

**ALASKA STATE LEGISLATURE
HOUSE TRANSPORTATION STANDING COMMITTEE**

March 18, 2010

1:07 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. 226

"An Act renaming Seldon Road and that portion of Bogard Road that extends between Palmer and Meadow Lakes, as Veterans' Way."

- MOVED CSHB 226(TRA) OUT OF COMMITTEE

HOUSE BILL NO. 261

"An Act requiring the Department of Transportation and Public Facilities to publish on the department's Internet website reports regarding contracts awarded for transportation projects."

- MOVED CSHB 261(TRA) OUT OF COMMITTEE

HOUSE BILL NO. 262

"An Act establishing the month of May as Motorcycle Awareness Month."

- MOVED CSHB 262(TRA) OUT OF COMMITTEE

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."

- MOVED CSHB 257(TRA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 226

SHORT TITLE: NAMING VETERANS' WAY IN MAT-SU

SPONSOR(s): REPRESENTATIVE(s) KELLER

04/10/09 (H) READ THE FIRST TIME - REFERRALS
04/10/09 (H) TRA, FIN
03/18/10 (H) TRA AT 1:00 PM CAPITOL 17

BILL: HB 261

SHORT TITLE: TRANSPORTATION PROJECT DISCLOSURES

SPONSOR(s): REPRESENTATIVE(s) KELLER

01/08/10 (H) PREFILE RELEASED 1/8/10
01/19/10 (H) READ THE FIRST TIME - REFERRALS
01/19/10 (H) TRA, FIN
03/18/10 (H) TRA AT 1:00 PM CAPITOL 17

BILL: HB 262

SHORT TITLE: MOTORCYCLE/SCOOTER AWARENESS MONTH

SPONSOR(s): REPRESENTATIVE(s) KELLER, HERRON, PETERSEN, LYNN, SEATON

01/08/10 (H) PREFILE RELEASED 1/8/10
01/19/10 (H) READ THE FIRST TIME - REFERRALS
01/19/10 (H) TRA
03/18/10 (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
02/16/10 (H) Heard & Held
02/16/10 (H) MINUTE(TRA)
02/23/10 (H) TRA AT 1:00 PM CAPITOL 17
02/23/10 (H) Heard & Held
02/23/10 (H) MINUTE(TRA)
03/16/10 (H) TRA AT 1:00 PM CAPITOL 17
03/16/10 (H) Scheduled But Not Heard
03/18/10 (H) TRA AT 1:00 PM CAPITOL 17

WITNESS REGISTER

REPRESENTATIVE WES KELLER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified as prime sponsor of HB 226, HB 261, and HB 262.

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 226, HB 261, and HB 262.

DALLAS MASSIE
American Legion Post 35
Wasilla, Alaska

POSITION STATEMENT: Testified in support of HB 226.

ROBERT J. BRYANT
Valley Veterans Council
Wasilla, Alaska

POSITION STATEMENT: Testified during the discussion of HB 226.

NOEL WOODS
Palmer, Alaska

POSITION STATEMENT: Testified during the discussion of HB 226.

JEAN WOODS
Palmer, Alaska

POSITION STATEMENT: Testified during the discussion of HB 226.

YUKON DON TANNER
Talkeetna, Alaska

POSITION STATEMENT: Testified during the discussion of HB 226.

JEROME CRANDALL
Wasilla, Alaska

POSITION STATEMENT: Testified in support of HB 226.

JIM POUND, Staff
Representative Wes Keller
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 261 and HB 262 on behalf of Representative Wes Keller.

DAN MCCRUMMEN

Alaska Bikers Advocating Training and Education (ABATE)
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 262.

BOYD MCPHIEL, Legislative Affairs Coordinator

Alaska Bikers Advocating Training and Education (ABATE)
Anchorage Alaska

POSITION STATEMENT: Testified in support of HB 262.

CHARLES BOYLE, Staff

Representative Mike Doogan

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Testified on behalf of the prime sponsor during the discussion of HB 257.

ACTION NARRATIVE

[1:07:03 PM](#)

CHAIR PEGGY WILSON called the House Transportation Standing Committee meeting to order at 1:07 p.m. Representatives P. Wilson, Johansen, Munoz, Gruenberg, T. Wilson, and Petersen were present at the call to order.

[1:07:05 PM](#)

HB 226-NAMING VETERANS' WAY IN MAT-SU

CHAIR P. WILSON announced that the first order of business would be HOUSE BILL NO. 226, "An Act renaming Seldon Road and that portion of Bogard Road that extends between Palmer and Meadow Lakes, as Veterans' Way."

[1:08:44 PM](#)

REPRESENTATIVE WES KELLER, Alaska State Legislature, as prime sponsor, stated that HB 226 offers an opportunity to honor veterans by naming a thoroughfare Veterans' Way.

[1:09:27 PM](#)

REPRESENTATIVE MUNOZ moved to adopt the proposed committee substitute for HB 226, labeled 26-LS0830\S, Kane, 2/22/10, as the working document. There being no objection, Version S was before the committee.

