

ALASKA STATE LEGISLATURE  
**SENATE TRANSPORTATION COMMITTEE**  
FEBRUARY 12, 2002  
1:36 p.m.

**MEMBERS PRESENT**

Senator John Cowdery, Chair  
Senator Jerry Ward, Vice Chair  
Senator Robin Taylor  
Senator Gary Wilken  
Senator Kim Elton

**MEMBERS ABSENT**

All Members Present

**COMMITTEE CALENDAR**

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 226

"An Act requiring highways to be designed and constructed so that they will adequately serve anticipated traffic levels for the next 30 years; and providing for an effective date."

MOVED CSSSSB 226 (TRA) OUT OF COMMITTEE

SENATE BILL NO. 206

"An Act relating to registration plates and parking permits for persons with disabilities and to illegal use of parking spaces for persons with disabilities."

MOVED CSSB 206 (TRA) OUT OF COMMITTEE

SENATE BILL NO. 222

"An Act relating to certain motor vehicles that are required to yield to following traffic."

MOVED CSSB 222 (TRA) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

No previous action.

**WITNESS REGISTER**

Senator Dave Donley  
State Capitol, Rm 506  
Juneau, AK 99801-1182

**POSITION STATEMENT:** Sponsor SB 226, SB 206, SB 222

Dennis Poshard, Special Assistant  
Department of Transportation and Public Facilities  
3132 Channel Dr.  
Juneau, AK 99801-7898

**POSITION STATEMENT:** Opposes CSSSSB 226

**POSITION STATEMENT:** No opposition to CSSB 222

Michael Downing, Chief Engineer  
Department of Transportation and Public Facilities  
3132 Channel Dr.  
Juneau, AK 99801-7898

**POSITION STATEMENT:** Testified on CSSSSB 226

Frank Dillon, Executive Vice President  
Alaska Trucking Association  
Anchorage, AK

**POSITION STATEMENT:** Supports CSSSSB 226 and CSSB 206

Don Brandon, Americans with Disabilities Act Coordinator  
Department of Labor  
801 W 10<sup>th</sup> St Ste A  
Juneau, AK 99801

**POSITION STATEMENT:** Supports CSSB 206

Jay C. Bush, Planner  
Gov. Council on Disabilities and Special Education  
Department of Health and Social Services  
P.O. Box 240249  
Anchorage, AK 99524-0249

**POSITION STATEMENT:** Supports CSSB 206

Jim Brady  
Kenai Peninsula Independent Living Center  
P.O. Box 2474  
Homer, AK 99603

**POSITION STATEMENT:** Supports SB 206

Lieutenant Julie Grimes  
Department of Public Safety  
5700 E. Tudor RD.  
Anchorage, AK 99507-1225

**POSITION STATEMENT:** Opposes CSSB 222

#### **ACTION NARRATIVE**

No previous action to record.

**TAPE 02-04, SIDE A**

**CHAIRMAN JOHN COWDERY** called the Senate Transportation Committee meeting to order at 1:36 p.m. Senator Elton, Senator Wilken, Senator Taylor, Senator Ward and Chairman Cowdery were all present. Chairman Cowdery announced the order of business would be SSSB 226, SB 206, and SB 222. He introduced Senator Donley, SSSB 226 sponsor.

#SB 226

**SB 226-HIGHWAY DESIGN & CONSTRUCTION**

SENATOR DONLEY explained current federal highway requirements for utilization of federal funds require projects be designed for at least 20 years. He said the actual terminology they are relying on said 20 to 30 years. That was a reasonable goal when it began but now there is so much time from when projects are actually designed to when they are actually constructed the useful years of projects in many metropolitan areas are down to about twelve and sometimes only eight years. So they are really not getting the twenty years of life on road projects. This bill was an effort to design projects for 30 years and hopefully get 20 years of real life on them.

The intent of the legislation was not for resurfacing or maintenance projects but when building major new roads and major upgrades of existing roads. He said anybody could see the problem that occurred by looking at the left turn lane portions. Where there is a designated left turn holding area, time and time again before it is upgraded, there is traffic backed up blocking other traffic because there is no more room in the left turn lanes. Those were supposed to have been designed to last 20 years and are not lasting that long. They are being designed consistent with the policy of 20 years but are not built for eight and sometimes twelve years after the design.

CHAIRMAN COWDERY said Tudor and Lake Otis are good examples.

SENATOR DONLEY said he hoped the members would adopt the Committee Substitute (CS). It clarified the 30-year design was for metropolitan areas because the problem is not on the distance roads or in smaller communities. In metropolitan areas where tremendous traffic growth occurred it would be wise to design the roads to last longer. He left the Department of Transportation and Public Facilities (DOTPF) to better define those metropolitan areas. The CS narrowed it down to the metropolitan areas and clarified it is not for resurfacing projects.

SENATOR TAYLOR made a motion to adopt the Committee Substitute. Hearing no objection, the CS for SSSB 226 was adopted.

SENATOR ELTON asked how metropolitan areas would be defined in the CS.

SENATOR DONLEY said DOTPF had some concerns that there were portions of the state highway system where a 30-year planning period was not appropriate. He said the Commissioner of DOTPF felt in high traffic areas in cities this made a lot of sense. He wanted to leave it to the expertise of DOTPF to define metropolitan area and have some flexibility on the part of the planners. He had considered some ideas such as, "in a municipality," but that didn't work because there are some big municipalities such as Juneau and Anchorage.

SENATOR ELTON said it seemed if they increased the standards for both design and construction they are increasing the possibility there could be budgetary impacts. It would require much more coordination between local municipal officials and state officials and that would have a cost. Trying to figure out what the future is going to look like in 30 years may induce a tendency to over design rather than under design.

SENATOR DONLEY said some communities were doing a really good job communicating with the state and some needed to work on that. He was not sure there was going to be a cost so much as people needed to be talking to each other more.

He explained most of the highway or road construction budget is driven by Federal Highway Funds. That limits what they can spend unless they started spending General Funds, which they had not done for several years. Federal Highway Funds come in each year and are allocated through the Statewide Transportation Improvement Program (STIP). He said if there was a different design criterion they might do fewer projects but with no additional spending unless they went to some other financing forum for those projects. There might be a revamping of the STIP with fewer things getting done from year to year but the things they did do would last longer. That meant they would not come back and do them again so it would save money over time.

CHAIRMAN COWDERY asked Mr. Poshard from DOTPF if there would be added cost for construction of highways and roads when they are planned for 30 years. He gave the Tudor Road upgrade and the Glen Highway upgrades as examples.

