

SB

63

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 1/19/05

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 2/8/05

Transportation Committee considered SENATE BILL NO. 63

SB 63 USE SEAT BELT ROAD SIGNS

"An Act relating to road signs encouraging the use of safety belts."

and recommends:

- be replaced with _____ CS SB 63 (TRA _____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

- Same Title
- New Title

House Bill:

- Same Title
- Technical Title Change
- New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DOT	2/4/05		✓		

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
	X			
	X			
	X			
	X			
	X			
CHAIR:				

CS FOR SENATE BILL NO. 63(TRA)

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION**

BY THE SENATE TRANSPORTATION COMMITTEE

Offered:

Referred:

Sponsor(s): SENATORS BEN STEVENS, Ellis

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to road signs encouraging the use of safety belts."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1.** AS 19.10 is amended by adding a new section to read:

4 **Sec. 19.10.095. Signs promoting the use of safety belts.** The department
5 may erect and maintain signs encouraging the use of safety belts at or near the site of a
6 motor vehicle accident where a fatality occurred as the result of a person's failing to
7 use a safety belt. This section does not limit the authority of the department to erect or
8 maintain signs to protect the public safety and welfare of persons using the highways
9 of the state.

SENATE BILL NO. 63

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY SENATORS BEN STEVENS, Ellis

Introduced: 1/19/05
Referred: Transportation, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to road signs encouraging the use of safety belts."

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

amd #2

3 * Section 1. The uncodified law of the State of Alaska is amended by adding a new section
4 to read:

[

5 SHORT TITLE. This Act shall be known as the Nathan Kampen Act.

6 * Sec. 2. AS 19.10 is amended by adding a new section to read: * 1

7 Sec. 19.10.095. Signs promoting the use of safety belts. The department
8 may erect and maintain signs encouraging the use of safety belts at the site of a motor
9 vehicle accident where a fatality occurred as the result of a person's failing to use a
10 safety belt. This section does not limit the authority of the department to erect or
11 maintain signs to protect the public safety and welfare of persons using the highways
12 of the state.



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Buckling up high on legislators' to-do list

BILLS: But six in House say Troopers' "Click It" campaign goes too far, misleads.

By LARRY PERSILY
Anchorage Daily News

Published: February 9th, 2005
Last Modified: February 9th, 2005 at 05:10 AM

JUNEAU -- While the Senate president wants the state to put up signs where people not wearing their seat belt died in traffic accidents, six House members don't want the state making drivers think they could be stopped and ticketed merely for not wearing a seat belt.

The intent of his sign bill is to encourage drivers and passengers to use seat belts by reminding them of the consequences of not doing so, said Senate President Ben Stevens.

Sponsors of the House measure, however, don't want the state spending any money on ads that would make the public think they could be stopped for failing to buckle up.

State law says failure to wear a seat belt is a secondary offense, meaning troopers or police can't pull over a driver for not using the seat belt. There has to be some other primary reason for the traffic stop.

To ensure that Alaskans know that, Rep. Nancy Dahlstrom, R-Eagle River, is sponsoring a bill to make sure the state's ongoing "Click It or Ticket"

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campaign does not mislead people.

Meanwhile, Sen. Con Bunde, R-Anchorage, is trying again this year to pass legislation that would allow traffic stops for failure to wear a seat belt -- 21 other states already allow such stops.

"That's the biggie, as far as we're concerned," said Don Smith, highway safety administrator for the Alaska Department of Transportation.

Of the 64 drivers and passengers killed in motor vehicle accidents in Alaska in 2003, at least 28 weren't buckled in, according to the National Highway Traffic Safety Administration.

Surveys last year showed 23 percent of Alaskans do not wear their seat belts, said Greg Wilkinson, state troopers spokesman. State and municipal officers last year issued 2,427 seat belt citations, he said.

Regardless of the reason for the traffic stop, the fine for failure to wear a seat belt is minimal -- \$15 per offense for drivers and passengers alike -- and courts can waive the fine if the offender donates \$15 to an emergency medical services organization in the area.

In addition to the state fine, Anchorage levies a \$60 penalty.

Alaska's seat belt law applies to drivers and passengers 16 and older; there is a separate safety seat law for small children.