1:09:42 PM

REPRESENTATIVE KELLER stated that he is proud of the military. He remarked that veterans have sacrificed for our country and he thought it was fitting to rename a portion of a roadway "Veterans' Way." The expansion of the valley projects resulted in an east to west roadway with three different names, which is confusing to residents and motorists. The road is called Bogard Road, Seldon Road, and East Colony School Road. He referred to a map in members' packets with the Parks Highway highlighted in orange, depicting the Parks Highway on the south and connects to the Glenn Highway. The Parks highway continues through Wasilla, with a cutoff that connects to Glenallen, and north to Houston and to points beyond. He referred to the Wasilla-Palmer Highway and remarked that it can currently take motorists a half hour to traverse the seven mile portion of the roadway. He related that the Bogard Road project when completed will connect to the Glenn Highway and will become the proposed Veterans' Way. The map in members' packets, which is highlighted in pink, starting from the left, indicates Trunk Road, Seward Meridian Highway, Lucille Road, and Church Roads. While the project is not yet completed, the final road will become a major thoroughfare. He recently visited businesses along the area and people were enthusiastic about the name change. He did not receive any negative comments on renaming the road. He explained that the proposed committee substitute, Version S, would help clarify the physical description of the proposed roadway since a portion of Bogard Road that is not intended to be renamed was inadvertently included in the bill.

1:13:30 PM

CHAIR P. WILSON related her understanding that the pink lines depicted on the map are not current thoroughfares.

REPRESENTATIVE KELLER answered that Trunk Road is an historical road, but the road is currently a winding and narrow road. He explained that Seward Meridian connects to Bogard Road, which is projected to connect to the proposed Veterans' Way. Lucille and Church Roads both connect to the proposed Veterans' Way. In further response to Chair P. Wilson, he agreed that the proposed

Veterans' Way is depicted in green on the map in members' packets.

[1:14:37 PM](#)

REPRESENTATIVE MUNOZ pointed out a portion of Bogard Road will continue to be named Bogard Road, but she noticed that Seldon Road is replaced. She related that sometimes changing a name can cause problems since the families may object.

REPRESENTATIVE KELLER agreed. He stated that Seldon Road was named in the last five years and the road was named after a novel.

[1:15:42 PM](#)

REPRESENTATIVE T. WILSON asked whether it is confusing to name a portion of the road.

REPRESENTATIVE KELLER explained that renaming the road would actually resolve the confusion. He stated that the road name changes from East Colony Way to Bogard Road to Seldon Road. This entire stretch is proposed to be named Veterans' Way. He maintained it is very confusing to motorists now. Additionally, describing driving instructions to people can be quite challenging, he stated.

[1:16:47 PM](#)

REPRESENTATIVE PETERSEN asked whether part of the road will continue to be Bogard Road.

REPRESENTATIVE KELLER explained that the bill would rename the east to west portion of Bogard Road, but the existing Bogard Road between Valley Country Store at the intersection of East Grumman Circle to Main Street to Wasilla Main Street will remain Bogard Road.

[1:18:03 PM](#)

MARY SIROKY, Legislative Liaison, Office of the Commissioner, Department of Transportation & Public Facilities (DOT&PF), explained that the DOT&PF does not have any issue with renaming the road and views it as a policy call. She referred to the DOT&PF fiscal note and attached plan for signage along the proposed Veterans' Way. The total cost for the 88 signs is anticipated to be \$32,000. She reminded members that both

directions need signage at intersections. Since this is designated as an historic road, some additional brown signs will indicate the historic highway.

1:20:06 PM

REPRESENTATIVE JOHANSEN asked whether the signs will be manufactured by the DOT&PF. He inquired as to whether the DOT&PF is manufacturing all its signs.

MS. SIROKY related that the DOT&PF has the capability to produce signs and by producing the signs in-house will save \$15,000.

MS. SIROKY, in response to Representative Johansen, explained the she has not been to the sign shop but understood the DOT&PF buys the steel and has the ability to do lettering. In further response to Representative Johansen, she stated that she was not certain how long the DOT&PF has been making signs, but related that it is not a new activity.

REPRESENTATIVE JOHANSEN recalled asking whether DOT&PF could make signs last year. He recalled the fiscal note for signs for the Joe C. Williams Coastal Trail in Ketchikan, which were expensive. He expressed concern about the department's inconsistency.

1:22:06 PM

CHAIR P. WILSON asked who actually makes the in-house signs.

MS. SIROKY answered that she was unsure. She also offered to review the fiscal note and to research Representative Johansen's concern.

REPRESENTATIVE JOHANSEN asked who decides whether the signs will be made internally or by the private sector. He would like to know who makes the decision on which signs will be contracted out.

MS. SIROKY recalled that the DOT&PF's staff prepared the cost estimates and she listed the one that was less costly.

REPRESENTATIVE JOHANSEN remarked that the \$15,000 in savings can add up.

REPRESENTATIVE T. WILSON asked whether the 88 signs currently being used would be recycled.

MS. SIROKY offered to find out.

1:25:01 PM

DALLAS MASSIE, American Legion Post 35, stated that his grandfather obtained his citizenship by serving during World War I. Additionally, his wife's grandfather also served in World War I. Both fathers served in World War II in the Pacific Theatre. He is a Vietnam era veteran and his oldest son is a veteran of the First Gulf War. He testified in support of HB 226 and urged members to support the bill.

ROBERT J. BRYANT, Valley Veterans Council, stated that he served in both Gulf Wars. He supported HB 226 and related this would be a wonderful way to honor all veterans.