He also asked when right-of-way is acquired is that with thoughts of 30 or 40 years out or is that immediate.

DENNIS POSHARD, Special Assistant, Department of Transportation and Public Facilities, said Senator Donley was correct in that it would not increase spending per say but it might increase the cost of a particular project. When you design for a 30-year life of a project verses a 20-year life you start considering things like five lane verses three lane.

He said there were quite a few issues associated with right-of-way acquisition. DOTPF had some uncertainty of how this bill would actually affect right-of-way acquisition.

MR. POSHARD said DOTPF had some concerns about how projects are designed and built. He thought this bill did not necessarily fix some of those problems and created some other unintended consequences. They had spoken with Senator Donley's staff several times to try and iron out some of those issues and they were not quite there yet but they were working on it.

CHAIRMAN COWDERY said the Glen Highway was a good example because they added lanes from time to time. He wanted to know how far out the original plan went and did they have to acquire right-of-way to add lanes or was that in the original plan.

MICHAEL DOWNING, Chief Engineer, Department of Transportation and Public Facilities, said they currently use a 20-year horizon. They design a project to last 20 years from the date it is open to use by the public. That is DOTPF policy and the guidance they have under American Association of State Highway and Transportation Officials (ASHTO). It is what the Federal Highway Administration would like to see them do as well. They are currently acquiring right-of-way and constructing for a 20-year horizon.

CHAIRMAN COWDERY asked about a 30-year horizon. He asked if he felt 20 years was their best guess at what was going to be needed.

MR. DOWNING said you have less certainty as to the accuracy of what you are predicting as you go further out in time.

You then get into situations such as acquiring right-of-way and saying to people, to the public or to a business owner that you project a need in 30 years to need the property that they're on, consequently you want to take it today. That is a difficult thing for

us to do.

MR. DOWNING said the public has the right to challenge the necessity of an acquisition and that is a good thing and that is how the statutes read. When they project out 30 years and have information that the further out you go the more speculative it is the harder it will be for them to prove necessity.

MR. POSHARD gave an example of how the kind of thing Mr. Downing described might come into play. They are working on a project in Senator Wilken's area. Cushman Street is in need of a major upgrade. He talked with DOTPF engineers about traffic counts, type of traffic, volume of traffic and the geometric design for that project. He said if they project out for 20 years it is right at the cusp and right on the bubble of going from a three lane, one lane each way with a turn lane in the center, to a five lane with a turn land in the center. If they project out 30 years there is no question that becomes a five lane, two in each direction with a center turn lane. That creates for DOTPF an issue of right-of-way acquisition. With a three-lane facility right-of-way acquisition has a reasonably small affect on businesses and residences along that street. When you go to a five-lane facility there are quite a few businesses significantly impacted in terms of parking. DOTPF would have to buy out and shut down some businesses. It made sense to pre-acquire right-of-way and to plan ahead but the issue they get into is can they prove necessity. They have to use eminent domain procedures to try and take that property because the business owner may not want to sell and does not think they need it.

The other issue is with the Federal Government. Since they require a 20-year horizon for design and construction it is unclear whether they would choose to participate in a 30-year project versus a 20-year project. DOTPF had never done that kind of a project before and never pushed that envelope with the Federal Government to see. They know federal dollars would pay for 3 lanes but are unsure if they would pay for 5 lanes.

SENATOR TAYLOR said he understood why Senator Donley was there. He said after years of funding it and waiting for it to be designed, they see a project go forward. The public was contemplating a major rebuild of a road but they see something that widens it to new federal specifications and meets certain federal standards. He gave the example of Chena Pump Road. It was a very expensive major project and everybody in the community was assuming they were going to have four lanes. They ended up with three lanes so they still have the same two-lane street with a suicide lane in the middle. The cut going up the hill is more

than adequate for future expansion. He talked to the people on the project and heard they were going to build four lanes. He said it was a make work project for DOTPF five years from now they will be back into the process.

SENATOR TAYLOR said in the last few years they pumped just over \$600,000,000 into the Glen Highway. The Glen Highway is improved and everybody is driving 70 mph on it. They come roaring into Anchorage to go to work and run into gridlock because the Anchorage Metropolitan Area Transportation Study (AMATS) can not figure out they are at the end of a major arterial and should be coordinating their planning. DOTPF does not seem to take that into consideration as they pour traffic into the town. He thought there were a couple of easy ways to solve the problem. The Governor and Lieutenant Governor are doing everything they can to accomplish killing this economy so they are not going to have to worry about a whole lot of cars on these streets anymore. They will just have state workers driving to and from their jobs. The private sector is going to go down the tubes like they have in his district. They have far to many people turning left in the state all ready.

SENATOR WARD said the point about putting a turn lane in the middle also applied in Anchorage and other parts of the state. He asked Mr. Downing if they went to 30 year planning would it force DOTPF to come up with some longer-term plans such as the amount of people that are coming in from the valley or being able to drive out of Juneau. He said instead of just thinking about more money to make one more bike path or one more lane would they actually think in terms of 30 or 50 years. Would they think about traffic patterns instead of just reacting to an emergency turn lane on the corner of Lake Otis and Tudor. He said they were limiting themselves in the ability to actually really plan. He said on Mountain View Drive the government came in and blocked off entire roads and put trees down the middle of 15<sup>th</sup> Avenue, the reason was beyond his comprehension. He said they are not going to force people to ride public buses. He asked if this bill would help start the process of looking past a little window to actually planning a state as they should be planning it.

MR. DOWNING said the planning portion of this did not concern him. He understood the bill was for design and construction. Designing and constructing for the longer-term horizon was a different issue than planning out for that horizon. He explained when they first started working with Senator Donley's staff they thought maybe there was a way of amending the Title 19 Statutes on planning and come up with a way of looking out further ahead. The problem they encountered was when they called the Federal

Highway Administration and asked if there was a concern in doing that. It was a fairly new question for the administrator and he had not had time to research it but he was able to point to the U.S. Code where it says for metropolitan planning they will use a 20 year forecast period. It is not ambiguous it says 20 years.

SENATOR WARD said he would restate the question. He asked if you are talking about a highway up in Fairbanks that is three lanes and if you take a longer approach you know it is going to be five lanes would not logic tell you that maybe they should look at an alternative route. He said a new road was a strange concept since he had been there. Nobody talked about new roads they just keep fattening up the ones they had and then put trees in the middle of them. He said wouldn't it make sense if they know there is going to be this amount of traffic in 30 years they should make another route or a by-pass like other cities have done. He thought new roads were a step in the right direction. He asked for the name of the administrator Mr. Downing had talked to.

