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COMMITTEE REPORT

HOUSE

5/20/81

FURTHER:

(5)

Date: 5-20-81

Mr. Speaker:

The Committee on LABOR & COMMERCE has had HB 586

"An Act relating to permits for overweight vehicles."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends Report's date of issue 5/20/81
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

H. Labor & Commerce 1981-1982

Date Introduced

" Rec'd.

Referrals

Comm. hearing 2-10-82

" action passed with effective date of Jan. 1st 1982
taken to Clerk's Office 3:45 P.M.

NOTE Letter from Comm. Dir.
Public Safety herein
requesting delay in
action until proper
persons can testify.

Sherrie H. Fanning

Notified
Public Safety
Paul Conroy to get
position papers & FN

BEN RULE

had for

1727 BARTLETT

ANCH, AK 99507

344-5909

Ted W. Harzib

512 Box 71140

Fairbanks, AK

488-3384

Shirley A. Willford
3446 21st St S. Alaska

Women For Alaska Career Open.

Fbks. Ak. 99701 - phone 479-2468

Fuzzy's Trucking, Inc.

8123 Hartzell Rd

Anchor, Ak. 99507 -- 344-0812

Exhibit A

CHAPTER 64.
MOTOR FREIGHT CARRIERS

(3) must specify the period of time for which it applies, which may not be less than 30 days; however, this subparagraph does not apply to vehicle lease agreements between permit holders;

(4) must provide that the lessee have exclusive possession, control, use and complete responsibility for the vehicle and its operation for the duration of the lease, except that,

(A) provision may be made in the lease for considering the lessee as the owner for the purpose of subleasing under this section to other authorized carriers for the duration of the lease;

(B) when entered into by carriers of household goods, for the transportation of household goods, as defined by the Interstate Commerce Commission, the provisions of (A) of this subsection need only apply during the period the vehicle is operated by or for the authorized carrier;

(5) must specify the compensation to be paid by the lessee for the rental of the leased vehicle;

(6) must specify the time and date upon which the possession and control of the vehicle will be taken by the lessee, the conditions upon which the lease begins, the time or the conditions upon which the possession of the vehicle will be returned to the lessor and the conditions upon which the lease otherwise expires; the duration of the lease shall coincide with the time of giving receipts for the vehicle as required by (b) of this section;

(7) must be executed in quadruplicate; the original must be retained by the carrier in whose service the vehicle is to be operated, one copy shall be retained by the owner of the vehicle, one copy must be filed with the commission within seven days of the effective date of the lease, and one copy must be carried on the vehicle specified in the lease during the entire period of the lease; provided that the carrier or its regular employee or agent may prepare a statement certifying that the vehicle is being operated under the terms of a written lease filed with the commission, which certificate must contain the names of the lessor and lessee, a complete description of the vehicle, the effective date and duration of the lease, any restrictions

- Article
1. Vehicle Leasing
 2. Applications
 3. Fees
 4. Insurance and Bonds
 5. Tariffs, Schedules and Shipping Documents
 6. Contracts
 7. Safety Regulations and Identification
 8. General Provisions

ARTICLE 1. VEHICLE LEASING

- | Section | |
|---------|------------------------------------|
| 10. | Leasing requirements |
| 15. | Interchange of vehicles |
| 20. | (Repealed) |
| 30. | (Repealed) |
| 40. | (Repealed) |
| 50. | (Repealed) |
| 60. | (Repealed) |
| 70. | Compensation |
| 80. | (Repealed) |
| 90. | (Repealed) |
| 100. | (Repealed) |
| 110. | Unauthorized leasing |
| 120. | Violations |
| 130. | Exemptions to leasing requirements |
| 140. | (Repealed) |
| 150. | (Repealed) |

3 AAC 64.010. LEASING REQUIREMENTS.

(a) Common or contract carriers may lease vehicles, but may not lease any vehicle to any person other than another common or contract carrier and, except for vehicles exchanged between authorized motor carriers in interchange service as provided in sec. 15 of this chapter, authorized carriers may perform transportation with vehicles which they do not own only under the conditions set out in this section. The lease for the use of a vehicle

(1) must be made between the carrier and the owner of the vehicle;

(2) must be in writing and signed by the carrier and the owner of the vehicle, or by their regular employees or agents authorized to act for them in the execution of leases;

4) Connecting Carriers (considered As Owners. An authorized carrier receiving a vehicle in connection with a through movement under this section is considered the owner of the vehicle for the purpose of leasing the vehicle to other authorized carriers in furtherance of the movement to the destination or of the return of the vehicle after the movement is completed. (Eff. 9/26/76, Reg. 59)

Authority: AS 42.07.141 AS 42.10.070
AS 42.10.010 AS 42.10.080

3 AAC 64.020. WRITTEN LEASE REQUIRED. Repealed. (Eff. 9/26/76, Reg. 59)

3 AAC 64.030. WRITTEN LEASE REQUIREMENTS. Repealed. (Eff. 9/26/76, Reg. 59)

3 AAC 64.040. PERIOD OF LEASING. Repealed. (Eff. 9/26/76, Reg. 59)

3 AAC 64.050. COMMISSION APPROVAL AND AUTHORIZATION. Repealed. (Eff. 9/26/76, Reg. 59)

3 AAC 64.060. LEASES BY COMMON OR CONTRACT CARRIERS. Repealed. (Eff. 9/26/76, Reg. 59)

3 AAC 64.070 COMPENSATION. The amount of compensation to be paid under a lease shall not be based upon a division of revenue, including but not limited to a percentage basis dependent upon gross receipts per trip or period of time. Compensation shall not include any arrangement whereby the lessee shall pay the lessor directly or indirectly for a driver or provide a rebate therefor unless otherwise ordered by the Commission upon application therefor. (Eff. 7/29/64, Reg. 15)

Authority AS 42.10.070
AS 42.10.080

3 AAC 64.080. TERMINATION OF LEASE. Repealed. (Eff. 9/26/76, Reg. 59)

3 AAC 64.090. DISPOSITION OF LEASE COPIES. Repealed. (Eff. 9/26/76, Reg. 59)

3 AAC 64.100. VEHICLE IDENTIFICATION. Repealed. (Eff. 9/26/76, Reg. 59)

3 AAC 64.110. UNAUTHORIZED LEASING.

All leases shall be executed in good faith and entered into without intent to evade the provisions of the law regulating common or contract carriers, or the provisions, rules and regulations of the commission. Where the commission in its discretion deems that a lease is not executed in good faith, such lease shall not be approved, and permit holders are prohibited from entering into the disapproved agreement.

