1/27/09 OVERVIEW: STATE TRANSP. IMPROVE-MENT PROGRAM

Alaska DOT&PF

What is the STIP?

- Statewide Transportation Improvement Program
- Spending program for Federal Highway funds
- Required by federal law
  - 4 year plan for highway spending
  - STIP must be fiscally constrained
  - Frequently amended
  - Substantial public process required
  - Must conform to long-range transportation plan
  - Federal approval before funds released

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STIP: What's Eligible

- Historically, only about 20% of the "high level" roads and bridges, plus ferries
  - 1991 Alaska specific amendment: "any public road"
- Other eligible work classes:
  - Public ferries and terminals
  - Public transit systems
  - Public bike and pedestrian trails that serve "transportation" purpose

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Other 49 states, federal funds used only on largest highways…

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…in 1991, change in federal law allowed federal funds to be spent on <u>any</u> public road In Alaska

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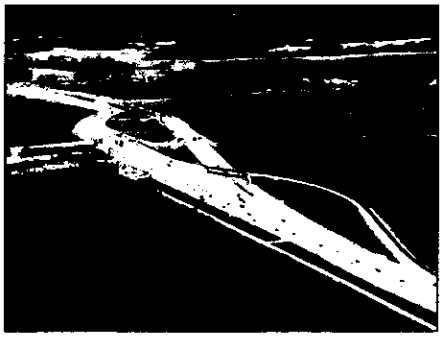
So, we're the ONLY state...

...where federal highway funds can fund boardwalks as well as interchanges



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More Eligibility = Too Many Needs Competing

- Federal program simple not big enough to meet all the original plus new categories of need
  - Villages: basic access, sanitation roads, dust control
  - Urban: congestion, safety
  - Other: Ferry and highway modernization, new routes, economic development

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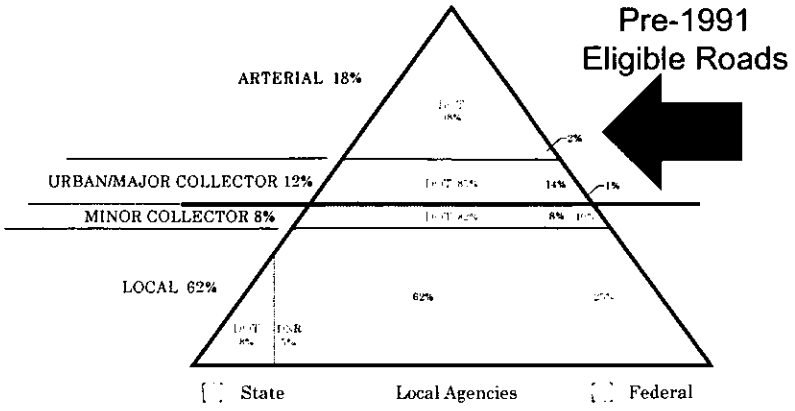
ALASKA PUBLIC ROAD MILES:
Arterial, Collector, and Local Road Mileage by Ownership
As of December 2003



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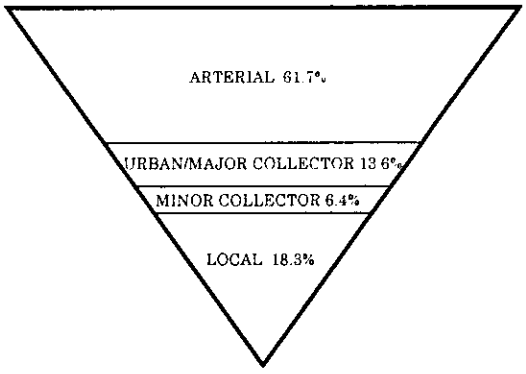
ALASKA PUBLIC ROAD MILES:
Distribution of 2003 VMT by Functional Class
(13,540,000 vehicle miles traveled)



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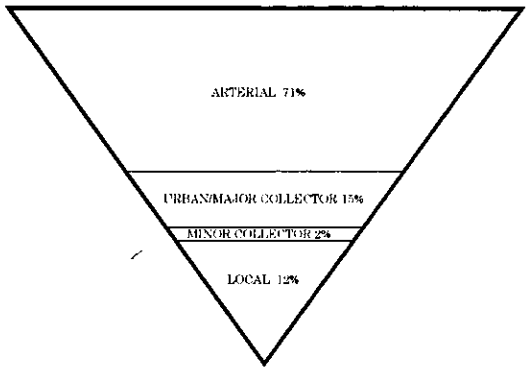
ALASKA PUBLIC ROAD MILES:
Distribution of 2003 Accidents by Functional Class



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Summary of Pyramids

- State owns/maintains 92% of high functional class routes (major collectors and arterials)
- These high functional class routes comprise 30% of all roads, where:
  - 75% of travel occur
  - 86% of accidents occur (in $ costs to society)

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Alaska's STIP Categories

- NHS - National Highway System
  - Most important highways and ferries
- AHS - Alaska Highway System
  - Other major highways and ferries
- CTP - Community Transportation Program - Most community roads, some state roads
- TRAAK - Trails & Recreational Access for Alaska

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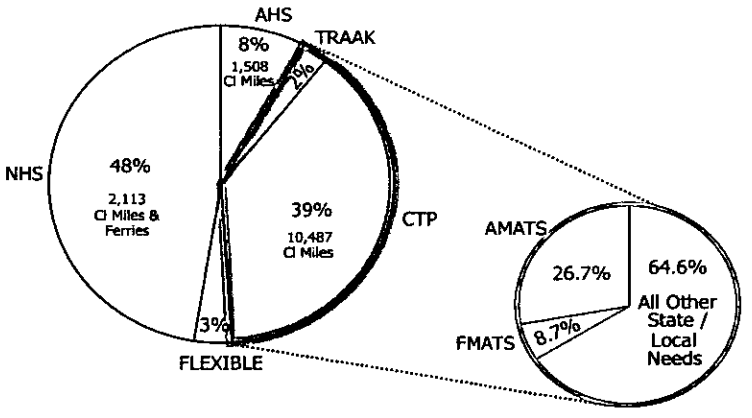
Distribution of Federal-Aid Transportation Formula Funds Per 17 AAC 05.155-200



December 2005

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How are Projects Selected?

- Approved State Transportation Plans: From long range transportation plan (required by federal and Alaska statutes)
- Management Systems: Federal mandate: structured data systems that keep track of critical conditions including:
  - Safety (state and local roads)
  - Bridges (state and local roads)
  - Pavement (state roads only)
- Scoring: For CTP and TRAAK projects not in state plans or management systems
  - Based on nominations and defined criteria

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Alaska's MPOs

- Metropolitan Planning Organization
  - Federally required partners in the federal highway program
  - Hold full decision authority over both plans and use of federal highway funds
    - Decisions apply to state and not-state owned roads (except NHS routes)
  - Anchorage and Fairbanks are both MPOs
    - Known as AMATS and FMATS

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Federal Highway Funds Challenge

- Many rules to work within
  - 120 funding types, plus "age" classes
- Most funds: use or lose in one year
- Funding types and time limits often drive project choices
- Since 2005: new rules have mushroomed
- Long and constant training curve for staff

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Recent Rules and Impact

- Ever more earmarks
  - Less funds to other needs as earmarks were deductive
  - Some projects not practical or too costly
- New pattern of rescissions
- Age class of funds now strictly enforced
- Time trap rule now strictly enforced
  - Unfinished projects must be repaid or completed

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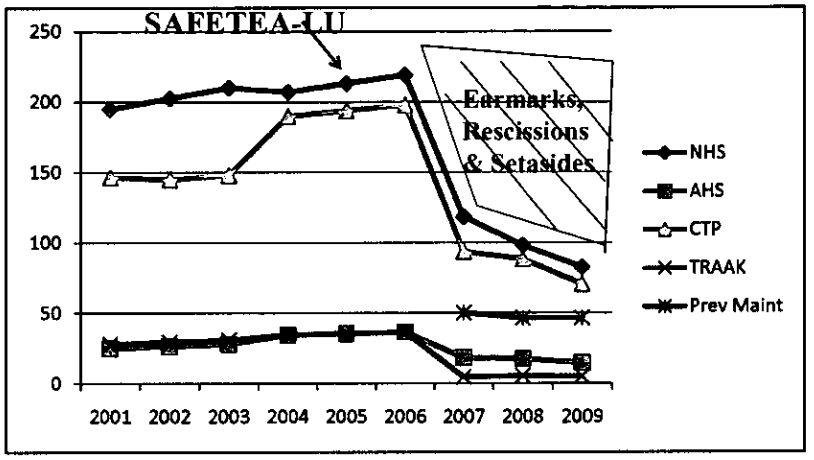
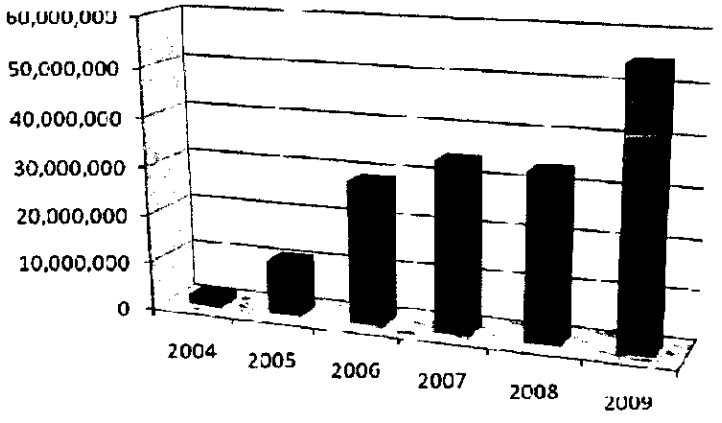
Alaska's Federal Highway formula funds for the STIP are decreasing



Highway Funds Rescissions Since 2004



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Once Ineligible Projects Constructed Since 2000

Rural Highway Projects 2000 - 2008

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Federal Funds Crystal Ball

- 2009: Fully funded, plus possible stimulus funds too
- 2010: Predicted deficit in trust fund, plus new highway bill required
  - 2010 federal year: just 8 months
- New highway bill:
  - Many concerns over funding and policy changes that could result

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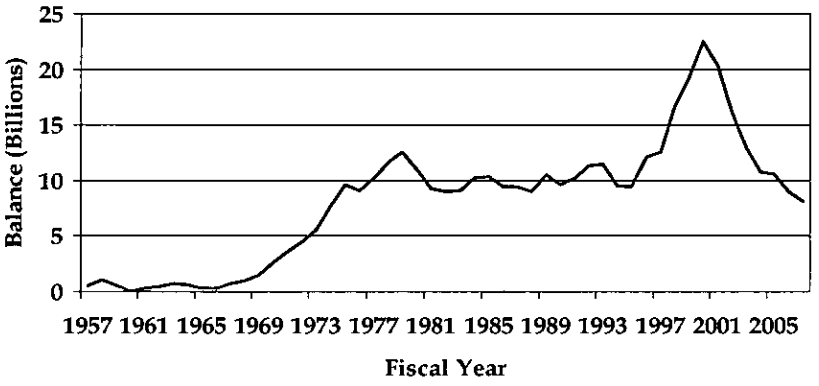
Highway Account Balance 1957-2007



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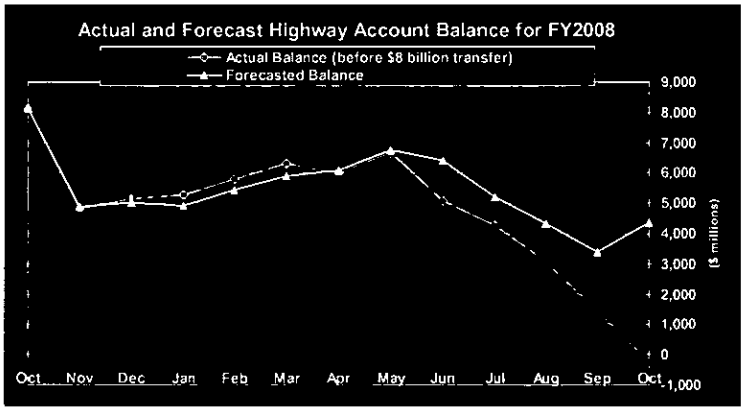
FY 2008: Actual and Forecasted Highway Account Balance



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September 2008: Congress stepped in…

And provided an **$8 Billion** infusion of general funds into the trust fund

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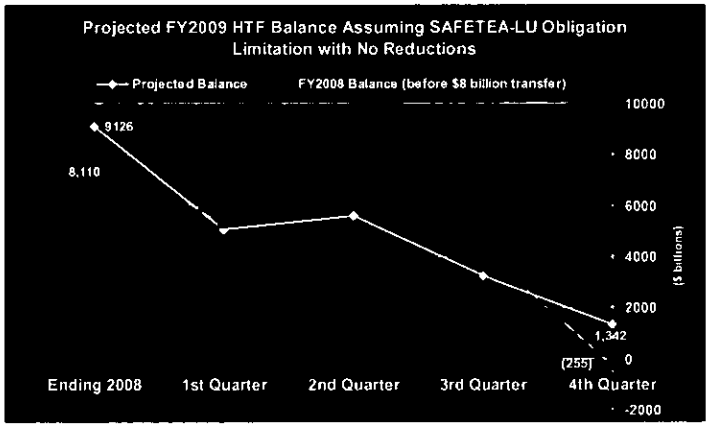
FY 2009: Predicted Status of the Highway Account

Projected FY09 ending balance of $1-$2 billion, but. . .
we could again experience cash flow problems



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STIP Calendar

- 2006 - 2009 STIP set to expire
  - Possible amendment yet this year
- 2010 to 2013 STIP must be prepared
  - Call for nominations to communities
  - Update of scoring criteria
  - Scoring of projects
  - Program draft STIP for public comment
  - Approval needed in just 8 months

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STIP and Fiscal Constraint

- New rules requires strict fiscal constraint in each STIP
  - Must estimate future federal funds
    - Trust fund uncertainty, possible formula changes, possible earmarking
  - Must estimate cost of future projects
    - Highly dynamic cost circumstances
    - Possible downswing due to economic forces
    - STIP now programmed with estimated inflation

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Sum Up

- STIP rules more complex and demanding than ever
- Federal funds declining, and less flexible
- Alaska shares STIP funds more widely than other states
- Federal program facing possible big changes in 2010
- Despite these challenges: Must write new STIP or fail to garner future funds

Alaska DOT&PF

Questions?

Providing for the Safe Movement of People and Goods and Delivery of State Services

information we need to help us all make good decisions as we deliberate the bills before us in committee.

Our first agenda item is an overview presentation by the commissioner of the Department of Transportation and Public Facilities, Leo von Scheben.

Commissioner, please introduce yourself and your affiliation for the record. Would you like us to ask questions as you go along or hold them until the end of the presentation?

Jim Beatle

Nancy Sclagle
Jeff Ottesen
Ron Cain

Our next Item on the agenda is the Statewide Transportation Improvement Program. Presenting will be Jeff Otesen, Director of Program Development for DOT.

Jeff, please introduce yourself and your affiliation for the record.

I'd like to thank the department for taking the time to educate us on the organization and the challenges you face. We will see you here on Thursday for the department's presentation on the Alaska Marine Highway System and the Alaska Class ~~Fast~~ Ferry project.

If there is no further business the committee will stand adjourned at _____ p.m.

House Transportation Committee
January 27, 2009

Let the record show that the Transportation committee was convened at _____ p.m.

Today we have the privilege of meeting jointly with the Senate Transportation Committee.

Senator Kookesh, would you like to recognize the Senate members present?

Let the record reflect that the following Senate members are present:

Kookesh___Menard___Davis___Meyer___Pask van___

Also let the record reflect that the following House members are present today:

Representatives
Johnson____Johansen____Harris____Munoz____Doogan_____Gruenberg__

& myself **Representative Wilson.**

I would like to recognize the staff today: **Carrie Cooper rider** Senate Recording Secretary, House Recording Nancy Hemingway

Jake Wade is our LIO Moderator,

My committee aide is Becky Rooney.

The Senate Committee Aid is Nancy Barnes.

Before we start, please turn off your cell phones. Just turning them to vibrate will still interfere with the recording system. Thank you.

We have asked the Department to come and give us an overview of their organization. They will also be drilling down in key areas to provide us with the

STATE OF ALASKA

SARAH PALIN, GOVERNOR

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
OFFICE OF THE COMMISSIONER

3132 CHANNEL DRIVE
PO Box 112500
JUNEAU, ALASKA 99811-2500
FAX: (907) 586-8365
PHONE: (907) 465-3900

January 29, 2009

The Honorable Albert Kookesh
Chair, Senate Transportation Committee
Alaska State Legislature
State Capitol
Juneau, AK 99811

The Honorable Peggy Wilson
Chair, House Transportation Committee
Alaska State Legislature
State Capitol
Juneau, AK 99811

Dear Senator Kookesh and Representative Wilson:

Enclosed are answers to questions asked during the joint House and Senate Transportation Committee meeting held on January 27, 2009.

The Department will provide the following information by February 4, 2009:

1. Ketchikan Airport: Has the state investigated taking over the Ketchikan airport? What would that mean?
2. State Transportation Improvement Program's list of statutes and regulations.

Additionally I would like to clarify my response to Rep. Johansen's question about the department complying with the hiring freeze.

> The Department of Transportation and Public Facilities is complying with the Governor's hiring freeze announced in her State of the State speech. Our regular design and construction program, combined with gas line preparedness and the potential economic stimulus package will put pressures on our already difficult task of finding and retaining qualified design and construction staff. Our intent is to request waivers to fill vacant positions where they are needed to support project delivery and construction programs. We are hopeful the Governor's Office will be receptive to these requests since the projects provide a needed economic base for the state.
>
> We currently use consultants in our construction programs (primarily design) to assist with the work load where it is not practical to add staff and will continue to

rely on them should we determine that existing staffing levels will not be sufficient to assure successful project administration.

If you have additional questions do not hesitate to contact me or Mary Siroky at 465-3900.

Sincerely,

Leo von Scheben, P.E., L.S., M.B.A.
Commissioner

Enclosures: Answer Sheet
Public Review Draft of the Proposed 2010-2013 Project Evaluation Criteria

WESTERN ALASKA ACCESS PLANNING STUDY (ROAD TO NOME)

Project overview

- $1,000,000 available from Roads to Resources program
- June 2008 – DOT&PF issues RFP for Western Alaska Access Planning Study
- August 2008 – DOT&PF hired DOWL Engineers
-
- Study area – west of the Dalton Highway, north of the Yukon River basin, south of the Brooks Range
- Project website: www.westernakaccess.com

Goals

- Identify transportation corridor based on economic benefits, engineering & environmental constraints, cultural & subsistence factors, and land ownership
- Analyze highway costs and benefits
- Develop a process that streamlines development timelines and costs
- Identify actions needed to implement construction

Timeline

- August 2008 – January 2009
  - Compile & evaluate existing data on transportation corridors
  - Update & analyze regional economic data
  - Prepare GIS mapping
  - Perform resource analysis – reports available January
  - Economic analysis of foreseeable corridor development scenarios
- February – December 2009
  - Examine alternative routes based on regional economic opportunities & other data
  - Conduct engineering analysis of construction and maintenance aspects
  - Define design process, including NEPA and right-of-way
  - Build GIS database
  - Develop cost estimates for construction and maintenance
  - Final Report: December 2009

Preliminary Findings

- Strong support for project from Native Corporations, City of Nome and mining companies
- Agencies, governments and corporations willing to share data
- Forestry, agriculture and oil/gas resources confined to eastern portion of study area
- Mineral and energy resource data are well documented
- Total un-mined resource value: greater than $22billion
- East-west mainline corridor favored by resource development entities
- Demand and price for Alaska's export commodities set by global economy

FOLLOWUP INFORMATION REQUESTED DURING JAN 27, 2009 JOINT HOUSE AND SENATE TRANSPORTATION COMMITTEE MEETING

AMHS WARD COVE LAY UP FACILITY

AMHS is considering consolidating vessel storage (lay-up), Ketchikan operations, warehousing and headquarters functions into one location. The Department programmed state general funds in November 2008 for an evaluation of Ward Cove for a consolidated AMHS facility.

Tasks undertaken to date include topographic and bathymetric surveys, property valuation estimate, and development of site plan alternatives. A stage one environmental site assessment is in progress and will be completed mid-February. The Department is waiting for permission from the Ketchikan Gateway Borough to enter the property to complete the environmental fieldwork.

The evaluation of the site's viability as a consolidated facility will be completed by March 2009. The $5 million appropriation was effective May 16, 2007.

PRINCE RUPERT

The operation of the railroad causes no problems to AMHS operations
DOT&PF&PF is not aware of any changes in their plans in the future.

Bob Thompson with the City of Prince Rupert stated these track are just a spur line used for building trains. He added that with phase two of the container project the railroad will be building more tracks for staging by the container terminal and this should decrease the use of the spur line by the ferry terminal. He will update Jim Beedle if there are any changes.

BRIDGE INFORMATION

State Owned Bridges: 813
Non-State Owned Bridges: 118

State owned bridges includes bridges owned by the DOT and other State agencies.

GRAVINA

Alternatives currently under consideration for evaluation in the Supplemental EIS (SEIS) include shuttle ferries, a submersed tunnel, lift span bridges and conventional bridge crossings.

The public process DOT&PF&PF is following is compliant with Section 6002 of SAFETEA-LU. Agency and public input has been gathered through written solicitation and public scoping meetings held in the community of Ketchikan.

2153

2010 to 2013 Project Evaluation Criteria

Alaska Department of Transportation and Public Facilities (ADOT&PF)

Division of Program Development

Public Review Draft

December 2008

Fiscal Uncertainty

Fiscal uncertainty in the federal-aid program is driving ADOT&PF to make very conservative funding projections into the near future. It also drives the ADOT&PF to narrow its focus rather than make sweeping change to the scoring criteria.

Unlike other states Alaska does not have taxes or fees dedicated to transportation needs. The consequence is a dependence on federal-aid to fund Alaska's transportation needs. This dependence makes Alaska especially sensitive to changes in federal – aid transportation funding. Currently, there are risks to the certainty of a steady federal-aid funding stream in the future. They are:

- The federal highway trust fund gathers its funding through federal fuel and other taxes and was expected to go into partial deficit in Federal Fiscal Year (FFY) 2009. Due to a variety of factors (price of fuel depressing sales, the public driving less, etc) the fund was nearing empty this last summer. Congress acted by adding money to the trust fund. However, even with this additional funding, it is unclear whether the trust fund will be able to remain solvent through FFY09. If the fund does not remain solvent it will be unable to disburse to the States the full amounts of funding currently anticipated in FFY09.

- Federal-aid funding will be reduced by a federally mandated rescission (cut) of funding in FFY09. Alaska's loss of funding is anticipated to be between $51 to $85 million dollars, which amounts to roughly 12% to 20% of what was authorized.

- In 2010 and beyond, the level of federal funding will be determined by a new surface transportation authorization act. With no real effort in Congress to date, it is very difficult to predict what this future act of Congress might mean for transportation. Some suspected outcomes will be greater support for transit projects, and a new emphasis on reducing green house gases, perhaps with mandates for the states to find ways to reduce driving and less funding for roads.

- Another factor is the fact that even FY2009 funding level cannot be supported by the current revenue to the highway trust fund. Only a tax increase of some type can restore even this current funding level, and any growth in funding would require additional tax revenues. Raising taxes after fuel prices have increased so rapidly may prove difficult for elected officials. Thus relying on significant growth in revenue to the trust fund cannot be taken for granted. Accordingly, the next STIP must take this reduced expectation into account.

Changes to STIP criteria

There are a few proposed changes to the scoring criteria:

- Within Remote and Trail Projects Criteria, Standard #1, Economic Benefits, access to renewable energy resources will be considered.

- Within Remote and Trail Projects Criteria, Standard #3, Safety, Performance goals of the Alaska Highway Safety Performance Plan are given some emphasis.

    - An important benefit of the recently adopted State Strategic Highway Safety Plan (SHSP) is coordination of safety goals and programs. This standard now includes safety goals of the Highway Safety Improvement Program (HSIP) and Alaska Highway Safety Performance Plan.

Within Urban & Rural Projects Criteria, Standard #1, Economic Benefits, access to renewable energy resources will be considered.

- Within Urban & Rural Standard #3, Safety, Performance goals of the Alaska Strategic Highway Safety Plan is given emphasis.

    - An important benefit of the recently adopted State Strategic Highway Safety Plan (SHSP) is coordination of safety goals and programs. This standard now includes safety goals of the Highway Safety Improvement Program (HSIP) and Alaska Strategic Highway Safety Plan.

- Within Urban & Rural Standard #12, Functional Class, minor collectors would be given 0 points rather than 1 point.

December 2008

- With an expected downturn in future federal highway funding, ADOT&PF has placed emphasis on funding "core" projects. That means the limited/reduced federal funding will be spent on projects to maintain and improving Alaska's main highways before improvements will be funded for local class roads. Alaska's main highways are functionally classed as arterial or major collector. This proposed change will give greater weight to projects to improve communities' arterial highways and major collectors rather than minor roads.

- Within the TRAAK Projects Criteria, Standard #2, Safety, the Alaska Highway Safety Performance Plan Performance Goal of Reducing the number of Bicyclists and Pedestrians killed or injured in crashes is addressed.

- Within ITS evaluation criteria Standard #1 the Alaska Iways Architecture no longer includes the name "Implementation" hence the new acronym has been changed from "AI2" to "AKIA." Within ITS evaluation criteria Standard #3, the "ITS plan" is referring to the Alaska Iways Architecture.

- The total points available in each category were raised from 47 to 50. This was done by changing the number of points available in the several different criteria within each criteria set.

- The use of the scoring in the -5 range was deleted in all categories. This was done to take advantage of a electronic scoring system the department will use to speed up scoring. The technology can only register 9 different score values, which is the range between +5 and -3, including the 0 score. Historically, the -5 score was very seldom used, thus this change is not likely to have much impact.

- A new cost effectiveness score was created in all categories to respond to changes in the regulations that govern the STIP scoring process. This regulation change was the result of a court decision.

Remote and Trail Projects Criteria				
	Scoring Criteria			
Standards	(5)	(3)	(0)	(-3) N/A
1a. **Economic benefits** if not new mode or facility. Weighting: 0 or 3	Supports economic benefit; endorsed in an economic or energy development project by regional governmental agency or representative group including access to an economic or energy development project.	Supports capacity or new access specifically built to support regional or local industrial, commercial or resource development including access to an economic or energy development project.	Supports minimal, speculative or temporary economic opportunities or benefits or provides non-crucial benefit to existing economic activity.	
OR				N/A
1b. **Economic benefits** if new mode or facility. Weighting: 0 or 3	Consideration of costs and benefits via an analysis demonstrates: Project has very significant monetary and/or non-monetary benefits and provides access to an economic or energy development project.	Project has average monetary and/or non-monetary benefits and provides access to an economic or energy development projects.	Project has below average monetary and/or non-monetary benefits.	
Economic benefits analysis in 1a. and 1b. shall not consider benefits due to project construction.				
2. **Health and quality of life** (Air and water quality, neighborhood continuity, access to basic necessities) Weighting: 4	This project provides a significant contribution to improved health or quality of life, or reduces or removes a significant existing negative factor.	This project provides a moderate contribution to improved health or quality of life, or reduces or removes an existing negative factor.	Project will have no effect either positive or negative on quality of life issues.	This project provides a significant degradation to health or quality of life.
Examples: Access to basic sanitation = 5; dust control = 4; access to medical facility = 3.				

Remote and Trail Projects Criteria				
	Scoring Criteria			
Standards	**(5)**	**(3)**	**(0)**	**(-3)**
3. **Safety.** Meets one of the goals or strategies listed in the Alaska Strategic Highway Safety Plan (SHSP). Weighting: 5	Proposes mitigation which is recognized in the SHSP to address A) a major portion of crashes on a segment or intersection with a crash rate exceeding the Critical Rate defined in the HSIP Program, or, B) historical crash patterns identified from 3 or more crashes, at least two of which involve deaths or major injuries, or C) documented high accident potential or risk between a major non-motorized use facility and vehicular traffic' or D) documented high accident potential or risk for existing mode to be replaced by the project being scored.	Proposes mitigation which is recognized in the SHSP to address A) a major portion of crashes on a segment or intersection with a crash rate above the statewide average, or, B) historical crash patterns identified from 3 or more crashes per year, or C) traffic conflicts between a primary non-motorized use facility and vehicular traffic, or D) documented moderate accident potential risk for existing mode to be replaced by the project being scored.	No mitigation is demonstrated to address a crash problem or potential in other categories. A) crashes on the project's segments or intersections have a crash rate below the statewide average, or, B) historical crash patterns identified are less than 3 or more crashes per year, C) there are no demonstrated traffic conflicts between a non-motorized use facility and vehicular traffic, or D) there is no current mode of travel to be replaced	Proposes features which are recognized in practice to worsen A) a major portion of crashes on a segment or intersection with a crash rate exceeding the Critical Rate defined in the HSIP Program, or, B) historical crash patterns identified from 3 or more crashes, at least two of which involve deaths or major injuries, or C) documented high accident potential or risk between a major non-motorized use facility and vehicular traffic.
Minimum latest available 10-year record. When using anecdotal crash information from first hand (EMS, Fire, Police, M&O - on-scene responsibility) = maximum score is 4 points. When using anecdotal safety information from second-hand sources (not on-scene responsibility) or data not recognized in practice = maximum score 2 points.				
4. Improves **intermodal transportation** or lessens redundant facilities. Weighting: 4	Greatly improves the connectivity between modes and coordination and integration of passenger and freight systems and services and/or would clearly reduce the need for significant capital investment in another mode.	Moderately improves the connectivity between modes and enhances coordination and integration of passenger and freight systems and/or would clearly reduce the need for moderate capital investment in another mode.	Minimal or no effect on transportation system connectivity, or coordination and integration of passenger and freight systems and services and does not change the requirement for investment in other modes.	Greatly decreases the connectivity between modes or decreases coordination and integration of passenger and freight systems and/or would clearly require the need for significant capital investment in another mode.

2010 – 2013
STIP Project Scoring Criteria Public Review Draft

Remote and Trail Projects Criteria				
	Scoring Criteria			
Standards	**(5)**	**(3)**	**(0)**	**(-3)**
5. Local, other agency or user contribution to **fund capital costs**. Weighting: 5	Contribution of cash matching funds, design, and/or materials: 1 point per each 10% of project cost.		Contribution covers no capital costs; contributes nothing.	**N/A**
Match required by state match policy shall not be considered In this question. Only contributions that exceed the required match contribution shall be considered.				
6b. Departmental **M&O priority** (Use for DOT&PF facilities.) Weighting: 6	Very high M&O priority. OR Sponsor will assume ownership if currently a DOT&PF facility; or sponsor will assume ownership of another DOT&PF facility of similar M&O cost and the exchange is a very high M&O priority	Moderate M&O priority. OR Sponsor will assume ownership if currently a DOT&PF facility; or sponsor will assume ownership of another DOT&PF facility of similar M&O cost and the exchange is a moderate M&O priority	Not an M&O priority. OR Sponsor will assume full M&O responsibility; or sponsor will assume full M&O of another DOT&PF facility of similar M&O cost. (No net increase in M&O costs.)	Not an M&O priority; would increase M&O costs significantly.
STIP commitment must be in writing and passed by the governing body of the community or tribe before points will be assigned				
7. **Public support.** Weighting: 4	Preponderance of public record including a resolution from the local elected body shows support for project and fully supported in state, tribal, or local plans (Resolution is only required in areas/communities represented by locally elected body)	Majority of public record shows support for project including resolution of support from local elected body; and nominally supported in official state, tribal, or local plans (Resolution is only required in areas/communities represented by locally elected body)	Project has resolution of support from local elected body OR There is a public record of support if project is located in unincorporated community in unorganized borough (Resolution is only required in areas/communities represented by locally elected body)	**No resolution of support from Local elected body** **Or** **There is no public record of support if project is located in unincorporated community in unorganized borough**

Remote and Trail Projects Criteria				
	Scoring Criteria			
Standards	**(5)**	**(3)**	**(0)**	**(-3)**
8. **Environmental approval** readiness Weighting: 3	Environmental approval likely with Categorical Exclusion or already complete.	Environmental approval likely with Environmental Assessment or draft documents circulated.	Environmental approval likely with Environmental Impact Statement.	Environmental approval unlikely.
9. Will project provide new and/or **improved access** to the noted uses: water sources, landfills, sewage lagoons/honey bucket sites, health care, airports, subsistence sites, or river/ocean access? Weighting: 3	New access to two or more uses = 5.	New access to one = 3; Improved access to two or more = 2; Improved access to one of listed uses = 1.	None of uses listed.	**N/A**
10. **System preservation**. Weighting: 5	Major purpose of project is to extend the life of existing facility by 10 or more years.	Secondary purpose of project is to extend life of existing facility by 10 or more years.	Preservation is not significant purpose of the project.	**N/A**
11. Is this a **joint project** coordinated with ADEC, BIA, ANTHC, Denali Commission, or similar? Weighting: 5	**NA**	Yes	No.	**N/A**
12. **Cost Effectiveness**: Project cost/persons whom facility provides essential services & benefits described in Criteria 1,2,3,4 or 9 Weighting: 1	$5,000 per capita or less This assumes that most benefits in remote areas are not "transportation" savings, which are relatively minor relative to project costs and other benefits in remote areas for CTP type projects	$10,000 per capita or less	$20,000 per capita or less	More than $20,000 per capita.
13. **Other factors** not specified. Weighting: 2	*Each PEB member Is allocated 2 points for each project scored. Between 0-5 points may be allocated to each project from this "pool" of points. Points from Remote, Rural/Urban and other STIP categories must be used for projects within the same category.*		*Negative points may be assigned to projects that are excessive in scope, cost or deemed not in state's interest. If negative points assigned; 4 or more PEB members must jointly agree and identify the reasons for this decision.*	

Total Weight = 50

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Urban and Rural Projects Criteria			Scoring Criteria	
			(0)	(-3)
Standards	(5)	(3)		
1a. **Economic benefits** if not new mode or facility. Weighting: 0 or 3	Supports economic benefit; endorsed in an economic development project by regional governmental agency or representative group or provides new direct access to an energy resource.	Supports capacity, or new access specifically built to support regional or local industrial, commercial or resource or provides moderate access to an energy resource.	Supports minimal, speculative or temporary economic opportunities or benefits or provides non-crucial benefit to existing economic activity.	N/A
OR				
1b. **Economic benefits** if new mode or facility. Weighting: 0 or 3	Consideration of costs and benefits via an analysis demonstrates:			No documentation provided.
	Project has very significant monetary and/or non-monetary benefits or provides new direct access to an energy resource.	Project has average monetary and/or non-monetary benefits. or provides moderate access to an energy resource	Project has below average monetary and/or non-monetary benefits.	
Economic benefits analysis in 1a. and 1b. shall not consider benefits due to project construction.				
2. **Health and quality of life** (Air and water quality, neighborhood continuity, access to basic necessities) Weighting: 1	This project provides a significant contribution to improved health or quality of life, or reduces or removes a significant existing negative factor.	This project provides a moderate contribution to improved health or quality of life, or reduces or removes an existing negative factor.	Project will have no effect either positive or negative on quality of life issues.	This project provides a significant degradation to health or quality of life.

Urban and Rural Projects Criteria				
Standards	**Scoring Criteria**			
	(5)	**(3)**	**(0)**	**(-3)**
3. **Safety**. Meets goals or strategies listed in the Alaska Strategic Highway Safety Plan (SHSP). Weighting: 4	Proposes mitigation which is recognized in practice to address A) a major portion of crashes on a segment or intersection with a crash rate exceeding the Critical Rate defined in the HSIP Program, or, B) a documented high accident potential or risk between a major non-motorized use facility and vehicular traffic, or C) addresses two or more of the strategies in the SHSP.	Proposes mitigation which is recognized in practice to address A) a major portion of crashes on a segment or intersection with a crash rate above the statewide average, or B) traffic conflicts between a primary non-motorized use facility and vehicular traffic, or C) addresses one of the strategies in the SHSP.	No mitigation is demonstrated to address a crash problem or potential in other categories. A) crashes on the project's segments or intersections have a crash rate below the statewide average, or, B) historical crash patterns identified are less than 3 or more crashes per year, or C) no demonstrated traffic conflicts between a non-motorized use facility and vehicular traffic.	Proposes features which are recognized in practice to worsen A) a major portion of crashes on a segment or intersection with a crash rate exceeding the Critical Rate defined in the HSIP Program, or, B) exacerbates a strategy of the SHSP in a significant manner.
Minimum latest available 10 year record. When using anecdotal crash information from first hand (EMS, Fire, Police, M&O - on-scene responsibility) = maximum score is 4 points. When using anecdotal safety information from second-hand sources (not on-scene responsibility) or data not recognized in practice = maximum score 2 points.				
4. Improves **intermodal transportation** or lessens redundant facilities. Weighting: 4	Would clearly reduce the need for capital investment in another mode and result in a reduction in operating costs by reducing redundancy in our system or greatly improves the connection between modes for travelers or freight.	May reduce the need for capital investment in another mode and result in a reduction in operating costs by reducing redundancy in our system or would moderately improve the connection between modes for travelers or freight.	Does not impact other mode requirements.	Will increase demand on another mode requiring additional capital expenditure.
5. Local, other agency or user **contribution to fund capital costs**. Weighting: 5	Contribution of cash matching funds, design, , and/or materials: 1 pt per each 10% of project cost.		Contribution covers no capital costs; contributes nothing.	**N/A**
Match required by state match policy shall not be considered In this question. Only contributions that exceed the required match contribution shall be considered.				

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Urban and Rural Projects Criteria			Scoring Criteria	
Standards	**(5)**	**(3)**	**(0)**	**(-3)**
6a. Local, other agency or user **contribution to fund M&O costs**. (For non-DOT or DOT unsuited to long-term ownership.) Weighting: 0 or 5		Sponsor will assume full M&O responsibility; or sponsor will assume full M&O of another DOT&PF facility of similar M&O cost.		**N/A**
STIP commitment must be in writing and passed by the governing body of the community or tribe before points will be assigned.				
6b. Departmental **M&O costs** and priority (Use for DOT facilities.) Weighting: 0 or 5	Very high M&O priority.	Moderate M&O priority.	Not an M&O priority; little effect on M&O costs.	Not an M&O priority; would increase M&O costs significantly.
7. **Public support**? Weighting: 3	Preponderance of public record including a resolution from the local elected body shows support for project and fully supported in state, tribal, or local plans (Resolution is only required in areas/communities represented by locally elected body)	Majority of public record shows support for project including resolution of support from local elected body; and nominally supported in official state, tribal, or local plans (Resolution is only required in areas/communities represented by locally elected body)	Project has resolution of support from local elected body OR There is a public record of support if project is located in unincorporated community in unorganized borough (Resolution is only required in areas/communities represented by locally elected body)	No resolution of support from Local elected body Or There is no public record of support if project is located in unincorporated community in unorganized borough
8. **Environmental approval** readiness? Weighting: 2	Environmental approval likely with Categorical Exclusion or already complete.	Environmental approval likely with Environmental Assessment or draft document circulated.	Environmental approval likely with Environmental Impact Statement.	Environmental approval unlikely.

Urban and Rural Projects Criteria				
			Scoring Criteria	
Standards	**(5)**	**(3)**	**(0)**	**(-3)**
9. **Surface rehabilitation**. or **deficient width/grade/alignment (w/g/a).** Weighting: 6	Primarily surface refurbishment and a PMS recommendation for rehab within 2 years, or a gravel surface badly deteriorated or serious surface deformation. or Significantly deficient w/g/a relative to standards.	Primarily 3-R; a portion of the project addresses serious foundation problems. or Moderately deficient w/g/a relative to standards.	Primarily major reconstruction; addresses longer-range rehabilitation. or No w/g/a deficiencies.	**N/A**
10. **Cost, length, AADT evaluation**. Weighting: 6	Use same mathematical approach used in preparing 2004-2006 STIP. Scored automatically.			
11. **Cost effectiveness** Transportation related savings during project's life minus project's cost divided by population served Weighting: 3	Net transportation savings greater than $1,000 per capita $5 Million net project "benefit" (transportation savings $15M minus project cost $10M) divided by 5,000 population equals 1,000 (without reducing for project cost)	Net transportation savings between than $1,000 per capita and negative $1000 per capita	Net transportation savings lower than negative $1,000 per capita ($1,000 per capita net increase in transportation costs) $5 Million project divided by 5,000 population equals above threshold of -1,000 (without accounting for transportation savings)	N/A
12. **Deficient bridges**? Weighting: 1	Deficient bridge(s) needing replacement*.	Deficient bridge(s) eligible for rehabilitation**.	No bridge deficiencies	**N/A**
* "Eligible for *replacement*" means the bridge has a sufficiency rating of less than 50 points and has been determined to be eligible for replacement by ADOT&PF Bridge section. ** "Eligible for *rehabilitation*" means the bridge has a sufficiency rating between 50 and 80 points and has been determined to be eligible for rehabilitation by ADOT&PF Bridge section.				
13. **Functional class**. Weighting: 5	Major Arterial = 5 Minor Arterial = 4	Major Collector or Urban Collector = 3	Minor Collector = 0	**Local Roads/Streets or Unclassified -3**

Urban and Rural Projects Criteria			Scoring Criteria	
Standards	(5)	(3)	(0)	(-3)
14. **Other factors** not specified. Weighting: 2	Each PEB member is allocated 2 points for each project scored. Between 0-5 points may be allocated to each project from this "pool" of points. Points from Remote, Rural/Urban and other STIP categories must be used for projects within the same category.			*Negative points may be assigned to projects that are excessive in scope, cost or deemed not in state's interest. If negative points assigned; 4 or more PEB members must jointly agree and identify the reasons for this decision.*

Total Weight = 50

TRAAK Projects Criteria

Standards	Scoring Criteria (5)	(3)	(0)	(-3)
1. **Health and quality of life** Air and water quality, neighborhood continuity, enhanced recreational opportunities, enhanced understanding of natural and manmade environment. Weighting: 5	This project provides a significant contribution to improved health or quality of life through reduction or removal of existing negative factor or provision of a new facility that improves quality of life.	This project provides a moderate contribution to improved health or quality of life through reduction or removal of existing negative factor or provision of a new facility that improves quality of life.	Project will have no effect either positive or negative on quality of life issues.	This project provides a significant degradation to health or quality of life.
2. **Safety.** Addresses the Alaska Strategic Highway Safety Plan (SHSP) goal of reducing the number of bicyclists and pedestrians killed or injured in vehicular crashes Weighting: 5	This project provides a significant contribution to improved pedestrian and/or bicyclist's safety reduction or removal of existing negative factor or fulfillment of a SHSP goal toward same..	This project provides a moderate contribution to improved pedestrian and/or bicyclist's safety reduction or removal of existing negative factor or fulfillment of a SHSP goal toward same..	Project does not have a safety component.	Project will have a major adverse effect on safety of pedestrians or bicyclists.
3. Local, other agency or user contribution to **fund capital costs** excluding land (in excess of required match). Weighting: 5	Award 1 point for each 10% contribution in excess of required match.		No contribution. Public agency provides necessary land already dedicated for project: 2 pts.	**N/A**
Match required by state match policy shall not be considered In this question. Only contributions that exceed the required contribution shall be considered.				
4a. Local, other agency or user contribution to **assume ownership, including operations & maintenance costs** (DOT facilities). Weighting: 4	Sponsor will assume ownership of DOT&PF facility; or sponsor will assume ownership of another DOT&PF facility of similar M&O cost.	Sponsor will assume full M&O responsibility of DOT&PF facility; or sponsor will assume full M&O of another DOT&PF facility of similar M&O cost.	Sponsor contributes nothing.	**N/A**
Commitment must be in writing and approved by legislative body before points will be assigned.				

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TRAAK Projects Criteria	Scoring Criteria			
Standards	**(5)**	**(3)**	**(0)**	**(-3)**
4b. Local, other agency or user contribution to **fund operations and maintenance** (O&M) costs. (Use for non-DOT facilities). Weighting: 4	Sponsor will assume ownership of and maintenance responsibility for new facility.	Sponsor will assume full M&O responsibility (but not ownership); or sponsor will assume full M&O of another DOT&PF facility of similar M&O cost	Continued sponsor ownership & operation of locally-owned facility = 2 pts; and results in significant local maintenance savings = 3 pts.	Sponsor assumes neither ownership nor M&O responsibility
5. **Public support.** Weighting: 5	Preponderance of public record including a resolution from the local elected body shows support for project and fully supported in state, tribal, or local plans.	Majority of public record shows support for project including resolution of support from local elected body; and nominally supported in official state, tribal, or local plans.	Project has resolution of support from local elected body Or There is a public record of support if project is located in unincorporated community in unorganized borough.	No resolution of support from Local elected body Or There is no public record of support if project is located in unincorporated community in unorganized borough.
Resolution is only required in areas/communities represented by locally elected body.				
6. **Project bridges gap or removes barrier** between existing trail systems or provides interpretive center or rest area continuity. Weighting: 6	Project provides an important connection (bridges gap, removes barrier or provides interp. or rest area continuity).	Project provides a modest connection. (bridges gap, removes barrier or provides interp. or rest area continuity).	No gaps bridged or a barrier removed but does connect to existing networks.	Project creates barrier or displaces existing non-motorized uses.
7. Project is tied to an annual recreational, educational or tourism **event or activity**? This project would strongly support/sustain this event/? Weighting: 2	Event or activity is of statewide or regional significance and well known/long standing. Yes to both (5), yes to one (4).	Event or activity is local and well known/long standing. Yes to both (3) or yes to one (2). Event is new but growing in importance (1).	Event is minor and local.	**N/A**

TRAAK Projects Criteria

Standards	Scoring Criteria (5)	(3)	(0)	(-3)
8. Any of the six **intrinsic qualities**: scenic, historic, cultural, natural, archaeological, recreational. Weighting: 6	One point for each quality; maximum 5. Project must include interpretation of historic, cultural, natural and archaeological attributes for points.	None.	N/A	
9. Project includes **Stabilization or renovation of a historic property** related to transportation Weighting: 4	Nomination includes letter or other documentation of inclusion of the renovated property on the National Historic Register.	Nomination includes letter of support from Office of History & Archeology that declares the property to be of significant (4 or 3), or of moderate (2 or 1) historical importance.	Project does not include stabilization or renovation of a historic property.	Project will harm or reduce in value an historic property.
10. **Cost Effectiveness:** Project cost/persons whom facility provides essential services & benefits described in Criteria 1,2,6, or 7 Weighting: 3	$100 per capita or less $1 million project serves 10,000 persons	$300 per capita or less $1.5 million project serves 5,000 persons	$1,000 per capita or less $5 million project serves 5,000 persons	N/A These calculations assume that most benefits in for TRAAK projects are not "transportation" savings, and are non-quantifiable for TRAAK type projects
11. **Capital cost** Weighting: 3	Total project cost (all phases): $ 500,000 or less = 5	Total project cost (all phases): $ 500,000-$1,000,000 = 3	Total project cost (all phases): $ 1,000,000- $1,500,000 = 1 $ 1,500,000 or more = 0	N/A
12. **Other factors** not specified. Weighting: 2	Each PEB member Is allocated 2 points for each project scored. Between 0-5 points may be allocated to each project from this "pool" of points. Points from Remote, Rural/Urban and other STIP categories must be used for projects within the same category.		*Negative points may be assigned to projects that are excessive in scope, cost or deemed not in state's interest. If negative points assigned; 4 or more PEB members must jointly agree and identify the reasons for this decision.*	

Total Weight = 50

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STIP Project Scoring Criteria Public Review Draft

Transit Projects Criteria	Scoring Criteria			
Standards	**(5)**	**(3)**	**(0)**	**(-3)**
1. **Health and quality of life** (access to basic necessities) Weighting: 3	Project provides significant contribution to improved health or quality of life.	Project provides moderate contribution to improved health or quality of life.	Project will have no effect, either positive or negative, on quality of life issues.	Project provides a significant degradation to health or quality of life.
2. **Safety**. Weighting: 2	Strongly addresses a significant and existing safety problem.	Addresses demonstrated existing safety problem of moderate nature.	No record of safety issues addressed by project or it is not primary purpose of project.	**N/A**
10 year record: 2 or more deaths or major injuries = 5; 1 major injury = 3: speculative or anecdotal safety problem = maximum points 2.				
3. Improves **intermodal transportation** or reduces redundant facilities. Weighting: 4	Greatly improves connectivity between modes and coordination and integration of passenger systems and/or would clearly reduce the need for significant capital investment in another mode.	Moderately improves connectivity between modes and coordination and integration of passenger systems and/or would clearly reduce the need for capital investment in another mode.	Minimal to no effect on transportation system connectivity, or coordination and integration of passenger systems and services, and does not change the requirement for investment in other modes.	Greatly decreases the connectivity between modes or coordination and integration of passenger systems, and/or results in redundant investments.
4. Local, other agency or user contribution to **fund capital costs**. Weighting: 5	Contribution of state match, design, right-of-way, and/or materials: 1 pt per each 8% of project cost *exceeding required match.*		Contribution covers no capital costs; contributes nothing.	**N/A**
Match required by state match policy shall not be considered In this question. Only contributions that exceed the required match contribution shall be considered.				
5. Local contribution to **fund operations and maintenance** (O&M) costs. Weighing: 4	Local contributions cover 100% of O&M costs, and include ownership of facility.	One point for each 20% of local support of O&M costs over required match.		
*If local sponsor of project does not fully cover O&M costs it is **disqualified** from consideration.*				

Transit Projects Criteria				
Standards	**Scoring Criteria**			
	(5)	**(3)**	**(0)**	**(-3)**
6. **Public support.** Weighting: 2	Preponderance of public record including a resolution from the local elected body shows support for project and fully supported in state, tribal, or local plans (Resolution is only required in areas/communities represented by locally elected body)	Majority of public record shows support for project including resolution of support from local elected body: and nominally supported in official state, tribal, or local plans (Resolution is only required in areas/communities represented by locally elected body)	Project has resolution of support from local elected body OR There is a public record of support if project is located in unincorporated community in unorganized borough (Resolution is only required in areas/communities represented by locally elected body)	No resolution of support from Local elected body Or There is no public record of support if project is located in unincorporated community in unorganized borough
7. **Environmental approval** readiness. Weighting: 1	Environmental approval likely with Categorical Exclusion or already complete.	Environmental approval likely with Environmental Assessment or draft document circulated.	Environmental approval likely with Environmental Impact Statement.	Environmental approval unlikely.
8. **System continuity** and maintenance (vehicles). Weighting: 4	Project replaces currently operating vehicles that are at or beyond FTA replacement standards.	Project provides vehicles to expand service.	Vehicles will neither replace currently operating vehicles nor expand service.	N/A
9. Is the project listed in **State Air Quality Implementation Plan**? Weighting: 4	Yes, a required element.	Yes, a contingency element = 4. No, but qualifies for CMAQ funds = 2-3.	Not listed in plan; does not qualify for CMAQ funds; no significant air quality impacts.	No, and project will have significant negative air quality impacts.
10. Has local agency **exhausted FTA/ other funding sources**? Weighting: 3	Yes, including filing of FTA 5309 application.	Yes, excluding FTA 5309 funding.	No, but FTA funding unlikely.	No, and FTA funding a strong possibility.
11. Does project support **private-non-profit (PNP) providers**? Weighting: 4	Yes, will replace existing PNP agency vehicle, which scored above 90 on FTA 5310 ranking.	Yes, new vehicle for PNP provider that scored above 90 on FTA 5310 ranking.	No.	**N/A**

Transit Projects Criteria	Scoring Criteria			
Standards	(5)	(3)	(0)	(-3)
12. Will project support **coordinated service or brokerage**? Weighting: 6	Yes, with 5 or more agencies participating.	Yes, with 3 agencies participating.	No.	N/A
13. **Cost effectiveness** Transportation related savings during project's life minus project's cost divided by population served. Weighting: 1	Net transportation savings greater than $1,000 per capita.	Net transportation savings between than $1,000 per capita and negative $1,000 per capita.	Net transportation savings lower than negative $1,000 per capita ($1,000 per capita net increase in transportation costs)	N/A
14. **Increased mobility** for the disadvantaged. Weighting: 5	Increased mobility for elderly, persons with disabilities, or economically disadvantaged is major benefit of project; and/or necessary for existing facility or system to comply with ADA.	Increased mobility for elderly, persons with disabilities, or economically disadvantaged is moderate benefit of project.	Meets ADA requirements but has limited benefits for mobility disadvantaged.	No intention/ impossible to meet ADA requirements.
15. **Other factors** not specified. Weighting: 2	Each PEB member Is allocated 2 points for each project scored. Between 0-5 points may be allocated to each project from this "pool" of points. Points from Transit, Remote, Rural/Urban and other STIP categories must be used for projects within the same category.		*Negative points may be assigned to projects that are excessive in scope, cost or deemed not in state's interest. If negative points assigned; 4 or more PEB members must jointly agree and identify the reasons for this decision.*	

Maximum Weight: 50

Intelligent Transportation System Projects Pre-Screening Criteria		
Standards	**Yes**	**No**
A. Clear and complete **project and operational plan** definition? Yes/No	Project implementation and operation plan clearly defined. **(Yes; project may proceed to B.)**	Project implementation and operation plan inadequate. ***(No; project not eligible for consideration.)***
B. Project **fulfills Alaska and National ITS Architecture?** Yes/No	Project is clearly defined to fully conform to Alaska and National ITS architecture. **(Yes; project may proceed to C.)**	Project not defined to meet Alaska and National ITS architecture. **(No; project not eligible for consideration.)**
C. Project **adheres to NTCIP* requirements?** (Unless legacy systems prevent such requirement.) Yes/No	Project documentation clearly identifies all NTCIP requirements and is designed to meet them. **(Yes; project may proceed to scoring.)**	Vague identification of NTCIP requirements or no indication that they will be conformed to. **(No; project not eligible for consideration.)**

*NTCIP = "National Transportation Communication for ITS Protocols."

Intelligent Transportation System Projects Criteria				
	Scoring Criteria			
Standards	**(5)**	**(3)**	**(0)**	**(-3)**
1. Fosters department's ITS Program Areas defined in **Alaska Iways Architecture (AKIA).** Weighting: 7	Strongly supports the functional needs of 3 or more ITS Program Areas as defined in **AKIA**.	Strongly supports the functional needs of 1 or 2 ITS Program Areas as defined in **AKIA**.	Support of ITS Program Areas is minimal, speculative or temporary.	**N/A**
All Program Areas: Commercial Vehicle Operations, Snow & Ice Control, Multimodal Information, Internal Operations, Traveler Safety and Security, Traveler Communications. See Chapter 4, Concept of Operations.				
2. **Enhances** the department's operating **budget.** Weighting: 5	Project provides a significant contribution to department operating budget (>250,000)	Project provides a moderate contribution to department operating budget ($150,000)	Project will have no or minimal effect on department budget. ($50,000)	This project will cause the department to incur significant new costs not offset by savings, revenue or avoided costs.
3. **Integration** with Departments' ITS **plan, i.e. Alaska Iways Architecture (AKIA)** Weighting: 3	Project concept strongly integrated with other activities or ITS Program Areas within department.	Project concept moderately integrated with other ITS Program Areas within department.	Project concept minimally integrated with other activities or ITS Program Areas within department.	**N/A**
4. **Integration external** to department including other agencies and/or private sector. Weighting: 3	Project concept strongly integrated with other activities or ITS applications external to department.	Project concept moderately integrated with other ITS applications external to department.	Project concept minimally integrated with other ITS applications external to department.	**N/A**

Intelligent Transportation System Projects Criteria

Standards	Scoring Criteria (5)	(3)	(0)	(-3)
5. Local, other agency or user contribution to **fund project development.** Weighting: 3	Contribution of state match, design, right-of -way, and/or materials: 1 point per each 8% of project cost. Maximum= 5.	Contribution of state match, design, right-of -way, and/or materials: 1 point per each 8% of project cost.	Contribution covers no capital costs; contributes nothing.	N/A
6. Local, other agency or user contribution to **fund M&O costs.** (For non- DOT or DOT unsuited to long-term ownership). Weighting: 3	Sponsor will assume ownership if currently a DOT&PF facility; or sponsor will assume ownership of another DOT&PF facility of similar M&O cost.	Sponsor will assume full M&O responsibility; or sponsor will assume full M&O of another DOT&PF facility of similar M&O cost.	Sponsor contributes nothing. Continued sponsor ownership & operation of locally owned facility = 1 pt.; And results in significant local maintenance savings = 2 pts.	N/A
Match required by state match policy shall not be considered In this question. Only contributions that exceed the required match contribution shall be considered.				
7. Magnitude of **project costs** including capital and operating. (Include allied projects in cost calculation.) Weighting: 6	Project cost of less than $1 million including operating costs for 5 years.	Project cost of less than $3 million including operating costs for 5 years.	Project cost of less than $5 million including operating costs for 5 years.	Project requires $10 million or more including operating costs for 5 years.
8. **Sustainability** of technology involved. Weighting: 5	Project relies on technology proven sustainable in Alaskan circumstances. Chance of long-term project success is very high.	Project relies on technology used but not considered proven sustainable in Alaskan circum-stances. Chance of project long-term project success is moderately high.	Project relies on technology yet unproven in Alaskan circumstances. Chance of project success unknown.	N/A
9. **Multi-use potential.** Weighting: 6	Project technology expands ITS potential beyond this project significantly.	Project technology expands ITS potential beyond this project moderately.	Little or no ITS expansion potential offered by this project.	N/A
10. **Time to completion.** Weighting: 3	Project implementation likely <18 months.	Project implementation >18 months, but <36 months.	Project implementation >36 months.	N/A
11. **Cost effectiveness** Transportation related savings during project's life minus project's cost divided by population served. Weighting: 3	Net transportation savings greater than $1,000 per capita	Net transportation savings between than $1,000 per capita and negative $1000 per capita	Net transportation savings lower than negative $1,000 per capita ($1,000 per capita net increase in transportation costs)	N/A
Use ADT x 2 if population served is not easily quantifiable.				

Intelligent Transportation System Projects Criteria				
Standards	**Scoring Criteria**			
	(5)	**(3)**	**(0)**	**(-3)**
12. **Geographic extent.** Weighting: 3	Project beneficiaries in all three regions of state.	Project beneficiaries in at least two regions of state.	Project beneficiaries in only one region or community.	**N/A**

Maximum weight = 50

1/27/09 OVERVIEW: DEPT. OF TRANSPOR-TATION

STIP 2009 ADVERTISED
(Not In Priority Order)

1. AMATS: Hwy & TE Funds
2. FMATS: Hwy & TE Funds
3. MatSu: MacKenzie Pt Rd Improvements
4. Hyder: Trestle Replacemen
5. Sitka: Japonski Island Road
6. Nome: City Streets Earmark
7. Stevens Village: Sanitation Road
8. Huslia: Landfill Road
9. Emmonak: Road Improvements
10. Emmonak: Landfill Road
11. Emmonak: Airport Clinic Road
12. Galena: Road Resurfacing
13. Point Hope: Evacuation Road
14. Barrow: North Slope Road Imprv
15. Barrow: Research Center Access Rd
16. Anchorage: Minnesota Dr Resurfacing
17. Niniichik: Intersection Improvement
18. Richardson Hwy: FBX Weigh Station
19. Dalton Hwy: Yukon River Bridge
20. Dalton Hwy: 144-175 Reconstruction
21. Dalton Hwy: 197-209
22. Dalton Hwy: 274-289 Reconstruction
23. Dalton Hwy: 335-362 Reconstruction
24. Tok Cutoff: MP 2 Gakona River Bridge
25. Glenn Hwy: 172-189
26. Alaska Hwy: 1222-1235
27. Nome Hwy: Bridge Improvements
28. Angoon: Ferry Terminal
29. Sitka: Sawmill/Halibut Pt Roundabout
30. Central Reg: Guardrail Ends
31. Central Reg: Pavement Rehab
32. Northern Reg: Surface Rehab

STIMULUS RECOMMENDED
(Not In Priority Order)

- Valdez: Bike/Ped & Pavement Rehab
- Denali Hwy: MP 7 Wayside
- AMATS: Highway Funds
- Kotzebue: Shore Avenue Reconstruction
- Gustavus: Causeway Replacement
- Yakutat: Area Paving
- Haines Hwy: Front St - Union
- Nome: City Streets
- Emmonak: Community Roads Upgrade
- Marshall: Bridge Repair/Replace
- Hoonah: Airport to Ferry Terminal Paving
- Dalton Hwy: 175-197
- Dalton Hwy: 260-321 Culverts
- Parks Hwy: Willow-Kashwitna Rehab
- Alaska Hwy: 1412-1422
- Alaska Hwy: Tok Weigh Station
- Glenn Hwy: Rut Repair Hiland-Eklutna
- Glenn Hwy: 34-42 Rut Repair

STIMULUS CONTINGENT
(Not In Priority Order)

- Ketchikan: Water St Sidewalk Imprv
- Glenn Hwy: Eagle River-Birchwood Bike
- Kipnuk: Boardwalk Improvements Ph II
- Dillingham: Wood River Road
- Delta Jct: City Streets Rehab
- Richardson Hwy: 276-286 Resurfacing
- Ketchikan: M/V Bob Ellis Airport Ferry
- FMATS: Lighting/Signs/ADA (3)
- Kodiak: Rezanof Dr Rut Repairs
- Delta Jct: NHS Repaving
- Sterling Hwy: 96.5-110 Rut Repair
- Juneau: Bridges Jordan Ck & Basin Rd
- Richardson Hwy: Moose Ck RR Xing
- Ketchikan: Tongas Ave Viaduct-Stg II
- MatSu: Seward Meridian Ph I
- Sterling Hwy: Sterling Weigh Station
- Glenn Hwy: Lighting Birchwood-Eklutna
- Juneau: Glacier Hwy Mendenhall-Ferry T
- Ketchikan: North Tongass Hwy Ph II
- Juneau: Glacier Hwy Amalga-Eagle R

STIMULUS TRANSIT
(Not In Priority Order)

1. Mat-Su: Park/Ride Parks & Seward
2. Juneau: Downtown Transit Center
3. Statewide: Grant Apps for Transit Eqpt (Eligible Organizations)
4. AMATS/AKRR Allocation
5. FMATS Allocation

DIVISION of PROGRAM DEVELOPMENT

February 2009

ALASKA HIGHWAY & TRANSIT PROJECTS STIMULUS & STIP 2009

ALASKA DOT&PF

KEY

△ TRANSPORTATION ENHANCEMENT ○ LOCAL CLASS □ STATE CLASS

02/22/2009 (v6)

STIP 2009 CONSTRUCTION
(Not In Priority Order)

1. Akutan: Access Road
2. False Pass: Airport Access
3. Seward Hwy: Indian to Potter
4. Napaskiak: Sanitation Boardwalk
5. Aleknagik: Float Plane Rd
6. Richardson Hwy: Fox Weigh Station
7. Ninilchik: Intersection Improvement
8. Ketchikan: AMHS Headquarters
9. Glenn Hwy: 28-32
10. Dalton Hwy: 274-289 Reconstruction
11. Dalton Hwy: 335-362 Reconstruction
12. Sitka : Japonski Island Rd
13. Angoon: Ferry terminal
14. Emmonak: Road Improvements
15. Dalton Hwy: 144-175 Reconstruction
16. Central Reg: Guardrail Ends
17. Glenn Hwy: 172-189
18. AMATS: Hwy & TE Funds
19. FMATS: HWY & TE Funds
20. Northern Reg: Mill & Pave (3)

STIMULUS FAST AWARD
(Not In Priority Order)

1. Glenn Hwy: Rut Repair Hiland-Eklutna
2. Parks Hwy: Willow-Kashwitna
3. Alaska Hwy: 1412-1422
4. Dalton Hwy: 175-197
5. Dalton Hwy: 260-321 Culverts
6. Glenn Hwy: Rut Repair 34-42
7. Tok Cutoff: Gakona River Bridge
8. Richardson Hwy: 276-286 Resurface
9. Kotzebue: Shore Ave
10. Sterling Hwy: Rut Repairs 96.5-110
11. Haines Hwy: Front St-Union St
12. Gustavus: Causeway
13. Yakutat: Area Paving
14. Tok: Weigh Station Recon
15. Valdez: Bike/Ped & Pavement Rehab
16. Denali Hwy: MP 7 Wayside
17. AMATS: Hwy & TE Funds
18. FMATS: Hwy & TE Funds

STIMULUS SLOW AWARD
(Not In Priority Order)

1. Juneau: Off-System Bridges (2)
2. Skagway: Bridge (1)
3. Kodiak: Rezanof Rut Repairs
4. Mat-Su: Off System Bridges (2)
5. Glenn Hwy: Lighting Birchwood-Eklutna
6. Dillingham: Wood River Rd
7. Kodiak: Chiniak Rd MP 23.7
8. Richardson Hwy: Moose Ck/RR Xing
9. Delta Jct: City Street Improvements
10. Kipnuk: Boardwalk Improvement
11. Ketchikan: Tongass Viaduct Rehab
12. Juneau: Glacier Hwy Resurfacing
13. Hoonah: Airport to Ferry Terminal
14. Marshall: Bridge Repair
15. Nome: City Street Improvements
16. Emmonak: Road Improvements
17. Sitka: Sawmill Ck Rd/Halibut Pt
18. Sitka: Japonski Island Utilities & Rds
19. Sterling Hwy: Weigh Station
20. Mat-Su: Seward Meridian Ph I
21. Ketchikan: Water St Sidewalk Impv
22. Glenn Hwy: Eagle River-Birchwood
23. AMATS: Hwy & TE Funds
24. FMATS: Hwy & TE Funds

STIMULUS TRANSIT
(Not In Priority Order)

1. AMHS: Transit Capital Prj
2. Mat-Su: Transit Capital Prj
3. AKRR: Transit Capital Prj
4. Hoonah: Transit Capital Prj
5. Juneau: Transit Capital Prj
6. IFA: Transit Capital Prj
7. Ketchikan (KGB): Transit Capital Prj
8. Kenai (KPB): Transit Capital Prj
9. Sitka: Transit Capital Prj
10. Ketchikan (KGB): m/v Bob Ellis Repl
11. AMHS: Alaska Class Ferry (Vessel 1)
12. AMHS: Ferry Vessel Rehab
13. AMHS Hoonah: Marine Terminal Impv
14. AKRR: Collision Avoidance System
15. Mat-SU: Ferry Landings
16. AMATS: Transit
17. FMATS: Transit

DIVISION of PROGRAM DEVELOPMENT

January 2009

ALASKA CONSTRUCTION & TRANSIT PROJECTS STIMULUS & STIP 2009

ALASKA DOT&PF

REGULAR
AIRPORT IMPROVEMENT PROGRAM 2009 AWARD
(Not In Priority Order)

1. Anchorage: Various Projects
2. Alakanuk: Airport Relocate-Stg 3
3. Alakanuk: Airport Relocate-Stg 4
4. Angoon: Airport EIS-Stg 2
5. Bethel: Parallel Runway/Imprv-Stg5
6. Emmonak: Rehab & Apron Exp-Stg 3
7. Goodnews Bay: Airport Recon-Stg 2
8. Iliamna: SRE/Sand/Chem/Office Bldg
9. Kodiak: Airport EIS-Stg 3
10. Seldovia: SRE Bldg Construction
11. Kotzebue: Airport Master Plan
12. Platinum: Airport Relocation
13. Savoonga: Airport Imprv-Stg 2
14. Sitka: Airport Slotted Drain
15. Dillingham: 3 Bay Chemical Bldg
16. Dillingham: SPB Master Plan
17. Takotna: Airport Relocation
18. Aviation Systems Plan Update
19. Barrow: Rwy/apron Paving SA Expan
20. Unalakleet: SRE Bldg Replacement
21. King Salmon: Airport Impv-Stg 3
22. Newtok: Airport Master Plan-Stg 4
23. Tuluksak: Airport Relocation-Stg 1
24. Galena: SRE Bldg Replacement
25. Kipnuk: Airport Relocation
26. Petersburg: Runway Safety Area-Stg 2
27. King Cove: Fencing
28. Airport Snow Removal Equipment
29. Various Airports Minor Surface Imprv
30. Akutan: Airport Construction-Stg 1 ?

STIMULUS PROGRAM - EXPECTED PROJECTS
(Not In Priority Order)

1. Aklachak: Airport Relocation
2. Fairbanks: FIA Taxiway & Apron Imprv
3. Fort Yukon: Airport Improvements
4. Hoonah: Airport Improvements
5. Kotzebue: Apron Expansion
6. Ouzinkie: Airport Relocation-Stg 1

STIMULUS PROGRAM - CONTINGENCY PROJECTS
(Not In Priority Order)

1. Allakaket: Airport Improvements
2. Cordova: Apron/TWY/GA Imprv
3. Lake Louise: Runway Rehab-Stg 2
4. Kodiak: Chemical Storage Bldg
5. Anchorage: AIA Gate NB Apron Recon
6. Fairbanks: FIA Security Access Control

STIMULUS PROGRAM - MUNICIPAL AIRPORT PROJECTS
(Not In Priority Order)

1. Anchorage: Merrill Field Apron Rehab
2. Kenai: Airport Apron Rehab

DIVISION of PROGRAM DEVELOPMENT

February 2009

ALASKA AVIATION PROJECTS AIP & STIMULUS 2009

ALASKA DOT&PF

02/22/2009 (v6)

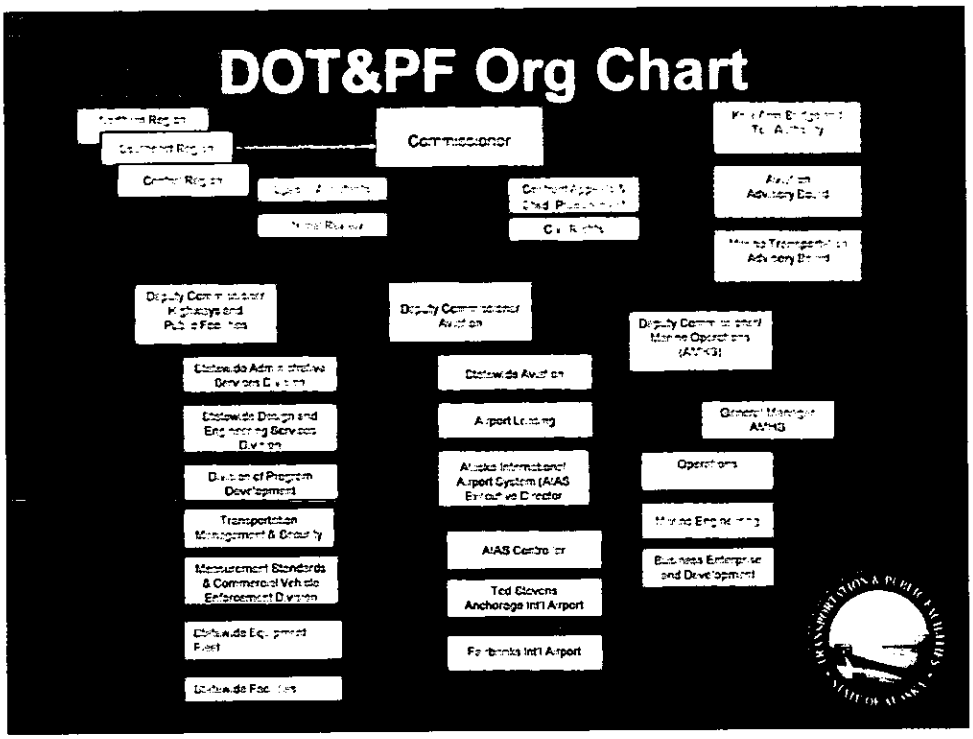
Alaska DOT&PF Overview
House and Senate Transportation Committees

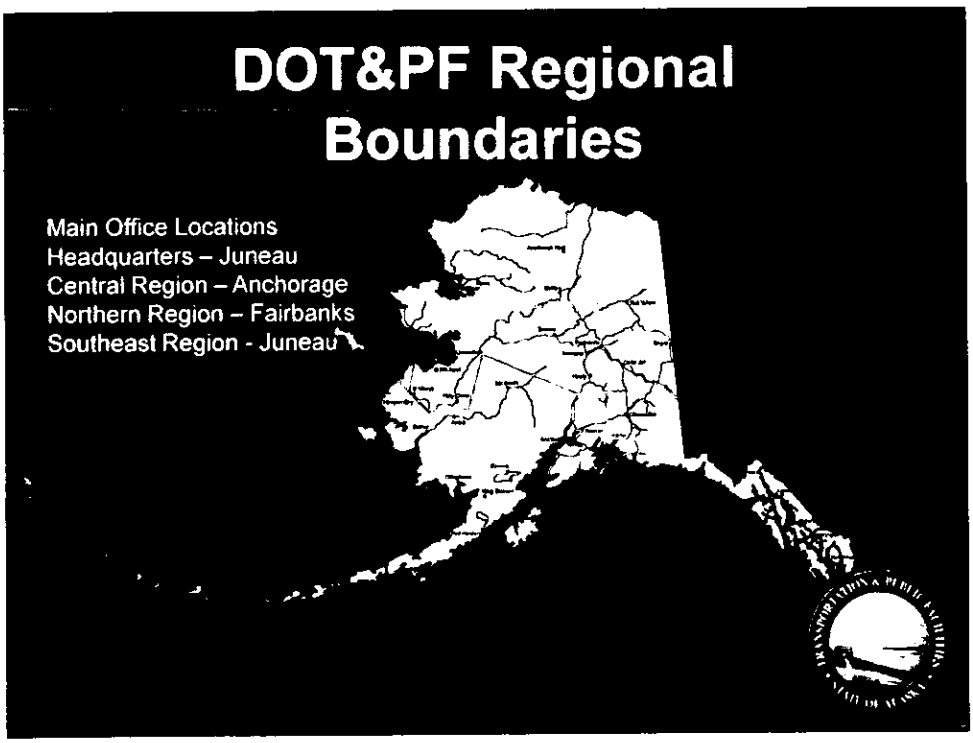
January 2009

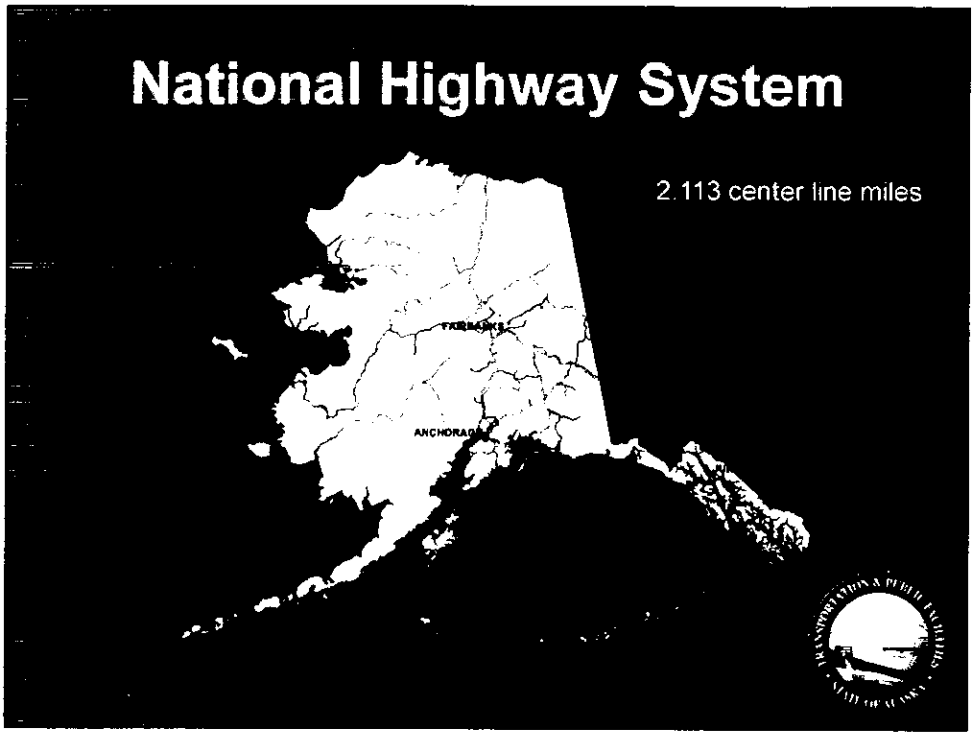
Leo von Scheben
Commissioner

DOT&PF's Mission

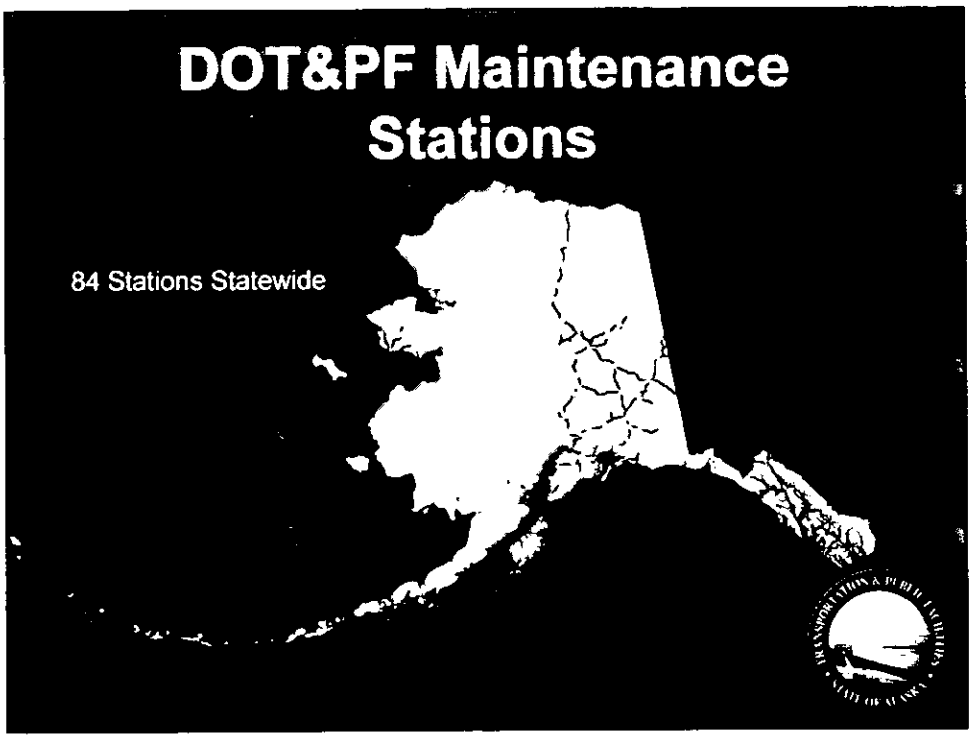
Provide for the safe movement of people and goods and the delivery of state services.

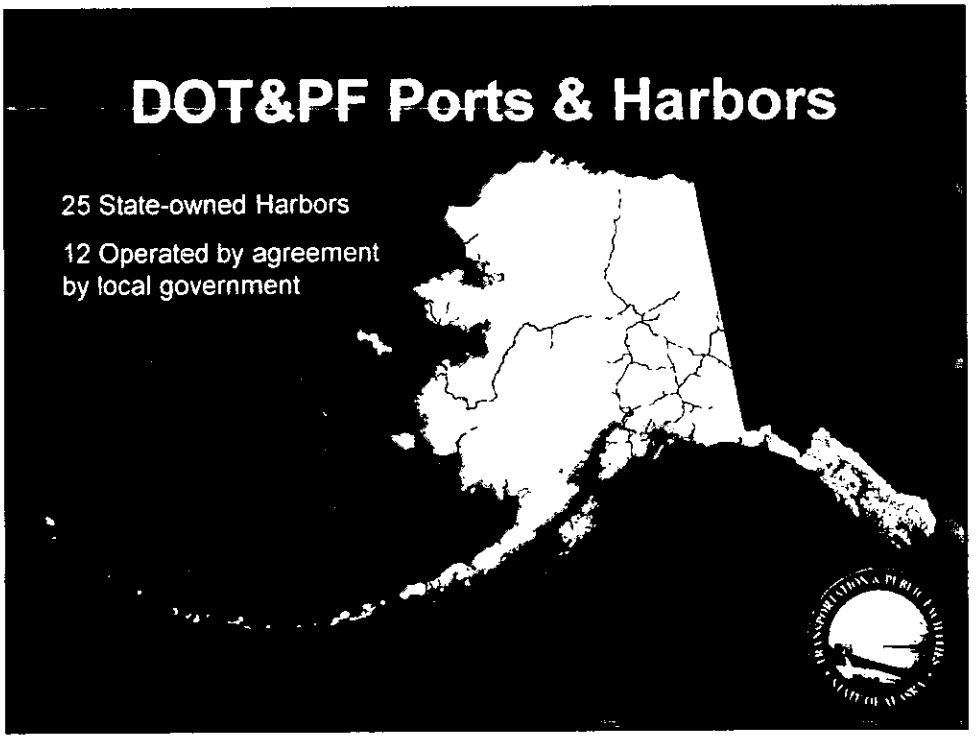

DOT&PF Org Chart
Commissioner


DOT&PF Regional Boundaries
Main Office Locations
Headquarters – Juneau
Central Region – Anchorage
Northern Region – Fairbanks
Southeast Region - Juneau


National Highway System
2,113 center line miles
FAIRBANKS
ANCHORAGE

Alaska Highway System
1,508 center line miles
FAIRBANKS
ANCHORAGE


DOT&PF Maintenance Stations
84 Stations Statewide


DOT&PF Ports & Harbors
25 State-owned Harbors
12 Operated by agreement by local government

Ports and Harbors

- Responsible for 25 of 99 public harbor facilities in AK
- 12 facilities are operated by local governments
  - Operating agreements provide no state funds for operations
  - State obligated for replacement and major repairs
- Capital Program is largely Corps of Engineers Program, except bond funds and state match
  - Corps funds breakwaters and navigation channels. State and Local fund mooring basins and inner-harbor facilities
- Transferred 71 state harbor facilities to local ownership since 1986 using deferred maintenance funding
- Administer the municipal harbor matching grant program (AS 29.60.810)

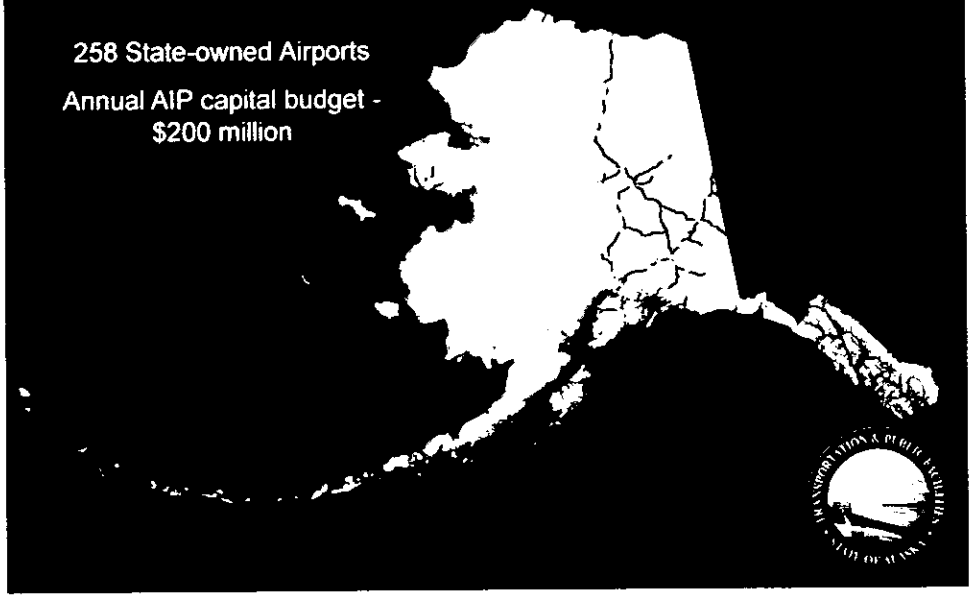
Measurement Standards and Commercial Vehicle Enforcement

- Enforces all federal and state commercial vehicle laws to ensure safe highways
- Certifies the accuracy of all weighing and measuring devices used in commerce
- Issues permits for overweight vehicles
- Has implemented a new one-stop web-based permit system
- Worked with the trucking industry and Legislature to increase the penalties for overweight vehicles for the 1st time in 30 years
- Implements and operates the Commercial Vehicle Information Systems and Network

DOT&PF Airports

258 State-owned Airports

Annual AIP capital budget - $200 million



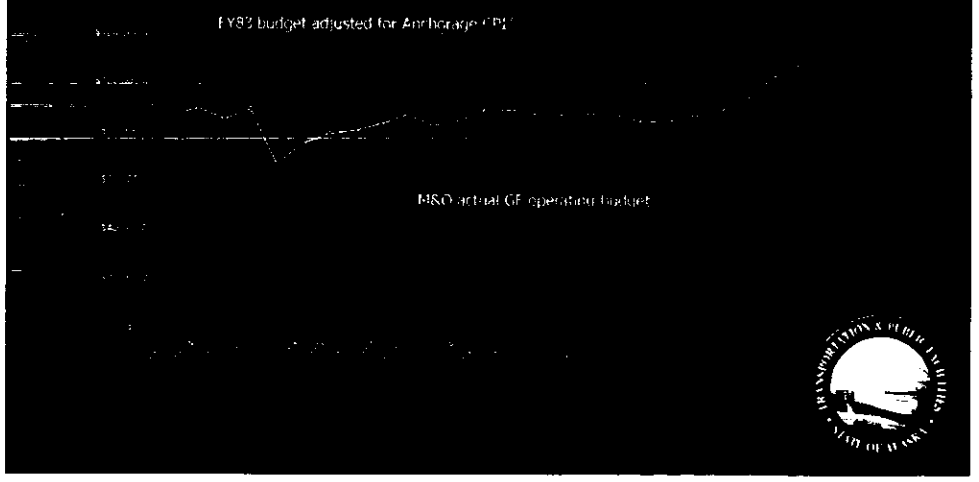
DOT&PF Airports

- Largest Airport Operator in the U.S.
  - 258 State owned & operated airports
    - 2 Internationals - Anchorage & Fairbanks
    - 21 Rural Certificated
    - 235 Community
  - 134 Rural airports have maintenance contracted out for a total cost of $3 million with an average cost of $27,000 per airport

Maintenance

- FY08 State Maintenance Expenditures
  - Operating (all funds)
    - Facilities $21.1 million
    - Highways and Airports $122.6 million
- FFY09 Federal Maintenance Programs
  - Highways
    - Preventive Maintenance $11.0 million
    - Pavement Refurbishment $39.0 million
  - Aviation
    - Preventive Maintenance $4.0 million

Maintenance and Operations General Fund Authorizations



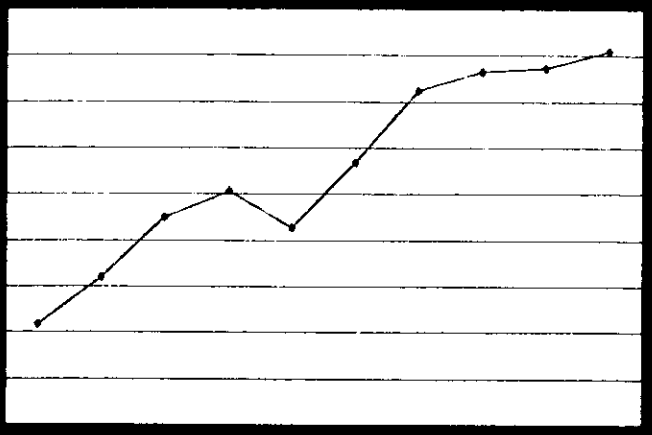
Construction

- Regional construction offices provide oversight of all DOT&PF construction projects
- Construction consists of
  - Contract Administration
  - Field Inspection/Oversight
  - Quality Assurance

Construction Program

Mode/System	FY09 Budget
Highways and Ferries	$738.6M
Aviation	$349.6M
Facilities	$26.3M
Harbors	$16.5M

Historical Construction Expenditures
AMHS, Highways and Aviation



Safety Programs

- Traffic Safety Corridors
- 511 Program
- Road Weather Information System
- Intelligent Transportation System for Commercial Vehicles
- Size and Weight Enforcement
- Safe Routes to School

Traffic Safety Corridors

- Designated Corridors
  - Seward Highway
  - Parks Highway
- In Process
  - Knik Goose Bay Road
  - Sterling Highway
  - Palmer-Wasilla Highway
- Double Fines
- More patrol efforts
- New Highway Patrol Bureau

Accomplishments

- 17% reduction in square footage of structurally deficient bridges (2007-2008)
- 2% increase in the percentage of survey responders satisfied with the maintenance of state roads and highways (2005-2008)
- 3% increase in the voluntary use of seatbelts (2007-2008)
- 22% reduction in fatal and major injury crashes (2005-2006)

2008 Accomplishments

- M&O crews covered 1,563,794 linear feet of highways with surface crack seal treatment or re-leveling depressed roadway surfaces by "banding"
- Paved 33 lane miles of gravel roads
- Repaved 213 lane miles of roads
- Reconstructed 31 lane miles of roads
- Performed 529 bridge inspections

Efficiencies

- Using new and innovative techniques to extend life of pavement
- Elevated the importance of Public Facilities
- Ports and Harbors grants and transfers

Key Department Challenges

- Recruiting and retaining staff
- Preserving and protecting Alaska's infrastructure
- Major proposed transportation projects
- High inflation and economic downturn
- Highway and aviation federal authorization bills
- Aging fleet

Questions?

1/29/09 ALASKA CLASS FERRY ACQUISI-TION PROJECT

Alaska Marine Highway System

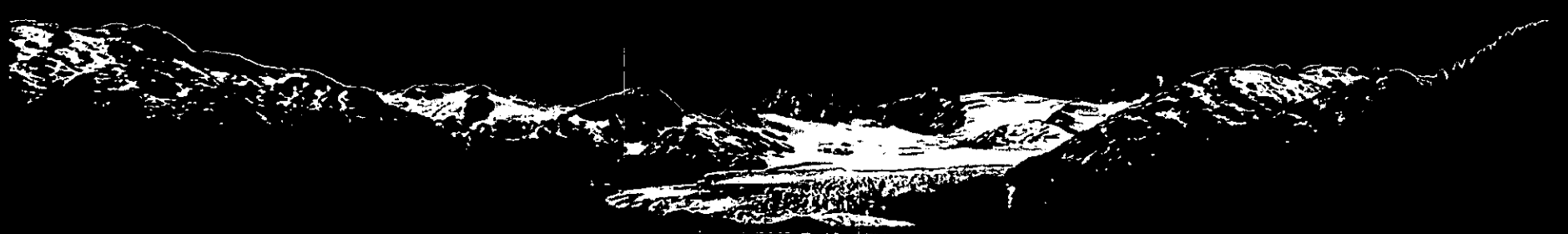
ALASKA CLASS FERRY

The ALASKA CLASS

Ferry Acquisition Project

Summary and Status Report

January 2003



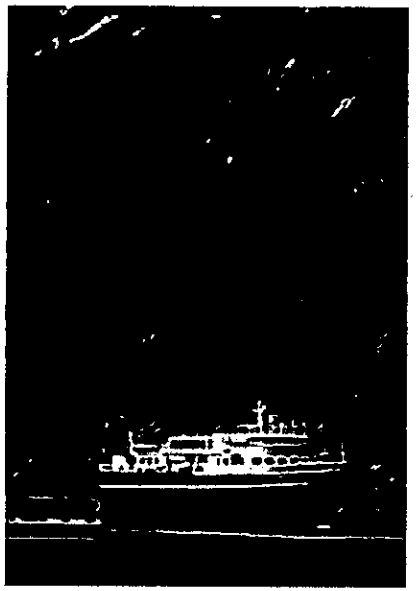
ALASKA
CLASS FERRY

Project Mission Statement

Design and construct the next generation of ferries to begin the replacement of the aging AMHS fleet. These ferries will be environmentally responsible, fuel efficient and versatile. They will enhance AMHS operations on current and future routes within inside waters and enable AMHS to continue its tradition of providing safe, reliable service.

ALASKA CLASS FERRY

Project Participants



The manager of this project is Alaska Marine Highway. The project team consists of:

- DOT&PF Alaska Marine Highway System (Including Shore Side Managers and Selected Vessel Crew)
- The Alaska Class Working Group: A collaborative team of DOT&PF managers representing other DOT&PF projects affiliated with or affected by the Alaska Class Ferry project.
- Marine Transportation Advisory Board
- Elliott Bay Design Group (Vessel Designer)
- Grady and Associates (Public Involvement Specialist)

ALASKA
CLASS FERRY

Introduction

The Alaska Class Ferry will be the next generation of ferries for the Alaska Marine Highway System. The vessel design will consider the needs of stakeholders in order to:

- Optimize usability of the ferry
- Maintain a reliable level of service to the public

ALASKA CLASS FERRY

Importance

These new ferries will allow AMHS to continue to accomplish its mission to provide safe, reliable and efficient marine transportation.

- Modern safety features will be incorporated into these vessels.
- Dependable service is essential for the sustainability and growth of commerce and the livelihood of established communities in Alaska.
- Conventional U.S. vehicle ferries typically last 40 to 60 years.
- Four AMHS vessels are 45 years old.
- Old ferries are costly to maintain and operate.
- A new ferry takes 4 to 7 years to acquire.

ALASKA
CLASS FERRY

Mission Background

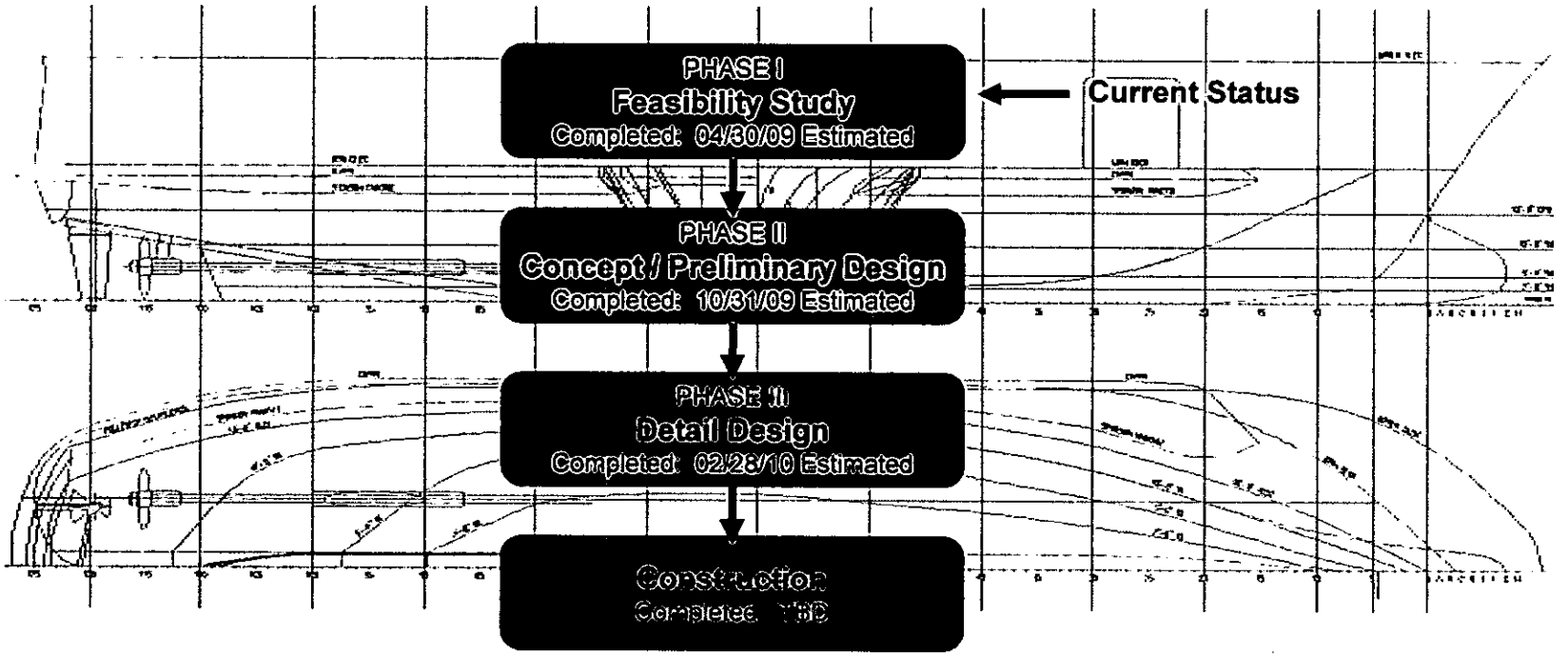
The Alaska Class Ferry is the product of technical evaluations gleaned from past AMHS shuttle projects and is aligned with current DOT&PF strategic plans.

Data gathered through these earlier investigations are being utilized in this design and include:

- Consideration of Alaska winter weather and its affect on the reliability of service.
- Forthcoming air and water emission regulations.
- Support of the on-going improvements in Alaska's transportation system.
- Servicing intermediate length routes within inside waters.
- Improving system versatility by having the capability to operate throughout the AMHS system.

ALASKA CLASS FERRY

Our approach for developing the optimal design of the new ship consists of three phases:



ALASKA
CLASS FERRY

In Focus

- The Alaska Class Ferry project goal is to acquire multiple new ferries of a single design which will be able to sail reliably within all Alaska inside waters.
- Public input will be actively sought during the design phase of this project.
- Ancillary considerations associated with the Marine Highway infrastructure are not covered under the scope of this project.

ALASKA CLASS FERRY

On the Horizon

Subsequent questions generated once the design of the ferry is complete will be addressed in collaboration with other DOT&PF authorities and will determine:

- Number of ferries to build
- Specific routes they will service
- Sailing schedules
- Construction location

Alaska Marine Highway System

ALASKA CLASS FERRY

Public Involvement

The Alaska Class Ferry project considers individual stakeholder and community input critical in determining the efficiency and function of the Alaska Class ferries. Public outreach methods to inform stakeholders and gather relevant input will include:

- Regional public meetings
- Key stakeholder meetings
- A project website (www.dot.state.ak.us/amhs/alaska_class)
- A public survey will be available on the website on February 16th, 2009.

Public input concludes April 30, 2009.

Alaska Marine Highway System

ALASKA CLASS FERRY

Regional Public Meetings

Regional public meetings will be held from February to April of 2009 in the following locations:

City	Date	Facility
Ketchikan	Mid February	TBD
Juneau	Late February	TBD
Anchorage	Mid March	TBD
Sitka	Early April	TBD

Alaska Marine Highway System

ALASKA
CLASS FERRY

For more info:

www.dot.state.ak.us/amhs/alaska_class

Alaska Marine Highway System :: Alaska DOT&PF - Windows Internet Explorer, provided by AMHS - State of Alaska (DOT&PF)

http://web.dot.state.ak.us/amhs/alaska_class/index.shtml

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Alaska Marine Highway System

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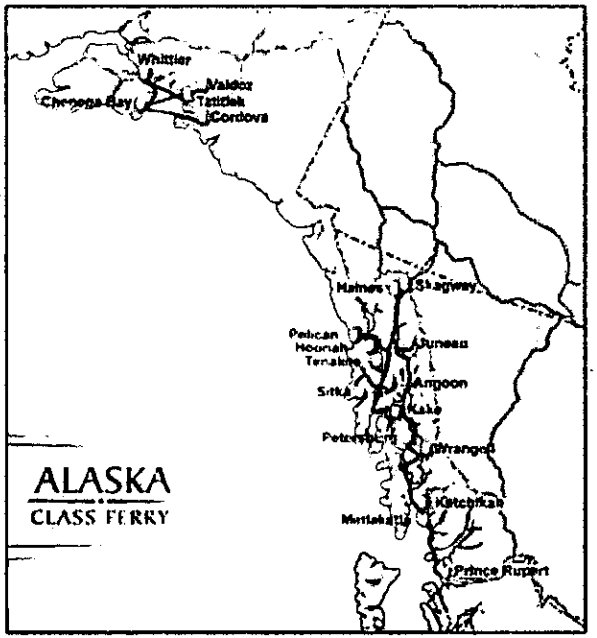
ALASKA CLASS FERRY

Project Home Go

Project Home



Mission Statement:
Design and construct the next generation of ferries to begin the replacement of the aging AMHS fleet. These ferries will be environmentally-responsible, fuel-efficient and versatile. They will enhance AMHS operations on current and future routes within inside-waters and enable AMHS to continue its tradition of providing safe, reliable service.

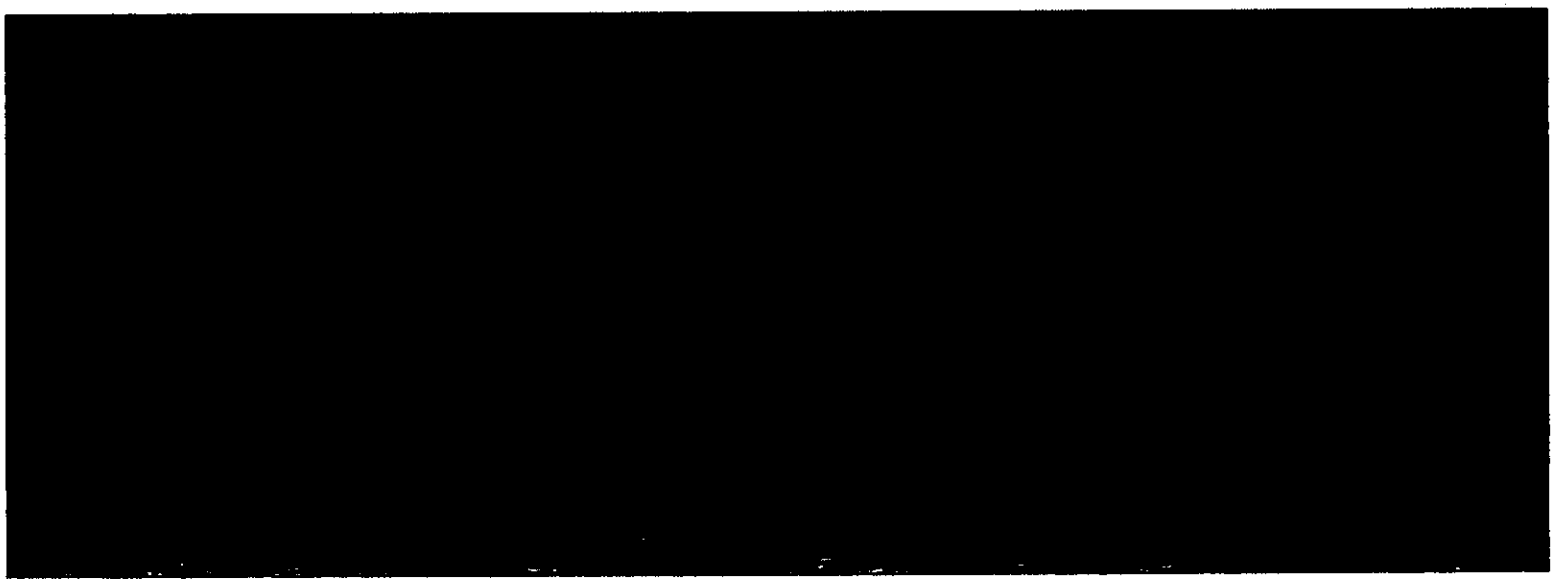
- Plan a Trip
- Specials
- Travel Details
- Explore Alaska
- About Us
- News & Updates
  - Alaska Class Ferry
  - Headline Archive
  - Press Box
  - Schedule Changes
- Sailing Search

State of Alaska | AMHS Web Manager | DOT&PF Employee Directory | Terms of Use | Copyright | DOT&PF Home

Alaska Marine Highway System

ALASKA CLASS FERRY

Questions?



Alaska Marine Highway System

ALASKA CLASS FERRY

The ALASKA CLASS

Ferry Acquisition Project

Summary and Status Report

Alaska Marine Highway System

ALASKA CLASS FERRY

Project Mission Statement

Design and construct the next generation of ferries to begin the replacement of the aging AMHS fleet. These ferries will be environmentally responsible, fuel efficient and versatile. They will enhance AMHS operations on current and future routes within inside waters and enable AMHS to continue its tradition of providing safe, reliable service.

Single pt failure

Alaska Marine Highway System

ALASKA CLASS FERRY

Project Participants

The manager of this project is Alaska Marine Highway. The project team consists of:

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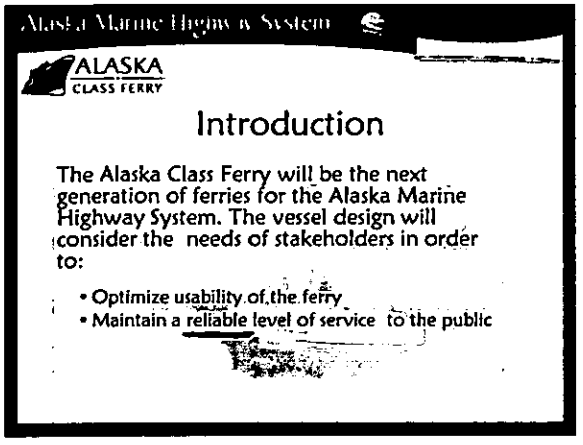
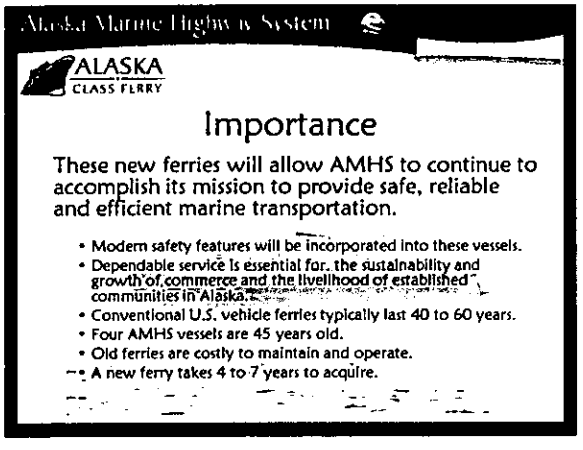
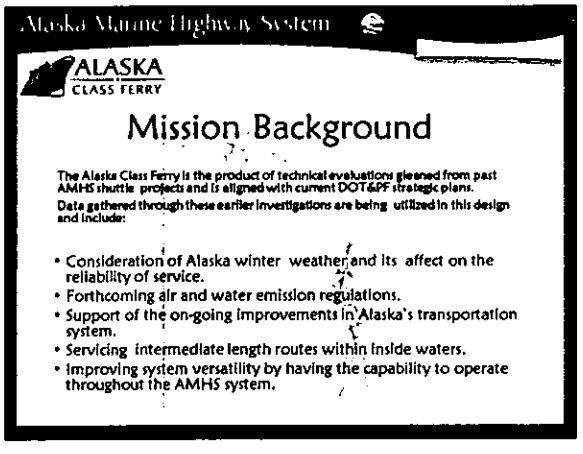


Must run in AK



Take Matt Kennicott are only ones that can go to PBC.



Alaska Marine Highway System

ALASKA CLASS FERRY

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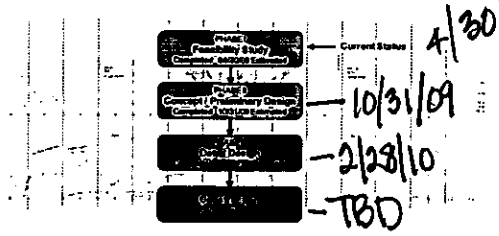

All Purpose AK Ferry

Alaska Marine Highway System

ALASKA CLASS FERRY

In Focus

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Docks

Alaska Marine Highway System

ALASKA CLASS FERRY

On the Horizon

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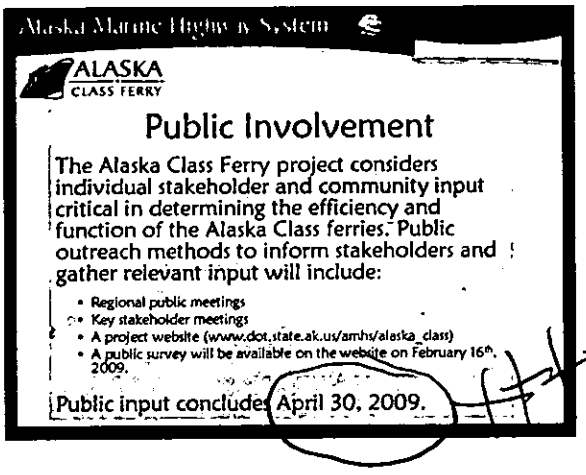
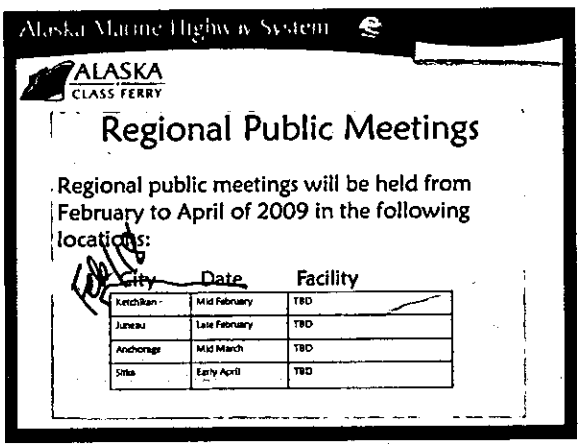
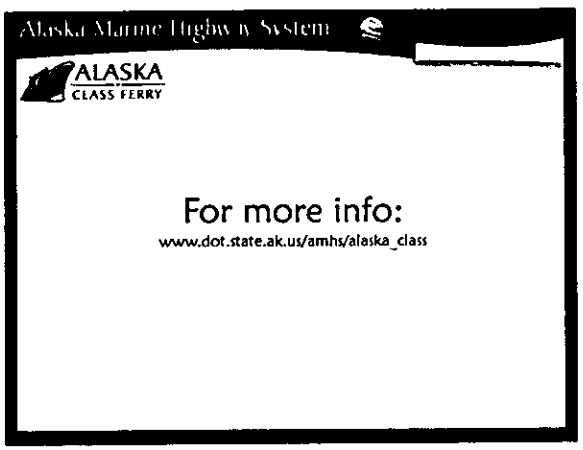


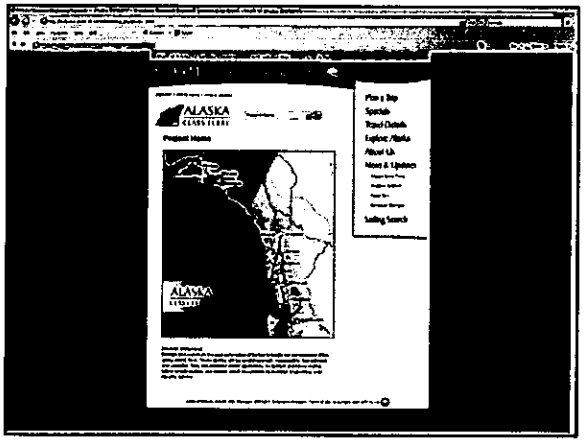
lady from Hoonah ?

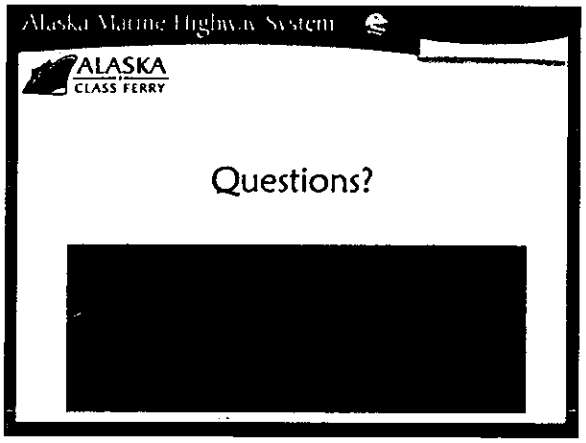


only main pop ctrs

Call In ?

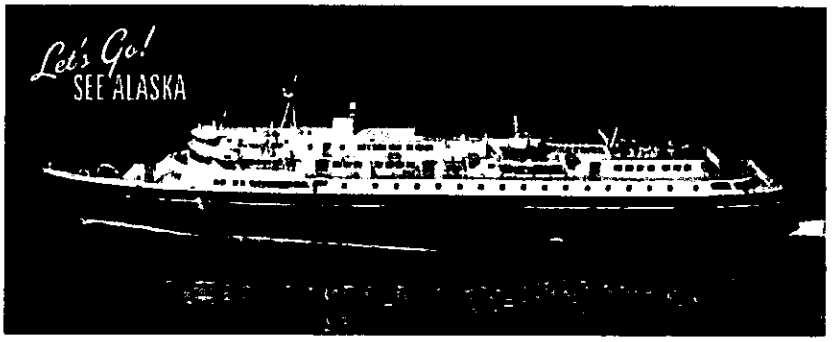



ALASKA
CLASS FERRY


Alaska Marine Highway System
ALASKA
CLASS FERRY
Questions?

1/29/09 OVERVIEW: ALASKA MARINE HIGHWAY

Combined Senate / House Transportation Committee Meeting



January 2009

Alaska Marine Highway

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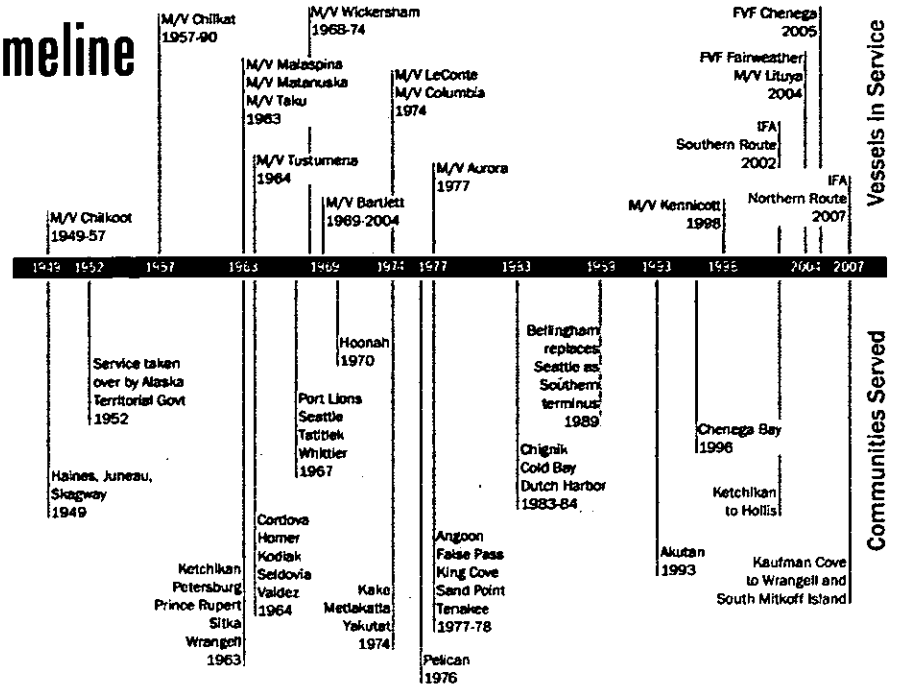
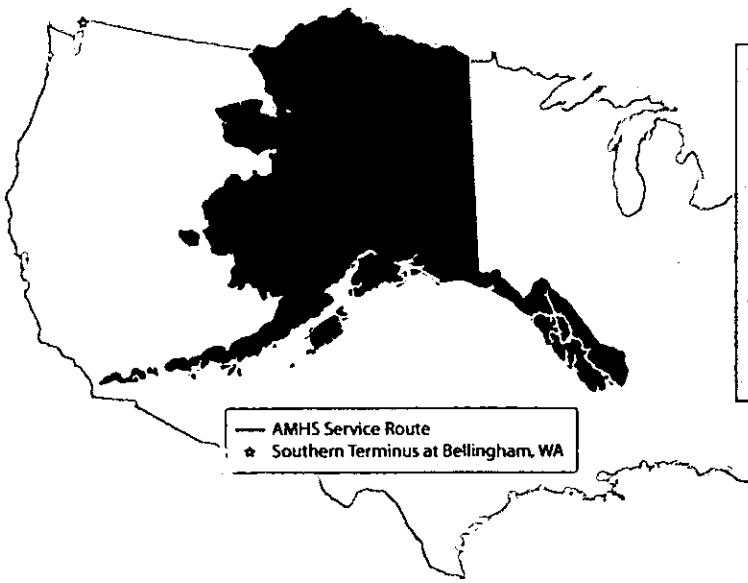
Alaska Marine Highway

Service Timeline



Alaska Marine Highway

Logistics



Alaska Marine Highway		
	Service Route:	3500 miles
	Passengers:	340,000
	Vehicles:	110,000
BC Ferries		
	Service Route:	755 miles
	Passengers:	21,000,000
	Vehicles:	8,000,000
Washington State Ferry		
	Service Route:	200 Miles
	Passengers:	25,000,000
	Vehicles:	11,000,000

Alaska Marine Highway

Fleet Profile

MATANUSKA 1963

Passengers: 499
Vehicles: 88
2024
Est. end of life

MALASPINA 1963

Passengers: 499
Vehicles: 88
2016
Est. end of life

TAKU 1963

Passengers: 370
Vehicles: 69
2020
Est. end of life

TUSTUMENA 1964

Passengers: 174
Vehicles: 36
2026
Est. end of life

COLUMBIA 1974

Passengers: 499
Vehicles: 134
2040
Est. end of life

LECONTE 1974

Passengers: 300
Vehicles: 34
2036
Est. end of life

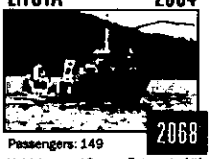
AURORA 1977

Passengers: 300
Vehicles: 34
2044
Est. end of life

KENNICOTT 1998

Passengers: 499
Vehicles: 80
2062
Est. end of life

LITUYA 2004



Passengers: 149
Vehicles: 18
2068
Est. end of life

FAIRWEATHER 2004

Passengers: 250
Vehicles: 36
2029
Est. end of life

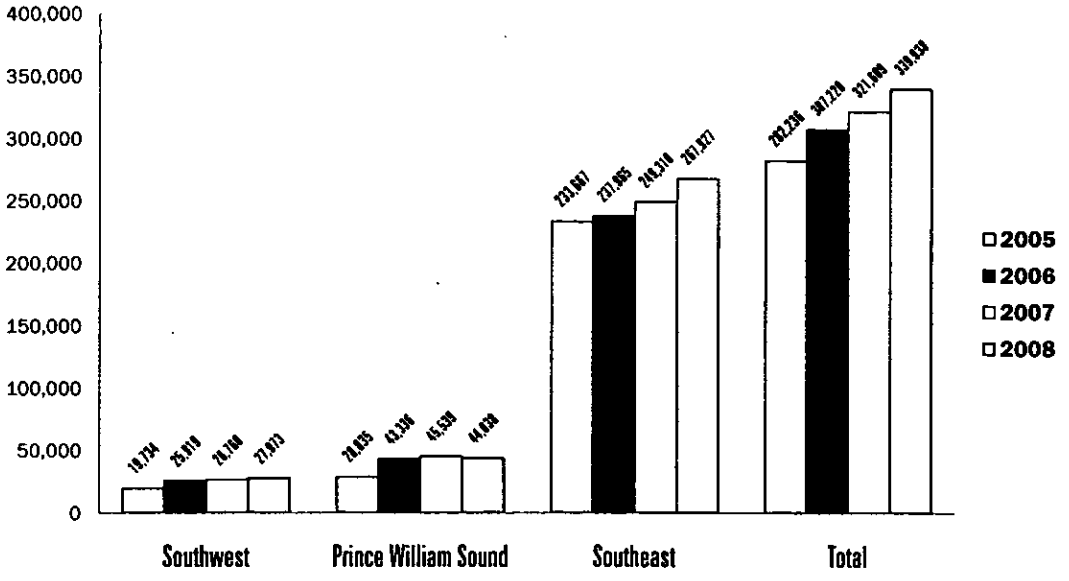
CHENEGA 2005

Passengers: 250
Vehicles: 36
2029
Est. end of life

End of life dates determined by a 1991 Glosten Associates study and AMHS fleet simulation study

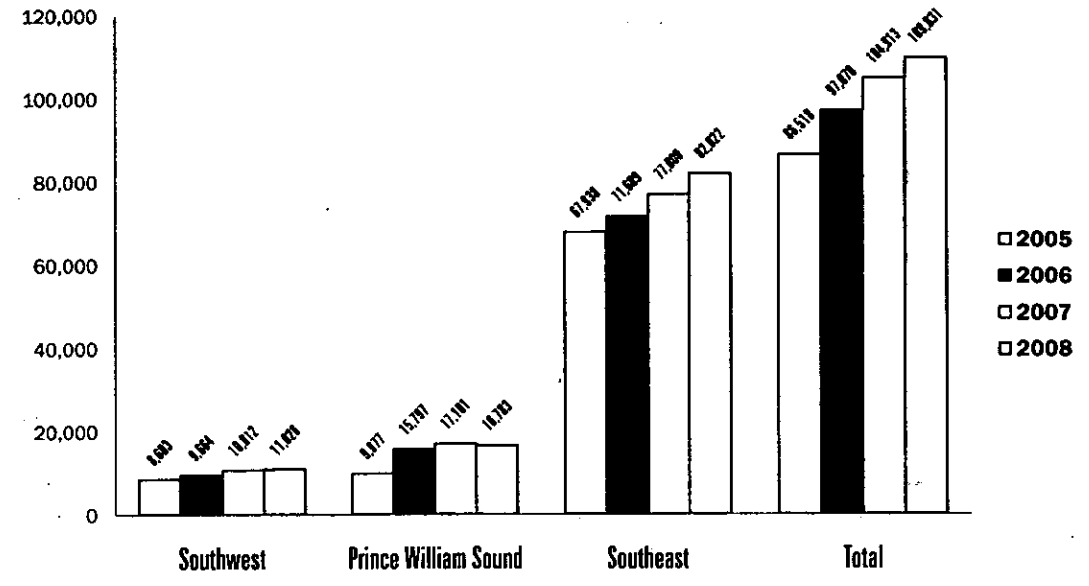
Alaska Marine Highway

Recent Passenger Traffic Comparison



Alaska Marine Highway

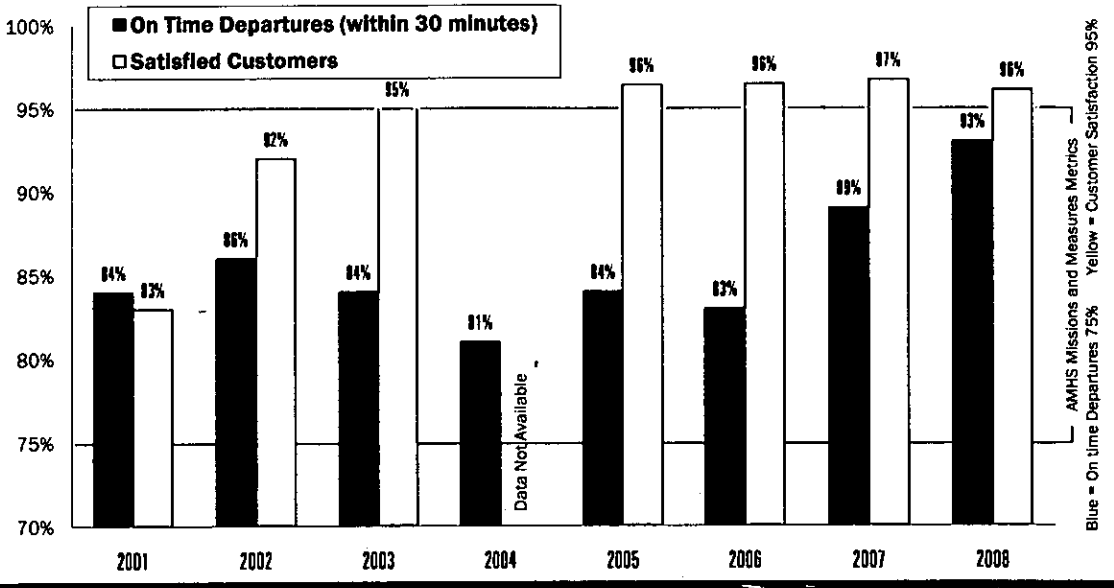
Recent Vehicle Traffic Comparison



Alaska Marine Highway

7

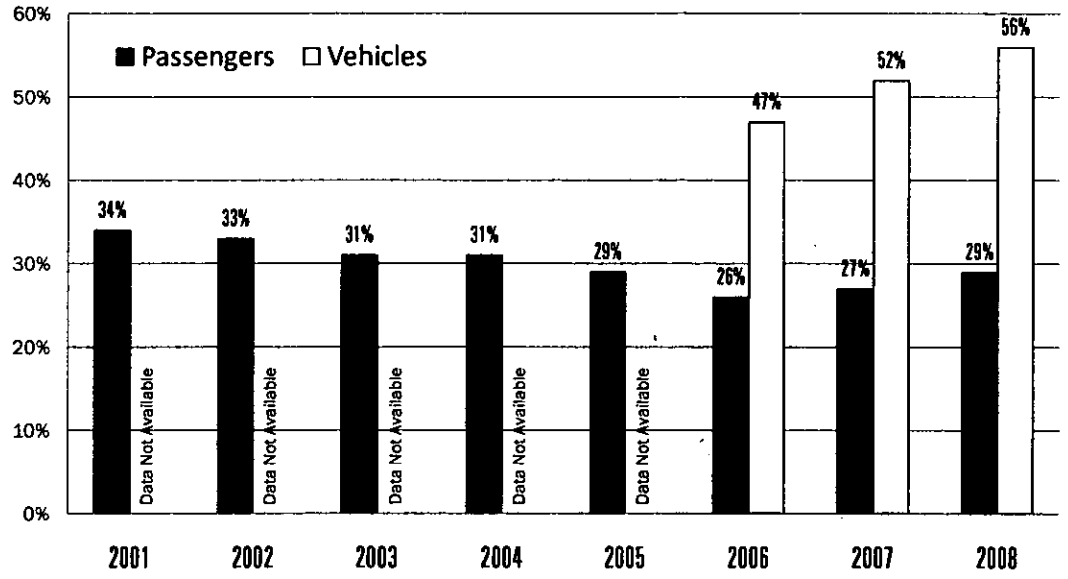
On Time Departures / Customer Satisfaction



Alaska Marine Highway

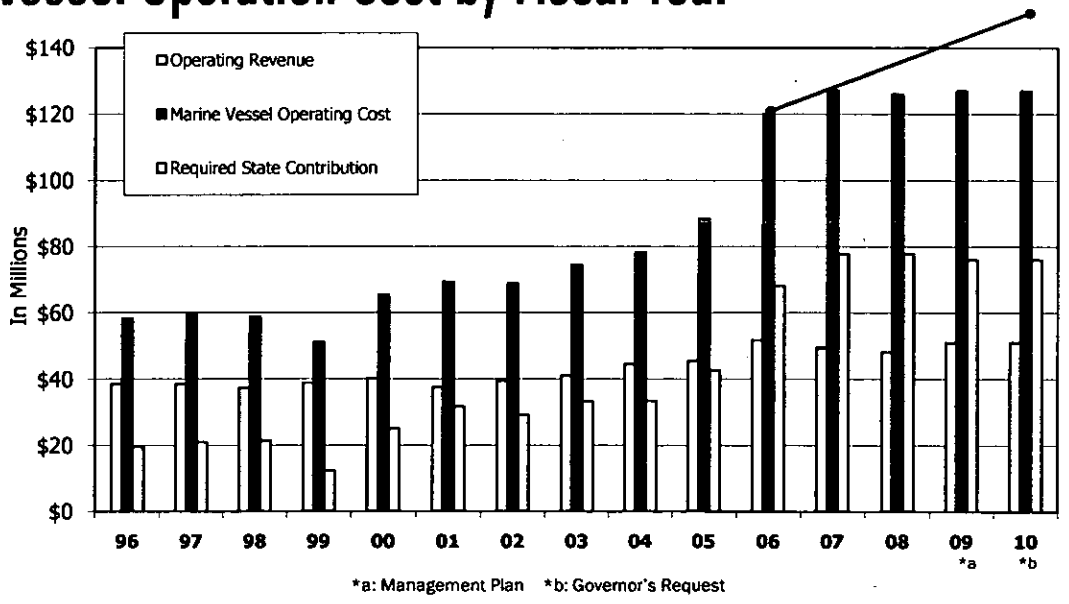
8

Traffic Utilization



Alaska Marine Highway

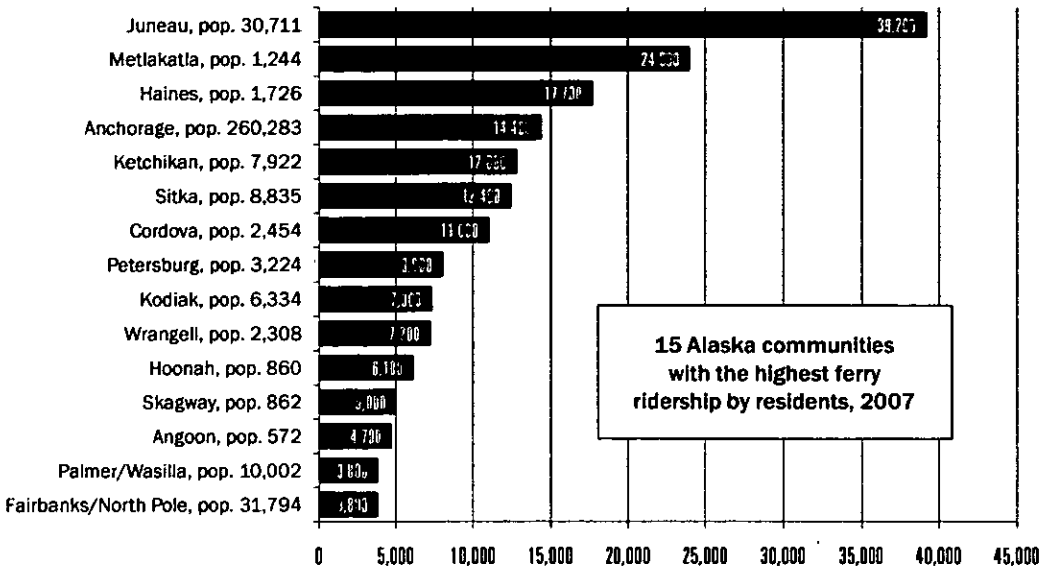
Vessel Operation Cost by Fiscal Year



*a: Management Plan *b: Governor's Request

Alaska Marine Highway

AMHS Boarding's by Alaskan Community



FY '09 Update

- At this time AMHS is tracking with the business plan that supports the FY2009 Management Plan.
- Currently AMHS has no FY 2009 supplemental requests due to operations, and is managing operations by the mantra "Manage to the Budget, No Supplemental."
- The recent signing of the IBU labor contract will require a $2.0M general fund supplemental.

FY '09 Update: Areas of Concern

- Visitor Industry organizations are forecasting potential shortfalls of 30% off of last years results due to the recession.
  - These effects would show up in the AMHS business model in late May and June 2009, and continue through September in the FY'10 budget.
  - AMHS has sufficient cash to weather potential revenue shortfalls in the FY '09 budget year ending June 30th.

Negotiation Updates

- Inland Boatman's Union
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Fast Vehicle Ferries – Fairweather and Chenega

- FVF Fairweather- Currently undergoing first Federal CIP project. (Major engine overhaul and other vessel projects)
- Additional corrosion has been discovered in the Fairweather's engine cylinders.
  - The Dept. of Law is working with Derecktor Ship Yard (vessel builder) and MTU (engine manufacturer) to resolve problems.
  - MTU has expressed willingness to address problem at its expense.
  - Dept. of Law and State's technical consultant working to ensure that MTU's solution fully resolves corrosion problem.
- Previous vibration problems in reduction gears and shafts of both Fairweather and Chenega have been resolved.

Ketchikan Lay-Up Facility

- Various properties have been considered
- Expansion space around the birth has become an added requirement
- Ward Cove site provides the highest potential for expansion
- A survey of the property will provide:
  - Assessed values of properties
  - Environmental status of parcels (contaminants)
  - Structural status of all infrastructures
- Received $5.0M State GF in 2008. Ward Cove site evaluation will be complete mid-March '09, at it's conclusion AMHS will select a preferred lay-up site.

Bellingham Terminal Facility

- The agreement with the Port of Bellingham is a 20 year lease that expires in Sept. 2009
- Includes: operational expenses, contract labor, ticketing and reservations services.
- Currently negotiations are underway with The Port of Bellingham.

Prince Rupert Facility

- Scope is to pursue acquisition of existing infrastructure.
  - Survey of the terminal used by AMHS
  - Appraisal of the property of interest
  - Negotiate a purchase or perpetual lease

Angoon

- Scope: To reconstruct the existing mooring facility to accommodate both LeConte and FVF Class vessels.
  - Cost of Project - $8 Million
  - Project to be completed by end of November, 2009

Economic Benefits of AMHS on Alaska

- **Visitor Industry**
  - 55,000 visitors from outside of Alaska traveled on the Alaska Marine Highway between May 2006 and April 2007.
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  - Direct Impacts
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    - $58 Million
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Alaska Marine Highway

New AMHS Web Site

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  - Improved Usability
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Alaska Marine Highway

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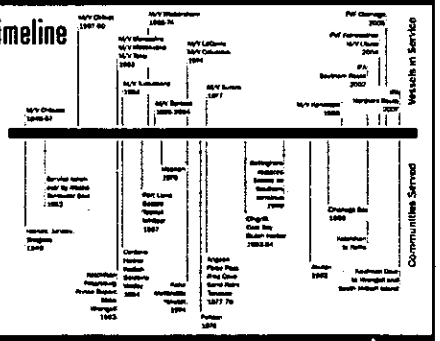
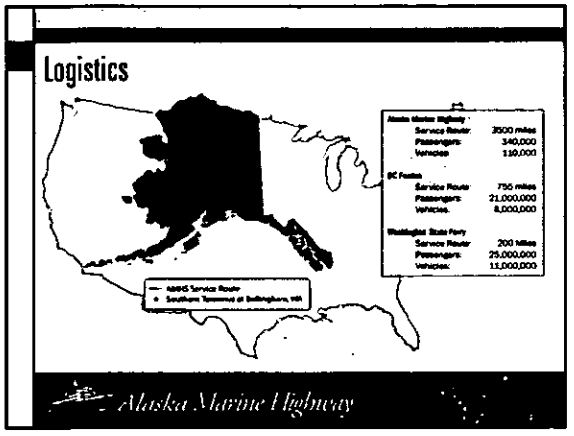
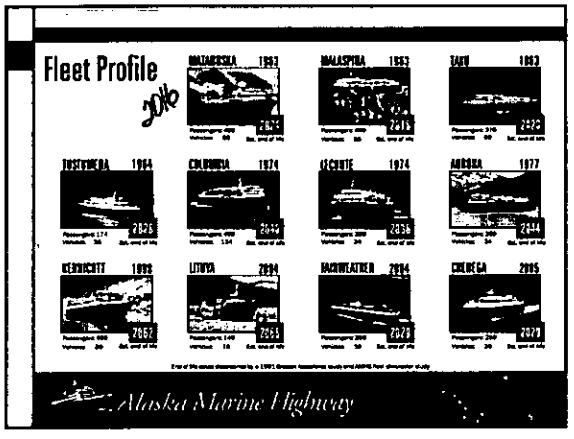
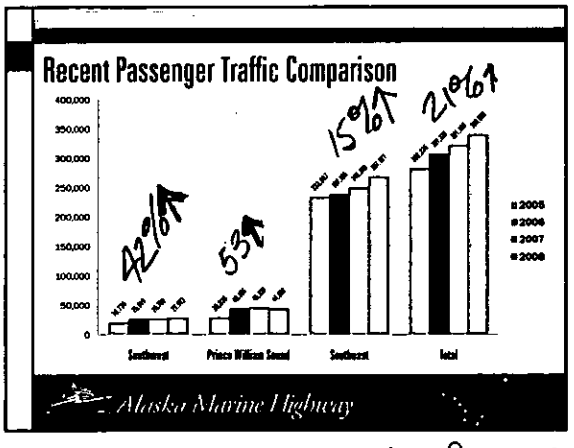


Alaska Marine Highway





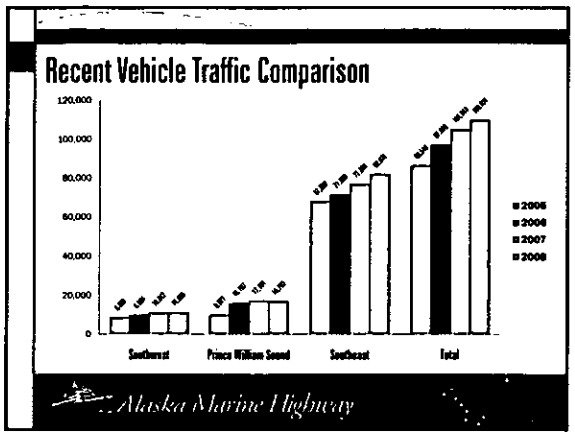


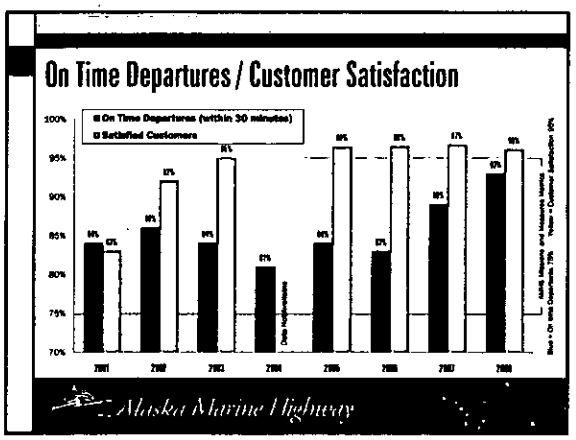
people

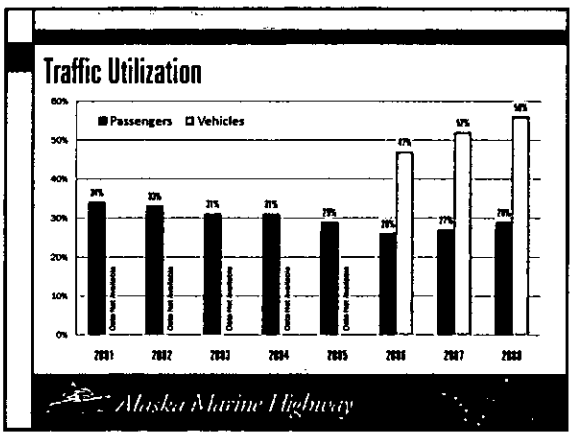
1992 472K 200K vehicles

more vehicles & people than ever in last 2yrs

88% of ridership are Alaskans

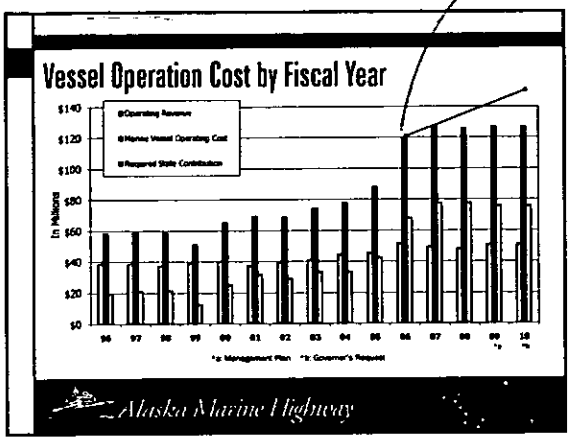




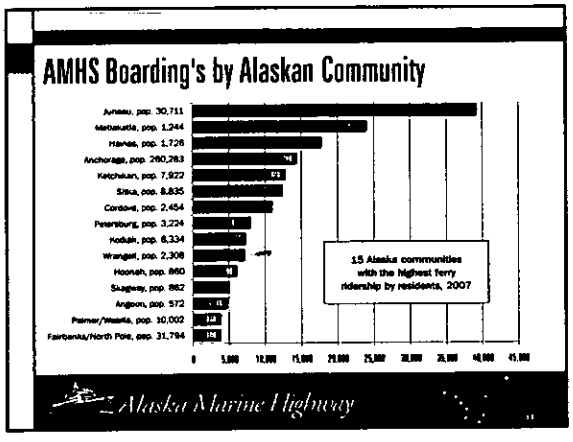


There are yr. round #'s

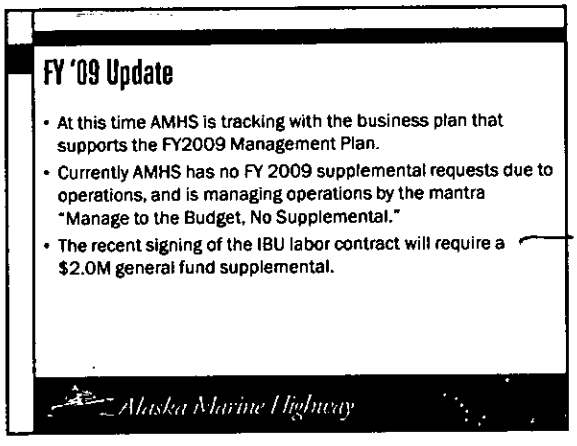
PERS / TR increases



reducing costs by not running all boats — all the time — People that lose service really don't like this.
self fund 33%



Juneau 250K low fuel Monitor 345K.



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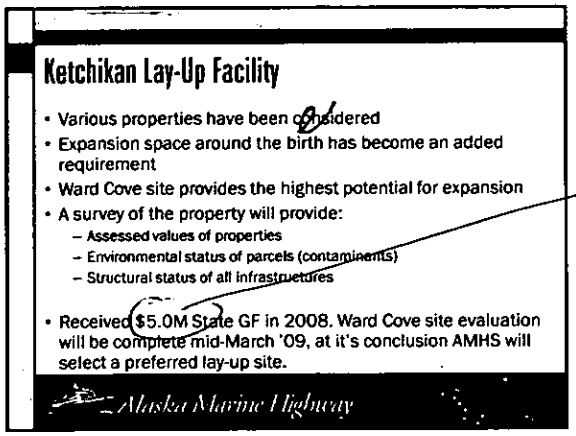
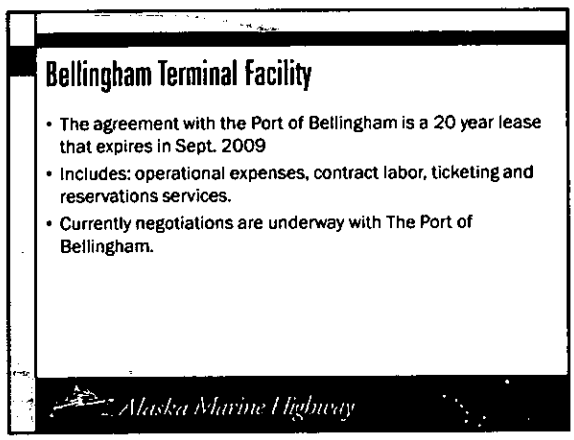


"really close"

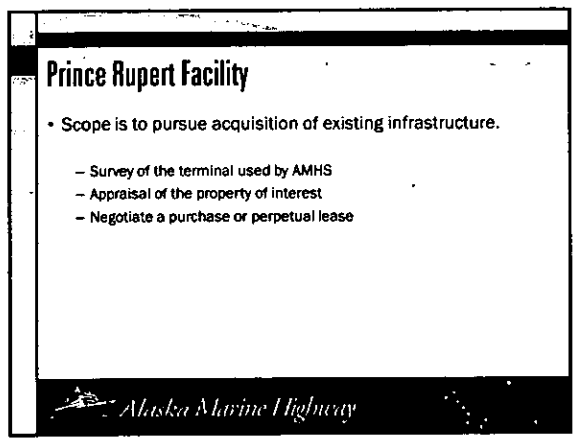
dock needs $ & M work.



Now want more $$

Jim suggests boats can't run to Seattle fast enough to turn around in 1 wk.

*Only option or are we talking to others (Vancouver Seattle Port Hardy)



P.R.

They don't want to be in dock business

CAP budget? IA in budget to spend fed funds

RR is not problem

Spur line only - not main line -

Angoon

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Alaska Marine Highway

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Alaska Marine Highway

Room 205
Tues

2/3/09 LEG. UPDATE: AVIATION DIVISION

Airports & Aviation
Alaska Dept. of Transportation

Legislative Update

February 2009

Christine Klein, AAE
Deputy Commissioner

1

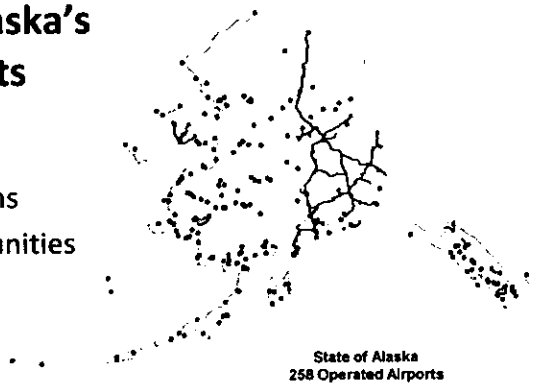
Overview of
Airports & Aviation

I Status of Airports
II Statewide Rural Airports
III International Airport System

2

Status of Alaska's Airports

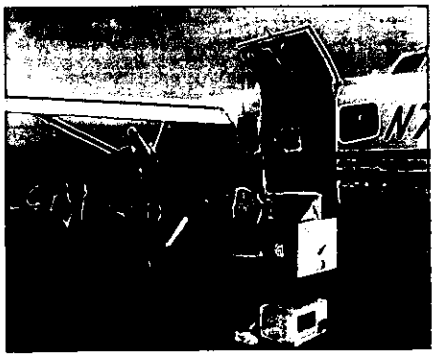
1. Strengths
2. Aviation Concerns
3. Focus & Opportunities
4. The Future



Alaska's Airports & Aviation

Strengths:

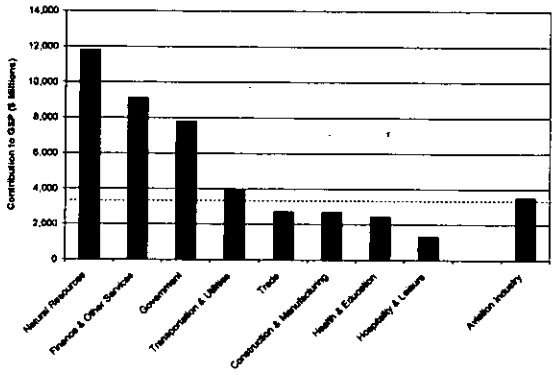
- Largest System in the US
  - 258 State Airports
  - 173 gravel, 45 paved, and 37 seaplane,
- Main Transportation Mode for all citizens and regions
- Only means of access for over 149 communities



Aviation Industry
Economic Contribution to Alaska

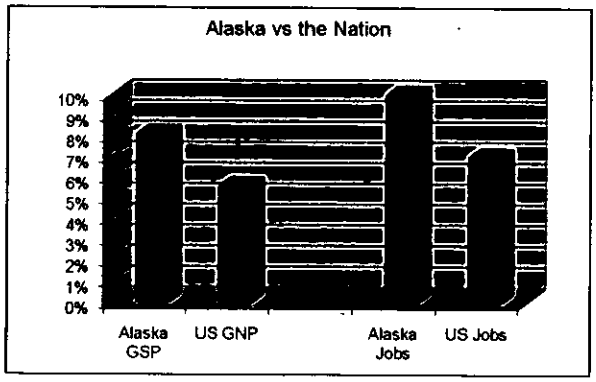
Strengths:

- 47,000 Aviation jobs statewide both rural and urban
- 5th Largest Provider of Alaska's Gross State Product
- Contributes >$3.5B to $44B Economy



Jobs & Economic Comparison

- Aviation is much more important economically to Alaska than the rest of the Nation
- Alaska's GSP due to aviation is 40% higher than the National average



"The aviation industry is larger than the trade, construction and manufacturing, health and education, and hospitality and leisure sectors". Economic Contribution of the Aviation Community to Alaska's Economy, March 2009.

Aviation Concerns

Airport Operations

- 96% Federally CIP Funded
- Low State Investment
- Industry Need for More Airport Maintenance & Operating Hours
- Aviation Role in DOT&PF not Well Understood by Users
- Competing Priorities

Aviation Status continued...

Opportunities:

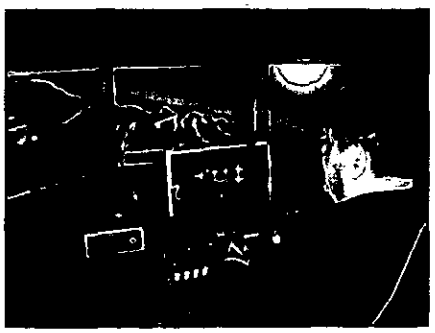
- Safe Airports Strengthen Rural Economy with Jobs & Access
- Aviation Career Paths
- Improved Communication with Aviation Business groups
- Better Funding & Standards for Maintenance of the largest Aviation System in World

Our Primary Focus & Goals

Airport Standards	Economic Impacts	Customer Relations
Maintenance & Operations	**Aviation System Plan**	Public Processes
Navaids & Approaches	Sustainable Airport Funding	Statewide Aviation Role
Capstone Technology	Deferred Maintenance	Aviation Career Progression
	Aviation Structure	DOT&PF & FAA Processes

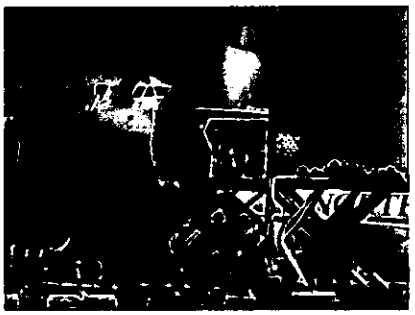
Aviation Safety Efforts

1. **Safety:**
   - Capstone Loan Program
   - State Digital Mapping Initiative, and Pilot Flight Simulators for Use
   - Airport Construction and Safety Video's
   - Airport Employee Training



Aviation Safety Program
Flight Simulator Access for Pilots...

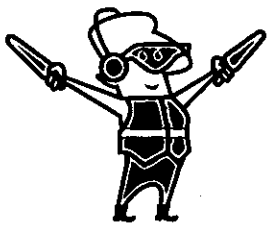
Sustainability of Our Airports...



2. Sustainability:

- Economic Impact of Aviation
- Comply with FAA Grant Assurance Requirements
- Increase Lease Rates Slow, Low, and Fair
- Id Minimum State Funding for Safe Airport Operations
- Id Maintenance Backlogs
- Training & Apprentices

Efforts at Better Service...



3. Better Customer Service:

- Listen to Customers needs better - Aviation System Plan
- Returning Calls/Letters faster
- Explain the Confusing Process
- Honesty: No, but why...
- Info: WebSite/GIS/newsletter
- Access and Public Meetings
- Yes, "We Can" Find Solutions through Compromise ☺

Statewide Aviation
Rural Airports

Rural Airports Overview

1. Current Conditions
2. Challenges
3. Projects
4. Future

Little Diomede Heliport

Current Conditions

256 State owned Rural Airports

- 173 gravel, 45 paved, 37 seaplane, 1 heliport (Diomede)
- 21 Certificated airports
- 69 runways less than 3,000'
- 21 runways less than 2,000'

Annual Budget

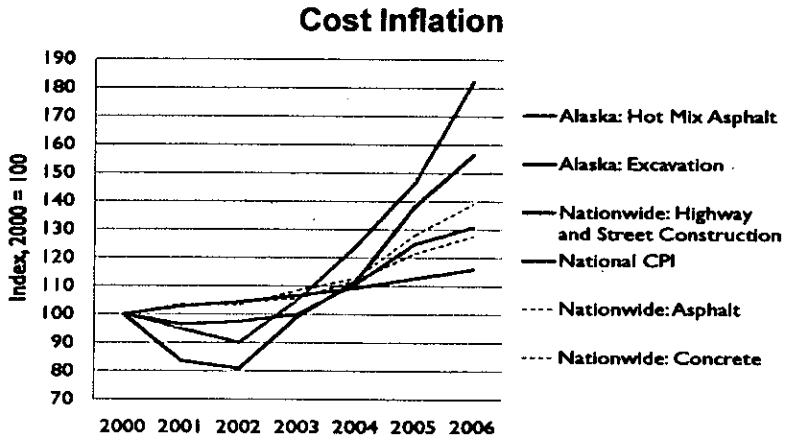
- Operating - $28 million
- Capital - $150 million

Challenges

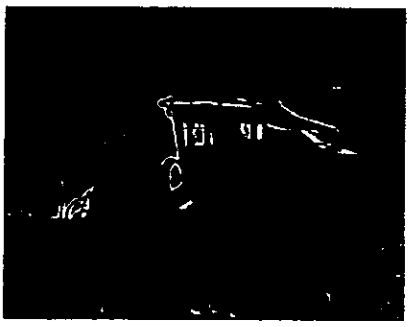
- **Federal Regulations**
  - FAA and TSA
- **Escalating Construction**
  - Difficult locations
  - Project Costs
- **Environmental**
- **Operational Demands**
  - Hours of Use
  - Larger Aircraft
  - More Operating Costs

Sitka Airport

Challenges: Construction Costs



Challenges: Environmental - Dust

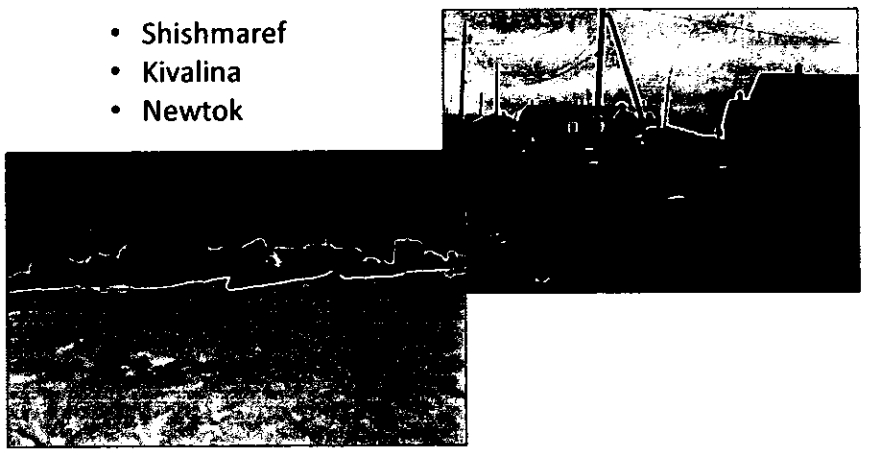


Aircraft use, maintenance, and general work creating dust.

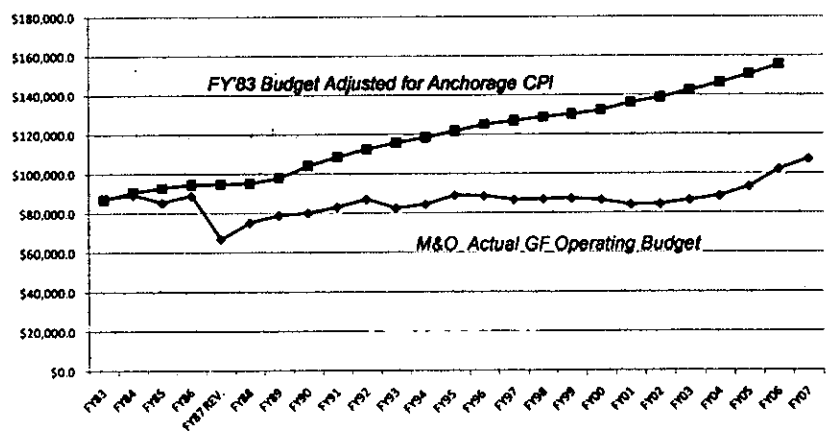
After Dust Control. *Our Airport M&O contractor, after chemical dust pallative application. Happy with his runway skid marks!*

Environmental - Floods & Coastal Erosion

- Shishmaref
- Kivalina
- Newtok



Challenges: Maintenance Funding to Operate Airports



Looking Ahead ...

- Alaska Airport Infrastructure established w/Federal Funds
- Grant Assurances required us to Maintain those Airports
- A Necessary Transition: from "Build" to "Maintain"
- State vs. Federal Funding
- New Funding Model Required to Operate and Maintain Our Rural Airports
- Cost: $28M yr/256 airports
- Airport Revenue: $3.9M yr

Statewide Rural Airport Funding Needs

Needs	Primary Airports		Non-Primary Airports
Runway Improvements	$364,000,000		$840,000,000
Buildings	$56,000,000		$53,000,000
Equipment	$7,000,000		$13,000,000
Funds Needed	**$427,000,000**	+	**$906,000,000**
	Total Rural Airports		**$1,333,000,00**

Where Has Funding Come From?

- **Capital Projects**
  - Earmarks
  - Federal Airport Improvement Program (AIP)
    - Funding based on federal funding formula's for practically all statewide airport capital improvements in recent years >95%.
    - AIP funds in turn come with stringent grant assurance requirements
  - General Fund Appropriations
    - Airport Deferred maintenance and Life Safety projects
- **Maintenance and Operations**
  - General Funds
  - Lease revenues

Recent Primary Airport Projects

Aniak
- SREB FFY'05, $3.3M

Bethel
- RWY Safety Area & Parallel RWY Embankment FFY'05+, $16.1M
- Apron Exp & SREB FFY'06, $7.4M
- Parallel RWY Paving FY'07+,$8.4M

Cordova
- RWY Safety Area & Electrical Line Rehabilitation FFY'05/06, $11.3M
- SREB FFY'07, $2.7M
- RWY Lghtng Rplcmnt FY'08, $4.5M

Deadhorse - RSA Exp FFY'04/05, $18.1M

Dillingham - SREB FFY'09, $2.2M

Emmonak – Apron Surfacing, RSA Imprvmnts FFY'08+, $11.7M

Gustavus
- RSA Expansion FFY'11, $10.5M

Ketchikan
- RWY Overlay, RSA Expansion FFY'06+, $34.6M
- SREB FFY'07+, $5.3M

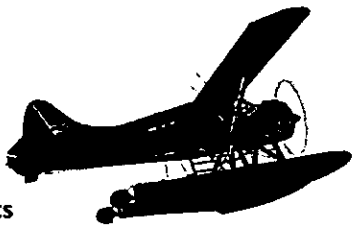
King Salmon
- RWY Safety Area, Parallel TWY, Resurfacing FFY'06+, $34.5

Kodiak
- Kodiak EIS FFY'07+, $6M

Kotzebue
- RWY Safety Area FFY'04+ $15.2M
- Sand Storage Bldg FFY'06, $3M

FFY'09 and Future

- **Current AIP Funding**
  - Extension of 2008 AIP funds FAA to 3/31/09 with 3rd Quarter Requiring Continuing Resolution
- **Stimulus Package Being Considered**
  - $3B potentially for ALL Airports in the US
  - Up to $380M AK airport projects ready
- **Increasing Safety & Security Regulations**
  - Expanding air cargo security, safety…
- **Our Future: Operating & Maintaining Airports**
  - Focus on State Funding of and Sustainability of Alaska's aviation transportation network

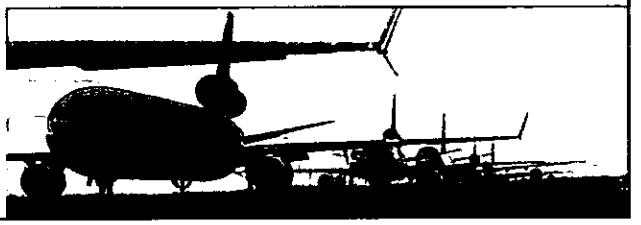


Alaska International Airport System (AIAS)

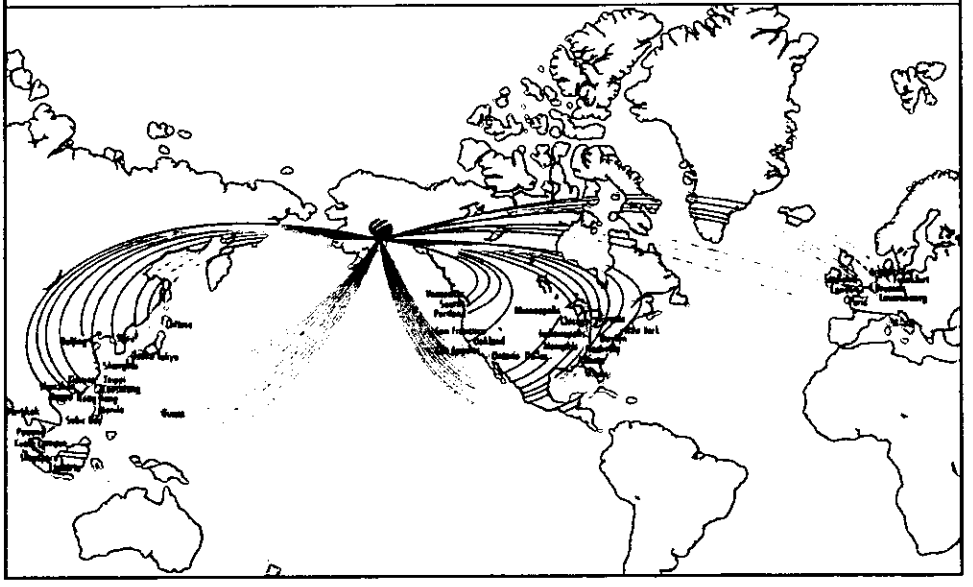
AIAS Strengths

- One system for revenue, checks & balances, consistent industry stds in policy direction
- Two Airports focused on the airport operations
- Economic Engine for local communities and state
- Diverse sources of revenues and airlines/air cargo
- Air Cargo center for Asia
- Long-term commitments
- System capacity for growth

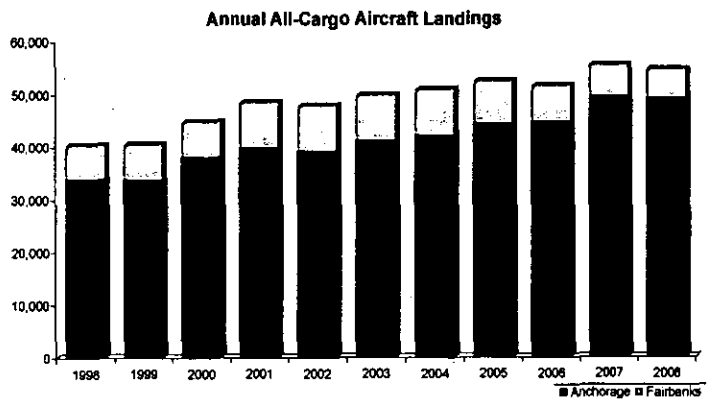
19 wide-body aircraft diverted from ANC to FAI October 2008 and all revenues kept in Alaska:



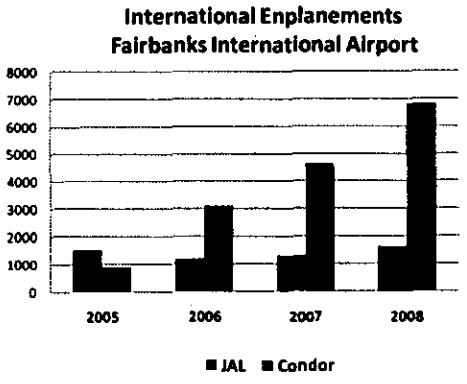
AIAS Strategic Cargo Location

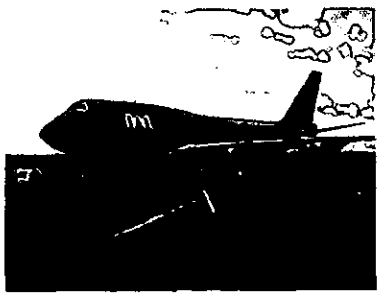


Strengths: Cargo Operations



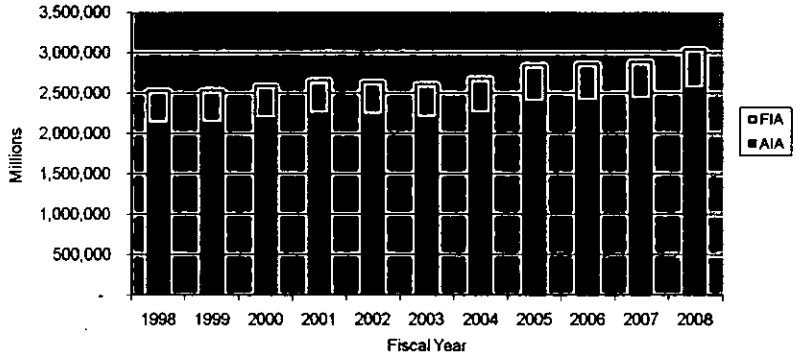
AIAS Strengths





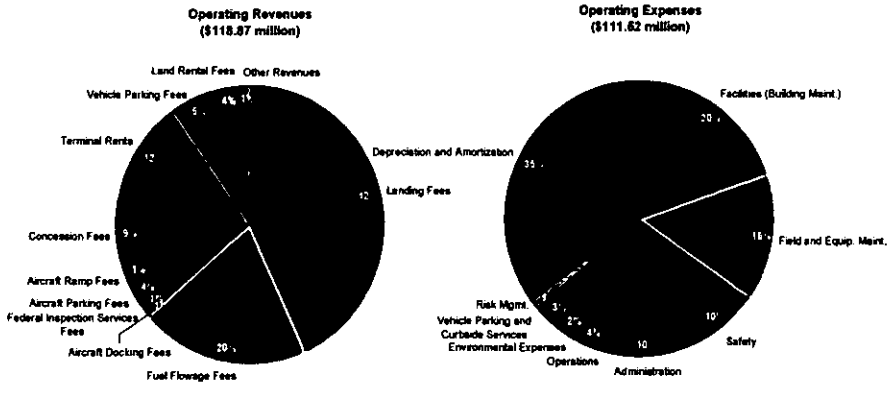
Strengths: Passenger Trends

AIAS Enplanement History
FY1998-2008



Strengths: Diverse Business Revenues

FY 2008 Operating Revenues & Expenses



Summary of 2008 AIAS Activity

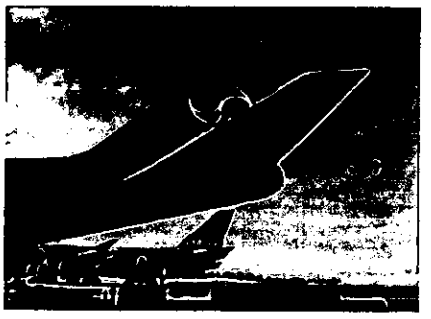
- Total Landings = 101,863 (-05%)
- Cargo Landings = 46,965 (-5.4%)
- Passengers = 5,380,811 (+4.4%)
- Fuel Flowage = 865 million gallons (-6.6%)

(2008 is July 1, 2007 through June 30, 2008)

33

Current AIAS Concerns

- Global Economic Recession
- Weakened Aviation Industry: mergers, bankruptcy, fewer flights, fuel crisis
- Heavy AIASDebt Burden
- AIAS Cargo mid year projection down ~13.0% for FY'09
- Passenger mid year ANC and FAI projection down 11.0% and 3.0% for FY'09 respectively



AIAS Response

Remain Competitive:

- Proactively reduced Operating Budget in June '08
- Scaled-back capital projects and programs $300M
- Returned to System Structure maximizing capacity
- Maintained stability illustrated in recent bond sale

Assessing the Competition:

- Conduct 3rd Party Intl Cargo Analysis Asian Market & Over-Flights
- Negotiated operating agreement in partnership with airlines
- Utilizing excess cash to reduce debt, hold down rates
- Favorable regulations – Cargo Transfer Authority
- Local economy and tourism relatively strong

Opportunities: Competitive Rates

Terminal Rent

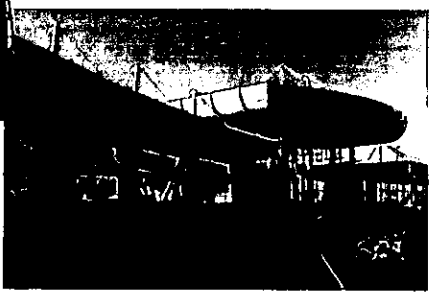
	Ticket / Gate
Seattle	$396.01 / $237.60
Portland	$242.00 / $218.00
Ontario	$139.99 / $139.99
Reno	$117.04 / $93.63
Boston	$100.21 / $100.21
AIAS	$61.50 / $61.50

Landing Fee

	Cost for 747-400
Toronto	$12,799.08
Tokyo	$7,405.37
Newark	$4,789.75
New York	$4,456.55
Dallas	$3,349.98
Seoul	$2,982.14
Chicago	$2,759.24
Seattle	$1,918.00
Vancouver	$1,837.08
AIAS	$1,266.16

AIAS Terminal Renovation Projects

....Fairbanks International Airport



Anchorage International Airport ....

Major Upcoming Projects 2009-2014

Anchorage International

- Runway 7R/25L rehabilitation = $78.4 M
- Runway 7R/25L extension = $29.1 M
- Equipment = $ 3.9 M

Fairbanks International

- Runway 1L/19R reconstruction = $18.3 M
- Access Control Improvements = $ 3.0 M
- Equipment = $ 3.3 M

AIAS: Competitive & Responsive

Goal: Maintain Competitiveness

- Cut costs where possible to match earned revenue
- Rates & Fees stable & lower in new agreement
- Reduced 5 year capital costs to airlines

Mitigating Factors:

- Reliability of AIAS System as major Hub
- Essential nature of Alaska passenger service
- Diversity of Air Carriers and airport revenue sources
- Favorable Regulations – Air Cargo Transfer Authority
- Stable business environment – good airline relations

Thank you

Christine Klein, AAE
DOT&PF Deputy Commissioner
Airports & Aviation
907-269-0724

Recent Non-Primary Airport Projects

- Akiachak Relocation FFY'09+, $23.5M
- Akutan Construction FFY'07+, $32+M
- Alakanuk Relocation FFY'07+, $21.3M
- Angoon Airport EIS, FFY'07+, $4M
- Atka Resurfacing & Extension FY'08, $21.6M
- Chefornak Relocation FFY'10, $20M
- Fort Yukon Improvements FFY'09+, $14.5M
- Galena SRE Bldg Rehab FFY'09, $1M
- Goodnews Bay Recnstrctn FFY'08+, $16.6M
- Grayling Reconstruction FFY'08, $18.9M
- Hoonah Improvement FFY'10, $2.5M
- Iliamna SRE & Office Building FFY'09, $6.1M
- King Cove Improvement FFY'08+, $11.5M
- Kipnuk Relocation FFY'09+, $18.7M
- Kongiganak Improvement FFY'07+, $19.2M
- Lake Louise RWY Rehab FFY'07, $2.7M
- Manley Airport Relocation FFY'10, $13.8M
- Minto Relocation FFY'07, $9.2M
- Nightmute Reconstruction FFY'07, $15.1M
- Nunapitchuk Recnstrctn FFY'07, $15.1M
- Ouzinkie Relocation FFY'10, $24.1M
- Pilot Station Relocation FFY'10, $15.7M
- Platinum Relocation FFY'09, $10.2M
- Savoonga Rehab FFY'08+, $17.3M
- Seldovia SRE Building FFY'09, $3.2M
- Tuluksak Relocation FFY'09+, $19.6M
- Unalakleet Paving – FFY'05+, $24.7M

Title 17 Regulations for Rural Airports

17 AAC 45

- **New Rural Airport Regulations were adopted and became effective March 22, 2008**
  The regulation changes included substantial rate increases.

- **Alaska Air Carriers Association (AACA) filed a petition on April 24, 2008**
  The petition filed was against the rental rate increases and other sections of 17 AAC 45. Portions of the petition were accepted by DOT&PF for review and reconsideration.

- **Emergency Regulations were adopted effective June 17, 2008**
  A temporary moratorium was placed on the 2008 rental rate increases and rental rates returned to the 2002 rates.

- **Public Notice posted and public hearings conducted in October 2008**
  The proposed regulation changes included reduced increases to the rates and applied the increases over three years (10% per year in 2009, 2010 and 2011). Other proposed regulation changes related to boundary crossing permits, rate adjustments and charges and the appeal period for certain decisions made by DOT&PF.
  Written comments received were primarily concerned with the rate increases and their economic impact.

- **Revisions to Rural Airport Regulations to be effective March 2009**
  Proposed rate increases were further reduced and deferred. Aviation Uses increase 4% in 2010 and 2012 and Non-Aviation and Auxiliary Uses increase 8% in 2009 and 2010; 6% in 2012 and 5% in 2014. Other regulation changes follow the draft regulations published and presented at the public hearings.

Rate Increases

Use	3- 2009	10-1-2009	10-1-2010	10-1-2012	10-1-2014
Aviation	2002 rate	No increase	2002 rate +4%	2010 rate+4%	No increase
Non-Aviation	2002 rate	2002 rate + 8%	2009 rate +8%	2010 rate+6%	2012 rate+5%

Title 17 Regulations
Rural Airport Rates

Current Rate Proposal 1-5-09 - Reduced and Deferred March 2008 Rate Increases

Return to 2002 Rates until 10/1/2009

Aviation: No increase until 10/1/2010. Increase at 4% in 2010 and 2012

Non-Aviation & Auxiliary: 8% Increase 2009 and 2010 , 6% Increase 2012, and 5% Increase 2014

Monthly Rent for Aviation Use 1/3 Acre Lot (14,520 Square Feet)	**March 22, 2008 Title 17 Rate**	**Emergency Regulations 2002 Rates**	**Current Proposed Rates Effective Oct 1, 2009**	**Current Proposed Rates Effective Oct 1, 2010**	**Current Proposed Rates Effective Oct 1, 2012**	**Current Proposed Rates Effective Oct 1, 2014**
	New 3/22/08 Rates	Return to 2002 Rate	No Increase at this time	4% Over 2002 Rates	4% Over 2009 Rates	No Rate Increase
Airport @ .06/square foot	$ 93.17	$ 72.60	$ 72.60	$ 75.50	$ 78.52	$ 78.52
Airport @ .114/square foot	$ 206.91	$ 137.94	$ 137.94	$ 143.46	$ 149.20	$ 149.20

Monthly Rent for Non-Aviation & Auxiliary Use 1/3 Acre Lot (14,520 Square Feet)	**March 22, 2008 Title 17 Rate**	**Emergency Regulations 2002 Rates**	**Current Proposed Rates Effective Oct 1, 2009**	**Current Proposed Rates Effective Oct 1, 2010**	**Current Proposed Rates Effective Oct 1, 2012**	**Current Proposed Rates Effective Oct 1, 2014**
	New 3/22/08 Rates	Return to 2002 Rate	8% over 2002 Rates	8% over 2009 Rates	6% over 2010 Rates	5% over 2012 Rates
Airport @ .051/square foot	$ 93.17	$ 61.71	$ 66.65	$ 71.98	$ 76.30	$ 80.11
Airport @.114/square foot	$ 206.91	$ 137.94	$ 148.98	$ 160.89	$ 170.55	$ 179.07

3-22-2008 Rates

Current Proposed Rates

October 2008 Proposed Public Hearing Rates were proposed 10% increases on Jan 2009, Oct 2010 and Oct 2011

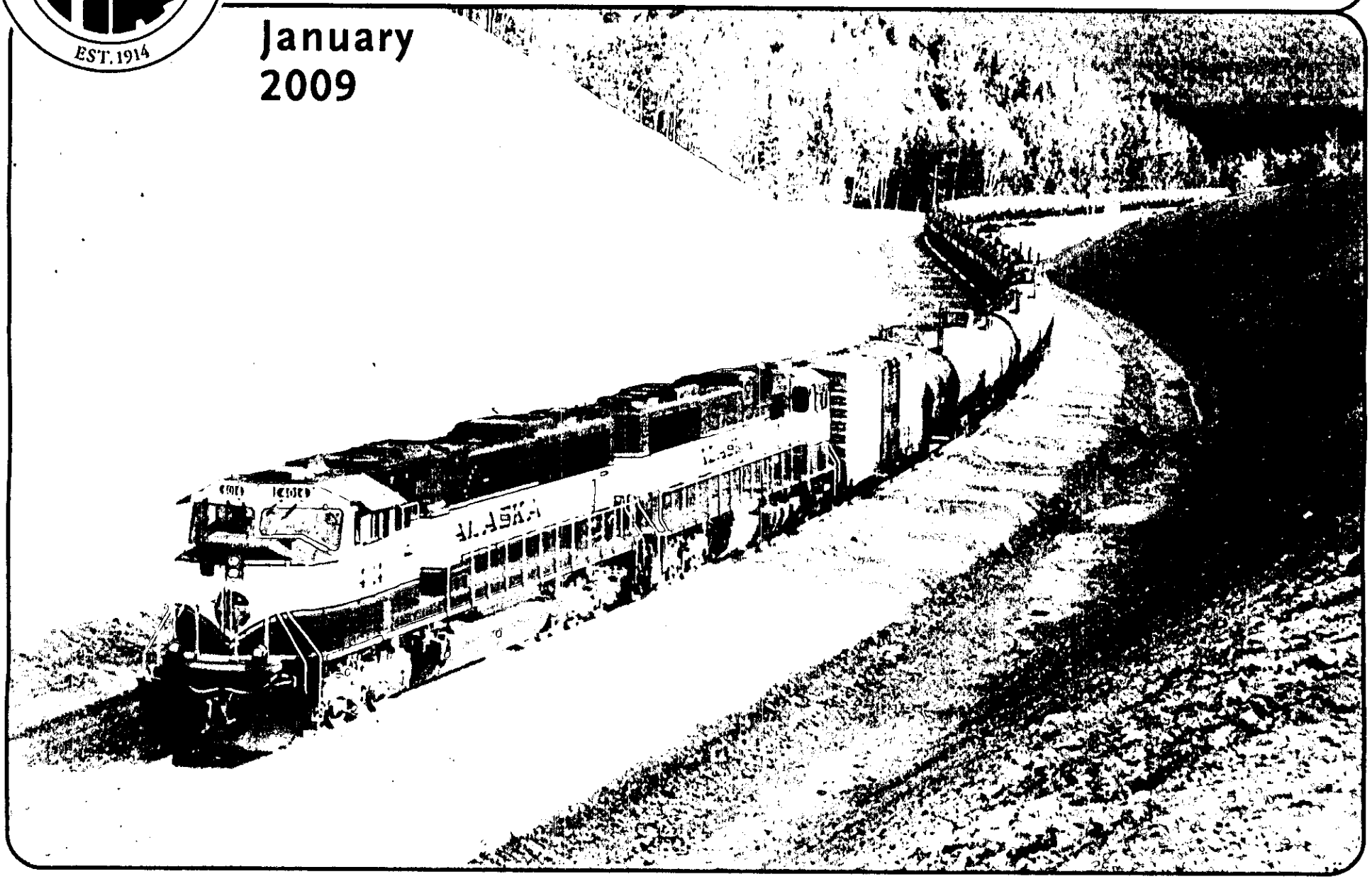
2/3/09 ALASKA RAILROAD REPORT TO STATE OF AK

2255

ALASKA RAILROAD CORPORATION
EST. 1914

Report to the State of Alaska

January
2009



ARRC President: A Look Ahead

As defined in the Alaska Railroad Corporation Act (AS 42.40), the Alaska Railroad Board of Directors shall adopt a long-range capital improvement plan each year and shall share that plan with the governor and legislature. I am pleased to present our plan for the year ahead.

For starters, I would characterize the ARRC's 2008 business year as highly challenging, considering production from our largest revenue customer was markedly down and the cost of doing business significantly higher than estimated. From a financial standpoint, unaudited 2008 results forecast total revenues of $138 million, total expense at $125 million, yielding a corporate net income of $13 million. Audited numbers will true these numbers up by April 1, 2009.

We transported more than 5.8 million tons of freight, which represents a gross tonnage decrease, primarily in fuel. Petroleum volume transported from the Flint Hills refinery in North Pole dropped about 14 percent from 2007. Cargo shipped by trailers and containers dipped 12 percent and associated barge-rail tonnage declined 16 percent from 2007.

On the up side, gravel grossed 2.8 million tons for a 19 percent increase over budget. The export coal market was buoyed by a rise in demand and solid global coal prices. At 550,000 gross metric tons, 2008 turned out to be one of the railroads' better years for export coal. In late spring, the railroad conducted one of the state's largest military deployments to date. About 300 railcars moved nearly 1,000 military vehicles from Fort Wainwright to the Port of Anchorage in support of the 1-25th Stryker Brigade Combat Team's deployment to Iraq.

Alaska Railroad passenger movement increased 6 percent and record-breaking summer ticket sales generated $1.2 million more than even last year's record sales. Consistent with a consistently positive annual trend line, ARRC Real Estate revenue increased 12 percent over 2007 for a total of nearly $16 million. We attribute growth in real estate revenue to rising land value, higher property occupancy, and the Seward coal loading facility's revenue share.

2008 was also the first year of our newly published (second) 5-year plan. It was a tough start. A misfiring economy drove corporate belt tightening throughout the year as we began in earnest to react to an uncertain financial future. Confronting flat revenues and rising expenses in 2008, we adjusted on the fly by cutting supply and travel costs, conserving utilities, implementing substantive operational efficiencies and eliminating 10 percent or our manpower positions through attrition and, unfortunately, some unavoidable layoffs. Consequently, these actions spurred the corporation to reorganize and consolidate across departmental areas of responsibility, thereby contributing significantly to reduced operating expenses. Successful cost saving efforts throughout 2008 established the baseline for an even more stringent 2009 expense budget. As a result, we believe we enter 2009 in a stronger corporate position.

For 2009, the Alaska Railroad Corporation will continue a program of strict cost control in view of what has become a persistently unsteady economic outlook. Our capital program, however, will remain relatively robust. We will continue our bond-financed six-year plan to invest in rail, ties, ballast and bridges in order to complete the total refurbishment of our track infrastructure from Anchorage to Fairbanks by 2012.

Safety and efficiency upgrades remain paramount to the programmed capital effort. We will continue straightening the main track in several areas, extending sidings (railroad "passing lanes") to handle our longest trains, adding more automated and heated switches, and bringing on-line the nation's first fully operational collision avoidance system (recently mandated by Congress for all railroads to have in place by 2016.) We are also touting several large "shovel ready" rail infrastructure projects as worthy contenders for a prospective economic stimulus package being worked in Washington D.C.

Clearly, the biggest threat to the Alaska Railroad's viability in 2009 is the possible closure of the Flint Hills refinery in North Pole. We are heavily engaged, work-

Mission, Vision and Values

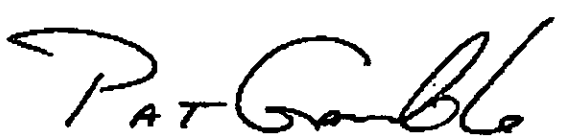
ing alternatives with the state's Department of Natural Resources and Flint Hills, to preclude that disastrous and hopefully avoidable outcome.

Payment for most of the railroad's larger capital projects program comes from federal funds (often requiring matching dollars from the Alaska Railroad). In-house capital funding uses ARRC net earnings to cover dozens of smaller capital improvements and investments. In 2008 the Alaska Railroad supported a $115 million capital budget. We plan on a $138 million capital budget for 2009, on our way to an estimated $412 million expenditure over the next five years (2009 through 2013).

These dollars go to good jobs in good Alaskan businesses. Details of our program are highlighted in this report and detailed descriptions of all major railroad capital projects are available at the railroad's web site — www.AlaskaRailroad.com.

I hope this budget-based report provides a useful topline picture of the Alaska Railroad's long range plan. We would be happy to provide you or your staff with more project information via a detailed ARRC briefing at anytime during your 2009 legislative session. It is the honor of every Alaska Railroad employee to serve this great state.

Warm regards,



Patrick K. Gamble
President and Chief Executive Officer

Alaska Railroad Mission

- Safety... Customer Service... Profitability

Alaska Railroad Vision

"Building a great Railroad across the Greatland."

An important element in fulfilling this vision is ARRC's success since 1996 in qualifying for federal funding...an entitlement afforded the railroad's public status and its passenger service mission. As a result, ARRC has been able to greatly accelerate long overdue mainline maintenance and upgrades.

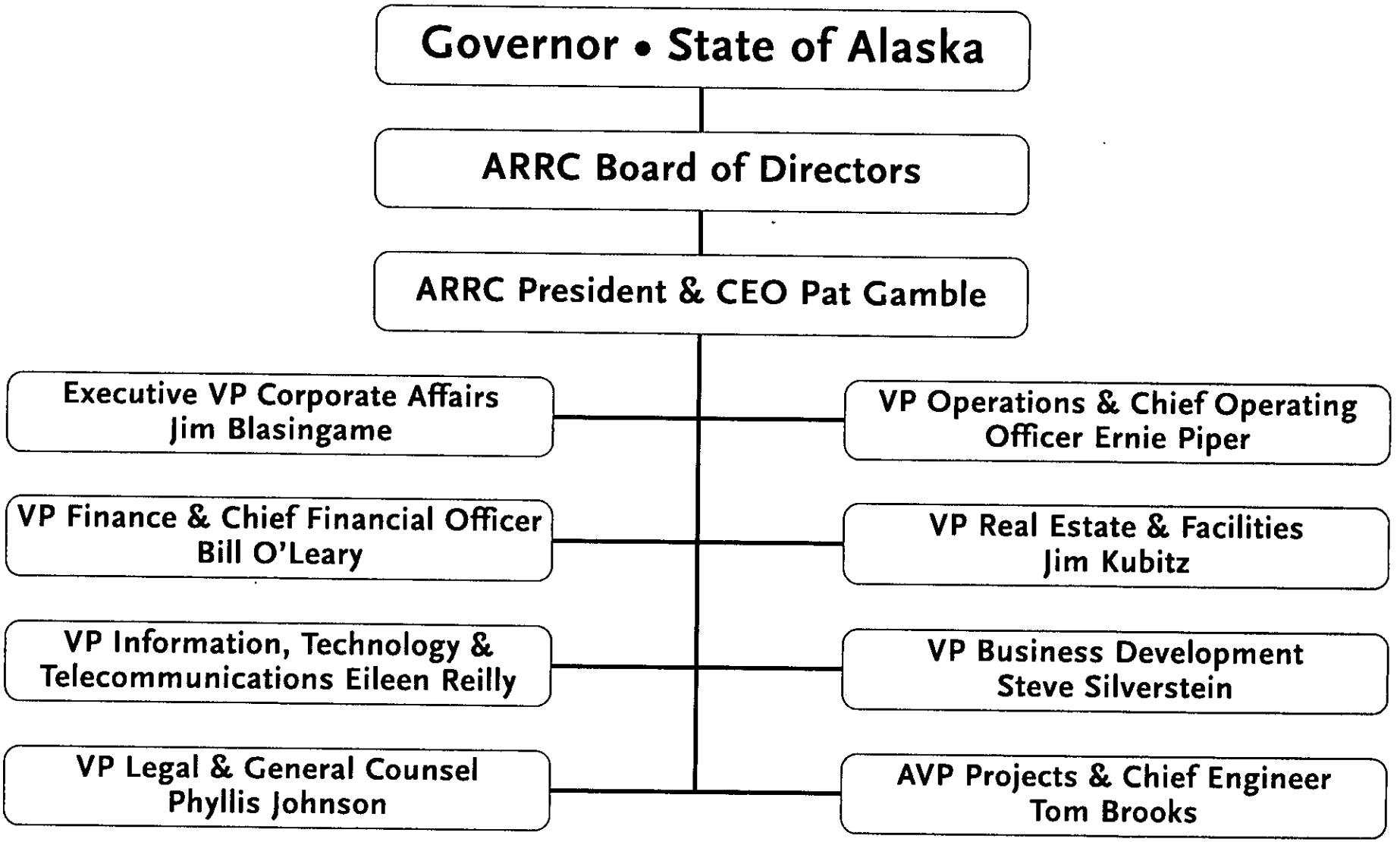
In addition, other federal grants have funded facility improvements, such as intermodal facilities and docks; technology improvements, such as the collision avoidance system; and homeland security grants. These have come to the the Alaska Railroad via recent major federal legislation.

Alaska Railroad Values

We are a values based organization. Values are all about people, not things. We are all about taking care of our people. We believe who you are is as important as what you do. Character counts. Many of our values are embodied in our corporate Code of Conduct. Our fundamental core values consist of integrity, excellence, and service.

As a responsible partner, in order to accomplish the ambitious goals we set out for ourselves in conjunction with those of others along the railbelt, the ARRC must be a safe, secure, customer responsive, financially and environmentally sound, employee friendly corporation. We must provide a stable, reliable foundation that can be counted on to enhance the future economic growth of the state and the municipalities we support. If our corporate foundation is not sound, support for further state growth and development becomes problematic at best. Values and high standards are the building blocks of that foundation.

Alaska Railroad Organizational Chart



Alaska Railroad Quick Facts

Purchase Price (January 5, 1985)

Paid to federal government	$22.3 million
Start-up costs & contributed capital	$11.9 million
Total Investment-State of Alaska	$34.2 million

Organization (following State purchase)

- Independent corporation owned by State
- Managed by a seven-member board of directors. Position qualifications are spelled out in law, members appointed by the Governor.
- Mandated to be self-sustaining, responsible for all its own financial and legal obligations

Financial Statistics

January 1-December 31, 2008* (unaudited)

Total Assets	$ 850 million
Total 2008 revenues	$ 138 million
Total 2008 expenses	$ 125 million
2008 net income	$ 13 million
2009 net income budget	$ 16.8 million

Operating Data

Miles of main line	467
Miles of branch line	54
Miles of yards and sidings	130
Total miles of track	651
Freight cars (owned & leased)	1,381
Passenger cars	51
Locomotives	57

Operating Statistics

January 1-December 31, 2008

Passenger ridership	541,019 passengers
Freight tonnage	5.82 million tons

Employees (as of January 2009)

Number of year-round employees	715
Average years of service	11.5
Average age	45
Male	585
Female	130

Unions (as of January 2009)

Most of ARRC employees are members in one of five unions:

United Transportation Union	121
Transportation Communication Union	44
International Association of Machinists	63
American Federation of Govt. Employees	283
American Train Dispatchers Department	10

Benefits

- Corporation provides a defined benefit pension plan
- Corporation provides for health and life insurance
- Corporation provides for retiree medical benefits

** ARRC audits are normally complete by March 31.*

Alaska Railroad Mileposts

Each year the Alaska Railroad forecasts its long term objectives and unmet challenges. From this annual analysis, the Alaska Railroad management team establishes an annual rolling 5-year baseline of goals and objectives covering both the short and long terms. At the end of the year, ARRC scores itself against progress made towards meeting these challenges. As objectives are permanently achieved, they are dropped and new ones take their place.

ARRC Five-Year Objectives

- Reduce employee safety incidents to no more than 48 per year.
- Do not add any more at-grade highway/railroad crossings.
- Achieve and sustain an operating ratio of at least .95 by 2011
- Generate and sustain company-wide cash flow, measured as net earnings plus depreciation, of $39 million per year by 2011.
- Generate and sustain cash flow from real estate activities of $9 million per year by 2010.
- Maximize return from existing business relationships and seek out new profitable opportunities without sacrificing world class customer service.
- Fully implement Collision Avoidance System technology in 2009.
- Reduce average running time for freight trains between Anchorage and Fairbanks to 10 hours. (Does not include slow orders for natural occurrences)
- Complete the entire Reliability Excellence transition plan by the end of 2009.
- Set up an annual programmatic investment plan for ARRC facility infrastructure, including yards and marine facilities, to meet business, growth, employee, and community requirements, as well as energy efficiency goals.
- Ensure ARRC attracts and retains excellent employees by being known as a premier Alaskan employer and by continuously improving our employee training working environment, remuneration, and benefits.
- Build the bridge across the Tanana River.
- Extend the rail line to Delta Junction.
- Complete the accelerated Track Rehabilitation Program plan by 2012.
- Begin local DMU transit demonstration service of some kind in or around Anchorage-Wasilla-Gridwood.
- Continue to enhance environmental stewardship through wise business decisions, to include maintaining Green Star standards.

Five-Year Forecast — Capital Budget

(in millions)	2009 Budget	2010 Plan	2011 Plan	2012 Plan	2013 Plan	TOTAL
ARRC Internally Generated	$ 21.6	$ 23.0	$ 24.0	$ 23.6	$ 21.8	$ 114.0
Bond Funded	31.1	18.6	20.7	7.6	—	78.0
Federal Transit Administration	42.2	43.4	44.7	46.1	47.5	223.9
less: Preventive Maintenance Reimburse	(10.4)	(10.8)	(11.0)	(11.3)	(11.5)	(55.0)
Less: Debt Service Grants	(16.4)	(16.3)	(16.2)	(16.2)	(16.2)	(81.2)
Federal Highway Administration	0.9	—	—	—	—	0.9
FEMA/DoD/Real Estate Debt	70.4	45.6	5.7	10.0	1.2	132.9
Total Capital Budget	**$ 138.5**	**$ 103.4**	**$ 67.9**	**$ 59.9**	**$ 42.8**	**$ 412.5**

Five-Year Forecast — Operating Budget

(in millions)	2009 Budget	2010 Plan	2011 Plan	2012 Plan	2013 Plan	TOTAL
Net Operating Income	$ 27.4	$ 26.2	$ 25.8	$ 26.4	$ 25.9	$ 131.6
Net Income-Real Estate	$ 9.2	$ 8.6	$ 8.6	$ 8.7	$ 9.2	$ 44.4
Other Income	$ 0.5	$ 0.6	$ 0.6	$ 0.6	$ 0.7	$ 2.9
Net income (before Depreciation & Interest)	$ 37.2	$ 35.3	$ 35.0	$ 35.8	$ 35.7	$ 179.0
Depreciation	$ (18.3)	$ (18.1)	$ (18.5)	$ (18.3)	$ (18.0)	$ (91.2)
Interest Expense	$ (2.1)	$ (2.1)	$ (1.8)	$ (1.6)	$ (1.5)	$ (9.2)
Net Income	**$ 16.8**	**$ 15.0**	**$ 14.7**	**$ 15.9**	**$ 16.2**	**$ 78.6**

Five-Year Capital Project Plan-Internal Funding

	2009 Budget	2010 Plan	2011 Plan	2012 Plan	2013 Plan	TOTAL
Nondiscretionary Projects	$ 13,848,800	$ 12,329,794	$ 13,346,918	$ 14,065,154	$ 12,556,249	$ 66,146,915
Continuing Program Projects	$ 4,801,000	$ 6,917,030	$ 5,980,614	$ 6,896,862	$ 6,619,898	$ 31,215,404
Strategic Business Initiatives	$ 2,492,650	$ 3,754,000	$ 4,659,000	$ 2,649,113	$ 2,650,500	$ 16,205,263
Ranked Projects	$ 455,000	—	—	—	—	—
Total - Internal Funding	$ 21,597,450	$ 23,000,824	$ 23,986,532	$ 23,611,129	$ 21,826,647	$ 114,022,583

Five-Year Capital Project Plan — Debt Financed Real Estate Projects

	2009	2010	2011	2012	2013	TOTAL
Freight Shed Renovation	7,685,000	—	—	—	—	7,685,000
GSA Building Acquisition	—	2,800,000	—	—	—	2,800,000
Total-Debt Financed Real Estate Projects	*7,685,000*	*2,800,000*	—	—	—	*10,485,000*

Five-Year Capital Project Plan — Federal and Bond Funding

Federal Transit Administration

Passenger Equipment: Rehabilitation	780,000	1,000,000	900,000	900,000	900,000	4,480,000
Track Projects:						
Depot Improvements	—	500,000	500,000	500,000	500,000	2,000,000
Track Rehabilitation	49,593	9,917,150	9,758,912	13,858,957	15,089,899	48,674,511
Siding Extensions/Shoulder Widening	825,000	1,000,000	1,000,000	1,000,000	1,000,000	4,825,000
Track Project Subtotal	874,593	11,417,150	11,258,912	15,358,957	16,589,899	55,499,511
Bridge Replacements/Upgrades:						
Bridge 432.1 Goldstream Creek Bridge	3,635,000	—	—	—	—	3,635,000
Bridge 29.5 Trail Lake	75,000	2,065,000	425,000	—	—	2,565,000
Bridge 284.2 Hurricane Gulch	100,000	—	2,000,000	800,000	450,000	3,350,000
Bridge 148.3 Matanuska River	1,150,000	—	—	—	—	1,150,000
Bridge replacing large culvert at Indian	—	140,000	1,350,000	—	—	1,490,000
Bridge 422.9 Permafrost Bridge	—	—	600,000	—	—	600,000
Bridge 447.7 Permafrost Bridge	—	—	—	600,000	850,000	1,450,000
Bridge Program Subtotal	4,960,000	2,205,000	4,375,000	1,400,000	1,300,000	14,240,000

Five-Year Capital Project Plan — Federal and Bond Funding (continued)

	2009	2010	2011	2012	2013	TOTAL
FTA... continued						
Debt Service Subtotal:						
2006 Bond Issue Debt Service	7,366,776	7,368,016	7,293,976	7,281,965	7,288,771	36,599,504
2007 Bond Issue Debt Service	8,996,466	8,966,425	8,901,563	8,895,736	8,900,619	44,660,809
Debt Service Subtotal	16,363,242	16,334,441	16,195,539	16,177,701	16,189,390	81,260,313
Preventive / Safety / Security:						
Preventive Maintenance Reimbursement	10,400,096	10,816,100	11,032,422	11,253,071	11,478,132	54,979,821
Slope Stabilization/Healy Canyon	1,110,000	1,200,000	500,000	500,000	500,000	3,810,000
Collision Avoidance-Phase II Completion	7,216,129	—	—	—	—	7,216,129
Wheelchair Lift Replacements	17,000	—	—	—	—	17,000
Transit Enhancements	221,157	227,792	234,625	241,664	248,914	1,174,152
Transit Security	221,157	227,792	234,625	241,664	248,914	1,174,152
Preventive/Safety/Security Subtotal	19,185,539	12,471,684	12,001,672	12,236,399	12,475,960	68,371,254
Total Federal Transit Administration	**42,163,374**	**43,428,275**	**44,731,123**	**46,073,057**	**47,455,249**	**223,851,078**
Less: Preventive Maintenance Reimbursement	(10,400,096)	(10,816,100)	(11,032,422)	(11,253,071)	(11,478,132)	(54,979,821)
Less: Debt Service Grants	(16,363,242)	(16,334,441)	(16,195,539)	(16,177,701)	(16,189,390)	(81,260,313)
Total FTA for Federal Capital Projects	**15,400,036**	**16,277,734**	**17,503,162**	**18,642,285**	**19,787,727**	**87,610,944**
FTA Capital Grant Receipts Bonds						
Track Rehabilitation Program	30,167,841	18,559,844	20,726,946	7,637,134	—	**77,091,765**
Healy Canyon Stabilization-Moody Tunnel	915,000	—	—	—	—	**915,000**
Total FTA Capital Grant Receipts Bonds	**31,082,841**	**18,559,844**	**20,726,946**	**7,637,134**	—	**78,006,765**
Other Federal Funds						
FEMA 2008 Fall Flood Disaster Funds	1,820,000	—	—	—	—	1,820,000
FHWA Rail Realignments	870,617	—	—	—	—	870,614
DoD Tanana River Access	60,000,000	—	—	—	—	60,000,000
Tanana River Training-Fund Source Unidentified	—	38,000,000	—	—	—	38,000,000
Collision Avoidance-Fund Source Unidentified	—	4,758,000	5,700,000	10,000,000	1,225,000	21,683,000
Total Other Federal Funds	**62,690,617**	**42,758,000**	**5,700,000**	**10,000,000**	**1,225,000**	**122,373,617**
Total Federal & Bond Funding	**109,173,494**	**77,595,578**	**43,930,108**	**36,279,419**	**21,012,727**	**287,991,326**

Lost 80 jobs

Alaska Railroad 2009 Program of Projects

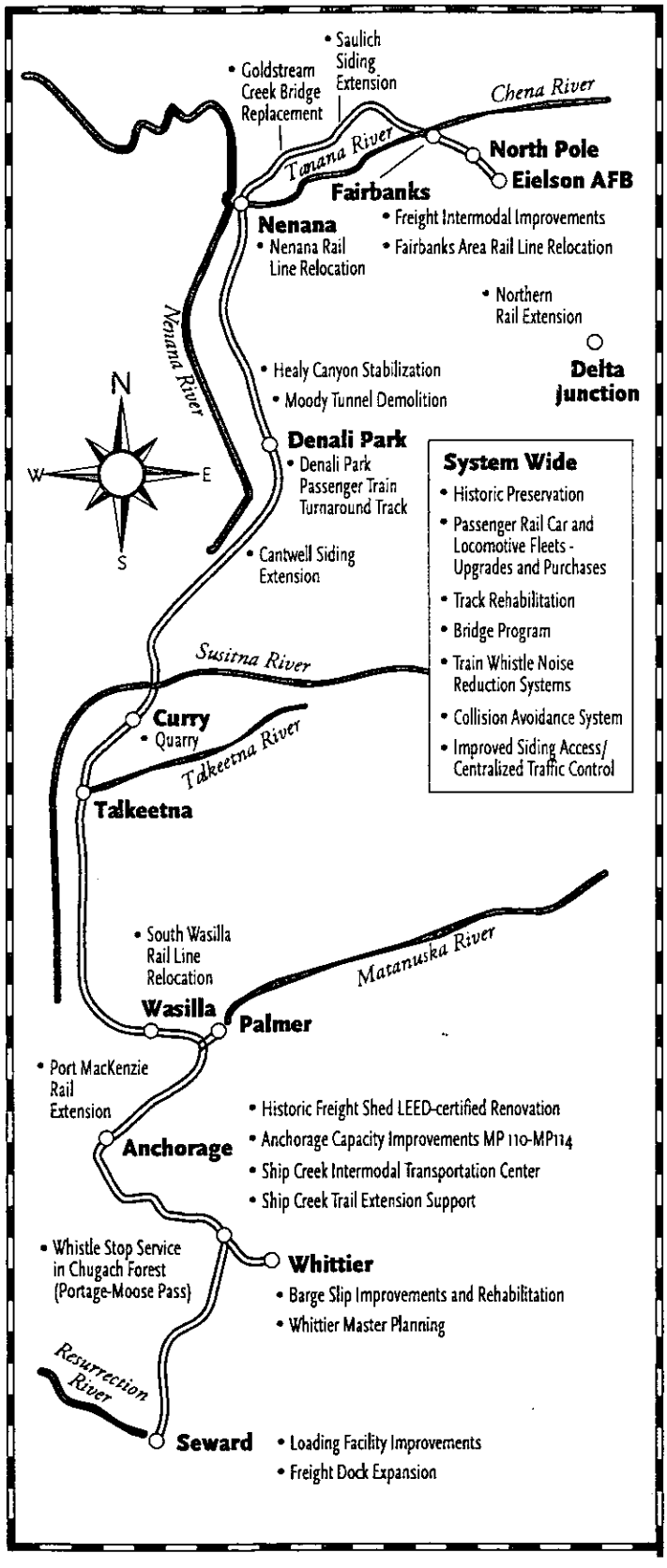
The Alaska Railroad Corporation (ARRC) continues to pursue a comprehensive program of capital improvements. ARRC is investing millions to aggressively improve infrastructure. We've enhanced safety and efficiency by straightening the main track, building longer sidings (railroad "passing lanes"), automated switches, and implementing a collision avoidance system. ARRC has upgraded customer service through new depots and equipment. Project descriptions are available on the ARRC website at, www.AlaskaRailroad.com.

Established in 1923, the Alaska Railroad is the last of the full-service railroads in the United States, offering both freight and passenger service. From tidewater at Whittier and Seward to the heart of Interior Alaska, our route covers more than 500 miles. ARRC is a state-owned corporation, however it does not receive state funding to operate. ARRC relies on passenger, freight and real estate revenues to operate its trains and maintain tracks and facilities.

Capital Project Funding

Sources of capital project funding since 1996:

- **Federal Agencies**: Approximately $795 million in federal grants received to date, including approximately $105 million budgeted for 2009.
- **Required Match**: Some federally-funded projects require a funding match of between 9% and 25% from the Alaska Railroad. Since 1996, ARRC has provided $42 million in matching contributions, including $4.6 million in 2009.
- **ARRC Internal Fund Investments**: Beyond a match to federal funds, ARRC invests millions of internally-generated dollars each year on many capital projects that are not federally funded. Since 1996, ARRC will have spent an additional $215 million of its own income on capital improvements, including $21.6 million in 2009.
- **Revenue Bonds**: The Alaska Railroad sold $76 million in revenue bonds in 2006 and $89 million in 2007, primarily to accelerate track rehabilitation efforts. $31 million of these funds will be spent in 2009. Bonds are repaid with Federal Transit Administration (FTA) formula funds.

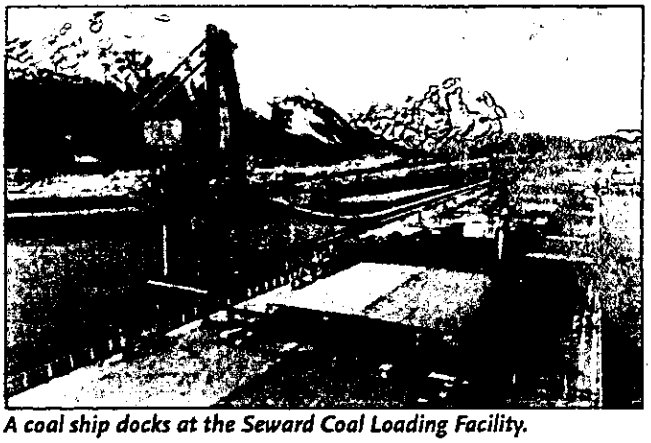


Frequently used acronyms:

- ARRC = Alaska Railroad Corporation
- FTA = Federal Transit Administration
- FRA = Federal Railroad Administration
- FHWA = Federal Highway Administration
- DOD = Department of Defense
- EA = Environmental Assessment
- EIS = Environmental Impact Study
- STB = Surface Transportation Board

Seward Coal Loading Facility

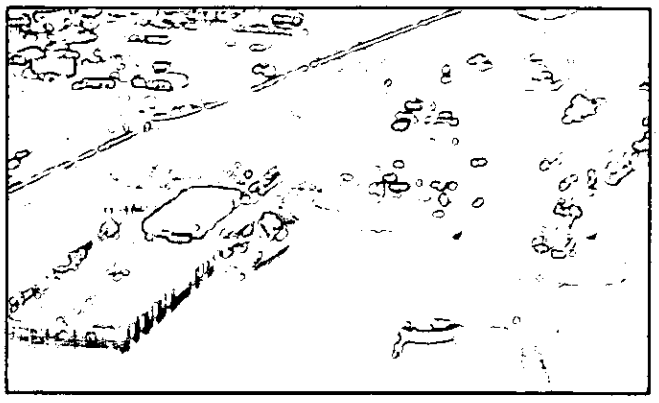
ARRC acquired the Seward Coal Loading Facility in 2003 and made subsequent improvements in order to increase facility efficiency, driving down the cost of operation, thus making Alaska's coal resources more competitive in the global market. ARRC completed an EA of proposed improvements and upgrades in 2004. The first phase of conveyor speed upgrades was completed in 2005. FRA provided the original $9.54 million grant, with $8.3 million spent on acquisition and associated studies and $1.24 million used for inspections, repairs and improvements. With no additional federal funding, ARRC is underwriting ongoing maintenance and capital improvements. In response to community concerns over coal dust problems resulting from unusual dry, windy weather in early 2007, ARRC spent $150,000 in 2008 to enhance existing dust suppression and safety systems, and also hired industry experts to analyze and recommend future capital improvements as operations warrant and funding allows. $650,000 is budgeted in 2009 to repair the ship loader.



A coal ship docks at the Seward Coal Loading Facility.

Seward Freight Dock Expansion

ARRC is expanding its freight dock in Seward to improve safety, efficiency and capacity of freight intermodal operations (ship-to-train, ship-to-truck, ship-to-barge). Constructed between 2000 and 2002, the original freight dock was 200 feet wide by 620 feet long. Phase I of the expansion widens a portion of the dock from 200 feet to 320 feet. Later phases will widen the entire dock to 320 feet, essentially doubling the dock's 5.3 acre footprint to 10.6 acres. In 2007, ARRC spent $220,000 to begin Phase I by placing gravel and rip-rap to

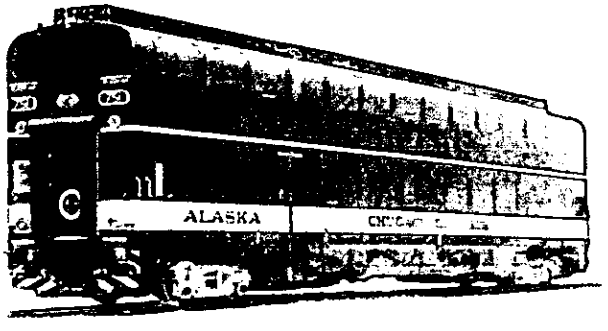


The Seward passenger dock, left, and the freight dock.

fill a two-thirds-acre expansion of the dock. The $2.2 million budget to complete Phase I will be funded by ARRC. Later phases to widen the entire dock, upgrade electric and water utilities, accomplish track work and other modifications are estimated to cost $1.6 million; funding is not yet identified.

Chugach National Forest Whistle Stop Service

ARRC and the U.S. Forest Service (USFS) are partners in developing a whistle stop service in the Chugach National Forest, with five recreational sites between Portage and Moose Pass that will be accessible by rail and interconnected by trail. Sites include passenger rail platform, passenger shelter, toilets and interpretive signage. Other features may include picnic, camping and wildlife viewing facilities. The project also calls for purchase of two self-propelled diesel multiple unit (DMU) rail cars. With an EA complete in 2006, construction at the first stop at Spencer began fall 2006 and was completed late summer 2007. Design and engineering on similar facilities at Grandview may begin in 2009. $1.8 million for Spencer environmental work, planning and site construction, funded by USFS and ARRC. One DMU is scheduled for delivery in 2009, with USFS funding $4.7 million in 2007 and FTA and ARRC funding an additional $648,000 in 2008. Estimated $14 million is needed to finish infrastructure and recreational facilities at all five sites. Funding is not yet identified.



A bi-level self-propelled "DMU" rail car nears completion in 2008.

Whittier Master Planning

ARRC is pursuing a Whittier Master Plan to improve railroad infrastructure. Recent projects: **1)** built a pedestrian underpass (2002); **2)** built an equipment maintenance facility

(2002); **3)** improved Delong Dock (2002); **4)** built barge slip side-loading structures (2002); **5)** demolished the old transit shed (2003); **6)** built a cruiseship passenger spur and platform (2004); **7)** improved security with a yard office at the entrance, seasonal yard fence and video cameras (2006/07); and **8)** demolished the marginal wharf (2008). Future actions recommended by the Master Plan include: **a)** construction of improved intermodal passenger and public use facilities; **b)** railyard reconfiguration and track improvements to separate freight and passenger activity; **c)**additional security measures including lighting and detection equipment for passenger facilities; and **d)** freight operational improvements, including barge slip replacement. $700,000 budget for barge slip rehabilitation 2009 - 2012, which continues 2006-2008 rehab efforts totaling $1 million, funded by ARRC.

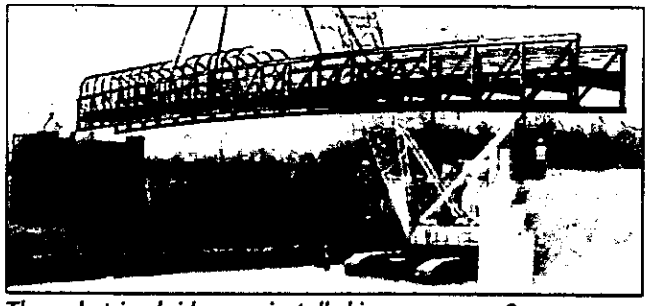
The barge slip and marginal wharf in Whittier.

Anchorage Rail Capacity Improvements MP 110-114

ARRC is investigating alternatives to increase capacity along the mainline track from the Anchorage International Airport Spur (near MP 110) to the Anchorage Rail Yard (MP 114), in order to alleviate congestion, enhance safety, increase operational efficiency, and prepare the railroad to better handle future passenger and freight train demands. Alternatives fully analyzed in the EA include: **a)** no action and **b)** double track the entire corridor. A siding and double track of part of the corridor (between Westchester Lagoon and the Anchorage Yard) were also originally considered as alternatives, but were later dismissed because they would not accomplish the needed capacity improvements. A draft EA is expected to be sent to the FTA for consideration in 2009. $1 million budget for the EA and public involvement is funded 80% by FTA and 20% by ARRC. The double track option is estimated to cost $40 million; funding is not yet identified.

Support of Ship Creek Trail Extension

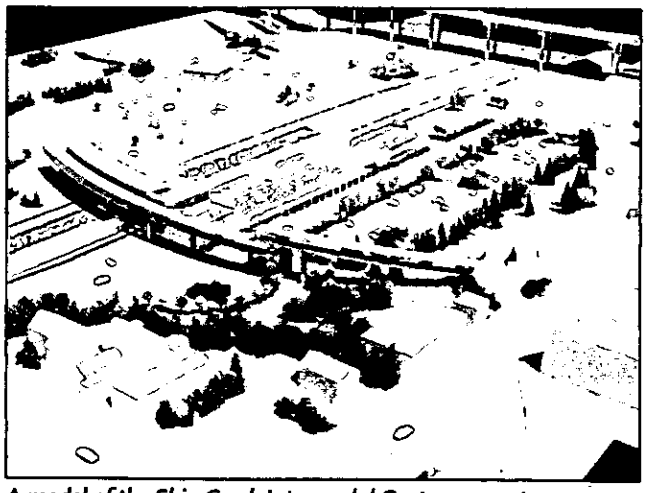
ARRC is supporting a Municipality of Anchorage (MOA) effort to complete the Ship Creek Trail Extension project. The Railroad became involved in 2001 to help build a trail bridge over the mainline tracks. MOA and the Alaska Railroad began design work on the trail bridge in 2004. Bridge construction began in spring 2006 and was completed in 2008. The bridge project also supports MOA's ongoing efforts to connect the Ship Creek and Coastal trails. Cost to build the bridge was $1.5 million, funded 91% by the FTA and 9% by ARRC.



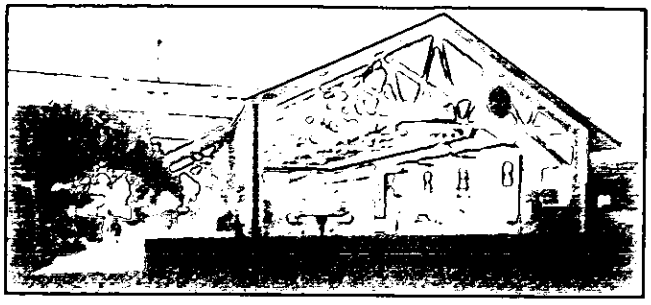
The pedestrian bridge was installed in summer 2008.

Ship Creek Intermodal Transportation Center

ARRC is pursuing an Intermodal Transportation Center (ITC) and associated improvements (pedestrian amenities, transit infrastructure, parking, track modifications, etc.) in the Ship Creek area. The ITC will facilitate connections from one transportation mode to another – rail, public transit, air, marine, bus, taxi, private vehicle, bicycle, and pedestrian – and improve links to Anchorage's downtown business district to meet passenger transit needs over the next 30 years. In 2007, construction began on the first phase, which includes relocation of utilities, construction of two new tracks and rehabilitation of two tracks between the existing depot and Ship Creek Avenue. Future phases will construct a service / office building, rehabilitate the historic depot, and construct a new departure lounge over the tracks and a pedestrian skybridge connecting to downtown. Approximately $22.2 million for conceptual and environmental work, preliminary design, and Phase I final design and construction is funded 91% by the FTA and 9% by ARRC. Total cost is estimated at $60 million (2005 dollars).



A model of the Ship Creek Intermodal Center concept.



Architectural cross-cut rendition of the renovated freight shed.

Historic Freight Shed LEED-certified Renovation

The Alaska Railroad (ARRC) is renovating a historic freight shed in Anchorage's Ship Creek District. It will be Alaska's first historic building to be reconstructed with the high environmental standards established by Leadership Energy and Environmental Design (LEED) criteria. Originally built in 1941, the 36,000-square-foot heavy timber facility will offer a "green" commercial office space in lower downtown, featuring a raised heated walkway and ample parking. Space will be ready to lease in August 2009. The $10.1 million renovation is funded by ARRC.

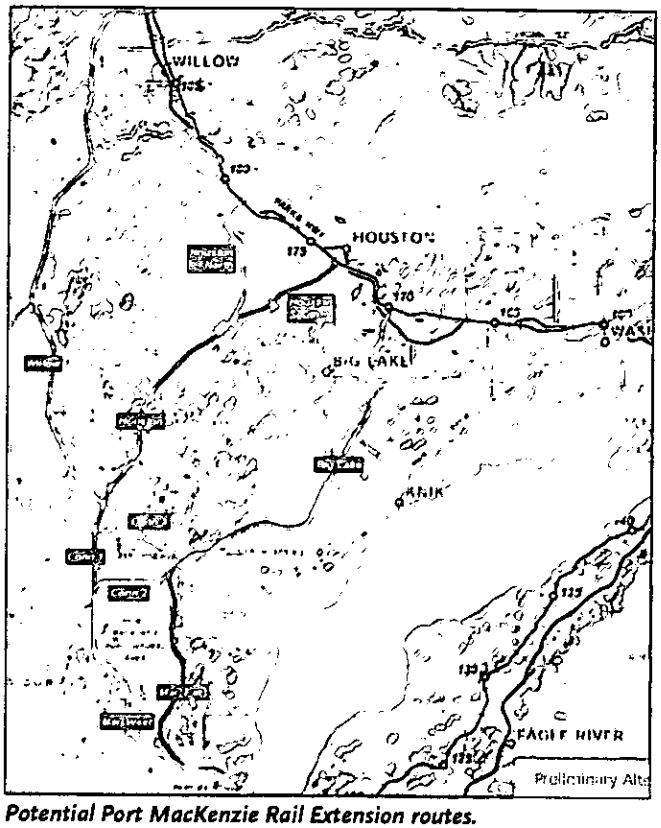
South Wasilla Rail Line Relocation

ARRC plans to straighten curves along the mainline track in South Wasilla, between ARRC MP 154 and 158. The track relocation would eliminate five at-grade crossings, reduce derailment risk, reduce operational and maintenance costs, and allow for faster train speeds. An EA of alternative relocation routes was completed in 2005 and land acquisition is in progress. $246,000 for conceptual engineering and the EA and $2.72 million for preliminary engineering and land acquisition, funded by FTA with matching funds from ARRC. $1.9 million to continue right-of-way land acquisition funded 91% by FHWA and 9% by ARRC. Total cost for construction of Phase One (MP 154 to 156) is estimated at $30 million.

A large curve in the track slows train speeds in south Wasilla.

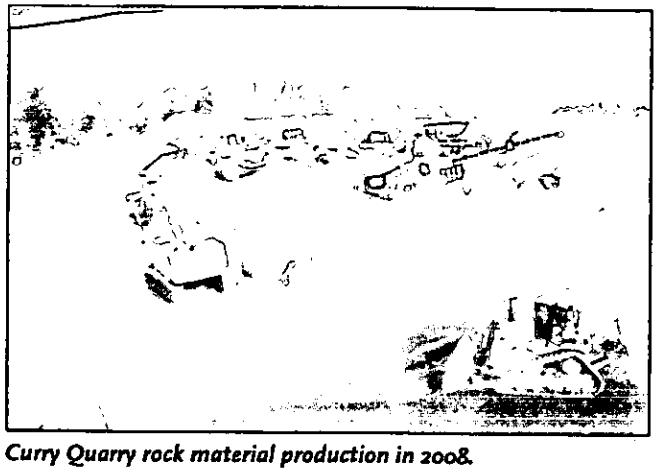
Port MacKenzie Rail Extension

The Mat-Su Borough and ARRC are partners in proposing a new rail line connecting Port MacKenzie to the existing main track at a point between Meadow Lakes and north of



Potential Port MacKenzie Rail Extension routes.

Willow. Three main routes were developed in 2007, ranging from 30 to 45 miles long, depending on a connection near Big Lake, Houston or Willow. Extensive public involvement activities were conducted in summer and fall 2007 to obtain citizen and agency input. In early 2008, ARRC submitted an application to the STB, the federal agency with authority over rail extensions in the United States. STB is conducting the environmental impact study as required by National Environmental Policy Act (NEPA). STB hired a third party contractor (ICF International) to begin the EIS in early 2008. The State of Alaska has appropriated $27.5 million to support the NEPA process. Cost of design and construction is estimated at up to approximately $300 million, depending on route selection. Design and construction funding is not yet identified.



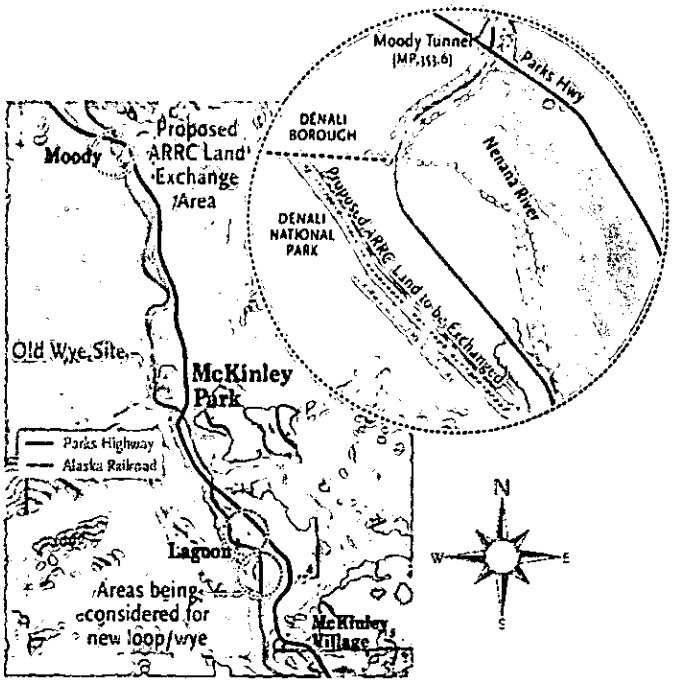
Curry Quarry rock material production in 2008.

Curry Quarry Development

ARRC has developed a 10-acre quarry site located within its Curry Reserve, about 22 miles northeast of Talkeetna. The quarry has begun providing ballast, riprap, armor stone and other rock materials in 2008 for use in construction and maintenance of the railroad's track. The project includes a 1-1/2 mile truck access road constructed in 2005 and 2006. In 2007, new facility tracks were constructed and the site prepared for mining. A two-year ballast and rip-rap production contract was signed in 2007. $4.2 million budget for geotechnical, engineering and construction, funded by ARRC.

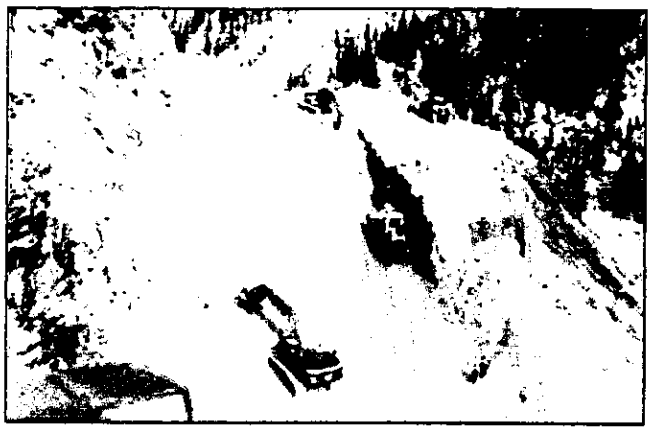
Denali Park Passenger Train TurnaroundTrack

The ARRC proposes to reestablish track to allow trains to turn around at Denali National Park, which is currently not possible. To make room for a loop or a "wye" track, ARRC seeks to exchange a small parcel of land on the west side of the track for an equal sized parcel of Denali National Park land on the east side of the track. The land swaps require U.S. Congressional and Alaska State Legislative approval. A federal approval bill was passed and signed in 2007/2008. The National Park Service is overseeing an EA on alternative sites and configurations. Once the EA is complete, Alaska legislative approval will be sought. ARRC funded $58,000 in 2007/2008 for conceptual work and to begin the EA. The cost of surveying, environmental work, design and construction is estimated at $2 to $3 million, funded by ARRC.



Healy Canyon Safety & Reliability Program

Healy Canyon lies between Denali Park Station and Healy. The tracks follow the Nenana River gorge on a narrow grade with two tunnels. ARRC proposed a series of projects

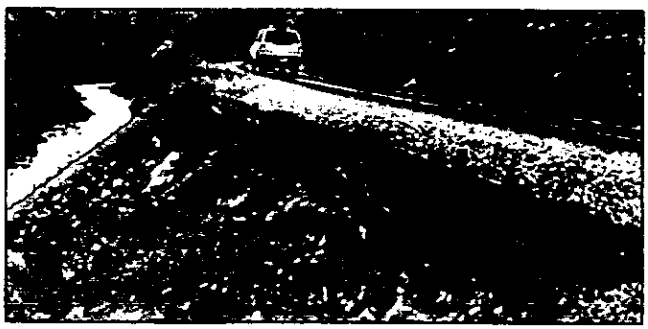


Crews clear debris after a demolition explosion April 17, 2008 to "daylight" Moody Tunnel in Healy Canyon.

to: **1)** stabilize the track bed in Healy Canyon; **2)** control the rock fall problems; **3)** "daylight" Moody Tunnel, i.e. removing the top of the tunnel; **4)** realign tracks around Garner Tunnel; and **5)** realign the tracks to straighten the corridor. The purpose is to enhance safety by addressing the area's steep slopes and erosion-prone soil; to enhance reliability by decreasing delays; and to reduce operational costs by increasing speeds along straighter track. Total cost is estimated at approximately $71 million. Garner Tunnel realignment was completed in 2005, and Moody Tunnel daylighting will be complete in 2009. is currently under construction. $2.9 million in FRA funds have been used on Healy Canyon to date. $4.3 million in FTA-backed revenue bonds and FTA grant money primarily to daylight Moody Tunnel. In 2009, about $1 million in Federal Emergency Management Agency (FEMA) grants and $1.01 million in FTA grants will help to stabilize the track with retaining walls and track realignment.

FEMA Flood Repair and Track Stabilization

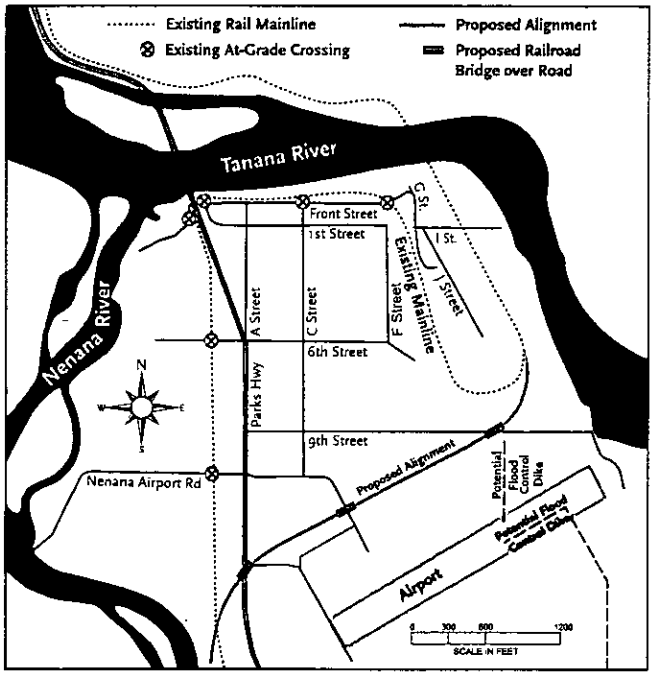
ARRC made extensive repairs on track infrastructure damaged from severe flooding of the Nenana River in July/August 2008. In addition, ARRC plans to stabilize the track bed and shoulder in Healy Canyon, including retaining wall replacement at MP 354.1, a new retaining wall at MP 355.2, and possible track realignment away from the eroding area at MP 357. FEMA and State of Alaska disaster declarations for parts of Interior Alaska made $1.15 million in FEMA grants available, funded 75% by FEMA and 25% by the State.



The retaining wall at MP 354.1 needs to be replaced.

Nenana Rail Line Relocation

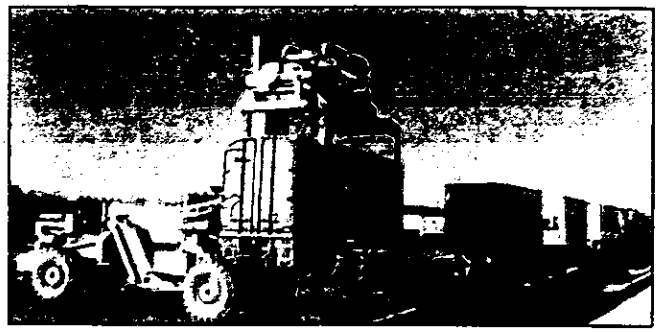
ARRC proposes to realign the railroad mainline track around the downtown area of Nenana, following a route outside of the existing right-of-way, north of the airport and southeast of town, over the Parks Highway. The track structure through Nenana would be maintained to support port activities. The purpose is to improve the safety of rail/highway crossings and railroad operations, reduce transportation time, and reduce operating costs. ARRC completed an EA of three alternative realignment routes and a "no action" alternative in 2004. Right-of-way acquisition began in 2006 and will be complete in 2009. $1 million budget for the EA funded 91% by the FTA and 9% by ARRC. For 2006-2008, $947,000 for land acquisition funded by FHWA and administered by FTA, with a 9% match from ARRC. Estimated $25 million budget for construction and land acquisition. Funding for construction has not yet been identified.



Nenana Rail Realignment preferred alternative.

Fairbanks Freight Intermodal Improvements

ARRC and ADOT/PF are improving the freight intermodal area of ARRC's Fairbanks rail yard to enable faster pick-up and drop-off by truck operators, and enhancing safety and security of train/truck operations. Improvements to Danby Street intersection area include: **a)** moving and improving at-grade crossings; **b)** constructing a centralized trailer parking area near the entrance and adjacent to Danby; **c)** paving Danby Street access; **d)** paving and striping the intermodal unloading area; and **e)** improving drainage. $2 million budget funded 91% by FHWA, with ARRC providing a 9% match. Future improvements call for 100-foot high mast lighting to be added incrementally and funded annually by ARRC.



Fairbanks freight intermodal improvements will enhance the safety and efficiency of trailer on flat car (TOFC) operations.

Fairbanks Area Rail Line Relocation

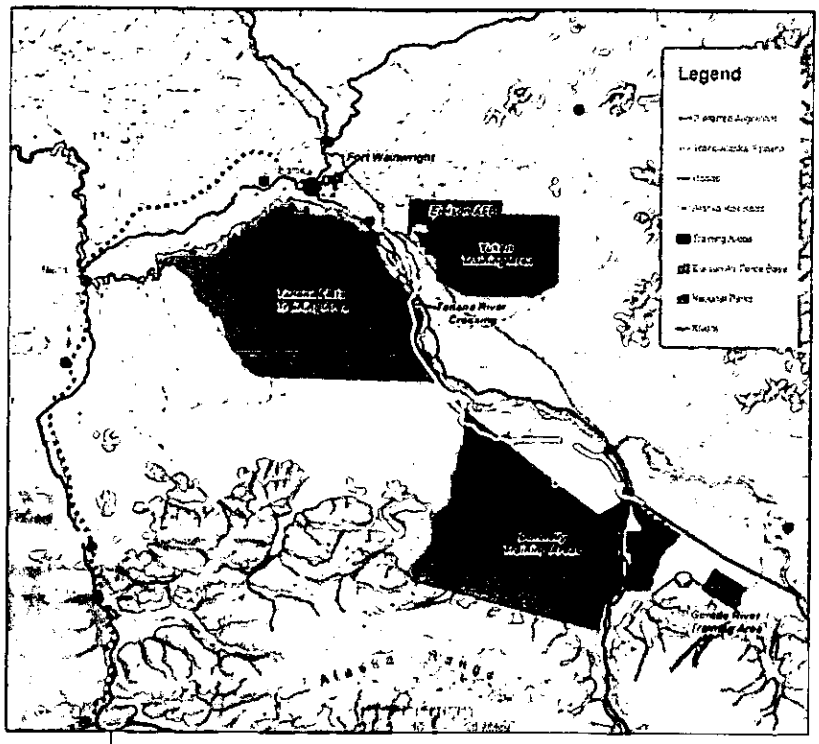
ARRC is analyzing options to: **a)** realign and improve safety of the mainline and branch track, including potential realignments outside the more populated areas of Fairbanks *(previously known as the South Fairbanks Rail Realignment - SFRR)*; and **b)** realign and improve the Eielson Branch, from the new Fairbanks depot to the end of the branch near Eielson AFB *(previously known as the Eielson Branch Rail Realignment - EBRR)*. In late 2006, the Fort Wainwright segment of the EBRR EA became a separate project, and in 2008, Fort Wainwright was put on hold. The Fairbanks Area Rail Line Relocation project combines the remainder of EBRR with SFRR, and will likely require an EIS. As a pre-cursor to the EIS, ARRC conducted an Alternatives Analysis (AA) in 2007-2008 that capitalizes on the findings of previous reconnaissance and engineering studies. The AA recommends a three-phased approach. $200,000 was budgeted in 2007, funded 91% by FHWA and 9% ARRC. Funding sources are being sought for the NEPA environmental work, including an EIS.

North End Rail Public Transportation Study and Operation Plan

The ARRC commissioned a study to explore options for passenger rail service on the North End of the Alaska Railroad, between Denali National Park and Fairbanks, and between Fairbanks and North Pole. Started in 2007, the study seeks to identify potential markets, including a traditional commuter rail market between Fairbanks and bedroom communities (North Pole, University of Alaska Fairbanks and Ester), and a regional rail market that could serve intercity travel between Fairbanks and communities along the railroad south to Denali, as well as a tourist market between Denali and Fairbanks. The study/plan could augment the purpose and need of the Fairbanks Area Rail Line Relocation project. A draft report is expected in 2009. Preliminary results indicate a low demand for North Pole-to-Fairbanks commuter rail. Service options between Fairbanks and Denali Park are still under consideration. The $250,000 budget is funded 91% by FTA and 9% by ARRC.

Northern Rail Extension

ARRC proposes to extend its mainline track from Eielson AFB, about 80 miles southeast to Delta Junction. The project would offer: a) commercial freight service supporting communities and commerce in the corridor; b) a passenger transportation alternative to the Richardson Hwy; c) support of military training; and d) support of regional tourism. ARRC initiated the conceptual development in 2004. The Surface Transportation Board initiated an EIS in 2005. A draft EIS was released for public comment in December 2008, with a deadline to comment by February 2, 2009. The EIS, preliminary engineering and design is funded by $16.5 million in DOD appropriations, administered by the FRA. Another $44.2 million was appropriated in 2007 and another $60 million was appropriated in 2008 for planning, engineering, environmental work, design and to begin construction on the first phase of the project. Rail line construction cost is estimated at $650 to $850 million; funding is not yet identified.



Passenger Rail Cars and Locomotives

In 2009 ARRC will have a fleet of 52 passenger-related train vehicles, including 30 coaches, nine diners, six baggage cars, five self-propelled cars, and two business cars (for charter groups). ARRC also has 57 locomotives including the 28 SD70MAC locomotives (12 equipped with head-end-power to supply electricity to passenger equipment), 15 GP40s, eight GP38s, four MP15s and two cab/power cars. Three new passenger rail cars will go into service in 2009. $9.2 million purchased two additional bi-level dome cars with full kitchens and dining areas on the lower level and large-window seating on the second level. Funded with FTA-backed revenue bonds, these railcars will support growing first-class service. The Forest Service paid $4.7 million and FTA/ARRC spent another $648,000 to purchase a bi-level self-propelled "commuter" style rail car to provide rail whistle stop service to recreation sites in the Chugach Forest. For 2009, $780,000 is budgeted for dining car rehabilitation and $1.17 million is budgeted for GP40 locomotive overhauls, funded by ARRC.

The new bi-level dome coaches offer first class service.

Improved Siding Access

ARRC is improving signalization and access to sidings (turnout passing lanes) by replacing manual switches with remote controlled switches, heating switch locations, lengthening existing sidings to accommodate longer trains, upgrading rail and ties on existing sidings, building new sidings, and installing Centralized Traffic Control (CTC). These efforts are enhancing efficiency by enabling movement of more and longer trains in meet-and-pass situations. The risk of injury and incidents is reduced with the introduction of a fail-safe system to determine switch status. FRA provided more than $24 million between 2001 and 2005. The $2.5 million in 2006, $3.066 million in 2007, $3 million in 2008 (some carried over into 2009) is funded 91% by FTA and 9% by ARRC.

Collision Avoidance System

ARRC is developing a multi-phased program to design, develop, and implement a communication-based train control system that uses data radio communications between train dispatchers and train crews, or dispatchers and roadway workers. The Collision Avoidance System (CAS) project is comprised of a Computer Aided Dispatch (CAD) system, an on-board computer system, VHF packet data radio technology, and GPS locator technology. The CAS will provide improved information for decision-making, and will also detect infrastructure failure and potential operations violations quickly, and intervene when necessary. The CAS is being accomplished in phases, each achieving incremental safety benefits. FRA funded $11.9 million prior to 2006. Subsequent funding has come from FTA-backed revenue bonds ($4.48 million in 2006) and FTA grants funded 91% by FTA and 9% by ARRC

($1.57 million in 2006, $9.87 million in 2007, and $700,000 in 2008); and FRA ($735,000 in 2008). For 2009, $7.2 million is budgeted, funded 91% by FTA and 9% by ARRC.

Track Rehabilitation

ARRC continues an aggressive track rehabilitation program in 2009 that calls for replacement of rail, ties and ballast in areas of critical need. Each year, ARRC converts several miles of track into continuously welded rail, which dramatically decreases maintenance costs and improves ride quality. ARRC also replaces a portion of its nearly two million wooden ties (50,000 ties in 2009), and installs concrete ties along curves and other high-use stretches (4,450 concrete ties along curves between Matanuska and Wasilla in 2009). ARRC also plans to resurface many miles of track using 80,000 tons of ballast rock. Finally, crews in 2009 will widen the track shoulder along an 80-mile stretch south of Fairbanks. $31.2 million budget in 2009, primarily funded through the sale of ARRC revenue bonds backed by FTA formula funds.

Bridge Program

ARRC's 500-plus miles of mainline track includes about 160 bridges that cross barriers ranging from streams to gulches. ARRC's 2009 Bridge Program calls for major maintenance, overhaul and replacement needed to maintain railroad integrity, safety and efficiency. In 2009, ARRC plans to replace one aging bridge with a culvert, and to replace four other aging bridges with new bridges. Upgrades and rehabilitation are also planned for six other bridges. $6.3 million budget ($4.5 million by FTA; $1.8 million by ARRC).

Historic Preservation

ARRC supports historic preservation efforts that are related to railroad assets and infrastructure. Some ARRC assets are historic properties and are listed on the National Register of Historic Places and more than 50 ARRC properties are eligible for listing on the National Register. ARRC often consults with state and federal historic preservation agencies to mitigate impacts from capital projects that may adversely impact historic assets. Mitigation often takes the form of educational materials, including brochures, interpretive signage, archived photos and documentation.

A Timber Trestle Bridge brochure will help preserve the history of these bridges.

current as of 1/14/2009

Alaska Railroad Corporation 2009 Program of Projects

At the beginning of each calendar year, ARRC conducts project open house events in Anchorage, Fairbanks and the Mat-Su Valley to inform the public about the proposed Program of Projects (POP) for the year. While these events provide a good forum for residents to comment on any or all projects, the public is not limited to commenting at these events. Public input is accepted year-round, and in a variety of formats as outlined at the right. Detailed project descriptions are provided within fact sheets that are created for major federally-funded and internally-funded capital improvement efforts. These are accessible at the Alaska Railroad web site ww.AlaskaRailroad.com (click first on "CORPORATION", then on "PROJECTS").

Public Input:

Public comment on any or all of these projects may be submitted via:

- Mail to: Capital Projects
  Alaska Railroad Corporation
  P.O. Box 107500
  Anchorage, AK 99510-7500
- E-mail to *public_comment@akrr.com*
- Fax to (907) 265-2365
- ARRC's TTY/TTD 265-2620
  or voice 265-2494 or Alaska Relay TTY
  800-770-8973 or voice 1-800-770-82555

2/5/09 PRESENTATION: FEDERAL STIMULUS PACKAGE

House Transportation Committee

2009 Stimulus Program for Transportation

American Recovery & Reinvestment Act

February 5, 2009

Presentation Outline

- Rules of the Funding
- How much funding is expected?
- Steps taken; steps needed
- How projects were identified and prioritized
- Anchorage and Fairbanks set-asides
- Impact to DOT&PF's work load

Why Important?

- Putting Alaskan's to work
- Reduces backlog of highway, aviation and transit (including ferry) needs
- Repairs aging infrastructure
- Jump starts gas line infrastructure needs

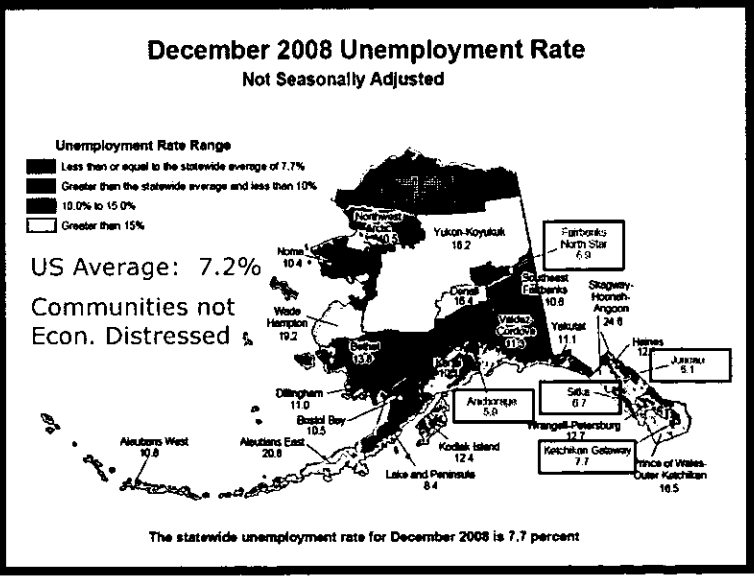
Rules of the Program

- Highway funds follow FHWA rules
- Transit funds follow FTA rules
- Aviation funds follow FAA rules
- Federal rules not relaxed
  - Must be in an approved STIP or TIP (not FAA)
  - Must be eligible for fund category
  - Must have begun as a federal project
    - NEPA (1-2 years)
    - ROW certification
    - Permits from all relevant authorities
  - Give emphasis to economically distressed regions

Economically Distressed

- H.R. 1 encourages projects in economically distressed areas
- 42 USC 3161 defines:
  - Unemployment rate > US rate + 1%
  - All areas of Alaska meet this definition, except:
    - Boroughs at: North Slope, Fairbanks, Anchorage, Juneau, Sitka and Ketchikan

DOL Unemployment Data



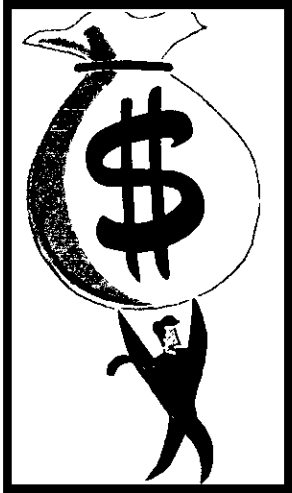
Use or Lose Provision

- Congress demands fast use of funds
- Use 50% of funds in 90 days (HR 1)
- Funds not used will go to states who can use
- This means:
  - Must use >50% by May 15
  - Be ready to obligate further to capture funds other states lose

Maintenance of Effort

- 30 days from enactment: Governor to certify the state will maintain state funding scheduled for highways
  - Can not supplant stimulus funds for state funds to transportation
  - Certification must extend to Sep 2010 (SFY 09 - SFY 11)
- Non-certification will trigger loss of funds entirely

Big Picture (H.R. 1)



$829 Billion Total

$45 Billion for Transportation

Alaska Receives:

$500+ Million Transportation for AK

How Much Funding?

Type of Funds	House H.R. 1	Senate S. 1
Hwy & Bridges	$238.3 Million	$131.5 Million
--AMATS Hwy. Share	$22.4 M	$23.0 M
--FMATS Hwy. Share	$8.1 M	$5.1 M
--Enhancements	$7.4 M	--
--CMAQ Share	--	$5.2 M
--State & non-MPO Share	$187.0 M	$79.6 M
Transit	$74.3 Million	~$35.0 Million
--AMATS Share	$40.0 M	~$27.0 M
--Buses and related	$9.5 M	~$8.0 M
--Ferries and trains	$25.8 M	--
Use or Lose Rule	90 days; 18 months	6 months; 12 months

Funding breakdown subject to near daily adjustments and revisions.

How Much Funding?

Type of Funds	House H.R. 1	Senate S. 1
Aviation	Up to $231 M	Up to $84.7 M
FAA determines how much $ and priorities to state.		
Rural Aviation Program		
Number of Possible Projects	27	Same
Dollar value of Possible Projects	$271.3 M	Same
International Aviation Program		
Number of Possible Projects	12	Same
Dollar value of Possible Projects	$104.7 M	Same
Use or Lose Rule	90 days; 18 months	6 months; 12 months

Funding breakdown subject to near daily adjustments and revisions.

Steps Taken Already

- DOT&PF has been proactive
  - Identified universe of eligible projects that can meet criteria
  - Prioritized the list
  - STIP amendment (#18) underway
  - Authorized work needed to get projects bid ready (bi-weekly meetings)
  - Prepared supplemental budget request

Further Steps Needed

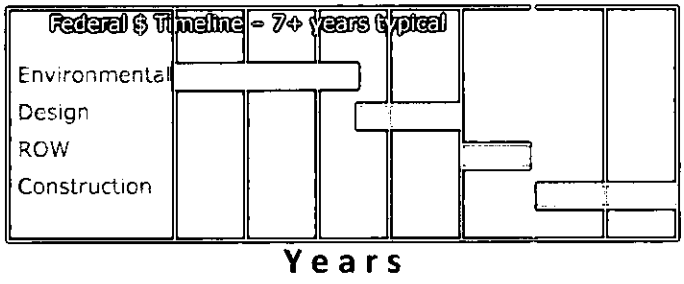
- Complete designs, permits and other clearances on *fast list* projects by April (all modes)
- Highway and Transit Funding:
  - Take public comments on *fast list* STIP amendment #18; then final
  - Seek FTA and FHWA approval of STIP
  - Issue Federal Aid Agreements on *fast list* projects
  - Issue bid advertisements on *fast list*

How were Projects Selected?

- Know the rules:
  - Eligibility
  - Rapid Timing expected
  - Economic distress criteria
  - Mandatory setasides in law
  - STIP, NEPA, permits not waived
- A small list of eligible projects met the criteria
  - No NEPA, no ROW purchase, and no long-lead projects could be considered
- Success requires laser-like focus on above
- Aviation: FAA decides projects to fund

Stimulus Funds Prerequisite

Stimulus Projects Must be Here



Implication: Virtually impossible for a new project to meet the stimulus timeline.

Criteria to Prioritize

(Highways)

- Mandatory set-asides
- Governor's Gas Line readiness announced projects
- Safety
- Economic Distress criterion
- Leverage other dollars
- Jobs created in 2009 season
- (FAA decides for Aviation Funds)

Fairbanks and Anchorage

- The two MPOs, AMATS and FMATS will select projects in their boundaries
  - Same rules apply
  - Each MPO amending their TIP to show stimulus projects
  - Focus, must be to projects that are soon bid-ready
  - $72.9 M sub-allocated to two MPOs (transit and highways in HR 1)

Why did DOT look to Existing Projects?

- Congressional rules quickly focused the universe of relevant projects to a very small list…
  - Already federally started
    - Meet eligibility rules
    - Many steps previously completed
  - Fast track: can be obligated in 90 days
    - Few projects meet this goal
  - Existing projects have strong support
    - Prior community and/or legislative actions

Summary of Work Selected

- 272 center line miles of roads resurfaced (+18 miles trails)
- 10 bridges replaced or repaired
  - 4 local class bridges
- 2 new ferries (partial)
- Ferry rehabilitation & two terminals
- Safety: passing lanes, lighting, roundabout
- Buses/vans in 8 communities
- Airports: 2 Internationals + up to 18 other

Legislature's Role

- All Federal-aid funds, including most funds going to AMATS and FMATS must be appropriated by Legislature
  - Stand-alone supplemental in progress by OMB
  - Early action ideal; some projects have early mobilization windows to make 2009 construction season
  - Need excess appropriation too in order to potentially capture extra stimulus funds from other states.

'Slow' List

- Q. Could projects be added and make the due date for the slow list?
- A. No.
  - Federal aid projects take 2-7 years
  - Even slow list projects must be in capital budget this year
    - Jul 2010 (SFY '11) is too late to obligate slow funding under Senate goal of Feb. 2010
    - Only practical slow projects are those still well along in a current design effort

New Projects Are Helped Too

- Q. How can new projects benefit from Stimulus?
- A. Every Stimulus project accomplishes work that would have been priority for 2010 STIP or AIP funds
  - More than a typical year's worth of Highway and Aviation construction is being funded, opening up room for the next generation of projects

Adding Other Projects

- It's understood communities want other projects considered…
  - But, the rules are tight and fixed in law
  - Success means we focus limited resources on what can proceed
  - Time and resources diverted will harm outcome

Sub-Allocation

- Q. Can DOT&PF sub-allocate to communities and let them proceed?
- A. No. DOT&PF remains responsible and the federal rules (Highways and Aviation) are too complex for this to successfully occur.
  - FHWA concurs:
  - AMATS and FMATS projects mostly undertaken by DOT&PF
    - MPOs select projects; DOT&PF executes

Why Two STIPs underway?

- 2009 STIP year must be amended for Stimulus projects
  - Draft amendment to 2009 out soon
- 2010 – 2013 STIP document requires a new effort:
  - Project nominations and scoring occurring now
  - Draft then Final STIP covering 4 years (May to August)
- Both efforts are legally required and both must be started at this time

Impact to DOT's Workload

(All modes)

- By May: Must obligate > $240 M in stimulus projects
- Jun - Aug '09: Must obligate > $450 M in regular federal-aid
- Oct – Aug '10: Must obligate $650 M in regular federal-aid + stimulus
- Bottom line: >50% increase in workload for next 18 months!

Questions/Comments:

STATE OF ALASKA

SARAH PALIN, GOVERNOR

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
OFFICE OF THE COMMISSIONER

3132 CHANNEL DRIVE
PO Box 112500
JUNEAU, ALASKA 99811-2500
FAX: (907) 586-8365
PHONE: (907) 465-3900

February 4, 2009

FEB 09 2009

The Honorable Albert Kookesh
Chair, Senate Transportation Committee
State Capitol, Room 11
Juneau, AK 99811

The Honorable Peggy Wilson
Chair, House Transportation Committee
State Capitol, Room 408
Juneau, AK 99811

Dear Senator Kookesh and Representative Wilson:

Below is the Department of Transportation and Public Facilities' response to Rep. Johansen's question regarding how the department would respond to having the Ketchikan Gateway Borough give the airport back to the state. As you can see, it is a complicated issue.

The current 42 year lease (ADA-05175) between the state and Ketchikan Gateway Borough (KGB) was executed in 1984 and replaced several shorter-term leases dating back to construction of the airport. The long length of lease term, heavily negotiated over several years, was intended to signify a commitment by the state and KGB for local management and provide a more secure position for both KGB and the state. The joint effort sought to represent a partnership between the state and KGB, relieving the borough of expenses for major repairs and reconstruction while protecting the state from day-to-day and on-going maintenance costs.

Under ADA-05175, KGB enjoys the latitude to establish ordinances that replace portions of 17 AAC 45, Rural Airport Regulations. This allows KGB to charge landing fees (currently not implemented by regulation at other rural airports), and establish rental rates, fees and other charges (subject to state approval).

The lease terms govern any termination of the lease and speak to several important criteria for this to transpire, namely:

Section 19: Termination by Lessor (state)—state may terminate for default for:
-failure to use the leased premises for the purpose authorized

-failure to operate in compliance to keep airport operating certificate
-failure to perform other terms of the lease

Section 20: Termination by Lessee(KGB)—KGB may terminate for:
-fiscal insufficiency
-if expenses exceed airport revenue by 35% in any single fiscal year; or
-if expenses exceed airport revenue during 2 of any 4 consecutive fiscal years by an average shortage of 20%
-failure of state to perform

If either of these sections become applicable (and to date neither has), and the lease is terminated, the 'disposition of improvements and bonded indebtedness' language is quite specific and complex. Said disposition is dependent on the circumstances surrounding the termination, and addresses such issues as reimbursement for airport improvements constructed under the lease, ownership of buildings and other assets, responsibility for bond indebtedness, interest in existing subleases, liens, the airport ferry and disbursement of the Ketchikan Airport Enterprise Fund.

The issue of the state 'taking over' the Ketchikan Airport has been considered multiple times in the past few years. However, due to the complex nature of terminating the lease, which may occur only under the prescribed conditions, the decision to transfer operation of the Ketchikan Airport back to the state has always been deemed not in the best interest of the state or the KGB.

If you have additional questions the committee would like to discuss this further, Gary Davis, Southeast Region Director and/or Christine Klein, Deputy Commissioner for Aviation are available.

Sincerely,

Leo von Scheben, P.E., L.S., M.B.A.
Commissioner

cc: Jim Beedle, Deputy Commissioner for Marine Operations
Christine Klein, Deputy Commissioner for Aviation
Frank Richards, P.E., Deputy Commissioner for Highways & Public Facilities
Gary Davis, Southeast Region Director
Mary Siroky, Legislative Liaison

2/12/09 ALASKA TRANSPOR-TATION FINANCE STUDY

CAMBRIDGE SYSTEMATICS

Alaska Transportation Finance Study

final report

prepared for

Alaska Municipal League

prepared by

Cambridge Systematics, Inc.

January 2009

www.camsys.com

final report

Alaska Transportation Finance Study

prepared for

Alaska Municipal League

prepared by

Cambridge Systematics, Inc.
100 Cambridge Park Drive, Suite 400
Cambridge, Massachusetts 02140

date

January 2009

2291

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Executive Summary

The Alaska Municipal League (AML) commissioned Cambridge Systematics, Inc. to conduct an objective assessment of the current finance trends, challenges, and possible options to meet Alaska's transportation funding needs. This work involved a significant amount of analysis and produced multiple layers of findings that have been documented in this report, the Transportation Finance Study. Nevertheless, the work may be summarized into the following three categories of findings.

UNDER INVESTMENT IN THE STATE'S TRANSPORTATION INFRASTRUCTURE

Almost every state and the Federal Government have been chronically under investing in their transportation infrastructure and Alaska is not an exception. Over the last several years, studies at the national and state levels have painted a dire picture of transportation funding over the long term: the average funding gap for the Federal shortfall is almost $60 billion annually through 2017 (10-year average) to maintain the current condition and performance of the nation's surface transportation system.

- Underinvestment in Alaska may have more severe consequences than for almost any other state because the Alaska's economy is highly dependent on resource extraction industries. These industries are highly transportation-intensive; their growth is the most likely offset to declining oil production and may be the State's best opportunity to diversity, but will require investment. In addition, the State's far-flung communities, harsher environment and less mature roadway network amplify the effects of under investment.
- In its 2030 Transportation Plan, the Alaska Department of Transportation and Public Facilities (ADOT&PF) estimated its annual highway and bridge needs at approximately $1.1 billion per year of which about $530 million is unfunded on state-owned facilities alone (excluding local roads and street needs), with Federal and state funding covering about half of the needs.
- In Alaska, routine highway maintenance remains underfunded and the backlog in life-cycle needs is over three times the level of spending in annual highway maintenance activities at the state level. Adding the AMHS unfunded needs, and Alaska's transportation funding gap increases to $720 million. These figures still do not include needs of transit, and locally funded roads, both in urban and rural areas of the State, or aviation. Furthermore, it does not include any transportation capacity needs to meet travel demand growth in the future.

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- Alaska's transportation capital spending (from state and local revenue sources) as a percentage of the Gross State Product (GSP) for 2006 is the fourth lowest compared to other states. If Federal funding is included, the transportation spending as a percentage of GSP increases placing Alaska in the top 10 states, clearly indicating the State's reliance on Federal funding to meet its transportation needs.

CURRENT FEDERAL FUNDING AT RISK

Alaska has historically received on average roughly 75 percent of its total transportation funding needs from Federal sources. This dependence is quite likely to put Alaska in a very vulnerable position when the Federal transportation funding is reauthorized next year for the following reasons:

- Federal Highway Trust Fund went broke this past year and Congress provided only one year of stop-gap funding. Longer-term fixes, however, may include lower levels of funding, which would increase state competition for Federal allocations.
- The current negotiations over reauthorization are further reducing the difference between donor states (which have increased in the previous reauthorization from 90 percent of their contribution to 92 percent) and donee states, of which Alaska is one of the highest.
- Reauthorization funding policies appear to place far more emphasis on tolling or other user fees and metropolitan transit/transportation networks, rather than highway funding or legislative earmarking. Some proposals would push greater responsibility to states or cities for financing their transportation improvements.
- Federal support for Alaska's transportation needs is being challenged by other states because of the perception that Alaska's financial capacity is substantially better off than other states. The lower 48 and the Federal government see the Alaska Permanent Fund currently has almost $28 billion and Alaska is the only State that collects neither income taxes nor state sales taxes, and its 8 cents-per-gallon (cpg) gas tax is the lowest rate in the country.

OPTIONS FOR CLOSING THE GAP

In order for Alaska to close some of the gap in underinvestment and improve its competitive position for the next reauthorization of Federal transportation legislation, we propose some options for increasing state revenues with a mix of six sources that include increases to user fees such as the fuel tax and vehicle registrations fees, new sales tax on vehicles and the wider use of local sales taxes, reinstitution of the Local Service Roads and Trails (LSR&T) fund, and establishment of an Alaska Transportation Fund (ATF) or comparable fund.

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Option One would generate roughly $151 million annually, or about 28 percent of the $535 million annual gap. It has the following six components:

- Increase fuel taxes from 8 cents per gallon (cpg) to 18 cpg (national average) and index the rate to inflation, generating about $38 million annually.
- Increase vehicle registration fees by 50 percent from $100 to $50 biannual fee, generating slightly less than $23 million annually.
- Impose a vehicle sales tax of 0.5 percent, yielding about $10 million annually
- Encourage local jurisdictions to impose a 0.5-percent sales tax, which if enacted throughout the State would earn about $30 million annually
- Capitalize the Alaska Transportation Fund (ATF) with $1 billion, which with a 8 percent return should earn about $50 million annually.

Option Two would generate roughly $291 million annually, or about 55 percent of the $535 million annual gap. It has the following six components:

- Increase fuel taxes from 8 to 28 cpg and index the rate to inflation, generating about $76 million annually.
- Double vehicle registration fees from $100 to $200 biannual fee, generating over $45 million annually.
- Impose a vehicle sales tax of 1.5 percent, yielding over $31 million annually
- Encourage local jurisdictions to impose a 1.5 percent sales tax, which would earn about $89 million annually
- Capitalize the Alaska Transportation Fund (ATF) with $1 billion, which with a 8 percent return should earn about $50 million annually.

Option Three also would generate $291 million annually (55 percent of the $535 million annual gap), but it would reduce the two sales taxes and instead reinstitutes the Local Service Roads and Trails (LSR&T) fund:

- Same increase in fuel taxes (8 cpg to 28 cpg and index the rate to inflation), generating about $76 million annually.
- Same doubling of vehicle registration fees from $100 to $200 biannual fee, generating over $45 million annually.
- Impose a state vehicle sales tax of 1.25 percent and a 1.25 percent local sales tax, which would earn over $26 million and $74 million annually, respectively
- Capitalize the Alaska Transportation Fund (ATF) with $1 billion, which with a 8 percent return should earn about $50 million annually.
- Assume the State reinstitutes the LSR&T program at about $20 million annually.

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1.0 Introduction and Synopsis

1.1 Study Objectives

The Alaska Municipal League (AML) commissioned Cambridge Systematics, Inc. to conduct an objective assessment of the current finance trends, challenges, and possible future solutions to meet Alaska's surface transportation finance needs. Specifically, the Transportation Finance Study is intended to answer the following questions:

1. Present current trends in transportation finance within Alaska, based on the last 10 years of capital and operating needs for transportation.
2. Identify the changes in direction and new funding priorities that may emerge from several Federal programs and their likely impact on funding levels for Alaska.
3. Identify and evaluate user fees, public-private partnership, and other tools for financing transportation investments that are being used or considered in other states, and their potential applicability in Alaska.
4. Identify and discuss factors that are most likely to impact Alaska's transportation funding in the future.
5. Identify possible strategies Alaska can best use to react to these factor and challenges.
6. Identify potential funding and financing tools for transportation, and evaluate their applicability to Alaska.

The findings and recommendations addressing the six questions posed by the AML are summarized in the following sections.

1.2 Current Transportation Finance Trends and Issues

Summary of Transportation Finance Trends

Alaska has historically depended on Federal funds to meet the capital transportation needs of the State. The State's General Fund is used primarily for state matches on Federal funds, operations and maintenance on highways and rural airport, and to subsidize AMHS operating costs. Federal funding is used primarily for capital improvement, although some of funding has been allocated in the past for preventive maintenance. Alaska is the only state that does not have dedicated revenues for transportation, such as motor fuel taxes and vehicle fees. Alaska's transportation capital spending (from state and local revenue sources)

as a percentage of the Gross State Product (GSP) for 2006 is estimated at 0.15 percent, the fourth lowest compared to other states. If Federal funding is included, the transportation spending as a percentage of GSP increases to 1.94 percent, placing Alaska in the top 10 states and indicating the state's reliance on Federal funding to meet its transportation needs.

At the local level, transportation funding is highly dependent on bond proceeds as well as property taxes and special assessments. Over the 10-year period from 1997 to 2006, bonds funded 36 percent of local government spending on highways, while property taxes and special assessments contributed 34 percent. It is important to note, however, that bond proceeds are not actual revenue, and that debt must be repaid over time, possibly through general fund revenues. In the last two years, debt service payments have exceeded both capital and O&M spending, with further reinforces the heavy reliance on bond proceeds to support local highway spending. This also has led to a reduced level on capital spending in roads and streets at the local level.

Transit does not receive dedicated state assistance in support of operations or capital programs, which is unique among Alaska's modes of transportation. Alaskan public transportation is highly dependent on local funds for operations and on Federal funds for capital projects.

At the national level, funding for transportation investments typically falls short of needs, and Alaska is not an exception. All states are facing similar funding gaps for transportation investments primarily for four reasons:

1. Revenues have remained flat or declined (measured in nominal or current dollars) because fuel tax rates have not been increased to account for inflation (i.e., indexed), increased travel per household, population growth, or maintenance and preservation of aging infrastructure (see below), and declining fuel consumption due to improved fuel efficiency in the vehicle fleet and transitioning to alternate fuels.
2. Increases in travel resulting from population growth and increased cars per household and miles driven per household (measured as vehicle miles of travel or VMT per household).
3. Rapid and dramatic escalation of construction costs because of the increased international demand for raw materials from developing industrial nations such as China and India.
4. The higher cost of maintaining and preserving aging infrastructure compared to newer facilities (separate from the rapid escalation of construction costs).

In Alaska, highway routine maintenance remains under funded and the backlog in life-cycle needs is over three times the level of spending in annual highway maintenance needs at the state level. These figures do not include needs on the AMHS, transit, and locally funded roads, both in urban and rural areas of the state. Furthermore, it does not include any transportation capacity needs to meet travel demand growth in the future.

Based on data from ADOT&PF long range plan,[1] and input from transit and rural transportation stakeholders, the funding gap for surface transportation in Alaska is estimated at almost $600 million per year, which only includes state-funded highways and bridge, transit and rural roads and streets; it does not include AMHS or urban roads and street needs from local governments. Adding the AMHS unfunded needs, Alaska's transportation funding gap increases to $720 million. Table 1.1 summarizes the funding gap by mode.

Table 1.1 Alaska's Annual Funding Gap (In Millions)

Mode	Annual Funding Gap (Millions)	Comments
Highway and Bridges	$533	Based on ADOT&PF 2030 Plan. Highway and bridge needs include: • System Development – projects aimed at reducing congestion, improving safety, providing better connectivity or enabling economic development, such as new highway construction. • Life-cycle management – periodic rehabilitation work to preserve value of assets. • Routine maintenance – these are annual activities, typically seasonal in nature, such as snow and ice removal, pothole patching, striping, mowing, and sign repair, among others. Highway and bridge needs are estimated at $1,051 million, of which $518 million is funded with projected Federal and state funding.
Rural Roads and Streets	$20	Based on estimates provided by stakeholders, including the Denali Commission. Calculated as the average, with estimates ranging from $10 to $30 million for rural needs.
Urban Roads and Streets	N/A	Not available. Current AMATS and FMATS long-range plans are financially constrained, and do not include unfunded needs over the long-term.

[1] Ibid.

Mode	Annual Funding Gap (Millions)	Comments
Transit	$32	Based on estimates provided by Alaska Mobility Coalition. The estimates provided are the funding needed above and beyond what transit providers receive from Federal, local governments, and passenger fares. Transit needs include: • Capital ($20 million), for bus replacement and capital needs of existing assets, service expansion for existing transit providers, and new rural and tribal transit services. • Operations and Maintenance ($12 million), for existing and new transit services, based on projected growth.
Total	**$585**	
AMHS	$135	Based on ADOT&PF 2030 Plan. It includes: system development (terminal additions and replacements); life-cycle management (vessel replacement, refurbishment and recertification); and routine maintenance. AMHS annual needs are estimated at $179 million; AMHS revenues were estimated at $44 million.
Total (including AMHS)	**$720**	

Source: ADOT&PF 2030 Plan; Denali Commission; Alaska Mobility Coalition.

Alaska Current Transportation Issues

Alaska's transportation challenges have been identified in the 2030 Transportation Plan, the TRIP report,[2] and through interviews with stakeholders. These unique issues relate mostly to the State's size, sparse and remote population, adverse weather, extensive dependence on marine and air modes, and a funding system that depends disproportionately on oil revenues and Federal largess. Seven areas of concerns were identified as current transportation issues, which are briefly summarized below:

Extent of transportation network. Alaska is the largest state in terms of size, but it is one of the smallest in terms of population. Furthermore, much of the population is distributed sparsely across the State. The transportation infrastructure is significantly less developed compared to the lower 48, and connectivity is one of the main issues faced in rural Alaska. Federal law allows the use of Federal-aid highway funding for most roads only in Alaska and Puerto Rico, which adds pressure on the demand for funding, affecting Alaska Department of Transportation and Public Facilities' (ADOT&PF) ability to sustain major roadway facilities (including the National Highway System, or NHS). The Federal-aid

[2] TRIP, *Future Mobility in Alaska: Meeting the State's Need for Safe and Efficient Mobility*, October 2008. Available at http://www.tripnet.org, last accessed on December 3, 2008.

highway program also is affected by state budget cuts from General Fund contributions, requiring ADOT&PF to shift resources for capital expansion and upgrades to preventive maintenance needs.

Cost of construction. The cost of construction in Alaska has increased significantly over the last few years, exceeding national averages. Several factors affect the cost of construction in Alaska, including (but not limited to) topography, soil, weather conditions, mobilization in rural areas, the vast amount of wetlands, short construction season, permafrost, the cost of the NEPA process and environmental mitigation, compliance with Section 4f, and the cost of litigation over contested projects (opposition from environmental and neighborhood groups).

Federal and state requirements. Federal requirements, including environmental clearance and the permitting process were cited by several groups interviewed as a main challenge for advancing transportation projects, particularly for rural communities. Federal environmental requirements for transportation projects have increased significantly over the last four decades. State design standards also are applicable when ADOT&PF funding is used, which also drives up the cost of construction compared to a private sector project. On the other hand, private sector projects may require to be rehabilitated, replaced or expanded much sooner than a project that applied ADOT&PF design standards, and may lack safety and traffic management feature that are desirable for public roads.

Tensions between surface transportation needs. Many stakeholders see four primary sources of tension between their State's transportation needs:

- **Capital versus maintenance needs.** Difficulty of balancing and prioritizing capital (e.g., added capacity) versus maintenance (e.g., life-cycle management) needs, especially when funding available for either capital expansion or maintenance is far below the estimated needs.
- **Urban versus rural needs.** Funding shortfalls force hard choices between providing upgrades and maintain the urban transportation system, versus improving connectivity and access in rural areas.
- **Demand of limited funding for state and locally owned roads.** Federal-aid highway funding may be used for all roadway facilities in Alaska, including local streets and roads. This creates competition for scarce resources that could either be used on major facilities or on local roads.
- **Ownership and control of road facilities.** The State owns and controls many transportation facilities that primarily serve local needs, which may affect ADOT&PF's decision-making on what is in the best interest of the state versus local interests. It also forces local interests to compete at the statewide level against other state programs, putting local needs in disadvantage.

Rural transportation. Rural stakeholders, including tribal governments, reported several issues that affect their ability to address their transportation needs, including: 1) difficulty in accessing Federal funds, and lack of technical capacity to advance projects; 2) lack of local funding to match Federal and state

funds, 3) limited or no state funding for local roads; and 4) difficulty in establishing partnerships on state-funded projects.

Transit-related issues. Low population densities limit the ability to provide extensive transit services, which in turn discourages choice riders due to low service levels. The significant increase in fuel prices during the summer 2008 increased transit ridership, but also added pressures to the operating budget of existing transit operators.

Safety. The fatality rate in Alaska was higher than the national average in 2006. The Strategic Highway Safety Plan includes roadway improvements to address safety concerns.

Factors Affecting Future Transportation Investment and Funding

There are a number of factors at the national and state level that will impact transportation and funding for transportation investments in the future. Understanding these issues is important as Alaska considers changes to its current portfolio of funding sources and develops a financing plan to address the transportation issues and needs identified above. We have organized the issues identified through the stakeholder interviews that they believe may face the State in the future into 11 areas of concern:

- **Lack of dedicated funding for transportation**. Alaska does not have a dedicated source for transportation funding, and motor fuel taxes and vehicle fees that are typically dedicated to transportation in other states go into the General Fund. Transportation is funded through annual legislative appropriations, competing with other state needs for funding. This will become a major issue as revenues from oil royalties, the main source going into the General Fund, are projected to decline in the future. Oil price volatility further aggravates this issue, particularly as the price of oil has dropped below the forecast priced used to develop the state's FY 2009 budget, which could result in budget shortfalls affecting all state spending, including transportation.
- **Heavily subsidized transportation system**. Alaska's highway transportation system is heavily subsidized so users pay a fraction of the full cost for building and maintaining the roadways. User fees such as tolls, registration fees, and gas taxes would send stronger price signals to users but are not levied in Alaska for transportation. Although the current prices charged of users of transportation in all states are below the cost of providing such services, Alaska's users are being charged far below the true costs. This significant subsidy is even more extreme for remote communities served by ferry and air service. At the national level, there has been significant discussion about the application of pricing that comes closer to the real costs of providing transportation services. For the State of Alaska, this debate could have profound effects on future Federal funding levels. The near complete subsidy of some state transportation services (ferry and air fares are a clear

exception) would become a significant impediment to future Federal apportionments. Nationally, future Federal policy may force states to price transportation more like a utility than a public good. Regardless of the State's Constitutional prohibition of dedicating revenues to specific public services, states that have reduced their subsidies and transitioned to user fees would have a strong competitive advantage for Federal matching funds.

- **Lack of state funding for public transportation**. Currently, no state money is dedicated to public transit. Public transportation currently is funded with Federal, local, and private nonprofit funding (demand response services). Transit services also are under funded at the local level, especially in rural areas. There is no enabling legislation that allows local governments to dedicate funding for transit, as is the practice in other states. Alaska's major transit providers fund their system with allocations from local general funds, competing with other local services, such as police and education.

- **Reliance on Federal Funding and Earmarking**. Most of the funding for both highway and transit investments comes from the Federal government, through both formula allocations and earmarks. The Highway Trust Fund (HTF) will be bankrupt in 2009 without any reforms and/or increases to Federal highway user fees that fund the HTF. If this were to occur, which is unlikely, Alaska could expect significant cuts in Federal funding levels, compared to the last decade.

- **Alaska's Financial Capacity**. Federal support for Alaska's transportation needs is being challenged by other states because of the perception that Alaska's financial capacity is substantially better off than other states. What other states see are record public revenues generated by high oil prices, and the Alaska Permanent Fund generating annual dividends to its residents, who in addition are not required to pay income taxes or sales taxes at the state level. Finally, the motor fuel tax was recently suspended for one year, but the rate already was the lowest in the country. Taken collectively, this perception concludes that Alaska has more head room in its funding alternatives than most other states,

- **Unique Disadvantages**: Many of those challenging Alaska's share of Federal support, however, are likely not as aware of inherent disadvantages. These include Federal ownership of 69 percent of its land, the small population, the dispersed communities that depend on transportation for their existence, inclement weather and its effects on roadway construction and maintenance costs, and dependence on very expensive marine and air service for a significant part of its transportation infrastructure. In addition, the massive construction of the interstate network was more or less completed before Alaska achieved statehood.

- **Future Transportation Infrastructure Needs in the North Slope and Future Heavy Traffic Growth**. The construction of the natural gas pipeline from the North Slope into the lower 48 will require significant improvements to the

existing transportation infrastructure. Under the current schedule, construction on the gas pipeline could begin by 2015, which would leave about six years to upgrade transportation infrastructure. Truck traffic is also expected to increase in the near term due to a new requirement to use low sulfur diesel for operations in the North Slope. Alternatively, the proposed rail extension into Port MacKenzie would allow for rail shipments of low sulfur diesel at lower costs.

- **Access to Natural Resources and Alternative Energy Sources**. The mining as well as oil and gas industries generally expect to pay for their own transportation access needs, but in some cases these roads are shared with the general public or among several resource owners, and in those cases the mines would prefer the state pay for the improvements. There are precedents in Alaska of state and private sector collaboration in providing access to natural resources.
- **Climate Change and Options for GHG Reduction**. The transportation sector is one of the main contributors of greenhouse gases (GHG). Future efforts to address climate change and reduce GHG will certainly impact the transportation industry. In Alaska, access to some rural areas is only feasible through air and/or marine transportation, both of which have large carbon footprints per person mile traveled, compared to highway or transit. The implementation of carbon taxes or cap-and-trade would only add to the cost of transportation and goods in rural areas and for industries that are highly dependent on transportation, such as fishing, mining, and oil. Another aspect of climate change are the additional adaptation costs that will further impact the high cost of construction. The effects of climate change include melting of permafrost layer, coastal erosion, and both increased frequency and severity of weather events, all of which would require adapting infrastructure to changing conditions.
- **Endangered and Threatened Species**. Recent designation of the polar bear as threatened and the beluga whale as endangered species is expected to impact transportation. In the case of the polar bear, the designation cannot be used to regulate GHG from transportation and other sources. The designation of the Cook Inlet beluga whale as an endangered species, however, is expected to impact projects in the Seward Highway, the Knik Arm Bridge, and expansion of the ports in Anchorage and at Point MacKenzie.
- **High Cost of Construction in Rural Alaska**. The high cost of construction materials, especially in rural and remote areas, limits the State's ability in investing in transportation improvement because in many cases these improvements do not generate sufficient benefits that justify investment. Some of this investment, however, is vital for sustainability and survival of these communities
- **High Cost of Fuel and Goods in Rural Areas**. Fuel prices are higher in Alaska when compared to the national average, and are even higher in rural

parts of the state. Fuel is purchased in bulk and delivered by barge during the summer months to coastal communities in Western Alaska, when the price of fuel is usually high. If fuel is delivered in the winter months, it is done by air, which is very expensive. More than transportation, the high fuel costs affects the cost of electric power and heating in these remote communities. The cost of goods also is very high in these communities, in large part due to the high cost of delivering goods in remote areas.

1.3 THE FUTURE OF THE FEDERAL TRANSPORTATION PROGRAM

There is much speculation about the future of Federal funding in Alaska for several reasons. First, revenues into the Federal Highway Trust Fund (HTF) have fallen below the expenditure levels established in SAFETEA-LU. Under SAFETEA-LU, expending levels increased significantly, but Federal fuel taxes and heavy vehicle fees remained at the same level. In addition, the yield of the fuel tax has declined due to a vehicle fleet shift to more fuel efficient vehicles, the introduction of alternatives fuels, and, more recently, a decline in travel due to high fuel prices. The projected HTF shortfall by 2010 was accelerated with the increase in fuel prices during the spring and summer of 2008 that led to a decline in HTF receipts. In September 2008, the President approved a transfer of $8 billion from the General Fund into the HTF to maintain its solvency. It is clear that the current levels of spending from the HTF are unsustainable over the long term, unless taxes are increased in the short term and more effective revenue sources are implemented over the long term. (See Section 3.0)

Another factor that will impact Federal funding in Alaska is the authorization of the next Federal transportation bill. SAFETEA-LU expires September 30, 2009. At this time, it is unknown whether a continuation of the existing legislation will be passed as a stop gap matter, or whether congress will be able to craft new legislation. Various transportation groups have presented different proposals, but most agree in a reform of the current Federal transportation funding program. A lot of discussion also has revolved around earmark reform and climate change. Some of the come themes from these proposals include:

- Transition to a diverse portfolio of revenue sources to fund transportation;
- Increase Federal motor fuel tax and include price indexing;
- Shift funding towards preserving and modernizing the national transit and rail networks;
- Emphasis on freight and goods movements, and investment on freight corridors of national and regional significance;
- Provide states with toll/user fee financing options, including congestion pricing, High-Occupancy Toll (HOT) lanes, and truck-only lanes on the existing Interstate Highway System;

- Take prompt action to sustain the Highway Trust Fund;
- Make greater use of public-private ventures;
- Shift to performance-based funding/monitoring with additional funding incentives available;
- Reduce the number of funding programs and shift from modal funding silos;
- Address climate change concerns and GHG reduction through increased fuel efficiency, cleaner fuels and shift to transit;
- Promote regional transportation planning efforts (e.g., Regional Blueprint Planning); and
- De-emphasis of Federal and state legislative earmarking.

Impacts to Future Federal Funding for Alaska

The emphasis for transportation funding is shifting towards tolling or other user fees and metropolitan transit/transportation networks, rather than highway funding or legislative earmarking. This could pressure Alaska to institute new or raise existing taxes or fees to fund their transportation projects.

A recent study by the Institute of Social and Economic Research (ISER) estimated that Alaska could be vulnerable to Federal spending cuts between $450 million and $1.25 billion, which could translate into a reduction of 7,000 to 20,000 in jobs. Federal spending in the form of grants (which includes transportation, among other sectors) is the most vulnerable to cuts, especially those grants allocated in the form of earmarks.

The future of the Denali Access System Program in the next Federal authorization for transportation is uncertain. The Denali Commission has played a key role in funding transportation need in rural areas, along with other Federal funding through the Indian Reservation Roads, National Park Service, and Forest Service programs. Nevertheless, local communities and native tribes struggle to meet the matching requirements and lack the technical capacity to implement their projects. The State could decide to play a larger role in supporting local road projects by providing funding for the non-Federal share of projects, and also by creating a joint-funded program for local roads. Also, as support for public transportation grows at the Federal level as an alternative to reduce VMT and reduce the carbon footprint of transportation, the State also may consider investing in public transportation.

About 60 percent of past earmarks have been taken out of what the State would have received from its allocation of Federal fuel tax revenues (also known as "below the line"). When these earmarks are targeted for high-priority projects, state and/or local government, the earmark helps to ensure that the State will receive the Federally authorized funding for that project. Furthermore, the State has usually programmed the required local match. Some earmarks, however, are not high-priority projects and these not only shift funding from the State's priori-

ties but the required local match may drain resources from higher-priority projects. In this context, earmark reform is seen by many stakeholders in a positive light.

1.4 TRANSPORTATION FUNDING AND FINANCING OPTIONS

Across the nation, state departments of transportation (DOT), local governments, and public transportation service providers are continuously evaluating and implementing strategies to expand their current portfolio of revenue sources available for transportation investments. The typical typology for organizing the possible revenue options divides into five groups: direct user fees, indirect user fees, specialized taxes, general taxes, and innovative finance techniques. But this typology does not apply in Alaska where all funding is programmed through the General Fund.

It should be noted that the implementation of any of these proposed revenue sources may require legislative action before implementation. Furthermore, the constitutional prohibition on dedicated revenues would have to be considered, and policy decisions and strategies will have to be in place to ensure that new revenue sources are used to support Alaska's transportation infrastructure.

Table 1.2 summarizes the funding and financing tools considered in the study; Table 1.3 summarizes the revenue potential for most of the funding option evaluated. Financing tools do not generate new revenue, but allow leveraging of existing resources to accelerate the construction of projects.

Table 1.2 Funding and Financing Options for Alaska

Direct User Fees	Indirect User Fees	Specialized Taxes	General Taxes	Financing Tools
Tolling and Pricing	Motor fuel taxes: Indexing Grandfathered dedicated fund for maintenance	Local vehicle registration fees	Alaska Transportation Fund	State and local general obligation bonds
Vehicle-Miles Traveled (VMT) Fees	Vehicle registration/license fees	Fuel transfer taxes	Constitutional Budget Reserve	Public-private partnerships
Weight-distance Fees	Personal property tax on vehicles	Property taxes/ road service areas	State general fund to match local funding/reinstitution of Local Service Roads and Trails (LSR&T)	State Infrastructure Bank (SIB)
	Sales tax on motor vehicles	Local sales taxes		State match of local debt
		Severance taxes		
		Local gas taxes		
		Income/payroll taxes		

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Direct User Fees	Indirect User Fees	Specialized Taxes	General Taxes	Financing Tools
		Hotel taxes		
		Rental car taxes		
		Impact fees		
		Local/private in-kind contributions		

Table 1.3 Summary of Revenue Potential for Transportation Funding Options

Revenue Forecast for 2015

Funding Source	Description	2015 Revenues
Motor Fuel Taxes	Yield per penny by 2015	$4.0 million
	Reinstate motor fuel tax rate at 8 cpg	$32.2 million
	Adjust by CPI starting in 2010	$36.9 million
	Adjust motor fuel tax rate to capture value loss due to inflation over the last 10 years by 2010, and index annually thereafter	$46.6 million
Grandfathered Dedicated Fund for Maintenance	It would allow reinstating a fund dedicated to transportation	N/A
Vehicle Registration/ License Fees	$10 biannual fee increase	$4.8 million
Personal Property Tax on Vehicles	Property tax at the state level based on value of vehicle	N/A
Sales Tax on Motor Vehicles	1 percent sales tax on new and used vehicle sales	$26.8 million
VMT Fees	$0.01 per VMT; no indexing	$58.8 million
Weight-Distance Fee	Heavy vehicle fee based on vehicle weight, number of axles, and distance traveled	N/A
Alaska Transportation Fund	$1 billion dedicated from oil taxes	N/A
Constitutional Budget Reserve	Use a portion of interest/earnings from CBR	N/A
State General Fund Match to Local Funding	TBD	
Local Vehicle Registration Fees	$10 biannual fee; assume that is adopted by all communities	Up to $4.8 million
Fuel Transfer Taxes	Excise tax in cpg of fuel transferred	N/A
Property Taxes/ Road Service Areas	Ad valorem tax based on percentage of property values	N/A
Severance Taxes	Based on a percentage of profit from extraction of natural resources	N/A
Local Sales Taxes	0.5% sales tax adopted by all communities; excludes retail sales on motor vehicle, food, gasoline, and health care items	$37.4 million
Local Gas Taxes	Yield per penny by 2015, assuming that it is adopted by all communities	Up to $4 million
Income/Payroll Taxes	Percent of personal income, or percent of all salaries paid	N/A
Hotel Taxes	A percentage on room cost, or a flat rate per day	N/A
Rental Car Taxes	Flat rate per day, or x-percent of rental	N/A

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Funding Source	Description	2015 Revenues
Impact Fees	Based on units for residential development, or square footage for nonresidential development	N/A
Local In-Kind Contributions	Land donations, professional services	N/A
70/30 State to Local Match	Similar to school funding program for transportation	N/A

Funding Scenarios

The funding gap has been estimated at $585 million annually for highway, bridges, and transit investments. No single revenue source would be able to close the funding gap on its own, given the projected revenue potential of each individual source, as shown in Table ES.3. Therefore, a combination of taxes and fees would be required to meet unfunded needs.

Three funding scenarios (Table 1.4) were developed to illustrate the need for a diverse portfolio of funding sources to generate at least $300 million per year (i.e., about half of the estimated gap).

Table 1.4 Funding Scenarios

Funding Source	Scenario #1	Scenario #2	Scenario #3	Comments
ATF	$1 billion dedicated to create fund	Same as Scenario #1	Same as Scenario #1	
Motor Fuel Tax	Add 10 cpg to baseline rate (i.e., 8 cpg)	Add 20 cpg to baseline rate (i.e., 8 cpg)	Same as Scenario #2	10 cpg is the required increase to meet the national average excise motor fuel tax (18 cpg)
Vehicle Registration Fees	Increase current vehicle registration fee by 50% (i.e., add $50 biannual fee)	Increase current vehicle registration fee by 100% (i.e., add $100 biannual fee)	Same as Scenario #2	
Sales Tax on Motor Vehicles	0.5%	1.5%	1.25%	Sales tax on new and used vehicle retail sales; applied statewide
Local Sales Tax	0.5%	1.5%	1.25%	Sales tax adopted by all communities; excludes retail sales on motor vehicle, food, gasoline, and health care items
LSR&T	$20 million	$20 million	$20 million	Assume that the state reinstitute the LSR&T program

Table 1.5 and Figure 1.1 show the revenue potential of the three funding scenarios. Only motor fuel taxes (before suspension in September 2008) and vehicle registration fees are collected at the state level, and although not dedicated to transportation, they have generally been used to pay for ADOT&PF expenses.

Scenario #1 shows that closing the funding gap may not be achievable with a combination of taxes and fees at rates that could be generally acceptable. Both Scenarios #2 and #3 assume aggressive implementation and significantly higher fees to close half of the funding gap by 2010, but at levels that could be difficult to implement. While a transition to a user-fee based system might be recommended over the long-term, these scenarios further support the conclusion that direct and indirect user-fees in Alaska would not provide sufficient revenues without imposing a significant burden on its population, and that the state and local governments should consider a diverse portfolio of funding options to meet their transportation needs.

Table 1.5 Potential Contribution of Funding Mechanisms for Alaska Transportation Needs at the State and Local Levels
2010 (In Millions of Dollars)

Funding Source	Baseline	Scenario #1	Scenario #2	Scenario #3
ATF	N/A	$50	$50	$50
Motor Fuel Tax	30	69	107	107
Vehicle Registration Fees	43	66	88	88
Sales Tax on Motor Vehicles	N/A	10	31	26
Local Sales Tax	N/A	30	89	74
LSR&T	N/A	0	0	20
Total	**$73**	**$224**	**$365**	**$365**
Net Revenue (Compared to Baseline)	**0**	**151**	**292**	**292**

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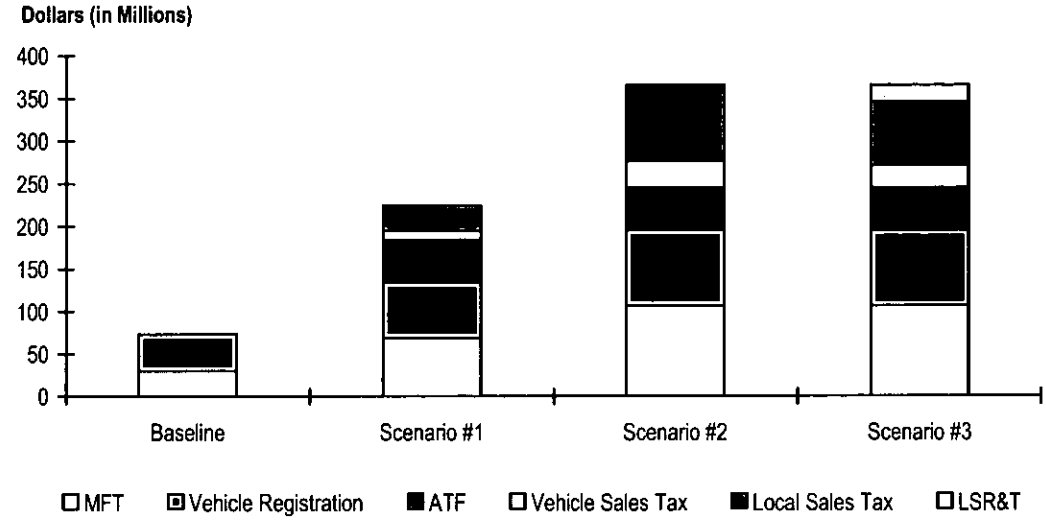
Figure 1.1 Gap Closing Potential of Revenue Scenarios



1.5 FUNDING OPTIONS

In this study, we have been tasked with finding answers to seven questions focused on whether the State can maintain its current levels of investment from its existing sources of revenue and what alternative sources would appropriate if these existing sources are not sustainable. The broad consensus among the stakeholders interviewed for this study and all indications from Washington, D.C. point to an imminent decline in Federal funding for Alaska's transportation needs. The question remains will this decline manifest itself as modest and steady reductions of the next six year reauthorization cycle, or will the State experience erratic drops with episodic infusions, or will the current Federal largess drop off a cliff. While the shape of this decline could have severe consequences to the state in the short term, long term consequences will look the same regardless of how quickly Federal funding dries up and state general funds decline. In other words, sooner or later the state will have to implement sustainable transportation funding.

Throughout our research for this study many stakeholders have provided compelling evidence that current levels of capital investment in state and local transportation infrastructure are insufficient. The ADOT&PF 2030 Plan has documented chronic deficiencies in investment of about $585 million annually for highway, bridge, and transit needs. While the scope of this study does not include further investigation of this gap, the interviews with stakeholders confirmed significant unfunded needs.

Our recommendations are focused on what the State's policy-makers should consider in the short- and longer-term to offset reductions in Federal funding and the likely decline in the state general fund revenues. Nevertheless, our

recommendations for a more sustainable funding portfolio incorporate strategies for increasing the overall investment and funding some of the unmet needs identified in the 2030 Plan.

