

**ALASKA STATE LEGISLATURE
HOUSE TRANSPORTATION STANDING COMMITTEE**

March 19, 2009

1:12 p.m.

MEMBERS PRESENT

Representative Peggy Wilson, Chair
Representative Kyle Johansen
Representative Cathy Engstrom Munoz
Representative Mike Doogan
Representative Max Gruenberg

MEMBERS ABSENT

Representative Craig Johnson, Vice Chair
Representative John Harris

COMMITTEE CALENDAR

CS FOR SENATE BILL NO. 72(STA)

"An Act relating to use of child safety seats and seat belts."

- MOVED HCS SB 72(TRA) OUT OF COMMITTEE

HOUSE BILL NO. 132

"An Act authorizing municipalities and nonprofit organizations to sponsor a program to encourage the safe use of bicycles as an alternative or supplement to motor vehicles; amending the duties of the Department of Commerce, Community, and Economic Development to include administration of state funds appropriated for that purpose; and amending provisions of the program by which state and federal aid allocated for highways may be used to support bicycle paths."

- MOVED CSHB 132(TRA) OUT OF COMMITTEE

SENATE BILL NO. 111

"An Act relating to the duration of a certificate of compliance for an intrastate air service provider; and providing for an effective date."

- MOVED SB 111 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 72

SHORT TITLE: CHILD SAFETY SEATS & SEAT BELTS

SPONSOR(s): SENATOR(s) FRENCH

01/21/09 (S) READ THE FIRST TIME - REFERRALS
01/21/09 (S) TRA, STA
02/10/09 (S) TRA AT 1:00 PM BUTROVICH 205
02/10/09 (S) Moved SB 72 Out of Committee
02/10/09 (S) MINUTE(TRA)
02/11/09 (S) TRA RPT 5DP
02/11/09 (S) DP: KOOKESH, MENARD, DAVIS, MEYER,
PASKVAN
02/19/09 (S) STA AT 9:00 AM BELTZ 211
02/19/09 (S) Moved CSSB 72(STA) Out of Committee
02/19/09 (S) MINUTE(STA)
02/20/09 (S) STA RPT CS 5DP SAME TITLE
02/20/09 (S) DP: MENARD, FRENCH, MEYER, PASKVAN,
KOOKESH
02/25/09 (S) TRANSMITTED TO (H)
02/25/09 (S) VERSION: CSSB 72(STA)
02/27/09 (H) READ THE FIRST TIME - REFERRALS
02/27/09 (H) TRA, STA, FIN
03/17/09 (H) TRA AT 1:00 PM CAPITOL 17
03/17/09 (H) Heard & Held
03/17/09 (H) MINUTE(TRA)
03/19/09 (H) TRA AT 1:00 PM CAPITOL 17

BILL: HB 132

SHORT TITLE: BICYCLE PROGRAM

SPONSOR(s): REPRESENTATIVE(s) SEATON

02/13/09 (H) READ THE FIRST TIME - REFERRALS
02/13/09 (H) TRA, FIN
03/19/09 (H) TRA AT 1:00 PM CAPITOL 17

BILL: SB 111

SHORT TITLE: INTRASTATE AIR SERVICE CERTIFICATES

SPONSOR(s): SENATOR(s) OLSON

02/17/09 (S) READ THE FIRST TIME - REFERRALS
02/17/09 (S) TRA
02/24/09 (S) TRA AT 1:00 PM BUTROVICH 205
02/24/09 (S) Moved SB 111 Out of Committee
02/24/09 (S) MINUTE(TRA)
02/25/09 (S) TRA RPT 5DP
02/25/09 (S) DP: KOOKESH, MENARD, DAVIS, MEYER,
PASKVAN
03/02/09 (S) TRANSMITTED TO (H)

03/02/09 (S) VERSION: SB 111
03/09/09 (H) READ THE FIRST TIME - REFERRALS
03/09/09 (H) TRA
03/19/09 (H) TRA AT 1:00 PM CAPITOL 17

WITNESS REGISTER

SENATOR HOLLIS FRENCH
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified and answered questions as the prime sponsor of SB 72.

CINDY CASHEN, Alaska Highway Safety Office (AHSO)
Department of Transportation & Public Facilities (DOT&PF)
Juneau, Alaska

POSITION STATEMENT: Testified during the discussion of SB 72.

LEE PARHAM, State EMS Training Coordinator
Division of Public Health
Department of Health and Social Services (DHSS)
Juneau, Alaska

POSITION STATEMENT: Testified during the discussion of SB 72.

MARY SIROKY, Legislative Liaison
Office of the Commissioner
Department of Transportation & Public Facilities (DOT&PF)
Juneau, Alaska

POSITION STATEMENT: Answered questions during the discussion of SB 72.

JOHN COOK
Alaska Auto Dealers Association (AADA)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 72.

GORDON GLASE
Anchorage Trails & Greenways Coalition (ATGC)
Anchorage, Alaska

POSITION STATEMENT: Testified during the discussion of SB 72.

MARK NEIDHOLD, P.E., Chief
Design and Construction Standards
Division of Design and Engineering Services
Department of Transportation & Public Facilities (DOT&PF)
Juneau, Alaska

POSITION STATEMENT: Testified and answered questions during the discussion of SB 72.

REPRESENTATIVE PAUL SEATON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified as the prime sponsor of HB 132.

JEFF OTTESEN, Director
Division of Program Development
Department of Transportation & Public Facilities (DOT&PF)
Juneau, Alaska

POSITION STATEMENT: Testified and answered questions during the discussion of HB 132.

TONY HALFORD
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 132.

KEVIN HENDERSON
Juneau, Alaska

POSITION STATEMENT: Testified during the discussion of HB 132.

SUE ELY, Legislative & Communications Manager
Alaska Conservation Alliance (ACA)
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 132.

LIBBY STERLING
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 132.

BOB LAURIE, State Bicycle Pedestrian Coordinator
Statewide Plan & Transit
Division of Program Development
Department of Transportation & Public Facilities (DOT&PF)
Juneau, Alaska

POSITION STATEMENT: Testified during the discussion of HB 132.

