

ALASKA STATE LEGISLATURE
SENATE TRANSPORTATION STANDING COMMITTEE

March 3, 2009

1:00 p.m.

MEMBERS PRESENT

Senator Albert Kookesh, Chair
Senator Bettye Davis
Senator Kevin Meyer
Senator Joe Paskvan

MEMBERS ABSENT

Senator Linda Menard, Vice Chair

COMMITTEE CALENDAR

HOUSE BILL NO. 100

"An Act relating to the Joseph C. Williams, Sr., Coastal Trail."

MOVED HB 100 OUT OF COMMITTEE

SENATE BILL NO. 73

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

MOVED SB 73 OUT OF COMMITTEE

SENATE BILL NO. 59

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

MOVED CSSB 59(TRA) OUT OF COMMITTEE

SENATE BILL NO. 51

"An Act relating to the installation of window tinting in automobiles."

MOVED CSSB 51(TRA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 100

SHORT TITLE: JOSEPH C WILLIAMS, SR., COASTAL TRAIL

SPONSOR(S): REPRESENTATIVE(S) JOHANSEN

01/30/09	(H)	READ THE FIRST TIME - REFERRALS
01/30/09	(H)	TRA
02/10/09	(H)	TRA AT 1:00 PM CAPITOL 17
02/10/09	(H)	Moved Out of Committee
02/10/09	(H)	MINUTE(TRA)

02/11/09 (H) TRA RPT 6DP
02/11/09 (H) DP: JOHANSEN, MUNOZ, GRUENBERG,
JOHNSON, DOOGAN, WILSON
02/13/09 (H) TRANSMITTED TO (S)
02/13/09 (H) VERSION: HB 100
02/17/09 (S) READ THE FIRST TIME - REFERRALS
02/17/09 (S) TRA
03/03/09 (S) TRA AT 1:00 PM BUTROVICH 205

BILL: SB 73

SHORT TITLE: USE OF HEADLIGHTS REQUIRED

SPONSOR(S): SENATOR(S) MENARD

01/22/09 (S) READ THE FIRST TIME - REFERRALS
01/22/09 (S) TRA, JUD
03/03/09 (S) TRA AT 1:00 PM BUTROVICH 205

BILL: SB 59

SHORT TITLE: LOW- SPEED MOTOR VEHICLES

SPONSOR(S): SENATOR(S) STEDMAN

01/21/09 (S) PREFILE RELEASED 1/16/09
01/21/09 (S) READ THE FIRST TIME - REFERRALS
01/21/09 (S) TRA, JUD
02/17/09 (S) TRA AT 1:00 PM BUTROVICH 205
02/17/09 (S) Heard & Held
02/17/09 (S) MINUTE(TRA)
02/24/09 (S) TRA AT 1:00 PM BUTROVICH 205
02/24/09 (S) Heard & Held
02/24/09 (S) MINUTE(TRA)
03/03/09 (S) TRA AT 1:00 PM BUTROVICH 205

BILL: SB 51

SHORT TITLE: MOTOR VEHICLE WINDOW TINTING

SPONSOR(S): SENATOR(S) FRENCH

01/21/09 (S) PREFILE RELEASED 1/9/09
01/21/09 (S) READ THE FIRST TIME - REFERRALS
01/21/09 (S) TRA, JUD
02/24/09 (S) TRA AT 1:00 PM BUTROVICH 205
02/24/09 (S) Heard & Held
02/24/09 (S) MINUTE(TRA)
03/03/09 (S) TRA AT 1:00 PM BUTROVICH 205

WITNESS REGISTER

DAVID SCOTT, Staff

to Representative Kyle Johansen
Alaska Capitol Building
Juneau AK

POSITION STATEMENT: Introduced HB 100 on behalf of the sponsor.

MICHAEL ROVIDO, Staff
to Senator Menard
Alaska Capitol Building
Juneau AK

POSITION STATEMENT: Introduced SB 73 on behalf of the sponsor.

