

ALASKA STATE LEGISLATURE
HOUSE TRANSPORTATION STANDING COMMITTEE

February 24, 2015

1:06 p.m.

MEMBERS PRESENT

Representative Neal Foster, Co-Chair
Representative Shelley Hughes, Co-Chair
Representative Charisse Millett
Representative Benjamin Nageak
Representative Louise Stutes
Representative Matt Claman
Representative Dan Ortiz

MEMBERS ABSENT

COMMITTEE CALENDAR

HOUSE BILL NO. 88

"An Act relating to remittance of tire fees; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 91

"An Act relating to operating a motor vehicle in lanes of traffic."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 88

SHORT TITLE: FEES FOR TIRES

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/30/15	(H)	READ THE FIRST TIME - REFERRALS
01/30/15	(H)	TRA, FIN
02/24/15	(H)	TRA AT 1:00 PM CAPITOL 17

BILL: HB 91

SHORT TITLE: OPERATING MOTOR VEHICLES IN TRAFFIC LANE

SPONSOR(s): HUGHES

01/30/15	(H)	READ THE FIRST TIME - REFERRALS
01/30/15	(H)	TRA, FIN

02/24/15

(H)

TRA AT 1:00 PM CAPITOL 17

WITNESS REGISTER

ANNA KIM, Chief of Revenue Operations

Juneau Office

Department of Revenue (DOR)

Juneau, Alaska

POSITION STATEMENT: Presented HB 88 on behalf of the administration.

BRANDON SPANOS, Deputy Director

Tax Division, Anchorage Office

Department of Revenue (DOR)

Anchorage, Alaska

POSITION STATEMENT: Testified during the discussion of HB 88.

STUART KRUEGER, Staff

Representative Shelley Hughes

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Presented HB 91 on behalf of the prime sponsor, Representative Shelley Hughes.

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 91.

GARY BILLER, President

National Motorists Association (NMA)

Madison, Wisconsin

POSITION STATEMENT: Testified in support of HB 91.

MARK NEIDHOLD, Chief

Design & Construction Standards

Division of Statewide Design & Engineering Services

Department of Transportation & Public Facilities (DOT&PF)

Juneau, Alaska

POSITION STATEMENT: Testified and answered questions during the discussion of HB 91.

EVERRET HAMILTON

Palmer, Alaska

POSITION STATEMENT: Testified during the discussion of HB 91.

EMIL ROBERT MACKEY, PhD; Member
Juneau Airport Board
Juneau, Alaska

POSITION STATEMENT: Testified during the discussion of HB 91.

THOMAS BRAUND
Sutton, Alaska

POSITION STATEMENT: Testified in opposition to HB 91.

LINDSEY SILKO
Eagle River, Alaska

POSITION STATEMENT: Testified in support of HB 91.

JOANNE BLACKBURN
Anchorage, Alaska

POSITION STATEMENT: Testified during the discussion of HB 91.

PAM GOODE
Delta Junction, Alaska

POSITION STATEMENT: Testified in opposition to HB 91.

ACTION NARRATIVE

[1:06:13 PM](#)

CO-CHAIR SHELLEY HUGHES called the House Transportation Standing Committee meeting to order at 1:06 p.m. Representatives Ortiz, Millett, Nageak, Stutes, Foster and Hughes were present at the call to order. Representative Claman arrived as the meeting was in progress.

HB 88-FEES FOR TIRES

[1:06:58 PM](#)

CO-CHAIR HUGHES announced that the first order of business would be HOUSE BILL NO. 88, "An Act relating to remittance of tire fees; and providing for an effective date."

[1:07:57 PM](#)

ANNA KIM, Chief of Revenue Operations, Juneau Office, Department of Revenue (DOR), on behalf of the administration, stated that HB 88 proposes to change the deadline for vendors to report and

pay collected tire fees to the last day of the month. She explained that tire fees and payments are due 30 days following the last day of the calendar quarter. Thus for three of the calendar quarters the filing and payment are due prior to the last day of the month. This has caused taxpayer confusion about filing dates and resulted in inadvertent late filings, as well as penalties and interest on late filings. This bill would provide a remedy.

