

ALASKA STATE LEGISLATURE
SENATE TRANSPORTATION STANDING COMMITTEE

March 9, 2006

1:37 p.m.

MEMBERS PRESENT

Senator Charlie Huggins, Chair
Senator Albert Kookesh
Senator Hollis French

MEMBERS ABSENT

Senator John Cowdery, Vice Chair
Senator Gene Therriault

COMMITTEE CALENDAR

SENATE BILL NO. 271

"An Act authorizing the commissioner of transportation and public facilities to participate in certain federal highway programs and relating to that authorization; relating to powers of the attorney general to waive immunity from suit in federal court related to those programs; and providing for an effective date."

MOVED SB 271 OUT OF COMMITTEE

SENATE BILL NO. 304

"An Act relating to the privileges of airport parking shuttles and to fees or charges imposed on a person who is not a lessee or holder of a privilege to use the property or a facility of an airport."

MOVED SB 304 OUT OF COMMITTEE

SENATE BILL NO. 300

"An Act relating to the handling of negative equity in motor vehicle transactions."

MOVED SB 300 OUT OF COMMITTEE

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."

MOVED CSSB 261(TRA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 271

SHORT TITLE: AUTHORIZE HWY PROGRAM PARTICIPATION

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/08/06 (S) READ THE FIRST TIME - REFERRALS
02/08/06 (S) TRA, FIN
02/14/06 (H) TRA AT 1:30 PM CAPITOL 17
02/14/06 (H) -- Meeting Canceled --

BILL: SB 304

SHORT TITLE: AIRPORT PARKING SHUTTLES/AIRPORT CHARGES

SPONSOR(s): TRANSPORTATION

02/21/06 (S) READ THE FIRST TIME - REFERRALS
02/21/06 (S) TRA, FIN
02/28/06 (S) TRA AT 1:30 PM BUTROVICH 205
02/28/06 (S) Heard & Held
02/28/06 (S) MINUTE(TRA)

BILL: SB 300

SHORT TITLE: MOTOR VEHICLE NEGATIVE EQUITY

SPONSOR(s): SENATOR(s) SEEKINS

02/14/06 (S) READ THE FIRST TIME - REFERRALS
02/14/06 (S) TRA, L&C
02/23/06 (H) TRA AT 1:30 PM CAPITOL 17
02/23/06 (H) -- Meeting Canceled --

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
02/01/06 (S) TRA, FIN
02/09/06 (H) TRA AT 1:30 PM CAPITOL 17
02/09/06 (S) Heard & Held
02/09/06 (S) MINUTE(TRA)

WITNESS REGISTER

Mike Barton, Commissioner
Department of Transportation and Public Facilities
3132 Channel Dr.
Juneau, AK 99801-7898

POSITION STATEMENT: Presented SB 271 and answered questions.

Peter Putzier, Senior Assistant Attorney General
Transportation Section
Civil Division (Juneau)
Department of Law
PO Box 110300
Juneau, AK 99811-0300

POSITION STATEMENT: Answered questions relating to SB 271.

John Torgerson, Deputy Commissioner of Aviation
Department of Transportation and Public Facilities
PO Box 196900
Anchorage, AK 99519-6900

POSITION STATEMENT: Testified on SB 304.

Senator Ralph Seekins
Alaska State Legislature
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Sponsor of SB 300.

John MacKinnon, Deputy Commissioner
of Highways and Public Facilities
Department of Transportation and Public Facilities
3132 Channel Dr.
Juneau, AK 99801-7898

POSITION STATEMENT: Explained SB 261, presented an amendment,
and answered questions.

Jeff Ottesen, Director
Division of Program Development
Department of Transportation and Public Facilities
3132 Channel Dr.
Juneau, AK 99801-7898

POSITION STATEMENT: Answered questions on SB 261.

ACTION NARRATIVE

CHAIR CHARLIE HUGGINS called the Senate Transportation Standing
Committee meeting to order at [1:37:22 PM](#). Present were Senators
Albert Kookesh, Hollis French and Chair Charlie Huggins.

