



## SPECIAL POLICY BOARD MEETING

### Meeting Minutes

April 12, 2021 • 12:00 p.m.-1:00 p.m.

FAST Planning Office, 100 Cushman Street, Suite 205, Fairbanks, AK

Web Conference at: <https://fastplanning.us/keepup/zoom/>

Zoom Meeting Phone Number: 1 (253) 215-8782 Meeting ID: 868-9166-7214

#### 1. Call to Order

Mr. Anderson, Chair, called the meeting to order at 12:01 p.m.

#### 2. Introduction of Members and Attendees

| <b>Attendee</b>           | <b>Representative Organization</b>    |
|---------------------------|---------------------------------------|
| *Ryan Anderson, Chair     | Director, DOT&PF Northern Region      |
| *Jim Matherly, Vice Chair | Mayor, City of Fairbanks              |
| *Bryce Ward               | Mayor, FNSB                           |
| *Michael Welch            | Mayor, City of North Pole             |
| *Aaron Gibson             | Fairbanks City Council                |
| *Alice Edwards            | Director, DEC Division of Air Quality |
| *Frank Tomaszewski        | FNSB Assembly                         |
| **Jackson Fox             | FAST Planning                         |
| **Olivia Lunsford         | FAST Planning                         |
| **Deborah Todd            | FAST Planning                         |
| **Don Galligan            | FNSB Community Planning               |
| +Kellen Spillman          | FNSB Community Planning               |
| • Dr. Nathan Belz         | BPAC/UAF                              |
| Abby Ljubicich            | Citizen                               |
| Beau Collin               | Citizen                               |
| Benjamin Vanderhart       | Citizen                               |
| Caitlynn Hann             | Citizen                               |
| Cathryn Petersen          | Citizen                               |
| Coleman Baxter            | Citizen                               |
| Davis Schwarz             | Citizen                               |
| Dominic Russo             | Citizen                               |
| Donald Bennett            | Citizen                               |
| Jacob Lovaas              | Citizen                               |
| Katherine Jarupakorn      | Citizen                               |
| Michael Montuya           | Citizen                               |

*\*FAST Planning Policy Board Members, \*\* FAST Planning Staff Members, + FAST Planning Technical Committee Members, • Bicycle/Pedestrian Advisory Committee (BPAC) Members*

**3. Approval of the April 12, 2021 Agenda**

**Motion:** To approve the April 12, 2021 Agenda. (Matherly/Ward).

**Discussion:** No further discussion.

**Vote on Motion:** None opposed. Approved.

**4. Public Comment Period (Non-Action Items)**

No public comment.

**5. Notice of Proposed Regulation Changes on Use of ATVs & Snowmobiles on Public Roads: Consideration of approval of comment letter from FAST Planning to Alaska Department of Public Safety and Department of Administration (Action Item)**

Mr. Fox explained that the meeting packet contained a six-page comment letter to the Alaska Department of Public Safety and Department of Administration regarding use of ATVs and snowmobiles on public roads that was developed in collaboration with Dr. Nathan Belz of UAF. Mr. Fox explained that Dr. Belz was also the author of a recent study entitled, *“The Safety Evaluation of Off-Highway Vehicle Use in Alaska.”* Mr. Fox explained that there were two separate proposed regulations changes from two different departments so time was of the essence to move this forward if that was the will of the Policy Board. Mr. Fox explained that at this time we were requesting that the Department of Public Safety withdraw the proposed regulation changes until they could be further analyzed with the safety of the traveling public in mind. Mr. Fox explained that there had been effort to include the Department of Transportation that owns the public roads to which these proposed changes would apply. Mr. Fox stated that there were concerns about the safety of allowing them on public roadways alongside vehicles. Mr. Fox explained the comments included in the letter. Mr. Fox explained that the State had adopted a Strategic Highway Safety Plan that was meant to be relevant to all state agencies and included the most recent five-year average of fatalities and serious injuries involving ATVs and vehicles. Mr. Fox explained that even without the proposed changes there was a trending increase in accidents, injuries, and fatalities with off-road vehicles on public roadways.

Mayor Matherly commented that this was about the best explanation he had heard of why it was not a very good idea and appreciated the detail.

