

**ALASKA STATE LEGISLATURE
HOUSE TRANSPORTATION STANDING COMMITTEE**

March 6, 2025

1:04 p.m.

MEMBERS PRESENT

Representative Ashley Carrick, Co-Chair
Representative Ted Eischeid, Co-Chair
Representative Genevieve Mina
Representative Kevin McCabe
Representative Cathy Tilton
Representative Elexie Moore

MEMBERS ABSENT

Representative Louise Stutes

COMMITTEE CALENDAR

HOUSE BILL NO. 71

"An Act relating to obstruction; and providing for an effective date."

- HEARD & HELD

OVERVIEW: SUMMER CONSTRUCTION PLANNING UPDATE

- HEARD

PREVIOUS COMMITTEE ACTION

BILL: HB 71

SHORT TITLE: OBSTRUCTION OF CERTAIN PUBLIC PLACES

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/27/25	(H)	READ THE FIRST TIME - REFERRALS
01/27/25	(H)	TRA, JUD
03/06/25	(H)	TRA AT 1:00 PM BARNES 124

WITNESS REGISTER

TREG TAYLOR
Alaska Attorney General
Department of Law
Anchorage, Alaska

POSITION STATEMENT: On behalf of the prime sponsor, House Rules by request of the governor, presented a PowerPoint on HB 71, titled "Obstruction of Access to Public Places."

PARKER PATTERSON
Senior Assistant Attorney General
Civil Division
Department of Law
Anchorage, Alaska

POSITION STATEMENT: On behalf of the prime sponsor, House Rules by request of the governor, gave the sectional analysis for HB 71.

RYAN ANDERSON, Commissioner, Department of Transportation and Public Facilities
Anchorage, Alaska

POSITION STATEMENT: Gave an overview on the summer construction planning update.

ACTION NARRATIVE

[1:04:35 PM](#)

CO-CHAIR EISCHEID called the House Transportation Standing Committee meeting to order at 1:04 p.m. Representatives Carrick, Mina, and Eischeid were present at the call to order. Representatives McCabe, Tilton, and Moore arrived as the meeting was in progress.

HB 71-OBSTRUCTION OF CERTAIN PUBLIC PLACES

[1:05:45 PM](#)

CO-CHAIR EISCHEID announced that the first order of business would be HOUSE BILL NO. 71, "An Act relating to obstruction; and providing for an effective date."

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TREG TAYLOR, Alaska Attorney General, Department of Law (DOL), on behalf of the prime sponsor, House Rules by request of the governor, gave a PowerPoint presentation on HB 71, titled "Obstruction of Access to Public Places" [hard copy included in the committee packet]. He stated that HB 71 is a "clean up" of legislation heard during the previous session. The proposed legislation would consolidate obstruction-type issues in the statute and clarify the offenses for law enforcement and

offenders. He explained that 98 percent of what is covered in the proposed legislation would already be considered a crime. He pointed out that, although all Alaskans have the right to move freely about the state and assemble for protests, these rights are subject to restrictions. He expressed the idea that HB 71 would balance these rights with the restrictions. He expressed the opinion that this is a "pro-protest bill," as HB 71 would not override any permits to assemble issued by municipalities in the state, and it would be neutral to the contents of protests.

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MR. TAYLOR discussed Alaskans' freedom of movement within the state, as seen on slide 3. He argued that the unlawful obstruction of movement could present a threat to public safety, as emergency vehicles may be unable to respond if a crucial roadway were obstructed. He also noted that the unlawful obstruction of movement could pose a threat to Alaska's economy, as businesses would not be able to operate normally, and citizens would not be able to reach work. He discussed the penalties for obstruction of movement that the proposed bill would add. He suggested that these penalties would work to discourage any obstruction of movement.

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MR. TAYLOR moved to slide 4 and explained that the proposed bill would target the conduct of blocking access to public places, not the right of Alaskans to peaceably and lawfully assemble. He moved to the next slide to show examples in other parts of the country of unlawful obstruction of movement. The examples highlighted the importance of content neutrality in the legislation.