Stevens' highway sign legislation, Senate Bill 63, was the first of the three bills to get a hearing at the Capitol this session. The Senate Transportation Committee on Tuesday approved it and moved it to the Finance Committee for action before it can go to the full Senate.

The measure would allow the Department of Transportation to install special signs on state roads. Stevens, R-Anchorage, sponsored the bill in memory of 18-year-old Dimond High School senior Nate Kampen, who was not wearing his seat belt when he died in a traffic accident on O'Malley Road in September 2003.

Kampen was thrown from the vehicle, police said.

Police and troopers reported that three other people not wearing seat belts died in separate accidents the month after Kampen's death.

Bunde expects a hearing in Senate State Affairs next week on his bill to make it a primary offense

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not to buckle up. His effort passed the Senate last session but died in the House. He is hopeful of a better outcome this year for Senate Bill 87.

"Some bills take several sessions to pass," Bunde said.

Permitting traffic stops does nothing more than "allow us to simply enforce the law," he said.

Alaska's seat belt law, however, has its detractors, said the highway department's safety administrator. "There is a libertarian streak in Alaska that doesn't like the idea of government telling anybody what to do," Smith said.

"The 'Click It or Ticket' ads give the perception that if you don't wear a seat belt you can be pulled over and ticketed," Dahlstrom said. She and five other House members are sponsoring House Bill 104 to bar the state and municipalities from using public funds for any advertising that could mislead the public.

"There are some things you can legislate and other things you shouldn't," she said of Bunde's bill. "Adults can make that choice for themselves."

She said she is talking with highway safety officials about the "Click It or Ticket" ads and hopes they can be changed. "Some minor tweaking could be done and we'd be fine," she said.

Daily News reporter Larry Persily can be reached at lpersily@adn.com or in Juneau at 1-907-523-9306.

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SENATOR BEN STEVENS

SPONSOR STATEMENT

SENATE BILL 63

"An Act relating to road signs encouraging the use of safety belts."

The Nathan Kampen Act

Senate Bill 63 would encourage the posting of signs promoting the use of safety belts. The legislation specifically allows the Department of Transportation to erect and maintain signs at the site of a motor vehicle accident where a fatality occurred as a result of a person's failing to use a safety belt.

Title 17 currently only allows Highway Fatality Memorial Signs that do not include a safety belt sign. An average of 55% of the fatalities in motor vehicle accidents in Alaska from 1997-2002 could have been prevented if seatbelts had been used. It is our hope that these postings will reduce the number of fatalities from failure to use a seat belt.



Alaska State Legislature

Senate Majority Web: www.akrepublicans.org

Sponsor: Senator Ben Stevens
Current Version: SB 63
Contact: Cheryl Sutton, 465-4993

Fact Sheet for: Senate Bill 63

Short Title: USE SEAT BELT ROAD SIGNS

Summary:

- Allows the Alaska Department of Transportation to erect and maintain roadway signs that encourage the use of safety belts.
- Stipulates placing the signs at the sites of traffic fatalities that could have been prevented if seat belts were in use.

Benefits:

- Encourages drivers and passengers to always use safety belts.
- Reminds drivers and passengers about the potential consequences of not wearing safety belts.
- Demonstrates the state is serious about safety belt use.

Background:

- Between 1997 and 2002 about 55% of all motor vehicle fatalities in Alaska could have been prevented if safety belts were used. The bill is named in memory of Nathan Kampen, a young Anchorage man who died in a traffic accident because he was not wearing a safety belt. The bill is one more positive step toward saving lives on Alaska's roadways.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB63-DOT-CO-1-3-05
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DOT&PF
 Title Road Signs Encouraging Seat Belt RDU Administration & Support
Usage Component Commissioner's Office
 Sponsor Sen. Ben Stevens
 Requester Senate Transportation Component No. 530

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

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	*	*	*	*	*	*

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

It is not known how many signs would be posted and maintained by DOT&PF, however, the average cost of such a sign is \$500.

