

ALASKA STATE LEGISLATURE
HOUSE TRANSPORTATION STANDING COMMITTEE

February 16, 2010

1:03 p.m.

MEMBERS PRESENT

Representative Peggy Wilson, Chair
Representative Kyle Johansen
Representative Cathy Engstrom Munoz
Representative Tammie Wilson
Representative Max Gruenberg
Representative Pete Petersen

MEMBERS ABSENT

Representative Craig Johnson, Vice Chair

COMMITTEE CALENDAR

HOUSE BILL NO. 322

"An Act relating to winter tires; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 257

"An Act relating to prohibiting the use of cellular telephones when driving a motor vehicle; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 8

"An Act relating to the purchase of pipe for use in a natural gas pipeline project under the Alaska Gasline Inducement Act."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 322

SHORT TITLE: WINTER TIRE REQUIREMENTS

SPONSOR(S): REPRESENTATIVE(S) HARRIS

01/29/10	(H)	READ THE FIRST TIME - REFERRALS
01/29/10	(H)	TRA, FIN

02/16/10 (H) TRA AT 1:00 PM CAPITOL 17

BILL: HB 257

SHORT TITLE: BAN CELL PHONE USE WHEN DRIVING

SPONSOR(s): REPRESENTATIVE(s) DOOGAN, BUCH

01/08/10 (H) PREFILE RELEASED 1/8/10
01/19/10 (H) READ THE FIRST TIME - REFERRALS
01/19/10 (H) TRA, JUD
01/25/10 (H) FIN REFERRAL ADDED AFTER JUD
02/16/10 (H) TRA AT 1:00 PM CAPITOL 17

BILL: HB 8

SHORT TITLE: PIPE FOR A NATURAL GAS PIPELINE

SPONSOR(s): REPRESENTATIVE(s) CRAWFORD

01/20/09 (H) PREFILE RELEASED 1/9/09
01/20/09 (H) READ THE FIRST TIME - REFERRALS
01/20/09 (H) TRA, L&C
02/16/10 (H) TRA AT 1:00 PM CAPITOL 17

WITNESS REGISTER

REPRESENTATIVE JOHN HARRIS
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified as prime sponsor of HB 322.

KELLY GAEDE, President
Johnson Tire Service
Anchorage, Alaska

POSITION STATEMENT: Presented a PowerPoint overview and answered questions during the discussion of HB 322.

MICHELLE HOGAN
Johnson Tire Service
Anchorage, Alaska

POSITION STATEMENT: Testified and answered questions during the discussion of HB 322.

BRAD BLYSMA, Equipment Fleet Parts Manager
Statewide Equipment Fleet
Department of Transportation & Public Facilities (DOT&PF)
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the discussion of HB 315.

DIANA ROTKIS, Manager
Statewide Equipment Fleet
Department of Transportation & Public Facilities (DOT&PF)
Anchorage, Alaska
POSITION STATEMENT: Answered questions during the discussion of
HB 315.

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
HB 322.

CINDY CASHEN, Administrator
Highway Safety Office (HSO)
Division of Program Development
Department of Transportation & Public Facilities (DOT&PF)
Juneau, Alaska
POSITION STATEMENT: Answered questions during the discussion of
HB 315 and HB 257.

JOHN BITNEY, Staff
Representative John Harris
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Answered questions during the discussion of
HB 322.

REPRESENTATIVE MIKE DOOGAN
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Testified as prime sponsor of HB 257.

ROY HOYT, JR.
Homer, Alaska
POSITION STATEMENT: Testified during the discussion of HB 257.

KEN ALPER, Staff
Representative Harry Crawford
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Briefly presented HB 8, on behalf of the
sponsor, Representative Harry Crawford.

ACTION NARRATIVE

[1:03:50 PM](#)

CHAIR PEGGY WILSON called the House Transportation Standing Committee meeting to order at 1:03 p.m.

[1:03:56 PM](#)

Representatives Munoz, Petersen, T. Wilson, and P. Wilson were present at the call to order. Representatives Johansen and Gruenberg arrived as the meeting was in progress.

HB 322-WINTER TIRE REQUIREMENTS

[1:05:04 PM](#)

CHAIR P. WILSON announced that the first order of business would be HOUSE BILL NO. 322, "An Act relating to winter tires; and providing for an effective date."

[1:05:17 PM](#)

REPRESENTATIVE JOHN HARRIS, Alaska State Legislature, remarked that the committee would hear two bills today related to safety issues, one banning cell phone usage during driving, and the other one requiring the use of winter tires. Both bills are somewhat controversial since they impose restrictions on people's activities for improved safety. This bill, HB 322, has to do with safety.

REPRESENTATIVE HARRIS explained that he was approached by tire business owners expressing concern over vehicles being driven in winter conditions with inadequate or bald tires. He brought the issue of adequate winter tires forward as one that merits discussion. Although he is not an expert, he has several experts to explain the merits of using winter tires on Alaska's roads. He noted some amendments for the committee to consider. Drivers can swerve and careen out of control when roads are icy or during snowy conditions, which pose a safety issue for themselves and other vehicles on the roadway. He offered his belief that this issue is worthwhile to discuss. This bill would require all motor vehicles to have studded tires or tires bearing the "mountain snowflake" symbol, which indicates the tires have met certain performance-based standards for winter driving.

1:08:47 PM

KELLY GAEDE, President, Johnson Tire Service, explained that he worked for Nokian Tyres, a Finnish tire company that invented the winter tire in 1936. This company is the expert on winter driving conditions. He recalled his astonishment to discover how few people in Alaska drive using winter tires.

