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STATE OF ALASKA
THE LEGISLATURE

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JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY
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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House State Affs:

April 29, 1988

HOUSE STATE AFFAIRS COMMITTEE

NEXT COMMITTEE: TRANSPORTATION

BILL: HB 347

CURRENT VERSION:

SCHEDULED: APRIL 29, 1988

SPOKSOR: MARTIN

PHONE NO: 3782

CONTACT FILE: _____

BILL SUBJECT: AN ACT RELATING TO MOTOR VEHICLE INSPECTIONS

SPONSOR BACKUP: ~~Notified~~ 4/20/88 In files

AFFECTED AGENCIES:

<u>DEPARTMENT</u>	<u>CONTACT/PHONE</u>	<u>COMMENT</u>
PUBLIC SAFETY	KEN BLSCHOFF /4336 Diana Page	[Notified 4/20/88
ANCHORAGE MUNI	JOHN SPRING/343-4629	- Notified - 4/20/88 Teleconference Anch LIO
ANCHORAGE MUNI	JOHN SPRING/343-4629	

FISCAL NOTES

<u>AGENCY</u>	<u>REQUESTED</u>	<u>DATED</u>	<u>FY 88 AMT</u>	<u>FY 89 AMT</u>
PUBLIC SAFETY		2/5/88	10.0	-0-
PUBLIC SAFETY		REVENUES	-113.2	-113.2

ACTION

<u>DATE</u>	<u>COMMENT</u>
4/29/88	- hearing - held in HSA

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to motor vehicle inspections.
Sponsor: Martin
Requestor: House State Affairs

Agency Affected: Public Safety
BRU: Motor Vehicles
Components: Field Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	10.0					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	10.0	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE	(113.2)	(113.2)	(113.2)	(113.2)	(113.2)	(113.2)
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FUNDING: (Thousands of Dollars)

GENERAL FUND	10.0	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	10.0	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached page.

Prepared by: Charles R. Hosack
Division: Motor Vehicles

Phone: 269-5551
Date: 1-14-88

Approved by Commissioner: James A. H. ...
Agency: Public Safety

Date: 2-5-88

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 347

Expenditures:

This bill will require changes to the vehicle registration program to indicate the requirement for inspection is every three years instead of annually. The changes will be required in the current computer programming system. These changes to the program will be accomplished through a professional services contract. The cost of the contract is estimated at \$10,000. This will be a one time cost.

Revenue:

The State collects \$1.00 for each vehicle required to be inspected in order to recover costs for enforcing the program. The current annual income from this is \$170,000. Decreasing the frequency of inspections will result in the loss of approximately \$113,220 in revenue annually.

**Municipality
of
Anchorage**



P.O. BOX 196650
ANCHORAGE, ALASKA 99519-6650
(907) 264-4111

Tom Fink
MAYOR

MUNICIPAL HEALTH & HUMAN SERVICES COMMISSION

March 9, 1988

Fran Ulmer, Chair
House State Affairs Committee
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Representative Ulmer,

The Municipal Health and Human Services Commission wishes to express its opposition to HB 347 "an act relating to motor vehicle inspections." The Municipality of Anchorage's motor vehicle inspection program is one of the most effective tools in the effort to combat air pollution in Anchorage. The preservation of this program is of particular concern to the Commission since air pollution was ranked as the highest priority among the environmental health problem areas addressed in the Anchorage Health and Human Services Plan (January 1988).

It is the Commission's belief that HB 347 will seriously degrade the ability of the Anchorage Vehicle Inspection (I/M) program to reduce motor vehicle tailpipe CO emissions. CO is the primary source of Anchorage's air pollution problem and poses a significant health hazard to Anchorage residents, especially the elderly, pregnant women, and persons with heart and respiratory ailments.

Since the implementation of the I/M program in 1985, there has been a continuous and significant drop in the amount of tailpipe CO emissions. This reduction is reflected not only in a decrease in the magnitude of CO violations but also in a decrease in the magnitude of the violations.

It is also important to note that HB 347 violates the current State Implementation Plan (SIP) which includes the Anchorage I/M Program as currently designed. The weakening of existing efforts to reduce ambient CO levels could result in EPA sanctions to withhold in excess of \$130 million annually from the state and municipality. These funds are critical to the state and the municipality and represent the primary source of funding for road, sewer and water projects in Alaska.

Alaska has made significant strides at the national level to persuade EPA to establish "Cold Start" CO standards and

require automobile manufacturers to build vehicles which meet these standards. Approval of this bill would adversely affect the progress made to date.

