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HB 100

A message dated February 27, 1986, was read stating the Senate has passed HOUSE BILL NO. 100 (relating to detention of vessels as security for oil-pollution damages; clarifying a definition relating to discharge of hazardous substances; effective date) with the following amendment:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE
BILL NO. 100 (Resources) (same title)

and so, SCSHB 100(Res) is transmitted for consideration.

HB 100 will be taken up under Unfinished Business.

CSHB 240(HESS)am

A message dated February 27, 1986, was read stating the Senate has passed COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 240 (HESS) amended (relating to overtaking and passing school buses) with the following amendment:

SENATE COMMITTEE SUBSTITUTE FOR
COMMITTEE SUBSTITUTE FOR HOUSE BILL
NO. 240 (Transportation) (same title)

and so, SCS CSHB 240(Trsp) is transmitted for consideration.

CSHB 240(HESS)am will be taken up under Unfinished Business.

COMMUNICATIONS

A notice was received February 27, 1986, from the Department of Natural Resources, regarding proposed changes in regulations dealing with user fees, the Division of Parks and Outdoor Recreation's definition of "vehicle", and over-the-counter limited homestead staking authorizations. The notice is on file in the Speaker's office.

A notice was received February 27, 1986, from the Department of Natural Resources, regarding proposed changes in regulations dealing with agricultural parcels and the subdivision of patented agricultural parcels. The notice is on file in the Speaker's office.

REPORTS OF STANDING COMMITTEESHJR 25

The Rules Committee has submitted a zero fiscal note to accompany COMMITTEE SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 25 (HESS) (relating to federal funding of supplemental education for Alaska natives under the Johnson-O'Malley Act) which appears on today's calendar.

HB 113

The Finance Committee has considered HOUSE BILL NO. 113 (providing a reserve for the payment of cash benefits for state employees; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 113 (Finance):

"An Act providing a working reserve for the payment of claims and obligations arising from accrued leave, unemployment compensation, workers' compensation and general liability for state employees; and providing for an effective date."

and reports it back as follows: Adams (Chairman), Ringstad, Szymanski, Duncan, Larson, Pourchot, Frank and Cotten recommend do pass; Rieger has no recommendation.

A zero fiscal note with analysis appears in House Journal Supplement No. 92.

HB 113 appears on today's calendar.

HB 382

The Finance Committee has considered HOUSE BILL NO. 382 (relating to accelerated normal retirement for state employees in the Public Employees' Retirement System; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 382 (Finance):

"An Act creating a retirement incentive program for state employees in the Public Employees' Retirement System and the Teachers' Retirement System; and providing for an effective date."

and reports it back as follows: Duncan, Ringstad, Larson, Pourchot, Szymanski, Cotten and Frank recommend do pass; Adams (Chairman) and Rieger have no recommendation. Two zero fiscal notes were attached.

HB 382 was referred to the Rules Committee for placement on the calendar.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB-240
Title: ...motor vehicles

FISCAL DETAIL

Agency Affected: Education
Program Category Affected: _____

Sponsor: Thompson, et al.
Requestor: House Transportation
Date of Request: 3-11-85

BRU, Program or Subprogram(s) Affected: Rural Transportation

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

This bill has no fiscal impact on this department.

Prepared By: Steve Hole Phone: 2800
Division: Commissioner's Office Date: 3-11-85
Approved by Commissioner: Harold Reynolds, Jr. Date: 3-11-85
Agency: Education

Distribution (by Agency preparing fiscal note):

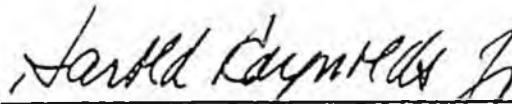
Legislative Finance
Legislative Sponsor
Requestor ✓
Office of Management and Budget
Impacted Agency(ies)

7/1/84

POSITION PAPER OF THE DEPARTMENT OF EDUCATION

FOURTEENTH ALASKA LEGISLATURE
House Bill 240

The Department of Education supports this bill. Its provisions should result in safer conditions for passengers on and operators of school buses.



Harold Reynolds, Jr.
Commissioner

HCR 56

A message dated March 20, 1986, was read stating the Governor has read the following resolution and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

HOUSE CONCURRENT RESOLUTION NO. 56
Relating to the twentieth annual Boys' State.

Legislative Resolve No. 35

SCSHB 100(Res)

A message dated March 20, 1986, was read stating the Governor has signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 100 (Resources)

An Act relating to detention of vessels as security for oil-pollution damages; clarifying a definition relating to discharge of hazardous substances; and providing for an effective date.

Chapter No. 7, SLA 1986

SCS CSHP 111(Trsp)amS *file*

A message dated March 20, 1986, was read stating the Governor has signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

SENATE COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 111 (Transportation) amended Senate An Act relating to local service roads and trails; and providing for an effective date.

Chapter No. 5, SLA 1986

SCS CSHP 140(Trsp) *file*

A message dated March 20, 1986, was read stating the Governor has signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

SCS CSHB 240(Trsp)

SENATE COMMITTEE SUBSTITUTE FOR
COMMITTEE SUBSTITUTE FOR HOUSE BILL
NO. 240 (Transportation)
An Act relating to overtaking and
passing school buses.

Chapter No. 8, SLA 1986

CSHB 530(Loans)am

A message dated March 20, 1986, was read stating the Governor has signed the following bill and is transmitting the engrossed and enrolled copies to the Lieutenant Governor's office for permanent filing:

COMMITTEE SUBSTITUTE FOR HOUSE BILL
NO 530 (Loans) amended
An Act relating to refinancing loans
under the special mortgage loan purchase
program; and providing for an effective
date.

Chapter No. 9, SLA 1986

MESSAGES FROM THE SENATE

A message dated March 21, 1986, was read stating the Senate has approved the following citation and it is transmitted for consideration:

Honoring - Young J. Hwang
by Senators Ray Bennett, Josephson,
Faiks and Kerttula

The citation was referred to the Rules Committee for placement on the calendar.

The message also stated the Senate has approved the following citation and it is being enrolled:

Honoring - Chugiak High School Chaparrals
Dance-Drill Team

February 27, 1986

HB 240 cont'd

and so, SENATE CS FOR HOUSE BILL NO. 240 (TRSP) passed the Senate and was referred to the Secretary for engrossment.

UNFINISHED BUSINESS

HB 380

Senator Faiks, Co-Chairman, moved and asked unanimous consent for an additional referral to the Finance Committee on CS FOR HOUSE BILL NO. 380 (CSRA) am (public utility water and sewer service extensions). Without objection, it was so ordered.

CS FOR HOUSE BILL NO. 380 (CSRA) am was referred to the Community and Regional Affairs Committee and the Finance Committee.

ANNOUNCEMENTS

Announcements appear at the end of the journal.

SPECIAL ORDERS

Senator Eliason moved and asked unanimous consent that he be excused from a call of the Senate April 7. Without objection, Senator Eliason was excused.

ENGROSSMENT

SB 278

CS FOR SENATE BILL NO. 278 (FIN) am was engrossed, signed by the President and Secretary and transmitted to the House for consideration with a Senate Letter of Intent.

HB 100

SENATE CS FOR HOUSE BILL NO. 100 (RES) was engrossed, signed by the President and Secretary and returned to the House for consideration.

February 27, 1986

SB 278 cont'd

Senator Ferguson offered Amendment No. 2:

Page 2, delete line 11 through page 3, line 4 and insert:

" * Sec. 3. AS 28.10.011(11) is repealed and reenacted to read:

(11) being driven or moved on a highway, vehicular way, or a public parking place in the state that is not connected by a land highway or vehicular way to
(A) the land-connected state highway system, or
(B) a highway or vehicular way with an average daily traffic volume greater than 499."

Senator Ferguson moved and asked unanimous consent for the adoption of Amendment No. 2. Without objection, Amendment No. 2 was adopted.

Senator Halford moved and asked unanimous consent that CS FOR SENATE BILL NO. 278 (FIN) am be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 278 (FIN) am was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 278 (FIN) am (impoundment and registration of motor vehicles; senior citizen motor vehicle tax exemptions; licensing of certain drivers; fees for driver's licenses and permits; refusal to submit to a chemical test for intoxication; and the driver's license compact) pass the Senate?" The roll was taken with the following result:

CSSR 278 FIN AM 3RD

Yeas:	17	Abood, Bennett, Coghill, DeVries, Eliason, Faiks, Ferguson, Fischer Paul, Fischer Vic, Halford, Josephson, Kelly, Rodey, Sackett, Sturgulewski, Zharoff, Ziegler
Nays:	2	Fahrenkamp, Kerttula
Excused:	1	Ray

and so, CS FOR SENATE BILL NO. 278 (FIN) am passed the Senate with a Senate Letter of Intent.

