

MATANUSKA-SUSITNA BOROUGH PARKS, RECREATION, AND TRAILS ADVISORY BOARD

Chairperson – David Palmer – At Large 4
Vice Chair – Ed Strabel - District 6
Amy O'Connor – District 1
James Gustafson– At Large 1

George Brown – District 2
Kenneth Barber – At Large 2
Sonya Walden - District 3
Lyle Downing – At Large 3

VACANT – District 4
Cindy Bettine - District 5
VACANT - District 7

AGENDA

REGULAR MEETING
Assembly Chambers

November 30, 2016
5:00 P.M.

- I. CALL TO ORDER
- II. ROLL CALL – DETERMINATION OF QUORUM
- III. APPROVAL OF AGENDA
- IV. PLEDGE OF ALLEGIANCE
- V. MINUTES OF PRECEDING MEETING
 - A. October 24, 2016
- VI. BOROUGH STAFF REPORT
 - Hugh Leslie, Recreation & Library Services Manager
- VII. TAB REPORT
- VIII. PERSONS TO BE HEARD / AUDIENCE PARTICIPATION – 3 minutes per person
- IX. UNFINISHED BUSINESS
 - A. Legislation prohibiting trapping on borough owned public school property and the borough owned portion of Crevasse Moraine trail system
 - B. TAB Joint Meeting – *See June 2016 meeting packet for hard copy*
 - C. Alaska LNG project - <http://ak-lng.com/>
- X. PUBLIC NOTICES
- XI. NEW BUSINESS
 - A. 2017 Meeting schedule
- XII. VOLUNTEER NOMINATIONS
- XIII. CORRESPONDENCE
- XIV. MEMBER COMMENTS
- XV. NEXT MEETING
 - January 23, 2016 – TBD
- XVI. ADJOURNMENT

- 45 • West Butte Parking lot project is out to bid, hoping to complete the project mid-
46 winter.
47 • Parks have closed up operations at Mat River Park for the season. Trails crews
48 have been laid off for the season. Winter maintenance crews are in the process of
49 being hired.

50
51 VII. TAB REPORT
52 None
53

54 VIII. PERSONS TO BE HEARD / AUDIENCE PARTICIPATION

- 55 • Jonathan Zeppa – spoke against the proposed legislation prohibiting trapping on
56 borough owned public school property and the borough owned portion of
57 Crevasse Moraine trail system.
58 • Albert Spencer - spoke against the proposed legislation prohibiting trapping on
59 borough owned public school property and the borough owned portion of
60 Crevasse Moraine trail system.
61 • Todd Rinaldi - spoke against the proposed legislation prohibiting trapping on
62 borough owned public school property and the borough owned portion of
63 Crevasse Moraine trail system.
64 • Richard Person - spoke against the proposed legislation prohibiting trapping on
65 borough owned public school property and the borough owned portion of
66 Crevasse Moraine trail system.
67 • Anthony Schwarts – spoke in favor of a trail system without trapping. Also spoke
68 to his desire to see the pool sustain their existing use after the remodel.

- 69
70 IX. UNFINISHED BUSINESS
71 A. TAB Joint Meeting
72 Tabled until November 28th meeting.
73 B. Alaska LNG project - <http://ak-lng.com/>
74

75 X. PUBLIC NOTICES

76
77 XI. NEW BUSINESS

- 78 A. Legislation prohibiting trapping on borough owned public school property and the
79 borough owned portion of Crevasse Moraine trail system
80 MOTION: Ms. Walden moved, Mr. Strabel 2nd to table conversation until the
81 November 28th meeting. All in favor.
82
83 B. Frankie Barker – Environmental Planner
84 Economic Benefits of Trails, Parks and Open Space in the Mat-Su
85 Ms. Barker gave presentation of the above named study.
86
87 C. Emerson Krueger – Resolution 16-03 Q & A
88 Presented the board an opportunity to ask questions regarding Resolution 16-03
89
90 D. PRTAB Resolution 16-03 - A RESOLUTION OF THE MATANUSKA–
91 SUSITNA BOROUGH PARKS, RECREATION, AND TRAILS ADVISORY
92 BOARD SUPPORTING CLEARING ALPINE SKI TRAILS WITHIN THE
93 NORTHERN DEVELOPMENT UNIT AT HATCHER PASS.

94 MOTION: Mr. Strabel moved, Ms. Walden 2nd. Discussion
95 Mr. Palmer invited Mr. Krueger to keep the board updated on the progress of this
96 project.
97 Mr. Strabel called for the question. All in favor.

98
99 XII. VOLUNTEER NOMINATIONS
100 None

101
102 XIII. CORRESPONDENCE
103 Email from Kenny Barber asking the board to table discussion of Item A under New
104 Business until the November 28th meeting.

105
106 XIV. MEMBER COMMENTS
107 None

108
109 XV. NEXT MEETING
110 A. Next regularly scheduled meeting is November 28, 2016. Location TBD

111
112 XVI. ADJOURNMENT
113 Mr. Palmer adjourned the meeting at 5:50 p.m.

114
115
116
117
118
119
120 _____
121 David Palmer - Chairperson

122
123 ATTEST:
124
125
126 _____
127 Jill Irsik, Comm. Div. Admin. Specialist



MATANUSKA-SUSITNA BOROUGH

Borough Attorney's Office

Nicholas Spiropoulos, Borough Attorney
350 East Dahlia Avenue • Palmer, Alaska 99645-6488
Telephone (907) 861-8677 • Facsimile (907) 861-8559
www.matsugov.us

MEMORANDUM

DATE: September 22, 2016

TO: Parks, Recreation and Trails Advisory Board

THROUGH: Shannon Bodolay, Assistant Borough Attorney

FROM: Assembly Member Dan Mayfield

SUBJECT: Legislation Prohibiting Trapping on Borough Owned Public School Property and the Borough Owned Portion of Crevasse Moraine Trail System

Assembly member Mayfield requested this legislation be presented to this Board to consider and comment upon prior to it being placed on the Assembly's agenda.



CODE ORDINANCE

Sponsored by:
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 16-___**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING 24.05, MSB 2.85. AND MSB 19.12 TO PROHIBIT TRAPPING ON BOROUGH OWNED PUBLIC SCHOOL PROPERTY AND THE BOROUGH OWNED PORTION OF CREVASSE MORAINES TRAIL SYSTEM.