(b) Except as may be specially permitted by the commission upon written application thereto, no common or contract carrier shall seek to extend the scope of his permit rights by leasing his equipment for the transportation of commodities which his permit does not authorize, nor into territory he is not authorized to serve. (Eff. 7/29/64, Reg. 15)

Authority: AS 42.10.070
AS 42.10.080

3 AAC 64.120. VIOLATIONS. Violations of the provisions of secs. 11-150 of this chapter may subject permittee to suspension or cancellation of his permit, in addition to other penalties or remedies provided by law. (Eff. 7/29/64, Reg. 15)

Authority: AS 42.10.230

3 AAC 64.130. EXEMPTIONS TO LEASING REQUIREMENTS. The provisions of secs. 10-120 of this chapter do not apply to the bona fide lease or rental of a vehicle:

(1) by an equipment rental or leasing company to a common, contract, or private carrier where the driver or operator of the leased vehicle is not provided, procured or arranged for, directly or indirectly or by course of dealing, by the leasing company. A vehicle lease under the provisions of this section shall be in compliance with the requirements of secs. 260-290 and secs. 490-500 of this chapter; or

(2) by a construction contractor to another construction contractor when the vehicle is leased for the purpose of transporting construction materials by the lessee in construction work being performed by the lessee. This exemption applies only to vehicles acquired by the lessor as necessary to his performance of previous construction work and which the lessor reasonably expects to use in performance of construction work within the

Notice is hereby given that the Alaska Transportation Commission, under the authority vested in AS 42.07.141(a) and (b) proposes to amend regulations in Title 3 of the Alaska Administrative Code to implement AS 42.07.121, AS 42.10.070, AS 42.10.080 and AS 42.10.010 as follows:

3 AAC 64.070 is amended as follows:

Compensation. The amount of compensation to be paid by the authorized carrier for equipment must be clearly stated in the lease and may be expressed as a percentage of gross revenue, a flat rate per mile, a variable rate depending on the direction traveled or the type of commodity transported or by any other method of compensation mutually agreed upon by the parties to the lease. The compensation stated in the lease applies only to equipment and not to the driver's service unless otherwise ordered by the Commission.

Accepted by Over Operators

Notice is also given that any person interested may present oral or written statements or arguments relevant to the action proposed at a hearing to be held in the Grand Jury Second Floor Room of the Alaska State Court Building, Fairbanks, Alaska, 3:00 p.m. on Thursday, January, 24, 1980.

The Alaska Transportation Commission, upon its own motion or at the instance of any interested person, may at the hearing or after it adopt the above proposals substantially as set out above without further notice.

DATED at ANCHORAGE, ALASKA, this 18th day of December, 1979.

ALASKA TRANSPORTATION COMMISSION

Keith H. Miller
Keith H. Miller, Chairman

Amended

3 AAC 64.070 is amended to read:

Compensation. The amount of compensation to be paid by the authorized carrier for equipment must be clearly stated in the lease and may be expressed as a percentage of gross revenue, a flat rate per mile, a variable rate depending on the direction traveled or the type of commodity transported or by any other method of compensation mutually agreed upon by the parties to the lease. The compensation for equipment and a driver, if any is provided by the lessor, must be separately stated, and any deductions, set offs, or charge backs from any compensation must be fully and clearly set forth in the agreement. (Eff. / / Reg ; a.m. / / Reg.)

Authority: AS 42.10.070
AS 42.10.080

*Rejected by numerous letters to
Alaska Transportation Comm. from
the Owner-Operators!*

*Adopted originally. Next page
that payroll and other benefits be paid
to Owner-Operators.*

3) Connecting Carriers Considered As
owners. An authorized carrier receiving a vehicle
connection with a through movement under
this section is considered the owner of the
vehicle for the purpose of leasing the vehicle to
other authorized carriers in furtherance of the
movement to the destination or of the return of
the vehicle after the movement is completed.
(Eff. 9/26/76, Reg. 59)

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3 AAC 64.020. WRITTEN LEASE RE-
QUIRED. Repealed 9/26/76.

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Repealed 9/26/76.

