

**ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE**

March 9, 2017

3:03 p.m.

MEMBERS PRESENT

Representative Jonathan Kreiss-Tomkins, Chair
Representative Gabrielle LeDoux, Vice Chair
Representative Chris Tuck
Representative Adam Wool
Representative Chris Birch
Representative DeLena Johnson
Representative Gary Knopp

MEMBERS ABSENT

Representative Andy Josephson (alternate)
Representative Chuck Kopp (alternate)

COMMITTEE CALENDAR

HOUSE BILL NO. 1

"An Act relating to absentee voting, voting, and voter registration; relating to early voting locations at which persons may vote absentee ballots; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 82

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

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 1

SHORT TITLE: ELECTION REGISTRATION AND VOTING

SPONSOR(S): REPRESENTATIVE(S) TUCK

| | | |
|----------|-----|---------------------------------|
| 01/18/17 | (H) | PREFILE RELEASED 1/9/17 |
| 01/18/17 | (H) | READ THE FIRST TIME - REFERRALS |

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|----------|-----|------------------------------|
| 01/18/17 | (H) | STA, JUD |
| 02/23/17 | (H) | STA AT 3:00 PM GRUENBERG 120 |
| 02/23/17 | (H) | Heard & Held |
| 02/23/17 | (H) | MINUTE(STA) |
| 02/28/17 | (H) | STA AT 3:00 PM GRUENBERG 120 |
| 02/28/17 | (H) | Heard & Held |
| 02/28/17 | (H) | MINUTE(STA) |
| 03/07/17 | (H) | STA AT 3:00 PM GRUENBERG 120 |
| 03/07/17 | (H) | Heard & Held |
| 03/07/17 | (H) | MINUTE(STA) |
| 03/09/17 | (H) | STA AT 3:00 PM GRUENBERG 120 |

BILL: HB 82

SHORT TITLE: RESTRICTED OFF HWY DRIVER'S LICENSE

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

| | | |
|----------|-----|---------------------------------|
| 01/25/17 | (H) | READ THE FIRST TIME - REFERRALS |
| 01/25/17 | (H) | STA, TRA |
| 02/02/17 | (H) | STA AT 3:00 PM GRUENBERG 120 |
| 02/02/17 | (H) | Scheduled but Not Heard |
| 02/23/17 | (H) | STA AT 3:00 PM GRUENBERG 120 |
| 02/23/17 | (H) | <Bill Hearing Canceled> |
| 02/28/17 | (H) | STA AT 3:00 PM GRUENBERG 120 |
| 02/28/17 | (H) | Heard & Held |
| 02/28/17 | (H) | MINUTE(STA) |
| 03/09/17 | (H) | STA AT 3:00 PM GRUENBERG 120 |

WITNESS REGISTER

KENDRA KLOSTER, Staff
 Representative Chris Tuck
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Provided information on HB 1 on behalf of Representative Tuck, prime sponsor.

LAURI WILSON, Elections Supervisor
 Southeast Region
 Division of Elections (DOE)
 Office of the Lieutenant Governor

POSITION STATEMENT: Answered questions during the hearing on HB 1.

BERETT WILBER, Staff
 Representative Kreiss-Tomkins
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Provided information on HB 82 on behalf of Representative Kreiss-Tomkins, prime sponsor, with the use of a PowerPoint presentation.

MARLA THOMPSON, Director
Division of Motor Vehicles (DMV)
Department of Administration (DOA)
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 82.

CASSIDI LITTLE
Seldovia, Alaska

POSITION STATEMENT: Testified in support of HB 82.

DAVID EPSTEIN, Regional Traffic Engineer
Department of Transportation & Public Facilities (DOT&PF)
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 82.

ACTION NARRATIVE

[3:03:03 PM](#)

CHAIR JONATHAN KREISS-TOMKINS called the House State Affairs Standing Committee meeting to order at 3:03 p.m. Representatives Tuck, Wool, Birch, Johnson, Knopp, and Kreiss-Tomkins were present at the call to order. Representative LeDoux arrived as the meeting was in progress.

HB 1-ELECTION REGISTRATION AND VOTING

[3:03:48 PM](#)

CHAIR KREISS-TOMKINS announced that the first order of business would be HOUSE BILL NO. 1, "An Act relating to absentee voting, voting, and voter registration; relating to early voting locations at which persons may vote absentee ballots; and providing for an effective date."

[3:04:13 PM](#)

KENDRA KLOSTER, Staff, Representative Chris Tuck, Alaska State Legislature, on behalf of Representative Tuck, prime sponsor of HB 1, informed the committee that a forthcoming committee substitute (CS) would amend HB 1 as follows: update outdated

election statutes; make changes to the same-day voter registration process; provide clarification on questioned absentee-in-person early vote and the process for voting by electronic transmission; and improve the electronic signature definition.