BYRON BRODA
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 132.

MATTHEW TURNER
Bicycle Friendly Sitka (BSF)
Sitka, Alaska

POSITION STATEMENT: Testified on HB 132.

KRISTI WEST, Manager
Zach Gordon Youth Center (ZGYC)
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 132.

JANICE TOWER, Board Member
Arctic Bike Club (ABC)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 132.

ROBERT SHIPLEY, Representative
Anchorage Trails and Greenways Coalition (ATGC)

POSITION STATEMENT: Testified in support of HB 132.

LOIS EPSTEIN, Engineer, and Director
Alaska Transportation Priorities Project (ATPP)
Anchorage, Alaska

POSITION STATEMENT: Testified during the discussion of HB 132.

KRISTI WOOD, Bicycle Commuters of Anchorage (BCA)
Anchorage, Alaska

POSITION STATEMENT: Testified during the discussion of HB 132.

TIM BENINTENDI, Staff
Senator Donny Olson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented SB 111, on behalf of the prime sponsor, Senator Donny Olson.

CHRISTINE KLEIN, Deputy Commissioner of Aviation
Office of the Commissioner
Department of Transportation & Public Facilities (DOT&PF)

POSITION STATEMENT: Answered questions during the discussion of SB 111.

ACTION NARRATIVE

[1:13:00 PM](#)

CHAIR PEGGY WILSON called the House Transportation Standing Committee meeting to order at 1:12 p.m. Representatives Doogan, Johansen, Munoz, and Wilson were present at the call to order. Representatives Gruenberg arrived as the meeting was in progress.

SB 72-CHILD SAFETY SEATS & SEAT BELTS

1:14:00 PM

CHAIR WILSON announced that the first order of business would be SENATE BILL NO. 72, "An Act relating to use of child safety seats and seat belts."

1:14:27 PM

SENATOR HOLLIS FRENCH, Alaska State Legislature, stated that SB 72 was previously heard by the committee. He offered to answer any questions about the bill.

1:15:01 PM

REPRESENTATIVE MUNOZ related her understanding that SB 72 would change the positioning of the seat to face the rear of the vehicle.

SENATOR FRENCH answered no. He explained the object of the bill is to fill the gap in Alaska's statutes since the state is "not in line" with FHWA regulations. He stated that the Alaska statutes do not address children who outgrow the child safety car seat, but are not old enough to use the seatbelt. He related that the interim device is not currently covered under Alaska law, but is the "booster seat" that lifts the child off the seat and places the child's shoulder strap where it belongs.

1:16:12 PM

REPRESENTATIVE MUNOZ stated that the language reads "rear-facing" and she inquired as to whether that is currently allowable.

SENATOR FRENCH referred to page 1 line 8 to 10, and stated that rear-facing is not new, but makes explicit what is currently in practice.

REPRESENTATIVE MUNOZ asked for clarification whether current law calls for front-facing or rear-facing seats. He offered her belief that most child seats are front-facing seats. She expressed concern and related that parents check in the rearview mirror and can see the child is okay.

SENATOR FRENCH said he would defer to the experts. He recalled using rear-facing seats for the first six months of the child's life.

1:17:36 PM

REPRESENTATIVE JOHANSEN asked where the idea for the bill came about.

SENATOR FRENCH indicated that a constituent and person involved in the topic for the state brought the matter to his attention.

1:18:27 PM

CINDY CASHEN, Alaska Highway Safety Office (AHSO), Department of Transportation & Public Facilities (DOT&PF), stated that her office is responsible for taking the federal transportation funds and applying them to data-driven, effective programs that encourage safe driving behavior. She stated that the AHSO currently receives \$159,000 per year for occupant protection. However, it is insufficient due to the size of the state and number of communities throughout the state. She related that the National Highway Traffic Safety Administration (NHTSA) provides state funding as the federal arm of DOT&PF. The NHTSA supports enactment of stronger child passenger safety laws that cover every child, in every seating, in every vehicle. She pointed out that Alaska's current law requires the proper use of safety devices for children under the age of 16, but it does not include which safety device must be used based on the child's age, height, and weight.

MS. CASHEN provided the reason for placing newborn babies facing backward in vehicles is that position has been found to be the safest for their skeletal structure during vehicular crashes. She explained the U.S. Department of Transportation's chief counsel has determined that Alaska would be eligible to receive new federal funds with the passage of SB 72. She stated that the DOT&PF would apply for an estimated \$194,000 in the next federal fiscal year. She stressed that up to 50 percent of the funds would be disbursed to programs to purchase and distribute child safety seats and restraints to low-income families. Other funding could be used for enforcement and education. She opined that the DOT&PF provides informative and easy to understand brochures. She pointed out that the law is difficult for some to read and there have been tragedies involving children involved in accidents due to parents mistakenly using the wrong safety restraint device. She opined that SB 72 would make the

information easier to understand and Alaska would be eligible for federal funds.

[1:21:37 PM](#)

MS. CASHEN, in response to Representative Johansen, stated that this funding has been available to states since the passage of the Transportation Equity Act: a Legacy for Users (SAFTEA-LU). She explained that she provided the sponsor with information on available funding. In further response to Representative Johansen, Ms. Cashen explained the agency tracks federal legislation and supports bills that promote highway safety. She explained that a similar bill did not pass the U.S. Transportation committee last year.