3 AAC 64.050. COMMISSION APPROVAL
AND AUTHORIZATION. Repealed 9/26/76.

3 AAC 64.060. LEASES BY COMMON OR
CONTRACT CARRIERS. Repealed 9/26/76.

3 AAC 64.070. COMPENSATION. The
amount of compensation to be paid by the
authorized carrier for leased equipment must be
clearly stated in the lease and may be expressed
as a percentage of gross revenue, a flat rate per
mile, a variable rate depending on the direction
traveled or the type of commodity transported,
or by any other method of compensation
mutually agreed upon by the parties to the lease.
Expenses of operating the equipment (including
driver compensation) are to be paid by the
lessee or from the lease compensation, the lease
agreement must specify what items of expense are
included. Payment to the lessor must be made
within 15 days after submission of the neces-
sary delivery documents and other paperwork
concerning a lease payment or the termination
of the lease, whichever is applicable. The lease
agreement must clearly specify any delivery documents and
other paperwork that must be submitted before
the lessor can receive payment. (Eff. 7/29/64,
7/15/65; amended 6/2/80 Reg. 7-1)

Authority: AS 42.07.121 AS 42.10.080
AS 42.10.070 AS 42.10.110

3 AAC 64.080. TERMINATION OF LEASE.
Repealed 9/26/76.

3 AAC 64.090. DISPOSITION OF LEASE
COPIES. Repealed 9/26/76.

3 AAC 64.100. VEHICLE IDENTIFICATION.
Repealed 9/26/76.

3 AAC 64.110. UNAUTHORIZED LEASING.
(a) All leases shall be executed in good faith and
entered into without intent to evade the
provisions of the law regulating common or
contract carriers, or the provisions, rules and
regulations of the commission. Where the
commission in its discretion deems that a lease is
not executed in good faith, such lease shall not
be approved, and permit holders are prohibited
from entering into the disapproved agreement.

(b) Except as may be specially permitted by
the commission upon written application
thereto, no common or contract carrier shall
seek to extend the scope of his permit rights by
leasing his equipment for the transportation of
commodities which his permit does not
authorize, nor into territory he is not authorized
to serve. (Eff. 7/29/64, Reg. 15)

Authority: AS 42.10.070
AS 42.10.080

3 AAC 64.120. VIOLATIONS. Violations of
the provisions of secs. 10-150 of this chapter
may subject permittee to suspension or
cancellation of his permit, in addition to other
penalties or remedies provided by law. (Eff.
7/29/64, Reg. 15)

Authority: AS 42.10.230

3 AAC 64.130. EXEMPTIONS TO LEASING
REQUIREMENTS. The provisions of secs.
10-120 of this chapter do not apply to the
bona fide lease or rental of a vehicle:

(1) by an equipment rental or leasing
company to a common, contract, or private
carrier where the driver or operator of the leased
vehicle is not provided, procured or arranged
for, directly or indirectly or by course of
dealing, by the leasing company. A vehicle lease
under the provisions of this section shall be in
compliance with the requirements of secs.
260-290 and secs. 490-500 of this chapter; or

(2) by a construction contractor to another
construction contractor when the vehicle is
leased for the purpose of transporting

****PLEASE NOTE****

THE ORIGINAL FILE CONTAINS AN OVERSIZED DOCUMENT THAT IS UNSUITABLE FOR FILMING. PLEASE REFER TO THE ALASKA STATE ARCHIVES TO VIEW THE ORIGINAL.

NEWSPAPER ARTICLE

*"THE BIGGEST "RIP-OFF" OF THEM ALL
DAILY NEWS-MINER, FAIRBANKS, AK
TUESDAY 4/20/82*

A M E N D M E N T

Offered in the SENATE

By Parr

TO: CSHB 586 (Fin)

APR 27 1982

Page 1, lines 6 - 7:

Delete "permits for overweight and oversize vehicles"

Insert "motor vehicles and carriers"

Page 1, after line 8:

Insert the following new material:

* Section 1. AS 42.07 is amended by adding a new section to read:

Sec. 42.07.123. OWNER OPERATORS. The commission shall supervise and regulate owner operators in the state and shall prescribe regulations concerning the filing of reports by owner operators, the issuance of permits to owner operators based on public convenience and necessity, and the maximum and minimum rates that may be charged by owner operators. In this section "owner operator" means a person who rents, leases, or otherwise provides a motor vehicle for the use of others in transporting passengers or property upon the condition that the person be employed to operate the vehicle and includes common and contract carriers and construction contractor operators but does not include taxicabs.

* Sec. 2. AS 42.10.280(b) is amended to read:

(b) A common carrier shall file with the commission, and print and keep open to public inspection, schedules showing the maximum and minimum rates, charges, and classifications for the transportation of

property within the state between each point upon its route, and between each point upon its route and each point upon every route leased, operated, or controlled by it, and between each point upon its route or upon any route leased, operated, or controlled by it and each point upon the route of a common carrier, whenever a through route and joint rate has been established or ordered between two such points. If no joint rate over a through route has been established, the carriers in a through route shall file, print, and keep open to public inspection the separately established rates, charges, and classifications applied to the through transportation. The schedules of contract and common carriers shall plainly state the places between which property will be carried, and the schedules of common carriers shall also contain classifications of property in force, and state separately all terminal, storage, icing, and other charges which the commission requires to be stated, all privileges or facilities allowed, and rules and regulations which affect or determine any part or the aggregate of the rates and charges, or the value of the service given to the shipper or consignee. The schedules shall be plainly printed in large type. The carrier shall keep a copy of each schedule readily accessible for inspection by the public in every station or office where property is received for transportation when the station or office is in charge of an agent, and in every station or office of the carrier where bills of lading or receipts for property are issued. The carrier shall produce a schedule for inspection upon the demand of any person. The carrier shall keep posted in two public and conspicuous places in each station in which a schedule is kept a notice, printed in bold type, which

states that the schedules are on file with the agent and open to inspection by any person, and that the agent will assist the person to determine rates or rules and regulations. The commission shall prescribe the form of schedules. The form shall conform as nearly as practicable to the form of schedules required by the Interstate Commerce Commission.

* Sec. 3. AS 42.10.420(7)(A) is amended to read:

(A) a person who transports by motor vehicle, [WITH OR] without compensation, property which is owned or is being bought or sold by him, or property of which he is the seller or [,] purchaser [, LESSEE OR BAILEE,] and the transportation is incidental to and in furtherance of some other primary business conducted by the person in good faith;

Page 1, line 15:

After "relating to" insert "pilot car services and the"

Renumber remaining bill sections accordingly

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

William R. Nix
CommissionerP. O. BOX 6188 ANNEX
ANCHORAGE, ALASKA 99502

February 10, 1982

465-4322

Representative Terry Martin, Chairman
House Labor & Commerce Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Representative Martin:

Re: HB 586

Due to preparation for House budget hearings scheduled for tomorrow, the Department's spokesman is unable to attend today's hearing on HB 586.