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MR. TAYLOR moved to slide 6 which showed the vulnerabilities specific to Alaskans. He pointed out that if the Seward Highway, Dalton Highway, Glenn Highway, or Highway 2 were obstructed by protests, supplies and services to the surrounding areas would be cut off.

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PARKER PATTERSON, Senior Assistant Attorney General, Civil Division, Department of Law, on behalf of the prime sponsor,

House Rules by request of the governor, continued with the PowerPoint and paraphrased the sectional analysis for HB 71, which read as follows [original punctuation provided]:

Section 1

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

Section 2

- Accounts for amendments in section 2 with a conforming change

Section 3

- 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 4

- Creates crime of obstruction of public places, a class A misdemeanor; it is a class C felony if conduct creates a substantial risk of physical injury, interferes with a person's access to governmental or judicial services, or interferes with an emergency response

- Permitted conduct exempt

Section 5

- Amends the crime of obstruction to navigable waters to a class C felony if the conduct creates a substantial risk of injury or interferes with an emergency response

- Other obstructions class A misdemeanor

Section 6

- Repeal of existing criminal statutes encompassed by new crime of obstruction of free passage in public places

Section 7

- Provides prospective application of criminal offenses amended in the bill

Section 8

- Provides for a July 1, 2025 effective date

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REPRESENTATIVE MCCABE questioned whether the First Amendment to the United States Constitution is an absolute right. He asked whether citizens can "say anything we want."

MR. TAYLOR responded that the Supreme Court of the United States and the Alaska Supreme Court have both clarified that this is not considered an absolute right, and he gave an example of harm occurring from the use of [inappropriate] free speech.

REPRESENTATIVE MCCABE questioned whether there are current laws to protect the public if a death or injury occurred from the conduct of protesters.

MR. TAYLOR stated that there could be a civil remedy; however, HB 71 would clarify the consequences in codified law, and this would simplify cases. In response to a follow-up question, he stated that HB 71 would be "an attempt to balance individuals' constitutional rights," as it would protect both protesters and someone in an emergency needing to avoid protesters. He stated that under the proposed legislation it would be clear to responding officers when protesters could be removed.

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CO-CHAIR CARRICK expressed concern that the definition of "blocking a public place" is ambiguous in the proposed legislation. She questioned how the Alaska Supreme Court might interpret this language.

MR. TAYLOR affirmed that it would be up to the interpretation of the courts; however, he expressed the opinion that the language in the proposed legislation is clear. He stated that, for example, it would cover the instance when protesters are stopping individuals from entering a public place. He further explained that discretion would be exercised at three points: the responding officers, DOL, and the courts.

CO-CHAIR CARRICK expressed concern that discretion might not be shown until the case reached the level of the courts, and this would be after the fact. She asked if HB 71 could be used as a tool to "remove unhoused people from certain locations."

MR. TAYLOR responded that if the situation met the elements proposed in the legislation, the people would be removed.

CO-CHAIR CARRICK expressed the belief that the proposed legislation could be used as a method of removing and arresting unhoused people in Anchorage. She argued that this is not "the tool that should be used for that particular job while that still remains a challenge for our communities."

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REPRESENTATIVE TILTON questioned the definition of "civil malice" in Section 3 of the proposed legislation. She asked whether protesters would be allowed to obstruct the entrance to the capitol under the proposed policies.

MR. TAYLOR answered that the "malice" language was added to address those who encourage protesters to break the law. He further discussed other added language that would create carveouts, such as a carveout for [unintentional] obstruction created with a snowplow and a carveout allowing those in charge of premises in a public place to give approval for protests that would shut down these premises.

REPRESENTATIVE TILTON clarified that "civil malice" would be more than simply encouraging people to protest; rather, it would be encouraging people to break the law.

