

ALASKA STATE LEGISLATURE
SENATE TRANSPORTATION STANDING COMMITTEE

February 9, 2006

1:35 p.m.

MEMBERS PRESENT

Senator Charlie Huggins, Chair
Senator John Cowdery, Vice Chair
Senator Gene Therriault
Senator Albert Kookesh
Senator Hollis French

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 261

"An Act relating to the designation of traffic safety corridors; relating to the bail or fine for an offense committed in a traffic safety corridor and to separately accounting for such fines; and providing for an effective date."

HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 261

SHORT TITLE: REGULATION OF HWYS; TRAFFIC OFFENSES

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

02/01/06	(S)	READ THE FIRST TIME - REFERRALS
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WITNESS REGISTER

JEFF OTTESEN, Director
Division of Program Development
Department of Transportation & Public Facilities
3132 Channel Dr.
Juneau, AK 99801-7898

POSITION STATEMENT: Supported SB 261.

KURT SMITH
State Traffic and Safety Engineer
Department of Transportation & Public Facilities

3132 Channel Dr.
Juneau, AK 99801-7898
POSITION STATEMENT: Supported SB 261.

LIEUTENANT JAMES HELGOE, Legislative Liaison
Alaska State Troopers
Department of Public Safety
PO Box 111200
Juneau, AK 99811-1200
POSITION STATEMENT: Supported SB 261.

CINDY CASHEN, Administrator
Highway Safety Office
Department of Transportation & Public Facilities
3132 Channel Dr.
Juneau, AK 99801-7898
POSITION STATEMENT: Commented on SB 261.

DOUG WOOLIVER, Administrative Attorney
Alaska Court System
303 K St.
Anchorage, AK 99501-2084
POSITION STATEMENT: Supported SB 261 with one change.

RON MARTINDALE
Highway Safety Improvement Program (HSIP)
Department of Transportation & Public Facilities
Anchorage, AK 99801-7898
POSITION STATEMENT: Commented on SB 261.

ACTION NARRATIVE

CHAIR CHARLIE HUGGINS called the Senate Transportation Standing Committee meeting to order at [1:35:58 PM](#). Present were Senators Albert Kookesh, Hollis French, John Cowdery, and Chair Charlie Huggins.

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SB 261-REGULATION OF HWYS; TRAFFIC OFFENSES

CHAIR CHARLIE HUGGINS announced SB 261 to be up for consideration.

JEFF OTTESEN, Director, Division of Program Development, Department of Transportation and Public Facilities (DOTPF), explained that this bill was triggered by a spate of very high-

visibility accidents and some weather events. The idea was to look for a way to keep numbers of accidents down. The tool they found was to declare certain sections of road a safety corridor and to double the fines in them.

SENATOR COWDERY asked if the department could place concrete dividers on the highways so cars can't jump to the other side and if federal funds would be available for such a project.

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SENATOR THERRIAULT joined the committee.

MR. OTTESEN replied that was a good suggestion, but most of the highways are two lanes that are used by permitted wide loads that need to have the extra width.

SENATOR FRENCH commented that the classic Seward Highway accident is someone drifting into on-coming traffic and killing folks his age.

MR. OTTESEN said other states have crafted language with criteria that would be used to make the findings for safety zones and he asked the chair to hold the bill so the department could do further work on the matter. The department does a good job of using safety data to prioritize and schedule projects and national statistics show the predominant factor in traffic accidents is generally the human factor.

CHAIR HUGGINS agreed and pointed out that at some point the department would need money to implement their policies.

SENATOR THERRIAULT said that Virginia lawmakers set a maximum dollar-specific fine at \$500. They reasoned that a sign saying "double fines" could be not as effective as a specified amount since most people are unaware of what the double amount would be.

MR. OTTESEN replied that was a good idea. He added that Washington State actually posts the dollar amount of certain fines on the sign.

SENATOR COWDERY said the legislature should make it tougher on people who drive after losing their driver's license.

MR. OTTESEN agreed that DUI offenders often repeat-offend.

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CHAIR HUGGINS asked how safety issues are identified especially with regards to the areas identified today that have safety challenges.

KURT SMITH, State Traffic and Safety Engineer, Department of Transportation and Public Facilities (DOTPF), answered that the department uses "the hard side" and "the soft side" approach. The hard side is infrastructure improvements, which are addressed by the Highway Safety Improvement Program (HSIP) and the soft side deals with enforcement and education. He explained:

With the HSIP, every year we go out and we look for high crash locations and we figure out whether there are counter measures that work and basically figure out that we can save this many lives - this many injuries - what dollars do that - compared to the cost of construction - figure out a benefit cost ratio - come up with a list that's prioritized and we fund the top projects of this list.

SENATOR THERRIAULT asked if the funding comes from regular capital appropriations or out of the safety fund where he wants to direct 50 percent of these funds.