Since this Bill does have an impact on the Division of Alaska State Troopers, I respectfully request that your Committee take no action on this Bill until testimony is heard from the Department of Public Safety which does oppose transfer of the functions delineated in HB 586.

Sincerely,



William R. Nix
Commissioner

Overweight
Vehicles
(permits for)

HOUSE BILL NO. 586, by Rep. Rogers. Transfers from the Dept. of Public Safety to the Dept. of Transportation & Public Facilities the responsibility for issuing permits for overweight vehicles and for operating motor vehicle weighing stations and establishing regulations for the enforcement of size, weight, and load limitations. Secs. 1 & 2 amend AS 19.10.060 (Regulation of Weight and Load of Vehicles and Use of Highway During Certain Seasons) by adding that DOT&PF may issue permits for overweight vehicles, etc. Repeals AS 28.05.011(8) (duty of the Commissioner of Public Safety to adopt regulations governing "the operation of motor vehicle weighing stations and the enforcement of size, weight and load limitations, including the issuing of special permits and prescribing fees for special permits. . ."). Does not provide for effective date. (Not: see SB 58, similar.)

Introduced May 20 and referred to Labor & Commerce.



M-B CONTRACTING CO., INC.

7101 Debarr Rd., Anchorage, Alaska 99504 • Ph. (907) 333-5527 • Telex 26-528

January 28, 1981

Senate Transportation Committee
Juneau, Alaska

Gentlemen:

We are not satisfied with the issuance of "Overweight and Overlength Permits" as presently being done by the Department of Public Safety, Alaska State Troopers; nor are we satisfied with the operation of the scales by the State Troopers.

1. There seems to be different criteria used at different Permit issuing offices at different locations throught the State.
2. Some of the personnel (State Troopers) operating the scales and issuing citations were not completely familiar with the Regulations and in most instances refused to check with his supervisor as to the correct interpretation.

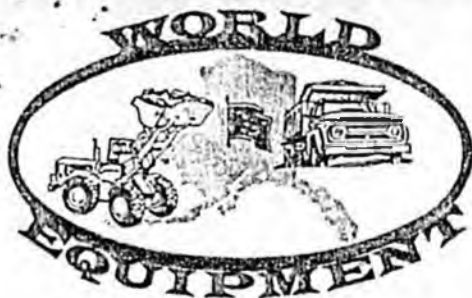
We believe this operation could better be performed by the Department of Transportation.

Very truly yours,

M-B Contracting Co., Inc.

H.A. Leader
Harold A. Leader





January 26, 1981

P.O. BOX 4-GG
ANCHORAGE, ALASKA 99509
PHONE (907) ~~272-9558~~ 272-9558

Associated General Contractors
134 Frankin
Juneau, Alaska 99801

Attention: Jeanie Kline

Dear M's Kline:

First let me say we have owned and operated trucks since 1968 and have been involved in trucking industry since 1966 in Anchorage. Operating one to twenty-five trucks, primary earthmoving but have also hauled freight.

Due to the harassment of the Alaska State Troopers we have consider just quitting. The cost of equipment and men being detained unnessarily is a factor that cann't be figured in hauling cost and beable to obtain work. And the cost is an unwarranted cost, the majority of our work in some manner is paid for by the State and most of our work is performed on State Highway and Road projects.

Attached is copies of permit and ticket issued last week. We were moving our D-6 Cat. from Eagle River to Anchorage. We purchased a wide load permit as a D-6 is a legal weight load; when reaching the scales the cat was not moved forward enough to place the weight properly on the axles. The back axle is legal for 42,000 lbs. When we ighted, the back axle actually weighted 46,060 lbs. There was no scales to check the placement of the cat before reaching the scales. The wide-load permit was taken from the driver. A ticket was issued for 4,080 lbs. @.05 per lb. \$204.00. Another permit had to be obtained for overwidth and if we did not want to unchain and re locate the cat 8" forward approximately, we could get any overload permit, which we did and took permit to the Glenn Highway, Mile 11 scales. Time involved was over two hours.

Due to not knowing exactly the weight distribution of the D-6 on the lovboy, the cost of a driver, permits, someone to deliver is \$354.00, not counting time for equipment just sitting that rents for \$95.00 per hour. The total cost for moving the D-6 should have been about \$210.00, labor, permits and equipment rental. Instead we have costs of over \$550.00.

Associated General Contractors
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Troopers maintain we should know weights and distribution on lowboy of each piece of equipment. ATC, also maintains the same. They are not considering the amount of fuel in equipment, dirt and mud on frame, dirt that builds up in the belly pans, all change the weight over the 2%, if they are in a good mood and allow the 2%. A truck can be cleaned and have a bare weight of 3,000 lbs. less than before cleaned. How much experience has anyone in Troopers and ATC had with moving heavy equipment and trucking?

In 1977, I had a trooper come to our office and compliment me on our trucking operation. Good equipment, legal loads, courteous drivers. He also commented that if all truckers and trucking companies followed our example, enforcement would not be needed. Our policies and most of the drivers are the same, only we have six trucks now and had twenty then and we have more lost time due to troopers now.

