

Bus 142 Disposition – Evaluation of Alternatives

This document provides a brief overview of alternatives considered for final disposition of Bus 142 (Bus) by the Department of Natural Resources (DNR). It outlines the criteria used for evaluating alternatives, provides some background information, identifies potential alternatives, and identifies the selected alternative.

Criteria

The criteria established to evaluate alternatives:

- Public safety – The Bus should be reestablished at a location in Alaska that is open to the public, allowing the public to safely visit the Bus without requiring a potentially dangerous river crossing to the area where the Bus was previously located;
- Financial impact to the State – Given the State’s budget shortfall, consideration of the financial impact to the State of a proposed alternative, including the financial impact to the State if the Bus were to remain in state ownership;
- Legal defensibility and authority – Legal defensibility and statutory authority to undertake the preferred option should be considered while evaluating any alternative considered; and
- Respectful disposition – Consideration for the final disposition of the Bus should be respectful to the families that have lost loved ones, to public sentiment, and should avoid the appearance of profiteering or exploiting, specifically, the death of Chris McCandless.

Background Information for Criteria Evaluation of Alternatives

Currently there is interest from the State Historic Preservation Office and the University of Alaska (UA) Museum of the North (Museum) in assisting DNR with the restoration, curation, and interpretation of the history of the Bus, and those items found within that DNR has not already returned to the McCandless family. An agreement with the Museum would ultimately include a location in Fairbanks for the public to see the Bus.

While DNR has received additional public comments and recommendations to transfer or loan the Bus to other public or privately-owned parks or museums, the UA Museum is one of three museums in the State considered a repository for objects collected on public lands in Alaska. UA is a corporation owned by the State and considered a quasi-state “agency” in which projects are undertaken that directly relate to the educational mission of the University and help to facilitate research, teaching, and public programs.

The Museum is legally able to accept non-profit donations which may be utilized for restoration, curation, and display of the Bus. The Museum has the expertise to evaluate suitability and management practices of other entities, public or private, that may want to display the Bus. The Museum, as curator, could properly consider, evaluate, and determine if options are available to loan out the collection (i.e., the Bus and other items related to the history of the Bus) in the future, including any concerns or constraints on profiteering. Entering into an agreement with the Museum would not transfer ownership of the Bus since DNR would retain ownership, and the Museum is simply the curator of the Bus.

Alternatives

The alternatives generally fall into two categories: transfer ownership; or retain in state ownership. Disposing of the Bus for scrap, putting it in a landfill, or returning the Bus to the previous site on state land (as has been suggested by some members of the public) are not reasonable alternatives as they would not satisfy the criteria outlined above, nor would they be appropriate or practical.

Transfer Ownership

Option 1: Disposal (auction) of the Bus as a "junk vehicle." AS 28.11.010(b) and (c) allows the State to remove a junk vehicle and dispose of it as it would an abandoned vehicle. Under AS 28.11.030 when an abandoned vehicle is removed notice must be provided to the Department of Motor Vehicles. Abandoned vehicles may be disposed of by removal to a scrap processing yard or by public auction pursuant to AS 28.11.070, including public notice.

Option 2: Request of Proposals (RFP) for disposition of the Bus to non-state entities. This alternative would require additional coordination with the State procurement office, including alternative procurement methodologies and potential procurement code exceptions.

Retain in State Ownership

Option 3: The State retains ownership of the Bus and places it in an appropriate location. This seems like the path that is most in line with the above criteria. DNR has treated it as a derelict bus that DNR now controls.

Preferred Alternative

Using the criteria outlined above the preferred alternative is Option 3, wherein the State retains ownership of Bus 142 and enters into an agreement with the UA Museum of the North for restoration, display, and curation of Bus 142. At the Museum, Bus 142 would be available to the public, it would remain in Interior Alaska, the Museum of the North has a public and educational mission, and the museum can receive funds from donors for the restoration and care of the Bus. In sum, keeping the Bus in state ownership and making it available for public viewing is the most practical alternative.

DNR's authority to enter into an agreement with the Museum is pursuant to AS 38.05.020(b)(2). Under this provision, DNR's commissioner may "enter into agreements considered necessary to carry out the purposes of this chapter, including agreements with federal and state agencies." Although the purpose for Chapter 5 in Title 38 is land management, not abandoned property, the removal of Bus 142 from state land and entrustment of the Bus to another state agency (here, the Museum) comports with DNR's land management responsibilities and authority to work with other agencies.

Selected Alternative

Option 3 has been selected as the alternative for disposition of Bus 142.