

ALASKA STATE LEGISLATURE
SENATE TRANSPORTATION STANDING COMMITTEE

March 14, 2024

1:31 p.m.

MEMBERS PRESENT

Senator James Kaufman, Chair
Senator David Wilson, Vice Chair
Senator Robert Myers
Senator Jesse Kiehl

MEMBERS ABSENT

Senator Löki Tobin

COMMITTEE CALENDAR

SENATE BILL NO. 255

"An Act relating to the obstruction of airports and runways; relating to the obstruction of highways; establishing the crime of obstruction of free passage in public places; relating to the obstruction of public places; relating to the crime of trespassing; relating to the obstruction of navigable waters; and providing for an effective date."

- HEARD & HELD

SENATE BILL NO. 218

"An Act relating to vehicle weight limits; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 255

SHORT TITLE: OBSTRUCTION OF PUBLIC PLACES; TRESPASSING

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

02/21/24	(S)	READ THE FIRST TIME - REFERRALS
02/21/24	(S)	TRA, JUD
03/14/24	(S)	TRA AT 1:30 PM BUTROVICH 205

BILL: SB 218

SHORT TITLE: VEHICLE WEIGHT LIMITS

SPONSOR(s) : KAWASAKI BY REQUEST

02/07/24 (S) READ THE FIRST TIME - REFERRALS
02/07/24 (S) TRA, L&C
03/14/24 (S) TRA AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

CORI MILLS, Deputy Attorney General
Civil Division
Department of Law (DOL)
Juneau, Alaska

POSITION STATEMENT: Presented SB 255 on behalf of the administration.

PARKER PATTERSON, Legislative Liaison
Department of Law (DOL)
Juneau, Alaska

POSITION STATEMENT: Presented the sectional analysis for SB 255.

KACI SCHROEDER, Assistant Attorney General
Criminal Division
Department of Law (DOL)
Juneau, Alaska

POSITION STATEMENT: Answered questions on SB 255.

SENATOR SCOTT KAWASAKI, District P
Alaska State Legislature
Fairbanks, Alaska

POSITION STATEMENT: Sponsor for SB 218.

RILEY VON BORSTEL, Staff
Senator Scott Kawasaki
Alaska State Legislature
Fairbanks, Alaska

POSITION STATEMENT: Presented an overview of SB 218.

ANDREW (DREW) PAVEY, PAVING MANAGER
Department of Transportation and Public Facilities (DOTPF),
Anchorage, Alaska

POSITION STATEMENT: Answered questions on SB 218.

BARBARA SCHUHMANN, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 218.

ROBERT MCHATTIE, representing self

Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 218.

JOE MICHEL, Executive Director

Alaska Trucking Association

Anchorage, Alaska

POSITION STATEMENT: Testified with concerns on SB 218.

JOHN SLOAN, representing self

Delta Junction, Alaska

POSITION STATEMENT: Testified in support of SB 218.

BILL WARD, representing self

Delta Junction, Alaska

POSITION STATEMENT: Testified in support of SB 218.

PATRICE LEE, representing self

Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 218.

LYNN CORNBERG, representing self

Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 218.

JASMINE JEMEWOUK, representing self

Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 218.

LOIS EPSTEIN, representing self

Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 218.

GABRIELE LARRY, representing self

Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 218.

ACTION NARRATIVE

[1:31:26 PM](#)

CHAIR JAMES KAUFMAN called the Senate Transportation Standing Committee meeting to order at 1:31 p.m. Present at the call to order were Senators Myers, Wilson, and Chair Kaufman.

Senator Kiehl arrived thereafter.

SB 255-OBSTRUCTION OF PUBLIC PLACES; TRESPASSING

[1:32:54 PM](#)

CHAIR KAUFMAN announced the consideration of SENATE BILL NO. 255. An Act relating to the obstruction of airports and runways; relating to the obstruction of highways; establishing the crime of obstruction of free passage in public places; relating to the obstruction of public places; relating to the crime of trespassing; relating to the obstruction of navigable waters; and providing for an effective date."

[1:33:17 PM](#)

CORI MILLS, Deputy Attorney General, Civil Division, Department of Law (DOL), Juneau, Alaska, presented SB 255 on behalf of the administration. Ms. Mills opened the presentation with slide 1 and called the committees attention to news reports of obstructions to public places through intentional choice:

- A recent gathering blocked all 3 lower Manhattan bridges, impacting tens of thousands of people crossing, by car, by bike and by foot.
- A man in South Carolina blocked the entry to a health care facility.
- Individuals blocked an interstate in Virginia.

She quoted the Governor of Virginia: "It is unacceptable to block interstates, endanger the lives of Virginians and cause mayhem on our roads." She said this was the impetus for SB 255.

MS. MILLS moved to slide 2 of the presentation and said SB 255 seeks to balance two constitutional rights: the right to freedom of movement free access to public spaces and the right to peaceably and lawfully assemble. She stated that SB 255 does not impact people's freedom of assembly or freedom of speech. It does seek to prevent people from unlawfully obstructing access for others while also providing opportunities for peaceful assembly. She said SB 255 has no viewpoint discrimination, she said it is a time, place and manner restriction and complies with the constitution.

[Original punctuation provided.]

SB 255 Overview

Alaskans have a constitutional right to freedom of movement within the state and to have free access to public places.

Alaskans also have a constitutional right to peaceably and lawfully assemble.

SB 255 is an Act to protect Alaskans' constitutional rights.