Prepared by: Nona Wilson Phone 465-3904
 Division Legislative Liaison, DOT&PF Date/Time 2/4/05 12:08 PM
 Approved by: Mike Barton Date 2/4/2005
 Agency Commissioner, DOT&PF

Suggested Treatment of Memorial Sign Options

Condition	Treatment
Drunk and Unbuckled:	Applicants Choice - either "Please Don't Drink and Drive" or "Please Buckle Up" (or whatever text you plan to use)
Drunk only	"Please Don't Drink and Drive"
Unbuckled only	"Please Buckle Up" (or whatever text you plan to use)
Neither	"Please Drive Safely"

Key

Unbuckled: One or more of the deceased were unbuckled

Drunk: Drunk Driver Caused Crash

*suggested by
the dept.*

Alaska Traffic Accidents					
	1997	1998	1999	2000	2001
Total Accidents	13,804	13,499	14,691	14,127	15,273
Fatalities	54	53	55	79	69
No Seatbelt	31	28	29	45	39
% that could have survived	57%	53%	53%	57%	57%

CHAPTER 2S. SPECIAL SIGNS

This is a new chapter. There is no corresponding chapter in the MUTCD.

Section 2S.01 Highway Fatality Memorial Signs (I-160 through I-164)

Support:

Highway Fatality Memorial Signs memorialize people who die in highway accidents.

Standard:

The **PLEASE DON'T DRINK AND DRIVE (I-160)** sign is used when a legally drunk driver caused the fatal accident. This sign shall be used in conjunction with one of the following:

- An **IN MEMORY OF . . . (I-162)** plaque, when the deceased was a victim of an alleged drunk driver, OR
- A **SPONSORED BY . . . (I-163)** plaque, when the deceased was the alleged drunk driver

The **PLEASE DRIVE SAFELY (I-161)** sign is used when a legally drunk driver did not cause the fatal accident. It shall be used in conjunction with one of the following:

- An **IN MEMORY OF . . . (I-162)** plaque, when the deceased was a victim of another driver who was allegedly at fault, or when the deceased was the only person killed or injured in a single car accident, OR
- A **SPONSORED BY . . . (I-163)** plaque, when the deceased was the driver who was allegedly at fault in an accident where others were killed or injured.

If both **IN MEMORY OF . . . (I-162)** and **SPONSORED BY . . . (I-163)** plaques are required at an accident site, they shall be installed on separate sign installations.

Month and year of installation shall be clearly marked on the back of each sign and plaque with long-lasting black paint.

Before installation on state highways, the DOT&PF regional office right-of-way chief or designee must approve the use of these signs in keeping with the Highway Fatality Memorial Sign Program. Applicants for the signs must comply with program requirements.

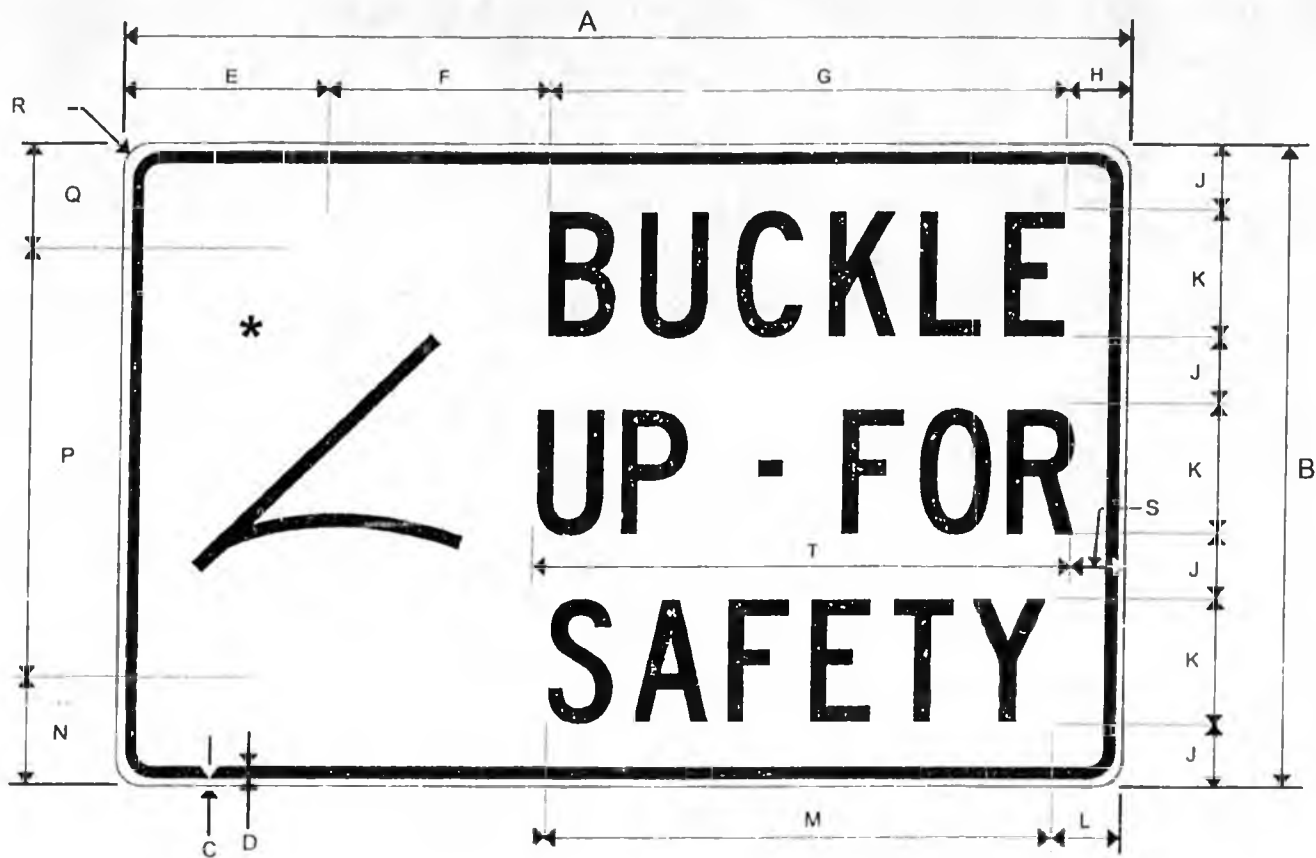
Suggested Treatment of Memorial Sign Options