MR. TAYLOR responded in the affirmative. In response to a follow-up question, he affirmed that those in charge of the premises of a public place could give approval for a protest that would shut down the premises.

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MR. TAYLOR, in response to a question from Representative McCabe, stated that other statutes might apply to allow for the legal removal of a protester; however, HB 71 would make it clear to law enforcement when a protester could be arrested for a protest. In response to a follow-up question concerning unhoused individuals, he stated that the proposed legislation would not make this distinction about the people obstructing the public place in question.

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REPRESENTATIVE MINA questioned the new crimes that would be imposed under the proposed legislation.

MR. TAYLOR responded that 98 percent of what the proposed legislation would cover is already a crime. He continued that the remaining 2 percent needs to be clarified, and this covers obstruction of a public place. In response to a follow-up question concerning how penalties under HB 71 would compare to those for similar crimes, he said that a protester who is knowingly preventing passage to a public facility would be committing an arrestable offense.

REPRESENTATIVE MINA asked if HB 71 would criminalize situations like the march [from Montgomery to Selma], which began as peaceful but resulted in an event known as "Bloody Sunday."

MR. TAYLOR replied that the proposed legislation would criminalize the obstruction of any public place. He gave the example that if protesters go beyond an area permitted for a protest, the organizers would not be liable. He continued that a protester would be liable when there is a "knowingly intent" to prevent passage in a public place; therefore, if a protest stopped traffic on a highway, it would be an arrestable offence.

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CO-CHAIR CARRICK suggested that HB 71 would make Alaskans liable to each other. If an individual did not "like" a particular protest, she questioned what would stop this individual from claiming obstruction. On a second question, she expressed concern that the strict penalty in the proposed legislation would not be directly tied to losses or damages incurred.

MR. TAYLOR, addressing the first question, explained that this is an issue for every criminal statute, as it is not unforeseen for individuals to attempt to "weaponize" statutes. He continued that the system of justice already addresses this. Per the second question, he stated that the proposed legislation would clarify the law so those engaging in illegal protests would understand the risks. He reiterated that individuals could also seek civil remedies with other statutes.

CO-CHAIR CARRICK asked if there is any evidence that increasing the penalty would deter people from engaging in the type of protest targeted by HB 71. She suggested that these types of targeted protests are not common.

MR. TAYLOR said that there is no specific evidence to prove HB 71 would deter people from obstructing public places; however, he suggested that people would pay attention to increased fines. He said that the intention of the proposed legislation is to prevent organizations from creating mass protests that block access to public places. He added that these mass protests have been seen happening in other parts of the world. He continued that the proposed legislation would address organized protest, but it could also address organic protest.

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REPRESENTATIVE MINA asked if the organizers of a protest could be charged along with the protesters under the proposed legislation.

MR. TAYLOR responded that HB 71 would punish those who are "knowingly" breaking the law.

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CO-CHAIR EISCHEID asked whether it would be a chargeable offense if someone unknowingly obstructed a public place while riding a bicycle.

MR. TAYLOR explained that riding a bicycle on the side of a road would not be a punishable offense under HB 71.

CO-CHAIR EISCHEID gave the hypothetical that a large protest was happening on the side of the road, and a non-participating person walking in the opposite direction of the protest had been harmed. He asked whether under the proposed legislation there could be a charge to the protesters for this harm.

MR. TAYLOR responded that there could be a violation, but HB 71 would not be targeting this type of scenario. He continued that if the protesters were stopping the individual's passage, the protesters could be charged.

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CO-CHAIR CARRICK noted to the committee that her office has received over 300 letters in opposition to the proposed legislation.

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CO-CHAIR EISCHEID made closing comments.

[HB 71 was held over.]

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The committee took an at-ease from 1:57 p.m. to 2:00 p.m.

OVERVIEW: SUMMER CONSTRUCTION PLANNING UPDATE

[2:00:35 PM](#)

CO-CHAIR EISCHEID announced that the final order of business would be an overview from the Department of Transportation and Public Facilities on the summer construction planning update.