[1:36:21 PM](#)

MS. MILLS moved to slide 3. She emphasized the potential public safety, supply chain and economic system impacts of obstructing access. She opined that free speech can be exercised in the proper place without blocking public access. SB 255 would ensure that Alaskan citizens whose lives are significantly impacted by [an incident of] obstructed access are provided the opportunity to take action through criminal penalties and by creating a new civil course of action for private citizens. She clarified that a "public place" is already defined under AS.11.81.900 and she read the definition to the committee.

[Original punctuation provided.]

Freedom of Movement

- Alaskans' right to freely move within the state is violated when their access to public places and facilities are unlawfully obstructed
- Unlawful obstruction presents a threat to public safety - emergency vehicles are unable to respond when a crucial roadway is obstructed
- Unlawful obstruction poses a threat to Alaska's economy - businesses cannot operate normally; Alaskans may be unable to get to work
- HB 386 imposes additional criminal penalties for obstruction of public places and creates a civil cause of action for a private citizen whose access is unlawfully obstructed
- Penalties imposed by the bill discourage and deter unlawful obstruction of public places

[1:38:49 PM](#)

SENATOR WILSON asked how prisons are "public".

[1:38:58 PM](#)

MS. MILLS replied that it is in the definition. She stated her belief that [the definition] refers to access to visitors to the facilities, not access to the cells.

[1:39:41 PM](#)

MS. MILLS moved to slide 4 and reiterated that it is not the intent of SB 255 to restrict freedom of expression. She proposed

that there are many opportunities and venues for groups and individuals to gather and freely express their views. She said SB 255 seeks to prevent obstruction of public spaces.

[Original punctuation provided.]

Freedom of Assembly

- Conduct that includes rendering highways, roadways inaccessible or impassable is already illegal.
- Freedom of expression is already subject to time, place, and manner restrictions to prevent interference with the rights of others.
- Proposed bill targets the conduct of blocking access to public places - not Alaskans' right to peaceably and lawfully assemble.
- Provides Alaskans an avenue to remedy against unlawful obstruction.

[1:40:22 PM](#)

MS. MILLS moved to slide 5. She deferred to Parker Patterson for the presentation of the sectional analysis.

[1:40:38 PM](#)

PARKER PATTERSON, Assistant Attorney General, Department of Law (DOL), Juneau, Alaska, moved to Slides 6 - 8 and presented the sectional analysis for SB 255.

[Original punctuation provided.]

Sectional

Section 1

- Amends existing obstruction of airports statute to prohibit general obstruction of runways

Section 2

- Adds new penalties to the crime of obstruction of airports and classifies specific conduct as class C felony or class A misdemeanor

Section 3

- Accounts for amendments in section 2 with a conforming change

Section 4

- Establishes strict liability in a civil case for violations of any criminal statutes created or amended by the bill and sets out provisions for civil cause of action

Section 5

- Amends the crime of criminal trespass in the first degree to class C felony if the conduct creates a substantial risk of physical injury or interferes with an emergency response

Section 6

- Amends the crime of criminal trespass in the second degree to class A misdemeanor if the conduct creates a substantial risk of physical injury or interferes with an emergency response

Section 7

- Accounts for amendments in section 8 with a conforming change

Section 8

- Makes obstructing a highway by dropping a substance on the highway a class C felony if it creates a substantial risk of physical injury or interferes with an emergency response
- Other highway obstruction class A misdemeanor

Section 9

- Creates crime of obstruction of free passage in public places, a class A misdemeanor if conduct creates a substantial risk of physical injury or interferes with an emergency response
- Permitted conduct exempt

Section 10

- Amends the crime of obstruction to navigable waters to a class A misdemeanor if the conduct creates a substantial risk of injury or interferes with an emergency response
- Other obstructions class B misdemeanor

Section 11

- Provides prospective application of criminal offenses amended in the bill

Section 12

- Provides for a July 1, 2024 effective date

[1:44:17 PM](#)

SENATOR WILSON said Big Lake has a regular Fourth of July gathering that is generally peaceable and wouldn't be subject to municipal permitting. He described an incident that required emergency services during the event and asked whether SB 255 would apply to [an obstruction during] that gathering, considering that the conditions of the incident appear to be described in the bill.

[1:45:00 PM](#)

MS. MILLS said there were two areas of discretion to consider for legal action to proceed:

- Prosecutorial discretion would apply to whether participants knowingly obstructed.
- Law Enforcement discretion: considers how law enforcement would deal with the situation.

MS. MILLS proposed that this is a good example of circumstances which would benefit from a law like SB 255: to give law enforcement tools to deal with a situation in which fire safety or public safety is at risk.

[1:46:11 PM](#)

SENATOR WILSON asked about events for which it is known that an obstruction will occur and isn't practically avoidable, and for which there isn't provision for a permitting process. He wondered how SB 255 would be applied and how it would be communicated to people. He also expressed concern that discretion is not always applied equitably to all within the state.

[1:47:25 PM](#)

MS. MILLS said he makes good policy points for consideration. She noted that many components in SB 255 are already unlawful. SB 255 provides specific tools and increased penalties to deter undesirable behavior. She maintained that in the absence of a municipal authority, Department of Natural Resources or Department of Transportation should be consulted.

[1:48:04 PM](#)

SENATOR WILSON described a hypothetical peaceful, civil protest in a rural area, Delta Junction, for example and wondered how that would be handled. He expressed concern that enforcement might keep people from having the opportunity to peacefully protest.

MS. MILLS noted the "knowingly" component.

[1:48:50 PM](#)

SENATOR WILSON maintained that if there is a parade or a march, organizers knowingly know a road is going to be blocked. He asserted that is the premise. He asserted that if the intent is to cause a disruption to gain more media and press attention, that is something different. He said, with any type of demonstration, it is knowingly known that someone will be inconvenienced.

