

HB

124

Alaska State Legislature

Representative Jim Holm

District 9

Session

Capitol Building, Room 110

Juneau, AK 99801

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Interim

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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
HOUSE OF REPRESENTATIVES

Representative Jim Holm



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House District 9

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House Bill 124

COMMERCIAL MOTOR VEHICLE DRIVERS/EMPLOYER

Sectional Analysis

Section 1 of the bill amends responsibilities of employers of commercial vehicle drivers to encourage compliance with federal code regarding railroad-highway grade crossings.

Section 2 of the bill amends responsibilities of employees (drivers) to require compliance with federal code regarding railroad-highway grade crossings.

Section 3 prescribes drivers' penalties for non-compliance.

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

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
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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

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
 Requester (H) TRA Component No. 2348

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						
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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
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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

STATE OF ALASKA

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REPRESENTATIVE JIM HOLM DISTRICT 9

DATE: April 3, 2003

TO: Senator John Cowdery, Chair
Senate Transportation Committee

FROM: Representative Jim Holm

RE: HB 124

Please schedule HB 124, COMERCIAL MOTOR VEHICLHLE OPERATION RELATING TO RAILROAD-HIGHWAY GRADE CROSSINGS, for hearing in the Senate Transportation Committee at your earliest convenience.

Back-up information is attached.

Thank you very much for your help with this bill.