

**ALASKA STATE LEGISLATURE  
HOUSE TRANSPORTATION STANDING COMMITTEE**

March 17, 2011

1:06 p.m.

**MEMBERS PRESENT**

Representative Peggy Wilson, Chair  
Representative Lance Pruitt, Vice Chair  
Representative Eric Feige  
Representative Craig Johnson  
Representative Cathy Engstrom Munoz  
Representative Max Gruenberg  
Representative Pete Petersen

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

PRESENTATION BY THE ALASKA RAILROAD CORPORATION

- HEARD

HOUSE BILL NO. 95

"An Act making failure by certain persons to wear a safety belt when operating certain motor vehicles a secondary violation."

- HEARD & HELD

HOUSE BILL NO. 62

"An Act relating to excluding motorcycles and motor-driven cycles from the passenger vehicle rental tax."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 95

SHORT TITLE: SEAT BELT VIOLATION SECONDARY OFFENSE

SPONSOR(S): REPRESENTATIVE(S) T.WILSON, GARDNER

01/18/11	(H)	READ THE FIRST TIME - REFERRALS
01/18/11	(H)	TRA, JUD
03/17/11	(H)	TRA AT 1:00 PM CAPITOL 17

BILL: HB 62

SHORT TITLE: PASSENGER VEHICLE RENTAL TAX  
SPONSOR(s): REPRESENTATIVE(s) HOLMES, HERRON

01/18/11 (H) PREFILE RELEASED 1/7/11  
01/18/11 (H) READ THE FIRST TIME - REFERRALS  
01/18/11 (H) TRA, FIN  
03/17/11 (H) TRA AT 1:00 PM CAPITOL 17

**WITNESS REGISTER**

CHRISTOPHER AADNESEN, President & Chief Executive Officer  
Alaska Railroad Corporation (ARRC)  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during an overview of the proposed Northern Rail Extension.

BRIAN LINDAMOOD, Project Manager  
Alaska Railroad Corporation (ARRC)  
Anchorage, Alaska

**POSITION STATEMENT:** Presented an overview of the proposed Northern Rail Extension.

M THOMAS KATKUS, Adjutant General/Commissioner  
Department of Military & Veterans' Affairs (DMVA)  
Fort Richardson, Alaska

**POSITION STATEMENT:** Testified and answered questions during the discussion of the presentation by the Alaska Railroad Corporation on the Alaska Railroad Corporation extension.

MCHUGH PIERRE, Deputy Commissioner  
Office of the Commissioner/Adjutant General  
Department of Military & Veterans' Affairs (DMVA)  
Fort Richardson, Alaska

**POSITION STATEMENT:** Testified and answered questions during the discussion of Presentation by the Alaska Railroad Corporation on the railroad extension.

REPRESENTATIVE T. WILSON  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Testified as a joint prime sponsor of HB 95.

REPRESENTATIVE BERTA GARDNER  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Testified as a joint prime sponsor of HB 95.

BRANDON BREFCZYNSKI, Staff  
Representative T. Wilson  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented during the discussion of HB 95.

SUE STANCLIFF, Special Assistant  
Office of the Commissioner  
Department of Public Safety (DPS)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified and answered questions during the discussion of HB 95.

RODNEY DIAL, Lieutenant, Deputy Commander  
A Detachment  
Division of Alaska State Troopers  
Department of Public Safety (DPS)  
Ketchikan, Alaska

**POSITION STATEMENT:** Answered questions during the discussion of HB 95.

BRENDA HEWITT, 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 95.

PEGGY HAYSIHI  
Chugiak, Alaska

**POSITION STATEMENT:** Testified during the discussion of HB 95.

GORDON GLASER  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the discussion of HB 95.

CORLIS TAYLOR, Manager  
Education and Staff Development  
Fairbanks Memorial Hospital; Coordinator, Fairbanks Safe Kids  
Coalition  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified during the discussion of HB 95.

PAT LUBY, Advocacy Director

AARP

Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 95.

DON SMITH, Member

Anchorage School Board

Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 95.

ROBERT JOHN, Attorney-at-law

Fairbanks, Alaska

**POSITION STATEMENT:** Testified during the discussion of HB 95.

MIKE COUMBE, Staff

Representative Lindsey Holmes

Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** Presented HB 62 on behalf of the prime sponsor, Representative Lindsey Holmes.

#### **ACTION NARRATIVE**

[1:06:01 PM](#)

**CHAIR PEGGY WILSON** called the House Transportation Standing Committee meeting to order at 1:06 p.m. Representatives P. Wilson, Feige, Pruitt, Petersen, Gruenberg, and Johnson, and were present at the call to order. Representative Munoz arrived as the meeting was in progress.

#### **PRESENTATION BY THE ALASKA RAILROAD CORPORATION**

[1:07:51 PM](#)

CHAIR P. WILSON announced that the first order of business would be a Presentation by the Alaska Railroad Corporation.

[1:08:19 PM](#)

CHRISTOPHER AADNESEN, President & CEO, Alaska Railroad Corporation (ARRC), related that he is available for questions. He introduced the project manager.

[1:08:50 PM](#)

BRIAN LINDAMOOD, Project Manager, Alaska Railroad Corporation (ARRC) explained that the Northern Rail Extension Project would

extend the railroad 80 miles from North Pole to Delta Junction. The project started with an environmental impact statement (EIS) process that was not completed until 2010. The project traverses Eielson Air Force Base (EAFB), crosses the Tanana River at Salcha, touches on the Donnelly Training Area, and ends at Delta Junction [slide 1]. The proposed project would include five major bridge structures, but this overview will focus on the Tanana River Crossing, he said.

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MR. LINDAMOOD outlined the Northern Rail Extension (NRE) Purpose [slide 2]. The NRE project would provide year round surface transportation to training ranges south of the Tanana River. He related the military has significant training grounds, but has limited access to them since other bridges do not exist. He stated that surface access currently is by ice road crossing the Tanana River in the winter, which can be fairly treacherous. He related that the NRE would provide an alternative mode to traveling the Richardson highway between Delta Junction and Fairbanks. The road can be dangerous in the winter, plus the project would also provide transportation redundancy, he said. Several years ago a significant rockslide occurred near the Whittier Tunnel entrance. The Alaska Railroad Corporation (ARRC) provided increased rail transportation to allow the DOT&PF to get the road repaired. Currently, the only access to the training grounds would be through Glennallen and Wasilla so significant benefits exist to this project. Eventually, the ARRC would like to run passenger service between Fairbanks and Delta Junction since the major transportation center is in Fairbanks, which has hospitals and other services. He suggested the ARRC may also be able to provide competitive transportation or alternatives to using the highway. The secondary benefit provided is that it will improve the flooding situation and retard erosion in the Salcha area. Salcha is the community location for the planned river crossing, he said. The community faces routine flooding and ice jams. Part of the design includes a levee system to help keep the river under the bridge, which will attenuate a fair amount of the flooding.