[1:49:19 PM](#)

MS. MILLS replied with a definition of "knowingly" from AS 11.81.900. She read the definition to the committee and said she would defer to the Department of Public Safety as to how they would respond to a complaint. She said if the situation fits the elements [of the definitions] and, in her opinion, the elements do exist [in the described hypothetical], there is commitment of a crime. What happens thereafter is up to discretion. She emphasized the important role discretion plays in carrying out the law.

[1:50:07 PM](#)

SENATOR MYERS referred to a protest that blocked the Nenana-Totchaket bridge. He asked how SB 255 would apply to that protest.

[1:50:35 PM](#)

MS. MILLS replied with her assumption that the bridge was already a highway, and so the protest was unlawful under existing law. She said SB 255 would provide for an upgrade to the penalties, depending on different elements. She referenced the Class A, B and C felony parameters and explained that SB 255 allowed for greater penalties, especially in the case of physical harm or interference of emergency services. She said the underlying conduct was already unlawful.

[1:51:39 PM](#)

SENATOR MYERS referred to truck protests in Canada where roads were blocked and asked if SB 255 would apply to a similar protest in Alaska.

[1:52:15 PM](#)

MS. MILLS replied yes.

[1:52:23 PM](#)

SENATOR WILSON asked whether SB 255 is intended to be a deterrent to stop activities. He referenced the percentage of misdemeanors that are cited and dismissed due to staffing shortage issues. He wondered if SB 255 would act primarily as a warning.

[1:53:27 PM](#)

MS. MILLS replied that the intent is deterrence. Other places have this happening regularly, especially when organized groups are encouraging unlawful behavior. By increasing penalties, the public can see how serious the issue is and that the administration is concerned with public safety and freedom of movement. She then noted the civil aspects of SB 255. She said that even if law enforcement does not pursue criminal prosecution, individuals who may have been impacted would have the right to be compensated for any harm they experienced. She concluded SB 255 is intended to deter negative impacts to access and public safety, especially in the event of blocked emergency vehicles, in which case law enforcement could come in and arrest individuals, clearing the issue immediately.

[1:55:06 PM](#)

SENATOR MYERS asked for an explanation of the difference between first class and second class criminal trespass.

[1:55:20 PM](#)

MS. MILLS invited Ms. Schroeder to respond.

[1:55:48 PM](#)

KACI SCHROEDER, Assistant Attorney General, Criminal Division, Department of Law (DOL), Anchorage, Alaska, answered that criminal trespass in the first degree is when a person enters or remains unlawfully on land with intent to commit a crime on the land or in a dwelling. Criminal trespass in the first degree, under current law is a Class A misdemeanor. She said criminal trespass in the second degree is when a person enters or remains unlawfully in or upon a premises or in a propelled vehicle and, under current law, a criminal trespass in the second degree is a Class B misdemeanor, punishable by up to 90 days.

[1:56:21 PM](#)

SENATOR MYERS asked for clarification on the difference between premises and property.

[1:56:33 PM](#)

MS. SCHROEDER further clarified criminal trespass in the second degree is a lower offence and is the broader and more general offence. Criminal trespass in the first degree describes trespass in a dwelling or land and is more egregious conduct, thus elevated to Class A misdemeanor.

[1:57:18 PM](#)

CHAIR KAUFMAN announced invited testimony on SB 255

[1:58:04 PM](#)

At ease.

[1:58:45 PM](#)

CHAIR KAUFMAN reconvened the meeting.

[1:59:04 PM](#)

MS. MILLS moved to slide 9 and said it is important to send a strong message that the administration respects people's freedom of movement as well as the need to keep the economy moving and to keep public safety personnel free to respond to situations.

[1:59:28 PM](#)

CHAIR KAUFMAN held SB 255 in committee.

[1:59:41 PM](#)

At ease.

SB 218-VEHICLE WEIGHT LIMITS

[2:00:51 PM](#)

CHAIR KAUFMAN reconvened the meeting and announced the consideration of SENATE BILL NO. 218 "An Act relating to vehicle weight limits; and providing for an effective date." He invited SENATOR KAWASAKI and staff to introduce themselves and present SB 218.

[2:01:17 PM](#)

SENATOR SCOTT KAWASAKI, District P, Alaska State Legislature, Fairbanks, Alaska, sponsor for SB 218 introduced himself.

[2:01:34 PM](#)

RILEY VON BORSTEL, Staff, Senator Scott Kawasaki, Alaska State Legislature, Fairbanks, Alaska introduced herself.

[2:01:42 PM](#)

SENATOR KAWASAKI paraphrased the sponsor statement for SB 218. He said SB 218 would establish a permitting process for heavy vehicles weighing more than 140,000 pounds. Alaska remains the only state that does not have a maximum weight limit per truck on state and federal highways. The 140,000 pound limit was determined based on limits in other states and in Canada. The main reason for the bill is that highways in Alaska always need maintenance. He said vehicles that cause more wear and tear on the highway should pay more toward maintenance than the average passenger car.

[Original punctuation provided.]

SB 218

Sponsor Statement

"An Act relating to vehicle weight limits; and providing for an effective date."

Senate Bill No. 218 establishes a weight limit of 140,000 pounds for vehicles or groups of vehicles on the highway without a permit. To obtain a permit for a vehicle to exceed this weight, the requestor must pay a fee issued by the Alaska State Department of Transportation. The purpose of these fees would be to offset the costs of routine road and bridge maintenance, as well as administrative costs to issue permits.

