

**ALASKA STATE LEGISLATURE
HOUSE TRANSPORTATION STANDING COMMITTEE**

March 26, 2009

1:05 p.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

Representative John Harris

COMMITTEE CALENDAR

HOUSE BILL NO. 194

"An Act relating to the operation of low-speed vehicles."

- MOVED CSHB 194(TRA) OUT OF COMMITTEE

HOUSE BILL NO. 181

"An Act relating to the use of headlights when operating a motor vehicle."

- MOVED HB 181 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 194

SHORT TITLE: LOW-SPEED MOTOR VEHICLES

SPONSOR(s): REPRESENTATIVE(s) WILSON

03/18/09	(H)	READ THE FIRST TIME - REFERRALS
03/18/09	(H)	TRA, JUD
03/26/09	(H)	TRA AT 1:00 PM CAPITOL 17

BILL: HB 181

SHORT TITLE: USE OF HEADLIGHTS REQUIRED

SPONSOR(s): REPRESENTATIVE(s) KAWASAKI

03/12/09	(H)	READ THE FIRST TIME - REFERRALS
03/12/09	(H)	TRA, JUD

03/24/09 (H) TRA AT 1:00 PM CAPITOL 17
03/24/09 (H) Heard & Held
03/24/09 (H) MINUTE(TRA)
03/26/09 (H) TRA AT 1:00 PM CAPITOL 17

WITNESS REGISTER

REED HARRIS, Staff, Representative Peggy Wilson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified on behalf of the prime sponsor of
HB 194, Representative Peggy Wilson.

KURT SMITH, Traffic and Safety Engineer
Division of Design & Engineering Services
Department of Transportation & Public Facilities (DOT&PF)
Juneau, Alaska

POSITION STATEMENT: Testified and answered questions during the
discussion of HB 194; testified during the discussion of HB 181.

MEGAN PASTERNAK
Sitka, Alaska

POSITION STATEMENT: Testified during the discussion of HB 194.

GERALD HERBRANDSON
Petersburg, Alaska

POSITION STATEMENT: Testified during the discussion of HB 194.

RUSSEL SEGAL, Representative
Alaska Conservation Alliance (ACA)
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 194.

WALTER C. PASTERNAK
Sitka, Alaska

POSITION STATEMENT: Testified during the discussion of HB 194.

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

POSITION STATEMENT: Testified and answered questions during the
discussion of HB 194.

REPRESENTATIVE SCOTT KAWASAKI
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified during the discussion of HB 181.

ACTION NARRATIVE

[1:05:55 PM](#)

CHAIR PEGGY WILSON called the House Transportation Standing Committee meeting to order at 1:05 p.m. Representatives Gruenberg, Johnson, Doogan, and Wilson were present at the call to order. Representatives Johansen and Munoz arrived as the meeting was in progress.

[1:06:01 PM](#)

HB 194-LOW-SPEED MOTOR VEHICLES

CHAIR WILSON announced that the first order of business would be HOUSE BILL NO. 194, "An Act relating to the operation of low-speed vehicles."

[1:07:52 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt the proposed committee substitute (CS) for HB 194, labeled 26-LS0715\E, Luckhaupt, 3/25/09, as the work draft.

REPRESENTATIVE MUNOZ objected for purposes of discussion.

[1:08:23 PM](#)

REED HARRIS, Staff, Representative Peggy Wilson, Alaska State Legislature, speaking on behalf of Representative Wilson, prime sponsor, stated that the purpose of HB 194 is to increase the number of roads available to low-speed vehicles (LSVs) to promote their use in smaller communities. The proposed legislation seeks to accomplish this by allowing LSVs to have access to roads which have a maximum speed limit of 45 miles per hour (mph), thereby increasing the limit from the current standard of 35 mph. He related that the National Highway Transportation Safety Administration (NHTSA) defines a low-speed motor vehicle as a vehicle that has four wheels and can attain a speed of 20 mph but not more than 25 mph. Three-wheel vehicles are not covered under the proposed bill. A medium-speed vehicle is a vehicle that reaches speeds in excess of 25 mph. Additionally, the LSV must have a gross weight of less than 3,000 pounds; it is a small vehicle. In response to Representative Gruenberg, Mr. Harris reiterated that the minimum

speed allowable is 20 mph and the maximum speed is 25 mph in order for the vehicle to qualify. He explained that many of the LSV can reach speeds of 45 mph but are equipped with governors that reduce the speed to a maximum speed of 25 mph.