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MR. LINDAMOOD reviewed the project timeline [slide 3]. The ARRC started the project in 2005 and the final EIS was published in September 2009. The final Record of Decision for the EIS approval was issued January 2010. At the time, the ARRC was given final approval to move forward with design. The ARRC

decided to use an alternative means of contracting, called construction management, general contractor (CM/GC), which allows the contractor, Kiewit Corporation, to work with the design and permitting team. This would allow real time value engineering to ensure that the design is most effective to work in this rather complicated environment. It would also allow real time pricing. He reported that construction permits were submitted in June, 2010.

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MR. LINDAMOOD referred to the four project phases [slide 4]. He anticipated the initial funding for phase one would cost in excess of \$800 million. The ARRC has secured the initial funding for phase 1, the bridge over the Tanana River near Salcha. He anticipated the bridge construction will take three to four years, but the amount of time to build the railroad to the bridge will be two years. The funding has not yet been secured for phase two, the 23 miles of rail from the west side of the Tanana River crossing to the Donnelly Training area. Phase three would require considerable field work, but preliminary design has been completed. It would be advantageous to have the bridge since helicopters necessary for the geotechnical aspect are expensive. Likewise, the military could use the bridge for access to the training range while the ARRC is being constructed. Phase four would consist of building approximately 28 miles of railway between the Donnelly Training Area and Delta Junction.

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MR. LINDAMOOD detailed Phase 1, which would consist of a 3,300 foot bridge, with 20 spans of 165 feet each, representing the longest bridge in the state once completed [slide 5]. Some improvements would be made to the section line easement, shown in gray. The road would be a year round road to allow access to staging area. The purple line indicates where the proposed levee would be located. Initially, he related, the ARRC was interested in river training, but while the river has been fairly stable, it has been actively moving. The levee would be designed to Federal Emergency Management Agency (FEMA) standards to contain a 100-year flood event. He characterized the levee as substantial, with several hundred thousand tons of riprap designed to keep it in place. The far side of the river contains some smaller sloughs with some spur dikes intended to try to contain the river under the bridge. The purple staging area would be the key to developing phases 3 and 4. He

estimated upwards of 200 people would be working out there and need a place to park, train, and for equipment storage. Thus, the staging area is a large 65 acre parcel off the end of the bridge, he said.

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MR. LINDAMOOD turned to the Joint Pacific Alaska Range Complex (JPARC) [slide 6]. He related that the JPARC has just begun its Environmental Impact Statement (EIS). He explained this area provides the JPARC air space and significant ground space, which would allow them to perform significant training. He pointed out that the EIS packet identifies one key aspect for the military is the ability to transport ground forces. He referred to three gray dots on the slide, which coincides with significant staging areas for the ARRC. He recalled somewhere from 100 to 200 people would be used to facilitate movement in and out of the JPARC during training exercises.

MR. LINDAMOOD referred to the 2008 flood event [slide 7]. The largest recorded flood happened in 1967 and was also known by FEMA as the 100-year flood event. As years have passed FEMA has determined the event was greater than the 100-year flood event. The flood maps were based on anecdotal photographs and did not use any modeling to develop the map. In 2008, the flood was considered a 75-year event. He explained that changing the maps in the FEMA permitting process is a complicated and technically difficult process, requiring demonstrated model accuracy. In the middle of the flood event the ARRC mobilized surveyors to measure and calculate what happened. He stated that when flood events happen, the most unstable periods happen several years after the flood event. He related significant erosion has occurred, that the bridge had to be moved and lengthened the bridge to account for changes. He pointed out that the river has been moving faster than the ARRC can design it for permitting. He reported that last year they identified where the river was and the ARRC is moving forward with the permitting process.

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MR. LINDAMOOD reviewed the project funding [slide 8]. The Department of Defense (DOD) provided two grants, he said. That money was transferred to the Federal Railroad Administration and the two grants were transferred to the ARRC. One grant totaled \$44.2 million and the other totaled \$60 million for a grand total of \$104.2 million. Last year the SOA appropriated \$40

million to help facilitate the project. At the time, the ARRC was working to obtain a \$12 million relocation grant moved to this project, but it was not been possible due to issues surrounding earmarks. Thus, the total funding remained at \$144. Of that, \$44 million would expire in 2013, and \$60 million would expire in 2014. He related that the expiration dates correspond to the end of the calendar year, rather than the federal fiscal year, but the grants must be closed by those dates. Checks must be written and cleared, and everything is signed, sealed, and finalized. He characterized the closing out process as a six-month process. Realistically the ARRC must spend the funds by June 2012, he said.

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MR. LINDAMOOD reviewed the 2011 cost estimate [slide 9]. The construction costs estimates as of December 2010 fall just under \$150 million. The engineering, permitting, and right-of-way budgeting costs are estimated at \$16.5 million, with construction management costs estimated at \$11.2 and contingency costs at \$10.4 million. The ARRC spent considerable time on the contingency plan due to the uncertainty of ice levels, potential floods, or changes in the river movement over the three years. Additionally, fuel costs have spiked. The ARRC used a statistically based analysis so he felt fairly confident that the cost estimate would cover contingencies under most events. The total phase 1A cost estimate would be \$187,729,000, he said.

MR. LINDAMOOD reviewed cost escalations [slide 10]. The April 2010 cost estimate was \$158 million but the river erosion has affected it by \$3 million. The project has required a significant number of permit requirements that have added an additional \$10 million. The military also required an additional \$3 million for security. And the hydraulic design requirements have added an additional \$15 million, he said. He stated using the assumption that construction would begin in June 2010, the current cost is projected at \$188 million. He related about 30 days of preparation work would also be necessary prior to the construction phase.

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MR. LINDAMOOD referred to river erosion [slide 11] depicting two photos. He detailed changes to the river as a result of freezing and thawing.

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MR. LINDAMOOD reviewed the Tanana Crossing cost summary [slide 12]. He explained that the re-sequenced cost estimate totals \$188 million. The funding available totals \$144 million. The ARRC has asked the state for \$44 million to cover the shortfall. The ARRC must do three things, including permitting. Not all the permitting issues with the EPA and the U.S. Corps of Engineers have been settled, but the ARRC anticipates a timely issuance of the permits. An equally complicated process has been the federal railroad requirement that the ARRC submit a full funding plan prior to construction funds being issued. The plan must also be approved by the military. He advised that the ARRC continues its work, but the sense of urgency for funding is significant.

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REPRESENTATIVE PETERSEN referred to slide 10 to the \$10.3 million in contingency funds. He asked whether the figures were reasonable.

MR. LINDAMOOD explained the analysis the ARRC used, listing the 50 to 80 things that could go wrong and the likelihood of each happening and attached a cost associated with each one, and performed a statistical analysis. If everything goes right and the contingency falls on the low side it would save \$3 million, but if all went wrong it could cost an additional \$25 million. The ARRC used the 66 to 75 percent range and are fairly comfortable with the figures. He cautioned the difficulty in projecting costs for a project that spans three to four years. He said it has helped to have the contractor right with them and Kiewit Corporation has been on the ground with them. He said he felt fairly comfortable with the contingency figures.