[1:09:06 PM](#)

MS. KIM stated that Section 1 changes the return and tax payment due date from 30 days following the last day of the calendar quarter to the last day of the calendar month. She said this means the due dates change from the original due dates of the 30th of July, October, and January to the 31st.

MS. KIM stated that Section 2 will align the payment and date used to determine a timely paid credit with the adjusted due dates listed in Section 1. She relayed that the timely paid credit is intended to compensate taxpayers for collecting taxes from customers and remitting fees to the state. She explained that the timely paid credit allows vendors to retain five percent of the amount of the tax collected not to exceed \$900 per quarter, to cover expenses associated with collecting and remitting the fees.

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MS. KIM stated that Section 3 will apply the due date changes to the first calendar quarter after the effective date of the act and Section 4 will add an immediate effective date. She reported that the department's fiscal note is zero and the department is not aware of any opposition to the bill.

[1:10:41 PM](#)

CO-CHAIR HUGHES asked whether the schedule for vendors who sell tires will also match the schedule for those remitting motor fuel taxes.

MS. KIM deferred to Mr. Spanos to respond.

[1:11:17 PM](#)

BRANDON SPANOS, Deputy Director, Tax Division, Anchorage Office, Department of Revenue (DOR), stated that he was not aware of any

tire fee taxpayers who are also collecting motor fuel taxes; however, if this did occur, the two separate returns would line up. He explained that motor fuel taxes are filed monthly, but taxpayer returns would line up since the due dates fall at the end of the month. In addition, under the bill all of the quarterly returns will fall at the end of the month rather than the 30th day of the month.

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CO-CHAIR HUGHES asked for further clarification on the reduction in revenue of \$30,000.

MR. SPANOS answered that the figure may be estimated higher, since the division has not yet analyzed how many taxpayers actually pay one day late, but the figure is based on estimated penalty and interest payments for a number of late filings. The reduction in revenue reflects the loss of interest, penalties, and taxpayer credits, he said. He explained that taxpayers paying one day late incur a late filing penalty of 5 percent plus 3.75 percent interest, as well as a timely filing credit of up to \$900.

[1:13:17 PM](#)

REPRESENTATIVE ORTIZ asked for the genesis of the bill and if it came from the vendors.

MS. KIM answered that taxpayers have raised the issue of inconsistencies in the due dates.

[1:13:50 PM](#)

REPRESENTATIVE CLAMAN related his understanding that this bill would reduce the burden for businesses who sell tires since they will have a clear schedule for remitting tax collections and the loss of revenue reflects the division will not be collecting penalties and interest for vendors with late filings.

MS. KIM answered that is correct.

[1:14:14 PM](#)

REPRESENTATIVE CLAMAN asked for further clarification that the division will still collect late fees, but the expectation is that since the deadline would be clearer, the department will collect less penalties and interest.

MS. KIM answered that is also correct.

1:14:41 PM

CO-CHAIR FOSTER asked the department to elaborate on the tax timely pay credit loss.

MS. KIM answered that vendors who pay timely retain 5 percent of the tire fees that the division would normally collect.

1:15:15 PM

CO-CHAIR HUGHES asked how businesses will be notified of the proposed change, for example, whether vendors will be notified through the public notice process or if the department will provide individual notices to taxpayers. She further asked for information on the different types of tire fees for commercial, studded, or off road tire fees.

MS. KIM explained that the outreach would be done by the excise tax section. She said the division will also need to change its forms. She envisioned that some type of announcement will be posted on the department's website. She deferred to Mr. Spanos to address tire fees.

1:16:29 PM

MR. SPANOS answered that two fees are associated with tires, the first is a [\$2.50] fee on the sale of all new tires, and the second is a fee of \$5 for studded tires; however, customers buying studded tires are required to pay both fees.

CO-CHAIR HUGHES asked whether fees are different for large commercial tires as compared to fees for passenger vehicles.

MR. SPANOS confirmed the tire fee is \$2.50, but there is not any difference in fees based on tire size. He clarified that the stud fees are based on the stud weight so the \$5 fee wouldn't apply to a small aluminum stud, but it would apply to steel studs. Further, tires used exclusively for off-road use are exempt from the taxes.

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CO-CHAIR HUGHES, after first determining no one wished to testify, closed public testimony on HB 88.

