

**ALASKA STATE LEGISLATURE  
HOUSE TRANSPORTATION STANDING COMMITTEE**

April 16, 2019

1:12 p.m.

**MEMBERS PRESENT**

Representative Louise Stutes, Co-Chair  
Representative Adam Wool, Co-Chair  
Representative Harriet Drummond  
Representative Andi Story  
Representative Dave Talerico  
Representative Sara Rasmussen

**MEMBERS ABSENT**

Representative Matt Claman

**COMMITTEE CALENDAR**

HOUSE JOINT RESOLUTION NO. 12

Supporting the completion of the Northern Rail Extension; supporting the increase in defensive capabilities at Fort Greely, Alaska; and encouraging the development of critical Arctic infrastructure.

- MOVED HJR 12 OUT OF COMMITTEE

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 23

"An Act relating to registration fees for snowmobiles and off-highway vehicles."

- MOVED SSHB 23 OUT OF COMMITTEE

HOUSE BILL NO. 123

"An Act relating to electric-assisted bicycles."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HJR 12

SHORT TITLE: NORTHERN RAIL EXTENSION

SPONSOR(S): REPRESENTATIVE(S) TALERICO

03/13/19	(H)	READ THE FIRST TIME - REFERRALS
03/13/19	(H)	MLV, TRA

03/19/19 (H) MLV AT 2:00 PM GRUENBERG 120  
 03/19/19 (H) Heard & Held  
 03/19/19 (H) MINUTE (MLV)  
 03/21/19 (H) MLV AT 2:00 PM GRUENBERG 120  
 03/21/19 (H) Moved HJR 12 Out of Committee  
 03/21/19 (H) MINUTE (MLV)  
 03/22/19 (H) MLV RPT 4DP  
 03/22/19 (H) DP: RAUSCHER, JACKSON, TARR, LEDOUX  
 04/02/19 (H) TRA AT 1:00 PM BARNES 124  
 04/02/19 (H) Heard & Held  
 04/02/19 (H) MINUTE (TRA)  
 04/16/19 (H) TRA AT 1:00 PM BARNES 124

BILL: HB 23

SHORT TITLE: SNOWMOBILE REGISTRATION FEES

SPONSOR(S): REPRESENTATIVE(S) NEUMAN

02/20/19 (H) PREFILE RELEASED 1/7/19  
 02/20/19 (H) READ THE FIRST TIME - REFERRALS  
 02/20/19 (H) TRA, FIN  
 03/13/19 (H) SPONSOR SUBSTITUTE INTRODUCED-REFERRALS  
 03/13/19 (H) READ THE FIRST TIME - REFERRALS  
 03/13/19 (H) TRA, FIN  
 03/26/19 (H) TRA AT 1:00 PM BARNES 124  
 03/26/19 (H) Heard & Held  
 03/26/19 (H) MINUTE (TRA)  
 04/16/19 (H) TRA AT 1:00 PM BARNES 124

BILL: HB 123

SHORT TITLE: ELECTRIC-ASSISTED BICYCLES

SPONSOR(S): REPRESENTATIVE(S) WOOL

04/05/19 (H) READ THE FIRST TIME - REFERRALS  
 04/05/19 (H) TRA, JUD  
 04/16/19 (H) TRA AT 1:00 PM BARNES 124

**WITNESS REGISTER**

WILLIAM GAMBLE, Staff  
 Representative Mark Neuman  
 Alaska State Legislature  
 Juneau, Alaska

**POSITION STATEMENT:** Presented HB 23 on behalf of Representative Neuman, prime sponsor.

RICKY GEASE, Director  
 Division of Parks and Outdoor Recreation (DPOR)

Department of Natural Resources (DNR)  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions pertaining to HB 23.

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

**POSITION STATEMENT:** Answered questions pertaining to HB 23.

DAN SADDLER, Legislative Liaison/Communications Director  
Office of the Commissioner  
Department of Natural Resources (DNR)  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions pertaining to HB 23.