[1:24:21 PM](#)

LEE PARHAM, State EMS Training Coordinator, Division of Public Health, Department of Health and Social Services, stated that the Department of Health and Social Services (DHSS) supports SB 72. This bill would amend AS 28.05.095(b) to set the specific standards for the use of child passenger restraint. She related that motor vehicle related injuries are the leading cause of death in the U.S. of children between the ages of 2 and 14 years of age and is also one of the leading causes of hospitalization and mortality for infants and children from birth to 14 years of age. In 2006, seven children were severely injured in Alaska in motor vehicle crashes. According to the Alaska Trauma Registry (ATR) between 2002 and 2006, 63 children were injured in Alaska. She reported children restrained in booster seats are 59 percent less likely to be injured in crashes than children restrained by lap belt only. Nationally, voluntary seatbelt inspection stations report that 80 to 85 percent of children are improperly restrained and one-third children under the age of 14 use the wrong type of restraint. According to the ATR, greater than 85 percent of the children hospitalized were improperly restrained using a lap belt or shoulder harness only, or were not restrained at all. She opined current statute that references child safety device is confusing about the specific standards of age and weight-based restraints. This bill is designed to eliminate confusion about which restraints are appropriate for each age, weight, and level. The bill would clarify the types of passenger restraint required by various ages and sizes to prevent and minimize vehicular injuries. Currently, 43 states have passed booster seat legislation qualifying them for U.S. Department of Transportation and Highway Safety grants.

[1:27:22 PM](#)

CHAIR WILSON related her own observation of noticing a small child riding in the front seat of a vehicle and not using a booster seat. She corrected earlier testimony given by stating that last legislature a similar bill died in the House Rules Committee and not the House Transportation Committee.

[1:29:11 PM](#)

SENATOR FRENCH, in response to Representative Johansen, indicated that last year the fiscal note was positive, and this year the fiscal note is a zero fiscal note.

REPRESENTATIVE JOHANSEN related his understanding that half of the potential \$200,000 in grant funds would be used for purchasing booster seats and car seats for low income families and the remainder for educational purposes. He inquired whether more funds would be used for purchasing seats and for clarification of the disbursement of grant funds if the bill passes.

SENATOR FRENCH answered that he would leave it to the program managers. He related that a 50 - 50 split between purchases and education sounds about right. He said the purpose of the bill is not to penalize parents for not having car seats, but to have children use them to prevent injuries. He reiterated his comfort with the DOT&PF's decisions on distribution of potential grant funds.

[1:30:17 PM](#)

MARY SIROKY, Legislative Liaison, Office of the Commissioner, Department of Transportation & Public Facilities (DOT&PF), stated that the DOT&PF fiscal note (FN) is not yet in the packet. She explained the FN is indeterminate, which speaks to fact that the DOT&PF should receive \$194,000 for the program. However, since the amount of the potential federal funding is unknown, the FN is considered indeterminate.

[1:31:09 PM](#)

JOHN COOK, speaking on behalf of the AADA, offered support for SB 72. He recalled a similar bill passed the Senate last year, but did not pass the legislature. He stated that the AADA supports the bill for a variety of reasons. He explained the current law was written in 1985. He recalled in 1985, vehicles

did not have the same safety features as today. He offered his belief that his own vehicle in 1985 had a lap belt but not a harness while his current vehicle is the same brand of vehicle, just 24 years newer and it is equipped with front and side air bags, air curtains, crumple zones, and other safety systems that did not exist when the current law was written. He emphasized that safety seats need to be appropriate for the height and weight of the child since safety devices like air bags have explosive force and can do serious bodily injury to children. He related that at his dealership he has observed booster seats incorrectly installed or children in the wrong type of seat. He offered his belief that this law will provide clarification to parents, families, and law enforcement on the appropriate safety seat. He stressed the importance to "get the children in the right kind of seat and have a safe driving environment." He opined that the current law gives parents the option of putting a four-year-old in a seatbelt and not one manufacturer would support that an average four-year-old belongs in a seat belt. He related his understanding that the federal highway bill has not yet been authorized so these funds may not be available in 2010. However, the federal funds are currently available to help educate parents and provide booster seats for low-income families, he stated. He urged members to support SB 72 and pass it out of committee today.

[1:35:13 PM](#)

GORDON GLASE, Anchorage Trails & Greenways Coalition (ATGC), speaking on behalf of the ATGC, informed members that all child restraints built in the U.S. recognize being rear facing for the first year or until the child weighs 20 pounds. He mentioned that is the same recommendation of all automobile manufacturers. He stated that this bill is set up to make it easier for parents and law enforcement to understand the law so no child is injured due to the parent not knowing which way the child should be facing or which restraint to use.

[1:36:02 PM](#)

CHAIR WILSON, after first determining no one wished else to testify, closed public testimony on SB 72.

[1:36:12 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt Amendment 1, labeled 26-LS0376\E.1, Luckhaupt, 3/16/09, which read:

Page 1, following line 2:

Insert a new bill section to read:

"* **Section 1.** AS 19.10.095 is amended to read:

Sec. 19.10.095. Signs promoting the use of safety belts and child safety devices. The department may erect and maintain signs encouraging the use of safety belts **and child safety devices** at the site of a motor vehicle accident where a fatality occurred as the result of a person's failing to use a safety belt **or child safety device**. This section does not limit the authority of the department to erect or maintain signs to protect the public safety and welfare of persons using the highways of the state."

Page 1, line 3:

Delete "**Section 1**"

Insert "**Sec. 2**"

[1:36:53 PM](#)

CHAIR WILSON objected for purpose of discussion.

REPRESENTATIVE GRUENBERG explained that Amendment 1 would allow the DOT&PF to erect signs at the site of a motor vehicle accident in which a fatality occurred. He explained that currently a sign can be erected if a person was not using a safety belt, and this would expand the provision to child safety devices. He said he was not aware of any objection from the bill sponsor or the DOT&PF.

[1:38:17 PM](#)

MARK NEIDHOLD, P.E., Chief, Design and Construction Standards, Division of Design and Engineering Services, Department of Transportation & Public Facilities (DOT&PF), explained he has reviewed Amendment 1 and stated that the department has no issue.

[1:38:48 PM](#)

REPRESENTATIVE JOHANSEN asked whether any costs will be absorbed by the DOT&PF. He related his understanding that under the bill the DOT&PF would encourage use of devices, which would likely require printing brochures.