[HB 88 was held over.]

[CO-CHAIR HUGHES passed the gavel to Co-Chair Foster].

HB 91-OPERATING MOTOR VEHICLES IN TRAFFIC LANE

[1:19:53 PM](#)

CO-CHAIR FOSTER announced that the final order of business would be HOUSE BILL NO. 91, "An Act relating to operating a motor vehicle in lanes of traffic."

[1:20:01 PM](#)

STUART KRUEGER, Staff, Representative Shelley Hughes, Alaska State Legislature, on behalf of the sponsor, stated that HB 91 hopes to address left-lane lingering on highways. This bill would amend AS 28.35.140 to add a new sub-section to the portion of statutes that prohibits vehicles from purposefully obstructing or blocking traffic on any roadway. He said that subsection (c) will require motorists to operate in the right-hand lane, unless directed otherwise, when overtaking or passing other vehicles traveling in the same direction or when preparing for a left-hand turn into an alley, private driveway, or road. He anticipated further exceptions will be considered at the next hearing in a proposed committee substitute.

[1:22:40 PM](#)

CO-CHAIR HUGHES, speaking as prime sponsor of HB 91, said she brought this bill forward since Alaska often has one roadway to get from point "a" to point "b" and drivers often find themselves stuck in slow moving, congested, and unsafe traffic on multi-lane highways, or two or more lanes moving in the same direction. She said that HB 91 aims to make Alaska's roadways safer and more efficient by reserving the left lane for passing only with a few exceptions. This bill would basically designate a portion of the roadway - the left-hand lane - for a specific purpose. She related her understanding that some people find this as an infringement of their rights; however, she reminded members that roads currently are designed for certain functions. She highlighted that motorists currently don't drive on the shoulder, perform "U turns" and exit the on ramp, or make right hand turns from the left turn lane. These "designations" of the pavement allow traffic to flow in an orderly way. She reviewed exceptions, including using the left lane when passing,

preparing for a left turn, when otherwise directed, or when road conditions make it unsafe to operate in the right lane. She stated that a proposed committee substitute (CS) for HB 91 will address some concerns that have been raised, but she will not address it today since members have not had adequate time to review the draft. She stated that using the right-hand lane is not a new concept for Alaska's drivers, since friendly signs currently direct slower traffic to keep right; however, the current law allows drivers on a multi-lane road to travel at or below the posted speed in the left lane. She said this causes unnecessary or dangerous congestion.

[1:25:27 PM](#)

CO-CHAIR HUGHES stated that only three other states and Puerto Rico have not updated their laws restricting left-lane use; however, current restrictions on two-lane roads require vehicles with five or more vehicles behind them to pull over [and let traffic pass]. What happens on multi-lane roads, with two lanes in the same direction, is that two vehicles can travel at the same speed and block vehicles traveling behind them. Sometimes these vehicles are traveling below the speed limit

CO-CHAIR HUGHES emphasized that this bill does not encourage speeding nor does it change the laws related to speeding, but it pertains to drivers who choose to operate in the left lane since they contribute to a dangerous situation. Left-lane behavior that blocks or obstructs traffic can cause road rage and increase commute times - especially in her district with an hour commute. Further, vehicles operating in the left lane can impede emergency vehicles, she said. She explained that commuters and transportation professionals pointed out these issues and are seeking a solution. She said the bill imposes a \$100 fine, which is similar to the fine for impeding traffic on a two-lane road by having five or more vehicles lined up behind a motorist. The Department of Transportation & Public Facilities (DOT&PF) has the responsibility to plan, design, and build roads and make sure that the roads can be used efficiently and safely. In closing, this bill will help even out traffic flow and make roadways less dangerous by reducing uncertain or unpredictable traffic flow that can create more dangerous situations. For example, when slower moving vehicles move over one lane to the right, it can create a safer road for faster moving vehicles that otherwise must pass on the right.