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CHAIR P. WILSON referred to slide 6, to the materials source. She asked whether the material identified for the fill would be sand.

MR. LINDAMOOD that material source has been withdrawn. The permitting agencies had problems with the ARRC removing material from the river for the embankment and levee. He reported two other sources for fill material have been discovered: one on the military access road on far side of the river and another on the near side of the river.

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CHAIR P. WILSON asked whether smaller bridges would be needed to cross some of the braided river.

MR. LINDAMOOD replied that she is correct. During the initial EIS process, the ARRC plan to block some of the braids met stiff resistance from the permitting agencies so the solution was to add bridges, which he detailed, including a bridge across two sloughs. In response to Chair P. Wilson he added the longest bridge in the project is 3,300 feet. He detailed the bridge, relating the bridge would consist of 165 foot spans and the deck would be 20 feet wide, which would serve a dual purpose and accommodate the railroad. Initially the deck could be a steel deck until the railroad is completed. In further response to Chair P. Wilson, he responded that the levee would be two miles in length.

[1:37:16 PM](#)

REPRESENTATIVE MUNOZ asked whether the ARRC had bonding authority.

MR. AADNESEN answered yes, but it cannot use it if there is not any income stream. The ARRC hoped the military would pay a usage fee, but that has not materialized due to federal budget cuts.

REPRESENTATIVE MUNOZ asked whether the ARRC would commit capital money to the project.

MR. AADNESEN answered no, that the ARRC is not injecting any capital up front into the project. The ARRC would be responsible for ongoing maintenance for the bridge, which is anticipated at \$150 million per year at a minimum.

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REPRESENTATIVE MUNOZ asked him to reiterate the urgency of funding.

MR. AADNESEN responded that first step is the ARRC needs a permit to proceed, which is currently in the hands of the EPA and the U.S. Corps of Engineers. He anticipated that would happen at the end of the March. The U.S. Corps of Engineers is refining its position with the EPA, and has asked for additional information. If the EPA agrees the permit would be issued. If

it does not agree, the permit request would go into an appeal process to the Under Secretary of the Army, which would take approximately 25 days. The EPA makes the final decision to accept an appeal or cancel the project.

MR. AADNESEN added that the funding is important since the ARRC needs permission from the Federal Railroad Administration, which requires the funding must be shown in advance. He offered his belief that the ARRC would hold a special Board of Directors to recommend whether to proceed with the project. He reiterated that funding is critical since the ARRC stands to lose federal funding and the project would not move forward.

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CHAIR P. WILSON recapped that the ARRC is requesting \$44 million from the state.

MR. AADNESEN responded that once the ARRC is confident the legislature has approved the funding, and if the permitting is approved, the ARRC would authorize construction. In further response to Chair P. Wilson, he agreed that everything hinges on the permitting at this point. He offered his belief that the ARRC would receive approval by the U.S. Corps of Engineers, but he was unsure about the EPA's approval.

[1:44:02 PM](#)

M THOMAS KATKUS, Adjutant General/Commissioner, Department of Military & Veterans' Affairs (DMVA), introduced himself.

MCHUGH PIERRE, Deputy Commissioner, Office of the Commissioner/Adjutant General, Department of Military & Veterans' Affairs (DMVA), stated that he and General Katkus would focus on two slides the JPARC slide and Phase 1 map [slides 5-6] and what the project means for the military.

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GENERAL KATKUS stated that he is speaking from the National Guard's perspective and not directly representing the active duty military, but since the military represents a total integrated force that he views the Alaska National Guard (ANG) as an equal partner in the JPARC. The ANG trains and supports missions for fueling operations, rescue operations, and access to the JPARC. Its soldiers and airmen participate in annual training events. He recalled that many of his annual training

missions have taken place in this area. As a military member, training can be planned well in advance, but depends on access into the range. Typically, the access has been by using an ice bridge and some years the bridge does not exist. In those instances, it has been necessary to readjust and plan other training, which is fine for 200 to 300. However, if an active duty unit has spent three years planning an exercise for 6,000 to 10,000 people, it is more difficult. In those instances the commander wants robust training, thoroughly planned, but the mission is contingent on ice being thick enough to support the equipment necessary for training.

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GENERAL KATKUS said that guaranteed access to the training area is critical to the use of the training area. The U.S. Air Force uses this area since there is no other place it can fly unrestricted. He related the specific area is not encumbered by civilian populations that have noise issues, communication and air waves are open, and the USAF has access to air and ground units that can train in realistic conditions could test their logistic systems. He offered his belief the JPARC is a resource that can only exist in Alaska. The same asset supplies the U.S. Navy with access since it can be within range of carriers. Additionally, with the ground component, three major military services can train in a unique location not available in America or any other place. The important issue he raised is the ground component cannot reliably access this area without a bridge. He agreed that breaching obstacles can provide training, but it only represents one aspect of training. He reiterated that access to the JPARC allows the military training opportunities which today's military needs.

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MR. PIERRE related that this issue represents a statewide economic issue, or a Southcentral Railbelt issue. He envisioned in 5 to 10 years troops would come in to the Port MacKenzie, and being transported by rail to the JPARC. He anticipated that these troops would spend a full month in training exercises, but would have time to spend in the communities. He offered his belief that Alaska could expand its railroad use and the economy by allowing more people access to Alaska. He acknowledged that increased use of JPARC, which would also mean increased use of the Gulf of Alaska's U.S. Navy training complex used for warfare training, located off the coast of Kodiak. These ships have the capability to launch aircraft, but must come ashore. He said

this could impact communities in Alaska. He noted that Juneau will host an aircraft carrier in a few months.

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GENERAL KATKUS pointed out that as the training complex is developed, a cadre of support personnel will be necessary to supply electronics which translates into fulltime jobs. He equated JPARC as an industry that can expand Alaska's economy and infrastructure. He offered his belief a number of people would like to train in Alaska and discover that it is not a barren country. People get exposed to the population, see the country, and may come back to Alaska. He said the main message he wanted to bring today is that this is important. The Northern Rail extension project would allow for military access, which provides the key to expanded training opportunities which can only be found in Alaska.

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REPRESENTATIVE JOHNSON asked if he was attending a Base Realignment and Closure meeting (BRAC) for him to speculate the type of impact this project would have on Fort Richardson and Eielson Air Force Base. He also asked whether the BRAC personnel would view the JPARC project as positive.

GENERAL KATKUS responded that he not sat through a BRAC meeting. He said that the relevancy and future opportunity is what is critical during its decision-making process. He offered his belief that the potential is important. He pointed out that the Lower 48 population will continue to grow and the importance of having areas the military can train without encroachment and without commercial airline interference. He said if he was considering whether to BRAC a facility in the middle U.S. or Alaska, he would not BRAC a base in Alaska. He viewed this as positive to disallow any BRAC activity in Alaska.

