

**ALASKA STATE LEGISLATURE
HOUSE TRANSPORTATION STANDING COMMITTEE**

April 18, 2023

1:02 p.m.

MEMBERS PRESENT

Representative Kevin McCabe, Chair
Representative Sarah Vance, Vice Chair
Representative Tom McKay
Representative Craig Johnson
Representative Jesse Sumner
Representative Louise Stutes
Representative Genevieve Mina

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 124

"An Act relating to commercial motor vehicle drivers' license requirements; and providing for an effective date."

- HEARD & HELD

CONFIRMATION HEARING(S) :

Board Of Marine Pilots

Edward Sinclair - Juneau

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 128

"An Act relating to the definition of 'oil terminal facility.'"

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 124

SHORT TITLE: LICENSE REQUIREMENTS: COMM. DRIVERS

SPONSOR(S): REPRESENTATIVE(S) COULOMBE

03/17/23 (H) READ THE FIRST TIME - REFERRALS

03/17/23 (H) TRA, L&C
04/12/23 (H) BILL REPRINTED
04/18/23 (H) TRA AT 1:00 PM BARNES 124

BILL: HB 128

SHORT TITLE: OIL TERMINAL FACILITY

SPONSOR(S): TRANSPORTATION

03/22/23 (H) READ THE FIRST TIME - REFERRALS
03/22/23 (H) TRA
03/30/23 (H) TRA AT 1:00 PM BARNES 124
03/30/23 (H) Heard & Held
03/30/23 (H) MINUTE(TRA)
04/18/23 (H) TRA AT 1:00 PM BARNES 124

WITNESS REGISTER

REPRESENTATIVE JULIE COULOMBE

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented HB 124.

DANIEL ROBINS, Staff

Representative Julie Coulombe

Alaska State Legislature

POSITION STATEMENT: Provided the sectional analysis of HB 124 on behalf of Representative Coulombe, prime sponsor.

JOE MICHEL, Executive Director

Alaska Trucking Association

Anchorage, Alaska

POSITION STATEMENT: Gave invited testimony on HB 124.

JOEY CRUM, President and CEO

Northern Industrial Training

Palmer, Alaska

POSITION STATEMENT: Gave invited testimony in support of HB 124.

EDWARD SINCLAIR, Appointee

Board of Marine Pilots

Juneau, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Marine Pilots.

BUDDY WHITT, Staff

Representative Kevin McCabe

Alaska State Legislature

POSITION STATEMENT: Spoke on HB 128 on behalf of the sponsor, the House Transportation Committee, on which Representative McCabe serves as chair.

KEVIN O'SHEA, President
Alaska Fuel Storage Handlers Alliance
Eagle River, Alaska

POSITION STATEMENT: Testified in support of HB 128.

ACTION NARRATIVE

[1:02:11 PM](#)

CHAIR KEVIN MCCABE called the House Transportation Standing Committee meeting to order at 1:02 p.m. Representatives McKay, Vance, Stutes, Mina, and McCabe were present at the call to order. Representatives Sumner and C. Johnson arrived as the meeting was in progress.

HB 124-LICENSE REQUIREMENTS: COMM. DRIVERS

[1:04:15 PM](#)

CHAIR MCCABE announced that the first order of business would be HOUSE BILL NO. 124, "An Act relating to commercial motor vehicle drivers' license requirements; and providing for an effective date."

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REPRESENTATIVE JULIE COULOMBE, Alaska State Legislature, as prime sponsor, presented HB 124. She paraphrased the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

House Bill 124 repeals the requirement in AS 28.33.100(a)(2) that requires applicants for a Commercial Driver's License (CDL) to hold a regular Alaska driver's license for at least one year before they can begin the process of obtaining a CDL.

This requirement was enacted in 1985 before state and federal regulators modernized the training and licensing standards for CDLs. Today, an individual seeking a CDL has an extensive training and testing

process to go through to ensure they are ready to safely drive commercial vehicles.