1:10:35 PM

MR. GAEDE explained that this bill has a purpose, which is to create a higher level of safety during the winter driving months in Alaska. Use of winter tires is not just for snow and ice, he remarked. He offered that lateral testing, or negative lateral testing occurs when a driver turns the wheel left or right but the vehicle does not turn. This is the single highest reason for traffic fatalities.

MR. GAEDE demonstrated a lateral testing video. He pointed out the speed at 28 miles per hour (mph). Over 80 percent of all major winter time accidents are caused by lateral stability issues, he stated.

1:12:28 PM

MR. GAEDE referred to the video that members just watched and pointed out that the driver turned the steering wheel but the car did not turn at all. He explained that when driving with all-season tires, the tires do not provide feedback to the driver, whereas when using winter tires they do provide feedback. Those members that have driven using studded tires may have felt the vibration of the tires, which is a form of feedback. In situations with all-season tires on the vehicle, there is literally no feedback. One controversy which arises in areas that do not receive much snow is people do not think they need all-season tires. Approximately all 90 percent of Alaskans use all-season tires year round [slide 1]. Thus, 1 in 10 Alaskans are driving on tires that are a designated winter project. He characterized all-season tires as completely inadequate in all types of winter driving. All-season tires are manufactured with generic Carbon Black compounding focusing on mileage. This compounding loses gripping capabilities at 38 degrees by 50 percent. Finland has tested products and discovered that the pliability of the product is similar to the table, in that it has likely lost about 95 percent of its capabilities to grip. At 15 degrees the tire's gripping capabilities for all-season or summer tires is less than 10

percent. He said, "It is not just about snow. It's also about the temperature--very, very important to know that. Winter tires are simple. They save lives."

[1:15:18 PM](#)

MR. GAEDE related that winter tires are manufactured with specific compounds, tread patterns, and advanced studding systems designed for winter driving conditions [slide 3]. The winter tire sidewall is designated with the government's "Severe Service Emblem." Thus, if this symbol is on the side of the tire, it provides assurance that the tire will be adequate and is safe for winter driving conditions.

[1:15:38 PM](#)

MR. GAEDE, in response to Representative T. Wilson, explained that the government's "Severe Service Emblem" has been certified for approximately 15 years. The emblem is on the side of every winter tire and is a standard also used in Europe. He did not know which tire companies in Alaska would not be familiar with the emblem, he stated.

MR. GAEDE, in response to Chair P. Wilson, agreed the emblem is one that has been adopted by the U.S. Government.

[1:16:34 PM](#)

REPRESENTATIVE MUNOZ asked whether all winter tires have the emblem.

MR. GAEDE agreed. He related that the industry does not refer to the tire as snow tires since the tires are not driven only on snow, but refer to them as winter tires. However, the statistics support the fact that temperature is a critical issue in terms of pliability and traction.

[1:17:13 PM](#)

REPRESENTATIVE P. WILSON asked how many brands of tires are in the market.

MR. GAEDE guessed that about 106 manufacturers worldwide manufacture tires and about 75 of them offer winter tires. He remarked that every major company is in the winter tire market.

MR. GAEDE stated that winter tires save lives [slide 4]. Winter compounds remain pliable up to minus 40 degrees, tread patterns expel snow, slush, and ice away from the driving path. He highlighted Nokian believes that studded tires provide the highest level of traction in the most severe winter driving conditions, such as polished ice. He differentiated the polished ice from the type of ice that is found on a pond. He explained that polished ice creates grooves, yet a person could not actually skate on the ice. Thus, most of the driving on slippery roads is on polished ice, such as the type of ice in which a crust on the driveway would turn into ice over time.

[1:18:43 PM](#)

MR. GAEDE offered that several designated winter tires already are sold in the state which can be purchased for year round use [slide 5]. The average set of winter tires ranges in cost from \$400 to \$600. Based on usage, a person would likely need to replace them every four or five years. Some companies build the "true four season tire" such as Nokian WR G2, Hankook iPike, and BF Goodrich. He remarked that about seven manufacturers make the "true four season tire."

[1:19:54 PM](#)

CHAIR P. WILSON asked whether the tires are more expensive than regular tires.

MR. GAEDE answered not necessarily. It depends on the type of vehicle and the size. He suggested that a person can buy high performance tire, such as one for a Corvette, which would cost more. He elaborated that there are ultimate end, mid-grade and cheaper tires. He characterized the Nokian as high end, the Handkook iPike as medium, and the BF Goodrich would be slightly below that quality. He related it as being similar to buying a car, noting the difference between a Mercedes and a Ford.

[1:20:59 PM](#)

MR. GAEDE remarked that it was shocking to discover how many people do not use winter tires in Alaska. He described a harrowing experience he had while driving a rental car without winter tires. He provided statistics. In 2007, 6,635 or 63 percent of all accidents happened during the winter driving months, including on dry pavement [slide 6]. Approximately 50 percent occurred on ice, either black ice or polished ice. He stated that 55 percent of 6,635 accidents involved 4-wheel drive

vehicles. He suggested car manufacturers create the impression that 4-wheel drive vehicles provide traction, but the people in the tire businesses say, "The only safety system touching the road is your tires." If someone is using a vehicle equipped with all-season tires in 20 degree weather, the vehicle will not have any traction.

MR. GAEDE explained there are many benefits to legislation [slide 7]. He explained that Finland has 5.3 million people and performed the most extensive and comprehensive socio-economic study regarding the mandatory use of winter tires [slide 8]. The results showed an economic and moral benefit to winter tire use, including millions of dollars of savings in medical and life insurance costs, personal property, and state and federal costs associated with accidents.