REPRESENTATIVE JOHNSON asked whether the bridge would be a key element to that type of expansion.

GENERAL KATKUS agreed. The U.S. Navy and U.S.A.F. access is by air, but the ground component would be provided by the U.S. Army. This is one of the true joint areas in which all three services can come together in an unbelievable area with few constraints to maneuverability in large open spaces. In response to Representative Feige, he answered that this would become a year-round deployment area for troops.

MR. PIERRE reported that the active duty military just completed its first hearing on the JPARC. He related that the DMVA has been working with the DNR and other state agencies. This area has been designated as military use land. The goal to get to year round deployment destinations for the military requires an assessment of how residents use the land. He stated residents would have two more opportunities to provide input on the expanded use.

GENERAL KATKUS agreed. He has observed the military carefully try to consider resident's input. The military has been considering this a partnership and wants to avoid interference of resident use of JPARC land for hunting or other uses.

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REPRESENTATIVE P. WILSON recalled conflicts with airspace and some smaller airlines. She asked for an update.

GENERAL KATKUS related that happened in the earlier discussions. The military has been gathering intelligence and continues to digest the input and determine how best to accommodate the concerns. He stated that the military is far from coming up with a final plan. The military's efforts have been to ask initial questions so it can determine and assess stakeholder concerns.

[1:58:05 PM](#)

**HB 95-SEAT BELT VIOLATION SECONDARY OFFENSE**

[1:58:32 PM](#)

CHAIR P. WILSON announced that the next order of business would be HOUSE BILL NO. 95, "An Act making failure by certain persons to wear a safety belt when operating certain motor vehicles a secondary violation."

[1:58:37 PM](#)

The committee took an at-ease from 1:58 p.m. to 2:01 p.m.

[2:01:53 PM](#)

REPRESENTATIVE T. WILSON, Alaska State Legislature, stated that HB 95 would retain the seat belt law, but would make it a

secondary offense so law enforcement could not just stop someone for not wearing seat belts. She offered her belief that seat belts save lives but the safety statistics have increased for reasons other than enforcement of seat belt laws.

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REPRESENTATIVE BERTA GARDNER, Alaska State Legislature, stated that she supports mandatory seat belts and seat belt use. She related that her sister had a serious head injury. She also lost a friend's 16-year-old who was thrown out of a vehicle. She also gave her children a standard speech of what was expected of them, including her insistence that they wear a seat belt. This is not about seat belt use she said. This is an issue that brings out a "libertarian" streak. She does not want the intrusion. She agreed adults should wear seat belts but she does not think adults should be pulled over because they have not chosen to wear seat belts.

REPRESENTATIVE P. WILSON stated that this bill would allow Alaska to join 18 other states with seat belt use as a secondary violation. This would disallow an officer to pull a driver over for the sole reason of not wearing a seat belt. A driver could be cited for not using his/her seat belt, but must be pulled over for some other reason, such as for speeding. She highlighted reasons law enforcement officers should not be allowed to pull drivers over for seat belt use, including harassment, invasion of privacy, or a lack of logic since seat belts are not the cause of a crash. One main reason the primary offense should be repealed is due to the lack of evidence to suggest that after issuing tens of thousands of citations whether any seat belt use has increased as a result of enforcement. If the goal is to save lives, that goal has been accomplished through education and technology.

[2:05:38 PM](#)

BRANDON BREFCZYNSKI, Staff, Representative T. Wilson, Alaska State Legislature, stated that Seat Belts Save lives. The goal is to increase seat belt use but the current law that allows law enforcement officers to pull over a vehicle when the occupants are not wearing seat belts has little effect on seat belt usage [slide 1].

[2:06:38 PM](#)

MR. BREFCZYNSKI reported since 1997, seat belt use has increased from 59.6 to 86.8 percent, which represents a 27.2 percent gain [slide 2]. Approximately 90 percent of the seat belt use occurred prior to the enactment of the primary seat belt enforcement law, which was enacted May 1, 2006 [slides 2-3].

MR. BREFCZYNSKI asked how seat belt used increased. He asked whether seat belt use increased due to technology, education, or enforcement. He provided a review of the facts. Technology has had an effect on seat belt use, in particular, due to enhanced seat belt alert systems [slides 4-7]. He explained the seat belt technology evolution. He related that from 1974-2002, manufacturers installed a seat belt warning and buzzer, which remained on from 4-8 seconds to remind occupants to buckle up. From 2003-present, manufacturers have enhanced seat belt alert systems. The reminder will ding periodically from 5 to 9 minutes until the driver buckles up [slide 8]. In 1974 the Congress passed legislation making seat belt alarms mandatory, which was the National Highway Traffic Safety Administration (NHTSA) Standard until 2003, which was not very effective [slide 9].

MR. BREFCZYNSKI reported in 2002, the NHTSA administrator urged auto manufacturers to voluntarily install buckle up reminder systems or enhanced seat belt alert systems (ESBAS). Studies showed Ford and Honda conducted studies that showed a five to six percent increase in cars equipped with the ESBAS, respectively. By 2003, the ESBAS became the industry standard [slide 10].

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MR. BREFCZYNSKI referred to a graph showing the seat belt use in Alaska from 1997-2006 [slide 11]. He pointed out the spike in 2003, which he related to the prevalence of the ESBAS. He referred to the next slide to Enhanced Seat Belt Alert System in Vehicles - 2003 [slide 12], noting that Ford and Audi were 100 percent compliant in 2003. From 2001 to 2003 seat belt use skyrocketed in correlation with the ESBAS, he said [slide 13]. He asked what could account for the 3.6 increase in seat belt use after the primary enforcement law was enacted [slide 14]. Alaska saw a decline in seat belt use by .8 percent [slides 15-16]. In 2007, the Alaska State Troopers received a grant, the safety belt performance grant, which designated \$162,415 on seat belt media education. The goal was to raise seat belt use from 82.4 percent in 2007 to 84 percent in 2008.

[2:10:46 PM](#)

MR. BREFCZYNSKI referred to a graph that shows the seat belt use in Alaska from 1997 - 2010 [slide 17]. He related the graphs indicated a 3 percent gain in seat belt use during 1997-2001, prior to the primary enforcement law and when the old technology use was in effect. From 2001-2006, prior to the pre-primary law, seat belt use increased by 20.6 percent. He focused on 2006-2010, to the timeframe in which the primary enforcement law was in effect. He related that a 3.6 percent increase in seat belt use happened during the media education campaign. The sponsor believes that education accounted for the increase in statewide seat belt use, which was almost 1 percent more than the AST projected goal [slide 18]. Growth in seat belt use has been steadily increasing. In 2009, seat belt use increased by 1.2 percent and in 2010, it increased an additional .7 percent [slide 19]. He turned to seat belt citations [slide 20]. In May 2006, the primary seat belt law was enacted. The Department of Public Safety claimed that the increase in seat belt citations issued would only last four to six months [slide 21], plus it would be a "no-cost way to increase seat belt use by Alaska's citizens."

