

ALASKA STATE LEGISLATURE
SENATE TRANSPORTATION STANDING COMMITTEE

February 10, 2009

1:04 p.m.

MEMBERS PRESENT

Senator Albert Kookesh, Chair
Senator Linda Menard, Vice Chair
Senator Bettye Davis
Senator Kevin Meyer
Senator Joe Paskvan

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 25

"An Act naming the South Mitkof Island ferry terminal the Richard 'Dewey' Duvall Ferry Terminal."

MOVED SB 25 OUT OF COMMITTEE

SENATE BILL NO. 72

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

MOVED SB 72 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 25

SHORT TITLE: RICHARD DEWEY DUVAL FERRY TERMINAL

SPONSOR(S): SENATOR(S) STEDMAN

01/21/09	(S)	PREFILE RELEASED 1/9/09
01/21/09	(S)	READ THE FIRST TIME - REFERRALS
01/21/09	(S)	TRA, FIN
02/10/09	(S)	TRA AT 1:00 PM BUTROVICH 205

BILL: SB 72

SHORT TITLE: CHILD SAFETY SEATS & SEAT BELTS

SPONSOR(S): SENATOR(S) FRENCH

01/21/09	(S)	READ THE FIRST TIME - REFERRALS
01/21/09	(S)	TRA, STA
02/10/09	(S)	TRA AT 1:00 PM BUTROVICH 205

WITNESS REGISTER

WESTON EILER, Staff
to Senator Bert Stedman
Alaska State Legislature
Juneau, AK
POSITION STATEMENT: Presented SB 25.

AL DWYER, Mayor
Petersburg, AK
POSITION STATEMENT: Spoke in support of SB 25.

SENATOR HOLLIS FRENCH
Alaska State Legislature
Juneau, AK
POSITION STATEMENT: Presented SB 72.

NANCY BARROS
Emergency Medical Services Program
Department of Health and Social Services (DHSS)
Juneau, AK
POSITION STATEMENT: Spoke in support of SB 72.

CINDY CASHEN, Administrator
Alaska Highway Safety Office
Department of Transportation and Public Facilities
Juneau, AK
POSITION STATEMENT: Spoke in support of SB 72.

JON COOK, Legislative Director
Alaska Auto Dealers Association
Anchorage, AK
POSITION STATEMENT: Spoke in support of SB 72.

MARGARET HAYASHI, Retired Nurse
Anchorage, AK
POSITION STATEMENT: Spoke in support of SB 72.

GORDON GLASER
Injury Prevention and Emergency Medical Services
Department of Health and Social Services (DHSS)
Anchorage, AK
POSITION STATEMENT: Spoke in support of SB 72.

JODYNE BUTTO, Pediatrician and President
Alaska Chapter
American Academy of Pediatrics

Anchorage, AK

POSITION STATEMENT: Spoke in support of SB 72.

JANICE TOWER

Alaska Chapter

American Academy of Pediatrics

Anchorage, AK

POSITION STATEMENT: Spoke in support of SB 72.

JILL HODGES, Director

Alaska Brain Injury Network

Anchorage, AK

POSITION STATEMENT: Spoke in support of SB 72.

ACTION NARRATIVE

[1:04:01 PM](#)

CHAIR ALBERT KOOKESH called the Senate Transportation Standing Committee meeting to order at 1:04 p.m. Senators Davis, Meyer, Menard, and Kookesh were present at the call to order.

SB 25-RICHARD DEWEY DUVALL FERRY TERMINAL

[1:04:15 PM](#)

CHAIR KOOKESH announced the consideration of SB 25.

WESTON EILER, Staff to Senator Bert Stedman, Alaska State Legislature, said SB 25 would honor Richard Dewey Duvall, who was a proponent of marine transportation in Southeast Alaska and a long-time resident of Petersburg. Under AS 35.40.015 the state may name public works through an act of the Legislature. This authority has been used about 40 times, including the Terry Miller Legislative Office building. This bill will name the south Mitkof Island ferry terminal after Mr. Duvall, who was an engineer who promoted improving transportation in southern Southeast Alaska. He was a founding board member of the Inter-Island Ferry Authority (IFA). He was instrumental in the construction of the terminal and served as its first ticket agent. The bill will recognize his contributions and dedication. Both IFA and the City of Petersburg support SB 25.

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CHAIR KOOKESH said the south and north terminals of the system are not part of the Alaska Marine Highway.

MR. EILER said the IFA is a small authority that operates two vessels. The terminal is south of Petersburg on Mitkof Island.

The IFA has routes along the coast of Prince of Wales Island, Wrangell, and Petersburg. One vessel is now filling in for the state ferry Lituya [that went recently aground].

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AL DWYER, Mayor, Petersburg, Alaska said the previous speaker said everything he wanted to say. He added that the city passed a resolution in October, 2008, with the same comments. He thanked the committee and Senator Stedman.

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CHAIR KOOKESH asked about the relationship the ferry terminal has with the state since the IFA owns its own ships.

MR. EILER said the terminal itself was constructed largely with federal funds, but it is owned by the state and used by the IFA.

