

**ALASKA STATE LEGISLATURE**  
**HOUSE TRANSPORTATION STANDING COMMITTEE**

February 16, 2012

1:08 p.m.

**MEMBERS PRESENT**

Representative Peggy Wilson, Chair  
Representative Lance Pruitt, Vice Chair  
Representative Craig Johnson  
Representative Cathy Engstrom Munoz  
Representative Pete Petersen

**MEMBERS ABSENT**

Representative Eric Feige  
Representative Max Gruenberg

**COMMITTEE CALENDAR**

HOUSE BILL NO. 128

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

- HEARD & HELD

HOUSE BILL NO. 157

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

- FAILED TO MOVE OUT OF COMMITTEE

MOBILITY COALITION

- HEARD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 128

SHORT TITLE: BAN CELL PHONE USE BY MINORS WHEN DRIVING

SPONSOR(S): REPRESENTATIVE(S) GARDNER

|          |     |                                 |
|----------|-----|---------------------------------|
| 01/28/11 | (H) | READ THE FIRST TIME - REFERRALS |
| 01/28/11 | (H) | TRA, JUD                        |
| 03/01/11 | (H) | TRA AT 1:00 PM CAPITOL 17       |
| 03/01/11 | (H) | Heard & Held                    |

03/01/11 (H) MINUTE(TRA)  
02/16/12 (H) TRA AT 1:00 PM CAPITOL 17

BILL: HB 157

SHORT TITLE: USE OF HEADLIGHTS REQUIRED

SPONSOR(s): REPRESENTATIVE(s) KAWASAKI

02/16/11 (H) READ THE FIRST TIME - REFERRALS  
02/16/11 (H) TRA, JUD  
02/16/12 (H) TRA AT 1:00 PM CAPITOL 17

**WITNESS REGISTER**

REPRESENTATIVE BERTA GARDNER  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented HB 128, as prime sponsor.

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 128

ALBERT JUDSON  
Juneau, Alaska

**POSITION STATEMENT:** Testified during the discussion of HB 128.

TYLER SPAAN, Intern  
Representative Scott Kawasaki  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented HB 157, on behalf of  
Representative Scott Kawasaki, prime sponsor of the bill.

MICHAEL BAVARSKY  
Fritz Creek, Alaska

**POSITION STATEMENT:** Testified during the discussion of HB 157.

CRAIG BRESHEARS, Member  
Alaska Motorcycle Safety Advisory Committee  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the discussion HB 157.

AVES THOMPSON, Executive Director  
Alaska Trucking Association (ATA)

Anchorage, Alaska

**POSITION STATEMENT:** Testified during the discussion of HB 157.

BOYD MCFAIL

Legislative Affairs Officer

Alaskan Bikers Advocating Training and Education (ABATE)

Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 157.

MICHAEL VIGUE, Chief

Statewide Plan and Transit

Division of Program Development

Department of Transportation & Public Facilities (DOT&PF)

Juneau, Alaska

**POSITION STATEMENT:** Testified and answered questions during the discussion of HB 157.

DAVID LEVY, Executive Director

Alaska Mobility Coalition (AMC)

Anchorage, Alaska

**POSITION STATEMENT:** Presented a PowerPoint presentation on the Alaska Mobility Coalition.

#### **ACTION NARRATIVE**

[1:08:39 PM](#)

**CHAIR PEGGY WILSON** called the House Transportation Standing Committee meeting to order at 1:08 p.m. Representatives Johnson, Pruitt, Petersen, and P. Wilson were present at the call to order. Representative Munoz arrived as the meeting was in progress.

#### **HB 128-BAN CELL PHONE USE BY MINORS WHEN DRIVING**

[1:09:16 PM](#)

CHAIR P. WILSON announced that the first order of business would be HOUSE BILL NO. 128, "An Act relating to prohibiting the use of cellular telephones by minors when driving motor vehicles; and providing for an effective date."

[1:10:09 PM](#)

REPRESENTATIVE BERTA GARDNER, Alaska State Legislature, speaking as the sponsor of HB 128, stated the committee has heard a number of cell phone bills over the past six years. She offered

her belief that this reinforces that there is not a consensus on cell phone ban. However, the conversation is different for minors. She raised three issues, first, whether cell phones be banned for all drivers or only minors; second, whether hands-free cell phones be allowed; and third, whether the offense should be a primary or secondary offense. She explained a primary offense is one in which drivers can be stopped for talking on their cell phones by law enforcement and a secondary offense is one in which drivers could only be cited if they are stopped for some other reason.