[2:14:23 PM](#)

MR. BREFCZYNSKI reported that what happened instead is the seat belt citations increased dramatically between 2006-2010 compared to citations issued from 2003-2005 [slide 22]. Thus, the rate of citation issuance has not decreased. He referred to the number of seat belt citations issued [slide 23]. He explained that after primary seat belt enforcement, seat belt use decreased for one year by .8 percent. From 2008-2010 a slight increase of seat belt use occurred or about 1.46 percent increase. The greatest increased seat belt use correlates with the trends set by the technology advancements and the public education prior to primary enforcement commencing [slide 24]. Currently, over 45,000 citations have been issued since 2006, but pulling over drivers has had little to no effect on overall statewide seat belt use [slide 26]. He asserted that public education and new technologies have had a significant impact on drivers and overall seat belt use in Alaska [slide 27].

[2:15:54 PM](#)

REPRESENTATIVE T. WILSON thanked car manufacturers who implemented enhanced seat belts, which was not required by the federal government. She pointed out initially people were able to disconnect the warning systems but that is no longer possible

as most vehicles won't start. She said she would like to research to find out how many drivers use seat belts without the enhanced technology installed in their vehicles. She related as people buy newer cars that the issue would resolve itself.

[2:17:04 PM](#)

REPRESENTATIVE PRUITT asked whether it would be more effective to address the point of sale and to ensure that no car should be sold without the technology.

REPRESENTATIVE T. WILSON answered that people drive what they can afford to use. She said she hears constituents say that they used to wear their seat belts but government cannot tell them what to do. She offered her belief that education is a large factor in people using seat belts.

REPRESENTATIVE PRUITT clarified that his suggestion should be limited to and directed at new cars sold. He offered his belief that the bill should not apply to any car sold, but only to new vehicles.

REPRESENTATIVE T. WILSON answered that maybe the state could offer an incentive such as an exemption from vehicle registration fees.

[2:19:30 PM](#)

REPRESENTATIVE PETERSEN referred to the handout titled "Seat belt legislation in the United States." He said he noticed the top four states in usage of seat belts are states with primary enforcement laws. Each of them list over 96 percent usage, noting Hawaii has 97 percent compliance. Of those with secondary enforcement only Nevada has reached 90 percent seat belt usage. He related he understood the point that primary enforcement may not be an effective way to use seat belts, but the chart shows otherwise.

REPRESENTATIVE T. WILSON offered her belief that some states may provide more education, may be in states with higher income, or people may have newer cars.

MR. BREFCZYNSKI pointed out that the largest increase since primary enforcement has been in effect is 2.5 percent, which coincided with the ASHO's media campaign effort. The primary enforcement had little or no effect on seat belt use, he said.

[2:21:17 PM](#)

REPRESENTATIVE P. WILSON asked how it is possible to determine or separate out what had an effect on seat belt use.

REPRESENTATIVE T. WILSON offered her belief that it would have been helpful to have ongoing education rather than several short media blitzes in one year. She pointed out that law enforcement officers can write tickets all day long and people still speed, even though the fines are \$200 to \$300. She related her understanding if penalties alone worked that people would not continue to break the law. She hopes education and technology would encourage seat belt use. She related she received a call from a constituent that a law enforcement officer was sitting at the end of road with binoculars so he could stop people who were not wearing their seat belts. Others have reported that the primary enforcement has been used as a "fishing expedition" to stop drivers suspected of drinking. She stressed that was not the point of the law, which is to save lives. She thought the state should fund what appears to be working and should use overtime for distracted drivers rather than seat belt law enforcement.

[2:23:27 PM](#)

REPRESENTATIVE GRUENBERG related that two arguments were advanced by the joint prime sponsors. He stated that in the legal sense, the presentation makes a "but for" argument. The argument being used is that the law went into effect in 2006 and the use of seat belts went down slightly. Therefore, the seat belt law isn't working. The primary stop isn't working. However, the presentation has not shown that the reason the seat belt use went down was due to the fact the primary stop law was in effect. He said the sponsor and sponsor's staff was not able to make a causal connection between the reduction in seat belt use and the fact that the primary enforcement law passed. He offered his belief so many other factors exist that he has not been convinced that the facts isolate the causal connection or any lack of causal connection. He reiterated the argument is that the primary enforcement law is ineffective as the rate of seat belt use has diminished.

[2:26:19 PM](#)

REPRESENTATIVE GRUENBERG pointed out that it is not possible to determine whether the law had not passed whether the seat belt usage would have gone down faster or further. There is not any

direct relationship. He was unsure of how to demonstrate that but perhaps polling could identify reasons for using or not using seat belts. Secondly, aside from the cop at the end of the neighborhood, the issue raised was that writing a citation for not wearing a seatbelt represents invasion of privacy.

REPRESENTATIVE GRUENBERG recalled similar arguments were made in committee at the time the primary stop bill was passed. People did not want to be pulled over, but they did seem to mind if they were ticketed so long as they were pulled over for speeding or some other reason. However, they objected to being cited solely for not wearing a seat belt. However, to counter the argument, it is important in criminal law when the goal is to change peoples' behavior, that the law be stable. He related that if the laws changes every few years people become confused and the rate of compliance will go down. If it is legal this year and illegal next year, and legal again in the third year, the public cannot keep track of the law. He cautioned that the legislature must be fairly careful in traffic laws and reiterated the importance of stability.

[2:29:10 PM](#)

REPRESENTATIVE T. WILSON referred to the statistics, to the first instance of increased seat belt use. She stated that very little education happened and the only time seat belt increased significantly was with technology. She said what is driving this bill is her belief that police officers should be addressing dangerous driving, drinking and driving, speeding, shootings, and robberies, but not ticketing drivers who are not wearing their seat belts. She related that many of the grants were solely targeting people not wearing seat belts. Police should ensure that people are safe walking the street. She thought putting effort into reducing drinking and driving or speeding would have a greater impact on fatalities than citing for lack of seat belt use. She disagreed that this bill would confuse the public since not wearing a seat belt would still not be legal. Law enforcement needs focus on offenses that cause more accidents such as distracted drivers.

REPRESENTATIVE GRUENBERG remarked Anchorage also has a law that requires police officers to give parking tickets since Anchorage no longer has meter maids. The Municipality of Anchorage will be considering a proposition which would repeal that and allow lower paid people to write parking tickets. He offered his remarks as an extreme example of what she is saying. He said, "I don't like that law."

[2:31:56 PM](#)

REPRESENTATIVE PETERSEN recalled the first time he rode in a vehicle equipped with seat belts, and they were only in the front seats. He wondered whether any information was available on the number of vehicles currently on the road without seat belts.

REPRESENTATIVE T. WILSON related her understanding that a person cannot be written up if seat belts are not equipped in the vehicle. She stated that truck drivers less likely to buckle up. She related that the future vehicles will all have technology in place.

[2:33:46 PM](#)

REPRESENTATIVE MUNOZ expressed concern for young drivers. She asked whether she had any percentages on the percentages young drivers under the age of 18 or 19.

