

ALASKA STATE LEGISLATURE
HOUSE TRANSPORTATION STANDING COMMITTEE

February 24, 2004

1:34 p.m.

MEMBERS PRESENT

Representative Jim Holm, Chair
Representative Beverly Masek
Representative Vic Kohring
Representative Dan Ogg
Representative Nick Stepovich

MEMBERS ABSENT

Representative Mary Kapsner
Representative Albert Kookesh

COMMITTEE CALENDAR

HOUSE BILL NO. 387

"An Act relating to fines for offenses committed within school zones."

- HEARD AND HELD

HOUSE BILL NO. 438

"An Act relating to motorists moving over or slowing down for emergency vehicles."

- MOVED HB 438 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 387

SHORT TITLE: INCREASE FINE FOR SCHOOL ZONE VIOLATIONS

SPONSOR(S): REPRESENTATIVE(S) GATTO

01/20/04	(H)	READ THE FIRST TIME - REFERRALS
01/20/04	(H)	CRA, TRA, JUD
02/05/04	(H)	CRA AT 9:00 AM CAPITOL 124
02/05/04	(H)	Moved CSHB 387(CRA) Out of Committee
02/05/04	(H)	MINUTE(CRA)
02/09/04	(H)	CRA RPT CS(CRA) NT 1DNP 2NR 1AM
02/09/04	(H)	DNP: KOTT; NR: SAMUELS, WOLF;
02/09/04	(H)	AM: MORGAN
02/17/04	(H)	TRA AT 1:30 PM CAPITOL 17

02/17/04 (H) Scheduled But Not Heard
02/24/04 (H) TRA AT 1:30 PM CAPITOL 17

BILL: HB 438

SHORT TITLE: MOVE OVER LAW FOR DRIVERS

SPONSOR(S): REPRESENTATIVE(S) HOLM

02/05/04 (H) READ THE FIRST TIME - REFERRALS
02/05/04 (H) TRA, STA, JUD
02/17/04 (H) TRA AT 1:30 PM CAPITOL 17
02/17/04 (H) Scheduled But Not Heard
02/24/04 (H) TRA AT 1:30 PM CAPITOL 17

WITNESS REGISTER

REPRESENTATIVE CARL GATTO

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Spoke as the sponsor of HB 387.

CODY RICE, Staff

to Representative Carl Gatto

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: During discussion of HB 387, answered questions.

DON SMITH, Administrator

Alaska Highway Safety Office (AHSO)

Division of Program Development

Department of Transportation & Public Facilities (DOT&PF)

Juneau, Alaska

POSITION STATEMENT: During discussion of HB 387, offered additional information.

MATTHEW RUDIG, Staff

to Representative Jim Holm

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Presented HB 438 on behalf of Representative Holm, sponsor.

SHELLY OWENS, Health Program Manager

Community Health and Emergency Medical Services

Division of Public Health

Department of Health and Social Services (DHSS)

Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 438.

KELLY NICOLELLO, Assistant State Fire Marshal
Central Office
Division of Fire Prevention
Department of Public Safety (DPS)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 438.

ACTION NARRATIVE

TAPE 04-7, SIDE A

Number 0001

CHAIR JIM HOLM called the House Transportation Standing Committee meeting to order at 1:34 p.m. Representatives Holm, Stepovich, Kohring, and Ogg were present at the call to order. Representative Masek arrived as the meeting was in progress.

HB 387-INCREASE FINE FOR SCHOOL ZONE VIOLATIONS

CHAIR HOLM announced that the first order of business would be HOUSE BILL NO. 387, "An Act relating to fines for offenses committed within school zones."