NOEL WOODS stated that he has been a 65-year resident of the Matanuska-Susitna Valley and is a Korean War veteran. He said, "Go ahead with this. It sounds great."

JEAN WOODS stated that she wears a "gold star" and a "blue star" because she has veterans in her family. She related that her two sons have served their country. This good way to honor veterans who keep us "the land of the free, because of the brave," she said.

YUKON DON TANNER explained that he has been in Alaska since 1959 and served his country from 1969-1972, then came to the Matanuska-Susitna Valley. His two sons are navy veterans that also reside in the Matanuska-Susitna valley. He explained that the idea to rename the road came from Mat-Su Borough Transportation Committee. The committee's mission was to prioritize how to dovetail future projects with existing projects. The Bogard Extension became Colony Way one direction and Seldon Road and Seldon Extension in the other direction. During the planning period he suggested the road should be named Veterans' Way. About a year and a half ago a group of veterans approached Representative Keller to introduce the bill. He urged members to pass HB 226.

1:29:37 PM

REPRESENTATIVE GRUENBERG remarked that only two navy veterans involved with the legislature are both present in this room.

MR. TANNER said he appreciated the members' service.

JEROME CRANDALL, Wasilla, Alaska, stated that he supports HB 226. He related that he is a veteran of the foreign wars and served in the U.S. Marine Corps. He said is in favor of the testimony today. He urged members to pass the bill to honor veterans.

CHAIR P. WILSON, after first determining no one else wished to testify, closed public testimony on HB 226.

[1:31:15 PM](#)

REPRESENTATIVE GRUENBERG moved to report the proposed committee substitute for HB 226, labeled 26-LS0830\S, Kane, 2/22/10, out of committee with individual recommendations and the accompanying fiscal note. There being no objection, CSHB 226(TRA) was reported from the House Transportation Standing Committee.

HB 261-TRANSPORTATION PROJECT DISCLOSURES

[1:31:56 PM](#)

CHAIR P. WILSON announced that the next order of business would be HOUSE BILL NO. 261, "An Act requiring the Department of Transportation and Public Facilities to publish on the department's Internet website reports regarding contracts awarded for transportation projects."

REPRESENTATIVE MUNOZ moved to adopt the proposed committee substitute (CS) for HB 261, labeled 26-LS1129\R, Kane, 3/17/10, as the working document. There being no objection, Version R was before the committee.

[1:32:23 PM](#)

REPRESENTATIVE KELLER asked staff to present the bill.

JIM POUND, Staff, Representative Wes Keller, Alaska State Legislature, explained that HB 261 would consolidate information on DOT&PF's website to provide some details on projects. He explained that initially the sponsor wanted all of the information on projects posted to the website. However, much of the information is technical information, which is of little interest to the public. The proposed committee substitute, Version R, provides a list of the information that will be posted that is of interest to people. He characterized Version

R as a collaborative effort between the DOT&PF and the bill sponsor.

1:34:18 PM

REPRESENTATIVE GRUENBERG suggested that several of Representative Keller's bills should be combined into a single bill.

REPRESENTATIVE KELLER explained that the bills are two different bills, with one directed at DOT&PF to make information accessible, and the other about the DOT&PF structure. He added that the DOT&PF has been very cooperative in working on HB 261 and has actually started to implement the process of posting project information to its website. This bill would direct the DOT&PF to enhance that process.

1:35:35 PM

REPRESENTATIVE GRUENBERG recalled that he did not track the differences between the two versions of the bill.

REPRESENTATIVE KELLER explained that the original bill asked for complex information, including technical specifications and all subcontractors involved in the construction project. He explained that the specific information of interest to the public would provide such items as the status of a project and a timeline with percentage of project completion.

1:36:25 PM

REPRESENTATIVE MUNOZ referred to page 2, line 2, of Version R and to the expenditures in subparagraph (E). She asked if the reporting requirement would be onerous for the department.

REPRESENTATIVE KELLER explained the DOT&PF requested that the updates to the website be made on their normal update schedule, which was satisfactory to him.

1:37:09 PM

MARY SIROKY, Legislative Liaison, Office of the Commissioner, Department of Transportation & Public Facilities (DOT&PF), explained the DOT&PF shares the goal with the bill sponsor to have information easily accessible to the public. One issue that needed to be addressed was the project status after funding is appropriated, but before the "shovel" or piece of equipment

moves. The environmental authorization and utility, right-of-way, and design phases can take years. The DOT&PF likes to provide the information to the public in a well thought out manner. The DOT&PF currently lists the American Recovery and Reinvestment Act of 2009 (ARRA) project information on its website, but the DOT&PF project information is limited to the construction costs so the information would not contain pre-construction details. She reiterated that the DOT&PF desires to provide the information and hoped it will be helpful to constituents and to the legislature.

[1:39:20 PM](#)

REPRESENTATIVE PETERSEN referred to page 2, line 4 of subparagraph (F), which read, "future funding needed to complete the project;" which he said can be "a moving target." He asked whether that would be difficult to accurately fulfill.