1:12:07 PM

REPRESENTATIVE GARDNER explained that HB 128 simply says drivers under the ages of 18 cannot be talking on their cell phones. This bill does not allow any exemptions for a hands-free cell phone use and it makes it a secondary offense. She pointed out that it is difficult to tell a driver's age. She offered her belief that members understand the range of statistics in terms of driver distraction from cell phone use. She referred to one study by the University of Utah shows that motorists who talk on handheld or hands-free cell phones are as impaired as drunk drivers. The National Safety Council (NSC) estimates that about 28 percent of crashes involve people talking on cell phones when they are driving. She stated the reason to focus on the youngest drivers is because they are the most distractible age group, but are the least experienced drivers who are still learning good habits and increasing their skills. She outlined her goal is to catch drivers at the age when they are most at risk and help them develop good habits. Although the drivers ages 16-20 are involved in 16 percent of the crashes in the state, this age group is involved in 34 percent of the crashes involving cell phone use. This age group also has the highest incidence of serious injury or death when involved in crashes. She would like to reach a consensus on this bill to help reduce deaths and injuries. She referred to members' packet which included e-mails of support, although some letters reference a bill number from a prior year.

1:14:51 PM

REPRESENTATIVE JOHNSON asked for the definition of a vehicular area, referencing proposed Section 28.35.165 in Section 1 of the bill.

REPRESENTATIVE GARDNER answered that AS 28.90.990 (a)(30) defines a vehicular way. She read:

A vehicular way or area means a road, path, or area, other than a highway or private property that is designated by official traffic control devices or customary usage that is open to the public for purposes of pedestrian or vehicular travel and which way or area may be restricted in use to pedestrians, bicycles, or other specific types of vehicles as determined by the Department of Public Safety or other agency having jurisdiction over the way, path, or area.

[1:15:52 PM](#)

REPRESENTATIVE JOHNSON asked whether that definition would include a parking lot.

REPRESENTATIVE GARDNER said she believed so, but she could not speak definitively on this.

[1:16:08 PM](#)

REPRESENTATIVE JOHNSON related a scenario in which a young person had pulled into a Fred Meyer parking lot to make a call home to his/her parents. He inquired as to whether the driver could be pulled over and cited for cell phone use based on suspicious activity.

REPRESENTATIVE GARDNER responded that if a person is pulled over for anything it would imply the vehicle is moving.

REPRESENTATIVE JOHNSON offered his belief that the behavior could be considered suspicious behavior if it was late at night and the driver was sitting in a vehicle in a parking lot in the winter with the engine running.

REPRESENTATIVE GARDNER said she thought it was a fair question and she offered to find out.

REPRESENTATIVE JOHNSON did not think leaving such a large loophole would be a good idea.

[1:18:24 PM](#)

RODNEY DIAL, Lieutenant, Deputy Commander, "A" Detachment, Division of Alaska State Troopers, Department of Public Safety (DPS), related his understanding that the court has defined

operating a vehicle, for the purpose of driving while under the influence (DUI). Thus a person could be arrested if the person were in physical control of the vehicle. However, as it pertains to this bill, "driving the vehicle" would mean moving the vehicle and actually engaging driving the vehicle. He clarified that a person sitting in a vehicle parked in a parking lot would not be considered operating a vehicle. He related he bases this on his experience with routine traffic offenses, in which driving a vehicle would mean moving the vehicle down the roadway; however, if the vehicle was parked it would not constitute driving.

[1:19:43 PM](#)

REPRESENTATIVE JOHNSON wondered whether a person would be cited and must appear in court to be found innocent.

LIEUTENANT DIAL clarified that from an enforcement standpoint the person would not be cited if he/she were parked in a parking lot.

[1:20:09 PM](#)

REPRESENTATIVE PETERSEN inquired as to whether it would be considered suspicious behavior if it was 20 degrees below zero and the driver was sitting in a vehicle while it was running or not running.

LIEUTENANT DIAL said either would be neutral. He said the officer could contact the occupants to assess if the people were okay.

[1:20:54 PM](#)

REPRESENTATIVE PRUITT asked if an individual is not driving but has placed his/her foot on brake whether it would be considered as driving.

