percent alcohol. Must submit to test when asked by authority-implied consent. | Landowner does not have to keep premises safe for unauthorized snowmobile use. Only exception is if fee is charged. Snowmobile owner is jointly and severally liable for damages within Under 10.             |                                                                                                                                                                                                                                                                                                    | 90 dba at 50 feet. Not to exceed in certain buildings and residential.                                                                                                        |
| Minnesota (continued)     | Crossing authorized at a 90-degree angle of roadway, must come to a complete stop before entering a roadway. Must yield RSV 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 state of speed that is reasonable and proper under all the surrounding circumstances. It is unlawful to operate in any area where it is prohibited. No roads.                                                                                                                                                                                                                                                                                                       |                                                                                                                    | There is created in this state liability on account known as the snowmobile liability and enforcement account in the amount of one million dollars. The fund is used for construction and maintenance of trails, safety programs, and administration expenses. | All snowmobiles made after 6/30/97, and sold in Minnesota, shall bear the maker's permanent ID number. A muffler, good working order. Headlight, taillights and reflectors required.                                                                                                       | Person 12 years of age or older required to have immediate possession of a valid snowmobile safety certificate issued by the commissioner. Person 12 to 18 may earn credit in immediate possession of a safety certificate and 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 municipality in which located a snowmobile is jointly responsible for the broken while on the snowmobile.                                                                                                 | Unlawful to transport a firearm on a snowmobile unless enclosed 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, gun, pierce, or kill an animal, shoot or attempt to shoot an animal from a snowmobile. | 88 decibels on the A scale at 50 feet.                                                                                                                                        |
| Alaska (continued)        | Direct crossing authorized at an angle of 90 degrees or necessary to get from one authorized area of operation to another. Only where no obstructions exist. Must make complete stop and yield to crossing traffic.                                                                                                     | Posted speed limits where not closed to motor traffic. Not in control or vehicle manufacturer's case.                                                                                                                                                                                                                                                                                                                                                                 | State and local design standards.                                                                                  |                                                                                                                                                                                                                                                                | One headlamp and one tail light, on at 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 Mandatory approved snowmobile safety education course. In presence and under supervision of 18 years old or older.            |                                                                                                                                                                  | "Inherent risks of snowmobiling" recognized as part of registration.                                                                                                                                          | Cannot discharge 4400 psi from snow machine.                                                                                                                                                                                                                                                       | Restricted to 80 dba maximum at 50 feet.                                                                                                                                      |
| New Hampshire (continued) | At a right angle, yielding to traffic.                                                                                                                                                                                                                                                                                  | State statute placed a 45 mph limit on approved OHRV trails not otherwise posted; 35 mph on trail connectors; 15 mph on designated plowed roads; and 10 mph in ROW adjacent to highways, at trail junctions, on designated town or city sidewalk, on bridges, within 100 feet of fishing activities, and when posting grooming equipment. Speed is also governed by a "reasonable and prudent" use condition standard. And 35 mph speed limit for night-time driving. | Established by the Bureau of Trails for trails use.                                                                |                                                                                                                                                                                                                                                                | OHVR 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. OHVR Safety Education Classes provide certification required by riders not possessing a valid driver's license. Children under age 12 may only operate on land owned or leased by parent or guardian.                             |                                                                                                                                                                  | Landowner not required to keep land safe for unauthorized or unauthorized use; also not required to post property against OHVR use. By law, riders accept full responsibility for inherent risks and dangers. |                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                               |

# 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                                                                                                                                                                                                                      | FIREARM USE | NOISE LIMITATIONS                                                                      |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|----------------------------------------------------------------------------------------|
| North Dakota (continued)    | At right angle where no obstruction prevents & quick & safe exiting; 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 NHDTL ROW; if infeasible and prudent speed.                                                                                |                                                                                                                                                                                              |                                          | A headlight, tail lights, brakes and warning muffler are required. Also, operators and passengers under 16 must wear a helmet.               | Safety course administered by the Department of Parks and Recreation. Provides certification for ages 11-16.                                                                            | Operators 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 snowmobile 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, horn lamp 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 for existing conditions.                                                                                 |                                                                                                                                                                                              |                                          | A braking device and head and taillights.                                                                                                    | Anyone age 16 or under is required to obtain certification in a safety education course in order to ride public lands.                                                                  | It is a misdemeanor for any person to operate any snowmobile on or to endanger the person of another while under the influence of intoxicating liquor or narcotics.                       |                                                                                                                                                                                                                                       |             | Mufflers required on models before 1-4-1973. Restricted to 83 dbA measured at 50 feet. |
| Wisconsin (continued)       | Allowable on 4-lane roads, after stop and yield. Allowed at designated locations on 2-lane and larger. Also on bridges and ferocious events.                                                                       | As posted on road. Reasonable and prudent, not endangering property.                                                                    |                                                                                                                                                                                              |                                          | Headlight, taillight, at least one brake, 120 dbA limit. Noise restriction.                                                                  | Mandatory safety and education program. Ages 12-16 must have safety certificate. Underage 16 must be accompanied by adult operator. 4 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 if event upon which admission fee charged and a result of malicious act. |             |                                                                                        |
| Wyoming (continued)         | At right angles, yielding to traffic.                                                                                                                                                                              | Reasonable and prudent. Safe and appropriate at crossings, curves, hillcrests, narrow, winding roads, and when special hazards present. | AASHTO standards for separate facilities. Facilities are designed for both non-motorized and snowmobiles. Gravel trails at top of backstop 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 or provide 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 vehicles operated on the highway.                                                                                                    | Snowmobiles are granted all rights and are subject to all duties of any other vehicle operated on the highway.                          |                                                                                                                                                                                              |                                          | Headlight and tail lights, adequate braking system to include an emergency or parking brake are required. Passengers 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 slammed 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.

News-Miner outdoors editor Tim Mowry can be reached via e-mail at [tmowry@newsminer.com](mailto:tmowry@newsminer.com) or by phone at 459-7587.

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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 roadway 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.

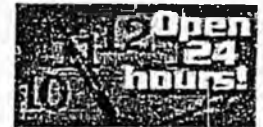
In part because of the high number of accidents last winter--24 people died--troopers patrolled on snowmachines checking registrations, and warning snowmachiners traveling illegally on pedestrian trails, roadways and sidewalks.

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 500cc 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

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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