MR. OTTESEN replied that the department receives safety funds directly from the Federal Highway Administration that are designated for the HSIP. Dollars are taken out, though, if safety laws are not up to federal standard. Those funds are directed back to the department through the National Highway Traffic Safety Administration (NHTSA) and are partially used on the soft side and for implementation of engineering improvements.

SENATOR THERRIAULT asked if he used a flat fee for signing a stretch of highway.

MR. SMITH responded that the estimates vary depending on particular conditions in a zone.

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SENATOR THERRIAULT commented that the fiscal note didn't indicate how much money the fines would bring in.

CHAIR HUGGINS pointed out that this is not just a revenue generator, but a safety mechanism.

SENATOR THERRIAULT asked why the funding has to be directed to two different funding mechanisms for stretches of highway that don't meet certain criteria.

MR. OTTESEN answered because some of Alaska's safety laws don't meet federal criterion, one of them being the open container law. He said that 3 percent of the state's federal highway funds are taken back because of those defects and then given back as safety dollars.

SENATOR THERRIAULT asked if Alaska has double fines in school zones.

MR. OTTESEN replied that only work zones have double fines.

SENATOR FRENCH asked if a standard would be established for signage and if using portable speed read-outs was a possibility so people can see how fast they are going as they progress through a zone. He asked if the department would consider adding a trooper - "Because signs without a trooper are just signs...."

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MR. SMITH replied that sign frequency would be dealt with the same as double-fine signs. Every place that has a speed limit would have a double-fine safety zone sign incorporated with the speed limit information. Using speed read-outs is a good idea as well as linking the creation of a safety traffic corridor with committing resources for a trooper to be during increased traffic times.

MR. OTTESEN agreed and related that was done on the Seward Highway.

SENATOR FRENCH remarked that adding safety measures to an area of highway is enormously expensive, but adding two troopers on that highway year-round would probably be the cheapest and most effect way to reduce the number of accidents.

MR. OTTESEN responded that the Alaska Highway Safety Office had a concentrated program in the past two years to increase education about DWIs, speeding and reckless driving and coupled that with key enforcement strategies. It drove down the fatal accident rate from 92 to 100 per year to the lowest in decades and certainly the lowest when measured against total traffic.

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SENATOR THERRIAULT noted that the state of Oregon's selection criterion uses a three-year average of vehicle collisions that are 110 percent above the three-year state average for similar types of highways. A priority for local state police is to add at least 50 extra hours of enforcement per month. Oregon also has a process for decommissioning those areas and he asked Mr. Smith if he had considered that in Alaska.

MR. SMITH replied that decommissioning had not been thought through. He speculated that the trouble is if a safety corridor proves effective and then it gets eliminated, accidents may go back up. Physical improvements would likely last after the signs were removed.

SENATOR THERRIAULT asked what the justification would be for keeping double fines if people started using other roads and the usage and number of accidents went down.

MR. SMITH replied that the roads they are talking about will probably not have alternate routes and he doubted that usage would change very much, but the justification would be to save lives. "That's the quandary."

SENATOR THERRIAULT reasoned that concept would justify doubling fines on every road.

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MR. SMITH replied that the roads would initially have to indicate a high accident rate above a set threshold.

CHAIR HUGGINS asked if a municipality could raise fines in other zones, like school zones.

MR. SMITH replied that he did not know for sure.

CHAIR HUGGINS expressed support for a program that would forecast unsafe areas. He heard the commissioner of the Department of Public Safety say on a TV program that the Parks Highway is the most dangerous zone and asked how long that was known.

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MR. SMITH replied that he didn't know that was necessarily true. Crash data has a lot of variables and can be looked at a lot of different ways.

CHAIR HUGGINS expressed that he would support a more comprehensive bill.

MR. OTTESEN commented that he would like a bill that reevaluated the results of the safety area every two years or so.

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LIEUTENANT JAMES HELGOE, Alaska State Troopers, stated that the Department of Public Safety (DPS) supported SB 261, because it would act as a deterrent for speeders. He related that several other states decommission safety areas once the desired effect has been reached and he favored that concept, because then simple speeders aren't continuing to be penalized when the desired effect of making the road safer has been reached.

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CHAIR HUGGINS asked who has the lead responsible for safety on the Seward Highway between the Girdwood and Anchorage.

LIEUTENANT HELGOE replied that the state troopers who are stationed in Girdwood are responsible for that stretch of highway. The Anchorage Police Department takes over at McHugh Creek.

CHAIR HUGGINS asked what he thought would work besides a police presence on the road.

LIEUTENANT HELGOE replied that he felt that most people want to do the right things for the right reasons and a media campaign, signs posted along the highway and just encouragement statewide from enforcement would remind people to comply. Over 7,000 cars a day drive between Girdwood and Anchorage.