ANNE RITTGERS, Staff  
Representative Adam Wool  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Provided a PowerPoint presentation during the hearing on HB 123, on behalf of Representative Wool, prime sponsor.

#### **ACTION NARRATIVE**

[1:12:03 PM](#)

**CO-CHAIR ADAM WOOL** called the House Transportation Standing Committee meeting to order at 1:12 p.m. Representatives Drummond, Talerico, Story, Stutes, and Wool were present at the call to order. Representative Rasmussen arrived as the meeting was in progress.

#### **HJR 12-NORTHERN RAIL EXTENSION**

[1:12:51 PM](#)

CO-CHAIR WOOL announced that the first order of business would be HOUSE JOINT RESOLUTION NO. 12, Supporting the completion of the Northern Rail Extension; supporting the increase in defensive capabilities at Fort Greely, Alaska; and encouraging the development of critical Arctic infrastructure.

[1:13:21 PM](#)

REPRESENTATIVE TALERICO, as prime sponsor of HJR 12, suggested his presentation of HJR 12 [on 4/2/19] covered everything; therefore, he asked if members had questions for him today.

[1:13:40 PM](#)

CO-CHAIR STUTES noted there was a zero fiscal note, and she asked the sponsor whether there would be another fiscal note.

[1:13:50 PM](#)

REPRESENTATIVE TALERICO answered there would not be, because HJR 12 asks for full federal funding.

[1:14:29 PM](#)

REPRESENTATIVE STORY characterized HJR 12 as "a good opportunity" and said she is pleased to see the joint resolution "brought forward."

[1:14:38 PM](#)

CO-CHAIR WOOL concurred.

[1:14:42 PM](#)

REPRESENTATIVE DRUMMOND mentioned her experience touring the rail line last summer with other legislators and how one of the uses of the rail line could be for farmers to move their product and avoid having to drive a difficult highway. She opined that the legislature needs to support its farmers, wherever they are in the state. She expressed support for finishing the rail line.

[1:16:10 PM](#)

CO-CHAIR STUTES moved to report HJR 12 out of committee with individual recommendations and the accompanying zero fiscal note. There being no objection, HJR 12 was reported out of the House Transportation Standing Committee.

**HB 23-SNOWMOBILE REGISTRATION FEES**

[1:16:40 PM](#)

CO-CHAIR WOOL announced that the next order of business would be SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 23, "An Act relating to registration fees for snowmobiles and off-highway vehicles."

[1:16:59 PM](#)

WILLIAM GAMBLE, Staff, Representative Mark Neuman, Alaska State Legislature, presented SSHB 23 on behalf of Representative Neuman, prime sponsor. [The first presentation having taken place on 3/26/19], Mr. Gamble offered to answer questions from the committee.

[1:17:28 PM](#)

CO-CHAIR STUTES asked for greater specificity regarding the current use of funds.

[1:17:51 PM](#)

MR. GAMBLE offered his understanding that Governor Mike Dunleavy has taken the money out of the Fiscal Year 2020 (FY 20) budget; however, he said he cannot answer as to the intentions of the governor for funds that "come in through" the Division of Motor Vehicles (DMV).

[1:18:07 PM](#)

CO-CHAIR WOOL recollected that the bill sponsor had said he wanted the fees to go to trail maintenance - snow machine trails, in particular.

MR. GAMBLE confirmed that is correct. He said the name of the program is Snow Track.

[1:18:39 PM](#)

RICKY GEASE, Director, Division of Parks and Outdoor Recreation (DPOR), Department of Natural Resources (DNR), stated that the division oversees the Snowmobile Trails Grant Program. Last year the division had approximately \$400,000 total in requested funding, of which \$180,000 in receipts came from DMV. He said minus the administration fees, the division put out \$158,000 in grants for trail grooming, which is about 38 percent of the overall requests. With more money coming in, along with receipt authority, the division could give out more money.