February 27, 1986

1944

SB 278 cont'd

CS FOR SENATE BILL NO. 278 (FIN) am was referred to the Secretary for engrossment.

SECOND READING OF HOUSE BILLS

HB 100

HOUSE BILL NO. 100 (detention of vessels as security for oil-pollution damages; clarifying a definition relating to discharge of hazardous substances; efd) was read the second time.

Senator Sturgulewski moved and asked unanimous consent for the adoption of the Resources Senate Committee Substitute offered on page 1913. Without objection, SENATE CS FOR HOUSE BILL NO. 100 (RES) was adopted.

SENATE CS FOR HOUSE BILL NO. 100 (RES) was read the second time.

Fiscal note is zero.

Senator Halford moved and asked unanimous consent that SENATE CS FOR HOUSE BILL NO. 100 (RES) be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

SENATE CS FOR HOUSE BILL NO. 100 (RES) was read the third time.

The question being: "Shall SENATE CS FOR HOUSE BILL NO. 100 (RES) (detention of vessels as security for oil-pollution damages; clarifying a definition relating to discharge of hazardous substances; efd) pass the Senate?" The roll was taken with the following result:

SCS HB 100 RES 3RD

Yeas:	19	Abood, Bennett, Coghill, DeVries, Eliason, Fahrenkamp, Faiks, Ferguson, Fischer Paul, Fischer Vic, Halford, Josephson, Kelly, Kerttula, Rodey, Sackett, Sturgulewski, Zharoff, Ziegler
Nays:	0	
Excused:	1	Ray

February 27, 1985

1945

HB 100 cont'd

and so, SENATE CS FOR HOUSE BILL NO. 100 (RES) passed the Senate.

Senator Halford moved and asked unanimous consent that the vote on the passage of the bill be considered the vote from the effective date clause. Without objection, it was so ordered.

SENATE CS FOR HOUSE BILL NO. 100 (RES) was referred to the Secretary for engrossment.

HB 240

CS FOR HOUSE BILL NO. 240 (HESS) am (overtaking and passing school buses) was read the second time.

Senator Coghill moved and asked unanimous consent for the adoption of the Transportation Senate Committee Substitute offered on page 1928. Without objection, SENATE CS FOR HOUSE BILL NO. 240 (TRSP) was adopted.

SENATE CS FOR CS FOR HOUSE BILL NO. 240 (TRSP) was read the second time.

Fiscal note is zero.

Senator Halford moved and asked unanimous consent that SENATE CS FOR CS FOR HOUSE BILL NO. 240 (TRSP) be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

SENATE CS FOR CS FOR HOUSE BILL NO. 240 (TRSP) was read the third time.

The question being: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 240 (TRSP) (overtaking and passing school buses) pass the Senate?" The roll was taken with the following result:

SCS CSHB 240 TRSP 3RD

Yeas:	17	Abood, Bennett, Coghill, DeVries, Eliason, Faiks, Ferguson, Fischer Paul, Fischer Vic, Halford, Josephson, Kelly, Kerttula, Rodey, Sackett, Sturgulewski, Zharoff
Nays:	2	Fahrenkamp, Ziegler
Excused:	1	Ray

SB 376

The Community and Regional Affairs Committee considered SENATE BILL NO. 376 (making appropriations to the Department of Community and Regional Affairs to reimburse municipalities under certain programs; efd) and recommended it be replaced with:

CS FOR SENATE BILL NO. 376 (C&RA), entitled:

"An Act making appropriations to the Department of Community and Regional Affairs to reimburse municipalities under certain programs and to provide an organization grant; and providing for an effective date."

and a majority do pass. The report was signed by Senator DeVries, Chairman and concurred in by Senators Sturgulewski and Coghill. Senators Ferguson and Vic Fischer signed "no recommendation".

SENATE BILL NO. 376 was referred to the Finance Committee.

SB 388

The Health, Education and Social Services Committee considered SENATE BILL NO. 388 (chronically mentally ill) and recommended it be replaced with

CS FOR SENATE BILL NO. 388 (HESS)

and a majority do pass. The report was signed by Senator Fahrenkamp, Chairman and concurred in by Senators Josephsor, Sturgulewski and DeVries.

SENATE BILL NO. 388 was referred to the Finance Committee.

SB 412

The State Affairs Committee considered SENATE BILL NO. 412 (claims against the state) and a majority of the committee recommended do pass. The report was signed by Senator Abood, Chairman and concurred in by Senators DeVries and Vic Fischer.

SENATE BILL NO. 412 was referred to the Judiciary Committee.

file
HB 240

The Transportation Committee considered CS FOR HOUSE BILL NO. 240 (HESS) am (overtaking and passing school buses) and recommended it be replaced with

SENATE CS FOR CS FOR HOUSE BILL NO. 240 (TRSP)

and a majority do pass. The report was signed by Senator Coghill, Chairman and concurred in by Senators Abood, Paul Fischer and Faiks.

CS FOR HOUSE BILL NO. 240 (HESS) am was referred to the Rules Committee.

HB 373

The State Affairs Committee considered HOUSE BILL NO. 373 (repealing the regulation of concert promoters). Senator Abood, Chairman and Senator DeVries signed "do pass". Senator Vic Fischer signed "no recommendation". Senator Ray signed "do not pass unless consumers protected some other way".

Letter of Intent

Passage of HB 373 reflects the Legislature's recognition that provisions contained in AS 08.92 restrict the availability of live entertainment in the State of Alaska, while providing no corresponding consumer protection.

The Legislature expresses its intent to allow municipalities to establish their own regulations in governing live entertainment as a matter of local option and urges municipalities to consider the protection of the consumer as its primary goal.

HOUSE BILL NO. 373 was referred to the Rules Committee.

HB 377

The Health, Education and Social Services Committee considered HOUSE BILL NO. 377 (requiring inclusion of recommended plans for improving access by the handicapped to public buildings and facilities in the capital improvement program recommended by the governor to the legislature) and a majority of the committee recommended do pass. The report was signed by Senator Fahrenkamp, Chairman and concurred in by Senators Josephson, Sturgulewski and DeVries.

HOUSE BILL NO. 377 was referred to the Finance Committee.

Introduced: 2/27/85
Referred: Transportation
and Judiciary

BY THOMPSON, TAYLOR, CATO
AND SUND

1 IN THE HOUSE

HOUSE BILL NO. 240

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to motor vehicles."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 28.35 is amended by adding a new section to read:

9 Sec. 28.35.145. OVERTAKING AND PASSING SCHOOL BUS. (a) The
10 driver of a vehicle that meets or overtakes a school bus stopped on a
11 highway or vehicular way or area shall stop not less than 25 feet from
12 the school bus before reaching it when there are in operation on the
13 school bus flashing red lights as required by regulation. The driver
14 ~~may not proceed~~ until the school bus proceeds, the flashing lights are
15 no longer illuminated, or the driver is signaled by the school bus
16 operator to proceed.

17 (b) When a school bus is stopped on a highway or vehicular way
18 or area, whether or not there are in operation on the school bus
19 flashing red lights as required by regulation, the driver of a vehicle
20 shall yield the right-of-way to a person crossing a highway, vehicular
21 way, or area to embark on or disembark from the school bus, whether or
22 not the person is crossing within a marked crosswalk.

23 (c) The driver of a vehicle on a highway with separate roadways
24 is not required to stop when meeting or passing a school bus that is
25 on a different roadway or, if upon a controlled access highway, when a
26 school bus is stopped off the highway in a loading zone that is part
27 of, or adjacent to, the controlled access highway, and pedestrians are
28 not permitted to cross the highway.

29 (d) In a prosecution under (a) or (b) of this section it is

EVIDENCE of rebuttal

*if evidence presented as such
until other evidence presented*

leasee

1 prima facie evidence that the ~~leasee~~ owner of a leased vehicle or the owner
2 of another vehicle was the driver of the vehicle if other competent
3 evidence identifies the vehicle as having been driven in violation of
4 this section at the time and place charged.