LIEUTENANT DIAL said from an enforcement standpoint that he would not consider that type of behavior as driving a car. He said in his experience the court would find it splitting hairs if a driver was cited while sitting in a vehicle stopped in a parking lot, but was not driving. He offered his belief that the court would use its discretion to say that the citation was not warranted. He also thought the court would view the driver's behavior as warranted, such that the driver had taken steps for safe operation of a cell phone. He could not envision

situation in which law enforcement officers would cite the person.

[1:22:19 PM](#)

REPRESENTATIVE PRUITT recalled recent testimony on a texting bill. He further recalled testimony was given to indicate it would be okay for an individual waiting at a red light to briefly text. He inquired as to whether it would be okay for someone to use their cell phone in the same circumstances.

LIEUTENANT DIAL related his understanding if the vehicle is stopped that the person is not technically driving.

[1:23:13 PM](#)

REPRESENTATIVE MUNOZ recalled high statistics for youth ages 18-20. She asked at what age the statistics show less prevalence of crashes and whether it would be at age 21 or older.

LIEUTENANT DIAL responded that he did not know.

[1:23:55 PM](#)

REPRESENTATIVE MUNOZ related her understanding distracted driving in Alaska causes crashes. She asked if the statistics identify the percentage of cell phone use that is tied to cell phone use. She recalled that the enforcement incident report does not list cell phones as one of listed reasons for distracted driving. She asked whether that is still the case.

LIEUTENANT DIAL related his understanding the traffic investigative report form has changed and that information will be incorporated; however, he was uncertain as to whether the distracted driving is broken out to the type of detail to identify cell phone use as opposed to putting on makeup or dealing with children. He did not think that information is currently captured.

[1:24:50 PM](#)

REPRESENTATIVE JOHNSON recalled statistics for young people and wondered if an equivalent statistic related to people 65 or 75 and older, who may also be in an age group with a higher risk of accidents. He wondered whether this bill would set up a class of citizens that is equal to another class of citizens who is

not covered by the bill. He clarified by asking if the same risk would apply to both age groups.

LIEUTENANT DIAL recalled statistics, but deferred to the Department of Transportation & Public Facilities to better address them. He agreed that distracted driving is universally problematic; in fact, he did not favor making allowances for distractions for anyone including law enforcement. He remarked that the department has also been considering implementing policies to curb distraction for officers. He reiterated that distracted driving represents a safety issue for everyone to consider.

[1:27:02 PM](#)

REPRESENTATIVE JOHNSON asked whether the department uses encrypted radios.

LIEUTENANT DIAL agreed that most radios were encrypted, but noted that the department is transitioning to the Alaska Land Mobile radio system. He said some locations still use non-encrypted phones.

REPRESENTATIVE JOHNSON said he thought it was essential for officers to use cell phones since some people intercept police calls. He agreed cell phone use has been identified as a distraction, but emphasized the importance of law enforcement to have the tools to apprehend violators. He thought there might be times when it is valid for someone under 18 to use a cell phone so he expressed reluctance to disenfranchise a special class of citizens.

[1:28:36 PM](#)

CHAIR P. WILSON summarized that this bill is designed to help teenagers who are learning to drive develop good driving habits. One good habit is not to answer a phone while driving and another is to plan ahead and call rather than to start driving and call enroute. She stressed the importance of parents, grandparents, and legislators to consider that this bill may save one or many lives. She pointed out that when youth are informed ahead of time what is expected of them that they can practice doing what is the right thing.

[1:30:14 PM](#)

REPRESENTATIVE PRUITT remarked if he were on his phone with his own mother while he was driving that she would hang up on him. However, he understood certain circumstances could arise, such as when drivers are delayed due to an accident. In those instances, drivers could find themselves unable to communicate with their family that they are delayed and the other parent needs to pick up their child. He expressed concern that under the bill a 16-18 year old might also observe erratic driving behavior and not be able to legally report it since he/she cannot use a cell phone. He offered his belief this bill would disenfranchise the individual.

[1:31:54 PM](#)

REPRESENTATIVE JOHNSON recalled earlier comments that if the legislature could fix something it should, and if so, the legislature may wish to consider restricting driving of those 18 years of age or younger. This point illustrates that things can be carried to extremes. He said he wasn't prepared to ban drivers, but he also wasn't interested in taking on the responsibility of training someone else's children on appropriate behavior. He questioned at what point government should step in for families. He did not want to interfere with parents so he would prefer to err on the side of families making decisions for their children. He suggested that giving young people traffic tickets for talking on their cell phones is likely the last time that activity would ever happen. He certainly does not want anyone to perish, but he expressed reluctance to interfere with the parental role.