Among the stakeholders we interviewed, there were many who have for some time been regarding the State's dependence on Federal revenue and general funds tied directly to international oil prices as a crisis waiting to happen. With the declining production of oil from the North Slop, many stakeholders we interviewed regard the looming loss of Federal funding as a long-awaited opportunity that is needed to catalyze improvements to the State's transportation funding practices. For them, "*You don't ever want a crisis to go to waste; it's an opportunity to do important things that you would otherwise avoid.*"[3] If policy-makers embrace such philosophy, then bold solutions to the impending crisis for funding Alaska's transportation should gain some precedence over more cautious, small adjustments. One outcome would be certain if only small changes are made (and the price of oil rebounds and the gas pipeline is constructed), the state will gain some additional time before its faces this crisis again. But sooner or later, there will be a reckoning.

We start by separating our recommendations into two categories: efficiency of existing spending and expansion of alternative state sources.

Efficiency

The need to increase revenues for transportation must also show that current spending is efficient. QA comprehensive investigation of specific measures to improve efficiency, however, is beyond the scope of this study. Nevertheless, the interviews with stakeholders revealed a few opportunities we can identify in general terms.

The most often cited example from stakeholder interviews involves the redundancy of all types of public infrastructure to maintain a minimum of basic public services for many far flung communities. These communities present a wide array of conditions, but a significant number may present some opportunities to reduce redundancy of expensive infrastructure. The four Chignik communities, for example, have multiple fuel farms, public docks, airports, schools, and other municipal facilities. In this case better roads connecting the communities would allow the sharing of duplicative facilities and save significant state expenditures.

Expansion of Alternative Sources

The funding gap has been estimated at $585 million annually for highway, bridges, and transit investments. We recommend that the State consider increasing a combination of taxes and fees to meet unfunded needs. The scenarios presented in Section 4.7 are merely illustrations of alternative bundles of

[3] Rahm Emanuel, President Obama's Chief of Staff, November 7, 2008.

funding increase that would close the current gap. The information within each scenario is intended to show what various sources could contribute. Policy-makers will evaluate an increase in each source on its own merits and in the context of the State's unique conditions.

Alaska's vast area, sparse roadway network, small population, scattered communities, resource extraction-based economy, tough weather, Federal control of 69 percent of its land, and high dependence on marine and air modes minimize any useful comparisons to the funding portfolios of other states, let along a comparison to foreign countries. So a source-by-source comparison of Alaska's transportation funding to other state does not necessary point to deficiencies should be corrected to bring Alaska's funding portfolio into closer correspondence with those of the lower 48. Nevertheless, economy theory and the laws of human behavior still apply and drive the same tradeoffs facing any state trying to optimize its funding of transportation. Furthermore, Federal the central pillar of Alaska's transportation funding approach may be crumbling. With the differences and commonalities in mind, we recommend the following increases to specific sources of funding.

Increase User Charges

The fundamental tension to using alternative sources of transportation funding involves finding an appropriate point along a policy continuum, where the two poles are funding transportation as a pure public good or as a public utility much the way most state pay for water or energy. Public utilities are funded with user fees, which in their purest form are priced to cover the true marginal cost of serving each additional customer. This approach is most effective when the follow conditions exist:

1. One citizen's use of the public service excludes another from using the same increment of service (e.g., a camping spot in a campground);
2. There is a cost-effective means of collecting payment (e.g., drivers license);
3. The benefits of the public good accrue to users and less equally to society as a whole (e.g., toll roads); and
4. The user charge sends a clear price signal that ensures the service is used efficiently (e.g., solid waste disposal).

A pure application of user fees for transportation funding would entail the use of vehicle miles of travel (VMT) fees that vary by time of day, location, vehicle type, driver behavior and other criteria that price that individual's travel for his/her full cost on the network and society. No such system has been deployed, although two successful but small demonstration trails have been completed in Oregon and Washington State (Puget Sound Regional Council). Policy-makers in Oregon and Washington regarded these trails as successes, but have concluded that migrating from gas taxes to VMT fees will require a Federal program with standardize system architecture. Meanwhile, cordon pricing programs (which

are VMT pricing programs within a specific area) have been implemented in London, Stockholm and Singapore, and Germany has a countywide VMT payment program for commercial trucking. In addition, pay-as-you-drive (PAYD) insurance is available in some form in 34 states and in many foreign countries, including Israel, the Netherlands, United Kingdom, South Africa, Canada, and Japan.

At the other end of the continuum, transportation is regarded as a public good. Such public services benefit all citizens and one citizen's use of the service does not exclude another citizen use of the same service. National defense is often sighted as the purest example of a pure public good. So are education, public health, consumer protection, environmental protection and other services. The primary rationales for funding pure public goods with general taxes include:

1. The difficulty excluding a citizen from using or benefiting from the public good unless the government collects payment;
2. The benefits of the public good are distributed more or less equally to society as a whole; and
3. A private market for the public good would be difficult to create or the feasibility of providing the service from private sector would require inefficient subsidies or undesirable policy outcomes.

Most experts place transportation somewhere closer to a utility than a pure public good, but there is considerable debate and many specific conditions affect its placement, including the severity of congestion, priorities for economic development, opportunities for public-private partnerships, public safety, social welfare, and lots of others. Most experts agree, however, that the price charged to most users in the United States undervalues the benefits they receive from transportation and does not force a user to pay the full costs they impose on other users and society as a whole. This general consensus that all modes of transportation enjoy significant subsidies from general tax revenue is leading to a likely change in the Federal government's criteria for distributing funding to states. This likely outcome of this policy shift will be new requirements that states and local jurisdictions charge more aggressive user fees and other forms of pricing to manage demand as well as cover the cost of higher local match. Furthermore, reauthorization of the Federal transportation bill indicate transportation may be required to mitigate the full social costs of travel (e.g., taxing carbon or green house gas emissions, national weight-distance fees for commercial vehicles, etc.).

The State's unique conditions listed in the beginning of this section make the replacement of lower Federal funding with more aggressive use of user fees

difficult.[4] This practical limitation is exacerbated by the State's constitutional ban on dedicated revenue sources. In order for Alaska to retain some competitive position for the next reauthorization of Federal transportation legislation, we recommend more aggressive use of the following three user fee-based funding sources for specific elements of Alaska's transportation services.

Increase Fuel Taxes and Index to Inflation

Fuel taxes are regarded as indirect or weak user fees. While the amount of each state's fuel tax is added to the wholesale price of the fuel (gasoline or diesel), the differences in retail price levels of fuel in each state do not appear to correspond to the tax rates. The fuel tax, which is technically a user fee, does not send a strong price signal to the motorist. In fact, most of us do not know what the state and Federal fuel tax rates are that we are paying. Nevertheless, in a recent survey from ADOT&PF, almost 67 percent of respondents indicated that state funding for roadways should be increased. Furthermore the data shows stronger public support for user fees if they are assured the revenues go to the specified purpose versus into unrestricted revenues.

Perhaps even more important, changes in a state's fuel tax rate seem to have little or no influence in the state's retail fuel prices. This appeared to be the case when Alaska's eight-cent gas tax was suspended. There is strong evidence that *changes* in retail fuel prices are driven by demand and *changes* in the State's fuel tax rate may only affect who captures the increment of profit from the retail sale of a gallon of fuel: the State, the gas station, the distributor, the carriers, the refiners, or the producers.[5] The data indicate that the suspension of the State's fuel tax did little to reduce the retail price of fuel and any temporary effect was quickly overwhelmed market forces.

Prior to its suspension, Alaska's fuel tax at eight cents per gallon (cpg) was the lowest in the nation. This amount generates about $30 million annually. In Section 4.7 of this report, we present three alternative funding scenarios. All three include increases in the State's fuel tax. If the State increase the fuel tax 10 cpg (above the 8 cpg rate), it will earn approximately almost $40 million more annually. If the increase were 20 cpg, the additional revenue would total about $77 million annually. Once these increases are in effect, the rate should be adjusted

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[4] The states vast area, sparse roadway network, small population, scattered communities, federal control of 69 percent of its land, and high dependence on marine and air modes.

[5] An example illustrating the incidence of different fuel tax rates occurs along the state boundary between New York and New Jersey. New York has one of the highest gas tax rates in the county (42 cents per gallon) while New Jersey has one of the lowest (about 14 cents a gallon). New York and New Jersey gas stations located within a block on each, however, charge the same price for gas. New York has the nation's best public transit system, which it funds largely with fuel tax revenues. New Jersey's transit and roadway infrastructure in is much poorer condition.

annually to track to an index that tracks with the weighted cost of Alaska's multimodal construction, maintenance, operations expenditures. This indexing of fuel tax should apply to all existing and new revenue sources. The reason is that Alaska needs adequate and reliable funding. Predictable and dependable multi-year funding sources give the State's planners the assurance that large capital projects can be funded reliably over time. Current funding depends on oil prices and global demand, which ensures episodic conflicts with the ongoing maintenance obligations because of erratic fluctuations in public revenues from petroleum sales.

Increase Vehicle Registration Fees

Vehicle registration, license and title fees represent the second largest revenue source for many state DOTs (after the motor fuel taxes). Alaska's vehicle registration fees generated $41.4 million and driver license fees generated about $3.4 million. This revenue comes from a flat vehicle registration fee of $100 every two years for passenger cars and a heavy vehicle registration fees which is based on weight: from $180 for vehicles up to 5,000 pounds to $662 for vehicles over 18,000 pounds. Assuming that the number of vehicle grows in line with population growth projections and the existing fees increase $5 per year for all vehicle classes, Alaska could levy an additional $4.8 million by 2015.

We recommend the State consider an increase in the fees across all categories from 50 to 100 percent. Such increases would generate between $23 million to $46 million more in annual revenue. The vehicle registration fees are one of three user fees in the State's portfolio and fuel taxes are the only one that generates significant revenues. (Revenues from driver license fees are sufficient to cover only administrative costs.) Unlike fuel taxes which are concealed in the retail price of gas or diesel, vehicle registrations fees are paid directly by the owner and therefore provide a clear price signal.

General Taxes and Trust Funds

There are compelling reasons for the State to migrate from a general tax-based funding approach to a portfolio more inclusive of user fees. Nevertheless, the significantly higher rates for direct and indirect user-fees that would be necessary to close the gap between needs and revenues would impose a significant burden on travelers and likely undermine economic development. Given the modest gains from increases in these user fee sources, the state and local governments should consider a portfolio of funding options that includes increasing general taxes to meet their transportation needs.

Alaska Transportation Fund

In 2008, the Governor of Alaska introduced legislation to create an endowment fund for transportation capital needs. The Alaska Transportation Fund (ATF) would be capitalized with $1 billion from oil taxes, with an expectation that the fund would earn dividends of eight percent or more, based on historic returns from other similar state funds. The State would be allowed to use up to five

percent of the fund's total value for capital projects. Based on this assumption, the ATF could yield over $50 million in the first year for transportation capital investments, and increasing over time as the value of the fund grows. The expectation is that the ATF would grow both from surplus earnings and from further deposits of oil tax revenues if budget surpluses continue in the future. It is anticipated that the fund would be managed to be inflation proof. All modes of transportation would be eligible, and funding would be allocated based on merit.

With the current drop in the price of oil below the break-even price of oil used to develop the State's budget, there is some uncertainty whether a bill on the ATF would be reintroduced and later approved by the legislature and if funding would be available to capitalize this fund in the 2009 legislative session.

Constitutional Budget Reserve

The Constitutional Budget Reserve (CBR) Fund allows the State to borrow money to balance the state budget when General Fund revenues fall short of actual expenditures. The State repays any funds borrowed with general fund surpluses. The CBR was funded by proceeds of settlement of tax and royalty disputes with the oil companies. By the close of fiscal year 2008, the CBR had almost $8.1 billion in reserve, which included a $3 billion transfer from the general fund. An alternative funding option would be to set aside a portion of the interest and/or earnings of the CBR for transportation.

State General Fund Match to Local Funding

The state match needed to secure Federal funding for highway projects come from annual legislative appropriations from Alaska's General Fund. In 2006, about $4.9 billion (6.8 percent) of the state funding match for highways came from General Fund appropriations. The 2007, National Transit Database (NTD) reported that state governments provided $2.6 billion in General Fund appropriations for transit, accounting for almost 30 percent of the state funding for public transportation. The past year's dramatic increases in oil prices have increased Alaska's General Fund revenues significantly. Nevertheless, local communities in general and small municipalities and villages in particular have a much harder time meeting the matching requirement of Federal funding and earmarks for their transportation needs. Furthermore, there is no state program that consistently provides funding for public transportation in Alaska.

We recommend a state program that ensures local communities will have access to sufficient state funding to match Federal funds. This funding program should include these features:

- Provide funding to cover a specified portion of the non-Federal share (e.g., state to provide 60 percent of the non-Federal share), and require commitment of local funding; and
- Grants awarded to specific projects based on merit, with an application process that may include eligibility criteria and evaluation of project benefits (e.g.,

economic development, job creation, connectivity improvements in rural communities, etc.), among other requirements.

As proposed in ADOT&PF's 2030 Plan and by staff from the Denali Commission, we also recommend that the State reinstitute the Local Service Roads and Trails (LSR&T) program to provide funding for local roads. Although local roads are eligible for the Community Transportation Program (CTP), funding through this program is tied to Federal regulations, making it difficult for rural communities to use. In addition, the future of the Denali Commission's roads program is uncertain, and continuing support from the Commission will require a commitment from the State for joint-funded and state-supported rural road projects. SAFETEA-LU provided $15 million for roads and $10 million for ports and harbors through the Denali Commission per year. The Commission estimates that between $30 and $40 million over the next five to eight years are needed to address most rural and local street transportation needs, with $10 to $15 million per year coming from the State.

Even if the Legislature accepts this recommendation, a number of difficult issues will remain. In a subsection within section 2.2 (Tensions between Surface Transportation Needs) of this report, we describe four issues of which the last two would need to be understood and possibly remedied for the recommendation to have its full effect. These two issues are: a) the demand of limited funding for state and locally owned roads; and b) local versus state ownership and control of transportation facilities. Key stakeholders believe the sizeable amount of transportation facilities still under state ownership and control force the State to dilute its focus on major state infrastructure. On the flip side, the lack of local control on many local facilities makes it difficult for local municipalities to force state officials to attend to problems that concern local residents, but fail to raise to a level of concern for the State.

1.6 STUDY OBJECTIVES AND STRUCTURE

The Alaska Municipal League (AML) commissioned Cambridge Systematics, Inc. to conduct an objective assessment of the current finance trends, challenges, and possible future solutions to meet Alaska's surface transportation finance needs. Specifically, the Transportation Finance Study is intended to answer the AML's six questions (see Section 1.1) were reorganized and addressed into the following sections:

- **Section 2.0 – Current Transportation Finance Trends and Issues in Alaska.** This section summarizes current financial trends by mode (highway, ferry, and transit) and highlights interesting and unique trends in Alaska transportation finance compared to the United States. A summary of transportation issues that would affect future transportation funding are provided based on input from interviews of Alaska's transportation stakeholders and a comprehensive literature review. This section concludes with a summary of the current methods used by the ADOT&PF for ranking transportation

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projects. It also suggests enhancements to the existing system to incorporate safety, efficiency, congestion reduction, community and economic stability, and economic diversification and job creation.

- **Section 3.0 – The Future of the Federal Transportation Program.** This section summarizes current proposals and studies related to the next authorization of the Federal transportation program. Common themes are identified among these studies and proposals that could impact Alaska's transportation funding. The summary provides recommendations on how Alaska may react to address the potential impacts.
- **Section 4.0 – Transportation Funding and Financing Options for Alaska.** This section presents possible funding and financing alternatives at the state and local level for transportation infrastructure. The feasibility and revenue potential of these funding and financing options are evaluated if these options are widely applied at the state and local levels.
- **Section 5.0 – Funding Options.** This section summarizes study findings and recommendations, which are intended to address the six questions posed by the AML.

1.7 STUDY APPROACH

The study gathered information from two major sources: 1) data mining from available sources and literature review; and 2) stakeholders interviews. This information provided the foundation for formulating our responses to the study questions. Both tasks are briefly summarized below.

Data Collection and Literature Review

The data collection effort for this project included gathering data from national and Alaskan data sources. The data was analyzed to assess the transportation funding trends by mode (i.e., highway, ferry, and transit), by level of government (i.e., Federal, state, and local), and by funding source. The data also provided a base for revenue forecast for the potential funding options.

The data sources used included:

- National:
  - FHWA Highway Statistics;
  - FTA National Transit Database (NTD);
  - U.S. Bureau of Census;
  - U.S. Bureau of Economic Analysis
  - U.S. Bureau of Labor Statistics;
  - U.S. Department of Energy (DOE) – Energy Information Administration;

- U.S. Forest Service;
- U.S. Department of the Interior - Bureau of Indian Affairs;
- U.S. National Parks Service;
- U.S. Federal Aviation Administration;
- Denali Commission;
- American Association of State and Highway Officials (AASHTO);
- American Petroleum Institute;
- National Automobile Dealers Association;
- American Association of Port Authorities; and
- Woods and Poole (2008 Forecast).

- State:
  - Alaska Department of Transportation and Public Facilities (ADOT&PF);
  - Alaska Department of Administration, Division of Motor Vehicles (DMV);
  - Alaska Department of Labor and Workforce Development;
  - Alaska Department of Commerce, Community and Economic Development;
  - Alaska Department of Revenue, Tax Division; and
  - Alaska Permanent Fund Corporation.

Table 1.6 summarizes the data collected and the sources from which data was obtained.

Table 1.6 Data Collected and Sources

Data	Data Source	
	Historical	Projection
Population	• U.S. Census Bureau • Alaska Department of Labor and Workforce Development	Alaska Department of Labor and Workforce Development
Consumer Price Index (CPI)	• Bureau of Labor Statistics (through 2007)	Congressional Budget Office (through 2018)
Fuel Prices	• U.S. Department of Energy, Energy Information Administration • Alaska Department of Commerce, Community and Economic Development, *Division of Community & Regional Affairs (DCRA)*	N/A
Gross State Product	• U.S. Bureau of Economic Analysis	N/A
Motor Fuels Tax Revenues	• Alaska Department of Revenue (1997-2007)	N/A
Fuel Consumption	• FHWA Highway Statistics, Tables MF-2 and MF-21 (1996-2006)	ADOT&PF (2006-2030)

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Data	Data Source	
	Historical	Projection
Lane-Miles	• FHWA Highway Statistics, HM-60 (1997-2006)	N/A
VMT	• FHWA Highway Statistics, VM-2 (1997-2006)	N/A
Port of Anchorage Container Traffic in TEUs	• American Association of Port Authorities/Port of Anchorage (1980-2007)	N/A
Registered Vehicles	• Alaska DMV (2000-2007) • FHWA Highway Statistics, Table MV-201	N/A
Aviation Funding	• Federal Aviation Administration (1997-2007)	N/A
Transit Funding	• FHWA Highway Statistics, MT-2A and MT-2B (1997-2006) • FTA National Transit Database, 2005 • FTA Statistical Summaries (1998-2007)	N/A
Ferry Funding and Expenditures	• AMHS Annual Financial Report, FY 2007 (1996-2007) • ADOT&PF 2030 Plan	N/A
Federal Lands Highway Funding	• Department of the Interior • National Parks Service • Federal Transit Administration (2006-2008) • U.S. Forest Service (2003-2009)	N/A
Federal-Aid Highway Funding	• FHWA Highway Statistics, FA-4 (1997-2006)	N/A
State Highway Funding and Expenditures	• FHWA Highway Statistics, SF-1, SF-2, SF-21 (1997-2006)	N/A
Local Highway Funding and Expenditures	• FHWA Highway Statistics, LGF-2 (1996-2006)	N/A
Denali Commission Funding	• Denali Commission	N/A

The study team also reviewed national reports related to transportation funding proposals and studies for the next authorization of the Federal transportation program. Studies and reports on Alaska transportation and finance issues also were reviewed to better understand the challenges faced by the state and local governments. Table 1.7 summarizes some of the documents reviewed for this study.

Table 1.7 Literature Review

Organization	Report Name
National and State Studies on Transportation Finance and Funding Options	
National Cooperative Highway Research Program	Web Document 102: Future Financing Options to Meet Highway and Transit Needs (December 2006) Report 569: Comparative Review and Analysis of State Transit Funding Programs (2006)
National Chamber Foundation	Future Highway and Public Transportation Financing (2005)

Organization	Report Name
National Conference of State Legislatures	Surface Transportation Funding: Options for States (May 2006)
American Association of State and Highway Officials (AASHTO)	Survey of State Funding for Public Transportation 2007 (February 2008)
American Road and Transportation Builders Association	2008 Ballot Initiatives Report
Oregon Department of Transportation	Oregon's Mileage Fee Concept and Road User Fee Pilot Program
Alaska Reports	
Alaska Department of Transportation and Public Facilities	Let's Get Moving 2030: Alaska Statewide Long-Range Transportation Policy Plan (February 2008)
TRIP	Future Mobility in Alaska: Meeting the State's Need for Safe and Efficient Mobility
Alaska Department of Revenue, Tax Division	Spring 2008 Forecast Annual Report (1999 through 2007)
Alaska Department of Commerce, Community, and Economic Development	Alaska Taxable 2007 Current Community Conditions: Fuel Prices Across Alaska, November 2008 Update
Alaska Mobility Coalition (AMC)	AMC Annual Report, 2007 Statewide Transportation Survey
Alaska General Contractors Association	Alaska's Construction Spending, 2008 Forecast
Fairbanks North Star Borough	Coordinated Transportation Plan, 2007-2009
University of Alaska Anchorage, Institute of Social and Economic Research (ISER)	How Vulnerable is Alaska's Economy to Reduced Federal Spending? (July 2008) Estimating the Future Costs for Alaska Public Infrastructure at Risk from Climate Change (June 2007)
National Studies and Reports on Reauthorization of the Federal Transportation Program	
Association of American Railroads (ARR)	National Freight Infrastructure Capacity and Investment Study Final AAR Principles on Federal Funding of Freight Rail
American Association of State Highway and Transportation Officials (AASHTO)	Authorization Principles and Vision Policies
American Public Transportation Association (APTA)	A Vision of 2050: Interim Report of APTA's TransitVision 2050 Task Force
American Road and Transportation Builders Association (ARTBA)	A New Vision and Mission for America's Federal Surface Transportation Program
Brookings Institute	A Bridge to Somewhere: Rethinking American Transportation for the 21st Century
Building America's Future Coalition	Building America's Future – Investing in Infrastructure
United States Government Accountability Office (GAO)	Surface Transportation: Restructured Federal Approach Needed for More Focused, Performance-Based, and Sustainable Programs Surface Transportation Programs: Proposals Highlight Key Issues and Challenges in Restructuring the Programs
GO21	Growth Options for the 21st Century
Center for Clean Air Policy	Green-TEA: Linkages to Climate Policy
National Academy of Public Administration	Financing Transportation in the 21st Century: An Intergovernmental Perspective

Organization	Report Name
National Surface Transportation Infrastructure Financing Commission	The Path Forward: Funding and Financing Our Surface Transportation System
Passenger Rail Working Group	Vision for the Future: U.S. Intercity Passenger Rail Network through 2050
Transportation Transformation Group	Principles for a New National Surface Transportation System
National Surface Transportation Policy and Revenue Study Commission	Transportation for Tomorrow
United States Chamber of Commerce	Surface Transportation Needs, Funding, and Economic Linkages
United States Department of Transportation	Refocus, Reform, Renew: A New Transportation Approach for America
National Transportation Policy Project (NTTP)	Commentary on the July 28 U.S. DOT Transportation Policy Proposal
Reconnecting America	Jumpstarting the Transit Space Race
Transportation Transformation Group	T2 October Discussion Draft – October 2008

Stakeholders Interviews

In collaboration with AML, Cambridge Systematics identified and developed a list of key stakeholders to interview about transportation funding needs and issues. A total of 22 interviews were conducted over the period of November 10 to 25, 2008. Most of the interviews were conducted by telephone, and a few individuals provided their responses via e-mail. Table 1.8 is a list of agencies and organizations interviewed for this study, including the individuals interviewed at each organization.

Table 1.8 List of Key Stakeholders Interviewed

Agency/Organization	Contact Person
Alaska Chamber of Commerce	Wayne Stevens
Alaska Energy Authority	Steve Haagenson
Alaska Industrial Development and Export Authority (AIDEA)	James Hemsath/Valerie Walker
Alaska Knik Arm Bridge and Toll Authority	Kevin Hemenway
Alaska Miners Association	Steve Borell
Alaska Mobility Coalition	David Levy
Alaska Oil and Gas Association	Marilyn Crockett
Alaska Railroad	Bruce Carr
Anchorage MATS	Craig Lyon
Anchorage People Mover	Jody Karcz
Association of General Contractors – Alaska	John MacKinnon

Agency/Organization	Contact Person
Chickaloon	Jennifer Harrison
Craig	Sam Thomas
Denali Commission	Mike McKinnon
Federal Aviation Administration	Byron Huffman
Fairbanks MPO	Donna Gardino
Fairbanks North Star Borough	David Leone
Federal Transit Administration, Region X	Rick Korchalis
Juneau Capital Transit	John Kern
Tribal Representative	Julianne Baltar
University of Alaska, Institute of Social and Economic Research	Scott Goldsmith
Western Federal Lands Highway Division	Phyllis Chun

In addition, the report was reviewed by AML and its partners (Table 1.9), who provided valuable input on the transportation finance issues in Alaska.

Table 1.9 Study Reviewers

Agency/Organization	Contact Person
Alaska Municipal League (AML)	Kathie Wasserman Peter Freer
AML Lobbyist	Ray Gillespie
Former ADOT&PF Commissioner	Mark Hickey
Former ADOT&PF Commissioner	Joe Perkins
Federal Highway Administration (FHWA) Alaska Division	David Miller
HDR	Tom Brigham
CH2M Hill	Dan Sterley
Former ADOT&PF Commissioner	Mike Barton
Matanuska-Susitna Borough	John Duffy
Association of General Contractors – Alaska	John MacKinnon

2.0 Current Transportation Finance Trends and Issues

2.1 Transportation Finance Trends in Alaska

This section presents the past 10 years of trends in transportation finance in Alaska. The historical trends for the State of Alaska include:

- Demand for transportation;
- Historical revenues;
- Federal-Aid apportionment;
- Transit funding;
- Aviation funding;
- Denali Commission;
- Federal Lands Highway Program; and
- Highway and Transit Needs.

Historical Transportation Demand

Alaska's population has grown at a steady one percent rate over the past 10 years. A similar growth rate also has been observed in the number of licensed drivers. Vehicle-miles driven and lane miles of roadway have increased at a similar rate, but faster than population. The number of private registered vehicles has grown much faster than population, mainly driven by a significant growth in SUVs and pick-up truck in the vehicle fleet. Figure 2.1 shows a summary of transportation demand statistics.

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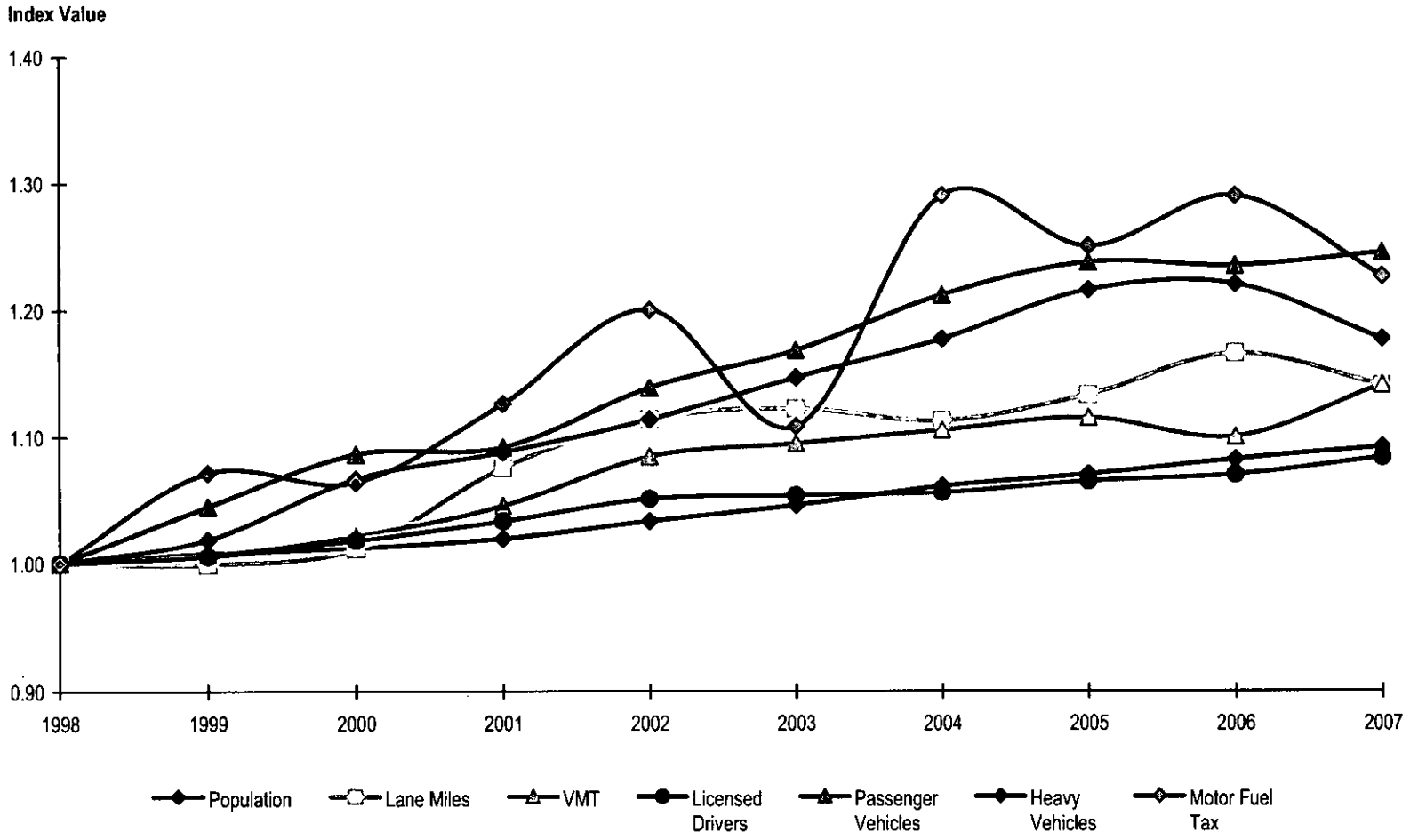
Figure 2.1 Alaska's Trends in Transportation Demand

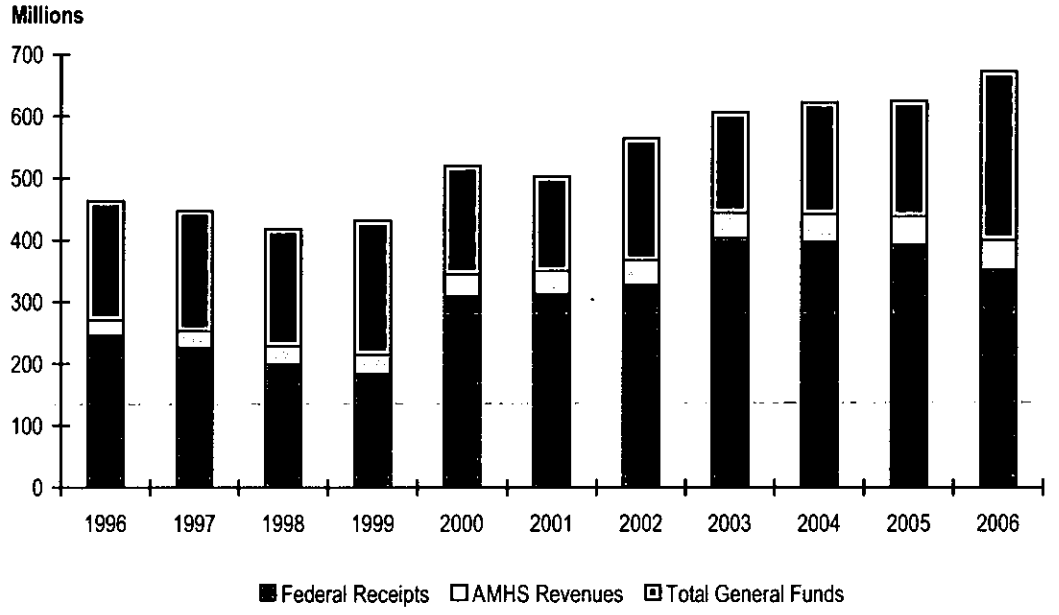


Source: Alaska Department of Labor and Workforce Development; Highway Statistics Series, Federal Highway Administration, Tables HM-60, VM-2, DL-22, MV-1, MV-9; Alaska Department of Revenue Tax Division.

Historical Revenues

The State has historically depended on Federal funds to meet the capital transportation needs of the State. These funds, however, peaked in 2003 and have been declining since. A fraction of funds are collected from Alaska Marine Highway System (AMHS) farebox revenues. The General Fund is used primarily for state matches on Federal funds, operations and maintenance on highways and rural airport, and to subsidize AMHS operating costs. Federal funding is used primarily for capital improvement, although some of funding has been allocated in the past for preventive maintenance. Figure 2.2 shows the latest information on historical revenues for ADOT&PF for highways, bridges and ferries as provided in the most recent statewide long-range plan[6] and reported to FHWA Highway Statistics.

Figure 2.2 ADOT&PF Historical Revenues for Highways



Source: AMHS Revenues from ADOT&PF 2030 Plan, Technical Appendix (p.64); General Fund and Federal Receipts from Highway Statistics Series, Federal Highway Administration, Tables SF-21 and SF-3B (for state funding adjustments for AMHS revenues reported to FHWA).

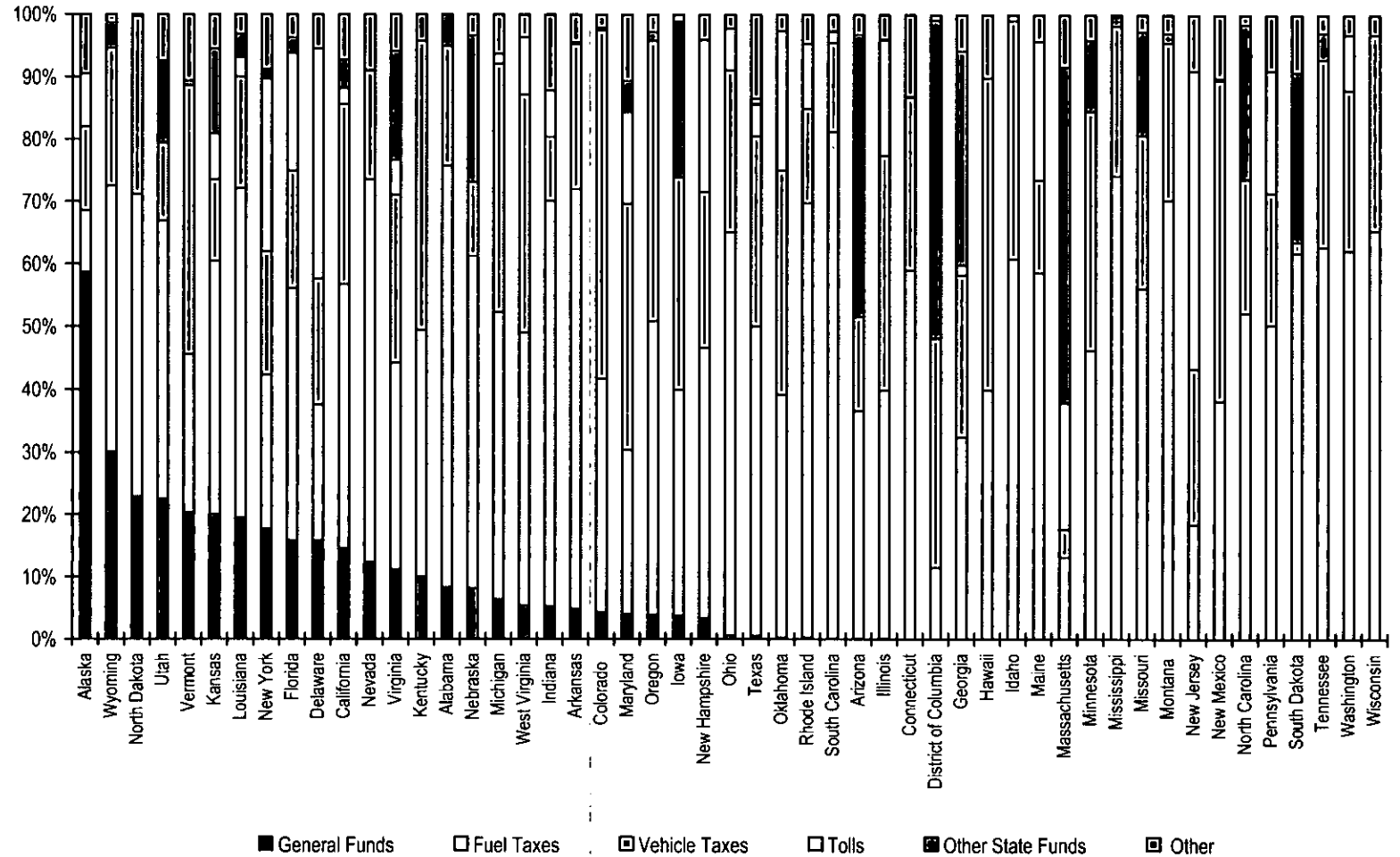
Figure 2.3 shows that the General Fund comprises the largest portion of state highway funding in Alaska. On a percentage basis, Alaska's General Fund contributes twice of that of the next highest state, Wyoming. Only Alaska does not

[6] Alaska Department of Transportation and Public Facilities, *Let's Get Moving 2030: Technical Appendix, System Level Needs Analysis and Finance Analysis*, February 2008.

dedicate motor fuel tax levies to transportation. Table 2.1 summarizes the current fuel tax rates for all 50 states and the District of Columbia and indicates if fuel taxes can be used for nonhighway transportation needs, such as public transportation and bicycle. Although revenues from motor fuel taxes in some states are deposited into the State's general fund (e.g., Georgia), a portion or all revenues are appropriated and transferred into dedicated highway funds. Nineteen states do not use their general fund to fund transportation projects (Figure 2.3), but most of their highway funding comes from motor fuel taxes, vehicle fees and other state revenues.

The State, however, earns only 10 percent of its highway funding from fuel taxes, which is the lowest of the 50 states. Only the District of Columbia, Massachusetts, and New Jersey have percentages less than 20 percent.

Figure 2.3 State Highway Funding, State by State, 2006 (Shares of State Budget from Each Source)



Source: Highway Statistics Series, Federal Highway Administration, Table SF-1.

Table 2.1 Fuel Tax Rates

Cents per Gallon as of January 2009

State	Gasoline Excise	Diesel Excise	Other Motor Fuels Taxes	Dedicated to Transportation Purposes	Comments
Alabama	16.00	19.00	2.00	Yes	• Other taxes include average city and county taxes.
Alaska	8.00	8.00		No	• Net proceeds of motor-fuel taxation are deposited in the general fund. Legislature appropriates funds from these accounts for specific activities. • Motor fuel tax suspended through August 2009.
Arizona	18.00	18.00	9.0 (diesel)	Yes	• Additional 9 cpg on diesel for vehicle over 26,000 pounds.
Arkansas	21.50	22.50		Yes	
California	18.00	18.00	16.1 (gasoline)/ 20.0 (diesel)	Yes	• Other taxes include a six percent state sales tax and 1.25 percent county, plus additional local sales taxes. • Other nonhighway uses include: bike, public transportation, and State Park roadway system.
Colorado	22.00	20.50		Yes	
Connecticut	25.00	37.00	9.3 (gasoline)	Yes	• Other taxes include a seven percent tax on petroleum products gross earnings, scheduled to increase to 8.1 percent by July 2013. • Other nonhighway uses include rail and bus operations.
Delaware	23.00	22.00		Yes	
District of Columbia	20.00	20.00		Yes	
Florida	4.00	4.00	30.5 (gasoline)/ 25.8 (diesel)	Yes	• Other gasoline and diesel taxes include sales tax, State Comprehensive Enhanced Transportation System tax (SCETS), and local option taxes. • Other nonhighway uses include public transportation.
Georgia	7.50	7.50	4.9 (gasoline)/ 7.2 (diesel)	Yes	• Other taxes include a sales tax on motor fuel (four percent, of which three percent is dedicated to transportation) and local option taxes. • Motor fuel tax revenues are deposited in the General Fund. General Fund appropriations for highway purposes for a given fiscal year must equal or exceed motor-fuel tax revenues (less refunds, rebate, and collection costs) received during the preceding fiscal year. Sales tax revenue from the "second motor-fuel tax" is counted as part of motor-fuel tax revenues.

State	Gasoline Excise	Diesel Excise	Other Motor Fuels Taxes	Dedicated to Transportation Purposes	Comments
Hawaii	17.00	17.00	16.5 (gasoline)/ 29.2 (diesel)	Yes	• Other taxes include county taxes for gasoline and diesel; for diesel, it also includes a four percent sales tax on the price of fuel, excluding Federal and state excise taxes.
Idaho	25.00	25.00		Yes	
Illinois	19.00	21.50	13.4 (gasoline)/ 17.4 (diesel)	Yes	• Other taxes include 6.25 percent sales tax on retail price (excluding Federal and state excise taxes) and local sales and local excise fuel taxes. • Nonhighway transportation uses include bike and mass transit (operations).
Indiana	18.00	16.00	11.2 (gasoline)/ 24.3 (diesel)	Yes	• Other taxes include seven percent sales on retail price (excluding Federal and state excise taxes). For diesel, there is an additional 11 cpg surcharge.
Iowa	21.00	22.50		Yes	
Kansas	24.00	26.00		Yes	
Kentucky	21.00	18.00		Yes	
Louisiana	20.00	20.00		Yes	• Other nonhighway uses include public transportation.
Maine	28.40	29.60		Yes	
Maryland	23.50	24.25		Yes	• Other nonhighway uses include ports, airport, and public transportation.
Massachusetts	21.00	21.00		Yes	• Other nonhighway uses include public transportation.
Michigan	19.00	15.00	11.5 (gasoline)/ 14.6 (diesel)	Yes	• Other fuel taxes include six percent sales tax. • Other nonhighway uses include small bus and specialized services, intercity passenger and freight rail.
Minnesota	25.50	25.50		Yes	
Mississippi	18.40	18.40		Yes	
Missouri	17.00	17.00		Yes	
Montana	27.00	27.00		Yes	
Nebraska	26.40	26.40		Yes	
Nevada	23.00	27.00	9.3 (gasoline)	Yes	• Other fuel taxes include county taxes on gasoline.
New Hampshire	18.00	18.00		Yes	

State	Gasoline Excise	Diesel Excise	Other Motor Fuels Taxes	Dedicated to Transportation Purposes	Comments
New Jersey	10.50	13.50	4.00	Yes	• Other fuel taxes include 4 cpg on Petroleum Products Gross Receipt Tax. • Other nonhighway uses include public transportation.
New Mexico	17.00	21.00		Yes	
New York	8.00	8.00	33.3 (gasoline)/ 35.4 (diesel)	Yes	• Other taxes include Petroleum Business Tax. It also includes local county sales tax of between 3.125 percent to 4.75 percent, or between six to 10 cpg for the few localities that do not use a percentage tax. • Other nonhighway uses includes public transportation (capital and operations).
North Carolina	29.85	29.85		Yes	
North Dakota	23.00	23.00		Yes	
Ohio	28.00	28.00		Yes	
Oklahoma	16.00	13.00		Yes	• Other nonhighway uses include public transportation and rail.
Oregon	24.00	24.00	1.0 (gasoline)/ 0.3 (diesel)	Yes	• Other taxes include additional optional county gasoline (ranging from 1 to 3 cpg and city gasoline and diesel taxes (ranging from 1 to 5 cpg).
Pennsylvania	12.00	12.00	19.2 (gasoline)/ 26.1 (diesel)	Yes	• Other fuel taxes include 19.2 cpg oil company franchise tax on liquid fuels (primarily gasoline) and 26.1 cpg oil company franchise tax on fuels (primarily diesel).
Rhode Island	30.00	30.00		Yes	• One-third of the revenues (10 cents) are allocated to the State General Fund and some appropriations for highway purposes are made from the General Fund. • Other nonhighway uses include public transportation and the Elderly and Disabled Transportation program.
South Carolina	16.00	16.00		Yes	• Other nonhighway uses include public transportation.
South Dakota	22.00	22.00		Yes	
Tennessee	20.00	18.00		Yes	
Texas	20.00	20.00		Yes	• Twenty-five percent of fuel tax revenues are dedicated to education.
Utah	24.50	24.50		Yes	
Vermont	20.00	26.00		Yes	

State	Gasoline Excise	Diesel Excise	Other Motor Fuels Taxes	Dedicated to Transportation Purposes	Comments
Virginia	17.50	17.50		Yes	• Localities within the Northern Virginia Transportation District or localities in a transportation district contiguous to that district levy a two percent sales tax on motor fuel. • Other nonhighway uses include public transportation (capital and operations).
Washington	37.50	37.50		Yes	
West Virginia	20.50	20.40	11.70	Yes	• Other fuel taxes include a five percent variable tax rate based on statewide average wholesale price of gasoline, with a minimum price of $2.20 per gallon.
Wisconsin	30.90	30.90		Yes	• Other nonhighway uses include public transportation, railroad and airport development, and intercity rail.
Wyoming	13.00	13.00		Yes	

Source: FHWA Highway Statistics, Table MF-121T; FHWA *Highway Taxes and Fees 2008: How are they collected and distributed*, Table MF-106; American Petroleum Institute.

Figure 2.4a shows surface transportation spending in 2006 (highway and transit), by state, as a percentage of gross state product (GSP). When Federal funding for transportation is included, Alaska is in the top 10 states, with transportation spending accounting for 1.94 percent of the GSP. In average, transportation spending was about 1.55 percent of the states' GSP, including Federal funding contributions. Figure 2.4b shows state and local transportation spending as a percentage of GSP, net of Federal funding. In this case, Alaska's spending in transportation fell below the national average (1.14 percent), estimated at 1.09 percent in 2006.

A final comparison on transportation spending as a percentage of GSP is shown in Figure 2.4c, which accounts only for capital spending. In that case, Alaska falls in the bottom five states, with capital transportation spending at 0.15 percent of the GSP, underscoring the reliance of Alaska on Federal funding to support transportation capital investments. Table 2.2 summarizes the data in Figures 2.4a, 2.4b, 2.4c for Alaska and its peer states. Alaska's transportation spending as a percent of GSP is generally on the lower end when compared to its peer states when excluding Federal funding.

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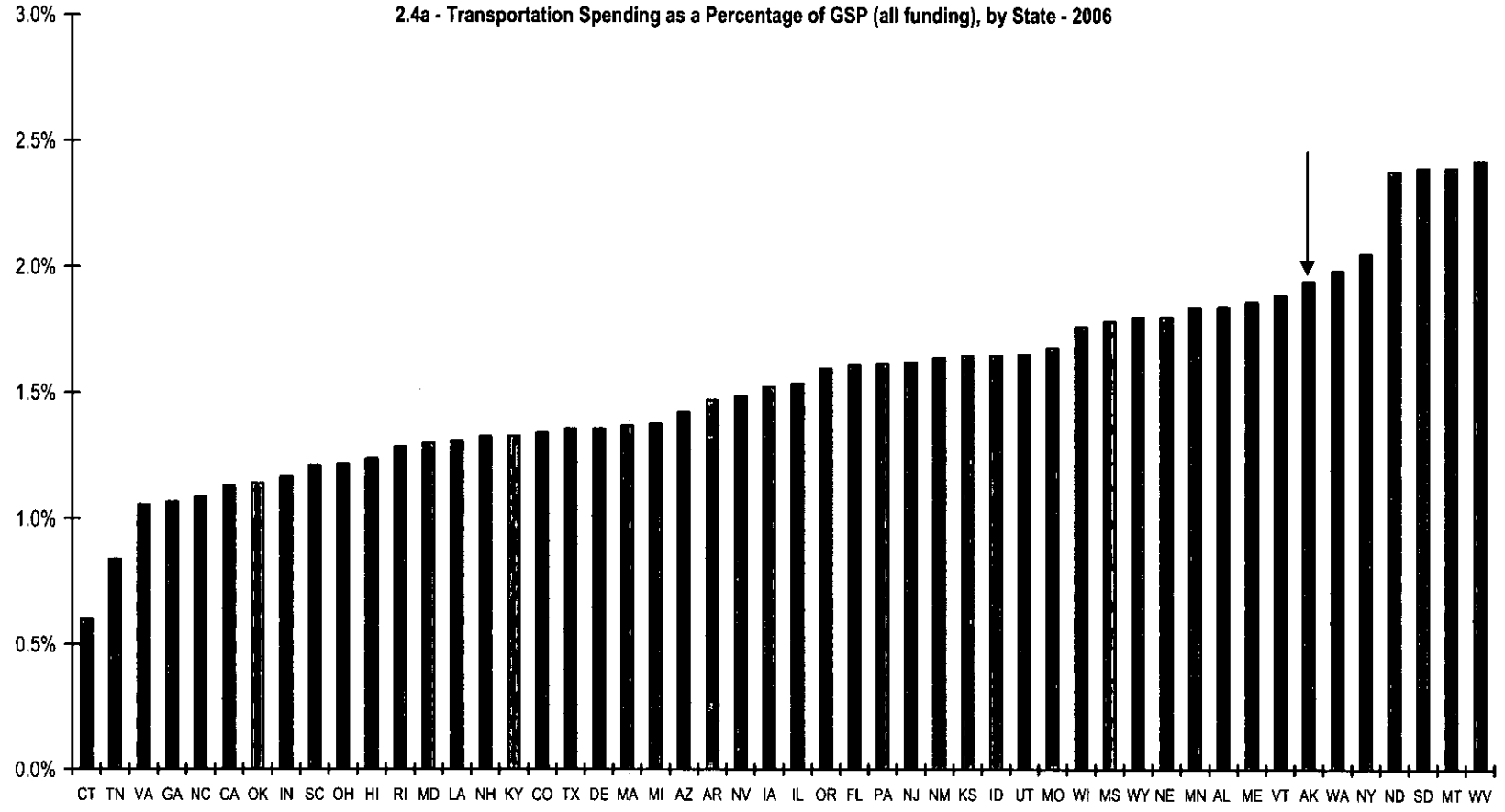
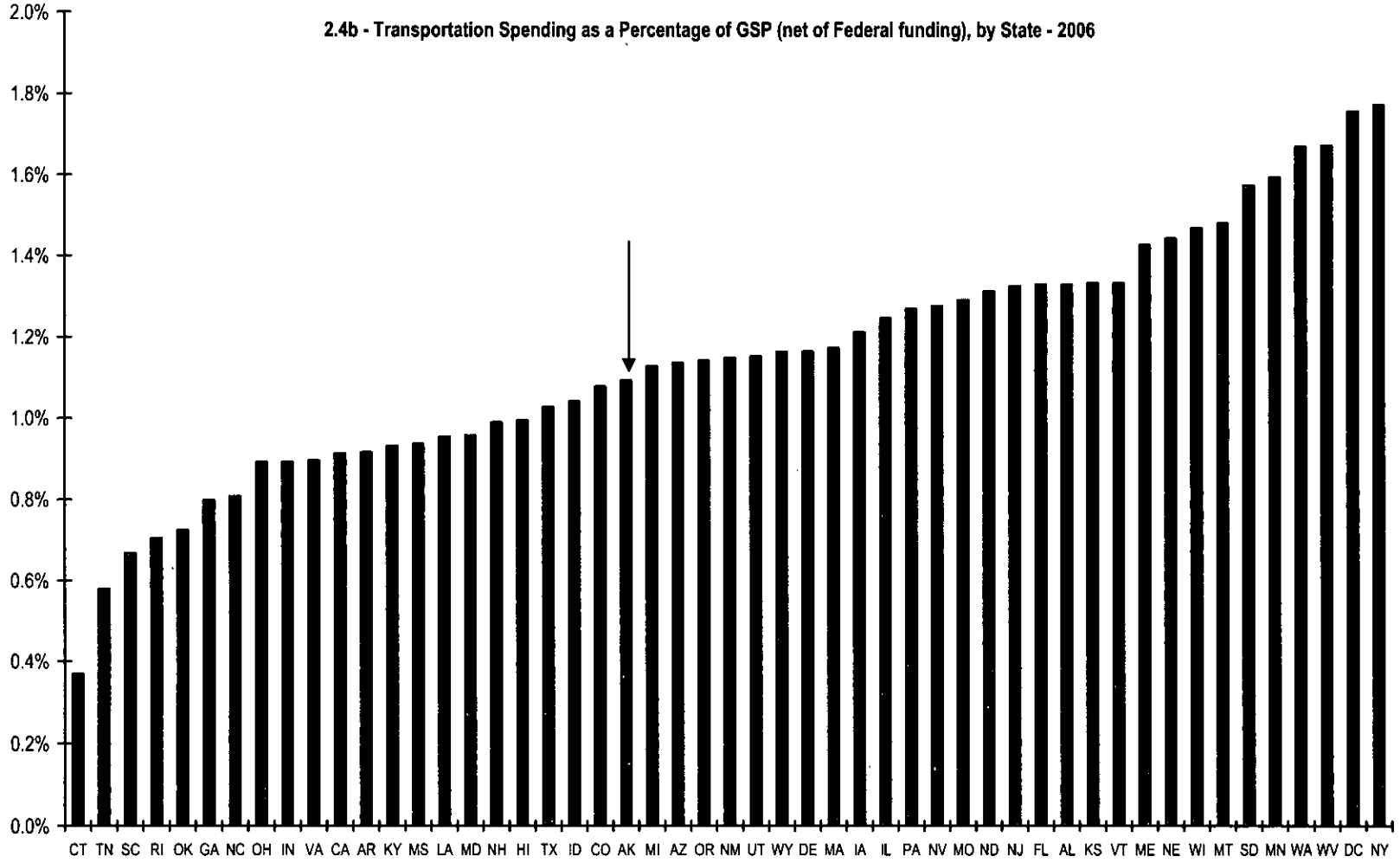
Figure 2.4 Surface Transportation Spending as a Percentage of Gross State Product (GSP) in 2006

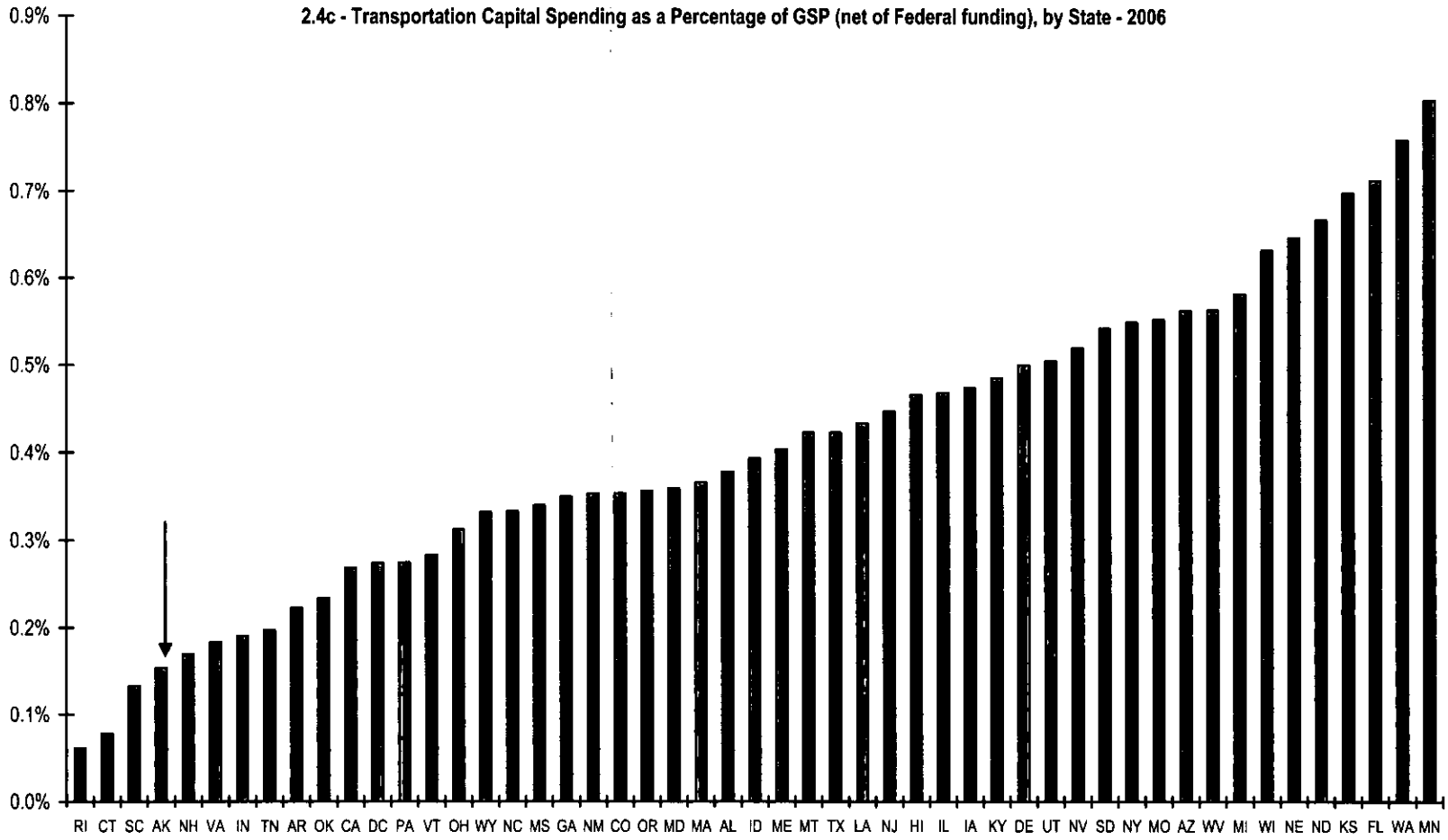
By State



Sources: Cambridge Systematics analysis of data from: Bureau of Economic Analysis; FHWA Highway Statistics, Tables SF-1, SF-2, LGF-1, LGF-2, MT-2a, and MT-2b.



Sources: Cambridge Systematics analysis of data from: Bureau of Economic Analysis; FHWA Highway Statistics, Tables SF-1, SF-2, LGF-1, LGF-2, MT-2a, and MT-2b.



Sources: Cambridge Systematics analysis of data from: Bureau of Economic Analysis; FHWA Highway Statistics, Tables SF-1, SF-2, LGF-1, LGF-2, MT-2a, and MT-2b.

Table 2.2 Surface Transportation Spending as a Percentage of Gross State Product (GSP) in 2006, for Alaska and Top Nine States

State	Total Transportation Spending	Ranking	Total Transportation Spending (Net of Federal)	Ranking	Capital Spending (Net of Federal)	Ranking
Montana	2.39%	1	1.48%	2	0.42%	3
South Dakota	2.39%	1	1.57%	1	0.54%	2
North Dakota	2.38%	3	1.31%	5	0.67%	1
Alaska	**1.94%**	**4**	**1.09%**	**7**	**0.15%**	**9**
Vermont	1.89%	5	1.33%	4	0.28%	7
Maine	1.86%	6	1.43%	3	0.40%	4
Wyoming	1.80%	7	1.16%	6	0.33%	6
Idaho	1.65%	8	1.04%	8	0.39%	5
New Hampshire	1.33%	9	0.99%	9	0.17%	8
National Average	1.45%		1.14%			

Source: Cambridge Systematics analysis of data from: Bureau of Economic Analysis; FHWA Highway Statistics, Tables SF-1, SF-2, LGF-1, LGF-2, MT-2a, and MT-2b.

Federal-Aid Apportionment

Table 2.3 shows that the total overall Federal-aid highway funding for Alaska has declined slightly in recent years when compared to the beginning of the decade. Whereas a minimum guarantee was indicated in the years before the last reauthorization it was replaced with the equity bonus under SAFETEA-LU. In 2007, the core programs - Interstate Maintenance, National Highway System (NHS), Surface Transportation Program (STP), Congestion Mitigation and Air Quality (CMAQ), and the Highway Safety Improvement Program (HSIP) each have larger levels of apportioned funds than in previous years because they include equity bonus distributions for each program.

Table 2.4 shows obligations of FTA program funding for public transportation in Alaska. Funding increased significantly in 2001, doubling the obligations from Urbanized Area funding, bus capital and New Starts grant funding. Funding levels declined and fluctuated thereafter with another significant infusion of capital funding from Bus and New Starts grant programs in 2006. According to FTA information, recent apportionments of New Starts funding in Alaska are designated to the AMHS and the Denali Commission.

Transit Funding

ADOT&PF policy supports public transportation, however, operations are conducted by each community's local government or by a nonprofit agency. Transit

does not receive dedicated state assistance in support of operations or capital programs, which is unique among Alaska's modes of transportation.

Figures 2.5 and 2.6 show Alaskan public transportation is highly dependent on local funds for operations and on Federal funds for capital projects. Note that although the graphic shows state funding for both capital and operations, Alaska Mobility Coalition (AMC) indicated that these are Federal funds coming through ADOT&PF. Only funding and revenue data from Anchorage People Mover and Fairbanks North Star Borough transit services, along with the Alaska Railroad Corporation (ARR), are captured on Figures 2.5 and 2.6, and excludes rural transit services. ARR receives significant Federal funding for capital expenses from the U.S. DOT.

Rural transit services, including Juneau's Capital Transit reported a total of $9.0 million in transportation funding and revenues in fiscal year 2006, of which only $162,171 was for capital expenses. Juneau's Capital Transit reported over half of the funding ($5.1 million), including $80,000 from local assistance for capital expenses. About two-thirds of Juneau's transit funding came through local assistance; other rural (and smaller) transit service providers relay primarily on Federal funding to supports its operating needs. Figure 2.7 shows funding for rural transit. Overall, about 35 percent of the total funding came through Federal grants, and almost 44 percent of the funding was provided by local governments.

Table 2.3 Alaska's Federal-Aid Highway Funding Program Apportionment

1998 to 2007 (Thousands of Nominal Dollars)

Year	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Interstate Maintenance[c]	17,663	20,208	19,423	20,466	20,779	19,799	21,293	24,880	24,617	53,452
National Highway System[c]	21,804	25,167	24,312	25,308	25,914	24,939	26,820	30,711	30,194	65,030
Surface Transportation Program[c]	23,275	26,883	27,138	27,676	28,109	28,010	30,123	32,336	29,831	65,558
Bridge[c]	9,335	13,503	12,940	10,118	9,109	9,877	10,622	17,677	15,264	34,025
Congestion Mitigation and Air Quality[c]	5,818	6,557	6,619	6,753	6,858	6,834	7,349	7,890	8,084	18,970
Recreation Trails	365	487	708	694	655	733	789	898	1,031	1,114
Metropolitan Planning	812	935	944	963	978	974	1,193	1,469	1,434	1,473
Border Infrastructure[a]								808	952	1,103
Safe Routes to School[a]								1,000	990	1,000
Equity Bonus[a, b, c]								163,758	163,270	58,899
Highway Safety Improvement Program[a, c]									5,028	11,601
Rail Highway Crossings Program[a]									1,089	1,100
Minimum Guarantee[b]	181,235	208,848	215,982	218,402	218,635	216,615	233,076			
Revenue Aligned Budget Authority			15,871	34,458	41,676		48,690			
Total	**260,307**	**302,588**	**323,937**	**344,838**	**352,712**	**307,781**	**379,955**	**281,428**	**281,784**	**313,325**

Source: Highway Statistics Series, Federal Highway Administration, Table FA-4.

[a] Funding program created under SAFETEA-LU.

[b] Minimum Guarantee was replaced by Equity Bonus.

[c] In 2007, Equity Bonus does not include the core programs. These funds are included in the core programs: Interstate Maintenance, NHS, STP, Bridge, CMAQ, and Highway Safety Improvement Program.

Table 2.4 Alaska's FTA Funding Obligations

1998 to 2007 (Thousands of Nominal Dollars)

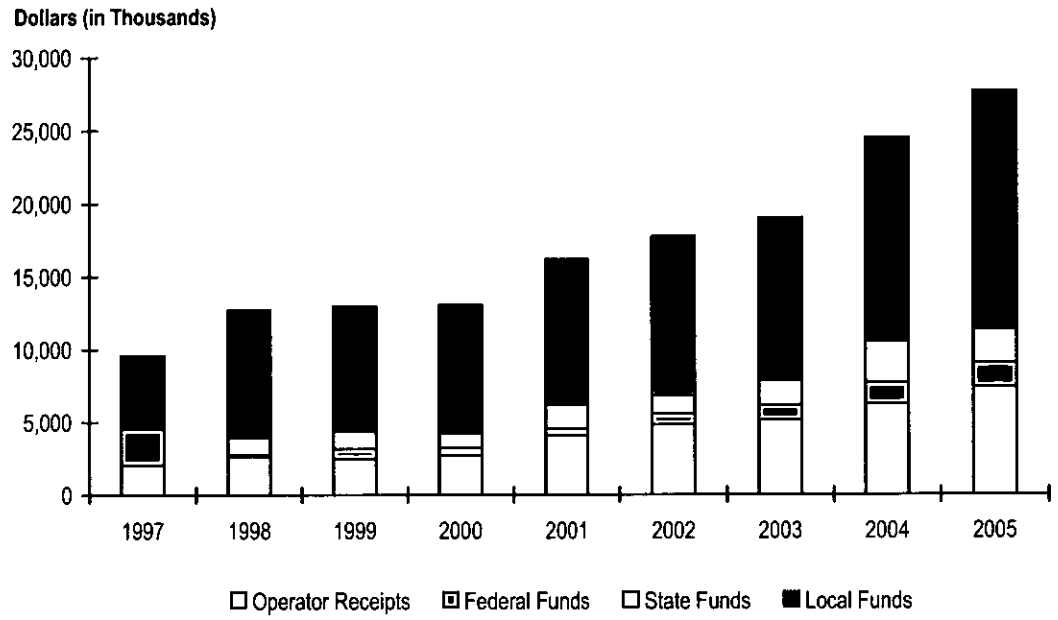
Year	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Section 5307 – Urbanized Area Formula Program	1,478	0	8,154	17,891	0	15,825	5,030	15,166	16,340	19,676
Section 5311 – Nonurbanized Area Formula Program	1,566	3,319	686	2,991	2,913	1,122	15,177	2,295	6,070	7,435
Section 5311(b)(3) – Rural Transit Assistance Program	57	72	70	72	72	72	54	65	103	81
Section 5316 – Job Access/Reverse Commute	0	0	800	60	699	1,097	844	1,462	743	1,131
Section 5310 – Elderly and Persons with Disabilities	458	413	419	469	476	547	695	745	506	0
Section 3038 – Over-the-Road Bus Program	0	0	0	0	0	0	26	0	25	26
Section 5309 – Fixed Guideway Modernization	0	0	0	0	4,640	4,335	3,805	10,302	13,033	15,704
Section 5309 – Bus and Bus Facilities	0	0	0	14,798	14,214	19,362	7,431	8,041	25,795	4,741
Section 5309 – New Starts	0	6,345	0	30,622	9,044	10,579	2,475	0	19,908	9,060
Section 5303/5304 – State/Metropolitan Planning	0	0	274	253	268	305	342	441	159	390
Section 5317 – New Freedom Program[a]									0	0
Alternative Transportation in Parks and Public Lands[a]										4,700
Total	**3,560**	**10,150**	**10,404**	**67,156**	**32,326**	**53,243**	**35,880**	**38,517**	**82,684**	**63,944**

Source: Federal Transit Administration, Statistical Summaries, http://www.fta.dot.gov/funding/data/grants_financing_1090.html.

[a] Funding program created under SAFETEA-LU.

Figure 2.5 Alaska's Revenues for Transit Operations

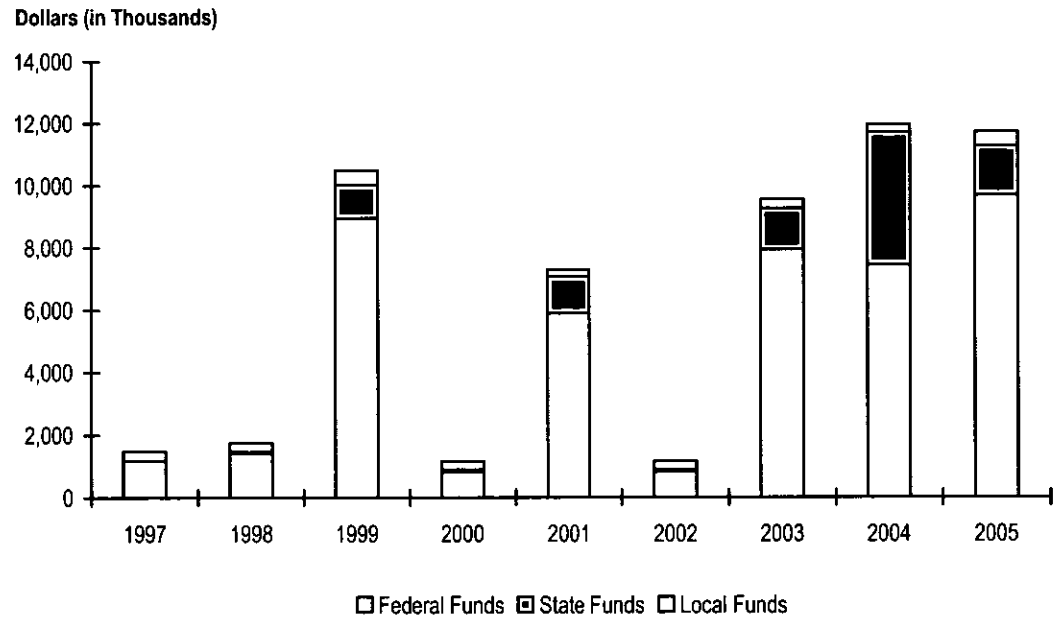
Thousands of Nominal Dollars



Source: Highway Statistics Series, Federal Highway Administration, Table MT-2B.

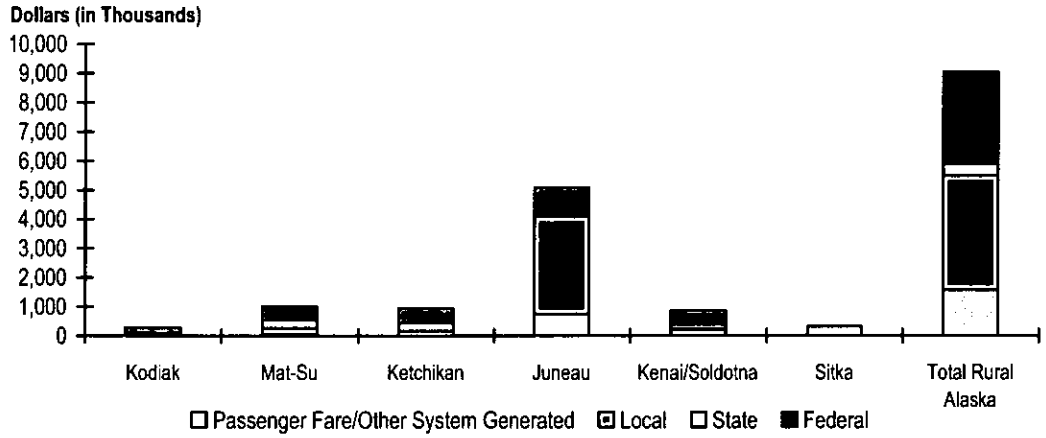
Figure 2.6 Alaska's Transit Capital Projects Revenues

Thousands of Nominal Dollars



Source: Highway Statistics Series, Federal Highway Administration, Table MT-2A.

Figure 2.7 Alaska'a Revenues for Rural Transit Services
2006



Source: Alaska Department of Transportation and Public Facilities.

Transit in Parks

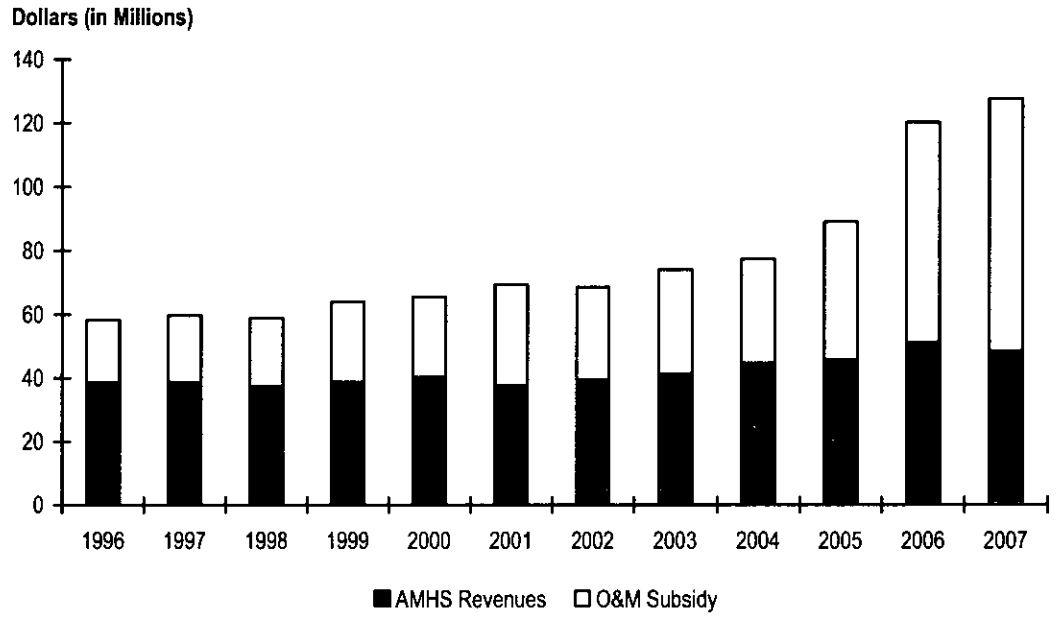
Transit in the Parks Program, formerly the Alternative Transportation in Parks and Public Lands (ATPPL) Program, is designed to address traffic delay, noise and air pollution issues that detract from the visitor's experience to popular national parks, wildlife refuges, national forests, and other Federal lands. The Federal Transit Administration, along with the Department of the Interior and the Forest Service, administer this competitive-grant program. Table 2.5 shows that Alaska has received a few grants from this program.

Table 2.5 Transit in Parks Grants

Year	Awards	Location
2006	5,900,000	Chugach National Forest ($4.7M railroad), Glacier Bay ($1.2M boat dock)
2007	3,500,000	Glacier Bay ($3.0M boat dock), Tongass National Forest (ITS System)
2008	400,000	Chugach National Forest (Native Village of Eyak Transportation Planning Grant)

Source: Federal Transit Administration, Alternative Transportation in Parks and Public Lands (5320), http://www.fta.dot.gov/funding/grants/grants_financing_6106.html.

Figure 2.8 AMHS Operating Expenditures[a]



Source: AMHS Annual Financial Report, Fiscal Year 2007.

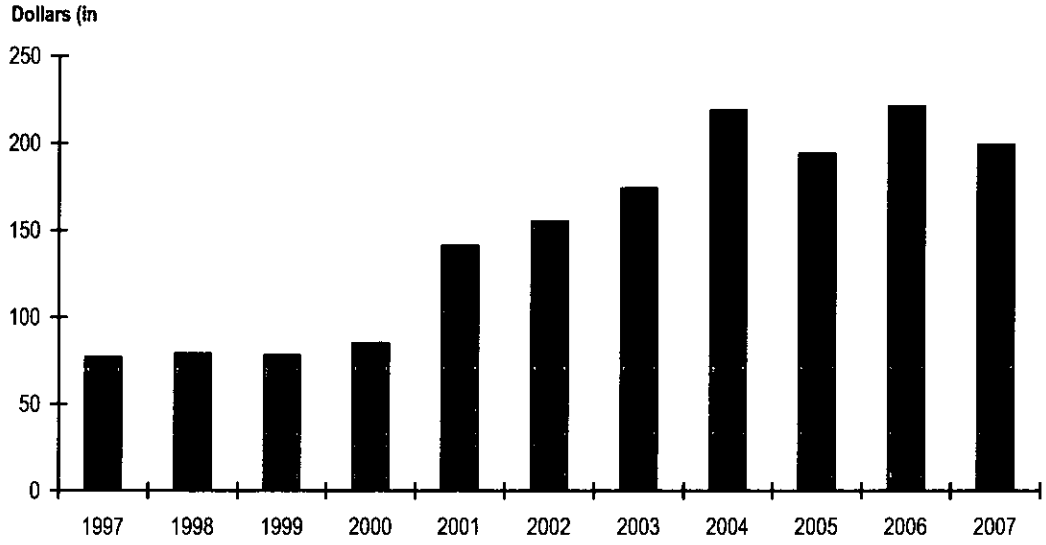
[a] Does not include expenditures from Marine Engineering, Operations Management, Reservations and Marketing, and Shore Operations.

Aviation Funding

Aviation revenues for ADOT&PF are primarily collected in the form of Airport Improvement Plan (AIP) revenues from the Federal Aviation Administration (FAA). In 2007, the AIP provided $199 million in grants for 51 projects at Alaska airports, the third highest funding total in the nation behind California and Texas. Figure 2.9 shows AIP funds for Alaska Airports since 1997.

Similar to the Federal Highway Trust Fund issue, the aviation trust fund is also getting depleted and Federal reauthorization of aviation funding has been stalled, with FAA operating with short-term extensions since 2007. The last extension is set to expire in March 2009.

Figure 2.9 Alaska Receipts of FAA Airport Improvement Program Funding
Millions of Nominal Dollars



Source: Federal Aviation Administration, Airport Improvement Program, http://www.faa.gov/airports_airtraffic/airports/aip/.

Denali Commission

The Denali Commission is a Federal-state partnership that was formed in 1998 providing cost-shared infrastructure projects throughout the State. Transportation is one of the programs that the Commission offers and it focuses on two primary elements: roads and waterfront development. All transportation projects target rural communities. The Commission is generally responsible for project selection, and then assigns projects to design and construction partners that are responsible for executing these projects. The Commission follows project development through project oversight and reporting by partners and/or sponsors.

In an effort to respond to local community interests, the Commission has chosen to work with local governments, including tribes and cities, and tribal regional nonprofits, as well as traditional Federal and state transportation agencies to develop selected projects. SAFETEA-LU authorized $15 million for roads and $10 million for waterfront development per year through 2009. In the three years that Transportation has been a program beginning in 2006, the U.S. Department of Transportation has provided almost $70 million in funding. The Commission funding is often combined with tribal funds (Tribal Shares), city funds, and other state/Federal money to fully fund projects.

It became clear over time that some rural communities did not have Tribal Shares or other funding to provide matching funds. In response, the State of Alaska

provided a General Fund appropriation to ADOT&PF to provide matching funds to appropriate Commission projects.

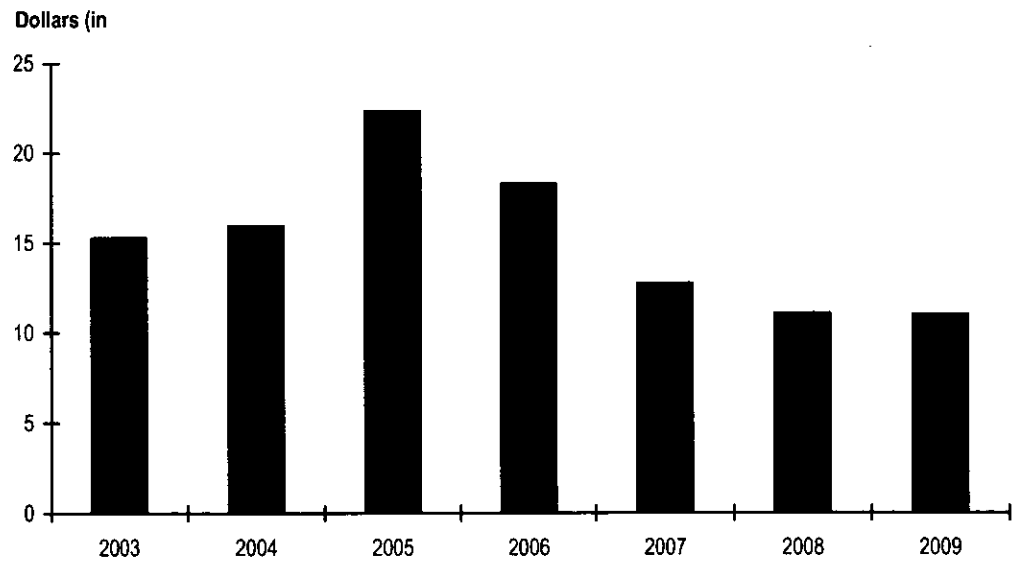
Federal Lands Highway Program

The Office of Federal Lands Highway (FLH) is in charge of overseeing the planning, design, construction, and rehabilitation of the highways and bridges that provide access to and through Federally owned lands. About 70 percent of Alaska's land is under Federal jurisdiction; therefore, funding by FLH is an important piece of transportation finance puzzle in the State. Among the programs within FLH are Forest Highways, Park Roads and Parkways, and Indian Reservation Roads (IRR). About 112 miles of roadways fall under the FLHP. Authorized funding between 1998 and 2007 for Alaska was $380.6 million.

Forest Highways

A portion of the National Forest Service (NFS) budget is dedicated to roads, with priorities to address public safety needs, resource protection, and access to important NFS sites and features. The specific priorities are maintaining passenger car roads, maintaining high clearance and closed roads, the decommissioning of roads, and the improvement of roadways. Figure 2.10 shows that funding for roadway improvements in National Forest Service lands peaked in 2005 and has declined by 40 percent.

Figure 2.10 NFS Funding for Roadways – Region 10 (Alaska)



Source: United States Forest Service, http://www.fs.fed.us/aboutus/budget/.

Park Roads and Parkways

The Park Roads and Parkways Program (PRPP) is a jointly managed effort between the National Park Service (NPS) and the Federal Highway Administration with the purpose of addressing critical transportation system deficiencies in parks, including: preservation of existing facilities, completion of incomplete parkways, and support for alternative transportation systems.

The Highway Trust Fund funds the PRPP, with the majority of funding directed towards system preservation. Nationally, the PRPP program is authorized by SAFETEA-LU a total of $1.215 billion in new funds between fiscal years 2004 and 2009, with Alaska receiving a minimum allocation of two percent in each year of the program. This equates to approximately $146 million of available funding over the six program years.

Indian Reservation Roads (IRR)

The Indian Reservation Roads program is a joint program between the Federal Highway Administration and the Bureau of Indian Affairs. The program provides funds for transportation planning, research, engineering, and construction of the highways, roads, and parkways, or of transit facilities within Indian reservations.

Nationwide, SAFETEA-LU has authorized a total of $450 million for IRR projects for fiscal year 2009. The authorization amount has increased steadily in recent years; in 2005, the amount was $300 million. In 2008, Alaska received an allocation of $39.4 million, or 13 percent of the national allocation of IRR funds. Table 2.6 summarizes the funding allocations by borough or Native Regional Corporation (for tribal governments within unorganized boroughs). About 28 percent of the IRR funding in 2008 went to tribal governments within the Bering Straits Native Corporation, followed by 27 percent allocated to tribal governments in the Sealaska Corporation.

Table 2.6 Indian Reservation Roads Funding Allocated to Alaska
2008 (In Thousands of Dollars)

Borough/Native Regional Corporation	Allocation (000s)	Percent
Aleutians East Borough	$449.8	1.1%
Municipality of Anchorage	45.8	0.1%
Bristol Bay Borough	652.9	1.7%
Denali Borough	2.9	0.01%
Kenai Peninsula Borough	926.2	2.3%
Kodiak Island Borough	538.5	1.4%
Lake and Peninsula Borough	2,365.6	6.0%
Matanuska-Susitna Borough	710.2	1.8%

Borough/Native Regional Corporation	Allocation (000s)	Percent
Northwest Arctic Borough	1,769.5	4.5%
North Slope Borough	1,369.4	3.5%
Ahtna Corporation	103.4	0.3%
Aleut Corporation	568.4	1.4%
Bering Straits Native Corporation	11,102.9	28.2%
Bristol Bay Native Corporation	760.5	1.9%
Calista Corporation	3,530.6	9.0%
Chugach Corporation	654.6	1.7%
Doyon Corporation	3,090.7	7.8%
Sealaska Corporation	10,794.3	27.4%
Total	**$39,436.1**	

Source: Cambridge Systematics Analysis of RNDF Report.

Local Transportation Funding

Figure 2.11 shows that local transportation funding is highly dependent on bond proceeds as well as property taxes and special assessments. Over the 10-year period from 1997 to 2006, bonds funded 36 percent of local government spending on highways, while property taxes and special assessments contributed 34 percent. It is important to note, however, that bond proceeds are not actual revenue, and that debt must be repaid over time, possibly through general fund revenues. Appropriations from the general funds of local municipalities also are prominent in highway funding, contributing 18 percent of highway funding from 1997 to 2006. Collectively state and Federal funds contributed approximately four percent of local transportation funding during the same 10-year period, however, these funds are for roadways off the national and state highway systems. It should be noted that a great number of major thoroughfares in major urban areas belong to the state highway system and are funded by state and Federal agencies. Revenues also are collected for local option fuel transfer and motor vehicle taxes, which include car rental taxes.

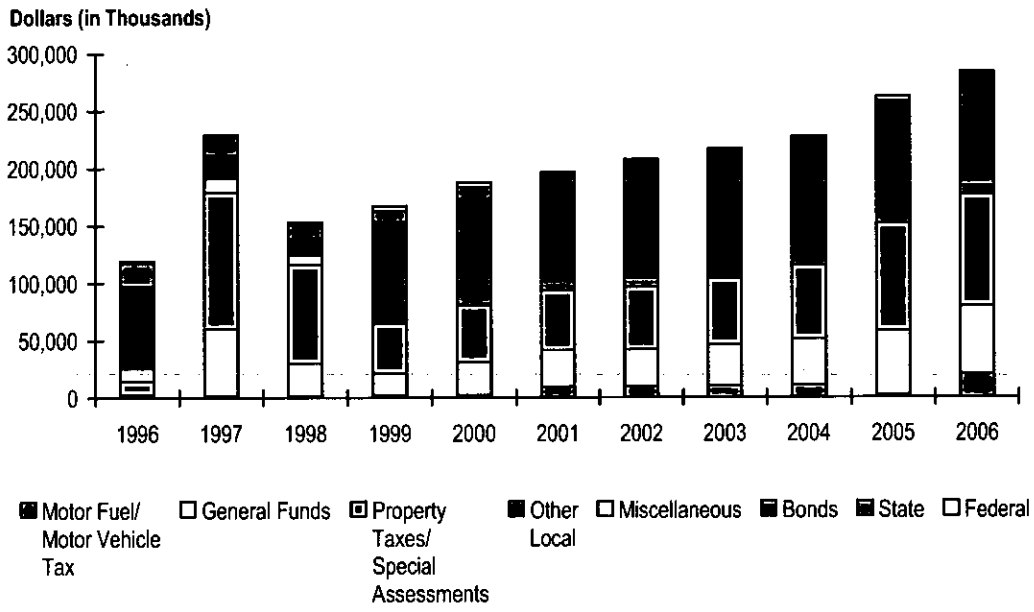
State and Local Expenditures on Transportation (Disbursements)

State expenditures may be dividend into six categories, with about two-third going to capital outlays for Federal Aid roadways (37 percent) and maintenance (31 percent). Total expenditures have remained at their highest level over the past four years (2003 through 2006). Most categories of state transportation expenditures show erratic trends over the past 10 years. Disbursements for Administration, Police, and Safety, however, have shown a steady increase over this period, gaining 68 percent over the past 10 years. Grants, which constitute less than half a percent of total disbursements, have declined 56 percent over the

past decade. Figure 2.12 shows the past 10 years of expenditures for the six categories.

FHWA Highway Statistics data shows that Alaska spent $124.5 million in highway maintenance in 1997. By 2006, highway maintenance expenditures had increased to $201.3 million. Maintenance expenditures have increased significantly since 2001, at an average compound annual growth rate of 11 percent over the last five years. However, these figures only show maintenance expenses, and do not reflect maintenance needs that remain unfunded. According to the statewide long-range transportation plan,[7] there was a backlog in life-cycle needs of $750 million through 2007, and routine maintenance is underfunded by almost $36 million annually. The plan estimated life-cycle and routine maintenance needs at $500 million (2007 dollars) annually, which is more than twice the level of funding dedicated to highway maintenance in the past.

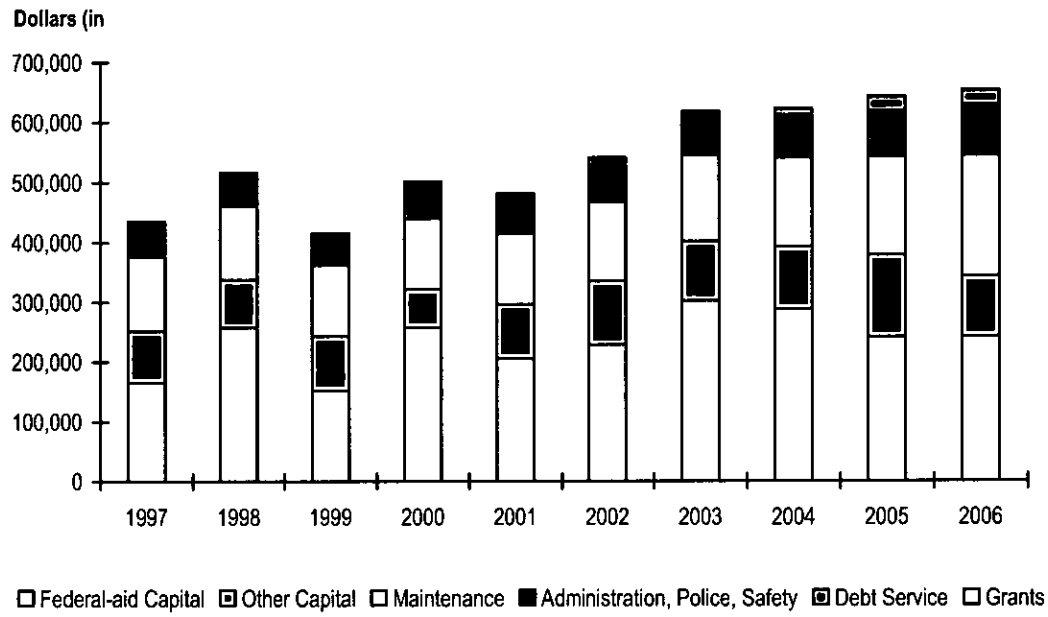
Figure 2.11 Alaska Sources of Local Highway Funds
Thousands of Dollars



Source: Highway Statistics Series, Federal Highway Administration, Table LGF-2.

[7] Alaska Department of Transportation and Public Facilities, *Let's Get Moving 2030: Alaska Statewide Long-Range Transportation Policy Plan*, February 2008.

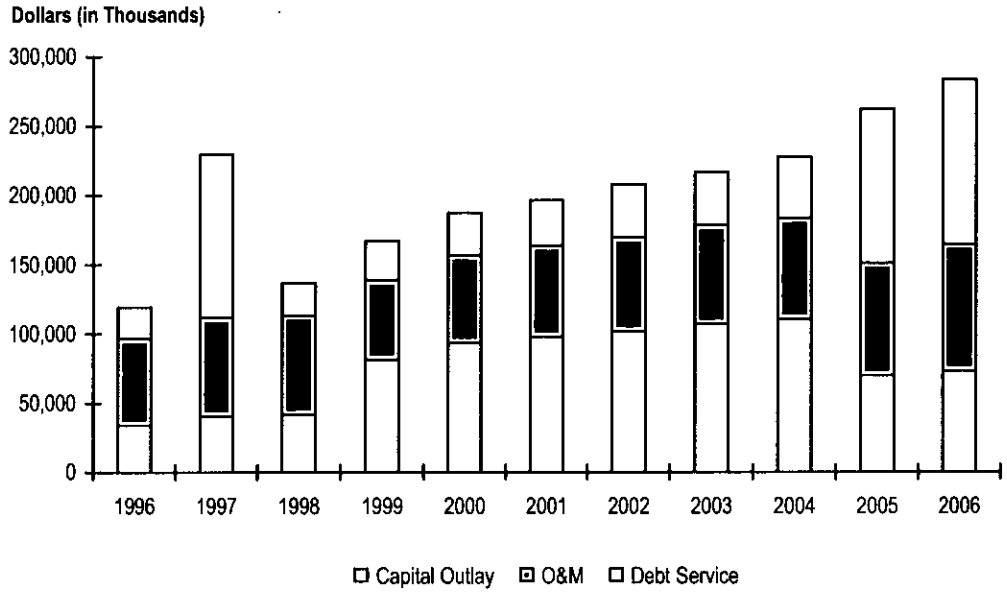
Figure 2.12 Alaska State Expenditures for Highways and Ferries
Thousands of Dollars



Source: Highway Statistics Series, Federal Highway Administration, Table SF-2.

Figure 2.13 shows local spending on highways. Capital outlay peaked in 2004, declining over the last couple of years. O&M expenditures continue to escalate at the local level, at an annual rate of approximately four percent between 1996 and 2006. In the last two years, however, debt service payments have exceeded both capital and O&M spending, with further reinforces the heavy reliance on bond proceeds to support local highway spending as shown in Figure 2.11 (local funding for highways). This also has led to a reduced level on capital spending in roads and streets at the local level.

Figure 2.13 Alaska's Local Expenditure for Highways
Thousands of Dollars



Source: Highway Statistics Series, Federal Highway Administration, Table LGF-21.

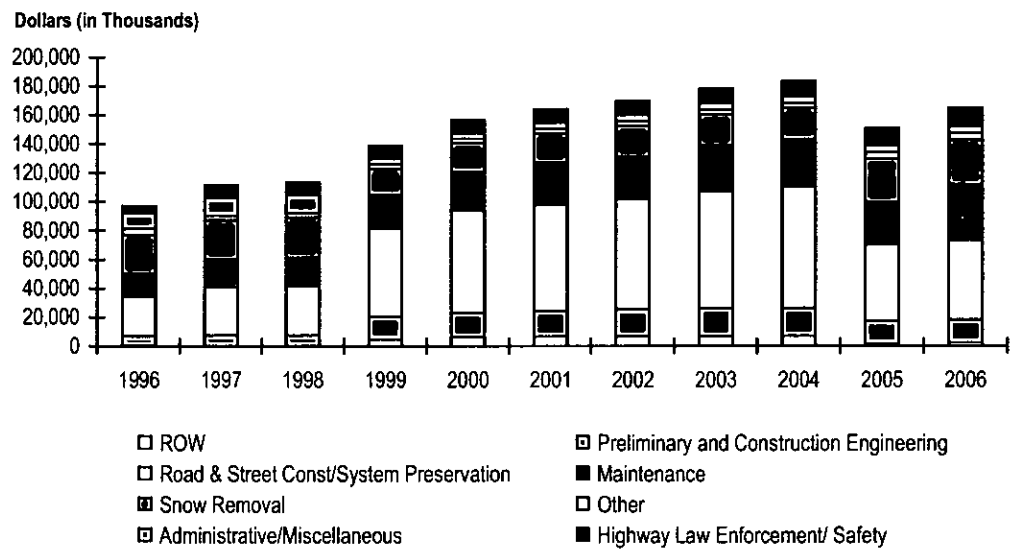
Figure 2.14 shows the breakdown of capital outlay and operating costs for local roads and streets. Right-of-way acquisitions, preliminary and construction engineering, and road and street construction and system preservation are the three components of capital outlay, while the other five categories are the components of operating costs. Road and street construction and system preservation is consistently the largest local highway expenditure; annual expenditures in this area have doubled since the mid-1990s. Maintenance costs also have increased; maintenance expenditures in 2006 are 2.4 times that of 1996.

Needs and Funding Gap for Highway, Bridge, AMHS and Transit

At the national level, funding for transportation investments typically falls short of needs, and Alaska is not an exception. As mentioned earlier, highway routine maintenance remains under funded and the backlog in life-cycle needs is over three times the level of spending in annual highway maintenance needs at the state level. These figures do not include needs on the AMHS, transit, and locally funded roads, both in urban and rural areas of the state. Furthermore, it does not include any transportation capacity needs to meet travel demand growth in the future.

Based on data from ADOT&PF long range plan,[8] and input from transit and rural transportation stakeholders, the funding gap for surface transportation in Alaska is estimated at almost $600 million per year, which only includes state-funded highways and bridge, transit and rural roads and streets; it does not include AMHS or urban roads and street needs from local governments. Adding the AMHS unfunded needs, Alaska's transportation funding gap increases to $720 million. Table 2.14 summarizes the funding gap by mode.

Figure 2.14 Alaska's Local Expenditures for Highways (Detailed)
Thousands of Dollars



Source: Highway Statistics Series, Federal Highway Administration, Table LGF-2.

[8] Ibid.

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Table 2.7 Alaska's Annual Funding Gap

Mode	Annual Funding Gap (Millions)	Comments
Highway and Bridges	$533	Based on ADOT&PF 2030 Plan. Highway and bridge needs include: • System Development – projects aimed at reducing congestion, improving safety, providing better connectivity or enabling economic development, such as new highway construction. • Life-cycle management – periodic rehabilitation work to preserve value of assets. • Routine maintenance – these are annual activities, typically seasonal in nature, such as snow and ice removal, pothole patching, striping, mowing, and sign repair, among others. Highway and bridge needs are estimated at $1,051 million, of which $518 million is funded with projected Federal and state funding.
Rural Roads and Streets	$20	Based on estimates provided by stakeholders, including the Denali Commission. Calculated as the average, with estimates ranging from $10 to $30 million for rural needs.
Urban Roads and Streets	N/A	Not available. Current AMATS and FMATS long-range plans are financially constrained, and do not include unfunded needs over the long-term.
Transit	$32	Based on estimates provided by AMC. The estimates provided are the funding needed above and beyond what transit providers receive from Federal, local governments, and passenger fares. Transit needs include: • Capital ($20 million), for bus replacement and capital needs of existing assets, service expansion for existing transit providers, and new rural and tribal transit services. • Operations and Maintenance ($12 million), for existing and new transit services, based on projected growth.
Total	**$585**	
AMHS	$135	Based on ADOT&PF 2030 Plan. It includes: system development (terminal additions and replacements); life-cycle management (vessel replacement, refurbishment and recertification); and routine maintenance. AMHS annual needs are estimated at $179 million; AMHS revenues were estimated at $44 million.
Total (including AMHS)	**$720**	

Source: ADOT&PF 2030 Plan; Denali Commission; Alaska Mobility Coalition.

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2.2 Transportation Issues and Their Impact to Future Transportation Finance in Alaska

Over the last several years, studies at the national and state levels have painted a dire picture of transportation funding over the long term. At the national level, the average funding gap was estimated at almost $60 billion annually through 2017 (10-year average) to maintain the current condition and performance of the nation's surface transportation system.[9] In its recent statewide long-range transportation plan (referred herein as the 2030 Transportation Plan),[10] the Alaska Department of Transportation and Public Facilities (ADOT&PF) estimated its annual highway and bridge needs at approximately $1.1 billion per year of which about $530 million is unfunded on state-owned facilities alone (excluding local roads and street needs), with Federal and state funding covering about half of the needs.

All states are facing similar funding gaps for transportation investments primarily for four reasons:

1. Revenues have remained flat or declined (measured in nominal or current dollars) because fuel tax rates have not been increased to account for inflation (i.e., indexed), increased travel per household, population growth, or maintenance and preservation of aging infrastructure (see below), and declining fuel consumption due to improved fuel efficiency in the vehicle fleet and transitioning to alternate fuels.
2. Increases in travel resulting from population growth and increased cars per household and miles driven per household (measured as vehicle miles of travel or VMT per household).
3. Rapid and dramatic escalation of construction costs because of the increased international demand for raw materials from developing industrial nations such as China and India.
4. The higher cost of maintaining and preserving aging infrastructure compared to newer facilities (separate from the rapid escalation of construction costs).

Nevertheless, there are additional issues and challenges faced by each state that are unique. Alaska's transportation challenges have been identified in the 2030

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[9] Transportation Research Board, National Cooperative Highway Research Program (NCHRP) Project 20-24(49), *Web-Only Document 102: Future Financing Options to Meet Highway and Transit Needs*, prepared by Cambridge Systematics, Inc., December 2006.

[10] Alaska Department of Transportation and Public Facilities, *Let's Get Moving 2030: Alaska Statewide Long-Range Transportation Policy Plan*, February 2008.

Transportation Plan, the TRIP report,[11] and through interviews with stakeholders. These unique issues relate mostly to the State's size, sparse and remote population, adverse weather, extensive dependence on marine and air modes, and a funding system that depends disproportionately on oil revenues and Federal largess. These issues and challenges are divided into two groups and described below: current and future transportation issues.

Alaska's Current Transportation Issues

We have organized the issues identified through the stakeholder interviews currently facing the State into seven areas of concern:

1. Extent of transportation network;
2. Cost of construction;
3. Federal and state requirements;
4. Tensions between surface transportation needs;
5. Rural transportation;
6. Transit expansions; and
7. Safety.

Extent of Transportation Network

Although Alaska is the largest State in the nation in terms of size, it is the fourth smallest State in terms of population and with many of its citizens distributed sparsely across this vast State (42 percent of the total population located in Anchorage).

Alaska is a young State, and its transportation infrastructure is significantly less developed compared to other states in the lower 48. The current roadway network consists of less than 30,000 lane-miles, placing it in the bottom five compared to other states. To put this in perspective, both Alaska and Vermont have similar population and lane-miles, but Alaska is over 60 times larger than Vermont.

The lack of connectivity or reliable transportation infrastructure was mentioned frequently as one of the biggest transportation issues by most stakeholders. The quality of connectivity is a far more critical matter in rural Alaska than the lower 48 because it determines whether most communities can sustain themselves in the future.

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[11] TRIP, *Future Mobility in Alaska: Meeting the State's Need for Safe and Efficient Mobility*, October 2008. Available at http://www.tripnet.org, last accessed on December 3, 2008.

Generally, Federal aid-highway funding can be used only for capital expenses on eligible roads (i.e., the National Highway System (NHS)[12] and other roads), excluding rural minor collectors and local roads. Federal statutes expand eligibility of Federal-aid highway funds in Alaska and Puerto Rico for the "construction of access and development roads that will serve resource development, recreational, residential, commercial, industrial, or other like purposes."[13] Although this flexibility may appear beneficial, it also increases the total lane-miles eligible for Federal funding, adding pressures on the demand for limited Federal-aid funds. In Alaska, it nearly tripled the number of road miles eligible for Federal-aid funds and has affected ADOT&PF's ability to sustain NHS and other major roads.

The Federal-aid highway program is further strained by Preventive Maintenance work, which was formerly paid through state funding. State budget cuts through the annual appropriations process has led ADOT&PF to shift Federal resources that would typically pay for upgrades and capacity expansion to pay for preventive maintenances. The state currently uses $50 million annually in Federal funding for this purpose.

High Cost of Construction

The cost of construction has increased significantly over the last few years, outpacing inflation at rates between three to tenfold higher nationally. In Alaska, these increases are even higher compared to the national average. For example, the cost of hot mix asphalt has increased over 80 percent in the last six years, compared to 40 percent average increase nationwide. Topography, soil, and weather conditions also drive the cost of construction up, compared to other states. For example, the cost of mobilization in rural Alaska is very high, and the current project programming process provides very few opportunities to implement transportation projects in sequence, such that mobilization costs can be shared among projects. Other factors cited through stakeholder interviews as contributing to the high cost of highway construction include the vast amount of wetlands, short construction season, permafrost, ADOT&PF design standards that should be met on state-funded roads, the cost of the NEPA process and environmental mitigation, compliance with Section 4f and the cost of litigation over contested projects (opposition from environmental and neighborhood groups), among others.

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[12] The NHS is comprised of: 1) the Interstate System; 2) the Strategic Highway Network (STRAHNET); 3) other principal arterials not designated as part of the Interstate or STRAHNET systems; and 4) connections from the NHS to intermodal or strategic military facilities.

[13] 23 U.S.C. 118(e).

Expensive Federal and State Requirement

Federal requirements, including environmental clearance and the permitting process were cited by several groups interviewed as a main challenge for advancing transportation projects, particularly for rural communities. Figure 2.15 shows how Federal environmental requirements for transportation projects have increased significantly over the last four decades. State design standards also are applicable when ADOT&PF funding is used, which also drives up the cost of construction compared to a private sector project. On the other hand, private sector projects may require to be rehabilitated, replaced or expanded much sooner than a project that applied ADOT&PF design standards, and may lack safety and traffic management features that are desirable for public roads.

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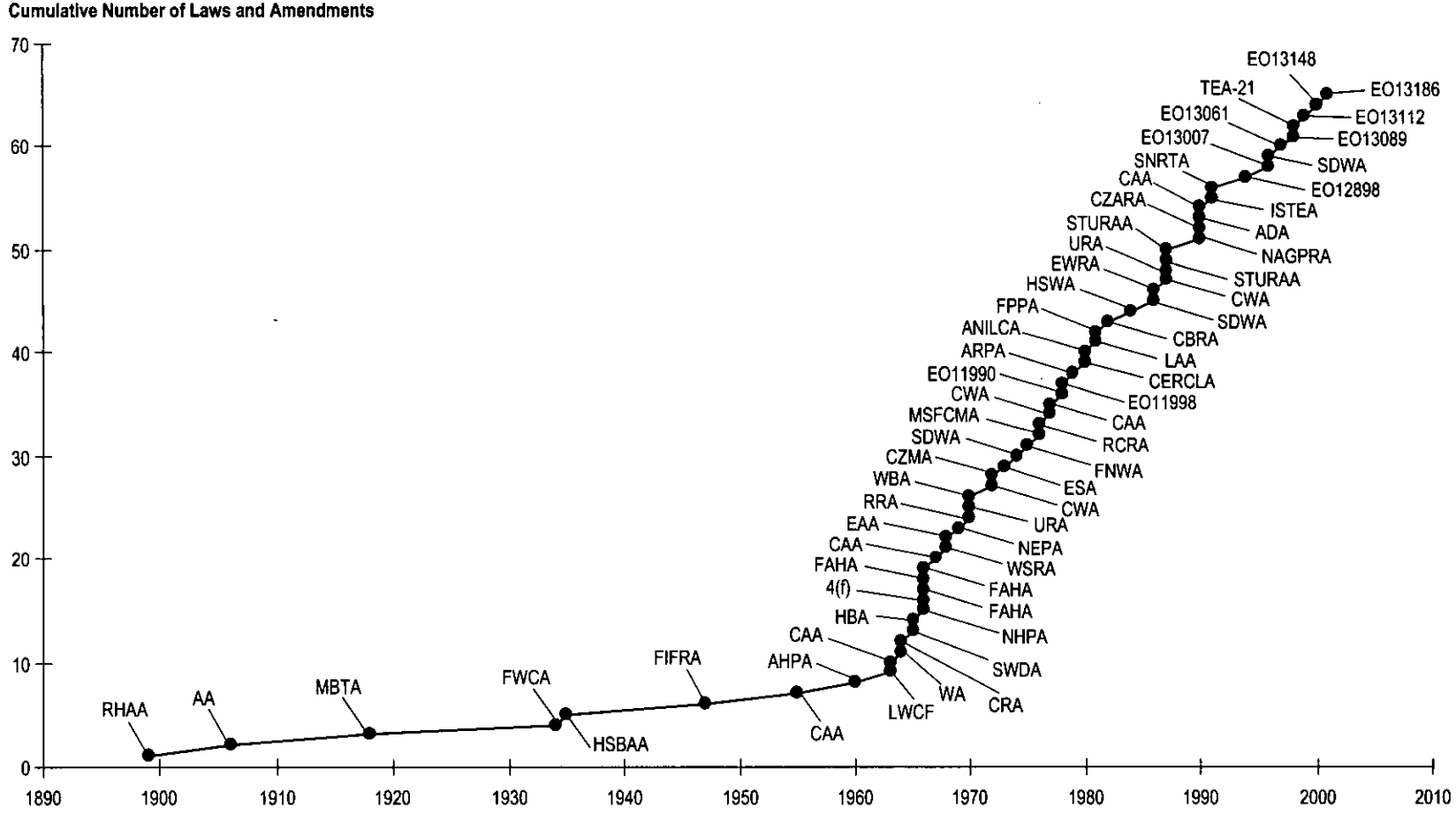
Figure 2.15 Federal Environmental Requirements Affecting Transportation



Source: Federal Highway Administration, 2003.

Tensions between Surface Transportation Needs

Many stakeholders see four primary sources of tension between their State's transportation needs: 1) capital versus maintenance needs; 2) urban versus rural needs; 3) demand of limited funding for state and locally owned roads; and 4) ownership and control of road facilities.

- **Capital Versus Maintenance Needs.** Investment in new capacity is regarded as vital for serving projected growth in travel demand and supporting economic development opportunities. On the other hand, a study recently conducted by TRIP[14] reported that almost half of the major roads are in poor or mediocre condition and 28 percent of the bridges are structurally deficient or obsolete. The cost of life-cycle management and routine maintenance was estimated at almost $500 million per year (2007 dollars) through 2030. Maintenance issues are exacerbated with the effects global warming, such as melting of permafrost layers and erosion. The level of funding available for either capital expansion or maintenance is far below the estimated needs. In recent years, ADOT&PF has spent a portion of its Federal-aid highway funding on life-cycle management (preventive maintenance), as an alternative to use Federal funding that do not require meeting environmental requirements, and freeing state money for capital projects.
- **Urban versus Rural.** Urban transportation needs include upgrading the existing road system to address demand growth, and maintenance on existing roadways. Rural transportation needs include extending the roadway system to access rural areas, improving or providing connections among rural communities, and providing access to resources. The funding shortfalls are forcing hard choices between these competing needs. Urban stakeholders have questioned if providing an improved transportation network in rural Alaska will be cost-effective in some cases. Rural stakeholders contend their communities cannot sustain themselves without the maintenance of current spending levels.
- **Demand of limited funding for state and locally owned roads.** Federal-aid highway funding may be used for all roadway facilities in Alaska, including local streets and roads. Section 118(e) of Title 23 added flexibility in the use of Federal funds, but did not bring additional funding to the state. This creates competition for scarce resources that could be either used on major facilities or on roads. The priorities of state transportation infrastructure are difficult to compare with the priorities for local communities. As a matter of financial planning, local communities have access to funding sources that the ADOT&PF does not - particularly property taxes and assessment districts.

[14] TRIP, *Future Mobility in Alaska: Meeting the State's Need for Safe and Efficient Mobility*, October 2008. Available at http://www.tripnet.org, last accessed on December 3, 2008.

These sources, along with possible funding from local sales taxes and public-private partnerships provide local jurisdictions with a toolbox for funding their priorities. Restricting the Federal-aid funding to major, state infrastructure has been an effective separation for most states and one that has motivated local jurisdiction to leverage their access to funding sources most appropriate for meeting local priorities.

- **Ownership and control of transportation facilities.** The State owns and controls many transportation facilities (including roadways and small airports) that primarily serve local needs. A 1988 transportation study found that when the state controls local transportation facilities, it may affect the ADOT&PF's decision-making on what is in the best interest of the state versus local interests. In addition, state control of local transportation facilities forces local interests to compete at the statewide level against other state programs, putting local needs in disadvantage.

Rural Transportation Issues

Transportation issues reported by representatives from tribal communities and the Denali Commission in Alaska through the stakeholders interviews included the following:

- Some tribes had difficulty getting Indian Reservation Roads (IRR) funding through the Bureau of Indian Affairs in the past. However, legislation changes in SAFETEA-LU have made it easier for tribes to get funding through FHWA (requirement of mature contractor status through clean single audit).
- Difficulty in providing local matching for certain projects. IRR funds are typically used as match for transportation funding coming through the State.
- Difficulty in establishing partnerships on state-funded projects, as both tribes and the State have differing expectations and legal requirements they must account for. The State requires waivers of mutual sovereignty to work in partnership with tribes. However, a task force of ADOT&PF and tribal representatives is working to find solutions at this time.
- Small communities and tribes lack engineering capability to implement projects. The Denali Commission has partnered with the Corps of Engineers and FHWA's Western Federal Lands Highway Division to do design and construction. These Federal partners are encouraged by the Commission to ensure that communities are fully integrated in the project development process.
- Limited or no state funding for local roads. The Local Service Roads and Trails (LSR&T) program provided state funding support for local development of transportation infrastructure, based by formula. The LSR&T currently is unfunded, but the Denali Commission estimates that an allocation of $10 to $15 million per year could help advance joint-funded

project at the Denali Commission and stand-alone ADOT&PF local projects, based on what could be reasonably expected to be approved by the Legislature. Other Alaska transportation stakeholders, however, have suggested that the state would need to invest between $25 and $30 million annually to both restart the LSR&T program and help advance Denali Commission projects.

Transit-Related Issues

Transit services in Alaska are limited to three fixed-route bus services in Anchorage, Fairbanks, and Juneau, and demand response services in a few communities. Since population densities are low, providing more extensive fixed route transit services may not be a cost-effective option. Furthermore, the limited road system also constrains the level of transit service that can be provided. Given the existing service levels are low, many potential riders are discouraged from using transit. Ridership levels, however, increased this summer with the high cost of fuel, a trend that was similarly experienced in transit agencies across the nation.

Nevertheless, the high price of fuel also increased operating costs for transit agencies. The fuel cost for nine transit providers in Alaska increased by 40 percent. In Fairbanks, for example, the potential for expansion, such as park-and-ride facilities with plug-in systems to keep vehicle warm when temperatures fall well below 0°F, remain unfunded.

Safety Issues

In 2006, the fatality rate in Alaska was higher than the national average, at 1.49 fatalities per 100 million vehicle miles traveled compared to 1.41 nationally.[15] In some cases, accidents are the result of poor roadway design, and some roadway improvements may help reduce the severity and frequency of accidents. The Strategic Highway Safety Plan includes various roadway improvement measures to improve safety. In rural areas, lack of adequate roads requires the use of ATVs for transportation, which in many cases results in significant fatalities and injuries. The preliminary fatality data for 2008 suggests that there is a large drop from a five-year average of 85 fatalities to a low in 2008 of 63. It is too early, however, to identify the factors that might have led to this 26 percent decline.

Factors Affecting Future Transportation Investments and Funding

There are a number of factors at the national and state level that will impact transportation and funding for transportation investments in the future.

[15] TRIP, *Future Mobility in Alaska: Meeting the State's Need for Safe and Efficient Mobility*, October 2008. Available at http://www.tripnet.org, last accessed on December 3, 2008.

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Understanding these issues is important as Alaska considers changes to its current portfolio of funding sources and develops a financing plan to address the transportation issues and needs identified above. We have organized the issues identified through the stakeholder interviews that they believe may face the State in the future into 11 areas of concern:

1. Lack of dedicated funding for transportation;
2. Heavily subsidized transportation system;
3. Lack of state funding for public transportation;
4. Reliance on Federal Funding and Earmarking;
5. Alaska's Financial Capacity;
6. Future Transportation Infrastructure Needs in the North Slope and Future Heavy Traffic Growth;
7. Access to Natural Resources and Alternative Energy Sources;
8. Climate Change and Options for GHG Reduction;
9. Endangered Species;
10. High Cost of Construction in Rural Alaska; and
11. High Cost of Fuel and Goods in Rural Areas.

Lack of Dedicated Funding for Transportation

The State of Alaska does not have a dedicated source for transportation funding. In fact, the State Constitution prohibits the State from dedicating revenues to specific uses, except if the "dedicated revenues" were in effect prior to the adoption of the State Constitution. Although a dedicated transportation fund existed prior to the adoption of the Constitution, it was eliminated in 1961, after the motor fuel tax rate was adjusted. Transportation-related revenues, such as fuel gas tax revenues and motor vehicle fees go into the General Fund. State funding for transportation is provided through annual legislative appropriations from the General Fund; therefore, transportation competes with other state needs for funding.

This will become a major issue as revenues going into the General Fund are projected to decline in the future. Oil royalties are the main revenue source going into the General Fund. The State's future forecast of oil royalties shows a decrease linked to continued decline in oil production on the North Slope, even if the high cost of oil experienced in recent years is sustained. The General Fund forecast does not include potential additional revenues if the natural gas pipeline is built as planned.

Another issue affecting General Fund revenues (and its reliability to support transportation) is the volatility of oil prices, which in the past have generated surpluses or shortfalls depending on the actual price of oil compared to the

assumed price in the state budget. For FY 2008 and 2009, the price of oil in the state budget was forecasted at $85.73 and $83.04 per barrel, respectively.[16] By the second week of October 2008, the price of oil had fallen below the forecast price; by the last week of November 2008, the price of oil was less than $44 per barrel.[17] Whereas the State saw significant surpluses last year, this fiscal year the General Fund revenues will fall short of projections, affecting all government expenditure, including transportation.

Finally, Alaska has neither taxes nor highway user fees dedicated to transportation needs, thus the State is dependent on the General Fund to adhere to the required state contribution to Federal projects and to provide operating subsidies for the AMHS. The expected decline in General Fund revenues presents a significant challenge for the State to provide sufficient matching revenues in order to secure the maximum Federal funding and to pay for operating and maintenance expenses.

Heavily Subsidized Transportation System

The highway transportation system is heavily subsidized by the State General Fund. User fees such as tolls and gas taxes that would send stronger price signals to users currently are not levied in Alaska for transportation. User fees encourage users and providers to minimize unproductive travel and thus ensure that the capacity serves demand for activities that maximize economic growth.

Although the current prices charged of users of transportation in all states is below the cost of providing such services, Alaska's users are being charged far below the true costs. This significant subsidy is even more extreme for remote communities served by ferry and air service. If pure economic criteria were applied to ranking effective transportation investments, many remote communities would fall far below a benefit/cost threshold.

At the national level, there has been significant discussion about the application of pricing that comes closer to the real costs of providing transportation services. This debate is especially intense regarding the expansion of capacity in congested corridors where the cost of adding capacity is high and there are effective opportunities to divert peak demand through imposing pricing at the true marginal cost. While there have been no conversions of free mixed-flow lanes to tolled lanes, many states led by California and Texas are constructing only high-occupancy toll (HOT) lanes. In California, the HOT lanes on the I-15 corridor in San Diego County use dynamic pricing to maintain flows at posted speeds and use tolls to help fund bus rapid transit (BRT). Although many studies have been

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[16] Alaska Department of Revenue-Tax Division, Spring 2008 Forecast.

[17] U.S. Department of Energy, Energy Information Administration, U.S. crude oil prices. Available at http://tonto.eia.doe.gov/dnav/pet/pet_pri_wco_k_w.htm, last accessed December 3, 2008.

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completed over the past two decades, the majority of recent transportation policies agree in transitioning into a system of direct user fees (such as tolls and VMT fees) that manage the demand for scarce existing capacity as well as generate more revenue to fund new capacity.

For the State of Alaska, this debate could have profound effects on future Federal funding levels. The near complete subsidy of some state transportation services (ferry and air fares are a clear exception) would become a significant impediment to future Federal apportionments. Nationally, future Federal policy may force states to price transportation more like a utility than a public good. Regardless of the State's Constitutional prohibition of dedicating revenues to specific public services, states that have reduced their subsidies and transitioned to user fees would have a strong competitive advantage for Federal matching funds.

Lack of State Funding for Public Transportation

Currently, no state money is dedicated to public transit. Public transportation currently is funded with Federal, local, and private nonprofit funding (demand response services). Other peer states provide an average of $2.18 per capita for public transportation (Table 2.8).[18] An AASHTO survey[19] indicated that the State provided $500,000 through the Alaska Mental Health Trust Authority in 2006. The Alaska Mobility Coalition (AMC) currently is supporting three recommendations to the legislature that are aimed at providing state funding for transit needs, including:

- Fuel reimbursement for Alaska's transit providers: the operating costs of transit providers increased significantly as fuel costs rose during the summer. AMC is proposing an allocation of $1 million for fuel reimbursement. This proposal was supported by the legislature in the past session, but it was vetoed by the governor.
- State capital funding match for Community Transportation Systems - AMC is proposing $2.5 million in state money to match Federal funds, with a 10 percent requirement from local funds to match the state funding.
- Community Transportation Trust Fund - this proposal, also supported by local governments of Anchorage and Kodiak, would create a trust fund from General Fund surpluses.

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[18] Transportation Research Board, National Cooperative Highway Research Program (NCHRP), *Report 569: Comparative Review and Analysis of State Transit Funding Programs*, prepared by ICF International, 2006.

[19] American Association of State and Highway Officials (AASHTO), Survey of State Funding for Public Transportation 2007, February 2008.

Table 2.8 State and Federal Transit Funding for Alaska and Peer States

State	State Funding (Thousand)	Per Capita State Funding	Federal Funding (Thousands)	Per Capita Federal Funding
Alaska	$0	$0.00	$35,880	$54.74
New Hampshire	225	0.17	6,516	5.01
South Dakota	996	1.29	3,777	4.90
North Dakota	1,546	2.44	4,891	7.71
Vermont	6,103	9.82	12,667	20.38
Montana	390	0.42	2,812	3.03
Maine	505	0.38	14,330	10.88
Idaho	312	0.22	11,444	8.21
Wyoming	2466	4.87	4,215	8.32
Peer States Average	**$1,394**	**$2.18**	**$10,726**	**$16.78[a]**

Source: NCHRP Report 569: *Comparative Review and Analysis of State Transit Funding Programs.*

[a] The average per capita Federal funding represents a weighted average by population.

Transit services also are underfunded at the local level, especially in rural areas. Currently, Anchorage and Fairbanks transit systems are funded at the local level with property taxes, and Juneau transit is funded with sales tax revenues. These funding sources, however, also are used to pay other local services, such as education and police, limiting the available funding to support transit services.

Reliance on Federal Funding and Earmarking

Most of the funding for both highway and transit investments comes from the Federal government, through both formula allocations and earmarks. The Highway Trust Fund (HTF) will be bankrupt in 2009 without any reforms and/or increases to Federal highway user fees that fund the HTF. If this were to occur, which is unlikely, Alaska could expect significant cuts in Federal funding levels, compared to the last decade.

A significant share of the Federal funding for transportation in Alaska comes through earmarking. Earmarks are tied to specific transportation projects. There are two types of earmarks: "above" and "below the line."

- "Below the line" earmarks: These funds are taken out of the appropriation of Federal money that would otherwise come to the State for transportation. This appropriation is allocated among all states based on a formula applied to revenues earned from the 18.3 cpg Federal gas tax. Federal Highway Administration (FHWA) allocated $2.12 billion over five years under the formula. So for example, $327.4 million (of the proposed $596 million) earmarks that included new bridges in Anchorage and Ketchikan would have been taken out of the $2.12 billion that was allocated to Alaska under the formula that splits Federal gasoline taxes among the states. This means the

high-priority earmarks directly reduce the money available to the State for other projects around Alaska. SAFETEA-LU apportionments of "below the mark" earmarks (through the High Priority Projects program) for Alaska accounted for over one-fourth of the total SAFETEA-LU apportionments, compared to the national average of eight percent.

- "Above the line" earmarks: These funds in the highway bill provide money over and above the $2.12 billion that Alaska was guaranteed under the bill's formula, so they are not deducted from what the State would otherwise have available to program for its needs.

Stakeholders indicated that earmarking is beneficial when the funds are for high-priority projects in the State or region, which have been evaluated, approved by public officials, and included in the transportation improvement program or long-range plan. Nevertheless, earmarks are sometimes for projects that are not included in local plans or the level of funding provided through the earmark is insufficient to implement the project. In that case, the state or local government must divert resources from other priorities to fully fund the project. Furthermore, earmarking in general and for Alaska in particular has become politically difficult and likely to diminish significantly.

In addition, the leadership of Alaska's former senior Senator and the congressional delegation has been key in the creation of the Denali Commission and in the allocation of earmarks for transportation projects. It is quite likely that with Senator Stevens losing reelection that the level of earmarking will significantly decline in the future. That is in addition to proposed earmarking reform as part of the next transportation bill authorization (see Section 3.0).

Another issue with the Federal-aid highway program relates to Section 102(c) of Title 23, which requires that a state repay Federal funds used on preliminary engineering (PE) for projects if construction has not been completed within 10 years since Federal funding were disbursed for PE, otherwise known as the "*time trap*" rule. Recent policy guidance indicates that FHWA will enforce this rule and extensions will only be granted under strict circumstances. ADOT&PF expects that time traps will be a significant factor for development of the next Statewide Transportation Improvement Program (STIP). In this case, ADOT&PF must either complete this backlog of old project or else find state funds to repay the Federal-aid money.

Alaska's Financial Capacity

Federal support for Alaska's transportation needs is being challenged by other states because of the perception that Alaska's financial capacity is substantially better off than other states. The view from the lower 48 sees record tax revenues generated by high oil prices. They see the Alaska Permanent Fund currently has

almost $28 billion,[20] and generates annual dividends that are returned to Alaska residents. Alaska is the only State that does not collect income taxes or sales taxes (although sales taxes are levied at the local level). Furthermore, the State recently suspended the 8 cpg gas tax until August 2009, but the rate already was the lowest in the country. This strong fiscal condition not only suggests the State does not need the Federal largess, but also indicates significant head room to raise fuel taxes and impose sales and income taxes should Federal funds be reduced. The lower 48 do not often balance this view with the compensation condition the state must contend with. These include Federal ownership of 69 percent of its land, the small population, the dispersed communities that depend on transportation for their existence, inclement weather and it effects on roadway construction and maintenance costs, and dependence on very expensive marine and air service for a significant part of its transportation infrastructure. In addition, the massive construction of the interstate network was more or less completed before Alaska achieved statehood.

Future Transportation Infrastructure Needs in the North Slope and Future Heavy Traffic Growth

The construction of the natural gas pipeline from the North Slope into the lower 48 will require significant improvements to the existing transportation infrastructure. Under the current schedule, construction on the gas pipeline could begin by 2015, which would leave about six years to upgrade transportation infrastructure. Transportation improvements include:

- Upgrades and enhancements to the load capacity of bridges to support movement of heavy pipes and modules;
- Reconstruction and rehabilitation of roadways (including Alaska Highway, Richardson Highway, Steese Highway, and Dalton Highway); and
- Relocation of rail line through Fairbanks to minimize the impact at urban at-grade highway-rail crossings from increased rail traffic carrying materials for the pipeline.

In addition, truck traffic is expected to increase in the near term due to a new requirement to use low sulfur diesel for operations in the North Slope. Because there are no refineries producing this type of fuel in the area, the low sulfur diesel will have to be transported by truck from Fairbanks via the Dalton Highway. The proposed rail extension into Port MacKenzie would allow for rail shipments of low sulfur diesel at lower costs.

[20] As of December 2, 2008. Information available at http://www.apfc.org/.

Access to Natural Resources and Alternative Energy Sources

The mining as well as oil and gas industries generally expect to pay for their own transportation access needs. There are multiple reasons for this including not having to share the road with the general public, and having the ability to avoid laws, including size and weight on vehicles, CDL drivers laws, taxation on fuels and vehicles and security considerations and possibly lower design standards. However, in some cases this separation is not possible and in those cases the mines would prefer the state pay for the improvements. There may also be a state role when the roads needed would be shared with a number of resource owners and thus no one firm wants to make the upfront investment that is then open to other users.

Alaska's natural resources are plentiful, and plans to access these resources would require improvements and expansion of the existing transportation network. Growth in mining activity, for instance, continues, with new mines starting production recently, and exploration underway in various sites. Typically, mines pay for their own infrastructure, with few exceptions. The roadway into Red Dog mine was funded and built by the Alaska Industrial Development and Export Authority (AIDEA). The mining company pays for use and operations and maintenance of the facility. In addition, access improvements to Rock Creek mine were paid by ADOT&PF. The mining industry expects to continue paying for their transportation access needs. Usually these are low-cost access roads that do not meet ADOT&PF standards but meet industry needs. Public sector investment would be mainly to improve and maintain public roads that connect mines to ports, and the resulting increase in heavy vehicles traveling on these connectors.

Other access needs are related to energy production sites, such as geothermal and tidal locations. The State currently is reassessing plans for hydroelectric power from sites in Susitna and Chakachamna, both of which were studied in the 1980s. In British Columbia, the government entered into a public-private partnership to design and upgrade the Sierra Yoyo Desan resource road. This is an approximately 117-mile long roadway, beginning south of Fort Nelson and passing through oil, gas, and forestry terrain in northeast British Columbia. The roadway connects to the Alaska Highway, via the Clarke Lake Road. The private sector designed, constructed, financed, and ultimately maintains the roadway, and the government reimburses the private investors through payments from oil and gas industries in the area. The road was designed per government standards and is open to public use.

Climate Change and Options for GHG Reduction

The transportation sector is one of the main contributors of greenhouse gases (GHG). Future efforts to address climate change and reduce GHG will certainly impact the transportation industry. In Alaska, access to some rural areas is only feasible through air and/or marine transportation, both of which have large carbon footprints per person mile traveled, compared to highway or transit. The

implementation of carbon taxes or cap-and-trade would only add to the cost of transportation and goods in rural areas and for industries that are highly depend on transportation, such as fishing, mining, and oil. On the other hand, revenues generated through carbon taxes or cap-and-trade strategies could be invested in areas that reduce the carbon footprint and that encourage reduced VMT, such as public transportation.

Another aspect of climate change is the additional adaptation costs that will further impact the high cost of construction. The effects of climate change include melting of permafrost layer, coastal erosion, and both increased frequency and severity of weather events, all of which would require adapting infrastructure to changing conditions. A study by the Institute of Social and Economic Research (ISER)[21] concluded that climate change could add 10 to 20 percent to infrastructure costs by 2030 and 10 to 12 percent by 2080, under different climate projections and taking design adaptations into account. The additional costs are relatively higher in the short run, because agencies haven't had as much time to adapt infrastructure to changing conditions. Strategic design adaptations have much more potential to reduce extra costs in the long run. Between now and 2030, adaptations might reduce costs related to climate change by anywhere from zero to as much as 13 percent, depending on the extent of climate warming. But between now and 2080, adaptations could save anywhere from 10 to 45 percent of costs resulting from climate change.

According to the ISER study, transportation infrastructure, especially roads and airport runways, will account for most of the additional costs between now and 2030. That is because transportation infrastructure is expensive to build and maintain in Alaska under any circumstances, and many airports and some roads are in areas that will be most affected by a warming climate.

Endangered Species

Recent designation of the polar bear as threatened and the beluga whale as endangered species will have mixed impacts transportation. In the case of the polar bear, the designation cannot be used to regulate GHG from transportation and other sources. The designation of the Cook Inlet beluga whale as an endangered species, however, is expected to impact projects in the Seward Highway, the Knik Arm Bridge, and expansion of the ports in Anchorage and at Point MacKenzie.

High Cost of Construction in Rural Alaska

The high cost of construction materials, especially in rural and remote areas, limits the State's ability in investing in transportation improvement because in many

[21] Institute of Social and Economic Research, *Estimating Future Costs for Alaska Public Infrastructure at Risk from Climate Change*, June 2007.

cases these improvements do not generate sufficient benefits that justify investment. Some of this investment, however, is vital for sustainability and survival of these communities. The Denali Commission currently provides funding for roads and barge landings. Funding for roads is targeted mainly to local roads. Although roads connecting communities and access to resources are eligible, they are too expensive and controversial.

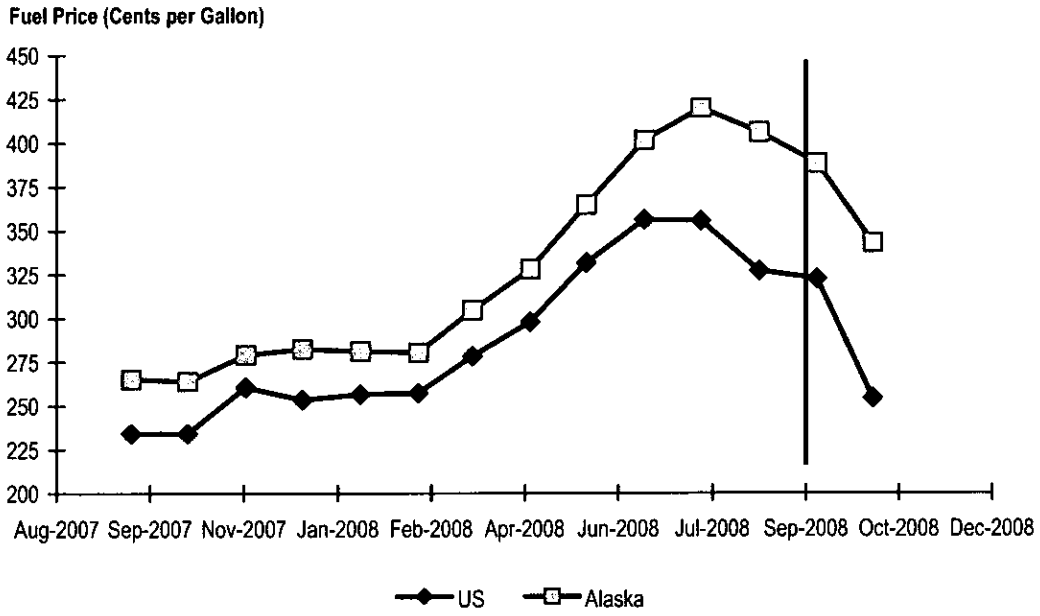
High Cost of Fuel and Goods in Rural Areas

Fuel prices are higher in Alaska when compared to the national average, as shown in Figure 2.16. Over the last year, fuel prices in Alaska have exceeded the U.S. average by seven to 35 percent, according to data from the Energy Information Administration (EIA). In October 2008, EIA reported the average price of gasoline at $3.43 per gallon in Alaska, compared to the U.S, average price of $2.54 per gallon.

EIA data, however, does not seem to capture the higher prices of gasoline in Alaska, especially in rural communities of the state. A recent survey of fuel prices from the Division of Community and Regional Affairs reported the average retail price of gasoline in Alaska ranging between $4.71 per gallon in the Southeast communities and $6.76 per gallon in the Western Region, and a statewide average of $5.80 per gallon in November 2008. These average gasoline retail prices are much higher than the national average of approximately $2.21 per gallon reported by EIA during November 2008. The price of gasoline in communities located in the Interior, South coastal and Southeast Alaska has dropped over the last month; it has increased, however, in Western and North Slope communities.

The cost of fuel is significantly higher in rural Alaska. Fuel is purchased in bulk and delivered by barge during the summer months to coastal communities in Western Alaska, when the price of fuel has a significant premium for its cost of transport. If fuel is delivered in the winter months, it is done by air, which is very expensive. More than transportation, the high fuel costs affects the cost of electric power and heating in these remote communities. The cost of goods also is very high in these communities, in large part due to the high cost of delivering goods in remote areas.

Figure 2.16 Comparison of Monthly Retail Price of Gasoline
Alaska and U.S.



Source: Cambridge Systematics analysis of Energy Information Administration data on gasoline prices.

Figure 2.16 shows the monthly retail gas prices for a national average and an average for Alaska. The 8 cents recision of the State's gas tax is shown as the vertical red line in September 2008. The figure shows U.S. and Alaska average fuel prices from August 2007 through October 2008 (all data from DOE). Notice that the price of fuel dropped in September 2008 (after Alaska ceased collection of the 8-cpg tax) which may be well explained by the significant drop in crude prices over the same period. Compared to the U.S. average price, the decline of fuel price in Alaska was three percentage points higher than in the U.S., and one could argue that it includes the effect of eliminating the fuel tax (in the short-term). The U.S. gas price dropped by almost 5 cpg, compared to almost 18 cpg in Alaska (August to September 2008). However, the impact is short lived, since decreasing prices in U.S. gasoline and crude has been more significant than the decline in Alaskan gas prices over the month of October 2008. The U.S. gas price dropped by about 68 cpg, compared to 45.5 cpg in Alaska (September to October 2008).

The Future of Transportation Funding in Alaska

The issues and challenges summarized above indicate some insufficiency and growing uncertainty in the State's current approach to funding transportation. Significantly more funding will be needed to implement the State's

transportation infrastructure needs, both capital and maintenance. The AML and its partners,[22] therefore, have commissioned this study to better understand the advantages and disadvantages of how transportation is funded currently, and explore funding options that will provide a sufficient and reliable funding stream.

More specifically, the AML and its partners have indicated that the State's current reliance on Federal funding must be revisited, and options to leverage Federal dollars should be explored and pursued. In response to these concerns, we have prepared some options for more funding and/or different sources of funding, which may be considered by state and local governments (Section 4.0).

[22] AML study partners are the Alaska Department of Transportation and Public Facilities (ADOT&PF) and the Matanuska-Susitna Borough.

3.0 The Future of the Federal Transportation Program

In 2006, Federal funding accounted for 54 percent of Alaska's highway spending at the state level, providing about $351 million, compared to 30 percent for the national average. Federal funding for transit accounted for 18 percent of total revenues in 2007 for transit agencies in Anchorage and Fairbanks, bringing a total of $6.0 million, according to NTD data.

Much of the Federal highway funding coming to Alaska is through earmarks, which are intended to fund specific projects. Alaska is considered a donee state, meaning that it receives more Federal highway funding than it contributes from Federal fuel gas taxes and vehicle fees deposited into the Highway Trust Fund (HTF). In 2006, HTF receipts from Alaska amounted to approximately $720 million. It is estimated that Alaska receives about $6 for each $1 levied on HTF revenues.

Nevertheless, there is much speculation about the future of Federal funding in Alaska for several reasons. First, revenues into the HTF have fallen below the expenditure levels established in SAFETEA-LU. Under SAFETEA-LU, expending levels increased significantly, but Federal fuel taxes and heavy vehicle fees remained at the same level. The motor fuel tax, which is the main revenue source of the HTF, has not increased since 1993, thus losing half of its purchasing power to inflation ever since.

In addition, the yield of the fuel tax also has declined due to a vehicle fleet shift to more fuel efficient vehicles, the introduction of alternatives fuels, and, more recently, a decline in travel due to high fuel prices. Based on Treasury projections for the FY 2009 Budget, the HTF Highway Account was forecasted to have insufficient balances by 2010 to sustain the authorized program level, as shown in Figure 3.1.

The projected revenue shortfall, however, was accelerated with the increase in fuel prices during the spring and summer of 2008 that led to a decline in HTF receipts. In September 2008, the President approved a transfer of $8 billion from the General Fund into the HTF to maintain its solvency. It is clear that the current levels of spending are unsustainable over the long term, unless taxes are increased in the short term and more effective revenue sources are implemented over the long term.

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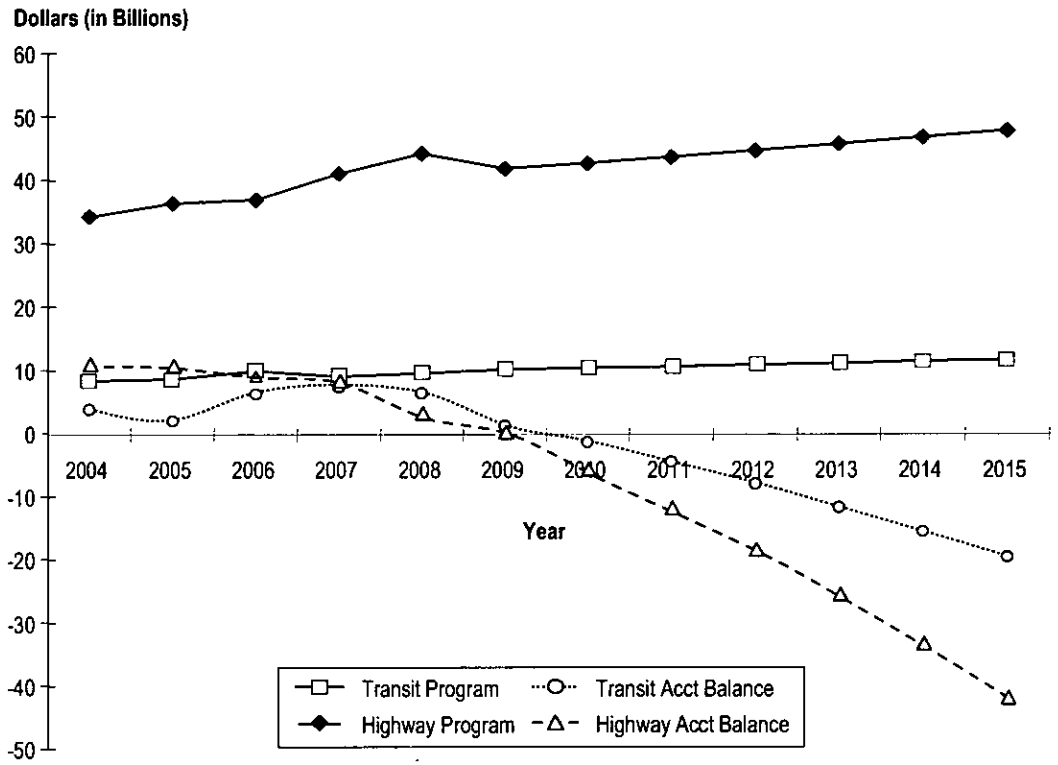
Figure 3.1 Estimated Highway and Transit Program Levels and HTF Account Balances through 2015[a]



[a] Based on AASHTO modeling of FY 2009 Budget Proposal from the U.S. Treasury Department.

Another factor that will impact Federal funding in Alaska is the authorization of the next Federal transportation bill. SAFETEA-LU expires September 30, 2009. At this time, it is unknown whether a continuation of the existing legislation will be passed as a stop gap matter, or whether congress will be able to craft new legislation. Various transportation groups have presented different proposals, but most agree in a reform of the current Federal transportation funding program. A lot of discussion also has revolved around earmark reform and climate change.

Table 3.1 summarizes some of the proposals and studies that have been released to date in an effort to influence the outcome of the next transportation bill.

Table 3.1 Proposals and Studies of the Next Transportation Bill

Proposal	Key Recommendations/Highlights
American Association of State Highway and Transportation Officials (AASHTO) *Authorization Principles and Vision Policies*	• Strong Federal funding role and shared transportation funding responsibilities with state and local governments and the private sector. • Transition to a diversified portfolio of revenue sources. • Make greater use of tolls and public-private ventures. • Give priority to preserving and modernizing the system of highways, transit, and rail built during the last century. • Establish performance-based, outcome-driven programming of funding and focus investments in a limited number of core programs.
American Road and Transportation Builders Association (ARTBA) *A New Vision and Mission for America's Federal Surface Transportation Program*	• Increase the Federal motor fuels tax by at least 10 cpg and index the tax to inflation. • Provide states with toll financing options, including congestion pricing, HOT lanes, truck-only lanes, and ability to toll existing portions of the Interstate Highway System. • Debt financing should be used as a viable funding source for long-term capital improvements to compliment the core highway and transit programs. • A Critical Commerce Corridors (3C) program be created, which would provide new surface transportation system capacity and operational improvements exclusively focused on securing the safe and efficient movement of freight.
American Public Transportation Association (APTA) *A Vision of 2050: Interim Report of APTA's TransitVision 2050 Task Force*	• Use performance-based criteria in transportation decision-making. • Involve and integrate public transportation organizations into the regional planning process. • Work towards a single-payment method for all modes of transportation that allows seamless travel. • Explore private sector participation in the public transportation industry.
Association of American Railroads (AAR) *National Freight Infrastructure Capacity and Investment Study; Final AAR Principles on Federal Funding on Freight Rail*	• Federal funding and policies must not reduce and should encourage private investment in the nation's rail system. • In all public-private partnerships, public benefits should be funded by public funds and railroad benefits should be funded by railroad funds. • Freight railroads should not be required to assess or collect any fees, as the rail logistics system should not be saddled with increased costs to fund public benefits, either directly or through a freight fund. • Federal freight investment should focus on key transportation projects with significant public benefits, such as eliminating rail chokepoints, improving service to shippers, facilitating international trade, reducing greenhouse gases, cutting vehicle miles traveled, and improving safety.
Brookings Institute – Metropolitan Policy Program *A Bridge to Somewhere: Rethinking American Transportation for the 21st Century*	• Protect existing assets by making the preservation of the interstate highway system a priority. • Consider decommissioning or downsizing some portions of the Interstate system in center cities and older suburbs. • Focus on key freight hubs and trade corridors by developing a comprehensive National Freight Transportation Plan. • Commit to a comprehensive national plan for intermetro area passenger movement that focuses on integrating the rail network into the existing air and road transportation networks.

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Proposal	Key Recommendations/Highlights
Building America's Future Coalition *Building America's Future: Investing in Infrastructure*	• Current Federal spending on infrastructure needs to be dramatically increased. • Infrastructure investments and sustainable transportation planning are critical elements in mitigating the growing concerns regarding global warming and climate change.
U.S. Government Accountability Office (GAO) *Surface Transportation Programs: Proposals Highlight Key Issues and Challenges in Restructuring the Programs*	• Distribution of surface transportation funds should require detailed benefit/cost analyses. • Tools to make better use of existing infrastructure, such as intelligent transportation systems and congestion pricing, should be deployed to their full potential. • Increases in Federal spending for transportation appear to reduce state spending for the same purpose, reducing the return on the Federal investment. • The following should help guide assessment of options for transforming Federal surface transportation programs: 1) ensuring goals are well-defined and focused on the Federal interest; 2) ensuring the Federal role in achieving each goal is clearly defined; 3) ensuring accountability for results by entities receiving Federal funds; 4) employing the best tools and approaches to emphasize return on targeted Federal investment; and 5) Ensuring fiscal sustainability. • Consider reexamining and refocusing surface transportation programs to be responsive to these principles so that they: 1) have well-defined goals with direct links to an identified Federal interest and Federal role; 2) institute processes to make grantees more accountable by establishing more performance-based links between funding and program outcomes; 3) institute tools and approaches that emphasize the return on the Federal investment; and 4) address the current imbalance between Federal surface transportation revenues and spending (e.g., Highway Trust Fund).
Center for Clean Air Policy *Green TEA: Linkages to Climate Policy*	• Link Federal transportation funding to energy conservation and GHG reduction. • Change Federal funding ratios for new highway and transit to tilt the balance toward transit operations, bicycling, walking, and travel demand management while decreasing the share of transportation funding for new road construction. • Increase support for regional transportation and land use planning, scenario analyses, and blueprint visioning processes. • Require alternative land use and transportation scenario analyses for Transportation Improvement Programs (TIP) and Long-Range Transportation Plans (LRTP). • Require metropolitan planning organizations to establish GHG/petroleum reduction and mode-split goals as part of LRTPs.
GO21 *Growth Options for the 21st Century*	• Pass the Freight Rail Infrastructure Capacity Expansion Act, which would substantially increase investment in the nation's freight rail infrastructure and would give a 25 percent tax credit to businesses that invest in new freight rail infrastructure that expands system capacity. • Prevent the passage of S. 953 and H.R. 2125 legislation, which would give Federal government authority over railroad operations.

Proposal	Key Recommendations/Highlights
National Academy of Public Administration *Financing Transportation in the 21st Century: An Intergovernmental Perspective*	• Any new financing system should incentivize state and local governments that take innovative steps to address their own needs. • De-emphasize Federal and state legislative earmarking of unplanned projects. • Amend the "fiscal notes" portion of the Unfunded Mandates Reform Act of 1996 to increase Federal and state capacity to perform intergovernmental impact assessments.
National Surface Transportation Policy and Review Study Commission *Transportation for Tomorrow*	• Investing at least $225 billion annually from all sources over the next 50 years to upgrade the existing transportation system and to create a more advanced surface transportation system (2.5 times today's level). • Spend Federal funding through outcome-based, performance-driven programs supported by cost/benefit evaluations rather than political "earmarking." • Replace over 100 current programs with 10 new programs focused on the national interest. • Increase the Federal fuel tax by up to 40 cpg over the next five years, and then index the tax rate to inflation.
National Surface Transportation Infrastructure Financing Commission *The Path Forward: Funding and Financing Our Surface Transportation System*	• Current funding mechanisms and levels of revenue are not closely linked to use of the transportation system, allowing demand and costs to grow faster than revenue. • More direct user charges and increases in fuel taxes should be explored.
Passenger Rail Working Group *Vision for the Future: U.S. Intercity Passenger Rail Network Through 2050* Transportation Transformation Group *Principles for a New National Surface Transportation*	• Creating a national freight and passenger rail strategy. • Creating a new Federal Intercity Passenger Rail Program to fund construction of the passenger rail system with annual funding of $5 billion for intercity passenger rail. • The Federal government should encourage and provide incentives for implementation of any and all tools to meet transportation goals. • Future transportation systems should adopt new intelligent transportation system technologies while maintaining flexibility to adapt to emerging technologies.
U.S. Chamber of Commerce *Surface Transportation Needs, Funding, and Economic Linkages*	• Ensure that Highway Trust Fund (HTF) revenues are sufficient to support the guaranteed funding levels in SAFETEA-LU. • Indexing Federal motor fuel taxes would have the most immediate impact on the HTF revenue shortfall. • Give states greater authority for tolling and public/private partnerships and encourage other innovative finance options. • The Federal government should provide leadership for states and local governments to implement new systems of financing that reduce reliance on motor fuels taxes, such as vehicle-miles traveled fees. • The nation must increase its emphasis on freight transportation investments that support commerce.

Proposal	Key Recommendations/Highlights
U.S. Department of Transportation *Refocus, Reform, Renew: A New Transportation Approach for America*	• Most Federal formula funding should be spent on the following areas: transportation safety; the Interstate Highway System and other highway facilities of national interest; and major metropolitan areas. • Consolidate dozens of stove-piped highway and transit programs into three multimodal funding programs. • Empower a single institutional body, chosen through consensus, to plan and fund major metropolitan area's transportation projects, regardless of mode. • Offer the potential for additional Federal grant funds to high performing grant recipients. • Create a Metro Mobility (MM) Program, which would address transportation challenges faced by metropolitan areas by providing substantial amounts of performance-based transportation funding directly to metropolitan areas with populations greater than 500,000. • Allow jurisdictions to toll Interstates and other major highways (while conditioning their use of toll revenues) and allow jurisdictions greater flexibility to create and use state infrastructure banks. • Expand the use of public-private partnerships. • Remove the volume cap of private activity bonds and make them more flexible. • Create a pilot program under which participating state and metro areas are required to meet Federally designated performance targets, in exchange for which they receive substantial regulatory relief and a clear mandate to consider impacts other than those to historic properties and parkland when selecting a transportation alternative. The proposal would allow states, localities, and other jurisdictions to "opt out" of the Federal interest in any transportation project that would have previously received Federal funds.
Reconnecting America *Jumpstarting the Transit Space Race*	• "Level the playing field" between highways and transit by providing equal Federal funding matching. • Enact a transit public works project similar to the National Interstate and Defense Highways Act of 1956 to help stimulate the economy with investment and create jobs.
Transportation for America *Build for America*	• Restore crumbling transit systems, bridges, and highways before building new roads, then modernize and expand the nation's rail and transit networks. • Integrate energy-efficient, sustainable development, and institute requirements for cleaner vehicles and new fuels. • Ask private developers who reap real estate rewards from new rail stations and transit lines to contribute towards transit service.

3.1 COMMON THEMES FOR FUTURE FEDERAL TRANSPORTATION FUNDING

Overall, most of these proposals share a number of common themes, including:

- Transition to a diverse portfolio of revenue sources to fund transportation;
- Increase Federal motor fuel tax and include price indexing;
- Shift funding towards preserving and modernizing the national transit and rail networks;

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- Emphasis on freight and goods movements, and investment on freight corridors of national and regional significance;
- Provide states with toll/user fee financing options, including congestion pricing, High-Occupancy Toll (HOT) lanes, and truck-only lanes on the existing Interstate Highway System;
- Take prompt action to sustain the Highway Trust Fund;
- Make greater use of public-private ventures;
- Shift to performance-based funding/monitoring with additional funding incentives available;
- Reduce the number of funding programs and allow for more flexibility to shift between modes;
- Address climate change concerns and GHG reduction through increased fuel efficiency, cleaner fuels and shift to transit;
- Promote regional transportation planning efforts (e.g., Regional Blueprint Planning); and
- De-emphasis of Federal and state legislative earmarking.

3.2 Impacts to Future Federal Funding for Alaska

The emphasis for transportation funding is shifting towards tolling or other user fees and metropolitan transit/transportation networks, rather than highway funding or legislative earmarking. If this emphasis prevails, Alaska may be at risk of losing Federal funding given their reliance on Federal highway funds and poor prospects for deriving significant revenues from user fees. Some of these proposals recommend implementing a variety of funding mechanisms at the state, regional, or local level for transportation projects, which could mean shifting greater responsibilities to states or cities for financing their transportation improvements. This could pressure Alaska to institute new or raise existing taxes or fees to fund their transportation projects.

A recent study by the Institute of Social and Economic Research (ISER) estimated that Alaska could be vulnerable to Federal spending cuts between $450 million and $1.25 billion, which could translate into a reduction of 7,000 to 20,000 in jobs. Federal spending in the form of grants (which includes transportation, among other sectors) is the most vulnerable to cuts, especially those grants allocated in the form of earmarks, which account for a significant portion of the Federal transportation funding coming to Alaska. SAFETEA-LU apportionments of "below the mark" earmarks (through the High Priority Projects program) alone accounted for over one-fourth of the total SAFETEA-LU apportionments, compared to the national average of eight percent.

SAFETEA-LU provided $15 million per year through the Denali Access System Program for roads, and $10 million for ports and harbors. The future of this program in the next Federal authorization for transportation is uncertain. The Denali Commission has played a key role in funding transportation need in rural areas, along with other Federal funding through the Indian Reservation Roads, National Park Service, and Forest Service programs. Nevertheless, local communities and native tribes struggle to meet the matching requirements and lack the technical capacity to implement their projects. The State could decide to play a larger role in supporting local road projects by providing funding for the non-Federal share of projects, and also by creating a joint-funded program for local roads. Also, as support for public transportation grows at the Federal level as an alternative to reduce VMT and reduce the carbon footprint of transportation, the State also may consider investing in public transportation.

Earmark reform is seen by many stakeholders in a positive light. About 60 percent of past earmarks have been taken out of what the State would have received from is allocation of Federal fuel tax revenues and so these are only useful when available for high-priority projects, or when the level of funding allocated can be match by the State and/or local government receiving the funding.

4.0 Transportation Funding and Financing Options for Alaska

Across the nation, state departments of transportation (DOT), local governments, and public transportation service providers are continuously evaluating and implementing strategies to expand their current portfolio of revenue sources available for transportation investments. This section presents a menu of revenue options and innovative finance techniques that could be considered in Alaska to address its surface transportation needs.

It should be noted that the implementation of any of these proposed revenue sources may require legislative action before implementation. Furthermore, the constitutional prohibition on dedicated revenues would have to be considered, and policy decisions and strategies will have to be in place to ensure that new revenue sources are used to support Alaska's transportation infrastructure.

4.1 Typology for Potential Revenue Sources

There are many different ways to organize the universe of potential funding sources into discrete categories. For this study, four categories have been defined that separate funding sources based on who pays and how the revenue is collected in relation to the transportation service funded. In economic terms, these four categories are arrayed along a spectrum based on the "benefit principle." This principle of taxation posits that user fees should be based on the benefits received by people using the good which would otherwise be funded with the general tax.

The benefit principle is often difficult to implement because by their very nature, many government-produced goods (public goods) do not have easily measured benefits. National defense, for example, is a pure public good because the benefits flow to all citizens; and one citizen's use or "consumption" of national defense does not exclude anyone else from using the same national defense. But in those cases where direct benefits can be provided to specific users, government has imposed taxes, fees, or charges calibrated to a greater or lesser degree with the benefits received. Public college tuition, national park admission fees, and gasoline excise taxes are three common examples. The beneficiaries of education, a wilderness experience, and highway use are asked (required) to pay accordingly.

Proponents of the benefits principal will most often cite its inherent equity as its justification, but a more relevant advantage for its application to transportation funding may be efficiency: The more direct and calibrated a usage fee or tax for use of the roadway, the stronger the price signal sent to a user regarding the real

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cost of when, where, and how they use the State's transportation system. This price signal, therefore, compels the more efficient use of existing and future transportation facilities and services.

Nevertheless, user fees place a larger burden on lower-income households. This hardship is often regarded as unfair and contrary to the principles of progressive taxation. While there is no final resolution to this dilemma, there have been various proposals to mitigate the hardships on lower-income households disadvantaged by more aggressive use of tolling and other transportation user fees and still enforce greater efficiency through pricing. The most common proposals involved subsidized transit, ridesharing, and preserving alternative non-tolled routes (albeit requiring longer or less reliable travel times).

In certain situations, user fees should be set at much lower amounts that would be necessary to recover all of even a majority of the cost of a transportation investment. This is often the case in Alaska, where the state's large size and small population produces small vehicle volumes on roads and low ridership on transit and ferries. Distributing the entire cost of roadway or transit systems to the small number of users would be impractical. The significant subsidy of construction costs is justified because much of the transportation infrastructure constructed in the lower 48 was completely subsidized by Federal gas tax collected over an extended period.[23] One a few transit systems recover more than 40 percent of their operating costs through farebox revenues and none have repaid their construction costs. Less developed regions such as the Appalachia region are still receiving setasides in Federal highway funds has been a given for 50 years. Nevertheless, as these initial investments are completed and the burden of paying for ongoing operations becomes routine, partial funding for the operating and maintenance costs from user fees may be appropriate.

Our typology for organizing existing and potential funding sources identifies the following four major categories of revenues, ranked according to the strength of their price signal and the closeness of their nexus between users and the benefits they derive. The following four categories, however, may be more accurately thought of as a continuum, with the first being the most effective implementation of the benefit principle and where the distinction between one category and the next blur at the boundaries between them:

1. **Direct User Fees** - This category includes fees directly associated with a trip. Tolls and transit and ferry fares are the most common examples. Nevertheless, the specific fees in this category range from pure user fees that vary according to the marginal cost of accommodating a driver or rider at a specific time of day on a particular roadway or transit system to flat fees that

[23] An analogous situation is the rural electric program, which was set up for exactly the same type of problem. The rural area could not self finance their electrification, due to too few customers and too many miles of line needed.

charge users for the average cost. With modern electronic technology, tolls can vary with demand to help manage congestion, or they can be set at a flat rate, which sends a weaker price signal. Direct freight user charges, while now rare, could be in this category. In Alaska, current direct user fees consist of toll revenues from the Whittier Tunnel and ferry fares.

2. **Indirect User Fees** – Indirect user fees are collected from transportation users, but are termed indirect because they are not collected in association with an actual trip itself. They differ from direct user fees like tolls, which are charged directly at the point of use. Motor fuel taxes are the largest of the indirect sources. Other indirect user fees include vehicle registration fees and excise taxes, and replacement parts taxes such as the Federal tax on tires for large vehicles. In Alaska, the motor fuel tax has been suspended until August 2009.

3. **Specialized Taxes** – These sources are distinct from user fees because they are applied to and collected based upon nontransportation activities, but are dedicated to transportation. The major sources now utilized in this category are state and local option taxes, including sales and property taxes, but this category also includes leases and some forms of improvement district taxes or fees. This category also includes value capture techniques such as special assessment districts, and impact fees, although the latter is calibrated to the impact of specific categories of land use on the need for new transportation capital, and thus could be considered a form of direct or indirect user fees. Their critical difference from general taxes is the assurance given to voters who must approve them that that the money will be spent only on transportation. While this linkage raises the consciousness of the voters for the need for more transportation investment, once in place the tax feels almost identical as general taxes (the fourth category) for the payer. Because taxes cannot be dedicated to specific uses in Alaska, there are no existing specialized taxes for transportation, with the exception of special service areas, where property taxes are dedicated to fund road improvements. The existing revenue options listed under specialized taxes in the next section currently are deposited into the General fund, from where annual appropriations are made to support transportation investments.

4. **General Taxes** – These sources are those that are collected and used for broad purposes, of which transportation may be one purpose. The largest sources in this category are income taxes (not imposed in Alaska), property taxes, general sales taxes, and other ad valorem taxes that are allocated to transportation through the Legislature's discretion during its biennial budgeting process. In Alaska, oil revenues make up over 85 percent of the state General Fund. As described in Section 2.1, funding for transportation at the state level currently is provided through General Fund appropriations.

Roughly 4 percent of the state funding comes from ferry fares and tolls, which are considered direct user fees. If the 54 percent share of Federal funding derived from the Federal fuel tax, then this plus the 11 percent derived from the

state gas tax amounts to about 65 percent coming from indirect user fees. This leaves about 31 percent of the state funding is derived from general taxes.

Based on previous studies that have described revenue options for transportation and discussions with AML, funding options for transportation in Alaska were narrowed down to the following options:

- **Direct User Fees –** Tolls, vehicle-mile traveled fees, and weight-distance fees.
- **Indirect User Fees –** Motor fuel taxes, vehicle registration and license fees, personal property tax on vehicles, and sales tax on motor vehicles.
- **Specialized Taxes:**
  a. Local Option Taxes – Local vehicle registration fees, fuel transfer fees, property taxes and special service areas, local sales taxes, severance taxes, local gas taxes, income and payroll taxes, hotel taxes, rental car taxes; and
  b. Other – Impact fees and local and private in-kind contributions.
- **General Taxes –** Alaska Transportation Fund and state general fund match to local funding.

In addition to funding options, financing tools are included in the discussion, as methods that can help accelerate project implementation and leverage both existing and proposed funding sources.

4.2 DIRECT USER FEES

Tolling and Pricing

As of December 2007, toll facilities in the United States accounted for slightly over 5,100 miles of roads, bridges, and tunnels. The most promising candidates for future toll facilities are for new roads or when adding new lanes on existing roads. The revenue generation potential of a toll facility depends on its potential to attract drivers. In fast growing states like Texas, toll roads could serve as an alternative to currently congested freeways, especially when traffic demand is expected to grow significantly in the future.

Alaska reported $25.0 million in toll revenues in 2006, most of which come from fees collected on the Marine Highway System (i.e., ferries). The Whittier Tunnel generated $1.8 million in toll revenues.

The case for toll roads in Alaska cannot be considered as strong as in other states. In the lower 48, both Florida and Texas have extensive programs to toll new roads. The per capita VMT in both states was at least 39 percent higher than Alaska in 2006, and both states are expecting significant traffic growth over the next 20 years, which will significantly impact travel, particularly in areas that

currently are experiencing significant congestion issues. According to the 2007 Urban Mobility Report,[24] the average annual delay per traveler in Anchorage was estimated at 10 hours, and only two small urban areas included in the report fared lower on this measure (Brownsville, Texas and Spokane, Washington). The average annual delay per traveler in urban areas of Florida and Texas was estimated between 10 percent and over 400 percent of Anchorage's level. Given these levels of congestion and the expected growth in travel demand in urban areas of Florida and Texas, toll road financing is an option to be considered, especially if travel-time savings are substantial, compared to alternative routes.

The Knik Arm Crossing Project is a proposed toll bridge that will improve access between the Port of MacKenzie and the Port of Anchorage, which is expected to reduce travel time by 30 minutes compared to the current alternative. The project currently is planned as a public-private partnership, under Design-Build-Finance-Operate-Maintain (DBFOM) contract with an expected term of 60 years. It is anticipated that the developer will collect the tolls and take substantially the revenue and financing risk. The project cost is estimated at $600 to $700 million. Funding for the project includes approximately $70 million of state and Federal grants. The U.S. DOT had approved up to $261 million in TIFIA credit and up to $600 million in private activity bonds (PAB) to finance this project. However, TIFIA availability currently is constrained since there are more applicants than funding is available, and the PABs were contingent upon completion of the NEPA process and award of a Record of Decision (ROD), and recently revoked. Two concession teams were short listed to compete for the contract and the TIFIA and PABs were being made equally available to both teams. The procurement process currently is on hold, awaiting for ROD on the NEPA process.

According to the Knik Arm Bridge and Toll Authority (KABATA), the recent credit crisis may impact the proposed PPP and financing structure, possibly requiring additional state funding or support. There is a possibility that KABATA might be moved to modify the DBFOM concession somewhat, perhaps including retaining toll revenue risk and changing to a lowest bid availability payment approach, which will be more financially feasible and attractive to private investors with the current marketplace conditions. Another alternative proposed by KABATA is to obtain some form of credit enhancement or deeply subordinated debt layer from the State of Alaska that will attract investment.

A project like KABATA might be one of the very few potential applications of tolling in the state of Alaska; the high costs and low number of potential users negates this approach elsewhere.

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[24] Texas A&M University, Texas Transportation Institute, *2007 Urban Mobility Report*, September 2007.

Vehicle-Miles Traveled (VMT) Fees

The long-term viability of fuel taxes has been called into question as fuel consumption declines with more fuel efficient and alternative fuel vehicles penetrate the market. VMT fees have been proposed as an alternative to the fuel tax; a transportation fee that supports the "user pays" concept. The 2005 National Chamber Foundation study, "Future Highway and Public Transportation Financing" recommended VMT fees as a long-term system of funding that would reduce reliance on the fuel tax. The study recommended a two-tier VMT fee system: a state VMT fee that would gradually replace motor fuel taxes and a local option VMT fee (presumably with variable pricing) to manage congestion in metropolitan areas.[25] The VMT fee also can be based on axle weight or emissions class, with users who purchase and operate vehicles that cause less damage to roadways or the environment paying a lower fee. Oregon DOT recently conducted a pilot study to demonstrate the technical and administrative feasibility of implementing mileage-based user fees. The study concluded that VMT fees are feasible, but it would require acceptance and cooperation of the automobile and gasoline distribution system (the latter for VMT fee collection equipment at gas stations), and support from Federal government.[26]

VMT on all functional classes of highway in Alaska was estimated at almost five billion in 2006, a slight decline from 2005 (1.4 percent decrease). Based on this statistic, the yield of one cent per VMT is about $49.7 million, which is almost $19 million more than the yield of the eight-cent motor fuel tax in 2006. On a per capita basis, VMT is estimated at 7,400 vehicle-miles traveled per capita (in 2006); assuming a $0.01/VMT, the annual VMT payment is estimated at $74 per capita. By 2015, the VMT fee could generate almost $59 million, assuming a rate of $0.01/VMT. The VMT fee also could be adjusted by inflation, as proposed earlier for the motor fuel tax.

A disadvantage of VMT fees is that it also is susceptible to increase in fuel prices, as recently experienced over the last year, with VMT levels declining as fuel prices rose, but it would fare better compared to motor fuel taxes, since improvements in fuel efficiency (a long-term effect of high fuel prices) will not erode its yield.

Weight-Distance Fees

Some states, including Oregon, New Mexico, New York, and Kentucky, collect weight-distance fees from heavy vehicles. The weight-distance fee is based on vehicle weight, number of axles, and distance traveled. Proponents of this type

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[25] National Chamber Foundation, *Future Highway and Public Transportation Financing*, 2005.

[26] Oregon Department of Transportation, "Oregon's Mileage Fee Concept and Road User Fee Pilot Program," November 2007.

of fee argue that this is a more equitable way of charging trucks based on actual road use and wear. The trucking industry, however, strongly opposes this type of fee. Several states have repealed weight-distance fees, primarily as a result of unrelenting legal challenges by the trucking industry.

In Oregon, weight-distance taxes are levied in lieu of a diesel tax. The weight-distance fee is based on truck weight and distance traveled for vehicles weighing between 26,000 and 80,000 pounds. For truck weighing over 80,000, the fee also varies based on the number of axles.

One of the main disadvantages of weight-distance fees is the administrative burden, requiring the trucking industries to maintain accurate records of weight-mile traveled and the states to have a revenue collection process that minimizes tax evasion. Recent innovations in GPS-based charging in Europe, such as Germany's truck toll (based on mileage, number of axles, and the vehicle's emission category) seem to have overcome some of the administrative obstacles with mileage-based fees.

This new source of revenue would have potential for Alaska, especially if it were the revenue were dedicated to funding the maintenance cost for highways damaged by trucking. Furthermore, increased development of mining and other resource extraction businesses has necessitated the need for significant improvements to access roads and highways serving marine terminals. This industrial activity offers the opportunity to impose direct user fees in the form of tolls or weight-distance fees to fund these improvements. Nevertheless, the trucking industry's vehement opposition to weight-distance taxes has limited its implementation to four states.

4.3 INDIRECT USER FEES

Motor Fuel Taxes

Motor fuel taxes account for most of the Federal revenues used for highway and transit programs and for almost half of the revenues used by states to fund highway needs. In 2006, $31.9 billion in motor fuel tax levies were spent at the state level for highways in the United States. In general motor fuel tax revenues are dedicated to transportation by statute, and in some states, these revenues are restricted for highways. In addition to being one of the main revenue sources for state highway expenditures, state motor fuel tax levies also are commonly distributed to local governments and are used to pay debt service on bonds issued for transportation projects.

At the local level, locally generated motor fuel taxes account for a small share of the funding used for highways. Highway Statistics reported that locally generated motor fuel taxes accounted for approximately three percent of the total local revenues for highways. Similarly, motor fuel taxes account for a small share of the revenue used for transit expenditures, accounting for two percent of the state

and local revenues. At the local level, motor fuel tax revenues include those levies at the state level that are directly transferred to counties and municipalities, and local option gas taxes approved by voters at the local level.

Until recently, all 50 states and the District of Columbia levied motor fuel excise taxes on a per-gallon basis. Some states have a fixed rate and an adjustable rate, which could vary with changes in motor fuel price or other factors. In Alaska, the motor fuel tax was implemented in 1945 at 1 cpg. By 1961, it had increased to 8 cpg; it was then lowered to 7 cpg in 1964, and then increased again to 8 cpg in 1970. The fuel tax rate had not been adjusted since then, until recently, when it was suspended for a period of one year (through August 2009). Revenues from the motor fuel tax in Alaska are not dedicated to transportation and are deposited into the State's General Fund.

In 2007, the Alaska Department of Revenue reported receipts from the motor fuel tax at $39.2 million, of which $29.4 million was from highway fuel. Therefore, each penny of fuel tax generated about $3.7 million in 2007.[27] The yield per penny of fuel tax depends on fuel consumption, which is a direct function of VMT and fuel efficiency of the vehicle fleet. Forecasts developed for ADOT&PF 2030 Plan estimate that fuel consumption will grow at about 1.2 percent through year 2020. Based on this assumption, one cent of motor fuel tax would generate about $4.0 million by 2015, or $32.2 million at the current rate of 8 cpg.

Indexing of Motor Fuel Tax

In addition to reinstating the fuel excise tax in Alaska (at the 8 cpg rate), another revenue option is to index the motor fuel tax by adjusting the tax rate with changes on the Consumer Price Index (CPI) or a cost escalation factor that more closely tracks roadway construction and maintenance costs. The motor fuel tax in Alaska has not been increased or adjusted for inflation since 1961. At that time, it was the highest gasoline tax rate (and among the highest of diesel tax rates), at about two cents above the national average. If the motor fuel tax rate would have been adjusted annually for inflation, today's rate would be 58 cpg.

Indexing could be implemented in various ways, with some options presented below:

- Adjust fuel tax rate retroactively to capture loss value (e.g., capturing the value loss due to inflation over the last 10 years would increase the motor fuel tax by 2.3 cents), and continue indexing thereafter. If the motor fuel tax was indexed in 2010 to capture the revenue loss over the last 10 years, and indexed thereafter, the motor fuel tax rate by 2015 would be estimated at 11.5 cpg, and would generate $46.6 million, or an additional $14.2 million when compared to the 8 cpg rate.

[27] Assumption: Yield = $29.4 million/8 cents-per-gallon = $3.67 million per penny of motor fuel tax.

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- Index annually using CPI or other factors. The compounded average annual growth (CAGR) in Anchorage's CPI over the last 10 years is estimated at 2.3 percent, a slightly lower annual growth rate compared to the U.S. 10-year CAGR (2.6 percent). Long-term CPI projections from the Congressional Budget Office estimate inflation increasing at 2.2 percent per year through 2018. If the fuel tax rate is indexed for inflation beginning in 2010, the fuel tax rate would be estimated at 9.1 cpg, and would generate $36.9 million by 2015, or an additional $4.5 million compared to the 8 cpg rate.
- Add a variable/adjustable rate to the excise fuel tax. For instance, some states have an adjustable rate,[28] which could vary with changes in motor fuel price or other factors.

Grandfathered Dedicated Fund for Maintenance

The Alaska Constitution prohibits dedication of revenues for specific uses/ projects, but there is an exception if "dedicated revenues" were in effect (or "grandfathered") at the time the Constitution was adopted. At that time there was a *dedicated* transportation fund, which was eliminated by the Legislature a few years after the Constitution was adopted, after the gas tax was increased from four to 8 cpg in 1961, under the advice of the Department of Law indicating that by changing the tax rate the funding source would lose its dedication. There has been some debate about whether the elimination of the transportation maintenance fund under those grounds was correct, and supporters of reinstating the dedicated fund for maintenance believe that the tax rate can be changed without the levies losing their designation. A precedent was set supporting this argument when the tobacco tax, which is dedicated to schools, was increased in the 1990s without losing its dedication. If this is the case, then it may be possible for the Legislature to implement a dedicated transportation fund legally based on the fact that there was a dedicated transportation fund in existence at the time the Constitution was adopted and the new dedicated fund legislation could be considered a reinstatement of the old fund and thereby grandfathered. Such action would require a court ruling from the Alaska Supreme Court to confirm that the dedication can be restored by legislative action since the change in 1961 was based on a ministerial error. A recent opinion[29] from the Division of Legal and Research Services of the Alaska Legislative Affairs Agency, however, continues to support the elimination of the motor fuel tax dedication to transportation, and that "[w]hile the motor fuel tax continues to be separately

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[28] Kentucky, Nebraska, North Carolina, Pennsylvania, and West Virginia have a variable component of motor fuel tax that is adjusted based on the price of motor fuel. West Virginia, however, recently froze the tax rate until January 2010.

[29] Alaska Legislative Affairs Agency, Division of Legal and Research Services. Memorandum to Representative Berta Gardner from Tamara Brandt Cook, December 24, 2008.

accounted and used as a funding source of the (ADOT&PF) the legislature is free to appropriate money from the tax for any public purpose and **probably** cannot resume dedicating the revenue" (emphasis added).

Vehicle Registration/License Fees

Vehicle registration, license and title fees are commonly dedicated for transportation and represent the second largest revenue source for many state DOTs (after the motor fuel taxes).

In Alaska, vehicle registration fees generated $41.4 million and driver license fees generated about $3.4 million. Of the total motor vehicle taxes and fees levied, $39.4 million in 2006 were spent on highways.[30]

In Alaska, passenger cars pay a flat vehicle registration fee of $100 every two years. Heavy vehicle registration fees are calculated based by weight, from $180 for vehicles up to 5,000 pounds to $662 for vehicles over 18,000 pounds. In 2007, about 881,200 vehicles[31] were registered in Alaska. Assuming that the number of registered vehicle grows in line with population growth projections[32] and a $5 fee increase (per year) for all vehicle classes, Alaska could levy an additional $4.8 million by 2015.

License fees generate modest revenues, and where dedicated to transportation, they are mainly used to cover administrative costs, rather than provide a net source of revenue for capital projects or maintenance expenditures. There are 512,276 licensed drivers in Alaska, according to records from the Alaska Division of Motor Vehicles. The driver license fee is $20 for driver/motorcycle license and $100 for commercial license.

Personal Property Tax on Vehicles

Some states and localities levy a personal property tax based on the value of the vehicle. The amount generated is modestly responsive to inflation, because while the average value of new vehicles has continued to increase, the average value of the fleet is being depreciated each year. Unlike other taxes and fees, the assessed amount is tax-deductible for those who itemized when filing their Federal income taxes. Despite this advantage, some states have faced opposition, leading to repeal or reduction of such taxes. Vehicle property taxes currently are

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[30] FHWA Highway Statistics, 2006 data, Table SF-1, January 2008. Available at http://www.fhwa.dot.gov.

[31] It includes passenger vehicles, trailers, commercial trucks, pick-up trucks, buses, and snow mobiles. Data from Alaska Department of Administration, Division of Motor Vehicles.

[32] Population projections from the Alaska Department of Labor and Workforce Development.

not levied or authorized at the state level, although municipalities and boroughs may choose to levy vehicle property taxes.

Sales Tax on Motor Vehicles

Currently, some states collect vehicle taxes that are dedicated to transportation, including Iowa, Kansas, Michigan, Missouri, Nebraska, North Carolina, Oklahoma, and South Dakota. Vehicles sales and use taxes are normally levied as a percentage of the sales price of a vehicle when it is purchased or first registered in a state.

Alaska is one of few states that do not collect sales taxes at the state level; sales taxes are levied only at the local level. In 2007, it is estimated that retail sales of motor vehicles in Alaska generated about $1.8 billion.[33] In the long term, a 1 percent tax on motor vehicle retail sales is estimated to generate approximately $26.8 million by 2015, assuming that retail sales of motor vehicles increase at an annual average rate of 4.9 percent.[34]

4.4 SPECIALIZED TAXES: LOCAL OPTION TAXES

Local option taxes have been widely adopted by local government in most states (including Alaska) to support transportation investments. They include mechanisms such as local option sales, income, property, and vehicle taxes and fees. Its application and level could be at the local or regional level, and are often dedicated to specific transportation projects or programs.

In 2005, local governments in Alaska spent $161.8 million for highways from local sources,[35] most of which came from property taxes and special assessments ($93.2 million) and local general fund appropriations ($56.4 million). A 2001 survey of local option transportation taxes by the University of California at Berkeley[36] found that local vehicle registration fees, special assessments, and local motor fuel taxes have been used by local governments for transportation. Local governments also are authorized by legislation to implement fuel transfer taxes, car rental taxes, property taxes, local sales taxes, and severance taxes.

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[33] Woods & Poole data for 2008. Data from Bureau of Labor Statistics (CPI, inflation) and the National Automobile Dealers Association was used to adjust Woods & Poole data to present motor vehicle sales net of parts and services sales.

[34] 2008 Woods & Poole data on retail sales of motor vehicles.

[35] Excludes bond proceeds and Federal funding. Data from FHWA 2006 Highway Statistics (Table LGF-1).

[36] University of California at Berkeley, Institute of Transportation Studies, *Local Option Taxes in the United States, Part Two: State-by-State Findings*, March 2001.

Revenues from these tax options go into the General Fund to pay for local needs, including transportation.

Local Vehicle Registration Fees

In Alaska, local government can implement vehicle registration fees based on vehicle age or value. Six boroughs and four cities[37] currently levy vehicle registration fees based on vehicle age, whereas four[38] boroughs levy vehicle property taxes based on value. Of the latter, two boroughs levy the vehicle property tax on commercial vehicles only; private vehicles are exempt. Local vehicle registration fees must be approved by voters before implementation.

Fuel Transfer Taxes

Municipalities can implement fuel transfer taxes by local ordinance, but only two communities have them in place (Bettles at 2 cpg; Cold Bay at 4 cpg), generating about $46,800 in 2007.[39] Fairbanks North Star Borough had proposed a 2 cpg fuel transfer tax in 2002 aimed at reducing property taxes and expanding the borough's tax base, but the measure failed in a referendum. This source has low revenue potential.

Property Taxes/Road Service Areas

As mentioned above, property taxes and special assessments generated $93.2 million for local roads and streets in Alaska. All municipalities and boroughs in Alaska may choose to levy property taxes. For second class cities, property taxes require voter approval. Revenues from property taxes are used to pay general government services, and some boroughs and cities dedicate a portion of their property taxes for specific uses, such as education, police services, fire, health care, and debt service. No property taxes are dedicated to roads, with the exception of Anchorage, which has a dedicate mill rate of 2.59 (in 2007) for roads and drainage.[40]

Boroughs and unified municipalities also can create road service areas, where special property taxes are levied and dedicated to capital improvements, including transportation. Projects must be specified in advance, and implementation is subject to voter approval. The use of road service areas widely varies by

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[37] Alaska Department of Commerce, Community and Economic Development, *Alaska Taxable 2007*, January 2008. Boroughs/Unified Municipalities: Anchorage, Kenai Peninsula, Ketchikan Gateway, Kodiak Island, Matanuska-Susitna, and Sitka. Cities: Nenana, Nome, Unalaska, and Whittier.

[38] Ibid. Boroughs: Bristol Bay, Haines, Juneau, and North Slope.

[39] Ibid.

[40] Ibid.

borough. For example, Fairbanks North Star Borough has over 100 road service areas,[41] which are projected to generate $3.1 million in tax revenues for road maintenance and improvements; the Kenai Borough levied $4.6 million in property taxes in 2007 for its road service areas.

Local Sales Taxes

Currently, 87 municipalities Alaska have local sales taxes, which are used as a general revenue source. The tax rate is between one and seven percent. In 2007, local sales taxes generated $172.6 million.[42]

Using 2008 Woods and Poole forecast data on retail sales, we estimated the revenue potential of 0.5 percent sales tax. For the purpose of this analysis, total retail sales forecasts were adjusted, and it was assumed that retail sales from motor vehicles, food, gasoline, and health care items were exempt from sales taxes. By 2015, a 0.5 percent sales tax was estimated to generate $37.4 million statewide.

Severance Taxes

A severance tax is a type of levy on the extraction of natural resources, and is paid by the individuals and companies who profit from them. Municipalities and boroughs in Alaska are allowed to collect severance taxes; however, only the Denali and Kodiak Island boroughs currently levy severance taxes. In 2007, severance tax revenues were estimated at approximately $83,000 in Denali and $1.3 million in Kodiak Island.

Severance taxes may be considered as a transportation funding option by municipalities that are rich in natural resources and that need roadway improvements to support the movement of these resources. The states of Arkansas, Kentucky, New Mexico, Oklahoma, Tennessee, and Wyoming dedicate a portion of severance taxes to transportation. Most of these states dedicate those revenues to fund construction and/or maintenance of county roads. For example, severance taxes in Kentucky are deposited into the Local Economic Development Assistance Fund; 30 percent of the funds must be used on coal haul roads, and the remaining 70 percent can be used, among several eligible uses, for public transit, roads, and local streets.

Local Gas Taxes

Fifteen states, including Alaska, allow the use of gasoline taxes at the local level. No data was available on current gasoline taxes at the local level, and whether

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[41] Fairbanks Metropolitan Area Transportation (FMATS) *Long-Range Transportation Plan, 2005-2025*, August 2005.

[42] Alaska Department of Commerce, Community and Economic Development, *Alaska Taxable 2007*, January 2008.

local gas tax revenues were used for transportation. FHWA Highway Statistics data combines motor fuel taxes and motor vehicle fees, reporting a total of $19.3 million levied at the local level in 2005, of which $2.1 million and $11.3 million were used for highway and mass transit, respectively. Local gas taxes would face similar issues as the state gas tax, with flat or declining fuel consumption as fleet fuel efficiency improves over time.

Income/Payroll Taxes

Local income taxes are typically assessed at a fixed rate; the payroll tax is levied from employers on the total of all salaries paid. Fifteen states in the United States are authorized to collect income or payroll taxes, with four of them specifically dedicated for transportation purposes by statute. Five states have adopted income or payroll taxes and use the revenues for transportation, including Washington, Oregon, Indiana, Kentucky, and Ohio.

In Washington, taxes on employers are not exactly income or payroll taxes, but a tax that could be based on floor area, number of employees, type of business, or gross proceed. The tax is used to support congestion relief strategies, such a vanpool services. In Oregon, Indiana, Kentucky, and Ohio, the income and payroll taxes are used primarily for public transportation.

Hotel Taxes

Some municipalities in Alaska have adopted hotel and motel bed taxes, ranging from three percent (in Bethel) to 12 percent (Anchorage), although most municipalities levy between four and seven percent. Only Larsen Bay charges a flat rate of $5 per day. In 2007, revenues from hotel taxes were reported between a low $729 (Old Harbor) and a high $19.0 million (Anchorage). Hotel taxes in Alaska are not dedicated for transportation.

Hotel taxes are politically attractive because they are paid by out-of-towners. They have been used in Louisiana, Nevada, and South Carolina to support transportation improvements, but in general, they are used for tourism-related activities. In Reno, Nevada, hotel taxes are being used to pay off debt that was issued to finance the relocation of a freight rail line crossing through downtown. In Louisiana, the hotel tax was adopted to pay for streetcar capital costs.

Rental Car Taxes

Rental car taxes are in place in 30 states, and in some, the rental car tax is levied in lieu of a sales tax. Seven states dedicated all or a portion on vehicle rental taxes for roadways, including Florida, Hawaii, Iowa, Nevada, Oklahoma, South Dakota, and Utah. In North Carolina, vehicle rental fees have been adopted by Triangle Transit in Raleigh/Durham to pay for transit capital. Rental car taxes currently are levied in Anchorage, Cordova, and Yakutat.

4.5 SPECIALIZED TAXES: OTHER

Impact Fees

Impact fees consist of one-time charges to developers on new development. Revenues from impact fees are used to pay infrastructure improvements resulting from growth generated by new development, such as water, sewer, roads, parks, schools, and other infrastructure needs. Currently, 27 states have approved legislation that allows for the implementation of impact fee. Impact fees for transportation facilities may be calculated based on average trips, number of units in a residential project, square footage in a nonresidential project, or other factors.

A survey of impact fees in the United States estimated the average impact fee for various types of residential and commercial development. For example, the average impact fee was estimated at $3,077 for single family home and at $2,095 for a multifamily development. Impact fees for commercial development were estimated at $5,327 per 1,000 square feet for retail and $3,381 per 1,000 square fee for office space. Florida and California have made extensive use of impact fees to fund local transportation improvements. In California, for example, local jurisdictions imposed impact fees to replace more than two-thirds of the property tax revenues lost after the passage of Proposition 13 (1980). Nevertheless, the potential of this source is only significant for communities with rapid growth and can only be used for capital projects (not maintenance or operations).

Local/Private In-Kind Contributions

Matching funds to Federal and state funding can be provided through in-kind contributions, such as land/right-of-way donation and professional services. This source has strong potential for transportation improvements linked to large residential, commercial, or industrial development projects. Mining or other resource extractions projects, for example, may be required to dedicate right-of-way and fund a significant share (if not the entirety) of the construction. This practice has been codified in California's Subdivision Map Act whereby developers are required to dedicate right-of-way and construct a new lane, curb gutter and sidewalk on arterials abutting their development. These dedications are often used to match regional or state funding.

4.6 GENERAL TAXES

Alaska Transportation Fund

In 2008, the Governor of Alaska introduced legislation to create an endowment fund for transportation capital needs. The proposed Alaska Transportation Fund (ATF) would be capitalized with $1 billion from oil taxes, with an expectation that the fund would earn dividends of eight percent or more, based on historic

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returns from other similar state funds. The State would be allowed to use up to five percent of the fund's total value for capital projects. Based on this assumption, the ATF could yield over $50 million in the first year for transportation capital investments, and increasing over time as the value of the fund grows. The expectation is that the ATF would grow both from surplus earnings and from further deposits of oil tax revenues if budget surpluses continue in the future. It is anticipated that the fund would be managed to be inflation proof. All modes of transportation would be eligible, and funding would be allocated based on merit.

With the current drop in the price of oil below the break-even price of oil used to develop the State's budget, there is some uncertainty whether a bill on the ATF would be reintroduced and later approved by the legislature and if funding would be available to capitalize this fund in the 2009 legislative session.

Constitutional Budget Reserve

The Constitutional Budget Reserve (CBR) Fund allows the state to borrow money to balance the state budget when General Fund revenues fall short of actual expenditures. The state repays any funds borrowed with general fund surpluses. The CBR was funded by proceeds of settlement of tax and royalty disputes with the oil companies. By the close of fiscal year 2008, the CBR had almost $8.1 billion in reserve, which included a $3 billion transfer from the general fund. An alternative funding option would be to set aside a portion of the interest and/or earnings of the CBR for transportation.

State General Fund Match to Local Funding

Transportation funding for highway projects at the state level come from annual legislative appropriations from Alaska's General Fund. In 2006, about $4.9 billion (6.8 percent) of the state funding for highways (at the national level) came from General Fund appropriations. The 2007 National Transit Database (NTD) reported that state governments provided $2.6 billion in General Fund appropriations for transit, accounting for almost 30 percent of the state funding for public transportation. State General Fund appropriations are particularly important for public transportation, because legislation in many states restricts the use of fuel taxes to highway investments only. In general, the ability of states to allocate additional funding from the General Fund into transportation is limited due to multiple demands from other state needs (e.g., education, health care).

Unlike other states in the lower 48, General Fund revenues in Alaska have grown significantly in recent year due to increases in the price of oil. On the other hand, local communities, in particular small municipalities and villages, have limited resources to meet the matching requirement of Federal funding and earmarks for their transportation needs. Furthermore, there is no state program that consistently provides funding for public transportation in Alaska. Many of the stakeholders interviewed strongly recommended that the State adopt a 70/30

matching program for transportation similar to the successful program for schools.

A state program that matches local funding may include some of these features:

- Provide funding to cover a specified portion of the non-Federal share (e.g., state to provide 70 percent of the non-Federal share), and require commitment of 30 percent local funding; and
- Grants awarded to specific projects based on merit, with an application process that may include eligibility criteria and evaluation of project benefits (e.g., economic development, job creation, connectivity improvements in rural communities, etc.), among other requirements.

As proposed in ADOT&PF's 2030 Plan and by staff from the Denali Commission, the State could reinstitute the Local Service Roads & Trails (LSR&T) program to provide funding for local roads. Although local roads are eligible for the Community Transportation Program (CTP), funding through this program is tied to Federal regulations, making it difficult for rural communities to use. In addition, the future of the Denali Commission's roads program is uncertain, and continuing support from the Commission will require a commitment from the State for joint-funded and state-supported rural road projects. SAFETEA-LU provided $15 million for roads and $10 million for ports and harbors through the Denali Commission per year. The Commission estimates that between $30 and $40 million over the next five to eight years are needed to address most rural and local street transportation needs, with $10 to $15 million per year coming from the State.

4.7 Evaluation Criteria and Scoring for Potential Funding Sources

All of the potential sources of revenues have advantages and disadvantages. In order to rank their feasibility for application in Alaska, we have developed the following criteria:

- **Yield and Reliability** – This criterion refers to both the overall magnitude of funds a funding source is capable of generating in addition to how reliable this yield is over time. Strategies are given a "high" rating if they are capable of producing a lot of revenue that can be predictably sustained over time. Sources or strategies are given a "low" rating if there is high uncertainty, or if the strategies are inherently short term or low yield. In particular, fuel taxes have been the mainstay of transportation revenues for decades ("high" yield), but in Alaska, and at the current level, they account for a small share of the current transportation funding. In addition, they may not be reliable over time because, if not indexed, their contribution degrades with inflation. If they are indexed, they degrade as cars become more fuel efficient.

- **Economic Efficiency** – This criterion refers to the extent that a strategy provides clear pricing signals that encourage users and providers to minimize unproductive travel and maximize economic growth. Therefore, strategies with "high" economic efficiency are those that help make the marginal prices of goods and services reflect their true costs. Strategies with "low" economic efficiency are those that distort the market by collecting fees that are unrelated to the services they help fund. This criterion must be applied cautiously in Alaska and in combination with the others, especially *regressivity* and *public acceptance*. The state's large number of small rural communities, often with Native majorities, justifies reducing this criteria's threshold so users receive some price signal but the burden is appropriate for their income, access to basic services, and opportunities for employment. In addition, Federal law requires that special minorities receive more subsidy and investment than would be required for the general population. These policies conflict often with State policy that must allocate resources based on more quantitative benefit measures. Finally, a robust measure of economic efficiency includes the full network effects that measure the full benefits to a network gained from completing a single segment of roadway. These comprehensive measurements, for example, would apply to the uneconomic Interstate segments in the empty intermountain and Great Plains states.

- **Regressivity** – This criterion refers to the extent that each strategy equitably burdens different groups of people financially, or unfairly restricts access to basic transportation services. Excise and sales taxes and user fees are all regressive, since they require those with lower incomes to expend a disproportionately higher share of their incomes to pay the tax or fee. The only funding strategies that receive a "high" rating are those that levy different fees based on income level, including income or payroll taxes, property taxes, and vehicle personal property.

- **Administrative Effectiveness** – This criterion refers to the cost and ease of administering each fee or tax system; that is, minimizing evasion and minimizing the logistical hassle imposed on the public in the process of paying the fee or tax in a cost-effective way. The easiest fee-collection systems, designated as having "high" administrative effectiveness in Table 4.1, are those that piggyback on other payments at the point of sale, including fuel taxes and sales taxes. Strategies are designated as "medium" if they require the user to make a unique payment solely for the purpose of paying fees or taxes, but where this process has been reasonably streamlined. VMT fees are the only strategy designated as "low," since current technologies provide no easy way to monitor individuals' mileage.

- **Public Acceptance** – Because all of the funding sources in Table 4.1 require the public to pay more, it is likely that they will all be generally unpopular, with a default "public acceptance" score of "low." Funding sources that are somewhat removed from the transportation project or service they are supporting tend to be particularly unpopular, such as sales, property, and

income taxes and general revenue. In a recent survey from ADOT&PF, almost 67 percent of respondents indicated that state funding for roadways should be increased.

The scoring is presented in Table 4.1 according to these five evaluation criteria.

Table 4.1 Funding Options for Transportation

Funding and Finance Strategy by Primary Purpose	Yield and Reliability	Economic Efficiency	Regressivity	Administrative Effectiveness	Public Acceptance
Indirect User Fees: Motor Fuel Taxes and Vehicle Registration/License Fees					
Reinstating the Motor Fuel Excise Tax (Per Gallon)	Medium	Medium	Medium	High	Medium
Indexing of the Motor Fuel Tax	Medium	Medium	Medium	High	Low
Grandfathered Dedicated Fund for Maintenance	High	Medium	Medium	High	Low
Raising Registration or License Fees	Medium	Medium	Medium	Medium	Low
Vehicle Personal Property Taxes	Medium	Medium	High	Medium	Low
Sales Tax on Motor Vehicles	High	Medium	Medium	Medium	Low
Direct User Fees					
Tolling New Roads and Bridges	Medium/ High	High	Medium	Medium	Medium
VMT Fees	High	High	Medium	Low	Low
Vehicle Weight Fees	Medium	Medium	Medium	Medium	Low
General Taxes					
Alaska Transportation Fund	High	Low	Low	High	Medium
Constitutional Budget Reserve	High	Low	Low	High	Medium
State General Fund to Match Local Funding	Medium	Low	Low	High	Low
Specialized Taxes – Local Option and Other					
Local Vehicle Registration Fees	Low	Medium	Medium	Medium	Low
Fuel Transfer Taxes	Low	Medium	Medium	Medium	Low
Property Taxes	Med	Low	Med	High	Low
Special Service Areas	Low	Medium	Low	Medium	Low/Medium
Local Sales Taxes	Medium	Low	High	High	Low/Medium
Severance Taxes	Low	Low	Low	Medium	Medium
Local Gas Taxes	Low	Medium	Medium	High	Low
Income and Payroll Taxes	Medium	Low	Medium	Low	Low
Hotel Taxes	Low/ Medium	Low	Medium	Medium	Medium/High
Rental Car Tax	Low	Medium	Medium	Medium	Medium
Impact Fees	Low	Medium	Low	Medium	Low/Medium
Local/In-Kind Contributions	Low	Low/ Medium	Low	Medium	Medium/High

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Table 4.2 summarizes the revenue potential for most of the funding options described in this section.

Table 4.2 Summary of Revenue Potential for Transportation Funding Options
Revenue Forecast for 2015

Funding Source	Description	2015 Revenues
Motor Fuel Taxes	Yield per penny by 2015	$4.0 million
	Reinstate motor fuel tax rate at 8 cpg	$32.2 million
	Adjust by CPI starting in 2010	$36.9 million
	Adjust motor fuel tax rate to capture value loss due to inflation over the last 10 years by 2010, and index annually thereafter	$46.6 million
Grandfathered Dedicated Fund for Maintenance	It would allow reinstating a fund dedicated to transportation	N/A
Vehicle Registration/ License Fees	$10 biannual fee increase	$4.8 million
Personal Property Tax on Vehicles	Property tax at the state level based on value of vehicle	N/A
Sales Tax on Motor Vehicles	One percent sales tax on new and used vehicle sales	$26.8 million
VMT Fees	$0.01 per VMT; no indexing	$58.8 million
Weight-Distance Fee	Heavy vehicle fee based on vehicle weight, number of axles, and distance traveled	N/A
Alaska Transportation Fund	$1 billion dedicated from oil taxes	N/A
Constitutional Budget Reserve	Use a portion of interest/earnings from CBR	N/A
State General Fund Match to Local Funding	TBD	
Local Vehicle Registration Fees	$10 biannual fee; assume that is adopted by all communities	Up to $4.8 million
Fuel Transfer Taxes	Excise tax in cpg of fuel transferred	N/A
Property Taxes/ Road Service Areas	Ad valorem tax based on percentage of property values	N/A
Severance Taxes	Based on a percentage of profit from extraction of natural resources	N/A
Local Sales Taxes	0.5 percent sales tax adopted by all communities; excludes retail sales on motor vehicle, food, gasoline, and health care items	$37.4 million
Local Gas Taxes	Yield per penny by 2015, assuming that it is adopted by all communities	Up to $4 million
Income/Payroll Taxes	Percent of personal income, or percent of all salaries paid	N/A
Hotel Taxes	A percentage on room cost, or a flat rate per day	N/A
Rental Car Taxes	Flat rate per day, or x-% of rental	N/A
Impact Fees	Based on units for residential development, or square footage for nonresidential development	N/A
Local In-Kind Contributions	Land donations, professional services	N/A

Funding Scenarios

The funding gap has been estimated at $585 million annually for highway, bridges, and transit investments. As noted by the revenue estimates in Table 4.2 of potential funding options, no single revenue source would be able to close the funding gap on its own. Therefore, a combination of taxes and fees would be required to meet unfunded needs. This analysis assumes that transportation funding from Federal, state, and local governments remain at existing levels.

Three funding scenarios (Table 4.3) were developed to illustrate the need for a diverse portfolio of funding sources to provide at least $300 million per year (i.e., about half of the estimated gap).

Table 4.3 Funding Scenarios

Funding Source	Scenario #1	Scenario #2	Scenario #3	Comments
ATF	$1 billion dedicated to create fund	Same as Scenario #1	Same as Scenario #1	
Motor Fuel Tax	Add 10 cpg to baseline rate (i.e., 8 cpg)	Add 20 cpg to baseline rate (i.e., 8 cpg)	Same as Scenario #2	10 cpg is the required increase to meet the national average excise motor fuel tax (18 cpg)
Vehicle Registration Fees	Increase current vehicle registration fee by 50% (i.e., add $50 biannual fee)	Increase current vehicle registration fee by 100% (i.e., add $100 biannual fee)	Same as Scenario #2	
Sales Tax on Motor Vehicles	0.5%	1.5%	1.25%	Sales tax on new and used vehicle retail sales; applied statewide
Local Sales Tax	0.5%	1.5%	1.25%	Sales tax adopted by all communities; excludes retail sales on motor vehicle, food, gasoline, and health care items
LSR&T	$20 million	$20 million	$20 million	Assume that the state reinstitute the LSR&T program

Table 4.4 and Figure 4.1 show the revenue potential of the three funding scenarios. Only motor fuel taxes (before suspension in September 2008) and vehicle registration fees are collected at the state level, and although they are not dedicated to transportation, they have generally been used to pay for ADOT&PF expenses. Although local sales taxes currently exist (at varying rates across the State), these were not included under the baseline scenario, since they generally go into the local General Fund. Scenario #1 shows that closing the funding gap may not be achievable with a combination of taxes and fees at rates that could be generally acceptable by the public and decision-makers. Both Scenarios #2 and #3 assume aggressive implementation and significantly higher fees to close half

of the funding gap by 2010, but at levels that could be difficult to implement. While a transition to a user-fee based system might be recommended, these scenarios further support the conclusion that direct and indirect user-fees in Alaska would not provide sufficient revenues without imposing a significant burden on its population, and that the state and local governments should consider a diverse portfolio of funding options to meet their transportation needs.

Table 4.4 Potential Contribution of Funding Mechanisms for Alaska Transportation Needs at the State and Local Levels, 2010
(Millions of Dollars)

Funding Source	Baseline	Scenario #1	Scenario #2	Scenario #3
ATF	N/A	$50	$50	$50
Motor Fuel Tax	30	69	107	107
Vehicle Registration Fees	43	66	88	88
Sales Tax on Motor Vehicles	N/A	10	31	26
Local Sales Tax	N/A	30	89	74
LSR&T	N/A	0	0	20
Total	**$73**	**$224**	**$365**	**$365**
Net Revenue (Compared to Baseline)	**$0**	**$151**	**$292**	**$292**

Note: Totals may not add due to rounding.

Figure 4.1 Gap Closing Potential of Revenue Scenarios

4.8 FINANCING TOOLS

Financing tools do not generate new revenue, but allow leveraging of existing resources to accelerate the construction of projects. Debt must be repaid over time, and the total cost increases by the discounted value of interest payments. The benefit of using financing tools comes through the public and economic benefits (e.g., travel time savings; reduced accidents; accessibility to jobs, suppliers, customers and intermodal terminals; job creation; expanded tax base; etc.) realized by having the asset in place earlier. These benefits may be weighted against the higher costs of paying interest on the debt through a net present value analysis.

State and Local General Obligation Bonds

State and local governments can issue debt supported by General Fund revenues, known as General Obligation (G.O.) bonds. G.O. bonds are backed by the full faith and credit of a state or local government and are usually the highest-rated debt of a state or locality. This type of debt is typically used to finance projects that have no or low revenue generating potential.

In November 2008, voters in Alaska approved a ballot measure to issue $315 million in bonds for transportation projects.

Local governments also could issue G.O. bonds to finance transportation investments in their communities. Data from the 2005 Highway Statistics show that local governments in Alaska used almost $40 million in bond proceeds for highways. Compared to other types of debt, G.O. bonds represent low risk to investors, and as such they carry low-interest rates. On the other hand, the issuing government is obligated to raise taxes if General Fund revenues fall short of debt service payments.

Public-Private Partnerships

Public sponsors increasingly consider private-sector involvement as a way to spur implementation of large projects. While searching for new sources of revenue, transportation agencies around the country also are experimenting with public-private partnerships (PPP) to help deliver, operate, maintain, and in some cases, even finance highway and transit infrastructure. PPP's encompass a range of contractual arrangements by which public (Federal, state, local government, and special authorities) and private entities collaborate in the development, operation, ownership, and financing of a transportation infrastructure project or program, including recent long-term lease arrangements. In some cases, PPPs can even attract net new investment capital that otherwise might not be available.

PPP's appear to be best suited for large, complex projects with acknowledged need and strong governmental support. PPPs can provide substantial benefits in terms of accelerating project development and construction, transferring con-

struction and performance risk away from government, providing more efficient operation and superior service, and introducing new technologies.

PPP's have been utilized for Alaska transportation projects in the past. As mentioned in Section 2.0, a notable example is the road access to the Red Dog mine, which was funded and constructed by AIDEA. Similar funding models may be considered to address transportation infrastructure needs to access natural resources, especially if providing access will result in economic development that will benefit Alaska's rural communities by creating jobs and growing their economies.

The Knik Arm Crossing Project currently is being procured as a PPP. The financing for this project may include a combination of state and Federal grants, tax-exempt debt through TIFIA and Private Activity Bonds, private equity, and taxable debt. Under current market conditions, however, private consortiums may have difficulty in accessing credit, requiring additional public support than originally envisioned. KABATA may reconsider the proposed financing structure, and look for alternatives that may be more favorable to all parties under current financial circumstances.

State Infrastructure Bank (SIB)

All states and territories and the District of Columbia are authorized under SAFETEA-LU to enter into cooperative agreements with the Secretary of Transportation to establish infrastructure revolving funds eligible to be capitalized with Federal transportation funds authorized for fiscal years 2005 to 2009. These revolving funds, which are usually referred to as SIBs, provide an opportunity to leverage Federal and state resources by lending rather than granting Federal-aid funds, and they can be used to attract non-Federal public and private investment.

Alaska was 1 of 38 states that could create SIBs under ISTEA. The Alaska SIB provided $2.7 million for the Whittier Tunnel. Under TEA-21, only four states were allowed to further capitalize their banks with Federal money, although SIBs in other states could still operate with whatever funds already had been deposited and supplement the initial capitalization with state or local funds. SAFETEA-LU expanded authority to all states to create SIBs with Federal funding authorized through 2009.

Some states (e.g., Arizona and South Carolina) capitalize their SIBs through borrowing, and the loan repayments are used to retire debt that have been issued, rather than recycling the money into a "second round" of project loans. In addition, one of the advantages of SIBs is that once the loan is repaid, the money loses its Federal designation, and become state funds. This adds flexibility to the types of projects that could be funded.

By reinstating the Alaska SIB, the State could create a revolving loan program, capitalized with Federal or state funding, or a combination of both. Local governments, particularly small communities that may not have access to credit or

would have to pay higher interest rates on debt, could access these low-interest loans by pledging some of their Federal funding for transportation (e.g., IRR funds) or other local revenues to pay back the loans. The SIB could be capitalized with a small initial amount to test its utility to local governments, and could be expanded over time-based results from initial pilot.

State Match of Local Debt

Additional state financial support for local transportation investments could be achieved through the creation of a debt reimbursement program modeled after the School Construction Program. This program provides between 60 to 70 percent reimbursement for debt issued for construction or major maintenance projects by municipal school districts. The project must be approved by and meet the criteria established by the Department of Education and Early Development (DEED). Municipalities must submit the project to voter approval for debt issuance (as with any G.O. bonds). After the municipality has both the DEED and voter approval, it may issue bonds for the project and the State will reimburse the approved percentage of the bond payments.

Potential of Financing Tools for Transportation Investment in Alaska

PPP have very limited applicability in Alaska, although the Knik Arm Crossing Project currently is planned to be delivered through a PPP. There are opportunities for public-private collaboration for access roads that could be explored in the future, following the AIDEA model used for the Red Dog Mine. Other public-private collaboration should be considered for big box retail developments in urban areas, to ensure that new development provides not only road access, but also considers pedestrian accessibility. This was noted by FMATS, citing the lack of transportation connections provided by various big box retailers that opened in the area. Local ordinance is now in place, requiring traffic studies and mitigation measures for this type of development.

State and local general obligation (G.O.) bonds and a state match for local G.O. bonds are potential alternatives to support transportation investments in the future. The recent passage of the state bonding measure indicates that there is local support for transportation improvements. As mentioned above, G.O. bond's advantages include low financing costs and their use for projects that would not generate sufficient revenues for revenue bonds. G.O. bonds disadvantages include the need for voter support, and if general fund revenues fall short, the State is obligated to raise taxes to meet its debt obligation. SIB loans could benefit small and rural communities that may not have access to credit markets.

4.9 FUNDING ALLOCATION OF FUTURE TRANSPORTATION REVENUES

State funding for transportation is targeted primarily to the state highway system, and local roads and public transportation services receive little (if any) state funding to meet their capital and maintenance needs. It is recommended that Federal and state funds are distributed to state and local transportation needs at a 70/30 split, respectively, which would emulate the State's successful program for schools.

Some states (with some exceptions, including Alaska) distribute a portion of state transportation user fees and taxes to local governments. Common funding sources for these distributions are the motor fuel tax and motor vehicle (i.e., vehicle registration or licensing) fees. The approaches that other states use to distribute state transportation funds to local governments vary widely:

- In some states (such as Alaska), funding sources available for transportation are not dedicated to transportation purposes. Thus, the amount of total transportation funds available to both state and local programs can vary in each budget cycle.
- The criteria used to allocate funds include population; road mileage; relative needs; vehicle registrations; vehicle miles traveled; area (i.e., square miles); fuel sales; land valuation; tax raising ability; and sales tax ratios, as well as flat distributions (i.e., equal amounts to each city or county). Some programs are discretionary block grant or project-specific funding approaches, subject to eligibility criteria and a priority setting process.
- Restricting the use of distributed funds to designated roadway purposes such as road construction and maintenance is common. Of the 45 states that distribute motor fuel and motor vehicle receipts to local governments, 37 states (86 percent) reported dedicating 100 percent of such receipts to roadway purposes.[43] For other states, the percentage of such receipts restricted to local roads was over 80 percent, except for California, Hawaii, Nevada, and West Virginia. The states of Alaska, Delaware, Georgia, Louisiana, and Rhode Island do not dedicate state highway funding for local roads.

In Alaska, additional state funding for local roads could be provided through the implementation of the ATF or the state match for local bonds. In that case, some of the larger boroughs and communities may forgo CTP funds if they are provided ATF funds or bonding match, to avoid the Federal regulations that come with CTP funding.

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[43] *Highway Statistics 2006*, Table LDF: Disposition of Local Receipts from State and Local Highway User Revenues – 2005, FHWA, Office of Highway Policy Information.

With the wide variety of approaches in use today, there is no one best practice that emerges to allocate transportation funding. Each state has designed an individual approach that reflects its own particular policy concerns and equity considerations. While population, road mileage, and motor vehicle registrations are the most common allocation variables in use, the percentage weight placed on these and other variables vary significantly. Specific examples of funding distribution formulas of motor fuel tax receipts used by select states include the following:[44]

- **Arizona** - Portion based on population, and portion based on the ratio of total sales of motor fuel within the county to total statewide sales.
- **California** - Reimbursable snow removal costs, dedicated amount for heavy rainfall and storm damage, portion based on historical allocation, portion based on motor vehicle registrations, portion based on road miles maintained, and portion based on population.
- **Colorado** - Portion based on historical allocation, portion based on motor vehicle registrations, and portion based on road miles maintained.
- **Florida** - For counties, based on both population and sales tax revenue. For cities, one-third is based on population; one-third is based on sales tax revenue; and one-third is based on revenue raising ability (i.e., per capita nonexempt assessed real and personal property valuation).
- **Iowa** - For counties, 60 percent are based on relative needs (as determined by a fund distribution committee) and 40 percent are based on geographic area. For cities, based on population.
- **Minnesota** - Sets aside a portion of its motor fuel tax revenue to the County-State Highway Aid Fund and the Municipal-State Highway Aid Fund. These funds are distributed based on a combination of equal distribution, motor vehicle registrations, highway mileage, population, and need (as determined by the State in coordination with the counties and municipalities).
- **North Carolina** - Seventy-five percent are based on population and 25 percent are based on the mileage of public streets.
- **Ohio** - For counties and townships, based on equal portions. For municipalities, based on motor vehicle registrations.
- **Oklahoma** - Portion distributed based on combination of area, population, and road miles; and portion distributed based on need, as determined by the State in coordination with the counties.

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[44] *Highway Taxes and Fees: How They are Collected and Distributed,* Table MF-106: Provisions Governing the Disposition of State Motor-Fuel Tax Receipts - 2001 and 2008, FHWA, Office of Highway Policy Information.

- **Oregon** – For counties, based on motor vehicle registrations. For cities, based on population.
- **Pennsylvania** – Fifty percent are based on road mileage, and 50 percent are based on population.

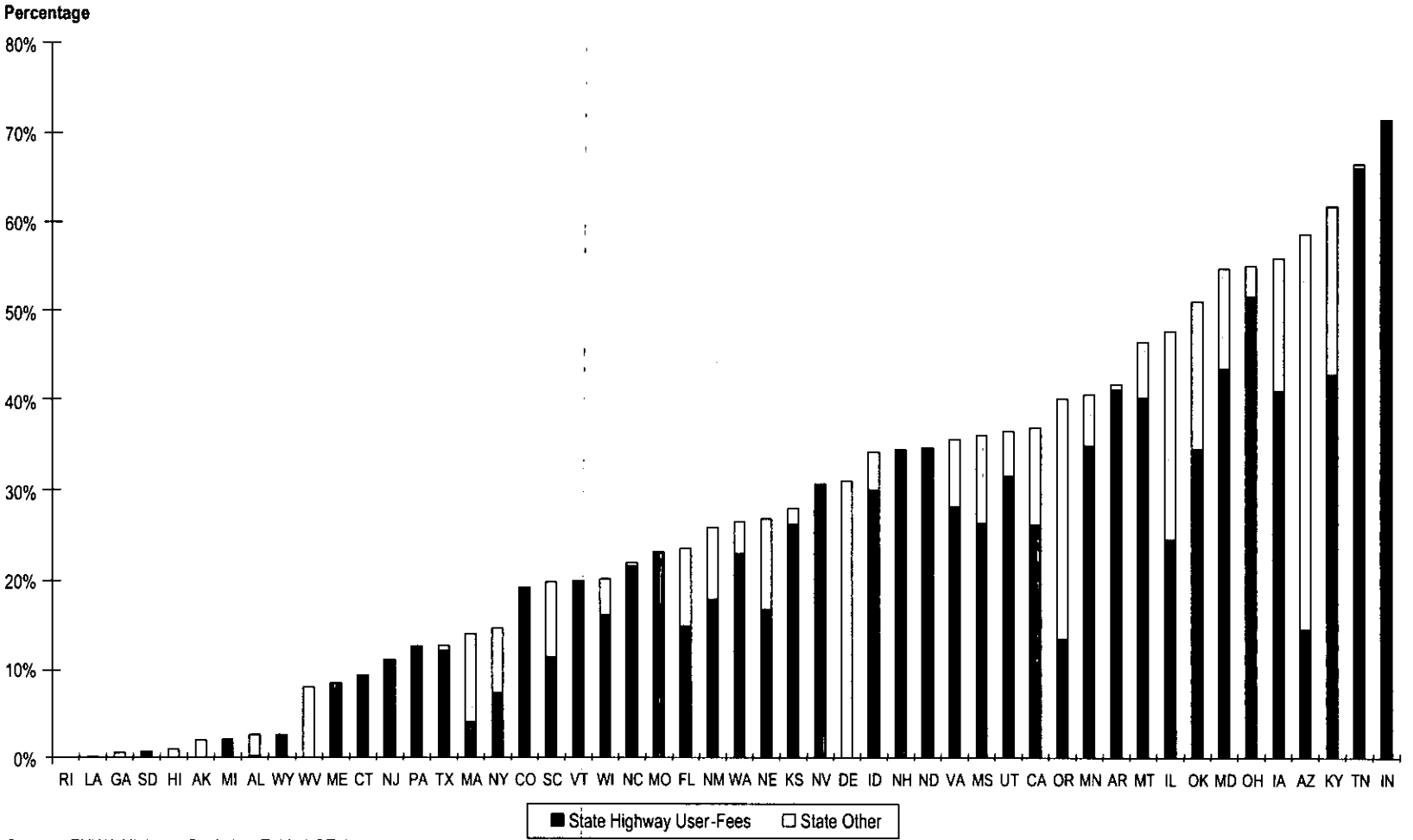
Approaches for states to distribute funds to local governments can be classified into two high-level categories:

1. **Direct Distribution** – The strengths of direct distribution of funds are simplicity, transparency, and less administration. States primarily distribute funds to local governments using direct distribution. For most states, the sheer number of local government entities within the State makes direct distribution a more practical and efficient approach. The State may change the distribution formula on an as-needed basis.
2. **Project Grants** – The strengths of project grants are more control and accountability, and the devoting of funds to specifically identified projects. Project grants are used if additional funds are needed for projects deemed to have particular regional significance. The use of project grants is of particular value with respect to funding transportation projects that cross local jurisdictional boundaries; provide enhanced connectivity with the state highway system; or tie in with high-level statewide.

Alaska's distribution of local funding may consider factors such as population, VMT, and road powers to distribute transportation funding, ensuring that urban versus rural issues are properly addressed.

Figure 4.2 shows the percentage of local road funding derived from state governments for each state, including funding from other nontransportation-related state sources (i.e., nonhighway user fees). As noted before, state funding for local roads in Alaska come from state sources, other than highway user fees. The share of state funding for local roadways ranged from 0 percent (Rhode Island and Louisiana) up to almost 72 percent (Indiana).

Figure 4.2 Local Roadway Funding Derived from States
Year 2005

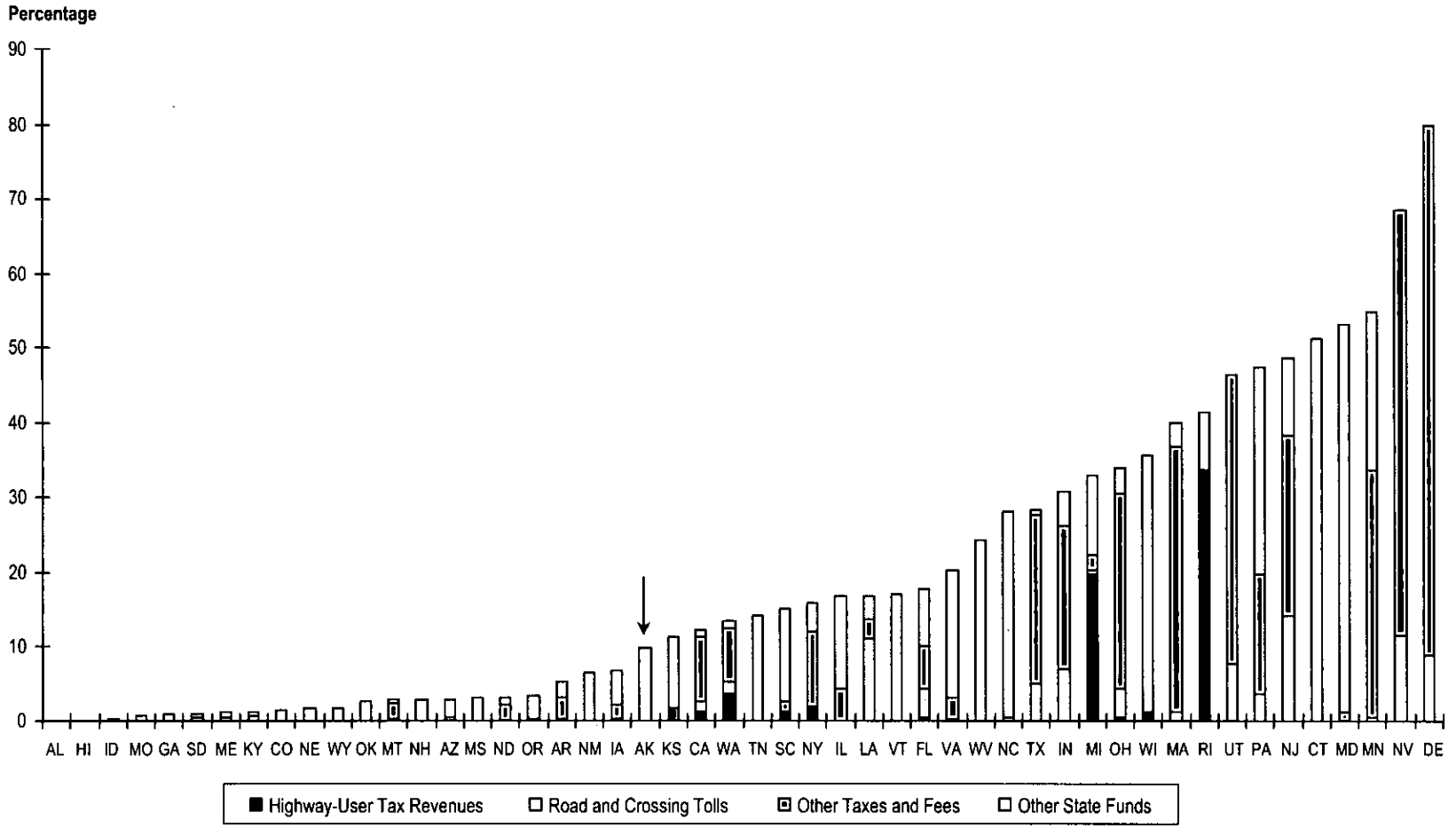


Source: FHWA Highway Statistics, Table LGF-1.

Figure 4.3 shows state funding assistance for transit at the national level for 2005; Figure 4.4 shows both state and Federal funding for transit for Alaska and its peer states.[45] Note that for both graphics, funding statistics from rural transit agencies (including Juneau's Capital Transit) were not available. Alaska and most of its peers reported less than five percent of its funding coming from the State. In the case of Alaska, although the FHWA and FTA data shows that almost 10 percent of its funding for both capital and operations came from the State, the Alaska Mobility Coalition indicated this "state" funding is actually pass-through funding from the Federal government. In terms of percentage, Alaska funded a higher share of its capital and operating transit needs with local funding in 2005, compared to its peer states.

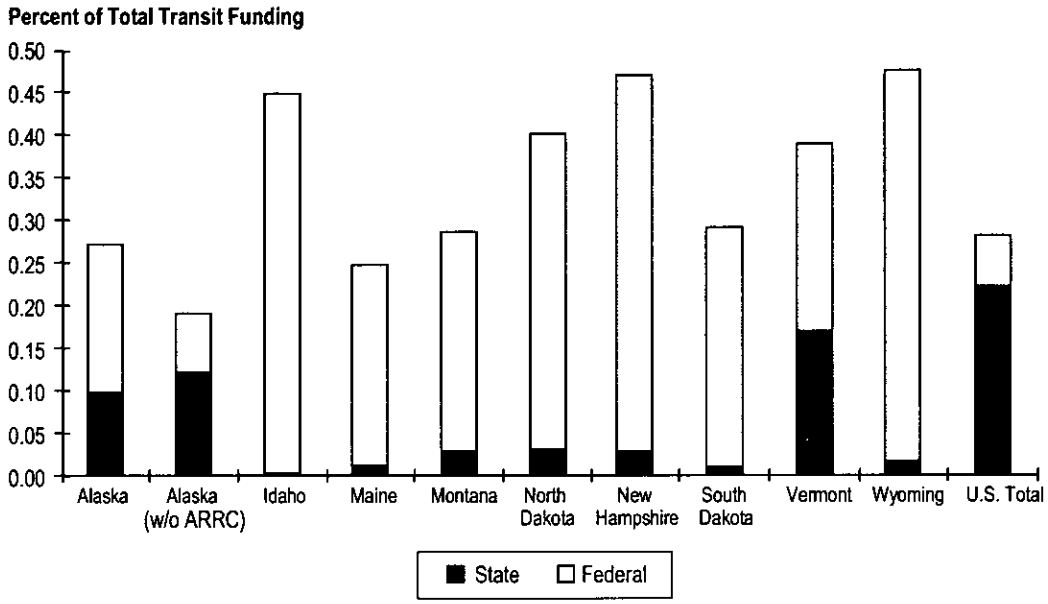
[45] We are using the list of peer states developed for NCHRP Report 569: *Comparative Review and Analysis of State Transit Funding Programs.* Alaska peer states are: Idaho, Maine, Montana, New Hampshire, North Dakota, South Dakota, Vermont, and Wyoming.

Figure 4.3 State Funding for Transit
2005



Source: FHWA Highway Statistics, Tables MT-2a and MT-2b; FTA National Transit Database, Tables 1 and 7.

Figure 4.4 State and Federal Funding for Transit, Alaska, and Peer States
2005

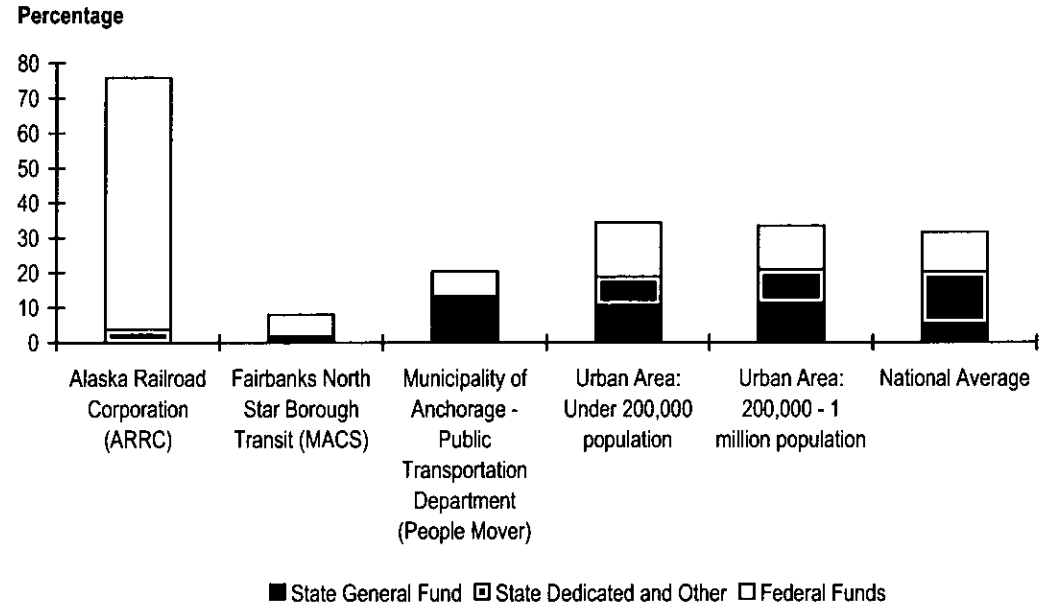


Source: FHWA Highway Statistics, Tables MT-2a and MT-2b; FTA National Transit Database, Tables 1 and 7.

Figure 4.5 shows the percent of funding coming from nonlocal funding sources (i.e., state and Federal) for the major transit services in Alaska,[46] and compares them with small and medium urbanized areas and the nation. ARRC receives almost three quarters of its funding from state and Federal sources, far exceeding the national average. However, transit agencies in Anchorage and Fairbanks fare far below the national averages, with most of the funding coming from local sources. In the case of rural transit services, less than 40 percent of the funding in 2006 came from state and Federal sources. There is an opportunity for the State to play a larger role in providing funding support to transit.

[46] FTA NTD data only report data for the Alaska Railroad Corporation (passenger rail), and bus services in Anchorage and Fairbanks boroughs.

Figure 4.5 Percentage of Transit Capital and Operating Funding by Source
2005



Source: FTA National Transit Database, Tables 1 and 7.

5.0 Funding Options

In this study, we have been tasked with finding answers to seven questions focused on whether the State can maintain its current levels of investment from its existing sources of revenue and what alternative sources would appropriate if these existing sources are not sustainable. The broad consensus among the stakeholders interviewed for this study and all indications from Washington, D.C. point to an imminent decline in Federal funding for Alaska's transportation needs. The question remains will this decline manifest itself as modest and steady reductions of the next six year reauthorization cycle, or will the state experience erratic drops with episodic infusions, or will the current Federal largess drop off a cliff. While the shape of this decline could have severe consequences to the state in the short-term, long-term consequences will look the same regardless of how quickly Federal funding dries up and state general funds decline. In other words, sooner or later the state will have to migrate to sustainable alternatives.

Throughout our research for this study many stakeholders have provided compelling evidence that current levels of capital investment in state and local transportation infrastructure are insufficient. Determining the magnitude of underinvestment, however, is outside the scope of this study. The recommendations are focused on what the State's policy-makers should consider in the short- and longer-term to offset reductions in Federal funding and the likely decline in the state general fund revenues. Nevertheless, our recommendations for a more sustainable funding portfolio incorporate strategies for increasing the investment and for making more cost-effective investments.

Among the stakeholders we interviewed, there were many who have for some time been regarding the State's dependence on Federal revenue and general funds tired directly to international oil prices and declining state production levels as a crisis waiting to happen. They may regard the looming loss of Federal funding as a long-awaited opportunity that is needed to catalyze improvements to the State's transportation funding practices. For them, "*You don't ever want a crisis to go to waste; it's an opportunity to do important things that you would otherwise avoid.*"[47] If policy-makers embrace such philosophy, then bold solutions to the impending crisis for funding Alaska's transportation should gain some precedence over more cautious, small adjustments. One outcome would be certain if only small changes are made (and the price of oil rebounds and the gas pipeline is constructed), the state will gain some additional time before its faces this crisis again. But sooner or later, there will be a reckoning.

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[47]Rahm Emanuel, President Obama's Chief of Staff, November 7, 2008.

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We start by separating our recommendations into three categories: efficiency of existing spending, expansion of alternative state sources, and the application of a threshold of sustainability for the maintenance of marginal transportation infrastructure.

5.1 EFFICIENCY

The need to increase revenues for transportation also must show that current spending is efficient. QA comprehensive investigation of specific measures to improve efficiency, however, is beyond the scope of this study. Nevertheless, the interviews with stakeholders revealed a few opportunities we can identify in general terms.

The most often cited example from stakeholder interviews involves the redundancy of all types of public infrastructure to maintain a minimum of basic public services for many far flung communities. These communities present a wide array of conditions, but a significant number may present some opportunities to reduce redundancy of expensive infrastructure. The four Chignik communities, for example, have multiple fuel farms, public docks, airports, schools, and other municipal facilities. In this case better roads connecting the communities would allow the sharing of duplicative facilities and save significant state expenditures.

5.2 FUNDING OPTIONS

The funding gap has been estimated at $585 million annually for highway, bridges, and transit investments. We recommend that the State consider increasing a combination of taxes and fees to meet unfunded needs. The scenarios presented in Section 4.7 are merely illustrations of alternative bundles of funding increase that would close the current gap. The information within each scenario is intended to show what various sources could contribute. Policymakers will evaluate an increase in each source on its own merits and in the context of the state's unique conditions.

Alaska's vast area, sparse roadway network, small population, scattered communities, resource extraction-based economy, tough weather, Federal control of 69 percent of its land, and high dependence on marine and air modes minimize any useful comparisons to the funding portfolios of other states, let along a comparison to foreign countries. So a source-by-source comparison of Alaska's transportation funding to other state does not necessary point to deficiencies should be corrected to bring Alaska's funding portfolio into closer correspondence with those of the lower 48. Nevertheless, economic theory and the laws of human behavior still apply and drive the same tradeoffs facing any state trying to optimize its funding of transportation. Furthermore, Federal the central pillar of Alaska's transportation funding approach may be crumbling. With the differences and commonalities in mind, we recommend the following increases to specific sources of funding.

Increase User Charges

The fundamental tension to using alternative sources of transportation funding involves finding an appropriate point along a policy continuum, where the two poles are funding transportation as a pure public good or as a public utility much the way most state pay for water or energy. Public utilities are funded with user fees, which in their purest form are priced to cover the true marginal cost of serving each additional customer. This approach is most effective when the follow conditions exist:

1. One citizen's use of the public service excludes another from using the same increment of service (e.g., a camping spot in a campground);
2. There is a cost-effective means of collecting payment (e.g., drivers license);
3. The benefits of the public good accrue to users and less equally to society as a whole (e.g., toll roads); and
4. The user charge sends a clear price signal that ensure the service is used efficiently (e.g., solid waste disposal).

A pure application of user fees for transportation funding would entail the use of vehicle miles of travel (VMT) fees that vary by time of day, location, vehicle type, driver behavior and other criteria that price that individual's travel for his/her full cost on the network and society. No such system has been deployed, although two successful but small demonstration trails have been completed in Oregon and Washington State (Puget Sound Regional Council). Policy-makers in Oregon and Washington regarded these trails as successes, but have concluded that migrating from gas taxes to VMT fees will require a Federal program with standardized system architecture. Meanwhile, cordon pricing programs (which are VMT pricing programs within a specific area) have been implemented in London, Stockholm and Singapore, and Germany has a countywide VMT payment program for commercial trucking. In addition, pay-as-you-drive (PAYD) insurance is available in some form in 34 states and in many foreign countries, including Israel, the Netherlands, United Kingdom, South Africa, Canada, and Japan.

At the other end of the continuum, transportation is regarded as a public good. Such public services benefit all citizens and one citizen's use of the service does not exclude another citizen use of the same service. National defense is often sighted as the purest example of a pure public good. So are education, public health, consumer protection, environmental protection and other services. The primary rationales for funding pure public goods with general taxes include:

1. The difficulty excluding a citizen from using or benefiting from the public good unless the government collects payment;
2. The benefits of the public good are distributed more or less equally to society as a whole; and

3. A private market for the public good would be difficult to create or the feasibility of providing the service from private sector would require inefficient subsidies or undesirable policy outcomes.

Most experts place transportation somewhere closer to a utility than a pure public good, but there is considerable debate and many specific conditions affect its placement, including the severity of congestion, priorities for economic development, opportunities for public-private partnerships, public safety, social welfare, and lots of others. Most experts agree, however, that the price charged to most users in the United States undervalues the benefits they receive from transportation and does not force a user to pay the full costs they impose on other users and society as a whole. This general consensus that all modes of transportation enjoy significant subsidies from general tax revenue is leading to a likely change in the Federal government's criteria for distributing funding to states. The likely outcome of this policy shift will be new requirements that states and local jurisdictions charge more aggressive user fees and other forms of pricing to manage demand as well as cover the cost of higher local match. Furthermore, reauthorization of the Federal transportation bill indicates that transportation may be required to mitigate the full social costs of travel (e.g., taxing carbon or green house gas emissions, national weight-distance fees for commercial vehicles, etc.).

The State's unique conditions listed in the beginning of this section make the replacement of lower Federal funding with more aggressive use of user fees difficult.[48] This practical limitation is exacerbated by the State's constitutional ban on dedicated revenue sources. In order for Alaska to retain some competitive position for the next reauthorization of Federal transportation legislation, we recommend more aggressive use of the following three user fee-based funding sources for specific elements of Alaska's transportation services.

Increase Fuel Taxes and Index to Inflation

Fuel taxes are regarded as indirect or weak user fees. While the amount of each state's fuel tax is added to the wholesale price of the fuel (gasoline or diesel), the differences in retail price levels of fuel in each state do not appear to correspond to the tax rates. The fuel tax, which is technically a user fee, does not send a strong price signal to the motorist. In fact, most of us do not know what the state and Federal fuel tax rates are that we are paying. Nevertheless, in a recent survey from ADOT&PF, almost 67 percent of respondents indicated that state funding for roadways should be increased. Furthermore the data shows stronger public support for user fees if they are assured the revenues go to the specified purpose versus into unrestricted revenues.

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[48] The states vast area, sparse roadway network, small population, scattered communities, federal control of 69 percent of its land, and high dependence on marine and air modes.

Perhaps even more important, changes in a state's fuel tax rate seem to have little or no influence in the state's retail fuel prices. This appeared to be the case when Alaska's eight-cent gas tax was suspended. There is strong evidence that *changes* in retail fuel prices are driven by demand and *changes* in the State's fuel tax rate may only affect who captures the increment of profit from the retail sale of a gallon of fuel: the State, the gas station, the distributor, the carriers, the refiners, or the producers.[49] The data indicate that the suspension of the State's fuel tax did little to reduce the retail price of fuel and any temporary effect was quickly overwhelmed market forces.

Prior to its suspension, Alaska's fuel tax at 8 cent per gallon was the lowest in the nation. This amount generates about $30 million annually. In section 4.7 of this report, we present three alternative funding scenarios. All three include increases in the State's fuel tax. If the State were to increase the fuel tax another 10 cpg (above the 8 cpg rate), it will earn approximately almost $40 million more annually. If the increase were 20 cpg, the additional revenue would total about $77 million annually. Once these increases are in effect, the rate should be adjusted annually to track to an index that tracks with the weighted cost of Alaska's multimodal construction, maintenance, operations expenditures. This indexing of fuel tax should apply to all existing and new revenue sources. The reason is that Alaska needs adequate and reliable funding. Predictable and dependable multiyear funding sources give the State's planners the assurance that large capital projects can be funded reliably over time. Current funding depends on oil prices and global demand, which ensures episodic conflicts with the ongoing maintenance obligations because of erratic fluctuations in public revenues earned from oil sales.

Increase Vehicle Registration Fees

Vehicle registration, license and title fees represent the second largest revenue source for many state DOTs (after the motor fuel taxes). Alaska's vehicle registration fees generated $41.4 million and driver license fees generated about $3.4 million. This revenue comes from a flat vehicle registration fee of $100 every two years for passenger cars and a heavy vehicle registration fees which is based on weight: from $180 for vehicles up to 5,000 pounds to $662 for vehicles over 18,000 pounds. Assuming that the number of vehicle grows in line with

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[49] An example illustrating the incidence of different fuel tax rates occurs along the state boundary between New York and New Jersey. New York has one of the highest gas tax rates in the county (42 cents per gallon) while New Jersey has one of the lowest (about 14 cents a gallon). New York and New Jersey gas stations which are located across the street from each other, however, charge the same price for gas. New York has the nation's best public transit system, which it funds largely with fuel tax revenues. New Jersey's transit and roadway infrastructure in is much poorer condition.

population growth projections and the existing fees increase $5 per year for all vehicle classes, Alaska could levy an additional $4.8 million by 2015.

We recommend the State consider an increase in the fees across all categories from 50 to 100 percent. Such increases would generate between $23 million to $46 million more in annual revenue. The vehicle registration fees are one of three and fuel taxes are the only existing user fees in the State's portfolio that contribute significant revenues. (Revenues from driver license fees are sufficient to cover only administrative costs.) Unlike fuel taxes which are concealed in the retail price of gas or diesel, vehicle registrations fees are paid directly by the owner and therefore provide a clear price signal. This signal could be amplified if the passenger registration fee were indexed to annual odometer readings or vehicle weight (similar to the commercial vehicle registration fees).

General Taxes and Trust Funds

There are compelling reasons for the State to migrate from a general tax-based funding approach to a portfolio more inclusive of user fees. Nevertheless, the significantly higher rates for direct and indirect user-fees that would be necessary to close the gap between needs and revenues would impose a significant burden on travelers and likely undermine economic development. Given the modest gains from increases in these user fee sources, the state and local governments should consider a portfolio of funding options that includes increasing general taxes to meet their transportation needs.

Alaska Transportation Fund

In 2008, the Governor of Alaska introduced legislation to create an endowment fund for transportation capital needs. The Alaska Transportation Fund (ATF) would be capitalized with $1 billion from oil taxes, with an expectation that the fund would earn dividends of eight percent or more, based on historic returns from other similar state funds. The State would be allowed to use up to five percent of the fund's total value for capital projects. Based on this assumption, the ATF could yield over $50 million in the first year for transportation capital investments, and increasing over time as the value of the fund grows. The expectation is that the ATF would grow both from surplus earnings and from further deposits of oil tax revenues if budget surpluses continue in the future. It is anticipated that the fund would be managed to be inflation proof. All modes of transportation would be eligible, and funding would be allocated based on merit.

With the current drop in the price of oil below the break-even price of oil used to develop the State's budget, there is some uncertainty whether a bill on the ATF would be reintroduced and later approved by the legislature and if funding would be available to capitalize this fund in the 2009 legislative session.

Constitutional Budget Reserve

The Constitutional Budget Reserve (CBR) Fund allows the state to borrow money to balance the state budget when General Fund revenues fall short of actual expenditures. The state repays any funds borrowed with general fund surpluses. The CBR was funded by proceeds of settlement of tax and royalty disputes with the oil companies. By the close of fiscal year 2008, the CBR had almost $8.1 billion in reserve, which included a $3 billion transfer from the general fund. An alternative funding option would be to set aside a portion of the interest and/or earnings of the CBR for transportation.

State General Fund Match to Local Funding

The state match needed to secure Federal funding for highway projects come from annual legislative appropriations from Alaska's General Fund. In 2006, about $4.9 billion (6.8 percent) of the state funding match for highways came from General Fund appropriations. The 2007, National Transit Database (NTD) reported that state governments provided $2.6 billion in General Fund appropriations for transit, accounting for almost 30 percent of the state funding for public transportation. The past year's dramatic increases in oil prices have increased Alaska's General Fund revenues significantly. Nevertheless, local communities in general and small municipalities and villages in particular have a much harder time meeting the matching requirement of Federal funding and earmarks for their transportation needs. Furthermore, there is no state program that consistently provides funding for public transportation in Alaska. Many of the stakeholders interviewed strongly recommended that the State adopt a 70/30 matching program for transportation similar to the successful program for schools.

We recommend a state program that ensures local communities will have access to sufficient state funding to match Federal funds. This funding program should include these features:

- Provide funding to cover a specified portion of the non-Federal share (e.g., state to provide 60 percent of the non-Federal share), and require commitment of local funding (some flexibility in share should be considered for poor communities; and
- Grants awarded to specific projects based on merit, with an application process that may include eligibility criteria and evaluation of project benefits (e.g., economic development, job creation, connectivity improvements in rural communities, etc.), among other requirements.

As proposed in ADOT&PF's 2030 Plan and by staff from the Denali Commission, we also recommend that the State reinstitute the Local Service Roads & Trails (LSR&T) program to provide funding for local roads. Although local roads are eligible for the Community Transportation Program (CTP), funding through this program is tied to Federal regulations, making it difficult for rural communities to use. In addition, the future of the Denali Commission's roads program is

uncertain, and continuing support from the Commission will require a commitment from the State for joint-funded and state-supported rural road projects. SAFETEA-LU provided $15 million for roads and $10 million for ports and harbors through the Denali Commission per year. The Commission estimates that between $30 and $40 million over the next five to eight years are needed to address most rural and local street transportation needs, with $10 to $15 million per year coming from the State.

Even if the Legislature accepts this recommendation, a number of difficult issues will remain. In a subsection within section 2.2 (Tensions between Surface Transportation Needs) of this report, we describe four issues of which the last two would need to be understood and possibly remedied for the recommendation to have its full effect. These two issues are: a) the demand of limited funding for state and locally owned roads, and b) local versus state ownership and control of transportation facilities. Key stakeholders believe the sizeable amount of transportation facilities still under state ownership and control force the State to dilute its focus on major state infrastructure. On the flip side, the lack of local control on many local facilities makes it difficult for local municipalities to force state officials to attend to problems that concern local residents, but fail to raise to a level of concern for the State.

A. Summary of Proposals and Studies of the Next Federal Transportation Bill

American Association of State Highway and Transportation Officials (AASHTO)

Authorization Principles and Vision Policies

Key recommendations of this proposal include having a strong Federal funding role and shared transportation funding responsibilities with state and local governments and the private sector; a significant increase in Highway Trust Fund revenues; transitioning to a diversified portfolio of revenue sources; and supplementing revenues at the state and local levels by making greater use of tolls and public-private ventures.

Some key policy positions of the proposal include giving priority to preserving and modernizing the system of highways, transit, and rail built during the last century; providing additional Federal governmental financing for freight-related investments from resources outside the Highway Trust Fund; focusing on non-metropolitan areas of the country in need of new roads, upgrades to their existing road network, and increased transit services in order to adequately interconnect with other regions; and a strong Federal role in funding intercity passenger rail. The proposal also recommends that each state establish performance-based, outcome-driven programming of funding and focus investments in a limited number of core programs.

American Road And Transportation Builders Association (ARTBA)

A New Vision And Mission For America's Federal Surface Transportation Program

ARTBA's proposal recommends increasing the Federal motor fuels tax by at least 10 cpg and indexing the tax to inflation; providing states with toll financing options, including congestion pricing, HOT lanes, and truck-only lanes; the ability for states to use appropriately structured toll systems on existing portions of the Interstate Highway System; the use of debt financing as a viable funding source for long-term capital improvements to compliment the core highway and transit programs; increasing resources for SAFETEA-LU's High-Risk Rural Road Safety Program to improve highways that represent a documented threat; and implementing a specific transition timeline for transitioning to new financing mechanisms.

The proposal also recommends a Critical Commerce Corridors (3C) Program be created, which would provide new surface transportation system capacity and operational improvements exclusively focused on securing the safe and efficient movement of freight. Potential 3C freight-related funding sources would include freight movement bills and national vehicle inspection tags.

Other legislative and regulatory recommendations include earmark reform, which would require all Congressional or Executive Branch designated spending under the next Federal surface transportation bill be committed during the bill's lifetime; and a Maintenance of Effort requirement that makes increased Federal highway or transit investment contingent on a state or local government, at minimum, maintaining its own level of transportation infrastructure investment.

American Public Transportation Association (APTA)

A Vision of 2050: Interim Report of APTA's TransitVision 2050 Task Force

APTA's proposal recommends evaluating transportation programs using performance-based criteria; involving and integrating public transportation organizations into the regional planning process; working towards a single-payment method for all modes of transportation that allows seamless travel; exploring private sector participation in the public transportation industry; and planning, designing and implementing multistate infrastructure projects on a megaregional scale by regional governing entities. The report also recommends that public transportation agencies of the future should become full service mobility managers that provide real-time information and multiple options for users; and that urban, suburban, rural, and intercity service should be coordinated as much as possible.

Association of American Railroads (AAR)

National Freight Infrastructure Capacity and Investment Study; Final AAR Principles on Federal Funding on Freight Rail

The National Freight Infrastructure Capacity and Investment Study estimates railroad infrastructure needs from present to 2035 at approximately $148 billion. Class I railroads share equates to $135 billion and shortlines and regional railroads share is $13 billion. Of Class I share, $96 billion could be covered by railroads and $39 billion, or $1.4 billion per year, would require public assistance through investment tax incentives, public-private partnerships, or other sources.

AAR's proposal recommends that Federal funding and policies must not reduce and should encourage private investment in the nation's rail system; in all public-private partnerships, public benefits should be funded by public funds and railroad benefits should be funded by railroad funds; if the Federal government establishes a freight fund to fund public benefits of freight rail projects, funding should not be extracted from freight transportation providers or their customers or disadvantage the economics of rail transportation; freight railroads should not

be required to assess or collect any fees, as the rail logistics system should not be saddled with increased costs to fund public benefits, either directly or through a freight fund; Federal freight investment should focus on key transportation projects with significant public benefits, such as eliminating rail chokepoints, improving service to shippers, facilitating international trade, reducing greenhouse gases, cutting vehicle miles traveled, and improving safety; and Federal fees associated with a freight fund should preempt state and local fees, unless there is mutual agreement among the parties.

Additional AAR principles on the Federal transportation program reauthorization include support for separate funding for the Section 130 (closure of or installation of safety devices at highway-rail grade crossings) program; support for separate funding for intermodal connectors; and opposition to eliminate the freeze on longer and heavier trucks operating on the interstate highway system. The proposal also recommends Federal funding of public benefits must not be in lieu of the enactment of Federal investment tax incentives for increased private investment.

Brookings Institute - Metropolitan Policy Program

A Bridge to Somewhere: Rethinking American Transportation for the 21st Century

This report provides several recommendations that would fundamentally change the way transportation investments are made in the United States, including protecting existing assets by making the preservation of the interstate highway system a priority and consider decommissioning or downsizing some portions of the interstate system in center cities and older suburbs; focusing on the key freight hubs and trade corridors by developing a comprehensive National Freight Transportation Plan; and committing to a comprehensive national plan for intermetro area passenger movement that focuses on integrating the rail network into the existing air and road transportation networks.

The report also suggests that the Federal government empower states and metropolitan areas to grow in sustainable ways, embracing pricing and incentivizing market mechanisms to allow for better management of the metropolitan network. Other recommendations include optimizing the nation's transportation network performance by augmenting existing accountability efforts and rewarding performance; creating an incentive pool to reward states and metropolitan areas that consistently perform at an exceptional level; and creating a new position, Deputy Secretary for National Priorities Implementation, with responsibility for overseeing and monitoring performance related to furthering established national goals.

Building America's Future Coalition

Building America's Future: Investing in Infrastructure

One of the Coalition's main objectives is to ensure that the next president understands the enormity of the infrastructure crisis and is committed to increasing Federal funding. The Coalition feels that current Federal spending on infrastructure is insufficient; infrastructure investments and sustainable transportation planning are critical elements in mitigating the growing concerns regarding global warming and climate change; and infrastructure is a Federal challenge that requires a Federal commitment of resources.

U.S. Government Accountability Office (GAO)

Surface Transportation Programs: Proposals Highlight Key Issues and Challenges in Restructuring the Programs

This GAO report concludes that many current transportation programs are not effective at addressing key transportation challenges, such as congestion and freight demand growth, because they lack links to needs or performance. The GAO report also criticizes the distribution of surface transportation funds without regard to detailed benefit/cost analyses, as rigorous economic analysis is not a driving factor in most investment decisions by state and local governments.

Additionally, the report determines that tools to make better use of existing infrastructure, such as intelligent transportation systems and congestion pricing, have not been deployed to their full potential. It also states that increases in Federal spending for transportation appear to reduce state spending for the same purpose, reducing the return on the Federal investment - research estimates that 50 percent of each additional Federal grant dollar for the highway program displaces funds that states would otherwise have spent on highways.

The report details a number of principles that GAO feels can help guide the assessment of options for transforming Federal surface transportation programs. These principles include: 1) ensuring goals are well-defined and focused on the Federal interest; 2) ensuring the Federal role in achieving each goal is clearly defined; 3) ensuring accountability for results by entities receiving Federal funds; 4) employing the best tools and approaches to emphasize return on targeted Federal investment; and 5) ensuring fiscal sustainability.

To improve the effectiveness of the Federal investment in surface transportation, meet the nation's transportation needs, and ensure a sustainable commitment to transportation infrastructure, GAO urges Congress to consider reexamining and refocusing surface transportation programs to be responsive to these principles so that they: 1) have well-defined goals with direct links to an identified Federal interest and Federal role; 2) institute processes to make grantees more accountable by establishing more performance-based links between funding and program outcomes; 3) institute tools and approaches that emphasize the return on the Federal investment; and 4) address the current imbalance between Federal surface transportation revenues and spending (e.g., Highway Trust Fund).

GAO also reviewed the National Surface Transportation Policy and Revenue Study Commission (National Commission) Report, which recommended significantly increasing the level of investment by all levels of government in surface transportation, consolidating and reorganizing the current programs, speeding project delivery, and making the current program more performance-based and mode-neutral, among other things. GAO acknowledged that while there is a degree of consensus on the need to reexamine Federal surface transportation programs, there is not yet a consensus on the form of a restructured surface transportation program should take.

Several commissioners offered a dissenting view on some of the Commission's recommendations, notably the level of investment, size of the Federal role, and the revenue sources recommended. GAO feels that these principles do not prescribe a specific approach to restructuring, but they do provide key attributes that will help ensure that a restructured surface transportation program addresses current challenges.

Center for Clean Air Policy

Green TEA: Linkages to Climate Policy

Key recommendations of this proposal include tying Federal transportation funding to energy conservation and GHG reduction; changing Federal funding ratios for new highway and transit to tilt the balance toward transit operations, bicycling, walking, and travel demand management while decreasing the share of transportation funding for new road construction; increasing support for regional transportation and land use planning, scenario analyses and blueprint visioning processes; requiring alternative land use and transportation scenario analyses for Transportation Improvement Programs (TIP) and Long-Range Transportation Plans (LRTP); and requiring metropolitan planning organizations to establish GHG/petroleum reduction and mode-split goals as part of LRTPs.

The proposal also recommends providing incentives to encourage location-efficient development and efficient travel behavior (e.g., smart growth, transit-oriented development, mileage-based insurance, congestion pricing, etc.); and leveraging other Federal infrastructure policies (i.e., housing, water treatment systems and schools) to foster development of areas with rich transportation choices and efficient land use patterns via incentives or performance criteria.

GO21

Growth Options for the 21st Century

The goal of GO21 is to advocate greater use of freight rail transportation as a solution for reducing highway congestion and enhancing air quality, economic competitiveness, and quality of life. GO21's key recommendations include the passage of the Freight Rail Infrastructure Capacity Expansion Act, which would substantially increase investment in the nation's freight rail infrastructure and would give a 25 percent tax credit to businesses that invest in new freight rail

infrastructure that expands system capacity. This tax credit would be available to any person or entity making eligible expenditures such as railroads, rail customers, trucking company investing in intermodal facility, or a port investing in connecting infrastructure. GO21 also recommends preventing the passage of S. 953 and H.R. 2125 legislation, which would give Federal government authority over railroad operations.

National Academy of Public Administration

Financing Transportation in the 21st Century: An Intergovernmental Perspective

This report makes the following key recommendations: Take prompt action to sustain the Federal Highway Trust Fund and other surface transportation revenue sources; any new financing system should incentivize state and local governments that take innovative steps to address their own needs; de-emphasize Federal and state legislative earmarking of unplanned projects; look into increasing fuel taxes and/or indexing; and amend the "fiscal notes" portion of the Unfunded Mandates Reform Act of 1996 to increase Federal and state capacity to perform intergovernmental impact assessments.

National Surface Transportation Policy and Review Study Commission

Transportation for Tomorrow

Key recommendations of this report include investing at least $225 billion annually from all sources over the next 50 years to upgrade the existing transportation system and to create a more advanced surface transportation system (2.5 times today's level); retain a strong Federal role in transportation; spend Federal funding through outcome-based, performance-driven programs supported by cost/benefit evaluations rather than political "earmarking."

The report also recommends replacing over 100 current programs with 10 new programs focused on the national interest, covering the following areas: Rebuilding America (asset management); freight transportation; congestion relief; saving lives; connecting America (access for smaller cities and rural areas); intercity passenger rail; environmental stewardship; energy security; Federal lands; and research, development, and technology.

This proposal suggested multiple strategies for increasing transportation revenue, including increasing the Federal fuel tax by up to 40 cpg over the next five years, and then index the tax rate to inflation; levying Federal ticket taxes on transit and passenger rail trips; levying Federal container charge freight waybill surcharge, or other freight fees; encouraging increases in state and local revenue sources; providing new flexibility for tolling and pricing, including on existing Interstate Highway facilities; encouraging the use of public/private partnerships; and conducting a national study of the strategies for transitioning to an alternative to the fuel tax.

National Surface Transportation Infrastructure Financing Commission

The Path Forward: Funding and Financing Our Surface Transportation System

This report includes initial observations but no specific recommendations. The final report with policy recommendation is expected by February 2009. Key observations in their initial report are: Current funding mechanisms and levels of revenue are not closely linked to use of the transportation system, allowing demand and costs to grow faster than revenue; the fuel tax, a key Federal funding source for the transportation system, is no longer sufficient at current rates; and more direct user charges should be explored.

Passenger Rail Working Group

Vision for the Future: U.S. Intercity Passenger Rail Network Through 2050

Key recommendations of this report include creating a national freight and passenger rail strategy; creating a new Federal Intercity Passenger Rail Program to fund construction of the passenger rail system with annual funding of $5 billion for intercity passenger rail, including Amtrak and grants to states; and financing the rail system on a cost-to-compete basis, with 80 percent of capital costs being provided through Federal spending.

Transportation Transformation Group

Principles for a New National Surface Transportation

Transportation Transformation Group (T2) supports a transformation of American transportation policy in 2009, not just a reauthorization of current policies. Key recommendations include: Congress must establish a long-range vision of surface transportation, with a clear national interest, that considers all modes for moving people and goods; the Federal government should encourage and provide incentives for implementation of any and all tools to meet transportation goals; the future transportation system should adopt new intelligent transportation system technologies while maintaining flexibility to adapt to emerging technologies. T2 supports more flexibility given to state and local governments to move financial resources among modes that best accomplish transportation goals. T2 also supports the continuation of the existing Federal motor fuel tax, provided that significant program reforms occur and innovative financing methods are made available to states.

U.S. Chamber of Commerce

Surface Transportation Needs, Funding, and Economic Linkages

The U.S. Chamber of Commerce's key policy positions include: The Chamber believes that every option for funding and financing our national transportation system must be considered to address the enormous problems of the aging

transportation infrastructure; and the Chamber strongly encourages Congress to ensure that Highway Trust Fund (HTF) revenues are sufficient to support the guaranteed funding levels in SAFETEA-LU.

The Chamber also gives the following recommendations: Indexing Federal motor fuel taxes would have the most immediate impact on the HTF revenue shortfall; give states greater authority for tolling and public/private partnerships and encourage other innovative finance options; the Federal government should provide leadership for states and local governments to implement new systems of financing that reduce reliance on motor fuels taxes, such as vehicle-miles traveled fees; the nation must increase its emphasis on freight transportation investments that support commerce.

U.S. Department of Transportation

Refocus, Reform, Renew: A New Transportation Approach for America

The U.S. Department of Transportation (DOT) proposal focuses on spending most Federal formula funding on areas of the greatest Federal interest: transportation safety; the Interstate Highway System and other highway facilities of national interest; and major metropolitan areas. The proposal recommends providing discretionary grant funding to support multistate corridor projects, bottleneck projects, projects of national or regional significance, and innovative metropolitan responses to urban congestion.

The DOT also proposes to consolidate dozens of stove-piped highway and transit programs into three multimodal funding programs; empower a single institutional body, chosen through consensus, to plan and fund major metropolitan area's transportation projects, regardless of mode; and offer the potential for additional Federal grant funds to high performing grant recipients.

Another recommendation of the proposal is to create a Metro Mobility (MM) Program. The MM Program would address transportation challenges faced by metropolitan areas by providing substantial amounts of performance-based transportation funding directly to metropolitan areas with populations greater than 500,000 (which collectively generate 42 percent of the nation's annual vehicle-miles traveled). This program also would allow recipients broad multimodal flexibility in selecting projects for the movement of people and goods that institutionalize performance management in metropolitan-level transportation decision-making, and provide financial support for innovative metropolitan approaches to traffic congestion. MM funding could not be used to fund transit operations, but could be used to fund the operations of the Metropolitan Transportation Board, any analyses conducted in order to meet the newly required benefit/cost, performance management, public private partnership, or research activities consistent with the objectives of the MM Program. Funding recipients would not be required to use a designated percentage of MM funding for any of these purposes.

The DOT recommends allowing jurisdictions to toll interstates and other major highways (while conditioning their use of toll revenues); expanding the use of

public-private partnerships; broadening the availability of Transportation Infrastructure Finance and Innovation Act credit assistance; removing the volume cap of private activity bonds and make them more flexible; allowing jurisdictions greater flexibility to create and use state infrastructure banks. The DOT also recommends creating a pilot program under which participating state and metro areas are required to meet Federally designated performance targets, in exchange for which they receive substantial regulatory relief and a clear mandate to consider impacts other than those to historic properties and parkland when selecting a transportation alternative. The proposal would allow states, localities, and other jurisdictions to "opt out" of the Federal interest in any transportation project that would have previously received Federal funds. The proposed opt-out pilot program would allow states to keep most of the fuel taxes they collect for themselves.

National Transportation Policy Project (NTPP)

Commentary on the July 28 U.S. DOT Transportation Policy Proposal

The NTPP (a bipartisan group) released a commentary of the U.S. DOT *Refocus, Reform, Renew* proposal, in which the organization discussed areas of concurrence and disagreement related to the role of the Federal government in transportation policy.

NTPP believes critical priorities include maintaining and improving existing infrastructure, improving safety, and establishing performance standards and measures of accountability in the use of Federal funds. NTPP also believes that pricing as an essential tool for solving transportation problems; and it is important to not overemphasize the role of leveraging Federal highway funds as a policy goal in its own right.

NTPP also feels that a comprehensive national transportation policy must affirmatively address energy and environmental issues related to transportation since the transportation industry is 96 percent to 97 percent dependent on oil and responsible for approximately 30 percent of all greenhouse gas emissions in the United States. NTTP's view is that the Secretary's proposals reward states for increasing greenhouse gas emissions and fuel consumption.

According to the NTPP, creating another institutional layer (i.e., Metro Mobility Program) will not solve the underlying problem of effective regional strategic decision-making. A better strategy would be for the Federal government to focus on providing the incentives that can effectively encourage regional collaboration. That Federal transportation policy should enable states to achieve clearly articulated goals and outcomes. To that end, Federal policies should be permissive rather than prescriptive and should neither require nor hinder options.

The NTPP feels the call for a pilot project to allow states to opt out of the Federal-Aid highway program is inconsistent with other DOT proposals, as this implies that the Federal role in transportation policy and infrastructure investment is optional and that states can assume the Federal government's obligations.

Reconnecting America

Jumpstarting the Transit Space Race

Key recommendations of this report include "leveling the playing field" between highways and transit by providing equal Federal funding matching; increasing Federal funding for transit projects; recognizing the national demand for transit; and enact a transit public works project similar to the National Interstate and Defense Highways Act of 1956 to help stimulate the economy with investment and create jobs.

Transportation for America

Build for America

This report recommends modernizing and expanding the nation's rail and transit networks; restoring crumbling transit systems, bridges, and highways before building new roads; connecting the metro regions; integration of energy-efficient, sustainable development; and institute requirements for cleaner vehicles and new fuels. Other recommendations include asking private developers who reap real estate rewards from new rail stations and transit lines to contribute towards transit service.

B. Data Tables for Selected Figures

Table B.1 State Highway Funding, State by State, 2006 (Figure 2.3)
(Shares of State Budget from Each Source)

State	General Funds	Fuel Taxes	Vehicle Taxes	Tolls	Other State Funds	Other
Alaska	58.7%	9.9%	13.4%	8.5%	-	9.5%
Wyoming	30.0%	42.4%	22.2%	-	4.0%	1.3%
North Dakota	22.9%	48.3%	28.5%	-	-	0.3%
Utah	22.5%	44.4%	12.5%	0.03%	13.2%	7.4%
Vermont	20.3%	25.3%	43.1%	-	0.7%	10.7%
Kansas	20.0%	40.4%	13.1%	7.3%	13.6%	5.5%
Louisiana	19.5%	52.6%	18.0%	3.1%	3.7%	3.2%
New York	17.7%	24.6%	19.7%	27.7%	1.6%	8.7%
Florida	15.9%	40.2%	18.9%	18.9%	2.4%	3.8%
Delaware	15.9%	21.6%	20.1%	36.9%	-	5.5%
California	14.5%	42.2%	28.9%	2.5%	4.6%	7.3%
Nevada	12.4%	61.2%	17.5%	0.1%	-	8.9%
Virginia	11.2%	33.1%	26.8%	5.6%	17.4%	5.9%
Kentucky	10.0%	39.4%	46.3%	0.0%	-	4.3%
Alabama	8.3%	67.5%	19.1%	0.0%	5.1%	-
Nebraska	8.2%	53.0%	11.9%	0.0%	23.5%	3.4%
Michigan	6.4%	45.9%	39.9%	1.5%	-	6.3%
West Virginia	5.4%	43.6%	38.1%	9.2%	-	3.7%
Indiana	5.3%	64.8%	10.3%	7.4%	-	12.2%
Arkansas	4.9%	67.1%	23.3%	-	0.3%	4.5%
Colorado	4.3%	37.4%	55.8%	-	0.3%	2.2%
Maryland	4.0%	26.3%	39.3%	14.7%	5.0%	10.7%
Oregon	3.9%	46.9%	44.9%	-	1.4%	2.8%
Iowa	3.8%	36.2%	34.0%	-	24.9%	1.1%
New Hampshire	3.4%	43.2%	24.9%	24.4%	-	4.1%
Ohio	0.6%	64.5%	26.0%	6.6%	-	2.3%
Texas	0.5%	49.5%	30.4%	5.2%	0.9%	13.5%
Oklahoma	0.3%	38.8%	35.9%	22.4%	-	2.6%
Rhode Island	0.3%	69.5%	15.2%	10.4%	-	4.7%
South Carolina	0.1%	81.1%	14.3%	1.8%	-	2.7%
Arizona	0.1%	36.5%	15.0%	-	45.3%	3.2%
Illinois	0.1%	39.8%	37.6%	18.5%	0.0%	4.0%
Connecticut	-	59.0%	27.8%	0.02%	0.0%	13.2%
District of Columbia	-	11.5%	36.6%	-	50.9%	0.9%
Georgia	-	32.3%	25.9%	1.6%	34.4%	5.8%

State	General Funds	Fuel Taxes	Vehicle Taxes	Tolls	Other State Funds	Other
Hawaii	-	39.9%	50.0%	-	-	10.1%
Idaho	-	60.8%	38.3%	-	-	0.9%
Maine	-	58.6%	15.0%	22.2%	-	4.3%
Massachusetts	-	13.1%	4.5%	20.2%	53.9%	8.3%
Minnesota	-	46.3%	38.3%	-	11.5%	4.0%
Mississippi	-	74.2%	24.1%	-	1.4%	0.4%
Missouri	-	56.1%	24.6%	-	16.7%	2.7%
Montana	-	70.2%	25.3%	-	1.5%	3.0%
New Jersey	-	18.4%	24.8%	47.8%	-	9.0%
New Mexico	-	38.2%	51.4%	-	0.3%	10.2%
North Carolina	-	52.2%	21.4%	0.1%	24.7%	1.6%
Pennsylvania	-	50.2%	21.2%	19.7%	-	8.9%
South Dakota	-	61.7%	1.8%	-	27.4%	9.1%
Tennessee	-	62.8%	30.1%	0.002%	4.3%	2.8%
Washington	-	62.1%	25.9%	8.8%	0.03%	3.2%
Wisconsin	-	65.5%	31.4%	-	-	3.2%

Source: Highway Statistics Series, Federal Highway Administration, Table SF-1.

Table B.2 Alaska's Revenues for Transit Operation (Figure 2.5)

(In Thousands of Dollars)

Year	Operator Receipts	Federal Funds	State Funds	Local Funds	Total
1997	2,062	2,470	-	5,075	9,607
1998	2,644	142	1,167	8,785	12,738
1999	2,478	693	1,217	8,588	12,976
2000	2,699	541	1,012	8,784	13,036
2001	4,058	465	1,677	9,982	16,182
2002	4,828	755	1,216	10,938	17,737
2003	5,127	1,054	1,685	11,136	19,002
2004	6,228	1,462	2,857	13,950	24,497
2005	7,359	1,686	2,300	16,312	27,657

Source: FHWA Highway Statistics, Table MT-2b.

Table B.3 Alaska's Transit Capital Projects Revenues (Figure 2.6)
(Thousands of Dollars)

Year	Federal Funds	State Funds	Local Funds	Total
1997	1,169	-	322	1,491
1998	1,412	50	298	1,760
1999	8,945	1,067	476	10,488
2000	818	73	262	1,153
2001	5,882	1,180	223	7,285
2002	818	73	262	1,153
2003	7,925	1,319	287	9,531
2004	7,437	4,259	249	11,945
2005	9,667	1,590	451	11,708

Source: FHWA Highway Statistics, Table MT-2a.

Table B.4 Alaska's Revenues for Rural Transit Services (Figure 2.7)
2006

	Passenger Fare/ Other System Generated	Local	State	Federal	Total	Percent of Total
Kodiak	42,618	36,785	-	204,050	283,453	3%
Mat-Su	51,179	216,283	273,421	456,000	996,883	11%
Ketchikan	166,400	278,528	-	503,823	948,751	11%
Juneau	749,685	3,333,800	-	1,000,000	5,083,485	56%
Kenai/Soldotna	193,649	61,695	117,699	498,474	871,517	10%
Sitka	316,481	-	-	-	316,481	4%
Total Rural Alaska	**1,556,914**	**3,927,091**	**391,120**	**3,150,689**	**9,025,814**	
Percent of Total	17%	44%	4%	35%		

Source: Alaska Department of Transportation and Public Facilities.

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Table B.5 Alaska Receipts of FAA Airport Improvement Program Funding (Figure 2.9)

(Nominal Dollars, Millions)

Year	AIP Funds
1997	77
1998	79
1999	78
2000	85
2001	141
2002	155
2003	174
2004	219
2005	194
2006	221
2007	199

Source: Federal Aviation Administration, Airport Improvement Program.

Table B.6 NSF Funding for Roadways (Figure 2.10)

Region 10 (Alaska)

Year	NSF (Millions)
2003	15.3
2004	15.9
2005	22.3
2006	18.3
2007	12.7
2008	11.1
2009	11.0

Source: United States Forest Service.

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Table B.7 Alaska Sources of Local Transportation Funds (Figure 2.11)

(Thousand of Dollars)

Year	Motor Fuel/ Motor Vehicle Tax	General Funds	Property Taxes/ Special Assessments	Other Local	Miscellaneous	Bonds	State	Federal	Total Receipts
1996	864	1,944	11,999		10,911	71,234	20,565	1,808	119,325
1997	1,271	59,073	118,787		12,221	20,124	15,918	2,174	229,568
1998	1,243	29,110	85,589		8,806	14,500	11,687	1,766	152,701
1999	2,148	19,415	43,374	7,352	1,345	79,941	9,240	4,313	167,128
2000	2,318	29,051	49,476	7,943	1,453	83,500	9,820	3,916	187,477
2001	9,607	31,825	52,532	7,996	1,543	90,719	2,453	-	196,675
2002	9,894	32,355	54,108	8,236	1,605	98,721	2,088	832	207,839
2003	10,191	36,165	57,354	8,483	1,637	98,721	2,099	1,988	216,638
2004	10,700	40,505	64,236	9,331	1,702	99,166	2,014	-	227,654
2005	2,142	56,435	93,241	7,922	2,058	93,208	3,293	3,855	262,154
2006	20,127	59,341	96,970	8,239	2,662	94,141	-	2,081	283,561
10-Year Total (1997-2006)	**69,641**	**393,275**	**715,667**	**65,502**	**35,032**	**772,741**	**58,612**	**20,925**	**2,131,395**
Percent of Total	3%	18%	34%	3%	2%	36%	3%	1%	

Source: FHWA Highway Statistics, Table LGF-1.

Table B.8 Alaska State Expenditures for Highways (Figure 2.12)*(Thousands of Dollars)*

Year	Federal-Aid Capital	Other Capital	Maintenance	Administration, Police, Safety	Debt Service	Grants	Total
1997	165,736	86,145	124,498	50,764	3,514	4,769	438,940
1998	257,899	79,964	122,800	49,549	2,741	4,089	519,783
1999	151,923	91,394	118,430	49,134	687	3,998	416,253
2000	257,558	64,054	118,010	59,088	-	2,649	501,359
2001	205,372	91,120	118,500	64,206	-	2,453	481,651
2002	228,507	106,218	132,788	70,551	-	2,920	540,984
2003	302,466	99,074	143,742	68,708	-	4,087	618,077
2004	288,246	104,399	148,166	71,845	8,088	2,014	630,846
2005	241,454	137,164	163,784	76,062	22,372	2,060	665,268
2006	242,126	101,029	201,331	85,052	21,949	2,081	675,517
10-Year Total (1997-2006)	**2,341,287**	**960,561**	**1,392,049**	**644,959**	**59,351**	**31,120**	**5,488,678**
Percent of Total	**43%**	**18%**	**25%**	**12%**	**1%**	**1%**	

Source: FHWA Highway Statistics, Table SF-2.

Table B.9 Alaska's Local Expenditure for Highways (Figure 2.13)*(In Thousands of Dollars)*

Year	Capital Outlay	O&M	Debt Service	Total
1996	34,171	62,814	22,340	119,325
1997	40,751	70,988	117,829	229,568
1998	41,807	71,683	23,517	137,007
1999	81,655	57,104	28,371	167,130
2000	93,787	62,917	30,771	187,475
2001	97,932	66,070	32,672	196,674
2002	101,745	67,959	38,131	207,835
2003	107,132	71,373	38,131	216,636
2004	110,633	72,835	44,189	227,657
2005	70,242	80,695	111,216	262,153
2006	73,185	91,580	118,796	283,561
10-Year Total (1997-2006)	**818,869**	**713,204**	**583,623**	**2,115,696**
Percent of Total	**39%**	**34%**	**28%**	

Source: FHWA Highway Statistics, Table LGF-21.

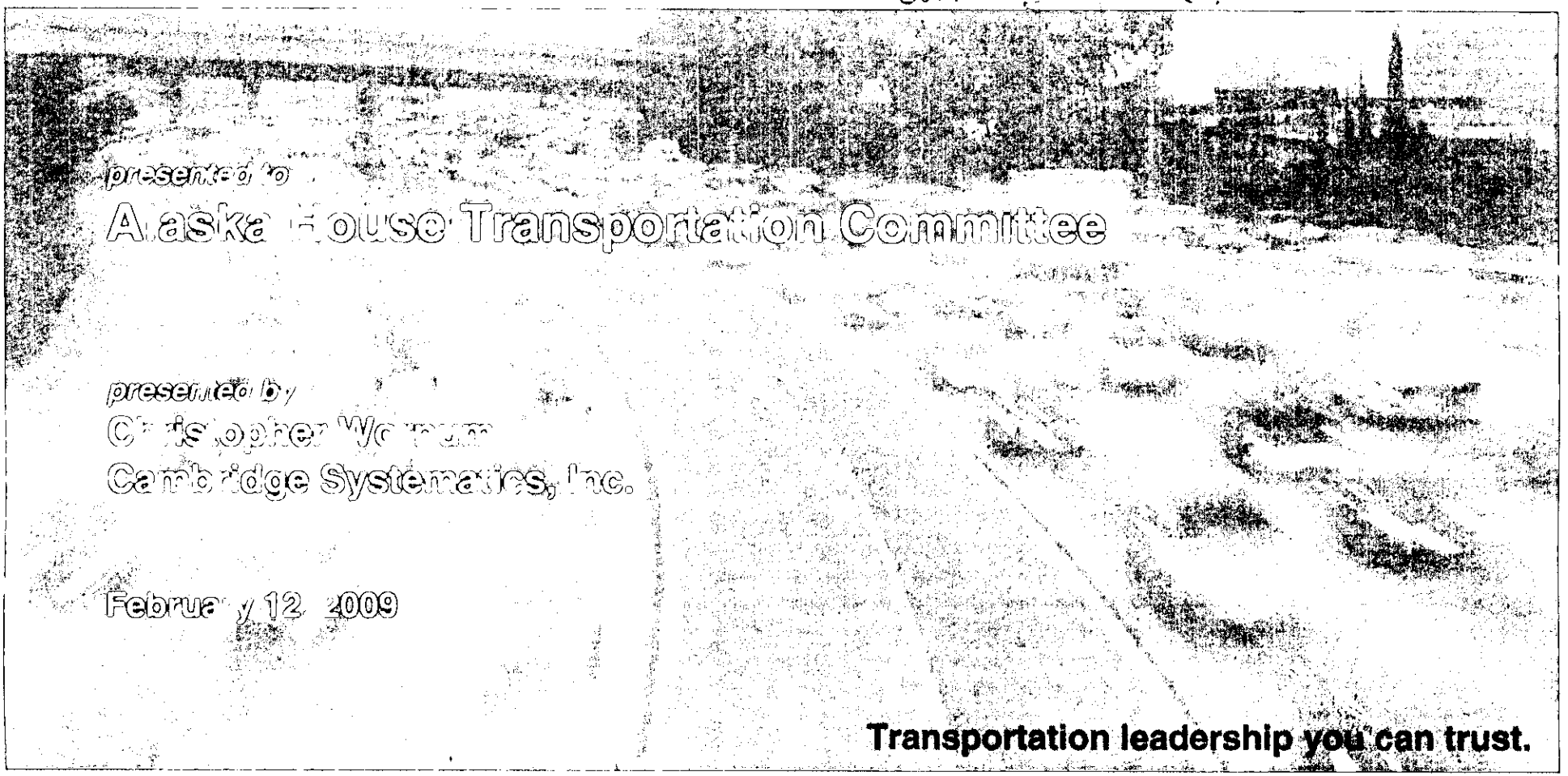
Table B.10 Alaska's Local Expenditures for Highways (Detailed) (Figure 2.14)*(In Thousands of Dollars)*

Year	ROW	Preliminary and Construction Engineering	Road and Street Construction/ System Preservation	Maintenance	Snow Removal	Other	Administration/ Miscellaneous	Highway Law Enforcement/Safety
1996	438	6,637	27,096	16,263	26,853	4,195	10,505	4,998
1997	167	7,418	33,166	19,732	26,951	3,084	12,536	8,685
1998	166	7,556	34,085	19,583	27,923	3,051	12,624	8,502
1999	4,761	15,639	61,255	23,434	17,838	3,265	3,486	9,081
2000	6,334	16,896	70,557	27,319	19,272	3,241	3,766	9,319
2001	6,725	17,646	73,561	29,006	20,462	3,246	3,999	9,357
2002	6,994	18,402	76,349	29,495	21,281	3,253	4,199	9,731
2003	7,064	19,138	80,930	31,855	21,387	3,351	4,367	10,413
2004	7,135	19,330	84,168	32,811	21,601	3,452	4,454	10,517
2005	1,730	15,799	52,713	29,600	30,009	4,474	4,709	11,903
2006	2,248	16,115	54,822	38,459	30,909	4,698	4,897	12,617
10-Year Total (1997-2006)	**43,762**	**160,576**	**648,702**	**297,557**	**264,486**	**39,310**	**69,542**	**105,123**
Percent of Total	**3%**	**10%**	**40%**	**18%**	**16%**	**2%**	**4%**	**6%**

Source: FHWA Highway Statistics, Table LGF-2.

Alaska Transportation Finance Study

Alaska Municipal League



CAMBRIDGE SYSTEMATICS

Alaska Municipal League
Local Government At Its Best!

Agenda
20 Minute Presentation

- Brief synopsis of the study's objectives
- Under Investment in the state's transportation infrastructure
- Current Federal funding at risk
- Options for closing the gap between needs and revenues

CAMBRIDGE SYSTEMATICS

Study Objectives
Six Questions Posed by the Alaska Municipal League

1. Describe current trends in transportation capital and operating needs

2. Identify changes in Federal funding priorities that may impact on funding levels for Alaska

3. Evaluate user fees, public-private partnership, and other tools for financing transportation investments

4. Identify factors that are most likely to impact Alaska's transporta-tion funding in the future

5. Identify possible strategies Alaska can best use to react to these factor and challenges

6. Evaluate potential funding and financing tools for transportation

CAMBRIDGE SYSTEMATICS

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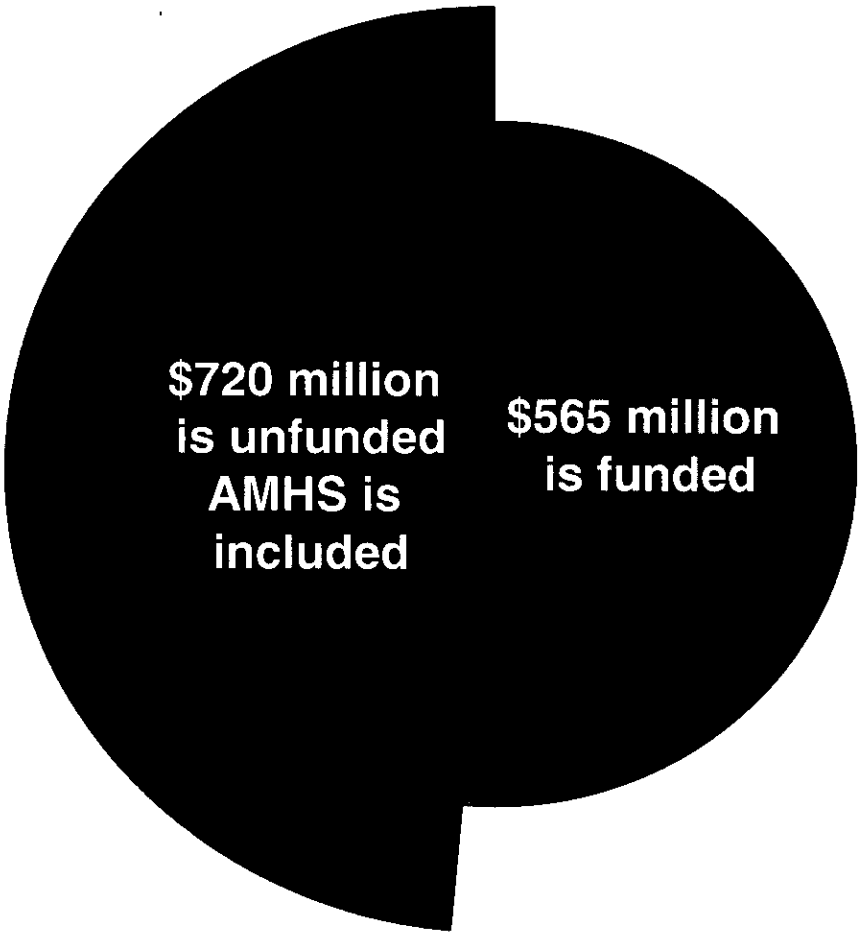
Under Investment
State's Economy More Dependent of Transportation

\# 1

- State economy is highly dependent on resource extraction and "traded" industries:
  - These industries are highly transportation-intensive
  - Their growth is the most likely offset to declining oil production & economic diversification
- Other transportation-dependent conditions amplify the effects of under investment:
  - Far-flung communities
  - Harsher environment
  - Less mature roadway network

CAMBRIDGE SYSTEMATICS

Under Investment on State-owned Facilities
Annual Highway & Bridge Needs Are about $1.1 billion



Excludes local roads and street needs

Source: 2030 Transportation Plan

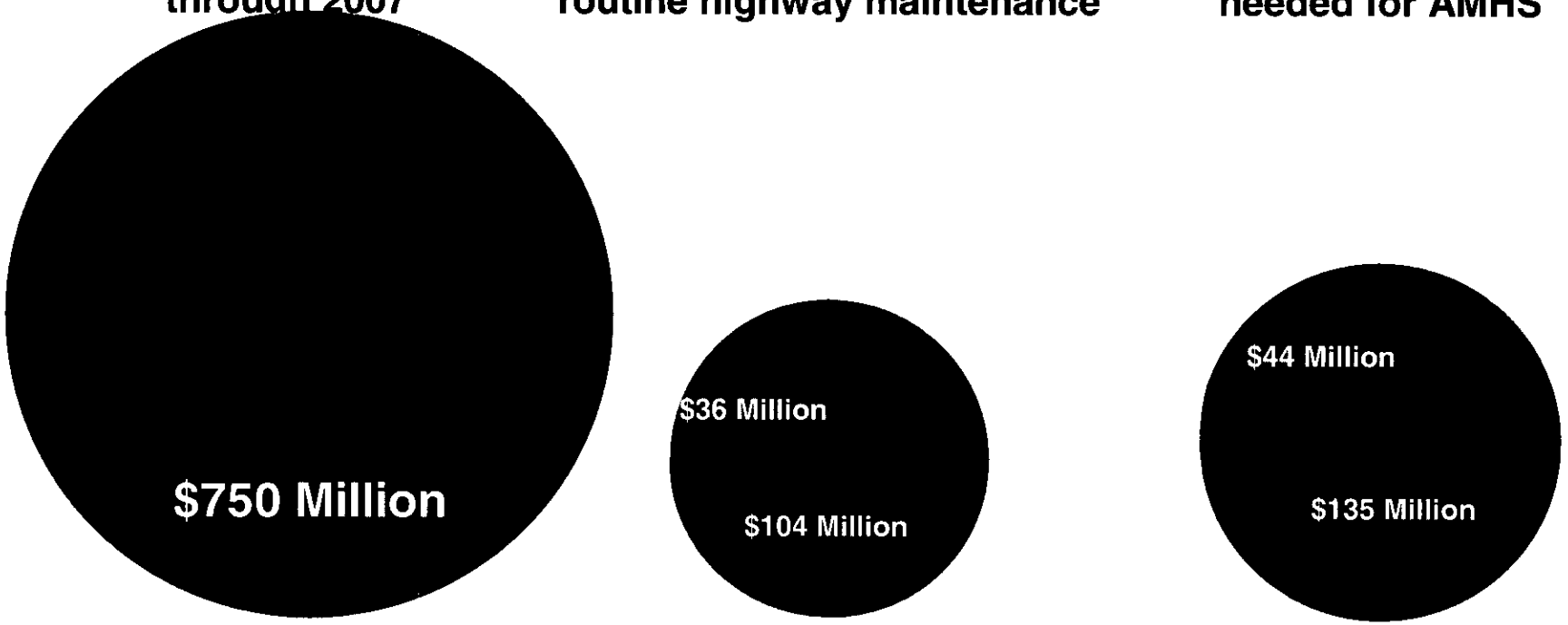
CAMBRIDGE SYSTEMATICS

Under Investment *(continued)*
Backlog of Life-cycle & Routine Maintenance

Life-cycle backlog of through 2007

140 million annually needed routine highway maintenance

$179 million annually needed for AMHS

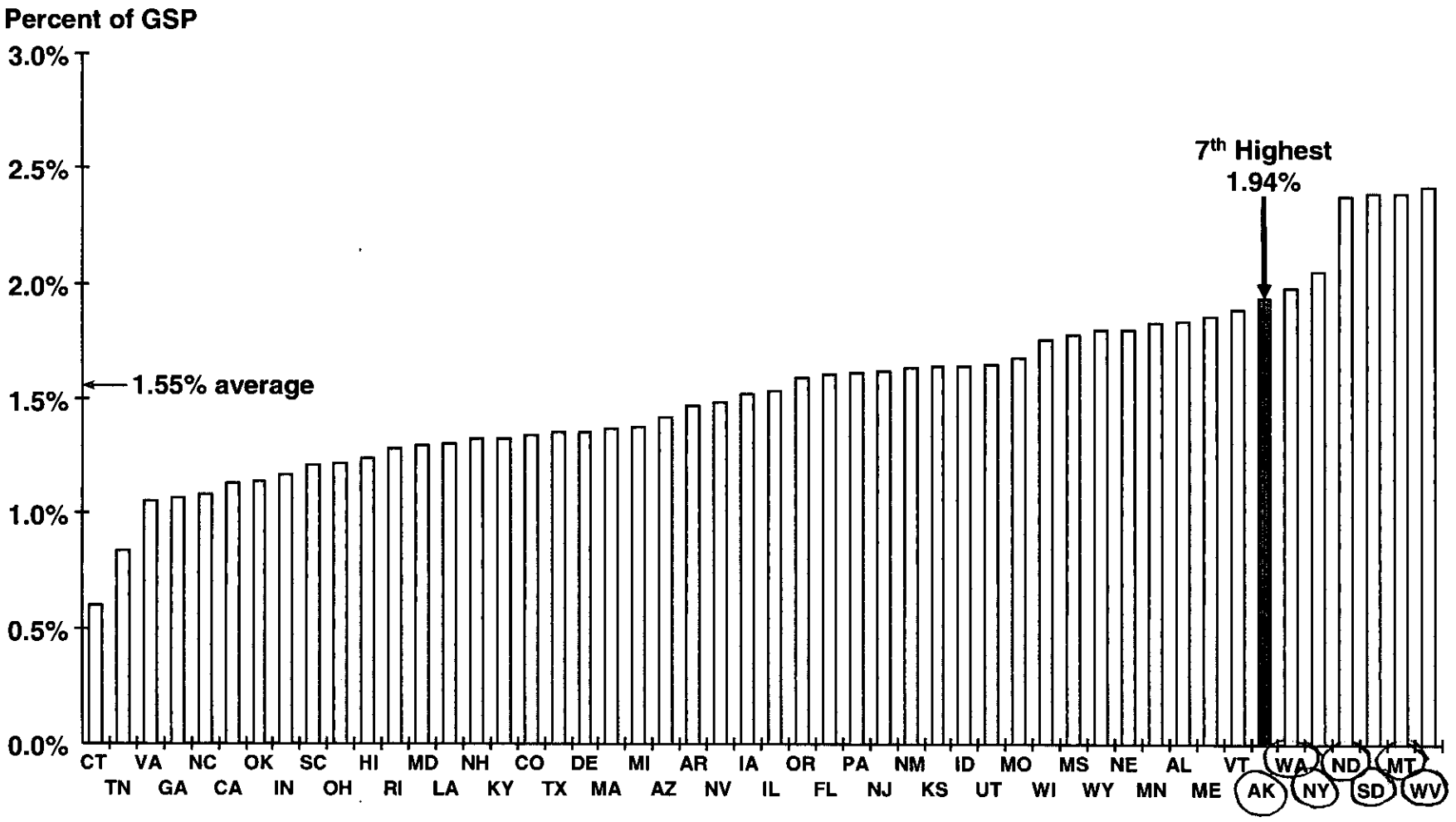


These figures still do not include needs for

- Transit
- Locally funded urban and rural roads
- Aviation
- Capacity needs to meet travel demand growth

CAMBRIDGE SYSTEMATICS

Current Federal Funding at Risk
Total Spending as a Share of Gross State Product (GSP)

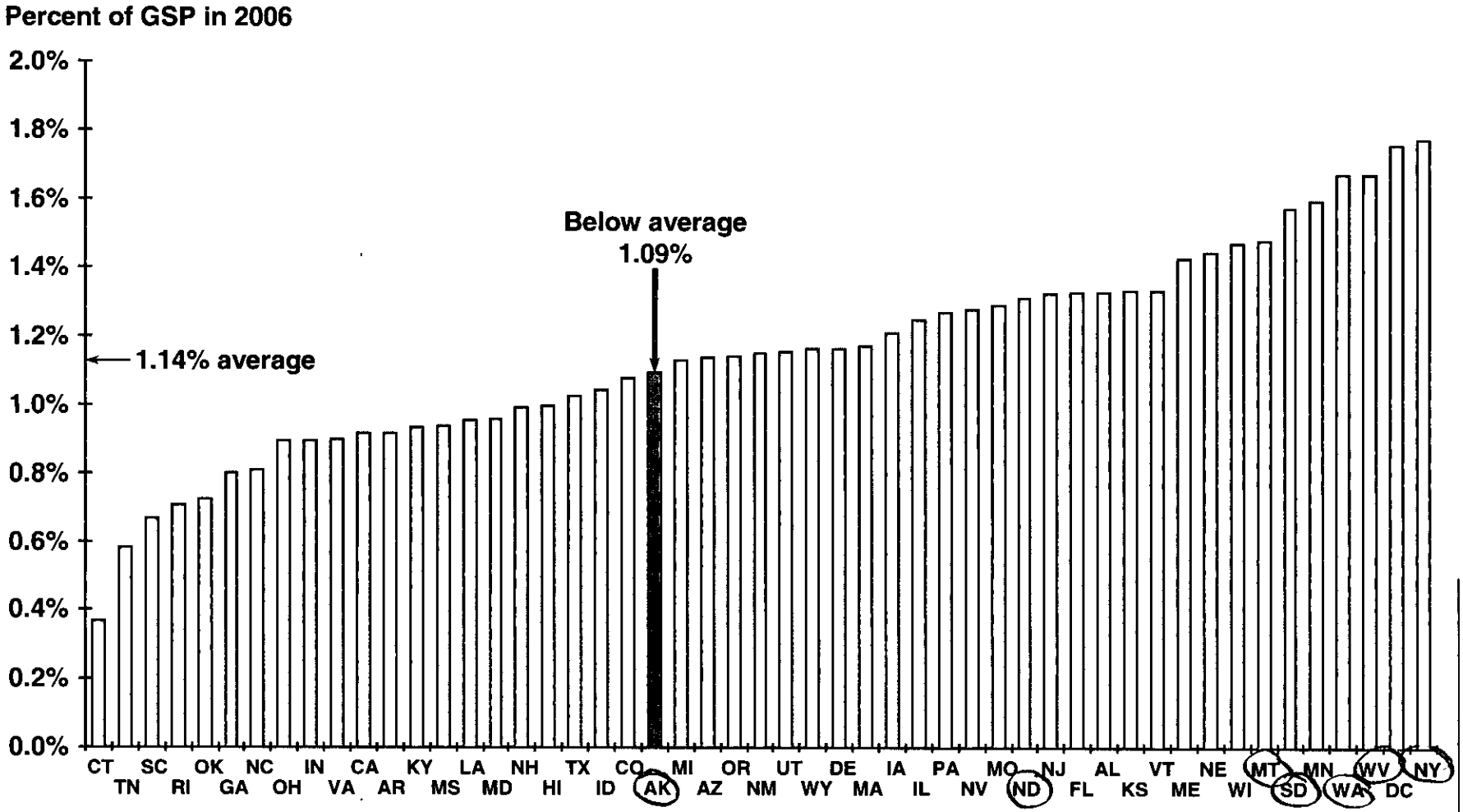


Sources: Cambridge Systematics analysis of data from: Bureau of Economic Analysis; FHWA Highway Statistics, Tables SF-1, SF-2, LGF-1, LGF-2, MT-2a, and MT-2b.