[1:37:48 PM](#)

SB 271-AUTHORIZE HWY PROGRAM PARTICIPATION

CHAIR HUGGINS announced SB 271 to be up for discussion.

MIKE BARTON, Commissioner, Department of Transportation and Public Facilities (DOTPF), emphasized the importance of SB 271 that gives the state the ability to assume National Environmental Policy Act (NEPA) responsibilities for the Federal Highway Administration. This is a pilot project that is being offered to only four or five other states and probably the 45 other states would like to have it. It rounds out the state's roll in NEPA and is akin to the state assuming fisheries management.

He said that Department of Environmental Conservation (DEC) would assume management of National Pollutant Discharge System (NPDS) permits. The fiscal note was on the order of half a million dollars, but he felt that it would be more expensive to not do it and felt that Alaska would be better served and perhaps even get some projects out a little sooner.

1:40:30 PM

CHAIR HUGGINS said Alaska is one of five states that are part of the pilot program - California, Oklahoma, Ohio, and Texas, are the others. The program expires on August 10, 2011, and he asked if he thought it would be self-perpetuating.

COMMISSIONER BARTON responded that 2011 is when the next highway reauthorization would occur and he thought all states would get this opportunity at that time.

CHAIR HUGGINS said the state may not submit its application until rule-making is complete and that has yet to be accomplished.

COMMISSIONER BARTON replied that was correct. Federal Highways was given nine months to put the rules together.

1:42:00 PM

SENATOR KOOKESH asked how far behind they are.

COMMISSIONER BARTON said that Federal Highways anticipates a July/August timeframe.

CHAIR HUGGINS said he thought it would be reasonable to assume that would bite into the pilot time.

SENATOR FRENCH asked if the state would take over all federal highway projects during the pilot program.

COMMISSIONER BARTON answered that the program is structured so a state could choose to apply it selectively, but it was his intent to assume it for everything.

[1:42:59 PM](#)

SENATOR FRENCH asked for a legal opinion as to whether Section 1, on page 1, line 7, should be read as "must" rather than "may" in reference to the Attorney General waiving immunity. He thought the state had to waive immunity if it assumed a project.

PETER PUTZIER, Senior Assistant Attorney General, Transportation Section, Civil Division, Department of Law, answered that there is a potential separation-of-powers issue. The Legislature couldn't direct the Attorney General to waive immunity. Before the state can assume duties, by subsequent memorandum, the Attorney General would have to weigh in on a project-specific basis.

[1:44:40 PM](#)

SENATOR FRENCH asked if this is part of a six-year pilot project.

COMMISSIONER BARTON replied yes and part of it has already passed.

SENATOR FRENCH asked if worse comes to worse and it doesn't work, is there a mechanism by which the state can go back to the way it was before.

COMMISSIONER BARTON replied that he didn't anticipate this being a train wreck; rather he thought it was a golden opportunity for the state. He was sure there was some escape mechanism if it was really needed.

SENATOR FRENCH opined that the state could at least consider finishing its ongoing projects and just not take over any more.

COMMISSIONER BARTON agreed that was one escape mechanism.

[1:45:45 PM](#)

CHAIR HUGGINS said this really allows the state to take control of its own destiny.

COMMISSIONER BARTON concurred.

[1:46:09 PM](#)

SENATOR FRENCH moved to report SB 271 from committee with individual recommendations. Without objection, SB 271 was reported from the Senate Transportation Standing Committee.

[1:47:10 PM](#)

SB 304-AIRPORT PARKING SHUTTLES/AIRPORT CHARGES

CHAIR HUGGINS announced SB 304 to be up for discussion.

JOHN TORGERSON, Deputy Commissioner of Aviation, Department of Transportation and Public Facilities (DOTPF), informed members that he had authorized the state's attorneys to contact the attorneys for Diamond to see if there was some middle ground. Their meeting had not taken place yet. He brought the issue up to the Airline Committee that indicated it would write a letter to the committee outlining its position.