MS. SIROKY answered that the DOT&PF should be able to identify the funding. She explained that usually a funding obstacle means reducing the scope of the project. This subparagraph should allow the DOT&PF to identify the additional cost. She did not think it would be onerous. She related the DOT&PF should be able to pull some information from its current databases. She acknowledged that project descriptions will require staff to write "in plain English" and not in "engineer-speak." She explained that some tasks cannot be automated, but the DOT&PF believes this process is important. Additionally, the DOT&PF is would like create a timeline so people can get an idea of the percentage of the project completed in relation to the overall project.

[1:41:34 PM](#)

REPRESENTATIVE T. WILSON asked if the work is done in-house, whether this would include the costs of the environmental stage.

MS. SIROKY stated that the DOT&PF will develop a project website after the bill and capital budget is passed and funding is appropriated. In further response to Representative T. Wilson, she also explained the DOT&PF would identify the expenditures and update the website every six months. The website would show the expenditures incurred internally but would not list the man-hours, she stated.

MS. SIROKY, in response to T. Wilson, explained that the DOT&PF would identify the prime contractor, but would not provide

information on contracts prior to construction; so it will not cover survey, utility, or environmental (EIS) costs. This bill would identify contractor costs beginning with the construction phase, she stated.

[1:44:32 PM](#)

CHAIR P. WILSON asked whether costs would be broken down for right-of-way permitting and design.

MS. SIROKY clarified that the timeline would identify when the project is in the EIS phase and if that phase lasts two years, the "bar would move every six months." However, the website will not identify a list of contractors and if the phase since only the prime contractor would be listed once the project moves to the construction phase.

[1:45:29 PM](#)

MS. SIROKY, in response to Representative Petersen, stated that the information will not speak to the actual road conditions. The DOT&PF will independently update the DOT&PF's "511 system" with a new road traffic awareness system that will provide information such as "This road is closed."

[1:46:26 PM](#)

REPRESENTATIVE GRUENBERG recalled that the state of Utah received numerous awards and one of two states to receive an "A" rating since they provided good information to the public. He thinks this bill is good step in the right direction. He asked whether the list in the bill should be published by regulation, to avoid coming to the legislature each time something changes. He further asked whether the bill should have the flexibility to allow the DOT&PF to publish regulations.

MS. SIROKY stated that the DOT&PF has the authority to do provide future information. The DOT&PF did not believe that writing regulations would be beneficial. The DOT&PF is not seeking others to comply, just to act as an agency to provide additional information to the public.

REPRESENTATIVE GRUENBERG suggested that the name of a contracting company should also list a contact number and the name of the person at the DOT&PF should be listed, along with their contact information.

[1:49:33 PM](#)

MS. SIROKY stated that the DOT&PF always provides contact information and she anticipated the name and contact number for the DOT&PF person would be listed on the website. She expressed concern in terms of listing a phone and e-mail for a construction contractor, since that person may not want to field public comments.

REPRESENTATIVE GRUENBERG suggested including that the information for a contractor would likely be in the phone book.

MS. SIROKY related that it would not be a problem to have contractor information available, but she suggested that it be nested in the DOT&PF's database instead of manually added.

REPRESENTATIVE GRUENBERG said he did not want to hold the bill up, but thought the public might appreciate the information.

MS. SIROKY agreed the DOT&PF could include any information can be easily "pulled" into the database.

[1:51:26 PM](#)

CHAIR P. WILSON remarked that contractors may not want people calling them while they are in the midst of working on a project.

REPRESENTATIVE GRUENBERG suggested the DOT&PF consider the concept, with a human contact. He thought it may reduce the public's frustration.

[1:52:16 PM](#)

REPRESENTATIVE JOHANSEN referred to page 1, line 10-11, of HB 261 to the information to be reported. He related his understanding that the DOT&PF undergoes a long process on projects. Projects are reviewed during the Statewide Transportation Improvement Program (STIP) process and are nominated by communities. He stated that the legislature has to approve every appropriation included in the capital budget. He pointed out the list of items in the bill is information already compiled by the department. He further stated that he does not have any problem with HB 261, but objects to the amount of money DOT&PF says they need to accomplish the website enhancements as reflected in the fiscal note. He said he does not want hold the bill up.

MS. SIROKY responded that the fiscal note was written to reflect the requirements in the original version of the bill. That version of the bill had the DOT&PF collecting information not readily available in its databases. The extensive information requested included details for all contracts, planning, design, and historical information.

[1:56:19 PM](#)

REPRESENTATIVE JOHANSEN asked for the reason that the bill even has a fiscal note.

MS. SIROKY explained that the administration's policy is to prepare a fiscal note on bills for the first committee of referral and to update the fiscal note once a committee substitute has been adopted and passes out of the committee.

CHAIR P. WILSON asked whether she could project the DOT&PF's needs to accomplish the website enhancements.

MS. SIROKY answered that the DOT&PF would likely need one person and some initial consulting costs for the first year. She related that the DOT&PF has not done any fiscal note projections yet.

CHAIR P. WILSON agreed most of the information is compiled.

REPRESENTATIVE JOHANSEN expressed frustration that the committee does not know the fiscal impact. He thought the policy slows down the process, noting that members must decide matters without having the full impact. He expressed his frustration with the administration's policy.

[1:59:06 PM](#)

CHAIR P. WILSON recalled that the DOT&PF retains a certain amount of administrative costs and asked whether this bill would increase the administrative project costs.

