

**ALASKA STATE LEGISLATURE
HOUSE TRANSPORTATION STANDING COMMITTEE**

March 24, 2016

1:08 p.m.

TIMESTAMPS

MEMBERS PRESENT

Representative Shelley Hughes, Co-Chair
Representative Louise Stutes
Representative Matt Claman
Representative Dan Ortiz

MEMBERS ABSENT

Representative Neal Foster, Co-Chair
Representative Charisse Millett
Representative Benjamin Nageak

COMMITTEE CALENDAR

HOUSE BILL NO. 186

"An Act relating to vehicle registration; relating to off-road system restricted noncommercial drivers' licenses; relating to off-road system eligible areas; and relating to motor vehicle liability insurance."

- HEARD & HELD

HOUSE BILL NO. 230

"An Act designating Pipeline Road 34-ALP-3 as Arctic Man Way."

- MOVED HB 230 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 186

SHORT TITLE: RESTRICTED OFF HWY DRIVER'S LICENSE

SPONSOR(s): REPRESENTATIVE(s) KREISS-TOMKINS

04/10/15	(H)	READ THE FIRST TIME - REFERRALS
04/10/15	(H)	TRA, STA
03/24/16	(H)	TRA AT 1:00 PM CAPITOL 17

BILL: HB 230

SHORT TITLE: NAMING ARCTIC MAN WAY

SPONSOR(s): REPRESENTATIVE(s) COLVER

01/19/16 (H) PREFILE RELEASED 1/8/16
01/19/16 (H) READ THE FIRST TIME - REFERRALS
01/19/16 (H) TRA, FIN
03/22/16 (H) TRA AT 1:00 PM CAPITOL 17
03/22/16 (H) Heard & Held
03/22/16 (H) MINUTE(TRA)
03/24/16 (H) TRA AT 1:00 PM CAPITOL 17

WITNESS REGISTER

REPRESENTATIVE JONATHAN KREISS-TOMKINS
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 186, as prime sponsor.

BARRET WILBUR, Staff
Representative Johnathan Kreiss-Tomkins
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided information and responded to questions during the hearing on HB 186, on behalf of Representative Kreiss-Tomkins, prime sponsor.

MANNY BUDKE
Hoonah, Alaska

POSITION STATEMENT: Testified in support of HB 186.

AMY ERICKSON, Director
Division of Motor Vehicles (DMV)
Department of Administration (DOA)
Anchorage, Alaska

POSITION STATEMENT: Testified during the hearing on HB 186.

AUDREY O'BRIEN, Manager
Juneau Driver Services
Division of Motor Vehicles (DMV)
Department of Administration (DOA)

POSITION STATEMENT: Testified during the hearing on HB 186.

REPRESENTATIVE JIM COLVER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 230, as prime sponsor.

ACTION NARRATIVE

1:08:25

CO-CHAIR SHELLEY HUGHES called the House Transportation Standing Committee meeting to order at 1:08 p.m. Representatives Hughes, Claman, Ortiz, and Stutes were present at the call to order.

HB 186-RESTRICTED OFF HWY DRIVER'S LICENSE

1:09:06 PM

CO-CHAIR HUGHES announced that the first order of business would be HOUSE BILL NO. 186, "An Act relating to vehicle registration; relating to off-road system restricted noncommercial drivers' licenses; relating to off-road system eligible areas; and relating to motor vehicle liability insurance."

1:09:39 PM

REPRESENTATIVE JONATHAN KREISS-TOMKINS, Alaska State Legislature explained that off-highway driver's licenses are something he had no previous familiarity with; however, over 1,000 exist in rural Alaska's off-highway designated communities. He stated that there is a certain category of community where the residents are considered ineligible, and that HB 186 is a means to rectify the situation. Two problematic criteria are: communities connected to the ferry system are categorized as on-highway communities for the purposes of off-highway driver's license eligibility; and the Department of Motor Vehicles (DMV) uses a traffic count of over 499 to determine off-highway ineligibility. He pointed out that DMV has conducted few traffic counts in rural Alaska, and the locales where counts have been taken are primarily communities connected to the ferry system. He stated that with passage of HB 186 there would be four communities made eligible for off-highway driver's licenses. He explained that the proposed legislation would also remove the potential for communities, such as Hooper Bay, to be made ineligible if a traffic count were ever conducted there.

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REPRESENTATIVE CLAMAN clarified that Hoonah, Kake, Seldovia, and Angoon are the four communities that would become eligible for off-highway driver's licenses. He asked whether HB 186 would change the driver's license application process.

REPRESENTATIVE KREISS-TOMKINS answered that the bill doesn't alter the application process, it only clarifies which communities are eligible. Also, if a person lives in a community that is presently ineligible, he/she would not be allowed to get an off-highway license.

REPRESENTATIVE CLAMAN clarified: "If I were in Angoon, even though it's a small community, I couldn't apply for an off-highway license, where as if I was in Sand Point, I could."