[1:19:47 PM](#)

CO-CHAIR WOOL observed that SSHB 23 would double the amount of money coming in; however, the actual amount would not double, since there would be a provision wherein people could spend less by paying for more years up front. He asked whether \$350,000 would be "a fair target."

MR. GEASE answered that according the fiscal analysis, that is correct.

[1:20:17 PM](#)

CO-CHAIR STUTES asked whether the requests to which Mr. Gease referred were specifically for trail maintenance.

[1:20:39 PM](#)

MR. GEASE responded that the majority of it went toward the grooming of trails. He noted that some money was requested to cover the cost of putting up safety signage. In response to a follow-up question, he said the intent behind the increase of fees under SSHB 23 would be to cover the trail grooming and signage. He said the Snow Track Advisory Council reviews [the applications], and the money is distributed to the groups. He spoke of larger equipment used for maintenance, and he mentioned volunteer organizations. He clarified that the equipment is owned by the nonprofit organizations.

[1:22:31 PM](#)

CO-CHAIR WOOL asked whether he is correct in thinking that the money allocated for trails "is not going to be entirely used inside the state parks."

MR. GEASE answered that what Co-Chair Wool was referring to is a different program called the Recreational Trails Program. In response to a follow-up question from Co-Chair Stutes, he clarified that funding for the Snowmobile Trails Grant Program comes from snowmobile users paying a registration fee to DMV, and then, through the receipt authority, that money is transferred to DNR to allocate to the grantees of the program - the groomers across the state.

[1:24:13 PM](#)

CO-CHAIR WOOL asked whether any of the funds go to other uses, such as maintenance of summer trails.

MR. GEASE answered that all the funds are used to maintain winter trails; however, sometimes "fat tire" bicycle riders use the snow machine trails.

[1:25:00 PM](#)

MR. GAMBLE noted that almost 12 percent of the receipts go towards administering the program. He said it is all self-funded. He stated, "It's no cost to DNR, except for the ... [snowmobile] registration fees; they pay for all the ... administration of the program itself."

[1:25:19 PM](#)

REPRESENTATIVE STORY shared her appreciation for the legislative research information that shows what the cost of snowmobile registration is in other states, as well as "the community use of the registrations across the state."

[1:25:41 PM](#)

REPRESENTATIVE DRUMMOND referred to the fiscal note [from the Department of Administration, included in the committee packet], and noted that the revenue is listed as an undesignated general fund (UGF). She offered her understanding that funds specified for expenditure in a specific way are categorized as a designated general fund (DGF).

[1:26:33 PM](#)

MARLA THOMPSON, Director, Division of Motor Vehicles (DMV), Department of Administration (DOA), said the fiscal note was "double-checked," so it is UGF. Notwithstanding that, she said she would check with an administrator and get back to the committee on the issue.

[1:27:39 PM](#)

DAN SADDLER, Legislative Liaison/Communications Director, Office of the Commissioner, Department of Natural Resources (DNR), explained that the money is raised by registration fees on snowmobiles, which are collected by the DMV. The money, funded by capital grants, is UGF; it is "available to any program to spend" and is allocated through the capital budget to DNR, through capital grants. In response to Representative Drummond, he said he does not think the proposed legislation directs the

funds to be spent on the Snow Track [Grant Program]; however, he stated, "I think the expectation is that's what would happen."

[1:29:06 PM](#)

CO-CHAIR STUTES moved to report SSHB 23 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, SSHB 23 was reported out of the House Transportation Standing Committee.

[1:29:35 PM](#)

The committee took an at-ease from 1:29 p.m. to 1:32 p.m. [During the at-ease, Co-Chair Wool passed the gavel to Co-Chair Stutes.]

### **HB 123-ELECTRIC-ASSISTED BICYCLES**

[1:32:23 PM](#)

CO-CHAIR STUTES announced that the final order of business would be HOUSE BILL NO. 123, "An Act relating to electric-assisted bicycles."