I hope that we have made our position clear. If you have any questions please direct them to our staff at 343-4674.

Sincerely,



Gari Andreini, Chair
Municipal Health and Human Services Commission

cc: House State Affairs Committee Members
Representative Terry Martin
Governor Steve Cowper
Dennis Kelso, Commissioner, Department of Environmental
Conservation
Tom Fink, Mayor
Ron Garzini, Manager, Municipality of Anchorage
Anchorage Assembly
Bert Hall, Director, Municipal Department of Health and
Human Services
Lee Browning, Manager, Environmental Services Division,
Municipality of Anchorage

SPONSOR STATEMENT
HB 347 - MOTOR VEHICLE EMISSION INSPECTIONS

With the establishment of the vehicle emission inspection and maintenance program in 1984, most gasoline powered cars and trucks in Anchorage and Fairbanks have been subject to mandatory testing as part of the annual license renewal process.

As a result, citizens who keep their vehicles in good operating condition are being penalized. These people are required to submit to the unnecessary cost of an emissions test on an annual basis.

The current emissions program needs to be streamlined by changing the testing requirements from annually to every three (3) years. More emphasis should be placed on the vehicles in violation of emission standards. Local law enforcement officials should automatically ticket vehicles emitting heavy amounts of CO through the tailpipe or underhood.

New federal motor vehicle emissions control standards have forced manufacturers to produce vehicles which pollute less. New cars are designed to produce far less CO than older cars and should therefore be exempt from emissions inspections for the first two years after manufacture. As older cars are replaced with newer cars, the average amount of CO emitted per vehicle is reduced.

The phasing out of leaded gasoline by January 1, 1989 (U.S. regulation) will also reduce the levels of carbon monoxide in the air.

In summary, I am as concerned about the dangerous levels of CO in the air around Anchorage and Fairbanks as the next person, however, I feel that air quality standards can be achieved and maintained in ways which do not necessarily require only the co-operative citizens of Anchorage and Fairbanks to submit to annual emissions inspections.

/laj

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

STEVE COWPER, GOVERNOR

POSITION PAPER HB 347

Title

"An Act relating to motor vehicle inspections."

Summary

Currently, the Municipality of Anchorage and Fairbanks North Star Borough require that motor vehicles be inspected annually for compliance with emission standards. Vehicles that fail the tests have to be repaired. The programs reduce the emissions of carbon monoxide. Both Fairbanks and Anchorage are in "non-attainment" status for carbon monoxide. This can lead to federal sanctions such as loss of air and highway grant funds if continuing progress is not made toward clean air goals. The bill is intended to reduce the perceived "burden" of the program on Anchorage and Fairbanks residents by reducing the frequency of inspections.

Effect of the Bill

This bill would eliminate the requirement for vehicle inspection for vehicles that are less than two years old. It would reduce the required inspection frequency for all other vehicles from every year to every three years. This would seriously undermine the Anchorage and Fairbanks vehicle inspection and maintenance programs.

To eliminate the inspection requirement for vehicles that are less than two years old would have two unfavorable impacts. Because even new vehicles have been shown to have high emission rates, it would allow many vehicles to operate without needed maintenance adjustments. Secondly, it would mean that most vehicle owners would go through their first inspections after their warranties had expired, resulting in higher out-of-pocket costs.


To reduce inspection frequency to every three years would seriously impair the overall I/M program. Less frequent inspections would mean that vehicles would operate considerably longer at unacceptable emission rates. This could have severe

impacts for Alaska, because it would take Alaska out of compliance with federal requirements to achieve "reasonable further progress" toward clean air standards. This could jeopardize millions of dollars in funds provided by the federal government to the state.

HB 347 could result in unnecessary lawsuits; for example, in Private Citizen v. Philadelphia, a recent class action in federal court, the judge forced the implementation of an annual program. The bill could disrupt the state's efforts to obtain amendments to the Clean Air Act to require the automotive industry to make changes in vehicles to reduce cold weather emissions. It would require EPA to impose stricter control over strategies that will be proposed by the local governments and disrupt present programs that are federally approved and operating effectively with minimum disruption of the public.

Department Position

The Department opposes the bill.


Dennis D. Kelse
Commissioner

April 29, 1988

PROPOSED

POST 1987

CARBON MONOXIDE POLICY

GENERAL OVERVIEW

CLEAN AIR ACT - 1970 AMENDED 1977

- Act required SIP be submitted in 1982
- SIP was required to demonstrate attainment by December 31, 1987
- Anchorage prepared and adopted SIP amendments which included the following local programs

<u>PROGRAM</u>	<u>CURRENT BENEFITS</u>
* I/M Program	27.1 %
* Traffic Improvements	?
- Road improvements	
- Signallization improvements	
* Car pooling	*
* Transit	*

* Air quality benefits have not increased since 1982.