[2:03:17 PM](#)

SENATOR KAWASAKI continued to paraphrase the sponsor statement for SB 218 and pointed out that there are trucks in Alaska, carrying fuel, and general merchandise that weigh over 140 thousand pounds. He said he hopes to work with the committee and the testimony from industry to arrive at reasonable weight limits for the bill. He reiterated that SB 218 was introduced in response to a small budget. He mentioned potholes and challenging snow removal conditions that have impacted transportation. He noted that there has not been a new highway constructed in Alaska in decades. He said the vehicles that cause more damage to the road should pay more toward the cost of maintenance and repair of the road.

[Original punctuation provided.]

According to Alaska Policy Forum, Alaska currently has the second to worst highways in the United States, only outranking the State of New Jersey. Cost of materials and labor, extreme geography and unpredictable weather conditions make Alaska's highways the most expensive in the country to maintain; the State pays approximately \$129,620 per vehicle mile traveled (VMT)—twenty five percent more than the runner up, West Virginia. The average VMT expenditure for the United States is \$28,289—roughly 22% of Alaska's VMT expenditure.

Most states rely heavily on gasoline and license taxes, tolls and user fees to maintain their highways, with Hawaii being ranked #1 at 71.0-73.4% of these funds allocated to maintaining their roads. Alaska, however, is ranked #50 at 5.7-12.7% of these funds covering highway maintenance expenses. Our state relies primarily on federal funding from the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), in addition to funding implemented into the State's budget by the Governor and passed by the legislature each year. This funding is a finite resource and is stretched thin as it is.

In addition to having roads that are expensive and difficult to maintain, Alaska's highways are infamous for how dangerous they are. The Seward Highway is infamous for its narrow and winding roads and the plethora of car accidents that occur as a result. The Dalton Highway is known as "the loneliest road in America" due to the lack of stops and services along the 414-mile road. The Richardson Highway's lack of exposure to sunlight in the winter months makes for a treacherous journey. For these reasons alone, we need to take the necessary steps to make our highways safer and more cost-efficient to maintain. We ask for your support of Senate Bill 218.

[2:04:39 PM](#)

RILEY VON BORSTEL, Staff, Senator Scott Kawasaki, Alaska State Legislature, Juneau, Alaska, presented an overview of SB 218. She moved to slide 2:

[Original punctuation provided.]

THE ISSUE: AN OVERVIEW

- Alaska has the second worst roads in the country—only preceding New Jersey
- Alaska's roads are incredibly expensive to maintain
- Heavy vehicles cause exponentially more damage to roads and bridges than standard vehicles
- Heavy vehicles are harder to control on the roads
- Heavier vehicles burn more fuel, which can be harmful to our environment

[2:05:39 PM](#)

SENATOR MYERS asked which would ultimately burn more fuel, larger vehicles that haul more freight or smaller vehicles which require more trips for the same amount of freight.

[2:05:55 PM](#)

SENATOR KAWASAKI replied that it would depend on miles per gallon a particular vehicle takes.

[2:06:29 PM](#)

MS. VON BORSTEL moved to slide 3 and paraphrased points from the presentation:

[Original punctuation provided.]

THE WHY BEHIND SB 218

If passed, SB 218 would establish a process that would require vehicles heavier than 140,000 lbs. to purchase a special permit to allow them on the roads.

The income from these permits would be used for road maintenance to make up for damages caused by larger vehicles.

[2:06:59 PM](#)

MS. VON BORSTEL moved to slide 4 and continued to paraphrase points from the slide:

[Original punctuation provided.]

ALASKA'S ROADS: SECOND TO WORST IN THE U.S.

- How do you gauge the quality of roads?

- Alaska's roads are in poor condition and expensive to maintain
- Permafrost
- Combined data from bridge quality, fatalities, vehicle spending per mile, and bridge quality
- Data collected from the Reason Foundation's 25th Annual Highway Report via the Alaska Policy Forum

[2:07:27 PM](#)

MS. VON BORSTEL moved to slide 5.

[Original punctuation provided.]

THE COST OF MAINTAINING ALASKA'S ROADS

- High costs of materials and labor combined with unique obstacles make Alaska's highways the most expensive in the U.S. to maintain
 - \$129,620 per VMT (Vehicle Mile Traveled)
 - Runner up is West Virginia, which pays \$28,289—only approximately 22% of Alaska's VMT expenditure
- Sources of funding
 - Most states rely on tolls and taxes—Alaska primarily relies on federal and state funding
 - Alaska's 8 cent per gallon fuel tax—the lowest in the U.S.
 - Over 50 years since last increase to fuel tax
 - Implementing permits for vehicles >140,000 lbs. can help collect revenue and allow everyone to share the road

[2:08:23 PM](#)

SENATOR MYERS acknowledged that other states have vehicle weight limits. He asked whether other states use a gross vehicle weight permit to fund maintenance, and if so, do they generate enough revenue to make a meaningful contribution to maintenance costs.

[2:08:40 PM](#)

SENATOR KAWASAKI replied he would need to further research specifics. He ventured that there are different combinations of revenue sources, including tolls, permits and other resources for the roads, in other states and provinces.

[2:09:22 PM](#)

MS. VON BORSTEL moved to slide 6. She said there is proof that heavier vehicles cause greater damage to highways than standard vehicles and she explained how the equation is applied to predict the amount of pavement damage a given vehicle will cause.

[Original punctuation provided.]