Number 0083

REPRESENTATIVE CARL GATTO, Alaska State Legislature, speaking as the sponsor, began by relating a quote from an Anchorage Daily News article included in the committee packet, which read as follows: "About 460 drivers were cited for speeding in school zones in 2002, according to the Anchorage Police Department's Annual Statistical Report. But police officials said Thursday they can't catch or deter all the speeders, even when they do stings for days at a time." Therefore, he surmised that [speeding in school zones] isn't an occasional event. The committee packet also contains a letter from the Fairbanks North Star Borough School District, which relates the following: "Approximately two-thirds of our 15,000 students walk to school each day." The legislation, he explained, relates to the fines for motor vehicle violations within school zones and it's similar to the double fines for [motor vehicle violations] within highway work zones. He noted that highway work zones often have a flagger who signifies the [beginning of] a highway work zone. He indicated that the flagger coupled with the double fine signage has reduced accidents within highway work

zones. This legislation would double the fines for violations in clearly marked school zones.

CHAIR HOLM highlighted that there is a zero fiscal note from the Alaska State Troopers of the Department of Public Safety and the Criminal Division of the Department of Law. He related his assumption that these violations would end up in traffic court.

REPRESENTATIVE GATTO informed the committee that there is also a zero fiscal note from the Department of Transportation & Public Facilities (DOT&PF). He explained that originally, DOT&PF assumed that it would be required to place signs in areas where no signs existed; however, that isn't the intention. The legislation simply intends to reduce the number of speeders in school zones. He commented that some of the worst offenders are high school students.

Number 0413

CHAIR HOLM assumed that there would be some cost to troopers, and therefore he asked if the fines would cover that extra cost.

REPRESENTATIVE GATTO commented that when a fine is increased so does the potential for a challenge in court rather than the offender merely paying the fine.

CHAIR HOLM reminded the sponsor that the legislature has been discussing the graduated drivers' license (GDL) and the inability of young people to obtain a drivers' license if they have an offense such as this. Therefore, he questioned whether there are some unintended consequences.

REPRESENTATIVE GATTO highlighted that this legislation merely doubles the fines.

CHAIR HOLM recalled that under the GDL legislation a young person cannot have any violations within the last six months in order to progress to the next step.

Number 0545

REPRESENTATIVE STEPOVICH surmised that the goal is to stop speeding in neighborhoods. However, he opined that young people don't think about [the dangers or repercussions of reckless activities such as speeding]. Therefore, he questioned whether increasing the fines will stop young people [from speeding].

Representative Stepovich inquired as whether there have been any discussions with regard to signage.

REPRESENTATIVE GATTO noted that he has had long conversations with DOT&PF. He also noted that his goal was not to have a fiscal note attached to the legislation. This legislation only applies to school zones that are already signed.

REPRESENTATIVE STEPOVICH asked if there was any discussion with regard to law enforcement using speed traps at school zones rather than out on the highway.

REPRESENTATIVE GATTO pointed out that law enforcement already does [use speed traps at school zones].

REPRESENTATIVE STEPOVICH surmised that the double fines could impact law enforcement and provide an incentive for law enforcement to [be in school zones] in order to obtain the larger fine.

REPRESENTATIVE GATTO said that it's usually up to the captain to schedule the location of law enforcement.

Number 0756

REPRESENTATIVE OGG opined that HB 387 deals with metropolitan areas. He related that he doesn't see a need for this in his area. Furthermore, the speed limits in [the metropolitan areas] are a lot higher and the traffic patterns are different. He mentioned the "cookie cutter program."

REPRESENTATIVE GATTO interjected that the aforementioned is why the legislation is limited to marked school zones. He acknowledged that the smaller schools have no need for or desire for signs.

REPRESENTATIVE OGG remarked that there are different magnitudes between the urban and rural areas of the state.

CHAIR HOLM turned attention to page 2, line 7, which defines "school zone." He asked if it would make more sense to refer to "only an area identified by signs as being near a school."

REPRESENTATIVE GATTO indicated that was the intent.

Number 0903

REPRESENTATIVE OGG moved that the committee adopt Amendment 1, which would specify on page 2, line 7, that a "'school zone' means only an area identified by signs as being near a school."

REPRESENTATIVE STEPOVICH commented that there are different dangers at different schools.

REPRESENTATIVE GATTO informed the committee that he lives on Trunk Road, which he characterized as one of the most dangerous roads in the state and at the end of it is an elementary school. In further response to Representative Stepovich, Representative Gatto indicated that the committee packet should include information regarding what other states do with fines in school zones.