On the state level, a prospective commercial driver must pass a written test at the DMV to obtain a CDL Learners Permit and then a driving test to obtain their full license. Beginning in February 2022, federally mandated Entry Level Driver Training (ELDT) requirements must also be met during the CDL Learner's Permit stage. ELDT requires comprehensive theory testing and a driving evaluation process to ensure that CDL applicants possess the necessary skills and knowledge to operate commercial vehicles safely and efficiently. With these new safety and training standards, the one-year regular driver's license requirement now only serves as a barrier to workforce development.

The Alaska Trucking Association estimates that Alaska is about 500 truck drivers short, presenting a risk both to food security and major new development projects in industries like construction, mining, oil and gas, etc. For young people in urban areas, getting a driver's license at 16 is common. However, for people coming from rural communities, a growing number of urban youth waiting to get their license, and newcomers to the county (including Ukrainian refugees), the year-long wait to start the licensing process often prevents the trucking industry from being a viable career option.

Repealing the one-year regular driver's license requirement aligns Alaska's CDL requirements with modern federal standards and removes a barrier to a workforce that, although relatively small, is ready and willing. With the passage of HB 124, Alaska will better be able to meet our commercial vehicle needs and empower Alaskans to pursue meaningful employment critical to our state."

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DANIEL ROBINS, Staff, Representative Julie Coulombe, on behalf of Representative Coulombe, prime sponsor, provided the sectional analysis for HB 124 [included in the committee packet], which read as follows [original punctuation provided]:

Sec 1. - Amends AS 28.33.100(a) to remove subsection (2) which requires an applicant for a Commercial Driver's License to have held a regular driver's license for at least one year before beginning the CDL certification process.

Sec 2. - Sets January 20, 2024, effective date.

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REPRESENTATIVE STUTES asked how long commercial driver's license (CDL) training is.

MR. ROBINS answered that getting a permit and a CDL takes about three to four weeks. In response to a follow-up question, he clarified that an applicant must first get a permit CDL before acquiring a CDL.

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JOE MICHEL, Executive Director, Alaska Trucking Association (ATA), stated ATA fully supports HB 124. He said the passage of HB 124 would eliminate one of many barriers to entry for people to begin a career in trucking and transportation. He said that in February 2022, the Federal Motor Carrier Safety Administration (FMCSA) implemented its entry level driver training (ELDT) program, establishing "minimum training requirements for entry-level commercial motor vehicle operators." He shared that this program came from years of engagement with safety organizations, industry, and other stakeholders, and provides a checklist of over 100 different skill, inspection, and knowledge requirements applicants must prove proficient in before they are allowed to test for a CDL. Considering these new requirements, he said that the association views holding a regular driver's license for a calendar year as a redundant barrier to entry into the industry.

MR. MICHEL told members to consider that potential truck drivers undergo four skill tests before being out on Alaska roads: a driving test by the Division of Motor Vehicles (DMV) to obtain a regular driver's license; a test during the ELDT program, administered by a registered training provider; the CDL test administered by the DMV; and a competency test administered by the companies that hire the drivers. He stated that ATA feels these checkpoints are adequate to ensure safety. He pointed out that there is a small but growing group of truck drivers from outside of the United States that have chosen to make Alaska

their home, who are qualified and want to work at their chosen profession but must wait a year before they can earn for their families and themselves. He said these newcomers to Alaska still would have to take ELDT and prove their skill set. He commented that HB 124 would allow these potential drivers a chance to earn a living sooner than under current laws, and he reiterated that the ATA encourages the passage of HB 124.

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REPRESENTATIVE MINA asked Mr. Michel what the training standards are in other states, and if others also have one-year requirements.

MR. MICHEL answered that it is a "patchwork" in other states. He elaborated that there are states that do not have a one-year driver's license requirement, and he shared that Ukrainian refugees who came to Alaska had moved to Pennsylvania since they were unaware of the requirement.

REPRESENTATIVE MINA inquired about seasonal truck drivers.

MR. MICHEL said there are many drivers that do seasonal work, whether it be doing long hauls in the Lower 48 and then coming to Alaska, or working during oil season and taking summers off, as examples.

REPRESENTATIVE MINA, noting that seasonal workers hold CDLs, asked how the one-year Alaska license requirement has impacted non-residents who are working in the state as truckers.