MR. NEIDHOLD related that the DOT&PF offers a zero fiscal note as any cost will be absorbed under the existing program. He

explained that the DOT&PF has a memorial sign program and the DOT&PF bears the cost of signs the public requests based on criteria set by regulation based on the type of accident and the conditions that prevailed. Signs range from one that state "Please Buckle-Up", "Please Drive Safely", and "Please Don't Drink and Drive" types of signs. While this bill would require a new sign, the DOT&PF has an ongoing cost that is already covered. He stated the DOT&PF would presume this is part of that existing program in terms of distribution. He pointed out that the DOT&PF does not anticipate an increase in the number of overall signs, just a change in the type of sign.

[1:40:48 PM](#)

REPRESENTATIVE MUNOZ emphasized the importance of sensitivity with respect to the message that would be placed on the proposed sign. She opined that a family lives with the child's death forever and a sign might constantly remind parents of their loss and could potentially unwittingly contribute to guilty feelings.

MR. NEIDHOLD related the current application process for a memorial sign assumes that the family would make the application. He surmised someone outside the family could make an application. He offered to review current regulations to assure that someone else could not make the application. He offered his belief that the DOT&PF is very concerned about the perception the public has about signs. He further offered that the current sign for a fatality, not caused by drunk driver, but due to the person not wearing a safety belt reads "Please Buckle Up" with a plaque under the sign which reads "In memory of" or "Sponsored by" followed by the person's name. He related his understanding that the specific language has not yet been developed final language for a memorial sign for a child safety seat. However, he said it would likely be similar to that language, be unmistakable, and not cause distraction for other drivers. He surmised that it would be similar and brief in nature.

[1:43:33 PM](#)

REPRESENTATIVE JOHANSEN agreed that is an excellent point. He asked to see the language. He expressed concern for a family and asserted the family's right to decide whether or not a memorial sign is placed.

MR. NEIDHOLD offered to provide the language to the committee when it is developed.

CHAIR WILSON withdrew her objection. There being no further objection, Amendment 1 was adopted.

[1:44:48 PM](#)

REPRESENTATIVE GRUENBERG moved to report SB 72, as amended, out of committee with individual recommendations and the accompanying fiscal note.

There being no objection, HCS CSSB 72(TRA) was reported from the House Transportation Standing Committee.

HB 132-BICYCLE PROGRAM

[1:45:29 PM](#)

CHAIR WILSON announced that the next order of business would be HOUSE BILL NO. 132, "An Act authorizing municipalities and nonprofit organizations to sponsor a program to encourage the safe use of bicycles as an alternative or supplement to motor vehicles; amending the duties of the Department of Commerce, Community, and Economic Development to include administration of state funds appropriated for that purpose; and amending provisions of the program by which state and federal aid allocated for highways may be used to support bicycle paths."

[1:45:39 PM](#)

REPRESENTATIVE GRUENBERG offered his belief that the proposed committee substitute contains a typographical error.

[1:46:34 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt the committee substitute (CS) HB 132 labeled 26-LS0590\E, Kane, 3/18/09, as the work draft.

There being no objection, Version E was before the committee.

REPRESENTATIVE PAUL SEATON, Alaska State Legislature, as the prime sponsor of HB 132 explained that this bill was introduced to allow Alaskans an alternative to high cost of fuel. He recalled that the legislature funded weatherization for homes. He reiterated this bill could also provide an alternative to fossil fuels.

MR. SEATON explained that bicycle design has changed, such as a three-speed bicycle specifically intended for riding on dirt. He related that this bill creates the Safe Bicycle Ridership program in the DOT&PF, gives municipalities and non-profits the ability to apply for grants to promote the safe use and distribution and maintenance of bicycles, bicycle helmets, facilities, and bike trailers.

MR. SEATON referred to information in members' packets that mentions similar programs in other states which promote using bicycles as an alternative transportation. He pointed out that the program is not for recreational bicycling, but is to promote an alternative mode of transportation.

[1:49:25 PM](#)

REPRESENTATIVE SEATON related bicycle trailers are included so people can transport their groceries to increase functionality for Alaska's residents. He opined that a small amount of funding can provide an alternative mode of transportation for people throughout Alaska. He explained the bicycles are not in realm of high technology but are functional range from \$100 to \$200, bicycle trailers cost approximately \$100, and helmets range from \$15 to \$20. He further related that for modest amounts of funding, other programs in municipalities have purchased bicycles, painted them a bright color such as green, and offered them at no cost for residents to use. Additionally, other mechanisms allow for loaner bikes to be checked out to people, or similar programs could be developed based on the individual community's needs.

[1:51:49 PM](#)

REPRESENTATIVE SEATON reviewed the sections of HB 132. He related Section 1 provides that municipalities or non-profits can establish a program. Section 2 provides that the DOT&PF will develop a grant program to encourage safe ridership, and Section 3 instructs the DOT&PF to conduct a survey in order to establish accountability for the program. He explained the DOT&PF would survey recipients as a means to ascertain that the program is effective.

[1:52:29 PM](#)

REPRESENTATIVE JOHANSEN referred to page 1, line 14, of Version E which reads "by municipal residents". He asked if the program will only be allowed for municipal residents. He further asked

how the program would be monitored in a community like Ketchikan that has 9,000 tourists who disembark from cruise ships in one day, who may also want to use bicycles. He inquired as to how the mechanics of the program would work if the program is limited to residents. He then asked specifically, "How are you going to tell or is that your intent for it just to be residents?"

REPRESENTATIVE SEATON answered that this program would be incorporated in a grant request from a municipality. "Another words, if a municipality came in and said we want to have a program for tourists, not a mode of transportation, but a visitor service." He explained that while HB 132 is intended to provide a mode of transportation to residents, nothing restricts a municipality from allowing others to use the bicycles. However, the intent of the bill is to provide a grant to communities so Alaskans will have an alternate mode of transportation to use instead of motor vehicles. He said, "That's what this bill is for, it's not for recreation, it's not meant to compete with a business that would be renting out bicycles to the cruise ships, if someone has a similar business." He added that HB 132 targets local residents. Additionally, he said he hopes the program can help address obesity rates by encouraging Alaska residents to get more exercise to improve their health.