RODNEY DIAL, Lieutenant
Department of Public Safety
Ketchikan AK

POSITION STATEMENT: Answered questions related to SB 73 and provided information on SB 51.

CINDY CASHEN, Administrator
Alaska Highway Safety Office
Department of Transportation &
Public Facilities
Juneau AK

POSITION STATEMENT: Spoke in support of SB 73.

KURT SMITH, Traffic and Safety Engineer
Department of Transportation
and Public Facilities
Juneau AK

POSITION STATEMENT: Talked about the signing requirements for SB 73.

WESTON EILER, Staff
to Senator Stedman
Alaska Capitol Building
Juneau AK

POSITION STATEMENT: Provided information on SB 59 on behalf of the sponsor.

ROGER HEALY, Chief Engineer
Department of Transportation and Public Facilities
Juneau AK

POSITION STATEMENT: Stated support for SB 59 on behalf of DOTPF.

GERALD HERBRANDSON, representing himself
Petersburg AK

POSITION STATEMENT: Stated support for SB 59.

MEGAN PASTERNAK, representing herself
Sitka AK

POSITION STATEMENT: Stated support for SB 59.

ANDREW TONES, Executive Director
Sitka Conservation Society
Sitka AK

POSITION STATEMENT: Stated support for SB 59.

SENATOR HOLLIS FRENCH
Alaska State Legislature
Juneau AK

POSITION STATEMENT: Sponsor of SB 51.

ANDY MODEROW, Staff
to Senator French
Alaska Capitol Building
Juneau AK

POSITION STATEMENT: Provided information on SB 51 on behalf of the sponsor.

STEVE VINCENT, General Manager
Auto Trim Design
Fairbanks AK

POSITION STATEMENT: Spoke in opposition to SB 51 as written.

BOB BOSWOOD, President and CEO
Auto Trend Design
Fairbanks,

POSITION STATEMENT: Suggested the committee amend SB 51.

ACTION NARRATIVE

[1:00:07 PM](#)

CHAIR ALBERT KOOKESH called the Senate Transportation Standing Committee meeting to order at 1:00 p.m. Present at the call to order were Senators Davis, Paskvan, and Kookesh. Senator Meyer arrived soon thereafter.

HB 100-JOSEPH C WILLIAMS, SR., COASTAL TRAIL

CHAIR KOOKESH announced the consideration of HB 100.

[1:00:53 PM](#)

DAVID SCOTT, Staff to Representative Kyle Johansen explained that a trail between Ketchikan and Saxman was named the Joseph

C. Williams, Sr. Coastal Trail. The trail was subsequently extended to Mountain Point, but under current statute the name extends only as far as Saxman. HB 100 deletes that language and renames the entire trail the Joseph C. Williams, Sr. Coastal Trail. There is a zero fiscal note and letters of support from various interested entities in the packet.

[1:01:48 PM](#)

CHAIR KOOKESH closed public testimony and asked the will of the committee.

SENATOR DAVIS moved to report HB 100 from committee with individual recommendations and attached fiscal note(s). There being no objection, HB 100 moved from the Senate Transportation Standing Committee.

At-ease from 1:02:18 PM to 1:03:10 PM.

SB 73-USE OF HEADLIGHTS REQUIRED

CHAIR KOOKESH announced the consideration of SB 73.

[1:03:19 PM](#)

MICHAEL ROVIDO, Staff to Senator Menard, said SB 73 will require the use of headlights at all times for motor vehicles that are operating on Alaska roads. The motivation for the bill is to increase safety on roads in Alaska.

[1:04:19 PM](#)

SENATOR MEYER joined the committee.

The Alaska Strategic Highway Safety Plan also recommends changing state law to require headlights to be switched on at all times. Norway and Sweden, which have conditions similar to Alaska, have headlight laws in effect and collisions have decreased. The sponsor hopes that Alaska will see similar reductions.