SENATOR DAVIS moved to report SB 25 from committee with individual recommendations and attached fiscal note(s). There being no objection, the bill moved out of committee.

The committee took a brief at ease at 1:09:51 PM.

SB 72-CHILD SAFETY SEATS & SEAT BELTS

CHAIR KOOKESH announced the consideration of SB 72.

SENATOR HOLLIS FRENCH, Alaska State Legislature, Juneau, said he is the sponsor of SB 72.

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SENATOR FRENCH said of the 61 children under the age of 8 injured in auto accidents in Alaska between 2001 and 2005, only 5 were properly restrained under federal standards. Nearly two thirds of those 61 children were between the ages of 4 and 8. They were too large for a car seat and too small for a seatbelt. Current Alaska law requires the use of proper safety devices for children under the age of 16. The National Highway Safety Traffic Administration recommends that children under 80 pounds and under 57 inches use a child's safety seat or a belt-positioning booster seat. SB 72 will put those recommendations in statute, clarifying for law enforcement officials what is required. All safety devices must meet or exceed federal standards. As of September 2008, 43 other states mandate booster seats. While any restraint is better than none, national studies have shown that booster seats are 60 percent safer than safety belts alone. The cost of a booster seat is between \$25 and \$100.

By passing this legislation, Alaska becomes eligible for about \$200,000 in federal highway safety funds.

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CHAIR KOOKESH said there was a seat belt bill a few years ago that he objected to because of towns like Beaver that have only a mile of road and one or two vehicles, "and I've heard stories of a state trooper going to that individual and giving him a ticket for not wearing a seat belt when he's going four to five miles per hour." He likes the idea of getting \$200,000, but he doesn't like having laws like that in rural Alaska, where they just don't fit.

SENATOR FRENCH said he would promote a statewide standard for all Alaskans. There are laws that have exemptions for rural Alaskans, like the one for ignition interlocks. If a person gets a ticket under this bill, he or she only needs to buy a \$20 booster seat to cancel the ticket.

1:16:10 PM

CHAIR KOOKESH said he doesn't want it to cover all of rural Alaska. He represents 96 rural communities and most are considered off-road.

SENATOR FRENCH said this bill will apply to the roads and highways of the state. If there are places that don't fall under that definition, it won't apply. The bill is in your hands.

CHAIR KOOKESH said he doesn't see that exception. He doesn't want to hurt the constituents that he represents.

1:17:04 PM

SENATOR MEYER said it looks like these seats cost between \$25 and \$100. Bike helmets are given to people who can't afford them, and he asked if that will be the case for booster seats.

SENATOR FRENCH said he doesn't know, but the seats are little plastic buckets about the size of a phone book that simply lift a child high enough to make the seat belt function. They are less than \$30. If a person can afford a car and insurance, this little investment for a child's safety is appropriate.

SENATOR MEYER said about 30 to 35 percent of people cannot afford insurance. There will be people who want to spend that \$30 elsewhere or think that their kid is big enough at 60 pounds. He thinks there will be some group to help low income people purchase the seats.

SENATOR FRENCH said there are activists in the state promoting this idea, and they that can address that.

[1:19:05 PM](#)

SENATOR MENARD applauded the senator for the bill, and if it passes, groups like rotary clubs will likely help.

CHAIR KOOKESH said off-road vehicles are not required to have insurance.

SENATOR FRENCH said there is an exception to seat belt use, which will apply to this bill. The exception includes operators or passengers of motorcycles, off-highway vehicles, snowmobiles, and others vehicles that are not to be driven on the highway.

CHAIR KOOKESH said he knew that and wanted Senator French, as the sponsor of the bill, to say it on the record.

[1:20:32 PM](#)

NANCY BARROS, Department of Emergency Medical Services, Department of Health and Social Services (DHSS), Juneau, said DHSS supports SB 72. Motor vehicle-related injuries are the leading cause of death in the United State for children between the ages of 2 and 14. In Alaska, they are the second highest cause of hospitalizations for children under the age of 14. In 2006, 7 children were severely injured in Alaska motor vehicle crashes. From 2002 to 2006, 63 children have been injured. Children who are restrained in booster seats are 59 percent less likely to be injured than children using only a lap belt. Voluntary seat belt inspection stations found that 85 percent of children are improperly restrained, and one third of the children under the age of 14 use the wrong restraint. More than 85 percent of the children hospitalized were improperly restrained with a lap belt-shoulder harness only, or they were not restrained at all. The current statute is confusing about specific standards for age and weight-based restraints. This bill is designed to eliminate confusion about which restraints are appropriate.