[1:32:40 PM](#)

CO-CHAIR WOOL, as prime sponsor, presented HB 123. He read the sponsor statement, which read as follows [original punctuation provided]:

The purpose of HB 123 is to clearly define electric-assisted bicycle in statute. Currently, the state of Alaska does not have any laws pertaining to electric-assisted bicycles, nor related references to operating licenses, safety requirements, local traffic laws, or related definitions. An electric-assisted bicycle does not fit into existing definitions of any other type of vehicle. A new definition in statute is needed to address electric-assisted bicycles to remove confusion for electric-assisted bicycle owners and retailers.

On the municipal level, the Municipality of Anchorage defined low-speed electric bicycles in 2016. On the state level, thirty-three states in some manner define electric bicycles. Adding this definition will regulate electric-assisted bicycles as a bicycle - clarifying that Alaskans do not need a driver's

license or wear a helmet to operate an electric-assisted bicycle; they are not subject to registration, licensing, or insurance requirements that apply to motor vehicles; and they may be operated where regulations currently allow for bicycles to be operated.

Please join me in supporting House Bill 123 to bring our statutes up to date to reflect technological advances related to electric-assisted bicycles.

CO-CHAIR WOOL explained that a constituent with a revoked driver's license was pulled over and told he could not ride his electric bicycle, and that was the impetus for HB 123.

[1:34:40 PM](#)

ANNE RITTGERS, Staff, Representative Adam Wool, Alaska State Legislature, on behalf of Representative Wool, prime sponsor, offered a PowerPoint presentation on HB 123. As shown on slide 1, she noted that electric-assisted bicycles are not currently defined in statute; the objective of HB 123 is to regulate electric-assisted bicycles as bicycles; update statute to reflect technological advances; and bring clarity to consumers and retailers on electric-assisted bicycle laws. She drew attention to slide 2, and pointed out that the definition of electric-assisted bicycle therein could also be found in Section 8 of the proposed legislation. The definition shows on slide 2, as follows [original punctuation provided]:

A bicycle that is:

- Designed to travel with not more than three wheels in contact with the ground
- Has fully operative pedals for human propulsion
- Is equipped with an electric motor that:
  - has a power output of not more than 750 watts (1 hp)
  - provides assistance only when the rider is pedaling
  - ceases to provide assistance to the rider when the bicycle reaches a speed of 28 miles per hour

MS. RITTGERS turned to slide 3, which shows states highlighted in green or yellow as having varying levels of electric-assisted bicycle definitions/classifications. Slide 4 shows an image of an electric-assisted bicycle, which has a battery pack, motor, and pedals. She said some electric-assisted bicycles look like regular bicycles, because the battery and motor are encased in the bicycle frame, as shown on slide 5. Ms. Rittgers pointed to some differences in mopeds and scooters, such as their variation in engine size and that they do not have fully operational pedals or pedal assist, as seen on slide 6.

[1:37:26 PM](#)

REPRESENTATIVE RASMUSSEN asked whether there is anything in current statute about [using an electric-assisted bicycle] while under the influence of alcohol.

MS. RITTGERS answered that currently there is no driving under the influence (DUI) in statute for those riding bicycles; therefore, because the intent of HB 123 is to regulate electric-assisted bicycles as bicycles, a rider of an electric-assisted bicycle could not get a DUI. She said there is only a small class of electric-assisted bicycles that go up to 28 miles per hour (mph); the majority travel at speeds less than 20 mph.

[1:38:31 PM](#)

CO-CHAIR WOOL acknowledged Representative Rasmussen's concern. He said a person riding a bicycle under the influence can be cited, but he/she will not get a DUI, because it is not a motor vehicle. He specified that although a bicyclist can get up to higher speeds going downhill, the assist function of an electric-assisted bicycle cuts off at 28 mph.

