

SB

255

# Alaska State Legislature

SENATOR

**GENE THERRIAULT**

Mailing Address:

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Fairbanks, Alaska 99701

(907) 488-0857

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While in session

State Capitol

Juneau, Alaska

99801-1182

(907) 465-4797

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## Senate

### REQUEST FOR HEARING

To: Senator Ralph Seekins, Chairman  
Senate Judiciary Committee

Subject: Senate Bill 255

Sponsor: Senator Gene Therriault

Date: March 9, 2004

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I would like to respectfully request that SB 255 be scheduled for a hearing before the Senate Judiciary Committee.

Passage of SB 255 would reserve the possession and use of Traffic Preemption devices for authorized users including emergency response providers, police, road maintenance and public transit vehicles. The bill would make unauthorized possession or use of the device a class A misdemeanor.

Thank you for your consideration.

# Alaska State Legislature

SENATOR

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## Senate

### Sponsor Statement SB 255

Senate Bill 255: "An Act relating to traffic preemption devices"

Sponsor: Senator Gene Therriault

Senate bill 255 was introduced to reserve the use of Traffic Preemption Devices (TPDs) for legitimate authorized users, including emergency response providers, road maintenance and public transit vehicles. TPDs allow vehicles approaching a traffic signal to override the normal signal control and change the light from red to green. This enables emergency vehicles to proceed more rapidly to the situation they are responding to. Unfortunately, without a change in state law, these devices are available for purchase and use by the general public and indiscriminate use could lead to accidents.

This bill is intended to keep these accidents from occurring, by assuring that only authorized personnel use TPDs. This is accomplished by making it illegal to own a TPD unless you are an approved user. In addition, authorized individuals would only be able to use the device in an official capacity, as defined by this bill. The bill also guarantees that mechanics and other repair personnel are allowed to possess and use TPDs, when installing, repairing or testing them in an official capacity.

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSSB 255(STA)  
 (S) Publish Date: 3/5/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
 Title An Act relating to traffic preemption devices. RDU Alaska State Troopers  
 Component AST Detachment  
 Sponsor Senator Therriault  
 Requester Senate State Affairs Component No. 2325

**Expenditures/Revenues (Thousands of Dollars)**

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill would ban the possession and use of equipment that will activate traffic "preemption" devices if the user is not involved in an emergency operation. The preemption devices send a signal to a traffic light or other traffic control device to give emergency responders priority at intersections that have been equipped with compatible equipment by changing the traffic light or device. Violation of this section would be a class A misdemeanor.

This bill will have no fiscal impact on the Department of Public Safety.

Prepared by: Lieutenant Al Storey Phone 269-4532  
 Division Alaska State Troopers Date/Time 2/9/04 3:55 PM  
 Approved by: Commissioner William Tandeske Date 2/9/2004  
 Agency Department of Public Safety

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: CSSB 255(STA)  
 (S) Publish Date: 3/5/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
 Title Illegal use of Traffic Preemption Device RDU Fire Prevention  
 Component Fire Prev. Operations  
 Sponsor Senator Therriault  
 Requester Senate State Affairs Component No. 494

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES ( )</b>						
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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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time		0	0	0	0	0
Part-time						
Temporary						

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

This bill makes it unlawful to possess or use a traffic preemption device when not operating an emergency vehicle.

SB 255 will have no fiscal impact to the Department of Public Safety.

Prepared by: Gary Powell, Director Phone 269-5491  
 Division Fire Prevention Date/Time 2/9/04 9:39 AM  
 Approved by: Commissioner William Tandeske Date 2/6/2004  
 Agency Department of Public Safety

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 3  
 Bill Version: CSSB 255(STA)  
 (S) Publish Date: 3/5/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: LAW  
 Title "An Act relating to traffic preemption devices." RDU CRIMINAL  
 Component CDCO  
 Sponsor Senator Therriault  
 Requester Senate State Affairs Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 This bill makes it a Class A misdemeanor to possess or use a traffic preemption device if a person is not at the time of possession or use, operating a emergency vehicle. An exception is made for employees of a municipality or the state who are authorized to install, repair, or maintain traffic preemption devices provided use of the device is in accordance with such authorization.  
  