REPRESENTATIVE P. WILSON asked for an explanation of moral benefit.

MR. GAEDE responded that this bill will saves lives by reducing major accidents, keeping people from being in wheelchairs, and it will be "doing everyone a favor."

[1:25:08 PM](#)

REPRESENTATIVE T. WILSON offered her belief it is not that simple. She related that \$400 - \$600 for a single parent can represent a hardship. It is enough for single parents to keep their vehicle running. Additionally, for those serving at a military base, such as Eielson Air Force Base, that it is not as simple as changing a tire.

MR. GAEDE stated the data supports the long-term effects of implementing mandatory winter tire use would save money.

CHAIR P. WILSON commented that some people cannot add \$400 to their budget, especially families with kids. Some people are living paycheck-to-paycheck, she said.

MR. GAEDE understood. He said it is the biggest objection, but also the easiest objection, although he does not want to downplay the significance of the matter.

[1:27:13 PM](#)

REPRESENTATIVE PETERSEN asked for the difference between the cost of good winter tires and the all-season tires.

MR. GAEDE responded that the costs are negligible. Of course it depends on the vehicle and wheel size as he previously stated, and while some products are expensive, a mid-range set of all-season tires is about \$500 and about the same cost for winter tires.

REPRESENTATIVE T. WILSON asked when winter tires become inefficient as they wear and whether the tread would need to be measured.

MR. GAEDE answered no, that he did not think so. Some people currently drive on bald all-season tires. He suggested that people should check with their local tire company, who can offer advice on whether to change the tires or if they are good for another year or so.

[1:28:55 PM](#)

MR. GAEDE, in response to Representative T. Wilson, explained that the length of time the tire will last would depend on the manufacturer. Some tires will lose their winter compounding benefits at 50 percent of the tire wear. Other products, such as Nokian, retain the winter driving benefits for the entire length of the product.

[1:30:20 PM](#)

REPRESENTATIVE MUNOZ asked whether any other northern states have mandatory winter tire requirements.

MR. GAEDE answered no. He said that in 1972, the tire industry created the concept of the "all-weather, all-season" tires. Prior to 1972 tires were either winter or summer tires. He offered his belief that the U.S. and Canada has done a disservice to customers in selling all-season tires as year round tires. He does not think this will easily change but emphasized that states like New York, Vermont, Massachusetts and other cold weather states need winter tire products.

[1:31:44 PM](#)

MICHELLE HOGAN, Johnson Tire Service, responded to the question about the cost. She stated she is a single mother, and the reason for adding a slide to indicate that winter tires could be used year round is to advise people if they can only buy one set

of tires that they can replace their set with winter tires when it is time to replace them.

MR. GAEDE suggested that they encourage people on a budget to buy one of the three sets listed when they purchase the next set of tires.

[1:33:25 PM](#)

REPRESENTATIVE PETERSEN asked whether a grandfather clause will allow people to continue using their present tires until they wear out.

MR. GAEDE answered no, but that it could be added.

CHAIR P. WILSON stated that the effective date of the bill is December 15, 2011.

MS. HOGAN responded to a question on northern states. She agreed that no other state has implemented mandatory use of winter tires. However, Quebec recently adopted winter tire use and allowed four years for people to comply, in order to grandfather in products. She elaborated that Quebec instituted a step system, suggesting their law could be used as a model.

[1:34:39 PM](#)

MR. GAEDE discussed Finland's winter tire requirements [slide 8]. Finland performed the most extensive and comprehensive socio-economic study regarding the mandatory use of winter tires setting a benchmark for future studies, and demonstrating an economic benefit to winter tire use. The results included millions of dollars of medical and life insurance costs associated with accidents. In 1995, Finland passed legislation requiring the use of winter tires. In 1999, Sweden passed legislation requiring the use of winter tires [slide 9]. Since then, accidents involving major injuries and fatalities have decreased between 11 to 14 percent annually. In 2008, Quebec also passed legislation, which reduced accidents by 42 percent [slide 10]. In 2006, Germany encouraged winter tires usage using public service announcements and accident the number of accidents went down from 12,359 in 2005 to 5,230 in 2007, which represented a 46.4 percent reduction overall. Germany is in the process of adopting the law as mandatory [slide 11].

[1:37:24 PM](#)

MR. GAEDE stated that studies suggest studded winter tires reduce the crash rate in winter by up to 10 percent, which saved \$26 million in economic costs. He related that this figure was reported in a 2004 University of Alaska School of Engineering study, the "Socio-Economic Effects of Studded Tires in Alaska."

MR. GAEDE reported projected savings if winter tires were used. He projected that the avoided crashes saved \$26 million per year in economic costs [slide 13].

The graph illustrates that insurers had 52 percent in savings, and drivers and passengers saved 27 percent, with federal and state government saving 11 percent, and others in the community saving 10 percent. These savings were based on 10 percent of the drivers using studded tires. That figure is based on taxes collected on studded tires. This bill would increase the number of people using winter tires, and could save 7 to 8 times more in savings. The "trickle down" effect includes health care savings including insurance costs, health care costs, and ultimately would cause insurance premiums to decrease. She surmised that drivers out of pocket expenses could decrease and they could use their savings to buy the next set of winter tires and continue the safety circle that is being promoted.

[1:40:10 PM](#)

MS. HOGAN summarized that HB 322 would save lives, protect Alaskans, create jobs, and save Alaskans money [slide 11].

[1:40:52 PM](#)

REPRESENTATIVE T. WILSON referred to the statistics and related that the accident could be due to some other reason such as distraction or cell phone use. She asked for the reason the accidents were being attributed to tires.