Mayor Matherly stated that Mr. Fox always got good detail anyway, in his opinion, on everything that he presented but he had already spoken out against this and how wonky it would be, at least in the City limits. Mayor Matherly explained that both their police and fire just had no desire to see these things all over the road. Mayor Matherly stated what if the plowed roads were too high and they missed people, and they would not go by the same exact traffic regulations as folks in cars did. Mayor Matherly stated that he thought that out in the world this probably made really good sense in a lot of areas but not in the City. Mayor Matherly stated that Mayor Ward did not have that authority, but he did. Mayor Matherly stated that it was kind of like the mask mandate they had talked about because they were nestled in the middle of a Borough. Mayor Matherly stated that he was against this for now. Mayor Matherly stated that public safety would be his number one and he did not want to see any more deaths and accidents because of these things so he was complimentary of this presentation. Mayor Matherly stated that their City Council was looking at a Resolution coming out against this too.

Mayor Matherly stated that he would see what the debate was, but this just had trouble written all over it for the Fairbanks area in his opinion.

Mr. Tomaszewski commented that he kind of thought it was a good idea and liked the idea. Mr. Tomaszewski stated that he wondered if anyone had a study on what was going to happen if you brought those riders out of the shadows.

Mr. Tomaszewski stated that right now they were zipping across roads to get from one place to another. Mr. Tomaszewski stated that they were already on the road.

Mr. Tomaszewski stated that he liked the discussion that you could maybe have some rules and regulations to go along with that but thought that bringing these riders out of the shadows and giving them the ability to follow the rules a little better. Mr. Tomaszewski stated that when he was a young man, they would zip around with their three wheelers on the trails and when they could not be on the trails they would have to zip around and cross the road and try not to get caught. Mr. Tomaszewski stated that a friend of his crossed the road and got hit and another friend died. Mr. Tomaszewski stated that he just wondered if they had been allowed to just get along on the side of the road and giving them the ability to get out of the shadows and do what was right was not a good thing.

Mr. Tomaszewski stated that he liked the discussion and thought it was something that should be discussed. Mr. Tomaszewski stated that he thought it was a good thing that this issue was being brought up and they could look at ways to improve it. Mr. Tomaszewski stated that he looked at this as a positive thing and his hypothetical was that he thought that ATV accidents was going to go down with specific rules for drivers and bringing them out of the shadows was going to help with the fatalities.

**Public Comment Period:**

**Dr. Nathan Belz, UAF**, commented that he did not know if Mr. Fox noted it in his summary of the letter, but of our 18 Boroughs, currently 13 of those 18 boroughs defaulted to State provisions on the Alaska Administrative Code (AAC) specifically relating to the operation of OHVs and snowmobiles on highways. Dr. Nathan Belz stated that seven of those 13, Fairbanks being one of them, were second-class boroughs and would all be in the same position as the Fairbanks North Star Borough in trying to determine whether or not, if these proposed changes were to pass, what that meant and they did not have enforcement powers, so it put us and those other boroughs in a very precarious position. Dr. Belz noted that one fact or figure that was not in that letter was from the most recent DMV crash record data they had that were geolocated where they had the latitude and longitude for those records, 41% of the on-road crashes involving OHVs and snowmobiles occurred on State roads. Dr. Belz explained that was a mix of State roads that were part of the contiguous network and state roads that were in some of our villages that connected the community to the airport and other select locations or shorter, one corridor type facilities. Dr. Belz stated that the Alaska Trauma Registry, which was maintained and managed by the Division of Health and Social Services, indicated that three times that number occurred on roadways, but we did not have the actual location, meaning the physical latitude and longitude, and we did have some information about the town where it occurred and whether it was on, off, near the road, or at an intersection. Dr. Belz commented that the nationwide data for off highway vehicles fatalities and serious injuries suggested that the rate of on-road crashes was increasing twice that of off-road crashes, and it was suspected that it had to do with the number of municipalities and agencies that

were passing legislation to allow ATVs and snowmobiles on the road. Dr. Belz stated that he agreed with Mayor Welch's point that a lot of this was not happening in the shadows and noted that if you looked at the areas between our divided highways, specifically the Mitchell, parts of the Parks, Steese, and Richardson where it was currently unlawful to operate an off-highway vehicle or snowmachine, they were just marred with snowmachine tracks particularly after fresh snowfall like we had just seen, in addition to tracks down sidewalks and shared use paths. Dr. Belz stated that related to that he thought that one deficiency that even these proposed changes did not get at was the issue of crossing and access and trying to cross quickly. Dr. Belz stated that under the current AAC, it noted that a snowmachine or off-highway vehicle, where authorized to do so, could cross at approximately 90 degrees and they had to come to a stop before doing so. Dr. Belz stated that there was a formal process by which DOT granted access to side roads and driveways with an access permit where a trained engineer evaluated whether it was an appropriate place to cross. Dr. Belz stated that under the current code the crossing of off highway vehicles and snowmachines could cross anywhere so none of these changes to the code addressed any of those. Dr. Belz noted that there were a lot of implications or engineering challenges areas where that would be appropriate to do so, but he did agree that snowmobiles or snowmachines served a great deal of our state and there were areas where that sort of travel was appropriate and could be accommodated but did not think the Fairbanks North Star Borough was that place.