5 (e) A person convicted under this section is guilty of an
6 infraction.

maximum \$500

add points - 6pts. = negligent driving

mandatory court appearance

get list from Courts (or reg's)

A RESOLUTION OF
THE ALASKA SCHOOL BUS SAFETY COMMITTEE
RELATIVE TO SCHOOL BUS STOP ARM VIOLATIONS

WHEREAS, the safety of all Alaska school children who are transported to and from school is jeopardized by motorists who pass school buses displaying the red flashing stop lights while loading and unloading school children, and

WHEREAS, these violations occur in rural areas as well as in urbanized areas each school day in Alaska where an estimated 2,000 violations occur each school year with a negligible citation and conviction rate estimated to be less than 1%, and

WHEREAS, in the absence of identification and conviction of these motorists there exists no effective deterrent to the continuing lack of sensitivity to the safety of Alaska school children and is a discouragement to pupil transportation professionals in Alaska, and

WHEREAS, current reporting requirements set out in Alaska state law for stop arm violations have proven to be usually impossible to satisfy in the everyday work situation, and

WHEREAS, conviction of motorists who commit these violations and endanger the lives of Alaska school children is effectively stifled because of these onerous requirements,

NOW THEREFORE BE IT RESOLVED, that the Alaska School Bus Safety Committee urges the Alaska State Legislature to strengthen the current law to allow for citation and vigorous prosecution of the registered owner of the vehicle responsible for violating the law.

Alexandra C. Hutchins
Chairperson
Alaska School Bus Safety Committee

February 27, 1985
Date

Rule 303. Presumptions in General in Criminal Cases.**(a) Effect.**

(1) *Presumptions Directed Against an Accused.* In all criminal cases when not otherwise provided for by statute, by these rules or by judicial decision, a presumption directed against the accused imposes no burden of going forward with evidence to rebut or meet the presumption and does not shift to the accused the burden of proof in the sense of the risk of nonpersuasion, which remains throughout the trial upon the party on whom it was originally cast. However, if the accused fails to offer evidence to rebut or meet the presumption, the court must instruct the jury that it may, but is not required to, infer the existence of the presumed fact from the proved fact, but no mention of the word "presumption" shall be made to the jury. If the accused offers evidence to rebut or meet the presumption, the court may instruct the jury that it may, but is not required to, infer the existence of the presumed fact from the proved fact, but no mention of the word "presumption" shall be made to the jury.

(2) *Presumptions Directed Against the Government.* In all criminal cases when not otherwise provided for by statute, by these rules, or by judicial decision, a presumption directed against the government shall be treated in the same manner as a presumption in a civil case under Rule 301.

(b) Prima Facie Evidence. A statute providing that a fact or group of facts is prima facie evidence of another fact establishes a presumption within the meaning of this rule.

(c) *Inconsistent Presumptions.* If two presumptions arise which conflict with each other, the court shall apply the presumption which is founded on the weightier considerations of policy and logic. If there is no such preponderance, both presumptions shall be disregarded. (Added by Supreme Court Order 364 effective August 1, 1979)

Original sponsors: Thompson, Taylor,
Cato and Sund

1 IN THE HOUSE

BY THE TRANSPORTATION
COMMITTEE

2 CS FOR HOUSE BILL NO. 240 (Transportation)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to motor vehicles."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 28.35 is amended by adding a new section to read:

9 Sec. 28.35.145. OVERTAKING AND PASSING SCHOOL BUS. (a) The
10 driver of a vehicle that meets or overtakes a school bus stopped on a
11 highway or vehicular way or area shall stop not less than 25 feet from
12 the school bus before reaching it when there are in operation on the
13 school bus flashing red lights as required by regulation. The driver
14 may not proceed until the school bus proceeds, the flashing lights are
15 no longer illuminated, or the driver is signaled by the school bus
16 operator to proceed.

17 (b) When a school bus is stopped on a highway or vehicular way
18 or area, whether or not there are in operation on the school bus
19 flashing red lights as required by regulation, the driver of a vehicle
20 shall yield the right-of-way to a person crossing a highway, vehicular
21 way, or area to embark on or disembark from the school bus, whether or
22 not the person is crossing within a marked crosswalk.

23 (c) The driver of a vehicle on a highway with separate roadways
24 is not required to stop when meeting or passing a school bus that is
25 on a different roadway or, if upon a controlled access highway, when a
26 school bus is stopped off the highway in a loading zone that is part
27 of, or adjacent to, the controlled access highway, and pedestrians are
28 not permitted to cross the highway.

29 (d) In a prosecution under (a) or (b) of this section it is

1 prima facie evidence that the lessee of a leased vehicle or the owner
2 of another vehicle was the driver of the vehicle if other competent
3 evidence identifies the vehicle as having been driven in violation of
4 this section at the time and place charged.

5 (e) A person charged under this section is required to enter a
6 court appearance. A person convicted under this section is guilty of
7 an infraction and, in addition to other penalties as provided by law,
8 is subject to a mandatory assessment of six demerit points under
9 AS 28.15.221 - 28.15.261.
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BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 12, 1985

HB 240

Ms. Deann Brezina
Box 101807
Anchorage, AK 99510

Dear Ms. Brezina:

Thank you for your telegram of March 5 concerning drivers' training at Save High Schools. I agree that all students should be aware of the value of driving safely.

I suggest you contact Gene Davis, Superintendent of Anchorage Schools, 4600 DeBarr Road, Pouch 6-614, Anchorage, Alaska 99502, or the Anchorage School Board to let them know of your concerns.

Per your request, I have sent a copy of your telegram to each State legislator. If I can be of further assistance, please let me know.

Sincerely,

Bill Sheffield
Governor

cc: Alaska State Legislature



Telegram

07002

NL ANCHORAGE ALASKA 143 03-05 1122A AST

PMS

35 MAR 5 AM 11 58

GOVERNOR BILL SHEFFIELD

0109

JUNEAU AK

RECEIVED
MAR 6 1985

GOVERNOR SHEFFIELD AND ALL CONCERNED
PLEASE READ BOTTOM LINE FIRST

HAND DELIVERED
GOVERNOR'S OFFICE

LAST THURSDAY AFTERNOON, 2-28-85, APPROXIMATELY 315PM, A ROBERT JOHNSON OF EITHER SAVE-I OR SAVE-II PLOWED INTO BACK OF CITY BUS #45, HOOKED BUMPERS TO BUS IN WHICH I WAS PASSENGER. AS RESULTANCE, I AM SUFFERING THROUGH AN UNWANTED WHIPLASH. ACCORDING TO MR DENNIS BROMLEY, SAVE PROGRAM DO NOT OFFER DRIVERS EDUCATION. WHY NOT? GOVERNOR SHEFFIELD, WOULD YOU KINDLY MAKE A COPY OF THIS MAILGRAM TO EACH LEGISLATGR, ALL FIFTY OF THEM, AND PUT THIS ON THEIR DESKS AT MY REQUEST? J AM UNABLE TO MAKE COPIES AT THIS TIME DUE TO PAIN. LET US FORCE SAVE STUDENTS AND IN ALL SCHOOLS IN ALASKA TO DRIVE CORRECTLY.

THE BOTTOM LINE IS



Telegram

PAGE 2

THANK YOU FOR BEING SO PURSUANT OF GOOD CAUSES AS OUR GOVERNOR OF ALASKA.

TELEOLOGICALLY AND THEOLOGICALLY YOURS,

DEANN BREZINA

BOX 101807

ANCHORAGE AK 99510

Senator Halford moved and asked unanimous consent that the journal for the fifty-second legislative day be approved as certified by the Secretary. Without objection, it was so ordered.

MESSAGES FROM THE HOUSE

file
HB 100

Message of March 5 was read, stating the House concurred in the Senate amendment to HOUSE BILL NO. 100, thus passing:

SENATE CS FOR HOUSE BILL NO. 100 (RES)
(detention of vessels as security for oil-pollution damages; clarifying a definition relating to discharge of hazardous substances; efd)

file
HB 240

Message of March 5 was read, stating the House concurred in the Senate amendment to CS FOR HOUSE BILL NO. 240 (HESS), thus passing:

SENATE CS FOR CS FOR HOUSE BILL NO. 240 (TRSP)
(overtaking and passing school buses)

SB 187

Message of March 5 was read, stating the Speaker granted limited powers of free conference, as requested by the House conferees, considering SENATE BILL NO. 187 (adoption; efd) and HOUSE CS FOR SENATE BILL NO. 187 (2d JUD) on the following specific point:

Access to adoption information for adult adoptees

Message of March 5 was read, stating the House passed and transmitted for consideration:

FIRST READING AND REFERENCE OF HOUSE BILLS

HB 228

CS FOR HOUSE BILL NO. 228 (FIN) by the Finance Committee, entitled:

SENATE JOURNAL

ALASKA STATE LEGISLATURE

FOURTEENTH LEGISLATURE - SECOND SESSION

JUNEAU, ALASKA

THURSDAY

March 6, 1986

Fifty third Day

Pursuant to adjournment, the Senate was called to order by President Bennett at 11:14 a.m.