MS. HOGAN answered that the statistics were based on the Department of Transportation & Public Facilities (DOT&PF) crash data and road surface reporting. She agreed that other factors and circumstances could have contributed to the accident. The statistics were compiled on accident reports that indicated ice, snow, and slush were contributing factors of the accident.

REPRESENTATIVE T. WILSON offered her belief that accidents are not generally based on one thing. She said she has never had winter tires and has not been involved in accidents. She said it seemed that they singled out several criteria rather than looking at other circumstances.

MS. HOGAN added that she makes a valid point. She has been working with the DOT&PF on this. She stated that she also pulled in statistics prepared by insurance companies in other countries, too.

[1:43:08 PM](#)

REPRESENTATIVE T. WILSON asked whether any economic impact has been done to determine how it would affect low-income families.

REPRESENTATIVE HARRIS answered no. He pointed out that the same issue happened with seatbelts in Alaska, but now is commonly held to save lives and people have a much better survival chance when wearing their seatbelt. The issue is the safety of everyone else on the highway, not necessarily the person driving the vehicle. A vehicle is a "four-wheel bomb" that can kill people when driven improperly. He stated that the issue has been brought forward as a discussion issue. He asked whether we want to have the best tires possible for winter driving conditions. Currently, the law does not require people to use winter tires and this discussion is to consider whether the legislature wants to implement this.

REPRESENTATIVE T. WILSON stated that seatbelts come with cars. This would be another layer of government. She expressed concern that this would apply to the military. She asked how much time a person entering Alaska would have to buy them, and how readily available the tires would be in all parts of the state. She said she wanted people to be safe, but she does not want to create a hardship for those with lower income or for people only in the state for a few months.

REPRESENTATIVE HARRIS mentioned that seatbelts did not originally come with cars until the federal law made seatbelts mandatory. For some time people could buy vehicles without seatbelts, but people could order them installed. The industry also added other safety enhancements such as airbags to help keep people safe. Now, it is probably not possible to find any vehicle sold without the safety enhancement of airbags. He remarked that the reason for safety improvements is an effort to address the high cost of accidents. The biggest cost in the health care debate is the cost of insurance. The debate is whether or not winter tires offer the best technology. He admitted he does not drive with winter tires, although his wife uses Bridgestone Blizzak tires and loves them. Under the bill, the DOT&PF can determine what type of tire would suffice and

will have the discretion to do so. He offered his belief that the discussion should be held, and considering whether winter tires are cost effective and save lives is an important discussion. He also understood the cost concern for lower income families.

[1:48:40 PM](#)

REPRESENTATIVE PETERSEN asked whether an auto dealer could be required to sell cars with this tire installed.

MR. GAEDE answered that all the car dealers sell winter tires. In response to Chair Wilson, he explained that some dealerships sell an entire set of wheels and tires to trade out. He said the dealers understand the concept of safety and using the best tire for winter safety.

[1:50:22 PM](#)

REPRESENTATIVE T. WILSON asked whether other tires currently sold have that winter snowflake emblem designation or would be considered acceptable.

BRAD BLYSMA, Equipment Fleet Parts Manager, Statewide Equipment Fleet, Department of Transportation & Public Facilities (DOT&PF), in response to T. Wilson, answered yes, there are tires, and tire dealers that sell winter tires which have the designation described in the bill. In further response to Representative T. Wilson, he explained that he was unsure whether the Bridgestone Blizzak tires have the designated emblem, although if the DOT&PF did certify tires that tire would be a top candidate to qualify as acceptable. He clarified that several brands are sold in Alaska which carry the winter service snowflake designation.

[1:52:40 PM](#)

REPRESENTATIVE T. WILSON asked whether DOT&PF currently uses winter tires for its fleet.

MR. BLYSMA responded that the DOT&PF supplies winter tires at the discretion of their staff and the tires carry the winter service snowflake designation.

[1:53:02 PM](#)

CHAIR P. WILSON referred to the fiscal note and indicated there would still be a large amount of funding for state to be in compliance. She asked how many state vehicles have winter tires.

DIANA ROTKIS, Manager, Statewide Equipment Fleet, Department of Transportation & Public Facilities (DOT&PF), estimated that approximately 35 percent of the light-duty vehicles in Anchorage are not using winter tires. She did not have any figures for the University of Alaska or the Alaska Housing Finance Corporation (AHFC). In further response to Chair P. Wilson, she agreed that the fiscal note indicates \$1 million, but part of the cost is to purchase tires with rims for convenience and to save time in rotating tires on the fleet.

[1:55:03 PM](#)

MARY SIROKY, Legislative Liaison, Office of the Commissioner, Department of Transportation & Public Facilities (DOT&PF), explained that the DOT&PF is not in a position to determine which tires are approved for winter driving conditions. The DOT&PF would rely on the Rubber Manufacturers Association (RMA), or another organization to select the appropriate brands.

[1:56:03 PM](#)

REPRESENTATIVE T. WILSON asked whether different lists would be developed in other parts of state.

MS. ROTKIS responded that at this time the DOT&PF does not have a designated tire difference by temperature.

[1:56:48 PM](#)

CINDY CASHEN, Administrator, Highway Safety Office (AHSO), Division of Program Development, in response to Representative Gruenberg, stated she was not familiar with the safety aspects alleged for this bill.

REPRESENTATIVE GRUENBERG expressed concern and was unaware of the potential safety issues. He expressed interest in any federal or state studies that have been done on winter tires. He further expressed interest in the factual and scientific information to determine the safety necessity.