CHAIR WILSON offered that in her town people use golf carts.

[1:10:04 PM](#)

MR. HARRIS, in response to Representative Gruenberg, said Vespa scooters would not qualify under the bill.

[1:10:12 PM](#)

MR. HARRIS opined that this bill would provide a unique opportunity for smaller and rural communities to use another form of transportation. The bill was requested mostly by smaller communities in Chair Wilson's district since LSVs are convenient and are less expensive to use for trips of a shorter duration. He indicated that the LSVs use less gasoline and satisfy a demand for reduced emission transportation. He pointed out the vehicles can be powered by gasoline, gasoline/electric hybrids, or highly efficient gasoline engines. He further opined LSVs could cut down dramatically the amount of airborne pollutants that a community produces. He highlighted several concerns such as safety and congestion caused by their use. The NHTSA has adopted regulatory language that requires many of the technologies found in passenger vehicles, including headlights, taillights, turn signals, reflectors, a windshield that conforms to federal standards, and seatbelts, for all designated seats. Thus, these provisions disqualify golf carts as well.

MR. HARRIS emphasized that backups can occur when faster vehicles are traveling behind LSVs, which is why the bill limits the LSVs to roadways with a posted speed limit of 45 mph or less. This bill imposes conditions that must be met by communities such that LSVs can be operated in communities with populations of less than 25,000 people. This excludes the communities of Anchorage and Fairbanks. Furthermore, the vehicles cannot be operated on any roadway that is directly connected to those cities.

[1:12:13 PM](#)

MR. HARRIS stressed that LSVs may cross highways with speeds greater than 45 mph only if the crossing is made at an

intersection on which an LSV is authorized to drive. He related that responsible driving habits by LSV owners may cut down on accidents and congestion. He closed by stating that HB 194 is flexible and available to qualifying communities. The power to authorize the use of LSVs is made at the local level; communities must pass an ordinance in order to allow LSV usage.

[1:13:06 PM](#)

REPRESENTATIVE GRUENBERG related his understanding that the only difference between the original bill and Version E is the language on page two, lines 3 and 4, of Version E, which stipulates that the operator of a low-speed vehicle may only cross a highway "at intersections where the highways on either side of the highway to be crossed are eligible for low-speed vehicle operation under this section". He stated that he is somewhat confused by the language in Version E. He asked how there could be highways on either side of the highway to be crossed.

MR. HARRIS related that DOT&PF provided the language for Version E. He said according to DOT&PF, all roads are highways.

REPRESENTATIVE GRUENBERG expressed concern that even if "road" is used in place of "highway", the language still is not clear.

[1:14:55 PM](#)

REPRESENTATIVE DOOGAN referred to the language, "**not connected by road to Anchorage or Fairbanks**". He said that language is often used to describe rural roads; however, there are a number of remote, small communities not included in the bill because they are connected by road to Anchorage or Fairbanks. He asked if any consideration had been made to include those communities.

MR. HARRIS answered that the intent of HB 194 is to allow the use of LSVs in isolated communities. He acknowledged that some of the smaller communities to which Representative Doogan referred may also wish to use LSVs; however, they lie on the major road system along the Railbelt. He reiterated that this bill is aimed at smaller communities. He mentioned that one conservation group has requested the bill be expanded.

CHAIR WILSON related that drivers are accustomed to driving slower in small communities, such as the small communities in her district that are on islands.

REPRESENTATIVE JOHANSEN recalled Talkeetna is a small community that is at the "end of the road." He suggested that the sponsor contemplate other uses for LSVs.

[1:17:22 PM](#)

REPRESENTATIVE MUNOZ offered her understanding that there is a new dealer of [LSVs] in Southeast Alaska. She inquired as to whether resistance by local authorities to the use of LSVs in communities is what precipitated [the proposed legislation].