CAMBRIDGE SYSTEMATICS

Current Federal Funding at Risk *(continued)*

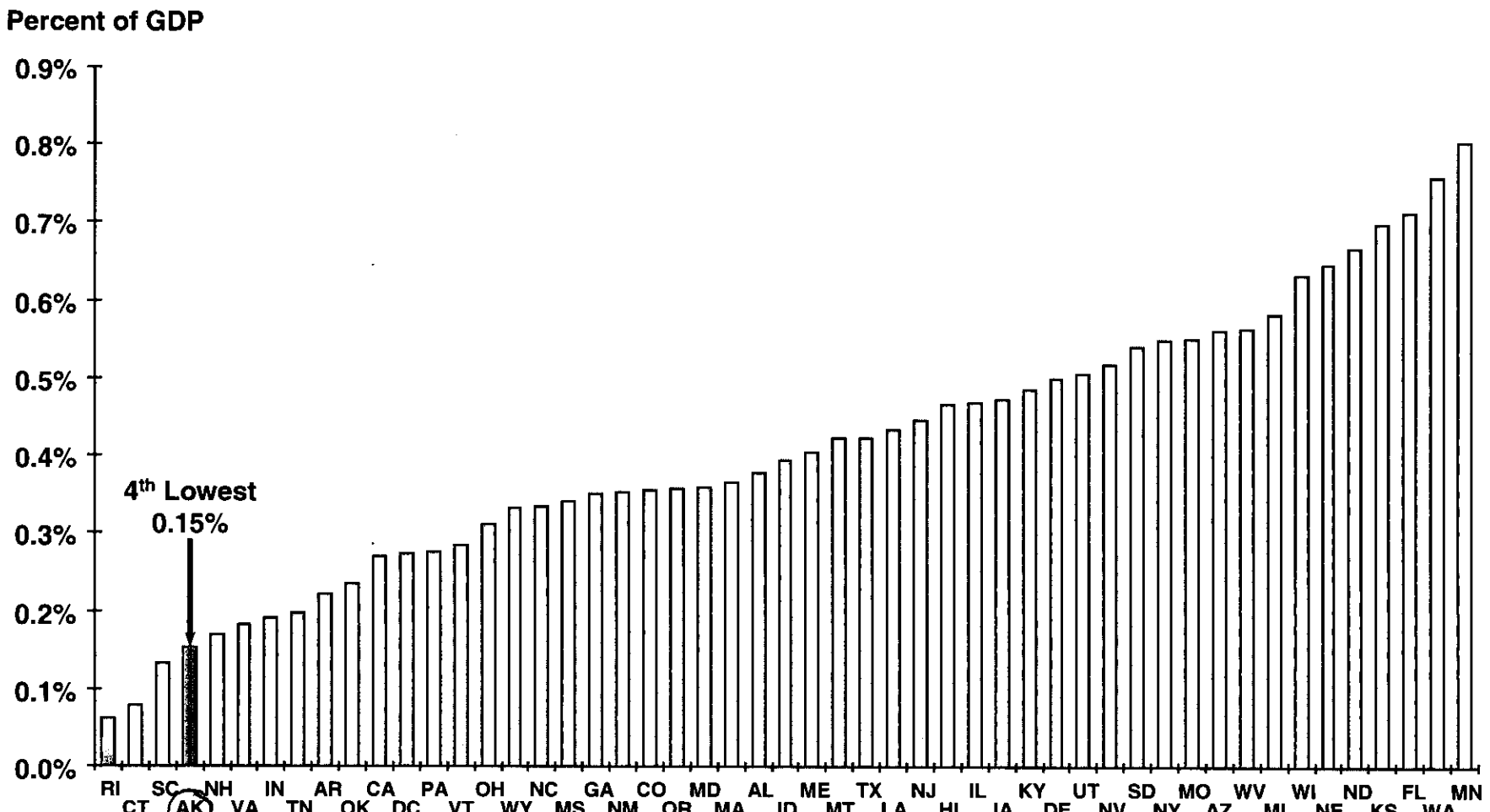
State Total Spending (Net of Federal) as a Share of GSP



Sources: Cambridge Systematics analysis of data from: Bureau of Economic Analysis; FHWA Highway Statistics, Tables SF-1, SF-2, LGF-1, LGF-2, MT-2a, and MT-2b.

CAMBRIDGE SYSTEMATICS

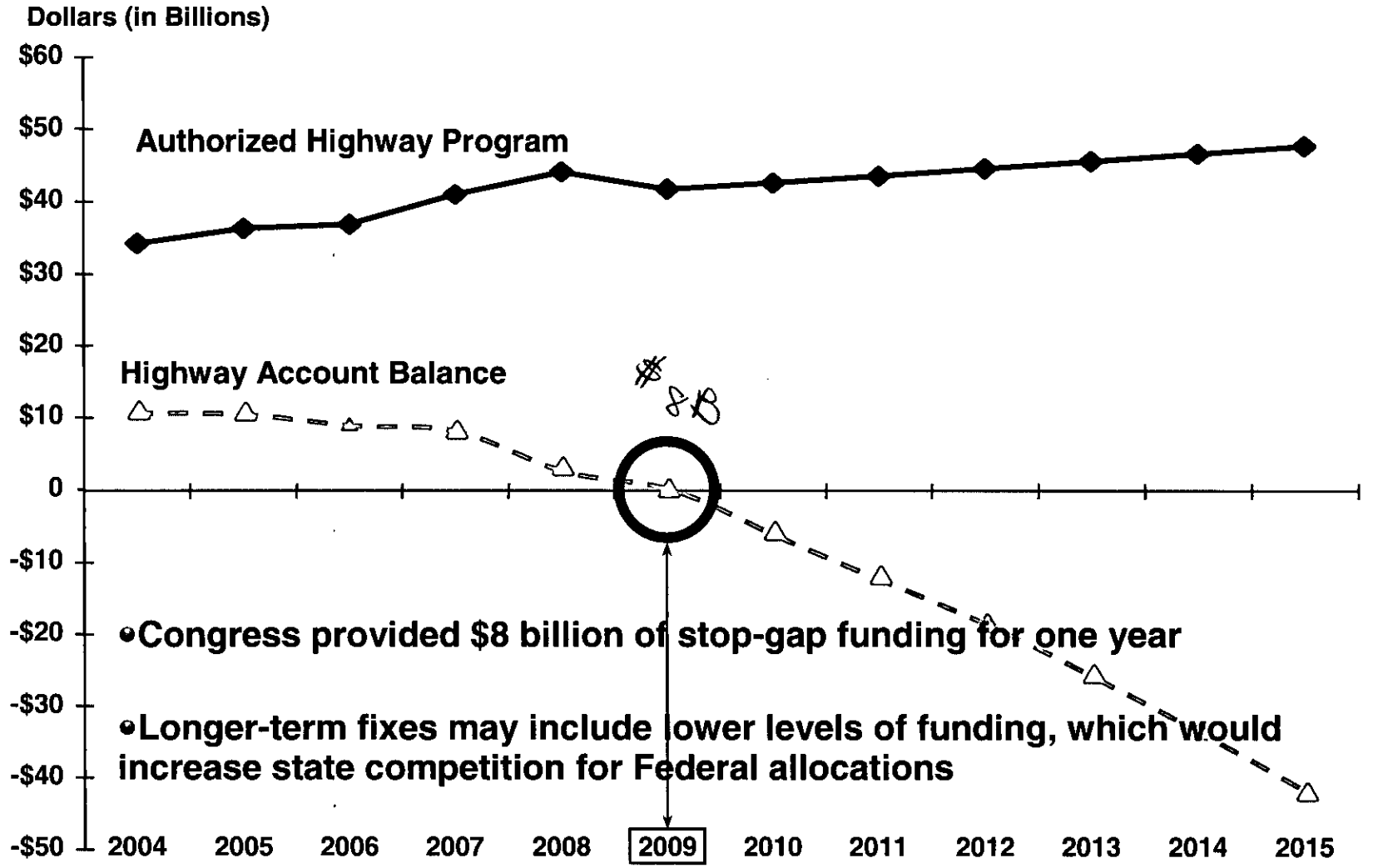
Current Federal Funding at Risk *(continued)*
State Capital Spending (Net of Federal) as a Share of GSP



Sources: Cambridge Systematics analysis of data from: Bureau of Economic Analysis; FHWA Highway Statistics, Tables SF-1, SF-2, LGF-1, LGF-2, MT-2a, and MT-2b.

CAMBRIDGE SYSTEMATICS

Current Federal Funding at Risk *(continued)*
Estimated Highway Trust Fund Levels & Account Balance*

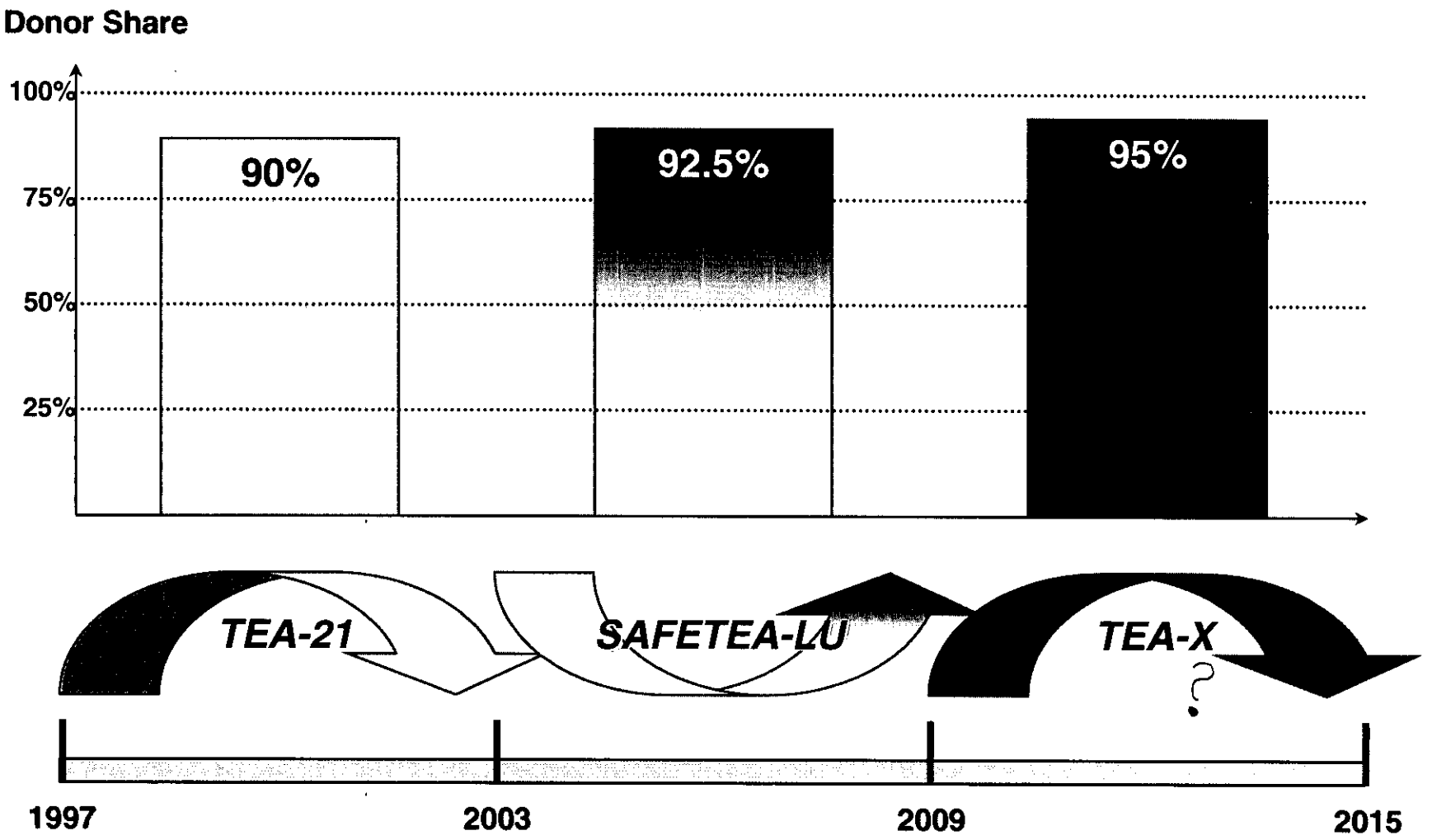


- Congress provided $8 billion of stop-gap funding for one year
- Longer-term fixes may include lower levels of funding, which would increase state competition for Federal allocations

* Based on AASHTO modeling of FY 2009 Budget Proposal from the U.S. Treasury Department.

CAMBRIDGE SYSTEMATICS

Current Federal Funding at Risk *(continued)*
Competition between Donor versus Donee States



CAMBRIDGE SYSTEMATICS

Current Federal Funding at Risk *(continued)*
Reauthorization Funding Policies Likely to Change

- Place far more emphasis on tolling or other user fees and metropolitan transit/transportation networks, rather than highway funding or legislative earmarking.

- Some proposals would push greater responsibility to states or cities for financing their transportation improvements

National Defence

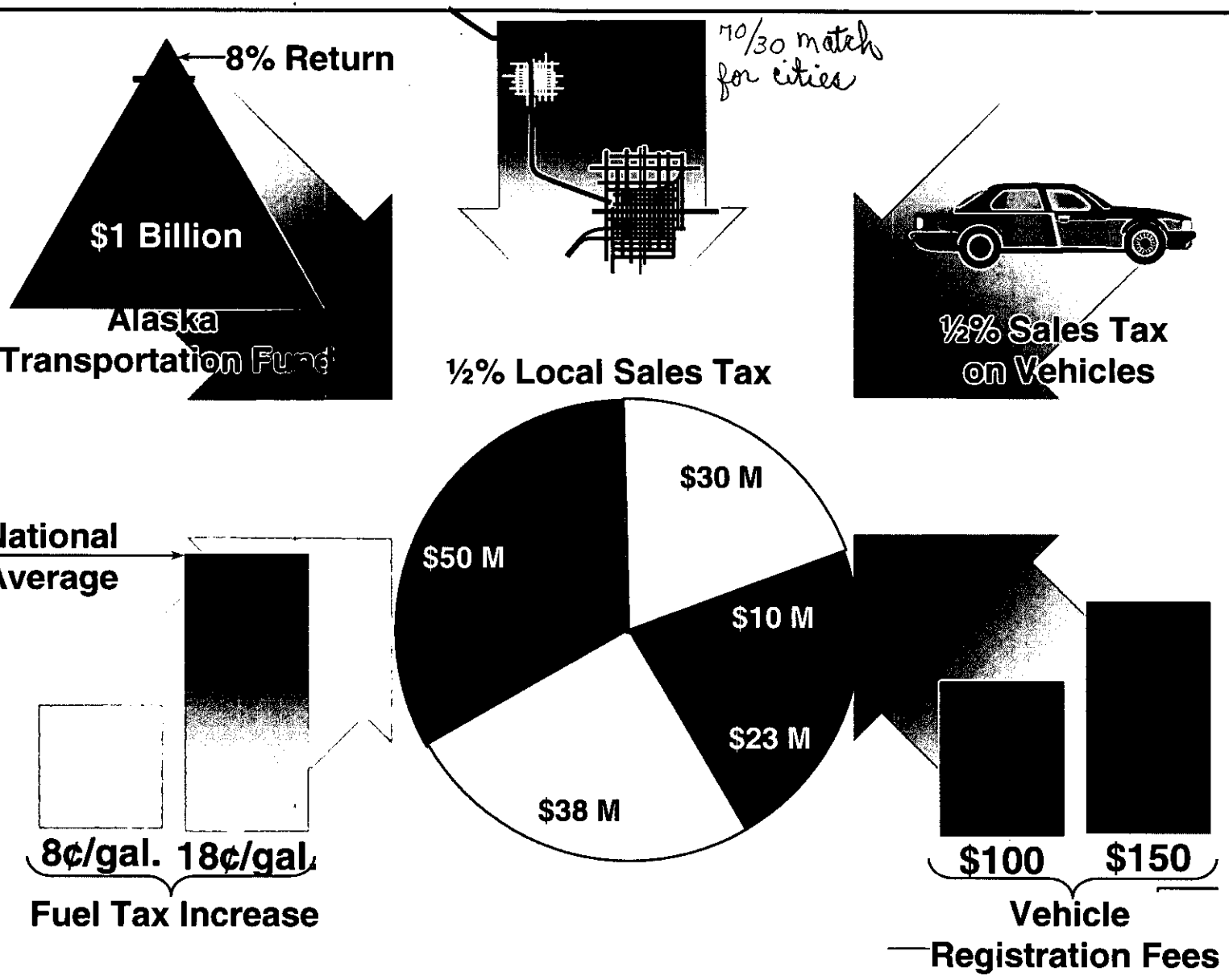
Utility rather than - Public good

CAMBRIDGE SYSTEMATICS

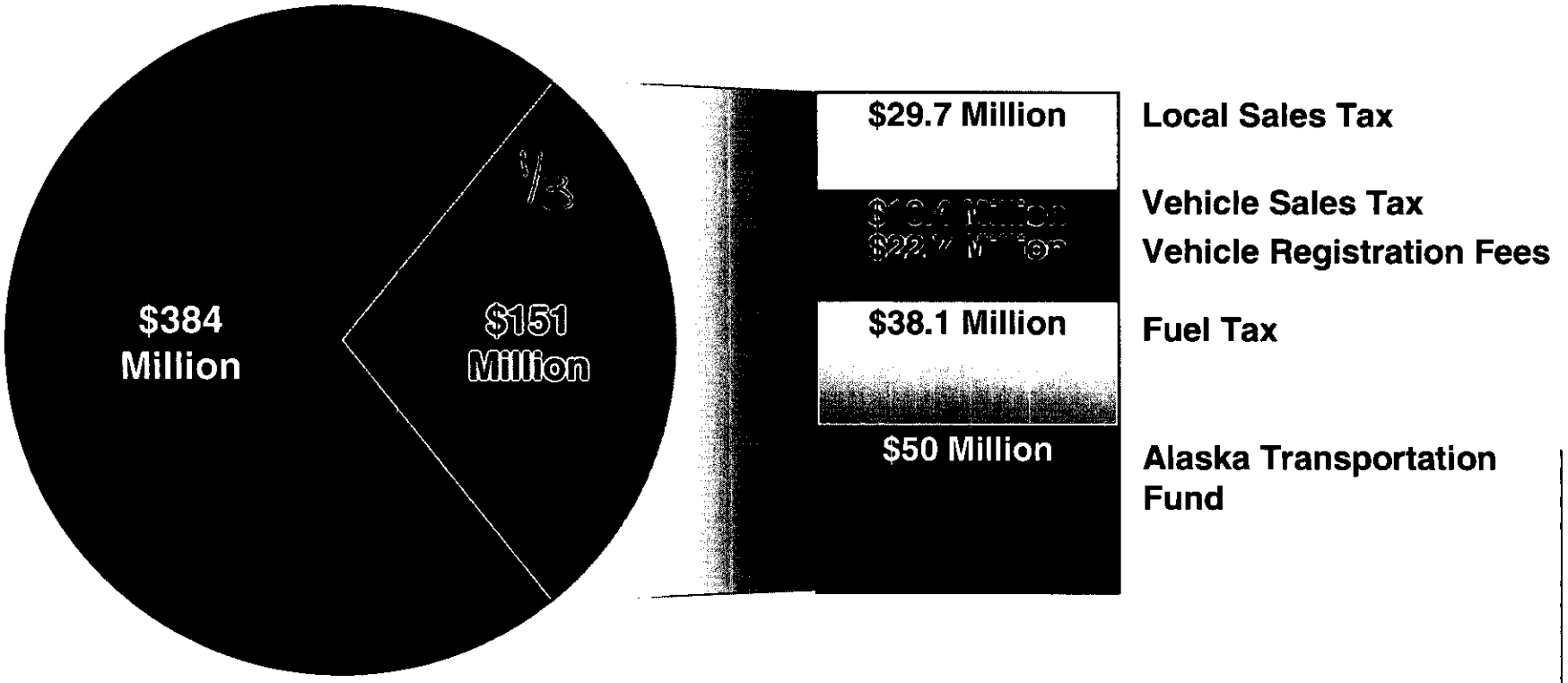
Current Federal Funding at Risk *(continued)*
Other States Challenging Federal Support for State's Needs

- Permanent Fund currently has almost $28 billion
- Only state that collects neither income tax nor state sales tax
- Lowest gas tax in the country

Funding Options - Scenario 1
Fuel Tax, Vehicle Registration Fees, Sales Tax, and ATF



Funding Options - Scenario 1 *(continued)*
$151 Million of $535 Million Gap



CAMBRIDGE SYSTEMATICS

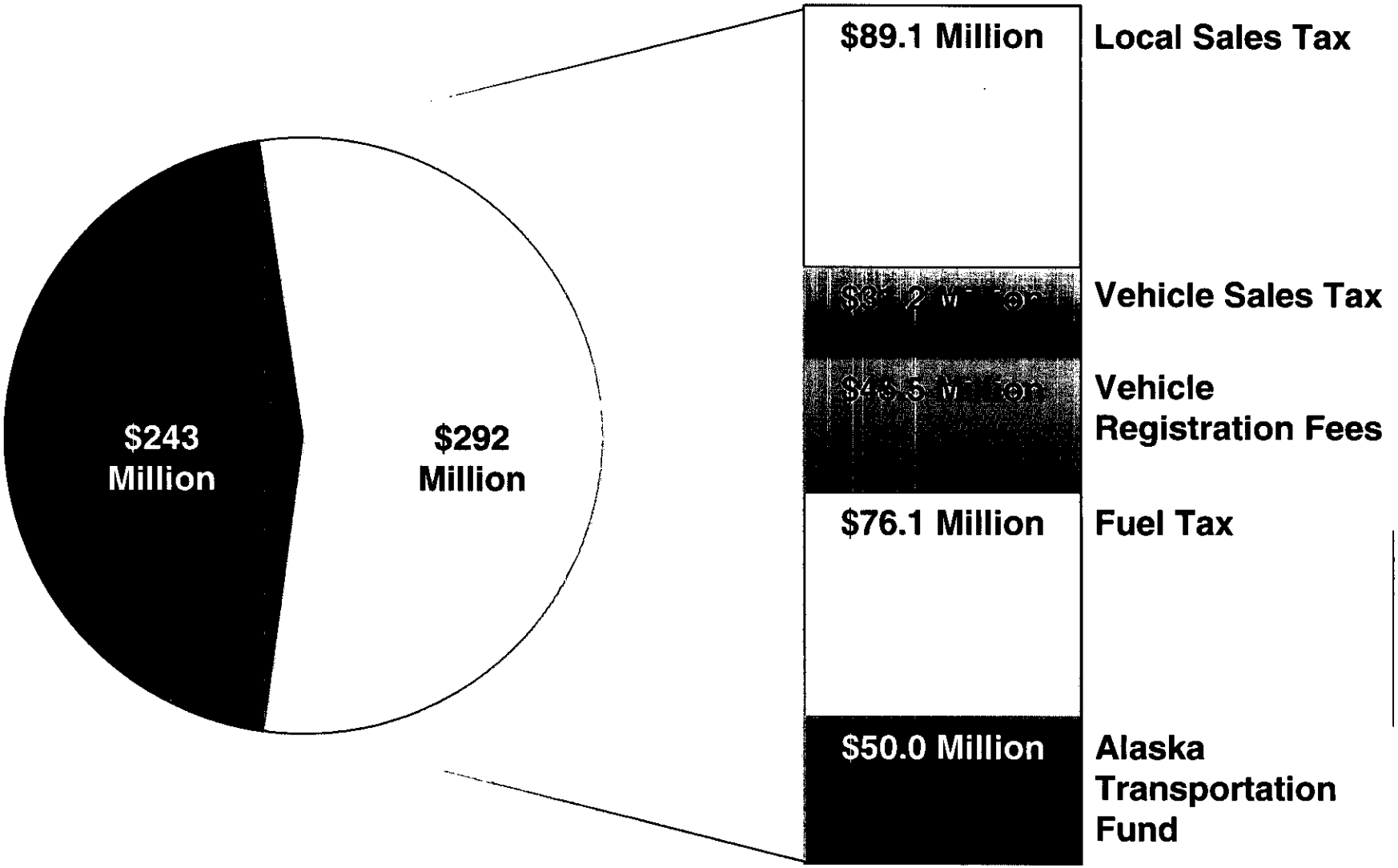
Funding Options - Scenario 2
$292 Million of $535 Million Gap

2/3

- Increase fuel taxes from 8 to 28¢/gallon and index the rate to inflation, generating about $76 million annually
- Double vehicle registration fees from $100 to $200 biannual fee, generating over $45 million annually
- Impose a vehicle sales tax of 1.5 percent, yielding over $31 million annually
- Encourage local jurisdictions to impose a 1.5 percent sales tax, which would earn about $89 million annually
- Capitalize the Alaska Transportation Fund with $1 billion, which with a 8 percent return should earn about $50 million annually

CAMBRIDGE SYSTEMATICS

Funding Options - Scenario 2 *(continued)*
$292 Million of $535 Million Gap

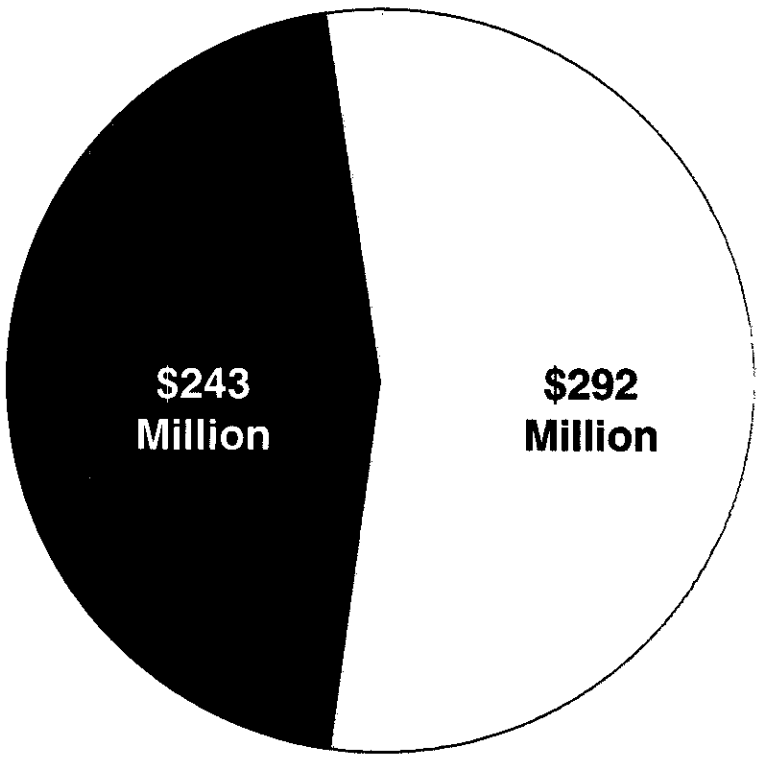


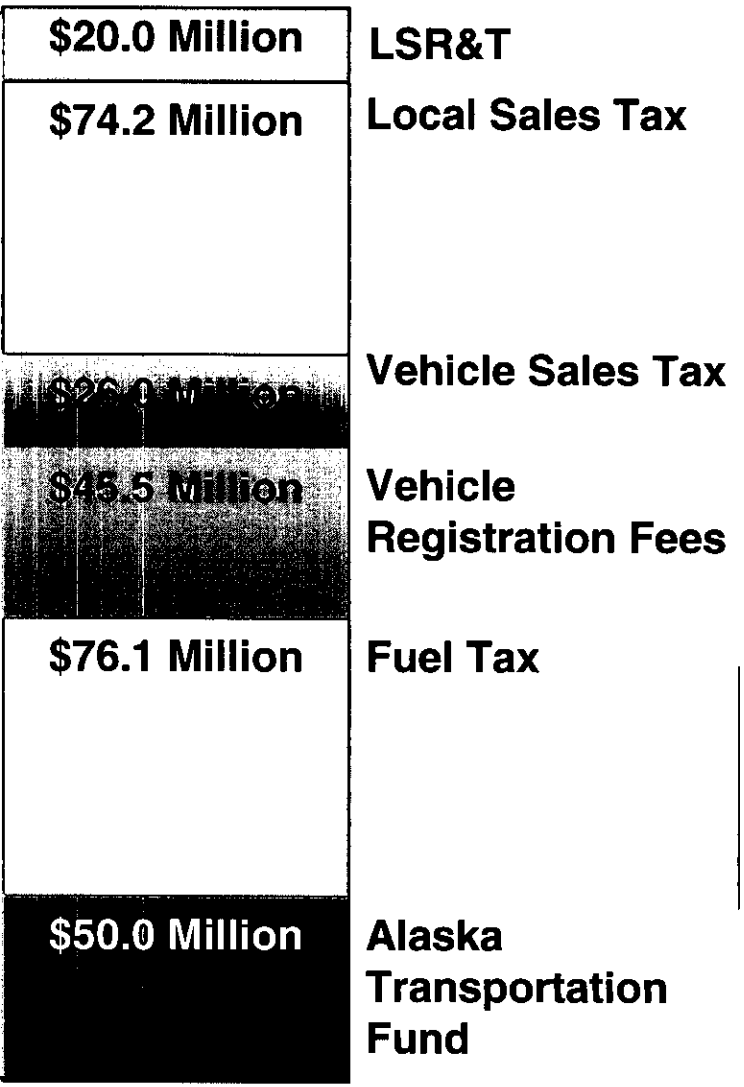
Funding Options - Scenario 3
Scenario 3 - $292 Million of $535 Million Gap

- Same increase in fuel taxes (8 to 28 ¢/gallon and index the rate to inflation), gen-erating about $76 million annually
- Same doubling of vehicle registration fees from $100 to $200 biannual fee, generating over $45 million annually
- Impose a 1¼% vehicle sales tax, earning $26 million annually
- Encourage local jurisdictions to adopt a 1¼% sales tax, earning over $74 million annually
- Capitalize the ATF with $1 billion, which should earn about $50 million annually based on a with a 8 percent return
- Assume the State reinstitutes the LSR&T program at about $20 million annually

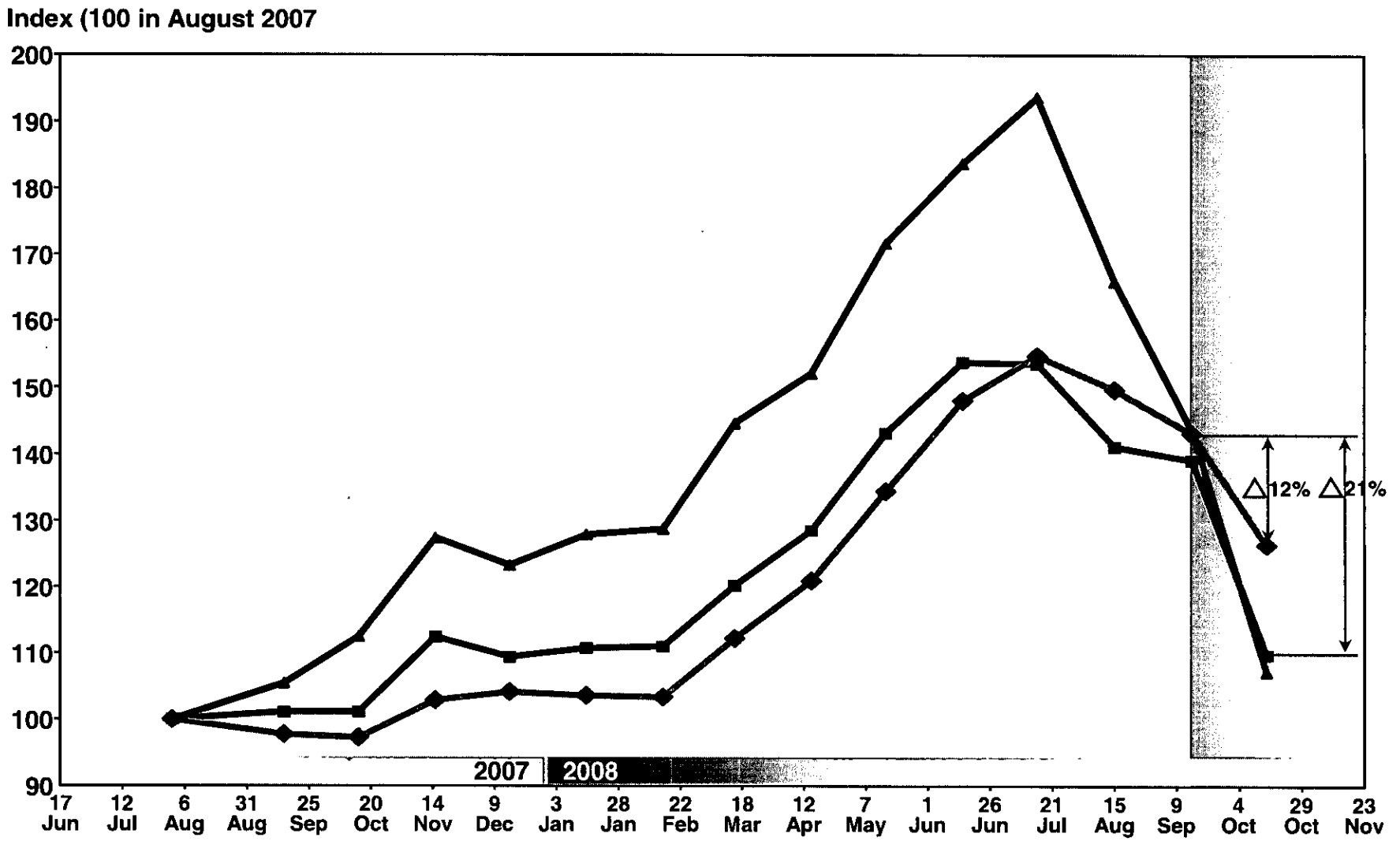
CAMBRIDGE SYSTEMATICS

Funding Options - Scenario 3 *(continued)*
$292 Million of $535 Million Gap





Change in Gasoline and Crude Oil Prices
Indexed from August 2007 to November 2008



CAMBRIDGE SYSTEMATICS

Discussion

Questions & Answers

CAMBRIDGE SYSTEMATICS

2/24/09 PRESENTATION: FEDERAL STIMULUS PACKAGE REVISED

Alaska Legislature

2009 Stimulus Program
for Transportation
American Recovery & Reinvestment Act 2009

February 24, 2009
By Alaska DOT&PF

112

- Days left to use 50%+ and not lose ARRA funds to another state!
  - As of Feb. 24, 2009

Presentation Outline

- Rules of the ARRA Transportation $
- How much funding was provided?
  - Anchorage and Local set-asides
- Steps taken; steps needed
- How projects were identified and prioritized
- Impact to DOT&PF's work load

Why Important?

- Put's Alaskan's to work
- Reduces backlog of highway, aviation and transit needs
- Repairs aging infrastructure
- Serves mix of local and state needs
- Jump starts gas line infrastructure needs

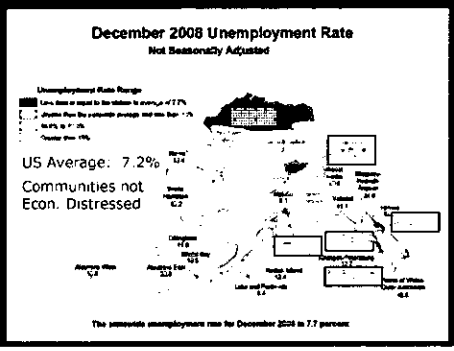
Rules of the Program

- Highway funds follow FHWA rules
- Transit funds follow FTA rules
- Aviation funds follow FAA rules
- Federal rules not relaxed
  - Must be in an approved STIP or TIP (not FAA)
  - Must be eligible for fund category
  - Must have begun as a federal project
    - NEPA (1-2 years)
    - ROW certification (1+ years)
    - Designs **complete** or nearly complete
    - **Permits from all relevant** authorities
  - Give priority to economically distressed regions

Economically Distressed

- ARRA requires priority to projects in economically distressed areas
- 42 USC 3161 defines:
  - Unemployment rate > US rate + 1%
  - All areas of Alaska meet this definition, except:
    - Boroughs at: North Slope, Fairbanks, Anchorage, Juneau, Sitka and Ketchikan

DOL Unemployment Data



Use or Lose Provision

- Congress demands fast use of funds
- Use 50% of funds in 120 days
  - AMATS given 12 months
  - Funds not used will go to states which can use
- This means:
  - Must use >50% by ~June 15
  - Be ready to obligate further to capture funds other states may lose

Maintenance of Effort

- 30 days from enactment: Governor to certify the state will maintain planned state transportation funding
  - Can not supplant ARRA funds for state funds to transportation
  - Certification must extend to Sep 2010 (SFY 09 - SFY 11)
- Non-certification may trigger loss of limited 2011 STIP funds
  - Penalty now much less severe

Big Picture (ARRA 2009)

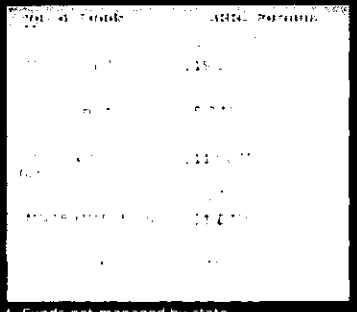
$787 Billion Total

$46 Billion for Transportation

Alaska Receives

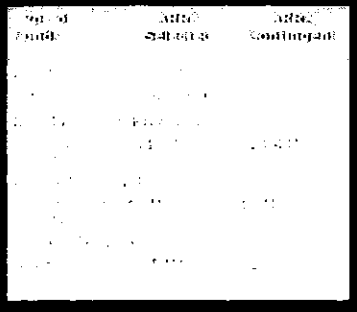
$300+ Million Transportation for AK

Surface Transportation Funding



* Funds not managed by state.

Aviation Funding



* Funds not managed by state.

Steps Taken Already

- DOT&PF has been proactive
  - Identified universe of projects that met eligibility criteria
  - Prioritized the list (5 factors)
  - STIP amendment (#18) released
    - FHWA advised states to take this step
  - Authorized work needed to get projects bid ready (bi-weekly meetings)
  - Prepared supplemental budget request

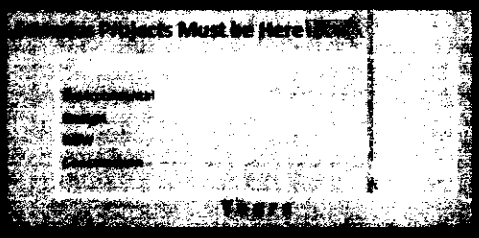
Further Steps Needed

- Wrap-up designs, permits and other clearances on *fast list* projects by June (all modes)
- Highway and Transit Funding:
  - Take public comments on *fast list* STIP amendment #18; then final
  - Seek FTA and FHWA approval of STIP
  - Issue Federal Aid Agreements on *fast list* projects
  - Issue bid advertisements on *fast list*
- Aviation Funding: FAA has made initial cut

How were Projects Selected?

- Know the eligibility rules:
  - Funding categories
  - Rapid timing
  - Economic distress criteria
  - Mandatory setasides in law
  - STIP, NEPA, permits not waived
- A small list of eligible projects met the rules
  - No NEPA, no ROW purchase, and no long-lead projects could be considered
- Success requires laser-like focus on above

Stimulus Funds Prerequisite



Implication: **Virtually impossible** for a new project to meet the stimulus timeline

Criteria to Prioritize

- Governor's Gas Line readiness announced projects (Highways)
- Safety
- Economic Distress preference
- Leverage other dollars
- Jobs created in 2009 season
- Mandatory set-asides

- (FAA decides for Aviation Funds)

Fairbanks and Anchorage

- AMATS and FMATS were treated very differently by ARRA formula:
  - $50.8 M sub-allocated to AMATS by law
    - ($31.8 M transit and $19.0 M highways)
  - $0.76 M sub-allocated to FMATS by law
    - (transit only, no highway $ allocated)
  - Same general rules apply
    - Both amending their TIP to show stimulus projects
    - **Focus, must be to** projects that are soon bid ready

3% TE Funds

- Transportation Enhancements (TE):
  - Trails, waysides, transp. history, stormwater cleanup
- TE eligible projects ~200% of funds

30% Local Funds

- ARRA calls for use of 1991 formula in 23 USC
- Alaska exempted past 18 years
  - ARRA overrides the exemption
  - Over 200K pop.: % = population
  - Under 5K pop: $ = 110% of 1991 $
  - Between 5K - 200K: balance = $0
- FHWA issued letter (2/19)
  - DOT&PF confirms the FHWA conclusion
- Local eligible projects ~150% of funds

narrows scope. -
correct it would be slow
- Ride it could be attached to?

67% State Funds

- Set-aside for state highway and bridge needs
  - Local needs eligible too, but not required
- State (and local) eligible projects ~ 200% of funds

Why did DOT look to Existing Projects?

- Congressional rules quickly focused the universe of relevant projects to a limited list...
  - Already federally started
    - Meet eligibility rules
    - Many steps previously completed
  - *Fast track*: obligated by June 15
  - Existing projects have strong support
    - Prior community and/or legislative actions

'Slow' List

- Q. Could projects be added and make the due date for the slow list?
- A. Yes, if federally eligible.
  - Federal-aid projects typically take 2-7 years
  - All slow list projects must be in capital budget this session
    - Feb. 2010 is due date for slow list projects

Other Projects Are Helped Too

- Q. How can other projects benefit from Stimulus?
- A. Every Stimulus project accomplishes work that would have been priority for 2010 STIP or AIP funds
  - ARRA: About a typical year's worth of Highway and Aviation construction is being funded, opening up room for the next generation of projects

Highway $: Our 3 Lists

- A. Recommended Projects
  - Match funding rules and prioritization
  - >80% can obligate early
  - 67% in Economic Distress areas
- B. Contingent Projects (all other eligible)
  - Needed to capture additional ARRA funds
  - Those not funded will advance in next STIP (2010 or 2011)
- C. Considered, now not eligible
  - Projects we initially thought eligible but do not fit ARRA requirements

Questions/Comments:

ESTIMATED DISTRIBUTION OF HIGHWAY INFRASTRUCTURE INVESTMENT FUNDS
PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

STATE	TOTAL DISTRIBUTION	MANDATORY TRANSPORTATION ENHANCEMENTS	DIVISION BETWEEN URBANIZED AREAS OVER 200K POPULATION AND OTHER AREAS				AVAILABLE FOR USE ANY AREA
			AREAS OVER 200K	AREAS ≤ 200K	% to 5K - 200K	AREAS UNDER 5K	
DIST. OF COL.	123,507,842	3,705,235	37,052,353	0	0.0%	0	82,750,254
ALASKA	175,461,487	5,263,845	18,953,911	0	0.0%	33,684,535	117,559,196
RHODE ISLAND	137,095,725	4,112,872	36,412,909	1,516,079	3.7%	3,199,730	91,854,135
NEVADA	201,352,460	6,040,574	48,912,258	3,738,315	6.2%	7,755,165	134,906,148
NEW JERSEY	651,774,480	19,553,234	175,273,280	14,370,500	7.3%	5,888,564	436,688,902
MASSACHUSETTS	437,865,255	13,135,958	110,122,871	14,593,517	11.1%	6,643,189	293,369,720
NEW YORK	1,120,684,723	33,620,542	263,944,891	52,857,589	15.7%	19,402,937	750,858,764
UTAH	213,545,653	6,406,370	46,165,488	10,825,970	16.9%	7,072,238	143,075,587
CALIFORNIA	2,569,568,320	77,087,050	609,756,706	134,336,616	17.4%	26,777,174	1,721,610,774
ILLINOIS	935,592,704	28,067,781	202,847,977	59,591,547	21.2%	18,238,287	626,847,112
ARIZONA	521,958,401	15,658,752	110,710,953	35,198,112	22.5%	10,678,455	349,712,129
FLORIDA	1,346,735,003	40,402,050	292,653,602	94,632,788	23.4%	16,734,111	902,312,452
MARYLAND	431,034,777	12,931,043	89,628,126	33,342,830	25.8%	6,339,477	288,793,301
CONNECTICUT	302,053,956	9,061,619	62,172,534	23,993,369	26.5%	4,450,284	202,376,150
COLORADO	403,924,130	12,117,724	74,875,946	34,387,670	28.4%	11,913,623	270,629,167
DELAWARE	121,828,650	3,654,860	21,667,403	11,681,462	32.0%	3,199,730	81,625,195
HAWAII	125,746,380	3,772,391	22,362,203	12,161,981	32.2%	3,199,730	84,250,075
PENNSYLVANIA	1,026,429,012	30,792,870	181,169,499	102,546,800	33.3%	24,212,405	687,707,438
OHIO	935,677,030	28,070,311	161,489,155	98,886,715	35.2%	20,327,239	626,903,610
TEXAS	2,250,015,146	67,500,454	393,806,463	240,767,690	35.7%	40,430,391	1,507,510,148
WASHINGTON	492,242,337	14,767,270	83,466,861	53,074,554	35.9%	11,131,286	329,802,366
VIRGINIA	694,460,823	20,833,825	117,803,558	76,127,267	36.5%	14,407,422	465,288,751
MICHIGAN	847,204,834	25,416,145	139,458,842	95,647,189	37.6%	19,055,419	567,627,239
OREGON	333,902,389	10,017,072	50,649,701	38,563,322	38.5%	10,957,694	223,714,600
NEBRASKA	235,589,279	7,067,678	32,598,136	28,088,326	39.7%	9,990,322	157,844,817
MINNESOTA	502,284,177	15,068,525	73,163,386	61,793,048	41.0%	15,728,819	336,530,399
MISSOURI	637,121,984	19,113,660	93,414,889	80,625,990	42.2%	17,095,716	426,871,729
GEORGIA	931,585,680	27,947,570	143,993,510	118,185,897	42.3%	17,296,297	624,162,406
INDIANA	657,967,707	19,739,031	84,898,430	97,516,490	49.4%	14,975,392	440,838,364
TENNESSEE	572,701,043	17,181,031	69,934,160	86,815,495	50.5%	15,060,658	383,709,699
OKLAHOMA	464,655,225	13,939,657	56,225,150	70,574,602	50.6%	12,596,816	311,319,000

KANSAS	347,817,167	10,434,515	38,221,026	53,507,200	51.3%	12,616,924	233,037,502
NEW MEXICO	252,644,377	7,579,331	26,021,866	39,204,830	51.7%	10,566,617	169,271,733
LOUISIANA	429,859,427	12,895,783	50,888,406	67,379,854	52.2%	10,689,568	288,005,816
KENTUCKY	421,094,991	12,632,850	40,587,146	72,550,042	57.4%	13,191,309	282,133,644
NORTH CAROLINA	735,526,684	22,065,801	72,075,331	128,587,029	58.3%	19,995,645	492,802,878
WISCONSIN	529,111,915	15,873,357	49,074,020	95,035,825	59.9%	14,623,730	354,504,983
SOUTH CAROLINA	463,081,483	13,892,444	43,487,203	85,135,085	61.3%	10,302,157	310,264,594
ALABAMA	513,692,083	15,410,762	43,155,264	97,763,209	63.4%	13,189,152	344,173,696
IDAHO	181,934,631	5,458,039	11,502,033	35,127,027	64.4%	7,951,329	121,896,203
IOWA	358,162,431	10,744,873	20,786,016	73,236,776	68.2%	13,425,937	239,968,829
MISSISSIPPI	354,564,343	10,636,930	21,099,663	73,612,251	69.2%	11,657,389	237,558,110
ARKANSAS	351,544,468	10,546,334	15,712,278	77,816,643	73.8%	11,934,419	235,534,794
MONTANA	211,793,391	6,353,802	0	51,814,260	81.5%	11,723,757	141,901,572
WYOMING	157,616,058	4,728,482	0	39,585,763	83.7%	7,699,054	105,602,759
NEW HAMPSHIRE	129,440,556	3,883,217	3,020,195	32,612,242	84.0%	3,199,730	86,725,172
SOUTH DAKOTA	183,027,359	5,490,821	0	46,634,361	84.9%	8,273,847	122,628,330
NORTH DAKOTA	170,126,497	5,103,795	0	43,451,139	85.1%	7,586,810	113,984,753
MAINE	130,752,032	3,922,561	0	33,656,955	85.8%	5,568,655	87,603,861
WEST VIRGINIA	210,852,204	6,325,566	0	55,078,010	87.1%	8,177,651	141,270,977
VERMONT	125,791,291	3,773,739	0	34,537,657	91.5%	3,199,730	84,280,165
TOTAL	26,660,000,000	799,800,001	4,341,215,598	3,022,767,888	37.8%	634,016,515	17,862,199,998

% Total Funds to Alaska 0.006581451

Data Source: http://www.fhwa.dot.gov/economicrecovery/esttable2.htm

REGULAR
AIRPORT IMPROVEMENT PROGRAM 2009 AWARD
(Not In Priority Order)

1. Anchorage: Various Projects
2. Alakanuk: Airport Relocate-Stg 3
3. Alakanuk: Airport Relocate-Stg 4
4. Angoon: Airport EIS-Stg 2
5. Bethel: Parallel Runway/Imprv-Stg5
6. Emmonak: Rehab & Apron Exp-Stg 3
7. Goodnews Bay: Airport Recon-Stg 2
8. Iliamna: SRE/Sand/Chem/Office Bldg
9. Kodiak: Airport EIS-Stg 3
10. Seldovia: SRE Bldg Construction
11. Kotzebue: Airport Master Plan
12. Platinum: Airport Relocation
13. Savoonga: Airport Imprv-Stg 2
14. Sitka: Airport Slotted Drain
15. Dillingham: 3 Bay Chemical Bldg
16. Dillingham: SPB Master Plan
17. Takotna: Airport Relocation
18. Aviation Systems Plan Update
19. Barrow: Rwy/apron Paving SA Expan
20. Unalakleet: SRE Bldg Replacement
21. King Salmon: Airport Impv-Stg 3
22. Newtok: Airport Master Plan-Stg 4
23. Tuluksak: Airport Relocation-Stg 1
24. Galena: SRE Bldg Replacement
25. Kipnuk: Airport Relocation
26. Petersburg: Runway Safety Area-Stg 2
27. King Cove: Fencing
28. Airport Snow Removal Equipment
29. Various Airports Minor Surface Imprv
30. Akutan: Airport Construction-Stg 1 ?

STIMULUS PROGRAM - EXPECTED PROJECTS
(Not In Priority Order)

1. Aklachak: Airport Relocation
2. Fairbanks: FIA Taxiway & Apron Imprv
3. Fort Yukon: Airport Improvements
4. Hoonah: Airport Improvements
5. Kotzebue: Apron Expansion
6. Ouzinkie: Airport Relocation-Stg 1

STIMULUS PROGRAM - CONTINGENCY PROJECTS
(Not In Priority Order)

1. Allakaket: Airport Improvements
2. Cordova: Apron/TWY/GA Imprv
3. Lake Louise: Runway Rehab-Stg 2
4. Kodiak: Chemical Storage Bldg
5. Anchorage: AIA Gate N8 Apron Recon
6. Fairbanks: FIA Security Access Control

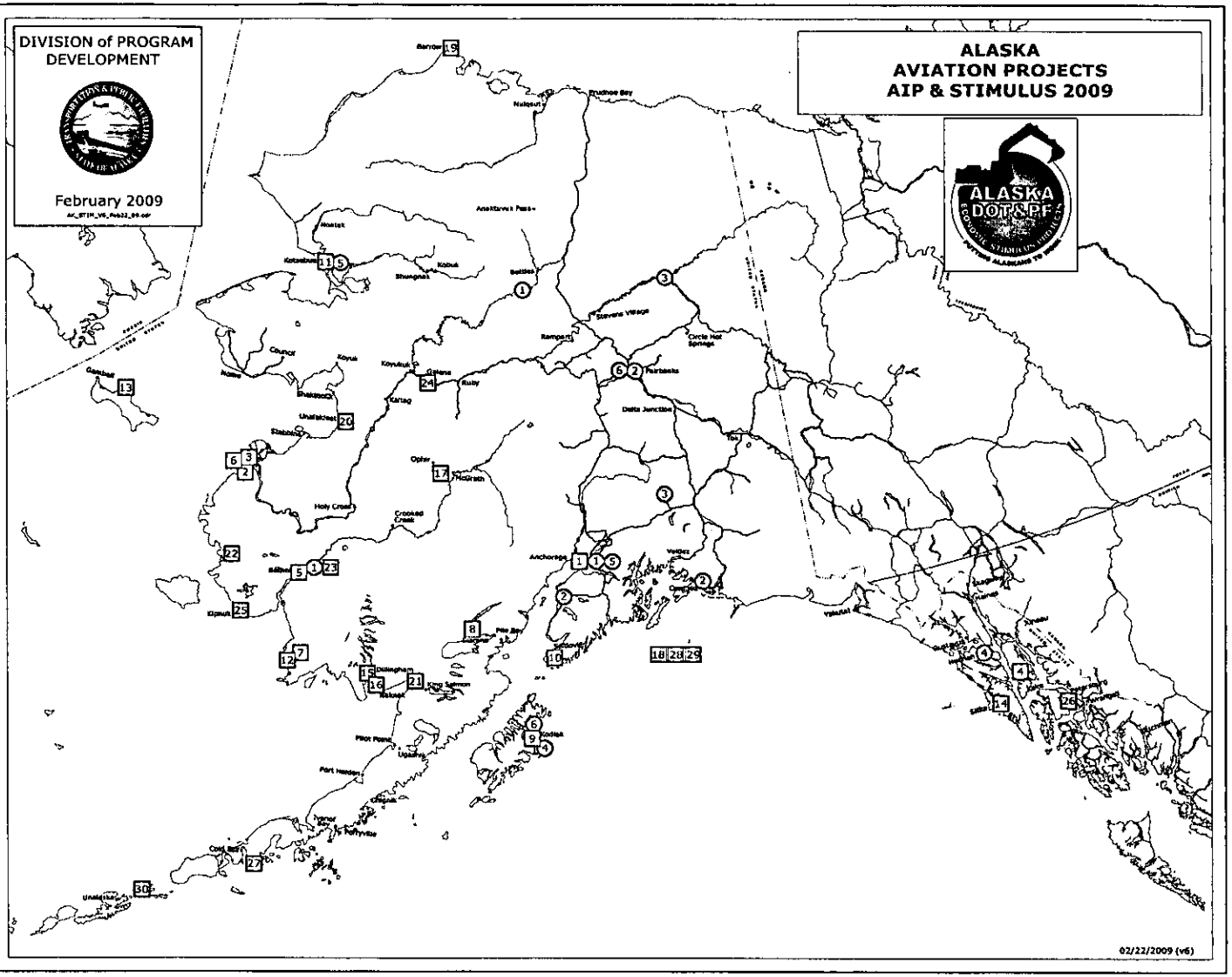
STIMULUS PROGRAM - MUNICIPAL AIRPORT PROJECTS
(Not In Priority Order)

1. Anchorage: Merrill Field Apron Rehab
2. Kenai: Airport Apron Rehab

DIVISION of PROGRAM DEVELOPMENT

February 2009

ALASKA AVIATION PROJECTS AIP & STIMULUS 2009



STIP 2009 ADVERTISED
(Not In Priority Order)

1. AMATS: Hwy & TE Funds
2. FMATS: Hwy & TE Funds
3. MatSu: MacKenzie Pt Rd Improvements
4. Hyder: Trestle Replacemen
5. Sitka: Japonski Island Road
6. Nome: City Streets Earmark
7. Stevens Village: Sanitation Road
8. Husila: Landfill Road
9. Emmonak: Road Improvements
10. Emmonak: Landfill Road
11. Emmonak: Airport Clinic Road
12. Galena: Road Resurfacing
13. Point Hope: Evacuation Road
14. Barrow: North Slope Road Imprv
15. Barrow: Research Center Access Rd
16. Anchorage: Minnesota Dr Resurfacing
17. Ninilchik: Intersection Improvement
18. Richardson Hwy: FBX Weigh Station
19. Dalton Hwy: Yukon River Bridge
20. Dalton Hwy: 144-175 Reconstruction
21. Dalton Hwy: 197-209
22. Dalton Hwy: 274-289 Reconstruction
23. Dalton Hwy: 335-362 Reconstruction
24. Tok Cutoff: MP 2 Gakona River Bridge
25. Glenn Hwy: 172-189
26. Alaska Hwy: 1222-1235
27. Nome Hwy: Bridge Improvements
28. Angoon: Ferry Terminal
29. Sitka: Sawmill/Halibut Pt Roundabout
30. Central Reg: Guardrail Ends
31. Central Reg: Pavement Rehab
32. Northern Reg: Surface Rehab

STIMULUS RECOMMENDED
(Not In Priority Order)

- A. Valdez: Bike/Ped & Pavement Rehab
- A. Denali Hwy: MP 7 Wayside
- 3. AMATS: Highway Funds
- 11. Kotzebue: Shore Avenue Reconstruction
- 28. Gustavus: Causeway Replacement
- 1. Yakutat: Area Paving
- 7. Haines Hwy: Front St - Union
- 8. Nome: City Streets
- 9. Emmonak: Community Roads Upgrade
- 10. Marshall: Bridge Repair/Replace
- 13. Hoonah: Airport to Ferry Terminal Paving
- 12. Dalton Hwy: 175-197
- 23. Dalton Hwy: 260-321 Culverts
- 27. Parks Hwy: Willow-Kashwitna Rehab
- 15. Alaska Hwy: 1412-1422
- 16. Alaska Hwy: Tok Weigh Station
- 17. Glenn Hwy: Rut Repair Hiland-Eklutna
- 18. Glenn Hwy: 34-42 Rut Repair

STIMULUS CONTINGENT
(Not In Priority Order)

- A. Ketchikan: Water St Sidewalk Imprv
- A. Glenn Hwy: Eagle River-Birchwood Bike
- 6. Kipnuk: Boardwalk Improvements Ph II
- 14. Dillingham: Wood River Road
- 5. Delta Jct: City Streets Rehab
- 24. Richardson Hwy: 276-286 Resurfacing
- 22. Ketchikan: M/V Bob Ellis Airport Ferry
- 4. FMATS: Lighting/Signs/ADA (3)
- 21. Kodiak: Rezanof Dr Rut Repairs
- 19. Delta Jct: NHS Repaving
- 14. Sterling Hwy: 96.5-110 Rut Repair
- 26. Juneau: Bridges Jordan Ck & Basin Rd
- 25. Richardson Hwy: Moose Ck RR Xing
- 20. Ketchikan: Tongas Ave Viaduct-Stg II
- 2. MatSu: Seward Meridian Ph I
- 16. Sterling Hwy: Sterling Weigh Station
- 17. Glenn Hwy: Lighting Birchwood-Eklutna
- 18. Juneau: Glacier Hwy Mendenhall-Ferry T
- 19. Ketchikan: North Tongass Hwy Ph II
- 20. Juneau: Glacier Hwy Amalga-Eagle R

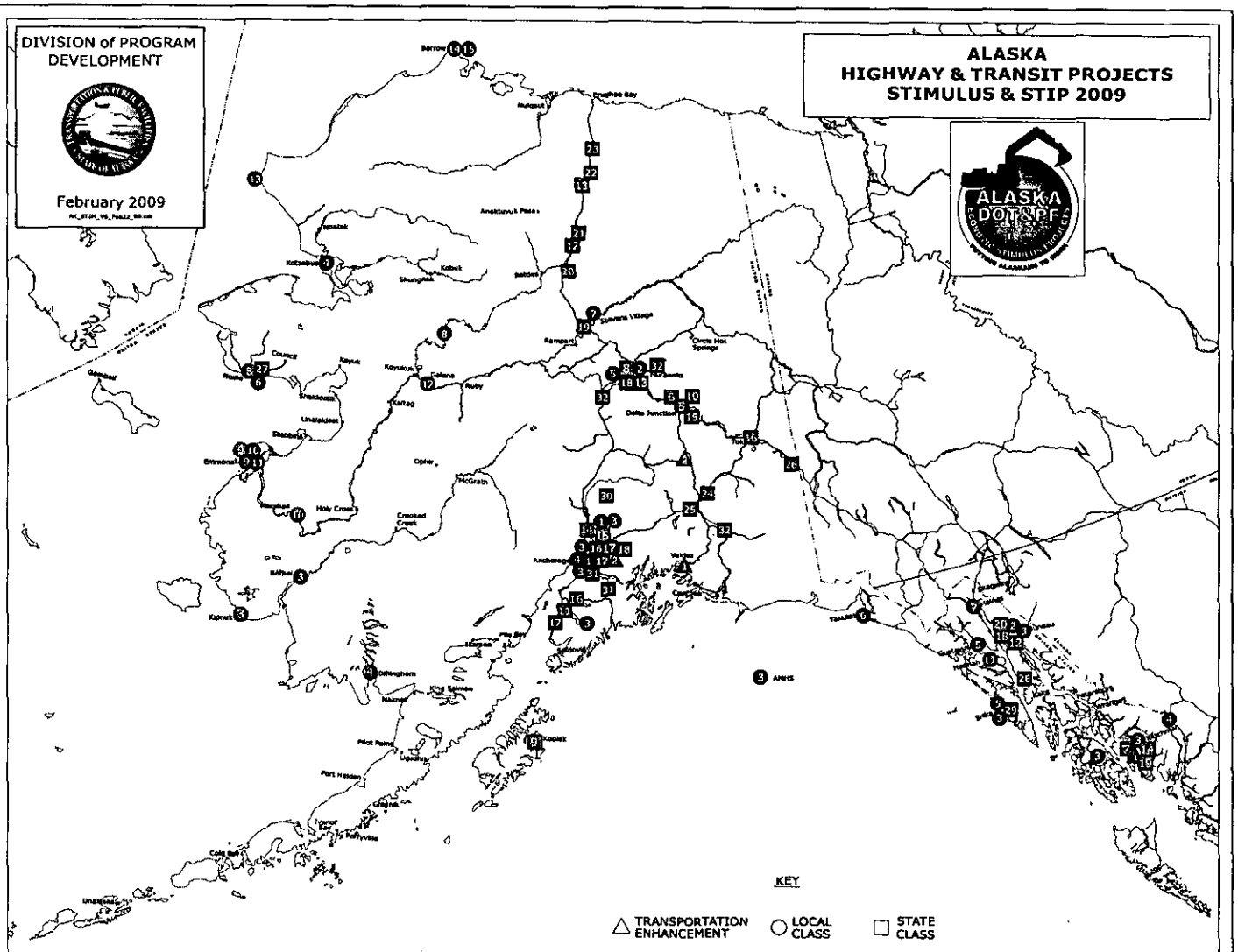
STIMULUS TRANSIT
(Not In Priority Order)

1. Mat-Su: Park/Ride Parks & Seward
2. Juneau: Downtown Transit Center
3. Statewide: Grant Apps for Transit Eqpt (Eligible Organizations)
4. AMATS/AKRR Allocation
5. FMATS Allocation

DIVISION of PROGRAM DEVELOPMENT

February 2009

ALASKA HIGHWAY & TRANSIT PROJECTS STIMULUS & STIP 2009



1/21/10 UPDATE: DOT & PF

Department of Transportation and Public Facilities

January 2010 Update

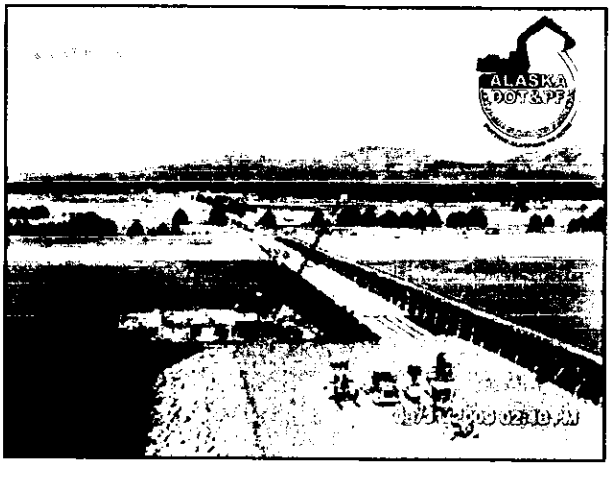
Frank Richards, P.E.
Deputy Commissioner
January 21, 2010

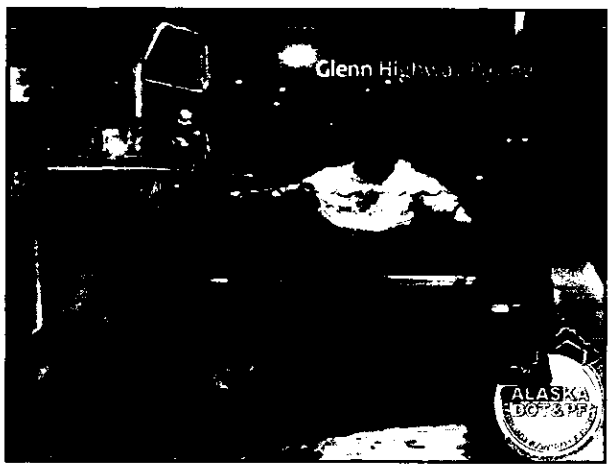
Overview

- ARRA / Jobs for Mainstreet Update
- Reason Foundation Mis-information
- Governor's Initiatives
- FY 2011 Budget
- Accomplishments
- Emergencies
- Successes

ARRA Update

- Surface Transportation
  - Obligated $131.5M
- Aviation
  - Obligated $73.4M
- Transit
  - Obligated $9.1
- New web site:
- www.dot.state.ak.us/econstim





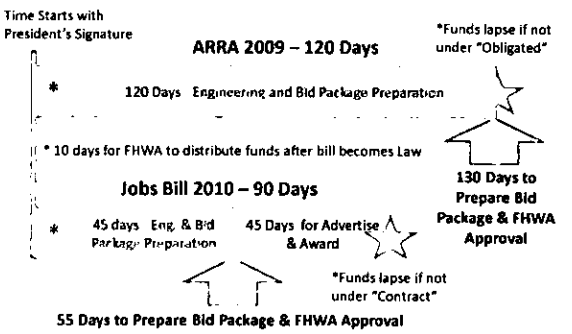
Jobs for Main Street Act

- Passed the House
- Surface Transportation Funding
  - $178.5M for Alaska
- Big Difference = 90 days to contract

Jobs for Mainstreet (cont.)

- Requested projects from community and tribal governments
- STIP amendment out to public notice – comments due 2/1/10 for 1st 50%
- Anticipate additional amendments for projects for 2nd 50%

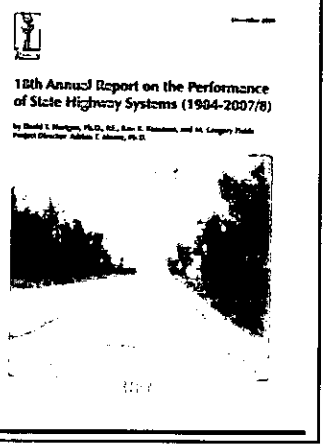
Timelines Compared



Alaska's Highways Worst in the Nation?

"Alaska's highway system is the worst in the nation when it comes to cost-effectiveness and performance, according to Reason Foundation's 15th Annual Highway Report rankings released today."
December 17, 2009

Alaska DOT&PF Disagrees and Here's Why



Reasoning is Flawed and Does Not Account for Alaska's Unique Highway System

- Measures roughness of rural highways
  - **does not account** for extensive gravel sections of Dalton, Elliot, Taylor, and Denali Highways
- Measures roughness of rural interstates
  - **does not account** for 1000+ mile AK Interstate's unique characteristics (two-lane, local access, poor existing highway geometrics)
- Compares 4 categories of funding on per mile basis
  - **does not account** for substantial allocations to longest state owned ferry system in the nation

Reasoning is Flawed

- Statistical method = one bad ranking (Rural Highway Roughness – Gravel Roads) overwhelms good rankings in other categories (funding, congestion, highway standards and safety)
- Alaska's highway system is unique:
  - Federal rules allow unique interstate system
  - Design, construction, and maintenance over discontinuous permafrost
  - Dalton Highway (400+ mile arctic highway to access important national industrial complex)
  - Shortest construction season in nation
- Report is skewed = national comparison of 11 categories. Comparison of Alaskan Highways to lower 48 highways and interstates is apples to oranges
- DOT&PF is proud of its highway system and employees who daily design, construct, and maintain these highways in the harshest conditions of the U.S.

Governor's Initiatives

- Deferred maintenance 25M of ~~$248~~ 150M
- Highway safety corridors
- Roads to Umiat and Nome
- Crime lab $75M
- Dalton Highway Cont.

FY 11 Budget

- Operating Budget
  - $542,985,800
    - $236,182,400 GF
    - $306,825,700 Federal and Other Funds
- Capital Budget
  - $823,312,500
    - $149,884,700 GF
    - $673,427,800 Federal Funds

How much is reg'd for match

3,400 employees

Accomplishments in 2009

Sen Menard wants to know how many professionals are DOT Dvs. private contractors.

Ted Stevens International Airport A & B Concourses

On-Schedule and Under Budget!

- Opened for Business on November 2, 2009
- Passenger/Baggage screening centralized
- A&B concourses 352,000 ft2 renovation

8.6M
36. M
45M for match out of GF / Capital

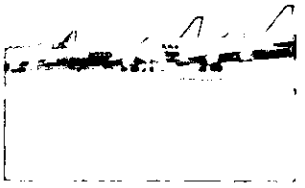
Fairbanks Passenger Terminal

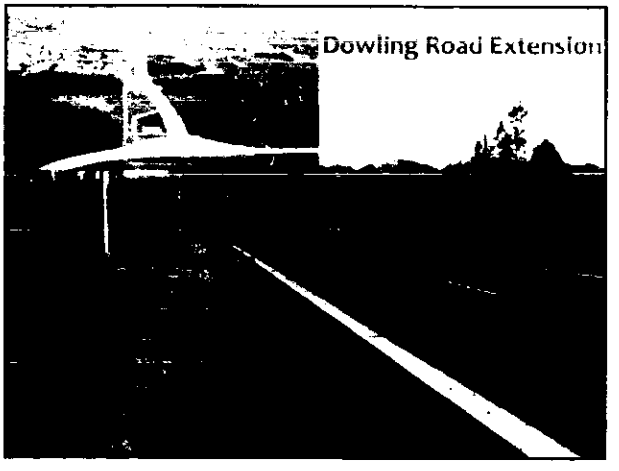
On-Schedule

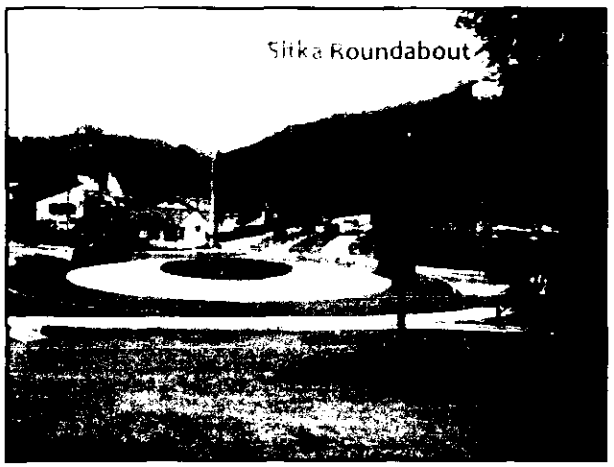
Under Budget!

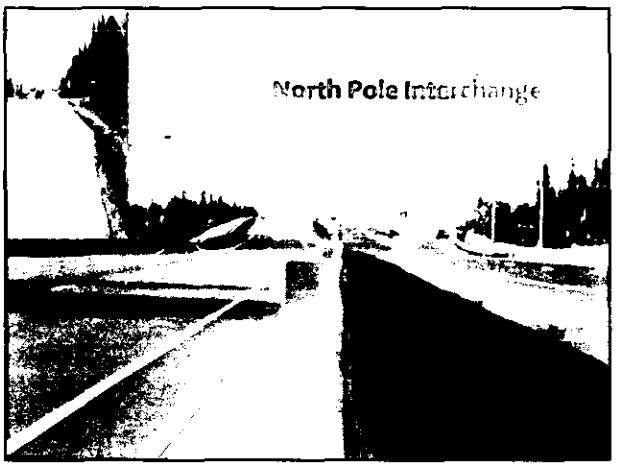
- Opened May 7, '09
- Authorized $96.2M
- Cost $92.3M

Fairbanks Runway Reconstruction and Cargo Stand Construction









Alaska Marine Highway System

- 92% on Time Depatures
- Shedule
  - Winter '09 /Spring '10 released July 17th
  - Summer '10 schedule released October 1st
- Power Management /Fuel Savings
- Alaska Class Ferry
  - $60 M in the STIP, $60 M FY10 capital appropriation
  - Design complete in summer 2010

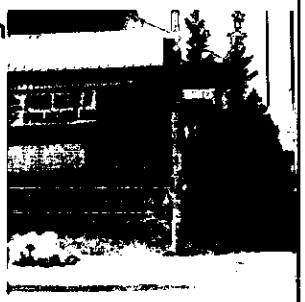
ALASKA CLASS FERRY

Highway Safety Corridors

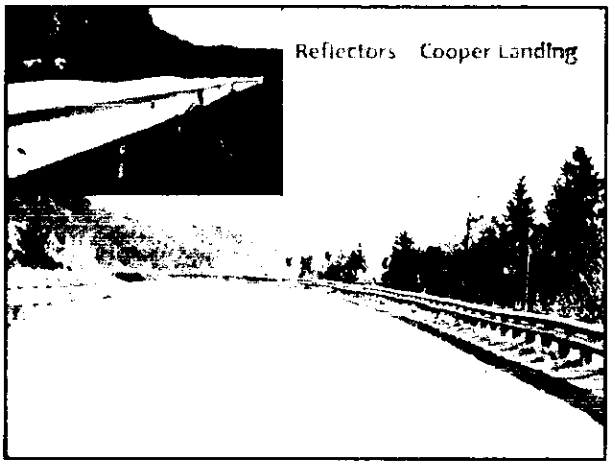
- Education
  - Includes distracted and aggressive driving
  - http://www.youtube.com/user/asthwsads#p/u
  - http://www.youtube.com/watch?v=yjmAy2Q4BRY
- Enforcement
  - Bureau of Highway Patrols 2nd year
- Engineering
  - KGB & Vine Rd; KGB & Fairview Loop signals
  - Sterling Hwy Rut repair

Safety Projects Elsewhere

Pedestrian Countdown Signals



- Reduce pedestrians crashes by 25%
- Started in Anchorage & Fairbanks in 2009
- 2010 complete Anchorage, Matsu and Kenai



Rumble Strips

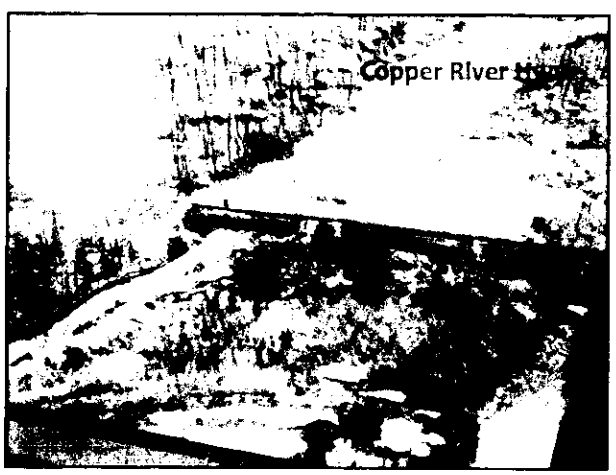
- Installed on the Richardson Highway – 2009
- Highway Safety Corridors – to be constructed in 2010

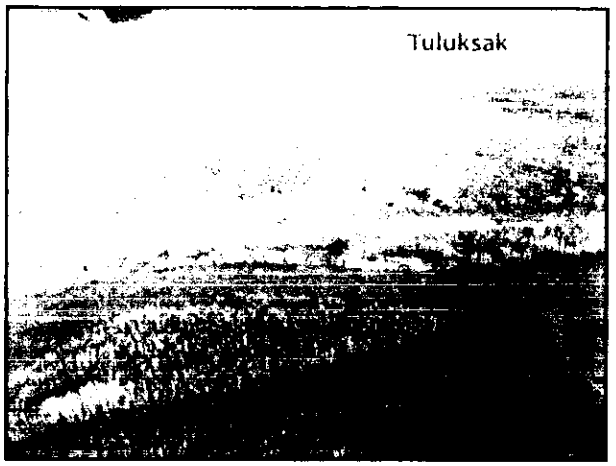
Emergency Response

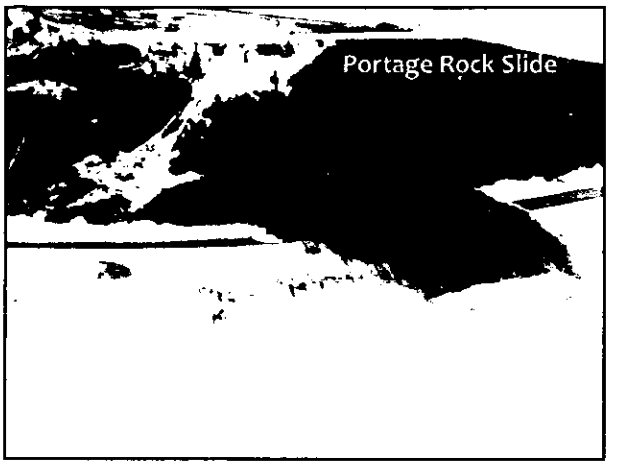
- Flooding
- Portage Road to Whittier Tunnel
- Glenn Highway Erosion

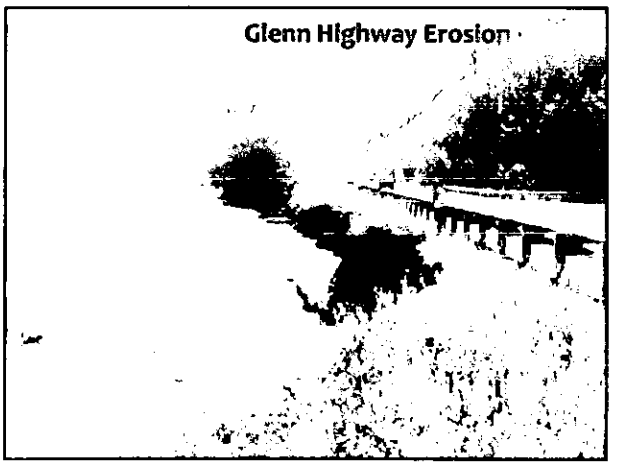
Eagle

Eagle


Copper River







Maintenance & Operation

- Maintain 15,221 lane miles, 256 airports
- M&O is half of DOT&PF's GF budget
- $11.2 M FY10 increment:
  - Snow removal on sidewalks in Anchorage, Juneau, Fairbanks
  - Anti-icing efforts at rural airports
  - Safety items: guardrail, signs, lights, striping and markings on roads and airport

Anchorage Street Sweeping

- Highways and Arterials
  - 2 times by June 1
  - 1 time between June 1 & Aug. 1
  - 1 time between Sept. 1 & Oct 1
- Secondary Roads
  - 1 time by June 1
  - 1 time between June 1 & Aug. 1
  - 1 time between Sept. 1 & Oct 1

Worked with legislators

- Committee Meetings
- House Transportation Committee Education
- Dalton Highway Trip

DOT&PF Successes

- Fatality rate dropped over 24% between 2006 – 2007
- ARRA and regular program
- Department safety
  - 3.2 injuries/illness per hundred employees
- Rescues

Taku Crew Receiving Coast Guard Award

THANK YOU

Executive Summary

With the signing of Administrative Order 243 on October 14, 2008 the Governor's Coordinated Transportation Task Force (CTTF) was officially assigned the responsibility to study and make recommendations on how the State can coordinate the provision of "cost-effective, community-based transportation services to persons with special needs."

The Community Transportation Association of America describes coordination as the efficient and effective use of transportation resources for getting people to important destinations, such as jobs and medical appointments. Coordination means working with transit providers, human service agencies, private institutions, businesses, volunteers and political leaders to broaden transportation options by way of modes, routes, and providers. Coordination ensures the connectivity between these options.

Coordination takes on its own unique meaning in Alaska. Here, transportation in distant locations may be viable only by dog sled or boat to an air taxi, from which to access a commercial airplane or bus route. In a state where more than 150,000 people live off the limited state highway network, and where more than 25 percent of the population is projected to be people with special needs - seniors, low income, and people with disabilities - effective coordination of service delivery is challenging , at best.

Funding availability and practices compound the challenge. A number of different federal funding sources come to Alaskan agencies to support people with special needs - for sometimes different, complementary, or similar services. Agencies must work across systems in order to leverage and coordinate those dollars. Human-service public transportation features the coordination of public transportation systems with human service agencies and providers responsible for making transportation resources available to their clients.

Dollars are short. An Alaska Municipal League study shows that even the most aggressive options to fund the transportation need from user fees in Alaska cannot meet the need, and the study did not address public transportation options.

To qualify for Federal Transit Administration dollars that support public transportation options for people with special needs, match funds must be identified. Federal grants to support capital needs (vehicles, preventative maintenance and infrastructure) require local match of 10-20 percent of the total.

Requirements of various funding programs differ as to eligibility for federal operating funds. Federal funding programs for operational support require a 50 percent match. Each community typically must fund a significant portion of its operating budget from (in addition to fare-box and user contributions)—the same sources of revenue that compete for education, police, fire, library and park services. In most communities, a ready source of revenue sufficient to meet the need is difficult to come by, leaving operating funds for public and human-service transportation systems in short supply.

The CTTF worked methodically through each of the duties it was assigned. During 2009 the CTTF held five (5) face-to-face meetings and six (6) teleconference calls with webinars to pursue their

study and generate this Recommendations Report. All meetings were open and provided opportunities for public comment. The Department of Transportation and Public Facilities maintained a website on the group's behalf, and the Alaska Mobility Coalition provided links to the same. The website provided access to CTTF materials and products. Furthermore, the group presented and in a workshop format shared and collected input on the draft recommendations at the statewide Alaska Community Transportation Conference held in Anchorage on October 27-29, 2009. The draft report was released for official public comment on November 23, 2009.

The CTTF Recommendations provide a framework for the State of Alaska to more effectively serve people with special needs by generating and sustaining a coordinated transportation environment. The first set of recommendations, presented for near-term consideration and implementation, generate a framework that provides for:

- State level policy to support and sustain such an environment.
- Deliberately collected and managed data to guide effective decision-making.
- Local-level leadership and flexibility to generate systems that recognize unique local needs and contexts.

The CTTF recommends that:

1. The State of Alaska enact a statute that institutionalizes and requires coordination of community-based transportation services that utilize state and federal grant funding The statute would:

    A. Establish a Governor-appointed Coordinated Transportation Commission, composed of a broad cross-section of agencies with responsibility for transportation, related human-services, and advocates for special populations. The Commission would be established for a four-year period, with a review at that juncture to determine whether to continue or to sunset the Commission. The Coordinated Transportation Commission would have lead responsibility for ensuring the coordination of state level resources. This would be accompanied by a funding commitment that will not negatively impact the existing limited funding for public transportation activities throughout the state. The Commission would:

        1. Generate and periodically update a Statewide Human-Service Public Transportation Coordinated Plan which builds on the recommendations issued in this report and incorporates statewide involvement in its generation.

        2. Identify, coordinate and leverage collective state agency resources so that they are most efficiently and effectively providing transportation services to persons with special needs

        3. Identify and address barriers to coordination in addition to those identified and addressed in this report as the coordinated system evolves and matures.

        4. Advocate for a uniform budgeting structure that tracks and reports transportation expenditures on state clients.

5. Develop and establish performance measures that identify entities who receive any type of public funding and measure coordination efforts through a statewide data base.

6. Articulate issues of policy and decision-making criteria associated with coordination plan implementation.

7. Develop a minimum taxicab standard for state-owned facilities such as airports and ferries to ensure those with disabilities are not overlooked.

8. Identify and address barriers to coordination associated with vehicle insurance, including cost, joint coverage, policy writing, and the sharing of publicly funded transportation vehicle assets.

9. Prepare an annual report to the State Legislature that summarizes the status of coordinated transportation within the state and make recommendations as appropriate.

B. Authorize the Department of Transportation and Public Facilities to manage the matching program for Federal Transit Administration and state transit funds according to criteria established by the Commission.

C. Ensure local entities have statutory authority to prepare local Human-Service Public Transportation Coordinated Plans.

D. Require applicants for federal or state transit funds to respond to priorities established in their local Human-Service Public Transportation Coordinated Plan.

2. The State of Alaska makes specific state funds available to support operational expenses for human-service public transportation projects and providers (which in turn can be identified as match for additional federal funds) during its annual appropriation process. Part of the Commission's responsibility would be to establish programmatic areas and measureable outcomes for funding recipients in order to demonstrate and ensure the benefits of the investment in human-service public transportation.

3. The State of Alaska enrich and enhance the human-service public transportation coordination planning processes by revising and updating coordination planning guidance documents and providing increased technical assistance. The support and guidance is intended to be directly responsive to helping identify local needs and build local awareness and capacity. The assistance program would:

A. Generate increased awareness and understanding about the range of funding opportunities available to support human-service public transportation coordinated planning;

B. Help foster the engagement of a variety of stakeholders and specifically local human service agencies in the planning process in order to best identify individualized local needs and how to meet them;

C. Outline and encourage meaningful and innovative coordination opportunities, including providing a list of best practices (i.e. coordination respective to winter maintenance, school districts, vehicle use and sharing vehicles, etc.);

D. Capitalize on existing data collection resources including the National Transit Database and the Alaska Public Transportation Management System database to expand inputs to support performance measure initiatives, identify coordination partners and leverage and resources;

E. Communicate and support the utilization of mobility management practices (using a single point of contact to take calls on a local and regional level to coordinate the provision of services for the client) and securing mobility managers; and

F. Provide technical assistance for the coordination planning and funding application processes.

4. The State of Alaska fund and conduct a statewide needs assessment of Alaskans with special needs to clearly identify the scope of the transportation need. This data will help support local coordination planning efforts and identify previously unidentified needs and gaps. At a minimum, update this data every four years. Through the process of conducting local coordinated planning, additional and increasingly specific local needs will be identified to further inform the assessment data.

The CTTF also generated a set of "operational-level recommendations" in response to their task to develop mechanisms and incentives to support coordinated efforts and effectively meet needs. The CTTF specifically seeks an opportunity for broad public input on the further development of the draft operational-level recommendations.

The CTTF Recommendations acknowledge and work to address the needs and influences of the various programmatic levels—federal, tribal, state and local—that influence and support human service public transportation efforts. They present a strategy to address what we know, seek out what we don't know, track cost and coordination efforts, and generate an infrastructure that supports coordination. They are not a final solution; they are important strategies to engage all stakeholders with responsibilities for transportation services and affect a system which stimulates coordination. Implementing these recommendations will grow and sustain a culture designed to efficiently and effectively provide transportation services for people with special needs.

On November 17, 2009, Governor Sean Parnell extended the life of the CTTF through April 15, 2010 by signing Administrative Order number 252. Some CTTF members and stakeholders were instrumental in requesting this recommendation, hoping to increase CTTF member availability to present and pursue the recommendations outlined in this report, and specifically to help see to fruition the establishment of a Coordinated Transportation Commission convened to oversee the implementation of these recommendations and to further develop a state infrastructure that sustains the coordinated environment into the future.

Governor's Coordinated Transportation Task Force

PROPOSED FINAL DRAFT

Recommendations Report

January 13, 2010

DATE

Governor Sean Parnell
State of Alaska
P.O. Box 110001
Juneau, AK 99811-0001

Dear Governor Parnell:

The Governor's Coordinated Transportation Task Force (CTTF), tasked under Administrative Order 243 to "facilitate and enhance the coordination and integration of community-based public transportation services for the benefit of persons with special needs," is pleased to present this Recommendations Report to the State for consideration and implementation.

Coordination is the efficient and effective use of transportation resources for getting people to important destinations, such as jobs and medical appointments. Coordination means working with transit providers, human service agencies, private institutions, businesses, volunteers and political leaders to broaden transportation options by way of modes, routes, and providers. Coordination ensures connectivity between these options.

These recommendations provide a framework for the State of Alaska to more effectively serve people with special needs by generating and sustaining a coordinated transportation environment.

The CTTF members participating in this process endorse this approach, support the legislative changes it proposes, and commit to its implementation, as demonstrated by the member signatures included in Appendix A.

On behalf of the CTTF, I thank you for this opportunity to serve the State through this important collaborative effort.

Sincerely,

Jeff Ottesen, CTTF Chair
Director, Division of Program Development
Department of Transportation and Public Facilities

2495

Coordinated Transportation Task Force

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Thank You

The Governor's Coordinated Transportation Task Force would like to thank the many individuals who participated, provided information, listened, and made comments and suggestions throughout the CTTF's study, deliberations and recommendations development process. Some of these involved stakeholders who gave of their time and experience to inform this process include:

Bethel Senior Center
Jewellee Bell, Department of Administration
Michael Black, Department of Commerce, Community and Economic Development
Jason Burke, State ADA Coordinator
Tara Callear, Fairbanks Metropolitan Area Transportation System
Kim Champney, REACH, Inc.
John Cramer, Chief of Staff, Lieutenant Governor's Office
Art Delane, Access Alaska
James Farrington, Department of Education and Early Development
Kathy Fitzgerald, Developmental Disabilities Committee
Donna Gardino, Fairbanks Metropolitan Area Transportation System
Edward Graff, Fairbanks North Star Borough
Rebecca Greenberg, Palmer Senior Citizens Center
William Herman, Alaska Mental Health Trust Authority
Jody Karcz, People Mover
John Kern, Capital Transit
David Leone, Fairbanks North Star Borough
David Levy, Alaska Mobility Coalition
Lucas Lind, Alaska Mental Health Trust Authority
Laura Manley, NAMI-Juneau
Joan O'Keefe, Southeast Alaska Independent Living
Participants in Alaska Community Transportation Conference, 2009
Barb Singleton, Community Transportation Association of America
Connie Sipe, Center for Community
Rebecca Traylor, Fairbanks North Star Borough Public Transit Advisory Council; Access Alaska
Melissa Wills-Markigraf, Salcha's Neighborly Organization
Rick and Juanita Webb, Wallbusters
Jerry L. Woods, Tanama Chiefs Conference Transportation

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2500

Executive Summary

With the signing of Administrative Order 243 on October 14, 2008 the Governor's Coordinated Transportation Task Force (CTTF) was officially assigned the responsibility to study and make recommendations on how the State can coordinate the provision of "cost-effective, community-based transportation services to persons with special needs."

The Community Transportation Association of America describes coordination as the efficient and effective use of transportation resources for getting people to important destinations, such as jobs and medical appointments. Coordination means working with transit providers, human service agencies, private institutions, businesses, volunteers and political leaders to broaden transportation options by way of modes, routes, and providers. Coordination ensures the connectivity between these options.

Coordination takes on its own unique meaning in Alaska. Here, transportation in distant locations may be viable only by dog sled or boat to an air taxi, from which to access a commercial airplane or bus route. In a state where more than 150,000 people live off the limited state highway network, and where more than 25 percent of the population is projected to be people with special needs - seniors, low income, and people with disabilities - effective coordination of service delivery is challenging , at best.

Funding availability and practices compound the challenge. A number of different federal funding sources come to Alaskan agencies to support people with special needs - for sometimes different, complementary, or similar services. Agencies must work across systems in order to leverage and coordinate those dollars. Human-service public transportation features the coordination of public transportation systems with human service agencies and providers responsible for making transportation resources available to their clients.

Dollars are short. An Alaska Municipal League study shows that even the most aggressive options to fund the transportation need from user fees in Alaska cannot meet the need, and the study did not address public transportation options.

To qualify for Federal Transit Administration dollars that support public transportation options for people with special needs, match funds must be identified. Federal grants to support capital needs (vehicles, preventative maintenance and infrastructure) require local match of 10-20 percent of the total.

Requirements of various funding programs differ as to eligibility for federal operating funds. Federal funding programs for operational support require a 50 percent match. Each community typically must fund a significant portion of its operating budget from (in addition to fare-box and user contributions)—the same sources of revenue that compete for education, police, fire, library and park services. In most communities, a ready source of revenue sufficient to meet the need is difficult to come by, leaving operating funds for public and human-service transportation systems in short supply.

The CTTF worked methodically through each of the duties it was assigned. During 2009 the CTTF held five (5) face-to-face meetings and six (6) teleconference calls with webinars to pursue their

study and generate this Recommendations Report. All meetings were open and provided opportunities for public comment. The Department of Transportation and Public Facilities maintained a website on the group's behalf, and the Alaska Mobility Coalition provided links to the same. The website provided access to CTTF materials and products. Furthermore, the group presented and in a workshop format shared and collected input on the draft recommendations at the statewide Alaska Community Transportation Conference held in Anchorage on October 27-29, 2009. The draft report was released for official public comment on November 23, 2009.

The CTTF Recommendations provide a framework for the State of Alaska to more effectively serve people with special needs by generating and sustaining a coordinated transportation environment. The first set of recommendations, presented for near-term consideration and implementation, generate a framework that provides for:

- State level policy to support and sustain such an environment.
- Deliberately collected and managed data to guide effective decision-making.
- Local-level leadership and flexibility to generate systems that recognize unique local needs and contexts.

The CTTF recommends that:

1. The State of Alaska enact a statute that institutionalizes and requires coordination of community-based transportation services that utilize state and federal grant funding The statute would:

    A. Establish a Governor-appointed Coordinated Transportation Commission, composed of a broad cross-section of agencies with responsibility for transportation, related human-services, and advocates for special populations. The Commission would be established for a four-year period, with a review at that juncture to determine whether to continue or to sunset the Commission. The Coordinated Transportation Commission would have lead responsibility for ensuring the coordination of state level resources. This would be accompanied by a funding commitment that will not negatively impact the existing limited funding for public transportation activities throughout the state. The Commission would:

        1. Generate and periodically update a Statewide Human-Service Public Transportation Coordinated Plan which builds on the recommendations issued in this report and incorporates statewide involvement in its generation.

        2. Identify, coordinate and leverage collective state agency resources so that they are most efficiently and effectively providing transportation services to persons with special needs

        3. Identify and address barriers to coordination in addition to those identified and addressed in this report as the coordinated system evolves and matures.

        4. Advocate for a uniform budgeting structure that tracks and reports transportation expenditures on state clients.

5. Develop and establish performance measures that identify entities who receive any type of public funding and measure coordination efforts through a statewide data base.

6. Articulate issues of policy and decision-making criteria associated with coordination plan implementation.

7. Develop a minimum taxicab standard for state-owned facilities such as airports and ferries to ensure those with disabilities are not overlooked.

8. Identify and address barriers to coordination associated with vehicle insurance, including cost, joint coverage, policy writing, and the sharing of publicly funded transportation vehicle assets.

9. Prepare an annual report to the State Legislature that summarizes the status of coordinated transportation within the state and make recommendations as appropriate.

B. Authorize the Department of Transportation and Public Facilities to manage the matching program for Federal Transit Administration and state transit funds according to criteria established by the Commission.

C. Ensure local entities have statutory authority to prepare local Human-Service Public Transportation Coordinated Plans.

D. Require applicants for federal or state transit funds to respond to priorities established in their local Human-Service Public Transportation Coordinated Plan.

2. The State of Alaska makes specific state funds available to support operational expenses for human-service public transportation projects and providers (which in turn can be identified as match for additional federal funds) during its annual appropriation process. Part of the Commission's responsibility would be to establish programmatic areas and measureable outcomes for funding recipients in order to demonstrate and ensure the benefits of the investment in human-service public transportation.

3. The State of Alaska enrich and enhance the human-service public transportation coordination planning processes by revising and updating coordination planning guidance documents and providing increased technical assistance. The support and guidance is intended to be directly responsive to helping identify local needs and build local awareness and capacity. The assistance program would:

A. Generate increased awareness and understanding about the range of funding opportunities available to support human-service public transportation coordinated planning;

B. Help foster the engagement of a variety of stakeholders and specifically local human service agencies in the planning process in order to best identify individualized local needs and how to meet them;

C. Outline and encourage meaningful and innovative coordination opportunities, including providing a list of best practices (i.e. coordination respective to winter maintenance, school districts, vehicle use and sharing vehicles, etc.);

D. Capitalize on existing data collection resources including the National Transit Database and the Alaska Public Transportation Management System database to expand inputs to support performance measure initiatives, identify coordination partners and leverage and resources;

E. Communicate and support the utilization of mobility management practices (using a single point of contact to take calls on a local and regional level to coordinate the provision of services for the client) and securing mobility managers; and

F. Provide technical assistance for the coordination planning and funding application processes.

4. The State of Alaska fund and conduct a statewide needs assessment of Alaskans with special needs to clearly identify the scope of the transportation need. This data will help support local coordination planning efforts and identify previously unidentified needs and gaps. At a minimum, update this data every four years. Through the process of conducting local coordinated planning, additional and increasingly specific local needs will be identified to further inform the assessment data.

The CTTF also generated a set of "operational-level recommendations" in response to their task to develop mechanisms and incentives to support coordinated efforts and effectively meet needs. The CTTF specifically seeks an opportunity for broad public input on the further development of the draft operational-level recommendations.

The CTTF Recommendations acknowledge and work to address the needs and influences of the various programmatic levels—federal, tribal, state and local—that influence and support human service public transportation efforts. They present a strategy to address what we know, seek out what we don't know, track cost and coordination efforts, and generate an infrastructure that supports coordination. They are not a final solution; they are important strategies to engage all stakeholders with responsibilities for transportation services and affect a system which stimulates coordination. Implementing these recommendations will grow and sustain a culture designed to efficiently and effectively provide transportation services for people with special needs.

On November 17, 2009, Governor Sean Parnell extended the life of the CTTF through April 15, 2010 by signing Administrative Order number 252. Some CTTF members and stakeholders were instrumental in requesting this recommendation, hoping to increase CTTF member availability to present and pursue the recommendations outlined in this report, and specifically to help see to fruition the establishment of a Coordinated Transportation Commission convened to oversee the implementation of these recommendations and to further develop a state infrastructure that sustains the coordinated environment into the future.

Introduction

Coordination is the efficient and effective use of transportation resources for getting people to important destinations, such as jobs and medical appointments. Coordination means working with transit providers, human service agencies, private institutions, businesses, volunteers and political leaders to broaden transportation options by way of modes, routes, and providers. Coordination ensures the connectivity between these options.

With the signing of Administrative Order 243 on October 14, 2008 (Appendix B), the Governor's Coordinated Transportation Task Force (CTTF) was officially assigned the responsibility to study and make recommendations on how the State can coordinate the provision of "cost-effective, community-based transportation services to persons with special needs."

Building upon existing experience and successes throughout state agencies, private entities and Alaska Tribes, the CTTF is to further the coordination and sharing of transportation resources through "improved interagency planning at the state level." Specifically, the Administrative Order asks the CTTF to "maximize the availability of community-based transportation services, the sharing of transportation resources among government and private entities providing those services, and the coordination among providers of those services."

Coordination is
the efficient and effective use of transportation resources for getting people to important destinations, such as jobs and medical appointments.

Coordination means
working with transit providers, human-service agencies, private institutions, businesses, volunteers and political leaders to broaden transportation options by way of modes, routes, and providers.

Coordination ensures
the connectivity between these options.

Nine representatives and three ex officios were specifically identified in the Administrative Order and appointed by the Governor as participants in this process. The Order and the group also recognized the important roles of other entities and stakeholders who provide or are responsible for the provision of transportation services, and that an effective and comprehensively coordinated system relies equally on their participation and experience. Human-service public transportation features the coordination of public transportation systems with human service agencies and providers responsible for making transportation resources available to their clients.

During 2009 the CTTF held five (5) face-to-face meetings and six (6) teleconference calls with webinars to pursue their study and generate this Recommendations Report. All meetings were open and provided opportunities for public comment. The Department of Transportation and Public Facilities (DOT&PF) maintained a website on the group's behalf, and the Alaska Mobility Coalition (AMC) provided links to the same. The website provided access to CTTF materials and products. Furthermore, the group presented and in a workshop format shared and collected input on the draft recommendations at the statewide Alaska Community Transportation Conference held

Persons with special needs are

- Physically, developmentally or mentally disabled.
- Senior citizens.
- Preschool children in a Head Start program.
- Public school students.
- Low income individuals.
- Others without access to existing, workable transportation opportunities.

in Anchorage on October 27-29, 2009. The draft report was released for official public comment on November 23, 2009.

The Administrative Order is specific about the audience the CTTF work is intended to support. Persons with special needs as described by the Administrative Order include people with physical, developmental or mental disabilities, senior citizens, preschool children in a Head Start program, public school students, low income individuals, and others without access to existing, workable transportation opportunities.

Much research and work has been done on a national level and in other states to help guide the CTTF work and recommendations. Studies by the Transit Cooperative Research Program, National Cooperative Highway Research Program, U.S. Department of Transportation Federal Transit Administration, and best practices gleaned from other states (specifically the state of Washington) informed the CTTF process and product. Data provided by existing state planning documents for special populations, including the *Alaska Transportation Finance Study Final Report* (January, 2009), *Alaska State Plan for Senior Services, 2008-2011*, and the *2007 Annual Disability Report: Alaska*, illuminated the scope of the populations' needs and underscored the importance of a coordinated system to meet that collective need.

Furthermore, the Region X United We Ride Ambassador from the Community Transit Association of America participated in the process, directed the group to additional resources, and provided consulting services.

The CTTF's process was a deliberate step-by-step response to the following duties assigned to the group in the Administrative Order:

Duty 1

Identify state, federal, and local government agencies and private entities that administer or support community-based transportation services for persons with special needs.

This duty the CTTF addressed at two levels: 1) by utilizing the Alaska Public Transit Management System (APTMS) as a tool to inventory transportation providers, their funding sources, and their resources, and 2) by starting the process to identify and document state and federal agency resources that are

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available in Alaska to support community-based transportation activities. The APTMS will continue as an ongoing process to collect data in a manner that can inform and support local coordination efforts; the agency resources as collected to date are provided in Appendix C and underscore the need for increased tracking and coordination of state agency resources.

Duty 2

Identify barriers to coordination at the state, federal, and local levels for those services.

The CTTF identified and articulated barriers to coordination and used them as a starting point from which to generate the **CTTF Recommendations.**

CTTF studies a range of resource materials while meeting in Juneau.

Duty 3

Recommend the removal of barriers that prevent coordination of those services.

CTTF Recommendations are presented at two levels. The first set of "policy-level" recommendations generate a statewide infrastructure supported by policy that fosters a culture of coordination and accountability. This provides the framework for coordination and are presented in the body of this report. The second set of recommendations are practical considerations, presented as draft "operational-level" recommendations that affect accessibility for persons with special needs, and are maintained for broad stakeholder input and further development at a later date. These draft operational recommendations are provided in Appendix D.

Duty 4

Propose changes in statutes or regulations that would facilitate coordination of those services.

Proposed changes in statutes or regulations are included in the policy-level **CTTF Recommendations.**

Duty 5

Develop mechanisms and incentives to governmental agencies to coordinate those services through means including collaborative vehicle use, centralized dispatch services, joint or bulk purchase of fuel and vehicles, multi-purpose transportation voucher programs, centralized maintenance, and joint insurance.

Mechanisms and incentives to coordinate services are included in the CTTF draft operational-level recommendations in Appendix D.

Duty 6

Identify available financing for accessible services in communities in this state that have limited or no publicly financed transportation services to serve persons with special needs.

A list of available and proposed ideas for financing accessible services in Alaska communities was generated by the CTTF with a corresponding action plan to communicate that availability through an enhanced local human-service public transportation coordination planning process. A plan for making more resources available to communities is also proposed. This process and proposal is included in the **CTTF Recommendations**.

Duty 7

Develop a mechanism to ensure that services for persons with special needs in this state are coordinated and services are evaluated.

Mechanisms for tracking and evaluating expenditures and coordination are proposed in the **CTTF Recommendations**, along with a statewide needs assessment to provide a meaningful benchmark from which to generate a program to measure effectiveness.

This Recommendations Report is the result of the CTTF's process to address the duties as assigned and to create an infrastructure to better serve persons with special needs through effective coordination and the leveraging of existing resources. The CTTF points out that coordination is a process that occurs at many levels – federal, tribal, state and local. Coordination does not result just because recommendations are made; rather, coordination results from a cultural change among many organizations that act on their commitment to deliver effective and efficient services to people with special needs.

Mobility is a fundamental part of our daily lives.

Transportation for Persons with Special Needs

Mobility is a fundamental part of our daily lives. Our access to medical care, work, school, recreation, cultural events, family functions and shopping influences our quality of life. When we easily get where we need to go, we take it for granted. When weather threatens our visibility and safety, our economic situation demands frugality, or our physical capacity or geographic location limits our access to services, staples and social activities, mobility is essential. As resources that meet our daily needs become less accessible, the relevance of mobility to our quality life becomes increasingly apparent.

More than 25 percent*
of Alaska's total population is estimated to be comprised of persons with special needs

	Alaska census 2008	Poverty Status - adults	Poverty Status - children under 18	Seniors over 60	Civilians with a disability	Veterans with a disability	Homes on public assistance
Total	686,293	37,379	19,854	77,608	78,893	17,223	44,907

*Statistics to identify the exact numbers of this population are not possible. These numbers may reflect duplicate counts, but they are also probably not comprehensive.

Table 1: Persons with special needs by populations
U.S. Census Bureau 2008
www.census.gov/acs

Prevalence of persons with special needs and their unique environment

Alaska's senior population is growing faster than almost any other state in the nation. Alaska's total population of 686,293 (2008) features the highest proportion of baby boomers (32 percent) in the nation. By 2030, the *Alaska State Plan for Senior Services 2008-2011* projects that the proportion of seniors age 65 and over will double, comprising 13 percent of Alaska's population. Seniors age 60 and over will make up 17 percent of Alaska's total population. The number of seniors 85 and over is expected to triple during the next 25 years, increasing the number of Alaskans with age related medical conditions such as decreased vision, hearing and memory and cognitive conditions which can affect our ability to get places and our transportation options.

In addition to a growing senior population, the U. S. Census Bureau *2008 American Community Survey* reports a variety of statistics about people with special needs. Just the numbers of seniors and working age people with disabilities alone indicate that over 25 percent of Alaska's population is comprised of people with special needs. Table 1 presents these numbers and more. While the numbers do not provide a conclusive count, and the potential for duplicate numbers between some of them exists, the prevalence of persons with special needs is illuminated, and the implied need for transportation services significant. The numbers indicate that more than 25 percent of Alaska's population are people with special needs. The

Alaska has:
132,255 public school students
www.localschooldirectory.com/state-schools/AK

FY 2010
proposed enrollment is 3,299
Head Start Students
http://www.akheadstart.org

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figure does not take into account Alaska's 132,255 public school students or its 10,831 children eligible for Head Start programs.

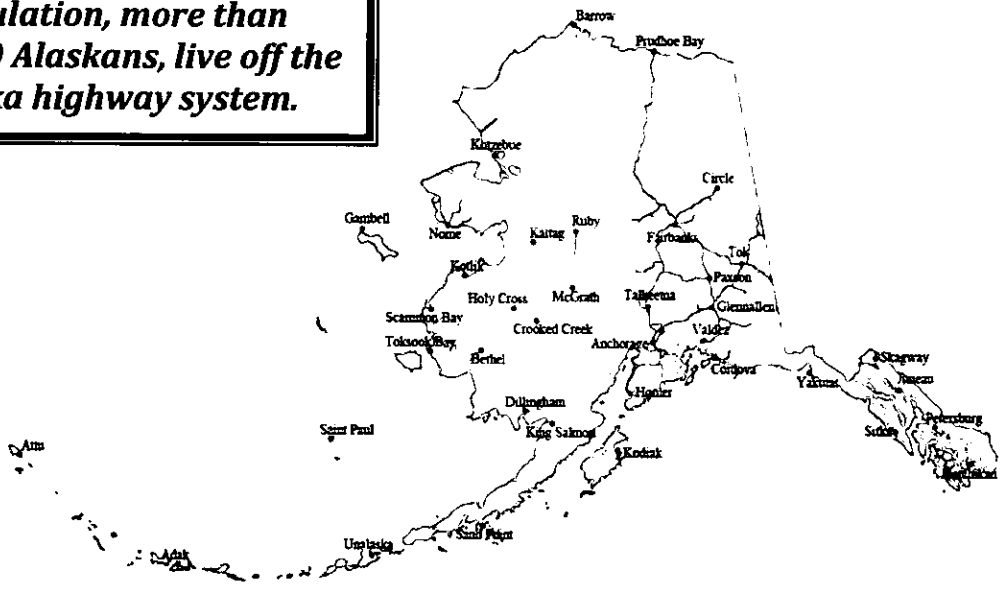
Alaska's predominantly rural environment does not make human-service public transportation less necessary; rather, it makes human-service public transportation challenging and absolutely essential to Alaskans' quality of life.

In the future, the state will also need to pay increased attention to the needs of individuals with low literacy or limited English proficiency. The Federal Transit Administration has issued guidance that outlines expectations of fund recipients to improve access to services for these populations in compliance with Title VI of the Civil Rights Act.

Furthermore, 22 percent of Alaska's population—more than 150,000 people—live off the state's highway system (Greg Williams, Department of Labor and Workforce Development, November 3, 2009). Living in distant locations may be a lifestyle choice; it may also be a necessity. Travel in and out of such areas can be difficult, expensive and hazardous. The *2008 Geographic Differential Study* indicates that "since 1985, communities outside Alaska's Railbelt and off the Alaska road system have seen greater increases in living costs relative to Anchorage," complicating their ability to access alternative modes to get where they need to go. Access to hospitals or major urban centers may be only by air, boat, snow machine, dog sled or some combination thereof.

Stories about transportation challenges abound. An individual Alaskan may have 4-6 legs to a trip by the time he or she leaves their own home and arrives at another important destination within

22 percent of Alaska's total population, more than 150,000 Alaskans, live off the Alaska highway system.



Map 1: Alaska State Highway System

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the state. Any such trip may feature any combination and series of travel by dog sled, snow machine, truck, ferry, bus, taxi and airplane. If any one of those legs aren't coordinated or break down, an individual can easily find him or herself stranded.

Map 1 depicts Alaska's state highway system. Clearly transportation options and the connectivity between them is a significant issue for Alaskans. Transportation must support rural lifestyles in distant locations, challenging weather, a dependence on a variety of modes, and a high cost to secure it.

CTTF learns about cold weather testing facility for vehicle emissions performance in Fairbanks.

Alaska's predominantly rural environment does not make human-service public transportation less necessary; rather, it makes human-service transportation challenging and absolutely essential to Alaskans' quality of life.

Financing human-service public transportation services

People with special needs rely on public transportation to get them where they need to go. They also rely on services made available through human service agencies designed to support special populations, such as Alaska's Department of Health and Social Services or Vocational Rehabilitation.

At the federal level, approximately 70 different funding programs are identified that might support this target population in some fashion, including transportation services and benefits. For example, the Federal Transit Administration, Department of Health and Human Services, Department of Veterans Affairs and the Department of Labor are four of several agencies that conduct programs and provide funding to help persons with special needs have access to their jobs, medical care, and/or other activities.

When funding from those programs comes to Alaska state agencies, that funding brings with it specific requirements, guidelines and restrictions. Those programs provide important support to the individuals for whom they are intended, but the nature of the funding process and program requirements can result in an unintended consequence. Without coordination, potential duplicative efforts exist, as do potential unidentified gaps in service.

Coordination provides the opportunity to eliminate potential duplication, identify gaps, and leverage collective resources. Graph 1 on the next page illustrates the dynamic.

Efforts at the national level to stimulate the coordination of federal agency resources are significant. In recognition of the need to enhance coordination of important human-service transportation resources, President Bush issued an Executive Order on Human-Service Transportation (#13330) in February 2004, directing eleven Federal departments and agencies to "work together to ensure that transportation services are seamless, comprehensive and accessible."

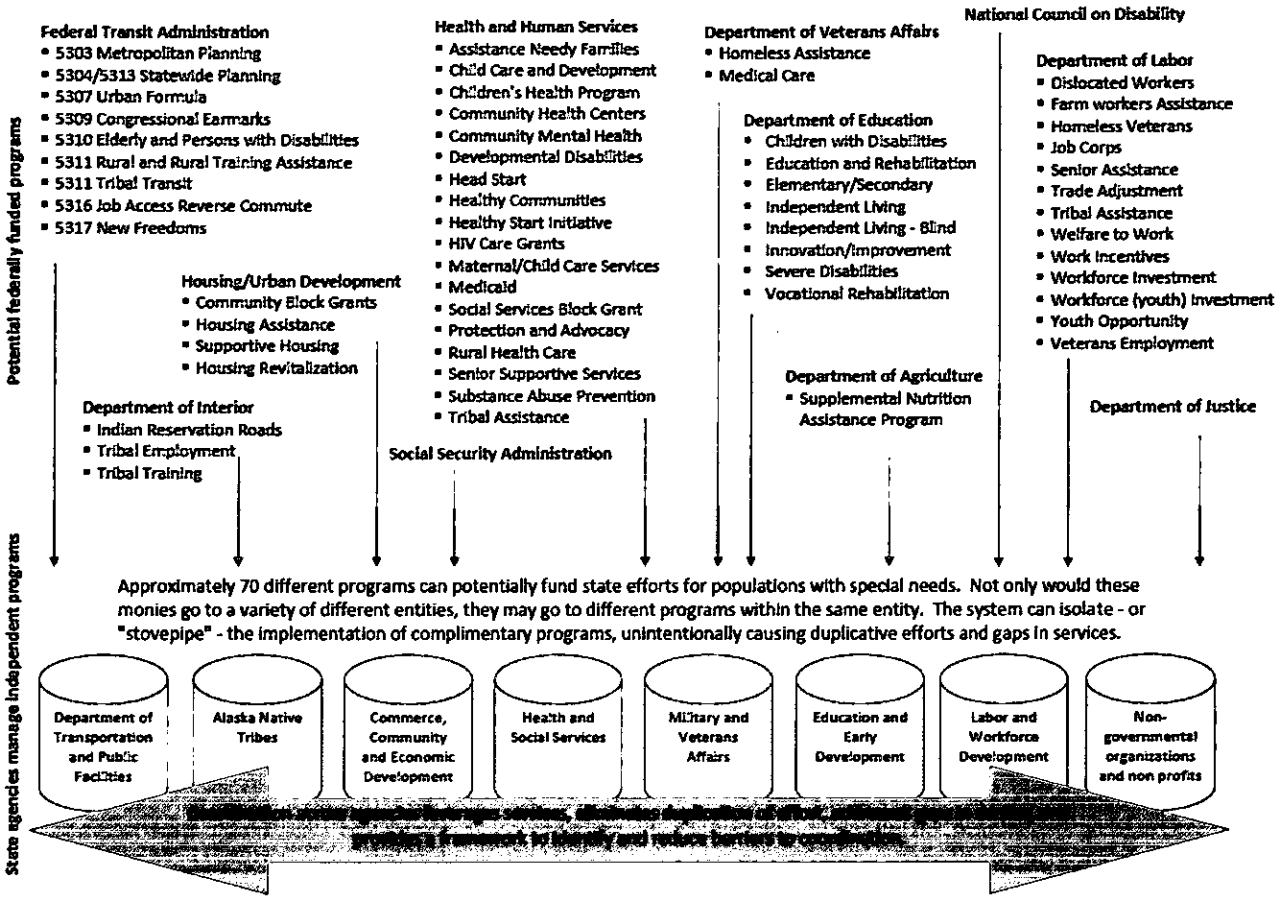
The Federal Interagency Coordinating Council on Access and Mobility (CCAM) membership includes representatives from the:

- Department of Transportation
- Department of Health and Human-service s
- Department of Education
- Department of Labor
- Department of Veterans Affairs
- Department of Agriculture
- Department of Housing and Urban Development
- Department of the Interior
- Department of Justice
- Social Security Administration
- National Council on Disability

CCAM promotes and provides resources for coordination in a variety of ways. Technical assistance, coordination grants, guidance documents and a variety of reports are among the resources CCAM makes available through programs it oversees. CCAM models an interagency approach to coordination and the leveraging of human-service public transportation resources, and it provides guidance for states on how to do the same.

Clearly, Alaska recognizes the need and value of coordination. Alaska's Administrative Order 243 points out that "the provision and integration of cost-effective, community-based transportation services to persons with special needs is an important government function." To ensure this function is effectively carried out, coordination efforts must accommodate federal, tribal, state and local considerations.

Even while the number of programs that can potentially fund human-service public transportation appears long, the total availability of funds to support these programs does not meet the range of needs.



Graph 1: Illustration (only) of how coordination can leverage multiple related efforts.

The draft Surface Transportation Authorization Act of 2009, introduced to the House of Representatives by Representative Oberstar, presents a sobering picture of under-investment in the country's transportation system. This under-investment has resulted in deteriorating facilities, negative environmental impacts, and limited transportation choices. In January 2009, the Alaska Municipal League (AML) produced the *Alaska Transportation Finance Study*, an assessment of the current finance trends, challenges and options to meet Alaska's transportation funding needs. The report verifies that Alaska's experience is consistent with the national trend. Furthermore, the report points out that the under-investment may more severely impact Alaska because of Alaska's dependence on resource extraction industries which are transportation dependent. It also points out that Alaska's distant communities, harsher environment and less mature roadway network may amplify the effects of under-investment.

While the AML report suggested a number of options to address the funding issue, even the most aggressive option proposed did not meet the shortfall or existing transportation need. The report did not address how to meet the transit need at all.

The lack of specific state funding for operating transit systems is an exacerbating factor for Alaska. A 2006 report from the U.S. Department of Transportation, the *Status of the Nation's Highways, Bridges, and Transit: 2006 Conditions and Performance*, illustrates the share of federal, state, local

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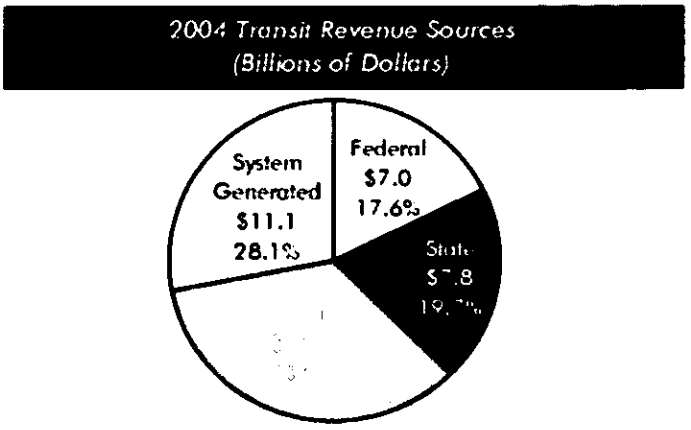
and system-generated funds for public transportation on a national level. Graph 2 presents data from that report. On a national level, average state funds support approximately 20 percent of the total public transit resource for operating and capital expenditures.

Operating expenses are those required to operate a service. They include payroll, maintenance, fuel and more. The Federal Transit Administration (FTA) provides limited operating funds to only rural communities, but requires a 50 percent match of local or state funds to match the federal grant amount. Capital expenses include physical facilities and rolling stock. They are the tangible assets of a transportation service. FTA's grant programs are structured by Congress to primarily fund capital projects at a more favorable grant ratio of 80 percent federal to 20 percent local or state match.



Graph 2: Total Federal Funding on a national level. http://www.fhwa.dot.gov/policy/2006cpr/es06t.htm

Because local match requirements for operating funds are higher than they are for capital, most states fill this gap by providing some state funding for operating transit systems, and are able to fully access their federal funding by doing so. Alaska, however, provides no specific funding for operating expenses. The ability to secure federal funding for operating expenses relies solely on individual communities and non-profit entities who work to secure it. Therefore, funding for public transportation competes for the same sources of revenues (property and other local taxes) that cities and boroughs must use to pay for their general purpose government expenses, such as education, libraries, parks, police, fire, etc.

Operating expenses:	***Capital expenses:***
payroll, maintenance, fuel required to operate a service	***physical facilities and rolling stock - tangible assets***

Securing adequate resources in Alaska for operational expenses is a significant challenge.

Within Alaska, the level of support from local governments varies considerably. For example, Ketchikan Gateway Borough provides $279 thousand, while Juneau allocates $3.3 million annually for transit support. Given the match requirements, some communities are unable or unwilling to budget sufficient local funding to make full use of the federal transit funds potentially available to them. That failure to apply for federal funds on a local level makes more of Alaska's total federal share available to those few communities who do so.

One source used by some communities to close the local-state funding gap is illustrated in Table 2, where non-profits provide funds for Alaska rural transportation systems to maintain basic transit levels of service in their communities, thus securing the use of additional federal funds.

Local community investment in public transportation varies across the state. With Ketchikan Gateway Borough and Juneau, five rural transit systems receive funds or in-kind contributions. Additionally, Anchorage received $30.2 million in funding for transit, and paratransit, which included $16.8 million in local funds and $5 million collected in fares (NTD, 2007). Fairbanks received $3.7 million in funding for transit and paratransit, including $2.7 million in local funds and $242 thousand in fares (NTD, 2007).

In the state's annual Mental Health budget, $300 thousand capital funding from the Alaska Mental Health Trust is matched by $800 thousand from the General Fund. The Governor's FY2011 budget includes $82 million from the General Fund for Marine Highway operations, in addition to $54 million in projected system-generated revenue. The state also budgets $8 million or more in General Fund capital dollars to match federal capital for vessel and terminal overhaul and rehabilitation. The Marine Highway system is considered an additional public transit system, as it is the single transportation link to medical, shopping, cultural and social activities for many coastal community residents.

While still in draft form, the new federal transportation bill aims to transform the existing system to one that, among other objectives, provides for transportation choices, limits the adverse effects of transportation on the environment, promotes public health and the livability of communities, and demands accountability and performance metrics. The new bill might bring more federal transit funds to Alaska, and possibly fewer federal highway funds. The ability to access, use and leverage these funds to provide transportation services to people with special needs depends upon the willingness of the state and communities to match them.

While securing adequate resources in Alaska for transit operational expenditures may continue to be a significant challenge in these difficult economic times, other rural states such as North and South Dakota, Montana and Maine have made policy decisions to devote some state funding sources to public transportation. Creative solutions such as those suggested by the Alaska Municipal League to establish an Alaska Trust Fund for Transportation should be seriously considered.

Another important influence and opportunity for coordination of public transportation resources in Alaska involves Alaska Tribes. In 2009, five tribes received $892 thousand in Federal Transit Administration 5311 Tribal Transit Program Funds. The funding is not enough to meet the adequate infrastructure and operating costs of transit in tribal communities, which include obtaining and maintaining equipment, securing maintenance facilities and services, providing for adequate road conditions and managing high fuel costs. The Indian Reservation Roads Program is providing over $46 million in funds to 229 Alaska Tribes, offering much-needed resources for roads, bridges, transportation facilities and maintenance. Tribal initiatives to coordinate and leverage their resources with other transit and human-service needs and efforts are underway, and important opportunities are still to be explored.

The ability to access, use and leverage federal funds to provide transportation services to people with special needs depends upon the willingness of the state and communities to match them.

Alaska state agencies have a variety of responsibilities for securing, ensuring and

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funding human-service transportation. In most cases, state agency funds come from federal agency sources—some to similar and some to different populations—but most are intended for service delivery on the local level to help clients get to where they need to go. The FTA has specific grant programs to fund transportation services for seniors, inter-city routes, people with disabilities, low income populations, tribes and rural areas. Health and Human Services provides benefits for low income individuals to support a range of activities to promote self reliance, including some transportation costs for individuals in low income families for medical services, school and work. Medicaid plays a significant role in funding transportation for people with special needs, accounting for $5.2 million in Alaska's expenditures for this population. Veterans Services, Administration on Aging, and others play an important role in supporting the network of funding streams and services available to people with special needs.

Appendix C presents a list of preliminary data identifying state agency budget and funding related to human-service transportation. This is not a complete list of agencies or funding streams, but it is indicative of the variety of programs and funding sources at work in Alaska. With imminent potential health care reform initiatives advocating for increased out-patient services, the need for effective transportation options will also increase. The list of programs underscores the need to identify, coordinate, and leverage that variety of resources to most effectively serve Alaskans with special needs.

Residents from the Fairbanks area and beyond address CTTF about their human-service public transportation needs.

The numbers speak pointedly to the wisdom of ensuring human-service public transportation resources are managed and coordinated. While a general understanding of the transportation needs of these populations at the local level may be identified and acknowledged in local planning efforts, a comprehensive, specific and quantitative understanding of the transportation needs throughout Alaska is not available.

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Transportation as a priority for human service organizations

Generating meaningful transportation options is an important objective of many Alaskan organizations.

The fact is that many Alaskan agencies and organizations recognize and work to address transportation issues for people with special needs. A few documented efforts include:

- The *Alaska State Plan for Senior Services 2008-2011* outlines goals to ensure seniors have services with which they are satisfied, that are culturally relevant, that provide the opportunity to receive services to promote and enhance their physical, mental, spiritual and emotional health, and enable seniors to age in place. ***Efficient and effective transportation services support all of these goals.***

- The State Independent Living Council (SILC) works to maximize opportunities and to incorporate people with disabilities into all walks of life by empowering them through individual and systems change. SILC has specifically identified ***improving transportation options for persons with disabilities*** as an action goal.

- The Alaska Mental Health Trust Authority (Trust) administers the Mental Health Trust to improve the lives of beneficiaries. Among other responsibilities, the Trust seeks to coordinate with state agencies about programs and services that affect beneficiaries. ***Transportation is key to beneficiaries' access to work, services and other life activities.***

- *Healthy Alaska 2010* outlines the state's plan for achieving healthy Alaskans and healthy communities. One of the goals in that plan is to improve access to comprehensive and quality health care services, and one of the indicators that access is being improved is by ***providing for more efficient and effective transportation to services.***

- The *Governor's Council on Disabilities and Special Education 2006-2011 State Plan* identifies "transportation as a priority for human services" and initiates an objective specifically to **improve and expand transportation options** through collaboration with the Alaska Mobility Coalition, improvement and expansion of private and public transportation services, by providing training for transportation providers, consumers and employers.

Other examples exist. The obvious conclusion is that initiatives are underway individually and collectively to address this critical resource for people in Alaska with special needs. The CTTF provides a venue for multi-stakeholder efforts to coalesce around this single important issue; the **CTTF Recommendations** propose a structure to meet and sustain it.

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The ability to identify and support people's unique needs occurs meaningfully and practically at the local level. The best local systems are generated when strong, committed local leadership exists. Local populations, providers, resources and conditions make each effort at community-based transportation planning, coordination and service delivery system unique. Some communities have more and some communities have less capacity to identify opportunities and resources, coordinate local partners and stakeholders, and secure and share local resources. Some communities are distant; some serve as hubs; some have more and some less resources and information available to them.

Accommodating the unique needs of any community within the context of a coordination structure is important. Generating an infrastructure that provides the means, capacity and initiative to coordinate the complex variety of federal, tribal state and local resources in a sustainable way is essential to effective service delivery.

Barriers to Coordination

Federal, tribal, state and local influences on coordination are inextricably linked. Barriers to coordination can touch many or all parts of that spectrum.

Generating an infrastructure that provides the means, capacity and initiative to coordinate resources in a sustainable way is essential to effective service delivery.

The CTTF identified a series of barriers to coordination and the effective delivery of transportation services to people with special needs. Those barriers are summarized below.

Funding

There is an inherent challenge in coordinating funds available to state agencies through different federal programs which have designated purposes. State agencies don't necessarily budget or track human-service public transportation expenditures in similar ways, making a working understanding of the total funding picture challenging at best. Furthermore, there is no regularly programmed state funding for public transportation in Alaska; federal programs require local match, putting the match burden entirely on local communities that often lack the resources to meet it.

Understanding unmet need

There is no quantifiable measurement of unmet need statewide. Individuals, entities and organizations identify transportation as a need for their clients, and statistics are kept regarding those individuals who are being served. However, a calibration of those needs among all populations of persons with special needs in a quantifiable form with geographical detail is not available.

Effort of Coordination

The effort of coordination on the local level, where the physical coordination occurs by way of service delivery, is time consuming and can be daunting. Local leaders must work to identify needs, engage stakeholders, solicit and provide match, and pursue coordination opportunities that may be superseded or influenced by different federal and state program requirements and limitations. Furthermore, there is typically no clearly identified local lead and resource to champion coordination efforts, which reduces its likelihood of success.

Local investment

Although many non-profits, businesses and concerned agencies can demonstrate the need for transportation for their clients and customers, committed and reliable financial support from the local community or local government is necessary for transit systems to maintain operations. Many local governments are just not motivated or able to make that commitment.

Public Awareness

On many levels, effectively coordinating community-based services relies on increased public awareness. Understanding and acknowledging the basic human need for transportation to access essential services and care as well as to age at home illuminates the value for transportation options. Increased awareness about funding opportunities and processes enables more entities to access them. Communities who understand the range of services and resources available within their own areas are better positioned to partner and leverage them.

Understanding the relevance

The need for transportation is not well understood as an important service to tribes and the general public. The concept of public transportation is fairly new to Alaska's smaller communities. When you have never had public transportation, it is difficult to measure its value. However, small towns and distant communities whose residents must travel significant distances via a variety of modes to access healthcare, education and other services, are increasingly recognizing transportation as a significant issue to address.

CTTF tours People Mover's Transportation Skills Assessment and Travel Training facility during October's Alaska Community Transportation Conference.

In areas throughout the state where public transportation is an option, it is highly regarding and considered an important resource (AMC Perception Study, Dittman Research Corporation, 2009).

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Human Service Eligibility Processes

Different funding sources support transportation services for clients who meet prescribed eligibility criteria. Medicaid, Temporary Assistance for Needy Families, various State and Federal grants, and Veterans Services provide benefits for transportation services, but vary in their eligibility requirements and processes. Coordination between agencies with different eligibility requirements, standardized payment and processing mechanisms, or consistent eligibility verification processes among transportation service providers could prove helpful to streamlining access to services for people with special needs.

Sustaining Operations

A number of operational activities influence cost, safety and the life of the vehicle investment. Issues associated with vehicle maintenance, funding for operations, high fuel costs, scheduling and dispatching, and driver training and retention all pose opportunities for efficiency and consistency through coordination of resources.

Members of the CTTF test the mock pedestrian facilities at People Mover's Transportation Skills Assessment and Travel Training facility.

Taxi Accessibility

Taxis appear to be an obvious choice to provide individual and incidental transportation services to people with special needs, but cost and accessibility is frequently an issue. Finding a way to make effective and accessible taxi service available would be a helpful solution for many Alaskans.

Access to the System

For people with special needs, access to facilities and services impacts their ability to get to transportation resources. Alaska features distant communities and few roads. Many individuals must travel from distant communities to major hubs to meet their respective needs. That travel may be by ATV, snow machine or boat as much as it may be by airplane, automobile or bus. Extreme weather conditions and temperatures limit walking, waiting outside, and access to sidewalks, driveways, bus shelters and pull-outs. In winter, snow berms or ice build-up can prevent people from getting to bus stops Facility design and maintenance can play a key role in accessibility to transportation services.

Rail

While not a focus area for the CTTF, the Alaska Railroad Corporation is a federally -funded passenger rail service that is not integrated into the state's provision of public transportation services. With increased study and coordination among entities and modes, rail transportation presents opportunities for increased transportation options for people with special needs.

Coordination is a Process

The **CTTF Recommendations** acknowledge and work to address the needs and influences of the various programmatic levels—federal, tribal, state and local—that affect coordination of human-service public transportation programs and resources. They present a strategy to address what we know, seek out what we don't know, track cost and coordination efforts, and generate an infrastructure that supports coordination. They are not a final solution; they are important strategies to engage all stakeholders with responsibilities for transportation services and affect a system which stimulates coordination. Implementing these recommendations will grow and sustain a culture designed to efficiently and effectively provide transportation services for people with special needs.

Participants at the Alaska Transportation Community Conference 2009 provide input to CTTF recommendations during roundtable discussions.

On November 17, 2009, Governor Sean Parnell extended the life of the CTTF through April 15, 2010 by signing Administrative Order number 252 (Appendix E). Some CTTF members and stakeholders were instrumental in requesting this recommendation, hoping to increase CTTF member availability to present and pursue the recommendations outlined in this report, and specifically to help see to fruition the establishment of a Coordinated Transportation Commission convened to oversee the implementation of these recommendations and to further develop a state infrastructure that sustains the coordinated environment into the future.

Coordination does not result just because recommendations are made; rather, coordination results from a cultural change among many organizations that act on their commitment to deliver effective and efficient services to people with special needs.

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Value of Coordination

Coordination allows entities, agencies and individuals to accomplish the following:

Provide effective and efficient services to persons with special needs to ensure their highest quality of life

Mobility plays a key role in everyone's life. Mobility is more challenging for persons with special needs. The CTTF's responsibility to make recommendations on how the State can best "provide cost-effective, community-based transportation services to persons with special needs" is a foundational service that supports the goals and objectives of many initiatives that agencies and non-profits are undertaking to support and enhance the quality of life for persons with special needs.

Bethel seniors rely on local bus service to participate in local activities and secure supplies.

Leverage resources

Coordination provides the opportunity to maximize the use of existing facilities and vehicles, thereby providing more options for customers, maximizing the state's collective resources, and creating opportunities to identify and capitalize on expenditures which can serve as potential match to bring additional funds into a community.

Focus on their core missions

Coordination of transportation providers and related service entities provides each the opportunity to focus on their specific missions – whether that mission be serving people with special needs in specific ways or by providing transportation services – and eliminate the distraction and expenditure of trying to provide support outside the core mission.

Eliminate duplicative processes

Coordination provides the opportunity to streamline procurement and disposal processes, leaving the work to folks intimately familiar with procurement and disposal processes and requirements.

Capitalize on professional expertise and safe practices

Utilizing the services of entities established to provide transportation secures the safety and professionalism that comes with industry standards, maintenance processes, and training.

> ***Coordination is the result of a cultural change among many organizations that act on their commitment to deliver effective and efficient services to people with special needs.***

Plan effectively

Coordination provides a community the ability to evaluate its effectiveness in serving people with special needs, match those with existing resources and gaps, and generate a baseline from which to plan services and support so that services are more effectively provided.

Create visibility and enhanced identity for vital transportation services.

Coordination takes advantage of economies of scale and can foster much higher visibility and political acceptability of cost effective nature of ride sharing. When services are fragmented with many different providers "owning" one piece of the public transportation puzzle, it is easy for those needing transportation to feel marginalized and recognize that they are not getting priority attention.

CTTF tours Capital Transit in Juneau.

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CTTF Recommendations

The **Governor's Coordinated Transportation Task Force Recommendations** provide a framework for the State of Alaska to more effectively serve people with special needs by generating and sustaining a coordinated transportation environment. The framework provides for:

- State level policy to support and sustain such an environment.
- Deliberately collected and managed data to guide effective decision-making.
- Local-level leadership and flexibility to generate systems that recognize unique local needs and contexts.

Recommendations

Recommendation #1

Given the State of Alaska's need to:

- Generate a shared, statewide vision for human-service public transportation;
- Maximize and leverage existing federal, state and local resources;
- Quantify how much money is actually being expended on human-service public transportation activities in Alaska;
- Generate performance measures to ensure the provision of effective and efficient services;
- Provide for an authorized entity to manage the match programs on the state and federal level;
- Empower and encourage local leadership to plan for the needs and services of their own communities; and to
- Provide for a process to identify and work to eliminate barriers to coordination at the state level;

The CTTF recommends that:

1. The State of Alaska enact a statute that institutionalizes and requires coordination of community-based transportation services that utilize state and federal funding.

The statute would:

A. Establish a Governor-appointed Coordinated Transportation Commission. This Commission would be composed of a broad cross-section of agencies with responsibility for transportation, related human services and advocates for special populations.

The Commission would be established for a four-year period, with a review at that juncture to determine whether to continue or to sunset the Commission.

The Coordinated Transportation Commission would have lead responsibility for ensuring the coordination of state level resources. This would be accompanied by a funding commitment that will not negatively impact the existing limited funding for public transportation activities throughout the state The Commission would:

1. Generate and periodically update a Statewide Human-Service Public Transportation Coordinated Plan which builds on the recommendations issued in this report and incorporates statewide involvement in its generation.

2. Identify, coordinate and leverage collective state agency resources so that they are most efficiently and effectively providing transportation services to persons with special needs

3. Identify and address barriers to coordination in addition to those identified and addressed in this report as the coordinated system evolves and matures.

4. Advocate for a uniform budgeting structure that tracks and reports transportation expenditures on state clients.

   State agency tracking and reporting on transportation expenditures is essential to effective, measurable coordination and leveraging state resources. Such data collected, updated, used and shared will meet federal accounting requirements, facilitate coordination and help best leverage state resources. State-funded expenditures on human-service public transportation identified through this tracking mechanism can be used as match money to increase the availability of federal funding for transportation.

5. Develop and establish performance measures that identify entities that receive any type of public funding and measure coordination efforts through a statewide data base.

   Performance measures need to specifically address and evaluate the effectiveness of coordinating and providing transportation services for people with special needs, which are measures that would look quantifiably different and possibly in addition to standard transit measurements typically used today. Emerging legislation from Congress is establishing performance measurements as a new requirement of virtually every federally funded program. This recommendation also recognizes that measuring performance will be a new requirement for many agencies.

6. Articulate issues of policy and decision-making criteria associated with coordination plan implementation.

7. Develop a minimum taxicab standard for state-owned facilities such as airports and ferries to ensure those with disabilities are not overlooked.

   State-owned ferry or airport terminals are a major destination for taxi businesses. To ensure those with disabilities are not overlooked, generate accessibility standards

or regulations for taxicab businesses serving state-owned facilities, which includes a provision for permitted use of designated pickup and drop off zones. Alternate strategies include a recommendation for local government taxi codes that establish minimum capacity for accessible taxicabs and establish a basic standard in state law.

8. Identify and address barriers to coordination associated with vehicle insurance, including cost, joint coverage, policy writing, and the sharing of publicly funded transportation vehicle assets.

9. Prepare an annual report to the State Legislature that summarizes the status of coordinated transportation within the state and make recommendations as appropriate.

B. Authorize the Department of Transportation and Public Facilities to manage the matching program for Federal Transit Administration and state transit funds according to criteria established by the Commission.

C. Ensure local entities have statutory authority to prepare local Human-Service Public Transportation Coordinated Plans.

D. Require applicants for federal or state transit funds to respond to priorities established in their local Human-Service Public Transportation Coordinated Plans.

Recommendation #2

Given the State of Alaska's need to:

- Secure the total or a significant share of the federal funding available to the state to support human service transportation;
- Support the high cost of operating human-service public transportation systems and the connectivity between them; and to
- Motivate local leaders to pursue coordination of human-service public transportation services for their local residents;

The CTTF recommends that:

2. The State of Alaska makes specific state funds available to support operational expenses for human-service public transportation projects and providers (which in turn can be identified as match for additional federal funds) during its annual appropriation process. Part of the Commission's responsibility would be to establish programmatic areas and measureable outcomes for funding recipients in order to demonstrate and ensure the benefits of the investment in human-service public transportation.

Recommendation #3

Given the State of Alaska's need to:

- Empower local leaders to pursue coordination of human-service public transportation services for their local residents;
- Support local leaders coordination efforts through technical assistance and resource information respective to funding and best practices; and to
- Ensure that local needs and service gaps are both identified and accounted for in the local coordination planning process;

The CTTF recommends that:

3. The State of Alaska enrich and enhance the human-service public transportation coordination planning processes by revising and updating coordination planning guidance documents and providing increased technical assistance. The support and guidance is intended to be directly responsive to helping identify local needs and build local awareness and capacity.

The assistance program would:

A. Generate increased awareness and understanding about the range of funding opportunities available to support mobility management and coordinated planning;

B. Help foster the engagement of a variety of stakeholders and specifically local human service agencies in the planning process in order to best identify individualized local needs and how to meet them;

C. Outline and encourage meaningful and innovative coordination opportunities, including providing a list of best practices (i.e. coordination respective to winter maintenance, school districts, vehicle use and sharing vehicles, etc.);

D. Capitalize on existing data collection resources including the National Transit Database and the Alaska Public Transportation Management System database to expand inputs to support performance measure initiatives, identify coordination partners and leverage and resources;

E. Communicate and support the utilization of mobility management practices (using a single point of contact to take calls on a local and regional level to coordinate the provision of services for the client) and securing mobility managers; and

F. Provide technical assistance for the coordination planning and funding application processes.

Recommendation #4

Given the State of Alaska's need to:

- Quantify and understand the scope of need for persons with special needs throughout the State of Alaska;
- Inform local coordination planning efforts with actual and accurate data; and to
- Make sound decisions that result in effective services for people with special needs;

The CTTF recommends that:

4. The State of Alaska fund and conduct a statewide needs assessment of Alaskans with special needs to clearly identify the scope of the transportation need. This data will help support local coordination planning efforts and identify previously unidentified needs and gaps. At a minimum, update this data every four years. Through the process of conducting local coordinated planning, additional and increasingly specific local needs will be identified to further inform the assessment data.

Additional Draft Recommendations

The CTTF also considered the development of a number of mechanisms and incentives to support coordinated efforts and effectively meet needs. These operational-level recommendations are proposed in draft form, and are included in Appendix D. The CTTF specifically seeks an opportunity for broad public input on the further development of these draft operational-level recommendations.

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Appendix A: CTTF Signature Page

Coordinated Transportation Task Force

Jennifer Beckmann Representative of Low Income Individuals	*Date*
Patricia Branson Representative of Senior Citizens	*Date*
Camille Ferguson Representative of Transportation Providers that Received Federal Funding Available to Indian Tribes	*Date*
Rebecca J. Hilgendorf Health and Social Services Commissioner's Designee	*Date*
Vacant Military and Veteran's Affairs Commissioner's Designee	*Date*
Glenn Miller Representative of Municipal Transportation Departments	*Date*
Andra Nations Representative of People with Disabilities	*Date*
Jeff Ottesen **Coordinated Transportation Task Force Chair** Department of Transportation and Public Facilities Commissioner's Designee	*Date*
Cheryl A. Walsh Department of Labor and Workforce Development Commissioner's Designee	*Date*

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Appendix B: Administrative Order

ADMINISTRATIVE ORDER NO. 243

I, Sarah Palin, Governor of the State of Alaska, under the authority of art. III, secs. 1 and 24, of the Alaska Constitution, establish the Governor's Coordinated Transportation Task Force.

PURPOSE

The provision and integration of cost-effective, community-based transportation services to persons with special needs is an important government function. The purpose of this Order creating the task force is to ensure that this function is adequately recognized and properly carried out.

BACKGROUND

The coordination among agencies providing community-based transportation services to persons with special needs and the sharing of resources to accomplish a cost-effective system of providing those services already has a proven track record in this state. This coordination has increased the availability and quality of services, while helping to eliminate duplication of services and inefficient spending. With the cooperation of other state agencies, the Department of Transportation and Public Facilities currently prepares the Alaska public transportation management system inventory of publicly funded transportation vehicles and equipment in this state, which facilitates the delivery of those services. The Department of Transportation and Public Facilities' efforts to coordinate those services have already led to significant partnerships with human-service s agencies and the private sector. These partnerships have led to coordinated community-based transportation systems throughout this state.

This coordination and sharing of transportation resources can be furthered through improved interagency planning at the state level. Therefore, the role of the task force is to facilitate and enhance the coordination and integration of community-based public transportation services for the benefit of persons with special needs. The task force would maximize the availability of community-based transportation services, the sharing of transportation resources among government and private entities providing those services, and the coordination among providers of those services.

DUTIES

The task force shall serve as the advisory committee to the governor to develop policy and procedural recommendations for the state's various existing programs that provide or coordinate community-based transportation services in communities in this state for persons with special needs. These programs are administered primarily through the Department of Transportation and Public Facilities, the Department of Health and Social Services, the Department of Education and Early Development, the Department of Labor and Workforce Development, the Department of Commerce, Community, and Economic Development, the Department of Military and Veterans Affairs, the Alaska Commission on Aging, the Governor's Council on Disabilities and Special Education, the Alaska Mental Health Board, the Governor's Advisory Board on Alcoholism and Drug Abuse, the Alaska Mental Health Trust Authority, the Alaska Housing Finance Corporation, and others.

The task force shall perform the following duties:

1. identify state, federal, and local government agencies and private entities that administer or support community-based transportation services for persons with special needs;
2. identify barriers to coordination at the state, federal, and local levels for those services;
3. recommend the removal of barriers that prevent coordination of those services;
4. propose changes in statutes or regulations that would facilitate coordination of those services;
5. develop mechanisms and incentives to governmental agencies to coordinate those services through means including collaborative vehicle use, centralized dispatch services, joint or bulk purchase of fuel and vehicles, multi-purpose transportation voucher programs, centralized maintenance, and joint insurance;

6. identify available financing for accessible services in communities in this state that have limited or no publicly financed transportation services to serve persons with special needs;
7. develop a mechanism to ensure that services for persons with special needs in this state are coordinated and services are evaluated;
8. prepare and issue a final report, including recommendations, concerning the duties set out in this Order.

MEMBERSHIP

The task force consists of nine voting members, as follows:

1. the commissioner of the Department of Transportation and Public Facilities, or the commissioner's designee; that person shall serve as chair;
2. the commissioner of the Department of Health and Social Services, or the commissioner's designee;
3. the commissioner of the Department of Labor and Workforce Development, or the commissioner's designee;
4. one member appointed by the governor from the following:
   a. the commissioner of the Department of Commerce, Community, and Economic Development, or the commissioner's designee;
   b. the commissioner of the Department of Military and Veterans Affairs, or the commissioner's designee;
   c. the commissioner of the Department of Education and Early Development, or the commissioner's designee;
   d. the chair of the board of trustees of the Alaska Mental Health Trust Authority, an alternate member of the board selected by the board, or the chief executive officer of the Authority; if appointed, the person listed in this provision may name a designee;
5. five members,
   a. three of whom have expertise in the transportation needs of the following populations:
      i. senior citizens;
      ii. persons with disabilities;
      iii. low-income individuals;
      iv. transit-dependent individuals;

   b. two of whom represent the following:
      i. municipalities;
      ii. transportation providers that receive federal funding available to Indian tribes, including funds provided under 23 U.S.C. 204(j) and 49 U.S.C. 5311(c).

Members on the task force under paragraph (5) of this Order are appointed by the governor and serve at the pleasure of the governor.

Additionally, the commissioner of the Department of Transportation and Public Facilities shall invite the following agencies to name an advisor to the task force as a non-voting member:

a. the United States Department of Health and Human Services;
b. the Federal Transit Administration of the United States Department of Transportation;
c. the United States Department of Veterans Affairs.

OTHER PROVISIONS

The task force may set operating procedures as bylaws and establish standing and workgroup committees as it considers appropriate. Workgroup committees may include individuals who are not members of the task force.

Task force members do not receive compensation as a member of the task force. Members of the task force who are not state, federal, or local government employees are entitled to per diem and travel expenses in the same manner permitted for members of state boards and commissions. Per diem and travel expenses for a member of the task force who is a representative of a government agency are the responsibility of that agency.

The task force may use teleconferencing or other electronic means, to the extent practicable, in order to gain the widest public participation at minimum cost.

Meetings of the task force shall be conducted, and notice of regular meetings provided, in accordance with AS 44.62.310 and 44.62.312 (open meetings of governmental bodies). A majority of appointed voting members of the task force constitutes a quorum for conducting business.

Records of the task force are subject to inspection and copying as public records under AS 40.25.110 - 40.25.220.

SUPPORT SERVICES

The Department of Transportation and Public Facilities shall provide administrative support for the task force.

DURATION

The task force shall forward its final report to the governor on or before January 15, 2010. The task force ceases to exist on the date that the report is forwarded to the governor.

DEFINITIONS

In this Order,

1. "Alaska public transportation management system" means the principal capital planning document prepared by the state for public transportation;
2. "community-based transportation services" does not include:
    a. marine highway transportation or air transportation; or
    b. transportation services for diffuse populations in areas within the state that are too remote for cost-effective centralized community-based transportation;
3. "persons with disabilities" includes persons in this state with the following:
    a. physical disabilities;
    b. developmental disabilities;
    c. mental illness;
    d. traumatic brain injury;
    e. dementia;
    f. substance abuse problems;
4. "persons with special needs" means the following persons in this state who require community-based transportation services:
    a. senior citizens;
    b. persons with disabilities;
    c. preschool children participating in a head start program financed by the United States Department of Health and Human-service s;
    d. public school students;
    e. low-income individuals, including those receiving public assistance or Medicaid;
    f. other persons with special needs;
5. "services" means community-based transportation services delivered in this state;
6. "task force" means the Governor's Coordinated Transportation Task Force.

This Order takes effect immediately.

DATED at Scranton, PA this 14th day of October, 2008.

Appendix C: Alaska State Agency Human-Service Transportation Resources

DRAFT: FOR DISCUSSION PURPOSES ONLY/NUMBERS TO BE VERIFIED
Some numbers may be duplicated

	Agency	Program	Recipient	Fares and Local *(Est.)*	Tribes	Schools	Private	State	Federal	Total
1	**Alaska Mental Health Trust Authority**	Capital funding	Mental illness, chronic alcoholism, developmental disabilities, Alzheimer's and related dementia				$300,000	$800,000		$1,100,000
2	**Department of Commerce, Community and Economic Development**	Alaska Legislative Grants Community Development Block Grants (HUD)	Businesses, communities and consumers of the state							
3	**Department of Education and Early Development**	Pupil Transportation	School aged children			$53,250,187				
4	**Department of Health and Social Services**	**Division of Senior and Disabilities Services**								
		Developmental Disability Grants	In Community							$62,255
		Medicaid waiver	Outside Community							$20,545
		Medicaid non-waiver	Escort (one-way) Transportation (one way)							$841,397 $2,577,194
		Administration on Aging - Older American's Act Title III B Funds	Assisted Transportation				X	X	$1,506.303	$1,506.303
		Nutrition, Transportation and Support Services	Un-assisted Transportation (117,382 rides)				X	X	$1,684.044	$1,684.044
		Office of Children's Services								
		Time Limited Reunification Services and Rural Social Services Grant	Services to children who are subjected to or at risk of being subjected to abuse or neglect and to their families					$1,750,000	Title IV-E/IV-B or Medicaid match	$1,750,000
		Division of Behavioral Health	Alaskans with a mental health or addition disorder or high risk behavior							
		Designated Evaluation and Treatment	(331 transports in FY08)							$435,926
		Low income/Indigent	Not eligible for other benefits					$50,000		$50,000
		Division of Juvenile Justice	Alaskan juveniles typically ages12-18 but sometimes ages 9-20 going via any mode for variety of needs							$400,000
		Pioneer Homes	Alaskan residents age 65+ admitted to a home for recreational, social, community and health activities	Room and Board payments				General Fund		?

		Public Assistance ATAP/TANF	Alaskans of all ages who qualify by need and other circumstances (i.e., financial, age, ability to work) for a variety of purposes				?
5	**Department of Labor and Workforce Development**	**Division of Business Partnerships**	State Employment and Training, Workforce Investment, Pipeline Working Training, and Denali Training		$857,748	$116,053	$973,801
		Employment Security Division	State Employment and Training and Workforce Investment		$69,473	$594,997	$664,470
		Vocational Rehabilitation	DVR Consumers with disabilities, including physical and orthopedic, cognitive, psychiatric, blindness/visual impairment, and deafness/hearing loss				$220,000
6	**Department of Military and Veterans Affairs**		Rural Alaska Veterans with Health Care Needs				?
7	**Alaska Native Tribes**	5311 Tribal Transit (Capital and operating assistance for rural/Acquisition of PT services, including agreement with private providers) Title III Elderly and Disabled Roads Safety Programs Congressional Grants Other Grants Indian Reservation Roads	Alaska Native Tribes Tribal Transit Selections 2008 Operations The Sitka Tribe: $172,900 Tetlin Village Council: $225,000 Orutsararmiut Native Council: $175,000 Gulkana Village Council: $200,000 Planning Central Council Tlingit and Haida Tribes of Alaska: $250,000 Georgetown Tribal Council: $25,000	$45,376,668		$892,900	$892,900
8	**Department of Transportation and Public Facilities**	5310 - Elderly and Persons with Disabilities plus STP transfer	Rural and Urban			$558,768	$558,768
		5311 - Rural Transit - Rural Training Assistance Program	Rural			$5,141,709	$5,141,709
		5304 - Statewide Planning	Rural			$101,742	$101,742
		5303 Metropolitan Planning (MPO)	Urban			$374,505	$374,505
		5316 - Job Access Reverse Commute	Rural and Urban			$230,480	$230,480
		5317 - New Freedoms	Rural and Urban			$136,692	$136,692
		5309 - Statewide Congressional Earmarks				$570,000	$570,000
		5307 - Urban Transit (minus Alaska railroad)	Urban			$5,078,293	$5,078,293
				$45,376,668	$53,250,187		

Appendix D: Draft Operational-level Recommendations

The CTTF also considered the development of a number of mechanisms and incentives to support coordinated efforts and effectively meet needs. The CTTF specifically seeks an opportunity for broad public input on the further development of the following draft operational-level recommendations.

A. Establish statewide design and operating standards for consistently accessible public transportation facilities and services, specifically including state and local government coordination.

- Provide adequate access for persons with special needs. Specific opportunities include the design and maintenance of bus stop facilities and sidewalks to address challenges associated with winter weather and to promote interagency coordination in management and operations.

B. Identify, adapt and apply technological enhancements that stimulate coordination and promote effective service delivery

- Review the transit technology report currently under development to inform potential technological enhancements to service delivery (i.e., vouchers, etc.).

- Generate a coordinated statewide planning tool (e.g. Google Transit or the Alaska DOT second generation 511 system), where all systems are available within one resource and people can plan their trip via modes and accessibility. Utilize the tool to identify gaps and address issues of connectivity.

C. Implement consistent messages across organizations regarding coordination of transportation.

- Unite as stakeholders in generating a shared vision and message respective to public and human-service public transportation by participating in and embracing the Alaska Mobility Coalition's public awareness campaign. Perpetuate the distribution of that messaging through stakeholders' respective venues and communications efforts.

D. Develop minimum training standards for those providing transportation services.

- Develop minimum training standards for transit staff, specifically including customer service, cultural sensitivity, assisting people with disabilities, safety, passenger assistance, and more to generate an environment conducive to providing effective, appropriate and safe transportation for people with special needs.

E. Articulate and require minimum inspection and maintenance standards for publicly-funded vehicle(s).

- For agencies who don't currently follow any standardized maintenance practice, articulate minimum inspection and maintenance standards for publicly-funded vehicle(s), ensuring that a maintenance plan and a tracking of follow-through of that maintenance plan is available at all times. This strategy increases the viability and safety of the publicly funded

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resource over time, maximizes the resource, and enhances service delivery. Legislation to support this requirement may be necessary to ensure it is implemented.

F. Streamline the process for procurement and disposal of transportation assets.

- Utilize a single entity to effectively procure and dispose of transportation assets on behalf of all entities, generating efficiencies for all entities utilizing the resource and enabling them to focus those resources on service delivery.

G. Explore how to help resource local coordination efforts.

- Factor into the state funding structure a process for providing some supports to local entities who assume responsibility for the coordination of human-service public transportation services.

Appendix E: Administrative Order

ADMINISTRATIVE ORDER NO. 252

I, Sean Parnell, Governor of the State of Alaska, under the authority of art. III, secs. 1 and 24, of the Alaska Constitution, issue this Order to affirm Administrative Order No. 243, establishing the Governor's Coordinated Transportation Task Force, and to extend the date for its final report and the duration of the task force.

On October 14, 2008, Administrative Order No. 243 was signed, establishing the Governor's Coordinated Transportation Task Force to advise the governor with respect to the state's various programs that provide or coordinate community-based transportation services in this state for persons with special needs. This Order affirms the continuation of this important task force. To further the goals of the task force, by this Order I am extending the date for submission of its final report until April 15, 2010 and continuing the task force's existence until the report is forwarded to the office of the governor.

The remaining provisions of Administrative Order No. 243 are unchanged and continue in effect.

This Order takes effect immediately.

DATED at Anchorage, Alaska this 17th day of November, 2009.

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2544

Letters of Support

Letters of support have been submitted in response to the Coordinated Transportation Task Force Recommendations Report. Copies of those letters received prior to the printing of this document follow.

2545

The TRUST

The Alaska Mental Health Trust Authority

November 24, 2009

Governor Sean Parnell
State of Alaska
P.O. Box 110001
Juneau, AK 99811-0001

Dear Governor Parnell:

Subject: Support for Coordinated Transportation

On November 19, 2009, the Board of Trustees of the Alaska Mental Health Trust Authority moved to support the Governor's Coordinated Transportation Task Force (CTTF) recommendations, specifically the final draft version dated November 4, 2009.

In addition Trustees moved to support several actions proposed by the Trust-related Coordinated Transportation advocacy group, specifically asking the Governor to:

- Place in the Governor's FY2011 budget a $3 million increment for defray some of the operating expenses of coordinated transportation systems across Alaska (Alaska is only one of three states with no state funds for this purpose),
- Extend the sunset date of the Governor's Coordinated Transportation Task Force to June 30, 2011, and
- Support in the Governor's FY2011 Mental Health Appropriation Bill, the capital funding recommendations of the Trust, specifically $800,000 GF/MH to match the $300,000 MHTAAR for coordinated transportation capital needs.

Coordinated Transportation is critical for the health and meaningful engagement of Trust beneficiaries as a significant percentage of them do not have the capacity to transport themselves. The CTTF report describes persons with special needs that may require coordinated transportation comprise more that 25% of Alaska's population. These are those experiencing poverty, those receiving public assistance, seniors over 60, and those with a disability. Also 22 percent of the State's population lives off the highway system, and therefore often must use public transportation to arrive at urban hospitals and other urban destinations.

The Trust supports these specific CTTF recommendations:

- Enact a statute that institutionalizes and requires coordination of community-based transportation services.
- Support state funds for coordinated transportation operating expenses to be used to match federal and local support.

3745 Community Park Loop, Suite 200 Anchorage, Alaska 99508 Tel: 907-269-7960 Fax: 907-269-7966 www.mhtrust.org

- Enhance State transportation coordination planning processes, documents and technical assistance to identify local needs and increase local awareness and capacity.
- The State should fund and conduct a statewide needs assessment of those with special needs to clearly identify the scope of their transportation need.

Sincerely,

Jeff Jessee
Executive Director

Cc: Karen Rehfeld, Director, OMB

U.S. Department
of Transportation
Federal Transit
Administration

REGION X
Alaska, Idaho, Oregon,
Washington

915 Second Avenue
Federal Bldg. Suite 3142
Seattle WA 98174-1002
206-220-7954
206-220-7959 (fax)

DEC -9 2009

Jeff Ottesen
Chair, Governor's Coordinated Transportation Task Force
Director, Division of Program Development
Alaska Department of Transportation and Public Facilities
P.O. Box 112500
Juneau, AK 99801

Dear Mr. Ottesen,

As provided for in Alaska Governor's Administrative Order 243, I have represented the Federal Transit Administration as a non-voting advisor to the Coordinated Transportation Task Force during this year.

I want to commend the members of the Task Force for their diligence, open manner of their inquiry and the resulting important report and recommendations to the Governor.

The State of Alaska is facing the same type of challenges as other states to address the varying transportation needs of the public. The United States Department of Transportation's most recent Report on the Status of the Nation's Highways, Bridges and Transit. Conditions and Performance examined the sources of transit revenue and found that while the federal government contributed approximately 18% of transit revenues nationwide, local and state sources were needed to provide the majority of income necessary to support public transportation's mission to provide mobility choices to get people to important destinations such as employment centers, homes, medical institutions and schools.

I look forward to monitoring the actions taken by the Governor and the Legislature to address the vital requirements identified in this report. Please let us know how the Federal Transit Administration can be helpful to meet the transportation needs of Alaskans.

Sincerely,

R. F. Krochalis
Regional Administrator

ALASKA STATEWIDE INDEPENDENT LIVING COUNCIL, INC.

[redacted]

1057 W. Fireweed Lane, Ste 208
Anchorage, AK 99503

Toll Free 1 888 294 7452
Phone 907 263-2092, 2011
Fax 907 263-2012

December 18, 2009

State of Alaska
Office of the Governor
P.O. Box 110001
Juneau, AK 99811-0001

Dear Governor Parnell,

The Statewide Independent Living Council (SILC) is pleased to support the Governor's Coordinated Transportation Task Force (CTTF) recommendations, specifically the final draft version dated November 23, 2009.

Transportation is one of the foundations of independent living for elders and Alaskans with disabilities. Without reliable transportation access to everyday, community activities, such as employment, recreation, or medical appointments, is limited. Through a series of public forums that the SILC has recently conducted in Bethel, Fairbanks and Anchorage, Alaskans with disabilities have consistently named transportation as the top need for maintaining independence.

In Alaska, transportation takes many unique forms, especially in more distant regions. While residents of Anchorage and Fairbanks may have the opportunity to use public transit for daily transportation, for example, those living in Kwethluk may have to use a combination of dog sled and small airplane just to reach Bethel where they can access necessary services. The Statewide Independent Living Council supports the CTTF recommendations, taking into consideration especially the needs of rural Alaskan communities.

Through the types of activities and coordination outlined in the CTTF recommendations, Alaskans with special needs will maintain a better quality of life, while remaining in their home communities.

Sincerely,

James Beck
Chair

January 8, 2010

Governor Sean Parnell
State of Alaska
P.O. Box 110001
Juneau, AK 99811-0001

Dear Governor Parnell:

Central Area Rural Transit System, Inc. (CARTS) is responsible for providing public transportation for the residents of the central Kenai Peninsula.

We have followed with interest and enthusiasm the work of the Governor's Coordinated Transportation Task Force (CTTF), and we support and encourage you to endorse the group's recommendations.

Coordination is a shared responsibility of all entities responsible for providing transportation services or for making those services available to clients. Only through coordination can transit providers, human service agencies, private institutions, businesses, volunteers and political leaders broaden transportation options by way of modes, routes and providers and ensure the connectivity between them. An outcome of coordination is the efficient and effective use of transportation resources for getting people to important destinations.

The CTTF has generated a series of recommendations, the outcome of which is intended to generate a culture that promotes and sustains coordination on many levels. The result enables us to maximize our limited resources while attentively serving those individuals with special needs.

A coordinated system is an ongoing process. One of the CTTF's recommendations is to generate, for a four-year period, a Coordinated Transportation Commission with responsibility for ensuring the coordination of many and diverse federal and state level resources intended to serve shared clients - people with special needs who may be seniors, people with disabilities, or low income individuals.

The complexity of the existing structure and the capacity to talk across systems underscores the need to continue the interagency work to coordinate across systems. The proposed infrastructure that supports that cross-system work will help to sustain the coordinated culture long into the future.

Thank you for your serious consideration of the CTTF recommendations. Please know that we sincerely hope you endorse it, and that people with special needs across Alaska are able to benefit by being able to get where they need to go in a safe and efficient manner.

Sincerely,

Judy Keck-Walsh

Judy Keck-Walsh
President

January 2010

January 2010

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January 21, 2010

Governor's Coordinated Transportation Task Force

Camille Ferguson

Representative of Transportation Providers that Receive Federal Funding Available to Indian Tribes

Administrative Order 243

Governor's
Coordinated Transportation Task Force

- Study and make recommendations on how the state can coordinate to provide cost-effective, community based transportation services to persons with special needs.

Persons with Special Needs

- Persons with disabilities
  - physical and developmental disabilities, mental illness, traumatic brain injury, dementia and/or substance abuse problems
- Senior citizens
- Preschool children participating in a head start program
- Public school students
- Low-income individuals, including those receiving public assistance or Medicaid
- Those without access to existing, workable transportation opportunities

Persons with Special Needs

More than 25 percent*
of Alaska's total population is estimated to be comprised of persons with special needs

	Alaska census 2008	Poverty Status – adults	Poverty Status – children under 18	Seniors over 60	Civilians with a disability	Veterans with a disability	Homes on public assistance
Total	686,293	37,370	19,854	77,608	78,893	17,223	44,907

**Statistics to identify the exact numbers of this population are not possible. These numbers may reflect duplicate counts, but they are also probably not comprehensive*

U.S. Census Bureau 2008
www.census.gov/acs

Persons with Special Needs

- More than 150,000 Alaskan's live off the state highway system

This often requires that special needs persons must travel long distances to receive care and services.

Alaska's transportation providers

Transportation providers in Alaska are the link:

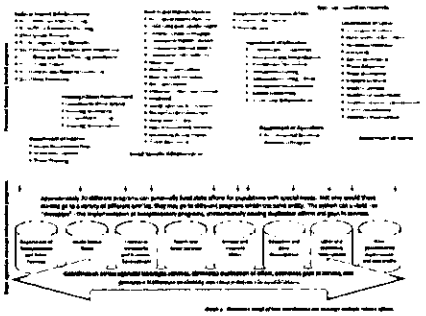
- to jobs,
- to medical appointments,
- to school events, and
- To social events ...

all of which increase quality of life.

Who provides human service transportation?

- Providers - non profits, for-profits, large and small
- Cities and Boroughs
- Advocacy organizations
- Senior Centers
- Moms and dads, children and grandparents
- Probably many others

Who supports human service transportation?



Coordination is:

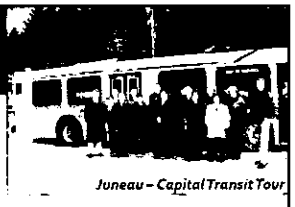
- The efficient and effective use of local, state and federal transportation resources,
- Working together across sectors to broaden transportation options, and
- Ensuring the connectivity between them.

Coordination is

- For the populations in question...

"their highway"

CTTF Members


Juneau – Capital Transit Tour

Jennifer Beckmann
Representative of Low Income Individuals

Patricia Branson
Representative of Senior Citizens

Camille Ferguson
Representative of Transportation Providers that Receive Federal Funding Available to Indian Tribes

Rebecca J. Hilgendorf
Health and Social Services Commissioners Designee

Vacant
Military & Veteran's Affairs Commissioners Designee

Glenn Miller
Representative of Municipal Transportation Departments

Andra Nations
Representative of People with Disabilities

Jeff Ottesen
CTTF Chair
Department of Transportation & Public Facilities, Commissioners Designee

Cheryl A Walsh
Department of Labor & Workforce Development, Commissioners Designee

Ex officios

Marcia Hoffman-Devoe, LSCW
U.S. Department of Veterans Affairs
Alaska VA Healthcare System & Regional Office

Rick Krochalis
U.S. Department of Transportation, Federal Transit Administration Region X

Christopher Mandregan, Jr.
U.S. Department of Health & Human Services, Alaska Area Native Health Service

Administrative Order 243 Tasks

1. Identify state, federal, and local government agencies and private entities;
2. Identify barriers to coordination;
3. Recommend the removal of barriers;
4. Propose changes in statutes or regulations;
5. Develop mechanisms and incentives to coordination;
6. Identify available financing;
7. Develop a mechanism to ensure that services for persons with special needs in this state are coordinated and services are evaluated.

At work in Anchorage

Process

Alaskans participate in CTTF processes

- Completed all seven tasks
- Conducted five face-to-face meetings
  - Juneau, Anchorage, Bethel, Anchorage, Fairbanks
- Held six webinars / teleconferences
- Shared resource information
- Conducted public comment period

Recommendations

The CTTF recommends that the State of Alaska:

1. Enact a statute to **institutionalize and require coordination** of community-based transportation services that utilize state and federal grant funding.
2. Make **specific state funds available to support operational expenses** for human-service public transportation projects and providers (which in turn can be identified as match for additional federal funds) during its annual appropriation process.
3. Enrich and enhance the human-service public transportation coordination planning processes by **revising and updating coordination planning guidance** documents and **providing increased technical assistance**.
4. **Fund and conduct a statewide needs assessment** of Alaskans with special needs to clear identify the scope of the transportation need.

Recommendations

Other draft recommendations of an operational level have been proposed by the group and are being maintained as draft, pursuant to more study and public involvement.

CTTF observations

Recommendations are consistent with and support initiatives and priorities of the

- Alaska State Plan for Senior Services 2008-2011
- State Independent Living Council
- Alaska Mental Health Trust Authority
- Healthy Alaska 2010
- Governor's Council on Disabilities and Special Education 2006 - 2011

CTTF observations

- Coordination does not result from recommendations alone; rather, coordination results from a cultural change.

CTTF observations

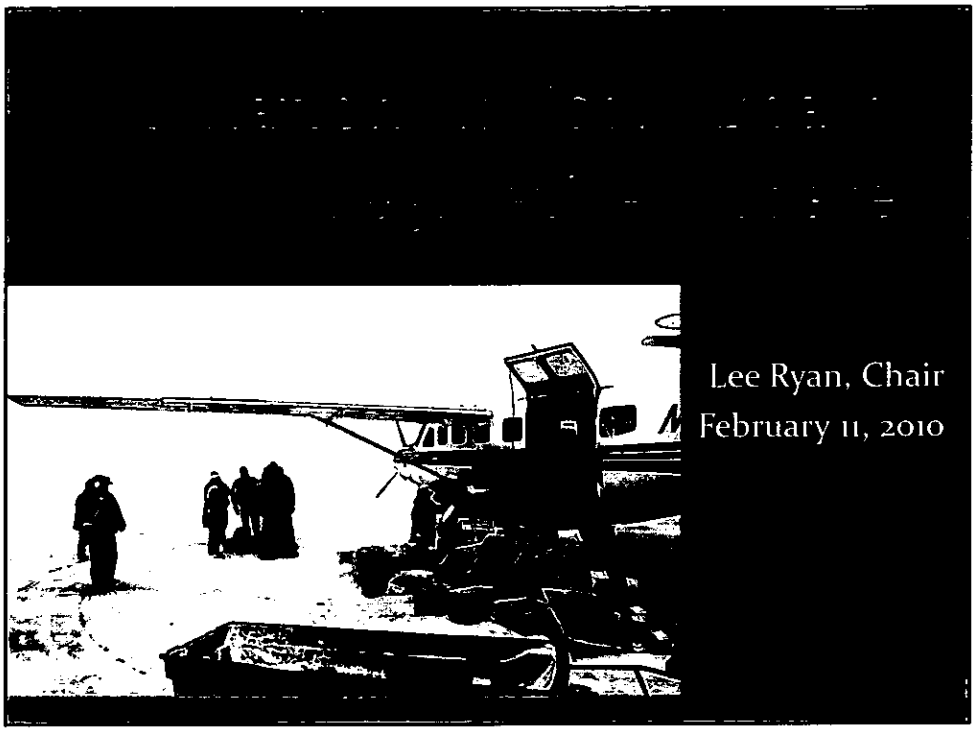
- An effective service delivery system requires an infrastructure that sustains coordination.

CTTF observations

- Alaska's predominantly rural environment makes human service public transportation challenging and absolutely essential to Alaska's quality of life.

Discussion

2/11/10 UPDATE: AVIATION ADVISORY BOARD



Lee Ryan, Chair
February 11, 2010

Aviation Advisory Board

Alaska's Transportation System

Airport Funding

Deferred Maintenance

Alaska Aviation System Plan

Committee visit

- **Thank you** to House Transportation Committee members that visited Bethel and surrounding rural airports last September
- First hand look at the infrastructure rural residents rely on for their basic needs:
  - Groceries, mail, travel, medivac, etc.

Alaska's Transportation System

Three legged stool including:

Highways and Roads

Marine Highways

Aviation and Airports

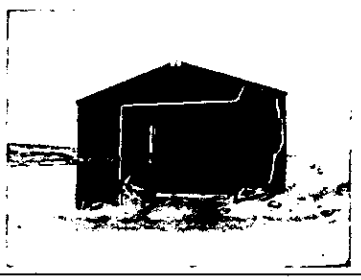
Airport Funding

- Most airport construction costs are paid for with federal funding (FAA Airport Improvement Program).
  - FAA pays ~95%, sponsor pays ~5%
- In exchange for this federal funding the sponsor (DOT&PF) must agree to maintain and operate airports.
- Maintenance is a sponsor function.

Deferred Maintenance

- A backlog of $90-$95 million in airport deferred maintenance needs means the DOT is losing ground.
- Compounding the issue, the rate of deterioration increases exponentially with infrastructure age. The longer maintenance is delayed, the more it costs to complete.
- HB 325 addresses deferred maintenance
  - Roughly **$3.5M** will go to aviation projects

Deferred Maintenance



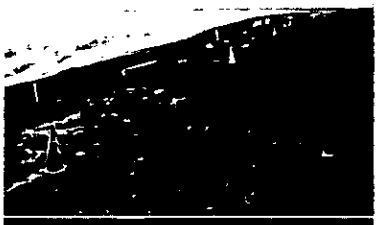
Facility Maintenance

Dust Palliatives

Brush cutting and tree removal

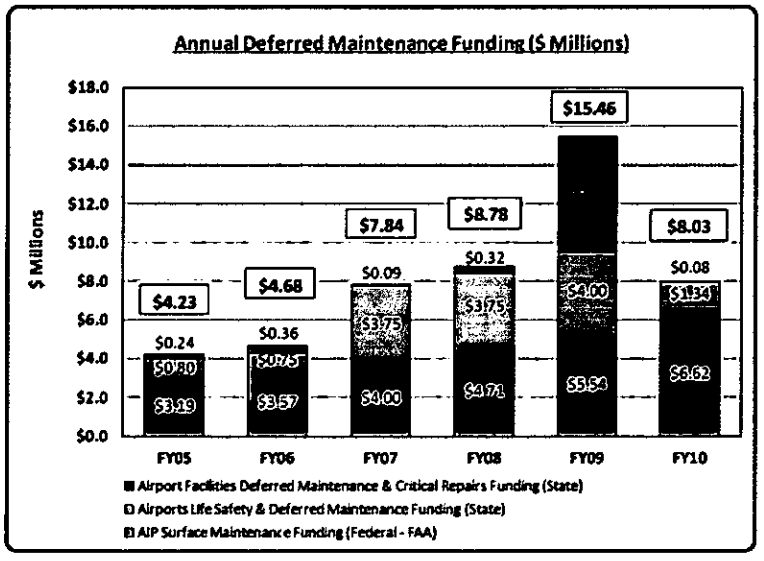
Airport Surfacing

Kivalina Coastal Erosion



Rural Airport

Funding History



Aviation System Plan

Social and Economic Impact Study	Economic plan complete, Social Impact study in progress
Work Groups	Maintenance and Operations in progress U.S. Postal Hub in progress APEB in progress
Maintenance and Operations	Deferred item list continually updated
Airport Requirements and Development Standards	Underway- runway length, performance measures

Jet Fuel Production

- In November, Air Carriers using AIAS ran out of jet fuel supply

  Due to unexpected traffic increases, during the holidays
  - Diverted transiting cargo planes temporarily
  - The DOT and others responded and helped facilitate bringing additional Jet Fuel into Alaska
  - UPS bought fuel to tanker fuel into Alaska

- This could be a longer term problem, tied to in-state fuel production

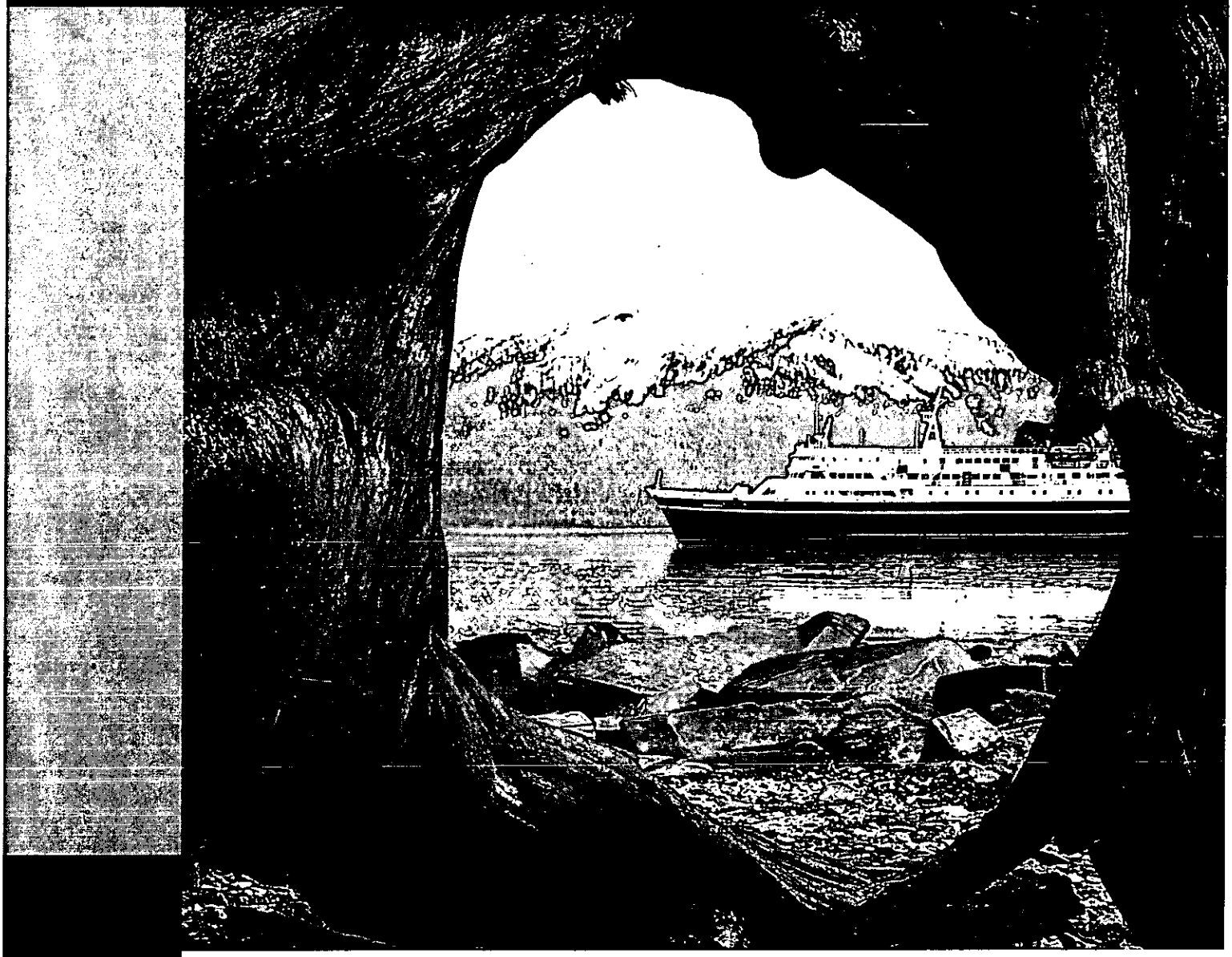
Importance of Aviation

- $3.5 Billion (8%) of Alaska's Gross State Product
- Provides 47,000 Jobs Statewide (5th largest industry)
- DOT&PF has made significant positive Airport improvements recently.
- The Aviation Advisory Board urges the State to fill the void that will be created by our departing Deputy Commissioner of Aviation.

Thank you for your support!

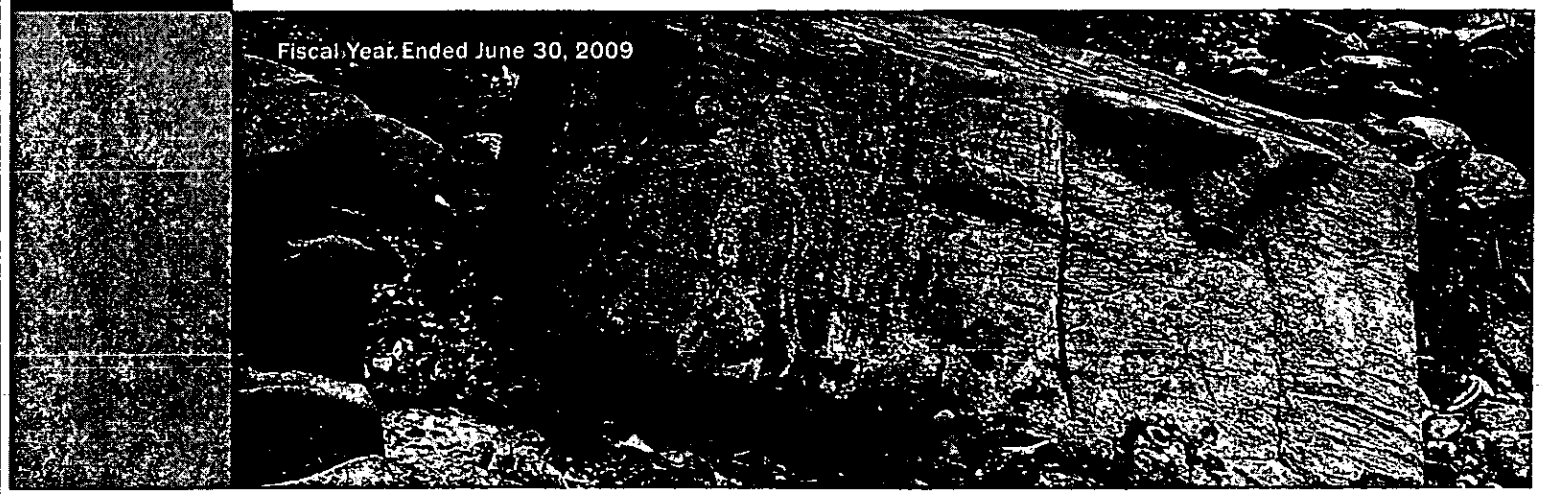
2/18/10 UPDATE: ALASKA MARINE HIGHWAY

Alaska Marine Highway Fund



Annual Financial Report • 2009

Fiscal Year Ended June 30, 2009



Alaska
Marine Highway

Alaska Marine Highway System Fund

ANNUAL FINANCIAL REPORT

For the fiscal year ended June 30, 2009

Prepared by: Alaska Marine Highway System,
Department of Transportation and Public Facilities

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Alaska Marine Highway System
Annual Financial Report
For the Fiscal Year Ended June 30, 2009

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I

Letter of Transmittal

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES
OFFICE OF THE COMMISSIONER

SEAN PARNELL, GOVERNOR

3132 CHANNEL DRIVE
PO Box 112500
JUNEAU, ALASKA 99811-2500
FAX: (907) 586-8365
PHONE: (907) 465-3900

December 3, 2009

Dear Alaska State Legislator,

Enclosed is the Alaska Marine Highway System (AMHS) Annual Financial Report for Fiscal Year 2009 (ended June 30, 2009) as required by AS 19.65.070.

During 2009, AMHS operated its entire fleet with an on-time departure rate of 92 percent. Ridership increased 2.1 percent for passengers and vehicle embarkation increased by 3 percent.

Port calls increased during FY2009 as well, up from 7019 in 2008 to 7110. There was also an increase in the number of service weeks provided by the AMHS. That number increased to 396, up from the previous year's 389.

The AMHS Systems Analysis, performed by the University of Alaska, is expected to be completed by February 15, 2010. Phase 2 will analyze and offer suggestions on service levels to be delivered by AMHS into the future.

The Alaska Marine Highway System is meeting the challenges of providing safe, efficient, reliable and cost efficient transportation for the traveling public. The system's passenger satisfaction remains strong with a 96.5 percent showing for the fifth consecutive year.

I look forward to the opportunity to share more AMHS successes with you in the coming year.

Sincerely,

Leo von Scheben, P.E., L.S., M.B.A.
Commissioner

Enclosure

"Providing for the safe movement of people and goods and the delivery of state services."

Alaska Marine Highway System
Marine Transportation Advisory Board

On March 28, 2007, Governor Sarah Palin signed Administrative Order No. 233 establishing the Alaska Marine Transportation Advisory Board (MTAB). On June 4, 2008, Governor Palin signed House Bill 294. This bill established the Alaska Marine Transportation Advisory Board and set out its powers and duties; made conforming amendments; and provided an effective date of June 5, 2008.

CHAIRMAN

Mike Korsmo

Retired marine captain/engineer not affiliated with AMHS

VICE-CHAIRMAN

Shirley Marquardt

Southwest/Aleutian Chain/Alaska Peninsula (Akutan, Chignik, Cold Bay, False Pass, Homer, King Cove, Kodiak, Port Lion, Sand Point, Seldovia, Unalaska/Dutch Harbor)

MEMBERS

Cathie Roemmich

Member At-Large

Clay Koplin

Prince William Sound/Kenai Peninsula (Cordova, Seward, Valdez, Whittier, Yakutat, Chenega Bay, Tatitlek)

J.C. Conley

Business owner with experience interacting with AMHS and resident of the Ketchikan Gateway Borough

Maxine Thompson

Angoon, Hoonah, Kake, Pelican, Tenakee

Gerald Hope

Central Southeast (Petersburg, Sitka, Wrangell)

Patrick Owen

Labor Unions of the Employees of the Alaska Marine Highway System

Robert Venables

Northern Southeast (Haines, Juneau, Skagway)

Seth Church

Member At-Large, resident of an area not directly served by AMHS

Mark Eliason

Travel agent/tourism specialist familiar with AMHS

DOT&PF STAFF SUPPORT

Jim Beedle

Deputy Commissioner for Marine Operations

Cyndi Ivey

Secretary

Alaska Marine Highway System
Ports of Call

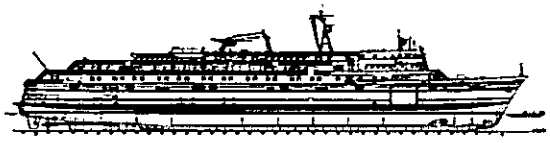
SOUTHEAST ALASKA

Angoon
Bellingham
Haines and Borough
Hoonah
Juneau and Borough (Auke Bay)
Kake
Ketchikan and Borough
Metlakatla and Annette Island
Pelican
Petersburg (serving Kuperanof Island)
Prince Rupert
Sitka and Borough
Skagway
Tenakee Springs
Wrangell and Borough
Yakutat and Borough

SOUTHWEST ALASKA

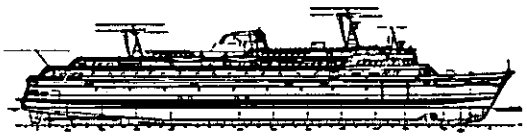
Akutan
Chenega Bay
Chignik
Cold Bay
Cordova
False Pass
Homer
King Cove
Kodiak and Borough
Port Lions
Sand Point
Seldovia
Tatitlek
Unalaska / Dutch Harbor
Valdez
Whittier

Alaska Marine Highway System
Profile of the Fleet



M/V Matanuska

408 feet
Built 1963

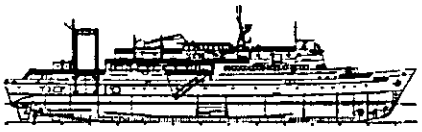


M/V Malaspina

408 feet
Built 1963

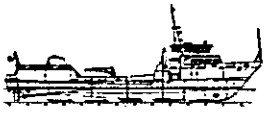
M/V Taku

352 feet
Built 1963



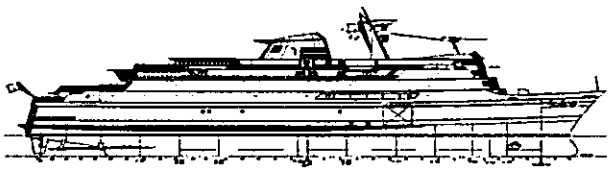
M/V Tustumena

296 feet
Built 1964



M/V Lituya

193 feet
Built 2004



M/V Columbia

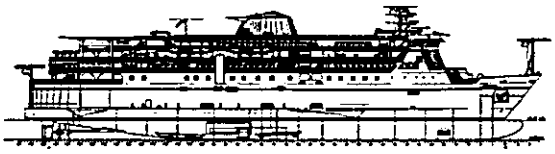
418 feet
Built 1974

M/V LeConte

235 feet
Built 1974

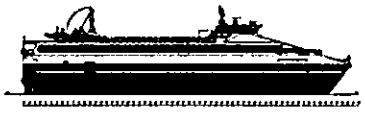
M/V Aurora

235 feet
Built 1977



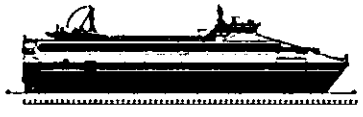
M/V Kennicott

382 feet
Built 1998



FVF Fairweather

240 feet
Built 2004



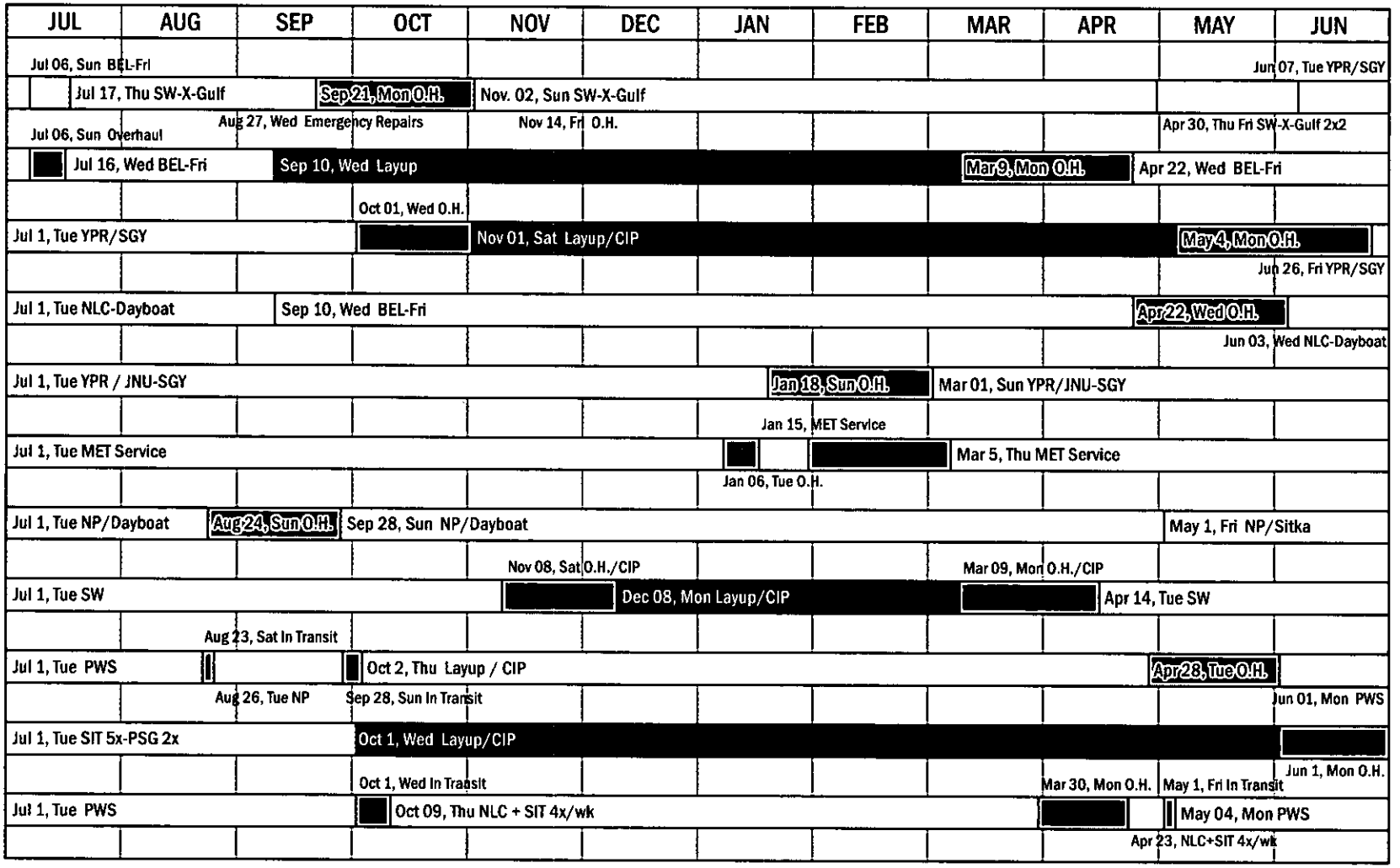
FVF Chenega

240 feet
Built 2005

Alaska Marine Highway System
Vessel Information Table

	Matanuska	Malaspina	Taku	Tustumena	Columbia	LeConte	Aurora	Kennicott	Lituya	Fairweather	Chenega
Date Built	1963	1963	1963	1964	1974	1974	1977	1998	2004	2004	2005
Length	408'	408'	352'	296'	418'	235'	235'	382'	181'	235'	235'
Beam	74'	74'	74'	59'	85'	57'	57'	85'	50'	60'	60'
Displacement (L/T)	5,569	5,552	4,283	3,067	7,683	2,132	2,132	7,503	647	787	787
Loaded Draft (ft-in)	16-11 5/8	16-11 3/8	16-11	14-4 1/2	17-6 1/8	13-10 7/8	13-10 7/8	17-6	10-6	8-6	8-6
International Tonnage											
Gross:	9,214	9,121	7,302	4,529	13,009	3,124	3,124	12,635	n/a	3,442	3,420
Net:	3,824	3,667	2,496	1,451	4,932	987	987	3,790	n/a	1,032	1,026
Domestic Tonnage											
Gross:	3,029	2,928	2,624	2,174	3,946	1,328	1,280	9,978	99	1280	1333
Net:	1,235	1,253	1,494	898	2,683	566	453	7,354	66	870	827
hp at Service Speed	7,400	8,000	8,122	5,100	12,350	4,300	4,300	13,380	2,000	15,360	15,360
Service Speed (kts)	16.5	16.5	16.5	13.8	17.3	14.5	14.5	16.75	11.5	32	32
Fuel Use (gph)	234	270	253	151	397	188	190	354	55	600	600
Crew Capacity	50	50	42	37	66	24	24	56	4	10	10
Passenger Capacity	499	499	370	174	600	300	300	499	149	250	250
Staterooms											
4 berth	4	46	9	8	44	n/a	n/a	48	n/a	n/a	n/a
3 berth	23	0	0	0	0	n/a	n/a	0	n/a	n/a	n/a
2 berth	80	26	33	17	56	n/a	n/a	56	n/a	n/a	n/a
4 berth ADA	0	0	0	0	0	n/a	0	3	n/a	n/a	n/a
2 berth ADA	1	1	2	1	3	n/a	n/a	2	n/a	n/a	n/a
Total Staterooms	108	73	44	26	103	0	0	109	0	0	0
Total Berths	247	238	106	68	294	n/a	n/a	320	0	0	0
Vehicle Capacity (lane feet)	1,760	1,760	1,380	720	2,680	680	680	1,600	360	720	720
Quantity (20 foot vehicles)	88	88	69	36	134	34	34	80	18	36	36
Van Capacity (booking limit)	12	14	7	10	16	9	9	20	2	5	5

Alaska Marine Highway System
FY 2009 Operating Plan



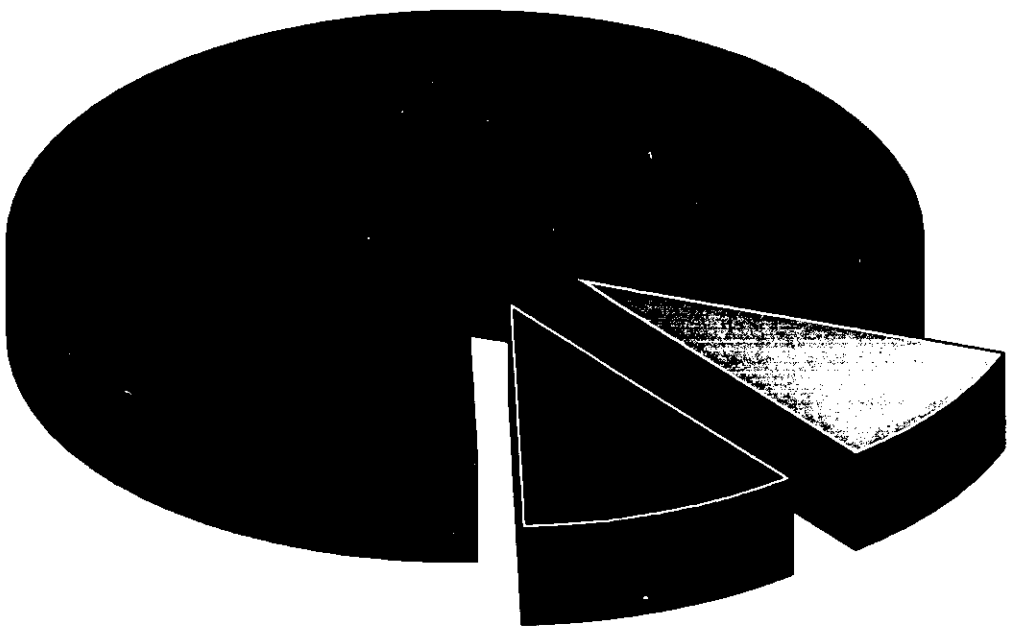
On Line	BEL - Bellingham to Skagway Route	WP - Winter Panhandle	SE/SW - SE/SW Cross Gulf Route	Mainline Vessels	162.6
Overhaul	YPR - Prince Rupert to Skagway Route	MET - Metlakatla Service	SW/PWS - SW/Prince Willian Sound Route	Feeder Vessels	137.0
Layup	S.E. Ops - S.E. Operation	NP - Northern Panhandle	NLC + SIT - North Lynn Canal & Sitka	Southwest Vessels	94.8
In Transit	Note: Dates represent the first day of the period. Overhaul and refurbishment periods include vessel travel time.			Total Operating Weeks	394.4

Alaska Marine Highway System Fund

UNRESTRICTED OPERATING REVENUES

For the fiscal year ended June 30, 2009

$46.2 MILLION



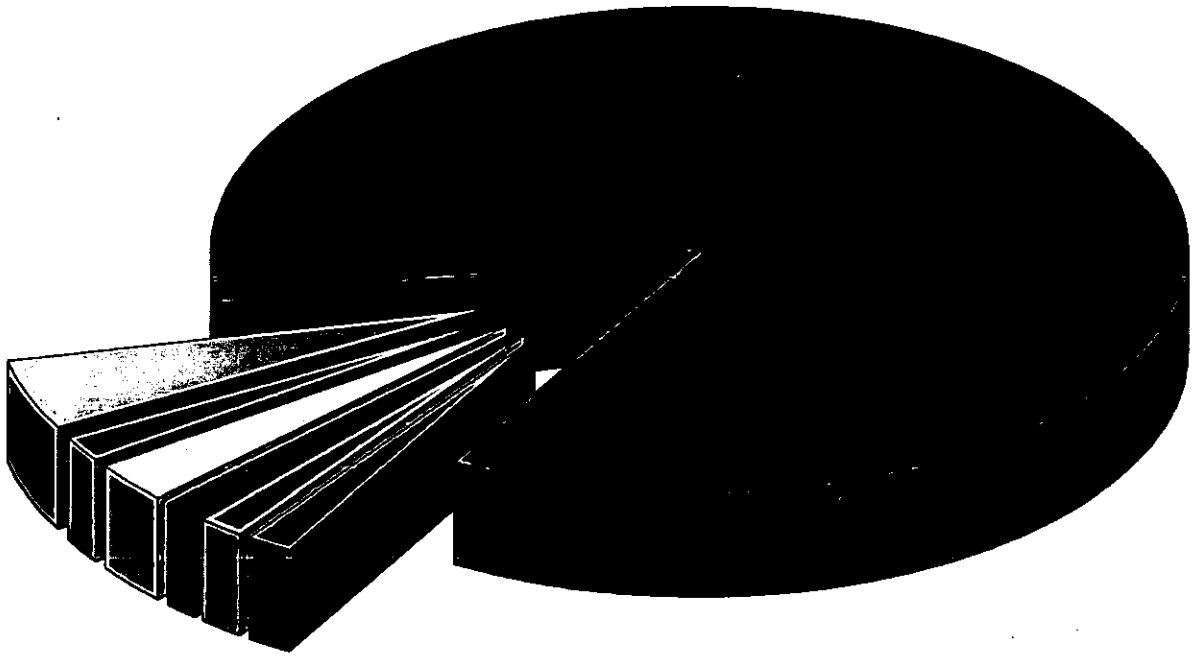
■	Ticket Sales	81%
■	Stateroom Sales	10%
□	Passenger Services Sales	9%

Alaska Marine Highway System Fund

OPERATING EXPENDITURES

For the fiscal year ended June 30, 2009

$141.6 MILLION



■	Marine Vessel Operations	86%	■	Overhaul	1%
□	Shore Operations	4%	■	Marine Engineering	2%
■	Reservations and Marketing	2%	■	Support Services	2%
□	Operations Management	3%			

Alaska
Marine Highway

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Statement of Revenues, Expenditures, and Changes in Fund Balance

Alaska Marine Highway System Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
For the Fiscal Year Ended June 30, 2009 (In Thousands)

	Marine Highway Capitalization Account	AMHS Account	Total
Revenues:			
Unrestricted Revenues:			
Ticket Sales	-	$37,378	$37,378
Stateroom Sales	-	4,687	4,687
Passenger Services Sales	-	4,089	4,089
Facility Rental	-	2	2
Concession Fees	-	25	25
Other Unrestricted Revenue	-	20	20
Total Unrestricted Revenues	-	46,200	46,200
Restricted Revenues	-	1,252	1,252
Indirect Cost Recovery	-	452	452
Total Revenues	-	$ 47,905	$ 47,905
Expenditures:			
Current Operating:			
Support Services	-	2,159	2,159
Marine Engineering	-	2,166	2,166
Overhaul	-	1,694	1,694
Operations Management	-	3,776	3,776
Reservations and Marketing	-	2,353	2,353
Shore Operations	-	6,563	6,563
Marine Vessel Operations	-	121,596	121,596
AMHS RSA	-	1,252	1,252
Total Expenditures	-	$ 141,561	$ 141,561
Excess (Deficiency) of Revenues and Other Financing Sources:			
Financing Uses From Operating	-	$ (93,656)	$ (93,656)
Fund Balance, Beginning of Year	-	7,819	7,819
Reserves and Year End Adjustments	-	-	-
Fund Transfer - General Fund	8,974	93,313	102,287
Fund Balance, End of Year; Undesignated	$8,974	$7,476	$16,450

The notes to the financial statement are an integral part of this statement

Alaska Marine Highway System Fund
Statement of Actual and Estimated Revenues
Budgetary Basis (In Thousands)

	Fiscal Year Ended June 30, 2009			Fiscal Year Ending June 30, 2010		Fiscal Year Ending June 30, 2011
	Estimated Revenues	Actual Revenues	Actual Over (Under) Estimated	Total Estimated Revenues	Estimated Revenues 12/31/09	Estimated Revenues
Restricted						
Restricted Revenues	$ 0	$ 1,252	$ 1,252	$ 0	$ 72	$ 0
Indirect cost recovery (ICAP)	531	452	(79)	534	267	534
Total Restricted	531	1,704	1,173	534	339	534
Unrestricted AMHS Fund						
Ticket Sales	40,999	37,378	(3,261)	40,935	18,591	40,935
Stateroom Sales	5,402	4,687	(715)	5,133	2,331	5,133
Passenger Services Sales	4,164	4,089	(75)	4,478	2,034	4,478
Facility Rental	4	2	(2)	14	0	14
Concession Fees	32	25	(7)	41	15	41
Other Unrestricted Revenue	9	20	11	10	(34)	10
Total Unrestricted	50,610	46,201	(4,409)	50,611	22,938	50,611
Total Revenues	**$ 51,142**	**$ 47,905**	**$ (3,237)**	**$ 51,145**	**$ 23,277**	**$ 51,145**

Budgetary Presentation shows all budgeted and actual revenues including budgeted intergovernmental activity

The notes to the financial statement are an integral part of this statement

Alaska Marine Highway System Fund
Notes to the Financial Statement
For the Fiscal Year Ended June 30, 2009

NOTE 1- Alaska Marine Highway System Fund

The Alaska Marine Highway System Fund was established July 1, 1990. All gross revenues generated from the operation of the Alaska Marine Highway System are accounted for and remitted in accordance with AS 19.65.070 which mandates that the money shall be deposited in the Alaska Marine Highway System Fund.

Marine Highway Capitalization Account

The Marine Highway Capitalization account was established within the Alaska Marine Highway System Fund June 30, 2009. An estimated $9 million in general funds was reappropriated to the new Capitalization Account. Access to this new funding will be restricted and will only occur with approval by LB&A.

NOTE 2- CIP Program Component

The Alaska Marine Highway System budget includes a component which authorizes positions directly related to capital projects. Beginning in FY2001, the salary cost of time charged directly to capital projects is not recorded in the Alaska Marine Highway Fund. The cost of time charged to administration or overhead, is recorded in the Alaska Marine Highway Fund.

NOTE 3- Interest Earned on the Fund

The interest activity shown below is not a part of the AMHS Fund, since no distribution of interest has been made to the Fund to date. The interest earned on the fund balance is accounted for separately by the Department of Revenue, Treasury Division.

FY09	FY10 through 10/31/09
(In Thousands)	(In Thousands)
$ 1,354.9	$ 362.6

S

Alaska Marine Highway System
Revenue by Vessel*
Fiscal Years 1998 - 2009 (In Thousands)

	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08	FY 09
Aurora	1,985	1,869	2,194	1,655	1,223	931	3,749	2,333	2,327	2,003	1,347	2,191
Bartlett	1,937	1,810	1,725	1,914	1,851	2,271	1,387	-	-	-	-	-
Chenega	-	-	-	-	-	-	-	-	1,128	1,963	3,093	3,380
Columbia	10,548	9,307	6,928	-	5,354	8,227	7,763	7,917	15,530	12,439	6,463	9,713
Fairweather	-	-	-	-	-	-	401	3,003	2,257	2,913	2,605	1,015
Kennicott		7,686	7,359	8,945	7,119	6,519	5,276	5,662	6,209	5,831	3,414	5,182
Leconte	1,451	1,571	1,134	1,771	1,535	1,527	880	1,396	1,638	916	1,514	1,808
Lituya	-	-	-	-	-	-	78	593	593	593	721	639
Malaspina	4,078	2,511	3,231	5,809	2,569	2,829	12,550	11,975	7,832	7,552	11,659	10,980
Matanuska	9,545	6,009	9,056	8,929	11,431	11,555	3,798	8,762	7,418	8,146	8,841	3,094
Taku	4,802	5,229	3,786	5,549	5,310	4,787	5,039	761	3,292	2,833	4,480	5,156
Tustumena	2,724	2,732	2,867	2,935	2,956	2,453	3,366	3,196	2,849	3,060	3,376	2,992
Contract Vessels	-	-	-	-	-	-	3	-	76	127	-	2
Non Vessel Revenue	304	71	2,023	45	103	63	399	64	53	32	135	46
TOTAL	37,374	38,795	40,303	37,552	39,451	41,162	44,689	45,662	51,202	48,407	47,647	46,200

* These figures are close approximations based on reservations and ticketing information. They may be used to show relative magnitude of different vessel operations. They are not accounting figures, therefore, attempts to reconcile the figures with accounting documents may yield small discrepancies.

Alaska Marine Highway System
Operating Expenditures by Vessel*
Fiscal Years 1998 - 2009 (In Thousands)

	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08	FY 09
Aurora	5,115	5,161	6,141	4,849	3,673	4,379	5,565	3,533	6,434	6,264	3,649	7,649
Bartlett	3,071	2,717	2,874	3,000	2,882	4,274	1,032	–	–	–	–	-
Chenega	–	–	–	–	–	–	–	314	7,778	6,360	8,845	9,474
Columbia	8,470	8,047	6,190	1,851	5,946	7,917	7,787	7,336	17,205	16,735	8,892	11,231
Fairweather	–	–	–	–	–	–	692	5,635	5,887	7,762	8,154	4,949
Kennicott	858	10,365	11,130	12,974	10,780	12,483	9,744	9,535	15,624	16,300	11,853	15,091
Leconte	5,042	5,564	4,630	6,767	6,392	6,490	4,037	5,869	8,129	5,485	7,141	6,912
Lituya	–	–	–	–	–	–	177	629	961	1,008	1,170	1,189
Malaspina	6,351	3,639	4,206	6,296	4,265	4,432	10,131	11,492	9,219	9,089	14,664	14,065
Matanuska	9,298	6,606	10,392	7,926	10,780	10,920	5,018	11,202	11,456	14,814	14,160	7,260
Taku	8,627	8,757	6,628	10,188	9,249	9,492	8,709	4,107	9,436	9,452	13,745	13,583
Tustumena	5,486	5,899	6,135	6,674	6,396	5,433	5,483	6,269	6,378	8,744	9,612	6,642
Vessel Leave	–	–	–	–	–	–	9,824	9,204	11,571	14,576	15,164	14,268
All Vessels	6,567	7,169	7,156	8,796	8,188	8,184	9,077	13,904	10,123	11,024	9,709	12,231
TOTAL	58,884	63,924	65,482	69,322	68,551	74,005	77,275	89,028	120,201	127,613	126,757	124,542

* Expenditures by vessel include the following operating components: Marine Vessel Operations, Overhaul, and unbudgeted AMHS Reimbursable Service Agreements (RSA). Not included are the budget components for Marine Engineering, Operations Management, Reservations and Marketing, and Shore Operations.

Alaska
Marine Highway

Alaska
Marine Highway

Alaska Marine Highway System Fund

FY 2009 ANNUAL FINANCIAL REPORT

State of Alaska, Department of Transportation and Public Facilities

Compiled December 3, 2009

State of Alaska

Department of Revenue

Commissioner's Office

SEAN PARNELL, GOVERNOR
550 West 7th Avenue, Suite 1820
Anchorage, Alaska 99501
Phone: (907) 269-0080
Fax: (907) 276-3338

January 19, 2010

The Honorable Gary Stevens
President of the Senate
State Capitol, Rm. 111
Juneau, Alaska 99801-1182

The Honorable Mike Chenault
Speaker of the House
State Capitol, Rm. 208
Juneau, Alaska 99801-1182

RE: Investment Earnings Report for Alaska Marine Highway System Fund

Dear Senate President Stevens and House Speaker Chenault:

The Department of Revenue is required to report investment earnings for the last fiscal year with projections for the current and next fiscal year for the following fund:

- Alaska Marine Highway System Fund. AS 19.65.070 (c).

The Department of Revenue invests the assets of this fund within the state's General Fund and Other Non-Segregated Investments Pool (known as the GeFONSI). We compute investment earnings under a Memorandum of Understanding (MOU) between the Department of Administration and the Department of Revenue. The MOU, which spells out how investment earnings are calculated, complies with the statutes governing the invested funds. Under the terms of the governing statutes, the Department of Revenue must compute and report investment earnings associated with the balance in the fund.

The projection of investment earnings for the System Fund for the Fiscal Years 2010 and 2011 are based on assumptions regarding expected invested balances and earnings rates as follows (actual earnings will vary):

- The projected average month end cash balances for Fiscal Years 2010 and 2011 provided by the Department of Transportation.
- The expected return for the state's General Fund and Other Non-Segregated Investments Pool of 3.60%.

Investment Income (000's)				
Fund:	FY 2009 Actual	FY 2010		FY11 Forecasted
		Actual July 09 – Dec 09	Forecasted Jan 10 – June 10	
System Fund	$1,354.9	$391.2	$613.0	$980.6

The governing statutes preclude distribution of the investment earnings to the fund unless the Legislature specifically appropriates them. Therefore, the earnings shown above are currently retained in the state's General Fund.

If you have questions or need additional information, please do not hesitate to ask.

Sincerely,

Patrick S. Galvin
Commissioner

cc: Senate Finance Committee
Kirsten Waid, Senate Secretary
House Finance Committee
Suzi Lowell, Chief Clerk/House Secretary
Jerry Burnett, Deputy Commissioner, Department of Revenue
Gary Bader, CIO, Department of Revenue
Pamela Leary, Comptroller, Department of Revenue
Maren Haavig, Finance Officer, Department of Transportation
James Beedle, Deputy Commissioner of Marine Operations, Department of Transportation
Leo Von Scheben, Commissioner of Transportation and Public Facilities

Alaska Marine Highway

Commitment, Consistency, Customer Service

Joint Senate/House Transportation Committee, February 2010

The Three C's

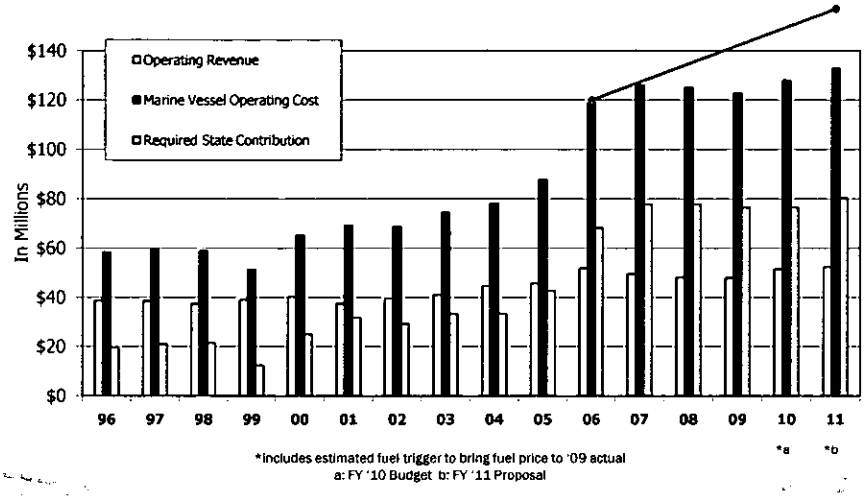
Alaska Marine Highway

Commitment
- to an early schedule release
- to operating within the budget framework

Consistency
- 3 year plan to provide consistent service levels, started FY2009

Customer Service
- Continued improvement of customer service levels
  - AMHS has maintained a 96% customer satisfaction rate since 2006
  - Currently 92% of AMHS departures are on-time
- Continue marketing outreach through pricing and promotions to increase year-round ridership on all vessels to all ports

Vessel Operation Cost by Fiscal Year



*Includes estimated fuel trigger to bring fuel price to '09 actual
a: FY '10 Budget b: FY '11 Proposal

Improvements to AMHS

Alaska Marine Highway

Cost Savings Improvements
- Fuel Efficiency Systems

Efficiency Improvements
- Satellite Communication System
- New Reservation and Point of Sale Systems
  - will streamline operations and provide real-time information

Customer Service Improvements
- Terminal Improvements
- Update customer service Policies and Procedures Manual
- New Reservation and Point of Sale Systems
  - will provide an improved user experience online

New Vessel Construction
- Alaska Class Ferry

Fuel Efficiency Systems

Alaska Marine Highway

Power-management fuel-savings systems are currently installed on the Aurora, Tustumena and Matanuska and are providing a 10-14% fuel savings.

- Winter 2009-2010 installing these systems on the Columbia and Kennicott
- Winter 2010-2011 the systems will be installed on the Taku and LeConte

5

Satellite Communications

Alaska Marine Highway

We continue with the installation of satellite communication hardware aboard the vessels

- anticipate that by Summer 2010, we will have 7 vessels up-and-running with a new broadband service provider
  - Malaspina, Matanuska, Columbia,Kennicott, Aurora, Tustumena, Lituya
- This service will provide satellite communications for the vessel in Phase 1 and internet connections for shipboard passengers using laptops & smart phones in Phase 2
- Going forward; we will continue installing satellite hardware on vessels, LeConte and Taku will have equipment installed in the coming year

6

New Reservations System

Alaska Marine Highway

Phase I: Business Process Review

- Completed May 2009
- Identified technology gaps and needs to be addressed before moving forward

Phase II: Review of AMHS Customer Service

- Completed April 2010
- Organizational restructure of customer service departments
- Restructure of Policies and Procedures manual
- Integrates new and updated procedures relating to reservations, manifesting, ticketing and customer related functions on vessels and in teminals

Phase III: Begin Acquisition of New Reservations and Point of Sale Software

7

Terminal Improvements

Alaska Marine Highway

Angoon

- New dock facility to accommodate LeConte and Fairweather class vessels
- Terminal Improvements
- To be completed December 2010

Annette Bay

- New docking facility to accommodate Lituya and Prince of Wales class vessels
- To be completed Fall 2010

Hoonah

- Uplands and new terminal, to be completed September 2010
- New docking structures, to be completed February 2011

Alaska Class Ferry

Alaska Marine Highway

Preliminary Design Phase is complete as of 12/31/09

- Preliminary profile and arrangement drawing
- Propulsion validation study to support a 99% reliability level

Final Design Phase

- Developing RFP to bring on a shipyard to assist with the final design details
  by mid-March 2010
- Final design will be complete Summer 2010

9

Southwest Traffic

Alaska Marine Highway

Even in a down economy year, passenger and vehicle traffic in Southwest Alaska increased from 2008 to 2009

- Southwest Alaska:
  - 4% passenger traffic increase
  - 11% vehicle traffic increase
- Kodiak
  - 11% passenger traffic increase
  - 18% vehicle traffic increase
- Cordova
  - 10% passenger traffic increase
  - 17% vehicle traffic increase

10

Focus on 2011

Alaska Marine Highway

2011 will be the third year of a 3 year commitment to standardize our ferry service

Install fuel efficiency improvement on the following vessels:

- MV Taku
- MV LeConte

Install satellite communication hardware on the following vessels:

- MV Taku
- MV LeConte

Safety and crew training are AMHS priorities

- we will continue to install state-of-the-art passenger evacuation systems aboard our vessels

Focus on 2011

Alaska Marine Highway

Continue to enhance awareness of AMHS as a unique Alaskan travel experience to both residents and visitors.

- 11.2 million potential customers reached in FY 2009

Move forward with newer, more cost efficient technologies for communicating with current and potential customers

- Over 460,000 visitors to FerryAlaska.com in FY 2009

2/18/10 PRESENTATION: MARINE TRANSPORT ADVISORY BOARD

2602

MARINE TRANSPORTATION

ADVISORY BOARD PRESENTATION

TO THE JOINT SESSION OF THE

HOUSE AND

SENATE TRANSPORTATION

COMMITTEES

FEBRUARY 18, 2010

Good afternoon and thank you for the opportunity to present today. My name is Mike Korsmo and I am the Chair for the Marine Transportation Advisory Board (MTAB). Our board appreciates the opportunity to stand before you today and give an overview of its efforts. MTAB was established in 2003 by Administrative Order and put into Alaska State Statute in 2008 under AS 01.10.070(c). Our board has been focused on meeting the many challenges of our unique marine transportation system. With AMHS staff we have worked to identify tools in order to improve scheduling, system efficiency and mobility in Southeast, Prince William Sound, and Southwest Alaska.

It is proven that dependable and sustainable transportation systems are vital to economic growth and stability in rural Alaska. We strongly support the mission of the Alaska Marine Highway System to provide safe, reliable, and cost effective marine transportation throughout the coast regions of our state. The economic, cultural, educational and health benefits to our communities served by AMHS are extremely important to our quality of life. MTAB worked closely with AMHS staff in to establish long range scheduling and the past two years have proven that this approach is working as the anticipated increase in ridership by Alaska users became a reality.

The first section of the MTAB statute establishes that DOT&PF, shall in consultation with MTAB, prepare a long range plan for the development and improvement of the Alaska Marine Highway System. Each region encompassing AMHS routes has its own long range plan for transportation and so we have been attempting to work with DOT&PF planners on these regional plans. Currently the Southeast Transportation Plan (SATP) is up for its 5-year review. Correspondence with the commissioner and DOT&PF planners have been ongoing; however, to this date an established day to sit down and work with DOT&PF on a draft SATP has not been determined. As per statute (and our understanding of legislative intent), we expect to be part of DOT's work effort concerning the goals of marine transportation regional plans, prior to the final drafts being sent out to the public.

Under statute the board may issue reports and recommendations in consultation with DOT&PF and submit to the department and the governor a strategic plan which includes the mission, core values, objectives, initiatives, and performance goals of the Alaska Marine Highway System. Strong and consistent public input from multiple teleconferences from organizations such as Southeast Conference, the Southwest Municipal Conference, the Alaska Municipal League as well as several Native organizations have helped give our board a clear direction

to follow. From this input and MTAB meetings the past three years we have established short term and long term goals. These recommendations have been presented to Commissioner von Scheben and Governor Parnell.

SHORT TERM GOALS

1) Operating the M/V *Kennicott* on full schedule May through September. The current schedule has the M/V *Kennicott* operating Cross Gulf 2-weeks-on-2-weeks-off in the summer. This only allows for one trip a month out the Aleutian Chain by the M/V *Tustumena*. There has been a public outcry from the seven Aleutian Island communities that the current schedule does not come close to serving their needs (see attached letters). Additional service to the Chain has been a top priority for MTAB for the past 3 years. Following are the costs associated with this recommendation both for FY 2011 and what would be a FY2010 Supplemental. The administration has committed to an additional spring run for the *Kennicott* and the following costs do not take that run into account.

<u>FY 10 MTAB Requested Supplemental for Kennicott Service</u>

$1,385,000-**Total** Supplemental Authority

$800,000-General Fund

$585,000-Alaska Marine Highway Fund

FY 11 MTAB Requested Service Enhancements to Governor Budget

$2,122,500-**TOTAL** Additional Authority

$1,600,000-Marine Highway Fund

$522,500-General Fund

2) Additional funding allowing the fast vehicle ferry (FVF) *Fairweather* to operate on a full seven day a week schedule during the spring (May/June) of 2010. Unforeseen mechanical issues with the *Fairweather* have caused funding shortfalls to allow for this much-needed service. This service was established with a commitment to long-range scheduling 3 years ago and is very important to the Northern Panhandle (including Sitka and outlying villages). There is a major concern about the engines problems on both the *Fairweather* and the FVF *Chenega*. At its December meeting the Board voted to request that the legislature and commissioner of the Department of Transportation consider a vehicle for the state to order replacement engines for the *Fairweather* and the *Chenega*. The engine problems are being worked on by AMHS, the Administration and the Department of Law. The fast ferries are an integral part of the current and future operations of AMHS. The public, especially in Prince William Sound and the Northern Panhandle, has a unique and strong appreciation for these vessels and their ability to transport cars and people over a long

distance in a short period of time. It looks like costs associated with operating the *Fairweather* in 2010 for May/June are being resolved by AMHS and the Administration.

3) MTAB has requested that an additional $60M be added to the AMHS Vessel Replacement Fund. AMHS has embarked on a much-needed vessel replacement project (Alaska Class Ferry Project) that has very strong public support. The project is critical to insure long rang operations of AMHS and to fulfill the mission of AMHS itself. This process can be easily followed by looking it up on the Alaska Class Ferry information on the AMHS website. The vessel replacement fund currently has $60 million in it - thanks to your efforts, and it is extremely important that we continue to put additional money into this fund as we replace our aging marine highway fleet. The administration has taken steps through the STIP process to insure that adequate funding will be available to begin the process of building new vessels.

LONG TERM GOALS

1) Forward funding of AMHS operations to allow for continued schedule consistency and successful marketing strategy.

2) A long term strategy to mitigate high fuel prices that negatively affect the system's ability to provide reliable service.

3) Maintenance and operational costs continue to increase system wide, and need addressed in order to meet the mission of AMHS, now and in the future.

4) The vessel replacement fund should be funded at a level that allows for DOT&PF to move forward with the design and construction of new, fuel efficient vessels. As an added value these vessels should be designed to require less crew to operate which could bring future labor costs down.

In closing, Marine Transportation Advisory Board members acknowledge the complexities of providing a safe, reliable and efficient marine transportation system and we cannot expect to be able to satisfy each coastal community's wants and needs. We thank you for your leadership and guidance, and believe that with your continued direction and the expertise of the AMHS management, MTAB can continue to help guide improvements that will benefit Alaskans.

Thank you again, on behalf of the Marine Transportation Advisory Board, for this opportunity to be here today.

Mike Korsmo, Chair

FY11 MTAB REQUESTED SERVICE ENHANCEMENTS

ALASKA MARINE HIGHWAY

FY 2011 MTAB Requested Service Enhancements to Governor Budget

Description	FY 11 Gov Budget	Serv Adj Kennicott		Roll Forward FY 11 Gov Budget	Comments
Fleet Status-Weeks					
Revenue Service	402.0	9.1	-	411.1	
Overhauls	68.0	-	-	68.0	
Capital Projects	52.0	-	-	52.0	Taku & LeConte have 2011 CIP's
Lay Ups	52.0	(9.1)	-	42.9	Columbia 29 wks, Frw 9 wks, Kenn 14 wks
Total All	574.0	-	-	574.0	
Marine Vessel Operations					
Personel Services	$ 83,891.1	$ 1,481.1	$ -	$ 85,372.2	
Travel	1,921.1	(34.6)	-	1,886.5	
Services	13,050.2	44.6	-	13,094.8	
Fuel- Budget rate ($.95/gall)	10,266.3	431.2	-	10,697.5	
Commodities	7,071.1	200.2	-	7,271.3	
Subtotal Marine Operations	$ 116,199.8	$ 2,122.5	$ -	$ 118,322.3	
Shoreside Costs					
Marine Shore Operations	$ 7,300.9	$ -	$ -	$ 7,300.9	
Vessel Ops Management	3,856.7	-	-	3,856.7	
Reservations & Marketing	3,138.3	-	-	3,138.3	
Marine Engineering	3,115.2	-	-	3,115.2	
Overhaul	1,698.4	-	-	1,698.4	
Subtotal	$ 19,109.5	$ -	$ -	$ 19,109.5	
Subtotal AMHS	**$ 135,309.3**	**$ 2,122.5**	**$ -**	**$ 137,431.8**	
Operations Financing					
Marine Highway Fund	$ 52,010.8	$ 1,600.0	$ -	$ 53,610.8	Adj = revenues earned on add service
Veh Rent Tax	700.0	-	-	700.0	
Gen Fund Allocation-AMHS	80,954.9	522.5	-	81,477.4	
Restricted Funds	1,643.6	-	-	1,643.6	
Total Funding	**$ 135,309.3**	**$ 2,122.5**	**$ -**	**$ 137,431.8**	
Ending Fund Balance	$ -	$ -	$ -	$ -	

SCS CSSSHB294(FIN)

USCG AMHS CASES/VESSEL RESCUES

2004-2009

USCG AMHS CASES/VESSEL RESCUES

2004-2009

299473 - TAKU: On 08JUL06 the P/C STELLA reported that they were taking on water in the vicinity of Gull Island. All 3 POB abandoned ship; M/V TAKU diverted to assist and was the first asset on scene, recovering all three POB from the life raft.

305663 - AURORA: On 03AUG06 while transiting in the vicinity of Cochran Bay, AURORA received a report of missing kayakers and diverted to assist. Search was conducted with negative results.

344513 - LECONTE - 10APR07 LECONTE reported the vessel IRISH SPRING aground in North Lynn Canal near Eldred Rock. LECONTE reported the vessel hard aground and sent they sent one of their deckhand's on board the vessel. The deckhand reported that there was a gentleman on board who is injured and the vessel had approx 200 gallons of gas on board the vessel. The La Conte crewman closed the fuel valve.

349045 - COLUMBIA: On 14MAY07 the EMPRESS OF THE NORTH ran aground on Rocky Island. Columbia immediately diverted to assist and took on passengers from other assets in the area. In total 206 passengers and 46 crew were transported onboard COLUMBIA.

352302 - KENNICOTT: On 31MAY07 while in the vicinity of Granite Island

KENNICOTT conducted search for vessel for a disabled S/V that had lost communications. Search was conducted with negative results.

418180 - LECONTE: On 04AUG08 LECONTE overheard a Mayday call and LECONTE conducted search while continuing its transit for any signs of distress. No sings of distress noted.

418180 - FAIRWEATHER: On 04AUG08: Mayday call overheard on CH 16, the FAIRWEATHER conducted search while continuing its transit for any signs of distress. No sings of distress noted.

432250 - LECONTE: On 08NOV08, Sector Juneau command Center received a MAYDAY
call from the S/V BEREAN, who ran aground in Hawk Inlet and was requesting assistance. Station Juneau MLB was launched by SCC. The M/V LECONTE was in the vicinity and diverted to assist. The situation resolved itself prior to LECONTE arrival onscene.

462247 - TAKU: On 12JUL09, M/V TAKU reported a single red meteor flare that was sighted on the west side of Woronokofski Island, Stikine Strait. The TAKU transited and searched south along the shoreline of Woronokofski Island with their spotlight and came upon the P/C KALEY J, a 20' vessel anchored in a small cove. The TAKU spotlighted the vessel and the KALEY J contacted the TAKU via radio whom stated that they inadvertently fired off a single red flare, and was in no distress.

478215 - TAKU: On 13OCT09 F/V Alaska Pride at position just south of Funter Bay with a report of an engine room fire. F/V Alaska Pride is a 55ft FRP

Commercial fishing VSL. 02 POB evacuated the F/V into the life raft. The M/V TAKU safety recovered the POB from the water.

AMHS PRESS RELEASES

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FOR IMMEDIATE RELEASE: Dec. 25, 2007 ***No. 07-2534***

AMHS ferry Malaspina crew transports ailing infant

(JUNEAU, Alaska) — The crew aboard the 408-foot Alaska Marine Highway System (AMHS) ferry Malaspina diverted course Monday morning and returned here after an infant passenger aboard the ship suffered medical complications.

"Malaspina was transiting north from Juneau to Haines, but returned to Juneau to transfer the child to awaiting medical personnel in Auke Bay at the AMHS ferry terminal," said Capt. John Falvey, AMHS' General Manager.

Malaspina crewmembers and a nurse passenger rendered medical assistance to the child while at sea. A Capital City Fire/Rescue ambulance crew took the patient to Bartlett Regional Hospital for treatment after the Malaspina's arrival at 12:15 p.m.

Malaspina continued on its scheduled route to Haines and Skagway following the transfer. The crew adjusted port times in both cities to return the ship to its on-time schedule.

###

For more information contact DOT&PF Chief Communications Officer Roger Wetherell at 465-8994.

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Press Release

FOR IMMEDIATE RELEASE 07-123

State Ferry Helps Rescue Tourists from Sinking Cruise Ship

May 14, 2007, Juneau, Alaska – Just after midnight this morning, the Empress of the North, a 360-foot sternwheeler cruise ship ran aground at Hanus Reef in Icy Straits about 50 nautical miles west of Juneau. The ship, which holds fewer than 300 passengers, immediately called for help.

The State Emergency Coordination Center immediately began working with the United States Coast Guard to facilitate a smooth and efficient rescue. Local fishing boats, a Coast Guard cutter, and the state ferry Columbia moved passengers to dry land at the capital city of Juneau.

"I'm very proud of our residents who, on their own accord, moved into action to help those in need at a critical time," said Governor Sarah Palin. "Alaskans did a fantastic and professional job making this rescue happen swiftly, and I am very happy to know all of our visitors are safe and secure this morning."

###

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FOR IMMEDIATE RELEASE: May 14, 2007 No. 07-2512

M/V Columbia Responds to Stricken Vessel

Delivers 252 Empress of the North Travelers to Safety

(Juneau) — The M/V Columbia on Monday came to the aid of a cruise ship that has apparently run aground in Icy Strait overnight, bringing rescued passengers and crewmembers from the Empress of the North to Juneau. The Columbia transported 252 passengers and crewmembers from the Empress of the North to Juneau where they were assisted further by a Unified Command team established in Juneau.

Columbia Master Phil Taylor said he was informed of the stricken vessel by AMHS crews on the bridge that were monitoring radio traffic at about 3:30 a.m.. The Columbia was at about Point Hilda and traveling toward Auke Bay with 234 passengers when Taylor ordered the Columbia to proceed to the location of the stricken vessel. The Columbia then contacted the Coast Guard and asked if their assistance was needed. They were informed that they would be needed.

Responding as a "good Samaritan" vessel, the Columbia arrived on station at about 5:45 a.m. and began taking Empress of the North passengers on board. The Coast Guard Cutter Liberty came alongside the Columbia and transferred passengers through a makeshift gangplank between the two vessels. Other vessels also transferred their rescued personnel to the Liberty to be put aboard the Columbia, Taylor said.

The Columbia crew gave the rescued parties blankets, hot drinks and food and made them as comfortable as possible, Taylor said. The Empress of the North made it back to Juneau and tied up at the Auke Bay terminal. The Columbia arrived back in Juneau at 11 a.m. and has resumed its regularly scheduled run to Haines and Skagway. The Columbia is expected to be back on schedule when it leaves Auke Bay Tuesday morning.

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FOR IMMEDIATE RELEASE: April 10, 2007 No. 07-2510

LeConte Assists in Mariner Rescue

(Juneau) – The M/V LeConte came to the assistance of a mariner who has run aground in Upper Lynn Canal on Tuesday, according to Capt. Ron Bressette, master of the LeConte.

This is from Capt. Bressette:

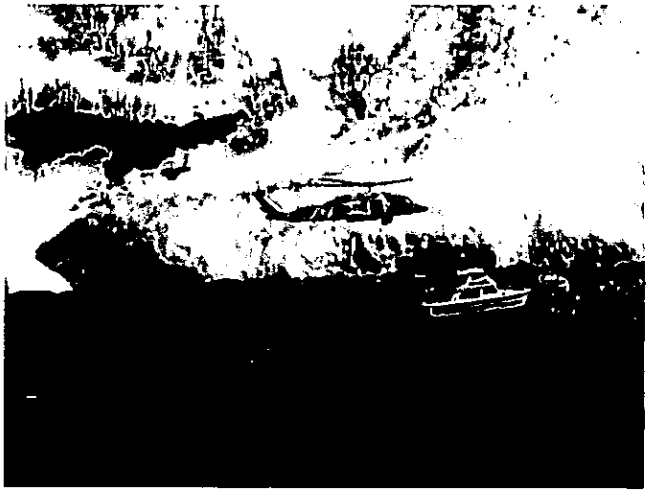
The LeConte was traveling north in Upper Lynn Canal when a Mate on watch noticed a boat on the beach at about 10 a.m. at the base of an avalanche chute. Bressette made the decision to launch a fast rescue boat to investigate the boat after determining the boat was not likely abandoned and that no one responded to a whistle from the LeConte.

Responding crew members found a man on board the boat who said he had fallen and was unable to get up. He told the crew members that he had run aground early that morning. The man was in need of medical attention and it was discovered that one of the passengers on the LeConte was a doctor who agreed to go over on the fast rescue boat and examine the man further.

The LeConte had notified the Coast Guard of the grounding and a helicopter and small boat responded. The Coast Guard determined the man should be hoisted into the helicopter to be taken for further medical treatment.

The LeConte was on scene for about two hours during the rescue.

Pictures from the scene show what appears to be a 34-foot pleasure craft on the beach.



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FOR IMMEDIATE RELEASE: May 8, 2006 No. 06-2517

M/V Malaspina Aids Stranded Fishing Vessel

(Juneau) — Four stranded fishermen were aided by the M/V Malaspina Sunday night after their fishing vessel ran aground southwest of Prince Rupert, British Columbia.

The M/V Malaspina responded to a mayday call from the F/V Alaska Queen at about 10:10 p.m. Sunday. The F/V Alaska Queen was stranded on the north east side of Pitt Island, southwest of Prince Rupert. The M/V Malaspina deviated from its course, and was the first ship on the scene.

The Malaspina launched a fast rescue boat and stood by the four stranded fishermen for approximately 45 minutes, until the Canadian Coast Guard arrived on scene, and released the Malaspina.

At the time of the mayday response, the Malaspina was south bound from Ketchikan bound for Bellingham, Wash.

"Alaska Marine Highway System crews are highly trained to respond to these types of situations and we are very proud of the actions of the Malaspina crew in coming to the aid of this vessel in distress," said AMHS General Manager Capt. John Falvey. "Safety of life at sea is our highest priority and their actions demonstrated just that."

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For more information contact Capt. Falvey at (907) 228-7250.

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FOR IMMEDIATE RELEASE: August 4, 2006 No. 06-2528

M/V Aurora Rescued Kayakers in Sound

(Juneau) — A group of kayakers were rescued by the M/V Aurora in Prince William Sound after they issued a call for help due to weather and rough seas.

The Aurora was enroute to Valdez from Whittier at about 3:30 p.m. on Thursday when it overheard radio transmission from a group of kayakers requesting help from the Coast Guard. Aurora Capt. Bob Rugur diverted to Cochran Bay, where the group was thought to be, and established radio contact with the kayakers.

Rugur said the kayakers were in the middle of Cochran Bay more than a mile from the closest land and reporting that they could not get to shore. Because of poor visibility, the kayakers guided the Aurora to their position via hand-held radio. In seas of up to five feet, the Aurora retrieved four kayaks and five people while another boat, the Safeguard II, retrieved another four people and two kayaks.

It was determined that the rescued kayakers were part of a 15-person party and so a search began involving a U.S. Coast Guard helicopter, the Aurora and two other good Samaritan boats. The remaining kayakers were spotted by the Coast Guard helicopter on a beach east of Point Cochran. No kayakers were injured in the incident.

The five kayakers rescued by the Aurora were accommodated onboard for the night and will return to Whittier on Friday, according to the Alaska Marine Highway System.

"With poor visibility and winds between 30 and 45 knots, our crew was able to maneuver the Aurora in such a way to provide a lee side so the rescue craft could be used to lift the kayakers aboard," said AMHS General Manager Capt. John Falvey. "It was an excellent piece of seamanship to get to the kayakers and a strong team effort to get them onboard."

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FOR IMMEDIATE RELEASE: July 7, 2004

M/V Kennicott's Chief Steward Recognized for Passenger Emergency Response

(Juneau)—Alaska Marine Highway General Manager John Falvey recognized the chief steward aboard the M/V Kennicott for a job well done in responding to a passenger emergency while underway on June 27. Chief Steward Teresa Gilbert performed the Heimlich maneuver on a passenger who began choking while eating dinner in the ship's conference room. After successfully expelling the obstruction, it was determined that a French fry had become lodged in the passenger's airway and had cut off their ability to breathe. Following the ordeal, the passenger retired to a stateroom to rest.

"Ms. Gilbert's fast response may have very well saved the life of one of our passengers," said Captain Falvey. "We are also thankful to the Kennicott's Chief Purser Lynn Olson and Junior Assistant Purser Dennis Hansen who were also on the scene to administer oxygen should it have been required."

The marine highway presented Gilbert with a plaque on July 3 as thanks for her quick response to the passenger's life threatening situation.

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FOR IMMEDIATE RELEASE: July 8, 2006 No. 06-2525

M/V Taku Rescues Fishing Crew

(Juneau) — The M/V Taku rescued the crew of a fishing tender after it had run aground on Gull Island in Lynn Canal early Saturday morning, according to the Alaska Marine Highway System.

The Taku received a "mayday" call from the fishing tender Stella at about 3:57 a.m. stating the ship was taking on water and the crew was preparing to abandon ship. The Taku was approximately 25 minutes away and responded to the U.S. Coast Guard call for assistance along with the tug Western Mariner.

The Taku arrived on scene and launched a lifeboat, which recovered three crewmembers that had been floating in a liferaft. The crewmembers were brought aboard the Taku and given coffee, breakfast and a stateroom. They had no injuries, according to the Coast Guard.

The lifeboat was secured and the Taku left for Auke Bay just after 5 a.m..

"Our AMHS crews practice this drill on a weekly basis for just this sort of emergency and from the report we've gotten the crew of the Taku was well prepared to assist a distressed ship," said Capt. John Falvey, AMHS General Manager. "We're proud of their actions. "

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For more information, contact DOT&PF spokesman Mike Chambers at 465-8994 or 321-6656.

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FOR IMMEDIATE RELEASE: January 21, 2005 No. 05-2507

M/V *Malaspina* Aids Disabled Skiff in BC

Ferry's Rescue Boat Tows Skiff to Shelter in Lama Passage

(Juneau) – The state ferry M/V *Malaspina* recently came to the aid of a disabled skiff while traveling northbound through the Inside Passage in British Columbia.

At about 2:15 p.m. on Saturday, January 15, the crew of the *Malaspina* observed a flare fired from an open skiff approximately 2 miles ahead of the ferry in Lama Passage, approximately four miles south of Bella Bella, British Columbia. The *Malaspina* crew launched a fast rescue boat, which proceeded to the skiff. The *Malaspina* crew notified the Canadian Coast Guard at Prince Rupert of the situation, which also dispatched a rescue boat from Bella Bella. The ferry's rescue boat crew had the skiff in tow within minutes to a sheltered area behind Walker Island, where it was handed over to the Coast Guard boat crew. In all, the operation took about 40 minutes, after which the *Malaspina* was released to proceed on its voyage to Ketchikan.

"We were just happy we were there at the right time to provide assistance," said Captain Larry Sackett, the *Malaspina*'s master on duty at the time. "The waters of the Inside Passage can be deadly, so it is the duty of mariners to offer assistance. Fortunately, this time, wind and weather were not difficult, so everything went well."

The *Malaspina* makes a weekly round-trip voyage between Bellingham, Washington and ports throughout Southeast Alaska.

###

Leo von Scheben
Commissioner
P.O. Box 112500
Juneau, AK 99811-2500
www.dot.alaska.gov

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
& PUBLIC FACILITIES

Roger Wetherell
Chief Comm. Officer
907.465.8994
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roger.wetherell@alaska.gov

Press Release

COMMISSIONER'S OFFICE

FOR IMMEDIATE RELEASE
Sept. 2, 2008

No. 08-25118

Chenega crew rescues kayakers,

Marks second mariner assist this year

(JUNEAU, Alaska) – Crewmembers from the Alaska Marine Highways System ferry Chenega rescued four kayakers Sunday afternoon in Passage Canal off the shores of Whittier.

Chenega's captain, Sam Daniels, said a radio call was relayed to Chenega at 2:33 p.m. requesting assistance to help four kayakers who were in distress.

Within eleven minutes, Chenega's rescue boat was launched and speeding away from the 235-foot ferry to rescue the kayakers.

By 2:50 p.m., coxswain Guy Beedle and his assistant Ian Russell had pulled the kayakers aboard the rescue boat and safely transported them to a nearby petroleum dock in the harbor where they were met by medical personnel.

The kayakers are identified as Anchorage residents Katie Longden, Hunter Burton, Kim Uddipa and Mitch Mark.

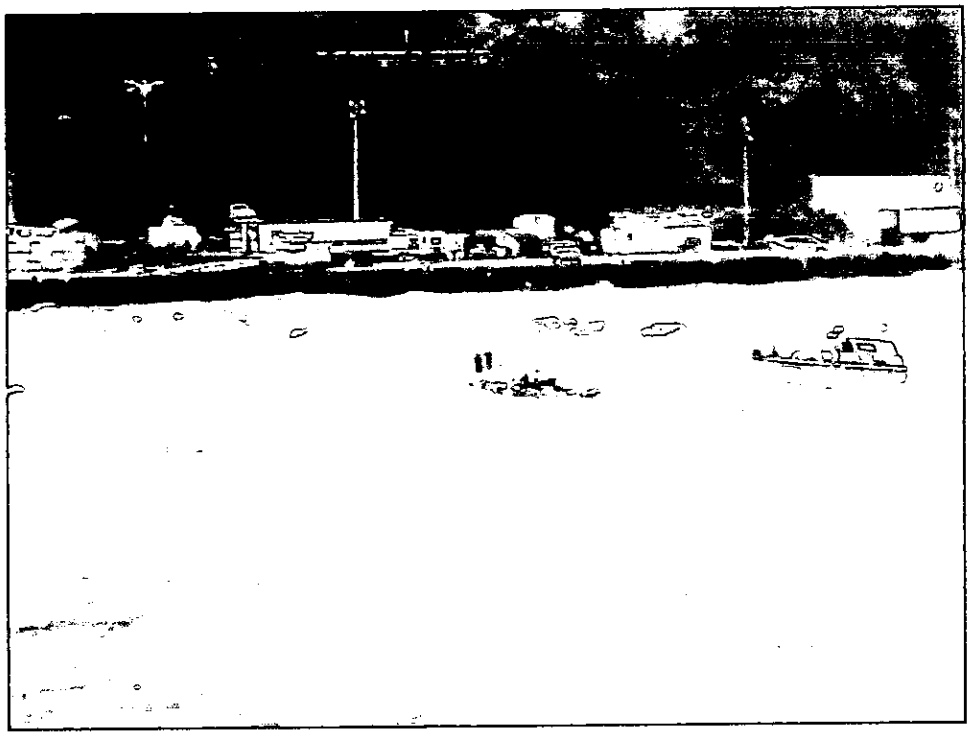
"They paddled out of Whittier for years, and checked the weather prior to departing Saturday, but were caught by surprise when things came up about six hours sooner than expected," said Daniels. "Winds were around 30 knots and seas were about three feet."

-more-

RESCUE 2/2/2/2

According to Daniels, the Anchorage foursome encountered breaking waves that tossed them from their kayaks when weather conditions deteriorated.

Earlier this year, Chenega's crew rescued three boaters whose vessel sank June 9 near Whittier.



Harbor rescue: Chenega's rescue boat crew (center) pulls four Anchorage kayakers safely aboard the ferry's rescue boat Sunday afternoon off the coast of Whittier. (Official DOT&PF photo by Chenega crewmember)

####

For more information contact: Roger Wetherell, Chief Communications Officer at (907) 465-8994

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Press Release

COMMISSIONER'S OFFICE

FOR IMMEDIATE RELEASE
Nov. 4, 2008

No. 08-25137

Chenega captain to accept lifesaving award at Big Apple gala

(JUNEAU, Alaska) – The Alaska Marine Highway System (AMHS) ferry Chenega and its crew will be honored Friday night during an estimated 800-attendee gala in New York City.

Chenega's skipper, Capt. Samuel Daniels, will attend the Admiral of the Ocean Sea award dinner ceremony where he will accept the Honored Seafarer Award on behalf of the ship, AMHS and the State of Alaska.

AMHS and the Chenega crew are being honored for the rescue Chenega's crew performed June 8 after they plucked two men and a boy out of the frigid waters of Prince William Sound near Southcentral Alaska.

The award presentation and dinner is hosted and coordinated by the United Seamens Service (USS). The USS is an organization that has promoted the welfare of seamen since 1942 and supplies seagoing libraries to the American Merchant Marine, the U.S. Navy, the U.S. Coast Guard, and to seafarers of allied nations through its affiliate, the American Merchant Marine Library Association, Public Library of the High Seas since 1921.

"Each member of Team Chenega has every reason to be incredibly proud of their lifesaving actions and the value they place on the lives of others who travel Alaska's dangerous waters," said Leo von Scheben, Commissioner, Department of Transportation and Public Facilities.

Chenega's Fast Rescue Boat (FRB) crew sped to the boaters who were clinging to debris to remain afloat. Chenega's crew rescued 28-year-old Luke Renner of Homer and Andy Renner, 31, and his eight-year-old son Owen, both of Palmer, on that Alaska summer day. Their 22-foot pleasure boat reportedly sank after the vessel's bow was struck by several waves.

-more-

CHENEGA HONORS 2/2/2/2

"I was so amazed at how fast the crew got to us," said Luke Renner. "I'll be booking reservations on the ferries from now on."

Chenega's crew also rescued four kayakers in September who found themselves in stormy seas and 30-knot winds off the shores of Whittier, Alaska.

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For more information, contact Roger W. Wetherell, Chief Communications Officer at (907) 465-8994 or by email to roger.wetherell@alaska.gov

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STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES

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Press Release

COMMISSIONER'S OFFICE

FOR IMMEDIATE RELEASE
June 9, 2008

No. 08-2575

Chenega crew rescues three Alaskans after boat sinks

(JUNEAU, Alaska) – Three Alaskans are alive today after the crew aboard the Alaska Marine Highway System (AMHS) fast ferry Chenega pulled them from the chilly waters near Whittier Sunday afternoon.

Chenega and its crew departed Whittier at 4 p.m. and encountered a debris field six minutes into its transit to Cordova. The crew spotted the debris and the three boaters about a mile southeast of Billing Creek in Passage Canal.

Chenega's skipper, Capt. Samuel Daniels, immediately sounded the "code blue" signal alerting the crew and passengers of people in distress. Daniels also shifted control of Chenega from the bridge to the port bridge wing to maneuver the ship closer to the three people in the water.

Within three minutes, Chenega's Fast Rescue Boat (FRB) crew sped to the boaters who were clinging to debris to remain afloat. Chenega's crew rescued 28-year-old Luke Renner of Homer and Andy Renner, 31 and his eight-year-old son Owen, both of Palmer. Their 22-foot pleasure boat reportedly sank after the vessel's bow was struck by several waves.

"I was so amazed at how fast the crew got to us," said Luke Renner. "I'll be booking reservations on the ferries from now on."

The Chenega rescuers aboard the FRB transported the threesome to Chenega where they received medical attention from the crew and passengers Laura Evans and Kristin Burkart, intensive care unit doctors from New York City.

Chenega returned to the Whittier Ferry Terminal where it was met by a Whittier Fire Department ambulance crew who took the Renner's to a medical facility in Anchorage for treatment of hypothermia.

"I am just so thankful that you (AMHS) had your ship in the water yesterday," said Luke Renner.

####

State of Alaska Department of
Transportation and Public Facilities

Sarah Palin
Governor
P.O. Box 110001
Juneau, Alaska 99811-0001

Leo von Scheben
Commissioner
907-465-3900
FAX: 907-586-8365
www.dot.state.ak.us

FOR IMMEDIATE RELEASE: Jan. 17, 2008 No. 08-2505

Ferry skipper, crew to receive Coast Guard award

(JUNEAU, Alaska) — Alaska Marine Highway System Capt. Phil Taylor and the ferry Columbia crew will be honored tomorrow morning by the Coast Guard in an award ceremony at the Alaska Department of Transportation and Public Facilities (DOT&PF) headquarters here.

Capt. Taylor and his crew will receive the Coast Guard Meritorious Public Service Award (MPSA) for assisting in rescuing passengers from the cruise ship Empress of the North May 14, 2007.

The MPSA is the second highest award the Coast Guard presents for unusual courage in the advancement of Coast Guard missions.

"The efforts of Captain Taylor and Columbia's crew will long serve as an example of true selflessness and heroism to many people for years to come," said Leo von Scheben, Commissioner, DOT&PF.

Shortly after midnight on May 14, the Empress of the North grounded near Rocky Island Light in Southeast Alaska with 281 passengers and crew aboard.

The motor vessel Columbia responded to a Coast Guard Urgent Marine Information Broadcast and diverted from their original destination. Once on scene with the cruise ship, Columbia's crew volunteered to serve as a host platform for the 252 passengers that had been already evacuated from the grounded cruise ship.

The Columbia teamed with the crew of the U.S. Coast Guard Cutter Liberty and four other vessels to safely transport the 252 passengers between the Empress of the North and the Columbia. Captain Taylor and his crew were instrumental to the overall success of the rescue effort, one of the largest in Alaska history. None of the passengers were injured during the rescue evolution.

The award ceremony is scheduled for 10 a.m. at the DOT&PF building located at 3132 Channel Drive in room 140 on the first floor.

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For more information contact DOT&PF Chief Communications Officer Roger Wetherell at 465-8994.

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DEPARTMENT OF TRANSPORTATION
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Press Release

COMMISSIONER'S OFFICE

FOR IMMEDIATE RELEASE
Nov. 10, 2008

No. 08-25139

Chenega skipper accepts lifesaving award before 800 in New York City

(JUNEAU, Alaska) – Alaska Marine Highway System (AMHS) Capt. Samuel Daniels accepted the Honored Seafarer Award on behalf of the ship, AMHS and the State of Alaska Friday night during the Admiral of the Ocean Sea award dinner ceremony in New York City.

New York – AMHS Capt. Samuel Daniels displays the award he accepted Friday night for his crew's lifesaving efforts of three people earlier this year. Official DOT&PF photo by Roger W. Wetherell

-more-

CHENEGA 2/2/2/2

AMHS and the Chenega crew were honored for the rescue Chenega's crew performed June 8 after they plucked two men and a boy out of the frigid waters of Prince William Sound near Southcentral Alaska.

Chenega's Fast Rescue Boat (FRB) crew sped to the boaters who were clinging to debris to remain afloat. Chenega's crew rescued 28-year-old Luke Renner of Homer and Andy Renner, 31, and his eight-year-old son Owen, both of Palmer, on that Alaska summer day. Their 22-foot pleasure boat reportedly sank after the vessel's bow was struck by several waves.

About 800 people attended the ceremony including U.S. Joint Chiefs of Staff Gen. Norton A. Schwartz, chief of Staff of the U.S. Air Force, and U.S. Coast Guard Commandant, Admiral Thad W. Allen.

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For more information, contact Roger W. Wetherell, Chief Communications Officer at (907) 465-8994 or by email to roger.wetherell@alaska.gov

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Press Release

COMMISSIONER'S OFFICE

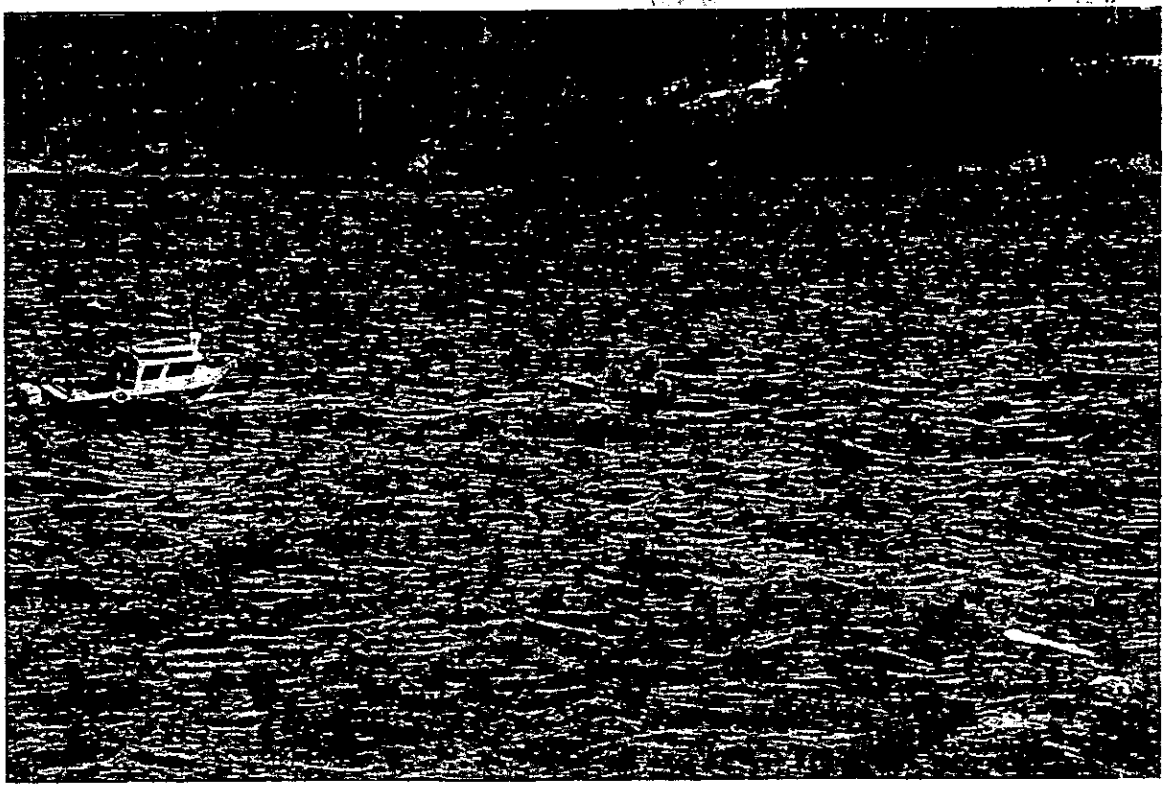
FOR IMMEDIATE RELEASE
June 9, 2008

No. 08-2576

Photo Release

Chenega crew rescues three Alaskans after boat sinks

(JUNEAU, Alaska) – Fast Rescue Boat crewmembers from the Alaska Marine Highway System ferry Chenega begin rescuing three Alaskans whose boat sank Sunday afternoon off the coast of Whittier. The crew rescued 28-year-old Homer resident Luke Renner, Andy Renner, 31 of Palmer and his eight-year-old son Owen Renner. (Photo courtesy of an unidentified Chenega passenger)



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http://www.dot.alaska.gov/comm/pressbox/arch_2007/PR_1001_Chenega-Rescue.shtml#

Leo von Scheben
Commissioner
907-465-3900
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http://dot.alaska.gov/

FOR IMMEDIATE RELEASE: October 1, 2007 No. 07-2523
Press Release Contact: DOT&PF Chief Communications Officer Mike Chambers, 465-8994 or by cell 321-6656

Chenega Rescues Mariner In Distress

(Juneau) – The M/V Chenega, responding to a request for assistance from the U.S. Coast Guard, rescued a boater on Sunday who grounded his vessel on Lone Island in Prince William Sound due to poor weather. The Chenega received the radio report at about 1:40 p.m. on Sunday.

The Chenega was on its way to Cordova when it received the request from the Coast Guard. The Chenega proceeded to the scene and a fast rescue boat, manned by First Officer Dennis Gum and Able Seaman Clark Posey, was launched to pick up the boater.

The boater was picked up in good condition and transported to a Coast Guard Auxiliary Vessel to be taken back to Whittier. His name was not available for this release.

" Our crew did an excellent job of coming to the assistance of this mariner and I' m proud of their actions on Sunday," said Alaska Marine Highway System General Manager John Falvey.

# # #

[CLICK THUMBNAILS BELOW TO SEE LARGER PHOTOS]

print version

The Alaska DOT&PF Press Box contains press releases, reports, and other information useful to the press and the public.

photo banner above: Hatcher Pass ©Gerard Billinger, Alaska DOT&PF

Jim Beedle

QAGAN TAYAGUNGIN TRIBE
P.O. BOX 447
SAND POINT, ALASKA 99661
(907) 383-6968
Fax (907) 383-5814

February 25, 2009

Leo von Scheben, Commissioner
PO Box 112500
Juneau AK 99811-2500

Dear Commissioner von Scheben:

The Qagan Tayagungin Tribe of Sand Point was pleased to hear that there was a recommendation to the Marine Transportation Advisory Board to increase ferry service in the Aleutian region from one time a month to twice a month from April through September. The Tribe supports this additional service as it will provide the transportation necessary for the area.

The ferry system is vitally important to the people in the area for transportation for medical and dental providers, trade, economic development, commercial fisheries, and regional meetings. Other important reasons for the ferry service to the area are vehicle transportation and infrastructure development. Finally, the ferry service provides the opportunity for area residents to visit family and friends.

Further, we support additional service be added to include the Pribilof Islands. Adding the ferry service to this area would connect the areas and provide necessary transportation that has not been available to date.

Thank you for considering this important matter. If you have any questions, I hope that you will contact me at (907) 383-5616.

Sincerely,

Marva J Hatch
Executive Director

Aleutian/Pribilof Islands Association, Inc.

1131 E. International Airport Rd.
Anchorage, Alaska 99518-1408
Phone (907) 276-2700
Fax (907) 279-4351

February 27, 2009

Leo Von Scheben, Commissioner
3132 Channel Drive
P.O. Box 11250
Juneau, AK 99811

Dear Mr. Von Scheben:

Our Board Chairman, Mr. David Osterback has asked that the Aleutian Pribilof Islands Association, Inc. staff look into the need for expanding the State Marine Transportation in the Aleutian and Pribilof Islands Region.

The recommendation by Ms. Cathie Roemmich, Chair of the Marine Transportation Advisory Board, to allow the m/v Tustumena to make two trips a month out to the Aleutian Chain April through September will significantly address the critical need for additional passengers, vehicles, cargo space and duration of the service. For many years the limited space and time period prohibited residents on the chain from having adequate public marine transportation services. Therefore, we strongly support the recommendation by Ms. Roemmich and request your approval and support.

Sincerely,

Dimitri Philemonof
President/CEO

Jim Beedle

Aleut CORPORATION

January 6, 2009

Leo von Scheben
Commissioner of Transportation
3132 Channel Drive
PO Box 112500
Juneau, AK 99811-2500

Dear Commissioner von Scheben,

As President of the Aleut Corporation I am writing this letter in support of increased marine service by the Alaska Marine Transportation System to the Aleutians from one (1) time a month in the summer to two (2) times a month. As you well know, the Aleutian communities are some of the most remote and inaccessible places in Alaska. Residents, students, cannery workers, even some of our Board members can only rely on air transportation which is unreliable much of the time due to weather and seat availability. Last year the canneries pre-purchased all airline seats during the busy fishing season and local people could only get seats by calling three (3) days in advance.

Presently the ferry stops at Sand Point, King Cove, Cold Bay, False Pass, Akutan, and Unalaska/Dutch Harbor. The initiation of service to St. George and St. Paul in the Pribilof Islands is also needed. These two communities have never had ferry service and are in desperate need of marine transportation to survive both economically and socially.

The ferry system plays a vital role in day-to-day living in our region. Besides transporting residents back and forth, the ferry enhances tourism, an increasingly important commodity. It is a valuable economic driver between communities and its decrease in service is widely felt.

Thank you for considering this important matter and I look forward to discussing it with you in the near future.

Yours sincerely,

Thomas Mack

Thomas Mack,
President, Aleut Corporation

One Aleut Plaza, 4000 Old Seward Highway, Suite 300, Anchorage, Alaska 99503 | Ph: 907.561.4300, 800.232.4882 | Fax: 907.563.4328 | www.aleutcorp.com

Shumagin *Corporation*
P.O. Box 189 • Sand Point, Alaska 99661
(907) 383-3525 • Fax: (907) 383-5356

February 4, 2009

James Beedle
Deputy Commissioner
Marine Operations
PO Box 112500
Juneau, AK 99811-2500

Dear Commissioner Beedle,

We are very pleased and excited to learn of the recommendation to the Marine Transportation Advisory Board to increase ferry service to the Aleutian region from one time a month to two times a month in the summer. This change would benefit our area in that we could get much needed supplies from Anchorage on a more regular basis. Increased service would also benefit travel of family members to visit their relatives in other regions in this area. This would bring more tourists to our area and benefit the local businesses. When the ferry service was decreased we had to rely on much more costly local food supplies and other needed equipment items we need to live here.

We want to thank you for your kind consideration of this very important matter and If you have any questions I hope you will contact us. Again, thank you!

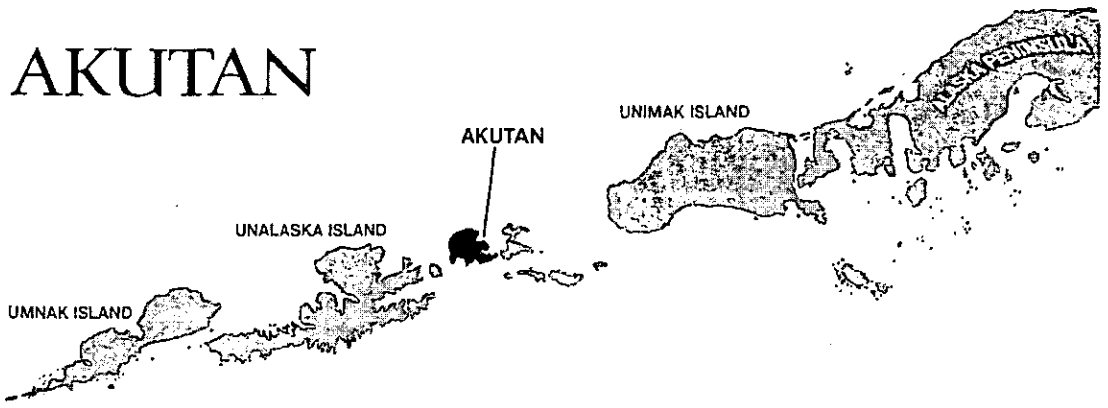
Arleen N Gardner

Arleen Gardner, President
Shumagin Corporation
PO Box 189
Sand Point, Ak 99661
president@shumagin.com
907-383-3525 x127

CITY OF AKUTAN

P.O. Box 109
Akutan, Alaska 99503-3952

Phone (907) 698-2228
Fax (907) 698-2202



February 23, 2009

James Beedle
Deputy Commissioner of Marine Operations
P.O. Box 112500
Juneau, AK 99811-2500

Mr. Beedle:

The City of Akutan is pleased to hear that a recommendation is in progress to increase ferry services in the Aleutian Region for certain under-served communities from one to two times per month during the summer months. We welcome this recommendation and view this as a step forward to addressing critical transportation issues in our region.

Akutan is preparing for a complete infrastructure facelift. Major capital projects such as the airport construction at Akun Island, boat harbor construction at the head of Akutan Bay, an electrical power system distribution line upgrade, and geothermal power reconnaissance and exploration are a few of the projects shovel-ready to turn dirt this summer. In anticipation of these significant undertakings, movement of equipment and personnel will be a major challenge if work is to proceed timely and efficiently. Obviously, one trip or even two trips per month will not suffice to meet the demand for crucial delivery of freight and personnel. Some of these are multi-year projects and will rely heavily on the availability of marine transportation for at least two years to transport the workforce and cargo.

The City of Akutan is currently served exclusively by an 8-passenger, 65-year-old World War II Grumman Goose amphibious aircraft. The Goose has been operating under a Congressional exemption for aging aircraft for years, and Penair has stated the plane has only a few operational years left. Flights into Akutan are on an irregular basis due to weather-related conditions. For this reason, layovers at Dutch Harbor or in Akutan itself can be anywhere from one day to a week. Very often, in order to get off the island, Akutan residents and visitors must arrange with Trident Seafoods, for the 4-5-hour boat ride on one of their company vessels, if space becomes available. Akutan residents typically only book space on a ferry if their travel arrangements coincide with the very limited May-September Alaska Marine Highway ferry schedule. These limited opportunities make it possible for residents to "load up" on critical purchases in less expensive cities to bring their bulk supplies back to the city. Weight restrictions on the Grumman Goose preclude this type of buying and shipping.

The City of Akutan strongly urges you to act on this recommendation. Increasing ferry service to more than once a month will benefit the community and region tremendously and provide significant social and economic benefits to our region. Your favorable consideration of this very important matter is highly appreciated. Please do not hesitate to contact me directly at 907-698-2241 if you have any further questions.

Cordially,

Mayor Joe Bereskin

SWAMC
Southwest Alaska Municipal Conference
3300 Arctic Boulevard, Suite 203 Anchorage, AK 99503 p: 907.562.7380 f: 907.562.0438 www.swamc.org
Alaska Peninsula
Aleutian Chain
Bristol Bay
Kodiak Island
Pribilof Islands

November 20, 2008

Dear Marine Transportation Advisory Members,

The Alaska Marine Highway System (AMHS) is a vital link to thirty one coastal communities around Southeast, Prince William Sound, Kodiak, and the Aleutians. For many of these communities ferry service is more than adequate to support the economic and social needs of its residents and visitors. Unfortunately, this level of service does not extend to all communities and regions equally. The communities serviced by the *M/V Tustumena* (Tusty) along the Aleutians are not only underserved but count their ferry visits in dockings per year rather than in dockings per week or day as is the case in some communities.

The mission of the AMHS is *"to provide safe, reliable, and efficient transportation of people, goods, and vehicles among Alaska communities, Canada, and the "Lower 48," while providing opportunities to develop and maintain a reasonable standard of living and high quality of life, including social, education, and health needs."* Given the current level of service that the Tusty provides to those communities west of Kodiak the AMHS has dramatically failed in its mission. With only seven (7) round trips per year, one a month between April and October, it is easy to understand why this mission cannot be accomplished in these communities. This level of service would not be tolerated in any other region, and the time is right for a fair and equitable distribution of the State's ferry resources.

Within recent memory a schedule which included two trips per month between the busy months of May and September was implemented and it proved to be a popular schedule with residents, businesses, and visitors alike. The communities of southwest Alaska would like to see this schedule re-implemented as soon as possible. The outcome would be an additional six (6) trips per year with two trips per month between April and September and one trip in October.

The way to achieve this is to have the Legislature appropriate sufficient funds in the AMHS budget to allow the *M/V Kennicott* to operate a full schedule during those months where two trips in the Aleutians are planned. During its additional weeks of operation the *M/V Kennicott* would operate in Prince William Sound taking the place of the Tusty so that it would be free to make the run to Unalaska. No new boats, no new schedules, just the appropriate funding allocated to operating the *M/V Kennicott* for an additional two weeks for six months a year.

The Southwest Alaska Municipal Conference (SWAMC) and other organizations have spent considerable effort in promoting the southwest as a viable visitor destination. When we speak to travel professionals of what the region has to offer the one thing that stands out in their minds is the idea of taking a ferry trip from Homer or Kodiak out along the

Aleutians to Dutch Harbor. Timing and availability are two major hurdles we have yet to overcome. This suggested schedule would help considerably in making available additional space not only for residents and businesses but also for visitors, thereby, increasing economic opportunities for the region.

Access for these communities is vital for their continued well being as well as for the expansion of opportunities and for an increased quality of life: two important pieces of the AMHS mission. SWAMC and the communities along the southwest ferry route would request that the Marine Transportation Advisory Board support them in their efforts to secure the funding required to ensure two trips out along the Aleutians is possible between April and September each year.

SWAMC is a state designated ARDOR and a federally recognized Economic Development District. The SWAMC region includes Kodiak, Alaska Peninsula, Aleutian Islands, and Bristol Bay, and contains 52 communities with a population of around 30,000. SWAMC's mission is to advance the collective interests of Southwest Alaska people, businesses, and communities. SWAMC helps promote economic opportunities to improve quality of life and influences long-term responsible development.

Sincerely,

Michael Catsi
Executive Director

AKUTAN · COLD BAY NELSON LAGOON
ALEUTIANS EAST
BOROUGH
FALSE PASS KING COVE SAND POINT

February 9, 2009

Mr. James Beedle
Deputy Commissioner of Marine Operations
PO Box 112500
Juneau, AK 99811-2500

Dear Mr. Beedle:

We were pleased to hear about the recommendation made to Governor Palin and the Alaska Department of Transportation and Public Facilities from Cathie Roemmich, Chair of the Marine Transportation Advisory Board, to increase ferry service in the Aleutian Region from one time per month to two times per month in the summer. We welcome this recommendation because an increase in ferry service will benefit our region in several important ways.

Residents rely heavily on the ferry every summer for transporting vehicles purchased from Anchorage. The decrease in service last year dramatically increased competition for car space on the ferry. Reservations for vehicle transport are difficult now. Residents also use the ferry to transport their vehicles to Anchorage for repairs and maintenance. There is currently a one-month wait to get their vehicles back, if not longer, because of the competition for car space. A ferry service increase to two times per month would cut this wait time in half, to a more bearable two weeks.

Increased competition for vehicle space on the ferry has also sharply cut down on the amount of building supplies and other goods bought into our communities during the summer. Loading a truck and trailer with building supplies and groceries from Anchorage is the economical choice and saves a tremendous amount of money, compared to barging the supplies in from Seattle. It also makes Anchorage the regional depot for goods and supplies that Alaskan communities rely on, instead of purchasing from the Lower 48.

Having two ferries per month allows inter-regional travel to occur. When we had this service before, it was common for people to visit friends and relatives in other communities on the Alaska Marine Transportation System route. Many people would often ride the second monthly ferry back to their home town. Because of the current one-month turnaround, inter-regional travel has been sharply reduced.

ANCHORAGE OFFICE 3380 C Street, Ste. 205 Anchorage, AK 99503-3952 (907) 274-7555 *Fax:*(907) 276-7569 *Email:* admin@aleutianseast.org
KING COVE OFFICE P.O. Box 49 King Cove, AK 99612 (907) 497-2588 *Fax:* (907) 497-2386 *Email:* finance@aleutianseast.org
SAND POINT OFFICE P.O. Box 349 Sand Point, AK 99661 (907) 383-2699 *Fax:* (907) 383-3496 • *Email:* clerk@aleutianseast.org

Last year's decrease in ferry service also negatively impacted an increasing tourist market to East Aleutians Communities as it cut in half the number of berths available to tourists. This hurt local vendors who provide goods and services to tourists during stops. It also made local planning for an increasing tourist market more difficult, as the main transportation mode was cut in half.

We strongly urge you to act on this recommendation. Increased service will provide significant social and economic benefits to our region.

Thank you for considering this important matter. If you have questions, please contact me at 907-383-2699.

Sincerely,

Stanley Mack
Mayor
Aleutians East Borough

City of Cold Bay
P.O. Box 10 • Cold Bay, Alaska 99571
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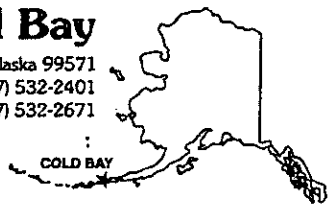
Fax (907) 532-2671



April 14, 2009

Governor Sarah Palin
Third Floor, State Capital
PO Box 110001
Juneau, AK 99811-0001

RE: Ferry Schedule

Dear Governor Palin,

At our City Council meeting held on January 20, 2009 there was extensive discussion on how the 2009 ferry schedule will cause extreme hardship for the residents of Cold Bay.

We have many visitors who like to take the ferry to Cold Bay get off and stay two weeks and catch the next ferry home. So when they said we will no longer have two a month it has a directly impact on our tourism.

Another concern of ours is how difficult it currently is to get a reservation from Homer to Cold Bay. The route gets filled up with vehicles and passengers who are getting on and off in cities prior to Cold Bay. If it is necessary to cut down on our route we asked the state Ferry System if there is a way to hold a certain amount of reservations for people out our way. Otherwise the more populated cities will continue to fill all the space available.

The last thing may seem trivial to you but it has become a tradition for small bush communities such as ours to look forward to the annual pumpkin run. Many families cannot afford the high prices of freight to send out pumpkins for the children. The pumpkin run will be greatly missed if the ferry does not come in October.

We urge you to seriously help in reinstating the ferry schedule to two ferry's a month and keeping the April – October schedule.

Sincerely,

Jorge Lopez
Mayor

cc: Ms. Cathie Rommich
Mr. Chuck Van Kirk

Cold Bay

February 1, 2008

Alaska Marine Highway System - Operations
Sandra Wright
7559 N. Tongass
Ketchikan, AK 99901

RE: Ferry Schedule

Dear Sandra,

At our last City Council meeting held on January 15, 2008 there was extensive discussion on how the 2008 ferry schedule will cause extreme hardship for the residents of Cold Bay.

We had many visitors who would take the ferry to Cold Bay get off and stay two weeks and catch the next ferry home. So this will directly impact our tourism.

Another concern of ours is how difficult it currently is to get a reservation from Homer to Cold Bay. The route gets filled up with vehicles and passengers who are getting on and off in cities prior to Cold Bay. If it is necessary to cut down on our route is there a way to hold a certain amount of reservations for people out our way? Otherwise the more populated cities will continue to fill all the space available.

The last thing may seem trivial to you but it has become a tradition for small bush communities such as ours to look forward to the annual pumpkin run. Many families cannot afford the high prices of freight to send out pumpkins for the children. The pumpkin run will be greatly missed.

We urge you to seriously reconsider changing the 2008 ferry schedule.

Sincerely,

John Maxwell
Mayor

Pauloff Harbor Tribe

P.O. Box 97
Sand Point, Alaska 99661

Phone: (907) 383-6075
Fax: (907) 383-6094

February 11, 2009

James Beedle
Deputy Commissioner
Marine Operations
3132 Channel Drive
P.O. Box 112500
Juneau, AK 99811-2500

Dear James Beedle:

We were pleased to hear about the recommendation to the Marine Transportation Advisory Board to increase ferry service in the Aleutian region from one time a month to two times a month from April through October.

The ferry system is vitally depended on for the people that live in the region for: transportation to get to their jobs, go to their medical and dental providers, trade, economic development, tourism, and also to go visit family and friends.
Other important reasons are to get their vehicles out to be serviced or to transport a new purchased vehicle and/or equipment necessary for infrastructure development in the Aleutian Region.

Thank you for considering this important matter and if you have any questions I hope you will contact me. My email address is pauloff@arctic.net and my phone number is (907) 383-6075.

Sincerely,

Amber Karlsen
President

4/6/10 PRESENTATION: ALASKA CLASS FERRY

ALASKA
CLASS FERRY

Ferry Acquisition Project

Summary and Status Report, March 2010

1

Project Mission Statement

Alaska Marine Highway

Design and construct the next generation of ferries to begin the replacement of the aging AMHS fleet. These ferries will be environmentally responsible, fuel efficient and versatile. They will enhance AMHS operations on current and future routes within inside waters and enable AMHS to continue its tradition of providing safe, reliable service

2

Importance

Alaska Marine Highway

These new ferries will allow AMHS to continue to accomplish its mission to provide safe, reliable and efficient marine transportation.

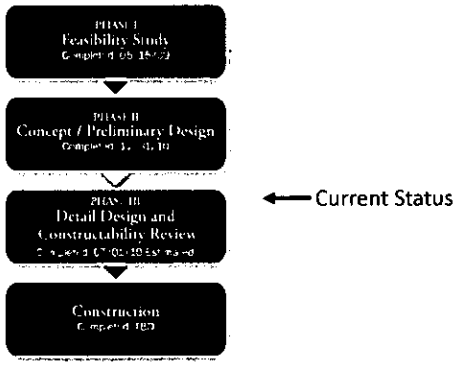
- Modern safety features will be incorporated into these vessels.
- Dependable service is essential for the sustainability and growth of commerce and the livelihood of established communities in Alaska.
- Conventional U.S. vehicle ferries typically last 40 to 60 years.
- Four AMHS vessels are 45 years old.
- Old ferries are costly to maintain and operate.
- A new ferry takes 4 to 7 years to acquire, including design.

3

Approach

Alaska Marine Highway

Our approach for developing the optimal design of the new ship consists of three phases:



4

Design Status

Alaska Marine Highway

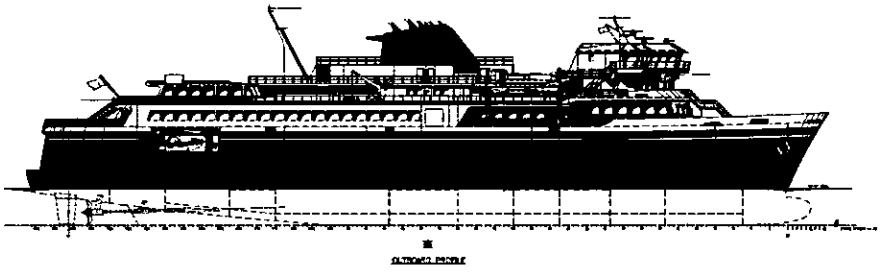
Preliminary design documents completed include:

- Preliminary Arrangements and Details
- Mid-ship Sectional Drawings
- Propulsion Validation Study
- Preliminary Scantling Calculations
- Equipment List
- CFD (Computational Fluid Dynamics) Report
- Galley Equipment and Layout Detail Development

5

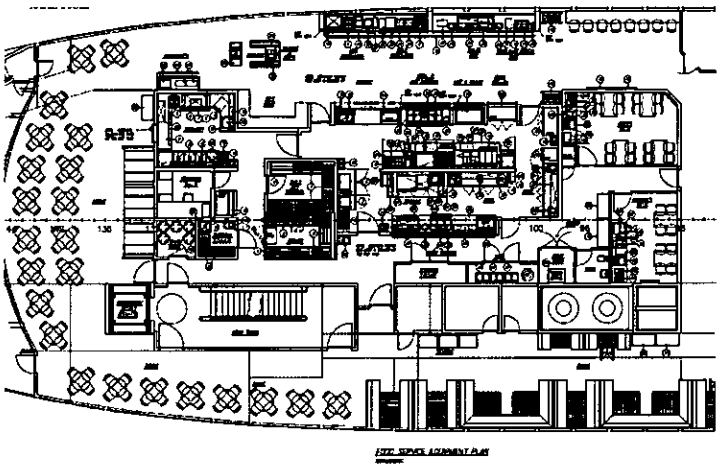
Vessel Profile

Alaska Marine Highway

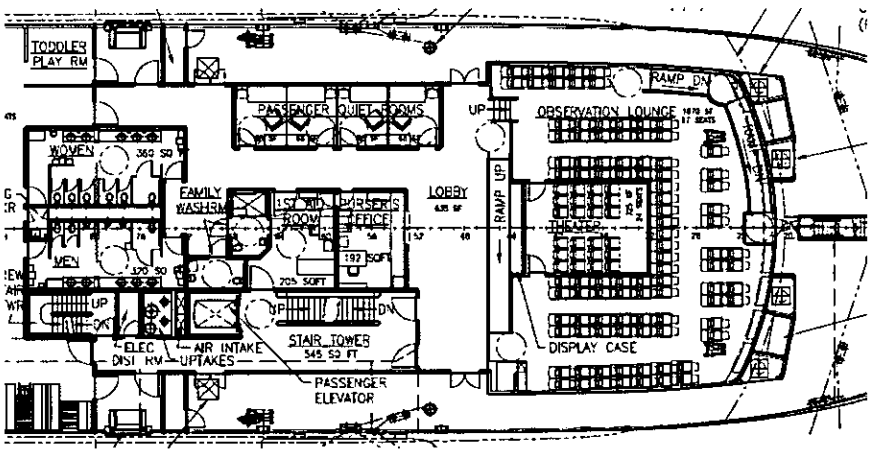


6

Current Galley and Food Service Arrangement

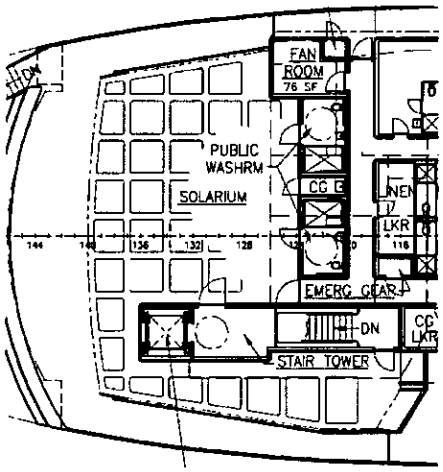


Current Forward Passenger Area Arrangement



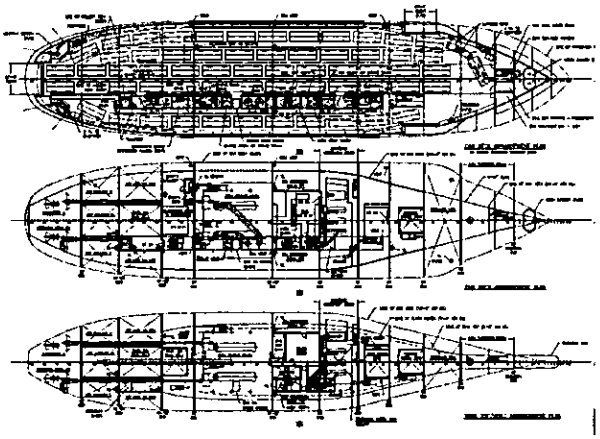
Current Solarium Arrangement

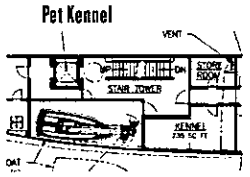
Alaska Marine Highway



9

Vehicle and Lower Deck Arrangements





10

On the Horizon

Alaska Marine Highway

Procurement and Design Completion

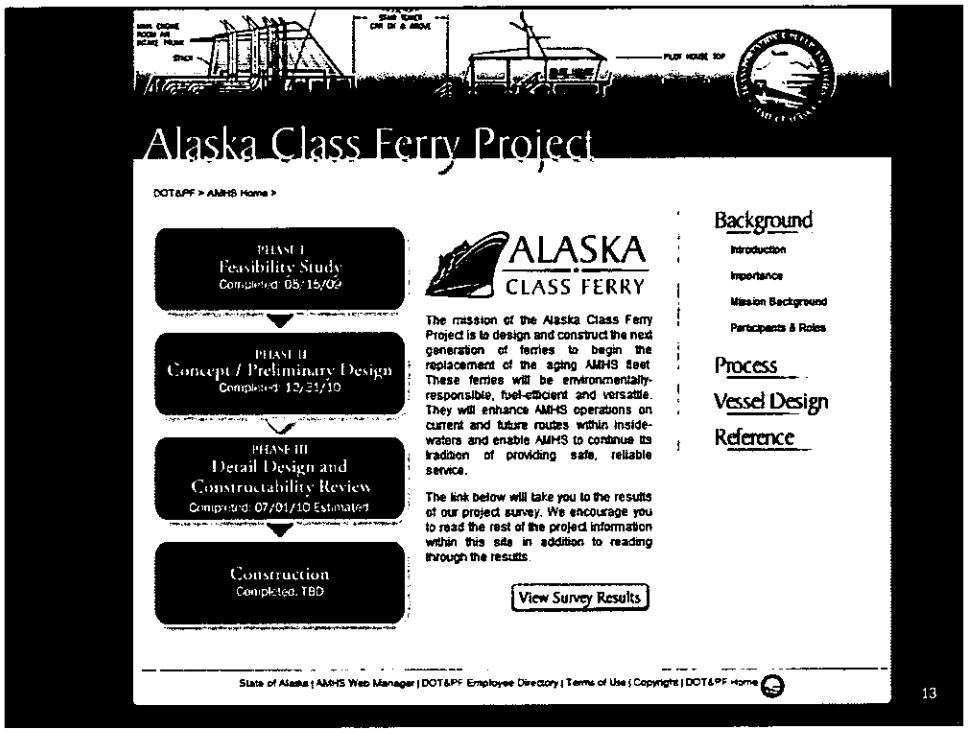
- Alaska DOT&PF is developing a strategy to implement a constructability review
- Value derived from such a review of the design can add significant benefit to the vessel construction process for the State of Alaska.
  - Risk identification and mitigation prior to funding appropriation
  - Agreed to cost prior to construction funding request to obligate
  - "Buy-in" from the Contractor to contract documentation and design
  - Incorporation of ship builders strengths and processes into the design

For More Information

Alaska Marine Highway

Visit the Alaska Class Ferry website:

- http://www.dot.state.ak.us/amhs/alaska_class
- Can also be found under "News & Updates" at FerryAlaska.com


Alaska Class Ferry Project
DOT&PF > AMHS Home >
PHASE I
Feasibility Study
Completed: 05/15/02
PHASE II
Concept / Preliminary Design
Completed: 12/31/10
PHASE III
Detail Design and Constructability Review
Completed: 07/01/10 Estimated
Construction
Completed: TBD
ALASKA
CLASS FERRY
The mission of the Alaska Class Ferry Project is to design and construct the next generation of ferries to begin the replacement of the aging AMHS fleet. These ferries will be environmentally-responsible, fuel-efficient and versatile. They will enhance AMHS operations on current and future routes within inside-waters and enable AMHS to continue its tradition of providing safe, reliable service.
The link below will take you to the results of our project survey. We encourage you to read the rest of the project information within this site in addition to reading through the results.
View Survey Results
Background
Introduction
Importance
Mission Background
Participants & Roles
Process
Vessel Design
Reference
State of Alaska | AMHS Web Manager | DOT&PF Employee Directory | Terms of Use | Copyright | DOT&PF Home
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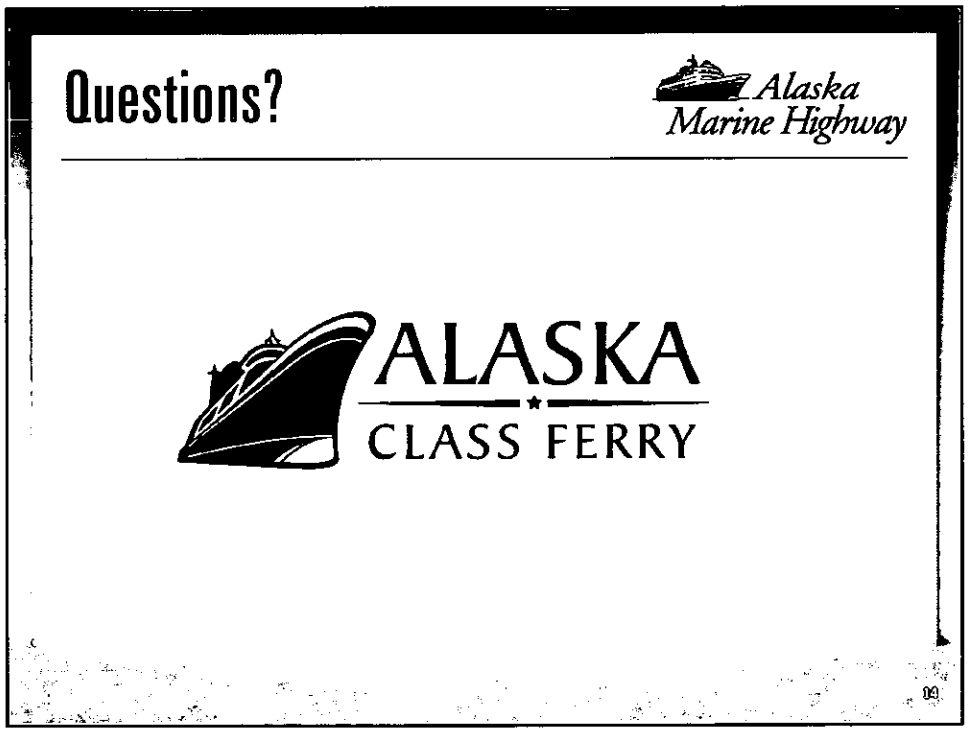
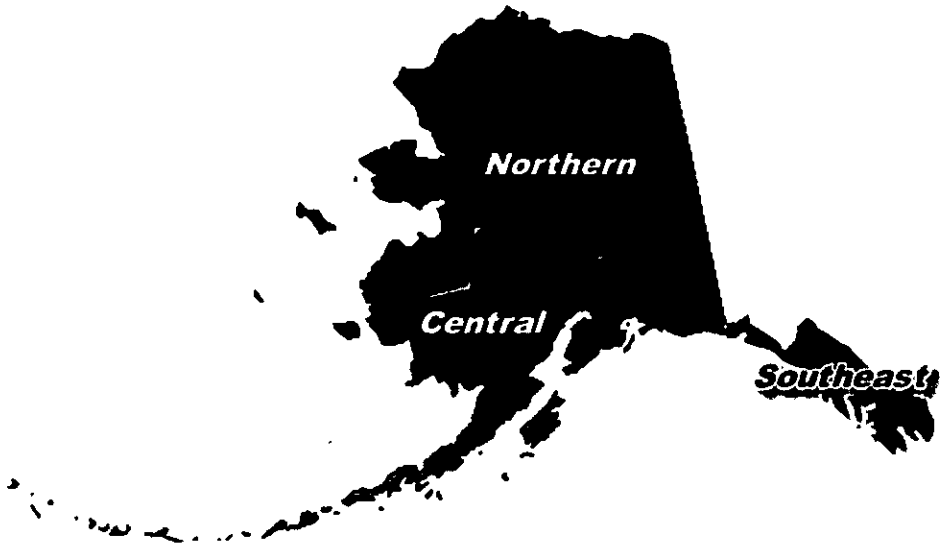

Questions?
Alaska
Marine Highway
ALASKA
CLASS FERRY
99

4/6/10 STATUS REPORT: FEDERAL HIGHWAY FUNDING

Economic Stimulus...Putting Alaskans to Work

Project Map

Choose a region from the map or from the list below to view economic stimulus projects in that area.