REPRESENTATIVE T. WILSON stated that many laws are targeted for ages 18-24. She responded that she was not able to get a breakdown on seat belt usage by age group. She speculated that young people may be using used cars without technology enhancement.

[2:34:46 PM](#)

REPRESENTATIVE MUNOZ asked which organizations were in support of HB 95.

REPRESENTATIVE T. WILSON related her support has been from citizens. She did not solicit support from specific organizations. She recalled one dealership and the AARP.

[2:35:27 PM](#)

REPRESENTATIVE FEIGE observed that technology has had a great effect on overall increase. He also thought some effect may be due to the education of younger drivers commencing in 2000. As the young drivers move to driver population, the seat belt use probably increased. He pointed out the goal is to have a high percentage of people using seat belts. He referred to the handout on seat belt legislation, referred to earlier. He asked whether she had calculated the average use of primary versus secondary enforcement. Informally, he noted that the overall

average percentage is higher in states with primary enforcement laws. He offered his belief that it would all be speculation as to how it would work in Alaska. He said it does seem that primary enforcement makes an effect. He pointed out that one state has a \$200 fine with an increased seat belt use. He asked how many convictions have occurred for primary offense. He offered his belief that one advantage of the primary enforcement is that it becomes a tool law enforcement can use as a pretense for pulling someone over. He said he trusts law enforcement to use their instincts and this would offer them one more tool.

REPRESENTATIVE T. WILSON responded that over 45,000 primary enforcement citations have been issued for seat belts. She stated that police officers were paid overtime as part of grants the state received. She was unsure how much grant funding will be available. Her biggest issue has been that these types of laws try to change behavior. She offered her belief that not imposing a secondary offense for not using ones seat belt takes the premise out that a person was stopped solely for not using his/her seat belt. She pointed out that the statistics do not indicate what other offenses the person may have been cited for such as drinking while driving.

[2:39:20 PM](#)

REPRESENTATIVE P. WILSON related that out of 31 states with primary law enforcement, 12 states had over 90 percent compliance with seat belt use. Of the 18 states that had secondary enforcement, none of them were over 91 percent, and one had 66 percent. She said if our goal is to have people use seat belts, that it is better to have a primary enforcement law. Those not buckling up might be angry they received a citation. She agreed she did not know how many people of the 45,000 were cited solely for not using a seat belt. She related her understanding that a law is a law and if a person does not obey it the person should receive a citation.

REPRESENTATIVE JOHNSON said, "Or you change it." He pointed out the statistics for New Hampshire, which has no seat belt law is not much worse than Arkansas, which is a primary enforcement state. He stated that New Hampshire's seat belt use is 69.2 percent and Arkansas has a 70.4 percent usage, but is a primary enforcement state.

[2:41:05 PM](#)

REPRESENTATIVE T. WILSON pointed out that Alaska has limited resources with respect to AST. She offered her belief that should be part of the discussion.

REPRESENTATIVE GRUENBERG recalled prior discussion on a cell phone bill. He specifically recalled when a concern was raised that people would be cited with using their cell phones while driving, the department suggested the person may be issued a warning. He asked for clarification on whether initially law enforcement would issue warnings instead of citing for the secondary enforcement offense of not using a seat belt. He also asked whether any research has been done on that aspect.

REPRESENTATIVE T. WILSON related her understanding that warnings are not normally included in law enforcement statistics. She related that the 45,000 figure represents the actual number of citations issued. She pointed out the number that cannot be substantiated is the number of drivers who were stopped because they were not wearing their seat belt, but ultimately were given a ticket for something else. She offered her belief that once the driver is stopped, the officer would have the authority to check for other things.

[2:43:36 PM](#)

REPRESENTATIVE JOHNSON said he thought the information may be available. He related his understanding when a person is pulled over and a ticket is issued, that due process or probable cause is identified. He offered an example, noting a driver may be stopped for not wearing a seat belt but the officer may discover drugs. He was unsure if the information is available but he thought the probable cause for the arrest would be stopping for the seat belt. He observed in an instance in which an officer stops a person for a seat belt violation but discovers a "real criminal" that the argument would be a different argument. He inquired as to whether the information is available. He also recalled that seat belt use is not identified by people being stopped, but by people stand on corner watching and count the number of people wearing seat belts and not wearing seat belts. He was unsure if the correlation of warnings and percentages of people wearing seatbelts. He thought the seatbelt information was probably commissioned by law enforcement, but is simply a survey that may not be performed by law enforcement.

[2:45:04 PM](#)

SUE STANCLIFF, Special Assistant, Office of the Commissioner, Department of Public Safety (DPS), related that the department agrees technology has increased seat belt use. The DPS has placed a tremendous amount of effort into the education. The DPS still runs the "Click It or Ticket" media campaign. The DPS received funds initially to produce the commercial, which is used during the occupant protection campaigns. With respect to the statistics, she confirmed that the DPS provided the statistics, which were taken from court files. The figures represent citations that were issued by all law enforcement officers, not just the Alaska State Troopers (AST). In 2010, of the 7,300 citations issued, only 1,622 were issued by AST. The remaining 5,800 were issued by other law enforcement officers, including municipal law enforcement officers such as the Anchorage and Fairbanks Police Departments. She related that seat belt citations are not the AST's priority. She stated that DPS is neutral on the bill. She acknowledged that she personally uses her seat belt. The law encouraged her to change her behaviors. She recalled that recently an occupant was killed in an accident. The officer discovered the person had buckled his seat belt behind him.

[2:49:02 PM](#)

REPRESENTATIVE GRUENBERG asked whether the DPS believes the primary seat belt bill has been effective.

MS. STANCLIFF answered yes. She related that the numbers, the percentages speak for themselves. She suspected the numbers may not be high, but it would certainly add to the education and technology given. She offered her belief that part of the effectiveness is due to people not wanting to get tickets. She said that most people comply with state law.

[2:50:13 PM](#)

REPRESENTATIVE GRUENBERG referred to the rates in Alaska with U.S. rates, which some members have cited. He asked whether part of the reason that Alaska's compliance is due to the character of most Alaskans as more independent.

MS. STANCLIFF offered her belief that it does change driver behavior. She explained that is what the education and technology is for, since it does change peoples' behavior.

CHAIR P. WILSON observed that once the primary seat belt law became effective everyone was careful. That probably happens.

MS. STANCLIFF agreed. She reiterated that law enforcement does just that. She said she cannot imagine an AST would have been using binoculars to apprehend violators.

[2:53:14 PM](#)

REPRESENTATIVE JOHNSON asked whether information on other crimes is denoted on a ticket at the time the citations are issued.