REPRESENTATIVE STEPOVICH surmised that the double fines apply while school in session.

REPRESENTATIVE GATTO expressed concern with the aforementioned because when the school is in session, the children are in the school rather than when the school is out of session and the children are outside and around the school. However, he acknowledged that schools are used at other times for other functions.

REPRESENTATIVE STEPOVICH indicated that the legislation could refer to "when children are present".

Number 1068

CHAIR HOLM related that in his area there is a major highway off of which a school sits; the children don't walk on the highway and aren't dropped off on the highway. He said he could understand this legislation in the context of a neighborhood rather than off of a major highway. He noted that it is marked as a school zone and the speed limit drops by 10 miles per hour (mph) to 55 mph. He inquired as to how that would be addressed.

REPRESENTATIVE GATTO directed attention to page 1, lines 11-12, which specifies that the double fine applies only during the period when a lower speed limit is in effect.

Number 1158

REPRESENTATIVE KOHRING inquired as to the typical fine now.

REPRESENTATIVE GATTO informed the committee that in Anchorage the speeding fines for speeds up to 9 mph is \$12 per mile, up to 19 mph over is \$14, and up to 20 mph or more is \$16 per mile plus a reckless driving charge.

REPRESENTATIVE KOHRING surmised then that speeding up to 10 mph over the speed limit would result in a \$200 fine, which under this legislation would double to \$400. He then turned to the sponsor statement and the justification that this legislation will increase public awareness. However, he wasn't sure that would be a justification. He expressed the need to have information illustrating that legislation such as HB 387 would result in a decrease in the number of children and vehicle collisions.

REPRESENTATIVE GATTO pointed out that currently double fines are implemented in highway work zones. He related his understanding that doubling the fines in highway work zones has decreased the number of collisions in that area. He agreed to obtain that information. He then added that this matter has been addressed by most all states.

REPRESENTATIVE KOHRING opined that even with increased fines and penalties for violations, such as for drunk drivers, people continue to drive carelessly and drunk. Therefore, he said he wasn't convinced that increasing fines would do anything more than put more money in the pockets of some bureaucracy and wouldn't make kids safe on the streets. With regard to Trunk Road, the problem is related to the need for infrastructure, which is being addressed.

Number 1368

REPRESENTATIVE STEPOVICH commented that the goal of HB 387 is great. However, he opined that the "bad guys" will always will be the "bad guys" and the increased fines will be a burden to the inattentive individuals.

REPRESENTATIVE GATTO said that when he contemplates introducing legislation, he questions whether it will make a difference. If the legislation will make a difference, then the question becomes how large of a difference will it make. Some would say that saving even one child would be enough of a difference to do this while others may not. Therefore, it's for the committee to determine what constitutes enough. Representative Gatto related his belief that fines do get people's attention and does some good. This legislation, he opined, has value to it.

CHAIR HOLM turned attention to the document in the committee packet that specifies the number of school zone citations in 2003. The document specifies that in Anchorage there were 410 such citations as compared to the [next highest] of 26 citations statewide in areas that aren't listed. Therefore, he surmised that this is a problem only in Anchorage. For instance, Fairbanks has one-third of the state's population but only had 10 violations.

Number 1588

CODY RICE, Staff to Representative Carl Gatto, Alaska State Legislature, informed the committee that the document in the committee packet was provided by the Alaska State Troopers based on the numbers they have received. He noted that one possibility is that not everyone reports these figures and not everyone codes speed offenses in the same manner. Therefore, there may be a fairly good percentage of under-reporting and perhaps an "apples to oranges" comparison.

CHAIR HOLM, again turning to the number of school zone violations, asked if a statewide "fix" is required for a regional problem.

REPRESENTATIVE GATTO agreed that the results are understated. He related that in discussions with police officers, he has discovered that [law enforcement] doesn't work school zones very much. Furthermore, there seems to be an acceptable threshold for speeding such that if the speed limit is 55 mph, one can drive 64 mph without being stopped. Representative Gatto related his belief that signs for double fines would be a motivator to slow down.