Central Region

Highways & Bridges

- Dillingham: Wood River Road
- Glenn Hwy Resurfacing – Airport Heights Drive/Mountain View Drive to Hiland Road Interchange
- Glenn Hwy Resurfacing: Hiland Interchange to Eklutna Interchange
- Glenn Hwy Resurfacing: Milepost 34-42
- Jewel Lake Rd. Resurfacing: Dimond Blvd. - West 63rd Ave.
- King Cove Local Paving
- Kodiak: Rezanof Drive Resurfacing
- Old Glenn Highway Reconstruction Phase II
- Parks Highway Rehabilitation
- Sterling Highway Resurfacing
- Tudor Road-Lake Otis Parkway intersection Improvements
- Whittier: Shotgun Cove Road

Aviation

- Akiachak: Airport Relocation
- Anchorage: AIA Gate N8 Apron Recon
- King Salmon Apron & Taxiway Resurfacing
- Ouzinkie: Airport Relocation

Northern Region

Highways & Bridges

- Alaska Hwy MP1308: Tok Weigh Station Inspection Facilities
- Blueberry Lake Road and Campground Resurfacing
- Denali Hwy: MP 7 Wayside
- Huslia Landfill Road
- Kotzebue: Shore Avenue Reconstruction
- City of Nome Streets Rehab
- Richardson Hwy Re-Paving
- Valdez Bike & Pedestrian Trail Improvements

Aviation

- Allakaket: Airport Improvements
- Fairbanks International Airport Access Control
- Fort Yukon: Airport Improvements
- Huslia: Airport Improvements

Southeast Region

Highways & Bridges

- Gustavus: Causeway Replacement
- Haines Hwy Reconstruction: Front Street to Union Street
- Hoonah: Airport to Ferry Terminal Paving
- Hoonah: Ferry Terminal Improvements
- Ketchikan Water Street Improvements
- Juneau: Glacier Hwy-Egan Drive Resurfacing
- Juneau: Glacier Hwy Reconstruction and Widening
- Ketchikan Tongass Ave. Viaduct Rehabilitation
- North Tongass Highway Rehabilitation

Transit

- AMHS Van Acquisition
- IFA Van & Rescue Boat Acquisition
- Juneau Bus Acquisition
- Juneau: Downtown Transit Center
- Ketchikan Bus Stops/Shelters
- Ketchikan Bus Acquisition
- Sitka: Center for Community-Vehicle Acquisition

DOT&PF Economic Stimulus

- Home
- What is ARRA?
- Interactive Project Map
- Putting Alaskans to Work: Employment Data
- Project Status
- Contract & Bid Information
  - Contract Award Status
  - Bid Opening Results
  - Current Bid Calendar
  - Tentative Advertising Schedule
- Aviation
- Highways & Bridges
- Transit
- Reporting & Documentation
- News & Correspondence
- Contact Us
- Sign up to Receive News, Updates & More by Email, Text Messages

Related Links

- Recovery.gov: Federal Economic Stimulus Information
- Federal Highway Administration (FHWA) Economic Recovery
- FHWA Distribution of Highway Infrastructure Investment Funds
- FAA ARRA Information
- Federal Transit Administration (FTA)

PLEASE NOTE: Adobe Acrobat PDF files require a free viewer available directly from Adobe.

Transit

- CARTS Van Acquisition
- MASCOT Bus Acquisition
- Mat-Su: Park-and-Ride Lot
- Mat-Su Bus Stops/Shelters
- Mat-Su Van Acquisition

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Federal Highway Funding Status Report

April 6, 2010

Report by Alaska DOT&PF

2009 ARRA (Economic Stimulus) Funding

Highway and Bridge

All $175.5 million in ARRA funds were successfully obligated prior to the March 2, 2010 deadline. Alaska was the 6th state to reach this goal. A total of 30 projects were obligated (for details see our frequently updated web page at: http://www.dot.state.ak.us/econstim/). While the initial goal of 100% obligation was successfully met, there is more work to be accomplished. ARRA Highway and Bridge funds that are released due to low bids, or project closeouts must be re-obligated to another project within 60 days or they will lapse. DOT&PF is managing this final step to ensure no ARRA funds are left unused.

Aviation

All $73.4 million in ARRA Aviation funds were successfully obligated by October 2009. A total of 8 projects were funded. The website noted above contains information about the aviation part of ARRA.

Transit

All $9.4 million in ARRA Transit funds were successfully obligated by August 2009. A total of 12 projects were funded; 8 for vehicle purchases and 4 involving construction of some kind. The website noted above contains information about the transit part of ARRA.

For all three types of ARRA funding, approximately 25% of the money has been successfully expended on project work to date; most of the remaining 75% will be used during the 2010 construction season. All ARRA projects being managed by the state have been advertised and awarded.

2010 Economic Stimulus Transportation Funding

In December 2009, the U.S. House of Representatives passed a new *Jobs for Main Street* bill that would have provided another round of transportation stimulus funding, equal to the 2009 year. The House bill proposed two deadlines; the first a 90-day deadline to award 50% of the contracts and the second a 365-day deadline to award the remaining 50%. If passed under these terms, this is substantially faster than the 2009 stimulus rules and thus the state strategy was to prepare state projects for the shorter deadline and give communities the longer deadline funds, improving their chances of success.

The U.S. Senate did not take up this bill and instead passed a much smaller stimulus bill know as *Hiring Incentives to Restore Employment* Act (HIRE). The Senate HIRE Act contained no stimulus funding for transportation projects. In March 2010 the House eventually went along with the Senate version. While there continues to be talk of another jobs bill which would add funding for more transportation

2663

spending, the general consensus is that such a bill is growing less likely with each passing day. There is also discussions that if such a second transportation stimulus were passed, it might be allocated by competition instead of a formula allocation. Thus while a second round of stimulus funding for transportation remains a possibility, it seems increasingly less likely.

2009 Federal Fiscal Year

The end of the 2009 FFY was notable for several events. First, it was technically the last year of the 5-year SAFETEA-LU Act, and this triggered a large rescission of federal funds that had been written into the 2005 legislation. While there were attempts in Congress to cancel the rescission, these eventually failed, and Alaska was required to return $81 million in federal funds back to the Treasury in the final month of FFY 2009. While the rescission was targeted at apportionment only (not obligation limit) Alaska faced the loss of about $60 million in actual spendable funds due to low balances of apportionment.

Extra credit goes to the DOT&PF staff who identified a partial "solution" that resulted in about $45 million of the potential loss of funds being avoided. Their research and hard work meant we actually lost only $15 million in spending authority rather than the $60 million first identified.

Another effect of this 2009 rescission was to leave the state with virtually no fund balances of apportionment, which is what establishes the *color* or work eligibility of federal funding. Whereas a normal year-to-year balance might be $80 million or more, the balance available to the state at the beginning of FFY 2010 was less than $0.25 million. This is unprecedented, and has made funds management on projects very demanding. As noted in the next section, the combination of little carryover apportionment and delays in allocation of 2010 funding has greatly delayed our delivery of projects in the 2010 federal year.

2010 Federal Funding Situation

Compounding the problem of too little carry over apportionment, was the pattern of continuing resolutions (CR), where Congress would provide funding measured in small fractions of the year. There have been four CR's passed through March 2010 that together provided funding for a total of 5 months. With so little new money on the books, and so little left over apportionment, for several months many projects were required to wait, until sufficient funding of the right *color* was available to proceed to construction. As a result, total obligations through the end of March were less than $75 million, whereas we have approximately another $325 million to obligate over the remaining 6 months.

In early-March, as part of the Senate HIRE bill, Congress finally funded the 2010 year for the full 12 months. This was only signed by the President on March 18, and we still have not seen the funding notices that formally notify the state of the funding levels for 2010.

However, our analysis of the apportionment language shows that the state will see a significant increase in regular 2010 formula funding. The amount is about $150 million above the actual 2009 level and

about $100 million above the estimate we used for the 2010 STIP. These estimates are approximate, as final notices from FHWA have not yet been received.

This is obviously good news, as we can accomplish more projects. But the new funding is coming with a very short fuse. Federal formula funds lapse at the end of each federal fiscal year. The working deadline for the use of these funds is about the first week of September or just 5 months from now! Thus the only projects that can take advantage of this additional funding are those that are nearly completed with the lengthy federal oversight process.

With a few exceptions the only projects that are far enough along to make this short deadline are those that were selected to use the second round of stimulus funding. Additional capital budget requests to use this federal funding have been forwarded to the Legislature as a 2011 capital budget amendment.

HB

7

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM February 24, 2010

SUBJECT: CSHB 7(TRA) by the House Transportation Committee -- editorial change made in assigned codified section for bill (Work Order No. 26-LS0033\R)

TO: Representative Peggy Wilson
Chair of the House Transportation Committee

FROM: Jack Chenoweth
Assistant Revisor

House Bill 7 (naming a bridge over the Kasilof River the Robert E. Bush, Jr., Veterans' Memorial Bridge) was introduced in 2009 a first regular session bill. The committee that you chair yesterday adopted a committee substitute that eliminates reference to "Veterans'" in both the bill title and in the measure's substantive language and reported the bill from committee. In preparing the committee substitute to reflect these changes, we've also amended the codified section number assigned to the new material, from "AS 35.40.220" to "AS 35.40.225", to reflect that, during the course of the first regular session, the legislature passed and Governor Palin signed into law ch. 11, SLA 2009 (naming the Thomas B. Stewart Legislative Office Building), in which the codified section number assigned in the drafting of the original version of HB 7 was used for another provision.

JBC:ljw
10-128.ljw

Enclosure

Alaska State Legislature

State Capitol, Room 208
Juneau, Alaska 99801-1182
Phone: 907-465-3779
Fax: 907-465-2833
Toll Free: 800-469-3779

145 Main St. Loop
Second Floor
Kenai, Alaska 99611
Phone: 907-283-7223
Fax: 907-283-7184

REPRESENTATIVE MIKE CHENAULT

SPEAKER OF THE HOUSE

SPONSOR STATEMENT

HOUSE BILL 7: ***"An Act naming the bridge over the Kasilof River on the Sterling Highway the Robert E. Bush, Jr., Veterans' Memorial Bridge."***

House Bill 7 was introduced at the request of the uncle of Robert Bush. Robert Bush passed away on July 12, 2007. He served with the United States Army and served his country in Operation Desert Storm. Upon his discharge he returned home and was diagnosed with Type 1 diabetes. This disease eventually claimed his life.

His children drive over the Kasilof River daily and naming the bridge in Robert's honor would remind his family and the public of his contribution to his community and his country.

Obituary

Lifelong Kasilof resident Robert E. Bush Jr. died Thursday, July 12, 2007, at Providence Alaska Medical Center in Anchorage. He was 41.

Services will be held at 7 p.m. Thursday, July 19, at Immanuel Baptist Church, Mile 15 Kalifornsky Beach Road. Burial will take place at 1 p.m. Friday, July 20, in the family cemetery in Kasilof.

Born Oct. 30, 1965, Mr. Bush graduated from Soldotna High School in 1984. He went on to serve in the U.S. Army, including one tour during Desert Storm.

Mr. Bush loved baseball, football, darts, ice racing and camping with his family and friends. "We will all love him and will miss him very much," his family said.

He is survived by his children, Blade J. Bush, Lacy N. Bush, John F. Bush and Matanya L. Bush; daughter-in-law, Sarah Bush; grandson, Blade J. Bush Jr.; parents, Robert E. Bush Sr., Wilda (Buttons) Bush; sister, Karen Burger and her family; grandfather, Frank Bush; and many uncles, aunts and cousins in Alaska and Washington.

Donations may be made to the Kidney or Diabetes Foundation of Alaska.

Arrangements were made by Evergreen Memorial Chapel in Anchorage.

Dear Governor Palin,

Not really knowing where to send this, I lost my nephew on July 12th of this year, after a long bout with type 1 diabetes. Robert E. Bush Jr. was born and raised in Kasilof, Alaska and remained here his entire life.

Robert worked pretty much every industry we have from fishing to oil. He joined the US Army I believe it was in 1999, and served his country in Operation Desert Storm in Iraq. He was diagnosed with diabetes on his release from the service and digressed from that point on. He spent the last few years of his life at home with his father (Robert Sr.), mother (Wilda) and daughter (Mattania), where he found most of his time transferring fluid as part of his kidney dialysis.

I know it's a long shot, but bridges have been known to be dedicated after veterans, and the Kasilof River Bridge is on my mind.

He left behind 4 children, and it's on there behalf I write you. Robert was to turn 42 years of age on Oct. 31st, he stepped up to the plate when his country needed soldiers and he returned home only to become, as he put it to me before his death, " a shell of a man" and not being able to do for his children as his parents had done for him.

I'm not sure where to send such a request, but hope this will land in the right hands. His untimely death, as in many other families, has shaken our lives. We laid him to rest in our Family cemetery on the Bush Homestead in Kasilof. I leave his parents name and contact number as listed.

Governor Palin, this would be such a just honor to a Mother and Father who had to bury their son.

Thank You for Listening,
David A. Bush
Uncle Of A Hero

Contact Information:

Robert and Wilda Bush
907-262-5141

Dear Senator Wagoner and Representative Chenault,

I had written you both letters with direction from the Governors office that this would be the proper path in which to seek the sponsoring of a bill to have a bridge in Kasilof, Alaska dedicated to a fallen Veteran.

I never heard back from Representative Chenault (email or US mail) and Senator Wagoner shot me back a few E-mails, and finally telling me that we needed buy in from the community and our local Borough, well enclosed are petitions with several names from our area and as far as the Borough, I contacted the Director of planning and they informed me that this wasn't their area, but that of the State Of Alaska.

So once again I write you both, on behalf of the children and parents that Robert E. Bush Jr. left behind on 7/12/07. Robert Bush Jr. was born in 1965 to Robert Sr. & Wilda Bush, here in Kasilof. Robert Bush Jr. Graduated High School at SOHI in Soldotna and worked several professions and then enlisted in the United States Army and served his country in Operation Desert Storm.

Sirs, Robert Jr. (My Nephew) was more of a brother to me than most of real brothers, and I will not let this go. This man returned home from Kuwait to only be diagnosed with type 1 Diabetes, which eventually claimed his kidneys and then his life.

All I expect, is that the request for John, Blade, Lacey and Mattania's father that passed away on 7/12/07 (Robert E. Bush Jr.) be moved forward please. These kids and parents of his, drive over the Kasilof Bridge daily and to see their son/fathers name on a Veterans sign would mean the world to them, obviously with the enclosed signatures, this would also mean something to the whole community.

I have also sent s copy of this letter to the Alaskan Veterans Affairs and also filed if appropriate, a Veterans Landmark Application. Please understand, I will not stop my efforts for this proper recognition to my Nephew whom served his country, this is of a small favor to request, after all he gave for us

David A. Bush
Uncle Of A Hero
PO Box 573
Kasilof, Ak. 99610

Petition to have the Kasilof Bridge Dedicated to the name: Robert Bush Jr. Veterans Memorial Bridge

we miss you & love you!! Love you! Prayers!

Robert Bush Jr. was born here in Kasilof in 1965 and lived his entirety here. Robert completed high school at SOHI and worked several professions, he enlisted in the United States Army and served his country in Iraq in Operation Desert Storm And finished his tour there. He returned home only to be diagnosed with type 1Diabetes which eventually claimed his kidneys and then his life on 7/12/07. Robert left behind two sons and two daughters. This would come as a great honor to his children and parents. It is pretty much up to our community whether this goes through. Thanks for your support.

David A. Bush	Box 573 Kasilof, AK 99610
Matanuska L. Bush	(Robert Bush Jr. Daughter)
Ann Bush	Box 573 Kasilof AK 99610
Joanna Kakundt	Box 424 Kasilof
TERRY DAWSON	P.O. Box 1035 Kasilof AK.
Margaret Beckham	440 K-Beach Rd #1 Kenai
Ernest Fales	P.O. Box 941 Kasilof, AK
M SHAEFFER	PO BOX 742 KASILOF AK
STACI MORGAN	PO BOX 795 KASILOF AK
Jeff Hughes	Po Box 795 KASILOF AK
Kelly James	Bx 1001 Kasilof
Dave Wavel	Bx 1001 Kasilof
	Box 465 Kasilof
	Box 926 Kasilof
Katrina Hatten	PO Box 590 Kasilof, AK
Linda Ramburg	PO Box 490 Kasilof
Terry Hatten J	PO Box 28335 Kasilof
Chris Humphrey	PO Box 590 Kasilof, AK
BRANDI BROCK	PO Box 556 CLAM GULCH, AK

TURN PAGE FOR FREE SPACE

Danielle Steves	440 K-Beach Rd Kenai
Daniel Bailey	440 K-Beach Rd Kenai
Roan Iereep	P.O. Box 68 Clamlerlch, AK
Kathy Hartmann	Box 803 Kasilof AK.
Robert Carver	Box 281 Kasilof
Ken Graham	Po Box 28 Kasilof AK 99610
Stephen Graham	PoBox 279 " "
Jack Alexander Doornbusch	PoBox 302 " Kasilof
[illegible]	PO BOX 146 Kasilof
Tyler Orman	POBox [illegible] Kasilof
[illegible]	Po Box 59 Kasilof
TERESA BURNETT	P.O.Box 59 Kasilof
Nichole Freeman	K-beach rd #G3
JAMES F. BUSH	BX 663 KASILOF, AK. 9961
LYSA M. Bush	" "
FRANK F. J. BUSH	46416 STANLEY Dr KENAI, AK.
DALE L. AAGAARD	" " " "
FRANK BUSH	" "
Nicole Mellish	P.O. box 1367 Kenai AK 99611
Loci Duncan	PO Box 1246 Kasilof AK 99610
Tammy Faircher	P.O. Box 45 Kasilof
Debbie hampton	P.O.Box 1093 Kasilof AK 99610
mike hampton	P.O Box 886 Kasilof AK 99610
Brittney Mackey	P.O. Box 355 Kasilof AK 99610
ST Hawkins	P.O. Box 355 Kasilof AK 99610
Vicky Nilsen	Po Box 1034 Kasilof AK 99610
Diane Norman	PO Box 99610
Jessica Hamplin	PO BOX 984 Kasilof AK 99610
Chaz Franklin	PO BOX 984 Kasilof AK 99610
Cheri Holliday	P.O. Box 873716 Wasilla AK 99687
[illegible]	PO Box 306 Kasilof 99610
DARLENE COYLE	Box 193 KASILOF 99610
Mona Chythlook	PO Box 360 Kasilof AK 99610
PETER BARRESSEN	PO 138 KASILOF 99610
Susan Moore	23146 Cohoe Kln. Lp Kasilof 99610
David Welsh	Box 317 Kasilof AK 99610
TONY H. REA	BOX 481 KASILOF 99610
Patti & Mike Murray	Box 531 Kasilof
Colin Murray	P.O. Box 531 Kasilof

TURN PAGE

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Joe Mansbrano	P.O. Box 1009	Kasilof	AK	99610
Joyce Winch	Williams Ave	Kasilof	AK	99610
Jim Nevals	POB 415	Kenai	AK	99611
Sarah Lasher	PO Box 1110	"	"	"
Michael McKeon	PO Box 303	Kasilof	AK	99610
Keith Dunham	PO Box 1246	Kasilof	AK	99610
Joseph Toman	PO Box 169	KASILOF	AK	99610
Jesse Burton	PO Box 2194	Kenai	AK	99611
William Laughing-Bear	P.O. Box 1085	KASILOF	AK	99610
Dino Leite	Po Box 1211	Kasilof	AK	99610
Carissa Jenson	P.O. Box 983	Kasilof	AK	99610
[illegible]	PO Box 983	Kasilof	AK	99610
Jennifer Lockesby	23260 Echo Loop	Kasilof	AK	99610
Shawn Hatfield	Mile 3.5 N. Echo Loop	Kasilof		99610
Patricia E. Mann	Mile 5½ K Beach Rd	Kasilof		99610
TINA SWEETEN	PO BOX 306	KASILOF		99610
DARWIN MORTENSON	22477	KASILOF RD	KASILOF	

Petition to have the Kasilof Bridge Dedicated to the name: Robert Bush Jr. Veterans Memorial Bridge

Robert Bush Jr. was born here in Kasilof in 1965 and lived his entirety here. Robert completed high school at SOHI and worked several professions, he enlisted in the United States Army and served his country in Iraq in Operation Desert Storm And finished his tour there. He returned home only to be diagnosed with type 1Diabetes which eventually claimed his kidneys and then his life on 7/12/07. Robert left behind two sons and two daughters. This would come as a great honor to his children and parents. It is pretty much up to our community whether this goes through. Thanks for your support.

1	David A. + Anna M. Bush Box 573 Kasilof, AK 99610
	Donna M + Larry S. Kitchen Box 188 Kasilof, AK 99610
	Lenora G Braun Box 599 Kasilof, AK. 99610
	Lexalia Kitchen Box 188, Kasilof, AK. 99610
	Kenny Kitchen Box 185 Kasilof, AK 99610
	GEBIT, Gary Tina Box 983 Kasilof AK 9961[illegible]
	Franklin E Bush Box 441 Kasilof - 24241 Sterling Hwy
	Matty Bush Box 164 Kasilof 99610
	Rianna Bell P.O. box 1165 Kasilof, AK 99610
	Mona Bell PoBox 1165 Kasilof, AK 99610
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	Patti Blankenship Burger st. Kasilof AK 99610
	Michael Mcduffie 50175 Aase Ave Kenai AK 99611
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	Chad Hurley 445 W Redoubt 445 Apt #206
	Naomi Pettey 590 Dolchok Lane Kenai AK 99611
	[illegible] 4910 Miracle Ave. [illegible]

Karen Waters	51660 Claire Dr #10 Kenai, AK 99611
Karen & Rhys Burgin	50178 Bush Gardens Ave Kasilof
Brandon Bush	50178 Bush Gardens Ave Kasilof
Max E Fjelstad	13753 Mydrive Ninilchik
Robert I Kroopstad	842 Kasilof
Joe Morgan	84 4 Kasilof AK
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Stephen Vanek	P.O Box 39103 Ninilchik, AK 99639
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Jamie Tanzero	PO Box 1055 Soldotna AK
JOE WARCHOLA	BOX 777 KASILOF AK. 99610
Beverly Reitz	190 W Parkview #20 Soldotna 99669 262-0607
David Hamilton	190 W Park #16 Soldotna
Alvin M. McClellan	" 18 "
Ike Glen Knox	190 West Park Ave Soldotna AK 99669
Tammy Weste	Box 87 Kasilof 99610
Mike & Michelle Burks	44145 Sterling Hwy Soldotna 99669
Robert Cox	29835 Sterling Hwy. Ninilchik, AK 99639
Eric Haddock	PO Box 774 Kasilof AK 99610
Mike & Vicky Wiley	Box 83 Clam Gulch, AK 99568
Zoe Worley	Kasilof AK 99610
Melinda Kay	PO Box 29 Kasilof AK 99610
Clayton Williamson	PO Box 422 Kasilof AK 99610
Norm Plank	Box 39840 Ninilchik AK 99639
Vance Gibby	POB 39713 Ninilchik AK 99639
Frank Tellis	POB 775 Soldotna AK 99669
Charles D. & Deborah	Hancock 47454 Sherwood Cir Nikiski
Christy L. Lane	49760 Leisure Lake Dr. Soldotna 99669
Randy L. Lane	49760 Leisure Lake Dr. Soldotna 99669
Shiela Bassett	Box 392 KASILOF AK. 99610
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Jack A Hawk 36115 Poppy Dr Soldotna 99669
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Lee DOTSON 31270 Echo Lake Rd SOLDOTNA AK 99669
John Hollis 30070 STABBIEFIELD SOLDOTNA AK 99669
Jim Mills 99610 TOTE Rd Soldotna AK 99669
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Ed Greenfield Box 1074 KASILOF AK 99610
Ron Wesselhoeft 35350 K-B DRIVE SOLDOTNA 99669
Jim Hawkins 21045 EARL CRT. KASILOF 99610
Ken Lasser PO BOX 1836 SOLDOTNA AK 99669
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Bruce Alexander 30093 ALi St Soldotna, AK 99669
Donald D. Bush Box 447 Kasilof AK 99610
Monsignor Essig, 304 Chapel #3 Soldotna AK 99669

[illegible]	37700 Arctic Tern Soldotna
[illegible]	37700 Arctic Tern Soldotna
[illegible]	37623 MACKEY LK RD. Soldotna
[illegible]	37623 mackey LK Rd. Soldotna
Eileen Edler	261 N Charity Circle Soldotna
Cathy Call	137 Soldotna Soldotna
J. A. Beer	P.O. Box 3623 Soldotna
Doug Cartwright	37915 Rainbow DR Soldotna
Margaret Hodges	P.O Box 787 Kasilof AK
Mike Hodges	PO Box 787 Kasilof, AK.
Laura Kingsley	POB 137 Kasilof AK
Russell Kingsley	POB 137 Kasilof AK
Don McKinley	P.O.B 2231 Kenai
James Reb	P.O.B. 293 Kasilof, ak
[illegible]	PO Box 1395 Soldotna AK
Jennifer + Dana Bush	156 Sierra Heights St. Soldotna, AK 99
Dalton Bush	156 Sierra Heights St. Soldotna, AK 9
Dana Bush	156 Sierra Heights Soldotna AK 9960
Jamie [illegible]	PO box 188 Kasilof Alaska 99610
Daniel Graham	BOX 307 Kasilof AK 99610
[illegible] Bush	Box 307 Kasilof AK 99610
[illegible] Elaine Bush	Box 307 Kasilof, AK 99610
Ron Bush	Box 447 Kasilof, AK. 99610
Tom [illegible]	PO Box 1361 Sterling AK 99672
[illegible]	P.O BOX 1274 Soldotna, AK 99669
Celia K. Csh	POBOX 2384 Kenai AK

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Kyle Retherford 33805 Goodrich Soldotna AK 99669
Zack Spraker Po box 229 Kasilof AK 99610
Karen Murphy 105 N Kobuk Soldotna 99669

Petition to have the Kasilof Bridge Dedicated to the name: Robert Bush Jr. Veterans Memorial Bridge

we miss you & love you! Prayforyou!

Robert Bush Jr. was born here in Kasilof in 1965 and lived his entirety here. Robert completed high school at SOHI and worked several professions, he enlisted in the United States Army and served his country in Iraq in Operation Desert Storm And finished his tour there. He returned home only to be diagnosed with type 1Diabetes which eventually claimed his kidneys and then his life on 7/12/07. Robert left behind two sons and two daughters. This would come as a great honor to his children and parents. It is pretty much up to our community whether this goes through. Thanks for your support.

David A. Bush	Box 573 Kasilof, AK 99610
Matanuska L. Bush	(Robert Bush Jr. Daughter)
Ann Bush	Box 573 Kasilof, AK 99610
Jaime Lakndt	Box 424 Kasilof
TERRY DAWSON	P.O. Box 1035 KASILOF AK.
Margaret Reidham	440 K Beach Rd #1 Kenai
Ernest Fates	~~P.O. Box ???~~ Kasilof, AK
M. SHAEFFER	PO BOX 742 KASILOF AK
Staci MORGAN	PO BOX 795 Kasilof AK
Jeff Hughes	PO BOX 795 KASILOF AK
Kelly James	Bx 1001 Kasilof
Dave Ward	Bx 1001 Kasilof
[illegible]	Box 465 Kasilof
[illegible]	Box 926 Kasilof
Katrina Hatten	Bx 590 Kasilof, AK
Linda Ramburg	PO Bx 496 Kasilof
Jerry Hatten J	~~P.O.~~ B 28335 Kasilof
Chris Humphrey	PO Bx 590 Kasilof, AK
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TURN PAGE FOR FREE SPACE

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Robert Carver Box 281 Kasilof
Ken Graham Po Box 28 Kasilof AK 99610
Stephen Graham PoBox 279 " "
Jack & Wanda Dornbusch PoBox 302 " Kasilof
[illegible] PO BOX 146 Kasilof
[illegible] POBox 669 [illegible]
[illegible] P.O. Box 59 Kasilof
TERESA BURNETT P.O. Box 59 Kasilof
Nichole Freeman K-beach rd #G3
JAMES F. BUSH BX 663 KASILOF, AK. 99610
LYSA M. Bush " "
FRANK E.J. BUSH 46446 STANLEY Dr Kenai AK.
DALE L. HAGQUIST " " " "
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Diane Norman PO 631 99610
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PETER BAERRESEN PO 138 KASILOF 99610
SUSAN MARX 23146 Cabo Kino Dr Kasilof 99610
David Walsh Box 317 Kasilof AK 99610
TONY H. REA BOX 481 KASILOF 99610
PATTI & MIKE Murray Box 531 Kasilof
Coin Murray P.O. Box 531 Kasilof

TURN PAGE

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Joe Mansbridge	P.O. Box 1009	Kasilof	AK	99610
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William Laughing-Bear	P.O. Box 1085	KASILOF	AK	99610
Dino Leite	Po Box 1211	Kasilof	AK	99610
Larissa Jonson	P.O. Box 983	Kasilof	AK	99610
[illegible]	PO Box 983	Kasilof	AK	99610
Jennifer Lockaby	23240 Cohoe Kenai Lp	Kasilof	AK	99610
Shawn Hatfield	Mile 3.5 N. Choe Loop	Kasilof		99610
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TINA SWEETEN	PO BOX 306	KASILOF		99610
DARWIN MORTENSON	22477 KASILOF RD	KASILOF		

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[illegible] Elaine Bush	Box 307 Kasilof, AK 99610
Ron Bush	Box 447 KASILOF, AK. 99610
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[illegible]	[illegible] 3793 Soldotna AK

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Kyle Retherford 33805 Goodrich Soldotna AK 99669

Zack Brown Po box 229 Kasilof AK 99610

Norm Murphy 105 N Kobuk Soldotna 99669

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Mary Mack	PO Box 722 Kasilof AK 99610
Norma Gordon	PO Box 785 Kasilof 99610
Pat Gordon	PO Box 85 Kasilof 99610
Preston Nelson	POBox 3010 Soldotna, AK. 99669
Dwight Tuplony	38001 Mackey Lk Rd Soldotna 99669
Vera A Hawk	36115 Poppy Dr Soldotna 99669
Daniel R. Quigley	170 Shady Ln, Apt #7 Soldotna, AK
Beverly Johnson	35165 Eaglewood RD Soldotna, AK
Ann McClure	P.O Box 7264 Soldotna, AK 99669
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Charles Helgeson	47850 Stubblefield Soldotna AK
Wanda Jean	Box 257 Kasilof AK 99610
DAVE Allmon	47850 Murwood Soldotna AK 99669
Ed Thayer	37790 Harbin Ave Sterling AK 99672
Lisa DOTSON	31270 Echo Lake Rd Soldotna AK 99669
John Hollis	30090 Stubblefield Soldotna AK 99669
Fred Wilson	47960 Tote Rd Soldotna AK 99669
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Ed Greenough	Box 1074 KASILOF AK 99610
Ron Wasserbeyer	35300 K-B Drive Soldotna 99669
Jim Hawkins	21615 Earl Crt. Kasilof 99610
Ken Lossett	PO Box 1836 Soldotna AK 99669
Peggy J Sedivy	30093 Ali St. Soldotna, AK. 99669
[illegible]	30093 Ali St Soldotna, AK 99669
Bruce Allen	30093 Ali St Soldotna, AK 99669
Donald D. Bush	Box 447 Kasilof AK. 99610
Monique Essig	304 Chapel #3 Soldotna AK 99669

Petition to have the Kasilof Bridge Dedicated to the name: Robert Bush Jr. Veterans Memorial Bridge

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Chad Hurley 445 W Redoubt 445 APT# 206
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Robert I Kroogstad 842 Kasilof
Joe Morgan 84 4 Kasilof AK
Jeff Erskine Kasilof AK. 99610 po Box 472
Stephen Vavich P.O. Box 39103 Ninilchik, AK 99639
Nathan Smith P.O. Box 2540 Kenai 99611.
Sue Todd POB 160 Kasilof 99610
Jamel Owens 48395 Lakeside Ave. Soldotna
Jaime Tanzero PO Box 1055 Soldotna AK
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CHARLES S. PERRILL POB 564 SOLDOTNA, AK 99669
Betsy M Hester POB 1111, Kasilof, AK 99610
Annette Mojri P.O. Box 926 Kasilof, AK 99610

Amendment #1

HOUSE BILL NO. 7

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES CHENAULT, Muñoz

Introduced: 1/20/09
Referred: Transportation, Finance

A BILL

FOR AN ACT ENTITLED

"An Act naming the bridge over the Kasilof River on the Sterling Highway the Robert E. Bush, Jr., ~~Veterans'~~ Memorial Bridge."

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

*** Section 1.** AS 35.40 is amended by adding a new section to read:

Sec. 35.40.220. Robert E. Bush, Jr., ~~Veterans'~~ Memorial Bridge. The bridge over the Kasilof River on the Sterling Highway is named the Robert E. Bush, Jr., ~~Veterans'~~ Memorial Bridge.

Passed

HB

8

Representative Harry Crawford

HB 8

Sponsor Statement

HB 8 enables the state to buy the actual pipe to be used for the natural gas pipeline. Specifically, it directs the Department of Transportation to purchase the approximately 800 miles of 48" diameter steel that will be used for the in-state segment from the North Slope to the Canadian border. The state can then negotiate with TransCanada to re-sell the pipe to them when it is ready. This provides five distinct benefits:

- By re-selling the pipe years later at our cost, the state can hedge against expected increases in steel prices.
- By exchanging the pipe for an equity stake in the gasline, if desired, the state can share in the future benefits of the pipeline and be party to all management and tariff discussions
- By showing a concrete commitment to spend our own money, the state reduces industry uncertainty about our commitment to this project
- By procuring 2 million tons of steel in a weak economy, Alaskans can in one stroke provide a major stimulus to retool and modernize the American steel industry, and
- **Perhaps most important, by reducing the builder's cost, it would reduce the pipeline tariff by up to twenty cents.**

That small tariff decrease, multiplied by the volume of the pipeline, would increase the wellhead value of the gas and add hundreds of millions of dollars to state revenues every year. The value over time of that additional revenue will actually be more than the interest we would have lost if we kept that $2 billion in savings for the intervening years.

In recent years, there has been historic inflation in the price of steel. With the rapidly industrializing economies of China and India, there is every indication that world steel demand will continue to grow and prices will increase well beyond the rate of inflation.

However, the current economic downturn has temporarily depressed steel prices worldwide. It is a buyers' market, but this will not last indefinitely. The State of Alaska has the opportunity to lock in these low prices and take advantage of the market.

According to Tony Palmer of TransCanada, enough steel to build the in-state portion of the pipeline will cost about $2 billion. We can put that money to work for our pipeline and for America, and can earn a profit in the process.

Representative Harry Crawford
House District 21

House Bill 8: Tariff and Revenue Model for "Buy The Pipe" Scenarios

Assumptions

Construction cost and timing per TransCanada AGIA application

Daily Volume mmcf	4,500
Yearly Volume tcf	1.64
State Discount Rate	5%

State purchases steel in 2009 and delivers it to pipeline builder in 2015

Option 1: State gives pipe to pipeline builder at no cost

Option 2: State sells pipe to pipeline builder at state's original cost

Capital cost $2 billion

Scenario 1: 5% Annual Cost Inflation for Steel

	Tariff Estimate	Additional Yearly Wellhead Value ($millions)	Additional State Yearly Revenue ($millions)	Additional 25 Year Revenue ($millions)	Additional NPV5 25 Yrs ($millions)	Cost to State ($millions)	Net Benefit ($millions)
Baseline (Black & Veach)	$4.73	$0					
Give pipe at no cost	$4.37	$591	$203	$5,081	$2,865	$2,000	$865
Sell pipe for cost	$4.63	$164	$56	$1,412	$796	$680	$116

Scenario 2: 8% Annual Cost Inflation for Steel

	Tariff Estimate	Additional Yearly Wellhead Value ($millions)	Additional State Yearly Revenue ($millions)	Additional 25 Year Revenue ($millions)	Additional NPV5 25 Yrs ($millions)	Cost to State ($millions)	Net Benefit ($millions)
Baseline (Black & Veach)	$4.73	$0					
Give pipe at no cost	$4.31	$690	$237	$5,928	$3,342	$2,000	$1,342
Sell pipe for cost	$4.57	$263	$90	$2,258	$1,273	$1,174	$100

Scenario 3: 10% Annual Cost Inflation for Steel

	Tariff Estimate	Additional Yearly Wellhead Value ($millions)	Additional State Yearly Revenue ($millions)	Additional 25 Year Revenue ($millions)	Additional NPV5 25 Yrs ($millions)	Cost to State ($millions)	Net Benefit ($millions)
Baseline (Black & Veach)	$4.73	$0					
Give pipe at no cost	$4.26	$772	$265	$6,634	$3,740	$2,000	$1,740
Sell pipe for cost	$4.52	$345	$119	$2,964	$1,671	$1,543	$128

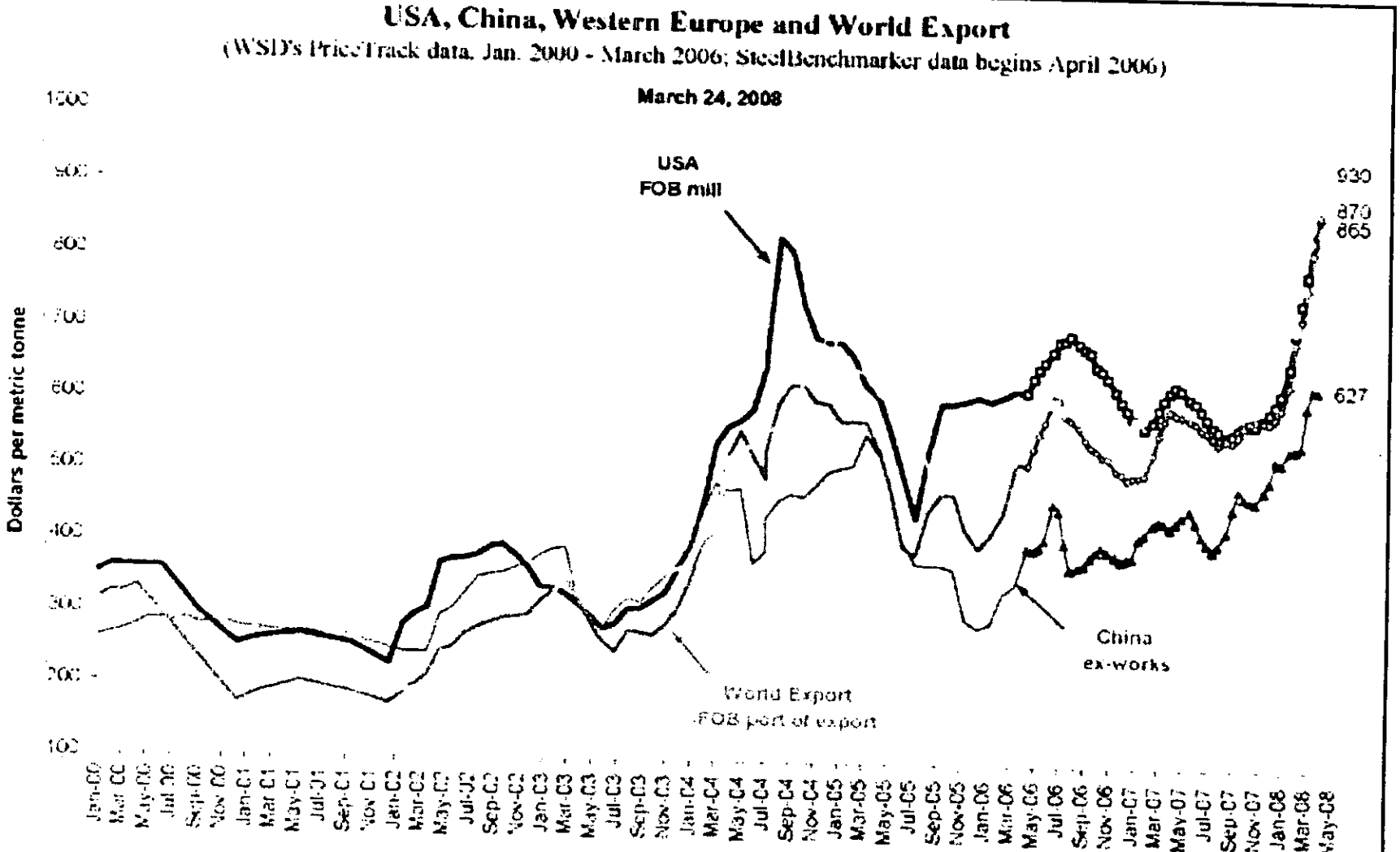


Figure 26 -- SteelBenchmarker™ HRB price.
Source: World Steel Dynamics, *American Metal Market, Metal Bulletin.*

Iron & Steel Technology wishes to thank Goldman Sachs Global Investment Research and SteelBenchmarker™ for sourcing the majority of data presented here.

Rep Harry Crawford- Backup Info for HB 8

http://www.engineerlive.com/Oil-and-Gas-Engineer/Interview_Opinon/North_American_large-diameter_pipe_orders_under_pressure/21399/

Oil & Gas Engineer - Interview Opinion

North American large-diameter pipe orders under pressure

Date: 28/01/2009

With significant declines in the commodities and energy complex, North American large diameter pipe-makers will experience a slowdown. K C Chang reports.

Going into the first half of 2009, IHS Global Insight does not expect a rebound in new pipe orders until oil and natural gas prices gain traction and credit markets improve.

The Alaska Department of Natural Resources estimates natural gas reserves along the North Slope region to be 35.4 trillion cubic feet (tcf), which equals roughly 6.3 billion barrels of oil.

Despite possessing proven natural gas reserves, the lack of cost-effective transportation prevents Alaskan gas from reaching consumer markets. Through the first half of 2008, the rapid acceleration of oil and natural gas prices spurred efforts to develop US energy infrastructure. The historic highs in oil and gas prices also encouraged energy projects located in the Tar Sands region of Alberta, Canada.

The two proposed infrastructure projects would extend across the arctic terrains of Alaska and Northern Canada. In particular, the Mackenzie pipeline would start near the Beaufort Sea and extend 800 miles to Edmonton, Alberta. The Alaska Natural Gas Transportation System would involve connecting the already-built Trans Alaska Pipe System to a 2140 mile pipeline system starting in Prudhoe Bay and ending in Edmonton, Alberta. The completion of both pipeline projects would ensure the effective delivery of North Slope and Mackenzie Delta gas to Tar Sands refineries and US consumer markets.

Constructing the steel pipe used for these infrastructure projects is no ordinary feat. Since both pipelines will operate in arctic terrains subject to permafrost, the proposed steel gas pipes must withstand harsh weather conditions. In particular, there is a growing demand from energy firms for X-100 and X-120 grade steel pipe that is 48 inches or larger in diameter. X-100 and X-120 are specialty steel alloys consisting of nickel, chromium, molybdenum, niobium, titanium, and copper.

Currently, X-100 and X-120 grade steel pipes are manufactured solely by Nippon Steel and Mitsui. These two grades of specialty steel possess high strength and toughness capable of withstanding fractures from cold weather, as well as high-pressure industrial usage.

The approval of both pipeline projects would place North American specialty steel mills at full capacity for several years. Large diameter pipes such as X-100 and X-120 grade are still in the developmental stages, and in North America there is a small list of firms with the capability. In particular, Berg Steel Pipe, along with Ipsco and Oregon Steel Mills (which are now part of Evraz Group SA), are known for constructing specialty high-diameter pipe. Since the development of X-100 and X-120 steel pipe is an ongoing venture, North American pipe-makers currently offer large diameter pipe with X-70 and X-90 steel grades. Given the global economic slowdown and commodity price decline, specialty steel firms are experiencing waning demand. As buyers continue to re-evaluate the financial viability of both infrastructure projects and attempt to locate financing in tight credit markets, specialty steel mills wait for orders. **While there is a small pool of qualified steel mills, demand for large diameter pipe will remain low until current economic conditions begin to stabilise.**

Through 2009, IHS Global Insight does not expect large diameter pipe prices to increase. Current production contracts were negotiated in 2006 and 2007, when commodity prices were high and steel mill capacity was low. Although steel mills are currently completing previously negotiated pipe contracts, there is minimal new order activity. The recent price correction in energy and base metal markets will influence price negotiations for 2010 and 2011. In particular, IHS Global Insight expects a two-fold effect of lower input costs and reduced pipe demand. If oil remains in the $40-50/barrel range, the Tar Sands energy complex may experience declines in investment demand and thus lower demand for Mackenzie Delta gas. While a decline in large diameter pipe demand and lower production costs will create significant downward pricing pressure, that pressure might be somewhat muted by producers' unique market position. Since only three to five steel firms possess the ability to construct large diameter pipe with such stringent technical requirements, the steel mills will still maintain a fairly high degree of leverage in future contract negotiations. That said, despite the current pessimistic outlook for global economic growth and energy prices falling from their historic highs, North American energy firms will still be preparing for a future demand surge.

Meanwhile, OPEC has agreed to abide by September 2007 production quotas, cutting approximately 500000 barrels per day of existing production.

OPEC's decision to go back to the future on quotas came as something of a surprise, but the overall effect (cutting 500 000 barrels per day, b/d, of production) is in line with expectations. In a statement released in the early hours this morning, OPEC agreed to abide by September 2007 production quotas, with adjustments made due to the exclusion of Indonesia and Iraq, and the additions of Angola and Ecuador. Member countries were urged to strictly comply with the quotas, which OPEC stated at 28.8 million b/d overall. Once again, OPEC did not publish specific country-by-country targets, but form OPEC's statements it appears that the move reinstates the 27.25 million b/d target that was published (briefly) in September last year, with the subtraction of Indonesia (leaving OPEC) and the addition of Angola and Ecuador (which formally joined OPEC at the end of 2007). Overall then, this amounts to a cut of 500000b/d by Saudi Arabia, which in May and then June announced unilateral output increases of 300000b/d

and 200000b/d respectively. Latest estimates have put Saudi production at approximately 9.5 million b/d compared with the September target of 8.94 million b/d.

Expectations prior to the meeting were that OPEC would unofficially trim back production levels that had unofficially increased over the course of the last few months as the Saudis responded to prices that had risen in excess of US$140 per barrel (/b). The reference to September 2007 quotas was rather unexpected, but actually amounts to much the same. What is curious once again is OPEC's refusal to publish country-by-country targets. In September last year they did publish these targets, but they only remained on OPEC's web site for one day, before being taken down. Prior to this the last official country-by-country targets were published in 2005. It does suggest there may be some internal questions over the country allocations that are still not resolved. In assessing the numbers based on the September 2007 publication however, it appears that the change simply removes Indonesia from the quota system. If the Saudis retract the May and June output hikes, that will bring OPEC back in line with the September 2007 quotas.

This decision comes in response to the rapid fall in crude oil prices, which have tumbled from a peak of US$147/b in July, to a low of just over US$100/b yesterday.

Outlook and Implications

OPEC's decision will help to firm up oil prices over coming weeks, but is unlikely to be enough to reverse the downward price trend.

What OPEC has done is signal to the market that oil is now approaching a price level close to the minimum that will be accepted. Iran and others have talked about establishing a price floor at US$100/b, but this move suggests that the organisation would be willing to see prices drift lower, particularly given the weak global economic outlook.

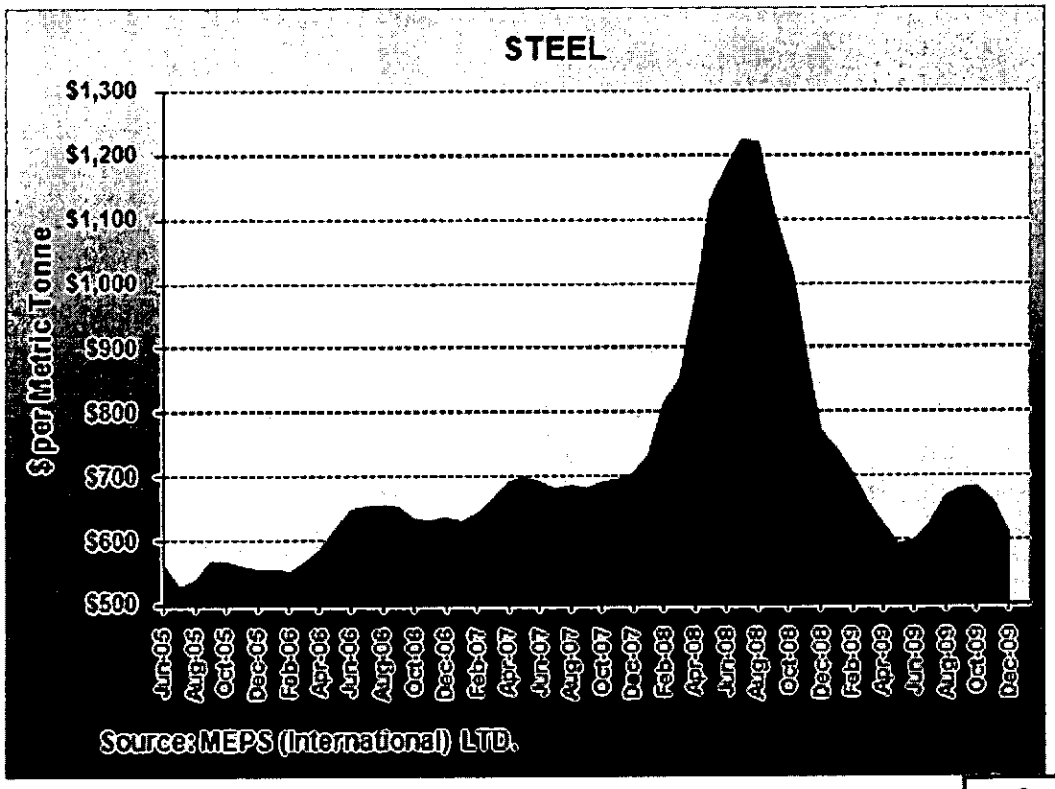
Further action from OPEC is likely to come no later than the first quarter of 2009 given the current market balance, though the usual provisos about supply disruptions apply as ever.

However, one further aspect of this move is that it does significantly increase the amount of spare capacity available. This in itself will go some way to reducing any price premium on oil due to geopolitical risks.

The spare capacity figure is still some way off the levels enjoyed for most of the past three decades, but it is rising again, and will continue to rise through 2009.

Print | Close

Steel Prices



Connectors	Impact
Metal Circular	High
Plastic Circular	
RF	
Board-to-Board	
Backplane	
I/O	
Terminal Blocks	

Capacitors	Impact
Aluminum	Med
Ceramic	Low
Tantalum	Low
Film	Low
Mica	Low
SMT	Low
Metal Clad	

Resistors	Impact
Wirewound	Med
Trimmers	Med
Metal Film	Low
Networks	Low
Carbon	Low
SMD	

Other Products	Impact
Inductors	Med
Ferrites	Med
Fuses	Low

HB 100

KETCHIKAN GATEWAY BOROUGH

1900 First Ave Ste 115 • KETCHIKAN, ALASKA 99901
• 907/228-6605 • fax 907/247-8439
www.borough.ketchikan.ak.us

OFFICE OF THE BOROUGH MAYOR

February 2, 2009

Representative Kyle Johansen
State of Alaska
State Capitol Room 204
Juneau, Ak 99801-1182

Dear Honorable Rep. Johansen,

The Ketchikan Gateway Borough enthusiastically supports HB 100, extending the name of the Joe Williams Sr. Coastal Trail to cover the new section of the Coastal Trail from Saxman to Mountain Point.

It was through the tireless efforts of Mr. Williams and his son - longtime state legislator Bill Williams - that Ketchikan was able to receive the coastal trail as part of State DOT improvements along the South Tongass Highway. The trail not only provides a significant recreation opportunity but it also is a profound safety improvement for pedestrians as well as bicyclists on Ketchikan's South End. These were the goals of longtime Saxman Mayor Joe Williams Sr. and it is entirely appropriate to extend his name to the recently completed section of the trail that extends south beyond Saxman.

Sincerely,

Dave Kiffer
Borough Mayor

City of Ketchikan

February 3, 2009

Representative Kyle Johansen
Alaska House of Representatives
State Capitol, Room 13
Juneau, AK 99801-1182

Dear Rep. Johansen:

I am writing in support of HB 100, An Act Relating to the Joseph C. Williams, Sr., Coastal Trail.

My understanding is that the bill would assure that, like first portion of the coastal trail, the new extension to it is named after Joe. C. Williams, Sr. As you know, Mr. Williams was a Native and community leader in Saxman and Ketchikan for many years. There was broad support for naming the trail after him to recognize his contributions to our community. It makes a lot of sense to maintain this recognition for the extension as well.

I strongly support HB 100. Thank you for your efforts to honor Mr. Williams.

Sincerely,

Bob Weinstein

Bob Weinstein
Mayor

334 Front Street / Ketchikan, AK 99901 / PH: 907-225-3111 / FX: 907-225-5075

ALASKA STATE LEGISLATURE

REPRESENTATIVE KYLE JOHANSEN
MAJORITY LEADER

HB 100
An Act relating to the Joseph C. Williams, Sr., Coastal Trail

WITNESS LIST

Dan Williams

- Will be present at hearing
- Current Mayor of Saxman
- Son of Joseph C. Williams, Sr.

Joe Williams

- Will be available offnet
- Former Mayor of Saxman
- Former Ketchikan Gateway Borough Mayor
- Son of Joseph C. Williams, Sr.

Session: State Capitol, Juneau, AK 99801-1182 • (907) 465-3424 • Fax (907) 465-3793
Interim: 50 Front Street, Suite 203, Ketchikan, AK 99901 • (907) 247-4672 • Fax (907) 225-8546

Coffman Cove • Hollis • Ketchikan • Meyers Chuck • Saxman • Thorne Bay

HOUSE MAJORITY LEADER

Representative Kyle Johansen

State Capitol, Room 204 / (907) 465-3424 / fax (907) 465-3793

MEMORANDUM

DATE: February 4, 2009

TO: Representative Peggy Wilson
Chair, House Transportation Committee

FROM: Representative Kyle Johansen

RE: HB 100 Hearing Request

I respectfully request that the House Transportation Committee schedule HB 100 *An Act relating to the Joseph C. Williams, Sr., Coastal Trail* for a hearing at your earliest convenience.

Enclosed is a sponsor statement, a list of witnesses who are available for testimony, letters of support from the Ketchikan Gateway Borough and the City of Ketchikan, and a brief biography of Joseph C. Williams, Sr.

I appreciate your prompt consideration regarding this request.

HB

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Revisor's notes. — In 1990, in this section a reference to AS 26.23.010 — 26.23.220 was substituted for "this chapter" to reflect the enactment of AS 26.23.300 and 26.23.400 by ch. 178, SLA 1990.

Sec. 26.23.230. [Renumbered as AS 26.23.900.]

Article 2. Disaster Relief Fund.

Section
300. Disaster relief fund

Administrative Code. — For disaster assistance programs, see 6 AAC 94.

Sec. 26.23.300. Disaster relief fund. (a) There is in the Office of the Governor a disaster relief fund. The Department of Revenue is custodian of the fund.

(b) Subject to the restrictions of AS 26.23.020(h) — (k), the governor may expend the assets of the disaster relief fund for the following purposes:

(1) to implement provisions of law relating to disaster relief in the case of a disaster or an incident;

(2) to alleviate the effects of a disaster or an incident by making grants or loans to persons or political subdivisions on terms the governor considers appropriate or by other means the governor considers appropriate.

(c) *[Repealed, § 7 ch 4 SLA 2000.]*

(d) The governor shall present to the legislature an annual accounting of money expended from the disaster relief fund.

(e) The governor shall adopt regulations to carry out the provisions of this section. (§ 17 ch 178 SLA 1990; am §§ 5, 7 ch 4 SLA 2000)

Effect of amendments. — The 2000 amendment, effective June 16, 2000, in subsection (b) rewrote the introductory language and inserted "or an incident" in paragraphs (1) and (2); and repealed subsection (c).

Article 3. Fuel Emergency.

Section
400. Fuel emergency fund

Sec. 26.23.400. Fuel emergency fund. There is established in the Office of the Governor the fuel emergency fund. When the governor determines that a shortage of fuel is sufficiently severe to justify state assistance, the governor may make a grant from the fuel emergency fund to a political subdivision to purchase emergency supplies of fuel. (§ 17 ch 178 SLA 1990)

Article 4. General Provisions.

Section
900. Definitions

Sec. 26.23.900. Definitions. In this chapter,

(1) "commission" means the Alaska State Emergency Response Commission;

(2) "disaster" means the occurrence or imminent threat of widespread or severe damage, injury, loss of life or property, or shortage of food, water, or fuel resulting from

(A) an incident such as storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, avalanche, snowstorm, prolonged extreme cold, drought, fire, flood, epidemic, explosion, or riot;

(B) the release of oil or a hazardous substance if the release requires prompt action to avert environmental danger or mitigate environmental damage;

(C) equipment failure if the failure is not a predictably frequent or recurring event or preventable by adequate equipment maintenance or operation;

(D) enemy or terrorist attack or a credible threat of imminent enemy or terrorist attack in or against the state that the adjutant general of the Department of Military and Veterans' Affairs or a designee of the adjutant general, in consultation with the commissioner of public safety or a designee of the commissioner of public safety, certifies to the governor has a high probability of occurring in the near future; the certification must meet the standards of AS 26.20.040(c); in this subparagraph, "attack" has the meaning given under AS 26.20.200; or

(E) an outbreak of disease or a credible threat of an imminent outbreak of disease that the commissioner of health and social services or a designee of the commissioner of health and social services certifies to the governor has a high probability of occurring in the near future; the certification must be based on specific information received from a local, state, federal, or international agency, or another source that the commissioner or the designee determines is reliable;

(3) "disaster emergency" means the condition declared by proclamation of the governor or declared by the principal executive officer of a political subdivision to designate the imminence or occurrence of a disaster;

(4) *[Repealed, § 22 ch 179 SLA 2004.]*

(5) "hazardous substance" has the meaning given in AS 46.03.826;

(6) "major disaster" has the meaning given in 42 U.S.C. 5122;

(7) "political subdivision" means

(A) a municipality;

(B) an unincorporated village; or

(C) another unit of local government;

(8) "temporary housing" has the meaning given in the federal Disaster Relief Act as amended;

(9) "unorganized militia" means all persons comprising that component of the militia of the state, as described in AS 26.05.010. (§ 3 ch 104 SLA 1977; am § 49 ch 74 SLA 1985; am § 4 ch 59 SLA 1986; am § 2 ch 5 SLA 1987; am §§ 13 — 16 ch 178 SLA 1990; am § 16 ch 32 SLA 1994; am § 6 ch 4 SLA 2000; am §§ 21, 22 ch 179 SLA 2004)

Revisor's notes. — Formerly AS 26.23.230. Renumbered in 1990. Paragraphs (1) and (5) were enacted as (8) and (9), respectively, and renumbered in 1994, at which time the other paragraphs were renumbered accordingly.

Effect of amendments. — The 2000 amendment, effective June 16, 2000, rewrote paragraph (2).

The 2004 amendment, effective July 27, 2004, added paragraphs (2)(D) and (E), and deleted paragraph (4), which defined "emergency."

Editor's notes. — With regard to the reference to "the federal Disaster Relief Act" in paragraph (8) of this section, most federal disaster relief statutes can be found at 42 U.S.C. 5121 — 5206. Assistance for temporary housing is covered by 42 U.S.C. 5174. However, no definition for the term exists at 42 U.S.C. 5174 or in 42 U.S.C. 5122, which contains most definitions for disaster relief.

Chapter 25. National Guard Mutual Assistance Compact.

Section
10. Entry into compact
20. Terms and provisions of compact
30. Rights and benefits

Sec. 26.25.010. Entry into compact. The National Guard Mutual Assistance Compact is enacted into law and entered into on behalf of the State of Alaska with all other states and jurisdictions legally joining in it in a form substantially as contained in AS 26.25.020. (§ 1 ch 77 SLA 1968)

Sec. 26.25.020. Ter
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(2) "requesting state"
with an emergency;
(3) "responding state"

(b) Upon request of th
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(e) Subject to the provi
under the laws of the req

Though Governor Palin herself has not directly acknowledged the fishery or fuel crisis in our region, in her response to the U.S. Army's reduced retirement payments to 26 Alaska Native Elders who had served in the Territorial Guard during WWII, she argued:

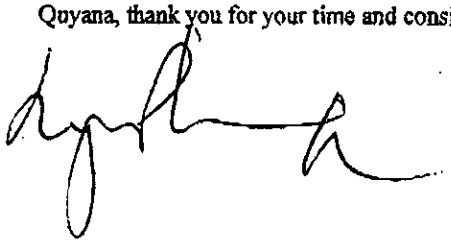
"Rural Alaskans face the highest food and energy costs in the nation, and these veterans need their retirement checks now more than ever," Governor Palin said. "Using the emergency fund to provide monetary protection for these 26 veterans is the right thing to do."

AVCP provides direct assistance to many families in our member villages that include a Housing Improvement Program, TANF and LIHEAP to name a few. Last year we assisted 1,846 households with energy assistance, and we anticipate the same number if not more appeals for the remainder of this season.

We tried to address this crisis proactively, in public statements and resolutions. We warned that the $1,200 rebate would not adequately address the remote / rural fuel needs - and with the taxes due from as little as $90 to over $300 per person, we will continue to see pain in affected households this year. If we had access to affordable energy sources, all the factors we laid out for you would not have hurt us so badly this winter.

With families not having to worry about donated foods delivered from the state, it will go a long way to keeping our homes heated, and save our families from deciding between going cold or going hungry.

Quyana, thank you for your time and consideration.



HB

127

LAW OFFICES
GROSS & BURKE
A PROFESSIONAL CORPORATION
424 NORTH FRANKLIN STREET
JUNEAU, ALASKA 99801

AVRUM M. GROSS
SUSAN A. BURKE

(907) 586-2777

February 22, 1984

MEMORANDUM

TO: Senate Transportation Committee

FROM: Gross & Burke

RE: Organization of Public Corporation to Operate the Alaska Railroad

At your request, we have reviewed the drafts of SB 10 and SB 352, with a view toward determining the extent to which those bills create a valid legal structure to operate the Alaska Railroad after its proposed purchase. Initially, we were asked whether the legislature had the power to require that gubernatorial appointments to the governing authority[1] of the railroad be confirmed by the legislature. Both SB 352 and SB 10 presently require confirmation of executive appointments. At a second committee hearing we were requested to advise you of the minimum number of executive branch controls which must be placed on any entity created by law to operate the railroad to insure that the entity would be a part of the executive branch and, therefore, constitutionally sound. We shall answer the questions in the order posed.

SB 10 and SB 352 both provide that appointments made by the Governor be confirmed by the legislature in joint session.

1/ SB 10 speaks of an "Authority" while SB 352 creates a similar organization but describes it as the "Railroad Corporation." Purely for the purposes of simplicity, we will refer to the basic organizational structure at issue here as an "Authority."

We assume that if a similar section remains in a bill, which passes the legislature, the Governor will probably choose to submit the names of his appointees for confirmation just as he submits his appointees to a host of other boards and commissions in state government. It is our opinion, however, that should an occasion arise when the Governor decides not to submit a name or names for confirmation, the legislature would have no legal right to insist he do so.

Our conclusion is based both on the words of the Alaska Constitution and a decision of the Alaska Supreme Court. The constitution provides in Art. III, sec. 25 that:

> The head of each principal department shall be a single executive unless otherwise provided by law. He shall be appointed by the Governor, subject to confirmation by a majority of the members of the legislature in joint session . . .

Sec. 26 of the same article states that:

> When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be appointed by the Governor subject to confirmation by a majority of the members of the legislature in joint session . . .

The wording of the constitution is clear on its face. The legislature may confirm the heads of all departments, whether they are single executive officers or a board. The legislature may also confirm boards or commissions which are "regulatory or quasi-judicial" agencies. A regulatory authority is, as it implies, one whose basic function is to regulate a particular public activity. The Fish and Game Board is a classic example of such a regulatory board. A quasi-judicial

agency is one in which individual rights are adjudicated. An example of such a board would be the Public Utilities Commission, where contested proceedings determine rates.

The Railroad Authority as established in SB 352 or SB 10 fits under none of these definitions. It is not at the head of a department[2/] nor is it a quasi-judicial or regulatory agency. Under the constitution, then, the legislature has no power to confirm executive appointments to the Authority, unless the legislature can add to the powers of confirmation which are granted in the constitution.

The legislature attempted to do just that in 1975 when it passed a statute authorizing confirmation of a whole list of lesser executive branch officials, including deputy commissioners and certain division directors. The Alaska Supreme Court held that the statute granting the legislature the additional confirmation power was unconstitutional. Bradner v. Hammond, 553 P.2d 1 (Ak. 1976) In the Supreme Court's view, the power to appoint to positions in the executive branch is a power reserved to the Governor under the doctrine of separation of power, except as the constitution permits the legislature to participate in the process through confirmation. If the constitution does not specifically

2/ We recognize that SB 352 provides, "The corporation shall be considered a principal department only for the purposes of Art. III, sec. 26, Constitution of the State of Alaska." (emphasis added) In our view, however, the courts would almost certainly view this purely nominal designation as one purely of form, since the bill does not actually establish a new department with the kinds of gubernatorial controls normally associated with a principal department of state government. This issue of gubernatorial controls is addressed in detail later in this memorandum.

authorize confirmation, there is no legal power to do so and the Governor's power of appointment can not be subjected to confirmation by the legislature. Put another way, the Bradner case holds that the constitution states the outer limits of legislative powers of confirmation; the legislature may not expand that power by statute. While neither SB 10 or SB 352, as presently structured, would withstand constitutional challenge on the issue of confirmation, there are options available to the legislature which would provide a valid legal basis for the confirmation of appointments. We will set these options out briefly for your consideration.

The first and most obvious manner for the legislature to obtain confirmation power is to pass a joint resolution placing before the voters a constitutional amendment that would specifically authorize the legislature to confirm appointments to the Railroad Authority. This amendment could be placed before the voters during this year's election. If the amendment passed, the first appointees of the Governor to the authority or commission would be constitutionally subject to confirmation; if it did not pass, the situation would remain as it is today -- confirmation if and when the Governor chooses to submit the names. We should note that following the Bradner case a constitutional amendment granting broad additional confirmation powers to the legislature was put before the voters and failed, but whether that would be the fate of a more narrowly drawn provision would be difficult to predict.

The second option to insure confirmation would be to create an entirely new department of state government, which would be headed by the Railroad Authority. The sole purpose that new department would be to the railroad. In such an instance, the Authority would be at the head of a department and under Art. III, sec. 26 of the Alaska Constitution, the members of the Authority, would be subject to confirmation. There are, however, certain serious problems which might result from this approach. One of the basic purposes of the present bills creating an independent public corporation or authority (located nominally within a department) is to permit the Railroad Authority to raise money for operations without involving the general credit of the state. If, however, the authority which manages the railroad is a full department of state government there is some real question about its ability to successfully perform this fundraising activity without the involvement of state credit. Art. IX, sec. 8 of the constitution provides that no state debt may be incurred unless (1) it is authorized by law; (2) is for capital improvements; and (3) is ratified by the voters. Sec. XI of the same article provides that the restrictions of sec. 8 do not apply to debts incurred through revenue bonds issued by public corporations or public enterprises of the state when the only security is the revenue of the enterprise or the corporation. Whether or not an entire department of state government can be made a "public corporation" or whether

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or not the entire activity of a department of state government would qualify as a "public enterprise" are questions that have never been decided in this state by any court. While the committee can certainly receive advice from legal counsel as to the possible or probable outcome of litigation on these subjects, it would at best be an educated guess. The result might well be that in order to obtain confirmation powers the committee would create a department which, in the end, might be subject to the same bonding restrictions applicable to all other departments of state government. I gather there is no disagreement within the committee that such a result would be highly undesirable. We cannot recommend this method of insuring confirmation powers because the risks are simply to great -- the legislature would be in totally unchartered waters and the magnitude of the questions involved is simply to great to accept that degree of risk.

Having discussed the issue of confirmation, we now move to the second issue posed by the committee. Specifically, that question involves the extent to which a public corporation may be established independently of the authority of executive branch and yet be a part of that branch of government. Art. III, sec. 22 of our constitution requires that all agencies of state government and their respective functions shall be allocated within no more than 20 principal departments.

The only exceptions provided are for "regulatory, quasi-judicial, and temporary agencies." As we view the functions of the operation of the Railroad -- whatever form of entity is chosen -- those functions are not primarily "regulatory" or " quasi-judicial." Further, the railroad operation would not necessarily be "temporary." Although conceivably the railroad could be sold or leased at some point in the future to a private corporation, the existence of the operating entity could well be permanent.

We think it is clear that the Alaska Supreme Court would view the Railroad Authority as performing operational or executive functions and would, therefore, require that the Authority be either a separate principal department or located within one of the already established principal departments. We have already reviewed the problems that would be created if the Railroad Authority would be made the head of an entirely separate principal department. Therefore, we are left with the conclusion that the only other constitutionally sound option is to place the governing board or authority within an existing department of state government.

Simply stated, then, the legal issue you have asked reduces itself to this. On the one hand, the legislature seeks to create an "independent" authority -- one which has financial and political autonomy and is not subject to direct gubernatorial control. On the other hand, the constitution

requires that all executive or managerial functions be a part of the executive branch, which, in turn, is under the supervision and control of the Governor. What then are the limits -- how much gubernatorial control is required to make the "independent" authority a constitutionally valid part of state government?

The cases that the Alaska Supreme Court has reviewed concerning the requirements of Art. III, sec. 22 make it clear that more than mere nominal placement of an independent corporate entity within a department in the executive branch is required. For example, in De Armond v. Alaska State Development Corporation, 376 P.2d 717 (Alaska 1962), it was claimed that the legislation creating the Alaska State Development Corporation was unconstitutional because it sought to create an independent agency that was nominally within the Department of Commerce, but which the challengers claimed was not in actuality within that department. The Alaska Supreme Court rejected this contention and upheld the constitutionality of the Development Corporation. In doing so, the court enumerated a number of features contained in the enabling legislation for the corporation, which demonstrated sufficient ties with the Department of Commerce to justify the conclusion that the corporation was (at least for constitutional purposes) truly within the Department of Commerce.

The factors that the court cited were as follows:

(1) the Commissioner of Commerce had a permanent seat on the board of directors and thus had "considerable influence" on the board;

(2) the other six members of the board were appointed by the Governor, and served at his pleasure;

(3) the board was required to submit comprehensive annual reports to the Governor and legislature;

(4) the financial records were to be audited annually by the legislative auditor; and

(5) the state's bank examiner was required to examine the corporation's records each year.

Additionally, although the court did not make clear what significance this fact had, it noted that the corporation was "temporary" and could be dissolved by a majority vote of the board subject to legislative approval.

Four years later, the court reviewed a similar challenge to the constitutionality of the Alaska State Mortgage Association; i.e. that it was only a nominal rather than a legitimate part of the department of state government in which it had been placed. Walker v. Alaska State Mortgage Association, 416 P.2d 245 (Alaska 1966). The court, however, noted that the mortgage association legislation contained most of the same features which it had cited in De Armond to support its conclusion that the development corporation was properly established within a department of state government. Like

the development corporation in De Armond, the mortgage association members were appointed by the Governor and served at his pleasure. The commissioner of Commerce had a permanent seat on the board of the association. Additionally, the court noted that as further evidence of gubernatorial control, the mortgage association was required to submit detailed annual reports to the Governor and legislature, the financial records were subject to an annual legislative audit, and certified copies of the minutes of every meeting of the association were required to be sent to the Governor.

Neither of these decisions, unfortunately, provide any guidance on the question of the minimum number of factors that will be required in order to meet the constitutional requirements of executive supervision or control. In both cases, however, the court seemed to emphasize two factors over and above all the others. The first was that board members served at the pleasure of the Governor. The second was that the Commissioner of the department within which these independent entities were located served on the board and was a full voting member. These two features were emphasized by the court to demonstrate that the Governor exercised at least partial control over the activities of the board. The court, for instance, noted that while the commissioner was only a single member of a multi-member board his position as a cabinet member would give him

substantial influence. The court further emphasized that the Governor was in a position to exercise influence on an otherwise independent board through the fact if there were a real disagreement in policy, he could exert control over the board members through his ultimate power to reove them. The court, in Walker, cited with approval language from the Superior Court decision in the case to this effect:

> If the Governor is dissatisfied with the executive director in either his capacity as a member of the Alaska State Housing Authority or the Alaska State Mortgage Association, he can assert his authority over the board members to effect the director's removal, and should they disregard his wishes, his alternative is to appoint members to the board who will appoint an executive director satisfactory to the Governor.

Walker, at 250 n.19.

At the same time, the court recognized that there may be important and legitimate reasons for the legislature to insulate a board or authority from direct gubernatorial influence over particular decisions. In the courts words:

> It is true that the Commissioner of Commerce can not dictate the decisions of the Board. Nor can any other state official . . . . It is quite apparent that the legislature intended the board to be free from outside control in making decisions on particular loans.

De Armond, at 724 (emphasis added).

Nonetheless, it is clear from the decisions that there are limits to the degree of insulation that the court will

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tolerate and still uphold the constitutionality of the placement of the independent corporation nominally within a department of state government.

Accordingly, it is our view that to insure constitutionality of this bill the legislature should, at an absolute minimum:

1. create an independent authority which is part of an enumerated department of state government;

2. provide that the board for the public corporation or authority be comprised of persons appointed by the Governor and who serve at his pleasure;[3/] and

3. that the commissioner of the department in which the authority is placed serve as a voting member of the board.

3/ There is a secondary, but perhaps no less important, reason why the appointees to the governing body of the railroad should serve at the Governor's pleasure. As a constitutional matter, there is a serious question as to whether any appointee of the executiv branch with the exception of those who serve in regulatory or quasi-judicial positions can be subject to any other restrictions but that they serve at the Governor's pleasure. The U.S. Supreme Court has interpreted that under the federal constitution, if an office is "executive" in nature, legislative efforts to restrict the president's power to remove an official are invalid. Myers v. United States, 272 U.S. 178. That opinion has been modified slightly in Humphries Executor v. United States, 295 U.S. 602, as the court held that a member of the Federal Trade Commission could have his term set by Congress and be insulated from removal by the president, but the court was clear to limit its opinion to quasi-legislative or judicial agencies, i.e. those that were actually passing regulations or resolving legal disputes as their prime function. The Railroad Authority would fall in neither of these categories, but would be within a traditional executive agency structure.

We raise this issue because we can be reasonably sure that the content of this bill will be litigated in the courts, if there is any reasonable basis to do so. The appointment of commissioners to the Railroad Authority who serve at the Governor's pleasure would reduce the possibility of legal attack on yet another basis.

It would be advisable, as well, to include at least some of the kinds of provisions (such as the annual reports to the Governor and legislative audits) which the court in De Armond cited as significant, although these may not be essential. Beyond that, the legislature may, in our view, limit the application of acts such as the Executive Budget Act, Administrative Procedures Act and others which impact most executive branch agencies, but are not, in our view, critical to upholding the constitutionality of this public corporation structure.

AMG/SAB/yw

Alaska Railroad Corporation

P.O. BOX 107500 ANCHORAGE, ALASKA 99510-7500
327 W. SHIP CREEK AVENUE, ANCHORAGE, ALASKA 99501

To: The Honorable Peggy Wilson
Chair, House Transportation Committee
From: Phyllis Johnson, ARRC VP/General Counsel
Regarding: HB 127 - Question regarding Alaska Railroad Transfer Act Provision for Retaining Railroad Revenues
Date: March 16, 2009

I understand that a question arose during last week's House Transportation Committee hearing on HB 127 regarding certain language in the federal Alaska Railroad Transfer Act (ARTA), 45 U.S.C. 1201 et seq. That statute contains the following provision regarding the revenues generated by the railroad:

> Revenues generated by the State-owned railroad, including any amount appropriated or otherwise made available to the State-owned railroad, shall be retained and managed by the State-owned railroad for railroad and related purposes. *[45 U.S.C. 1207(a)(5)]*

A committee member asked what legal memoranda or opinions might exist regarding the interpretation of this provision. To the best of my knowledge and that of my staff, there are none. The language is straightforward and we have never had occasion to address this question.

Unfortunately, there is little guidance in the form of legislative history either. The Senate Committee Report dated June 22, 1982 for an earlier draft of the transfer legislation contains the following statement:

> Subsection (a) *[this draft was organized differently from the version that eventually passed]* specifies that the state-owned railroad shall retain and manage its own revenues. The purpose of this provision is to avoid the need for annual appropriations by the State for the railroad. [*Senate Committee on Commerce, Science, and Transportation, Report to Accompany S.1500, Alaska Railroad Transfer Act, Report No. 97-479, at p. 20]*

Thank you for the opportunity to provide information on this subject.

COMMENTS ON HB 127
Executive Summary
Submitted by the Alaska Railroad Corporation (ARRC)

Reasons why placing ARRC under the Executive Budget Act (EBA) is a bad idea:

- **Will cause ARRC to lose the flexibility needed to respond to business opportunities. Changes in railroad business require the ability to respond quickly with capital investment and/or operating increases when customers or circumstances demand it, a condition no other state entity such as AHFC or AIDEA must contend with. The proposed bill will make it very difficult to respond to market opportunities in a timely fashion.**

- **Will cause concerns by ARRC's major customers/lenders (e.g. Flint Hills, Usibelli Coal Mine, Lynden, TOTE, Princess, Holland America, Wells Fargo Bank) as to its ability to perform under existing long term contracts. Passage of this bill may also constitute an impairment of contract rights in violation of Article I, Section 15 of the Alaska Constitution. ARRC's existing agreements do not contain language conditioning ARRC's duty to perform on its receipt of sufficient appropriations from the legislature, as is the case in a typical state contract.**

- **ARRC's current fiscal year is the calendar year. Its business is highly seasonal, and moving to the state fiscal year would split the business season, something no prudent business person would do.**

- **By assuming substantial actual control over the financial and legal obligations of ARRC, the state may subject itself to full liability for ARRC's operations. The more control you assert over an entity, the more likely it is that you will be held responsible when things go wrong.**

- **May violate the federal Alaska Railroad Transfer Act (ARTA) which specifically provides that ARRC is to retain control of its funds. This provision was inserted in ARTA to prevent the state from repeating the mistakes that caused the federally owned railroad to lose money in almost every year of its 60-year history. A major reason that the federal railroad lost money was that all of its funds had to be appropriated under the federal budget process which deprived the railroad of the flexibility needed to respond quickly to business opportunities and prevented it from obtaining needed capital to maintain or improve service.**

- **EBA process adds time and cost without adding value.**

- **Bill seeks to fix something that is not broken. Putting ARRC under the EBA has been brought up numerous times by various parties since ARRC's creation. In each instance, the current "business" model was determined to be the superior choice.**

DETAILED COMMENTS ON HB 127

Submitted by the Alaska Railroad Corporation (ARRC)

Loss of Flexibility Needed to React to Business Changes

- **Changes in railroad business require the ability to respond quickly with capital investment and/or operating increases.**

Unlike other public corporations such as AHFC and AIDEA, which are not primarily operating entities, ARRC operates a multifaceted freight and passenger transportation and real estate business that require it to be responsive to the needs of Alaska citizens and businesses in order to be successful. The railroad industry in America is engaged in a capital intensive business that has experienced significant changes in customers' requirements, and therefore significant changes in its infrastructure, equipment and technology. Quick action is often required to respond to customers' needs and to seize business opportunities. For ARRC, this translates into the need for the flexibility to make business decisions unencumbered by rigid yearly appropriation schedules. For example, a decision to acquire new high capacity hopper cars was made during negotiations regarding export coal, in order to make ARRC's coal customer more competitive in the world markets, as well as improve service to other customers. Because this occurred during the middle of a fiscal year, it would have been difficult if not impossible to respond in a timely manner had it been necessary to seek administrative and legislative approval.

Effect on Borrowing and Contracts

- **The proposed bill may impair ARRC's ability to perform its legal obligations under long term contracts and loan agreements.**

The proposed bill does not address several legal problems that may arise if ARRC is subjected to the EBA. First, ARRC has been operating as a business for the past 24 years and has incurred legal obligations under existing long term contracts to provide a wide variety of transportation services to customers under constantly changing market conditions. ARRC also has several long term loan agreements that require ARRC to make periodic interest and principal payments. None of these agreements contains language conditioning ARRC's duty to perform on its receipt of sufficient appropriations from the legislature, as is the case in a typical state contract. Even if ARRC retains all its revenues, if it cannot expend them except in strict accordance with a legislatively approved annual budget, our existing customers/lenders may have valid concerns about its continuing ability to perform as their contracts require and may assert that their contract rights have been impaired in violation of Article I, Section 15 of the Alaska Constitution.

Second, putting ARRC under the EBA may create a risk that ARRC's existing long term debt could be called. All of ARRC's loan agreements contain provisions that allow the lender to declare a default and/or accelerate the loan if, as a result of changed circumstances, the lender deems itself insecure. Our lenders may have a legitimate reason to be concerned about ARRC's ability to repay their loans if the corporation is subjected to the EBA because there is little ARRC can do to assure them that the Legislature will

appropriate enough money to ARRC to make the payments required on their loans.

Third, ARRC must sometimes borrow funds to enable it to fulfill its contract obligations. While this bill leaves intact several provisions regarding borrowing by ARRC, placing the corporation under the EBA may jeopardize the borrowing ability of the corporation. It may be difficult for ARRC to assure its creditors that the legislature will appropriate sufficient money, or approve line entries in its budget, to pay the debt service on their loans.

Fourth, even if ARRC can overcome the non-appropriation risk, borrowing will likely be more costly. ARRC is able to borrow money at a lower interest rate than other tax exempt entities such as the State because ARRC currently meets the definition of a "small debt issuer" under Section 235 of the Internal Revenue Code. This provision allows banks to deduct approximately 80% of their carrying costs on loans to ARRC, which has in the past resulted in an interest rate that is 80-100 basis points lower than the usual tax exempt rate. If ARRC is subjected to the EBA, its finances would no longer be considered separate from the State's and it will no longer qualify for this important benefit. As a result, ARRC's cost of borrowing could increase markedly.

In short, subjecting ARRC to the EBA will limit ARRC's ability to enter into future long term contracts with its customers and lenders because every agreement it negotiates will have to have the caveat at the end "SUBJECT TO LEGISLATIVE APPROPRIATION." If we cannot assure our customers that we will have the funds and the authority to spend them to perform the services they require, they are likely to go elsewhere.

Effect of State Fiscal Year

- **ARRC's business is highly seasonal, and moving to the state fiscal year would split the business season.**

Business activity in Alaska is highly seasonal. Subjecting ARRC to the EBA will require it to change from its current calendar year as fiscal year, to the state fiscal year that ends on June 30. While there does not appear to be a specific mandate to this effect, the requirement to participate in the governor's budgeting process and seek legislative approvals will necessitate such a change. Prudent businesses close their fiscal year at the end of a business cycle, not during its busiest time. The railroad's "busy season" ends around November 1, and the calendar year is therefore the most appropriate fiscal year for ARRC. Not only would the state fiscal year artificially bifurcate the business year, but it would require the corporation to spend considerable time participating in the budgeting process at the same time it is gearing up to expand operations in May. This is not an efficient use of resources.

Effect on Liability

- **By assuming substantial actual control over the financial and legal obligations of ARRC, the State will likely subject itself to full liability for ARRC's operations.**

A major purpose of setting up an "enterprise fund" such as ARRC is to shield the State from liability in the event the enterprise goes under or incurs a catastrophic liability. ARRC has been a defendant in numerous lawsuits since its creation, and the State of Alaska has never been made a party as a result of ARRC's actions, nor called upon to answer in damages in any of these cases. Obviously, the language of AS 42.40.500 and the arm's length nature of the corporation's past relationship with the State have had the intended effect and spared the State these liabilities. This is not likely to continue once the State injects itself so substantially into the railroad's business decision-making process. Simply put, the more control you exercise over an entity, the more likely you are to become liable for the entity's obligations.

Violation of Alaska Railroad Transfer Act, 45 USC 1201 et seq. (ARTA)

- **The Transfer Act specifically requires that ARRC retain control of its funds and budget. The federal government could raise this violation of ARTA as a breach in its contract with the State of Alaska transferring the railroad.**

Section 1207 of ARTA mandates that the revenues generated by ARRC be "retained and managed by the State-owned railroad for railroad and related purposes". This provision was inserted in ARTA to prevent the state from repeating the mistakes that caused the federally owned railroad to lose money in almost every year of its 60 year history. A major reason that the federal railroad lost money was that all of its funds had to be appropriated under the federal budget process which deprived the railroad of the flexibility needed to respond quickly to business opportunities and prevented it from obtaining needed capital to maintain or improve service.

This bill could infringe on that "management" right in several respects. For example, inclusion of ARRC under the EBA could have the effect of prohibiting the corporation from hiring additional employees or expending any money or incurring other obligations unless these items were included in an operations plan approved by OMB, which must in turn comport with a budget approved by the legislature. See AS 37.07.080(d). If ARRC receives excess funds from its operations (beyond what is expected and accounted for in its approved budget), it must convince the administration to propose a revision to the Legislative Budget & Audit Committee and possibly wait 45 days before expending the money. See AS 37.07.080(h). Not only does this run afoul of "management" rights provided in ARTA, but it also provides another example of the potential loss of business if ARRC is brought under the EBA. One can foresee a multitude of business opportunities or potential employees that will not wait the time required to obtain such approvals and, accordingly, be lost to the corporation.

As noted below, there does not appear to be any requirement that all of the money generated by ARRC be paid into the state treasury. However, in light of the "appropriation" language used in the bill, the bill's intent is not entirely clear. If the design is for ARRC revenues either (1) to be "state funds" which are then appropriated back to the corporation or (2) to be held by the corporation but only expended pursuant to an approved budget, then the corporation no longer has the "management" rights required by Section 1207 of ARTA. In addition, if all of ARRC's revenues are not either appropriated back to the corporation or approved to be used in the corporation's budget, part of ARRC's revenue could be used to

fund a program or project that is totally unrelated to the railroad. This too would violate the mandate of ARTA Section 1207.

EBA Process Adds Time and Cost Without Adding Value

- **Participating in the budgeting process as proposed will substantially increase the costs of doing business. It is unreasonable to expect the customers to bear this additional cost.**

Subjecting ARRC to the EBA will add an unnecessary layer of expense and time consuming government bureaucracy to what is currently a profitable and self-sustaining asset. Numerous provisions throughout the EBA impose procedures with considerably different focus and detail than ARRC currently develops, such as the "agency program," "financial plan" and "operations plan." In addition, involvement of additional layers of governmental agencies (OMB, LB&A, etc.) to business sector decision-making will delay the process and therefore result in less flexibility to react to business climate changes. All of these add significant costs to ARRC's operations without adding any value. These costs will ultimately be paid by railroad customers or, worse still, by the corporation in the form of lost opportunity.

Inconsistency of Approach

- **The inconsistencies found in the bill illustrate the difficulty in separating the financial management of the corporation from the operational management left to ARRC.**

The bill expressly subjects ARRC's revenues to legislative control by making the corporation subject to the EBA. Yet, it does not change the primary legislative purposes embedded throughout the Alaska Railroad Corporation Act that require the corporation (1) to be exclusively responsible for management of the financial and legal obligations of the Alaska Railroad, (2) to carry out its responsibilities on a "self-sustaining basis," and (3) to provide for the "prudent operation of the railroad according to sound business management practices." The bill requires ARRC to "request, in accordance with AS 37.07, appropriations from the legislature to carry out the provisions of this chapter". Under this bill, ARRC will have to seek an annual appropriation for all expenditures of the corporation, with all the accompanying budget, operations plan and other documents that are generated in the governor's budgeting process. However, the EBA itself does not require ARRC revenues to be paid into the general governmental treasury[1/] and it is unclear whether the bill contemplates this result. If ARRC is to retain its receipts, it is inconsistent to require the corporation to seek appropriations for operating and other expenditures.

[1/] Another section of the Public Finance title, AS 37.05.146, provides that ARRC receipts are not general fund receipts. Without any other section of that title being made applicable to ARRC, there is apparently no requirement that corporation funds be paid over to the state treasury.

Conclusion: HB 127 Seeks to Fix Something That is Not Broken

The most perplexing issue about HB 127 is that the impetus for the bill isn't coming from the citizens or businesses served by the railroad, or from the communities being served. Nor is it supported by any research or studies such as those provided by the Harvard Business School and University of Alaska Institute for Social and Economic Research that led the 13th Legislature to adopt the current business model that exempts ARRC from the EBA. The railroad as it exists today has provided Alaska with the best of all possible worlds-- the State owns the asset but has none of the liability associated with its operations, the railroad pays its own way as well as making a profit, and it operates an essential transportation service without any burden on the taxpayers. In short, the Alaska Railroad is working just fine as it is currently structured. It makes no sense to make so sweeping a change without any demonstrable reason.

HB 127 COMMENTARY

IS IT TIME TO RESTRUCTURE THE ALASKA RAILROAD CORPORATION?

HB 127 seeks to make a fundamental change in the operation of Alaska Railroad Corporation (ARRC) despite the fact that the current operational structure has worked very well for the past 24 years and has produced substantial benefits for the State of Alaska since the State acquired the Alaska Railroad from the Federal Government in 1985. In ARRC as currently formulated, the State has a well-run, self-sustaining transportation instrumentality that provides safe, economical, and efficient transportation to residents, businesses, visitors, and military installations in the State. In the past 24 years since transfer, ARRC has been profitable for 20 of those years, made hundreds of millions of dollars in capital improvements to the railroad's track infrastructure, facilities and railcar/locomotive fleet and has grown to have an asset value approaching $1 billion. All of this was accomplished without ongoing State appropriations.

The enormous success of the present ARRC model did not occur by accident. Rather, it was the result of an essential policy decision made by the decision makers within the State of Alaska after several years of studies, debate, discussions and careful consideration as to the type of entity that would operate the railroad under state ownership.

Alaska Railroad Perspective: Government Agency or Business?

During the 60 years prior to the transfer of the Alaska Railroad to the State in 1985, the Federal Government operated the railroad primarily from a governmental perspective as a typical, inefficient federal bureaucracy within the Federal Railroad Administration (FRA) that required yearly injections of tax payer dollars to meet its operating and capital expenses. Historically, the role of the railroad was subject to considerable confusion. At various times it was a frontier development tool, a part of the national defense system, a vehicle for implementing federal policies, a resource recovery mechanism, a repository for surplus federal material, a means of social service delivery and, on occasion, a market place railroad. The lack of a clear set of goals placed a severe limitation on the railroad's ability to satisfy any one of these purposes adequately. As a consequence, except for a few years during World War II and the pipeline construction, the Alaska Railroad lost money every year.

Moreover, because the Alaska Railroad was subject to the federal capital budget/appropriation process, it was never able to obtain sufficient capital money to fund such necessary items as annual cross-tie replacement, track surfacing, major equipment repair/refurbishing, new equipment acquisitions, building repair, etc. The Federal Government always seemed to have better, more politically motivated things to do with its money. As a result of the lack of capital investment, the physical plant of the railroad deteriorated, operating expenses increased and service levels declined.

At the time of transfer, there was an estimated $100,000,000 in deferred maintenance associated with the property.

By 1979, it became apparent that the Alaska Railroad had become a fiscal and political liability for the FRA and it approached the State of Alaska with a proposal to transfer the railroad to the State. The State responded that while it regarded the railroad as an integral part of Alaska's transportation infrastructure, it was hesitant to involve itself directly in the operation of the railroad which had historically operated at significant annual losses. In 1980, the State commenced an in-depth assessment of the multitude of issues related to the transfer proposal. It retained experts to advise it and commissioned reports and studies to be prepared as to what would be the best organizational alternative for the Alaska Railroad under state ownership, one that would not perpetuate the financial failures of the federally owned railroad.

With this goal in mind and based upon input from several experts, the State made the critical policy decision that a state owned railroad had to be governed by a business orientation rather than a government agency perspective in order to prevent the railroad from becoming entrenched as another state bureaucracy. Based upon studies prepared by such entities as the Harvard Business School and the University of Alaska Institute of Social and Economic Research, the State decision makers determined that each potential organizational structure should be measured by the extent to which it satisfied the following criteria:

1. Freedom from—and equal legal standing with—government to take advantage of management and market opportunities.

2. Ability to access and obtain private and public capital funds.

3. Management freedom for the railroad's operational decisions within established policies.

4. Clear-cut lines of management responsibility and accountability for decisions which are made.

5. Marketing freedom within established policies and budgetary constraints.

6. Clear decision-making authority without a cumbersome and bureaucratic process.

7. Management capability to make long-term commitments within established policies.

8. Management freedom to negotiate solutions to problems and to take advantage of service opportunities.

9. Industrial development capability on railroad land.

10. Performance-based personnel management including the direct ability to hire, fire, promote, train, supervise and direct required railroad employees.

11. Ability to provide financial and other incentives for performance.

Using the above criteria, the 13th Alaska Legislature determined that the organizational structure that would provide the best chance for a viable state owned railroad was a public corporation that (1) would be exclusively responsible for the management of the financial and legal operations of the Alaska Railroad, (2) would have the ability to raise capital from the private sector, (3) would carry out its responsibilities on a self-sustaining basis, and (4) would provide for prudent operation of the railroad according to sound business management practices, i.e. the Alaska Railroad Corporation as it is currently structured under AS 42.40. The 13th Alaska Legislature specifically exempted ARRC from the Executive Budget Act in order to satisfy the abovementioned organization criteria and to assure that the railroad would have the flexibility to operate from a business perspective.

Proposed HB 127 seeks to place ARRC under the Executive Budget Act. If adopted, this legislation will turn the railroad into a line agency of the State that will be unable to respond quickly to business opportunities and may even have to compete for state operating and capital funds with other agencies. This organizational structure was expressly rejected by the 13th Legislature because the same limitations and problems encountered by the Alaska Railroad as a federal agency would also be present with the railroad as a state agency.

The in-depth assessment of the Alaska Railroad conducted during the five years before transfer determined that the majority of the federally owned railroad's financial problems were due to the requirement that the railroad follow federal budgeting procedures rather than allowing its management to develop operating and capital programs on the same basis as a privately owned railroad. Specifically, the federal budget procedures requirement caused the following problems:

1. Obtaining needed capital appropriations was difficult and usually political, providing the Alaska Railroad with little assurance that required funds would be available when needed. The funding by appropriation mechanism made it impossible for the railroad to realistically plan and budget for more than a year in advance. The lack of needed capital also caused the railroad's physical plant to deteriorate, which increased operating costs and made it more difficult for the railroad to compete for new business.

2. Eliminated the flexibility management needed to take advantage of new business opportunities. Alaska's economic activity is dynamic, which means that rail service needs the ability to change frequently during a fiscal year. Under the funding by appropriation mechanism, the federally owned railroad lost numerous business opportunities because, needing congressional

appropriations, it could not make business commitments quickly enough to meet the potential customer's needs.

3. Compliance with the bureaucratic federal budget procedures created an expensive and time consuming burden on the Alaska Railroad. The railroad was required to spend time trying to force its operation into a format that was designed for federal agencies. This resulted in a substantial amount of nonproductive time being expended in preparing reports, budget submittals, etc. that had no significant management value.

Considerable State Oversight Exists in Current Business Model

Although the exemption of ARRC from the Executive Budget Act solved the major problems that plagued the federally owned railroad, the 13th Legislature nonetheless recognized that because the railroad was publicly owned, it was important to maintain significant State oversight over ARRC's operation and management practices. This oversight is accomplished by the following requirements:

1. The ARRC Board of Directors is responsible for providing an annual report of the operations and financial condition of the corporation to the Governor, making it available to the legislature as well.

2. The ARRC Board of Directors is responsible for initiating both a financial and performance audit each year. As required by statute, the financial audit is performed by an independent certified public accountant. Copies are provided to the Governor and the Legislature each year. In addition, a recognized railroad management expert conducts the annual performance audit to ensure ARRC is managed and operated effectively and efficiently.

3. ARRC must file an oversight report with the Legislature and Governor before it undertakes expansion, reduction, or diversification of train services that represents a significant and permanent change in service level.

4. Legislative approval is required for certain corporate actions, such as disposing of the Railroad's entire interest in land, leasing land for longer than 55 years, or selling tax exempt bonds.

5. The Legislative Budget and Audit Committee regularly reviews ARRC's operation and management practices.

6. ARRC's procurement procedures are required to be substantially equivalent to state procurement requirements.

7. ARRC employees and directors are subject to the Executive Branch Ethics Act.

8. The Commissioners of the Alaska Department of Transportation and Public Facilities and the Department of Commerce, Community and Economic Development both serve on ARRC's board of directors.

9. ARRC's spill prevention and response plans are filed with and regulated by the state. ARRC is required by state law to show sufficient financial responsibility to respond to spills.

10. ARRC must provide public notice before entering into leases or other disposals of an interest in land.

Conclusion

The rationale for exempting ARRC from the Executive Budget Act is as valid today as it was 24 years ago. In exempting ARRC from the Executive Budget Act, the 13th Legislature understood the need for the state-owned railroad to operate as an independent business, free from political concerns and the unnecessary cost of bureaucratic attachments. They understood that railroad business, safety, and environmental decisions have to be made based on the facts and merits of the situation, and not unnecessarily biased or encumbered by political considerations. They understood that dependence on appropriations from the State would automatically slow down day-to-day decision-making in a very complex and dynamic transportation business where customers depend on the railroad's ability to respond quickly to market demands.

In short, the ARRC business model, as it exists today, works very well and, as a result, ARRC has never requested State dollars for its operation. We firmly believe that the Legislature should be proud that this business is providing a valuable service to Alaska's economy, satisfying its customers, and paying its own way. The Alaska Legislature should not undermine ARRC's continuing viability by injecting the Executive Budget Act into its operations. ARRC needs to be at the very top of its game if it is to someday support a new pipeline, Department of Defense development, growing tourist numbers, a future need for commuter rail support, and/or expansion into Canada or ultimately north beyond Fairbanks. HB 127 threatens that readiness to take on growth and development within the state, a hallmark of ARRC's history and track record.

Rebecca Rooney

From: Wendy Lindskoog [LINDSKOOGW@akrr.com]
Sent: Friday, March 06, 2009 5:41 PM
To: Rep. Peggy Wilson
Cc: Patrick Gamble
Subject: Pat Gamble's letter to Rep. Stoltze
Attachments: Representativr Stoltze March 6, 2009.pdf

Representative Wilson: I hope this e-mail finds your husband doing well. Mr. Gamble asked that I forward you a copy of the letter we sent to Representative Bill Stoltze. Mr. Gamble is hoping to provide his testimony on HB 127 in person on March 17th. We will both be in town that day for a Senate Finance hearing as well. He will also try to call in to the hearing on March 12th if his schedule allows. I have asked your staff to provide me the call in number. See you in Juneau soon,

Wendy Lindskoog
Assistant Vice President Corporate Affairs
907-265-2498
lindskoogw@akrr.com

ATCT 20.63

Executive Office
Telephone: 907-265-2403
Facsimile: 907-265-2312

March 6, 2009

The Honorable Bill Stoltze
Representative
State Capitol, Room 515
Juneau, AK 99801

Dear Representative Stoltze:

Your staff probably mentioned that I called Wednesday to be sure I clearly understood your rationale for introducing House Bill 127 which places the Alaska Railroad under the Executive Budget Act. Another reason for my phone call was to express concern about the scheduled hearing in House Transportation regarding this bill on March 12, 2009, a day I am unable to attend.

I will be in Washington D.C. from March 9th through the 13th meeting with various governmental agencies including the Department of Defense, Federal Railroad Administration, and the Corps of Engineers, as well as all three members of our Congressional Delegation. Since it was our understanding that the Juneau hearing for HB 127 would likely occur on March 17th, I had arranged my appointment schedule accordingly. Under normal circumstances I am happy to rearrange my calendar to accommodate hearing changes in Juneau. Unfortunately, I cannot reschedule this particular trip to Washington D.C.

As I am sure you have already determined, placing the Alaska Railroad under the Executive Budget Act would fundamentally change the way the railroad was intended to operate by the legislature that approved the Corporation Act (AS 42.40). It would entail a careful and comprehensive rewrite of the Act in order to make very clear the way in which the Executive Budget Act would enhance the existing Railroad model and make it a better operating business enterprise of the State. I think we could all agree that is not a trivial matter to be dealt with in haste. Which brings me to my point.

327 W. Ship Creek Avenue
Anchorage, Alaska 99501

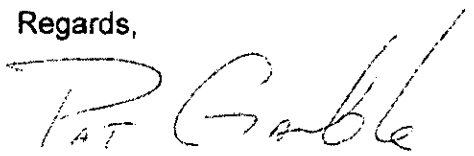
MAILING ADDRESS
P.O. Box 107500 Anchorage, Alaska, 99510-7500

TEL 907.265.2300 FAX 907.265.2416
AlaskaRailroad.com

Representing the Alaska Railroad as its President and CEO, I feel strongly that I need to attend this major State policy discussion in person before the House Transportation committee and future committees the bill may be scheduled in. I believe it is imperative during the legislative hearings to dialogue face to face with legislators on this important matter, rather than by teleconference. I have requested that the House Transportation Committee Chair consider rescheduling this bill for March 17th, or a future date, in recognition of the value our personal dialogue would bring to these landmark deliberations. I would appreciate your support in this request.

It is my hope that we can assist your efforts to examine this proposition. Once they are presented my staff and I are standing by to address your specific concerns.

Regards,



Patrick K. Gamble
President and CEO

Rebecca Rooney

From: Rep. Bill Stoltze
Sent: Monday, March 09, 2009 11:37 AM
To: Patrick Gamble
Cc: Rep. Peggy Wilson
Subject: RE: PDF

Mr. Gamble.

I understand your interest in delaying this legislation. I am sorry it took you so long to try to contact me directly I have certainly received NUMEROUS messages and contacts from individuals who were contacted by members of your organization (just about every route but the direct one- calling me!) The most casual observor can note that you have no shortage of high level railroad officials who can participate in the first meeting, in the first committee of referral on what will be the 52nd day of the 90 day session. The call on scheduling is certainly up to Chair Wilson, but I favor having the 1st hearing at the earliest date possible

---

From: Patrick Gamble [Gamblep@akrr.com]
Sent: Friday, March 06, 2009 5:45 PM
To: Rep. Bill Stoltze
Subject: PDF

HB

131

Representative Lindsey Holmes

List of recommended witnesses and interested parties

CS HB 131 - Child Safety Seats and Seat Belts

---

1. Gordon Glaser, Education Specialist – Injury Surveillance & Prevention Programs;
   State of Alaska, Department of Health and Social Services

   3601 C Street, Suite 222/250
   Anchorage, Alaska 99503
   (907) 269-3433
   gordan.glaser@alaska.gov

2. Cindy Cashen, Administrator – Alaska Highway Safety Office;
   State of Alaska, Department of Transportation & Public Facilities

   P.O. Box 112500
   Juneau, Alaska 99811
   (907) 465-4374
   cindy.cashen@alaska.gov

3. Representative from the Alaska Department of Public Safety

4. Representatives from the Alaska medical and public health profession

State Capitol, Juneau, Alaska 99801 · (907) 465-4919 · Fax: (907) 465-2137
Rep.Lindsey.Holmes@legis.state.ak.us

NHTSA National Highway Traffic Safety Administration
Our Mission: Save lives, prevent injuries, reduce vehicle-related crashes

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Child Passenger Safety

Our Mission - Saving Lives

Securing our Most Precious Cargo
Motor vehicle crashes are the leading cause of death among children ages 2 to 14, due in large part to the nonuse or improper use of child seats and seat belts. Working with parents and our partners our goal is to ensure every child is properly secured and safe every trip, every time.

Parents - *Not Sure Which Car Seat to Use?*
Are you looking for a new car seat for your infant, toddler or 4-8 year old child but overwhelmed by the choices and worried about how to properly install your car seat? Our 4 Steps for Kids campaign will help you properly choose and install the correct car seat for your child. Simply click on the link below that best matches your child.

CPS Advocates - *Seeking Resources for your Local Efforts?*
If you are a traffic safety advocate, law enforcement officer, or other CPS stakeholder, click HERE for our 2008 CPS Week Planner designed to help you promote, enhance, and enforce child passenger safety.

4 Easy Steps to Protect America's Children

REAR-FACING SEATS in the back seat from birth to at least 1 year old and at least 20 pounds.

FORWARD-FACING TODDLER SEATS in the back seat from age 1 and 20 pounds to about age 4 and 40 pounds.

BOOSTER SEATS in the back seat from about age 4 to at least age 8, unless 4'9" tall.

SAFETY BELTS at age 8 and older or taller than 4'9". All children age 12 and under should ride in the back seat.

Latest News:

- LATCH Child Safety Seat System Confusing, Says NHTSA Study
  - Details of LATCH study (pdf)
- Key Provisions of Occupant Restraint Laws
- LATCH Child Restraint System
- Low Child Booster Seat Use Called "Unacceptable"

For Parents

LATCH
Child seat ratings
Child seat check sites
Defects and recalls
Airbags & car seats
Car safety ratings
Child growth chart
Flyer - 4 Steps for Kids

CPS General Topics

Annual CPS campaign
Policy, laws & regs
Studies & reports
Certification
Local CPS contacts
Educational materials

Materials in Spanish

Annual CPS campaign
Child seat ratings
Child growth chart
Flyer - 4 Steps for Kids

NEW!

©2000 Barbara Lavalle

Child Safety Seats

Traffic crashes are the leading cause of death and injury to children ages 0-15

- NHTSA, 2001

Is your child in the right seat?

	Infants	Toddlers	Youngsters
Weight*	Up to 20-35lbs	Over 1 year and 20-40lbs	Over 40lbs up to 80lbs
Type	Infant only or rear-facing convertible	Forward-facing/ convertible	Belt positioning booster
Position	Rear-facing only	Forward-facing	Forward-facing
Notes	Harness straps at or below shoulder level	Harness straps at or above shoulders	Must be used with lap and shoulder belts

Keep children rear facing as long as possible.

*** Manufacturer weight/height limits vary.**

Always buckle children in the back seat!!

What are Alaska's laws on child safety seats?

- As of 2006 the Alaska law requires all passengers regardless of age to use a seat belt or appropriate restraint device.
- Children under four years of age must be properly secured in a federally approved child safety seat.
- Children over four must be secured in an approved child safety seat, booster seat or safety belt, whichever is appropriate for the particular child.
- The driver of a car is responsible for every passenger under the age of 16.

A driver convicted of violating the child restraint portion of the law is guilty of an infraction, punishable by a fine of up to $50 and two demerit points on his/her operator's license.

www.nhtsa.dot.gov

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American Academy of Pediatrics

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Alaska Chapter

Alaska Chapter Executive Committee

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Phone: 907/562-2423
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AAP Headquarters
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Elk Grove Village, IL 60007-1098
Phone: 847/434-4000
Fax: 847/434-8000
E-mail: kidsdocs@aap.org
www.aap.org

January 26, 2009

Alaska State House of Representatives
Juneau, AK 99801-1182

Dear Honorable Representatives,

On behalf of the Alaska Chapter AAP I would like to lend our chapter's support for HB 131 that will update and modernize our Child Safety Seat laws to include the use of booster seats, and to spell out safe practices of child restraint devices that are appropriate for infants and children of all ages.

Seat belts are made for adults. Children should stay in a booster seat until adult seat belts fit correctly, usually when the child reaches 4' 9" in height and is between 8 and 12 years of age. The Alaska Chapter AAP recommends that state child safety seat laws are brought up to this standard.

Results from the 2007 National Survey of the Use of Booster Seats conducted by the National Center for Statistics and Analysis of the National Highway Traffic Safety Administration reveals alarmingly that booster seat use rates for children ages 6 and 7 dropped from 36 percent in 2006 to 25 percent in 2007. The study concludes that there is premature graduation of children from birth to age 12 to restraint types that are inappropriate for their height or weight.

SB 72 would help to alleviate confusion among parents and caregivers as to which safety devices are appropriate for their children. Alaska's pediatricians are happy to do their part by counseling parents during doctors' visits on how to keep their children safe while riding in vehicles.

Sincerely,
Jodyne L. Butto,
Jodyne L Butto MD, FAAP
President

MAR 0 9 2009

Representative
Lindsey Holmes

Capitol Room 405
465-4919
465-2137 fax

MEMORANDUM

Date: 26 February 2009

To: Representative Peggy Wilson, Chair
House Transportation Committee

From: Representative Lindsey Holmes
Lisa Valenta, Staff for Representative Lindsey Holmes

RE: Scheduling of HB 131 (Child Booster Seats)

I respectfully request that HB 131 be scheduled in front of the House Transportation Committee at the earliest convenient opportunity.

Please find enclosed the following supporting documentation:

1) Current version of bill with accompanying proposed Committee Substitution;
2) Sponsor Statement;
3) Sectional Analysis;
4) List of recommended witnesses and interested parties; and
5) Additional back-up information.

House Transportation Committee, March 17, 2009, Room 17

Department of Health and Social Services testimony regarding **Senate Bill 72** (Child Safety and Seat Belts)

Offered by Lee Parham, State EMS Training Coordinator, Division of Public Health

The Department of Health and Social Services supports Senate Bill 72, the Child Safety Seats and Seat Belt bill. This bill amends AS 28.05.095(b) to set specific standards for the use of child passenger restraints.

- Motor vehicle related injuries are the leading cause of death in the U.S. of children between the age of two and 14 years of age, and one of the leading causes of hospitalization and leading cause of mortality for children <1 and 14 years of age.

- In 2006, seven children were severely injured in Alaska in motor vehicle crashes. From 2002 to 2006, 63 children have been injured in motor vehicle crashes in Alaska, per the Alaska Trauma Registry (ATR).

- Children who are restrained in booster seats are 59% less likely to be injured in a crash than children restrained by a lap belt only.

- Nationally, voluntary seatbelt inspection stations report that 80-85 % of children are improperly restrained, and one-third of children under age 14 use the wrong type of restraint.

- According to the ATR, >85% of the children hospitalized were improperly restrained (lap belt/shoulder harness only) or were not restrained at all.
- The current statute that references child safety devices is confusing about specific standards for age and weight based restraints.

- **This bill is designed to eliminate confusion about which restraints are appropriate for each age/weight level.**

- The bill clarifies the types of passenger restraints required by children of various ages and sizes to prevent and minimize vehicular injuries.

- Currently 43 states have passed booster seat legislation qualifying them for U.S. Department of Transportation highway safety grants.

HB

132

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM February 23, 2009

SUBJECT: Sectional summary of HB 132 (Work Order No. 26-LS0590\A)

TO: Representative Paul Seaton
Attn: Mary Jane Shows

FROM: Brian J. Kane BJK
Legislative Counsel

You have requested a sectional summary of HB 132, a bill authorizing municipalities and nonprofit organizations to sponsor a program to encourage the safe use of bicycles as an alternative or supplement to motor vehicles.

Please note that a sectional summary of a bill is not an authoritative interpretation of a bill. The bill itself is the best statement of its contents.

Section 1 of the bill authorizes a municipality to establish a safe bicycle ridership program.

Sections 2 - 4 of the bill amend AS 41.21.864 and 41.21.868 to include bicycle paths.

Section 5 of the bill creates a grant program within the Department of Commerce, Community, and Economic Development to encourage the regular and safe use of bicycles and establishes a fund to be used for grants.

Section 6 of the bill instructs the Department of Commerce, Community, and Economic Development to mail a survey to residents who participated in the program in order to evaluate the effectiveness of the program and to submit a report to the legislature.

BJK:ljw
09-103.ljw

Alaska State Legislature

Representative Peggy Wilson
House District 2
Putting Alaska's Families First

FAX TRANSMITTAL SHEET

TO: Leg Legal FAX# 2029

DATE: 3-19-09 FROM: Becky, Rooney

SUBJECT: 26-LS0590\E (WORK DRAFT)

Total Pages (including cover sheet)_____

Version E was adopted w/ 1 Amendment, 26-LS0590\E.1

Any questions please call 465 3759

Becky

This transmittal may be a confidential communication or otherwise privileged information. If you are not the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution or copying of this transmittal is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone at (907) 465-3824. Please destroy this fax cover and all its attachments.

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June-Dec, Wrangell: PO Box 109 • Wrangell, AK 99929 • *ph:* (907) 874-3088 • *fax:* (907) 874-3055
Rep.Peggy.Wilson@legis.state.ak.us • http://www.akrepublicans.org/wilson/ • 1-800-686-3824

#1

26-LS0590\E.1
Kane
3/19/09

AMENDMENT

OFFERED IN THE HOUSE BY REPRESENTATIVE GRUENBERG

TO: CSHB 132( ), Draft Version "E"

Page 2, line 8, following "helmets,":

Insert "bicycle facilities,"

Alaska State Legislature

State Capitol, Room 103
Juneau, AK 99802
Phone: 465-2689
Fax: 465-3472
Toll Free (800) 665-2689
Representative_Paul_Seaton@legis.state.ak.us

345 W. Sterling Highway
Suite 102B
Homer, AK 99603
Phone: 235-2921
Fax: 235-4008

REPRESENTATIVE Paul Seaton
District 35

MEMORANDUM

TO: **Representative Peggy Wilson, Chair**

FROM: **Representative Paul Seaton**

DATE: **March 11, 2009**

RE: **HB132 Bike Bill**

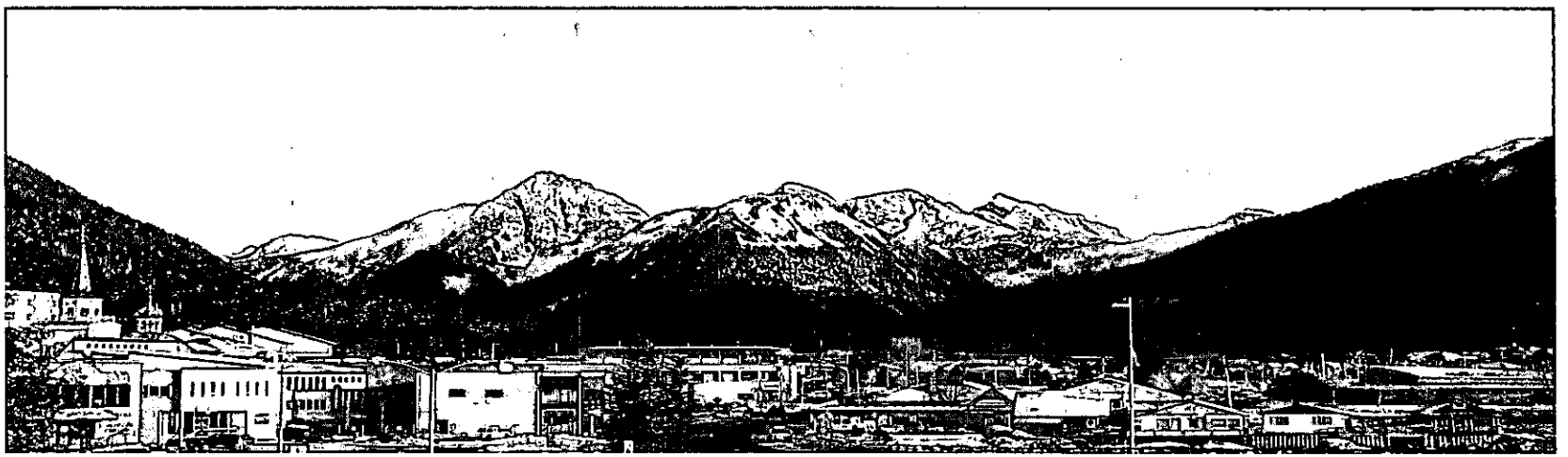
I respectfully request a hearing for HB132 before the House Transportation Committee. In summary, HB 132 provides Alaskans access to bicycles and encourages the expansion of bike paths by creating the Safe Bicycle Ridership grant program for municipalities and non-profits and promotes development of bike paths throughout the state. Attachments include:

- HB 132
- Sponsor Statement
- Sectional analysis
- Letters of Support
- Alaska Bicycle Plans

Staff contact: Mary Jane Shows 465-2689

2748

2007
City and Borough of Sitka
Comprehensive Plan Update



Prepared with the Assistance of
Community Boards, Commissions, Organizations, and Native Interests
who generously contributed time and efforts.

Narrative built to Denali Commission standards.

EXCERPTS FROM THE 2007 SITKA COMPREHENSIVE PLAN (CONTINUED)

Bicycles

2.13.12.To provide education and public information and encouragement for bike safety, including:

A. WORK TOWARD IMPLEMENTING Develop and THE GOALS ESTABLISHED IN THE 2003 SITKA NONMOTORIZED TRANSPORTATION PLAN. *a Sitka Bicycle Safety* plan, to *include a danger assessment and identify and make recommendations to resolve bicycle safety concerns.*

B. WORK WITH THE POLICE AND FIRE COMMISSION TO IMPLEMENT GOAL #2 IN THE NON-MOTORIZED PLAN WHICH SUPPORTS AND ENCOURAGES SAFETY AND EDUCATION PROGRAMS FOR THE BENEFIT OF MOTORIZED AND NON-MOTORIZED USERS OF SITKA'S TRANSPORTATION SYSTEM. ENCOURAGE THE INVOLVEMENT OF SERVICE ORGANIZATIONS AND HEALTH CARE ORGANIZATIONS IN PURSUIT OF THESE GOALS. Develop a bicycle safety programs, a comprehensive bike education program aimed at both youth and adults.

C. Develop and implement bicycle safety ordinances and encourage safe riding practices.

2.13.13.Identify and implement development and improvement of bicycle facilities, including:

A. URGE THE STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION, TO DEVELOP (bike paths) MULTI-USE PATHWAYS on both sides of major roads, including the State highway from Starrigavan to Herring Cove, KEEPING THEM SEPARATED BY CURBS OR GREEN SPACE WHENEVER FEASIBLE..

B. Advocate to DOT for solutions to identified safety issues along Sawmill Creek by BACKING CONCEPTS LIKE A PEDESTRIAN/BICYCLE UNDERPASS AT SAWMILL CREEK HIGHWAY'S INDIAN RIVER BRIDGE OR SEPARATED MULTIUSE PATH FROM SHOTGUN ALLEY TO THE SAWMILL COVE PARK.

C. Improve winter maintenance on roads and (bike lanes) BIKEWAYS AND MULTI-USE PATHWAYS to permit use by cyclists throughout the year. SAFETY WILL BE IMPROVED BY KEEPING BIKE LANES CLEAN, FREE OF GLASS AND GRAVEL WITH WELL-PAINTED LINES AND IN GOOD REPAIR. THESE MAINTENANCE TASKS NEED TO BE RECOGNIZED BY DOT AND PUBLIC WORKS AS A PRIORITY.

D. WORK TOWARDS OBTAINING STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM(STIP) FUNDING FOR MAINTENANCE AND REPAIR OF HALIBUT POINT ROAD BIKE PATH.

C. Correct or, at a minimum, post signs in high priority problem areas warning of danger to bicyclists, as identified in the Sitka Bicycle Plan.

E. SEEK FUNDING TO develop alternate bike routes around congested or dangerous areas and a possible bike and pedestrian path through Moller Park to Lake Street.

F. WORK TOWARD DEVELOPING Develop a SINGLE-TRACK mountain bike accessible trail (and recreational use area along the old "Cross Trail" and possibly other locations) to provide off road places for mountain bikes to ride.

F. (Develop a long-range Comprehensive Sitka Bicycle Plan to plan for and implement future bicycle facilities for Sitka.)

G. WORK TOWARDS DEVELOPING A BMX BICYCLE AREA.

EXCERPTS FROM THE 2007 SITKA COMPREHENSIVE PLAN

(all caps sections were proposed changes – the final plan is still not available)

City Streets and Roads

2.3.5. To develop extensions to the existing street system that will serve the long-term needs of the residents directly served, the traveling public, safety needs and utility services; and to achieve the following objectives and policies;

A. Review minor and major subdivision standards for road and utility construction, weighing initial construction cost against life cycle costs.

B. Incorporate pedestrian and bicycle use of the street system in the design of improvements. INCORPORATE USE OF THE STREET SYSTEM BY PUBLIC TRANSIT RIDERS, PEDESTRIANS AND BICYCLISTS IN THE DESIGN OF STREET IMPROVEMENTS. INCLUDE PUBLIC TRANSIT PULLOUTS IN LONG-RANGE ROAD DESIGNS.

2.7.1. To CONSIDER DEVELOPING AND IMPLEMENTING develop and implement a requirement for SIDEWALKS, BIKE PATHS, parks and/or green belts within all new major subdivisions, and develop a mechanism for community groups to maintain neighborhood parks and green belts.

2.11.5 Encourage healthy lifestyles in Sitka through the development of various activities that would encourage family, SENIOR, youth and community and participation. The healthy lifestyles' program would include the development of healthy activities, as well as an educational component that would include, BUT NOT BE LIMITED TO, the following.

A. Encourage healthy lifestyles for youth/children through school resources and peer support groups.

B. Promote adult/parental participation in health promotion activities.

C. Support the development of educational activities and recreational opportunities such as bike paths, SIDEWALKS, WALKING PATHS and health fairs.

Alaska Campaign for Active Transportation
Anchorage, Palmer and Wasilla, Alaska
2008

Anchorage, Palmer, Wasilla and the "core area" Active Transportation Partnership

Confirmed Partners as of October 2008:

Municipality of Anchorage
Matanuska-Susitna Borough
Southcentral Foundation
Alaska Center for the Environment
Alaska Transportation Priorities Project
Bicycle Commuters of Anchorage
Valley Mountain Bikers and Hikers

CASE STATEMENT

Alaska Campaign for Active Transportation
Anchorage, Palmer and Wasilla, Alaska
2008

Anchorage, Palmer, Wasilla and the "core area" Active Transportation Partnership

Confirmed Partners as of October 2008:
Municipality of Anchorage, www.muni.org/transplan/non-motorized.cfm
Matanuska-Susitna Borough, ww1.matsugov.us
Southcentral Foundation, www.scf.cc
Alaska Center for the Environment, www.akcenter.org
Alaska Transportation Priorities Project, www.aktransportation.org
Bicycle Commuters of Anchorage, www.bicycleanchorage.org
Valley Mountain Bikers and Hikers, www.vmbah.org

Key contacts:
- Lois Epstein, AK Transportation Priorities Project, lois@aktransportation.org, 907 929-9372
- Lori Schanche, Municipality of Anchorage, SchancheLE@muni.org, 907 343-8368
- Pat Owens, Valley Mountain Bikers and Hikers, pato@mtaonline.net, 907 745-7714

Executive Summary

Anchorage, Palmer, Wasilla and the "core area" between Palmer and Wasilla represent areas ripe for increased, non-motorized trips year-round. Anchorage has a completed, comprehensive Pedestrian Plan, is far along in development of its Bicycle Plan and – with adequate funding – will accelerate plan implementation. Palmer, Wasilla and the "core area" require pedestrian and bicycle plan development prior to plan implementation. The entire region, however, has receptive populations due to the outdoors-focus of many Alaskans and their ability to adapt to cold weather, and the extremely high price of motor fuel in Alaska. The Campaign will include a focus on shifting Alaska Native travel patterns to increased non-motorized transportation since Anchorage contains the largest Native population of any community in the state. Based on population, the Campaign expects to spend 80% of its funds in Anchorage and 20% of the funds in Palmer, Wasilla, and the "core area." Finally, the bi-partisan composition of the Campaign's communities helps ensure that the state's federal representatives will act to increase non-motorized transportation funding.

The Campaign's goals are to:
1. Significantly increase the number of trips to/from work, shopping, school, and public transportation in Anchorage, Palmer, Wasilla and the "core area" via non-motorized travel, including among Alaska Natives;
2. Increase safety for walking and bicycling on roads and trails in Anchorage, Palmer, Wasilla and the "core area";
3. Make Anchorage, Palmer, Wasilla and the "core area" more pedestrian- and bicycle-friendly year-round; and,
4. Provide better connections from diverse neighborhoods in Anchorage to the city's world-class paved trail system.

The Alaska Campaign for Active Transportation has a high likelihood of success. The benefits of a successful campaign include decreased road maintenance costs and reduced need for new roads and/or road expansions (the majority paid for using federal dollars), safer non-motorized travel, improved public health, less air and water pollution, and more vibrant neighborhoods and communities.

Alaska Campaign for Active Transportation
Anchorage, Palmer and Wasilla, Alaska
2008

Anchorage, Palmer, Wasilla and the "core area" Active Transportation Partnership Partners (confirmed and unconfirmed as of October 2008):

*Municipality of Anchorage, www.muni.org/transplan/non-motorized.cfm
*Mat-Su Borough, http://ww1.matsugov.us
City of Palmer
City of Wasilla
Alaska Department of Health and Social Services, Division of Public Health
Alaska Department of Transportation and Public Facilities
Anchorage School District
Alaska Native Medical Center
Alaska Native Tribal Health Consortium
*Southcentral Foundation, www.scf.cc
*Alaska Center for the Environment, www.akcenter.org
Alaska Mobility Coalition
Alaska Public Interest Research Group
*Alaska Transportation Priorities Project, www.aktransportation.org
American Lung Association of Alaska
Anchorage Citizens Coalition
*Bicycle Commuters of Anchorage, www.bicycleanchorage.org
Friends of Mat-Su
*Valley Mountain Bikers and Hikers, www.vmbah.org
Anchorage Chamber of Commerce
Palmer Chamber of Commerce
Wasilla Chamber of Commerce

* Confirmed partners

Introduction and Goals

Active transportation, which includes all forms of non-motorized transportation, is a concept many Alaskans heartily support. Alaskans are an outdoors-oriented population and – if physically able and weather conditions allow – Alaskans generally enjoy walking, bicycling, and/or skiing. The mission of the Alaska Campaign for Active Transportation (the Campaign) is to increase the number of essential trips using non-motorized means by residents of Anchorage, Palmer and Wasilla (the two largest Mat-Su Borough communities, both within commuting range of Anchorage) as well as the unincorporated "core area" between these communities. The benefits of a successful campaign include decreased road maintenance costs, reduced need for new roads and/or road expansions, safer non-motorized travel, improved public health, less air and water pollution, and more vibrant neighborhoods and communities.

The Campaign's goals are to:

5. Significantly increase the number of trips to/from work, shopping, school, and public transportation in Anchorage, Palmer, Wasilla and the "core area" via non-motorized travel, including among Alaska Natives;
6. Increase safety for walking and bicycling on roads and trails in Anchorage, Palmer, Wasilla and the "core area";
7. Make Anchorage, Palmer, Wasilla and the "core area" more pedestrian- and bicycle-friendly year-round; and,
8. Provide better connections from diverse neighborhoods in Anchorage to the city's world-class paved trail system.

Location

Southcentral Alaska is the state's most populated region, and contains Alaska's largest community – Anchorage. Approximately 50 miles north are Palmer and Wasilla which are 12 miles apart, and both communities are within one hour's commute of Anchorage. The following map shows the location of Anchorage, Palmer, and Wasilla within Alaska.

Appendix 1 contains maps showing Anchorage's key employment, commercial, and educational destinations, as well as the existing paved trail system.

Background Information

Anchorage is the largest community in Alaska and in 2007 had an estimated population of 283,823 (42% of the state's population).[1] Palmer and Wasilla are the largest communities in the Mat-Su Borough which in 2007 had an estimated population of 80,056 (12% of the state's population).[2] Both Anchorage and the Mat-Su Borough are growing in population.

Anchorage Journalist Tim Woody and his commuting self-portrait.

The Anchorage region has the largest population of Alaska Natives of any community statewide, with Alaska Natives representing approximately 7% of Anchorage's population during the 2000 census.[3] Due to high fuel costs in rural areas, there recently has been significant migration from primarily Native villages to Anchorage.[4]

At approximately 60° north latitude, the region's climate can be characterized as 6 months of winter (October-March) with temperatures below freezing most of the time, 3 transitional months (April, May, and September), and 3 months of summer (June-August). Alaskans are accustomed to cold weather and many individuals walk and even bicycle all year long using modified gear such as shoes with grippers and studded bicycle tires.

The region has limited daylight during fall and winter. As a result, walking and bicycling routes, including routes to schools, must be well-lit and walkers and bicyclists must be very visible to avoid injuries from vehicles and the area's many moose.

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[1] Alaska Department of Labor and Workforce Development. See http://labor.state.ak.us/news/2008/news08-43.pdf.

[2] *Ibid.*

[3] See http://www.muni.org/homepage/quickstats.cfm#mapson.

[4] "Bush costs prompt exodus to cities; Task force urged to stem Migration," Julia O'Malley and Kyle Hopkins, *Anchorage Daily News*, September 29, 2008, (see http://www.adn.com/front/story/541188.html).

Notably, *Prevention* magazine ranked Anchorage 8th best walking city of the 100 most populous cities in the U.S. in 2006, with the criterion that counted most being the percentage of people who regularly walked.[5] The March 2006 issue of *Bicycling* magazine ranked Anchorage among the 21 best bicycling cities in the U.S., giving it an honorable mention in the 200,000 to 500,000 category (winning cities were Madison, WI, Tucson, AZ, and Albuquerque, NM; Minneapolis, MN – a Non-Motorized Transportation Pilot Program community – also received an honorable mention).

In 2006, Anchorage issued its *Ten Year Plan on Obesity and Health*.[6] This plan contains a key goal (one of four goals), with several subgoals, consistent with increasing non-motorized transportation:

> **Goal 4**: Create a community environment that supports a more physically active way of life.
> **Subgoal 4.1**: Develop safe, convenient, and attractive sidewalks/pathways.
> **Subgoal 4.3**: Improve [the] off-road trail system to provide better area wide connectivity and linkages to major destinations and adjoining neighborhoods.
> **Subgoal 4.4**: Improve safety and maintenance of [the] pedestrian transportation system.
> **Subgoal 4.5**: Site public facilities, such as schools, parks, and public buildings in locations where they are readily accessible by walking, biking and/or public transit to the residents intended to be served.
> **Subgoal 4.6**: Modify the Municipality of Anchorage's land use regulations to encourage and facilitate compact mixed use and pedestrian friendly development, particularly in those areas so identified in the Municipality of Anchorage's Comprehensive Plan.

Further proving its interest in non-motorized transportation, this year several involved individuals formed an all-volunteer pro-bicycling organization, Bicycle Commuters of Anchorage, or BCA (see BCA's very impressive website: http://www.bicycleanchorage.org/). BCA works to improve conditions for bicycle transportation and encourage bicycle use in Anchorage. BCA sponsored several events this year to promote bicycle commuting, worked with the Alaska Injury Prevention Center on Public Service Announcements to prevent vehicle collisions with bicycles, and serves as a member of a state/local transportation advisory committee. BCA also assisted the Municipality of Anchorage in promoting Bike to Work Day which included 112 business teams with 918 registered riders, and promoted International Walk to School Day to the media.

Also in 2008, the Anchorage Metropolitan Planning Organization voted to increase spending on Transportation Enhancements from 10 percent of its money to 10-20 percent.

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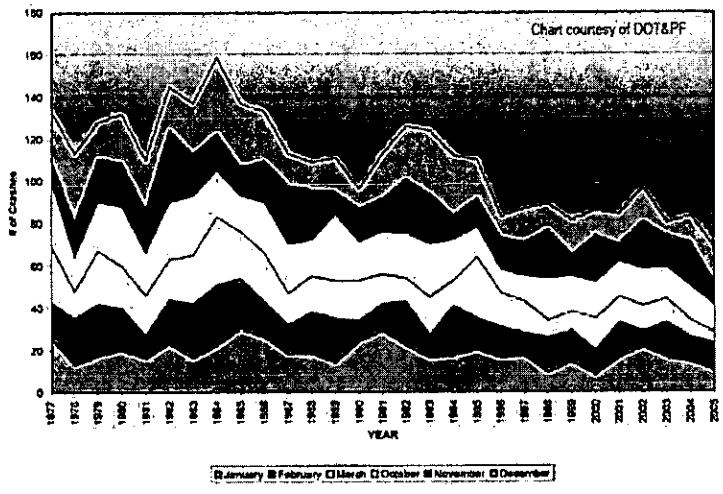
[5] See http://www.prevention.com/cda/article/100-best-walking-cities/1ba0d08f88803110VgnVCM20000012281eac____/fitness/walking/getting.started.

[6] See http://www.muni.org/iceimages/healthchp/Final%20MOA%20OTF%20May%2010,%202006.pdf.

Anchorage has a world-class paved trail system of approximately 120 miles, used recreationally and for commuting. There are 458 miles of sidewalks (mostly in older neighborhoods), representing 13 percent of the total miles of road in the Anchorage bowl.[7] Approximately 75 percent of all intersection curbs with sidewalks have accessibility improvements for the disabled.[8] Anchorage's People Mover buses all have bicycle racks and, due to demand, the newest buses can carry three rather than two bicycles.

To ensure year-round walking in the region, it is critical for sidewalks to be cleared of snow. Over the past decade, Anchorage has increased its sidewalk snow clearing to 130 miles of walking facilities. Pedestrian-vehicle crashes in winter have trended downward as a result (see Figure 1, below[9]).

Figure 1
Pedestrian-Vehicle Crashes in Winter Months, Statewide, 1997 to 2005



To show its commitment to greenhouse gas emission reductions, Anchorage Mayor Mark Begich has signed onto the U.S. Conference of Mayors Climate Protection Agreement, which commits the city to reduce greenhouse gas emission to 7 percent below 1990 levels by 2012.

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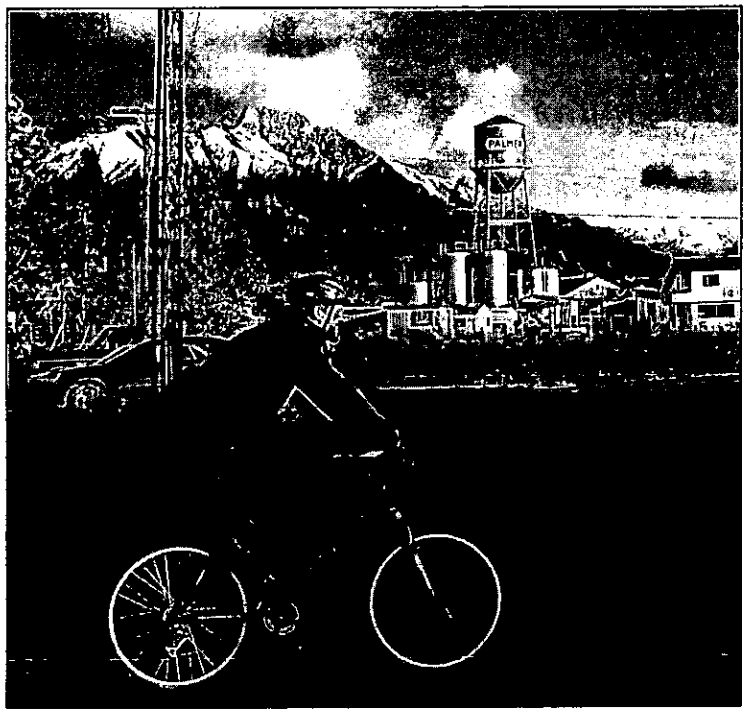
[7] *Anchorage Pedestrian Plan, making Anchorage a better, safer place to walk*, Anchorage Metropolitan Area Transportation Solutions, Traffic Department, Municipality of Anchorage, October 2007, p. 9 (see http://www.muni.org/iceimages/transplan/PedestrianPlan_Web.pdf). The smaller, more rural communities of Chugiak-Eagle River and Girdwood, all part of the Municipality of Anchorage, have even less sidewalk coverage.

[8] *Ibid.*, p. 10.

[9] *Anchorage Pedestrian Plan, op. cit.*, p. 16.

The Palmer and Wasilla area is much less developed and less populated than Anchorage. Within the Mat-Su Borough, there are over 2500 miles of documented trails, though most are backcountry trails which, in some cases, provide access to non-recreational destinations as well recreational opportunities. Backcountry trails in the Mat-Su Borough are mostly motorized as well. Additionally, there are approximately 90 miles of separated walking and bicycling paths within the Borough that have been constructed during the widening of highways and follow main roads such as the Old Glenn Highway, Palmer-Wasilla Highway, and the Parks Highway. Some shorter off-road paths near schools exist in Wasilla and Palmer, but they often do not connect to the main routes. Approximately one-fourth of the Borough's constructed separated paths are near or between the two communities of Palmer and Wasilla.



Bicycle commuter Whit Sheard near downtown Palmer on autumn day.

Challenges for the Campaign include a built environment in Anchorage, Palmer, Wasilla and the "core area" during recent decades that primarily supports motorized lifestyles. The region has a large number of vehicle-oriented commercial districts, office parks that require driving to lunch or errands, shopping centers that are isolated from neighborhoods, and a low percentage of streets with sidewalks.

Baseline Data Relevant to the Alaska Campaign for Active Transportation

As Alaska's largest community, there is considerably more baseline data about Anchorage than about Palmer and Wasilla. This section describes the available data most relevant to the Campaign.

In 2002, the Municipality of Anchorage conducted a survey which found that on a typical weekday in spring, walking trips represented about 5.7 percent of all trips by residents,[10] close to the national average of 6.9 percent. This figure does not include trips that require some walking, e.g., for travel to a bus stop. The survey also found that the median length

[10] *Ibid.*, p. 12.

of a walking trip in Anchorage was 6 minutes or approximately 0.3 miles.[11] Additionally, approximately 14 percent of students walked to school in Anchorage, similar to the national average.[12]

Around 220 pedestrian-vehicle crashes occur each year in Anchorage, a number that has been roughly stable from 1994-2004 despite growing traffic volumes.[13]

According to the Centers for Disease Control and Prevention, 61 percent of adults in Anchorage are overweight, with more than 23 percent qualifying as obese.[14] Among the Alaska Native community statewide, 68% are overweight and 31% qualify as obese.[15]

Status of Pedestrian and Bicycle Plans

As part of its Non-Motorized Transportation Plan, the Municipality of Anchorage published its Pedestrian Plan in October 2007 with the goal of establishing "a 20-year framework for improvements that will enhance the pedestrian environment and increase opportunities to choose walking as a mode of transportation."[16] The 220 page plan focuses on walking facilities adjacent to streets and walkways connecting housing areas to schools. The Pedestrian Plan's goals are as follows:[17]

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[11] *Ibid.*, p. 14.

[12] *Ibid.*, p. 13.

[13] *Ibid.*, p. 21. Data from the *Pedestrian and Bicycle Collision Report*, Alaska Department of Transportation and Public Facilities, 2005.

[14] Data are from the Municipality of Anchorage Ten Year Plan on Obesity and Health, May 10, 2006, prepared by the Mayor's Task Force on Obesity and Health.

[15] 2005 data. See http://www.hss.state.ak.us/dph/chronic/hsl/brfss/risks/obesity.htm.

[16] *Anchorage Pedestrian Plan, op. cit.*, p. 1.

[17] *Ibid.*, p. 5.

Anchorage Pedestrian Plan Goals

Overall Goal: Double the number of pedestrian trips made by Anchorage residents while simultaneously reducing the number of injuries from pedestrian-vehicle crashes.
Goal 1: Create a safer, more walkable city that will encourage year-round winter pedestrian activity and make walking a safer and more attractive activity.
Goal 2: Provide barrier-free mobility for all populations.
Goal 3: Reduce the number and severity of vehicle crashes involving pedestrians and bicyclists by raising public and law enforcement awareness of practices, rights, and responsibilities that promote pedestrian safety.
Goal 4: Improve community connectivity by providing safe, convenient, year-round pedestrian routes within and between neighborhoods, commercial centers, schools, and public facilities as well as between major employment centers and adjacent residential neighborhoods.
Goal 5: Review the relationship of street design to the design of adjacent land uses to consider needs of all users.
Goal 6: Encourage development patterns that increase and enhance pedestrian use.
Goal 7: Raise awareness of the important role of walking in promoting health and preventing disease.

Creation of new walking facilities in Anchorage will make it easier and safer to walk. These facilities will include curb ramps compliant with the Americans with Disabilities Act, new lighting (since children walk or bicycle in the dark for a majority of the school year), signage, traffic calming, removal of obstructions, crossing improvements, and construction of walkways to provide missing links. The Pedestrian Plan also contains a discussion of the federal Safe Routes to School program including obtaining funding from that program for projects associated with walking and/or biking to school.

The Pedestrian Plan includes a prioritized list of over 300 capital projects that will increase walkability. The total cost of pedestrian-related project improvements listed in the Anchorage Pedestrian Plan is $118.5 million[18] for more than 300 projects, however high-priority projects (ranked 8-10 of 10) total approximately $20 million. The Pedestrian Plan includes numerous Action Items covering additional analysis, public education, inter-governmental coordination, etc. to meet the Plan's seven goals.[19]

Municipality of Anchorage staff currently are working on the city's Bicycle Plan, with a projected completion date of spring 2009. The Anchorage Bicycle Plan will recommend improvements needed to create a network of bicycle routes that can be used for commuting. Suggested improvements will include signage, striping, as well as inclusion of bicycle lanes in road construction projects.

[18] *Ibid.*, p. 40.

[19] *Ibid.*, see Chapter 5, Recommendations, Policies, and Action Items.

Palmer, Wasilla, the "core area" and the Mat-Su Borough currently do not have pedestrian or bicycle plans. The Borough , however, does have a Parks, Recreation, and Open Space Plan[20] which identifies the need for separated walking and bicycle paths and is working on a "Green" Infrastructure plan for the "core area."

Benefits of a Successful Alaska Campaign for Active Transportation

When Anchorage, Palmer, Wasilla and the "core area" enact actions to promote increased walking and biking, there will be significant economic, safety, health, mobility, and community benefits. Economic benefits include a decreased need for road and vehicle maintenance (fewer potholes!) in a state with no funds dedicated to transportation, and a reduced need for new or expanded roads; as a result, federal taxpayers (who pay for most of Alaska's transportation needs) and vehicle owners who avoid repairs due to poor-quality road surfaces will benefit economically. Additionally, with gasoline and diesel prices at record or near-record levels, improved walkability and bikeability provides important economic – and frequently property value – benefits to residents. Car and truck travel increasingly is becoming unaffordable for low-income residents, so non-motorized transportation options are becoming not just desirable, but essential, to ensure resident mobility.

Safety benefits result from improved crossings in crash-prone intersections, better lighting, signage, striping, traffic calming, and improved driver education regarding pedestrian and bicycle travel. Health benefits include improved air quality resulting in better lung health, reduced obesity and, potentially, reduced incidence of diabetes. Mobility and community benefits derive from residents not needing to rely on motorized vehicles to get where they must go, thus providing an alternative, and redundant, means of transportation, as well as improved mobility for the disabled and those unable to drive. Additionally, the Campaign will emphasize connecting Anchorage's diverse and lower-income neighborhoods to the city's world-class paved trail system.

Because Anchorage is the largest community in the state with the most municipal staff, documents such as the city's Pedestrian and Bicycle Plans and their implementation will serve as models for smaller communities in Alaska to replicate. Thus, the Campaign would, in fact, benefit multiple additional communities throughout Alaska.

As shown in Figure 2 (next page), the Campaign proposes to divide the expected funding in the following manner: 80% to Anchorage and 20% to the Mat-Su Borough, a reasonable breakdown based on population.

[20] "Parks, Recreation & Open Space Component of the Asset Management Plan," Matanuska-Susitna Borough Assembly Adopted, June 2001 (see http://www.matsugov.us/LandManagement/documents/ParksRecOpenSpaceFinal_001.pdf).

Federal Political Strategy

Anchorage, Palmer, Wasilla and the "core area" together represent approximately half the population of Alaska as well as a bi-partisan cross-section of the state (Anchorage is more liberal while the Mat-Su Borough is more conservative). Because these communities represent such a large and politically diverse portion of the state, combining them within the Campaign ensures that the state's federal representatives will pay attention.

As is well-known, Alaska's current federal delegation in both the Senate and the House has played a strong role in federal transportation law-making to date. Alaska's sole Congressman, Don Young, for example, headed the U.S. House of Representatives' Committee on Transportation and Infrastructure when SAFETEA-LU (named after his wife Lu) passed in 2005.

Should Senator Stevens or Congressman Young not return to the Senate or House in 2009, the Campaign is very confident that any likely successor (Anchorage Mayor Mark Begich in the Senate, a family friend of Congressman Oberstar who now heads the House Committee on Transportation and Infrastructure, and Anchorage's Ethan Berkowitz in the House) will support increased funding for active transportation. Both these candidates are strong advocates for sustainable communities, conservation, and addressing our nation's climate change challenges.

Figure 2: Alaska Campaign for Active Transportation Plan and Budget

Action Number	Action* and Date	Lead Organization	Approximate Cost
1	ANC – Construct high-priority projects from the Pedestrian Plan, including connections to transit and connections from neighborhoods to the city's paved trail system (2008-15)	Municipality of Anchorage	$20 million – for those projects ranking 8-10 on a 10 pt. scale in the Ped. Plan
2	ANC – Complete Bicycle Plan (2009)	Municipality of Anchorage	Will occur regardless
3	ANC – Become a Bicycle Friendly Community through the League of American Bicyclists (2011-12)	Municipality of Anchorage	$100,000
4	ANC – Construct high-priority projects from the Bicycle Plan, including connections to transit and connections from neighborhoods to the city's paved trail system (2010-15)	Municipality of Anchorage	$16 million
5	ANC – Web-based interactive route planning for the public (2011-12)	Municipality of Anchorage	$100,000
6	ANC – Targeted outreach to major employers like the federal and state governments, oil/gas companies, hospitals; encourage incentives to walk and bicycle (2010)	Municipality of Anchorage	$100,000
7	ANC – Provide matching grant incentives for bicycle racks and lockers (2010-15)	Municipality of Anchorage	$2 million
8	ANC – Purchase needed snow-plow equipment (2010)	Municipality of Anchorage	$1 million
9	ANC – Promote active transportation among Alaska Natives, including through Centers for Disease Control and Prevention-funded WISEWOMAN program of lifestyle intervention and through public service ads showing Natives walking and bicycling (2010-15)	Southcentral Foundation	$650,000
10	PAL, WAS – Develop Pedestrian and Bicycle plans (2010-2012)	Mat-Su Borough	$200,000
11	PAL, WAS – Provide matching grant incentives for bicycle racks and lockers (2010-2015)	Mat-Su Borough	$500,000
12	PAL, WAS – Implementation of Pedestrian and Bicycle plans, including connections to transit (2012-2015)	Mat-Su Borough	$9.3 million
13	ALL – Earned media and public service ads and announcements on walking and biking (2010-15)	Alaska Transportation Priorities Project	$50,000
14	ALL – Conduct events to educate the public on walking (e.g., International Walk to School Day) and biking (e.g., Bike to Work day/week) (2010-2015)	Multiple	Will occur regardless
15	ALL – Promote Safe Routes to School program (2010-15)	Alaska Transportation Priorities Project	Will occur regardless
16	ALL – Obtain additional funding to supplement the federal money including state/local contributions, Rasmuson, Southcentral and other foundations, Native corporation contributions, etc. (2010-15)	Multiple	In-kind contributions from involved organizations

* Action Abbreviations:
ANC – Anchorage, PAL – Palmer, WAS – Wasilla, ALL – All involved communities

Summary

Anchorage, Palmer, Wasilla and the "core area" between Palmer and Wasilla represent areas ripe for increased, non-motorized trips year-round. Anchorage has a completed, comprehensive Pedestrian Plan, is far along in development of its Bicycle Plan and – with adequate funding – will accelerate plan implementation. Palmer, Wasilla and the "core area" require pedestrian and bicycle plan development prior to plan implementation. The entire region, however, has receptive populations due to the outdoors-focus of many Alaskans and their ability to adapt to cold weather, and the extremely high price of motor fuel in Alaska. The Campaign will include a focus on shifting Alaska Native travel patterns to increased non-motorized transportation since Anchorage contains the largest Native population of any community in the state. Based on population, the Campaign expects to spend 80% of its funds in Anchorage and 20% of the funds in Palmer, Wasilla, and the "core area." Finally, the bi-partisan composition of the Campaign's communities helps ensure that the state's federal representatives will act to increase non-motorized transportation funding.

The Alaska Campaign for Active Transportation has a high likelihood of success. The benefits of a successful campaign include decreased road maintenance costs and reduced need for new roads and/or road expansions (the majority paid for using federal dollars), safer non-motorized travel, improved public health, less air and water pollution, and more vibrant neighborhoods and communities.

Acknowledgements
Primary author: Lois Epstein, P.E., Alaska Transportation Priorities Project
Key co-authors: Lori Schanche, P.L.A., Municipality of Anchorage; Pat Owens, Valley Mountain Bikers and Hikers

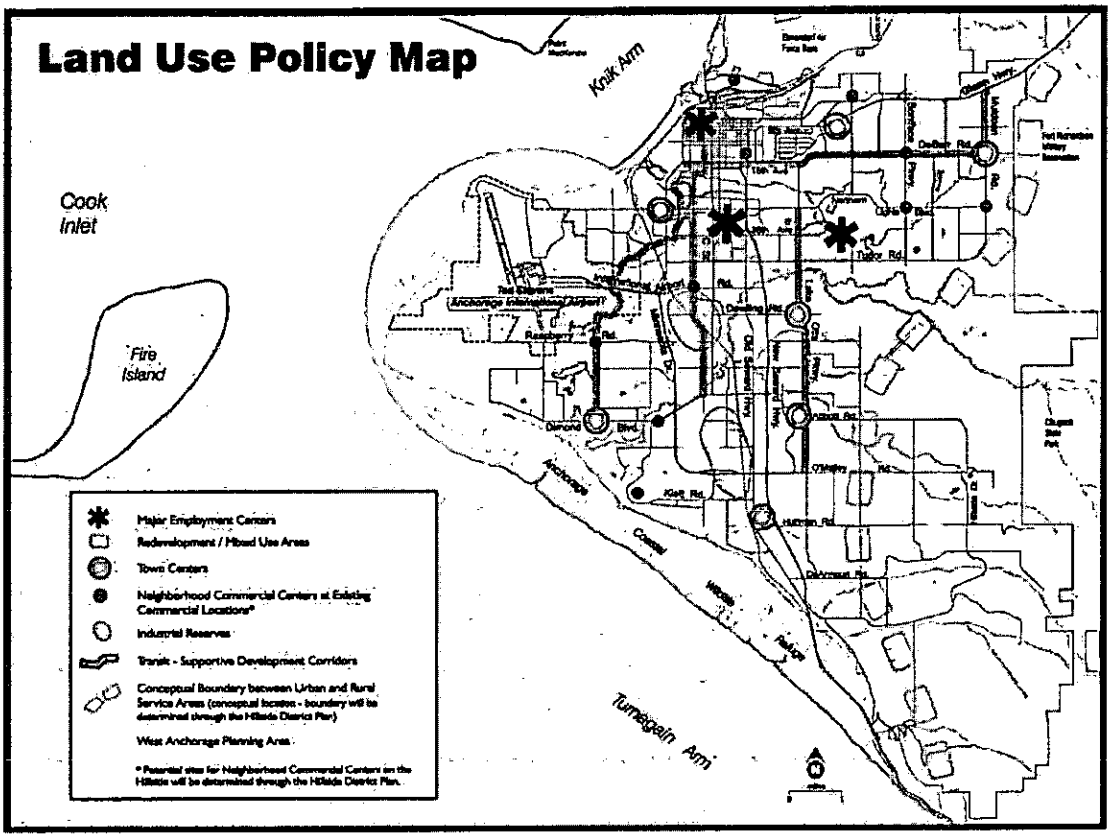
The authors greatly appreciate the assistance of: John Duffy, Mat-Su Borough; Becky Oberrecht, BBA, Southcentral Foundation; Diana Redwood, MS, MPH, Alaska Native Tribal Health Consortium (Alaska Native Epidemiology Center); Brian Litmans, Bicycle Commuters of Anchorage
Photo assistance: Tim Woody, Whit Sheard, Dr. Dave Werner

Appendix

A: Maps
B: Anchorage Assembly and Mat-Su Borough Resolutions, and Letters of Support [to be added]
C: Contacts

Appendix A

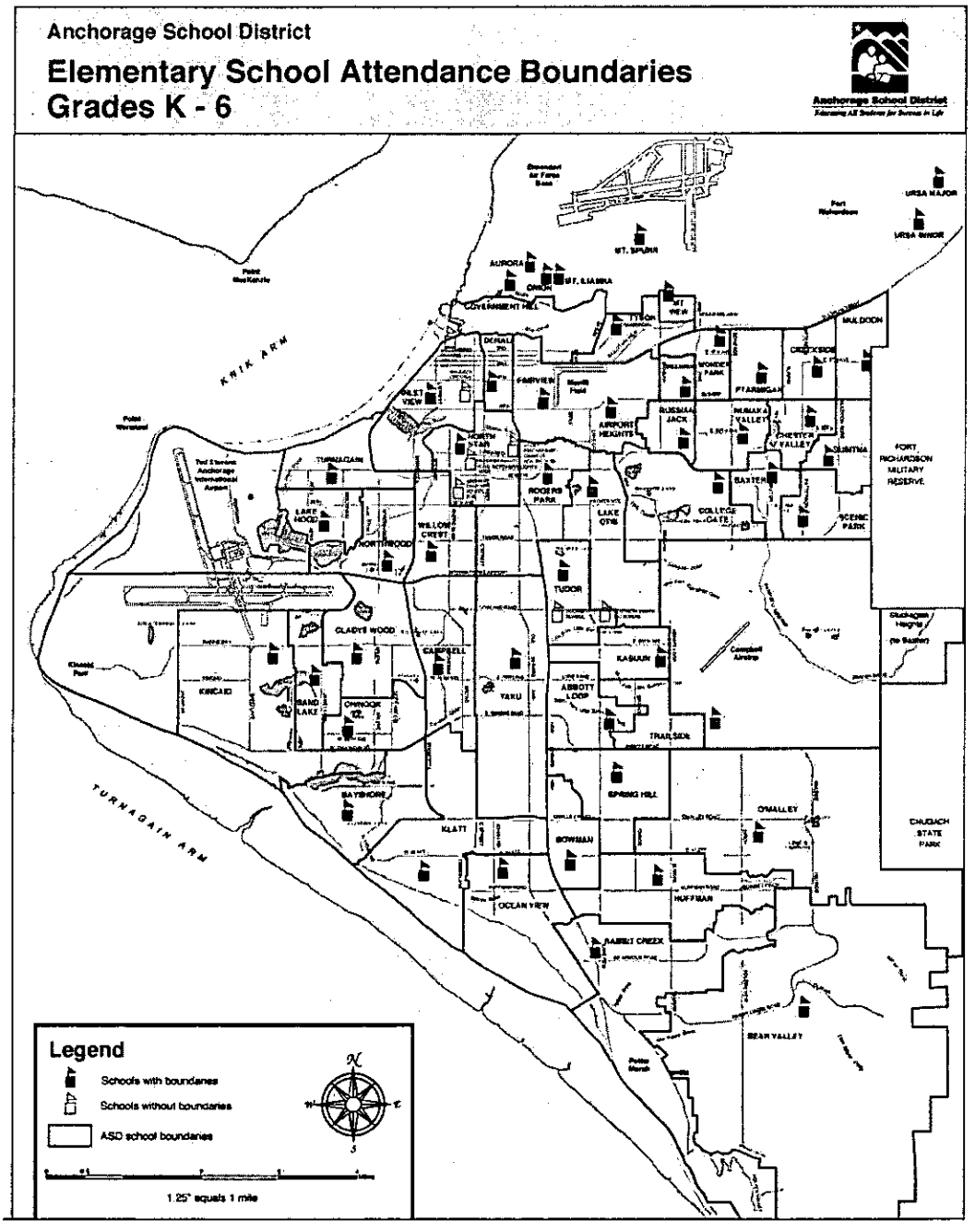
A-1: Municipality of Anchorage Land Use Map Showing Key Employment and Commercial Centers



Source: *Anchorage Pedestrian Plan, making Anchorage a better, safer place to walk*, Anchorage Metropolitan Area Transportation Solutions, Traffic Department, Municipality of Anchorage, October 2007, p. 34 (see http://www.muni.org/iceimages/transplan/PedestrianPlan_Web.pdf).

Appendix A

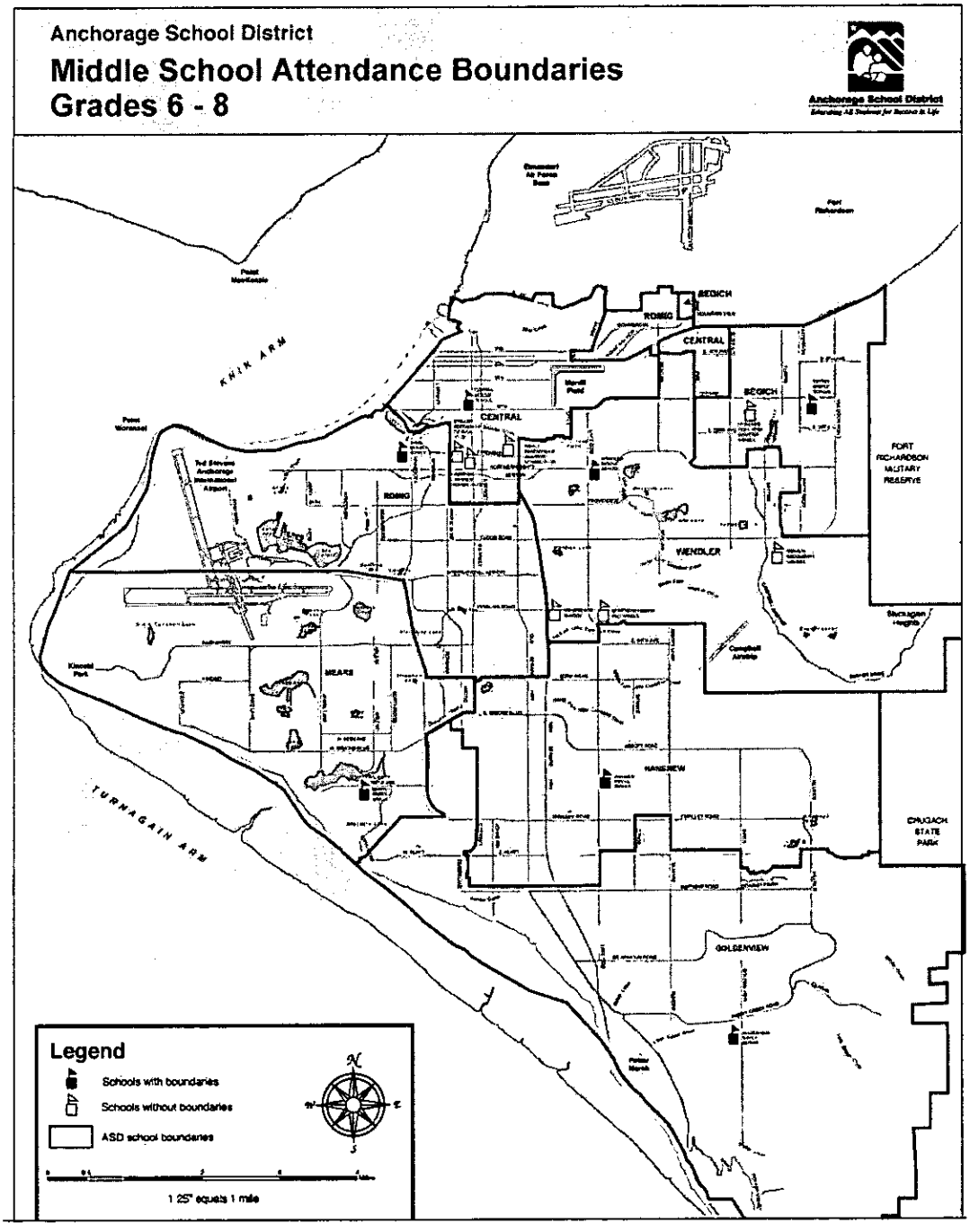
A-2: Municipality of Anchorage Elementary School Locations and Attendance Boundaries



Source: Municipality of Anchorage (see http://www.muni.org/iceimages/traffic/Walking_Route_Manual_0809.pdf, p. 4).

Appendix A

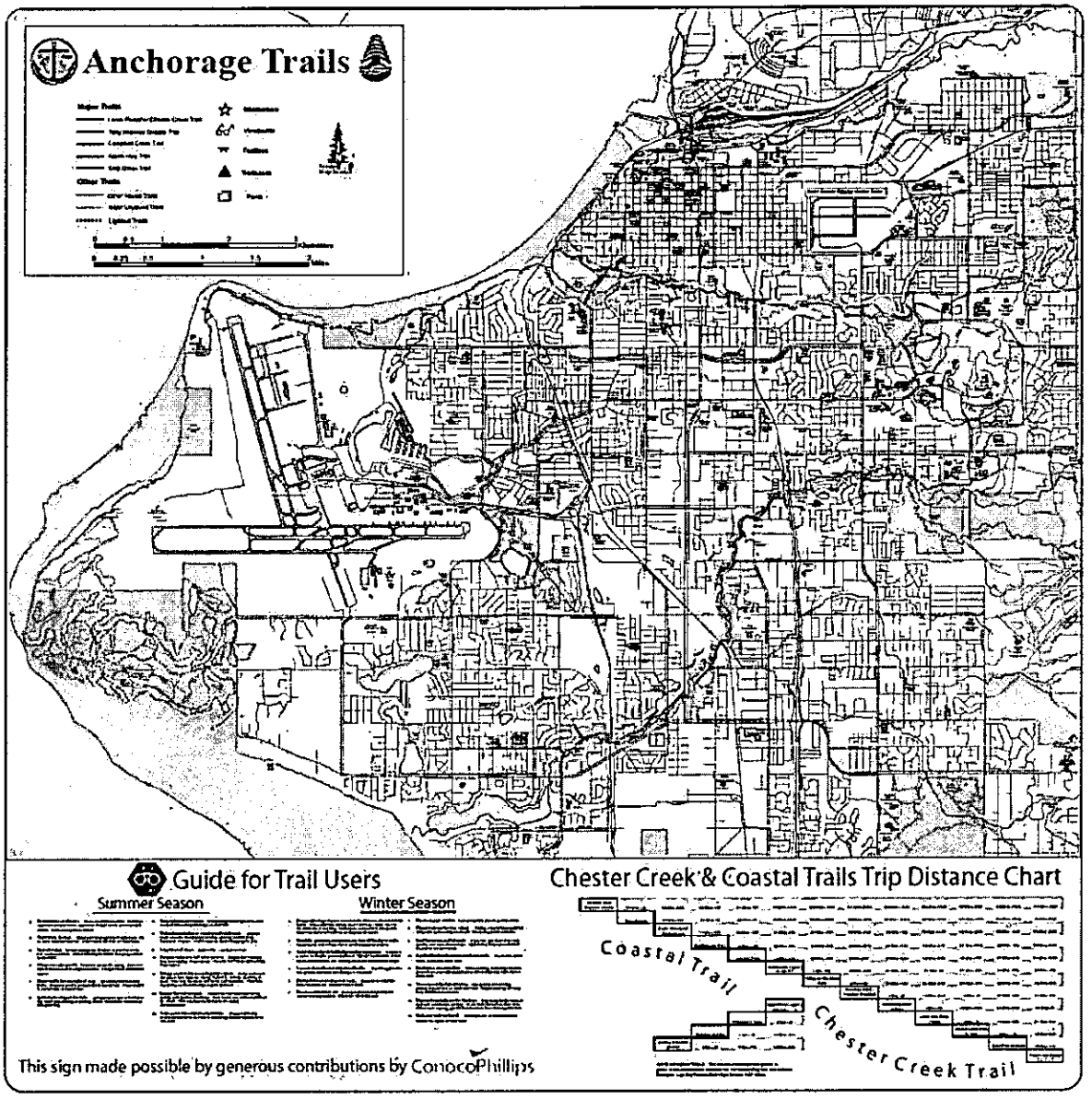
A-3: Municipality of Anchorage Middle School Locations and Attendance Boundaries



Source: Municipality of Anchorage (see http://www.muni.org/iceimages/traffic/Walking_Route_Manual_0809.pdf, p. 5).

Appendix A

A-4: Municipality of Anchorage Trails



Source: Municipality of Anchorage (see http://www.muni.org/iceimages/parks/TrailwatchMap.pdf).

Appendix B

Anchorage Assembly and Mat-Su Borough Resolutions, and Letters of Support
[to be added]

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Appendix C

Key Contacts

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Bikes, Bikes, Bikes:
A program of the City & Borough of Juneau/Parks & Recreation-Zach Gordon Youth Center.

HG Wells once told us that when I see an adult on a bicycle, "I do not despair for the future of the human race. Cycle tracks will abound in Utopia". This year's recipient of the Alaska Municipal League's 2008 Alaska Community Award of Excellence honoring the best in local government innovation is the Zach Gordon Youth Center's Bikes, Bikes, Bikes Community Program spearheaded by the Zach Gordon Youth Center.

The Bikes program provides free bikes for the public to use around town. Bikes, Bikes, Bikes is a partnership of the Youth Center, SEARHC, Steps to a Healthier SE Alaska (grant), JPD and the Skyler Kim Foundation. The Youth Center provides a maintenance room including bike stands, tools (youth are trained in bicycle maintenance), and a bicycle maintenance instructor six hours a week for students to learn basic bike maintenance skills.

Youth ranging from ten to twenty years of age have experienced the joy of riding and repairing bikes. Thirty bikes acquired through JPD's recycle program and community donations are available for use. Weekly organized bike rides occur throughout the summer months on local bike trails.

The program is Parks & Recreation's ultimate contribution to sustainability and healthy transportation choices.

Federal Highway Administration 1994 Plan

Alaska Bicycle & Pedestrian Plan

"It is the policy of the State of Alaska to promote the increased use and safety of bicycling and walking as year-round transportation choices by giving them full consideration in the planning, design, construction and maintenance of transportation facilities."

Michael A. Barton

Commissioner
Alaska DOT&PF
November 1994

"It is Federal transportation policy to promote increased use of bicycling, and encourage planners and engineers to accommodate bicycle and pedestrian needs in designing transportation facilities for urban and suburban areas."

"It is Federal transportation policy to increase pedestrian safety through public information and improved crosswalk design, signaling, school crossings, and sidewalks."

Moving America
New Directions, New Opportunities
A Statement of National Transportation Policy
Strategies for Action
February 1990

"The policies of encouraging the increased use and safety of bicycling and walking have been endorsed by the Secretary (of Transportation.) I would like to reiterate our enthusiastic support of bicycling and walking as legitimate transportation modes, and request our field offices' continued assistance in carrying out this policy."

Rodney E. Slater
FHWA Administrator
May 9, 1994

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Alaska Bicycle and Pedestrian Plan

INTRODUCTION

The purpose of the Alaska Bicycle & Pedestrian Plan, an integral part of Vision 2020: Alaska's Long Range Statewide Transportation Plan, is to present a framework for a practical, workable Bicycle/Pedestrian program in the State of Alaska. The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) requires each state to incorporate a long-term bicycle & pedestrian plan into its long range transportation plan. While the focus of this plan is on bicycles and pedestrians, we recognize that many of the facilities provided for these modes are readily usable by other forms of transportation such as in-line skating, equestrians, Nordic skiing, and,depending on local ordinances and season: snowmobiles or all-terrain vehicles.

By providing safe, well-designed, all-season paths, trails, lanes, sidewalks and other facilities, this plan is intended to develop

ALASKA CENTER *for the* ENVIRONMENT

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www.akcenter.org

February 19, 2009

The Honorable Paul Seaton
Alaska State Senate
Alaska State Capitol
Juneau, Alaska 99801-1182

Dear Representative Seaton,

The Alaska Center for the Environment supports HB 132, "An Act authorizing municipalities and nonprofit organizations to sponsor a program to encourage the safe use of bicycles as an alternative or supplement to motor vehicles; amending the duties of the Department of Commerce, Community, and Economic Development to include administration of state funds appropriated for that purpose; and amending provisions of the program by which state and federal aid allocated for highways may be used to support bicycle paths." ACE is a non-profit environmental education and advocacy organization. Founded by a group of concerned Alaskans in 1971, ACE is the largest grassroots conservation organization in Alaska with over 6,000 members a vast majority of which are Alaskan residents.

Thousands of Alaskans find expression for their conservation values through membership in ACE's values of balance, common sense, and long-range stewardship in managing our natural resources. HB 132 is important to our organization because it would increase the number of bicycle and pedestrian commuters in Alaska, decreasing wear and tear on infrastructure by reducing the number of cars on the road and increasing general health by promoting exercise and lessening pollution. In addition to saving the state money by reducing the cost of road maintenance, increased bike commuting provides an affordable alternative to driving for residents who are faced with volatile fuel prices. Part two of HB132, which establishes a grant program to create bike trails, effectively foresees the demand for a safe commute.

The Alaska Center for the Environment would like to thank you for introducing this innovative piece of legislation.

Sincerely,

Toby Smith
Executive Director

Mary Jane Shows

From: Heather Best [hbest25@yahoo.com]
Sent: Friday, March 06, 2009 1:14 PM
To: Rep. Paul Seaton
Subject: HB132
Follow Up Flag: Follow up
Flag Status: Orange

Dear Representative Seaton,

Thank you for introducing HB132! I greatly appreciate your interest in creating bicyclist-friendly programs and improving bike safety statewide. Not only can HB132 help Alaskans cut down on their fuel costs when we commute less by car, but the state will save money via less wear-and-tear on public infrastructure. Additionally, I am very pleased with the second part of the bill to provide grants to improve and increase safe bike routes. This important component of the bill will encourage Alaskans to commute by bike because of increased safety and expediency.
My husband and I commute by bicycle during the entire year in Fairbanks and appreciate any steps to make that easier and safer.

Thanks again for your work in introducing this fantastic bill and please let me know what I can do to support it in the future.

Sincerely,

Heather Best
Fairbanks, AK

Mary Jane Shows

From: Rep. Paul Seaton
Sent: Thursday, February 26, 2009 7:57 AM
To: Mary Jane Shows
Subject: FW: HB 132

From: Kristi Wood [mailto:KWood@gci.com]
Sent: Wednesday, February 25, 2009 8:53 PM
To: Rep. Paul Seaton
Subject: HB 132

Hello Representative Seaton,

I am writing in support of HB 132. Thank you very much for supporting the cycling community! I have been using a bicycle as my primary form of transportation for the last four years. I live in Anchorage, and bike commute 12 months of the year. I enjoy cycling so much that I sold my car. My family started saving thousands of dollars a year in vehicle insurance, maintenance, registration, and gas. And I am in great shape without having to pay for an expensive gym membership.

I read the description of HB 132, and noticed there doesn't seem to be any mention of bicycle racks. It can often be a challenge to arrive at my destination, only to have to scout around for a suitable tree or signpost to lock my bike to. Perhaps bicycle racks can be taken into consideration in the future.

Thanks again for your support of bicycling!
Kristi Wood
Secretary for the Bicycle Commuters of Anchorage

Mary Jane Shows

From: Tom Moran [thomasmmoran@gmail.com]
Sent: Tuesday, March 03, 2009 11:05 AM
To: Rep. Paul Seaton
Subject: HB 132
Follow Up Flag: Follow up
Flag Status: Orange

The Honorable Paul Seaton
Alaska State Senate
Alaska State Capitol
Juneau, Alaska 99801-1182

Dear Representative Seaton,

As an avid recreational cyclist and year-round bike commuter, I would like to voice my support for House Bill 132. Bicycles remain the most efficient form of transport known to man and are a highly undervalued solution to a host of problems, from fossil fuel consumption to traffic congestion, road wear and obesity rates.

Unfortunately, the bike infrastructure in Alaska is at best deficient. Funneling grant money towards bike paths and community bicycle programs, as your bill proposes, would help encourage bike usage and would hopefully help shake some of the inexplicable stigma attached to bicyclists in Alaska. Bike paths, of course, are as valuable for drivers as they are for bicyclists, as they remove both cars and bicycles from main roads.

I have one suggestion for the bill as it moves through the committee process: the current language pertaining to the purchases which can be made by municipal bike programs is too strict. The phrase "and bicycle accessories" or "and bicycle safety accessories" should be added to the list. I say this because the cheapest, simplest, most effective thing a community bike program could do to encourage bike safety is to distribute bicycle lights. I cannot count the number of times I have almost run over cyclists or pedestrians at night because they are traveling without lights. Bike taillights can be purchased very cheaply and in my estimation are as important a part of bike safety as a helmet.

Thank you again for introducing the bill. I hope it comes to fruition.

Sincerely,
Tom Moran
Fairbanks

Thank you for introducing HB132! I greatly appreciate your interest in creating bicyclist-friendly programs and improving bike safety statewide. Not only can HB132 help Alaskans cut down on their fuel costs when we commute less by car, but the state will save money via less wear-and-tear on public infrastructure. Additionally, I am very pleased with the second part of the bill to provide grants to improve and increase safe bike routes. This important component of the bill will encourage Alaskans to commute by bike because of increased safety and expediency.

Thanks again for your work in introducing this fantastic bill and please let me know what I can do to support it in the future.

Sincerely,

Mary Jane Shows

From: wendymz@myuw.net
Sent: Tuesday, March 03, 2009 2:15 PM
To: Rep. Paul Seaton
Subject: Support of HB132

Follow Up Flag: Follow up
Flag Status: Orange

The Honorable Paul Seaton
Alaska State Senate
Alaska State Capitol
Juneau, Alaska 99801-1182

Dear Representative Seaton,

Thank you for introducing HB132! We greatly appreciate your interest in creating bicyclist-friendly programs and improving bike safety statewide. Not only can HB132 help Alaskans cut down on their fuel costs when we commute less by car, but the state will save money via less wear-and-tear on public infrastructure. Additionally, We are very pleased with the second part of the bill to provide grants to improve and increase safe bike routes. This important component of the bill will encourage Alaskans to commute by bike because of increased safety and expediency.

Thanks again for your work in introducing this fantastic bill and please let us know what we can do to support it in the future.

Sincerely,

Wendy M. Zimmerman
David W. Delcourt
Fairbanks

Mary Jane Shows

From: Rep. Paul Seaton
Sent: Monday, February 23, 2009 5:55 PM
To: Mary Jane Shows
Subject: FW: bike bill

-----Original Message-----
From: housemajority_email@housemajority.org [mailto:housemajority_email@housemajority.org]
Sent: Monday, February 23, 2009 4:53 PM
To: Rep. Paul Seaton
Subject: bike bill

+----------+
DO NOT REPLY DIRECTLY TO THIS EMAIL: your reply will go to enews@housemajority.org To correspond with the author Hit 'Reply' or 'Forward'.
Then change the TO: address to lesleyyamauchi@gmail.com If suspected Spam please forward to: support@housemajority.org
+----------+

From: lesleyyamauchi@gmail.com

Dear Representative Seaton,
Please help our communities become more environmentally friendly, physically fit, and safer by giving your support for the Bike Bill.

Thank you,

~ Lesley
Zip Code: 99508

Anchorage Russian Jack Park area

+----------+
DO NOT REPLY DIRECTLY TO THIS EMAIL: your reply will go to enews@housemajority.org To correspond with the author Hit 'Reply' or 'Forward'.
Then change the TO: address to lesleyyamauchi@gmail.com If suspected Spam please forward to: support@housemajority.org
+----------+

2780

INTERIOR TRAILS PRESERVATION COALITION

ITPC

Sunday, March 15, 2009

Rep. Peggy Wilson
Chairwoman, House Transportation Committee

Rep. Wilson,

The Interior Trails Preservation Coalition supports the adoption of HB132-Bicycle Program. Encouraging bicycle use and the construction of bicycle paths and trails is a wise use of state funds.

Bicycles are an excellent choice for commuting and recreation. They reduce motorized vehicle traffic, which reduces air pollution and wear and tear on roads. Bicycling helps improve physical and mental health, which reduces community health care costs. Bicycling is also cheaper than driving a car or truck, especially as fuel prices rise.

We are particularly happy that HB132 includes a funding mechanism to help build more trails and bicycle paths. Such travel corridors not only give bicyclists a safe place to ride, but they are available for other forms of non-motorized transportation, such as running or cross-country skiing.

Investments in trails, bicycle paths, and bicycle programs help communities attract healthy, active people to a community. Such investments also help bolster tourism, an important industry in our state.

We are also pleased that HB132 allows communities to come up with programs that fit their particular needs. No two communities are the same, so local control of spending will allow communities to devise programs that have the most chance of success.

We urge the Alaska State Legislature to pass HB132. The adoption of this bill is a wise investment in Alaska's future.

Sincerely,

Eric Troyer
Vice President

ITPC
P.O. Box 74263, Fairbanks, AK 99707 *Phone: (907) 458-7968*

HB

133

CITY OF FAIRBANKS

ENGINEERING DEPARTMENT

800 Cushman Street
Fairbanks, AK 99701

Telephone (907)459-6749
Fax (907)452-5913

February 19, 2009

Representative Peggy Wilson
State Capitol, Room 408
Juneau, Alaska 99801-1182

Re: Support for House Bill No. 133

Dear Representative Peggy Wilson:

I am writing to express my support for House Bill No. 133. As Traffic Engineer for the City of Fairbanks, I support the use of the Alaska Traffic Manual as a standard for uniformity of traffic control devices throughout Alaska. While many of the standards it sets out are "shall" conditions and therefore mandatory, there are also many standards that are "should" situations, where engineering judgment must be applied to determine what traffic control devices will work best for that particular situation. That was the intent of how the Alaska Traffic Manual was written—to maintain uniformity while allowing use of judgment, rather than prescribe a recipe to apply to all field situations.

There are many factors affecting the type of traffic control used at a location, including clarity of devices, unique road geometry, visibility conditions, accident history, etc., which must be considered in a decision to place a traffic control device. The *Guerrero* Ruling takes away an engineer's ability to use his or her professional judgment to determine the best traffic control devices for a particular situation. Since House Bill No. 133 seeks to rectify this situation, I would like to express my strong support for it.

Thank you for your time and consideration.

Sincerely,

Kathleen Vincent, P. E.
City of Fairbanks Traffic Engineer

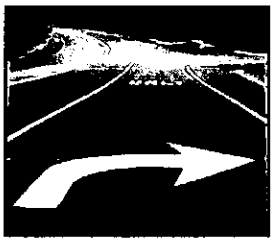
Cc: Representative Jay Ramras
Representative Mike Kelly
Representative Scott Kawasaki
Representative David Guttenberg
Senator Joe Thomas
Senator Joe Paskvan
Kurtis Smith, AKDOT Headquarters
Mayor Terry Strle, City of Fairbanks

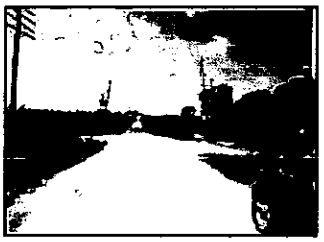
Manual on Uniform Traffic Control Devices

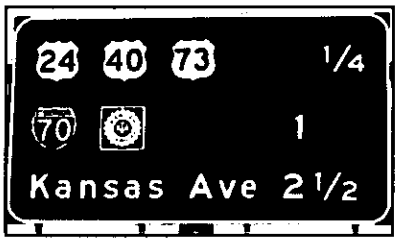
for Streets and Highways

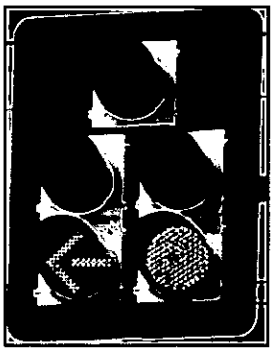
2003 EDITION

Including Revision 1 dated November 2004









U.S. Department of Transportation
Federal Highway Administration

MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES
INTRODUCTION

Standard:

Traffic control devices shall be defined as all signs, signals, markings, and other devices used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, pedestrian facility, or bikeway by authority of a public agency having jurisdiction.

The Manual on Uniform Traffic Control Devices (MUTCD) is incorporated by reference in 23 Code of Federal Regulations (CFR), Part 655, Subpart F and shall be recognized as the national standard for all traffic control devices installed on any street, highway, or bicycle trail open to public travel in accordance with 23 U.S.C. 109(d) and 402(a). The policies and procedures of the Federal Highway Administration (FHWA) to obtain basic uniformity of traffic control devices shall be as described in 23 CFR 655, Subpart F.

Any traffic control device design or application provision contained in this Manual shall be considered to be in the public domain. Traffic control devices contained in this Manual shall not be protected by a patent, trademark, or copyright, except for the Interstate Shield and any other items owned by FHWA.

Support:

The need for uniform standards was recognized long ago. The American Association of State Highway Officials (AASHO), now known as the American Association of State Highway and Transportation Officials (AASHTO), published a manual for rural highways in 1927, and the National Conference on Street and Highway Safety (NCSHS) published a manual for urban streets in 1930. In the early years, the necessity for unification of the standards applicable to the different classes of road and street systems was obvious. To meet this need, a joint committee of AASHO and NCSHS developed and published the original edition of this Manual on Uniform Traffic Control Devices (MUTCD) in 1935. That committee, now called the National Committee on Uniform Traffic Control Devices (NCUTCD), though changed from time to time in name, organization, and personnel, has been in continuous existence and has contributed to periodic revisions of this Manual. The FHWA has administered the MUTCD since the 1971 edition. The FHWA and its predecessor organizations have participated in the development and publishing of the previous editions. There were eight previous editions of the MUTCD, and several of those editions were revised one or more times. Table I-1 traces the evolution of the MUTCD, including the two manuals developed by AASHO and NCSHS.

Standard:

The U.S. Secretary of Transportation, under authority granted by the Highway Safety Act of 1966, decreed that traffic control devices on all streets and highways open to public travel in accordance with 23 U.S.C. 109(d) and 402(a) in each State shall be in substantial conformance with the Standards issued or endorsed by the FHWA.

Support:

23 CFR 655.603 adopts the MUTCD as the national standard for any street, highway, or bicycle trail open to public travel in accordance with 23 U.S.C. 109(d) and 402(a). The "Uniform Vehicle Code (UVC)" is one of the publications referenced in the MUTCD. The UVC contains a model set of motor vehicle codes and traffic laws for use throughout the United States. The States are encouraged to adopt Section 15-116 of the UVC, which states that, "No person shall install or maintain in any area of private property used by the public any sign, signal, marking, or other device intended to regulate, warn, or guide traffic unless it conforms with the State manual and specifications adopted under Section 15-104."

The Standard, Guidance, Option, and Support material described in this edition of the MUTCD provide the transportation professional with the information needed to make appropriate decisions regarding the use of traffic control devices on streets and highways. The material in this edition is organized to better differentiate between Standards that must be satisfied for the particular circumstances of a situation, Guidances that should be followed for the particular circumstances of a situation, and Options that may be applicable for the particular circumstances of a situation.

Throughout this Manual the headings Standard, Guidance, Option, and Support are used to classify the nature of the text that follows. Figures, tables, and illustrations supplement the text and might constitute a Standard, Guidance, Option, or Support. The user needs to refer to the appropriate text to classify the nature of the figure, table, or illustration.

Standard:

When used in this Manual, the text headings shall be defined as follows:

1. **Standard—a statement of required, mandatory, or specifically prohibitive practice regarding a traffic control device. All standards are labeled, and the text appears in bold type. The verb shall is typically used. Standards are sometimes modified by Options.**

Table I-1. Evolution of the MUTCD

Year	Name	Month / Year Revised
1927	Manual and Specifications for the Manufacture, Display, and Erection of U.S. Standard Road Markers and Signs (for rural roads)	4/29, 12/31
1930	Manual on Street Traffic Signs, Signals, and Markings (for urban streets)	No revisions
1935	Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD)	2/39
1942	Manual on Uniform Traffic Control Devices for Streets and Highways — War Emergency Edition	No revisions
1948	Manual on Uniform Traffic Control Devices for Streets and Highways	9/54
1961	Manual on Uniform Traffic Control Devices for Streets and Highways	No revisions
1971	Manual on Uniform Traffic Control Devices for Streets and Highways	11/71, 4/72, 3/73, 10/73, 6/74, 6/75, 9/76, 12/77
1978	Manual on Uniform Traffic Control Devices for Streets and Highways	12/79, 12/83, 9/84, 3/86
1988	Manual on Uniform Traffic Control Devices for Streets and Highways	1/90, 3/92, 9/93, 11/94, 12/96, 6/98, 1/00
2000	Manual on Uniform Traffic Control Devices for Streets and Highways — Millennium Edition	7/02
2003	Manual on Uniform Traffic Control Devices for Streets and Highways	

2. **Guidance—a statement of recommended, but not mandatory, practice in typical situations, with deviations allowed if engineering judgment or engineering study indicates the deviation to be appropriate. All Guidance statements are labeled, and the text appears in unbold type. The verb should is typically used. Guidance statements are sometimes modified by Options.**
3. **Option—a statement of practice that is a permissive condition and carries no requirement or recommendation. Options may contain allowable modifications to a Standard or Guidance. All Option statements are labeled, and the text appears in unbold type. The verb may is typically used.**
4. **Support—an informational statement that does not convey any degree of mandate, recommendation, authorization, prohibition, or enforceable condition. Support statements are labeled, and the text appears in unbold type. The verbs shall, should, and may are not used in Support statements.**

Support:

Throughout this Manual all dimensions and distances are provided in the International System of Units, a modernized version of the Metric system, and their English equivalent units are shown in parentheses.

Guidance:

Before laying out distances or determining sign sizes, the public agency should decide whether to use the International System of Units (Metric) or the English equivalent units. The chosen units should be specified on plan drawings. The chosen unit of measurement should be made known to those responsible for designing, installing, or maintaining traffic control devices.

Except when a specific numeral is required by the text of a Section of this Manual, numerals shown on the sign images in the figures that specify quantities such as times, distances, speed limits, and weights should be regarded as examples only. When installing any of these signs, the numerals should be appropriately altered to fit the specific signing situation.

Support:

The following information will be useful when reference is being made to a specific portion of text in this Manual.

There are ten Parts in this Manual and each Part is comprised of one or more Chapters. Each Chapter is comprised of one or more Sections. Parts are given a numerical identification, such as Part 2-Signs. Chapters are identified by the Part number and a letter, such as Chapter 2B-Regulatory Signs. Sections are identified by the Chapter number and letter followed by a decimal point and a number, such as Section 2B.03-Size of Regulatory Signs.

Each Section is comprised of one or more paragraphs. The paragraphs are indented but are not identified by a number or letter. Paragraphs are counted from the beginning of each Section without regard to the intervening text headings (Standard, Guidance, Option, or Support). Some paragraphs have lettered or numbered items. As an example of how to cite this Manual, the phrase "Not less than 12 m (40 ft) beyond the stop line" that appears on Page 4D-12 of this Manual would be referenced in writing as "Section 4D.15, P7, D1(a)," and would be verbally referenced as "Item D1(a) of Paragraph 7 of Section 4D.15."

Standard:

In accordance with 23 CFR 655.603(b)(1), States or other Federal agencies that have their own MUTCDs or Supplements shall revise these MUTCDs or Supplements to be in substantial conformance with changes to the National MUTCD within 2 years of issuance of the changes. Unless a particular device is no longer serviceable, non-compliant devices on existing highways and bikeways shall be brought into compliance with the current edition of the National MUTCD as part of the systematic upgrading of substandard traffic control devices (and installation of new required traffic control devices) required pursuant to the Highway Safety Program, 23 U.S.C. § 402(a). In cases involving Federal-aid projects for new highway or bikeway construction or reconstruction, the traffic control devices installed (temporary or permanent) shall be in conformance with the most recent edition of the National MUTCD before that highway is opened or re-opened to the public for unrestricted travel [23 CFR 655.603(d)(2)]. The FHWA has the authority to establish other target compliance dates for implementation of particular changes to the MUTCD [23 CFR 655.603(d)(4)]. These target compliance dates established by the FHWA shall be as follows:

Section 2A.19 Lateral Offset—crashworthiness of sign supports—January 17, 2013 for roads with posted speed limit of 80 km/h (50 mph) or higher.

Section 2B.03 Size of Regulatory Signs—increased sign sizes and other changes to Table 2B-1—10 years from the effective date of the Final Rule for the 2003 MUTCD.

Section 2B.04 STOP Sign (R1-1)—4-WAY plaque requirement—January 17, 2004.

Section 2B.06 STOP Sign Placement—signs mounted on back of STOP sign—10 years from the effective date of the Final Rule for the 2003 MUTCD.

CHAPTER 1A. GENERAL

Section 1A.01 Purpose of Traffic Control Devices

Support:

The purpose of traffic control devices, as well as the principles for their use, is to promote highway safety and efficiency by providing for the orderly movement of all road users on streets and highways throughout the Nation.

Traffic control devices notify road users of regulations and provide warning and guidance needed for the reasonably safe, uniform, and efficient operation of all elements of the traffic stream.

Standard:

Traffic control devices or their supports shall not bear any advertising message or any other message that is not related to traffic control.

Support:

Tourist-oriented directional signs and Specific Service signs are not considered advertising; rather, they are classified as motorist service signs.

Section 1A.02 Principles of Traffic Control Devices

Support:

This Manual contains the basic principles that govern the design and use of traffic control devices for all streets and highways open to public travel regardless of type or class or the public agency having jurisdiction. This Manual's text specifies the restriction on the use of a device if it is intended for limited application or for a specific system. It is important that these principles be given primary consideration in the selection and application of each device.

Guidance:

To be effective, a traffic control device should meet five basic requirements:

A. Fulfill a need;
B. Command attention;
C. Convey a clear, simple meaning;
D. Command respect from road users; and
E. Give adequate time for proper response.

Design, placement, operation, maintenance, and uniformity are aspects that should be carefully considered in order to maximize the ability of a traffic control device to meet the five requirements listed in the previous paragraph. Vehicle speed should be carefully considered as an element that governs the design, operation, placement, and location of various traffic control devices.

Support:

The definition of the word "speed" varies depending on its use. The definitions of specific speed terms are contained in Section 1A.13.

Guidance:

The actions required of road users to obey regulatory devices should be specified by State statute, or in cases not covered by State statute, by local ordinance or resolution consistent with the "Uniform Vehicle Code."

The proper use of traffic control devices should provide the reasonable and prudent road user with the information necessary to reasonably safely and lawfully use the streets, highways, pedestrian facilities, and bikeways.

Support:

Uniformity of the meaning of traffic control devices is vital to their effectiveness. The meanings ascribed to devices in this Manual are in general accord with the publications mentioned in Section 1A.11.

Section 1A.03 Design of Traffic Control Devices

Guidance:

Devices should be designed so that features such as size, shape, color, composition, lighting or retroreflection, and contrast are combined to draw attention to the devices; that size, shape, color, and simplicity of message combine to produce a clear meaning; that legibility and size combine with placement to permit adequate time for response; and that uniformity, size, legibility, and reasonableness of the message combine to command respect.

Standard:

All symbols shall be unmistakably similar to or mirror images of the adopted symbol signs, all of which are shown in the "Standard Highway Signs" book (see Section 1A.11). Symbols and colors shall not be modified unless otherwise stated herein. All symbols and colors for signs not shown in the "Standard Highway Signs" book shall follow the procedures for experimentation and change described in Section 1A.10.

Guidance:

Aspects of a device's design should be modified only if there is a demonstrated need.

Support:

An example of modifying a device's design would be to modify the Side Road (W2-2) sign to show a second offset intersecting road.

Option:

Highway agencies may develop word message signs to notify road users of special regulations or to warn road users of a situation that might not be readily apparent. Unlike symbol signs and colors, new word message signs may be used without the need for experimentation. With the exception of symbols and colors, minor modifications in the specific design elements of a device may be made provided the essential appearance characteristics are preserved. Although the standard design of symbol signs cannot be modified, it may be appropriate to change the orientation of the symbol to better reflect the direction of travel.

Section 1A.04 Placement and Operation of Traffic Control Devices

Guidance:

Placement of a traffic control device should be within the road user's view so that adequate visibility is provided. To aid in conveying the proper meaning, the traffic control device should be appropriately positioned with respect to the location, object, or situation to which it applies. The location and legibility of the traffic control device should be such that a road user has adequate time to make the proper response in both day and night conditions.

Traffic control devices should be placed and operated in a uniform and consistent manner.

Unnecessary traffic control devices should be removed. The fact that a device is in good physical condition should not be a basis for deferring needed removal or change.

Section 1A.05 Maintenance of Traffic Control Devices

Guidance:

Functional maintenance of traffic control devices should be used to determine if certain devices need to be changed to meet current traffic conditions.

Physical maintenance of traffic control devices should be performed to retain the legibility and visibility of the device, and to retain the proper functioning of the device.

Support:

Clean, legible, properly mounted devices in good working condition command the respect of road users.

Section 1A.06 Uniformity of Traffic Control Devices

Support:

Uniformity of devices simplifies the task of the road user because it aids in recognition and understanding, thereby reducing perception/reaction time. Uniformity assists road users, law enforcement officers, and traffic courts by giving everyone the same interpretation. Uniformity assists public highway officials through efficiency in manufacture, installation, maintenance, and administration. Uniformity means treating similar situations in a similar way. The use of uniform traffic control devices does not, in itself, constitute uniformity. A standard device used where it is not appropriate is as objectionable as a nonstandard device; in fact, this might be worse, because such misuse might result in disrespect at those locations where the device is needed and appropriate.

Section 1A.07 Responsibility for Traffic Control Devices

Standard:

The responsibility for the design, placement, operation, maintenance, and uniformity of traffic control devices shall rest with the public agency or the official having jurisdiction. 23 CFR 655.603 adopts the Manual on Uniform Traffic Control Devices as the national standard for all traffic control devices installed on any street, highway, or bicycle trail open to public travel. When a State or other Federal agency

CHAPTER 2A. GENERAL

Section 2A.01 Function and Purpose of Signs

Support:

This Manual contains Standards, Guidance, and Options for the signing within the right-of-way of all types of highways open to public travel. The functions of signs are to provide regulations, warnings, and guidance information for road users. Both words and symbols are used to convey the messages. Signs are not typically used to confirm rules of the road.

Detailed sign requirements are located in the following Chapters of Part 2:

Chapter 2B—Regulatory Signs

Chapter 2C—Warning Signs

Chapter 2D—Guide Signs (Conventional Roads)

Chapter 2E—Guide Signs (Freeways and Expressways)

Chapter 2F—Specific Service (Logo) Signs

Chapter 2G—Tourist-Oriented Direction Signs

Chapter 2H—Recreational and Cultural Interest Area Signs

Chapter 2I—Emergency Management Signs

Standard:

Because the requirements and standards for signs depend on the particular type of highway upon which they are to be used, the following definitions shall apply:

A. Freeway—a divided highway with full control of access;
B. Expressway—a divided highway with partial control of access;
C. Conventional Road—a street or highway other than a low-volume road (as defined in Section 5A.01), a freeway, or an expressway; and
D. Special Purpose Road—a low-volume, low-speed road that serves recreational areas or resource development activities, or that provides local access.

Section 2A.02 Definitions

Support:

Definitions that are applicable to signs are given in Sections 1A.13 and 2A.01.

Section 2A.03 Standardization of Application

Support:

It is recognized that urban traffic conditions differ from those in rural environments, and in many instances signs are applied and located differently. Where pertinent and practical, this Manual sets forth separate recommendations for urban and rural conditions.

Guidance:

Signs should be used only where justified by engineering judgment or studies, as noted in Section 1A.09.

Results from traffic engineering studies of physical and traffic factors should indicate the locations where signs are deemed necessary or desirable.

Roadway geometric design and sign application should be coordinated so that signing can be effectively placed to give the road user any necessary regulatory, warning, guidance, and other information.

Standard:

Each standard sign shall be displayed only for the specific purpose as prescribed in this Manual. Determination of the particular signs to be applied to a specific condition shall be made in accordance with the criteria set forth in Part 2. Before any new highway, detour, or temporary route is opened to traffic, all necessary signs shall be in place. Signs required by road conditions or restrictions shall be removed when those conditions cease to exist or the restrictions are withdrawn.

Section 2A.04 Excessive Use of Signs

Guidance:

Regulatory and warning signs should be used conservatively because these signs, if used to excess, tend to lose their effectiveness. If used, route signs and directional signs should be used frequently because they promote reasonably safe and efficient operations by keeping road users informed of their location.

HB 155

Alaska State Legislature

Representative Peggy Wilson
House District 2
Putting Alaska's Families First

FAX TRANSMITTAL SHEET

TO: Leg Legal FAX# 2029

DATE: 3-24-09 FROM: Becky Rooney

SUBJECT: 26-GH1056\A

Total Pages (including cover sheet) 2

HB-155 was passed from committee with the attached amendment. Please prepare a CS.

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Jan-May, Juneau: State Capitol • Juneau, AK 99801-1121 • *ph:* (907) 465-3824 • *fax:* (907) 465-3175
June-Dec, Wrangell: PO Box 109 • Wrangell, AK 99929 • *ph:* (907) 874-3088 • *fax:* (907) 874-3055
Rep.Peggy.Wilson@legis.state.ak.us • http://www.akrepublicans.org/wilson/ • 1-800-686-3824

26-GH1056\A.1
Bailey
3/24/09

AMENDMENT

OFFERED IN THE HOUSE BY REPRESENTATIVE GRUENBERG

TO: HB 155

Page 2, line 19:

Delete "and"

Page 2, line 20, following "law,":

Insert "and subject to appropriation,"

page 2 line 19, following "any"
Insert "other"

Passed

2793

Gail Phillips

26-GH1056\A.1
Bailey
3/24/09

AMENDMENT

OFFERED IN THE HOUSE BY REPRESENTATIVE GRUENBERG

TO: HB 155

Page 2, line 19:

Delete "and"

Page 2, line 20, following "law,":

Insert "and subject to appropriation,"

2794

HB

171

House Transportation Committee
Alaska State Legislature
House of Representatives
Representative Peggy Wilson - Chair

MEMORANDUM

Date: April 2, 2009

To: Suzi Lowell, Chief Clerk

From: Representative Peggy Wilson, Chair
House Transportation Committee

Re: House Transportation Committee Schedule

Tuesday, April 7, 2009 1:00 – 3:00 p.m. **Cap. Room 17**

+* HB 171 - AUTHORIZING TRANSFER OF RAILROAD LAND
+* SB 142 - TRANSFER RAILROAD LAND TO DOTPF:FAIRBANKS
+* SB 24 - LOUIS MILLER BRIDGE

Bills Previously Heard/Scheduled
Teleconferenced

Thursday, April 9 , 2009 1:00 – 3:00 p.m. **Cap. Room 17**

No Meeting Scheduled

Bills Previously Heard/Scheduled
Teleconferenced

Saturday, April 11, 2009 1:00 – 3:00 p.m. **Cap. Room 17**

No Meeting Scheduled

Bills Previously Heard/Scheduled
Teleconferenced

- • indicates bill's first hearing
- = indicates bill has been heard in this committee
- + indicates bill will be teleconferenced

Alaska State Capitol, Room 406 • Juneau, Alaska 99801
(907) 465-3759 phone • (907) 465-3175 fax

February 23, 2009

Representative Nancy Dahlstrom
State of Alaska
House of Representatives

Dear Representative Dahlstrom:

At our February 19th Government Hill Community Council meeting, Ron Pollock, Executive Director and Sue Lukens, Development Director of Anchorage Community Development Authority, asked us to support the bill authorizing the exchange of Alaska Railroad land in Government Hill for Municipality of Anchorage land. Following their presentation and discussion, our council voted to support this legislation.

Two railroad parcels within Government Hill are under consideration for trade. One is a small triangle of land near the entrance to Government Hill Elementary School. Last year, the Municipality of Anchorage purchased a business on this site and razed the derelict building. Mr. Pollock and Ms. Lukens report that this parcel, if owned by the Municipality, will be modified to improve the entrance to the school, which could enhance appearance, traffic flow and student safety.

The second railroad parcel is approximately 1.77 acres located on the south side of Hollywood Drive. Currently, it is leased from the railroad but is included in the Northpointe Bluff Subdivision. If traded to the Municipality, this parcel could be sold to the developer/owner of the subdivision, who, in turn, could sell lots to individual buyers for single family, owner/occupied homes.

Given the future uses of the above two parcels, as stated by the Municipality, Government Hill Community Council supports this land trade. We ask for your support as well.

Sincerely,

Thomas Pease

Thomas Pease
Acting President
Government Hill Community Council

Anchorage School District

5530 E. Northern Lights Blvd.
Anchorage, Alaska 99504-3135
(907) 742-4000

March 10, 2009

The Honorable Nancy Dahlstrom
State of Alaska
House of Representatives

Re: Alaska Railroad/Municipality of Anchorage Land Trade; HB 171

Dear Representative Dahlstrom:

It is my understanding that the above-mentioned bill is being considered at this legislative session.

The land trade proposed between the Alaska Railroad and the Municipality of Anchorage will result in a small parcel of land, directly in front of the entrance to the Government Hill Elementary School, being transferred to the Municipality of Anchorage. Last year the Municipality purchased the business located there, and razed the derelict building. If the parcel is owned by the Municipality it can be used to improve the entrance to the school and enhance student safety there.

The Anchorage School District is in support of this legislation and we urge the legislature to pass the bill in this session.

Thank you for your consideration.

Sincerely yours,

Carol Comeau

Carol Comeau, Superintendent
Anchorage School District

February 17, 2008

Representative Nancy Dahlstrom
State Capitol, Room 409
Juneau, AK 99801-1182

Re: Alaska Railroad Exchange – Detail Shop

Dear Representative Dahlstrom:

Ron Pollock of the Anchorage Community Development Authority presented information to the Government Hill Elementary PTA on February 12, 2009 regarding the Alaska Railroad Exchange with the Municipality of Anchorage for the following properties:

- 566 E Bluff – AKRR property known as the "Detail Shop"
- 201 W 3rd Avenue - MOA property known as the A/C couplet parking lot
- Northpointe Bluff Property – AKRR property located along Hollywood Wood Drive in Government Hill

We understand that Anchorage Community Development Authority has completed full demolition of the blighted building (formally known as the "detail shop") in support of the redevelopment of the Government Hill area and in anticipation that a land exchange could occur to make improvements to the entrance/exit to the Government Hill Elementary School.

We fully support the Alaska Railroad exchange with the MOA property as the location of the detail shop/gas station has impeded easy access to the Government Hill Elementary School making it unsafe for drivers and children walking to school.

Sincerely,

Lynda Limon
Government Hill PTA President

cc: Jim Kubitz, Alaska Railroad

Adopted: February 17, 2009

Resolution No. 2009-006

Approving Transfer of Real Property to the Municipality of Anchorage

WHEREAS, the Alaska Railroad Corporation (ARRC) is the owner of two separate parcels of land on Government Hill that are proposed for a land swap with the Municipality of Anchorage; and

WHEREAS, one of the parcels, shown on the attached Exhibit A as ARRC Parcel 1, is not contiguous with other ARRC property and does not currently produce lease revenue; all improvements were previously removed from the parcel to expedite the Municipality's movement of gravel from a nearby site to the Port of Anchorage; the parcel presents a physical and legal obstruction to safe and efficient access to the Municipality's Government Hill Elementary School; and

WHEREAS, the second parcel, covered under a long-term lease and shown on the attached Exhibit A as ARRC Parcel 2, is surrounded by municipally owned or controlled property known as the Hollywood Vista site; the site is currently being redeveloped into a residential subdivision after years of planning by the Government Hill community and the Municipality of Anchorage, and ARRC's parcel will be incorporated into the redevelopment; and

WHEREAS, the Municipality would like to acquire the ARRC Parcel 2 in order to more efficiently develop the entire site, allowing the ARRC parcel to be subdivided as part of the overall development which would otherwise be restricted in its use; and

WHEREAS, the Municipality has offered to transfer the land shown on Exhibit A as MOA Parcel 1, which is more desirably located for ARRC use or development, in exchange for both ARRC parcels; and

WHEREAS, the ARRC and municipal properties proposed for exchange have been independently appraised and valued at $602,800 and $645,000, respectively; the Municipality has indicated it expects no additional consideration for its slightly higher valued property; and

WHEREAS, ARRC management recommends approval of this land exchange because the corporation will acquire property of equivalent or greater value that will increase the development potential of a central business district site or could potentially be incorporated in the development ARRC's existing Ship Creek land

327 W. Ship Creek Avenue
Anchorage, Alaska 99501

MAILING ADDRESS
P.O. Box 107500 Anchorage, Alaska, 99510-7500

TEL 907.265.2300 FAX 907.265.2416
AlaskaRailroad.com

holdings, which would increase the value of ARRC's property that surrounds MOA Parcel 1; and

WHEREAS, both ARRC Board approval and legislative approval are required for conveyance of the corporation's entire interest in land under AS 42.40.120(c)(14) and AS 42.40.285(1), respectively.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors has reviewed the proposed transaction and approves the conveyance of Parcels A and B as shown on Exhibit A to the Municipality of Anchorage in exchange for conveyance of MOA Parcel 1 as shown on Exhibit A; and

FURTHER RESOLVED, the President and CEO or his designee is authorized to negotiate such other conditions of transfer and take such other steps as he deems are appropriate and in the best interests of the corporation, including but not limited to seeking legislative approval of the conveyance of the corporation's entire interest in land as required by law.

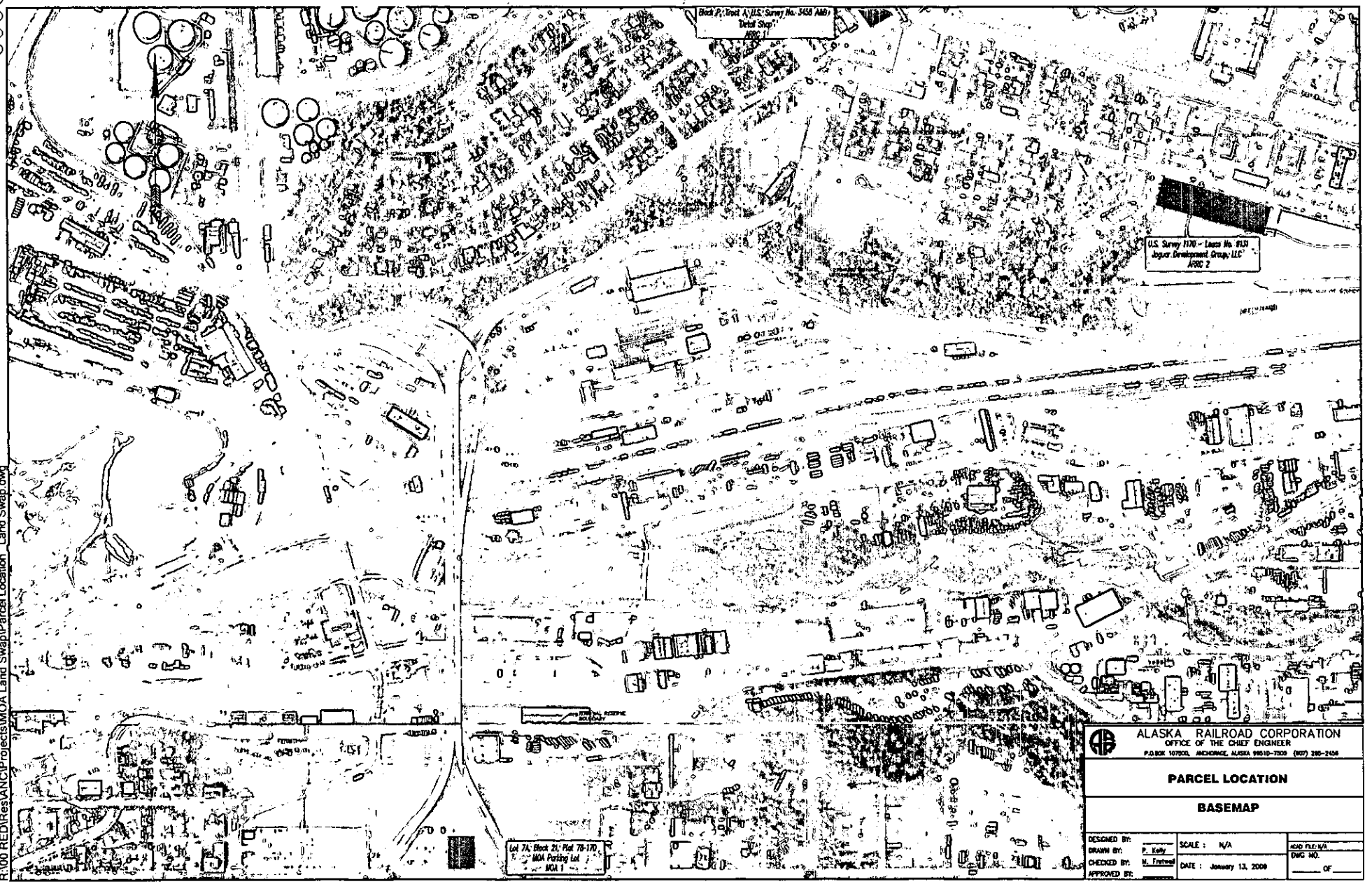
This is to certify that I am the Secretary of the Board of Directors of the Alaska Railroad Corporation, and the above Resolution No. 2009-006 is a true and correct copy of the resolution adopted by the Alaska Railroad Corporation's Board of Directors at its regular meeting on February 17, 2009.

Date 2-17-2009 James B. Blasingame

James B. Blasingame
Board Secretary

Corporate Seal

2802



ALASKA RAILROAD CORPORATION
OFFICE OF THE CHIEF ENGINEER
P.O.BOX 107500, ANCHORAGE, ALASKA 99510-7500 (907) 265-2456

PARCEL LOCATION

BASEMAP

DESIGNED BY:		SCALE : N/A	XCAD FILE: N/A
DRAWN BY:	P. Kelly		DWG NO.
CHECKED BY:	M. Fretwell	DATE : January 13, 2009	____ OF ____
APPROVED BY:			

R:\100 RED\Res\ANC\Projects\MOA Land Swap\Parcel Location_Land Swap.dwg

HB

173

Representative Scott Jiu Wo Kawasaki

Alaska State Legislature District 9 Fairbanks

MEMORANDUM

Date: March 26, 2009

To: Representative Peggy Wilson, Chair
House Transportation Committee

From: Representative Scott Kawasaki
House District 9

RE: House Bill 173

I respectfully request a hearing for HB 173. The bill provides for the transfer of 5 acres of Alaska Railroad property to the Department of Transportation and Public Facilities. The land is necessary for the reconstruction of Illinois Street in Fairbanks.

A copy of the resolution, sponsor statement, and additional material are attached, including letters of supporting testimony.

There will be various testimonies given from multiple locations from around the state at many LIO locations. At this point in time, we have not confirmed the list of witnesses who will present when the bill receives a hearing.

If you have any questions or need additional information, please call Mercedes Theuer at 465-6890.

Adopted: February 17, 2009

Resolution No. 2009-008

Approving Transfer of Real Property to the State Department of Transportation and Public Facilities

WHEREAS, the Alaska Railroad Corporation (ARRC) is the owner of certain land in the vicinity of Illinois Street in Fairbanks, Alaska, that has been requested by the Alaska Department of Transportation and Public Facilities (DOTPF) in connection with DOTPF's Illinois Street Reconstruction Project, STP-F-M-0663(4)/63102; and

WHEREAS, ARRC and DOTPF have negotiated various aspects of the proposed project and its impacts on ARRC and ARRC tenants for over four years, and ARRC is satisfied with the changes in design that have been made by DOTPF; and

WHEREAS, the properties proposed for transfer are generally shown on Exhibit A attached and will be independently appraised to establish value before any conveyance would occur; and

WHEREAS, ARRC and DOTPF are exploring whether DOTPF has lands eligible to transfer to ARRC in exchange for ARRC's Illinois Street properties instead of outright payment of the appraised value; and

WHEREAS, ARRC management recommends approval of this land conveyance based on the public interest served by DOTPF's project and contingent on ARRC receiving equivalent value in return through cash payment, conveyance of other lands, or a combination of both; and

WHEREAS, both ARRC Board approval and legislative approval are required for conveyance of the corporation's entire interest in land under AS 42.40.120(c)(14) and AS 42.40.285(1). respectively.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors has reviewed the proposed transaction and approves the conveyance of approximately three (3) acres of land as shown on Exhibit A to the Alaska Department of Transportation and Public Facilities in exchange for equivalent value in land or cash or both being transferred to the corporation; and

FURTHER RESOLVED, the President and CEO or his designee is authorized to negotiate such other conditions of transfer and take such other steps as he deems are appropriate and in the best interests of the corporation, including but not limited to seeking legislative approval of the conveyance of the corporation's entire interest in land as required by law.

This is to certify that I am the Secretary of the Board of Directors of the Alaska Railroad Corporation, and the above Resolution No. 2009-008 is a true and correct copy of the resolution adopted by the Alaska Railroad Corporation's Board of Directors at its regular meeting on February 17, 2009.

Date Feb. 17 2009

James B. Blasingame
Board Secretary

Corporate Seal

327 W. Ship Creek Avenue
Anchorage, Alaska 99501

MAILING ADDRESS
P.O. Box 107500 Anchorage, Alaska, 99510-7500

TEL 907.265.2300 FAX 907.265.2416
AlaskaRailroad.com

FAIRBANKS METROPOLITAN AREA TRANSPORTATION SYSTEM

FMATS

POLICY COMMITTEE MEMBERS

Steve Titus, P.E.
Chair
Dept. of Transportation & Public Facilities
Regional Director, Northern Region
2301 Peger Road
Fairbanks, Alaska 99709
(907) 451-2210

Mayor Jim Whitaker
Fairbanks North Star Borough
P.O. Box 71267
Fairbanks, Alaska 99707
(907) 459-1300

Mayor Terry Strle
City of Fairbanks
800 Cushman Street
Fairbanks, Alaska 99701
(907) 459-6793

Mayor Doug Isaacson
City of North Pole
125 Snowman Lane
North Pole, Alaska 99705
(907) 488-2281

Luke Hopkins
Fairbanks North Star Borough
Borough Assembly Representative
P.O. Box 71267
Fairbanks, Alaska 99707
(907) 455-6805

Chad Roberts
City of Fairbanks
Fairbanks City Council Representative
P.O. Box 71819
Fairbanks, Alaska 99707
(907) 452-2435

Alice Edwards
Dept. of Environmental Conservation
Acting Director, Air Quality Division
410 Willoughby Ave., Suite 303
Juneau, Alaska 99811-1800
(907)465-5109

March 12, 2009

Alaska State Legislature
Representative Scott Jiu Wo Kawasaki
State Capitol
Juneau, AK 99801

Dear Representative Kawasaki:

The Fairbanks Metropolitan Area Transportation System (FMATS) would like to express our support for HB 173 authorizing the conveyance of certain land of the Alaska Railroad Corporation to the Department of Transportation and Public Facilities (DOT & PF). This land is critical to the upcoming reconstruction, realignment and widening of Illinois Street in Fairbanks, Alaska. Without this land, the reconstruction of Illinois Street could not occur.

This project began development in 1985 and is in the final stages of right-of-way acquisition. The plan is to construct this project in 2011. The public interest would be best served to convey this land to the DOT & PF so that this critical FMATS project may be built.

We thank you for sponsoring this bill and urge the Alaska State Legislature to pass HB 173 expeditiously.

Sincerely,

Donna J. Gardino
MPO Coordinator

CC: FMATS Policy Committee
FMATS Technical Committee
Deputy Commissioner Frank Richards, P.E., DOT & PF
Mary Siroky, Special Assistant to the Commissioner, DOT & PF

Executive Office
Telephone: 907-265-2403
Facsimile: 907-265-2312

March 10, 2009

The Honorable Joe Paskvan
Senator
State Capitol, Room 7
Juneau, AK 99801

The Honorable Scott Kawasaki
Representative
State Capitol, Room 428
Juneau, AK 99801

Dear Senator Paskvan and Representative Kawasaki:

Thank you for your willingness to sponsor legislation authorizing the conveyance of approximately five acres of rail land from the Alaska Railroad Corporation (ARRC) to the Department of Transportation and Public Facilities (DOT&PF).

Over the years, ARRC has had the opportunity to work with DOT&PF to facilitate projects that benefit Alaska's public infrastructure needs. The Illinois Street Reconstruction Project proposed by DOT&PF is another such effort and we are pleased to provide our support.

ARRC Board of Directors and legislative approval are both required for conveyance of the corporation's entire interest in land as mandated by AS 42.40.120 (c) (14) and AS 42.40.285 (1), respectively. ARRC's Board of Directors authorized this particular exchange for the conveyance of rail land with the understanding that ARRC would receive equivalent value in return through cash payment, conveyance of other lands, or a combination of both.

ARRC representatives will be present at hearings for this legislation to help convey our support and answer questions. If you need additional information from us, please contact Wendy Lindskoog, Assistant Vice President Corporate Affairs, at 265-2498.

Sincerely,

James O. Blassgame
for Patrick K. Gamble
President and CEO

327 W. Ship Creek Avenue
Anchorage, Alaska 99501
MAILING ADDRESS
P.O. Box 107500 Anchorage, Alaska, 99510-7500
TEL 907.265.2300 FAX 907.265.2416
AlaskaRailroad.com

March 13, 2009

Representative Scott Kawasaki
Room 428, State Capitol
Juneau, AK 99801

Dear Representative Kawasaki:

I write to express the Downtown Association of Fairbanks' support for HB 173. Enabling the Alaska Railroad Corporation and Alaska DOTPF to proceed with this real estate transaction is the right thing to do.

Illinois Street re-construction is a long-overdue corrective to a host of shortcomings with circulation in downtown Fairbanks and environs. Long on the books, the Illinois Street improvements are a first step in revitalizing downtown Fairbanks. As you know the Vision Fairbanks revitalization plan awaits the Illinois Street projects for its own catalyst roadway improvements to proceed.

HB 173 ties-up a loose end of this long-overdue project. We commend you for it, and trust your colleagues will follow your lead for the good of Fairbanks.

Sincerely,

David van den Berg
Executive Director

Downtown Association of Fairbanks
410 Cushman St, Fairbanks AK 99701 P: 907.452.8671 F: 907.457.8859 info@downtownfairbanks.com

FAIRBANKS
CONVENTION & VISITORS BUREAU

101 Dunkel Street, Suite 111 • Fairbanks, AK 99701-4806
(907) 457-3282 • (907) 459-3787 Fax
www.explorefairbanks.com

March 16, 2009

Dear Representative Kawasaki:

Thank you for supporting HB 173 which allows for the transfer of five (5) acres of land owned by the Alaska Railroad Corporation to the DOT&PF in order to proceed with the Illinois Street reconstruction project in Fairbanks. The Alaska Railroad Corporation has approved this land transfer to the DOT& PF, as is required under AS 42.40.120(c)(14).

Decades in the making, Fairbanks residents, commuters and visitors will greatly benefit from this road's reconstruction. Illinois Street is a commonly-used thoroughfare that connects downtown Fairbanks to the western and northern districts of Fairbanks. This reconstruction and expansion is direly needed to lessen traffic jams during rush hours and decrease traffic accidents in the area

Furthermore, this project is designed to support efforts to address riverfront enhancements in the area where the corridor crosses the Chena River and to address inadequate or entirely-absent pedestrian and bicycle facilities along this road.

We advocate that the Alaska State Legislature to approve the conveyance of the corporation's land interest as stipulated in AS 42.40.285(1). I'll be in Juneau on April 1 and 2 and look forward to seeing you then. Meanwhile, if you have any questions, please feel free to contact me at (907) 459-3770 or dhickok@explorefairbanks.com.

Warm Regards,

Deb Hickok
President and CEO

STATE OF ALASKA

SARAH PALIN, GOVERNOR

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

OFFICE OF THE COMMISSIONER

3132 CHANNEL DRIVE
PO Box 112500
JUNEAU, ALASKA 99811-2500

FAX: (907) 586-8365
PHONE: (907) 465-3900

March 17, 2009

The Honorable Scott Kawasaki
Alaska State Legislature
State Capitol, Room 428
Juneau, AK 99801-1182

Dear ~~Senator~~ Rep. Kawasaki:

The Department of Transportation and Public Facilities supports SB 142 and HB 173. Either of these bills allows the Department to obtain land required for the much needed Illinois Street Reconstruction project in the City of Fairbanks.

Illinois Street has been a vital part of the transportation infrastructure in Fairbanks for over 90 years. A portion of this vital urban arterial route is on land that was transferred to the Alaska Railroad Corporation when the State acquired the railroad from the federal government. This fact was discovered when researching the right of way status for these long planned major improvements.

This project is being designed and constructed largely with Federal Highway funds. Under federal regulations, the Department must certify that it has sufficient legal interest in the underlying right-of-way before we can proceed with construction.

The proposed legislation allows the Department of Transportation and Public Facilities to acquire the needed legal interest in this right of way from Alaska Railroad Corporation.

We fully support this legislation. Passage this session will allow construction on this important project to begin in 2010.

Sincerely,

Leo von Scheben, P.E., L.S., M.B.A.
Commissioner

cc: Mary Siroky, Legislative Liaison, DOT&PF

Executive Office
Telephone: 907-265-2403
Facsimile: 907-265-2312

March 10, 2009

The Honorable Joe Paskvan
Senator
State Capitol, Room 7
Juneau, AK 99801

The Honorable Scott Kawasaki
Representative
State Capitol, Room 428
Juneau, AK 99801

Dear Senator Paskvan and Representative Kawasaki:

Thank you for your willingness to sponsor legislation authorizing the conveyance of approximately five acres of rail land from the Alaska Railroad Corporation (ARRC) to the Department of Transportation and Public Facilities (DOT&PF).

Over the years, ARRC has had the opportunity to work with DOT&PF to facilitate projects that benefit Alaska's public infrastructure needs. The Illinois Street Reconstruction Project proposed by DOT&PF is another such effort and we are pleased to provide our support.

ARRC Board of Directors and legislative approval are both required for conveyance of the corporation's entire interest in land as mandated by AS 42.40.120 (c) (14) and AS 42.40.285 (1), respectively. ARRC's Board of Directors authorized this particular exchange for the conveyance of rail land with the understanding that ARRC would receive equivalent value in return through cash payment, conveyance of other lands, or a combination of both.

ARRC representatives will be present at hearings for this legislation to help convey our support and answer questions. If you need additional information from us, please contact Wendy Lindskoog, Assistant Vice President Corporate Affairs, at 265-2498.

Sincerely,

James D. Blasingame
for Patrick K. Gamble
President and CEO

327 W. Ship Creek Avenue
Anchorage, Alaska 99501

MAILING ADDRESS
P.O. Box 107500 Anchorage, Alaska, 99510-7500

TEL 907.265.2300 FAX 907.265.2416
AlaskaRailroad.com

Date: March 18, 2009

FAIRBANKS METROPOLITAN AREA TRANSPORTATION SYSTEM (FMATS)
RESOLUTION NO. 2009-03

AN FMATS RESOLUTION IN SUPPORT OF HB 173 AND SB 142 AUTHORIZING THE CONVEYANCE OF CERTAIN LAND OF THE ALASKA RAILROAD CORPORATION (CORPORATION) TO THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES (DOT & PF) FOR THE PURPOSE OF RECONSTRUCTION, REALIGNMENT AND WIDENING OF ILLINOIS STREET IN FAIRBANKS, AK.

WHEREAS, the DOT & PF has been developing the Illinois Street Reconstruction project since 1985; and

WHEREAS, the project is being funded out of the FMATS Transportation Improvement Program; and

WHEREAS, the reconstruction of Illinois Street is a top priority of the FMATS Policy Committee, the decision-making body of FMATS; and

WHEREAS, Illinois Street is a commonly used thoroughfare that connects downtown to the western and northern districts of the city, and is in dire need of reconstruction; and

WHEREAS, it is necessary for the Alaska State Legislature to approve the conveyance of the corporation's land interest as stipulated in AS 42.40.285(1); and

WHEREAS, the Corporation has approved of this land transfer to the DOT & PF, an approval that is required under AS 42.40.120(c)(14).

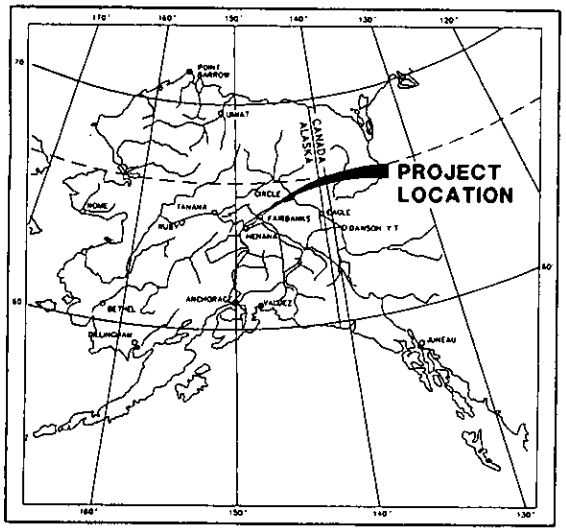
NOW, THEREFORE BE IT RESOLVED, FMATS supports HB 173 and SB 142 authorizing the conveyance of certain land of the Alaska Railroad Corporation to the

Department of Transportation and Public Facilities for the purpose of reconstruction, realignment and widening of Illinois Street in Fairbanks, AK.

PASSED AND APPROVED THIS 18th *DAY OF MARCH, 2009.*

Steve Titus, P.E.
FMATS Policy Committee, Chair

2813



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
&
PUBLIC FACILITIES

LATEST REVISION _____

RIGHT OF WAY SURVEYOR'S CERTIFICATE

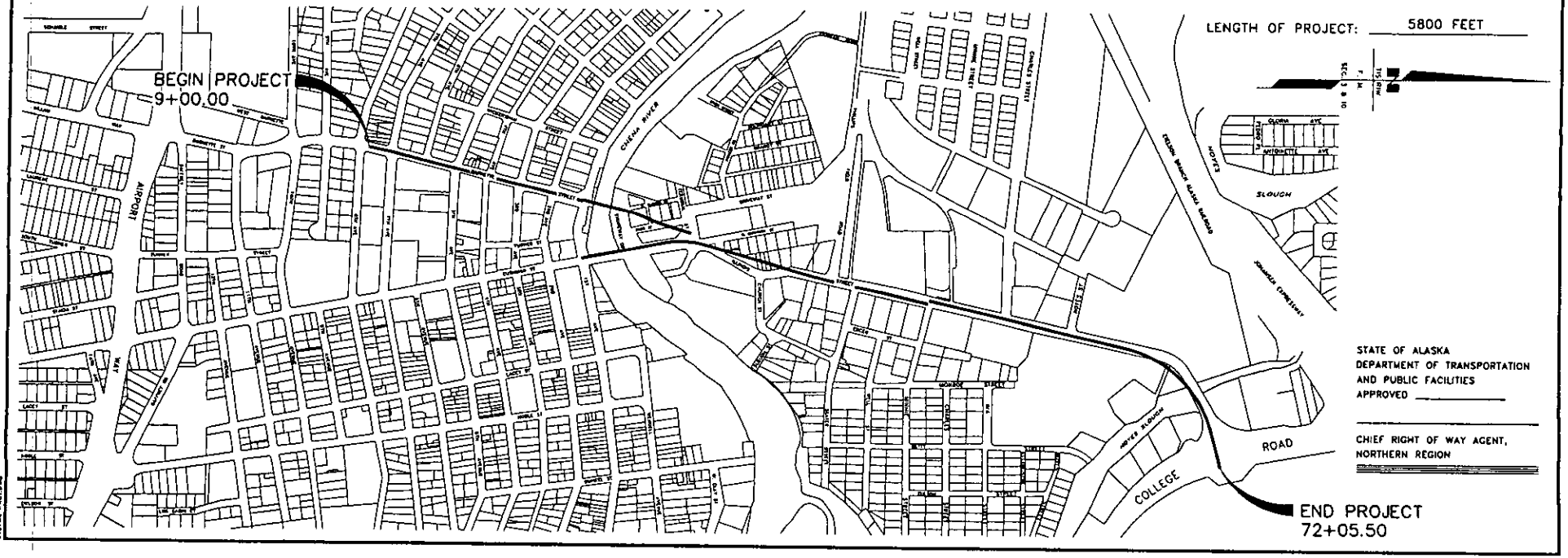
I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THIS PLAT WAS MADE BY ME OR UNDER MY SUPERVISION. I DECLARE THAT THIS PLAT IS BASED ON INFORMATION COMPILED FROM RECORD DATA AND CONTROLLED BY RECOVERED MONUMENTATION AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE ACCURATE.

MARSHALL L. HETLET LS-9108 _____ Date

RIGHT OF WAY MAP
AKSAS Project No. 63102
ILLINOIS ST. RECONSTRUCTION
STP-F-M-0663(4)/63102

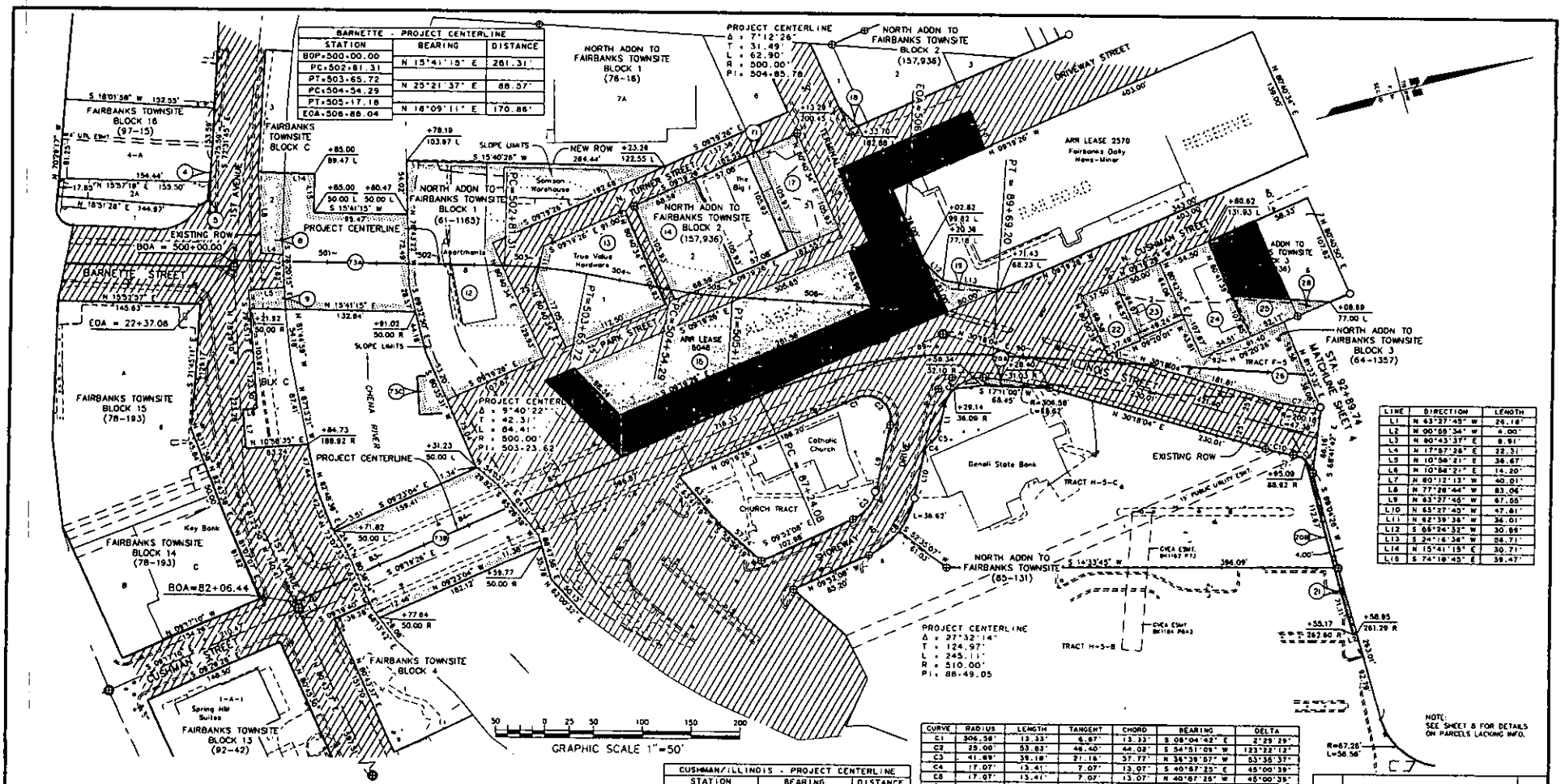
LYING WITHIN SECTIONS 3 & 10, TOWNSHIP 1 SOUTH, RANGE 1 WEST, FAIRBANKS MERIDIAN

LENGTH OF PROJECT: 5800 FEET



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES
APPROVED _____

CHIEF RIGHT OF WAY AGENT,
NORTHERN REGION



LINE	DIRECTION	LENGTH
L1	N 63°27'45" W	29.18'
L2	N 00°58'34" W	4.00'
L3	N 90°43'37" E	8.91'
L4	N 17°57'28" E	22.31'
L5	N 10°58'21" E	36.67'
L6	N 10°58'21" E	14.20'
L7	N 80°12'13" W	40.01'
L8	N 77°28'44" W	83.06'
L9	N 63°27'45" W	67.05'
L10	N 63°27'45" W	47.81'
L11	N 82°39'38" W	34.01'
L12	S 68°24'52" W	30.66'
L13	S 24°16'36" W	58.71'
L14	N 15°41'15" E	30.71'
L15	S 74°18'45" E	39.47'

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	306.58'	13.33'	6.67'	13.33'	S 08°04'42" E	2°29'29"
C2	29.00'	53.83'	46.40'	46.08'	S 54°51'09" W	123°32'13"
C3	41.89'	39.18'	21.16'	37.77'	N 36°39'57" W	53°35'37"
C4	17.07'	13.41'	7.07'	13.07'	S 40°57'25" E	45°00'39"
C5	17.07'	13.41'	7.07'	13.07'	N 40°57'26" W	45°00'39"
C6	37.50'	52.97'	31.98'	48.68'	S 32°58'39" E	80°96'18"
C7	175.18'	43.44'	21.93'	43.33'	N 23°11'49" E	14°12'30"
C8	81.89'	76.60'	41.34'	73.84'	N 36°38'57" W	53°38'37"
C9	25.00'	39.85'	16.27'	27.27'	S 66°01'01" W	66°06'49"
C10	225.18'	26.85'	14.44'	26.83'	N 86°37'30" E	7°20'37"

CUSHMAN/ILLINOIS - PROJECT CENTERLINE		
STATION	BEARING	DISTANCE
BOA=82+06.44		
PC=87+24.08	N 09°23'04" W	517.64'
PT=89+69.20	SEE CURVE DATA	
PC=95+73.36	N 18°09'11" E	604.16'

PARCEL NUMBER	INTEREST TO BE ACQUIRED	OWNER	LARGER PARCEL	TAKE INCLUDING EXISTING EASEMENT	NET TAKE	REMAINDER
20B	FEE	Denali State Bank	64,024 S.F.	436 S.F. 488 S.F.	436 S.F. 488 S.F.	63,100 S.F.
18	FEE	Alaska Railroad Corp. (Lessee-Fairbanks Daily News-Miner, Inc.)	56,017 S.F.	1314 S.F.	1314 S.F.	54,703 S.F.
17	FEE	Aurora Building, Inc.	1868 S.F.	125 S.F.	125 S.F.	1743 S.F.
16	FEE	John & Geraldine Lounsbury	4885 S.F.	4885 S.F.	4885 S.F.	0 S.F.
15	FEE	Alaska Railroad Corp.	18,779 S.F.	18,779 S.F.	18,779 S.F.	0 S.F.
14	FEE	Jackovich Building, LLC	7266 S.F.	7266 S.F.	7266 S.F.	0 S.F.
13	FEE	Jackovich Industrial & Construction Supply, Inc.	11,607 S.F.	11,607 S.F.	11,607 S.F.	0 S.F.
12	FEE	Jackovich Industrial & Construction Supply, Inc.	29,505 S.F.	29,505 S.F.	29,505 S.F.	0 S.F.
9	FEE	City of Fairbanks	7170 S.F.	771 S.F.	771 S.F.	6399 S.F.
8	FEE	City of Fairbanks	1989 S.F.	1989 S.F.	1989 S.F.	0 S.F.
5	FEE	Usibelli Investments, LLC	3338 S.F.	23 S.F.	23 S.F.	3318 S.F.
4	FEE	LCPY, LLC	12,071 S.F.	12 S.F.	12 S.F.	12,059 S.F.

PARCEL INFORMATION

PARCEL NUMBER	INTEREST TO BE ACQUIRED	OWNER	LARGER PARCEL	TAKE INCLUDING EXISTING EASEMENT	NET TAKE	REMAINDER
73C	R/W ESMT	State of Alaska (DNR)		1047 S.F.	1047 S.F.	
73B	R/W ESMT			17,505 S.F.	17,505 S.F.	
73A	R/W ESMT			14,074 S.F.	14,074 S.F.	
71	FEE	John & Geraldine Lounsbury	1140 S.F.	1140 S.F.	1140 S.F.	0 S.F.
28	FEE	Fairbanks Daily News-Miner, Inc.	6291 S.F.	340 S.F.	340 S.F.	5951 S.F.
26	FEE	City of Fairbanks	9308 S.F.	9308 S.F.	9308 S.F.	0 S.F.
25	FEE	Alaska Railroad Corp. (Lessee-Fairbanks Daily News-Miner, Inc.)	5626 S.F.	1689 S.F.	1689 S.F.	3937 S.F.
24	FEE	Denise Herzog Cook	5879 S.F.	5879 S.F.	5879 S.F.	0 S.F.
23	FEE	Denise Herzog Cook	3179 S.F.	3179 S.F.	3179 S.F.	0 S.F.
22	FEE	State of Alaska, DOT&PF	2496 S.F.	2496 S.F.	2496 S.F.	0 S.F.
21	FEE	Dayon Limited	148,725 S.F.	283 S.F.	283 S.F.	148,442 S.F.

PARCEL INFORMATION

DATE	REVISIONS	BY

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES

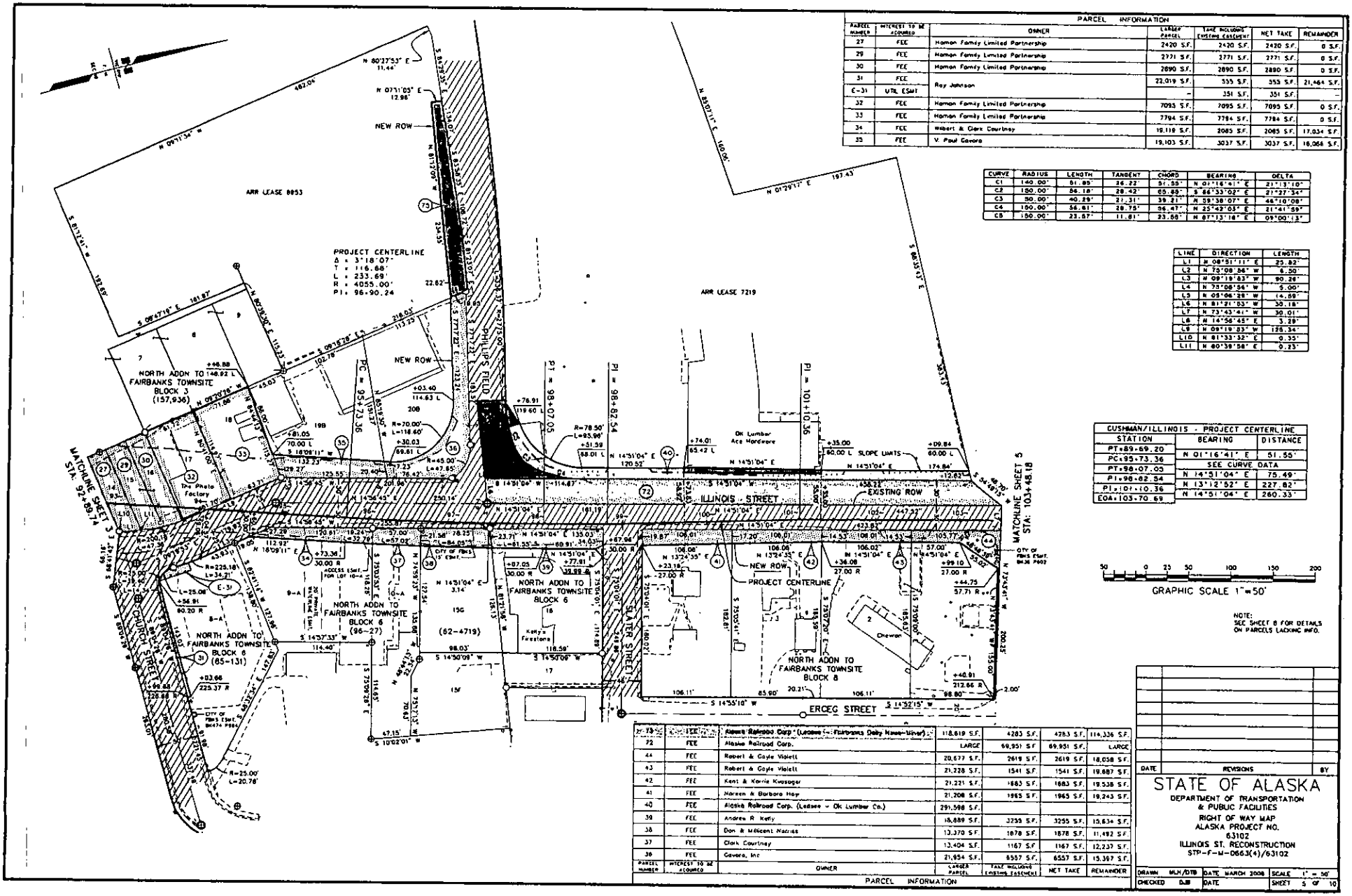
RIGHT OF WAY MAP

ALASKA PROJECT NO. 63102

ILLINOIS ST. RECONSTRUCTION

STP-F-M-0663(4)/63102

DRAWN	MJH/DTR	DATE	MARCH 2008	SCALE	1" = 50'
CHECKED	BJB	DATE		SHEET	4 OF 10



PARCEL NUMBER	INTEREST TO BE ACQUIRED	OWNER	LARGER PARCEL	TAKE INCLUDING EXISTING EASEMENT	NET TAKE	REMAINDER
27	FEE	Hamon Family Limited Partnership	2420 S.F.	2420 S.F.	2420 S.F.	0 S.F.
29	FEE	Hamon Family Limited Partnership	2771 S.F.	2771 S.F.	2771 S.F.	0 S.F.
30	FEE	Hamon Family Limited Partnership	2890 S.F.	2890 S.F.	2890 S.F.	0 S.F.
31	FEE	Ray Johnson	23,019 S.F.	555 S.F.	553 S.F.	21,464 S.F.
E-31	UTIL ESMT		-	351 S.F.	351 S.F.	-
32	FEE	Hamon Family Limited Partnership	7093 S.F.	7095 S.F.	7095 S.F.	0 S.F.
33	FEE	Hamon Family Limited Partnership	7784 S.F.	7784 S.F.	7784 S.F.	0 S.F.
34	FEE	Hebert & Clark Courtney	19,110 S.F.	2085 S.F.	2085 S.F.	17,034 S.F.
35	FEE	V. Paul Gavora	19,103 S.F.	3037 S.F.	3037 S.F.	16,066 S.F.

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	140.00'	51.85'	26.22'	51.55'	N 01°16'41" E	21°13'10"
C2	150.00'	86.18'	28.42'	85.85'	S 86°33'02" E	21°27'34"
C3	30.00'	40.29'	21.31'	39.21'	N 59°30'07" E	46°10'08"
C4	150.00'	56.61'	28.75'	56.47'	N 25°43'05" E	21°41'59"
C5	150.00'	23.87'	11.81'	23.86'	N 07°13'18" E	09°00'13"

LINE	DIRECTION	LENGTH
L1	N 08°51'11" E	23.82'
L2	N 75°08'56" W	6.50'
L3	N 09°19'03" W	90.26'
L4	N 75°08'56" W	5.00'
L5	N 05°06'28" W	14.59'
L6	N 81°21'55" W	38.18'
L7	N 73°43'41" W	30.01'
L8	N 14°56'45" E	3.29'
L9	N 09°19'03" W	126.34'
L10	N 81°53'32" E	0.35'
L11	N 80°38'58" E	9.23'

CUSHMAN/ILLINOIS - PROJECT CENTERLINE		
STATION	BEARING	DISTANCE
PT=89+69.20	N 01°16'41" E	51.55'
PC=95+73.36	SEE CURVE DATA	
PT=98+07.05	N 14°51'04" E	75.49'
PI=98+82.54	N 13°12'52" E	227.82'
PI=101+10.36	N 14°51'04" E	260.33'
EOA=103+70.69		

PARCEL NUMBER	INTEREST TO BE ACQUIRED	OWNER	LARGER PARCEL	TAKE INCLUDING EXISTING EASEMENT	NET TAKE	REMAINDER
73	FEE	Alaska Railroad Corp. (Leasee - Fairbanks Daily News-Miner)	118,619 S.F.	4283 S.F.	4283 S.F.	114,336 S.F.
72	FEE	Alaska Railroad Corp.	LARGE	69,951 S.F.	69,951 S.F.	LARGE
44	FEE	Robert & Gayle Violett	20,677 S.F.	2619 S.F.	2619 S.F.	18,058 S.F.
43	FEE	Robert & Gayle Violett	21,228 S.F.	1541 S.F.	1541 S.F.	19,687 S.F.
42	FEE	Kent & Korrie Kvasager	21,221 S.F.	1683 S.F.	1683 S.F.	19,538 S.F.
41	FEE	Noreen & Barbara Hay	21,208 S.F.	1965 S.F.	1965 S.F.	19,243 S.F.
40	FEE	Alaska Railroad Corp. (Leasee - Ok Lumber Co.)	291,598 S.F.			
39	FEE	Andrea R. Kelly	18,889 S.F.	3255 S.F.	3255 S.F.	15,634 S.F.
38	FEE	Don & Millicent Nacrias	13,370 S.F.	1878 S.F.	1878 S.F.	11,492 S.F.
37	FEE	Clark Courtney	13,404 S.F.	1167 S.F.	1167 S.F.	12,237 S.F.
36	FEE	Gavora, Inc	21,954 S.F.	6557 S.F.	6557 S.F.	15,397 S.F.

PARCEL INFORMATION

NOTE: SEE SHEET 8 FOR DETAILS ON PARCELS LACKING INFO.

DATE	REVISIONS	BY

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES

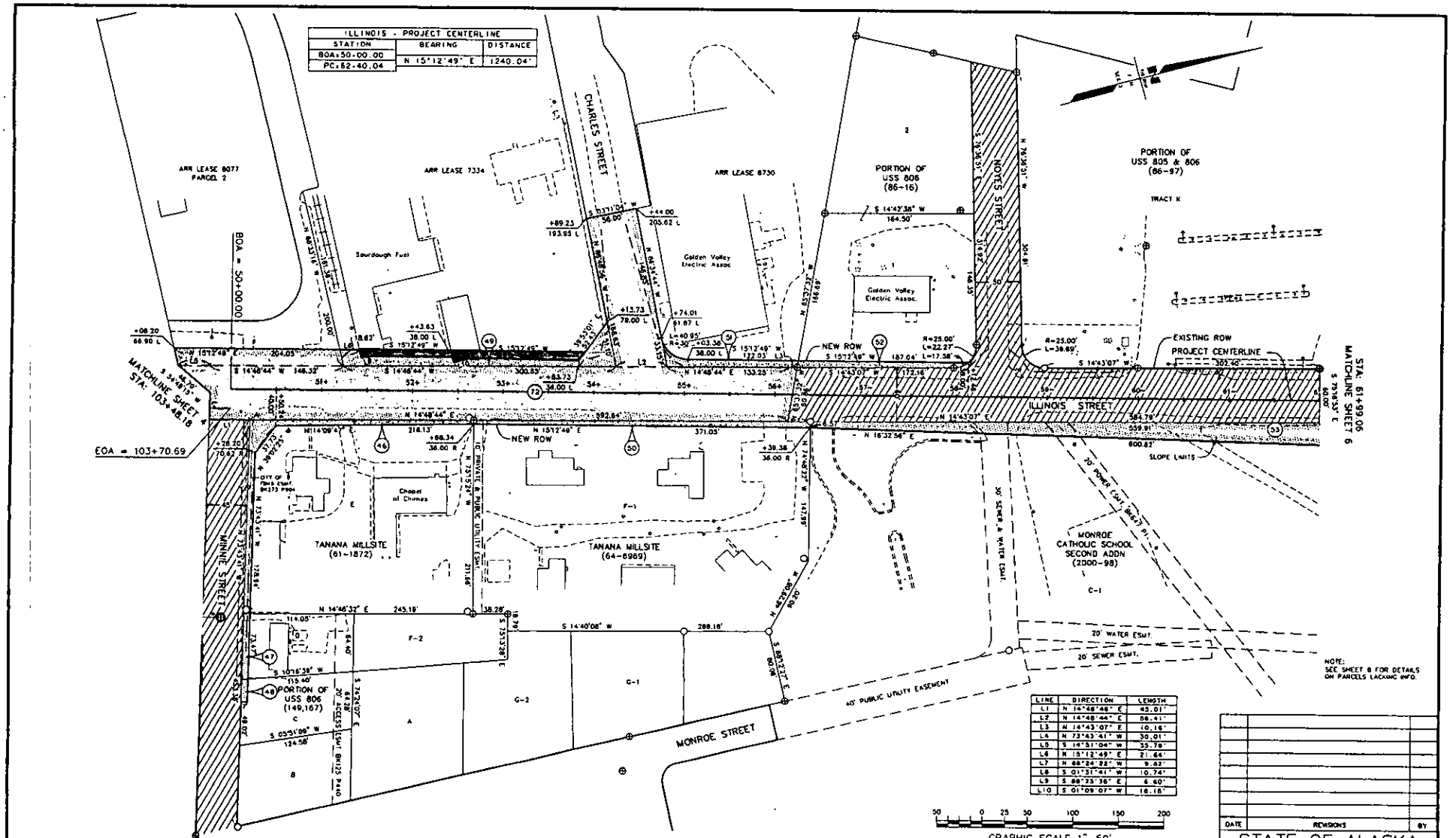
RIGHT OF WAY MAP

ALASKA PROJECT NO. 63102

ILLINOIS ST. RECONSTRUCTION

STP-F-M-0663(4)/63102

DRAWN	MLH/DTB	DATE	MARCH 2008	SCALE	1" = 50'
CHECKED	DJB	DATE		SHEET	5 OF 10



LINE	DIRECTION	LENGTH
L1	N 14°48'44" E	43.01'
L2	N 14°48'44" E	58.41'
L3	N 14°43'07" E	10.16'
L4	N 73°43'41" W	30.01'
L5	S 14°31'04" W	33.79'
L6	N 15°12'49" E	21.64'
L7	N 88°24'22" W	9.62'
L8	S 01°31'41" W	10.74'
L9	S 88°23'36" E	6.60'
L10	S 01°09'07" W	18.18'

PARCEL NUMBER	INTEREST TO BE ACQUIRED	OWNER	LARGER PARCEL	TAKE INCLUDING EXISTING EASEMENT	NET TAKE	REMAINDER
46	FEE	Alaska Railroad Corp. (Lessee-Pacra Star, Inc.)	150,117 S.F.	3604 S.F.	3604 S.F.	146,513 S.F.
49	FEE	J & W Properties, LLC	8453 S.F.	178 S.F.	178 S.F.	8275 S.F.
47	FEE	Mary Fitzgerald	8404 S.F.	517 S.F.	517 S.F.	7887 S.F.
48	FEE	SCI Alaska Funeral Services, Inc.	53,769 S.F.	3102 S.F.	3102 S.F.	50,667 S.F.

PARCEL INFORMATION

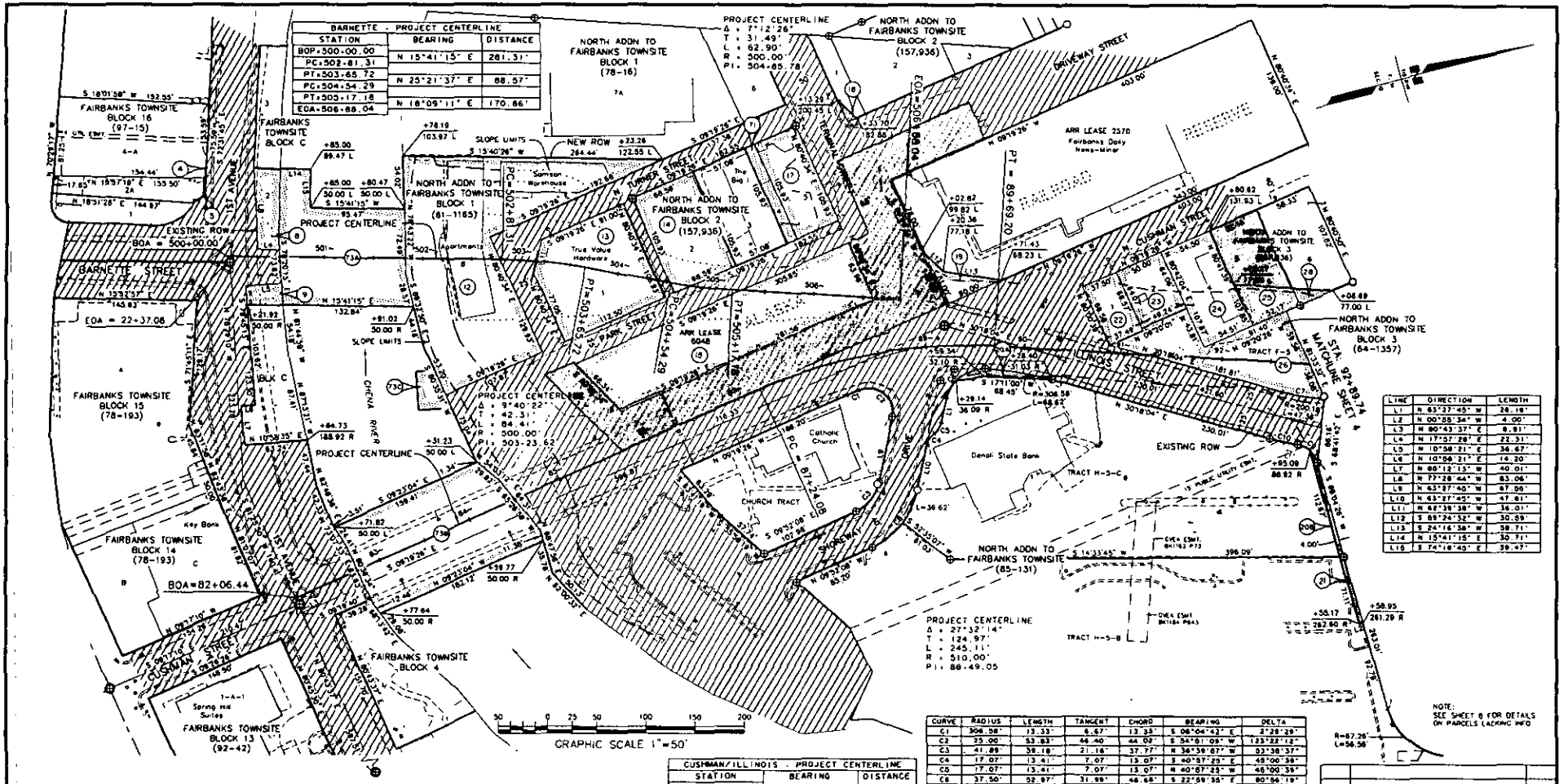
PARCEL NUMBER	INTEREST TO BE ACQUIRED	OWNER	LARGER PARCEL	TAKE INCLUDING EXISTING EASEMENT	NET TAKE	REMAINDER
53	FEE	The Catholic Bishop of Northern Alaska	456,000 S.F.	20,444 S.F.	20,444 S.F.	435,556 S.F.
52	FEE	Golden Valley Electric Association, Inc.	30,691 S.F.	1235 S.F.	1235 S.F.	29,756 S.F.
51	FEE	Alaska Railroad Corp. (Lessee-Golden Valley Elec. Assoc. Inc.)	94,338 S.F.	1288 S.F.	1288 S.F.	93,050 S.F.
50	FEE	Tanana Mill Company, Inc	84,205 S.F.	1942 S.F.	1942 S.F.	82,263 S.F.

PARCEL INFORMATION

DATE	REVISIONS	BY

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES
RIGHT OF WAY MAP
ALASKA PROJECT NO. 63102
ILLINOIS ST. RECONSTRUCTION
STP-F-M-0663(4)/63102

DRAWN	MLH/DTB	DATE	MARCH 2008	SCALE	1" = 50'
CHECKED	DJB	DATE		SHEET	6 OF 10



LINE	DIRECTION	LENGTH
L1	N 63°37'45" W	28.18'
L2	N 00°55'34" W	4.00'
L3	N 89°43'37" E	8.91'
L4	N 17°57'28" E	22.31'
L5	N 10°58'21" E	36.67'
L6	N 10°58'21" E	14.20'
L7	N 80°12'13" W	40.01'
L8	N 77°28'44" W	83.06'
L9	N 63°37'45" W	47.06'
L10	N 63°37'45" W	47.81'
L11	N 63°28'38" W	36.01'
L12	S 89°26'32" W	30.69'
L13	S 24°16'38" W	38.71'
L14	N 15°41'15" E	30.71'
L15	S 74°18'45" E	39.47'

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	306.58'	13.33'	6.67'	13.33'	S 08°04'42" E	2°29'29"
C2	25.00'	53.83'	44.40'	44.02'	S 54°01'09" W	123°22'12"
C3	41.89'	38.18'	21.16'	37.77'	N 36°38'37" W	53°38'37"
C4	17.07'	13.41'	7.07'	13.07'	S 40°57'25" E	45°00'36"
C5	17.07'	15.41'	7.07'	13.07'	N 40°57'25" W	45°00'36"
C6	37.50'	52.97'	31.99'	48.68'	S 22°59'35" E	80°56'19"
C7	175.16'	43.44'	21.63'	43.33'	N 23°11'48" E	14°12'30"
C8	81.89'	76.40'	41.36'	73.84'	N 36°38'37" W	53°38'37"
C9	25.00'	28.85'	16.27'	27.27'	S 56°01'01" W	66°06'49"
C10	225.16'	28.85'	14.44'	28.83'	N 26°37'30" E	7°20'27"

CUSHMAN/ILLINOIS - PROJECT CENTERLINE		
STATION	BEARING	DISTANCE
BOA=82+06.44	N 09°23'04" W	517.64'
PC=87+24.08	SEE CURVE DATA	
PT=89+69.20		
PC=95+73.36	N 18°09'11" E	604.16'

PARCEL NUMBER	INTEREST TO BE ACQUIRED	OWNER	LARGER PARCEL	TAKE INCLUDING EXISTING EASEMENT	NET TAKE	REMAINDER
20B	FEE	Denali State Bank	64,024 S.F.	436 S.F.	436 S.F.	63,100 S.F.
20A	FEE			488 S.F.	488 S.F.	
19	FEE	Alaska Railroad Corp. (Lessee-Fairbanks Daily News-Miner, Inc.)	56,017 S.F.	1314 S.F.	1314 S.F.	54,703 S.F.
18	FEE	Aurora Building, Inc.	1868 S.F.	125 S.F.	125 S.F.	1743 S.F.
17	FEE	John & Geraldine Lounsbury	4885 S.F.	4885 S.F.	4885 S.F.	0 S.F.
15	FEE	Alaska Railroad Corp.	18,779 S.F.	18,779 S.F.	18,779 S.F.	0 S.F.
14	FEE	Jackovich Building, LLC	7266 S.F.	7266 S.F.	7266 S.F.	0 S.F.
13	FEE	Jackovich Industrial & Construction Supply, Inc.	11,607 S.F.	11,607 S.F.	11,607 S.F.	0 S.F.
12	FEE	Jackovich Industrial & Construction Supply, Inc.	29,505 S.F.	29,505 S.F.	29,505 S.F.	0 S.F.
9	FEE	City of Fairbanks	7170 S.F.	771 S.F.	771 S.F.	6399 S.F.
8	FEE	City of Fairbanks	1989 S.F.	1989 S.F.	1989 S.F.	0 S.F.
5	FEE	Usibelli Investments, LLC	3339 S.F.	23 S.F.	23 S.F.	3316 S.F.
4	FEE	LGPY, LLC	12,071 S.F.	12 S.F.	12 S.F.	12,059 S.F.

PARCEL INFORMATION

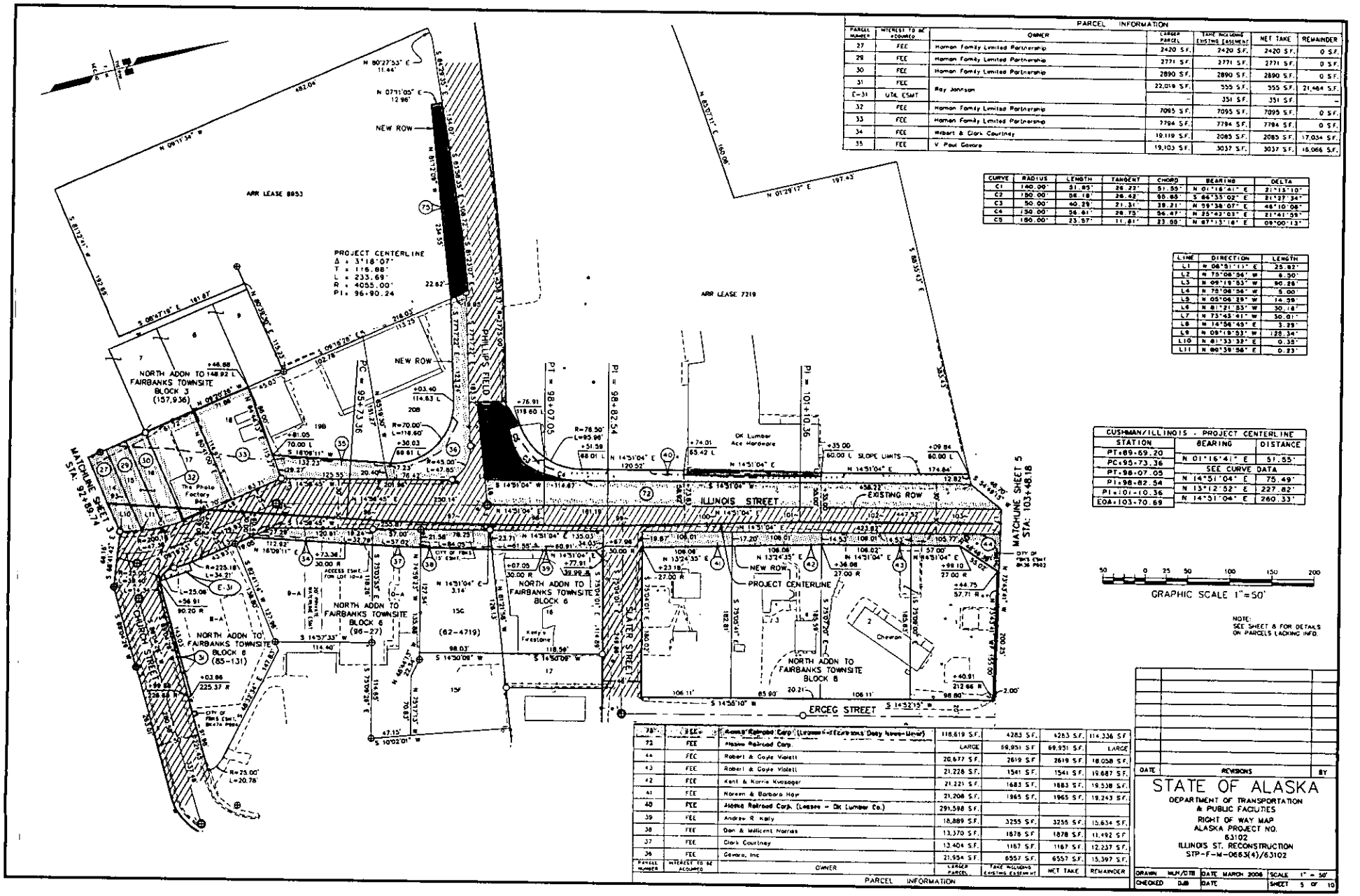
PARCEL NUMBER	INTEREST TO BE ACQUIRED	OWNER	LARGER PARCEL	TAKE INCLUDING EXISTING EASEMENT	NET TAKE	REMAINDER
73C	R/W ESMT	State of Alaska (DNR)		1047 S.F.	1047 S.F.	
73B	R/W ESMT			17,505 S.F.	17,505 S.F.	
73A	R/W ESMT			14,074 S.F.	14,074 S.F.	
71	FEE	John & Geraldine Lounsbury	1140 S.F.	1140 S.F.	1140 S.F.	0 S.F.
28	FEE	Fairbanks Daily News-Miner, Inc.	8281 S.F.	340 S.F.	340 S.F.	5851 S.F.
26	FEE	City of Fairbanks	9308 S.F.	9308 S.F.	9308 S.F.	0 S.F.
25	FEE	Alaska Railroad Corp. (Lessee-Fairbanks Daily News-Miner, Inc.)	5626 S.F.	1689 S.F.	1689 S.F.	3937 S.F.
24	FEE	Denise Herzog Cook	5879 S.F.	5879 S.F.	5879 S.F.	0 S.F.
23	FEE	Denise Herzog Cook	3179 S.F.	3179 S.F.	3179 S.F.	0 S.F.
22	FEE	State of Alaska, DOTAPF	2496 S.F.	2496 S.F.	2496 S.F.	0 S.F.
21	FEE	Dayon Limited	148,725 S.F.	283 S.F.	283 S.F.	148,442 S.F.

PARCEL INFORMATION

DATE	REVISIONS	BY

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES
RIGHT OF WAY MAP
ALASKA PROJECT NO. 63102
ILLINOIS ST. RECONSTRUCTION
STP-F-M-0663(4)/63102

DRAWN	MLH/DTB	DATE	MARCH 2008	SCALE	1" = 50'
CHECKED	DJB	DATE		SHEET	4 OF 10



PARCEL INFORMATION

PARCEL NUMBER	INTEREST TO BE ACQUIRED	OWNER	LARGER PARCEL	TAKE INCLUDING EXISTING EASEMENT	NET TAKE	REMAINDER
27	FEE	Homan Family Limited Partnership	2420 S.F.	2420 S.F.	2420 S.F.	0 S.F.
29	FEE	Homan Family Limited Partnership	2771 S.F.	2771 S.F.	2771 S.F.	0 S.F.
30	FEE	Homan Family Limited Partnership	2890 S.F.	2890 S.F.	2890 S.F.	0 S.F.
31	FEE	Ray Jonnson	22,019 S.F.	555 S.F.	555 S.F.	21,464 S.F.
E-31	UTIL ESMT		-	351 S.F.	351 S.F.	-
32	FEE	Homan Family Limited Partnership	7095 S.F.	7095 S.F.	7095 S.F.	0 S.F.
33	FEE	Homan Family Limited Partnership	7794 S.F.	7794 S.F.	7794 S.F.	0 S.F.
34	FEE	Hilbert & Clark Courtney	19,119 S.F.	2085 S.F.	2085 S.F.	17,034 S.F.
35	FEE	V Paul Gavora	19,103 S.F.	3037 S.F.	3037 S.F.	16,066 S.F.

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	140.00'	51.85'	26.23'	51.55'	N 01°16'41" E	21°13'10"
C2	150.00'	56.18'	28.42'	55.88'	S 46°53'03" E	21°27'34"
C3	50.00'	40.29'	21.31'	39.21'	N 59°38'07" E	46°10'08"
C4	150.00'	56.61'	28.75'	56.47'	N 35°42'03" E	21°41'59"
C5	180.00'	23.57'	11.81'	23.55'	N 87°13'18" E	09°00'13"

LINE	DIRECTION	LENGTH
L1	N 06°51'11" E	25.82'
L2	N 75°08'56" W	6.50'
L3	N 09°19'53" W	90.26'
L4	N 78°08'56" W	5.00
L5	N 05°06'29" W	14.99'
L6	N 81°21'53" W	30.18'
L7	N 75°43'41" W	50.81'
L8	N 14°56'49" E	3.29'
L9	N 09°19'53" W	128.34'
L10	N 81°33'33" E	0.35'
L11	N 80°39'56" E	0.23'

CUSHMAN/ILLINOIS - PROJECT CENTERLINE		
STATION	BEARING	DISTANCE
PT=89+69.20	N 01°16'41" E	51.55'
PC=95+73.36	SEE CURVE DATA	
PT=98+07.05	N 14°51'04" E	75.49'
PI=98+82.54	N 13°12'52" E	227.82'
PI=101+10.36	N 14°51'04" E	260.33'
EOA=103+70.69		

72	FEE	Alaska Railroad Corp. (Leases - Ok Lumber Co. / Excavations Deep Sewer-Water)	118,619 S.F.	4283 S.F.	4283 S.F.	114,336 S.F.
72	FEE	Alaska Railroad Corp.	LARGE	69,931 S.F.	69,931 S.F.	LARGE
44	FEE	Robert & Gayle Violett	20,677 S.F.	2619 S.F.	2619 S.F.	18,058 S.F.
43	FEE	Robert & Gayle Violett	21,228 S.F.	1541 S.F.	1541 S.F.	19,687 S.F.
42	FEE	Kent & Norrie Kvasager	21,221 S.F.	1683 S.F.	1683 S.F.	19,538 S.F.
41	FEE	Noreen & Barbara Hoyt	21,208 S.F.	1965 S.F.	1965 S.F.	19,243 S.F.
40	FEE	Alaska Railroad Corp. (Leases - Ok Lumber Co.)	291,598 S.F.			
39	FEE	Andrew R. Kelly	18,889 S.F.	3255 S.F.	3255 S.F.	15,634 S.F.
38	FEE	Don & Millicent Norries	13,370 S.F.	1878 S.F.	1878 S.F.	11,492 S.F.
37	FEE	Clark Courtney	13,404 S.F.	1167 S.F.	1167 S.F.	12,237 S.F.
36	FEE	Gavora, Inc	21,954 S.F.	6557 S.F.	6557 S.F.	15,397 S.F.
PARCEL NUMBER	INTEREST TO BE ACQUIRED	OWNER	LARGER PARCEL	TAKE INCLUDING EXISTING EASEMENT	NET TAKE	REMAINDER

PARCEL INFORMATION

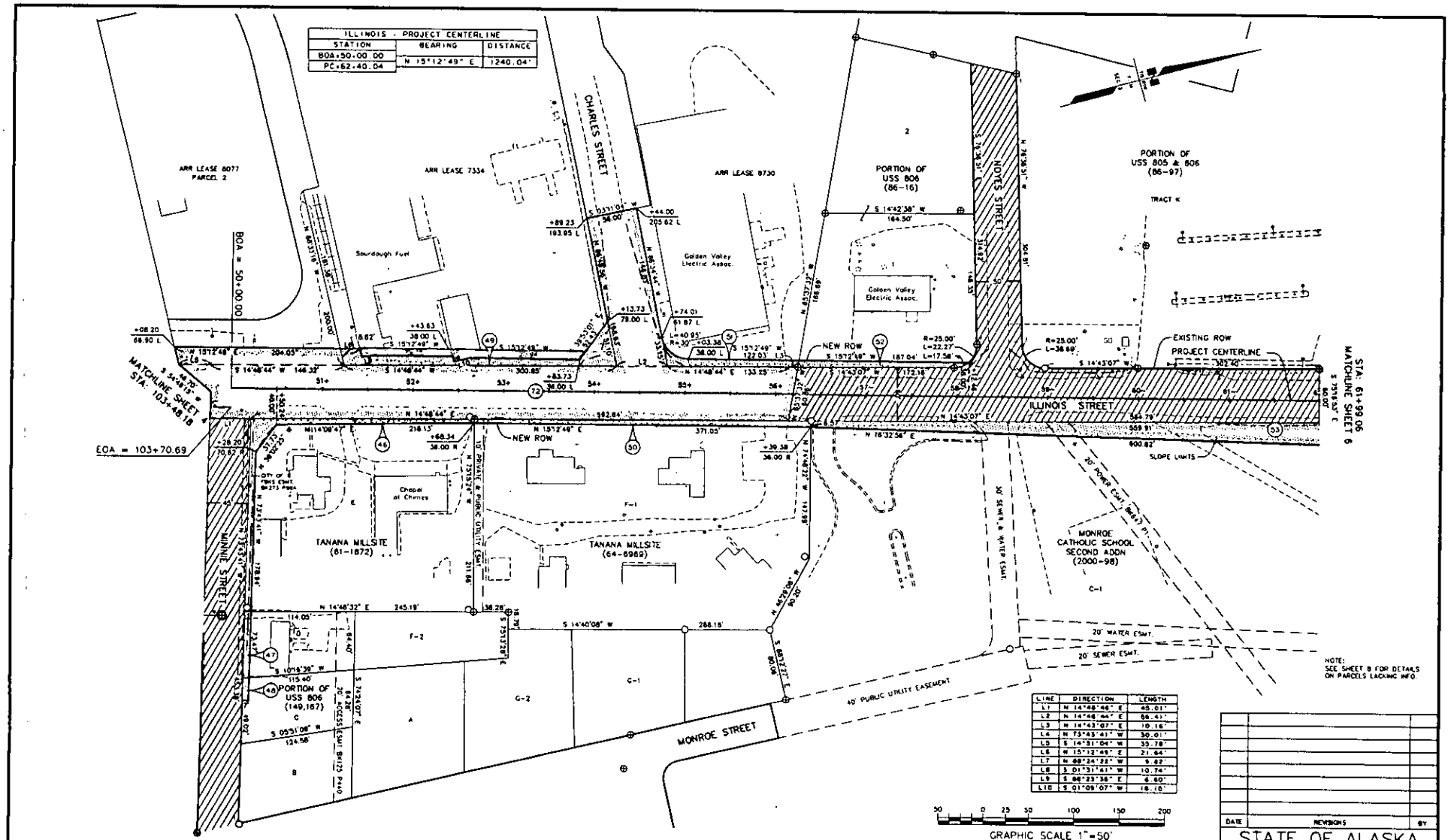
DATE	REVISIONS	BY

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES

RIGHT OF WAY MAP
ALASKA PROJECT NO. 63102
ILLINOIS ST. RECONSTRUCTION
STP-F-M-0663(4)/63102

DRAWN	MJM/GTB	DATE MARCH 2008	SCALE 1" = 50'
CHECKED	DJB	DATE	SHEET 5 OF 10



LINE	DIRECTION	LENGTH
L1	N 14°48'46" E	45.01'
L2	N 14°48'44" E	58.41'
L3	N 14°43'07" E	10.16'
L4	N 75°43'41" W	30.01'
L5	S 14°51'04" W	35.78'
L6	N 15°12'49" E	21.64'
L7	N 88°24'22" W	9.82'
L8	S 01°33'41" W	10.74'
L9	S 88°23'38" E	6.60'
L10	S 01°09'07" W	18.16'

PARCEL NUMBER	INTEREST TO BE ACQUIRED	OWNER	LARGER PARCEL	TAKE INCLUDING EXISTING EASEMENT	NET TAKE	REMAINDER
49	FEE	Alaska Railroad Corp. (Leases-Petro Star, Inc.)	150,117 S.F.	3604 S.F.	3604 S.F.	146,513 S.F.
48	FEE	J & W Properties, LLC	8453 S.F.	178 S.F.	178 S.F.	8275 S.F.
47	FEE	Mary Fitzgerald	8404 S.F.	517 S.F.	517 S.F.	7887 S.F.
46	FEE	SCI Alaska Funeral Services Inc.	53,789 S.F.	3102 S.F.	3102 S.F.	50,687 S.F.

PARCEL INFORMATION

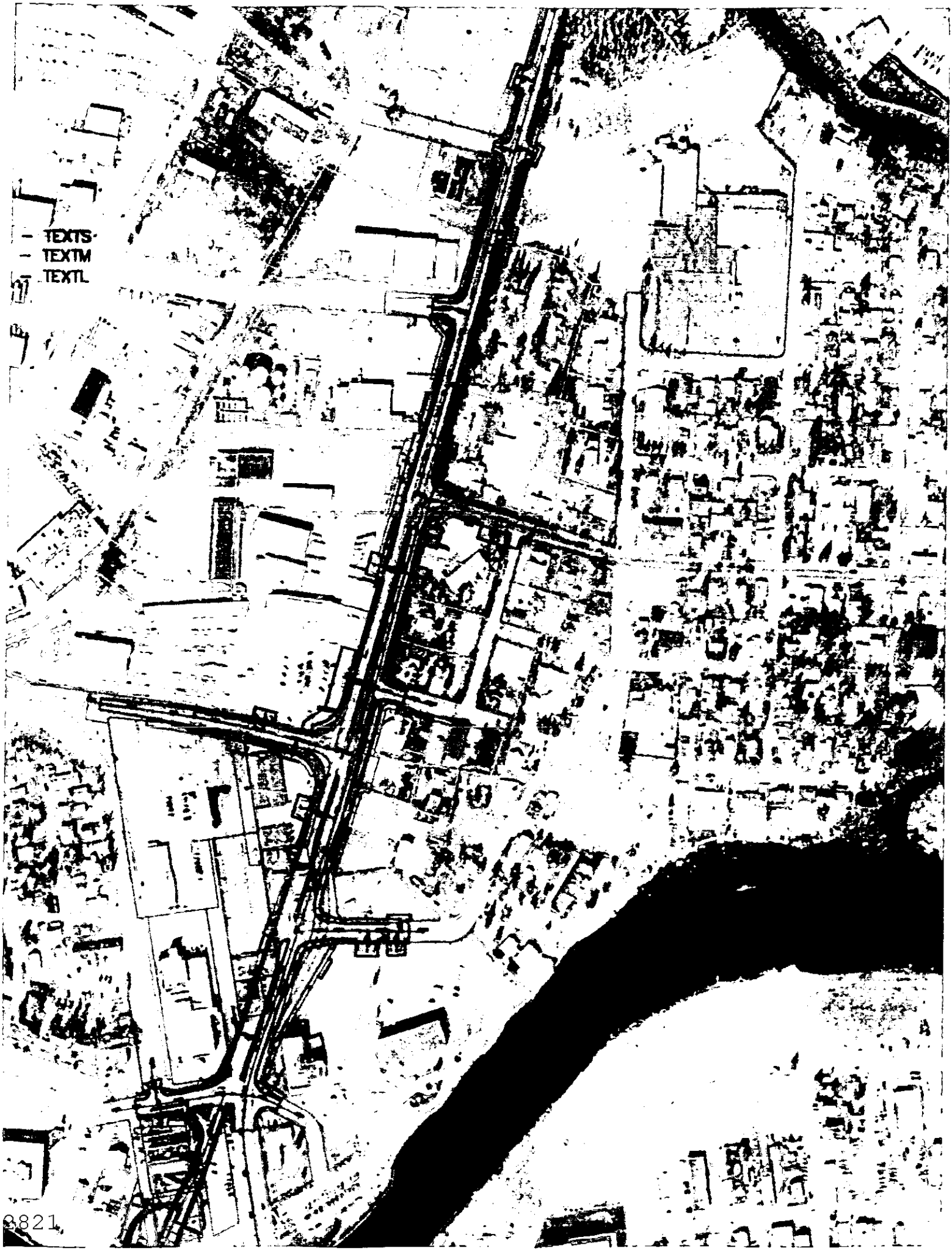
PARCEL NUMBER	INTEREST TO BE ACQUIRED	OWNER	LARGER PARCEL	TAKE INCLUDING EXISTING EASEMENT	NET TAKE	REMAINDER
53	FEE	The Catholic Bishop of Northern Alaska	456,000 S.F.	20,444 S.F.	20,444 S.F.	+35,556 S.F.
52	FEE	Golden Valley Electric Association Inc.	30,991 S.F.	1235 S.F.	1235 S.F.	29,756 S.F.
81	FEE	Alaska Railroad Corp. (Leases-Golden Valley Elec. Assoc. Inc.)	94,338 S.F.	1288 S.F.	1288 S.F.	93,050 S.F.
50	FEE	Tanana Mill Company, Inc	84,205 S.F.	1942 S.F.	1942 S.F.	82,263 S.F.

PARCEL INFORMATION

DATE	REVISIONS	BY

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES
RIGHT OF WAY MAP
ALASKA PROJECT NO. 63102
ILLINOIS ST. RECONSTRUCTION
STP-F-M-0663(4)/63102

DRAWN	MJH/DTE	DATE MARCH 2008	SCALE 1" = 50'
CHECKED	DJB	DATE	SHEET 6 OF 10



8821

AVENUE
3RD AVENUE
2ND AVENUE
1ST AVENUE
WICKERSHAM STREET
CUSHMAN STREET
DOYON PLACE
TERMINAL STREET
CHURCH STREET
DRIVEWAY
ROAD
PHILLIPS FIELD ROAD
SLATER STREET
MINNIE STREET
CHARLES STREET

HB

181

26-LS0630\A

HOUSE BILL NO. 181

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES KAWASAKI, Gruenberg

Introduced: 3/12/09
Referred: Transportation, Judiciary

A BILL

FOR AN ACT ENTITLED

"An Act relating to the use of headlights when operating a motor vehicle."

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

* **Section 1.** AS 28.35 is amended by adding a new section to read:

Sec. 28.35.195. Use of headlights required. A person may not operate a motor vehicle on a highway unless the headlight system required by law for that motor vehicle is illuminated. A person who violates this section is guilty of an infraction.

New Text Underlined [DELETED TEXT BRACKETED]

Representative Scott Jiu Wo Kawasaki
Alaska State Legislature District 9 Fairbanks

Sponsor Statement for HB 181
Let There Be Light On Alaska Roads Bill

House Bill 181 addresses a key goal of the Alaska Highway Safety Office's Strategic Highway Safety Plan. The plan recommends changing state law to require car and truck headlight use at all times. Research shows a decrease in traffic accidents where daytime running lights are used. The Alaska Highway Safety Office has determined enforcements of the headlight law could decrease head-on collisions by 7 percent to 15 percent.

The effectiveness of "headlights on" laws can be seen in Alaska on the Seward Highway. In the mid-1990s, signs were installed along the highway from Anchorage to Seward requiring motor vehicles to have headlights on at all times. The Department of Public Safety and the Department of Transportation acknowledge the effectiveness of the headlight usage with instructional signs in saving lives. According to the Department of Transportation, there was a marked decrease in the number of crashes along the Seward Highway.

Similar results have been seen in other countries located in Polar Regions like Alaska. In Sweden, which has similar climate conditions to Alaska, studies have found that the requirement to use headlights at all times reduced crash rates by 20 percent in urban areas and 17 percent in rural areas in winter months.

Currently, 39 out of 50 states, including Alaska, require use of headlights on motorcycles at all times while operating on roads. Experts report the headlights increase the conspicuousness of motorcycles, allowing other motorists to more easily see them.

House Bill 181 will increase the safety on Alaska's roadways by making all vehicles easier to see while traveling, especially during Alaska's long periods of dusk and dawn. Please join me in supporting House Bill 181 and help make Alaska a safer place to drive.

R16-XXX

Border and Legend: Black
Background: White, Fluorescent Yellow

DRAFT

Road Class	Dimensions (inches)								
	A	B	C	D	E	F	G	H	R
Minimum	60	42	0.63	0.88	3.0	6C	4.0	1.56	2.25
Conventional	84	54	0.75	1.25	4.25	8C	4.75	2.38	3.0

HH.3 Headlights On at All Times – Tier One

Description: Around 15 people die in Alaska each year in head-on crashes. National data indicate headlights-on signing and enforcement could eliminate 7 to 15 percent of these crashes.

This plan recommends changing state law to require headlights on at all times. If this is not done, we can still post signs that will make headlights mandatory on particular sections of road. 13 AAC 04.010 gives the signs the authority of law.

Responsible Agency:

Lead Agency: Alaska Department of Transportation and Public Facilities, Alaska Highway Safety Office (AHSO)

Contact Name, Title: Cindy Cashen, Highway Safety Office Administrator

Phone: (907) 465-4374 E-mail: Cindy.Cashen@alaska.gov

Necessary Partners:

- Governor's Alaska Highway Safety Office.
- DOT&PF Headquarters and Regional Offices.
- Legislature.
- Media.
- AG's Office.
- State Troopers/Local Police.
- National Insurance Institute.
- NHTSA.

Data Analysis Needs or Available Resources:

Create a statewide map of head-on collisions, insurance report, photos, past country/state success stories.

Expected Effectiveness/Outcome:

Narrative: To eliminate fatal and major injury crashes – estimate number yet to be determined.

Average number of lives lost and major injuries sustained due to this problem over the past five years: Approximately 15 per year.

Estimated number of lives saved and major injuries prevented in one year following implementation: One.

Funding and Resource Requirements:

Narrative: Funding for AHSO to cover legal costs – approximately $10K. If signs are posted, approximately $1,000 per sign.

Estimated Cost to Implement: $ TBD

Action Steps and Timeline

Action Step	Responsible Agency	Timeline/Due Date
Collect data and success stories in a draft packet for the legislature.	AHSO	December 2007
Collaborate with partners to develop a legislative information/ lobby plan.	AHSO	December 2007
Pass Legislation.	Legislature	May 2008
If successful, install signs in high-crash areas. (This could happen earlier.)		

Measurement and Evaluation

Strategy Performance Measures: Reduction in head-on collisions.

Evaluation:

Reduction in head-on collisions as indicated by before/after crash studies.

2827

Headlights On At All Times Law (SB73 - 2009)
Estimate of Sign Cost

Community/Area	Location	No of Signs
Prudhoe Bay	Departing South, Dalton Hwy	1
Fairbanks	Departing, Steese, Parks, Richardson	3
Delta	Departing, Richardson, Alaska Hwy N&S	3
Tok	Departing, Tok Cutoff W, Alaska Hwy N&S	3
Alaska Border-Alaska Hwy	For W-bound arrivals	1
Glenallen	Departing, Glen W, Richardson N&S	3
Wasilla	Departing, Parks Hwy N	1
Palmer	Departing, Glen Hwy E	1
Valdez	Departing Richardson Hwy N	1
Glen-Parks Interchange	Departing Glen E, Glen S, Parks N	3
Anchorage	Airport	2
	Departing South-Seward Hwy	1
	Departing North, Glen Hwy	1
Kenai	Airport	1
Seward	Departing, Seward Hwy N	1
Soldotna	Airport	1
	Departing, Sterling Hwy N&S	2
Homer	Departing, Sterling Hwy N	1
Haines	Departing Haines Hwy N	1
Alaska Border-Haines	For S-bound arrivals	1
Skagway	Departing Klondike Hwy N	1
Alaska Border-Klondike	For S-bound arrivals	1
Juneau	Ferry Terminal	1
	Airport, Yandukin& Shell Simmons	2
Ketchikan	Ferry Access to Airport-both sides on Tongass	2

Intent:

Install signs at:
Major Airports
Major Ferry Terminals
At Major Junctions
At border crossings

We want to minimize the number of signs- just post at major entry points or junctions of high volume roads

39 Signs

4 Line Sign

7	ft. wide
4.5	ft. tall
31.5	s.f.
110	$/s.f.
3465	Sign Cost
$ 135,135	Total

LEGISLATIVE RESEARCH REPORT

FEBRUARY 27, 2009 REPORT NUMBER 09.154

STATE LAWS REQUIRING THE USE OF HEADLIGHTS

PREPARED FOR REPRESENTATIVE MAX GRUENBERG

BY ROGER WITHINGTON, LEGISLATIVE ANALYST

HEADLIGHT LAWS 1

Table 1: State Requirements for Headlight Use When Operating Passenger Vehicles 2

DAYTIME HEADLIGHT OR RUNNING LIGHT RESEARCH 4

You asked about state laws requiring the use of automobile headlights while driving. Specifically, you asked what jurisdictions, if any, require the daytime use of headlights. For the jurisdictions that require daytime use of headlights, you also asked us to provide copies of the laws or regulations that require such use, as well as a sample of newspaper articles or research reports that evaluate the merits of daytime headlight use.

HEADLIGHT LAWS

According to the *2009 Digest of Motor Laws*, prepared by the American Automobile Association, all states have statutes or regulations specifying when drivers must use headlights. Sixteen states require drivers to use headlights when windshield wipers are operating (Alabama, Arkansas, California, Delaware, Illinois, Louisiana, Maine, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia). Additionally, nineteen states require drivers to use headlights during periods of inclement weather such as snow or rain (Connecticut, Florida, Georgia, Iowa, Maine, Minnesota, Montana, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Utah, Vermont, West Virginia, and Wyoming). Table 1 summarizes the laws requiring the use of headlights when operating passenger vehicles in all 50 states. As you can see from Table 1, no state requires the use of headlights at all times, regardless of the weather.

907-465-3991
907-465-3908 (fax)

Alaska Legislature
Legislative Research Services
w3.legis.state.ak.us/laa/research/research.php

State Capitol
Juneau, AK 99801

Table 1: State Requirements for Headlight Use When Operating Passenger Vehicles

State	Headlights Must be Used				Maximum Sight Distance Before Headlight Use is Mandatory (in feet)
	Half Hour After Sunset and Half Hour Before Sunrise	From Sunset to Sunrise	When Windshield Wipers are Operating	During Inclement Weather	
Alabama		Yes	Yes		500
Alaska	Yes				1,000
Arizona		Yes			500
Arkansas	Yes		Yes		500
California	Yes		Yes		1,000
Colorado		Yes			1,000
Connecticut	Yes			Yes	1,000
Delaware		Yes	Yes		1,000
Florida		Yes		Yes	1,000
Georgia	Yes			Yes	500
Hawaii	Yes				200
Idaho	Yes				500
Illinois		Yes	Yes		1,000
Indiana		Yes			500
Iowa		Yes		Yes	500
Kansas		Yes			1,000
Kentucky	Yes				350
Louisiana		Yes	Yes		500
Maine	Yes		Yes	Yes	1,000
Maryland	Yes		Yes		1,000
Massachusetts	Yes		Yes		200
Michigan	Yes				500
Minnesota		Yes		Yes	500
Mississippi		Yes			500
Missouri	Yes				500
Montana	Yes			Yes	500
Nebraska	Yes				500
Nevada	Yes				1,000
New Hampshire	Yes			Yes	1,000
New Jersey	Yes		Yes	Yes	500
New Mexico	Yes				500
New York	Yes		Yes	Yes	1,000
North Carolina		Yes	Yes		400
North Dakota		Yes		Yes	1,000
Ohio	Yes				1,000
Oklahoma	Yes			Yes	500
Oregon		Yes			1,000
Pennsylvania		Yes	Yes	Yes	1,000
Rhode Island		Yes	Yes	Yes	500
South Carolina	Yes		Yes		500
South Dakota	Yes				200
Tennessee		Yes		Yes	200
Texas	Yes				1,000
Utah	Yes			Yes	1,000
Vermont	Yes			Yes	150
Virginia		Yes	Yes		500
Washington	Yes				1,000
West Virginia		Yes		Yes	500
Wisconsin	Yes				500
Wyoming	Yes			Yes	1,000

Sources: *Digest of Motor Laws*, American Automobile Association, 2009, and the National Conference of State Legislatures, (303) 364-7700.