SENATOR PASKVAN asked if the definition of highway means something other than roadway.

MR. ROVIDO explained that according to legislative legal, the term "highway" is defined to encompass all public roadways in Alaska.

CHAIR KOOKESH asked what the penalty would be for driving with your headlights turned off.

MR. ROVIDO deferred the question to Lieutenant Dial.

RODNEY DIAL, Lieutenant, Department of Public Safety, said there is a statute that requires the use of headlights at all times on certain roads that are so posted. The penalty for failing to use your headlights on those roads is \$50 and two points.

SENATOR PASKVAN asked the penalty range for the infraction.

LIEUTENANT DIAL replied the fine is set at \$50. The court can reduce the fine but it won't exceed \$50.

CHAIR KOOKESH asked if normal practice is to first issue a warning.

LIEUTENANT DIAL said it's a low-level infraction and normal practice is to stop the driver and remind him or her of the headlight requirement.

[1:07:34 PM](#)

SENATOR PASKVAN commented that he thinks that driving with vehicle lights turned on is highly prudent.

LIEUTENANT DIAL agreed; DPS has a long-standing policy requiring the use of headlights at all times. Responding to a question from the Chair, he said the department supports the bill.

CINDY CASHEN, Administrator, Alaska Highway Safety Office, confirmed that the use of headlights at all times is one of the projects listed in the Strategic Highway Safety Plan. It's on the list because about 15 people in Alaska die every year in head-on collisions. National data indicates that enforcing a headlights-on law could eliminate between 7 and 15 percent of these crashes. It's estimated that one life would be saved in the first year following implementation so the effect would be immediate.

Fulltime use of headlights is already required on the Seward Highway and most people comply. Countries in the northern hemisphere require headlights at all times because long twilight periods and low sun angles produce shadows and make it difficult to see vehicles. Nearly all the published reports indicate that using headlights during the daytime reduces multiple vehicle crashes. A 1985 U.S. study determined that commercial fleet passenger vehicles that used headlights during the daytime were involved in 7 percent fewer daytime multiple vehicle crashes

than similar vehicles that didn't use headlights. This is significant for Alaska because of the size of its commercial fleet.

1:11:07 PM

KURT SMITH, Traffic and Safety Engineer, Department of Transportation & Public Facilities, said DOTPF would post signs about required headlight use at points of entry, boarder crossings, ferry terminals and airports. The zero fiscal note will change to reflect the cost of that signage.

CHAIR KOOKESH asked if the new fiscal note would be ready when the bill is heard in the next committee of referral.

MR. SMITH said yes.

SENATOR PASKVAN noted that the Strategic Highway Safety Plan mentions 10 signs at an estimated cost of \$10,000.

MR. SMITH said he believes it will be substantially more than that.

CHAIR KOOKESH again asked for assurance that the new fiscal note would be available when the bill is heard by the judiciary committee.

1:13:00 PM

SENATOR MEYER suggested that the fiscal impact may be positive since fines aren't currently collected and they will be in the future. "That may more than offset the cost of the signs," he said. When someone is pulled over for not having their lights turned on, they could receive a \$50 fine plus fines for other offenses such as no child car seat or texting. It brings up the point that people need to use common sense when they drive and this will be a reminder.

CHAIR KOOKESH asked if the department supports the bill.

MR. SMITH said yes.

1:14:18 PM

CHAIR KOOKESH closed public testimony and asked for the will of the committee. He restated that he is willing to move the bill with the promise that the DOTPF fiscal note will be available for the judiciary committee. It will also have a finance referral.

SENATOR MEYER moved to report SB 73 from committee with individual recommendations and forthcoming fiscal note(s). There being no objection, SB 73 moved from the Senate Transportation Standing Committee.

At ease at 1:15:15 PM.

