

HB

124

① Aves Thompson DOT 341-3210
ANCH

⑤ CHUCK MOSACK -

WOULD LIKE TO CALL IN
AND BE AVAILABLE FOR
QUESTIONS.

269-5561

888-263-1555 ✓

③ Lt. Reyes

(269-5084)
?

DOT

Alaska State Legislature

Representative Jim Holm

District 9

Session

Capitol Building, Room 110

Juneau, AK 99801

Phone: (907) 465-3466

Fax: (907) 465-2937



Interim

119 N. Cushman St.

Fairbanks, AK 99701

Phone: (907) 456-7423

Fax: (907) 451-9293

HB124

SPONSOR STATEMENT

“An Act relating to commercial motor vehicle drivers and their employers and to railroad-highway grade crossings; and providing for an effective date.”

Although federal law and commercial driver training already state that certain commercial vehicles must approach with flashers and stop at all rail crossings, Alaska law currently does not require this. State law must be brought into compliance with Federal requirements in order to avoid the loss of between \$20,000,000 and \$40,000,000 in federal highway monies. HB124 will conform Alaska law to federal requirements.

The bill would prohibit an employer of a commercial vehicle driver from knowingly allowing, authorizing, or encouraging the driver to violate any federal, state, or municipal code or regulation relating to railroad-highway crossings. It also would require the court to disqualify a commercial motor vehicle driver for certain periods of time upon conviction of a federal, state or municipal code or regulation relating to railroad-highway crossings.

The administration has expressed support for this bill and the federal deadline for compliance has already passed; therefore, I urge prompt consideration of this bill in order that we do not lose federal Highway funds.



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Administration	DIVISION Motor Vehicles	BILL NUMBER LL 773-03-0008	SPONSOR
SHORT TITLE OF BILL An act relating to commercial motor vehicle drivers and their employers and to railroad-highway grade crossings..			
DEPARTMENT POSITION Support			
PREPARED BY Charles R. Hosack	DATE 2-3-03	COMMISSIONER'S SIGNATURE	DATE

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Dept of Transportation, Dept of Public Safety	CONSTITUENT GROUP(S) AFFECTED BY BILL Commercial Vehicle Drivers and Employers
ORGANIZATIONAL SUPPORT FOR BILL None Known	ORGANIZATIONAL OPPOSITION TO BILL None Known

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

The ICC Termination Act of 1995 (Public Law 104-88) contained a provision that required the Federal Highway Administration (FHWA) to adopt regulations requiring states to disqualify drivers of commercial vehicles that violate federal, state, or local laws or regulations pertaining to a railroad-highway grade crossing. The act also prohibited employers from allowing drivers to violate these provisions. In 1999 FHWA passed regulations requiring states to take action on these violations as part of the Commercial Driver License (CDL) program. States had until October 2002 to comply with this requirement. This bill satisfies that requirement.

ANALYSIS OF BILL/PROGRAM EFFECTS

The number of railroad-highway grade crossing violations in Alaska is very low and it is not anticipated that this provision will have any substantial effect on drivers, employers, or state agencies.

Drivers of commercial vehicles convicted under this new provision will be disqualified from operating a commercial vehicle for 60 days on the first offense, 120 for a second offense within 3 years, and one year for a third offense within 3 years.

AMENDMENTS PROPOSED

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS

(TITLE IV)

PUBLIC LAW 104-88 — DEC. 29, 1995

109 STAT. 956

SEC. 403. VIOLATION OF GRADE-CROSSING LAWS AND REGULATIONS.

(a) FEDERAL REGULATIONS.—Section 31310 of title 49, United States Code, is amended by adding at the end thereof the following:

“(h) GRADE-CROSSING VIOLATIONS.—

“(1) SANCTIONS.—The Secretary shall issue regulations establishing sanctions and penalties relating to violations, by persons operating commercial motor vehicles, of laws and regulations

pertaining to railroad-highway grade crossings.

“(2) MINIMUM REQUIREMENTS.—The regulations issued under paragraph (1) shall, at a minimum, require that—

“(A) the penalty for a single violation is not less than a 60-day disqualification of the driver’s commercial driver’s license; and

“(B) any employer that knowingly allows, permits, authorizes, or requires an employee to operate a commercial motor vehicle in violation of such a law or regulation shall be subject to a civil penalty of not more than \$10,000.”.

(b) DEADLINE.—The initial regulations required under section 31310(h) of title 49, United States Code, shall be issued not later than 1 year after the date of the enactment of this Act.