MR. DOWNING said the Alaska Administrator of Highways is Dave Miller. He is in Juneau.

SENATOR WARD said you cannot drive out of Juneau. If you plan 30 years in advance you will be able to drive out or here.

SENATOR ELTON wanted to express his dismay to his good friends Dennis Poshard and Michael Downing. He did not realize they were doops of this administrative conspiracy to kill the economy and he wanted them to know they were no longer invited into his office for a cup of tea until they could explain themselves.

He asked Mr. Downing if he understood him to say the current practice is 20 years out from the time the public first uses the facility.

MR. DOWNING said that was right.

SENATOR ELTON asked the net effect of this legislation, which says you just plan 30 years out, assuming the clock starts ticking when you begin the planning process.

CHAIRMAN COWDERY clarified that the STIP tells how far out different projects are.

SENATOR ELTON asked when would the 30-year clock start ticking.

MR. POSHARD said currently when they design a project the

engineer works with the planning office to come up with a traffic projection. They look at the historical traffic counts for the particular route. They look at the types of traffic, whether it is heavy trucks or just cars commuting and a lot of other statistics. They come up with modeling projections for 20 years plus the time they expect to design and construct that project. When they start they are designing for the traffic projection that might be 26, 27 or 28 years out. It is their best estimate on when that project is going to be done and constructed. Construction plus 20 is what they are shooting for.

SENATOR ELTON said the way he read the bill it said you plan for 30 years from the time you start the planning process. The net affect of this bill could be adding another three years onto the life of the project.

MR. POSHARD said that was not exactly correct. The CS talks about the plans and specifications for proposed major upgrades. Plans and specifications mean the completed design paperwork that goes out to bid to a contractor. So the plans and specifications the contractor would receive for construction purposes would be for 30 years. If they take two years for construction then that might be 28 years. That would be going from 20 to 28 years.

FRANK DILLON, Executive Vice President, Alaska Trucking Association, supported SSSB 226. He said his understanding of the bill and the process behind it was to extend the planning horizon so they have a longer useful life when a major construction project takes place. They would like to see a longer life expectancy to the projects constructed in Alaska. Some things could change as result of using a 30 horizon, which might make a particular project more expensive but at the same time that expense might be looked at as an investment because it is "either pay me now or pay me later for it."

He said when he first arrived in Alaska he was amazed to hear there was an actual program of deferred maintenance at DOTPF. Because they could not use federal money for maintenance they simply did not maintain or repair the roads until they denigrated to such a point the Federal Government declared them unusable. Then they were allowed to reconstruct them using federal money. He said he came from other states where they did not use deferred maintenance other than as a term for something that they need to fix but had not gotten around to.

He served on the Anchorage Metropolitan Area Transportation Study (AMATS) Technical Committee as Chairman of the Citizens Air Quality Advisory Committee. They work with the AMATS Coordinator

updating the STIP. He explained long-range transportation planning in AMATS is a 23-year program because the Federal Government requires they update every three years. So that adds three years to a 20-year program. They are trying to look out 23 years to provide for useful transportation infrastructure.

MR. DILLON said it was a good thing to be looking 30 years ahead of time. He said people had done some of the planning in Anchorage and other areas of the state out 30 years ahead of time and as a result they had a useful transportation system.

He said they have gridlock in Anchorage now where dozens of intersections are at the point of failure or will be at the point of failure in the next couple of years. No matter how fast they build or how much money they get they are not going to catch up for an awful long time to where those are actually useful and safe.

MR. DILLON said the modeling for traffic engineering projects is better than 10 or 20 years ago. He said DOTPF is using 26, 27, or 28 years worth of planning for projects because the clock starts when the project is finished.

CHAIRMAN COWDERY asked how long it took to design a project like some of the recent projects in Anchorage. He asked if there is a rule of thumb and what is the design life.

MR. DOWNING said the design of the project is one of the easier pieces. Getting through the environmental process and the right-of-way acquisitions is much more difficult. It runs sequentially because you cannot acquire properties that would prejudice your decision in the environmental document. Once those steps are completed all they have is the preliminary design necessary to support the decisions they made up to that point. That is what the federal program will allow them to expend. At that point the hard design to create the plans and specifications is a relatively quick process. The Million Dollar Bridge took six months.

SENATOR WARD asked about the time required for the whole process of a project. He wanted an example from the last five years, where they started with dirt and now there is a road.

MR. DOWNING asked if he was including the environmental document and the right-of-way acquisitions.

SENATOR WARD said yes and he wanted to know which project it was.

MR. DOWNING said for the Parks Highway and some of the projects in and around the Wasilla area the design was taking about a year and a half.

SENATOR WARD wanted him to address new roads.

MR. DOWNING said the C Street extension from Dimond to O'Malley is not built and is a phased project.

SENATOR WARD asked how long had they been working on the one that is not built.

MR. DOWNING said it was not in hard design.

SENATOR WARD asked for one they had built in the last five years.

MR. POSHARD said other than the Whittier Tunnel he did not know of any new roads.

SENATOR WARD said that was why he was asking and why he was serious about the 30-year planning. If they know five roads in Anchorage are going to have to go to five lanes then logic would say maybe they should punch 68<sup>th</sup> all the way through or maybe they should have a by-pass like other cities have done. For the amount of money it takes to go from three to five lanes if they are planning 30 years maybe they should have a route that goes around a community like other cities.

MR. DOWNING said in terms of hard design all of their projects can be done in a year and a half. The environmental process the permitting process and right-of-way acquisitions are the time consuming parts.

SENATOR WARD asked if DOTPF is going to bring forth some legislation so they can streamline the process.

MR. POSHARD said they would not be bringing forward any legislative proposals before the state. They had had conversations with their congressional delegation because those are things dictated by federal law, the National Environmental Policy Act of 1969 (NEPA) and by Federal Statutes. They hoped in the next reauthorization bill their congressional delegation could work on environmental streamlining and help to alleviate some of the lengthy time it takes in the environmental process and the permitting process.

SENATOR WARD asked if Mr. Poshard could give the committee a copy of the suggested changes they submitted to Congressman Young. He

would like the committee to have them so they could help promote those also.