The roll showed all members present.

The prayer was offered by the Chaplain, Pastor Joseph Filancia, Jr. of the Assembly of God Church. Senator Zharoff moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

"Our Father and our God,

We thank You today for Your love and mercy.
We thank You for Your word that we can stand
on and trust it to lead and guide us.

Today we want to pray for all our leaders
that are serving in our State government.
We pray for Governor Sheffield that Your
strength and peace would be with him today.
We pray for every Senator that You, Father,
would encourage them and by Your spirit let
them know that Your love and grace is with
them.

May we always honor You in our lives and serve
Your people. Bless this day all that we do,
and keep Your hand on these Your servants.
This we ask in Your most holy name.

Amen"

The Pledge of Allegiance was recited.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SCSCS HB 240 Trans
 Title : "An Act relating to overtaking
 and passing school buses."

Sponsor : Thompson, et.al
 Requestor : Senate Transportation
 Date of Request : February 26, 1986

FISCAL DETAIL

Agency Affected : Department of Education
 BRU : K-12 Support

Components : Pupil Transportation

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Mary Hakala
 Division : Commissioner's Office

Phone : 465-2800
 Date : February 26, 1986

Approved by Commissioner : Harold Reynolds, Jr.
 Agency : Department of Education

Date : February 26, 1986

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agencies

COMMITTEE REPORT
HOUSE

3/15

(7)

FURTHER:

JUDICIARY

3/27/85

Date: _____

Mr. Speaker:

The Committee on TRANSPORTATION has had HB 240

"An Act relating to motor vehicles."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 270 (TUM) same title
- new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

STATE OF ALASKA
THE LEGISLATURE

POUCHY STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 11, 1985

SUBJECT: Sectional Analysis of HB 240
TO: Representative David Thompson
FROM: George W. Edwards *GWE*
Legislative Counsel

This is in response to your request for a sectional analysis of HB 240 concerning overtaking and passing a school bus.

Section 1 AS 28.35 is amended by adding a new section. Section 28.35.145(a) requires that a driver of a vehicle that meets or overtakes a school bus stopped on a highway or vehicular way or area must stop at least 25 feet before reaching the school bus when the bus has red lights flashing. The driver must remain stopped until the bus proceeds, the red lights are extinguished, or the bus operator gives a signal to proceed.

Subsection (b) requires that the driver of a vehicle yield the right of way to a person crossing a highway or vehicular way or area to embark on or disembark from a school bus, regardless of whether the school bus has red lights flashing or whether the person crosses outside of a crosswalk.

Subsection (c) provides that the driver of a vehicle on a highway with separate roadways is not required to stop for a school bus on a different roadway or, when driving on a controlled access highway, for a school bus stopped in a loading zone if pedestrians are not permitted to cross the highway.

Subsection (d) provides that in a prosecution under (a) or (b) of this section the trier of fact may presume, subject to rebuttal by the accused, that the leasor of a leased vehicle or the owner of any other vehicle was the driver of the vehicle if other evidence identifies the vehicle as

Representative David Thompson
March 11, 1985
page 2

having been driven in violation of this section at the time
and place charged.

Subsection (e) provides that a person convicted under this
section is guilty of an infraction. An infraction carries a
maximum penalty of a \$300 fine.

GWE:csh
c3/038



Transportation & Marketing Systems, Inc.

Trainer Gate/Moose Creek • P.O. Box 73169 • Fairbanks, Alaska 99707

February 14, 1986

FEB 25 1986

file

Alaska State Legislation
Pouch V
Juneau, Alaska 99811

SUBJECT: STOP ARM VIOLATION-HOUSE BILL 240

Dear Sirs:

Enclosed is a petition signed by the school bus operators of Transportation and Marketing Systems, Inc., in the Fairbanks North Star Borough School District.

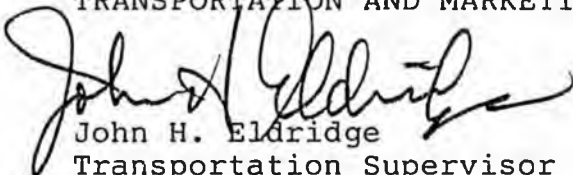
Our drivers are personally involved and very much interested in having this bill pass the Senate.

Our operators deal with stop arm violators on a daily basis. Due to the winter conditions here in the Fairbanks area (i.e., darkness/ice fog), the operators can only get a vehicle license plate number but often times cannot identify the driver of the vehicle. Our school bus operators need all the help you can give them.

Thank you for your attentive concern in this matter and in passing HB 240.

Sincerely,

TRANSPORTATION AND MARKETING SYSTEMS, INC.


John H. Eldridge
Transportation Supervisor

JHE/az
Enclosures

"ALASKA'S TRANSPORTATION PROFESSIONALS"

Pupil Transportation Marketing Management
Fleet Maintenance Sales & Service Charters.

We the undersigned School Bus Operators and concerned citizens are supportive of House Bill #240 as it is written.

Bill #240 is related to prosecuting drivers who are in the act of overtaking and passing school buses while red lights are flashing.

We would greatly appreciate the Senates and Publics support in passing this bill before any more fatalities occur.

The public may be interested in knowing TMSI in Fairbanks North Star Burrough averages 4 stop arm violations per day.

James Brown
Leslie T.
William Thompson
W. Bartlett
Christy M. Jones
Bea G. Goss
Richard Hayes
Sharon R. Nuttall
Sandra Fowler
Tom M. Liljevic
David A. Miller
Tom Pedersen
Walt Beavers
J. P. Peterson
John Smith

Michael S. Wright
David M. ...
Linda J. ...
William ...
Alan ...
Paul ...
Janette Ray
Denise ...
Pamela L. Shell
Patricia A. Coon
Mavis ...
Kathleen V. Shelland
...
Valencia M. Battle
Howard E. Wright

2
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CS FOR HOUSE BILL NO. 240 (HESS) am
IN THE LEGISLATURE OF THE STATE OF ALASKA
FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to overtaking and passing school buses."

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 28.35 is amended by adding a new section to read:

10 Sec. 28.35.145. OVERTAKING AND PASSING SCHOOL BUS. (a) The
11 driver of a vehicle that approaches from any direction a school bus
12 stopped on a highway or vehicular way or area shall stop not less than
13 30 feet from the school bus before reaching it when there are in
14 operation on the school bus flashing red lights as required by regu-
15 lation. The driver may not proceed until the school bus proceeds and
16 the flashing lights are no longer illuminated.

17 (b) When a school bus is stopped on a highway or vehicular way
18 or area, whether or not there are in operation on the school bus
19 flashing red lights as required by regulation, the driver of a vehicle
20 shall yield the right-of-way to a person crossing a highway, vehicular
21 way, or area to embark on or disembark from the school bus, whether or
22 not the person is crossing within a marked crosswalk.

23 (c) The driver of a vehicle on a highway with separate roadways
24 is not required to stop when meeting or passing a school bus that is
25 on a different roadway or, if upon a controlled access highway, when a
26 school bus is stopped off the highway in a loading zone that is part
27 of, or adjacent to, the controlled access highway, and pedestrians are
28 not permitted to cross the highway.

29 (d) A driver convicted under this section is guilty of an

1 infraction and, in addition to other penalties as provided by law, is
2 subject to a mandatory assessment of six demerit points under AS 28.-
3 15.221 - 28.15.261.

4 (e) A vehicle owner, or in the case of a leased vehicle a les-
5 see, may be punished by a civil penalty not to exceed \$100, if the
6 vehicle owned or leased by the person is operated in violation of this
7 section. The owner or lessee may not be penalized if the vehicle was
8 stolen, or the driver of the vehicle is convicted under (d) of this
9 section. This subsection does not apply to a lessor of a vehicle if
10 the lessor keeps a record of the name and address of the lessee. A
11 violation of this subsection may not result in the loss of a driver's
12 license or privilege to drive and does not constitute grounds for
13 assessment of demerit points under AS 28.15.221 - 28.15.261. This
14 subsection does not prohibit or limit the prosecution of a vehicle
15 driver for violating (a) or (b) of this section.

We the undersigned School Bus Operators and concerned Citizens are supportive of House Bill #240 as it is written.

Bill #240 is related to prosecuting drivers who are in the act of overtaking and passing school buses while red lights are flashing.