Condition	Treatment
Drunk and Unbuckled:	Applicants Choice - either "Please Don't Drink and Drive" or "Please Buckle Up" (or whatever text you plan to use)
Drunk only	"Please Don't Drink and Drive"
Unbuckled only	"Please Buckle Up" (or whatever text you plan to use)
Neither	"Please Drive Safely"

Key

Unbuckled: One or more of the deceased were unbuckled

Drunk: Drunk Driver Caused Crash



* Make seat belt symbol proportional to the graphic shown.

Border and Legend: Black
Background: White

Road Class	Dimensions (inches)																
	A	B	C	D	E	F	G	H	J	K	L	M	N	P	Q	R	S
Conv & Min	48	30	0.38	0.63	10	10.4	27.6	2.9	3	6C	3?	24.2	5	20	5	1.5	26



Border and Legend: White
Background: Blue

Prior to the 2002 publication of this manual,
this sign was numbered AK-SP1-1.

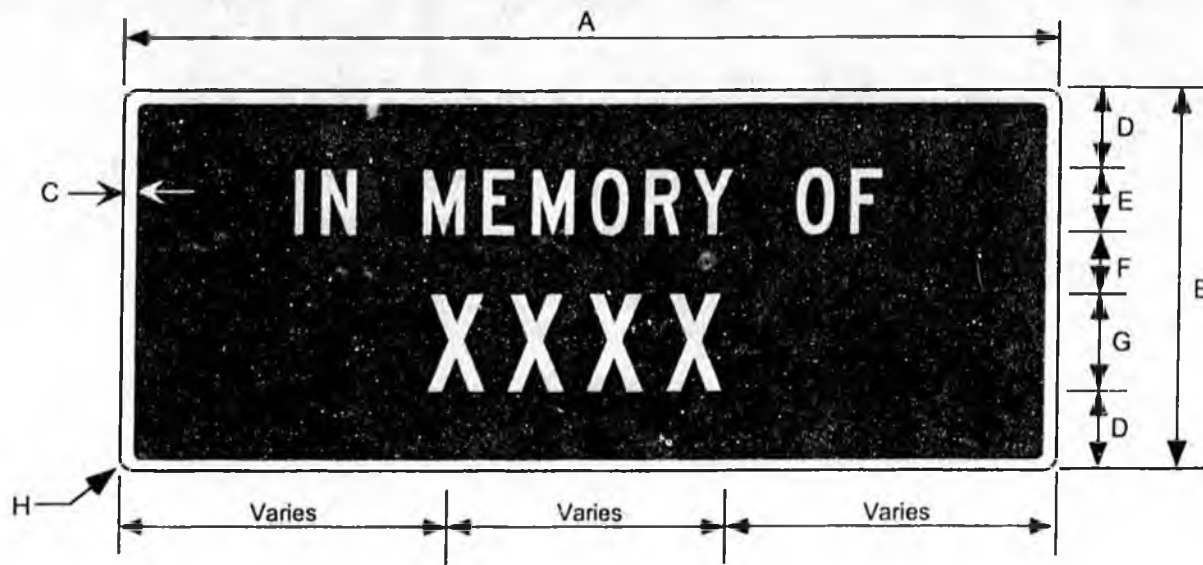
Road Class	Dimensions (inches)							
	A	B	C	D	E	F	G	H
Conv & Min	30	36	1	3.5	5C	2	4E	1.88