SB 59 - LOW-SPEED MOTOR VEHICLES

[1:16:17 PM](#)

CHAIR KOOKESH announced the consideration of SB 59 and asked for motion to adopt the committee substitute (CS).

SENATOR PASKVAN moved to adopt CS for SB 59, labeled 26-LS0280\T, as the working document before the committee.

[1:16:57 PM](#)

WESTON EILER, Staff to Senator Stedman, explained the CS incorporates the comments and concerns raised by the committee and the Department of Transportation and Public Facilities. Specifically, the bill now limits the expansion of low-speed vehicles to municipalities with populations of less than 25,000 people and they may not be connected by major arteries and highways to Anchorage or Fairbanks. Safety concerns that were raised have been addressed as well as concerns about traffic density. The bill will still allow small communities to expand and have sustainable transportation with low-speed vehicles including areas of the unorganized borough that are off the road system.

CHAIR KOOKESH asked if the administration has further problems with the bill.

MR. EILER replied they worked with DOTPF and incorporated their concerns so there is agreement.

[1:18:50 PM](#)

ROGER HEALY, Chief Engineer, Department of Transportation and Public Facilities, said, "The department is in support of the scope and intent of this bill." They are always concerned with vehicles that travel at different speeds but recognize that rights of way have to accommodate a number of uses. "This is one we're willing to support," he said.

[1:19:39 PM](#)

GERALD HERBRANDSON, representing himself, Petersburg, said he has an alternative energy company and he has sold 9 low-speed vehicles in the community. He supports the draft CS but would

recommend that the state make a positive statement about low-speed vehicles and energy conservation and allow the use in all communities of 25,000 population or less, unless the community chooses to exempt itself.

CHAIR KOOKESH noted that a representative from the Division of Motor Vehicles is online to answer questions.

[1:21:20 PM](#)

MEGAN PASTERNAK, representing herself, Sitka, thanked the sponsor and his staff for their work on the bill and the committee for holding a hearing. She has been a low-speed electric vehicle owner and driver for more than a year. Besides the 12 known low-speed vehicles in Southeast Alaska, there are also 2 in Kodiak and possibly more throughout the state. SB 59 is about more than just cheap transportation; it is a much needed step to help eliminate pollution and protect the environment. This will encourage others to buy and use low-speed vehicles. She is a very conscientious driver and is sure other low-speed vehicle drivers are similarly conscientious. Her understanding of why they are safe is that they are lightweight and "when involved in a crash they tend to bounce away rather than take the full impact force."

[1:23:41 PM](#)

ANDREW TONES, Executive Director, Sitka Conservation Society, said the 700 conservation members in Sitka have expressed considerable interest in being able to use electric vehicles in town. A number of Sitkans have either bought electric vehicles or converted their cars from gas-powered to electric. The National Park Service and the U.S. Coast Guard also have electric vehicles in Sitka. Making it possible to use these vehicles and sending a message to auto manufacturers and the federal government that laws are needed to allow these vehicles is a tremendous step forward, he said.

CHAIR KOOKESH closed public testimony and opened committee discussion.

[1:25:31 PM](#)

SENATOR PASKVAN commented that it's becoming an issue that more vehicles aren't paying their fair share for highway maintenance. Historically highway maintenance has been paid for through federal and state motor vehicle tax. He questioned how roadways will be maintained if vehicles aren't paying motor vehicle taxes.

CHAIR KOOKESH asked the will of the committee.

SENATOR MEYER moved to report SB 59, \T version, from committee with individual recommendations and attached fiscal note(s). There being no objection, CSSB 59(TRA) moved from the Senate Transportation Standing Committee.

At ease at 1:26:41 PM.

SB 51-MOTOR VEHICLE WINDOW TINTING

[1:28:53 PM](#)

CHAIR KOOKESH announced the consideration of SB 51 and asked for a motion to adopt the committee substitute (CS).

[1:29:47 PM](#)

SENATOR DAVIS moved to adopt committee substitute (CS) for SB 51, labeled 26-LS0323\R, as the working document. There being no objection, version R was before the committee.