We would greatly appreciate the Senates and Publics support in passing this bill before any more fatalities occur.

The public may be interested in knowing TMSI in Fairbanks North Star Burrough averages 4 stop arm violations per day.

[Signature]
Deborah Anderson
Jim Robert
Adele Belonger
[Signature]
Marilyn Turkis
Shirley Smith
John A. Whiffles
Susan Bradley
Greg Parsons
Theresa A. Logan
Walter H. Elmer
Vince Jones
Brian E. Van
Charles W. Matheson
Lisa H. Braniff

Mirle Jean Muller
Candace Reynolds
Dobby A. Shier
Brandi J. Feb. Asst. dispatcher TMS
Sarah Mathews
Vince Mathews
Tom Anderson
Alan McLean
Kern C. Paulus
Kim Swartz
[Signature]
William Bevan
[Signature]
[Signature]
[Signature]
Mark Leonard
Armat Swartz

Melvin J. Bykowski
C. H. M.

Bruce L. Thompson

Eddie J. McDonald

Tom Haskins

Janet Jacino

M. Stephen Taylor

Thomas R. Haskins

William E. Haskins

Melissa Taylor

Merle Mattice

Thomas S. Carr

William Camp

Betsy chronic

Paul's Star

Russell C. G.

Janet L. Douchan

C. H. M.

SB 331

Message of March 20 was read, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

HOUSE CS FOR CS FOR SPONSOR SUBSTITUTE
FOR SENATE BILL NO. 331 (FIN)

An Act relating to Winter Olympic funding; and providing for an effective date.

Chapter No. 6, SLA 1986

HB 100

Message of March 20 was read, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

SENATE CS FOR HOUSE BILL NO. 100 (RES)

An Act relating to detention of vessels as security for oil-pollution damages; clarifying a definition relating to discharge of hazardous substances; and providing for an effective date.

Chapter No. 7, SLA 1986

HB 240

Message of March 20 was read, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

SENATE CS FOR CS FOR HOUSE BILL NO. 240 (TRSP)

An Act relating to overtaking and passing school buses.

Chapter No. 8, SLA 1986

HB 530

Message of March 20 was read, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

1000 North V. State Capitol
Juneau, Alaska 99811
(907) 465-3991

December 5, 1983

MEMORANDUM

TO: Representative Joe Flood

FROM: Heidi Borson *HAB*
Legislative Analyst

RE: School Traffic Safety Problems
Research Request 83-253

Janet Seitz requested we provide information on how other states handle highway safety problems around schools. She specifically asked that we include information about requirements for traffic counts and overpasses.

In collecting information to respond to this request, I learned that highway safety problems including school traffic safety problems are dealt with more through national guidelines and local efforts than through state programs. In general, each state's highway commission or department of transportation is required to establish a uniform system of traffic control devices and safety regulations in accordance with the requirements of the U.S. Department of Transportation Federal Highway Administration. These regulations apply to school zones and all other streets and highways, and are implemented and enforced by state traffic engineers and local governments.

NATIONAL GUIDELINES

Manual on Uniform Traffic Control Devices

According to the Federal Highway Administration, most states adopt the traffic safety guidelines set out in the federal "Manual on Uniform Traffic Control Devices" (MUTCD). This manual establishes requirements and guidelines for the use of traffic control devices for streets and highways including signs, pavement markings, signals, islands, traffic controls for school areas, highway maintenance projects, railroad highway crossings, and bicycle facilities.

Part VII of the MUTCD, which covers traffic controls for school areas, provides a comprehensive description of safety measures which should be applied in school areas. In this chapter, the Federal Highway Administration establishes guidelines for signs, markings, traffic signals, crossing guards, and grade separated crossings (overpasses).

Included in this section are standards for installing traffic signals around schools, criteria for installing overpasses on school routes, and suggestions for planning safe school routes. Additional recommendations are included to help state and local governments protect school age pedestrians while providing for the free flow of traffic.

Almost every state has statutes requiring adoption of a state manual on traffic control devices which conforms to a nationally accepted standard, and most of these states refer to the MUTCD as the national standard. Even in those states where laws require a uniform system but do not require that it adhere to national standards, the MUTCD often serves as a guide¹.

I contacted several of the states which do not require adherence to a nationally accepted standard to find out if they used any different approaches to school traffic safety. I found that the majority of these states also conform to the MUTCD regarding general traffic control devices and specific school traffic safety measures. For example, California statutes only require the adoption of and adherence to some "uniform system" of traffic control devices, but do not stipulate adherence to nationally accepted standards. However, according to Dave Henry of the Traffic Operation Section of the California Transportation Department, the California state manual is very similar to the national MUTCD. In fact, Mr. Henry said that the only difference between the two manuals relating to school safety is that the California manual requires that school crosswalks be painted yellow instead of white.

Institute of Traffic Engineers

States also have other resources available to them when establishing school traffic safety guidelines. For example, many states use Institute of Traffic Engineers (ITE) guidelines to supplement the minimum specifications in the MUTCD. One ITE resource is a publication entitled "A Program for School Crossing Protection", which recommends practices for transportation, engineering, and enforcement agencies to follow in deciding how to address school traffic safety problems.

Currently, ITE is in the final stages of consolidating recommendations for school traffic safety from transportation engineering, safety, enforcement, and educational authorities into a program guide entitled "School Trip Safety Program Guidelines". ITE hopes that the guide will be acceptable to and utilized by educational, engineering, law enforcement, parent/teacher, and other organizations to develop a

¹Traffic Laws Annotated (1979)

locally planned, coordinated school traffic safety program. The program is intended to provide guidance, and as such does not specify safety measures which will best handle particular situations. Instead, a procedure is outlined for the determination of locations where hazards exist, after which engineering judgment is required to define a measure which will alleviate or reduce the hazards. The program defined by ITE in "School Trip Safety Program Guidelines" consists of the following six phases:

1. School transportation safety process - organizing a school traffic safety program; establishing a school traffic safety committee consisting of members from law enforcement, traffic engineering, the school district and parent/teachers associations;
2. Designated route map - determining safe routes to school for all children in the school's service area; preparing and distributing the map; encouraging parents to review the map and routes with their children;
3. Route deficiency identification - taking inventory of roadway and pedestrian facilities and traffic controls; conducting studies to determine traffic volume and speed, the adequacy of traffic gaps for crossing, accident data, signal operation, pedestrian volume and characteristics (age, etc.); developing system criteria for identifying route deficiencies;
4. Selection of control measures - establishing national standards for when to apply traffic control measures such as signals, pavement markings, crossing guards, walkways, and if necessary, overpasses; stressing the importance of educational and enforcement programs. This section also provides a list of typical road deficiencies and their possible solutions;
5. Implementation of improvements - covers cost estimates, setting priorities, funding sources, public involvement, and instruction for the users;
6. Evaluation of route improvements - establishing a data base before and after improvements, a methodology to evaluate improvements, and a method for reporting the evaluation.

American Automobile Association

Many states also utilize the American Automobile Association (AAA), which provides member states and interested individuals with public education resources aimed at increasing school traffic safety. I contacted Dean Childs of the national AAA chapter. He contended that

most school traffic safety problems are handled by local communities instead of on the state level. According to Mr. Childs, the child pedestrian death rate for children between the ages of 5 and 14 has decreased by over 60 percent since 1936, mostly due to community efforts.

Mr. Childs stressed that a single improvement like an overpass will not solve the problem of school traffic safety, and emphasized the importance of an integrated approach to school traffic safety involving parents, teachers, students, law enforcement officials, and transportation engineers.

AAA offers public education materials on such topics as adult and student crossing guards, establishing safe routes to schools, and handbooks for educating primary and elementary school students about traffic safety. AAA also conducts a nationwide pedestrian protection program through its club branches in individual communities. According to Mr. Childs, every state but Alaska has AAA chapters and subsequent access to AAA public education and child pedestrian protection materials. I have enclosed a sampling of some of those materials (please see attachment A).

OVERPASSES

In response to your specific interest in the use of overpasses and traffic counts, I reviewed MUTCD and ITE guidelines for installing overpasses, and contacted several states regarding their use of overpasses in relation to schools. Most of the states I contacted, including Alaska, evaluated each proposed location for an overpass on an individual basis. States which adhere to the "Manual on Uniform Traffic Control Devices" and/or ITE's "School Trip Safety Program Guidelines" and "A Program for School Crossing Protection" also use the criteria established in these publications to evaluate the need for an overpass at each proposed location.