WHEREAS, the Matanuska Susitna Borough owns property that has been developed for public schools sites;

WHEREAS, the Matanuska Susitna Borough school sites are heavily utilized by children, teachers, school administrators, and members of the public;

WHEREAS, the Matanuska Susitna Borough also owns property that makes up various trail systems;

WHEREAS, the Matanuska Susitna Borough owns property within the Core Area that serves as part of the Crevasse Moraine Trail system;

WHEREAS, the Matanuska Susitna Borough maintains certain trails on its property in the Crevasse Moraine Trail system;

WHEREAS, people recreate beyond the boundaries of the Borough maintained trails in the Crevasse Moraine Trail system, as there are no requirements or restrictions that recreational use is limited to a particular area or trail;

WHEREAS, there are other "social trails" on the Matanuska

Susitna Borough property in the Crevasse Moraine Trail system that are not Borough maintained;

WHEREAS, the Matanuska-Susitna Borough Recreational Trails Plan ("Trails Plan" evaluated the needs and desires of Borough residents and landowners with regard to recreational trail development;

WHEREAS, one of the goals of the Recreational Trails Plan is to preserve the existing popular recreational trails;

WHEREAS, one of the Trails Plan management recommendation goals is to minimize conflicts between different types of trail users and avoid trail degradation due to improper use;

WHEREAS, the Trails Plan recognizes that trail conflicts between separate user groups are likely to increase as trail use increases;

WHEREAS, the Trails Plan likewise recognizes that it is important for the Borough to take some proactive steps to insure these conflicts are minimized;

WHEREAS, the Trails Plan further recognizes that trails should be managed so as to provide the greatest recreational benefit to those types of recreational trail uses for which the trail is uniquely situated;

WHEREAS, the Trails Plan also recognizes that it may be necessary to limit some uses in certain situations;

WHEREAS, in a survey reported in the Trails Plan, 51% of the respondents stated that walking or dog walking was the most common trail recreation activity;

WHEREAS, the Crevasse Moraine trail system is included within the Trails Plan,

WHEREAS , the Crevasse Moraine Trail System is described in the Trails Plan as one for which the trails have been "dedicated" or that they have a legal right-of-way or formal landowner permission allowing public access along its entire length;

WHEREAS, the Crevasse Moraine Trail System is described as a regionally significant trail in the Trails Plan;

WHEREAS, in a separate plan called the Crevasse-Moraine Master Plan, the area is described as a "high demand attraction serving diverse non-motorized users, including walkers (often with dogs), runners, equestrians, and mountain bikers;"

WHEREAS, the Crevasse-Moraine Master Plan explains that investment in the site is focused on providing healthy, enjoyable recreation opportunities for a compatible mix of non-motorized uses including family stroll and dog walking among others;

WHEREAS, in the "Desired Future Conditions" of the Crevasse-Moraine Master Plan, it states Crevasse Moraine

consists of 360 acres reserved for a permanent, formalized, soft tread trail network for which investment is focused on providing healthy, enjoyable recreation opportunities for a compatible mixture of non-motorized users including: family stroll/non strenuous walking; dog walking; strenuous walking/hiking; running/cross country training; equestrian; mountain biking; Nordic skiing; snowshoeing; skijoring; geocaching; bird/wildlife watching; orienteering; informal neighborhood picnic and play areas;

WHEREAS, in the "Desired Future Conditions" section of the Crevasse-Moraine Master Plan also notes that Valley Pathways School shares some common infrastructure with Crevasse Moraine, and that the school seeks to instill respect for the Crevasse Moraine area by working with the Borough to create opportunities for student trail use related to their education; community service learning trail maintenance projects, forestry and trail building vocational training; and summer facility use for recreational programming;

WHEREAS, demand for Borough trails increases every year, and is expected to continue as visitors and residents continue to get outside and enjoy the Borough's natural beauty in increasing numbers;

WHEREAS, the Borough has an interest in managing its

property to facilitate the intended use of the property, and protect members of the public, their children and their pets;

WHEREAS, there are currently no prohibitions against trapping in these areas;

WHEREAS, according to the "Trap Safety for Pet Owners" guide that is published by the Alaska Department of Fish and Game, Division of Wildlife Conservation's and the Alaska Trappers Association, trapping is a popular pastime and a livelihood for some and occurs throughout Alaska, even on some popular recreation trails;

WHEREAS, MSB 23.05.050(A) already prohibits a person from placing personal property upon or making unauthorized use of borough-owned real property without written permission from the manager;

WHEREAS, there are no express trapping restrictions on Borough owned public school sites, or within the Borough owned Crevasse Moraine trails;

WHEREAS, allowing traps to be placed on Borough owned public school sites or within the Borough owned Crevasse Moraine trails or nearby is incompatible with the intended educational and or recreational uses for those areas;

WHEREAS, school site users, including children, may not be able to timely identify the location of traps on public school

property and may not be able to successfully avoid them;

WHEREAS, recreational trail users, including children, may not be able to timely identify the location of traps of on Borough owned Crevasse Moraine Trail and may not be able to successfully avoid them accordingly;

WHEREAS, allowing traps to be placed in these areas could inadvertently, but seriously, injure those using these areas - including children and/or the pets individuals they recreate with;

WHEREAS, at least three dogs have been inadvertently caught in traps in the Matanuska Susitna Borough within the last year and treated by the Animal Care and Regulation shelter;

WHEREAS, dogs in the Matanuska Susitna Borough have suffered significant injuries as a result of being caught in traps;

WHEREAS, AS 29.35.010(8) provides the Borough the power to manage and control real property;

WHEREAS, the Borough has an interest in managing its property to protect the property users;

WHEREAS, the Borough has an interest in managing its trail property to ensure the primary intended uses such as walking, hiking, running, biking etc., with or without pets, is safe from conflicts relating to traps;

WHEREAS, the Borough has an interest in protecting domestic animals and the power to do so pursuant to AS 29.35.210(a)(3);

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of section. MSB 24.05.020 is hereby amended as follows:

(A) The borough **generally** has jurisdiction **only** over domestic and domesticated animals. Except for purposes of enforcing MSB 2.85.020, MSB 19.12.015, and MSB 24.05.105, the borough does not have jurisdiction over the following animals:

- (1) wild animals; and
- (2) game animals, the taking or possession of which is regulated by the state or federal government.