The fall of 1978 we had to sell all our trucks in order to survive. We had a contract with Rogers and Babler to haul gravel from Eklutna to their plant on Tudor Road, in Anchorage. Which meant going through the Glenn Highway, Mile 11, scales with over ten trucks approximately seven times a day. We didn't anticipate any problems. The first day we were written over \$4,000.00 in tickets. Rogers and Babler did not have scales at the Eklutna pit, we were weighting the trucks and material at the plant. Rogers and Babler needed the material for crushing very badly so we kept trying to haul but hauling less per load to get the axle weight. By noon the second day all work had to stop. The time at the scales inspecting and weighting just could not be absorbed and it wasn't getting better. Some trucks being inspected two and three times in one day. Just different troopers that were on duty, they had two and sometimes three in the scales. We stopped hauling, I called the troopers office and tried to make an appointment with the supervisor, he wasn't available to talk via of phone or have a meeting. I went to the troopers office and met with a sargent. It was arranged to have trucks all inspected at our yard so not to have drivers sitting two hours waiting and mechanics being sent to the scales. The inspection never took place after three days the sargent called and said they could not inspect in our yard because then they would have to inspect everyones like that if requested using Sea-Land and freight companies as an example.

Rogers and Babler put in scales at the gravel pit in Eklutna, they were platform scales but we did have gross weight and would split weight them to try and get axle weight correct. This took additional time and at a commerical scales they will not take the time to do this.

We suffered serious losses in labor cost and non-production. A truck would be held up with driver two hours, we would

Associated General Contractors

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not be notified till the time had been lost. We had company radio's installed to try and help. Trucks would be held at the scales till repaired, a mechanic sent 24 miles one way, we were located in Sand Lake. Reflector and clearance lights to be replaced during the day time and had happened that day. We inspected every night, lights, tires and etc. The summer was a night mare and we had good equipment, and a good reputation for having our equipment in extra good working order. We were lucky a buyer from Washington and Oregon come in and bought all our trucks savings us from bankruptsy.

The work season of 1979, we bought and operated four trucks. We hauled mostly in the Sand Lake area, we did haul on the Rabbit Creek project for Stephan and Sons and our trucks had very little trouble. There was occasions when trucks would be stopped more than one time just to pull them over, look at weight ticket and check truck over. On one occassion a truck was stopped three times with a load from Glenn Highway, Mile 11 to Rabbit Creek. The truck was not cited any of the three times.

The 1980 season we have hauled and had to cross scales only on one job in October and again a nightmare. The gross weight legal, axle weight off, and no way to check at the scales before going to State scales. We were hauling approximately 25 ton and should have been hauling 29 ton if had been able to check axle weight at the loading area. The operators at the pit become upset when they are loading the same truck two and three times to try and get the load so the driver is not afraid to go to State Scales. We were hauling from a commerical pit and do not have control of the loading.

The cost to anyone needing gravel or anything hauled that entails a truck going through the scales is going to pay extra money and I think any gravel supplies from Eagle River and that area hauling into town is going to find that no one even wants to haul if anything else he can do. I found last fall couldn't get trucks to haul due to the scales and just harassment they had to contend with.

We have a lowboy and haul our heavy equipment. I have many calls asking us to do their hauling as unable to get equipment moved at a reasonable price and due to scales, the added cost, the price is so high when they are quoted they just can't afford to pay twice what it should cost.

Again, moving our D-6 last week my husband was stopped. driving the truck our son usually drives. The truck was pulled over by Officer Dial, he looked surprised when he saw who was driving. There was no reason to be stopped, like moving violation, he wanted to see the permit, then stated the flagging was wrong and had to be shown on the permit that

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the flagging was correct, the blade was measured and equipment inspected. A pilot car and lowboy were stopped a half hour to move the equipment one mile. The truck was stopped on a icy narrow side street with a wide load which in my judgement was unsafe and if equipment had been stalled in such a manner would have been very concerned for the safety of others. I feel the truck was stopped just for a personal vendetta, a number of citations have been issued to our son and he has obtained an attorney which Officer Dial has made remarks about to other truckers.

I have drivers tell me while they were stopped the officer discussing what he is going to do to such and such next time. What kind of enforcement of the law is that? Officers threatening what they are going to do and a guy just driving a truck for wages and afraid he will lose his license.

After three years ago the problem seems to have turned into a monster. While hauling for another trucker on the Elmendorf Access project a truck was weighted by the State at the pit at approximately 95,000 and legal. State scales weight him at 125,000+, he showed the weight ticket he had and it was fortunate the owner of trucking firm that we were hauling for was there and had to sweet talk trooper into weighting the truck again, they sure wouldn't have done it for him the driver stated as he had told them something had to be wrong. Next time over the scale with the same load he weighted 112,000 by 3rd or 4th time weight at scales reflected approximately the same weight as the state project scales. The time lost was approximately two hours. After the incident the scales were closed and troopers left. I have personal knowledge of two other cases the same thing has happened and in one case the trucker was cited and went to court.

While hauling on International Airport Road project a trooper followed a truck onto the project and at the dump site stopped him for an inspection, the finding was he couldn't move the truck, the brake shoes had to be replaced they were wore out. The driver radioed and the shop, advised him the brake shoes were new just replaced. The trooper let him go back to work.

The Dept. of Transportation and Highways will not buy gravel with axle weight. A scales must be platform and all axles on the scales at one time. Yet they can ticket a truck overweight at .05¢ per lb. from axle scales. The variance in pit scales and trooper axle scales also will reflect less weight as well as overweight we have found.

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Page V
January 26, 1981

I have not been able to obtain from troopers a book or whatever that they come up with some of their regulations from. ATC gave me a book saying we have adopted part of these regulations. The book is a ICC book. One item in question is to check air for braking power. The engine is shut off and brakes applied. The air pressure can't drop over so much per minute or the truck is unsafe. The pounds per minute and etc. changes with the trooper.

Our son is the one on the road and if drivers stopped and a real problem, he intercedes, he is very knowledgeable of weights, equipment mechanics and the workings of a truck. He has stated that for his own benefit he is going to carry a small tape recorder to document threats and that regulations change with the troopers.