[1:54:36 PM](#)

CHAIR WILSON related her understanding that a municipality could apply for grants. She indicated that Subsection (a) refers to a mode of transportation, so a municipality could apply for grants for a mode of transportation. She noted that Subsection (b) is for grants for the purchase, maintenance, and repair of bicycles.

[1:54:57 PM](#)

REPRESENTATIVE JOHANSEN referred to page 2, line 10 of HB 132 which requires that the department adopt regulations. Additionally, page 2, line 14, requires the commissioner to appoint an administrator. He inquired as to whether these items will require a fiscal note.

REPRESENTATIVE SEATON answered yes. He mentioned that the DOT&PF currently has a bicycle program and a coordinator. He related that it seemed clearer to have grant authority administered through the commissioner and to have the structure

in place. He offered his belief someone is available but that DOT&PF will clarify.

[1:56:14 PM](#)

JEFF OTTESEN, Director, Division of Program Development, Department of Transportation & Public Facilities (DOT&PF), answered that the prime sponsor of HB 132 chose to redirect the program to DOT&PF instead of the Department of Commerce, Community, & Economic Development. He explained that the DOT&PF already has authority for bicycle and pedestrians. Thus, it was practical to place the program with the DOT&PF. He pointed out that the agency already has a State Bicycle Pedestrian Coordinator, Bob Laurie, and a Safe Routes Administrator, Steve Soenksen, who are both are paid by federal funds for bike transportation and are mandated by federal law. Thus, the current DOT&PF staff can assist the department. He noted that Cindy Cashen, the administrator for the Highway Safety Office can also offer some grants for highway safety, including pedestrians and bicyclists such as grants to pay for helmets.

MR. OTTESEN explained that under the federal mandate, the DOT&PF performed a Strategic Highway Safety Plan, including analysis of bicycle safety. He stated the DOT&PF is the largest implementer of bikeways that stretch throughout the state. Finally, the next reauthorization bill for transportation will likely expand the focus on bicycles as transportation, he opined. He mentioned a federal program called "complete streets" which is a philosophy to consider sidewalks, bikeways, and bus stops when building a road. He speculated that the emphasis on greenhouse gases and carbon reduction will give new emphasis and funding for bicycle and pedestrian related programs.

[1:59:56 PM](#)

REPRESENTATIVE JOHANSEN inquired as to which administrator in DOT&PF will be appointed or whether the commissioner will hire another person.

MR. OTTESEN related that the DOT&PF will not ask for a fiscal note for the position. He remarked that two of three employees already run grant programs and are familiar with the process.

[2:00:41 PM](#)

TONY HALFORD stated that he has been a resident of Juneau for five years and is a disabled cyclist. However, he related that

he has over 20 years experience in off-road professional bicycle racing. He opined that the streets and bikeways in Juneau are pretty easy to navigate, but he expressed additional need for expansion of services such as snow removal and street improvements for bicycles, which he strongly supports. He said:

I also strongly support, there is a local business in town that does rickshaws for the tourists in the summer. That's just another form of cycling that is very important to this area, not only just from a business standpoint, but just from promoting cycling in general. It's very highly visible and I think that is a really good program, as well.

MR. HALFORD indicated that he encourage members to pass HB 132. He mentioned that he also provides bicycle repair clinics in the summer. He surmised that many Juneau residents would support a program like the one embodied in HB 132.

[2:03:29 PM](#)

KEVIN HENDERSON related that he has been a Juneau resident for 29 years and has intermittently been a member of the League of American Cyclists, the Rails to Trails Conservancy (RTC), and Juneau Freewheelers. He thanked the sponsor for introducing HB 132, and encouraged the committee and legislature to support the bill and safe use of bicycles as alternatives to automobiles and the American unhealthy lifestyle. He explained that he purchased his first bicycle in 1989, a bright yellow bicycle that over the course of two years helped him to lose over 40 pounds and to lower his overall cholesterol from 205 to 148. He opined that the bicycle opened the door to a whole new way of enjoying life and since then he has been an avid cyclist.

MR. HENDERSON mentioned that he currently owns several bicycles including a tandem bicycle. However, the original yellow bicycle subsequently was loaned to a teacher for six weeks and to his daughter's friend who worked in the tourist industry one summer and could not afford a car. The bicycle was used by his daughter, too, and has been raced in the Kluane to Chilkoot bicycle relay. Additionally, the bicycle has been used to teach others how to maintain and restore bicycles. He remarked that after 20 years, his original yellow bicycle is worn out, but is still on the road. He offered his belief that bicycles have the power to change lives like the yellow bicycle has changed his. He surmised that using bikeways, helmets, and learning to ride safely can also change lives.

MR. HENDERSON offered his belief that the creation of the river trail along the Mendenhall River has created a haven for people and instead of lashing out can work out their frustrations. He provided other examples of public use and commended other trails in Anchorage and other communities. He opined the entire community benefits from investing in these types of transportation facilities. He stated that is the reason why this bill is important and worthy of our support. He further opined that much more needs to be done, but it is encouraging to see more things happen. Besides bike paths and bike lanes, he offered his belief short bike lines that connect paths are needed. He also pointed out the importance of bike safety, and the necessity to provide locker rooms or a safe place to lock up bicycles out of the weather. He said it would be nice to have facilities. He applauded the work Juneau Free Wheelers bicycle club performs to promote and teach bike safety. He also pointed out the need to retrain bicyclists who have not learned how to ride bicycles on the road safely.

[2:09:37 PM](#)

MR. HENDERSON opined that education is important for children and adults. He suggested amending the bill to simply add "bicycle lanes" in addition to bicycle paths. He acknowledged the importance of bicycle paths, especially for children and for connecting routes, but that designated bicycle lanes or wide shoulders are also important for faster riders or commuters, and in instances in which a path is not an option. He thanked the committee and urged supporting bicycle riders as an alternative mode of transportation. He concluded by stating, "Whatever you can do to put a bike in the hands of an educated rider with a safe place to ride, and you will have done something, some little bit, to make this a better world for all of us."