MS. SIROKY answered no. She stated that the fiscal note will reflect funding for one additional person in the department.

REPRESENTATIVE GRUENBERG agreed with Representative Johansen that he shared the concern on the fiscal note.

[2:00:14 PM](#)

REPRESENTATIVE T. WILSON asked what information is not currently provided.

MS. SIROKY offered that initially, the DOT&PF would create the project schedule and geographic location at the beginning of the project. The DOT&PF would expand on the project's description and project status, pull information from other databases on any appropriations or expenditures. The DOT&PF would also calculate anticipated future funding and determine and input the project phase. The DOT&PF would pull information from the Department of Labor & Workforce Development's (DLWD) database to identify the prime contractor.

REPRESENTATIVE T. WILSON suggested that she does not think the planned information provides enough project information, since it only identifies the contractor. She offered that the bill appears to provide transparency. She expressed concern that all the steps are not listed, including the environmental, right-of-way, and surveying costs that the public should be able to access. She asked if the reason for limiting the details was due to the cost of providing the details.

[2:02:57 PM](#)

MS. SIROKY agreed since that type of detail would require a significant amount of manpower. Some work is performed in-house. The DOT&PF looked at the construction contract as the place that people may be most interested. The DOT&PF reviewed the aspects of the construction process to identify the information people may be interested in, such as who a person would contact for a job.

REPRESENTATIVE T. WILSON related her understanding that this bill is not really about providing information to the public, but is another way for the DLWD to find people to employ in the private sector.

MS. SIROKY reiterated the DOT&PF's interest in providing wide-ranging information to the public. She offered that if the legislature wants more information provided the DOT&PF's interest is to do so. This bill, Version R, represents the easiest way to provide information on projects on a regular basis.

CHAIR P. WILSON imagined that the DOT&PF has a project manager on projects who tracks the expenditures and timetables. She

related she is having difficulty understanding why all the information is not currently contained in one place and the necessity to contact numerous people to obtain it.

MS. SIROKY related her understanding that the DOT&PF can provide the expenditures, but could not easily identify the individual subcontractor's expenses. She offered to meet with the data processing staff. She explained that the DOT&PF reviewed with Representative Keller the items the public is most interested in, not to track the project's expenditures each step of the way.

[2:07:03 PM](#)

CHAIR P. WILSON recapped her understanding that the DOT&PF has different data bases for right-of-way, permitting, and environmental processes until it comes together at the construction phase as a project.

[2:07:57 PM](#)

REPRESENTATIVE T. WILSON maintained that the project manager should have the information compiled.

MS. SIROKY offered that the DOT&PF has a design team for some projects, while other projects are handled in a more streamlined manner. She offered to hold more discussions and provide the information.

REPRESENTATIVE KELLER appreciated the questions. He offered his intent to stay at the "100,000 foot level", but not to hold the DOT&PF accountable for detailed expenditures. He acknowledged the diversity of the information and related the right-of-way procurement may be the biggest cost associated with the project. He explained that posting this information becomes complex. He said that he began the project at the same level as Representative T. Wilson indicated, in terms of wanting details posted. Ultimately, he decided that people could view a map of Matanuska-Susitna Borough, could click on "Trunk Road," and find out when a project was initiated, the budgeted amount, and the projected costs. He related that the website would contain the basics to describe "the big picture." He noted that some numbers are continually changing, such as procurement costs. Property values change from the initiation of a project until the surveying and right-of-way is completed. He explained that it can become complicated since so many issues are involved. Therefore, he said he asked the DOT&PF to keep it simple. The

goal is not to track expenditures for a project, but just to provide some basic construction information on projects.

[2:11:25 PM](#)

REPRESENTATIVE PETERSEN asked whether it is possible to write a program that automatically updates information to avoid manual posting.

REPRESENTATIVE KELLER stated that it is complex since the information is not all available on one screen.

REPRESENTATIVE PETERSEN thought perhaps the technology is available to do so and perhaps investing more initially later may result in cost reductions to the overall website.

CHAIR P. WILSON remarked that state government is "pathetic with this type of thing". Initially, a database program may be a good program, but as technology advances, programming is necessary and the cost to access information is unbelievable. She recalled similar circumstances in the Department of Health and Social Services system.

[2:13:45 PM](#)

REPRESENTATIVE MUNOZ asked whether the "big picture" is currently available on the DOT&PF's website.

MS. SIROKY answered that not all projects are listed. In further response to Representative Munoz, she explained that the DOT&PF provides information on its website on some high profile projects. She related her understanding that the goal of HB 261 is for the DOT&PF to provide a webpage for every construction project that receives an appropriation.

[2:14:56 PM](#)

REPRESENTATIVE MUNOZ recalled the stimulus monies the state recently received. She applauded the DOT&PF's efforts to acquire the funds and manage the projects.

MS. SIROKY, in response to Representative Munoz, offered that the DOT&PF hopes to provide "good solid information" to the public, which she thought would ultimately reduce the DOT&PF's workload. The DOT&PF would like the public to be able to access the information on the website rather than for them to call the office or the engineer to obtain the information.

MS. SIROKY, in response to Representative T. Wilson, offered to discuss the scope of information to provide to the public. She pointed out that until the pre-construction phase is completed that the contractor's name would not be listed. She related that the contractor information would be available once the bid is awarded and the department could look at the cost of posting certain "big chunks" of information.

