

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
FOURTH JUDICIAL DISTRICT AT FAIRBANKS

COMMITTEE FOR SAFE COMMUNITIES

Plaintiff,

vs.

STATE OF ALASKA, DEPARTMENT OF  
TRANSPORTATION AND PUBLIC  
FACILITIES,

Defendant.

Case No. 4FA-23-02289CI

**MOTION FOR EXPEDITED CONSIDERATION OF MOTION FOR PRELIMINARY  
INJUNCTION**

COMES NOW the Plaintiff, Committee for Safe Communities, (hereafter "CSC") through undersigned counsel, Jason A. Weiner of Jason Weiner & Associates, P.C., and hereby moves for expedited consideration of its motion for preliminary injunction. Plaintiff respectfully requests that a hearing be held in the next few weeks consistent with the Court's busy schedule, and that in light of the extreme danger the ore haul poses, that DOT be required to withdraw permission for Peak Gold to use overlength and/or overweight trucks on the Richardson Stees, Peger Road, Johansen Corridor until a hearing can be held on the motion for preliminary injunction.

Expedited consideration of the motion for preliminary injunction has been discussed with counsel for the State of Alaska Department of Transportation and Public Facilities (who just entered an appearance yesterday prior to filing an answer (which was much appreciated and has helped facilitate discussion on the motion for preliminary injunction). AKDOT opposes expedited, but did note that Peak Gold might be intervening in this matter solely for the purposes

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of addressing the preliminary injunction. This motion is supported by the affidavit of Jason Weiner and the memorandum of counsel below.

**MEMORANDUM IN SUPPORT OF MOTION FOR EXPEDITED CONSIDERATION  
OF MOTION FOR PRELIMINARY INJUNCTION**

Plaintiff has moved for a preliminary injunction to require DOT to prohibit Peak Gold from using the 95-foot B-Trains on the roadway until a decision can be rendered on the complaint for an injunction. As stated in the affidavit of Barbara Schuhmann and the recent article about the ore haul in the Daily News-Miner attached as an exhibit to the motion for preliminary injunction, the trucks are already on the road. Plaintiffs do not know if they are loaded. Plaintiffs originally thought that the trucks would not start running until the beginning of the year, but learned this was not the case. As stated by numerous experts and as set forth by DOT's own engineer, there are immediate concerns regarding the safety of these extra-long trucks on the roadway.

These immediate concerns include violation of state regulations regarding truck length for these highways, and particularly Peger Road and Johansen Road; violation of the regulations regarding toll highways and the industrial use of the roadway; the creation of a public nuisance which endangers the integrity of the roadway and bridges, causes a noise disturbance, interferes with the use of the roadways by the general public, and in particular endangers school children using the school buses. While some of the concerns are practical, many involve danger to the public and our children. While Plaintiff has presented experts to demonstrate how dangerous the ore haul is to the public and our infrastructure, it is obvious that the ore haul plan is unlike any plan to haul anything in the State of Alaska and has problems that need to be addressed. To prevent the loss of life and property, Plaintiff respectfully requests this Court hold a hearing on the preliminary injunction within the next few weeks consistent with its calendar and order that

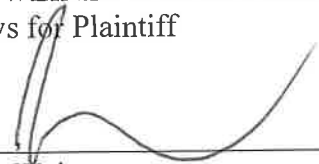
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DOT prohibit the B-Trains from using the Richardson, Steese, Peger Road, Johansen Corridor until a decision on the preliminary injunction can be made.

DATED on the 1<sup>st</sup> day of November, 2023, at Fairbanks, Alaska.

JASON WEINER & ASSOCIATES  
Attorneys for Plaintiff



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