

SB

17

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 1/21/87 5-DAY NOTICE  
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: TRANSPORTATION

\*\*FISCAL NOTE(S) ATTACHED L \*\*  
IN ACCORDANCE WITH AS 24.08.035  
(see below)

1/19/87  
Mr. President:

DATE TURNED INTO OFFICE 2/4/87

STATE AFFAIRS Committee considered SB 17

relating to vandalism of official traffic control devices and damages to highways and roads.

and recommended:

replace with CS SB 17 (S.A.)  same title  
 attached amendment(s) and  new title

- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to \_\_\_\_\_
- letter of intent adopted a...

*1 more  
of FN comes  
not*

\*\* Committee  attached or  adopted  
 zero  1

MEMBER'S SIGNING DO PASS

[Signature]  
[Signature]  
[Signature]  
[Signature]  
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 \_\_\_\_\_  
 \_\_\_\_\_

[Signature]  
Chairman signature and recommendation

Committee Backup Attached

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 1/21/87 5-DAY NOTICE  
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FURTHER: TRANSPORTATION

\*\*FISCAL NOTE(S) ATTACHED 2 \*\*  
IN ACCORDANCE WITH AS 24.08.035  
(see below)

1/19/87

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Mr. President:

STATE AFFAIRS

Committee considered SB 17

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do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

letter of intent adopted and attached

\*\* Committee  attached or  adopted fiscal note(s)  
 zero  fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Signature]  
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[Signature]  
Chairman signature and recommendation

Committee Backup Attached

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 2, 1987

SUBJECT: Draft CSSB 17(SA), relating to vandalism of traffic control devices and damages to highways

TO: Senator Mitch Abood, Chair  
Senate State Affairs Committee

FROM: George Utermohle *GU*  
Legislative Counsel

This memorandum accompanies draft CSSB 17(State Affairs).

SB 17 relates to vandalism of traffic control devices and damages to highways and roads. Section 1 of SB 17 amends AS 19.25.030, which creates a class A misdemeanor for damages to obstructions and highway construction. Section 3 of SB 17 creates three new misdemeanor offenses in AS 19.25.

The draft CS, in addition to the specific changes to the definition of "private traffic control device" requested by staff, moves those provisions of the bill relating to crimes to AS 11, the Alaska Criminal Code. Since the content of those provisions relate more to crimes against property than to the maintenance and operation of roads and highways, it is more appropriate that the provisions be included in the Criminal Code.

In moving the provisions from AS 19.25 to AS 11.46 certain style changes were made to the provisions in order to conform with the drafting style for the Criminal Code. The substance of the provisions was not changed.

GU:mkr  
m8/076

Enclosure

Original sponsors: Faiks and Sturgulewski

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 17 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to vandalism of official and private  
7 traffic control devices and damages to highways and  
8 roads."

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

10 \* Section 1. AS 11.46 is amended by adding new sections to read:

11 Sec. 11.46.460. INTERFERENCE WITH OR DAMAGE TO HIGHWAY OBSTRUC-  
12 TIONS OR CONSTRUCTION. (a) A driver or owner, or both, of a vehicle  
13 commits the crime of disregarding a highway obstruction, if the driver  
14 or owner, or both, drives a vehicle through, over, or around an ob-  
15 struction erected upon a highway under authority of AS 19.10.100.

16 (b) A person commits the crime of interfering with a highway  
17 obstruction, if the person opens an obstruction erected upon a highway  
18 under authority of AS 19.10.100 without written permission from the  
19 engineer in charge of the highway.

20 (c) A person commits the crime of destruction of highway con-  
21 struction, if the person knowingly damages the work upon a highway  
22 under construction.

23 (d) Disregarding a highway obstruction, interfering with a  
24 highway obstruction, and destruction of highway construction are  
25 class A misdemeanors.

26 Sec. 11.46.462. UNLAWFUL POSSESSION OF OFFICIAL TRAFFIC CONTROL  
27 DEVICE. (a) A person, except an employee of or a contractor for a  
28 state or municipal agency acting in an official capacity, commits the  
29 crime of unlawful possession of an official traffic control device if

1 the person possesses an official traffic control device.