National Guidelines

The MUTCD establishes the following criteria for use of grade separated crossings: Grade separated crossings should be considered only when the physical characteristics of the location make such a structure feasible. If use of the grade separation will be less convenient than an at-grade crossing, barriers or supervision will be needed to assure a satisfactory level of use.

ITE's "School Trip Safety Program Guidelines" recommends overpasses as a last resort, and provides six criteria which should be met before an

overpass is installed. These criteria are as follows:

- the completion of a systematic analysis to ensure that an overpass is the most cost-effective measure for the site in question when compared with the needs at other sites;
- a permanent pedestrian need for the overpass;
- easy access to the location so pedestrians will not continue to cross the street at grade;
- determination that an acceptable alternative such as a route change, or busing and boundary change does not exist;
- feasibility of construction at the location (i.e. adequate space for sidewalks, ramps, and other related needs); and
- appropriate design provisions for the use of bicycles and wheelchairs if such use is anticipated.

Federal Highway Administration Study

I also contacted Edward Axler who is under contract with the Federal Highway Administration to study the criteria used in cities across the nation for installing overpasses. Mr. Axler is in the final stages of his study and, to date, has only discovered three cities which have established some system for utilizing overpasses in relation to schools. Those cities are Omaha, Nebraska, San Diego, California, and Seattle, Washington.

Omaha. Of the surveyed cities, Omaha has the most comprehensive school overpass program. In 1968, the City Council initiated a study of the need for overpasses at school crossings throughout the city, and established a priority rating system for building pedestrian overpasses at school crossings which consisted of a formula that took three factors into consideration. These factors were vehicle traffic volume, volume of children crossing during school days, and vehicle speeds at the crossing. In 1972, the formula was changed to include the width of the street.

The City of Omaha has conducted several studies regarding the use of its pedestrian overpasses, and the standards used for installing overpasses in other cities. Study results indicate that the use of pedestrian overpasses goes down as the age of the pedestrian goes up. Ninety percent of the elementary school children in Omaha use the overpasses, while 18.4 percent of adults do so.

In another study, the Omaha Public Works Department contacted seven cities about their use of warrants for installing overpasses. None of the cities used a priority rating system for installing overpasses at school crossings, and most of the cities had very few overpasses.

San Diego. The second city which has used overpasses in relation to schools is San Diego. This city has developed minimum criteria for the installation of pedestrian overpasses. The criteria do not specifically give priority to school crossings; however, school sites are favored when measuring pedestrian volume as children under 12 years of age are counted as the equivalent of 2.5 pedestrians.

Seattle. The Seattle Engineering Department developed ways of rating locations including school crossings that warranted the installation of an overpass, and then installed several overpasses in relation to schools. However, the department no longer receives money to build these overpasses, so it has developed uniform standards for installing traffic signals to better protect school age pedestrians. In addition, Mr. Don Carr, Manager of the Seattle Engineering Department, informed me that the city police department now provides adult crossing guards in school zones. The guards are usually retired citizens.

TRAFFIC COUNTS

I did not uncover any states which had specific requirements for traffic counts in school zones. After contacting transportation departments in several states and talking with Pat Ehrlich of the Federal Highway Administration, it is my impression that traffic counts are routinely taken throughout municipalities as part of required traffic data. Usually, specific traffic counts around schools are only conducted in response to a specific problem. Decisions to undertake such a count are made on an individual basis.

ALASKA'S SYSTEM OF SCHOOL TRAFFIC SAFETY

For your information, I also contacted the State Department of Transportation and Public Facilities, the Alaska Highway Safety Planning Agency, and the Education Program Support Division of the State Department of Education to find out how Alaska addresses school traffic safety problems.

Alaska has adopted the "Manual on Uniform Traffic Control Devices" with additional supplements to improve applicability of the manual's guidelines. For example, Section 19.10.050 provides that traffic control signals correlate with and, as far as possible, conform to the recommendations of the MUTCD, with the provision that the DOT supplement the MUTCD with rules for the placement and installation of traffic control signals.

The Institute of Traffic Engineers guidelines are also used in Alaska. According to Donald Friend, Traffic and Safety Engineer of the State Department of Transportation, the department evaluates ITE publications, and leaves implementation of ITE guidelines and recommendations up to individual boroughs, school districts, and the Department of Education. In general, Mr. Friend said that the DOTPF establishes highway and traffic safety regulations and guidelines and, upon request, will work with municipalities to design school traffic safety programs, but municipalities are responsible for actually implementing and enforcing the measures in their areas.

The DOTPF also conducts regular checks to ensure that state traffic guidelines are enforced and engineering studies to determine solutions for problem areas. The installation of specific safety measures such as overpasses are subject to an administrative evaluation by the State or local governments based on available monies and the existing conditions at a particular location.

School Traffic Safety Education

Existing Programs. Mike Lewis, of the Alaska Highway Safety Planning Agency, says the Agency recognizes the benefits of using media to educate students of all ages about highway and traffic safety, and is introducing several films on drinking and driving this year. It is anticipated that approximately 27,000 students will view two of the programs geared at upper grade students, "Drinking, Driving, and Deciding" and "Friday Night Live" this year.

The Agency also sponsors a pre-school puppet show about seatbelts and a film for elementary school students entitled "Here's Looking at You Too", which informs children about the hazards of drinking and driving and encourages them to discourage their parents from driving after drinking. That is the extent of the Agency's involvement with traffic safety education in Alaska school districts.

I contacted the Department of Education to find out if it sponsored any more comprehensive traffic safety education programs in school districts. Mr. Ray Coxe, Education Program Support in the Department of Education, said that no State statutes or regulations require school districts to teach traffic safety education, nor are there any guidelines which encourage school districts to teach traffic safety. Mr. Coxe said that the Department is leaving traffic safety education up to individual school districts, many of which are doing nothing.

According to Mr. Coxe, one State level training program was instigated several years ago when the Department of Education received federal funds through the Alaska Highway Safety Planning Agency to use towards

highway safety education. The funds were used to conduct teacher workshops on how to teach traffic safety in the classroom in a way which enhances other curriculum areas like math and social studies. The funds were also available to school districts for purchasing equipment such as audiovisual materials, signs, slides, reflective tape, etc. Reportedly, the teacher workshops were very useful to those teachers who participated. In fact, several teachers in Juneau continue to use the program. However, the workshops were only offered for two years and few teachers (12 - 13) were run through the program before the federal funds were discontinued two years ago.

Ten years ago, the Department of Education developed a curriculum guide for traffic safety education in grades kindergarten through twelve and distributed copies to every school district in the state. The guide was reprinted five years ago, but Mr. Coxe has no idea of its present use in school districts. He emphasized the need for more traffic safety education in all Alaska schools, and especially those in the the three major cities in Alaska.

Suggestions for Improvement. According to Mr. Reed Gibbey, Regional Planning Manager in Anchorage for the Department of Transportation and Public Facilities and Chairman of the ITE School Crossing Protection Committee, public education is the area in school traffic safety which is most inadequate in Alaska, and especially in Anchorage. In response to the recent fatalities of elementary school children on West Northern Lights Boulevard, Mr. Gibbey said he believed warning signs and a crosswalk exist at that site but are routinely ignored by motorists. Mr. Gibbey suggested the use of television and radio spots to expose motorists to various driving hazards especially those involving child pedestrians so that drivers are better prepared to drive defensively, are more responsive to warning signs and crosswalks, and are programmed to react to unusual driving situations.

Secondly, Mr. Gibbey encouraged developing and distributing "safest route to school maps" to elementary school students and their parents. Along with instructions for parents and students, the map should point out the location of school facilities and entrances, pedestrian crossing locations, pertinent traffic devices, adult crossing guards, school student safety patrols, and designated routes for students. Usually a municipality's traffic engineering office in conjunction with law enforcement officials and school district representatives will prepare the maps because of its relation to traffic controls, and then school district representatives are responsible for the distribution and explanation of the maps to all students and their parents. According to Mr. Gibbey, safest route to school maps are currently not used in Anchorage.

Representative Flood
December 5, 1983
Page 9

Finally, Mr. Gibbey suggested that local school districts improve traffic safety education in their schools through programs which are geared to student age levels. For example, he recommended that law enforcement personnel conduct regular visits to elementary schools each fall and spring to talk about traffic and bike safety, and contended that hand-out materials and media presentations would be more effective with junior high students. But Mr. Gibbey concluded that it is up to each community in Alaska to determine the level of commitment it is willing to make to school traffic safety in terms of advocacy, enforcement and funding.