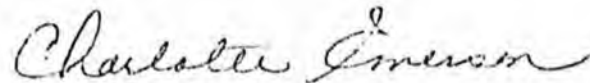
The personnel that is being used for enforcement I feel has allot to do with the problems. It's a out to get you thing and somewhere this has to be started and I hope now Stopped.

After reciting the figures you quoted this morning on the telephone that enforcement will double as dollars are going to double my husband stated if this is going to be the case we are going to take another avenue for our business.

We have a small family business and the employees we have are Alaska residents that have lived here a number of years. The pressure of everyday business is hard and we have felt the pressure from the trooper enforcement harder than anyother problem we have had, and I feel a unnessary burden on the business, drivers and cost for state projects. and private development.

Sincerely,

WORLD EQUIPMENT, INC.



Charlotte Emerson
Sec/Tres.

STATE OF ALASKA
APPLICATION & PERMIT
TO TRANSPORT OVERSIZE OR OVERWEIGHT
VEHICLES OVER THE ALASKA HIGHWAY SYSTEM
AND OTHER DESIGNATED HIGHWAY

Permit Office Wich
 Date Rec'd. 1/13/81
 Fee Amount 20.00
 Cash _____ Check _____ Charge
 Cert. Weight Ticket Attached Yes No
 Alaska Business License No. _____

Name of Owner/leasee World Equipment, Inc.
 Address P.O. Box 4-66 Anchorage, Alaska 99509
 Lic. No.: Truck 9262 AT Trailer 5573 TN Vehicle Type 4S3 ATC No. B312
 Make & Model: Truck Kenworth Trailer Loadkin
 Load Black Make & Model D-5 Cat

Dates of Move Jan 13
 Time of Move Daylight hrs only except per stamp
 Exact Origin Swains - Glenn Highway Exact Destination 100 Sealing
 Via Highways Glenn Highway, Hudson, Tuds, Lake Otis, Dewitt

VEHICLE WEIGHTS

NO MOVEMENT IF VISION IS OBSERVED. OVERALL WHEEL BASE EQUALS FEET. In Anchorage Area Between 7 to 9 A.M. & 3:30 to 6 P.M. Permits must be used in above. In Anchorage Area Between 9 A.M. & 5 P.M. Permits must be used in above. (X' in axles by groups)

Actual Weights	<u>12,000</u>	<u>42,000</u>	<u>41,000</u>		
Tire Width (in.)	<u>10</u>	<u>10</u>	<u>10</u>		
Tire Loading (No./in.)	<u>5.0</u>	<u>3.50</u>	<u>3.91</u>		
Actual Combined Vehicle Weight	<u>99,000</u>			Legal Combined Vehicle Weight	<u>94,000</u>

(Circle all values that are overweight)

VEHICLE SIZE

Overall Height: Legal Overall Width: 12' Overall Length: 75'
 Overhangs: Legal Rear 56' Semi Trlr. Length: 56'
 Over Height: Legal Over Width: 41 Over Length: 10'

CONDITIONS
 (For Office Use Only)

Long/wide Load Sign: Front Rear Convoy
 Pilot Cars: Front Rear Rotating Beacon Communication Red Flag Police Escort
 Maximum Speed: (1.) Highways 45 mph (2.) Bridges (a.) Max speed _____ (b.) No gear change (c.) No braking
 Other Conditions _____

CERTIFICATION: I, Colleen Johnson certify that:
 (Please Print)

- The load has been reduced to a practical minimum size and weight.
- All vehicle regulations will be complied with.
- The State of Alaska will be held harmless from any and all liability that may arise from the authorized movement.
- That all arrangements have been made with Public Utilities for the protection of utilities which may interfere with the authorized move.
- That owner/leasee will be responsible for all damages to Public Utilities or any other facility incurred as a result of the move.

Signed Colleen Johnson Title Employee Date 1-13-81

Approval: Permission is hereby granted to move the above described vehicle and/or load over the designated highways subjected to the conditions designated at _____.

Signed Deanna Montoya Title Clerk, DMV, AT&T Date 1/13/81

STATE OF ALASKA

PLAINTIFF

NO. 032023

JUDICIAL DISTRICT

COURT OF ANCHORAGE

THE UNDERSIGNED, BEING JULY SWORN, UPON HIS OATH DEPOSES AND SAYS:

DEPOSANT THE 13 DAY OF JAN 1981 AT 1:27 P.M.

NAME MARRIMAN JAMES T

STREET 211 So. KLEVIN ST SPOZ

CITY STATE ANCHORAGE, AK

PHONE 335-3101

AGE 35 BIRTH 5-5-51 SEX M HT 65 WT 165

OWN ALASKA 475 110/5 W 574-50-0774

THE 13 AD 1210217 / 3037 W STATE AK PERM NO 73894

AK KUPFER DAT. STYLE T-101C / 13 CO. 5740 / 1744

IF DRUGS, HIGHWAY, NAMELY AT ILLICITLY

GLASSON HAY 413 SCALPS

WARD EQUITMENT

PLACE OF EMPLOYMENT

171111C 25, 06022

OVERWEIGHT (Real Alaska Group 3)

Tribble

51000 LBS ACTUAL

51000 LBS LEGAL

7050 LBS CURRENT

21-30-1981 B. J. WILSON BAIL

State Statute X State Traffic Regulations Parking Violation

CAUSED PERSON TO DO: Pedestrian Driver JUST PASSED ADJUDICATED

CAUSED PERSON TO DO: School School School School

032023

15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

6802

501 W. 97th Ave.

SENATE COMMITTEE ON TRANSPORTATION

Meeting Minutes
January 29, 1981

The January 29, 1981 meeting of the Senate Committee on Transportation was called to order at 1:30 p.m. in the Butrovich Room located in the Capitol Building in Juneau, Alaska, by Senator Bill Ray, Chairman.