**Motion:** To approve the letter [regarding proposed regulation changes on use of ATVs and snowmobiles on public roads] to be sent to the State as drafted in the packet (Ward/Matherly).

**Discussion:** Mayor Matherly commented that he appreciated everyone's comments. Mayor Matherly stated that he respected Mr. Tomaszewski's opinion, but they should not forget that they were just a city boxed in the middle of a borough and if someone wanted to give them a bunch of money for new cops, he was all over that. Mayor Matherly stated that they could barely enforce the car laws they had and could not imagine putting snowmachines or four-wheelers out where it was dark or black and you could not see in front of you. Mayor Matherly stated he saw this as problematic, no doubt about it. Mayor Matherly stated that the Borough did not have police powers and had to go to the Troopers. Mayor Matherly stated that they had talked about this before a couple years ago on the Public Safety Commission. Mayor Matherly stated that the Commission was made up of a bunch of former Troopers, a couple of current police officers, and engineers. Mayor Matherly stated that there was only one person on that whole committee that he could remember that was for it and everyone else said it was problematic. Mayor Matherly stated that as far as bringing people out of the shadows, he did not really look at it that way because these were not cars. Mayor Matherly stated that he understood that they were going to do it anyway, but he did not buy off on that, "let's just do it and it might go down." Mayor Matherly stated that it was kind of like "Let's legalize all drugs and they were going to do it anyway and it would bring the use down." Mayor Matherly stated that he did not really want to do that kind of sweeping buffet and maybe that was a bad analogy, but he just saw this as problematic. Mayor Matherly stated that if they did that in the City, he did not see how that would work since they were in the middle of the Borough. Mayor Matherly stated that this was a

public safety issue for the City. Mayor Matherly stated that they had their Public Works vehicles out there and they could have snowmachines and four-wheelers trying to overtake some of those vehicles and passing on the shoulders. Mayor Matherly stated that he did not want to start down that path of bringing them into the City. Mayor Matherly stated that not everybody was going to be responsible in the City and it would drive their police force nuts, they would never stop, and you could not chase them so they would just go off into the woods and it would be an impossible situation for the City, in his opinion. Mayor Matherly stated that he had not heard much love for it from the City Council and tonight they were going to vote on the Resolution they had also objecting to it. Mayor Matherly stated that the City Council could say yes, and he might lose that fight too but from everything he was hearing as far as a city as large as Fairbanks with it winter most of the year, and people would have to update their machines and keep them running, it would just be a nightmare for the City. Mayor Matherly stated that he liked the discussion, and he would be voting yes to get this letter down there.

Mayor Ward stated that the one thing he appreciated about Mr. Fox's letter was that it did not completely write this thing off. Mayor Ward stated that he thought one of the things that had been mentioned in testimony and in the report that they got was that there were communities in the State of Alaska and, particularly in our rural areas, where a lot of these things might make a lot of sense. Mayor Ward stated that he thought a little bit more of a fine-tuned approach to the regulation and how it could be worked into some of those communities. Mayor Ward stated that in some of our rural communities, it was a much better option to have an ATV as a mode of transportation than it was a vehicle. Mayor Ward stated that he did think there was probably a place for this at the statewide level, but he thought that the broad approach that was being taken with the proposed changes was too much. Mayor Ward stated that he thought that what really spoke well of this letter was that it recognized that and said that if they wanted to do some additional work on this but to hold off on implementing it from the whole Statewide perspective. Mayor Ward stated that he was in support of the letter that Mr. Fox had drafted for them.

Mayor Welch stated that he was in support as well. Mayor Welch stated that he used to spend every summer starting in 2001 in Northway and even out there he watched ATVs flying down the road past the airport to go up to the junction with sometimes three or four people on a three-wheeler or four-wheeler. Mayor Welch stated that he had seen them lose control and go flying off into a ditch and people got hurt. Mayor Welch stated that in his own city he had a hard enough time, with the number of police they had, enforcing the rules that they had.