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CHAIR HUGGINS asked how the state troopers receive DOTPF safety statistics.

LIEUTENANT HELGOE answered that he gets statistics from Cindy Cashen. If they identify an area of concern, officers are offered overtime to patrol the area.

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LIEUTENANT HELGOE said he just became legislative liaison after spending 12 years on the road.

CHAIR HUGGINS asked him what his number one challenge is as the department liaison.

LIEUTENANT HELGOE replied just getting the information right to the legislature. For example, he had reviewed the Wasilla statistics and found a misunderstanding about it being the most dangerous section of highway. Other roads are in that section and not all 35 of the traffic fatalities occurred on the Parks Highway. He said his goal is to improve public safety.

CHAIR HUGGINS asked what percentage of people in accidents were under the influence.

LIEUTENANT HELGOE guessed about 20-30 percent.

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CHAIR HUGGINS asked what he thought the bill was overlooking.

LIEUTENANT HELGOE replied that federal regulations cover placing of concrete dividers, but the problem with concrete dividers is that when people drive slowly, they slow everyone down and summer traffic builds up with RVs and vehicles with people who want to go fishing - or an emergency vehicle needs to get somewhere. Access on the roadway should not be limited, but folks need to drive responsibly and obey the speed limit.

CHAIR HUGGINS asked if a half dozen safety zones popped up around the state requiring from 2 to 5 troopers, what would be the implication on the workforce.

LIEUTENANT HELGOE replied that it would be difficult to say without knowing the area they are talking about.

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CINDY CASHEN, Administrator, Highway Safety Office, Department of Transportation and Public Facilities (DOTPF), agreed with Lieutenant Helgoe. Currently one DUI patrol is funded; their special duty is to guard the corridor between Fairbanks into Kenai. They would like to triple that number and DPS has responded favorably. These positions would be on top of the 45 currently empty positions.

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DOUG WOOLIVER, Administrative Attorney, Alaska Court System, expressed concern about how the old computer system can't distinguish between funds. However, he said the Court System has a new computer system in Anchorage, Fairbanks and Palmer, which can account for a whole variety of different funds. He said he

would work with the DOT to come up with good language on that issue.

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CHAIR HUGGINS asked what the process is when someone gets a ticket.

MR. WOOLIVER explained that most tickets can just be mailed in with money attached, but a court appearance is required above a certain speed.

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RON MARTINDALE, Highway Safety Improvement Program, DOT Anchorage, said he was trying to figure out how to develop the criteria.

CHAIR HUGGINS asked him to give a thumbnail sketch of proactive things the department had done in the last 36 months.

MR. MARTINDALE replied that the department's data system can track and identify probable locations a lot better than before. For instance, his region alone has a \$13 million program representing about 32 individual project locations that were all identified with their database of crashes.

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MR. SMITH said he manages the HSIP website that has that information.

SENATOR FRENCH asked if he tracks accidents in the Anchorage area - for example at the intersection of Tudor and Minnesota.

MR. SMITH replied yes and that HSIP covers all public roads in the state.

MR. MARTINDALE explained that the DOTPF crash database contains every reported crash by every police agency in the state including all the self-report forms for those that aren't investigated by police. The municipality gets its data quicker because it gets information directly from the police department.

MR. OTTESEN interjected that HSIP data follows a very circuitous process before it gets to DOTPF, which is the last recipient and comes in all at once in a rush.

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MR. OTTESEN said on the issue of the gap between project needs and funding that for one region alone he received a list of \$600 million dollars worth of projects that are "really on the boards" and he anticipated needing funding for them in the next couple of years. He emphasized that figure is \$600 million above current funding levels. On top of that, the Seward Highway widening project of \$300 million and the Seward to Glenn connection project that are being talked about in the long-range transportation plan in Anchorage, adds up to another \$1 billion dollars. This does not take into account other regions in Alaska. The bottom line is that many competing concerns are not being addressed.

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CHAIR HUGGINS asked if safety indicators influenced the program allocation of assets.

MR. OTTESEN replied that the inherent nature of the HSIP program is that it is reactive. He explained that fatalities are valued at \$2 million and a fender-bender is valued at \$2,000 for statistic purposes and in that sense they are reacting to data. He supported being more proactive and suggested using citation data that shows how people are behaving. One software program is being used in 15 to 18 other states and Alaska is now looking at it.

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CHAIR HUGGINS asked how data on specific accidents can be found.

MR. SMITH replied that he would have to go into the highway analysis database. He informed the committee that the department is working on a geographic information system that will allow people to draw up data from a map.

CHAIR HUGGINS said that he didn't mean to belabor this issue, but he wanted to work on it and make it come full circle. There being no further business to come before the committee, he adjourned the meeting at [2:43:17 PM](#).