[1:29:28 PM](#)

REPRESENTATIVE CLAMAN, referred to a letter in members' packets from the Alaska Trucking Association, Inc. [dated February 24, 2015], which stated that anticipated enforcement actions would be taken rarely and only in the most egregious situations. Although he is a big proponent of good courteous driving, he questioned how much the legislature can legislate courtesy. He asked for further clarification on which roads this provision would apply. He described several situations he experienced where all traffic lanes are full. For example, he relayed that he has driven on a freeway in the Los Angeles area when all five lanes are full, from Sea-Tac [Seattle-Tacoma International Airport] to downtown Seattle, and from Anchorage to Palmer during rush hour. He wondered how this bill will affect traffic flow especially in wall-to-wall traffic situations since everyone will be required to travel in the right-hand lane. He asked for further clarification on what would be considered a rural area.

CO-CHAIR HUGHES answered that the proposed committee substitute, which will not be discussed today, will address some of the concerns in terms of road conditions. First, she reiterated that the intent of the bill is for motorists to use the left-hand lane for faster passing traffic so during times of congested traffic, even though the left lane might be full, it will continue to move faster. Thus left-lane motorists will pass other traffic and drivers in the left lane that are not moving faster should merge into the right-hand lane. Secondly, she said she did not anticipate any increase in law enforcement under the bill. The provisions of HB 91 are restricted to multi-lane roadways so the bill will apply to multi-lane roadways in [Anchorage]; however, she envisioned that exceptions will cover the circumstances just raised. She acknowledged that it isn't possible to legislate courtesy, but stated there is a proper order for the best, safest, and most efficient traffic flow. She anticipated that as new drivers become licensed, it will affect behaviors and become more the norm. She hoped the bill will improve traffic efficiency and road safety over time.

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REPRESENTATIVE CLAMAN asked whether this will apply to Minnesota Drive, the Glenn Highway, and Tudor Road no matter if the highways are in urban areas.

CO-CHAIR HUGHES agreed the bill will apply, but pointed out one exception is for turning left so if someone were driving on

Tudor Road it would be okay for the person to be driving in the left lane if the motorist is planning on a left turn.

[1:34:02 PM](#)

REPRESENTATIVE MILLETT asked about the enforceability of the law. She related a scenario in which people are driving at the speed limit of 55, parallel to one another. She asked whether the motorist in the left lane must slow down or speed up to avoid obstructing traffic.

CO-CHAIR HUGHES agreed that under HB 91, the motorist in the left lane would need to move to the right lane since at some point an approaching motorist may want to pass. She surmised that two motorists traveling the same speed without other vehicles on the roadway present probably would not warrant a traffic stop; however, at some point a motorist could approach and need to pass. She suggested the Department of Public Safety could clarify potential enforcement.

[1:36:08 PM](#)

REPRESENTATIVE MILLETT said she has personally traveled in the left hand lane in inclement conditions to avoid snow or water from the vehicle in front from splashing on her windshield and reducing visibility. She said she understands the frustration that some people experience on Egan Expressway.

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CO-CHAIR FOSTER expressed an interest in the response in terms of merging traffic traveling 55 miles per hour, but when a car approaches quickly from the rear and the driver in the left lane speeding up to pass the vehicle in the right lane would be speeding. He asked whether the driver who was passing would get ticketed.

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REPRESENTATIVE ORTIZ said he doesn't live in an area that has these issues, but he wondered whether people typically travel the speed limit or if the traffic flow is faster than the speed limit.

CO-CHAIR HUGHES answered that motorists drive a range of speeds. For example, the speed limit is 65 miles per hour (mph) [between Anchorage and the Mat-Su valley], but traffic speed ranges from

65-72 miles per hour (mph), with occasional traffic traveling at 80 mph. She anticipated motorists traveling at 80 mph would be ticketed.

[1:38:50 PM](#)

REPRESENTATIVE ORTIZ remarked that the sponsor's staff, Stuart Krueger, captured the essence of the bill by phrasing it "left-lane lingering."

CO-CHAIR HUGHES mentioned that Georgia has a "slow poke" law with a fine of up to \$1,000.