Mr. Gibson commented that he thought the letter had a lot of good points to it and there were some other points that he found interesting, but Mr. Fox had pointed out the inconsistencies with state law and regulation changes and the way he initially understood it, there would be a license required. Mr. Gibson stated that the letter also seemed focused around completely opposing the idea altogether and he did not believe that was the right way to go either, but it should be addressed in some shape or form. Mr. Gibson stated that Farmers Loop and some areas around town might have a good case for it. Mr. Gibson stated that he mostly liked the letter but thought it needed to be discussed further.

Mr. Tomaszewski commented that he agreed with Mr. Gibson and all of them. Mr. Tomaszewski commented that he thought that there were ways that they

could improve on the use of ATVs in the community and maybe that was through education, designated roadways for ATVs, or signage. Mr. Tomaszewski stated that there so much good that could be done, and it could save lives and he did want to send a letter that portrayed us as completely against the idea.

Mr. Tomaszewski stated that he assumed that the State was doing its due diligence in drafting and making rules and regulations for this proposal so it would be interesting to see what came out of this. Mr. Tomaszewski stated that he would support this but with the caveat that he thought there was a lot of good that could come out of it. Mr. Tomaszewski stated that we had bicycles on the street now and we had to watch out for them and obviously they would not do as much damage as a snowmachine. Mr. Tomaszewski stated that as far as snowmachines going downtown he thought that was only after a snowstorm.

Mr. Tomaszewski stated that he would not see any problem with going ahead with a study on how we could make it effective and better. Mr. Tomaszewski stated that a lot of people used ATVs and snowmachines and if they had some way to get that information out and make some good, sound public policy such as where and how and who, drivers licenses or no drivers licenses. Mr. Tomaszewski stated that he guessed it was the way the letter portrayed it and thought they should not be completely objectionable about this and use this Resolution as a way to create a discussion, which he thought it would. Mr. Tomaszewski stated that he would have to support it. Mr. Tomaszewski stated that he believed that there was a lot of good they could do to get that information out and make it safer for everyone because the Borough was a big place so he thought designating certain roadways and certain rules would be okay.

Ms. Edwards commented that she had been listening to the discussion and thought it was great and she appreciated all the perspectives that she heard on this and the letter. Ms. Edwards stated that she wanted to let the Policy Board know that she had looked at the air quality statements in the letter and she believed that those were accurate, although she thought that the air quality planning elements were things that the Department of Environmental Conservation would work through. Ms. Edwards stated that they did had to take into account emissions from snowmachines, ATVs, and other types of vehicles beyond motor vehicles when they were doing their planning efforts. Ms. Edwards stated that changes to rules and regulations like this did have potential impacts but whether or not they would result in enough of an air quality change to create any jeopardy for the plan was unknown at this time, but that would be something they would have to work through. Ms. Edwards stated that as Mr. Anderson had reflected on some of the DOT items that were specifically listed out, she wanted to give the Policy Board the benefit of her understanding of the air quality issues.

Ms. Edwards stated that she had not vetted this letter all the way through her department and as a State agency commenting on other State agency's regulations was a little unusual. Ms. Edwards stated that they would go through a process that was more at a department level to do something like that so she might abstain from voting today but appreciated the local perspectives on this. Ms. Edwards stated that it was obviously an important topic both locally and statewide from a transportation perspective, so she just wanted to give the Policy Board the benefit of her thoughts.

Mr. Anderson commented that from the DOT perspective, they ran the letter through Statewide Design, and they had a few citations, and they were still

working on their DOT comments and had not put out a statement regarding this proposal. Mr. Anderson stated he would abstain and did not want to be out ahead of anything that DOT might decide. Mr. Anderson stated that many of the points and statements made today were right in line with what they had been talking about at DOT, so he appreciated the conversations today.

Mayor Matherly asked if he understood correctly that Mr. Anderson and Ms. Edwards were abstaining because their group had not taken a formal position yet.

Mr. Anderson stated that was correct and the conflict there was that they could essentially be supporting something that their Department may or may not.

Mayor Matherly asked where that left the City of Fairbanks or North Pole.

