

ALASKA STATE LEGISLATURE
HOUSE TRANSPORTATION STANDING COMMITTEE

February 8, 2018

1:44 p.m.

MEMBERS PRESENT

Representative Louise Stutes, Co-Chair
Representative Adam Wool, Co-Chair
Representative Matt Claman
Representative Harriet Drummond
Representative Chuck Kopp
Representative David Eastman (alternate)

MEMBERS ABSENT

Representative Mark Neuman
Representative Colleen Sullivan-Leonard
Representative Gabrielle LeDoux (alternate)

COMMITTEE CALENDAR

HOUSE BILL NO. 259

"An Act relating to containing or confining loads being transported on highways."

- MOVED CSHB 259 (TRA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 259

SHORT TITLE: CONFINING VEHICLE LOADS

SPONSOR(S): REPRESENTATIVE(S) STUTES

01/08/18	(H)	PREFILE RELEASED 1/8/18
01/16/18	(H)	READ THE FIRST TIME - REFERRALS
01/16/18	(H)	TRA, JUD
01/25/18	(H)	TRA AT 1:15 PM BARNES 124
01/25/18	(H)	-- MEETING CANCELED --
01/30/18	(H)	TRA AT 1:00 PM BARNES 124

01/30/18 (H) -- MEETING CANCELED --
02/01/18 (H) TRA AT 1:00 PM BARNES 124
02/01/18 (H) Heard & Held
02/01/18 (H) MINUTE (TRA)
02/08/18 (H) TRA AT 1:00 PM BARNES 124

No previous action to record

WITNESS REGISTER

MATT GRUENING, Staff
Representative Louise Stutes
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: On behalf of Representative Stutes, prime sponsor of HB 259, explained the changes in Version I.

JASON SAKALASKAS, Engineer
Northern Region
Department of Transportation & Public Facilities (DOT&PF)
Fairbanks, Alaska

POSITION STATEMENT: Answered questions on HB 259, Version I.

ACTION NARRATIVE

[1:44:57 PM](#)

CO-CHAIR ADAM WOOL called the House Transportation Standing Committee meeting to order at 1:44 p.m. Representatives Wool, Stutes, Drummond, Claman, Kopp, and Eastman (alternate), were present at the call to order.

HB 259-CONFINING VEHICLE LOADS

[1:45:25 PM](#)

CO-CHAIR WOOL announced that the only order of business would be HOUSE BILL NO. 259, "An Act relating to containing or confining loads being transported on highways."

[1:45:42 PM](#)

REPRESENTATIVE STUTES made a motion to adopt the proposed committee substitute (CS) for HB 259, labeled 30-LS0917\I, Martin, 2/5/18, as the working document. There being no objection, Version I was before the committee.

[1:45:59 PM](#)

MATT GRUENING, Staff, Representative Louise Stutes, Alaska State Legislature, on behalf of the prime sponsor of HB 259, Representative Stutes, explained that there were two changes to the proposed committee substitute (CS) for HB 259, Version I, as follows [original punctuation provided]:

Page 2, line 16:

Added an exemption for vehicles that are removing or hauling snow

Page 2, line 20:

Changed "physical injury" to "serious physical injury"

MR. GRUENING explained that the first change relates to municipal vehicles that clear snow from the roadway. This exemption covers vehicles, such as front loaders and dump trucks that do not often cross roadways. Allowing these vehicles to remove snow seemed to create less of a hazard for the public than to slow the snow removal process, he said.

MR. GRUENING said the second change addresses an issue that arose at the last hearing. This language would further clarify that the injuries resulting from unsecure loads in question are very "serious physical injuries." He pointed out that the bill has a zero fiscal note from the Department of Transportation & Public Facilities (DOT&PF).

[1:47:36 PM](#)

REPRESENTATIVE EASTMAN asked how a person "moving" a motor vehicle is being defined. For example, would moving a vehicle

apply to a person pushing the vehicle or a non-owner moving the vehicle.

MR. GRUENING offered his belief that physically pushing the vehicle is considered "moving" the vehicle; however, this bill only applies to vehicles on a highway.

[1:48:55 PM](#)

REPRESENTATIVE EASTMAN related a scenario in which a tow truck was called to tow a crashed vehicle and arrived to discover an unsecured load but did not have a tarp or other materials to secure the load. He asked whether the tow-truck driver would be subject to penalties.

MR. GRUENING said that the sponsor had not considered vehicles towing other vehicles, but he thought the sponsor would consider how this affected tow trucks.

