

State Regulations Limit Industrial Use of Highways

By Barbara Schuhmann

At least two Alaska regulations limit use of Alaska's public roads by large, heavy, industrial vehicles like those Kinross proposes for its ore haul.

The first (17 AAC 25.014) limits regular routes of Long Combination Vehicles (longer than 75' allowed in 17 AAC 25.012) to listed Fairbanks roads: Parks, Mitchell, Richardson and Steese up to the Elliott. Peger Road, Johansen, and the Steese beyond the Elliott junction are not regular LCV routes. Yet Kinross proposes all three for its regular route to Fort Knox. LCVs can move off approved roads only if accessing or returning from terminals or facilities for fuel, servicing, delivering or receiving cargo, or food or rest for the vehicle's operator. Those reasons do not apply to Kinross's regular ore haul route. The regulation should not be changed to add those three roads as regular LCV routes, and Kinross should not use them.

The second (17 AAC, chapter 35, "Toll Highways") wisely treats industrial road use (like Kinross's ore haul) differently than personal or commercial use. DOT&PF can, by regulation, designate a specified highway as an industrial use highway if it can accommodate long or heavy loads. Long, wide or heavy vehicles then must obtain permits to use the industrial highway. 17 AAC 35.010 (a)-(b). None of the roads Kinross plans to use is designated for industrial use, and Kinross has yet to request the designation.

For an industrial use designation, Kinross must petition the commissioner, in writing, and include: the proposed use that dictates designation for industrial use, the condition of the facilities; design changes and improvements needed and their cost; the economic, environmental and social impact of such a designation; how much such use and designation will improve the general welfare of the people of the state; and various means of financing the cost of the facility changes necessary. 17 AAC 35.010(c).

Any industrial use designation is "dependent upon" a DOT&PF study of: (1) the ability of the route to handle the loads, (2) the safety of the long or heavy loads and their impact upon users of the route, (3) design changes necessary, maintenance operations requirements, traffic engineering including the location and proposed design of vehicle pullouts, passing lanes, and other improvements for the route, (4) the economic, environmental, and social impact and the degree to which designation as an industrial use highway will improve the general welfare of the people of the state, and (5) the various means of financing the costs of the changes to the route to enable it to accommodate long or heavy loads. 17 AAC 35.010(d). The state can make the road length and weight limits more stringent. And it can repeal a designation upon a finding that continued industrial use of the route is not in the public interest. 17 AAC 35.010(e) and (f).

After an industrial designation, a permit is required for vehicles over certain lengths or weights. 17 AAC 35.010 - .030. The permit application requires disclosure of information the public has asked Kinross to provide: the vehicles to be used, horsepower rating, number of axles, braking power, the GVW, length and load for each vehicle, the number of movements, and additional information requested by the department. 17 AAC 35.030. DOT&PF can grant or deny the permit, and impose

limitations in the state's best interests, including to ensure safety of other users of the route and to require that operations occur during off-peak hours. The permit is valid for 365 days unless some shorter period is stated.

The permit can be revoked for non-payment of fees; or if vehicle operations are not as specified in the permit, cause excessive damage to the roadway, or represent an unacceptable risk to other users; or if continued use is not in the state's best interest. A permit fee "will be" charged based upon each vehicle Equivalent Axle Load, calculated to offset the state's costs to maintain the roadway surface and structures to accommodate the loads, and administrative permitting costs. 17 AAC 35.040 -.050.

State regulations limit industrial use of public roads and regular routes of LCVs. Kinross should follow the state's regulations, request designation of its route for industrial use, and pay for needed route improvements and maintenance for its industrial use. The state also should follow its regulations. Because Kinross's plan presents unacceptable safety risks to other users and to the state's road and bridge infrastructure, its proposed ore haul should not be permitted on Alaska's public highways and streets.