* * * *

I hope this information is of assistance to you. Please contact us if you would like further information on this topic or any other topic of interest to you.

HB

Attachments



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

March 31, 1983

MEMORANDUM

TO: Representatives Ramona Barnes and Randy Phillips
Attention: Jim Wood and Janet Seitz

FROM: Marcia Bedard, ^{UWB} Research Staff

RE: Other States Laws Regarding Illegally Passing School Buses
Research Request No. 83-106

Janet Seitz of Representative Phillips' office had initially asked us to provide information on the court practices of other states in the conviction of drivers who pass school buses illegally. Inspector Gorham, of the Department of Public Safety, had explained to her that the Alaska courts require identification of the driver for a conviction. This creates a problem because the school bus driver can frequently obtain the license plate number of the vehicle, but cannot see the driver. In addition, Jim Wood of your office asked us to expand the research to include reckless and speeding drivers in residential areas, where a citizen may have recorded a license plate number but could not identify the driver.

We agreed to contact some other states to inquire about their court practices, and to determine if their laws require identification of the driver for conviction of violations of this type. We also asked if they had developed any effective methods for dealing with this type of problem that might be employed in Alaska.

Prior to making these contacts, we checked with Deputy Chief Ron Otte of the Anchorage Police Department, who confirmed that the identity of the driver must be firmly established for a conviction. The department has, on occasion, contacted the registered owners of identified vehicles and warned them. If the problem is in a particular neighborhood, they will station unmarked traffic units along the route in order to apprehend violators.

We also checked with Major Korhonen in the Anchorage Headquarters of the State Troopers, to clarify their current procedures in handling complaints where the vehicle, but not the driver, has been identified. According to Major Korhonen, if a complaint for speeding or reckless driving is called in quickly, they can notify a patrol car of the vehicle description and direction of travel, hoping that the officer will observe the offense and issue a citation. Depending on the seriousness of the situation, the registered owner of the vehicle may be contacted, which could lead to an admission by the owner that (s)he was driving the car. However, Major Korhonen said this type of evidence was very weak in court because it is self-incrimination.

Representatives Barnes and Phillips
March 31, 1983
Page Three

Wisconsin, like California, coordinates state, county, and municipal law enforcement efforts if there is a serious and recurrent problem in a given area.

Washington advises citizens to quickly phone police giving the license number, description, location, and direction of travel of the vehicle. Sometimes, an officer is then able to observe the vehicle breaking the law, particularly in cases of speeding or reckless driving.

Major Korhonen, of the Alaska State Troopers, said that if the violations are frequent and serious, the troopers will set up a special enforcement program. Major Korhonen feels citizens should be encouraged to call in these complaints because it helps his department determine which areas need to be patrolled more intensively. This may be of interest to your constituents who are concerned about this problem.

We hope this information is useful. Please let us know if you have any questions or would like additional information.

MB:sj



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y. State Capitol
Juneau, Alaska 99811
(907) 465-3991

March 31, 1983

MEMORANDUM

TO: Representatives Ramona Barnes and Randy Phillips
Attention: Jim Wood and Janet Seitz

FROM: Marcia Bedard, ^{UMB} Research Staff

RE: Other States Laws Regarding Illegally Passing School Buses
Research Request No. 83-105

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We agreed to contact some other states to inquire about their court practices, and to determine if their laws require identification of the driver for conviction of violations of this type. We also asked if they had developed any effective methods for dealing with this type of problem that might be employed in Alaska.

Prior to making these contacts, we checked with Deputy Chief Ron Otte of the Anchorage Police Department, who confirmed that the identity of the driver must be firmly established for a conviction. The department has, on occasion, contacted the registered owners of identified vehicles and warned them. If the problem is in a particular neighborhood, they will station unmarked traffic units along the route in order to apprehend violators.

We also checked with Major Korhonen in the Anchorage Headquarters of the State Troopers, to clarify their current procedures in handling complaints where the vehicle, but not the driver, has been identified. According to Major Korhonen, if a complaint for speeding or reckless driving is called in quickly, they can notify a patrol car of the vehicle description and direction of travel, hoping that the officer will observe the offense and issue a citation. Depending on the seriousness of the situation, the registered owner of the vehicle may be contacted, which could lead to an admission by the owner that (s)he was driving the car. However, Major Korhonen said this type of evidence was very weak in court because it is self-incrimination.

We then spoke with Ms. Gail Horetski, in the District Attorney's Office about the legal issues involved. Ms. Horetski confirmed the need to prove the identity of the driver beyond a reasonable doubt. The report of a witness that a certain car was involved in a violation would not be sufficient evidence to convict someone unless the driver was identified. A driver may freely admit to a violation, but the police cannot force a citizen to answer their questions because of constitutional law. She pointed out that the Alaska Constitution, Article 1, Section 9, gives citizens the right to remain silent in the face of criminal accusations.

We also spoke with staff in the Highway Patrol and the Attorney General's offices in California, Florida, Wisconsin, Washington, and Colorado. We learned that all of these states face the same difficulties in identifying drivers, but none had passed any laws that would allow conviction unless the driver had been identified. The officials we spoke with cited provisions of the Bill of Rights in the U.S. Constitution which guarantee due process and the right of an accused person to remain silent.

Although all the states we contacted had problems convicting drivers of illegally passing school buses, speeding and reckless driving, we did learn of various methods that had been employed by these states to apprehend drivers for these types of violations.

Colorado has, on occasion, assigned an officer to ride on the school bus when there has been a serious and recurrent problem in a specific area or neighborhood. When the school bus stops, the officer steps off the bus and is then in a position to identify both the driver and the vehicle if someone passes the bus illegally.

Florida assigns officers in unmarked cars to areas where speeding, reckless driving, or illegally passing school buses have been identified as particularly serious problems. They have also established a procedure for dealing with complaints when only the license plate number is known. They contact the owner of the vehicle and inform him or her that the vehicle has been identified as being involved in a violation of the law. While no arrest can be made, they feel that this type of warning may have some effect.

California deals with this problem by stepping up enforcement in specific problem areas. Sometimes there is a coordinated effort between state troopers, local police, and the sheriff's department to patrol certain areas very intensively. This has proven effective on a short-term basis.

The City of San Diego has another procedure. Even though the owner of the vehicle cannot be given a citation, a warning letter is sent stating that the vehicle has been identified in a violation of the law, and stating the penalties involved if the driver is cited.

Representatives Barnes and Phillips
March 31, 1983
Page Three

Wisconsin, like California, coordinates state, county, and municipal law enforcement efforts if there is a serious and recurrent problem in a given area.

Washington advises citizens to quickly phone police giving the license number, description, location, and direction of travel of the vehicle. Sometimes, an officer is then able to observe the vehicle breaking the law, particularly in cases of speeding or reckless driving.

Major Korhonen, of the Alaska State Troopers, said that if the violations are frequent and serious, the troopers will set up a special enforcement program. Major Korhonen feels citizens should be encouraged to call in these complaints because it helps his department determine which areas need to be patrolled more intensively. This may be of interest to your constituents who are concerned about this problem.

We hope this information is useful. Please let us know if you have any questions or would like additional information.

MB:sj

HB 241

- 2) university authority to invest money and spend the interest earned on it; and
- 3) reallocation of state appropriations to the university.

1. Administration of university receipts:

Because it is a public, higher-education corporation established under the state constitution, the University of Alaska has several unique sources of revenue. Unlike the heads of other state agencies, members of the Board of Regents are trustees; they administer university money and property, and, while serving in that capacity, are accountable for all university receipts.

The university receives money from a variety of sources. In addition to state general fund appropriations, the university generates income from student tuition and fees; auxiliary enterprises; gifts, grants, and contracts; federal educational and research projects; sales and rentals of university educational properties; sales, rentals, and services of educational activities; and recovery of indirect costs of university activities.

Section 1 of the bill clarifies the Board of Regents' ability to receive and spend these sources of income. Section 2 requires the university president to establish procedures for receipt, expenditure, and reporting of university receipts. Section 5 defines "university receipts." Section 8 allows the university to carry forward unexpended balances of these university receipts.

2. Investment of university money:

Unlike other state agencies, the university maintains a separate treasury, drawing cash from the state treasury in monthly installments. The university deposits money in interest-bearing accounts pending payment of payrolls and other obligations. While the university has received annual budget authority to receive and spend the interest earned, the attorney general has opined that the university has no statutory authority to do so.