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RYAN ANDERSON, Commissioner, Department of Transportation and Public Facilities (DOT&PF), gave a PowerPoint presentation on the summer construction planning update [hard copy included in the committee packet]. He pointed out that there has been an increased interest in DOT&PF's summer construction season. He began on slide 2, titled "Alaska Project Exchange." He explained that this is a new interactive map for the public so they can analyze and learn about transportation projects in any part of Alaska. He reviewed the information available from this map.

COMMISSIONER ANDERSON moved to slide 3, which highlighted specific construction contracts and funding for the federal fiscal year 2025 (FFY 25). He pointed out the federal funding increase from FFY 24. He discussed how the department determines programs and projects, which is mostly done by looking at funding and contractor payments and awards. He pointed out that often contracts are awarded over several years, and this creates two different perspectives on the funding. He stated that there has been concern that not enough contracts are being awarded for the summer. He discussed the specific contract amounts and details, as seen on the slide.

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CO-CHAIR CARRICK questioned the typical timeline for a project award, from the project bidding process to the start of the project. She suggested that contracts should already be out to bid for the upcoming summer season.

COMMISSIONER ANDERSON answered that it takes about three weeks for the department to bid a job. After the announcement of the low bidder, he said there would be paperwork to be completed, which takes another three weeks; therefore, it is generally a six-week wait between the initial bid and the awarding of the contract. In response to a follow-up question concerning whether the timeline is realistic, he said that there is a completion date for all projects that have been awarded. He further discussed that projects are spread out into the year and can run into the next year.

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CO-CHAIR EISCHEID pointed out the projected funding increase for FFY 25. He questioned how the amount for FFY 25 had been determined.

COMMISSIONER ANDERSON replied that the Federal Highway Administration supplies this amount, as the federal government will supply the funding if DOT&PF can supply the projects. He explained the steps involved in creating a project per the federal requirements.

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REPRESENTATIVE MCCABE questioned the transfer of federal funding to the state and the increased amount for FFY 25.

COMMISSIONER ANDERSON responded that part of the funding amount depends on the federal money the state did not use from the previous year. Once this is determined, the federal government further determines the allocation amount to the state. He discussed that the department works at redistribution to utilize as much of the federal funds as possible.

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REPRESENTATIVE MOORE asked if there is a list of the awarded contracts to date.

COMMISSIONER ANDERSON answered that there is a list on the DOT&PF website.

REPRESENTATIVE MOORE questioned whether it is realistic that the \$200 million available would be paid out in contracts.

COMMISSIONER ANDERSON responded that the department is "pushing really hard right now." He referred to subsequent slides showing the risks and discussed the plan of making the contracts with project delivery. In response to a follow-up question, he stated that the department can provide a list of projects that were bid on versus those that were awarded.

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CO-CHAIR CARRICK pointed out the key issues listed on the slide. She questioned the steps being taken to address these issues.

COMMISSIONER ANDERSON responded that slides later in the presentation would address this question.

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COMMISSIONER ANDERSON moved to slide 4 and discussed project delivery and how the project advertising schedule would affect contractors. He moved from slide 5 to slide 7 and showed charts on project delivery developments for the northern, central, and southern regions in the state. He discussed the use of the color-coding on the charts.

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REPRESENTATIVE MCCABE noted that these types of charts are the result of a request. He added that the charts are helpful. He made a request that the department provide more frequent, quick briefings so constituents could be more involved.

COMMISSIONER ANDERSON expressed agreement. He explained that DOT&PF would be hosting virtual seminars to provide background on projects for contractors.

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CO-CHAIR EISCHEID questioned the criteria for project delivery, as indicated by the color codes on the chart displayed on slide 5.

COMMISSIONER ANDERSON explained that in the department's design groups there are preconstruction engineers who lead each regional team and put together the criteria as part of their jobs. He pointed out the details and problems of projects that engineers and their staff must address for project delivery.

