

MEMORANDUM

State of Alaska

Department of Transportation and Public Facilities
Office of the Commissioner

TO: Dave Eberle, P.E., Acting Regional Director, Central
Tony Johansen, P.E., Regional Director, Northern
Captain Robert Doll, Regional Director, S.E.
Michael Downing, P.E., Director, D&ES, HQ

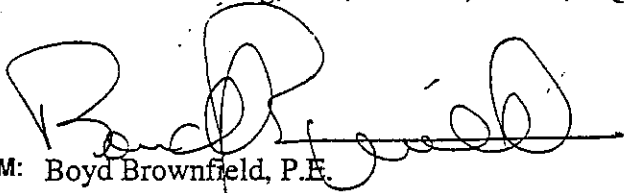
DATE: May 8, 2000

FILE NO:

TELEPHONE NO: 465-3905

FAX NUMBER: 586-8365

TEXT TELEPHONE: 465-5245


FROM: Boyd Brownfield, P.E.
Deputy Commissioner

SUBJECT: Snow Machine
& Off-Highway
Vehicle Use of
Rights of Way

Snow machine and off-highway vehicle (OHV) use within the department's rights of way is to be managed in accordance with 13AAC 02.455 (attached). The cited regulation gives direction as to the legal use of snow machines and OHVs in highway rights of way. Specifically, except for traversing bridges or culverts as authorized under 13 AAC 02.455(a)(1), traveling within the right of way (but off the roadway and shoulder) as authorized under 13 AAC 02.455(a)(4), and crossings authorized under 13 AAC 02.455(f), the regulation **prohibits**:

- Snow machine or OHV use on multi-use trails, sidewalks or other areas located within a highway right of way that are intended for use by pedestrians;
- Snow machine or OHV use in a controlled access highway right of way;
- Snow machine or OHV use of roadways or shoulders within a highway right of way;
- Snow machine or OHV use of the area dividing roadways of a divided highway;
- Snow machines or OHVs traveling at night in the opposite direction of the traffic in the nearest lane of a roadway within a highway right of way.

As guidance, the department will not prepare and maintain, or allow others to prepare and maintain, a dedicated snow machine or OHV pathway within the highway right of way.

The Department is currently conducting a Winter Transportation Study to examine the issue of OHV use of the rights of way. This study involves substantial public involvement and discussion of these issues. No changes are contemplated to the regulations or department policy until the Winter Transportation Study, policy review and possible adjustments to the regulations are made.

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 section, 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 section.

(b) Repealed 6/28/79.

(c) Repealed 6/28/79.

(d) Repealed 6/28/79.

(e) Repealed 6/28/79.

(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 section.

History -

Eff. 12/31/69, Register 31; am 7/23/70, Register 35; am 6/28/79, Register 70

Authority -

AS 28.05.011