Although your question specified the use of daytime headlight use, daytime running lights—or DRLs—are the devices that appear to be most frequently debated. As you may know, DRLs are automotive lighting device mounted on the front of a motor vehicle, that automatically switch on when the vehicle is either started or moves forward. The intent of DRLs is to increase the visibility of the vehicle.

According to the Insurance Institute for Highway Safety, DRLs are

> a low-cost method to reduce crashes. They are especially effective in preventing daytime head-on and front-corner collisions by increasing vehicle conspicuity and making it easier to detect approaching vehicles from farther away.[1]

The Insurance Institute for Highway Safety also notes that laws in Canada and many European countries require vehicles to operate with lights on during the daytime.[2] They further note that there are two types of laws: those that require vehicles to be equipped with DRLs (Canada and the United Kingdom), and those that require motorists to turn on their headlights if their vehicles do not have automatic DRLs (Europe).[3] We include the "Daytime Running Lamps" section of the Canada Motor Vehicle Safety Standard 108 as Attachment A.

You indicated in your request that you are particularly interested in a Yukon Territory law that requires full-time headlight use. In Attachment B, we include the headlight section of the Government of Yukon, Motor Vehicles Act, Chapter 153, Sections 177 through 179. Section 178(3) states that:

> No person shall operate a motor vehicle on a prescribed highway at anytime unless both headlamps are alight.

Section 178 further states that "headlamps" include daytime driving lights.

In 2003, the SWOV Institute for Road Safety Research published a report that provides an inventory of DRL laws in some European Union countries and North America.[4] The report also

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[1] According to its website, the Insurance Institute for Highway Safety is an independent, nonprofit, scientific, and educational organization dedicated to reducing the losses — deaths, injuries, and property damage — from crashes on the nation's highways. The URL for the Insurance Institute for Highway Safety is *http://www.iihs.org/default.html*.

[2] Daytime running lights are not currently required in the United States. They are, however, allowed; the Federal Motor Vehicle Safety Standard 108 (FMVSS 108) regulates all automotive lighting, signaling and reflective devices in the United States. The FMVSS 108 is administered by the United States Department of Transportation's National Highway Traffic Safety Administration. In 1995, shortly after the FMVSS 108 became effective, General Motors (GM) equipped most of its vehicles with DRLs. By 1997 GM equipped all of its vehicles with DRLs and still does so today. A number of other car manufacturers that sell automobiles in the U.S., such as Saab, Suzuki, Subaru, Volkswagen, and Volvo have gradually added DRLs to some of their models. Please keep in mind that DRLs can take several forms; DRLs can be a separate fixture on an automobile, an independent bulb within an automobile's headlight housing, or a device that turns on an automobile's low-beam headlight.

[3] Insurance Institute for Highway Safety reports that Finland first mandated daytime running lights in winter on rural roads in 1972, and ten years later made DRLs mandatory year-round. Laws in Sweden took effect in 1977, in Norway in 1986, in Iceland in 1988, and in Denmark in 1990. Laws passed in 1993 in Hungary require drivers on rural roads to operate with vehicle lights on. Laws in Canada require DRLs for vehicles made after December 1, 1989.

[4] According to its website, the SWOV Institute for Road Safety Research (*http://www.swov.nl/index_uk.htm*) is an independent, scientific institute that promotes road safety through scientific research.

details how the legislation was implemented in these countries as well as an assessment of what was learned from the implementation process. Although this report is somewhat dated, we include it as Attachment C as you may find it useful.

According to Anne Teigen, Transportation Policy Specialist, with the National Conference of State Legislatures (NCSL), a bill which would have required use of headlights while operating a motor vehicle at all times, was introduced in the Michigan Legislature in 2008. Senate Bill 1138 appears to have died without a hearing. Nevertheless, we include it as Attachment D.

As noted above, Alaska does not currently have a mandatory daytime headlight or DRL law. However, 13 AAC 04.010 (c) states that:

> Every vehicle traveling on a highway or vehicular way or area must illuminate lights when traveling on any roadway that is posted with signs requiring the use of headlights.

According to Captain Hans Brinke with the Alaska State Troopers, the Seward Highway is the only highway currently posted for daytime headlight use.[5]

DAYTIME HEADLIGHT OR RUNNING LIGHT RESEARCH

A number of research reports assess the effectiveness of daytime headlight or running light use. Generally, daytime headlight or running lights appear to reduce accident rates, although the evidence is still in dispute.

Daytime headlight or running lights help reduce the number of traffic accidents by allowing other road users to be seen earlier, even in bad weather or traffic conditions. Pedestrians and cyclists see approaching vehicles better, and the lights increase the contrasts between vehicles and background that may otherwise be difficult to discern, due to, for example, clouds, sun glare, or areas with dense vegetation.

Some of the concerns regarding daytime headlight or running lights pertain to the possible safety limitations, such as turn signal masking by adjacent high-intensity DRLs; a potential reduction in motorcycle safety since motorcycles are no longer the only vehicles displaying headlights during the day; and shortened bulb life and higher fuel consumption.

We include the following three documents that discuss the safety benefits of daytime headlight or running light use.

In September 2004, the U.S. Department of Transportation, National Highway Traffic Safety Administration issued a technical report entitled "An Assessment of the Crash-Reducing Effectiveness of Passenger Vehicle Daytime Running Lamps (DRLs)." This study estimates the effectiveness of passenger vehicle daytime running lights in reducing two-vehicle opposite direction crashes, pedestrian/bicycle crashes, and motorcycle crashes. The significant results of this study show that from 1995 to 2001:

[5] Captain Hans Brinke, Department of Public Safety, Alaska State Troopers can be contacted at 907-269-5682.

- DRLs reduced opposite direction daytime fatal crashes by 5 percent.
- DRLs reduced opposite direction/angle daytime non-fatal crashes by 5 percent.
- DRLs reduced non-motorists, pedestrians and cyclists, daytime fatalities in single-vehicle crashes by 12 percent.
- DRLs reduced daytime opposite direction fatal crashes of a passenger vehicle with a motorcycle by 23 percent.

We include this report as Attachment E.

In 2008 the SWOV Institute for Road Safety Research published a Fact Sheet that provides a summary of DRL issues. Included in the Fact Sheet are numerous cites to research reports that various countries have used when considering DRL laws. We include this Fact Sheet as Attachment F.

In 2006 *Business Week* summarized some of the major research reports on the effectiveness of DRLs. Nearly all of these reports indicate DRLs reduce multiple-vehicle daytime crashes. We include this article as Attachment G; samples of the reports noted by *Business Week* are as follows.

- A study examining the effect of Norway's DRL law from 1980 to 1990 found a 10 percent decline in daytime multiple-vehicle crashes. (R. Elvik, "The Effects on Accidents of Compulsory Use of Daytime Running Lights for Cars in Norway," *Accident Analysis and Prevention* 25:383-98, 1993)
- A Danish study reported a 7 percent reduction in DRL-relevant crashes in the first 15 months after DRL use was required and a 37 percent decline in left-turn crashes. (L.K. Hansen, "Daytime Running Lights in Denmark: Evaluation of the Safety Effect," Danish Council of Road Safety Research, 1993.)
- In a second study covering 2 years and 9 months of Denmark's law, there was a 6 percent reduction in daytime multiple-vehicle crashes and a 34 percent reduction in left-turn crashes. (L.K. Hansen, "Daytime Running Lights: Experience with Compulsory Use in Denmark," Proceedings of the Fersi Conference, Lille, Denmark, 1994.)
- A 1994 Transport Canada study comparing 1990 model year vehicles with DRLs to 1989 vehicles without them found that DRLs reduced relevant daytime multiple-vehicle crashes by 11 percent. (H. Arora, D. Collard, G. Robbins, E.R. Welbourne, and J.G. White; "Effectiveness of Daytime Running Lights in Canada," Report No. TP-12298, Transport Canada, 1994.)

I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.

LIST OF ATTACHMENTS

Attachment A

Motor Vehicle Safety Act, Motor Vehicle Safety Regulations (C.R.C., c. 1038), SCHEDULE IV (Sections 2, 5 and 6 and subsection 12(3)), Canada Department of Justice, *http://laws.justice.gc.ca/en/ShowDoc/cr/C.R.C.-c.1038/sc:4::sc:5//en?page=11&isPrinting=false*

Attachment B

Government of Yukon, Motor Vehicles Act, Chapter 153, Sections 177 through 179, *http://www.gov.yk.ca/legislation/pages/page_a.html*

Attachment C

Jacques Commandeur, *State of the Art with Respect to Implementation of Daytime Running Lights*, SWOV Institute for Road Safety Research, 2004, *http://www.swov.nl/index_uk.htm*

Attachment D

Senate Bill 1138, Michigan State Legislature, 2008, *http://www.legislature.mi.gov/(S(sapn303cev1ccufuvn2pjtip))/mileg.aspx?page=getObject&objectName=2008-SB-1138*

Attachment E

Joseph M. Tessmer, "An Assessment of the Crash-Reducing Effectiveness of Passenger Vehicle Daytime Running Lamps (DRLs)," U.S. Department of Transportation, National Highway Traffic Safety Administration, Mathematical Analysis Division, National Center for Statistics and Analysis, September 2004, *http://www-nrd.nhtsa.dot.gov/Pubs/809760.PDF*

Attachment F

SWOV Fact Sheet, "Daytime Running Lights (DRL)," SWOV Institute for Road Safety Research, 2004, *http://www.swov.nl/index_uk.htm*

Attachment G

"Q&A: Daytime Running Lights," *Business Week*, December 2005, *http://www.businessweek.com/autos/content/jan2006/bw20060103_179336.htm*

Motor Vehicle Safety Act

Motor Vehicle Safety Regulations (C.R.C., c. 1038),

SCHEDULE IV (Sections 2, 5 and 6 and subsection 12(3))

Canada Department of Justice

http://laws.justice.gc.ca/en/ShowDoc/cr/C.R.C.-c.1038/sc:4::sc:5//en?page=11&isPrinting=false

Daytime Running Lamps

General

(44) Every bus, multi-purpose passenger vehicle, passenger car, three-wheeled vehicle and truck shall be equipped with two daytime running lamps or, where the daytime running lamps are optically combined with the upper beams of the headlamps, with two or four daytime running lamps.

(45) A daytime running lamp shall be white, yellow or white to yellow, in accordance with sections 3.1.3, 3.1.2 and 3.1.3.1, respectively, of SAE Standard J578, Color Specification (May 1988).

(46) A daytime running lamp that is not optically combined with a headlamp shall conform to SAE Recommended Practice J575, Tests for Motor Vehicle Lighting Devices and Components (December 1988).

(47) Subject to subsection (47.1), a daytime running lamp that is not optically combined with another lamp or is optically combined with a lamp, other than a front fog lamp, that is not required by this section shall be designed to conform to SAE Recommended Practice J2087, Daytime Running Lamps for Use on Motor Vehicles (August 1991), including the photometric values set out in Table 2 of this Recommended Practice, except that

(a) the maximum luminous intensity at any test point shall be 3 000 cd;

(b) the lamp is not required to conform to section 6.2 of that Recommended Practice; and

(c) the effective projected luminous lens area of the lamp may be less than 40 cm2.

(47.1) A daytime running lamp that is not optically combined with another lamp may conform to SAE Standard J583, Front Fog Lamps (June 1993), or to sections 3, 4.2, 4.3, 5 and 6 of ECE Regulation No. 19, Uniform Provisions Concerning the Approval of Motor Vehicle Front Fog Lamps, Revision 3 (March 2, 1993).

(47.2) A daytime running lamp that is optically combined with a front turn signal lamp or a parking lamp shall conform to subsection (47).

(48) A daytime running lamp that is optically combined with a headlamp shall

(a) where combined with the lower beam of a headlamp that is designed to conform to the photometric requirements of this section, operate at normal operating voltage or

(i) in the case of a DC system, not less than 75 per cent and not more than 92 per cent of the normal operating voltage, and

(ii) in the case of an AC system or a modulated voltage system, the equivalent root mean square of not less than 75 per cent and not more than 92 per cent of the normal operating voltage;

(b) where combined with the lower beam of a headlamp that is designed to conform to the photometric requirements of section 108.1, operate at normal operating voltage or

(i) in the case of a DC system, not less than 86 per cent and not more than 92 per cent of the normal operating voltage, and

(ii) in the case of an AC system or a modulated voltage system, the equivalent root mean square of not less than 86 per cent and not more than 92 per cent of the normal operating voltage; and

(c) where combined with the upper beam of a headlamp, be designed to provide a luminous intensity of not less than 2 000 cd and not more than 7 000 cd at test point H-V.

(49) For the purpose of determining if a daytime running lamp conforms to subsection (48), the daytime running lamp shall be tested in accordance with section S11 of TSD 108.

(50) A daytime running lamp that is optically combined with a headlamp or headlamps in which two filaments operate together to provide the daytime running lamp function shall meet the photometric requirements of paragraph (48)(c) when

(a) the daytime running lamp is provided by

(i) an upper beam that is provided by two filaments in the headlamp,

(ii) an upper beam and a lower beam of the headlamp, or

(iii) an upper beam of the headlamp, and a lower beam or upper beam of another headlamp; and

(b) the luminous intensities at the test point H-V of each headlamp, tested in accordance with section S10 of TSD 108, are added together.

(51) Where a daytime running lamp is optically combined with a headlamp that is activated in its concealed position, the daytime running lamp shall conform to subsection (47), (48) or (50).

(52) A daytime running lamp may be optically combined with a front fog lamp that conforms to SAE Standard J583, Front Fog Lamps (June 1993) or to sections 3, 4.2, 4.3, 5 and 6 of ECE Regulation No. 19, Uniform Provisions Concerning the Approval of Motor Vehicle Front Fog Lamps, Revision 3 (2 March 1993).

(53) Despite subsections (45) to (52), a vehicle may be equipped with a daytime running light system that conforms to Canadian Standards Association Standard CAN/CSA-D603-88, Daytime Running Light Systems (April 1988), other than a Type 4 and Type 5 system (reduced voltage upper beam headlamps), as indicated in Table 1 of the Standard, if

(a) the daytime running light system components are installed in accordance with the instructions referred to in section 8.2 of the Standard; and

(b) where the vehicle is equipped with gaseous-discharge lower beam headlamps, only a Type 1 system (normal voltage lower beam headlamp) or a Type 6 or Type 7 system (separate lamps other than headlamps), as indicated in Table 1 of the Standard, is used.

Allison Laffen

From: Stancliff, Sue M (DPS) [sue.stancliff@alaska.gov]
Sent: Monday, March 23, 2009 10:14 AM
To: Allison Laffen
Cc: Mercedes Theuer
Subject: HB 181

Good morning Allison,

We have conducted research into this matter and the short answer is no, the vehicle would not be dead-lined / placed out of service for having one headlight out. This applies to both commercial and non commercial vehicles, driving during the day, at night, or times of limited visibility. Drivers of vehicles with one light out are currently subject to being stopped and cited, but it is common practice to let them continue on their way. DOT and DPS would not change their practice based upon these bills. Further, per DOT, federal law (49 CFR) allows for a CMV to stay in service with at least one operating headlight, tail light, and brake light.

Hope that answers your questions.

Sue

From: Stancliff, Sue M (DPS)
Sent: Monday, March 16, 2009 11:00 AM
To: Dial, Rodney L (DPS)
Subject: FW: HB 181

Rodney ~ could you please review this and provide me with a response?

Thank you.

Sue

From: Allison Laffen [mailto:Allison_Laffen@legis.state.ak.us]
Sent: Sat 3/14/2009 6:35 PM
To: Stancliff, Sue M (DPS)
Subject: HB 181

Ms. Stancliff:

I hope you are the right person to direct my question to, I saw you are the legislative liaison for Public Safety. I have had a question from the AK Trucking Association (AKA) on HB 181, which Rep. Gruenberg is a cosponsor of, and the Senate version SB 73. HB 181 amends AS 28.35 by requiring the use of headlights at all times while driving, and a violation is an infraction. Here is the question they sent to me:

"Would either of these bills cause a vehicle with a burned out or broken headlamp to be placed out of service, that is, stopped until the headlamp is replaced? Broken and burned out headlamps as well as other lamps burn out or are broken particularly on gravel roads like the Dalton Highway. A spare headlamp or other lamps are not normally in the tool kit. Currently in our experience, the enforcement posture is to issue a violation and allow the vehicle to continue to their

destination for repairs."

Would you be able to tell whether HB 181 would change this standard practice of allowing vehicles to continue to their destination for repairs? Since it is an infraction, can the vehicle be taken out of service, even if that isn't standard practice?

Thank you for your time.

Allison Laffen
Legislative Aide
Rep. Max Gruenberg - D20
(907) 465-2840

Allison Laffen

From: Allison Laffen
Sent: Monday, March 23, 2009 9:54 AM
To: 'Stancliff, Sue M (DPS)'
Cc: Mercedes Theuer; Tabitha Williams
Subject: RE: HB 181

Sue -

I've cc'd Rep. Kawasaki's staff on this email as well as he is the prime sponsor and carrying the bill. It is scheduled to be heard in House Transportation tomorrow at 1:00pm if you have a chance to get an answer to this question before then.

Thanks Sue.

Allison Laffen
Legislative Aide
Rep. Max Gruenberg - D20
(907) 465-2840

From: Stancliff, Sue M (DPS) [mailto:sue.stancliff@alaska.gov]
Sent: Sunday, March 15, 2009 6:14 PM
To: Allison Laffen
Subject: RE: HB 181

Allison - I'll get a response for you shortly, I think HB 181 is scheduled for a hearing this week. I have been in Anchorage for the past few days but on my way back to Juneau tonight.

Sue

From: Allison Laffen [mailto:Allison_Laffen@legis.state.ak.us]
Sent: Sat 3/14/2009 6:35 PM
To: Stancliff, Sue M (DPS)
Subject: HB 181

Ms. Stancliff:

I hope you are the right person to direct my question to, I saw you are the legislative liaison for Public Safety. I have had a question from the AK Trucking Association (AKA) on HB 181, which Rep. Gruenberg is a cosponsor of, and the Senate version SB 73. HB 181 amends AS 28.35 by requiring the use of headlights at all times while driving, and a violation is an infraction. Here is the question they sent to me:

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destination for repairs."

Would you be able to tell whether HB 181 would change this standard practice of allowing vehicles to continue to their destination for repairs? Since it is an infraction, can the vehicle be taken out of service, even if that isn't standard practice?

Thank you for your time.

Allison Laffen
Legislative Aide
Rep. Max Gruenberg - D20
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Alaska Trucking Association, Inc.
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www.aktrucks.org
The authoritative voice of the trucking industry in Alaska

HB 181
House Transportation Committee Hearing
1:00 pm, March 24, 2009
Aves D. Thompson, Executive Director
Alaska Trucking Association

Thank you. ~~Mr.~~ MADAM Chair[redacted] and members of the committee, I am Aves Thompson, Executive Director of the Alaska Trucking Association. The Alaska Trucking Association is a state wide organization representing the interests of our nearly 200 member companies from Barrow to Ketchikan. Each day, our industry delivers the essential items that all of us use in our daily lives. The simple truth is that "if you got it, a truck brought it."

Part of our mission statement provides that we promote highway and driver safety. We do this in a number of different ways. Our member companies conduct driver-safety meetings where safety regulations and other important safety matters are discussed. Many companies have full time safety professionals on staff to ensure safe operations. Company supervisors and managers are trained in safety of operations. As you can see, safety is a major concern in our industry.

Alaska Trucking Association, Inc.
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www.aktrucks.org
The authoritative voice of the trucking industry in Alaska

The bill at hand will cause headlamps to be illuminated at all times while driving a vehicle, whether a personal or a commercial vehicle. I believe that studies have shown there to be a positive impact on safety when headlamps are on. We are supportive of actions that can reduce crashes on our highways and as such are supportive of HB181 that will require headlamps to be illuminated while driving.

I will try to answer any questions. Thank you.

AARP Alaska
3601 C Street
Suite 1420
Anchorage, AK 99503

T 1-866-227-7447
F 907-341-2270
TTY 1-877-434-7598
www.aarp.org/ak

March 23, 2009

The Honorable Bob Lynn, Chair
House State Affairs Committee
Alaska State Capitol, Room 104
Juneau, AK 99801-1182

RE: HB 123 (Fairclough)--Support

Dear Chair Lynn:

On behalf of the members of AARP in Alaska, we encourage you and your colleagues on the House State Affairs Committee to support HB 123, authored by Representative Anna Fairclough and co-sponsored by you and your Committee colleague Representative Peggy Wilson as well as Representative Beth Kerttula.

Unfortunately, Alaska has a high rate of suicide. Many of these suicides include mid-life and older Alaskans. The Statewide Suicide Prevention Council needs to continue its work and address this issue for our citizens. The Council still has much to do and, in our opinion, should be allowed to continue for another four years.

AARP requests an "AYE" vote on HB 123.

Should you have any questions about our position, please feel free to contact me (586-3637) or Patrick Luby, AARP Advocacy Director (907-762-3314).

Thank you for your consideration.

Sincerely,

Marie Darlin

Marie Darlin, Coordinator
AARP Capital City Task Force
415 Willoughby Avenue, Apt. 506
Juneau, AK 99801
586-3637 (voice)
463-3580 (fax)

CC: Vice-Chair Paul Seaton
Representative Carl Gatto
Representative Craig Johnson
Representative Peggy Wilson
Representative Anna Fairclough

HB 131 - Literatur

SWOV
INSTITUTE FOR
ROAD SAFETY RESEARCH

State of the art with respect to implementation of daytime running lights

Study in the framework of a European Commission project, Work Package 1

R-2003-28
Jacques Commandeur
Leidschendam, 2004
SWOV Institute for Road Safety Research, The Netherlands

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Report documentation

Number:	R-2003-28
Title:	State of the art with respect to implementation of daytime running lights
Subtitle:	Study in the framework of a European Commission project, Work Package 1
Author(s):	Jacques Commandeur
Project number SWOV:	69.953
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Contents of the project:	The European Commission funded a project, designed to assess the effects of Daytime Running Lights (DRL) and possible strategies for implementing the mandatory use of DRL in the European Union. This study is an inventory of the currently legislated requirements for the use of DRL in the European Union and elsewhere, and how that legislation has been implemented in these countries
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Summary

This report is part of the documentation of a project funded by the European Commission, designed to assess the effects of Daytime Running Lights (DRL) and possible strategies for implementing the use of DRL in the European Union (EU).
The objectives of the present report are two-fold:

1. to provide an inventory of the currently legislated requirements for the use of DRL in the EU and elsewhere, and how that legislation has been implemented in these countries.
2. to assess what has been learned from the existing implementations, so as to take these findings into account in the later development of realistic implementation strategies.

To this end, the relevant questions and issues to be addressed were identified and formulated, and a questionnaire was written and sent to the following countries:

- all fifteen member states of the EU;
- the future EU countries where DRL has been implemented;
- the remaining countries where DRL has been implemented and where the safety effects of DRL have in some form been evaluated.

The inventory of the currently legislated requirements for the use of DRL in the EU and elsewhere shows that DRL has been implemented both as a technical and as a behavioural measure. So far, the majority of DRL countries chose to impose DRL as a behavioural measure. However, most cars in the Scandinavian countries (Denmark, Finland, Norway and Sweden) are sold with an automatic DRL switch as well. The countries which currently have legislation on the use of DRL can be further distinguished in whether they impose DRL during the entire year or in winter time only, and on all roads or on rural roads only.

When setting up European guidelines for the implementation of DRL, it is important to take the arguments against DRL into account. These arguments are enumerated in the present report. Since most of the adverse effects mentioned in these arguments can be minimised or even completely solved by the implementation of DRL as a technical measure, it is recommended to make the installation of automatic dedicated DRL on new cars –combined with a light sensitive switch automatically activating the low beam headlights in reduced visibility conditions (and deactivating the DRL)- at least part of the DRL implementation scenarios to be developed later in the project.

In DRL countries the use of media campaigns during the introduction of DRL was found to range all the way from no media campaigns at all in Hungary to massive media campaigns in Canada. Since all DRL countries indicate not having met with much resistance and opposition against DRL after its implementation, there does not seem to be much that can be learned in terms of what type of media campaign would be optimal when introducing DRL in a non-DRL country. However, the Canadian expert on DRL recommends that other countries intending to implement DRL policies take steps to inform their population about the basic workings of visual perception relative to the driving task, since some of the comments from the Canadian

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public about DRL seemed to reflect a lack of understanding of the role and importance of contrast in aiding visual perception.

Most DRL countries used a gradual approach to the implementation of DRL, either by encouraging the voluntary use of DRL before the introduction of DRL legislation, or by a gradual extension of compulsory DRL usage over more and more types of roads, over more and more months of the year, and/or for more and more types of road users.
Such gradual implementation strategies allow road users to gain personal experience in the visual workings of DRL, thus probably also contributing to obtain broader public acceptance for DRL legislation.

These findings, combined with the experience that most of the opposition against DRL greatly subsided in countries after DRL legislation was implemented, leads us to recommend that the implementation of DRL in non-DRL countries is preceded with a period of recommended DRL usage, accompanied with media campaigns clearly explaining how the visual workings of DRL contribute to the improvement of road safety.

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John Berry, contact for this project at the European Commission, and René Bastiaans of the European Commission for their help in identifying knowledgeable individuals that could be contacted in a number of countries;

Professor Kåre Rumar of the Swedish Road and Transport Research Institute at Linköping, Sweden, Dipl.-Ing. Dieter Matthes, Chairman of the Groupe de Travail "Bruxelles 1952" (GTB), and Senior research psychologist Oliver Carsten of the University of Leeds, Great Britain, for their helpful comments on an earlier version of the present report;

Chris Schoon and Dr. Marjan Hagenzieker of the SWOV Institute for Road Safety Research, also for their helpful comments on an earlier version of this report;

Patrick Langeveld of the SWOV Institute for Road Safety Research for his help in designing the DRL questionnaires and in the extensive email activities involved in identifying knowledgeable individuals and institutions, and in obtaining as large a response to our inquiries as possible;

Last but not least, all the people mentioned in *Appendix 3* of the present report who were found willing to respond to all of our questions.

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1. Introduction

This interim report is part of the project for the European Commission on Daytime Running Lights (DRL) with Contract No. ETU/B27020B-E3-2002-DRL-S07.18830. The objectives of the present report are two-fold:

1. to provide an inventory of the currently legislated requirements for the use of DRL in the EU and elsewhere, and how that legislation has been implemented in these countries.
2. to assess what has been learned, in these respects, under the existing implementations, so as to take these findings into account in the later development of realistic implementation strategies.

To this end, the relevant questions and issues to be addressed were identified and formulated, and a questionnaire was written and sent to the following countries:

- all fifteen member states of the EU;
- those future EU countries where DRL has been implemented;
- those remaining countries where DRL has been implemented and where the safety effects of DRL have in some form been evaluated.

Since not all of these countries have implemented DRL, two questionnaires were written: one specifically for "DRL countries" and the other specifically for "non-DRL countries". These two questionnaires can be found in *Appendix 1* and *2*, respectively, of the present report.

Before sending them the questionnaire, first a preliminary email was sent to knowledgeable individuals and institutes in the different countries announcing the objectives of the present work package, and requesting for the name(s) of national experts on DRL to which the relevant questionnaire could be sent for completion. A complete list of the countries that were finally contacted is shown in *Table 2.1*, including the (non-)response.

Table 2.1 shows that of the EU countries that currently have DRL legislation (i.e., Denmark, Finland, Italy, and Sweden), all returned the completed questionnaire. Of the EU countries that currently have no laws concerning DRL (i.e., Austria, Belgium, France, Germany, Greece, Ireland, Luxembourg, the Netherlands, Portugal, Spain, and the United Kingdom), all countries returned the completed questionnaire except for Greece, Ireland, and Portugal (although they did receive the questionnaire). In Luxembourg, we were not able to locate any knowledgeable person to send the questionnaire to.

A list of the people contacted as well as the organisations or institutes they are affiliated with is given in *Appendix 3*.

The work includes an inventarisation of the original arguments pro and con in the current DRL-countries as well as the views on these arguments after implementation. This report does not discuss the strictly statistical aspects of DRL in terms of accident savings, etc. This is the subject of a separate report.

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The questionnaires were also used to identify additional national experts on DRL in the different countries.

Country	DRL compulsory for all motorized vehicles?	Questionnaire sent?	To:	Filled-in questionnaire returned?
EU members				
Denmark	Yes	Yes	Lars Klit	Yes
Finland	Yes	Yes	Veli-Pekka Kallberg	Yes
Italy	Yes	Yes	Francesca la Torra	Yes
Austria	No	Yes	Klaus Machata	Yes
Belgium	No	Yes	Karel Hofman	Yes
France	No	Yes	Sylvain Lassarre	Yes
Germany	No	Yes	Ursula Einsfelder	Yes
Netherlands	No	Yes	Rob Wegman	Yes
Spain	No	Yes	Monica Colás	Yes
Sweden	Yes	Yes	Kåre Rumar	Yes
United Kingdom	No	Yes	Jeremy Broughton	Yes
Non-EU members				
Canada	Yes	Yes	Jim White	Yes
Czech Republic	Yes	Yes	Jaroslav Heinrich	Yes
Hungary	Yes	Yes	Peter Holló	Yes
Israel	Yes	Yes	Victoria Gitelman	Yes
Norway	Yes	Yes	Richard Muskaug	Yes
Switzerland	No	Yes	Ulrich Salvisberg	Yes
USA	No	Yes	Richard Vaniderstine	No, but sent three reports
Non-response				
EU members				
Greece	No	Yes	abek@certh.gr	No
Ireland	No	Yes	des_coppins@environ.irlgov.ie hilary_dalton@environ.irlgov.ie	No
Luxembourg	No	No	--	--
Portugal	No	Yes	almacedo@inec.pt	No
Non-EU members				
Poland	Yes	Yes	Krzystof Jamrozik	No
Lithuania	Yes	Yes	vidmantas.pumputis@lra.lt	No

Table 1.1. *Overview of the countries contacted and their (non-) response.*

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2. Results

2.1. DRL countries

In *Section 2.1* the answers to the DRL questionnaire are discussed for those countries where the use of DRL is compulsory for all motorized vehicles by law. Of the nine countries which responded to the questionnaire, four are currently members of the EU (Denmark, Finland, Italy, and Sweden), two are future members of the EU (Czech Republic and Hungary), and three are not a member of the EU (Israel, Norway, and Canada). These so-called DRL-countries are discussed in alphabetical order, starting with the four EU members. For all these countries, the answers to the questionnaire can be found in *Appendix 4*; the answers in *Appendix 4* are presented in tables, where the first column of each table contains shortened versions of the questions in the questionnaire. For the complete questions we refer to *Appendix 1*. A summary of the respondents' answers is presented below.

2.1.1. *Denmark*

The answers to the DRL questionnaire for Denmark are summarized in *Appendix 4.1*.
In Denmark the use of DRL has been compulsory for all motorized vehicles on all roads since October 1990. There are no requirements on how to switch on DRL. However, most cars are sold with an automatic on switch. The implementation of DRL was accompanied with spots on national television and information in the main newspapers, as well as with police enforcement campaigns during the first year of the introduction. The penalty for not using DRL is about € 65, but the usage seems to be very high and currently there are no police enforcement activities specially aimed at DRL. According to the respondent from Denmark, even though the Danish Cyclists Federation at some point opposed the introduction of DRL, and there was some debate in the media concerning the extra costs for car owners (increased fuel usage and more frequently burned-out lamp bulbs), the law was introduced nevertheless, and now seems to be accepted by most road users and organizations.

2.1.2. *Finland*

The answers to the DRL questionnaire for Finland are summarized in *Appendix 4.2*.
Compared to Denmark, Finland clearly used a more gradual approach in the implementation of compulsory DRL for all motor vehicles. At first it was only required during the five winter months in 1972. Then this was extended to a period of seven months in 1973. Next this was again extended to the entire year outside built-up areas in 1982, and finally to all roads during the entire year in 1997. In most vehicles DRL are automatically switched on when the engine is started. However, manually operated DRL are also allowed. According to the respondent from Finland, DRL were generally well accepted in Finland and there was no serious opposition, neither before nor after their gradual implementation. Only some individuals raised questions about the added costs due to higher fuel consumption with DRL.

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2.1.3. *Italy*

The answers to the DRL questionnaire for Italy are summarized in *Appendix 4.3.*

Of all the countries discussed in the present report, the implementation of compulsory DRL in Italy in June 2002is the most recent: . Since that date, DRL have become mandatory during the entire year for all vehicles on motorways (urban and rural) and primary rural highways, and for motorcycles and scooters on all roads (urban and rural). Since DRL for four-wheeled vehicles are not required on all roads in Italy, they are switched on manually.

The implementation of DRL was introduced with media campaigns in all the newspapers, on television and on radio. In addition, for approximately one month after the introduction, the police gave no tickets but only warnings to drivers not using DRL when required. Nowadays tollway companies use messages and boards at the entrance of tollways reminding drivers to switch on their lights during daytime.

At this moment drivers not using DRL when required can be fined, € 32 according to the Expert from Germany (GRE, 2003), but from June 2003 onwards this will be replaced with a new "driving points" system. Out of the initial amount of 20 points, two points will be deduced if drivers do not use DRL when required, and four points if also their licence is less than 5 years old.

According to the respondent from Italy, apart from some individual complaints, there was no opposition against DRL in Italy, neither before nor after its implementation. Interestingly, before the introduction of DRL in Italy, car drivers could even be *fined* for switching on their lights during the day.

2.1.4. *Sweden*

The answers to the DRL questionnaire for Sweden are summarized in *Appendix 4.4.*

In Sweden the use of DRL has been compulsory for all motorized vehicles on all roads during the entire year since 1977. Although there are no legal requirements on how to switch on DRL, most modern cars are sold with an automatic 'on' switch.

All the media were used to inform the public during the introduction of DRL. Since the army, the railways, and some companies already were using DRL before 1977, by 1977 the public was already used to DRL and media campaigns were therefore not as strong as when this had not been the case. The penalty for not using DRL is about € 45. Initially there were some police enforcement activities aimed at the use of DRL, as well as at drivers forgetting to switch from reduced low beams to plain low beams in darkness. Currently enforcement is no longer necessary in Sweden due to the automatic switching on of DRL.

Both before and after the implementation, some groups are of the opinion that anybody who cannot see a motor vehicle in full daylight should not have a driver license, and other groups are of the opinion that the environmental damage and extra petrol consumption of DRL is a larger disadvantage than the reduced number of crashes. Motorcyclists often oppose general DRL because they would like to be the only category of road users having DRL. Right after the implementation of the mandatory use of DRL, the automatic switching on of DRL was unusual, and many individuals complained about dead batteries because they had forgotten to turn off the lights when

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parking. However, with time, the opposition towards DRL has diminished substantially. One obvious reason is the improved technology (primarily automatic switching). Currently, DRL is not a political issue and all parties seem to agree on the present legislation. The main opposition is focused on the negative environmental effects of DRL, and many motorcyclists are still negative, for the reason mentioned above.

2.1.5. *Canada*

The extensive answers to the DRL questionnaire for Canada are given in *Appendix 4.5*.
In Canada, DRL were implemented by making automatic DRL systems compulsory on all new four-wheeled vehicles from December 1989 onwards. Automatic operation of the headlamp and rear position (tail) lamp of new motorcycles sold in Canada had already been made compulsory in 1975. Since DRL are switched on automatically, they are used on all roads and during the entire year.
The federal government decided to pursue the development of a new vehicle regulation as the least costly and most reliable long-term solution. According to the respondent of the questionnaire, it was obvious that all vehicles on the road should have DRL or switched-on headlamps to maximize the safety benefits and minimize the "masking" of unlit vehicles by lit ones. Therefore the provinces and territories, assisted by the federal government, undertook publicity campaigns stressing the safety merits of daytime lights use.
These DRL measures were introduced by the Canadian federal government which only regulates vehicle safety through laws applying to vehicle manufacturers and importers. Except for the Yukon Territory, however, provincial and territorial governments (which are responsible for regulations concerning road users and road use) have not yet introduced laws requiring lights to be switched on in daytime, except during inclement weather. Therefore, the *use* of DRL is not compulsory in Canada, except for the Yukon Territory where road users can be fined about € 60 when not using DRL on rural roads. Outside the Yukon Territory, there are no penalties for not using DRL, and there are no special police enforcement activities. Even so, because they are switched on automatically in practice, DRL are used by all motorized vehicles on all roads during the entire year. DRL must switch off automatically when headlights are switched on (e.g, at night).
From about 1987 to 1995 (that is, even before the implementation of automatic DRL systems on all new vehicles in 1989), Transport Canada and the provincial/territorial transportation authorities cooperatively produced and distributed a common design pamphlet and poster. The message, directed to drivers of pre-DRL vehicles, was to drive with low beam headlamps switched on at all times or to have a DRL switching kit installed for convenience. Transport Canada staff gave numerous press interviews and responses to direct requests for information from the public and other interested parties. The public (provincial) vehicle insurance corporations advertised in the media, primarily newspapers. Also, vehicle manufacturers mentioned DRL in their advertisements, particularly for models with DRL installed voluntarily before it became mandatory. Insurers also supported DRL with publicity of various kinds. Of particular note was Saskatchewan Government Insurance's "Lights on for Life" campaign. This initiative included a) newspaper and television advertising, b) message signs on highways, c) publicity materials such as brochures, stickers, key fobs, and d) information delivered by post, for example with licence renewal notices.

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Transport Canada measured the daytime lights usage in several annual traffic surveys beginning in 1981, when 10.3 percent of vehicles were operated with lights on in daytime. Publicity campaigns raised the voluntary lights usage in daytime, in the four years (1986-89) before introduction of DRL on new vehicles, to between 17.5 and 21.7 percent.
Thus, before the implementation in 1989 all the publicity undoubtedly helped to ensure broad acceptance for the DRL regulation. Consequently, the public generally perceived DRL as sensible, although there were some concerns about glare.
After the implementation, DRL did not become a political issue. None of the political parties at the federal or provincial/territorial levels opposed it. There was not a lot of reaction from lobby groups, although some (but not all) vehicle manufacturers initially opposed the proposed regulation. The Canadian Automobile Association supported DRL. The Canadian Motorcycle Association initially opposed DRL on the basis that motorcycles would become relatively less conspicuous, even though motorcycles had been equipped with automatic headlamp systems since 1975 and thus were on an equal basis to DRL vehicles. However, there was little opposition from individual motorcyclists, perhaps because they recognized the benefit to themselves of seeing other vehicles better.
Some of the comments from the Canadian public about DRL seemed to reflect a lack of understanding of the role and importance of contrast in aiding visual perception. Some people thought that clear vision (usually expressed as an ability to see distant objects) somehow gave them a faultless ability to discern moving vehicles in visually complex surroundings including multiple targets. The Canadian respondent of the questionnaire therefore recommends that other countries intending to implement DRL policies take steps to inform their population about the basic workings of visual perception relative to the driving task.
As concerns acceptance after the implementation in 1989, DRL is not an issue any more. It is well accepted by all except a few who object to glare or see DRL as unnecessary government intervention in the driving process. The Road Safety and Motor Vehicle Regulation Directorate of Transport Canada receives few, if any, complaints about bulbs burning out, engine starting problems, etc.
There have been some complaints that rear position lamps (tail lamps) should be automatically activated with the DRL. The Canadian Motor Vehicle Safety Standard 108 allows tail lamps to be either on or off with DRL – in fact, vehicles with both arrangements are on the market. The occasional vehicle can be noticed at night being driven without tail lamps. Usually the driver notices, after a short distance, that the instrument panel is dark or that the DRL do not illuminate the road well, and so switches on the headlamps and position lamps.

2.1.6. *Czech Republic*

Appendix 4.6 summarizes the answers to the DRL questionnaire for the Czech Republic.
In the Czech Republic, the mandatory use of DRL was implemented in 1982 for motorcycles on all roads during the entire year, and in January 2001 for all four-wheeled motorized vehicles on all roads, but during winter months only. There were no media campaigns at the time of introduction. Fines for not using DRL during the required period range from € 7 to € 70, and police

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enforcement is mostly applied at the beginning of winter time when DRL become compulsory again.
Since they are mandatory during winter time only, DRL can be switched on and off at will by the driver.
The respondent does not mention any opposition against DRL in the Czech Republic, either before or after its implementation, and notes that compliance is very high (an estimated more than 95%).

2.1.7. *Hungary*

Appendix 4.7 contains the answers to the DRL questionnaire for Hungary.
Just like Finland, Hungary also took a gradual approach to the implementation of compulsory DRL for all motor vehicles. First, in 1984 it was made mandatory for motorcycles only on all roads during the entire year. Then, in 1993 this was extended to passenger cars, buses, and goods vehicles during the entire year, but on rural main roads only. Next, in 1994 this was again extended to passenger cars, buses, goods vehicles, tractors, slow vehicles, and mopeds on all rural roads. Finally, in 1995 mopeds had to carry DRL on all roads, just like motorcycles. Since DRL for four-wheeled vehicles are only mandatory on rural roads, these lights can be switched on and off manually by the driver.
According to the respondent, only leaflets were used in order to raise public awareness of the introduction of DRL.
Unfortunately, nothing is mentioned in the answers about the acceptance levels of DRL before and after its implementation. However, the respondent refers to his paper (Holló, 1998), which states that:
"As the authorities anticipated that a gradual phasing-in would make acceptance of the measure easier, DRL-usage became compulsory [...] only on one part of the road network outside built-up areas; that is, on the main roads and semi-motorways, as of March 1993."
The paper also mentions that, in the period directly after the new law was introduced in 1993, nearly 75% of drivers switched on their dipped headlights, even in extremely good visibility conditions in daylight. Moreover, according to Holló (1998):
"Positive results and the better than expected DRL-usage rates motivated the legislators to extend the earlier only partial DRL-obligation outside built-up areas to all roads outside built-up areas after 1 June 1994. The decision was partly based on the experience that a proportion of drivers –at first only negligible, but later steadily increasing- were additionally using their dipped headlights on motorways and side roads outside built-up areas in daylight, in good visibility conditions, so the extension of the obligation was hardly opposed [...]."
This shows that the gradual approach to the implementation of DRL in Hungary was consciously applied by the legislators in order to facilitate the acceptance of the measure by road users.

2.1.8. *Israel*

Appendix 4.8 summarizes the answers to the DRL questionnaire for Israel.
In Israel, DRL were introduced in 1996 and are mandatory during winter time only. For two-wheeled vehicles, taxi's, buses, and commercial vehicles they are required on all roads, while all other motorized vehicles have to use DRL on rural roads only. Therefore, the DRL are switched on manually.

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The implementation of DRL was preceded by an experimental period accompanied by an evaluation study in the winter of 1989/90. When DRL were implemented, there was a 3-month media and road-side campaign promoting the use of DRL.
Every year, during the winter period, there are reminding announcements in the media. Not carrying DRL during winter time in Israel can result in fines ranging approximately between € 20 and € 50, or in penalty points. DRL enforcement is part of regular police enforcement.
The measure seems to be well accepted, and some road users even use DRL voluntarily in summer time. Moreover, no lobbies or government parties have opposed DRL over the last years.

2.1.9. *Norway*

Appendix.4.9 contains the answers to the DRL questionnaire for Norway. In Norway, DRL was made compulsory on new motorized vehicles from January 1985 onwards, and on all vehicles from April 1988 onwards. Up to 1994 they had to be switched on automatically when starting the engine, but since 1994 this rule has been relaxed, and they are now also allowed to be switched on manually. In Norway, the measure applies to all roads during the entire year. Not carrying DRL can result in a fine of approximately € 125. There are no special police enforcement activities aimed at carrying DRL. The introduction of mandatory DRL was accompanied with brochures as well as newspaper advertisements and stickers on buses. Before the implementation of DRL, vulnerable road users (pedestrians, cyclists, and motorcyclists) were afraid that they would not be seen when DRL was introduced. However, this opposition apparently has evaporated, since DRL is now well accepted in Norway, and it is not on the political agenda. Moreover, the use of DRL is now close to 100%. It is interesting to note, however, that about one third of the motorized vehicles already used DRL voluntarily even before the introduction of this measure.

2.2. **Non-DRL countries**

In *Section 2.2*, the responses to the DRL questionnaire are discussed for those countries where the use of DRL is not compulsory for all motorized vehicles. Countries which currently only have DRL legislation for mopeds and/or motorcycles (e.g., Austria and Belgium) are considered as belonging to this category in the present report. Of the nine non-DRL countries who responded to the questionnaire, seven are member of the EU (Austria, Belgium, France, Germany, the Netherlands, Spain, and the United Kingdom), and two are non-EU members (Switzerland and the United States). In the following sections, these nine non-DRL countries are treated in alphabetical order. For all these countries, the answers to the questionnaire can be found in *Appendix 5*; the answers in *Appendix 5* are again presented in tables, where the first column of each table contains shortened versions of the questions in the questionnaire. For the complete questions we refer to *Appendix 2*.

2.2.1. *Austria*

Appendix 5.1 contains the answers to the DRL questionnaire for Austria.
In Austria, where DRL is already mandatory for all motorized two-wheelers on all roads during the entire year, several attempts have been made to

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implement compulsory DRL for all four-wheeled motor vehicles outside urban areas during winter time, the latest attempt being in 2002. Since they will not be required on all roads, and only in winter time, there are no plans in Austria for introducing automatic DRL on all four-wheeled motor vehicles. As the current voluntary use of DRL is concerned, observations of 31.000 cars in 2001 showed that 25.8% was carrying DRL in good weather conditions, 51.9% in cloudy weather, and 72.8% in rainy weather. In a KfV survey of 1000 citizens in December 2002, it was found that 75% think that DRL is a good or very good safety measure.
KfV strongly supports DRL, whereas Auto Clubs (and many others) are opposed. This was the reason for the rejection of the draft law in 2002.

Enclosed with the answers to the questionnaire, the respondent from Austria also sent us the Austrian road safety programme 2002-2010 (see the References). According to this document, the Austrian government introduced an extensive road safety programme in January 2002 that establishes the following target: to halve the number of deaths by the year 2010. Also according to this document, DRL belongs to one in the list of 26 priority areas that should be addressed in order to achieve this target. The Austrian Road Safety Board will discuss the medium-term introduction of DRL in rural areas during winter time, as well as the long-term support of implementing EU regulation ECE R87 regarding DRL lamps with lower power consumption (ECE, 1993).

2.2.2. *Belgium*

The answers to the DRL questionnaire for Belgium are summarized in *Appendix 5.2*.
In Belgium, the use of DRL has been mandatory since 1984 for two-wheeled mopeds and motorcycles which should carry a dipped headlight and red rear light at all times on all roads. Not complying to this legislation can be punished with a heavy fine of € 50 to € 500 or a prison sentence of 8 days to 1 month.
Due to a misunderstanding, the questionnaire for "DRL countries" in *Appendix 1* was sent to the representative of Belgium. After receiving the answers of this questionnaire shown in *Appendix 5.2*, we also sent the questionnaire for non-DRL countries in order to obtain information on possible plans in Belgium for the introduction of DRL for all vehicles. The answers to the latter questionnaire were that there are no such plans in Belgium, that there is no information on the current voluntary use of DRL in Belgium, and that DRL for all vehicles will only be implemented in Belgium if this should be decided at a European Union level.

2.2.3. *France*

The answers to the DRL questionnaire for France are given in *Appendix 5.3*.
In France, the use of DRL for motorcycles has been mandatory since 1975, but there are no plans for the implementation of the compulsory use of DRL for four-wheeled motorized vehicles. Motorcycle associations are strongly against the implementation of DRL for four-wheeled motorized vehicles. The French ministry of environment is concerned about the 1% of increase in CO_2 in the atmosphere due to more fuel consumption. Even the French 'Direction pour la circulation et la sécurité routière' (Directory for traffic and road safety) is not sustaining this measure.

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In the French Département Les Landes, an experiment was carried out from June 1999 until June 2000, encouraging road users to use DRL (Lassarre, 2002). To this end, a brochure was sent to every household in Les Landes, 100,000 brochures were left in public places often visited by road users, a total of 49 board signs were installed along roads, and the campaign was supported by the local newspapers, radio, and television. In the first quarter of 2000 the campaign resulted in an observed average 22% voluntary use of DRL on main roads, and in an observed average 14.5% voluntary use of DRL on secondary roads. Moreover, in a questionnaire sent to all households of Les Landes in December 1999, 46% of the road users stated often using DRL, while 12% stated they used them all the time.

In the filled-in questionnaire from France, reference is made to the extensive French evaluation report 'La question de l'allumage des feux de croisement de jour' (The issue of daytime running lights) by Robert (2000). Because they have implications for the definition of realitistic future implementation scenarios, we have translated the most important conclusions concerning acceptance levels and possible implementation scenarios in Robert's report (see *Appendix 5.3*).
In the context of the objectives of the present report, the main point in these conclusions is that, if DRL should be proven to be effective in improving road safety, Robert (2000) estimates that the best strategy for rallying the different French organisations in favour of implementation would be a technical measure where special daytime running lights with an intensity somewhere between dipped headlights and parking lights are switched on automatically when the motor is started. According to Robert, this system has three advantages:

1. Vulnerable road users are not hindered while still improving their perception of cars and trucks.
2. It allows for the differentiation of motorcycles which could continue to ride with dipped headlights (which could moreover be coloured lights).
3. It is easily combined with the installation of receptors which switch on the dipped headlights when the ambient light is reduced (and automatically switch off the dedicated daytime running lights).

2.2.4. *Germany*

Appendix 5.4 contains the answers to the DRL questionnaire for Germany.
In Germany, there are no plans of implementing the compulsory use of DRL for all motorized vehicles.
Germany sent us an informal document prepared by the official experts from Germany (GRE, 2003) entitled 'Summary of the discussion concerning daytime running lights in Germany'. Here, we quote the summary of this document verbatim:

"It is difficult to assess the further development of the discussion on the potential benefits of switching on the light during daytime. At the moment it seems rather unlikely that a regulation at European level is adopted imposing the obligation to use dipped headlights during daytime. Anyhow, the Federal Government will reject such a variant. But Germany still considers it necessary to perform further research work with regard to special daytime running lamps with a luminosity ranging between parking lights and dipped headlights.

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There is currently no evidence indicating whether a benefit for road safety can be expected from such a measure and, if so, the extent of the benefit to be assumed. The mandatory equipment of motor vehicles with such additional lamps will certainly mean higher costs for vehicle buyers, the amount of which can, however, currently not be estimated. The fuel consumption will rise, too, although it might be significantly lower than it would be if dipped headlights were used as daytime running lights.
If the research work to be performed now resulted in a sufficiently positive cost-benefit ratio, the German proposal submitted to the ECE in 1999 concerning the regulation of the technical requirements to be placed on a "light sensitive switch" would remain of present interest. The fact that motorists switch on dipped headlights too late in the case of an insufficient ambient light could be improved by the automatic activation of the light if the brightness drops to a certain level.
This would, presumably, account for the essential part of the positive effects of daytime running lights so that this type of light could be dispensable in the future. But even if it was possible to prove the positive effects of special daytime running lamps, the "light sensitive switch" will remain an appropriate option. Daytime running lamps which are automatically activated would presumably result in the fact that motorists switch on dipped headlights too late, knowing that they use daytime running lamps, thus proceeding only with these lamps of a low light intensity when dipped headlights would already be required."

In the context of the objectives of the present report, the main point of the arguments above is that, if and only if dedicated DRL are proven to be effective in improving road safety, Germany would be willing to consider a technical measure where special daytime running lamps with a luminosity ranging between parking lights and dipped headlights are combined with light sensitive receptors activating the dipped headlights as soon as the ambient day light falls below a certain predetermined level; this is the same option as discussed by France.
The only difference with France is that, should the dedicated DRL not be proven effective, Germany would still be interested in the separate installation of the light sensitive receptors for dipped headlights.

2.2.5. *The Netherlands*

Appendix 5.5 summarizes the answers to the DRL questionnaire for the Netherlands.
In the Netherlands, plans were discussed in the early 1990s to make DRL mandatory for all motorized vehicles on all roads during the entire year, where the DRL would be switched on automatically. At this moment, the voluntary use of DRL in the Netherlands is estimated to be quite high (about 50%). DRL are used more often outside than inside built-up areas, and also more often in reduced daytime visibility conditions.
Public acceptance of DRL seems high (especially with car drivers). There is strong opposition from organizations of pedestrians, cyclists, and motorcyclists, who are afraid they will become relatively less conspicuous when DRL are made obligatory for all motorized vehicles. There are also concerns about extra fuel consumption and CO_2 emission.
In the early 1990s the voluntary use of DRL in the Netherlands was extensively monitored for a number years on a monthly basis, differentiating between weather conditions, regions, road types, city sizes, and inside

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versus outside built-up areas (see Lindeijer & Bijleveld, 1991, 1994). However, these monitoring activities were later stopped when it became clear that the mandatory use of DRL would not be implemented soon.
The extensive and often referred to Koornstra, Bijleveld & Hagenzieker (1997) report not only presents the (positive) results of a meta-analysis of the available studies on the effects of DRL on road safety, but also discusses possible adverse effects, and ways of implementing DRL in non-DRL countries. The main conclusion of the report is that: "It is recommended on technical, practical and legal grounds that compulsory DRL, when implemented in the EU, should be an automatic in-vehicle DRL that uses either low beam headlights or special DRL-lamps. Because of the large safety effects from full DRL in the EU with a benefit-cost ratio of at least 1.8, it is recommended to make plans for a EU regulation on automatic in-vehicle DRL for new motor vehicles from a particular year onward. The year to be chosen is preferably decided after the political and public acceptance of the DRL-regulation has become clear. However, any acceptance of a DRL regulation probably will not emerge, unless prior to a DRL regulation, intensive DRL campaigns and social marketing of DRL in the EU, initiated by the CEC, has raised the political and public awareness of the safety effects and benefits from DRL in all countries of the EU" (Koornstra et al., 1997, p.166).
The Ministry of Transport, Public Works and Water Management of the Netherlands are in favour of implementing DRL as a technical measure consisting of automatic dedicated DRL for new motor vehicles; additionally, an automatic light-sensitive switch for dipped headlights in reduced visibility conditions is considered to be a sensible option.

2.2.6. *Spain*

Appendix 5.6 contains the answers to the DRL questionnaire for Spain. In Spain, the use of DRL is only compulsory for motorcycles. At this moment, whether or not to extend this regulation to other motorized vehicles is only a matter of consideration. If the latter measure should be introduced, the idea would be to apply it to all motorized vehicles during the entire year, but only outside built-up areas. According to the study by Robert (2000), this is due to concerns in Spain about an increase in pollution in built-up areas.
According to the respondent, currently the voluntary use of DRL in Spain is becoming more and more frequent on roads outside built-up areas, and vehicles of the traffic police have already been using DRL for a long time. Also according to the respondent of the Dirrección General de Tráfico of the Ministerio del Interior, it would "not be extremely difficult" to implement the compulsory use of DRL in Spain, except for opposition from motorcyclists and, perhaps, ecologists.

2.2.7. *Switzerland*

The answers to the DRL questionnaire for Switzerland are given in *Appendix 5.7*.
In Switzerland, the *voluntary* use of DRL was introduced in January 2002 for all motorized vehicles on all roads during the entire year in a joint campaign organized by the Swiss Federal Roads Authority, Swiss Insurance Association, automobile associations, automotive trade, public transport authorities, associations of driving school instructors, police, traffic authorities, Fonds für Verkehrssicherheit (Road Safety Fund), and

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Schweizerischer Verkehrssicherheitsrat (Swiss Council for Road Safety). This was accompanied with a media campaign consisting of radio announcements before and after traffic information, posters nationwide, flyers, Internet, and Infomedia under bfu's supervision (bfu is the 'Beratungsstelle für Unfallverhütung', i.e., the Swiss Council for Accident Prevention). Since the use of DRL is recommended (and not compulsory) in Switzerland, there are no penalties for not using DRL, nor police enforcement activities, and DRL are switched on and off manually.
In surveys conducted by bfu it was found that 21% of the Swiss population would tend to be in favour of compulsory DRL for cars in 1999, while these percentages increased to 38% in 2000, 56% in 2001, and 64% in 2002. Moreover, according to bfu the actual voluntary use of DRL has, on the whole, risen from 16% in 2001 to 26% in 2002 in all weather conditions, and from 9% to 25% in good weather conditions. The aim of the bfu, however, is to achieve a voluntary use of DRL of 60% of all vehicle users (Infomedia 2-7-2002).
Opposition to the measure was expressed by some individuals in the form of letters to newspapers or in e-mails/letters to the bfu or other partners in the joint campaign.

2.2.8. *United Kingdom*

Appendix 5.8 contains the answers to the DRL questionnaire for the United Kingdom.
Clearly, the United Kingdom has no plans of implementing the compulsory use of DRL, and the issue of DRL has received virtually no public discussion. The answer on the current voluntary use of DRL in *Appendix 5.8* suggests that only cars manufactured in countries with mandatory use of DRL (mainly Volvos and Saabs) typically drive with DRL all the time, because the lights are switched on automatically. Drivers of other vehicles only turn their lights on in daytime with poor visibility conditions.
According to Robert (2000), the UK is quite concerned about the possible detrimental effects of DRL on vulnerable road users, especially since this country has a relatively higher number of accidents involving vulnerable road users (child pedestrians, for example) than other European countries.

2.2.9. *United States of America*

Appendix 5.9 discusses the situation in the United States, as we deduced from an email and documents concerning DRL that we received from the official responsible for the U.S. Federal Motor Vehicle Safety Standard (FMVSS) 108 at the National Highway Traffic Safety Administration (NHTSA) of the U.S. Department of Transportation (NHTSA, 2002)

To summarize, the use of DRL in the U.S.A. is not compulsory, but a final rule was published in January 1993 amending Federal Motor Vehicle Safety Standard (FMVSS) 108 to explicitly allow the *voluntary* installation of DRL. This rulemaking was necessary because a multitude of conflicting state laws had the practical effect of prohibiting the installation of DRL.
General Motors began to install DRL on selected 1995 model year vehicles. By the 1997 model year, DRL was standard equipment on all General Motor vehicles sold in the U.S.A. To date, General Motors has sold more than 23 million vehicles in the U.S. equipped with DRL. General Motors, Saab,

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Volvo, and Volkswagen were the first manufacturers to introduce DRL in the U.S.A.
In the U.S.A., DRL are provided in a variety of configurations. These include reduced intensity upper beams, reduced or full intensity low beams, dedicated DRL, or turn signal DRL. According to the official responsible for the U.S.A., FMVSS 108 of the NHTSA, one thing that is particularly important for public acceptance is to make sure that the DRL intensity is high enough to be conspicuous, but not so high as to be considered glaring. That is an issue that NHTSA is currently resolving, based on hundreds of complaints from the public. As a result, NHTSA is about to publish an amendment to substantially reduce the permitted intensity, which can currently be more than 3000 cd (candela). There will be an additional amendment to deal with further intensity reductions (to a maximum of 1500 cd) and some wiring and use issues. That may follow toward the end of 2003.

General Motors is opposed to the DRL photometric restrictions proposed in the amendment of NHTSA. They argue that: 1. the number of complaints about glare were overestimated because of repeats and multiple copies of letters, and because some complaints were solicited by organizations who opposed DRL in principle; 2. the few initial DRL complaints in Canada (where DRL has been mandatory since 1989) dropped to virtually zero by the early 1990's and continue to be virtually non-existent, even though they have the same photometric provisions as those specified in the current U.S. FMVSS 108.
Also, General Motors believes there is a strong general acceptance of DRL in the market. To support this, Bergkvist (2001) presents the results of surveys conducted to determine the consumers' perception of DRL as a safety feature. In a survey conducted in 1997, it was found that 23% of the respondents definitely wanted DRL implemented as a safety feature of motor vehicles. In a second survey conducted in 1998, it was found that 64% of the respondents were of the opinion that DRL is a beneficial feature, 26% that it is a neutral feature, 8% that it is a negative feature, and 2% did not respond. However, nothing is mentioned about the sample sizes used in these two surveys.
Finally, General Motors has formally petitioned NHTSA to amend the Standard to mandate the use of DRL. NHTSA has not made any decision yet on whether to act on that petition or not.

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3. Conclusions

In this chapter we discuss what can be learned from the completed DRL questionnaires and from the literature mentioned in the questionnaires in terms of possible implementation scenarios for DRL. In *Section 3.1*, the reported arguments pro and con are enumerated both before and after implementation of DRL. *Section 3.2* discusses the types of media campaigns that were used during the introduction of DRL. In *Section 3.3* an overview is given of all the possible implementation scenarios that can be distilled from the completed questionnaires and the literature reported in the questionnaires. Finally, *Section 3.4* gives a summary in terms of the two objectives defined in the introduction of the present report.

3.1. Arguments pro and con

In this section we summarize the pros and cons mentioned in the questionnaires of the DRL countries both before and after DRL was legally implemented.

3.1.1. *Before implementation*

The pros and cons mentioned in the questionnaires of the DRL countries before implementation of DRL are the following:

Cons

- vulnerable road users are afraid they will be less conspicuous: Denmark (the Cyclists Federation), Norway, Canada (the Motorcycle Association), Sweden (motorcyclists)
- increased fuel usage: Denmark (in the media), Finland (individuals), Sweden (groups)
- environmental concerns: Sweden (groups)
- more frequently burned-out bulbs: Denmark (in the media), Canada (individuals)
- increased risk: Italy (individuals)
- concerns about glare: Canada

Pros

- seen as correcting a mistake in the law by motorcyclists and scooter users: Italy
- improved visibility of drivers approaching from behind: Italy (individual)
- generally well accepted; no serious opposition: Finland, Sweden

3.1.2. *After implementation*

The pros and cons mentioned in the questionnaires of the DRL countries after implementation of DRL are:

Cons

- vulnerable road users are afraid they are less conspicuous: Sweden (motorcyclists)
- increased fuel usage: Finland (individuals), Sweden (groups)

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- environmental concerns: Sweden (groups)
- more frequently burned-out bulbs: Canada (individuals)
- concerns about glare: Canada (individuals)
- engine starting problems: Canada (individuals), Sweden (many individuals, due to empty batteries when forgetting to switch off the DRL when parking)
- complaints that occasional vehicles drive at night carrying DRL without tail lamps: Canada
- drivers use reduced low beams in darkness, forgetting to switch on the ordinary low beams: Sweden

Pros

- accepted by most road users and organisations, not an issue discussed in the media: Denmark
- generally well accepted; no serious opposition: Finland
- no comments and no complaints: Italy
- not an issue any more; well accepted by all except for a few individuals: Canada
- no lobbies or government parties opposed over a number of years before 2004: Israël
- well accepted and not on the political agenda: Norway
- the opposition towards DRL has been substantially reduced with time after the initial legislation; one obvious reason is the improved technology (primarily automatic switching); DRL is not a political issue, all parties seem to agree on the present legislation: Sweden

On the whole, these reactions of the DRL countries suggest that protests against the introduction of DRL by organizations and lobbies were mainly raised before the implementation of the measure; after implementation complaints seem to be expressed by individuals only, with the exception of Sweden where concerns about increased fuel usage and the environment are still shared by groups of people. Moreover, all DRL countries indicate that acceptance levels were, and are, generally high after DRL legislation was implemented, irrespective of the type of implementation scenario used.

Table 4.1 contains an inventory of all the arguments against DRL that were mentioned in the completed questionnaires as well as in the reports sent to us both by DRL and non-DRL countries, including suggested solutions to resolve these problems if DRL are proven to be effective. This list is important because these are the arguments that will have to be dealt with if the project should result in a recommendation to implement DRL in non-DRL countries of the EU countries.

It may be noted that the solutions for avoiding decreased conspicuousness of vulnerable road users (pedestrians, cyclists, mopedists and motorcyclists) mentioned in *Table 4.1* only need to be considered if it is actually proven that the use of dipped headlights during daytime indeed results in vulnerable road users being less conspicuous or more often involved in accidents. The possible second solution mentioned in *Table 4.1* for the possible problem of motorcycles being less conspicuous if DRL are implemented for all motorized vehicles (special design of motorcycle DRL) was proposed by Rumar (2003a).

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Arguments against DRL	Suggestions for (partial) solutions
Reduced conspicuity of pedestrians, cyclists and mopeds	Dedicated reduced intensity DRL on cars
Reduced conspicuity of motorcyclists	1. Dedicated reduced intensity DRL on cars plus dipped headlights for motorcyclists 2. Special design of motorcycle DRL, e.g. triangular form consisting of dipped headlight plus two somewhat lower-positioned dedicated reduced intensity DRL
Glare	Dedicated reduced intensity DRL on cars
Increased fuel consumption	1. Low-energy light sources such as LED 2. Dedicated reduced intensity DRL on cars 3. Light sensitive switch for dipped headlights on cars in reduced visibility conditions
Increased CO_2 emission	1. Low-energy light sources such as LED 2. Dedicated reduced intensity DRL on cars 3. Light sensitive switch for dipped headlights on cars in reduced visibility conditions
More frequently burned-out bulbs	1. Low-energy light sources such as LED 2. Dedicated DRL bulbs 3. Reduced voltage DRL
Flat batteries	1. Warning device 2. Automatic 'off' switching
Reduced conspicuity of brake lights	No tail lights in good daytime visibility conditions
If carrying dedicated DRL, drivers forget to switch on dipped headlights in reduced visibility conditions	Light sensitive switch for dipped headlights on cars
"Masking" of unlit vehicles by lit ones	1. Automatic on-switch for all motorised vehicles in all EU countries and/or 2. Obligation of using DRL for all motorized vehicles in all EU countries

Table 4.1. *Inventory of all the arguments against DRL, and suggested solutions if DRL are proven to be effective.*

It is also interesting to note that problems with glare are only mentioned by the respondents of Canada and the USA, where much higher luminous intensities for DRL are allowed than in European countries.

The term 'dedicated reduced intensity DRL' in *Table 4.1* is defined as: DRL using lamps with an intensity somewhere between low beam headlights and parking lights. As the table indicates, the use of dedicated DRL has a number of important advantages. It allows for the minimisation of the adverse environmental effects of DRL (i.e., increased fuel consumption, increased CO_2 emission, and more frequently burned-out bulbs). It prevents flat batteries (by automatically switching off the lights when the engine is stopped). It allows for the optimisation of the luminous requirements of the DRL in terms of glare, and in terms of the possibly reduced conspicuousness of vulnerable road users. Finally, it allows for dedicated daytime tail light specifications, and can be combined with the installation of

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an automatic 'on' switch for the low beam headlights in reduced visibility conditions.

3.2. Media campaigns

In this section we summarize whether, and the ways in which, the implementation of DRL in DRL countries was accompanied with campaigns in the media. In the questionnaires discussed in *Section 3.1* the following types of media campaigns were mentioned:

- Spots on national television and information in the main newspapers. (Denmark)
- Cannot remember how it was introduced in the 1970's. Probably nothing very conspicuous. Later changes were routine, no campaigning either. (Finland)
- All the newspapers, television, and radio announced this implementation. In addition, for approximately one month, the police gave no tickets but only "advertisements" to drivers with no lights on when required. Now tollway companies are using various messages and boards when entering the tollway to remind that you have to switch your lights on. (Italy)
- There was a lot of public interest in the run-up to the new vehicle regulation implementation date and for some time after it, i.e. from about 1987 through 1995. Transport Canada and the provincial/territorial transportation authorities cooperatively produced and distributed a common design pamphlet and poster. The message, directed to drivers of pre-DRL vehicles, was to drive with low beam headlamps switched on at all times or to have a DRL switching kit installed for convenience. Transport Canada staff gave numerous press interviews and responses to direct requests for information from the public and other interested parties. The public (provincial) vehicle insurance corporations advertised in the media, primarily newspapers. Also, vehicle manufacturers mentioned DRL in their advertisements, particularly for models with DRL installed voluntarily before it became mandatory. (Canada)
- No media campaigns. (Czech Republic)
- Only some leaflets. (Hungary)
- The implementation of DRL was preceded by an experiment accompanied by the evaluation study, in the winter of 1989/90. There was a three-month media and roadside campaign promoting the use of DRL. Every year, during the winter period there are reminding announcements in the media. (Israël)
- Brochures were used as well as newspaper advertisement and stickers on buses. (Norway)
- All media were used to inform the public. (Sweden)

From the above, it can be concluded that the use of media campaigns in order to raise the awareness of the public concerning the use of DRL ranged all the way from no media campaigns at all in Hungary, to massive media campaigns in Canada. Moreover, since the DRL countries report not having met with much resistance and opposition against DRL after its implementation (see *Section 3.1*), there does not seem to be much that can be learned in terms of what type of media campaign would be optimal when introducing DRL in a non-DRL country.

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However, the person responsible for the answers of the questionnaire for Canada advises that "it is recommended that other countries intending to implement DRL policies take steps to inform their citizenry about the basic workings of visual perception relative to the driving task, since some of the comments from the Canadian public about DRL seemed to reflect a lack of understanding of the role and importance of contrast in aiding visual perception." A similar issue is raised in Lassarre (2002), where it was found that young drivers were more inclined to accept the (recommended) use of DRL because they themselves experienced the improved visibility of other vehicles carrying DRL in practice, while elderly people were more inclined to a theoretical acceptance of DRL use based on the fact that the safety measure was recommended by the authorities (and therefore must be good).

In Canada publicity campaigns were used to raise the voluntary use of DRL to between 17.5 and 21.7% in the four years before the introduction of DRL on new vehicles. As mentioned in the Canadian answers to the questionnaire, before the implementation in 1989 "all the publicity undoubtedly helped to ensure broad acceptance for the DRL regulation. Consequently, the public generally perceived DRL as sensible."

Therefore, it is clear that, in order to raise both the understanding and acceptance level of DRL in road users, information to the public concerning the reason why DRL contribute to the improvement of road traffic safety should be an essential part of any implementation strategy.

3.3. Implementation scenarios

In terms of current type of legislation, the countries that replied to our inquiries and had implemented DRL legislation can be classified as follows:

- compulsory on all roads during the entire year: Denmark, Finland, Norway, Sweden
- compulsory on non-urban roads during the entire year: Italy, Hungary
- compulsory on all roads in winter time: Czech Republic
- compulsory on non-urban roads in winter time: Israël
- compulsory automatic on switch for DRL on all motorized vehicles: Canada.

Whereas Denmark, Finland, Norway, Italy, Hungary, the Czech Republic, Israel and Sweden introduced DRL as a *behavioural* measure, Canada implemented DRL as a *technical* measure.
However, in practice most vehicles in Denmark, Finland, Norway, and Sweden also have an automatic 'on' switch for DRL, but this is not legally required. Moreover, Canada is considering introducing the legal obligation for the *use* of DRL as well (and this was already implemented in one of their territories).

Switzerland is the only country where the use of DRL is explicitly *recommended* instead of imposed. Also, from June 1999 until July 2000 an experiment was performed involving a recommendation for the use of DRL in the French Département Les Landes.

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The purpose of this section is to provide a classification of all the different DRL implementation strategies discussed in the present report, as well as the arguments for and against these strategies. This classification scheme involves the following (partially nested) dichotomous factors:

- automatic (technical measure) versus manual (behavioural measure)
- gradual versus immediate and complete implementation
- if manual: voluntary versus imposed
- if manual: part of the year versus the entire year
- if manual: non-urban roads versus all roads
- if automatic: the entire car park versus new models only
- if automatic: when starting the engine versus using receptors (i.e., a "light sensitive on switch" for dipped headlights in reduced daylight conditions)
- dipped headlights versus dedicated DRL of lower intensity.

Figure 3.1 contains a schematic overview of the possible implementation strategies that can be distilled from the complemented questionnaires, as well as from the literature discussed in the present report. To this scheme we have added the names of three types of countries. Underlined countries are those countries that currently have DRL legislation (Canada, Czech Republic, Denmark, Finland, Hungary, Israel, Italy, Lithuania, Norway, Poland, and Sweden). The place of their names in *Figure 3.1* corresponds to the strategy that they used to implement DRL.

Although Lithuania and Poland did not return a filled-in DRL questionnaire (see *Table 2.1*), we were able to determine the implementation strategy that these two countries used by consulting the ECE document TRANS/WP.1/80/Rev.2 (ECE, 2003). Bold countries in *Figure 3.1* currently do not have DRL legislation for all motorized vehicles (Austria, France, Germany, the Netherlands, and Spain). Their place in the scheme is determined by plans or scenario preference if DRL should be proven to be effective, as expressed in the completed questionnaires or in the literature mentioned in the questionnaires. Finally, the third type of country is where there is currently no DRL legislation, but where the use of DRL is explicitly recommended. There is only one such country, which is Switzerland.

Therefore, *Figure 3.1* in fact provides two pieces of information at the same time. The first one is a schematic overview of the current status of DRL legislation in the DRL countries discussed in the present report; this is the part of the scheme only containing the underlined countries. The second piece of information consists of other possible implementation strategies mentioned in the questionnaires and accompanying literature of non-DRL countries.

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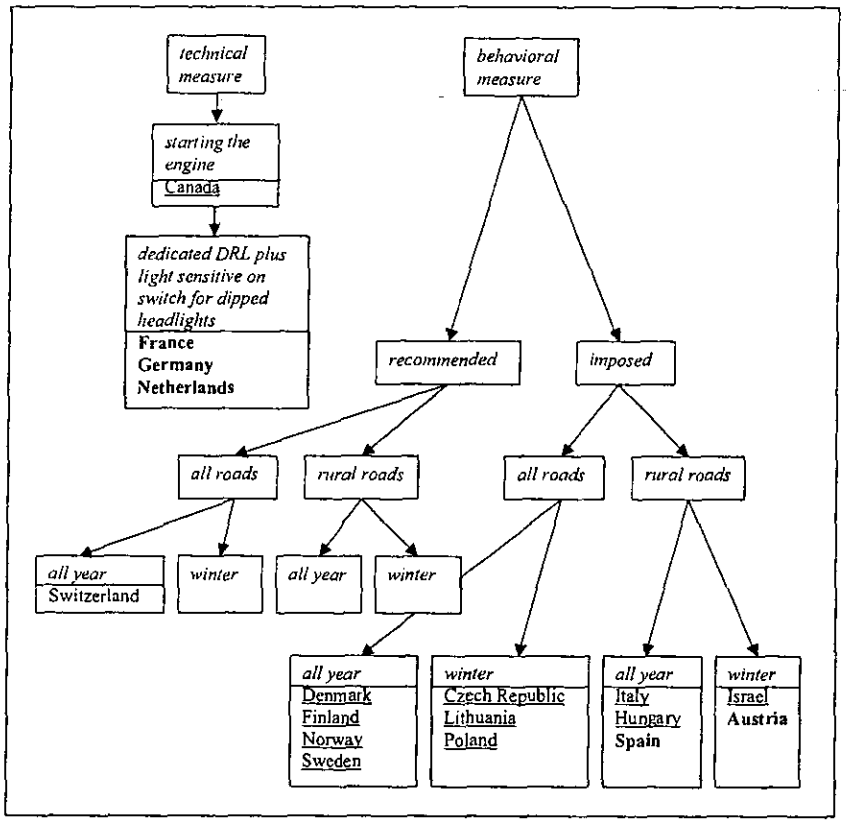

Figure 3.1. *Classification of possible DRL implementation scenarios, including those already applied in DRL countries.*
Underlined: *countries with DRL legislation.*
Standard: *countries without DRL legislation, but DRL recommended.*
Bold: *countries without DRL legislation; plans, or expressed scenario preference if DRL proven to be effective.*

The first distinction in *Figure 3.1* is that between the implementation of DRL as a technical measure versus as a behavioural measure. When implemented as a technical measure, the DRL are switched on automatically. In this case, DRL are de facto imposed on all roads during the entire year. The federal government of Canada is the only government that consistently decided for this implementation strategy, on the grounds that it would be the least costly and the most reliable long-term solution.

Figure 3.1 also shows an alternative technical measure, as discussed in France, Germany and the Netherlands. According to Robert (2000), if DRL are proven to be effective, then the implementation strategy with the largest acceptance level in France would be an automatic on switch of dedicated daytime running lights with an intensity somewhere between dipped headlights and parking lights, combined with the installation of receptors which switch on the dipped headlights in case of reduced ambient light (and automatically switch off the dedicated daytime running lights).
With a very strong emphasis on the condition that such dedicated DRL should first be proven to be effective in improving road safety, the position of

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the experts from Germany is identical to that of France. If the latter condition is not satisfied, however, Germany would still be interested in the separate installation of receptors which switch on the dipped headlights in reduced ambient light conditions.
The Dutch authorities also favour automatic dedicated DRL, and view the light sensitive switch for dipped headlights as a sensible option.

If technical measures are only implemented on new car models, then this implies a possibly undesirable transition period with a mixed circulation of old and new cars. If it is found that the "masking" of unlit vehicles by lit ones imposes a safety risk, such a technical measure could either be combined with a second technical measure (e.g., the installation of a DRL switching kit, as was done in Canada) and/or a behavioural measure for older car models (i.e, the mandatory use of dipped headlights as DRL).
The advantages of a technical measure are that it results in uniform behaviour, and that it allows for the implementation of the solutions mentioned in *Table 3.1*. The disadvantage, of course, is the time lapse involved before all car models are equipped with automatic DRL, whatever the type of technical measure is chosen.

If DRL is implemented as a behavioural measure, there are several options. First, the measure can be either recommended or imposed, or even first recommended and then later imposed. Second, the use of DRL can be recommended or imposed on all roads, or on some roads only (in practice, these are always roads outside built-up areas), and during the entire year or only during part of the year (in practice, this is always winter time).
Moreover, the implementation of DRL as a behavioural measure can also be executed using a gradual approach, where, for example, DRL are imposed on rural roads and in winter time only in the first year, on rural roads during the entire year in the second year, and on all roads during the entire year in the third year. Such a gradual approach was applied in Finland and Hungary, for example.
As *Figure 3.1* shows, all Scandinavian countries currently impose year-round DRL on all roads, while the Czech Republic, Lithuania, and Poland impose DRL on all roads but during winter time only, Italy and Hungary impose year-round DRL but on rural roads only, and Israel imposes DRL on rural roads and in winter time only.
Moreover, Spain expressed plans for the strategy already implemented in Italy and Hungary, while Austria expressed plans for the strategy as implemented in Israel, at least in the medium term. Finally, Switzerland is the only country where the use of year-round DRL on all roads is only recommended.

Compared to a technical measure, the advantage of a behavioural measure is that the use of dipped headlights can be imposed straight away for all motorized vehicles, thus avoiding the possible problem of mixed circulation of lit and unlit vehicles. This advantage only applies on the condition that all vehicle drivers comply to the measure. The advantage also no longer strictly applies if the use of dipped headlights is only imposed on some roads, and/or part of the year. In the latter situation the risk of mixed circulation of lit and unlit vehicles may well increase due to inconsistent behaviour.
An argument mentioned by Robert (2000) against a year round behavioural measure on all roads is that the enforcement efforts required from the authorities could well be considerably larger than in the case of a technical

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measure (see *Section 2.2.3*). However, the validity of this argument is questioned by Rumar (2003b). It is his experience that enforcement of DRL in the Scandinavian countries does not necessarily come from the authorities, but is also realized through the interaction between motor vehicle drivers themselves. Just as is common practice at night, by flashing their lights drivers warn another vehicle circulating without lights during the day also, and thus the drivers themselves enforce DRL.

It is interesting to notice that, of the nine DRL countries that responded to the questionnaire, seven used a gradual approach in the implementation of mandatory DRL. Over time, DRL were gradually made mandatory for more and more types of road in Finland and Hungary, and for more and more months of the year in Finland. In Sweden, DRL were already used by the army, the railways, and some companies years before the implementation of DRL legislation for all motorized vehicles. As mentioned before, in Canada publicity campaigns raised the voluntary use of DRL, in the four years before the introduction of DRL on new vehicles, to between 17.5% and 21.7%. In Norway about one third of the motorized vehicles already used DRL voluntarily even four years before the implementation of compulsory DRL on new motorized vehicles. In the answers to the questionnaire of the Czech Republic, it is mentioned that even before implementation of DRL, its acceptance had already been quite good, especially on motorways. In Israel, the implementation of DRL in 1996 was preceded by an experiment accompanied by an evaluation study in the winter of 1989/90.

Finally, since June 2002 the use of DRL in Italy is compulsory for all vehicles on motorways (urban and rural) and primary rural highways during the entire year, while in Switzerland the voluntary use of DRL was introduced in January 2002 for all motorized vehicles on all roads during the entire year. Therefore, in the present context the latter two countries could be considered to be in the first stages of a gradual DRL implementation strategy. In fact, after we received the filled-in questionnaire from Italy, the use of DRL became mandatory on all roads outside built-up areas in that country.

Besides the importance of raising the understanding of DRL by providing information concerning its visual workings (see *Section 3.2*), such gradual implementation strategies were probably helpful in getting road users used to DRL, and in obtaining broader public acceptance for DRL legislation.

These findings, combined with the experience that most of the opposition against DRL greatly subsided in countries after DRL legislation was implemented (see *Section 3.1*), suggest that it is sensible to apply a gradual approach to the implementation of DRL in countries which currently have no DRL legislation, even though this involves a transitional period with mixed circulation of lit and unlit vehicles. Therefore, it is recommended to start any implementation strategy with an introductory period of recommended voluntary DRL usage, accompanied with media campaigns explaining why DRL contribute to the improvement of road traffic safety, thus already raising both the understanding and acceptance level of DRL in road users before DRL are made mandatory.
Moreover, since the introduction of DRL as a technical measure on new cars will result in uniform behaviour, albeit in the longer run, and moreover allows for the minimisation or even complete solution of the adverse effects used in

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the arguments against DRL, it is recommended to make the installation of automatic dedicated DRL on new cars –combined with a light sensitive switch automatically activating the low beam headlights in reduced visibility conditions (and deactivating the DRL)- at least part of the DRL implementation scenarios to be developed later in the project. As concerns the technical specifications of automatic dedicated DRL on new cars, these should be made in accordance with the already existing European ECE Regulation No.87 for daytime running lights (ECE, 1993).

3.4. Summary

The first objective of the present report was to provide an inventory of the currently legislated requirements for the use of DRL in the EU and elsewhere, and how that legislation has been implemented in these countries. Such an inventory is provided in *Figure 3.1* of *Section 3.3*. The figure shows that DRL has been implemented both as a technical and as a behavioural measure. So far, the majority of DRL countries chose to impose DRL as a behavioural measure. However, most cars in the Scandinavian countries (Denmark, Finland, Norway and Sweden) are sold with an automatic DRL switch as well. The countries which currently have legislation on the use of DRL can be further distinguished in whether they impose DRL during the entire year or in winter time only, and on all roads or on rural roads only.

The second objective of the present report was to assess what can be learned from the existing DRL implementations, so as to take these findings into account in the later development of realistic implementation strategies. When setting up European guidelines for the implementation of DRL, it is important to take the arguments against DRL into account. These arguments are enumerated in *Table 4.1* of the present report. Since most of the adverse effects mentioned in these arguments can be minimised or even completely solved by the implementation of DRL as a technical measure, it is recommended to make the installation of automatic dedicated DRL on new cars – combined with a light sensitive switch automatically activating the low beam headlights in reduced visibility conditions (and deactivating the DRL) - at least part of the DRL implementation scenarios to be developed later in the project.

In DRL countries the use of media campaigns during the introduction of DRL was found to range all the way from no media campaigns at all in Hungary to massive media campaigns in Canada. Since all DRL countries indicate not having met with much resistance and opposition against DRL after its implementation, there does not seem to be much that can be learned in terms of what type of media campaign would be optimal when introducing DRL in a non-DRL country. However, according to the person responsible for completing the questionnaire in Canada, "it is recommended that other countries intending to implement DRL policies take steps to inform their citizenry about the basic workings of visual perception relative to the driving task, since some of the comments from the Canadian public about DRL seemed to reflect a lack of understanding of the role and importance of contrast in aiding visual perception."

Most DRL countries used a gradual approach to the implementation of DRL, either by encouraging the voluntary use of DRL before the introduction of

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DRL legislation, or by a gradual extension of compulsory DRL usage over more and more types of roads, over more and more months of the year, and/or for more and more types of road users.
Such gradual implementation strategies allow road users to gain personal experience in the visual workings of DRL, thus probably also contributing to obtain broader public acceptance for DRL legislation.

These findings, combined with the experience that most of the opposition against DRL greatly subsided in countries after DRL legislation was implemented, lead us to recommend that the implementation of DRL in non-DRL countries is preceded with a period of recommended DRL usage, accompanied with media campaigns clearly explaining how the visual workings of DRL contribute to the improvement of road traffic safety.

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Report DOT HS 808 645. National Highway Traffic Safety Administration NHTSA, U.S. Department of Transportation, Washington D.C.

Robert, C. (2000). *La question de l'allumage des feux de croisement de jour. Rapport pour le Ministre de l'équipement, des transports et du logement.* Conseil Général des Ponts et Chaussées (CGPC), Paris. [In French]

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Appendices

1. *Questionnaire for DRL countries*

2. *Questionnaire for non-DRL countries*

3. *Names of experts and institutes contacted*

4. *Answers to the questionnaire for DRL countries*
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   - *App. 4.2 Finland*
   - *App. 4.3 Italy*
   - *App. 4.4 Sweden*
   - *App. 4.5 Canada*
   - *App. 4.6 Czech Republic*
   - *App. 4.7 Hungary*
   - *App. 4.8 Israel*
   - *App. 4.9 Norway*

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   - *App. 5.1 Austria*
   - *App. 5.2 Belgium*
   - *App. 5.3 France*
   - *App. 5.4 Germany*
   - *App. 5.5 The Netherlands*
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   - *App. 5.7 Switzerland*
   - *App. 5.8 United Kingdom*
   - *App. 5.9 United States of America*

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Appendix 1 Questionnaire for DRL countries

A. DRL Legislation

1) When have Daytime Running Lights (DRL) become compulsory by law in your country (month and year)?

.....
.....
.....

2) To which type(s) of road users does DRL legislation apply (all motorised vehicles?, motorcycles only?, cars only?, etc.)?

.....
.....
.....
.....
.....

3) On which type(s) of roads is DRL compulsory in your country (all roads?, rural roads only?, etc.)?

.....
.....
.....

4) During which months of the year is DRL compulsory (the whole year?, only certain months?, if so: which months of the year?)?

.....

5) What type of lights for DRL are used in your country (dipped?, straight?, dimmed city lights?, etc.)?

.....

6) Are the DRL lights switched on automatically when starting the motor, or can they be turned on or off at will by the driver of the vehicle?

.....
.....

7) Is there a special type of light bulb used for DRL? If so what type of bulb is this?

.....
.....
.....

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B. Implementation of DRL

8) Was the implementation of DRL accompanied with some form of introduction campaign in the media? If so, what kind of campaign was used (newspaper advertisements?, television advertisements?, advertisements on billboards along roads?, etc.)?

.....
.....
.....

9) If appropriate, what kinds of penalties or fines are issued in your country for road users not carrying DRL when they should be carrying it?

.....
.....
.....

10) Are you aware of any police enforcement activities especially aimed at carrying DRL in your country? If so, what type of activities?

.....
.....
.....

C. Acceptance of DRL

11) Is there anything you could mention about the acceptance of DRL by the public, lobbies and/or government parties in your country before the implementation of DRL (in terms of opposition or cooperation by certain (groups of) road users, lobbies or government parties)?

.....
.....
.....

12) And after DRL was implemented?

.....
.....
.....

13) Are there any official or unofficial evaluation reports available concerning the acceptance level of DRL in your country (either before and/or after implementation)? If so, could you supply us with the name(s) of the source(s)?

.....
.....
.....

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D. National expertise on DRL

14) Are you aware of any other national experts -besides yourself- on DRL in your country that we could consult on matters of legislation and acceptance of DRL?

.....

.....

.....

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Appendix 2 Questionnaire for non-DRL countries

A. DRL Legislation

1) Are there any plans of making Daytime Running Lights (DRL) compulsory by law in your country? Or were there plans for making DRL compulsory by law in your country in the past, but which have not been implemented?

.....
.....

If the answer to Question 1 is "No", you may ignore Questions 2 through 7, and continue with Question 8.

2) If so, to which type(s) of road users is/was DRL planned to be applied (all motorised vehicles?, motorcycles only?, cars only?, etc.)?

.....
.....
.....
.....

3) On which type(s) of roads is/was DRL planned to be made compulsory in your country (all roads?, rural roads only?, etc.)?

.....
.....
.....

4) During which months of the year is/was DRL planned to be made compulsory (the whole year?, only certain months?, if so: which months of the year?)?

.....

5) What type of lights for DRL are/were planned to be used in your country (dipped?, straight?, dimmed city lights?, etc.)?

.....
.....

6) Are/Were the DRL lights planned to be switched on automatically when starting the motor, or will they be turned on or off at will by the driver of the vehicle?

.....
.....

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7) Are/Were there plans for using a special type of light bulb for DRL? If so what type of bulb will/would this be?

.....
.....

B. Voluntary use of DRL

8) To your knowledge, is there currently any amount of *voluntary* use of DRL by road users in your country? If so, could you provide us with any information you have on which and how many road users voluntarily carry DRL, on what type of roads, and in what kind of circumstances?

.....
.....
.....

C. Acceptance of DRL

9) Is there anything you could mention about the acceptance of the possible future implementation of DRL by the public, lobbies and/or government parties in your country about the possible future implementation of DRL (in terms of opposition or cooperation by certain (groups of) road users, lobbies or government parties)?

.....
.....

10) Are there any official or unofficial evaluation reports available concerning the acceptance level of the possible future implementation of DRL in your country? If so, could you supply us with the name(s) of the source(s)?

.....
.....

D. National expertise on DRL

11) Are you aware of any other national experts -besides yourself- on DRL in your country that we could consult on matters of legislation and acceptance concerning a possible future implementation of DRL in your country?

.....
.....

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Appendix 3 Names of experts and institutes contacted

Klaus Machata
Austrian Road Safety Board
Austria

Karel Hofman
Directoraat-generaal Mobiliteit en Verkeersveiligheid
Belgium

James G. White
Vehicle Systems Research Division (ASFBA)
Road Safety and Motor Vehicle Regulation Directorate
Transport Canada
Canada

Jaroslav Heinrich
Road Traffic Technology, CDV
Czech Republic

Lars Klit
Road Safety and Transport Agency
Denmark

Veli-Pekka Kallberg
VTT Technical Research Centre of Finland
Finland

Sylvain Lassarre
French National Institute for Transport and Safety Research
France

Ursula Einfelder
Bundesministerium für Verkehr, Bau- und Wohnungswesen
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Centre for Research and Technology Hellas, CERTH
Greece

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Rob Wegman
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The Netherlands

Richard Muskaug
Road Safety Section
Roads Directorate
Norway

Krzystof Jamrozik
Ministerstwo Infrastruktury
Poland

LNEC - Laboratório Nacional de Engenharia Civil
Portugal

Mónica Colás
Ministerio del Interior, Dirección General de Tráfico
Spain

Kåre Rumar
University of Uppsala, Department of Psychology
Sweden

Ueli Salvisberg
Beratungsstelle für Unfallverhütung (BFU)
Switzerland

Jeremy Broughton
TRL - Transport Research Laboratory
UK

Richard Vaniderstine
National Highway Traffic Safety Administration
USA

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Appendix 4 Answers to the questionnaire for DRL countries

App. 4.1 Denmark

Legislation	
Date of introduction	1 October 1990. At that time it had already been mandatory for motorcycles for some years.
Type of road users	All motorised vehicles. Some motor driven vehicles are not equipped with lights, and for these DRL is not required.
Types of roads	All roads.
Months of the year	The whole year.
Type of light	The following types of light are allowed as DRL: dipped headlights, front fog lamps, dipped headlights with reduced voltage (11V or 12V for vehicles with 24V) or special DRL lamps. In all cases also the rear lamps shall be used. When dipped-beam lamps or front fog lamps are used lamps for marking must also be switched on. Dipped headlights seem to be used the most often.
DRL lights switched on automatically?	There are no requirements on how to switch on DRL. However, most cars are sold with an automatic on switch.
Special type of light bulb for DRL?	No. For DRL-lamps an intensity between 400 and 1200 cd is required. Lamps with an effective consumption between 15 and 21 W are accepted in all cases.
Implementation	
Media campaigns?	Spots on national television and information in the main newspapers.
Penalties on not carrying DRL	500 Dkr (about 65 euro).
Police enforcement?	No. The usage rate seems to be very high (my guess: > 95%). It is not likely that special police campaigns would be cost effective. However, in the first year after the introduction some campaigns were made.
Acceptance	
Before implementation	When first discussed in the Danish Road Safety Commision there was a broad acceptance. Later the Danish Cyclists Federation changed their mind and opposed against the introduction of DRL. In the media there was some debate on the costs for car owners: increased fuel usage and more frequently burned out bulbs.
After implementation	Today DRL seems to be accepted by most road users and organisations. DRL is not an issue discussed in Danish media. There seems to be an acceptable to high usage rate.
Evaluation reports	Not to my knowledge.
National expertise	
Any other experts?	No – it is not a big issue in Denmark!

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App. 4.2 Finland

Legislation	
Date of introduction	1972: Use of DRL became compulsory for motor vehicles for the five winter months (November-March). 1973: Compulsory use was extended to cover seven months from September to March (included). 1982: DRL became compulsory for the whole year outside built-up areas (which are marked by road signs). May 1997: DRL became compulsory in built-up areas, too.
Type of road users	All motor vehicles.
Types of roads	All roads.
Months of the year	The whole year.
Type of light	Dipped headlights or specific DRL.
DRL lights switched on automatically?	In most vehicles DRL are automatically switched on when the motor is started. Manually operated DRL are acceptable, too.
Special type of light bulb for DRL?	In specific DRL, yes. "DRL must emit diffused light, so that they do not glare or disturb other road users". Bulbs: ?, reference is made to E rule no. 7/02. If dipped headlights are used as DRL, normal bulbs for headlights.
Implementation	
Media campaigns?	Cannot remember how it was introduced in the 1970's! Probably nothing very conspicuous. Later changes were routine, no campaigning either.
Penalties on not carrying DRL	Penalties are rare. If issued a petty fine (fixed penalty, max 200 euro) is most likely.
Police enforcement?	No enforcement targeted especially at use of DRL. Enforced in connection of normal police enforcement.
Acceptance	
Before implementation	Generally well accepted. No serious opposition. Some questions raised by individuals (no organisation opposed) about the cost (effect on fuel consumption).
After implementation	Same as above.
Evaluation reports	Effects on road accidents of recommended and compulsory use of DRL in Finland. VTT Road and Traffic Laboratory. Research report 64/1976. Marrkku Salusjärvi (VTT), Kjell Andersson (VTI), Göran Nilsson (VTI). In Finnish. The same in Swedish: VTI Rapport nr. 102/1976.
National expertise	
Any other experts?	No need for help from outside VTT, not at this stage anyway. Should we later need help regarding specific questions, I believe we (Juha and I) know whom to ask.

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App. 4.3 Italy

Legislation	
Date of introduction	June 2002.
Type of road users	All vehicles on motorways (urban and rural) and primary rural highways. For motorcycles and scooters DRL are mandatory on all roads (urban and rural).
Types of roads	See answer above (depends on type of vehicle)
Months of the year	The whole year.
Type of light	We have 3 type of lights but I do not know the English names: * "position lights"; * "normal running lights" (which are the ones that you have to switch on to drive in the night or in motorways or primary rural highways); * "high intensity lights (probably your straight lights)" these should never be used if another vehicle is coming towards us as he will be flashed by our lights. There are needed only for very dark roads. We also have "anti-fog light" but these should be used only when driving in the fog.
DRL lights switched on automatically?	No: You have to switch them on yourself (also because you do not need them on all roads).
Special type of light bulb for DRL?	-
Implementation	
Media campaigns?	All the newspapers, tv and radio announced this implementation. In addition for approximately 1 month the police gave no tickets but only "advertisements" to drivers with no lights on when required. Now tollway companies are using variable messages and boards when entering the tollway to recall that you have to switch your lights on.
Penalties on not carrying DRL	Now you only get a fine (I don't know the exact amount). In June 2003 we will have the new system with "driving points". Out of the initial amount of 20 points you will have 2 point removed if you do not have your lights on when required (4 if your licence is less then 5 years old).
Police enforcement?	See answer to 'Media campaigns'.
Acceptance	
Before implementation	We had someone claiming that this will cost 1 euro per year per person more and multiplying this for the number of persons in Italy this makes a huge amount of money ..... I leave to you to decide how seriously this has to be taken. There was also someone claiming that this doesn't improve safety while, on the opposite, this will increase the risk. No data were offered to support this assumption so it did not get much credit. Personally I like them because you see much better the drivers arriving behind you. For motorcycles and scooters this was seen as solving a mistake in the law because everybody knew it was safer and all the experts kept on suggesting to switch on the lights also in daytime (and I always did so) but you could get a fine for that, before June 2002.
After implementation	No comments and no complains, as far as I know. I never heard any discussion on this.
Evaluation reports	As far as I know there is none.

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National expertise	
Any other experts?	I'm afraid I would not define myself as an expert on DRL but an expert on road safety, if you wish. The person I would contact is Dr. Eng. Francesco Mazziotta of the Italian Ministry for Transportation and Infrastructures. For sure he is very much expert in transportation related legislation .... But unfortunately he doesn't use very much the e-mail. You can write him at: Ministero delle Infrastrutture e dei Trasporti Piazzale Porta Pia, 1 00198 – Roma – Italy

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App. 4.4 Sweden

Legislation	
Date of introduction	1977, I believe in the Fall.
Type of road users	To all motorized vehicles.
Types of roads	On all roads.
Months of the year	The whole year.
Type of light	Most common DRL are standard low beams, but reduced low beams, special DRL lights and fog lights are also allowed.
DRL lights switched on automatically?	Automatic switching is standard on most modern cars, however that is not compulsory and on some old cars and on tourist cars driver switching is still normal.
Special type of light bulb for DRL?	No, there is no special light bulb used for DRL.
Implementation	
Media campaigns?	DRL was used as one of the measures to reduce crash probability already during our switch over from left to right hand traffic 1967. In the following years DRL was used by the army, the railways and some companies in order to enhance road safety. Therefore the public was used to DRL and the campaigning was not as strong as would have been necessary without that history. But all media were still used to inform the public.
Penalties on not carrying DRL	The fine is 400 Swedish crowns (about 45 EUR).
Police enforcement?	Initially there was some enforcement. But presently the automatic switching makes enforcement unnecessary. During the first years of DRL legislation reduced low beams were very common. Then there was some police enforcement of drivers using these reduced low beams in darkness.
Acceptance	
Before implementation	DRL is not a political issue, all parties seem to agree on the present legislation. However, there are always some groups who are of the opinion that anybody who cannot see a motor vehicle in full daylight should not have a driver license, other groups are of the opinion that the environmental damage and petrol consumption of DRL is a larger disadvantage than the reduced collisions. Motorcyclists often oppose general DRL because they would like to be alone having DRL.
After implementation	Because the automatic switching was unusual when the DRL was introduced, many individuals complained about dead batteries (because they had forgotten to turn off the lights when they parked). The opposition towards DRL has been substantially reduced with time after the initial legislation. One obvious reason is the improved technology (primarily automatic switching). Presently the main opposition is focused on the negative environmental effects of DRL. Many motorcyclists are still negative.
Evaluation reports	There were some studies in the beginning. However, I do not have them available. One study is referenced in my DRL report UMTRI-2003-11 (Engdahl, B 1976). There were several evaluation studies carried out concerning the effect of DRL on crashes. I think you have referenced most of them with the exception of Helmers (1988) and Stig Danielsson (????). The first one is referenced in my report, the second one I believe exists but do not have available.
National expertise	
Any other experts?	Lennart Dellby, Volvo, Gothenburg; Goran Andersson, Swedish Road Administration, Borlange; Goran Nilsson, VTI; Gabriel Helmers, VTI.

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App. 4.5 Canada

Legislation	
Date of introduction	Automatic DRL systems were made compulsory on new vehicles manufactured from 1 December 1989 onwards. The regulation, actually an amendment to CMVSS 108, was published in *Canada Gazette Part II* on 2 September 1987. Link to regulation on TC website: http://info/acts-regulations/GENERAL/M/mvsa/regulations/mvsrg/100/mvsr108.html
Type of road users	The 1989 regulation applies to all new "4-wheeled" vehicles - passenger cars, passenger vans, sport-utility vehicles, buses, trucks, cargo vans and motor homes. Automatic operation of the headlamp and rear position (tail) lamp of new motorcycles sold in Canada has been compulsory since 1975. Thus, effectively, all motorized vehicles sold in Canada and manufactured after 1 December 1989 have automatic DRL.
Types of roads	The brief answer is that in practice however, DRL is used on all types of roads. DRL is automatically activated (see response to question on 'DRL lights switched on automatically?') and it is not possible for the driver to switch it off. Therefore, almost all vehicles except for very old ones operate with lights on at all times. The longer answer is that the use of DRL is not actually compulsory in most places. That is because, with one exception (see answer to question on 'Penalties for not carrying DRL'), provincial and territorial governments have not yet introduced laws requiring lights to be switched on in daytime, except during inclement weather. (The provinces and territories regulate road users and road use, including the licensing of drivers and vehicles, whereas the federal government only regulates vehicle safety through laws applying to manufacturers and importers.) In fact, DRL is generally maintained in good working order. Provincial/territorial laws require that all federally-regulated safety equipment, including DRL, must work properly when a used vehicle is sold to a new owner.
Months of the year	DRL are used year-round because the systems are automatic.
Type of light	CMVSS 108 specifies the following types of DRL: • low beam headlamps at normal light intensity, • low beam headlamps at reduced light intensity, • high beam headlamps at reduced light intensity, • turn signals, • brighter parking lamps, • fog lamps, and • completely separate DRL units. The various DRL types have been found to be bright enough to provide the essential conspicuity without causing discomfort glare. Technical requirements for the different types are given in CMVSS 108: http://info/acts-regulations/GENERAL/M/mvsa/regulations/mvsrg/100/mvsr108.html.
DRL lights switched on automatically?	The switching requirements are as follows: DRL must be on whenever the engine is operating and the master lights switch is in any position other than "headlamps on". This requirement effectively forbids override switches on new vehicles. DRL must switch off automatically when headlights are switched on. Optional "DRL off" conditions: (a) Automatic transmission in Park or Neutral, (b) parking brake applied, (c) during the interval between engine start and vehicle first being set in motion.

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Special type of light bulb for DRL?	There are no special, preferred or obligatory bulbs for DRL. The DRL function is almost always fulfilled by the headlamps or direction indicators, using the normal bulbs. The regulations allow headlamps used as DRL to operate at a reduced voltage, which greatly extends the bulb life. Reduced-voltage DRL is very common on new vehicles.
Implementation	
Media campaigns?	There was a lot of public interest in the run-up to the new vehicle regulation implementation date and for some time after it, i.e. from about 1987 through 1995. Transport Canada and the provincial/territorial transportation authorities cooperatively produced and distributed a common design pamphlet and poster. The message, directed to drivers of pre-DRL vehicles, was to drive with low beam headlamps switched on at all times or to have a DRL switching kit installed for convenience. Transport Canada staff gave numerous press interviews and responses to direct requests for information from the public and other interested parties. The public (provincial) vehicle insurance corporations advertised in the media, primarily newspapers. Also, vehicle manufacturers mentioned DRL in their advertisements, particularly for models with DRL installed voluntarily before it became mandatory.
Penalties on not carrying DRL	None of the provinces/territories except the Yukon Territory have introduced specific laws requiring drivers to use DRL, so there are no penalties either. In the Yukon, headlamps or DRL must be used on all roads outside of towns. The fine for non-use is about 60 Euros.
Police enforcement?	We are not aware of any specific enforcement activities targetting the use of DRL on the roads. Transport Canada is responsible for enforcing the DRL requirements on new vehicles. The department purchases between 50 and 100 vehicles every year and tests them for compliance with many different CMVSS. Many other vehicles are audited through visits to manufacturers. Failure in any tests or inspections conducted either by Transport Canada or manufacturers may indicate the presence of a safety defect. Transport Canada also investigates vehicle defect complaints from consumers. When it is determined that a safety defect exists, the *Motor Vehicle Safety Act* requires manufacturers to advise owners of affected vehicles of the steps needed to remedy the defect. Several recalls have been made to replace DRL switching modules that failed or provided insufficient voltage. Photometric problems with the lamps themselves are rare.
Acceptance	
Before implementation	There was some voluntary use of headlamps in daytime in Canada, particularly on highways, at least since the 1960's. Many bus and truck fleets adopted policies to drive with headlamps on at all times to improve safety. Following upon the research and regulatory experience in Finland and Sweden in the early 1970's, Transport Canada began its own research into the effects of DRL on visual perception in 1975. The research clearly showed that headlamps were effective in improving visual detection distances, and the effect increased as ambient light level decreased. The federal Minister of Transport recommended in 1982, as a first step towards DRL, that the provinces and territories extend the mandatory lights-on period by two hours, i.e. from one half hour after sunset to one half hour before sunset, with a corresponding change at dawn. The subsequent regulatory changes played a role in sensitizing the public to the potential to improve safety through the simple means of switching on headlamps. After reviewing the evidence of collision benefits, the federal Minister

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	of Transport and his provincial and territorial counterparts agreed in October 1985 to work towards a Canada-wide program for the use of DRL. The federal government agreed to pursue development of a new vehicle regulation as the least costly and most reliable long-term solution. It was obvious that all vehicles on the road should have DRL or switched-on headlamps to maximize the safety benefits and minimize the "masking" of unlit vehicles by lit ones. Therefore the provinces and territories, assisted by the federal government, undertook publicity campaigns stressing the safety merits of daytime lights use. To ensure that DRL systems would be kept operational as vehicles age, and to reduce the risk of "masking" of unlit vehicles in certain situations, Transport Canada encouraged the provincial authorities to consider mandating daytime lights use for all vehicles even before the federal regulation for DRL on new vehicles took effect. In 1987, the Yukon Territory became the first Canadian jurisdiction to introduce a daytime lights-use law. The other jurisdictions have preferred not to follow until such time as nearly all vehicles are DRL-equipped. (About 75 percent of vehicles are now equipped with DRL.) Transport Canada measured the daytime lights usage in several annual traffic surveys beginning in 1981, when 10.3 percent of vehicles were operated with lights on in daytime. Publicity campaigns raised the voluntary lights usage in daytime, in the four years (1986-89) before introduction of DRL on new vehicles, to between 17.5 and 21.7 percent. Insurers also supported DRL with publicity of various kinds. Of particular note was Saskatchewan Government Insurance's "Lights on for Life" campaign. This initiative included newspaper and television advertising, message signs on highways, publicity materials such as brochures, stickers, key fobs, and information delivered by post, for example with licence renewal notices. Another notable DRL campaign was carried out, somewhat surprisingly, by a lifestyle magazine. The publicity noted above undoubtedly helped to ensure broad acceptance for the DRL regulation. Consequently, the public generally perceived DRL as sensible, although there were some concerns about glare. These concerns may have stemmed from incorrect aiming of headlamps on some vehicles, or the inadvertent use of high beam headlamps by some drivers who were unaware they had selected the incorrect beam. DRL did not become a political issue. None of the political parties at the federal or provincial/territorial levels opposed it. There was not a lot of reaction from lobby groups, although some (but not all) vehicle manufacturers initially opposed the proposed regulation. The Canadian Automobile Association supported DRL. The Canadian Motorcycle Association initially opposed DRL on the basis that motorcycles would become relatively less conspicuous, even though motorcycles had been equipped with automatic headlamp systems since 1975 and thus were on an equal basis to DRL vehicles. However, there was little opposition from individual motorcyclists, perhaps because they recognized the benefit to themselves of seeing other vehicles better. Some of the comments from the public about DRL seemed to reflect a lack of understanding of the role and importance of contrast in aiding visual perception. Some people thought that clear vision (usually expressed as an ability to see distant objects) somehow gave them a faultless ability to discern moving vehicles in visually complex surroundings including multiple targets. It is recommended that other countries intending to implement DRL policies take steps to

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	inform their citizenry about the basic workings of visual perception relative to the driving task.
After implementation	DRL is not an issue any more. It is well accepted by all except a few who object to glare or see DRL as unnecessary government intervention in the driving process. The department receives few if any complaints about bulbs burning out, engine starting problems, etc. There have been some complaints that rear position lamps (tail lamps) should be automatically activated with the DRL. CMVSS 108 allows tail lamps to be either on or off with DRL – in fact, vehicles with both arrangements are on the market. The occasional vehicle can be noticed at night being driven without tail lamps. Usually the driver notices, after a short distance, that the instrument panel is dark or that the DRL do not illuminate the road well, and so switches on the headlamps and position lamps.
Evaluation reports	Transport Canada has not conducted any official research on the public acceptance of DRL. The department has carried out research and published reports about the effects of DRL on collisions. These are listed in the references of the attached document, and are available by contacting Vehicle Systems Research Division.
National expertise	
Any other experts?	Marcin Gorzkowski Senior Regulatory Development Engineer Road Safety and Motor Vehicle Regulation Directorate Transport Canada 330 Sparks Street Ottawa, ON K1A 0N5 E-mail: gorzkom@tc.gc.ca Tel. +1-613-998-1967 Fax +1-613-990-2913 Additional general information on DRL in Canada is contained in the enclosed .pdf file.

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App. 4.6 Czech Republic

Legislation	
Date of introduction	From 1982 motorcyclists only . From January 2001 all users in so called winter time.
Type of road users	1982: motorcyclists during the whole year. 2001: all users in winter time.
Types of roads	Both acts are for all roads.
Months of the year	Motorcyclists the whole year, others in winter time only (mostly from the last Sunday in September till the last Sunday in March).
Type of light	Need a bit more time to check that I am not so familiar with this specific terminology.
DRL lights switched on automatically?	They can be turned on or off at will by the driver of the vehicle.
Special type of light bulb for DRL?	There are no special regulations comparing to other European countries.
Implementation	
Media campaigns?	Not at all.
Penalties on not carrying DRL	It may be very different (from ca. 7 Eu up to 70 Eu).
Police enforcement?	The enforcement is applied mostly in the beginning of October, where it comes to the force again.
Acceptance	
Before implementation	Even before implementation the acceptance has been quite good especially on motorways.
After implementation	Compared to other rules compliance is very high (certainly above 95%).
Evaluation reports	No.
National expertise	
Any other experts?	Mr. Jaroslav Tesarik at the Police Directorate of the Czech Republic.

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App. 4.7 Hungary

Legislation	
Date of introduction	Dipped beam at daytime: 1984. 02. for motorcycles – on all roads 1993. 03. for automobiles (i.e.: passenger cars, buses, goods vehicles) – on rural main roads 1994. 06. for automobiles, agricultural tractors, slow motion vehicles and mopeds (if the last two categories have passing lamp) – on all rural roads. 1995. 12. for mopeds, equipped with passing lamp – on all roads 2001. 05. special DRL of automobiles can be used alternatively.
Type of road users	Presently to all power-driven vehicles (motorcycles, automobiles, agricultural tractors, slow motion vehicles) and mopeds. To rail-borne vehicles this decree is not applied, but internal regulation prescribes the use of DRL.
Types of roads	On rural roads only; except for motorcycles (from 1984) and mopeds (from 1995) which are obliged to use DRL on all roads.
Months of the year	Throughout the year.
Type of light	Generally dipped beam; special daytime running lamp is permitted in the case of automobiles.
DRL lights switched on automatically?	Manual switching on and off.
Special type of light bulb for DRL?	No special requirement.
Implementation	
Media campaigns?	Only some leaflets.
Penalties on not carrying DRL	Practically there is no enforcement. Hopefully it will be considered in the framework of the further developed point dement system.
Police enforcement?	No. There are other important offences (speeding, non wearing of safety belt, driving under the influence of alcohol) which also need better police enforcements.
Acceptance	
Before implementation	The rate of DRL-users is continuously observed and measured as an important road safety performance indicator (by road categories).
After implementation	See previous question.
Evaluation reports	Péter Holló: Changes in the legislation on the use of daytime running lights by motor vehicles and their effect on road safety in Hungary, Accid. Anal. and Prev., Vol. 30, No.2, pp. 183-199, 1998.
National expertise	
Any other experts?	No.

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App. 4.8 Israel

Legislation	
Date of introduction	In 1996.
Type of road users	All motorised vehicles.
Types of roads	a) For a two-wheeled vehicle, a taxi, a bus & a commercial vehicle – on all roads b) For all other vehicles – on inter-urban roads
Months of the year	Between the 1st of November and the 31st of March.
Type of light	Headlamps - dipped lights (low beam).
DRL lights switched on automatically?	At will by the driver.
Special type of light bulb for DRL?	The regular one – headlamps.
Implementation	
Media campaigns?	The implementation of DRL was preceded by an experiment accompanied by the evaluation study, in winter 1989/90. There was a 3-month media and road-side campaign promoting the use of DRL. Every year, during the winter period there are reminding announcements in the media.
Penalties on not carrying DRL	There are fines of 100/ 250 NIS (NIS - New Israeli Shekel; $1 = 5 NIS), and penalty points.
Police enforcement?	DRL enforcement presents a part of regular police enforcement. Besides, from time to time, the police carries out one-two day blitz operations on specific issues, including DRL.
Acceptance	
Before implementation	Field observations demonstrate high level of public acceptance; even in the summer period, some part of vehicles continues using DRL.
After implementation	No lobbies or government parties opposed the DRL, over the last years.
Evaluation reports	"The use of daytime running lights during the winter months – follow up and evaluation", by Hocherman I. and Hakkert S. Research report No. 91-160, TRI, Technion, 1991 (in Hebrew).
National expertise	
Any other experts?	Dr. Dan Link from the National Road Safety Authority (E-mail: noaba@mot.gov.il).

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App. 4.9 Norway

Legislation	
Date of introduction	Compulsory on new cars from 1 January 1985, and on all cars from 1 April 1988.
Type of road users	All motorised vehicles.
Types of roads	All roads.
Months of the year	The whole year.
Type of light	Dipped lights or special DRL lamps.
DRL lights switched on automatically?	Up to 1994 they had to be switched on automatically when one started the engine. Since we entered the EEE in 1994 this rule was revised. Now the lights have to be lit, but they don't need to be switched on automatically.
Special type of light bulb for DRL?	No.
Implementation	
Media campaigns?	Brochures were used as well as newspaper advertisement and stickers on buses.
Penalties on not carrying DRL	A fine of 1000 NOK is applied.
Police enforcement?	No.
Acceptance	
Before implementation	Pedestrians, cyclists and motorcyclists were afraid that they would not be seen when DRL was introduced. Otherwise I can not remember any particular opposition.
After implementation	The measure is well accepted and it is not on the political agenda.
Evaluation reports	The use of DRL has been assessed and it was 30-35% in 1980-81, then it was 60-65% in 1984-85 and 90-95% in 1989-90. Today it is close to 100%.
National expertise	
Any other experts?	Dr. Rune Elvik at the Institute of Transport Economics.

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Appendix 5 Answers to the questionnaire for non-DRL countries

App. 5.1 Austria

Legislation	
Are/were there any plans?	There have been several attempts to launch DRL, the latest one in 2002.
Type of road users	DRL is already mandatory for all motorised 2wheelers on all types of roads on all times. The plan was to extend DRL to powered four-wheelers.
Types of roads	The plan was rural roads and motorways (everywhere except urban areas).
Months of the year	The plan was winter time (according to European summer time regulations): late October till late March .
Type of light	Dipped beam, but according to the Austrian Road Safety Programme, the implementation of ECE R87 is supported at European level.
DRL lights switched on automatically?	No plans for automatic solution.
Special type of light bulb for DRL?	According to the Austrian Road Safety Programme 2002-2010, the implementation of ECE R87 is supported at European level.
Voluntary use	
Current status on voluntary use?	KfV-Observations 2001 (31.000 Cars): 25,8% DRL in bright sunshine, 51,9% in cloudy weather, 72,8% in rainy weather.
Acceptance	
Acceptance level of possible future implementation	KfV strongly supports DRL, whereas Auto Clubs (and many others) are opposed. This was the reason for the rejection of the draft law in 2002.
Evaluation reports	KfV-Survey (n=1000) December 2002: 75% of population think that DRL is a good or very good safety measure.
National expertise	
Any other experts?	Legislation: Christian Kainzmeier, Bundesministerium für Verkehr, Innovation und Technologie, Radetzkystraße 2, 1030 Wien, Christian.KAINZMEIER@bmvit.gv.at

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App. 5.2 Belgium

Legislation	
Date of introduction	March 1984.
Type of road users	Two wheeled motorbikes and motorcycles have to carry a dipped head light and red rear light all the time.
Types of roads	All roads.
Months of the year	The whole year.
Type of light	Dipped head light and red rear light.
DRL lights switched on automatically?	Neither in the Road Traffic Regulations nor in Technical Regulations is it regulated that the lights should be switched on automatically, i.e., when the motor is started. Both options are therefore possible.
Special type of light bulb for DRL?	No.
Implementation	
Media campaigns?	I suspect that these new regulations were mentioned on television and in the newspapers at the time, but I can't provide any more information since it's such a long time ago.
Penalties on not carrying DRL	This is considered to be a serious offence and can therefore be punished with a fine of 50 to 500 euro or a prison sentence of 8 days to 1 month.
Police enforcement?	I don't know of any special actions concerning the assessment of such offences.
Acceptance	
Before implementation	-
After implementation	-
Evaluation reports	I don't think so.
National expertise	
Any other experts?	-

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Legislation	
Are/were there any plans?	No.
Type of road users	NA
Types of roads	NA
Months of the year	NA
Type of light	NA
DRL lights switched on automatically?	NA
Special type of light bulb for DRL?	NA
Voluntary use	
Current status on voluntary use?	In the Département des Landes during an experiment, 89% of drivers have declared to be in favour of voluntary use of DRL. See INRETS research report 244 (2002) by S. Lassarre: Évaluation de l'expérimentation des feux de croisement dans les Landes.
Acceptance	
Acceptance level of possible future implementation	Motorcycle associations are strongly against. The ministry of environment is concerned about the 1% of increase in CO_2 in the atmosphere due to more fuel consumption. Even the Direction pour la circulation et la sécurité routière is not sustaining this measure which has been proved to be highly effective in Les Landes on main rural roads.
Evaluation reports	C. Robert (2000). La question de l'allumage des feux de jour. Rapport pour le Ministre de l'équipement, des transports et du logement. Conseil Général des Ponts et Chaussées, Paris
National expertise	
Any other experts?	Jean Chapelon has conducted a consensus group on the subject, last year (jean.chapelon@equipement.gouv.fr).

Below follows a translation of the French summary of the most important conclusions concerning acceptance levels and possible implementation scenario's discussed in the extensive French evaluation report "The issue of daytime running lights" by Robert (2000).

Evaluation studies from other countries
With the notable exception of F.F.A.C. (see below), the organisations representing the consulted road users in France are not very convinced by the foreign evaluation studies (or by what they hear about them).

The DG VII (direction B) on its part has just brought a case before the new commissioner of Transport for a set of road safety measures containing a series of six priority measures and a series of five secondary measures. Daytime running lights are part of the second series. It is proposed to

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continue the preceding studies on two issues: the cost-benefit ratio and the estimation of the effect on pollution. This, while the competent officials of the DG VII actually continue to think that the European Union has legitimate reasons only to interfere in the equipment of vehicles and that the best solution would be, for *new* vehicles only, either to impose the automatic switching on of daytime running lights or to impose "an" automatic system leaving the member states the choice between the automaticity at starting the engine or the automaticity through the use of receptors (i.e., a "light sensitive on switch"). To all appearances, a decision is not to be expected soon.

The equipment of vehicles

1. When it is proved that the visibility should be improved by day, even in good weather conditions, the best solution seems to be the one where the vehicles are equipped with a device which switches on special daytime running lights automatically when the engine is started. This lighting device should be constructed in such a way that the visibility of other vehicles is improved without hindering the drivers. Moreover, this system has the following three advantages:
   - it does not hinder the most vulnerable road users (cyclists, pedestrians) while improving the visibility of cars and trucks (this should be verified of course).
   - it allows for the differentiation of motorcycles which could continue to ride with dipped headlights which could moreover be coloured lights.
   - it is easily combined with the installation of receptors which switch on the dipped headlights when the ambient light is reduced (and automatically switch off the daytime running lights).
2. When it is estimated that no serious problems arise during daytime with reduced visibility conditions (bad weather conditions, dawn, dusk), the use of receptors is a suitable solution, under the condition that this new technology is reliable. This equipment has a gold colour and is already proposed by certain manufacturers of top quality vehicles. Be this as it may, the automatic on switching of daytime running lights also contributes to solving the problem by harmonising the behaviour (of road users). These lights (which are by definition switched on all day long) will be even more conspicuous during times of reduced visibility.
3. These solutions concerning the equipment of vehicles serve the general purpose of not distracting the driver and of improving his concentration on the essential, which is driving.
4. The rules of vehicle equipment correspond to European standards.

The period of transition

Especially due to the costs involved, it is difficult to conceive how the installation of new electrical or electronic equipment could be imposed on all cars. Therefore, if DRL were implemented, the problem of a transition period will arise, required for the renewal of all cars. To deal with this period there are three possible options

- do nothing (at least not immediately, until 30% of all cars has been renewed for example),
- recommend the use of DRL,
- impose the use of DRL (after a period of adaptation).

The latter two solutions could be applied to all roads outside agglomerations.

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If a technical measure is combined with a behavioural measure, the choice between recommendation and obligation is a difficult one. Recommendation has the main virtue of helping the adaptation of road users to the measure and has the connotation of an active sense of public responsibility. However, it also implies the mixing of vehicles using and not using DRL, which is considered dangerous by some experts, but not by others; it also makes the evaluation more difficult and less meaningful.
Obligation has the opposite characteristics: it makes the measure more general and its evaluation easier; however, it also poses a tremendous enforcement problem. Even after a long notification period, should the police fine the opponents and the forgetful? And what to do if there are many of them?
Clearly, if a behavioural measure should be considered, a massive communication campaign would have to be started and relaunched periodically. It is to be foreseen that this will raise objections from individuals.

Mixed traffic
The issue of mixing vehicles with and without lights must be considered carefully. Some experts (whose advice seems to be shared on this point with ophtalmologists) are afraid of a negative safety effect. However, experiences abroad do not seem to give evidence to this risk. It would be a good idea to make use of the current experiences (in Les Landes, the Netherlands, Austria) to elucidate this point.

If recommended or imposed, all roads or outside built-up areas?
The choice between a general measure and a measure limited to the areas outside agglomerations is not easy in France.
The general measure has the advantage of simplicity of implementation and enforcement but raises the justified fears of the vulnerable road users especially in agglomerations where there are many of them, while it is the only means to actually evaluate the real effects on these types of road users, a contradiction.
Limiting the measure to rural roads should partially reassure the vulnerable road users (pedestrians and urban cyclists) without mollifying, however, the hostility and fears of the motorcyclists and cyclists circulating on rural roads. One may also question whether such a partial solution is suitable for France with its geography characterized by very scattered cities and villages. It is to be foreseen that not many drivers will acquire the reflex to adapt their lights when seeing the road signs for entering and leaving agglomerations, and that there will be different reactions.

The impact of a recommendation or obligation on the current car stock
The current car stock has not been built for this task. Moreover, the experience in Les Landes has shown the risk of empty batteries (due to their running out) in vehicles not equipped with alarm systems (approximately half of the car stock).

The current acceptance levels of French institutes and organisations
With the notable exception of the F.F.A.C., whose president thinks it imperative to implement any measure whose positive effect on road safety is scientifically proven, the discussions with the parties involved does not give the feeling that daytime running lights are of primary importance. Neither the administrations (except for the police), nor the organizations seem to think it worth the effort; they have other priorities. Against this background, the fears

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of the organizations representing the so-called vulnerable road users are strong and expressed with vehemence.
Supposing that the present report (i.e., by Robert) opens up discussions at the ministerial level, it should not be too difficult to obtain an agreement between the three Ministries of Equipment, of Internal Affairs, and of Defense concerning a national experiment. However, one should expect serious objections from the Ministry of Environment.
Schematically, positions of the different French organisations concerning the voluntary or compulsory use of dipped headlights during the day by the existing car stock can be arranged in the following three categories:

1. Very much in favour or rather in favour are:
   - Fédération Française des Automobile-Clubs (F.F.A.C.)
   - Fédération Française de Motocylisme (F.F.M.)
   - Syndicat des médicins ophtalmologistes (with reservations concerning motorists)

2. Very much opposed or rather opposed are:
   - Fédération Française des Motards en Colère (F.F.M.C.)
   - Fédération Nationale des Usagers des Transports (F.N.A.U.T.)
   - Fédération des Usagers de la Bicyclette (F.U.B.I.C.Y.)
   - Droits du piéton
   - France Nature Environnement

3. The following organisations have reservations:
   - Prévention routière
   - Constructeurs
   - Laboratory of Accidentology, Biomechanics and human behaviour (L.A.B.)
   - Fédération Française de Cyclotourisme (F.F.C.T.)
   - Consultant ophtalmologiste des Armées et des Transports
   - Association Nationale pour l'Amélioration de la Vue

The system of automatic DRL mentioned above, seems to have the potential of rallying the different organizations in favour of implementation, with the exception of the F.F.A.C. which raises the issue that the time lost in the decision and implementation process of this system is unacceptable.

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App. 5.4 Germany

Legislation	
Are/were there any plans?	No.
Type of road users	NA
Types of roads	NA
Months of the year	NA
Type of light	General remark: this question shows that one must clearly define what is meant by "Daytime Running Lights" (i.e., whether automatically switched on, or manually).
DRL lights switched on automatically?	NA
Special type of light bulb for DRL?	NA
Voluntary use	
Current status on voluntary use?	An evaluation of the quantative numbers of voluntary users of DRL (dipped headlights) is not possible. There are indications that dimmed lights are also used with stronger environmental light, but until now there is no representative research on this subject. The obligation of using light for all vehicles is generally laid down in §17 of the German Road Traffic Regulations. According to article 2a of this law motorcycles must carry dipped headlights also during the day. All other vehicles have to use the light devices prescribed when the visibility conditions so require – especially during darkness and during dusk, but also when visibility is impaired by rain, snowfall or fog as well as by smoke or other comparable influences caused by human beings. Please note that no prohibition of the use of dipped headlights even during daytime can be derived from §17 of the German Road Traffic Regulations.
Acceptance	
Acceptance level of possible future implementation	Neither from the country (Länder) nor from the big car companies is there any pressure on the government to dedicate itself to the introduction of DRL. The general conviction seems to be that there is no actual significant benefit. Sometimes voices of citizens are heard asking for the reasons why there is no DRL in Germany, but as many citizens speak against such an obligation. (It should be noted here that motor vehicle users are free to carry lights also during the day, see the answer to the previous question.) The motorcyclists lobby has spoken against the introduction of DRL for all motorised vehicles. Until now the interest groups for more vulnerable road users have also not spoken in favour of the introduction of DRL.
Evaluation reports	No.
National expertise	
Any other experts?	This subject is coordinated with the appropriate bodies of the government through Report S 32.

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App. 5.5 The Netherlands

Legislation	
Are/were there any plans?	Yes, there were plans.
Type of road users	Cars and motorcycles.
Types of roads	All roads.
Months of the year	The whole year.
Type of light	Dipped beam headlights or daytime running lamps.
DRL lights switched on automatically?	Automatically.
Special type of light bulb for DRL?	Not so far. In the future we would like to use energy-efficient (specific DRL) lamps, that work independently from rear, dashboard and number plate lighting.
Voluntary use	
Current status on voluntary use?	Voluntary use is about 50%; more outside than inside built-up areas; it varies with the weather conditions (less used in sunny weather).
Acceptance	
Acceptance level of possible future implementation	Public acceptance seems high (especially with motorists). There is strong opposition from organisations of pedestrians, cyclists and motor cyclists. They are afraid they will be relatively less conspicuous. There are also concerns about extra fuel consumption and CO2 emission.
Evaluation reports	No.
National expertise	
Any other experts?	The SWOV Institute for Road Safety Research.

2906

App. 5.6 Spain

Legislation	
Are/were there any plans?	In Spain, we are considering the convenience or not of using DRL. Nowadays it is exclusively compulsory in the case of motorcycles.
Type of road users	Our idea "totally provisional" would be applicable to all kind of vehicles.
Types of roads	If one day it would become compulsory, our intention would be to make it compulsory for all kind of roads, except built-up areas.
Months of the year	In principle it would be for all months of the year.
Type of light	Not studied.
DRL lights switched on automatically?	Not studied, because of the problems which could ensue from the fact of making it compulsory for some roads, and not for others.
Special type of light bulb for DRL?	Not studied.
Voluntary use	
Current status on voluntary use?	Yes, the voluntary use of DRL is increasingly frequent on roads outside built-up areas. It has also been used for a long time by members of our traffic police.
Acceptance	
Acceptance level of possible future implementation	There are no studies on this area. We think that it would not be extremely difficult to implement that measure, except for opposition from bike riders and, perhaps, ecologists.
Evaluation reports	Not studied the level of acceptance. There is a study on the measure in itself developed by the Center Zaragoza, Address: Crtra. Nacional 232, Km 273, 50690 Pedrola (Zaragoza).
National expertise	
Any other experts?	Executive Director Legislation and Complaints (DGT) Edificio General Aranaz 86 28027 Madrid (vhernando@dgt.es)

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App. 5.7 Switzerland

Legislation	
Are/were there any plans?	Voluntary use of DRL introduced on January 1, 2002. It is a recommendation and is not compulsory, that means that non-compliance does not incur a fine. Link: http://www.lichtein.ch/.
Type of road users	Recommended for all motorized vehicles.
Types of roads	Not compulsory, they can be used on all roads.
Months of the year	Not compulsory, but recommended at all times.
Type of light	Dipped headlights.
DRL lights switched on automatically?	The DRL lights are not switched on automatically.
Special type of light bulb for DRL?	There is no special type of light bulb in use.
Introduction	
Media campaigns?	Introduction of voluntary use of DRL with a joint campaign (radio announcements before and after traffic information, posters nationwide, flyers, Internet, Infomedia) under bfu's supervision. http://www.test-luci.ch/ http://www.demarrerallumer.ch/
Penalties on not carrying DRL	No fines (see 1).
Police enforcement?	No police enforcement activities.
Voluntary use	
Current status on voluntary use?	
Acceptance	
Acceptance level of voluntary use before introduction	Prior to introduction, widescale support of the Swiss Federal Roads Authority, Swiss Insurance Association, automobile associations, automotive trade, public transport authorities, associations of driving school instructors, police, traffic authorities, Fonds für Verkehrssicherheit (Road Safety Fund), Schweizerischer Verkehrssicherheitsrat (Swiss Council for Road Safety). All were partners in the joint campaign. Acceptance by the public: In 1999, 21% of the Swiss population would tend to be in favour of compulsory Daytime Running Lights for cars (bfu survey, autumn 2002). In 2000, the proportion of those in favour was 38% and in 2001 56%.
Acceptance level of voluntary use after introduction	Opposition: Opposition to the measure was expressed by individuals in the form of letters to newspapers or in e-mails/letters to the bfu or other partners in the joint campaign. Acceptance by the public: 64% of the Swiss population would tend to be in favour of compulsory Daytime Running Lights for cars (bfu survey, autumn 2002).
Evaluation reports	No evaluation available. 9 to 25 percent increase in the use of DRL in fine weather. Link Infomedia 2.7.2002: http://www.bfu.ch/medien/infomedia/infomedia_2002/2114.htm
National expertise	
Any other experts?	None, apart from some of our partners.

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App. 5.8 United Kingdom

Legislation	
Are/were there any plans?	No.
Type of road users	NA
Types of roads	NA
Months of the year	NA
Type of light	NA
DRL lights switched on automatically?	NA
Special type of light bulb for DRL?	NA
Voluntary use	
Current status on voluntary use?	Cars in GB that were manufactured in countries with mandatory use of DRL (mainly Volvos and Saabs) typically drive with DRL, because the lights come on automatically, but drivers of other vehicles only turn on in daytime in conditions of poor visibility.
Acceptance	
Acceptance level of possible future implementation	The issue of DRL has received virtually no public discussion in GB. There is some prejudice among the general public against Volvo drivers, who are sometimes perceived as aggressive, and this association may have created a slight hostility.
Evaluation reports	None that I am aware of.
National expertise	
Any other experts?	VSE Division of the UK Department for transport deals with vehicle lighting and other issues concerning vehicle standards and equipment, I do not know which official is currently responsible. TRL has carried out research into vehicle lighting for the Department of Transport, and when I carried out a review of the Koornstra report some years ago I consulted the one remaining person who had been involved. He had only limited knowledge, and has since retired.

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App 5.9 United States of America

Here we discuss the situation in the United States, as we deduced from an email and documents concerning DRL that we received from the official responsible for the U.S. Federal Motor Vehicle Safety Standard (FMVSS) 108 at the National Highway Traffic Safety Administration (NHTSA) of the U.S. Department of Transportation (NHTSA, 2002).

According to a document written by Bergkvist of General Motors (2001), the use of DRL in the US is not compulsory, but a final rule was published in January 1993 amending Federal Motor Vehicle Safety Standard (FMVSS) 108 to explicitly allow the *voluntary* installation of DRL. This rulemaking was needed because a multitude of conflicting state laws had the practical effect of prohibiting the installation of DRL.
General Motors began to install DRL on selected 1995 model year vehicles. By the 1997 model year, DRL were standard equipment on all General Motor vehicles sold in the U.S. To date, General Motors has sold more than 23 million vehicles in the U.S. equipped with DRL. General Motors, Saab, Volvo and Volkswagen were the first manufacturers to introduce DRL in the U.S.
Also according to Bergkvist, DRL are provided in a variety of configurations. These include reduced intensity upper beams, reduced or full intensity low beams, dedicated DRL, or turn signal DRL. A Notice of Proposed Rule Making (NPRM) was issued by the NHTSA in August 1998 intended to address glare. NHTSA explained that the proposal to limit DRL photometric output was prompted by numerous driver complaints regarding DRL glare.
The National Highway Traffic Safety Administration (NHTSA) planned to address glare according to the following plan:
Phase 1 – DRL using the upper headlamp beam would not be permitted to exceed 3,000 cd at any point. Starting one year after publication of the final rule.
Phase 2 – Reduce the intensity to 3000 cd anywhere in the beam and for lower beam DRL to maximum 3000 above horizontal. Starting two years after publication of the final rule.
Phase 3 – Reduce the intensity to 1500 cd anywhere in the beam and for lower beam DRL to maximum 1500 cd above horizontal. Starting four years after publication of the final rule.
Again according to Bergkvist of General Motors (2001), an analysis of the complaints that NHTSA had received revealed that the number of complaints were overestimated because of repeats and multiple copies of letters. Some complaints were solicited by organizations who opposed DRL in principle. When the solicited and redundant comments were removed, the actual number of unsolicited complaints fell dramatically.
Also according to Bergkvist of General Motors, in Canada where DRL has been mandatory since 1989, the few initial DRL complaints dropped to virtually zero by the early 1990s. Canadian complaints continue to be virtually non-existent even though they have the same photometric provisions as those specified in the current U.S. FMVSS 108. This suggests that perceived glare may be a novelty effect. Accordingly, General Motors is hopeful that NHTSA does not adopt the DRL photometric restrictions proposed in the NPRM.
Finally, Bergkvist mentions that General Motors believes there is a strong general acceptance of DRL in the market. To support this he presents the

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results of surveys conducted to determine the consumers perception of DRL as a safety feature. In a survey conducted in 1997, it was found that 23% of the respondents definitely wanted DRL implemented as a safety feature of motor vehicles. In a second survey conducted in 1998, it was found that 64% of the respondents were of the opinion that DRL is a beneficial feature, 26% that it is a neutral feature, 8% that it is a negative feature, and 2% did not respond. However, nothing is mentioned about the sample sizes used in these two surveys.

According to the official who is responsible for the U.S. FMVSS 108 of the NHTSA, DRL appear to reduce crashes in the U.S., although a study that the NHTSA performed is not robust enough to use for deciding whether mandating DRL would be cost effective (NHTSA, 2000). The NHTSA are now revising that study with a few more years of data. The new study should be published in May 2003. Additionally, there is a General Motors sponsored study described in Bergkvist. It has the same small data sample problem. GM is also redoing the study with more recent data and the result should also be available in May 2003.
Again according to the official at NHTSA, one thing that is particularly important for public acceptance is to ensure that the DRL intensity is high enough to be conspicuous, but not so high as to be considered glaring. That is an issue that NHTSA is currently resolving based on hundreds of complaints from the public. Information about this may be read at: http://dms.dot.gov/search/searchFormSimple.cfm searching for 3319 and 4124 as the two docket numbers. As a result, NHTSA is about to publish an amendment to substantially reduce the permitted intensity. There will be an additional amendment to deal with further intensity reductions and some issues concerning wiring and use. This amendment will follow toward the end of this year. Also, General Motors, based on its study of the data, has formally petitioned NHTSA to amend the Standard to mandate the use of DRL. NHTSA has not made any decision yet on whether to act on that petition or not.

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Attachment D

Senate Bill 1138, Michigan State Legislature, 2008,
http://www.legislature.mi.gov/(S(sapn303cev1ccufuvn2pjtip))/mileg.aspx?page=getObject&objectName=2008-SB-1138

SENATE BILL No. 1138

February 27, 2008, Introduced by Senator PRUSI and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled

"Michigan vehicle code,"

by amending section 684 (MCL 257.684).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 684. ~~(a) Every~~ **A** vehicle upon a highway within this state ~~at any time from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead~~ shall display lighted lamps and illuminating devices as ~~hereinafter respectively~~ required **UNDER THIS CHAPTER** for different classes of vehicles, subject to exceptions ~~with respect to~~ **FOR** parked vehicles as ~~hereinafter stated~~ **PROVIDED UNDER THIS CHAPTER**. ~~When lighted lamps and~~

SENATE BILL No. 1138

~~illuminated devices are required by law no~~ **A** vehicle shall **NOT** be operated upon ~~any~~ **A** highway of this state with only the parking lights illuminated on the front of the vehicle.

~~(b) Whenever requirement is hereinafter declared as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in paragraph (a) of this section upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.~~

~~(c) Whenever requirement is hereinafter declared as to the mounted height of lamps or devices, it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.~~

Attachment E

Joseph M. Tessmer, "An Assessment of the Crash-Reducing Effectiveness of Passenger Vehicle Daytime Running Lamps (DRLs)," U.S. Department of Transportation, National Highway Traffic Safety Administration, Mathematical Analysis Division, National Center for Statistics and Analysis, September 2004, *http://www-nrd.nhtsa.dot.gov/Pubs/809760.PDF*

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4. Title and Subtitle	5. Report Date
An Assessment of the Crash-Reducing Effectiveness of Passenger Vehicle Daytime Running Lamps (DRLs)	September 2004
	6. Performing Organization Code: NPO-101
7. Author(s): Joseph M. Tessmer	8. Performing Organization Report No.
9. Performing Organization Name and Address: Mathematical Analysis Division, National Center for Statistics and Analysis, National Highway Traffic Safety Administration, U.S. Department of Transportation, NPO-121, 400 Seventh Street, S.W., Washington, D.C. 20590	10. Work Unit No. (TRAIS)
	11. Contract or Grant No.
12. Sponsoring Agency Name and Address: Mathematical Analysis Division, National Center for Statistics and Analysis, National Highway Traffic Safety Administration, U.S. Department of Transportation, NPO-121, 400 Seventh Street, S.W., Washington, D.C. 20590	13. Type of Report and Period Covered: NHTSA Technical Report
	14. Sponsoring Agency Code
15. Supplementary Notes	

Abstract

This study estimates the effectiveness of passenger vehicle daytime running lights in reducing two-vehicle opposite direction crashes, pedestrian/bicycle crashes, and motorcycle crashes. The authors chose the generalized simple odds, a conventional statistical technique, to analyze the data.

Results based on simple odds indicate that from 1995 to 2001:

- DRLs reduced opposite direction daytime fatal crashes by 5 percent.
- DRLs reduced opposite direction/angle daytime non-fatal crashes by 5 percent.
- DRLs reduced non-motorists, pedestrians and cyclists, daytime fatalities in single-vehicle crashes by 12 percent.
- DRLs reduced daytime opposite direction fatal crashes of a passenger vehicle with a motorcycle by 23 percent.

Reviewers of this paper required the inclusion of results using the odds ratio technique. The estimated the effect of DRLs are −6.3 percent, −7.9 percent, 3.8 percent, and 26 percent, respectively. None of these results were statistically significant.

17. Key Words	18. Distribution Statement
daytime running lamps, daytime running lights, DRL, DRLs, logistic regression, simple odds, fatal crashes, FARS, NASS, GES, motorcycle, pedestrians, cyclists	Document is available to the public through the National Technical Information Service, Springfield, VA 22161 http//:www.ntis.gov

19. Security Classif. (of this report)	20. Security Classif. (of this page)	21. No. of Pages	22. Price
Unclassified	Unclassified	36	

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Executive Summary

This study estimates the effectiveness of passenger vehicle daytime running lights in reducing two-vehicle opposite direction crashes, pedestrian/bicycle crashes, and motorcycle crashes. The authors chose the generalized simple odds, a conventional statistical technique, to analyze the data. The generalized odds ratio attempts to adjust for a variety of exogenous factors other than the presence or absence of DRLs not specifically controlled for within the model.

Significant results of this study show that from 1995 to 2001:

Simple Odds Results:

- DRLs reduced opposite direction daytime fatal crashes by 5 percent.
- DRLs reduced opposite direction/angle daytime non-fatal crashes by 5 percent.
- DRLs reduced non-motorists, pedestrians and cyclists, daytime fatalities in single-vehicle crashes by 12 percent.
- DRLs reduced daytime opposite direction fatal crashes of a passenger vehicle with a motorcycle by 23 percent.

The reviewers of this paper required the inclusion of an analysis based on odds ratio, which can be found in Appendix B. Like the simple odds, the odds ratio attempts to control for a variety of factors other than the presence or absence of DRLs. The estimated effectiveness of DRLs based on this technique is extremely sensitive to small changes encountered in real world crash data. As a result, reductions in target crashes during the daytime using the odds ratio technique may not be detected over the inherent background noise of the data system. **None** of the results based on the odds ratio are statistically significant.

Odds Ratio Results:

- DRLs reduced opposite direction daytime fatal crashes by –6.3 percent that is DRLs increase opposite direction daytime fatal crashes by 6.3 percent.
- DRLs reduced opposite direction/angle daytime non-fatal crashes by –7.9 percent that is DRLs increase opposite direction/angle daytime non-fatal crashes by 7.9 percent.
- DRLs reduced non-motorists, pedestrians and cyclists, daytime fatalities in single-vehicle crashes by 3.8 percent.
- DRLs reduced daytime opposite direction fatal crashes of a passenger vehicle with a motorcycle by 26 percent.

METHODOLOGY:

A case-control method was chosen as the approach for this study, since only specific make-models for each year were equipped with DRLs. The number of crashes for a set of passenger vehicles equipped with DRLs is compared to passenger vehicles manufactured in the same years without DRLs. The groups of vehicles are analyzed by time of day and crash type.

The generalized simple odds method was used to analyze the data. This technique implicitly attempts to control for factors, other than the presence or absence of DRLs, that could be associated with crash occurrences. The effectiveness of DRLs due to differences in passenger vehicle types, namely, passenger cars, SUVs, vans, and light/pickup trucks is addressed explicitly. The simple odds provided useful statistically significant results.

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Background

This is the second NHTSA study on the effectiveness of Daytime Running Lamps (DRLs). The preliminary study was published in June 2000 and is the basis of this research.

Many traffic crashes are the result of the failure of a driver to notice another vehicle. Visual contrast is an essential characteristic that enables a driver to detect vehicles. The purpose of daytime running lamps (DRLs) is to increase the drivers' ability to detect DRL-equipped vehicles, particularly in the peripheral visual field, by increasing visual contrast. Seven countries require the use of DRLs during all daytime periods: Canada, Denmark, Finland, Hungary, Iceland, Norway, and Sweden. Results of DRL studies from these countries consistently, however not conclusively, show that DRLs reduce the number of two-vehicle crashes during daylight, dusk, and dawn. This study examines the effectiveness of first-generation DRLs, using U.S. national data for passenger vehicles.

DRLs come in a variety of configurations. DRLs may be upper beam headlamps at reduced intensity, low-beam headlamps at full or reduced power, turn signals or dedicated lamps. In addition the brightness, color and light dispersion are design features of DRLs. Four manufacturers began equipping selected 1995 model year vehicles, for sale within the U.S., with DRLs. General Motors Corporation produces DRL-equipped vehicles with higher intensity DRLs than those used in Scandinavian countries. In the U.S. the availability of DRL-equipped vehicles has increased with each model year since 1995. Since the cost of DRLs is low, small reductions in the number of crashes would likely be considered cost effective. A partial chronological summary of results from several previous studies of the effectiveness of DRLs follows.

Finland's legislation of 1972 required the use of low-beam headlights in rural areas during winter. The rural multiple-vehicle daytime crash rate decreased by 27 percent as a result.[1]
In 1975, Clayton and Mackay[2], at Indiana University, found that drivers failing to process information properly caused almost half of all crashes. The most prevalent information processing errors were faulty visual perception, recognition errors and comprehension errors. In addition, it was shown that traffic crashes were due more to inattention and distraction than to poor vision. The crash reduction potential of DRLs lies in their ability to attract attention, especially in the peripheral visual field, thereby enhancing detect ability.

A study conducted by Transport Canada[3] in 1975-1976 examined the crash experience with part of the Canadian defense vehicle fleet equipped with automatic headlights, a version of DRLs. The results

[1]Andersson, K., Kilsson, G., and Salusjärvi, S. The Effect On Traffic Accidents on the Recommended use of Vehicle Running Lights in the Daytime in Finland. Report No 102. Swedish road and Traffic Research Institute (VTI), 1976.

[2]Claton, A.B. and Mackay, G.M. Actiology of Traffic Accidents. Health Bulletin, 31(4), 277-280, 1972.

[3]Attwood, D.A. The Potential of Daytime Running Lights as a Vehicle Collision Countermeasure. SAE Technical Paper 810190. Society of Automotive Engineers, 1981.

published by Attwood in 1981 showed a 20 percent crash decrease in the specially equipped vehicles compared to the comparison group of unmodified vehicles.

Swedish legislation required the use of DRLs throughout the year starting in October 1977. An 11 percent reduction in daytime crashes was observed. Two-vehicle, head-on crashes were reduced by 10 percent, angle crashes were reduced 9 percent, crashes involving a bicycle or moped were reduced by 21 percent, and crashes involving a pedestrian or a cyclist decreased 17 percent.[4] These results were questioned by Theeuwes and Riemersma in 1995[5], as the proportion of multi-party crashes was not reduced as a proportion of all crashes.

Hills, in 1980[6], and more recently Sekuler and Blake,[7] found that increasing the visual contrast of a vehicle increases the ability of other drivers to detect and monitor the vehicle. Low contrast between a vehicle and its background can be quite common during daylight hours. Contrast is reduced by color, rain, clouds and low levels of light that occur at dawn and dusk.

Stein reported in 1985[8] the results of a study by the Insurance Institute for Highway Safety (IIHS), which equipped over 2,000 passenger cars, light trucks and vans with DRLs. Relevant multi-vehicle crashes were 7 percent lower for the DRL-equipped vehicles than the comparison (unmodified) vehicles.

Norway required the installation of DRLs by vehicle manufacturers in January of 1985 and the use of low beam head lights was required on all vehicles in Norway not equipped with DRLs in April of 1988. Elvik reported[9] that a 15 percent reduction in all summertime multi-vehicle daylight crashes was achieved.

Canada required that all new passenger cars, trucks, multi-purpose vehicles, and buses manufactured for sale in Canada be equipped with DRLs after December 1, 1989. In September 1993 Arora, et al.[10]

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[4]Andersson, K. Nilsson, G. The Effects on Accidents of Compulsory Use of Running Lights During Daylight in Sweden. Report No. 208A, Swedish Road and Traffic Research Institute (VRI),1981.

[5]Theeuwes, J. and Riemersma, J. Daytime Running Lights as a Vehicle Collision Countermeasure: The Swedish Evidence Reconsidered. Accident. Anal. Prevention. 27:633-642, 1995.

[6]Hills, B.L. Vision, Visibility and Perception in Driving. Perception, 9, 183-216, 1980.

[7]Sekuler, R. and Blake, R. Perception, (Second Edition) Toronto: McGraw-Hill, 1990.

[8]Stein, H. Fleet Experience with Daytime Running Lights in the United States. SAE Technical Paper 851239. Warrendale, PA, Society of Automotive Engineers, 1985.

[9]Elvik, R. The Effects of Accidents of Compulsory Use of Daytime Running Lights for Cars in Norway. Accident Analysis and Prevention, 25(4) 383-398, 1993.

[10]Arora, H. Collard, D. Robbins, G. Welbourne, E.R. White, J.G. Effectiveness of Daytime Running Lights in Canada, Report No. TP1298 (E), Transport Canada 1994.

conducted an extensive analysis on the effectiveness of DRLs for Transport Canada. They estimate that relevant crashes were reduced by 11.3 percent, which was statistically significant at $p<0.05$.

In October of 1990, Denmark required universal use of DRLs. No overall effect was reported. However, Hansen identified a statistically significant 37 percent decrease in crashes involving a left turn in 1993[11].

Hungary has required the use of DRLs on rural roads since March 1993. Hollo studied the crash experience of DRL-equipped vehicles and presented the findings at a conference in the Czech Republic in 1995[12]. Several changes in traffic regulations and enforcement, which includes the reduction of the speed limit, stricter seat belt laws, increases in police patrols, significantly higher fines and a campaign to increase public awareness of traffic-related issues were considered confounding factors, thereby making it difficult to estimate the effect of DRLs. Nonetheless, Hollo estimates that DRLs reduced the number of rural daytime "frontal and cross traffic" crashes by 7 to 8 percent. Hallo further claims that during "good visibility" crashes are reduced 11 to 14 percent.

IIHS' Highway Loss Data Institute (HLDI) in 1997[13] released findings from a study of the personal injury claims for vehicles that added DRLs as a standard feature in 1995 and 1996, compared to the claim frequencies for the same makes and models prior to adding DRL. The number of relative claims was found to have increased slightly after DRLs were introduced. However, HLDI's study was not able to identify a consistent pattern of increases among vehicles. HLDI's study hypothesized that this finding was not surprising, as "...claims for striking vehicles, single-vehicle crashes, and nighttime crashes could not be identified..." and therefore, could not be excluded from the study. Striking vehicle, single-vehicle, and nighttime crashes would not likely be impacted by the presence of DRLs.

Tofflemire and Whitehead[14] re-analyzed the Canadian DRL law in 1997 using a "quasi-experimental comparative posttest design" and found that opposite direction and angle crashes were reduced by 5.3 percent, which was statistically significant at $p<0.05$. The study concluded that the DRL law had a greater effect on opposite direction crashes (15 percent reduction) than angle crashes (2.5 percent reduction).

Each province in Canada was individually analyzed. Only Nova Scotia and New Brunswick

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[11]Hansen, L.K. Daytime Running Lights in Denmark - Evaluation of the Safety Effect. Translated exact.

[12]Hollo, P. Changes of the DRL-Regulations and their Effects on Traffic Safety in Hungary. Paper presented at the conference: Strategic Highway Safety Program and Traffic Safety, the Czech Republic, September 20-22, 1995. Preprint for sessions on September 21, 1995.

[13]Highway Loss Data Institute Bulletin Volume 15, Number 1, December 1997.

[14]Tofflemire, T. C., Whitehead, P.C. An Evaluation of the Impact of Daytime Running Lights on Traffic Safety in Canada, Journal of Safety Research, Volume 28, Number 4, 1997.

experienced a statistically significant ($p<0.05$) reduction in crashes.

While the 1993 and 1997 Canadian studies described above are among the few studies reporting statistically significant results, in most other studies the data sets are small, which can result in nonsignificant statistical results, even when an effect might exist.

Hollo[15] reported that DRLs reduced daylight frontal and crossing vehicle crashes by 4.7 percent to 15.2 percent in Hungary, depending on the statistical technique used and assumptions made.

Tessmer[16] estimated that the effectiveness of DRLs in US fatal two-vehicle opposite-direction crashes ranged from –8 percent to 2 percent. For non-fatal crashes the effectiveness ranged from 5 percent to 7 percent. For pedestrians fatalities in single-vehicle crashes, the estimated effectiveness ranged from 28 percent to 29 percent.

Lau[17] estimates that DRLs reduce multiple vehicle crashes by 5 to 13 percent. Lau even estimates that DRLs reduce multiple vehicle nighttime crashes by 5 percent, which suggests that there may a confounding lurking variable within the data.

Farmer and Williams[18] demonstrated that DRLs are associated with a 3.2 percent decline in multiple-vehicle daylight crashes.

Thompson[19] in 2003 presented a paper at the April SAE meeting in Washington, DC. He estimated that DRLs reduced multiple vehicle collisions by 2.3 percent to 12.4 percent, depending on DRL type.

Table 1 summarizes findings from studies of the effectiveness of DRLs in several countries, including the U.S. The individual studies are identified by year, investigator(s), the type of study, i.e., did the study analyze the effects of DRLs on a specific fleet of vehicles, a case controlled study, or the result of a change in the law, applicable country, and the estimated effects of DRLs.

Table 1
Summary of Findings on DRL Effectiveness*

[15]Hollo, P., Changes in the Legislation on the Use of Daytime Running Lights by Motor Vehicles and Their Effect on Road Safety in Hungary, Accid. Anal. And Prev., Volume 30, No.2, pp 183-199, 1998.

[16]Tessmer, J.M., A Preliminary Assessment of the Crash-Reducing Effectiveness of Passenger Car Daytime Running Lamps (DRLs) ; DOT HS 808 645, June 2000.

[17] Lau, E. Daytime Running Light Effectiveness A Preliminary Evaluation, Presented at a Government/Industry Meeting, June 19-21, 2000 Washington, DC.

[18] Farmer, C.M. and Williams, A.F. Effects of daytime running lights on multiple-vehicle daylight crashes in the United States; Accid. Anal. And Prev., Volume 34, pp 197-203, 2002.

[19]Thompson, P.A., Daytime Running Lamps (DRLs) for Pedestrian Protection SAE Paper 2003-0102072, April 2003.

Year	Investigator(s)	Study Type	Country	Estimated Effects
1972	Anderson et al[1]	Law	Finland	27% reduction rural multi-vehicle
1975	Attwood[3]	Fleet	Canada	20% some defense vehicles
1977	Anderson et al[4]	Law	Sweden	9% to 21% crash type dependent
1985	Stein[8]	Fleet	U.S.	7% reduction selected vehicles
1988	Elvik[9]	Law	Norway	15% reduction summer multi-vehicle
1993	Arora et al[10]	Law	Canada	11.3% reduction 2-vehicle opposite-direction
1993	Hansen[11]	Law	Denmark	up to 37% reduction - crash type dependent
1995	Hollo[12]	Law	Hungary	7% to 14% reduction frontal cross traffic
1997	Tofflemire et al[14]	Law	Canada	5.3% reduction opposite direction/angle crashes
1998	Hollo[15]	Law	Hungary	4.7% to 15.2% reduction frontal cross traffic
2000	Tessmer[16]	CC	U.S.	-8% to 29% crash type dependent
2000	Lau[17]	CC	U. S.	5% to 13% reduction multiple vehicle crashes
2002	Farmer et al[18]	CC	U.S.	3.2% decline in mult. vehicle daylight crashes
2003	Thompson[19]	CC	U.S.	2.3% to 12.4% DRL type dependent

* See Bibliography for detailed information on published studies.

Several factors could influence the effectiveness of DRLs, e.g., geography and the climate, the mix of rural and urban crashes, traffic conditions, and manner of collision. The approach of this study attempts to limit the influence of such exogenous variables by using comparison groups where the effects should be similar. This study examines the effectiveness of DRLs in the U.S. for vehicles of model years 1995 and later. Two sources of data maintained by the National Highway Safety Traffic Administration (NHTSA) are used to study DRL effectiveness: the Fatality Analysis Reporting System (FARS) and the National Automotive Sampling System/ General Estimates System (NASS/GES).

Methodological Changes from Preliminary Assessment

This study is the second study conducted by NHTSA to determine the effectiveness of Daytime Running Lamps (DRLs). The same basic statistical techniques to evaluate DRLs have been used. However, with the collection of additional data and the knowledge gained from NHTSA's first study, A Preliminary Assessment of the Crash-Reducing Effectiveness of Passenger Car Daytime Running Lamps (DRLs), which appeared in 2000, several improvements have been made. A great deal was learned about using

national traffic crash data to analyze DRLs, which guided our efforts in the current study.

In the original study two comparison groups of fatal crashes were used, single vehicle fatal crashes and 2-vehicle same direction fatal crashes. There are many more single vehicle fatal crashes than 2-vehicle same direction fatal crashes. The results of the analysis based on using the 2-vehicle same direction fatal crashes do not produce sufficient power to reject the null hypothesis. Critics of the earlier study pointed out that in same direction crashes, a potential striking vehicle with DRLs could have the DRLs detected in the rear view mirror of the potentially stuck vehicle, which could then take corrective action. They argue that same direction crashes are not independent of DRLs and using them, as a comparison group would skew the results. For these two reasons, analysis using 2-vehicle same direction fatal comparison crashes has been eliminated from this study.

In the original study, both the simple odds, $O = TD/(CD+TN+CN)$[20], and the odds ratio, $? = (TD/CD)/(TN/CN)$[1], were used in the analysis. The standard error of the odds ratio is much larger than the standard error of the simple odds. To be statistically precise, when using the simple odds, the null hypothesis can be marginally rejected, however, the power of the odds ratio is not sufficient to reject the null hypothesis. Therefore the analysis in the main body of this report was based solely on the simple odds. Several reviewers of the report required publication of the non-statistically significant results, based on the odds ratio. The results based on the odds ratio can be found in Appendix B of this report. Generalized forms of the simple odds and the odds ratio were also used in this study; see the appendices. A generalized form of the ratios allows one to adjust for a variety of identifiable factors such as vehicle type.

Target vehicles with DRLs and the comparison vehicles without DRLs have been partitioned in a different way. In the original study two groups of comparison passenger cars were used. The groups of target and comparison vehicles were identified by make and model. The original study's first comparison group consisted of vehicles of the same make and model prior to the adoption of DRLs. Vehicles in this comparison group were from 1 to 6 years older than the target vehicles equipped with DRLs. To eliminate the potential bias due to age in the original study a second group of comparison vehicles was selected, namely vehicles manufactured by the Ford Motor Company at the same time that the target vehicles were manufactured.

In the current study, the vehicles under analysis have been expanded from passenger cars to passenger vehicles. Both the target and comparison vehicles have been identified by analysis of the vehicle identification number (VIN). Target and comparison vehicles were all manufactured during the same time period. All passenger vehicles that could be classified as having DRLs as standard equipment were classified as target vehicles. All passenger vehicles that did not have DRLs as standard equipment nor as a standard option were included as comparison vehicles.

The effectiveness of DRLs in preventing fatal two-vehicle daytime opposite direction crashes of passenger vehicles with motorcycles was examined.

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[20] See Appendix A, Page 19 for additional details on the simple odds and odds ratios.

Four states, Florida, Maryland, Missouri and Pennsylvania were used to examine the effectiveness of DRLs for non-fatal crashes in the original study. However, one cannot extrapolate the effectiveness of DRLs to the nation. To obtain a national estimate, data from the General Estimates System (GES) was used. Since GES is a survey and not a census of crashes, software for the statistical analysis of correlated data, SUDAAN, was used to obtain credible estimates of statistical significance.

Finally a meta-analysis was used in the original study to attempt to provide an overall estimate of DRL effectiveness. This has been eliminated from the current analysis since the survey data was used to estimate the effects of DRLs for non-fatal crashes. The mixture of survey data and census data in a meta-analysis does not provide reliable results.

Data and Methodology

Previous studies of DRL effectiveness often have used a before vs. after approach. This approach is appropriate, for example, when a law goes into effect at a given point in time and one wishes to determine the effect of that law on traffic crashes. A case-control method was chosen as the approach for this study, since only specific make-models for each year were equipped with DRLs. A case-control method attempts to control for factors, other than the presence or absence of DRLs that could be associated with crash occurrence. In this study, the number of crashes for a fleet of vehicles equipped with DRLs is compared to a fleet of vehicles without DRLs produced in the same years. Both groups of vehicles are analyzed by time of day and crash type. Analysis of the Vehicle Identification Number (VIN) was used to partition passenger cars, vans, pickups/light trucks, and sport utility vehicles (SUVs) into a fleet of vehicles that did and did not have DRLs. Passenger vehicles that permitted DRLs as a standard option were removed from the analysis, since one could not analyze the VIN to determine if the specific vehicle was or was not equipped with DRLs.

Data from FARS[21] for calendar years 1995 - 2001 were used to examine DRL effectiveness for fatal two-vehicle opposite-direction crashes and for single-vehicle pedestrian/cyclist crashes. NASS/GES[22] data for calendar years 1995 – 2001 were used to examine DRL effectiveness for non-fatal two-vehicle opposite-direction crashes.

The analysis focused on the possible effect of DRLs in reducing crashes during daylight or twilight hours, as opposed to nighttime hours, when traditional lighting would be in use by all drivers. Therefore, the

[21] Fatal crash data are from NHTSA's *Fatality Analysis Reporting System (FARS)*. FARS contains data on a census of fatal traffic crashes within the United States and Puerto Rico. A crash must involve a motor vehicle traveling on a public roadway and must result in the death of an occupant of a vehicle or a non-motorist within 30 days of the crash to be included in FARS.

[22] Non-fatal crash data are from NHTSA's *National Automotive Sampling System/General Estimates System (NASS/GES)*. NASS/GES contains data from a survey of approximately 55,000 weighted traffic crashes across the United States. Both injury crashes and property damage only crashes are included.

target time period is daytime, including dawn and dusk, and the comparison time period is night[23].

Target crashes and comparison crashes are defined by the crash configuration. Ideally, the only difference between daytime target crashes and daytime comparison crashes is that the set of daytime target crashes consists of crashes that could be affected by DRLs, while the set of daytime comparison crashes consists of crashes that would not be affected by DRLs. A target crash is a crash where the DRLs can be seen by the driver of the other crash involved vehicle. A comparison crash is a crash involving a single vehicle, where the visibility of DRLs is not relevant.

Neither the FARS nor the NASS/GES databases have a variable that partitions the data exactly into target and comparison crashes. Both data sets have variables, which permit one to approximate the desired partition. Therefore, it is possible that the partition of target crashes and comparison crashes may not be perfect. For example, the geometry of an angle crash might prevent a driver from seeing the DRLs of the other vehicle. If angle crashes that cannot be affected by DRLs are included in the set of target crashes, the estimated effect of DRLs, using FARS may be underestimated. Since the effectiveness is expected to be small, fatal target crashes have been limited to head-on crashes and sideswipe opposite direction crashes. Although the glare from DRLs may contribute to a single vehicle crash, this is unlikely. However, the data do not have the fidelity to identify such crashes. At night, one assumes neither the target crashes nor the comparison crashes should be affected by DRLs. This assumption, like all assumptions can be challenged. For example, if a driver of a DRL-equipped vehicle does not turn on his head/tail lights at night a crash may result. Again this unlikely set of events is within the realm of possibility; however, the available data do not permit one to identify or analyze such crashes. Two-vehicle target crashes were further distinguished, for the purposes of this study, by focusing on those involving crashes in which the two vehicles were traveling in opposite-directions.

The FARS and NASS/GES target crashes include head-on and sideswipe opposite direction crashes[24]. The set of single-vehicle crashes is used as a set of comparison crashes. The comparison groups of crashes, ideally, would represent those crashes, which would not be affected by the presence or absence of DRLs. In the case of nighttime crashes, it has been pointed out that the use of DRLs may cause headlamps to burn out more frequently, contributing to an increase in nighttime crashes. However, only early Volkswagen and Volvo vehicles use full intensity lower beam headlamps for DRLs. In addition, all vehicles equipped with DRLs are relatively new, model year 1995 and later, so the potential problem of burned out headlamps should be minimal. Hauer (1995) pointed out that single-vehicle crashes might also be affected by DRLs. Namely, two-vehicles on a collision course may detect each other earlier due to DRLs. In such a situation, a multi-vehicle crash may be avoided and a single-

[23] An alternative partition of the light condition would be to exclude all dawn and dusk crashes from the analysis. A preliminary analysis to calculate the point estimate of DRL effectiveness during dawn and dusk was made. The result showed a larger value of DRL effectiveness during dawn and dusk than during the day. However, due to the limited number of dawn and dusk crashes, the result was not statistically significant.

[24] Sideswipe opposite direction crashes are two-vehicle crashes with the vehicles moving in opposite directions. The initial engagement does not overlap the corner of either vehicle by more than four inches, so that there is no significant involvement of the front or rear surface areas. In addition, there is no pocketing of the impact in the suspension areas. The impact swipes along the surface of the vehicles parallel to the direction of travel. There is low retardation of the force along the surface of the vehicles.

vehicle crash may result. Thus, the two comparison groups, nighttime crashes and single-vehicle crashes may not be statistically independent of DRLs, a required theoretical assumption for the analysis performed here. However, from a practical point of view, these two groups are as statistically independent from the target as is reasonably possible. That is, in general, a two-vehicle opposite-direction crash does not cause, nor does it prevent, a single vehicle crash. Likewise, a single-vehicle crash does not cause, nor does it prevent, a two-vehicle crash.

Two-vehicle crashes involving the rear end of one or more vehicles and sideswipe same-direction crashes have been eliminated from the study. Two-vehicle rear-end and sideswipe same-direction crashes might be meaningful choices for comparison crashes because they share similar vision-related causal factors as the target crashes, even though DRLs could play a role as a countermeasure in rear end crashes. One problem is that the number of such crashes is much smaller than single vehicle crashes and the results would not have enough power to reject the null hypothesis. However, there is another argument that although rear-end and same-direction sideswipe crashes are not the intended target of DRLs, they are relevant since they draw attention to following vehicles – particularly tailgating vehicles – where drivers may respond with actions that potentially can increase or decrease the risk of a crash. If this is the case, design issues of location, brightness and color may be relevant.

Crashes of three or more vehicles were eliminated from the analysis. The crash geometry can become quite complex and vague for crashes of three or more vehicles and the number of such crashes is small. It is easy to misclassify such a crash. Therefore, to reduce the possibility of contamination of the analysis, all crashes involving three or more vehicles have been eliminated.

Another possible source of contamination, albeit a small one, is crashes involving parked vehicles in a fatal crash. To insure a vehicle involved in the crash was not parked, the requirement that a driver was present or that the driver had left the scene, was imposed.

The vehicles in the analysis were restricted to passenger vehicles of model year 1995 and later. Passenger vehicles include passenger cars, SUVs, light tucks, and vans. The target group of vehicles with daytime running lamps and the comparison group of vehicles without daytime running lamps were identified by analysis of the Vehicle Identification Number, VIN. Analysis of the VIN partitioned vehicles into 4 distinct groups: 1) vehicles that had DRLs as standard equipment, 2) vehicles that did not have DRLs as standard equipment nor as a standard option,
3) vehicles that have DRLs as a standard option, and 4) other vehicles including vehicles where the VIN was not reported or could not be decoded.

The target group of vehicles was the group of vehicles with DRLs as standard equipment. The comparison group of vehicles was the group of vehicles without DRLs, which did not have DRLs as a standard option. Vehicles with DRLs as a standard option and the vehicles in the "other" category were eliminated from the analysis.

Caveats

To analyze the effect of a new vehicle safety device one needs to compare it to vehicles that do not have the device and in situations that should and should not be affected by the device. One attempts to assure that the respective partition of vehicles and crashes eliminates any lurking variables, but this can never be fully guaranteed. The selection and partition of vehicles and crashes were based on the analytic judgment.

DRL Effectiveness in Fatal Two-Vehicle Crashes

The target crashes are two-vehicle crashes where the vehicles are traveling in opposite-directions. The target crashes include head-on, and sideswipe opposite direction crashes. Single-vehicle crashes are the comparison crashes.

Table 2 shows the cross tabulation of the target and single-vehicle crashes under daytime and nighttime conditions for vehicles equipped with DRLs.

Table 2
DRL-Equipped Vehicles in Target and Single-Vehicle Fatal Crashes, FARS 1995-2001

Time of Day	Target Crashes	Single-Vehicle Crashes	Total
Daytime	2,117	3,360	5,477
Nighttime	1,047	4,573	5,620
Total	3,164	7,933	11,097
Source: NHTSA, NCSA, FARS			

Table 3 shows the cross tabulation of the target and single-vehicle crashes under daytime and nighttime conditions for the comparison group of vehicles without DRLs.

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Table 3
Vehicles w/o DRL in Target and
Single-Vehicle Fatal Crashes, FARS 1995-2001

Time of Day	Target Crashes	Single-Vehicle Crashes	Total
Daytime	6,699	10,058	16,757
Nighttime	3,450	13,413	16,863
Total	10,149	23,471	33,620
Source: NHTSA, NCSA, FARS			

DRL Effectiveness in Fatal Two-Vehicle Crashes - Results

The effectiveness, based on the simple odds, of DRLs in preventing two-vehicle opposite direction fatal crashes during daylight is estimated to be **5.3** percent with ($p = 0.052$).

Passenger vehicle type may influence the effectiveness of DRLs. To examine this issue, vehicle types were included in the logistic fit of the data. The results are similar. The effectiveness, based on the simple odds, of DRLs in preventing two-vehicle opposite direction crashes during daylight is estimated to be **5.1** percent with ($p = 0.061$) when adjusting for vehicle type.

DRL Effectiveness in Non-Fatal Two-Vehicle Crashes

The target crashes are two-vehicle crashes where the vehicles are traveling in opposite-directions. Single-vehicle crashes are the comparison crashes.

Table 4 shows the cross tabulation of the target and single-vehicle non-fatal crashes under daytime and nighttime conditions for vehicles equipped with DRLs. Since NASS/GES is a complex sample survey a program such as SUDAAN must be used to estimate the level of significance of the parameters.

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Table 4
DRL-Equipped Vehicles in Target and
Single -Vehicle Non-Fatal Crashes, NASS/GES 1995-2001

Time of Day	Target Crashes	Single-Vehicle Crashes	Total
Daytime	972,000	248,000	1,220,000
Nighttime	215,000	216,000	432,000
Total[25]	1,188,000	464,000	1,652,000
Source: NHTSA, NCSA, NASS/GES			

Table 5 shows the cross tabulation of the target and single-vehicle non-fatal crashes under daytime and nighttime conditions for the comparison group of vehicles without DRLs.

Table 5
Vehicles w/o DRL in Target and
Single-Vehicle Non-Fatal Crashes, NASS/GES 1995-2001

Time of Day	Target Crashes	Single-Vehicle Crashes	Total
Daytime	3,074,000	737,000	3,812,000
Nighttime	695,000	608,000	1,303,000
Total[24]	3,770,000	1,345,000	5,115,000
Source: NHTSA, NCSA, NASS/GES			

DRL Effectiveness in Non-Fatal Two-Vehicle Crashes - Results

The effectiveness, based on the simple odds, of DRLs in preventing two-vehicle opposite direction non-fatal crashes during daylight is estimated to be **5.2** percent with ($p = 0.075$).

Passenger vehicle type may influence the effectiveness of DRLs. To examine this issue, vehicle types were included in the logistic fit of the data. The results are similar. The effectiveness of DRLs in preventing two-vehicle opposite direction non-fatal crashes during daylight is estimated to be **4.4** percent with ($p = 0.133$) when adjusting for vehicle type. Since the value of p is greater than 0.1, the null hypothesis cannot be rejected. However, since this estimate of effectiveness is similar to the significantly significant value calculated without adjusting for vehicle type, with ($p = 0.075$) one could interpret this estimate as a weak confirmation of the previous result.

[25] Totals may not add due to rounding.

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DRL Effectiveness in Fatal Single-Vehicle Pedestrian/Cyclist Crashes

As daytime running lamps reduce two-vehicle opposite-direction crashes, daytime running lamps may also reduce single-vehicle crashes with pedestrians or cyclists. To answer that question, one can modify the approach used above. FARS, 1995 to 2001, can again be used for this analysis. However, the analysis is performed at the person level, rather than the vehicle level[26]. The target group of persons is fatally injured pedestrians and cyclists in single vehicle crashes; the comparison group of persons is fatally injured occupants in single vehicle crashes. The target time period is daytime, including dawn and dusk and the comparison time period is night. The results follow:

Table 6
Single-vehicle Pedestrian and Cyclist Fatalities FARS 1995-2001
Vehicles Equipped with DRLs

Time of Day	Pedestrian and Cyclist Deaths	Occupant Deaths	Total
Daytime	710	6,288	6,998
Nighttime	1,153	8,136	9,289
Total	1,863	14,424	16,287
Source: NHTSA, NCSA, FARS			

Table 7
Single-vehicle Pedestrian and Cyclist Fatalities FARS 1995-2001
Vehicles Not Equipped with DRLs

Time of Day	Pedestrian and Cyclist Deaths	Occupant Deaths	Total
Daytime	2,515	19,540	22,055
Nighttime	3,876	24,946	28,822
Total	6,391	44,486	50,877
Source: NHTSA, NCSA, FARS			

[26] It is possible for a pedestrian fatality and an occupant fatality to occur in the same crash. In this case, both the pedestrian and cyclist death cell and occupant death cell are incremented. To avoid potential single vehicle crashes involving a pedestrian/cyclist death and an occupant death from confounding the data, this analysis is performed at the person level, not the crash level.

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DRL Effectiveness in Fatal Single-Vehicle Pedestrian/Cyclist Crashes - Results

The effectiveness, based on the simple odds, of DRLs in preventing single-vehicle pedestrian/cyclist fatalities during daylight is estimated to be **12.4** percent with ($p = 0.002$).

Passenger vehicle type may influence the effectiveness of DRLs. To examine this issue, vehicle types were included in the logistic fit of the data. The results are similar. The effectiveness, based on the simple odds, of DRLs in preventing single-vehicle pedestrian/cyclist fatal crashes during daylight is estimated to be **12.9** percent with ($p = 0.002$) when adjusting for vehicle type.

DRL Effectiveness in Fatal Crashes of a Passenger Vehicle with a Motorcycle

Target crashes are two-vehicle opposite direction crashes between a passenger vehicle and a motorcycle. Comparison crashes are single vehicle crashes. In the analysis that follows, the DRL status of the passenger vehicle involved in a two-vehicle crash with a motorcycle determined if the crash was a DRL equipped crash or a non-DRL equipped crash.

Table 8 shows the cross tabulation of the target and single passenger vehicle crashes under daytime and nighttime conditions for passenger vehicles equipped with DRLs.

Table 8
Passenger Vehicles with DRLs Involved in Fatal 2-Vehicle Crashes of a Motorcycle and a Single Passenger Vehicle, FARS 1995-2001

Time of Day	Target 2-Vehicle Motorcycle Crashes	Single Passenger Vehicle Crashes	Total
Daytime	62	3,360	3,422
Nighttime	30	4,573	4,603
Total	92	7,933	8,025
Source: NHTSA, NCSA, FARS			

Table 9 shows the cross tabulation of the target and single passenger vehicle crashes under daytime and nighttime conditions for the comparison group of passenger vehicles without DRLs.

Table 9
Passenger Vehicles w/o DRLs Involved in Fatal 2-Vehicle Crashes of a Motorcycle and a Single Passenger Vehicle, FARS 1995-2001

Time of Day	Target 2-Vehicle Motorcycle Crashes	Single Passenger Vehicle Crashes	Total
Daytime	239	10,058	10,297
Nighttime	86	13,413	13,499
Total	325	23,471	23,796
Source: NHTSA, NCSA, FARS			

DRL Effectiveness in Fatal Crashes of a Passenger Vehicle with a Motorcycle - Results

The effectiveness, based on the simple odds, of DRLs in preventing two-vehicle opposite direction crashes between a passenger vehicle and a motorcycle during daylight is estimated to be **23.2** percent with ($p = 0.065$).
Passenger vehicle type may influence the effectiveness of DRLs. To examine this issue, vehicle types were included in the logistic fit of the data. The results are similar. The effectiveness, based on the simple odds, of DRLs in preventing two-vehicle opposite direction crashes between a passenger vehicle and a motorcycle during daylight is estimated to be **22.6** percent with ($p = 0.074$) when adjusting for vehicle type.

Conclusions

The effectiveness of daytime running lamps, based on the simple odds, was analyzed in the preceding sections using data from FARS and NASS/GES from calendar years 1995 to 2001. FARS and NASS/GES data show that during the period of the study 1995 to 2001, DRLs reduced daylight two passenger vehicle opposite-direction crashes by about 5 percent. DRLs have also been shown to reduce fatal opposite direction crashes between a motorcycle and a passenger vehicle by 23 percent. The results for two-vehicle daytime opposite-direction crashes are statistically significant at the $p < 0.10$ level, although one would prefer a statistical level of
$p < 0.05$.

FARS data were also used to estimate the effectiveness, based on the simple odds, of DRLs in reducing pedestrian/cyclist fatalities in single-vehicle fatal crashes. The analysis shows that DRLs reduced pedestrian/cyclist fatalities by more than 12 percent. These results are highly significant at a statistical level of $p = 0.002$.

This analysis is based on US historical data and does not reflect what will happen in the future. The techniques used do not predict the crash reducing effectiveness of DRLs if the entire fleet is equipped with DRLs nor if drivers become habituated to DRLs. These are limitations of historical crash data.

As additional data become available it may be appropriate to further investigate the effectiveness of DRLs in a variety of crash configurations including pedestrian and motorcycle crashes.

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Appendix A

Analytic Approach

The primary analytic approach used to estimate the effectiveness, E, of daytime running lamps is based on the generalized simple odds. The effectiveness, based on the simple odds approach, is defined as:

$$E = 1 - e^{\beta}$$

Where ß is the coefficient of the following equation:

$$TC_DT = \beta * DRL + S_i ?_i * X_i + error$$

Where: TC_DT = 1 if the crash is a target crash that occurred during the day, 0 otherwise and DRL = 0 if the vehicle has DRLs, otherwise 1. A bivariate logistic fit of the data is calculated using a maximum likelihood estimate. FARS data can be analyzed using SAS®, however, since NASS/GES data come from a complex survey rather than a census, SUDAAN had to be used to estimate the variance and significance of the estimated coefficients.

In the event that one does not need to control for variables such as vehicle type, the X_i terms are zero and an arithmetic approach to calculate the effectiveness exists. In this case, the effectiveness, E is equivalent to:

$$E = 1 - (O_{DRL}/O_{CMP})$$

Where

$$O = TD/(CD+TN+CN)$$

and is evaluated for both the vehicles equipped with DRLs, O_{DRL}, and the vehicles in the comparison group without DRLs, O_{CMP}.

TD is the number of vehicles/persons in **T**argeted crashes during **D**aylight.

CD is the number of vehicles/persons in **C**omparison crashes during **D**aylight.

TN is the number of vehicles/persons in **T**argeted crashes at **N**ight.

CN is the number of vehicles/persons in **C**omparison crashes at **N**ight.

In this simplified case, for FARS data, the variance of ln (1-E), can be estimated as the sum of the squared of the reciprocals of the four groups of observations. That is:

$$VAR\,[\ln(1-E)] \approx [1/TD_{DRL}]^2 + [1/(CD_{DRL} + TN_{DRL} + CN_{DRL})]^2 + [1/TD_{CMP}]^2 + [1/(CD_{CMP} + TN_{CMP} + CN_{CMP})]^2$$

This technique to estimate the variance of the ln(1-E) does not apply to weighted survey data, which requires complex software such as SUDAAN.

Logistic Regression Estimates Using the Simple Odds

Note that, with the exception of Table A-4, the value of p for the coefficient of DRL is < 0.1.

Table A-1
DRL Effectiveness in Fatal Two-Vehicle Crashes Based on Simple Odds

Parameter	Odds Ratio	Estimate	Standard Error	Wald Chi-Square	Pr > ChiSq p
Intercept	N/A	1.4450	0.0242	3,577.07	<0.0001
DRL	0.947	-0.0541	0.0278	3.79	0.0515

Source: NHTSA, NCSA, FARS, SAS®

Table A-2
DRL Effectiveness in Fatal Two-Vehicle Crashes / Adjusted for Vehicle Type Based on Simple Odds

Parameter	Odds Ratio	Estimate	Standard Error	Wald Chi-Square	Pr > ChiSq p
Intercept	N/A	1.4902	0.0270	3,053.61	< 0.0001
DRL	0.949	-0.0523	0.0279	3.52	0.0606
Sport Utility	1.211	0.1917	0.0356	29.01	<0.0001
Van	0.475	-0.2938	0.0442	44.11	<0.0001
Light Trucks	0.817	-0.2025	0.0283	51.10	<0.0001

Source: NHTSA, NCSA, FARS, SAS®

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Table A-3
DRL Effectiveness in Non-Fatal Two-Vehicle Crashes Based on Simple Odds

Parameter	Odds Ratio	Estimate	Standard Error	Wald Chi-Square	Pr > ChiSq p
Intercept	N/A	-0.3579	0.05	3.33	0.0751
DRL	0.948	-0.0529	0.03	3.33	0.0751

Source: NHTSA, NCSA, NASS/GES, SUDAAN

Table A-4
DRL Effectiveness in Non-Fatal Two-Vehicle Crashes / Adjusted for Vehicle Type Based on Simple Odds

Parameter	Odds Ratio	Estimate	Standard Error	Wald Chi-Square	Pr > ChiSq p
Intercept	N/A	-0.3779	0.13	3.74	0.0017
DRL	0.956	-0.0445	0.03	2.34	0.1333
Sport Utility	1.099	0.0941	0.05	4.30	0.0441
Van	0.826	-0.1906	0.08	6.13	0.0173
Light Trucks	1.089	0.0856	0.05	3.53	0.0672

Source: NHTSA, NCSA, NASS/GES, SUDAAN

Table A-5
DRL Effectiveness in Fatal Single-Vehicle – Pedestrian/Cyclist Crashes Based on Simple Odds

Parameter	Odds Ratio	Estimate	Standard Error	Wald Chi-Square	Pr > ChiSq p
Intercept	N/A	3.0883	0.0384	6,476.45	<0.0001
DRL	0.876	-0.1318	0.0435	9.19	0.0024

Source: NHTSA, NCSA, FARS, SAS®

Table A-6
DRL Effectiveness in Fatal Single-Vehicle – Pedestrian/Cyclist Crashes Adjusted for Vehicle Type Based on Simple Odds

Parameter	Odds Ratio	Estimate	Standard Error	Wald Chi-Square	Pr > ChiSq p
Intercept	N/A	3.1449	0.0427	5,424.56	<0.0001
DRL	0.871	-0.1377	0.0437	9.94	0.0016
Sport Utility	1.231	0.2082	0.0527	15.58	<0.0001
Van	0.812	-0.2086	0.0586	12.69	0.0004

Light Trucks	0.752	-0.2853	0.0445	41.08	<0.0001

Source: NHTSA, NCSA, FARS, SAS®

Table A-7
DRL Effectiveness for Two-Vehicle Fatal Crashes
Involving a Motorcycle and a Passenger Vehicle Based on Simple Odds

Parameter	Odds Ratio	Estimate	Standard Error	Wald Chi-Square	Pr > ChiSq p
Intercept	N/A	4.8552	0.1275	1,450.52	<0.0001
DRL	0.768	-0.2645	0.1431	3.42	0.0645

Source: NHTSA, NCSA, FARS, SAS®

Table A-8
DRL Effectiveness for Two-Vehicle Fatal Crashes
Involving a Motorcycle and a Passenger Vehicle Adjusted for Vehicle Type
Based on Simple Odds

Parameter	Odds Ratio	Estimate	Standard Error	Wald Chi-Square	Pr > ChiSq p
Intercept	N/A	5.1603	0.1478	1,224.38	<0.0001
DRL	.0774	-0.2564	0.1436	3.19	0.0741
Sport Utility	0.627	-0.4664	0.1572	8.80	0.0030
Van	0.499	-0.6960	0.2044	11.60	0.0007
Light Trucks	0.557	-0.5846	0.1408	17.25	<0.0001

Source: NHTSA, NCSA, FARS, SAS®

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Appendix B

Alternate Analytic Approach

This section is included at the request of the reviewers of the paper. The odds ratio is easier to understand for inexperienced analysts than the simple odds and, like the simple odds, attempts to control for a variety of factors other than the presence or absence of DRLs. Unfortunately, when using the odds ratio, the estimated effectiveness of DRLs is extremely sensitive to small changes encountered in real world crash data and none of the results were statistically significant. This does not mean that DRLs do not reduce target crashes during the daytime. It just means that the odds ratio technique does not detect these changes over the inherent background noise of the data system.

The effectiveness, based on the odds ratio, is defined as:

$$E = 1 - e^{\beta}$$

Where ß is the coefficient of the following equation:

$$LIGHT = \beta*(DRL \times CRASH) + a_1*DRL + a_2*CRASH + \sum_i ?_i*X_i + error$$

Where: LIGHT = 1 if the crash occurred during the day, 0 otherwise
DRL = 0 if the vehicle has DRLs, otherwise 1.
CRASH =1 if the crash is a target crash, and 0 if the crash is a comparison crash.

A bivariate logistic fit of the data is calculated using a maximum likelihood estimate. FARS data can be analyzed using SAS®, however, since NASS/GES data come from a complex survey rather than a census, SUDAAN had to be used to estimate the variance and significance of the estimated coefficients.

In the event that one does not need to control for variables such as vehicle type, the X_i terms are zero and an arithmetic approach to calculate the effectiveness exists. In this case, the effectiveness, E is equivalent to:

$$E = 1-(?_{DRL}/?_{CMP})$$

Where

$$? = (TD/CD)/(TN/CN)$$

and is evaluated for both the vehicles equipped with DRLs, $?_{DRL}$, and the vehicles in the comparison group without DRLs, $?_{CMP}$.

In this simplified case, for FARS data, the variance of ln (1-E), can be estimated as the sum of the squares of the reciprocals of the eight groups of observations. That is:

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$$\text{VAR}\,[\ln(1-E)] \sim [1/TD_{DRL}]^2 + [1/CD_{DRL}]^2 + [1/TN_{DRL}]^2 + [1/CN_{DRL}]^2 + [1/TD_{CMP}]^2 + [1/CD_{CMP}]^2 + [1/TN_{CMP}]^2 + [1/CN_{CMP}]^2$$

Note that VAR [ln(1-E)] is much larger for the odds ratio than for the simple odds. As a result, the values of p, for each of the evaluated crash types in this study, are larger than 0.1, therefore the null hypothesis cannot be rejected and there is no reason to believe that the results, based on the odds ratio, did not occur by chance.

Using the data of Tables 2 and 3, the estimates of effectiveness of DRLs are calculated using the odds ratio. The result for two-vehicle opposite direction fatal crashes is –6.3 percent with (p=**0.229**). When adjusting for vehicle type, the result is –6.3 percent with (p=**0.235**). The values of p in both cases are larger than 0.1, therefore the null hypothesis cannot be rejected and there is no reason to believe that the results, based on the odds ratio, did not occur by chance.

Using the data of Tables 4 and 5, the estimates of effectiveness of DRLs are calculated using the odds ratio. The result for two-vehicle opposite direction non-fatal crashes is –7.9 percent with (p=**0.186**). When adjusting for vehicle type, the result is –7.6 percent with (p=**0.202**). The values of p in both cases are larger than 0.1, therefore the null hypothesis cannot be rejected and there is no reason to believe that the results, based on the odds ratio, did not occur by chance.

Using the data of Tables 6 and 7, the estimates of effectiveness of DRLs are calculated using the odds ratio. The result for fatal single-vehicle pedestrian/cyclist crashes is 3.8 percent with (p=**0.498**). When adjusting for vehicle type, the result is 4.6 percent with (p=**0.415**). The values of p in both cases are larger than 0.1, therefore the null hypothesis cannot be rejected and there is no reason to believe that these results, based on the odds ratio, did not occur by chance.

Using the data of Tables 8 and 9, the estimates of effectiveness of DRLs are calculated using the odds ratio. The result for crashes of a passenger vehicle with a motorcycle is 26.0 percent with (p=**0.284**). When adjusting for vehicle type, the result is 22.0 percent with (p=**0.335**). The values of p in both cases are larger than 0.1, therefore the null hypothesis cannot be rejected and there is no reason to believe that the results, based on the odds ratio, did not occur by chance.

Logistic Regression Estimates Using the Odds Ratio

Note that the value of p for the coefficient of DRLxCRASH is always larger than 0.1. Therefore the null hypothesis cannot be rejected and the estimates, based on the odds ratio, do not improve our understanding of the effectiveness of DRLs. However, if the estimate of effectiveness is larger than 20 percent, the estimates, based on the odds ratio, are similar to the estimates calculated using the simple odds, albeit not statistically significant.

Table B-1
DRL Effectiveness in Fatal Two-Vehicle Crashes Based on Odds Ratio

Parameter	Odds Ratio	Estimate	Standard Error	Wald Chi-Square	Pr > ChiSq p
Intercept	N/A	0.3082	0.227	184.01	<0.0001
DRLxCRASH	1.063	0.0608	0.0506	1.45	0.2291
DRL	0.980	-0.0204	0.0263	0.60	0.4381
CRASH	0.363	0.3082	0.0441	527.08	<0.0001

Source: NHTSA, NCSA, FARS, SAS®

Table B-2
DRL Effectiveness in Fatal Two-Vehicle Crashes / Adjusted for Vehicle Type Based on Odds Ratio

Parameter	Odds Ratio	Estimate	Standard Error	Wald Chi-Square	Pr > ChiSq p
Intercept	N/A	0.4052	0.0247	269.55	< 0.0001
DRLxCRASH	1.063	0.0606	0.0507	1.43	0.2315
DRL	0.998	-0.0019	0.0264	0.01	0.9435
CRASH	0.361	-1.0193	0.0442	531.82	<0.0001
Sport Utility	0.738	-0.3036	0.0273	123.75	<0.0001
Van	0.604	-0.5044	0.0689	167.83	<0.0001
Light Trucks	0.920	-0.0836	0.0237	12.43	<0.0004

Source: NHTSA, NCSA, FARS, SAS®

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Table B-3 DRL Effectiveness in Non-Fatal Two-Vehicle Crashes Based on Odds Ratio					
Parameter	Odds Ratio	Estimate	Standard Error	Wald Chi-Square	Pr > ChiSq p
Intercept	N/A	-0.1343	0.08	222.88	<0.0001
DRLxCRASH	1.079	0.0763	0.06	1.81	0.1259
DRL	0.944	-0.0574	0.05	1.56	0.2184
CRASH	0.253	-1.3725	0.07	383.31	<0.0001
Source: NHTSA, NCSA, NASS/GES, SUDAAN					

Table B-4 DRL Effectiveness in Non-Fatal Two-Vehicle Crashes / Adjusted for Vehicle Type Based on Odds Ratio					
Parameter	Odds Ratio	Estimate	Standard Error	Wald Chi-Square	Pr > ChiSq p
Intercept	N/A	-0.0957	0.08	141.85	<0.0000
DRLxCRASH	1.076	0.0735	0.06	1.68	0.2024
DRL	-0.954	-0.0467	0.05	0.97	0.3294
CRASH	0.253	-1.3728	0.07	387.03	<0.0000
Sport Utility	0.921	-0.0825	0.04	5.20	0.0276
Van	0.718	-0.3320	0.06	33.31	<0.0000
Light Trucks	1.089	0.0856	0.03	5.05	0.0237
Source: NHTSA, NCSA, NASS/GES, SUDAAN					

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Table B-5
DRL Effectiveness in Fatal Single-Vehicle – Pedestrian/Cyclist Crashes
Based on Odds Ratio

Parameter	Odds Ratio	Estimate	Standard Error	Wald Chi-Square	Pr > ChiSq p
Intercept	N/A	0.2577	0.0168	235.46	<0.0001
DRLxPERSON	0.962	-0.0389	0.0575	0.46	0.4984
DRL	0.987	-0.0134	0.0193	0.42	0.4877
PERSON	0.876	-0.1318	0.0435	9.19	0.0024

Source: NHTSA, NCSA, FARS, SAS®

Table B-6
DRL Effectiveness in Fatal Single-Vehicle – Pedestrian/Cyclist Crashes
Adjusted for Vehicle Type Based on Odds Ratio

Parameter	Odds Ratio	Estimate	Standard Error	Wald Chi-Square	Pr > ChiSq p
Intercept	N/A	0.4387	0.0186	554.10	<0.0001
DRLxPERSON	0.954	-0.0472	0.0579	0.66	0.4153
DRL	1.031	0.0309	0.0195	2.51	0.1133
PERSON	1.238	0.2137	0.0509	17.62	<0.0001
Sport Utility	0.619	-0.4790	0.0208	532.62	<0.0001
Van	0.461	-0.7749	0.0269	831.38	<0.0001
Light Trucks	0.846	-0.1667	0.0206	65.46	<0.0001

Source: NHTSA, NCSA, FARS, SAS®

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Table B-7
DRL Effectiveness for Two-Vehicle Fatal Crashes
Involving a Motorcycle and a Passenger Vehicle Based on Odds Ratio

Parameter	Odds Ratio	Estimate	Standard Error	Wald Chi-Square	Pr > ChiSq p
Intercept	N/A	0.3082	0.0227	184.01	<0.0001
DRLxCRASH	0.760	-0.2851	0.2568	1.15	0.2842
DRL	0.980	-0.0204	0.0263	0.60	0.4381
CRASH	0.356	-1.0341	0.2236	21.40	<0.0001

Source: NHTSA, NCSA, FARS, SAS®

Table B-8
DRL Effectiveness for Two-Vehicle Fatal Crashes
Involving a Motorcycle and a Passenger Vehicle Adjusted for Vehicle Type
Based on Odds Ratio

Parameter	Odds Ratio	Estimate	Standard Error	Wald Chi-Square	Pr > ChiSq p
Intercept	N/A	0.4268	0.0254	282.23	<0.0001
DRLxCRASH	0.780	-0.2485	0.2577	0.93	0.3349
DRL	1.003	0.0030	0.0264	0.01	0.9087
CRASH	0.355	-1.0363	0.2242	21.36	<0.0001
Sport Utility	0.691	-0.3695	0.0309	143.26	<0.0001
Van	0.529	-0.6362	0.0460	190.93	<0.0001
Light Trucks	0.905	-0.0993	0.0283	12.27	0.0005

Source: NHTSA, NCSA, FARS, SAS®

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Appendix C

The following SAS® code was used to partition FARS 1996 vehicle crashes. The code for the NASS/GES is similar.

```
/* COMPARISON CRASHES SINGLE VEHICLE CRASHES */

LIBNAME FARS96 'L:\FARSSAS\FARS96';

DATA CRASH;
 SET FARS96.ACCIDENT(KEEP = ST_CASE LGT_COND VE_FORMS MAN_COLL
WEATHER);

LENGTH TGT_CRSH $8;

*  IF TWO VEHICELES CRASH AND;
*  HEAD-ON OR SIDESWIPE DIFFERENT DIRECTIONS;

IF (VE_FORMS EQ 2) AND
        ((2 EQ MAN_COLL) OR (6 EQ MAN_COLL))
        THEN TGT_CRSH ='MUL TGT';

/* ELSE SINGLE VEHICLE CRASHES */
ELSE IF (VE_FORMS EQ 1) THEN TGT_CRSH = 'SINGLE';
ELSE DELETE;

*DEFINE THE DICHOTOMOUS VARIABLE D_CRASH;

IF (VE_FORMS EQ 2) AND
        ((2 EQ MAN_COLL) OR (6 EQ MAN_COLL))
        THEN D_CRASH = 1;

/* ELSE SINGLE VEHICLE CRASHES */
ELSE IF (VE_FORMS EQ 1) THEN D_CRASH = 0;
ELSE DELETE;

LENGTH LIGHT $7;

*IF DAYLIGHT DAWN OR DUSK;
IF (LGT_COND EQ 1 OR 4 LE LGT_COND LE 5) THEN LIGHT = 'DAYTIME';

*IF DARK OR DARK AND LIGHTED;
ELSE IF (2 LE LGT_COND LE 3) THEN LIGHT = 'NIGHT';
```


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```
ELSE DELETE;

*  DEFINE THE DICHOTOMOUS VARIABLE D_LIGHT;
IF (LGT_COND EQ 1 OR 4 LE LGT_COND LE 5) THEN D_LIGHT = 1;
ELSE IF (2 LE LGT_COND LE 3) THEN D_LIGHT = 0;

* DEFINE THE DICHOTOMOUS VARIABLE MUL_DAY;
* THIS IS FOR THE SIMPLE ODDS CALCULATION;