[3:05:34 PM](#)

REPRESENTATIVE KNOPP pointed out a discrepancy in statute regarding voting age. He referred to Section 1 of HB 1 [page 1, lines 6-8], which states that a person may vote at any election who is 18 years of age or older, and Section 2 of HB 1 [page 2, lines 11-12], which requires a declaration that the applicant will be 18 years of age or older within 90 days after the date of registration. He asserted that there exists a loophole allowing a person to vote before age 18 and suggested that language be added stating that a person must be age 18 prior to Election Day.

REPRESENTATIVE TUCK responded that Section 1 refers to voter qualification and stipulates that regardless of when the voter registers prior to turning 18 years of age, his/her ballot will not count unless he/she is age 18 or older. He said that someone not yet age 18 who tries to vote would not be on the voter register, thus would have to fill out a questioned ballot. He stated that not being 18 years of age is a disqualification for being allowed to vote. He added that the provisions in Section 2 are for an applicant.

REPRESENTATIVE KNOPP requested that Section 2 be reviewed to ensure that there would be no loophole allowing someone under age 18 to register and vote.

[3:08:42 PM](#)

REPRESENTATIVE LEDOUX, in response to Representative Knopp's concern, stated that she thinks the voter registration application requires an applicant to certify that he/she will be 18 years of age by Election Day.

REPRESENTATIVE KNOPP conceded that may be the case but mentioned that the voter registration card does not show date of birth or age, so could not be used to verify age for the election official.

[3:10:09 PM](#)

LAURI WILSON, Elections Supervisor, Southeast Region, Division of Elections (DOE), Office of the Lieutenant Governor, explained that if a voter registers within 90 days of his/her birthdate, he/she must be 18 years of age to vote. If the voter registers and receives a voter registration card but hasn't turned 18 years of age, he/she is not eligible to vote, and his/her name is not on the precinct register. If the voter's name is not on the register, he/she must vote a questioned ballot, which would be reviewed, and a determination made that he/she was not eligible to vote. Therefore, the ballot would not be counted. She added that same would occur if he/she voted absentee: the absentee ballot would be reviewed, and it would be determined that the individual was not yet 18 years of age, therefore not eligible to vote.

REPRESENTATIVE KNOPP asked for clarification that a person cannot be added to the voter register until he/she is 18 years of age, regardless of when he/she applied.

MS. WILSON answered that is correct. For any voter not eligible to vote, the DOE system is designed not to add his/her name to the precinct register.

[3:12:10 PM](#)

REPRESENTATIVE TUCK commented that under HB 1, same-day voter registration ballots would be reviewed just as is currently done with early in-person absentee voting ballots. He added that since it has been a long time since the election statutes have been updated, HB 1 offers conforming language for changes to voter registration across all voting options: electronic voting, voting by mail, in-person absentee voting, special needs voting, and voting by fax.

CHAIR KREISS-TOMKINS announced that HB 1 would be held over.

HB 82-RESTRICTED OFF HWY DRIVER'S LICENSE

[3:14:20 PM](#)

CHAIR KREISS-TOMKINS announced that the final order of business would be HOUSE BILL NO. 82, "An Act relating to vehicle registration; relating to off-road system restricted noncommercial drivers' licenses; relating to off-highway commercial drivers' licenses; relating to off-road system eligible areas; and relating to motor vehicle liability insurance."

[3:14:49 PM](#)

BERETT WILBER, Staff, Representative Kreiss-Tomkins, Alaska State Legislature, on behalf of Representative Kreiss-Tomkins, prime sponsor of HB 82, provided information by way of a PowerPoint presentation, titled "HB 82: Off-Highway Driver's Licenses." She referred to Slide 2, titled "What is an OHDL?" and stated that the off-highway driver's license (OHDL) was designed for communities that are not on the road system and do not have access to Division of Motor Vehicles (DMV) offices. In these communities, driver's licenses cannot be obtained locally. She said that the OHDL program, which allows these residents to obtain driver's licenses through the mail, has been operating for more than 30 years in Alaska in 294 communities. She added that currently there are 1,120 Alaskans who are eligible to drive with OHDLs.

MS. WILBER stated that the OHDL is a real driver's license; a written test is required, but the road test is waived. The OHDL is only valid in off-highway communities. It functions as a provisional license on the road system, requiring the OHDL-licensed driver to be accompanied by a regularly-licensed driver, who is 21 years of age or older.

[3:17:32 PM](#)

REPRESENTATIVE BIRCH asked if a community accessible by the Alaska Marine Highway System (AMHS) would be on the list of off-highway communities.

MS. WILBER answered that DMV formerly considered ferry access to be "highway access" and excluded those communities from the list of Off-highway communities. She stated there is a discrepancy between the statutes and the regulations, which would be addressed through the proposed legislation.