Border and Legend: White
Background: Blue

Prior to the 2002 publication of this manual,
this sign was numbered AK-SP1-2.

Road Class	Dimensions (inches)					
	A	B	C	D	E	F
Conv & Min	30	0.75	1.88	4.5	5C	3



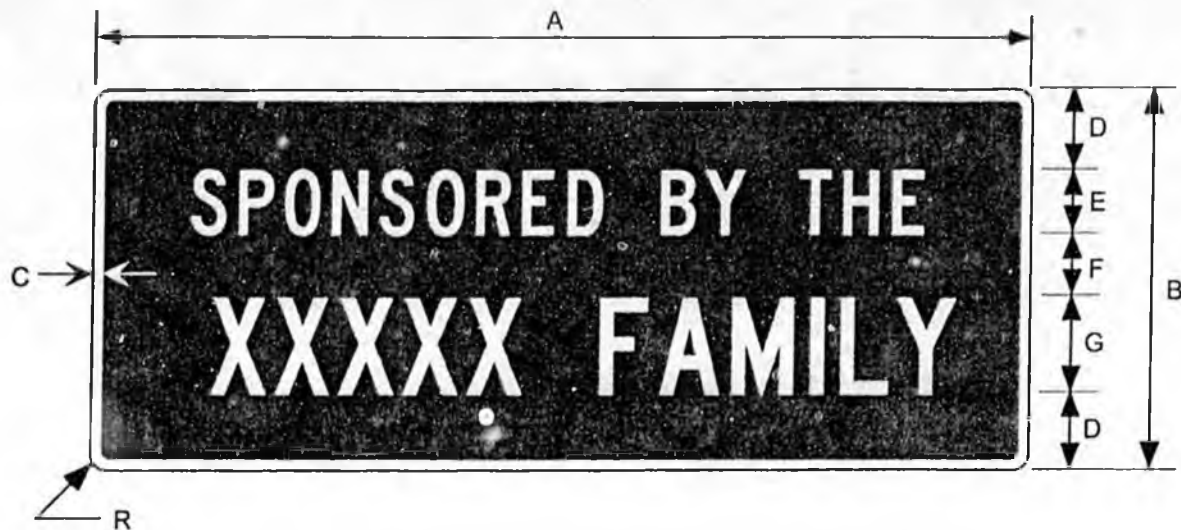
Border and Legend: White
 Background: Blue

This plaque may be used in conjunction with a "PLEASE DON'T DRINK AND DRIVE" or a "PLEASE DRIVE SAFELY" sign.

Prior to the 2002 publication of this manual, this sign was numbered AK-SP1-3.

Road Class	Dimensions (inches)							
	A	B	C	D	E	F	G	H
Conv & Min	30	12	0.75	2.5	2C	2	3C	1.5

* If the name is too long to fit, letter size may be reduced to 2" Series C. A 2.5" margin shall be maintained on either side of the name.



Border and Legend: White
 Background: Blue

This plaque may be used in conjunction with
 "PLEASE DON'T DRINK AND DRIVE" (I-160).

Prior to the 2002 publication of this manual,
 this sign was numbered AK-SP1-4.

Road Class	Dimensions (inches)							
	A	B	C	D	E	F	G	R
Conv & Min	30	12	0.75	2.5	2C	2	3C*	1.5

* If the name is too long to fit, letter size may be reduced to 2" Series C. A 2.5" margin shall be maintained on either side of the name.