IF (D_CRASH = 1 AND D_LIGHT = 1) THEN MUL_DAY =1;
ELSE MUL_DAY = 0;
```

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Attachment F

SWOV Fact Sheet, "Daytime Running Lights (DRL)," SWOV Institute for Road Safety Research, 2004, *http://www.swov.nl/index_uk.htm*

SWOV Fact sheet

Daytime running lights (DRL)

Summary
In 2008, the Dutch Ministry of Transport announced its intention to run an information campaign to stimulate the use of daytime running lights (DRL). DRL increases the visibility of road users and thus reduces the chance of a crash. DRL's negative consequences, such as a higher fuel consumption and thus larger emissions of harmful materials, can be limited by using special DRL units with energy-saving lamps. Although several scenarios for implementing DRL are possible, the most favourable road safety option for the time being seems to be that in which drivers of existing motor vehicles use the manually dipped headlights in daytime and new cars are equipped with an advanced DRL unit.

Background
DRL involves motor vehicles having their headlights on during hours of daylight. These can be their dipped headlights or a special lighting unit. Having motor vehicle headlights on during the daytime makes motor vehicles more noticeable and saves road crash casualties.
DRL is already compulsory in a number of European countries. Until now this has not yet been the case in the Netherlands. However, it can be seen that many motorists voluntarily switch their headlights on during daylight hours, especially on rural roads and when the visibility is poor. The last time that the use of DRL was measured in the Netherlands was in 1993; 30% of the motorists then had their lights on (Lindeijer & Bijleveld, 1994). In 2008, the Dutch Ministry of Transport announced its intention to promote DRL use with an information campaign.
The EC aims at harmonizing the DRL regulations and the corresponding necessary vehicle requirements. It is important to emphasize the positive effects (saving road crash casualties) and to limit the negative effects (greater fuel consumption) as much as possible. Another point of interest for the EC is whether the road users who do not have their lights on (cyclists and pedestrians) will still be noticed, and whether motorcyclists (who already have their headlight on) are still sufficiently conspicuous. In 2003, the EC commissioned a study of DRL's effects and the implementation strategies, in preparation for a possible DRL implementation. Research institutes in the Netherlands (Netherlands Organization for Applied Scientific Research TNO and SWOV Institute for Road Safety Research) and in Norway (Institute of Transport Economics TØI) have carried out this study. This fact sheet not only deals with the results of this study, but also of studies carried out in the 1990s.

What is DRL's effect?
In-depth crash studies have shown that not having seen the other road user plays a role in 50% of the daytime crashes, and in even 80% of intersection crashes. Theoretical insight and observations explain DRL's effect mainly because of the greater contrast between vehicles and their surroundings; this increases the visibility of vehicles and makes them better identifiable. An additional effect is that vehicles with DRL are estimated to be closer than they really are. This explains why less risk is taken while overtaking and when crossing intersections.
DRL is a way to assist road users in their visual observation task. DRL studies in the 1990s indicated reductions of 10-15% (Elvik, 1996) and 8-22% (Koornstra, 1993) in the numbers of daytime crashes in which two or more road users were involved.
The study commissioned by the EC involved a meta-analysis of 41 studies of the effect for cars and 16 studies of the effect for motorcycles (Elvik et al., 2003). This showed that for cars DRL reduced the number of daytime injury crashes by 3-12%, and for motorcycles by 5-10%. For both results we should mention that the results found per individual study (may) differ greatly. The reduction refers to daytime crashes in which more than one road user was involved. A greater effect on fatal crashes may be estimated. Some of the studies found that the DRL effect declined after some time, and others that it did not decline. No proof was found that the DRL effect depends on the season. The question of how strongly the effect depends on latitude indeed confirmed the previous study of Koornstra et al. (1997), but the relation is now shown to be less strong.
The matter of the extent to which rear lights that are on in the daytime can mask the brake lights, is no longer a problem since the introduction of the third brake light (compulsory in the Netherlands since 1994). In addition, automatic switches have the option of not automatically switching the rear lights on.

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How visible are the other road users?
It is sometimes suggested that road users who do not have their lights on in daytime are visually 'pushed aside' by DRL vehicles, i.e. the masking effect. The EC also commissioned this to be studied. TNO carried out a laboratory experiment (Brouwer et al., 2004) in which subjects were shown slides with pictures of traffic situations in daylight circumstances. The slides contained a car with or without DRL and another road user: a pedestrian, a cyclist, or a motorcyclist with or without lights. The subjects were instructed to determine as quickly as possible if there was another road user present. The time needed to do this was registered.
The results were that subjects were able to identify the traffic situation of cars with DRL more accurately and quicker than that of cars without DRL. No indications were found of a lesser conspicuousness of vulnerable road users when near a car with DRL. On the contrary, results pointed in the opposite direction: road users without lighting in fact profited from DRL. It is also an advantage that vulnerable road users can see cars with DRL sooner than cars without DRL.
The meta-analysis of Elvik et al. (2003) concludes - although with some reservation - that DRL probably reduces the number of car crashes involving cyclists and pedestrians. A recent study carried out by the Austrian Epigus Institut (Pfleger, 2007) concludes that, based on study of road users' observation behaviour, DRL has no benefit in good weather, but is an advantage in bad weather. In rare cases DRL could be responsible for obscuring persons and vehicles
Motorcyclists in the Netherlands, who nearly all have their headlight on during daytime, sometimes express the fear that their conspicuousness lessens if cars also have their lights on during daytime. The TNO laboratory experiment (Brouwer et al., 2004) showed that the subjects saw both motorcycles with their lights off and motorcycles with their lights on sooner if cars also had DRL. However, motorcycles with DRL were spotted faster. Wildervanck (1994) already explained this phenomenon. By having his headlight on a motorcyclist separates himself from the static surroundings and thus is noticeable as a moving vehicle. And that is what it continues to be, even if the surrounding vehicles also have their lights on.

Does DRL have any disadvantages?
DRL has disadvantages. If the lamps are lit, the dynamo is switched on and more fuel is used. Although the extra consumption is the same per car, the relative differences are large. A fuel efficient car using 6.7 litres per 100 km (1:15) with DRL has an extra consumption of 3%, a 10 litres per 100 km (1:10) car uses 2% more, and a lorry of 33 litres per 100 km uses 1% more (ETSC, 2003). A larger fuel consumption causes a greater emission of harmful materials that produce air pollution. The CO_2 emissions of car traffic increase by 0.6-1.4% (Elvik et al., 2003). Saving fuel and reducing CO_2 emissions can be achieved by using special DRL lamps. Instead of 2x55W lamps for the dipped lights 2x21W can be used (a reduction of 62%). LED lamps of only a few Watts lead to an even higher reduction. In addition automatic switches can turn off unnecessary lighting (e.g. the rear lights).
Another disadvantage of DRL is that headlamps burn out more often, because they are switched on longer. This problem is small if LED lamps are used. Batteries can also run down if one forgets to turn the lights off. This can be solved by mounting a bleeper or an automatic DRL switch (after turning off the engine the dipped lights go out). Both can be installed in existing cars (Schoon, 1991).
There is also the matter of whether blinding occurs. Blinding has been researched extensively (Koornstra et al., 1997; Hagenzieker, 1990). The degrees of blinding vary from a nuisance to complete blinding. DRL can cause daytime blinding (especially nuisance) when the light intensity of the dipped light is too high and the surrounding lighting is at a relatively low level (also at sunset). The too intense dipped lights are due to incorrect adjustment. In fact this is not a DRL problem; the blinding is more severe at night time. Nowadays dipped lights are quite well adjusted because of the MOT and built-in systems that ensure an automatic adjustment of headlights. Blinding does not occur with lamps that have been specially developed for DRL purposes.

What are the options for implementing DRL?
The EC requested that various options for DRL introduction in the EU be listed (Commandeur et al., 2003). These are:
1. only a behavioural measure with manual operation of dipped lights;
2. same as 1, but with a compulsory automatic DRL switch for *new cars*;

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3. same as 1, but with a compulsory advanced DRL unit for *new cars*;
4. a compulsory automatic DRL switch for all *new cars*; 'old' cars without this facility do not have to use DRL;
5. same as 4, but with a compulsory advanced DRL unit.

Do the DRL effects compensate for the costs?
The Norwegian TØI research institute conducted a cost-benefit study of the five above-mentioned options (Elvik et al., 2003). This compared the positive effects, expressed in casualty reduction, with the DRL costs (environmental damage, fuel consumption, etc.). The calculations showed that the benefits by far exceeded the costs for all options. The scores were:
- high: option 1with a benefit-cost ratio of 2.0;
- middle: options 2, 3, and 5 with a benefit-cost ratio of 1.7, 1.7, and 1.6 respectively;
- low: option 4with a benefit-cost ratio of 1.4.

The benefit-cost ratios were calculated for twelve European countries over a period of twelve years. This was not done for Denmark, Finland and Sweden because these countries already have compulsory DRL. As an example we present here the calculation of option 3 in absolute figures (cost level 2003). The reduction of deaths and injured expressed in money amounts to € 49 billion, and the environmental damage amounts to € 10 billion. This is a benefit of € 39 billion. The total costs of advanced DRL units, extra fuel consumption, and lamps wearing out amounts to € 23 billion. This results in a ratio of 1.7. Option 3 was calculated for specific DRL lamps that use less energy than dipped lights. If a calculation had been made for LED lamps, the benefit-cost ratio of option 3 would have come up best.

What are the assumptions for the DRL cost-benefit analysis and casualty reduction?
Based on the results of the meta-study of crashes the following assumptions for the effectiveness of DRL have been made for the cost-benefit analyses. The effectiveness in reducing the number of daytime multiple crashes is:
- fatal crashes: a reduction of 15%;
- severe injury crashes: a reduction of 10%;
- slight injury crashes: a reduction of 5%;
- Property Damage Only crashes: a reduction of 0%.

The actual DRL use in the twelve countries was assumed to be 10%. If making DRL compulsory increases the use to 90%, the estimation is that it can save 2,400 deaths, 17,000 severely injured and 51,000 slightly injured annually. These numbers are based on the number of casualties in 2000.
We can make the same assumptions for the Netherlands, but the current DRL use must be estimated higher than 10%. Because there are no recent measurements the estimate will be set at 30%, based on previous measurements. Compulsory DRL in the Netherlands would then result in an annual reduction of approximately 35 deaths and 500 in-patients. These numbers are based on the number of casualties in 2006.

How advanced is DRL's implementation?
In a number of countries DRL has been introduced in stages, for example by first encouraging voluntary use or by gradually making it compulsory (e.g. only on rural roads). Such a gradual introduction can help remove opposition, as was shown by a SWOV study for the EC. The opposition to DRL diminished rapidly after introduction and the acceptance was generally high. This was irrespective of whether it was a vehicle or a behavioural measure.
At present, fourteen European countries already have some kind of compulsory DRL for cars. In Denmark, Estonia, Finland, Latvia, Norway, Slovenia, the Czech Republic, and Sweden it is compulsory all year round, and on all roads. In Lithuania, Poland and Slovakia it is compulsory on all roads during the winter months. In Hungary and Italy it is compulsory on rural roads all year round. In Portugal, DRL is compulsory all year round on roads for which this is indicated. In Austria[1] compulsory DRL has been abolished as of 1 January 2008.
In Belgium and Spain dipped lights are compulsory for motorcycles during daytime hours. In Switzerland DRL is recommended. The non-European country Israel has chosen compulsory DRL during the winter months on rural roads.

[1] In Austria, DRL was abolished as of 1 January 2008; it had been compulsory from 2006 (also see SWOV position *Daytime Running Lights or Safety*)

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In countries where it is compulsory the driver must switch on the dipped lights manually (a behavioural measure). Only Canada has chosen for a vehicle measure; cars must be equipped with an automatic DRL switch. Swedish car manufacturers have also adopted this system. This means that in the Scandinavian countries where DRL is compulsory always and everywhere, many cars are equipped with automatic DRL switches. Also the Volvos and Saabs which are imported in the Netherlands are equipped with these switches.
In 2003, a SWOV inventory in 25 European countries showed that five other countries have plans directed towards compulsion, varying from a behavioural measure during winter months to an extensive technical measure. This last one is a French idea of an advanced DRL unit with lamps that have a light intensity between that of dipped lights and parking lights, and with a light sensor that ensures that the dipped lights (and other switched off lamps) are automatically switched on at sunset (Robert, 2000). The Dutch Ministry of Transport has expressed itself to be in favour of this system for the Netherlands. In 2003 France has already made a modest start by recommending manually operated DRL on rural roads (CNSR, 2003).

In Europe there is concern about the negative environmental effects of DRL. This argues in favour of advanced DRL units with energy saving lamps. LED lamps would even result in environmental benefits for countries that currently have a high DRL use.

In August 2006, The EC put out a questionnaire on which both organisations and individuals, within as well as outside the EU, could give their opinion about DRL. In December 2006, the following results were published (*Table 1*)

Respondent	In favour of DRL		System		
	Ja	Nee	In favour of option 3[1]	In favour of option 5[2]	Unknown/other
Ministries	83%	17%	60%	30%	10%
Companies, e.g. research	87%	13%	72%	7%	21%
Associations, clubs	52%	45%	62%	-	38%
Individual citizens	4%	95%	-	-	-

1) Option 3: Manually operated and advanced MVO-unit immediately compulsory for new cars.
2) Option 5: Only an advanced MVO-unit compulsory for new cars.

Tabel 1. *Result of an EU consultation in 2006 about the desirability of introducing DRL and the type of system.*

A large majority among governments, companies and associations appears to be in favour of the introduction of DRL; private individuals are opposed to the idea. The European Commission is considering proposals for behavioural measures or solely vehicle demands for DRL. At this moment it is still unclear when the European Commission will make a definite decision on this issue. While awaiting possible European legislation for new vehicles, the Netherlands has intended to conduct a government campaign to stimulate voluntary DRL use.

Conclusion
DRL can make a contribution to further improvement of road safety. There is no scientific evidence for the frequently mentioned negative effects for pedestrians, cyclists or motorcyclists. The introduction of DRL as a behavioural measure can best coincide with the installation of an advanced DRL unit in new cars. This will result in a combination of a large casualty reduction and relatively low emission, especially when LED lamps are used. For the time being, such a behavioural measure will not be taken in the Netherlands. However, a campaign will be conducted to stimulate voluntary DRL use. The European Commission is now considering proposals for behaviour rules and vehicle requirements. Vehicle requirements can only be introduced at the EU level. Once these proposals are ready, national governments and the European parliament will have to decide on their positions.

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Attachment G

"Q&A: Daytime Running Lights," *Business Week*, December 2005,
http://www.businessweek.com/autos/content/jan2006/bw20060103_179336.htm

BusinessWeek

JANUARY 3, 2006

SAFETY TIPS

Q&A: Daytime Running Lights

as of December 2005

1. What are the safety advantages of DRLs?
2. Where are DRLs required?
3. Are DRLs available on vehicles in the United States?
4. How effective are DRLs?
5. Will DRLs shorten headlamp bulb life or lower fuel economy?
6. Will motorists be bothered by glare?
7. Are motorcycles required to have DRLs?

1. What are the safety advantages of DRLs? Daytime running lights (DRLs) are a low-cost method to reduce crashes. They are especially effective in preventing daytime head-on and front-corner collisions by increasing vehicle conspicuity and making it easier to detect approaching vehicles from farther away.

2. Where are DRLs required? Laws in Canada, Denmark, Finland, Hungary, Iceland, Norway, and Sweden require vehicles to operate with lights on during the daytime. There are two types of laws. Canada's requires vehicles to be equipped with DRLs. The other type of law (in effect in Denmark, Finland, Hungary, Iceland, Norway, and Sweden) requires motorists to turn on their headlights if their vehicles do not have automatic DRLs. In 1972, Finland mandated daytime running lights in winter on rural roads and a decade later made DRLs mandatory year-round. Sweden's law took effect in 1977, Norway's in 1986, Iceland's in 1988, and Denmark's in 1990. Hungary has required drivers on rural roads to operate with vehicle lights on since 1993. Canada requires DRLs for vehicles made after December 1, 1989. No U.S. state mandates DRLs, but some require drivers to operate vehicles with lights on in bad weather.

3. Are DRLs available on vehicles in the United States? First offered on a handful of 1995 domestic and foreign model passenger cars, pickups, and SUVs, daytime running lights are becoming a more common feature. They are standard on all General Motors, Lexus, Mercedes Benz, Saab, Subaru, Suzuki, Volkswagen, and Volvo models as well as some Toyota models. GM offers retrofit kits for vehicles that do not already have DRLs. The kits can be used on non-GM models, too.

4. How effective are DRLs? Nearly all published reports indicate DRLs reduce multiple-vehicle daytime crashes. Evidence about DRL effects on crashes comes from studies conducted in Scandinavia, Canada, and the United States. A study examining the effect of Norway's DRL law from 1980 to 1990 found a 10 percent decline in daytime multiple-vehicle crashes.[1] A Danish study reported a 7 percent reduction in DRL-relevant crashes in the first 15 months after DRL use was required and a 37 percent decline in left-turn crashes.[2] In a second study covering 2 years and 9 months of Denmark's law, there was a 6 percent reduction in daytime multiple-vehicle crashes and a 34 percent reduction in left-turn crashes.[3] A 1994 Transport Canada study comparing 1990 model year vehicles with DRLs to 1989 vehicles without them found that DRLs reduced relevant daytime multiple-vehicle crashes by 11 percent.[4]

In the United States, a 1985 Institute study determined that commercial fleet passenger vehicles modified to operate with DRLs were involved in 7 percent fewer daytime multiple-vehicle crashes than similar vehicles without DRLs.[5] A small-scale fleet study conducted in the 1960s found an 18 percent lower daytime multiple-vehicle crash rate for DRL-equipped vehicles.[6] Multiple-vehicle daytime crashes account for about half of all police-reported crashes in the United States. A 2002 Institute study reported a 3 percent decline in daytime multiple-vehicle crash risk in nine U.S. states concurrent with the introduction of DRLs.[7] Federal researchers, using data collected nationwide, concluded that there was a 5 percent decline in daytime, two-vehicle, opposite-direction crashes and a 12 percent decline in fatal crashes with pedestrians and bicyclists.[8]

5. Will DRLs shorten headlamp bulb life or lower fuel economy? Running vehicle lights in the daytime does not significantly shorten bulb life. Systems like those on General Motors cars that use high beams are designed to operate at half their normal power during daylight hours, thereby conserving energy and reducing the effect on a vehicle's fuel economy. The National Highway Traffic Safety Administration (NHTSA) estimates that only a fraction of a mile per gallon will be lost, depending on the type of system used. GM estimates the cost to be about $3 per year for the average driver. Transport Canada estimates the extra annual fuel and bulb replacement costs to be $3-15 for systems using reduced-intensity headlights or other low-intensity lights and more than $40 a year for DRL systems using regular low-beam headlights.

6. Will motorists be bothered by glare? In most countries mandating DRLs, glare has not been an issue. However, some motorists in the

United States have complained that the systems here are too bright. In response to these complaints, NHTSA in 1998 proposed reducing the maximum allowable light intensity from 7,000 to 1,500 candela, a value more in line with European DRLs. There has been no action on this proposal as yet.

7. Are motorcycles required to have DRLs? Federal law does not require motorcycles to have DRLs, but some states require motorcyclists to ride with their headlights on at all hours. Thus, since 1979 most manufacturers have equipped their cycles with automatic-on headlamps.

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Headlights On At All Times Law (SB73 - 2009)
Estimate of Sign Cost

Community/Area	Location	No of Signs
Prudhoe Bay	Departing South, Dalton Hwy	1
Fairbanks	Departing, Steese, Parks, Richardson	3
Delta	Departing, Richardson, Alaska Hwy N&S	3
Tok	Departing, Tok Cutoff W, Alaska Hwy N&S	3
Alaska Border-Alaska Hwy	For W-bound arrivals	1
Glenallen	Departing, Glen W, Richardson N&S	3
Wasilla	Departing, Parks Hwy N	1
Palmer	Departing, Glen Hwy E	1
Valdez	Departing Richardson Hwy N	1
Glen-Parks Interchange	Departing Glen E, Glen S, Parks N	3
Anchorage	Airport	2
	Departing South-Seward Hwy	1
	Departing North, Glen Hwy	1
Kenai	Airport	1
Seward	Departing, Seward Hwy N	1
Soldotna	Airport	1
	Departing, Sterling Hwy N&S	2
Homer	Departing, Sterling Hwy N	1
Haines	Departing Haines Hwy N	1
Alaska Border-Haines	For S-bound arrivals	1
Skagway	Departing Klondike Hwy N	1
Alaska Border-Klondike	For S-bound arrivals	1
Juneau	Ferry Terminal	1
	Airport, Yandukin& Shell Simmons	2
Ketchikan	Ferry Access to Airport-both sides on Tongass	2

Intent:

Install signs at:
Major Airports
Major Ferry Terminals
At Major Junctions
At border crossings

We want to minimize the number of signs- just post at major entry points or junctions of high volume roads

39 Signs

4 Line Sign	
7	ft. wide
4.5	ft. tall
31.5	s.f.
110	$/s.f.
3465	Sign Cost
$ 135,135	Total

HB

194

Alaska State Legislature

Representative Peggy Wilson
House District 2
Putting Alaska's Families First

FAX TRANSMITTAL SHEET

TO: Leg Legal FAX# 2029

DATE: 3-27-09 FROM: Becky Rooney - 3759

SUBJECT: 26-LS0715\S

Total Pages (including cover sheet) 1

page 2 line 5

Insert comma between
"to are".

page 2 line 4

comma after intersection

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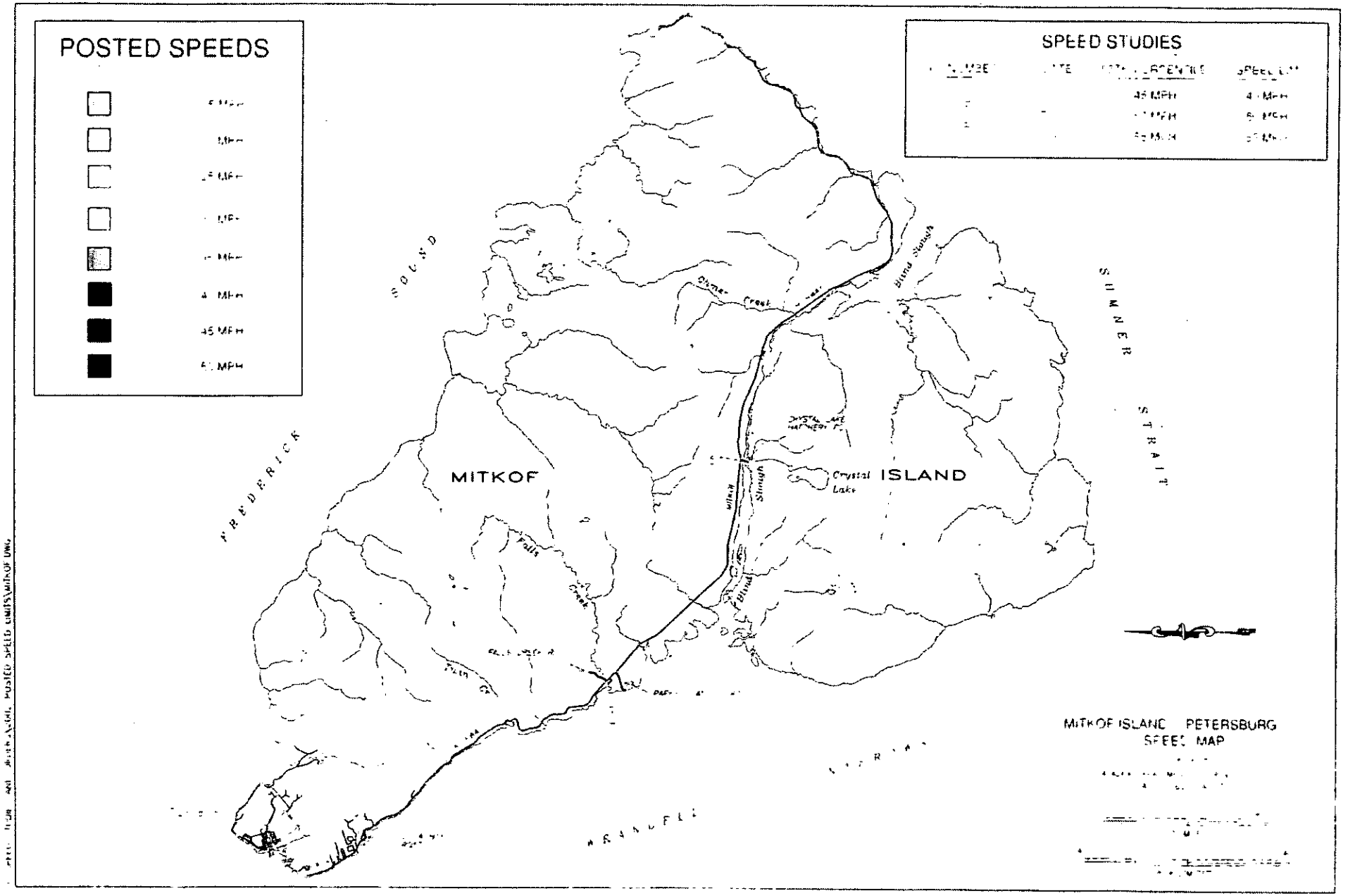
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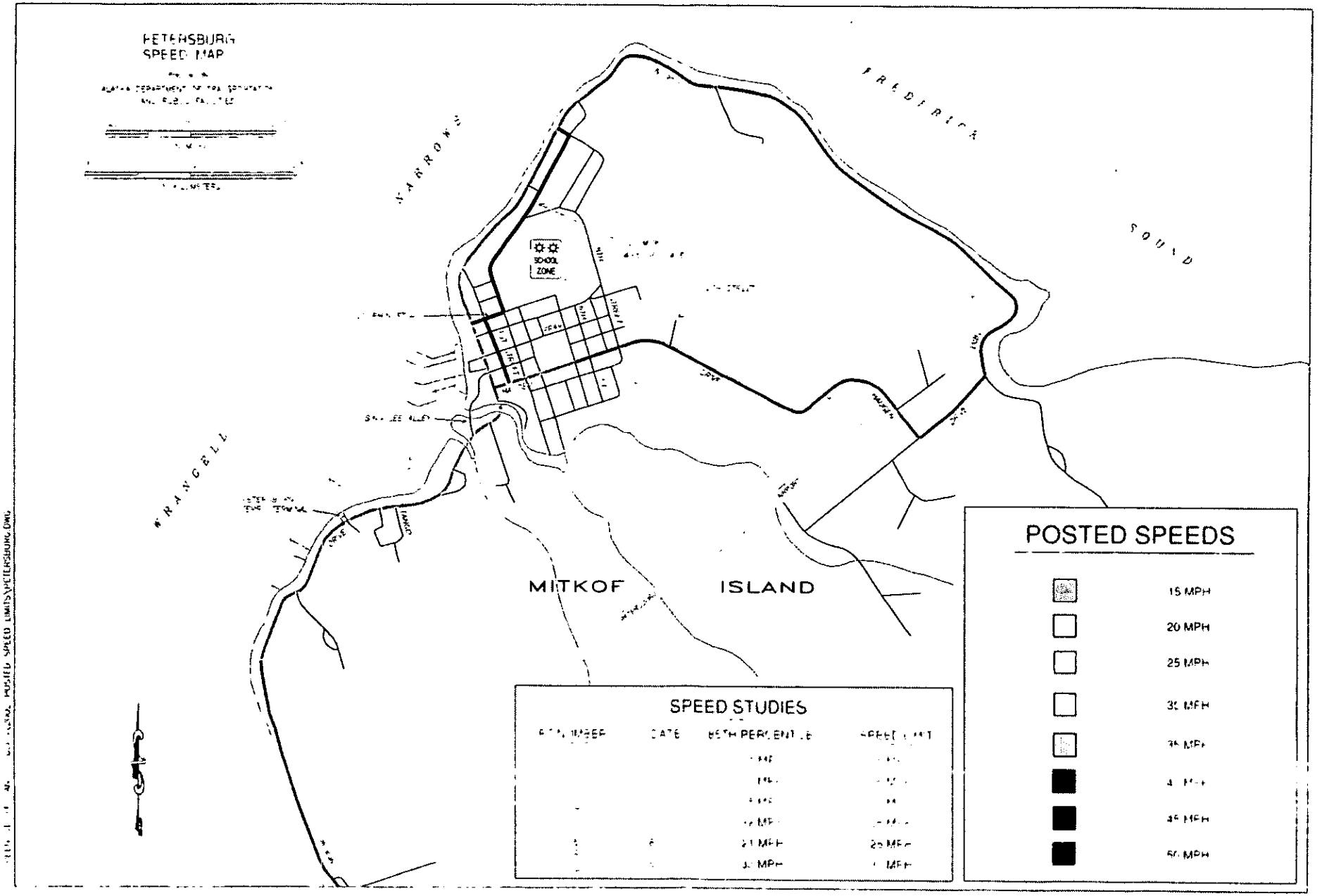
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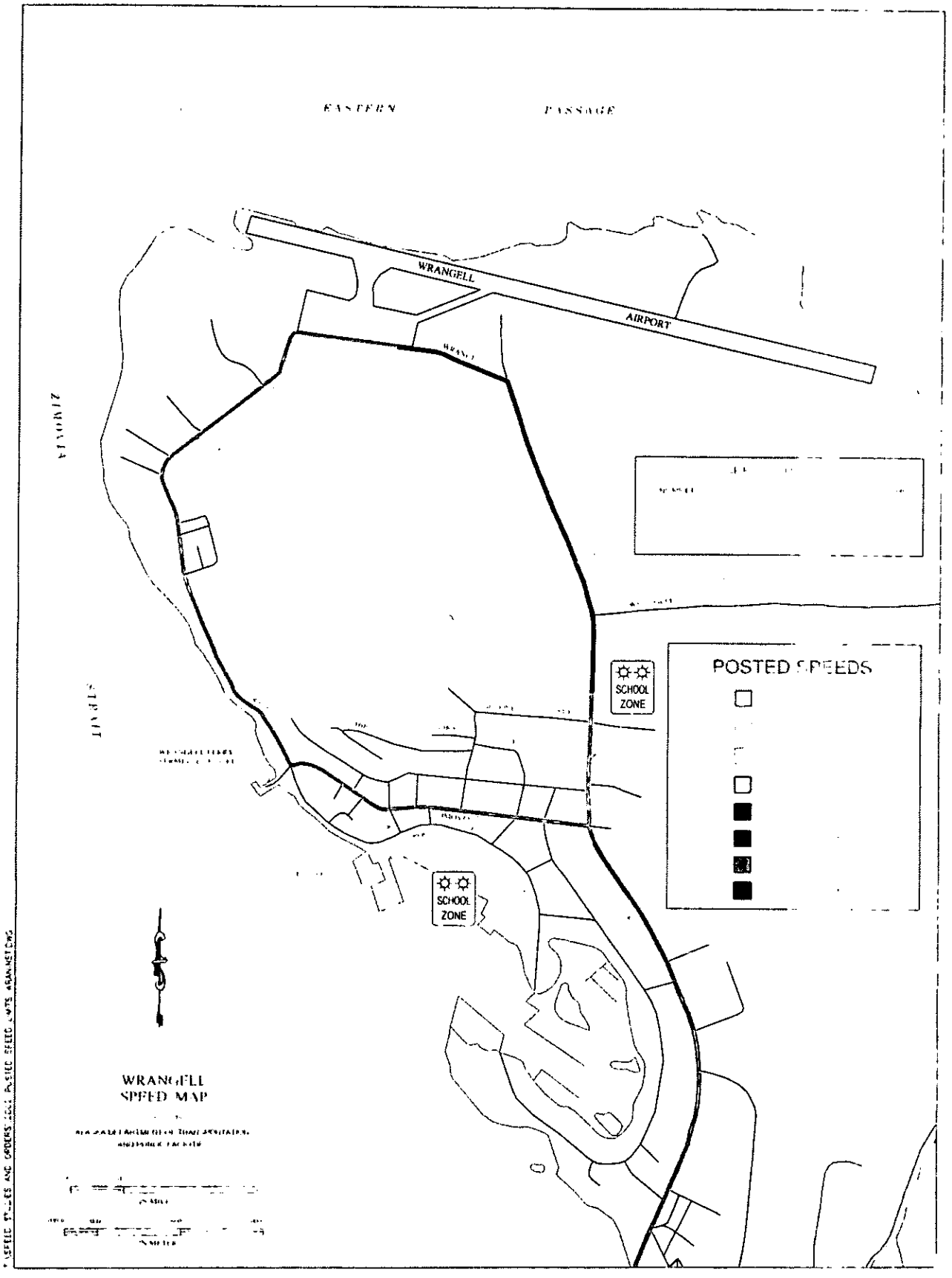
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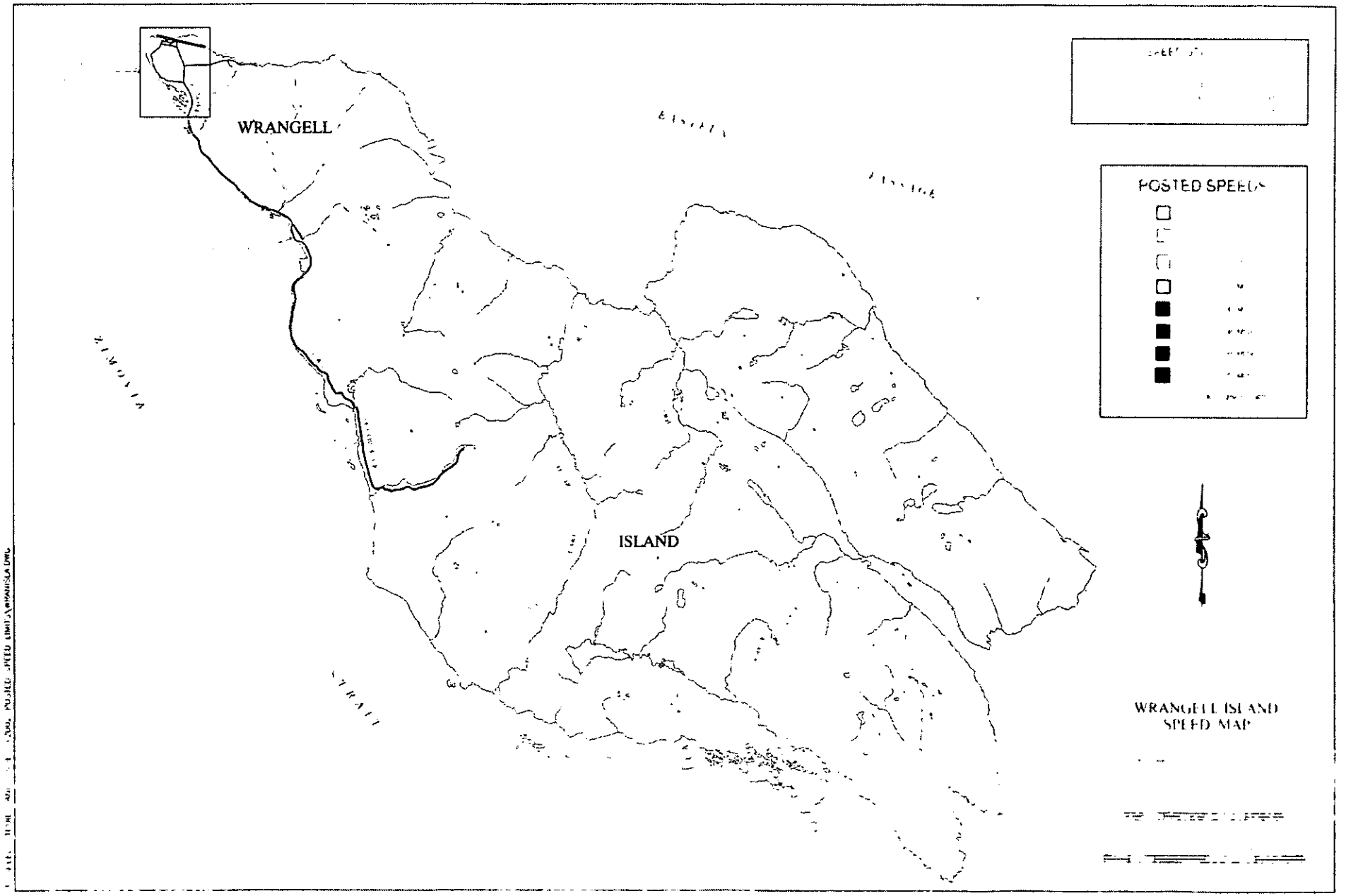
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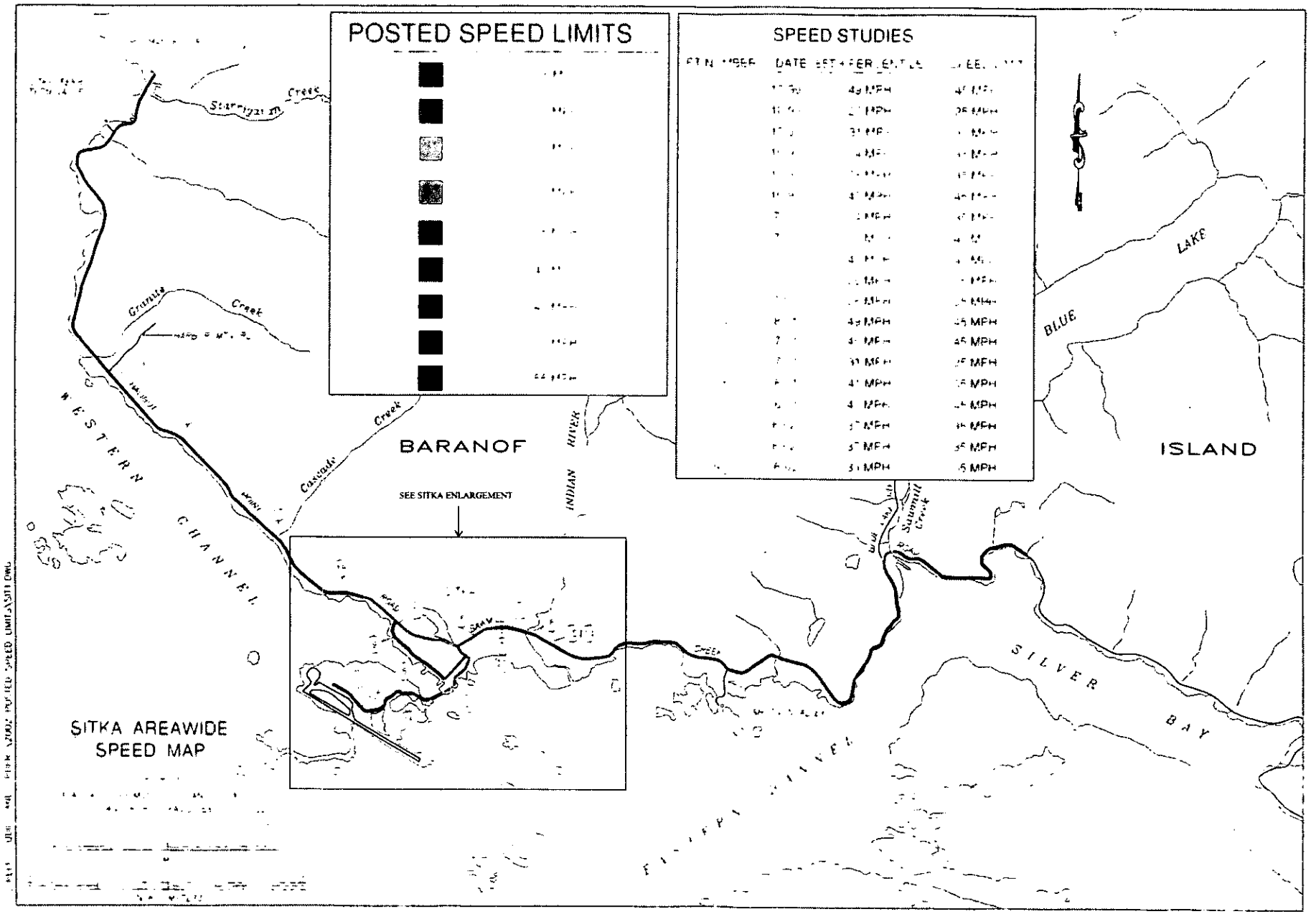
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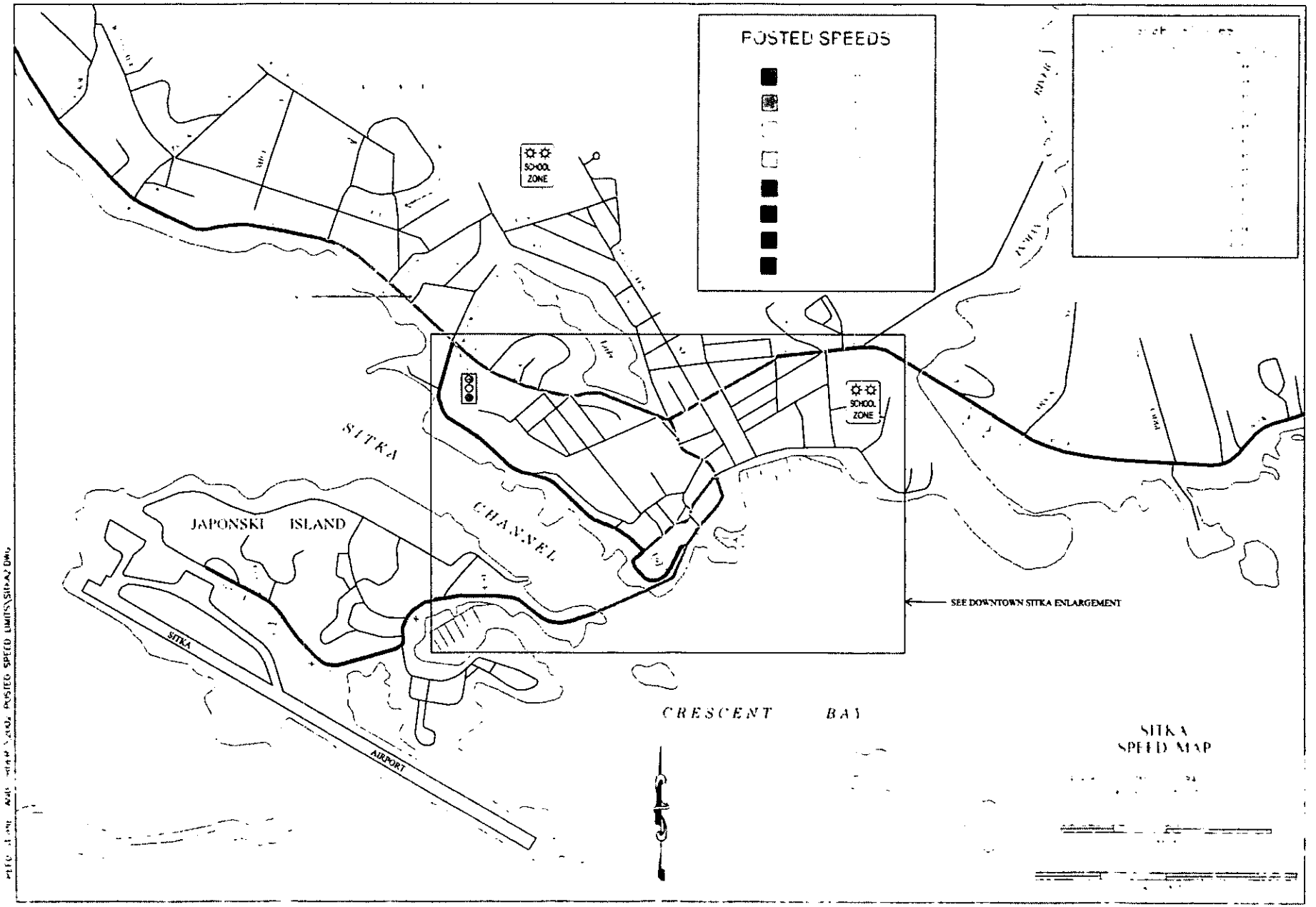
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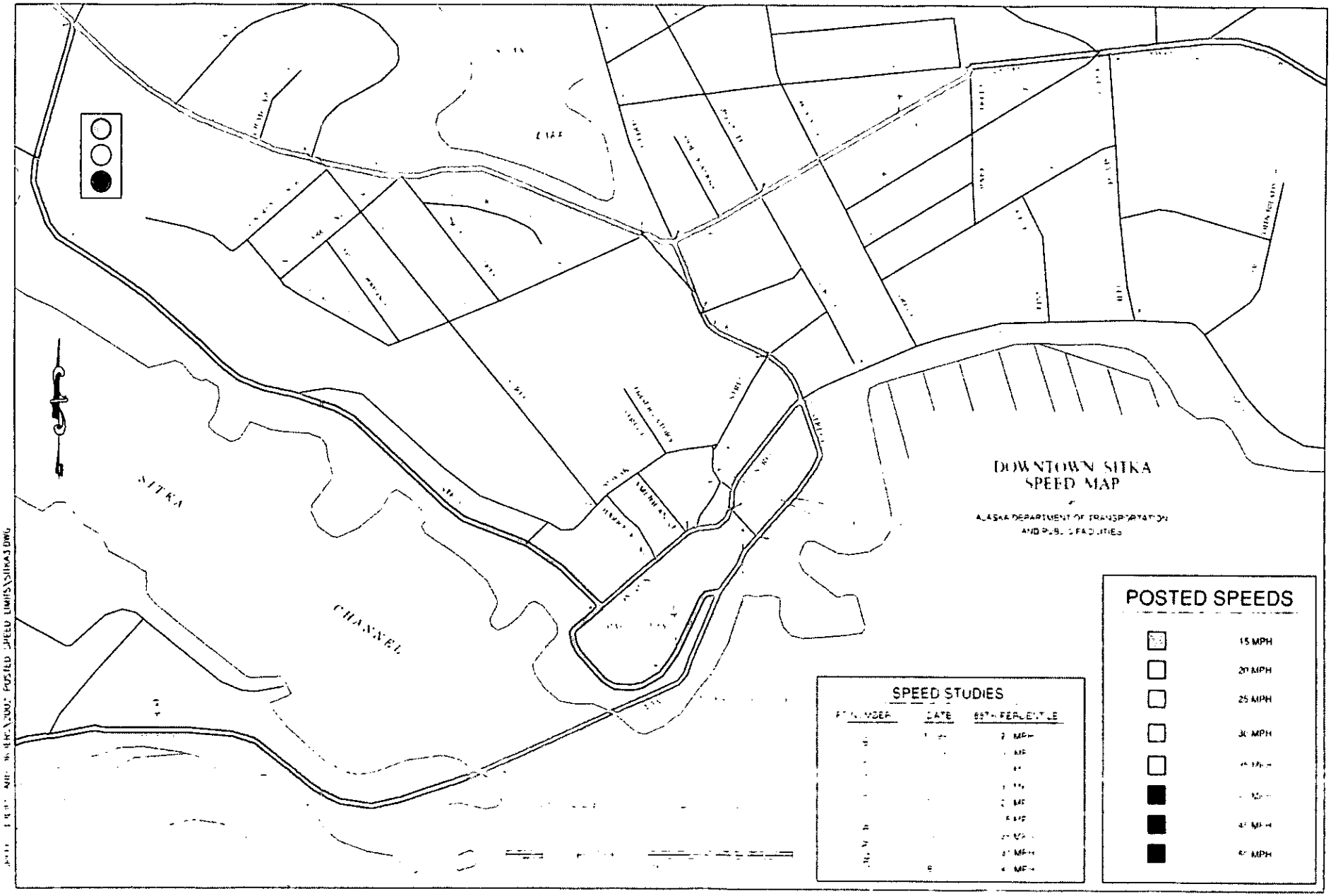
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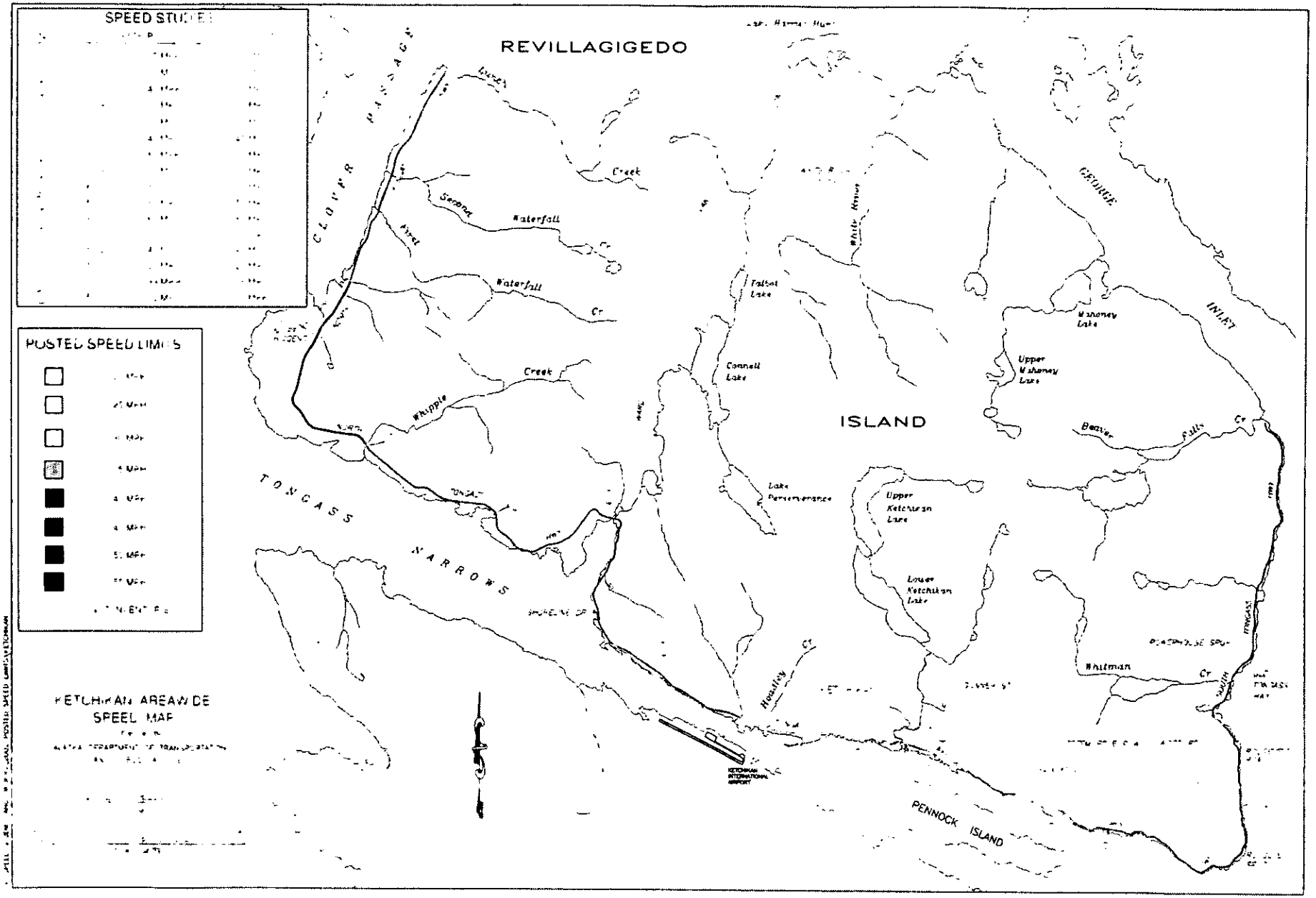
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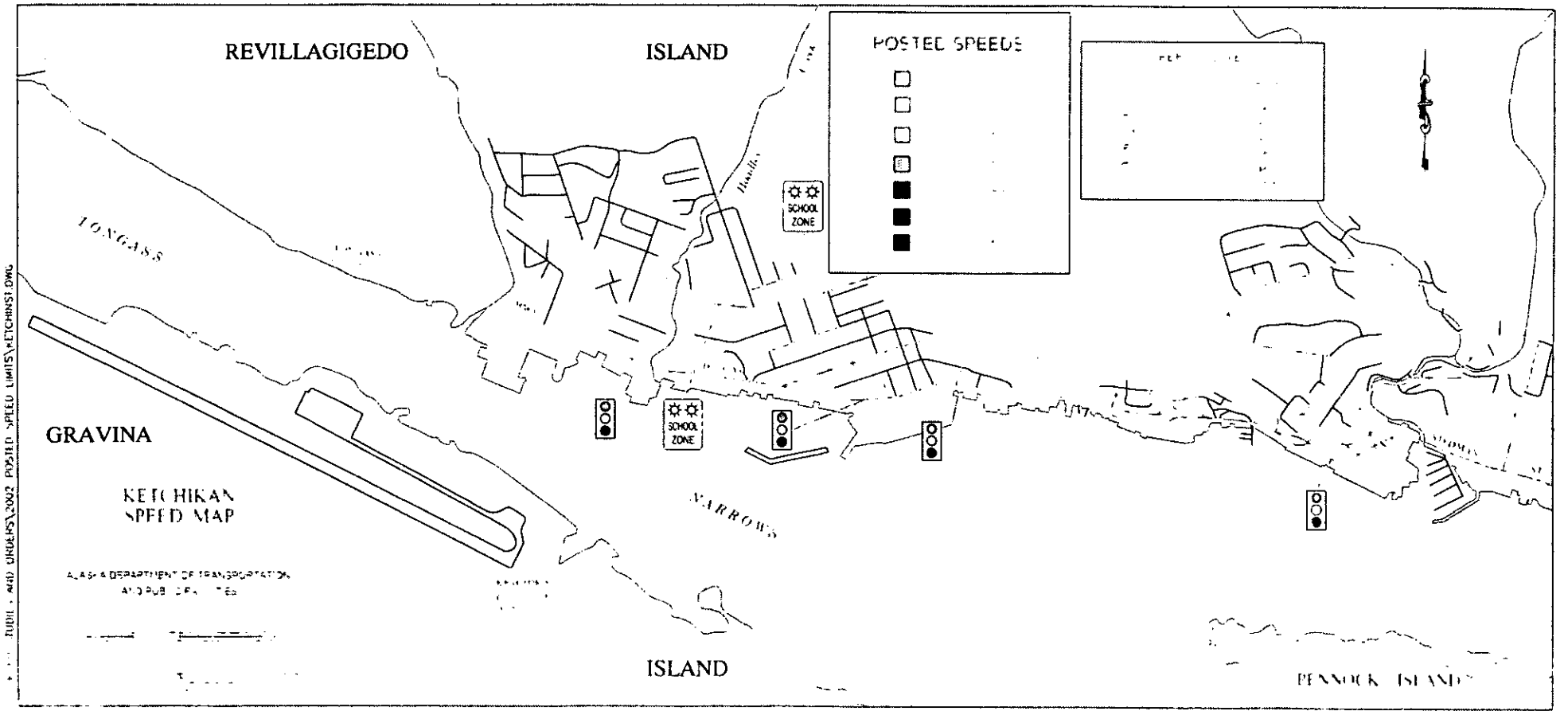
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Alaska State Legislature

Representative Peggy Wilson
House District 2
Putting Alaska's Families First

FAX TRANSMITTAL SHEET

TO: Leg Legal FAX# 2029

DATE: 3-26-09 FROM: Becky Rooney

SUBJECT: 26-LS0715\E

Total Pages (including cover sheet) 1

HB 194 Ver E was moved from committee with 2 amendments:

#1 page 1 line 10 replace 25,000 with 35,000.

#2 page 2 lines 3-8 delete all language and insert

"(2) only cross a highway at intersections if the approach and departure of the highways upon which the low-speed vehicle is being operated are eligible for low-speed vehicle operation under this section"

(specific language is given but Amendment 2 was conceptual)

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Rep.Peggy.Wilson@legis.state.ak.us • http://www.akrepublicans.org/wilson/ • 1-800-686-3824

Good afternoon. My name is Megan Pasternak and I have been a low-speed electric vehicle owner and driver in Sitka for more than a year. Thank you to Rep. Wilson for sponsoring this bill, to her aides for their help and thank you to the Transportation Committee for having a hearing on HB 194.

Besides the at least 19 known such vehicles in Southeast, there are also two in Kodiak and possibly more throughout the state.

This bill is not just about cheap transportation. It is another much-needed step toward helping eliminate pollution and protecting the environment. It not only will help you but will help your communities, the State of Alaska, the United States, and the world.

This bill will help allow those who must transit 45-mph zones for work or other purposes and who have had reservations about owning a low-speed vehicle because of the 35-mph limitations to make the decision to join the group of citizens who are trying to make a difference in our carbon footprints.

As a low-speed vehicle driver I am very conscious of the traffic around me and do not impede others who want to go faster than my allowed 25 mph. I do this by waiting to enter a roadway until approaching traffic is far away and by pulling over to the side whenever possible to allow others to pass. I'm sure other low-speed vehicle drivers are just as conscientious.

Many of these vehicles are in use and have been in use in Europe for quite some time.

My understanding of one of many reasons why these vehicles are safe is that they are generally very lightweight. When involved in a crash, they tend to bounce away rather than take the impact full force.

This bill has great flexibility by allowing each municipality to make the decision to allow low-speed vehicles to travel in 45 mph zones based on local conditions.

Some have noted that electric vehicle owners will not be contributing to the building and upkeep of roads and highways because they will not be purchasing fuel and paying the taxes. I, for one, am more than willing to have an electric-vehicle tax or other added fee when registering or renewing license tabs. I'm sure my 1200-pound car does far less damage to the highways than the overloaded dump trucks traversing them.

As a side note, if legislators truly want to encourage electric or other alternative fuel-vehicle usage and make it safer for them in the higher speed zones, they should consider allowing low-speed vehicles to be modified to go 35 mph. My car has the capability but the modification was required to be removed in order to get registered and licensed in Alaska.

Please feel free to contact me with any questions you may have.

Thank you.

Megan Pasternak
Box 830
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907-747-5943
mwpstnk@ptialaska.net

Electric Car In Sitka

[Print]

Written by Shannon Haugland, Sentinel Staff Writer
Tuesday, 26 February 2008

Walt and Megan Pasternak have a new rule at their house: the first one out the door gets the electric car.

The Sitka couple's ZENN 2.22LX arrived on the barge last Thursday, and so far they have logged 60 miles in it. Megan said that's enough to let her see its suitability for a town with less than 20 miles of highway.

"It's perfect for Sitka," she said.

The Pasternaks have two other vehicles -- a Toyota RAV4 and Ford Ranger pickup -- but their new Canadian-built ZENN has become their first choice for nearly all their driving.

They had been thinking about getting a high efficiency car for some time, and had been looking at a SmartCar, which gets 40 miles to the gallon of gas. But when they were in Seattle last November, Megan read a local magazine story about the ZENN.

ZENN stands for Zero Emissions No Noise.

They went to the Seattle dealer, M.C. Electric Vehicles, took a test drive in the battery-powered ZENN, and took to it immediately.

"It was almost a snap decision," Megan said. "But if you don't do it now, what are you waiting for? They will always come up with newer (technology) but why keep pumping crap into the air?"

The Pasternaks received a discount from the $20,000 list price for acting as "ambassadors," and answering questions from interested consumers. Megan said she and Walt learn something every day about the vehicle, often from others in Sitka who seem to have been following the product. Megan said they welcome calls from potential buyers.

"It's a learning process," she said. "I'm sitting here reading the book for the second time, because you don't know what they're talking about until you're in the car."

The ZENN gets 35 miles on a single battery charge. Top speed is 37 mph, with 35 a sustainable cruising speed. It takes four hours and five kilowatts of electricity to bring a fully depleted battery up to 80 percent charged. The draw on AC power tapers off as the battery approaches full charge.

The Pasternaks keep extension cords handy, and Megan said she is still getting into the habit of "opportunity charging" -- plugging in to the nearest available outlet when away from home. The car has electric windows, electric and manual locks and a functioning heating system but no air conditioning.

Megan said it isn't as quiet as she expected, but that's because a lack of insulation in the aluminum frame and the polycarbonite sides don't keep out road noise. The only glitch so far has been a short caused during the installation of an AM/FM stereo. But a quick bit of troubleshooting solved the problem.

The car weighs in at a featherweight 1,200 pounds, but Megan said she feels safe because she is a careful, defensive driver. She hasn't tried the ZENN on snow but the car has front-wheel drive, and can be equipped with snowtires.

Sitka Electric Utility Director Charlie Walls said he had heard about the Pasternaks' car and is interested to see how it performs in Sitka.

"At this point it's very much an emerging technology," he said. "We're watching that. It has some potential in the long run for Sitka. It's a pioneering technology. This time they have a chance of getting them established."

As the price of oil -- now at about $100 a barrel -- continues to go up, the interest in hybrids and electric cars will increase, Walls said. "The next thing to come is plug-in hybrids, then all electrical," he said. "What we're seeing is forerunners of what's to come."

Walls has made announcements in the last few weeks about the low water levels at the hydroelectric dams, and the need for such conservation measures as turning off home electric heaters when alternative heat is available.

Battery-powered cars will not be a significant draw on the electric system until there are a lot more of them in Sitka, he said.

The city is working on plans to raise the height of the Blue Lake Dam, which will increase the local hydro resources significantly, and Walls will be in a Sitka delegation heading to Washington, D.C., next month to get support for the $25 million project.

"In a few years from now, we could have the capacity to handle the addition of (electric cars)," he said. "We think it has some real potential, and it'll be real attractive to Sitkans five years from now."

There is at least one other all-electric vehicle in Sitka. The Coast Guard Air Station uses it to transport materials short distances on Japonski Island.

Megan said so far she gives the ZENN high marks, and hopes to spread the word about her car and its benefits to the environment with a new personalized license plate.

If its's not already taken, she wants it to read: "NO CO2."

Close Window

ZENN

From Wikipedia, the free encyclopedia
(Redirected from Zenn)

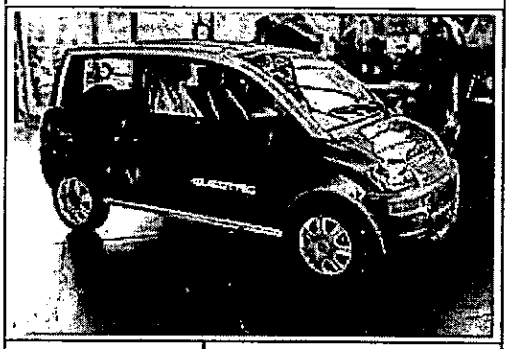
ZENN (*Zero Emission, No Noise*) is a 2-seat battery electric vehicle currently in production and built by ZENN Motor Company designed to qualify as a Neighborhood Electric Vehicle. It has a range of up to 40 miles (64 km) and does not exceed 25 mph (40 km/h). On earlier production models, there was an option of a 'Discovery Pack' which increased the ZENN's range a few miles. It now comes standard.

The vehicle is based on the Microcar (brand) MC2,in production in France since the early 2000s, and produced under license from Microcar's parent company Beneteau Group. The Microcar MC2, and the short wheelbase MC1, are sold in Europe with diesel engines.

Electric power is stored in six 12V lead-acid gel batteries, which has a recharge cycle of 8 hours. Valve regulated (low maintenance) lead-acid wet cells are available at extra cost.

Also optional are a retractable fabric sunroof, air conditioning, audio entertainment center, and AC motor, stated to be better for hill climbing. The 2008 model has a standard AC motor.

On January 16, 2007 EEStor, Inc. announced plans to ship 15 kilowatt-hour Electrical Energy Storage Units (EESU) to ZENN Motor Company by end of 2007 for use in the ZENN electric vehicles. As of Nov. 2008, this has not happened. If it were to happen, it would make the ZENN the first production vehicle to use EESU. As of April 30 2007 ZENN Motor Company owned approximately 3.8% of the equity of capacitor developer EEstor, after an investment of $2.5M US.[1]

ZENN	
	
Manufacturer:	ZENN Motor Company
Location:	Headquarters in Toronto Ontario, production in St. Jérôme, Quebec
Also known as:	Feel Good Cars
Production Years:	2006–present
Class:	NEV\LSV
Length:	3.1 m
Width:	1.6 m
Height:	1.4 m
Charging connector:	Extension cord to standard domestic 110V outlet
Charge time	80% - 4 hours, 100% - 8 hours
Curb Weight:	1,200 lb (544 kg)
GVRW:	1,705 lb (773 kg)
Battery type:	lead-acid batteries
Range:	50-80 km (30–50 miles)
Maximum speed:	40 km/h (25 mph)

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Doors:	3-door hatchback
MSRP:	$12,000–$16,000

Licensing agreement with EEStor

EEStor was founded in 2001 by Richard D. Weir and Carl Nelson, former senior managers in disk-storage technology at IBM and Xerox. The Company maintains a low profile, but others in the automotive and CleanTech communities are calling their storage technology 'game changing'. Such a breakthrough has the potential to transform the energy sector and the automobile industry in particular.

The following is how the EESU is claimed to compare to other batteries used for electric cars[2]

	Ceramic EESU	**NiMH**	**La(Gel)**	**Lithium-ion**
Weight (kg/lbs)	**135/300**	780/1716	1660/3646	340/752
Volume (litres/cubic inches)	**74.5/4541**	293/17,881	705/43,045	93.5/5697
Discharge rate	**0.02%/30 Days**	5%/30 Days	1%/30 Days	1%/30 Days
EV Charging time (full) - 100% charge	**3-6 min**	>3.0 hr	3-15 hr	>3.0 hr
Life Reduced with deep cycle use	**none**	very high	high	very high
Hazardous Materials	**none**	yes	yes	yes
Temperature vs. effect on energy storage	**negligible**	high	very high	high

ZMC entered into an agreement with EEStor dated August 24, 2004 (with subsequent amendments dated November 26, 2004, September 30 2005, August 8, 2006 and January 22, 2007) to acquire in perpetuity the worldwide exclusive rights to use EEStor's EESU in the following markets:

All-electric 4-wheeled personal transportation uses for vehicles with a curb weight up to 1,400 kilograms (3,100 lb), net of the battery weight, and For golf carts and similar-styled utility vehicles, and The aftermarket conversion of any internal combustion passenger vehicle to electric drive

The EEStor Technology Agreement also provides ZMC with non-exclusive, worldwide use to manufacture higher power and heavier vehicles.

About half of Zenn's IPO was used to invest in EEStor.

Skepticism from Experts about EEStor

Three technology experts hired by potential investors to investigate EEStor's technology have stated "it's not possible", "extremely unlikely that it's possible", "there's extreme skepticism", "there's nothing there", "it's ridiculous thinking", "it's beyond science fiction", and "I'm surprised that Kleiner has put money into it". [3] [4] [5]

City ZENN

The **cityZENN** is planned to be a fully certified, highway capable vehicle with a top speed of 125 kilometres per hour (78 mph) and a range of 400 kilometres (250 mi). Powered by EEStor, the cityZENN will be **rechargeable in less than 5 minutes**, feature operating costs 1/10th of a typical internal combustion engine vehicle and be 100% emission-free at the point of use. The **Z**ero **E**mission, **N**o **N**oise cityZENN will be designed to meet the transportation requirements of a large percentage of drivers worldwide. [6] It is due to be launched in Fall 2009. Also according to Ian Clifford a normal household outlet with 110 volt supply can fully charge the EESTor powered CityZENN in 4 hours for a 250 miles (400 km) range and a normal household outlet with 220 volt supply can fully charge the EESTor powered CityZENN in 2 hours for a 250 miles (400 km) range. A fast charge in about 5 minutes will be possible at special charge stations. CityZENN target price is around $25000 - $30000.[7]

Legalization in Canada

Although the company is headquartered in Toronto, and the car is manufactured in St- Jérôme, the vehicle was first introduced in the United States. Federal regulations set up by Transport Canada to approve low speed vehicles (LSVs) for public road use excluded the ZENN and other NEVs from Canadian roads. ZENN's battle with Transport Canada over LSV regulations has been periodically mentioned in Canadian news.[8]

The ZENN car met all the regulatory requirements in the United States; the same regulations adopted by Transport Canada in 2000. It took 2 years of political red tape before ZENN received its National Safety Mark from the Canadian Ministry of Transport. The safety mark was granted after a report by the CBC[9] caused public outcry against the governments lack of interest in environmentally friendly alternatives to fossil fuel vehicles.

Since August 16, 2000, British Columbia has allowed LSVs on its roads, but this exception to the federal law was designed mainly for large slow-moving farm equipment. Although the ZENN was technically legal in British Columbia, the cars would have needed to be equipped with warning signs and yellow flashing lights to distinguish themselves as slow-moving. ZENN Motor Company did not see these conditions as viable to establish a retailer market. After ZENN received its National Safety Mark, the province of British Columbia vowed to improve their support for electric vehicles, and granted the right to each municipality to make LSVs legal on their roads. As of November 2008, The City of Vancouver and the township of Oak Bay, a suburb near Victoria are the only municipalities to grant LSV use.

In Ontario, LSVs can be used on roadways within provincial or municipal parks and conservation areas (when driven by an authorized park employee) or on private property.

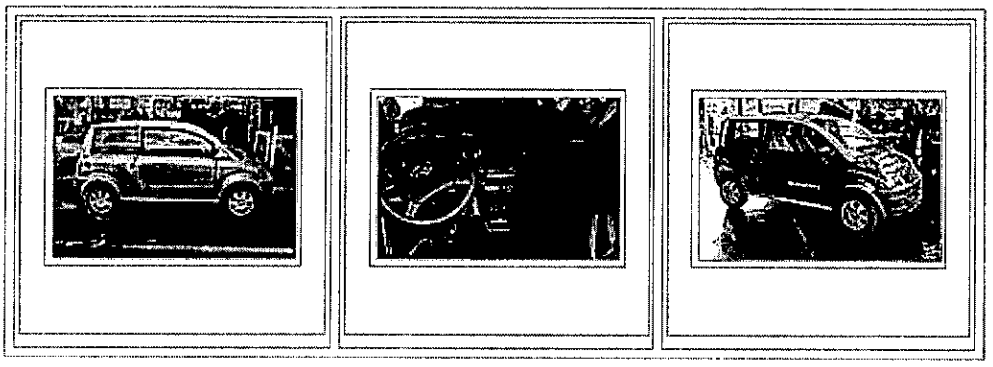
On June 17, 2008, Quebec announced a pilot project for the ZENN, which would allow residents of Quebec to drive a ZENN in Canada.[10] On October 4th, 2008 ZENN Motor Company opened up a retailer

out of its production plant in St. Jérôme with a factory direct approach to sales. This marked the first time a ZENN or any other low-speed commercial vehicle could be sold in Canada.

Awards

In the Michelin Challenge Bibendum 2006, ZENN received the highest overall rank in the Urban Car category.

Gallery



Competitors in light electric vehicles

- Aixam (neighborhood electric vehicle)
- Bolloré Blue Car
- Buddy
- Citroen Berlingo Electrique
- Dynasty IT
- G-Wiz (REVA)
- Italcar
- Mini E
- Nissan Nuvu
- Pininfarina B0
- Renault Z.E.
- Smart EV (production car)
- Subaru R1e (2009)
- The Kurrent (neighborhood electric vehicle).
- Th!nk City (production car).
- **ZENN**

Comparison with selected light electrical cars

Maker	Top speed	Range
Kewet Buddy	80 km/h	40 - 80 km

CityEl	63 km/h	80 - 90 km
Dynasty IT	40 km/h	50 km
REVA	70 km/h	80 km
The Kurrent	40 km/h	60 km
Th!nk City	100 km/h	170 km

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5. ^ http://www.technologyreview.com/business/18086/
6. ^ [http://www.zenncars.com/media/press_rel/03_08/ZMCAnnouncesPlans.pdf "ZENN MOTOR COMPANY DETAILS PLANS FOR HIGHWAY CAPABLE ZENN POWERED BY EESTOR"] (PDF). ZENN Motor Company Inc.. 2008-03-28. http://www.zenncars.com/media/press_rel/03_08/ZMCAnnouncesPlans.pdf. Retrieved on 2008-07-09.
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9. ^ "Electric car maker charges Ottawa blocking its sale in Canada". http://www.cbc.ca/canada/story/2007/10/26/electriccar-zenn.html.
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External links

- ZENN Motor Company (http://www.ZENNcars.com/index.html)
- The Challenge Bibendum Paris 2006: wrap-up (http://www.challengebibendum.com/challenge/front/affich.jsp?codeRubrique=43&lang=EN&newsID=17927)
- Low-Speed Vehicle Pilot Test FAQ (http://www.mto.gov.on.ca/english/dandv/vehicle/emerging/lsv-faq.htm)
- Support for legislation change in Canada to allow Zenn Cars to be sold here. (http://www.iwantazenn.com)
- http://www.eestorbatteries.com - Information, News, Articles, and Discussion Board for EEstor Batteries and Zenn Motor Company.

In The News

- Battery Breakthrough? - 1/22/2007 (http://www.technologyreview.com/Biztech/18086/)
- Better Batteries Charge Up - 8/05/2008 (http://www.technologyreview.com/Energy/21171/)

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Justia > Regulation Tracker > Department of Transportation > National Highway Traffic Safety Administration > Federal Motor Vehicle Safety Standards: Medium Speed Vehicles, - 55804-55810 [E8-22737]

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[Federal Register: September 26, 2008 (Volume 73, Number 188)]
[Proposed Rules]
[Page 55804-55810]
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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA-2008-0154]

Federal Motor Vehicle Safety Standards; Medium Speed Vehicles

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Denial of petition for rulemaking.

SUMMARY: This document denies petitions for rulemaking submitted by Environmental Motors, and Porteon Electric Vehicles, Inc. and Mirox Corporation. The petitioners requested that NHTSA commence rulemaking to create a new class of motor vehicles known as medium speed vehicles, which would have a maximum speed capability of 35 mph. The petitioners contemplated that these vehicles would be subject to a set of safety standards greater than those that apply to low speed vehicles but substantially less than the full set of safety standards that apply to other light vehicles such as passenger cars. The petitioners cited a

number of reasons in support of their petition, the most significant of which related to potential environmental benefits. After carefully reviewing the petitions, we are denying them because the introduction of such a class of motor vehicles without the full complement of safety features required for other light vehicles such as passenger cars would result in significantly greater risk of deaths and serious injuries. While NHTSA agrees with the importance of environmental issues, the agency believes that it is neither necessary nor appropriate to significantly increase the risk of deaths and serious injuries to save fuel.

FOR FURTHER INFORMATION CONTACT:

For technical issues: Gayle Dalrymple, Office of Crash Avoidance Standards, NVS-123. Telephone: 202-366-5559;

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facsimile: 202-493-2739; e-mail gayle.dalrymple@nhtsa.dot.gov.

For legal issues: Mr. Ari J. Scott, NHTSA Office of the Chief Counsel, NCC-112. Telephone: (202) 366-2992; facsimile: (202) 366-3820; e-mail ari.scott@nhtsa.dot.gov.

Both officials can be reached by mail at the National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

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B. The traffic environment in which MSVs would likely travel is an environment for which the full set of the Federal motor vehicle safety standards is needed to prevent fatalities and serious injuries
C. It is neither necessary nor appropriate to significantly increase the risk of deaths and serious injuries to save fuel
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I. Overview

NHTSA has received three petitions for rulemaking, from Environmental Motors, Porteon Electric Vehicles, Inc. and Mirox Corporation, requesting that the agency commence rulemaking to create a new class of motor vehicles known as medium speed vehicles MSVs. While the specific requests vary, they essentially ask the agency to conduct

rulemaking to exclude smaller light vehicles that would currently be classified as passenger cars, multipurpose passenger vehicles (MPVs) or trucks from many or most of the Federal motor vehicle safety standards, if their speed capability is 35 mph or less. The vehicles would instead be subject to a set of safety standards greater than those that apply to low speed vehicles (LSVs) but substantially less than the full set of safety standards that apply to other light vehicles.

The petitioners made a variety of arguments in support of their requests, the most significant of which related to environmental benefits, including facilitating the development of electric vehicles and fuel savings. They argued that because LSVs are not permitted to have a speed capability greater than 25 mph, they cannot safely keep up with traffic in urban areas, and a need therefore exists for vehicles with a higher speed (35 mph) capability. The petitioners also noted that two States have passed laws that purport to allow medium speed electric vehicles to operate on certain public roads.

After carefully considering the petitions, we are denying them because the introduction of such a class of motor vehicles without the full complement of safety features required for other light vehicles would result in significantly greater risk of deaths and serious injuries. We address the petitioners' arguments in detail in the rest of this document, but note the following points in this overview.

The petitioners appear to view MSVs as a variant of LSVs, i.e., a special class of small motor vehicles that would not be required to meet the full complement of the Federal motor vehicle safety standards. However, the rationale for applying a limited set of safety standards to LSVs is not relevant to MSVs.

NHTSA issues different safety standards for different types of motor vehicles. The agency established the special category of motor vehicles called LSVs to accommodate the use of small golf cars and other vehicles primarily intended for use in controlled, low-speed communities, such as retirement communities. In order to qualify as an LSV under the agency's definition, a vehicle must, among other things, have a speed capability no higher than 25 mph. LSVs are subject to a limited set of safety measures in FMVSS No. 500, including requirements related to the installation of lamps, mirrors, seat belts and a windshield. However, LSV's are not subject to most of the standards to which other light vehicles such as passenger cars are required to comply, including the rigorous crashworthiness standards.

One of the principal concerns raised by the petitioners is that the 25 mph speed limitation that applies to LSVs prevents these vehicles from keeping up with traffic in urban areas. However, the 25 mph limitation reflects the fact that NHTSA designed the set of safety standards that apply to LSVs for vehicles intended to be used in controlled, low speed environments. Vehicles with a speed capability above 25 mph are more likely to be driven outside controlled, low speed environments, and the limited LSV safety requirements are not appropriate for such vehicles.

The petitioners appear to assume that the full set of safety standards applicable to other light vehicles such as passenger cars would not be appropriate for MSVs, i.e., small vehicles with a speed capability of 35 mph. However, the traffic environment in which these

vehicles would likely travel, including, e.g., urban roads with a speed limit of 35 mph or 45 mph, is an environment for which the full set of the Federal motor vehicle safety standards is needed to prevent fatalities and serious injuries. MSVs would be traveling in mixed traffic at speeds in which crashes posed a risk of serious injury or fatality and in which safety features such as frontal and side air bags significantly reduced that risk. Also, a number of the crash test requirements included in our safety standards simulate crashes in this higher speed environment. We note that the petitioners did not provide analysis demonstrating why any of the Federal motor vehicle safety standards are not needed for MSVs.

NHTSA shares the concerns of the petitioners about the importance of environmental issues and saving fuel, and notes that it is currently engaged in rulemaking in which it has proposed to substantially increase average fuel economy standards for passenger cars and light trucks. We also note that a number of smaller vehicles have been introduced in recent years that are certified to comply with the full set of Federal motor vehicle safety standards. In addition, the current unprecedented cost of fuel is forcing manufacturers to improve fuel efficiency and reduce vehicle size without Federal mandates.

While we appreciate the importance of environmental issues, NHTSA does not believe that it is necessary or appropriate to significantly increase the risk of deaths and serious injuries to save fuel by introducing a new class of motor vehicles that does not provide adequate safety protection.

II. Petitions for Rulemaking

Environmental Motors

One of the petitions received by NHTSA was from Environmental Motors, an electric vehicle (EV) dealer located in Glendale, CA.\1\ That company stated that the petition was being sent as part of an effort by a coalition interested in getting zero emission, energy-efficient vehicles on the road in a safe and timely manner. The coalition includes EV manufacturers and sellers (including Miles Electric Vehicles, Zenn Motor Company, e-ride Industries, Dynasty Electric Car Corp., Boshart Engineering, Free Drive EV, Inc, Clean-Tech LLC, LE Electric Automobiles, LLC, and Electrovaya, Resort Vehicles, Inc.), the City of Santa Monica, CA, the University of California, Santa Barbara, and the Sustainable Transport Club of Santa Monica, CA. All of these groups sent letters supporting Environmental

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Motors' petition, which were attached to the petition.

\1\ This petition can be viewed at http://www.regulations.gov, docket NHTSA-2008-0019.

The petition itself requested that NHTSA establish a Medium Speed Vehicle (MSV) standard. According to the petition, the promulgated MSV standard should incorporate ``the right mix of safety features,'' although it did not specify what it considered a right mix. In doing so, the petition requested that NHTSA consider a number of factors. These include:

The fact that MSV legislation has been passed by several States.

Alleged safety benefits of vehicles being able to keep up with traffic.

That a MSV class would assist in the development of electric vehicles.

That most MSVs would be electric, and noting the environmental benefits of electric vehicles.

Additionally, in letters of support, various supporters added additional arguments. These included:

The fact that full-speed electric vehicles are expensive.

Safety disbenefits incurred by the fact that some individuals modify LSVs to increase their speed.

As an alternative to creating a class of MSVs, NHTSA could increase the speed limitation for LSVs.

NHTSA prop. approach as Solut.

Mirox Corporation

Another petition that NHTSA received was from Mirox Corporation (Mirox).\2\ Mirox's petition was more detailed than that of Environmental Motors, but also suggested that NHTSA create a class of MSVs with a maximum top speed of 35 mph.

Mirox requested that NHTSA define a MSV as a vehicle with: (1) A maximum speed of 30-35 mph, a maximum GVWR of 3,000 lbs. for cargo-carrying vehicles, or 2,500 lbs. for vehicles with passenger-carrying capacity only; (3) has three or four wheels; and (4) a limited number of equipment and bumper requirements. These requirements are more stringent than those required for LSVs, but substantially less than those required for other light vehicles such as passenger cars. Most prominently, Mirox would exclude MSVs from the requirements of FMVSS Nos. 138, 202a, and 208. The petitioner's request is explained in more detail below.

\2\ This petition can be viewed at http://www.regulations.gov, docket NHTSA-2008-0019.

Mirox presents a variety of reasons for recommending its MSV classification. Some of these are similar to those identified by Environmental Motors, but some are unique. The following is a summary of the arguments put forth by Mirox:

MSVs are a viable alternative to motorcycles, including enclosed, three-wheeled motorcycles, which are currently subject to a very limited array of safety standards. Mirox notes that the rate of motorcycle fatalities has been increasing, and argues that the use of

MSVs could alleviate this. Mirox also argues that MSVs would provide better protection from weather and outside conditions than motorcycles, and are therefore likely to be used more often. Additionally, Mirox states that MSVs would be easier to drive than motorcycles, which would also help reduce injuries.

MSVs are a better alternative to LSVs for use in driving in urban environments. Mirox states that due to speed limitations, LSVs are unsuited to driving in urban conditions, as they impede traffic flow and have limited acceleration potential. Mirox also argues that drivers will prefer MSVs as defined by the petitioner, as they will offer more protection from outside conditions and be equipped with a wider array of safety features than LSVs.

Mirox expounds on the environmental and economic benefits of increased fuel economy for MSVs over passenger cars. It argues that because most MSVs will be electric, they will not consume fuel while idling, which is common in the urban environments that Mirox believes will be the primary environment for MSVs.

Like Environmental Motors, Mirox points to the adoption of MSEV statutes in Montana and Washington, and argues that Federal regulations should be changed to sanction vehicles built in accordance to those statutes.

Mirox cites the use of ``quadricycles'' in Europe, and argues that similar vehicles should be permitted in the U.S. as well. Mirox asserts that European experience, especially in France, has shown that the quadricycle class of vehicles is the safest of all vehicle classes, and that their drivers had fewer accidents than the average driver of a full-sized car.

In its petition, Mirox recommended a specific, detailed definition for MSVs. While similar in nature to that for an LSV, Mirox's definition contains more specific safety requirements. We note that, while it espoused the benefits of electric power, unlike the Montana or Washington statutes, Mirox's recommended definition would include gasoline-powered MSVs.

Specifically, Mirox's recommended definition of medium-speed vehicle is:

A self-propelled, four-wheeled or three-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than thirty miles per hour but not more than thirty-five miles per hour on a paved level surface. Each Medium-speed vehicle shall at a minimum be equipped with [the] following safety equipment that [conforms] to [the] existing FMVSS and current applicable SAE standard:

Headlamps as per FMVSS No. 108

Front and rear turn signal lamps (SAE I) (49 CFR 571.108)

Taillamps (SAE T), (49 CFR 571.108)

Stop lamps (SAE S), (49 CFR 571.108)

Reflex reflectors: one red on each side as far to the rear as practicable, one amber on each side as far to the front as practicable (SAE A)

Side marker lights, one red on each side as far to the

rear as practicable, one amber on each side as far to the front as practicable (SAE P)

An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror (49 CFR 571.111)

A parking brake (49 CFR 571.135)

A windshield of AS-1 or AS-5 composition, that conforms to the American National Standards Institute's ``Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highway,'' Z-26.1-1977, January 28, 1977, as supplemented by Z26.1a, July 3, 1980 (49 CFR 571.205)

A VIN that conforms to the requirements of 49 CFR Part 565, Vehicle Identification Number

A Type 1 or Type 2 seat belt assembly conforming to FMVSS No. 209, installed at each designated seating position, and whose mounting complies with FMVSS No. 210

Bumper system; both front and rear that conforms to 49 CFR Part 581

Audible Warning Devices; Horn and Reverse Warning Beeper

If the vehicle is electrically powered it shall conform to FMVSS No. 305

A GVWR of less than 1,361 kilograms (3,000 pounds) if the vehicle is designed with substantial cargo-carrying capacity (i.e., vehicles intended for carrying goods), or 1,134 kilograms (2,500 pounds) if the vehicle is designed solely for transport of passengers.

Additionally, if the Medium-speed vehicle contains any equipment that is referenced in any of the following FMVSS[s], such equipment or features shall [conform] to all the requirements of the applicable FMVSS:

FMVSS Nos. 101, 102, 103, 104, 105, 106, 108, 109, 110, 111, 113, 116, 118, 124, 135, 139, 201, 202, 203, 204, 205, 206, 207, 209, 210, 212, 214, 216, 219, 225, 301, 302, 304, 305, and 401.

Porteon Electric Vehicles, Inc

The last petition received by NHTSA was from Porteon Electric Vehicles, Incorporated of Portland, Oregon.\3\ This petitioner plans to market an electric car designed from the ground up rather than retrofit an imported vehicle by removing the IC engine and replacing it with an electric motor. The petitioner is concerned, ``that unregulated growth

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could create safety issues and concerns that negatively impact and cause severe damage to a new growth industry that provides real and significant solutions to our country and our planet's key issues.'' This petitioner envisions a Medium Speed Vehicle class that ``would essentially be the same as the LSV regulations with the exception of the top speed of 35 miles per hour and additional vehicle requirement to increase the safety of margin [sic] for rollover, stopping,

acceleration, and avoidance maneuvering.'' The petitioner lists these additional vehicle requirements as: Ability to maintain 35 mph on a level grade, ability to maintain 30 mph up an 8 percent grade, a minimum width of 55 inches, a ``coil over shock'' suspension, four-wheel hydraulic disc or drum brakes, and three-point automotive seat belts, in addition to the requirements that already exist for LSVs in FMVSS No. 500. The petitioner also states, ``Additional testing of the vehicles should also be considered, including crush zones with a 2.5mph `no damage' requirement. A full frontal crash should be required to meet safety standards between 17-18 mph, which is a derivative of full speed automobiles being crash tested at 35 mph.'' The petitioner does not state where the no damage crush zones would be on the vehicle, how they would be measured, or which safety standards would be tested at 17 or 18 miles per hour.

\3\ This petition can be viewed at http://www.regulations.gov, docket NHTSA-2008-0019.

Porteon believes the new medium speed vehicle class is necessary because LSVs currently travel, with their top speed of 25 mph, on streets with speed limits up to 35 mph and normal traffic flow is impeded by these vehicles. MSVs, with their top speed of 35 mph, ``would create a more cohesive traffic environment for mixed use vehicles.''

III. Low Speed Vehicles

In 1998, NHTSA established Federal Motor Vehicle Safety Standard (FMVSS) No. 500, ``Low speed vehicles,'' in response to growing interest in using golf cars and other similar-sized, 4-wheeled vehicles, including Neighborhood Electric Vehicles (NEVs), to make short trips for shopping, social, and recreational purposes primarily within retirement or other planned communities with golf courses. See 63 FR 33194. The definition of LSV established in that rulemaking was, ``a 4-wheeled motor vehicle, other than a truck, whose speed attainable in 1.6 km (1 mile) is more than 32 kilometers per hour (20 miles per hour) and not more than 40 kilometers per hour (25 miles per hour) on a paved level surface.

In 2005, NHTSA published a final rule amending the definition of LSVs by removing the restriction on trucks, and instead establishing a 2,500 pound maximum GVWR. See 70 FR 48313. This allowed small vehicles designed for work-related applications within the intended communities, such as landscaping or delivery purposes, to be included within the definition of an LSV, without opening the category to unintended vehicles, such as street-sweepers or speed-modified passenger cars. Additionally, in 2006, in response to petitions for reconsideration from Dynasty Electric Car Corporation and Global Electric Motorcars (GEM), both manufacturers of electric LSVs, NHTSA increased the maximum GVWR for LSVs to 3,000 pounds. This was done, in part, to ``level the playing field'' between electric and gasoline-powered LSVs, by allowing

for the additional weight in batteries required by electric vehicles. See 71 FR 20026.

In conceiving the concept of the LSV as a small vehicle that would not be subject to the same stringent safety criteria as other vehicles, a critical concept was that it would not ordinarily mix with other traffic. In our 1998 rule establishing the category of LSVs, NHTSA explained in the summary that the rule:

[R]esponds to a growing public interest in using golf cars and other similar-sized, 4-wheeled vehicles to make short trips for shopping, social and recreational purposes primarily within retirement or other planned communities with golf courses. [emphasis added]

NHTSA's detailed analysis, as explained in the preamble of the 1998 final rule, recognized the importance of the fact that under most conditions, LSVs would not intermingle with regular automobile traffic, and the occasions where they would mix would be in controlled, low-speed environments. NHTSA stated that

NHTSA has carefully reviewed their argument about the effects of this rulemaking. LSV safety, and thus the need for FMVSSs for LSVs, will be determined by the combination of three factors: vehicle design and performance; operator training and ability; and the operating environment. The agency believes that Standard No. 500, in combination with a limited operating environment and appropriate operator training and ability, will appropriately address the safety needs of LSV users.\4\

\4\ 63 FR 33208.

Additionally, in the 1998 final rule, NHTSA analyzed the Fatal Analysis Reporting System (FARS) data regarding fatalities involving golf cars. It was found that of the nine reported fatalities, eight of them involved a collision with a car or truck. This further underscored the importance of driving environment.

In the 1998 final rule, the agency studied the use of NEVs in various municipalities that permitted them to travel on public roads. In that notice, we stated that ``the driving environment [of LSVs] should be appropriate to the vehicle and its characteristics. Limiting LSV use to low-speed city and suburban streets is necessary, but does not eliminate the safety risks.'' \5\ NHTSA analyzed the State laws governing the on-road permissibility of NEVs in various States. Of the 12 States discussed, only one State (Arizona) permitted NEVs to travel on any road with a speed of 35 mph or less. The other 11 States (California, Nevada, New Mexico, Colorado, Wyoming, Illinois, Minnesota, Iowa, Florida, Georgia, and Texas) restricted NEVs to roads specifically designated by State and local governments.\6\

\5\ 63 FR 33208.

\6\ See 63 FR 33207.

One portion of the analysis discussed possible reasons for the disparity of fatalities between Sun City \7\ (which had four NEV fatalities) and the City of Palm Desert (which had zero). We noted that:

\7\ We note that Sun City is located in Arizona, the only State that allowed NEVs to travel on any street with a speed limit of 35 mph or less.

The City of Palm Desert has a more controlled environment than Sun City for golf car use. The City of Palm Desert permits on-road use of golf cars in the same lanes as passenger cars and other larger motor vehicles in speed zones posted for speeds up to 25 miles per hour. In speed zones posted for speeds over 25 miles per hour, golf cars may be operated on-road only if there is a lane designated for their use and if the golf car is, in fact, operated within that lane. By contrast, NHTSA understands that Sun City, under state law, allows golf cars to operate in the same lanes as larger traffic on any road with a maximum speed of 35 miles per

---

hour.

Based in part on this analysis, as well as our other observations, we concluded that operating environment played an important role in determining the benefits of establishing the LSV classification, as well as determining what safety standards should apply to that class. While NHTSA does not regulate the driving environment (such decisions are at the discretion of State governments), it did recommend that LSVs be licensed only for use in environments with very limited traffic. Specifically, we stated:

NHTSA recognizes that not all operating environments may be as controlled as that of the City of Palm Desert. The agency encourages other states and municipalities to study the features of the City of Palm Desert's

[[Page 55808]]

plan, and to adopt those features to the extent practicable.\8\

\8\ 63 FR 33208.

In later rulemakings, NHTSA made several adjustments to the definition of LSVs. First and foremost, the agency dropped its original restriction on ``truck-like'' vehicles, and replaced it with a maximum gross vehicle weight rating for LSVs.\9\ This weight limit was originally 2,500 lbs., but was later increased to 3,000 lbs.\10\

\9\ 70 FR 48313, August 17, 2005.
\10\ 71 FR 20026, April 19, 2006.

IV. State Legislation on MSEVs and Relevant Federal Requirements

In the past year, two States have enacted legislation that purports to allow medium speed electric vehicles (MSEVs) to operate on certain public roads. Montana was the first State to pass such a law, on April 23, 2007. This was followed shortly thereafter by Washington State, which passed on May 15, 2007. These are the only two States that NHTSA is aware of that have passed any sort of MSV legislation.

The Montana and Washington statutes define MSEVs as electric-powered vehicles with a maximum speed of 35 mph that meet certain limited safety requirements similar to those established by NHTSA for LSVs.\11\ The Montana law permits MSEVs to travel on public roads with a posted speed of up to 45 mph,\12\ while the Washington law restricts them to roads with a posted speed of 35 mph or less.

\11\ The specific definitions are at Mont. Code Ann. 61-1-101 and West's RCWA 46.04.295.
\12\ Mont. Code Ann. 61-8-377.

NHTSA has considered the legislative history and other information relating to the aforementioned State laws. Both States were interested in expanding the use of electric vehicles in order to reduce fuel consumption, and economic and environmental benefits associated with that end. Additionally, there was a stated belief that a speed of 35 mph is needed for safety, as they would be able to keep up with traffic better. The following excerpt from the Washington State Senate report illustrates the considerations at issue:

Staff Summary of Public Testimony: PRO: These electric vehicles are environmentally friendly and provide significant energy savings. They are not golf carts; they are cars designed for running errands in town. The current speed of 25 mph is too slow and puts people at risk. Increasing the allowed speed to 35 mph will improve safety.\13\

\13\ Washington State Senate Bill Report, HB 1820, March 21, 2007.

Under Federal law, vehicles with a speed capability above 25 mph that would be considered MSEVs under these State laws are classified as passenger cars, multipurpose passenger vehicles, or trucks. These vehicles are subject to the full range of FMVSSs that apply to these vehicles. The responsibilities of manufacturers and dealers to comply

with Federal law, including not manufacturing or selling vehicles unless they comply with all applicable FMVSSs, are not limited by State laws on MSEVs.

V. Agency Response to Petitions

After carefully considering the petitions from Environmental Motors, Proteon and Mirox, we are denying them. First and foremost among this agency's considerations are safety concerns. The concept of establishing such a class of motor vehicles with limited safety features that would be likely to intermingle with larger, higher-speed vehicles in urban environments would result in significantly greater risk of deaths and serious injuries. The petitioners did not provide analysis demonstrating why any of the Federal motor vehicle safety standards are not needed for MSVs, given the traffic environment in which these vehicles would be likely to travel.

A. The Rationale for Applying a Limited Set of Safety Standards to LSVs Is Not Relevant to MSVs

As noted earlier, the petitioners appear to view MSVs as a variant of LSVs, i.e., a special class of small motor vehicles that would not be required to meet the full complement of the Federal motor vehicle safety standards. However, the rationale for applying a limited set of safety standards to LSVs is not relevant to MSVs.

NHTSA issues different safety standards for different types of motor vehicles. The agency established the special category of motor vehicles called LSVs to accommodate the use of small golf cars and other vehicles primarily intended for use in controlled, low-speed communities, such as retirement communities. In order to qualify as an LSV under the agency's definition, a vehicle must, among other things, have a speed capability no higher than 25 mph. LSVs are subject to a limited set of safety measures in FMVSS No. 500, including requirements related to the installation of lamps, mirrors, seat belts and a windshield. However, LSV's are not subject to most of the standards to which other light vehicles such as passenger cars are required to comply, including the rigorous crashworthiness standards.

One of the principal concerns raised by the petitioners is that the 25 mph speed limitation that applies to LSVs prevents these vehicles from keeping up with traffic in urban areas. They argued that because LSVs are not permitted to have a speed capability greater than 25 mph, they cannot safely keep up with traffic in urban areas, and a need therefore exists for vehicles with a higher speed (35 mph) capability.

However, the 25 mph limitation reflects the fact that NHTSA designed the set of safety standards that apply to LSVs for vehicles intended to be used in controlled, low speed environments. Vehicles with a speed capability above 25 mph are more likely to be driven outside controlled, low speed environments, and the limited LSV safety requirements are not appropriate for such vehicles.

When promulgating the original LSV rule, as stated above, at the time one of the most important factors was that LSVs were conceived as vehicles that would be used in controlled, low-speed environments,

primary in retirement communities and those centered around golf courses. NHTSA surveyed the applicable State laws governing the on-road use of LSVs, and found that only one out of twelve States with LSV-use laws permitted them to travel on any public road with a speed limit of 35 mph or less. The other remaining States limited their use to specially-designated roads.\14\ While NHTSA does not have the authority to prescribe the roads for which different types of vehicles are permitted, the agency suggested limiting LSVs to controlled environments. The following passage from the 1998 final rule properly summarizes NHTSA's position on this point:

\14\ 63 FR 33207.

Still another reason [for the significant disparity in the number of deaths involving NEVs] may lie in the different operating environments in the two communities. The City of Palm Desert has a more controlled environment than Sun City for golf car use. The City of Palm Desert permits on-road use of golf cars in the same lanes as passenger cars and other larger motor vehicles in speed zones posted for speeds up to 25 miles per hour. In speed zones posted for speeds over 25 miles per hour, golf cars may be operated on-road only if there is a lane designated for their use and if the golf car is, in fact, operated within that lane. By contrast, NHTSA understands that Sun City, under state law, allows golf cars to operate in the same lanes as larger traffic on any road with a maximum speed of 35 miles per hour.

NHTSA recognizes that not all operating environments may be as controlled as that of the City of Palm Desert. The agency encourages other states and municipalities to study the features of the City of Palm Desert's plan, and to adopt those features to the extent practicable.\15\

\15\ 63 FR 33208.

[[Page 55809]]

We recognize that since that time many States have passed laws permitting LSVs on a much wider variety of roads than originally contemplated. Today, many States permit LSVs on all public roads with posted speed limits of 35 mph or less. Some States even permit them on roads with speed limits of 45 mph.

As we have noted before, however, we continue to believe that LSV use on roads outside confined, controlled areas will be limited by the fact that occupants will not want to travel at less than 25 mph in mixed-vehicle traffic for other than very short trips, regardless of how States may or may not restrict their use. See 68 FR 68319, December 3, 2003.

We agree with the petitioners that the increased speed capability

and other features in the requested MSV category would facilitate and encourage drivers to use MSVs in general driving environments. This, however, means that the rationale for applying a limited set of safety standards to LSVs is not relevant to MSVs. Instead, and as discussed further below, this is an argument for why these vehicles should be required to comply with the same safety standards as other light vehicles used in general driving environments, such as passenger cars.

B. The Traffic Environment in Which MSVs Would Likely Travel Is an Environment for Which the Full Set of the Federal Motor Vehicle Safety Standards Is Needed To Prevent Fatalities and Serious Injuries

The petitioners appear to assume that the full set of safety standards applicable to other light vehicles such as passenger cars would not be appropriate for MSVs, i.e., small vehicles with a speed capability of 35 mph. However, the traffic environment in which these vehicles would likely travel, including, e.g., urban roads with speed limits of 35 mph or 45 mph, is an environment for which the full set of the Federal motor vehicle safety standards is needed to prevent fatalities and serious injuries. We note that the energy involved in vehicle-to-vehicle collisions increases proportional to the square of the velocity of travel, and the result of a vehicle collision at 35 mph is twice as severe as the same collision at 25 mph.

MSVs would be traveling in mixed traffic at speeds in which crashes posed a risk of serious injury or fatality and in which safety features such as frontal and side air bags significantly reduced that risk. Also, a number of the crash test requirements included in our safety standards simulate crashes in this higher speed environment. We note that the petitioners did not provide analysis demonstrating why any of the Federal motor vehicle safety standards are not needed for MSVs.

As part of considering this issue, we have looked at crash information on public roads with speed limits of 35 to 45 mph. For this traffic environment, the need for the safety features required in FMVSS No. 208, air bags, are far more important than for lower speed crashes, as frontal crashes become a more prominent part of the overall crash picture.

The total number of occupants killed annually in crashes is 37,314 (2002-2006 average, Fatality Analysis Reporting System). Of these occupant fatalities, 6,319 were killed on roads with posted speed limits of 35 mph or less, and 13,493 are killed in crashes on roads with posted speed limits of 45 mph or less. The total number of occupants suffering incapacitating injury annually is 13,492. Of these, 1,798 were injured in crashes on roads with posted speed limits of 35 mph or less, and 4,261 occupants were injured in crashes on roads with posted speed limits of 45 mph or less. It is important to note that those numbers reflect vehicles that were certified to comply with the Federal motor vehicle safety standards.

We estimate that in 2005, on roads posted at 35 mph or lower, 1,921 crash victims lived because the vehicles were compliant with all FMVSSs, including 278 saved by air bags. In crashes on roads posted at 45 mph or lower, 3,163 lives were saved because the vehicles involved were compliant with all FMVSSs. Of those, 414 were saved by air

bags.\16\

\16\ Using the methodology of ``Lives Saved by the Federal Motor Vehicle Safety Standards and Other Vehicle Technologies, 1960-2002'' DOT HS 809-833.

Given these statistics, we believe the full set of Federal motor vehicle safety standards is needed for vehicles traveling in the traffic environment in which MSVs would likely travel, including, e.g., urban roads with speed limits of 35 mph or 45 mph.

Finally, as noted above, a number of the crash test requirements included in our safety standards simulate crashes in this environment. For example, our highest speed crash test in FMVSS No. 208 (vehicle compliance is currently phasing in) simulates a 35 mph frontal crash between the tested vehicle and a vehicle like itself. Our crash test in FMVSS No. 214 that helps ensure thoracic protection simulates a crash in which the tested vehicle traveling at 15 mph is struck in the side by a light vehicle traveling at 30 mph.

C. It Is Neither Necessary nor Appropriate To Significantly Increase the Risk of Deaths and Serious Injuries To Save Fuel

The petitioners and the supporters which wrote in favor of the Environmental Motors petition emphasized the potential to conserve fuel, thereby saving money at a time of high fuel prices as well as reducing emissions that can harm the environment. In the two States that passed MSEV statutes, the legislative history also shows that this legislation was conceived due to concerns about saving fuel.

NHTSA also considers fuel conservation an important goal. However, we believe that it is neither necessary nor appropriate to significantly increase the risk of deaths and serious injuries to save fuel.

Fuel conservation can be accomplished by means that are not inconsistent with the need for safety. Significant innovation is currently underway in fuel economy, gas-electric hybrid engine technology, and continued development of fully electric vehicles, such as the Chevrolet Volt, noted in the Mirox petition. NHTSA recently published a proposal to substantially increase fuel economy (CAFE) standards for passenger cars and light trucks. These standards affect nearly all light vehicles, and will have a tremendous impact on fuel savings. Furthermore, these vehicles are being designed to meet the full FMVSS requirements for passenger cars or other applicable vehicle class.

D. Other Issues

The petitioners raised a number of additional issues, which we discuss in this section.

Quadricycles

The Mirox petition compared the requested MSV classification to a

type of vehicle used in Europe known as a ``quadricycle.'' The Economic Commission for Europe (ECE) defines a quadricycle in two vehicle categories, L6 ``light quadricycle'' and L7 ``quadricycle'': \17\

\17\ TRANS/WP.29/78/Rev.1/Amend. 4, 26 April 2005.

Category L6: A vehicle with four wheels whose unladen mass in not more than 350 kg, not including the mass of the batteries in the case of electric vehicles, whose maximum design speed is not more than 45 km/h, and whose engine cylinder capacity does not exceed 50 cm\3\ for spark (positive) ignition engines, or whose maximum net power output does not exceed 4 kW in the case of other internal combustion engines, or whose

[[Page 55810]]

maximum continuous rated power does not exceed 4 kW in the case of electric engines.

Category L7: A vehicle with four wheels, other than that classified for the category L6, whose unladen mass is not more than 400 kg (550 kg for vehicles intended for carrying goods), not including the mass of batteries in the case of electric vehicles and whose maximum continuous rated power does not exceed 15 kW.

Mirox claimed that quadricycles are an extremely safe method of transportation that is used extensively in Europe. The chief benefits of quadricycles is that they are easy to use (unlike motorcycles), easy to park, and consume far less fuel than even the smallest European passenger cars. Mirox requested that MSVs be defined in such a way that at least some European quadricycles can be legally imported as MSVs.

While the petitioner claimed that quadricycles are extremely safe, Mirox did not provide any data to support this claim or to show that introduction of these vehicles into the U.S. would be consistent with the need for safety. We note that we have earlier denied the petition of GG Quad North American to change the definition of ``motorcycle'' to allow quadricycles to be sold in the U.S. as motorcycles (71 FR 67843, November 24, 2006).

Aftermarket Speed Modifications of LSVs

A letter written in support of the Environmental Motors petition by Electrovaya suggested that ``The new [MSV] regulations would give people a better option than illegally changing an LSV to go faster.'' We agree with Electrovaya that modifying an LSV to increase the speed is highly undesirable. However, we do not believe that adopting a regulation to accommodate this practice is a prudent response to the issue. Furthermore, we would point out that manufacturers, dealers, sellers, and motor vehicle repair businesses that modify the speed of an LSV are in violation of the ``make inoperative'' provision.

This statutory provision, 49 U.S.C. 30122, Making safety devices and elements inoperative, reads in part:

A manufacturer, distributor, dealer, or motor vehicle repair business may not knowingly make inoperative any part of a device or element of design installed on or in a motor vehicle or motor vehicle equipment in compliance with an applicable motor vehicle safety standard prescribed under this chapter unless the manufacturer, distributor, dealer, or repair business reasonably believes the vehicle or equipment will not be used (except for testing or a similar purpose during maintenance or repair) when the device or element is inoperative.

If one of the above-mentioned entities increased the speed of an LSV to 25 mph or greater, that LSV would no longer comply with paragraph S5.3 of FMVSS No. 500, which specifies that the vehicle's top speed must be less than 25 mph. Therefore, the modifying entity would be subject to civil penalties as specified in 49 U.S.C. 30165.

Burgeoning Electric Vehicle Market

Porteon states in its petition, ``Regardless of our [the electric cars' industry] success or failure, the U.S. will soon see an influx in electric vehicles as fuel prices, urbanization, and climate change effect [sic] transportation and state regulation. It is estimated that over 20 manufacturers are in operation or commencing production along with a new influx of imports anticipated from China and Malaysia. Our concern is that unregulated growth could create safety issues and concerns that negatively impact and cause severe damage to a new growth industry that provides real and significant solution to our country and our planet's key issues.'' NHTSA would like to point out that the electric vehicle market is not unregulated. Any vehicle not certified as an LSV, or that travels at speeds greater than 25 miles per hour, must meet all the FMVSSs in place for the appropriate vehicle type (passenger car, truck, bus, or MPV). The petitioner can rest assured that growth of the electric vehicle market will not occur without the vehicles meeting the existing regulatory safety requirements enforced by NHTSA. The only difference between electric vehicles and those predominately in use today is their propulsion system. An electric propulsion system will not exempt these vehicles from the requirement to meet all the Federal standards for motor vehicles.

VI. Conclusion

For the reasons discussed above, NHTSA denies the petitions for rulemaking submitted by Environmental Motors, Proteon Electric Vehicles and Mirox Corporation.

Issued on: September 19, 2008.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. E8-22737 Filed 9-25-08; 8:45 am]

BILLING CODE 4910-59-P

Adopted w/o obj

Conceptual Amendment #2 by MG

Page 2 lines 3-8 delete all language and

insert: Adopted w/o obj by MG Conceptual Amdt #1 to approach and departure

(2) cross a highway at intersections if the highways upon which the LSV is being operated [is] are eligible for LSV operation under this section [THAT HAS A MAXIMUM SPEED LIMIT OF MORE THAN 35 MILES AN HOUR IF THE CROSSING IS MADE AT THE INTERSECTION WITH A HIGWAY THAT IS AUTHORIZED FOR LOW SPEED VEHICLES].

Conceptual Amendment 2 Passed

page 2 lines 3-8 delete all language and insert:

(2) cross a highway at intersections if the highway upon which the LSV is being operated or is eligible for LSV operation under this section [THAT HAS A MAXIMUM SPEED LIMIT OF MORE THAN 35 MILES AN HOUR IF THE CROSSING IS MADE AT THE INTERSECTION WITH A HIGHWAY THAT IS AUTHORIZED FOR LOW SPEED VEHICLES]. approach and departure of

HB

226

ALASKA STATE LEGISLATURE

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Phone (907) 373-1842
Fax: (907) 373-4729

Session:
State Capitol Building
Juneau, Alaska 99801-1182
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Fax: (907) 465-3818

REPRESENTATIVE WES KELLER
DISTRICT 14

CS for House Bill 226- Naming Veterans' Way in Mat-Su

Sponsor Statement

Alaska has one of the nation's largest per-capita population of veterans. These are the true heroes of Alaska, men and women who have served in the armed forcers of our great country to keep us free.

House Bill 226 is an opportunity for us as a legislature to say thank you for keeping America and Alaska free. Thank you for interrupting your life to serve at home and abroad. Thank you for offering to make the supreme sacrifice for your country.

Upon passage of HB 226, Bogard, Seldon and East Colony Schools Roads will become Veteran's Way. In addition to honoring our veterans the name change will also provide an easier understanding of directions as this one road will have one name rather than the current three names. We urge your passage of this bill in support of our veterans.

E-Mail: Representative_Wes_Keller@legis.state.ak.us
Call Juneau Toll free: (800) 468-2186
Website: www.akrepublicans.org/keller/

ALASKA STATE LEGISLATURE

MAT-SU VALLEY DELEGATION

March 1, 2010

Representative Peggy Wilson
Chair, House Transportation Committee

Re: House Bill 226 – Naming Veterans' Way in Mat-Su

Dear Representative Wilson:

As members of the Mat-Su delegation, we urge you to schedule HB 226, legislation establishing Veterans' Way in the Mat-Su Borough. The heroic service of Alaskan veterans is recognized in this bill, which renames the collective corridor of Seldon Road and a segment of Bogard Road to "Veterans' Way," while maintaining the individual road names. This is an excellent opportunity for the State of Alaska to pay tribute to the multitude of Alaskans who have served in the armed forces in defense of our liberties. We express our deepest thanks to the men and women who have selflessly put themselves at risk in the service of our country, and ask for the scheduling and favorable consideration of this legislation as a sign of our gratitude and respect to Alaskan veterans.

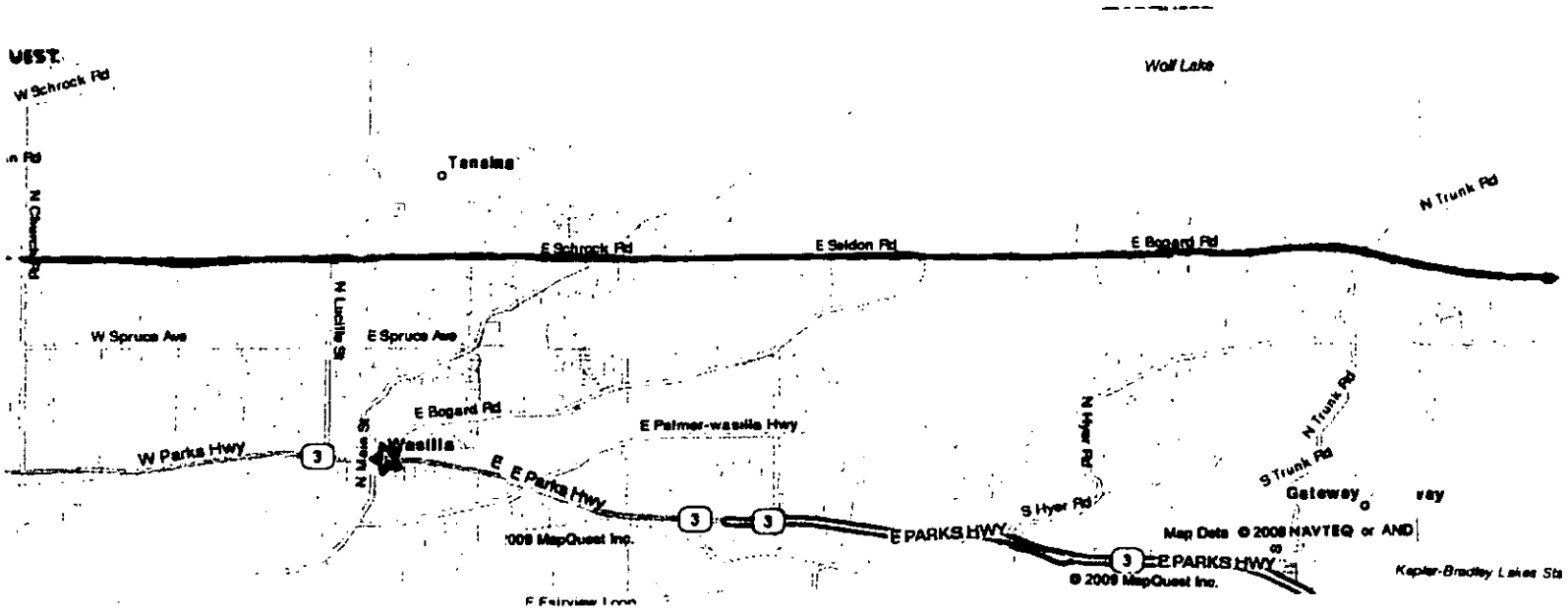
Respectfully,

3003

I talked with Janet from your office a bit and understand that you are working on a draft bill to designate the Bogard-Seldon Corridor as Veteran's Way. We at the Borough have been discussing this since last year and think that this name would be appropriate in regard to completely re-naming the road corridor. It would make giving directions much easier in that you would no longer have to say, "travel up Arctic Avenue for X distance until it turns into Bogard Extension, then travel X distance until it becomes Colony Way, then travel X distance until it becomes Bogard Road, then travel X distance until it becomes Seldon Road, then travel X distance until it becomes Beverly Lakes Road.
Let me know what we can provide that would be helpful to you in supporting the name change. We may be able to provide a resolution from the MSB Transportation Advisory Board, Planning Commission or Assembly. I also talked to the Community Transportation Coalition (with representatives from Palmer and Wasilla present) about this and they are also willing to provide a resolution.

Brad Sworts
MSB Planning, Transportation & Environmental Division Manager
Phone: (907) 746-7430
Fax: (907) 745-9876

Matanuska-Susitna Borough
350 E. Dahlia Avenue
Palmer, AK 99645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N Trunk Rd
E Schrock Rd
E Seldon Rd
E Bogard Rd
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E Spruce Ave
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Kepler-Bradley Lakes Sta

Valley Veterans For "Veterans Way"

Thank you for taking the time to read our petition. The purpose of this committee is to obtain your support in renaming one of the most confusing roadways located in the Wasilla/Palmer area. Some know it as Seldon or Bogard or a variation of those two names. Sometime in the next two years the Borough and the State will extend this roadway from Colony Schools drive down Colony way crossing the intersection of 49th state street near Colony High School. This roadway will continue on to Arctic Avenue near Palmer High school providing an alternate route for all valley residents who might normally use the Palmer/Wasilla Highway. The completion of this bypass is a much needed alternative to the Palmer Wasilla highway. This will help alleviate congestion and provide an alternate route for traffic whenever there is emergency shutdowns. We propose to name the thoroughfare from Palmer to Church Road **"Veterans Way"** in honor of all of those who have served our nation. The roadway currently has over 6 names for all of the different segments, Bogard, Bogard extension, Seldon, Seldon extension, Colony Schools drive, Colony way, and Arctic Avenue. We hope that you will support our efforts by signing our petition to show support for all of our valley, state and nations veterans. Please sign the line below to attest to your support of the road name "Veterans Way" Also by signing please share this idea with 3 friends or co-workers to get the word out

Name	Branch of Service	Military Service	Contact Information
------	------	Y/N	Phone Or address
Ryan Friesen	—	N	907 376 7076
Linda Rhodes		N	907-952-0577
David G Hall	—	N	907-316-6925
[illegible]	—	N	907-373-6874
MARY METCA	—	N	907-373-6874
[illegible]	—	N	907-355-2720
[illegible]	—	N	907-232-0523
Shaila Mosley		N	907 376 0269
Bonnie Robinson	—	N	907-373-6786
Brian Stanley	—	N	907-376-2600
[illegible]	—	N	907-315-3518
Bradford Cole	Air Force	Y	907-376-0270
Matthew Hebrbers	—	N	907-373-6588

This petition has been supported by the ad hoc committee of the following members:

Jesse Tanner, USN 232-8607
Yukon Tanner, USN 733-7472
Joe Gabrielle, USMC
Zach Stamper, USAF
Aaron Tanner, USN 232-1069
Jake Davies USN 315-6605
Keith Greba, USCG
Susan Jones, USA
John Davies, USA
Toni Koeckritz, USN

Valley Veterans For "Veterans Way"

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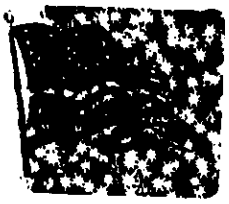
Name	Branch of Service	Military Service	Contact Information
-------	-------	Y/N	Phone Or address
Shawn Teter	US NAVY	YES	441-4875
Josh Hooks	—	—	841-3169
Candace McIvan	—	—	841-9066
Thomas MARTIN	U.S.M.C.	YES	227-7627
CATHERINE PALMER	—	—	232-1085
DENA SCHLECHT	N/A		841-9805
Jason Palmer	—	—	232-5359
Jim Thompson	USMC/USAR/USN	25 yrs	244-9928
Jesse Tanner	USN	4 yrs	232-8607

This petition has been supported by the ad hoc committee of the following members:

Jesse Tanner, USN 232-8607
Yukon Tanner, USN 733-7472
Joe Gabrielle, USMC
Zach Stamper, USAF
Aaron Tanner, USN 232-1069
Jake Davies USN 315-6605
Keith Greba, USCG
Susan Jones, USA
John Davies, USA
Toni Koeckritz, USN

JG



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Name	Branch of Service	Military Service	Contact Information
------	------	Y/N	Phone Or address
Gary J. Crochet	US NAVY (VN)	72 to 79	907-373-1224
Stephen Vlahovich	US ARMY	65-67	907-373-2851
[illegible]	USAF	60-80	907-376-3724
Steve Crochet	N/A	N/A	907-232-9988
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	USArmy	69-73	357-1131
Richard Lewis	US ARMY	79-84	440 2899
Rick Clark	US Army	74-76	354/786
[illegible]	Army	51-54	892-7[illegible]39
[illegible]	N/A	N/A	354-8370
[illegible]	N/A	N/A	715-6450
[illegible]	NAVY	Yes	764-7776
[illegible]	ARMY	YES	376-0915
[illegible]	AIR FORCE	YES	376-2899
[illegible]	ARMY	Yes	331 7910
Brian Davis		NO	775-9868
Joe Harp		NO	841-8620

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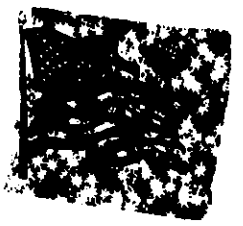
Keith Greba, USCG
Susan Jones, USA
John Davies, USA
Toni Koeckritz, USN

J. Gabrielle
PO Box 2838
Palmer, AK 99645 2838

JG



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Name	Branch of Service	Military Service	Contact Information
———	———	Y/N	Phone Or address
[illegible]	YES.	yes	357-1001
[illegible]		NO	377-7856
[illegible]		~~yes~~ NO	357-1001
[illegible]		NO	373-7588
[illegible]	ARMY	YES	~~892~~-6695
[illegible]	—	NO	892-6695
[illegible]		NO	841-9696
WAYNE LEE		No	775-8771
Thomas Brown	USAF	yes	337-1845
[illegible] VanKooten	N/a	N/a	354-1665
[illegible]	N/A	N/A	354-4956
[illegible]		NO	761 8690
[illegible]		NO	357 1545
[illegible]	ARMY	yes	745-7174
[illegible]	V	NO	745-7174
[illegible] GABRIELLE	USMC	YES	373 7588
Rose of ELDON GALLEAR	MERCHANT MARINE	WWII/Iraq COMBAT	357-2179
Eldon Gallear	" " YES	YES	"

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Keith Greba, USCG	Susan Jones, USA	John Davies, USA
Toni Koeckritz, USN		

373-7588

J. Gabrielle
PO Box 2838
Palmer, AK 99645-2838

JG

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Name	Branch of Service	Military Service	Contact Information
----	-----	Y/N	Phone Or address
Michael Gabrielle	USMC	Y	373-3773
Emil Jondale	USMC + ANG	Y &	232 9055
ANTHONY J. PULLEN	N/A	N	745-3223
LUISA ALEXANDER	N/A	N	775-3690
Chris Allen	ARNG	Y	775-0333
Richard Davis			357-3689
Wesley G. Allen	US Navy (Ret)	YES	357-3689
Randall Beer		N	357-3689
Jaycee Medley	USMC	Banished	373-7240
[illegible]	USMC	Y	278-8598
[illegible]	US Army	Same as Me	745-1936
[illegible]	—		373-6109
[illegible]	-	-	892-0558
Elizabeth Thornton	—	—	745-3174
Paul HANNA	USN	Y	726-1240
[illegible]	USMC	Y	892-2698
James Dennis	USN	N Y	775-5199
Michael L. Fallis	USA	Y	980-152?

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3010

KT

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Name	Branch of Service	Military Service	Contact Information
------	-------	Y/N	Phone Or address
Flavia Mock		N	907-373-6554
John Goss	USARMY	Yes	357-0375
Robert Smith	Navy	NO	232-1915
[illegible]			357-7713
Lisa Cameron		NO	357-0218
Jeffrey Bush		NO	376-5664
[illegible]		No	357-1464
David Mock		NO	355-7163
Joey mock		NO	315-2357
Adam Mock		NO	841-3280
Erik Steele	Navy	Yes	373-4085
[illegible]		No	841-4409
[illegible]		No dependent	230 3483
James Crow	USMC	Y	307389 5738
Kimberly Ponkoski		NO	841-3381
Micah Hopkins		NO	841 9549
Sam Mock		NO	373-6554
Keith Cameron		NO	3570218
[illegible]			376-6432

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Jake Davies USN 315-[illegible]
John Davies, JR

-142-

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Name	Branch of Service	Military Service	Contact Information
------	-------	Y/N	Phone Or address
Julie Dickerson			746-0823
Richard Tarn			376 4819
AE Good Tarn			" "
Ky S Lee			" "
Hae Ok Lee			376 4819
Jusu Yi Lee			" "
Chul Lee			" "
Mary Forelich			373-6195
Brenda Townsend			357-8306
MARGARET PEPIN			631-5059
William Gorman	Army	Y	746-3420
Casey Berg		N	357-9026
RC Thayer	USMC	Y	
Darlene Heath			357-4993
Mike Heath	Airforce	Y	"
Jim Lindeman	NAVY	Y	376-9057
Valerie Lindeman			376-9057
Lanette Williams			376-8008

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Aaron Tanner, USN 232-1069
Susan Jones, USA
Joe Gabrielle, USMC
Jake Davies USN 315-6605
John Davies, USA

Don & Beverly Tanner
Box 646
Talkeetna, AK 99676

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Name	Branch of Service	Military Service	Contact Information
-------	-------	Y/N	Phone Or address
Don Braun	N	N	745-8386
Linda Adam	N	N	775-6000
Samuel Reader	Army	N	764-1010
[illegible]	Army	N	357-2919
Dick Kopel		N	745-1694
Amber Spackman	N	N	373-7463
Dana Chanin	N/A	N/A	357-3902
[illegible]	Army	Y	357-7300
[illegible]	N	N	376-6349
Sadie Icenoggle	N	N	376-2257
Gong Jian Yu	N	N	232-0591
Paul Scalzo	N	N	509 887 1726
Ron Sopkovich	Air Guard	Y	524-22-5308
Robert Gilman	N	N	745-8618
Shannon Mathieson	N	N	376-2404
[illegible]	Army	Y	355-0867
[illegible]	N/A	N/A	982-1857
JUDITH PEUTHERER	N/A	N/A	373-6520

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YF

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Name	Branch of Service	Military Service	Contact Information
-------	------	Y/N	Phone Or address
Mike DyAS	—	—	arcticwolfmike@yhoo.com
Robert Husted	—	—	761-9309
BILL SHARLOW	USMC	Y	376-9025
Tim Bynum	USN	Y	746-7495
David Raley	USN	Y	841-8086
Denise Isbell	—	N	715-9400
Caroline Cortez	USAF	Y	355-0251
John Fox	—	N	354-2658
John Baker	—	N	745-4411
Susan Finney	USArm.	Y	357-2810
JEANETTE S. JOHN	FMLY-NAVY	N	376-6716
Jake LaMay	—	N	745-4113
Shanny Coyle		N	
Randy Ankney	Army	Y	357-9724
Wayne Carmody	ARMY NAT GUARD	N	761-9211
Patricia L. Wagnell	—	N	376-5794
Brenda	Ann Grandt	N	761-9293
Dee Hutton	Dee Hutton	N	745-4743

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-------	-------	Y/N	Phone Or address
April Ward April Ward			761.9240
Danielle Boorsch Danielle Boorsch			761-9514
Lisa Hansel Lisa Hansel			892-2120
Susie Dauser		N	761-9508
Shirley Glass	None	None	841-6950
Candice Goforth	NONE	NONE	982-9365
Katrina Sanders	NONE	NONE	357-7803
Ann Spies	None	None	355-1631
Erin Bell	None	None	357-0701
Erin Evans	NONE	N	373-2267
Verne Rydberg	AF/Army	Y	373-9055
[illegible]	none	N	355-6133
Tom Hawkins	Lt	N	232-4961
CHRISTOPHER DAW	NAVY	Y	775-1016
Robin M. Hawk	Army	Y	376-2586
BILL CHILDRESS	AK ARNG	Y	746-5212
Jim Frei		Yes	373-5963
Jim Poughon	NONE	N	3734781

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-------	------	Y/N	Phone Or address
[illegible]	N	N	907 232 1005
[illegible]	N	N	316 N. Hatcher Palmer, AK 99645
[illegible]	NAVY		280 S Palmer St - 92308
[illegible]	USAF	Y	746-5548
[illegible]		N	841-6372
[illegible]	ARMY	Y	888-7773
[illegible]	—	N	354-4578
[illegible]	—	—	715-5336
Sunil Sethi	—	N	317-6180
[illegible]	N		907-376-2697
JANICE STRONG	N	N	907-223-4789
[illegible]	ARMY	YES	907-376-1219
[illegible]	AF-44	Yes	907.376-4748
[illegible]	N	N	907-312-9570
[illegible]	N/A	N/A	907-244-2425
[illegible]	N/A	N/A	907-892-4114
[illegible]	N/A	N	907-352-2517
[illegible]		N	907-373-8010

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3016

A-

Valley Veterans For "Veterans Way"

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Name	Branch of Service	Military Service	Contact Information
------	-------	Y(N)	Phone Or address
ART MONGEAU	—		745-1205
Diane Mongeau	—	—	745-1205
David Fraker	US NAVY	Y	357-7527
Jarvis Fraker	US Navy	Y	357-7527
Larry Fraker	US ARMY	Y	357-7527
Dawn Leibinger	US Navy	Y	357-6128
Dennis Leibinger		N	357-6128
Bob Bynum		N	357-4030
Arlene Stringer		N	715-8589
Rich Owens		N	746-5652
Val Nasir			745-2989
Joyce Varner	—	N	733-7472
Beverly Tanner	—	N	733-7472
Yukon Tanner		N	394-4910
Lorali Carter		N	357-4677
Anita Bockam	—	N	357-2466
Mike Powell	Army	Y	357-5440
Joe Council		N	557-4162

This petition has been supported by the ad hoc committee of the following members:

Jesse Tanner, USN 232-8607
Zach Stamper, USAF
Keith Greba, USCG
Toni Koeckritz, USN
Yukon Tanner, USN 733-7472
Aaron Tanner, USN 232-1069
Susan Jones, USA
Joe Gabrielle, USMC
Jake Davies USN 315-6605
John Davies, USA

Don & Beverly Tanner
Box 646
Talkeetna, AK 99676

Y6

3017

4+

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Name	Branch of Service	Military Service	Contact Information
------	------	Y/N	Phone Or address
Martha Dixon			355-1091
Gracie Whaley			357-2222
[illegible]	NAVY	Y	357-2226
[illegible]	NAVY	Y	357-5858
[illegible]			746-1335
Gary Kuhn	NA	N	745-4110
Corey Williamson	NA	NA	357-5565
Keith Quintavell		N	761-9265
Jeanne Glaser			746-3677
[illegible]	NA	NA	373-3662
Lynda Hill	NA	NA	376-2226
Cynthia Griggs	N/A	N/A	376-7349
Dawn Spain	NA	NA	761-9394
Donald Zorn	USAF	Yes	745-4450
Sue York	USAF	~~Yes~~ Yes	376-9695
Cynthia A Wanson	NA	No	761-9241
Maria Benson	NA	NO	761-9239
Linna Van Valin	NA	NO	761-9285

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Joe Gabrielle, USMC
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John Davies, USA

[redacted]

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Name	Branch of Service	Military Service	Contact Information
------	-------	Y/N	Phone Or address
Lance McKinnon		N	357-2737
John Bogue	ARA	Y	745-1778
Tom Caughlin Jr		N	373-1486
Steve Wills		N	357-8592
Hank Gracie		N	495-6560
Kelly Pollock		N	761-9242
Mike Phillips		N	841-1284
Chantelle James		N	250-8906
Elaine Aldolfer		N	696-7821
Mary Whiting		N	841-3775
Gary Ratliff	USN	Y	376-1148
Richard Dauser	"	N	376-9484
Merl Tope	USA	N	242-7887
Tavia Barber		N	841-7351
Sam Brown	USN	Y	376-7090
TIM SMITH	USN	Y	376-7090
Jason Ford	Army	Y	715-1753
Carlee Hunter	USN	Y	(925) [redacted] (239-6168

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Joe Gabrielle, USMC
Jake Davies USN 315-6605
John Davies, USA

[redacted]

17

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Name	Branch of Service	Military Service	Contact Information
-------	------	Y/N	Phone Or address
Yukon Tanner	USN	Y	733-7472
Pat Hopper	Army	yes	376 7896
Gerald Bancroft	"	"	733-2405
Linda Keeley	Husband-USAF	Husband	PO Box 814, Willow
Johnnie Davis	— Army	Father	761-9251
Janice Yance			761-9220
Steve Carey	Wife - Navy	wife	350.3508
Gerald Johnson	—	NO	354-3357
Kathleen Hinkelbein			373-3740
Mike Schuh	ANG Retired	Yes	357 0563
Steve Pakkala	USAF	yes	354-1209
[illegible]		N	733-1100
Charley Johnson		No	357-4264
Victor Badillo		No	357-9569
Jodi K Webb		No	373-2075
Kevin Makuen		No	761-9511
Aaron Tanner		NO	376-7703
John Keller		No (Husband)	357-8596

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Joe Gabrielle, USMC
Zach Stamper, USAF
Aaron Tanner, USN 232-1069
Jake Davies USN 315-6605
Keith Greba, USCG
Susan Jones, USA
John Davies, USA
Toni Koeckritz, USN

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Box 646
Talkeetna, AK 99676

3020

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Name	Branch of Service	Military Service	Contact Information
——	——	Y/N	Phone Or address
Kristy Tanner		N	9248075989
[illegible]			
[illegible]	USAR	Y	3557317
Shawn Walters	USAF	Y	357-0133
[illegible]		N	355-6122
[illegible]		N	357-1649
Karen M. Johnson		N	215-2345
[illegible]		N	355-1320
[illegible]		N	376-7463
[illegible]		N	376-7463
[illegible]		N	376-4088/982-2056 Cell
[illegible]		N	631-2290
Jessica Greenfield	USA	Y	9073164091
Aaron Tanner		Y	907 232-1069
[illegible]		N	907-232-0522
[illegible]		N	907-775-1172
[illegible]		N	907-357-7951
David Herala		N	" 376-1451

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Name	Branch of Service	Military Service	Contact Information
-------	------	Y/N	Phone Or address
Stephen Whaley	USN	Yes	907 775 1980
Amy Kurka		NO	745-4800
Jeff Duffield	USAF	Yes	357-1057
Edward Domadell			775-1266
Benjamin Barton		No	864-0662
Linda Kellar		No	715-3491
Delma Heuman		NO	232-0429
Teagen Tanner		No	232-2033
Ann Zellar		NO	376-8911
Matt Corbett	USN	N	360-9186
Steve Runyan		N	495-2697
Paula Runyan		N	495-2697
Logan Rook		NO	376-1451
Dave Gienni	U.S. ARMY	Y 1963-66	373-6923
Jeff Bara		P	694 0588
Travis Powell		No	354-7695
CHARLES D. PALENTE	USAF RET.	Y	357 3042
Kabe mee	NA	NA	350-6238

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Name	Branch of Service	Military Service	Contact Information
———	———	Y/N	Phone Or address
Mike Summitt	Marines	80-83	
Ben Parker			376-3226
Steve Ennis			373-6012
Mike Sweeney			745-3933
Dennis W. Herman		N	373-5938
[illegible]	—		373-2961
David Bittner			373-6213
Larry Fetchenhier	—	—	376-4382
Pete Adams		—	376-3552

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Yukon Tanner, USN 733-7472
Aaron Tanner, USN 232-1069
Susan Jones, USA
Joe Gabrielle, USMC
Jake Davies USN 315-6605
John Davies, USA

Rebecca Rooney

From: randi davies [jrdavies3@yahoo.com]
Sent: Wednesday, March 17, 2010 12:56 PM
To: Rep. Peggy Wilson
Cc: Rebecca Rooney; Rep. Wes Keller; Jim Pound
Subject: Veterans Way Bill - Support

Dear Representative Wilson,

My name is John G. Davies. I first came to Alaska in 1970 with the US Army. I am a Viet Nam veteran, a life member of the Veterans of Foreign Wars, and a Charter Member of the American Legion Post 35. I practiced law in the Matanuska Valley for about 30 years before joining the Alaska State Legislature as a staff member for the District 14 Representative.

I am very familiar with the Veterans Way road corridore and support the Bill changing the road name. The old name, Bogard Road is confusing, and the name change will clarify and simplify matters, especially with the new extensions to be built on each end of the road way. Right now Bogard turns into Sledon Rd. at a 4 way stop sign where there used to be a sharp turn in Bogard Rd. If you now are traveling west on Bogard and stop at the stop sign, when you cross the intersection the road turns into Seldon Rd. You have to turn left in order to proceed on Bogard. Also at the Palmer end of the roadway new construction is planned, and extension of the present Bogard will take up a few other street names. So, renaming the entire east to west roadway and the new extensions all Veterans Way will not only honor all the Valley veterans, but clarify and simplify matters a lot.

Thank you for considering my opinion.

Very Truly Yours,

John G. Davies
Voter # 1000659

ALASKA STATE LEGISLATURE

MAT-SU VALLEY DELEGATION

March 1, 2010

Representative Peggy Wilson
Chair, House Transportation Committee

Re: House Bill 226 – Naming Veterans' Way in Mat-Su

Dear Representative Wilson:

As members of the Mat-Su delegation, we urge you to schedule HB 226, legislation establishing Veterans' Way in the Mat-Su Borough. The heroic service of Alaskan veterans is recognized in this bill, which renames the collective corridor of Seldon Road and a segment of Bogard Road to "Veterans' Way," while maintaining the individual road names. This is an excellent opportunity for the State of Alaska to pay tribute to the multitude of Alaskans who have served in the armed forces in defense of our liberties. We express our deepest thanks to the men and women who have selflessly put themselves at risk in the service of our country, and ask for the scheduling and favorable consideration of this legislation as a sign of our gratitude and respect to Alaskan veterans.

Respectfully,

3025

HB

257

Alaska State Legislature

Mike Doogan
Representative
District 25, Anchorage

SPONSOR STATEMENT

HB 257

An Act relating to prohibiting the use of cellular telephones when driving a motor vehicle

Distracted drivers cause accidents. Current Alaska law prohibits the use of certain devices with screens (such as televisions) while driving, in order to prevent drivers from taking their focus off the road. This prohibition includes the use of cell phones for sending text messages, but excludes the use of cell phones for "verbal communication or displaying caller identification information". HB 257 would prohibit any use of a cell phone while driving—including the use of a phone with a hands-free device—with an exception only for emergency calls. Violations would be punishable by fines of up to $300.

As cell phones have become more widely available, the number of drivers distracted by cell phones has increased—putting more and more Alaskans in harm's way. The use of a cell phone while driving slows a driver's reaction time by dividing their attention. One study showed that using a cell phone while driving is as dangerous as driving drunk. This held true even for drivers using hands-free devices. Another study showed that drivers are four times more likely to get in an accident if they talk on a cell phone while driving.

Distracted drivers put themselves and everyone around them at risk. By prohibiting the use of cell phones while driving, HB 257 will make Alaska's roads safer for drivers, pedestrians, and cyclists, preventing needless accidents caused by distracted drivers.

State Capitol
Juneau, AK 99801
907-465-4998 or 800-689-4998
Fax 907-465-4419

716 West 4th Avenue
Anchorage, AK 99501
907-269-0216
Fax 907-269-0218

Rep.Mike.Doogan@legis.state.ak.us

Alaska State Legislature

Mike Doogan
Representative
District 25, Anchorage

SECTIONAL ANALYSIS

HB 257

An Act relating to prohibiting the use of cellular telephones when driving a motor vehicle

Section 1: Amends AS 28.35 to stipulate that a person may not use a cell phone while driving. An exception is made for emergency phone calls. Punishment is to be assigned as provided under AS 28.90.010, with a maximum possible fine of $300.

Section 2: Sets the date for the Act to take effect as July 1, 2010.

State Capitol
Juneau, AK 99801
907-465-4998 or 800-689-4998
Fax 907-465-4419

716 West 4th Avenue
Anchorage, AK 99501
907-269-0216
Fax 907-269-0218

Rep.Mike.Doogan@legis.state.ak.us

ALASKA STATUTES

Title 28. MOTOR VEHICLES

Chapter 28.35. OFFENSES AND ACCIDENTS

Article 03. MISCELLANEOUS OFFENSES

Sec. 28.35.161. Driving a motor vehicle with a screen device operating; unlawful installation of television, monitor, or similar device.

(a) A person commits the crime of driving with a screen device operating if

(1) the person is driving a motor vehicle;

(2) the vehicle has a television, video monitor, portable computer, or any other similar means capable of providing a visual display that is in full view of a driver in a normal driving position while the vehicle is in motion; and

(3) the monitor or visual display is operating while the person is driving.

(b) A person may not install or alter equipment described in (a)(2) of this section that allows the images to be viewed by the driver in a normal driving position while the vehicle is in motion.

(c) Subsections (a) and (b) of this section do not apply to

(1) portable cellular telephones or personal data assistants being used for verbal communication or displaying caller identification information;

(2) equipment that is displaying only

(A) audio equipment information, functions, and controls;

(B) vehicle information or controls related to speed, fuel level, battery charge, and other vehicle safety or equipment information;

(C) navigation or global positioning;

(D) maps;

(E) visual information to

(i) enhance or supplement the driver's view forward, behind, or to the sides of the motor vehicle for the purpose of maneuvering the vehicle; or

(ii) allow the driver to monitor vehicle occupants seated behind the driver;

(F) vehicle dispatching and response information for motor vehicles providing emergency road service or roadside assistance;

(G) vehicle dispatching information for passenger transport or freight or package delivery;

(H) information for use in performing highway construction, maintenance, or repair or data acquisition by the Department of Transportation and Public Facilities or a municipality; or

(I) information for use in performing utility construction, maintenance, repair, or data acquisition by a public utility; in this subparagraph, "public utility" has the meaning given in AS 42.05.990.

(d) Subsections (a) and (b) of this section do not apply to devices and equipment installed in an emergency vehicle. In this subsection, "emergency vehicle" means a police, fire, or emergency medical service vehicle.

(e) It is an affirmative defense to a prosecution under (b) of this section that the equipment installed or altered includes a device that, when the motor vehicle is being driven, disables the equipment for all uses except those described in (c) of this section.

(f) A person who violates (a) of this section is guilty of

(1) a class A misdemeanor, unless any of the circumstances described in (2) - (4) of this subsection apply;

(2) a class C felony if the person's driving causes physical injury to another person;

(3) a class B felony if the person's driving causes serious physical injury to another person;

(4) a class A felony if the person's driving causes the death of another person.

(g) A person who violates (b) of this section is guilty of a class A misdemeanor.

History -

(Sec. 1 ch 99 SLA 2008; am Sec. 1 ch 42 SLA 2009)

Amendment Notes -

The 2009 amendment, effective September 18, 2009, added (c)(2)(I), and made related stylistic changes.

Effective Date Notes -

Section 3, ch. 99, SLA 2008, makes this section effective September 1, 2008.

ALASKA STATUTES

Title 28. MOTOR VEHICLES

Chapter 28.90. GENERAL AND MISCELLANEOUS PROVISIONS

Article 01. MISCELLANEOUS PROVISIONS

Sec. 28.90.010. Penalties for violations of law, regulations, and municipal ordinances.

(a) It is a misdemeanor for a person to violate a provision of this title unless the violation is by this title or other law declared to be a felony or an infraction.

(b) A person convicted of a misdemeanor for a violation of a provision of this title for which another penalty is not specifically provided is punishable by a fine of not more than $500, or by imprisonment for not more than 90 days, or by both. In addition, the privilege to drive or the registration of vehicles may be suspended or revoked.

(c) Unless otherwise specified by law a person convicted of a violation of a regulation adopted under this title, or a municipal ordinance regulating vehicles or traffic when the municipal ordinance does not correspond to a provision of this title, is guilty of an infraction and is punishable by a fine not to exceed $300.

(d) An infraction, as provided for in (c) of this section, is not considered a criminal offense and may not result in imprisonment, nor is a fine imposed for the commission of an infraction considered a penal or criminal punishment; nor may the commission of a single infraction result in the loss of a driver's license or privilege to drive in this state except as may result from the accumulation of points under AS 28.15.221 - 28.15.261, or the registration of vehicles; nor does a person cited with an infraction have a right to trial by jury or to court-appointed counsel.

(e) [Repealed, Sec. 5 ch 85 SLA 1987].

History -

(Sec. 50-1-8 ACLA 1949; am Sec. 12 ch 241 SLA 1976; am Sec. 22, 23 ch 144 SLA 1977; am Sec. 5 ch 85 SLA 1987)

Revisors Notes -

Formerly AS 28.35.230. Renumbered as AS 28.40.050 in 1984 and renumbered again in 2006.

Decisions -

This section governs the penalties for violations of this title, and creates three categories of traffic offenses: felonies, misdemeanors and infractions. State v. Clayton, 584 P.2d 1111 (Alaska 1978).

Violations of AS 28.35.050(a) are punishable under this section. Drahosh v. State, 442 P.2d 44 (Alaska 1968).

Prerequisite to suspension of license or privilege to drive. - A driver's license or privilege to drive cannot properly be suspended unless the driver was in fact licensed or otherwise actually privileged to drive a motor vehicle within the state. Roberts v. State, 700 P.2d 815 (Alaska Ct. App. 1985).

Generic penalty provision. - Subsection (b) is not a penalty provision dealing specifically with the offense of driving while license suspended; rather it is a generic penalty provision, broadly applicable to violations of all Title 28 provisions for which the specific penalties are given. Roberts v. State, 700 P.2d 815 (Alaska Ct. App. 1985).

Meaning of "law" in subsection (c). - The term "law," as used in subsection (c) of this section, refers to statutory enactments of the Alaska legislature and cannot be read to include the provisions of municipal ordinances. Anderson v. Municipality of Anchorage, 645 P.2d 205 (Alaska Ct. App. 1982).

Nature of "correspondence" between ordinance and statute required by subsection (c). - The requirement of correspondence stated in subsection (c) of this section calls for a level of similarity between a municipal ordinance and a provision of AS 28 that would make the ordinance a functional equivalent of its statutory counterpart. Anderson v. Municipality of Anchorage, 645 P.2d 205 (Alaska Ct. App. 1982).

The legislature's purpose in enacting subsection (d) was to eliminate the criminal stigma from minor traffic offenses while keeping the enforcement of such offenses within the criminal system's procedures. State v. Clayton, 584 P.2d 1111 (Alaska 1978).

A prosecution for a traffic infraction is a quasi-criminal proceeding to which certain criminal procedures including the issuance of warrants are applicable. State v. Clayton, 584 P.2d 1111 (Alaska 1978).

Although the language in subsection (d) with regard to an infraction not being considered a criminal offense nor a fine therefor a criminal punishment indicates that the legislature did not intend to make minor traffic offenses criminal offenses, it does not follow that the legislature by labeling infractions "noncriminal" meant that they are civil in nature and thus that criminal procedures are not available for the enforcement of infractions. State v. Clayton, 584 P.2d 1111 (Alaska 1978).

Notwithstanding the legislative labeling of a traffic infraction a noncriminal offense by this section, it retains many criminal terms, such as "convicted," "violation," "guilty," "punishable by a fine." State v. Clayton, 584 P.2d 1111 (Alaska 1978).

An infraction is not an offense for double jeopardy purposes. Carlson v. State, 676 P.2d 603 (Alaska Ct. App. 1984).

Jury trial. - AS 28.10.105(a) (now repealed) and the other registration statutes in pari materia do not specify a violation of the registration statutes as an infraction, and thus under this section, such a violation is a misdemeanor punishable by up to 90 days' imprisonment, and entitling a defendant to a jury trial, denial of which right constitutes prejudicial error, requiring a new trial. Epperly v. State, 648 P.2d 609 (Alaska Ct. App. 1982).

Traditional use of criminal process not affected. - In the absence of express contrary declaration, the legislature did not intend by the enactment of subsection (d) to affect the traditional use of the criminal process for enforcement of traffic infractions. State v. Clayton, 584 P.2d 1111 (Alaska 1978).

This section makes no changes in the traditional mode of proceeding in criminal matters with the exception of its declaration that a person cited with an infraction does not have a right to trial by jury or to court-appointed counsel. The action is brought in the name of the state; it is commenced by the filing of a complaint by a law enforcement official; it is prosecuted by the district attorney. The exceptions appear to merely codify existing constitutional law. State v. Clayton, 584 P.2d 1111 (Alaska 1978).

Applied in Manderson v. State, 655 P.2d 1320 (Alaska Ct. App. 1983).

Stated in Francis v. Municipality of Anchorage, 641 P.2d 226 (Alaska Ct. App. 1982).

Quoted in State v. Dutch Harbor Seafoods, Ltd., 965 P.2d 738 (Alaska 1998).

Cited in Lowry v. State, 655 P.2d 780 (Alaska Ct. App. 1982); Hamilton v. State, 59 P.3d 760 (Alaska Ct. App. 2002); Walsh v. State, Op. No. 2048, 134 P.3d 366 (Alaska Ct. App. 2006).

Collateral Refs -

7A Am. Jur. 2d, Automobiles and Highway Traffic, Sec. 244.

61A C.J.S., Motor Vehicles, Sec. 1311 et seq.

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Administrator
Alaska Highway Safety Office
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HB 257
1/2010

The National Highway Traffic Safety Administration policy on cellular phone use while driving is that it is the primary responsibility of the driver is to operate a motor vehicle safely. The task of driving requires full attention and focus. Cell phone use can distract drivers from this task, risking harm to themselves and others. Therefore, the safest course of action is to refrain from using a cell phone while driving.

NHTSA encourages states to pass laws which ban the use of cell phones. Distracted driving related crashes have increased in the last 10 years.

Ten years ago only 15% of the reported traffic crashes were attributed to driver inattention. NHTSA estimates that driver distraction from all sources contributes to 25 % of all traffic crashes.

A ban on hand-held devices has been enacted in 8 states:

1. California
2. Connecticut
3. District of Columbia
4. New Jersey
5. New York
6. Oregon
7. Washington
8. Virgin Islands

In those states with established handheld laws, distracted driving-related fatalities have declined between 24 % (New York) and 65% (Connecticut). (Source: Insurance Institute for Highway Safety)

NHTSA Recognized Research:
Using a cell phone use while driving, whether it's hand-held or hands-free, delays a driver's reactions as much as having a blood alcohol concentration at the legal limit of .08 percent. (Source: University of Utah)
Driving while using a cell phone reduce the amount of brain activity associated with driving by 37 percent. (Source: Carnegie Mellon)
80 percent of all crashes and 65 percent of near crashes involve some type of distraction. (Source: Virginia Tech 100-car study for NHTSA)
The Virginia Tech study also showed that talking on a cell phone allowed drivers to keep their eyes on the road and did not carry nearly the same increased safety risk as texting. The research showed that most of the danger involved finding the phone, putting on the headset (if used) and dialing the number.
In a NHTSA test track study, the results showed that manual dialing was about as distracting as grooming/eating, but less distracting than reading or changing CDs. It is also important to keep in mind that some activities are carried out more frequently and for longer periods of time and may result in greater risk.
Nearly 6,000 people died in 2008 in crashes involving a distracted or inattentive driver, and more than half a million were injured. (NHTSA)
Drivers who use hand-held devices are four times as likely to get into crashes serious enough to injure themselves. (Source: Insurance Institute for Highway Safety)

Alaska Distracted Driving Statistics:
Driver inattention is cited in 28% of all traffic-related crashes.
Driver distraction plays a factor in an average of 10-12 crashes daily.
From 2002-2007 there were 189 reported traffic crashes involving cell phone use.
From 2002-2007, of the 189 reported traffic crashes, 127 resulted in minor injuries, 19 in major injuries and 0 fatalities.
From 2002-2007 of the 189 reported traffic crashes, there were 200 minor injuries and 20 major injuries in these traffic crashes.

National Distracted Driving Statistics:
In 2008, there were a total of 34,017 fatal crashes in which 37,261 individuals were killed.
In 2008, 5,870 people were killed in crashes involving driver distraction (16% of total fatalities).
The proportion of drivers reportedly distracted at the time of the fatal crashes has increased from 8 percent in 2004 to 11 percent in 2008.
An estimated 21 percent of 1,630,000 injury crashes were reported to have involved distracted driving.

Number of Motor Vehicle Crashes Involving Cell phone Use, Alaska 2002-2007

	Property Damage Only	Minor Injury	Major Injury	Fatal	TOTAL
2002	38	16	5	0	59
2003	34	24	1	0	59
2004	33	22	6	0	61
2005	38	21	3	0	62
2006	24	21	3	0	48
2007	22	23	1	0	46
TOTAL	189	127	19	0	335

Source: State of Alaska, DOT&PF, Highway Analysis System (HAS)

Number of Injuries in Motor Vehicle Crashes Involving Cell Phone Use, Alaska 2002-2007

	No Injuries	Minor Injury	Major Injury	Fatalities	TOTAL
2002	132	30	6	0	168
2003	140	39	1	0	180
2004	121	32	6	0	159
2005	109	32	3	0	144
2006	94	38	3	0	135
2007	79	29	1	0	109
TOTAL	675	200	20	0	895

Source: State of Alaska, DOT&PF, Highway Analysis System (HAS)

Number of Motor Vehicle Crashes Involving Cell Phone Use, By Age of Driver Using Cell Phone, Alaska 2002-2007

Age of Driver using Cell Phone	2002	2003	2004	2005	2006	2007	TOTAL Crashes
under 10							0
10-15			1				1
16-20	17	20	22	24	16	18	117
21-25	8	9	8	6	12	9	52
26-30	7	5	6	8	5	5	36
31-35	9	7	6	6	2	1	31
36-40	7	3	6	3	7	3	29
41-45	4	6	3	6	4	3	26
46-50	3	7	6	5	1	2	24
51-55		1	1	1		2	5
56-60	1		2	1		1	5
61-65		1		1		0	2
66-70	1			1		1	3
71-75	1						1
76-80							0
81+					1		1
Unknown	1					1	2
TOTAL	59	59	61	62	48	46	335

Source: State of Alaska, DOT&PF, Highway Analysis System (HAS)

adn.com Anchorage Daily News

Our view: Distracted

Ban on cell phone use while driving is common sense

Published: January 12th, 2010 07:16 PM
Last Modified: January 12th, 2010 07:17 PM

Multitasking is overrated. Sometimes it's dangerous. That's the case with talking on a cell phone while driving.

And that's why Rep. Mike Doogan has pre-filed a bill to ban jabbering on a cell phone while driving in Alaska. His bill would make exception for emergencies.

Doogan's blanket ban is better than a bill left over from last year that bans the practice for drivers younger than 18. Evidence is clear that young drivers are on average worse at driving than adult drivers. But everyone's driving gets worse when they use a cell phone on the road.

Cell phone distraction is insidious. University of Utah researchers found that driving while using a cell phone was as bad as driving drunk. They also found that most drivers felt using a cell made no difference in their driving. That misperception makes the practice even more dangerous.

Alaska should make it illegal.

Rep. Jay Ramras said Doogan's bill won't get out of his committee unless it makes the offense secondary. In other words, a driver won't get cited for cell phone use unless he's pulled over for something else first. That defeats the purpose of the bill, which is to get drivers off their cell phones and paying attention to the one job they need to do while behind the wheel -- driving. Give police and troopers discretion to warn first and ticket later. But for the bill to matter, driving while distracted by cell should be a primary offense.

Rep. Ramras said police don't need another reason to pull people over. The reason -- and danger -- is already with us. We just need to give our police the authority to deal with it.

BOTTOM LINE: Cell phone use while driving is dangerous and unnecessary. Alaska should ban it.

adn.com
Anchorage Daily News

Letters to the editor (10/22/09)

Published: October 21st, 2009 07:11 PM
Last Modified: October 21st, 2009 07:12 PM

Get cell-phone drivers off road

Driving with others who aren't attentive to their bad driving habits is bad enough. Now you throw in a cell phone and they are totally oblivious to the fact that they are even on the road in control of a 3,000-pound vehicle. It's time we stop this nonsense before winter starts. The bases have the right idea by banning all use of cell phones while driving -- why not the public roads? I don't know about you, but I have enough bills and don't want to add my insurance deductible to the debt -- much less a possibility of being injured or loss of my vehicle for weeks at a time while it's being repaired.

Maybe more pulloffs for those who insist on having to talk on the phone -- anything!

Change the law now before more people get hurt. Other states have wised up -- what are we waiting for?

-- John Reece

Anchorage

Pick.Click.Give.
PickClickGive.org

Talk of the Tundra

Safe driving not a partisan issue

John Aronno

ADD THIS

Jan 23, 2010

It's dark. I'm in a hurry. Only 15 minutes separate me from one end of the University of Alaska Anchorage campus, where I have just gotten out of class, and the opposite end, where my next one starts. Although it's an evening class and the traffic has somewhat dissipated, there is still a definite early-semester buzz in the air: confusion, anxiety, tension. Well, I probably shouldn't try to limit that to campus life.

Throwing my backpack into the passenger seat, I turn on the engine, and slowly begin to back out. This is the part where I almost lose the back half of my truck. If not more.

As I see the car fade off into the distance at speeds that tout the immortal feeling of youth while falling well short of promoting a healthy lifestyle, I notice the single hand firmly cupping the driver's cell phone to their ear, and a detached conversation taking place which presumably bore no mention of the fact that it could have been their last.
It's happened to you. Don't lie. It doesn't have to be at UAA. It happens in the Fred Meyer parking lot, or Costco, or Wal-Mart. Good God does it happen at Wal-Mart. It doesn't have to happen in your car, either. You've seen the mock space shuttle launches when trying to cross the street; inches separating your toes from a random Hummer's tires.

It's not a partisan issue. Just as cross walks and stop signs are not partisan issues. Or as the old saying goes: "There's no such thing as a Republican or Democratic pothole."

But not according to the Alaska Standard contributor, Alex Gimarc, who mounted a pious partisan hack job of an attack article regarding proposed legislation that would join Alaska with 23 other states in having laws that attach restrictions to cell phone use while driving.

Instead of appealing to legitimate Libertarian values that arguably give teeth to questions regarding whether this legislation steps over a boundary from the standpoint of government interference with our every day lives, Gimarc has chosen to threaten civil disobedience in response to (not exactly the most popular Democrat) Rep. Mike Doogan's proposal (which also begs into question the argument that we should limit the legislation to require hands-free devices in lieu of an all-out ban. But that didn't carry enough anti-establishment vitriol, apparently), and is furthermore appalled by Republican representative and candidate for lieutenant governor Jay Ramras, who according to Gimarc, "fell all over himself promising to give this important topic a fair hearing in the Legislature this session."

Wouldn't want to have the bill discussed, pondered, or improved, would we?

Gimarc offers a very pander-heavy perspective:

> "Make no mistake. This argument is not about whether cell phones are a good thing or not. Rather it is about the age old argument between liberty and safety. Are we Alaskans prepared to give up yet another slice of our freedom -- the ability to talk on the phone while driving -- for safety -- some unspecified reduction in accident rates on our highways?"

How much time did you spend reflecting on whether or not this issue, this proposal, was about the good or bad nature of cell phones?

An exercise conducted by The Journal of the Human Factors and Ergonomics Society in Salt Lake City, Utah conducted a well-cited study back in 2006 entitled"A Comparison of the Cell Phone Driver

and the Drunk Driver." The following is what they found, and what has inspired more and more case studies that continue to trickle into the public domain:

> "Method: We used a high-fidelity driving simulator to compare the performance of cell phone drivers with drivers who were intoxicated from ethanol (i.e., blood alcohol concentration at 0.08% weight/volume).
>
> Results: When drivers were conversing on either a handheld or hands-free cell phone, their braking reactions were delayed and they were involved in more traffic accidents than when they were not conversing on a cell phone. By contrast, when drivers were intoxicated from ethanol they exhibited a more aggressive driving style, following closer to the vehicle immediately in front of them and applying more force while braking.
>
> Conclusion: When driving conditions and time on task were controlled for, the impairments associated with using a cell phone while driving can be as profound as those associated with driving while drunk."

And it doesn't stop there. The National Safety Council, this month, released a report which estimates "at least 28 percent of all traffic crashes -- or at least 1.6 million crashes each year -- are caused by drivers using cell phones and texting."

Gimarc remains unphased and belligerent, using familiar tag lines, such as "the free market already tells us how safe the use of cell phones during driving is."

Yeah, you're right. Read all the stuff I just typed.

What else does the free market tell you during your talks, sir?

> "Are we willing to put ourselves in the position of asking our government permission to make a phone call while driving? I for one choose freedom and would remind Mr. Doogan, Ramras and the ADN that it is not any of their damned business what I do or do not do in my vehicle as long as I don't hit anything."

Except this is utter nonsense. Alaska Statutes Title 28: Motor Vehicles, Chapter 35: Offenses and Accidents, Sections 10 through 410 (AS 28.35.10-410), spell out in no uncertain terms that acts such as driving without an owner' s consent, drunken driving, driving without a license, driving a stolen car, among many, many other offenses, are expressly forbidden by state law.

In a simple appeal to common sense, if "negligent" or "reckless" driving infractions are not specific enough to extend to cell phone usage, than we need to make them.

But, possibly the most egregious and detached statement offered by Mr. Gimarc was in this one liner:

> "I come from the 'you break it; you pay for it' school of public safety."

How does one exactly pay for someone else's son or daughter who is killed in an auto accident? This is arrogance over content. While I believe that the conversation over where governmental involvement becomes intrusion is a phenomenally important one, i don't believe that hiding behind the right to privacy grants us the right to use our cars as weapons for the sole purpose of checking our voice mail messages. Again, at least theoretically, we don't drive drunk. We don't drive without a license. We have to put on seat belts, obey signs and traffic lights, yield to pedestrians, and pull over and either accept the penalties or challenge them in court when we are accused of breaking the law in a way that puts others, and ourselves, at risk. Let's not take the referees completely out of the game, when lives are at risk, simply to make a political point.

Can't we opt to err on the side of preventing careless and avoidable deaths? By stating that, should this legislation pass, we must self righteously defy it as some middle finger to Obama, you're not seeing the reality: The statistics are in. It's not a hoax. Kids are getting hurt, and some are dying. You can't just see them as Republicans or Democrats. Their deaths are tragedies. Avoidable tragedies. How dare you politicize this?

Whether you really believe that we should have the right to do anything in our cars, so long as we

"don't hit anyone," are you prepared to tell me that you're going to support that statement when it's your loved one coming down the other side of a two-way highway on a cold, icy night?

John Aronno studies political science at the University of Alaska Anchorage. This opinion piece originally appeared on his blog, Alaska Commons. Talk of the Tundra features commentary by Alaskans from across the state. The views expressed are the writers' own and are not endorsed by Alaska Dispatch.

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Member Comments

Posted By: Crosspicker @ 01.24.2010 7:14 PM

With numbers like 1.6M floating around regarding cell phone related collisions, I find remarks made by Mr. Gimarc to be fairly selfish. Neither am I happy about having my driving freedoms further regulated, however if we were capable of self regulating certain aspects of our lives related to public safety, they would not need to be regulated by the legislature. After having worked my share of traffic collisions for a premier law enforcement agency, I found that the carnage produced by a cell phone driver/operator, versus that of a drunk driver looked strangely similiar.

Mr. Gimarc's attitude is and typical of those we continue to see driving without due regard for the rest of us on the highways of this state, or any other. Blame it on the other guy, stomp on the gas pedal and leave a wake of carnage for someone else to worry about, seems to sum it up.

+0

Rebecca Rooney

From: Backlagoon@aol.com
Sent: Tuesday, February 09, 2010 7:51 PM
To: Rep. Peggy Wilson
Subject: HB 257

Hi Representative Wilson,

I am excited about HB 257 and think it is a proactive way to prevent accidents and save lives. Being a bicyclist who rides on roads for work and recreation on an almost daily basis, I worry about the attentiveness of drivers on cell phones.

I know that I can't both talk and focus on driving. The two activities have become so commonplace and yet so dangerous to road users and pedestrians. Yet, people survived without talking on the phone and driving long before carphones/cell phones were invented. There's no need to have divided attention while operating a vehicle inches away from other people.

Thank you,
Anissa Berry-Frick
(Port Alexander voter)
6105 Thane Rd
Juneau AK 99801 (winter)

Rebecca Rooney

From: Bill Ward [bdward@hughes.net]
Sent: Sunday, February 21, 2010 11:21 AM
To: Rep. Peggy Wilson
Subject: HB 257, Ban Cell Phone use while Driving

PLEASE PROVIDE TO TRANSPORTATION COMMITTEE WHEN SCHEDULED FOR HEARING

I am opposed to the passage of HB 257, Ban cell phone use while driving

1) This bill will punish everyone for the irresponsible actions of a few poor drivers. Government can't legislate a good responsible driver.

2) There are numerous distraction to drivers including: loud music, talkative passengers, children, personal grooming in the mirror, & other visual distractions. It is the responsibility of the driver to manage these distractions including cell phone use.

3) The troopers/police already have the authority to stop & cite drivers who are driving irresponsibly including careless driving due to cell phone use. You should compel law enforcement to do their job to control poor driving instead of restricting the actions of responsible drivers.

Bill Ward 895-5415
Delta Jct

Alpenglow, Inc
P O Box 84608 * Fairbanks, AK 99708
1 800 770-7275 * 907 456-5134 * 907 456-5135(fax) * 907 388-8394

February 18, 2010

Dear Representative Doogan, Buch, P. Wilson & Munoz
% Legislative Office
Fairbanks, Alaska

Regarding: HB 257 ban on cell Phones in vehicles

Dear Representatives:
I oppose the imposition of HB 257 on the people of Alaska.

I am a small seasonal shuttle and tour operator carrying passengers between Whitehorse, Dawson City, Fairbanks, Denali, Talkeetna, and Anchorage. When cell phone coverage became available along the Parks, Richardson and Alaska Highways our company stopped dispatching and keeping in touch with our drivers along their route with hand held radio phones and began using cell phones. In addition to being more burdensome for drivers and less reliable to use, radio phone service was almost five times more expensive than cell phones. If your bill is passed, we will have to return to radio phone service to dispatch and keep in touch with our drivers.

We have requested text blocking on all our phones so that drivers cannot text. It is against our policy for drivers to use cell phones for anything but emergency use and to contact or respond to the office while on duty, driving or parked.

We agree that "chatting" on a cell phone while driving reduces concentration, as does talking to customers while operating a vehicle – which is required of drivers by the largest tour operators in Alaska and Canada. Some of their driver/guides actually have ear phones and microphones attached to their head while driving along the roadways and in cities so that they can both drive and conduct tours. To my knowledge none of them have had accidents in Alaska based on their headphone use. There is no more dangerous place to operate than on the narrow gravel roads in Denali, yet all the bus drivers there are both tour operators and bus drivers using head-phone intercoms during their entire shift.

There are many activities in private vehicles which are distracting but have not been made illegal, including but not limited to:
Eating while driving;

Carrying children who are fighting or otherwise interacting boisterously;
Putting on make-up while driving;
Looking at GPS navigators or maps while driving;
Selecting radio stations, sorting and playing tapes or CDs;
Drivers chatting, flirting or arguing with other passengers in the vehicle;
Narrating tours while also driving;
Rushing to/from destinations when late;
Getting cigarettes out of packs, lighting and smoking while driving;
Watching for moose and other critters while allegedly "not" road hunting;
Driving while sleepy;
Other activities within a vehicle too numerous to mention

Many of the above activities have likely contributed to accidents in the past. Yet, none of those activities have been made illegal. And, if they were made illegal, it would likely not reduce the incidents of those activities occurring while operating a vehicle. If they were made illegal it would simply make criminals out of people living their lives as always they have, and always they will.

In my opinion, this bill is one more example of government over-reaching into the private lives of citizens and making it more difficult for transportation businesses to operate profitably in Alaska.

If you feel you MUST pass yet another law to regulate our personal lives, please consider including cell phones as a punishable mitigating offense if, and only if, it contributes to an accident and/or amending the bill so that commercial operators may continue to use cell phones for dispatching and driver contact with the main office.

Thank you for your consideration.

Valerie Mundt
P O Box 84608
Fairbanks, Alaska 99708

AMENDMENT

OFFERED IN THE HOUSE BY REPRESENTATIVE MUÑOZ

TO: HB 257

Page 1, line 8, following "telephone":

Insert "(1)"

Page 1, line 10, following "entity":

Insert "; or

(2) by hands-free mode"

Page 1, following line 10:

Insert a new subsection to read:

"(c) In this section, "hands-free mode" means use of a cellular telephone for listening or talking by means of a speaker function, headset, or earpiece without holding the telephone."

Reletter the following subsection accordingly.

Joan Priestley, M.D.
Medical Director,
Health Renewal Institute
3705 Arctic Blvd., # 1332
Anchorage, Alaska 99503
(907) 562-2161, Ext. 1332

March 15, 2010

To: Representative Peggy Wilson
Alaska State Legislature
120 4th Street
State Capitol, room 3
Juneau, Alaska 99801

Dear Representative Wilson,

I have enclosed for your review a summary of the testimony that I gave at your recent hearing on House Bill 257 (Cell Phones and Motor Vehicles), and the accompanying exhibits.

You told me that you would be happy to make copies available to the other committee members. However, several graphs are not very readable unless those pages are in color. Therefore, I have already distributed a copy of this complete packet to all the other members of the Transportation Committee, and also to Mr. Doogan and Mr. Buch, the original sponsors.

Thank you for your consideration of the research material that I have provided.

Sincerely,

Joan Priestley, M.D.

Joan Priestley, M.D.
Medical Director,
Health Renewal Institute

Joan Priestley, M.D.
Medical Director,
Health Renewal Institute
3705 Arctic Blvd., # 1332
Anchorage, Alaska 99503
(907) 562-2161, Ext. 1332

March 5, 2010

To Peggy Wilson, Chairwoman, and all the other members of the Transportation Committee,

In accordance with the request of the Transportation Committee Chairwoman, I have enclosed a summary of the telephonic testimony I presented at a recent hearing on the proposed cell phone ban. I have also included the references showing the data that I discussed.

If you do continue with this bill, please note that the Health Renewal Institute strongly supports the two amendments that passed, exempting hands-free devices, and making hand-held cell phone usage a secondary offense.

These two amendments will go far to make this legislation much more sensible, and less onerous for citizens of Alaska.

Thank you for your attention to this important matter.

Sincerely,

Joan Priestley, M.D.

Joan Priestley, M.D.
Medical Director,
Health Renewal Institute

Enclosure:
Testimony summary and exhibits

Joan Priestley, M.D.
Medical Director,
Health Renewal Institute
3705 Arctic Blvd., # 1332
Anchorage, Alaska 99503
(907) 562-2161, Ext. 1332

TELEPHONIC TESTIMONY BEFORE THE TRANSPORATION COMMITTEE, CONCERNING PROPOSED LEGISLATION TO BAN THE USE OF ALL CELL PHONES IN MOVING VEHICLES

I am Joan Priestley, M.D., speaking as the Medical Director of the Health Renewal Institute in Anchorage, Alaska. I discussed 4 major points for the committee members to consider.

1. ***This law will not produce the intended effect of enhancing highway safety.***

The Insurance Institute of Highway Safety (IIHS) has been researching vehicles since 1959. In 2009, this organization completed three novel, exhaustive and analytical studies, seeking objective evidence for the first time of the effectiveness of cell phone restrictions in several jurisdictions.

RESULTS:

A. Cell phone usage has increased some 700% from 1995 to 2008. Now there are over 270 million users in the United States. However, vehicle accident insurance claims have remained the same during that entire time period, and both fatal and non-fatal accidents have decreased by about 8% from 1995 to 2008. (1)

B. Several states have already banned the use of hand-held cell phones. IIHS reviewed 4 of those states (New York, California, Connecticut and Washington D.C.), and found that the frequency of vehicle accident claims in each state was essentially unchanged, during two years before and two years after hand-held cell phone usage was banned.

C. There is no difference in the frequency of accident claims, when those 4 states were compared to similar, near-by states, for 2 years before and even 2 years after those 4 states imposed the cell phone restrictions.

Adrian Lund, President of IIHS, stated that "if crash risks increases with phone use and fewer drivers use hand-held phones where it's illegal to do so, we would expect to see a decrease in crashes. But we aren't seeing it. Nor do we see collision claim increases before the phone bans took effect." (2)

Dr. Lund concluded that "crashed aren't going down where hand-held phone usage has been banned. This finding doesn't bode well for any safety payoff from all the new laws that ban phone use and texting while driving." (3)

The American Automobile Association has also performed numerous studies of "driver distractions." The most common distractions, by far, were an outside event (29%), adjusting the radio or CD (11%), passengers (11%), eating or drinking (71%), grooming (46%), and cell phone usage (a paltry 1.5 to 3.5%). (4)

Even in Alaska, where thousands of collisions are reported every year, only 59 annually are even related to cell phone usage! (5)

2. ***The proposed COMPLETE ban on all forms of cell phone usage may well cause an increase in the number of car crashes.***

People in many competitive professions need to be instantly available to their business clients, just for economic survival.

Citizens will have about 12 seconds (the time frame of four rings on a phone) to swerve over several lanes,

find a spot on the side of a road (often impossible in winter, with snow piled everywhere) find and answer their cell phone.

This vehicle maneuver will, at best, be difficult and distracting. This legislation could easily create a public safety hazard.

3. ***The proposed law will cause citizens to suffer needless expenses and damage, in two ways.***

A. FINES-

Many states have found that it is politically not feasible to raise taxes directly, in rough economic times. However, states can garner revenue indirectly by criminalizing innocent and victimless acts, and then imposing hefty fines on citizens.

The $ 300 proposed fine for ANY cell phone usage appears to be in this category of indirect revenue enhancement, quite apart from any interest in public safety.

B. INSURANCE RATES-

Insurance companies LOVE this type of legislation, and have lobbied vigorously for other states to enact such restrictions. Even such a minor offence results in points on one's license, and thereby gives the insurance industry an excuse to raise an individual's premiums sky-high for years.

This legislation may well result in more citizens driving without any insurance coverage, because they cannot afford to pay both rent and huge monthly premiums.

4. ***This legislation will undermine our 4th Amendment protection against unreasonable searches and seizures.***

Police will now be able to stop a vehicle, and interfere with a citizen's liberty, when they have no discernable "probable cause" to act. The new "fallback" excuse to violate the 4th Amendment will be "Oh, I thought you might be using a cell phone."

In that regard, this legislation should be subtitled, "The Police State Acceleration And Enhancement Act."

Moreover, there will not be enough officers available for stopping and solving real crimes, if they have to divert their limited manpower for the enforcement of this cell phone ban.

Thank you for the opportunity to bring these important issues to your attention.

Sincerely,

Joan Priestley M.D.

Joan Priestley, M.D.

Enclosures:

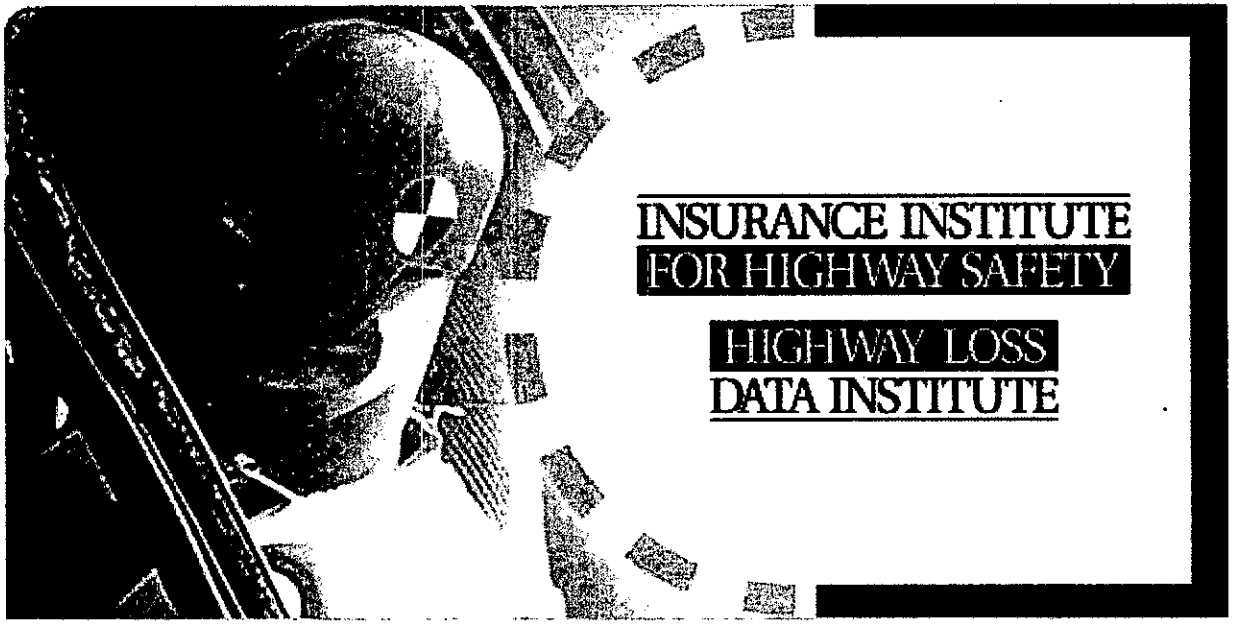
(1) Adrian Lund, PhD. Testimony before the Society of Automotive Engineers, January 29, 2010

(2) Status Report of IIHS, Vol. 45, No. 27, 2/27/10

(3) News Release, Highway Loss Data Institute, 1/29/10

(4) Cell Phones and Driving: Research Update 12/2008 American Automobile Association, Foundation for Traffic Safety

(5) State of Alaska, Department of Transportation, Highway Analysis System graph



INSURANCE INSTITUTE FOR HIGHWAY SAFETY

HIGHWAY LOSS DATA INSTITUTE

SAE®

Do Bans on Driver Cellphone Use make Safer Drivers?

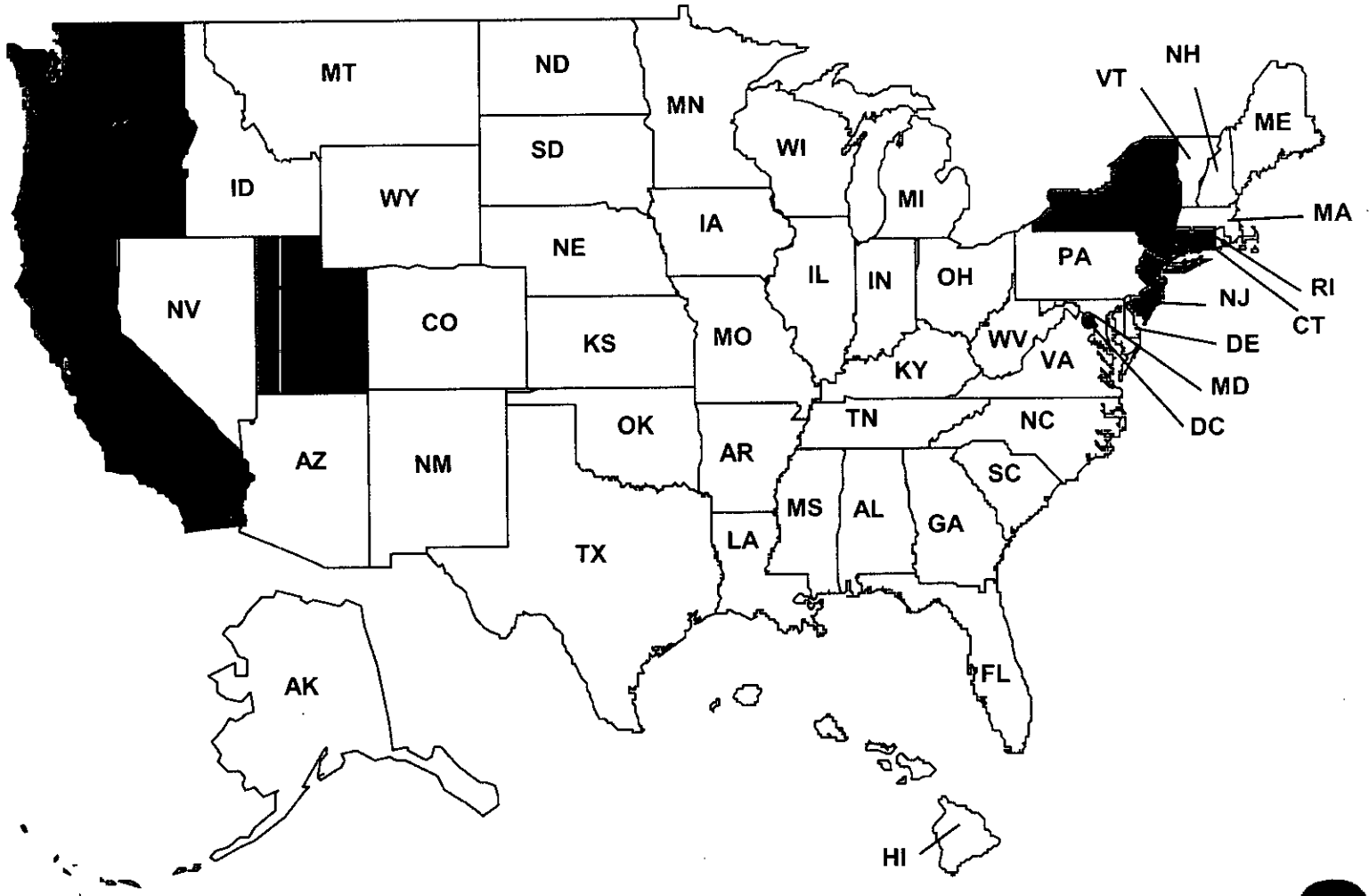
www.iihs.org

SAE Government/Industry Meeting
Washington, DC • January 29, 2010

Adrian Lund, Ph.D., President

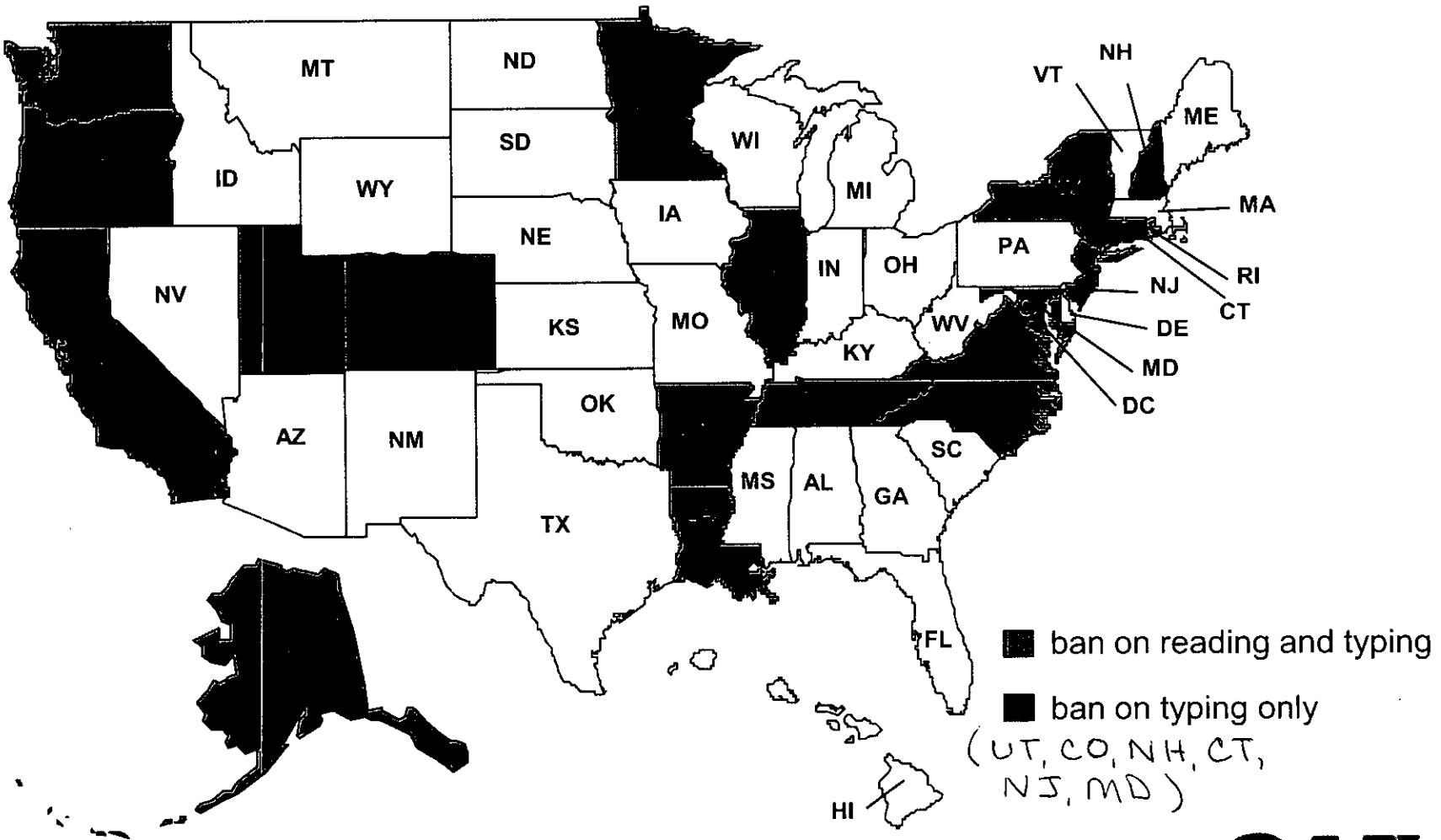
States that ban all drivers from using hand-held phones

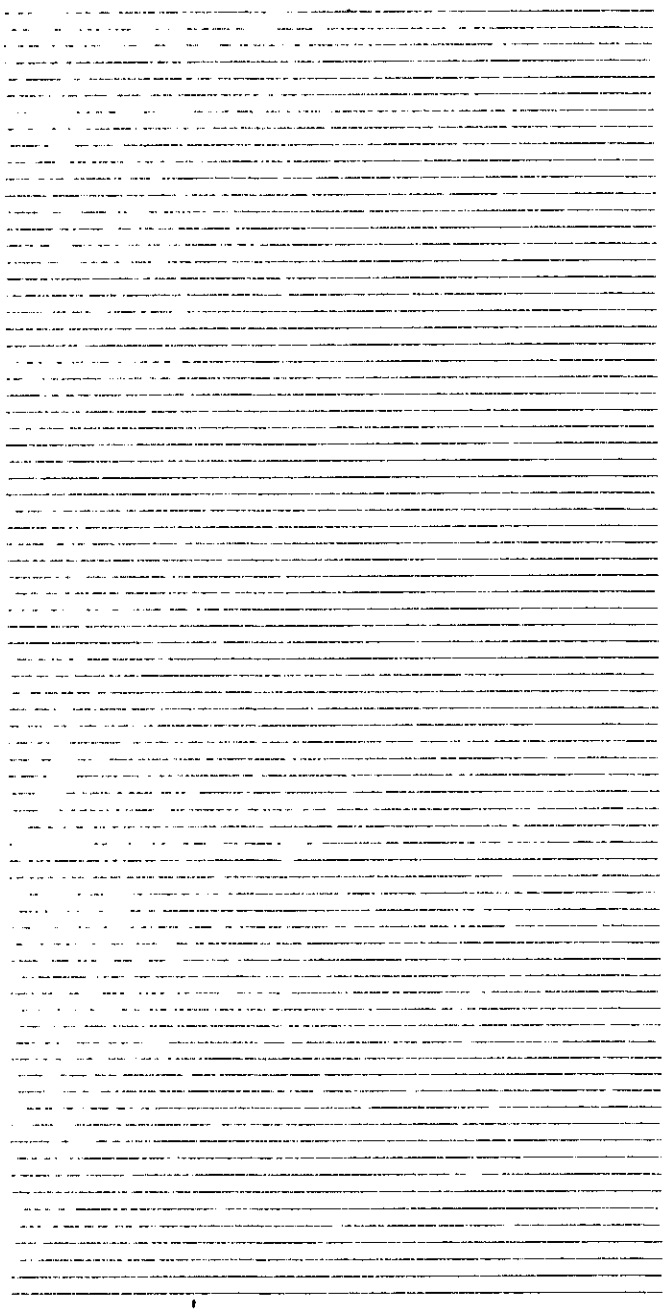
January 2010



Bans on texting while driving

January 2010

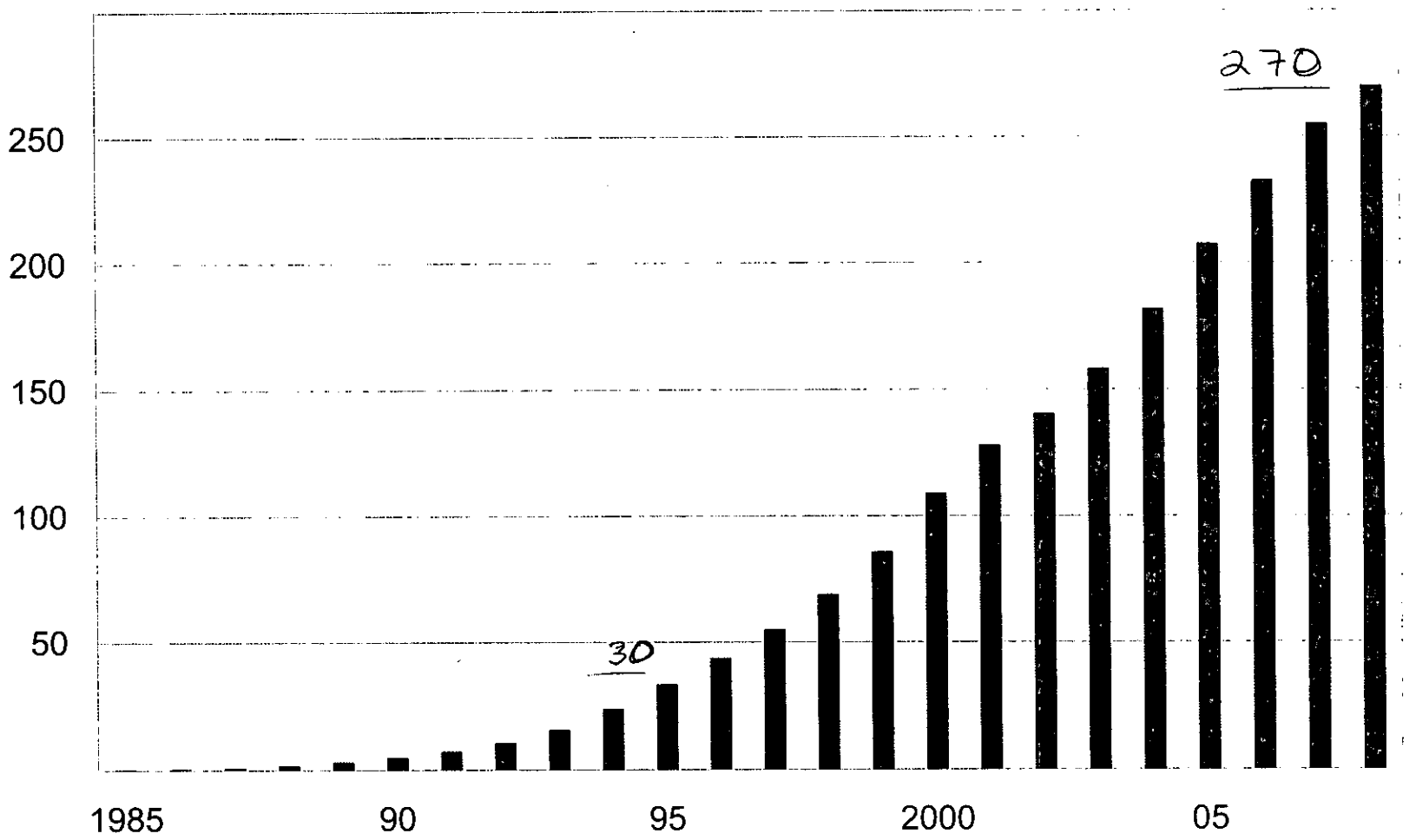




Where's the epidemic?

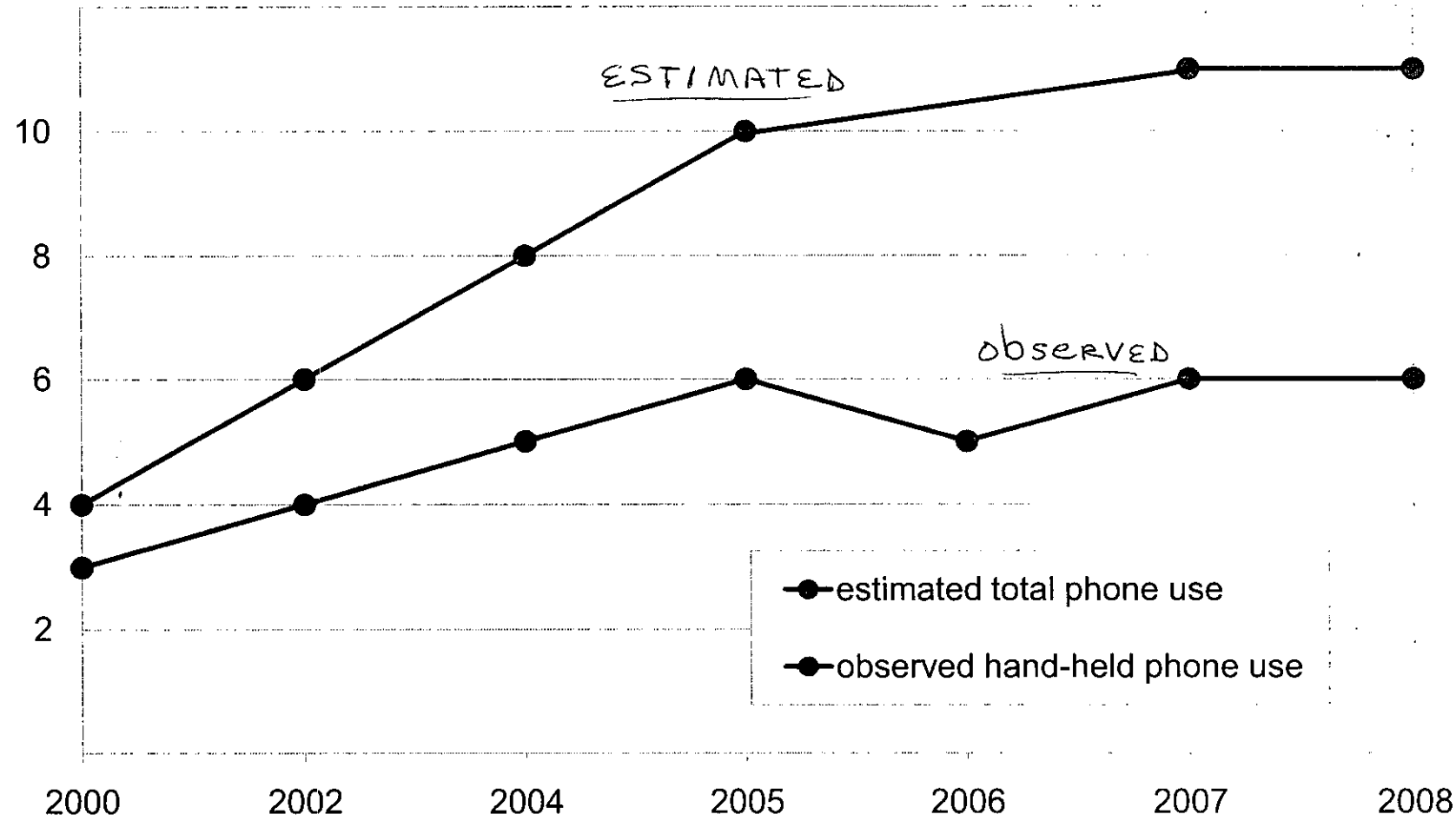
Cellphone subscribers

In millions, 1985-2009



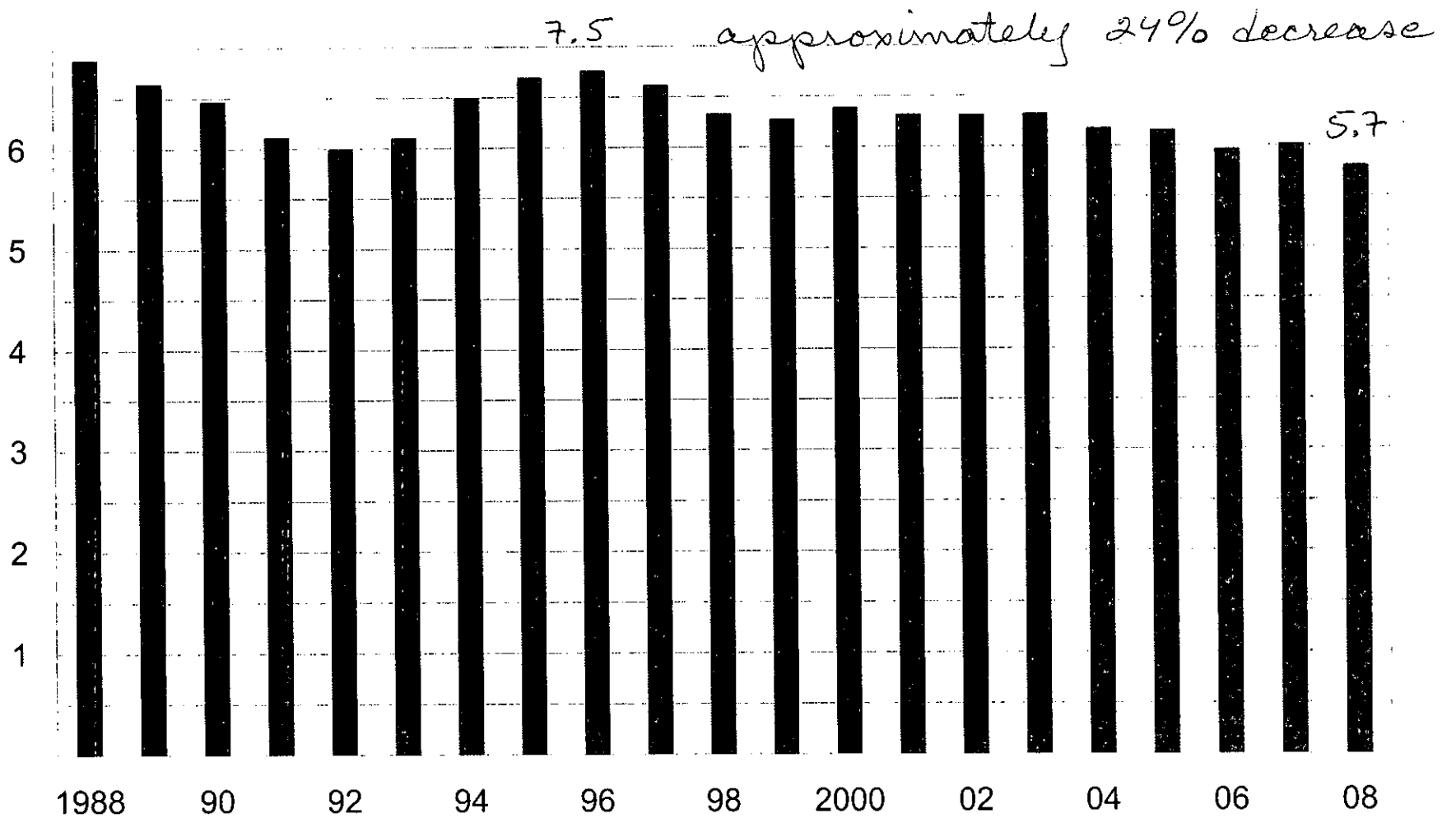
Percent of drivers talking on phones

National Highway Traffic Safety Administration, 2000-08



All crashes

In millions, GES for non-fatal and FARS for fatal, by calendar year



How effective are cellphone use laws – the case of hand-held bans?

www.iihs.org

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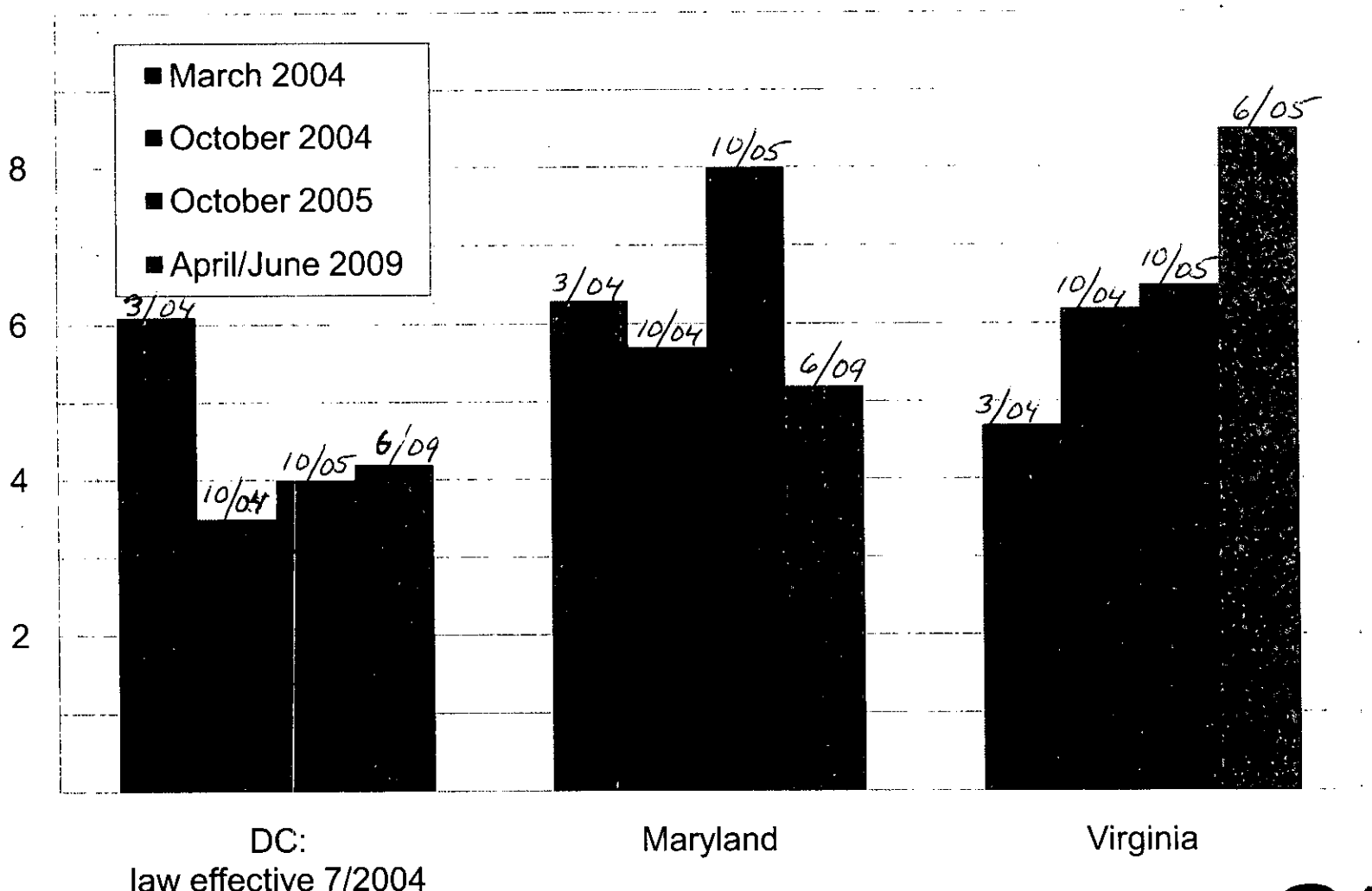
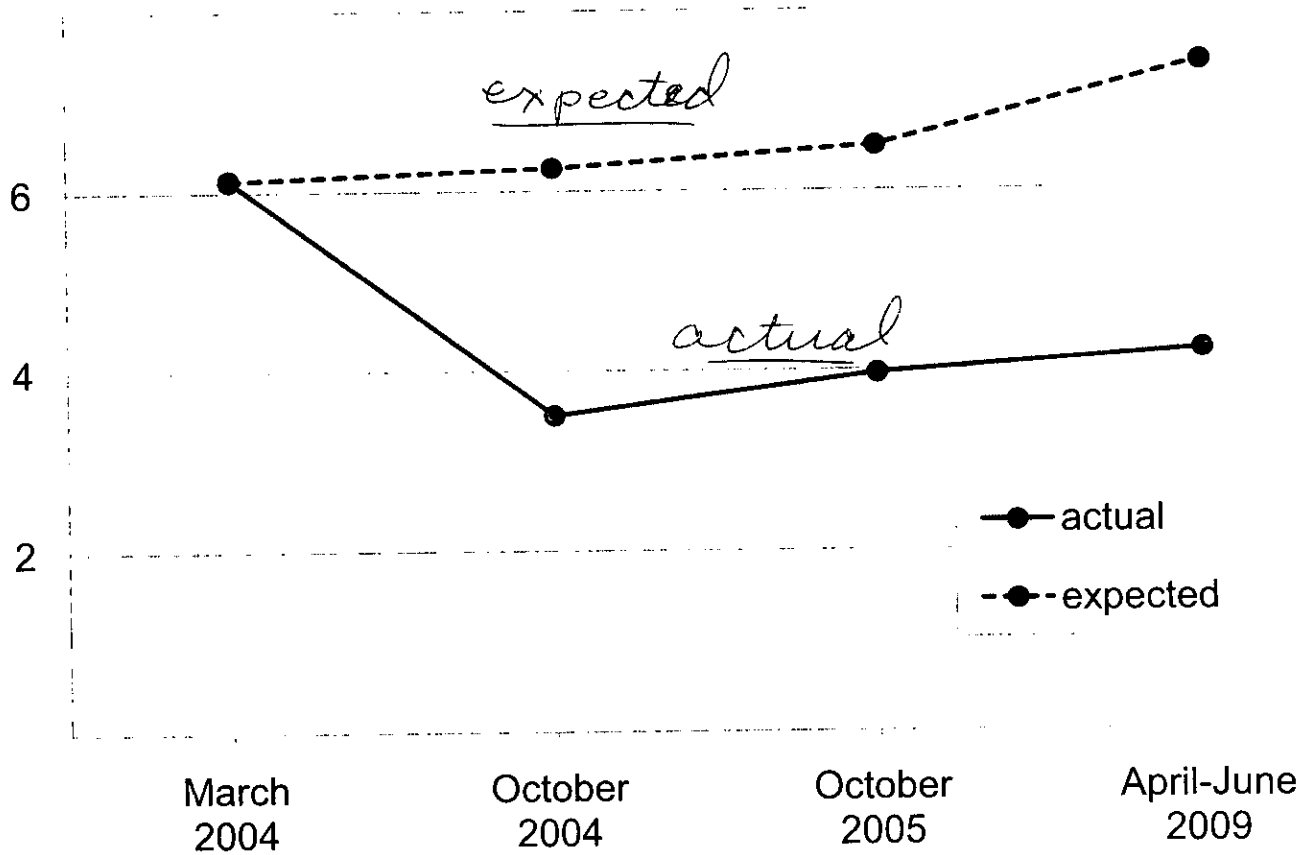
Percent of drivers using hand-held phones

Washington, DC, metro area



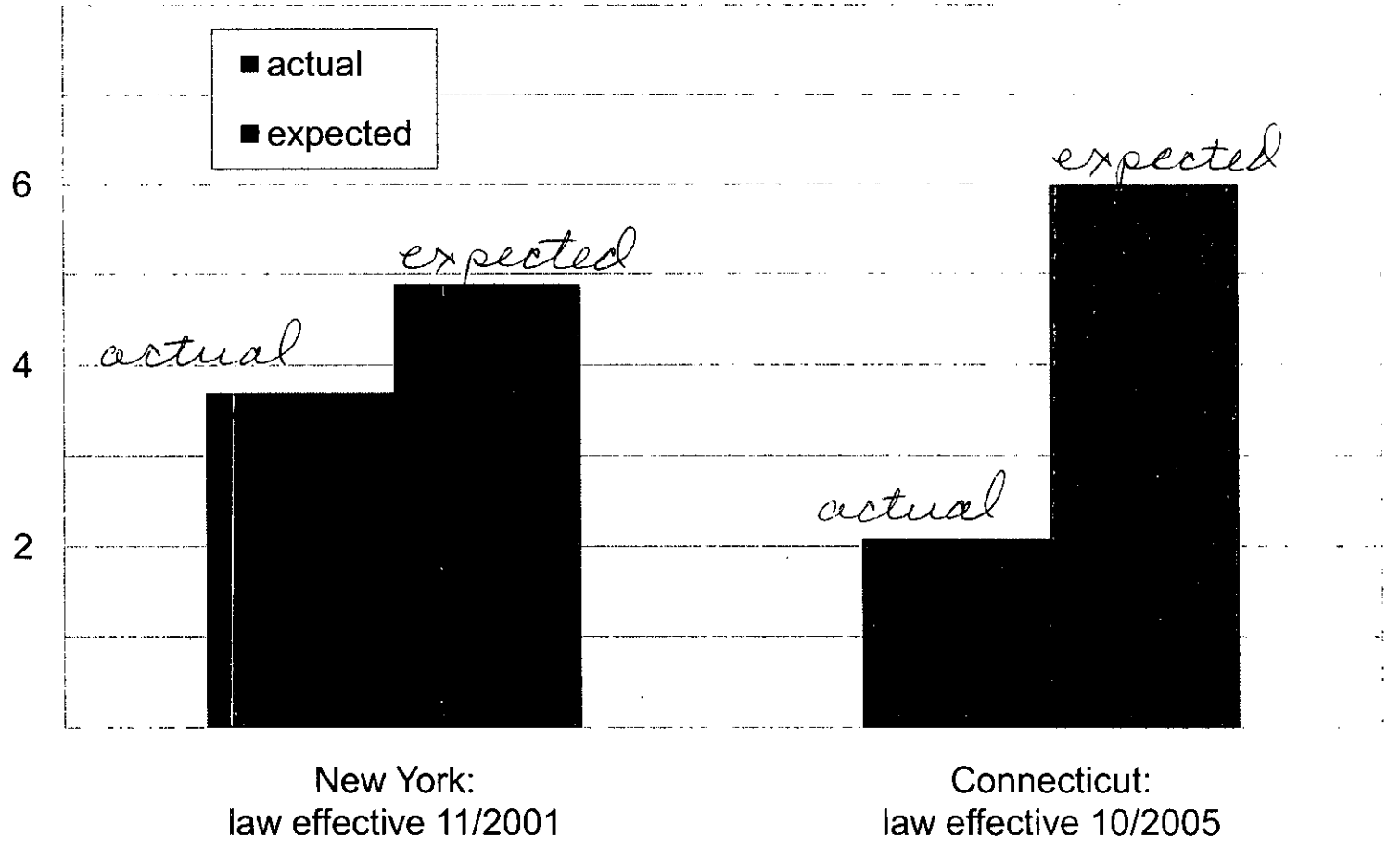
Actual percent of drivers in Washington, DC using hand-held phones vs. use that would have been expected without cellphone law

Law effective July 2004



Actual hand-held phone use vs. use that would have been expected without law

Percent phone use, April 2009



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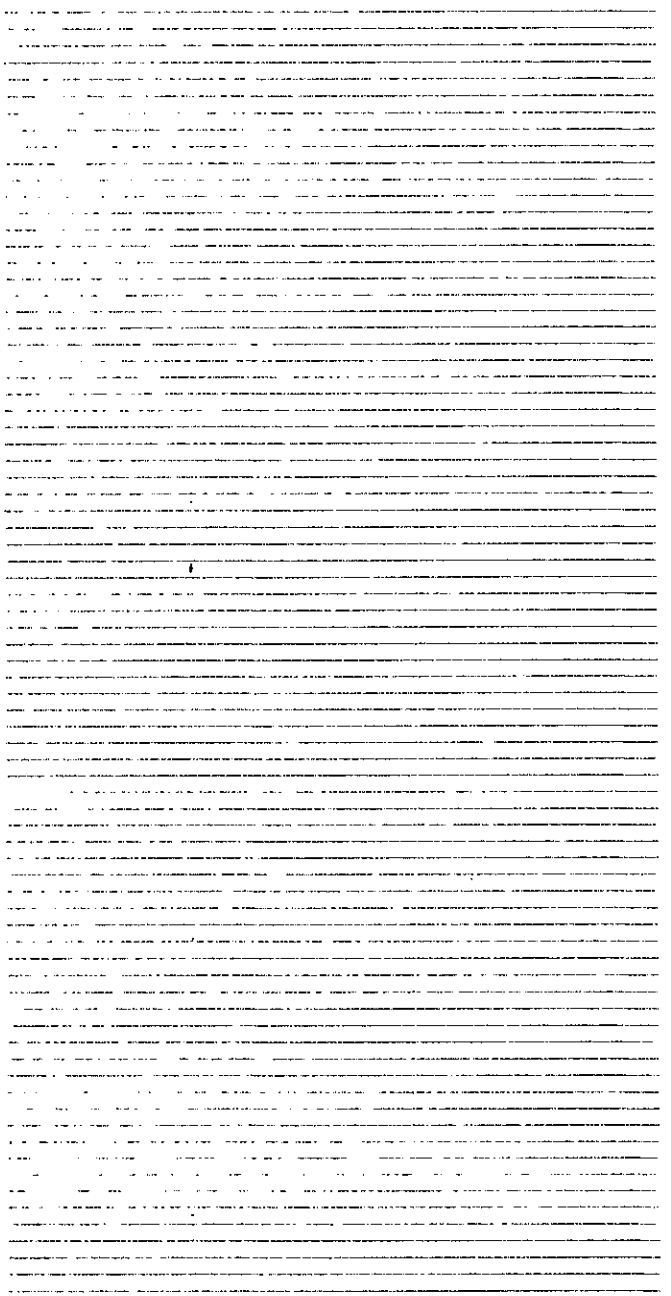


Collision claim frequencies in states with hand-held cellphone bans

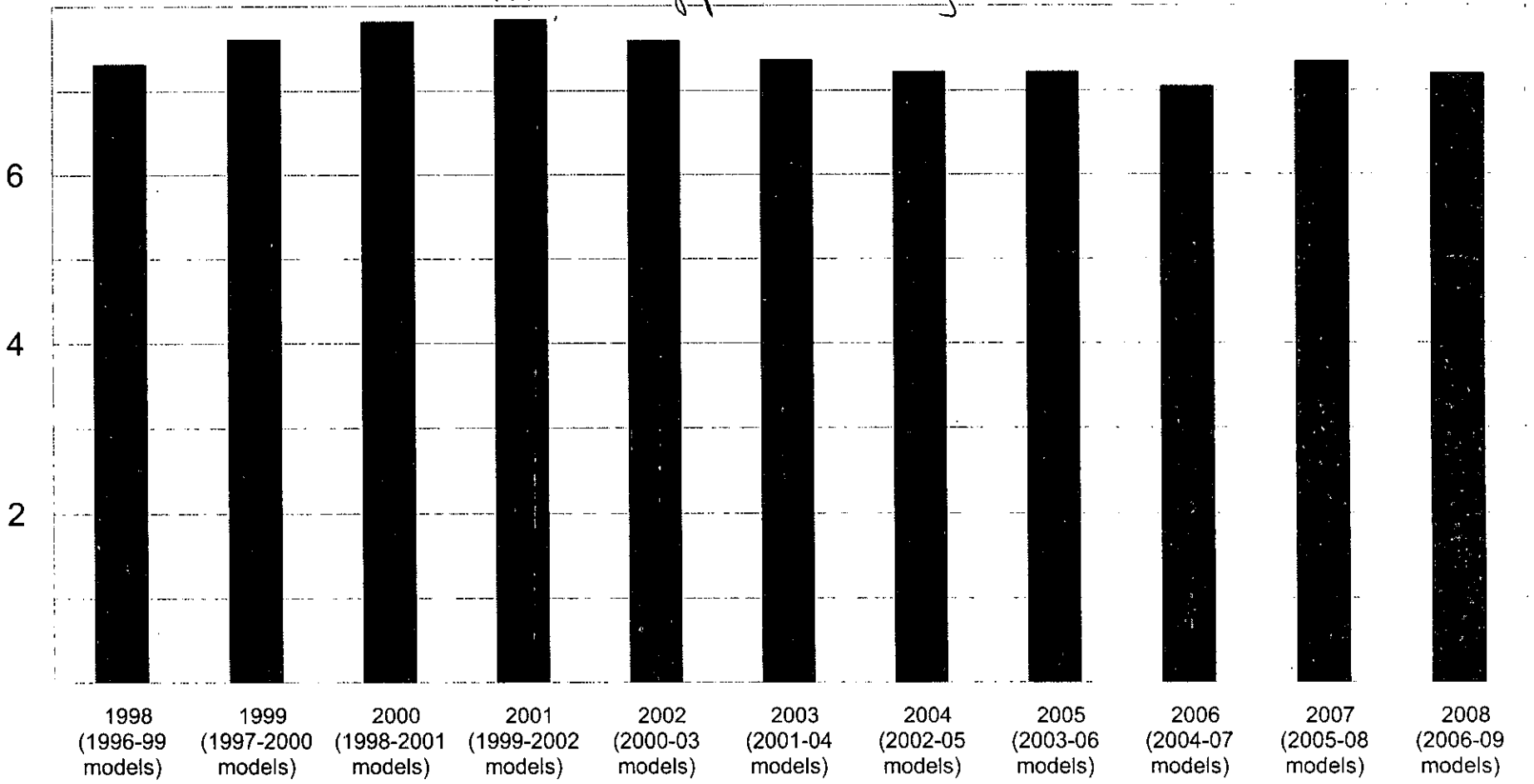
SAE®

Collision claim frequencies

Claims per 100 insured vehicle years

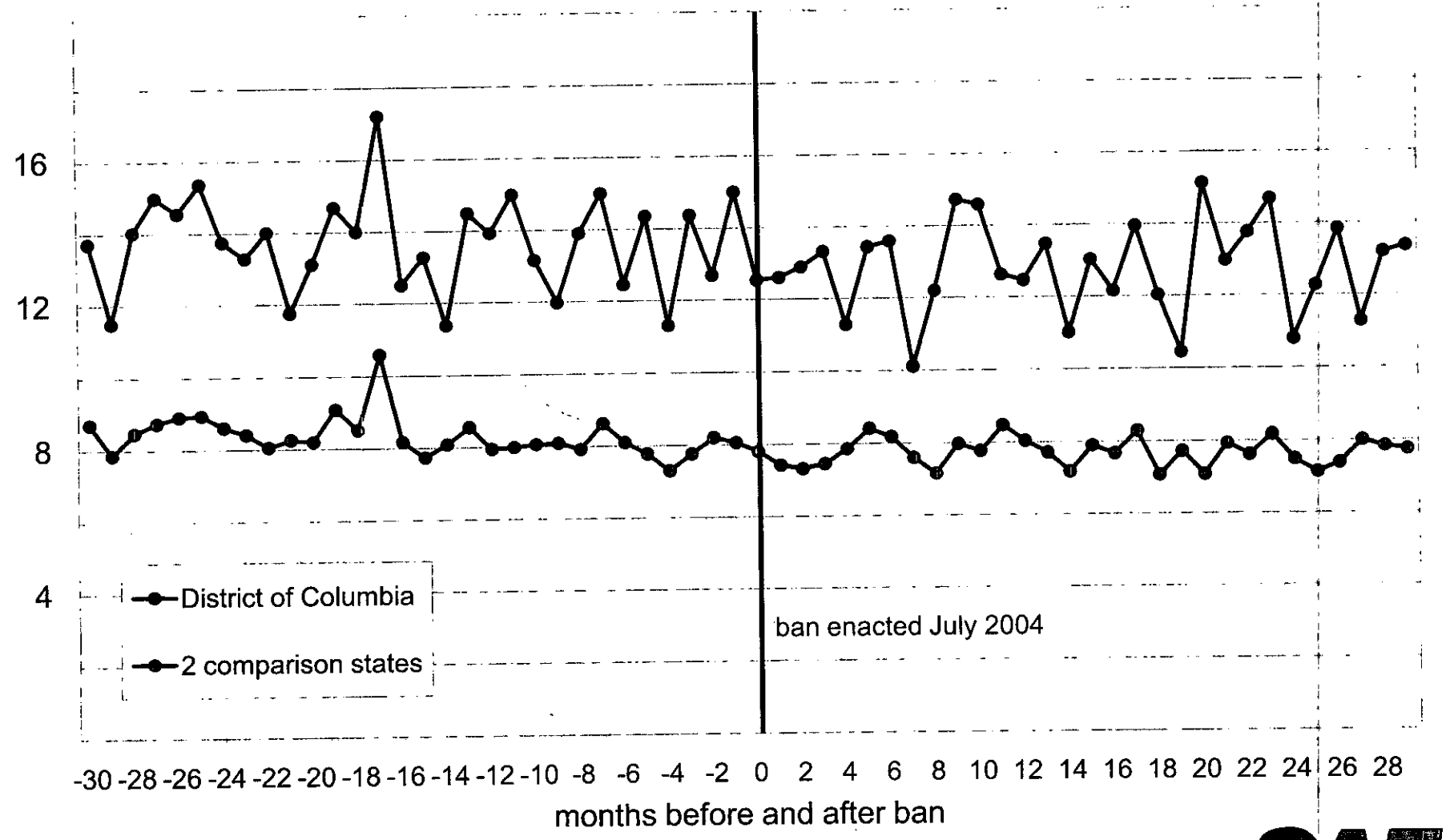
By calendar year, based on 4 most recent model years

7.8 approximately a 8% decrease 7.2



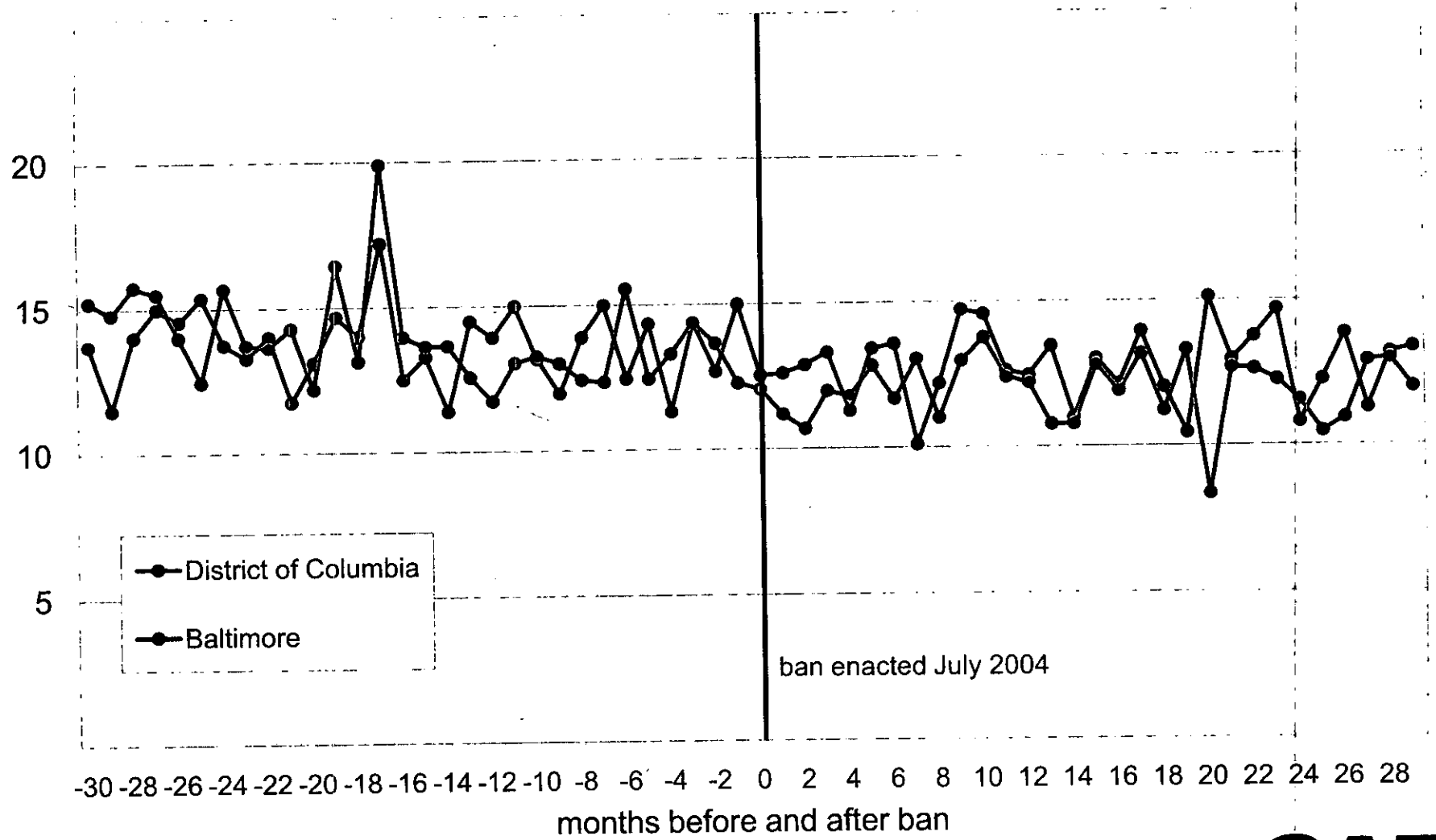
Collision claim frequencies for new vehicles by month

District of Columbia vs. Maryland and Virginia



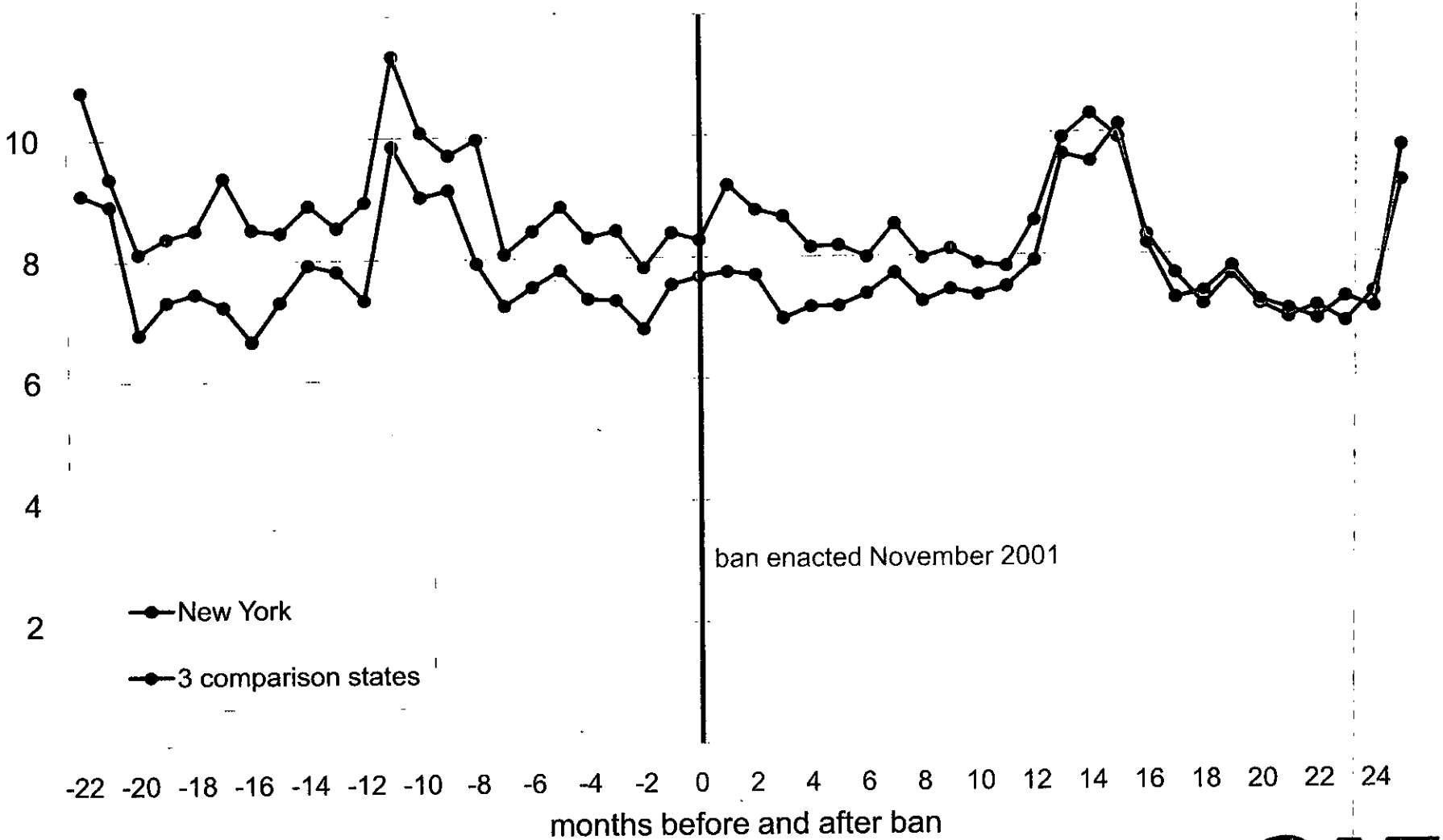
Collision claim frequencies for new vehicles by month

District of Columbia vs. Baltimore



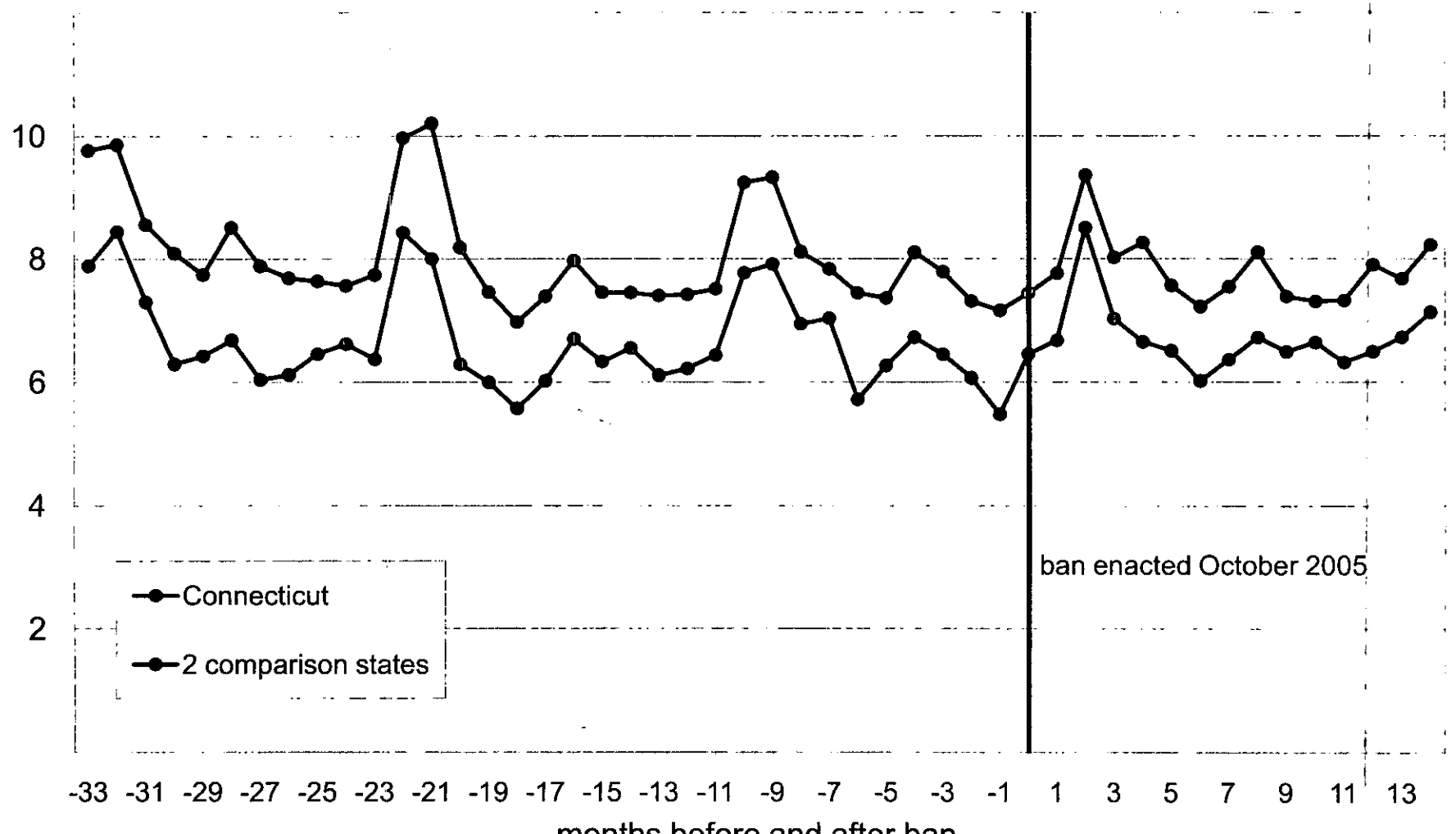
Collision claim frequencies for new vehicles by month

New York vs. Connecticut, Massachusetts, and Pennsylvania



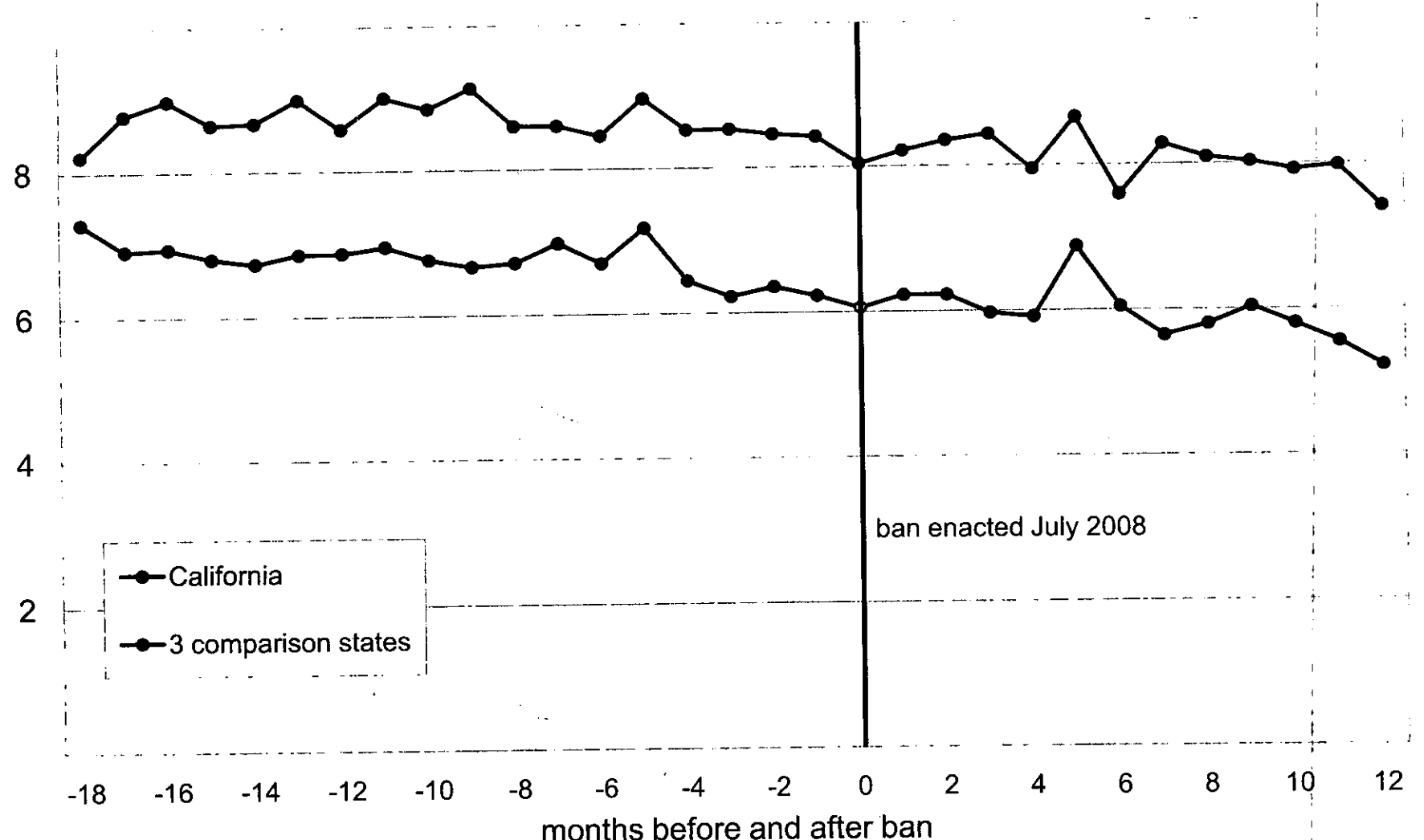
Collision claim frequencies for new vehicles by month

Connecticut vs. Massachusetts and New York



Collision claim frequencies for new vehicles by month

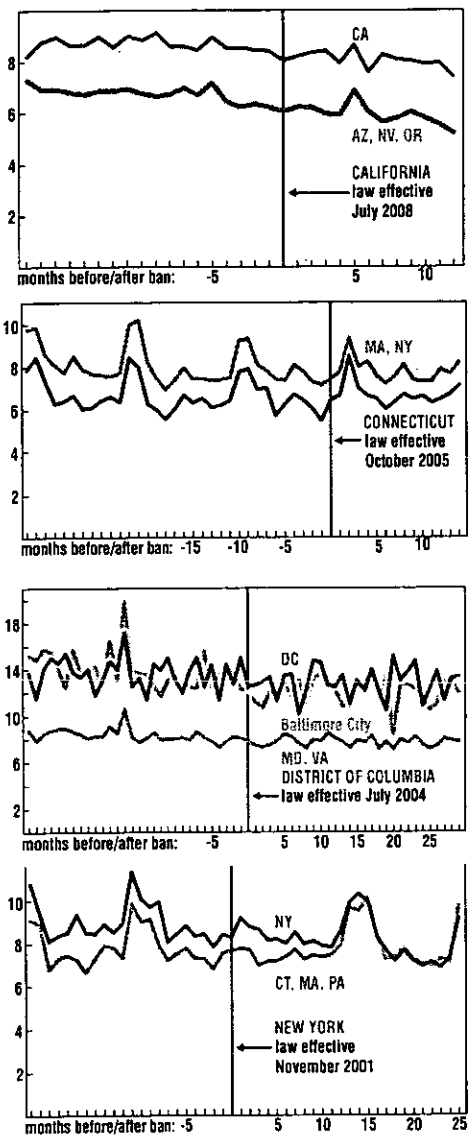
California vs. Arizona, Nevada, and Oregon



PHONE USE BANS AREN'T PRODUCING EXPECTED BENEFIT

Driver use of hand-held phones already is illegal in 8 US jurisdictions, and these laws are proving successful in reducing proportions of drivers using such phones (see *Status Report*, Oct. 13, 2009; on the web at iihs.org). A new Institute survey also confirms that fewer people are phoning while driving in states with bans, and some have switched to hands-free cellphones (see p.2). Given the established risk associated with phoning while driving, banning hand-held use would be expected to reduce crashes. But so far it hasn't. Crashes aren't declining. This is the major finding of a new study comparing insurance claims for crash damage in 4 jurisdictions before and after hand-held phone use bans.

COLLISION CLAIMS PER 100 VEHICLE YRS. FOR NEW VEHICLES, BEFORE AND AFTER HAND-HELD PHONE USE LAWS



Highway Loss Data Institute (HLDI) researchers found steady claim rates before and after the bans. Month-to-month fluctuations in rates of collision claims in jurisdictions with bans didn't change. Nor did the patterns change in comparison with trends in jurisdictions that didn't have such laws.

Specifically, the researchers calculated monthly collision claims per 100 insured vehicle years (a vehicle year is 1 car insured for 1 year, 2 insured for 6 months each, etc.) for vehicles up to 3 years old during the months immediately before and after hand-held phone use was banned while driving in New York (November 2001), the District of Columbia (July 2004), Connecticut (October 2005), and California (July 2008).

The other 4 US jurisdictions where driver use of hand-held phones is banned are New Jersey, Oregon, Utah, and Washington. Data were collected not only in the 4 study jurisdictions but also in nearby jurisdictions without the bans. This method controlled for possible changes in collision claim rates unrelated to the bans — changes in miles driven because of the economy, seasonal changes in driving patterns, etc.

"The laws aren't reducing crashes, even though we know that such laws have reduced hand-held phone use, and several studies have established that phoning while driving increases crash risk," says Adrian Lund, president of both the Insurance Institute for Highway Safety and HLDI.

The HLDI database doesn't identify drivers using cellphones when their crashes occur. However, reductions in observed phone use following bans are so substantial and estimated effects of phone use on crash risk are so large that reductions in aggregate crashes would be expected. In New York HLDI researchers did find a decrease in collision claim frequencies, relative to comparison states, but this decreasing trend began well before the state's ban on hand-held phoning while driving and actually paused briefly when the ban took effect. Trends in the District of Columbia, Connecticut, and California didn't change.

"So the new findings don't match what we already know about the risk of phoning and texting while driving," Lund points out. "If crash risk increases with phone use and fewer drivers use hand-held phones where it's illegal to do so, we would expect to see a decrease in crashes. But we aren't seeing it. Nor do we see collision claim increases before the phone bans took effect."

HLDI researchers compared the District of Columbia's collision claim frequency trend not only with statewide trends in Virginia and Maryland but also with the nearby city of Baltimore's trend. Again, the finding is no difference in the pattern of collision claims. Nor were any differences apparent when HLDI researchers applied a time-based regression model to insurance claims data for each of the study and comparison jurisdictions.

Lund points to factors that might be eroding the effects of hand-held phone bans on crashes. One is that drivers in jurisdictions with such bans may be switching to hands-free phones. In states with all-driver bans on using hand-held cellphones, 22 percent of drivers the Institute surveyed reported using cellphones and always talking hands-free. In this case crashes wouldn't go down because the risk is about the same, regardless of whether a phone is hand-held or hands-free.

No US jurisdiction bans all drivers from using hands-free phones. Twenty-one states and the District of Columbia do prohibit beginning drivers from using any type of phone, including hands-free, but such laws are difficult to enforce. This was the finding in North Carolina, where teen drivers didn't curtail phone use in response to a ban, in part because they didn't think the law was being enforced (see *Status Report*, June 9, 2008; on the web at iihs.org).

Laws banning cellphone use while driving fail to reduce crashes, new insurance data indicate

ARLINGTON, VA — As state legislators across the United States enact laws that ban phoning and/or texting while driving, a new Highway Loss Data Institute study finds no reductions in crashes after hand-held phone bans take effect. Comparing insurance claims for crash damage in 4 US jurisdictions before and after such bans, the researchers find steady claim rates compared with nearby jurisdictions without such bans. The Highway Loss Data Institute (HLDI) is an affiliate of the Insurance Institute for Highway Safety.

HLDI researchers calculated monthly collision claims per 100 insured vehicle years (a vehicle year is 1 car insured for 1 year, 2 insured for 6 months each, etc.) for vehicles up to 3 years old during the months immediately before and after hand-held phone use was banned while driving in New York (Nov. 2001), the District of Columbia (July 2004), Connecticut (Oct. 2005), and California (July 2008). Comparable data were collected for nearby jurisdictions without such bans. This method controlled for possible changes in collision claim rates unrelated to the bans — changes in the number of miles driven due to the economy, seasonal changes in driving patterns, etc.

Month-to-month fluctuations in rates of collision claims in jurisdictions with bans didn't change from before to after the laws were enacted. Nor did the patterns change in comparison with trends in jurisdictions that didn't have such laws.

"The laws aren't reducing crashes, even though we know that such laws have reduced hand-held phone use, and several studies have established that phoning while driving increases crash risk," says Adrian Lund, president of both the Insurance Institute for Highway Safety and HLDI. For example, an Insurance Institute for Highway Safety study that relies on driver phone records found a 4-fold increase in the risk of injury crashes. A study in Canada found a 4-fold increase in the risk of crashes involving property damage. Separate surveys of driver behavior before and after hand-held phone use bans show reductions in the use of such phones while driving.

The HLDI database doesn't identify drivers using cellphones when their crashes occur. However, reductions in observed phone use following bans are so substantial and estimated effects of phone use on crash risk are so large that reductions in aggregate crashes would be expected. In New York the HLDI researchers did find a decrease in collision claim frequencies, relative to comparison states, but this decreasing trend began well before the state's ban on hand-held phoning while driving and actually paused briefly when the ban took effect. Trends in the District of Columbia, Connecticut, and California didn't change.

"So the new findings don't match what we already know about the risk of phoning and texting while driving," Lund points out. "If crash risk increases with phone use and fewer drivers use phones where it's illegal to do so, we would expect to see a decrease in crashes. But we aren't seeing it. Nor do we see collision claim increases before the phone bans took effect. This is surprising, too, given what we

know about the growing use of cellphones and the risk of phoning while driving. We're currently gathering data to figure out this mismatch."

HLDI researchers compared the District of Columbia's collision claim frequency trend not only with statewide trends in Virginia and Maryland but also with the trend in the nearby city of Baltimore. Again, the finding is no difference in the pattern of collision claims. Nor were any differences apparent when the researchers applied a time-based regression model to claims data for each of the study and comparison jurisdictions.

Lund points to factors that might be eroding the effects of hand-held phone bans on crashes. One is that drivers in jurisdictions with such bans may be switching to hands-free phones because no US state currently bans all drivers from using such phones. In this case crashes wouldn't go down because the risk is about the same, regardless of whether the phones are hand-held or hands-free. Twenty-one states and the District of Columbia do prohibit beginning drivers from using any type of phone, including hands-free, but such laws are difficult to enforce. This was the finding in North Carolina, where teenage drivers didn't curtail phone use in response to a ban, in part because they didn't think the law was being enforced.

"Whatever the reason, the key finding is that crashes aren't going down where hand-held phone use has been banned," Lund points out. "This finding doesn't auger well for any safety payoff from all the new laws that ban phone use and texting while driving."

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1005 N. Glebe Road, Suite 800, Arlington, VA 22201 USA | tel 703/247-1500

Number of Crashes Involving Cell Phone Use, By Age of Driver Using Cell Phone, Alaska 2002-2006

Age of Driver using Cell Phone	2002	2003	2004	2005	2006	TOTAL
under 10						0
10-15			1			1
16-20	17	20	22	24	16	99
21-25	8	9	8	6	12	43
26-30	7	5	6	8	5	31
31-35	9	7	6	6	2	30
36-40	7	3	6	3	7	26
41-45	4	6	3	6	4	23
46-50	3	7	6	5	1	22
51-55		1	1	1		3
56-60	1		2	1		4
61-65		1		1		2
66-70	1			1		2
71-75	1					1
76-80						0
81+					1	1
Unknown	1					1
TOTAL	59	59	61	62	48	289

Source: State of Alaska, DOT&PF, Highway Analysis System, Data Port

ALASKA STATUTES

Title 28. MOTOR VEHICLES

Chapter 28.35. OFFENSES AND ACCIDENTS

Article 03. MISCELLANEOUS OFFENSES

Sec. 28.35.161. Driving a motor vehicle with a screen device operating; unlawful installation of television, monitor, or similar device.

(a) A person commits the crime of driving with a screen device operating if

(1) the person is driving a motor vehicle;

(2) the vehicle has a television, video monitor, portable computer, or any other similar means capable of providing a visual display that is in full view of a driver in a normal driving position while the vehicle is in motion; and

(3) the monitor or visual display is operating while the person is driving.

(b) A person may not install or alter equipment described in (a)(2) of this section that allows the images to be viewed by the driver in a normal driving position while the vehicle is in motion.

(c) Subsections (a) and (b) of this section do not apply to

(1) portable cellular telephones or personal data assistants being used for verbal communication or displaying caller identification information;

(2) equipment that is displaying only

(A) audio equipment information, functions, and controls;

(B) vehicle information or controls related to speed, fuel level, battery charge, and other vehicle safety or equipment information;

(C) navigation or global positioning;

(D) maps;

(E) visual information to

(i) enhance or supplement the driver's view forward, behind, or to the sides of the motor vehicle for the purpose of maneuvering the vehicle; or

(ii) allow the driver to monitor vehicle occupants seated behind the driver;

(F) vehicle dispatching and response information for motor vehicles providing emergency road service or roadside assistance;

(G) vehicle dispatching information for passenger transport or freight or package delivery;

(H) information for use in performing highway construction, maintenance, or repair or data acquisition by the Department of Transportation and Public Facilities or a municipality; or

(I) information for use in performing utility construction, maintenance, repair, or data acquisition by a public utility; in this subparagraph, "public utility" has the meaning given in AS 42.05.990.

(d) Subsections (a) and (b) of this section do not apply to devices and equipment installed in an emergency vehicle. In this subsection, "emergency vehicle" means a police, fire, or emergency medical service vehicle.

(e) It is an affirmative defense to a prosecution under (b) of this section that the equipment installed or altered includes a device that, when the motor vehicle is being driven, disables the equipment for all uses except those described in (c) of this section.

(f) A person who violates (a) of this section is guilty of

(1) a class A misdemeanor, unless any of the circumstances described in (2) - (4) of this subsection apply;

(2) a class C felony if the person's driving causes physical injury to another person;

(3) a class B felony if the person's driving causes serious physical injury to another person;

(4) a class A felony if the person's driving causes the death of another person.

(g) A person who violates (b) of this section is guilty of a class A misdemeanor.

History -

(Sec. 1 ch 99 SLA 2008; am Sec. 1 ch 42 SLA 2009)

Amendment Notes -

The 2009 amendment, effective September 18, 2009, added (c)(2)(I), and made related stylistic changes.

Effective Date Notes -

Section 3, ch. 99, SLA 2008, makes this section effective September 1, 2008.

ALASKA STATUTES

Title 28. MOTOR VEHICLES

Chapter 28.90. GENERAL AND MISCELLANEOUS PROVISIONS

Article 01. MISCELLANEOUS PROVISIONS

Sec. 28.90.010. Penalties for violations of law, regulations, and municipal ordinances.

(a) It is a misdemeanor for a person to violate a provision of this title unless the violation is by this title or other law declared to be a felony or an infraction.

(b) A person convicted of a misdemeanor for a violation of a provision of this title for which another penalty is not specifically provided is punishable by a fine of not more than $500, or by imprisonment for not more than 90 days, or by both. In addition, the privilege to drive or the registration of vehicles may be suspended or revoked.

(c) Unless otherwise specified by law a person convicted of a violation of a regulation adopted under this title, or a municipal ordinance regulating vehicles or traffic when the municipal ordinance does not correspond to a provision of this title, is guilty of an infraction and is punishable by a fine not to exceed $300.

(d) An infraction, as provided for in (c) of this section, is not considered a criminal offense and may not result in imprisonment, nor is a fine imposed for the commission of an infraction considered a penal or criminal punishment; nor may the commission of a single infraction result in the loss of a driver's license or privilege to drive in this state except as may result from the accumulation of points under AS 28.15.221 - 28.15.261, or the registration of vehicles; nor does a person cited with an infraction have a right to trial by jury or to court-appointed counsel.

(e) [Repealed, Sec. 5 ch 85 SLA 1987].

History -

(Sec. 50-1-8 ACLA 1949; am Sec. 12 ch 241 SLA 1976; am Sec. 22, 23 ch 144 SLA 1977; am Sec. 5 ch 85 SLA 1987)

Revisors Notes -

Formerly AS 28.35.230. Renumbered as AS 28.40.050 in 1984 and renumbered again in 2006.

Decisions -

This section governs the penalties for violations of this title, and creates three categories of traffic offenses: felonies, misdemeanors and infractions. State v. Clayton, 584 P.2d 1111 (Alaska 1978).

Violations of AS 28.35.050(a) are punishable under this section. Drahosh v. State, 442 P.2d 44 (Alaska 1968).

Prerequisite to suspension of license or privilege to drive. - A driver's license or privilege to drive cannot properly be suspended unless the driver was in fact licensed or otherwise actually privileged to drive a motor vehicle within the state. Roberts v. State, 700 P.2d 815 (Alaska Ct. App. 1985).

Generic penalty provision. - Subsection (b) is not a penalty provision dealing specifically with the offense of driving while license suspended; rather it is a generic penalty provision, broadly applicable to violations of all Title 28 provisions for which the specific penalties are given. Roberts v. State, 700 P.2d 815 (Alaska Ct. App. 1985).

Meaning of "law" in subsection (c). - The term "law," as used in subsection (c) of this section, refers to statutory enactments of the Alaska legislature and cannot be read to include the provisions of municipal ordinances. Anderson v. Municipality of Anchorage, 645 P.2d 205 (Alaska Ct. App. 1982).

Nature of "correspondence" between ordinance and statute required by subsection (c). - The requirement of correspondence stated in subsection (c) of this section calls for a level of similarity between a municipal ordinance and a provision of AS 28 that would make the ordinance a functional equivalent of its statutory counterpart. Anderson v. Municipality of Anchorage, 645 P.2d 205 (Alaska Ct. App. 1982).

The legislature's purpose in enacting subsection (d) was to eliminate the criminal stigma from minor traffic offenses while keeping the enforcement of such offenses within the criminal system's procedures. State v. Clayton, 584 P.2d 1111 (Alaska 1978).

A prosecution for a traffic infraction is a quasi-criminal proceeding to which certain criminal procedures including the issuance of warrants are applicable. State v. Clayton, 584 P.2d 1111 (Alaska 1978).

Although the language in subsection (d) with regard to an infraction not being considered a criminal offense nor a fine therefor a criminal punishment indicates that the legislature did not intend to make minor traffic offenses criminal offenses, it does not follow that the legislature by labeling infractions "noncriminal" meant that they are civil in nature and thus that criminal procedures are not available for the enforcement of infractions. State v. Clayton, 584 P.2d 1111 (Alaska 1978).

Notwithstanding the legislative labeling of a traffic infraction a noncriminal offense by this section, it retains many criminal terms, such as "convicted," "violation," "guilty," "punishable by a fine." State v. Clayton, 584 P.2d 1111 (Alaska 1978).

An infraction is not an offense for double jeopardy purposes. Carlson v. State, 676 P.2d 603 (Alaska Ct. App. 1984).

Jury trial. - AS 28.10.105(a) (now repealed) and the other registration statutes in pari materia do not specify a violation of the registration statutes as an infraction, and thus under this section, such a violation is a misdemeanor punishable by up to 90 days' imprisonment, and entitling a defendant to a jury trial, denial of which right constitutes prejudicial error, requiring a new trial. Epperly v. State, 648 P.2d 609 (Alaska Ct. App. 1982).

Traditional use of criminal process not affected. - In the absence of express contrary declaration, the legislature did not intend by the enactment of subsection (d) to affect the traditional use of the criminal process for enforcement of traffic infractions. State v. Clayton, 584 P.2d 1111 (Alaska 1978).

This section makes no changes in the traditional mode of proceeding in criminal matters with the exception of its declaration that a person cited with an infraction does not have a right to trial by jury or to court-appointed counsel. The action is brought in the name of the state; it is commenced by the filing of a complaint by a law enforcement official; it is prosecuted by the district attorney. The exceptions appear to merely codify existing constitutional law. State v. Clayton, 584 P.2d 1111 (Alaska 1978).

Applied in Manderson v. State, 655 P.2d 1320 (Alaska Ct. App. 1983).

Stated in Francis v. Municipality of Anchorage, 641 P.2d 226 (Alaska Ct. App. 1982).

Quoted in State v. Dutch Harbor Seafoods, Ltd., 965 P.2d 738 (Alaska 1998).

Cited in Lowry v. State, 655 P.2d 780 (Alaska Ct. App. 1982); Hamilton v. State, 59 P.3d 760 (Alaska Ct. App. 2002); Walsh v. State, Op. No. 2048, 134 P.3d 366 (Alaska Ct. App. 2006).

Collateral Refs -

7A Am. Jur. 2d, Automobiles and Highway Traffic, Sec. 244.

61A C.J.S., Motor Vehicles, Sec. 1311 et seq.

Thank you Show Background

Rep. – Here are the summaries you requested.

Cell Phones and Driving: Research Update

blue tab Key Points blue tab contains most of the points of interest.

Studies showed:

1. Cell phones roughly quadruple crash risk.
2. Using a cell phone significantly impairs reaction time.
3. Hands-free or hand-held devices were **indistinguishable** risk-wise.

Cell phone usage:

- Over ½ U.S. drivers admitted using w/in 30 days
- 1 in 7 have texted while driving
- Age is not significant factor in usage
- Higher education = higher use and texting during driving

Large percent of complaints came from respondents who themselves talk on cell phone while driving at least occasionally.

Highway Loss Data Institute Bulletin: Hand-Held Cellphone Laws and Collision Claim Frequencies

A number (not specified) of jurisdictions worldwide, including several U.S. states, have made it illegal to use hand-held cellphones while driving. Evidence on the effectiveness of these bans is mixed, but ***results indicate that banning cellphone use can effect phone use.*** This article had 4 figures and 2 tables. The last page seemed the most important by stating; only two of the ten estimates were significant (New York & Connecticut). *Insurance collision loss* Experience does not indicate a decrease in crash risk when hand-held cellphone laws are enacted.

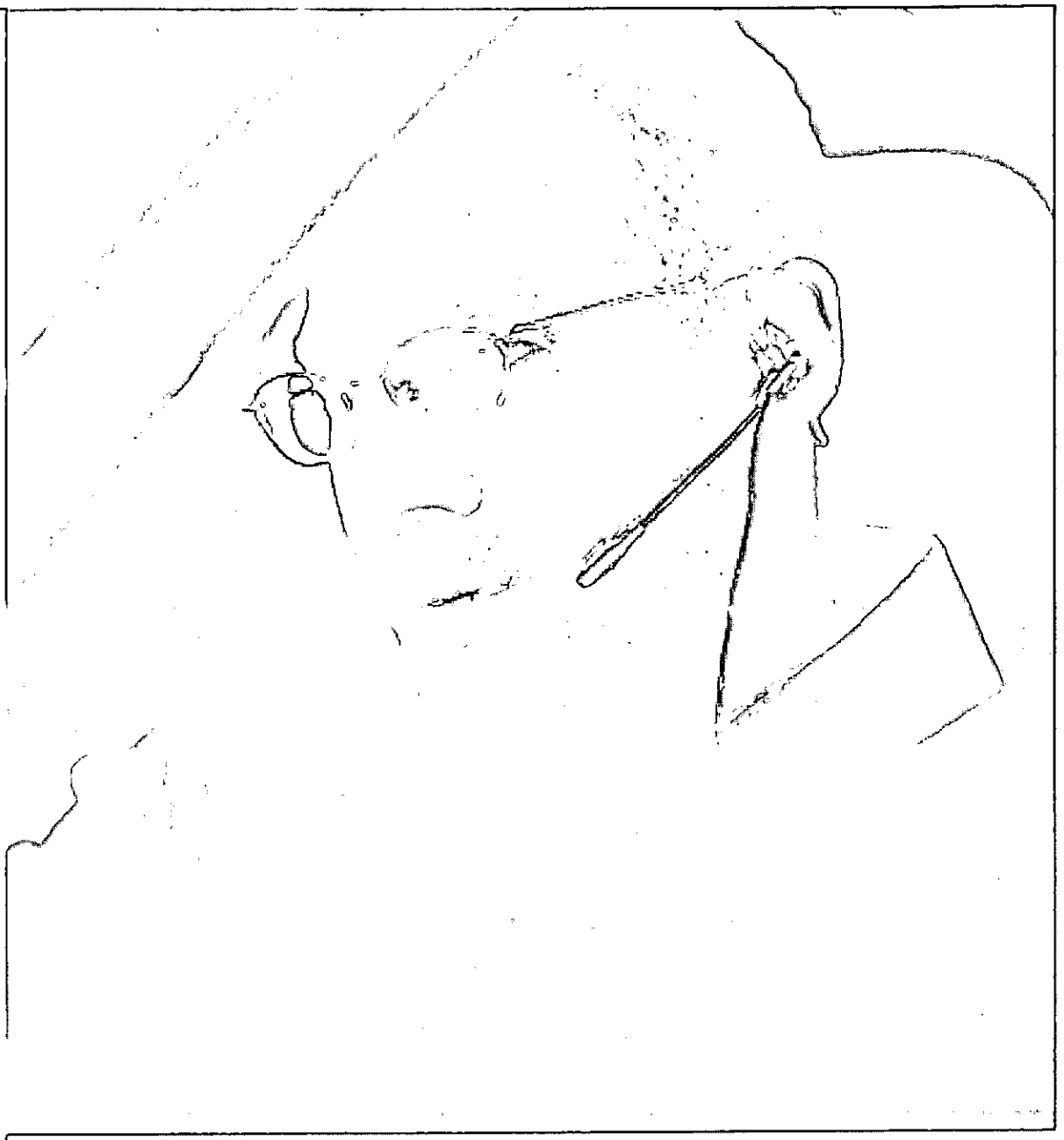
red tab

funny

The Effect of Cellular Phone Use Upon Driver Attention

yellow tab This article outlined a rather outdated study which occurred in 1991. It came up with four conclusions:

1. All forms of cell phone usage increased non-responses and reaction times.
2. Complex, intense conversations were more distracting than other things.
3. Older people (50+) should not make phone calls while driving.
4. Experience did not matter in the study and appeared to have no effect on overall reaction time to various distractions.



Car crashes rank among the leading causes of death in the United States.

Cell Phones and Driving: Research Update

December, 2008

Foundation for Traffic Safety

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Overview

A growing body of research suggests that using a mobile telephone while driving increases a driver's risk of being involved in a crash. Studies that have analyzed the cell phone records of crash-involved drivers have reported that using a cell phone while driving is associated with roughly a quadrupling of crash risk. Studies using driving simulators have also found that cell phone use significantly impairs several aspects of driving performance, principally reaction time. Studies comparing the risks associated with using hand-held and hands-free cell phones while driving have found them indistinguishable—both increase risk. Meanwhile, available data shows that the number of cell phone subscribers, and the proportion of drivers using cell phones, is increasing.

This research update presents new data from the AAA Foundation's Traffic Safety Culture Index, a nationally-representative telephone survey of the American public, on drivers' cell phone use and their attitudes toward distracted driving, as well as data on driver cell phone use from a recent omnibus survey conducted for the AAA Foundation.

Results show that over half of U.S. drivers report having used a cell phone while driving in the past 30 days, and one in seven even admits to text messaging while driving. Young drivers were found to be overwhelmingly more likely than older drivers to text message, and somewhat more likely to talk on cell phones while driving; however, the proportion of drivers aged 35 to 44 who report talking on cell phones while driving is not significantly lower than the proportion of drivers aged 18 to 24 who report doing so. Higher levels of education were also found to be associated with higher levels of cell phone use and text messaging while driving.

A substantial proportion of the American public believes that drivers using cell phones are a serious traffic safety problem and that it is unacceptable to use a cell phone while driving. Respondents who express negative attitudes toward cell phone use while driving were found to be somewhat less likely to use cell phones while driving; however, a substantial proportion of respondents who express negative attitudes toward using a cell phone while driving still admit doing so at least occasionally. About two-thirds of drivers who use cell phones while driving believe that it is safer to talk on a hands-free cell phone than on a hand-held cell phone; however, the overwhelming majority of available evidence suggests that it is not.

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Background

Research has demonstrated that drivers are susceptible to virtually innumerable distractions that can contribute to the occurrence of a crash. For example, a study conducted in 2001 for the AAA Foundation for Traffic Safety analyzed a nationally-representative sample of crashes that occurred between 1995 and 1999 and resulted in one or more passenger vehicles having to be towed due to damage, and found that 8.3% of drivers in these crashes were reported to have been distracted (Stutts, Reinfurt, Staplin, & Rodgman, 2001). The most common sources of distraction cited in these crashes were an outside person, object, or event (29.4% of crash-involved drivers); adjusting the radio, cassette, or CD (11.4%), passengers (10.9%). Distraction related to the use of a cell phone was cited in 1.5% of crashes.

In a naturalistic study conducted in 2001 for the AAA Foundation, the driving of 70 volunteers was recorded using in-vehicle cameras to identify potential sources of distraction (Stutts, Feaganes, Rodgman, et al., 2003). The researchers reviewed 3 hours of data per subject and found that the potential distractions in which the greatest proportion of drivers engaged were manipulating the vehicle controls (100% of drivers), conversing with passengers (77% of drivers), eating or drinking (71% of drivers), and grooming (46% of drivers). Thirty-four percent of drivers used cell phones during the video samples that were reviewed, and did so for 3.8% of their total observed driving time.

In a more recent naturalistic driving study, 109 volunteers drove their own vehicle or a leased vehicle, with in-vehicle cameras and other sophisticated data collection equipment, for a period of 12 to 13 months. Researchers analyzed crashes (defined by the researchers as any contact between the vehicle and another vehicle or object; the great majority of crashes in this study were very minor and not police-reported) and near-crashes (events in which a rapid evasive maneuver was required to avoid crashing) in relation to drivers' behaviors and the traffic environment. In analysis focused specifically on driver inattention (Klauer, Dingus, Neale, Sudweeks, & Ramsey, 2006), the researchers reported that driver involvement in secondary tasks contributed to 22% of all crashes and near-crashes in the study. Comparing the frequency of specific secondary tasks at the time of crashes and near-crashes to their frequency during a random sample of periods of normal driving during which no crashes or near-crashes occurred, the researchers found that the secondary task that resulted in the greatest increase in the risk of being involved in a crash or near-crash was reaching for a moving object. Reading and applying makeup while driving were both associated with more than tripling of the odds of being involved in a crash or near-crash. Eating was associated with a 57% increase in the odds of being involved in a crash or near-crash. Dialing a hand-held device was associated with nearly triple the odds of being involved in a crash or near-crash, and talking or listening to a hand-held device was associated with about a 30% increase in the odds of being involved in a crash or near-crash. Dialing hand-held devices was found to have been a contributing factor in 3.58% of crashes and near-crashes, and talking/listening on hand-held devices was a contributing factor in 3.56% of crashes and near-crashes. Both dialing and talking/listening on handheld devices contributed to significantly greater percentages of crashes and near-crashes than did any of the other secondary tasks that were studied—even though some of the other secondary tasks were

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associated with higher risk—because drivers dialed and talked on cell phones much more frequently than they engaged in most other secondary tasks.

Driver cell phone use has become emblematic of driver distraction—or arguably even of traffic safety—in the eyes of the public. For example, in the AAA Foundation's Traffic Safety Culture Index (2008), a nationally-representative telephone survey of the American public, respondents were asked an open-ended question regarding what they believed was "the single most effective thing that could be done to prevent serious motor vehicle accidents." Over one out of every six responses included an explicit reference to cell phones. When asked to rate "how serious of a problem" drivers using cell phones are, 83% of respondents indicated said that they were a serious or extremely serious problem, and when asked whether or not it was acceptable to talk on a cell phone while driving, half said that it was never acceptable.

Driver cell phone use has become a major research area as well. For example, a bibliography of research reports and scientific articles published between the mid-1990's and 2005 addressing driver distraction associated with the use of cell phones contained over 150 references (Goodman, Barker, & Monk, 2005).

CTIA–The Wireless Association (CTIA) reports that as of December 2007 there were over 255 million wireless telephone subscribers in the United States, comprising 84% of the population, and they spent 2.1 trillion minutes talking on cell phones and transmitted 363 billion SMS messages over the course of the year (CTIA, 2008). These statistics represented a 23% increase in subscribers, a 40% increase in annual minutes of use, and a 348% increase in annual SMS messages ("text messages"), relative to statistics from December 2005, and a 133% increase in subscribers and nearly a 300% increase in annual minutes of use relative to statistics from December 2000, suggesting the possibility of increased cell phone use while driving since the dates of the studies cited previously.

The National Highway Traffic Safety Administration (NHTSA) estimated that 6% of drivers nationwide were holding a cell phone to their ear, 0.7% of drivers were talking on visible headsets, and 0.6% of drivers were manipulating visible hand-held devices at any given daylight moment in 2007 (NHTSA, 2008). These estimates are based on NHTSA's National Occupant Protection Use Survey (NOPUS), in which data collectors standing on the side of the road at a statistical sample of roadway locations observe driver seatbelt use, cell phone use, and several factors related to driver demographics and vehicle occupancy. Thus, estimates of electronic device use include only cases in which the data collectors are able to see drivers holding a cell phone, speaking into a visible headset, or manipulating a hand-held device. Many hands-free devices, such as speaker-phones and Bluetooth devices built into the vehicle, cannot be seen by external observers, thus these estimates based on visible hand-held device use and headset use are believed to underestimate overall levels of driver cell-phone use. NHTSA (2008) estimates based on telephone surveys that 45% of drivers who use cell phones while driving use hands-free devices, thus implying that if 6% of drivers were observed using hand-held cell phones while driving, an estimated additional 5% were likely using hands-free devices, implying that roughly 11% of

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drivers may have been using hand-held or hands-free phones while driving at any given daylight moment in 2007.

Two studies using epidemiological methods have reported that cell phone use while driving is associated with approximately a quadrupling of crash risk. In one study, Redelmeier & Tibshirani (1997) obtained cellular billing records for a sample of drivers in Toronto who had been involved in crashes that resulted in property damage but no injury, compared their cell phone use during a ten-minute window prior to the time of the crash and during a control period at the same time on the previous day, and estimated that cell phone use while driving was associated with slightly more than a fourfold increase in the risk of being involved in a crash (relative risk 4.3). In a similar study, McEvoy *et al.* (2005) analyzed the cell phone records of a sample of crash-involved drivers in Western Australia who were seen in the hospital emergency department due to injuries sustained in a crash, compared their cell phone use during a ten-minute window prior to the time of the crash and during up to three control periods (24 hours, 72 hours, and 7 days prior to the crash), and found similarly that cell phone use while driving was associated with slightly more than a fourfold increase in crash risk (odds ratio 4.1). The former study found slightly higher risk associated with using a hands-free phone than with using a hand-held phone, and the latter found the reverse; however, the difference in risk between phone types was not statistically significant in either case.

Several studies using driving simulators have also reported that cell phone use impairs various aspects of simulated driving performance. A systematic review of 84 studies of the impact of cell phone use on driving performance concluded that cell phone use has some small or moderate impact on driving performance measures such as driving speed, lane position, and various other measures of vehicle control; however, the performance measure most impacted by cell phone use was the speed of reaction to critical events (Caird, Scialfa, Ho, & Smiley, 2005). The researchers estimated, based on data from 18 studies that reported relevant data, that cell phone use increases the time required to react to critical events approximately 0.23 seconds. They also note that the best estimates of the reaction time decrements associated with hand-held phones and hands-free phones are virtually identical.

18 ?
84

In one simulator-based study, researchers used a driving simulator to compare the driving performance of drivers using hands-free and hand-held cell phones to drivers not using cell phones who were given alcoholic beverages until their blood alcohol concentration (BAC) reached 0.08 g/dL, the threshold for a driving while intoxicated arrest in all U.S. states (Strayer, Drews, and Crouch, 2003). The study found that the reaction times of drivers using cell phones were slowed by 8.4% relative to drivers who neither had consumed alcohol nor were using phones, and that drivers using cell phones were actually more likely to have a rear-end crash than were drivers who had consumed alcohol after controlling for the difficulty and duration of the simulated driving task. The impact of using a hands-free phone on driving performance was not found to differ from the impact of using a hand-held phone, which the researchers suggest is due to, "withdrawal of attention from the processing of information in the driving environment" while engaging in cell phone conversation.

Did they test performance before + after and base on that? OR Did they base on individual's reactions compared to others?

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The impact of cell phone conversation on reaction time is often explained with reference to a phenomenon referred to commonly as "inattentional blindness" or "perceptual blindness," well-documented in the psychological literature, wherein a person who is focusing his or her attention on one particular task will fail to notice an unexpected stimulus (even if he or she looks at it). Simons & Chabris (1999), for example, provide a review of experiments in which research subjects focusing on visual tasks fail to notice unexpected visual stimuli, and present their own seminal demonstration of the phenomenon. Pizzighello and Bressan (2008) conducted an experiment involving both visual and auditory tasks, and found that research subjects who were listening to verbal information were as likely as were subjects engaged in a visual task to miss an unexpected visual object. Strayer, Drews, & Johnston (2003) found that drivers conversing on hands-free phones were more likely than drivers not using phones to fail to notice traffic signals, slower to respond to the brake light of the vehicle in front of them, more likely to cause rear-end crashes, and less likely to be able to recall detailed information about specific visual stimuli—even those on which they fixated their vision—suggesting that cell phone conversation can induce inattentional blindness in the context of driving.

As of the date of this publication, the states of California, Connecticut, New Jersey, New York, and Washington, plus the District of Columbia, have laws that prohibit the use of hand-held phones while driving. Alaska, Louisiana, Minnesota, New Jersey, Washington, and the District of Columbia have laws that prohibit all drivers from text messaging while driving. Seventeen states also have laws that prohibit young drivers—drivers under the age of 18 in some cases, drivers with learner's permits or provisional licenses in other cases—from using any cell phone while driving, including a hands-free cell phone or device. Several states also have laws prohibiting drivers of school buses or transit buses from using cell phones or text messaging while driving (Insurance Institute for Highway Safety, 2008).

Although there are no published evaluations of most states' driving laws related to cell phone use, the few that have been published have had mixed results that collectively suggest that the passage of legislation is not sufficient by itself to have a significant impact on drivers' cell phone use. McCartt & Geary (2004) found that driver hand-held cell phone use decreased in four upstate New York communities immediately after the state's hand-held cell phone ban became effective, but had returned to the levels prior to implementation of the law when assessed again one year later (McCartt & Geary, 2004). McCartt, Hellinga, and Geary (2006) reported that hand-held cell phone use by drivers decreased by 44% in the District of Columbia approximately four-months after the District's law prohibiting drivers from using hand-held cell phones became effective; however, the authors note that sustained media coverage and enforcement may be necessary to sustain its effects, citing the absence of sustained effects despite initial short term effects in New York. Foss, Goodwin, McCartt, and Hellinga (2008) evaluated the immediate effects of a law prohibiting cell phone use by drivers younger than 18 in North Carolina, the proportion of teens using cell phones while driving did not change, and in surveys, only 22% of teens said that they thought the law was being enforced "fairly often" or "a lot."

In summary, it is clear that driver distraction is a serious traffic safety problem, and that driver cell phone use represents a particularly salient form of distraction. A large body of research has demonstrated that cell phone use causes measurable decrements in driving performance as measured in

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laboratory settings and is associated with approximately a fourfold increase in crash involvement on the road. The best available evidence suggests that it is no less hazardous for a driver to use a hands-free phone than to use a hand-held phone. Several jurisdictions now have laws prohibiting some drivers (e.g., drivers under age 18 or drivers of buses) or all drivers from using cell phones while driving; however, the limited evaluations of these laws suggest that their long-term impact is likely to be low in the absence of sustained and publicized law enforcement. Data on cell phone ownership show that more than four of every five Americans now own a cell phone, surveys show that over half of drivers admit to using a cell phone while driving at least occasionally, and over one in ten drivers on the road is likely to be using one at any given moment.

Methodology

The data reported here were collected in two national telephone surveys conducted for the AAA Foundation for Traffic Safety: the AAA Foundation's 2008 Traffic Safety Culture Index (AAA Foundation for Traffic Safety, 2008), and Opinion Research Corporation's CARAVAN® omnibus survey (Opinion Research Corporation, 2008). The 2008 Traffic Safety Culture Index was a telephone survey of 2,509 U.S. adults 18 years of age and older, conducted via landline and cellular telephone, in English and in Spanish, by NuStats, LLC, from October 25, 2007 through January 10, 2008. This survey included questions on a number of various traffic safety issues including driver distraction and cell phone use. CARAVAN is a weekly cost-shared telephone omnibus survey of adults 18 years of age and older living in private households in the continental U.S. Two-thousand and nine CARAVAN telephone interviews conducted from September 4 through September 8, 2008 included questions on driving and cell phone use which were paid for by the AAA Foundation.

In the Traffic Safety Culture Index, all respondents who were drivers were asked to indicate how often they had used a cell phone while driving in the past 30 days. A randomly-selected sample of half of the drivers was also asked how often they had read or sent a text message or an email while driving. A randomly-selected sample of half of respondents were also asked several other questions related to their attitudes toward distracted driving in general and cell phone use while driving in particular. In the CARAVAN survey, respondents were asked similar questions regarding their cell phone use and text messaging behavior while driving, and were also asked whether they believed it was safer or less safe to talk on a hands-free cell phone while driving than on a hand-held cell phone.

Multivariate logistic regression models were estimated to assess the associations between various respondent characteristics and cell phone use and text messaging while driving. In these models, cell phone use and text messaging were dichotomized as any self-reported use while driving vs. none. The following respondent-level demographic characteristics were included in the models.

- Age (16–24, 25–34, 35–44, 45–54, 55–64, 65–74, 75+)
- Sex (male, female)
- Race & ethnicity (Non-Hispanic white, Black or African-American, Hispanic [any race], and all other races)

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- Highest level of education completed (below high school, high school, some college/associate's degree/technical degree, bachelor's degree or higher)
- Marital status (never married, married, separated/divorced/widowed)
- Region (northeast, north central, northwest, southwest, southeast)

Variables not statistically significant at the 80% confidence level were removed from models one at a time, and the models were re-estimated subsequently. Variables significant at the 80% confidence level were retained in the models; however, statements that differences were statistically significant refer to significance at the 95% confidence level. Note that models are based only on data from the Traffic Safety Culture Index; subgroup analyses were not performed on the CARAVAN data due to differences between the two surveys in sample composition and data collection and weighting protocol. Logistic regression analyses were conducted using survey estimation commands in the statistical software package Stata (StataCorp, 2007).

The results of the logistic regression modeling are reported as odds ratios. An odds ratio larger than 1.0 indicates that the value of the variable being analyzed (e.g., variable: education, value: bachelor's degree) is associated with a higher probability of the outcome of interest (e.g., using a cell phone while driving), relative to the probability of the outcome in a specified reference group (e.g., respondents without a bachelor's degree). An odds ratio smaller than 1.0 indicates that the probability of the outcome of interest is lower in the group being analyzed than in the reference group. An odds ratio of 1.0 indicates that the probability of the outcome is the same in the group being analyzed as in the reference group. When an outcome measure is rare (e.g., when the outcome of interest occurs in fewer than approximately10% of cases), odds ratios are reasonably good approximations of relative risks. In such cases, an odds ratio of 2.0, for example, would suggest that the outcome was "twice as likely" in the group being analyzed as in the reference group. However, in the data analyzed here, the outcome measures (cell phone use and text messaging while driving) were not rare, thus the odds ratios reported here indicate the direction and the relative strengths of relationships, but they should not be interpreted as relative risks.

Note that whenever confidence intervals are reported, they reflect only the level of confidence that the responses of a random sample of respondents are statistically representative of the responses that would have been obtained if the entire population were to have been interviewed over the same time period. Confidence intervals do not reflect errors or biases related to systematic non-coverage of certain segments of the population, non-response due to certain individuals not being able to be contacted or refusing to participate, interviewer errors, or differences in understanding of survey questions or response options.

Also note that in the CARAVAN survey, respondents were asked whether or not they owned a cell phone. Questions regarding cell phone use and text messaging while driving were only asked of respondents who indicated that they did own a cell phone. It was assumed that respondents who reported not owning a cell phone did not talk on a cell phone or read or send text messages while driving. In the

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analyses that follow, these respondents were grouped with those who reported never using a cell phone while driving.

Finally, note that both surveys included non-drivers as well as drivers. When the word *respondents* is used in this report, it refers only to *respondents who were drivers*, and statements regarding percentages of respondents refer to percentages of respondents who were drivers, unless otherwise noted.

Results

Cell phone use and text messaging while driving

Respondents who were drivers were asked to report how often they had talked on a cell phone while they were driving in the past 30 days. Traffic Safety Culture Index respondents answered this question using a five-point scale on which *1* was defined to the respondent as *never* and *5* as *very often*. CARAVAN respondents reported their cell phone use while driving in the past 30 days by responding *regularly*, *sometimes*, *rarely*, or *never*. A total of 2,050 valid responses were obtained from Traffic Safety Culture Index respondents and 1,777 from CARAVAN respondents. Overall, 53% of Traffic Safety Culture Index respondents and 61% of CARAVAN respondents reported having talked on a cell phone while driving in the past 30 days. Interpreting responses of *4* as *often*, 17% of Traffic Safety Culture Index respondents reported talking on cell phones while driving often or very often; 16% of CARAVAN respondents reported talking on cell phones while driving regularly.

Half of Traffic Safety Culture Index respondents and all CARAVAN respondents were asked to report how often they had read or sent text messages or emails (hereafter referred to collectively as text messaging) while they were driving in the past 30 days, using the same response formats. A total of 979 valid responses were obtained from Traffic Safety Culture Index respondents and 1,778 from CARAVAN respondents. Overall, 14% of Traffic Safety Culture Index respondents and 17% of CARAVAN respondents reported text messaging while driving in the past 30 days. Interpreting responses of *4* as *often*, about 3% of Traffic Safety Culture Index respondents reported text messaging while driving often or very often; 3% of CARAVAN respondents reported text messaging while driving regularly.

Figure 1 shows reported cell phone use and text messaging while driving both overall and within categories of demographic variables, based on data from the Traffic Safety Culture Index. The total length of the bar represents the proportion of respondents who reported using a cell phone or text messaging while driving at all, and the shaded portion represents the proportion of respondents who reported using a cell phone or text messaging while driving often or very often.

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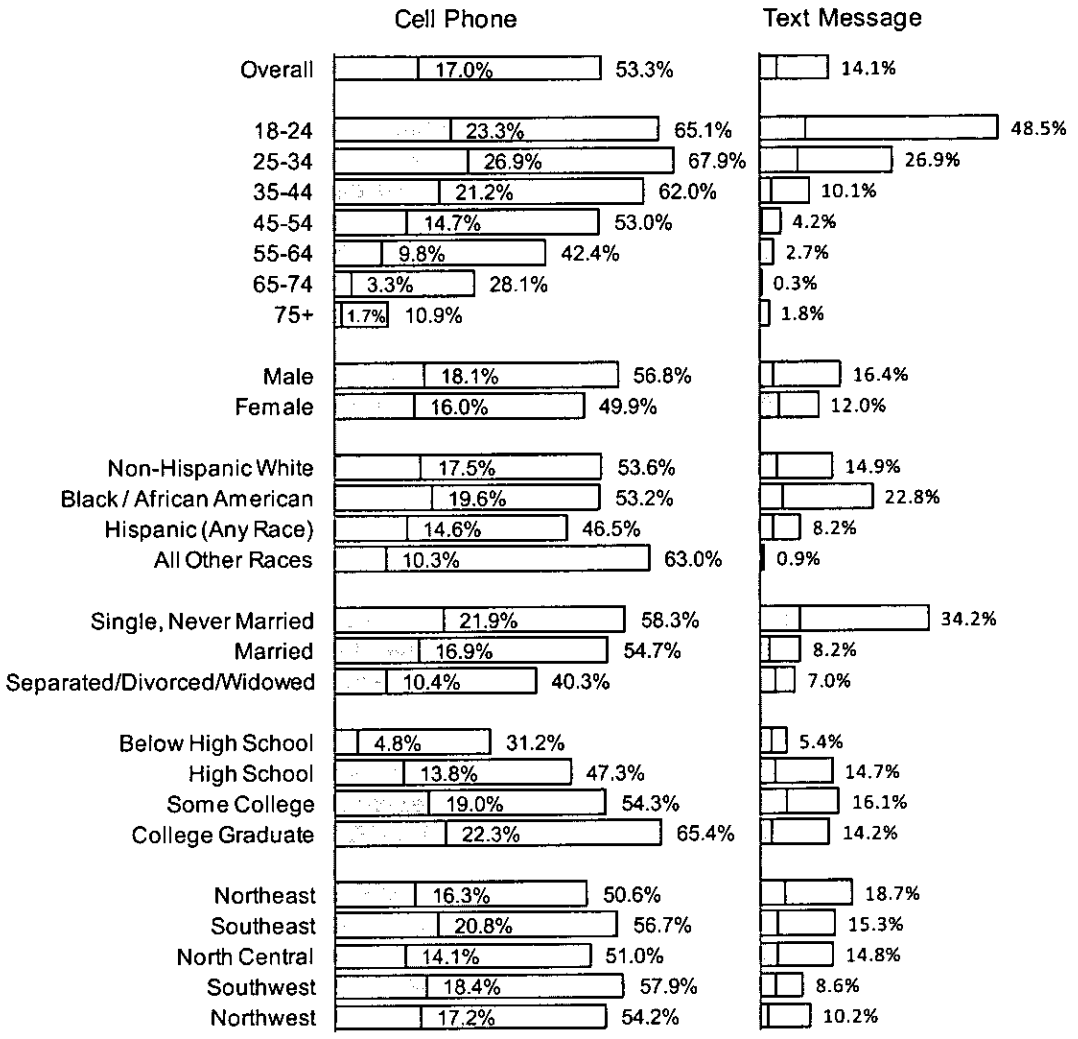

Figure 1. Percentage of drivers reporting cell phone use or text messaging in past 30 days. Full bar = any use, shaded portion = often or very often.

Multivariate logistic regression modeling of the odds of reporting using a cell phone while driving found that age, sex, and education were significantly associated with cell phone use. Marital status was retained in the model but was not significant at the 95% confidence level ($p = .158$). Region and race & ethnicity were not significant at the 80% confidence level and thus were removed from the model. The model showed that younger respondents, male respondents, and respondents with higher levels of education were more likely to report using a cell phone while driving. Odds ratios and 95% confidence intervals for cell phone use are shown in Table 1.

Modeling of the odds of text messaging while driving found that age, marital status, and race & ethnicity, were significantly associated with text messaging while driving; level of education as marginally significant ($p = .054$). Region and sex were not significant at the 80% confidence level and thus were removed from the model. The model showed that younger respondents, single respondents, non-Hispanic white respondents, and respondents with higher levels of education were more likely to

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report text messaging while driving. Odds ratios and 95% confidence intervals for text messaging are shown in Table 2.

Table 1. Odds ratios (OR) and 95% confidence intervals (CI) from logistic regression models of cell phone use while driving.

Variable (vs. Reference)	OR	95% CI
Age 25–34 (vs. 16–24)	0.82	0.46 – 1.43
Age 35–44 (vs. 16–24)	0.58	0.33 – 1.03
Age 45–54 (vs. 16–24)	0.40	0.23 – 0.72
Age 55–64 (vs. 16–24)	0.26	0.14 – 0.48
Age 65–74 (vs. 16–24)	0.14	0.07 – 0.28
Age 75+ (vs. 16–24)	0.05	0.02 – 0.13
Male (vs. Female)	1.36	1.03 – 1.80
Less than High School (vs. High School)	0.50	0.29 – 0.86
Some College (vs. High School)	1.29	0.92 – 1.82
College Graduate (vs. High School)	2.09	1.44 – 3.03
Married (vs. Single)	1.45	0.98 – 2.15
Separated/Divorced/Widowed (vs. Single)	1.21	0.71 – 2.06

Table 2. Odds ratios (OR) and 95% confidence intervals (CI) from logistic regression models of text messaging while driving.

Variable (vs. Reference)	OR	95% CI
Age 25–34 (vs. 16–24)	0.49	0.22 – 1.10
Age 35–44 (vs. 16–24)	0.13	0.05 – 0.35
Age 45–54 (vs. 16–24)	0.05	0.02 – 0.16
Age 55–64 (vs. 16–24)	0.03	0.00 – 0.29
Age 65–74 (vs. 16–24)	0.00	0.00 – 0.01
Age 75+ (vs. 16–24)	0.02	0.01 – 0.06
Less than High School (vs. High School)	0.29	0.05 – 1.67
Some College (vs. High School)	1.30	0.64 – 2.63
College Graduate (vs. High School)	2.27	1.02 – 5.06
Hispanic (vs. Non-Hispanic White)	0.45	0.23 – 0.88
African American (vs. Non-Hispanic White)	1.21	0.48 – 3.03
Married (vs. Single)	0.41	0.21 – 0.79
Separated/Divorced/Widowed (vs. Single)	0.56	0.19 – 1.64

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It is possible that some of these results are confounded by differences in cell phone ownership that are correlated with the variables under investigation. For example, if college graduates are more likely to have access to cell phones than are people who have not completed high school, then it is possible that future changes in cell phone ownership would attenuate the relationships observed here. Respondents interviewed via landline were not asked whether or not they owned a cell phone, thus the possibility of that these results are confounded by cell phone ownership could not be tested formally; however, an informal test was conducted by re-estimating the models described previously using only the data obtained respondents who were interviewed via cell phone. This reduced the number of observations in each model by more than two-thirds, thus most relationships that were statistically significant in the models based on the full sample were no longer statistically significant when analyzing only the cell phone sub-sample. However, the magnitudes of the estimated odds ratios generally were generally similar in both sets of models, suggesting that the relationships observed here are unlikely to be biased severely by differences in cell phone ownership.

Use of hand-held and hands-free phones while driving

Respondents in both the Traffic Safety Culture Index survey and the CARAVAN omnibus survey who reported any cell phone use while driving were asked whether they used a hand-held or hands-free cell phone while driving. A total of 1,020 valid responses were obtained from Traffic Safety Culture Index respondents and 989 from CARAVAN respondents. Overall, 56% of Traffic Safety Culture Index respondents and 60% of CARAVAN respondents reported using a hand-held phone, 35% of the Traffic Safety Culture Index respondents and 34% of the CARAVAN respondents reported using a hands-free phone, and 9% of the Traffic Safety Culture Index respondents and 5% of the CARAVAN respondents reported using both types.

CARAVAN respondents were also asked, "Do you think talking on a hands-free cell phone while driving is much less safe, a little bit less safe, a little bit safer, or much safer than talking on a hand-held cell phone while driving, or do you think they're about the same?" Nearly one-third (30.3%) of all drivers and over one-third (36.2%) of drivers who report using a cell phone while driving responded that using a hands-free phone while driving is much safer than using a hand-held phone. Overall, nearly two-thirds (63.5%) of all drivers and over two-thirds (68.4%) of drivers who report using a cell phone while driving responded that using a hands-free phone is safer.

Attitudes toward cell phone use and distracted driving

A random sample of half of the Traffic Safety Culture Index respondents were asked to rate the seriousness of a number of different traffic safety issues, using a five-point scale on which the respondent was instructed to use *1* to indicate that the issue was *not a problem at all* and *5* to indicate that it was *an extremely serious problem.* Overall, 83% of drivers rated distracted drivers and drivers using cell phones both as serious (interpreting responses of *4* as *serious*) or extremely serious problems. Only drinking drivers were rated as serious problem by a greater proportion of drivers—88% rated drinking drivers as a serious or extremely serious problem. Distracted drivers and drivers using cell phones both rated above aggressive drivers, excessive speeding, and drivers running red lights in terms of public perceptions of their seriousness.

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Surprisingly, the relationship between drivers' ratings of the seriousness of distracted drivers and their self-reported cell phone use while driving was not statistically significant ($F[3.63, 3620.93] = 0.95$, $p = .43$); however, the relationship between respondents' ratings of the seriousness specifically of drivers using cell phones and their own self-reported cell phone use was stronger and statistically significant ($F[3.87, 3873.72] = 11.30$, $p < .001$). As expected, drivers who believe that drivers using cell phones are an extremely serious traffic safety problem are less likely to report that they themselves use their cell phone while driving; however, 46% of those who said that drivers using cell phones was an extremely serious problem still reported that they had used a cell phone while driving in the past 30 days.

Half of the Traffic Safety Culture Index respondents were also asked to rate how acceptable they considered talking on a cell phone while driving, using a five-point scale on which *1* was defined as *never acceptable* and *5* as *always acceptable*. There was substantial variation in responses, with 48% of drivers reporting that using a cell phone while driving was never acceptable, 49% providing a middle rating of 2, 3, or 4, and 2% reporting that using a cell phone while driving was always acceptable. Respondents' opinions regarding the acceptability of talking on a cell phone while driving were significantly associated with their self-reported cell phone use ($F[3.73, 3881.15] = 24.34$, $p < .001$). Drivers who said that it was never acceptable to talk on a cell phone while driving were much less likely to report that they themselves had used a cell phone while driving: 29% of drivers who said that it was never acceptable to talk on a cell phone while driving reported having done so in the past 30 days, as compared to 71% of drivers who gave any other rating for the acceptability of this behavior.

Finally, near the beginning of the Traffic Safety Culture Index survey, before respondents had been asked any questions about cell phones or any other specific traffic safety issues, respondents were asked to indicate in their own words what they believed was "the single most effective thing that could be done to prevent serious motor vehicle accidents." Sixteen percent of responses specifically mentioned cell phone use. A few examples of responses to this question include:

- "Do something about the cell phones"
- "Stop using cell phones while driving"
- "Drivers paying more attention rather than talking on their cell phones"
- "Making new laws to ban cell phone usage while in a car"
- "They should make it illegal to talk on the phone while driving"

Having specifically mentioned cell phones in response to this question was associated with significantly lower probability of reporting cell phone use while driving ($F[1, 1761] = 5.37$, $p = .021$); however, 45% of drivers who specifically mentioned cell phones still reported that they had used a cell phone while driving in the past 30 days. Even one of the respondents whose response is shown above reported often using a cell phone while driving.

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Key Points

- ✔ Studies using driving simulators have found that using a cell phone while driving significantly impairs several aspects of driving performance, principally reaction time.
- ✔ Studies of the cell phone records of crash-involved drivers suggest that using a cell phone while driving is associated with roughly a quadrupling of crash risk.
- ✔ Two out of every three drivers believe that using a hands-free cell phone while driving is safer than using a hand-held phone; however, the overwhelming majority of available evidence suggests that it is not.
- ✔ Over half of all drivers admit using a cell phone while driving at least occasionally; 16–17% report doing so regularly.
- ✔ Younger people report higher levels of cell phone use while driving than older people do; however, the proportion of drivers aged 35 to 44 who report using cell phones while driving is not significantly lower than the proportion of drivers ages 18 to 24 who report doing so.
- ✔ One in seven drivers admits to text messaging while driving.
- ✔ Younger people are overwhelmingly more likely than older people to text message while driving—nearly half of survey respondents aged 18 to 24 admit doing so, whereas fewer than 5% of drivers aged 45 and older admit doing so.
- ✔ More than four out of five drivers rate drivers using cell phones as a serious or extremely serious traffic safety problem, over half say that it is unacceptable, and one in seven even mention reducing or eliminating driver cell phone use in an open-ended question seeking ideas for ways to prevent motor vehicle crashes. Drivers who express these attitudes are less likely than average to report using a cell phone while driving; however between 29% and 46% of these same drivers report that they themselves have used a cell phone while driving at least occasionally in the past month.

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Highway Loss Data Institute Bulletin

Hand-Held Cellphone Laws and Collision Claim Frequencies

VOL. 26, NO. 17 DECEMBER 2009

INTRODUCTION

Cellphone use in the United States has grown quickly during the past decade. According to the Cellular Telecommunications and Internet Association (2009), cellphone subscribers increased 42 percent between 2005 and 2009. Minutes of use surged from 195 billion in June 2000 to more than 1.1 trillion in June 2008. There is growing public concern about the contribution of cellphone use and/or text messaging to distracted driving.

A number of jurisdictions worldwide, including several US states, have made it illegal to use hand-held cellphones while driving. Evidence on the effectiveness of these bans is mixed. The Insurance Institute for Highway Safety (IIHS) has studied driver response to three of the statewide bans on hand-held phone use (McCartt and Geary, 2004; McCartt and Hellinga, 2007; McCartt et al., in press). In November 2001, New York became the first state to implement a ban on hand-held cellphone use for drivers, and driver phone use immediately declined by an estimated 47 percent. The District of Columbia passed a ban in 2004, and driver cellphone use dropped 41 percent. Connecticut's ban took effect in 2005, and hand-held phone use declined by an estimated 76 percent. The estimated effects of these three cellphone laws differ considerably, but results indicate that banning hand-held cellphone phone use can affect phone use. Funny!

The purpose of this Highway Loss Data Institute (HLDI) bulletin was to examine state level automobile insurance collision claim frequencies to determine if the reduction in hand-held cellphone use was accompanied by measurable changes in claim frequency after enactment of cellphone bans. Trends for Connecticut, New York, and the District of Columbia were examined because IIHS has documented that hand-held cellphone use decreased after these jurisdictions enacted bans. California also is included in the analysis because it is a large state and its ban is fairly recent.

RESULTS

Monthly collision claim frequencies (measured in claims per 100 insured vehicle years) were calculated by state for vehicles 0-3 years old (i.e., calendar year 2008 would include model years 2007-09). Claim frequencies for study jurisdictions, those with hand-held cellphone bans, were compared with neighboring jurisdictions that did not enact similar bans. This method of analysis was used to control for possible changes in claim frequency unrelated to the bans: e.g., economic downturn, change in miles driven, and seasonality. Results of these comparisons are illustrated in Figures 1-4.

California's hand-held cellphone ban took effect in July 2008. Figure 1 shows collision claim frequencies for California for the months before and after the ban. Aggregate claim frequencies for the neighboring states of Arizona, Nevada, and Oregon are shown as control states. Monthly fluctuations in claim frequencies for California were very similar to those for the comparison states. Although claim frequencies for California fluctuated monthly, no notable change was apparent coincident with enactment of the state's hand-held cellphone ban.

Figures 2 and 3 show collision claim frequencies for Connecticut and the District of Columbia compared with control states. Due to the urban nature of the District of Columbia, claim frequencies for the District were compared with those for Baltimore City in Maryland as well as the states of Virginia and Maryland. Results for Connecticut and the District were similar to California in that, following enactment of hand-held cellphone bans, monthly collision claim frequencies did not trend differently compared with control states. Trends in collision claim frequencies for Connecticut and the District essentially paralleled those for the respective control states.

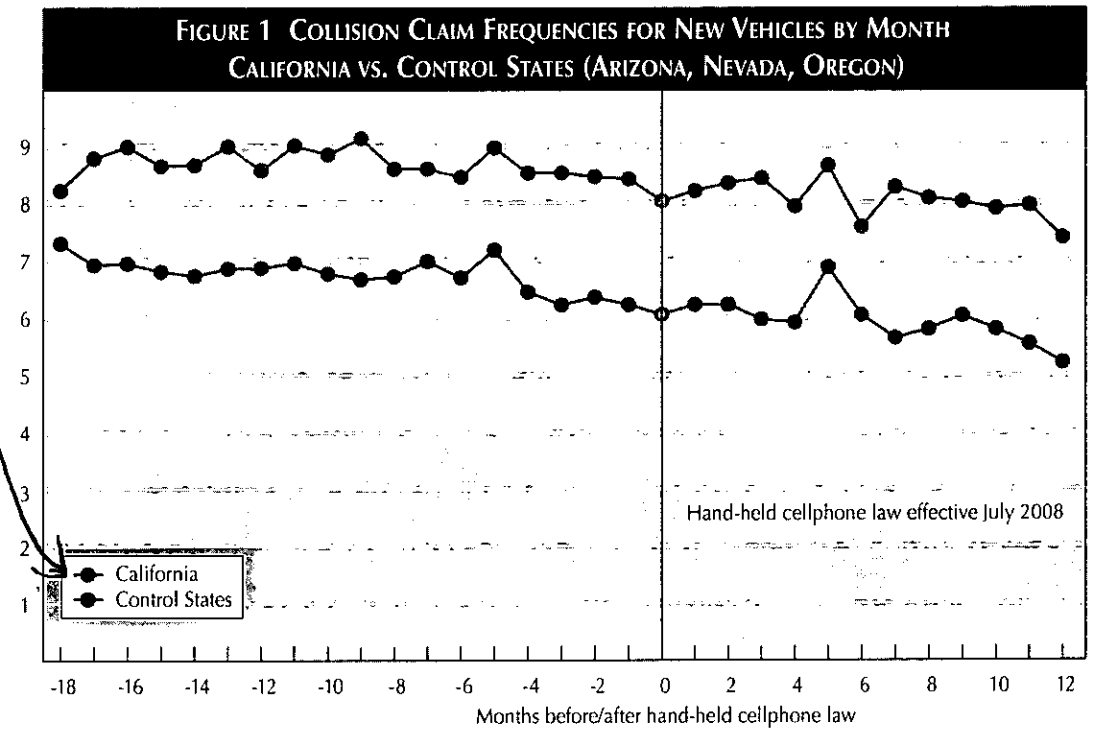
Figure 4 shows collision claim frequencies for the state of New York compared with control states. Suffolk, Westchester, and Nassau counties were excluded from analysis because these jurisdictions enacted cellphone bans prior to the statewide ban. Monthly claim frequencies for New York after the ban ultimately trended lower than those for the control states. However, the decreasing trend for New York had begun before the ban.

To further examine trends in collision claim frequencies, a simple time-based regression model was developed, and the model was applied to loss data for each of the study states and their respective control states. The regression models used a Poisson distribution and the following variables:

- MonthIndex: continuous, sequential variable to identify each month in the time series
- StateType: categorical variable used to identify a state as the study state or part of the control states
- BanStatus: categorical variable also used to identify the status of a ban for each month.

One value was used to identify months during the period before the ban, and another was used to identify months during the period after the ban.

I can't tell which ones are which.



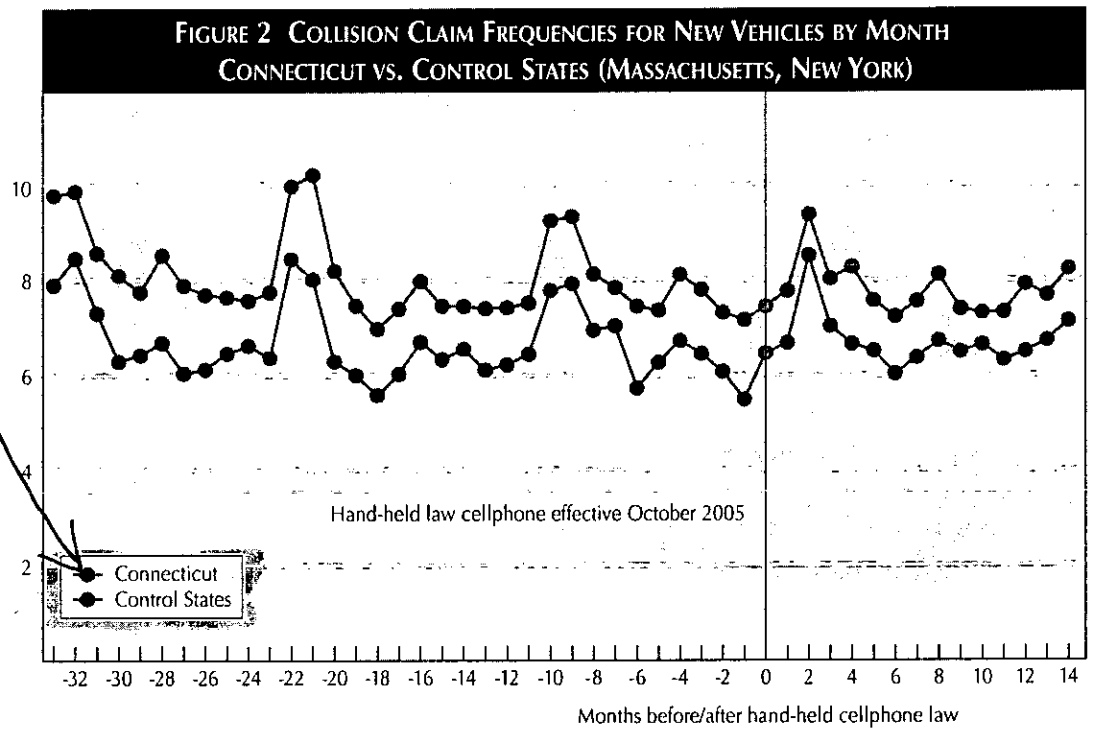
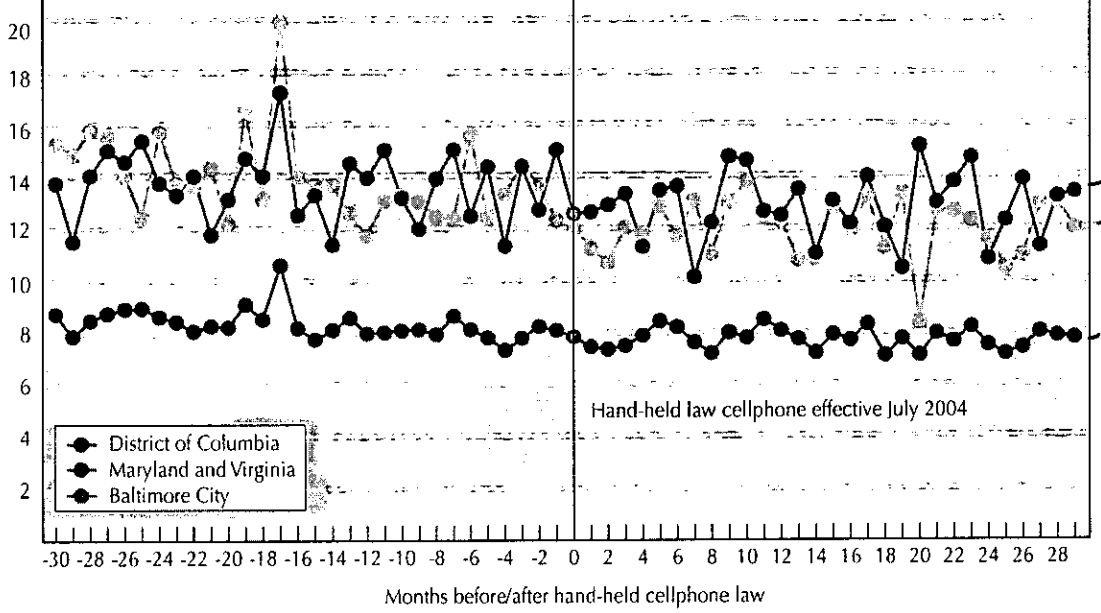
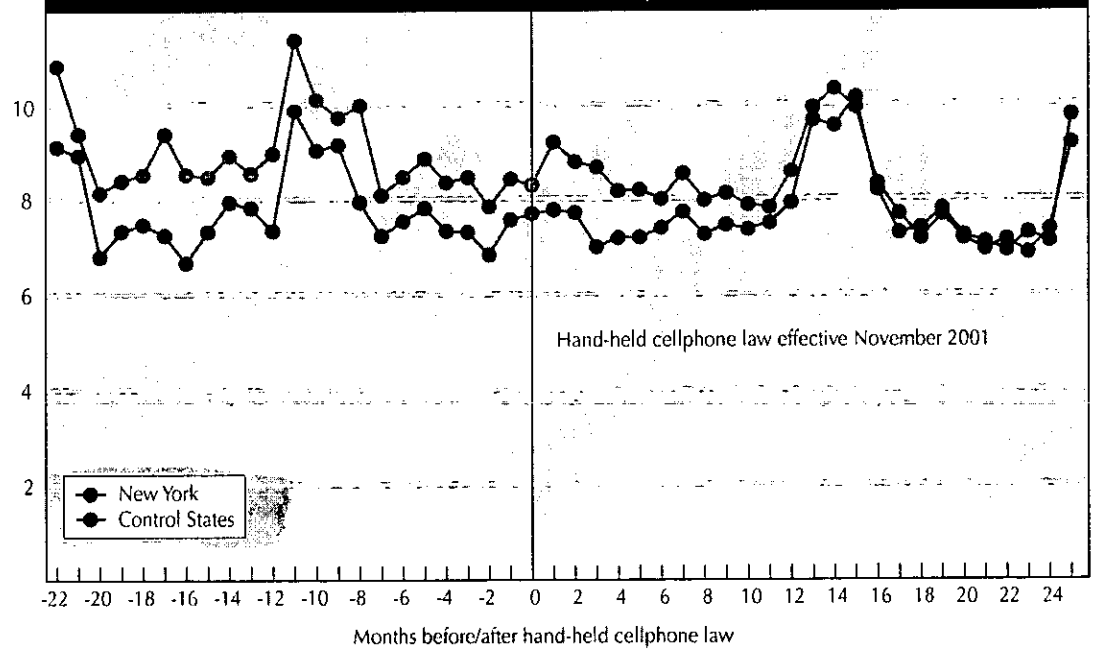


FIGURE 3 COLLISION CLAIM FREQUENCIES FOR NEW VEHICLES BY MONTH
DISTRICT OF COLUMBIA VS. CONTROL STATES (MARYLAND, VIRGINIA) AND BALTIMORE CITY



District of Columbia
Baltimore
Maryland & Virginia

FIGURE 4 COLLISION CLAIM FREQUENCIES FOR NEW VEHICLES BY MONTH
NEW YORK VS. CONTROL STATES (CONNECTICUT, MASSACHUSETTS, PENNSYLVANIA)



No idea

Two interactions were used in the model. The first interaction, MonthIndex and StateType, estimated trend lines for both the study state and control states. The estimate for the MonthIndex variable represents the trend for the control states, whereas the estimate for the MonthIndex and StateType interaction is the difference between trends for the study state and control states. The second, more critical, interaction, StateType and BanStatus, provided a simple test of the ban's effect on collision claim frequencies in the study state. A p-value less than 0.05 for this interaction indicates the ban had a measurable effect on collision claim frequency.

To account for the possibility of more complex trend lines, terms corresponding to MonthIndex squared and MonthIndex cubed were attempted in the model. Results produced by these more complex terms did not alter the findings for the key interaction and therefore were excluded from the model.

Table 1 lists results of the regression model for California using Arizona, Nevada, and Oregon as control states. The negative estimate for MonthIndex indicates a decreasing trend for the control states, whereas the estimate for the interaction of MonthIndex and StateType indicates a slower decline for California. The positive estimate for StateType indicates that, without regard to the ban, collision claim frequencies were higher for California than for control states. The estimate for the interaction StateType and BanStatus was not statistically significant, indicating the model did not detect an effect of the ban on collision claim frequencies for California.

TABLE 1 RESULTS OF THE TIME-BASED REGRESSION MODEL FOR CALIFORNIA VS. CONTROL STATES (ARIZONA, NEVADA, OREGON)

PARAMETER	DEGREES OF FREEDOM	ESTIMATE	STANDARD ERROR	WALD 95% CONFIDENCE LIMITS		CHI-SQUARE	P-VALUE
Intercept	1	-8.657	0.0073	-8.671	-8.643	1417516	<0.0001
MonthIndex	1	-0.007	0.0006	-0.008	-0.005	101.91	<0.0001
StateType	1	0.293	0.0086	0.276	0.310	1168.89	<0.0001
BanStatus	1	-0.019	0.0114	-0.042	0.003	2.8	0.0943
MonthIndex*StateType	1	0.004	0.0008	0.003	0.006	30.17	<0.0001
StateType*BanStatus	1	-0.015	0.0135	-0.042	0.011	1.25	0.2635

Table 2 summarizes estimates for the interaction of StateType and BanStatus for regression models using data for California, Connecticut, District of Columbia (compared with control states), and New York. Additional models examined data restricted to youthful drivers (ages 16-24).

TABLE 2 EFFECT ESTIMATES OF HAND-HELD CELLPHONE BANS ON COLLISION CLAIM FREQUENCY

BAN STATE	GROUP	ESTIMATE OF STATETYPE*BANSTATUS	BAN EFFECT	P-VALUE
California	All Ages	-0.0151	-1%	0.2635
California	Age <25	-0.0158	-2%	0.1116
Connecticut	All Ages	0.0351	4%	0.0317
Connecticut	Age <25	0.0513	5%	0.2835
District of Columbia (vs. Maryland and Virginia)	All Ages	-0.0461	-5%	0.1753
District of Columbia (vs. Maryland and Virginia)	Age <25	-0.0141	-1%	0.9117
District of Columbia (vs. Baltimore City)	All Ages	-0.0011	0%	0.9810
District of Columbia (vs. Baltimore City)	Age <25	-0.2309	-21%	0.1670
New York	All Ages	0.0324	3%	0.0052
New York	Age <25	0.0166	2%	0.6208

Only two of the ten estimates were statistically significant: all drivers in New York and all drivers in Connecticut. Positive estimates for the interaction of StateType and BanStatus indicate cellphone bans in these states were associated with higher collision claim frequencies. It is possible the predictions were a statistical artifact rather than an indication of a true disbenefit of hand-held cellphone laws. However, it is noteworthy that the model did not detect a benefit of hand-held cellphone laws on collision claim frequency for any of the states or any age group within the states.

DISCUSSION

Insurance collision loss experience does not indicate a decrease in crash risk when hand-held cellphone laws are enacted. Crashes in this bulletin included all collision claims reported to HLDI, whereas ideally crashes would have been restricted to claims involving driving while using hand-held cellphones. This information is not known to HLDI, nor to the insurance companies that supply data to HLDI, and is a clear limitation of the analysis. However, prior estimates of the effects of cellphone use on crash risk were so large, and reductions in observed hand-held cellphone use following the laws were so substantial, that reductions even in aggregate crashes would be expected after enactment of hand-held cellphone laws.

Data presented in this bulletin indicate that, during a time of large growth in the purchase of cellphones and in the use of these phones, collision claim rates either were flat or already decreasing before enactment of the laws. Claim frequencies for control states without laws also were declining and generally continued to trend in the same way as claim frequencies for the study states after the laws. There is no evidence that bans on hand-held cellphone use by drivers has affected these trends in collision claims.

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HIGHWAY LOSS
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The Effect of Cellular Phone Use Upon Driver Attention

by James McKnight
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1991

Somewhat OutDated

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Performed under a grant from the AAA Foundation for Traffic Safety

One of the most popular innovations in automotive travel in the past decade has nothing to do with the automobile itself, the people who drive them, or the roads over which they operate. Rather, it is the ability to carry on telephone conversations while driving.

What CB radios were to the '70s, cellular phones were to the '80s. From early 1984, when the first complete systems became operational, the number of cellular phone users has grown to over two million. By the mid-'90s, when cellular service will be available throughout most population centers in the United States, the number of subscribers is expected to grow to between ten and twenty million.

While cellular phones are really elements of communication rather than transportation, their potential impact upon the latter is sizable. The prospect of twenty million drivers having the opportunity to place, receive, or handle a telephone call while driving is not something easily ignored.

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EXECUTIVE SUMMARY

Research has shown that use of cellular phones does not interfere significantly with the ability to control an automobile except among the elderly, where potentially dangerous lane excursions can occur. However, the effect of cellular phones as a possible distraction has not been investigated.

In this study, 151 subjects observed a 25-minute video driving sequence containing 47 situations to which drivers would be expected to respond by manipulation of the vehicle's controls. Each situation occurred equally often under five conditions of distraction: placing a cellular phone call, carrying on a simple cellular phone conversation, carrying on a complex cellular phone conversation, tuning a radio, and no distraction (i.e., none of the preceding). The radio tuning task was included simply to provide a familiar benchmark. The degree of distraction was measured by comparing responses under each distraction with those occurring in the absence of any distraction. Response was measured in terms of both whether the subject responded and how long it took (with a time penalty for those who did not respond at all).

All of the distractions led to significant increases in both the number of situations to which subjects failed to respond and the time it took to respond to them. Complex phone conversations created the greatest distraction and simple conversations the least, with tuning the radio falling in between. Placing a phone call was no more deleterious than a simple conversation in causing situations to go unnoticed, but delayed responses to about the same degree as did complex calls. Relative increase in chances of a highway-traffic situation going unnoticed ranged from approximately 20% for placing a call in simple conversations to 29% for complex conversations.

The effect of cellular phone use upon response to highway-traffic situations was the most deleterious for the older age group (i.e., 50-80). Overall, the increase in likelihood that some highway-traffic situation will go unnoticed while calling or conversing on a cellular phone was (for the older group) about twice that of their younger counterparts. Older subjects were no more distracted by radio tuning than the middle-age group (26-49 years) and considerably less than the youngest group (17-25 years). As far as time to respond is concerned, age only effected the placing of cellular phone calls.

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While a cellular telephone conversation is no more distracting than a conversation of the same intensity with a passenger, the availability of a cellular phone is almost certain to increase significantly the number of conversations in general and the more distracting, intense, business conversation in particular. Older drivers, in particular, should be cautioned against placing calls

INTRODUCTION

One of the most popular innovations in automotive travel in the past decade has nothing to do with the automobile itself, the people who drive them, or the roads over which they operate. Rather, it is the ability to carry on telephone conversations while driving.

What CB radios were to the '70s, cellular phones were to the '80s. From early 1984, when the first complete systems became operational, the number of cellular phone users has grown to over two million. By the mid-'90s, when cellular service will be available throughout most population centers in the United States, the number of subscribers is expected to grow to between ten and twenty million.

While cellular phones are really elements of communication rather than transportation, their potential impact upon the latter is sizable. The prospect of twenty million drivers having the opportunity to place, receive, or handle a telephone call while driving is not something easily ignored.

Cellular Phones and Safety

Thus far, there is no evidence that the use of earphones poses a hazard to the motoring public. What makes the paucity of evidence less than reassuring is the absence of rigorous research in the area. There is the chance of finding out about the involvement of cellular phones in accidents from the reports that are ordinarily prepared by police or drivers. An early study by Brown, Tickner and Simmonds (1969) found that use of the telephone while driving had the effect upon routine driving skills, but did impair the perception of gaps in traffic. At the same time, driving impaired performance on tasks carried on over the telephone. A more recent study by Stein, Parseghian and Allen (1987) studied lane keeping and found significant degradation when placing phone calls in straight driving or on curves with older drivers showing the greater performance degradation. The practical implications of the variation in lane keeping were negligible except for the older age group (over 55), where the likelihood of exceeding the lane edge boundary was over 7%, which the authors translate "to a very high probability of striking an object outside the traveled lane, and thus a high probability of accident involvement." The risk of lane excursions and crashes decreased when the cellular phone was moved from console to dash, although the risk of crash was not eliminated.

The effect of phone use upon the perceptual responses of drivers is likely to constitute a greater threat to safety than its interference with vehicle control. First, perceptual processes play a far greater role in automobile accidents than does vehicle control. "Improper lookout" and "inattention" are the two leading contributors to automobile accidents (Treat et. al. 1977). Second, the extent to which cellular telephone calling interferes with vehicle control can be reduced by dialing aides (e.g., speed dial) and by placing calls only when conditions permit

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relaxation of vehicle control requirements. The effect of phone use upon perceptual processes, however, is not so readily ameliorated. There is nothing that can be done to the phone to lessen the disruptive effect that mere telephone conversation seems to have on perceptual processes in the Brown et. al. study. Nor can one arrange to schedule telephone conversations around what are primarily unpredictable perceptual tasks. Third, among the population whose driving is most effected by telephone use - older drivers, it is the perceptual processes that undergo the greatest decline. Research has shown significant age-related decrement in general attention, selective attention, attention sharing and spatial judgment.

While Brown, Tickner and Simmonds discovered an effect of telephone use upon perceptual performance, the scope of that performance was limited to judging gaps in traffic. Certainly the criticality of this task to safe driving cannot be questioned. However, other perceptual processes are equally or more critical. The relation of lapses in visual search (lookout and attention) to accidents has already been mentioned.

The interference of telephone calling with the perceptual and cognitive processes involved in driving a car is primarily physical and has to do with the location of the dialing mechanism, the visibility of the keys, and so on. The distraction that results from the carrying on the telephone conversation, on the other hand, is largely mental and is greatly influenced by the nature of the conversation itself particularly, the amount of attention it demands. Casual social conversation is probably no more distracting than talking to a passenger. However, an intense business conversation could well divert a driver's attention to the point that cues of potential danger may be overlooked. A survey of cellular phone users conducted in connection with this study showed that, on the average, 72% of conversations are for business purposes.

Age Related Effects

The attentional processes that must be shared when placing, receiving, or carrying on telephone conversations while driving are known to be vulnerable to age-related effects. The ability to share attention, as between the phone and the road, has demonstrated a relationship to age in studies by Craik (1973), Parkison, Lindholm and Urell, (1980), Temple (1989), and Ranney and Pulling (1990). Deficiencies in the ability to share attention have also been found in drivers over-involved in accidents (Mihal and Barrett 1976, Kahneman 1973). A somewhat less obvious but also relevant variable would be selective attention, the ability to focus selectively upon one set of stimuli in the presence of others. This ability has also been shown to decline with age (Clay 1956, Layton 1975, Rabbitt 1980 and Temple 1989). The studies by Kahneman and by Mihal and Barrett just cited also found declines in selective attention to be associated with over-representation in accidents.

Age has evidenced relationships with a number of psychophysical processes that bear tangentially upon use of cellular phones while driving. Age-related declines have been noted in information processing (Braune et. al. 1985; Welford 198 1; Rackoff 1974; and Ranney and Pulling, 1990),problem solving (Case, Hulbert and Beers, 1970; and Arenberg 1982) and short term memory (Miller 1979; Welford 1981; and Temple 1989).

Purpose of the Study

The effect of placing and receiving telephone calls upon the ability to control the motion of the vehicle and the interaction of this relationship with age seems sufficiently well-established by Stein, Parseghian, and Allen to obviate the need for further study. 'The same cannot be said for the effect of telephone use upon the perceptual and cognitive aspects of driving, often referred to as vehicle "guidance", in contrast to the control function. While Brown and Tickner showed that perceptual processes can be degraded by simultaneous telephone conversation, they did not address the full range of cognitive and perceptual functions involved in driving; nor did they examine the important age question.

The purpose of the study described in this report was to assess the effect of telephone use upon the driver's ability to meet the perceptual and cognitive demands of the highway traffic environment. Specifically, it attempted to answer the following research questions:

-
  - What effect do placing calls and carrying on conversations have upon perceptually- and cognitively-mediated responses to highway-traffic situations?
  - How do these effects relate to the complexity of the conversation?
  - How do these effects vary across highway traffic situations?
  - How do any of these effects vary with age?

METHODS

The effects of cellular phone usage upon the ability of drivers to cope with the perceptual and cognitive demands of driving was studied by confronting samples of drivers with highway and traffic conditions calling for certain vehicle control responses and comparing the responses occurring under ordinary driving to the responses when drivers are handling telephone conversations.

General Approach

Any attempt to study the effect of cellular phone use upon driver cognitive and perceptual processes is challenged by the varied and unexpected nature of the demands that are placed upon these processes. A truly empirical assessment of the cellular phone's effects requires a measure of the driver's ability to meet various perceptual-cognitive demands with and without concurrent use of the phone. Such comparisons can be made without great difficulty when the demands upon the driver come from fixed characteristics of the highway environment, such as intersections or signs along the highway. But, much of what drivers have to respond to involves the actions of other road users - a driver who may pull out from a side road, or a child who might enter the street.

In actual driving, the actions of individual road users are one-time events and therefore do not lend themselves to comparisons. While they can and have been deliberately staged for research purposes (McPherson, McKnight, and Wiedman, 1983), the cost of doing so severely limits the number of events that can be presented to the subjects and the number of subjects who can be exposed to the events. Therefore, in situ studies are suitable for registering only those salient influences that can be counted on to manifest their effects in small sample studies. The effects of

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phone conversations upon driving, on the other hand, are likely to be very subjective Yet, because of the vast opportunity for such distractions to occur, and because of the enormous opportunity for injury to arise, the effects can have serious consequences.

Types of Distraction

The independent variable under study was distraction. In this discussion, the term "distraction" refers to a diversion of attention from driving produced by some situation. The situation of primary concern is, of course, use of a cellular telephone. The car phone itself involves minimum distraction. The only time a driver is distracted by the apparatus is during the act of placing a call. Even when the dialing pad is placed on the dashboard and cut close to the line of sight, attention must be diverted from the path ahead. There is evidence that when people focus their attention upon one stimulus, they may fail to perceive another stimulus separated from the first by but a few degrees of visual angle. To assess the effect of placing a call upon driver attention, subjects were required (at various points of the test procedure) to dial a number given them orally by the experimenter.

The conversations taking place on the telephone are also a possible distraction. As we pointed out in the Introduction, what distinguishes cellular phones from in-person conversations is the higher instance of calls carried on for business rather than social reasons. It seems likely that calls involving business would be somewhat more attention demanding than purely social conversations. To allow differences in the intensity of conversation to evidence any effects upon degree of distraction, conversation took place at two levels, casual conversation, in which subjects talked with the experimenter about a variety of largely inconsequential topics, and intense conversation in which the subjects engaged in a set of problem-solving exercises. Testing distraction at two levels of conversation does not assume that the intense cellular phone conversations are truly more intense than conversations with passengers -only that level of intensity is a variable that warrants study.

Conversation

A distraction with which operation of any in-vehicle equipment is often compared is that of tuning a radio. The comparison is typically invited by someone defending introduction of a particular piece of equipment and using radio tuning as a lawyer might use a legal precedent. It has been used so often as to become something of a benchmark in studying in-car distraction. For this reason, it was included among the "distractions" with which telephone conversations were compared.

To gauge the effect of various acts in distracting attention, we need to be able to compare them with a condition that offers no distraction, that is, simply driving the car. The people in this situation might find things to occupy their attention other than driving, they would be at least free of any planned distraction.

To summarize, the five conditions creating different types and degrees of distraction were as follows:

No Distraction -The absence of any planned distraction

Placing a Call -Dialing a telephone number on a key pad located close to the driver's line of sight

Casual Conversation - Social chit-chat between subject and experimenter

Intense Conversation-Subjects solving problems presented orally by the experimenter

Tuning a Radio - Adjusting a car radio to pre-determined station

Dependent Variable

The effect of cellular phone use under study was the degree of distraction from primary driving tasks. Distraction itself is not directly observable. It is a hypothetical construct that explains why performance of some task is degraded in the presence of certain conditions. The performance degradation becomes the measure of distraction.

The performance of concern in the present study was the driver's perception of those elements of the highway-traffic environment that require the driver to do something. Of primary concern are those situations in which the driver must do something to prevent an accident. A somewhat lesser concern to society (but important to the driver) are those responses that enable drivers to get where they are going. In this study, both were valuable as indicators of perception and therefore any distracting effect of cellular phone use.

The extent to which cellular phones become a distraction can be assessed through measures of response to changes in the highway-traffic environment that require the driver to do something; such as a car ahead slowing down or a pedestrian about to step into the street. The presence of a distraction could be inferred from failure to respond when one would otherwise do so, or from taking longer to respond. Of course, we could simply ask drivers if they actually saw whatever it is they were supposed to respond to. However, in this study, such a response would alert subjects to what we were looking for and quite possibly change the very behavior we were trying to measure. Therefore, distraction was measured by comparing vehicle control responses of drivers to simulated highway-traffic safety scenes.

The scenes that were presented to drivers in the study all involved situations to which they would normally be expected to respond by some adjustment to the speed and/or direction of the vehicle. One category of such situations would be normal responses to changes in the route, such as turning a corner at an intersection in order to follow a predetermined route. Another would involve responses to traffic controls, such as, traffic lights or stop signs. Situations presenting possible danger, when perceived, should lead to some reduction in speed. Where the probability of actual danger is relatively small, or the distance to it is relatively large, the normal reaction is simply to take the foot off the accelerator until the danger becomes imminent. Where the danger is close at hand, and speed reduction more urgent, the appropriate response is brake application or, in some cases, steering the vehicle away from danger. If the use of cellular telephones is having a distracting effect, the distraction should be apparent in a difference between vehicle control responses when the potentially distracting influence of the telephone is present versus the response which occurs in the absence of any distraction.

The measure of distraction was the difference between responses occurring when no distracting condition was present and those that occurred under the four distraction conditions making up the independent variable. Two response measures were employed:

Response Occurrence - Whether or not the driver responded
Response Time -How long it took the driver to respond

These two measures made up the dependent variable under study. The distraction attributable to any one of the potential Distractors was a function of the difference between that condition and the no-distraction condition relative to response occurrence and response time.

Study Parameters

Of the many variables that might influence the distraction resulting from cellular phone use the one of most concern was age. Of course age, as the mere passage of time, would not be expected to influence anything. However, age has demonstrated a relationship to deficiencies in a number of mental functions likely to affect distraction including information processing, attention sharing, selective attention, useful field of view, and memory. To allow the relationship between age and distraction to be examined, subjects for the study were recruited from a wide range of age levels; with quotas established such as to assure sufficient numbers of older drivers to permit any difficulties associated with advanced years to reveal themselves.

Another variable we might expect to influence the effect of cellular phones upon any aspect of driving would be experience in their use. Practice in placing calls could lead to dialing without having to look, while conversing at length could lead to greater facility in attention sharing. To permit distraction to be analyzed in terms of experience, an effort was also made to recruit substantial numbers of cellular phone users for the study.

Study Sample

To study the relationship between cellular phone use and the driver's ability to respond to the demands of the highway traffic environment, we needed a sample that was generally representative of the driving population at large with respect to those relationships. Samples of subjects can be quite different from the at-large population with respect to many variables, including the variables under study, and still be reasonably representative with respect to relationships among variables. The only requirements for entry into the subject pool were experience in driving and the absence of any known problems that would have adversely affected their response to highway hazards.

A total sample of 150 was believed necessary to provide a reliable outcome. To assure that the age distribution was not severely biased in one direction or another, one-third of the sample was to come from each of the following age groups: Young (25 and under), mid-range (26-49), and older (50 and older). Since ages were not known until the subjects arrived, the division could only be approximated. The final sample included 45 young, 57 mid-aged, and 49 older, for a total of 151 subjects. The mean age of the sample was 39 years, corresponding exactly to that

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reported for cellular phone users by Sextro (1989). In order to permit experience to be studied as a variable, we established a quota of 50 cellular phone users, a quota that was met.

Subjects for the study were recruited primarily through posters placed in neighborhood stores and offices. The announcement offered a payment of $20 for one half-hour's participation in a study involving operation of an automobile simulator. Since older drivers and cellular phone users were likely to be underrepresented in the population reached by the announcement, additional efforts were made to recruit subjects from these sources. A route to older drivers was offered by the American Association for Retired Persons "55 Alive" Driver Improvement Program at which we made in-person solicitations. To attract cellular phone users, we placed flyers under the windshields of parked vehicles sporting cellular phone antennas.

Test Procedure

To study the possible distractive effect of cellular phones, subjects observed a series of videotaped driving scenes to which they responded by manipulating a set of simulated vehicle controls. The conditions under which the activity took place were varied systematically across the five conditions of distraction mentioned earlier (none, placing a call, tuning a radio, simple conversation, and intense conversation).

Simulation

The only practical means of presenting large numbers of drivers with the same array of traffic conditions is through simulation. Stein, Parseghian, and Allen employed simulation to measure the effects of phone use upon lane keeping. Because lane keeping requires continuous interaction between what drivers see and what they do, the simulator was of the interactive variety.

At the present time, interactive simulators are severely limited in the complexity that their displays provide. The most sophisticated type of interactive simulator, and about the only type currently in use, generates images by means of a computer. Since each image must be individually programmed, the amount of programming rises sharply with the number of images. The static aspects of the highway environment-road delineations, highway structures, traffic controls - are obviously easier to handle than are cars, pedestrians, and other road users, who not only must be programmed to move but must move in a way that responds to the acts of the driver. Highways filled with oncoming, overtaking, and intersecting traffic, and sidewalks teaming with pedestrian s, are simply beyond the computer power or programming capabilities of present-day art -at least within the realm of what is affordable. Yet, if use of cellular phones affects cognitive and perceptual processes, the effects are most likely to manifest themselves under conditions of high stimulus complexity. Even distracted drivers are not likely to overlook a pedestrian entering the street when it is the only thing moving for miles around.

Simulating the complexities of the highway traffic environment with any fidelity at all requires the use of cameras rather than computers. In this study, we videotaped a series of scenes through the windshield of a moving automobile to create the driving tasks to which subjects of the study would respond. Each 30 seconds of video tape contained at least one highway or traffic condition requiring a driver control response to change vehicle speed or direction.

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When played back to subjects, each highway-traffic condition was made to coincide with a task involving some degree of possible distraction from use of cellular phones, including no distraction, making a cellular phone call, engaging in a casual phone conversation and engaging in an intense phone conversation. The effect of the cellular phone could then be assessed by comparing responses to the highway, traffic conditions which arose during calling or conversing on the phone with responses to conditions that arose when no distractions occurred. A radio tuning task was included as a reference aide, to allow any distraction associated with cellular phones to be compared with a form of distraction that i s generally familiar. The effect of the distraction upon the driver's perceptual and cognitive functioning would be assessed by studying whether and how quickly people respond to various highway traffic conditions. The greater the distraction from a cellular phone, the less likely the subject would be to respond or the longer it would take for response to be initiated.

Driving Scenes

The scenes presented to subjects involved some 47 situations to which drivers might ordinarily be expected to respond. The situations included the following:

Vehicles -Stopping, turning, entering, crossing, etc. (18)
Road Configuration - Lane drop, lane control, narrow bridge, etc. (10)
Pedestrians or Animals - (4)
Route Change - (4)
Road Sight Limitations - (3)
Roadside Construction - (3)
Traffic Control Signal - (3)
Road Surface Conditions - (2)

A Betacam video camera was mounted in the rear seat area of a Mazda 626 at about the height of a short driver. The camera was approximately equidistant between the left and right sides of the car. A rear-view mirror was placed in the camera' s field of view providing a view of the area to the rear of the car corresponding to the view normally seen in a driver's rear-view mirror with the exception that this mirror also reflected a very small portion of the camera itself. The presence of the camera, however, had the affect on the ability to see and understand what was happening to the rear. All routes were identified in advance of the day of shooting as well as the location and nature of certain pre-planned conditions to occur along that route. In addition to pre-planned situations there were many naturally-occurring events that were recorded along the routes. Indeed, most of the situations appearing in the video involved characteristics of the route or traffic situations that just happened to arise during the videotaping.

The four route changes were brought about by superimposition of an arrow in the upper-right corner of the video image. The arrow pointed upward, indicating no direction change, except at the four points along the route where a turn was to be made; that is, where a turn occurred in the video image. Originally, we had intended to plant route sign facsimiles along the side of the road as a means of guiding subjects. However, many of the subjects were familiar with the stretches of road employed in the test, and were aware that no such routes existed. Superimposing an

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arrow upon the image allowed us to test the subject's ability to perceive route changes without requiring them to remember or respond to a designated route.

A 3/4" copy of the Betacam master was played back from 3/4"deck into a 50" screen rear-projection television. Footage was viewed to identify sections containing a variety of hazards which occurred frequently and at timely intervals. The "best" sections were edited and spliced together to create a program that ran approximately 25 minutes. This program was then screened to identify all highway-traffic conditions that could be used to test reactions. A pilot group of available & "subjects" drove the simulator along with the video. The situations that drew reactions from one or more of the subjects were noted. This information was used to determine which situations were worthwhile for use in the video. A situation was eliminated where two situations occurred too closely to one another. This did not allow sufficient time for the termination of one distraction after the first situation and the beginning of a new distraction before the next situation began. This culling process resulted in a list of 47 evenly-spaced situations to which subjects could be reasonably expected to react.

Response Recording

The perceptual responses to the highway-traffic environment that might be affected by cellular phones are observable only by those doing the perceiving. Distraction was therefore measured through observation of a subject's physical response to the various situations pictured in the video scenes that were presented to them. As a subject "drove along" with the video scene, a video camera and VCR recorded the subject's:

Accelerator use, by means of a voltage meter connected to a potentiometer that was, in turn, connected to the accelerator pedal

- Braking, by means of a light that was connected to a brake light switch
- Steering and turn signal use which were visible to the camera

The accelerator meter and brake light were mounted behind the camera and reflected into the camera's view with a mirror mounted in front of the camera.

Cellular Phone Tasks

The three telephoning tasks, and the "benchmark" radio tuning task were controlled by the test administrator in the following manner:

> Radio Tuning -To initiate the radio tuning task the administrator would press a button that turned on a radio next to the subject. This would be the cue to the subject to turn on the simulator radio and to try to match the test administrator's station. The radio was left on until the situation section was over. In the event that there was sufficient time between the end of one situation and the next, the radio would be left on a while longer to give the subject as much time as possible to find the correct station. We felt that subjects who were successful in finding the station would be less likely to become discouraged and would therefore take the task more seriously.

Call Placing-To initiate a call-placing task the administrator would press a button that lit a light just under the TV screen. This was the cue to the subject to place a call to his or her home phone number. If it was necessary to extend the length of the call-placing task to make it last through a longer situation section, the subject would be told that the line was busy, which was a cue to call a second number, such as his or her work number.

Simple Conversations-These generally involved discussions on subjects including, but not limited to, the gathering of demographic information (age, car phone experience, familiarity with the route, etc.), what the subject did for a living, what t he subject did with his or her free time (e.g., what they did during the previous weekend or what they might be doing after work that evening). It was not generally difficult to keep an active conversation going throughout the situation section and terminate it quickly at the end of the situation section.

Complex Conversations-These consisted of either math problems or short-term memory problems. The math problems consisted of a string of simple computations (e.g., 2 + 3 + 4 + 1 / 2 x 3 + 4 + 6). Each computation was simple enough that subjects with limited math abilities could reasonably be expected to perform them. However, since subjects were required to keep a running total in their heads, they needed to maintain attention for the duration of the problem to get a correct answer. In the short-term memory task subjects were read a list of five or six digits and were then asked whether certain digits were in that list.

Simple and complex conversations were generally preceded by a call-placing task which acted as a natural lead-in to a conversation. Since it takes longer to get into and out of conversations, these distractions were generally programmed to stretch over two situation sections.

There was nothing administrators had to do to initiate a no-distraction situation except to assure that the previous distraction was terminated by the time the no-distraction section began.

Test Forms

The individual subjects could not be exposed to every highway traffic situation under all five distractions without being exposed to the same situation five times, an undesirable state of affairs. In order to limit subjects to a single exposure, the distracting conditions were introduced in five different sequences such that each sequence matched a particular highway traffic situation with a different distracting condition. The different sequences or "forms" were rotated among subjects in such a way that each form was given equally often. This meant that, across the entire sample, each distraction condition was paired equally often with each highway traffic situation.

Administrative Procedure

The test was administered from a room, separated from the simulator by a twenty foot hallway and a closed door. The test administrator's main function was to control the presence and type of distractors. The administrator observed the simulator video via one video monitor and the data collection video via a second monitor. This made it possible to view what the subject was

watching on the simulator which, in turn, facilitated the timing of distractors to the appropriate hazards. Monitoring the data collection video made it possible to assure that the camera was capturing the necessary information, the assorted meters and lights were functioning properly, and that the subject was "driving" in a realistic manner. The test administrator also monitored the beginning and end of the hazard sections via speaker from the audio track of the 3/4" deck and addressed the test subject via microphone to a commercial stereo tuner/amplifier which was connected to a speaker in the testing room. An audio signal on the simulator video tape that identified the beginning and end of each hazard section was sent to the test administrator to help the administrator control which distraction was in place during each hazard. This audio program was also sent to an audio mixer that mixed it with a microphone in the simulator room and sent it to the data video recorder. This made it possible for the person reducing the data to time reactions from the same point for each hazard, for every subject.

A noise gate was connected between the microphone and the amplifier to turn the microphone off automatically when administrator was not speaking. This was necessary to prevent the subject from hearing the radio station being tuned prior to tuning task s and hazard section cues being sent into the administration room.

The test administrator had an instruction sheet for each subject which served as a guide to which distractions should be given during each highway-traffic situation.

Data Reduction

All data reduction was performed from the data video tape, that is, the video of the subject's performance. Data reducers used a stopwatch to time the reactions to the hazards and noted cases where the subject did not react at all. Performance in the distracting tasks was also recorded. Subjects were scored high on distraction tasks for:

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  - Completing calls quickly
  - Searching for radio stations continuously, with no apparent need to stop tuning to deal with the hazard
  - Engaging in simple conversations continuously, with no apparent need to stop talking to deal with the hazard
  - Correctly solving math problems and correctly identifying numbers that were or were not included in the list of numbers given in the short-term memory task

Data Analysis

The analysis involved comparing different forms of cellular phone use and radio tuning with respect to the degree of distraction in responding to various highway traffic situations. A measure of distraction was obtained by subtracting an individual subject's "scores" (response time and proportion of situations responded to) under no distraction from the scores under each distracting condition. The difference between the two scores became the measure of distraction. These scores were then aggregated across subjects, separately for response time and proportion not responded to.

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The analysis employed was a factorial Analysis of Variance, in which the independent variable - the four potential distractors - formed the factor of primary interest. Two other factors included in the analysis were age and form. The importance of age as a parameter was discussed earlier. For any analytic purposes, subjects were divided into the three age groups noted previously: 25 and under, 26-49, 50 and over. The oldest age group actually ran up to age 80, with a median age of 61 years.

Test "form" was isolated as a factor for purely statistical reasons; since the test forms are entirely arbitrary, their relation to any of the variables in question was not an item of interest. While each test form consisted of the same high way-traffic situations, the way the situations interacted with the various distracting conditions was such that forms might differ somewhat with respect to the two dependent variables. Since it was not possible to balance the test forms across the different age groups, failure to control for the effects of test form could end up introducing a relationship between distractor and age that was truly an artifact. Treating the test form as a factor prevented any differences in forms from effecting the other comparisons.

RESULTS

- Effects of Distractions
- Effects Of Age
- Effects Of Experience
- Relative Performance Decrements
- Specific Situations and Distractions
- Performance on Distractors

Effects of Distractions

Figure 3 displays, for each of the four potential distractors, the level of distraction with respect to response time and whether or not subjects responded. The two distraction variables displayed in the figure are not independent of one another; where subjects failed to respond to a situation, the maximum response time taken by any subject exposed to that particular situation under that distraction was entered as the response time. Had this not been done, the non-responders would not have app eared in the response time data and the results would have been meaningless.

FIGURE 3 INCREASE IN REACTION TIME AND NON-RESPONSES BY DISTRACTION TYPE

Click here for Figure 3

All of the potentially distracting conditions yielded some degree of distraction, that is, they produced reaction times and non-responses that were different from the no distraction condition. The overall level of distraction was highly significant for both non-responses ($F = 36.07$; $DF = 1,136$; $P<.01$) and for response time ($F = 286.75$; $DF = 1,136$; $P<.01$) and under all four potential distractors ($P = <.01$). Overall, the various distractions increased the length of time needed to respond to highway traffic conditions by from .4 to .9 seconds, and the proportion of situations missed entirely from .06 to .09.

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When it comes to which condition led to the greatest distraction, the results varied somewhat from one of the two distraction variables to the other. Looking at the proportion of subjects who were distracted from responding at all, the complex conversations yielded the greatest interference, while placing calls and carrying on simple calls yielded the least interference and tuning the radio fell somewhere in between. The differences among all distractors were only marginally significant(F=2.133;DF=3,1 34;P=.10). However, complex conversations were significantly more distracting than simple conversations (F = 4.12, DF = 1, 134; P =.04).

Turning to the time it took to respond, we see that placing a telephone call rose from one of the least distracting to one of the most distracting conditions. The differences across distractions are statistically significant (F=4.37;DF=3,134 ;P<.l0). Considering that those who failed to respond are included within the response times, it is clear that it is the delay in responding among those who actually responded that account for the difference in outcomes. What the results seem to say is that the act of placing a cellular phone call may be no more distracting than carrying on a casual conversation in so far as noticing highway traffic conditions is a concern. However, it does seem to extend somewhat the delay in responding. When a non-urgent situation arose while a call was being placed, many subjects delayed responding until they had completed the call. But they did respond, indicating that the situation had not gone unnoticed.

Effects Of Age

FIGURE 4 INCREASE IN REACTION BY AGE AND DISTRACTION TYPE

Click here for Figure 4

Figure 4 displays the proportion of drivers failing to respond to highway traffic conditions as subdivided by age. It is evident that drivers in the over-50 category show strikingly higher proportions of failing to respond to highway traffic situations. The overall effect across distraction conditions is not statistically significant (F = 2.22; DF = 2,136; P. 1 13). However, the deficiencies of older drivers significantly exceed those of the other two age groups in telephone calling (F = 7.96; DF = 1, 14 1; P <.01), and simple phone calls (F = 5.13; DF = 1, 14 1; P <.05), but not complex phone calls (F = 2.34; DF = 1, 14 1; P =. 13). Also, in tuning the radio, age differences were not statistically significant (F =.73; DF = 1,141; P =.39).

Part of the explanation for the failure of the radio tuning task to show significant age effects is the relatively high degree of distraction evidenced by the 17-25 year age group. The results suggest that this age group is somewhat more preoccupied with tuning the radio than with telephone calls, a hypothesis that most parents having children in this age group would have little difficulty accepting. But why significant age differences didn't appear in complex cal s lacks a ready explanation. It may b e that complex conversations are more or less equally distracting to everyone, while placing calls and carrying on simple conversations only distracts the older subjects. Perhaps a more parsimonious explanation is that age amplifies the effects of all telephone-related distractions and that the differences among the three types of distractions are largely the result of chance.

Turning from whether drivers respond to how long it takes them to do so, Figure 5 shows the effects of age to be somewhat attenuated. Over all distraction conditions, the effects of age are

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statistically non-significant (F = 1. 14; DF = 2,136; P = < ;.32). The only two conditions showing a marked increase in reaction time for the older age group are placing telephone calls and carrying on simple conversations, of which only placing calls achieves significance (F = 3.01; DF = 2,136; P =.05). The effect of phone use upon older drivers seems more to prevent them from noticing various highway traffic conditions rather than to retard their response to them.

FIGURE 5 INCREASE IN RESPONSE TIME BY AGE AND SITUATION TYPE

Click here for Figure 5

Effects Of Experience

Prior experience with cellular phones appeared to have no significant effect upon distraction resulting from phone use or tuning the radio. Across all distractions, differences between experienced and inexperienced subjects were statistically non significant for response time (F=1.55; DF=4,114; P=<.19), or for the likelihood of responding at all (F=0.39; DF=4,114;P=<.81). What slight differences occurred seemed to favor the inexperienced, although such differences, if they exist, can be attributed to the fact that the experienced subjects tended to respond more quickly when there was no distraction and might therefore tend to evidence a slightly greater difference between the undistracted and distracted conditions. In looking simply at raw reaction times under the various distractions, the experienced subjects responded as quickly or more quickly than the inexperienced subjects. In any case, it is clear that prior experience with cellular phones has no real impact upon the degree to which one is distracted by its use.

Relative Performance Decrements

The decrements in performance that have been discussed amount to greater response time and the probability of not responding as compared with the results obtained in the absence of any distracting condition. Just how bad these decrements are can only be understood in relation to just how slow or unlikely to respond people are in the absence of any distraction. For comparison purposes, it is necessary to know that the mean response time in the absence of any distraction (across all highway traffic conditions) was 4.45 seconds, across all situations, while the proportion not responding at all was .343, again across all situations.

Considering the proportion of subjects not responding, the relative decrements experienced by the older age group in placing calls was (. 127/.343 =) 37%, simple telephone conversations (.108/.343 =) 31%, and complex phone conversation (.123/.343 =) 36%. For the other two age groups, performance decrements were much smaller, the largest being a (.072/.343 =) 21 % greater probability of not responding for the 17-25 year age group when making complex phone calls.

The condition leading to marked increases in response time was where the oldest age group had an increase of 1.417 seconds in placing calls. Expressed as a percent of the response lag under no distractions, this translates to increase in response time of 32%. Decrements in the remaining cases were considerably smaller, falling largely between .4 seconds (9%) and .8 seconds (18%).

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Specific Situations and Distractions

The effect of using the telephone or tuning the radio upon response to highway traffic situations was not uniform across all situations. Interaction between the effects of distractions and various highway traffic situations was evident as a highly significant difference across the five "forms" i.e., the ten combinations of distractions and conditions occurring in the video. Recall that five different forms were needed to allow each of the five phone conditions to be matched with each of the highway traffic conditions without exposing the same subject to the test route more than once. Since the forms do not differ with respect to either distractors or highway traffic situations but only in the way they were combined, the significant differences among forms means that certain combinations of the two variables were particularly problematic.

To see if there was any pattern to these aberrant combinations of potential distractors with highway traffic conditions, they were examined individually. Specifically, those combinations leading to proportion of non-response that were discrepant from what would be expected from the effects of the distractors or highway traffic conditions alone were identified through a logit analysis.

The results were not at all revealing. The number and nature of aberrant combinations followed a chance pattern. As to the number, only four of 235 combinations fell beyond a .05 confidence interval around the expected results, whereas one would have expected (235 x .05 =) almost 12 by chance alone. As to the nature, no logical pattern could be discerned in the results. It should be noted, that with 150 subjects and five conditions, each condition was only replicated 30 times for a particular highway traffic situation.

Performance on Distractors

Thus far, our concern for the effect of various potential distractors upon response to highway-traffic situations has been limited to whether or not simply engaging in the task influenced driving performance. The distracting effect of cellular phone use or radio tuning tasks upon the response to highway-traffic conditions might be expected to vary as a function of the amount of attention devoted to the tasks. A measure of the amount of attention paid to the distracting tasks would be performance on those tasks themselves. This aspect of performance was assessed as follows:

Radio Tuning -Whether the tuning process was continuous or whether it was interrupted by the associated highway-traffic situation

Placing Calls - Length of time required to complete placing the call

Simple Conversation -Any interruptions in the conversation coincident with appearance of a highway traffic situation

Complex Conversation - Incorrect answers to the problems being solved

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Time to complete the radio tuning task could not be used as a criterion since it was largely determined by how much the dial had to be manipulated to reach the target station, something that varied by chance from one trial to another.

If differences in quality of performance on the distracting tasks influenced responsiveness to highway traffic conditions, chance differences in quality of performance could obscure relationships under study unless a it was used as a covariate when analyzing those relationships. However, when quality of performance on the distracting task was compared to amount of measured distraction, no significant relationships materialized. For example, whether or not subjects answered to problem solving questions correctly during complex conversation was unrelated to the distraction the problem solving caused itself.

DISCUSSION

The three tasks associated with use of cellular phones -placing calls, simple conversations, and complex conversations -all led to significant increases in time to respond to highway traffic conditions and in the likelihood in failure to respond at all. As might be expected, complex conversations involving problem solving led to the greater degree of performance decrement - about on par with tuning a radio. The act of placing cellular phone calls yielded increases in response time similar to that of complex conversations, but increases in non-response that were similar to simple conversations.

The overall results conceal large age differences. The proportion of drivers age 50 and over failing to respond to highway traffic conditions while using cellular phones was two to three times greater than that of younger subjects. Among those responding, the oldest subjects took significantly longer to respond than their younger counterparts when placing calls, but evidenced no slower response time than the two other age groups when conversing on the phone. Tuning the radio, while a highly distracting task, appeared equally so for all age groups. Prior experience with cellular phones appeared unrelated to the degree of distraction involved in using cellular phones.

Magnitude of Problem

How concerned should we be with the distraction created by use of cellular phones? Of the two dependent variables, non-response and response time, the former is certainly the more important. First, whether or not drivers notice and respond to elements of their highway-traffic environment is certainly more important than how long it takes them to do so. We are not dealing with emergencies, where time is of the essence. The situations to which subjects were expected to respond became evident almost five seconds before the average subject felt it was necessary to do anything. The decrements of less than a second that result from use of cellular phones represent a relatively small increment in total response time. Second, the response time measure employed in the present study was somewhat artificial, including what amounted to a penalty for failing to respond.

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For the driving population at large, simple casual conversation seems to have little impact upon the ability of people to notice and respond to the demands of the highway and its other users. Nor does the act of placing calls seem to divert attention, although drivers may take some fraction of a second longer on the average to respond. It is those conversations that require intense concentration on the part of the driver that appear to be most distracting. When confronted by those highway-traffic situations presented in this study, their chances of not responding increase by almost .10, which is approximately a 30% increase over the non-response rate when no distractor is present. An increase of this magnitude and the chances of not noticing something, while small, is nonetheless cause for concern. Someone might point out that the performance decrement it represents is no worse than that which occurs when tuning a radio. However, the amount of time during driving that is devoted to tuning a radio may be considerably less than the time spent in intense phone conversation by those who use cellular phones for business purposes.

The greatest deficit in ability to respond to highway-traffic situations is experienced by the older drivers. The frequency of non-response was from almost two times to over three times that evidenced by their younger counterparts. The degree of deficit was rather similar across the three phone tasks (calling, simple, and complex conversation), increasing the likelihood of non-response by. 1 1-. 13, representing a 33-38% increase over non-responses in the absence of any distraction. Among the older drivers, the distraction resulting from the use of cellular phones was again half as large as that involved in tuning a radio, which was actually the most distracting for the youngest age groups.

One legitimate question might be to what extent the distractions from casual and complex conversations are truly a cellular phone problem. While placing a call is a phone-specific task, the carrying on of conversations is not. Under the "hands off type of cellular phone simulated in the present study, conversations were really no different from those that might be carried on with another passenger. But, what a cellular phone can do is bring into the vehicle conversations that are more frequent and more likely to be intense than those that would occur with passengers. From accident statistics we know that drivers are unaccompanied about two-thirds of the time. lit seems very likely that introduction of a cellular phone brings about a significant increase in the likelihood of intense phone conversations.

Implications

The results of the study that has been described carry two significant implications for use of cellular phones. First, all users of cellular phones should be advised not to engage in intense phone conversations while the vehicle is moving. Businesses whose employees regularly carry on transactions by means of cellular phones might advise, or even direct that protracted dealings over the phone be avoided while the vehicle is underway.

The second implication has to do with older drivers. Not only is the performance deficit of drivers over 50 years of age significantly greater than that of younger drivers, but it prevails over all three of the cellular phone tasks studied. If there is any group that should not be using cellular phones while driving, it is those in the older age group. Gerontological research in general shows that the severe deterioration in mental processes tends to become more and more prevalent beyond age 70. One might therefore expect markedly greater instances of failure to respond to

Ha!

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highway-traffic situations at these advanced years. Unfortunately, the number of test subjects in this age category was not sufficient to permit this possibility to be tested.

There is no reason to discourage older drivers from having cellular phones in their vehicles. Phones provide them with a very valuable way of summoning help in the event of illness or mechanical breakdown without advertising their plight over a CB radio. However, the diversion of attention, coupled with the difficulties in vehicle control found by Stein, Parseghin and Allen (1987) contraindicates their use while the vehicle is in motion.

Conclusions

From the results of the study that has been described in this report, the following conclusions may be offered.

1. All forms of cellular phone usage lead to significant increases in the establishment of non-response to highway-traffic situations and increase in time to respond.

2. Complex, intense conversation leads to the greatest increases in likelihood of overlooking significant highway traffic conditions, and the time to respond to them. The distracting effect is similar to that of tuning a radio. The effect of placing calls or engaging in casual conversation is less of a problem, although, calling tends to retard responses.

3. The distracting effect of cellular phone use among drivers over age 50 is two- to three-times as great as that of younger drivers and encompasses all three aspects of cellular phone use - placing calls and carrying on simple and complex conversations. The effect is to increase non-response by 33-38%.

4. Prior experience with cellular phones appears to bear no relation to the distracting effect of cellular phone use.

ACKNOWLEDGEMENTS

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Revised 7/26

Rebecca Rooney

From: Pennington, Diane [dianepennington@DWT.com]
Sent: Thursday, February 25, 2010 3:21 PM
To: Rep. Peggy Wilson
Subject: HB 257

I am in support of your HB 257. Time and again I have seen accidents or near accidents as a result of those on cell phones. I believe that people cannot pay full attention when they are concentrating on dialing and chatting. Additionally, there are so many people business people that use them to conduct business, I see delivery people, trades people, real estate people etc talking and actually writing things down rather than paying attention to light changes and lane changes. People say kids are the worst - I disagree - I think it is business people.

Please let me know what more can be done to encourage this bill through the process.

Thank you for your service,

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PRESS IMAGES

A student talks on a hands-free cell phone while operating a high-tech driving simulator. The simulator was used during a University of Utah study that found motorists who talk on cell phones while driving are as impaired as drunken drivers with blood-alcohol levels at the legal limit of 0.08 percent.

Photo Credit: Jim Moulin

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DRIVERS ON CELL PHONES ARE AS BAD AS DRUNKS

UTAH PSYCHOLOGISTS WARN AGAINST CELL PHONE USE WHILE DRIVING

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Media Contacts

June 29, 2006 -- Three years after the preliminary results first were presented at a scientific meeting and drew wide attention, University of Utah psychologists have published a study showing that motorists who talk on handheld or hands-free cellular phones are as impaired as drunken drivers.

"We found that people are as impaired when they drive and talk on a cell phone as they are when they drive intoxicated at the legal blood-alcohol limit" of 0.08 percent, which is the minimum level that defines illegal drunken driving in most U.S. states, says study co-author Frank Drews, an assistant professor of psychology. "If legislators really want to address driver distraction, then they should consider outlawing cell phone use while driving."

Psychology Professor David Strayer, the study's lead author, adds: "Just like you put yourself and other people at risk when you drive drunk, you put yourself and others at risk when you use a cell phone and drive. The level of impairment is very similar."

"Clearly the safest course of action is to not use a cell phone while driving," concludes the study by Strayer, Drews and Dennis Crouch, a research associate professor of pharmacology and toxicology. The study was set for publication June 29 in the summer 2006 issue of *Human Factors: The Journal of the Human Factors and Ergonomics Society*.

The study reinforced earlier research by Strayer and Drews showing that hands-free cell phones are just as distracting as handheld cell phones because the conversation itself – not just manipulation of a handheld phone – distracts drivers from road conditions.

Human Factors Editor Nancy J. Cooke praised the study: "Although we all have our suspicions about the dangers of cell phone use while driving, human factors research on driver safety helps us move beyond mere suspicions to scientific observations of driver behavior."

The study first gained public notice after Strayer presented preliminary results in July 2003 in Park City, Utah, during the Second International Driving Symposium on Human Factors in Driver Assessment, Training and Vehicle Design. It took until now for the study to be completed, undergo review by other researchers and finally be published.

Key Findings: Different Driving Styles, Similar Impairment

Each of the study"s 40 participants "drove" a PatrolSim driving simulator four times: once each while undistracted, using a handheld cell phone, using a hands-free cell phone and while intoxicated to the 0.08 percent blood-alcohol level after drinking vodka and orange juice. Participants followed a simulated pace car that braked intermittently.

Both handheld and hands-free cell phones impaired driving, with no significant difference in the degree of impairment. That "calls into question driving regulations that prohibited handheld cell phones and permit hands-free cell phones," the researchers write.

The study found that compared with undistracted drivers:

- Motorists who talked on either handheld or hands-free cell phones drove slightly slower, were 9 percent slower to hit the brakes, displayed 24 percent more variation in following distance as their attention switched between driving and conversing, were 19 percent slower to resume normal speed after braking and were more likely to crash. Three study participants rear-ended the pace car. All were talking on cell phones. None were drunk.

- Drivers drunk at the 0.08 percent blood-alcohol level drove a bit more slowly than both undistracted drivers and drivers using cell phones, yet more aggressively. They followed the pace car more closely, were twice as likely to brake only four seconds before a collision would have occurred, and hit their brakes with 23 percent more force. "Neither accident rates, nor reaction times to vehicles braking in front of the participant, nor recovery of lost speed following braking differed significantly" from undistracted drivers, the researchers write.

"Impairments associated with using a cell phone while driving can be as profound as those associated with driving while drunk," they conclude.

Are Drunken Drivers Really Less Accident-Prone than Cell Phone Users?

Drews says the lack of accidents among the study's drunken drivers was surprising. He and Strayer speculate that because simulated drives were conducted during mornings, participants who got drunk were well-rested and in the "up" phase of intoxication. In reality, 80 percent of all fatal alcohol-related accidents occur between 6 p.m. and 6 a.m. when drunken drivers tend to be fatigued. Average blood-alcohol levels in those accidents are twice 0.08 percent. Forty percent of the roughly 42,000 annual U.S. traffic fatalities involve alcohol.

While none of the study's intoxicated drivers crashed, their hard, late braking is "predictive of increased accident rates over the long run," the researchers wrote.

One statistical analysis of the new and previous Utah studies showed cell phone users were 5.36 times more likely to get in an accident than undistracted drivers. Other studies have shown the risk is about the same as for drivers with a 0.08 blood-alcohol level.

Strayer says he expects criticism "suggesting that we are trivializing drunken-driving impairment, but it is anything but the case. We don't think people should drive while drunk, nor should they talk on their cell phone while driving."

Drews says he and Strayer compared the impairment of motorists using cell phones to drivers with a 0.08 percent blood-alcohol level because they wanted to determine if the risk of driving while phoning was comparable to the drunken driving risk considered unacceptable.

"This study does not mean people should start driving drunk," says Drews. "It means that driving while talking on a cell phone is as bad as or maybe worse than driving drunk, which is completely unacceptable and cannot be tolerated by society."

University of Utah Cell Phone Research

Previous research by Strayer, Drews and colleagues include:

- A 2001 study showing that hands-free cell phones are just as distracting as handheld cell phones.
- A 2003 study showing that the reason is "inattention blindness," in which motorists look directly at road conditions but don't really see them because they are distracted by a cell phone conversation. And such drivers aren't aware they are impaired.
- A 2005 study suggesting that when teenagers and young adults talk on cell phones while driving, their reaction times are as slow as those of elderly drivers.

The University of Utah psychologists conducted the alcohol study because a 1997 study by other researchers evaluated the cell phone records of 699 people involved in motor vehicle accidents and found one-fourth of them had used their phone in the 10 minutes before their accident – a four-fold increase in accidents compared with undistracted motorists.

Those researchers speculated there was a comparable risk from drunken driving and cell phone use while driving. So Strayer and Drews conducted a controlled laboratory study.

The study included 25 men and 15 women ages 22 to 34 who were social drinkers (three to five drinks per week) recruited via newspaper advertisements. Two-thirds used a cell phone while driving. Each participant was paid $100 for 10 hours in the study.

The driving simulator has a steering wheel, dashboard instruments and brake and gas pedals from a Ford Crown Victoria sedan. The driver is surrounded by three screens showing freeway scenes. Each simulated daylight freeway drive lasted 15 minutes. The pace car intermittently braked to mimic stop-and-go traffic. Drivers who fail to hit their brakes eventually rear-end the pace car. Other simulated vehicles occasionally passed in the left lane, giving the impression of steady traffic flow.

Each study participant drove the simulator during three sessions – undistracted, drunk or talking to a research assistant on a cell phone – each on a different day.

The simulator recorded driving speed, following distance, braking time and how long it would take to collide with the pace car if brakes were not used.

The study was funded by a $25,000 grant from the Federal Aviation Administration – which is interested in impaired attention among pilots – and by Strayer's and Drews' salaries. The Utah Highway Patrol loaned the researchers a device to measure blood-alcohol levels.

Driving while Distracted: A Growing Problem

The researchers cited figures from the Cellular Telecommunications Industry Association indicating that more than 100 million U.S. motorists use cell phones while driving. The National Highway Transportation Safety Administration estimates that at any given moment during daylight hours, 8 percent of all drivers are talking on a cell phone.

"Fortunately, the percentage of drunk drivers at any time is much lower," Drews says. "So it means the risk of talking on a cell phone and driving is probably much higher than driving intoxicated because more people are talking on cell phones while driving than are driving drunk." The main reason there are not more accidents is that "92 percent of drivers are not on a cell phone and are compensating for drivers on cell phones," he adds.

Cell phone use is far from the only distraction for motorists. The researchers cite talking to passengers, eating, drinking, lighting cigarettes, applying makeup and listening to the radio as the "old standards" of driver distraction.

"However, over the last decade many new electronic devices have been developed, and they are making their way into the vehicle," the researchers write. "Drivers can now surf the Internet, send and receive e-mail or faxes, communicate via a cellular device and even watch television. There is good reason to believe that some of these new multitasking activities may be substantially more distracting than the old standards because they are more cognitively engaging and because they are performed over longer periods of time."

News media may obtain a copy of the study by emailing leesiegel@ucomm.utah.edu or, starting June 29, by going to http://hfes.org and clicking on "What's New"

Other studies by Strayer and colleagues on cell phones and driving may be downloaded from: http://www.psych.utah.edu/AppliedCognitionLab/

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A Comparison of the Cell Phone Driver and the Drunk Driver

David L. Strayer, Frank A. Drews, and **Dennis J. Crouch,** University of Utah, Salt Lake City, Utah

Objective: The objective of this research was to determine the relative impairment associated with conversing on a cellular telephone while driving. **Background:** Epidemiological evidence suggests that the relative risk of being in a traffic accident while using a cell phone is similar to the hazard associated with driving with a blood alcohol level at the legal limit. The purpose of this research was to provide a direct comparison of the driving performance of a cell phone driver and a drunk driver in a controlled laboratory setting. **Method:** We used a high-fidelity driving simulator to compare the performance of cell phone drivers with drivers who were intoxicated from ethanol (i.e., blood alcohol concentration at 0.08% weight/volume). **Results:** When drivers were conversing on either a handheld or hands-free cell phone, their braking reactions were delayed and they were involved in more traffic accidents than when they were not conversing on a cell phone. By contrast, when drivers were intoxicated from ethanol they exhibited a more aggressive driving style, following closer to the vehicle immediately in front of them and applying more force while braking. **Conclusion:** When driving conditions and time on task were controlled for, the impairments associated with using a cell phone while driving can be as profound as those associated with driving while drunk. **Application:** This research may help to provide guidance for regulation addressing driver distraction caused by cell phone conversations.

INTRODUCTION

Although they are often reminded to pay full attention to driving, people regularly engage in a wide variety of multitasking activities when they are behind the wheel. Indeed, data from the 2000 U.S. census indicates that drivers spend an average of 25.5 min each day commuting to work, and there is a growing interest in trying to make the time spent on the roadway more productive (Reschovsky, 2004). Unfortunately, because of the inherent limited capacity of human attention (e.g., Kahneman, 1973; Navon & Gopher, 1979), engaging in these multitasking activities often comes at a cost of diverting attention away from the primary task of driving. There are a number of more traditional sources of driver distraction. These "old standards" include talking to passengers, eating, drinking, lighting a cigarette, applying makeup, and listening to the radio (Stutts et al., 2003). However, over the last decade many new electronic devices have been developed, and they are making their way into the vehicle. In many cases, these new technologies are engaging, interactive information delivery systems. For example, drivers can now surf the Internet, send and receive E-mail or faxes, communicate via a cellular device, and even watch television. There is good reason to believe that some of these new multitasking activities may be substantially more distracting than the old standards because they are more cognitively engaging and because they are performed over longer periods of time.

The current research focuses on a dual-task activity that is commonly engaged in by more than 100 million drivers in the United States: the concurrent use of cell phones while driving (Cellular Telecommunications Industry Association, 2006; Goodman et al., 1999). Indeed, the National Highway Transportation Safety Administration

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estimated that 8% of drivers on the roadway at any given daylight moment are using their cell phone (Glassbrenner, 2005). It is now well established that cell phone use impairs the driving performance of younger adults (Alm & Nilsson, 1995; Briem & Hedman, 1995; Brookhuis, De Vries, & De Waard, 1991; I. D. Brown, Tickner, & Simmonds, 1969; Goodman et al., 1999; McKnight & McKnight, 1993; Redelmeier & Tibshirani, 1997; Strayer, Drews, & Johnston, 2003; Strayer & Johnston, 2001). For example, drivers are more likely to miss critical traffic signals (traffic lights, a vehicle braking in front of the driver, etc.), slower to respond to the signals that they do detect, and more likely to be involved in rear-end collisions when they are conversing on a cell phone (Strayer et al., 2003). In addition, even when participants direct their gaze at objects in the driving environment, they often fail to "see" them when they are talking on a cell phone because attention has been directed away from the external environment and toward an internal, cognitive context associated with the phone conversation. However, what is lacking in the literature is a clear benchmark with which to evaluate the relative risks associated with this dual-task activity (e.g., Brookhuis, 2003).

In their seminal article, Redelmeier and Tibshirani (1997) reported epidemiological evidence suggesting that "the relative risk [of being in a traffic accident while using a cell phone] is similar to the hazard associated with driving with a blood alcohol level at the legal limit" (p. 456). These estimates were made by evaluating the cellular records of 699 individuals involved in motor vehicle accidents. It was found that 24% of these individuals were using their cell phone within the 10-min period preceding the accident, and this was associated with a fourfold increase in the likelihood of getting into an accident. Moreover, these authors suggested that the interference associated with cell phone use was attributable to attentional factors rather than to peripheral factors such as holding the phone. However, there are several limitations to this important study. First, although the study established a strong association between cell phone use and motor vehicle accidents, it did not demonstrate a *causal* link between cell phone use and increased accident rates. For example, there may be self-selection factors underlying the association: People who use their cell phone while driving may be more likely to engage in risky behavior, and this increase in risk taking may be the cause of the correlation. It may also be the case that being in an emotional state may increase one's likelihood of driving erratically and may also increase the likelihood of talking on a cell phone. Finally, limitations on establishing an exact time of the accident lead to uncertainty regarding the precise relationship between talking on a cell phone while driving and increased traffic accidents.

If the relative risk estimates of Redelmeier and Tibshirani (1997) can be substantiated in a controlled laboratory experiment and there is a causal link between cell phone use and impaired driving, then these data would be of immense importance for public safety and legislative bodies. Here we report the result of a controlled study that directly compared the performance of drivers who were conversing on either a handheld or hands-free cell phone with the performance of drivers with a blood alcohol concentration at 0.08% weight/volume (wt/vol). Alcohol has been used as a benchmark for assessing performance impairments in a variety of other areas, including aviation (Billings, Demosthenes, White, & O'Hara, 1991; Klein, 1972), anesthesiology (Thapar, Zacny, Choi, & Apfelbaum, 1995; Tiplady, 1991) nonprescription drug use (Burns & Moskovitz, 1980), and fatigue (Williamson, Feyer, Friswel, & Finlay-Brown, 2001). Indeed, the World Health Organization recommended that the behavioral effects of drugs be compared with those of alcohol under the assumption that performance on drugs should be no worse than that at the legal blood alcohol limit (Willette & Walsh, 1983).

We used a car-following paradigm (see also Alm & Nilsson, 1995; Lee, Vaven, Haake, & Brown, 2001; Strayer et al., 2003) in which participants drove on a multilane freeway following a pace car that would brake at random intervals. We measured a number of performance variables (e.g., driving speed, following distance, brake reaction time, time to collision) that have been shown to affect the likelihood and severity of rear-end collisions, the most common type of traffic accident reported to police (T. L. Brown, Lee, & McGehee, 2001; Lee et al., 2001). Three counterbalanced conditions were studied using a within-subjects design: single-task driving (baseline condition), driving while conversing on a

cell phone (cell phone condition), and driving with a blood alcohol concentration of 0.08% wt/vol (alcohol condition). The driving tasks were performed on a high-fidelity driving simulator.

METHOD

Participants

Forty adults (25 men, 15 women), recruited via advertisements in local newspapers, participated in the Institutional Review Board approved study. Participants ranged in age from 22 to 34 years, with an average age of 25 years. All had normal or corrected-to-normal vision and a valid driver's license with an average of 8 years of driving experience. Of the 40 participants, 78% owned a cell phone, and 87% of the cell phone owners reported that they have used a cell phone while driving. A further requirement for inclusion in the study was that participants were social drinkers, consuming between three and five alcoholic drinks per week. The experiment lasted approximately 10 hr (across the three days of the study), and participants were remunerated at a rate of $10/hr.

A preliminary comparison of male and female drivers found greater variability in following distance for female drivers, $F(1, 38) = 10.9$, $p < .01$; however, this gender effect was not modulated by alcohol or cell phone use. No other effects of gender were significant in the current sample. Additional analyses comparing the driving performance of participants who owned a cell phone with that of those who did not own a cell phone failed to find any significant differences (all $ps > .60$). Similarly, there was no significant difference in driving performance between participants who reported that they used a cell phone while driving and those who did not use a cell phone while driving (all $ps > .70$).

Stimuli and Apparatus

A PatrolSim high-fidelity driving simulator, illustrated in Figure 1 and manufactured by GE-ISIM, was used in the study. The simulator is composed of five networked microprocessors and three high-resolution displays providing a 180° field of view. The dashboard instrumentation, steering wheel, gas pedal, and brake pedal are from a Ford Crown Victoria® sedan with an automatic transmission. The simulator incorporates proprietary vehicle dynamics, traffic scenario, and road surface software to provide realistic scenes and traffic conditions.

A freeway road database simulated a 24-mile (38.6-km) multilane interstate with on- and off-ramps, overpasses, and two- or three-lane traffic in each direction. Daytime driving conditions with good visibility and dry pavement were used. A pace car, programmed to travel in the right-hand

Figure 1. A participant talking on a cell phone while driving in the GE-ISIM driving simulator.

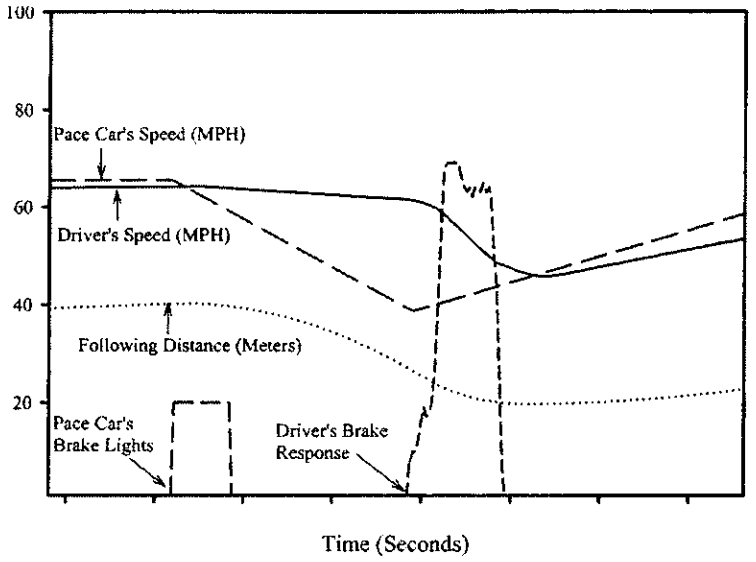

Figure 2. An example of the sequence of events occurring in the car following paradigm.

lane, braked intermittently throughout the scenario. Distractor vehicles were programmed to drive between 5% and 10% faster than the pace car in the left lane, providing the impression of a steady flow of traffic. Unique driving scenarios, counterbalanced across participants, were used for each condition in the study. Measures of real-time driving performance, including driving speed, distance from other vehicles, and brake inputs, were sampled at 30 Hz and stored for later analysis. Cellular service was provided by Sprint PCS. The cell phone was manufactured by LG Electronics Inc. (Model TP1100). For hands-free conditions, a Plantronics M135 headset (with earpiece and boom microphone) was attached to the cell phone. Blood alcohol concentration levels were measured using an Intoxilyzer 5000, manufactured by CMI Inc.

Procedure

The experiment used a within-subjects design and was conducted in three sessions on different days. The first session familiarized participants with the driving simulator using a standardized adaptation sequence. The order of subsequent alcohol and cell phone sessions was counterbalanced across participants. In these latter sessions, the participant's task was to follow the intermittently braking pace car driving in the right-hand lane of the highway. When the participant stepped on the brake pedal in response to the braking pace car, the pace car released its brake and accelerated to normal highway speed. If the participant failed to depress the brake, he or she would eventually collide with the pace car. That is, as in real highway stop-and-go traffic, the participant was required to react in a timely and appropriate manner to a vehicle slowing in front of them.

Figure 2 presents a typical sequence of events in the car-following paradigm. Initially both the participant's car (solid line) and the pace car (long-dashed line) were driving at about 62 miles/hr (mph) with a following distance of 40 m (dotted line). At some point in the sequence, the pace car's brake lights illuminated for 750 ms (short-dashed line) and the pace car began to decelerate at a steady rate. As the pace car decelerated, following distance decreased. At a later point in time, the participant responded to the decelerating pace car by pressing the brake pedal. The time interval between the onset of the pace car's brake lights and the onset of the participant's brake response defines the brake onset time. Once the participant depressed the brake, the pace car began to accelerate, at which point the participant removed his or her foot from the brake and applied pressure to the gas pedal. Note that in this example, following distance decreased by about 50% during the braking event.