Present at the meeting were: Senators Ray, Gilman, Dankworth and Kerttula.

Absent from the meeting was: Senator Sackett (due to illness).

Senator Ray asked for testimony on Senate Bill 58, "An act relating to permits for overweight vehicles."

John Dean, representing H & H Trucking Co., Inc., testified in favor of the bill and brought up several points of concern. He felt there should be regular procedures for inspection of trucks because of lost money on time spent in Troopers inspections. He felt the jump scales used by the troopers are not accurate and not being used in an accurate method. There is also a problem with overweight Trooper inspection with the scales used. Senator Kerttula suggested that possibly a system could be devised to solve the overweight problem on the spot during inspections. Senator Dankworth asked if moving the permit section from Public Safety to DOT would solve the problems or did the regulations need to be revised. Mr. Dean felt they should and stated that moving the section wouldn't solve all their problems.

Lt. Kolivosky, representing the Department of Public Safety, testified in opposition to the bill. He states that the axle weight is the largest cause of road deterioration. He also stated that by regulation the Troopers are bound to go by the most restricted method. The jump scales, or portable scales, used were said to be accurate by the State of Washington, and Nevada also uses the scale. The scale house doesn't issue permits; the permit office does, because the scale house doesn't have road condition information needed and also there is a problem with keeping accurate records. He stated that the problems weren't going to be solved by moving the permit section.

Charlotte Emerson, representing World Equipment Inc., testified in favor of the bill. She objected to the time spent in obtaining permits and felt that since the Department of Public Safety is not responsible for anything after the permits are issued, the trucking company is, it didn't matter who issued permits. She thought truckers were over-regulated and over-policed and suggested that a current publication be available listing all of the rules and regulations concerning trucking. She also felt truckers should be allowed to adjust their loads and make them legal at the scale house, instead of having to go back to the permit office. Senator Dankworth again asked if moving the permit section is going to help or do the regulations need to be rewritten. Ms. Emerson said it didn't matter who gave out permits but she didn't think the permit section being in Public Safety was helping matters any. Ms. Emerson also reiterated several points brought out in the written testimony she had previously submitted.

Ms. T. J. Thrasher, representing the Alaska Trucking Association, testified in opposition to the bill. She felt the problems are with the regulations and they won't be solved by moving the permit section from one department to another. She would rather see the regulations improved, with a review of trucking operations.

Senator Ray asked if the Department of Transportation wanted the permit section within their department. DOT Commissioner Ward stated that he didn't feel the move would resolve any of the problems and he was more concerned with the regulations. He added that if the permit section was moved to his department, the enforcement efforts would continue because of his concern with the road conditions.

Senator Ray appointed Senator Kerttula to a subcommittee of one to investigate the City of Seward.

Senator Ray stated that Senate Bill 40 and Senate Bill 58 would be rescheduled for hearing on Tuesday, February 3.

There being no further business, the meeting was adjourned on January 29, 1981 at 3:25 p.m.

Addendum:

The additional trucking problems explained by the witnesses weren't part of the testimony on Senate Bill 58.

H & H Trucking Company

P. O. BOX 10-777 · ANCHORAGE, ALASKA 99511 · PHONE 344-0993

February 7, 1981

Senator Bill Ray
Senate Transportation Commission
Pouch V
Juneau, Alaska 99811

Dear Senator Ray:

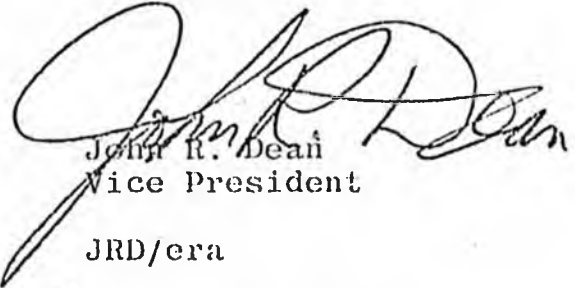
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It was exceedingly gratifying to encounter a branch of government that is genuinely interested in the problems facing its constituents.

Thank you again for my opportunity to testify. I stand ready to do anything that would help correct this problem.

Sincerely,

H & H TRUCKING



John R. Dean
Vice President

JRD/era

✓ cc: Jean Kline
Alaska Chapter - AGC



ROGERS & BABLER

A Division of Earth Resources
Company of Alaska

1301 East 64th Avenue, Anchorage, Alaska 99502

Phone: (907) 344-4547



January 26, 1981

Associated General Contractors
134 North Franklin Street
Juneau, Ak. 99801

Attn: Jean Kline

Dear Jean:

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As far as the scales go here in Anchorage, everybody has problems. As an example: 1) We will obtain a permit to move a piece of equipment and when we get to the scale if we are off on one axle weight, but the total axles are okay, they can jerk the permit then issue a ticket for not having a permit and another ticket for being over weight. We had to go to court on this example and one of the tickets was resended. 2) Another problem is that the D.O.T. Highways require the Contractors to weigh the loads on a scale with sufficient length that the total rig is weighed at one time. Then when the rig arrives at the scale, individual axles are weighed and if one axle is over then a ticket is issued. One inspector made a driver shift 500#'s of gravel because one axle was over but the total weight was okay. We have had the same truck & trailer inspected 3 times in a single day, taking a lot of time and costing at least \$60.00 to \$70.00 per hour. That is \$1.00 per minute.

They also require the Contractors to have identification signs on their trucks. The letters are to be 2½" in size. If you look at the DOT, Municipality, and the ARR trucks, their letters on their trucks are not 2½" in size. They are smaller.