MR. HARRIS responded that he has heard from one person who stated that he is not happy to have to follow behind an LSV on the road. Conversely, he stated that he has received a letter of support from an LSV owner in Sitka. Furthermore, he recalled that one source indicated there are approximately 19 known LSVs currently in operation in Alaska. He recalled that one person in Petersburg expressed interest in a dealership.

REPRESENTATIVE MUNOZ reiterated that she would like to know if the reason for the proposed legislation is linked to there being a lack of communities allowing the use of LSVs through ordinance.

MR. HARRIS indicated that the reason for the bill is related to a desire to allow LSVs to operate on roads with higher speed limits; the proposed bill would seek to expand the allowable roads to those roads with speed limits up to 45 mph. He noted that included in the committee packet is a schematic of roads color coded by speed limit. He indicated that the number of allowable roads for LSV usage would be greatly expanded under the bill.

[1:18:53 PM](#)

REPRESENTATIVE JOHANSEN related his understanding that the vehicles' top speed would be 35 mph, yet they would be allowed on roadways with speeds of 45 mph. He imagined that vehicles would want to pass the slower LSVs. He related that horse drawn trolleys are used in Ketchikan during the summers, but are not licensed by the state. He noted the trolleys are not considered vehicles; therefore, they can travel any speed they like, which frustrates some people.

[1:20:08 PM](#)

MR. HARRIS reiterated the definition of an LSV. He said a responsible LSV driver would pull over if he/she was blocking traffic. Additionally, LSVs accelerate from zero to 25 mph within a mile, so LSV drivers need to be aware of the slow acceleration speed and not pull out in front of faster moving vehicles.

CHAIR WILSON related that the bill also requires a public hearing, since the matter would need to go before the city council before LSVs would be allowed in a community.

[1:21:40 PM](#)

REPRESENTATIVE JOHNSON asked the reason that a car capable of going 45 mph would be altered to operate at a reduced speed of 25 mph.

MR. HARRIS stated that the only advantage is licensing, since the safety features on the vehicles are not held to the same standards as other vehicles. He offered his understanding that NHTSA believes holding LSVs to a lower speed standard makes it safer for the occupants.

[1:22:22 PM](#)

MR. HARRIS, in response to a question from Representative Johnson, said LSVs have standard license plates.

REPRESENTATIVE JOHNSON said he still does not understand the incentive for taking a vehicle that can go 45 mph and turning it into one that can only go 25 mph. He inquired as to what savings might be involved.

MR. HARRIS offered his understanding that the reason for limiting the speed is purely for safety purposes and has nothing to do with saving money on licensing. He mentioned that LSVs cost between \$12,000 and \$25,000 with a limited range of 60 to 80 miles. He characterized LSVs as eco-friendly. Owners plug in their LSVs at home, then unplug them and drive away.

[1:24:03 PM](#)

MR. HARRIS, in response to Representative Johnson, explained that NHTSA sets LSV limits. He noted that medium-speed vehicles travel at higher rates of speed, are covered under other regulations, and are not addressed under HB 194.

[1:24:51 PM](#)

MR. HARRIS, in response to Representative Johansen, stated his belief that removing the governor from an LSV in order to increase its speed is a practice of unscrupulous owners. He stated that he does not know how often LSVs are checked to ensure the governor is still in place.

[1:26:15 PM](#)

KURT SMITH, Traffic and Safety Engineer, Division of Design & Engineering Services, Department of Transportation & Public Facilities (DOT&PF), stated that the department does not oppose HB 194 as currently written. However, DOT&PF has serious concerns about the safety and congestion impacts of LSVs on 45 mph roads. He highlighted that DOT&PF believes it is important to limit where LSVs are allowed. He explained that LSVs are limited by federal law to operate at 25 mph. Currently LSVs are allowed on roads limited to speeds up to 35 mph. The proposed legislation would allow LSVs to be operated on some roads with speed limits of 45 mph. He stated that DOT&PF has safety concerns, since it is more likely that an LSV will be involved in accidents due to speed differences and will be less able to protect its occupants. He opined that LSVs are more likely to be in an accident due to the speed differential. He stated that LSVs at 25 mph or slower, will be at least 20 mph slower than other vehicles. He offered that DOT&PF has charts that demonstrate the likelihood of crashes, and LSVs are five times more likely to be in a crash due to the closing speed of vehicles and other vehicles will attempt to pass the LSVs. He advised that LSVs are less likely to protect occupants, since they are not equipped with safety features such as airbags or crush zones, as well as simply having a less protective structure. Thus, when large vehicles collide with small vehicles, the small vehicles "generally lose." He said it is worth noting that in some states, dealers are required to provide disclosure statements to ensure that buyers are aware of crash worthiness issues with LSVs.