Section 3. Adoption of section. MSB 24.05.105 is hereby adopted as follows:

(A) Except as provided in MSB 24.05.110, no person may engage in trapping, attempting to trap, or aiding and abetting any person in trapping any wild or domesticated animal:

(1) Within any Borough maintained trail, or within 100 feet of such, on Borough owned property which is part of the Crevasse Moraine trail system.

(2) On any part of public school property owned by the Borough.

(B) The Borough will prepare and keep current a map showing areas where trapping is not allowed pursuant to this section. A copy of the map shall be provided to any person upon request.

(C) The Alaska Department of Fish and Game, Alaska Department of Public Safety, United States Fish and Wildlife Service, or their authorized agents or designees, may trap animals within the area in which trapping is expressly prohibited by the chapter.

(D) This section shall not apply to the trapping or capturing of rats, mice, shrews, or similar vermin.

(E) Violation of this section shall be punishable as set forth in MSB 24.40.

Section 4. Amendment of section. The fine schedule in MSB 24.40.050 is amended as follows:

trapping any wild or domesticated animal within 10 yards of any such trail to prevent trail conflicts and ensure safety.

(1) The Borough will prepare and keep current a map showing areas where trapping is not allowed pursuant to this section. A copy of the map shall be provided to any person upon request.

(2) The Alaska Department of Fish and Game, Alaska Department of Public Safety, United States Fish and Wildlife Service, or their authorized agents or designees, may trap animals within the area.

(3) This section shall not apply to the trapping or capturing of rats, mice, shrews, or similar vermin.

(4) Violation of this section shall be punishable as set forth in MSB 1.45.

(E) The manager may close or restrict additional trails because of environmental, seasonal, safety concerns, or other valid reasons and may restrict certain uses to avoid trail conflicts or safety concerns.

Section 7. Adoption of Section. MSB 2.85.030 is adopted as follows:

2.85.030 DEFINITIONS

"Trap" means any device designed or used to capture or hold an animal and that operates without direct human control. This includes any device for catching and holding wild or domesticated animals including, but not limited to, snares, nets, pitfalls, or clamp-like devices that spring shut suddenly.

"Trapping" means the placing or setting of a trap.

Section 8. Amendment of Chapter Title. Chapter 19:12 Title is amended as follows:

[OPERATION OF MOTOR VEHICLES] **SCHOOL PROPERTY**

Section 9. Amendment of Section. MSB 19.12.020 is amended

19.12.015 TRAPPING PROHIBITED

Except as provided in MSB 24.05.110, no person may engage in trapping, attempting to trap, or aiding and abetting any person in trapping any wild or domesticated animals on any part of public school property owned by the Borough.

- (1) **The Borough will prepare and keep current a map showing areas where trapping is not allowed**

pursuant to this section. A copy of the map shall be provided to any person upon request.

(2) The School District, Alaska Department of Fish and Game, Alaska Department of Public Safety, United States Fish and Wildlife Service, or their authorized agents or designees, may trap animals within the area.

(3) Violation of this section shall be punishable as set forth in MSB 1.45.

Section 10. Adoption of Section. MSB 19.12.030 is adopted as follows:

19.12.030 DEFINITIONS

"Trap" means any device designed or used to capture or hold an animal and that operates without direct human control. This includes any device for catching and holding wild or domesticated animals including, but not limited to, snares, nets, pitfalls, or clamp-like devices that spring shut suddenly.

"Trapping" means the placing or setting of a trap.

Section 11. Amendment of Section. The fine schedule in MSB 1.45.100 (C) is amended as follows:

19.12.020 Trapping on School Property 1stOffense \$150

2nd Offense \$300

3rdand Subsequent \$500

23.05.105 Trapping Prohibited

1st Offense \$150

2nd Offense \$300

3rd and Subsequent \$500

Section 12. Adoption of section. MSB 1.45.105 is hereby adopted as follows:

1.45.105 FORFEITURE OF TRAPS

Ownership rights of any trap found on public school property owned by the Borough, or any trap found on a Borough maintained trail or within 100 feet of such on Borough owned property which is part of the Crevasse Moraine trail system, are forfeited upon conviction of MSB 2.85.020 (D) or MSB 19.12.020.

Section 13. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2016.

VERN HALTER, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

DRAFT

Summary of TAB ORV Work Session attachments:

1. A listing of TAB resolutions that urge the Assembly to either adopt policy or fund programs/studies that evaluate ORV use and impacts within highway corridors (easements or ROW).
2. March 2012 – First TAB work session on ORV issues produced a list of safety and concerns that the TAB wanted to address.
3. Spreadsheet that was produced from the work sessions listing the scope of work that the TAB was wanting to address and who was to be responsible for gathering the information requested under the issues column.
4. Minutes from the September 17, 2014 TAB ORV Work Session. The minutes reflect the Q & A session with Nick Spiropoulos, MSB Attorney and Allen Kemplen, ADOT&PF, and well as thoughts from the TAB members regarding this issue
5. Email from George Hays, Assistant Borough Manager, regarding the September 17, 2014 meeting. In this email he lays out administration's thoughts concerning the ORV issues that the TAB was trying to undertake.

Action: Adopted October 25, 2006

MATANUSKA-SUSITNA BOROUGH
TRANSPORTATION ADVISORY BOARD
RESOLUTION SERIAL NO. 06-10

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH TRANSPORTATION ADVISORY BOARD URGING THE BOROUGH TO ADOPT A POLICY THAT RESERVES AND DEDICATES EXISTING TRAILS WITHIN RIGHTS-OF-WAY AND SECTION LINE EASEMENTS THAT ARE USED FOR MULTIPLE PURPOSES.

Action: Adopted March 25, 2009

MATANUSKA-SUSITNA BOROUGH
TRANSPORTATION ADVISORY BOARD
RESOLUTION 09-02

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH TRANSPORTATION ADVISORY BOARD RECOMMENDING ASSEMBLY PROGRAM FUNDING FOR EVALUATION OF ATV USE IN HIGHWAY CORRIDORS AND REQUESTING ADOT&PF MATCHING PLANNING STUDY FUNDS.