[1:49:52 PM](#)

CO-CHAIR WOOL stated that HB 259 applies to "a highway." He asked for clarification on which roads were included in a strict definition of "highway."

MR. GRUENING answered deferred to the Department of Transportation & Public Facilities to respond.

[1:50:27 PM](#)

JASON SAKALASKAS, Engineer, Northern Region, Department of Transportation & Public Facilities (DOT&PF), acknowledged that Alaska has "designated highway systems." He stated that he would need to further research which highways are included in the definition and report back to the committee.

[1:51:06 PM](#)

REPRESENTATIVE DRUMMOND stated that her district has several major highways plus several state-operated roadways including Northern Lights Boulevard, Tudor Road, and Benson Boulevard.

She asked whether this bill would apply to a violation on one of the state-operated roadways in Anchorage noting these streets have frequent stop signals.

MR. GRUENING answered that the definition for highways is in current law and the bill uses the term "highway.". He offered his belief that if the road is not designated as a "highway," the language in Version I would not apply. He suggested the sponsor would be amenable to discussing other roadways.

[1:52:20 PM](#)

REPRESENTATIVE DRUMMOND asked whether the sponsor's district "may or may not" have [major] highways. In response to a request for further clarification, Representative Drummond read the bill title for HB 259, which read as follows [original punctuation provided]:

"An Act relating to containing or confining loads being transported on highways."

REPRESENTATIVE DRUMMOND related her understanding that "highways" has a limited definition in Alaska. She recalled that Alaska has seven or eight numbered highways in the state, including the Seward, Glenn, Parks, Sterling, Johansen and Dalton highways. She stated that the state-operated roads in her district would include 5th and 6th Avenues, which becomes the Glenn Highway. She asked if a truck with an unsecured vehicle load was driving on 5th or 6th Avenues in Anchorage and debris fell on another vehicle causing "serious physical injury" whether Version I of HB 259 would apply.

MR. GRUENING said he was not certain. He pointed out that Egan [Drive] is also a state highway [AK-7] in Juneau. He offered to research it further with the Legislative Legal and Research Services attorney [and report back to the committee].

[1:54:38 PM](#)

REPRESENTATIVE CLAMAN stated the bill amends Alaska Statutes (AS) 28 relating to the motor vehicle code. He referred to the

definition in AS 28.90.990(a)(14), which read as follows [original punctuation provided]:

(14) highway means the entire width between the boundary lines of every way that is publicly maintained when a part of it is open to the public for purposes of vehicular travel, including but not limited to every street and the Alaska state marine highway system but not vehicular ways or areas;

REPRESENTATIVE CLAMAN said that this bill would make it a potential criminal offense, a misdemeanor [for not confining vehicle loads]. An argument could be made that this should reference the definition for "highway" under Title 11, which is the criminal code. He then referred to the definition in AS 11.900(a)(30), which read [original punctuation provided]:

(30) highway means a public road, road right-of-way, street, alley, bridge, walk, trail, tunnel, path, or similar or related facility, as well as ferries and similar or related facilities;

[1:54:04 PM](#)

CO-CHAIR WOOL commented that the definition [in AS 11.900] would broadly cover anywhere a person could drive a car, a skateboard, or a bicycle; that the bill would apply to a person driving an uncovered load on any road, such as the Parks Highway or Spenard Road.

MR. GRUENING said he had missed the definition in the bill; that he had not realized the definition of highway was so broad.

[1:56:37 PM](#)

REPRESENTATIVE KOPP commented on one way to narrow the definition for "highway." He referred to page 1, line 5, to add "for motor vehicle use," after highway, which would then read, "on a highway for motor vehicle use." In addition, motor vehicles as defined in statute include motorcycles and automobiles. He suggested that the definitions could be

modified in the House Judiciary Standing Committee. He said that committee members conceptually understand the intent of the bill, which is to provide public protection from motor vehicles on highways. Currently, some small communities with traffic counts of less than 500 per day are not subject to Department of Transportation & Public Facilities (DOT&PF) regulations, which provides an exemption that allows [all-terrain vehicles (ATV) known as] four-wheelers or snow machines on roadways. He suggested including such an exemption [in HB 259] would not violate the spirit of the bill, which is to protect people in significant traffic areas from the risks of unsecured loads. He reiterated his understanding that the sponsor's goal is to have the bill applicable to the interstate road system.

[1:58:12 PM](#)

CO-CHAIR WOOL said he was unsure of the bill sponsor's intent with respect to the specific "highways" that would be affected by the bill. He asked for further clarification on whether the sponsor intended to have [the unsecured load restrictions apply] to vehicles on any road or if it would be restricted to roadways over a certain speed limit. He also wondered whether the public would need the same protection from a vehicle with an unsecure load being driven 20 miles per hour on a dirt road as for a vehicle being driven on Minnesota Drive in Anchorage traveling at 50 miles per hour without confining its load.