[2:11:09 PM](#)

REPRESENTATIVE GRUENBERG opined that Mr. Henderson's testimony was important testimony. He requested a written copy of the testimony for his file. He mentioned that the statutory authority for bicycle paths is in another area of statute. He referred to the Rails to Trails Conservancy (RTC) and inquired as to whether any RTC program exists in Alaska.

MR. HENDERSON related his involvement with RTC has been limited to being a contributor to its cause. He explained the RTC is a national organization that takes abandoned railroad beds,

removes the actual rails, and creates either dirt or paved trails. The railroad bed is already accessible, relatively flat, and the organization makes road or mountain bike paths. He related that many trails exist in the Lower 48, such as the Burke-Gilman trail in Seattle. He said he was not sure what RTC trails, if any, exist in Alaska.

[2:13:20 PM](#)

REPRESENTATIVE JOHANSEN inquired as to whether he has encountered or discussed access to the hundreds or thousands of miles of U.S. Forest Service roads. He opined that the roads have been closed to the public but would make great bicycle or walking trails. Currently, the roads in his community have "big iron gates across all of these roads" that were built with public funds. He remarked that anyone using the road is asked to leave as the roads are restricted.

MR. HENDERSON answered no. He stated he is a road cyclist, but recalled seeing similar roads in Washington that he thought were open to the public. He said he "absolutely" believes in making land accessible to the public. He encouraged opening the roads, if possible.

[2:15:01 PM](#)

SUE ELY, Legislative & Communications Manager, Alaska Conservation Alliance (ACA), speaking on behalf of the ACA, offered support for HB 132. She related that the ACA is comprised of 40 member groups and a combined membership of 38,000 Alaskans. She said, "We are here to testify in favor of this bill and I think what I'd like to do is sing the praises of bicycles and talk about some of the barriers that I think this bill addresses." She explained that volatile fuel prices, the difficulty in obtaining automobile loans, and the high maintenance costs of automobiles are all barriers to using a vehicle. She mentioned other benefits such as the reduction of greenhouse gases, reduced traffic congestion, increased health benefits, lower transportation costs and an alternative to public transportation. She pointed out that some communities do not offer public transportation and some homes are not on a route, that it would be easier to ride a bicycle. These are all reasons to encourage bicycle use, she opined.

MS. ELY recalled previous testimony from avid cyclists and mentioned some barriers such as steep hills, gears, flat tires, and other similar items that limit her own use. She opined that

this bill would address some of the barriers and could offer a way to promote bicycle use. She added some additional barriers are the cost of the equipment and maintenance, weather, safety concerns, and education about the rules of the road. She stated all of these concerns would be addressed by HB 132. She suggested that the bill might include educating not just riders but also for motorists to better learn to interact with bicycle users. She mentioned bicycle lanes and street plowing are important to allow year round bicycle use. She said:

We want, like the bill sponsor said, we're not trying to get this out here for tourists. This isn't for joy rides. This is for people who don't have cars or don't want to use their car, or don't have appropriate transit or want to make a good choice for the environment. These people aren't going out there for joy rides.

MS. ELY further suggested that offering showers and places to lock up bikes should be addressed as well. She reiterated the ACA is in favor of bill and would like to see HB 132 move forward.

[2:19:49 PM](#)

MS. ELY, in response to Representative Johansen, offered that the Southeast Alaska Conservation Council, the Sitka Conservation and Tongass Conservation Society, and Lynn Canal Conservation Society are all groups in Southeast Alaska. She said she is not aware of any movement to make use of non-used logging roads. However, she stated she was not aware of activity but she did make a note to bring back to some of the groups.

[2:21:15 PM](#)

LIBBY STERLING stated that she has commuted by bicycle in many cities such as Portland, Oregon and Los Angeles, California, prior to arriving in Juneau to work for the rickshaw company. She stated she is in favor of HB 132. She offered one concern is safety. She related she has had accidents due to negligent drivers. She suggested that public service announcements or other education to help make motorists and cyclists aware of the respective responsibilities.

[2:23:11 PM](#)

BOB LAURIE, State Bicycle Pedestrian Coordinator, Statewide Plan & Transit, Division of Program Development, Department of Transportation & Public Facilities (DOT&PF), stated that the national organization Rails to Trails Conservancy (RTC) is one organization in Alaska. He explained in Yakutat an old fish railroad is a project that the DOT&PF developed about ten years ago. He explained that the Rails-with-Trails Conservancy projects are trails adjacent to or within an active railroad corridor, such as the Tony Knowles Coastal Trail in Anchorage. He offered that the Anchorage trail is being held up as a national example of bicycles, railroads, and trails which coexist.

[2:24:36 PM](#)

REPRESENTATIVE GRUENBERG inquired as to whether the DOT&PF, under HB 132 or other state laws currently has the ability to provide assistance for persons and organizations to promote bicycle education.

MR. LAURIE answered yes.

[2:25:06 PM](#)

REPRESENTATIVE JOHANSEN inquired as to whether the DOT&PF has a proactive stance with the USFS to obtain access to old USFS logging roads not used for timber harvest but that could be great access for bicyclists.

MR. LAURIE said he did not know.

[2:26:18 PM](#)

BYRON BRODA characterized himself as a bicycle enthusiast. He urged support for HB 132. He thanked the bill sponsors and offered his belief that Alaska needs HB 132 to help address air quality and health issues. He opined that bicycle safety is very important. He also mentioned that the grant program could provide Fairbanks a means of low-cost transportation. He related his understanding that the annual bike swap is very successful. He suggested that bike lanes and bike paths need to be built and maintained. He opined that a bicyclist must carry his/her own shovel or else must be able to ride on snow. He further opined the bike paths for summer use also need work, too. He urged support for HB 132.