○ **Control measure evaluation and selection**

- * **Policy contains suggested measures for consideration**
- * **Local measures must be evaluated for effectiveness**

○ **Form of adoption**

- * **All measures**
 - **Final compliance dates**
 - **Must be enforceable through local ordinances**
 - **Reporting and testing requirements must be documented**
- * **Long - term measures**
 - **Upfront identification of measures with schedule and commitment to adopt**
 - **Complete adoption process within 3 additional years**
 - **Substitute local measures are allowed if comparable emission reductions can be documented and adopted within 3 years**
 - **SIP due within 3 years to show adequate adoption**

IMPLEMENTATION SCHEDULES FOR SIP'S

- SIP Calls - early 1988
- Commitments from State and local governments to develop plan -- due within 3 months of SIP call
- SIP Revisions due within 2 years - 1990
- Subsequent SIP revisions
 - Every 6 years
 - Incorporate new data, technology, implementation experience
 - Course correction, as necessary

○ **Attainment and expeditious progress**

● **Near - term attainment**

- * **Within 3 years of EPA plan approval**
- * **Two year extension if certain conditions met**
- * **No sanctions apply**
- * **Show maintenance for at least 10 years (modeling)**

● **Long - term attainment**

- * **Construction ban applies**
- * **Must show "reasonable efforts to attain"**

Ozone and area wide CO

- **Net annual emissions reduction equals 3% of base year emissions**
- **Cannot count reductions from Federal measures or previously required measures towards the 3%**
- **Reduction Requirements begin in year of SIP Call**

CO hotspots

- **Expeditious implementation of measures**

○ Federally prescribed measures

- * Satisfy previous SIP requirements
- * Enhanced Inspection/Maintenance
 - New performance standards
 - Emission testing
 - Antitampering checks
 - Centralized vs Decentralized
 - Waivers
 - Proper inspections
 - Effective Repairs
 - Semi-annual program evaluation
 - Expand the number of vehicles subject to inspections
 - Improve enforcement mechanisms

○ State/locally suggested measures

- New Source Review
- Stationary sources
- I/M Waivers issued only by Referee Facility
- Augment I/M visual and functional checks
 - Oxygen Sensor
 - Presence of lead
- Improve I/M analyzers to read bar code
- Require bar code stickers to identify control systems
- Increase repair limits
 - Tampered vehicles
 - Vehicles with defective systems
- Extend I/M to include more vehicles
- Increased mass transit, ride sharing and traffic planning/signalization programs
- Land use permits that link air quality to land use



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
SEATTLE, WASHINGTON 98101

April 25, 1988

REPLY TO
ATTN OF: AOO/A

MEMORANDUM

SUBJECT: Weekly Significant Issues

FROM: Alvin L. Ewing
Assistant Regional Administrator

TO: Dennis D. Kelso, Commissioner
Alaska Dept. of Environmental Conservation

UPCOMING ISSUES

** CO STATE IMPLEMENTATION PLAN

- CO SIP calls to be requested by EPA late 5/88
- EPA to send letters to State Governors and Federal Register Notice announcing SIP calls
- at same time, propose in Federal Register an interpretation of Mitchell/Conte provision to the Clean Air Act
- two weeks following letter to Governor, EPA to send a detailed letter to State Commissioners explaining the deficiencies in current SIP

SUMMARY OF CONTE AMENDMENT TO THE CONTINUING RESOLUTION

A. Sanctions

1. Future (i.e., after enactment)

a. In the period before August 31, 1988, none of the following sanctions "shall be enforced" 1/ for failure to attain the ozone/CO NAAQSs, or to submit an adequate Part D plan for ozone/CO, or to implement such a plan:

- construction ban under 110(a)(2)(I)
- highway funding and air grant restrictions under 176(a)
- air grant restrictions under 176(b)
- sewage treatment grant restrictions under 316

b. In the same period, EPA must apply the following requirements for construction permits in nonattainment areas 2/ without regard to the 1987 deadline:

- offsets so as to represent RFP [173(1)] 3/
- continuing implementation of the SIP [173(4)] 4/

2. Past: "Enforcement" of existing restrictions (for ozone/CO failures) on construction or funding under 110, 176 and 316 (but not 173) "shall be suspended until August 31, 1988." 5/