REPRESENTATIVE T. WILSON thought providing the information "in chunks" could be a great tool, but she would not want the department to spend a lot of money compiling the information.

[2:18:57 PM](#)

REPRESENTATIVE JOHANSEN asked whether the DOT&PF has a public information officer on staff.

MS. SIROKY answered yes.

REPRESENTATIVE JOHANSEN asked how the DOT&PF would track \$30 million designated for a road without a single appropriation source and the allocation.

MS. SIROKY referred to page 1, line 14 to subparagraph (D), which would identify the fund sources of the appropriation. Thus, a fund source would be listed by project. In further response to Representative Johansen, she related that the specific project would identify the fund source. She did not envision that this project would list all fund source changes. In order for a person to track the changes he/she would need to know the initial source of funding, but this bill would identify any funding source that changed on specific projects.

[2:22:57 PM](#)

CHAIR P. WILSON recalled a project that began as the "Alaska BC line" but stalled during the process. She asked whether such a project would be listed on the website.

MS. SIROKY related that this bill would identify projects from the effective date forward, but in the instance a project was in the limbo phase that a balance would be associated with the project. She anticipated that if the funding was used for something else, the funds would decrease.

CHAIR P. WILSON asked whether it would show the funding shifted to another project.

MS. SIROKY offered that this process has not been thought through yet, but it seemed reasonable to assume that reappropriation funds would identify the projects. She was not certain how that would be handled.

[2:24:53 PM](#)

REPRESENTATIVE JOHANSEN referred to page 1, line 6, which read, "When an appropriation has been made to the department for a transportation project..." He remarked that the DOT&PF has large amounts of authorizations for projects so he was unsure if the legislature is going to gain more information in this process.

MS. SIROKY, in response to a question, related that the bill is triggered by an appropriation, not an authorization. In further response to Chair Wilson, said she was not sure the DOT&PF would handle internal preliminary design work performed for projects that it contemplates.

[2:29:01 PM](#)

REPRESENTATIVE JOHANSEN referred to allocations in the state's Capital Improvement Budget (CIB) and asked whether the legislature would be able to identify projects that have been in the planning phase for five years, but never quite get built.

MS. SIROKY hoped this process would identify the information taken during those five years in the planning phase.

REPRESENTATIVE JOHANSEN said he supports the concept for HB 261.

[2:31:06 PM](#)

REPRESENTATIVE T. WILSON asked about road service area funding.

MS. SIROKY said she was unfamiliar with the road service area funds.

REPRESENTATIVE T. WILSON asked if district funds were allocated to road service areas whether the funds would be tracked.

MS. SIROKY asked whether the funds would be part of the state's CIB or if the funds are appropriated not by the DOT&PF but

through Department of Commerce, Community, & Economic Development grants.

REPRESENTATIVE T. WILSON said she was unsure, but said she would check.

[2:32:28 PM](#)

REPRESENTATIVE MUNOZ move moved to report the proposed committee substitute (CS) for HB 261, labeled Version R, 26-LS1129\R, Kane, 3/17/10, out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE T. WILSON objected. She commented that she is interested information on how projects are tracked.

MS. SIROKY agreed that she would provide the information no matter what happens to this bill.

REPRESENTATIVE T. WILSON removed her objection.

[2:33:08 PM](#)

REPRESENTATIVE PETERSEN objected. He remarked that he would like to have someone in DOT&PF check into computer program and modern technology to reduce the manpower needed to provide the website information.

REPRESENTATIVE GRUENBERG remarked that he is interested in having contact information provided on the DOT&PF website.

REPRESENTATIVE PETERSEN removed his objection.

There being no further objections, the CSHB 261(TRA) was reported from the House Transportation Standing Committee.

HB 262-MOTORCYCLE/SCOOTER AWARENESS MONTH

[2:34:08 PM](#)

CHAIR P. WILSON announced that the next order of business would be HOUSE BILL NO. 262, "An Act establishing the month of May as Motorcycle Awareness Month."

[2:34:13 PM](#)

REPRESENTATIVE WES KELLER, Alaska State Legislature, asked his staff to present HB 262.

JIM POUND, Staff, Representative Wes Keller, Alaska State Legislature, on behalf of Representative Wes Keller, prime sponsor of HB 262, explained that HB 262 would make the month of May motorcycle awareness month. He related that many states have adopted the month of May as motorcycle awareness month, primarily since it the month when motorcycles begin the use roadways. It is an awareness campaign aimed as a reminder for automobile and truck drivers to use extra caution. It also has to do with establishing an annual advertising campaign for heightened awareness.

REPRESENTATIVE GRUENBERG offered that he is a strong supporter of the bill. He said he is also a motor scooter fan. He related that visibility is a problem for motorcycles and also for motor scooters and asked if the sponsor would object to expanding the bill to include motor scooters.

MR. POUND said the sponsor would not object.

REPRESENTATIVE JOHANSEN stated that he supports the bill.

REPRESENTATIVE KELLER, in response to Representative Johansen stated that he came to the state on a Harley Davidson motorcycle.