Action: Adopted February 22, 2012

MATANUSKA-SUSITNA BOROUGH
TRANSPORTATION ADVISORY BOARD
RESOLUTION 12-03

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH TRANSPORTATION ADVISORY BOARD RECOMMENDING ASSEMBLY PROVIDE PROGRAM FUNDS FOR EVALUATION OF ATV USE AND IMPACTS WITHIN HIGHWAY CORRIDORS.

Action: Adopted August 22, 2012

MATANUSKA-SUSITNA BOROUGH
TRANSPORTATION ADVISORY BOARD
RESOLUTION SERIAL NO. 12-12

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH TRANSPORTATION ADVISORY BOARD SUPPORTING FUNDING FOR A STUDY OF OFF ROAD VEHICLE USE IN THE MATANUSKA-SUSITNA BOROUGH RIGHT OF WAY

Safety and Concerns

Easements and added traffic

Economic advantage

No Corridor or constructed paths

Liability issues

Right of Ways

Respect – Social and Economics

ATV – Classes funded by Manufacturers

Developed trail and a developer want to develop and have to plan around trails

ATV use

Design standards separate from right away

Volume of the traffic

Assembly ATV standards – Study - \$ for the budget

SAE

Social Economic Issues

No design standards in right away

Federal will not fund ORVs

Off road exceptions – smog, noise standards

Enforcement, Education, and Engineering

Three wheel, four wheel regulations between states

KGP – Four wheelers in the ditches; making sure tree sap, tree chips, and dust, harden the area

Well-traveled areas problems

ORV traffic and domain – survey for normal use and primary transportation

Willow – build on the RR and did flag stops; using ORVs instead

FOCUS on Borrough right aways

TAB Board Safety and Concerns – March 2012

GOALS – Limit to roads in the Matsu Borroughs

SCOPE – Cannot separate Public and state roads

Design and maintenance standards – Three Es

Road right away design

Regulations and enforcement

What are the regulations in place right now and the enforcement (what are they)

Licensed – ATV and snow machines

Training and Education

Public Safety and Rider Safety

Public Participation – user groups and community counsel – Notices, newspaper, letter

User and committee

Break down

Issues and choices that underlie non-motorized facilities throughout the borough; good planning; create a more balanced transportation system

Off road use and safety issues

Mud holes

Summary of the report

Economic and social issues

Funding

Reference material not up to date

Allowing the vehicles on the road ROWs – speed limits and guidelines

Regulations – Driver licensing

Mat-Su Borough TAB - Worksheet on Off Road Vehicle (ORV) use in Road Right-of-Way

Scope of Work & Description Worksheet

Last Revised: 4/18/12

<u>Issue</u>		<u>Included in Study</u>	<u>Assigned to (TAB) (Staff) (Consult)</u>	<u>Work Description</u>
Goals/Objectives of Providing for ORV use in ROWs. (See "User Benefits of Accommodating ORV use in Public ROW")			BETH	This section is intended to "set the tone" for the entire project, e.g., Executive Summary
AA.01	Provide for and define the potential for compatible use of ROWs by ORVs so the use is not banned.	x	C,S,T	Through a combination of research into existing laws, ORV end-user group/ public comment, MSB Staff resources and interviews with SOA DNR Snow Machine Staff person, identify the value, potential obstacles, and resources available and/ or required for supporting ORV use in MSB road right-of-ways.
AA.02	Existing and potential authority(ies)/ resources/ methodologies for resolving conflicts between ORV and non-ORV uses and users	x	C,S,T	Identify how and why ORV use in the road ROW potentially carries more liability than road vehicle use of roads and how this liability might be reduced. Identify existing and potential conflict resolution methodologies.
Historic and Current Use (by geographical area)				
A.01	Historical/Traditional use.	x	C, S	Map out geographical use areas in the Borough. Give a summary of traditional use of ORV in these areas.
A.02	Rights established through past use.	x	C, S	Using the same "use areas" have any traditional uses established a "right"?
A.03	Current volume, type of user, and type of use (both automobile and ORV traffic)	x	C	Identify roads included in the study/use area. Describe land use patterns, type and volume of traffic, etc. Describe types, uses and volumes of ORV traffic.
A.04	Existing routes and traffic patterns,	x		
A.05	Relate historical use with access to the road ROW's?	x	C	Are there connection points in the road ROW that should be maintained to preserve access to and off-road trail system?
A.06	Population density	x	S	Create some keys to show population density and address any issues that may relate to ORV use and population density.

<u>Issue</u>		<u>Included in Study</u>	<u>Assigned to (TAB) (Staff) (Consult)</u>	<u>Work Description</u>
Current State, Borough or other Regulation regarding ORV use w/in Road ROW in the Mat-Su Borough				
B.01	Legislation/Regulation for use within road ROW	x	C	Review the current regulation of ORV use within ROW's.
B.02	Equipment standards/requirements (spark arrester, etc.)	x	C	Review current equipment standards/requirements, if any, for use of ORV's in the ROW. Review other states' standards/requirements. Check with user groups.
B.03	Driver standards/requirements	x	C	Review current driver standards/requirements, if any, for operators of ORV's in the ROW. Review other states' standards/requirements. Check with user groups.
B.04	Requirements for shared use with non-motorized traffic	x	C with Legal	Review existing requirements, if any, governing the shared use of motorized and non-motorized use of space or trails in a ROW. Review what "recommended" practices may exist for shared use.
B.05	Licensure - riders and machines	x	C	Beth: Determine whether or not regulations exist within the State/ Borough/ Cities; if not, research Other State Regulations and/ or appropriateness.
B.06	Insurance Requirements	x	C	Beth: Determine whether or not regulations exist within the State/ Borough/ Cities; if not, research Other State Regulations and/ or appropriateness.
B.07	Controlling ORV/Non-motorized ROW use	x	C	Beth: Determine whether or not regulations exist within the State/ Borough/ Cities; if not, research Other State Regulations and/ or appropriateness.
B.08	Controlling ORV/Car-truck ROW use	x	C	Beth: Determine whether or not regulations exist within the State/ Borough/ Cities; if not, research Other State Regulations and/ or appropriateness.
B.09	Protecting adjacent properties	x	C	Beth: Determine whether or not regulations exist within the State/ Borough/ Cities; if not, research Other State Regulations and/ or appropriateness.
B.10	Design Standards and Use Corridor in the ROW	x	C	Beth: Determine whether or not regulations exist within the State/ Borough/ Cities; if not, research Other State Regulations and/ or appropriateness.