2 (b) Unlawful possession of an official traffic control device is  
3 a class B misdemeanor and is punishable by a fine of

4 (1) not less than \$100 or more than \$500 for the first  
5 offense; or

6 (2) \$500 for each subsequent offense.

7 Sec. 11.46.464. INTERFERENCE WITH OFFICIAL TRAFFIC CONTROL  
8 DEVICE. (a) A person, except an employee of or a contractor for a  
9 state or municipal agency acting in an official capacity, commits the  
10 crime of interference with an official traffic control device, if the  
11 person removes, relocates, defaces, alters, obscures, shoots at,  
12 destroys, or otherwise tampers with an official traffic control  
13 device.

14 (b) Interference with an official traffic control device is a  
15 class B misdemeanor and is punishable

16 (1) for the first offense, by a fine of not less than \$300  
17 or more than \$500, or by a sentence of not more than six months, or by  
18 both; and

19 (2) for the second and each subsequent offense, by a fine  
20 of not less than \$500 or more than \$1,000, or by a sentence of not  
21 less than six months or more than one year, or by both.

22 Sec. 11.46.466. INTERFERENCE WITH PRIVATE TRAFFIC CONTROL  
23 DEVICE. (a) A person commits the crime of interference with a pri-  
24 vate traffic control device if the person removes, relocates, defaces,  
25 alters, obscures, shoots at, destroys, or otherwise tampers with a  
26 private traffic control device.

27 (b) Interference with a private traffic control device is a  
28 class B misdemeanor and is punishable by a fine of

29 (1) not less than \$100 or more than \$500 for the first

1 offense; or

2 (2) \$500 for each subsequent offense.

3 Sec. 11.46.468. FORFEITURE OF PROPERTY UPON CONVICTION. Motor  
4 vehicles, firearms, and other personal property used in aid of a  
5 violation of AS 11.46.460 - 11.46.466 may be forfeited to the state  
6 upon conviction of the offender for the crime.

7 \* Sec. 2. AS 11.46.490 is amended by adding new paragraphs to read:

8 (5) "official traffic control device" means a traffic  
9 control device placed on a highway, road, or trail by authority of a  
10 state or municipal agency or a contractor employed by a state or  
11 municipal agency;

12 (6) "private traffic control device" means a traffic con-  
13 trol device, other than an official traffic control device, used to  
14 protect persons or real or personal property from imminent danger of  
15 serious injury or to warn persons of the presence of an imminent  
16 hazard to persons or real or personal property;

17 (7) "traffic control device" includes a sign, signal, road  
18 marker, barricade, flare, warning light, reflector, railroad sign or  
19 signal, shield, insignia, milepost, or similar device intended to  
20 warn, inform, or control the flow of pedestrian, equestrian, bicycle,  
21 or motor vehicle traffic.

22 \* Sec. 3. AS 19.25.040 is amended to read:

23 Sec. 19.25.040. DAMAGES TO STATE HIGHWAYS AND ROADS. The com-  
24 missioner of administration shall separately account for money depos-  
25 ited in the general fund that is derived from damages that are re-  
26 covered from vehicle owners, drivers, other persons, or insurance  
27 companies for damage to property related to state-owned roads and  
28 highways, including bridges, overpasses, signal poles, street lights  
29 and poles, traffic control devices [SIGNALS], guardrails, or fences.

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The annual estimated balance in the account may be used by the legislature to make appropriations to the department for the purpose of repairing the damage.

\* Sec. 4. AS 19.25.030 is repealed.

# Alaska State Legislature



PRESIDENT  
907-465-3755

JAN FAIKS  
POST OFFICE BOX V  
JUNEAU, ALASKA 99811

Senate

January 26, 1987

## MEMORANDUM

TO: Senator Mitch Abood, Chairman  
Senate State Affairs Committee

FROM: Senator Jan Faiks  
President of the Senate

SUBJECT: Background on Senate Bill 17  
An Act relating to vandalism of official  
traffic control devices and damages to highways  
and roads.

Senate Bill 17 has been referred to your committee for consideration. This bill expands the current statutes relating to vandalism of official traffic control devices and damages to highways and roads.