REPRESENTATIVE HARRIS offered to provide additional information to members.

1:58:57 PM

CHAIR WILSON remarked that Johnson Tire Center would stand to profit from this bill, and not to diminish their testimony, she would like to review other neutral information and the federal government information on the winter tire snowflake emblem.

1:59:39 PM

REPRESENTATIVE T. WILSON asked for a breakdown on the Statewide Equipment Fleet vehicles. She would like to know if decisions are based on the regions.

MS. CASHEN deferred to Ms. Rotkis and Ms. Siroky to answer the question.

2:00:37 PM

MS. CASHEN offered to provide Representative Gruenberg with fatality statistics, as well as motor collision statistics. She recalled several pages that law enforcement officers must fill out on motor vehicle collision reports, including vehicle conditions, road conditions, and driver or passenger information. She elaborated that several boxes are used in the report for each collision, including inadequate or tire failure. This is how the HSO gathers information on the number of crashes that relate to inadequate tires. She commented that other factors may be involved, including inattention, road conditions, but the HSO does gather tire data.

2:02:10 PM

REPRESENTATIVE GRUENBERG applauded the AHSO office. He expressed interest in reviewing the federal or state law or regulations that may apply. He expressed interest in additional research. He asked whether any other state mandates winter tires.

MS. CASHEN offered to provide information.

REPRESENTATIVE HARRIS answered no, that other states do not mandate winter tires.

REPRESENTATIVE GRUENBERG remarked that we would be "plowing new ground." He pointed out that this legislature is small and usually takes the lead of other states.

2:04:02 PM

REPRESENTATIVE PETERSEN referred to the fiscal note, and to the \$1 million revenue. He inquired as to whether the winter tires could be phased in over a four years period, which may lower the fiscal impact.

REPRESENTATIVE HARRIS responded, referring to a study from the University of Alaska, Institute of Social and Economic Research (ISER). He anticipated, from his experience on the House Finance Standing Committee, that the fiscal impact could be whittled down or eliminated. He pointed out in the event that accidents are reduced, a subsequent reduction is had by the Alaska State Troopers, Department of Public Safety, and the DOT&PF for road clean-up, which is not reflected in the fiscal note. He characterized these types of instances would reflect negative fiscal notes.

2:06:30 PM

CHAIR P. WILSON indicated that HB 322 would be held over. Since no other states have similar legislation, several amendments are pending and the committee will work on a committee substitute.

REPRESENTATIVE HARRIS referred to three pending amendments to the bill. He hoped the committee would consider incorporating the amendments into the bill.

2:07:49 PM

REPRESENTATIVE MUNOZ made a motion to adopt Amendments 1, 2, and 3.

REPRESENTATIVE JOHANSEN objected.

2:08:24 PM

REPRESENTATIVE MUNOZ withdrew her motion. She then made a motion to adopt Amendment 1, which read [original punctuation provided]:

Page 1, line 11

After the word "studs." insert a new subsection to read:

(c) In this section, "Highway" means north of 60 North Latitude and exclusive of any road not connected to the Dalton, Parks, Richardson, Tok, Alaska, Glenn or Sterling Highways.

REPRESENTATIVE JOHANSEN objected for the purpose of discussion.

[2:08:39 PM](#)

REPRESENTATIVE HARRIS explained that Amendment 1 would require winter tires in an area of the state that has most of the roads. Thus, Amendment 1 would exclude all of Southeast Alaska from the mandatory requirement for winter tire use. He thought Amendment 1 might remove some of the issues raised and attempts to narrow the focus of the bill on the coldest areas of the state.

[2:09:27 PM](#)

REPRESENTATIVE MUNOZ asked whether Amendment 1 would exclude the Dalton Highway.

REPRESENTATIVE HARRIS answered since it is connected to road system, that the Dalton Highway is included. In response to Representative Petersen, he indicated Amendment 1 would exclude Southeast Alaska.

[2:10:15 PM](#)

REPRESENTATIVE T. WILSON asked what areas or communities would be excluded under Amendment 1.

JOHN BITNEY, Staff, Representative John Harris, Alaska State Legislature, stated that Amendment 1 is an effort to craft an exemption that would apply to areas south of Yakutat, Alaska. Thus, Amendment 1 would also exempt roads off the main highway system.

[2:11:25 PM](#)

REPRESENTATIVE T. WILSON pointed out that those driving in Anchorage must switch and she lives in Fairbanks but comes to Juneau during the legislative session.

MR. BITNEY responded that she could leave her winter tires on in Southeast Alaska and not be penalized. She would need them on in Fairbanks.

REPRESENTATIVE T. WILSON asked whether the tires are based on temperature.

MR. BITNEY responded yes, based on testimony by the experts. The current statutes are written in relation to the calendar year for studded tires. This bill would essentially be similar, with longer periods of time required in the northern areas of the state.

[2:13:06 PM](#)

MR. BITNEY, in response to Representative Gruenberg, answered that Amendment 1 would exclude the Aleutian Islands since they are not connected by the road system.

[2:13:37 PM](#)

CHAIR WILSON expressed concern that some years the weather in Southeast Alaska hovers between freezing and thawing.

REPRESENTATIVE HARRIS recalled hearing from people in Petersburg, Wrangell, and Sitka that were in opposition to the bill.

[2:14:44 PM](#)

REPRESENTATIVE PETERSEN clarified that in the event a person placed studded winter tires on their vehicle in Southeast Alaska, that action would be encouraged but not mandatory.

REPRESENTATIVE HARRIS agreed. Additionally, HB 322 would not require law enforcement to check, but if an accident occurred, and the tires were not winter tires, but was a contributing factor, the person could be cited. No one is expecting that the AST will stop a person solely based on their tires.