REPRESENTATIVE KREISS-TOMKINS answered that he was correct, and noted, currently, there are communities with ferry system connections that are eligible for off-highway designation.

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CO-CHAIR HUGHES offered her assumption that the discrepancy might be from an infrequency of ferry service.

REPRESENTATIVE CLAMAN offered his understanding that both Angoon and Sand Point have ferry service.

REPRESENTATIVE KREISS-TOMKINS answered correct.

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CO-CHAIR HUGHES noted that Sand Point has less frequent ferry service than Angoon. She inquired about the number of DMV offices located in Southeast Alaska, and expressed surprise that, if the bill is adopted, there would not be more communities becoming eligible.

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BARRET WILBUR, Staff, Representative Johnathan Kreiss-Tomkins, Alaska State Legislature, explained that many of the larger communities have DMV offices, including: Sitka, Petersburg, Ketchikan, Wrangell, and Prince of Wales (POW). She said that many Southeast communities have driving access to a DMV office. She noted that Hoonah, Angoon, Seldovia, and Kake are four communities that would be allowed off-highway designation if HB 186 were to pass. She offered to provide further information regarding which communities would be included with the passage of HB 186.

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REPRESENTATIVE KREISS-TOMKINS added that a number of small Southeast communities, including Port Alexander, Tenakee Springs, and Pelican, would not become eligible due to the lack of roads in those locales.

CO-CHAIR HUGHES noted that Gustavus and Sand Point are communities with limited ferry service in Southeast Alaska, and she asked whether there are any other non-boardwalk communities that might become eligible, and directed attention to the committee packet, and the alphabetical list titled, "Current Communities Exempt from Registration and Insurance, Eligible for Off-Highway Restricted Driver's Licenses," 2.2.2016 She noted that Gustavus is on the list even though it has ferry service, and noted that part of the criteria is whether or not a community has access to a DMV office.

REPRESENTATIVE KREISS-TOMKINS explained that Gustavus is on the list because for many years it did not have ferry service.

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REPRESENTATIVE ORTIZ asked whether or not there would be any added significant financial responsibilities placed on the Department of Transportation & Public Facilities (DOTPF), if the legislature were to pass HB 186.

REPRESENTATIVE KREISS-TOMKINS responded no.

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CO-CHAIR HUGHES asked for further information on the specific communities, including the number of paved road miles and posted speed limits. She stated concern for public safety, and speculated about young driver activity. She said when a newly licensed 16 year old gets on the road it is not too bad if they are just going short distances on unpaved roads. She explained her concern is for a community with enough road surface for teenagers to attain dangerous speeds.

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REPRESENTATIVE KREISS-TOMKINS reported having visited the four named communities, and said all are coastal communities, and all have logging road connections. He offered his knowledge that Seldovia has a few miles of road, Kake and Hoonah have more than a few miles, and Angoon is restricted because of its proximity to the national monument. He offered his assumption that there

were presently off-highway eligible communities that had significant amounts of road miles, such as the Yukon community of Ruby, but said he did not know the exact mileage.

CO-CHAIR HUGHES opined that HB 186 would not result in the addition of communities which have a great number of miles, thus minimizing public safety risks. Further, the communities that would become eligible are comparable to those already on the list and could show safe operations under established standards.

REPRESENTATIVE KREISS-TOMKINS explained that Angoon, Kake, and Hoonah were at one point off-highway eligible, but then regulations changed and they became ineligible. He said because of the change a lot of people had off highway licenses in communities that were no longer eligible. Three communities with which he is most familiar hold universal support for this change, he reported, and said he suspects there these locales have some unlicensed drivers due to inaccessibility to a DMV office.

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MS. WILBUR informed the committee that the department conducts a study semi-annually and assigns different designations to every community in the state. The four named communities all have the same functional classifications as communities already on the off-highway eligibility list.

CO-CHAIR HUGHES inquired as to why the regulation was changed and when it was effected; suggesting that perhaps it was handled via departmental regulation.

MS. WILBUR responded that the policy has been in place since at least the early 1980's; however, DMV did not provide the sponsor's office with the start date.

CO-CHAIR HUGHES maintained her interest in knowing the year the communities were removed from the list and what the reason was for the removal. She offered her assumption that the change was made through regulation, not by statute, and asked why statute is being considered now.

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MS. WILBUR stated that the DMV does not keep records of communities that are removed. Removal can result for reasons such as establishment of a local DMV office, or a traffic count

resulting in a number over the 499 limit. She explained that the 499 traffic count requirement is in statute and governs insurance and registration exemptions, thus, the sponsor's pursuit to affect change through legislation versus regulation.

[1:31:24 PM](#)

CO-CHAIR HUGHES clarified that Angoon may have been removed from the off-highway designation list in 2005.

MS. WILBUR stated her understanding that it has been at least 10 years since Angoon was on the off-highway eligibility list.

CO-CHAIR HUGHES inquired as to how the change would affect insurance rates.

MS. WILBUR explained that the 294 communities designated as off-highway are currently exempt from insurance, and said adding four more communities will in no way affect insurance policies or rates.