[1:39:25 PM](#)

RODNEY DIAL, Lieutenant, Deputy Commander, A Detachment, Division of Alaska State Troopers, Department of Public Safety (DPS), referring to earlier questions, pointed out that currently 13 AAC 02.050 states that on all roadways outside of an urban district a vehicle proceeding at less than the authorized speed must drive in the right lane. He offered this type of offense, which is considered obstructing traffic, most often occurs when tourists are looking at scenery or elderly drivers are driving slower. It almost always results in a warning, he said, and it is rare that anyone is cited. Although the department is neutral on the bill, it would support enforcement efforts in instances in which drivers are intentionally driving in the left lane. In fact, in his experience, he has encountered people who have said they believe that everyone else can drive behind them. Thus he recognized instances happen such that drivers are not courteous to other drivers. He referred to 13 AAC 02.050 as the regulation used to cite that type of behavior or else law enforcement will use AS 28.35, unlawful obstruction or blocking of traffic to cite offenders.

[1:42:17 PM](#)

GARY BILLER, President, National Motorists Association (NMA), stated that the NMA is an advocacy organization with 9,000 members across the United States. He stated that the NMA very strongly supports this bill, which promotes motorists keeping right on multi-lane roadways, which allows faster traffic to proceed in the left lane. The NMA refers to this principle of driving as "lane courtesy." In fact, if all drivers keep the left lane clear for faster moving vehicles, it will result in less congestion, he said. He pointed out that it only takes one

vehicle "camped" in the left lane to cause traffic to backup. Further, he anticipated that under the bill there would be fewer instances of tailgating or potential road rage, as well as enhanced highway safety due to the smoother, more consistent flow of traffic. He suggested that many drivers claim the left lane because they are traveling at or just below the speed limit. That driver behavior can add to the frustration of other drivers if the natural flow of traffic is constricted. Further, this constriction can not only adversely affect normal commuter traffic, but that of emergency vehicles. His organization does not view this bill as a civil liberties issue for individual drivers, but as being more about safety and enhancing the "quality of life on the road" for the greater public. He anticipated that with passage of HB 91, more Alaska drivers will realize the law requires them to allow faster traffic to pass in the left lane, which will lead to improved lane courtesy.

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MR. BILLER suggested that the fatality rate on multi-lane highways in the US is significantly higher than on the German Autobahn - as much as 84 percent higher - based on 2010-2011 data. Two major differences between the German Autobahn and other major highways is that the German Autobahn has few speed limit restrictions and average travel speeds in excess of 80 mph. The other major reason for the German Autobahn's safety record is the driving culture in Germany of keeping to the right is strictly practiced. Many may view lane courtesy as primarily an educational issue for the motoring public, but being able to inform drivers who typically hang out in the left lane will reinforce the message, he said. He encouraged members to support passage of HB 91.

[1:45:37 PM](#)

MARK NEIDHOLD, Chief, Design & Construction Standards, Division of Statewide Design & Engineering Services, Department of Transportation & Public Facilities (DOT&PF), stated that the DOT&PF recognizes that improving right hand travel and reducing left lane blockage on multi-lane facilities has the potential for operational improvement in terms of safety and congestion/capacity. He reported that the national interstate system has the lowest fatal injury and major injury crash rate per vehicle mile for all types of roadways in the US, in part, because the typical right lane travel is practiced. This allows the [road] facility to function as intended, with slower traffic on the right and faster traffic being allowed to move

unobstructed in the left lane. The safety issue arises, in part, due to frustration and aggressive driving, but also due to a mismatch or variation in speed. He recalled Representative [Millett's] earlier comments about driving alongside other vehicles during snow or rain conditions as being typical behavior, but it can bind all the vehicles behind the two vehicles at the same speed. He acknowledged this can lead to aggressive driving, or road rage, and potentially to unsafe passing or "wrong" side passing, which can result in grave consequences.

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MR. NEIDHOLD said that Alaska has invested significant funding to develop its multi-lane facilities. Since the Department of Transportation & Public Facilities (DOT&PF) is responsible for the road system, it developed the multi-lane roadways to address safety as well as to address capacity and congestion. He stated requiring drivers to move right when able, except due to left turns, frees up the left lane, or left lanes, to improve traffic flow. This is consistent with the monies the department invests in the public roadway system and also consistent with the national standard established in the uniform vehicle code. Although most states use the UVC as the model, the code does help to create uniformity of expectation nationwide, which can improve safety.

[1:50:14 PM](#)

CO-CHAIR HUGHES asked if the traffic flow is moving along better whether it will allow for more cars to travel on a roadway.