<u>Issue</u>		<u>Included in Study</u>	<u>Assigned to (TAB) (Staff) (Consult)</u>	<u>Work Description</u>
Public Safety and Enforcement of existing Regulations				
C.01	Enforcement of state regulations	x	C	Who has the authority/responsibility to enforce state regulation of ORV use in the ROW? What is the level of enforcement?
C.02	Enforcement of local regulations	x	C	Who has the authority/responsibility to enforce local (Borough/city/municipality) regulation of ORV use in the ROW? What is the level of enforcement?
C.03	Problems and policy with current enforcement policy	x	C	Review problems and policy with enforcement, what they are, why they exist, and what are the options for correcting the problems?
C.04	What does the public want by way of regulation?	x	C	Conduct a public relations program to obtain public input. Review & evaluate material to develop a policy towards regulation.
C.05	What does the public want by way of enforcement?	x	C	Conduct a public relations program to obtain public input. Review & evaluate material to develop a policy towards enforcement
C.06	Dust, rocks, snow, etc.	x	C, S	Identify the problems that exist with dust, rocks, snow, etc. and provide options for dealing with those problems. Include cost considerations when evaluating the options.
C.07	Headlights (glare)	x	C	Identify problems associated with glare from ORV use in the ROW at night and make recommendations on how to deal with it.
C.08	Speed	x	C	Identify problems associated with speed from ORV use in the ROW and make recommendations on how to deal with speed. What is the level of enforcement?

<u>Issue</u>		<u>Included in Study</u>	<u>Assigned to (TAB) (Staff) (Consult)</u>	<u>Work Description</u>
Other Issues with ORV use in the Public ROW; Cost & Maintenance Issues				
D.01	Damage from ORV use in the ROW	x	C	What damage is occurring and what can be expected to occur from ORV use in the ROW. Provide recommendations and cost estimates for dealing with it.
	Maintenance of the pavement/dirt interface at crossings	x		
	Repair of damaged ditches, foreslopes, backslopes	x		
	Personal and private property damage	x		
	ORV users pay fuel tax	x		
D.02	Conflicts between motorized and non-motorized (i.e., dog sleds, horses, etc.) use	x	C	What problems currently exist between motorized/non-motorized use? What is the experience in other states? What are the options for minimizing conflicts?
D.03	Conflicts between ORV's and neighboring properties	x	C	What problems currently exist between ORV use and neighboring properties? What is the experience in other states? What are the options for minimizing conflicts?
D.05	Seasonal uses	x	C	Recommended seasonal use (maintenance and safety issues). How do other states set standards?
D.06	Weight limits	x	C	Do vehicle weights or tire pressure limits add to the problem?
D.07	Noise mitigation	x	C	Beth: Identify problems associated with noise from ORV use in the ROW and make recommendations on how to deal with noise. What is the level of enforcement?
D.08	Dust mitigation	x	C	Beth: Identify problems associated with dust from ORV use in the ROW and make recommendations on how to deal with dust. What is the level of enforcement?

<u>Issue</u>		<u>Included in Study</u>	<u>Assigned to (TAB) (Staff) (Consult)</u>	<u>Work Description</u>
User Benefits of Accommodating ORV use in Public ROW				
E.01	Necessary for access to ORV recreational trails	x	C	Identify points for trail access and a policy for maintaining access
E.02	An important mode of transportation for daily living	x	C	Establish current use and recommend policy.
E.03	A recreational activity similar to other user activity	x		
E.04	Access to ORV support services	x		
Legal & Liability Issues for ORV use under current policy				
G.01	Consequences of trespassing	x	Staff atty	
G.02	(ask Borough attorney for points)	x	Staff atty	
G.03	Utility easements along and in the ROW	x	Staff atty	
Expected legal issues under an expanded ORV use				
H.01	(wait for attorney answers)	x	Staff atty	
ORV use in other states - Table of comparisons				
I.01	Legislation/Regulation	x	C	No description needed
I.02	Driver Standards	x	C	No description needed
I.03	Equipment standards	x	C	No description needed
I.04	Licensure - riders and machines	x	C	No description needed
I.05	Insurance Requirements	x	C	No description needed

<u>Issue</u>		<u>Included in Study</u>	<u>Assigned to (TAB) (Staff (Consult)</u>	<u>Work Description</u>
Obligations/Responsibilities to ORV users, General Public				Don
J.01	Obligation to provide safe use area to ORV users	x		
J.02	Obligations to other users of road ROW	x		
J.03	Obligations to adjacent property owners	x		
J.04	Training, Education and Engineering	x		
Goals/Objectives of Providing for ORV use in ROWs. (See "User Benefits of Accommodating ORV use in Public ROW")				Beth
K.01	Provide for and regulate the compatible use of ROWs by ORVs so the use is not banned	x		
Conditions for Prohibiting ORV use in ROWs				Beth
L.01	High volume traffic roads	x	C,S	Identify criteria for specifying and locating high road vehicle count area(s) including speed and/ or congestion where ORV use may not be appropriate.
L.02	High volume intersections	x	C,S	Identify criteria for specifying and locating intersections where vehicle or other use (i.e., cross walks) count, speed and/ or congestion might indicate that ORV use may not be appropriate.
L.03	Safety	x	C,S	Define safe conditions for ORV use in the ROW
L.04	Cost	x	C,S	Identify potential design and existing ROW improvements and their potential cost(s) for ORV use in the ROW

<u>Issue</u>		<u>Included in Study</u>	<u>Assigned to (TAB) (Staff) (Consult)</u>	<u>Work Description</u>
	ROW width (too narrow, side slope, etc.)	x		Ken
M.01	Constrictions	x		
	Lack of Trail network causing ORVs to use road ROW	x		Ken
O.01				
O.02				
	Mapping of roads and trails	x		Beth
P.01	Existing MSB Roads and connecting or nearby trails and trail heads.			Using existing MSB maps and/ or GIS services to obtain overlays: Identify roads within the MSB and overlay or include any existing trails and/ or trail heads within ?200+/- feet? of those roads. Trails should also be identified as to any currently defined purpose through use of a Legend. NOTE: the TAB recognizes the limitations of existing MSB mapping products and a high degree of accuracy is not required for these exploratory purposes.
P.02	Potential Alternate routes where use of the ROW might be problematic.			Identify and define ORV alternate routes where traffic and/ or construction constraints limit access to the road ROW(s).