MR. DOWNING said he was only familiar with what he had given the commissioner and not familiar with what the commissioner had given to Congressman Young. In essence it boiled down to two things with the federal agencies and realistically the state resource agencies. In T 21 there was Section 13.09, which is environmental streamlining. It pointed all the effort at the Secretary of Transportation to speed up these projects. It did not speak to the other agencies it said the Secretary of Transportation shall do all these things. That left the other federal agencies less than compelled. What they really need boiled down to two things. They need to be compelled and they need to be enabled. That is financial as well as through changes in Federal Statutes.

SENATOR WARD said he was not quite certain that Lloyd Jones had received those requests yet. He asked if Mr. Downing could submit copies of what he had given to the committee. He wanted to help out.

MR. POSHARD said if there was something the commissioner had put in writing he would see the committee got it.

MR. DILLON said hearings would begin in September on the rewrite of the highway bill. Well over a year ago they were in contact with the commissioner and provided some very good suggestions, which were incorporated into a packet for the U.S. Transportation Committee.

There are two major very powerful coalitions that have been formed to work on two separate issues:

1. The NEPA process as it applies to highway construction is being headed up by the U.S. Chamber of Commerce and about 400 to 500 member organizations. They are working to find language that would streamline the NEPA process in highway construction projects.
2. Rewrite of the Highway Bill is being handled by the Highway Users Alliance, a coalition of several hundred different associations and industries.

He would mail to committee members what was submitted and would be happy to keep them updated. The U.S. Congress would be asking for testimony concerning the reauthorization of the Highway Bill starting in September. They were looking for help to make sure the 8.6 billion dollars deleted from next years Highway Bill is put back in.

CHAIRMAN COWDERY said they are meeting with the General Schwartz at Elmendorf Air Force Base and their engineering people on Friday for a briefing on the Knik Arm Crossing. General Schwartz wanted to work with them.

SENATOR DONLEY said he drives around his community and sees where they built a road a few years ago and already the left turn lane is packed and backed up. They have a statute to be deciding these projects for 20 years and they don't last 20 years. He first assumed the growth criteria were wrong but DOTPF said they had the right criteria but the projects were not getting built in a timely manner. The solution is to have projects designed for a longer period of time because there is not much they can do to get them built more timely because that is subject to federal requirements. Title 23 Chapter 1 Section 106 C2 says the authority for other than national highway system roads resides with the state. So one thing they can do is extend the time projects last. He said you could argue that it is going to cost more to do a project that is going to last for 30 years. You would be able to do more 20-year projects than 30-year projects.

SENATOR DONLEY said go ahead and build a road that lasts a longer period of time because common sense tells you if you wait to do those extra lanes that right-of-way is going to become more valuable. It becomes more and more difficult and expensive the longer you wait to deal with the problem. He wanted to continue to work with DOTPF to work out the details. He said the commissioner told him he thought they were headed in the right direction with this bill.

CHAIRMAN COWDERY asked if DOTPF supported or opposed this bill.

**TAPE 02-04, SIDE B**

MR. POSHARD explained in its current form DOTPF opposed the legislation. The commissioner expressed sympathy and interest in Senator Donley's concerns and even agreed with some of them. There was no question DOTPF wished that some previous administration had said pre-acquire the right-of-way through Wasilla. The projects going through that corridor on the Parks Highway are costing fortunes compared to what many other projects cost. It is an issue and they understand and do not disagree with Senator Donley's concerns. The federal law governing it is one that's been developed over the last 50 years and applies nationally. They have a limited amount of wiggle room and are still unclear whether or not this bill is going to create some

unintended consequences none of them want. He said if they continue to work with Senator Donley and get the right answers from the Federal Government then he did not know where they would stand on the bill. In its current form and with what they know they felt like they had to oppose the legislation.

CHAIRMAN COWDERY noted the Wasilla projects were very expensive. He asked if he was wrong in saying DOTPF went ahead without the knowledge of the full cost of the right-of-ways and there were lawsuits that delayed the project.

MR. POSHARD said it is a phased project to upgrade the Parks Highway through Wasilla, on the first portion DOTPF was caught off guard by right-of-way acquisition costs in Wasilla.

SENATOR TAYLOR applauded Senator Donley on his effort. He said his frustration was he did not think it was going to make much difference in the long run. He said the design standard says a bridge has to be designed to handle traffic for a road for 50 years. He wanted them to show him a bridge in that corridor that lasted 50 years. He said they as a state need to set the policy. He said DOTPF could have all the excuses they wanted about what federal law required them to do but federal law did not set the STIP and politically move the STIP every time it was convenient to change a project. Federal law was not sitting there with hundreds of millions of dollars in projects fully funded by the legislature sitting on the shelf. He had not seen a new road built in his district in 40 years. It was hard to believe anybody was planning on doing anything in DOTPF other than make work projects. He told a story about a bridge on I-5.

SENATOR WARD moved CSSSSB 226 out of committee with individual recommendations.

SENATOR ELTON said he objected just for the purpose of a comment. He said he was probably going to be a no recommendation on this bill. He did not disagree with where they were trying to get. The trouble he had and hoped would see addressed as the bill progressed through was that it is really difficult to look 30 years out in advance. He said to put that in perspective he was going to look back 30 years. It would have been asking an awful lot of anybody, whether they were designing projects in Anchorage or Wasilla or Juneau or Ketchikan, back 30 years ago to try and project what the needs were going to be 30 years out in the future.

He gave the example of the second crossing they are beginning to talk about and really need that cuts across the wetlands to

Douglas. When he first served on the assembly the second crossing was a dream in two or three people's minds. They now know the incredible difference it would make but the people who were working on the North Douglas Highway would have had no idea the impacts the second crossing might make on traffic patterns and traffic flows. He said he did not disagree with where they were trying to get but he was going to be a no recommendation for now. He said maybe somebody could help him over the image he had of what they were like as a state and a community 30 years ago and the potential financial burden they are placing on the state when they try to anticipate what the needs are going to be 30 years out in the future.

CHAIRMAN COWDERY said he built his house in 1968 and is still living in it. Many of the major shopping centers in Anchorage were built back in the 60's and 70's and are still being utilized. In the private sector there are plans that go pretty far out in time.

SENATOR TAYLOR said there were people in Juneau 40 and 50 years ago that said to build the road across to North Douglas. They should have had the crossing 30 years ago and the whole north of the island would be developed.

CHAIRMAN COWDERY asked for a roll call. All voted Yea. There being no objection, the motion carried and CSSSSB 226 (TRA) was moved out of committee with individual recommendations.