REPRESENTATIVE STUTES responded that Representative Kopp previously captured the gist of the bill. She agreed that the bill could be fine-tuned in the House Judiciary Standing Committee because of its expertise. She clarified that her intent was to address public safety concerns on the highly-traveled main roads in Alaska.

[1:59:14 PM](#)

REPRESENTATIVE EASTMAN said that the bill would still apply to the Alaska Marine Highway System (AMHS), so he surmised it would apply to vehicles on a ferry. He asked whether the committee would want to restrict the bill to numbered highways or if the

sponsor preferred HB 259 to be more expansive and encompass other roads.

REPRESENTATIVE STUTES responded that HB 259 should be more expansive than numbered highways in Alaska.

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CO-CHAIR WOOL pointed out that the definition Representative Claman previously read for "highway" in [AS 11.81] addresses ferries and considers a "highway" as any road leading up to the AMHS but the definition does not necessarily apply to vehicles being transported on the marine vessel itself. Thus, the bill restrictions would apply to drivers driving a vehicle on the road to the ferry; however, it would not apply to the vehicle while it was being transported via a ferry traveling at 12 knots, since the risk of an uncovered load would be minimal. He also suggested the committee may wish to strike a balance between "highways" and "every road," perhaps applying to types of roads that are somewhat in the middle.

[2:00:30 PM](#)

REPRESENTATIVE STUTES reiterated that the definitions for "highway" could be fine-tuned in the House Judiciary Standing Committee.

[2:00:46 PM](#)

REPRESENTATIVE DRUMMOND said she hoped that HB 259 would protect motorists [from unsecured loads] on every road in the state, including Main Street in Juneau, as well as the Walter J. Hickel [Parkway] in Anchorage.

REPRESENTATIVE STUTES answered that would be the intent.

[2:01:12 PM](#)

REPRESENTATIVE EASTMAN asked for the liability a driver currently incurs if debris from a vehicle with an unconfined load caused serious injury to another person.

MR. GRUENING answered that under current law, it would be an infraction, which is a traffic violation subject to a maximum \$300 fine. He acknowledged that vehicle drivers with unsecured loads that injure parties could potentially violate other laws; however, it would depend on factors, such as whether the driver acted with criminal intent or whether the crime of "reckless driving" applied.

[2:02:14 PM](#)

REPRESENTATIVE EASTMAN asked whether the driver in that situation would be subject to civil liability.

MR. GRUENING answered yes; that civil recourse is available in almost all cases.

[2:02:40 PM](#)

CO-CHAIR WOOL recapped that the committee determined the definition of "highway" was more broadly defined by statute than was initially intended by the sponsor. The committee, including the bill sponsor, agreed that the next committee of referral should narrow the definition of "highway" such that it would not encompass every road but would apply to more roads than numbered roadways in Alaska.

[2:03:16 PM](#)

CO-CHAIR WOOL, after first determining no one further wished to testify, closed public testimony on HB 259.

[2:03:42 PM](#)

REPRESENTATIVE STUTES moved to report the proposed committee substitute (CS) for HB 259, labeled 30-LS0917\I, Martin, 2/5/18, [Version I] out of committee with individual recommendations and the accompanying fiscal notes.

[The motion was left on the table.]

The committee took an at-ease from 2:03 p.m. to 2:04 p.m.

[2:04:07 PM](#)

REPRESENTATIVE STUTES restated her previous motion. Representative Stutes moved to report the proposed committee substitute (CS) for HB 259, Version I, labeled 30-LS0917\I, Martin, 2/5/18, out of committee with individual recommendations and the accompanying fiscal note.

Representative Eastman objected.

[2:05:22 PM](#)

REPRESENTATIVE EASTMAN acknowledged that it was unique that several committee members also serve on the House Judiciary Standing Committee, which is the next committee of referral; however, he said he prefers to modify a bill to improve it, rather than to pass it on to another committee.

[2:05:47 PM](#)

A roll call vote was taken. Representatives Wool, Claman, Drummond, Kopp, Stutes voted in favor of moving the proposed committee substitute (CS) for HB 259, labeled 30-LS0917\I, Martin, 2/5/18 from the committee. Representative Eastman voted against it. Therefore, the CSHB 259(TRA) was reported out of the House Transportation Standing Committee by a vote of 5-1.

[2:07:07 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 2:05 p.m.