CHAIR HUGGINS asked whether there was further testimony from DOTPF. There were no further comments.

[1:51:18 PM](#)

SENATOR FRENCH moved to report SB 304 from committee with individual recommendations. Without objection, SB 304 was reported from the Senate Transportation Standing Committee.

CHAIR HUGGINS called an at-ease from [1:51:55 PM](#) to [1:52:44 PM](#)

[1:52:51 PM](#)

SB 300-MOTOR VEHICLE NEGATIVE EQUITY

CHAIR HUGGINS announced SB 300 to be up for discussion.

SENATOR RALPH SEEKINS, sponsor of SB 300, explained that the intent was to put Alaskan-based in-house financing on an "upside down position" for vehicles on equal footing with banks. Banks are primarily regulated by federal law and the non-regulated institutions have to comply with state law. This bill would eliminate any question about whether practices of these financial institutions would comply with state law and put them on an equal footing with federal law. He clarified his comments with illustrations.

SENATOR FRENCH asked what the outstanding prior balance referred to.

SENATOR SEEKINS replied that it referred to a car that was not worth as much as the outstanding loan amount on it. He said it

is critical to disclose these amounts on a lease because those are regulated differently and it could be considered a personal loan if it's not disclosed properly. It is called "negative equity" in the auto business.

[2:00:10 PM](#)

CHAIR HUGGINS reiterated that SB 300 removes the question that this kind of transaction complies with state law. He asked if he heard of any opposition.

SENATOR SEEKINS said he hadn't heard of any objections. He even asked Ed Sniffen, Assistant Attorney General, who said he thought it was good legislation.

CHAIR HUGGINS noted that he had an E-mail from the Alaska Bankers Association stating it had no objection to it.

[2:01:04 PM](#)

SENATOR KOOKESH moved to report SB 300 from committee with individual recommendations and attached zero fiscal note. Without objection, SB 300 was reported from the Senate Transportation Standing Committee.

CHAIR HUGGINS called an at-ease from [2:01:25 PM](#) to [2:05:47 PM](#).

[2:05:50 PM](#)

SB 261-REGULATION OF HWYS; TRAFFIC OFFENSES

CHAIR HUGGINS announced SB 261 to be up for discussion.

JOHN MacKINNON, Deputy Commissioner, Department of Transportation and Public Facilities (DOTPF), referred to a map showing 28 years' worth of accidents on the Seward Highway between Girdwood and Potter's Marsh. He remarked that the high accident rates were mostly the result of driver behavior. He explained that the bill allows segments of road to be identified that have a high rate of accidents and establishes a safety corridor where the fines are higher and enforcement more stringent.

[2:08:24 PM](#)

SENATOR FRENCH asked if the designation of "safety corridor" included a role for the Department of Public Safety (DPS) since the state troopers enforce the law.

DEPUTY COMMISSIONER MacKINNON replied that he wanted to have very close coordination and cooperation with the Department of

Public Safety. He said the original bill stated that the department would designate portions of a highway to be traffic safety corridors and he had proposed a clarifying amendment that says the commissioner of the Department of Transportation shall consult with commissioner of Public Safety as follows:

24G-2
2/21/2006

AMENDMENT 1

Page 1, line 6, following "**corridors**":

Insert "**; fines**"

Page 1, line 8:

Delete "by posting signs at the beginning and end of the corridor."

Insert ". The commissioner shall establish criteria for the designation and continuation of traffic safety corridors. In establishing the criteria, the commissioner may consider accident data and reports, the type and volume of vehicular traffic, engineering and traffic studies, and other relevant factors. Before the department designates a traffic safety corridor, the commissioner shall consult with the commissioner of public safety and may consult with other local, state, and federal agencies with responsibility for traffic safety."

Page 1, line 10, following "AS 28.40.070.":

Insert "The department shall erect signs designating traffic safety corridors and alerting the public that motor vehicle and traffic offenses committed within a corridor are subject to double fines."