Mayor Matherly stated that they had not taken a stance on it. Mayor Matherly stated that he knew he was a voting member, but the Council could come out and say no. Mayor Matherly stated that if they were abstaining from an official stance or vote on it, where did that leave them and if they could vote today with a sound mind on this. Mayor Matherly stated that he wanted to make sure before they voted that if they were abstaining because of an official conflict, where did that leave the City, the Borough, or North Pole and asked if there were any concerns.

Mayor Ward stated that they had this conversation at the Borough about the positions that both he and Mr. Tomaszewski had and if they were representing the Body, the Assembly, or at least that was their interpretation at the Borough, that they had to have the support of the Assembly. Mayor Ward stated that for instance, this particular item would be up on Thursday, so if there was a decision that either he or Mr. Tomaszewski made it was based on their capacity as either a Mayor or an Assembly member in the capacity which they served on this Committee, and it did not represent the organization as a whole. Mayor Ward stated that he did not know what the State policies were in regard to that but that was how it was at the Borough and that was how it was while he was at the City of North Pole as well.

Mayor Welch stated that the earliest he could discuss it with his City Council would be April 19<sup>th</sup> and the earliest he could get it on the agenda would be the first meeting in May. Mayor Welch stated that it had not been discussed with the Council. Mayor Welch stated that he was waiting to see how it went today so he was not able to put this before the City Council.

Mayor Matherly stated that with two abstentions that could change the vote altogether and that was the only reason he brought it up. Mayor Matherly stated that if no one else saw a reason why they should not vote then that was fine.

Mr. Anderson stated that for a motion to pass it required four supporting votes.

Mr. Tomaszewski asked why this was brought up in such a hurry in a special meeting.

Mr. Fox explained that the deadline to comment on these changes was Thursday, April 15, 2021 to the Department of Administration and the the second deadline to the Alaska Wildlife Troopers was April 18, so to submit official comments from FAST Planning on this issue we had to call a special meeting because our regular meeting was not until April 21, which was past the deadline. Mr. Fox stated that was the urgency to call a special meeting. Mr. Fox stated that he would also like to address Mayor Matherly's concerns and a reminder for Policy Board Members that they were also a Board of Directors for FAST Planning and FAST Planning

was an independent organization. Mr. Fox explained that by voting on this they were functioning as the Board of Directors for an independent organization, so it did not necessarily reflect the views or opinions of their respective local governments. Mr. Fox stated that he would be the person signing the letter and each Board member would simply be copied. Mr. Fox stated that he did not see any reason why any local government member would need to abstain from the vote because they were voting on behalf of the opinions of FAST Planning and not of their organizations.

Mayor Matherly stated that his only concern and if the main reason was that they abstained from voting it might not be the best day to vote. Mayor Matherly commented that if the deadline was Thursday, they were in a weird position and that was why he would rather not vote.

Mr. Anderson stated that he and Ms. Edwards were not elected officials and were happy to maintain that balance with their departments.

**Vote on Motion:** Three in favor. Two opposed. (Tomaszewski, Gibson). Two abstentions. (Anderson, Edwards). Motion failed.

## 6. Other Issues

No other issues.

## 7. Policy Board Member Comments

- Mr. Tomaszewski thanked everyone for putting this together and having a good discussion. Mr. Tomaszewski commented that he honestly believed that the right thing was going to be done and they were going to be able to move forward and institute a good sound policy on this and let things go as it is and keep an eye on the issue for sure. Mr. Tomaszewski thanked everyone and told them to have a good sunny afternoon.
- Mayor Welch thanked everyone and stated that they would work their way through this as best they could and that was the best they could do.
- Mayor Matherly commented that he did not share Mr. Tomaszewski's optimism that the right thing would be done. Mayor Matherly commented that he thought that part of the right thing was to honor what FAST Planning did today. Mayor Matherly commented that we did all that work and with two abstentions, they did a disservice to this in his opinion. Mayor Matherly stated that they were all professionals, but they all needed to vote on this. Mayor Matherly stated that he just thought they did a disservice to all the work. Mayor Matherly commented that weighing in with FAST Planning was a huge deal and it was a very important opinion. Mayor Matherly stated that he just thought a full vote should have been done.
- Mr. Anderson thanked everyone and stated that he thought it was a good discussion.

## 8. Adjournment

**Motion to Adjourn.** (Welch/Edwards). The meeting adjourned at 1:23 p.m. The next Policy Board Meeting is Wednesday, April 21, 2021.

Approved:   
Ryan Anderson, Chair  
FAST Planning Policy Board

Date: 4/22/2021