[2:16:20 PM](#)

REPRESENTATIVE T. WILSON asked whether he considered encouraging winter tire use instead of mandating winter tire use.

REPRESENTATIVE HARRIS explained that the bill contains a public education campaign, but "if you want to have any teeth to it, you make it mandatory." Otherwise it is just a recommendation for winter tires and it would be nice to do it.

[2:16:56 PM](#)

REPRESENTATIVE GRUENBERG remarked that some legislators have advocated for an assessment of the impact on municipalities. He said this bill may be a bill that should be assessed with respect to its impact on municipalities.

CHAIR WILSON asked whether four years would be the time to buy another set of tires.

REPRESENTATIVE GRUENBERG agreed that is true in many districts, but most people have older cars or take the bus in his district. He thought HB 322 might prevent his constituents from being able to afford a car.

[2:19:25 PM](#)

REPRESENTATIVE JOHANSEN removed his objection.

There being no objection, Amendment 1 passed.

[2:19:48 PM](#)

REPRESENTATIVE MUNOZ made a motion to adopt Amendment 2, which read [original punctuation provided]:

Page 1, line 5:

After the word "from" delete [December] and insert October

After the word "to" delete [March] and insert April

REPRESENTATIVE JOHANSEN objected for purpose of discussion.

REPRESENTATIVE HARRIS explained that Amendment 2 would use an approach similar to the dates for studded tire use.

REPRESENTATIVE JOHANSEN removed his objection.

There being no further objection, Amendment 2 was adopted.

[2:20:39 PM](#)

REPRESENTATIVE HARRIS asked the committee to consider a conceptual amendment to Amendment 3.

REPRESENTATIVE MUNOZ made a motion to adopt a conceptual amendment to Amendment 3, which read as follows:

Page 2, line 4:

After the word "effect" delete [December] and insert October 15, 2014.

[2:21:16 PM](#)

REPRESENTATIVE GRUENBERG objected for a specific technical conceptual amendment to Amendment 3. He referred members to page 2, line 4, and suggested deleting December 15, 2011, and replacing the date with October 15, 2014. The proposed Conceptual Amendment to Amendment 3, read, as follows:

Page 2, line 4:

After the word "effect" delete [December 15, 2011] and insert October 15, 2014.

CHAIR P. WILSON announced that the Amendment to Amendment 3 was adopted.

CHAIR P. WILSON stated that Amendment 3, as amended is before the committee, which read [original punctuation provided]:

Page 2, line 4:

After the word "effect" delete [December 15, 2011] and insert October 15, 2014.

[2:22:34 PM](#)

REPRESENTATIVE GRUENBERG removed his objection.

There being no further objection, Amendment 3, as amended, was adopted.

[HB 322 was held over.]

HB 257-BAN CELL PHONE USE WHEN DRIVING

[2:22:56 PM](#)

CHAIR P. WILSON announced that the next order of business would be HOUSE BILL NO. 257, "An Act relating to prohibiting the use

of cellular telephones when driving a motor vehicle; and providing for an effective date."

2:23:18 PM

REPRESENTATIVE MIKE DOOGAN, Alaska State Legislature, stated that HB 257 is an attempt to prohibit cell phone use while driving, except for emergency phone calls. He paraphrased from his sponsor statement, which read [original punctuation provided]:

Distracted drivers cause accidents. Current Alaska law prohibits the use of certain devices with screens (such as televisions) while driving, in order to prevent drivers from taking their focus off the road. This prohibition includes the use of cell phones for sending text messages, but excludes the use of cell phones for "verbal communication or displaying caller identification information". HB 257 would prohibit any use of a cell phone while driving—including the use of a phone with a hands-free device—with an exception only for emergency calls. Violations would be punishable by fines of up to \$300.

As cell phones have become more widely available, the number of drivers distracted by cell phones has increased—putting more and more Alaskans in harm's way. The use of a cell phone while driving slows a driver's reaction time by dividing their attention. One study showed that using a cell phone while driving is as dangerous as driving drunk. This held true even for drivers using hands-free devices. Another study showed that drivers are four times more likely to get in an accident if they talk on a cell phone while driving.

Distracted drivers put themselves and everyone around them at risk. By prohibiting the use of cell phones while driving, HB 257 will make Alaska's roads safer for drivers, pedestrians, and cyclists, preventing needless accidents caused by distracted drivers.

REPRESENTATIVE DOOGAN concluded by stating that using a cell phone is not a liberty. There is not any voter right to drive while distracted. Distracted drivers should be held accountable for their driving. While there are many other causes of distraction, the most common cause of distraction while driving

is cell phone use. He stated that HB 257 will help keep drivers attention on the road.

[2:26:49 PM](#)

CHAIR P. WILSON commented that her mother was involved in an accident with someone who was talking on cell phone.

REPRESENTATIVE JOHANSEN asked whether the term "cellular phone" would capture all of the devices, suggesting perhaps using the term "mobile phone."

REPRESENTATIVE DOOGAN responded that cellular phone is the most commonly used phone. He did not recall seeing anyone driving while using a satellite phone. Any phone system with the same characteristics, that can be dialed up, and drivers will talk as they were driving would create the same kinds of liabilities. He offered his willingness to expand the definition if so desired.

[2:28:52 PM](#)

REPRESENTATIVE JOHANSEN recalled the sponsor was not interested in allowing a hands-free exemption.