[3:19:06 PM](#)

MS. WILBER clarified for Representative Knopp that any OHDL, regardless of the age of the driver, functions as a provisional license on the road system.

[3:19:36 PM](#)

REPRESENTATIVE WOOL asked if someone with an OHDL would have to have car insurance when on the road system.

MS. WILBER responded that the insurance and registration exemption is not linked to the license, but to the off-highway communities. She explained that a person with an OHDL is exempt from registration and insurance when driving in an off-highway community. If driving on the road system, that person must have registration and insurance.

[3:20:53 PM](#)

MS. WILBER referred to Slide 3, titled "294 off-highway communities," to point out the 294 off-highway communities.

MS. WILBER referred to Slide 4, titled "Why do we care?" and provided background information on the proposed legislation. She relayed that in 2012, some constituents of Angoon contacted Representative Kreiss-Tomkins's office concerning this issue. Angoon is a predominantly Native village in Southeast Alaska, not on the road system but accessible by the AMHS. She related that for decades, residents of Angoon had qualified for OHDLs, and they suddenly found out that they were no longer eligible.

MS. WILBER referred to Slide 5, titled "They were confused and frustrated," to highlight the many testimonials from Angoon residents: asking for the reinstatement of OHDLs; citing the expense, inconvenience, and amount of time required to travel to Juneau for a driver's license; and asking why Angoon was no longer classified as an off-highway community, when nothing had changed.

[3:22:24 PM](#)

MS. WILBER referred to Slide 6, titled "Regulatory History!" and stated that staff reviewed the regulatory history of OHDLs to determine why some communities were no longer eligible. She related that from 1984 to 2006, DMV had been operating the OHDL program informally. Starting in 2006, in an effort to formalize regulations, DMV drafted regulations stipulating that for a community to qualify for the OHDL program, it may not be connected to the road system or have access to a DMV office that offers road testing. She attested that the proposed legislation is an attempt to reinstate those 2006 regulations. She went on to say that in 2011, a new regulation went into effect offering OHDL eligibility only to communities not connected to the "land-connected state highway system" and having no access to a DMV office offering road testing. She said that DMV then interpreted access to a DMV office to include ferry access. She

reiterated that the expense, inconvenience, and unfairness to those residents of communities with only ferry access to a DMV office is what prompted the proposed legislation.

[3:24:36 PM](#)

REPRESENTATIVE JOHNSON asked if the change in 2011 was regulatory or statutory and if repealing "something" was the remedy.

MS. WILBER replied that initially staff worked with DMV to try to change DMV's interpretation of the regulation. When that failed, legislation was introduced as the only opportunity available to make the necessary changes.

[3:26:16 PM](#)

REPRESENTATIVE LEDOUX asked for confirmation of her understanding of the problem: At one time, Angoon was covered by the OHDL exemption. Angoon did not change, and the regulation did not change, but the interpretation of the regulation changed.

MS. WILBER answered that the regulation did change in 2011. She stated that she did not know if the change in regulation caused DMV to interpret the word "access" differently or if DMV's interpretation changed independently.

REPRESENTATIVE JOHNSON commented that she understood the thought process that would lead DMV to consider the AMHS as "highway access" but agreed that it created an impractical situation.

[3:28:33 PM](#)

REPRESENTATIVE WOOL referred to Seldovia, one of the communities that would be considered an OHDL community under HB 82, and mentioned that it is a short ferry ride to the mainland, and over a thousand cars travel to Seldovia during the summer. He suggested that perhaps Seldovia should not be exempt from vehicle registration and insurance.

REPRESENTATIVE WOOL pointed out that the AMHS functions as a highway to many communities. He went on to say that it is on this basis that these communities justify their funding requests for support of their highway, just as the state's land-based communities request funding support for their highways.

3:30:00 PM

MS. WILBER referred to Slide 7, titled "JKT office gets in touch with the DMV." She relayed that in early 2014, Representative Kreiss-Tomkins's staff contacted DMV to explore the possibility of reinterpreting the regulation that determined communities' eligibility as an OHDL community based on "access." She added that staff also noted that the regulation was being applied inconsistently: the AMHS communities of Angoon, Hoonah, and Kake had been removed from the list of OHDL-eligible communities, yet other AMHS communities had not been removed. She related that in late 2014, DMV proposed new regulations to address the inconsistency by adding "traffic count" as a criterion for OHDL eligibility. Under the new regulations, any community with an average daily traffic (ADT) count of over 499 was not OHDL eligible. She said that since Angoon, Kake, and Hoonah had ADT counts of over 499, they were removed from the eligibility list. She said that in comparing the traffic counts of these communities with other OHDL-eligible communities of greater population, such as Sand Point, staff learned that no traffic counts had been performed in those communities; therefore, they were not excluded from the eligibility list.