SENATOR FRENCH, Sponsor of SB 51, said the CS contains the changes that Senator Davis requested. The first change on page 2, lines 4-5 clarifies that a person can install window tinting that varies from regulations outlined in the first part of the bill in certain instances. Currently there are exceptions for medical reasons in the window tinting regulations and this brings those into the statute. The second change found on page 2, lines 13-14, requires that the medical reasons are certified by a physician and provided to the installer at the time of installation. Grammatical changes were made on page 2, lines 6-18, but none of those changed the substance of the legislation.

[1:31:20 PM](#)

STEVE VINCENT, General Manager, Auto Trim Design, Fairbanks, noted that the medical exemption must be renewed every year, but there is no designation on a license plate that a person has a medical exemption so the driver can still get pulled over for supposedly having illegal tinting. He asked if there will be changes to the regulation.

[1:32:05 PM](#)

ANDY MODEROW, Staff to Senator French, confirmed that this legislation does not change the current regulations that require the medical exemption to be recertified every year. He further confirmed that there is no designation on the license plate, but the current regulation and this legislation note that the certification should be carried within the vehicle.

MR. VINCENT referenced Trooper Dial's testimony from last week and clarified that Alaska tint laws mirror the federal DOT allowable manufacturing compliance levels for automobiles. He brings that up because there aren't federal laws regarding window film. It's just window tint, he said. Refuting the statement that 90 percent of Canadian provinces have similar or more restrictive tint laws, he said all but two provinces do not allow tint on the driver or passenger windows, but the rest of the windows could be painted black. Furthermore he said he found that only five U.S. states have similar or more restrictive tint laws than the state of Alaska and 62 percent of the states allow medium tint on the front two windows. Finally, he doesn't agree with the statement that the general rule is that the hotter the climate the greater the window tint that's allowed. He believes that the general rule is that more window tint is allowed in places that have more sun. Alaska has more sun in the summer than any other state. He noted that he distributed the packets with tint samples to the committee members so they could compare the tint against their own vehicles. He agrees with Lieutenant Dial that you can't tell how dark window tint is from a photograph.

MR. VINCENT said there is anecdotal information about problems with police officers approaching cars with dark tint, but he can't find anecdotal information about medium tint on vehicles causing problems for law enforcement. He said he continues to oppose SB 51 as currently written, but he would support an amended version to allow 35 percent window film on the front two windows of passenger vehicles.

[1:37:07 PM](#)

BOB BOSWOOD, President and CEO, Auto Trend Design, Fairbanks, said he has 32 employees. He hopes everyone reviewed the information in the packets he distributed that proves that medium window tint film installed on vehicles provides visibility into and out of a vehicle at night and during the day. All the testimony by the troopers and the sponsor refers to dark window film. He agrees with the essence of the legislation, but as currently written it won't accomplish what it intends to do. "It will only serve to put legitimate tint installers out of business and thus increasing the sales of cash-in-fist non-tax-paying less-than-honest tint installers." The reality is that people will continue to have their windows tinted regardless of the regulations. If SB 51 were amended to mirror Washington laws it would give people the option of having their windows tinted by legitimate businesses that do not install dark films. It would also encourage others to quit installing dark films. That

would accomplish the goals of the troopers and the sponsor. As currently written the legislation will be difficult to impossible to enforce. Passing SB 51 will affect his business bottom line in a catastrophic way.

[1:40:48 PM](#)

RODNEY DIAL, Lieutenant, Department of Public Service (DPS), responded to the previous testimony. He clarified that when he spoke about the federal DOT law, he was talking about the regulation that specifies that light must be able to pass through the windshield and to the immediate right and left of the driver. That's the same as is required under current state law. He said that when he provided the statistics involving other states, he gave the disclaimer that those change on an annual basis. Next, he reminded the committee that a 35 percent film blocks 65 percent of the light. When applied on top of the factory tint, it blocks a significant amount of light and DPS refers to it as dark tinting. Finally, his experience with this infraction is that most drivers blame the installer. In 19 years he has never encountered anyone who has had a medical exemption for window tint and he can't recall anyone saying that they had the tint installed knowing that it was illegal.