REPRESENTATIVE PETERSEN offered his strong support for HB 262. He thought he had asked to cosponsor the bill. He stated that his brother is a motorcycle rider. He has also lost several friends to motorcycle accidents so he is interested in the safety aspects of HB 262. It is important to make people aware that motorcycles are back on the road.

[2:38:48 PM](#)

MR. POUND, in response to Representative T. Wilson, explained that considerable funding for motorcycle safety is federal funding provided to the Alaska Highway Safety Office (AHSO). He explained that the motorcycle safety courses and the "Learn to Ride" program are provided from the same funds. In further response to Representative T. Wilson, he said he was not sure of the amount of money.

[2:39:45 PM](#)

REPRESENTATIVE MUNOZ offered her support for HB 262. She learned through this bill process that Juneau has the highest per capita motorcycle ownership in the country. She related that one issue the motorcycle drivers expressed concern about was the mandatory headlight law, which may be harmful to motorcycles since motorcyclists currently use headlights. Their concern is "they may be lost in a sea of lights" if a mandatory requirement for headlights passed; that motorists may not notice the motorcycles.

MR. POUND pointed out that most new motorcycles have an automatic headlights ignition switch. He tended to agree that the vehicles that motorcycles tend to disappear a little more. He stated that he cannot argue with the importance to have automobiles visible as well.

[2:41:14 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt Conceptual Amendment 1. He stated that in every place motorcycle appears in the bill, including lines 1, 4, 5, 8, and 9 to add the phrase "motor scooter". There being no objection, Conceptual Amendment 1 was adopted.

[2:42:38 PM](#)

DAN MCCRUMMEN, Alaska Bikers Advocating Training and Education (ABATE), stated that ABATE, consists of about 90 members who provide training to promote safe driving. He pointed out that nationwide May is awareness month. In Alaska, the ABATE organization promotes safe motorcycling and to reminds drivers motorcycles are on the roadway. He urged members to pass HB 262.

[2:43:38 PM](#)

BOYD MCPHIEL, Legislative Affairs Coordinator, Alaska Bikers Advocating Training and Education (ABATE), urged the committee to pass the bill. He has worked for 20 years on proclamations to raise awareness to vehicles that motorcycles are on the road in greater numbers. He supported adding motor scooters since they do apply. He invited Representative Gruenberg and other members to partake in one of the rider education courses ABATE sponsors.

[2:45:36 PM](#)

CHAIR P. WILSON, after first determining no one else wished to testify, closed public testimony on HB 262.

REPRESENTATIVE PETERSEN moved to report CSHB 262(TRA) out of committee with individual recommendations and the accompanying fiscal note. There being no objection, CSHB 262(TRA) was reported from the House Transportation Standing Committee.

[2:46:35 PM](#)

The committee took an at-ease from 2:46 p.m. to 2:47 p.m.

[2:47:21 PM](#)

HB 257-BAN CELL PHONE USE WHEN DRIVING

CHAIR P. WILSON announced that the final 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."

[2:47:57 PM](#)

CHAIR P. WILSON explained that HB 257 has had two prior hearings and four amendments have previously been adopted. Amendment 1 changed the bill to apply only to hand-held devices. Amendment 2 added an effective date clause. Amendment 3 defined emergency use and Amendment 4 made use of a cell phone while driving a vehicle a secondary offense. Members previously asked for time to review the studies in members' packets.

[2:48:26 PM](#)

REPRESENTATIVE MUNOZ moved to adopt the proposed committee substitute (CS) for HB 257, labeled 26-LS1104\S, Luckhaupt, 3/18/10 as the working document.

REPRESENTATIVE T. WILSON objected for the purpose of discussion.

[2:49:16 PM](#)

REPRESENTATIVE GRUENBERG noted that Amendment 2 deleted the effective date. He referred to the language for Amendment 2, labeled, 26-LS 1104\E.2, Luckhaupt, 2/19/10, which read:

Page 1, line 2:
Delete "; and providing for an effective date"

Page 1, line 13:
Delete all material.

2:49:47 PM

REPRESENTATIVE T. WILSON related that one of the prior questions asked how many cell phones are currently used by the DOT&PF and the impact this bill would have on the department. She noted that the fiscal note does not show the fiscal effect on government.

CHARLES BOYLE, Staff, Representative Mike Doogan, Alaska State Legislature, stated that the bill has a zero fiscal note from the Department of Law, which is the only fiscal note received on the bill.

2:50:27 PM

REPRESENTATIVE T. WILSON asked for the impact and the frequency of use that cell phones are used in vehicles on a daily basis. She further asked if the phones would not be used any longer what kind of impact it would have on the DOT&PF.

MR. BOYLE explained that with the hands-free provision in the bill, people can use cell phones while driving, but would need a hands-free device to do so.

2:51:07 PM

REPRESENTATIVE MUNOZ asked whether the trucking industry supports the bill with the hands-free provision that was added to the bill.

MR. BOYLE stated that he has not spoken to the trucking industry since the last amendment to the bill was passed. He offered his belief that they just wanted to be able to cell phones and the hands-free exception would allow cell phone use. He stated that many companies are moving towards a ban on personal cell phone use.

2:51:48 PM

REPRESENTATIVE T. WILSON asked for the reason that existing statutes on distraction do not cover these types of things.