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#SB 206

#### **SB 206-DISABLED PARKING AND REGISTRATION PLATES**

SENATOR DONLEY, sponsor SB 206, explained it was the result of three years of work. Around the country there had been several initiatives to improve on the current system states use for disabled parking permits. He had personal friends who are seriously disabled and they had over the years expressed their dismay when they try to find a place to park and there are other people in those spots that are not disabled but have permits. He had done research and found several things that could be reformed in Alaska. Three years ago he started the process of reaching out to the various groups around the state that represent the people that would use disabled license plates and solicited their comments annually. Based on those comments and a meeting held with Department of Motor Vehicle (DMV) experts in that area, members of the public and his staff, they suggested the existing laws needed to be reformed. That is where SB 206 came from.

SENATOR DONLEY said SB 206 would beef up the penalty for someone who illegally parks in a handicapped/disabled parking spot. It would also for the first time have a separate penalty for someone who misused a permit.

SEANTOR DONLEY described a time he caught someone misusing a permit. Because he had been so interested in this issue he had been watching and when walking back to the Legislative Information Office in Anchorage he noticed an individual parked in the disabled parking spot in front of the Federal Building. He had a temporary Handicap Permit and jumped out of the car and ran into the Forth Avenue Theater. He followed the young man and found he was working there. He approached him and told him he didn't understand, he was parked in a handicapped spot but did not look disabled in any way. The man answered that he was not disabled it was his friend's permit. Senator Donley asked why he felt justified in using that space. He answered because he had a permit. Senator Donley told him the permit was not his. He said, yea, but his friend loaned it to him. Senator Donley said that was not going to cut it and gave him the choice to move the car or he would call the parking enforcement people and tell them what he was doing. He chose to move his car. Senator Donley said if as an individual walking down the street he can observe this kind of behavior it certainly did indicate that something is going on out there. He said he understood those in the disabled community severely resent that kind of behavior.

This bill would, for the first time, clarify that people who are not truly disabled should not be using disabled permits. Just because they have a permit did not make it right for them to use a disabled spot. This would tighten up the law and say to use a disabled permit you need to have a disabled person with you in the automobile that is actually going to be getting in and out of the automobile.

SENATOR DONLEY explained another excuse they encountered was people saying their friend had a disabled permit and they were going to the store for them. In that case they should use a regular parking spot. Just because they are serving a function for somebody who could use disabled parking it did not give them authority to use a disabled parking space. This bill would adopt a new separate penalty for misusing a permit and it would be a higher penalty because that was a more serious abuse than just parking without a permit.

He said in working with DMV good progress had been made so some of the elements of the original bill were not necessary. DMV had

been very good to work with and very supportive in the matter. When somebody is issued a drivers license it will now have a code indicating if they are eligible to use a disabled parking permit. Police can identify whether that specific person is entitled to use the permit. There are a lot of people who are legally disabled who do not always look like they might be disabled. This enforcement challenge was addressed with the cooperation of DMV people who had also been helpful in developing the legislation.

SENATOR DONLEY said this gave the committee an idea of what was in the proposed CS. It was to toughen up and clarify the law. It wasn't intended for people to use permits who are not truly disabled. He wanted to insure those parking spots are reserved for people who actually really need those spots.

SENATOR WARD moved to adopt the CS for SB 206. There being no objection, the CS was adopted.

SENATOR WARD asked how many violations there are for handicapped permits.

SENATOR DONLEY said he did not know because they are not coded. He could probably get the number of tickets written but the question becomes how many are the misuse of a permit verses how many are people without a permit parked in the spots because they are all treated the same.

SENATOR WARD asked why he did not propose in the adopted CS to go directly to a \$250 fine and four points instead of a tiered approach.

SENATOR DONLEY thought there was the circumstance where somebody could actually park one foot over the line. He was willing to give everybody the benefit of the doubt the first time it happened but the second time there was a much stronger case of intentional abuse. They ought to take it more seriously when somebody intentionally misuses a permit verses somebody who negligently or illegally parks. There is more of an element of fraud when somebody is sophisticated enough to actually misuse somebody else's permit.

SENATOR WARD said first of all they passed laws and took away parking spaces and designated them for disabled parking. He asked if somebody was to drive someone disabled to a place that had a disabled parking spot then they would be eligible to sit there in the vehicle while they went in and did shopping.

SENATOR DONLEY said the way the bill is drafted the permit is usable by somebody who gets in and out of the car. The whole purpose of having the permit is because you are going someplace. If the person getting in and out of the vehicle is not the disabled person they should not be using the permit. That was how they tried to narrow down the definition.

SENATOR WARD said his question was if somebody is chauffeuring somebody around that has a permit, under this law is it completely OK for him or her to park in the handicapped parking.

SENATOR DONLEY said not if the disabled person is not the person getting in and out of the vehicle.

SENATOR WARD said he disagreed with that. He had taken his mother to Carrs grocery store many times. He drives the car and she makes him park right by the front door even though he is fully capable of moving it into the general parking in the lot. But whenever she comes out she wants the car right there because she is out of breath.

SENATOR DONLEY said it would cover that circumstance because she had gotten out of the car and gone in shopping.

SENATOR WARD asked even if she is not the driver, he is the driver.

SENATOR DONLEY said it is OK if the disabled person is actually getting in and out of the car.

SENATOR TAYLOR said what would not work is if his mother stayed in the car.

SENATOR WARD said he could park anywhere but she wants to go herself and this is something that he does twice a week. She wants to park right by the door and go in and do her own shopping. He sits there as a healthy person and it always makes him feel a little funny too because it seems like everybody is looking at him.

SENATOR DONLEY said he had the same situation with his dad. His dad had a disabled permit and sometimes he would drive him but his dad would always get out of the car when they used the permit. The purpose of the disabled permit is for the disabled person to have easier access. It is defined in the bill if the disabled person is getting in and out of the vehicle that is fine.

SENATOR TAYLOR asked what Senator Donley was doing on the temporary permits and how do they eradicate those over time. They are made out of good heavy plastic and last a long time. These permits are for people who get injured, for example a broken leg and have to be on crutches. They really are disabled and have a hard time getting around. It is appropriate they have the permit while they are healing but within six months or so they are done with their rehabilitation and still have the permit hanging off of the rearview mirror.

DON BRANDON, Americans with Disabilities Act Coordinator (ADA), Department of Labor, said the temporary permits are dated and are different colors. The blue ones have a life of about three years and the red ones have a life of anywhere from a month to no more than ninety days. Enforcement officials can look and see the date and see if it is being abused. He said it is made out of plastic but intended to last for a short period of time.