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COMMISSIONER ANDERSON continued discussing project delivery by detailing the information on the charts on slide 6 and slide 7. He discussed what the department is doing to meet these schedules. He pointed out that one delay has been because of the necessity for utility relocation projects. He expressed the understanding that this is an effect from compliance with the Buy America/Build America (BABA) Act.

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COMMISSIONER ANDERSON moved from slide 8 to slide 15. These slides displayed regional maps across the state, listing projects within each region. He highlighted some of the details and challenges of projects in each of these regions. He noted that the Dalton Highway is a "big" focus of the department, but projects must be spread out [timewise] on this highway, otherwise truckers would be held up on the way to the North Slope Borough. He spoke about airport projects in Southwest Alaska and the high costs associated with rural Alaska. He highlighted the importance of growth, funding, and upgrades for the Anchorage International Airport.

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COMMISSIONER ANDERSON continued to slide 16 and slide 17, which emphasized specific actions DOT&PF will be taking in the coming years to meet the transportation needs of Alaska. He addressed the effect of inflation and pointed out the chart showing the National Highway Construction Cost Index. He noted the 67 percent increase in the cost of construction over the past three years. He said that shifts must be made to meet the fiscal constraints, noting that communication with contractors, the timing of federal funding, and project advertisement are crucial aspects.

COMMISSIONER ANDERSON discussed resource constraints, stating that materials can be difficult to obtain and reiterated the effect of BABA. He pointed out holdups on projects because of the Bureau of Land Management (BLM) requirements on easements and gravel rock excavation permits. He reiterated that this has been a challenge with BLM and the Dalton Highway projects.

COMMISSIONER ANDERSON addressed future actions DOT&PF will be taking to further project completion. He discussed hiring consultants who would work alongside state workers to help move

projects. He addressed internal controls and highlighted the need for "solid" project management and consistency within the department. Lastly, he noted that the department plans to continue with modernizing project delivery and forecasting tools.

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REPRESENTATIVE MCCABE, concerning rock gravel excavation, questioned whether gravel from different regions is being used for the Dalton Highway.

COMMISSIONER ANDERSON answered that it is too expensive to haul gravel from other regions of Alaska. He noted that permits for many of the gravel sites are expiring, and they may not be renewable because of BLM requirements. He noted that the quality of the material used is important because of the possible damage to trucks.

REPRESENTATIVE MCCABE questioned whether the Department of Natural Resources (DNR) has land available with resources that could be used on the Dalton Highway. He questioned whether writing a letter to the state's federal delegation or making a resolution to communicate the need would be helpful. He noted that the Dalton Highway is key to Arctic development.

COMMISSIONER ANDERSON stated that the department is actively working with BLM legal counsel in order to obtain access to the materials to maintain the Dalton Highway. He expressed support for committee participation in helping the effort.

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CO-CHAIR CARRICK questioned the breakdown of projects in the Fairbanks area. With the short timeframe for construction, she argued that projects should already be issued for the summer construction season. She expressed the opinion that additional support for DOT&PF projects is essential. She questioned why the department has not sought additional preconstruction engineers. She also questioned what has been done to fill the Northern Region director position with someone from the region.

COMMISSIONER ANDERSON explained that there are many projects on board for the Fairbanks area; however, the poor air quality is a challenge for construction, as projects must be listed in the federal Transportation Improvement Program for the Metropolitan Planning Organization. In response to the second question, he

stated that DOT&PF is actively looking for a new director for its Northern Region; however, it has not found a candidate who meets the requirements.

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REPRESENTATIVE MINA, in regard to inflationary impacts, questioned the impact of tariffs imposed by the current administration.

COMMISSIONER ANDERSON answered that the impact of these tariffs is currently hard to predict.

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CO-CHAIR EISCHEID made closing comments.

[2:51:16 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 2:51 p.m.