 Passage of this legislation will have no foreseeable fiscal impact on the Department of Law.

Prepared by: Kathryn A. Daughhete, Director Phone 465-3673  
 Division Administrative Services Date/Time 2/10/04 9:29 AM  
 Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General Date 2/10/2004  
 Agency Department of Law



State of Alaska  
Department of  
**Public Safety**

Frank H. Murkowski, Governor  
William Tandeske, Commissioner

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February 9, 2004

The Honorable Gene Therriault  
Alaska State Legislature  
State Capitol, Room 111  
Juneau, AK 99801-1182

Dear Senator Therriault:

The Department of Public Safety supports Senate Bill 255 The Unlawful Possession or Use of Traffic Preemption Device. It is a matter of public safety that these devices are used only during an emergency response by an emergency vehicle. The misuse of these devices could easily endanger the lives of pedestrians and motorists. Possession of these devices by untrained personnel invites their abuse, with what could be tragic results. As a side note, unauthorized use of these devices could generate unfounded complaints to state and local traffic engineers who would attempt to trouble shoot traffic signals for problems that don't exist. Unauthorized use would undermine public confidence and support for continued use and expansion of traffic preemption systems.

The unlawful use or possession of a traffic preemption device warrants the punishment of a class A misdemeanor if convicted.

Sincerely,

William Tandeske  
Commissioner

**Subject:** SB 255

**Date:** Thu, 26 Feb 2004 14:51:21 -0900

**From:** "Kiewik, John G." <KiewikJG@ci.anchorage.ak.us>

**To:** <Senator\_Gene\_Therriault@legis.state.ak.us>

Dear Sir:

Thank you for you efforts in regard to Senate Bill 255.

The Municipality of Anchorage presently uses traffic preemption at several intersections and hopes to someday have a full system wide build out. At present, the system is used by the Anchorage Fire Department.

Anchorage uses the 3M™ Opticom™ Priority Control System which features Vehicle ID. Vehicle ID restricts the use of the system to Fire Department vehicles only, in other words, it is encrypted. The system also has two tiers of service, high priority (emergency vehicles), and low priority (other municipal applications). Many communities use the low priority tier to keep their transit operations efficient (buses on time). Anchorage hopes to use this technology in the near future for its transit and street maintenance operations (snow plowing). However, it is unclear to me if this would be possible under the present wording of the bill. Thank you for your attention in this matter.

John Kiewik, Deputy Fire Chief

Support Services Division


Anchorage Fire Department

907-267-5064

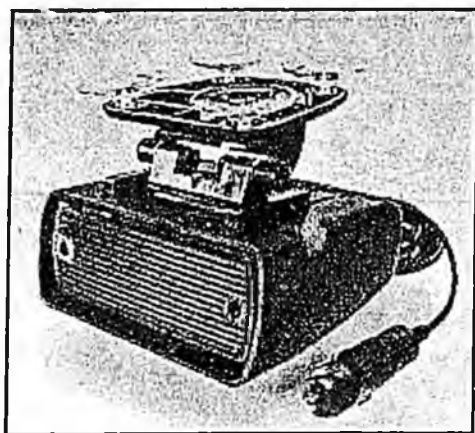
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For the first time, a traffic light changer that is practical, mobile, AND compact! "MIRT" can be securely positioned on the dash or inside windshield and moved from vehicle to vehicle with no installation required. Just plug it in and go! Its unique infrared technology emits no visible light, making it discrete and eliminating any distraction to the driver or other vehicles in the vicinity.

**POWERFUL**

Do not be fooled by MIRT's compact size. Emitting 15 watts of energy (more than any other portable traffic light changer) MIRT changes traffic lights from red to green in 2 to 3 seconds

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from more than 1500 ft. MIRT is manufactured by a trusted name in the industry with more than 15 years experience. All electronic components and assembly are top quality, and every unit is tested to ensure endurance, dependability, and safety. It is perfect for the heavy duty use and is backed by a 10-yr. warranty!