RODNEY DIAL, Lieutenant, Deputy Commander, A Detachment, Division of Alaska State Troopers, Department of Public Safety (DPS), said to obtain that type of information would require a hand search. He reported that most officers will make notations on the citation as to the reason for the stop and any warnings issued. The information is not tracked so to obtain the information would require a hand search of thousands of records statewide. He concluded that it would not be feasible. He clarified that binoculars were not used for enforcement, but to comply with federal grants some officers were required to sit at intersections to attempt to determine seat belt usage. He reported in his twenty years of service that he has never known AST to use binoculars to stop people for seat belt compliance for citation purposes. The AST does not have the time or the interest in doing so, he said. In further response to Chair Wilson, he explained that in the past the DPS has received federal dollars dedicated to seat belt enforcement, just as it has previously received federal dollars for drunk driving enforcement efforts. The focus for the federal funds is seat belt enforcement.

LIEUTENANT DIAL related that most of the primary traffic stops are made for other reasons, not just due to a person not wearing a seat belt. He explained that the best benefit of the primary law has been the effect it has on young people who are the highest risk for collisions. The AST recognizes the effort needed for young people, he said. Generally speaking, the AST does not make primary stops for seat belt enforcement. He recalled from his own experience approaching a vehicle, noticing a driver is not wearing his/her seat belt, and often giving the driver a warning on the seat belt issue. He reviewed the statistics and noted that since 2007 the AST citations have pretty much dropped in half. He reiterated that the AST continues to look for seat belt compliance, and provide daily reminders to drivers. He acknowledged that the AST also derives a benefit having the ability to stop vehicles for mandatory seat belt use as a primary offense.

2:58:17 PM

REPRESENTATIVE JOHNSON asked whether federal money AST receive affects the trooper's retirement

LIEUTENANT DIAL answered no. In further response to Representative Johnson he responded that the federal funds do not affect the "three high years" for retirement calculations.

REPRESENTATIVE JOHNSON asked for clarification on the \$1.125 million revenue collected in fines for 45,000 citations.

LIEUTENANT DIAL answered that the fines the department assesses are deposited into the general fund. He pointed out a \$10 surcharge is assessed on each citation, which is deposited to a training fund for all law enforcement officers statewide. However, all funds generated by the DPS are deposited into the general fund. He was unsure of how the municipal police departments funding is handled. In response to Chair P. Wilson, he did not know if the bill passed, whether any federal funds would need to be returned.

3:00:04 PM

BRENDA HEWITT, Legislative Liaison, Office of the Commissioner, Department of Transportation & Public Facilities (DOT&PF), explained that Alaska passed a primary seat belt law in 2006, which made the DPS eligible for \$3.7 million. She said the accompanying language cautioned that it would be improper for Alaska to accept the funding and not maintain the situation which established it to qualify. She related her understanding the Federal Highway Administration could ask that the funds be returned. She also has heard that the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU) did not specifically address returning the funds for not enforcing the seat belt law. She said it would be in question.

REPRESENTATIVE JOHNSON offered his belief that an attorney general's opinion exists which indicates the state would not have to repay the funds.

REPRESENTATIVE GRUENBERG asked for a copy of the attorney general's opinion.

MS. HEWITT offered to provide it to the committee.

3:01:56 PM

PEGGY HAYSIHI stated she has been an emergency nurse for 45 years. She is the mother of three children and six grandchildren. Three grandchildren have been preparing to learning to drive. She agreed the topics discussed are important and her grandchildren know it is the law and buckle up. She offered her belief that the law works in tandem, with education, enforcement, and engineering. The Centers for Disease Control and Injury Prevention identified the things that really affect and change behavior. One component cannot happen without the other, nor can we equate what one does and the other two does not accomplish. She reiterated the importance of education, enforcement, and engineering. She said she can cite many times that seat belts have saved lives and the non use of a seat belt has caused the death of a person. Certainly in the majority of ejections from vehicles, 75 percent die or are critically injured. These injuries add to the costs of medical care, insurance policies, and taxes. She pointed out the primary law is current in effect in 31 states and the District of Columbia, Guam, Puerto Rico, the Marianas, American Samoa, and the Virgin Islands. She related a scenario in which songwriter and singer Jewel recently survived a crash with a volunteer fire department fire truck in Texas. She pointed out that Texas has a primary seat belt law, with a \$400 fine for non-compliance. She highlighted that Jewel's survival has been credited, in part, due to her wearing her seat belt. She stressed she has case after case where seat belts have been credited with saving lives. It is impossible in a 65 mph crash for a 120 pound person to brace himself/herself. The force generated from such a crash is 7800 pounds. An unrestrained object, whether a person, a dog, gasoline, or a bowling ball, continue in their trajectory and injure or kill drivers and passengers. She stated that one person not buckling up would inviolate her personal safety if she is a passenger in the same car. She expressed astonishment at the discussion and how data was changed to support the secondary enforcement of the seat belt law.

3:06:39 PM

GORDON GLASER stated that he previously worked for the State of Alaska Division of Public Health but is retired. He stated he is speaking for himself. He commented on the misuse of statistics and data. The education and enforcement programs complement one another. The "Click it or Ticket" programs

consisted of providing information that if people did not buckle up, they would get a ticket. Most people wear seat belts. The reality is that parents are not with youth all the time, which is where the role of the police comes in. No one wants to get a ticket. No parent wants to get the call that their child is dead. The seat belt law represents protective education. If youth do not think they will be stopped, they are less likely to wear their seat belt. It doesn't matter what the theory is since this represents the actual practice. The federal government offers grants because it saves money. Approximately \$50 billion per year is spent on motor vehicle crashes. More than \$50 million is due to the non-use of seat belts. He said:

Your theory or freedom of what you choose to use or not stops when it reaches into my wallet. And the costs that are involved with people involved in car crashes without seat belts [are] substantial cost[s] for medical cost. Even people who have health insurance, it runs out, it adds to the cost because it gets switched over to Medicare or Medicaid because it doesn't cover it. Traumatic brain injury is phenomenally expensive. All the money that we've spent in terms of education or police overtime is relatively cheap in comparison to the cost that we spend on medical cases for people who are involved in car crashes. I want to thank you for your time and I would be happy to answer any questions.

[3:09:34 PM](#)

REPRESENTATIVE GRUENBERG thanked the previous testifiers. He remarked that this has been very educational.

[3:09:57 PM](#)

CORLIS TAYLOR, Manager, Education and Staff Development, Fairbanks Memorial Hospital; Coordinator, Fairbanks Safe Kids Coalition, stated that she has more than 30 years of experience in working in injury prevention. She echoed everything that Mr. Glaser and Ms. Haysihi stated earlier. Additionally, in her field practitioners are always looking for effective changes in behavior. This happens with education, enforcement, engineering, environment, and emergency medical services response, which are known as the five Es of injury prevention. The 5 Es work together to prevent injuries, she said. The State of Alaska (SOA) has done a lot to protect residents. She said she testified in 1985 and 1986 when the first seat belt law was

passed, and during the primary enforcement hearings. She referred to statistics, that Fairbanks has seen seat belt usage increase from 80 percent to 88 percent, which translates into the number of people killed and injured. Since passage of the primary seat belt law in 2006, the unrestrained traffic fatalities in Alaska have declined annually from 17 in 2006 to 11 in 2010. In 2007, of 56 traffic related fatalities, 31 were not wearing seat belts, which represent 55 percent. In 2008, of 44 fatalities, 24 were not wearing seat belts. In 2009 of 40 fatalities, 12 were not wearing seat belts. From 2006-2009, traffic fatalities have declined by more than 20 percent. The preliminary 2010 figure indicate of 30 traffic-related fatalities, 11 were not buckled up. This represents a further decline. Overall the traffic fatalities involving unrestrained persons have declined from 55 percent in 2007 to 29.7 in 2010. She offered her belief the decline in overall deaths speaks to the larger issue, which is that the 5 Es work in tandem in traffic safety and injury prevention. In response to Representative Gruenberg, she offered to provide the statistics to the committee.