SENATOR TAYLOR said part of his concern was the discretion exercised by officers in the field. He related a circumstance where he was using his car to transport people home from a banquet where there had been considerable drinking going on and he did not want anybody driving home. He pulled into the police parking lot at 2:30 AM where there were six handicapped parking spaces covered with snow and apparently he pulled into one of those. He did not expect a big flood of handicapped people showing up at the police department at 2:30 in the morning but he got a \$100 ticket. He said he would hate to think that all of a sudden they would be hitting people with \$250 fines and eight hours of community service and four points on their drivers license because some parking fairy decided they are six inches over a line. He was concerned about that aspect of the bill.

SENATOR DONLEY said that was why this bill did not do that. This proposal only invokes the \$250 fine when somebody is actually misusing a permit. He thought there was a whole other level of culpability there.

SENATOR WARD asked how many citations had been issued in the last year.

MR. BRANDON said the information could be gathered. He said the question was a good one and if Senator Ward drove around with him he could show him two or three violations a day but they don't all get tickets. It is a real prevalent issue because a lot of people are using the mentality that Senator Taylor was talking about, where I am only going to be here a second. Often times that 10 or 20 minutes they are parked there is the time when he

drives by and needs the accessible parking place and it is not available.

SENATOR WARD said he had seen it right in the State Capital Building parking lot every other day. He did not see a license plate or the temporary permit but people are parking in that handicapped space. He asked how many people had been charged with it.

MR. BRANDON said DMV had a list of how many fines they have put out so that information could be gathered.

SENATOR ELTON said he thought they should throw the book at them. He thought one of the most egregious examples of abuse was from a report about a year ago where seven or eight members of a college football team, including the star quarterback, had gotten a hold of these permits and were using them. He thought a \$250 fine was not nearly enough.

JAY. C. BUSH, Planner, Gov. Council on Disabilities and Special Education, said at the request of the council he was testifying in support of SB 206 and appreciated Senator Donley bringing it forward.

JIM BRADY, Kenai Peninsula Independent Living Center, said there was a lack of language that specifically required a qualified permit holder to be getting out of the vehicle when using a designated accessible space. He said there had been comment that the bill did address that but he could not find that in the bill. He said validly permitted individuals are dropping able-bodied companions off in accessible spaces. The accessible space should be for the use of individuals with disabilities who are exiting their vehicle and the language in the bill should be clear.

He said there was also a need for clear prohibition of parking in access isles adjacent to designated accessible parking space. The access isles are necessary for the use of the parking space. He witnessed on at least a weekly basis people, who because the accessible space is occupied, park in the access isle because they think that a valid parking permit allows them to do so. The same penalty should apply to parking in an access isle as applies to illegally parking in the accessible space. The penalty should be assessed regardless of whether the vehicle or the operator has a valid permit.

SENATOR DONLEY said Mr. Brady's first comment was one of the comments they had previously received. The witness probably not had a chance to see the CS where on page 4, lines 11 and 12 it

specifically references actually exiting or entering the vehicle.

He said he did not remember getting the second comment earlier so had not examined the access isles.

SENATOR WARD said his understanding was the access isles are considered a part of the handicapped parking so it did not need to be clarified because it is a part of the space.

MR. BRADY said there is a validly parked vehicle in the accessible space and someone else comes with an accessible plate or permit and parks in the access isle, which makes the parking space completely unusable. The access isle is designed so an individual in a wheel chair or using a walker can get in and out of the vehicle. If the access isle is blocked by a car, whether or not it has a valid permit, it makes the space unusable.

SENATOR WARD asked if he was saying in wintertime they do not see the stripping, it is covered up and they are parking as if the van access isn't there. They think it is just another parking spot.

MR. BRADY said it doesn't have to be in the wintertime, he sees it in the summertime. People park there because they think they have a right to park in the access space. A lot of people consider the access isle as part of the parking space.

SENATOR TAYLOR clarified it was two people with handicapped parking permits, one of them parking legally, the other one parking in the walkway.

MR. BRANDON said Mr. Brady is exactly right. Two people are qualified to use the accessible space and one is using it errantly. Part of the reason for that is the need to define what an accessible parking place looks like for Alaska. He said maybe it is something that can be addressed in regulation if they cannot get it in the bill.

The ADA, is the federal law that requires accessible parking in public areas. It says the only thing that designates the space is the sign that is viewable over a vehicle parked in the space. It gives certain dimensions that are required but the blue lines and blue bumpers and curbs are not a requirement. He thought either in regulation or in the law itself giving a clear definition of what the accessible space is would help.

MR. BRANDON explained sometimes people who are newly injured are not using accessible parking correctly or it is not signed

appropriately.

He gave an example where a van accessible space looks to the common driver like two spots. One space is painted blue with the access space beside it. Fred Meyers painted all 16 feet of their curb blue but did not demarcate it with lines. They have one sign up because it is supposed to be one van accessible space. Someone parks in the accessible spot and someone that is not disabled parks right beside it in the access isle not knowing what it is there for.

MR. BRANDON said they do not have consistency for demarcating what accessible parking spaces should look like throughout the state. Some people think putting up the sign in a standard parking place with no access isle is appropriate. He sees that error a lot from parking owners that put the signs up wrongly. He said some definition of what an accessible parking space for the State of Alaska should look like should be included in the regulation. They are not clearly marked and consistent.

SENATOR ELTON said that could be handled in regulation. The statutes govern handicapped parking and he thought it would be appropriate for DMV to address the different styles of handicap parking including signage in regulation.

FRANK DILLION, speaking as an Anchorage citizen, wanted to voice his support for SB 206. He saw handicapped spaces commonly misused and felt increasing the penalty might help solve this problem so the people who need those spaces could use them. He suggested the access spaces could perhaps be posted no parking period.

SENATOR TAYLOR thanked the sponsor and moved CSSB 206 (TRA) from committee with individual recommendations. There being no objection the motion carried.

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#SB 222

**SB 222-REQUIRE SLOW DRIVERS TO PULL OVER**

SENATOR DONLEY, sponsor, thanked the committee for their time and appreciated them hearing all three bills.

He said SB 222 would increase the fine for violation of an existing regulation, which is slow traffic failing to pull over when they are delaying five or more vehicles. The fine would increase from \$30 to \$200. He thought increasing the fine to a

meaningful amount would make people more conscious the law exists.