Chapter 08
Memorial Sign Program

Section

5. Purpose of memorial sign program.

10. Application procedure for a memorial sign for a fatally injured victim of an accident caused by a drunk driver.

15. Application procedure for a memorial sign for a drunk driver who was fatally injured in a highway accident.

20. Application procedure for a memorial sign for an individual who was fatally injured in a highway accident that did not involve alcohol.

25. Department review of memorial sign application.

30. Location, placement, and ownership of memorial signs.

35. Wording on memorial signs.

40. Name plaque limit on a single memorial sign installation.

45. Time allowed for memorial signs in the highway right-of-way.

50. Multiple memorial sign applications.

55. Application filing deadlines.

17 AAC 08.005. Purpose of memorial sign program

The purpose of the memorial sign program is to

(1) provide friends and relatives of persons fatally injured in highway accidents with the opportunity to memorialize them by sponsoring a memorial sign to be erected near the scene of the accident; and

(2) combat drunk driving and to increase the public's awareness of the need to drive safely and responsibly.

History: Eff. 1/20/2002, Register 161

Authority: AS 19.05.010

AS 19.05.020

AS 19.05.040

AS 44.42.030

17 AAC 08.010. Application procedure for a memorial sign for a fatally injured victim of an accident caused by a drunk driver

Under this section, a person may apply to the department to sponsor a sign memorializing an individual who was fatally injured in a highway accident, in which another driver is alleged to be at fault and alcohol is alleged to be involved. The applicant must complete a memorial sign application furnished by the department. The applicant must submit the completed application to the department representative stated on the application, and must include with the application

- (1) the date and location of the highway accident;
- (2) the name of the driver alleged to be at fault;
- (3) an affidavit by the applicant that the individual to be memorialized was fatally injured in the highway accident, that the other driver is alleged to be at fault, and that alcohol is alleged to be involved; and
- (4) the name of the individual who was fatally injured as it should appear on the memorial sign.

History: Eff. 1/20/2002, Register 161

Authority: AS 19.05.010

AS 19.05.020

AS 19.05.040

AS 44.42.030

17 AAC 08.015. Application procedure for a memorial sign for a drunk driver who was fatally injured in a highway accident

A person may apply to the department to sponsor a sign memorializing an individual who was fatally injured in a highway accident in which the fatally injured is alleged to be the driver at fault and alcohol is alleged to be involved. The applicant must complete a memorial sign application furnished by the department. The applicant must submit the completed application to the department representative specified on the application, and must include with the application

- (1) the date and location of the highway accident;
- (2) the name of the individual who was fatally injured;
- (3) an affidavit by the applicant that the individual who was fatally injured is alleged to be the driver at fault and alcohol is alleged to be involved;
- (4) the name of each sponsor as it should appear on the memorial sign.

History: Eff. 1/20/2002, Register 161

Authority: AS 19.05.010

AS 19.05.020

AS 19.05.040

AS 44.42.030

17 AAC 08.020. Application procedure for a memorial sign for an individual who was fatally injured in a highway accident that did not involve alcohol

A person may apply to the department to sponsor a sign memorializing an individual who was fatally injured in a highway accident that did not involve alcohol by completing a memorial sign application furnished by the department. The applicant shall submit the completed application along with the

- (1) date and location of the highway accident; and
- (2) name of the individual who was fatally injured as it should appear on the memorial sign.

History: Eff. 1/20/2002, Register 161

Authority: AS 19.05.010

AS 19.05.020

AS 19.05.040

AS 44.42.030

17 AAC 08.025. Department review of memorial sign application

(a) Within 30 days after the department receives a correctly completed application submitted under 17 AAC 08.010, 17 AAC 08.015, or 17 AAC 08.020 and the department has inspected the proposed site for the memorial sign, the department will send a written decision to the applicant as to whether the proposed sign installation is in compliance with this chapter.

(b) A person who has applied for a memorial sign under 17 AAC 08.010, 17 AAC 08.015, or 17 AAC 08.020 may appeal a decision denying an application under 17 AAC 85.

History: Eff. 1/20/2002, Register 161





Authority: AS 19.05.010

AS 19.05.020

AS 19.05.040

AS 44.42.030

17 AAC 08.030. Location, placement, and ownership of memorial signs

(a) A memorial sign that the department approves under this chapter will be placed in the highway right-of-way, without cost to an applicant, near the location of the accident and facing the oncoming traffic. However, a memorial sign will not be placed nearer than 200 feet from an existing traffic sign or where the memorial sign obstructs the visibility of an existing traffic sign.