IMPACTS OF HEAVIER VEHICLES ON OUR ROADS & BRIDGES

- Ongoing Infrastructure crisis going on in the U.S. - Why not preserve what we already have?
- The Generalized Fourth Power Law - a rule of thumb for comparing the amount of pavement damage caused by vehicles of different weights, in terms of axle loads:

[The slide includes a mathematical equation]

[2:10:46 PM](#)

MS. VON BORSTEL moved to slide 7. She said USDOT found that double-trailer trucks take 22 feet longer to stop than twin trailer trucks and that multi-trailer trucks have an 11% higher chance of being involved in fatal crashes than single trailer combinations.

[Original punctuation provided.]

SAFETY CONCERNS

- Alaska's roads are some of the most dangerous roads in the U.S. due to unpredictable and extreme weather
- Heavier trucks are harder to control, especially on icy roads
- More weight means more wear and tear on the vehicles themselves, making them more likely to crash
- Heavier trucks are more likely to roll and be involved in more severe crashes

[Slide includes a photo from a collision between a sedan and a semitruck.]

Aftermath of a fatal collision between a sedan and semitruck on Airport Way, Fairbanks. Photo from the Fairbanks Daily News Miner

[2:11:32 PM](#)

SENATOR MYERS noted Washington, Idaho, Michigan are mentioned as having higher crash rates for trucks that weigh 91,000 pounds and 97,000 pounds. He wondered why the weight limit for SB 218 is 140,000 pounds.

[2:12:02 PM](#)

SENATOR KAWASAKI replied that weights and measurements were somewhat arbitrary and are a starting point for developing the bill. He said the tractors that will be used for a particular job in Fairbanks have a different type of braking system that will need future discussion.

[2:13:05 PM](#)

MS. VON BORSTEL moved to slide 8.

[Original punctuation provided.]

ENVIRONMENTAL CONCERNS

- Interior Alaska faces preexisting issues with air quality
 - Non-compliant with EPA standards
- Impact of diesel burning vehicles carrying heavier loads

[2:13:26 PM](#)

MS. VON BORSTEL moved to slide 9:

NATIONAL ORGANIZATIONS IN OPPOSITION TO TRUCK SIZE AND WEIGHT INCREASES

According to the Coalition Against Bigger Trucks (CABT), the following are against bigger/heavier trucks:

- Coalition Against Bigger Trucks (CABT)
- International Association of Chiefs of Police
- National Association of Police Organizations
- National Sheriffs' Association
- National Troopers Coalition

- National Association of Emergency Medical Technicians
- Towing and Recovery Association of America
- Institute for Safer Trucking
- AAA
- GoRail
- National Railroad Construction and Maintenance Assn.
- Railway Engineering-Maintenance Suppliers Assn.
- Railway Supply Institute 9
- American Public Works Association
- National Association of Counties
- National Association of County Engineers
- National Association of Towns and Townships
- National League of Cities
- The United States Conference of Mayors
- General Federation of Women's Clubs
- Owner-Operator Independent Drivers Association
- International Brotherhood of Teamsters
- SMART Transportation Division
- American Short Line and Regional Railroad Association of American Railroads

[2:13:46 PM](#)

CHAIR KAUFMAN asked whether there are ways other than limiting the number of trucks to improve air quality. He acknowledged that the action of SB 218 is not relative to air quality and the mechanism seems indirect at best.

[2:14:13 PM](#)

SENATOR KAWASAKI replied that this was discussed with the recent trucking association that visited Juneau. One of the by-products of limiting the weight of trucks would mean that there would be more trucks that travel on the road. That was considered in the development of the bill.

[2:14:38 PM](#)

SENATOR MYERS asked if any of the organizations listed as opposing truck size and weight increases, in particular Owner-Operator Independent Drivers Association (OOIDA) and the International Brotherhood of Teamsters, had been contacted specifically about SB 218 or supplied letters of support.

[2:15:05 PM](#)

SENATOR KAWASAKI replied that he spoke with the Teamsters but no opinion was expressed. He noted that, in the event truck weights are limited and more trucks are needed, they would also need more labor. He opined that an organization representing truck drivers would approve. He said he is not aware of having received expressions of support from any of the listed organizations.

[2:16:02 PM](#)

SENATOR MYERS noted several rail associations listed and asked whether Alaska Railroad Corporation (ARRC) supports SB 218. He suggested that reducing truck size could divert business from trucks to rail.

[2:16:19 PM](#)

SENATOR KAWASAKI replied he has not consulted with ARRC or the Board of Directors. He noted that there would always be competition for the business of moving things, whether by air or rail or truck. He said there might be opposition simply because of that.

[2:16:49 PM](#)

SENATOR MYERS proposed they might support it because it might lead to more business for them.

[2:17:02 PM](#)

CHAIR KAUFMAN said multi-modal nature of transportation may be additive or subtractive depending on the ultimate destination of the freight.

[2:17:16 PM](#)

SENATOR WILSON noted that there are currently weight restrictions on some STATE roads. He wondered what those weight restrictions are and how they would play into this bill.

[2:17:46 PM](#)

SENATOR KAWASAKI said the director in charge of weights and measures is in attendance and could likely answer this question.

[2:18:26 PM](#)

SENATOR MYERS asked if seasonal changes to weight restrictions will affect the proposed 140,000 pound limit.

[2:18:55 PM](#)

SENATOR KAWASAKI replied he anticipates DOTPF would apply restrictions as they do now. He suggested DOT or a truckers association may offer a reply.

[2:19:32 PM](#)

SENATOR MYERS noted in the fiscal note from Department of Transportation and Public Facilities (DOTPF), OMB Component Number 2332, dated March 9, 2024, DOTPF estimates there are 6,000 trucks over 140,000 pounds operating in Alaska. He asked how many more trucks would be put on the road if limits are established.