[1:28:37 PM](#)

MR. SMITH highlighted that on some busy 45 mph streets, LSVs could cause backups, which could significantly increase congestion. He mentioned that in those instances, the fuel economy of the backed up vehicles would also be reduced. He pointed out that the current bill does not eliminate these concerns. However, it specifies that the 45 mph provision only

applies within municipalities when they vote to allow it. He related that DOT&PF supports having the decision whether or not to allow LSVs made at the local level, so the community can weigh the benefits against the safety and congestion concerns. The bill also would prohibit the use of LSVs on roads limited to 45 mph if the roads are on the connected road system where there is likely to be through traffic. With these provisions included in HB 194, DOT&PF does not oppose the proposed bill.

[1:30:32 PM](#)

MR. SMITH explained that the original bill language would unintentionally prohibit LSV crossings of 40 and 45 mph roads. He related that DOT&PF believes LSVs should be allowed to cross any roads when the approach roads have speed limits that allow use of LSVs. He referred to language in the original bill - "highway that is authorized for low speed vehicles" - which implies that someone in DOT&PF would actively authorize the road as an LSV road. He stated that DOT&PF does not make that designation.

[1:30:43 PM](#)

REPRESENTATIVE GRUENBERG explained he has drafted some language that may better address what the sponsor wants to accomplish.

MR. HARRIS stated that the idea is the approach road and the departure road would have speed limits that would allow LSVs.

[1:32:19 PM](#)

CHAIR WILSON asked to postpone any amendments to the bill.

[1:32:32 PM](#)

REPRESENTATIVE JOHNSON recalled that slower traffic causes more problems. He inquired as to whether there is any place in Alaska with minimum speed limits.

MR. SMITH related his understanding that there are not minimum speed limits. In response to Representative Johnson, he agreed that a truck operated at 25 mph would be just as dangerous as an LSV, although a truck would be more capable of protecting its occupants.

[1:33:45 PM](#)

MEGAN PASTERNAK stated that there are approximately 19 LSVs in Southeast Alaska and 2 in Kodiak. She stated that the bill is not just about cheap transportation, but would also help reduce pollution. She offered her belief that increasing the allowable roadways may encourage some who have had reservations due to the restriction to roads with speed limits of 35 mph. She offered that as an LSV driver, she is conscious of the traffic and does not impede drivers who want to go faster than 25 mph. She noted that many LSVs have been in use in Europe. She opined that LSVs are safe since they are lightweight and tend to bounce away during any impacts. She opined the bill is flexible, since local communities can decide whether to allow LSVs.

[1:36:03 PM](#)

MS. PASTERNAK related her understanding that some people have expressed concern that LSV owners do not purchase fuel or pay gasoline taxes. She offered her willing to pay taxes on her LSV, but said she thinks her 1,200 pound vehicle does far less damage to roads than trucks. She encouraged legislators to consider increasing the allowable speed limit for electric vehicles to 35 mph.

[1:36:54 PM](#)

GERALD HERBRANDSON suggested that the state should promote the use of alternative energy, including the use of LSVs. He opined that LSVs are ideal for small communities, reduce dependence on fossil fuels, and fill a transportation niche. He offered his belief that 80 to 90 percent of driving is to the post office, the grocery store, or school. He stated that trips of short duration of 10 to 20 miles per day are hard on internal combustion engines. He further stated that those motors do not perform well until they warm up and are operated at a higher rate of speed. Thus, LSVs are ideal for inner-city driving. These vehicles will not be found on high-speed roads. He noted that most of the small communities are posted at 25 to 35 mph. He further noted that in Petersburg, some stretches are posted at 40 mph. Thus, opening up some small stretches will give LSV drivers access to the whole community. He emphasized that LSV drivers are not attempting to access high speed roads. Many residents enjoy LSVs, since they are already driving at [low] speeds. He related that the local police chief is very supportive of LSVs.