Page 1, line 11, following "designation":

Insert "of"

Page 1, line 12:

Delete "posting of"

Insert "erection of signs regarding"

Page 2, line 23:

Delete "posted"

Insert "on which signs have been erected designating that portion"

Page 2, following line 24:

Insert a new bill section to read:

"* **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION. (a) Notwithstanding the requirements of AS 28.40.070(b), added by sec. 4 of this Act, and AS 37.05.142 that fines collected under AS 28.40.070 for offenses committed in a traffic safety corridor be accounted for separately, the Alaska Court System shall deposit such money collected in the general fund.

(b) Subsection (a) of this section applies to collections at a court location where separate accounting for traffic safety corridor fines is not achievable. The administrative director of the Alaska Court System shall notify the Department of Administration when such a court location is able to separately account for fines imposed and collected under AS 28.40.070 for offenses committed in a traffic safety corridor."

Renumber the remaining bill section accordingly.

[2:10:03 PM](#)

DEPUTY COMMISSIONER MacKINNON said he had a public meeting with the State Troopers in Wasilla recently in which he showed them the department's highway maps. He referenced the one behind the chairman showing the Knik/Goose Bay Road that indicated the fatal accident locations for the years 1977 through 2005. It was the top road in the state as far as accidents go. The Troopers thought it was an opportunity to focus enforcement in those areas.

[2:11:01 PM](#)

SENATOR FRENCH remarked that the maps were valuable and he wondered what efforts the department was making with regard to publicizing this information. He emphasized that it was worth getting the word out beyond this hearing. Most people would like to be able to know where the accidents happen.

DEPUTY COMMISSIONER MacKINNON noted the Wasilla meeting two weeks ago and said that the department would be meeting on April 4th with the joint Palmer/Wasilla Chamber of Commerce to give them a similar presentation for their area. The Matanuska-Susitna Borough has three bad road segments that involved driver behavior issues.

[2:12:32 PM](#)

SENATOR FRENCH said he is a member of the Department of Public Safety Budget Subcommittee and wanted to show these maps to the commissioner at some point.

DEPUTY COMMISSIONER MacKINNON agreed to provide him with those maps mounted. Speaking to the proposed amendment, he noted it would give the commissioner of DOTPF direction on what criteria and factors to consider in designating the safety corridors and requires consultation with the DPS commissioner. The new Section 6 was requested by the court system and covered accounting for the double fines. It allowed a portion of the increased penalty to go back to the department to be used for increased enforcement and education programs.

He also provided the committee with a draft of the criteria that would be used in establishing the traffic zones in their traffic manual. Being in the manual would allow them to make quicker adjustments if certain criterion is not adequate or too stringent. It also contains thresholds for triggering and decommissioning traffic safety corridors that were recommended by their traffic engineers.

[2:15:24 PM](#)

SENATOR FRENCH moved to adopt Amendment 1, labeled 24G-2, 2/21/2006. There were no objections and it was so ordered.

DEPUTY COMMISSIONER MacKINNON explained that using an average of three years to measure fatal, plus major injury rate, per mile of corridor falls was a minimum amount of time to establish any statistical significance. He didn't want to see corridors lasting forever and didn't want them put everywhere. He didn't want more than 10 statewide and preferably only five or six, because when too many are used, they lose their impact.

[2:17:00 PM](#)

CHAIR HUGGINS mentioned requiring headlights to be turned on.

DEPUTY COMMISSIONER MacKINNON acknowledged that could be done.

[2:17:38 PM](#)

JEFF OTTESEN, Director, Division of Program Development, Department of Transportation and Public Facilities, said that topic had been dear to his heart for about 20 years. Both Scandinavia and Canada require headlights year round. Research has shown that in high latitude locations, a lot of the day is at low sun angles and that causes long shadows across the road -

and in Alaska, we have dirty cars. The combination of a grey, dark car in shadow makes it hard to see. Mandatory headlights have been shown to reduce accidents by as much as 20 percent in those locations. He couldn't think of anything else that would yield such a benefit for such a low cost.