3:32:28 PM

REPRESENTATIVE WOOL asked who determines which communities have a traffic count performed and how difficult it is to perform one.

MS. WILBER relayed that recently she learned from the Department of Transportation & Public Facilities (DOT&PF) that traffic counts have been performed in many of the rural communities since the '90s.

MS. WILBER moved on to Slide 8, titled "Hello, HB 82," and stated that the intent of HB 82 is to return to the practices and regulations of the program as it was in 2006. She opined that "traffic count" is arbitrary and changeable; it is an inconsistent regulatory measure; and it is a poor metric for determining a community's off-highway status. She added that the proposed legislation would eliminate traffic count as a determinant for OHDL eligibility.

3:35:41 PM

REPRESENTATIVE WOOL asked why, if Angoon had a traffic count of 433, it was ineligible for OHDL.

MS. WILBER responded that in 2013, Angoon had a traffic count of 915, therefore was no longer eligible for OHDL and was removed from the list of eligibility. She said that for a community to qualify for eligibility, it must be on the list of off-highway communities referenced in statute, and traffic count is one of the criteria for being on that list. She added that if a subsequent traffic count is below the 499 threshold, such as in the case of Angoon, there is no systematic data transfer between DOT&PF and DMV to update the list based on the new data. She stated that Angoon should be eligible for OHDL based on the latest traffic count; however, it is not, because it has not yet been added back onto the list of eligible communities.

[3:37:57 PM](#)

REPRESENTATIVE KNOPP asked at what frequency the list is updated.

[3:38:22 PM](#)

MARLA THOMPSON, Director, Division of Motor Vehicles (DMV), Department of Administration (DOA), responded that DMV intends to update the list once per year according to a specific policy and procedure. She said that in the past, the list has been updated in response to a community's request.

REPRESENTATIVE KNOPP asked Ms. Thompson if she is aware of any formal policy for reviewing the list of off-highway communities.

MS. THOMPSON answered that she is not aware of a policy but will research it.

[3:39:21 PM](#)

REPRESENTATIVE LEDOUX asked why Seldovia is not included among the 294 off-highway communities listed on Slide 3.

MS. WILBER clarified that the list is of the communities currently exempt from vehicle registration and insurance. She added that under HB 82, the five communities - Hyder, Seldovia, Angoon, Kake, and Hoonah - would be added to this list.

REPRESENTATIVE LEDOUX asked why Ouzinkie is on the current list.

MS. THOMPSON answered that she would have to look at a city individually to know if its eligibility is based on traffic count or being an off-highway community.

REPRESENTATIVE LEDOUX mentioned that Ouzinkie is on the AMHS.

MS. THOMPSON expressed her understanding that a community connected to the AMHS does not qualify for OHDL.

REPRESENTATIVE LEDOUX asked if any community that is connected to the AMHS does not qualify for OHDL.

MS. WILBER responded that it was the inconsistencies in the list of off-highway communities that led to introduction of the proposed legislation. She added that the inclusion of Ouzinkie on the list, which is an AMHS community, is one such inconsistency.

REPRESENTATIVE LEDOUX asked if access to the AMHS is or isn't a criterion for inclusion on the list.

MS. THOMPSON replied that she did not know and would provide that information to the committee.

[3:43:52 PM](#)

MS. WILBER referred to Slide 9, titled "What should matter?" She stated that the OHDL program has been very useful for rural communities, and the intent of HB 82 is to restore the old system of using common sense to determine a community's eligibility for OHDL. She relayed that under the proposed legislation, there would be two questions to answer to determine eligibility. The first is: Is your community off the road system? The second is: Do you have a DMV? If the answer to the first question is yes and the answer to the second question is no, then the community should qualify for OHDL. She opined that if one cannot drive to a DMV office, there is no real way for that person to obtain a driver's license, and he/she should be eligible for an OHDL through the mail.

[3:45:17 PM](#)

REPRESENTATIVE WOOL offered that a Seldovia resident could take his/her car to Homer and obtain a driver's license. He suggested that the traffic count number, 499, might be arbitrary, but the level of traffic in a community does have some bearing on the likelihood of traffic accidents. He

referred to Slide 10, titled "Metrics," and mentioned that Seldovia has 255 people and over 700 registered vehicles, therefore it may be an outlier in the discussion.

MS. WILBER replied that she has a slide dedicated to information on Seldovia and will address the question when she presents that slide. She referred to Slide 10, which shows a selection of seven currently eligible off-highway communities - Sand Point, Hooper Bay, Gustavus, Togiak, Unalakleet, King Cove, and Metlakatla. She mentioned that they were chosen because they were some of the largest off-highway communities and were distributed geographically. She pointed out in the slide the five communities that would be eligible under HB 82 - Hoonah, Kake, Angoon, Seldovia, and Hyder.