Related tasks

Public Participation
Advertising the work sessions

I. CALL TO ORDER

The Off Road Vehicle Work Session of the Matanuska-Susitna Borough Transportation Advisory Board was held on Wednesday, September 17, 2014, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 3:00 pm.

II. ROLL CALL AND DETERMINATION OF A QUORUM

Transportation Advisory Board members present and establishing a quorum were:

Mr. LaMarr Anderson
Mr. Rick Besse
Mr. Don Carney
Mr. Dan Elliott
Ms. Beth Fread
Mr. John Moosey
Mr. Kenneth Walch
Ms. Sonya Walden – joined at 3:12

Transportation Advisory Board members absent and excused were:

Mr. Jim Rowland

Staff and Agency Representatives in attendance were:

Mr. Brad Sworts, MSB Pre-Design Manager
Mr. Michael Weller, MSB Traffic Technician
Ms. Debbie Passmore, Administrative Secretary

III. AUDIENCE INTRODUCTION

Gregory Nielson
Katherine Hummel
Eugene Haberman

IV. APPROVAL OF AGENDA

MOTION: Ms. Beth Fread moved to approve today's agenda; Mr. Dan Elliott seconded.
Discussion. Mr. Ken Walch wants to add an item that will address the work products that will come out of this session. Ms. Beth Fread wants to insert those above the New Business.

VOTE: The agenda was unanimously approved as amended without objection.

V. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Don Carney

VI. APPROVAL OF MINUTES OF PRECEDING MEETING

A. None

VII. AGENCY AND STAFF REPORTS

A. Nick Spiropoulos, MSB Attorney

- Thinks we should invite someone here from DMV to address the “Alaska’s ATV Law” handout in today’s information packet. ATV’s should be registered @ AS 28.10.011; definition of highway @ 28.90.990(13); roadway @ 28.90.990(23). 28.01.010: all provisions are applicable in all municipalities.
- Brings the question to us: how are we to enforce laws that we may pass. Code Compliance Officers only enforce Planning Department issues.
- Dan asked how snowmachines rate on this issue. Snowmachines must be registered @ AS 28.39.010.
- Sonya responded with an answer. DMV.com says snowmachines are to be registered unless they are operated only on private property.
- Ken, is it correct to think that the vehicle must be registered but the drivers do not have to be licensed? Yes, that’s what the statutes say.
- Ken also asked what do the . . . do they fall under the description of a highway? Nick said not necessarily. Public use trails are not maintained; section line easements are governed by different rules; public use easements, that would depend on the scope of the easement and who the grantor is.
- Subdivision roads are under the Matanuska-Susitna Borough rules.
- Ownership of easements and rights-of-way will be the issue as to who can make the rules. But the Alaska Statutes will still rule.
- Nick again stressed that DMV should be here to share their knowledge and authority to explain the rules and why they are the way they are.
- Rick asked that we include the City of Houston and the City of Wasilla, too. The City of Wasilla would have the power to outlaw ATV’s in their City but the Borough can’t.
- LaMarr: does the Borough have any rules concerning ATV’s? No, only the rules of encroachment because the ATV’s are ruining the property. But that is difficult to identify and enforce.
- Beth: discussed the resolutions that the TAB has passed in the past. Also, as the State has recognized the villages that only offer ATV & snowmachine travel. It is a complicated issue and has been brought up and dropped many times in the past.
- Nick: as it pertains to trails – if we say it is no longer a trail . . .
- Don: who enforces the rule breakers?
- Nick: many times, social media. Then we sue them for the damage.
- Don: we don’t see Troopers pulling ATV’s or snowmachines over and many times the Troopers just go by them. Agrees that we need to check with DMV to see what their policy is for violators.
- Nick: many times rules are open to interpretation so it would be a good idea to have DMV or the Dept. of Public Safety can explain it differently, he’s not going to second guess that.
- Don: what I’m understanding is that we have no enforcement agency except through the Troopers and we have no ordinance addressing ATV’s or off road vehicles. It appears that the State doesn’t enforce the Statute as it’s written. So what is there that the TAB can do to help correct some of the issues that are very prevalent?
- Nick: we have to find out what the problems are, then get the right people from the right agencies to come and explain how issues are handled. We can recommend ideas but they are only recommendations.

- Beth: I think as we get further into these issues we'll see that we've pretty much discussed all of this in the past.