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CINDY CASHEN, Administrator, Alaska Highway Safety Office, Department of Transportation and Public Facilities (DOTPF), Juneau, said her office is responsible for administering federal funding to effective data-driven driver behavior programs that save lives and reduce injuries. It would be her office that would apply for the funding if this bill passed. According to

the U.S. Department of Transportation's chief council, this bill would make Alaska eligible for \$194,000 in this federal fiscal year. It would be the last year of funding. Booster seat use is mandated in 43 other states. Her office currently funds the Child Booster Seat Program in Alaska. It is operated by hospitals, fire departments, and police stations at a local level. It is a very effective program. She looks forward to its annual reports because it does a great job getting out to the communities and educating parents and others. The program not only shows people how to put in a safety seat, but it also provides them, especially to low income families. It is one of the strongest grassroots organizations she has ever worked with. With these funds, up to 50 percent of the grant would have to be used for purchasing and distributing child safety seats to low income families. Currently there aren't enough funds for the rural areas. "We're pretty strong in Fairbanks and Anchorage and Mat-Su; not so much in Juneau." In the rural areas it is pretty much nonexistent, except where local hospitals have access. So, Alaska really needs these funds. The remaining amounts would be used for training child passenger safety professionals, including police and fire personnel and parents.

[1:26:08 PM](#)

MS. CASHEN said the vast majority of people with children in their cars need the training to install the seats. The seats are hard to put in.

SENATOR MENARD asked if they are as difficult to take out.

MS. CASHEN said one needs to kneel on them to make sure the harness is secure, but taking them out is easy.

[1:27:49 PM](#)

JON COOK, Legislative Director, Alaska Auto Dealers Association, Anchorage, said his group supports SB 72. The bill has remained unchanged from last year. Current statute is vague and confusing. It just says to comply with U.S. Department of Transportation guidelines and leaves a lot of guess work for parents and law enforcement. But SB 72 lays it out clearly for everyone. There have been tremendous advances in auto safety systems, but you don't want children to be in the wrong sized system. Airbags have tremendous force and can cause serious harm if a child is not in the correct restraint.

[1:29:38 PM](#)

SENATOR PASKVAN asked if the bill will specify current safety standards in Alaska statutes.

MR. COOK said yes.

1:30:02 PM

MARGARET HAYASHI, Retired Nurse, Anchorage, said she has been an emergency nurse in three major trauma centers. She was also the statewide Childhood Injury Prevention coordinator. She has been an instructor since 1987. The 1985 law is very confusing to parents. This doesn't change the law, it just clarifies it. There have been tragic misunderstandings by parents thinking that children could come out of car seats at the age of four. "We did submit this bill last year, and it remains unchanged." Since then, Alaska has lost a 7-year-old who should have been in a booster seat. A parent did not understand the issue. She works with programs throughout the state and is now in Mat-Su working with the fire department, which will be instituting a child passenger program where people can come and have their car seats checked. Low income families get car seats free or at a reduced price. Booster seats can be \$17. "This is simply a clarification of a law that we put forth in 1985, making it so much easier for parents." She has seen parents saying, "If only I had known." It is difficult for emergency staff and certainly the families losing the child. She sees the need for education statewide.

1:33:12 PM

GORDON GLASER, Injury Prevention and Emergency Medical Services, Department of Health and Social Services, Anchorage, said that the earlier testimony of 63 people injured between 2002 to 2006 refers to people who were hospitalized severely enough, and only 9 were in child seats and some of them were not in correctly. That number doesn't represent the number of fatalities. In 2006 there were 5 fatalities of children under 9, and 4 of the 5 were of booster seat age. The program has been effective for infants leaving the hospital, but as they get older it becomes more difficult. His group has been providing training and booster distribution. Kenai has been on the cutting edge of getting programs in that area. Through Safe Kids programs and the Office of Highway Safety, "we provide over 1,000 car seats and boosters throughout the state ... on a sliding scale to families who cannot afford it." This bill will expand that program.

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JODYNE BUTTO, Pediatrician and President, Alaska Chapter, American Academy of Pediatrics, Anchorage, said the group has been in favor of this bill for a couple of years. Alaska is one of only 8 states that don't require booster seats. There are fewer roads, but they need to be safe for children. This bill is

a clarification to help parents, grandparents, and law enforcement to ensure that children are properly restrained. The Academy has worked hard in other states to promote this.

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JANICE TOWER, Alaska Chapter, American Academy of Pediatrics, Anchorage, said she is delighted that Dr. Butto spoke on behalf of the 83 members of the chapter. It is a very welcomed piece of legislation. She hopes that the third year is the charm. The bill will assist many pediatricians in helping parents learn how to properly restrain their children.

JILL HODGES, Director, Alaska Brain Injury Network, Anchorage, expressed the Network's support for SB 72. Proper seat restraints prevent brain injuries. Brain injury is a silent epidemic in Alaska. Last year 800 Alaskans were hospitalized with a traumatic brain injury, which is a jolt or blow to the head. Some heal and some have lifelong challenges. Since the primary seat belt law in 2001, traumatic brain injury rates due to motor vehicle accidents have decreased 38 percent. The Center for Disease Control and Prevention recommends buckling children in appropriate safety seats. Children need healthy bodies and brains to be successful socially and in school. There will be more healthy brains in Alaska with the passage of SB 72.

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SENATOR MENARD moved to report SB 72 from committee with individual recommendations and attached fiscal note(s). There being no objection, SB 72 moved out of committee.

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CHAIR KOOKESH adjourned the meeting at 1:41 p.m.