CHAIR P. WILSON agreed that if youth are ticketed for an offense, they would not likely repeat the behavior.

[1:34:05 PM](#)

REPRESENTATIVE MUNOZ, speaking as a parent, said she would appreciate having a tool like this to discourage unsafe driving behavior. She thinks most teenagers are "married" to their cell phones. She characterized teen usage of cell phones as constant cell phone use. She also said she strongly supported the concept of moving this bill forward. She characterized this bill as an important public safety measure.

[1:34:49 PM](#)

REPRESENTATIVE PETERSEN remarked that a young person might suggest a smart phone is a waste of good technology on a middle-

aged person like him. He suggested that while it may appear to be overly protective, but the fact remains that 17-year-olds are authorized to drive. He imagined the worst possible situation for a parent would be one in which parents had to go the hospital because their child was in a crash or to have to bury their child. This bill is designed to help our youth develop good driving habits.

1:36:10 PM

REPRESENTATIVE PRUITT agreed the last place for youth be on the phone is in the car. He pointed out that children are not allowed to have cell phones at school since teachers are trying to teach kids. Again, he asked whether the legislature should step in for these types of activities. He described it as a slippery slope. He asked whether this bill would restrict hands-free use of cell phones.

REPRESENTATIVE GARDNER answered yes.

1:37:45 PM

ALBERT JUDSON stated he is a registered voter and formerly worked as a Village Police Safety Officer (VPSO). He said statistics relate to life or death and no gray areas should exist. He cautioned that this issue is not a theoretical one and legislators need to act with courage. He shared personal history relevant to the bill, stating that in August 2007 he was run over by a vehicle near Centennial Hall. He has had physical problems since then. He lamented that the next day someone ran over a dog and the dog made front page of the newspaper; however there was no mention of his accident. He described another incident when a man using a cell phone walked into him and did not even bother to apologize, which illustrated the extent of the problems associated with distraction.

MR. JUDSON related some statistics, with respect to teenagers who are texting while driving, such that 10 percent of the time they are driving outside the driving zone lines. He stated that the average text messaging takes about five seconds to answer while talking on a cell phone slows a teenager's reaction time to that of a 70-year old. Additionally, 21 percent of fatal car crashes involve teenagers 16-18 years old and teenage drivers are 5 times more likely to be involved in a crash. He also recalled reading that a 19-year old slammed into the back of a construction truck and was killed along with a passenger. He said that 38 people were also injured in the crash.

[1:42:13 PM](#)

MR. JUDSON stated that the National Highway Traffic Safety Administration (NHTSA) has developed a graduated licensing program, with the initial segment lasting six months, and must include at least 30-50 hours of parent-certified, supervised practice. The intermediate stage of the graduated license restricts driving to 9 p.m. and restricts the vehicle to transporting no more than one teenage passenger.

[1:43:10 PM](#)

MR. JUDSON recommended amending the bill to include texting.

CHAIR P. WILSON asked him to testify with respect to the bill, that this bill would prohibit cell phone use while driving, which would include texting.

MR. JUDSON suggested all states should impose a total ban on hand-held hands-free devices, based solely on the number of fatal accidents. He related that 30 states, including Washington D.C. ban cell phone use by novice drivers. Every year 4,000-8,000 crashes occur related to cell phone use in the U.S. Seven states have enacted primary laws that ban hand-held cell phones: California, Connecticut, New Jersey, New York, Oregon, Washington, and the District of Columbia. In 2011, Delaware signed a similar law. Thirty states have a primary offense banning all texting by drivers. He said he is opposed to making the violation of cell phone use a secondary enforcement offense since the officer would need another reason to pull over the driver. Instead, he favored primary enforcement on cell phones. He said that half of all states include a category of hand-held electronic equipment that must be included on their accident reports.