[2:18:57 PM](#)

CHAIR HUGGINS said he wanted to look at the possibility of such a mandatory requirement.

MR. OTTESEN said he thought that would be an excellent addition to this bill.

SENATOR KOOKESH opined that should be part of the criteria and not part of the bill.

CHAIR HUGGINS understood that and he also wanted a definition of "rural roads".

DEPUTY COMMISSIONER MacKINNON said the Parks Highway would be considered a rural road.

SENATOR KOOKESH asked if it wasn't in the city limits.

MR. OTTESEN explained that the definition of rural and urban usually fell to the census bureau definition, which looks at the total population and density. Most of Mat-Su remains rural.

DEPUTY COMMISSIONER MacKINNON added that on the rural highway segments, accidents are mostly head-on collisions and running off the road, whereas in urban situations, they tend to be intersection-related.

[2:21:36 PM](#)

CHAIR HUGGINS said they had also talked about having digital read out speed signs and asked if that would fit within the \$5,000 budget for a corridor.

DEPUTY COMMISSIONER MacKINNON replies yes. That would be the cost of putting up non-electronic signs. A number of reader boards and speed carts are on order.

CHAIR HUGGINS asked if they were expensive.

DEPUTY COMMISSIONER MacKINNON replied they are a few tens of thousands. Small signs that are attached to the same standard are more reasonably priced.

[2:22:46 PM](#)

CHAIR HUGGINS asked if he was confident that a large number of communities wouldn't qualify with the criteria he has drafted.

DEPUTY COMMISSIONER MacKINNON replied yes.

CHAIR HUGGINS asked what others he anticipated qualifying.

DEPUTY COMMISSIONER MacKINNON replied in the Central Region between Anchorage and Seward, probably three or four segments could be considered safety corridors. In fact, all the sections could be considered as one corridor. Wasilla has three. Data from the Northern Region hadn't been crunched yet.

[2:24:20 PM](#)

CHAIR HUGGINS asked if making a whole segment of highway a safety corridor was a good idea.

DEPUTY COMMISSIONER MacKINNON replied that the stretch from Potter Marsh to Girdwood definitely fits the criteria and it makes sense to include small stretches that don't fit the criteria with the larger stretches.

[2:26:57 PM](#)

CHAIR HUGGINS asked how detailed the process is for decommissioning the corridors.

DEPUTY COMMISSIONER MacKINNON replied that two of three "Es" - education and enforcement - could be applied immediately to any corridor. Engineering would involve reconstruction of the road, but that would follow in many cases and, therefore, takes longer.

[2:28:53 PM](#)

CHAIR HUGGINS said there should be a review process for this issue next year.

DEPUTY COMMISSIONER MacKINNON agreed and said he wouldn't pass up an opportunity to "blow our own horn." He explained that his highway engineers do highway safety improvement programs (HSIP), which are a lot of little construction projects in sections that have high accident rates. As soon as those improvements are made, their effectiveness is measured - with an almost instant success rate. "You put the turn-lanes in and you start seeing fewer and fewer accidents."

[2:30:30 PM](#)

SENATOR FRENCH said the bill doesn't give the commissioner power to order that headlights lights be on and he asked if that authority exist someplace else either in regulation or statute.

MR. OTTESEN said he wasn't aware of that authority, so it might be a good minor addition to this bill. He added that he could provide research.

SENATOR FRENCH surmised that all the committee members thought it would be a good idea.

[2:31:52 PM](#)

CHAIR HUGGINS suggested the aforementioned modification could be made in the next committee of referral.

[2:32:04 PM](#)

SENATOR FRENCH moved to report CSSB 261(TRA) from committee with individual recommendations and attached fiscal note. Without objection, CSSB 261(TRA) was reported from the Senate Transportation Standing Committee.

There being no further business to come before the committee, CHAIR HUGGINS adjourned the Senate Transportation Standing Committee meeting at [2:33:23 PM](#).