[1:42:36 PM](#)

SENATOR PASKVAN said he understands what he's saying about the cumulative effect and Mr. Boswood is saying that he agrees. However, he isn't saying that the 35 percent tint applied on top of a factory tint would be a dark tint. He noted that the sponsor statement also talks about dark tint that completely blocks an outside view. He said he's struggling as to why the medium tint wouldn't be satisfactory for public safety purposes.

LIEUTENANT DIAL said his experience is that vehicles coming from the factory typically have windows that block between 25 percent and 30 percent of the light. When DPS talks about a 35 percent film, it would be applied to a window that already has some tint and it's that cumulative effect that DPS is concerned with. Our experience is that 35 percent tint on top of the factory tint makes for very dark windows, he said.

[1:45:49 PM](#)

SENATOR PASKVAN said he understands that his Suburban can have dark tint in the back windows, but he doesn't believe the driver side, passenger side and front windows have any tint. He asked if he would have a problem if he wanted a medium tint on that glass.

LIEUTENANT DIAL clarified that those windows do have factory tint that blocks approximately 30 percent of the light. Applying additional tint would have a cumulative effect. If you were to compare your car windows to your house windows you'd see the difference, he said.

SENATOR PASKVAN said, assuming that's true, would that be a public safety problem.

LIEUTENANT DIAL said yes; in low light situations even 35 percent film makes it very difficult for law enforcement to see inside a vehicle. It also makes it difficult for the driver to see out through the windows under low light conditions, particularly in areas that don't have street lights. DPS sees that the current law is working well and changing tint standards serves no purpose other than to create future problems. "If nothing else, we would certainly ask that the standards not be changed," he said.

[1:48:26 PM](#)

MR. BOSWOOD said the samples he distributed showed a vehicle with 35 percent window tint applied on top of factory tint both at night from a trooper's point of view and during the day from a driver's point of view. He's driven cars with that level of tint for 20 years and he can see clearly at night and during the daytime. It allows good visibility and is allowed in some 30 other states.

CHAIR KOOKESH closed public testimony and asked the will of the committee.

SENATOR PASKVAN said he's somewhat troubled and isn't clear as to what he wants to do. He wants to advance public safety, but he doesn't want to be overly restrictive.

SENATOR DAVIS noted that Mr. Boswood's testimony hadn't changed and asked Mr. Moderow if the sponsor took that under advisement when he had the CS prepared.

MR. MODEROW explained that similar recommendations were brought forward last year. "It should be noted that on top of Lieutenant Dial's testimony, the Fairbanks police department last year opposed changing the tinting restrictions." The Anchorage police department also had hesitation about that, which is why there were no changes made to the CS, he said.

SENATOR DAVIS noted that the bill has to go the judiciary committee. She believes the transportation committee gave the bill a good review but she is reticent.

CHAIR KOOKESH asked the will of the committee.

[1:52:56 PM](#)

SENATOR PASKVAN said he will probably recommend that the bill be amended. The testimony hasn't convinced him that [35 percent tint] blocks light to the point that he wholeheartedly agrees with Lieutenant Dial.

CHAIR KOOKESH said he'd like to move the bill on to the judiciary committee.

[1:53:34 PM](#)

SENATOR MEYER moved to report CS for SB 51, version R, from committee with individual recommendations and attached fiscal note. There being no objection, CSSB 51(TRA) moved from the Senate Transportation Standing Committee.

[1:53:54 PM](#)

There being no further business to come before the committee, Chair Kookesh adjourned the Senate Transportation Standing Committee meeting at 1:53 pm.