Safety on our highways and roads has long been of prime concern to all Alaskans. In recent years, the increase in the number of vehicles on our roads, along with an increase in major highway construction projects has lead to an alarming rate of accidents.

Vandalism to traffic signs, barricades, warning lights, and other safety devices contributes greatly to the deaths, personal injuries, and property damages suffered each year on our highways, roads, waterways, and other public and private property. The intent of this legislation is to provide criminal sanctions for vandalism to and theft of traffic control devices which have been utilized to protect or warn of dangers to real or personal property.

OUT OF SESSION

6060 YUKON DRIVE ANCHORAGE, ALASKA 99516 907-274-6611

This bill strengthens the current provisions found in AS 19.25.30-40 by incorporating provisions of the Model Statute on Vandalism as developed by the American Traffic Safety Services Association. The criminal sanctions specified by this bill conform with those currently provided under the Alaska Statutes.

The particular effects of this bill are as follows:

Section 1. AS 19.25.030 is amended to relate only to damages to traffic obstructions or work under construction. This bill proposes the addition of new sections (19.25.050-065) which relate specifically to unauthorized possession of, and vandalism to official traffic control devices.

Section 2. AS 19.25.040 presently requires the commissioner of administration to separately account for money deposited in the general fund that is derived from damages to property related to state-owned highways and roads that are recovered from vehicle owners, drivers, or insurance companies. Such related property includes bridges, overpasses, signal poles, street lights and poles, traffic signals, guardrails, or fences.

This bill expands AS 19.25.040 to include "other person" in the class of persons from whom damages to property may be recovered. Additionally, it replaces the phrase "traffic signals" with the broader term "traffic control devices". The purpose of these amendments is to increase the amount of money deposited in the general fund for damages to state highways and roads.

Section 3. Senate Bill 17 further amends AS 19.25 by adding new sections to Article 3 which provide criminal sanctions for persons who possess or interfere with official traffic control devices without proper authority from the state or municipal agency.

Since this bill was pre-filed, further research was conducted by my staff. I ask that the committee consider these changes to the bill which are of concern.

The language of the bill in proposed sections 19.25.050 (a) and 19.25.055 (a) needs to be amended to fully accomplish the intent of this proposed legislation.

My concern is that criminal sanctions must be provided for persons who vandalize and/or steal traffic control devices which have been utilized to protect or warn of dangers to real or personal property.

As presently drafted, the bill would make a criminal of anyone who possesses, or handles official traffic control devices, unless that person is an employee or an agent of a state or municipal agency acting in an official capacity. As you can understand, that small class of exempt persons ignores the highway construction industry, general contractors, private individuals, and others who may have a legitimate purpose for possessing, handling, and using such devices to warn others of dangers or to protect their property. As a result, I ask the committee's consideration of such an amendment to expand the category of individuals who can legally possess a traffic control device.

**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

Bill Version: CSSB 17 (SA)  
Publish Date: \_\_\_\_\_

REQUEST: \_\_\_\_\_

Revision Date: \_\_\_\_\_

Agency Affected: DOT&PF

Title: An Act Relating to Vandalism of Official and Private Traffic Control Devices & Damages to Highways & Roads

BRU: Engineering & Operations Standards

Sponsor: Faiks and Sturgulewski

Components: \_\_\_\_\_

Requestor: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**POSITIONS:**

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

**ANALYSIS : (Attach a separate page if necessary)**

No significant fiscal impact is anticipated.

*John J. Simpson, Director 2/5/87*

Prepared by: John J. Simpson, Director  
Division: Engineering & Operations Standards

Phone: 465-2951  
Date: 2/5/87

Approved by Commissioner: *Ralph LaPorte*  
Agency: Department of Transportation and Public

Date: 2/4/87

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



Dept. of Transportation & Public Facilities

# ***Position Paper***

**BILL NO:** CSSB 17 (SA)

**APPROVED:** Rocky Gutierrez  
Commissioner

**TITLE:** An Act Relating to Vandalism of Official and  
Private Traffic Control Devices and Damages  
to Highways and Roads

**DATE:** February 5, 1987

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The Department has no objections to this legislation.

For further information call Susan Fleischhauer at 465-3900.