MR. HERBRANDSON explained that he has an LSV dealership, and there are currently 10 LSVs in Petersburg. People are hesitant

to buy LSVs until the law supports their use, and this bill would help provide that support, he concluded.

[1:40:44 PM](#)

RUSSEL SEGAL, Representative, Alaska Conservation Alliance (ACA), explained that ACA is a coalition of 40 Alaskan conservation organizations, with a combined membership of over 38,000. He offered ACA's support of HB 194. He stated that allowing LSVs to be operated on more roads will allow those who own LSVs to obtain more use of their investment. He further stated that LSVs are a must for communities who are working towards energy self-sufficiency. He explained that Sitka hopes to become a zero carbon or all electric community. This bill will make cheap, efficient vehicles more practical. He expressed concern that in an instance in which one community opted for LSVs and an adjacent community did not, it would be difficult to draw the line. He recalled that some amendments addressed safety issues such as limiting LSVs to roads not connected to a main road system, and limiting LSV use to towns with populations of 25,000 or less.

[1:43:10 PM](#)

MR. SEGAL explained that he was raised in Seward and has a cabin on the Herman Leirer/Exit Glacier Road. The road leads to Seward, but is posted at 45 mph. Thus, since the road is connected to Anchorage, people can not currently drive an LSV on this road to Seward, which is approximately a three mile stretch of road. Additionally, he observed that on Douglas Island, near Juneau, a portion of the road is posted at 40 mph. He related that he has noticed, while walking to work, a white electric car parked. He mentioned that if the population in the Juneau area is greater than 25,000, residents would be prohibited from driving [an LSV] to the City of Juneau.

[1:44:07 PM](#)

REPRESENTATIVE JOHANSEN commented it is great that Sitka is attempting zero emissions.

[1:45:27 PM](#)

REPRESENTATIVE MUNOZ, in response to Representative Gruenberg, gave her perspective on LSVs. She related that from downtown Douglas to Juneau is about a 3-mile stretch, and she offered her

understanding that the posted mileage from the bridge to Douglas is 45 mph.

MR. SEGAL offered his understanding that one section adjacent to the City of Douglas is 30 to 35 mph, then there is a section that is 40 to 45 mph, and it then changes to 35 mph near the bridge.

[1:46:16 PM](#)

REPRESENTATIVE MUNOZ expressed willingness to amend the bill to provide the opportunity for the City and Borough of Juneau to allow the use of LSVs. She said she believes Douglas is not considered separate from Juneau, thus it would be considered part of the overall 35,000 population of Juneau.

[1:46:53 PM](#)

CHAIR WILSON referred to the bill and stated that it would apply to roads with a speed limit of 45 mph within a municipality or within an area of an unorganized borough outside of a city not connected to Anchorage or Fairbanks. She asked how much the population limit would have to be increased.

REPRESENTATIVE MUNOZ related her understanding that the population of [the City of Juneau] is 35,000.

[1:47:39 PM](#)

WALTER C. PASTERNAK stated he and his wife bought a 1,200-pound electric car. He opined that 25 mph is too slow to operate on a road that is 45 mph, but 35 mph still qualifies as a LSV. He related that his LSV is light, does not damage the roads, and - since Sitka operates with 90 percent hydroelectric power - does not require diesel to recharge the vehicle. He pointed out that he purchased a converter and an alternating current (AC) motor to increase the LSV's speed capacity to 35 mph, which is still too slow for some roads in the larger communities of Juneau, Anchorage, and Fairbanks. He said:

Believe me, I thought when we started this process we were doing the right thing. You know, I watch overloaded trucks hauling rocks and creating problems. And ... we've got three electric cars here in town, that they've taken the gas engines out and put batteries in them, but those cars are allowed to go faster than 25 [mph]. And, you know, it's mind-

boggling, this car, I took Representative Wilson for a ride in it. And we looked at another LSV owned by the [U.S.] Park Service, here in town. Here in town our cost of driving our car is 2 cents per mile. But since we've had to make it go 25 mph, you know, I feel like I'm impeding things. And even on a slow-speed vehicle, it's 25 or 35 [mph]. I'm just not sure why Alaska passed this statute a few years ago.