[1:46:18 PM](#)

MR. JUDSON said that it should be mandatory for state and municipalities to categorize cell phones and other electronic equipment on accident reports. He related his understanding that reporting is non-existent or else it is too difficult for police to compile cell phone statistics in their accident reports. He suggested the ban should apply to all those under 19 years of age based on statistics and should include intermediate drivers if the state has adopted a graduated licensure program. He thought that there should be mandatory

reporting of electronic usage involved in crash reports. He further recommended that children should be tried as adults in the event a crash involves fatalities. Further, the bill should apply to all taxi drivers and transit drivers. He considered the number of crashes that have occurred since the state first contemplated banning cell phone use while driving, including that nationwide 4,000 crashes occurred in a five year period which totals 20,000 crashes not including Alaska. He emphasized there should not be any gray areas in the law and the legislature should take a black and white approach on this bill. He suggested that theories should not interfere with passing this bill. He offered his belief that now is time to change this law and also ban texting while driving. He offered to provide the sources of his statistics to the committee.

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REPRESENTATIVE GARDNER responded to some of the issues just raised. She referred to insurance companies as masters of studying the data. She turned to Alaska drivers' statistics in members' packets related to accidents: In 2009, the age range for 61 and older had zero crashes, while 8 crashes happened in the target population. She surmised the senior age group has fewer crashes, likely because they tend not to use cell phones as much. She recalled an earlier issue raised was that teenagers would be prohibited from reporting accidents; however, an exemption already exists under AS 11.81.320 that allows all drivers to report. This statute provides justification to report any illegal activity. With respect to interfering with parental rights, she drew on her own experience. She related could tell her children not to use cell phones while driving in her car, but not all parents can enforce their rules. She suggested that this bill would help parents enforce their rules. She characterized this bill as one that addresses public safety. She offered her belief that HB 128 will save lives and has broad public support.

[1:53:51 PM](#)

REPRESENTATIVE JOHNSON noticed the statistics are reported for ages 16-20, and questioned why the bill only limits those 18 years of age and younger.

REPRESENTATIVE GARDNER answered that the state collects data for the youth 16-20 years of age and does not break the statistic out for each age by year.

REPRESENTATIVE JOHNSON clarified that the bill prohibits cell phone use up to 18 years of age.

REPRESENTATIVE GARDNER responded that a well-established template exists for the state and federal laws. She explained that at 18 years of age a person can vote, join the military, and sign contracts. She expressed a willingness to have the committee consider the ages that the bill would apply the cell phone ban.

[1:54:48 PM](#)

REPRESENTATIVE JOHNSON suggested that the combined age data may skew the statistics to a higher percentage.

REPRESENTATIVE GARDNER answered that she thought the data could be broken down for that age group, but she surmised the trend would show older drivers have fewer accidents. She suggested it may not be warranted for researchers to isolate the data for those less than 18 years of age since it would not likely add much more to the discussion.

[1:55:48 PM](#)

REPRESENTATIVE PRUITT referred to a Juneau Empire article in members' packets, which read, "An insurance industry study released last year by the Highway Loss Data Institute found that state laws banning the use of hand held devices to make calls or send text messages while driving have not resulted in fewer vehicle crashes." He related his understanding that the reason for the bill is to reduce crashes, but the data does not support the reduction. He asked for further clarification. He asked whether the sponsor has considered implementing graduated licenses for teenagers, since the data suggests the risk is highest for the period of those just licensed.

REPRESENTATIVE GARDNER answered yes. She recalled Representative Gruenberg previously introduced a bill to address that issue. She offered his belief it would constitute good public policy to prohibit cell phone use for drivers 18 years and younger. She suggested the committee could consider other limits. In further response to Representative Pruitt, she answered that the bill makes cell phone use while driving a secondary offense.

REPRESENTATIVE MUNOZ pointed out that Alaska already has a graduated license law and she thought it required six months of

supervised driving, but that specific statute does not address cell phone use.

[1:58:23 PM](#)

REPRESENTATIVE PRUITT agreed that establishing a limitation might be something for the committee to consider. He pointed out other distracted driving as something he has considered with respect to discussions on other cell phone bills. He recalled in one instance a student was changing the radio station and totaled her car. He did not recall any data with respect to how distracting radio use might be, but he was aware of other distractions besides cell phone use. He said it almost seems like this activity targets cell phone use, but perhaps that activity should be addressed as part of a provisional license.