(c) STATE REGULATIONS.—Section 31311(a) of title 49, United

States Code, is amended by adding at the end thereof the following:

“(18) The State shall adopt and enforce regulations prescribed by the Secretary under section 31310(h) of this title.”.

49 USC 31310

note.

(THIS IS THE ACTUAL FEDERAL REQUIREMENT FROM 1995: "ICC TERMINATION ACT", WHICH CURRENTLY ENDANGERS OUR HWY FUNDS.)

STATE OF ALASKA

Interim:

119 North Cushman, Rm. 205
Fairbanks, Alaska 99701
(907) 456-7423
Fax: (907) 451-9293

Session:

State Capitol Building
Juneau, Alaska 99801
(907) 465-3466
Fax: (907) 465-2937

REPRESENTATIVE JIM HOLM DISTRICT 9

DATE: February 24, 2003
TO: Representative Jim Holm, Chair
House Transportation Committee
FROM: Representative Jim Holm
RE: HB 124

Please schedule HB 124, COMMERCIAL VEHICLE, RAILROAD-HIGHWAY GRADE CROSSINGS, for hearing in the House Transportation Committee at your earliest convenience.

Back-up information is attached.

Thank you very much for your help with this bill.

Todd Larkin,
Staff for Representative Jim Holm

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB124
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DOT&PF
 Title An Act relating to commercial motor vehicle BRU Measurement Standards & CVE
drivers and their employers Component Measurement Standards & CVE
 Sponsor Holm
 Requester HTRA Component No. 2332

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

If this legislation does not pass, the state of Alaska will receive sanctions by the Federal Highway Administration for not complying with Federal Motor Carrier Safety laws. The sanction will withhold 5% of the state's annual federal surface transportation funding, approximately \$17.5 million/year. This will result in a corresponding \$17.5 million reduction of the state's highway construction capital budget.

Prepared by: Dennis R. Poshard Phone 465-3900
 Division: Special Assistant to Commissioner Date/Time 3/5/03 10:26 AM
 Approved by: Commissioner Mike Barton Date 3/5/2003
 Agency: Alaska Department of Transportation and Public Facilities

Revised

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB124
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DOT&PF
 Title An Act relating to commercial motor vehicle BRU Measurement Standards & CVE
drivers and their employers Component Measurement Standards & CVE
 Sponsor Holm
 Requester HTRA Component No. 2332

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	***	***	***	***	***	***
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CHANGE IN REVENUES ()	***	***	***	***	***	***
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
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Estimate of any current year (FY2003) cost: 0.0
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POSITIONS

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Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

*** If this legislation does not pass, the state of Alaska will receive sanctions by the Federal Highway Administration for not complying with Federal Motor Carrier Safety laws. The sanction will withhold 5% of the state's annual federal surface transportation funding, approximately \$17.5 million/year. This will result in a corresponding \$17.5 million reduction of the state's highway construction capital budget.

Prepared by: Dennis R. Poshard Phone 465-3900
 Division Special Assistant to Commissioner Date/Time 3/4/03 11:30 AM
 Approved by: Commissioner Mike Barton Date 3/4/2003
 Agency Alaska Department of Transportation and Public Facilities

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 124
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An act relating to commercial motor BRU Motor Vehicles
vehicle drivers..... Component _____
 Sponsor Rep Holm Component No. 2348
 Requester (H) TRA

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The ICC Termination Act of 1995 (Public Law 104-88) contained a provision that required the Federal Highway Administration (FHWA) to adopt regulations requiring states to disqualify drivers of commercial vehicles that violate federal, state, or local laws or regulations pertaining to a railroad-highway grade crossing. The act also prohibited employers from allowing drivers to violate these provisions.

The number of railroad-highway grade crossing violations in Alaska is very low and it is not anticipated that this provision will have any substantial effect on drivers, employers, or state agencies.

Prepared by: Charles R. Hosack Phone 269-5559
 Division Motor Vehicles Date/Time 2/28/03
 Approved by: Mike Miller, Commissioner Date _____
 Agency Department of Administration

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 124
 () Publish Date: _____

Revision Date/Time (Note if correction): N/A Dept. Affected: Public Safety
 Title An act relating to commercial motor BRU AST Detachment
vehicle drivers and their employers Component AST Detachment
 Sponsor Representative Holm
 Requester House Transportation Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: Lieutenant Matthew Leveque Phone 907 269-0390
 Division Alaska State Troopers Date/Time 3/3/03 3:09 PM
 Approved by: William Tandeske, Commissioner Date 3/3/2003
 Agency Department of Public Safety