REPRESENTATIVE DOOGAN answered the studies do not support the theory that hands-free makes the driver any more attentive or likely to be good driver. He related that the dysfunction is in the brain, which is processed in a different manner than when driving and conducting a conversation with a passenger.

CHAIR P. WILSON asked for difference between hands free and simply holding a conversation.

[2:30:17 PM](#)

REPRESENTATIVE DOOGAN understood from studies that people are less attentive when talking on a cell phone than talking to person sitting next to them. He recalled the main fact that is people are more used to talking in short verse and they are not concentrating in the same way as when they are conversing using a cell phone.

[2:31:26 PM](#)

REPRESENTATIVE T. WILSON related she has observed all kinds of distractions while people are driving. She pointed out that

children can be distracting as attempting to eat or read while driving. She asked whether telling people to "drive" is something that can actually be legislated.

REPRESENTATIVE DOOGAN recalled observing a person driving in Anchorage and noticed a driver received a phone call and her speed changed from 45 to 10 miles per hour. He had to take measures to avoid a crash. Some distractions are worse than others and interacting with children is different than trying to get your hands on cell phone to answer it, he stated.

[2:33:27 PM](#)

REPRESENTATIVE T. WILSON asked whether pulling over to stop on a narrow road would create another hazard at the expense of stopping cell phone use.

REPRESENTATIVE DOOGAN related that it depends on the road. Some roads a person should not try to answer the phone. There is not any constitutional right for people to answer their cell phone. He hoped people would not answer their phone if it created a risk.

REPRESENTATIVE T. WILSON related if that was the case the bill would not be necessary.

REPRESENTATIVE DOOGAN agreed.

[2:34:55 PM](#)

REPRESENTATIVE PETERSEN asked how many other states have a ban on cell phones.

REPRESENTATIVE DOOGAN answered a number of states have bans on cell phones, relating that the legal landscape is changing, although he was unsure how many states currently have some form of cell phone ban. He recalled that California and Oregon do ban cell phones, but he did not have a specific number.

[2:35:52 PM](#)

REPRESENTATIVE PETERSEN asked whether a hands free device could be used in California.

REPRESENTATIVE DOOGAN did not know of any states that ban hands free devices. In response to Chair P. Wilson, he restated his answer.

REPRESENTATIVE PETERSEN asked whether a person stopped at a stop light could answer their phone.

REPRESENTATIVE DOOGAN said no. He related that if the driver is engaged in the types of activities which are a normal part of driving, which also includes being alert at a stop light are required. Thus, using a cell phone at a stop light would not be allowed, he stated.

2:37:38 PM

REPRESENTATIVE GRUENBERG pointed out that it would not include operating a radio.

REPRESENTATIVE DOOGAN thinks that is correct, but related his question is probably more of a drafting question.

REPRESENTATIVE GRUENBERG stated that the distinction between hands-free and cell phone is that it can be difficult for a driver to turn corners with one hand on the wheel. Even if you are talking on the phone with a headset this difference may well be the reason for some states allowing hands-free phones to be used while driving vehicles.

2:39:36 PM

REPRESENTATIVE DOOGAN, in response to Representative T. Wilson, explained that a person can pull over and stop to answer a phone and no penalty applies unless a person is violating the normal actions of driving vehicle.

2:40:31 PM

REPRESENTATIVE GRUENBERG suggested that if a car is parked a person is not considered driving. He expressed concern that this bill would affect people driving commercial vehicles along the Dalton Highway, who rely on cell phones, especially the "pusher car" since their work requires that they coordinate activities. He offered his belief that some exception should be added for the truckers.

REPRESENTATIVE DOOGAN recognized the concern but offered that he likes the bill just fine in its current form. He viewed it as committee's prerogative to make changes and related that he does not expect this bill to go through the process without amendments.

2:42:45 PM

CINDY CASHEN, Administrator, Highway Safety Office (AHSO), Division of Program Development, Department of Transportation & Public Facilities (DOT&PF), explained that the Alaska Highway Safety Office (AHSO) receives federal transportation dollars to administer data-driven driver behavior programs which encourages safe driving behavior. She commented that the AHSO is interested in driver distraction data. She read, as follows [original punctuation provided]:

The AHSO receives its federal funding from National Highway Traffic Safety Administration (NHTSA). Their policy is that it is the primary responsibility of the driver to operate motor vehicle safely.

The task of driving requires full attention and focus. Cell phone use can distract drivers from this task, risking harm to themselves and others. Therefore, the safest course of action is to refrain from using a cell phone while driving.

NHTSA research shows that driving while using a cell phone can pose a serious cognitive distraction and degrade driver performance.

NHTSA estimates that driver distraction from all sources contributes to 25 percent of all police-reported traffic crashes. Ten years ago only 15% of the reported traffic crashes were attributed to driver inattention.

MS. CASHEN added that driver distraction can cover everything from turning on the radio to using a cell phone. She read [original punctuation provided]:

The most common distraction for drivers is the use of cell phones.

A ban on hand-held devices has been enacted in 8 states:

1. California
2. Connecticut
3. District of Columbia
4. New Jersey
5. New York

6. Oregon
7. Washington
8. Virgin Islands

In those states with established handheld laws, distracted driving-related fatalities have declined between 24 % (New York) and 65% (Connecticut). (Source: Insurance Institute for Highway Safety).

In 2006, NHTSA and the Virginia Tech Transportation Institute released a 100-Car Naturalistic Driving Study which tracked the behavior of the drivers of 100 vehicles equipped with video and sensor devices for more than one year.

MS. CASHEN offered that the AHSO appreciates all kinds of data since it helps quantify the distraction. She offered to provide answers to previous questions using the data from the "100 car study." In response to Chair P. Wilson, she answered that she has the data comparison between hands-free phones and cell phones.