[1:59:30 PM](#)

REPRESENTATIVE GARDNER answered that anyone can make a mistake, but this bill targets teenagers since they are in the process of learning habits. She agreed there is no end to possible distractions while driving; however, teens are more impulsive and distractible than adults. Those under 18 years of age have been involved in a disproportionate share of serious vehicle accidents resulting in death or injury than the population at large. This bill is designed to save lives in a simple, inexpensive way that reinforces parental decisions by those who restrict their children from cell phones while driving. She characterized this bill as a public safety issue.

[2:01:01 PM](#)

REPRESENTATIVE JOHNSON asked whether the sponsor was amendable to amend the bill add other distractible items, including eating, putting on makeup, or using the radio.

REPRESENTATIVE GARDNER offered to consider other distractions although she did not want to amend the bill at this time.

REPRESENTATIVE JOHNSON said he wanted to work with the sponsor on expanding the bill by adding in other distractions.

[HB 128 was held over.]

**HB 157-USE OF HEADLIGHTS REQUIRED**

[2:01:35 PM](#)

CHAIR P. WILSON announced that the next order of business would be HOUSE BILL NO. 157, "An Act relating to the use of headlights when operating a motor vehicle."

[2:02:01 PM](#)

TYLER SPAAN, Intern, Representative Scott Kawasaki, Alaska State Legislature, stated he would give a brief summary of HB 157.

The committee took a brief at-ease.

MR. SPAAN paraphrased from a sponsor statement, as follows [original punctuation provided]:

House Bill 157 addresses a key goal of the Alaska Highway Safety Office's Strategic Highway Safety Plan. The plan recommends changing state law to require car and truck headlight use at all times. Research shows a decrease in traffic accidents where daytime running lights are used. The Alaska Highway Safety Office has determined enforcements of the headlight law could decrease head-on collisions by five to 15 percent.

The effectiveness of "headlights on" laws can be seen in Alaska on the Seward Highway. In the mid-1990s, signs were installed along the highway from Anchorage to Seward requiring motor vehicles to have headlights on at all times. The Department of Public Safety and the Department of Transportation acknowledge the effectiveness of the headlight usage with instructional signs in saving lives. According to the Department of Transportation, there was a marked decrease in the number of crashes along the Seward Highway.

Similar results have been seen in other countries located in Polar Regions like Alaska. In Sweden, which has similar climate conditions to Alaska, studies have found that the requirement to use headlights at all times reduced crash rates by 20 percent in urban areas and 17 percent in rural areas in winter months.

House Bill 157 will increase the safety on Alaska's roadways by making all vehicles easier to see while traveling, especially during Alaska's long periods of dusk and dawn.

2:04:13 PM

MICHAEL BAVARSKY cautioned that increasing the stimuli, which this bill would do, tends to make people less aware. He related that school buses now use strobe lights although drivers previously were alert to yellow buses and proceeded with caution around school buses. It became necessary to put flashing lights on buses and now strobe lights are used to attract attention. He suggested that it is impossible to get people to be safe and responsible just by increasing stimuli. He recalled when he almost had an accident when an oncoming car not using its headlights was in front of a vehicle using its headlights. He almost pulled out, which made him realize he wasn't looking for vehicles, but was attuned to headlights. He predicted the same thing would happen if people were required to use headlights. He mentioned that requiring headlights would contribute to dead batteries and increased costs associated with more fuel use and light bulb replacements. He offered his belief that this bill would usurp responsibilities of people. He suggested a better approach is to teach people to be more responsible. He doubted the accuracy of the statistics since the studies do not take other factors into account that may attribute to the small increase in crashes.

2:08:36 PM

MR. BAVARSKY also asked to comment on HB 128, relating to cell phone use. He said that no one should be allowed to use cell phones while driving. He cited his own experience noting has had several near misses, but none of the drivers were young. He concluded that cell phone use for all drivers should be outlawed.

2:09:31 PM

CRAIG BRESHEARS, Alaska Motorcycle Safety Advisory Committee, stated that his committee advises the Department of Transportation & Public Facilities' commissioner on motorcycle safety matters. He pointed out sometimes an effort to create safety has an adverse effect in other areas. He related he is also a motorcycle instructor and that he teaches drivers to divide the lane into three pieces: a right, center, and left. Typically, motorcycles will operate in the right or left side of the lane in order to keep drivers safe. He advised members that currently motorcycles are required to use headlights at all times since they are small and hard to see. Thus use of

motorcycle headlights should increase visibility to other motorists. He suggested if HB 157 were to pass, that headlights may cause an accident for the motorcycle if drivers do not see the single headlight, but rather would notice the double headlights of a car or truck. He agreed that motorcyclists represent a small portion of those vehicles on the roadway. He acknowledged HB 157 could prevent crashes, but it could adversely affect motorcyclists, who rarely walk away from crashes. He emphasized that all motorcyclists are opposed to this bill since it places them in harm's way and does not help motorcyclists. He suggested motorcyclists may change their minds if the bill included additional language, such as allowing motorcycles to use of blinking lamps generally reserved for emergency vehicles. He reiterated that this bill currently adversely affects motorcyclists.