Number 1732

REPRESENTATIVE OGG moved that the committee adopt Amendment 1, as follows:

Page 2, line 7, following "means":
Insert "only the"

There being no objection, Amendment 1 was adopted.

Number 1775

REPRESENTATIVE OGG moved that the committee adopt Conceptual Amendment 2, which would state: "the double fines for school zones applies only in municipalities of populations greater than 200,000 people".

CHAIR HOLM objected for discussion purposes.

REPRESENTATIVE GATTO pointed out that Conceptual Amendment 2 would essentially limit this legislation to only one community in the state, although [the Palmer - Wasilla area] is just like a municipality in terms of traffic. He said this legislation would be valuable to [the Palmer - Wasilla area]. In response to Representative Ogg, Representative Gatto said that the population of the Matanuska-Susitna Borough is approximately 60,000.

REPRESENTATIVE OGG offered changing Conceptual Amendment 2 to refer to municipalities with populations greater than 60,000.

CHAIR HOLM suggested that would be beneficial. He then turned to the situation in the Denali Borough through which a large highway would run.

REPRESENTATIVE GATTO commented that there are schools in rural areas.

Number 1935

CHAIR HOLM withdrew his objection to Conceptual Amendment 2.

REPRESENTATIVE STEPOVICH noted that he was astonished with the number of violations in Anchorage.

MR. RICE, in response to Chair Holm's request for better information, informed the committee that the problem is that many of the recording agencies aren't necessarily coding these offenses correctly.

REPRESENTATIVE STEPOVICH expressed concern with regard to having double fines without proper coding.

Number 2015

DON SMITH, Administrator, Alaska Highway Safety Office (AHSO), Division of Program Development, Department of Transportation & Public Facilities (DOT&PF), informed the committee that [ASHO] has funded a program with the Anchorage Police Department,

particularly for traffic enforcement and seat belt use at the Anchorage schools. He remarked that the aforementioned program may account for the high number [of violations] in Anchorage.

CHAIR HOLM remarked, "Essentially, not just speeding so it could be other violations like seat belts."

MR. SMITH pointed out that in Alaska one can't be stopped for not wearing a seat belt; but if an individual is stopped for speeding and that individual isn't wearing a seat belt, that individual can be cited for not wearing a seat belt.

CHAIR HOLM reminded the committee that Conceptual Amendment 2, as amended, remains before it. Conceptual Amendment 2, as amended, would insert the following language: "the double fines for school zones applies only in municipalities of populations greater than 60,000 people".

REPRESENTATIVE STEPOVICH objected, and stated that if this proposal is going to be done it should be done statewide.

REPRESENTATIVE KOHRING objected, and stated that he didn't want this to apply to the state at all.

A roll call vote was taken. Representatives Ogg and Holm voted in favor of Conceptual Amendment 2, as amended. Representatives Stepovich and Kohring voted against it. Therefore, Conceptual Amendment 2, as amended, failed by a vote of 2-2.

CHAIR HOLM announced that this legislation wouldn't be reported from committee today because he wanted to allow the committee members not present today the opportunity to discuss this.

Number 2141

REPRESENTATIVE OGG surmised that if this legislation passes, communities with [school] zones would have to post them as double fine [zones].

REPRESENTATIVE GATTO disagreed. The legislation specifies that if the sign [specifying a school zone] exists then "the situation occurs." There is no DOT&PF involvement with this.

CHAIR HOLM announced that HB 387 would be held over.

HB 438-MOVE OVER LAW FOR DRIVERS

CHAIR HOLM announced that the final order of business would be HOUSE BILL NO. 438, "An Act relating to motorists moving over or slowing down for emergency vehicles."

Number 2209

MATTHEW RUDIG, Staff to Representative Jim Holm, Alaska State Legislature, presented HB 438 on behalf of Representative Holm, sponsor. Mr. Rudig read from written testimony, as follows:

Safety; that is what this bill hopes to accomplish. Moving over and slowing down, according to this statute, can save lives. It is very dangerous for ... [law enforcement], fire, and emergency personnel to be working ... along the shoulder of a roadway.