[3:14:22 PM](#)

PAT LUBY, Advocacy Director, AARP, stated that the AARP volunteers to teach driver safety courses throughout the U.S. The volunteers teach that drivers should comply with law, and they all should wear seat belts. He stated that the National Highway Traffic Safety Administration (NHTSA) has done extensive comparative research on primary and secondary enforcement in the U.S. Lives are saved when a state has a seat belt law as a primary offense. It not only saves lives, but reduces injuries, and saves costs in terms of wrecked vehicles and health care costs associated with accidental injuries. He reported that Maine also considering changing its primary offense law to a secondary offense. One consideration Maine has considered is the cost of Medicaid in vehicle accidents. He also reported the average Medicaid costs for victims wearing seat belts is \$24,500, whereas the costs for unbelted victims averaged medical costs of \$74,000, or nearly triple the cost per patient. He recalled that Senator Bunde sponsored a bill in 2006 to make seat belt violations a primary offense. His intent was public safety. He offered his belief that no one could accuse Senator Bunde of being a fan of the "nanny state or big brother." He wanted to reduce deaths and injuries for Alaskans and visitors to our state. He based his bill on scientific evidence provided by the NHTSA. The AARP agrees with his research. It was valid in 2006 and it is valid today. AARP recommends a no vote on HB

95. In response to Chair P. Wilson, he agreed to provide the statistics.

[3:16:44 PM](#)

DON SMITH, Member, Anchorage School Board, stated he is a former legislator and also a former administrator of the Alaska Highway Safety Office (AHSO) for two years. He said it would be a terrible mistake to pass this bill passes. He is a little distressed of fact and figures used to make a point. He stated that a review of the deaths in Alaska preceding enactment of the seat belt law in Alaska, and for each year since its enactment will show a significant difference in the number of deaths. He speculated that probably 250 to 300 lives have been saved in Alaska. He raised this issue at the school board and all seven school board members are opposed to this bill being passed. He said he is a conservative Republican, but he feels so strongly about this issue. He related that when he was first appointed to the AHSO he received a call about a wreck on the Juneau Highway past the airport. He accompanied the federal highway personnel. He reported the driver, a 16-year-old boy had two teenage girls as two passengers, but none wore seat belts. The driver was ejected and killed, one girl was brain dead, and the other was paralyzed from the waist down. They were just driving fast, went into a cliff, flipped several times and ended up in the middle of the highway. He described another accident in which a woman tried to avoid hitting moose, the unbelted passenger was ejected and the car rolled over the passenger resulting in a fatality. This law saves lives, period. "I hope you'll just put it in the file cabinet where you got it from this morning and let it stay there for a couple years," he said.

REPRESENTATIVE GRUENBERG thanked the testifiers.

CHAIR P. WILSON asked them to send in testimony to make part of the bill packet.

[3:20:43 PM](#)

ROBERT JOHN, Attorney-at-law, stated that he represents a client who was pulled over for a seat belt violation. He related that the legal perspective, the constitutional aspect of pulling someone over is called a seizure. Being pulled over is typically stressful, the person may be late for work or other collateral consequences happen. The legislative history indicated that at the time the mandatory seat belt seat bill passed, lawmakers anticipated seat belt usage would skyrocket to

90 percent. Testifiers did not think it would not become an enforcement issue. The exact opposite has happened, he said. He recalled statistics and stories provided today, which are valid and important. However, for the purpose of the law, the real question is whether the primary enforcement law has increased seat belt usage, which should not be confused with whether seat belts save lives. It is whether the primary enforcement law has increased seat belt usage that the law has a purpose and effect. He offered his belief that the statistics do not indicate whether the primary enforcement law itself has caused increased seat belt usage. He pointed out that usage has increased with education and technology. He noted that usage went down the first year the law passed which tends to refute the point. He emphasized this is the Alaska legislature and the committee should be reviewing how the law has impacted Alaskans' behavior. He highlighted that if an increase cannot be observed, but 5,000 to 10,000 Alaskans are being pulled over it represents a significant number of people whose liberty is intruded upon. He stated that seat belt usage is going up in and of itself. No one wants to say people should not be educated, but if someone is not wearing a seat belt, why should they be pulled over. An officer could use a bullhorn to advise the person at a stop light to please put on seat belt. That would accomplish the goal of increasing seat belt usage. He advised that in his client's case, the officer testified some officers are being paid overtime for seat belt enforcement.

REPRESENTATIVE GRUENBERG related that he is glad to have testimony. He offered his belief that when someone wants to pass a bill relating to something which is not working, the burden is on that person to prove it. He stated that the legislature does not need to prove the law is working. However, he noted proof doesn't exist that the primary enforcement is not working. The primary enforcement not been shown to have any effect at all on seat belt use.

MR. JOHN expressed his concern that at the time the primary enforcement law passed, the testimony seems to have been based on false pretenses, since seat belt usage has not skyrocketed. He said that the assertion seat belt offenses would not become an enforcement issue of its own has not been fulfilled. It has gone the other way and has become an enforcement issue, he said. He suggested in an ordinary situation the legislature would not likely reexamine every little aspect. However, if the reasons for the bill turned out in hindsight to be incorrect, the legislature may wish to examine whether this law has been

effective, given the number of Alaskans adversely impacted each year.

REPRESENTATIVE T. WILSON asked to clarify when she was speaking of Alaska State Troopers (AST) rather than municipal officers she was doing so because she lives outside of municipal boundaries. She acknowledged that the statistics apply to all law enforcement in the state, not just the AST.

[HB 95 was held over.]

### **HB 62-PASSENGER VEHICLE RENTAL TAX**

[3:27:58 PM](#)

CHAIR P. WILSON announced that the final order of business would be announced HOUSE BILL NO. 62, "An Act relating to excluding motorcycles and motor-driven cycles from the passenger vehicle rental tax."

[3:29:08 PM](#)

MIKE COUMBE, Staff, Representative Lindsey Holmes, Alaska State Legislature, on behalf of the prime sponsor, Representative Lindsey Holmes, stated that the bill would exempt motor cycle rentals from the ten percent passenger vehicle rental tax.

[HB 62 was held over.]

[3:29:55 PM](#)

### **ADJOURNMENT**

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 3:29 p.m.