[2:29:02 PM](#)

MATTHEW TURNER, Bicycle Friendly Sitka (BFS), speaking on behalf of BFS, stated that Sitka is the first community in Alaska to be recognized by the League of American Bicyclists as a bicycle friendly community. He said he is excited about the bill since it will facilitate getting more bikes in the hands of people who need them. He related that providing bicycles addresses an equity issue. At its core, people who cannot afford cars can use bicycles in terms of income. He expressed concern that the DOT&PF needs to put into place mechanisms to prevent competition with existing bicycle rental or repair shops. He said:

My concern is to make sure that there are assurances that whatever programs come about as a result of this bill are not competing with existing bicycle shops, either rental businesses or repair businesses. And so, I know there's some nuance there, because I hope that it's specific enough to prevent government sponsored competition but still loose enough in its regulations and writing that folks can respond innovatively with programs to get bicycles to those in need.

MR. TURNER quoted a friend who ran a bicycle shop, whose philosophy was, "The more people that are riding bicycles, the better for his business, whether he sells that bicycle or not." He said once you become a bicyclist it become a habit. He said he hopes the focus is to get bicycles in hands of those who cannot afford to purchase a new one in a bicycle shop. He opined that the long-term goal is to have those people become consumers of for-profit organizations in the future.

[2:32:01 PM](#)

KRISTI WEST, Manager, Zach Gordon Youth Center (ZGYC), reported a current bicycle program being offered by ZGYC called Bikes, Bikes, Bikes (BBB), represents collaboration between the Southeast Alaska Regional Health Consortium (SEARHC) Steps to a Healthier SE Alaska grant and the Zach Gordon Youth Center. She explained that the program allows students to learn bike maintenance skills, and a means to be involved in bicycle use. She explained that the program provides free bicycles for community members to use around town. The availability of bicycle promotes healthy transportation choices and potentially reduces downtown motorized vehicle traffic and congestion. The bicycle program has entered a partnership with the Juneau Police Department to recycle bicycles that have been lost or stolen.

MS. WEST explained that BBB has also received helmets from the Skyler Kim Foundation. The ZGYC provides a maintenance room including bicycle stands, tools, and a bicycle maintenance instructor six hours per week. She mentioned that students come in to learn basic bicycle maintenance. Currently, the bicycles are loaned out with weekly bicycle rides. She related her own experiences of growing up riding bicycles and her assumption that everyone else did, too. She expressed surprise to learn that many students did not know how to ride. She emphasized what is really needed is a good local safety program on bicycling. She stated that those students who participate have acquired skills and satisfaction of contributing to the community project. She offered that 20 bicycles were acquired from the JPD and ten bicycles were donated and all are available for community use and checkout.

[2:34:42 PM](#)

MS. WEST recalled earlier testimony and offered that a local bike entrepreneur gave ZGYC a good deal on bicycles. She pointed out that he was really glad to get people out on bikes. She stated that it is not about competition, but is about a healthy lifestyle and the "greenness" of riding bicycles. She noted the weekly rides as a recreational piece. She offered that community members donate bicycles, and come to the center to learn about maintenance and checkout bicycles. She commended the availability of grants like the SEARHC Steps to a Healthier SE Alaska grant, which have created an opportunity for the BBB program. She related that the program is currently self-sustaining. She mentioned that the SEARHC grant was \$4,500 for materials and contractual services, ZGYC provided \$2,500 for staff and in-kind donations annually, and the JPD police provided \$3,000 in in-kind donations in unclaimed bicycles. She used another program to hire students to learn bicycle maintenance. She urged support for HB 132.

[2:36:45 PM](#)

JANICE TOWER, Board Member, Arctic Bike Club (ABC), speaking on behalf of the ABC stated that she would like to testify in support of HB 132. She related she is in favor of legislation that promotes safer commuter transportation by bicycle, which encourages Alaskans to be more physically active. Additionally, she suggested that routes to schools should be made safer and employees should be encouraged to commute to work by bicycle. She offered her belief that alternative modes to transportation

should be encouraged for economic advantages and health benefits. She pointed out that the Municipality of Anchorage is currently working on a draft bicycling plan which will promote safe commuting options, improve bicycle facilities including efforts to link bike routes on streets and multi-use side paths.

MS. TOWER stated several local activities promote bicycling, such as a new organization called "Bicycle Commuters of Anchorage (BCA)" promote safe transportation to and from work. She mentioned that the BCA is also sponsoring the Alaska Bike Summit scheduled for April 2009 in Anchorage. She related events such as "Bike to Work Day" will take place in May 2009, as well efforts to promote safer cycling. She mentioned that three years ago Anchorage updated its bicycling ordinance to modernize laws including a provision requiring helmets for children under the age of 16. She opined that HB 132 will support community efforts and grassroots organizations in promoting safer cycling and the health benefits it provides.

[2:39:32 PM](#)

ROBERT SHIPLEY, Anchorage Trails and Greenways Coalition, speaking on behalf of the ATGC, offered ATGC's support for HB 132. He explained the ATGC is a coalition that represents members of the broader cycling community. He stated he is a 30 year cyclist and observer of some of the problems and needs of cyclists. He recalled testimony with respect to safety which he stressed is a big component of cycling issues. In addition to the grants for purchase and loan programs, outreach and education programs for safe and efficient use of cycles are just as important. He reiterated prior testimony emphasizing that programs need to be directed to cyclists and drivers. He provided examples of outreach such as television, printed brochures distributed at sport shops, drivers' licensing offices, and police departments. He suggested improved street signage similar to signage in Europe and cities in the Lower 48 such as Minneapolis and Portland. Additionally, he suggested adding trail signage and street striping to help direct cyclists and drivers. He related that grants could also be used for helmets, and to promote rules of the road, which could also be considered in outreach programs.

MR. SHIPLEY also suggested that more safe and secure bike rack locations are necessary. He pointed out that a serious shortage of bike racks exists in Alaskan cities such as Anchorage, which is not conducive to regular bicycle commuting since a safe and secure place is required near the cyclist's place of business.

He opined that transportation planning agencies such as Anchorage Metropolitan Area Transportation Solutions (AMATS) and similar organizations could be included in eligible groups to receive grants. He recalled that federal ISTEA funding discussed alternative transportation and to the extent appropriate, he said he thought it would be a good team. He reiterated ATGC's support for HB 132. He further suggested that the bill should be amended to include support for outreach and education safety programs.