According to the National Law Enforcement Officers Memorial Fund, ... from 1997 through 2002, 93 ... police officers [were struck and killed by vehicles]. Many more have been injured and substantially more have had close calls.

MR. RUDIG said by mandating that drivers, when passing a vehicle displaying emergency lights, have reduced their speeds to 20 miles below the posted speed limit, and to 5 miles per hour (mph) in a 25 mph or less zone, is an attempt at ensuring safety on the roadways. He said while no measure of "move-over" legislation will guarantee complete safety to [emergency] personnel, this bill along with further public education efforts, may heighten driver awareness of the inherent danger to the men and women who serve in uniform. Mr. Rudig explained that establishing this law in statute encourages the public to recognize the precaution needed while passing emergency personnel and provides for a penalty for those who refuse to obey this law. Thirty other states have enacted similar laws and some of the examples of these are in the bill packets, he said. Mr. Rudig said this legislation is not unprecedented; it is essential. Also included in the bill packets are testimonials given by Fairbanks police officers stating how HB 438 can affect their livelihood.

MR. RUDIG said there is also a representative from the Department of Public Safety [DPS] available to answer questions. He remarked, "These people fight for our lives everyday and this legislation is an opportunity for the legislature to fight for theirs."

Number 2310

SHELLY OWENS, Health Program Manager, Community Health and Emergency Medical Services, Division of Public Health, Department of Health and Social Services (DHSS), testified in support of HB 438 on behalf of DHSS. She said it is estimated that there 12,000 emergency medical vehicle collisions each year, but it is not known how many of those are secondary crashes. She said the U.S. Fire Administration (USFA) reports that emergency vehicle crashes are the second leading cause of death for firefighters. Furthermore, she said the International Association of Chiefs of Police (IACP) reported that in 1997, nearly 40 percent of law enforcement officers who died in the line of duty, died in traffic. She explained that the exposure to traditional crashes is greater the longer an accident is in place, and the severity of a secondary crash is greater than the original incident. Ms. Owens said a 1995 analysis of collision statistics in California showed an increased risk by 600 percent to a secondary collision. Furthermore, she explained that a study conducted by the [Washington State Department of Transportation (WSDOT)] noted that in a five-year period, motorists in Florida crashed almost 1,800 times into working law enforcement vehicles that were stopped and parked along roadways, which resulted in five fatalities. In Alaska, she said during a four-year period, from 1998 to 2001 [Tape ends mid-sentence].

TAPE 04-7, SIDE B

MS. OWENS continued by saying that there were 386 emergency response vehicles involved in accidents. Moreover, of the 386 crashes, 46 incidents involved a parked emergency response vehicle. She said motor vehicle operators are exposed to multiple sources of distraction including mobile phones, radios, and children [making it difficult to hear and see emergency response vehicle's] sirens and lights. She said DHSS supports efforts to reduce the number and severity of injuries to fire, EMS [emergency medical service], and law enforcement personnel at emergency scenes, including [making] rescuers more visible at the scene, providing training to motorists about the responsibilities regarding emergency vehicles at [accident] scenes, and enacting legislation that is inclusive to the safety of rescuers, patients, and bystanders on (indisc. - coughing). She reiterated that DHSS supports HB 438.

REPRESENTATIVE STEPOVICH asked if police officers [issuing traffic citations would be included in this legislation].

MS. OWENS deferred the question to DPS. She said her understanding is the bill will require drivers to pull over or slow down in the presence of emergency response [vehicles] or ambulances on the side of the road with flashing [emergency] lights.

Number 2318

REPRESENTATIVE STEPOVICH directed attention to page 1, line 12, and he said he thought [police] officers would [direct people to move faster] if there was lot of traffic [due to the 5 mile an hour speed restriction imposed by the bill].

CHAIR HOLM clarified that [the 5 mile an hour speed restriction is imposed] in areas in which the speed limit is 25 mph or less, such as a school zone. He remarked, "That's what they suggested that we should do."

Number 2287

REPRESENTATIVE OGG, citing Ms. Owens' testimony, asked if those numbers [regarding secondary accidents] could include highway maintenance people.