2:13:15 PM

AVES THOMPSON, Executive Director, Alaska Trucking Association (ATA), said so long as the bill promotes safer driving that the ATA has no objection; however, he offered that he understood and appreciated the concerns of the motorcyclists and other testimony given today. He urged members to consider the comments carefully.

2:14:18 PM

BOYD MCFAIL, Legislative Affairs Officer, Alaskan Bikers Advocating Training and Education (ABATE), stated that ABATE opposes this bill. As Mr. Brashears testified to earlier, motorcycles could be caught in the sea of headlights and not be seen. Additionally, one other distraction would be from the stimuli from the lights themselves since viewing a car from a great distance tends to cause the lights to separate. He said it is difficult to judge speed of oncoming motorcycles since drivers are used to seeing two headlights. This may create a situation which puts motorcyclists at risk since drivers may misjudge the distance and speed of the oncoming motorcycle. Motorcyclists are most likely to suffer injury or death. He related that railroad engines use alternating headlights since it allows people to better judge speed and distance of an oncoming train than when a train only uses solid lighting. The use of alternating headlights reduces accidents. He suggested use of modulating headlights is legal, but the lights are expensive. He suggested that the bill does not offset any costs to motorcyclists. He offered that ABATE cannot support HB 157 in its current form.

[2:18:42 PM](#)

MR. SPAAN pointed out that the sponsor also owns a motorcycle. He has taken the interests of motorcyclists in mind when crafting this bill. He referred to research analysis performed by the U.S. Department of Transportation. He then referred to a document and said, "Headlight systems have also been shown to reduce fatal opposite direction crashes between a motorcycle and passenger vehicle by 23 percent." He appreciated Mr. McFail's testimony on behalf of motorcyclists and concluded, "This is in the best interests of everyone."

[2:19:53 PM](#)

REPRESENTATIVE JOHNSON referred to Section 28 of HB 157. He questioned why the level of infraction is not stated in the bill.

MR. SPAAN answered that he was not qualified to answer that question, but pointed out that the bill has an additional referral to the Judiciary committee. He offered to provide an answer in writing.

REPRESENTATIVE JOHNSON commented he does not serve on that committee.

[2:20:42 PM](#)

REPRESENTATIVE PRUITT asked for clarification on when it is currently illegal to drive without headlights.

MICHAEL VIGUE, Chief, Statewide Plan and Transit, Division of Program Development, Department of Transportation & Public Facilities (DOT&PF), answered that 13 AAC 04.010 lists when lights are required to be on. He read:

(a) Every vehicle traveling on a highway or other vehicular way or area within the state must illuminate lights

(1) between one half hour after sunset and one half hour before sunrise; or

(2) at any other time when, because of insufficient light or other atmospheric conditions, persons or vehicles on the highway are not clearly discernible at a distance of 1000 feet.

(b) Stop lights, turn signals, and other signaling devices must be illuminated as required by this chapter.

(c) Every vehicle traveling on a highway or vehicular way or area must illuminate lights when traveling on any roadway that is posted with signs requiring the use of headlights.

(d) For the purposes of (c) of this section, lights include low intensity headlights and daytime running lamp devices that meet the standards in 49 C.F.R. 571 (revised as of August 29, 1996), if the headlights are not otherwise required under (a)(1) or (2) of this section.

[2:22:55 PM](#)

REPRESENTATIVE PRUITT recalled posted signs on the Seward Highway that indicate when headlights must be used. He inquired as to who determines the posting.

MR. VIGUE answered that the DOT&PF makes the determination on all four Highway Safety Corridors in Alaska.

[2:23:26 PM](#)

REPRESENTATIVE JOHNSON asked whether any increases or decreases have occurred for motorcycle accidents in the Highway Safety Corridors (HSC).