MR. NEIDHOLD answered yes; except in gridlock circumstances, [inappropriate] left lane behavior will keep all other vehicles from "free flow" conditions, which allow for higher capacity than blocked or obstructed travel.

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REPRESENTATIVE CLAMAN asked how frequently law enforcement encounters people driving below the speed limit in the left lane and going too slowly.

LIEUTENANT DIAL answered that it is very rare. For example, absent gridlock, drivers can usually get around someone driving in the left lane by passing in the right lane. In instances in which the [Alaska State Trooper] believes someone is

intentionally blocking traffic, the trooper will make a traffic stop and can cite the driver. Sometimes the driver will tell the trooper he/she was driving the speed limit. While that may be so, driving speeds typically vary on curves or hills when the driver slows down, which can create gridlock. He acknowledged that the division makes some stops for motorists obstructing traffic.

[1:53:40 PM](#)

REPRESENTATIVE CLAMAN asked for clarification on whether the stops were rare.

LIEUTENANT DIAL answered that the traffic stops and citations occur more often on a two-lane road with traffic backed up by five or more vehicles, but it is a fairly rare occurrence on the Seward Highway or the Glenn Highway. In response to a question, he agreed that the statutes prohibit traffic backing up by five or more vehicles on a two-lane roadway.

[1:54:22 PM](#)

CO-CHAIR FOSTER opened public testimony on HB 91.

[1:54:42 PM](#)

EVERRET HAMILTON stated that he lives in the Mat-Su valley and often drives to Anchorage. He agreed that signs encourage drivers to keep right, but "slower" is a relative term. He has often experienced the situation in which two cars driving parallel to one another impede traffic, but he has not personally experienced obstructed traffic when the roadway is posted "left lane passing only." He offered his belief that changing the sign from "slower traffic keep right" to "left lane passing only" could help since there is less room for interpretation. He has often heard complaints from other people who were stuck behind drivers occupying both lanes at the same speed or below the posted speed limit. He said that the state is obligated to ensure the citizens safe and one way to do so would be to clear up some of the "muddy" wording.

[1:56:57 PM](#)

EMIL ROBERT MACKEY, PhD; Member, Juneau Airport Board, stated that when he first started his public policy program he was a transportation science major. He recalled using technology that allowed him to review videos that showed cars passing on the

highway. It was possible to see the echo of one car slowing down for six to eight hours throughout the day. He further recalled that most of the studies he reviewed were done in California; however, he has observed the same echo in Juneau between 7 a.m. to 8:30 a.m. in the morning or in Anchorage, he said.

[1:58:14 PM](#)

DR. MACKEY stated that substantial literature exists to show how [limiting left lane traffic] increases safety and traffic flow. He related several scenarios that illustrated how impeding flow in the left-lane of traffic at Juneau [International] Airport has blocked emergency vehicle access to the airport. Similarly, he thought that impeding traffic flow on roadways has developed a culture where it is perceived as okay. Further, he recalled the legislature passed a law requiring motorists to use lights, and although this infringes on personal rights, it also marginally improves safety in the roadway. He said it might be necessary for some motorists to slow down to allow motorists to merge onto the highway; however, he suggested it is not hard to do so.

[2:00:53 PM](#)

DR. MACKEY said he earned his doctorate on choice theory and bureaucratic decision-making. He recalled that highway funding was tied to 55 miles per hour (mph) speed limits, but traffic studies showed that that safety improved even though people did not drive 55 mph. He said everyone benefited from the speed limit being imposed. He did not think the [bill] makes it easier for speeders to speed, but it will create a safer environment for the public to have the safest and most efficient services available.

[2:02:39 PM](#)

THOMAS BRAUND said he drives from Sutton to Elmendorf Air Force Base every day. He provided his background, including that he served as a U.S. Marine MP for two years, a college police officer for six months, drove a school bus for four years, worked as a firefighter and fire apparatus engineer for 12 years, and has 14 years of experience as an emergency ambulance driver and emergency medical responder for 14 years. He also served as a San Diego police officer for approximately 9 years.