MS. OWENS indicated she would be happy to find out the answer.

REPRESENTATIVE STEPOVICH asked if emergency vehicles are required to put up emergency [signaling devices] such as flares or reflective triangles.

Number 2245

KELLY NICOLELLO, Assistant State Fire Marshal, Central Office, Division of Fire Prevention, Department of Public Safety (DPS), testified. Mr. Nicolello replied no. He remarked:

When you're performing your duty during an emergency, and once you have, either from a fire perspective up on a crash or from a police perspective maybe pull the vehicle over for speeding, you are concentrating on the people who are there. You place your vehicle in the most safe spot to protect you, but your lights are your protection for identifying that there is an ... emergency action taking place on the side of the road.

... Unfortunately, what happens with those emergency lights, like any type of warning device, sometimes people are attracted to it, like a moth to flame. That's some of the types of accidents that occur on the side of the road that injure fire and/or police people.

So, to ask them to put flares out when they're doing a speeding stop or their coming up on an accident, there may be an appropriate time to do that depending on what the situation is, but usually the first person in isn't going to be doing that because they're going to be concentrating on their patients or they're going to be concentrating on the person they're pulling over actions.

REPRESENTATIVE STEPOVICH remarked, "I have trouble with the term 'emergency' especially in the cases of ... speeding tickets and such like that."

MR. NICOLELLO said he would find it hard to believe that a person couldn't see the emergency flashing lights, which are different colors and multiple frequencies, but would be able to see a flare or a [reflective] triangle.

REPRESENTATIVE STEPOVICH said he understood that part, but he didn't understand the term "emergency" being used in regard to [issuing] a speeding ticket.

MR. NICOLELLO said it [is in reference] to an emergency person doing his or her job, and using lights as warning lights. He said pulling a person over for a speeding ticket may be an infraction and may not be an "emergency," but those emergency lights are what are operating and that is from where the term is being quoted.

Number 2132

REPRESENTATIVE STEPOVICH asked about [the procedures that emergency personnel take to ensure their safety at an accident scene].

MR. NICOLELLO explained that there is a certain way the [emergency response] vehicle is to be parked in relationship to the other vehicles; it will be put outbound into traffic just a little bit, which will protect the officer from being hit by a

moving vehicle thus his or her own vehicle acts as a blocking point.

REPRESENTATIVE STEPOVICH said he has seen situations where the proper care isn't taken and an [officer] doesn't make a vehicle being pulled over pull farther [over on the shoulder of the road] or wait for a safe area to pull over the vehicle.

MR. NICOLELLO asked if Representative Stepovich was saying officers regularly do this and it is a known problem.

REPRESENTATIVE STEPOVICH said he hopes [officers] don't regularly do it, but he thinks care needs to be taken. He said there are some times when it can't be done, such as in accidents, but at other times [officers] should follow the vehicle until a proper area is found [to make a traffic stop]. Representative Stepovich said he thought that was part of the policy.

Number 2065

MR. NICOLELLO said it is, but he pointed out that [traffic stops are often made] on streets that people use for commuting to work. He said from the [firefighting perspective], every incident is critiqued when it is over, including everything from [the areas] where vehicles were parked to how the patient was handled. From a [police perspective] it probably doesn't happen quite as often because usually only a single officer or two officers respond, but still [police officers] realize their life is on the line if things are not done right. He remarked, "It's their inherent responsibility to themselves to make sure they do it right; ... I'm not going to argue that you haven't seen something that wasn't quite the way you think it should've been right, and that is something that is responded to within the department through field training and through recurring training." Mr. Nicolello said for the most part, "an officer who doesn't protect himself is his own liability," and people aren't here to sacrifice their lives for issues that contribute to society, but he understood Representative Stepovich's point.

REPRESENTATIVE STEPOVICH noted that Mr. Nicolello had made a good point. He expressed concern about whether the speeds [in the bill] are right or whether the speeds would make traffic more difficult.