The university and my administration agreed to clarify this statutory authority, using four fundamental principles:

- 1) the university should be encouraged to prudently manage its resources;
- 2) university cash balances should not sit idle, but should be temporarily deposited in interest bearing accounts;
- 3) the university should be strictly accountable for money entrusted to it; and
- 4) there should be clear statutory rules for university investment.

Section 3 of the bill authorizes the university to invest money it receives, regardless of the source. Section 4 of

INTRODUCTION. FIRST READING AND REFERENCE
OF HOUSE BILLS

SSHB 6

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 6 by Collins and Martin, entitled:

"An Act relating to workers' compensation."

was read the first time and referred to the Labor & Commerce and Finance Committees.

HB 240

HOUSE BILL NO. 240 by Thompson, Taylor, Cato and Sund, entitled:

"An Act relating to motor vehicles."

was read the first time and referred to the Transportation and Judiciary Committees.

HB 241

HOUSE BILL NO. 241 by the Rules Committee by request of the Governor, entitled:

"An Act relating to fiscal procedures of the University of Alaska; and providing for an effective date."

was read the first time and referred to the Health, Education & Social Services, Judiciary and Finance Committees.

A zero fiscal note with analysis was attached and appears in House Journal Supplement No. 23.

The Governor's transmittal letter, dated February 27, 1985, appears below:

"Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill clarifying and codifying fiscal procedures for the University of Alaska.

This bill will settle three university fiscal issues:

- 1) administration of university receipts;

HB 240

The Transportation Committee has considered HOUSE BILL NO. 240 (relating to motor vehicles), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 240 (Transportation) (same title) and reports it back as follows: Cato (Chairman), Shultz, Herrmann and Davis recommend do pass; Marrou has no recommendation. A zero fiscal note was attached.

HB 240 was referred to the Judiciary Committee.

HB 267

The Resources Committee has considered HOUSE BILL NO. 267 (relating to the levy and collection of fees for the use of state park facilities; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 267 (Resources) (same title) and reports it back as follows: Shultz (Co-Chairman), Herrmann, Cato, Pearce, M.W. Miller and Thompson recommend do pass; Sund and Jenkins have no recommendation. A fiscal note was attached.

HB 267 was referred to the Finance Committee.

The fiscal note appears in House Journal Supplement No. 30.

HB 272

The State Affairs Committee has considered HOUSE BILL NO. 272 (relating to absentee voting) and reports it back as follows: Hurley (Chairman), Collins, Boucher and M.M. Miller recommend do pass; Navarre and Jenkins have no recommendation. A fiscal note was attached.

HB 272 was referred to the Judiciary Committee.

The fiscal note appears in House Journal Supplement No. 30.

REPORTS OF SPECIAL COMMITTEESHB 217

The House Special Committee on State Loans has considered HOUSE BILL NO. 217 (relating to interest rates; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 217 (Loans) (same title) and reports it back as follows: Duncan recommends do pass; Catten recommends do not pass; Sund (Chairman), Fuller and Ue ling have no recommendation. A zero fiscal note was attached.

HB 217 was referred to the Judiciary Committee.

HB 123

HB 123 was referred to the Finance Committee.

HB 219

The Resources Committee has considered HOUSE BILL NO. 219 (relating to the applicability of the Alaska Public Utilities Commission Act to certain electric utilities; power development loans; and the energy program for Alaska) and reports it back as follows: Gaultz (Co-Chairman), Thompson, Cato and Sund recommend do pass; Herrmann, Wallis, M.W. Miller, Jenkins and Pearce have no recommendation.

HB 219 was referred to the Finance Committee.

HB 226

The Community & Regional Affairs Committee has considered HOUSE BILL NO. 226 (relating to school boards), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 226 (Community & Regional Affairs) (same title), and reports it back as follows: Goll (Chairman), Gruenberg, Phillips and Koponen recommend do pass. A zero fiscal note was attached.

HB 226 was referred to the Health, Education & Social Services Committee.

HB 232

The Labor & Commerce Committee has considered HOUSE BILL NO. 232 (relating to claims against the real estate surety fund) and reports it back as follows: Davis and Koponen recommend do pass; Navarre (Chairman), Hanley, Pearce and Boucher have no recommendation. A fiscal note was attached.

HB 232 was referred to the Judiciary Committee.

The fiscal note appears in House Journal Supplement No. 30.

HB 237

The State Affairs Committee has considered HOUSE BILL NO. 237 (relating to pension reform; effective date) and reports it back as follows: Hurley (Chairman), Navarre, M.M. Miller, Collins and Boucher recommend do pass; Jenkins has no recommendation.

HB 237 was referred to the Judiciary Committee.



Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

KARLA L. FORSYTHE
General Counsel

303 K Street
Anchorage, AK 99501

APR 2 1985
April 2, 1985

Representative Mike Miller
Chair, House Judiciary Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Representative Miller:

I am writing to express a minor technical concern with CSHB 240, an act relating to motor vehicles, which is presently before the House Judiciary Committee.

This act would create a new vehicle and traffic offense for overtaking and passing a school bus. Section (e) of the proposed bill provides that a person charged under this section is required to enter a court appearance.

Under AS 28.05.151 (copy attached), the legislature has authorized the state supreme court to determine by rule or order those vehicle and traffic offenses that are amenable to disposition without court appearance, and to establish a schedule of bail forfeiture amounts which permit a person to avoid a court appearance by pleading guilty and mailing in the amount. The proposed language of this bill limits the otherwise broad discretion delegated to the supreme court.

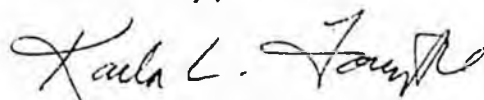
My concern with this language is that it may be difficult for the persons responsible for compiling the bail forfeiture schedule to keep track of each exception the legislature creates. One alternative might be to delete this sentence from the bill, and to provide a letter of legislative intent that this offense not be listed on the bail forfeiture schedule. This approach was followed by the legislature in authorizing adoption of a fish and game bail forfeiture schedule.

Another option would be to amend AS 28.05.151 as follows:
"Except as otherwise provided by law, the state supreme court shall determine by rule or order those vehicle and traffic

offenses that are amenable to disposition without court appearance...".

Thank you for the opportunity to comment on this legislation. If I can provide further information about this concern, please let me know.

Sincerely,



Karla L. Forsythe
General Counsel

KLF:smh

cc: Arthur H. Snowden, II
Representative Thompson
Representative Taylor
Representative Cato
Representative Sund

Original sponsors: Thompson, Cato
and Sund

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 240 ()

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to overtaking and passing school
7 buses."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 28.35 is amended by adding a new section to read:

10 Sec. 28.35.145. OVERTAKING AND PASSING SCHOOL BUS. (a) The
11 driver of a vehicle that meets or overtakes a school bus stopped on a
12 highway or vehicular way or area shall stop not less than 30 feet from
13 the school bus before reaching it when there are in operation on the
14 school bus flashing red lights as required by regulation. The driver
15 may not proceed until the school bus proceeds and the flashing lights
16 are no longer illuminated.

17 (b) When a school bus is stopped on a highway or vehicular way
18 or area, whether or not there are in operation on the school bus
19 flashing red lights as required by regulation, the driver of a vehicle
20 shall yield the right-of-way to a person crossing a highway, vehicular
21 way, or area to embark on or disembark from the school bus, whether or
22 not the person is crossing within a marked crosswalk.

23 (c) The driver of a vehicle on a highway with separate roadways
24 is not required to stop when meeting or passing a school bus that is
25 on a different roadway or, if upon a controlled access highway, when a
26 school bus is stopped off the highway in a loading zone that is part
27 of, or adjacent to, the controlled access highway, and pedestrians are
28 not permitted to cross the highway.

29 (d) A driver convicted under this section is guilty of an

1 infraction and, in addition to other penalties as provided by law, is
2 subject to a mandatory assessment of six demerit points under
3 AS 28.15.221 - 28.15.261.

4 (e) A vehicle owner, or in the case of a leased vehicle a les-
5 see, may be punished by a civil penalty not to exceed \$100, if the
6 vehicle owned or leased by the person is operated in violation of this
7 section. The owner or lessee may not be penalized if the vehicle was
8 stolen, or the driver of the vehicle is convicted under (d) of this
9 section. This subsection does not apply to a lessor of a vehicle if
10 the lessor keeps a record of the name and address of the lessee. A
11 violation of this subsection may not result in the loss of a driver's
12 license or privilege to drive and does not constitute grounds for
13 assessment of demerit points under AS 28.15.221 - 28.15.261. This
14 subsection does not prohibit or limit the prosecution of a vehicle
15 driver for violating (a) or (b) of this section.