MR. VIGUE said he was not aware of any specific data on motorcycle crashes resulting from headlight use or nonuse. He related his understanding when placing countermeasures in the HSC a number of things occur simultaneously. Thus it is difficult to correlate between headlight use and crashes. At the same time signs related to headlight requirements were initiated, law enforcement was also increased and centerline rumble strips were also installed in the HSC. Thus it difficult to substantiate which measure is responsible for the reduction in crashes.

[2:24:52 PM](#)

REPRESENTATIVE PRUITT moved to report HB 157 out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE JOHNSON objected.

A roll call vote was taken. Representative Petersen voted in favor of the motion to move HB 157 out of committee. Representatives Johnson, Munoz, Pruitt, and P. Wilson voted against it. Therefore, the motion to report HB 157 out of the House Transportation Standing Committee failed by a vote of 1-4.

[2:26:20 PM](#)

The committee took an at-ease from 2:16 p.m. to 2:28 p.m.

### Mobility Coalition

[2:28:00 PM](#)

CHAIR P. WILSON announced that the final order of business would be a Presentation by Alaska Mobility Coalition, Mr. Levy.

[2:28:26 PM](#)

DAVID LEVY, Executive Director, Alaska Mobility Coalition (AMC), said he appreciated the opportunity to speak about his organization. He began his PowerPoint presentation. He stated that the AMC is a private nonprofit organization [slide 2]. He related that the AMC represents and advocates for community across the state [slide 3].

MR. LEVY explained that the AMC represents over 110 member organizations throughout the state [slide 4-5]. He explained the organization's members range from tribal entities, nonprofit organizations, disability organizations, trucking associations, to consultants.

[2:29:52 PM](#)

MR. LEVY related the AMC's two priorities. He thanked the committee and Representative Munoz for supporting HB 131, which would create a statewide task force on public and community transportation. He said he thought a role exists for state government in terms of coordinating transportation and providing efficiencies in transportation in Alaska [slide 6]. He also advocated for the bill to help facilitate state partnerships in public transportation sponsored by the Senate Transportation Committee ([slide 7]. He explained that the legislature became a partner in deciding how to provide transportation when it

authorized \$1 million to address transportation needs throughout the state, by adding additional vehicles, weekend service, and additional bus routes. He offered his belief that this helped to address the growing demand for public transportation. The \$1 million really generates an 80/20 ratio, which equates to \$4 million in federal and tribal money. He asked for the committee's support for this funding in the capital budget.

MR. LEVY mentioned several television advertisements that discuss public transportation.

[2:32:15 PM](#)

The committee aide ran a 30-second vimeo advertisement clip, followed by a second vimeo, a 90-second advertisement clip that demonstrated examples of public transportation.

[2:34:41 PM](#)

MR. LEVY concluded his presentation by showing a photograph of a moose crossing the road in front of a public transit bus.

REPRESENTATIVE PETERSEN remarked that the moose was a beautiful moose. He inquired as to whether the photo was a real photo.

MR. LEVY answered that it was a photograph, courtesy of the Anchorage Daily News.

[2:35:19 PM](#)

CHAIR P. WILSON inquired as to the additional ridership that was provided by the \$1 million in funding.

MR. LEVY answered that the funding was awarded in July and so he does not yet have the final numbers. He offered to provide it to the committee.

[2:36:05 PM](#)

REPRESENTATIVE MUNOZ asked him to speak to efforts to coordinate transportation between agencies and how it maximizes funding.

MR. LEVY responded that coordinated transportation is the key to transportation in Alaska. Alaska is unique since people travel by ferry, dogsled, airplane, and bus. He said it is challenging to coordinate transportation and to ensure greater efficiencies is important. He highlighted that many state agencies provide

transportation yet do not coordinate their efforts in terms of funding and resources. He emphasized the importance and one of the tasks of the task force is to assist government, nonprofits, and communities in ways to work together in a coordinated way to become more efficient in providing transportation. As an aside, he mentioned that when the Governor's task force began its work several years ago, a person who wanted to work in a community could not do so since there was not any accessible van in the town, except for the school district. The school district, by policy, could not transport anyone who was not a student. He mentioned that people face challenges to get medical care in rural or urban settings. He offered his belief that coordination of services is really the key to get people moved efficiently and effectively.

[2:39:45 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 2:39 p.m.