B. Allen Kemplen, ADOT&PF

- The State has designed boardwalks for ATV's to transport sewage.
- On the road system for folks in the Borough, we are guided by 13 AAC 02.455 (it is in our info packet). They are legal within that framework.
- The deputy commissioner states that the dept. will not prepare and maintain a dedicated snowmachine or off highway pathway.
- We place signs when we can to protect our existing assets.
- Don: who enforces those policies?
- Allen: moving vehicles are controlled by DMV, then traffic is controlled by the State Troopers and the local police, depending on the location.
- Beth: how does the dept define "highway"?
- Allen: an improvement within the row to move vehicles.
- Beth: does your definition match what Nick said?
- Allen: we have all different definitions depending on location, etc.
- Brad: many of our subdivision roads intersect with state roads. The use of ORV's within the state corridors and cause deteriorations of the pavement. Is the Borough to make improvements to the side slopes to the approaches?
- Allen: it's unofficial.
- Brad: do we need to send an official request to the commissioners' office to protect our approaches within the dot row to solve those problems?
- Allen: that would be one approach. It would be sent to the Public design folks to look at.
- Rick: would the same hold true for a driveway permit? Subdivisions typically go in without a driveway permit. The asphalt gets damaged so we would want to include that in there also.
- Allen: indeed (passed out and discussed 5 photos of damage caused by ATV's.) We are aware of these issues. How do we address them? It's a challenge. The Forest Service has guidelines that they have established. Many others states have these problems, also. Brought forward a booklet from Wisconsin. There has been a lot of work at the Federal level for Alaska rural infrastructure.
- Allen: one of the things that appears to be a regular pattern of how others have dealt with ATV use questions the laws, the uses, etc. We try to look at our framework to see what do we want to establish regarding atv use? What type of design standards and where? Then how do we address that? Engineering, education and enforcement need to be considered. The Borough is so big, there is no one solution. Do we focus on the core area and allow different on the outside?
- Rick: what's the enforcement on the traffic areas on the KGB?
- Allen: the KGB has double traffic fines, enforced by the Troopers. But their priorities are the vehicles. There is a highway safety safety plan that we have to follow. In there, we have had participation from ATV user groups, the health community, etc.
- Rick: if we did something like that, the dust is such a safety issue. Is there some way that we can put an enforcement sign up that there are no ATV's allowed in the Safety Zone? If so, what would we need to do to do that?
- Allen: Yes, I think that is possible. The challenge is that the Troopers are in a vehicle and an ATV is off road; how does he chase him down? When the ATV

takes off, he leaves the Trooper behind. The solution would be that the Troopers need to buy, equip, maintain and ride ATV's.

- Sonya: what about the Troopers on motorcycles?
- Allen: most are on big Harleys but maybe they could be on dirt bikes.
- Rick: the dust is just as dangerous as driving down a dirt roadway.
- Allen: the key is education. Troopers could be on the trails all decked out and it wouldn't take long before people are educated and control their behavior. It comes back again where do we want to establish this?
- Ken: would like to hear what Mr. Moosey has to say.

C. John Moosey, MSB Manager

- John: we got a map showing the accidents.
- Listen to the tape
- What are the purposes for the ATV? It could be much better for residents if the user groups would police themselves.
- The enforcement issues will be a huge challenge. We are the size of West Virginia and we have three enforcement officers. Doesn't see extra time for the Troopers to get involved with ORV's.
- We can't ban them.
- We need to get involved with the ORV community but getting them together is hard.
- Don: The TAB has presented resolutions in the past to support funding for a study for a solution to the ORV use issues. Nothing has ever come from those resolutions. As an advisory group, that's what we're limited to. Other than that, no one seems able to do anything.
- John: How about the TAB pick the resolutions apart and establish our priorities.? He will come up with the funding for the study.
- Beth: wants to discuss this more before we make any decisions.

VIII. PRESENTATIONS *(Ten minutes per presentation)*

A.

IX. AUDIENCE PARTICIPATION

A. Gregory Nielson, from the Butte. My driveway is two of the pictures that Allen brought us. Roadway damage, dust, speed,

B. Kathy Hummel. Appreciates the TAB taking on this issue but believes this is a State issue.

C. Eugene Haberman. Is concerned about the time that this meeting is being held; thinks it is too early and that's why there's no one from the public is here. Is also concerned that we got information during the presentation that the public did not receive. Is also concerned that the City of Palmer and the City of Wasilla and the Assembly all held meetings at the same time; that makes it impossible for someone to attend each meeting.

X. UNFINISHED BUSINESS

Ken: this is a huge problem that we've tried to tackle before. Thinks that the TAB needs to be realistic with what its expectations are. Is concerned that we're going to be

mired down. Thinks we have two options: we can attempt to solve the issues or we can try to get the information together and put together a summary of what needs to be addressed to solve the problems. Before we get too far down either path, we should have a discussion about what the TAB wants to do.

Beth: Her first meeting with the TAB was an off road vehicle work shop. We spent six-eight months with spreadsheets and lots of people from both sides but this board was not able to address any of the issues. Recommends that we advise the Mayor, Manager and the Assembly to form a Blue Ribbon Task Force to give them some guidance. Especially when we are slated to grow to 450,000 people in the next 30 years.

MOTION: Ms. Beth Fread moved that we ask staff to draft a resolution to send to the Planning Commission that the Mayor, Manager and the Assembly to form a Blue Ribbon Task Force. Seconded by Mr. Dan Elliott. Discussion. Ken would like to see if there are some things that we can accomplish to be part of the solution before we abandon the issue. There are three things: conduct public hearings to gather information; once we have that, we can do a summary of regulations and policy; then we can take a position.

Rick: we should also get the user groups here. Let's see if they agree that there's a problem and discuss how they are going to control and police themselves.

Dan: thinks that the three things Ken is suggesting are the same things Beth wants the Blue Ribbon Task Force to address. We really aren't capable of handling all of the different laws, etc. and would favor Beth's approach.

LaMarr: Dan echoed what he's thinking. Perhaps the funding that John mentioned would support the Blue Ribbon Task Force.

Beth: the idea of a resolution does not need to be limited to one line. The Mayor's task force can be comprised in any way we want it to be comprised and formed by the Mayor. They can determine their own meeting dates and times. Does not believe that the TAB can accomplish any more than we did last time.

Ken: Beth makes some good arguments. Thinks it's important for the Borough administration and the Assembly to know that we're concerned about this. If that can be put together, it sounds like it would be more powerful than the TAB. This is one of the major Borough concerns. I will support Beth's motion but if it falls on deaf ears, hopes it will come back to us.

Beth: The Assembly has been extremely supportive. At this time the administration has expressed an interest in having something like this happen. If we have someone from the TAB speak to the different groups about the resolution, the Assembly will most likely support it.

VOTE: no objections and the motion passes. Mr. Don Carney asked that we get staff's help to write the Resolution, and that it includes that we want two members of the TAB to be on the Task Force and wants a list of volunteers from the TAB

who want to be on the Task Force. Believes this is the best, most effective way to go. Asks that we work with Beth.

John: when it comes to the Assembly, it would be good for some support from the TAB.

Rick: is it possible to have the resolution by our next meeting?

Beth: no, the agenda is already set.

John: the next Assembly meeting is in mid-October.

Beth: not urgent that we have it at the next Assembly meeting.

Discussion about when our next ORV meeting will be held solely to discuss the resolution to create the blue ribbon task force.