[1:49:40 PM](#)

MR. PASTERNAK opined that hydropower should be the key, since charging the LSVs does not require diesel fuel. He offered his belief that the issue will be resolved due to declining oil. He offered that Sitka residents would like to be able to drive their LSVs at 25 or 35 mph. He related that this has been a learning experience.

[1:51:33 PM](#)

CHAIR WILSON shared that it was fun to ride in the Pasternak's LSV. She related her understanding that the LSVs do not have all the safety features of regular cars. She opined LSVs provide a perfect solution for many people who live in small towns that can afford the LSVs.

CHAIR WILSON, after first determining no one else wished to testify, closed public testimony on HB 194.

[1:52:57 PM](#)

REPRESENTATIVE GRUENBERG [moved] to withdraw his motion to adopt Version E.

[1:53:35 PM](#)

REPRESENTATIVE JOHNSON objected.

[1:54:08 PM](#)

CHAIR WILSON stated her preference to work with Version E, since it contains language that was requested by DOT&PF.

REPRESENTATIVE GRUENBERG stated he would maintain his motion to adopt Version E as a work draft.

REPRESENTATIVE JOHNSON withdrew his objection.

CHAIR WILSON stated that before the committee was Version E. [The committee treated Representative Munoz' earlier objection as though it had been removed.]

[1:54:54 PM](#)

REPRESENTATIVE MUNOZ made a motion to adopt Conceptual Amendment 1 to Version E, as follows:

Page 1, line 10:

Delete 25,000

Insert 35,000

REPRESENTATIVE MUNOZ explained that she is offering Conceptual Amendment 1 in response to the public testimony heard. She said the amendment would offer an opportunity for Juneau to participate.

REPRESENTATIVE JOHANSEN objected for the purposes of discussion.

[1:55:34 PM](#)

REPRESENTATIVE JOHANSEN expressed interest in the definition of municipality in order to determine which communities would be affected by Conceptual Amendment 1. He related that Ketchikan is a 7,000-person city within a 12,000-person borough. Additionally, he offered his understanding that the City of Fairbanks is smaller than the Fairbanks North Star Borough. He stated, "And I'm not sure ... whether this would include or exclude the opt-out version." He asked for comments.

CHAIR WILSON stated that the bill should not capture the Fairbanks community, since LSVs would need to traverse major highways.

[1:56:27 PM](#)

REPRESENTATIVE GRUENBERG referred to page 1, lines 11 and 12, of Version E, and noted that the language there specifies that no roads that connect to Fairbanks or Anchorage would qualify. He stated that Conceptual Amendment 1 would not change that.

[1:56:58 PM](#)

MR. SMITH stated that DOT&PF would not object to Conceptual Amendment 1, since it is still up to the community and the city whether or not to adopt an ordinance to allow LSVs.

[1:57:31 PM](#)

CHAIR WILSON, in response to Representative Johnson, said Mitkof Island [includes] the community of Petersburg.

REPRESENTATIVE JOHNSON asked whether there are any areas outside of municipalities that should be included in the bill. He asked whether a village could opt into the bill.

[1:58:13 PM](#)

REPRESENTATIVE MUNOZ related that an unorganized borough "takes in" all the smaller communities.

REPRESENTATIVE JOHNSON remarked that that being the case, his question is moot.

[1:58:48 PM](#)

REPRESENTATIVE JOHANSEN removed his objection. There being no further objection, Conceptual Amendment 1 was adopted.

[1:59:23 PM](#)

REPRESENTATIVE GRUENBERG moved to adopt Conceptual Amendment 2, handwritten as follows [original punctuation provided]:

page 2 lines 3-8 delete all language and insert:

(2) cross a highway at intersections if the highway upon which the LSV is being operated is eligible for LSV operation under this section [THAT HAS A MAXIMUM SPEED LIMIT OF MORE THAN 35 MILES AN HOUR IF THE CROSSING IS MADE AT THE INTERSECTION WITH A HIGHWAY THAT IS AUTHORIZED FOR LOW-SPEED VEHICLES].

REPRESENTATIVE JOHNSON objected for the purposes of discussion.