[1:39:19 PM](#)

CO-CHAIR STUTES directed attention to the map on slide 3, and noted that those states highlighted in yellow are reflected as having a "3-tier classification system." She asked what that means.

MS. RITTGERS answered that Class 1 is an electric-assisted bicycle that can travel at speeds up to 20 mph; Class 2 also goes up to 20 mph, but with an option of pedal assist or throttle; and Class 3 goes up to 28 mph.

[1:40:23 PM](#)

REPRESENTATIVE STORY, considering the speed of up to 28 mph, asked whether other states have helmet laws that apply to operators of electric-assisted bicycles.

[1:40:54 PM](#)

CO-CHAIR WOOL answered that there are states that regulate bicycles that have an option of not pedaling; some states include helmet laws. He said he didn't want to go into helmet laws and age requirements in HB 123. In response to a follow-up question, he said it is not that he does not think it is a safety issue, but rather that he just wanted to treat [electric-assisted bicycles] like regular bicycles, which he pointed out can go faster than 28 mph. He opined that people should wear a helmet on a regular bicycle; however, he reiterated that that is not a requirement under Alaska state law. He pointed out that Alaska does not even have a helmet law for people operating motorcycles. He said he has ridden an electric-assisted bicycle, and he shared how his brother retrofitted his sister-in-law's bicycle and how that helped her on hills.

[1:44:17 PM](#)

REPRESENTATIVE RASMUSSEN stated that she believes it would be beneficial to discuss the requirement of wearing a helmet. She said her mother has an electric bicycle and fell off it perhaps the first three or four times she rode it, because it "jumps" sometimes when it goes into assist mode.

[1:45:19 PM](#)

CO-CHAIR WOOL concurred. He emphasized the need for bicycle riders to wear helmets. He said he requires his children to wear helmets. He pointed out that there is a big learning curve to riding a Segway, but there is no helmet law on them. He questioned whether people would want the state or government to dictate [helmet requirements]. He reiterated his previous statements about leaving the electric-assisted bicycles in alignment with laws about bicycle riding. He also repeated that he is "happy to have the discussion."

[1:46:28 PM](#)

REPRESENTATIVE DRUMMOND noted that the Bicycle Helmet Safety Institute website lists Anchorage, Bethel, Juneau, Kenai, and

Sitka as communities that have had laws in place since the mid-2000s requiring children under 16 or 18, depending on the community, to wear helmets when they ride bicycles; therefore, "communities are taking care of their young people as they so choose." She indicated her own house rule is that children will wear helmets [when riding bicycles].

[1:47:06 PM](#)

REPRESENTATIVE STORY inquired as to when a discussion of helmet requirements has taken place in Alaska.

[1:47:20 PM](#)

MS. RITTGERS answered that the only requirements she found were related to helmets required for passengers on motorcycles, those younger than 18 operating a motorcycle, those operating a motorcycle with an instruction permit, and those taking a motorcycle road test.

[1:48:02 PM](#)

CO-CHAIR WOOL stated that some municipalities can and do have laws regarding electric-assisted bicycles. For example, some cities allow them to be ridden on bicycle trails, while other do not allow it. He indicated that HB 123 spells out that local municipalities can [adopt stricter regulations] regarding electric-assisted bicycles.

[1:48:49 PM](#)

MS. RITTGERS, in response to Representative Story, advised that that language is in Section 3 of the bill.

[1:49:17 PM](#)

REPRESENTATIVE TALERICO shared his appreciation for HB 123. He said he does not think [electric-assisted bicycles] are a trend, thus the state should see steady growth in their use. He characterized the sponsor's bill as timely.

[1:49:35 PM](#)

CO-CHAIR STUTES echoed Representative Talerico's appreciation for HB 123 and said she thinks people will be surprised by the number of electric-assisted bicycles that will be seen on the road.

[HB 123 was held over.]

1:49:58 PM

**ADJOURNMENT**

There being no further business before the committee, the House Transportation Committee meeting was adjourned at [1:49] p.m.