MS. WILBER directed the committee's attention to the column on Slide 10 showing the percentage of population having OHDLs for each of the eligible off-highway communities and stated that the percentages were fairly small - less than 10 percent. She suggested that eligibility for OHDLs does not result in a significant number of people having those licenses. The vast majority of people still choose to obtain regular licenses and to register their vehicles. She further stated that in applying an average of the percentages to the populations of the five communities that would become eligible under HB 82, staff was able to estimate the number of OHDLs that could be expected in the newly eligible communities. These numbers are shown in the last column, titled "applied avg of OHDLs."

[3:50:09 PM](#)

REPRESENTATIVE WOOL restated that for OHDL-eligible communities, no more than 10 percent of the population get OHDLs. He added that he would like to see the percentages of the populations of these communities having regular driver's licenses. He referred to the statistics regarding Gustavus, a population of 442 with 489 registered vehicles. He suggested that since registered vehicles represent regularly licensed drivers, it is not very inconvenient for Gustavus residents to obtain regular driver's licenses.

MS. WILBER reiterated that the proposed legislation would not likely result in significantly more OHDLs, as many people in rural communities prefer regular licenses because of the convenience. She asserted that the intent of HB 82 is to provide the option of OHDL, which has historically existed for people in communities such as Hoonah, Kake, and Angoon, and she

stated that this option is what the people in these communities want. She emphasized the expense and inconvenience for someone to travel to a larger city to obtain a license, just to be able to drive in his/her own community.

CHAIR KREISS-TOMKINS maintained that most people obtain regular licenses because they want to drive in other cities. He asserted that only a small, select portion of the OHDL-eligible community chooses to obtain OHDLs, and they do so because of unique circumstances: they are young people age 18 and younger or elders not wishing to leave the community.

[3:53:50 PM](#)

REPRESENTATIVE LEDOUX asked for clarification of "Applied average of OHDLs" in Slide 10.

MS. WILBER explained that the numbers in that column are a projection. Staff averaged the percentages of the population with OHDLs in currently eligible communities and applied that average to the populations of the communities that would be eligible under HB 82. She stated that this illustrates the number of OHDLs that are expected under the proposed legislation.

[3:55:09 PM](#)

REPRESENTATIVE BIRCH asked if Nome has a DMV office and added that he did not see it listed on the DMV website.

MS. WILBER answered yes.

REPRESENTATIVE BIRCH asked whether Nome would qualify for OHDL, if there was no DMV office in that community.

MS. WILBER replied affirmatively and added that if the DMV office in Nome closed, DMV would have a year to implement an alternative, such as fly personnel in to administer road tests or set up a commission agent relationship with the city.

MS. THOMPSON responded that there is a DMV office in Nome, and it is listed on the DMV website along with the hours of operation.

[3:56:43 PM](#)

REPRESENTATIVE KNOPP asked if the DMV office in Nome is a state office or an office under contract.

MS. THOMPSON answered that it is a state office.

REPRESENTATIVE KNOPP asked if the DMV office in Tok is a contract office.

MS. THOMPSON responded that the Tok office is state but is operated with public lands information.

REPRESENTATIVE KNOPP mentioned that years ago the office in Tok was a contract DMV. He asked for an explanation of a DMV office "operated with public lands information."

MS. THOMPSON explained that the person in the Tok office is a DMV employee, whom DMV shares with another office. She added that in some of the smaller communities, a commission agent or a part-time DMV employee is used.

[3:58:06 PM](#)

MS. WILBER referred to a list on the right side of Slide 10 to point out that there are communities with AMHS access that are currently eligible for OHDLs.

MS. WILBER referred to Slide 11, titled "Other committee questions," and recited question one: "How many people are eligible for driver's licenses in these communities and don't have them?" She said that it is impossible to count people who are unlicensed. She said that staff estimated the number [of people eligible for, but not having, driver's licenses] by subtracting the number of currently licensed drivers from the total population of each community. These estimates are listed on Slide 10 as follows: Hoonah, 195; Kake, 268; Angoon, 240; Seldovia, -163 (0); and Hyder, 13.

[3:59:38 PM](#)

MS. WILBER confirmed for Representative Wool that the numbers used for the calculation come from Slide 10.

REPRESENTATIVE TUCK offered that the total community population may include those not old enough to obtain driver's licenses.

MS. WILBER confirmed that she did not adjust the population to exclude those underage but used the largest number possible as a liberal approach to estimating the numbers.