[2:19:51 PM](#)

SENATOR KAWASAKI replied DOT could better answer [about the predicted increase in number of trucks] and clarified that SB 218 does not establish a weight restriction or limit. The bill seeks to establish a permit requirement for trucks exceeding a certain weight. He compared the impact of a mini-van on the highway to that of a large truck and explained that permits would be part of a system that distributes the costs to build and maintain highways in a way that reflects the variability of wear and tear by different vehicles. He acknowledged businesses may react to [a permit system] in various ways and he expected public testimony and invited testimony on the bill.

[2:21:00 PM](#)

SENATOR MYERS referenced a federal study which found that trucks at 97,000 pounds only pay for approximately half the damage they cause to roads. He asked why the bill starts at 140,000 pounds if the goal of SB 218 is to recoup the costs.

[2:21:34 PM](#)

SENATOR KAWASAKI replied the goal of SB 218 is to recoup the costs without depressing the economy of the State of Alaska or to adversely impact the public's ability to receive natural gas, in Fairbanks [for example], because the cost of the permit was so high that it caused that to happen. He said goods that are shipped in Alaska, like food or clothing or building materials, are heavy and it is not reasonable to accept that a permit system will require fees that will pay for 100 percent of the damage. He stated that every person should pay a little bit so not one group is singled out to pay all of it.

[2:22:33 PM](#)

SENATOR MYERS noted that the increase in costs of business [resulting from the cost of a weight permit] could be passed along to the consumer. He suggested that SB 218 might raise electric rates in Tok as a result of fuel deliveries, because more trucks are required due to the weight limit or because the

[fuel or trucking] business incurs the added cost of the weight permit. He asked how SB 218 would affect electric rates in Tok.

[2:22:58 PM](#)

SENATOR KAWASAKI replied that discussions were held with DOTPF to consider exempting certain vehicles from a weight permit. He gave the example of natural gas in Cook Inlet, which is subsidized and not taxed because it is used to heat homes. Trucks that ship fuel for heat would not need the permit required under SB 218. He said an exemption could apply for any commodity, like food, based on how essential it is.

[2:24:33 PM](#)

MS. VON BORSTEL briefly moved to slide 10.

[2:25:05 PM](#)

MS. VON BORSTEL provided the sectional analysis for SB 218:

[Original punctuation provided.]

Senate Bill 218 - Vehicle Weight Limits Sectional Summary

Section 1

Amends AS 19.10.065 by adding a new subsection (d) that sets a gross weight limit of 140,000 pounds without a permit in accordance with this section, and subsection (e), which provides that the Alaska State Department of Transportation shall charge a fee for a permit to exceed said weight.

Section 2

Amends AS 19.10.065 subsection (a), which excludes implements of husbandry from restrictions under AS 19.10.060 or the weight limit provided by Section 1 unless the implement is another vehicle. Under the discretion of the Department of Transportation, implements of husbandry may be operated on state highways without a permit.

Section 3

Amends AS 45.75.131 subsection (a) to provide that a peace officer or employee of the Department of Transportation and Public Facilities with the permission of the Commissioner of Transportation may issue a citation to those who: o violate (1) a weight, size or load limitation adopted by DOT under AS

19.10.060 o violate the terms of an overweight vehicle permit o violates regulations under AS 19.10.060(b) or (c), AS 28.05.011(a)(2), or AS 45.75.050(b)(5) or violate the weight limit in AS 19.10.060(d) or commit a violation under AS 45.75.380

Section 4

Provides an effective date of June 30, 2024 for changes proposed in this legislation.

[2:28:26 PM](#)

SENATOR MYERS asked if construction or maintenance costs would be higher if SB 218 passed, as passage would result in the delivery of DOTPF supplies to be subject to weight permits.

[2:29:02 PM](#)

ANDREW (DREW) PAVEY, Paving Manager, Design and Engineering Services, Department of Transportation and Public Facilities (DOTPF), Anchorage, Alaska replied that the detail of the question would require significant analysis to be able to provide an answer.

[2:29:41 PM](#)

At ease

[2:29:57 PM](#)

CHAIR KAUFMAN reconvened the meeting and announced invited testimony on SB 218.

[2:30:18 PM](#)

BARBARA SCHUHMANN, representing self, Fairbanks, Alaska, testified in support of SB 218. She thanked Senator Kawasaki for bringing forth this bill to begin to address problems with heavy trucks and Alaska's lack of regulations of them. She said SB 218 sets a 140,000 pound gross vehicle weight limit and would require a permit for anything above that weight. She said Alaska should regulate and place conditions on the use of its pavement, bridges, infrastructure and consider public safety. Alaska is the only state in the nation without a gross vehicle weight limit. She said the federal limit is 80 thousand pounds and the limits in other states vary between 80,000 and 100,000 pounds, though Michigan's limit is even higher than 140,000 pounds. She said Alaska should consider container weight limits at the ports and review weight limits in Canada and Washington where freight is often sourced. She noted that some states review the commodity itself and establish specific weight limits for commodities or for specific routes. She knows of one DOT

regulation that exempts its own trucks. She stated that her primary concern is public safety. She noted that heavy trucks are dangerous for smaller vehicles and that, in a crash, the smaller vehicle tends to be more impacted. She expressed concerns in response to a family tragedy from a commercial truck crash in which three family members died. She believes Alaska should take a long-range look at public safety. She requested that the committee consider a long-range plan for industrial transportation. She drew a distinction between industrial and commercial transportation. Generally, she said, loads should be broken down into smaller and/or less heavy units. She questioned the state's role in industrial transportation and said industrial transportation is incompatible with the current use of the road. There are over 100 school bus stops between Fairbanks and Tok. She opined that [industrial transportation use] is not compatible with a road where children are waiting roadside and being picked up and dropped off. She concluded by noting an estimate by DOTPF that the annual increase in maintenance required by one industrial ore haul would cost the state over \$7,640,000 annually; and an initial \$3 million investment for equipment. Increased industrial use of highways will result in greater costs and the state does not have the money to pay for it.