[1:33:04 PM](#)

REPRESENTATIVE CLAMAN stated his belief that a Sand Point resident who collides his truck into his neighbor's vehicle can be remedied against, but not through an insurance company, as Sand Point residents are not required to carry insurance.

MS WILBUR confirmed that statute does not require off-highway driver's license holders in off-highway communities to insure or register their vehicles, although many residents still carry insurance.

REPRESENTATIVE CLAMAN summarized that if minimum insurance requirements are not met, in the majority of areas throughout the state, a ticket is issued, but not in Sand Point.

CO-CHAIR HUGHES asked whether tickets are being issued in the exempt communities citing residents for not being licensed drivers and not having insurance.

REPRESENTATIVE KREISS-TOMKINS answered yes. He said that over the course of four years, from 2012 to 2015, there have been a total of ten charges filed, but they were inclusive to municipal police departments. He opined it is not with overwhelming frequency that drivers are ticketed and that it is most likely a "look-away situation".

CO-CHAIR HUGHES opened public testimony on HB 186.

[1:37:43 PM](#)

MANNY BUDKE stated that he has a driver's license which he characterized as being "hard-earned." He explained that to receive his license, he had to foot the cost to ferry his car to Juneau and align the sailing date with a date on when DMV offered road tests, which presented a scheduling difficulty. Additionally, he had scheduling conflicts with his parents that created further complications and extended the wait time for him to become a licensed driver. Logistically it was very difficult to get a driver's license living in a remote community, he stressed and said that HB 186 would make it much easier for new drivers to get their licenses.

CO-CHAIR HUGHES inquired why Sand Point and Gustavus were on the list under the current statute and regulations, recalling that Gustavus lacked ferry service for some time and Sand Point has limited service.

[1:40:46 PM](#)

AUDREY O'BRIEN, Manager, Juneau Driver Services, Division of Motor Vehicles (DMV), Department of Administration (DOA), offered her understanding that Sand Point is subject to infrequent ferry service and a traffic count has not been conducted. She explained that Gustavus is on the list and the division exercises caution when removing any communities that have previously held off-highway designation. She added that the traffic count for Gustavus is outdated, last conducted in 2012.

REPRESENTATIVE CLAMAN opined that this was a useful and interesting bill, especially for identifying how the state determines and handles rural communities. He asked Ms. Erickson for the department's official stance on HB 186.

[1:42:28 PM](#)

MS. ERICKSON replied that DMV supports the bill because they understand the challenges many rural residents face when obtaining driver's licenses. She opined that mandatory insurance, vehicle registration, and off-highway licenses are inextricably linked and a conversation about public safety in relationship to this change, is in order.

[1:42:53 PM](#)

REPRESENTATIVE CLAMAN noted the previous concern for making his a statutory versus regulatory matter. He inquired whether pursuing this as a regulatory matter would be problematic because of existing statute.

MS. ERICKSON responded, "Yes," and said DMV regulations relate to the off-highway restriction, but mandatory insurance and vehicle registration reside in statute.

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CO-CHAIR HUGHES announced that HB 186 would be held over and public testimony would remain open.

The committee took an at-ease from 1:44 p.m. to 1:48 p.m.

HB 230-NAMING ARCTIC MAN WAY

[1:48:30 PM](#)

CO-CHAIR HUGHES announced that the final order of business would be HOUSE BILL NO. 230, "An Act designating Pipeline Road 34-ALP-3 as Arctic Man Way."

[1:49:06 PM](#)

REPRESENTATIVE STUTES moved to adopt the zero fiscal note dated 3/24/16 [included within the committee packet].

CO-CHAIR HUGHES objected for discussion purposes.

[1:49:22 PM](#)

REPRESENTATIVE COLVER, Alaska State Legislature, explained that a private organization would be funding a road sign designating Trans-Alaska Pipeline Access Road 34-ALP-3, at mile 197.5 of the Richardson Highway, as Arctic Man Way in honor of the Arctic Man race. The organization will work in conjunction with the Department of Transportation & Public Facilities (DOTPF) to conform to standards in completing the task.

CO-CHAIR HUGHES asked if there would be any long-term cost to the state and whether or not the road in question is a state maintained road.

REPRESENTATIVE COLVER answered that it is not a state maintained road; it's an old access road to the Isabel Pass pipeline camp. He explained that the road is maintained by the Arctic Man entity, which plows and opens it for event purposes. He assured the committee that there are no maintenance related responsibilities for DOTPF.

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CO-CHAIR HUGHES removed her objection to the motion to adopt the zero fiscal note. There being no objection, the zero fiscal note was adopted.

CO-CHAIR HUGHES closed public testimony after ascertaining no one wished to testify on HB 230.

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REPRESENTATIVE STUTES moved to report HB 230 out of committee with individual recommendations and the adopted zero fiscal note. There being no objection, HB 230 was reported out of the House Transportation Standing Committee.

[1:52:02 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 1:52 p.m.