[2:00:00 PM](#)

REPRESENTATIVE GRUENBERG reiterated that he was confused by the language on page two of Version E, and he explained that he has

attempted to clarify that language through Conceptual Amendment 2. He referred to a diagram [included in the committee packet] labeled, "Map," which illustrates a highway crossing of an LSV. He interpreted the language in Version E as addressing instances in which an LSV traveling on a highway at 35 mph intersects a highway with a speed limit of 65 mph.

[2:01:04 PM](#)

REPRESENTATIVE DOOGAN inquired as to whether it is necessary to refer to all roads as highways. He suggested calling one of two roads by another term to simplify the discussion.

REPRESENTATIVE GRUENBERG stated he thought that "highway" is the term used in Title 28 for all types of roads.

[2:02:10 PM](#)

MARY SIROKY, Legislative Liaison, Office of the Commissioner, Department of Transportation & Public Facilities (DOT&PF), cited AS 19.59.001(8), which read as follows:

(8) "highway" includes a highway (whether included in primary or secondary systems), road, street, trail, walk, bridge, tunnel, drainage structure and other similar or related structure or facility, and right-of-way thereof, and further includes a ferry system, whether operated solely inside the state or to connect with a Canadian highway, and any such related facility;

MS. SIROKY stated that "highway" is the term DOT&PF uses for all roads.

[2:03:18 PM](#)

CHAIR WILSON suggested the following language: "only cross a highway at intersections where a lower speed highway intersects with a higher speed highway". She then read a portion of Conceptual Amendment 2.

[2:04:08 PM](#)

REPRESENTATIVE DOOGAN opined that there ought to be language to specify that the LSV must be on allowable highway both before and after it crosses the higher speed highway. He reiterated that it is confusing to call all roads highways.

REPRESENTATIVE GRUENBERG recalled Mr. Smith had suggested language that may address the issue just raised.

[2:05:02 PM](#)

MR. SMITH suggested language as follows: "cross the highway at intersections if the approach and departure highways, upon which the LSV is being operated are eligible for LSV operation".

[2:05:21 PM](#)

REPRESENTATIVE GRUENBERG [moved to adopt] a [conceptual] amendment to Conceptual Amendment 2, to insert "approach and departure" between "the" and "highway", and to change "is" between "operated" and "eligible" to "are". The portion of Conceptual Amendment 2 that would be affected by the proposed amendment would read as follows:

(2) cross a highway at intersections if the approach and departure highway upon which the LSV is being operated are eligible for LSV operation under this section

[2:06:09 PM](#)

CHAIR WILSON pointed out that the second occurrence of the word "**highway**" should be pluralized to read "**highways**".

REPRESENTATIVE GRUENBERG acquiesced.

There being no objection, the conceptual amendment, as amended, to Conceptual Amendment 2 was adopted.

[2:07:05 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt Conceptual Amendment 2, as amended. There being no objection, Conceptual Amendment 2, as amended, was adopted. [The objection previously stated by Representative Johnson was treated as withdrawn.]

[2:08:40 PM](#)

REPRESENTATIVE JOHNSON pointed out that in some states, such as Pennsylvania, slow vehicle signs, such as the orange triangle signs that are universal signs, are used to identify slow-moving vehicles and are placed on the back of the vehicles to alert

other drivers. He stated that he does not want to slow down the bill, but thought the signs might be worth consideration.

MR. SMITH indicated the use of such signs has not been considered.

REPRESENTATIVE JOHNSON reiterated he does not wish to slow down the bill, and he stated, "I think they could probably do that through statute without any kind of legal requirement."

[2:08:49 PM](#)

REPRESENTATIVE MUNOZ moved to report CSHB 194, Version 26-LS0715\E, Luckhaupt, 3/24/09, as amended, out of committee with individual recommendations and the accompanying fiscal note. There being no objection, CSHB 194(TRA), as amended was reported from the House Transportation Standing Committee.

[2:09:34 PM](#)

The committee took an at-ease from 2:09 p.m. to 2:11 p.m.

HB 181-USE OF HEADLIGHTS REQUIRED

[2:11:26 PM](#)

CHAIR WILSON announced that the final order of business would be HOUSE BILL NO. 181, "An Act relating to the use of headlights when operating a motor vehicle."