[2:37:08 PM](#)

ROBERT MCHATTIE, representing self, Fairbanks, Alaska, testified in support of SB 218. He said he is a civil engineer, and he worked 23 years as a consultant after working 27 years for DOT. He noted the weight limit for trucks on many federal highways is 80,000 pounds and there are 164,000 pound trucks that are used in the Interior of Alaska. He explained the physics behind the dangerous impact of large trucks in accidents. He also emphasized that larger trucks disproportionately wear down pavement and bridges. He said pavements are designed for trucks. He used a mathematical expression to demonstrate that the large trucks on Alaska's highways are using 60 percent of the assigned pavement design allotment, but are not paying for that use. He explained the 164,000 pound trucks are running on a route that was designed for lighter trucks. He opined that the heavier trucks have damaged the pavement and the bridges on that route and are the cause for the failures that necessitate the emphasis on those repairs in the current Statewide Transportation Improvement Plan (STIP).

[2:39:21 PM](#)

SENATOR KIEHL joined the meeting.

[2:42:01 PM](#)

JOE MICHEL, Executive Director, Alaska Trucking Association, Anchorage, Alaska, testified with concerns on SB 218. He noted SB 218, Section 1, Part e, which he characterized as imposing a per mile vehicle tax on one particular user group. He referred to the fiscal note from Department of Transportation and Public Facilities (DOTPF), OMB Component Number 2332, dated March 9, 2024 which estimated 7500 individual loads. He said per mile vehicle taxes have been tried in other states and he said there is data to show what they entail. He said, when collecting a tax, the increased points of contact with the end user increase the cost of administration. He said the state, through its agents, would be taking on the administrative task of weighing every truck at the scales, sending out bills, collecting payments, handling delinquencies, stopping trucks that records indicate billings aren't up to date, and that is just for the honest actors that are stopping at the scales. He said there are many trucks that travel around in a given area and never see a scale. He said there are about 14 scales around the state now; they're all on the road system, but this bill would apply to all of Alaska, every community. He offered as an example of a tax without many points of contact, the motor fuel tax. He explained that taxes would be collected at the wholesale point of contact, with only a few buyers. It's already established and being collected and takes into account all the users on the road. In addition, commercial trucks use more fuel than conventional cars and trucks, so the industry would be paying a disproportionate cost to operate their commercial vehicles. He said SB 218 allows the legislature to abdicate its responsibility of taxing Alaskans and Alaskan companies to unelected agents of the state. He said it was not his intent to impugn the commissioner or professional road engineers or regional maintenance chiefs that may be charged with monitoring costs. He said DOT isn't the Department of Revenue or the tax division; those agencies get their marching orders from state law so, therefore, the legislature. He said DOTPF can make recommendations to the best of their abilities, factoring in weather, road design, and underlying road conditions, and ground conditions. But DOTPF should not be the final arbitrator of administering a tax on a single group of users. He said DOTPF keeps our roads and airports operational and so much more, including commercial motor vehicle enforcement, to make sure our vehicles are operating safely on Alaskan roads. He concluded that elected officials, through the state law, should decide on the level of extraction of monies for Alaskans and Alaskan companies.

[2:44:52 PM](#)

SENATOR MYERS asked if SB 218 goes far enough, specifically, whether the weight limit should be changed from 140,000 pounds to 80,000 pounds.

[2:45:16 PM](#)

MS. SCHUMANN replied she believes 140,000 pounds is high compared to other states and compared to the amount of damage. She said she would favor a lower weight.

[2:45:39 PM](#)

MR. MCHATTIE said 80,000 pounds is plenty for the federal highways and would probably work for Alaska, but he expressed doubt that the trucking industry would stand for it.

[2:46:03 PM](#)

CHAIR KAUFMAN opened public testimony on SB 218.

[2:46:56 PM](#)

JOHN SLOAN, representing self, Delta Junction, Alaska, testified in support of SB 218, with the exception of Section 1, Part (e). He expressed doubt that the weight permits proposed by the bill would pay for the road damage and the bridge damage that results from all the heavy trucks. He suggested a fact check on the 6000, 140,000 pound trucks per year estimate. He doubted there were that many, considering the weight of the containers coming into Anchorage and other parts of the state.

[2:48:29 PM](#)

BILL WARD, representing self, Delta Junction, Alaska, testified in support of SB 218, with the exception of Section 1, Part (e). He proposed simply setting the limit at 140,000 pounds, primarily for safety and for the damage to the infrastructure. He said heavy trucks are exponentially more unsafe and do more damage. He pointed out that it is possible to manipulate the Alaska bridge law and by adding extra axles, allow a 200,000 pound truck to legally cross a bridge. He stated that there has to be some common sense limits.

MR. WARD offered anecdotal evidence for environmental concerns; he said his current truck gets six to eight miles of diesel fuel per gallon. He was informed that trucks weighing close to 165,000 pounds use one mile per gallon. He stated that [the industry] must operate within the design limit of these engines for environmental purposes, too.