MR. MICHEL answered that 95 percent of regulations around trucking are done on a national level, thus, the CDL is transferrable throughout the nation.

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MR. MICHEL, in response to Representative Stutes, repeated the four skills test steps he had previously outlined.

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JOEY CRUM, President and CEO, Northern Industrial Training (NIT), explained NIT trains people to enter the workforce, and its workforce development specialists work with employers and community organizations to determine what needs to be done to prepare a local workforce for opportunity. He said that NIT's

strongest program trains people to drive commercial vehicles, and that people statewide come to NIT's various facilities in Alaska. He shared that HB 124 would remove a barrier in workforce flow, and that NIT has seen young people attempt to attain a CDL but lose interest due to current statute.

MR. CRUM opined that HB 124 is necessary because it would help people by removing an outdated barrier that requires people to test for a regular driver's license before being able to test for a CDL. He said that new federal rules that were established on 2/7/22 make the current statute moot. He explained that the new regulations, ELDT, require additional levels of training and screening. He said the process of getting a commercial learner's permit requires a person to pass written exams at the DMV and have a Department of Transportation & Public Facilities (DOT&PF) physical conducted. After being issued the learner's permit, the person must then pass written exams proctored by a federally registered training provider and undergo a practical performance evaluation by a federally registered training provider. The last step is to perform the road test via either the DMV or one of its approved proctors. He said that knowledge and practical performance are "baked into the process of getting a CDL." He noted that vehicles, like a 16-passenger van for example, or pickups hauling hazardous materials (HAZMAT), require a CDL to drive. He said HB 124 needs to be approved in order to clear unnecessary barriers keeping people from employment.

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CHAIR MCCABE announced that HB 124 was held over.

CONFIRMATION HEARING(S): Board of Marine Pilots

[1:23:58 PM](#)

CHAIR MCCABE announced that the next order of business would be the confirmation hearing for the governor's appointee to the Board of Marine Pilots.

[1:24:54 PM](#)

EDWARD SINCLAIR, Appointee, Board of Marine Pilots, shared that he is seeking a second term on the Board of Marine Pilots. Before piloting, he said he served 20 years in the U.S. Coast Guard, with most of those years in Alaska. Upon retirement in 2002, he transitioned to a pilot training program and got his

state license. He relayed that he was a board member of the Southeast Alaska Pilot Association, as well as having served as its president for two years, and later stepped down from the board to become a member of the Board of Marine Pilots. He said the Board of Marine Pilots faced licensing challenges during the COVID-19 pandemic, as new pilots were unable to get their training done, so the board's challenge was figuring out alternatives for training. He explained that, since the offices were closed, the board also had to create alternatives for testing as well. He shared that the board has been working on a process for foreign pleasure crafts that are based on yachts that come to Alaska, since such crafts are seeking an exemption for pilotage; the board reviewed the regulations around yachts, training, licensing, and equipment requirements.

MR. SINCLAIR said a rewarding part of being on the board is meeting the different associations that are seeking to improve their own bylaws and training requirements in their own regions, and that the biggest accomplishment was a regulation change that created additional training requirements that eliminated the need to stay in training for four years, and instead, a person could obtain a license in three years so long as the person completes introductory training requirements. He said it was good to see this effort initiated by the associations. He relayed that another effort the board is undertaking is revamping the investigations process. He said the board's hands are tied when it comes to investigations, and that the board would like to skim investigations so that it can then compile some lessons learned. He stated that it is hard to license licensees if you don't know what their problems are, and that the information around the investigations are confidential to a degree where it makes it hard to know what is going on. He said he would like to work on these issues for another four years.

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CHAIR MCCABE offered his understanding that pilots need to see all the ports in Alaska, and he inquired how the board feels about using the ferry for some of the experience requirements.

MR. SINCLAIR answered, "It's a critical part." He said there are close to 40 waterways that pilot trainees need to visit, with a minimum of eight ground trips. He pointed out that the predominant traffic in Southeast Alaska is cruise ships, and that those ships do not go all of the routes required for testing, so other vessel traffic is relied on, like the Alaska Marine Highway System (AMHS) ferries, to meet the other waterway

requirements. The waters in and out of Sitka, such as Peril Straight, are narrow, tight, and shallow, which is why cruise ship traffic is not going through there; therefore, the only way to complete those trips is to ride on the ferry. He said other regions have commercial traffic coming in and out of the ports, but there are other waterways that the ferries travel for which the Coast Guard requires the pilots to draw, study, and learn before the person is ready for the state license exam.