(b) Memorial signs may be placed in a highway right-of-way under the jurisdiction of the department except for a controlled access highway. For purposes of this subsection, controlled access highways include freeways, expressways and on-ramps and off-ramps of freeways and expressways.

(c) The department will furnish, install and retain ownership of a memorial sign.

History: Eff. 1/20/2002, Register 161

Authority: AS 19.05.010

AS 19.05.020

AS 19.05.040

AS 44.42.030

17 AAC 08.035. Wording on memorial signs

(a) If a memorial sign is applied for under 17 AAC 08.010 and approved by the department under this chapter, the department will install a cautionary sign that reads "PLEASE DON'T DRINK AND DRIVE" and a separate name plaque that reads "IN MEMORY OF (the victim's name)".

(b) If a memorial sign is applied for under 17 AAC 08.015 and approved by the department under this chapter, the department will install a cautionary sign that reads "PLEASE DON'T DRINK AND DRIVE" and a separate name plaque that reads "SPONSORED BY (the sponsor's name)".

(c) If a memorial sign is applied for under 17 AAC 08.020 and approved by the department under this chapter, the department will install a cautionary sign that reads "PLEASE DRIVE SAFELY" and a separate name plaque that reads "IN MEMORY OF (the victim's name)".

History: Eff. 1/20/2002, Register 161

Authority: AS 19.05.010

AS 19.05.020

AS 19.05.040

AS 44.42.030

17 AAC 08.040. Name plaque limit on a single memorial sign installation

No more than three name plaques of victims or sponsors may appear below the memorial cautionary sign on a single memorial sign installation.

History: Eff. 1/20/2002, Register 161

Authority: AS 19.05.010

AS 19.05.020

AS 19.05.040

AS 44.42.030

17 AAC 08.045. Time allowed for memorial signs in the highway right-of-way

Unless it determines that public safety requires removal, the department will keep a memorial sign installation in its designated location for 10 years after the date of its installation. After the 10-year period ends, the department will remove the memorial sign installation.

History: Eff. 1/20/2002, Register 161

Authority: AS 19.05.010

AS 19.05.020

AS 19.05.040

AS 44.42.030

17 AAC 08.050. Multiple memorial sign applications

(a) If more than one sponsor applies for a memorial sign to be located near a single accident site, the department will consider the multiple applications in the order in which they are received.

(b) If the department approves, under this chapter, the application of additional sponsors who apply for a memorial sign for additional victims who were fatally injured as the result of the same or a different highway accident at a single accident site, the additional sponsors may apply to

(1) attach name plaques to the first sign installation, if the requirements of 17 AAC 08.040 are satisfied;

or

(2) have a memorial sign installed across the highway from the first sign installation so that the second sign installation faces the traffic approaching from the opposite direction.

(c) For purposes of this section, "single accident site" means the site of all accidents that occur within 1,000 feet from each other, regardless of when they occur.

History: Eff. 1/20/2002, Register 161





Authority: AS 19.05.010

AS 19.05.020

AS 19.05.040

AS 44.42.030

17 AAC 08.055. Application filing deadlines

(a) A person may file an application under 17 AAC 08.010, 17 AAC 08.015, or 17 AAC 08.020, until January 15, 2003 to memorialize a death in a highway accident that occurred before that date.

(b) On or after January 16, 2003, a person may file an application under 17 AAC 08.010, 17 AAC 08.015, or 17 AAC 08.020 to memorialize a death in a highway accident that occurred within the two years before the date that the department received the application.

History: Eff. 1/20/2002, Register 161

Authority: AS 19.05.010

AS 19.05.020

AS 19.05.040

AS 44.42.030

Chapter 10

Engineering: Encroachments, Driveways, and Road Approaches

Article

1. Encroachment Permits. (17 AAC 10.010 - 17 AAC 10.015)

2. Driveway and Approach Road Permits. (17 AAC 10.020 - 17 AAC 10.095)

3. Land Disposal. (17 AAC 10.100 - 17 AAC 10.130)

4. General Provisions. (17 AAC 10.950 - 17 AAC 10.990)

Article 1
Encroachment Permits