B. Designations: Prior to August 31, 1988, EPA must:

1. "evaluate air quality data" for ozone/CO;
2. determine "the degree" to which all areas in the country have attained or not attained the ozone/CO NAAQSs; and
3. designate those areas failing to attain "as nonattainment areas within the meaning of Part D". 6/ 7/

[COMMENTS]

1/ "Enforcement" is ambiguous. Does it include the determination that triggers a construction ban or merely initiation of 113/304 proceedings? May EPA trigger such a ban as a legal matter and then, after 8-31-88, bring court actions retrospectively as if the Conte amendment had never occurred? Conte's floor statement indicates that his intention was to prevent the imposition of a sanction. So read, the bill would bar even the determinations.

2/ The broad wording of this provision suggests that it applies as to SO₂ and NO_x, as well as ozone and CO, but the context and the debates argue otherwise.

3/ This prevents a ban from arising out of section 173(1) for extension areas, but seems to overlook nonextension areas.

4/ This provision in its face does not protect areas that have failed to respond adequately to a SIP call (e.g., Dallas and Atlanta), because the 173(4) ban would apply for failure to implement, without regard to any attainment deadline. Curiously, the bill would seem to require EPA to impose a 173(4) ban, but that is not likely what was intended, since the debates suggest that the sponsors meant to freeze sanctions at least in the 14 areas covered by the July 14 proposal.

RECEIVED
DEC 16 1987

AOO-JUNEAU

RECEIVED

APR 22 1988

ENVIRONMENTAL CONF

5/ This would take pressure off Albuquerque re I/M, among other places.

Query: suppose an applicant completed an application for a permit and even got a permit between enactment and 8-31-87; would the 110(a)(2)(I) ban prevent construction when the bill expires? The bill and the debates seems unclear on this.

6/ This is plainly very burdensome. Also it may increase the number of areas that could be subject to Part D sanctions. [110(a)(2)(I) and 176(a)] after the expiration of the enactment on August 31, 1988. Query: What does "area" mean? Could EPA include subareas that are not themselves experiencing violations but are nevertheless contributing to them? The answer probably is yes, inasmuch as we would have the same flexibility under this bill as we have had under 107(d).

7/ The bill would not shield areas from FIPs, or protect EPA from court orders re FIPs.

RECEIVED
SEP 14 1987

SEP 9 1987

MEMORANDUM

AOO-JUNEAU

SUBJECT: Alaska Trip Reports

FROM: Alfonse S. Mannato, Chief /S/
Regional/State/Local Coordination Section

TO: David S. Kircher, Chief
Air Program Development Section, Region X

Attached are the trip reports from the July, 1987 mini-audit of the Fairbanks and Anchorage antitampering inspection programs (ATP's) that Steve Hoover and I conducted. The results of the mini-audits were discussed with you by phone on July 29.

As I stated in the trip reports, Fairbanks and Anchorage are the best operated decentralized ATP's in the county. Two key aspects of the programs that are excellent are the competency of the certified inspectors and the program oversight by the local governments.

EPA has always known that a centralized ATP can be very effective based upon our experience with the Portland, Oregon program. Unfortunately, almost all decentralized ATP's that we have audited have had either serious or critical operating problems that have hindered their performance. It was very useful to see that with the proper design and oversight a decentralized ATP can work well. I plan to share the knowledge that I gained from my trip to Alaska with other State and local officials by distributing the Fairbanks trip report.

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SEP 15 1987
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

As a follow-up to these two mini-audits I strongly recommend that EPA be permitted to conduct roadside pullover tampering surveys next summer in both Anchorage and Fairbanks. This will allow us to quantify the impact of these ATPs on the relevant vehicle fleets.

Attachments

cc: Leonard Verelli
Lee Husson
Ronald King
Lynn Goodman
Cathy Pazero ✓
Chris Beane

bcc: Regional Contacts

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to motor vehicle inspections.
Sponsor: Martin
Requestor: House State Affairs

Agency Affected: Public Safety
BRU: Motor Vehicles
Components: Field Services

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CONTRACTUAL	10.0					
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LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	10.0	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE	(113.2)	(113.2)	(113.2)	(113.2)	(113.2)	(113.2)
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FUNDING: (Thousands of Dollars)

GENERAL FUND	10.0	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	10.0	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached page.

Prepared by: Charles R. Hosack
Division: Motor Vehicles

Phone: 269-5771
Date: 1-14-88

Approved by Commissioner: Garbo A. Havelok
Agency: Public Safety

Date: 2-5-88

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HR 347

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