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The technology of MIRT is not only "breakthrough", it is by far the most price-efficient signal changer available...costing less than half of any competing product. Check out the order page for the amazing pricing details!

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Width - 7", Depth - 7", Height - 2"
- Plugs into any standard 12 Volt vehicle accessory outlet (or cigarette lighter)
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## SIGNAL CHANGER CAN LEAD TO HAVOC LIGHTS: EMERGENCY CREWS RELY ON DEVICE TO CLEAR PATH, SO CIVILIAN USE SPARKS WORRY

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Modesto Bee  
January 19, 2004, Monday, ALL EDITION

A fire engine rolling to a house fire with people inside. A police officer responding to a shooting. Paramedics headed to a major traffic accident.

All need clear paths to get to their destinations as quickly and safely as possible.

Recently, however, Riverside County paramedics approaching an intersection used a mobile infrared transmitter (MIRT) to change a signal light from red to green, only to have a civilian change it back.

While such technology might be a dream for drivers eager to sail through without any red lights, authorities say signal changers could create problems for emergency vehicles.

That's why Assemblyman Dario Frommer, D-Glendale, plans to sponsor a bill that would ban the public sale of such transmitters.

Currently, the devices are sold locally, as well as on the Internet. It's not illegal to buy or have them -- it's only illegal for civilians to use them.

"You just can't have every motorist with the ability to change a stop light at

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will," Frommer said. "It could create tremendous chaos."

Frommer said the transmitters should be restricted to police, fire and medical emergency personnel.

Modesto police Capt. Joe Aja said he is not aware of any incidents in Modesto when someone used a transmitter to change a signal light against an emergency vehicle.

Aja said firefighters, police and other emergency personnel have used the transmitters for years. But they were never intended for public use.

"(Police) use the transmitters for safety," Aja said. "They create a safety corridor for us and an extra level of safety."

The devices emit an invisible high-intensity strobe light that can change signals from red to green in two or three seconds from a distance of about 300 yards.

Aja said emergency personnel can use the transmitters at most of Modesto's major intersections. The devices are attached to the police car's emergency light bar, he said.

Internet availability raises concern

But the public can buy the devices for prices ranging from about \$100 for a used one to about \$400 for a new one. Frommer said the growing availability on the Internet convinced him the law needs to be changed.

Under the proposed legislation, anyone not working as a firefighter, police officer or paramedic would be fined if found with a transmitter or if they are caught selling one, Frommer said.

The bill would make the unauthorized purchase or sale punishable by a fine of up to \$1,000. Anyone caught selling or buying two or more transmitters would be charged with a misdemeanor and fined up to \$3,000.

A person with an unauthorized device who causes an injury or death in a car accident would be fined up to \$10,000.

The bill also would permit law enforcement to conduct online stings.

Frommer said anyone willing to lie about their occupation can buy a signal pre-emptor on the Internet. The transmitter can be plugged into a cigarette lighter, he said.

"If the public starts using the transmitters, emergency personnel might have to start using a secondary signal with a code," Modesto Fire Battalion Chief Richard Hurley said.

Tim Gow, who invented MIRTs and owns the company that produces them, FAC of America, defended a distributor's right to publicize and sell the product online.

The advertising, he said, is aimed at public safety departments.

"We don't market to the public, and we never intended to market to the public," Gow said.

Jerry Sterner, president and chief executive officer of Sintex Security Service in Modesto, is one of 14 authorized MIRT dealers statewide.

Sterner said he sells the infrared transmitter only to police agencies, fire



departments and ambulance companies.

He predicts that Frommer's bill will pass. "By midyear they no longer will be allowed," Sterner said.

Bee staff writer Daryl Farnsworth can be reached at 578-2337 or [dfarnsworth@modbee.com](mailto:dfarnsworth@modbee.com).

The Sacramento Bee contributed to this report.

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