MS. WILBER went on to question two: "How many cars are currently registered in Angoon, Hoonah, Kake, Seldovia, and Hyder?" She said that using aggregate data from Slide 10, there are 1,834 cars currently registered in the five communities, 1,565 regularly licensed drivers, and a total combined population of 2,118.

MS. WILBER stated question three: "Of all the communities with DMVs, what's the community that has the lowest 'highest ADT'?" She said that Anderson's highest ADT count was the lowest at 340.

[4:01:40 PM](#)

REPRESENTATIVE WOOL pointed out that the answer to question two, which states that there are 1,565 regular licenses among a population of 2,118, suggests that nearly everyone of driving age in the five communities has regular licenses.

MS. WILBER answered that currently the five communities - Angoon, Hoonah, Kake, Seldovia, and Hyder - are not eligible for OHDL. She added that Angoon, Hoonah, and Kake have been ineligible since 2011.

[4:02:41 PM](#)

REPRESENTATIVE LEDOUX asked if Anderson, with a population of 246 people, has its own DMV.

MS. WILBER answered yes.

REPRESENTATIVE LEDOUX asked if Anderson serves a large area that includes other communities.

REPRESENTATIVE WOOL said that it does. He mentioned that Anderson's service area includes Nanana, Healy, Denali National Park and Preserve, and a school.

MS. THOMPSON explained that the City of Anderson is a contract agent for DMV to provide services.

[4:04:05 PM](#)

REPRESENTATIVE JOHNSON asked why more cities weren't contract agents.

MS. THOMPSON responded that DMV would very much support having more business partners and city-operated contract agents. She added that DMV is looking for better ways to serve these areas.

[4:04:53 PM](#)

REPRESENTATIVE LEDOUX asked who pays for the contract agent.

MS. THOMPSON responded that DMV pays an agent under a contract, and the agent keeps a percentage of the funds generated. She mentioned that 30 percent of the driver's license fee and 100 percent of the road test fee is retained by the agent. She asserted that this relationship represents an effective and inexpensive way for the state to serve the smaller communities.

[4:05:48 PM](#)

REPRESENTATIVE KNOPP asked if there are DMV services in the communities of Eagle and Chicken.

MS. THOMPSON answered that there are no DMV services in Eagle and Chicken, but DMV is open to finding contacts in those two communities to establish services through the contract agent program.

[4:06:36 PM](#)

REPRESENTATIVE LEDOUX asked why a community such as Seldovia does not have a contract agent.

MS. THOMPSON reiterated that she believes in the practice of providing DMV services through business partner relationships and contract agents and will "reach out" to Seldovia to find a business partner or commission agent.

[4:07:30 PM](#)

REPRESENTATIVE JOHNSON suggested that since Seldovia has a police officer, it makes sense that the city would provide DMV services as well.

REPRESENTATIVE TUCK offered that since Chicken and Eagle are not organized cities, a business partnership or contract agent would be a good option for providing DMV services. He suggested that

Anderson's proximity to Denali National Park and Preserve creates a great demand for bus licenses, whereas Seldovia does not have that demand. He added that Seldovia's high ADT count is most likely due to summer tourism creating a swell in population, like what happens in Juneau.

4:09:00 PM

MS. WILBER referred to Slide 12, titled "How many cars go to Seldovia?" She maintained that HB 82 was introduced because of the belief that relying on ferry travel to obtain a driver's license is not as easy or as cheap as having road access to a DMV office, and the additional cost is prohibitive; therefore, Angoon, Kake, Hoonah, and Seldovia should be allowed to qualify for the OHDL program. She added that there are communities with ferry access that do qualify. She attested that the concern regarding a person with an OHDL bringing his/her car to a city such as Juneau or Anchorage and driving illegally has not been a significant health and safety issue for DOT&PF, DMV, or the Department of Public Safety (DPS).

MS. WILBER referred to the number of vehicles that disembarked from the AMHS to Seldovia in 2013, 2014, and 2015, shown on Slide 12, and stated that the three-year average was 1,124. She compared that number with the averages listed for the OHDL-eligible communities of Port Lions, which is 404, and Gustavus, which is 1,503, and with the average listed for the OHDL-ineligible community of Kodiak, which is 4,258.

MS. WILBER referred to the concern brought forth during the House State Affairs Standing Committee meeting of 2/28/17 regarding urban drivers driving in off-highway communities, where liability insurance policies are not required. She said that under HB 82, there would be no change to that practice occurring, and it is not considered a risk either by Representative Kreiss-Tomkins's staff or the state agencies with which they have been in contact.

4:12:51 PM

REPRESENTATIVE KNOPP stated that his question was about people disembarking in Seldovia with a fully insured, licensed vehicle and getting in an accident with someone who is driving with an OHDL and has no vehicle insurance. He maintained that most automobile insurance policies include an uninsured motorist coverage provision, which would cover this situation.