SENATOR DONLEY said he thought all the committee members had had the experience of what a frustrating situation this can be on the highways when people drive below the speed limit and don't pull over when they create backup. They already addressed it in an existing law but one of the things this bill would do is post additional signage to educate people. They are working with DMV to develop a fiscal note. The commissioner made the suggestion to post some signage as people are crossing the border into Alaska informing them that Alaska does have this law.

He said the original bill had a requirement for posting additional signs but while working with DMV he thought they were going to handle that through the Executive Branch function. They developed a Committee Substitute (CS) to increase the fine with this new statute to give it a little higher priority. He hoped the committee would adopt the CS.

SENATOR TAYLOR moved to adopt the CS for SB 222. There being no objection, the CS C Ford 2/7/02 was adopted.

DENNIS POSHARD, Special Assistant to the Commissioner, Department of Transportation and Public Facilities (DOTPF), said they worked with Senator Donley and his staff and thought the requirement to put up signs at certain locations was one they had some difficulty with. Instead of that section they agreed to put up some signs. They had no opposition to the CSSB 222. He said DOTPF would be happy to put the signs up and to work with Senator Donley on that.

SENATOR TAYLOR said over the last several years with the Knowles-Ulmer Administration there are difficulties in figuring out what is an appropriate signage to put along side roads. He asked if any of these would exceed 18 inches by 60 inches because the administration had classed those as billboards and actually put an initiative on the ballot and the people of Alaska voted against putting up state signs that were that large. He asked what size signs DOTPF contemplated because he wouldn't want them to violate the billboard law.

MR. POSHARD said they were talking about two different kinds of signs.

- The first is a sign that could be placed at the first rest area or at the border crossing station in a pull off that alerts the motorist of unique Alaska laws they may not be aware of like this one.

- The second is a traffic type of sign described by the MUTCD Manual on Uniform Traffic Control Devices. That manual dictates the size and shape of those types of signs. He thought they were similar to the signs being proposed for Egan Drive that say "Slower Traffic Keep Right". It would be the same type of sign except it might have some different wording based on the proposed new law.

SENATOR TAYLOR asked if it could have something that said "Slower Traffic Keep Right or We Will Fine You 200 Bucks". It needed to say something other than "It Is Courteous To Stay To The Right" because that does not work.

SENATOR DONLEY said when they discussed it they envisioned it would actually say there was a \$200 fine if you have more than five vehicles following you and you are driving below the speed limit. It would notify people the law does exist.

SENATOR TAYLOR asked where it said driving over the speed limit in the bill.

**TAPE 02-05, SIDE A**

SENATOR DONLEY answered it did not say that.

SENATOR TAYLOR said that was good, he did not want it to because it was routine on the Glen Highway to exceed the speed limit. The average traffic probably exceeds the speed limit by a minimum of five and probably eight miles and hour coming into Anchorage. He said enforcement personnel seem to be using a discretionary rule of thumb of about three to five miles and hour. You have to be higher than that above the speed limit before they are going to write much of a ticket. As a consequence there isn't a lot of enforcement done right at the speed limit. There are people who intentionally get on the roads, drive right at the speed limit and block all lanes. Because they are doing exactly the speed limit they will plug the highway up for five miles. He did not want to see that kind of conduct be tolerated by enforcement officers. He wanted to see them pulling those people over and giving them a \$200 ticket.

SENATOR DONLEY said they have to trust the trooper in the field to exercise reasonable discretion. They are giving them a tool to use when it is reasonable under the circumstances Senator Taylor described. He did not think they were ever going to be able to write into a regulation everything it would take that would substitute for a trooper's reasonable discretion.

SENATOR TAYLOR said he wanted to encourage them to use that discretion.

SENATOR WARD moved CSSB 222 out of committee with individual recommendations and accompanying fiscal note.

LIEUTENANT JULIE GRIMES, Department of Public Safety, said the subject she wanted to bring up had been addressed. They had regulation 13AAC 02.050 (b) which refers to the circumstance this bill is addressing but it actually goes further and states that of course you have to be driving under the speed limit and have five cars behind you to be in violation of the regulation. She said it appeared the bill, as it was written without any speed references, could be interpreted to mean anybody driving lawfully at the speed limit and gets five cars behind them is going to be required to pull over. The Department of Public Safety (DPS) does not believe that should be a requirement of a person lawfully driving a vehicle. She did understand the concern about people blocking the highways and blocking all lanes. She had been on the road and seen that happen. But in that same regulation it is illegal to drive in the left lane without the intention to pass so there are regulations that cover both of those scenarios. She did not think that someone who is lawfully driving the speed limit should have a requirement on them to pull over when they are doing 65 mph, which may or may not be a safe thing to do. That is the perception of DPS, it might actually be unsafe to require somebody to do that.

SENATOR WARD said she brought up an interesting point. He described a two-lane road and there is a motor home on it with five cars behind it. The speed limit is posted 65 mph but they are going 55 mph. He asked if she thought they should not pull over.

LIEUTENANT GRIMES said the way the existing regulation reads that person is required to pull over if and when they can find a spot and that of course is the other difficult thing.

SENATOR WARD asked if she was saying if they are going 65 mph and have five cars behind them then that is fine, that is the speed limit and they do not need to pull over.

LIEUTENANT GRIMES said that is correct.

SENATOR WARD said he thought she was probably absolutely correct. He thought what the sponsor was trying to get to cases such as driving from Anchorage down to the Kenai where it is posted 65 mph and people are driving 45 mph. He had personally witnessed,

within inches, fatal accidents three or four times a summer because people got so irritated they finally said OK, I am going to pass. It was very dangerous. He thought the sponsor was trying to get to somebody going 20 miles below the speed limit and looking around and having good sightseeing.

SENATOR DONLEY asked if she had the CS.

LIEUTENANT GRIMES answered she did not have it.

SENATOR DONLEY asked if on page 2, line 5 on the original bill and after roadway they put 'at below the posted speed limit' would that satisfy her concern.

LIEUTENANT GRIMES said that would be a more appropriate version but she thought it would duplicate what was in the regulation.

CHAIRMAN COWDERY asked how many miles an hour below the speed limit is considered below the speed limit.

SENATOR TAYLOR asked when do they begin to impede traffic.

SENATOR WARD said to impede traffic you have to literally be going about 20 mph below the speed limit and that is not what they are talking about. He asked how much below the speed limit is it before it is impeding traffic.