MR. BOYLE offered since HB 257 designates cell phone use as a secondary offense, that police officers would not stop

individuals for cell phone use. In the event that a driver commits a primary offense, such as runs a red light while talking on a cell phone, the person could be cited. He stated that the bill is more specific to distraction for cell phone use.

[2:52:20 PM](#)

REPRESENTATIVE MUNOZ asked whether the typical communication on the "Haul Road" is by cell phone.

MR. BOYLE recalled the Alaska Trucking Association previously indicated that truck drivers usually use radios since the cell phone reception is "spotty" on the "Haul Road."

[2:52:41 PM](#)

REPRESENTATIVE JOHANSEN asked for clarification on the fiscal note.

MR. BOYLE responded that the only fiscal note is a zero fiscal note from the Department of Law.

[2:53:08 PM](#)

CHAIR P. WILSON stated that she would like to pass this bill out. She offered to hold it to check on a DOT&PF fiscal note.

REPRESENTATIVE GRUENBERG pointed out that the bill has a referral to the House Judiciary Standing Committee. He offered to ensure that the fiscal note from the DOT&PF would be considered.

[2:53:58 PM](#)

REPRESENTATIVE PETERSEN expressed concern that a citizen's band (CB) radio might be defined as a cell phone. He recalled the Alaska Trucking Association suggested excluding "push to talk" radios, which are often used in areas such as the Dalton Highway since that area does not have cell phone towers. Perhaps the next committee of referral could consider this.

REPRESENTATIVE GRUENBERG agreed.

[2:54:34 PM](#)

REPRESENTATIVE T. WILSON offered that she does not feel comfortable without knowing the facts. She stated she would like to know the impact on government. She offered her belief that the bill impacts government.

CHAIR P. WILSON related that if a fiscal note is added to the bill that it would automatically have a referral to the House Finance Committee.

REPRESENTATIVE T. WILSON said she thought the committee should look at the bill "as a whole."

CHAIR P. WILSON stated that she believes that the House Transportation Standing Committee is a policy committee. While the committee does look at the fiscal impact, the primary emphasis is on policy. She indicated her intent to move the bill.

REPRESENTATIVE T. WILSON suggested that this is a policy call since the bill would affect not only the fiscal impact, but communication throughout the agencies that currently use cell phones.

REPRESENTATIVE JOHANSEN said he thought that the jurisdiction on the fiscal note is the House Finance Committee as well as the House Judiciary Standing Committee, since the courts fall under its purview. He said he felt comfortable moving the bill out of committee. He asked about the comments made about the Alaska Trucking Association. He asked whether the comments were based on testimony.

CHAIR P. WILSON commented that members should have a letter in their packet.

REPRESENTATIVE PETERSEN related that he is not representing the Alaska Trucking Association. He recalled receiving a memo from the organization so he brought their comments to the attention of the committee.

[2:58:00 PM](#)

REPRESENTATIVE GRUENBERG, in response to Chair Wilson, related that the memo referred to was from Aves Thompson, Alaska Trucking Association to Cindy Cashen, Alaska Highway Safety Office (AHSO). He reiterated their suggestion that perhaps language on a "push to talk" device could clarify the allowable use of such devices, especially along the Dalton Highway. He

offered to bring the matter to the attention of the House Judiciary Standing Committee since he is a member of the committee.

REPRESENTATIVE JOHANSEN, in response to Representative Gruenberg, explained that he relies on the committee process to provide the fiscal impact. He maintained that if a bill has a fiscal impact to an agency, the bill will receive a House Finance Committee referral. He pointed out that the process works.

[2:59:26 PM](#)

REPRESENTATIVE GRUENBERG offered to work with the sponsor and Mr. Thompson on the bill.

[2:59:56 PM](#)

REPRESENTATIVE T. WILSON removed her objection.

REPRESENTATIVE MUNOZ moved to report the proposed committee substitute (CS) HB 257 labeled 26-LS1104\S out of committee with individual recommendations and the accompanying fiscal note from the Department of Law.

REPRESENTATIVE T. WILSON objected. She said she believed that there are laws on distraction. This is just another way government intrudes and will not result in any safer drivers.

REPRESENTATIVE GRUENBERG related that to "deal with the infraction for distraction" requires proof of distraction. This bill would make it against the law to use the hand held cell phone and will not require proof to show the person was distracted. He related it is very difficult to prove distraction and HB 257 would make it clear that it is against the state's policy while using a hand held phone. He said he hoped the committee would move the bill.

REPRESENTATIVE T. WILSON maintained her objection. She stated that she read all of the information presented on states with bans on cell phones. She said she was not convinced people would be safer if the bill passed.

REPRESENTATIVE JOHANSEN supported moving the bill along although he did not support the bill's concept.

[3:03:07 PM](#)

A roll call vote was taken. Representatives Johansen, Munoz, Petersen, Gruenberg, and P. Wilson voted in favor of reporting HB 257, labeled 26-LS1104\S, Luckhaupt, 3/18/10 from committee. Representatives T. Wilson voted against it.

Therefore, CSHB 257(TRA) was reported out of the House Transportation Standing Committee by a vote of 5-1.

CHAIR P. WILSON announced that the CSHB 257(TRA) was reported out of the House Transportation Standing Committee.

[3:04:25 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 3:04 p.m.