MR. SINCLAIR said that over the years riding the ferry has gotten cumbersome and expensive, and that the board has heard from trainees who said this is the biggest hurdle due to the scheduling and costs to ride the ferry. He remarked that "no one is expecting it to be free," but explained that AMHS had a system in place that allowed non-ferry employees to come aboard the ship in order to get signed off on the waterway requirements, but now the trainee must buy a cabin, pay a per-diem fee for meals, and cover the cost of the ticket. He suggested that all this is a deterrent for potential candidates, so the board relayed these issues to AMHS. He relayed that a response from the ferry system was that the costs for the trainees were needed to offset the costs of operating the vessels, but said the situation is improving now.

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REPRESENTATIVE STUTES commented that she appreciates the board, and Mr. Sinclair's time. She stated, "The Alaska Marine Highway System needs you as much as you need them."

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CHAIR MCCABE urged Mr. Sinclair, if he is reappointed, to find ways to mitigate the costs associated with the ferry. He said there should be a way to make this easier for marine pilots.

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CHAIR MCCABE stated that the House Transportation Standing Committee has reviewed the qualifications of the governor's appointees and recommends that the following names be forwarded to a joint session for consideration: Edward Sinclair, Board of Marine Pilots. He said that signing the report regarding appointments to boards and commissions in no way reflects an individual member's approval or disapproval of the appointee, and the nomination is merely forwarded to the full legislature for confirmation or rejection.

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The committee took an at-ease from 1:35 p.m. to 1:37 p.m.

HB 128-OIL TERMINAL FACILITY

[1:37:05 PM](#)

CHAIR MCCABE announced that the final order of business would be HOUSE BILL NO. 128, "An Act relating to the definition of 'oil terminal facility.'"

[1:37:23 PM](#)

BUDDY WHITT, Staff, Representative Kevin McCabe, Alaska State Legislature, spoke on HB 128 on behalf of the sponsor, the House Transportation Committee, on which Representative McCabe serves as chair. He informed members that since the initial introduction of HB 128 to the committee, he has been working with the Department of Environmental Conservation (DEC), as well as a stakeholder group, who are concerned about the definition of "oil terminal facility." He stated that there is a sense of urgency with this bill, but it does not make sense to move quickly with something that does not work for all parties. He said he believes a compromise in language is near, and he informed the committee that he is working on a committee substitute (CS) to HB 128.

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REPRESENTATIVE C. JOHNSON asked, since HB 128 is time sensitive, whether there is a deadline to pass the bill.

MR. WHITT answered that there is no hard passage deadline. He said there is interest in first finding a statutory fix, and to get that fixed as soon as possible. He relayed assurances that there will be fuel deliveries, but he said that the worst case scenario is delays or additional costs to the end user. He said the incoming CS would aim to revise the fiscal note in a more favorable light.

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CHAIR MCCABE opened public testimony on HB 128.

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KEVIN O'SHEA, President, Alaska Fuel Storage Handlers Alliance (AFSHA), said AFSHA would like this matter resolved before the beginning of its season. He explained the problem with the definition, in that it would change some of its vessels to be classed as "oil terminal facilities" which would result in a different requirement for spill response. He further explained that the change would move AFSHA from a response planning standard of about 15 percent of the total capacity of a vessel to 100 percent of the capacity of the vessel, as well as change the time to respond to a spill from "the quickest possible time" to a "72-hour cleanup." He said that 50 percent of the fuel delivered throughout Western Alaska is done via tug and barge, of which there are transfers between barges, and there will be an impact to this activity. He explained that due to the time it takes to transfer the fuel between barges, deliveries would therefore be affected without the change.

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CHAIR MCCABE, after ascertaining that no one else wished to testify, closed public testimony HB 128.

[HB 128 was held over.]

[1:44:22 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 1:44 p.m.