CHAIR WILSON clarified that the Fairbanks Metropolitan Area Transportation System (FMATS) is the only similar program in Alaska similar to AMATS.

[2:44:05 PM](#)

LOIS EPSTEIN, Engineer, and Director, Alaska Transportation Priorities Project (ATPP), stated the ATPP is a statewide coalition consisting of conservation organizations, businesses, individuals promoting sensible transportation systems in Alaska. She related she has been a resident for about eight years. She explained the ATPP is engaged in a national campaign for active transportation. She offered that Anchorage, Palmer, and Wasilla are part of 50 communities nationwide who work with the RTC. Together the groups are seeking substantial federal funding for walking and bicycling infrastructure and education in the next federal authorization bill, she stated. She offered ATPP's support for HB 132 as a first step towards strengthening active transportation in Alaska.

MS. EPSTEIN stated that the ATPP also supports including the grant program within the DOT&PF since its mission includes all forms of transportation. She said, "This bill will put some meat on the bones for DOT&PF's non-motorized transportation responsibilities." She opined that benefits from increased bicycling include reduced transportation costs, reduced dependence on oil, improved individual and community health through cleaner air, and decreased obesity rates. She suggested that HB 132 may need to be amended to clarify its focus on education grants as well as on bicycling infrastructure. She offered statistics such that half the trips in the U.S. are within a 20 minute bicycle ride but most are taken by car. She offered her belief that this bill creates a more balanced transportation system in Alaska and its passage would demonstrate state support for the goals of the Alaska Campaign for Active Transportation. If successful, the campaign could bring \$50 million in federal funding to Anchorage, Palmer, and

Wasilla, as well as the core area in-between for non-motorized transportation upgrades. She related that the organization already has support from the Matanuska-Susitna Borough, the MOA, and Southcentral Foundation, and is currently working on business support. She mentioned the campaign is supported by the RTC.

2:47:03 PM

REPRESENTATIVE JOHANSEN recalled prior discussions with the ATPP, and that the organization emphasized the importance of road maintenance over building new roads. He inquired whether the ATPP will support building new bicycle trails or repairing existing roads if this bill passes and is funded.

MS. EPSTEIN related that the ATPP is interested in a balanced transportation system. Currently, not a lot of money is available for bicycling and pedestrian infrastructure. She offered her belief that the vast majority of transportation funding is spent on new roads. She recalled discussing new roads and bridges versus maintenance of existing roads. She said:

This is, this is a very, almost paltry amount of money compared to what the road system is getting so I don't really think it's a ... choice that is going to, you know, result in an enormous pothole in a very heavily used area versus building a bike trail. It's going to be, it's going to support the transportation system as a whole.

2:48:39 PM

KRISTI WOOD, Bicycle Commuters of Anchorage (BCA), stated that she was relieved to hear the DOT&PF testimony on "complete streets" since the number one excuse she hears from people who do not commute by bicycle is that they do not believe they have a safe route. She pointed out that the sidewalk is not a safe alternative. She emphasized the need for more bicycle lanes, and bicycle paths. She related that she is pleased to hear the support for education and outreach. She also mentioned that the BCA currently offers some programs to educate cyclists and hopes to begin to educate motorists, as well.

2:49:47 PM

CHAIR WILSON, after first determining no one else wished to testify, closed public testimony on HB 132.

[2:50:10 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt Amendment 1, labeled 26-LS0590\E.1, Kane, 3/19/09, which read:

Page 2, line 8, following "helmets,":
Insert "bicycle facilities,"

REPRESENTATIVE GRUENBERG explained that the phrase "bicycle facilities" was inadvertently omitted. He related that the phrase appears on page 1, line 11, but the language should also appear on page 2. He inquired as to whether the prime sponsor agrees with Amendment 1.

CHAIR WILSON objected for purpose of discussion.

REPRESENTATIVE SEATON stated that he agrees with Amendment 1.

CHAIR WILSON removed her objection. There being no further objection, Amendment 1 was adopted.

[2:51:46 PM](#)

REPRESENTATIVE GRUENBERG moved to report the committee substitute (CS) for HB 132, labeled 26-LS0590\E, Kane, 3/18/09, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

There being no objection, CSHB 132(TRA) was reported from the House Transportation Standing Committee.

[2:52:07 PM](#)

SB 111-INTRASTATE AIR SERVICE CERTIFICATES

[2:52:23 PM](#)

CHAIR WILSON announced that the final order of business would be SENATE BILL NO. 111, "An Act relating to the duration of a certificate of compliance for an intrastate air service provider; and providing for an effective date."

[2:52:40 PM](#)

TIM BENINTENDI, Staff, Senator Donny Olson, Alaska State Legislature, speaking on behalf of the prime sponsor, Senator Donny Olson, stated SB 111 would align two timeframes that are currently out of synch for the DOT&PF. He explained that Certificates of Compliance are mandated by DOT&PF for public display by intra-state air carriers to show the public the carrier carries valid liability insurance. Currently, the certificates are issued on a calendar basis, January to December, yet air carrier insurance policies can start and end throughout the year. He mentioned most renewals occur during the year rather than on January 1. Thus, new and renewed insurance necessitates that the certificates be renewed for a second time, which waste time and money for all air carriers and DOT&PF personnel. This bill would allow certificates "to float" with the carrier's insurance period and the actual language change would be from a calendar year to any 12-month period. He related that the bill is supported by the air carriers.

[2:54:15 PM](#)

CHRISTINE KLEIN, Deputy Commissioner of Aviation, Office of the Commissioner, related that the DOT&PF supports SB 111.

[2:55:20 PM](#)

CHAIR WILSON, after first determining no one else wished to testify, closed public testimony on SB 111.

[2:55:31 PM](#)

REPRESENTATIVE MUNOZ moved to report SB 111 out of committee with individual recommendations and the accompanying fiscal note.

There being no objection, SB 111 was reported from the House Transportation Standing Committee.

[2:56:13 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 2:56 p.m.