MR. BRAUND said he would like to address driving, safety, and freedom. He asked to read his testimony, as follows:

I've been well trained in driving these many forms of vehicles, attended multiple safe driving courses and have driven over a million safe miles in 47 states over 51 years being licensed for CDL in Alaska, Arizona, California, Maryland, New Jersey, and Texas. Part of my duties as a police officer was to obtain a forced voluntary compliance by enforcing traffic laws through citations to those who chose to disregard the rules and cause less safe conditions. We were taught that we were to affirm the duties as traffic officer with the intent to facilitate safe and orderly movement of traffic. I have likewise investigated hundreds of traffic collisions and most could have been prevented by the driver causing the crash and some others could have been prevented by the drivers causing conditions that others did not recognize in time.

[2:04:59 PM](#)

MR. BRAUND continued to read his testimony, as follows:

Though some states have some strangely ludicrous laws, all states' traffic laws are internationally recognized as reasonable in that they are designed to enhance the safe and orderly movement of traffic on and off the roads. That traffic includes any vehicle - with or without a motor, including animals. There are rules as well for aircraft, railroads, and watercraft. In every state it is recognized by most people that driving is supposed to be done in the right lane unless passing whether a law exists for that or not. It is likewise recognized that some people drive in the left lane continuously for reasons known only to themselves. As a police officer I would stop some of these people because they were holding up traffic. They weren't moving over to the right. And quite often I got the statement, "Well, this is my lane." In Alaska, we have signs in certain places like [Everett] from the valley addressed, and I agree with him totally. The absence of enforcement for that and other rules enables certain drivers to become traffic engineers and road cops in that they decide to regulate traffic according their own rules. And this

is not an easy one to enforce a lot of the time. We are issued driver's licenses when we pass tests to demonstrate our minimum level of knowledge about traffic rules and that we are able to safely operate a motor vehicle. Therefore this license gives us permission to drive on the roads. This permission can be limited, suspended or revoked and is subject to restrictions. It is not a right to drive on public roads as some people think.

As far as safety, when a person drives in the left lane continuously - the left lane lingerers - he is violating the natural law and the rights of others to move about freely in traffic. Many left lane drivers say they're preventing others from speeding, often by driving even less than not only the normal speed of traffic, but less than the posted speed limit. In doing so, they are restricting traffic flow. When a driver so restricted finds a way to pass the "road cop" the "road cop" often speeds up to prevent such passing sometimes at very high speeds. Often these left-lane drivers are punishing other drivers for perceived violations of rules they impose.

[2:07:14 PM](#)

MR. BRAUND continued to read his testimony, as follows:

Most people drive according to a schedule in order to reach a destination by a certain time, especially a commuter time ... during "rush hour." When they feel as if they may be late due to such restrictions some speed and some perform unsafe maneuvers to circumvent "road cops." These actions can lead to collisions, especially if road conditions are less favorable. Most drivers on the road, from my experience, want to drive the speed limit, not five miles under, not two miles under. Often slower drivers in the left lane accumulate drivers behind them who tailgate. Some are trying to motivate the slower driver to move to the right in order to relieve the congestion. Some are simply venting anger at the selfish driver before them. The problem is that these drivers are holding up traffic when the traffic could move more freely. When congested traffic slows it often begins a traffic accordion. Similar to a whiplash, the accordion can produce dangerous conditions when more sudden slowing

occurs. When they increase speed drivers to the rear often blindly follow only to be slowed down again, sometimes with rear end collisions or running off the road to avoid one. By causing or at least encouraging tailgating, these "left lane lingerers" are intentionally endangering others. Tailgating is the number one cause of collisions nationwide - as I've been taught - yet many police officers don't cite for it, partly because it's difficult to do and partly because some judges, in my experience, will find any way they can to find them not guilty. And some police officers get frustrated at that so they'll find easier things to do like "speeders."

2:09:02 PM

MR. BRAUND continued to read his testimony, as follows:

Speeding in and of itself causes collisions much less often than tailgating. This unnecessary traffic congestion also causes other drivers to perform unsafe movements including threading the needle. I have high praise for the officers who drive safely by example. It does cause other drivers to follow their example.

As to freedom, some say traffic laws restrict their freedom. Exactly the opposite is occurring in that what they do reduces the freedom of other drivers on the road to safely pass or change lanes. Selfish drivers also prevent passing by speeding to cut off anyone attempting to pass, essentially amounting to a form of unlawful imprisonment. When corrected, such drivers sometimes become angry and belligerent, even resentful and bitter, and some go into road rage after being thwarted.