REPRESENTATIVE KNOPP further stated that the year-round population of Seldovia, which is about 300 people, triples in the summer months. He mentioned that the ferry ride from Seldovia to Homer is about 30 minutes and is a common commute for residents. He speculated that most residents of Seldovia have regular driver's licenses, because they travel to the mainland so frequently.

[4:14:45 PM](#)

MS. WILBER referred to Slide 13, titled "Thanks," and thanked those people who provided assistance on the proposed legislation.

[4:15:38 PM](#)

REPRESENTATIVE WOOL mentioned that the premise of HB 82 is that it is an unfair burden for people not on the road system to travel to a DMV for a driver's license. He made the point that Gustavus, with a population 442, has 479 regular licenses, so it cannot be that hard for them to obtain a regular license. He added that Gustavus is a community that is eligible for OHDLs, and there are only 13 of them.

[4:17:40 PM](#)

CASSIDI LITTLE, Seldovia, Alaska, testified that although the road system is accessible via ferry, boat, and airplane, many year-round residents do not want to travel out of town; they feel comfortable and secure staying in Seldovia. She maintained that OHDLs would give these people the option of driving short distances, such as picking up their mail from the post office. She relayed that Seldovia has one mile of paved road with the majority of the 18-mile road system being dirt or gravel. She maintained that Seldovia offers a very simple driving environment: no traffic lights; no multi-lane highways; only two yield signs; and typical driving speeds of 20 MPH in town and 35 MPH outside of town. She said that she knows people in Seldovia who choose not to get a driver's license, because they never leave Seldovia. She asserted that most people in Seldovia have regular driver's licenses, and many do drive in other larger Alaskan cities. She maintained that a small percentage of residents do not consider obtaining a driver's license worth the time and money.

MS. LITTLE stated that young people who wish to drive take a written driving test in the city office. If they pass, they

travel to Homer to obtain a provisional license and take a road test. She maintained that most of these young people have difficulty passing the road test, and she said she believes that is due to the extreme difference in road environments between Homer and Seldovia. She further stated that she believes an OHDL would be a "stepping stone" for these young people to gain confidence and knowledge of driving. She asserted that having this experience would make them better and safer drivers.

[4:24:39 PM](#)

REPRESENTATIVE JOHNSON asked if one can obtain a driver's permit by mail.

MS. THOMPSON answered yes. She added that one can take the knowledge test through the mail, which is a proctored test, and an application can be obtained through the mail.

[4:25:47 PM](#)

REPRESENTATIVE WOOL asked for the length of time of the ferry ride between Seldovia and Homer.

MS. LITTLE responded, "It's an hour and a half."

REPRESENTATIVE WOOL asked if the preliminary test that Ms. Little mentioned was the test for a learner's permit.

MS. LITTLE answered yes.

REPRESENTATIVE WOOL offered that a young person getting a learner's permit and driving in Seldovia with a licensed driver to get experience was the purpose of a learner's permit. He conceded that driving conditions varied between Seldovia and Homer.

MS. LITTLE replied that Representative Wool was correct, but the young person still would need to travel to Homer to obtain a learner's permit.

[4:28:00 PM](#)

REPRESENTATIVE KNOPP asked what "triggers" traffic counts and how long a traffic count period lasts.

[4:28:35 PM](#)

DAVID EPSTEIN, Regional Traffic Engineer, Division of Statewide Design and Engineering Services, Department of Transportation & Public Facilities (DOT&PF), explained that DOT&PF planning personnel determine the locations for which traffic is measured. He added that every year DOT&PF personnel visit communities and collect traffic counts for a period of seven days. He relayed that the best definition of ADT can be found in the 1965 Highway Capacity Manual. He stated that ADT is the total volume during a given period in whole days greater than one day and less than one year divided by the number of days in that period. He explained that DOT&PF gathers seven days of traffic data, which is seasonally adjusted to determine the ADT figure.

REPRESENTATIVE KNOPP suggested that ADTs are performed primarily for road maintenance and construction planning purposes and not for the DMV application being discussed.

MR. EPSTEIN responded that the principal use of ADT data is for DOT&PF design engineers to establish thickness of pavement cross sections.

[4:31:03 PM](#)

REPRESENTATIVE WOOL referred to Slide 8 and mentioned that in 2013, Angoon had a traffic count of 915, and in 2015, it was 433. He suggested that there was an obvious seasonal variation. He commented that the traffic count variations certainly affected the current statutes on OHDL and asked how DOT&PF factored in these variations for decisions on pavement thickness.

MR. EPSTEIN replied that in the case of Angoon, DOT&PF collects four traffic counts and two of them are on the principle road, Killisno Road. The count for one segment was 915 and the count for the other segment was 433.