MOTION: move that we extend the meeting for 10 minutes.

VOTE: 5 yeases; Ms. Sonya Walden had to leave. The motion to extend the meeting passes.

MOTION: LaMarr moved that we review the ORV resolution at the regular TAB meeting on October 22 before our visit to the Transportation Fair tables; Mr. Dan Elliott seconded.

VOTE: Dan, yes
Rick: yes
LaMarr: yes
Ken: yes
Beth: no, doesn't believe 20 minutes will be enough time. Discussion.
Brad: will draft the resolution and send it to the Board. Don't respond to each other but respond back to me.

MOTION: Ms. Beth Fread moved that we reconsider the motion; Mr. Ken Walch seconded.

VOTE: No objections. The motion that the ORV resolution be considered at the next TAB meeting on October 22 passes.

XI. NEW BUSINESS

A. None

XII. UPCOMING MEETING REMINDERS

A. None scheduled

XIII. MISC. INFORMATIONAL HANDOUTS AND COMMUNICATIONS

A. TAB Resolution 12-12, Supporting Funding for a Study of Off Road Vehicle Use in the Matanuska-Susitna Borough Right of Way

B. Proposed Off Road Vehicles Request for Proposals – Scope of Work for Research (Summer 2012)

C. TAB Resolution 12-03, recommending Assembly provide program funds for evaluation of ATV use and impacts within highway corridors

D. TAB Resolution 09-02, recommending Assembly program funding for evaluation of ATV use in highway corridors and requesting ADOT&PF matching planning study funds

E. TAB Resolution 06-10, urging the Borough to adopt a policy that reserves and dedicates existing trails within rights-of-way and section line easements that are used for multiple purposes

F. Statute for Snow Machine and Other Off Highway Vehicles

G. Pictures of damage caused by ATV's

H. Guidelines for Engineering Analysis of Motorized Mixed Use on National Forest System Roads

I. ATV Route Guideline and Suggestions (A Community Official's Handbook)

J. RTCA Rural Infrastructure (10/22/2007)

K. Mat-Su Off-Road Vehicle Crashes 1998-2011

XIV. COMMENTS FROM THE BOARD

None.

XV. ADJOURNMENT

MOTION: Mr. Ken Walch moved, Mr. Rick Besse seconded to adjourn.

With no further business at hand, the meeting was adjourned at 5:09 pm.



Don Carney, Chair

ATTEST:



Debbie Passmore, Transportation Advisory Board Clerk

Debbie Passmore

From: Debbie Passmore
Sent: Thursday, September 25, 2014 9:13 PM
To: Brad Sworts; Michael Weller
Subject: Fwd: Notes from Last Month's TAB on Off Road Vehicle Use

Sent via the Samsung Galaxy S7MIII, an AT&T 4G LTE smartphone

----- Original message -----

From: DON CARNEY
Date: 09/25/2014 3:07 PM (GMT-09:00)
To: Brad Sworts , Debbie Passmore
Subject: FW: Notes from Last Month's TAB on Off Road Vehicle Use

FYI

From: George Hays [<mailto:George.Hays@matsugov.us>]
Sent: Thursday, September 25, 2014 12:52 PM
To: DON CARNEY; Terry Dolan
Subject: Notes from Last Month's TAB on Off Road Vehicle Use

Don, the TAB yesterday reminded me I did not send you the notes I had last time on off road vehicle use, so here is what I wrote down if you still need it.

Terry, can you send us the slides you presented on this topic as well.

Limiting off-road vehicle use in the Borough:

- The Scope is undefined
- The Problem is undefined
- There is no financing
- There is no enforcement funding, no manpower and no way to enforce any code we passed
- It is the only way for thousands of hunters, fishermen and other outdoor enthusiasts to get to many areas in the Borough
- There are many people who do not have drivers licenses and use these to get to stores or neighbors houses
- The Mayor was looking for planned corridors/routes down ROW or Section Lines which would get people from all the cities in the Borough and throughout the main core area. No funding is established for such a plan.
- The effort to establish some rules or code by the TAB overlaps and perhaps interferes with the Parks and Recreation Board responsibilities as they have the responsibility for trails management as well as for all Parks.
- Community Development has the responsibility for Trails Management on the Borough staff and the big issue you on the TAB seem to be trying to solve is the abuse on the road ROW's, not whether to interfere with riding them everywhere else. This speaks to narrowing the scope of what you are trying to accomplish.
- One suggestion was to ask the ATV user groups to police their users to help solve the problem (whatever the definition of that is). However, the best guess is that less than 10% of ATV owners belong to any kind of ATV user groups and those who do are far less likely to be the problem abusers than some of the other 90%.

Best Regards,
George

George W. Hays
Assistant Borough Manager
Matanuska-Susitna Borough
350 East Dahlia Avenue
Palmer, Alaska 99645
(907) 861-8405
Cell (907) 355-0563

Disclaimer Notice: This email and any attachments to it may be confidential and are intended solely for the use of the individual to whom it is addressed. Any views or opinions expressed are solely those of the author and do not necessarily represent those of the **Matanuska-Susitna Borough School District**. If you are not an intended recipient for this email, you are hereby notified that this is not a waiver of confidentiality and that you must not take any action based upon its contents, and any dissemination, distribution, or copying of this information is strictly prohibited.

If you believe you have received this Information in error, please notify the sender immediately by reply email and immediately delete this message from your system.



MSB Parks, Recreation & Trails Board

2017 Draft Meeting Schedule

Locations will vary
5–7 pm

Meeting Date - 2017	Meeting Location
January 23	DSJ Building – Assembly Chambers
February 27	Park Shop
March 20 – changed due to Seward’s Day falling on the 4 th Monday	Brett Ice Arena
April 24	
May 22	Talkeetna Library / Northern Parks
June 26	Jordan Lake Park
July 24	Mat-River Park
August 28	Government Peak Chalet
September 25	
October 23	
November 27	Wasilla Library

REMINDER: Please send an e-mail or call the Chairperson if you will not be attending a meeting. This is to establish a quorum and if any member has 3 or more unexcused absences the board can request they be removed.

~YOUR TIME AND EXPERTISE IS TRULY APPRECIATED, THANK YOU~