In the alcohol session, participants drank a mixture of orange juice and vodka (40% alcohol by volume) calculated to achieve a blood alcohol

concentration of 0.08% wt/vol. Blood alcohol concentrations were verified using infrared spectrometry breath analysis immediately before and after the alcohol driving condition. Participants drove in the 15-min car-following scenario while legally intoxicated. Average blood alcohol concentration before driving was 0.081% wt/vol and after driving was 0.078% wt/vol.

In the cell phone session, three counterbalanced conditions, each 15 min in duration, were included: single-task baseline driving, driving while conversing on a handheld cell phone, and driving while conversing on a hands-free cell phone. In both cell phone conditions, the participant and a research assistant engaged in naturalistic conversations on topics that were identified on the first day as being of interest to the participant. As would be expected with any naturalistic conversation, they were unique to each participant. The task of the research assistant in our study was to maintain a dialog in which the participant listened and spoke in approximately equal proportions. However, given that our cell phone conversations were casual, they probably underestimate the impact of intense business negotiations or other emotional conversations conducted over the phone. To minimize interference from manual components of cell phone use, the call was initiated before participants began driving.

RESULTS

In order to better understand the differences between conditions, we created driving profiles by extracting 10-s epochs of driving performance that were time locked to the onset of the pace car's brake lights. That is, each time that the pace car's brake lights were illuminated, the data for the ensuing 10 s were extracted and entered into a 32 × 300 data matrix (i.e., on the jth occasion that the pace car brake lights were illuminated, data from the 1st, 2nd, 3rd, ..., and 300th observations following the onset of the pace car's brake lights were entered into the matrix $X_{[j,1]}, X_{[j,2]}, X_{[j,3]},...X_{[j,300]}$, in which j ranges from 1 to 32 reflecting the 32 occasions in which the participant reacted to the braking pace car). Each driving profile was created by averaging across j for each of the 300 time points. We created profiles of the participant's braking response, driving speed, and following distance.

Figure 3 presents the braking profiles. In the baseline condition, participants began braking within 1 s of pace car deceleration. Similar braking profiles were obtained for both the cell phone and alcohol conditions. However, compared with baseline, when participants were intoxicated they tended to brake with greater force, whereas participants' reactions were slower when they were conversing on a cell phone.

Figure 4 presents the driving speed profiles. In the baseline condition, participants began decelerating within 1 s of the onset of the pace car's brake lights, reaching minimum speed 2 s after the pace car began to decelerate, whereupon participants began a gradual return to prebraking driving speed. When participants were intoxicated they drove slower, but the shape of the speed

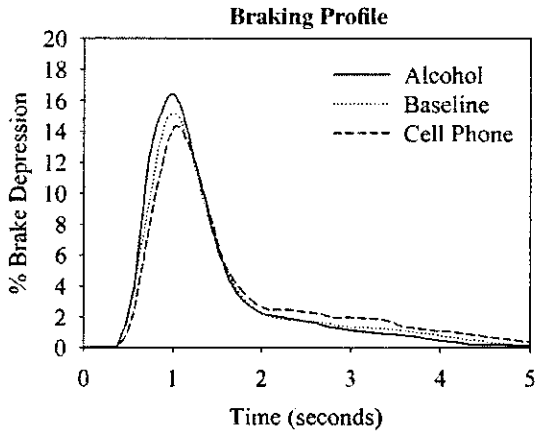

Figure 3. The braking profile.

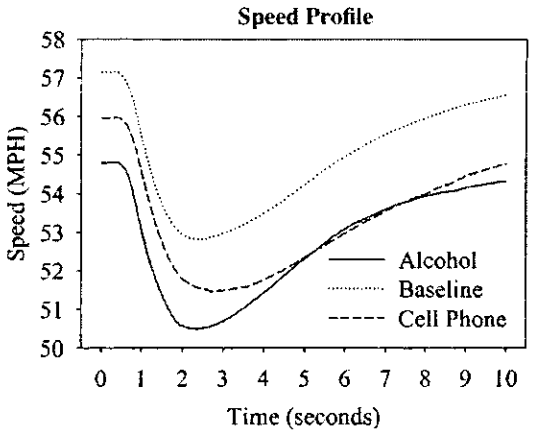

Figure 4. The speed profile.

profile did not differ from baseline. By contrast, when participants were conversing on a cell phone it took them longer to recover their speed following braking.

Figure 5 presents the following distance profiles. In the baseline condition participants followed approximately 28 m behind the pace car, and as the pace car decelerated the following distance decreased, reaching nadir approximately 2 s after the onset of the pace car's brake lights. When participants were intoxicated, they followed closer to the pace car, whereas participants increased their following distance when they were conversing on a cell phone.

Table 1 presents the nine performance variables that were measured to determine how participants reacted to the vehicle braking in front of them. *Brake reaction time* is the time interval between the onset of the pace car's brake lights and the onset of the participant's braking response (i.e., defined as a minimum of 1% depression of the participant's brake pedal). *Maximum braking force* is the maximum force that the participant applied to the brake pedal in response to the braking pace car (expressed as a percentage of maximum). *Speed* is the average driving speed of the participant's vehicle (expressed in miles per hour). *Mean following distance* is the distance prior to braking between the rear bumper of the pace car and the front bumper of the participant's car. *SD following distance* is the standard deviation of following distance.

Time to collision (TTC), measured at the onset of the participant's braking response, is the time remaining until a collision between the participant's vehicle and the pace car if the course and speed were maintained (i.e., had the participant failed to brake). Also reported are the frequency of trials with TTC values below 4 s, a level found to discriminate between cases in which the drivers find themselves in dangerous situations and those in which the driver remains in control of the vehicle (e.g., Hirst & Graham, 1997). *Half recovery time* is the time for participants to recover 50% of the speed that was lost during braking (e.g., if the participant's car was traveling at 60 mph [96.5 km/hr] before braking and decelerated to 40 mph [64.4 km/hr] after braking, then half recovery time would be the time taken for the participant's vehicle to return to 50 mph [80.4 km/hr]). Also shown in the table is the total number of collisions in each phase of the study. We used a multivariate analysis of variance (MANOVA) followed by planned contrasts (shown in Table 2) to provide an overall assessment of driver performance in each of the experimental conditions.

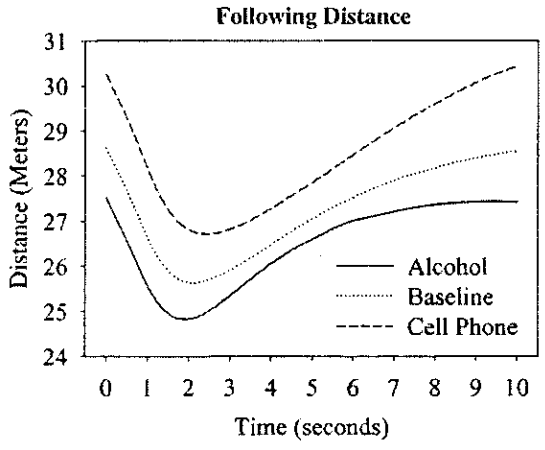

Figure 5. The following distance profile.

We performed an initial comparison of participants driving while using a handheld cell phone versus a hands-free cell phone. Both handheld and hands-free cell phone conversations impaired driving. However, there were no significant differences in the impairments caused by these two modes of cellular communication (all $ps > .25$). Therefore, we collapsed across the handheld and hands-free conditions for all subsequent analyses reported in this article. The observed similarity between handheld and hands-free cell phone conversations is consistent with earlier work (e.g., Patten, Kircher, Ostlund, & Nilsson, 2004; Redelmeier & Tibshirani, 1997; Strayer & Johnston, 2001) and calls into question driving regulations that prohibit handheld cell phones and permit hands-free cell phones.

MANOVAs indicated that both cell phone and alcohol conditions differed significantly from baseline, $F(8, 32) = 6.26$, $p < .01$, and $F(8, 32) = 2.73$, $p < .05$, respectively. When drivers were conversing on a cell phone, they were involved in more rear-end collisions, their initial reaction to vehicles braking in front of them was slowed by 9%, and the variability in following distance increased by 24%, relative to baseline. In addition, compared with baseline, participants who were talking on a cell phone took 19% longer to recover the speed that was lost during braking.

TABLE 1: Means and Standard Errors (in Parentheses) for the Alcohol, Baseline, and Cell Phone Conditions

	Alcohol	Baseline	Cell Phone
Total accidents	0	0	3
Brake reaction time (ms)	779 (33)	777 (33)	849 (36)
Maximum braking force	69.8 (3.7)	56.7 (2.6)	55.5 (3.0)
Speed (mph)	52.8 (2.0)	55.5 (0.7)	53.8 (1.3)
Mean following distance (m)	26.0 (1.7)	27.4 (1.3)	28.4 (1.7)
SD following distance (m)	10.3 (0.6)	9.5 (0.5)	11.8 (0.8)
Time to collision (s)	8.0 (0.4)	8.5 (0.3)	8.1 (0.4)
Time to collision < 4 s	3.0 (0.7)	1.5 (0.3)	1.9 (0.5)
Half recovery time (s)	5.4 (0.3)	5.3 (0.3)	6.3 (0.4)

By contrast, when participants were intoxicated, neither accident rates, nor reaction time to vehicles braking in front of the participant, nor recovery of lost speed following braking differed significantly from baseline. Overall, drivers in the alcohol condition exhibited a more aggressive driving style. They followed closer to the pace vehicle, had twice as many trials with TTC values below 4 s, and braked with 23% more force than in baseline conditions. Most importantly, our study found that accident rates in the alcohol condition did not differ from baseline; however, the increase in hard braking and the increased frequency of TTC values below 4 s are predictive of increased accident rates over the long run (e.g., T. L. Brown et al., 2001; Hirst & Graham, 1997).

The MANOVA also indicated that the cell phone and alcohol conditions differed significantly from each other, $F(8, 32) = 4.06$, $p < .01$. When drivers were conversing on a cell phone, they were involved in more rear-end collisions and took longer to recover the speed that they had lost during braking than when they were intoxicated. Drivers in the alcohol condition also applied greater braking pressure than did drivers in the cell phone condition.

To sharpen our understanding of the differences between the cell phone and alcohol conditions, we

TABLE 2: *T* Test Values for the Pair-Wise Comparisons

		Alcohol	Baseline
Brake reaction time (ms)	Alcohol		0.34
	Cell phone	1.74*	5.46***
Maximum braking force	Alcohol		4.40***
	Cell phone	4.13***	0.67
Speed (mph)	Alcohol		1.41
	Cell phone	0.47	1.69*
Mean following distance (m)	Alcohol		0.87
	Cell phone	1.11	1.06
SD following distance (m)	Alcohol		1.25
	Cell phone	1.59	4.18***
Time to collision (s)	Alcohol		1.18
	Cell phone	0.16	1.76*
Time to collision < 4 s	Alcohol		2.06**
	Cell phone	1.44	1.10
Half recovery time (s)	Alcohol		0.32
	Cell phone	1.96*	3.68***

Note. All comparisons have a *df* of 39 and are evaluated with a two-tailed significance level.
*$p < .10$. **$p < .05$. ***$p < .01$.

entered the driving performance measures obtained for each participant into a discriminant function analysis. The discriminant analysis determines which combination of variables maximally discriminates between the groups. The larger the standardized coefficient, the greater the contribution of that variable to the discrimination between the groups. Three of the obtained coefficients were negative, affected primarily by alcohol consumption: maximum braking force (–0.674), mean following distance (–0.409), and TTC less than 4 s (–0.311). Four of the obtained coefficients were positive, affected primarily by cell phone conversations: speed (0.722), *SD* of following distance (0.468), half recovery time (0.438), and brake reaction time (0.296). Average TTC did not differentiate between groups (coefficient = 0.055). Taken together, the discriminant analysis indicates that the pattern of impairment associated with the alcohol and cell phone conditions is qualitatively different.

Finally, the accident data were analyzed using a nonparametric chi-square statistical test. The chi-square analysis indicated that there were significantly more accidents when participants were conversing on a cell phone than in the baseline or alcohol conditions, $\chi^2(2) = 6.15$, $p < .05$.

DISCUSSION

Taken together, we found that both intoxicated drivers and cell phone drivers performed differently from baseline and that the driving profiles of these two conditions differed. Drivers using a cell phone exhibited a delay in their response to events in the driving scenario and were more likely to be involved in a traffic accident. Drivers in the alcohol condition exhibited a more aggressive driving style, following closer to the vehicle immediately in front of them, necessitating braking with greater force. With respect to traffic safety, the data suggest that the impairments associated with cell phone drivers may be as great as those commonly observed with intoxicated drivers.

However, the mechanisms underlying the impaired driving in the alcohol and cell phone conditions clearly differ. Indeed, the discriminant function analysis indicates that the driving patterns of the cell phone driver and the drunk driver diverge qualitatively. On the one hand, we found that intoxicated drivers hit the brakes harder, had shorter following distances, and had more trials with TTC values less than 4 s. On the other hand, we found that cell phones drivers had slower reactions, had longer following distances, took longer to recover speed lost following a braking episode, and were involved in more accidents. In the case of the cell phone driver, the impairments appear to be attributable, in large part, to the diversion of attention from the processing of information necessary for the safe operation of a motor vehicle (Strayer et al., 2003; Strayer & Johnston, 2001). These attention-related deficits are relatively transient (i.e., occurring while the driver is on the cell phone and dissipating relatively quickly after attention is returned to driving). By contrast, the effects of alcohol persist for prolonged periods of time, are systemic, and lead to chronic impairment.

Also noteworthy was the fact that the driving impairments associated with handheld and hands-free cell phone conversations were not significantly different. This observation is consistent with earlier reports (e.g., Patten et al., 2004; Redelmeier & Tibshirani, 1997; Strayer & Johnston, 2001) and suggests that legislative initiatives that restrict handheld devices but permit hands-free devices are not likely to eliminate the problems associated with using cell phones while driving. This follows because the interference can be attributed in large part to the distracting effects of the phone conversations themselves, effects that appear to be attributable to the diversion of attention away from driving. It should be pointed out that our study did not examine the effects of dialing or answering the phone on driving performance; however, Mazzae, Ranney, Watson, and Wightman (2004) compared handheld with hands-free devices and found the former to be answered more quickly, dialed faster, and associated with fewer dialing errors than the latter.

Our study also sheds light on the role that experience plays in moderating cell-phone-induced dual-task interference. Participants' self-reported estimates of the amount of time spent driving while using a cell phone averaged 14.3% with a range from 0% to 60%. When real-world usage was entered as a covariate into analyses comparing baseline and cell phone conditions, there was no evidence that practice altered the pattern of dual-task interference (i.e., all main effects and interactions associated with real-world

usage had $ps > .40$). That is, practice in this dual-task combination did not result in improved performance. Given the attentional requirements of these two activities, it is not surprising that practice failed to moderate the dual-task interference. Because both naturalistic conversation and driving (at least reaction to unpredictable or unexpected events) have task components that are variably mapped, there are likely to be few benefits from practicing these two tasks in combination. Indeed, there is overwhelming evidence in the literature that performance on components of a task with a variable mapping do not benefit from practice (e.g., Shiffrin & Schneider, 1977).

Furthermore, the lack of differences in dual-task interference as a function of real-world usage suggests that drivers may not be aware of their own impaired driving. Indeed, when we debriefed participants at the end of the experiment, many of the drivers with higher levels of real-world cell phone usage while driving indicated that they found it no more difficult to drive while using a cell phone than to drive without using a cell phone. Thus, there appears to be a disconnect between participants' self-perception of driving performance and objective measures of their driving performance. Elsewhere, we have suggested that one consequence of using a cell phone is that it may make drivers insensitive to their own impaired driving behavior (Strayer et al., 2003).

One factor that is often overlooked when considering the overall impact of cell phone driving is the effect these drivers have on traffic flow. In our study, we found that drivers using a cell phone took 19% longer (than baseline) to recover the speed that was lost following a braking episode. In situations where traffic density is high, this pattern of driving behavior is likely to decrease the overall traffic flow, and as the proportion of cell phone drivers increases, these effects are likely to be multiplicative. That is, the impaired reactions of a cell phone driver make them less likely to travel with the flow of traffic, potentially increasing overall traffic congestion.

In the current study, the performance of drivers with a blood alcohol level at 0.08% differed significantly from their performance in both the cell phone and baseline conditions. In particular, when participants were in the alcohol condition, they followed the pace car more closely, had a greater frequency of trials with TTC less than 4 s, and depressed the brake with more vigor when the lead vehicle began to decelerate. However, the difference in brake onset time between the alcohol and baseline conditions was not significant in the current study. The precise reason for the lack of an effect on reaction time is unclear; although the literature on the effects of alcohol on reaction time has produced mixed results (see Moskovitz & Fiorentino, 2000). One possibility is that drivers in the alcohol condition may have reacted with alacrity out of necessity; given their shorter following distance, they may have been pressed into action sooner than in the other conditions. Indeed, an examination of the relationship between reaction time and following distance yielded significant correlations for the baseline ($r = .47$, $p < .01$) and cell phone ($r = .56$, $p < .01$) conditions, but not for the alcohol condition, ($r = .07$, *ns*). That is, for both the baseline and cell phone conditions, reaction time tended to increase with following distance, but this pattern was not observed in the alcohol condition.

No accidents were observed in the alcohol sessions of our study. Nevertheless, alcohol clearly increases the risk of accidents in real-world settings. For example, the U.S. Department of Transportation (2002) estimated that alcohol was involved in 41% of all fatal accidents in 2002; however, it is important to note that in 81% of these cases the blood alcohol level was higher than 0.08% wt/vol and that the average blood alcohol level of drivers involved in a fatal crash was twice the legal limit (i.e., 0.16% wt/vol). For cases in which the blood alcohol level was at or below the legal limit, the total number of fatalities in 2002 was 2818.

Another way to determine the effect of alcohol on driving is to estimate the risk of an accident when driving with a specific blood alcohol concentration as compared with baseline conditions when the driver is not under the influence of alcohol. Using odds ratios, Zandor, Krawchuk, and Voas (2000) estimated the relative risk of a passenger vehicle accident for drivers 21 to 34 years old. At blood alcohol concentrations between 0.05% and 0.79%, the odds ratio was estimated to be 3.76, and at blood alcohol concentrations between 0.08% and 0.99%, the odds ratio was estimated to be 6.25. Unfortunately, the precise odds ratio for a blood alcohol concentration of 0.08% is not readily discernable from the tabular

information in the Zandor et al. (2000) study, but presumably it falls somewhere between 3.76 and 6.25.

By comparison, this is the third in a series of studies that we have conducted evaluating the effects of cell phone use on driving using the car-following procedure (see also Strayer & Drews, 2004; and Strayer et al., 2003). Across these three studies, 120 participants performed in both baseline and cell phone conditions. Two of the participants in our studies were involved in an accident in baseline conditions, whereas 10 participants were involved in an accident when they were conversing on a cell phone. A logistic regression analysis indicated that the difference in accident rates for baseline and cell phone conditions was significant, $\chi^2(1) = 6.1$, $p = .013$, and the estimated odds ratio of an accident for cell phone drivers was 5.36, a relative risk similar to the estimates obtained by Zandor et al. (2000) for drivers with a blood alcohol level of 0.08% wt/vol.

One factor that may have contributed to the absence of accidents in the alcohol condition of our study is that the alcohol and driving portion of the study was conducted during the daytime (between 9:00 a.m. and noon). Data from the National Highway Transportation Safety Administration (National Highway Traffic Safety Administration, 2001) indicates that only 3% of fatal accidents on U.S. highways occur during this time interval. In fact, in the real world there is a natural confounding of alcohol consumption and fatigue such that nearly 80% of all fatal alcohol-related accidents on U.S. highways occur between 6:00 p.m. and 6:00 a.m. In the current study, participants were well rested prior to the consumption of alcohol, potentially lowering the relative risk factors.

The objective of the present research was to help to establish a clear benchmark for assessing the relative risks associated with using a cell phone while driving. We compared the cell phone driver with the drunk driver for two reasons. First, there are now clear societal norms associated with intoxicated driving, and laws in the United States expressly prohibit driving with a blood alcohol level at or above 0.08%. Logical consistency would seem to dictate that any activity that leads to impairments in driving equal to or greater than the drunk driving standard should be avoided (Willette & Walsh, 1983). Second, the epidemiological study by Redelmeier and Tibshirani (1997) suggested that "the relative risk [of being in a traffic accident while using a cell phone] is similar to the hazard associated with driving with a blood alcohol level at the legal limit" (p. 456). The data presented in this article are consistent with this estimate and indicate that when driving conditions and time on task are controlled for, the impairments associated with using a cell phone while driving can be as profound as those associated with driving with a blood alcohol level at 0.08%. With respect to cell phone use, clearly the safest course of action is to not use a cell phone while driving. However, regulatory issues are best left to legislators who are provided with the latest scientific evidence. In the long run, skillfully crafted regulation and better driver education addressing driver distraction will be essential to keep the roadways safe.

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Supertaskers: Profiles in Extraordinary Multi-tasking Ability

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Abstract

Theory suggests that driving should be impaired for all motorists when they concurrently talk on a cell phone. But is everybody impaired by this dual-task combination? We tested 200 participants in a high-fidelity driving simulator in both single- and dual-task conditions. The dual-task involved driving while concurrently performing a demanding auditory version of the operation span (OSPAN) task. Whereas the vast majority of participants showed significant performance decrements in dual-task conditions (compared to single-task conditions for both driving and OSPAN tasks), 2.5% of the sample showed absolutely no performance decrements when comparing single- and dual-tasks. In single-task conditions, these "supertaskers" scored in the top quartile on all dependent measures associated with driving and OSPAN tasks, and Monte Carlo simulations indicated that the frequency of supertaskers was significantly greater than chance. These individual differences help to sharpen our theoretical understanding of attention and cognitive control in naturalistic settings.

One of the most robust findings in cognitive science is that attention has a limited capacity (Kahneman, 1973; for a review, see Strayer & Drews, 2007a). There is a well-established association between attention and performance, such that allocating more attention to a task improves performance unless floor or ceiling effects mask the relationship (Norman & Bobrow, 1975). Nowhere are these limitations more evident than in situations where people attempt to perform two or more attention-demanding tasks concurrently. In these situations, a reciprocal pattern emerges wherein performance on one task prospers at the expense of the other (Siervaag et al., 1989; Wickens, 1980, 1984). Conventional wisdom suggests that people cannot multi-task without performance decrements on one or more of the constituent tasks and this may be due, in part, to bottlenecks in central processing (Pashler, 1992; Pashler, Johnson, & Ruthruff, 2001), response competition (Navon, 1984; Navon & Miller, 1987) or overlap in resource utilization (Wickens, 1984).

Nevertheless, it is not uncommon for people to multi-task in everyday situations (e.g., Ophir, Nass, & Wagner, 2009; Wallis, 2006). One common form of multi-tasking involves the concurrent use of a cell phone while driving. In fact, estimates suggest that at any daylight hour over 10% of drivers on US roadways are talking on their cell phone (Glassbrenner, 2005). Consistent with the attention literature, research has demonstrated that driving performance is significantly degraded by cell phone conversations. For example, when drivers talk on either a hand-held or hands-free cell phone, brake reaction times are delayed, object detection is impaired, traffic-related brain potentials are suppressed, and accident rates are increased (Strayer, Drews, & Johnston, 2003; Strayer & Johnston, 2001). Elsewhere it has been demonstrated that cell phone conversations lead to a form of inattention blindness causing drivers to fail to see up to half of the information in the driving

environment that they would have noticed had they not been conversing on the phone (Strayer & Drews, 2007b).

In fact, the National Highway Transportation Safety Association estimated that in 2008 at least 20% of all accidents and fatalities on US highways were caused by driver distraction (Ascomb & Lindsey, 2009). Thus, despite the overwhelming evidence that multi-tasking impairs driving, large segments of the population regularly engage in these activities. Over the years, we have encountered a great many people who adamantly claim that they are not impaired when they use a cell phone while driving, although they readily admit that they have seen others who drive erratically when they use their cell phone (Strayer, Drews, & Johnston, 2003; see also Nationwide, 2009). We have suggested that the inattention blindness associated with cell phone conversations makes these drivers unaware of their own driving impairments (Strayer & Drews, 2007b), although it is also possible that the claim stems, in part, from a general tendency of many to believe that their driving performance is above the average (i.e., a Lake Wobegone effect; cf., Horswill, Waylen, & Tofield, 2004; Svenson, 1981).

Given these driver distraction findings, it would seem that the general rules of attention would apply to everyone. But recent interest in individual differences encourages researchers to go beyond group averages and examine profiles that may emerge for different individuals. In the present context, it is theoretically possible that a small segment of the population may be capable of performing complex multi-tasking with little or no apparent costs. The idea that some individuals may have extraordinary multi-tasking abilities does not seem so far fetched, if one considers well-documented cases of individuals demonstrating extraordinary memory abilities (e.g., Price & Davis, 2008). Are there, in fact, "supertaskers" in our midst, individuals who can drive while

simultaneously conversing on a cell phone without noticeable impairment? If so, what allows them to exhibit behavior that seemingly violates cognitive scientists' current understanding of attention and dual-task control?

Our search for supertaskers begins by considering neuropsychological evidence that the dorsolateral prefrontal cortex (dlPFC) plays an important role in attentional control and goal maintenance (e.g., Braver, Gray, & Burgess, 2007). Indeed, models of executive attention highlight the role of the frontally-mediated capacity to maintain task goals and avoid conflicting distractions (Kane & Engle, 2002). Recently, Engle and colleagues (Conway et al., 2005; Engle, 2002; Kane & Engle, 2003) developed a simple but elegant operation span (OSPAN) task that has been shown to be sensitive to individual differences in executive attention and is thought to recruit the dlPFC. The OSPAN task involves maintaining the task goal of memorizing items and recalling them in the correct serial order while concurrently performing distracting math problems. Individual differences in OSPAN performance have been shown to predict behavior on a wide range of classic cognitive tasks thought to require frontal executive attention such as dichotic listening, the anti-saccade task, Stroop color naming, and associative false memory paradigms (see Conway, Cowan, & Bunting, 2001; Kane, Bleckley, Conway, & Engle, 2001; Kane & Engle, 2003; Watson, Bunting, Poole, & Conway, 2005, respectively). To identify individuals with extraordinary multi-tasking ability, we paired the task of driving using a high-fidelity driving simulator with an auditory version of the OSPAN task. Participants performed the driving and OSPAN tasks in combination and also performed each of the tasks separately. We predicted that most individuals will show substantial performance declines in driving and OSPAN when performed together compared to the single-task baseline measures. This pattern would highlight the role that executive attention and the dlPFC play

in driving and would also provide evidence that the dual-task interference was bi-directional (i.e., costs are observed for both driving and OSPAN tasks). By contrast, individuals with extraordinary multi-tasking ability, if they exist, might be able to perform these two tasks in combination without impairment.

Methods

Participants. 200 undergraduates (90 male and 110 female) from the University of Utah participated in the IRB approved study. Participants ranged in age from 18 to 43, with an average age of 23.6. All had normal or corrected-to-normal vision and a valid driver's license.

Stimuli and Apparatus. A PatrolSim high-fidelity driving simulator, manufactured by L3 Communications/I-SIM, was used in the study. A freeway road simulated a 32-mile multi-lane highway with on and off-ramps, overpasses, and two and three-lane traffic in each direction. A pace car, programmed to travel in the right-hand lane, braked intermittently throughout the scenario. Distractor vehicles were programmed to drive in the left lane between 5% and 10% faster than the pace car, providing the impression of a steady flow of traffic. Unique driving scenarios, counterbalanced across participants, were used for the single- and dual-task conditions in the study. Cellular service was provided by Sprint PCS. The cell phone was manufactured by LG Electronics inc. (model TP1100) and an earpiece and boom microphone was attached to the cell phone for hands-free communication.

Procedure. The experiment was conducted in a single 1.5 hour session. Participants were first familiarized with the driving simulator using a 15-minute standardized adaptation sequence. In the driving portions of the task, participants followed an intermittently braking pace car driving in the right-hand lane of the highway. When the participant stepped on the brake pedal in response to the

braking pace car, the pace car released its brake and accelerated to normal highway speed. If participants failed to depress the brake, they would eventually collide with the pace car. That is, like real highway stop and go traffic, participants were required to react in a timely and appropriate manner to a vehicle slowing in front of them. Measures of brake reaction time and following distance from the pace car were recorded for subsequent analysis.

In the cell phone conditions, the participant performed an auditory version of the OSPAN task. Before the main portion of the study began, participants were given practice in a computerized version of the OSPAN (Turner & Engle, 1989) to familiarize them with the procedure (performance on the computerized OSPAN task was significantly correlated with performance on the single-task auditory OSPAN task, $r = 0.55$, $p < .01$). In the OSPAN task, participants were asked to remember a series of 2-5 words that were interspersed with math verification problem (e.g., given "is (3/1) -1 = 2?": "cat": "is (2*2) + 1 = 4?": "box": RECALL, the participant should have answered "true" and "false" to the math problems when they were presented and recalled "cat" and "box" in the order that they were presented when given the recall probe). Measures of memory and math performance were recorded for subsequent analysis. The highest possible score for OSPAN memory performance was 74 and the highest possible score for OSPAN math was 74. To eliminate interference from manual components of cell phone use, we used a hands-free headset and initiated the call before driving began.

Participants performed both the driving and auditory OSPAN tasks as single-tasks and also performed both tasks concurrently in the dual-task condition. In the dual-task condition, participants were instructed to prioritize performance on the driving task and to perform the concurrent OSPAN task as accurately as possible.

Results

At the group level (see Figure 1), dual-task performance was inferior to single-task performance for brake reaction time, $F(1,199) = 51.3$, $p < .01$, $\eta^2 = 0.204$, following distance, $F(1,199) = 10.2$, $p < .01$, $\eta^2 = 0.49$, OSPAN memory performance, $F(1,199) = 66.4$, $p < .01$, $\eta^2 = 0.249$, and OSPAN math performance $F(199) = 30.6$, $p < .01$, $\eta^2 = 0.133$. This pattern of performance is consistent with the well-established pattern of dual-task performance decrements associated with limited capacity attention (for a review, consult Strayer & Drews, 2007a). Moreover, the data indicate bi-directional interference such that both driving and OSPAN measures suffered in dual-task conditions. To the extent that the dlPFC is truly recruited in the performance of the OSPAN task (e.g., Kane & Engle, 2002), the dual-task decrements imply that driving also recruits this region of frontal cortex, most likely coordinating the component sub-tasks associated with driving.

Further scrutiny revealed a small subset of participants (n=5; 3 male and 2 female) scoring in the upper quartile of the OSPAN memory task (i.e., "high-spans") and showing no performance decline from single-task to dual-task across all the dependent measures. We developed a stringent set of criteria for classifying participants as a "supertasker". The first requirement was that performance on each of the 4 dependent measures was in the top 25% of the single-task scores for that variable, ensuring that the absence of dual-task costs could not be attributed to "sandbagging" in single-task conditions. The second requirement was that dual-task performance could not differ from single-task levels by more than the single-task standard error of the mean for that measure (e.g., brake reaction time in dual-task conditions could not increase by more than 40 msec from single-task levels, following distance in dual-task conditions must be within 1 meter of single-task levels, and

OSPAN math and memory performance in dual-task conditions could not decrease by more than 1 item from single-task levels). Participants received a score ranging from 0 to 4, reflecting the number of measures in which they showed no dual-task decrement. Participants who earned a score of 3 (N=4) or 4 (N=1) were classified as supertaskers (i.e., participants who performed *both* tasks at the same time with high levels of proficiency on each task), and those earning a score of 0-2 were classified as controls. Note that a score of 2 or lower indicates that one or both of the tasks was not performed as well in dual-task conditions as in single-task conditions.

As illustrated in Figure 2, the dual-task cost for these supertaskers was zero; they performed as well, if not better, in the dual-task condition than they did in the single-task conditions. Independent sample *t*-tests comparing the difference between single-task and dual-task conditions indicated significantly smaller costs for supertaskers than for the control group in brake reaction time, $t(198) = 5.0$, $p < .01$, $d = 0.72$; following distance, $t(198) = 3.1$, $p < .01$, $d = 0.44$; OSPAN memory performance, $t(198) = -4.6$, $p < .01$, $d = 0.65$, but OSPAN math performance did not differ ($p > .10$). We also compared performance of supertaskers with the subset of participants who scored in the top quartile of the OSPAN task (i.e., high spans). Independent sample *t*-tests comparing the difference between single-task and dual-task revealed significantly smaller costs for supertaskers in brake reaction time $t(49)=3.5$, $p<.01$. $d = 0.96$ and OSPAN memory performance $t(49)=4.8$, $p<.01$, $d = 1.37$. There was also a trend for smaller costs in following distance for supertaskers $t(49)=1.9$, $p < .06$, $d = 0.53$, whereas the costs in OSPAN math performance did not differ ($p > .20$). Note also that the supertaskers also had single-task performance that was superior to that of the control group, making their performance in dual-task conditions all that more impressive and ruling out theoretically uninteresting "regression to the mean" interpretations of the data. That is, supertaskers

began in single-task conditions in the upper quartile of the distribution and became an even more extreme outlier in dual-task conditions. In addition, supertaskers were tested using different counterbalancing orders and by different research assistants, ruling out order and experimenter causes for the difference.

To ensure that this pattern of data did not arise by chance alone, we performed a Monte Carlo simulation in which randomly selected single-dual task pairs of variables from the existing data set were obtained for each of the 4 dependent measures and then subjected to the same algorithm that was used to classify the supertaskers. The Monte Carlo procedure simulated 100,000 participants, and we found that by chance alone 0.16% of the cases resulted in performance criteria that matched those of the supertaskers (compared to the obtained 2.5% cases; a 15-fold difference). Logistic regression found that the frequency of supertaskers was significantly greater than chance $X^2(1) = 17.9$, $p < .01$. Given that this pattern cannot be attributed to chance, it suggests that an important individual difference variable underlies the effect. We suggest that this individual difference is associated with differences in executive attention as mediated, at least in part, by frontal cortex.

Discussion

Supertaskers have a strikingly remarkable ability to successfully perform two attention-demanding tasks that over 97% of the population cannot perform without incurring substantial costs in performance. The behavioral characteristics of supertaskers are likely to be important in other activities that require coordinating a number of concurrent tasks (e.g., flying a high-performance aircraft). Paradoxically, a recent study examining multi-tasking ability found that individuals who report multi-tasking more frequently do so *less* well than those who are less frequent multi-taskers (Ophir, Nass, & Wagner, 2009). Indeed, our studies over the last decade have found that a great

many people have the belief that the laws of attention do not apply to them (e.g., they have seen other drivers who are impaired while multi-tasking, but they are the exception to the rule). In fact, some readers may also be wondering if they too are supertaskers; however, we suggest that the odds of this are against them. The illusion that people harbor about their superior multi-tasking ability is likely to stem from inattention blindness, whereby attention is diverted from sources of evidence that would indicate that their driving is impaired (Strayer & Drews, 2007b).

Why are we all not supertaskers? We suggest two possibilities. First, there may be some cost associated with being a supertasker. Elsewhere, Grossberg (1987) suggested that organisms are faced with a stability/plasticity dilemma in which they must strike a delicate balance between being overly rigid and overly flexible in their processing style. Indeed, many clinical disorders are associated with an imbalance, being either overly rigid or overly flexible (DSM-IV, 1994). It may be that supertaskers excel at multi-tasking at the expense of other processing abilities. By contrast, Parasuraman and Greenwood (2007) identified one individual (i.e., the "odd man out") who was able to perform a sustained attention task without exhibiting the classic vigilance decrement that is commonly observed at the group level. We suggest that supertaskers and the odd man out lie at opposite ends of the stability/plasticity continuum. Second, there may be few costs (and possibly benefits) associated with being a supertasker, but the environmental and technological demands that favor this ability are relatively new and any selective advantage for being a supertasker has yet to propagate throughout the population. Indeed, it has only been in the last few generations that technology has placed high value on multi-tasking ability. This time-scale is too short for any selective advantage to spread through the population.

It is fair to say that the OSPAN task is not the topic of the typical cell phone conversation.

However, it was not the intent of the current research to mimic naturalistic conversations (as has been done elsewhere; e.g., Drews, Pasupathi, & Strayer, 2008). The rationale for using the OSPAN task was based upon the link to executive attention and the likely recruitment of dlPFC in the context of multi-tasking (e.g., Kane & Engle, 2002). In addition, the rules for scoring OSPAN performance are objective and easily quantifiable (in contrast to naturalistic conversations), and thus the dual-task combination provides a clear-cut demonstration of the bi-directional interference. Using the dual-task logic developed by Baddeley and colleagues (e.g., Baddeley & Hitch, 1974), the decline in OSPAN scores for the majority of participants implies that operating a motor vehicle also places demands on frontal-mediated control networks.

Conclusions and Future Directions

Current theories of attention in cognitive science focus on group-level behavior and often neglect differences between individuals. Consistent with Engle and colleagues, we suggest that incorporating an individual differences perspective will significantly improve our theoretical understanding of attention and performance in both traditional laboratory settings and more applied contexts. In particular, individuals who perform significantly better (or worse) than the group average may help to shed light on the mechanisms of attention and cognitive control in a similar fashion to how failures of perception or memory (e.g., illusions) help us to understand the rules governing normal perception/memory (see Roediger, 1996). As we gain a better understanding of the neural bases of supertasker performance, we are likely to gain a better understanding of normal multi-tasking performance.

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Figure 1. Group average performance for single- and dual-task conditions for brake reaction time (upper left panel), following distance (lower left panel), OSPAN memory performance (upper right panel) and OSPAN math performance (lower right panel). Error bars indicate standard error of the mean.

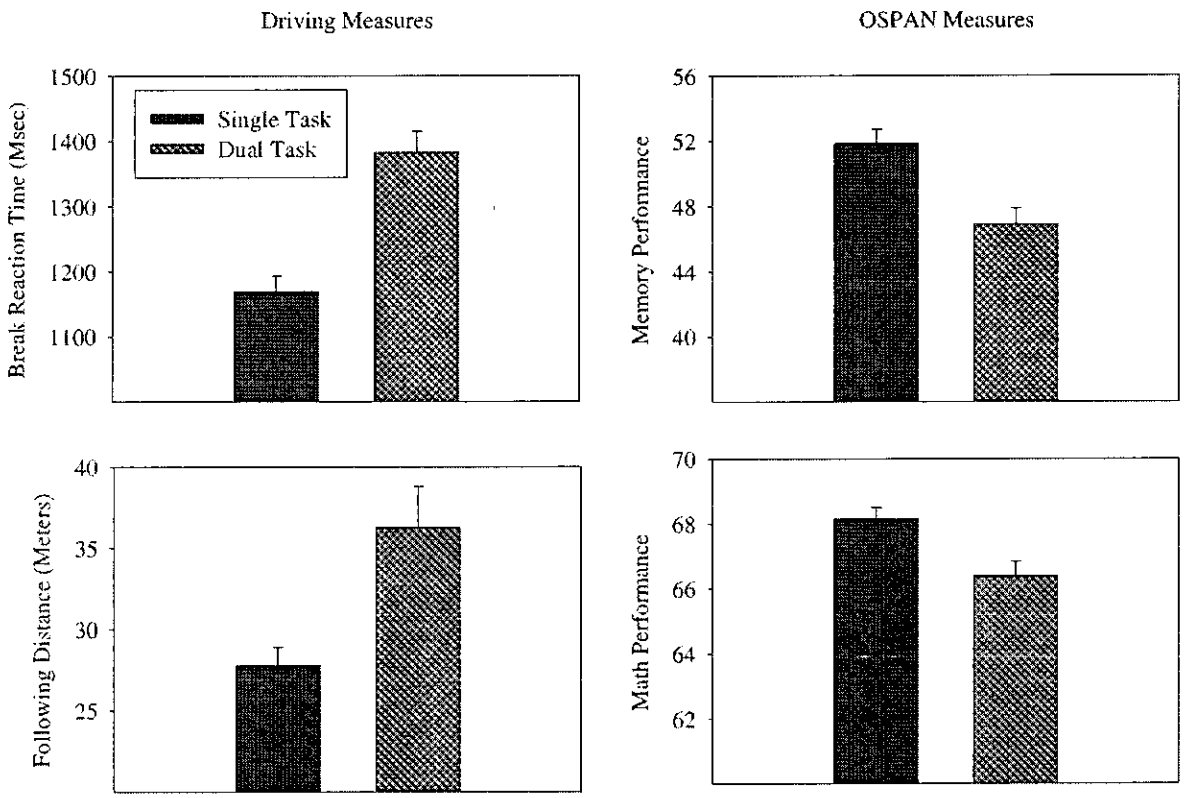
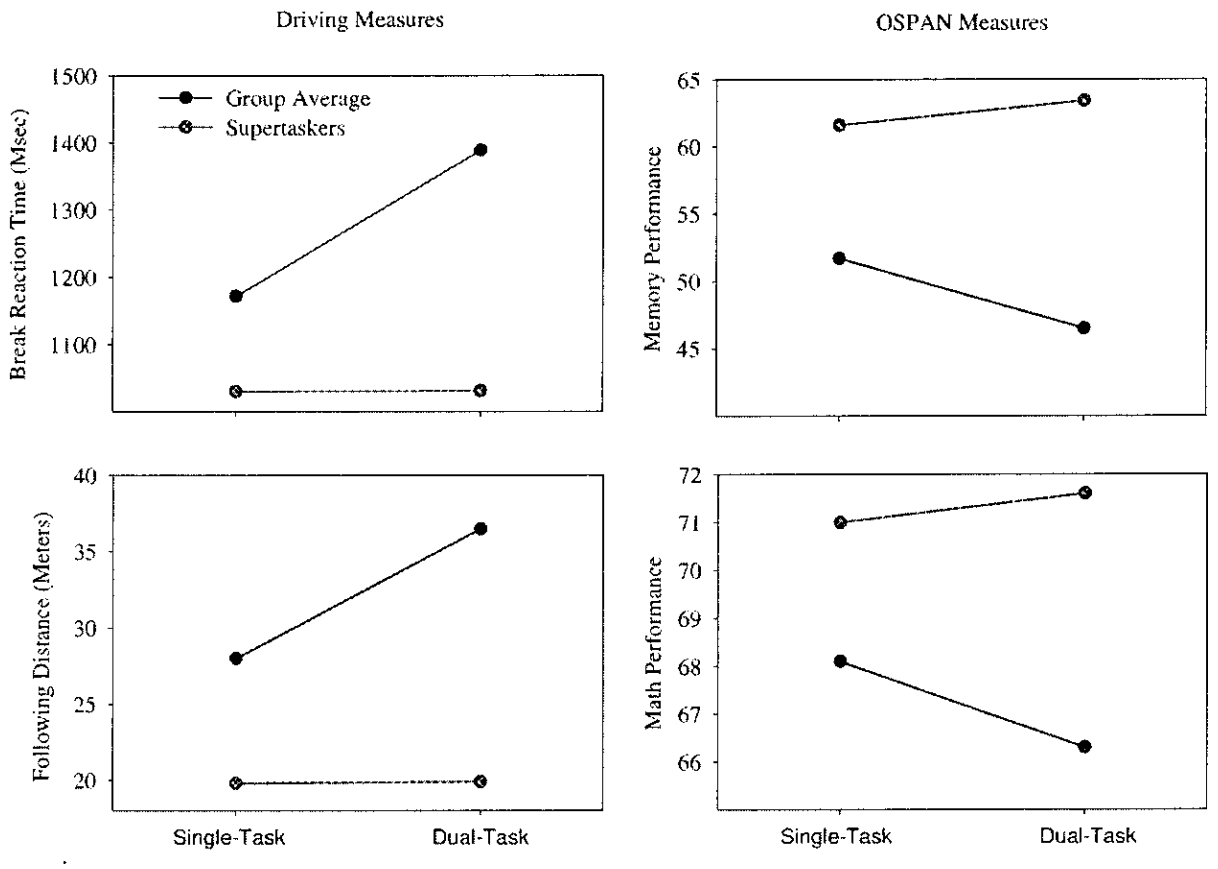


Figure 2. Single-task and dual-task performance for the group average and for supertaskers. Brake reaction time (upper left panel), following distance (lower left panel), OSPAN memory performance (upper right panel) and OSPAN math performance (lower right panel).



AN OVERVIEW OF THE 100-CAR NATURALISTIC STUDY AND FINDINGS

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ABSTRACT

A key to the development of effective crash countermeasures is an understanding of pre-crash causal and contributing factors. This research effort was initiated to provide an unprecedented level of detail concerning driver performance, behavior, environment, driving context and other factors that were associated with critical incidents, near crashes and crashes for 100 drivers across a period of one year. A primary goal was to provide vital exposure and pre-crash data necessary for understanding causes of crashes, supporting the development and refinement of crash avoidance countermeasures, and estimating the potential of these countermeasures to reduce crashes and their consequences.

The 100-Car Naturalistic Driving Study database contains many extreme cases of driving behavior and performance, including severe fatigue, impairment, judgment error, risk taking, willingness to engage in secondary tasks, aggressive driving, and traffic violations. The data set includes approximately 2,000,000 vehicle miles, almost 43,000 hours of data, 241 primary and secondary drivers, 12 to 13 months of data collection for each vehicle, and data from a highly capable instrumentation system including five channels of video and vehicle kinematics. From the data, an "event" database was created, similar in classification structure to an epidemiological crash database, but with video and electronic driver and vehicle performance data. The events are crashes, near crashes and other "incidents." Data was classified by pre-event maneuver, precipitating factor, event type, contributing factors, and the avoidance maneuver exhibited. Parameters such as vehicle speed, vehicle headway, time-to-collision, and driver reaction time are also recorded.

This paper presents the 100-Car Naturalistic Driving Study method, including instrumentation and vehicle characteristics, and a sample of study results. Presented analyses address the driver characteristics, the role of inattention and distraction in rear-end and lane change events. In addition, the methodological attributes of naturalistic data collection and the implications for a larger-scale naturalistic data collection effort are provided.

INTRODUCTION

Although the crash rate is declining, the number of driving related deaths is approximately 43,000 per year. While the development of mechanistic safety features, such as seat belts, air bags, and collapsible steering wheels, have been extremely important in lowering the vehicle-related death rate, it is plausible that the next significant decrease in roadway fatalities will require systems to assist drivers in preventing crashes. However, driver assistance systems require a more precise understanding of the driver behaviors prior to an adverse driving event to be more effective.

Data collected to study driver behavior have historically relied on epidemiological, simulator, and test track studies. While these are valuable techniques that certainly have their place in the study of driver behavior, they are not well suited to explain the combination of factors leading to an adverse driving event. For example, a police crash report form might list the cause of a rear-end collision as "following too close." However, contributing factors might be fatigue, distraction, traffic backed up from the intersection, and/or a blind corner leading up to the same intersection. For this hypothetical case, there are both driver and infrastructure related causes of the event. Likewise, simulator and test track studies cannot mimic the combination of complex driving environments and the simultaneous array of driver behaviors that lead to many events.

As demonstrated in only a small handful of studies, naturalistic data collection fills the gap in current data collection methods. "Naturalistic" data includes data from a suite of vehicle sensors and

unobtrusively placed video cameras. The drivers are given no special instructions, no experimenter is present, and the data collection instrumentation is unobtrusive. This naturalistic data collection method was applied to study fatigue and resulting driver performance in truck drivers making local/short haul deliveries [1] In this study, 42 drivers drove 4 instrumented vehicles while they made deliveries. The study resulted in approximately 1000 hours of data that included five video views and a host of vehicle sensor data.

In a long-haul truck driving study, naturalistic data was collected from 56 single and team drivers who drove one of two instrumented vehicles [2]. Data was collected to assess sleep quality, driver alertness, and driver performance on normal revenue-producing trips averaging up to eight days in length. This data collection effort resulted in 250 hours of data that was triggered based upon vehicle sensor data. The results showed that single drivers suffered the worst bouts of fatigue and had the most severe critical incidents (by about 4 to 1).

A key to the development of effective crash countermeasures is an understanding of pre-crash causal and contributing factors. This research effort was initiated to provide an unprecedented level of detail concerning driver performance, behavior, environment, driving context and other factors that were associated with critical incidents, near crashes and crashes for 100 drivers across a period of one year. A primary goal was to provide vital exposure and pre-crash data necessary for understanding causes of crashes, supporting the development and refinement of crash avoidance countermeasures, and estimating the potential of these countermeasures to reduce crashes and their consequences.

The 100-Car Naturalistic Driving Study (100-Car Study) was the first instrumented vehicle study undertaken with the primary purpose of collecting large-scale naturalistic driving data. Unique to the 100-Car Study was that the majority of the drivers drove their own vehicles (78 out of 100 vehicles). There is every indication that the drivers rapidly disregarded the presence of the instrumentation, as is indicated by the resulting database containing many extreme cases of driving behavior and performance including: severe fatigue, impairment, judgment error, risk taking, willingness to engage, aggressive driving, and traffic violations (just to name a few). These types of driving events have been heretofore greatly attenuated by other empirical techniques.

Due to the scale of the 100-Car Study and the fact that private vehicles were instrumented, new techniques had to be created and existing methods modified to make the study successful. The data collection effort resulted in the following data set contents:

- Approximately 2,000,000 vehicle miles
- Almost 43,000 hours of data
- 241 primary and secondary drivers participated
- 12 to 13 month data collection period for each vehicle
- Five channels of video and many vehicle state and kinematic variables

This paper presents a sample of the analysis results from the 100-Car Study data collected. The full study report is available through the National Highway Traffic Safety Administration [3].

METHOD

Instrumentation

The 100-Car instrumentation package was engineered by VTTI to be rugged, durable, expandable, and unobtrusive. It constituted the seventh generation of hardware and software, developed over a 15 year period that has been deployed for a variety of purposes. The system consisted of a Pentium-based computer that received and stored data from a network of sensors distributed around the vehicle. Data storage was achieved via the system's hard drive, which was large enough to store data for several weeks of driving before requiring data downloading.

Each of the sensing subsystems in the car was independent, so that any failures that occurred were constrained to a single sensor type. Sensors included a vehicle network box that interacted with the vehicle network, an accelerometer box that obtained longitudinal and lateral kinematic information, a headway detection system to provide information on leading or following vehicles, side obstacle detection to detect lateral conflicts, an incident box to allow drivers to flag incidents for the research team, a video-based lane tracking system to measure lane keeping behavior, and video to validate any sensor-based findings. The video subsystem was particularly important as it provided a continuous window into the happenings in and around the vehicle. This subsystem included five camera views monitoring the driver's face and driver side of the vehicle, the forward view, the rear view, the passenger side of the vehicle, and an over-the-shoulder view for the driver's hands and surrounding areas. An important feature of the video system is

that it was digital, with software-controllable video compression capability. This allowed synchronization, simultaneous display, and efficient archiving and retrieval of 100-Car data. A frame of compressed 100-Car video data is shown in Figure 1.

The modular aspect of the data collection system allowed for integration of instrumentation that was not essential for data collection, but which provided the research team with additional and important information. These subsystems included automatic collision notification that informed the research team of the possibility of a collision; cellular communications that were used by the research team to communicate with vehicles on the road to determine system status and position; system initialization equipment that automatically controlled system status; and a GPS positioning subsystem that collected information on vehicle position. The GPS positioning subsystem and the cellular communications were often used in concert to allow for vehicle localization and tracking.

Figure 1. A compressed video image from the 100-Car data. The driver's face (upper left quadrant) is distorted to protect the driver's identity. The lower right quadrant is split with the left-side (top) and the rear (bottom) views.

The system included several major components and subsystems that were installed on each vehicle. These included the main Data Acquisition System (DAS) unit that was mounted under the package shelf for the sedans (Figure 2) and behind the rear seat in the SUVs.

Doppler radar antennas were mounted behind special plastic license plates on the front and rear of the vehicle (Figure 3). The location behind the plates allowed the vehicle instrumentation to remain inconspicuous to other drivers.

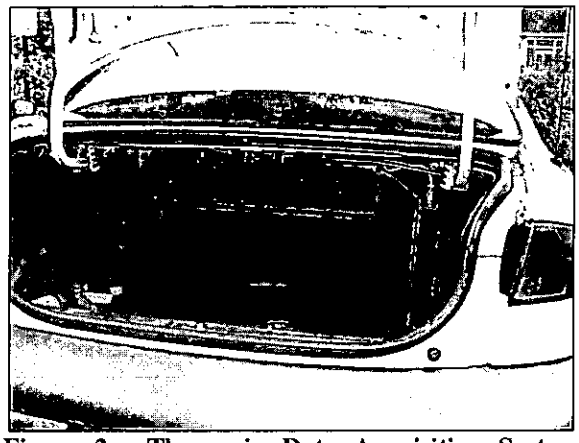

Figure 2. The main Data Acquisition System (DAS) unit mounted under the "package shelf" of the trunk.

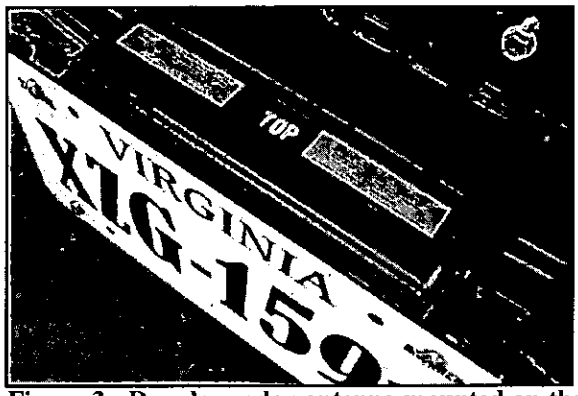

Figure 3. Doppler radar antenna mounted on the front of a vehicle, covered by one of the plastic license plates used for this study.

The final major components in the 100-Car hardware installation were mounted above and in front of the center rear-view mirror. These components included an "incident" pushbutton box which housed a momentary pushbutton that the subject could press whenever an unusual event happened in the driving environment. Also contained in the housing was an unobtrusive miniature camera that provided the driver face view. The camera was invisible to the driver since it was mounted behind a "smoked" Plexiglas cover.

Mounted behind the center mirror were the forward-view camera and the glare sensor (Figure 4). This location was selected to be as unobtrusive as possible and did not occlude any of the driver's normal field of view.

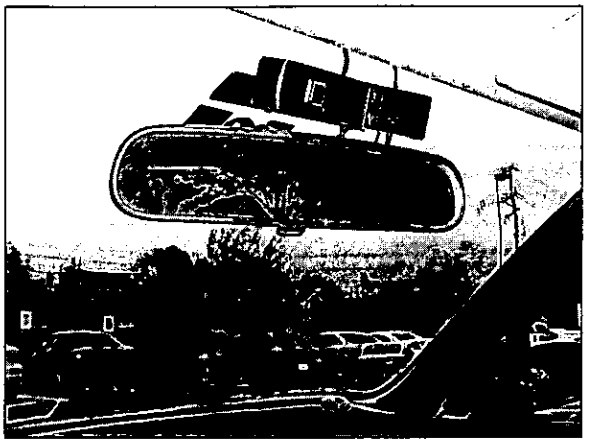

Figure 4. The incident push button box mounted above the rearview mirror. The portion on the right contains the driver face/left vehicle side camera hidden by a smoked plexiglass cover.

Subjects

One-hundred drivers who commuted into or out of the Northern Virginia/Washington, DC metropolitan area were initially recruited as primary drivers to have their vehicles instrumented or receive a leased vehicle for this study. Drivers were recruited by placing flyers on vehicles as well as by placing newspaper announcements in the classified section. Drivers who had their private vehicles instrumented (78) received $125.00 per month and a bonus at the end of the study for completing necessary paperwork. Drivers who received a leased vehicle (22) received free use of the vehicle, including standard maintenance, and the same bonus at the end of the study for completing necessary paperwork. Drivers of leased vehicles were insured under the Commonwealth of Virginia policy.

As some drivers had to be replaced for various reasons (for example, a move from the study area or repeated crashes in leased vehicles), 109 primary drivers were included in the study. Since other family members and friends would occasionally drive the instrumented vehicles, data were collected on 132 additional drivers.

A goal of this study was to maximize the potential to record crash and near-crash events through the selection of subjects with higher than average crash- or near-crash risk exposure. Exposure was manipulated through the selection of a larger sample of drivers below the age of 25, and by the selection of a sample that drove more than the average number of miles. The age by gender distribution of the primary drivers is shown in Table 1. The distribution of miles driven by the subjects during the study appears as Table 2. As presented, the data are somewhat biased compared to the national averages in each case, based on TransStats, 2001 [4]. Nevertheless, the distribution was generally representative of national averages when viewed across the distribution of mileages within the TransStats data.

One demographic issue with the 100-Car data sample that needs to be understood is that the data were collected in only one area (i.e., Northern Virginia/Metro Washington, DC). This area represents primarily urban- and suburban driving conditions, often in moderate to heavy traffic. Thus, rural driving, as well as differing demographics within the U.S., are not well represented.

Table 1. Driver age and gender distributions.

	Gender		
Age N % of total	Female	Male	Grand Total
18-20	9 8.3%	7 6.4%	16 14.7%
21-24	11 10.1%	10 9.2%	21 19.3%
25-34	7 6.4%	12 11.0%	19 17.4%
35-44	4 3.7%	16 14.7%	20 18.3%
45-54	7 6.4%	13 11.9%	20 18.3%
55+	5 4.6%	8 7.3%	13 11.9%
Total N Total Percent	43 39.4%	66 60.6%	109 100.0%

Table 2. Actual miles driven during the study.

Actual miles driven	Number of Drivers	Percent of Drivers
0-9,000	29	26.6%
9,001-12,000	22	20.2%
12,001-15,000	26	23.9%
15,001-18,000	11	10.1%
18,001-21,000	8	7.3%
More than 21,000	13	11.9%

A goal of the recruitment process was to attempt to avoid extreme drivers in either direction (i.e., very safe or very unsafe). Self reported historical data indicate that a reasonably diverse distribution of drivers was obtained.

Vehicles

Since 100 vehicles had to be instrumented with a number of sensors and data collection hardware, and since the complexity of the hardware required a number of custom mounting brackets to be manufactured, the number of vehicle types had to be limited for this study. Six different vehicle models were selected based upon their prevalence in the Northern Virginia area. These included five sedan models (Chevrolet Malibu and Cavalier, Toyota Camry and Corolla, and Ford Taurus) and one SUV model (Ford Explorer). The model years were limited to those with common body types and accessible vehicle networks (generally 1995 to 2003). The distribution of these vehicle types was:

- Toyota Camry – 17%
- Toyota Corolla – 18%
- Chevy Cavalier – 17%
- Chevy Malibu – 21%
- Ford Taurus – 12%
- Ford Explorer – 15%

Classification of events

Table 3 provides definitions of traffic "events" that served as a basis for the classifications that follow. The distinction between *near crashes* and *incidents* was based on the subjective assessment of reviewers in concert with kinematic and proximity data associated with adjacent vehicles or objects.

RESULTS

Table 4 shows the relative frequency of crashes, near-crashes, and incidents for each conflicts type. Of the 82 crashes, 13 either occurred while the system was initializing after the vehicle ignition was started (approximately 90 seconds), or has incomplete data for other reasons (e.g., camera failure), leaving a total of 69 crashes for which data could be completely reduced. These data also included 761 near-crashes and 8,295 incidents. The first eight conflict types shown in Table 4 accounted for all of the crashes, 87 percent of the near-crashes and 93 percent of the incidents.

Table 3. Classification of Events.

Event Category	Definition
Crashes	Any contact between the subject vehicle and another vehicle, fixed object, pedestrian pedacyclist, animal
Near Crashes	Defined as a conflict situation requiring a rapid, severe evasive maneuver to avoid a crash.
Incidents	Conflict requiring an evasive maneuver, but of lesser magnitude than a near crash

It is important to note that all of the crashes, including low speed collisions that were not police reported, are shown in Table 5. A "crash" was operationally defined as "any measurable dissipation or transfer of energy due to the contact of the subject vehicle with another vehicle or object." A benefit of the naturalistic approach is that it was possible to record all of these events; however the severity of the crashes must be delineated to better understand the data. Thus, the 69 crashes are parsed into the following four crash categories. Note that 75 percent of the single vehicle crashes were low-g force physical contact or tire strikes; in other words, most of the crashes involved very minor physical contact.

- Level I: Police-reported air bag deployment and/or injury
- Level II: Police-reported property damage only
- Level III: Non-police-reported property damage only
- Level IV: Non-police-reported low-g physical contact or tire strike (greater than 10 mph)

Since it was possible to detect all crashes regardless of severity, it is interesting to note the large number of drivers who experienced one or more collisions during the 12 to 13 month data collection period. Of all drivers, 7.5% of drivers never experienced an event of any severity. In contrast, 7.4% of the drivers experienced many incidents and 3 or 4 crashes. Thus, a handful of subjects were either very risky drivers or very safe, with the majority of drivers demonstrating a relatively normal distribution of events across the data collection period.

Table 4. Number of crashes, near-crashes, and incidents for each conflict type.

Conflict Type	Crash	Near-crash	Incident
Single vehicle	24	48	191
Lead-vehicle	15	380	5783
Following vehicle	12	70	766
Object/obstacle	9	6	394
Parked vehicle	4	5	83
Animal	2	10	56
Vehicle turning across subject vehicle path in opposite direction	2	27	79
Adjacent vehicle	1	115	342
Other	0	2	13
Oncoming traffic	0	27	184
Vehicle turning across subject vehicle path in same direction	0	3	10
Vehicle turning into subject vehicle path in same direction	0	28	90
Vehicle turning into subject vehicle path in opposite direction	0	0	1
Vehicle moving across subject vehicle path through intersection	0	27	158
Merging vehicle	0	6	18
Pedestrian	0	6	108
Pedalcyclist	0	0	16
Unknown	0	1	3

Table 5. Crash type by crash severity level.

Conflict Type	Total	Level I	Level II	Level III	Level IV
Single vehicle	24	1	0	5	18
Lead-vehicle	15	1	3	5	6
Following vehicle	12	2	2	5	3
Object/obstacle	9	0	1	3	5
Parked vehicle	4	0	0	2	2
Animal	2	0	0	0	2
Oncoming vehicle turning across subject vehicle path	2	1	1	0	0
Adjacent vehicle	1	0	0	1	0

Characterization of Driver Inattention

Historically, driver distraction has been typically discussed as a secondary task engagement. Fatigue has also been described as relating to driver inattention. In this study, it became clear that the definition of driver distraction needed to be expanded to a more encompassing 'driver inattention' construct that includes *secondary task engagement* and *fatigue* as well as two new categories, '*Driving-related inattention to the forward roadway*' and '*non-specific eye glance*'. '*Driving-related inattention to the forward roadway*' involves the driver checking rear-view mirrors or their blind spots. This new category was added after viewing multiple crashes, near-crashes, and incidents for which the driver was clearly paying attention to the driving task, but was not paying attention to the *critical aspect* of the driving task (i.e., forward roadway) at an inopportune moment involving a precipitating factor.

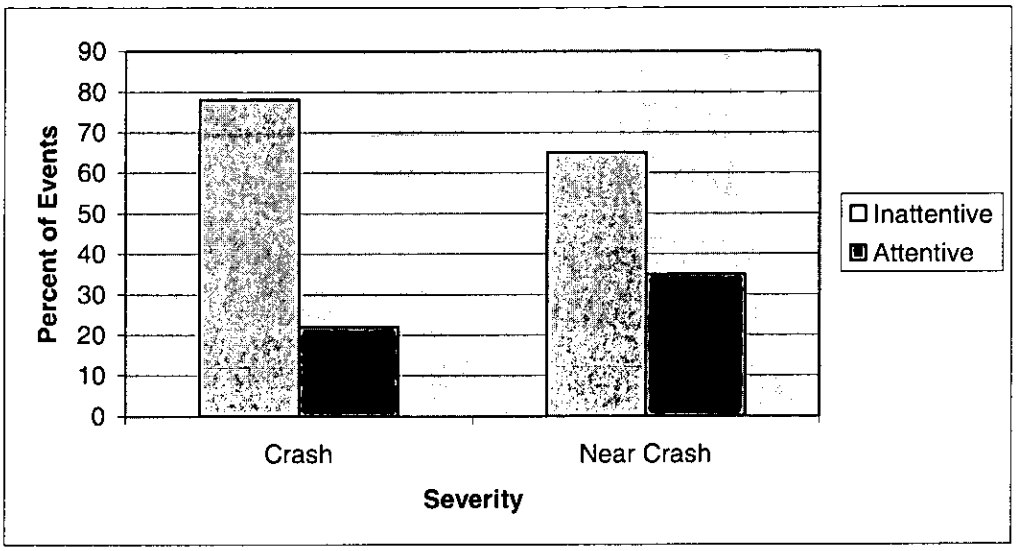

Figure 5. Percentage of events for attention by severity level.

A second analysis of the crashes and near-crashes in the 100-Car database was also conducted using the eye glance analysis performed manually by data reductionists. The *'non-specific eyeglance away from the forward roadway'* describes cases for which drivers glanced, usually momentarily, away from the roadway, but at no discernable object or person. For this project, eye glance reduction was accomplished for crash and near-crash events only, so this category can only be used for the more severe events. The four inattention categories identified above and considered together, suggested that driver's glances away from the forward roadway potentially contribute to a much greater percentage of events than has been previously thought. As shown in Figure 5, 78 percent of the crashes and 65 percent of the near crashes had one of these four inattention categories as a contributing factor.

An analysis of these types of inattention revealed that secondary task distraction was the largest of the four categories. The sources of inattention that generally contributed to the highest percentages of events (Figure 6) were wireless devices (primarily cell phones) internal distractions, and passenger-related secondary tasks (primarily conversations). It is important to note that "exposure," the frequency and duration of inattention associated with each source of inattention, is not considered in these data. Since it is exposure that determines the overall risk of a distraction source, an analysis of frequency of device use is currently being conducted for a future report that will allow calculations of event rates to determine estimates of the relative risk associated with these tasks.

Figure 7 shows a breakdown of the wireless device tasks and associated events. For these data, all of the crashes (about 8.7 percent of total study crashes) and a majority of the near crashes and incidents occurred during a cell phone conversation, although the dialing task was relatively high in term of total conflicts and was associated with the largest number of near crashes for this source of inattention. Although these data are important in that they represent the factors that contribute to events, they also highlight the need for the exposure data described above to establish the degree of risk.

Inattention for Rear End Lead-Vehicle Scenarios

Of particular interest in the analyses of rear-end conflict contributing factors was the prevalence of distraction. An important aspect in rear-end crash countermeasure development is the degree to which an un-alerted driver can be warned and make a proper response. Of course, the 100-Car data can provide great insight into the degree to which distraction is an issue in such conflicts. The important finding in this regard is that 93 percent of all lead vehicle crashes (13 out of 14) involved *inattention to the forward roadway* as a contributing factor (Figure 8). Note also that a majority (68 percent) of the near crashes have inattention identified as a contributing factor.

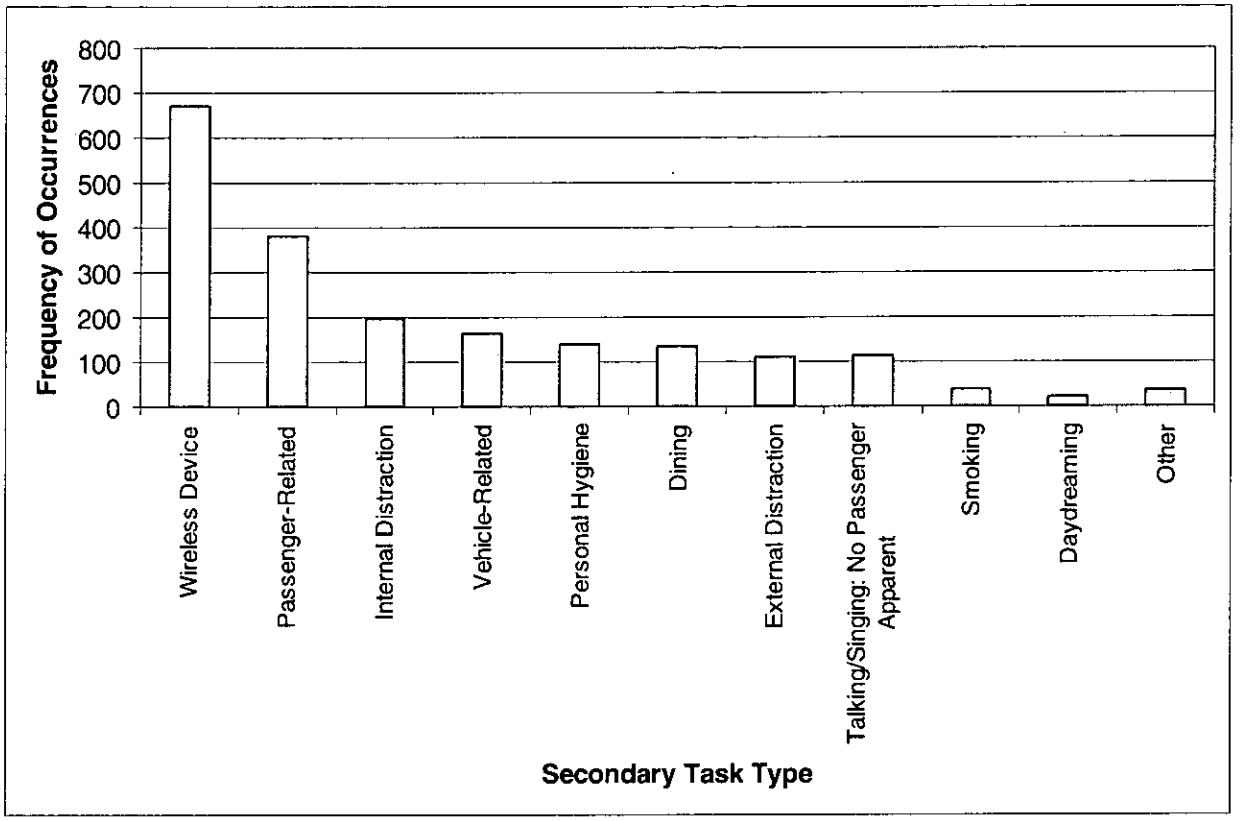

Figure 6. Frequency of occurrence of secondary tasks for crashes, near crashes and incidents.

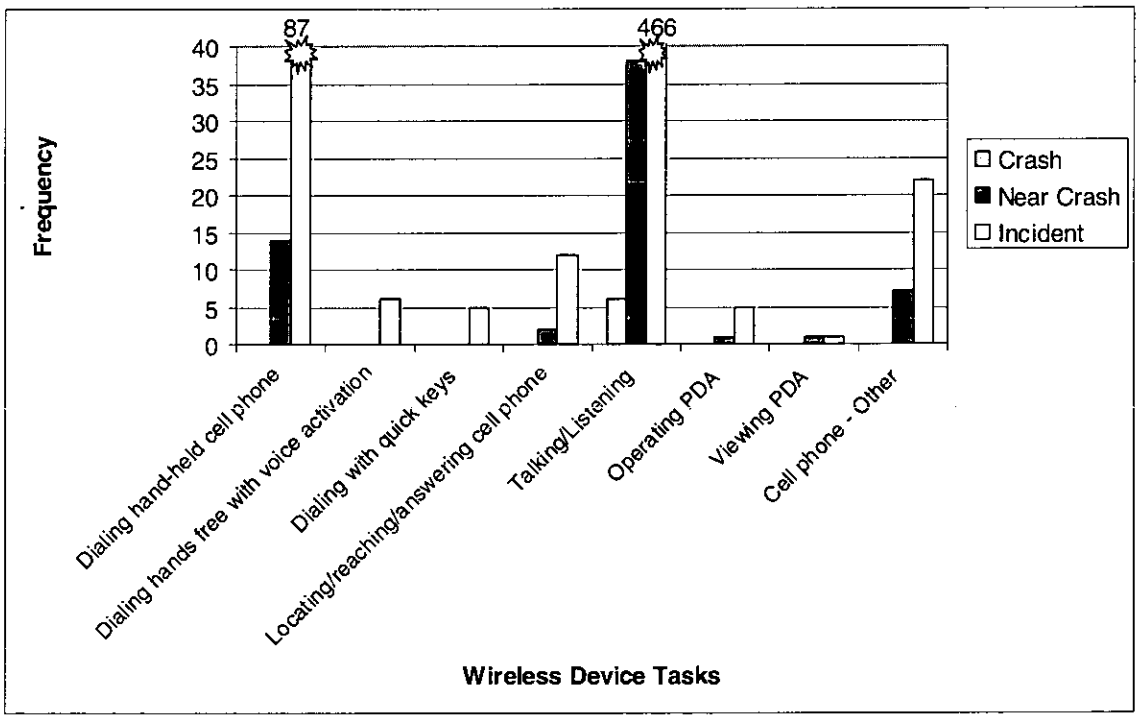

Figure 7. Frequency of occurrences in which the contributing factor was wireless device use by level of severity.

Figure 9 shows the frequency of each source of inattention for each of the secondary tasks. This allows comparison of the actual contribution of each of these sources of inattention to lead vehicle conflicts. Wireless devices (primarily cell phones, but also including PDAs) were the most frequent contributing factor for lead vehicle events, followed by passenger-related inattention. The trend was very similar for near-crashes. Interior distractions were the most frequent source of inattention for crashes.

While cell phone use contributed much more frequently to incidents and near-crashes than any other secondary task, cell phone use did not contribute to any lead vehicle conflict crashes. Nevertheless, cell phone use did contribute to other types of crashes, such as run off road, single vehicle conflict (driver ran into a barricade), and following vehicle conflict (subject vehicle was struck).

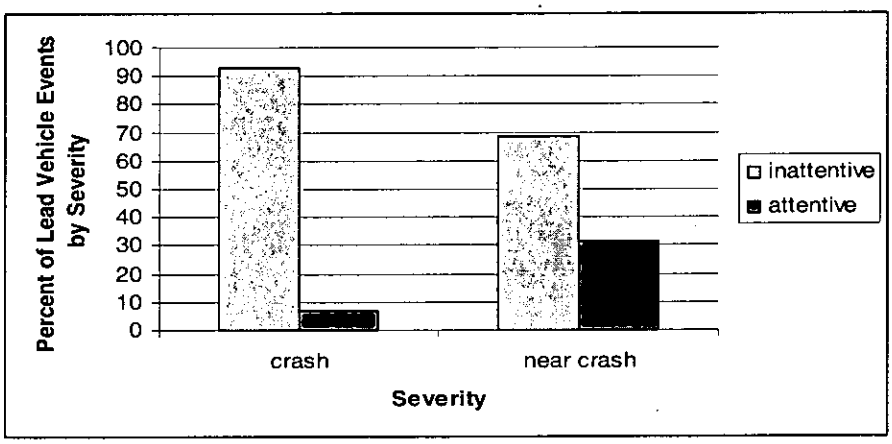

Figure 8. Percent of lead vehicle events for which inattention was listed as a contributing factor (includes the non-specific eye glance events for crashes and near crashes).

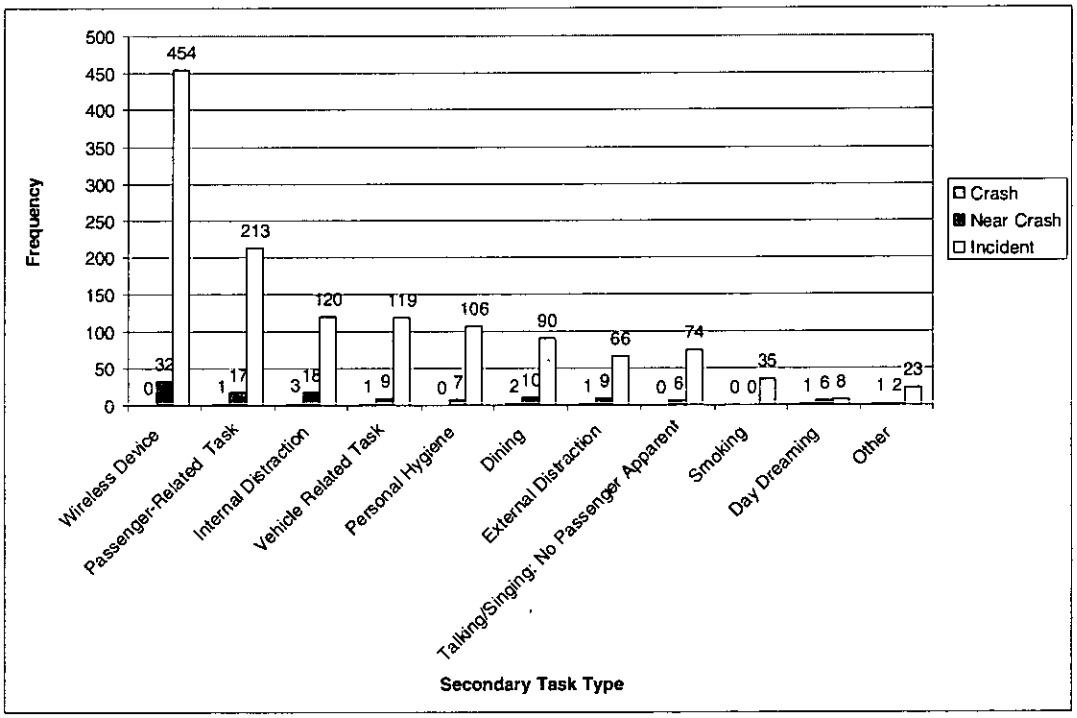

Figure 9. Total frequency of secondary task type by severity.

SUMMARY AND CONCLUSIONS

The event database that was created during the 100-Car Study can be useful for a variety of purposes; for example, evaluation of risky driving behavior and crash risk, calculation of relative risk of engaging in secondary tasks, and evaluation of driver response to lead vehicle brake lights. To facilitate this process, the initial event database will be made publicly accessible via the Internet. In addition, the initial event database can be expanded to address additional issues, since all of the video and electronic data for the entire study have been archived. The 100-Car Study contract specified ten objectives or goals that would be addressed through the initial analysis of the event database. However, as of the time of this writing, there are three additional data reduction and analysis efforts underway for the purpose of addressing another eight goals, and there is considerable interest in using the data for even more purposes. Progressing toward this potential for a multi-purpose, highly flexible and adaptable tool for driving safety may be the most important aspect of this study.

Despite the massive scope of the current effort, it was designed to serve as an exploratory study to a determine the feasibility, value, and methods for initiating a larger, more representative study. From an epidemiological viewpoint, the study was small with the presence of 15 police-reported and 82 total crashes, including minor collisions. Furthermore, drivers were represented from one area of the country (Northern Virginia/Washington, DC metro area). One purpose of a large-scale study would be to have a statistically representative sample of crashes (perhaps 2,000) and a more representative driver/environment sample.

The challenge of a large-scale study is not only the expense of such data collection but the management and analysis of such a large body of data. Nevertheless, it is believed that a large-scale database would be an enormous asset and would be used by transportation researchers for many years to gain insight and understanding into a wide array of driving behavior issues and potentially serve as a basis for decision making and program development within both the government and business sectors. This belief is based upon the robustness of the study results and the expectation that these data will continue to be analyzed and the results made available, from a variety of researchers and research organizations. Clearly, these data can provide unique insights into issues that have eluded the highway safety community for years.

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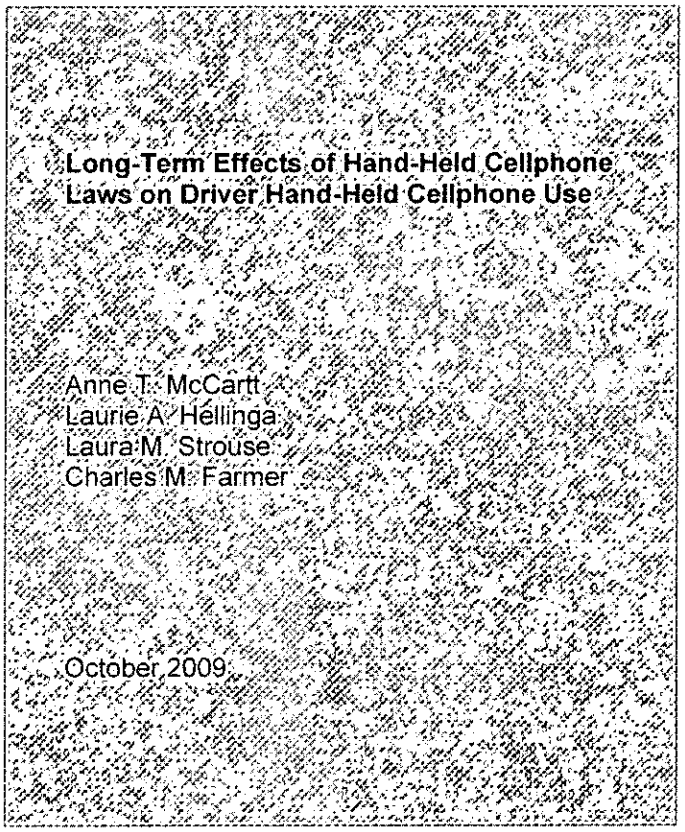

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ABSTRACT

Objectives: As of September 2009, seven US states and the District of Columbia (DC) ban driving while talking on a hand-held cellphone. The current study examined the long-term effects of such bans on driver use of hand-held phones in DC, New York State, and Connecticut.

Methods: The percentage of drivers talking on hand-held cellphones was measured over time based on daytime observation surveys in the three jurisdictions with bans and in comparison jurisdictions without bans. Trends in phone use rates over time were modeled using Poisson regression to estimate differences between actual rates and rates that would have been expected without a ban.

Results: The ban in DC immediately lowered the percentage of drivers talking on hand-held cellphones by 41%. Nearly 5 years after the ban, the phone use rate was 43% lower than would have been expected without the ban. Cellphone use in Connecticut declined an estimated 76% immediately after the ban; 3½ years later, phone use was 65% lower than would have been expected without a ban. In New York, cellphone use declined an estimated 47% immediately after the ban; when measured more than 7 years later, phone use was 24% lower than would have been expected without the ban. Fifteen months after the laws took effect, compliance in New York was lower than in DC, and the difference appeared due to more intensive enforcement in DC. However, this linkage is no longer clear because enforcement in New York has picked up such that levels of enforcement in 2008 appeared comparable in DC and New York, whereas enforcement in Connecticut lagged behind. In all of the jurisdictions, the likelihood was low that a driver violating the ban would receive a citation, and there were no publicized targeted enforcement campaigns in any of the three jurisdictions.

Conclusions: Jurisdictional bans on driver use of hand-held cellphones have reduced hand-held phone use and appear capable of maintaining reductions for the long term. However, it is unknown whether overall driver phone use has been reduced because many drivers may have switched to hands-free devices. Further research is needed to determine whether the reductions in hand-held cellphone use have reduced driver crash risk.

Keywords: Cellphones; Hand-held cellphones; Cellphone driving laws

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INTRODUCTION

Surveys of US drivers indicate that many are talking on cellphones. Observational surveys conducted by the National Highway Traffic Safety Administration (NHTSA) at intersections controlled by stop signs or stop lights indicate that, at any given time during daylight hours in 2008, 6% of drivers were talking on hand-held phones; this was double the rate observed in 2000 (Glassbrenner, 2005; NHTSA, 2009). This means that about 812,000 passenger vehicle drivers on the road at any given daylight moment in 2008 were talking on hand-held phones. The phone use rate for the youngest drivers estimated to be ages 16-24 was 8%, significantly higher than the use rates for drivers estimated to be ages 25-69 (6%) or 70 and older (1%). The rate of visible headset cellphone use was 0.6%, and the rate of visible manipulation of hand-held devices was 1%. Precise measurements of hands-free cellphone use cannot be obtained through observation surveys, but many drivers report using hands-free phones in telephone surveys (Boyle and Lampkin, 2008; Harris Interactive, 2006; Nationwide Insurance, 2008).

A large body of research has addressed the risk of talking on a cellphone while driving (McCartt et al., 2006a). Two controlled epidemiologic studies directly linked talking on a cellphone to increased crash risk. It is important that studies of crash risk verify the phone use of crash-involved drivers independent of police crash reports or driver self-reports, which are unreliable sources of information. One source for verifying phone use is cellphone company billing records. Such records have been unavailable in the United States, but studies conducted elsewhere have found a fourfold increase in the risk of a property-damage-only crash associated with cellphone use (Redelmeier and Tibshirani, 1997) and a fourfold increase of a crash serious enough to injure the driver (McEvoy et al., 2005). The increase in crash risk did not differ significantly between male and female drivers or between younger and older drivers, and the increased risk was similar for hand-held and hands-free phones. The studies were unable to estimate crash risk from different types of hands-free devices. Nor were they able to determine whether there was any benefit associated with hands-free devices while placing a call.

A review of more than 120 cellphone studies reported that experimental studies found impairment in simulated or test-track driving performance measures among users of hand-held and hands-free cellphones (McCartt et al., 2006a). Phone conversation tasks typically decreased reaction times and increased lane deviations and steering wheel movements. Statistical analyses that aggregated the

results of multiple studies reported similar findings (Caird et al., 2008; Horrey and Wickens, 2006). There are fewer experimental studies of the effects of dialing on performance measures, and the evidence is mixed with regard to whether hands-free dialing is less impairing than manual dialing (Jenness et al., 2002; McCartt et al., 2006a; Schreiner, 2006).

Other evidence comes from "naturalistic" research involving drivers observed in their own vehicles that are outfitted with cameras and other technologies. In a study of 100 vehicles monitored for about a year, cellphone use was a common source of driver distraction (Klauer et al., 2006). The odds of an at-fault near-crash/crash was 2.8 times higher when dialing a hand-held device than when phones were not being used; the odds when talking on a hand-held phone was 1.3 times higher, a nonsignificant increase. However, the sample of crashes was small and only a few were serious enough to be reported to police.

There is growing concern about the dangers of text messaging while driving. A 2008 survey of drivers found that 40% of drivers 30 and younger who own cellphones said they send or read text messages while driving (Nationwide Insurance, 2008). There has not been a lot of research on texting and driving, but two studies of young drivers found that receiving, and especially sending, text messages led to decrements in simulated driving performance, particularly lane keeping and reaction time (Hosking et al., 2006; Reed and Robbins, 2008). A soon-to-be-released naturalistic study reports a 23-fold increase in the risk of crashing, nearly crashing, traffic conflicts, or drifting from the driving lane among truckers who texted while they drove (Hanowski et al., 2009; Virginia Tech Transportation Institute, 2009). Most of the incidents involved lane drifts.

A number of jurisdictions worldwide, including several US states, make it illegal to use a hand-held cellphone while driving. Such bans are in effect in California, Connecticut, New Jersey, New York State, Oregon, Utah, Washington, and the District of Columbia (DC) (Insurance Institute for Highway Safety, 2009). More common in the United States are laws that restrict young drivers from using any type of cellphone or school bus drivers from using all cellphones. Text messaging is banned for all drivers in 18 states and DC. In addition, young drivers are banned from texting in 9 states, and school bus drivers are banned from texting in 1 state.

Prior research has evaluated the effects of restrictions on driver cellphone use. New York was the first state to ban drivers talking on hand-held phones. A study of the New York law found that the proportion of drivers talking on hand-held phones declined by about half during the first few months after the law was implemented in November 2001, relative to changes in use rates in Connecticut, an adjacent state with no such law at that time (McCartt et al., 2003). Much of this decrease had dissipated 1 year later (McCartt and Geary, 2004). In contrast, soon after DC began banning hand-held cellphone use while driving in July 2004, driver hand-held phone use dropped by about half, and this decline was largely sustained about a year later (McCartt and Hellinga, 2007). It appeared that stronger enforcement of the DC ban may have led to the sustained lower use rates compared with New York: citations for cellphone violations represented 8% of all moving violations in DC compared with 4% in New York (McCartt and Hellinga, 2007). A study of a North Carolina law prohibiting use of any mobile communication device by drivers younger than 18 found that the law had little effect on observed teenage driver cellphone use shortly after the law took effect (Foss et al., 2008). The proportion of teenagers using cellphones rose slightly from 11% before the law took effect to almost 12% shortly after. In post-law interviews, only 22% of teenagers and 13% of parents believed the law was being enforced fairly often or a lot.

The laws in New York and DC are mature. New York's law has been in effect for nearly 8 years; the DC law has been in place for almost 5 years. The current study focused on the longer term effects of the DC and New York laws on driver hand-held cellphone use. On October 1, 2005, a law prohibiting hand-held phone use while driving took effect in Connecticut, which had served as a comparison state in the earlier studies of New York's law. By comparing current observed hand-held cellphone use rates among drivers in Connecticut to earlier use rates, the effects of the Connecticut law on driver hand-held phone use also are estimated.

METHODS

Patterns of changes in the rates of drivers talking on hand-held cellphones in New York State, the DC metro area, and Connecticut were examined before and after laws in these jurisdictions took effect. Driver hand-held phone use was observed in spring 2009 using the methods followed in prior observation surveys in New York and Connecticut (McCartt et al., 2003; McCartt and Geary, 2004) and in the DC metro area (McCartt et al., 2006b; McCartt and Hellinga, 2007).

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Laws in the three jurisdictions are similar. All prohibit talking on hand-held cellphones when the vehicle is moving; dialing a hand-held phone and talking when the vehicle is stopped are allowed. Violations result in a fine up to $100; no license penalty points are assessed. Driver hands-free phone use is permitted in all three jurisdictions; fines are waived for the first offense in DC and Connecticut upon proof that a hands-free device has been obtained. Connecticut and DC prohibit all phone use by school bus drivers; Connecticut bans all phone use by drivers younger than 18, and DC bans all phone use by learner's permit holders. All three jurisdictions have an all-driver ban on texting; New York's texting law takes effect on November 1, 2009.

DC Metro Area: Observations and Analyses

Changes in the rates of hand-held cellphone use among drivers in DC before and after the DC law were compared with rate changes among drivers in nearby areas of Virginia and Maryland, states without bans. Observations were conducted simultaneously in all three jurisdictions in March 2004 (several months before the law took effect in July 2004), October 2004 (3 months after), October 2005 (15 months after), and April-June 2009. Observations were conducted in April 2009 rather than March 2009 because daylight saving time began in early March, and it would have been too dark to conduct the early morning observations. Observations also were scheduled to avoid Easter holidays and school recesses, which may have affected travel patterns. When the data were being prepared for analysis, low sample sizes and anomalies were identified for the DC sites. These data had been collected by a person who had not gathered data for the previous surveys; although the observer was thoroughly trained, a review of the data indicated they were not accurate. Therefore, in early June a second complete round of observations in DC was conducted by two experienced observers.

In each jurisdiction, daytime observations were conducted Tuesday-Friday at eight signalized intersections located on major arterial roads. In Virginia and Maryland, sites were located approximately 1-5 miles from the DC border on roads with heavy traffic traveling to and from DC. Only moving vehicles were observed, and emergency vehicles (police, fire, or ambulance), tractor-trailers, buses, and vehicles with diplomatic license plates were excluded. Observers recorded whether or not the driver was talking on a hand-held cellphone; the jurisdiction of vehicle registration (DC, Maryland, Virginia, other), based on

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the license plate; and whether the vehicle was a passenger vehicle, taxicab, or commercial vehicle, defined as a vehicle with a commercial license plate or commercial signage.

Estimates of the proportions of drivers who were talking on hand-held cellphones in each jurisdiction were derived, and percentage changes were computed between each post-law survey and the pre-law survey. To derive rigorous estimates of the effects of the DC ban on phone use in DC, relative to patterns of phone use in nearby areas of Maryland and Virginia, a Poisson regression model was used to estimate cellphone use over time (the GENMOD procedure in SAS). It was assumed that cellphone use rates increased exponentially over time when there were no restrictions, and the relative month-to-month increase was the same for DC and for the nearby areas of Maryland and Virginia. It also was assumed that cellphone use rates increased exponentially over time when there were restrictions. The month-to-month trend for the period when there were restrictions was not necessarily the same as that when there were no restrictions. The dependent variables in the model were an indicator of the jurisdiction (1=DC, 0=MD/VA), an indicator of cellphone restriction (1=restriction, 0=no restriction), time (measured in months since December 2000), and the interaction of time and restriction.

New York and Connecticut: Observations and Analyses

Daytime observations of drivers were conducted at controlled intersections on geographically dispersed, heavily traveled roads in four small to medium-size communities in upstate New York (Albany County, cities of Binghamton and Kingston, Village of Spring Valley) and in two communities in central Connecticut (Town of Hamden, City of Hartford). Areas considered for observation in New York excluded the downstate counties of Nassau, Suffolk, and Westchester due to pre-existing local bans on cellphone use while driving; New York City because of its unusual traffic patterns, major congestion, and difficulty in finding suitable observation sites; and the western and northernmost counties due to inclement winter weather conditions. Limited access highways were excluded. Observations were conducted on a Thursday or Friday. Emergency vehicles, tractor-trailer trucks, and buses were excluded. Cellphone use was recorded as "yes" only if the driver was talking on a hand-held cellphone while the vehicle was moving.

Observations were conducted about 1 month before New York's warning period began on November 1, 2001; immediately after a fine-with-waiver phase took effect on December 1, 2002;

immediately after a fine-without-waiver phase took effect on March 1, 2002; during March 2003; and during April 2009. Thirty-five minutes of each observation period focused on recording cellphone use. A hand-held counter recorded drivers not using a hand-held cellphone. For drivers using phones, the following information was recorded: estimated age (younger than 25, 25-59, 60 or older), gender, and vehicle type (car, pickup truck, SUV, van or minivan, large single-unit truck with more than four tires). During the 5 minutes before and 5 minutes after the 35-minute cellphone observations, age category, gender, cellphone use, and vehicle type were recorded for a sample of drivers in passing traffic.

Estimates were derived of the proportion of drivers who were talking on hand-held cellphones. For each community and for the communities combined in each state, cellphone use rates for the December 2001 and March 2002 surveys were not significantly different; thus, data for these surveys were combined to measure short-term compliance. Percentage differences in state use rates (i.e., with communities combined) were compared between each of the post-law surveys and the pre-law survey. To derive the proportions of observed cellphone use for the recorded driver characteristics, the percentage distributions of driver characteristics observed during the 10-minute observations of passing traffic were applied to the total vehicles counted during the 35-minute cellphone observation periods. The formulae for these calculations and associated 95% confidence intervals (CIs) are provided in (McCartt et al., 2003).

Observations in Connecticut were not available for the months immediately before and after the restriction began on October 1, 2005. However, if it is assumed that trends in use rates over time were similar for Connecticut and New York, then these missing observations can be estimated. A Poisson regression model was used to accomplish these estimations. The dependent variable was the logarithm of the cellphone use rate. The independent variables in the model were an indicator of the state (1=NY, 0=CT), an indicator of cellphone restriction (1=restriction, 0=no restriction), the interaction of state and restriction (1=NY after restriction began, 0=all other), time (measured in months since December 2000), and the interaction of time and restriction. In these models, data for the December 2001 and March 2002 surveys were not combined.

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RESULTS

Results for DC

When drivers were observed several months before the DC law took effect in July 2004, 6.1% were talking on hand-held cellphones (Table 1). Post-law use rates were 3.5% shortly after the law in October 2004, 4% 1 year later in October 2005, and 4.2% in spring 2009. The percentage difference in post-law use rates compared with the pre-law rate declined over time, from 43% in October 2004 to 31% in spring 2009, and all three differences were statistically significant. Hand-held phone use in nearby areas of Maryland did not follow a consistent pattern. The use rate declined slightly from 6.3% before the law to 5.7% shortly after the law took effect, increased substantially (to 8%) a year later, and then declined to 5.2% in spring 2009. In nearby areas of Virginia, the use rate increased steadily from the pre-law rate of 4.7% to the spring 2009 rate of 8.5%.

Table 2 summarizes the rates of talking on hand-held cellphones in DC based on the jurisdiction of vehicle plate registration. Although trends in the post-law surveys varied by jurisdiction, use rates for all three post-law surveys were significantly lower than the pre-law rates for DC, Virginia, and Maryland drivers.

A Poisson regression model estimated the effects of the DC law on driver hand-held cellphone use rates (Table 3); the predicted trends in use rates for DC and Maryland/Virginia sites combined are shown in Figure 1. According to the model, use rates increased by an estimated 0.31% per month (100(exp(0.0031)-1)) in both DC and at Maryland/Virginia sites before the restriction took effect. The restriction on driver phone use immediately lowered rates by an estimated 41% (100(1-exp(-0.5266))) in DC. Use rates then began to rise in DC by approximately 0.28% per month (100(exp(0.0031-0.0003)-1)). If there was no cellphone ban in DC, the model predicted that the April 2009 use rate would have been 7.41% (100×exp(-2.9477+0.0348+0.0031(100))); the observed rate of 4.22% was 43% lower than the expected rate of 7.41%. Thus, when measured against the phone use rates that would have been expected without the ban, initial reductions in phone use in DC have been largely sustained.

Results for New York and Connecticut

Table 4 shows rates of hand-held cellphone use in New York and Connecticut during each of the four observation periods spanning September 2001-April 2009. For the New York communities

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combined, the New York pre-law use rate of 2.3% declined to 1.1% immediately after the law took effect. Use then rose during the following year to 2.1% in March 2003. During the same time period, the rate for the Connecticut communities combined was 2.9% before the New York law and immediately after the law, and 3.3% about a year later. In surveys conducted in April 2009, 3.7% of drivers observed in New York were talking on hand-held phones. This was 64% higher than the pre-law rate of 2.3% and also substantially higher than the prior survey in March 2003. In Connecticut, where a law prohibiting hand-held cellphone use took effect in October 2005, 2.1% of drivers were observed talking on hand-held phones in April 2009. This was 35% lower than the use rate observed in March 2003 and 25% lower than the use rate of 2.9% observed in September 2001, prior to New York's law.

A Poisson regression model estimated the effects of the New York and Connecticut laws on driver hand-held cellphone use rates (Table 5); the predicted trends in use rates for New York and Connecticut are shown in Figure 2. According to the model, use rates increased by an estimated 0.84% per month (100(exp(0.0084)-1)) in Connecticut and New York before the restrictions took effect. Restrictions on driver phone use immediately lowered rates by an estimated 76% (100(1-exp(-1.4229))) in Connecticut and an estimated 47% (100(1-exp(-1.4229+0.7885))) in New York. Use rates then began to rise again in both Connecticut and New York by approximately 1.23% per month (100(exp(0.0084+0.0038)-1)). If there was no cellphone ban in Connecticut, the model predicted that the April 2009 use rate would have been 6.04% (100×exp(-3.6471+100(0.0084))); the observed rate of 2.14% was 65% lower than the expected rate of 6.04%. If there was no cellphone ban in New York, the model predicted that the April 2009 use rate would have been 4.91% (100×exp(-3.4671-0.2072+100(0.0084))); the observed rate of 3.74% was 24% lower than the expected rate of 4.91%.

Thus, if trends in use rates over time were similar for Connecticut and New York, the model indicated that the bans reduced driver hand-held cellphone use in both states. Although compliance faded over time, use rates still were lower than would have been expected without the laws, particularly in Connecticut.

Cellphone Use Rates by Driver Gender, Age, and Vehicle Type

In New York and Connecticut, cellphone use rates by driver characteristics were calculated for the April 2009 survey (Table 6). Differences were judged significant if the 95% confidence intervals of the

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estimated use rates did not overlap. In both states, the cellphone use rate was higher for females than for males. The difference among New York drivers was marginally significant. Also in both states, use rates were substantially higher for drivers younger than 25 than for drivers ages 25-59; in New York, this difference was significant. In both states, less than 1% of drivers ages 60 and older were talking on hand-held phones, and this rate was significantly lower than rates for the younger drivers. Use rates were higher for SUV drivers in both states, but differences by vehicle type were not statistically significant.

DISCUSSION

The current study is a continuation of research assessing how bans on driver hand-held cellphone use affect such use. As of September 2009, seven US states and DC ban talking on hand-held cellphones while driving. Rates of driver hand-held phone use were tracked in New York, Connecticut, and DC. For all three jurisdictions, there were substantial declines in driver hand-held phone use immediately after the ban. When observed several years after the ban, phone use still was lower than would have been expected without the ban, but the size of the reduction varied.

Determining the effects of a ban was most straightforward in DC, where one pre-law observation survey and three post-law surveys were conducted in DC and in nearby areas of Virginia and Maryland, states without bans. Relative to trends in driver cellphone use in Maryland and Virginia, the ban produced an estimated 41% reduction in phone use immediately after the law and an estimated 43% reduction nearly 5 years later. Long-term reductions were observed among drivers in DC no matter in which jurisdiction the vehicles were registered.

In earlier studies of the effects of New York's ban on hand-held cellphone use, patterns of use in New York before and after the ban were compared with patterns of use in Connecticut, which had no law (McCartt et al., 2003; McCartt and Geary, 2004). However, in October 2005 Connecticut implemented its own ban, so effects of the bans in New York and Connecticut were modeled by assuming similar increases over time in the two states before the ban, and similar increases after the ban. The rate of phone use observed in Connecticut in April 2009 was much lower than the observed rate in prior surveys, and the model also predicted large immediate (76%) and longer term (65%) reductions in phone use compared with the expected use without a ban. In New York, observed phone use fell by about half after

the ban, but use then increased in subsequent surveys. However, the observed phone use rate for April 2009 (more than 7 years after the law) was 24% lower than would have been expected without the ban.

It is unclear why the effects of the bans appear stronger in DC and Connecticut than in New York. Earlier research found that compliance was lower in New York than in DC 15 months after the laws took effect (McCartt and Geary, 2004; McCartt and Hellinga, 2007). It was hypothesized that this difference was due at least in part to more intensive enforcement in DC. Cellphone citations represented 4% of citations for all moving traffic violations in New York, but 8% in DC. Based on traffic citation data provided by Connecticut, DC, and New York, enforcement of the hand-held cellphone ban in New York has picked up such that levels of enforcement in 2008 appear comparable in DC and New York, whereas enforcement in Connecticut lagged behind. In 2008, cellphone citations represented 6% of citations for all moving violations in Connecticut (data from the Office of Chief Court Administrator) compared with 15% in New York State (data from the Department of Motor Vehicles) and 11% in DC (data from the Department of Motor Vehicles). DC also maintains records of cellphone warning tickets; in 2008, there were 7,519 warnings issued for cellphone violations in addition to 12,936 citations issued. When measured per capita or per licensed driver, rates of cellphone citations also were lower in Connecticut than in New York or DC (Federal Highway Administration, 2007; US Census Bureau, 2008a).

Patterns of observed driver hand-held cellphone use rates varied among the four New York communities. The percentage of drivers talking on hand-held phones in April 2009 ranged from 2.9% in Kingston to 4.8% in Binghamton. Information was obtained on citations issued in the four counties in which observations were conducted. As a percentage of citations issued for all moving violations in 2008, the rates of cellphone citations in all four counties were lower than the statewide rate of 15%: 6% in Broome County, where Binghamton is located; 8% in Ulster County, where Kingston is located; 9% in Rockland County, where Spring Valley is located; and 11% in Albany County. Although the lowest rates of cellphone citations and the lowest rates of driver hand-held phone use occurred in Broome County, it is unclear to what extent enforcement was a factor in the higher rate of phone use. The phone use rates observed in April 2009 were similar in the two Connecticut communities; information on citations issued in the Connecticut counties in which observations were conducted was not available.

The review of citation data indicate that cellphone citation rates and hand-held phone use rates do not line up well among the three jurisdictions. Enforcement levels were higher in New York than in Connecticut, but the effects of the ban on phone use appeared stronger in Connecticut than in DC, and particularly in New York. However, citations are an imperfect measure of enforcement effort because they reflect both the amount of resources devoted to enforcement and levels of compliance with a law. Regardless of the relative intensity of enforcement in the study jurisdictions, the chance was very low in all of them that a driver violating the cellphone ban would receive a citation. None of the jurisdictions has had well-publicized, sustained enforcement campaigns directed at cellphone violations.

Considerable research has found that neither education alone nor the enactment of a law is sufficient to achieve longer-term compliance with a law intended to change driver behavior. Publicized, targeted enforcement campaigns are needed. An example is the US experience with seat belt use. Early education on the safety benefits of seat belts increased belt use only a little (Williams and Wells, 2004). When seat belt laws first were enacted in the 1980s, there were initial increases in belt use even in the absence of vigorous enforcement. However, compliance faded over time (Williams and Lund, 1988). Numerous studies have shown that vigorous, well-publicized enforcement campaigns are needed to achieve high levels of seat belt use (Solomon et al., 2002; Williams et al., 2000).

Even if bans on driver hand-held cellphone use are effective in reducing such use, effects of the bans on traffic crashes are unknown. Controlled studies of the effects of bans on crashes are difficult to conduct because police reports do not reliably report cellphone use as a crash factor. In addition, epidemiologic studies have found that the increased crash risk associated with talking on cellphones is similar for hands-free as well as hand-held devices. If many drivers switch to hands-free cellphones following a ban on hand-held phone use, this would dilute any effects of the bans on safety. However, driver use of hands-free phones, especially fully hands-free devices, cannot be measured reliably with observers standing at the roadside. Some evidence of patterns of hands-free cellphone use following a ban comes from statewide telephone surveys of drivers in New York conducted before and after that state's ban (Dowling et al., 2005). Among drivers who said they talk on a cellphone at least some of the time while driving, the percentage who said they use hands-free features or adapters most or all of the time increased from 64% before the ban took effect in November 2001 to 77% in 2005. However, the

overall percentage of drivers who said they ever talk on phones of any type while driving declined from 66% in 2001 to 57% in 2005; 12% in 2001 said they did so very often, compared with 8% in 2005. Although a ban on all cellphone use while driving makes sense based on the epidemiologic studies of crash risk associated with phone use, enforcement of a hands-free ban would be problematic. Enforcement or court officials could obtain cellphone billing records of a driver involved in a crash, but general traffic enforcement of a hands-free ban would be nearly impossible. Texting while driving is dangerous and appears to be common (Nationwide Insurance, 2008), but laws banning this behavior also are difficult to enforce. Thus, compliance with laws targeting hands-free phone use or texting will be hard to achieve.

Devices are being developed that prevent driver cellphone use while vehicles are moving. Some systems use the GPS feature in cellphones to prevent calls from being placed or answered when the driver's vehicle exceeds a certain speed threshold. There are challenges in making these systems practical for widespread use. For example, some systems have an override feature that allows a passenger to use the cellphone while the vehicle is in motion. However, it is unclear whether drivers can be prevented from activating the passenger mode to circumvent the purpose of the system. The main use of such technology may be among fleet managers to control phone use by employees or among parents who want to monitor their teenage drivers. The technology is not yet in widespread use, and the effects are not known. Thus, although the preponderance of research shows that talking on cellphones while driving increases crash risk, it is not clear that laws that ban such use can solve the problem.

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Table I Rates of talking on hand-held cellphones for drivers in the District of Columbia (DC) and in nearby locations in Maryland and Virginia before and after DC hand-held cellphone law

	Percent cellphone use: % (N)				Percent differences in use rates (95% CI)		
	Pre-law March 2004	Post-law 1 October 2004	Post-law 2 October 2005	Post-law 3 Spring 2009	Post-law 1 vs. pre-law	Post-law 2 vs. pre-law	Post-law 3 vs. pre-law
District of Columbia (DC)	6.1 (19,906)	3.5 (16,185)	4.0 (15,854)	4.2 (18,112)	-43 (-48, -37)	-35 (-41, -29)	-31 (-37, -24)
Maryland suburbs of DC	6.3 (12,951)	5.7 (12,200)	8.0 (11,645)	5.2 (15,098)	-9 (-18, 1)	27 (15, 40)	-18 (-25, -9)
Virginia suburbs of DC	4.7 (15,262)	6.2 (13,221)	6.5 (14,550)	8.5 (17,428)	34 (21, 48)	39 (26, 53)	82 (66, 99)

Table II Rates of talking on hand-held cellphones for drivers in the District of Columbia (DC) by plate of vehicle registration before and after DC hand-held cellphone law

	Percent cellphone use: % (N)				Percent differences in use rates (95% CI)		
Vehicle plate jurisdiction	Pre-law March 2004	Post-law 1 October 2004	Post-law 2 October 2005	Post-law 3 Spring 2009	Post-law 1 vs. pre-law	Post-law 2 vs. pre-law	Post-law 3 vs. pre-law
District of Columbia (DC)	5.3 (6,114)	2.8 (5,016)	2.7 (4,934)	3.9 (5,127)	-47 (-56, -35)	-50 (-59, -39)	-26 (-38, -12)
Maryland	6.2 (7,943)	4.1 (6,267)	5.3 (5,706)	4.3 (7,245)	-34 (-44, -23)	-14 (-26, -1)	-30 (-40, -20)
Virginia	6.7 (4,766)	3.4 (3,833)	3.3 (4,213)	4.1 (4,316)	-49 (-58, -38)	-51 (-60, -40)	-39 (-49, -27)
Other	7.7 (1,083)	3.5 (1,066)	5.7 (1,001)	5.2 (1,424)	-55 (-69, -34)	-26 (-47, 3)	-33 (-51, -8)

Table III Results of Poisson regression on cell phone use rates of drivers in the District of Columbia (DC) and nearby locations in Maryland and Virginia

Parameter	Estimate	Standard error	p-value
Intercept	-2.9477	0.0323	<0.0001
Jurisdiction (DC)	0.0348	0.0332	0.2938
Restriction (yes)	-0.5266	0.0784	<0.0001
Time (months)	0.0031	0.0005	<0.0001
Time × restriction	-0.0003	0.0011	0.7761

Table IV Rates of talking on hand-held cellphones for drivers in New York and Connecticut before and after New York hand-held cellphone law

	Percent cellphone use: % (N)				Percent differences in use rates (95% CI)			
	Pre-law Sep 2001	Post-law 1 Dec 2001/ Mar 2002	Post-law 2 Mar 2003	Post-law 3 Apr 2009	Post-law 1 vs. pre-law	Post-law 2 vs. pre-law	Post-law 3 vs. pre-law	Post-law 3 vs. post-law 2
Connecticut (2 cities combined)	2.9 (7,110)	2.9 (14,205)	3.3 (6,992)	2.1 (6,651)	2 (-14, 20)	14 (-5, 38)	-25 (-40, -7)	-35 (-47, -19)
Hamden	2.9 (3,884)	2.8 (7,634)	2.8 (3,976)	2.1 (3,999)	-3 (-23, 22)	-1 (-24, 28)	-28 (-46, -4)	-27 (-45, -3)
Hartford	2.8 (3,226)	3.0 (6,571)	3.8 (3,016)	2.2 (2,652)	8 (-16, 38)	35 (3, 78)	-21 (-43, 9)	-42 (-57, -20)
New York (4 cities combined)	2.3 (11,768)	1.1 (25,694)	2.1 (12,571)	3.7 (12,962)	-51 (-59, -42)	-10 (-24, 7)	64 (41, 90)	81 (56, 110)
Albany	2.2 (3,537)	0.8 (8,328)	2.1 (3,917)	3.3 (4,423)	-66 (-76, -53)	-7 (-32, 26)	61 (23, 109)	73 (34, 125)
Binghamton	2.2 (3,327)	0.8 (6,198)	0.7 (2,872)	4.8 (2,843)	-65 (-76, -50)	-70 (-82, -51)	117 (63, 187)	628 (351, 1077)
Kingston	1.9 (2,805)	1.1 (6,329)	2.1 (2,901)	2.9 (2,663)	-44 (-61, -20)	9 (-24, 58)	55 (9, 120)	42 (1, 98)
Spring Valley	3.0 (2,099)	2.3 (4,839)	3.5 (2,881)	4.0 (3,033)	-25 (-45, 2)	16 (-16, 59)	34 (-1, 82)	16 (-11, 51)

Table V Results of Poisson regression on cellphone phone use rates of drivers in New York and Connecticut

Parameter	Estimate	Standard error	p-value
Intercept	-3.6471	0.0869	<0.0001
State (NY)	-0.2072	0.0784	0.0082
Restriction (yes)	-1.4229	0.1427	<0.0001
State × restriction	0.7885	0.1233	<0.0001
Time (months)	0.0084	0.0049	0.0882
Time × restriction	0.0038	0.0050	0.4482

Table VI Percentage of drivers in Connecticut and New York observed using cell phones by driver demographics (April 2009)

State	Demographic	Proportion of sample	Number using cellphones	Use rate	95% confidence limits	
					Lower	Upper
Connecticut	Male	0.59	75	1.9	1.4	2.3
	Female	0.41	66	2.4	1.8	3.1
	<25 yrs	0.02	7	6.0	1.0	11.1
	25-59 yrs	0.93	134	2.2	1.8	2.5
	60+ yrs	0.05	1	0.3	-0.3	0.9
	Car	0.61	85	2.1	1.6	2.6
	Pickup	0.08	8	1.4	0.4	2.5
	SUV	0.23	40	2.6	1.8	3.5
	Van	0.08	9	1.8	0.6	3.0
New York	Male	0.55	233	3.3	2.8	3.7
	Female	0.45	252	4.3	3.7	4.9
	<25 yrs	0.12	104	6.8	5.2	8.3
	25-59 yrs	0.80	373	3.6	3.2	4.0
	60+ yrs	0.08	8	0.8	0.2	1.3
	Car	0.55	245	3.4	3.0	3.9
	Pickup	0.10	48	3.5	2.4	4.6
	SUV	0.24	144	4.6	3.7	5.5
	Van	0.10	48	3.6	2.5	4.7

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Figure I Predicted percentage of drivers in the District of Columbia and nearby locations in Maryland and Virginia using cellphones, January 2001-April 2009; Observed values are labeled

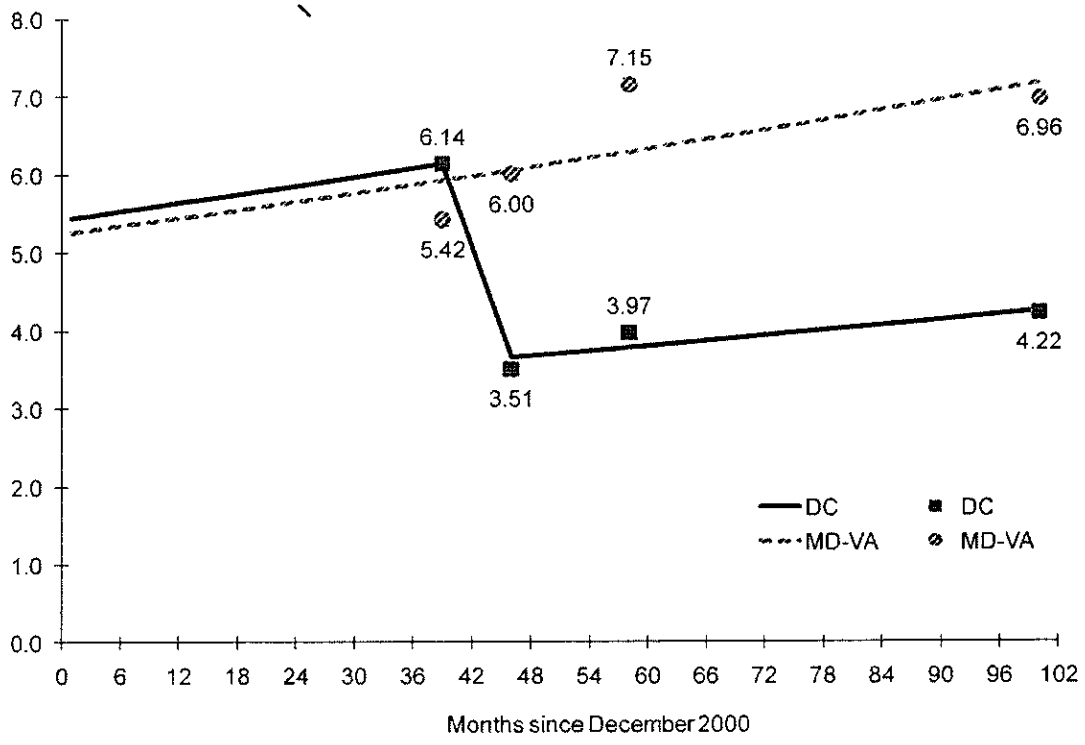
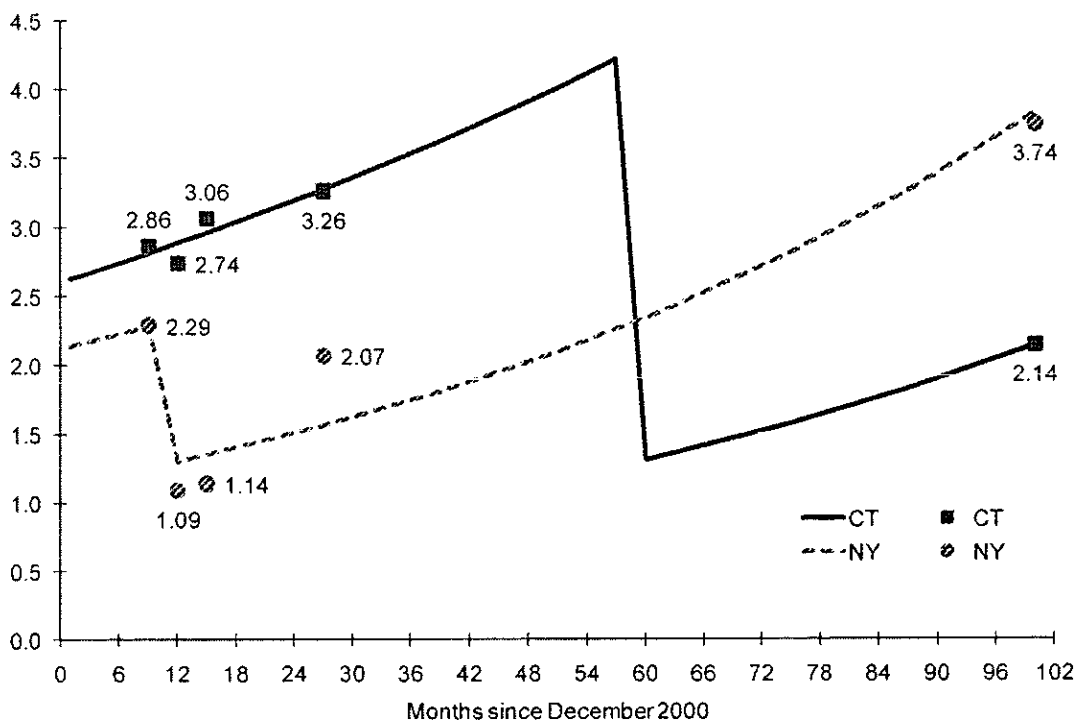


Figure II Predicted percentage of drivers in Connecticut and New York using cell phones, January 2001-April 2009; Observed values are labeled



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LEGISLATIVE RESEARCH SERVICES

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February 22, 2010

Memorandum

TO: Representative Max Gruenberg
FROM: Tim Spengler, Legislative Analyst
RE: State Bans on Cell Phone Use by Drivers

You asked for the annotated statutes from the seven states (and the District of Columbia) that impose state-wide bans on driving while using hand-held cell phones. We attach the relevant statutes from California, Connecticut, the District of Columbia, New Jersey, New York, Oregon, Utah, and Washington.

Please let us know if you need additional information.

C.G.S.A. § 14-296aa

Connecticut General Statutes Annotated Currentness
Title 14. Motor Vehicles. Use of the Highway by Vehicles. Gasoline
Chapter 248. Vehicle Highway Use (Refs & Annos)

→§ 14-296aa. Use of hand-held mobile telephones and mobile electronic devices by motor vehicle operators and school bus drivers, prohibited or restricted, when. Penalties

(a) For purposes of this section, the following terms have the following meanings:

(1) "Mobile telephone" means a cellular, analog, wireless or digital telephone capable of sending or receiving telephone communications without an access line for service.

(2) "Using" or "use" means holding a hand-held mobile telephone to, or in the immediate proximity of, the user's ear.

(3) "Hand-held mobile telephone" means a mobile telephone with which a user engages in a call using at least one hand.

(4) "Hands-free accessory" means an attachment, add-on, built-in feature, or addition to a mobile telephone, whether or not permanently installed in a motor vehicle, that, when used, allows the vehicle operator to maintain both hands on the steering wheel.

(5) "Hands-free mobile telephone" means a hand-held mobile telephone that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such hand-held mobile telephone, by which a user engages in a call without the use of either hand, whether or not the use of either hand is necessary to activate, deactivate or initiate a function of such telephone.

(6) "Engage in a call" means talking into or listening on a hand-held mobile telephone, but does not include holding a hand-held mobile telephone to activate, deactivate or initiate a function of such telephone.

(7) "Immediate proximity" means the distance that permits the operator of a hand-held mobile telephone to hear telecommunications transmitted over such hand-held mobile telephone, but does not require physical contact with such operator's ear.

(8) "Mobile electronic device" means any hand-held or other portable electronic equipment capable of providing data communication between two or more persons, including a text messaging device, a paging device, a personal digital assistant, a laptop computer, equipment that is capable of playing a video game or a digital video disk, or equipment on which digital photographs are taken or transmitted, or any combination thereof, but does not include any audio equipment or any equipment installed in a motor vehicle for the purpose of providing navigation, emergency assistance to the operator of such motor vehicle or video entertainment to the passengers in the rear seats of such motor vehicle.

(b) (1) Except as otherwise provided in this subsection and subsections (c) and (d) of this section, no person shall operate a motor vehicle upon a highway, as defined in subsection (a) of section 14-1, while using a hand-held mobile telephone to engage in a call or while using a mobile electronic device while such vehicle is in motion. (2) An operator of a motor vehicle who holds a hand-held mobile telephone to, or in the immediate proximity of, his or her ear while

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such vehicle is in motion is presumed to be engaging in a call within the meaning of this section. The presumption established by this subdivision is rebuttable by evidence tending to show that the operator was not engaged in a call. (3) The provisions of this subsection shall not be construed as authorizing the seizure or forfeiture of a hand-held mobile telephone or a mobile electronic device, unless otherwise provided by law. (4) Subdivision (1) of this subsection does not apply to: (A) The use of a hand-held mobile telephone for the sole purpose of communicating with any of the following regarding an emergency situation: An emergency response operator; a hospital, physician's office or health clinic; an ambulance company; a fire department; or a police department, or (B) any of the following persons while in the performance of their official duties and within the scope of their employment: A peace officer, as defined in subdivision (9) of section 53a-3, a firefighter or an operator of an ambulance or authorized emergency vehicle, as defined in subsection (a) of section 14-1, or a member of the armed forces of the United States, as defined in section 27-103, while operating a military vehicle, or (C) the use of a hands-free mobile telephone.

(c) No person shall use a hand-held mobile telephone or other electronic device, including those with hands-free accessories, or a mobile electronic device while operating a moving school bus that is carrying passengers, except that this subsection does not apply to (1) a school bus driver who places an emergency call to school officials, or (2) the use of a hand-held mobile telephone as provided in subparagraph (A) of subdivision (4) of subsection (b) of this section.

(d) No person under eighteen years of age shall use any hand-held mobile telephone, including one with a hands-free accessory, or a mobile electronic device while operating a moving motor vehicle on a public highway, except as provided in subparagraph (A) of subdivision (4) of subsection (b) of this section.

(e) Except as provided in subsections (b) to (d), inclusive, of this section, no person shall engage in any activity not related to the actual operation of a motor vehicle in a manner that interferes with the safe operation of such vehicle on any highway, as defined in subsection (a) of section 14-1.

(f) Any law enforcement officer who issues a summons for a violation of subsection (b), (c), (d) or (i) of this section shall record, on any summons form issued in connection with the matter, the specific nature of any distracted driving behavior observed by such officer that contributed to the issuance of such summons.

(g) Any person who violates subsection (b) of this section shall be fined not more than one hundred dollars, except that the fine shall be suspended for a first time violator who provides proof of acquisition of a hands-free accessory subsequent to the violation but prior to the imposition of a fine.

(h) Any person who violates subsection (c) or (d) of this section shall be fined not more than one hundred dollars.

(i) An operator of a motor vehicle who commits a moving violation, as defined in subsection (a) of section 14-111g, while engaged in any activity prohibited under subsection (e) of this section shall be fined one hundred dollars in addition to any penalty or fine imposed for the moving violation.

CREDIT(S)

(2005, P.A. 05-159, §§ 1 to 7;2005, P.A. 05-220, §§ 2, 3;2006, P.A. 06-196, § 284, eff. June 7, 2006; 2009, P.A. 09-54, § 1, eff. May 21, 2009.)

HISTORICAL AND STATUTORY NOTES

2006 Main Volume

Codification

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C.G.S.A. § 14-296aa

The 2006 Supplement to the Connecticut General Statutes codified 2005, P.A. 05-159, §§ 1 to 7, inclusive, as C.G.S.A. § 14-296aa.

Amendments

2005 Amendment. 2005, P.A. 05-220, § 3, rewrote § 2 of public act 05- 159 [codified as subsections (c) and (d) of this section] which prior thereto read:

"(a) No person shall use a hand-held mobile telephone or other electronic device, including those with hands-free accessories, while operating a moving school bus that is carrying passengers, except that this section does not apply to (1) a school bus driver who places an emergency call to school officials, or (2) the use of a hand-held mobile telephone as provided in subparagraph (A) of subdivision (4) of subsection (b) of section 1 of this act.

"(b) No person who holds a learner's permit or any holder of a motor vehicle license subject to the requirements of subsection (d) of section 14-36 of the general statutes shall use any hand-held mobile telephone, including one with a hands-free accessory, while operating a moving motor vehicle on a public highway except as provided in subparagraph (A) of subdivision (4) of subsection (b) of section 1 of this act."

2006 Amendment. 2006, P.A. 06-196, § 284, deleted "subsection and subsections (b), (c) and (d) of this" preceding "section," in the introductory paragraph of subsec. (a); deleted "(a)," preceding "(c) and (d) of this section," in subd. (b)(1); deleted "and subsection (a) of this section" following "this subsection" in the introductory clause of subd. (b)(3); substituted "(b)" for "(a)" in subsec. (e); substituted "subsection" for "subsections (a)," in subsec. (f); deleted "(a) or" preceding "(b) of this section" in subsec. (g); and made other nonsubstantive changes.

09 Electronic Pocket Part Update.

Amendments

2009 Amendment. 2009, P.A. 09-54, § 1, inserted "or a member of the armed forces of the United States, as defined in section 27-103, while operating a military vehicle," in subpara. (b)(4)(B).

CROSS REFERENCES

Cellular mobile telephone service, regulations, see C.G.S.A. § 16-250b.

Moving violation defined, see C.G.S.A. § 14-111g.

Student possession and use of telecommunication devices, see C.G.S.A. § 10- 233j.

Suspension or revocation of registration or license, see C.G.S.A. § 14-111.

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Automobiles ⚷324, 359.1.
Westlaw Topic No. 48A.

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C.G.S.A. § 14-296aa

C.J.S. Motor Vehicles §§ 1311 to 1313, 1315 to 1317, 1442, 1455, 1486 to 1487, 1523, 1526 to 1527, 1543 to 1544, 1546 to 1547, 1550.

C. G. S. A. § 14-296aa, CT ST § 14-296aa

Current through the 2010 Supplement to the Connecticut General Statutes.

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C
District of Columbia Official Code 2001 Edition Currentness
Division VIII. General Laws.
Title 50. Motor and Non-Motor Vehicles and Traffic. (Refs & Annos)
Subtitle VI. Safety.
Chapter 17A. Distracted Driving Prevention.
➡§ 50-1731.04. Restricted use of mobile telephone and other electronic devices.

(a) No person shall use a mobile telephone or other electronic device while operating a moving motor vehicle in the District of Columbia unless the telephone or device is equipped with a hands-free accessory.

(b) The provisions of this section shall not apply to the following:

(1) Emergency use of a mobile telephone, including calls to 911 or 311, a hospital, an ambulance service provider, a fire department, a law enforcement agency, or a first-aid squad;

(2) Use of a mobile telephone by law enforcement and emergency personnel or by a driver of an authorized emergency vehicle, acting within the scope of official duties; or

(3) Initiating or terminating a telephone call, or turning the telephone on or off.

CREDIT(S)

(Mar. 30, 2004, D.C. Law 15-124, § 4, 51 DCR 1541.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 15-124, see notes following § 50-1731.01.

LIBRARY REFERENCES

Key Numbers

Automobiles 330.

Westlaw Topic No. 48A.

Encyclopedias

C.J.S. Motor Vehicles §§ 1354 to 1362.

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DC CODE § 50-1731.04

Current through January 3, 2010

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Effective: March 1, 2008

New Jersey Statutes Annotated Currentness
Title 39. Motor Vehicles and Traffic Regulation
Subtitle 1. Motor Vehicle and Traffic Laws
Chapter 4. Traffic Regulation
Article 12. Speed (Refs & Annos)

→39:4-97.3. Use of hands-free and hand-held wireless communication devices while driving; when permitted; penalty

a. The use of a wireless telephone or electronic communication device by an operator of a moving motor vehicle on a public road or highway shall be unlawful except when the telephone is a hands-free wireless telephone or the electronic communication device is used hands-free, provided that its placement does not interfere with the operation of federally required safety equipment and the operator exercises a high degree of caution in the operation of the motor vehicle. For the purposes of this section, an "electronic communication device" shall not include an amateur radio.

b. The operator of a motor vehicle may use a hand-held wireless telephone while driving with one hand on the steering wheel only if:

(1) The operator has reason to fear for his life or safety, or believes that a criminal act may be perpetrated against himself or another person; or

(2) The operator is using the telephone to report to appropriate authorities a fire, a traffic accident, a serious road hazard or medical or hazardous materials emergency, or to report the operator of another motor vehicle who is driving in a reckless, careless or otherwise unsafe manner or who appears to be driving under the influence of alcohol or drugs. A hand-held wireless telephone user's telephone records or the testimony or written statements from appropriate authorities receiving such calls shall be deemed sufficient evidence of the existence of all lawful calls made under this paragraph.

As used in this act, "hands-free wireless telephone" means a mobile telephone that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such mobile telephone, by which a user engages in a conversation without the use of either hand; provided, however, this definition shall not preclude the use of either hand to activate, deactivate, or initiate a function of the telephone.

"Use" of a wireless telephone or electronic communication device shall include, but not be limited to, talking or listening to another person on the telephone, text messaging, or sending an electronic message via the wireless telephone or electronic communication device.

c. (Deleted by amendment, P.L.2007, c. 198).

d. A person who violates this section shall be fined $100 .

e. No motor vehicle points or automobile insurance eligibility points pursuant to section 26 of P.L.1990, c. 8 (C.17:33B-14) shall be assessed for this offense.

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f. The Chief Administrator of the New Jersey Motor Vehicle Commission shall develop and undertake a program to notify and inform the public as to the provisions of this act.

g. Whenever this section is used as an alternative offense in a plea agreement to any other offense in Title 39 of the Revised Statutes that would result in the assessment of motor vehicle points, the penalty shall be the same as the penalty for a violation of section 1 of P.L.2000, c. 75 (C.39:4-97.2), including the surcharge imposed pursuant to subsection f. of that section, and a conviction under this section shall be considered a conviction under section 1 of P.L.2000, c. 75 (C.39:4-97.2) for the purpose of determining subsequent enhanced penalties under that section.

CREDIT(S)

L.2003, c. 310, § 1, eff. July 1, 2004. Amended by L.2007, c. 198, § 1, eff. March 1, 2008.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE STATEMENT

2010 Electronic Update

SENATE, No. 1099

STATE OF NEW JERSEY

DATED: JUNE 14, 2007

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 1099 (1R).

As amended and reported by the committee, Senate Bill No. 1099 (1R) makes it a primary motor vehicle offense to use a hand-held wireless telephone or electronic communication device while driving, including using these devices to send a text message.

Current law prohibits the use of a hand-held wireless telephone while operating a motor vehicle, but this law may only be enforced as a secondary offense. In other words, law enforcement officers must stop a motorist for some other offense or violation before they may issue a ticket for this offense. Under the amended bill, motorists could be stopped and ticketed solely for illegally using a hand-held wireless telephone or electronic communication device.

The amended bill also expands the current law to prohibit the use while driving of an electronic communication device, unless it is used hands-free and also prohibits text messaging or sending an electronic message via a wireless telephone or electronic communication device. Under the amended bill, illegally sending a text message while driving also would constitute a primary offense. The amended bill specifies that electronic communication devices do not include amateur radios.

The amended bill further provides that whenever the offense of unlawfully using a hand-held wireless telephone or electronic communication device to talk, listen, or send a text message while driving is used as an alternative offense in a plea agreement for another motor vehicle offense that would result in the assessment of motor vehicle points, the penalty is to be the same as the penalty that would be imposed for driving or operating a motor vehicle in an unsafe manner.

Finally, the amended bill sets the fine for a violation of its provisions at $100. Under current law, the fine for using a

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hand-held cell phone while driving ranges from $100 to $250. If the fine is paid through the violations bureau, it is $100, plus $30 court costs. If a person chooses not to pay the fine through the mail and attend court, the court has the discretion to impose a fine of up to $250, plus $30 court costs.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 4146, also amended and reported by the committee on this same date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) expand the bill's provisions to apply to electronic communication devices;

2) specify that electronic communication devices do not include amateur radios;

3) prohibit text messaging while driving;

4) clarify that the fine is $100; the current fine is from $100 to $250; and

5) make technical corrections.

HISTORICAL AND STATUTORY NOTES

2010 Electronic Update

2003 Legislation

L.2003, c. 310, § 4, approved January 20, 2004, provides:

"This act shall take effect on the first day of the sixth month after enactment."

2007 Legislation

L.2007, c. 198, eff. March 1, 2008, provides:

"[Section] 3. This act shall take effect on the first day of the fourth month following enactment."

RESEARCH REFERENCES

2010 Electronic Update

ALR Library

36 ALR 6th 443, Civil Liability Arising from Use of Cell Phone While Driving.

Treatises and Practice Aids

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35 Causes of Action 2d 151, Causes of Action Arising Out of Cell Phone Use While Operating a Motor Vehicle.

N. J. S. A. 39:4-97.3, NJ ST 39:4-97.3

Current with laws effective through L.2009, c. 300 and J.R. No. 13.

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Effective: December 1, 2001

Mckinney's Consolidated Laws of New York Annotated Currentness
Vehicle and Traffic Law (Refs & Annos)
Chapter Seventy-One. Of the Consolidated Laws (Refs & Annos)
Title VII. Rules of the Road
Article 33. Miscellaneous Rules (Refs & Annos)
→§ 1225-c. Use of mobile telephones

1. For purposes of this section, the following terms shall mean:

(a) "Mobile telephone" shall mean the device used by subscribers and other users of wireless telephone service to access such service.

(b) "Wireless telephone service" shall mean two-way real time voice telecommunications service that is interconnected to a public switched telephone network and is provided by a commercial mobile radio service, as such term is defined by 47 C.F.R. § 20.3.

(c) "Using" shall mean holding a mobile telephone to, or in the immediate proximity of, the user's ear.

(d) "Hand-held mobile telephone" shall mean a mobile telephone with which a user engages in a call using at least one hand.

(e) "Hands-free mobile telephone" shall mean a mobile telephone that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such mobile telephone, by which a user engages in a call without the use of either hand, whether or not the use of either hand is necessary to activate, deactivate or initiate a function of such telephone.

(f) "Engage in a call" shall mean talking into or listening on a hand-held mobile telephone, but shall not include holding a mobile telephone to activate, deactivate or initiate a function of such telephone.

(g) "Immediate proximity" shall mean that distance as permits the operator of a mobile telephone to hear telecommunications transmitted over such mobile telephone, but shall not require physical contact with such operator's ear.

2. (a) Except as otherwise provided in this section, no person shall operate a motor vehicle upon a public highway while using a mobile telephone to engage in a call while such vehicle is in motion.

(b) An operator of a motor vehicle who holds a mobile telephone to, or in the immediate proximity of his or her ear while such vehicle is in motion is presumed to be engaging in a call within the meaning of this section. The presumption established by this subdivision is rebuttable by evidence tending to show that the operator was not engaged in a call.

(c) The provisions of this section shall not be construed as authorizing the seizure or forfeiture of a mobile telephone.

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unless otherwise provided by law.

3. Subdivision two of this section shall not apply to (a) the use of a mobile telephone for the sole purpose of communicating with any of the following regarding an emergency situation: an emergency response operator; a hospital, physician's office or health clinic; an ambulance company or corps; a fire department, district or company; or a police department, (b) any of the following persons while in the performance of their official duties: a police officer or peace officer; a member of a fire department, district or company; or the operator of an authorized emergency vehicle as defined in section one hundred one of this chapter, or (c) the use of a hands-free mobile telephone.

4. A violation of subdivision two of this section shall be a traffic infraction and shall be punishable by a fine of not more than one hundred dollars.

CREDIT(S)

(Added L.2001, c. 69, § 1, eff. Dec. 1, 2001.)

HISTORICAL AND STATUTORY NOTES

2010 Electronic Update

L.2001, c. 69 legislation

L.2001, c. 69, §§ 2 to 8, provide:

"§ 2. Except as otherwise provided in section three of this act, no municipal corporation, as defined in section 2 of the general municipal law, shall, after May 8, 2001, enact any local law, ordinance or code relating to the operation of a motor vehicle while using a mobile telephone unless the terms of such law, ordinance or code are identical to section 1225-c of the vehicle and traffic law, as added by section one of this act. The provisions of this act shall invalidate and preempt any such local law, ordinance or code, enacted after May 8, 2001 unless the terms of such law, ordinance or code are identical to section 1225-c of the vehicle and traffic law, as added by section one of this act.

"§ 3. The provisions of this act shall preempt any local law, ordinance, code, rule or regulation relating to the operation of a motor vehicle while using a mobile telephone, except that nothing in this act shall preclude any state or local agency, which, by permit, license or registration regulates the business or professional activities of individuals from imposing more stringent restrictions than provided in this act for the use of mobile telephones upon such individuals during the course of engaging in the business or professional activity that is the subject of such agency's permit, license or registration.

"§ 4. For the purpose of informing and educating persons who operate motor vehicles in this state, any law enforcement official authorized to issue appearance tickets pursuant to the vehicle and traffic law may, during the period commencing November 1, 2001 and ending November 30, 2001, stop motor vehicles and issue verbal warnings to persons who would be in violation of the provisions of section 1225-c of the vehicle and traffic law, as added by section one of this act, were the provisions thereof effective on the day such warning is issued.

"§ 5. The court shall waive any fine for which a person who violates the provisions of section 1225-c of the vehicle and traffic law, as added by section one of this act, would be liable if such person supplies the court with proof that, between the date on which he or she is charged with having violated such section and the appearance date for such violation, he or she possesses a hands-free mobile telephone as defined in paragraph (e) of subdivision 1 of section 1225-c of the vehicle and traffic law, as added by section 1 of this act; provided, however, that such waiver of fine

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shall not apply to a second or subsequent violation under such section.

"§ 6. The commissioner of motor vehicles, in consultation with the superintendent of the state police, shall study the effects of the use of mobile telephones and similar equipment in conjunction with the operation of a motor vehicle, and the effects of other forms of driver inattention and distraction, on highway and traffic safety, and shall submit a report of his or her findings to the governor, the majority leader of the senate, the speaker of the assembly, the minority leader of the senate, the minority leader of the assembly, and the chairs of the transportation committees of the senate and the assembly, not later than 4 years from the effective date of this act. Such report shall include, but not be limited to:

"1. an examination of motor vehicle accident, fatality and injury statistics relating to the use of mobile telephones or similar equipment while operating a motor vehicle;

"2. an examination of motor vehicle accident, fatality and injury statistics relating to other forms of driver inattention and distraction;

"3. a review and analysis of studies examining the effects of the use of mobile telephones or similar equipment on highway and traffic safety;

"4. a review and analysis of studies and statistics relating to other types of driver inattention and distraction which affect highway and traffic safety; and

"5. recommendations for improving highway and traffic safety and reducing motor vehicle accidents, if any, related to driver inattention and distraction.

"§ 7. The commissioner of motor vehicles shall include in the department of motor vehicles' annual summary of motor vehicle accident statistics information relative to the types of driver inattention by the operator of a motor vehicle which contributed to, or were a factor in, such accidents.

"§ 8. This act shall take effect immediately, except that sections one, three and five of this act shall take effect December 1, 2001; section two shall expire and be deemed repealed December 1, 2001; section four of this act shall take effect November 1, 2001 and shall expire and be deemed repealed December 1, 2001; section five of this act shall expire and be deemed repealed March 1, 2002; and section seven shall take effect December 31, 2003, provided, however, that effective immediately the commissioner of motor vehicles is hereby authorized and directed to promulgate rules and regulations necessary for the implementation of the provisions of section seven of this act."

SUPPLEMENTARY PRACTICE COMMENTARIES

2010 Electronic Update

by Joseph R. Carrieri

2003

Rebuttable Presumption

Subdivision 2b provides that when an operator of a motor vehicle holds a mobile telephone to, or in the immediate proximity of, his or her ear while such vehicle is in motion is presumed to be engaging in a call within the meaning of this section. Subdivision b goes on to provide that this presumption is rebuttable by evidence tending to show that the operator was not engaged in a call. The issue of rebuttable presumption was

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discussed in the case entitled Village of Floral Park v. Cusmai which was reported in New York Law Journal, January 5, 2004, p. 20, c. 1. In this case, the defendant, while driving a motor vehicle on a public highway, was given a ticket pursuant to § 1225-c2(a) where the police officer testified that he saw the defendant with a cell phone about six inches from the defendant's ear. The defendant testified that he indeed had the cell phone near his ear, but that he picked up the cell phone thinking he had a incoming call. The defendant testified that he did not take the call, and did not make a call, but was simply viewing his cell phone to determine if an incoming call was made. While the court stated that the prosecution did carry its burden in a satisfactory manner, and the court finds the officer's testimony credible, at the same time, the court found that the defendant did rebut the presumption that he was not engaged in a call but simply looking at his cell phone to see if an incoming call was made. The troubling part of the decision, however, is that the court wrote

> "at trial, the defendant maintained that the telephone records if presented would demonstrate that no call was made or received at the time of the offense."

Since the telephone records were at the disposal of the defendant, one would ask why those records were not produced. If these records were in the control of the defendant and not produced, was the presumption rebutted? In the last analysis, however, it was the credibility of the defendant that was evaluated by the court and found to be persuasive.

PRACTICE COMMENTARIES

2010 Electronic Update

by Joseph R. Carrieri

2002

Section 1225-c was added to prohibit drivers from using mobile telephones while operating a motor vehicle.

REBUTTABLE PRESUMPTION

This section provides that a driver who holds a mobile telephone in the immediate proximity of his/her ear while driving is presumed to be engaging in a call prohibited by this section but the presumption is rebuttable by evidence tending to show that the driver was not engaged in a call.

EXEMPT CALLS

Certain calls are exempt from this section, including a call made regarding an emergency situation to an emergency response operator, a hospital, a physician's office, a health clinic, an ambulance company or corps, a fire department, a fire district, a fire company, or a police department.

HANDS-FREE CALLS PERMITTED

Drivers are not prohibited from using a hands-free mobile telephone while operating a motor vehicle.

EFFECTIVE DATE OF THE NEW LAW

The new law permitted a grace period so that starting with November 1, 2001, drivers were not permitted to use a handheld phone while driving but for thirty (30) days, police would issue verbal warnings to help educate drivers about the new law. After December 1, 2001, the police could issue a summons for a violation

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of this law, which is a traffic infraction and a fine up to $100.00.

After December 1, 2001, a driver may still use a mobile phone, but it must be a hands-free phone such as a phone with a speaker, earpiece or other device that allows the driver to make calls without using his/her hands. Numerous municipalities had enacted laws relating to mobile telephones, however, this section preempts any local law, ordinance or code relating to the operation of a motor vehicle while using a mobile telephone.

Certain it is that this new law will be found to be constitutional. Driving has been considered a privilege and not a right by the Court's of the State of New York and as such, the State has the right and the obligation to enact laws consistent with safety and due process. It should be remembered that cellular phone and mobile phones are not prohibited in a motor vehicle, but the use of handheld phones is prohibited. The use of hands-free phones is still permitted and hence is a reasonable regulation of the safe operation of a motor vehicle. This new law was designed to reduce traffic accidents to save lives and, at the same time, eliminate the confusion caused by the patchwork of local laws that often impose different restrictions from municipality to municipality.

PRACTICE COMMENTARIES CITED

2010 Electronic Update

People v. Campanaro, City Ct., Jefferson Co., N.Y., N.Y.Law J., May 2, 2008, p. 31.

RESEARCH REFERENCES

2010 Electronic Update

ALR Library

36 ALR 6th 443, Civil Liability Arising from Use of Cell Phone While Driving.

Encyclopedias

40 Am. Jur. Proof of Facts 2d 411, Driver's Failure to Maintain Proper Lookout.

61 Am. Jur. Proof of Facts 3d 115, Proof that Driver was "Operating" Motor Vehicle While Intoxicated.

97 Am. Jur. Trials 1, Telecommunications and Other Litigation: Call Detail Records and Fraud.

NY Jur. 2d, Automobiles & Other Vehicles § 638, Applicability; Highways and Other Places.

NY Jur. 2d, Automobiles & Other Vehicles § 651, Operating Motor Vehicle With Television, Earphone, or Audio Amplification System.

NY Jur. 2d, Disclosure § 228, Miscellaneous Matters.

Forms

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Carmody-Wait, 2d § 42:320, Miscellaneous Matters.

Treatises and Practice Aids

Guide to Employment Law and Regulation 2d § 53:11, Safety and Health.

Handling the DWI Case in New York § 3:5, Roadways Upon Which Reckless Driving Statute Applies.

NOTES OF DECISIONS

Discovery 4
Equal protection 2
Public highway 3
Validity 1

1. Validity

Statute prohibiting the use of a cellular mobile telephone by a person operating a motor vehicle, while the vehicle is in motion, was not vague or overbroad; the statute distinguished between the permissible "hands free mobile phone" and other mobile phones and limited police action to issuance of verbal warnings for an initial time period. People v. Neville, 2002, 190 Misc.2d 432, 737 N.Y.S.2d 251. Constitutional Law 4509(19); Telecommunications 1067

Law prohibiting the use of hand held cellular mobile telephone by operator of motor vehicle, during the operation of the vehicle, was reasonable in its intentions, and thus was a valid use of the legislature's police authority and did not violate right to privacy; the law was intended to protect citizens from motor vehicle accidents and injuries that resulted from use of such phones, and the law required the waiver of the fine if a defendant provided proof of purchase of a hands free device. People v. Neville, 2002, 190 Misc.2d 432, 737 N.Y.S.2d 251. Constitutional Law 1236; Telecommunications 1030

2. Equal protection

Exceptions for professionals who were needed to make emergency cellular telephone calls as part of their employment and for ordinary citizens who needed to make emergency cellular telephone calls, in statute prohibiting the use of hand held cellular telephones by an operator of a motor vehicle, during the operation of vehicle, bore reasonable relation to the desired legislative purpose of promoting safety as required by equal protection. People v. Neville, 2002, 190 Misc.2d 432, 737 N.Y.S.2d 251. Constitutional Law 3781; Telecommunications 1030

Exclusions in statute prohibiting the use of a cellular mobile telephone by the operator of a vehicle, while the vehicle was in motion, were not based on race, sex, age, or national origin, and thus no strict scrutiny test requiring compelling governmental interest was necessary in an analysis to determine whether the statute violated the Equal Protection Clause. People v. Neville, 2002, 190 Misc.2d 432, 737 N.Y.S.2d 251. Constitutional Law 3781

3. Public highway

Parking lot of privately owned shopping center was not "public highway" within meaning of Vehicle and Traffic Law section prohibiting operation of a motor vehicle upon a public highway while using a cell phone to engage in a call while the vehicle was in motion, and thus defendant could not be charged with violating the law for talking on cell phone while driving in parking lot. People v. Moore, 2003, 196 Misc.2d 340, 765 N.Y.S.2d 218. Automobiles

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4. Discovery

Motorcyclist seeking car driver's cellular phone records was entitled to the portion of driver's phone records which would disclose calls transmitted or received by her on date of accident, limited to the estimated time of subject accident, given that use of cellular phones while driving was prohibited by law and motorcyclist filed affidavit indicating that immediately prior to the accident he saw driver "with an object in her hand held to her head." Morano v. Slattery Skanska, Inc., 2007, ___ Misc.3d ___, 846 N.Y.S.2d 881. Pretrial Procedure 372

McKinney's Vehicle and Traffic Law § 1225-c, NY VEH & TRAF § 1225-c

Current through the Laws of 2009.

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West's Oregon Revised Statutes Annotated Currentness
Title 59. Oregon Vehicle Code
Chapter 811. Rules of the Road for Drivers
General Driving Rules
(Miscellaneous)

→811.507. Person under 18 operating a motor vehicle while using a mobile communication device

<Text subject to final change by the Oregon Office of the Legislative Counsel.>

(1) As used in this section:

(a) "Hands-free accessory" means an attachment or built-in feature for or an addition to a mobile communication device, whether or not permanently installed in a motor vehicle, that when used allows a person to maintain both hands on the steering wheel.

(b) "Mobile communication device" means a text messaging device or a wireless, two-way communication device designed to receive and transmit voice or text communication.

(2) A person commits the offense of operating a motor vehicle while using a mobile communication device if the person, while operating a motor vehicle on a highway, uses a mobile communication device.

(3) This section does not apply:

(a) To a person who is summoning medical or other emergency help if no other person in the vehicle is capable of summoning help;

(b) To a person using a mobile communication device for the purpose of farming or agricultural operations;

(c) To a person operating an ambulance or emergency vehicle;

(d) To a person 18 years of age or older who is using a hands-free accessory;

(e) To a person operating a motor vehicle while providing public safety services or emergency services as a volunteer;

(f) To a person operating a motor vehicle while acting in the scope of the person's employment as a public safety officer, as defined in ORS 348.270;

(g) To a person operating a motor vehicle in the scope of the person's employment if operation of the motor vehicle is necessary for the person's job;

(h) To a person activating or deactivating the mobile communication device or a function of the device;

(i) To a person who holds a valid amateur radio operator license issued or any other license issued by the Federal

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Communications Commission and is operating an amateur radio;

(j) To a person who operates a two-way radio device that transmits radio communication transmitted by a station operating on an authorized frequency within the citizens' or family radio service bands in accordance with rules of the Federal Communications Commission; or

(k) To a person using a function of the mobile communication device that allows for only one-way voice communication while the person is:

(A) Operating a motor vehicle in the scope of the person's employment;

(B) Providing transit services to persons with disabilities or to senior citizens; or

(C) Participating in public safety or emergency service activities.

(4) The offense described in this section, operating a motor vehicle while using a mobile communication device, is a Class D traffic violation.

CREDIT(S)

Added by Laws 2007, c. 870, § 2, eff. Jan. 1, 2008; Laws 2009, c. 834, § 1, eff. Jan. 1, 2010.

HISTORICAL AND STATUTORY NOTES

2009 Electronic Update

2009 Legislation

Laws 2009, c. 834, § 1, rewrote the section, which formerly read:

"(1) A person under 18 years of age commits the offense of operating a motor vehicle while using a mobile communication device if the person, while operating a motor vehicle on a highway, uses a mobile communication device and the person holds:

"(a) A provisional driver license issued under ORS 807.065;

"(b) A special student driver permit issued under ORS 807.230; or

"(c) An instruction driver permit issued under ORS 807.280.

"(2) For purposes of this section, 'mobile communication device' means a text messaging device or a wireless, two-way communication device designed to receive and transmit voice or text communication.

"(3) This section does not apply:

"(a) To a person who is summoning medical or other emergency help if no other person in the vehicle is capable of summoning help; or

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"(b) To a person using a mobile communication device for the purpose of farming or agricultural operations.

"(4) Notwithstanding ORS 810.410, a police officer may enforce this provision only as a secondary action when a driver of a motor vehicle has been detained for a suspected traffic violation or some other offense.

"(5) The offense described in this section, operating a motor vehicle while using a mobile communication device, is a Class D traffic violation."

O. R. S. § 811.507, OR ST § 811.507

Current through End of the 2009 Reg. Sess. Revisions to Acts made by the Oregon Reviser were unavailable at the time of publication.

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West's Utah Code Annotated Currentness
Title 41. Motor Vehicles
Chapter 6A. Traffic Code (Refs & Annos)
Part 17. Miscellaneous Rules
→ § 41-6a-1715. Careless driving defined and prohibited

(1) A person operating a motor vehicle is guilty of careless driving if the person:

(a) commits two or more moving traffic violations under this chapter in a series of acts within a single continuous period of driving covering three miles or less in total distance; or

(b) commits a moving traffic violation under this chapter other than a moving traffic violation under Part 6, Speed Restrictions, while being distracted by one or more activities taking place within the vehicle that are not related to the operation of a motor vehicle, including:

(i) using a wireless telephone or other electronic device unless the person is using hands-free talking and listening features while operating the motor vehicle;

(ii) searching for an item in the vehicle; or

(iii) attending to personal hygiene or grooming.

(2) A violation of this section is a class C misdemeanor.

CREDIT(S)

Laws 2007, c. 52, § 7, eff. April 30, 2007;Laws 2009, c. 292, § 3, eff. May 12, 2009.

HISTORICAL AND STATUTORY NOTES

Laws 2009, c. 292, § 3, in subsec. (1), inserted "covering three miles or less in total distance".

U.C.A. 1953 § 41-6a-1715, UT ST § 41-6a-1715

Current through 2009 General Session and 2009 First Special Session

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West's Revised Code of Washington Annotated Currentness
Title 46. Motor Vehicles (Refs & Annos)
Chapter 46.61. Rules of the Road (Refs & Annos)
Miscellaneous Rules

➡46.61.667. Using a wireless communications device while driving

(1) Except as provided in subsection (2) of this section, a person operating a moving motor vehicle while holding a wireless communications device to his or her ear is guilty of a traffic infraction.

(2) Subsection (1) of this section does not apply to a person operating:

(a) An authorized emergency vehicle, or a tow truck responding to a disabled vehicle;

(b) A moving motor vehicle using a wireless communications device in hands-free mode;

(c) A moving motor vehicle using a hand-held wireless communications device to:

(i) Report illegal activity;

(ii) Summon medical or other emergency help;

(iii) Prevent injury to a person or property;

(d) A moving motor vehicle while using a hearing aid.

(3) Subsection (1) of this section does not restrict the operation of an amateur radio station by a person who holds a valid amateur radio operator license issued by the federal communications commission.

(4) For purposes of this section, "hands-free mode" means the use of a wireless communications device with a speaker phone, headset, or earpiece.

(5) The state preempts the field of regulating the use of wireless communications devices in motor vehicles, and this section supersedes any local laws, ordinances, orders, rules, or regulations enacted by a political subdivision or municipality to regulate the use of wireless communications devices by the operator of a motor vehicle.

(6) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of this title or an equivalent local ordinance or some other offense.

(7) Infractions that result from the use of a wireless communications device while operating a motor vehicle under this section shall not become part of the driver's record under RCW 46.52.101 and 46.52.120. Additionally, a finding that a person has committed a traffic infraction under this section shall not be made available to insurance companies or employers.

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CREDIT(S)

[2007 c 417 § 2, eff. July 1, 2008.]

HISTORICAL AND STATUTORY NOTES

Intent--2007 c 417: "The use of wireless communications devices by motorists has increased in recent years. While wireless communications devices have assisted with quick reporting of road emergencies, their use has also contributed to accidents and other mishaps on Washington state roadways. When motorists hold a wireless communications device in one hand and drive with the other, their chances of becoming involved in a traffic mishap increase. It is the legislature's intent to phase out the use of hand-held wireless communications devices by motorists while operating a vehicle." [2007 c 417 § 1.]

Effective date--2007 c 417: "This act takes effect July 1, 2008." [2007 c 417 § 3.]

West's RCWA 46.61.667, WA ST 46.61.667

Current with 2010 Legislation effective through February 15, 2010

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West's Ann.Cal.Vehicle Code § 23123

Effective: July 01, 2011

West's Annotated California Codes Currentness
Vehicle Code (Refs & Annos)
Division 11. Rules of the Road
Chapter 12. Public Offenses
Article 1. Driving Offenses (Refs & Annos)

➡§ 23123. Driving a motor vehicle while using a wireless telephone; penalty; exceptions

<Section operative July 1, 2011. See, also, section operative until July 1, 2011.>

(a) A person shall not drive a motor vehicle while using a wireless telephone unless that telephone is specifically designed and configured to allow hands-free listening and talking, and is used in that manner while driving.

(b) A violation of this section is an infraction punishable by a base fine of twenty dollars ($20) for a first offense and fifty dollars ($50) for each subsequent offense.

(c) This section does not apply to a person using a wireless telephone for emergency purposes, including, but not limited to, an emergency call to a law enforcement agency, health care provider, fire department, or other emergency services agency or entity.

(d) This section does not apply to an emergency services professional using a wireless telephone while operating an authorized emergency vehicle, as defined in Section 165, in the course and scope of his or her duties.

(e) This section does not apply to a person driving a schoolbus or transit vehicle that is subject to Section 23125.

(f) This section does not apply to a person while driving a motor vehicle on private property.

(g) This section shall become operative on July 1, 2011.

CREDIT(S)

(Added by Stats.2006, c. 290 (S.B.1613), § 5, operative July 1, 2011. Amended by Stats.2007, c. 214 (S.B.33), § 3, operative July 1, 2011.)

HISTORICAL AND STATUTORY NOTES

2010 Electronic Update

2006 Legislation

For short title, legislative findings and declarations, and cost reimbursement provisions relating to Stats.2006, c. 290

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West's Ann.Cal.Vehicle Code § 23123

(S.B.1613), see Historical and Statutory Notes under Vehicle Code § 12810.3.

2007 Legislation

Stats.2007, c. 214 (S.B.33), in subd. (b), substituted "A" for "Notwithstanding subdivision (a) of Section 42001 or any other provision of law, a".

For cost reimbursement provisions relating to Stats.2007, c. 214 (S.B.33), see Historical and Statutory Notes under Vehicle Code § 12810.3.

CROSS REFERENCES

Conviction of violation of this section, giving of violation points, see Vehicle Code § 12810.3.

West's Ann. Cal. Vehicle Code § 23123, CA VEHICLE § 23123

Current with all 2009 Reg.Sess. laws; all 2009-2010 1st through 5th and 7th Ex.Sess. laws; urgency legislation through Ch. 4 of the 2010 Reg.Sess.; and propositions on the 6/8/2010 ballot received as of 1/1/2010.

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LEGISLATIVE RESEARCH REPORT

FEBRUARY 18, 2010

REPORT NUMBER 10.179

STATE BANS ON CELL PHONE USE BY DRIVERS

PREPARED FOR REPRESENTATIVE MAX GRUENBERG

BY TIM SPENGLER, LEGISLATIVE ANALYST

You wanted to know what states have done regarding limiting or banning the use of cellular (cell) phones by individuals operating motor vehicles.

Alaska Legislation Regarding Driver Cell Phone Usage

Under Alaska law (AS 28.35.161), enacted September 1, 2008, drivers are effectively banned from text messaging while operating a motor vehicle. Alaska is one of the 19 states (and the District of Columbia) to ban text messaging for drivers—thought by many experts to be the most distracting cell phone activity. There have also been several attempts in Alaska this decade to limit or ban the use of cell phones by all drivers, but none has been successful.

Currently, the legislature is considering House Bill 15, which would prohibit the use of cellular telephones by minors (under age 18) while driving. Also under consideration in the legislature is House Bill 257, which would prohibit the use of cell phones by all drivers, regardless of age.

Legislation in Other States

According to the Insurance Institute for Highway Safety (IIHS), as of February 2010 the following cell phone bans or restrictions are in place across the nation: [1]

- Seven states (and the District of Columbia) impose state-wide bans on driving while talking on hand-held cell phones;[2]
- Seventeen states (and the District of Columbia) prohibit the use of cell phones while operating a school bus; [3]

---

[1] The Insurance Institute for Highway Safety is an independent, nonprofit organization focused on reducing the losses — deaths, injuries, and property damage — from crashes on the nation's highways (*http://www.iihs.org/*).

[2] The seven states that impose state-wide bans on driving while using hand-held cell phones are California (Vehicle Code 23123), Connecticut (Public Act No. 05-159), New Jersey (N.J.S.A. 30:4-97.3), New York (Vehicle and Traffic Law Section 1225c), Oregon (ORS 811.507), Utah (UT Code 41-6a-1715), and Washington (RCW 46.61.667).

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Juneau, AK 99801

- Twenty one states (and the District of Columbia) prohibit novice drivers—usually defined as drivers under 18 years old—from using cell phones when operating a vehicle;[4] and, as mentioned above,

- Nineteen states (and the District of Columbia) ban drivers from text messaging.[5]

We include, as Attachment A, a table from the Institute for Highway Safety that presents an overview of states' cell phone laws. Also in Attachment A, we include a *question and answer* sheet from the IIHS on cell phones and driving. It provides a summary of the myriad issues surrounding this topic.

Arthur Goodwin, senior research associate at the Highway Safety Research Center, contends that laws banning or limiting cell phone use while operating a motor vehicle are of vital importance and are gaining momentum nationwide.[6] He likened the situation to when seat belt laws came to the fore in the United States; it took some time to educate the public, and for people to change their habits, but eventually most did. Mr. Goodwin believes this will be the case with cell phone laws—that it will take time and continued efforts for these laws to become solidified in our national consciousness.

All the experts with whom we spoke, and the literature we reviewed, support states enacting laws restricting the use of cell phones while driving.[7] While difficult to enforce, such legislation does highlight the reality that the behavior is unsafe.

We hope you find this information to be useful. Please let us know if you have questions or need additional information.

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[3] School bus drivers in the following states are banned from using cell phones: Arizona, Arkansas, California, Connecticut, Delaware, Georgia, Illinois, Kentucky, Louisiana, Massachusetts, Minnesota, New Jersey, North Carolina, Rhode Island, Tennessee, Texas, and Virginia.

[4] Novice drivers are banned from using cell phones in the following states: Arkansas, California, Colorado, Connecticut, Delaware, Illinois, Indiana, Kansas, Louisiana, Maine, Maryland, Minnesota, Nebraska, New Jersey, North Carolina, Oregon, Rhode Island, Tennessee, Texas, Virginia, and West Virginia.

[5] A ban on texting while driving is in place in the following states: Alaska, Arkansas, California, Colorado, Connecticut, Illinois, Louisiana, Maryland, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Oregon, Rhode Island, Tennessee, Utah, Virginia, and Washington.

[6] The Highway Safety Research Center's stated mission is to improve the safety, security, access and efficiency of all surface transportation modes through a balanced, interdisciplinary program of research, evaluation and information dissemination (*http://www.hsrc.unc.edu/index.cfm*). Arthur Goodwin can be reached at (919) 843-5038.

[7] *In addition to Mr. Goodwin, we also contacted Anne McCartt, Senior Vice President of the Insurance Institute for* Highway Safety (703) 247-1534, and Dr. David Strayer of the University of Utah who has studied distracted drivers issues for more than ten years (801) 581-5037.

Attachment A

Cellphone Laws, Insurance Institute for Highway Safety, February 2010

Q&As: Cellphones and Driving, Insurance Institute for Highway Safety, June 2009

Cellphone laws

February 2010

A jurisdiction-wide ban on driving while talking on a hand-held cellphone is in place in 7 states (California, Connecticut, New Jersey, New York, Oregon, Utah, and Washington) and the District of Columbia. Utah has named the offense careless driving. Under the Utah law, no one commits an offense when speaking on a cellphone unless they are also committing some other moving violation other than speeding.

Local jurisdictions may or may not need specific state statutory authority to ban cellphones. Localities that have enacted restrictions on cellphone use include: Oahu, HI; Chicago, IL; Brookline, MA; Detroit, MI; Santa Fe, NM; Brooklyn, North Olmstead, and Walton Hills, OH; Conshohocken, Lebanon, and West Conshohocken, PA; Waupaca County, WI; and Cheyenne, WY.

The use of all cellphones while driving a school bus is prohibited in 17 states and the District of Columbia.

The use of all cellphones by novice drivers is restricted in 21 states and the District of Columbia.

Text messaging is banned for all drivers in 19 states and the District of Columbia. In addition, novice drivers are banned from texting in 9 states (Delaware, Indiana, Kansas, Maine, Mississippi, Missouri, Nebraska, Texas, and West Virginia) and school bus drivers are banned from text messaging in 1 state (Texas).

The table below shows the states that have cellphone laws, whether they specifically ban text messaging, and whether they are enforced as primary or secondary laws. Under secondary laws, an officer must have some other reason to stop a vehicle before citing a driver for using a cellphone. Laws without this restriction are called primary.

Table Map: hand-held bans Map: young driver bans Map: bus driver bans Map: texting bans

Laws restricting cellphone use and texting

State	Hand-held ban	Young drivers all cellphone ban	Bus drivers all cellphone ban	Texting ban	Enforcement
Alabama	no	no	no	no	not applicable
Alaska	no	no	no	all drivers	primary
Arizona	no	no	school bus drivers	no	primary
Arkansas	drivers ages 18 through 20	drivers younger than 18	school bus drivers	all drivers	primary; texting by all drivers and cellphone use by school bus drivers; secondary: cellphone use by young drivers[1]
California	all drivers	drivers younger than 18	school and transit bus drivers	all drivers	primary; secondary for hands-free cellphone use by young drivers[1]
Colorado	no	drivers younger than 18	no	all drivers	primary
Connecticut	all drivers	drivers younger than 18	school bus drivers	all drivers	primary
Delaware	no	learner's permit and intermediate license holders	school bus drivers	learner's permit and intermediate license holders	primary
District of Columbia	all drivers	learner's permit holders	school bus drivers	all drivers	primary
Florida	no	no	no	no	not applicable
Georgia	no	no	school bus drivers	no	primary
Hawaii	no	no	no	no	not applicable
Idaho	no	no	no	no	not applicable

Illinois	drivers in construction and school speed zones	drivers younger than 19 and learner's permit holders younger than 19	school bus drivers	all drivers	primary
Indiana	no	drivers younger than 18	no	drivers younger than 18	primary
Iowa	no	no	no	no	not applicable
Kansas	no	learner's permit and intermediate license holders	no	learner's permit and intermediate license holders	primary
Kentucky	no	no	school bus drivers	no	primary
Louisiana	with respect to novice drivers, see footnote[1]	with respect to novice drivers, see footnote[2]	school bus drivers	all drivers	secondary; primary for school bus drivers
Maine	no	learner's permit and intermediate license holders	no	learner's permit and intermediate license holders	primary
Maryland	no	learner's permit and intermediate license holders	no	all drivers	secondary; primary for texting
Massachusetts	no	no	school bus drivers	no	primary
Michigan	no	no	no	no	not applicable
Minnesota	no	learner's permit holders and provisional license holders during the first 12 months after licensing	school bus drivers	all drivers	primary
Mississippi	no	no	no	learner's permit and intermediate license holders	primary
Missouri	no	no	no	drivers 21 and younger	primary
Montana	no	no	no	no	not applicable
Nebraska	no	learner's permit and intermediate license holders younger than 18	no	learner's permit and intermediate license holders younger than 18	secondary
Nevada	no	no	no	no	not applicable
New Hampshire	no	no	no	all drivers	primary
New Jersey	all drivers	learner's permit and intermediate license holders	school bus drivers	all drivers	primary
New Mexico	no	no	no	no	not applicable
New York	all drivers	no	no	all drivers	primary; secondary for text messaging
North Carolina	no	drivers younger than 18	school bus drivers	all drivers	primary
North Dakota	no	no	no	no	not applicable
Ohio	no	no	no	no	not applicable
Oklahoma	no	no	no	no	not applicable

Oregon	all drivers	drivers younger than 18	no	all drivers	primary
Pennsylvania	no	no	no	no	not applicable
Rhode Island	no	drivers younger than 18	school bus drivers	all drivers	primary
South Carolina	no	no	no	no	not applicable
South Dakota	no	no	no	no	not applicable
Tennessee	no	learner's permit and intermediate license holders	school bus drivers	all drivers	primary
Texas	drivers in school crossing zones	intermediate license holders for the first twelve months	bus drivers when a passenger 17 and younger is present	bus drivers when a passenger 17 and younger is present; intermediate license holders for first twelve months; drivers in school crossing zones	primary
Utah	all drivers	no	no	all drivers	primary for texting; secondary for talking on a hand-held cellphone[3]
Vermont	no	no	no	no	not applicable
Virginia	no	drivers younger than 18	school bus drivers	all drivers	secondary; primary for school bus drivers
Washington	all drivers	no	no	all drivers	secondary
West Virginia	no	drivers younger than 18 who hold either a learner's permit or an intermediate license	no	drivers younger than 18 who hold either a learner's permit or an intermediate license	primary
Wisconsin	no	no	no	no	not applicable
Wyoming	no	no	no	no	not applicable

Alabama - Florida Georgia - Louisiana Maine - Montana Nebraska - North Dakota Ohio - South Dakota Tennessee - Wyoming Show All

[1]The laws in Arkansas and California prohibit police from stopping a vehicle to determine if a driver is in compliance with the law. Clearly, that language prohibits the use of checkpoints to enforce the law, but it has been interpreted as the functional equivalent of secondary provisions that typically state the officer may not stop someone suspected of a violation unless there is other, independent, cause for a stop.

[2]In Louisiana, all learner's permit holders, irrespective of age, and all intermediate license holders are prohibited from driving while using a hand-held cellphone and all drivers younger than 18 are prohibited from using any cellphone. Effective April 1, 2010 all drivers, irrespective of age, issued a first driver's license will be prohibited from using a cellphone for one year.

[3]Utah's law defines careless driving as committing a moving violation (other than speeding) while distracted by use of a hand-held cellphone or other activities not related to driving.

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Q&As: Cellphones and driving

June 2009

Hide all answers

1 | How many people use cellphones?

Cellphone use in the United States has grown quickly during the past decade. There were more than 262 million wireless cellphone subscribers, representing 84 percent of the US population, as of June 2008, according to the Cellular Telecommunications and Internet Association.[1] That's up 35 percent from 194 million in June 2005 and nearly three times more than the 97 million wireless subscribers in June 2000. Minutes of use have surged to more than 1 trillion in June 2008 from 195 billion in June 2000.

2 | Do drivers frequently use phones behind the wheel?

Yes, though it's hard to accurately determine just how many drivers use phones. Observational data from the federal government indicate that 6 percent of drivers in 2007 were using hand-held phones at any moment during the day. The 2007 use rate means that about 1 million passenger vehicles on the road at any moment during the day are driven by people talking on hand-held phones.[2]

3 | Who is most likely to talk on a cellphone while driving?

Female drivers across all age groups more frequently use hand-held cellphones than male drivers (8 percent vs. 5 percent), according to daytime observational surveys of drivers conducted nationwide in 2007. Young drivers ages 16 -24 also are much more likely than other drivers to talk on hand-held cellphones. Nine percent of drivers ages 16-24 were observed talking on hand-held phones, compared with 6 percent of those ages 25-69 and 1 percent of drivers 70 and older.[2]

4 | Does using a cellphone while driving increase crash risk?

Yes. Two controlled studies now link talking on a cellphone directly to increased crash risk. A 2005 Institute study of drivers in Western Australia found cellphone users four times as likely to get into crashes serious enough to injure themselves.[3] The study used cellphone billing records to verify phone use of crash-involved drivers. Increased risk was similar for males and females, drivers younger than 30 and those 30 and older, and hands-free and hand-held phones. The findings were consistent with 1997 research that showed phone use among Canadian drivers was associated with a fourfold increase in the risk of a property damage crash. This study also used cellphone billing records.[4]

5 | Are hands-free cellphones safer?

No, at least not after the conversation begins. Both studies of crashes using cellphone billing records to verify phone use found about a fourfold increase in crash risk with conversing on both hands-free and hand-held phones.[3,4] The studies were unable to estimate crash risk from different types of hands-free devices. They also were unable to determine whether there was any benefit associated with hands-free devices while placing the call. Experimental research using driving simulators indicates that phone conversation tasks, whether using hand-held or hands-free devices, affect some measures of driving performance.[5,6] Hands-free phones may eliminate some of the physical distraction of handling phones, but the cognitive distraction from phone conversations remains.

6 | How does cellphone use affect driving performance?

An Institute review of more than 120 cellphone studies, about half of which were experimental studies using driving simulators or instrumented vehicles, found that nearly all reported that some measures of driver performance were affected by the cognitive distractions associated with cellphone tasks.[6] Phone conversation tasks typically decreased reaction times and travel speeds and increased lane deviations and steering wheel movements. Statistical analyses that aggregated the results of 33 studies and 23 studies, respectively, reported similar findings.[5,7] Some studies have found that older drivers' performance is more affected by cellphone tasks, particularly their reaction time. Few studies included drivers younger than 18, and evidence is mixed on the effects of phone use for teenage drivers compared

with adult drivers. Findings also are mixed on whether driving performance while talking on a cellphone improves with practice. Some simulator studies suggest that the negative impact of phone use on driving performance may lessen with experience.[8,9] Other simulator research has found no change in performance with practice.[10]

Using functional magnetic resonance imaging, researchers at Carnegie Mellon University found a 37 percent reduction in brain activity associated with driving when research subjects listened via a headset to spoken sentences that they judged as true or false while steering in a driving simulator. Researchers concluded that listening and processing information from a phone conversation can draw mental resources away from driving, worsening driving performance, even when drivers are not holding or dialing a phone.[11]

Further evidence comes from a few studies of small samples of people observed during their everyday driving. One study included drivers of 100 vehicles instrumented with video cameras and other monitoring technologies. Only a few serious crashes occurred, but researchers calculated the odds of being in a near-crash or crash were higher when dialing a hand-held phone than when phones weren't being used.[12]

7 | Are government restrictions on drivers' cellphone use common?

Not in the US, but bans are widespread in other countries. 7 states (California, Connecticut, New Jersey, New York, Oregon, Utah, and Washington) and the District of Columbia have enacted laws that ban drivers of all ages from using hand-held cellphones. More common in the US are laws that restrict young drivers from using any type of cellphone. Teenage drivers in 21 states and the District of Columbia, are barred from talking on any type of cellphone. School bus drivers in 17 states and the District of Columbia, are restricted from using all cellphones while driving a bus. A number of jurisdictions world-wide including Australia, Japan, most European countries, and several Canadian provinces ban hand-held phones while driving.

Text messaging is banned for all drivers in 18 states and the District of Columbia. In addition, novice drivers are banned from texting in 9 states (Delaware, Indiana, Kansas, Maine, Mississippi, Missouri, Nebraska, Texas, and West Virginia) and school bus drivers are banned from text messaging in 1 state (Texas).

Cellphone laws in the US

8 | Do bans on hand-held phones work?

Their effect on crashes hasn't been determined, but Institute studies have documented how bans enacted in the US have affected driver hand-held cellphone use. New York was the first state to implement a ban on hand-held cellphones for drivers. Driver hand-held cellphone use dropped by half immediately following implementation of the 2001 law, but this decline had substantially dissipated one year later.[13] In contrast, soon after Washington, DC, began banning hand-held phone use while driving in 2004, driver hand-held cellphone use dropped by about half, and this decline was sustained about a year later. It's likely that stronger enforcement of the DC ban led to the sustained lower use rates compared with New York. Citations for cellphone violations represented 8 percent of all moving violations in DC compared with 4 percent in New York.[14]

Given that crash risk increases substantially with drivers' use of either hand-held or hands-free phones, bans on hand-held cellphones will not eliminate the problem entirely. Laws prohibiting hands-free phones are difficult to enforce.

9 | Why do more laws cover only teenage drivers?

Cellphone bans for young drivers are becoming more common amid concerns about the role distractions play in teenagers' elevated crash risk. Distractions of any type are a common factor in crashes of newly licensed 16-year-old drivers.[15] Some research also shows teenage drivers tend to use cellphones and other emerging technologies more than adult drivers.[16] States increasingly have graduated licensing laws that place restrictions on newly licensed drivers, e.g., limiting nighttime driving and the number of passengers a novice driver can carry. Cellphone bans are being added to those restrictions.

See Q&A: Teenagers — graduated driver licensing

More about the licensing law in your state or any state

10 | Do teenagers comply with cellphone bans?

Young drivers often ignore cellphone restrictions, according to a 2008 Institute study of North Carolina's cellphone ban for young beginning drivers. The state bans the use of any telecommunications device by drivers younger than 18

under its graduated licensing system. Observed cellphone use by teenagers leaving high schools in the afternoon changed little from 1-2 months before and 5 months after the restriction took effect on Dec. 1, 2006. About 11 percent of teenage drivers were seen using phones before the law. That percentage rose slightly to 12 percent in the postlaw survey. Cellphone use remained steady at about 13 percent at comparison sites in South Carolina, which doesn't restrict teenage drivers' phone use. When observed postlaw, less than 1 percent of teenage drivers in North Carolina were using hands-free phones. About 2 percent were observed dialing or texting and about 9 percent were holding a phone to their ear.

The study coupled driver observations with telephone surveys of North Carolina parents and their teenagers. In postlaw surveys, about two-thirds of teenagers said they knew about their state's law, compared with 39 percent of parents. Three-quarters of teenagers and 95 percent of parents said they approved of the law. The proportion of teenagers who reported using phones while driving declined somewhat following the law. However, of those who owned a phone and admitted to ever talking on the phone while driving, about half admitted they used their phones, if they had driven, on the day prior to the interview. There was no evidence of focused enforcement or publicity of the law. Only 22 percent of teenagers and 13 percent of parents believed the ban was being enforced fairly often or a lot.[17]

11 | Is cellphone use more distracting to drivers than other tasks?

Evidence is mixed. For example, some experimental studies found that phone conversations are more disruptive than conversations with passengers or adjusting a radio.[6] However, two statistical analyses combining the results of multiple experimental studies found similar decrements in reaction time for conversation tasks with passengers and with hand-held or hands-free phones.[5,7] Two studies suggest that talking on cellphones or having a 0.08 percent blood alcohol concentration (BAC) — the legal threshold for impairment — has a comparable effect on some simulated driving tasks.[18,19] However, the risks associated with alcohol impairment accumulate over the entire duration of a trip, whereas the risks of cellphone use generally apply for only a portion of a trip. In addition, crash risk increases substantially at very high BACs, and the implications of the experimental studies for drivers in their own vehicles is unknown.

12 | Is texting while driving a problem?

Over 600 billion text messages were sent in 2008. This is up nearly 4 times from the number sent in 2006, according to the Cellular Telecommunications and Internet Association.[1] Among drivers 30 and younger who own cell phones, nearly 40 percent said they send or read text messages while driving, based on the findings from a survey by Nationwide Insurance. There hasn't been a lot of research on texting and driving, but two studies of young drivers using driving simulators all found that receiving, and especially sending, text messages, led to decrements in driving behavior, particularly reaction time and lane keeping ability.[20,21]

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HB

261

ALASKA STATE LEGISLATURE

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REPRESENTATIVE WES KELLER
DISTRICT 14

Sponsor Statement
House Bill 261

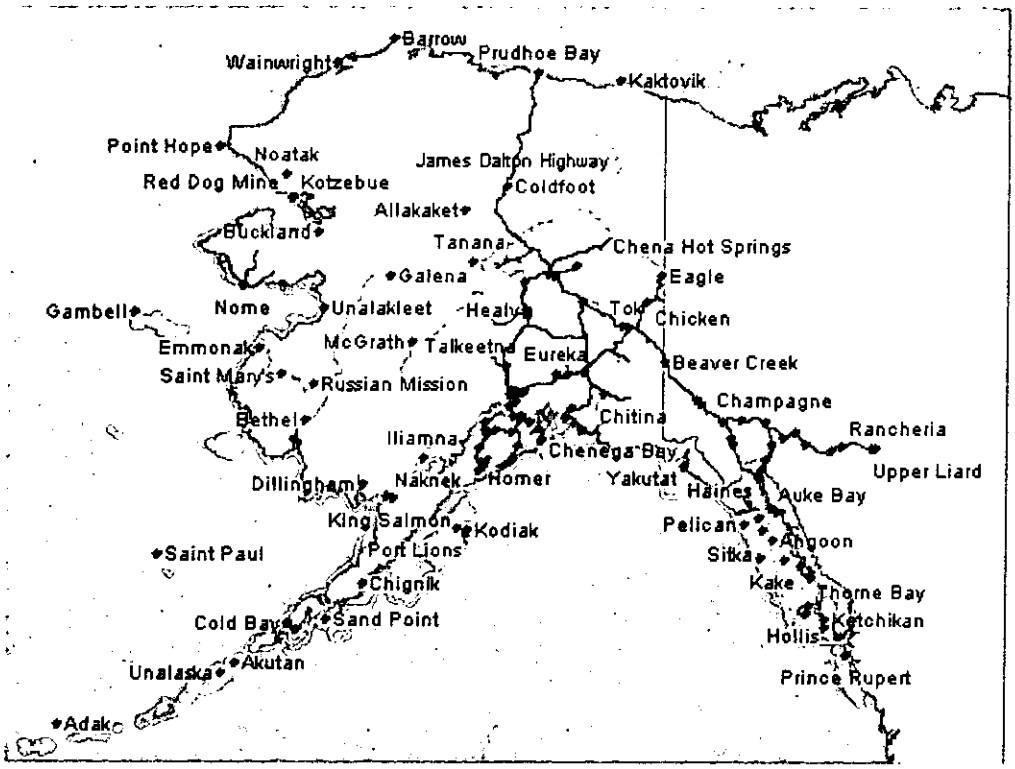
"An Act requiring the Department of Transportation and Public Facilities to publish on the department's Internet website reports regarding contracts awarded for transportation projects."

When was the last time you spent a warm summer day wondering when the road project that is holding you up will be done? House Bill 261 could help answer that question and more about the project by simply going on line.

The proposal expands the current web cite for the Department of Transportation and Public Facilities to include additional details about construction projects around the state. It will allow an individual to look at any state project and find out details to include a description of the project, the anticipated cost, how much has already been spent, how much has been completed, and when will it be done. Alaskans are used to road and construction work in the summer months this plan simply expands and consolidates access to information the Department already has.

Passage of HB 261 bring that information together so the age old questions of how long and how much can easily be answered.

E-Mail: Representative_Wes_Keller@legis.state.ak.us
Call Juneau Toll free: (800) 468-2186
Website: www.akrepublicans.org/keller/



Parks Highway: from Milepost 72 to Milepost 83
road construction from 08:00am to 05:00pm on weekdays
Comment: Be alert to clearing operations on the shoulder of the Parks Highway, from Milepost 72 to Milepost 75, Monday through Friday, between 8:00am and 5:00pm. For more information, call the DOT Project Hotline at 907-373-0061.

last updated January 13

Parks Highway: from Milepost 72 to Milepost 83
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Comment: Be alert to clearing operations on the shoulder of the Parks Highway, from Milepost 72 to Milepost 75, Monday through Friday, between 8:00am and 5:00pm. For more information, call the DOT Project Hotline at 907-373-0061.

last updated January 13

Seward Highway: at Trail River Bridge
bridge construction, traffic restrictions in force, lane closed -- look out for flaggers from 07:00am to 06:00pm on weekdays and Saturdays
Comment: For more information call DOT at 907-288-2344.

Seward Highway: at Trail River Bridge
bridge inspection work is in progress, width limit in effect, gross weight limit in effect from 09:00am to 09:00pm on Friday and Saturday — starting 9:00 AM, 01/22/10 until January 23
Comment: Bridge inspections of the Trail River Bridge, at Milepost 25 of the Seward Highway, are scheduled on Friday Januay 22nd and Saturday, January 23 between 9:00am and 5:00pm. During these times, loads greater than 30,000 pounds or widths exceeding 12 feet will not be permitted access to cross the Trail River Bridge. Be alert to LANE RESTRICTIONS, flagging operations and reduced speed limits. Use extreme caution when traveling through this area.

last updated yesterday at 11:29 AM

Seward Highway: at Trail River Bridge
bridge construction, traffic restrictions in force, lane closed -- look out for flaggers from 07:00am to 06:00pm on weekdays and Saturdays
Comment: For more information call DOT at 907-288-2344.

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bridge inspection work is in progress, width limit in effect, gross weight limit in effect from 09:00am to 09:00pm on Friday and Saturday — starting 9:00 AM, 01/22/10 until January 23
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last updated yesterday at 11:29 AM

- Seward Highway - Dimond Blvd to 36th Avenue
- Seward Highway Emergency Bridge Replacement NEW
- Seward Highway/92nd Avenue Grade Separation NEW
- Sterling Highway, MP 45-60
- Takotna Airport Relocation
- Talkeetna Airport Improvements Project
- Trunk Road Reconstruction: Parks Highway to Palmer-Fishhook Road
- Tuluksak Airport Relocation
- Victor Road NEW

Northern Region Projects

- 3rd Street Widening Project
- Alaska Highway: Tanana River Bridge #505
- Dennis Road Extension
- Farmers Loop to Chena Hot Springs Road Trail Connection Reconnaissance Report PDF 14.1mb
- Foothills West Transportation Access Project
- Illinois Street Reconstruction Project
- Interior Alaska Transportation Plan (external link)
- Kotzebue Airport Relocation Feasibility Study
- Kotzebue Roads – Shore Avenue
    - Finding of No Significant Impact - Shore Avenue PDF 3mb
    - Kotzebue / Shore Avenue Historic Building Survey Report PDF 27mb
    - Office of History and Archaeology Report - Shore Avenue PDF 1.3mb
- University Avenue Rehabilitation and Widening Project
- Richardson Highway North Pole Interchange Project
- Steese Highway / Johansen Expressway Area Traffic Improvements (GO BOND)
- Taylor Highway MP 64.5 to Canadian Border
- Western Alaska Access Planning Study

Southeast Region Projects

Design Project Websites

- Angoon Airport Master Plan
- Angoon Airport EIS (external)
- Auke Bay Corridor (ABCor) Study
- Egan Drive / 10th Street Intersection Improvements
- Gravina Access Project
- Haines Highway Improvements MP 3.5-MP 25.3
- Juneau Access
- Kodiak Ferry Terminal
- Klawock Airport Master Plan
- Mid Region Access EIS (Bradfield Road)
- Pelican Boardwalk Repairs
- Petersburg Airport Runway Safety Area Improvements
- Sawmill Creek Road Upgrade
- Sitka-Sawmill Creek Road/Halibut Point Road Roundabout
- Sitka Airport EIS (external)
- Southeast Region Aviation System Plan
- Sunny Point Intersection Improvements

- Wrangell Road and Utility Improvements(external)
- West Egan Drive Corridor (WEDCOR) Study
- Yakutat Airport Master Plan

Southeast Region Project Status Reports

Updated January 2010

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **HB 261**
() Publish Date:

Identifier (file name): HB261-DOT-SIS-03-17-10
Dept. Affected: DOT&PF
Title: Transportation Project Disclosures
RDU: Administration and Support
Component: Statewide Information Services
Sponsor: Rep. Keller
Requester: H TRA
Component Number: 540

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
Personal Services	200.0		200.0	200.0	200.0	200.0	200.0
Travel	20.0		20.0	20.0	20.0	20.0	20.0
Contractual	110.0		6.0	6.0	6.0	6.0	6.0
Supplies	8.0		1.5	1.5	1.5	1.5	1.5
Equipment	30.0						
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**368.0**	**0.0**	**227.5**	**227.5**	**227.5**	**227.5**	**227.5**
CAPITAL EXPENDITURES							
CHANGE IN REVENUES ( )							

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF	368.0		227.5	227.5	227.5	227.5	227.5
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	**368.0**	**0.0**	**227.5**	**227.5**	**227.5**	**227.5**	**227.5**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time	**2.0**		2	2	2	2	2
Part-time							
Temporary							

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

HB 261 as currently drafted requires DOT&PF to capture information on every contract the department issues related to construction projects such as: surveying, property searches, traffic data collection, utility relocation, right of way acquisition and relocation, geotechnical, environmental mitigation and aerial photography contracts. In order to publish information on the progress of contractors and to track the amount being spent, DOT&PF will develop new databases that capture this information for all those contracts that aren't currently being tracked and to provide updates within 30 days of payment. Additional work will be needed to gather data from Department of Labor's databases for the information they track on public construction contracts. Two analyst programmers will be needed to accomplish these tasks. Additional contractual funding is for additional programming support for database development.

Prepared by: Mary Siroky, Legislative Liaison — Phone 465-4772
Division: Department of Transportation and Public Facilities — Date/Time 3/17/10 1:45 PM
Approved by: Frank Richards, Deputy Commissioner — Date 3/17/2010
Department of Transportation and Public Facilities

(Revised 11/6/2009 OMB)

3232

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **HB 261**
() Publish Date:

Identifier (file name): HB261-DOT-SIS-03-17-10
Dept. Affected: DOT&PF
Title: Transportation Project Disclosures
RDU: Administration and Support
Component: Statewide Information Services
Sponsor: Rep. Keller
Requester: H TRA
Component Number: 540

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
Personal Services	200.0		200.0	200.0	200.0	200.0	200.0
Travel	20.0		20.0	20.0	20.0	20.0	20.0
Contractual	110.0		6.0	6.0	6.0	6.0	6.0
Supplies	8.0		1.5	1.5	1.5	1.5	1.5
Equipment	30.0						
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**368.0**	**0.0**	**227.5**	**227.5**	**227.5**	**227.5**	**227.5**
CAPITAL EXPENDITURES							
CHANGE IN REVENUES ( )							

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF	368.0		227.5	227.5	227.5	227.5	227.5
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	**368.0**	**0.0**	**227.5**	**227.5**	**227.5**	**227.5**	**227.5**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time	2.0		2	2	2	2	2
Part-time							
Temporary							

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

HB 261 as currently drafted requires DOT&PF to capture information on every contract the department issues related to construction projects such as: surveying, property searches, traffic data collection, utility relocation, right of way acquisition and relocation, geotechnical, environmental mitigation and aerial photography contracts. In order to publish information on the progress of contractors and to track the amount being spent, DOT&PF will develop new databases that capture this information for all those contracts that aren't currently being tracked and to provide updates within 30 days of payment. Additional work will be needed to gather data from Department of Labor's databases for the information they track on public construction contracts. Two analyst programmers will be needed to accomplish these tasks. Additional contractual funding is for additional programming support for database development.

Prepared by: Mary Siroky, Legislative Liaison — Phone 465-4772
Division: Department of Transportation and Public Facilities — Date/Time 3/17/10 1:45 PM
Approved by: Frank Richards, Deputy Commissioner — Date 3/17/2010
Department of Transportation and Public Facilities

(Revised 11/6/2009 OMB)

3233

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **HB 261**
() Publish Date:

Identifier (file name): HB261-DOT-SIS-03-17-10
Title: Transportation Project Disclosures
Sponsor: Rep. Keller
Requester: H TRA

Dept. Affected: DOT&PF
RDU: Administration and Support
Component: Statewide Information Services
Component Number: 540

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
Personal Services	200.0		200.0	200.0	200.0	200.0	200.0
Travel	20.0		20.0	20.0	20.0	20.0	20.0
Contractual	110.0		6.0	6.0	6.0	6.0	6.0
Supplies	8.0		1.5	1.5	1.5	1.5	1.5
Equipment	30.0						
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**368.0**	**0.0**	**227.5**	**227.5**	**227.5**	**227.5**	**227.5**
CAPITAL EXPENDITURES							
CHANGE IN REVENUES ( )							

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF	368.0		227.5	227.5	227.5	227.5	227.5
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	**368.0**	**0.0**	**227.5**	**227.5**	**227.5**	**227.5**	**227.5**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time	**2.0**		2	2	2	2	2
Part-time							
Temporary							

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

HB 261 as currently drafted requires DOT&PF to capture information on every contract the department issues related to construction projects such as: surveying, property searches, traffic data collection, utility relocation, right of way acquisition and relocation, geotechnical, environmental mitigation and aerial photography contracts. In order to publish information on the progress of contractors and to track the amount being spent, DOT&PF will develop new databases that capture this information for all those contracts that aren't currently being tracked and to provide updates within 30 days of payment. Additional work will be needed to gather data from Department of Labor's databases for the information they track on public construction contracts. Two analyst programmers will be needed to accomplish these tasks. Additional contractual funding is for additional programming support for database development.

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Approved by: Frank Richards, Deputy Commissioner
Department of Transportation and Public Facilities
Date 3/17/2010

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3234

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

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() Publish Date:

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Title: Transportation Project Disclosures
Sponsor: Rep. Keller
Requester: H TRA

Dept. Affected: DOT&PF
RDU: Administration and Support
Component: Statewide Information Services
Component Number: 540

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
Personal Services	200.0		200.0	200.0	200.0	200.0	200.0
Travel	20.0		20.0	20.0	20.0	20.0	20.0
Contractual	110.0		6.0	6.0	6.0	6.0	6.0
Supplies	8.0		1.5	1.5	1.5	1.5	1.5
Equipment	30.0						
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**368.0**	**0.0**	**227.5**	**227.5**	**227.5**	**227.5**	**227.5**
CAPITAL EXPENDITURES							
CHANGE IN REVENUES ( )							

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF	368.0		227.5	227.5	227.5	227.5	227.5
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	**368.0**	**0.0**	**227.5**	**227.5**	**227.5**	**227.5**	**227.5**

Estimate of any current year (FY2010) cost:

POSITIONS

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Part-time							
Temporary							

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

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Division: Department of Transportation and Public Facilities — Date/Time 3/17/10 1:45 PM
Approved by: Frank Richards, Deputy Commissioner — Date 3/17/2010
Department of Transportation and Public Facilities

(Revised 11/6/2009 OMB)

3235

HB

262

ALASKA STATE LEGISLATURE

Interim:
600 East Railroad Avenue
Wasilla, Alaska 99654
Phone (907) 373-1842
Fax: (907) 373-4729

Session:
State Capitol Building
Juneau, Alaska 99801-1182
Phone: (907) 465-2186
Fax: (907) 465-3818

REPRESENTATIVE WES KELLER
DISTRICT 14

Sponsor Statement
House Bill 262

"An Act establishing the month of May as Motorcycle Awareness Month."

For many people visiting Alaska each summer one of the surprises is how many motorcycles are on the road. That's because Alaskans enjoy the warm weather which usually begins shortly after the road are clear of ice and snow and lasts until the snow comes again.

This normally means that riders are on the streets and roads earlier and later during the year than in most parts of the lower 48. Typically May is considered the month when the majority of street legal bikes are up and running. With this thought the Motorcycle Safety Foundation launches a campaign for motorcycle awareness and safety. Alaska has followed this lead but currently requires special attention from the Governor in the form of a declaration.

House Bill 262 will change that, making May officially Motorcycle Awareness Month in Alaska. This change allows members of the Alaska Motorcycle Safety Commission to plan for the campaign in advance. The materials center of safety; a reminder to vehicle drivers that motorcycles are back on the street and to motorcycle riders to keep an eye on those drivers not yet use to seeing them.

Support for May as Motorcycle Awareness month is a no cost to the government way to support traffic safety projects in Alaska.

E-Mail: Representative_Wes_Keller@legis.state.ak.us
Call Juneau Toll free: (800) 468-2186
Website: www.akrepublicans.org/keller/

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **HB 262**
() Publish Date:

Identifier (file name): HB262-DOT-CO-3-17-10
Title: Motorcycle Awareness Month
Sponsor: Rep. Keller
Requester: H TRA

Dept. Affected: DOT&PF
RDU: Administration and Support
Component: Commissioner's Office
Component Number: 530

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**0.0**
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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

There is no fiscal impact to the department.

Prepared by: Mary Siroky, Legislative Liaison
Division: Department of Transportation and Public Facilities
Phone 465-4772
Date/Time 3/17/2010 10:15:00AM

Approved by: Frank Richards, Deputy Commissioner
Department of Transportation and Public Facilities
Date 3/17/2010

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3238

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **HB 262**
() Publish Date:

Identifier (file name): HB262-DOT-CO-3-17-10
Dept. Affected: DOT&PF
Title: Motorcycle Awareness Month
RDU: Administration and Support
Component: Commissioner's Office
Sponsor: Rep. Keller
Requester: H TRA
Component Number: 530

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**0.0**
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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

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Date 3/17/2010
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(Revised 11/6/2009 OMB)

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Requester: H TRA

Dept. Affected: DOT&PF
RDU: Administration and Support
Component: Commissioner's Office
Component Number: 530

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**0.0**
CAPITAL EXPENDITURES							
CHANGE IN REVENUES ( )							

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
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1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

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Division: Department of Transportation and Public Facilities
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FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **HB 262**
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Identifier (file name): HB262-DOT-CO-3-17-10
Title: Motorcycle Awareness Month
Sponsor: Rep. Keller
Requester: H TRA

Dept. Affected: DOT&PF
RDU: Administration and Support
Component: Commissioner's Office
Component Number: 530

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
Personal Services							
Travel							
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Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
CAPITAL EXPENDITURES							
CHANGE IN REVENUES ( )							

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
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1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
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Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

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Division: Department of Transportation and Public Facilities
Phone 465-4772
Date/Time 3/17/2010 10:15:00AM

Approved by: Frank Richards, Deputy Commissioner
Department of Transportation and Public Facilities
Date 3/17/2010

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>>> Now more than ever, WE NEED YOUR DONATIONS! <<<

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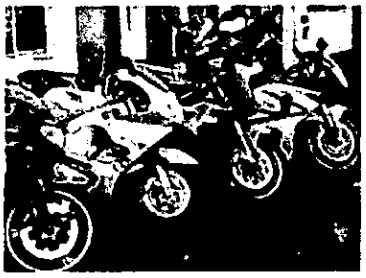
May is Motorcycle Awareness Month



The National Highway Traffic Safety Administration (NHTSA) has declared each May; "Motorcycle Safety Awareness Month."

The NHTSA is trying to bring more motorcycle awareness to those drivers who aren't riding motorcycles. NHTSA says, "Over two-thirds of fatal motorcycle crashes involve a motorcycle and another vehicle." For those of us who travel the city streets daily, we know quite well that most of our attention is spent on anticipating what the other driver will do.

You can help bring awareness to the increasing number of motorcyclist on the road by joining me in bringing more knowledge to our non two wheeled friends. Take the month of May to talk to your friends and family who may or may not realize you ride a bike. Maybe if we can bring a more personal connection to motorcycling, people will eventually realize that we aren't just a bunch of leather wearing troublemakers.

>> NHTSA Website

It's quick, easy and best of all it's free!

Order Information	
Orders Sent:	15,789
Orders Pending:	3,652
Shipping Cost:	$1,606.88
Current Donations:	$281.00

All you need to do is complete the order form and I'll mail you a set of stickers.

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for mike true friends are never forgotten friendshipride.com

>>> Now more than ever, WE NEED YOUR DONATIONS! <<<

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GALLERY
DRIVING TIPS

Tips for Driving "Biker Friendly"

LOOK for riders. So often you will hear that a driver "never saw" the motorcyclist that they hit. As surprising as it may seem that you wouldn't see a vehicle, even if you looked right at it, a surprising study by Dr. Arien Mack shows that it is a real phenomenon. The fancy name for this is Inattentional Blindness, and the result is that people see what they are looking for and screen out everything else. When driving, people are looking for cars, and consequently do not see motorcyclist, bicyclists or even pedestrians. We all know that this can lead to deadly consequences. So when you are driving, PLEASE look for any on coming traffic or bystanders...they may very well be there!!!

For more information on inattentional blindness and the video in which participants didn't notice a guy in a gorilla suit in the middle of the screen, visit here:

>> http://viscog.beckman.uiuc.edu/djs_lab/IB.html

Don't tailgate! Rear ending a rider can KILL

Don't cut off that motorcycle! Even if you are frustrated, even if you are in a hurry, no matter what, give riders space. Remember that you are only a few feet from that person's body.

WAIT! You are misjudging their speed! You assess vehicle speed all the time on cars and judge when we have enough time to go or when we should wait for the traffic to pass. This judgment of speed is actually based on the visual mass of the vehicle. Cars are bigger than motorcycles, and as such, motorcycles appear to be going slower than they actually are. If you see a rider, you have less time than a car at the same perceived rate of speed. So, just wait and let the motorcycle pass if you have any doubts.

Give riders extra room.

Watch for riders in groups and try not to separate riders.

Motorcycles are entitled to a right of way. A person operating a motorcycle is entitled to the same rights and right of way as a car. So often drivers will disregard motorcyclists right of way. For example, if a motorcycle is turning left and they got to the stop sign first, the motorcycle goes first...just like a car.

Motorcycles are entitled to their own lane. Motorcycles are entitled to their own lane on the road...a whole lane. You wouldn't drive in a lane with another car, you wouldn't push a car off to the shoulder, and it is against the law to do it to a motorcycle.

Lane sharing is legal in California! Lane sharing allows motorcycles to go between two lanes of traffic to the stop light or along side stopped traffic on the freeway. This is LEGAL IN CALIFORNIA. Many drivers dislike this, but it is totally legal and is actually a good thing. With traffic in California being such a problem, lane sharing allows more vehicles to pass and keep from further congesting the roads. Also, for riders being in front of traffic is always the safest place to ride. People who are not looking for riders or who drive distracted don't see riders and often change lanes into them. Being in front minimizes the potential dangers from traffic, so move over and allow that rider to pass at the light.

It's quick, easy and best of all it's free!

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All you need to do is complete the order form and I'll mail you a set of stickers.

Order NOW!

Road Rage can KILL a rider. Rider's sometimes do rude things, just like drivers do from time to time. In a car, driving recklessly has a steel-framed cushion, a rider, however, is totally exposed. A stupid move to try to prove a point can take a life. It just isn't worth the consequences. Please drive sane.

for mike

true friends are never forgotten

friendshipride.com

2009 MOTORCYCLE SAFETY AWARENESS MONTH PLANNER
SAMPLE NEWS RELEASE

Note: before filling in the names of the Organization and Organization spokesperson, you MUST contact them to obtain their permission to use their names in this press release, and you must get their approval for the language of their quotations, and any changes or additions they may require. Only after this is done should you send out the press release.

FOR IMMEDIATE RELEASE: [Date]
CONTACT: [Name, Phone Number, E-mail]

[Local Organization] Promotes "Sharing the Road" with Motorcycles by Joining Efforts with State and Federal Partners

May 2009 Proclaimed Motorcycle Safety Awareness Month.

[City, State] – Motorcyclists fatalities have steadily increased over the past decade. In fact, in 2007, there was a seven percent increase in fatalities from 4,837 in 2006, to 5,154.

That's why [Local Organization] announced today that they are joining with other federal, State and local highway safety, law enforcement, and motorcycle organizations in proclaiming May 2009 as "Motorcycle Safety Awareness Month." All motorists are reminded to safely "Share the Road" with motorcycles and to be extra alert when driving to help keep motorcyclists safe. Motorcyclists are reminded to make themselves visible to other motorists in case other drivers are not looking out for motorcycle riders.

"As the weather improves, more and more motorcyclists are hitting the roads. And with that in mind, drivers of all vehicles, whether you're driving an SUV, passenger car or truck, need to be extra attentive and make sure you "Share the Road,"" said [Local Leader]. "Motorcycles are some of the smallest vehicles on our roads, often hidden in a vehicle's blind spot so everyone needs to really look out for them."

It's crucial that motorists always make a visual check for motorcycles by checking mirrors and blind spots before entering or leaving a lane of traffic and at intersections.

"Motorcyclists have responsibilities, too," said [Local Leader]. "They should follow the rules of the roadway, be alert to other drivers, and always wear a DOT-compliant helmet and other protective gear."

[Local Leader] said that motorcyclists are much more vulnerable than passenger vehicle occupants in the event of a crash. [He/she] said that research shows that per vehicle mile traveled, motorcyclists are about 37 times more likely than a passenger car occupant to die in a traffic crash.

[Local Leader] offered several tips for drivers to help keep motorcyclists safe on our roadways:

* Remember the motorcycle is a vehicle with all of the rights and privileges of any other motor vehicle on the roadway. Always allow a motorcyclist the full lane width—never try to share a lane;

* Always make a visual check for motorcycles by checking mirrors and blind spots before entering or leaving a lane of traffic and at intersections;

* Always signal your intentions before changing lanes or merging with traffic;

* Don't be fooled by a flashing turn signal on a motorcycle – motorcycle signals are often not self-canceling and riders sometimes forget to turn them off. Wait to be sure the motorcycle is going to turn before you proceed;

* Allow more following distance, three or four seconds, when behind a motorcycle, so the motorcyclist has enough time to maneuver or stop in an emergency. And don't tailgate. In dry conditions, motorcycles can stop more quickly than cars.

[Local Leader] said motorcyclists can increase their safety by:

* Avoid riding in poor weather conditions.

* Wearing brightly colored protective gear and a DOT-compliant helmet;

* Using turn signals for every turn or lane change, even if the rider thinks no one will see it;

* Combining hand and turn signals to draw more attention to themselves;

* Using reflective tape and stickers to increase conspicuity; and

* Positioning themselves in the lane where they will be most visible to other drivers.

Our message to all drivers and motorcyclists is: make this the first year in recent years when motorcycle fatalities do not increase. Help to share in the responsibility and do your part by safely "Sharing the Road."

For Car Drivers

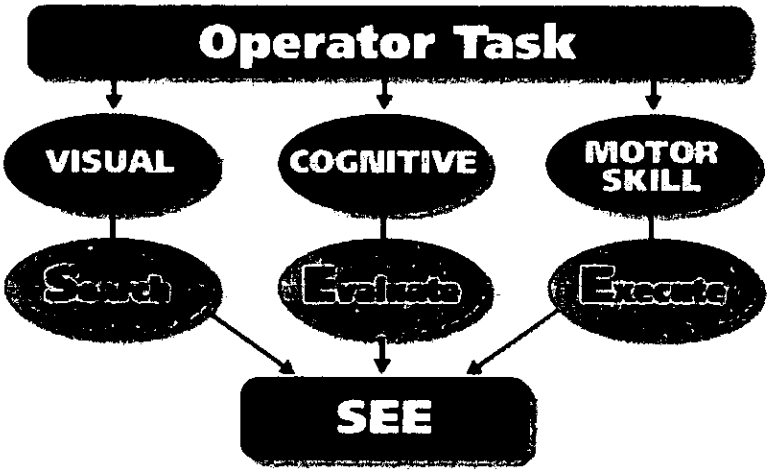
Why it Helps to SEE

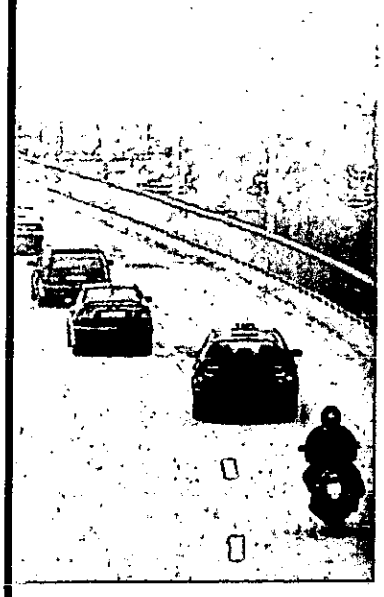
Home
Quick Tips
Why it Helps to SEE
Facts and Figures
Downloads/Media
Additional Resources
Invest In Safety

SEE℠: A Strategy for Managing the Risk of Motor Vehicle Operation

Overview:

The Motorcycle Safety Foundation (MSF), in its Basic *RiderCourse*℠ (BRC) and other curricular products, promotes a three-part process with the acronym SEE (Search, Evaluate, Execute) as the core of a personal safe-riding strategy (see diagram).





Operating a motor vehicle, especially on public roads, is not a passive activity but a complex task that involves more than just knowing how to use the accelerator, brakes, and steering. Motor vehicle operators require visual, cognitive and motor skills. In the chart above, these three distinct skills are transformed into three easily understood terms: Search, Evaluate, Execute. **Search** means to actively scan and identify factors that could create increased risk; **Evaluate** means to consider potential problems arising from the interaction of those factors; and **Execute** refers to the physical motor skills used to prevent or avoid the resulting hazards. (Please refer to the Appendix for an in-depth review of the use of the Search, Evaluate, Execute process.) An additional benefit of the three terms is that they form an acronym - SEE - that is easy to remember and is relevant to the driving/riding task in and of itself. The SEE process is applicable not only to the operation of any type of motor vehicle, but can work equally well as a risk-management strategy for bicyclists or even pedestrians interacting within a motor vehicle environment.

Analysis:

SEE is an active, thinking strategy that places responsibility on the motor vehicle operator to reduce risk by creating time and space in order to control a personal margin of safety. Besides being a simplified three-step process and easy to remember, SEE as a word acronym connects a thinking strategy with visual perception, which is dominant for safe vehicle operation. This is supported by the Hurt Report which stated in one of its recommendations and proposed countermeasures "...the need for the motorcycle rider to develop a traffic strategy so that he can SEE AND BE SEEN in traffic. This should be the most important component of any motorcycle rider training program."

Recommendation:

All car drivers should use SEE, which due to its simplicity and effectiveness may prove to be as beneficial in reducing traffic collisions as another well-known strategy that it complements, the "two-second rule."

Appendix: The Process of Search, Evaluate, Execute

For Car Drivers

Quick Tips

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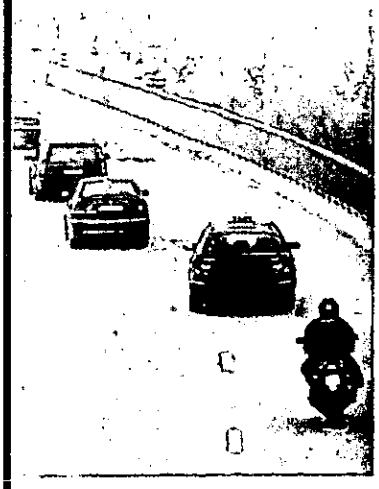
Additional Resources
Invest In Safety

Ten Things All Car & Truck Drivers Should Know About Motorcycles



1. Over half of all fatal motorcycle crashes involve another vehicle. Most of the time, the motorist, not the motorcyclist, is at fault. There are a lot more cars and trucks than motorcycles on the road, and some drivers don't "recognize" a motorcycle - they ignore it (usually unintentionally).

2. Because of its small size, a motorcycle can be easily hidden in a car's blind spots (door/roof pillars) or masked by objects or backgrounds outside a car (bushes, fences, bridges, etc). Take an extra moment to look for motorcycles, whether you're changing lanes or turning at intersections.

3. Because of its small size, a motorcycle may look farther away than it is. It may also be difficult to judge a motorcycle's speed. When checking traffic to turn at an intersection or into (or out of) a driveway, predict a motorcycle is closer than it looks.

4. Motorcyclists often slow by downshifting or merely rolling off the throttle, thus not activating the brake light. Allow more following distance, say 3 or 4 seconds. At intersections, predict a motorcyclist may slow down without visual warning.

5. Motorcyclists often adjust position within a lane to be seen more easily and to minimize the effects of road debris, passing vehicles, and wind. Understand that motorcyclists adjust lane position for a purpose, not to be reckless or show off or to allow you to share the lane with them.

6. Turn signals on a motorcycle usually are not self-canceling, thus some riders (especially beginners) sometimes forget to turn them off after a turn or lane change. Make sure a motorcycle's signal is for real.

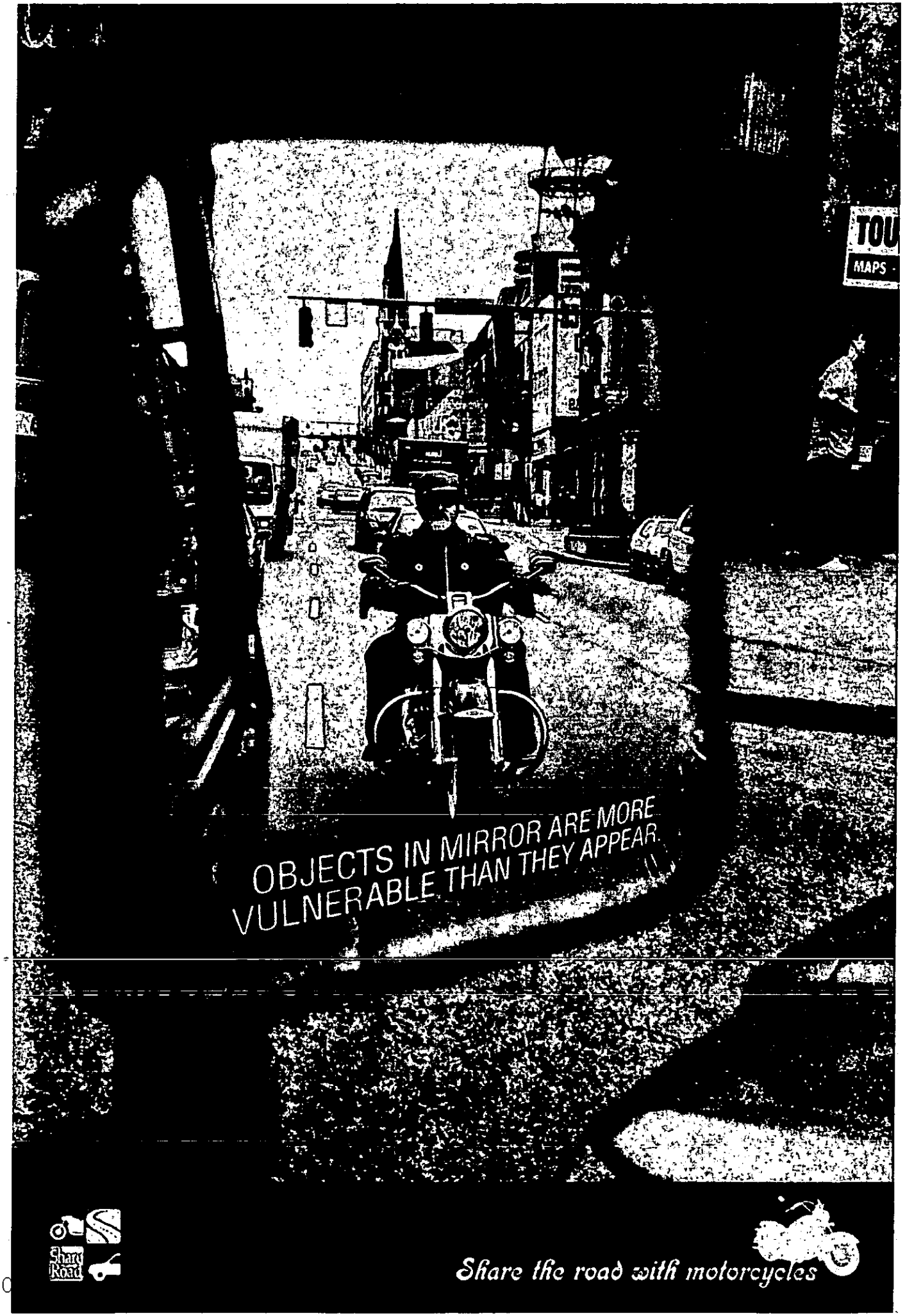
7. Maneuverability is one of a motorcycle's better characteristics, especially at slower speeds and with good road conditions, but don't expect a motorcyclist to always be able to dodge out of the way.

8. Stopping distance for motorcycles is nearly the same as for cars, but slippery pavement makes stopping quickly difficult. Allow more following distance behind a motorcycle because it can't always stop "on a dime."

9. When a motorcycle is in motion, see more than the motorcycle - see the person under the helmet, who could be your friend, neighbor, or relative.

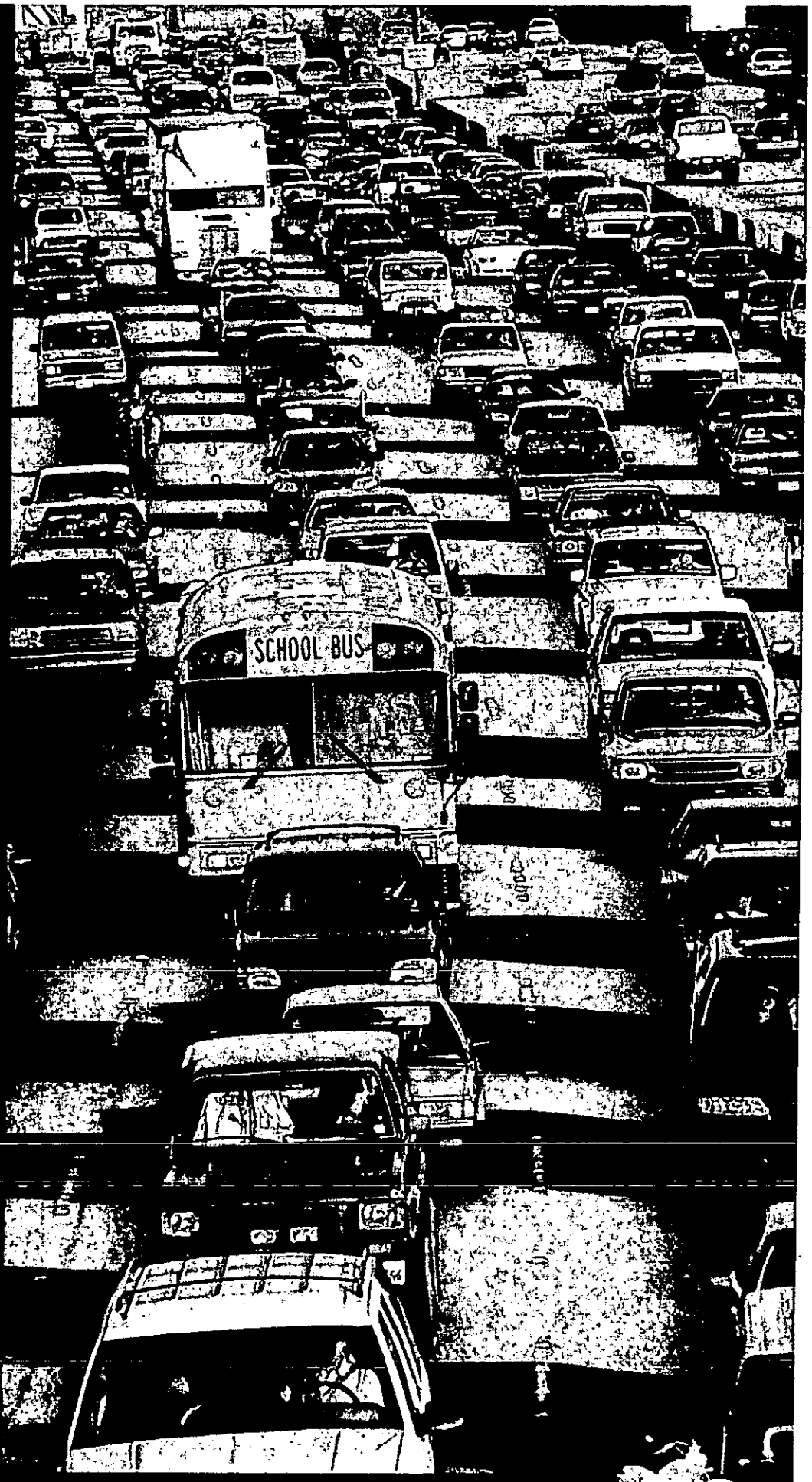
If a driver crashes into a motorcyclist, bicyclist, or pedestrian and causes serious injury, the driver would likely never forgive himself/herself.

The Motorcycle Safety Foundation is a national, not-for-profit organization sponsored by
BMW, BRP, Ducati, Harley-Davidson, Honda, Kawasaki, KTM, Piaggio/Vespa, Suzuki, Triumph, Victory, and Yamaha


TOU
MAPS
OBJECTS IN MIRROR ARE MORE
VULNERABLE THAN THEY APPEAR.
Share the road
Share the road with motorcycles

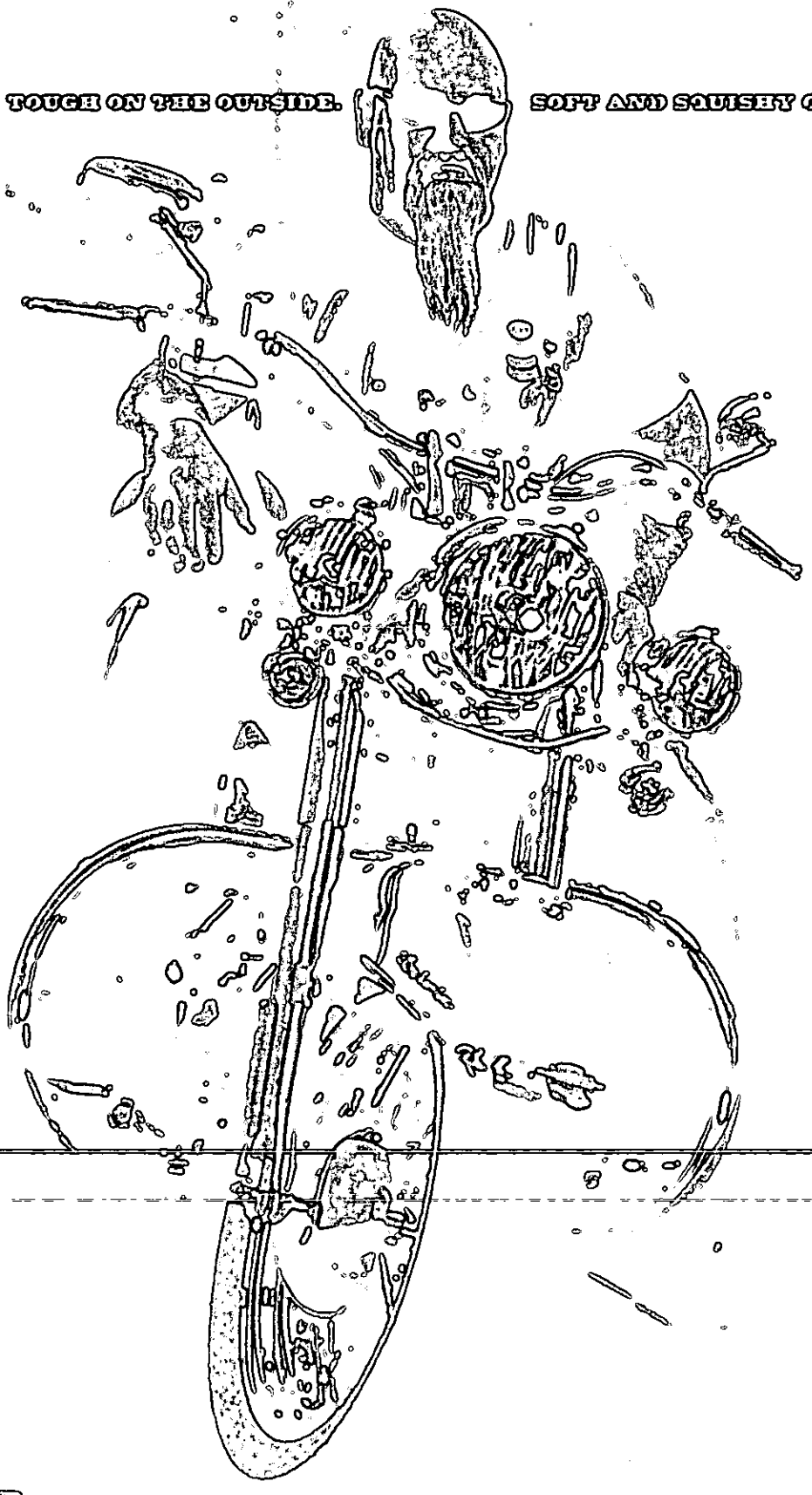
Spotting a motorcycle on the road can be just as hard as finding one in this picture.

Keep an eye out for motorcycles.



Share the road with motorcycles

TOUGH ON THE OUTSIDE. SOFT AND SQUISHY ON THE INSIDE.



Share the road with motorcycles

HB

267

Alaska State Legislature

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Member
House Finance Committee

Representative Mike Kelly

House District 7

SPONSOR STATEMENT – HB 267
Dalton Highway Access Bill

Since 1980, state law has prohibited virtually all off-road vehicle use within five miles of the Dalton Highway north of the Yukon River. Miners and oil workers are allowed to cross the corridor for business use and local resident snowmachine use is permitted. HB 267 simply ends the longstanding prohibition on Alaskans' right to travel by snowmachine on this public land corridor north of the Yukon River. Many Alaskans believe that travel by snowmachine in the Dalton Corridor is prevented by federal law. Wrong. The problem is state law.

A February 20, 2010 *Fairbanks Daily News Miner* editorial stated (excerpt):

> *Some argue that the state must prohibit snowmachines in the corridor to protect wildlife from renegade hunters. If this is a reasonable argument, shouldn't the state apply the same five-mile buffer to the rest of its remote road system? Most of our highways traverse lightly populated areas where law enforcement is spotty.*
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> *The Dalton Highway is more remote, yes, but that actually argues against more stringent regulation. Its remoteness, lack of services and unpaved surface discourage most Alaskans from venturing up it – fewer people, fewer enforcement problems.*
>
> *The blanket prohibition north of the Yukon River is overkill.*

HB 267 will allow snowmachine use on the Dalton highway corridor from Oct. 1 to April 30 when soil is frozen and snow covered. The resulting impact on surface vegetation should be minimal. If HB 267 passes, the prohibition on other off-road vehicles would remain. This bill simply offers Alaskans access by snowmachine during the winter months to public lands from a public highway.

26-LS1207\R 3/2/2010

26-LS1207\N
Kane
3/25/10

CS FOR HOUSE BILL NO. 267(TRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES KELLY AND NEUMAN, Tammie Wilson

A BILL

FOR AN ACT ENTITLED

"An Act relating to travel by snow machine within five miles of the right-of-way of the James Dalton Highway; and providing for an effective date."

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

*** Section 1.** AS 19.40.210 is amended to read:

Sec. 19.40.210. Prohibition of off-road vehicles. Off-road vehicles are prohibited on land within five miles of the right-of-way of the highway. However, this prohibition does not apply to

(1) off-road vehicles necessary for oil and gas exploration, development, production, or transportation;

(2) a person who holds a mining claim in the vicinity of the highway and who must use land within five miles of the right-of-way of the highway to gain access to the mining claim; or

(3) the use of a snow machine to travel **south of highway milepost 176 between October 1 and April 30** across the highway **and on or across the**

highway corridor [CORRIDOR FROM LAND OUTSIDE THE CORRIDOR TO ACCESS LAND OUTSIDE THE OTHER SIDE OF THE CORRIDOR; THIS PARAGRAPH DOES NOT PERMIT THE USE OF A SNOW MACHINE FOR ANY PURPOSE WITHIN THE CORRIDOR IF THE USE BEGINS OR ENDS WITHIN THE CORRIDOR OR WITHIN THE RIGHT-OF-WAY OF THE HIGHWAY OR IF THE USE IS FOR TRAVEL WITHIN THE CORRIDOR THAT IS PARALLEL TO THE RIGHT-OF-WAY OF THE HIGHWAY]; in this paragraph, "highway corridor" means land within five miles of the right-of-way of the highway.

*** Sec. 2.** AS 19.40.210, as amended by sec. 1 of this Act, is amended to read:

Sec. 19.40.210. Prohibition of off-road vehicles. Off-road vehicles are prohibited on land within five miles of the right-of-way of the highway. However, this prohibition does not apply to

(1) off-road vehicles necessary for oil and gas exploration, development, production, or transportation;

(2) a person who holds a mining claim in the vicinity of the highway and who must use land within five miles of the right-of-way of the highway to gain access to the mining claim; or

(3) the use of a snow machine to travel [SOUTH OF MILEPOST 176 BETWEEN OCTOBER 1 AND APRIL 30] across the highway **corridor from land outside the corridor to access land outside the other side of the corridor; this paragraph does not permit the use of a snow machine for any purpose within the corridor if the use begins or ends within the corridor or within the right-of-way of the highway or if the use is for travel within the corridor that is parallel to the right-of-way of the highway;** [AND ON OR ACROSS THE HIGHWAY CORRIDOR] in this paragraph, "highway corridor" means land within five miles of the right-of-way of the highway.

*** Sec. 3.** AS 19.40.210 is amended by adding new subsections to read:

(b) A person using a snow machine as allowed under (a)(3) of this section is required annually to obtain a permit from the department. The department shall issue a permit at no fee to any person requesting one and shall keep an accurate count of the number of permits issued.

(c) A person using a snow machine as allowed under (a)(3) of this section without a permit is guilty of a violation and upon conviction is punishable by a fine of not more than ~~$25.~~ $75 N

*** Sec. 4.** AS 19.40.210(b) and 19.40.210(c), as enacted by sec. 3 of this Act, are repealed on May 1, 2012. Sunset.

*** Sec. 5.** Section 2 of this Act takes effect May 1, 2012.

N/Y
11/11

Alaska State Legislature
House of Representatives

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Representative Tammie Wilson

MEMORANDUM

March 23, 2010

TO: Representative Peggy Wilson, Chair, House Transportation Committee

FROM: Representative Tammie Wilson
Representative Pete Petersen
Representative Craig Johnson

RE: Transportation Subcommittee recommendations on HB 267

The House Transportation Subcommittee convened to address HB 267 on March 17 & 22nd. The committee completed public testimony, received feedback from DOT and the prime sponsors, and discussed options. The committee recommends consideration of one or more of the following:

- Request DOT monitor the number of new annual recreational visitors through a "permit" process; regulate the number of permits issued through a biennial review.
    - Posting (via online and phone) weather conditions to confirm adequate snow covering.
- Designate access points within the corridor which correspond with existing pull-outs and parking areas.
- Require recreational users to maintain safety equipment (i.e. GPS and emergency supplies)
- Open the corridor to recreational access to only mile post 176 (Coldfoot).

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HB 267 will allow snowmachine use on the Dalton highway corridor from Oct. 1 to April 30 when soil is frozen and snow covered. The resulting impact on surface vegetation should be minimal. If HB 267 passes, the prohibition on other off-road vehicles would remain. This bill simply offers Alaskans access by snowmachine during the winter months to public lands from a public highway.

Allow access: Dalton Highway corridor closure should be loosened

Legislators in Juneau have before them a simple bill to end a longstanding, unreasonable limitation on Alaskans' right to travel across public land north of the Yukon River.

Reps. Mike Kelly of Fairbanks and Mark Neuman of Wasilla have proposed allowing snowmachine travel on the Dalton Highway corridor during winter months. Rep. Tammie Wilson of North Pole has signed on as a co-sponsor.

For many years, state law has prohibited virtually all off-road vehicle use within five miles of the highway. Miners and oil workers are allowed on business. And some local snowmachine use is allowed — crossings of the 10-mile wide corridor are permitted if the rider starts from outside the corridor and is on his way to somewhere on the other side. Starting or stopping a snowmachine trip within the corridor is not allowed.

This, of course, eliminates the use of the Dalton Highway as a take-off point for most travel via snowmachine.

The rule is something Alaskans might expect from Washington, D.C., not Juneau. But it has a long history of political compromises that have sustained it in state law.

Some argue that the state must prohibit snowmachines in the corridor to protect wildlife from renegade hunters. If this is a reasonable argument, shouldn't the state apply the same five-mile buffer to the rest of its remote road system? Most of our highways traverse lightly populated areas where law enforcement is spotty.

The Dalton Highway is more remote, yes, but that actually argues against more stringent regulation. Its remoteness, lack of services and unpaved surface discourage most Alaskans from venturing up it — fewer people, fewer enforcement problems.

The ban on off-road vehicles in the corridor was passed in part to discourage urban hunters from using the road and competing with villagers. If that's such an issue, the state could limit access in areas that might be considered too near to the few villages along the route. The blanket prohibition north of the Yukon River is overkill.

The legislation in Juneau would allow snowmachines on the highway corridor from Oct. 1 to April 30. That roughly matches the season of frozen soil and snow cover, so the resulting travelers would have minimal impact on tender surface vegetation.

Even if the legislation passes, the prohibition on all other off-road vehicles would continue. So, too, would state regulations that prohibit hunting, except with bow and arrow, and the transport of hunters using motorized vehicles in the corridor.

The proposal would simply offer Alaskans access during the winter months to public lands from a public highway, with far more limits than they face on any other remote Alaska road.

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Fairbanks Daily News Miner – Editorial February 20, 2010

HB 267

Sec. 16.05.258. Subsistence use and allocation of fish and game.

(a) Except in nonsubsistence areas, the Board of Fisheries and the Board of Game shall identify the fish stocks and game populations, or portions of stocks or populations, that are customarily and traditionally taken or used for subsistence. The commissioner shall provide recommendations to the boards concerning the stock and population identifications. The boards shall make identifications required under this subsection after receipt of the commissioner's recommendations.

(b) The appropriate board shall determine whether a portion of a fish stock or game population identified under (a) of this section can be harvested consistent with sustained yield. If a portion of a stock or population can be harvested consistent with sustained yield, the board shall determine the amount of the harvestable portion that is reasonably necessary for subsistence uses and

(1) if the harvestable portion of the stock or population is sufficient to provide for all consumptive uses, the appropriate board

(A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;

(B) shall adopt regulations that provide for other uses of those stocks or populations, subject to preferences among beneficial uses; and

(C) may adopt regulations to differentiate among uses;

(2) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses and some, but not all, other consumptive uses, the appropriate board

(A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;

(B) may adopt regulations that provide for other consumptive uses of those stocks or populations; and

(C) shall adopt regulations to differentiate among consumptive uses that provide for a preference for the subsistence uses, if regulations are adopted under (B) of this paragraph;

(3) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses, but no other consumptive uses, the appropriate board shall

(A) determine the portion of the stocks or populations that can be harvested consistent with sustained yield; and

(B) adopt regulations that eliminate other consumptive uses in order to provide a reasonable opportunity for subsistence uses; and

(4) if the harvestable portion of the stock or population is not sufficient to provide a reasonable opportunity for subsistence uses, the appropriate board shall

(A) adopt regulations eliminating consumptive uses, other than subsistence uses;

(B) distinguish among subsistence users, through limitations based on

(i) the customary and direct dependence on the fish stock or game population by the subsistence user for human consumption as a mainstay of livelihood;

(ii) the proximity of the domicile of the subsistence user to the stock or population; and

(iii) the ability of the subsistence user to obtain food if subsistence use is restricted or eliminated.

(c) The boards may not permit subsistence hunting or fishing in a nonsubsistence area. The boards, acting jointly, shall identify by regulation the boundaries of nonsubsistence areas. A nonsubsistence area is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area or community. In determining whether dependence upon subsistence is a principal characteristic of the economy, culture, and way of life of an area or community under this subsection, the boards shall jointly consider the relative importance of subsistence in the context of the totality of the following socio-economic characteristics of the area or community:

(1) the social and economic structure;

(2) the stability of the economy;

(3) the extent and the kinds of employment for wages, including full-time, part-time, temporary, and seasonal employment;

(4) the amount and distribution of cash income among those domiciled in the area or community;

(5) the cost and availability of goods and services to those domiciled in the area or community;

(6) the variety of fish and game species used by those domiciled in the area or community;

(7) the seasonal cycle of economic activity;

(8) the percentage of those domiciled in the area or community participating in hunting and fishing activities or using wild fish and game;

(9) the harvest levels of fish and game by those domiciled in the area or community;

(10) the cultural, social, and economic values associated with the taking and use of fish and game;

(11) the geographic locations where those domiciled in the area or community hunt and fish;

(12) the extent of sharing and exchange of fish and game by those domiciled in the area or community;

(13) additional similar factors the boards establish by regulation to be relevant to their determinations under this subsection.

(d) Fish stocks and game populations, or portions of fish stocks and game populations not identified under (a) of this section may be taken only under nonsubsistence regulations.

(e) Takings and uses of fish and game authorized under this section are subject to regulations regarding open and closed areas, seasons, methods and means, marking and identification requirements, quotas, bag limits, harvest levels, and sex, age, and size limitations. Takings and uses of resources authorized under this section are subject to AS 16.05.831 and AS 16.30.

(f) For purposes of this section, "reasonable opportunity" means an opportunity, as determined by the appropriate board, that allows a subsistence user to participate in a subsistence hunt or fishery that provides a normally diligent participant with a reasonable expectation of success of taking of fish or game.

Chapter 19.40. JAMES DALTON HIGHWAY

Sec. 19.40.010. Declaration of policy.

(a) The legislature finds and declares that there is an immediate need for a public highway from the Yukon River to the Arctic Ocean and that this public highway should be constructed by the State of Alaska at this time because

(1) it will assist in the fulfillment of art. VIII, Sec. 1, Constitution of the State of Alaska, in which it is provided that it is the policy of the state to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest;

(2) it will provide the first year-round, overland route from north of the Yukon River to the Arctic Ocean, and will consequently result in the completion of a highway from the Pacific Ocean to the Arctic Ocean;

(3) it is in conformity with the policy of 23 U.S.C. 101(b) (Federal-Aid Highway Act of 1956), in which it is declared to be in the national interest to accelerate the construction of certain highways which are of primary importance to the national defense;

(4) it will benefit local and interstate commerce because the area north of the Yukon River is rich in natural resources but is inaccessible at the present time because of the lack of roads and this inaccessibility prohibits the successful use of the natural resources of this area;

(5) it is consonant with art. VIII, Sec. 2, Constitution of the State of Alaska, in which it is provided that the legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the state, including land and water, for the maximum benefit of its people, because the highway will benefit not only local and interstate commerce but will also augment the revenue of the state and result in conservation of natural resources, for example, by facilitating a system of wildland fire suppression.

(b) It is the sense of the legislature that the construction of the highway will not impair the natural wilderness adjacent to the highway and will not unreasonably interfere with subsistence hunting, fishing, trapping, and gathering.

(c) It is the intent of the legislature that the state shall be reimbursed for the cost plus interest of constructing the public highway from the Yukon River to the Arctic Ocean.

(d) It is the intent of the legislature that employment of Alaska residents be encouraged and that the provisions of AS 36.10 be complied with.

Sec. 19.40.015. Highway named.

The highway is named the James Dalton Highway.

Sec. 19.40.020. Contractual authority.

(a) Subject to (b) of this section, the department may contract in accordance with AS 36.30 for the construction of a secondary highway from the Yukon River to the Arctic Ocean. The provisions of AS 36.10 govern in employment practices on all work authorized by this chapter.

(b) The authority granted under (a) of this section may not be exercised until the state enters into a contract with the participants in the Trans Alaska Pipeline System or other organization formed for the purpose of transporting oil by pipeline from the North Slope (that area of Alaska lying north of 68 degrees latitude). The contract shall provide for reimbursement to the state by the participants, jointly and severally, in the Trans Alaska Pipeline System or other organization formed for the purpose of transporting oil by pipeline, of the full amount of the highway's cost of construction plus interest on the state's expenditures at the rate of seven and one-half percent per year. Complete reimbursement together with interest shall be made within five years from the date of the contract. The state may, with the agreement of the participants, elect to construct an oil pipeline from the North Slope. In that event, the provisions of this subsection requiring reimbursement do not apply.

(c) The contract with the participants must include additional terms and conditions that are in the best interests of the state. Any advance payments made under the contract shall be deposited in a special account which will be used for disbursements to the contractor charged with construction of the highway. Disbursements to the contractor shall be made on order of the commissioner of transportation and public facilities on presentation of a proper voucher or the presentation of a voucher by an employee of the department authorized in writing to certify as to such payment.

Sec. 19.40.030. Undertakings of contractors.

The department, in place of the bonds or individual sureties required by AS 36.25.010 , may accept corporate undertakings that include the same essential provisions of the bonds or individual sureties required by AS 36.25.010 and that are satisfactory to the department.

Sec. 19.40.040. Exemption.

The Alaska Net Income Tax Act and the Alaska Business License Act do not apply to any money received by the general contractor from the state under a highway construction contract authorized under this chapter if the money is to be paid to a subcontractor for work performed under the construction contract. The money received by the subcontractors is subject to the Alaska Net Income Tax Act, the Alaska Business License Act, and any other applicable state taxes.

Sec. 19.40.050. Highway width.

In accordance with AS 19.10.015 , the width of this highway is designated as 200 feet.

Sec. 19.40.060. Conditions to be met.

Construction authorized under AS 19.40.020 - 19.40.050 may not be undertaken until all of the following conditions are met:

(1) certification by the commissioners of natural resources and fish and game that adequate precautions have been taken to protect and preserve the total ecology of the area traversed;

(2) certification by the commissioner of transportation and public facilities that the road design and construction methods will cause minimal landscape defacement or environmental degradation by erosion or waste disposal;

(3) certification by the commissioner of health and social services that adequate and reasonable precautions have been taken for the prevention of pollution during construction and subsequent public use;

(4) all certifications, as well as the regulations, contract provisions, specifications, inspection procedures, and programs necessary to implement and accomplish AS 19.40.020 - 19.40.050 shall be filed with the governor's office and published;

(5) the governor has approved all certifications and supporting material submitted under (4) of this section as being in the best public interest, and has certified that the contract required by AS 19.40.020 has been executed.

Sec. 19.40.065. Regulations and penalties.

All departments and agencies of the state are given the specific authority to adopt under AS 44.62 (Administrative Procedure Act) emergency, temporary, and permanent regulations necessary to accomplish the purposes of AS 19.40.020 - 19.40.050. The violation of any regulation adopted under AS 19.40.020 - 19.40.050 is a misdemeanor and upon conviction the person is punishable by a fine of not more than $10,000 for each offense.

Sec. 19.40.070. Conflict with other laws.

In the event of a conflict between this chapter and any other law of this state, the provisions of this chapter govern and supersede any such other law.

Sec. 19.40.080. [Renumbered as AS 19.40.290].

Repealed or Renumbered

Renumbered as AS 19.40.290.

Sec. 19.40.100. Use of the highway by industrial or commercial traffic.

(a) The department shall maintain the highway and keep it open to industrial or commercial traffic throughout the year.

(b) In this section "industrial or commercial traffic" means

(1) travel necessary and related to resource exploration and development or to support of those activities, if the individual engaged in those activities has all necessary permits;

(2) travel necessary and related to access by local residents to their property; or

(3) motor carriers engaged in commerce.

Sec. 19.40.110. Public use of a portion of the highway.

The department shall maintain the section of the highway between the Yukon River and Dietrich Camp and shall keep that section of the highway open to use by the public between June 1 and September 1 each year.

Sec. 19.40.120. Closure of the highway to traffic.

The provisions of AS 19.10.100 apply to the closure of the highway by the department.

Sec. 19.40.200. Disposal of land or materials.

(a) The state may not dispose of state land under AS 38 which is within five miles of the right-of-way of the highway.

(b) The prohibition on disposal of state land under (a) of this section does not apply to a disposal

(1) to a licensed public utility or a licensed common carrier under AS 38.05.810 (e);

(2) for the reauthorization of leases that were in effect on January 1, 1994, for nonresidential purposes within the following development nodes:

(A) Coldfoot:

Township 28 North, Range 12 West, Fairbanks Meridian

Sections 3 - 4

Sections 9 - 10

Sections 15 - 16

Sections 20 - 22

(B) Yukon River Crossing:

Township 12 North, Range 10 West, Fairbanks Meridian

Sections 6 - 7

Township 12 North, Range 11 West, Fairbanks Meridian

Sections 1 - 2

Section 12

Township 13 North, Range 10 West, Fairbanks Meridian

Sections 29 - 32

Township 13 North, Range 11 West, Fairbanks Meridian

Section 22

Sections 25 - 27

Sections 34 - 36

(3) for nonresidential development within the following development nodes:

(A) Deadhorse:

Township 10 North, Range 14 East, Umiat Meridian

Township 10 North, Range 15 East, Umiat Meridian

Section 8

Sections 17 - 20

Section 30

(B) Coldfoot:

Township 28 North, Range 12 West, Fairbanks Meridian

Sections 3 - 4

Sections 9 - 10

Sections 15 - 16

Sections 20 - 22

Township 29 North, Range 12 West, Fairbanks Meridian

Sections 23 - 27

Sections 34 - 35

(C) Franklin Bluffs:

Township 4 North, Range 14 East, Umiat Meridian

Sections 3 - 4

Sections 9 - 10

Sections 15 - 16

(D) Happy Valley:

Township 3 South, Range 14 East, Umiat Meridian

Sections 19 - 20

Sections 29 - 30

(E) Yukon River Crossing:

Township 12 North, Range 10 West, Fairbanks Meridian

Sections 6 - 7

Township 12 North, Range 11 West, Fairbanks Meridian

Sections 1 - 2

Section 12

Township 13 North, Range 10 West, Fairbanks Meridian

Sections 29 - 32

Township 13 North, Range 11 West, Fairbanks Meridian

Section 22

Section 25 - 27

Section 34 - 36; or

(4) necessary for

(A) an oil and gas lease or gas only lease under AS 38.05.180 ;

(B) exploration, development, production, or transportation of oil and gas north of 68 degrees north latitude; or

(C) a state lease or materials sale for

(i) exploration, development, production, or transportation of oil or gas;

(ii) reconstruction or maintenance of state highways; or

(iii) construction or maintenance of airports.

(c) Before the sale of materials under (b)(4)(C) of this section to a private entity or person or to a state agency the state shall give due consideration to the availability of materials from private sources in the area where the materials are needed.

(d) Notwithstanding another provision of law, when the department determines and orders that a utility facility located across, along, over, under, or within the highway right-of-way must be changed, relocated, or removed, the licensed public utility owning or maintaining the facility shall change, relocate, or remove it in accordance with the order and is responsible for the cost of the change, relocation, or removal.

(e) Notwithstanding (b) of this section, land described in (b) of this section is not available for disposal if it has been selected by a municipality to satisfy a general grant land entitlement under AS 29.65 unless the selection is disapproved by the state in a final decision.

Sec. 19.40.210. Prohibition of off-road vehicles.

Off-road vehicles are prohibited on land within five miles of the right-of-way of the highway. However, this prohibition does not apply to

(1) off-road vehicles necessary for oil and gas exploration, development, production, or transportation;

(2) a person who holds a mining claim in the vicinity of the highway and who must use land within five miles of the right-of-way of the highway to gain access to the mining claim; or

(3) the use of a snow machine to travel across the highway corridor from land outside the corridor to access land outside the other side of the corridor; this paragraph does not permit the use of a snow machine for any purpose within the corridor if the use begins or ends within the corridor or within the right-of-way of the highway or if the use is for travel within the corridor that is parallel to the right-of-way of the highway; in this paragraph, "highway corridor" means land within five miles of the right-of-way of the highway.

Sec. 19.40.290. Definition.

In this chapter, "highway" means the secondary highway from the Yukon River to the Arctic Ocean.

Alaska State Legislature
House of Representatives

Interim
3340 Badger Road
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(907) 488.0847 - Phone
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Rep.Tammie.Wilson@legis.state.ak.us

Session
State Capitol
Juneau, AK 99801
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Fax - (907) 465.3884
Toll Free – (800) 860-4797

Representative Tammie Wilson

MEMORANDUM

March 23, 2010

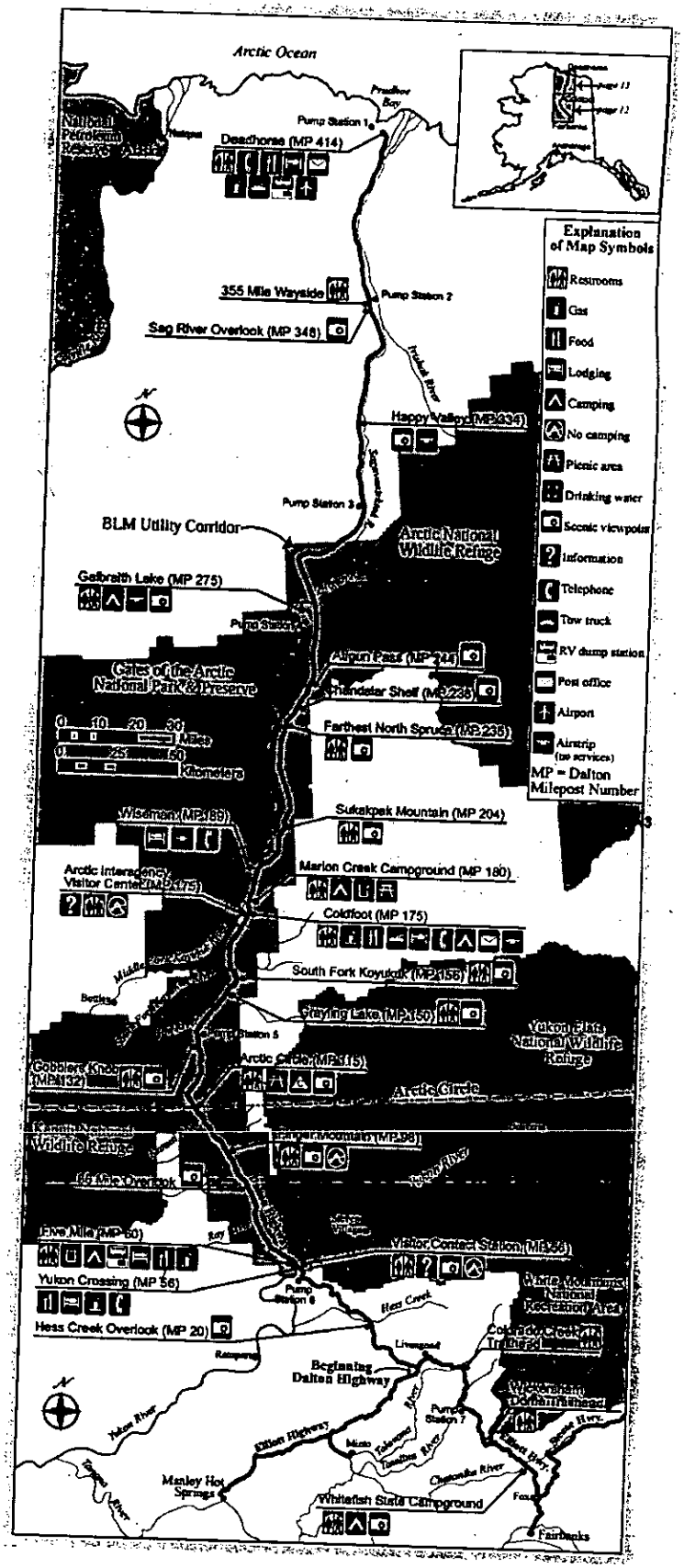
TO: Representative Peggy Wilson, Chair, House Transportation Committee

FROM: Representative Tammie Wilson
Representative Pete Petersen
Representative Craig Johnson

RE: Transportation Subcommittee recommendations on HB 267

The House Transportation Subcommittee convened to address HB 267 on March 17 & 22nd. The committee completed public testimony, received feedback from DOT and the prime sponsors, and discussed options. The committee recommends consideration of one or more of the following:

- Request DOT monitor the number of new annual recreational visitors through a "permit" process; regulate the number of permits issued through a biennial review.
    - Posting (via online and phone) weather conditions to confirm adequate snow covering.
- Designate access points within the corridor which correspond with existing pull-outs and parking areas.
- Require recreational users to maintain safety equipment (i.e. GPS and emergency supplies)
- Open the corridor to recreational access to only mile post 176 (Coldfoot).


Arctic Ocean
Prudhoe Bay
Pump Station 1
National Petroleum Reserve-Alaska
Deadhorse (MP 414)
355 Mile Wayside
Pump Station 2
Sag River Overlook (MP 348)
Happy Valley (MP 334)
Pump Station 3
BLM Utility Corridor
Arctic National Wildlife Refuge
Galbraith Lake (MP 275)
Pump Station 4
Gates of the Arctic National Park & Preserve
Airport Pass (MP 244)
Chandalar Shelf (MP 235)
Farthest North Spruce (MP 235)
Wiseman (MP 189)
Sukakpak Mountain (MP 204)
Arctic Interagency Visitor Center (MP 175)
Marion Creek Campground (MP 180)
Coldfoot (MP 175)
South Fork Koyukuk (MP 156)
Prospect Creek
Bettles
Grayling Lake (MP 150)
Pump Station 5
Yukon Flats National Wildlife Refuge
Gobblers Knob (MP 132)
Arctic Circle (MP 115)
Arctic Circle
Kanuti National Wildlife Refuge
Wright Mountain (MP 98)
Yukon River
66 Mile Overlook
Five Mile (MP 60)
Visitor Contact Station (MP 56)
Yukon Crossing (MP 56)
Pump Station 6
White Mountains National Recreation Area
Hess Creek
Hess Creek Overlook (MP 20)
Livengood
Colorado Creek Trailhead
Beginning Dalton Highway
Fairbanks International Airport
Pump Station 7
Yukon River
Dalton Highway
Minto
Tolovana River
Tanana River
Chatanika River
Manley Hot Springs
Whitefish State Campground
Fairbanks
Explanation of Map Symbols
Restrooms
Gas
Food
Lodging
Camping
No camping
Picnic area
Drinking water
Scenic viewpoint
Information
Telephone
Tow truck
RV dump station
Post office
Airport
Airstrip (no services)
MP = Dalton Milepost Number
0 10 20 30 Miles
0 25 50 Kilometers

Frank H. Murkowski, Governor

Alaska Department of Community and Economic Development

Division of Community Advocacy
550 W. 7th Avenue, Suite 1770, Anchorage, AK 99501-3510
Telephone: (907) 269-4501 • Fax: (907) 269-4539 • Text Telephone: (907) 465-5437
Email: questions@dced.state.ak.us • Website: www.dced.state.ak.us/cbd/

August 25, 2004

Mr. Marty McGee, Assessor
Property Appraisal Division
Municipality of Anchorage
P.O. Box 196650
Anchorage, AK 99519-6650

Dear Mr. McGee,

The purpose of this letter is to advise you of my position on the manner in which the Municipality of Anchorage (MOA) assesses property used by and leased by taxable entities, while owned by an exempt entity. The methodology used by the MOA does not capture the entire value that exists for these "leasehold interest." The assessment community in this state refers to these interests as "possessory interests." These interests are assessable by authority granted by Article IX, Section 5 of the Constitution of the State of Alaska and AS 29.45.030(a)(1)(A).

There are two methods used to value these interests, the "rent savings" and the "reversionary" methods. The MOA uses a mix of the two methods while the rest of the state uses only the reversionary method. The mix of methods used by the MOA fails to capture any value for certain leases and under-values the taxable interests of many other leases.

In the latest Alaska Supreme Court decision on possessory interest, *FNSB v. Golden Heart Utilities*, (13 P3d 263- Alaska, 2000), the appellant, GHU, attempted to persuade the court into accepting the rent savings method of valuing leasehold interests as opposed to the reversionary method used by the assessor. The court rejected GHU's argument and reiterated its position in *North Star Alaska Housing* stating, "...we rejected that argument and concluded that it was appropriate to value the leasehold based on the land's market value, as if it were owned (by the leaseholder), minus an adjustment based on the fact that [the leaseholder's] interest is only for a [fixed] term.." The court also noted that they again approved this valuation method (reversionary methodology) in their decision in *Cool Homes v. Fairbanks North Star Borough*.

The court went a long way to distinguish between the two methodologies but, in my opinion, stopped short of saying that the reversionary method was the only method that should be used to ascertain values for leasehold interests.

However, the court's decision is convincing in stating that value of a leasehold interest should reflect a value for possession and use rather than a value for the leaseholders equity position in a lease (the rent savings method). While I know of no other methodology, aside from the reversionary method, that adequately and reasonably captures the value of the interest in the use of otherwise exempt property by a taxable entity, there certainly could be one. And based on that, it would be improper for me to state that the reversionary method is the only method available to your office to capture this value. However, it is clear to me that the current method used by your office does not always capture the leasehold interest value and as such may constitute a major error. I have been reluctant to issue a letter of major error to the MOA because of your failure to capture these values. However, over the last few years, I have added an estimate of these non-captured values to the MOA annual full value determination, which, as you know, is used to calculate the city's local contribution for education.

The MOA methodology for assessing possessory interests does not only undervalue some leasehold properties, and in some cases fails to place any value on these properties, it creates inequities for other taxpayers within the city who are forced to pay an increased share of the tax burden because these properties are not correctly assessed.

I would strongly suggest that the MOA change it methodology for assessing possessory interests. Unless your office has another method that will adequately and justifiably capture these values, I suggest you use the same methodology as used by every other municipality in the state, the reversionary method.

If you have any questions regarding this issue, please feel free to contact me. I will be out of the office until September 13 at which time you may contact with any questions or comments you may have.

Steve Van Sant
State Assessor

Rebecca Rooney

From: Karen Felts [karenfelts@hotmail.com]
Sent: Monday, March 15, 2010 1:01 PM
To: Rep. Peggy Wilson
Subject: HB 267

Representative Wilson,

We strongly support HB 267.

Thank You,

Gary & Karen Felts

9300 E Boyd Road

Palmer, AK 99645

The New Busy is not the old busy. Search, chat and e-mail from your inbox. Get started.

Rebecca Rooney

From: Paula & Robert Caywood [cmmgen@mtaonline.net]
Sent: Monday, March 15, 2010 8:39 AM
To: Rep. Peggy Wilson
Subject: Dalton Hwy Cor.

Please open this to snowmachining – we have very little access to the state as it is – Paula & Robert Caywood Eagle River Alaska

_____ Information from ESET Smart Security, version of virus signature database 4946 (20100315)
_____

The message was checked by ESET Smart Security.

http://www.eset.com

Rebecca Rooney

From: Dave Williams [dewilliams@drydenlarue.com]
Sent: Monday, March 15, 2010 9:14 AM
To: Rep. Peggy Wilson
Subject: HB 267

I support HB267. This bill would open the Dalton Highway corridor to snow machine access. I strongly urge you to support it also.

Thanks

Dave Williams

Rebecca Rooney

From: Tony Russ [aruss@mtaonline.net]
Sent: Monday, March 15, 2010 9:25 AM
To: Rep. Peggy Wilson
Subject: Dalton Corridor

I am in favor of allowing access through the Dalton Highway Corridor with snowmachines during months the tundra is covered with snow. It does need to be well-regulated to protect vegetation and prevent abuses. Alaskans really do need more practical access to our home state. If snowmachine access is not allowed through the corridor, then all of it should stop, particularly the current access that is allowed for those few Alaskans who happen to live next to the corridor but who can travel through it. These type of regulations that give significant privileges to some residents over others continue to divide Alaskans by creating resentment. Whatever the regulations (on any resident privilege or right) it should not be written so some get it and some don't just because of where they live. We are supposed to be one state with one class of Alaskans. DON'T divide us into small groups who no longer enjoy the same rights as our neighbors.

Tony Russ
376-6474
tony@tonyruss.com

Rebecca Rooney

From: Art Kihn Mat-Su Tool Repair [akihn@mtaonline.net]
Sent: Monday, March 15, 2010 10:17 AM
To: Rep. Peggy Wilson
Subject: HB267

As a self employed business family and outdoor enthusiasts, We strongly support HB267.
Thank you,
Art & Eve Kihn
Wasilla Alaska

Rebecca Rooney

From: jtb@gci.net on behalf of Thane Humphrey [jtb@alaska.net]
Sent: Monday, March 15, 2010 10:21 AM
To: Rep. Peggy Wilson
Subject: In strong support of HB267

Dear Peggy:
Please work with your constituents in passing HB267, so that we, the Alaskan people, can have access to that which should by right, be ours to access. I am a third generation Alaskan photographer and a hunter, and having motorized access to the Dalton Highway corridor means a lot to me and my family. It is a very large piece of Alaska, that by rights, should be ours to access but has been restricted so that only those that are healthy enough to trek across the snow and ice on foot, ski, or snow shoe, have that access. There are many Alaskans that do not have the requisite amount of time or are not in good enough shape to trek on foot, and would love an opportunity to do so on snow machine.

Please remember, there are far more Alaskans that participate in motorized activities, than not. We hope that you are looking out for our rights as well, and that you do not succumb to the pressure of those who somehow manage to have enough time on their hands to protest against motorized access at every meeting, while those of us who enjoy motorized activities are tied up working or doing family activities outdoors in Alaska.

In strong support of HB267,

Thane Humphrey

The Proteros Group LLC
P.O. Box 872335
Wasilla, AK 99687

Phone: 907-715-8009
e-mail: jtb@alaska.net

Rebecca Rooney

From: Dave Verbyla [daveverbyla@hotmail.com]
Sent: Monday, March 15, 2010 10:32 AM
To: Rep. Peggy Wilson
Subject: HB 267 would create three major problems

15 March 2010

Representative Peggy Willson
Chair, House Transporation Committee

I have been an Alaskan resident for 18 years,
and I vote every year. I have never written to a legislator.
I am writing now to point out three problems with House Bill 267.

1) Saftey.
With low light, high winds, and frequent white-outs in the arctic,
this bill creates a saftey problem. Especially since there are
few pullouts for trailers with snow machines. Haul Road Truckers and
Snowplows should not have to contend with this saftey hazard.
Why encourage illegal use of pipeline access roads
(these roads are typically the only areas large enough for parking
of snowmachine trailers for many miles north of the Brooks Range).

There are millions of acres of public land accessable by road elswhere
in Alaska where snowmachines are welcome, snowpack is better,
conditions are safer, parking lots are available, and search and rescue is easier.

2) Damage to Game Populations.
According to the Alaska Chapter of the Wildlife Society (a society
of professional wildlife biologists which supports hunting for game
managment) there is a major concern that snowmachines will disturb
stressed populations of Dall's sheep, moose, and muskox in treeless
areas where suitable winter range is limited, particularly during
periods of high energy deficit in late winter.
Snowmachine traffic in mid to late April also has potential to
inadvertently separate newly born muskox calves from their mothers.

In the treeless tundra, snowmachine use will stress
game at a much farther distance compared to most other areas in the
state that are currently used by snowmachiners.

3) Damage to Hunting Opportunities.
Although I am a rifle hunter, I appreciate the Dalton
Highway as a unique resource for bowhunters...the only location
in the entire state where bow hunters can enjoy stalking caribou
near a road system without being harassed by four-wheelers and snowmachines.

The use of snowmachines for caribou hunting will simply push most of the
animals away from the Dalton Highway just as it has done along the Steese
and Taylor Highways with the White Mountain and 40-mile caribou herds.
These highways are already available for 4-wheelers and snow machines to hunt,
why ruin the unique opportunities on the Dalton Highway?

Thank you for voting no and not creating a problem.

Sincerely,

Dave Verbyla
PO Box 81072
Fairbanks, AK 99708

The New Busy is not the old busy. Search, chat and e-mail from your inbox. Get started.

Rebecca Rooney

From: hschachle@yahoo.com
Sent: Monday, March 15, 2010 11:15 AM
To: Rep. Peggy Wilson
Subject: HB267

I Trent Schachle strongly support HB267. Thank you

Rebecca Rooney

From: Christie [lyonspride5@mtaonline.net]
Sent: Monday, March 15, 2010 11:40 AM
To: Rep. Peggy Wilson
Subject: HB267
Attachments: stampa_girl_line_en.gif

Snowmachining should be allowed along the Dalton Road corridor during the months of Sept to March as long as it is properly frozen. It will not harm the plantlife during that time and opens up the land for Alaskans. It is a shame to close land that is over the size of the entire state of road island from the people who live here when it causes no harm. I feel this is a reasonable compromise to having it closed off completely from the people.

Lydia Lyons

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HB 267

Sec. 16.05.258. Subsistence use and allocation of fish and game.

(a) Except in nonsubsistence areas, the Board of Fisheries and the Board of Game shall identify the fish stocks and game populations, or portions of stocks or populations, that are customarily and traditionally taken or used for subsistence. The commissioner shall provide recommendations to the boards concerning the stock and population identifications. The boards shall make identifications required under this subsection after receipt of the commissioner's recommendations.

(b) The appropriate board shall determine whether a portion of a fish stock or game population identified under (a) of this section can be harvested consistent with sustained yield. If a portion of a stock or population can be harvested consistent with sustained yield, the board shall determine the amount of the harvestable portion that is reasonably necessary for subsistence uses and

(1) if the harvestable portion of the stock or population is sufficient to provide for all consumptive uses, the appropriate board

(A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;

(B) shall adopt regulations that provide for other uses of those stocks or populations, subject to preferences among beneficial uses; and

(C) may adopt regulations to differentiate among uses;

(2) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses and some, but not all, other consumptive uses, the appropriate board

(A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;

(B) may adopt regulations that provide for other consumptive uses of those stocks or populations; and

(C) shall adopt regulations to differentiate among consumptive uses that provide for a preference for the subsistence uses, if regulations are adopted under (B) of this paragraph;

(3) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses, but no other consumptive uses, the appropriate board shall

(A) determine the portion of the stocks or populations that can be harvested consistent with sustained yield; and

(B) adopt regulations that eliminate other consumptive uses in order to provide a reasonable opportunity for subsistence uses; and

(4) if the harvestable portion of the stock or population is not sufficient to provide a reasonable opportunity for subsistence uses, the appropriate board shall

(A) adopt regulations eliminating consumptive uses, other than subsistence uses;

(B) distinguish among subsistence users, through limitations based on

(i) the customary and direct dependence on the fish stock or game population by the subsistence user for human consumption as a mainstay of livelihood;

(ii) the proximity of the domicile of the subsistence user to the stock or population; and

(iii) the ability of the subsistence user to obtain food if subsistence use is restricted or eliminated.

(c) The boards may not permit subsistence hunting or fishing in a nonsubsistence area. The boards, acting jointly, shall identify by regulation the boundaries of nonsubsistence areas. A nonsubsistence area is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area or community. In determining whether dependence upon subsistence is a principal characteristic of the economy, culture, and way of life of an area or community under this subsection, the boards shall jointly consider the relative importance of subsistence in the context of the totality of the following socio-economic characteristics of the area or community:

(1) the social and economic structure;

(2) the stability of the economy;

(3) the extent and the kinds of employment for wages, including full-time, part-time, temporary, and seasonal employment;

(4) the amount and distribution of cash income among those domiciled in the area or community;

(5) the cost and availability of goods and services to those domiciled in the area or community;

(6) the variety of fish and game species used by those domiciled in the area or community;

(7) the seasonal cycle of economic activity;

(8) the percentage of those domiciled in the area or community participating in hunting and fishing activities or using wild fish and game;

(9) the harvest levels of fish and game by those domiciled in the area or community;

(10) the cultural, social, and economic values associated with the taking and use of fish and game;

(11) the geographic locations where those domiciled in the area or community hunt and fish;

(12) the extent of sharing and exchange of fish and game by those domiciled in the area or community;

(13) additional similar factors the boards establish by regulation to be relevant to their determinations under this subsection.

(d) Fish stocks and game populations, or portions of fish stocks and game populations not identified under (a) of this section may be taken only under nonsubsistence regulations.

(e) Takings and uses of fish and game authorized under this section are subject to regulations regarding open and closed areas, seasons, methods and means, marking and identification requirements, quotas, bag limits, harvest levels, and sex, age, and size limitations. Takings and uses of resources authorized under this section are subject to AS 16.05.831 and AS 16.30.

(f) For purposes of this section, "reasonable opportunity" means an opportunity, as determined by the appropriate board, that allows a subsistence user to participate in a subsistence hunt or fishery that provides a normally diligent participant with a reasonable expectation of success of taking of fish or game.

Chapter 19.40. JAMES DALTON HIGHWAY

Sec. 19.40.010. Declaration of policy.

(a) The legislature finds and declares that there is an immediate need for a public highway from the Yukon River to the Arctic Ocean and that this public highway should be constructed by the State of Alaska at this time because

(1) it will assist in the fulfillment of art. VIII, Sec. 1, Constitution of the State of Alaska, in which it is provided that it is the policy of the state to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest;

(2) it will provide the first year-round, overland route from north of the Yukon River to the Arctic Ocean, and will consequently result in the completion of a highway from the Pacific Ocean to the Arctic Ocean;

(3) it is in conformity with the policy of 23 U.S.C. 101(b) (Federal-Aid Highway Act of 1956), in which it is declared to be in the national interest to accelerate the construction of certain highways which are of primary importance to the national defense;

(4) it will benefit local and interstate commerce because the area north of the Yukon River is rich in natural resources but is inaccessible at the present time because of the lack of roads and this inaccessibility prohibits the successful use of the natural resources of this area;

(5) it is consonant with art. VIII, Sec. 2, Constitution of the State of Alaska, in which it is provided that the legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the state, including land and water, for the maximum benefit of its people, because the highway will benefit not only local and interstate commerce but will also augment the revenue of the state and result in conservation of natural resources, for example, by facilitating a system of wildland fire suppression.

(b) It is the sense of the legislature that the construction of the highway will not impair the natural wilderness adjacent to the highway and will not unreasonably interfere with subsistence hunting, fishing, trapping, and gathering.

(c) It is the intent of the legislature that the state shall be reimbursed for the cost plus interest of constructing the public highway from the Yukon River to the Arctic Ocean.

(d) It is the intent of the legislature that employment of Alaska residents be encouraged and that the provisions of AS 36.10 be complied with.

Sec. 19.40.015. Highway named.

The highway is named the James Dalton Highway.

Sec. 19.40.020. Contractual authority.

(a) Subject to (b) of this section, the department may contract in accordance with AS 36.30 for the construction of a secondary highway from the Yukon River to the Arctic Ocean. The provisions of AS 36.10 govern in employment practices on all work authorized by this chapter.

(b) The authority granted under (a) of this section may not be exercised until the state enters into a contract with the participants in the Trans Alaska Pipeline System or other organization formed for the purpose of transporting oil by pipeline from the North Slope (that area of Alaska lying north of 68 degrees latitude). The contract shall provide for reimbursement to the state by the participants, jointly and severally, in the Trans Alaska Pipeline System or other organization formed for the purpose of transporting oil by pipeline, of the full amount of the highway's cost of construction plus interest on the state's expenditures at the rate of seven and one-half percent per year. Complete reimbursement together with interest shall be made within five years from the date of the contract. The state may, with the agreement of the participants, elect to construct an oil pipeline from the North Slope. In that event, the provisions of this subsection requiring reimbursement do not apply.

(c) The contract with the participants must include additional terms and conditions that are in the best interests of the state. Any advance payments made under the contract shall be deposited in a special account which will be used for disbursements to the contractor charged with construction of the highway. Disbursements to the contractor shall be made on order of the commissioner of transportation and public facilities on presentation of a proper voucher or the presentation of a voucher by an employee of the department authorized in writing to certify as to such payment.

Sec. 19.40.030. Undertakings of contractors.

The department, in place of the bonds or individual sureties required by AS 36.25.010, may accept corporate undertakings that include the same essential provisions of the bonds or individual sureties required by AS 36.25.010 and that are satisfactory to the department.

Sec. 19.40.040. Exemption.

The Alaska Net Income Tax Act and the Alaska Business License Act do not apply to any money received by the general contractor from the state under a highway construction contract authorized under this chapter if the money is to be paid to a subcontractor for work performed under the construction contract. The money received by the subcontractors is subject to the Alaska Net Income Tax Act, the Alaska Business License Act, and any other applicable state taxes.

Sec. 19.40.050. Highway width.

In accordance with AS 19.10.015, the width of this highway is designated as 200 feet.

Sec. 19.40.060. Conditions to be met.

Construction authorized under AS 19.40.020 - 19.40.050 may not be undertaken until all of the following conditions are met:

(1) certification by the commissioners of natural resources and fish and game that adequate precautions have been taken to protect and preserve the total ecology of the area traversed;

(2) certification by the commissioner of transportation and public facilities that the road design and construction methods will cause minimal landscape defacement or environmental degradation by erosion or waste disposal;

(3) certification by the commissioner of health and social services that adequate and reasonable precautions have been taken for the prevention of pollution during construction and subsequent public use;

(4) all certifications, as well as the regulations, contract provisions, specifications, inspection procedures, and programs necessary to implement and accomplish AS 19.40.020 - 19.40.050 shall be filed with the governor's office and published;

(5) the governor has approved all certifications and supporting material submitted under (4) of this section as being in the best public interest, and has certified that the contract required by AS 19.40.020 has been executed.

Sec. 19.40.065. Regulations and penalties.

All departments and agencies of the state are given the specific authority to adopt under AS 44.62 (Administrative Procedure Act) emergency, temporary, and permanent regulations necessary to accomplish the purposes of AS 19.40.020 - 19.40.050. The violation of any regulation adopted under AS 19.40.020 - 19.40.050 is a misdemeanor and upon conviction the person is punishable by a fine of not more than $10,000 for each offense.

Sec. 19.40.070. Conflict with other laws.

In the event of a conflict between this chapter and any other law of this state, the provisions of this chapter govern and supersede any such other law.

Sec. 19.40.080. [Renumbered as AS 19.40.290.].

Repealed or Renumbered

Renumbered as AS 19.40.290.

Sec. 19.40.100. Use of the highway by industrial or commercial traffic.

(a) The department shall maintain the highway and keep it open to industrial or commercial traffic throughout the year.

(b) In this section "industrial or commercial traffic" means

(1) travel necessary and related to resource exploration and development or to support of those activities, if the individual engaged in those activities has all necessary permits;

(2) travel necessary and related to access by local residents to their property; or

(3) motor carriers engaged in commerce.

Sec. 19.40.110. Public use of a portion of the highway.

The department shall maintain the section of the highway between the Yukon River and Dietrich Camp and shall keep that section of the highway open to use by the public between June 1 and September 1 each year.

Sec. 19.40.120. Closure of the highway to traffic.

The provisions of AS 19.10.100 apply to the closure of the highway by the department.

Sec. 19.40.200. Disposal of land or materials.

(a) The state may not dispose of state land under AS 38 which is within five miles of the right-of-way of the highway.

(b) The prohibition on disposal of state land under (a) of this section does not apply to a disposal

(1) to a licensed public utility or a licensed common carrier under AS 38.05.810 (e);

(2) for the reauthorization of leases that were in effect on January 1, 1994, for nonresidential purposes within the following development nodes:

(A) Coldfoot:

Township 28 North, Range 12 West, Fairbanks Meridian

Sections 3 - 4

Sections 9 - 10

Sections 15 - 16

Sections 20 - 22

(B) Yukon River Crossing:

Township 12 North, Range 10 West, Fairbanks Meridian

Sections 6 - 7

Township 12 North, Range 11 West, Fairbanks Meridian

Sections 1 - 2

Section 12

Township 13 North, Range 10 West, Fairbanks Meridian

Sections 29 - 32

Township 13 North, Range 11 West, Fairbanks Meridian

Section 22

Sections 25 - 27

Sections 34 - 36

(3) for nonresidential development within the following development nodes:

(A) Deadhorse:

Township 10 North, Range 14 East, Umiat Meridian

Township 10 North, Range 15 East, Umiat Meridian

Section 8

Sections 17 - 20

Section 30

(B) Coldfoot:

Township 28 North, Range 12 West, Fairbanks Meridian

Sections 3 - 4

Sections 9 - 10

Sections 15 - 16

Sections 20 - 22

Township 29 North, Range 12 West, Fairbanks Meridian

Sections 23 - 27

Sections 34 - 35

(C) Franklin Bluffs:

Township 4 North, Range 14 East, Umiat Meridian

Sections 3 - 4

Sections 9 - 10

Sections 15 - 16

(D) Happy Valley:

Township 3 South, Range 14 East, Umiat Meridian

Sections 19 - 20

Sections 29 - 30

(E) Yukon River Crossing:

Township 12 North, Range 10 West, Fairbanks Meridian

Sections 6 - 7

Township 12 North, Range 11 West, Fairbanks Meridian

Sections 1 - 2

Section 12

Township 13 North, Range 10 West, Fairbanks Meridian

Sections 29 - 32

Township 13 North, Range 11 West, Fairbanks Meridian

Section 22

Section 25 - 27

Section 34 - 36; or

(4) necessary for

(A) an oil and gas lease or gas only lease under AS 38.05.180 ;

(B) exploration, development, production, or transportation of oil and gas north of 68 degrees north latitude; or

(C) a state lease or materials sale for

(i) exploration, development, production, or transportation of oil or gas;

(ii) reconstruction or maintenance of state highways; or

(iii) construction or maintenance of airports.

(c) Before the sale of materials under (b)(4)(C) of this section to a private entity or person or to a state agency the state shall give due consideration to the availability of materials from private sources in the area where the materials are needed.

(d) Notwithstanding another provision of law, when the department determines and orders that a utility facility located across, along, over, under, or within the highway right-of-way must be changed, relocated, or removed, the licensed public utility owning or maintaining the facility shall change, relocate, or remove it in accordance with the order and is responsible for the cost of the change, relocation, or removal.

(e) Notwithstanding (b) of this section, land described in (b) of this section is not available for disposal if it has been selected by a municipality to satisfy a general grant land entitlement under AS 29.65 unless the selection is disapproved by the state in a final decision.

Sec. 19.40.210. Prohibition of off-road vehicles.

Off-road vehicles are prohibited on land within five miles of the right-of-way of the highway. However, this prohibition does not apply to

(1) off-road vehicles necessary for oil and gas exploration, development, production, or transportation;

(2) a person who holds a mining claim in the vicinity of the highway and who must use land within five miles of the right-of-way of the highway to gain access to the mining claim; or

(3) the use of a snow machine to travel across the highway corridor from land outside the corridor to access land outside the other side of the corridor; this paragraph does not permit the use of a snow machine for any purpose within the corridor if the use begins or ends within the corridor or within the right-of-way of the highway or if the use is for travel within the corridor that is parallel to the right-of-way of the highway; in this paragraph, "highway corridor" means land within five miles of the right-of-way of the highway.

Sec. 19.40.290. Definition.

In this chapter, "highway" means the secondary highway from the Yukon River to the Arctic Ocean.

Rebecca Rooney

From: Jennifer J. Reed [jj_reed@hotmail.com]
Sent: Sunday, March 14, 2010 5:07 PM
To: Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; representative_pete_peterson@legis.state.ak.us; Rep. Peggy Wilson; Rep. Craig Johnson
Subject: Please vote NO on House Bill 267

Dear Representative:

I am an Alaska citizen who remains in this State due to my appreciation for the unique outdoor pursuits available here. There are very few places in the State--and Nation--left where people can go to enjoy non-motorized recreation, subsistence activities, and other outdoor pursuits. Please help keep a wide range of opportunities available to your Alaskan constituents. House Bill 267 threatens these diverse opportunities. I urge you to vote no on HB 267!

Sincerely,

Jennifer J. Reed
1389 Richard Berry Dr.
Fairbanks, AK 99709
(907)-458-8549

Hotmail is redefining busy with tools for the New Busy. Get more from your inbox. Sign up now.

Rebecca Rooney

From: George & Leslie [georgenleslie@mosquitonet.com]
Sent: Sunday, March 14, 2010 6:33 PM
To: Rep. Max Gruenberg; Rep. Pete Petersen; Rep. Cathy Munoz; Rep. Kyle Johansen; Rep. Craig Johnson; Rep. Peggy Wilson; Rep. Tammie Wilson
Subject: HB 267 Dalton Highway Corridor

Dear Members of the House Transportation Committee,

I am writing as a concerned Alaskan Citizen to express my strong opposition to HB 267, in particular, Sec. 19.40.210, Part 3, which raises concerns regarding snow machine use in the Dalton Highway Corridor.

If allowed to pass this bill would produce an inevitable increase in recreational traffic into a very remote region in winter, both on, and of course off, the road. Having spent time traveling the Dalton Highway and exploring the land on its own terms, this road has rightfully earned the reputation of being a rough and remote "Haul Road", designed to access and maintain the pipeline. The Dalton Highway never was, and in my humble opinion should not be, intended for recreational ORV use.

Here are some of my concerns should people be allowed to use snow machines in the corridor: Hazardous road conditions (especially for vehicles hauling snow machine trailers combined with the heaviest commercial truck traffic in winter); the lack of emergency medical facilities; the current lack of public safety or law enforcement north of the Yukon River; potential infringement on Alyeska oilfields, pump stations and rising pipeline security issues; private land trespass; the potential of more people without winter wilderness skills needing emergency services in extremely remote conditions; the lack of basic services and phone of any kind along most of the road, just to name a few. Not to mention the significant, detrimental and long-term impact snow machines would make to the land and the wildlife in an area known to be fragile and sensitive to such impacts.

As a hunter, hiker, camper and outdoor enthusiast who appreciates exploring the far north for the rare gift that it allows us right now, I strongly oppose HB 267. I respectfully ask you to vote against HB 267.

Sincerely,

Leslie Correll-LaBar
Two Rivers, Alaska

P.O. Box 61132
Fairbanks, AK 99706

907-488-5254

3299

Rebecca Rooney

From: Rebecca Redwine Lincoln [auntbot@alaska.net]
Sent: Sunday, March 14, 2010 7:12 PM
To: Rep. Peggy Wilson
Subject: HB 267

"I oppose HB 267"

Rebecca Redwine
auntbot@alaska.net

Rebecca Rooney

From: Heidi [boreallodge@juno.com]
Sent: Monday, March 15, 2010 1:33 AM
To: Rep. Peggy Wilson; Rep. Craig Johnson; Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Rep. Pete Petersen
Subject: Comment on HB 267, attached final copy Dalton Highway Scenic Byway CPP
Attachments: DaltonHighwayScenicBywayCorridorPartnershipPlan_FINAL%20for%20web[1].pdf; Dalton%20Knowles%20Letter%201995[1].pdf; Chapter 40, alaska statuteDaltonHwy.doc

Dear Representatives;

I wrote to you last week in opposition of HB 267, and attached a copy of draft final of the Dalton Highway Scenic Byway Corridor Partnership Plan. I was able to acquire a copy of the Final document containing all final wording, and am submitting it for your review.
I realize you are all very busy, but if you could please at least read page 3 to learn who participated in creation of this document, and pages 16:18 relating to hunting issues, concerns, and possible solutions, and pg. 20 relating to law enforcement and safety, goals & objectives - you will learn that
AS 19.40.210 is an important aspect of management relating to multiple current issues.
(It would be great if in your spare time you could read the entire document to learn more about the Dalton Highway and the unique lands it traverses!)

I am also attaching a copy of a letter written by Tony Knowles in 1995 relating to the opening of the Dalton, the issues and concerns relating to the opening, and would like you to know that to date many of these issues and concerns have not been addressed.

Lastly attached is a copy of Alaska Statute, chapter 40, James Dalton Highway, of which HB 267 address a portion of. I have highlighted areas in this chapter that relate to the overall essence of the statute, section AS 19.40.210 restricting ORV & snowmobile use is written in consistency with the rest of the chapter. If HB 267 is passed, it would create inconsistency within the document, and create innumerable issues that AS 19.40.210 currently addresses.

It is clear from listening to the last meeting that the Representatives introducing HB 267 are not familiar with the Dalton Highway, or any of the pre-history of current rules in effect. They are not even familiar who manages the land within the DHCMA; The Dalton Highway Corridor is managed from the Yukon River to Mile 301 by the Bureau of Land Management, this management is superseded north of Coldfoot to the west of the Dalton Highway by the Gates of the Arctic National Park & Preserve eastern border, and to the north and east by the western border of the Arctic National Wildlife Refuge. There are scattered parcels of private land within the Dalton Highway, including the village of Wiseman, and very large tracts of recently conveyed privately owned DOYON land to the immediate east of the Dalton Highway paralleling from Coldfoot north approx 30+ miles. The Koyukuk mining district within / out of the the Dalton Highway corridor is one of the prominent mining districts in AK, and has active claims and private property located throughout.
The fact is the land along the Dalton Highway north of the Yukon River is a checkerboard of management areas, and a delicate web of regulations to control access, hunting, etc. - this is needed to accommodate a very diverse user group. HB 267 would disrupt current regulations, and encourage violations of many types. Please note there is little to no Trooper presence or public safety north of the Yukon River! This Bill makes no mention of the funding that will be needed to accommodate the many issues imposed by it's passing...

I know you are hearing many voices on this one - please listen to those that know this country and care about the future, PLEASE do not pass HB 267!

Thank you again for reading!
Sincerely,
Heidi Schoppenhorst

Scott & Heidi Schoppenhorst
Boreal Lodging
Boreal Coffee & Gifts
#1 Timberwolf Trail
Wiseman Village, AK 99790
PH/FAX: 907-678-4566
boreallodge@Juno.com
www.boreallodge.com

Diet Help
Cheap Diet Help Tips. Click here.

3302

Rebecca Rooney

From: Travis Booms [travisbooms@hotmail.com]
Sent: Sunday, March 14, 2010 9:30 PM
To: Rep. Peggy Wilson
Subject: HB 267 Dalton Highway Snowmachine Access

Dear Representative Wilson,

I am emailing to ask that you vote NO on House bill 267 to open the Dalton Highway corridor to snowmachine use from 1 Oct. – 30 April. This bill would eliminate one of the few places in the state where a person without a snowmachine can have an excellent experience, quality hunt, and a good chance at getting a caribou. The bill would degrade a spectacular place and eliminate the kind of quality experience and hunt many of us Alaskans have enjoyed for years. The following are good reasons why you should vote no on House Bill 267:

1) Threatens wintering Musk Ox and Caribou - HB 267 will likely threaten the well-being of the currently dwindling musk ox herd and the currently increasing Central Arctic Caribou herd by allowing them to be disturbed (intentionally or unintentionally) at the most critical time of year on their wintering grounds. The Central Arctic Caribou herd will crash in the future, regardless of what happens. Though ADF&G can reduce hunter harvest if needed, it will be unable to manage intentional and unintentional disturbance of caribou on their wintering grounds by snowmachiners. Opening access will have a negative effect when the heard is healthy, but disturbance during the winter could decimate the herd when the population is low and lengthening the time it takes for the herd to recover.

2) There is no good reason for the bill. One of the main arguments for the bill is to allow ADF&G to increase access to manage the Central Arctic Caribou herd to avoid a population crash. Al Barrette, Alaska Board of Game member, asked deputy commissioner and 20-yr. caribou biologist Pat Valkenburg at the last Board of Game meeting in Fairbanks if it was possible to manage any caribou herd in the state to avoid a crash and in particular the Central Arctic herd. Valkenberg responded that essentially no matter what ADF&G does, caribou populations always have and always will fluctuate, including crashing after a population high. It's simply what caribou do. Hence, opening the corridor to snowmachine access to increase harvest will not prevent a crash.

3) Reduced access to a wide group of users - The bill will only replace the diverse current user groups including bowhunters, skiers, dog-mushers, hikers, boaters, and others who access the area with non-motorized means with a single user group – snowmachiners. Snowmachine access will replace the current users by: 1) drastically increasing harvest and subsequently reducing harvest quotas or seasons for all potential users year-round. 2) Chasing caribou away from the road and out of reach of those who dog-mush, hike, or ski to access caribou from October through April. 3) Threatening the well-being of wintering caribou. All caribou populations crash and when this one does, no one will be able to stop unintentional disturbance from further weakening caribou that are all ready in a weakened condition in late winter. 4) Significantly degrade the quality of experience, making current users no longer want to spend time in this area.

4) Inability to enforce closed seasons and areas. Even with the current complete ban on motorized vehicles, people have driven trucks across the tundra attempting to retrieve game. Loosening the restriction will only lead to more violations and damaged habitat.

5) Inadequate Law Enforcement. There is inadequate enforcement in the area currently. Who will manage the increase in recreational users and hunters and enforce laws? We don't need to increase the size of our government by adding Troopers to the payroll to manage a single user group.

6) Public Safety. The Dalton Highway is an industrial road. No infrastructure exists to support increased use, snowmachine trailers, and added people. This will be a safety hazard for truckers, hunters, and recreationists a like.

7) Pipeline Security. The Alaska Pipeline is the economic driver of Alaska. Opening the pipeline corridor to snowmachine traffic in the most remote area of the pipeline only invites terrorist attacks. This simply does not make any sense. Why would you support increase opportunity for terrorists to attack Alaska's economic life line?

8) Reduced opportunity for current users - bowhunters. Though most bow hunting occurs in August and September, opening access will increase harvest of caribou and will likely reduce opportunities for bowhunters to harvest an animal either through reduced bag limits, shortened seasons, or changing the hunt from a harvest ticket to a registration or draw hunt. We only need to look at the Steese and Taylor Highway hunts to know what increased access does to the quality of a hunt and to opportunity in general. Those hunts usually close in a matter of days.

9) Habitat Damage - Snow cover is often lacking in October, parts of November, and April. Allowing snowmachine access will permanently damage tundra habitats when snow is not present.

If you do not agree with the statements above, I would really appreciate hearing the reasons why you disagree and why you would support this bill.

For the reasons above, I ask that you vote no on this bill and do not let it leave the Transportation Committee.

Respectfully,
Travis Booms

1245 Chili Pepper Ct.
Fairbanks, AK 99709
travisbooms@hotmail.com
907-456-1331

Travis Booms
University of Alaska Fairbanks
Biology and Wildlife Department
211 Irving I
Fairbanks, AK 99775
907-474-6232 phone
907-474-6716 fax

Karisse Ackerman

From: Lee [leelnak@gmail.com]
Sent: Thursday, March 11, 2010 3:57 PM
To: LIO Fairbanks
Subject: HB267 - please forward comments to Transportation Committee

I do not support the opening of the Dalton Hwy 5 mile corridor to snow machine use. The last time this was attempted, every place there was public hearing there was overwhelming opposition to the proposal. The people of Alaska have spoken loud and clear on this issue. Lawmakers should respect that and leave the corridor alone.

I believe that opening the Dalton Highway corridor to snow machine access is a bad idea, for the following reasons:

1. At the time of the pipeline, we made agreements to honor traditional subsistence areas in that corridor. Lets keep those agreements.We have a long and shameful history of breaking agreements with native people. We need to start acting with honor, acting as if our words mean something. We have a chance and an obligation NOW to begin to change that history. If we open that corridor to motorized use, we will be tremendously increasing the pressures on the land and game resources in surrounding areas.
2. The Dalton Highway is an area where hunters of modest means can conduct remote hunts with a little extra work and without expensive fly-ins. It is reasonable to leave road-accessible parts of Alaska without easy motorized access for this type of hunting experience for the common person. There are many many miles of highway in the state where people can drive motorized vehicles from roads. Lets leave this one road corridor in tact.
3. Even if neither of those arguments speaks to you, there is the issue of safety. A good friend of mine was in a terrible accident a few years ago when returning to her home in Wiseman. It took EMS FOUR HOURS to reach them. There were several very serious injuries in that vehicle. It truly is a miracle that they all survived. The Dalton Highway lacks the many pullouts that exist along the Denali Highway, and it has the additional safety hazard of VERY massive trucks and dust clouds which obscure vision. I have driven the Dalton Highway several times in all seasons, and in only those 4 or 5 times I have seen a number of incidents of risky driving behavior around the industrial traffic on that road. I have also been on the Richardson Hwy on the weekend of the Arctic Man and could not believe the places in the pass on the windy roads where I have been passed at high speeds by trucks trailering snow machines around blind corners (multiple times in one day, and I am not a slow driver!). If we open the Dalton Highway to snow machine use, I believe we will be courting a public safety disaster.

Please kill this bill once and for all.

Sandra Zirnheld
124 Roxie Road
Fairbanks, AK 99709

Comments re HB 267

Since I was not allowed to testify at the Legislative Office today because of two other trivial bills that had to be heard first by the Transportation Committee, I am testifying by email.

General Comment:

Whoever wrote the definitions for Part 3, either doesn't know how to speak or write plain English, or this is a cynical plan to obfuscate the intent of Part 3, which is to allow snow machines to access lands to the east and west of the Dalton Highway north of the Yukon River.

Testimony:

I urge lawmakers to vote this amended bill down because:

1. of the cynical intent of the sponsors to confuse readers of the bill;

2. HB 267 flies in the face of the guarantee by the State since the construction of the TAPS that the sensitive wildlife living in and near the corridor will be protected;

3. the bill also reneges on the bargain the State made to protect local subsistence uses on the north slope and elsewhere along the corridor;

4. increased use of the area guarantees not only increased hunting pressure there and consequent declines in sensitive wildlife populations, but it also guarantees increased harassment of these sensitive animals at a time of year when they need every natural advantage to both survive and reproduce successfully;

5. since there is presently no law enforcement in the area (and only spotty enforcement presence there in the past), there will be no way to ensure that the criminal element involved in the harassment of wildlife, illegal hunting and trapping, and the vandalism of private property (including the oil pipeline) will be brought to justice.

Thank you.

Frank Keim (49 year resident of Alaska)
2220 Penrose Lane,
Fairbanks, Alaska 99709
907-451-9308

Rebecca Rooney

From: Luke Boles [lukeboles@yahoo.com]
Sent: Thursday, March 11, 2010 9:08 PM
To: Rep. Peggy Wilson; Rep. Craig Johnson; Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Rep. Pete Petersen
Cc: Rep. Scott Kawasaki; Rep. Mike Kelly; Sen. Joe Thomas; Sen. Joe Paskvan; Brian Jackson
Subject: HB 267

Dear Transportation Committee Members,

I am a Fairbanks resident and annual user of the Dalton Highway corridor. I am writing to voice my concern with HB 267. I believe that any potential benefits of this bill - in fact, I cannot think of any - would be greatly outweighed by the costs. Please nip this ill conceived bill in the bud.

Environmental costs would be: additional pressure on the Central Arctic caribou herd, disturbance of the tundra vegetation, damage to the scientific research sites located in the area and potential conflict with subsistence hunters that live in North Slope communities.

There are myriad safety concerns if this bill becomes law. How many rescues each year will be required for stranded snow machine users in the back country? How many additional traffic accidents will occur as a result of the increased use of the highway? What additional safety risk would there be to the trucks traveling on the Dalton Highway? Have the economic costs of increased public resources required for additional emergency response been considered? The additional public resources would not come cheap, the area of primary use is a long trip from either Fairbanks or Deadhorse.

The Dalton Highway corridor area need not be opened up for recreational motorized use. There are plenty of other road accessible locations where snow machines can be used.

The Dalton Highway is not a playground for the ill prepared.

Thank you for considering my comments.

Luke Boles

Rebecca Rooney

From: Emily Youcha [eyoucha@yahoo.com]
Sent: Thursday, March 11, 2010 10:11 PM
To: Rep. Mike Kelly; Sen. Joe Thomas; Rep. Peggy Wilson; Rep. Craig Johnson; Rep. Kyle Johansen
Cc: Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Rep. Pete Petersen; Sen. John Coghill; Sen. Joe Paskvan; Rep. David Guttenberg; Rep. Jay Ramras; Rep. Scott Kawasaki; Rep. Woodie Salmon; Rep. Les Gara
Subject: against HB267

Hello,
I am writing to let you know I do NOT support HB267 allowing the use of public snowmobile travel along the Dalton Highway. Currently, I believe a permit is required for travel by snowmobile for many good reason. There are many sensitive areas throughout this region that do not have enough snow for snowmobile travel where the tundra would be ruined if travelled on by the general public on snowmobiles. I realize there is a snow depth and soil temperature requirement, but it is unlikely this requirement would be followed by the general public. Secondly, it is very dangerous driving up and down the haul road in the winter and there are no services available. I travel the highway for my job and have observed many car accidents and breakdowns. Many people of been seriously injured or died due to accidents on the highway. Many private vehicles do not carry radios for communication with truckers and other drivers. White out conditions are extremely common, and without radio communication you are driving blind. There are already enough non-motorized hunters driving the road scouting the area for caribou, making for dangerous driving conditions. Lastly, many friends and family members hunt in this area and travel over 5 miles off the road corridor by foot for caribou. They work very hard to get their caribou and it is the highlight of their hunting season if they are able to ski or snowshoe 5-10+ miles into wilderness, set up a camp away from the road, find and stalk a caribou by foot, and pack it all out under man power instead of machine. It is a very magical experience that would be ruined if a hunter drives 5 minutes on a snowmobile and easily takes out a group of caribou in a matter of minutes and hauls it out by machine. We are concerned about the caribou herd being decimated if travel and hunting is allowed in this manner. Remember the military fellows who drove their trucks onto the snow covered tundra a few years ago and got them stuck? If this bill passes, similar problems will occur more frequently. Thank you for listening to my opinion, I am very concerned about this.
Sincerely,
Emily Youcha
1287 Arctic Tern Dr
Fairbanks, AK 99712

Rebecca Rooney

From: Kris Hundertmark [khundert@alaska.edu]
Sent: Thursday, March 11, 2010 9:27 AM
To: Rep. Peggy Wilson; Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Representative_Pete_Peterson@legis.state.ak.us
Subject: Dalton Highway Corridor legislation HB 267
Attachments: AK TWS Ltr re HB 267.pdf

Dear Representative:

I am writing to you as President of the Alaska Chapter of The Wildlife Society, a professional organization for wildlife managers, researchers, and educators. Our chapter has developed a position on the pending legislation HB 267 and I have attached a letter describing our concerns for wildlife management and recommendations for mitigation. We ask that you review this letter and consider our recommendations when hearing the bill in the Transportation Committee. Thank you for your time and consideration.

Best regards,

Kris Hundertmark

President, Alaska Chapter of The Wildlife Society

Kris Hundertmark
Assistant Professor of Wildlife Ecology
Institute of Arctic Biology
University of Alaska Fairbanks
PO Box 757000
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Voice: 907.474.7159
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cell +48 698 040 283

THE WILDLIFE SOCIETY
ALASKA CHAPTER
Kris Hundertmark, President
PO Box 757000
Fairbanks, AK 99775

The Alaska Chapter of The Wildlife Society is a professional society founded in 1971. With over 200 members, the Alaska Chapter is one of the largest chapters of The Wildlife Society, an international organization representing wildlife biologists and managers employed by state, federal, and borough resource agencies, academic institutions, non-governmental conservation organizations, and private industry. Our mission is to enhance the ability of wildlife professionals to conserve biological diversity, sustain productivity, and ensure responsible use of wildlife resources in Alaska for the benefit of society.

March 15, 2010

Re: House Bill 267 (snowmachine access in Dalton Highway corridor)

Dear Members of the House Transportation Committee::

The Alaska Chapter of The Wildlife Society strongly encourages you to consider the potential detrimental impacts of HB 267 to wildlife. If HB 267 is passed there is likely to be a substantial increase in snowmachine use in open terrain far beyond the corridor.

HB 267 would remove restrictions, which have existed since the early 1970s, to snowmachine use originating within a 5-mile corridor each side of the 414-mile long Dalton Highway during 1 October to 30 April. Hunting by use of snowmachines is currently prohibited within and beyond the Dalton Highway Corridor Management Area when access originates from the highway. The Management Area is defined as 5 miles each side of the highway north of the Yukon River (Title 5 Section 92.530(7) of Alaska Administrative Code). An exception exists for rural residents living within the corridor to use snowmachines for subsistence hunting on federal lands.

Our primary concern is the disturbance or displacement of Dall's sheep, moose, and muskoxen in treeless areas where suitable winter range is limited, particularly during periods of high energy deficit in late winter. Snowmachine traffic in mid to late April also has potential to inadvertently separate newly born muskoxen calves from their mothers. If this bill is passed, we recommend that some restrictions on snowmachine use remain (in the corridor at a minimum) while the extent of increased snowmachine use and its effect on wildlife populations is evaluated.

If HB 267 becomes law, action by the Alaska Board of Game would be needed to modify harvest regulations to allow hunting by snowmachine access within and beyond the corridor north of the Yukon River (358 miles) for snowmachine travel originating from the highway. Additionally, passage of the bill would likely require federal land managers to evaluate potential effects of hunting and recreation by snowmachine on subsistence activities and other resources before allowing new snowmachine use on federal land. State and federal land managers may also create or amend regulatory provisions to require minimum snow depth for snowmachine use to minimize unnecessary damage to forage plants and ground cover.

We provide the following recommendations for your consideration:

1) The Alaska Chapter of the Wildlife Society recommends that any changes to the current statutory prohibition on use of snowmachines within the Dalton Highway corridor include provisions that will ensure protection of wildlife and other resources from disturbance by motorized vehicles

2) If HB 267 is passed, the Legislature should consider keeping the 5-mile corridor closed to snowmachine use except for a limited number of marked winter trails roughly perpendicular to the Dalton Highway that will allow motorized access beyond the corridor. This option would minimize additional disturbance to wildlife and existing hunter activity within the corridor while allowing access for hunting, trapping, and snowmachine travel outside the corridor. Trailheads developed for safe parking of non-industrial vehicles during winter could include toilet shelters and bear-proof waste bins that would additionally serve the nearly 10,000 summer visitors now using the highway.

3) If HB 267 is passed, an area encompassing the high concentration of research plots surrounding the Toolik Lake Research Station run by the Institute of Arctic Biology at the University of Alaska-Fairbanks should be marked with signage and remain closed to snowmachine use for non-research purposes. More than 13,000 research plots exist in studies dating back to 1975, and many are subject to surface disturbance. These plots support long-term ecological studies on climate, vegetation, and wildlife.

4) If HB 267 passes and access for hunting is provided by the Board of Game, the Alaska Wildlife Troopers should increase highway and airborne patrol efforts during October to April to enforce regulations on the expected increase in harvest of caribou, wolves, grizzly bears, and wolverines. The post for the state wildlife trooper in Coldfoot is currently vacant.

5) Wildlife and land management agencies should begin scientific investigations on wildlife disturbance from snowmachine use in northern Alaska to identify sustainable practices and, if necessary, mitigation strategies. The Department of Fish and Game and federal wildlife managers should identify treeless habitats where Dall's sheep, moose, and muskoxen concentrate in winter, and evaluate baseline levels of disturbance before opening portions of the corridor to snowmachine use.

6) Land management agencies should begin scientific monitoring of public use of lands along the Dalton Highway for hunting, trapping, and non-consumptive recreation during September to May. Efforts to increase access from the Dalton Highway for hunting and recreation by snowmachine should be balanced with the potential of displacing wildlife and reducing opportunity for late winter viewing from the road.

7) The fiscal note for HB 267 should identify funding resources and define timeframes for any of the above recommendations that may be followed.

In summary, we strongly encourage the Alaska Legislature to consider the potential long-term effects that HB 267 and subsequent actions would have on wildlife populations and the full range of public uses along the Dalton Highway and public lands beyond the 5-mile corridor.

We appreciate the opportunity to comment on this proposed legislation. If you have questions regarding any of the comments in this letter, please contact me via electronic mail at kris.hundertmark@alaska.edu.

Sincerely,

Kris Hundertmark, Ph.D., President
Alaska Chapter of The Wildlife Society

Date: 11 March 2010

FOR: Alaska House Transportation Committee
RE: Testimony on House Bill 267

I am a property owner in Wiseman, a small village within the Dalton Highway Corridor (further referred to as the Corridor) in the Brooks Range. But, my primary residence is here in Fairbanks. I hunt Dall Sheep and Caribou outside the Corridor by foot and by dog team. There is absolutely no need to change the law as it is currently written – prohibiting off-road vehicles on the land in the Corridor. Only the lazy and uninspired would claim the current law denies their access to the public lands along the Dalton.

As members of the Transportation Committee, you must consider not only the overwhelming evidence that this Bill will threaten the sensitive wildlife and subsistence uses along the Corridor, but you must also consider the following:

First, allowing snowmachines in the Corridor will cost money. It will cost money in the increased demand for emergency services, the increased need for public safety, and the increased need for fish and wildlife protection.

Second, allowing snowmachines in the Corridor will increase accidents on and off the highway; it will increase medical emergencies; it will increase search and rescue needs; it will increase the chance for trespassing violations on private lands; it will increase the chance for vandalism of mining equipment (including explosives), private property of local Alaskans, private property of local tourism operations, private property of Alyeska, and University of Alaska research facilities – all located within the Corridor, all susceptible to this increased risk.

And, there are NO emergency services in place. The one and only State Trooper position in the area – in Coldfoot, was removed this past Fall.

And thirdly, allowing snowmachines in the Corridor will require road improvements including paving, more and larger pullouts, parking areas, outhouses and trash receptacles.

So, I ask the committee, where is the Fiscal Note attached to this obviously costly bill? Without it, the local people, the businesses and the miners are left insecure and unsafe. I want myself and my property protected.

Nicole J. Fliss
408 Nordale Rd N
Fairbanks AK 99712
and
Wiseman AK 99790

Alaska State Legislature

Please enter into the record my testimony to the House Transportation Committee
Committee name

Committee on H.B. 267 Acess of Dalton Hiway dated 03-11-2010
Bill/Subject

The Alaska Boating Association is in Strong favor of opening Acess to Snowmachiners in the Area Alongs the Dalton Hiway for Recreational use. Our Members Thank you for taking the time to Consider Our Stand on this Isue.

Sincerely yours

Signed: Vern L. Powell
Testifier

Alaska Boating Association
Representing (Optional)

3531 W. Finch Rd. Wasilla AK 99654
Address

907-232-0930
Phone number

[redacted]

From: Karl Monetti [karlmonetti@gmail.com]
Sent: Wednesday, March 10, 2010 11:07 AM
To: LIO Fairbanks
Subject: HB267

Please forward to each member of the House Transportation Committee. Thank you.

Dear Transportation Committee members,
Regarding HB267;
I believe passage of this bill would be very detrimental for several reasons;
1. Everywhere else in Alaska where snow machines are allowed to be used within the road system the experience for those not using snow machines has deteriorated. Areas are criss-crossed with snow machine trails, often a haze of noxious fumes exists in some of the more heavily used areas.