[2:50:54 PM](#)

PATRICE LEE, representing self, Fairbanks, Alaska, testified in support of SB 218. She said many in the Interior and elsewhere have expressed concerns about significantly increased trucking, especially on the Alaska Richardson and Steese Highways. She said, with plans for future mining, industry and commerce, our roads will become more congested, so we need to have a bill that sets safe limits on highway bridge and highway loads. She urged a distinction between commercial loads and industrial loads. She said commerce includes moving anything that people buy, use, consume, etc. and industrial use means loads moving only for the purpose of heavy industry or extraction. She said the general public doesn't benefit from what is in an [industrial] load. She advocated for enforced fair adherence to existing policies, permitting, regulations and statutes and creating new policies, permitting, regulations and statutes to protect the traveling public and commercial trucking. To answer the earlier question about air quality, she said that, to accommodate more truck emissions, significant reductions must be made in different emission categories, according to Environmental Protection Agency (EPA) regulation. She suggested adding wording to differentiate between hauling goods and services and for 70 percent or more waste. She challenged the practice of allowing highways to be ruined with the state picking up the tab to haul mostly waste from Point A to Point B. She concluded we don't want our school buses, tourists or the motoring public to be hindered from using the roads they depend on for moving in Alaska. She said, with "Build Back Better" monies, many entities, including foreign entities are doing everything they can to acquire millions of dollars without having to pay their way in Alaska. She said Alaskans are not willing to pick up that tab. She said many companies play by the rules, but some do not and they put us all at risk. She asked to make the bill the best it can be. She urged people to say what they want and not what they don't want to arrive at a good bill quickly.

[2:53:45 PM](#)

LYNN CORNBERG, representing self, Fairbanks, Alaska, testified in support of SB 218. She expressed appreciation for attention to the unprecedented, by scale and by frequency, industrial ore haul on public roads. She noted the Richardson Highway does not have exit and entrance [ramps] on the two-lane part of the highway and kids stand along the highway waiting for school buses. She recalled that in 2022, when DOTPF and Kinross [Gold Corporation] announced the ore haul was going forward, there were a lot of questions and she said there are still a lot of questions. She said this is a huge, complex, global industry. She expressed concern about the lack of understanding [around

the increased hauling] and she urged lawmakers to ask questions and learn what is happening in the interest of public safety.

[2:55:58 PM](#)

JASMINE JEMEWOUK, representing self, Anchorage, Alaska, testified in support of SB 218. She expressed solidarity with communities facing the Manh Choh and Kinross ore haul issues. She said this project poses a serious threat to public health, safety, air and water quality. She said the project threatens the integrity and wellbeing of the community. She said there have been no environmental impact statement nor health impact assessment for the mining plan nor ore haul operation. The Arctic is warming four times as fast as the rest of the planet and the melting permafrost weakens pavement structure, making roads more vulnerable to damage by heavy vehicles, thus exacerbating the threat to public health and safety. The village of Dot Lake is at risk of being cut off from access to essential supplies if the trucks' heavy loads cause any damage to the Johnson and Albertson bridges, threatening safety of their community and tribal members.

[2:57:14 PM](#)

LOIS EPSTEIN, representing self, Anchorage, Alaska, testified in support of SB 218. She said she recently wrote a report as an engineering consultant on the potential impacts of ore transportation by truck near and through Haines, Alaska. She said she could see no benefit to the state not having a truck weight limitation at 140,000 pounds or less. Other gold transport operations may be in the state's future as the high price of gold makes Alaska attractive for gold mining in ways that other minerals do not, given the state's long distances and limited road infrastructure. She proposed that SB 218 should remove language allowing vehicles above the weight limit if they pay a fee to address the infrastructure damage they cause, thus ignoring the impact on public safety and only focusing on infrastructure. She said the provision for a fee defeats the purpose of SB 218. She thanked Senator Kawasaki and encouraged legislators to vote yes on weight limits and said they would benefit the entire state.

[2:58:58 PM](#)

GABRIELE LARRY, representing self, Fairbanks, Alaska, testified in support of SB 218. She said Alaska roads are public use and should not be taken over by long combination vehicles. She said the state needs the restrictions [proposed by SB 218] and the laws are outdated and antiquated. The state should account for safety and not place excessive burdens on taxpayers for

maintenance of the roads. She expressed concerns over environmental impacts. She said tires on the road generate a toxin that is detrimental to wildlife, fisheries and humans. The state must get a handle on this issue. She urged the legislature to reach out to people who have studied the impacts and look toward what other states are doing. She said there are far too many hazards on the road now. She said an outside entity should not be taking our roads over.

[3:01:24 PM](#)

CHAIR KAUFMAN kept public testimony on SB 218 open.

[3:01:49 PM](#)

SENATOR KAWASAKI said SB 218 is a simple bill addressing a very complex issue. He reiterated that Alaska is the only state that doesn't have a maximum weight limit and this bill doesn't even go as far as establishing a maximum weight limit. It only sets in place a statutory permitting process for vehicles of a certain weight. He clarified that this bill is not an attack on truckers; we work closely with truckers, including Senator Myers. He acknowledged the professionalism and high standards of truck drivers. He emphasized that he is not afraid of a truck driver or of these trucks. He is afraid of accidents involving pedestrians and families and that is one of the considerations for SB 218.

[3:03:16 PM](#)

CHAIR KAUFMAN held SB 218 in committee.

[3:03:32 PM](#)

There being no further business to come before the committee, Chair Kaufman adjourned the Senate Transportation Standing Committee meeting at 3:03 p.m.