LIEUTENANT GRIMES said they do not have a set number of miles per hour beneath the limit where it becomes impeding but again it is the discretion of the trooper or the officer on the road. If a person is unable to drive the speed limit because of a heavy load or the type of vehicle and terrain combined and there is a safe place to pull over and they have five or more cars behind them she finds it very appropriate they try to get out of the way. If a motor home cannot do 55 mph and they are doing 50 mph up a hill and can resume the speed limit at the top of hill, if they can pull over then maybe they should but did they want to give that person a \$200 fine because they didn't. She thought it was kind of wide open to say where did impeding start as opposed to inconvenience.

SENATOR WARD said he had been involved in the hauling business and knew if you are 20 mph below the posted speed limit with a wide load you get a ticket so you do a lot of pulling over which is a courtesy thing to do. This is addressing people that do not know they are supposed to pull over. They really don't, they are coming from somewhere else. He thought it was entirely two different things. These people are just people who drive 45 mph.

LIEUTENANT GRIMES said the signage is an excellent idea because there are a lot of tourists that come to town. Even though they should pick up the paperwork at the border and read it perhaps they don't. The law needs to be clearly identified so they know it is against the law.

SENATOR WARD said they still have the motion to move the bill out of committee. He said he had seen two motor homes flip over literally because they pulled over onto Alaska's soft highway shoulders. They are used to something totally different in the Lower 48, they have shoulders that will hold a motor home and they have rest stops.

SENATOR TAYLOR said the point Ms. Grimes was making is a valid one under the law. Anyone who has ever spent time working traffic knows full well they work off of kind of a rule of thumb. They do not hold everyone to exactly the posted speed limit. They get tight jawed about that when it is a school zone but out on a major divided highway where traffic is flowing good and the conditions are fairly safe and the cars are spread out if it is posted 60 mph they are driving a lot closer to 70 mph. Take the same drivers and put them on the two-lane Seward Highway and some idiot is intentionally driving about five to ten mph under the speed limit that traffic would flow nicely if he would just pull over and let those others go on by. He said there has got to be some rule of thumb that the officers in the field are using for when a person is impeding traffic to the level they are dangerous and causing people to do dangerous things. Officers use discretion and judgment as to how they are going to enforce those laws. All they are asking for with the legislation is if the same officer would pull him over and give him a ticket at seven miles above the speed limit why isn't he pulling over everyone of those people that are seven miles below the speed limit with 15 to 20 cars backed up behind them.

CHAIRMAN COWDERY said if somebody pulls over and lets people go by there is going to be a period of time before he can get up to speed and he thought that discretion is up to the troopers.

SENATOR DONLEY said he had the opportunity to drive a rental car in Italy and if you want to ever take your life in your hands do that. He would be driving at least the speed limit that was posted and yet cars would pull up right behind him and want by. When there was a spot he pulled over to let them by and time after time again as he pulled over the car immediately behind him and the car after them would follow him off the road onto the shoulder because it was such an unheard of thing in Italy for

anybody to pull over to let them by they actually followed him. When they discovered he was pulling over to let them by they got very agitated and mad at him. Then they would drive on.

SENATOR TAYLOR said on the narrow roads of New Zealand and Australia if you get within a block of another car ahead of you he is already heading for the ditch as a courtesy to let you by. He said here people will drive down the road and he had never seen a police officer in Alaska write a ticket to somebody that was impeding 25, 30 or even 40 cars.

SENATOR WARD said he talked to people in motor homes in Soldotna and the vast majority are not aware they are supposed to pull over. If they did know they would pull over. They did not come here to break laws or cause accidents.

SENATOR TAYLOR asked Ms. Grimes for her opinion because he wanted to know DPS feelings on the issue otherwise nothing was going to happen after they passed the law.

LIEUTENANT GRIMES said she was 100% confident that if an Alaska State Trooper came upon a vehicle driving below the speed limit, even if it was five mph below the speed limit and had 20 cars or 30 cars piled up behind them, if that trooper could safely get around 20 or 30 vehicles to get up to make a traffic stop they would. A person may be warned about the law and may or may not be ticketed, that is the trooper's discretion. She did not doubt for a second if that scenario existed and a trooper could address it they would address it. She said there is certainly no policy that they don't.

Their concern is that they don't have an expectation that drivers going the lawful speed limit, who are comfortable at that speed limit, who are not breaking the law but have five or more impatient people behind them, are forced to pull over. She did not think that necessarily is always the safe thing to expect from them. She said to hold those lawful drivers responsible for the impatient and perhaps dangerous passing moves of somebody behind them is not appropriate either. DPS felt this was very enforceable. They have a regulation on the books that covers exactly the scenarios they are talking about and when it can be done she believed it was done.

SENATOR TAYLOR said, from his life experience in driving, if you end up with five, seven or ten cars stacked up behind one of the "lawful drivers" that is when you start killing people because that is when somebody swings out. He said yes they are impatient, yes they are speeding, and yes you can ticket them for

that, the problem is if nobody pulls that lawful driver over you end up not with one or two impatient people, you end up with 20 or 30 and now their doing dangerous things on curves. He strongly recommended to DPS, with the passage of this bill, they take a very serious look at greater levels of enforcement. Officers have a red light and a siren that gets those drivers off the road when the officer becomes impatient and he needs to go someplace in a hurry. Nobody else out there has that opportunity. All he has to do is hit that siren and that whistle and start moving people off that road until he gets to the guy up front and then nail him with a \$200 fine. That driver is going to go home and tell all his friends and neighbors.

CHAIRMAN COWDERY said there was no objection and moved CSSB 222 (TRA) out of committee.

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CHAIRMAN COWDERY said they had about six bills in the Transportation Committee to deal with in the next couple of weeks. There were some new things that came up in auto insurance. The auto industry is using credit reporting as a means of determining the cost of insuring a vehicle.

CHAIRMAN COWDERY thought when you buy auto insurance and have an accident in a late model vehicle you rightly have the expectation for it to be repaired back to the original condition, not with second hand or foreign parts that do not fit. On that particular issue, one insurance company, State Farm in Illinois, recently lost a case and had to come up with a fine from the Supreme Court of 1.18 billion dollars. He thought it was their duty as legislators to look into that and protect Alaskan citizens.

SENATOR WARD thanked Chairman Cowdery and his staff for helping him request the warrants and checks from the Alaska Railroad so they could analyze the Marine Highway and Railroad Authority Bill. He realized it was pretty hard to figure out what you spent your money on in just one year.

SENATOR TAYLOR said he wanted to thank the sponsor, Senator Donley. He thought all three of the pieces of legislation are very important and appreciated him putting in the time to bring them to the committee.

CHAIRMAN COWDERY adjourned the meeting at 3:30 p.m.