We are not against safety, but believe the inspections are carried too far. In fact the legislature voted out the car inspections but still all trucks have to have all glass, lights, horn, wipers, & etc. in perfect condition at all times.

A.G.C.

January 26, 1981

Page 2 of 2

Some times when it is raining heavy we loose light bulbs in marker and tail lights. A ticket is issued if they burn out during the day.

Truckers are refusing to quote the Contractors by the ton haul from Eagle River, Chugiak or Eklutna due to the harassment at the scales. Assuming that 150,000 tons of aggregate is hauled into Anchorage the price has increased at least \$1.00 per ton due to the harassment. This is costing the D.O.T., Municipality and other agencies in additional dollars which we all are forced to pay our share. The trucking industry doesn't care about permits, harassment, and etc. because they pass the costs on to the consumer.

Hope this helps you.

Very truly yours,

ROGERS & BABLER



Ted R. Cadman
Operations Manager

TRC/fmc

OVERSIZE & OVERWEIGHT COMMERCIAL VEHICLES, PERMITS

Supplied by

BACKGROUND:

A.G.C.: The Alaska Chapter, Associated General Contractors represents a membership of over 550 firms within the state directly involved or associated with the Alaska construction industry. Highway and vehicle safety are of prime concern with the industry as shown through A.G.C. sponsored accident prevention programs, safety seminars and voluntary on-site project inspections.

During the 1981 legislative session HB 586 and SB 58 were introduced as vehicles with which to focus legislative attention on a specific industry problem in the hope of securing statutory relief.

B.V.E.: Currently oversize, overweight permits, weigh stations and commercial vehicle inspections are under the jurisdiction of state troopers in the Bureau of Vehicle Enforcement, Department of Public Safety.

Formerly the permit section was operated by the Department of Highways, Division of Maintenance and the weigh stations/inspection fell under the authority of Weights and Measures Section, Department of Commerce.

PROBLEM:

Permits: (a) inconsistency in issuance (b) different and often conflicting criteria (c) rigidity of attitude and approach

Weigh Stations & Inspections: (a) restrictive interpretation of statutes and regulations (b) excessive, non-productive "nit-picking" enforcement (c) needless multiple inspections of vehicles (d) rigidity of attitude and approach

NOTE: specific examples are detailed in attached back-up which were offered in testimony supporting passage of a like bill (SB 58) during a Senate Transportation Committee hearing last session.

EFFECT ON USERS:

The initial response is of ire and frustration with governmental bureaucracy.

The net result is one of cost. Cost not only reflected in fees but lost time dollars in man hours and delayed delivery which, in turn, may mean the difference between profit or loss to the small contractor. Those unable to absorb lost time dollars may also be faced with a reduction of work force and work. The indirect results will be noted in inflated material and project cost to the paying public.

CONCLUSIONS:

By definition, state trooper duty is one of rigid adherence to policy and prosecution even within service delivery categories concerning victimless violations.

Commercial vehicle permitting and inspection could be appropriately assumed within a civil enforcement category with a more common sense approach and built in flexibility in regulatory and enforcement fields.

ACTION:

Transfer BRU from Public Safety to DOT/PF. This is a logical move as under AS 28.05.011 (8), Public Safety operates permits and enforcement "...based upon directives of the Department of Transportation and Public Facilities for proscribing or restricting conditions for the driving of vehicles when necessary to protect against undue damage to road foundations, surfaces or structures."

DOT/PF maintains continuous data on load limit and surface conditions for both road and bridge structures; up to date working knowledge of commercial vehicle type and size.

ALTERNATIVES:

(1) transfer sections to former agency control, i.e. permit section to DOT/PF and weigh station/inspection to Weights & Measures Section, DC&ED.

(2) consider long range reorganization of departments (DOT/PF - DC&EC) to allow reform .

(3) regulatory revision in Public Safety to address possibilities as pre-arranged multiple vehicle inspection with identifying safety sticker, weigh station ability to modify or issue permits.

POSITION:

Alaska Chapter, Associated General Contractors supports an immediate transfer to DOT/PF as stated in HB 586.

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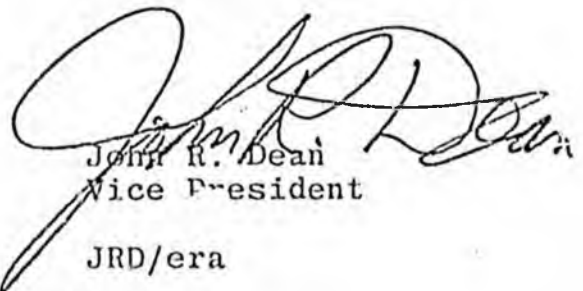
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Alaska Chapter - AGC



ROGERS & BABLER

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January 26, 1981

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Ted R. Cadman
Operations Manager

TRC/fmc



M-B CONTRACTING CO., INC.

7101 Debarr Rd., Anchorage, Alaska 99504 • Ph. (907) 333-5527 • Telex 26-528

January 28, 1981

Senate Transportation Committee
Juneau, Alaska

Gentlemen:

We are not satisfied with the issuance of "Overweight and Overlength Permits" as presently being done by the Department of Public Safety, Alaska State Troopers; nor are we satisfied with the operation of the scales by the State Troopers.

1. There seems to be different criteria used at different Permit issuing offices at different locations throught the State.
2. Some of the personnel (State Troopers) operating the scales and issuing citations were not completely familiar with the Regulations and in most instances refused to check with his supervisor as to the correct interpretation.

We believe this operation could better be performed by the Department of Transportation.

Very truly yours,

M-B Contracting Co., Inc.

H.A. Leader
Harold A. Leader



SENATE COMMITTEE ON TRANSPORTATION

Meeting Minutes
January 29, 1981

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Addendum

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