MS. CASHEN continued reading [original punctuation provided]:

The most common distraction for drivers is the use of cell phones.

The available research indicates that whether it is a hands-free or hand-held cell phone, the cognitive distraction is significant enough to degrade a driver's performance. This can cause a driver to miss key visual and audio cues needed to avoid a crash.

MS. CASHEN added that the hand-held calls tend to take up less time than the hands-free calls. She continued [original punctuation provided]:

The results showed that manual dialing was about as distracting as grooming/eating, but less distracting than reading or changing CDs.

The number of crashes and near-crashes attributable to dialing is nearly identical to the number associated with talking or listening.

[2:47:23 PM](#)

MS. CASHEN, in response to Chair P. Wilson, offered to provide the report. She read statistics, as follows [original punctuation provided]:

Alaska Distracted Driving Statistics (Highway Analysis System):

From 2002-2007 there were 78,162 motor vehicle crashes in Alaska.

From 2002-2007 there were 335 motor vehicle crashes involving cell phone use.

189 resulted in property damage only, 127 resulted in minor injuries, 19 in major injuries and no fatalities.

From 2002-2007 there were 895 injuries in traffic crashes involving cell phone use.

200 resulted in minor injuries, 20 resulted in major injuries, and no fatalities.

MS. CASHEN provided details on the form the law enforcement uses, which includes cell phone use. The law enforcement officers can only check up to two categories of 26 boxes listed, which includes a box for cell phone use. She related that is part of the reason why data is lacking. This is a relatively new type of unsafe driving and distracted driving definitions and collections vary. It will take time, so the best data is currently the data provided by the NHTSA study, since it provides information on the physiological occurrences with cell phone use.

[2:50:30 PM](#)

REPRESENTATIVE PETERSEN asked whether Ms. Cashen would like to see the forms changed to add a specific category for cell phone use so the officer would not have to choose between the 26 other causes.

MS. CASHEN answered yes.

[2:51:12 PM](#)

REPRESENTATIVE GRUENBERG asked for the reason that the effective date selected is July 1, 2010.

MS. CASHEN related that the AHSO office did not set the effective date.

REPRESENTATIVE GRUENBERG asked whether she had any information on truckers along the haul road.

MS. CASHEN explained that currently an exemption exists for those drivers for emergency purposes. She understood exemption is already in place for emergency responders.

REPRESENTATIVE GRUENBERG clarified that he is interested in how the bill would affect commercial vehicle drivers, truckers on the haul road driving to the North Slope. One trucker will pull the cargo, while another will push the cargo. He related that the two truckers are in constant communication with one another but they are not categorized as emergency responders.

MS. CASHEN said she did not know. In response to Representative Gruenberg, she stated several studies involving Federal Motor Carrier Administration that works with commercial vehicle enforcement. She offered to provide a copy to the committee.

[2:53:43 PM](#)

REPRESENTATIVE MUNOZ asked whether commercial drivers use hand-held or hands-free cell phones.

MS. CASHEN offered to provide the information.

REPRESENTATIVE MUNOZ asked for information on crash rates in other states that allow hands-free devices to be used while driving.

MS. CASHEN recalled that eight states have banned hand-held cell phone use. In further response to Representative Munoz, she recalled a recent study provoked discussions, which indicated perhaps drivers who used hand-held devices have switched to hands-free cell phones. The evidence is not conclusive and differing opinions and interpretations were made on the data. This study was based on insurance data and not on fatality data. Thus, the statistics were not specifically on crashes but were based on distracted-driver related fatalities. She pointed out that distracted driving is not limited to cell phone use since it encompasses all types of distractions. The fatalities involving distracted driving went down, but she did not know for certain the reductions were due to restrictions on cell phones, but perhaps they were.

[2:56:37 PM](#)

REPRESENTATIVE MUNOZ said she supports the bill. However, she does not want to create difficulties for commercial drivers. She stated she has heard from a number of commercial operators that have asked for a hands-free option, which she would like to keep open for consideration.

[2:57:30 PM](#)

ROY HOYT, JR., stated that this bill is a great idea and should be enacted to eliminate use of cell phones while driving. He suggested that the language for cell phones could apply while vehicles are in motion. He remarked that driving in Homer can be frightening as people drive and use their cell phones, especially while rounding corners. He is surprised more accidents do not occur. He recalled citizen's band (CB) radios previously used to talk between vehicles. He also did not believe hands-free cell phones posed as significant a problem as hand-held cell phones.

[2:59:30 PM](#)

REPRESENTATIVE PETERSEN remarked that this bill does not ban the use of CB radios.

CHAIR P. WILSON left public testimony open on HB 257.

[HB 257 was held over.]

[3:00:31 PM](#)

CHAIR P. WILSON announced that the final order of business would be HOUSE BILL NO. 8, "An Act relating to the purchase of pipe for use in a natural gas pipeline project under the Alaska Gasline Inducement Act."

[3:00:36 PM](#)

KEN ALPER, Staff, Representative Harry Crawford, Alaska State Legislature, stated on behalf of the sponsor, Representative Harry Crawford, that this bill would empower the DOT&PF commissioner to buy the physical pipe for the in state section of the natural gas pipeline. Approximately 800 miles of 48-inch pipe would be purchased and stockpiled as a visual reminder for

the necessity of the state to move forward on the pipeline. Once the project moved forward, the pipe could be sold at cost or could be contributed as an equity position on the pipeline. He related that action would make money for the state.

[HB 8 was held over.]

[3:02:12 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 3:02 p.m.