REPRESENTATIVE WOOL offered that the traffic counts are for planning and design purposes for a road, and DMV is interested in a community wide count. He asked how a yearly average is determined considering the different counts from different segments of road and seasonal variations.

MR. EPSTEIN responded that the traffic counts are adjusted by using data from continuous count stations (CCS). He stated that DOT&PF can keep track of seasonal fluctuations in volume and use the continuous count data to apply seasonal correction to data collected in the summer.

[4:33:54 PM](#)

REPRESENTATIVE KNOPP asked for clarification of the traffic count numbers for Angoon - 915 and 433. He asked if they are on two different segments of the same road and for two different years.

MR. EPSTEIN answered that the traffic counts are for the same year, same time. He explained that the traffic count of 915 is the one done on the heavily used segment of road going to the seaplane base, and the traffic count of 433 is the one done on the much longer segment of road going to the ferry. He added that roads are divided into segments for traffic counts.

REPRESENTATIVE KNOPP asked if these numbers are ADT counts based on multiple days.

MR. EPSTEIN answered yes, the data was collected from both segments of road, and seasonal adjustment factors were applied to the data from the two counts. He added that the ADT on the segment closest to town was 915 vehicles per day.

REPRESENTATIVE KNOPP asked for clarification of the sentence on Slide 8, which states that in 2013, Angoon had a traffic count of 915 and was deemed not eligible for OHDL but in 2015, the traffic count was 433. He said the counts were from two separate years.

MR. EPSTEIN confirmed that 915 is the count from one segment of road and 433 is the count from the other segment of road.

[4:36:15 PM](#)

REPRESENTATIVE WOOL asked what traffic count number DOT&PF would ascribe to Angoon for OHDL eligibility, given the traffic counts from two segments of the same road.

MR. EPSTEIN conceded that as an engineer, his main concern is the integrity of the data, not applying traffic count for OHDL eligibility.

[4:37:02 PM](#)

REPRESENTATIVE KNOPP commented that Angoon appears to be ineligible for OHDL because of the traffic count of 915 and

asked why the traffic count of 433 wasn't taken into consideration.

MS. WILBER answered that each community with different highway segments has a different traffic count for each segment each time a traffic count is performed. She added that DMV has used the highest traffic count in a community to determine a community's eligibility for OHDL. If the count is over 499, then the community is not eligible. She mentioned that she would follow up on the inconsistency between the information on Slide 8 and the testimony by Mr. Epstein.

REPRESENTATIVE KNOPP asked whether DMV considers the usage of a road when it bases eligibility on the highest traffic count for a segment of road.

MS. WILBER answered yes.

[4:39:57 PM](#)

REPRESENTATIVE WOOL asked if performing traffic counts is difficult, expensive, or complicated. He mentioned that traffic counts are not performed in all communities.

MR. EPSTEIN replied that his region is Southcoast Region, which is small and does not have many communities. He said two years ago, Kodiak, the Alaska Peninsula and Aleutian Islands, King Salmon, and Iliamna were annexed to this region. He added that DOT&PF personnel traveled to Kodiak and King Salmon and that the King Salmon trip was very expensive at a cost of \$10,000. He maintained that northern and central Alaska have scores of small, remote communities, and it would be prohibitively expensive to visit them. He said that he does not know how traffic is estimated in those communities, but he offered that it is done using CCS data.

REPRESENTATIVE WOOL asked what the traffic count is in Kodiak.

MR. EPSTEIN responded that Kodiak has roads with much higher traffic counts than Killisno Road in Angoon but also has low-volume roads as well.

[4:42:45 PM](#)

REPRESENTATIVE LEDOUX asked why DOT&PF did a traffic count in Kodiak, as it has a DMV office, has a population of 15,000, and the traffic count would be high.

MR. EPSTEIN explained that the region for which he is an engineer was reconfigured two years ago, and Kodiak was added to the region's jurisdiction; therefore, DOT&PF had the responsibility to count traffic in Kodiak.

REPRESENTATIVE LEDOUX clarified that her question was, "For what reason ... are you counting traffic in Kodiak?"

MR. EPSTEIN explained that is it part of DOT&PF's obligation to the Federal Highway Administration to count traffic on federally-funded roads, and the data is used for good design on road projects.

REPRESENTATIVE KNOPP added that the data is used for road construction and maintenance.

[4:45:33 PM](#)

REPRESENTATIVE TUCK mentioned that he has installed many highway traffic recorders (HTRs) and asked if DOT&PF designs them.

MR. EPSTEIN replied that the new term for HTR is CCS and that DOT&PF personnel apply already existing design standards.

REPRESENTATIVE TUCK added that the recorders detect the number of axles, distance between axles, and speed and weight of vehicles.

[HB 82 was held over.]

[4:47:03 PM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 4:47 p.m.