Essentially, good driving amounts to taking responsibility for the safety of everyone on the road and to practice driving in a way to promote the orderly movement of traffic. I believe this bill should pass. I believe it's a very good bill. I believe it should have another subsection, subsection [say] (e) could make it unlawful for any driver to do anything that prevents any other driver from safely passing with a fine from between \$500-\$1,000 - which isn't my decision, but I like it - with the penalty for subsequent violations being multiples of the

original. Now as far as what has been said so far, I totally agree with what Lieutenant Dial, Gary Biller, Mark Neidhold, [Everett] from the valley, and Emil Mackey. They really have nailed it well.

As far as everyone driving at same speed limit: I think that causes other problems in that people get complacent or start to fall asleep - I forget what it's called, but you get hypnotized - road hypnosis. I think it's better for traffic to stir a little bit. This bill, as I see it, is addressing the general movements of traffic, not the special conditions of congested commuter traffic at rush hour. Wall to wall traffic is really a different [consideration] and law enforcement takes that into condition when things are going on and when they are in the traffic. This addresses it when there's an opportunity for someone to pass and someone else is preventing it.

2:12:25 PM

LINDSEY SILKO stated that she is a daily commuter in the Anchorage area. She spoke in support of HB 91 for two reasons. First, she said she has seen it work when she and her husband were stationed in Germany and she was a frequent driver on the German Autobahn. During that time, she did not observe a single accident; however, she cannot say the same for her time in Alaska. She further supports the bill because anything that increases the safety on the road is important to her since she is also an avid motorcycle rider. She has often observed people switching lanes and weaving around, which causes a safety hazard for those who are on bikes since motorcycles are harder to see. She predicted that if this bill passes to require people to remain in the right hand lane, it will be much healthier for herself and her fellow motorcycle riders.

2:13:50 PM

JOANNE BLACKBURN said she is speaking on behalf of herself, although she is also affiliated with the Portage Valley Community Council. She has found that the designated turning lanes are helpful. She suggested these should be developed with input from the community councils since it is important not to ignore unpopular constituents. She noted these constituents are also taxpayers and have a need for access. She pointed out communities do not always have similar viewpoints so Girdwood might not be able to state what a neighborhood a little further

on the highway might prefer. These neighborhoods may have needs that are different from communities with services.

2:15:48 PM

MS. BLACKBURN said that enforcement could help. Sometimes people fish near Girdwood and put signs on the roadway that say "slow down." She disagreed that people should be able to put up signs on a federally-funded highway. The road was designed for truckers and national commerce as well as for thousands of visitors and local property owners. She thought increased enforcement would help curb speeding by drivers who ignore posted speed limits. She expressed concern that roads are designed that don't allow access to private property within the Municipality of Anchorage.

2:17:02 PM

PAM GOODE stated that she opposes HB 91. She said she does not like to compare Alaska to other states, let alone other countries, since she would like to think Alaska is far better. She said she was taught courtesy as rules of the road in her driver's education class almost 40 years ago. In her years of driving, she has observed that people typically try to be courteous drivers. She also said she considers herself to be a courteous driver, in part, because she did a lot of cross country driving in her 20s in the Lower 48 - at a time when people had CB [citizen band] radios. She liked to drive at night. She often encountered truckers and noticed how courteous these truck drivers were, by choice. She suggested that this bill would put more stress on individuals, whereas teaching by example is a more effective way to teach courtesy. Further, she offered that it's important to do things because they are the right things to do, which can spill over into other courtesies.

MS. GOODE objected to the concept of teaching people to follow excessive rules and regulations. Instead, people need to be encouraged how to think and this bill doesn't do that. She said she finds [HB 91] to be offensive and she opposes this bill. She asked why an organization with 9,000 members wasn't airing public information ads instead of running to the government to help them with their personal inconveniences. She concluded by stating that she opposes HB 91.

2:20:20 PM

CO-CHAIR FOSTER, after first determining no one wished to testify, closed public testimony on HB 91.

[HB 91 was held over.]

[2:21:12 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 2:21 p.m.