CHAIR HOLM said he thought it is a good point that it is more important that the emergency be taken care of first, and it is

the first priority of the emergency vehicle at that point, while traffic control is secondary, and people should be responsible as drivers in looking out for [other vehicles].

REPRESENTATIVE OGG said he was curious about whether highway maintenance workers should be included, because [highway maintenance workers are often] parked or working on the side of the road.

Number 1961

MR. RUDIG said he believed there are currently fines and enforcement with respect to [vehicles] slowing down when in the presence of [highway maintenance workers], often in areas marked by signs and red cones. He said he believed there is a statute in place to address [highway maintenance worker safety], but there is no statute to address [emergency vehicles] parked on the side of the road.

REPRESENTATIVE OGG called attention to [page 1], paragraph (2), and he asked [about the relationship between the established speed limit and the reduced speed limit when in the presence of an emergency vehicle].

MR. RUDIG said the purpose of the statute is if a vehicle is traveling at 30 mph, when in the presence of an emergency vehicle, that vehicle would have to slow down to 10 mph, and when traveling at 25 mph or less, the vehicle would have to slow down to 5 mph.

Number 1894

REPRESENTATIVE STEPOVICH said he thought it is already required that vehicles slow down when a police officer is in pursuit or an emergency vehicle is pulling over on the side of the road. He asked about reckless endangerment, and about the type of fine that would be issued for not complying with [HB 438].

MR. RUDIG referred to AS 12.55.035 and noted that the fine would not exceed \$10,000. He explained that this would be a class A misdemeanor if personal injury were to happen because of recklessness caused by a person not slowing down in the presence of an [emergency vehicle] pulled over to the side of the road. However, he said DPS has indicated that by putting this in statute, a ticket could be written based on the other speeding laws currently in statute and regulation.

MR. NICOLELLO said if there was an issue in which a person, on icy conditions, slows down to 5 mph and still hits the officer or hits the officer's car causing it to hit the officer, that person could be cited for going faster than road conditions [permit]. He said it would probably involve some judgment based on the officer's part, although that's a different situation, so he did not have a firm answer regarding that. He said [the fine] is [issued] only if injury results. Under current statute, he said if an officer directs a motorist to do something while passing an accident scene or another action being taken and the [motorist] disobeys it, the motorist could be cited under a federal offense, which he believed falls under "reckless endangerment." Mr. Nicolello brought up the question about including highway [maintenance] workers in this bill, and he explained that the difference is that the public does not have an expectation to react to [maintenance] vehicles, which are usually only identified by a rotating yellow light, as they are to [emergency vehicles]. He remarked, "Something that is also very ... important in it's availability with the highway people on the side of the road whereas if you've got a police, fire, or ambulance, you also have a group of one or more people who can take hostile action if somebody were to get hurt."

REPRESENTATIVE STEPOVICH said it seemed [the speed limits imposed by the bill] might create some "rubbernecking" in the more traffic congested areas, but he's "not saying everybody should do 100 mph by a police officer." He said there are problems with that in the Lower 48. Although he acknowledged that there are different circumstances in Alaska, the [problems occur] when people stop or slow traffic down and create dangers farther off the road. Representative Stepovich said it would be a fairly radical change in the speed [limit]. He indicated he thought the correlation of speeds may be a problem but he agreed that people should slow down when going by.

MR. RUDIG said he didn't research that issue, but he wanted to add the point that the bill creates a public education for people to slow down and recognize [emergency vehicles] on the side of the road. He said an officer's life would be in serious danger if hit by a vehicle going 25 or 55 mph, but this bill gives the officer and others the opportunity to get out of the way.

CHAIR HOLM explained that the reason for putting forth the bill was to allow [emergency responders] to have the opportunity to [escape from danger].

REPRESENTATIVE STEPOVICH remarked, "If the officer gets hit, we're too late already; ... I know if the bill comes through and it avoids him getting hit, that's a different story, but as far as getting hit, that's where I have trouble with how the bill is going to be."

The committee took a brief at-ease.

Number 1585

REPRESENTATIVE OGG moved to report HB 438 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 438 was reported out of the House Transportation Standing Committee.

ADJOURNMENT

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 2:50 p.m.