[2:11:49 PM](#)

REPRESENTATIVE SCOTT KAWASAKI, Alaska State Legislature, as prime sponsor of HB 181, stated that several questions were raised at the last hearing. He recalled testimony from the Alaskan Bikers Advocating Training and Education (ABATE), an organization that represents motorcyclists. He reported that two studies were done to determine whether a "sea of headlights" would prevent drivers from discerning motorcyclists. One study was conducted in Norway that produced a non-statistical significant increase after a "headlights on" bill was adopted. A 2004 study by the National Highway Traffic Safety Administration (NHTSA) indicated that a "headlights on" policy reduced daytime opposite direction crashes with motorcycles between 23 and 26 percent. He offered to continue to work with ABATE to understand why the organization opposes the bill.

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REPRESENTATIVE KAWASAKI recalled that Representative Johansen, during a prior hearing on HB 181, had raised the issue of how the proposed law would be applied in relation to drivers being told by the Alaska Marine Highway System (AHMS) workers to turn headlights off when in the AMHS parking lot. He explained that since an AMHS parking lot is not a physical right-of-way, it would not be an issue. However, if a vehicle is on board the AMHS vessel, it actually is in the right-of-way, which creates a possible conflict.

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REPRESENTATIVE KAWASAKI recalled the issue of turning off headlights when approaching a military post. He showed photographs of Fort Wainwright in the Fairbanks North Star Borough, [included in the committee packet], which depict signs on base that inform drivers to dim their lights and prepare to stop. He related similar signage is used at Elmendorf Air Force base and the military facilities in Kodiak, in Ketchikan, and by the Alaska Marine Highway System. He acknowledged that during a previous hearing, the committee had expressed concern about what might happen if a driver obeys a sign to dim his/her headlights and there a nearby police office witnesses this. He pointed out that current law requires drivers to have their headlights on during night-time driving, beginning one half hour before sunset and ending one half hour after sunrise. He stated that he has never heard of a person being pulled over for dimming their lights on base, thus, he opined that doing so is a non-issue. He further explained that the definition of headlight systems is found in regulation.

[2:17:44 PM](#)

REPRESENTATIVE JOHANSEN mentioned DOT&PF's plan to install two signs "at ferry access to airport - both sides - on Tongass." He noted that signs will be posted so that drivers of vehicles will be advised to turn their headlights on. He asked if these signs, at a cost of \$3,500 each, would affect the fiscal note.

KURT SMITH, Traffic and Safety Engineer, Department of Transportation & Public Facilities (DOTPF), agreed that would require two additional signs.

REPRESENTATIVE JOHANSEN asked if that means there would be four signs, at a cost of \$14,000, within approximately 600 yards of each other.

MR. SMITH responded that he is not familiar with the layout in that area, but stated that DOT&PF would figure out where it would be appropriate to place signs. If the department judged that less signs would suffice, it would economize.

REPRESENTATIVE JOHANSEN stated it is nice to know the details before passing a bill that requires funds; however, he said he thinks DOT&PF can be counted on to make good decisions.

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CHAIR WILSON inquired as to whether the signs could be combined to not require yet another sign that may clutter up the area.

MR. SMITH answered that DOT&PF would minimize the posts in the field.

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REPRESENTATIVE JOHNSON referred to the fiscal note and asked about the necessity of a seven-foot-wide sign.

MR. SMITH related that some signs would be located at points of entry to the state. He agreed that a seven-foot sign would look big in a room, but once it is placed along a roadway it is not that big. He maintained that the size would be necessary to call motorists' attention to the law.

REPRESENTATIVE JOHNSON asked how many entries there are to the state.

MR. SMITH stated that DOT&PF has more entry points than listed, but would attempt to provide signage for the most important points.

REPRESENTATIVE JOHNSON asked if the fiscal note is correct.

MR. SMITH maintained that DOT&PF would determine the most important points of entry for the signage.

CHAIR WILSON reiterated that DOT&PF is attempting to minimize the signage locations and place them at the most important entrance points.

2:21:30 PM

CHAIR WILSON, after first determining no one else wished to testify, closed public testimony on HB 181.

2:22:04 PM

REPRESENTATIVE GRUENBERG moved to report HB 181 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 181 was reported from the House Transportation Standing Committee.

ADJOURNMENT

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 2:22 p.m.