2. While snow machines appear to do no damage to underlying vegetation, the contrary is often found to be the case once the snow melts; heavily used tracks can leave virtual "trails" of damaged vegetation due to excessive compaction and subsequent freezing of that vegetation by snow machine use. The vegetation along the pipeline corridor is, as you are well aware, more fragile, more prone to damage, and less able to repair itself than is vegetation at lower latitudes.
3. There are very few areas along the Alaskan road system that can still be considered wilderness, which definition should include lack of motorized vehicles of any type. Snow machiners currently have access to virtually the whole rest of Alaska's road system-accessible wild lands, while there are few, if any areas reserved solely for non-motorized traffic.
4. Currently, the open season and bag limits for caribou on the North Slope are sustainable in large part due to the limited access by motorized vehicles. If snow machines are allowed along the pipeline corridor, the protection currently afforded the various northern caribou herds by the five mile buffer zone will have been lost, and those herds will surely be decimated.
5. Currently there are hunters and trappers who access the corridor area for caribou and other wild game either on foot or by dog team during winter months precisely because it is within reasonable travel distances for their means of propulsion, and because snow machines cannot access the area and drive away those same game animals. It is one of the few areas foot- or dog sled hunters can find game within reasonable travel distance from any road system where snow machines cannot access.

We live in a huge state. Enough of it has been made aesthetically displeasing from noise or visual degradation, or had the game run out of it by snow machines. Let's leave this area alone. It is too precious to allow it to become just another playground for snow machines. Passage of this bill would ensure access of the northern part of the state by only a select few, whereas currently, that access, though somewhat limited, is shared by all Alaskans on an equal footing. Not everyone can afford to own a snow machine, and many of us would rather not own one or be confronted with one everywhere we go. I would rather know there are places nobody can get to, and revel in the fact such places exist, than know there were no places off limits to our vehicle-crazed society.

Thank you for your consideration.

Karl Monetti
Box 56302
NOrth Pole
99705
907-322-0242

[redacted]

From: Linda (Lou) Brown [lsbrown@alaska.edu]
Sent: Tuesday, March 09, 2010 4:17 PM
To: LIO Fairbanks
Subject: HB 267

PLEASE FAX TO MEMBERS OF THE TRANSPORTATION COMMITTEE
AND RESOURCES COMMITTEE
THANK YOU!

March 9, 2010

Re: House Bill 267: "An act relating to travel by snow machine within five miles of the right-of-way of the James Dalton Highway."

Dear Members of the Transportation Committee and Resources Committee,

My husband and I have hunted caribou off the Dalton Highway beyond the 5-mile limit in the area of the Ribdon River for many years. In order to access this area, we load an 18 ft. canoe with camping and hunting gear and line the boat on foot up the river the five miles and more to arrive at good hunting country. We usually stay for a week to two weeks depending on our luck and the weather. We have done this hunt alone and/or with friends many times. We love the country whether in snow or fall colors and the country has been good to us, as we have usually hunted successfully.

I am writing you to urge you to **continue the prohibition of snow machines across the corridor.** As you know, hunting is a quiet activity and, as common sense would suggest, the presence of snow machines is very likely to interfere with the hunting success of everyone, not only those getting into the country by non-motorized means. We have hunted along many rivers in Interior Alaska since 1988 and we have found that the presence of airboats, snow machines, motor boats, 4-wheelers, etc., is a detriment to our ability to stage a successful hunt. The prohibition against snow-machines across the corridor has been a most welcome buffer between us and that part of the hunting public that prefers to use motorized vehicles. I think it is right and reasonable that since so much of Alaska is open to motorized access, the state should defend the rights of those wishing to pursue our annual hunt using a more old-fashioned approach.

Thank you for considering our thoughts in this matter.
Jon Miller
Lou (Linda) Brown
2630 Home Run
Fairbanks, AK 99709
jonmiller@acsalaska.net

Rebecca Rooney

From: Dan Caldwell [danc302@mtaonline.net]
Sent: Tuesday, March 16, 2010 11:01 AM
To: Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Representative_Pete_Peterson@legis.state.ak.us; Rep. Peggy Wilson; Rep. Craig Johnson
Subject: HB 267

All-

I strongly support HB267 and would encourage you to vote it its favor.

Best Regards,

Dan Caldwell

I am using the Free version of SPAMfighter.
We are a community of 6 million users fighting spam.
SPAMfighter has removed 1882 of my spam emails to date.
The Professional version does not have this message.

Rebecca Rooney

From: grizzlybear@mosquitonet.com
Sent: Tuesday, March 16, 2010 11:29 AM
To: Rep. Peggy Wilson
Subject: HB267 Dalton Highway Corridor

Dear Representative Wilson,

PLEASE SUPPORT HB 267.

It is not fair that this huge chunk of public land is kept off-limits to trappers, hunters and other snowmachine users.

I have canoed, hiked and hunted on the North Slope since before the Haul Road was constructed. The threats of potential damage from the environmental lobby are way overblown.

Thank you,

Pete Buist
Box 71561
Fairbanks, AK 99707

Alaska State Legislature

Please enter into the record my testimony to the House Transportation committee name

committee on HB 267 bill/subject, dated 3-16-2010.

Mar. 15/16

I would like to support Legislation 267 Concerning access by Snowmobile off Public Land

Dave Bates
Amber Bate
Diane Bates

P O Box 90291
Anchorage AK 99509

907-229-7883

Signed: DAVID BATES, AMBER BATES, DIANE BATES
Testifier

SELF
Representing (Optional)

P.O. Box 90291 Anchorage AK 99509
Address

907-229-7883
Phone No.

9/86 Legislative Information Office

Rebecca Rooney

From: stoller@acsalaska.net
Sent: Tuesday, March 16, 2010 7:51 AM
To: Rep. Peggy Wilson
Cc: Rep. Craig Johnson
Subject: HB 267

Members of the House Transportation Committee,

I would like to advocate for the passage of HB 267 and offer the following comments.

This bill is strictly about allowing the public to have reasonable access to millions of acres of public lands - not just the land inside the highway corridor but also the vast public lands lying outside the corridor. Currently, virtually all the public land lying outside the corridor (State land, BLM land, ANWR, NPRA, Gates of the Arctic National Park and Preserve, Yukon Flats Wildlife
Refuge) allow
snow machine use by the public on their lands. The problem is that the way the law currently stands the average user cannot get there. It is not like if a person were to walk, ski, or snowshoe the 5 miles from the road to get outside the corridor that a snow machine would magically appear and allow them to proceed onward to enjoy the lands that allow snow machine use. The current restriction essentially seals off access to all lands north of the Yukon River by snow machine.

I would also like to urge you not to get caught up in the debate of any effects this bill might have on sport hunting. This bill in itself would make no changes to the current hunting regulations. If passed, it would still not be legal to use a snow machine from the highway for hunting or even in support of hunting. Making those changes would require action by the Board of Game - whose job it is to set hunting regulations. A quick scan of the current hunting regulations reveals over 20 other areas of the state that have various access restrictions in regards to sport hunting. These vary from restricting all motorized access, restricting the use of pack animals, restricting aircraft, restricting airboats, restricting the size of outboard motor, etc. The point being there is ample precedent showing that the Board of Game has the authority to limit access for sport hunting if they desire. We seem to think they can handle setting regulations in the entire rest of the State, why not here.

A comment from last week's testimony that particularly caught my ire was from a lady in Fairbanks (I think) that suggested that anyone who didn't think there was already enough access was just lazy. This would seem to me to be a very narrow minded viewpoint from someone fortunate enough to be in relatively good health.
What about the segment of the public who through no fault of their own but rather due to illness, injury, natural physical disability, or age (either too old or too
young) simply cannot walk or ski the 5 miles to get through the corridor. This is their land too - why should they be deprived a chance to go out and enjoy it? And as mentioned above, even if they could somehow get through the corridor, there is not going to be a snow machine waiting at the edge to take them on to enjoy the millions of acres of public land beyond the corridor that allows snow machine use.

Another point I would like to make is that while the current law bans snow machines through the corridor it allows equipment needed for mining and oil and gas exploration and development. How can you possibly justify allowing a miner to walk a bulldozer or some other large equipment or oil and gas exploration and development equipment weighing 50,000 to 100,000 lbs through the corridor but at the same time say a 400 to 500 lb snow machine is banned due to environmental concerns. It just doesn't make sense!

Lastly I would like to offer the opinion that most of the opposing comments seem to boil down to the "not in my back yard" category. The way the laws currently stand the local residents are allowed to do more or less whatever they want with regards to access through the corridor under the authority of Federal Subsistence Regulations. While I can understand the local residents desire to keep everyone out of their "private playground" - it is not right. This is public land and the entire public should be able to use it - not just the local residents.

Thank you for your time,

David Stoller
880 Hickman Ave
North Pole, AK 99705
(907)488-0585

Rebecca Rooney

From: Bill Montagne [mtgt@ak.net]
Sent: Monday, March 15, 2010 4:31 PM
To: Rep. Peggy Wilson
Subject: HB 267

Pass HB 267
You have no right to keep taking from Alaskan's

Bill Montagne

Rebecca Rooney

From: garyatsls@cs.com
Sent: Monday, March 15, 2010 6:24 PM
To: Rep. Peggy Wilson
Subject: HB267

Dear Rep. Wilson,

Please know that I strongly support HB267. Public access to public lands must be a high priority! Please feel free to contact me if questions/concerns.

Sincerely,
Gary Stevens
907-229-4710

Rebecca Rooney

From: Mark Gordon [gordon@mtaonline.net]
Sent: Monday, March 15, 2010 8:11 PM
To: Rep. Peggy Wilson; Rep. Craig Johnson; Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Rep. Pete Petersen
Cc: Rep. Carl Gatto; Sen. Linda Menard; Rep. Mike Kelly; Rep. Mark Neuman
Subject: Dalton Highway Snowmobile Rights

House Transportation Committee:

A change in the state transportation code nearly a decade ago enabled a change in the Dalton Highway Corridor Management Area (DHCMA) rules which enabled snowmobiles to legally cross the corridor from one side to the other for the purpose of hunting while maintaining a prohibition to snowmobiles beginning travel within the corridor. This was clearly to allow easier local hunting access while denying access to other Alaskans.

The west side of the corridor (from the Yukon River to the Koyukuk River mouth, north to the Arctic Ocean, east along the coast to Prudhoe Bay) is an expanse of land larger than the state of Arkansas, with a resident population smaller than a single small town in Arkansas, most of the land in the area is PUBLIC LAND, and the largest herd of animals in North America passes through the area during times when the only logistical access is by aircraft or snowmobile, neither of which harm the ground or vegetation. That's not even to mention the east side of the corridor. To deny access to these lands and resources on the basis of primary residency among state residents is an outrage. There are many better ways to manage hunting harvests than a blanket denial of access. Besides, these residents already have federal hunting priority in addition to local advantages over non-local visiting hunters. There is no need to lock other Alaskans out of the area with needless laws.

I am highly encouraged that Representatives Mike Kelly, Tammie Wilson, and Mark Neuman have sponsored HB 267 to allow the rest of us access to public lands east and west of the Dalton Hwy by snowmobile like the locals. Please don't let this opportunity slip. This is a simple matter of equal rights.

Thank you for your consideration.

Sincerely,

Mark W. Gordon
7950 Duchess Drive
Palmer, AK 99645
745-5520

Rebecca Rooney

From: Roy LaMay [lamaycompany@gci.net]
Sent: Monday, March 15, 2010 10:21 PM
To: Rep. Peggy Wilson
Subject: hb267

yes on hb267

Rebecca Rooney

From: richard or mary bishop [rmbishop@ptialaska.net]
Sent: Monday, March 15, 2010 10:25 PM
To: Rep. Peggy Wilson
Subject: HB267, Dalton Hwy corridor

Please support this bill, HB 267, to open the corridor to snow machine traffic during part of the year. I anticipate that DNR and ADF&G will do an adequate job of regulating the use of the land and the resources so as not to violate appropriate conservation concerns.

Mary Bishop
1555 Gus's Grind
Fairbanks, AK 99709
907-455-6151

Rebecca Rooney

From: jbowden@acsalaska.net
Sent: Monday, March 15, 2010 2:28 PM
To: Rep. Peggy Wilson
Subject: Pleasd vote for this bill
Attachments: Email Alert Test.msg

House Bill No. 267
TITLE: "An Act relating to travel by snow machine within five miles of the right-of-way of the James Dalton Highway."

HB 267 when passed in to law would permit snowmachine travel across the Dalton highway corridor from Oct 1st - April 30th. HB 267 is up for consideration in the House Transportation committee H(TRA) TRANSPORTATION on Thursday March 11th at 1:00pm.

State law bans off-road travel across a 10 mile wide highway corridor from the Yukon River north for 350 miles to Prudhoe Bay. Millions of acres of state public domain and federal public lands open to snowmachine travel are blocked of to access from the Dalton highway. While traditionally across the U.S. resources development opened public lands to the public here in Alaska state law bans such use.

The Alaska legislature passed the law banning off road travel within five miles of the Dalton highway and they can amend the law to allow snowmachine access during months of winter snow cover if they have your public support.

Winter snowmachine travel should not interfere with fall walk-in archery hunts within the corridor. Once snow cover is adequate for snowmachine travel with minimal impact on the vegetative mat bow hunters have left the area.

Rebecca Rooney

From: Rich Johnson [rjj15@yahoo.com]
Sent: Monday, March 15, 2010 4:06 PM
To: Rep. Kyle Johansen
Cc: Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Representative_Pete_Peterson@legis.state.ak.us; Rep. Peggy Wilson; Rep. Craig Johnson
Subject: Please support HB267

I strongly Support HB267! I care about my right to travel state lands.

Thanks!

Richard Johnson

Rebecca Rooney

From: Jarrett Finley [finley375@yahoo.com]
Sent: Monday, March 15, 2010 5:46 PM
To: Rep. Peggy Wilson
Subject: HB 267

Hello,

As an avid hunter of the Dalton Highway corridor, with both bow and rifle, I feel I must weigh in on HB 267. This would be not qualify as much of a hunt as it will be easy to kill caribou from a snowmachine in this area. I have, as many others have, hiked out 5+ miles to harvest a caribou with a rifle It is not easy but it is very rewarding. The use of snowmachines will greatly increase access and I believe would be very unsporting. Why can't we leave some areas access by foot only? I see no harm in leaving the Dalton corridor as is. I hope that you will not support HB 267 and leave the challenge in hunting caribou in the Dalton Highway.

Regards,

Jarrett Finley
Wasilla, Alaska

Rebecca Rooney

From: Dael Devenport [dael.devenport@gmail.com]
Sent: Monday, March 15, 2010 6:47 PM
To: Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Representative_Pete_Peterson@legis.state.ak.us; Rep. Peggy Wilson; Rep. Craig Johnson
Subject: House Bill 267

Dear Representatives,

Please vote 'No' on House Bill 267, a bill to open the Dalton Highway corridor to snowmachines from October 1st through April 30th.

Thank you,
Dael A. Devenport
Fairbanks, Alaska

Rebecca Rooney

From: Dana Brown [arcticmidwife@yahoo.com]
Sent: Monday, March 15, 2010 6:54 PM
To: Rep. Peggy Wilson
Subject: HB 267

Greetings. I oppose HB 267. Thankyou for considering mmy opinion. Dana Brown

Rebecca Rooney

From: Jeff Walters [jeff.walters2@gmail.com]
Sent: Monday, March 15, 2010 7:00 PM
To: Rep. Peggy Wilson
Subject: snowmachine use along Dalton Highway

Dear Representative Wilson,
I am writing to urge you to NOT open the Dalton Highway corridor to snowmachine or ATV use. I have spent a great deal of time along the
Dalton Highway and I appreciate it for the nature of its wilderness.
Several of my friends hunt in the area under existing regulations.
While I am not opposed to hunting under these current regulations, I AM opposed to changing the nature of the way that this land is accessed.

Please oppose HB 267.

Thank you,
Jeff Walters
PO Box 82708
Fairbanks, AK 99708
(907) 457-3876

Rebecca Rooney

From: Richard Leo [theridgeline@hotmail.com]
Sent: Monday, March 15, 2010 7:21 PM
To: Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Rep. Peggy Wilson; Rep. Craig Johnson; Rep. Pete Petersen
Subject: Re: HB 267

Sirs/Madames,

Most simply, concisely, and adamantly, I am opposed to opening the Dalton Highway corridor to snowmachines.

Adding my name to the list in opposition of the proposal,

Richard Leo
Box 13227
Trapper CReek, 99683

The New Busy is not the old busy. Search, chat and e-mail from your inbox. Get started.

Rebecca Rooney

From: Sharon Hamson [sl_hamson@yahoo.com]
Sent: Monday, March 15, 2010 7:50 PM
To: Rep. Peggy Wilson
Subject: I oppose HB 267

I strongly oppose this bill. This land is pristine and should be kept pristine.

3333

Rebecca Rooney

From: housemajority_email@housemajority.org
Sent: Monday, March 15, 2010 9:34 PM
To: Rep. Peggy Wilson
Subject: HR 267

+----------+
DO NOT REPLY DIRECTLY TO THIS EMAIL: your reply will go to enews@housemajority.org To correspond with the author Hit 'Reply' or 'Forward'.
Then change the TO: address to meltalaska.1@gmail.com If suspected Spam please forward to: support@housemajority.org
+----------+

From: meltalaska.1@gmail.com

Dear Dear Chairperson Wilson,

Since I am a state employee I may not be able to get personal leave to speak to you during the teleconferenced hearing tomorrow afternoon. I want to register my strong opposition to HR 267, sponsored by Representative Kelly and cosponsored by Representatives Neuman and Wilson.

It is a fallacy that the existing Dalton Highway buffer is an artificial restriction on access. ANY Alaskan with some gumption and wits can cross the corridor and harvest caribou with a rifle and successfully transport the meat home for consumption. In fact most of the people that I know that harvest caribou do so without the aid of off road vehicles (ORV) on the north side of the Brooks Range through creative use of skis/snowshoes and sledges or non-motorized boats. When I have traveled the Dalton Highway to the starting point of my trek I have seen large numbers of bow hunters along the road hunting by foot within the corridor.

All the other caribou herds located along highway corridors and have ORV access (eg. Nelchina, Delta, Fortymile) are in annual crisis and under extreme Alaska Department of Fish and Game management at great expense to the state treasury. Registration and drawing hunts are par for the course, emergency closures are annual events. Predator control is a constant battle. Please keep good old Alaskan ingenuity and muscle powered access as the main and successful method of guaranteeing the Central Arctic Caribou herd is managed for abundance and not crisis.

I have actively hunted the Central Arctic Caribou herd using non motorized access since 2005 when I realized how easy it is to access this herd outside of the 5-mile corridor. I and my family have relied on the high quality of the meat we have obtained on these hunts. The hunts have provided my sons and I some of the best quality time that we have had together since they have become adults. Part of the quality is derived is from the remoteness and the physical effort that is required to get in the short 5 mile mile buffer before we can hunt with a rifle. This opportunity should be preserved for all Alaskans.

Respectfully,
Larry Freeman
2635 Hafele Ave,
PO Box 82562
Faribanks Alaska 99708
907-456-6358

~ Lawrence Freeman
Zip Code: 99709

Rebecca Rooney

From: Torsten Bentzen [fstwb1@gmail.com]
Sent: Monday, March 15, 2010 10:27 PM
To: Rep. Peggy Wilson
Cc: Rep. Craig Johnson; Rep. Kyle Johansen; Representative_Cathy_Munoz@legisl.state.ak.us; Representative_Pete_Peterson@legis.state.ak.us; Rep. Max Gruenberg; Rep. Tammie Wilson
Subject: HB267

Oppose HB267

This letter is in opposition to HB267. This is not the first time the Dalton hwy corridor has been threatened through legislative action. These attempts have had major opposition in the past and HB267 is no different. Allowing snowmachines will irreparably destroy a premier caribou hunting area available to all Alaskans. I hope you will consider the many Alaskans who value the current situation along the Dalton hwy. Restrictions along the Dalton hwy have created a unique hunting opportunity that cannot be found anywhere else along Alaska's road system. The hunt remains open most of the year and bag limits are large, making these caribou a meaningful subsistence resource for many Alaskan families. Lands outside the Dalton hwy corridor are currently accessible by foot, ski, snowshoe, dog team, boat and airplane. Over the years we have accessed this area using all of these methods and harvested caribou to feed family and friends. Have the tough Alaskans really fallen so far that we cannot hunt without a machine unknown to our fathers and grandfathers? Not the good old boys I know! Don't destroy a good thing, please vote no on HB267.

Sincerely,

Torsten Bentzen
90mile Tok Cutoff
Mentasta, AK
99780

Rebecca Rooney

From: Larry Freeman [meltalaska.l@gmail.com]
Sent: Monday, March 15, 2010 9:37 PM
To: Rebecca Rooney
Subject: HR 267

Ms. Rooney,

Could you please see that this gets entered into the record a public testimony for HR 267 and that all the committee members get copies.

Thank you,
Larry Freeman

Dear Transportation Committee Members,

Since I am a state employee I may not be able to get personal leave to speak to you during the teleconferenced hearing tomorrow afternoon. I want to register my strong opposition to HR 267, sponsored by Representative Kelly and cosponsored by Representatives Neuman and Wilson.

It is a fallacy that the existing Dalton Highway buffer is an artificial restriction on access. ANY Alaskan with some gumption and wits can cross the corridor and harvest caribou with a rifle and successfully transport the meat home for consumption. In fact most of the people that I know that harvest caribou do so without the aid of off road vehicles (ORV) on the north side of the Brooks Range through creative use of skis/snowshoes and sledges or non-motorized boats. When I have traveled the Dalton Highway to the starting point of my trek I have seen large numbers of bow hunters along the road hunting by foot within the corridor.

All the other caribou herds located along highway corridors and have ORV access (eg. Nelchina, Delta, Fortymile) are in annual crisis and under extreme Alaska Department of Fish and Game management at great expense to the state treasury. Registration and drawing hunts are par for the course, emergency closures are annual events. Predator control is a constant battle. Please keep good old Alaskan ingenuity and muscle powered access as the main and successful method of guaranteeing the Central Arctic Caribou herd is managed for abundance and not crisis.

I have actively hunted the Central Arctic Caribou herd using non motorized access since 2005 when I realized how easy it is to access this herd outside of the 5-mile corridor. I and my family have relied on the high quality of the meat we have obtained on these hunts. The hunts have provided my sons and I some of the best quality time that we have had together since they have become adults. Part of the quality is derived is from the remoteness and the physical effort that is required to get in the short 5 mile mile buffer before we can hunt with a rifle. This opportunity should be preserved for all Alaskans.

Respectfully,
Larry Freeman
2635 Hafele Ave,
PO Box 82562
Faribanks Alaska 99708
907-456-6358

Rebecca Rooney

From: david sanderlin [learntillyoudie@yahoo.com]
Sent: Tuesday, March 16, 2010 6:37 AM
To: Rep. Cathy Munoz; Rep. Craig Johnson; Rep. Kyle Johansen; Rep. Max Gruenberg; Rep. Peggy Wilson; Representative_Pete_Peterson@legis.state.ak.us; Rep. Tammie Wilson
Subject: [SPAM] dalton highway corridor

I would stronly suport opening the dalton Highway corridor to snowmaching

David Sanderlin

3337

To: House Transportation Committee, re ***HB 267*** Hearing - 3/11/10
(I attended and planned to present at the 3/11 hearing at the Fbks. LIO, and wish to submit my comments in writing at this time.)

Thank you for the opportunity to testify on this proposed legislation. When the Dalton Highway was built to support oil development and transportation the state wisely restricted off-road motorized traffic from impinging on the wildlife and the fragile arctic environment. Reversing this decision is not in the best interest of the state or the local residents that rely on that wildlife for their subsistence.

The Division of Alaska Wildlife Troopers currently has no enforcement officers routinely patrolling the Dalton. The resources and manpower required to patrol such a vast area would require a very substantial added state expense to enforce the hunting and wildlife harassment violations that would inevitably occur from such an opening to snow machines.

Another less obvious risk to the state's interests is the very real potential for community opposition to the development of future resource corridors. An example of this is the vehement opposition from the Native community over the Yukon Flats land swap with the Doyon Corporation. The previous legislative attempt several years ago to open the Dalton/pipeline corridor and reverse the state's promise on snow machine restrictions was a significant factor in the strong Native opposition against their own corporation's development plans.

If the state continues to break its promises about protecting sensitive habitat areas and threatening local subsistence by allowing recreational snow machining (snow machines can now travel almost anywhere) it's likely to face increasing opposition to future resource development projects and corridors, especially through Native owned, but also possibly some federal lands. By easily changing the rules and going back on its promises, the state violates the trust that the public so desperately needs and depends upon.

Also, the legislature, when making such potentially high-impact decisions should not fail to consider that most people who travel to, and many people who continue to live in Alaska, do so because it has retained so much of its wild and pristine nature. Legislative decisions that jeopardize the essential qualities that continue to make Alaska unique should only be made with the greatest of care and thought for the greatest good.

I urge this committee to treat this bill the same as the last attempt to reverse the state's original intent to safeguard this corridor, and vote against this legislation. Thank you.

Respectfully,

Daniel Adams (RN, Healthcare Quality Manager for Tanana Chiefs Conf., Retired)
PO Box 428
Ester, AK 99725
479-2882

Rebecca Rooney

From: George & Leslie [georgenleslie@mosquitonet.com]
Sent: Monday, March 15, 2010 2:37 PM
To: Rep. Max Gruenberg; Rep. Pete Petersen; Rep. Cathy Munoz; Rep. Kyle Johansen; Rep. Craig Johnson; Rep. Peggy Wilson; Rep. Tammie Wilson
Subject: HB 267 Dalton Highway Corridor

Dear Members of the House Transportation Committee,

As a concerned Alaskan, I am writing to express my strong opposition to HB 267, in particular, Sec. 19.40.210, Part 3, which opens the door for snow machine use in the Dalton Highway Corridor.

My concerns arising from the changes put forth in this bill basically boil down to this: impacts of wildlife, impacts on the land itself, and impacts to road use. Opening up this area to snow machine access will lead to negative impacts on wildlife, which then impacts all the other user-groups that rely on wildlife. The land itself, and the wildlife as well, are known to be very sensitive to human impacts. The greatest value of the area derives from its integrity as a natural area, as wilderness.

The current system limiting motorized access within the Dalton Highway Corridor has shown that it still allows many user-groups access, limits negative impacts on wildlife, allows multiple-use for hunting, camping, hiking and floating, and does so in a way that is sustainable in the long-term. Please maintain the integrity of the Dalton Highway Corridor and do not allow snow machine access within the corridor.

As a hunter, hiker, camper and outdoor enthusiast who appreciates exploring the far north for the rare gift that it allows us right now, I strongly oppose HB 267. I respectfully ask you to vote against HB 267.

Sincerely,

George LaBar
Two Rivers, Alaska
P.O. Box 61132
Fairbanks, AK 99706
488-5254

Rebecca Rooney

From: Ken Tape [kdtape@alaska.edu]
Sent: Monday, March 15, 2010 3:45 PM
To: Rep. Peggy Wilson; Rep. Craig Johnson; Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Rep. Pete Petersen; Rep. Scott Kawasaki; Rep. Mike Kelly; Sen. Joe Thomas; Sen. Joe Paskvan
Subject: dalton highway corridor opening -- please vote NO

Dear Transportation Committee Members,

My name is Ken Tape and I have spent much of the last decade in arctic Alaska. I have crossed it about a dozen times by snowmachine, boat, skis, mushing, helicopter, and fixed-wing airplane. It would be devastating to the tundra landscape, caribou, and all current users if the corridor were opened to motorized access. What is going to happen when people arrive in the arctic in October with a week off work, 4 snowmachines, and a lot invested in their hunt, only to find that there is only a bit of snow between the tussocks? The scars on the landscape leftover from their brief foray will last forever, as are the myriad scars leftover from track vehicle usage in the 50s and 60s.

I'm not politically green, and still this bill is a bad idea. If you're too lazy to get off the road 5 miles under your own power, then you should simply enjoy rest of the state (!) as your playground. Else, get off the machine and stop complaining.

Thanks for considering my opinion on this bill.

Ken Tape

Rebecca Rooney

From: akwildlifeimages@gci.net on behalf of akwildlifeimages [akwildlifeimages@gci.net]
Sent: Tuesday, March 16, 2010 9:27 AM
To: Rep. Peggy Wilson
Subject: HB 267

Dear Representative Wilson
Please note my opposition to HB 267, this will impact wildlife resources and will lead to other OR issues, leave the area as is please.
thank you

Didier Lindsey
an Alaskan

Rebecca Rooney

From: (Bruno) Chris Grunau [cgrunau@yahoo.com]
Sent: Tuesday, March 16, 2010 11:12 AM
To: Rep. Peggy Wilson
Subject: House Bill 267

Dear Representative Wilson;

I'm writing to urge you to protect the highway corridor on the Dalton Highway, which effectively acts as a buffer zone and limits high-impact human activity in our wild areas. We already allow access for obtaining mineral resources such as mining and oil/gas production and exploration; these activities have softer "footprints" on the land because they are relatively well-regulated activities.

Allowing snow machine access from within the corridor will scar the landscape, as snow machine trails (and their remnants) can become permanent fixtures throughout the year. The law, as it stands, urges serious hunters and trappers to make an effort for the reward of taking this abundant wild game in our State. Changing this requirement will make a substantially easier sport of hunting and trapping, thereby placing additional stress on the hunted game populations as well as making our wild game less abundant.

I ask you: are people going hungry because they cannot drive their snow machine from within this corridor? I contest that those who **need** to access to this land for subsistence and sport hunting find a way to do it without snow machines. I fear that opening this access will only open the doors to hunters and trappers who no not need this game, effectively taking it from those who already make the effort.

We do not need to open these doors at this time. Please vote **against House Bill 267**.

All the best,
Bruno C. Grunau
Fairbanks, AK

Rebecca Rooney

From: Valerie Connor [redherring007@hotmail.com]
Sent: Tuesday, March 16, 2010 11:12 AM
To: Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; representative_pete_peterson@legis.state.ak.us; Rep. Peggy Wilson; Rep. Craig Johnson
Subject: HB 267

Re:
OPPOSE SNOW MACHINE USE IN DALTON HWY CORRIDOR

Dear Representatives,

There are many good reasons why this legislation should NOT pass. Local residents and Advisory Committees are opposed to this legislation due to the fact that there is virtually no hope of any kind of enforcement to prevent illegal harvest of game and the protection of the fragile ecosystem. Who will determine if there is sufficient snow cover to protect the tundra, and then how will that be enforced?

Advocates for this bill have one goal in mind and it is not about access, it is about making it more convenient to harvest game.

Please go back and look at the original reasons why this corridor was closed and then ask yourselves what has changed since then to justify a change.

Please vote NO on HB 267.
Thank you,

Valerie Connor
Anchorage, AK

Hotmail: Trusted email with Microsoft's powerful SPAM protection. Sign up now.

Rebecca Rooney

From: Franziska Kohl [fkohl@alaska.edu]
Sent: Tuesday, March 16, 2010 11:10 AM
To: Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Representative_Pete_Peterson@legis.state.ak.us; Rep. Peggy Wilson; Rep. Craig Johnson
Subject: Please vote "NO" on use of snow machines

Dear Legislators of the Transportation Committee,

I urge you to vote 'NO' on the use of snow machines within the 5M radius of the Haul Road (Dalton Hwy).

Am I working in the Arctic in spring and summer since 6 years. During spring, some people are given snow machine use permits by the BLM.
These permits allow them to travel on a snow cover of more than 6", however with nobody wide and far to monitor, I see this rule broken all the time and people are running snow machines over the tundra vegetation, ripping the loosely attached plants out and making them fly through the air. This problem gets worse with spring progressing and the snow becomes more and more patchy, however sadly people put their own comfort over the requirements of the permits.
Later in summer, the damage is easily visible and since the growth rate of the tundra is very slow, it takes decades to recover from the damage done.

I fear for the appearance as especially in the last years more and more visitors drive to the Arctic in summer to enjoy the "untouched" landscape. Additionally the use of loud snow machines would scare wildlife away from the road corridor, where Alaskans, truck drivers as much as tourists enjoy their sight and are always a good proportion for good communication between travelers along the Haul Road on the CB.

Please vote NO on the use of snow machines.

Sincerely,

Franziska Kohl and Pete Reynoldson

Rebecca Rooney

From: Karl Monetti [karlmonetti@gmail.com]
Sent: Tuesday, March 16, 2010 11:17 AM
To: Rep. Peggy Wilson
Subject: HB267

Dear Representative Wilson,
Regarding HB267;
I believe passage of this bill would be very detrimental for several reasons;
1. Everywhere else in Alaska where snow machines are allowed to be used within the road system the experience for those not using snow machines has deteriorated. Areas are criss-crossed with snow machine trails, often a haze of noxious fumes exists in some of the more heavily used areas.
2. While snow machines appear to do no damage to underlying vegetation, the contrary is often found to be the case once the snow melts; heavily used tracks can leave virtual "trails" of damaged vegetation due to excessive compaction and subsequent freezing of that vegetation by snow machine use. The vegetation along the pipeline corridor is, as you are well aware, more fragile, more prone to damage, and less able to repair itself than is vegetation at lower latitudes.
3. There are very few areas along the Alaskan road system that can still be considered wilderness, which definition should include lack of motorized vehicles of any type. Snow machiners currently have access to virtually the whole rest of Alaska's road system-accessible wild lands, while there are few, if any areas reserved solely for non-motorized traffic.
4. Currently, the open season and bag limits for caribou on the North Slope are sustainable in large part due to the limited access by motorized vehicles. If snow machines are allowed along the pipeline corridor, the protection currently afforded the various northern caribou herds by the five mile buffer zone will have been lost, and those herds will surely be decimated.
5. Currently there are hunters and trappers who access the corridor area for caribou and other wild game either on foot or by dog team during winter months precisely because it is within reasonable travel distances for their means of propulsion, and because snow machines cannot access the area and drive away those same game animals. It is one of the few areas foot- or dog sled hunters can find game within reasonable travel distance from any road system where snow machines cannot access.

We live in a huge state. Enough of it has been made aesthetically displeasing from noise or visual degradation, or had the game run out of it by snow machines. Let's leave this area alone. It is too precious to allow it to become just another playground for snow machines. Passage of this bill would ensure access of the northern part of the state by only a select few, whereas currently, that access, though somewhat limited, is shared by all Alaskans on an equal footing. Not everyone can afford to own a snow machine, and many of us would rather not own one or be confronted with one everywhere we go. I would rather know there are places nobody can get to, and revel in the fact such places exist, than know there were no places off limits to our vehicle-crazed society.

Thank you for your consideration.

Karl Monetti
Box 56302
NOrth Pole
99705
907-322-0242

Rebecca Rooney

From: Jennifer LaBar [jenlabar@lycos.com]
Sent: Tuesday, March 16, 2010 11:23 AM
To: Rep. Peggy Wilson
Subject: I oppose HB 267

My husband and I are soon to be residents of Alaska and we oppose HB 267. We are moving to Alaska because of the vast wilderness and we would like to see at least one state with such great wilderness preserved.

Jennifer LaBar

3346

Rebecca Rooney

From: kneelandt@alaska.com on behalf of Kneeland Taylor [kneelandt@alaska.com]
Sent: Tuesday, March 16, 2010 11:27 AM
To: Rep. Peggy Wilson
Subject: HB 267 - I OPPOSE

Representative Wilson,

I just learned that there is a bill that would open to snowmachines the Dalton Highway corridor. I strongly oppose this. Alaskans promised many years ago that the pipeline and the haul road would not provide entry for motorized access to the Brooks Range, and its spectacular wildlife and wilderness values. HB 267 if passed would demonstrate that Alaskans cannot be trusted to live up to guarantees that the State of Alaska gives.
Guarantees such as the promise to responsibly develop oil and gas reserves located on land. I support responsible development such as development of ANWR.

I also oppose HB 267 because I treasure the spectacular country of the Central Brooks Range. It is fabulous. Unique. It should not be easily accessible by anyone with the money to motor in on a $10,000 snow machine.

Very truly yours, Kneeland Taylor

Rebecca Rooney

From: Art Greenwalt [dobieman@gci.net]
Sent: Tuesday, March 16, 2010 11:56 AM
To: Rep. Peggy Wilson
Subject: Vote Against HR 267

Dear Rep. Wilson:

I am writing to you concerning HR 267 which comes up for a hearing this afternoon.

This is a terrible piece of legislation that will do nothing less than ruin the caribou herds along the Dalton Highway by not only increasing the take by a very large percentage but will lead to degradation of their habitat as well as considerably increasing the chances of vehicular collisions on the Dalton which is heavily used by large trucks throughout the year.

I find it particularly interesting that Mr. Al Barrette has written a request for this in that he notes only a handful of local residents are opposed to these changes. Just recently, as a member of the Board of Game, he and three other BOG members ignored the 500+ residents of the Denali area and instead eliminated the buffer zones around the park at the behest of "handful" of recreational trappers. Now, he saying the minority should be ignored and the majority favored. It seems Mr.
Barrette is more able to change direction than the flimsiest flag ever flown.

I have lived in Fairbanks over 40 years. I have hunted, hiked, snowmobiled, and have been up the Dalton.

There is plenty of room and opportunity for caribou hunting without destroying a resource vital to local residents.

I urge you to deny this bill, vote against it. Vote the decent vote.

Thank you,
Art Greenwalt
Fairbanks, Ak.

Rebecca Rooney

From: Barbara Brease [brease@mtaonline.net]
Sent: Tuesday, March 16, 2010 12:05 PM
To: Rep. Peggy Wilson
Subject: oppose HB 267

Dear Representative Wilson,

Please vote against HB 267, a bill that would allow snowmachine access within the Dalton Highway corridor from Oct 1 to April 30.

Local Advisory Committees and residents have testified against the bill. The Alaska Board of Game BOG let controversial new appointee, Al Barrette write a letter of support to the legislature from the BOG. At the same time, the board liberalized the central Alaska caribou herd's season dates, only closed two months a year, and bag limit from two caribou to up to 5. They opened up half of the CACH calving grounds to hunting ALL YEAR and increased the bag limit in that region to 10 CARIBOU! This calving area is in easy reach of the haul road by snowmachine.

The Board of Game, especially Al Barette is getting a tremendous amount of scrutiny now for their actions. Voting against HB 267 is the right thing to do..you will be proud that you didn't respond to the corrupt system that is trying to mandate control of the state's wildlife.

Thank you,
Barbara Brease
PO Box 549
Healy, Alaska 99743

Rebecca Rooney

From: Kyle Joly [kjoly@hotmail.com]
Sent: Tuesday, March 16, 2010 8:36 AM
To: Rep. Peggy Wilson; Rep. Craig Johnson; Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Rep. Pete Petersen
Subject: Comments regarding HB 267

HB 267 should not be
enacted for the following reasons:

Wildlife

· Wildlife living on the north slope are vulnerable to disturbance by snow machines due to the harsh winter conditions and lack of vegetative cover. Species that would be impacted are: musk ox, moose, Dall sheep, caribou, brown bears, wolverines, wolves and foxes.

· Musk ox are exceptionally vulnerable to disturbance due to the costs of expending additional energy reserves which are limited in winter. They begin giving birth in April, making the new born exposed to abandonment by their mothers fleeing from snow machines. (Musk ox do not always stay in a defensive circle, they often panic and flee, leaving their newborn young behind).

· HB 267 violates a long standing commitment made by the State to protect wildlife on the sensitive north slope.

Subsistence

· This past week, the Board of Game increased the bag limit for caribou in Unit 26B, the unit north of the Brooks Range that encompasses the Dalton Highway Corridor, from 2 to 5. Combine this increase bag limit with snowmachine access, and we have massive and unpredictable hunting pressure on the Central Arctic Caribou herd.

· Local subsistence users will be impacted by increased hunting pressure, subsequent declines in wildlife populations and displacement of wildlife due to increased snow machine activity.

· Displacement of wildlife away from the corridor will impact viewing opportunities by tourists and all who drive the road.

· HB 267 violates a long standing commitment made by the State to protect subsistence on the sensitive north slope.

Public Safety

· Increased highway safety issues associated with vehicles pulling snow machine trailers, parking in the road to off-load machines in places where there ALREADY is not adequate room for industrial truck traffic.

· Motorized access via snowmachines WILL increase:

o accidents on and off the highway

o medical emergencies

o search and rescue needs

o trespassing on private lands

o vandalism to mining equipment

o vandalism to private properties of local citizens

o vandalism to tourism properties

o vandalism to research facilities of the University of Alaska

o vandalism to Alyeska facilities and those of other pipeline services

· Complete lack of emergency services and public safety services along the entire Dalton Highway. No longer a State Trooper in Coldfoot. This places the entire burden of this responsibility on Alyeska and other local private citizens and businesses.

· Many mining interests exist within and outside the Dalton Highway Corridor. They have existing legal motorized access. There mining equipment and operations will need increased security provisions to protect against theft, vandalism and tampering with their explosives if recreational snowmachiners are to be allowed in the Corridor.

Thanks.

Kyle Joly
Fairbanks, Alaska

Hotmail is redefining busy with tools for the New Busy. Get more from your inbox. Sign up now.

Karisse Ackerman

From: janetjon@acsalaska.net
Sent: Tuesday, March 16, 2010 4:29 PM
To: LIO Fairbanks
Subject: House Bill 267

Greetings Legislature Representatives.

I am writing to urge you to vote NO on House Bill 267, the bill to open the Dalton Highway corridor to snow machines from October 1st through April 30th. I have lived in Fairbanks for the past 28 years and am very concerned at the increasing pressure being placed on the legislature to provide more off-road access to motorized vehicles throughout the state. It is hard not to interpret HB 267 as the first step in providing more access to hunters, trappers, and ORV enthusiasts within the Dalton Highway corridor. Ralph Seekins' proposal to open the area to year-round ORV use was overwhelmingly rejected, even by people who use ORVs. I am sure Representative Kelly's proposal is being used as a way to more slowly whittle away at the restrictions to ORV use in the corridor by proposing what some people will interpret as a more modest change in access. If this bill passes, I'm sure it won't be long before the Seekins bill is resurrected.

Recently the Alaska Board of Game increased the bag limit from 2 to 5 for caribou in Unit 26B, the unit north of the Brooks Range that encompasses the Dalton corridor. The increased bag limit, combined with the proposed snow machine access will result in increased pressure on the Central Arctic Caribou herd and has serious potential to negatively effect local subsistence users. I guess we can look forward to wolf control soon thereafter.

I am frankly fed up with the push by some ORV user groups in the state to have access everywhere, no matter what the environmental or social cost. If you want to get out into the backcountry from the Dalton Highway in winter, get off your duff and go skiing, mushing, or snowshoeing. Heck, you can already drive most of the way!

Thank you for your consideration.

Sincerely,

Janet Kidd
P.O. Box 82348
Fairbanks, AK 99708

ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the House Transportation
Committee Name

Committee on HB 267 AN ACT RELATING TO TRAVEL Dated 3-16-10
Bill / Subject

BY SNOW MACHINE WITHIN FIVE MILES OF THE RIGHT-OF-WAY OF THE DALTON HWY.

IAB TOOLIK IS STRONGLY OPPOSED TO HB 267 DUE TO THE IMPACT OF SNOW MACHINE USE ON THE VAST NUMBER OF RESEARCH PLOTS EXISTING IN THE RESEARCH NATURAL AREA SURROUNDING THE STATION ~~A~~ OUTSIDE AS OUTSIDE OF THE RNA, THIS ~~IMPACT~~ IMPACT WOULD BE MAGNIFIED IN YEARS OF HIGH SNOWFALL.

IAB/TOOLIK IS ALSO GREATLY CONCERNED DUE TO THE LACK OF A FISCAL NOTE BEING ATTACHED TO THIS BILL. THEREFORE NO ADDITIONAL FUNDING WOULD BE DESIGNATED TO IMPROVE THE LEVEL OF EMERGENCY RESPONSE/ SAFETY SERVICES ON THE DALTON HIGHWAY. BEING THAT TOOLIK FIELD STATION IS OPEN YEAR ROUND AND ONE OF THE FEW STAFFED FACILITIES ALONG THE DALTON, IT'S WOULD HAVE AN INFLUX OF MOTORISTS/SNOWMACHINERS WHO NEED ASSISTANCE. THIS BILL WOULD BE THE CAUSE OF A VAST NUMBER OF SAFETY ISSUES AND POTENTIAL TRAGEDIES.

SIGNED: CHAD DIESINGER (TOOLIK FIELD STATION MANAGER)
Testifier

INSTITUTE OF ARCTIC BIOLOGY / TOOLIK FIELD STATION
Representing

PO BOX 757000 900 YUKON DRIVE BLDG T-4 FAIRBANKS AK 99775-7000
Address / Phone Number 907-474-7641 OR 590-7339

3353

March 11, 2010

House Transportation Committee Members
State Capitol, Rm. 19
Juneau, AK 99801

For the record, the Northern Alaska Environmental Center (NAEC) does not support HB 267, "An Act relating to travel by snow machine within five miles of the right-of-way of the James Dalton Highway." The corridor has been closed since the construction of the Trans-Alaska Pipeline and the proposed legislation violates a long standing commitment made by the State of Alaska to protect wildlife and subsistence use on the North Slope.

Recently the Alaska Board of Game increased the bag limit for caribou in Unit 26B, the unit north of the Brooks Range that encompasses the Dalton corridor from 2 to 5. The increased bag limit combined with the proposed snow machine access will result in increased pressure on the Central Arctic Caribou herd and has serious potential to negatively affect local subsistence users.

The Dalton Highway was built for industrial purposes, not recreational use. It supplies the North Slope oil fields and provides access to the Trans-Alaska Pipeline, countless mining operations and serves as a take off point for commercial guides and tour operators. The road conditions in winter provide hauling industries with the best opportunity to haul their heaviest loads to Prudhoe Bay. Increased traffic and abandoned snow machine trailers along the Dalton Highway pose a serious hazard for industrial truck traffic. None of the industries mentioned are in favor of allowing recreational motorized access in the Dalton corridor.

The complete lack of emergency and public safety services in this region begs to ask the question of why there is no fiscal note attached to this bill. Opening the Dalton corridor to motorized access would require increased funding for the Division of Fish & Wildlife for law enforcement, increased funding for the Department of Transportation to include paving, building turnouts and parking lots, and increased funding for the Alaska Department of Public Safety to reinstate a year-round pilot Trooper in Coldfoot.

The NAEC urges the State of Alaska to honor its commitment to protect wildlife and subsistence uses along the Dalton corridor, as well as provide a safe environment for industries and user groups that currently utilize the area by not passing HB 267.

Sincerely,

Lissa Hughes

Lissa Hughes
Legislative Liaison & Conservation Solutions Coordinator
Northern Alaska Environmental Center

A 501 (C) (3) NOT-FOR-PROFIT ORGANIZATION
830 COLLEGE ROAD, FAIRBANKS, ALASKA 99701
PHONE: (907) 452-5021 • FAX: (907) 452-3100 • WEB: http://www.northern.org

Comments re HB 267

Since I was not allowed to testify at the Legislative Office today because of two other trivial bills that had to be heard first by the Transportation Committee, I am testifying by email.

General Comment:

Whoever wrote the definitions for Part 3, either doesn't know how to speak or write plain English, or this is a cynical plan to obfuscate the intent of Part 3, which is to allow snow machines to access lands to the east and west of the Dalton Highway north of the Yukon River.

Testimony:

I urge lawmakers to vote this amended bill down because:

1. of the cynical intent of the sponsors to confuse readers of the bill;

2. HB 267 flies in the face of the guarantee by the State since the construction of the TAPS that the sensitive wildlife living in and near the corridor will be protected;

3. the bill also reneges on the bargain the State made to protect local subsistence uses on the north slope and elsewhere along the corridor;

4. increased use of the area guarantees not only increased hunting pressure there and consequent declines in sensitive wildlife populations, but it also guarantees increased harassment of these sensitive animals at a time of year when they need every natural advantage to both survive and reproduce successfully;

5. since there is presently no law enforcement in the area (and only spotty enforcement presence there in the past), there will be no way to ensure that the criminal element involved in the harassment of wildlife, illegal hunting and trapping, and the vandalism of private property (including the oil pipeline) will be brought to justice.

Thank you.

Paul Kent (40 year resident of Alaska)
2220 Penrose Lane,
Fairbanks, Alaska 99709
907-451-9308

HB 267

reich@alaska.net [reich@alaska.net]

Sent: Tuesday, March 16, 2010 11:35 AM

To: LIO Fairbanks

Please forward this message to members of the House Transportation Committee. Thank you.

House Transportation Committee Members:
My wife and I ask you to please oppose HB 267. Our opposition is based on two considerations:
1) The present wording is unclear. Section 3 (one of the situations to which the prohibition of ORV's in the Dalton Corridor does not apply) reads: "the use of a snow machine to travel across the highway between October 1 and April 30." The most straightforward interpretation of this statement is that it allows one to unload a snow machine on one side of the highway and drive it to the other side. Period. That doesn't make sense.
2) We think the intent is to allow one to unload a snow machine at the side of the highway and then drive it across the corridor to access lands beyond 5 miles. That would greatly increase the probability of illegal hunting and harassment of wildlife and would, at the very least, provide ADF&G with a nearly impossible enforcement situation. In our experience, it has been very challenging for the State to enforce caribou hunting regulations during the Fall hunting season. It is hard to imagine how the regulations would be enforced at all during winter, especially given the huge winter range of the Central Arctic Herd. ADF&G has done a good job of managing the hunting pressure on this herd, and the herd has grown in recent years. We fear that intent of HB 267 puts at risk all this hard work and positive results. The Central Arctic Herd is a great resource for subsistence users, for sports/personal use hunters, and for tourists. Please don't gamble away the future of this caribou herd for the sake of basically unlimited winter access to the Corridor by snowmachiners.
Thank you for your consideration.
Paul and Terry Reichardt

House Bill 267

(Bruno) Chris Grunau [cgrunau@yahoo.com]

Sent: Tuesday, March 16, 2010 11:11 AM

To: LIO Fairbanks

I'm writing to urge you to protect the highway corridor on the Dalton Highway, which effectively acts as a buffer zone and limits high-impact human activity in our wild areas. We already allow access for obtaining mineral resources such as mining and oil/gas production and exploration; these activities have softer "footprints" on the land because they *are* relatively well-regulated activities.

Allowing snow machine access from within the corridor will scar the landscape, as snow machine trails (and their remnants) can become permanent fixtures throughout the year. The law, as it stands, urges serious hunters and trappers to make an effort for the reward of taking this abundant wild game in our State. Changing this requirement will make a substantially easier sport of hunting and trapping, thereby placing additional stress on the hunted game populations as well as making our wild game less abundant.

I ask you: *are* people going hungry because they cannot drive their snow machine from within this corridor? I contest that those who ***need*** to access to this land for subsistence and sport hunting find a way to do it without snow machines. I fear that opening this access will only open the doors to hunters and trappers who no not need this game, effectively taking it from those who already make the effort.

We do not need to open these doors at this time. Please vote **against House Bill 267.**

All the best,
Bruno C. Grunau
Fairbanks, AK

Dear Legislators,

I don't support HB 267. I am a hunter who visits the North Slope every spring, skiing in the five or so miles to set up camp and hunt caribou. It is the highlight of my year, and supplies all the meat I eat. This area is already entirely accessible to anyone who can physically do the work to get beyond the five-mile line.

I worry that allowing snowmachines in this area will essentially push people like me out. A hunt that takes me many hours of travel and a long stalk could easily be ruined by the wanton noise of an ambling machine that can always find another herd.

Please reserve a place in Alaska for people like me who don't own snowmachines, who like to travel under their own power, and enjoy experiencing this country on its own terms.

Sincerely,

Chris Garber-Slaght
PO Box 10186
Fairbanks, AK 99710

① No access problems
② Hunters

Testimony in Opposition to HB267

William Lange
Fairbanks, Alaska – 408 Nordale Rd, 99712
Wiseman, Alaska

Madam Chairwoman and members of the committee, thank you for providing this opportunity for people to comment on this bill. My name is William Lange. I live in Fairbanks and also have a secondary residence in Wiseman, Alaska, a small community within the Dalton Highway Corridor (DHC) in the south central Brooks Range. I spend approximately one third of my time in Wiseman. Not subs, Hunter

I am opposed to HB 267

I would like to begin by discussing what I call the access myth to lands outside of the DHC north of the Yukon River and also address a few points that were brought up at the previous hearing on March 11th.

Proponents of this bill have made it seem almost as if there is an invisible fence along either side of the Dalton Highway preventing Alaskans from accessing any of the lands along the road. In reality there is no access problem within the DHC. Any Alaskan that chooses to can access lands outside the corridor by a variety of means including airboat, airplane, foot, skis, dogsled and snowshoes.

During the previous hearing a gentleman from Anchorage who was in favor of the bill kept bringing up the idea of the "average person" or "average Alaskan" and justified his support for HB267 by saying that passage of this bill would allow access for this "average" person. I consider myself to be average. I am forty nine years old, ~~to be really honest with myself~~ I could stand to lose a few pounds and sometimes my back hurts for inexplicable reasons. Somehow I manage to harvest caribou every year from outside of the DHC in unit 26B. I access those areas by foot and dog team. It is not always easy but it is certainly nothing beyond the capability of the average person. In fact, contrary to what the gentleman from Anchorage believes, maintaining the restriction on motorized access in the DHC would allow many average Alaskans who can not afford a snow machine and trailer, but are willing to exert a small amount of effort, the opportunity to fill their freezers without having to compete with mechanized hunters.

Again, I would like to emphasize, there is no restricted access within the DHC, just restricted MOTORIZED access.

During the previous hearing Reps Kelly and Neuman seemed to imply that passage of this bill would allow improved access to hunters and allow the Board of Game to fulfill their constitutional mandate to manage game populations for maximum sustainability. They also implied that the CAH is in danger of "crashing". As Jack Reakoff astutely pointed out during his testimony last week, the herd is currently very robust as measured by calving rates and other indicators of herd health. There is no evidence for

biological solid

imminent crash of the CAH. Furthermore, in February of this year the BOG voted to increase the harvest limit for caribou in the area affected by this bill from two caribou per year to five caribou per day for residents and five caribou total for nonresidents; they also liberalized the cow harvest to allow cows to be taken in September. It would be prudent to see what effect these measures have on the caribou population before increasing access. Fish and game estimates for the CAH are around 67,000 and not the 80,000 mentioned in the previous hearing. I feel that even this estimate is inflated as there were reportedly collared caribou from the Porcupine Herd included in the most recent population census. Finally, in case committee members are not aware, Alaskans who reside north of the Yukon River are not required to report caribou harvest making the estimated 800 caribou taken last year as reported by the sponsors of the bill misleadingly low since many of the animals harvested are taken by local residents. and thereby not reported

My personal feeling is that passage of this bill would have a devastating impact on the CAH and would result in a situation such as was seen with the Mulchatna Herd where over hunting, not natural predation or overpopulation of range, was directly responsible for the crash of the herd by depleting productive bulls and changing the bull/cow ratio to an unsustainable level even with predator control. I believe the BOG's real agenda is to institute intensive management practices on the north slope whereby they seek to drastically reduce caribou numbers and then institute "emergency" predator control measures. I feel this is not in keeping with the sustained yield concept as put forth in section 8.4 the Alaska constitution but ~~is an effort to~~ reduce game populations to the breaking point with restricted hunts sure to follow in the future.

At the last hearing there was testimony to the effect that more infrastructure and other public services will be required in the DHC if this bill passes. I agree. Madam Chairwoman, you mentioned that you flew to Prudhoe Bay and drove back down the Dalton Highway with a trucker so you can appreciate the scale of the country. Now imagine all of that country without any public emergency medical services, no State Trooper north of Fairbanks and no other basic services with the exception of those available in Coldfoot which are limited to food, gas and lodging. There will need to be a fiscal note attached to this bill to address these issues.

From an environmental standpoint this bill will have a detrimental effect on other wildlife besides the CAH as testified by others previously, most notably Mr. Carroll from Barrow. I believe that setting arbitrary dates for access from October 1 to April 30 will also have detrimental effects not only on wildlife but on the land itself. There is not always adequate snow cover at the extremes of these dates to ensure protection of the tundra on the north slope. Rep Kelly stated at the previous hearing that perhaps a few "knuckleheads" would attempt to ride on a snowless landscape. If anyone followed the Iron Dog snow machine race this year they know that trail conditions were poor and, in some areas, snowless. I don't think any of us would consider Iron Dog racers to be knuckleheads. My point is that for the right incentive, such as winning a race or harvesting caribou, people will ride snow machines on barren ground.

Rebecca Rooney

From: Dan Caldwell [danc302@mtaonline.net]
Sent: Tuesday, March 16, 2010 11:01 AM
To: Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Representative_Pete_Peterson@legis.state.ak.us; Rep. Peggy Wilson; Rep. Craig Johnson
Subject: HB 267

All-

I strongly support HB267 and would encourage you to vote it its favor.

Best Regards,

Dan Caldwell

I am using the Free version of SPAMfighter.
We are a community of 6 million users fighting spam.
SPAMfighter has removed 1882 of my spam emails to date.
The Professional version does not have this message.

Rebecca Rooney

From: grizzlybear@mosquitonet.com
Sent: Tuesday, March 16, 2010 11:29 AM
To: Rep. Peggy Wilson
Subject: HB267 Dalton Highway Corridor

Dear Representative Wilson,

PLEASE SUPPORT HB 267.

It is not fair that this huge chunk of public land is kept off-limits to trappers, hunters and other snowmachine users.

I have canoed, hiked and hunted on the North Slope since before the Haul Road was constructed. The threats of potential damage from the environmental lobby are way overblown.

Thank you,

Pete Buist
Box 71561
Fairbanks, AK 99707

Alaska State Legislature

Please enter into the record my testimony to the House Transportation committee name

committee on HB 267 bill/subject, dated 3-16-2010.

Mar. 15/10

I would like to support Legislation 267 Concerning Access By Snowmobile off Public Land

Dave Bates
Amber Bates
Dave Bates

P.O. Box 90291
Anchorage AK 99509

907-229-7883

Signed: DAVID BATES, AMBER BATES, DAVE BATES
Testifier

SELF
Representing (Optional)

P.O. Box 90291 ANCHORAGE AK. 99509
Address

907-229-7883
Phone No.

9/88 Legislative Information Office

3363

Rebecca Rooney

From: stoller@acsalaska.net
Sent: Tuesday, March 16, 2010 7:51 AM
To: Rep. Peggy Wilson
Cc: Rep. Craig Johnson
Subject: HB 267

Members of the House Transportation Committee,

I would like to advocate for the passage of HB 267 and offer the following comments.

This bill is strictly about allowing the public to have reasonable access to millions of acres of public lands - not just the land inside the highway corridor but also the vast public lands lying outside the corridor. Currently, virtually all the public land lying outside the corridor (State land, BLM land, ANWR, NPRA, Gates of the Arctic National Park and Preserve, Yukon Flats Wildlife
Refuge) allow
snow machine use by the public on their lands. The problem is that the way the law currently stands the average user cannot get there. It is not like if a person were to walk, ski, or snowshoe the 5 miles from the road to get outside the corridor that a snow machine would magically appear and allow them to proceed onward to enjoy the lands that allow snow machine use. The current restriction essentially seals off access to all lands north of the Yukon River by snow machine.

I would also like to urge you not to get caught up in the debate of any effects this bill might have on sport hunting. This bill in itself would make no changes to the current hunting regulations. If passed, it would still not be legal to use a snow machine from the highway for hunting or even in support of hunting. Making those changes would require action by the Board of Game - whose job it is to set hunting regulations. A quick scan of the current hunting regulations reveals over 20 other areas of the state that have various access restrictions in regards to sport hunting. These vary from restricting all motorized access, restricting the use of pack animals, restricting aircraft, restricting airboats, restricting the size of outboard motor, etc. The point being there is ample precedent showing that the Board of Game has the authority to limit access for sport hunting if they desire. We seem to think they can handle setting regulations in the entire rest of the State, why not here.

A comment from last week's testimony that particularly caught my ire was from a lady in Fairbanks (I think) that suggested that anyone who didn't think there was already enough access was just lazy. This would seem to me to be a very narrow minded viewpoint from someone fortunate enough to be in relatively good health.
What about the segment of the public who through no fault of their own but rather due to illness, injury, natural physical disability, or age (either too old or too
young) simply cannot walk or ski the 5 miles to get through the corridor. This is their land too - why should they be deprived a chance to go out and enjoy it? And as mentioned above, even if they could somehow get through the corridor, there is not going to be a snow machine waiting at the edge to take them on to enjoy the millions of acres of public land beyond the corridor that allows snow machine use.

Another point I would like to make is that while the current law bans snow machines through the corridor it allows equipment needed for mining and oil and gas exploration and development. How can you possibly justify allowing a miner to walk a bulldozer or some other large equipment or oil and gas exploration and development equipment weighing 50,000 to 100,000 lbs through the corridor but at the same time say a 400 to 500 lb snow machine is banned due to environmental concerns. It just doesn't make sense!

Lastly I would like to offer the opinion that most of the opposing comments seem to boil down to the "not in my back yard" category. The way the laws currently stand the local residents are allowed to do more or less whatever they want with regards to access through the corridor under the authority of Federal Subsistence Regulations. While I can understand the local residents desire to keep everyone out of their "private playground" - it is not right. This is public land and the entire public should be able to use it - not just the local residents.

Thank you for your time,

David Stoller
880 Hickman Ave
North Pole, AK 99705
(907)488-0585

Rebecca Rooney

From: Bill Montagne [mtgt@ak.net]
Sent: Monday, March 15, 2010 4:31 PM
To: Rep. Peggy Wilson
Subject: HB 267

Pass HB 267
You have no right to keep taking from Alaskan's

Bill Montagne

3366

Rebecca Rooney

From: garyatsls@cs.com
Sent: Monday, March 15, 2010 6:24 PM
To: Rep. Peggy Wilson
Subject: HB267

Dear Rep. Wilson,

Please know that I strongly support HB267. Public access to public lands must be a high priority! Please feel free to contact me if questions/concerns.

Sincerely,
Gary Stevens
907-229-4710

3367

Rebecca Rooney

From: Mark Gordon [gordon@mtaonline.net]
Sent: Monday, March 15, 2010 8:11 PM
To: Rep. Peggy Wilson; Rep. Craig Johnson; Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Rep. Pete Petersen
Cc: Rep. Carl Gatto; Sen. Linda Menard; Rep. Mike Kelly; Rep. Mark Neuman
Subject: Dalton Highway Snowmobile Rights

House Transportation Committee:

A change in the state transportation code nearly a decade ago enabled a change in the Dalton Highway Corridor Management Area (DHCMA) rules which enabled snowmobiles to legally cross the corridor from one side to the other for the purpose of hunting while maintaining a prohibition to snowmobiles beginning travel within the corridor. This was clearly to allow easier local hunting access while denying access to other Alaskans.

The west side of the corridor (from the Yukon River to the Koyukuk River mouth, north to the Arctic Ocean, east along the coast to Prudhoe Bay) is an expanse of land larger than the state of Arkansas, with a resident population smaller than a single small town in Arkansas, most of the land in the area is PUBLIC LAND, and the largest herd of animals in North America passes through the area during times when the only logistical access is by aircraft or snowmobile, neither of which harm the ground or vegetation. That's not even to mention the east side of the corridor. To deny access to these lands and resources on the basis of primary residency among state residents is an outrage. There are many better ways to manage hunting harvests than a blanket denial of access. Besides, these residents already have federal hunting priority in addition to local advantages over non-local visiting hunters. There is no need to lock other Alaskans out of the area with needless laws.

I am highly encouraged that Representatives Mike Kelly, Tammie Wilson, and Mark Neuman have sponsored HB 267 to allow the rest of us access to public lands east and west of the Dalton Hwy by snowmobile like the locals. Please don't let this opportunity slip. This is a simple matter of equal rights.

Thank you for your consideration.

Sincerely,

Mark W. Gordon
7950 Duchess Drive
Palmer, AK 99645
745-5520

Rebecca Rooney

From: Roy LaMay [lamaycompany@gci.net]
Sent: Monday, March 15, 2010 10:21 PM
To: Rep. Peggy Wilson
Subject: hb267

yes on hb267

Rebecca Rooney

From: richard or mary bishop [rmbishop@ptialaska.net]
Sent: Monday, March 15, 2010 10:25 PM
To: Rep. Peggy Wilson
Subject: HB267, Dalton Hwy corridor

Please support this bill, HB 267, to open the corridor to snow machine traffic during part of the year. I anticipate that DNR and ADF&G will do an adequate job of regulating the use of the land and the resources so as not to violate appropriate conservation concerns.

Mary Bishop
1555 Gus's Grind
Fairbanks, AK 99709
907-455-6151

Rebecca Rooney

From: jbowden@acsalaska.net
Sent: Monday, March 15, 2010 2:28 PM
To: Rep. Peggy Wilson
Subject: Pleasd vote for this bill
Attachments: Email Alert Test.msg

House Bill No. 267
TITLE: "An Act relating to travel by snow machine within five miles of the right-of-way of the James Dalton Highway."

HB 267 when passed in to law would permit snowmachine travel across the Dalton highway corridor from Oct 1st - April 30th. HB 267 is up for consideration in the House Transportation committee H(TRA) TRANSPORTATION on Thursday March 11th at 1:00pm.

State law bans off-road travel across a 10 mile wide highway corridor from the Yukon River north for 350 miles to Prudhoe Bay. Millions of acres of state public domain and federal public lands open to snowmachine travel are blocked of to access from the Dalton highway. While traditionally across the U.S. resources development opened public lands to the public here in Alaska state law bans such use.

The Alaska legislature passed the law banning off road travel within five miles of the Dalton highway and they can amend the law to allow snowmachine access during months of winter snow cover if they have your public support.

Winter snowmachine travel should not interfere with fall walk-in archery hunts within the corridor. Once snow cover is adequate for snowmachine travel with minimal impact on the vegetative mat bow hunters have left the area.

Rebecca Rooney

From: Rich Johnson [rjj15@yahoo.com]
Sent: Monday, March 15, 2010 4:06 PM
To: Rep. Kyle Johansen
Cc: Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Representative_Pete_Peterson@legis.state.ak.us; Rep. Peggy Wilson; Rep. Craig Johnson
Subject: Please support HB267

I strongly Support HB267! I care about my right to travel state lands.

Thanks!

Richard Johnson

3372

Rebecca Rooney

From: Jarrett Finley [finley375@yahoo.com]
Sent: Monday, March 15, 2010 5:46 PM
To: Rep. Peggy Wilson
Subject: HB 267

Hello,

As an avid hunter of the Dalton Highway corridor, with both bow and rifle, I feel I must weigh in on HB 267. This would be not qualify as much of a hunt as it will be easy to kill caribou from a snowmachine in this area. I have, as many others have, hiked out 5+ miles to harvest a caribou with a rifle It is not easy but it is very rewarding. The use of snowmachines will greatly increase access and I believe would be very unsporting. Why can't we leave some areas access by foot only? I see no harm in leaving the Dalton corridor as is. I hope that you will not support HB 267 and leave the challenge in hunting caribou in the Dalton Highway.

Regards,

Jarrett Finley
Wasilla, Alaska

Rebecca Rooney

From: Dael Devenport [dael.devenport@gmail.com]
Sent: Monday, March 15, 2010 6:47 PM
To: Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Representative_Pete_Peterson@legis.state.ak.us; Rep. Peggy Wilson; Rep. Craig Johnson
Subject: House Bill 267

Dear Representatives,

Please vote 'No' on House Bill 267, a bill to open the Dalton Highway corridor to snowmachines from October 1st through April 30th.

Thank you,
Dael A. Devenport
Fairbanks, Alaska

Rebecca Rooney

From: Dana Brown [arcticmidwife@yahoo.com]
Sent: Monday, March 15, 2010 6:54 PM
To: Rep. Peggy Wilson
Subject: HB 267

Greetings. I oppose HB 267. Thankyou for considering mmy opinion. Dana Brown

Rebecca Rooney

From: Jeff Walters [jeff.walters2@gmail.com]
Sent: Monday, March 15, 2010 7:00 PM
To: Rep. Peggy Wilson
Subject: snowmachine use along Dalton Highway

Dear Representative Wilson,
I am writing to urge you to NOT open the Dalton Highway corridor to snowmachine or ATV use. I have spent a great deal of time along the
Dalton Highway and I appreciate it for the nature of its wilderness.
Several of my friends hunt in the area under existing regulations.
While I am not opposed to hunting under these current regulations, I AM opposed to changing the nature of the way that this land is accessed.

Please oppose HB 267.

Thank you,
Jeff Walters
PO Box 82708
Fairbanks, AK 99708
(907) 457-3876

Rebecca Rooney

From: Richard Leo [theridgeline@hotmail.com]
Sent: Monday, March 15, 2010 7:21 PM
To: Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Rep. Peggy Wilson; Rep. Craig Johnson; Rep. Pete Petersen
Subject: Re: HB 267

Sirs/Madames,

Most simply, concisely, and adamantly, I am opposed to opening the Dalton Highway corridor to snowmachines.

Adding my name to the list in opposition of the proposal,

Richard Leo
Box 13227
Trapper CReek, 99683

The New Busy is not the old busy. Search, chat and e-mail from your inbox. Get started.

Rebecca Rooney

From: Sharon Hamson [sl_hamson@yahoo.com]
Sent: Monday, March 15, 2010 7:50 PM
To: Rep. Peggy Wilson
Subject: I oppose HB 267

I strongly oppose this bill. This land is pristine and should be kept pristine.

Rebecca Rooney

From: housemajority_email@housemajority.org
Sent: Monday, March 15, 2010 9:34 PM
To: Rep. Peggy Wilson
Subject: HR 267

+----------+
DO NOT REPLY DIRECTLY TO THIS EMAIL: your reply will go to enews@housemajority.org To correspond with the author Hit 'Reply' or 'Forward'.
Then change the TO: address to meltalaska.l@gmail.com If suspected Spam please forward to: support@housemajority.org
+----------+

From: meltalaska.l@gmail.com

Dear Dear Chairperson Wilson,

Since I am a state employee I may not be able to get personal leave to speak to you during the teleconferenced hearing tomorrow afternoon. I want to register my strong opposition to HR 267, sponsored by Representative Kelly and cosponsored by Representatives Neuman and Wilson.

It is a fallacy that the existing Dalton Highway buffer is an artificial restriction on access. ANY Alaskan with some gumption and wits can cross the corridor and harvest caribou with a rifle and successfully transport the meat home for consumption. In fact most of the people that I know that harvest caribou do so without the aid of off road vehicles (ORV) on the north side of the Brooks Range through creative use of skis/snowshoes and sledges or non-motorized boats. When I have traveled the Dalton Highway to the starting point of my trek I have seen large numbers of bow hunters along the road hunting by foot within the corridor.

All the other caribou herds located along highway corridors and have ORV access (eg. Nelchina, Delta, Fortymile) are in annual crisis and under extreme Alaska Department of Fish and Game management at great expense to the state treasury. Registration and drawing hunts are par for the course, emergency closures are annual events. Predator control is a constant battle. Please keep good old Alaskan ingenuity and muscle powered access as the main and successful method of guaranteeing the Central Arctic Caribou herd is managed for abundance and not crisis.

I have actively hunted the Central Arctic Caribou herd using non motorized access since 2005 when I realized how easy it is to access this herd outside of the 5-mile corridor. I and my family have relied on the high quality of the meat we have obtained on these hunts. The hunts have provided my sons and I some of the best quality time that we have had together since they have become adults. Part of the quality is derived is from the remoteness and the physical effort that is required to get in the short 5 mile mile buffer before we can hunt with a rifle. This opportunity should be preserved for all Alaskans.

Respectfully,
Larry Freeman
2635 Hafele Ave,
PO Box 82562
Faribanks Alaska 99708
907-456-6358

~ Lawrence Freeman
Zip Code: 99709

Rebecca Rooney

From: Torsten Bentzen [fstwb1@gmail.com]
Sent: Monday, March 15, 2010 10:27 PM
To: Rep. Peggy Wilson
Cc: Rep. Craig Johnson; Rep. Kyle Johansen; Representative_Cathy_Munoz@legisl.state.ak.us; Representative_Pete_Peterson@legis.state.ak.us; Rep. Max Gruenberg; Rep. Tammie Wilson
Subject: HB267

Oppose HB267

This letter is in opposition to HB267. This is not the first time the Dalton hwy corridor has been threatened through legislative action. These attempts have had major opposition in the past and HB267 is no different. Allowing snowmachines will irreparably destroy a premier caribou hunting area available to all Alaskans. I hope you will consider the many Alaskans who value the current situation along the Dalton hwy. Restrictions along the Dalton hwy have created a unique hunting opportunity that cannot be found anywhere else along Alaska's road system. The hunt remains open most of the year and bag limits are large, making these caribou a meaningful subsistence resource for many Alaskan families. Lands outside the Dalton hwy corridor are currently accessible by foot, ski, snowshoe, dog team, boat and airplane. Over the years we have accessed this area using all of these methods and harvested caribou to feed family and friends. Have the tough Alaskans really fallen so far that we cannot hunt without a machine unknown to our fathers and grandfathers? Not the good old boys I know! Don't destroy a good thing, please vote no on HB267.

Sincerely,

Torsten Bentzen
90mile Tok Cutoff
Mentasta, AK
99780

Rebecca Rooney

From: Larry Freeman [meltalaska.l@gmail.com]
Sent: Monday, March 15, 2010 9:37 PM
To: Rebecca Rooney
Subject: HR 267

Ms. Rooney,

Could you please see that this gets entered into the record a public testimony for HR 267 and that all the committee members get copies.

Thank you,
Larry Freeman

Dear Transportation Committee Members,

Since I am a state employee I may not be able to get personal leave to speak to you during the teleconferenced hearing tomorrow afternoon. I want to register my strong opposition to HR 267, sponsored by Representative Kelly and cosponsored by Representatives Neuman and Wilson.

It is a fallacy that the existing Dalton Highway buffer is an artificial restriction on access. ANY Alaskan with some gumption and wits can cross the corridor and harvest caribou with a rifle and successfully transport the meat home for consumption. In fact most of the people that I know that harvest caribou do so without the aid of off road vehicles (ORV) on the north side of the Brooks Range through creative use of skis/snowshoes and sledges or non-motorized boats. When I have traveled the Dalton Highway to the starting point of my trek I have seen large numbers of bow hunters along the road hunting by foot within the corridor.

All the other caribou herds located along highway corridors and have ORV access (eg. Nelchina, Delta, Fortymile) are in annual crisis and under extreme Alaska Department of Fish and Game management at great expense to the state treasury. Registration and drawing hunts are par for the course, emergency closures are annual events. Predator control is a constant battle. Please keep good old Alaskan ingenuity and muscle powered access as the main and successful method of guaranteeing the Central Arctic Caribou herd is managed for abundance and not crisis.

I have actively hunted the Central Arctic Caribou herd using non motorized access since 2005 when I realized how easy it is to access this herd outside of the 5-mile corridor. I and my family have relied on the high quality of the meat we have obtained on these hunts. The hunts have provided my sons and I some of the best quality time that we have had together since they have become adults. Part of the quality is derived is from the remoteness and the physical effort that is required to get in the short 5 mile mile buffer before we can hunt with a rifle. This opportunity should be preserved for all Alaskans.

Respectfully,
Larry Freeman
2635 Hafele Ave,
PO Box 82562
Faribanks Alaska 99708
907-456-6358

Rebecca Rooney

From: david sanderlin [learntillyoudie@yahoo.com]
Sent: Tuesday, March 16, 2010 6:37 AM
To: Rep. Cathy Munoz; Rep. Craig Johnson; Rep. Kyle Johansen; Rep. Max Gruenberg; Rep. Peggy Wilson; Representative_Pete_Peterson@legis.state.ak.us; Rep. Tammie Wilson
Subject: [SPAM] dalton highway corridor

I would stronly suport opening the dalton Highway corridor to snowmaching

David Sanderlin

3382

To: House Transportation Committee, re ***HB 267*** Hearing - 3/11/10
(I attended and planned to present at the 3/11 hearing at the Fbks. LIO, and wish to submit my comments in writing at this time.)

Thank you for the opportunity to testify on this proposed legislation. When the Dalton Highway was built to support oil development and transportation the state wisely restricted off-road motorized traffic from impinging on the wildlife and the fragile arctic environment. Reversing this decision is not in the best interest of the state or the local residents that rely on that wildlife for their subsistence.

The Division of Alaska Wildlife Troopers currently has no enforcement officers routinely patrolling the Dalton. The resources and manpower required to patrol such a vast area would require a very substantial added state expense to enforce the hunting and wildlife harassment violations that would inevitably occur from such an opening to snow machines.

Another less obvious risk to the state's interests is the very real potential for community opposition to the development of future resource corridors. An example of this is the vehement opposition from the Native community over the Yukon Flats land swap with the Doyon Corporation. The previous legislative attempt several years ago to open the Dalton/pipeline corridor and reverse the state's promise on snow machine restrictions was a significant factor in the strong Native opposition against their own corporation's development plans.

If the state continues to break its promises about protecting sensitive habitat areas and threatening local subsistence by allowing recreational snow machining (snow machines can now travel almost anywhere) it's likely to face increasing opposition to future resource development projects and corridors, especially through Native owned, but also possibly some federal lands. By easily changing the rules and going back on its promises, the state violates the trust that the public so desperately needs and depends upon.

Also, the legislature, when making such potentially high-impact decisions should not fail to consider that most people who travel to, and many people who continue to live in Alaska, do so because it has retained so much of its wild and pristine nature. Legislative decisions that jeopardize the essential qualities that continue to make Alaska unique should only be made with the greatest of care and thought for the greatest good.

I urge this committee to treat this bill the same as the last attempt to reverse the state's original intent to safeguard this corridor, and vote against this legislation. Thank you.

Respectfully,

Daniel Adams (RN, Healthcare Quality Manager for Tanana Chiefs Conf., Retired)
PO Box 428
Ester, AK 99725
479-2882

Rebecca Rooney

From: George & Leslie [georgenleslie@mosquitonet.com]
Sent: Monday, March 15, 2010 2:37 PM
To: Rep. Max Gruenberg; Rep. Pete Petersen; Rep. Cathy Munoz; Rep. Kyle Johansen; Rep. Craig Johnson; Rep. Peggy Wilson; Rep. Tammie Wilson
Subject: HB 267 Dalton Highway Corridor

Dear Members of the House Transportation Committee,

As a concerned Alaskan, I am writing to express my strong opposition to HB 267, in particular, Sec. 19.40.210, Part 3, which opens the door for snow machine use in the Dalton Highway Corridor.

My concerns arising from the changes put forth in this bill basically boil down to this: impacts of wildlife, impacts on the land itself, and impacts to road use. Opening up this area to snow machine access will lead to negative impacts on wildlife, which then impacts all the other user-groups that rely on wildlife. The land itself, and the wildlife as well, are known to be very sensitive to human impacts. The greatest value of the area derives from its integrity as a natural area, as wilderness.

The current system limiting motorized access within the Dalton Highway Corridor has shown that it still allows many user-groups access, limits negative impacts on wildlife, allows multiple-use for hunting, camping, hiking and floating, and does so in a way that is sustainable in the long-term. Please maintain the integrity of the Dalton Highway Corridor and do not allow snow machine access within the corridor.

As a hunter, hiker, camper and outdoor enthusiast who appreciates exploring the far north for the rare gift that it allows us right now, I strongly oppose HB 267. I respectfully ask you to vote against HB 267.

Sincerely,

George LaBar
Two Rivers, Alaska
P.O. Box 61132
Fairbanks, AK 99706
488-5254

Rebecca Rooney

From: Ken Tape [kdtape@alaska.edu]
Sent: Monday, March 15, 2010 3:45 PM
To: Rep. Peggy Wilson; Rep. Craig Johnson; Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Rep. Pete Petersen; Rep. Scott Kawasaki; Rep. Mike Kelly; Sen. Joe Thomas; Sen. Joe Paskvan
Subject: dalton highway corridor opening -- please vote NO

Dear Transportation Committee Members,

My name is Ken Tape and I have spent much of the last decade in arctic Alaska. I have crossed it about a dozen times by snowmachine, boat, skis, mushing, helicopter, and fixed-wing airplane. It would be devastating to the tundra landscape, caribou, and all current users if the corridor were opened to motorized access. What is going to happen when people arrive in the arctic in October with a week off work, 4 snowmachines, and a lot invested in their hunt, only to find that there is only a bit of snow between the tussocks? The scars on the landscape leftover from their brief foray will last forever, as are the myriad scars leftover from track vehicle usage in the 50s and 60s.

I'm not politically green, and still this bill is a bad idea. If you're too lazy to get off the road 5 miles under your own power, then you should simply enjoy rest of the state (!) as your playground. Else, get off the machine and stop complaining.

Thanks for considering my opinion on this bill.

Ken Tape

Rebecca Rooney

From: akwildlifeimages@gci.net on behalf of akwildlifeimages [akwildlifeimages@gci.net]
Sent: Tuesday, March 16, 2010 9:27 AM
To: Rep. Peggy Wilson
Subject: HB 267

Dear Representative Wilson
Please note my opposition to HB 267, this will impact wildlife resources and will lead to other OR issues, leave the area as is please.
thank you

Didier Lindsey
an Alaskan

3386

Rebecca Rooney

From: (Bruno) Chris Grunau [cgrunau@yahoo.com]
Sent: Tuesday, March 16, 2010 11:12 AM
To: Rep. Peggy Wilson
Subject: House Bill 267

Dear Representative Wilson;

I'm writing to urge you to protect the highway corridor on the Dalton Highway, which effectively acts as a buffer zone and limits high-impact human activity in our wild areas. We already allow access for obtaining mineral resources such as mining and oil/gas production and exploration; these activities have softer "footprints" on the land because they are relatively well-regulated activities.

Allowing snow machine access from within the corridor will scar the landscape, as snow machine trails (and their remnants) can become permanent fixtures throughout the year. The law, as it stands, urges serious hunters and trappers to make an effort for the reward of taking this abundant wild game in our State. Changing this requirement will make a substantially easier sport of hunting and trapping, thereby placing additional stress on the hunted game populations as well as making our wild game less abundant.

I ask you: are people going hungry because they cannot drive their snow machine from within this corridor? I contest that those who **need** to access to this land for subsistence and sport hunting find a way to do it without snow machines. I fear that opening this access will only open the doors to hunters and trappers who no not need this game, effectively taking it from those who already make the effort.

We do not need to open these doors at this time. Please vote **against House Bill 267**.

All the best,
Bruno C. Grunau
Fairbanks, AK

Rebecca Rooney

From: Valerie Connor [redherring007@hotmail.com]
Sent: Tuesday, March 16, 2010 11:12 AM
To: Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; representative_pete_peterson@legis.state.ak.us; Rep. Peggy Wilson; Rep. Craig Johnson
Subject: HB 267

Re:
OPPOSE SNOW MACHINE USE IN DALTON HWY CORRIDOR

Dear Representatives,

There are many good reasons why this legislation should NOT pass. Local residents and Advisory Committees are opposed to this legislation due to the fact that there is virtually no hope of any kind of enforcement to prevent illegal harvest of game and the protection of the fragile ecosystem. Who will determine if there is sufficient snow cover to protect the tundra, and then how will that be enforced?

Advocates for this bill have one goal in mind and it is not about access, it is about making it more convenient to harvest game.

Please go back and look at the original reasons why this corridor was closed and then ask yourselves what has changed since then to justify a change.

Please vote NO on HB 267.
Thank you,

Valerie Connor
Anchorage, AK

Hotmail: Trusted email with Microsoft's powerful SPAM protection. Sign up now.

Rebecca Rooney

From: Franziska Kohl [fkohl@alaska.edu]
Sent: Tuesday, March 16, 2010 11:10 AM
To: Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Representative_Pete_Peterson@legis.state.ak.us; Rep. Peggy Wilson; Rep. Craig Johnson
Subject: Please vote "NO" on use of snow machines

Dear Legislators of the Transportation Committee,

I urge you to vote 'NO' on the use of snow machines within the 5M radius of the Haul Road (Dalton Hwy).

Am I working in the Arctic in spring and summer since 6 years. During spring, some people are given snow machine use permits by the BLM.
These permits allow them to travel on a snow cover of more than 6", however with nobody wide and far to monitor, I see this rule broken all the time and people are running snow machines over the tundra vegetation, ripping the loosely attached plants out and making them fly through the air. This problem gets worse with spring progressing and the snow becomes more and more patchy, however sadly people put their own comfort over the requirements of the permits.
Later in summer, the damage is easily visible and since the growth rate of the tundra is very slow, it takes decades to recover from the damage done.

I fear for the appearance as especially in the last years more and more visitors drive to the Arctic in summer to enjoy the "untouched" landscape. Additionally the use of loud snow machines would scare wildlife away from the road corridor, where Alaskans, truck drivers as much as tourists enjoy their sight and are always a good proportion for good communication between travelers along the Haul Road on the CB.

Please vote NO on the use of snow machines.

Sincerely,

Franziska Kohl and Pete Reynoldson

Rebecca Rooney

From: Karl Monetti [karlmonetti@gmail.com]
Sent: Tuesday, March 16, 2010 11:17 AM
To: Rep. Peggy Wilson
Subject: HB267

Dear Representative Wilson,
Regarding HB267;
I believe passage of this bill would be very detrimental for several reasons;
1. Everywhere else in Alaska where snow machines are allowed to be used within the road system the experience for those not using snow machines has deteriorated. Areas are criss-crossed with snow machine trails, often a haze of noxious fumes exists in some of the more heavily used areas.
2. While snow machines appear to do no damage to underlying vegetation, the contrary is often found to be the case once the snow melts; heavily used tracks can leave virtual "trails" of damaged vegetation due to excessive compaction and subsequent freezing of that vegetation by snow machine use. The vegetation along the pipeline corridor is, as you are well aware, more fragile, more prone to damage, and less able to repair itself than is vegetation at lower latitudes.
3. There are very few areas along the Alaskan road system that can still be considered wilderness, which definition should include lack of motorized vehicles of any type. Snow machiners currently have access to virtually the whole rest of Alaska's road system-accessible wild lands, while there are few, if any areas reserved solely for non-motorized traffic.
4. Currently, the open season and bag limits for caribou on the North Slope are sustainable in large part due to the limited access by motorized vehicles. If snow machines are allowed along the pipeline corridor, the protection currently afforded the various northern caribou herds by the five mile buffer zone will have been lost, and those herds will surely be decimated.
5. Currently there are hunters and trappers who access the corridor area for caribou and other wild game either on foot or by dog team during winter months precisely because it is within reasonable travel distances for their means of propulsion, and because snow machines cannot access the area and drive away those same game animals. It is one of the few areas foot- or dog sled hunters can find game within reasonable travel distance from any road system where snow machines cannot access.

We live in a huge state. Enough of it has been made aesthetically displeasing from noise or visual degradation, or had the game run out of it by snow machines. Let's leave this area alone. It is too precious to allow it to become just another playground for snow machines. Passage of this bill would ensure access of the northern part of the state by only a select few, whereas currently, that access, though somewhat limited, is shared by all Alaskans on an equal footing. Not everyone can afford to own a snow machine, and many of us would rather not own one or be confronted with one everywhere we go. I would rather know there are places nobody can get to, and revel in the fact such places exist, than know there were no places off limits to our vehicle-crazed society.

Thank you for your consideration.

Karl Monetti
Box 56302
NOrth Pole
99705
907-322-0242

3390

Rebecca Rooney

From: Jennifer LaBar [jenlabar@lycos.com]
Sent: Tuesday, March 16, 2010 11:23 AM
To: Rep. Peggy Wilson
Subject: I oppose HB 267

My husband and I are soon to be residents of Alaska and we oppose HB 267. We are moving to Alaska because of the vast wilderness and we would like to see at least one state with such great wilderness preserved.

Jennifer LaBar

3391

Rebecca Rooney

From: kneelandt@alaska.com on behalf of Kneeland Taylor [kneelandt@alaska.com]
Sent: Tuesday, March 16, 2010 11:27 AM
To: Rep. Peggy Wilson
Subject: HB 267 - I OPPOSE

Representative Wilson,

I just learned that there is a bill that would open to snowmachines the Dalton Highway corridor. I strongly oppose this. Alaskans promised many years ago that the pipeline and the haul road would not provide entry for motorized access to the Brooks Range, and its spectacular wildlife and wilderness values. HB 267 if passed would demonstrate that Alaskans cannot be trusted to live up to guarantees that the State of Alaska gives.
Guarantees such as the promise to responsibly develop oil and gas reserves located on land. I support responsible development such as development of ANWR.

I also oppose HB 267 because I treasure the spectacular country of the Central Brooks Range. It is fabulous. Unique. It should not be easily accessible by anyone with the money to motor in on a $10,000 snow machine.

Very truly yours, Kneeland Taylor

Rebecca Rooney

From: Art Greenwalt [dobieman@gci.net]
Sent: Tuesday, March 16, 2010 11:56 AM
To: Rep. Peggy Wilson
Subject: Vote Against HR 267

Dear Rep. Wilson:

I am writing to you concerning HR 267 which comes up for a hearing this afternoon.

This is a terrible piece of legislation that will do nothing less than ruin the caribou herds along the Dalton Highway by not only increasing the take by a very large percentage but will lead to degradation of their habitat as well as considerably increasing the chances of vehicular collisions on the Dalton which is heavily used by large trucks throughout the year.

I find it particularly interesting that Mr. Al Barrette has written a request for this in that he notes only a handful of local residents are opposed to these changes. Just recently, as a member of the Board of Game, he and three other BOG members ignored the 500+ residents of the Denali area and instead eliminated the buffer zones around the park at the behest of "handful" of recreational trappers. Now, he saying the minority should be ignored and the majority favored. It seems Mr.
Barrette is more able to change direction than the flimsiest flag ever flown.

I have lived in Fairbanks over 40 years. I have hunted, hiked, snowmobiled, and have been up the Dalton.

There is plenty of room and opportunity for caribou hunting without destroying a resource vital to local residents.

I urge you to deny this bill, vote against it. Vote the decent vote.

Thank you,
Art Greenwalt
Fairbanks, Ak.

Rebecca Rooney

From: Barbara Brease [brease@mtaonline.net]
Sent: Tuesday, March 16, 2010 12:05 PM
To: Rep. Peggy Wilson
Subject: oppose HB 267

Dear Representative Wilson,

Please vote against HB 267, a bill that would allow snowmachine access within the Dalton Highway corridor from Oct 1 to April 30.

Local Advisory Committees and residents have testified against the bill. The Alaska Board of Game BOG let controversial new appointee, Al Barrette write a letter of support to the legislature from the BOG. At the same time, the board liberalized the central Alaska caribou herd's season dates, only closed two months a year, and bag limit from two caribou to up to 5. They opened up half of the CACH calving grounds to hunting ALL YEAR and increased the bag limit in that region to 10 CARIBOU! This calving area is in easy reach of the haul road by snowmachine.

The Board of Game, especially Al Barette is getting a tremendous amount of scrutiny now for their actions. Voting against HB 267 is the right thing to do..you will be proud that you didn't respond to the corrupt system that is trying to mandate control of the state's wildlife.

Thank you,
Barbara Brease
PO Box 549
Healy, Alaska 99743

Rebecca Rooney

From: Kyle Joly [kjoly@hotmail.com]
Sent: Tuesday, March 16, 2010 8:36 AM
To: Rep. Peggy Wilson; Rep. Craig Johnson; Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Rep. Pete Petersen
Subject: Comments regarding HB 267

HB 267 should not be
enacted for the following reasons:

Wildlife

· Wildlife living on the north slope are vulnerable to disturbance by snow machines due to the harsh winter conditions and lack of vegetative cover. Species that would be impacted are: musk ox, moose, Dall sheep, caribou, brown bears, wolverines, wolves and foxes.

· Musk ox are exceptionally vulnerable to disturbance due to the costs of expending additional energy reserves which are limited in winter. They begin giving birth in April, making the new born exposed to abandonment by their mothers fleeing from snow machines. (Musk ox do not always stay in a defensive circle, they often panic and flee, leaving their newborn young behind).

· HB 267 violates a long standing commitment made by the State to protect wildlife on the sensitive north slope.

Subsistence

· This past week, the Board of Game increased the bag limit for caribou in Unit 26B, the unit north of the Brooks Range that encompasses the Dalton Highway Corridor, from 2 to 5. Combine this increase bag limit with snowmachine access, and we have massive and unpredictable hunting pressure on the Central Arctic Caribou herd.

· Local subsistence users will be impacted by increased hunting pressure, subsequent declines in wildlife populations and displacement of wildlife due to increased snow machine activity.

· Displacement of wildlife away from the corridor will impact viewing opportunities by tourists and all who drive the road.

· HB 267 violates a long standing commitment made by the State to protect subsistence on the sensitive north slope.

Public Safety

· Increased highway safety issues associated with vehicles pulling snow machine trailers, parking in the road to off-load machines in places where there ALREADY is not adequate room for industrial truck traffic.

· Motorized access via snowmachines WILL increase:

o accidents on and off the highway

o medical emergencies

o search and rescue needs

o trespassing on private lands

o vandalism to mining equipment

o vandalism to private properties of local citizens

o vandalism to tourism properties

o vandalism to research facilities of the University of Alaska

o vandalism to Alyeska facilities and those of other pipeline services

· Complete lack of emergency services and public safety services along the entire Dalton Highway. No longer a State Trooper in Coldfoot. This places the entire burden of this responsibility on Alyeska and other local private citizens and businesses.

· Many mining interests exist within and outside the Dalton Highway Corridor. They have existing legal motorized access. There mining equipment and operations will need increased security provisions to protect against theft, vandalism and tampering with their explosives if recreational snowmachiners are to be allowed in the Corridor.

Thanks.

Kyle Joly
Fairbanks, Alaska

Hotmail is redefining busy with tools for the New Busy. Get more from your inbox. Sign up now.

To: Chair HTRA Rep Peggy Wilson

Thank you Mr. Chairman, and members of the House Transportation Committee, my name is Taqulik Hepa, I am a life long resident of the North Slope, and am currently the Director of the North Slope Borough Department of Wildlife Management.

I am opposed to House Bill 267.

First, the fact that there is no fiscal note attached to the bill defies common sense. In fact, in its 1994 ruling allowing the Alaska Department of Transportation to open the Dalton Highway to public use, the Alaska Supreme Court agreed that convincing evidence had been presented that beyond clear fiscal implications for DOT, the Department of Public Safety, the Department of Fish & Game, and the Department of Administration all should anticipate a need for additional appropriations in the event the Dalton Highway was to be opened to the general public. The same is clearly true with this bill.

There are also of course very real pipeline security issues, and issues associated with the safety of the industrial traffic that primarily uses the road. In August 2009, DOT released the Draft Dalton Highway Scenic Byway Corridor Partnership Plan. On page 11, the Draft Plan states:
"According to Alyeska Pipeline Service Company employees, Alyeska has become the "cops and docs" of the north; since their pump stations are one of the only groups of physical structures located along the byway, they are oftentimes tasked with responding to accidents and traveler emergencies. Although Alyeska does respond to emergencies, there is a limit to the services they can provide—services that are foremost for their employees. Liability for providing emergency services for the general traveler complicates their business and they are not budgeted for emergency response."

This bill also raises public safety and search and rescue issues. There are issues associated with the near impossibility of enforcing wildlife laws across such a large area that could be accessed if the bill passes. There would certainly be game and land use violations in the newly accessible area. A lot of users don't understand restrictions associated with the complex land use and ownership status of the area; others would choose to ignore them. There would certainly be damage to the tundra, human waste and garbage issues. Damage to

cultural and archeological sites would likely increase. And most importantly for us, there could be potentially serious impacts to the subsistence users of the North Slope and other rural communities already stressed by a rapidly changing ecosystem and high fuel and equipment costs.

I have a number of specific local concerns that I would like to briefly bring to your attention.

My first concern is the impacts this bill will have on subsistence uses in Game Management Unit 26, in particular for our communities of Anaktuvuk Pass, Nuiqsut, and Kaktovik. There is no doubt that with the passing of this bill, there will be a dramatic increase in the number of people who use the Dalton Highway and adjacent Corridor for hunting and/or for recreation uses. HB 267 will provide an opportunity for easy access by other users to areas that are important to the residents of the North Slope for subsistence activities. There is bound to be an increase in user conflicts between sport hunters, recreational users, and local subsistence users. For example, there will likely be significant competition between sport and subsistence hunters for resources such as caribou, furbearers, moose, and muskox.

One of my biggest concerns is that an increase in hunting activity and motorized traffic to the west of the highway will have a devastating impact on the harvest of caribou by our community of Anaktuvuk Pass. The Nunamiut who settled in Anaktuvuk Pass were the last truly nomadic people of Alaska, and have a lifestyle that is heavily dependant on the subsistence harvest of terrestrial mammals. Caribou are the single most important resource. When the fall caribou migration through Anaktuvuk Pass is poor this community is confronted with a serious problem. When caribou are not available, and with the harvest of other resources such as Dall sheep, moose, and muskox so heavily regulated, the families that make up this community do not meet their nutritional need for fresh meat to last through-out the year.

I've also heard concerns from Nuiqsut residents about interactions with sport hunters or recreational users on the Colville River. In one recent case typical of many that have been reported, subsistence hunters pursuing caribou were harassed by sport hunters in an

aircraft scouting for caribou or moose. The caribou were spooked and scattered before the hunters were able to harvest what they needed. The loss of even a single harvest opportunity for one of our village hunters is significant. Time spent hunting is time away from families and jobs, time exposed to the dangers posed by the harsh North Slope climate and rugged terrain, and time spent burning increasingly expensive fuel. This type of interaction, with the subsistence hunter as the loser, is only going to increase with the passage of this bill.

And how are the residents of the North Slope supposed to adequately express their concerns and report conflicts when they occur? There is only 1 state area biologist living on the North Slope. He is stationed out of Barrow and is widely respected, but is already over burdened. The state's local fish and game advisory committees for the North Slope, required under state law, have been inactive since before 1990. We've urged Fish and Game officials to reactivate the two advisory councils. The response we have received is that it is very unlikely that the Department's Board Support Section will reactivate them due to budget constraints.

Over the years, I've attended Board of Game meetings in Fairbanks and Anchorage along with a few local hunters to provide public testimony on proposals related to GMU 26B and 26C. At the most, we've been able to sponsor 3 to 4 hunters to attend. Our local hunters were amazed at the number of sport hunters, non local hunters, and guides who were present and interested in proposals for GMU 26 B and C. I must say it was very intimidating for our village subsistence users to give public testimony in that setting. Only once have I witnessed a BOG meeting held on the North Slope for the region that includes GMU 26 A, and I don't recall any sport hunters attending. What should not be part of this discussion is any issue concerning the imminent crash of the Central Arctic Caribou Herd. We are not aware of any credible scientific evidence to suggest that the herd has reached its carrying capacity, expanded to utilize its full historic range, or is in any danger of collapse in the near future.

We must all remember the original intent of the Dalton Highway. It has come to be known as the Haul Road because it was only supposed to be used for industrial purposes. The people of the North

Slope were told at the time of its construction that restricting its use was one way our resources and subsistence activities were going to be protected. I've recently heard the same type of comments made about plans to extend the spine road into NPR-A. There is a long history of these types of promises and commitments being broken. Damage to our subsistence communities and residents was done when the promise to restrict the Dalton Highway to industrial uses was broken. You can at least keep a bad situation from getting worse by stopping HB 267 here and now.

At this time, I'd be glad to answer any questions you may have and thank you for your time in listening to my comments.

Alaska State Legislature

Please enter into the record my testimony to the H.T.R.A
Committee name

Committee on HB267, dated 3/17/2010
Bill/Subject

I believe the corridor should be open to access Federal and State lands beyond the corridor. People accessing along the southern portion of the pipeline have been able to snowmobile through the area and around the pipeline with little or no impact on the pipeline or the wildlife in the 33 years it has been in existence. It's time DOT hired more employees to create pullouts and facilities and maintenance along the Dalton Highway and the corridor. Funding for Fish and Game and Public Safety could be acquired through Federal and State grants.

Parking should be allowed at the DOT facilities until pullouts and facilities can be developed.

Signed: Kenneth w Barber
Testifier

Representing (Optional)

17367 E. Melin Rd Palmer AK 99645
Address

907-745-4446
Phone number

To Chair HTRA Rep. Peggy Wilson

NORTH SLOPE BOROUGH
Department of Wildlife Management
P.O. Box 69
Barrow, Alaska 99723

Phone: Central Office : (907) 852-2611 ext. 350
or: (907) 852-0350
FAX: (907) 852 0351 or 8948
Arctic Research Facility: (907) 852-0352

Taqulik R. Hepa, Director

To: Alaska House Transportation Committee
Date: March 16, 2010
RE: Testimony in opposition to HB267
From: Brian Person

I'd like to thank the Transportation Committee for the opportunity to testify in opposition to HB267; which if it passed, would allow the use of snow machines within the 5 mile corridor along the Dalton Highway from October 1st to April 30th.

My name is Brian Person and I am a Wildlife Biologist working for the North Slope Borough Department of Wildlife Management and I'm testifying within that capacity today.

The North Slope Borough is opposed to removing any part of the Dalton Highway 5 mile corridor to the use of snow machines. The Dalton Highway was originally established only to allow production of- and service to oil and gas facilities. The Dalton Highway was originally closed to public use because of the broad and justifiable concerns over public safety issues such as: wildlife harassment, user conflicts, wildlife violation problems, pipeline security concerns, search and rescue responsibilities, and traffic issues to name a few. These visions were legally challenged and ultimately overturned but not without retaining some insights towards the original plan to protect the land, its wildlife resources, and the people that both traditionally and want to depend on its resources for the future of their children. This bill clearly disrupts these protections and does so

without giving consideration to increased funding necessary for the DOT, Alaska State Troopers, and the Division of Fish and Wildlife protection.

I would like to correct some information that was presented to you this past Thursday. The population of the CAH is not over 80,000 animals rather it was estimated to be ~67,000 in the summer of 2008. Also, there is no evidence or data that suggests the herd has exceeded its carrying capacity or that it has exhausted the ranges' resources. In fact, passing this bill will displace caribou from its winter range; effectively restricting its range.

Removing the 5-mile corridor along the Dalton Highway for snow machine use will result in an increase in harassment to wildlife on the North Slope. Muskoxen are very prone to harassment because the groups will often split up when approached by a snow machine and this makes them more susceptible wolf, wolverine, and bear predation. Also, the Teshekpuk Caribou Herd is known to winter on the North Slope in most winters and has wintered in 26B for 3 of the last 6 years. Caribou are energetically stressed during the winter months and cope with this by decreasing their winter movements. Harassment by snow machines will increase their energetic demands and will displace them from their range.

This bill would increase harvest rates on the Teshekpuk Caribou Herd in years that they overwinter in 26B. The Teshekpuk Herd is already harvested at a very high rate. Increased harvest would result in changes to State Fish and Game regulations that would affect the ability of subsistence hunters to harvest an adequate number of animals to support themselves and their communities.

The Board of Game just increased the harvest level in 26B from 2 to 5 caribou. I offered testimony opposing this change because the ADF&G doesn't have good harvest information for this herd and it is likely not under harvested. If snow machines are allowed in the corridor it will only be a matter of time before a proposal would come before the BOG to allow the use of snow machines to transport hunters and their game

through the corridor. The Board of Game has regulations in place that prohibit the use of motorized vehicles used to access and hunt wildlife from the Dalton Highway. However, the Board of Game will change these regulations if this bill moves forward because they cannot resolve the user conflicts over the Fortymile Caribou Herd and they assume this will be a solution. What they don't recognize is that they will create two volatile user group conflicts by allowing the use of snow machines to access game from the Dalton Highway. It is important to note that Board of Game members are politically appointed and that rural Alaskan concerns are greatly under represented by this Board. If this bill is passed it would completely change the way wildlife is managed on the North Slope and increase user conflicts, which are nearly impossible to mitigate.

Increased traffic along the Dalton and within the corridor will also affect caribou migration patterns because caribou are sensitive to both the speed and quantity of vehicular traffic. Five years ago caribou from the TCH were delayed from crossing the Dalton Highway and failed to reach their traditional calving grounds and several years ago a group of TCH's fall migratory path appears to have been deflected by the Dalton Highway. Opening the 5-mile corridor will only increase disruptions in caribou movements.

Removing the corridor will require an increased presence of law enforcement to check for hunting violations, vandalism, and traffic problems. Law enforcement has traditionally been lax along the Dalton Highway and adjoining lands. Traditionally there has only been one, if any, active State Trooper at Cold Foot and passage of this bill will require a substantial increase in Trooper presence and financial resources necessary to police this remote region.

Finally when the Nation is increasing its vigilance for national security reasons I find it surprising that the State of Alaska is considering improving access to the National Petroleum Reserve without careful evaluation of security issues. Two of the largest losses of oil in Alaska have resulted from sabotage; first, the bombing of the Trans

Alaskan Pipeline (TAPS) near Fairbanks in 1978, and the recent shooting of the TAPS just north of Fairbanks. Together, these two instances alone caused the loss of 60% of the total crude oil spilled from the TAPS since it has begun operation. It took days to control the spill that resulted from the pipeline shooting incident north of Fairbanks because of its remote location. A similar spill on the coastal plain would likely take longer to detect and control both because of the regions truly remote location and severe weather that prohibits the use of aircraft.

I urge you not to adopt HB 267 because of the reasons that I've outlined. Removing the corridor will only increase user conflicts in this region. These conflicts will likely disrupt the ability of subsistence users to harvest an adequate amount of wildlife. Currently the public has access from the Dalton Highway. They can dog sled, ski and hike throughout the region.

Respectfully submitted,

Brian Person

3/17/10

Transportation Committee

Dear Legislatures,

I fully support HB267 that would allow snow machine access within the 5 mile corridor along the Dalton Hwy. For far too long, the land along the highway as been restricted to reasonable access denying Alaskan's the opportunity to visit and explore these areas of the state. Our constitution requires allowing access to the maximum extent possible and as of now only those with an airplane can reasonably use lands outside the corridor. Please support HB267 and provide greater access to more Alaskan's with minimal impact.

Thank you for your time and service,

Melvin Grove
POB 520575
Big Lake, AK 99652
907-440-9148

FAX # 907-465-3175

1 of 2 pages

March 16, 2010

To: Alaska House Transportation
Sub-Committee
Honorable Representative
Chairlady Peggy Wilson

From: June Reakoff
Wiseman Village 99790
907-678-4444

Regarding: Bill - HB 267
Opening the Dalton Hwy. Corridor
to public snow machine usage.

3-16-10

Alaska House Transportation Committee
Honorable Representative
Chairlady Peggy Wilson

Dear Chairlady Wilson: Regarding HB 267

Today I testified by teleconference to the House Transportation Committee, with you as Chairlady, and would appreciate my comments be submitted as well in written form for the record.

My name is June Reakoff and I live in Wiseman Village, AK. I came to Alaska in 1957 when it was a territory, and have lived most of my Alaskan years here in the Central Arctic of the Brooks Mountain Range. I have also traveled to such far places as the Northern Transvaal of South Africa and Namibia; yet I have found no place to rival this place I call home for its exquisite landscape and superb variety of beautiful and magnificent animals. Enduring long frigid winters in harsh terrain, with very short summers to replenish their reserves, is cause enough to give thoughtful respect and consideration, especially with their future at stake.

Opening this corridor to indiscriminate snowmachine usage (now with the opportunity to kill 5 caribou per person) would constitute a travesty against the entrustment of prudent stewardship regarding lands, animals, and the rights of all other users in this corridor who are coming in greater numbers - who benignly come and go leaving no great loss to the potential enjoyment for those following. The threat of violence, and violation of the law, along with the lack of enforcement and medical aid availability is a very real issue. Endangerment of depleting to demise a resource through the enablement of snowmachine users, as a large army with impunity, is not a myth. Carnage and excessive waste is not hard to imagine; neither are the empty plates of hungry people who will be victimized by the duplicitous extravagance of the advocates having power and money to indulge.

This is an intimidation, I believe that will be an embarrassment to Alaskan credibility as to thoughtful governance and trust; a misuse of power in fairness to all people users, reflecting on Alaska's ability to manage our precious resources in the future; and have irrepairable repercussions in infamy • felt maybe sooner, than later; creating hardship for upcoming generations, unless sound reason prevails to curtail such irrational, unreasonable continuance. This land, animals, as well as the people, heretofore, have represented, symbolically, special freedom, balance, hope, serenity, and purpose.

Those who sow to the wind, will by their actions reap a whirlwind - for we do reap what we sow. I oppose HB267. Thank you for listening.

In summary I would like to repeat my opposition to this bill. A similar bill was introduced in the past by FORMER Senator Ralph Seekins in the form of SB85. There was tremendous public opposition to this bill from many factions who normally don't agree with each other including environmentalists, miners, bowhunters and others. Although that bill proposed year round and not just winter access, much of the testimony in opposition to that bill is just as valid in relation to HB267. I would highly encourage members of the committee to have your staffers dig up a copy of the public opposition testimony for that bill and read it. Members of the committee thank you for your time.

William Lange

HB 313

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **HB 313**
() Publish Date:

Identifier (file name):HB313-CED-ARR-3-22-10
Dept. Affected: DCCED
Title: Maintenance of Railroad Crossings
RDU
Component: Alaska Railroad
Sponsor: Rep. Bill Stoltze
Requester: House Transportation Committee
Component Number

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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	**2,500.0**		**2,500.0**	**2,500.0**	**2,500.0**	**2,500.0**	**2,500.0**
CHANGE IN REVENUES ( )							

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Alaska Railroad Revenues	2,500.0		2,500.0	2,500.0	2,500.0	2,500.0	2,500.0
TOTAL	**2,500.0**		**2,500.0**	**2,500.0**	**2,500.0**	**2,500.0**	**2,500.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

House Bill 313 would shift the cost of crossing maintenance and repair to the Alaska Railroad, adding additional annual cost of approximately $2.5 million to the corporation. However, this cost estimate to the Railroad could be far different depending on resolution of many gray areas within the legislation. Currently, the cost to construct, maintain, repair, and cover liability for crossings is borne by the entity or individual requesting the railroad right-of-way. The Alaska Railroad issues permits for crossings based on safety and engineering standards, industry standards, access requirements, and a responsible party willing to cover the costs and liability.

Prepared by: Wendy Lindskoog
Phone 907-265-2498
Division: Alaska Railroad Corporation
Date/Time 3/22/10 12:00 AM
Approved by: Emil Notti, Commisioner
Date 3/22/2010
Commerce, Community and Economic Development

(Revised 11/6/2009 OMB)

ALASKA STATE LEGISLATURE

Co-Chair:
House Finance Committee

Chair:
House Finance Subcommittees for;
Department of Public Safety
Department of Law

Member:
Legislative Council
Legislative Budget & Audit (alt)

Session:
Alaska State Capitol, Rm 515
Juneau, AK 99801-1182
Phone: (907) 465-4958
Fax: (907) 465-4928

District:
600 E. Railroad Ave.
Wasilla, AK 99654

BILL STOLTZE
STATE REPRESENTATIVE
Representative_Bill_Stoltze@legis.state.ak.us

Sponsor Statement
for
House Bill 313
by Representative Bill Stoltze

The passage of HB 313 would transfer an equitable share of the liability for annual costs of maintenance and repairs at state highway/rail road intersections to the Alaska Railroad Corporation.

Currently, the State of Alaska pays a $266 monthly maintenance fee to the Alaska Railroad for each and every road-railroad crossing, totaling $212,287 annually. In addition, DOT&PF is charged for any repairs that occur within the right-of-way.

This piece of legislation keeps in place the monthly crossing fees for maintenance but prohibits the Alaska Railroad Corporation from additionally charging the state or municipalities for additional repair costs.

The Alaska Railroad is a for profit corporation and as such they should include in their rates the costs of maintenance. HB 313 justly allocates these expenses to the appropriate entity by preserving the monthly crossing fees, but exempting the state and municipalities from paying twice for railroad upgrades and repairs.

I appreciate your consideration of this important legislation.

DWS/mh/ja

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **HB 313**
() Publish Date:

Identifier (file name): HB313-DOT-CRHAM-03-24-10
Dept. Affected: DOT&PF
Title: Maintenance of Railroad Crossings
RDU: Highways and Aviation
Component: Central Reg. Hwy and Aviat. Mainten.
Sponsor: Rep. Stoltze
Requester: H TRA
Component Number: 564

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
Personal Services							
Travel							
Contractual	(97.4)		(97.4)	(97.4)	(97.4)	(97.4)	(97.4)
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**(97.4)**	**0.0**	**(97.4)**	**(97.4)**	**(97.4)**	**(97.4)**	**(97.4)**
CAPITAL EXPENDITURES							
CHANGE IN REVENUES ( )							

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF	(97.4)		(97.4)	(97.4)	(97.4)	(97.4)	(97.4)
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	**(97.4)**	**0.0**	**(97.4)**	**(97.4)**	**(97.4)**	**(97.4)**	**(97.4)**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

The department averaged the previous 5 years of maintenance costs paid to the Alaska Railroad Corp. to determine estimated savings.

This fiscal note explains the cost savings to Central Region's Highway and Aviation maintenance operating budget and includes the costs associated with the Whittier Tunnel.

The department still pays the required permit fees for each railroad crossing and for the Whittier Tunnel.

Prepared by: Mary Siroky, Legislative Liaison — Phone 465-4772
Division: Department of Transportation and Public Facilities — Date/Time 3/24/10 11:45 AM
Approved by: Frank Richards, Deputy Commissioner — Date 3/24/2010
Department of Transportation and Public Facilities

(Revised 11/6/2009 OMB)

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **HB 313**
() Publish Date:

Identifier (file name): HB313-DOT-NRHAM-03-24-10
Title: Maintenance of Railroad Crossings
Sponsor: Rep. Stoltze
Requester: H TRA

Dept. Affected: DOT&PF
RDU: Highways and Aviation
Component: Northern Reg. Hwy and Aviat. Maint.
Component Number: 2068

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
Personal Services							
Travel							
Contractual	(38.5)		(38.5)	(38.5)	(38.5)	(38.5)	(38.5)
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**(38.5)**	**0.0**	**(38.5)**	**(38.5)**	**(38.5)**	**(38.5)**	**(38.5)**
CAPITAL EXPENDITURES							
CHANGE IN REVENUES ( )							

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF	(38.5)		(38.5)	(38.5)	(38.5)	(38.5)	(38.5)
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	**(38.5)**	**0.0**	**(38.5)**	**(38.5)**	**(38.5)**	**(38.5)**	**(38.5)**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

The department averaged the previous 5 years of maintenance costs paid to the Alaska Railroad Corp. to determine estimated savings.

This fiscal note explains the cost savings to the Northern Region's Highway and Aviation maintenance operating budget.

The department still pays the required permit fees for each railroad crossing.

Prepared by: Mary Siroky, Legislative Liaison — Phone 465-4772
Division: Department of Transportation and Public Facilities — Date/Time 3/24/10 11:45 AM
Approved by: Frank Richards, Deputy Commissioner — Date 3/24/2010
Department of Transportation and Public Facilities

(Revised 11/6/2009 OMB)

3414

--Sponsored by: Mayor Isaacson
Introduced and Adopted: March 15, 2010

CITY OF NORTH POLE

RESOLUTION 10-08

A RESOLUTION IN SUPPORT OF HB 313 AMENDING AS 42.40 RELATING TO THE MAINTENANCE AND REPAIR OF RAILROAD CROSSINGS AND RIGHTS-OF-WAY WITHIN RAILROAD CROSSINGS

WHEREAS, the railroads are historically an economic driver to a community and at-grade railroad crossings are the most common method to traverse a railroad in order to access destinations on the other side of the tracks; and

WHEREAS, such crossings are necessary for the development of land and resources and consequently, the economic development of a community; and

WHEREAS the City and surrounding community of North Pole has historically had numerous at-grade crossings within its boundaries but in recent years has seen the closing of these crossings by the Alaska Railroad Corp (ARRC) due to costs associated with the repair and maintenance of the crossings or for purported safety reasons, thus limiting economic development; and

WHEREAS, the ARRC has restricted access to the populous and industrial west side of the City of North Pole to three at-grade crossings, limiting response time by public safety and maintenance personnel, especially if railroad cars are blocking the intersections while setting up or leaving the Flint Hills North Pole Refinery; and

WHEREAS, the ARRC bills the City of North Pole $8,000 annually for repairs made to two of the crossings (a road crossing permit) because the ARRC asserts that it made the repairs that enable the public to traverse its property but which repairs were also necessary to the railroad to keep necessary crossings open and safe for the public to traverse its rails; and

WHEREAS, many other railbelt communities, including much larger communities which have far more crossings, do not pay for such maintenance costs; and

WHEREAS, the North Pole City Council supports HB 313 which will establish an equitable standard for bearing the cost of the maintenance and repair of railroad crossings for all communities by requiring the ARRC to bear this cost but does not want to see the ARRC unduly burdened with unexpected costs.

THEREFORE BE IT RESOLVED, that the North Pole City Council supports HB 313 and requests some modification to the language of the bill to include:

1. The cost of maintenance or repairs be limited to EXISTING crossings, and that all such existing crossings, such as in North Pole, be included; and
2. The State or municipality affected does not make repairs or build new crossings without joint agreement with the MPO, if applicable, and the DOT, the ARRC, and any other affected agencies, and the local community prior to completion of repairs or construction of new crossings.

THEREFORE BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the members of the Legislature, FMATS, ADOT&PF, ARRC, FNSB Mayor & Assembly, and City of Fairbanks Mayor & Council.

PASSED AND APPROVED by a duly constituted quorum of the North Pole City Council on this 15th day of March, 2010

Douglas W. Isaacson

ATTEST:

Kathryn M. Weber, CMC, City Clerk

THE CITY OF NORTH POLE INCORPORATED ON JANUARY 16, 1953 SEAL ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

RAILROAD CROSSING MAINTENANCE COST

80 signals

- The DOT&PF pays a monthly "Crossing Fee" of $266 per crossing with a total of 38 crossings totaling $121,287 annually
- All maintenance costs are charged in addition to the "Crossing Fee". DOT&PF is billed for all labor, equipment, and commodity costs incurred by the railroad.
- The railroad generally does not coordinate its maintenance activities with the department unless they need staff to provide traffic control or when they have to remove asphalt from the road.
- DOT&PF receives invoices for the railroads and generally has no way to verify the railroads activities.
- The total M&O yearly costs paid to the railroad for Crossing Fees and routine maintenance items for the last 5 years is shown below:

	CENTRAL REGION			NORTHERN REGION		TOTAL M & O COSTS	TOTAL CROSSING FEES	TOTAL COSTS
	M&O Costs	Whittier Tunnel	Crossing Fee	M&O Costs	Crossing Fee			
FY05	$31,377.86	$43,197.09	$67,023.00	$17,906.76	$54,264.00	$92,481.71	$121,287.00	$213,768.71
FY06	$24,398.55	$53,047.40	$67,023.00	$28,377.75	$54,264.00	$105,823.70	$121,287.00	$227,110.70
FY07	$33,935.18	$75,006.29	$67,023.00	$40,216.78	$54,264.00	$149,158.25	$121,287.00	$270,445.25
FY08	$35,544.36	$64,389.77	$67,023.00	$25,573.75	$54,264.00	$125,507.88	$121,287.00	$246,794.88
FY09	$61,923.23	$64,377.26	$67,023.00	$80,708.05	$54,264.00	$207,008.54	$121,287.00	$328,295.54

- Crossing Fees/Base Rate
  - Central Region = $67,023
  - Northern Region = $54,264.
  - All costs above the base rate are direct billed maintenance costs

define maintenance

- DOT&PF pays for larger maintenance/upgrade projects. Several recent projects are shown below:
  - **Hurricane and South Denali Crossings (FY05)** – The railroad billed the department 170% $348,266 which was considerably higher than the railroads original estimate. Therefore, the department only paid $284,807.59 which was paid out of operating and partially out of supplemental capital funding.
  - **University Avenue Crossing (FY05)** -- $156,808 paid to ARR + an estimated $40,000 of other M&O costs for labor, contract, and materials.
  - One-time cable pulling at **Whittier Tunnel** - $25,000
  - **Crossing Rebuild at Girdwood** – Toadstool Turnpike - $146,381
  - **Crossing Upgrade Work** – Pitman Road - $180,179
  - **Lawing Road Crossing Rebuild** - $398,398

FTA # RR

safety HSIP $

Prepared 2/03/2010

Whittier Tunnel

- The Whittier Tunnel is charged a "Crossing Fee" of 266/month or $3192/year
- Maintenance costs are paid on top of the "Crossing Fee".
- The previous five years of railroad billings for the Whittier Tunnel are shown below:

FY05	$43,197.09
FY06	$53,047.40
FY07	$75,006.29
FY08	$64,389.77
FY09	$64,377.26

Because of limited coordination by the railroad, it is difficult to manage operating funds due to the uncertainties of what the railroad will charge. Generally we are not aware of the work until we receive a bill.

Prepared 2/03/2010

HB 313 – Railroad Crossings

What about this 60-70% surcharge ARRC adds to bills to DOT on federal-aid funded projects?

1) Rate is determined by DOT in accordance with federal regulations
2) Rate base starts with hourly wage as a "direct" cost", the additional add-on (60-70% approved DOT rate) is meant to cover the cost of benefit programs (holidays, vacation, sick leave, etc.) supervision, training, indirect overheads, etc.
3) Not all costs are considered eligible
4) There is no "profit" or interest included or allowed

What was the issue with the Ruby Crossing?

Two issues mentioned by Ms. Wolstad

1) Property Ownership
- The extension from Ft. Wainwright to Eielson Air Force Base was constructed in late 40's. The federal government had reserved a right to construct a railroad in the original patents in this area, which it exercised at that time.
- Some property owners may have retained title to the underlying land even after the railroad was built, it depends on their exact circumstances and the effect of the federal transfer act
- State acquired all railroad land during transfer. For ROW, was guaranteed to get at least an "exclusive use easement" for transportation communication and transmission purposes
- If / when Railroad ceases to operate, the State still has an interest in ROW for transportation, transmission, and communication uses, and the State will be the one to decide ultimate disposition

2) Closure of Ruby Crossing
- Within a 2.5 mile stretch 8 crossings exist
- Because of sadly deteriorated condition the crossing was deemed unsafe.
- Since Cross Way had been improved and was only ½ mile away ARRC removed the crossing, but agreed with local folks to provide assistance if there was a need to get heavy machinery, tanks across at Ruby

327 W. Ship Creek Avenue
Anchorage, Alaska 99501
MAILING ADDRESS
P.O. Box 107500 Anchorage, Alaska, 99510-7500
TEL 907.265.2300 FAX 907.265.2416
AlaskaRailroad.com

What's going on with the City of North Pole?

1. Two crossings are involved, Crossway and 8th Avenue
2. Auto, rubber-tired traffic had deteriorated the crossings to such a point they needed to be re-built
3. Under terms of their permit signed many years ago, the City was responsible for the improvements
4. DOT was upgrading Old Richardson Highway, but the crossings were outside the limits of what DOT could pay for with federal funds
5. The Railroad paid for the upgrades and the City agreed to reimburse us over 20 years.
6. The annual fee of $8,000 covers ALL costs, maintenance, repair, and amortization of the capital costs to upgrade the crossings. The City receives one bill a year for $8,000 period.
7. In addition, if the railroad is realigned away from Downtown North Pole during the 20 year term, and these crossings are no longer used, the permit will be cancelled immediately and the City will owe no more money.

HB 313 White Paper

2010 legislation sponsored by Representatives Stoltze and Fairclough

Background:

House Bill 313 was recently introduced and would shift the cost of crossing maintenance and repair to the Alaska Railroad. We estimate this cost would come in at no less than $2.5 million However, the cost to the Railroad could be far different depending on resolution of the many gray areas in the legislation.

Railroad policy states that the cost to construct, maintain, repair and cover liability for crossings is born by the entity or individual crossing the railroad right of way. These entities include the Department of Transportation and Public Facilities (DOTPF), local governments, the federal government, or private and commercial interests. The Alaska Railroad issues permits for crossings based on safety and engineering standards, industry standards, access requirements, and a responsible party willing to cover the costs and liability.

Position Statement:

The Alaska Railroad opposes this legislation. We believe there are many unintended consequences, issues and questions raised by HB 313. Most crossings in Alaska were requested for road/vehicle purposes, not for railroad purposes. While the railroad has accommodated the need for crossings, it is poor policy to burden the railroad with costs associated with highway use of the railroad right of way. HB 313 also does not define who the responsible party is for constructions costs, signal and technology costs and liability coverage, and it may negatively affect the use of federal funds currently used to reimburse certain crossing costs.

Unintended Consequences, Issues, and Questions:

- Shifts an estimated $2.5 million in costs to the Alaska Railroad. This could result in further employee position eliminations and a decrease in Alaska Railroad capital investment opportunities, which create Alaska jobs.
- Is the Whittier Tunnel included in HB 313?
- HB 313 addresses maintenance and repair. Who pays for construction of new crossings? Are rehabilitation projects considered maintenance and repair?
- Which party is responsible for crossing liability?
- Does this bill apply to private, commercial and individual crossings or just local and state crossings? What about federal crossings?
- The ARRC has a number of privately owned crossings. (Usibelli coal mine, for example). How will HB313 impact those permit/contract agreements and corresponding reimbursements?
- How does HB 313 affect existing crossing contracts with public and private entities? Can the legislation make a change when such legal contracts are in place?
- There are a number of crossings on military bases, and the federal government currently reimburses the Alaska Railroad for maintenance, rebuild and signal upgrade. How does HB 313 affect this funding stream?

- How does HB 313 affect costs relating to grade separated crossings? Who pays for the road repairs or snow clearing even if that portion of the road is within the railroad ROW?
- The DOTPF receives funding through the Highway Safety Improvement Projects program which uses dedicated federal funds for crossing signal upgrades. How does HB 313 affect this funding stream? If DOT does not use the funds designated for Alaska crossings will the unused funds be shifted to other states?

A Way Forward

What "problem" is the sponsor of this legislation is trying to address? With better direction a targeted approach to developing solutions could be implemented. A possible way forward could include an update to our State Crossing Policy encompassed in Alaska Railroad Board Rule 13, developed in 1987. This effort could include meetings with crossing stakeholders to explore ways to better address crossing permits and the application process, transportation planning for future crossing and access needs, and ways to better address liability and cost issues.

ARRC Crossing Cost Summary:

Routine Maintenance: These are the costs the ARRC is reimbursed by DOT and the Municipalities for crossing signal maintenance. This includes the Federal Railroad Administration required monthly checks, as well as unusual events like burnt out light bulbs, vandalism, etc.

Annual Maintenance Cost: **$500,000**

Crossing Surface Rebuilds: This covers the periodic rebuilds of crossing surfaces including subgrade, track components, crossing pads, approach paving, traffic control, etc.

Average Annual Cost (2006-2009): **$1,200,000**

Crossing Signal Hardware Upgrades: These costs cover the signal components themselves, masts, cantilevers, lights, signal huts, and the brains. The Highway Safety Improvement Project (HSIP) normally pays for this with dedicated federal funds.

Average Annual Cost (2006-2009): **$700,000**

Whittier Tunnel: Considered a crossing by the Federal Railroad Administration:

Average Annual Routine Maintenance Cost Paid: **$47,000** (estimate)

Average Annual Signal Hardware Upgrades: **$50,000** (estimated. Can change depending on how well the facility and its components age.)

Not included are DOTPF's current tunnel operating costs

HB

322

HB322 – An Act Relating to Winter Tires

Proposed Amendments

Amendment #1

Page 1, line 11

After the word "studs." insert a new subsection to read:

(c) In this section, "Highway" means north of 60 North Latitude and exclusive of any road not connected to the Dalton, Parks, Richardson, Tok, Alaska, Glenn or Sterling Highways.

Amendment #2

Page 1, line 5:

After the word "from" delete [December] and insert October

After the word "to" delete [March] and insert April

Amendment #3

Page 2, line 4:

After the word "effect" delete [December] and insert October

Alaska State Legislature

Interim: (June – Dec.)
[redacted] West 4TH Avenue, Suite 600
Anchorage, Alaska 99501-2133
(907) 269-0129
Fax (907) 269-0128

Session: (Jan. – May)
State Capitol, Room 403
Juneau, Alaska 99801-1182
(907) 465-4859
Fax (907) 465-3799

REPRESENTATIVE JOHN HARRIS

Sponsor Statement

HB322, Relating to Winter Tires

Bill Summary

House Bill 322 places a requirement into state law for vehicles on Alaska's roads to have dependable and safe tires during the harshest months of winter.

Between December 15th and March 15th, all motor vehicles would be required to either have studded tires or tires bearing the mountain snowflake symbol. A provision is included in the bill to allow the Department of Transportation and Public Facilities to determine other tires that are commensurate in performance for winter driving conditions.

The Department would also be required to undertake an education campaign to notify the public about the requirements established by this bill.

An effective date of December 15, 2011 is in the bill. This is intended to provide a one-year period for vehicle owners to obtain tires that will comply with the new law.

Bill Background

Following a series of horrific vehicle accidents on a stretch of highway in the Canadian Rockies, the U.S. Rubber Manufacturers Association (RMA) and the Rubber Association of Canada (RAC) got together and agreed on a performance based standard for passenger and light truck tires. The new standard helps ensure that drivers can easily identify tires that provide a higher level of snow traction.

The mountain snowflake symbol (see below) was developed to show that tires meet this new standard. Branded on the tire's sidewall, the symbol identifies tires that met the required performance in snow testing.

Tires marked "M + S" (Mud and Snow), or "all season" tires that do not have the mountain snowflake symbol may provide safe performance in most weather conditions, but are not designed for snow and ice-covered roads. At temperatures below 45°F, standard tires begin to lose elasticity, resulting in reduced traction. Winter tires retain their clasticity to grip at much lower temperatures.

Alaska State Legislature

Interim: (June – Dec.)
716 West 4TH Avenue, Suite 600
Anchorage, Alaska 99501-2133
(907) 269-0129
Fax (907) 269-0128

Session: (Jan. – May)
State Capitol, Room 403
Juneau, Alaska 99801-118
(907) 465-4859
Fax (907) 465-3799

REPRESENTATIVE JOHN HARRIS

MEMORANDUM February 3, 2010

TO: Representative Peggy Wilson, Chair
House Transportation Committee

FROM: Representative John Harris for JLH

SUBJECT: HB322, an Act relating to winter tires

This memo is to request consideration for scheduling HB322, an Act relating to winter tires, for a hearing in the House Transportation Committee.

A sponsor statement for the bill is attached for your review. However, I would like to add that this bill will help improve the safety of our highways during the harshest months of winter.

I have also attached various pieces of backup information that describe the attributes and benefits from purchasing winter tires with the mountain snowflake brand.

If you have any questions or need additional information, please contact John Bitney in my office at (907) 465-3721.

CanadianDriver

February 1, 2007

The story of the mountain and the snowflake

by Craig M. Lee

Canadian symbol for winter tires spreads around the world

Once upon a time they built a highway between Vancouver, British Columbia, and the resort community of Whistler, high in the Canadian Coastal Mountains. The road was very steep with lots of curves. So lovely was it that they called it the Sea-to-Sky Highway.

It was very beautiful, but, it was also very deadly.

Often, skiers depart Vancouver with its nice green lawns, only to find the Sea-to-Ski Highway covered in heavy snow and very slippery. Many of the holidayers are in vehicles ill-equipped for the road conditions – cars shod only with all-season tires.

Along the side of the road are barriers used by the RCMP to stop and warn drivers whose cars don't have proper snow tires. Sometimes, the Mounties close the road altogether.

Despite the RCMP's measures, in 1995 there was a string of fatalities along the Sea-to-Sky Highway, also known as Hwy. 99. Investigating officers identified the problem as a lack of snow traction, coupled with lack of information for motorists to identify whether they had true snow tires or just "all-season" tires, which are a compromise.

These Mounties brought the problem to the attention of coroners. In 1995, Vince Cain, the chief coroner of British Columbia, wrote to Transport Canada asking that a method be developed to let non-experts know when they were looking at a true snow tire, that is, a tire suitable for severe conditions and not an "all season" tire.

The letter crossed the desk of John Neufeld, an automotive safety engineer at Transport Canada in Ottawa.

Now, the 14 or so major tire companies are all brutal competitors. They're headquartered all over the world. They each have their own standards and closely guarded testing secrets. Building consensus among them as to what constituted a repeatable test that would identify tires that performed to a certain acceptable standard – well, that wasn't easy.

Working with the Rubber Association of Canada and the Rubber Manufacturers Association in the U.S., Mr. Neufeld identified a particular test procedure of the American Society for Testing and Materials (ASTM). This test evaluates tires in real-world snow conditions.

After a lot of discussion, all the tiremakers agreed to adopt that recommended ASTM standard, along with the pictograph of a peaked mountain with a snowflake inside it. The new standard was announced in February 1999.

Today, if a tire bears the pictograph, even drivers who cannot read well will know it meets specific snow traction performance requirements and has been designed for severe snow, ice and winter conditions.

The actions of certain individual Canadians have led to improved winter driving safety for anyone in Canada and the U.S. willing to take advantage of it. And the mountain-snowflake symbol is spreading to Europe and beyond.

House Bill No. 322

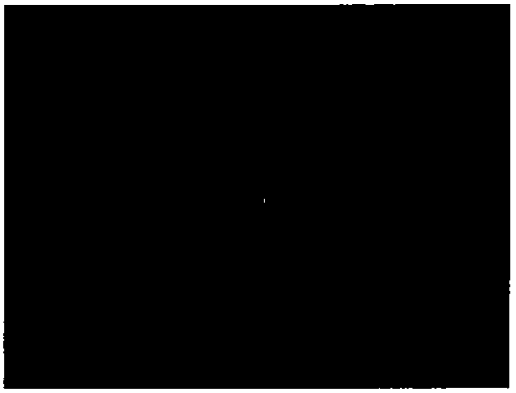
"An Act relating to winter tires; and providing for an effective date."

February 16, 2010

THE PURPOSE

To create a higher level of safety during winter driving months for ALL Alaskans.

BRAKE TESTING



Source: Nokian Tyres N.A. – Barrie, Ontario

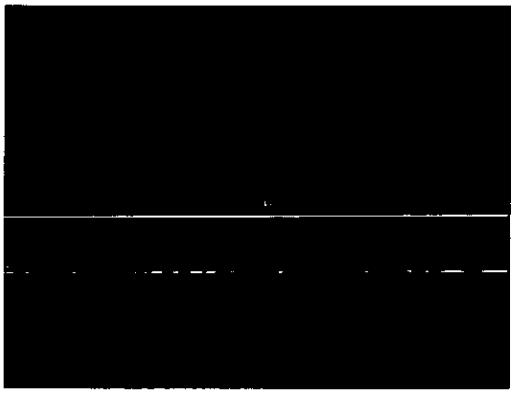
BRAKE TESTING

Source: Nokian Tyres N.A. – Barrie, Ontario

LATERAL TESTING

Source: Nokian Tyres N.A. – Barrie, Ontario

LATERAL TESTING



Source: Nokian Tyres N.A. – Barrie, Ontario

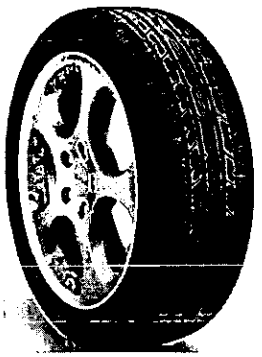
THE REASON

- Approximately 90% of Alaskans drive on All-Season or Summer tires in the winter.
- These tires are completely inadequate for all types of winter time driving.

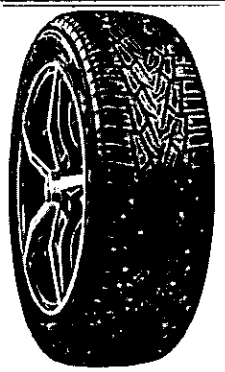
Source: State of AK Tire Tax Division Report 2009

ALL-SEASON TIRES

- All-Season tires are manufactured with generic Carbon Black compounding focusing on mileage.
- This compounding loses gripping capabilities at 38 degrees by 50%.
- At 15 degrees the tire's gripping capabilities are less than 10%.



WINTER TIRES SAVE LIVES



- Winter tires are manufactured with specific compounds, tread patterns and advanced studding systems designed for winter driving conditions.
- The sidewall of a winter tire has been designated with the Government's Severe Service Emblem.

WINTER TIRES SAVE LIVES

- Winter compounds remain pliable up to -40 degrees.
- Tread Patterns expel snow, slush and ice away from the driving path.
- Studs provide the highest level of traction in the most severe winter driving conditions, such as polished ice.

Source: Nokian Tyres PLC

WINTER TIRES SAVE LIVES

- The are several designated winter tires that can be purchased for year round use.
- For example:
  - Nokian WR G2
  - Hankook iPike
  - BF Goodrich

THE FACTS - ALASKA

2007

- 6,635 or 63% of all accidents occur during winter driving months, including accidents on dry pavement.
- 50% of these crashes occurred on ice.
  - Black ice
  - Polished ice
- 55% of the 6,635 accidents involved 4-Wheel drive vehicles.

Source: State of AK DOT 2007 Alaska Traffic Crashes Report

BENEFITS OF LEGISLATION

FINLAND

- Population: 5.3 million
- Performed most extensive and comprehensive socio-economic study regarding the mandatory use of winter tires, setting a benchmark for future studies.
- Results showed an economic/moral benefit to winter tire use.
- Results included millions of dollars of savings in medical and life insurance costs, personal property and State and Federal costs associated with accidents.
- 1995 – passed legislation requiring the use of winter tires.

Source: Transport Quebec - www.mtq.gouv.qc.ca

SWEDEN

- Population: 9.0 million
- 1988 – passed legislation requiring the use of winter tires.
- Result - Accidents involving major injuries and fatalities have decreased between 11-14% annually.

Source: VTI publication 366A, May 2005, Linkoping Sweden.

QUEBEC

- Population: 7.8 million
- 2008 – passed legislation requiring the use of winter tires.
- Prior to legislation statistics showed that 68% of accidents that occurred during the winter involved at least one vehicle that was equipped with all-season tires.
- Official numbers show a decrease of 42% in winter time accidents in 2009.

Source: Transport Quebec - www.mtq.gouv.qc.ca

GERMANY

- Population: 82.4 million
- 2006 - starts winter driving Public Service Announcements *encouraging* the use of winter tires.

Cause	2005	2006	2007
Winter Time Accidents	12,359	9,754	5,230
		-21.0%	-46.4%

Source: Statistisches Bundesamt Deutschland, www.destatis.de

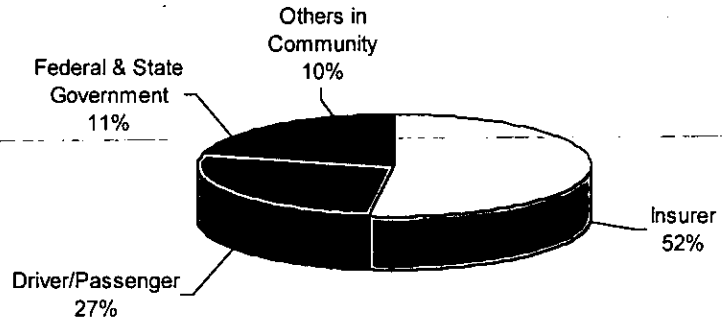
IN THE CASE OF STUDS...

- Studies suggest studded winter tires reduce the crash rate in winter by up to 10%.
- These "avoided crashes" save Alaskans approximately $26,000,000 per year in economic costs.

Source: Socio-Economic Effects of Studded Tire Use in Alaska / University of Alaska Anchorage, School of Engineering / 2004

IN THE CASE OF STUDS...

Who benefits the most from the $26,000,000 savings?



Source: Socio-Economic Effects of Studded Tire Use in Alaska / University of Alaska Anchorage, School of Engineering / 2004

THE TRICKLE DOWN EFFECT

- **As accidents decrease...**
- **Monies paid out will decrease...**
- **Causing insurance premiums to decrease...**
- **Resulting in Alaskans' Out-of-pocket expenses to decrease.**

The economic costs of crashes include Medical Costs, Emergency Services, Vocation Rehabilitation, Market Productivity, Household Productivity, Insurance Administration, Workplace Costs, Legal Costs, Travel Time, Property Damage

LEGISLATION OF WINTER TIRES

- **Legislation of winter tires will:**
  - **SAVE LIVES.**
  - **PROTECT ALASKANS.**
  - **CREATE JOBS.**
  - **SAVE ALASKANS MONEY.**

Rebecca Rooney

From: cindy Abwao [cyd25m@hotmail.com]
Sent: Friday, February 19, 2010 10:48 PM
To: Rep. Peggy Wilson

Dear Rep. Wilson

I understand that you are the chairperson of the transportation committee. Last Tuesday you heard Rep. Harris' HB-322 winter tire bill and all I can say I hope this bill is passed into law. I am from Iceland and have lived in Alaska for the past 4 years and feel very unsafe with drives that don't drive on winter tires. In Iceland winter tires are mandatory and the roads are so much safer. I am a mother of two children I simply don't feel safe around other drivers. Please find it in your heart to do what is right for all Alaskans. Please don't put a price on our families safety. Alaska is a special state that fairly compensate each and every one of us with the annual PFD. This is what Alaskans should use their money for. Please, help keep us safe.

Best regards,

Cindy

Hotmail: Trusted email with Microsoft's powerful SPAM protection. Sign up now.

Rebecca Rooney

legislation Filed

From: Rich Lamar [rlamar@jtsllc.com]
Sent: Saturday, February 20, 2010 4:37 PM
To: Rep. Peggy Wilson
Subject: HB 322 Winter Tire legislation

Greetings Representative Wilson,
Please read this.
I have been in the retail tire and automotive business for 37 years. I have been in management and customer service for 30 years. As customer service, I refer to being responsible for taking care of any customer concerns. I have worked in Alaska for 26 years, 4 years in Texas and 7 years in Arizona.
I have been summoned to court 7 times as a tire or automotive expert.
In my life, even when I've been monetarily strapped (poor), I've always purchased the best tires. There was no second guessing the best tire. All the traction failures I've seen customers have, were results of having worn tires on their vehicle. In the deserts of Arizona and Texas, these accidents didn't occur because of snow, ice or rain. The tread of the tire keeps the vehicle on the road and the shocks/struts keep the tire on the road. This is where the traction comes from.
One summer in Alaska, my vehicle hydroplaned (loss of control, due to film of water between tread of tire and pavement). I purchased these tires from Johnson's Tire Service and had driven on them for 56,000 miles. The next day, I put 4 new tires on. I will not tolerate traction failure. It was a 2 lane highway and a motorhome was coming head on. Ironically, 3 months later, I gave my 4 old tires to a customer; because, they wouldn't purchase tires (this is a major company in Anchorage, money wasn't an issue). They drove on my old tires for 5 years before they had to replace them. My point is they aren't concerned about traction, which equals safety.

This next paragraph is about tread. Most tires are manufactured with petroleum oil and toxic chemicals (such as chlorine). These products wear and permeate out of the tire. It is debatable how long that takes. I say it last for about 6 years. Typically, customers with all season tires complain about traction in the summer months when the tires are 5 years old. The oil and toxic chemicals are now exhausted from the tire decreasing the traction. This also means they are using winter tires in the winter; because, a summer tire spins in the winter and spinning wears out any tire prematurely. Nokian Tyre is the first manufacturer to produce tires without the use of petroleum oil and toxic chemicals. They started this 11 years ago. In their testing, they found it gave their tires more traction and lower rolling resistance (which equates to better fuel economy).
In all states of U.S., there is a statute that tires are not serviceable at 2/32nds of tread remaining. In our industry, when tread measures between 3 and 5/32nds, it is referred to as near end of useful life. In Europe, it has been deemed at 4mm (equal to 7/32nds) of tread on a winter tire is the minimum tread depth for winter traction. More worn than that, your winter traction is compromised. This will become a statute in Europe.
Original equipment tires. These are the tires that come equipped on your new vehicle. These are summer tires where the tread becomes hard at 37 degrees. Also, manufacturers strive to make safer vehicles. To accomplish this, they've incorporated larger brake rotors (discs that the brake pads clamp on to stop vehicle) and larger brake calipers (hydraulic unit that houses brake pads and applies pressure to). With this they need larger wheels for clearance of these components. With the larger wheel comes shorter height in tire sidewall to fit wheel well, now the tire is in the performance category, which is a harder rubber compound to give quicker steering and handling response. They do have good dry traction and sometimes wet traction. They do not have ice and snow traction.
Recently, as in two years ago, vehicle manufacturers have been urged by government to make vehicles more fuel efficient. In turn they asked tire manufacturers to produce tires to assist in achieving this. The result is yes they get better fuel economy; but, it takes twice as long in distance for vehicle to stop; because, the rubber compound is harder.
I never speak **All Season or M & S.** I've always disliked the term M & S, which all passenger and light truck tires have molded on the sidewall. M stands for mud and S stands for snow. What is good in the mud isn't good in snow and vice-versa. Again all passenger and light truck tires have this sported on the sidewall. Tires designed for mud have no siping (cuts in tread); so, the tread doesn't hold the mud. Winter tires should have special winter tread compound (remains pliable below freezing temperatures and is siped to hold snow for

snow on snow traction. Winter tires will not last as long or handle (tread squirm from siping) as well as summer tires in the summer. Summer tires are tested in 1 inch of water in Georgia and Texas to obtain traction rating for UTQG (Uniform Tread Quality Grading), which is required by government but not managed or controlled by government or any organization. This rating grades treadwear (how long the tire should last), traction and temperature (tire's ability to dissipate heat). Winter tires aren't required to have this rating; because, they're designed for traction only.

I would also like to note that some studdable tires, such as Hankook I-Pike are manufactured with carbon black (summer compound). This tire does have the severe service emblem and if it were driven on in the summer without studs the tire will be fine. It has summer compound.

Michelin and BF Goodrich have summer tires that have the appearance of severe service emblem; but, it isn't **the** emblem. Unfortunately, another marketing ploy to deceive consumers, just like **M & S**.

The only thing I have to say about **All Season/All Terrain** tires is they work well in the summer time or in the southern states.

It was said on Tuesday, "We like to follow what other states have done". Alaska resides in an Arctic/Nordic climate which is absolutely associated with winter. This is why winter tires are made. The tire tread keeps the vehicle on the road.

One additional item that troubles me, everyone talks about the one vehicle that drives on summer tires in the winter. What about all the other vehicles that are surrounding them as they drive (slide) around?

Best regards,

Rich LaMar
General Manager
Johnson's Tire Service

Rebecca Rooney

From: Kelly Gaede [kgaede@jtsllc.com]
Sent: Thursday, February 18, 2010 4:50 PM
To: Rep. Peggy Wilson
Cc: Rep. John Harris
Subject: HB-322... Winter tire legislation...

Dear Rep. Wilson,

I just wanted to drop you line thanking you for hearing some of information regarding Rep. Harris' Bill involving winter tire legislation for Alaska. We thought the amount of time given to this issue was excellent and we greatly appreciate the committee's time and interest in this important issue impacting so many Alaskans. I also wanted to take this opportunity to clarify and expand on a few points of interest made during Tuesday's hearing.

We cannot emphasis enough that this bill is **not** asking for Alaskans to own two sets of tires. We are stressing the importance of a tire suitable to handle **all** winter time conditions during winter time months. With the incredible technical advancements with in the tire industry over the past 20 years, manufacturers have created products that can for the first time provide safety during all four seasons. They've produced tires that now perform at the level of a world class winter tire and still provide a smooth comfortable and long lasting ride in the summer. There are several manufactures' that currently have tires that meet this category; all of which have the SEVER SERVICE EMBLEM designating them suitable for winter time use. **Alaskans can still own one set of tires.** It should also be noted that Alaskans will now have nearly 5 years in which to prepare for this legislation based on the amendments made to the bill.

It was also our understanding that some of the Representatives may have been under the impression that the information we provided was from tire manufactures. With regards to the statistical numbers involving accidents, cost savings to Alaskans as well as Federal and State level government's savings, this information was taken directly from **Socio-Economic Effects of Studs in Alaska - University of Alaska Anchorage, School of Engineering, 2004** study and was referenced as a source in the presentation give Tuesday, February 16th, 2010. I have attached a link below that has the entire study available to you for your reading. There was also a statement made by Rep. Gruenberg encouraging the DOT to provide information regarding its own statistics and safety facts. The information the DOT has regarding winter tires safety and specifically studded winter tires is very old. To this day the DOT continues to reference data from its 1972 studded winter tires tests and the impact regarding studding safety, performance and road wear implications. To say this information is antiquated and obsolete is an understatement; although the DOT is able to provide tremendous amounts of up to date and significant data on a myriad of other issues, winter tire performance and safety advancements is not one of them.

The seatbelt law was referenced several times during the hearing and the point was made about the financial impact to Alaskans. One law that was not mentioned is the mandatory use of child car seats. I am sure this bill was passed into law with little opposition; we see HB 322 – winter tire legislation far more reaching and impactful to the positive than car seat usage because it **will protect everyone in the vehicle.** HB – 322 should not be looked at any differently. We protect drives on multiple levels; from drivers' license tests, car insurance, seat belts and child car seats. HB - 322 should not be looked at any differently. It should also be mentioned that owning a car or any vehicle for that matter in the United States is a privilege and not a right so government involvement is sometimes necessary.

Rep. Wilson, I believe it was you who asked me the question regarding winter tire legislation in other states which should be clarified. Although there are no states that require winter tires state wide, several states do mandate winter tire use or the use of chains on tires in mountains areas and passes as well as highways that get an extraordinary amount of snow and ice; Washington, Colorado, Utah and Idaho to name a few. These states snowfall levels and coverage pale in comparison to Alaska's because of its latitudinal position globally. Alaska would not be the first state to mandate the use of winters in the United States so to speak. However it would be the first to cover the majority of the populated areas of a state which in our case is a safety necessity.

I hope this explains in a little more detail our feeling regarding this very important issue involving Alaskans. If there is anything else we can provide to you, please do not hesitate to contact us.

Thank you again and best regards,

Kelly Gaede,
President, JTSLLC

Rebecca Rooney

From: montana kid hammer [montanakidhammer@yahoo.com]
Sent: Saturday, February 20, 2010 2:03 PM
To: Rep. Scott Kawasaki
Cc: Rep. John Harris; Rep. Peggy Wilson; Rep. Mike Doogan; Rep. Tammie Wilson
Subject: RE: HB 322 Winter Tires!

Scott,

My many thanks for your support as too to HB 322.

You have a perspective as to the body of legislators that I do not, being there in that body with them. I am trying to come to know as many of them personally as I am able so I may better appreciate your (an their) perspective, concurrent. You are right to ask and I shall attempt my best effort, if I have been too harsh, and be a better man-of-manners and apologize to Mike, John and Peggy, yes.

I am no master of representative governing by any stretch of the imagination, nor am I a 'perfect one', oh far from. I know that where I have served in leadership, or seats of responsibility in local communities over the years in many places, I have always used the constitution/by laws (National or organizational internal) as first purview to service of others. I simply fail to see sufficiently or understand where House Bills like 322 or 357 do the same to serve the whole citizenry, or service and honor our State Constitution unto the people. I do see the term 'safety' batted around as a by-word for self-service or other far lesser causes that attend to the greater injury of common sense Common Law and citizen's civic rights. Sometimes a bit too often for my personal comfort. Thus my frustration flairs and sometimes unfairly so, yet two wrongs don't make a right, so I shall work to make right, properly. You are very correct about the other pieces of legislation related to our State Constitution's mandates of and to energy issues, and I am aware of these. Please read my 'tag line' below as it tells you, baseline, much about me.

Juneau is too far away from the people and handicaps the same too heavily, but you know this too. Yes, I will always be in touch with you and a host more of our legislators of both houses, thank you.

Thanks, with apologies all, Scott

Neil Wetherington,
Fairbanks

By this Justice is established Forever for all: ***Do all you have agreed to do. Do not encroach on other persons or their property. Also, "It is the right and the duty of the people to at all times be armed." Thomas Jefferson***

--- On **Sat, 2/20/10, Rep. Scott Kawasaki** <*Representative_Scott_Kawasaki@legis.state.ak.us*> wrote:

From: Rep. Scott Kawasaki <Representative_Scott_Kawasaki@legis.state.ak.us>
Subject: RE: HB 322 Winter Tires!
To: "montana kid hammer" <montanakidhammer@yahoo.com>
Date: Saturday, February 20, 2010, 11:05 AM

Neil...this came to my junk mail box, so I wasn't able to respond.

I am opposed to the bill and I don't think it has a chance of moving this session. I will fight it if it comes to the floor. I am on your side on this issue.

With that said, I think you owe an apology to those members of the legislature. They are very hard workers and two or three people with whom you disagree should taint the entire legislature. There are dozens of members here working on oil and gas legislation, susitina dam and trying to get out of here early.

I can appreciate that you are angry with some of the issues we tackle. That is the process. Please consider apologizing to those members. Keep in touch if I can help you in the future....sjk

Working Hard for Fairbanks Families

Representative Scott Kawasaki

Alaska State House • District 9 • Fairbanks

State Capitol Rm 428

Juneau, Alaska 99801

907.465.3466

http://www.akdemocrats.org/index.php?con_id=31

From: montana kid hammer [mailto:montanakidhammer@yahoo.com]
Sent: Tuesday, February 16, 2010 5:50 PM
To: Rep. John Harris
Cc: Rep. Mike Kelly; Rep. Tammie Wilson; Rep. Peggy Wilson; Rep. Scott Kawasaki

Subject: HB 322 Winter Tires!

John,

Are you on DRUGS!?! Stop this B^ll Sh%& with HB 322, winter tire legislation. Stop this crap RIGHT NOW. Peggy Wilson is rapidly proving to be an **idiot** and tire industry suck up at the state transportation committee it sorely appears, and I am truly tired of being 'babysat' by this foolish legislature. You all can't seem to door fix what we tell you, so you go off and invent 'stupidity' socialist style. Kill this bill and do it NOW! My tires will have 'snowflakes' on them when we are in HELL! I do not live in a 'nanny state' and don't you ever forget it! Be glad you are hiding in Juneau today.

I pray you understand me good on this one. Thank you for your support. Let us stop this stupidity now. Thank you.

Neil Wetherington,
Farmers Loop Road, Fairbanks

P.S.- Mike and Tammie and others, please help these legislators learn to stay out of our lives by curtailing this kind of nonsense. How about getting us energy and cheaper electricity in Fairbanks, and Daylight Savings Time. Not with cell phone bands and snowflake tires. Keep me posted, please.

By this Justice is established Forever for all: ***Do all you have agreed to do. Do not encroach on other persons or their property. Also, "It is the right and the duty of the people to at all times be armed." Thomas Jefferson***

Rebecca Rooney

From: Tina McGraw [tina.mcgraw@northstar.k12.ak.us]
Sent: Wednesday, February 17, 2010 9:46 AM
To: Rep. Scott Kawasaki; Rep. Jay Ramras; Rep. Peggy Wilson; Rep. David Guttenberg; Rep. Mike Kelly; Rep. Tammie Wilson
Cc: Mike Patrick McGraw; Kitty Redmon

Dear Legislators and Representatives,

Please take a look at the response to the story about proposed legislation requiring studded tires for Alaskans, it is not a good bill and NOT supported by your constituents. Feel free to contact me if you have any further questions.

http://newsminer.com/view/full_story/6376818/article-Alaska-Legislature-considers-making-snow-tires-mandatory?instance=home_news_window_left_top_2#cb_post_comment_6376818

Thank you for your consideration,

--

Tina McGraw
4687 Amherst Drive
Fairbanks, AK 99709
907-452-3001 (Home, call after 5pm)
aka "AKgranny" resident of AK for over 41 years

ccs: Please join me in letting our reps know how we feel about this proposed bill.

Rebecca Rooney

From: Powell, Justin C. [Justin.Powell@acsalaska.com]
Sent: Wednesday, February 17, 2010 10:37 AM
To: Rep. Peggy Wilson
Subject: Winter tires

You have no right to legislate what kind of tires I have to buy at $1000 a set.

Why don't you do something useful for a change life solving the energy crisis and finding a solution to the impending bankrupcy of the state when oil production drops to a level that will reduce the states budget to a fraction of what it is today!

Seriously, we have real problems in this state and this is what you people are wasting time on?

This transmittal may contain confidential information intended solely for the addressee. If you are not the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution or copying of this transmittal is strictly prohibited. If you have received this communication in error, please notify us immediately by reply or by telephone at 907-297-3000 and ask to speak with the message sender. In addition, please immediately delete this message and all attachments. Thank you.
ACS

Rebecca Rooney

From: David Akin [dave_in_ak120@yahoo.com]
Sent: Wednesday, February 17, 2010 11:35 AM
To: Rep. Peggy Wilson
Subject: HB322

Mrs. Wilson,

I'm writing to voice my opposition to the proposed legislation requiring that drivers equip their vehicles with winter tires, contained in HB322. This type of legislation is an obvious attempt to micro-manage the lives of ordinary citizens. Safe winter travel can be accomplished by adjusting ones driving to the conditions (which is already required by law) without the use of
special equipment (specifically winter tires). I would like to urge and request that you oppose this legislation and urge your constituents (in the legislature) to do so also. Thank you.

David Akin
7184 Westerlund St.
Salcha,AK 99714

Rebecca Rooney

From: Scott Brandon [scott.art@me.com]
Sent: Wednesday, February 17, 2010 12:20 PM
To: Rep. Peggy Wilson
Subject: Fwd: Mandatory Snow Tires (No Way)

Peggy - I've been using regular all terrain tires for 30 years in Fairbanks and see no reason for mandatory snow tires. The only problem with winter driving are the idiots that drive too fast for road conditions!

STOP Cell Phone use in cars.

BLOCK mandatory Snow Tires.

Scott Brandon
Fairbanks
scott.art@me.com

Scott Brandon
scott.art@me.com

Scott Brandon
scott.art@me.com

Scott Brandon
scott.art@me.com

Rebecca Rooney

From: splash [splash@zsplash.com]
Sent: Wednesday, February 17, 2010 12:49 PM
To: Splash
Subject: HB 332 - re: mandatory winter tires.... Vote NO

I read about this proposed bill on the News Miner website.

I urge you to vote against this bill. As a life-long Alaskan and careful driver, I believe we are each responsible for ourselves and our own driving, and that it should be my decision whether or not I invest in special winter tires. It should not become a legal requirement to drive in Alaska in the winter.

We do not need government intervention everywhere. Let's encourage common sense!

Thank you.

Susan Thorgaard

Rebecca Rooney

From: Chad Pendley [ChadPendley@PDCENG.US]
Sent: Wednesday, February 17, 2010 3:52 PM
To: Rep. Scott Kawasaki; Rep. Jay Ramras; Rep. Peggy Wilson; Rep. David Guttenberg; Rep. Mike Kelly; Rep. Tammie Wilson
Subject: no to rubber laws

I would like to voice my opposition to the possibility of rubber law (mandatory snow/winter/seasonal tires). I am strongly against making a law that forces folks to line the pockets of others.

Do not vote for the rubber law, I won't if presented to the public.

Thank you,
Chad Pendley

Chad Pendley
Systems Administrator

PDC Inc. Engineers
Planning Design Construction

1028 Aurora Drive | Fairbanks, Alaska 99709
v 907.452.1414 | f 907.456.2707 | www.pdceng.com

"Transforming Challenges into Solutions"

3452

Rebecca Rooney

From: BLY [berg6115@gmail.com]
Sent: Wednesday, February 17, 2010 9:22 PM
To: Rep. Alan Austerman; Rep. Nancy Dahlstrom; Rep. Les Gara; Rep. John Harris; Rep. Craig Johnson; Rep. Beth Kerttula; Rep. Kurt Olson; Rep. Bill Stoltze; Rep. Bob Buch; Rep. Mike Doogan; Rep. Berta Gardner; Rep. Mike Hawker; Rep. Reggie Joule; Rep. Bob Lynn; Rep. Pete Petersen; Rep. Bill Thomas; Rep. Mike Chenault; Rep. Bryce Edgmon; Rep. Carl Gatto; Rep. Bob Herron; Rep. Scott Kawasaki; Rep. Charisse Millett; Rep. Jay Ramras; Rep. Chris Tuck; Rep. Sharon Cissna; Rep. Anna Fairclough; Rep. Max Gruenberg; Rep. Lindsey Holmes; Rep. Wes Keller; Rep. Cathy Munoz; Rep. Woodie Salmon; Rep. Peggy Wilson; Rep. Harry Crawford; Rep. Neal Foster; Rep. David Guttenberg; Rep. Kyle Johansen; Rep. Mike Kelly; Rep. Mark Neuman; Rep. Paul Seaton; Rep. Tammie Wilson
Cc: Sen. Con Bunde; Sen. Johnny Ellis; Sen. Lesil McGuire; Sen. Bert Stedman; Sen. John Coghill; Sen. Hollis French; Sen. Linda Menard; Sen. Gary Stevens; Sen. Bettye Davis; Sen. Lyman Hoffman; Sen. Kevin Meyer; Sen. Joe Thomas; Sen. Fred Dyson; Sen. Charlie Huggins; Sen. Donny Olson; Sen. Tom Wagoner; Sen. Dennis Egan; Sen. Albert Kookesh; Sen. Joe Paskvan; Sen. Bill Wielechowski
Subject: KILL HB322

I'd like to express my disappointment and disapproval for HB322. Shame on any legislature who supports or votes for this bill especially the legislators with an "R" behind their title! Republicans need to STOP taking our freedoms away by supporting new regulations. Don't you people know that the Tea Party movement is alive and well in Alaska and we are tired of you guys listening to lobbyist rather than your constituents!

The quote that "winter tires saves lives" is ludicrous! Save driving habits is what saves lives. A car (and its components) is a "tool" and like any tool, if you use it improperly accidents happen! SO DON"T BLAME THE TIRES. And how dare you assume everyone can afford a second set of tires!

There's also a statistics that no passengers in a car reduces car accidents. Are you going to ban passengers in a car? I implore you to kill this bill in committee and serve the people as the founding fathers intended.

Rebecca Rooney

From: James Haddox [jhaddox19@yahoo.com]
Sent: Wednesday, February 17, 2010 9:56 PM
To: Rep. Scott Kawasaki; Rep. Jay Ramras; Rep. Peggy Wilson; Rep. David Guttenberg; Rep. Mike Kelly; Rep. Tammie Wilson
Subject: HOUSE BILL NO. 322

To my elected representatives,

Vote "NO" to this ridiculous bill please. This does not have the support of the people and is unnecessary. Please reference the comment section of the Fairbanks Daily Newsminer that mentions this bill and you will see the overwhelmingly negative response it's received. I will be monitoring the outcome of this bill and person voting "YES" to it will automatically get a "NO" vote from me come reelection time. Thank you.

Mr. James C. Haddox

Rebecca Rooney

From: Timothy Merrymon [tmerrymon@me.com]
Sent: Wednesday, February 17, 2010 11:40 PM
To: Rep. Tammie Wilson; Rep. Mike Kelly; Rep. David Guttenberg; Rep. Peggy Wilson; Rep. Jay Ramras; Rep. Scott Kawasaki; Rep. John Harris
Subject: HB322

I'm writing in regards to the subject bill as reported in the Fairbanks Daily News Miner, 17-Feb online edition. I state, respectfully, that as our elected representatives, you have more important matters to consider than whether or not you need to mandate Alaskans to drive on winter tires. Here are my reasons for this:

1. Drivers, irregardless of the rubber on their rims, need to drive in a way that reflects the road conditions. I personally have winter tires on a sedan and I ran off the road just last week traveling between Fairbanks and Delta Junction even though I took the precaution of weighting the rear end (it's rear wheel drive) to ensure I had traction. Conversely I have standard all weather radials on the family Suburban which has never had a problem and doesn't carry any weight in the rear. The question arises that if this law passes and we still see people running off the road and fatalities are we going to have you mandating that we drive 4-wheel drive vehicles with winter tires during the winter? Where does it stop after that?

2. The mandating of winter tires on many families will cause an undue hardship on them as they try and comply with the law. The last time I bought tires for a 1/4 ton 4-wheel drive, I was looking between $500 and $750 for 5 tires. You're still looking in excess of $500 for a sedan and you need the 5 tires because what happens if you end up with a flat and need to change it? You are basing your legislation on winter tires have better traction therefore, a family will need the spare tire to be the same winter tread or you lose the traction option. Then it is stated by the tire companies (those you had testify) that it is bad to keep changing the rims on tires. Therefore you have families being "pressured" into buying rims for these 5 winter tires so they don't have to change the rims and can do the job in the driveway. That's easily another $500 to $1,000 for a single car. I conclude that for a two car family they could possibly be looking at a bill of $2,750 bill (assuming the median price listed above for tires and rims). Are you willing to force this on your constituents in these times?

3. Finally, where does personal responsibility start in these days? At some point it's up to the individual driver to understand their ability to drive, the ability of their vehicle (and tires) to handle different road conditions, and to drive defensively given the traffic, other drivers, and the weather. No matter how much you legislate (tires, 4-wheel drive vehicles, seatbelts, speed limit, etc) there will be accidents and fatalities. That is a simple conclusion from the fact that you are driving a 2+ ton vehicle down the road with other similar and larger vehicles driving around you. Let's let people start taking responsibility for their own actions.

In conclusion, with all due respect, I submit that you have more important things to do than to determine whether or not Alaskans would be safer with winter tires in the winter or not. As a constituent of Representative Harris and a former resident of the Fairbanks North Star Borough, I submit to you all to let this bill die in committee or outright pull it off the list.

Respectfully,

Timothy Merrymon
Delta Junction
(907) 388-5304

HB322 – An Act Relating to Winter Tires

Proposed Amendments

Amendment #1

Page 1, line 11

After the word "studs." insert a new subsection to read:

Passed 14 includes SE.

(c) In this section, "Highway" means north of 60 North Latitude and exclusive of any road not connected to the Dalton, Parks, Richardson, Tok, Alaska, Glenn or Sterling Highways.

Amendment #2

Passed

Page 1, line 5:

After the word "from" delete [December] and insert October

After the word "to" delete [March] and insert April

Amendment #3

Passed 15,

Page 2, line 4:

After the word "effect" delete [December] and insert October 2014.

December 15, 2011 & insert

HB

333

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **HB 333**
() Publish Date:

Identifier (file name): HB333-DOLWD-OSH-03-30-10
Title: Naturally Occurring Asbestos in Gravel
Sponsor: Representative Joule
Requester: House Transportation

Dept. Affected: Labor and Workforce Development
RDU: Labor Standards and Safety
Component: Occupational Safety and Health
Component Number: 970

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**0.0**
CAPITAL EXPENDITURES							
CHANGE IN REVENUES	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
1172 Building Safety Account							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost: None

POSITIONS

Full-time							
Part-time							
Temporary							

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

There is no anticipated financial impact to the department as a result of this legislation.

Prepared by: Grey Mitchell, Director — Phone 465-4855
Division: Labor Standards and Safety — Date/Time 3/30/10 9:39 AM
Approved by: Click Bishop, Commissioner — Date 3/30/10
Agency: Department of Labor and Workforce Development

(Revised 11/6/2009 OMB)

March 26, 2010

Dear Committee Members:

NANA Regional Corporation (NRC) supports HB No. 333, as proposed by Representative Joule. While appropriately safeguarding the health of Alaskans, this important legislation would allow long-needed construction and public works projects to use gravel containing Natural Occurring Asbestos (NOA). This is a vital issue. Since 1999 numerous Ambler projects have been on hold. These projects (adding up to >$10 M) include:

- The Ambler Airport project - runway extension / upgrades to Grizzly Bridge
  (the Airport's last improvement – summer of 1991; Grizzly bridge, 1976)
- Construction of new sewer lagoon and access road
- Covering old sewer lagoon
  (Existing lagoon is breaching; the old lagoon will be covered once the new lagoon is constructed)
- Upgrades to water and sewer services
  (Last improvements 1973 / 1982)
- Building of new homes
  (Last new homes completed 1991 with the Northwest Inupiaq Housing Authority)
- Upgrades to existing dumpsite
  (Opened in 1976)

NRC has extensively explored the Ambler area for a gravel source free of NOA, but no such gravel has been found to date. Accordingly, NRC believes that legislation is a crucial part of the long-term solution to an important issue affecting rural Alaskans, including residents of Ambler. In parts of Alaska, the use of NOA-containing material in construction and public works projects is necessary to the maintenance and improvement of local infrastructure and the long-term health and vitality of some rural communities.

If NRC can provide any further assistance or information, please do not hesitate to contact me.

Sincerely,

Lance Miller
Vice President, Resources

City of Ambler
P.O. Box 09
Ambler, Alaska 99786
Phone (907) 445-2122/445-2205 * Fax (907) 445-2174
E-mail: cityofamblerak@yahoo.com

March 24, 2010

Sonny Adams
NANA Lands Department
Project Manager
3150 C. Street, Suite 150
Anchorage, Alaska 99503

RE: House Bill #333

Dear Mr. Adams,

I am writing this letter on behalf of the Ambler City Council members, staff and residents of Ambler, Alaska.

Since natural occurring asbestos was found in the early 1990's, 1999 to exact. Our existing gravel pit that NANA Corporation owns has been closed due to high concentration levels. Since then all future projects that City of Ambler has been on hold.

The Ambler City Council is requesting that the Legislature representatives push this issue to help the City of Ambler and residents find some regulation or permit to work with the gravel that we are stuck with here in Ambler. I know that NANA Corporation, DOT, DEC and who ever are helping the City of Ambler resolve this gravel issue are doing their best to resolve this issue.

It's been too long since we seen gravel or projects being started here in Ambler. I hope that this letter can be of help in regards to the asbestos issue so that The City of Ambler can provide local jobs for our residents that are in need of financial help.

Thank you.

Sincerely,

Honorable Mayor Morgan Johnson

Cc: File

During Session:
Alaska State Capitol
Juneau, Alaska 99801-1182
(907) 465-4833
Fax (907) 465-4586
1-800-782-4833
Representative_Reggie_Joule@legis.state.ak.us

During Interim:
P.O. Box 673
Kotzebue, Alaska 99752
(907) 442-3880
Fax (907) 442-3022

Alaska State Legislature
REPRESENTATIVE REGGIE JOULE

SPONSOR STATEMENT FOR HB 333

HB 333, "An Act directing the Department of Transportation and Public Facilities to develop and implement standards and operating procedures allowing for the use in the construction and maintenance of transportation projects and public facilities and in the construction of projects by public and private entities of gravel or aggregate materials that contain naturally occurring asbestos, and authorizing use on an interim basis of those materials for certain transportation projects and public facilities; and relating to certain claims arising out of or in connection with the use of gravel or aggregate materials."

HB 333 is a measure intended to authorize and regulate use of "gravel or aggregate material that is not free of naturally occurring asbestos." As defined in the bill, asbestos is defined as gravel, rock, sand and similar materials that are determined to have a content of at least 0.25 percent asbestos by mass. Asbestos is a commercial term that describes certain naturally occurring silicate minerals in the form of long, fibrous crystals. Noted for its strength and resistance to heat and chemical damage, asbestos has been mined and used commercially since the time of ancient Greece. Six types of asbestos are known to have human health impacts and are regulated by both the federal and state government. The health risks associated with asbestos are related to direct exposure. The exposure causing the greatest concern is inhalation of the material when particles become airborne, a frequent occurrence during some excavation and construction projects. The use of naturally occurring asbestos ("NOA") in construction projects may be regulated by states. Virginia and California have been regulating NOA for many years and several other states are in the process of addressing the issue.

Alaska has large known deposits of ultramafic and serpentine mineral ore throughout the state containing NOA. (Please see maps included in the packet pgs. 29-32 of the report titled, *Naturally Occurring Asbestos in Alaska and Experiences and Policy of Other States Regarding*

its Use). There are documented cases of NOA being found in several areas of the state, including Juneau, along the Dalton Highway, and in Ambler. Discovery of NOA has delayed and, in Ambler's case, halted construction projects when it was found. Some experts believe that over time, and with increasing development of our rich mineral resources, more NOA will be documented, particularly in the very areas that are rich in minerals and likely to be developed. Additionally, several large projects are on the state's horizon that will require the use of large amounts of gravel. These large projects are in mineral rich areas of the state. Most notably, it is estimated that the new gas pipeline alone may use 50 to 60 million cubic yards of new gravel. Many miles of the Dalton Highway will be reconstructed in support of the project, requiring additional gravel. There is also the possibility of a large railroad extension from Fairbanks to Delta. Moreover, almost all airport construction and upgrades in rural areas of the state require material from local gravel sources; a new small airport can use up to 25,000 cubic yards of gravel. Some localities in Alaska do not have gravel sources that are free of NOA. Any issues regarding NOA and how to handle it should be resolved before it becomes an issue during the actual preconstruction or construction process of one of these large projects.

Currently in Ambler two construction projects, a sewage lagoon and an airport project, have been delayed for years after NOA was discovered in 2003. A solution was found that will allow the sewage lagoon project to be completed this summer, but the future of the airport project and any future construction projects in Ambler remain unresolved. Ambler is located in the small mountain ranges along the Brooks Range. The mountains in the area are mineral rich, containing large ore and jade deposits and reportedly one of the world's largest copper deposits. The NOA problem in Ambler poses unique challenges, as the community uses gravel for its road system, airport runway, public utilities and local projects. All of the gravel for these projects was obtained at the local gravel pit, which has now been closed due to the NOA.

Currently when NOA is discovered in a project, construction is put on hold or delayed until a solution is found on a case-by-case basis. The easiest solutions are usually to cover the NOA with asphalt or concrete, or to find a nearby source of asbestos-free gravel. In 2004, an effort was made to find gravel free of NOA within a reasonable distance of Ambler, but none has yet been found. The closest NOA-free material is nearly 30 miles away. The current bill will provide a way forward to complete halted construction projects in Ambler.

The bill directs the Department of Transportation and Public facilities to develop and implement statewide standards and operating procedures (SOP) to allow for the use of NOA in construction and maintenance projects for both the state and private entities. The SOP will balance the needs of moving forward with construction projects while protecting the health of Alaskan workers and communities.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM March 22, 2010

SUBJECT: Draft CSHB 333( ), addressing use of gravel or other aggregate materials containing naturally occurring asbestos, and providing immunity for certain claims arising out of or in connection with the use of asbestos -- sectional analysis
(Work Order No. 26-LS1248\S)

TO: Representative Reggie Joule

FROM: Jack Chenoweth
Assistant Revisor

This is by way of response to Christine Hess's request for a sectional analysis of CSHB 333( ), prepared for your office as a draft committee substitute without sponsor.

House Bill 333 is a measure principally intended to authorize and regulate use of "gravel or other aggregate material that is not free of naturally occurring asbestos" -- a phrase intended to cover aggregate material from which asbestos, naturally occurring in small quantities, cannot be readily removed before use -- in conjunction with various construction projects. The phrase is defined in the bill at page 5, beginning at line 31, to mean:

> . . . gravel, rock, sand, and similar materials that are appropriate to and intended for use in construction of a transportation project or public facility that, when tested using a bulk test method prescribed by the department by regulation, are determined to have a content of at least 0.25 percent asbestos by mass.

In the permanent law provisions of the bill --

Bill section 4 proposes to add new material to AS 44.42.020 -- a new subsection (c) -- to prescribe what the Department of Transportation and Public Facilities shall do to implement direction given to make use of gravel and aggregate materials that contain naturally occurring asbestos. The subsection first directs the department to develop, implement, and revise statewide standards and operating procedures to allow use of these materials in construction and maintenance projects. Paragraph (c)(1) spells out the required content of the means and measures to be adopted as part of the department's standards. Paragraph (c)(2) gives direction to the department as to the content of its project operating procedures that apply to use of this aggregate material in transportation

facilities and in public works projects -- that is, in projects initiated or contracted for by the department. Paragraph (c)(3) contains the operative definition described above and, in the absence of a separate definition, cross references the definition of "asbestos" already set out in AS 18.31.500.[1]

Bill section 3 amends the state code provisions addressing asbestos by adding a new section, AS 18.31.250, to authorize use of this aggregate material in construction projects that are not initiated or contracted for by the Department of Transportation and Public Facilities. As with state-initiated projects, if the construction of a facility or project contemplates use of gravel, rock, sand, or a similar aggregate material that is not free of naturally occurring asbestos, the principal construction contractor or the party having legal authority for the facility's or project's design and construction is directed to file documents with the department demonstrating compliance with the department's standards and operating procedures and to secure department approval under those standards and procedures before initiating use of the material in the construction of the facility or project.

Bill section 2 speaks to the matter of immunity from civil action or a claim for civil damages based on an alleged asbestos-related death, injury, illness, or disability or an asbestos-related property damage claim. The provision would bar actions against a defendant based on the defendant's ownership of land from which asbestos is taken or based on the defendant's supplying or using gravel when that activity complies with the appropriate requirements of AS 18.31.250 or AS 44.42.020(c) in the course of use of gravel or aggregate containing naturally occurring asbestos. Additionally, the proposal would limit recovery based on noncompliance with the two new codified sections, AS 18.31.250 and AS 44.42.020(c), "only as against a defendant that has direct control over or responsibility for compliance with the requirements" of the provisions of the two new codified sections. This bill section contains a definition of the term "asbestos" that cross-references AS 18.31.500; the text of the definition appears in this memo's earlier note.

In the temporary, or uncodified, provisions of the measure --

Bill section 1 contains legislative findings and purpose statements to explain and support the measure. This material, drawn from language submitted by your office at the time of the initial drafting request, is intended to provide support to the permanent law changes in the provisions that follow it.

The department's development of generally-applicable initial standards and operating procedures will take time. **Bill section 5**, a temporary law provision, permits the department to review and approve site-specific plans submitted for state projects and

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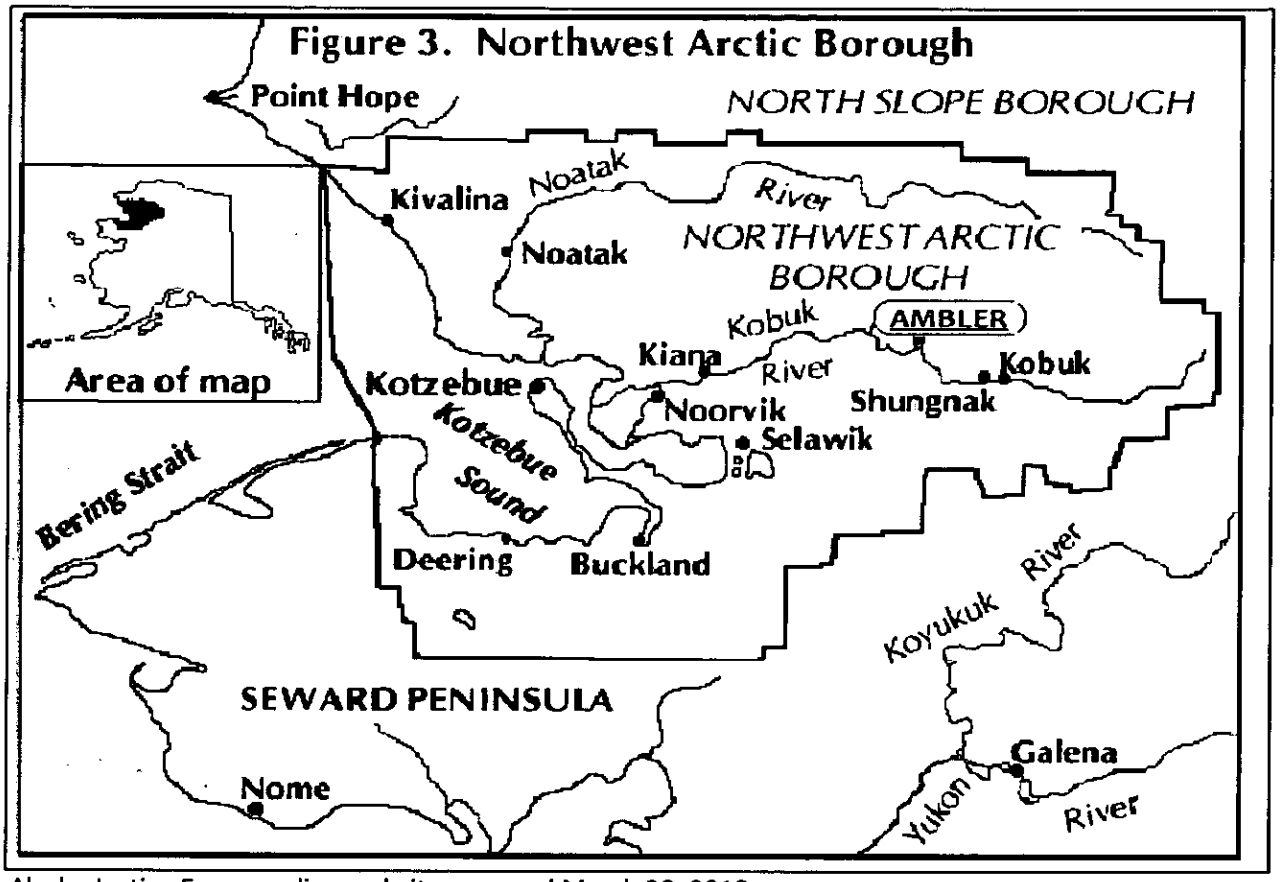
[1] AS 18.31.500 defines "asbestos" to mean "chrysotile, amosite, crocidolite, fibrous tremolite, fibrous anthophyllite, and fibrous actinolite," a technical definition but one commonly used in statutory definitions in other jurisdictions.

for projects not initiated by the department during the interim period before initial standards and operating procedures are adopted and take effect. The approval authority provided in this bill section is scheduled to expire December 31, 2011. **Bill section 6** authorizes the department to use a specific standard previously adopted by the California Air Resources Board on an interim basis for the purpose of determining the asbestos content of a bulk sample in a bulk test required under the new permanent law provisions until the department adopts its initial standards that may be more relevant to this state's experience.

An effective date provision, **bill section 7**, would give the measure an immediate effective date.

JBC:med
10-053.med

AMBLER, ALASKA



Alaska Justice Forum online website accessed March 28, 2010:
http://justice.uaa.alaska.edu/forum/15/1spring1998/a_ruraldef.html

POPULATION[1]: 309 people, 79 households, and 63 families residing in the city as of 2000 Census.

ECONOMY[2]:

- Most of Ambler's 300 residents are Iñupiat Eskimo people who live a subsistence lifestyle harvesting a variety of freshwater fish (including chum salmon), caribou, moose, bear and berries.
- Cash employment is limited to the school, City office, Native Village of Ambler IRA, health clinic, and local stores, and nearby Red Dog Mine, the world's largest Zinc Mine.
- Exquisite birch bark baskets made in Ambler are sold in Kotzebue and throughout the state; fur pelts, and jade, quartz, bone and ivory provide additional income.

[1] US Census Fact finder online site accessed March 28, 2010:
http://factfinder.census.gov/servlet/QTTable?_bm=y&-geo_id=16000US0201970&-gr_name=DEC_2000_SF1_U_DP1&-ds_name=DEC_2000_SF1_U&-_lang=en&-_sse=on

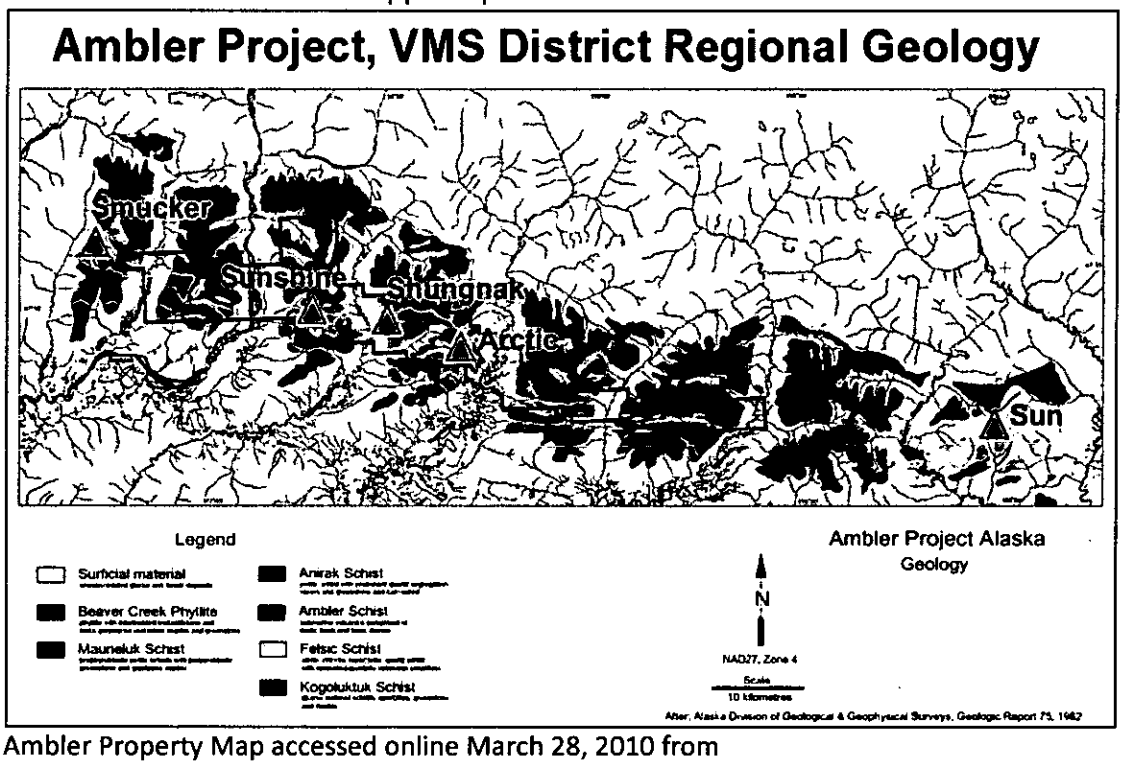
[2] Ambler, Alaska data accessed March 28, 2010 from:
http://www.nana.com/index.php?option=com_content&task=view&id=65&Itemid=162

TRANSPORTATION[3]:

- Ambler's major means of transportation are by barge, plane, small boat and snow machine. There are no roads linking the City to other parts of the state.
- A State-owned 3,000' long by 60' wide lighted gravel airstrip, with a 2,400' long by 60' wide gravel crosswind airstrip, is located one and a half miles from the City.
    - Bering Air, Hageland Aviation, Tanana Air Service and Warbelow's Air Ventures offer passenger flight service. In addition, daily scheduled services are provided out of Kotzebue, and air taxis provide charter flights. The airstrip has recently undergone major improvements.
- Crowley Marine Services barges fuel and supplies to Ambler each summer.
- Boats are used for inter-village travel and subsistence activities. ATVs and snow machines are commonly used in winter.

MINEROLOGY:

- Rich mineralogy nearby in "Arctic" mineral deposit.
    - "A resource estimate for the Arctic deposit confirmed it as one of the world's largest undeveloped copper-zinc VMS deposits, with very high grades and significant precious metal credits. On an equivalent metal basis, the average metal content exceeds 8% copper equivalent." [4]



Ambler Property Map accessed online March 28, 2010 from http://www.novagold.com/upload/technical_reports/GeologyMap.JPG

[3] Ambler, Alaska data accessed March 28, 2010 from: http://en.wikipedia.org/wiki/Ambler,_Alaska

[4] NovaGold information on Ambler Project accessed March 28, 2010 from: http://www.novagold.com/section.asp?pageid=3360

Chapter 42. Department of Transportation and Public Facilities.

Article
1. Department Organization and Functions (§§ 44.42.010 — 44.42.080)
2. Aviation Advisory Board (§§ 44.42.200 — 44.42.290)
3. Certain Federal Highway Programs (§ 44.42.300)
4. General Provisions (§ 44.42.900)

Administrative Code. — For transportation and public facilities, see 17 AAC.
For local control of state public works projects, see 17 AAC 55.

Collateral references. — 39 Am. Jur. 2d, Highways, Streets, and Bridges, § 1 et seq.
39A C.J.S., Highways, § 1 et seq.

Article 1. Department Organization and Functions.

Section
10. Commissioner of transportation and public facilities
20. Powers and duties
30. Regulations
40. Departmental organization
50. State transportation plan
60. Grants to the department
65. Conservation of energy in public buildings
70. Limitation on transportation facilities
80. Capital projects funds

Sec. 44.42.010. Commissioner of transportation and public facilities. The principal executive officer of the Department of Transportation and Public Facilities is the commissioner of transportation and public facilities. (E.O. No. 39, § 2 (1977))

Sec. 44.42.020. Powers and duties. (a) The department shall

(1) plan, design, construct, and maintain all state modes of transportation and transportation facilities and all docks, floats, breakwaters, buildings, and similar facilities;

(2) study existing transportation modes and facilities in the state to determine how they might be improved or whether they should continue to be maintained;

(3) study alternative means of improving transportation in the state with regard to the economic costs of each alternative and its environmental and social effects;

(4) develop a comprehensive, long-range, intermodal transportation plan for the state;

(5) study alternatives to existing modes of transportation in urban areas and develop plans to improve urban transportation;

(6) cooperate and coordinate with and enter into agreements with federal, state, and local government agencies and private organizations and persons in exercising its powers and duties;

(7) manage, operate, and maintain state transportation facilities and all docks, floats, breakwaters, and buildings, including all state highways, vessels, railroads, pipelines, airports, and aviation facilities;

(8) study alternative means of transportation in the state, considering the economic, social, and environmental effects of each alternative;

(9) coordinate and develop state and regional transportation systems, considering deletions, additions, and the absence of alterations;

(10) develop facility program plans for transportation and state buildings, docks, and breakwaters required to implement the duties set out in this section, including but not limited to functional performance criteria and schedules for completion;

(11) supervise and maintain all state automotive and mechanical equipment, aircraft, and vessels, except vessels and aircraft used by the Department of Fish and Game or the Department of Public Safety; for state vehicles maintained by the department, the

department shall every five years evaluate the cost, efficiency, and commercial availability of alternative fuels for automotive purposes, and the purpose for which the vehicles are intended to be used, and convert or purchase vehicles to use alternative fuels whenever practicable; the department may participate in joint ventures with public or private partners that will foster the availability of alternative fuels for all automotive fuel consumers;

(12) supervise aeronautics inside the state, under AS 02.10;

(13) implement the safety and financial responsibility requirements for air carriers under AS 02.40;

(14) inspect weights and measures;

(15) at least every four years study alternatives available to finance transportation systems in order to provide an adequate level of funding to sustain and improve the state's transportation system.

(b) The department may

(1) engage in experimental projects relating to available or future modes of transportation and any means of improving existing transportation facilities and service;

(2) exercise the power of eminent domain, including the declaration of taking as provided in AS 09.55;

(3) publish plans, schedules, directories, guides, and manuals for distribution, with or without charge, to private or public entities or persons;

(4) operate state housing in support of the department's statutory responsibilities and charge rent that is consistent with applicable collective bargaining agreements, or, if no collective bargaining agreement is applicable, competitive with market conditions;

(5) charge reasonable fees to cover the costs of issuing easements, licenses, and permits and to cover the costs of reproduction, printing, mailing, and distribution of contract and bid documents and design and construction standards manuals;

(6) charge and collect fees for training services and technical assistance provided by department personnel. (E.O. No. 39, § 2 (1977); am § 13 ch 168 SLA 1978; am § 12 ch 83 SLA 1980; am E.O. No. 50, § 10 (1981); am § 77 ch 138 SLA 1986; am § 62 ch 36 SLA 1990; am § 2 ch 122 SLA 1994; am E.O. No. 98 § 8 (1997); am § 2 ch 39 SLA 2005)

Cross references. — For the responsibility and authority of the supreme court over state court facilities, see AS 22.05.025.

Effect of amendments. — The 2005 amendment, effective August 31, 2005, in subsection (a), in paragraph (11), substituted "every five years" for "annually" and references to "alternative fuels" for references to "natural gas"; deleted former paragraphs (13)-(15) and redesignated former paragraphs (16) and (17) as paragraphs (13) and (14); and added paragraph (15).

Opinions of attorney general. — The Department of Transportation and Public Facilities can manage and operate a vessel maintenance facility under the authority of AS 44.42.020(a)(1) and (a)(7) and AS 19.05.010. July 1, 1985 Op. Att'y Gen.

The Department of Transportation and Public Facilities possesses the authority to lease for operation a vessel maintenance facility it manages, by virtue of AS 44.42.020(a)(6) and AS 19.05.040. July 1, 1985 Op. Att'y Gen.

Sec. 44.42.025. Accounting and disposition of receipts. [Repealed, § 92 ch 36 SLA 1990.]

Sec. 44.42.030. Regulations. The department may adopt regulations under AS 44.62 (Administrative Procedure Act) to implement, interpret, or make more specific its powers and duties. (E.O. No. 39, § 2 (1977))

Sec. 44.42.040. Departmental organization. The commissioner shall establish regions within the state. The functions of the department within each region shall be performed, to the maximum extent feasible, through a regional office. Each regional office shall be directed by a regional transportation and public facilities director appointed by the commissioner. (E.O. No. 39, § 2 (1977))

(1) establish guidelines for employee training certification programs, including respiratory and competency tests to be completed successfully, to ensure that a person who is employed to abate asbestos health hazards is trained to do the work safely and is informed about the danger of working with asbestos;

(2) review certification programs proposed by contractors, labor organizations, public and private vocational training programs, and others for persons who will be employed to abate asbestos health hazards;

(3) approve proposed certification programs that meet the department's guidelines under this subsection;

(4) assist in meeting the certification guidelines those whose certification program proposals have been found unacceptable.

(b) Before a contractor may undertake work to abate an asbestos related health hazard, the contractor shall

(1) propose to the Department of Labor and Workforce Development a plan for the certification of its employees as adequately trained to handle asbestos in a safe and knowledgeable way;

(2) receive approval from the department of that plan; and

(3) certify that each person who will work on the abatement of an asbestos health hazard is adequately trained to handle asbestos in a safe and knowledgeable way.

(c) A person may not be employed to abate an asbestos health hazard unless the person has been certified in a program approved by the Department of Labor and Workforce Development under (a) of this section.

(d) A contractor who violates (b) or (c) of this section is subject to a civil penalty not to exceed $1,000, as determined by the commissioner of labor and workforce development.

(e) A contractor who violates (b) of this section is guilty of a class A misdemeanor.

(f) A contractor who violates (c) of this section is guilty of a class B misdemeanor.

(g) The Department of Labor and Workforce Development shall adopt by regulation a fee schedule for

(1) review, approval, and certification of asbestos training certification programs and plans under this section; and

(2) certification of a person employed to abate an asbestos health hazard. (§ 2 ch 71 SLA 1985; am § 3 ch 2 FSSLA 1992)

Revisor's notes. — Enacted as AS 18.28.200. Renumbered in 1985.

In 1999 "commissioner of labor" was changed to "commissioner of labor and workforce development" and "Department of Labor" was changed to "Department of Labor and Workforce Development" in this section in accordance with § 90, ch. 58, SLA 1999.

Article 3. General Provisions.

Section
500 Definitions

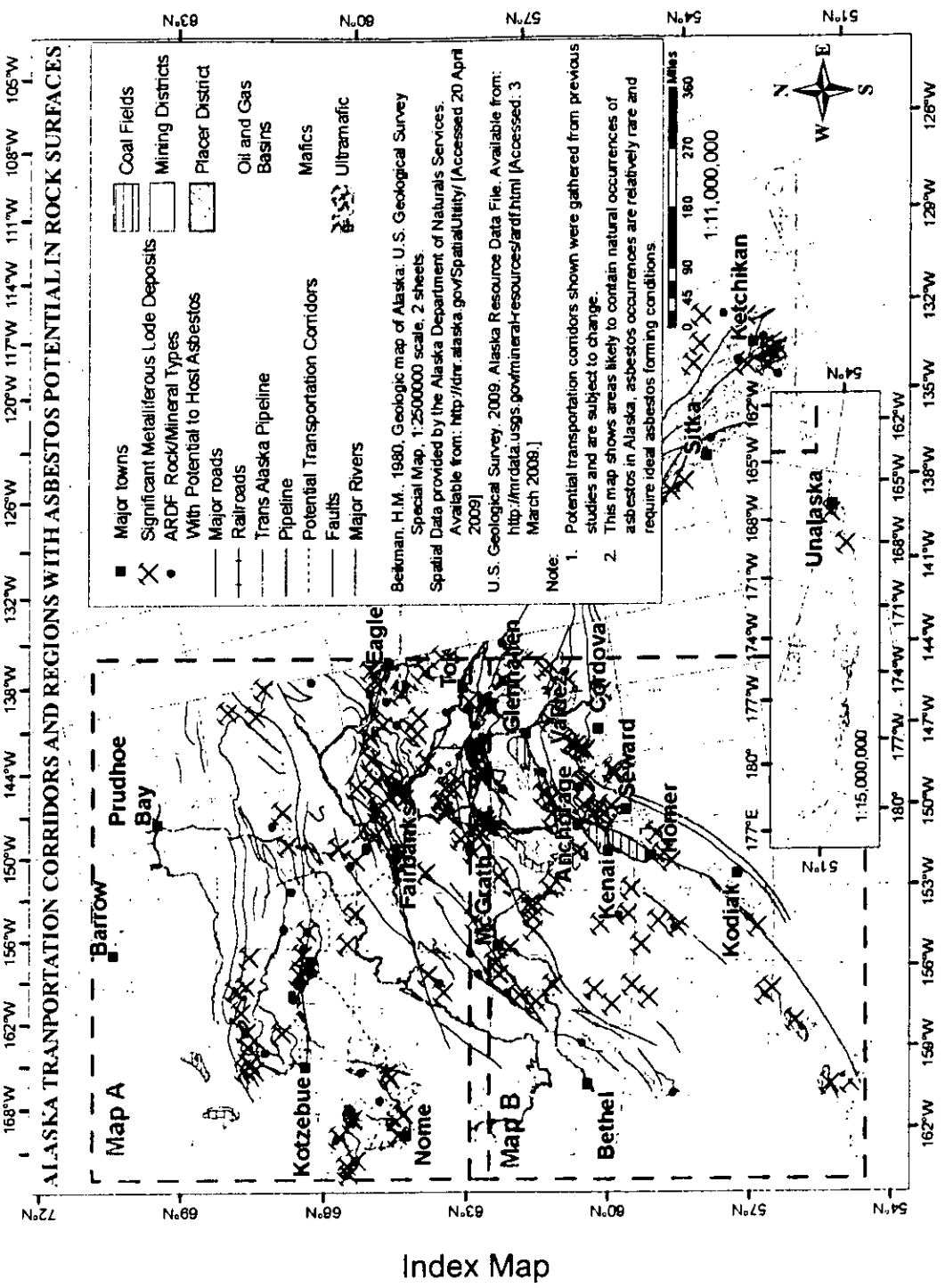
Sec. 18.31.500. Definitions. In this chapter,

(1) "asbestos" means chrysotile, amosite, crocidolite, fibrous tremolite, fibrous anthophyllite, and fibrous actinolite;

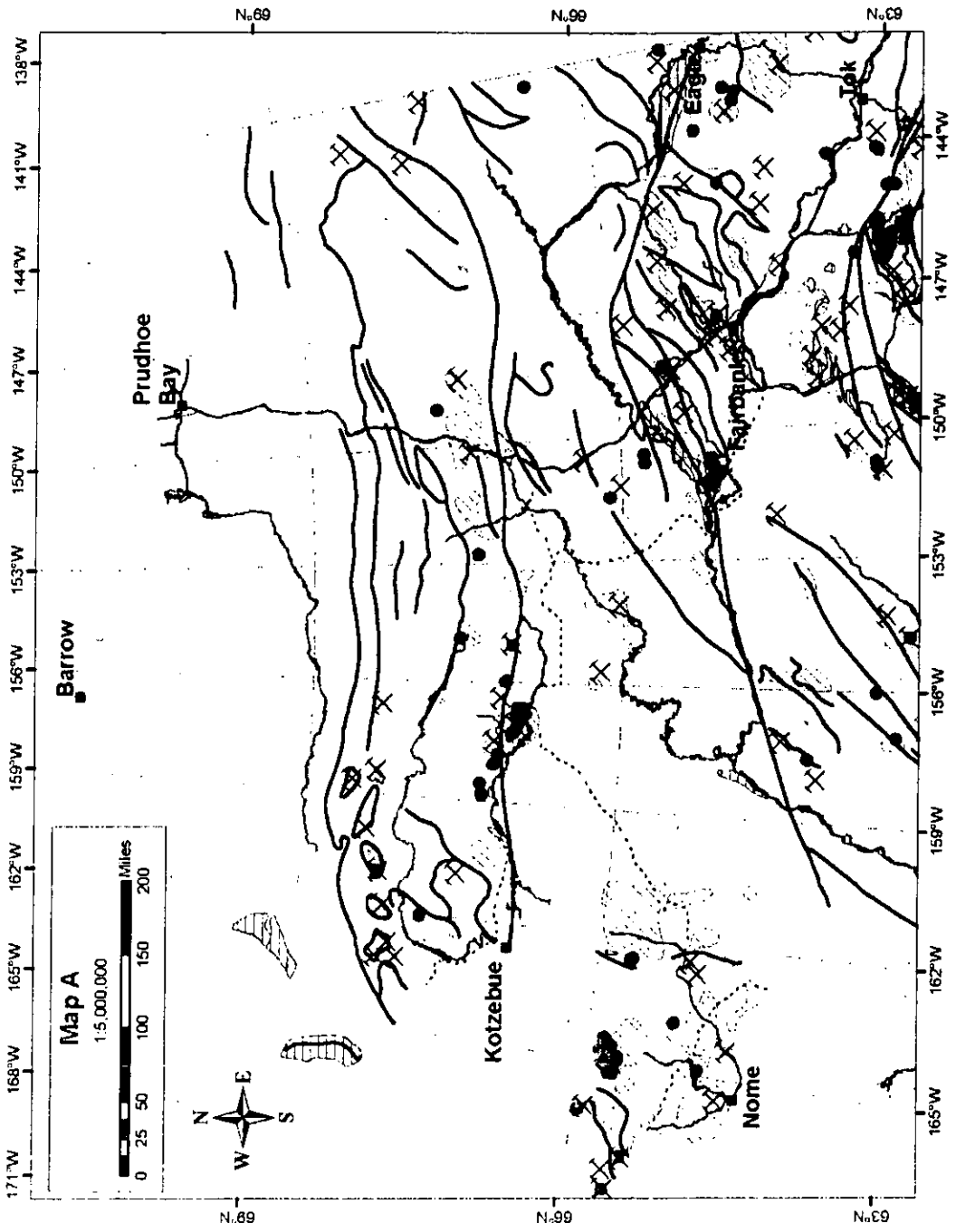
(2) "asbestos health hazard" means the presence of material containing asbestos that carries a risk of releasing asbestos fibers into the atmosphere;

(3) *[Repealed, § 38 ch 30 SLA 1992.]* (§ 2 ch 71 SLA 1985; am § 38 ch 30 SLA 1992)

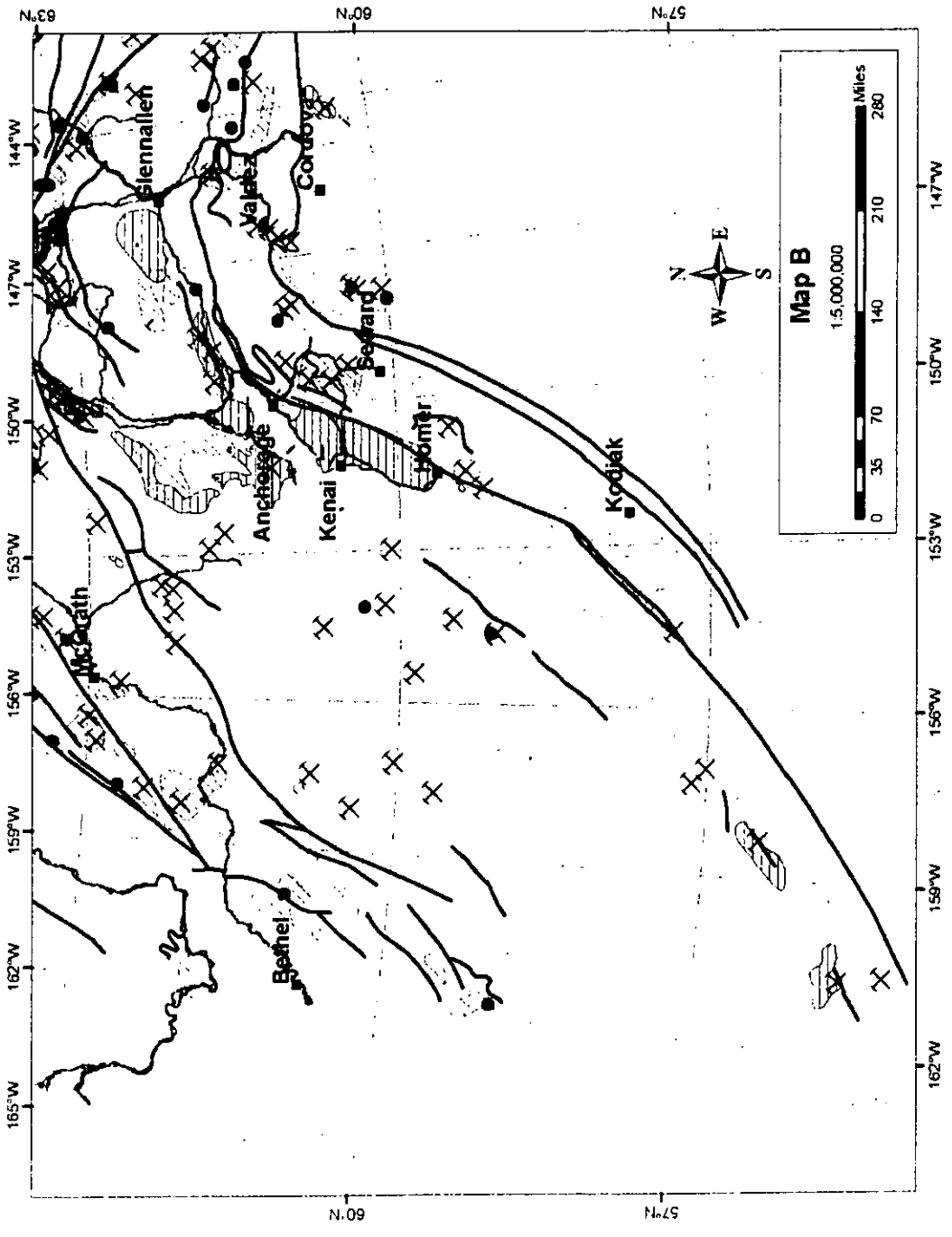
Revisor's notes. — Enacted as AS 18.28.500. Renumbered in 1985.


ALASKA TRANPORTATION CORRIDORS AND REGIONS WITH ASBESTOS POTENTIALIN ROCK SURFACES
Major towns
Significant Metalliferous Lode Deposits
ARDF Rock/Mineral Types With Potential to Host Asbestos
Major roads
Railroads
Trans Alaska Pipeline
Pipeline
Potential Transportation Corridors
Faults
Major Rivers
Coal Fields
Mining Districts
Placer District
Oil and Gas Basins
Mafics
Ultramafic
Beikman, H.M., 1980, Geologic map of Alaska: U.S. Geological Survey Special Map, 1:2500000 scale, 2 sheets.
Spatial Data provided by the Alaska Department of Natural's Services. Available from: http://dnr.alaska.gov/SpatialUtility/ [Accessed 20 April 2009]
U.S. Geological Survey, 2009, Alaska Resource Data File. Available from: http://mrdata.usgs.gov/mineral-resources/ardf.html [Accessed: 3 March 2009.]
Note:
1. Potential transportation corridors shown were gathered from previous studies and are subject to change.
2. This map shows areas likely to contain natural occurrences of asbestos in Alaska, asbestos occurrences are relatively rare and require ideal asbestos forming conditions.
Miles
1:11,000,000
1:15,000,000
Map A
Map B
Barrow
Prudhoe Bay
Kotzebue
Nome
Eagle
Fairbanks
Tok
McGrath
Glennallen
Valdez
Anchorage
Cordova
Seward
Homer
Kenai
Kodiak
Bethel
Sitka
Ketchikan
Unalaska
Index Map

3471

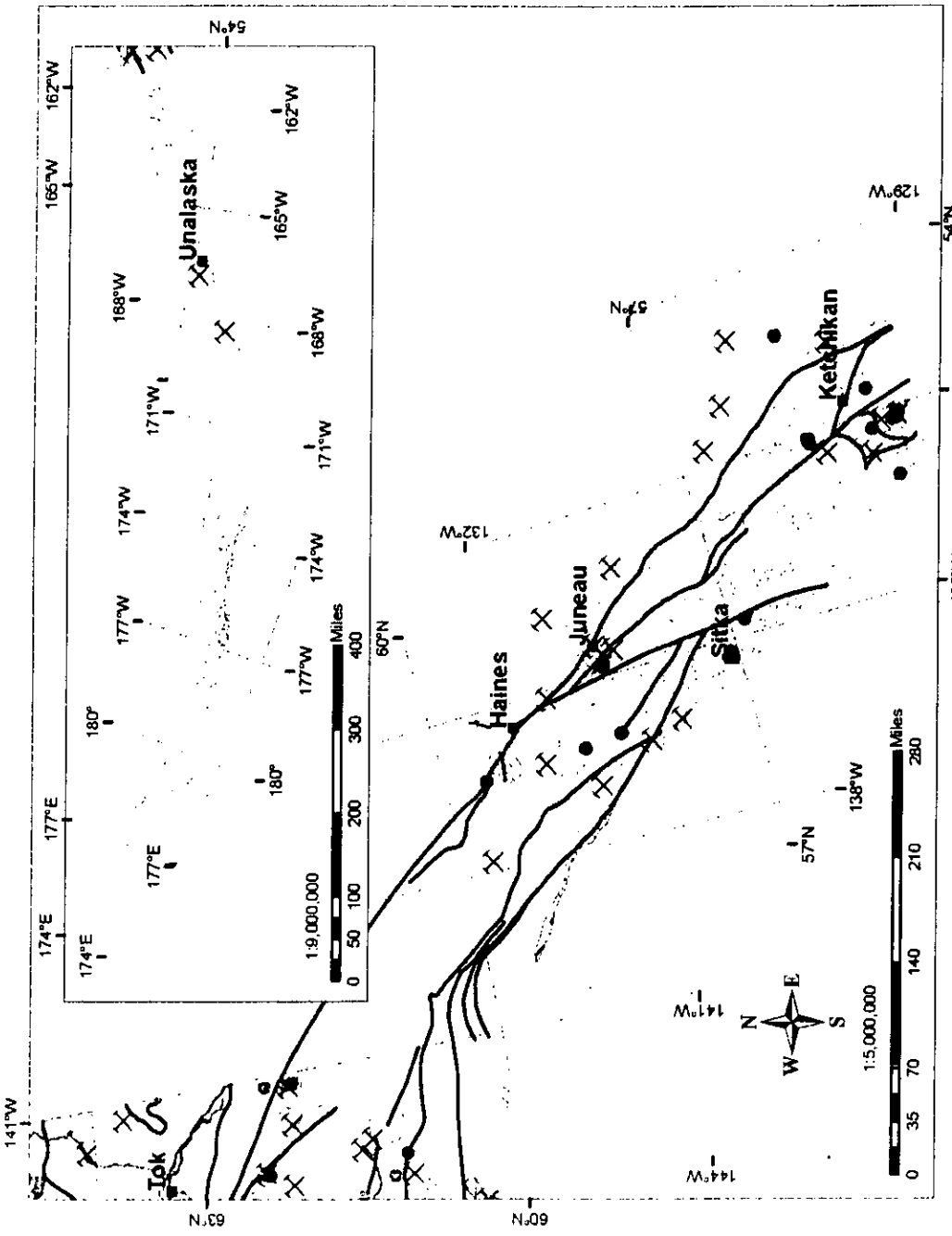


Map A, Northern Alaska



Map B South Central

3473



Map C, Southeast and panhandle

ATSDR
AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

ASBESTOS
CAS # 1332-21-4

Division of Toxicology ToxFAQs™ September 2001

This fact sheet answers the most frequently asked health questions (FAQs) about asbestos. For more information, call the ATSDR Information Center at 1-888-422-8737. This fact sheet is one in a series of summaries about hazardous substances and their health effects. It's important you understand this information because this substance may harm you. The effects of exposure to any hazardous substance depend on the dose, the duration, how you are exposed, individual susceptibility and personal habits, and whether other chemicals are present.

HIGHLIGHTS: Exposure to asbestos usually occurs by breathing contaminated air in workplaces that make or use asbestos. Asbestos is also found in the air of buildings that are being torn down or renovated. Asbestos exposure can cause serious lung problems and cancer. This substance has been found at 83 of the 1,585 National Priorities List sites identified by the Environmental Protection Agency (EPA).

What is asbestos?

Asbestos is the name given to a group of six different fibrous minerals (amosite, chrysotile, crocidolite, and the fibrous varieties of tremolite, actinolite, and anthophyllite) that occur naturally in the environment. Asbestos minerals have separable long fibers that are strong and flexible enough to be spun and woven and are heat resistant. Because of these characteristics, asbestos has been used for a wide range of manufactured goods, mostly in building materials (roofing shingles, ceiling and floor tiles, paper products, and asbestos cement products), friction products (automobile clutch, brake, and transmission parts), heat-resistant fabrics, packaging, gaskets, and coatings. Some vermiculite or talc products products may contain asbestos.

What happens to asbestos when it enters the environment?

Asbestos fibers can enter the air or water from the breakdown of natural deposits and manufactured asbestos products. Asbestos fibers do not evaporate into air or dissolve in water. Small diameter fibers and particles may remain suspended in the air for a long time and be carried long distances by wind or water before settling down. Larger diameter fibers and particles tend to settle more quickly.

Asbestos fibers are not able to move through soil. Asbestos fibers are generally not broken down to other compounds and will remain virtually unchanged over long periods.

How might I be exposed to asbestos?

We are all exposed to low levels of asbestos in the air we breathe. These levels range from 0.00001 to 0.0001 fibers per milliliter of air and generally are highest in cities and industrial areas.

People working in industries that make or use asbestos products or who are involved in asbestos mining may be exposed to high levels of asbestos. People living near these industries may also be exposed to high levels of asbestos in air.

Asbestos fibers may be released into the air by the disturbance of asbestos-containing material during product use, demolition work, building or home maintenance, repair, and remodeling. In general, exposure may occur only when the asbestos-containing material is disturbed in some way to release particles and fibers into the air.

Drinking water may contain asbestos from natural sources or from asbestos-containing cement pipes.

How can asbestos affect my health?

Asbestos mainly affects the lungs and the membrane that surrounds the lungs. Breathing high levels of asbestos fibers for a long time may result in scar-like tissue in the lungs and in the pleural membrane (lining) that surrounds the lung. This disease is called asbestosis and is usually found in workers exposed to asbestos, but not in the general public. People with asbestosis have difficulty breathing, often a cough, and in severe cases heart enlargement. Asbestosis is a serious disease and can eventually lead to disability and death.

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, Public Health Service
Agency for Toxic Substances and Disease Registry

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Breathing lower levels of asbestos may result in changes called plaques in the pleural membranes. Pleural plaques can occur in workers and sometimes in people living in areas with high environmental levels of asbestos. Effects on breathing from pleural plaques alone are not usually serious, but higher exposure can lead to a thickening of the pleural membrane that may restrict breathing.

How likely is asbestos to cause cancer?

The Department of Health and Human Services (DHHS), the World Health Organization (WHO), and the EPA have determined that asbestos is a human carcinogen.

It is known that breathing asbestos can increase the risk of cancer in people. There are two types of cancer caused by exposure to asbestos: lung cancer and mesothelioma. Mesothelioma is a cancer of the thin lining surrounding the lung (pleural membrane) or abdominal cavity (the peritoneum). Cancer from asbestos does not develop immediately, but shows up after a number of years. Studies of workers also suggest that breathing asbestos can increase chances of getting cancer in other parts of the body (stomach, intestines, esophagus, pancreas, and kidneys), but this is less certain. Early identification and treatment of any cancer can increase an individual's quality of life and survival.

Cigarette smoke and asbestos together significantly increase your chances of getting lung cancer. Therefore, if you have been exposed to asbestos you should stop smoking. This may be the most important action that you can take to improve your health and decrease your risk of cancer.

How can asbestos affect children?

We do not know if exposure to asbestos will result in birth defects or other developmental effects in people. Birth defects have not been observed in animals exposed to asbestos.

It is likely that health effects seen in children exposed to high levels of asbestos will be similar to the effects seen in adults.

How can families reduce the risk of exposure to asbestos?

Materials containing asbestos that are not disturbed or deteriorated do not, in general, pose a health risk and can be left alone. If you suspect that you may be exposed to asbestos in your home, contact your state or local health department or the regional offices of EPA to find out how to test your home and how to locate a company that is trained to remove or contain the fibers.

Is there a medical test to show whether I've been exposed to asbestos?

Low levels of asbestos fibers can be measured in urine, feces, mucus, or lung washings of the general public. Higher than average levels of asbestos fibers in tissue can confirm exposure but not determine whether you will experience any health effects.

A thorough history, physical exam, and diagnostic tests are needed to evaluate asbestos-related disease. Chest x-rays are the best screening tool to identify lung changes resulting from asbestos exposure. Lung function tests and CAT scans also assist in the diagnosis of asbestos-related disease.

Has the federal government made recommendations to protect human health?

In 1989, EPA banned all new uses of asbestos; uses established before this date are still allowed. EPA established regulations that require school systems to inspect for damaged asbestos and to eliminate or reduce the exposure by removing the asbestos or by covering it up. EPA regulates the release of asbestos from factories and during building demolition or renovation to prevent asbestos from getting into the environment.

EPA has proposed a concentration limit of 7 million fibers per liter of drinking water for long fibers (lengths greater than or equal to 5 μm). The Occupational Safety and Health Administration has set limits of 100,000 fibers with lengths greater than or equal to 5 μm per cubic meter of workplace air for 8-hour shifts and 40-hour work weeks.

References

Agency for Toxic Substances and Disease Registry (ATSDR). 2001. Toxicological Profile for Asbestos. Update. Atlanta, GA: U.S. Department of Health and Human Services, Public Health Service.

Where can I get more information? For more information, contact the Agency for Toxic Substances and Disease Registry, Division of Toxicology, 1600 Clifton Road NE, Mailstop F-32, Atlanta, GA 30333. Phone: 1-888-422-8737, FAX: 770-488-4178. ToxFAQs™ Internet address is http://www.atsdr.cdc.gov/toxfaq.html. ATSDR can tell you where to find occupational and environmental health clinics. Their specialists can recognize, evaluate, and treat illnesses resulting from exposure to hazardous substances. You can also contact your community or state health or environmental quality department if you have any more questions or concerns.

March 26, 2010

Dear Committee Members:

NANA Regional Corporation (NRC) supports HB No. 333, as proposed by Representative Joule. While appropriately safeguarding the health of Alaskans, this important legislation would allow long-needed construction and public works projects to use gravel containing Natural Occurring Asbestos (NOA). This is a vital issue. Since 1999 numerous Ambler projects have been on hold. These projects (adding up to >$10 M) include:

- The Ambler Airport project - runway extension / upgrades to Grizzly Bridge
  (the Airport's last improvement – summer of 1991; Grizzly bridge, 1976)
- Construction of new sewer lagoon and access road
- Covering old sewer lagoon
  (Existing lagoon is breaching; the old lagoon will be covered once the new lagoon is constructed)
- Upgrades to water and sewer services
  (Last improvements 1973 / 1982)
- Building of new homes
  (Last new homes completed 1991 with the Northwest Inupiaq Housing Authority)
- Upgrades to existing dumpsite
  (Opened in 1976)

NRC has extensively explored the Ambler area for a gravel source free of NOA, but no such gravel has been found to date. Accordingly, NRC believes that legislation is a crucial part of the long-term solution to an important issue affecting rural Alaskans, including residents of Ambler. In parts of Alaska, the use of NOA-containing material in construction and public works projects is necessary to the maintenance and improvement of local infrastructure and the long-term health and vitality of some rural communities.

If NRC can provide any further assistance or information, please do not hesitate to contact me.

Sincerely,

Lance Miller
Vice President, Resources

City of Ambler
P.O. Box 09
Ambler, Alaska 99786
Phone (907) 445-2122/445-2205 * Fax (907) 445-2174
E-mail: cityofamblerak@yahoo.com

March 24, 2010

Sonny Adams
NANA Lands Department
Project Manager
3150 C. Street, Suite 150
Anchorage, Alaska 99503

RE: House Bill #333

Dear Mr. Adams,

I am writing this letter on behalf of the Ambler City Council members, staff and residents of Ambler, Alaska.

Since natural occurring asbestos was found in the early 1990's, 1999 to exact. Our existing gravel pit that NANA Corporation owns has been closed due to high concentration levels. Since then all future projects that City of Ambler has been on hold.

The Ambler City Council is requesting that the Legislature representatives push this issue to help the City of Ambler and residents find some regulation or permit to work with the gravel that we are stuck with here in Ambler. I know that NANA Corporation, DOT, DEC and who ever are helping the City of Ambler resolve this gravel issue are doing their best to resolve this issue.

It's been too long since we seen gravel or projects being started here in Ambler. I hope that this letter can be of help in regards to the asbestos issue so that The City of Ambler can provide local jobs for our residents that are in need of financial help.

Thank you.

Sincerely,

Honorable Mayor Morgan Johnson

Cc: File

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM March 3, 2010

SUBJECT: House Bill 333, addressing use of gravel or other aggregate materials containing naturally occurring asbestos -- sectional analysis (Work Order No. 26-LS1248\E)

TO: Representative Reggie Joule

FROM: Jack Chenoweth
Assistant Revisor

This is by way of response to Christine Hess's request for preparation of a sectional analysis of the above-captioned bill.

House Bill 333 is a measure intended to authorize and regulate use of "gravel or other aggregate material that is not free of naturally occurring asbestos" -- a phrase intended to cover aggregate material from which asbestos, naturally occurring in small quantities, cannot be readily removed for use -- in conjunction with various construction projects. The phrase is defined in the bill at page 5, beginning at line 20, to mean

> . . . gravel, rock, sand, and similar materials that are appropriate to and intended for use in construction of a transportation project or public facility that, when tested using a bulk test method prescribed by the department by regulation, are determined to have a content of at least 0.25 percent asbestos by mass.

In the permanent law provisions of the bill --

Bill section 4 proposes to add new material to AS 44.42.020 -- a new subsection (c) -- to prescribe what the Department of Transportation and Public Facilities shall do to implement direction given to make use of gravel and aggregate materials that contain naturally occurring asbestos. The subsection first directs the department to develop, implement, and revise statewide standards and operating procedures to allow use of these materials in construction and maintenance projects. Paragraph (c)(1) spells out the required content of the means and measures to be adopted as part of the department's standards. Paragraph (c)(2) gives direction to the department as to the content of its project operating procedures that apply to use of this aggregate material in transportation facilities and in public works projects -- that is, in projects initiated or contracted for by

the department. Paragraph (c)(3) contains the operative definition described above and, in the absence of a separate definition, cross references the definition of "asbestos" already set out in AS 18.31.500.[1]

Bill section 3 amends the state code provisions addressing asbestos by adding a new section, AS 18.31.250, to authorize use of this aggregate material in construction projects that are not initiated or contracted for by the Department of Transportation and Public Facilities. As with state-initiated projects, if the construction of a facility or project contemplates use of gravel, rock, sand, or a similar aggregate material that is not free of naturally occurring asbestos, the principal construction contractor or the party having legal authority for the facility's or project's design and construction is directed to file documents with the department demonstrating compliance with the department's standards and operating procedures and to secure department approval under those standards and procedures before initiating use of the material in the construction of the facility or project.

Bill section 2 establishes immunity based on an alleged asbestos-related death, injury, or disability based on the defendant's use of this aggregate material if the defendant has complied with the appropriate requirements of AS 18.31.250 or AS 44.42.020(c) in the course of use of gravel or aggregate containing naturally occurring asbestos.

In the temporary, or uncodified, provisions of the measure --

Bill section 1 contains legislative findings and purpose statements to explain and support the measure. This material, drawn from language submitted by your office at the time of the initial drafting request, is intended to provide support to the permanent law changes in the provisions that follow it.

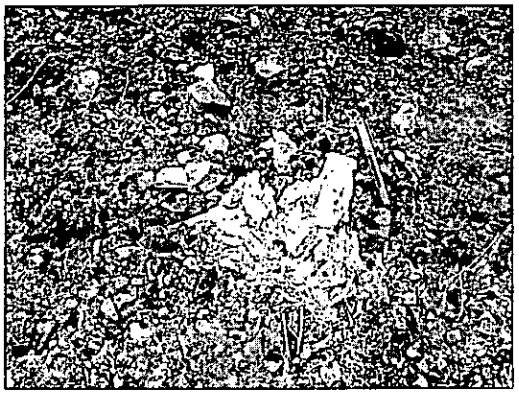
The department's development of generally-applicable initial standards and operating procedures will take time. **Bill section 5**, a temporary law provision, permits the department to review and approve site-specific plans submitted for state projects and for projects not initiated by the department during the interim period before initial standards and operating procedures are adopted and take effect. The approval authority provided in this bill section is scheduled to expire December 31, 2011. **Bill section 6** authorizes the department to use a specific standard previously adopted by the California Air Resources Board on an interim basis for the purpose of determining the asbestos content of a bulk sample in a bulk test required under the new permanent law provisions until the department adopts its initial standards that may be more relevant to this state's experience.

---

[1] AS 18.31.500 defines "asbestos" to mean "chrysotile, amosite, crocidolite, fibrous tremolite, fibrous anthophyllite, and fibrous actinolite," a technical definition but one commonly used in statutory definitions in other jurisdictions.

The measure does not contain an effective date provision and would take effect 90 days after signature, after expiration of the time for the governor to approve (if allowed to become law without signature), or after override of any veto.

JBC:plm
10-127.plm



Naturally Occurring Asbestos in Alaska and Experiences and Policy of Other States Regarding its Use

A joint project
By
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Institute of Northern Engineering
University of Alaska Fairbanks
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September 2009

Final Report

Institute of Northern Engineering

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Front cover photo: Asbestos at material site MS 105 on the Dalton Highway

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3. Excel file with USGS 2009 Alaska Resource Data File is available electronically from the authors.

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EXECUTIVE SUMMARY

Naturally Occurring Asbestos (NOA) occurs in mineral deposits in Alaska. Some localities in Alaska do not have gravel sources that are NOA-free, which impacts the cost of heavy construction projects such as roads and airports. Because airborne asbestos fibers are a significant human health risk, mining and industrial use of asbestos is rare in the United States. Disposition of existing asbestos materials in industry and buildings is tightly regulated by federal and state authorities. The use of NOA is not regulated by federal agencies or most states. Determining if NOA can be safely used in heavy construction materials and what can or should be done with NOA materials that are already in place are complex questions. The ultimate answer depends on propensity for the NOA in each scenario to actually release asbestos fibers that may be inhaled by humans, which in turn depends on the amount and type of asbestos mineral, how it is handled in processing, and how it is maintained. Practical analysis of this depends on laboratory analysis, as well as regulation or control of operations. Implementation of these requires stakeholder education and cooperation and agency oversight. This report summarizes these from the perspective of the Alaska Department of Transportation (ADOT).

Some key points:

- NOA is present in many states, but only a few have regulations governing its use.
- There are many regions in Alaska that have minerals in surface rocks that may contain asbestos and asbestos has been discovered in many locations in Alaska.
- Gravel is constantly in demand for heavy construction projects, if a major project, such as the gas pipeline is built, it will require very large quantities of gravel
- All future material site exploration should consider the possibility of encountering NOA, and those areas indicated by mapping as possible NOA minerals should be carefully investigated.
- California, which does have NOA regulations, uses a threshold asbestos concentration, below which the material is not considered NOA. If the material is NOA, regulations cover its use. Virginia is similar.
- Starting with a site-specific plan and then covering the material and reducing dust are key features of those regulations, if NOA is over the threshold asbestos content.
- We present a review of dust suppression and capping techniques, many of which might be useful, depending on the situation.
- Education of the public and worker training are important components of any NOA plan.

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The key conclusion is that NOA can be used in many projects, but precautions are needed, especially a plan for its use. Considering the importance of NOA to ADOT's mission we recommend that the ADOT take the lead in a statewide effort to develop an appropriate NOA policy and program by coordinating a stakeholders working group effort. NOA programs in other states were developed with input from industry, public health, environmental and state organizations and agencies. The outputs of the NOA programs included source characterization, geologic mapping, standardized operating procedures (SOP), program exemption procedures, and local authority. Successful implementation of a NOA program will require significant commitment and change in industry, operational, management, design and construction practices for use of NOA materials. To insure comprehensive input and facilitate stakeholder "buy in," the statewide working group should include federal and state, and local government, as well as industry, community and public health interested parties.

Here we assume that in order for projects that must use NOA to proceed, the ADOT must have a standard or SOP that contains the goals and guidelines that the ADOT must follow in order to use NOA safely. The SOP in turn would require a specific action plan for each project. Of course other project owners could use the ADOT's SOP. Thus, the ADOT's goal with the NOA working group is to develop an SOP that is directed towards ADOT projects, but also satisfies the goals the various stakeholders. We note here that protecting the public health and safety is the overarching goal the ADOT's operations, but the ADOT's approach via building safe roads and airports is different than, for example, the EPA's approach of limiting public exposure to carcinogens. The goals and charges of all the agencies can be reconciled into a workable SOP, but the coordination effort should not be underestimated.

Here is a putative outline of the SOP required for safe use of NOA and the steps likely required to garner wide stakeholder approval of the SOP.

1. The SOP includes
    a. site investigation and characterizations
        i. Laboratory practices
    b. review of design alternates to use non-NOA materials
        i. Cost analysis
    c. evaluation of human health concerns and agency involvement
    d. designs that use NOA
        i. typical drawings and specifications
    e. acceptable construction practices
        i. typical contract provisions
        ii. QA/QC
    f. acceptable and required O&M practices
        i. State forces
        ii. Local forces
    g. O&M and other issues related to in-place NOA

h. the administrative procedures for the entire process, including lines of authority and approval authority
    i. interagency communications
    ii. documentation

2. For each project or situation
    a. a site specific NOA plan
    b. including outline construction specifications or O&M procedures
    c. public involvement and education
    d. QA/QC

However to be successful, the SOP must be acceptable to

- The agencies who may have some jurisdiction or be involved
- The DOT design, construction and O&M staff and experts
- The contractors and material site owners and suppliers
- The general public
- Involved and concerned public.

Thus, we recommend the ADOT take the lead and develop a NOA Action Plan that involves a consultant to the DOT. Here are the main steps of that Action Plan that will lead to a workable SOP:

- Outline the SOP
- Contact all interested parties and notify them of the Action Plan and request a statement of their interest
- Meet with all the major players and discuss the issues – either at a roundtable or individually
- Prepare a draft of the SOP and an example Site Specific Plan for ADOT review
- Distribute the draft to interested stakeholders
- Hold a meeting to review the draft and discuss comments and changes
- Determine if new laws or regulations are needed
- If not, the ADOT promulgates the SOP
- If new laws or regulations are needed, ADOT starts the process.

INTRODUCTION

Asbestos is a term for naturally occurring silicate minerals with long, thin fibrous crystals that were historically mined and utilized in a wide-variety of manufactured products because of favorable chemical and physical properties. By the 1980s inhalation of asbestos fibers was found to be a human carcinogen responsible for diseases such as asbestosis, mesothelioma and lung cancer and the mining and use of asbestos in manufactured products was banned. While mining and manufacturing has since ended in the United States, Naturally Occurring Asbestos (NOA) is a constituent of some rocks and soils existing in varying types and quantities in several locations throughout the nation including Alaska. The United States Occupational Safety and Health Administration (OSHA) regulates asbestos exposure in the workplace; however, federal regulations do not address non-occupational exposure from NOA. Due to the lack of regulatory guidance associated with NOA, some states with substantial NOA concerns, such as California, have implemented state-wide regulations controlling the use of soils with NOA.

Due to geography, land mass, limited road systems and relatively sparse and scattered population centers within Alaska, NOA has not been a historical concern for the state. However, over the past several years NOA has been encountered in Alaska and has impacted state projects (e.g. Dalton Highway, Ambler, etc). Meanwhile the Alaska Department of Transportation & Public Facilities (ADOT) has an ever-increasing demand for gravel and rock to construct and repair the state's roads and airports. Large construction projects such as the proposed gas line or railroad extension will require gravel and rock source development.

The ADOT contracted with the Institute of Northern Engineering (INE) of the University of Alaska Fairbanks through the Alaska University Transportation Center to report on the available background information in Alaska and a literature search of information from other states that have similar NOA issues. INE contracted with Nortech Environmental, an Alaska consulting firm, to provide expertise in asbestos issues in Alaska, and to perform the literature search and consultations with other states.

This paper reviews NOA background, analytical issues, policies and regulations that have been considered and/or implemented by other authorities involved with NOA and who have developed NOA policy options. Identified NOA control strategies and technologies are evaluated and analyzed according to their effectiveness, enforcement, affordability and consistency with emerging US standards and ADOT programs. The literature is clear that NOA gravels can be used safety with proper workforce training, understanding and implementation of appropriate control strategies and technology. Implementation of effective Alaskan NOA policies, including development of any SOP to deal with NOA,

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will require program consensus, including an educational component, and must involve all stakeholders in the NOA issue (resource owner, owner, designer, contractor, local, regional and state government, and communities) in a holistic approach.

BACKGROUND

Asbestos History

The word 'asbestos' is of Greek origin and has the meaning "inextinguishable" or "indestructible." Today asbestos is the commercial term for a group of silicate minerals consisting of magnesium, calcium and iron all with fibrous tendencies. The favorable properties of asbestos were known and utilized by the ancient Greeks and Romans, Europeans throughout the Middle Ages, and most of the industrial world by the modern era. Asbestos was added in manufactured material for thermal and electrical insulation as well as for strength and chemical stability. These favorable traits lead to the continued use of asbestos in manufactured products through the industrial expansion of the 20th Century. By mid-1960 a high frequency of respiratory disease within the asbestos mining, manufacturing, shipbuilding and construction industries began to gain the attention of medical researchers.

Asbestos is naturally occurring in many parts of the world and was historically mined as raw ore. After the ore was segregated, the asbestos was broken down into fibers and fiber bundles during a milling process, and then further refined depending on the use. Asbestos was included in the manufacture of thermal piping insulation and spray-applied fireproofing as well as resilient floor coverings, acoustical materials, gaskets, plaster, vermiculite, joint compound, wall board, roofing products, industrial mastics, textile and friction productions such as automotive brakes.

In mineralogy, the word 'asbestos' describes a series of magnesium silicate minerals that naturally occur in fibrous form or 'asbestiform.' The six varieties of recognized asbestos minerals comprise two mineralogical groups: serpentines and amphiboles. The only variety of serpentine asbestos is chrysotile or 'white asbestos,' while the amphibole group has five mineral varieties: amosite or 'brown asbestos' (cummingtonite-grunerite asbestos), crocidolite or 'blue asbestos' (riebeckite asbestos), anthophyllite asbestos, tremolite asbestos and actinolite asbestos. Amosite and crocidolite are the trade names used for the asbestos varieties of the cummingtonite-grunerite and riebeckite series respectively. The name 'Amosite' originated as an acronym for "Asbestos Mines of South Africa."

Chrysotile is the predominant asbestos variety used commercially in the United States. Chrysotile has a crystal structure of a sheet of silicate rolled into a straw-like, hollow tube. The property creates a hydrophilic or 'water loving' tendency, and therefore water is often used to reduce airborne chrysotile fiber concentrations during processing and removal activities. Crocidolite and Amosite are the two additional asbestos varieties exclusively mined and intentionally added to commercial products. The other three forms of amphibole asbestos are generally found in trace amounts and are often described as a contaminant in mining operations. The crystal structure of amphiboles is a chain structure of

magnesium and silicon ions that form into long straight fibers. The molecular arrangement makes the amphiboles hydrophobic or 'water fearing' and difficult to wet and therefore, water is somewhat less effective as dust control with this group.

Asbestos has become a serious health and safety concern due to widespread use in manufactured products; many of which are still used today. The primary pathway of exposure for asbestos is inhalation of airborne fibers; ingestion is generally a minor pathway. Particles smaller than 10 μm in aerodynamic diameter, such as asbestos fibers, are known to readily enter the lungs. Asbestos dust may also be ingested directly into the mouth during respiration, hand-mouth contact while eating or smoking, or indirectly by swallowing of mucus. Dermal exposure to asbestos has been known to cause irritation; however, no serious health effects from skin exposure have been identified.

Asbestos is known to cause or contribute to fibrosis and malignancies of the lung and other organs. The U. S. Environmental Protection Agency (EPA) has classified asbestos as a Group A human carcinogen meaning sufficient evidence exists to connect exposure and human carcinogenicity. Exposure to airborne asbestos has been linked to Asbestosis- a debilitating, non-malignant lung disease; mesothelioma – a rare cancer of the chest and abdominal lining, and cancers of the lung, esophagus, stomach, colon and other organs. Other conditions associated with asbestos exposure are build-up of fluid in the lungs known as pleural effusion and deposits in the pleural cavity called pleural plaques.

Data from asbestos work exposure suggests the risks of asbestosis and lung cancer are "dose-dependent" meaning they decrease proportionately with a decrease in total asbestos exposure. Mesothelioma however is not recognized as a dose-response related illness and has been linked to primarily amphibole asbestos exposure.

The time between exposure and resulting disease is known as the latency period, and typically spans between ten and forty years. The age at which asbestos exposure occurs is relatively unimportant for determining the lifetime risk of lung cancer. On the other hand, the age at which asbestos exposure occurs is very important in determining the lifetime risk of developing mesothelioma. The earlier exposure occurs, the more time mesothelioma has to develop; thus the concern for asbestos exposure to school children.[1]

Asbestos exposure and cigarette smoking increases the lung cancer rate significantly above the rate due to either smoking (ten times) or asbestos exposure (five times) alone. A smoker routinely exposed to asbestos experiences a synergistic effect from the two thereby increasing their risk of developing a lung disease by fifty to ninety times more than a person who does not smoke and is not exposed to asbestos. OSHA standards require employers of workers who

are exposed to asbestos to be provided information packets on smoking cessation programs and to ban smoking in all workplaces where any asbestos exposure is possible.

Asbestos Regulations

Although NOA is not regulated per se, here we review the most important asbestos regulations. The EPA regulates asbestos products primarily under three laws:

- Clean Air Act (CAA), at 40 CFR 61 Subpart M – National Emission Standard for a Hazardous Air Pollutant – Asbestos (NESHAP);
- Toxic Substances Control Act (TSCA), at 40 CFR 763 Asbestos; and
- Asbestos Hazard Emergency Response Act (AHERA) which amended TSCA in 1986.

Asbestos is further regulated by several federal agencies and some Alaska agencies.

NESHAP

The asbestos NESHAP regulates the emission of asbestos from the workplace into ambient air primarily during removal activities, building renovation/demolition and associated waste disposal operations. The NESHAP allows no visible emission of asbestos from the workplace during any regulated activity.

Three key NESHAP concepts are 'asbestos-containing material' (ACM), 'friable' material, and 'Regulated ACM' (RACM). A material is defined as ACM if it contains more than 1% asbestos as determined by polarized light microscopy (PLM) analysis. Untested materials identified as suspect by an accredited inspector must be Presumed ACM (PACM). Friable is defined as a material that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. Nonfriable materials are subdivided into Category I nonfriable (packings, gaskets, asphalt roofing products and resilient floor covering) and Category II nonfriable (such as wallboard, cement asbestos products, asbestos-containing plasters, and any nonfriable ACM not listed in Category I). Category II nonfriable ACM are materials that may become friable during handling or disposal.

RACM includes all friable ACM, nonfriable ACM that has become friable, Category II materials that will be made friable by the proposed activity and all Category I materials that will be subjected to operations causing fibers to become airborne. Prior to the demolition or renovation of any non-exempt structure in the United States, the owner or operator of the facility must inspect for the presence of asbestos, including Category I and II non friable ACM. NESHAP requires building owners and operators to notify the EPA (or a designated state agency) before demolishing any non-exempt structure. In addition, it requires a ten day advance notification if scheduled activities will disturb equal or greater than (≥) 260 linear feet on pipes, ≥160 square feet on surfaces and ≥35 cubic feet of debris of RACM. The NESHAP standard also prohibits emissions of asbestos to the outside air and requires emission control procedures and appropriate work

practices during collection, packaging, transportation and disposal of regulated ACM waste.

AHERA

EPA issued regulations pursuant to the 1986 Asbestos Hazard Emergency Response Act (AHERA) in October of 1987. AHERA applies to public, nonprofit private and Defense Department kindergarten to twelfth grade school buildings. It requires them to conduct ACM inspections, develop comprehensive ACM management plans, and select asbestos response actions to deal with asbestos hazards. AHERA established a series of accredited personnel and set the training requirements for each. The AHERA occupational survey does not require inspection of all portions of the school (ie exterior, roof etc) nor the removal of asbestos identified, but does require that schools select and implement an appropriate response action for each identified asbestos hazard. The response action may be encapsulation, enclosure, removal or an approved Operations Maintenance and Repair Program (O&M Program). Encapsulation deals with applying a chemical coating or impregnation of the ACM building material in order to prevent any fiber release, while enclosure consists of sealing the ACM in an airtight structure. O&M Programs and Management in Place (MIP) are generally the most utilized and preferred response method until the ACM has become deteriorated or will be impacted by renovation activities thus requiring removal.

The Asbestos School Hazard Abatement Reauthorization Act (ASHARA) was enacted on November 28, 1990. ASHARA amended AHERA to require accreditation for any person who inspects for ACM in a public or commercial building, or who designs or conducts a response action with respect to friable ACM in such a building. ASHARA does not require building owners to conduct inspections for asbestos-containing materials in public and commercial buildings; however, should the owner decide to conduct an inspection an accredited inspector must be used.

TSCA

EPA's Asbestos Ban and Phase Out Rule (ABPO) (40 CFR 763 Subpart I) was published in the Federal Register on July 12, 1989, under TSCA. The rule was to prohibit the importation, manufacture and processing of 94 percent of all remaining asbestos products in the United States over a period of seven years, beginning in 1990. However, the U.S. Fifth Circuit Court of Appeals vacated most of the ABPO and remanded it to EPA in October 1991. EPA subsequently banned several paper products and has used general TSCA authority to control re-introduction of asbestos products into the market place.

OSHA

OSHA currently has three standards for asbestos exposure. The general industry standard, 29 CFR 1910.1001, applies to all occupational exposures to asbestos in all industries except the shipyard and construction industries. This

standard would apply to workers handling NOA if exposures were above the PELs. The shipyard standard, 29 CFR 1915.100, applies to asbestos exposure in all shipyard work and the construction standard, 29 CFR 1926.1101, applies to asbestos exposure in all construction work, including demolition and building maintenance.

All three standards are similar, with each standard setting two permissible exposure limits (PEL), the time-weighted average (TWA) and the excursion limit (EL). The TWA is 0.1 fiber per cubic centimeter of air (f/cc) averaged over an eight-hour period, while the EL is 1.0 f/cc averaged over a 30-minute period where exposure is likely to be the greatest. Each standard specifies training, medical monitoring and recordkeeping requirements for employers of workers who are exposed to asbestos. Differences exist primarily in the areas of effective dates for worker training, medical monitoring, and in work practices specific to the industry. The construction standard is the most detailed and divides asbestos work into classes, I-IV, based on the type of the material, the work being performed, how the material will be impacted, and the amount of ACM involved in the work. For all construction work scheduled to impact PACM or ACM, a competent person must conduct an initial exposure assessment to determine employee worst-case exposure and to establish the engineering controls, work practices, and personal protective equipment that may be required. The standard also supplements the OSHA Hazard Communication Standard (29CFR 1910.1200 and 29 CFR 1926.59) by requiring building and facility owners to notify prospective contractors and subcontractors, tenants, and the owner's own employees about the presence, location and amount of PACM and ACM in the building. This standard requires owners to conduct asbestos inspection or surveys so that the necessary information is available for compliance with notification requirements. The General Industry Standards would apply to workers handling NOA if there exposure were over the PEL.

DOT

The U.S. Department of Transportation (DOT) regulates the transportation of hazardous materials including friable asbestos under the Hazardous Materials Transportation Act (HTMA). DOT's hazardous materials regulations (HMR) are found at 49 CFR 171-180. These regulations require the proper packaging, labeling, shipping manifests, marking, placarding and trained employees associated with shipping of ACM and waste. Proper shipping papers must accompany asbestos-containing shipments with packages properly marked and labeled with the Class 9 diamond. The markings must include the North American identification number, NA2212, and the proper DOT descriptive name (RQ, Asbestos 9, NA2212, PG III). Laboratory samples in shipment are exempt from the regulations, except for the packaging requirements of 49 CFR 173.4.

MSHA

As of April 29, 2008, the U.S. Department's of Labor Mine Safety and Health Administration (MSHA) revised exposure limits on asbestos for miners. The

ruling changes health standards for asbestos exposure at metal and nonmetal mines, surface coal mines and surface areas of underground coal mines. The new ruling lowered MSHA's permissible exposure limits to match those of OSHA. The previous MSHA PEL of 2.0 f/cc was once the same as OSHA's; however, MSHA has not made continuing amendments to the standard in past years which reduced the PEL to 1.0, 0.5, 0.2 and eventually 0.1 f/cc. In addition, the ruling allowed for Phase Contrast Microscopy (PCM) to analyze airborne asbestos samples and Transmission Electron Microscopy (TEM) to reanalyze samples found to be above the PEL via PCM.

Alaska

The Alaska Department of Labor (ADOL) has adopted, with a few modifications, the federal regulations OSHA for asbestos and asbestos removal activities. Federal government has delegated authority to the Alaska Department of Environmental Conservation (ADEC) to implement federal programs which extend the NESHAP, ASHARA and AHERA requirements and the Alaska Department of Occupation Safety and Health (AKOSH) to oversee worker protection.

Other States

Some states have adapted more stringent AHERA and OSHA type regulations, and in some large metropolitan areas the city regulates asbestos and asbestos abatement directly. Other states such as California have developed statewide policies concerning issues not addressed in Federal regulations such as Naturally Occurring Asbestos (NOA) found in soils and rock.

Relevancy of Regulations

None of these regulations, except California and Virginia, discussed elsewhere, apply directly to NOA as likely to be encountered by the AK DOT. The MSHA and ADOL/OSHA regulations apply regarding worker exposure, if workers were exposed over the PEL. The detailed ADOL/OSHA regulations regarding asbestos demolition and disposal do not apply to NOA.

Naturally Occurring Asbestos

Naturally Occurring Asbestos (NOA) has been generally accepted as the generic term to identify any of the six (Chrysotile, Amosite, Crocidolite, Actinolite, Tremolite, Anthophyllite) varieties of asbestos when encountered in natural geological deposits. Asbestos is not chemically altered through a refining process to obtain the hazardous end product we encounter in manufactured goods; but rather raw asbestos ore is mined and crushed down into a usable form. Consequently, NOA describes the location of asbestos (in situ rock and soil) rather than a variety of asbestos.

The mineralogical community uses the term "asbestiform" to describe the morphology of a mineral which has longitudinal parting and can be split into individual fibers. Not all asbestiform minerals are regulated varieties of asbestos; however, all regulated asbestos are asbestiform. Asbestiform minerals consist of fibers that grow almost exclusively in one dimension, are easily bent and occur as bundles of smaller fibers which are called fibrils. This bundling effect of asbestiform minerals is used as a unique distinguishing feature. Asbestiform minerals are long and thin, with aspect ratios of typically 20:1 to 100:1 or greater. Most asbestiform fibers are less than 0.1 microns in width, and nearly all are less than 0.5 micron. Individual asbestiform fibers are visible only with the aid of a microscope. It is important to note these forms became regulated due mainly to their presence in commercial products and several other asbestiform minerals exist, in addition to the six regulated forms, and may be encountered in natural deposits and pose heath hazards similar to that of the regulated varieties.

Geologic Occurrence of Asbestos Minerals

Metamorphic rocks are the result of the transformation of a protolith (existing rock) in a process called metamorphism during which the protolith is subjected to heat and pressure causing profound physical and/or chemical change. Prior to the transformation, the protolith may begin as sedimentary rock, igneous rock or another older metamorphic rock. A large portion of the Earth's crust is composed of metamorphic rocks which are classified by texture and by chemical and mineral assemblage. They may be formed simply by being deep beneath the Earth's surface, subjected to high temperatures and the great pressure of the rock layers above it. They can be formed by tectonic processes such as continental collisions which cause horizontal pressure, friction and distortion or when rock is heated up by hot molten rock, magma, from the Earth's interior, later referred to as igneous intrusion.

Serpentines (Chrysotile) are a magnesium silicate, while amphiboles are generally iron-magnesium silicates with varying amounts of sodium and calcium. If the protolith contains these chemical components asbestos formation is more likely than those that do not. All rocks which have this chemical composition have the potential to contain amphibole asbestos or serpentine asbestos; however, the non-asbestiform varieties of these minerals considerably more dominant than asbestiform.[2]

Asbestos minerals are generally associated with ultramafic rocks and their metamorphic protolith, including serpentinite (serpentine rock). Ultramafic rocks are those igneous rocks composed mainly of iron-magnesium silicate minerals, such as olivine and pyroxene. They include the rock types dunite, peridotite, pyroxenite, and hornblendite. Ultramafic rocks form in high-temperature and high-pressure environments deep beneath the earth's surface. By the time they are exposed at the earth's surface, ultramafic rocks have typically undergone a type of metamorphism known as serpentinization, a process that alters the

original iron-magnesium minerals to one or more waterbearing magnesium silicate minerals (lizardite, antigorite, chrysotile) that belong to the serpentine mineral group. The mineral chrysotile is often present as asbestos in the resulting rock. Metamorphism of ultramafic rocks and serpentinite may also lead to the formation of amphibole asbestos minerals. Conditions favorable for asbestos formation may occur repeatedly during the metamorphic process and, consequently, it is very common for at least a small quantity of asbestos to be present in metamorphosed ultramafic rock bodies. [3]

While generally associated with serpentinite and ultramafic rocks, chrysotile asbestos may less commonly occur in other rocks that originally contained the minerals olivine and pyroxene. These include metamorphosed mafic plutonic rocks like gabbro or mafic volcanic rocks such as basalt that are commonly associated with ultramafic rocks or serpentinite. Chrysotile and the amphibole forms of asbestos may also form in magnesium-rich limestones and dolomites which are metamorphosed carbonate rocks. The amphibole asbestos minerals are most commonly found in metamorphosed ultramafic rocks, including serpentinite, and in metamorphosed mafic plutonic rocks, metamorphosed mafic volcanic rocks, metamorphosed iron-rich chert, and metamorphosed ironstones. In many of these geologic environments, Asbestos is thought to be more likely found where changes in the geology occur such as near geologic contacts, along dike boundaries, or near inclusions of different rocks or in fault and shear zones where natural fluid flow has been enhanced. [3]

Asbestos minerals may also be found in sedimentary rocks, stream sediments, or soils derived from parent materials that contain asbestos. Alluvial deposits that contain asbestiform materials are likely to be found in any watershed that drains ultramafic rocks.[4]

Soils derived from parent materials that contain chrysotile asbestos and amphibole asbestos may also contain asbestos fibers and are an important potential source of airborne asbestos. Weathering and leaching reduce the amounts of asbestos in soils over time, yet little is known about the rates of weathering and leaching of asbestos in soil environments. Available information suggests that substantial reductions in the amount of chrysotile may take hundreds or thousands of years, depending on the soil environment, and somewhat longer for amphibole asbestos. [2]

NOA in USA

In the United States, the presence of asbestos or asbestiform minerals in rocks has been identified in 20 states, and mined in 17 states in the last 100 years. [5] In addition to known previous mining locations, reports of asbestos or other fibrous minerals has been identified through geological surveys and other miscellaneous encounters. The United States Geological Survey (USGS) has an ongoing effort of compiling these sites and locating them on maps that are available on its web-

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site at http://tin.er.usgs.gov/mrds[6]. The sites on these maps give an indication of the major areas of concern, which are most particularly located along the Appalachian and Rocky Mountains as well as in the Western Cordillera. In some of these areas, such as California and Virginia, the NOA issue has been known for some time and local agencies have responded in a variety of ways such as implementing state and local policies and regulations for testing and handling suspect and known NOA. The health risks associated with NOA are based on the potential for exposure. The exposure pathway of greatest concern is through inhalation, which requires the asbestos to become airborne. Experts believe that natural factors such as wind erosion pose little threat to human exposure, but rather disturbance of NOA-containing rock and soil under dry conditions. Because of this health risks are generally quantified though activity-based sampling on a site-specific basis. Below is a list of some areas in the US where NOA has been identified, and local responses to the occurrence:

Virginia

In 1987 the presence of NOA in Fairfax County, Virginia, was brought to the attention of the Fairfax County Air Pollution Control Division (Fairfax APCD) during the construction of an underground parking garage. As a result from the NOA-containing rock being drilled and crushed with no mitigation controls in place, the entire construction project was reportedly covered with NOA-containing dust. Several drill operators experienced itching and skin irritation which through subsequent medical and geological investigations was determined to be caused by tremolite asbestos fibers. The Fairfax County Soil Science Office later performed sampling and found a vein of asbestiform actinolite and tremolite comprising 10.9 square miles. Since the NOA discovery, Fairfax County has implemented NOA-specific policies regarding construction project that will impact soil.[7]

California

Serpentinite is California's official state rock and the source of much of the NOA found there. El Dorado Hills, a community in the Sierra foothills near Sacramento is a community that has had ongoing NOA issues associated with fibrous amphiboles in bedrock and soils since 1999. Reports have indicated that airborne concentrations of asbestos regularly reach levels of concern through non-construction activities such has recreation and gardening. In February 2002, during a construction project at a local school, veins of asbestos-containing minerals were discovered. The school soil was remediated that summer, but in September 2003, the EPA carried out activity-based sampling which involved measuring NOA in the breathing zone during recreational activities around the school which yielded varying results of airborne asbestos concentrations. Results underwent criticism for analysis methods and definition of asbestiform vs non-asbestiform minerals; however, a generally consensus was reached that a potential health risk existed for asbestos exposure existed in the area.[8]

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Minnesota

Silver Bay, located on the shore of Lake Superior, served as a processing mill for Northeastern Minnesota's is rich in iron-ore mining operations. Historically the lake not only served as a steady water supply, but also as a dump site for the mine tailings. Amphiboles are known to be present in this area iron-oxide ore, and mineral fibers were later detected in the air and water supply of several towns, including Duluth. In 1975 after ongoing legal battles, the 8th Circuit Court of Appeals instituted the "control-city" standard where air monitoring at Silver Bay was required to yield results equal to or less than the control city; in this case St. Paul. [8]

New Jersey

A milling facility associated with a marble and limestone quarry near Sparta, NJ has been accused of emitting fibrous tremolite in dust generated from milling and quarry activities. The geology of the area suggests that amphibole minerals are present; however, emissions testing illustrated that the tremolite mineral present was non-asbestiform. Samples were later collected from homes in close proximity to the quarry which did not yield conclusive evidence that asbestos had migrated from the quarry or milling operation. Analysis methods and the definition of asbestos were again scrutinized; however, the quarry and milling facility are still operational.[8]

Washington

On Sumas Mountain in western Washington State a major low-moving landslide is occurring in altered serpentinite rock near the headwaters of Swift Creek. The landslide material contains both asbestiform and non-asbestiform lizardite, resulting in chrysotile being the asbestiform mineral of concern. Erosion resulting from the slide releases large quantities of sediment into the drainage and eventually the area river. To prevent flooding, the river is routinely dredged and staged in piles along the river. This staged material has historically been utilized as a local source of fill and has formed an area used for recreational activities. In 2006, the US EPA engaged in activity-based sampling in which three activities involving different levels of disturbance of the dredged material were simulated for this study: loading and unloading of dredged material with heavy equipment, shoveling and raking dredged material over a surface, and recreational activity, such as biking, jogging and walking on the dredged materials. Sampling indicated that a potential health risk regarding airborne asbestos fibers existed for several of the activities. In 2007, the US EPA released a fact sheet warning residents to limit their exposures through avoiding contact with the dredged materials. [8]

Montana

Libby is a small town located in the northwest corner of Montana approximately 35 miles East of Idaho and 65 miles south of Canada. In the 1880's, gold miners discovered vermiculite near Libby, and by 1920 the Zonolite Company had formed and began mining the vermiculite. Vermiculite is used in many common commercial products, including attic insulation, fireproofing materials, masonry fill, and as an additive to potting soils and fertilizers. In 1963, W.R. Grace purchased the Zonolite mining operation which remained in production until 1990.[9] In the fall of 1999, a series of newspaper articles state the ore deposit contained small amounts of asbestiform amphiboles. In response to these articles, the EPA sent an Emergency Response Team to Libby in November 1999 to address the asbestos concerns. The vermiculite ore mined from Libby was contaminated with fibrous amphiboles consisting of tremolite and the asbestiform amphiboles winchite and richterite. [8]Tremolite is a regulated form of asbestos; however, papers by Meeker[10] and Gunter[11] concluded that tremolite made up less than 10% of the amphibole population suggesting the winchite and richterite likely contributed to the increase in asbestos related illness affecting the former Libby miners. Multiple studies yielded results illustrating that rates of lung cancer, asbestosis and mesothelioma were about 2.5 times higher in the Libby miners than expected. [8]

EPA implemented a program to inspect all Libby properties for elevated asbestos levels. Between 2002 and 2003, approximately 3500 properties were inspected, with 12,000 soil samples being collected. As of 2009, the EPA has completed cleanups at over 1100 properties including the vermiculite processing plants and other "highly contaminated" public areas with an estimated 100 large property cleanups scheduled for the 2009 constructed season.[9]

Analytical Methods for Quantifying Asbestos in Soils

Various types of microscopic analysis are used to determine the amount of asbestos present in soils. The most common forms are discussed below. Additionally, variations exist for each method depending on sample preparation and counting methods utilized.

Polarized Light Microscopy (PLM)

PLM analysis is the standard method used to test for the presence or absence of asbestos in building materials. PLM results report a visual estimation of the weight percentage of asbestos in a sample. PLM analysis typically begins by viewing a sample under a stereoscope at 10X – 50X magnification; fibrous sub-samples are then selected to be viewed under a light microscope at 100X – 500X magnification. By correctly interpreting light interactions, analysts can accurately distinguish asbestos from non-asbestos materials (glass, cellulose) as well as

identify the variety of asbestos present. Accuracy of this method depends on the uniformity of the material, the type of analysis and the analyst's experience. "Point Counting" considered more accurate than standard PLM is one variation of the method where the analyst views a set number of grid points and documents the material present. The number of points that have asbestos versus no asbestos determines the percentage of asbestos reported. [12]

Common forms of PLM analysis are not applicable for materials which contain highly varied, non-uniform and non-manufactured materials such as soils, gravels, dusts or large quantities of fibers smaller than 0.25 µm.

Transmission Electron Microscopy (TEM)

TEM is capable of identifying the largest range of asbestos fibers/structures of all Electron Microscopy analysis and can differentiate between asbestos and non-asbestos fibers/structures. TEM is used for air, bulk, dust and soil sampling. TEM analysis utilizes an electron microscope for which the level of magnification can resolve down to10 nanometer (nm) particles and can identify asbestos particles by appearance, chemical composition and crystalline structure. Depending on the variation of TEM analysis results are either a visual estimation of a weight percent, or are "semi-quantitative" based on actually weighing the sample then estimating the weight of asbestos found by the fibers size and density.

In addition to bulk sample analysis, TEM is also used to analyze microvac (ASTM D-5755) and wipe (ASTM D-6480) samples. These sampling techniques are common to quantify asbestos levels in settled dust. Both methods require settled dust to be collected from a known surface area. The laboratory analysis consists of digesting the media (filter or wipe) in solution and analyzing via TEM. Samples can be qualitatively analyzed which yields an "absent" or "present" result for asbestos and notes the types of asbestos observed. Samples can also be analyzed qualitatively for which the solution with the digested media is diluted known magnitudes until asbestos fibers can be accurately counted with the microscope. By using known sampling surface areas, dilution factors and analysis areas, the microscopist can calculate the amount of asbestos structures present per square centimeter (st/cm^2) of dust. While this method is a very useful tool in determining the concentration of asbestos in settled dust, concentrations of asbestos in settled dust are not regulated by any agency since the asbestos is neither airborne nor present in a building material.

TEM allows for more accurate identification of much smaller fibers than PLM analysis. EPA method 600/R-93/116, Section 2.5[13] summarizes the TEM bulk analysis. Many laboratories have developed their own methods to provide a full quantitative analysis of bulk samples via TEM.

Scanning Electron Microscopy (SEM)

SEM is primarily used for asbestos analysis for air and dust samples with the asbestos fibers being identified using their chemical composition and appearance. Asbestos fibers too small to be detected using light microscopy can be seen.[14] SEM can be used to observe particle down to approximately 0.1 µm. SEM has not historically been heavily used for regulatory purposes; however, recently it has become more popular for studying amphiboles in their natural setting.[15]

CARB Method 435

The California Air Resources Board (CARB) adopted a NOA-specific testing method in 1990 known as CARB Method 435. (M435 or CARB 435) California currently requires this method for the analysis of gravels or mineralized soils to detect the presence of asbestos. In this method, the soil/aggregate sample is weighed, dried, milled (crushed to fine powder) and then analyzed by PLM or TEM. The CARB method is designed to detect "loose" asbestos fibers, unlike sieving methods which are used to analyze ACM mixed in soil.[16]

PLM analysis utilizes either a 400 or 1000 point count to obtain a level of detection of 0.25% and 0.1% respectively. The PLM resolution is only accurate down to 0.25 µm; asbestos fibers/bundles smaller than that (specifically amphiboles) will not be detected using PLM. For the CARB 435 TEM Method the sample is weighed, dried, milled, put into suspension and analyzed. Results are given in percent asbestos by mass with sensitivities down to 0.001%.[17]

CARB 435 results are considered representative of the worst case conditions when the NOA aggregate becomes pulverized due to handling, use application or natural conditions.

EPA Region 1 Proprietary Soil Characterization

This is a proprietary method that separates and analyzes the different portions of the sample. PLM or TEM analysis may be used for the final analysis but the method includes observations of the fractions of materials present, classification by particle size and source categories, including organic, man-made, geological and asbestos materials. Since this method does not alter the materials present for analysis, results represents the materials as they exist in their natural setting. EPA Region 1 Soil Characterization provides a visual estimation of the weight percentage.[18]

Analytical Methods for Quantifying Asbestos in Air

Typically asbestos air samples are collected by "pulling" a known rate of air through a 25mm cassette by either an electric or battery operated vacuum pump. The air is forced through either a 0.45 micron (µm) (TEM) or 0.8 µm (PCM) mixed cellulose ester (MCE) filter which is then analyzed for asbestos fibers/structures

by TEM or PLM respectively. The concentration of airborne asbestos is calculated by the density of asbestos present on the filter and the volume of air sampled.

Phase Contrast Microscopy (PCM)

PCM (NIOSH 7400 Method) sampling method is a very common form of determining airborne fiber concentrations using a light microscope. The PCM method counts all fibers meeting the criteria of greater than 5 (µm) in length and 0.3 µm in diameter and meet the 3:1 aspect ratio (whether asbestos fibers or not) and reports results in fibers per cubic centimeter (f/cc) of air. PCM only counts fibers that are present in the fields observed, and does not identify the type of fiber (asbestos, cellulose, fiberglass, ect).[19]

This method is widely used for monitoring airborne fiber concentrations during asbestos removal/impacting projects, including determining OSHA approved worker exposures through a time-weighted average (TWA). TWA's calculate the average concentration of fibers a given worker was exposed to during his/her work shift.

Transmission Electron Microscopy (TEM)

For TEM air sampling analysis, the same collection procedure is used as with PCM sampling, except the cassette filter has a smaller pour size and results are reported in asbestos structures per square millimeter (Str/mm^2).[20] The results are reported in Str/mm^2 since the analysis includes all asbestos particles 0.5 microns and larger in length and may not necessarily be fibers. TEM allows for the analysis of very fine fibers while simultaneously determining their chemical composition and crystalline structure.

TEM Method 7402[21] is typically used when a PCM sample is found to have elevated fiber levels. Method 7402 analyzes a separate piece of the same cassette filter under an Election Microscope, opposed to a light microscope, which allows the analyst to determine if there is actually an elevated level of asbestos fibers, or if the fiber level was elevated due to a high number of miscellaneous fibers meeting the PCM counting criteria. This method is a useful complimentary tool to the PCM 7400 Method.

Elutriator Method

The Elutriator Method (Superfund EPA 540-R-97-028) begins by sieving the soil sample into fine a course fragments. The fine soil fractions are then placed in a closed tumbler chamber where any respirable dust created during tumbling is collected on air cassettes. The cassettes are then analyzed via TEM by ISO 10312[22] counting rules which are designed for samples collected from ambient

conditions, specifically indoors. This method is used to identify the amount of respirable fibers present within a soil sample.[18]

NOA AND EFFECTS ON ALASKAN CONSTRUCTION PROJECT

Historical Alaska NOA Incidents

Alaska has large known deposits of ultramafic and serpentine mineral ore located throughout the state. The documented cases of NOA encounters in the state have been limited and comparatively small. The potential for larger and more serious incidents can be expected to increase as public and professional awareness examine proposed activities with more scrutiny and existing material sites are exhausted and new site are developed. The following is a brief synopsis of several known NOA incidents in Alaska.

Juneau

In 2005, NOA was found to be present in Juneau's city-run Stabler's Point Rock Quarry causing several contractors to stop using the material until additional information and guidance was made available. Stabler's Point consists of the hardest local rock, metamorphosed mafic volcanic rock, which has been known to historically contain NOA. According to a Memorandum issued by the City/Borough of Juneau in 2005, scattered veins of asbestos-containing rock have also been reported in the following Juneau quarries: Lemon Creek, Treadwell, Upper and Lower Fish Creek and Bonnie Brae. The city believes that asbestos is likely to be present in most Juneau areas with high quality rock.[32]

Of the initial samples collected from the Stabler's Quarry two were found to contain tremolite asbestos at 3% and 5%.[33] Later some samples were also found to contain actinolite asbestos.[34] Blasting and rock crushing operations, which are known to release asbestos fibers from rock, had been occurring on a regular basis for several years prior to the discovery of NOA at the quarry. A private consulting firm hired by one of the contractors utilizing the quarry later stated given the presence of asbestos at the quarry, and the limited air sampling performed, it would appear as though workers were occasionally exposed to airborne asbestos levels in excess of workplace exposure standards.[34]

The rock aggregate obtained from the Stabler's Quarry was used for several years on a variety of private and commercial construction projects throughout the Juneau area and was a topic of concern for many local residents. In addition, aggregate collection (blasting) and refining (crushing) methods used were performed under general conditions meaning no methods were implemented to reduce airborne fiber concentrations during work activities. Since the discovery of NOA at the Stabler's Quarry, sampling efforts have been performed as well as requiring the use of wet methods and respirators for quarry workers.

As in most situations, once NOA was discovered activity was stopped until an assessment could be performed. In the Juneau case, the majority of the asbestos-containing gravel aggregate was used in construction projects where it would not be left exposed. The quarry itself implemented engineering controls

such as PPE for workers and the use of wet methods. In addition, attempts were made to focus mining efforts on portions of the quarry which yielded the lowest concentrations of NOA. Material from this mine is currently only used on projects where it will not remain exposed after completion; such as paved road construction. The City of Juneau originally was researching the possibility of implementing local NOA regulations; however, as of yet no regulations have be made.

Dalton Highway

As described by Perkins et al[5] the Dalton Highway (formerly known as the Haul Road) was constructed in the early 1970's and runs adjacent to the Trans-Alaska Pipeline connecting the Prudhoe Bay oil fields of Alaska's North Slope to the state highway system near Fairbanks. Most of the Dalton Highway is unpaved and is primarily utilized by pipeline employees and truckers supplying the oil fields.

In 2000, the Alaska Department of Transportation & Public Facilities (ADOT) awarded a contract to replace culverts and bridge abutments and to add surfacing material to approximately 20 miles of gravel road from Milepost (MP) 90 to 111 on the Dalton Highway. The project utilized surfacing gravel from a material site (MS) located at MP 105. The project contractor constructed a 1 to 2 foot thick gravel pad at MP 107 for a project staging area and temporary housing site since the closest permanent habitation was located approximately 70 miles away. An estimated 30 truckloads of gravel had been removed from MS 105 before workers noticed several large pieces of fibrous material suspected to be asbestos, after which aggregate extraction from this site was terminated.

After ultramafic rock containing actinolite and tremolite asbestos was confirmed at MS 105, concerns about worker exposure on the project site, as well as potential exposure in the temporary living quarters due to cross-contamination arose. Furthermore, questions were raised on how to safely complete the project, as well as address public health concerns for driving on the Dalton Highway. The project contractor retained a consultant to assess the problem, recommend work plan modifications, provide necessary worker training, perform exposure monitoring and reporting.

Results from the assessment included close to 700 breathing zone air samples collected from workers; 3% of which had asbestos fiber concentrations at or near 0.1f/cc per the NIOSH 7400 PCM[19] method. 36 of those samples were additionally analyzed via NIOSH 7402[21] (modified TEM analysis) which illustrated approximately 40% of the fibers observes were asbestos. Results concluded that workers who impacted the material the greatest, such as bulldozer and grader operators, were at the highest risk of exposure. Asbestos fiber release from rock crushing operations would have presumably been higher. Samples for potential motorist exposure were collected under conditions simulating "worse case scenario" - driving with windows open while following heavy equipment

which produced a visible dust cloud – indicated fiber concentrations well below the OSHA PEL.

The discovery of NOA at MS 105 on the Dalton Highway incurred significant delays and added millions of dollars to the project costs. After the assessment was completed, the MS 105 was abandoned for a MS which yielded non-NOA gravel to complete the project. The new MS was tested for the presence of NOA prior to starting work. Existing portions of road bed constructed with NOA along the project length were identified and capped with NOA-free material. Work practices and method of construction was modified to minimize worker exposure and NOA accessibility.

Similar to Juneau, the NOA concern at Material Site 105 on the Dalton Highway was discovered after workers had begun to remove and use the material. During this project; however, the NOA-containing aggregate was used to construct the gravel pad for temporary living quarters, as well as to resurface approximately 20 miles of the unpaved Dalton Highway. The NOA assessment for this project illustrated that some workers were at risk of being exposed to asbestos above regulatory limits, but motorist traveling down the gravel highway, in a "worse case scenario" were not. Regardless of the remoteness of the area and the low health risk it posed to the public, it was agreed that known NOA-containing gravel on the highway would be capped and work practices would be modified to address NOA exposure concerns during project construction. Equipment and camp facilities were decontaminated and workers were provided training. MS 105 was no longer utilized as an aggregate source for the remainder of the project and has been closed indefinitely as an aggregate source.

Ambler

Ambler is Kowagniut Inupiat Eskimo village located in northwestern Alaska along the North bank of the Kobuk River. Ambler is approximately forty-five miles north of the Arctic Circle, one hundred and forty miles east of Kotzebue and three hundred and twenty miles northwest of Fairbanks.

In 2003, the ADOT was conducting routine soil testing in preparation for a scheduled Ambler project requiring the use of gravel aggregate. Tests results reported the presence of chrysotile asbestos in the aggregate samples taken from the local gravel pit. This was the only available gravel aggregate source for Ambler and consequently had previously been used to construct the community airport, roads and utility systems. The pit is commercially owned by the local development corporation (NANA), who closed and placarded the pit soon after the NOA discovery.

All roads in Ambler, including the airport runways, are finished with unpaved gravel surfaces. All-terrain vehicles (ATV's) are the most prevalent means of transportation and create substantial visible dust, generated from the unpaved

community road surfaces, during summer months. In 2007, the Agency for Toxic Substances and Disease Registry (ATSDR) performed an exposure investigation[35] primarily focused on ATV generated dust and potential asbestos exposure for both ATV riders and the general public. The assessment concluded that exposure to visible dust generated from the Ambler roadways created a higher than average health risk concerning asbestos.

In addition to the asbestos related health concerns, several community projects which require the use of the gravel aggregate have subsequently been put on hold or cancelled. In 2004, a multi- year effort was undertaken by R&M Consultants to locate an aggregate source free of NOA. However, no location within a reasonable distance (15-25 miles) was identified that would definitively yield non-NOA aggregate.[36] Since the NOA discovery in 2003, the gravel pit has been restricted from use. Due to the inability to use gravel for regular maintenance, the Ambler runway began to dilapidate until the crown had lost its vertical rise and ruts and potholes became increasingly prevalent and obnoxious due to lack of drainage and replenishing aggregate. The runway was also a major source of dust emissions from the airplanes prop wash during take off and landing. The runway was operated by ADOT that concluded runway repairs were required to continue safe operations. ADOT also decided due to the NOA concern in the community they would apply a dust-suppressing poly synthetic palliative called Durasoil to the surface of the runway after the repairs were complete. ADOT had experienced positive results using this form, and variety, of dust suppressant in other remote areas of Alaska to control fugitive dust. Since no non-NOA containing aggregate sites were available, the known NOA-containing quarry was utilized as the aggregate source for the runway repairs. A consultant was retained to assist with a Ambler public meeting, the development of NOA project work plan, training of project workers, community relations during construction while oversight, monitoring and project reporting. Monitoring documented a Negative Exposure Assessment (NEA) with no air sampling results exceeding the OSHA PEL at any point during the project.[37]

Since the discovery of chrysotile in the Ambler gravel pit, the following NOA-related investigative efforts have been performed to date:

- **Asbestos at Ambler Material Pit Preliminary Assessment.**[38] Alaska Department of Health & Social Services, Division of Public Health, Section of Epidemiology, October 23, 2003.
    - Chrysotile asbestos discovered in Ambler quarry during routine soil testing.
    - Quarry was closed indefinitely.
- **Limited Health Survey.**[39] Alaska Department of Labor and Workforce Development, Occupational Safety & Health Labor Standards and Safety Division, November 2003.
    - School area soil, interior dust and air samples confirmed Chrysotile NOA

- Recommended material site cap, school cleaning, HEPA filtration and administrative controls to control summer risk

- **Ambler Airport Rehabilitation: Airport Materials Site Investigation.** [36] R&M Consultants. 2004 Geotechnical Report.
  - Soil boring was performed around Ambler area to find an alternative, non-NOA gravel source. Results indicated that no non-NOA gravel source was available within reasonable distance to Ambler.
- **Naturally Occurring Asbestos Summary of Requirements and Recommendations.** [40] Alaska Native Tribal Health Consortium (ANTHC). August 2005
- **Public Health Evaluation and Assessment – Interim Report.** [41] May 20, 2005. Middaugh, John P.
  - Medical records review for residents of Ambler, Kobuk, Shungnak and Kiana, to see if asbestos-related diseases had occurred
  - No asbestos-related diagnoses on death certificate; no mesothelioma cases dating back to 1970
  - On review of chest X-ray, nine people with pleural plaques suspicious for asbestos exposure were identified.
- **Investigation of Possible Environmental Asbestos Exposure in Northwest Alaska – Interim Report.** [42] Chimonas, Marc; Middaugh, John and Arnold, Scott. June 15, 2005: Alaska Division of Public Health
  - Expert review of 130 chest X-rays from villagers 50 and older; interviews conducted
  - Twenty-one individuals with either pleural plaques or pulmonary fibrosis suspicious for asbestos exposure. Some were exposed to asbestos occupationally.
  - Not possible to definitively establish or exclude environmental asbestos exposure as a cause of disease
- **Exposure Investigation Final Report.** [35] Agency for Toxic Substances and Disease Registry. June 2007
  - Chrysotile NOA confirmed in gravel used to construct roads
  - Ambient sampling confirmed airborne NOA, but not likely to be a public health concern
  - Visible airborne dust levels behind four-wheelers exposed trailing riders to a high-level of respiratory exposure and confirmed public health concerns.
- **Federal Aviation Administration, Ambler Airfield, Alaska Winter Exposure Assessment.** [43] ***NORTECH*** Environmental Engineering, Health & Safety. June 2008 Report.
  - FAA technician tasks were performed while personal and area air samples were running. Results indicated area fiber concentrations were below 0.01 f/cc while the personal TWA was below 0.10 f/cc.
  - Frequent cleaning of facilities was recommended.

- **Federal Aviation Administration, Ambler Airfield, Alaska Summer Exposure Assessment**[44] ***NORTECH*** Environmental Engineering, Health & Safety. August 2008 Report.
    - FAA technician tasks were performed while personal and area air samples were running. Results indicated area fiber concentrations were below 0.01 f/cc while the personal TWA was below 0.10 f/cc. Area samples were also collected while planes landed/took off with all results below 0.01 f/cc.
    - Frequent cleaning of facilities was recommended.
- **Ambler Airport Dust Suppression.** [37] ***NORTECH*** Environmental Engineering, Health & Safety in association with R&M Consultants. November, 2008 Report.
    - Utilized NOA-containing gravel to resurface runway using "wet methods" as needed. Palliative applied to runway surface for dust suppression.
    - Personal and area air monitoring illustrated the PEL and clearance concentrations were not exceeded.

In addition to the studies listed above, a *Naturally Occurring Asbestos Dust Control Working Group* has been established as a result of the Ambler NOA. This working group is a consortium of federal, state and local groups who help to manage and oversee NOA-related projects and concerns in Ambler in the interest of public safety. The group consists of the City of Amber, ANTHC, ATSDR, USRD, HIS, Maniilaq, DOH and ADOT.

Ambler is located between the Jade Mountains and the Cosmos Hills; small mountain ranges along the southern slopes of the Brooks Range. The rocks in these mountains are mineral-rich and contain large ore deposits. Bornite, reportedly one of the world's richest copper deposits, exists within these ranges and major jade deposits are found in the Jade Mountains. Serpentine rocks, commonly containing asbestos, have been mapped in both these ranges.[45, 46] An asbestos mine was temporarily operated at Asbestos Mountain in the Cosmos Hills near Kobuk. The asbestos has apparently been eroded from these rocks and transported throughout the area by glaciers, water and wind. Sedimentary deposits have been found with varying concentrations of asbestos throughout the area.[36]

The NOA found in Ambler poses many issues not previously encountered in Alaska. Ambler requires the use of gravel to maintain the limited road system, runway, public utilities and local projects. With no apparent asbestos-free gravel sources within a reasonable distance and only year round air travel access identifying methods to use NOA safety are significant to the regional corporation source owner and local community. ADOT held public meetings in Ambler to obtain feedback, report progress and provide information regarding NOA, asbestos health hazards, risk and effective methods to reduce exposure (avoidance of visible dust clouds, road watering, regular household cleaning to

remove visible dust accumulations, removing footwear prior to entering homes and driving slower on the roads, etc).

Alaskan Construction Projects

The presence of NOA and its effects on construction projects in general, as well as its effects on certain Alaskan Construction projects, are noted in other sections. Here we examine the occurrence of NOA in Alaska and its likely effect on future construction projects. Most heavy construction projects such as dams, roads, airports, pipelines, and railways require large quantities of natural materials, sand, rock, and fill soil. These materials are excavated, processed, and transported to the sites where they are needed. Ideally the transport distance from excavation to installation and the processing steps are minimized. In any case, the excavation, processing, and transport are key cost drivers in most heavy construction projects. If material sources proximate to the project have NOA or are likely to contain NOA, the project owners and designers must make a decision to obtain NOA-free materials further from the project at a greater cost, or to use the NOA materials and make allowances for handing the NOA material in such a manner to keep airborne asbestos fibers and their human health hazards to a minimum. Other sections of this report deal with methods of ameliorating fiber release from NOA-containing materials after they have been installed and regulations in other states that have established standards for NOA materials that establish benchmark concentrations, which, together with prudent work methods, are protective of human health.

This chapter will: examine the need for gravel and similar materials in Alaska, discuss the mineralogy of Alaska with respect to asbestos, present a map of mineral occurrences that may contain NOA and their location with respect to transportation corridors, and examine the implications for projects. Finally we will present some conclusions.

Alaska Gravel Needs

Many heavy construction projects move large quantities of soil within their right of way. These are often called "unclassified materials." Over these are then placed "classified" or "select" materials. The exact definition and qualities of these material are dependent on the particular type of project and its specifications. These materials generally must be imported from off the right of way, usually from special "material sites." Here we will just refer to those imported materials collectively as "gravel." We will discuss them in relation to historical and known current demands for gravel, as well as estimates for future projects.

Highways

Here we discuss some likely gravel needs in the DOT's Northern Region. Currently, for projects on the highway system, there is gravel available, although

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it may involve a longer haul distance. Generally, these sources have not been checked for NOA. New sources are needed for the routine maintenance (M&O) activities and routine construction projects. DOT Northern Region used 2 million CY from 64 different material sites in 2007 and 1.6 million CY from 40 different materials sites in 2008.[23] The DOT generally has enough material for maintenance and operations (M&O) and new projects, although most new projects are improvements to existing roads. The large rocks used to armor stream banks and other hydraulic structures is known as "rip rap" and rocks large enough for rip rap are usually scarce.

The Trans Alaska Pipeline System (TAPS) and future 48"Gas Pipeline

The TAPS project used 73 million CY of gravel, total. The workpad required 32 million CY. [24] Of that, the Dalton Highway (Haul Road) required about 13 million CY for its prism. Many access roads to material sites were required for Haul Road construction, and may have been counted in either the Haul Road number or not. Certainly the 225 access roads were counted in the 73 million CY. Thus, if the Haul Road and its material sites were counted in, the TAPS project would have required 50 to 60 million CY of gravel without the Haul Road. The most likely route of the proposed gas line will follow the Dalton Highway and the Alaska Highway, there will not be a major new highway. However we do not believe that Alyeska will allow the gas pipeline to use Alyeska's workpad or construct close to TAPS, therefore new workpads and many new access roads will be required. There will be new camp pads, airports, and compressor stations. Not counting the DOT upgrade work, we estimate that the gas line will need to mine 50 to 60 million CY of new gravel. (Referring the annual DOT usage, the new pipeline will require 25-fold the annual DOT requirement, and most of that in the first year or two of construction).

Special highway construction

If the gas line is built, AK DOT will need to reconstruct many miles of substandard road. Large sections of the Dalton Highway need reconstruction.

Airports

Virtually all airport construction and upgrades require material from local sources. In some locations material is barged in from long distances, but this is expensive. There are about 256 bush airports owned by the ADOT.[25] A new small airport may require 25,000 CY of gravel. In addition, gravel is needed for access roads and maintenance of both the runway and the access roads.

Railroad Extension

There is currently a study regarding extending the Alaska Railroad from Fairbanks to Delta (90 miles) and from Delta through Canada (200 miles).[26] A rough estimate for that yields 14 million CY of fill, gravel, and ballast for the main line. Much of the line would be close to the Alaska Highway. However access roads, camps, and ancillary structures – there will be many bridges – may require another 5 million CY.

Mining and other industry

Mining needs gravel for access roads. Smaller mines generally have some material available on-site, but major new mines will require gravel from outside the mine. Extrapolation from Alyeska's numbers (73 million CY in 800 miles) one could say 91,000 CY per mile of new infrastructure. That would include main road and roads to gravel sources and pads for ancillary structures. Minimizing haul distances is economical, which tends to increase the number of material sites. Two new material sites per mile might be a good estimate.

Balance between Existing and new MS

Most of the smaller scale road maintenance is done with existing gravel sources. The volume is generally not large and the costs of opening a new pit are often greater than the haul costs from a more distant pit. A major project will require a lot of gravel and thus justify the extra costs of opening closer pits. Besides direct costs, safety is an important consideration when hauling of gravel on an active highway, and minimizing the number of construction rigs on a traveled highway is good practice.

Since the existing open material sources are just adequate for current needs, it is clear that many new gravel sources will be needed if any of the major projects come to fruition.

Mineralogy of Alaska with respect to asbestos

"Asbestos" is a commercial term, not the name of a particular chemical or geological rock type. While there are six asbestos types that are regulated due to known human health effects, there are other, similar minerals that are not regulated. Some of these may likewise have adverse health effects. Within minerals of a certain chemistry, some of the mineral may have crystallized into large crystals or masses, while other portions may have crystallized in fibers or bundles of fibers. In general, "Asbestos is defined as certain minerals that have crystallized in a finely fibrous habit, in bundles of easily separable fibers and/or fibers which are composed of smaller diameter fibrils, and with a hair-like elongated shape resembling organic fibers, with exceptionally smooth faces and displaying unusual adamantine or silky luster" [8]

As noted by Gosen[31] asbestos is most commonly defined as the asbestiform variety of several specific, naturally occurring, hydrated silicate minerals. Asbestos typically includes chrysotile, the asbestiform member of the serpentine group, and several members of the amphibole mineral group, including, but not limited to, the asbestiform varieties of (1) riebeckite (commercially called crocidolite), (2) cummingtonite-grunerite (commercially called amosite), (3) anthophyllite (anthophyllite asbestos), (4) actinolite (actinolite asbestos), and (5) tremolite (tremolite asbestos). Other amphiboles are known to occur in the

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fibrous or asbestiform habit,[27] such as winchite, richterite[30] and fluoro-edenite,[29,28] but usually they have not been specifically listed in the asbestos regulations. The many different ways that asbestos and asbestiform and other related terms have been described are summarized in Lowers and Meeker.[30]

The geological conditions necessary for the formation of NOA have been reviewed and the rock types known to host NOA include serpentinites, altered **ultramafic** and some **mafic** rocks, dolomitic marbles and metamorphosed dolostones, metamorphosed iron formations, and alkalic intrusions and carbonatites.[31] In summary, there are many types of minerals that might contain asbestos, and these include rock types very common in Alaska.

Map of mineral occurrences that may contain NOA and their location with respect to transportation corridors

Next follows some maps that show the regions of Alaska that may contain asbestos, based on the mineral type. The mineral types are taken from the above reference sources, and the mineral locations are based on the USGS map, *Geologic map of Alaska, U.S. Geological Survey Special Map, by H. M. Beikman, 1980.* In addition, in Appendix 3, is the USGS database of all geological exploration and mining that identified asbestos. These have been mapped along with the transportation corridors identified by ADOT planning. Note the northern region had more detailed planning maps.

It is important to realize that the map is of the bedrock, or parent material. If the rock erodes, it will move down-gradient via colluvial or alluvial transport. Thus asbestos might be found in sites distant from the origins.

The first map is an index, and the following three maps show greater detail.

Acknowledgement
The work of Kyle Obermiller, an undergraduate student in UAF's Geological Engineering program on the geological mapping was appreciated and is hereby acknowledged.

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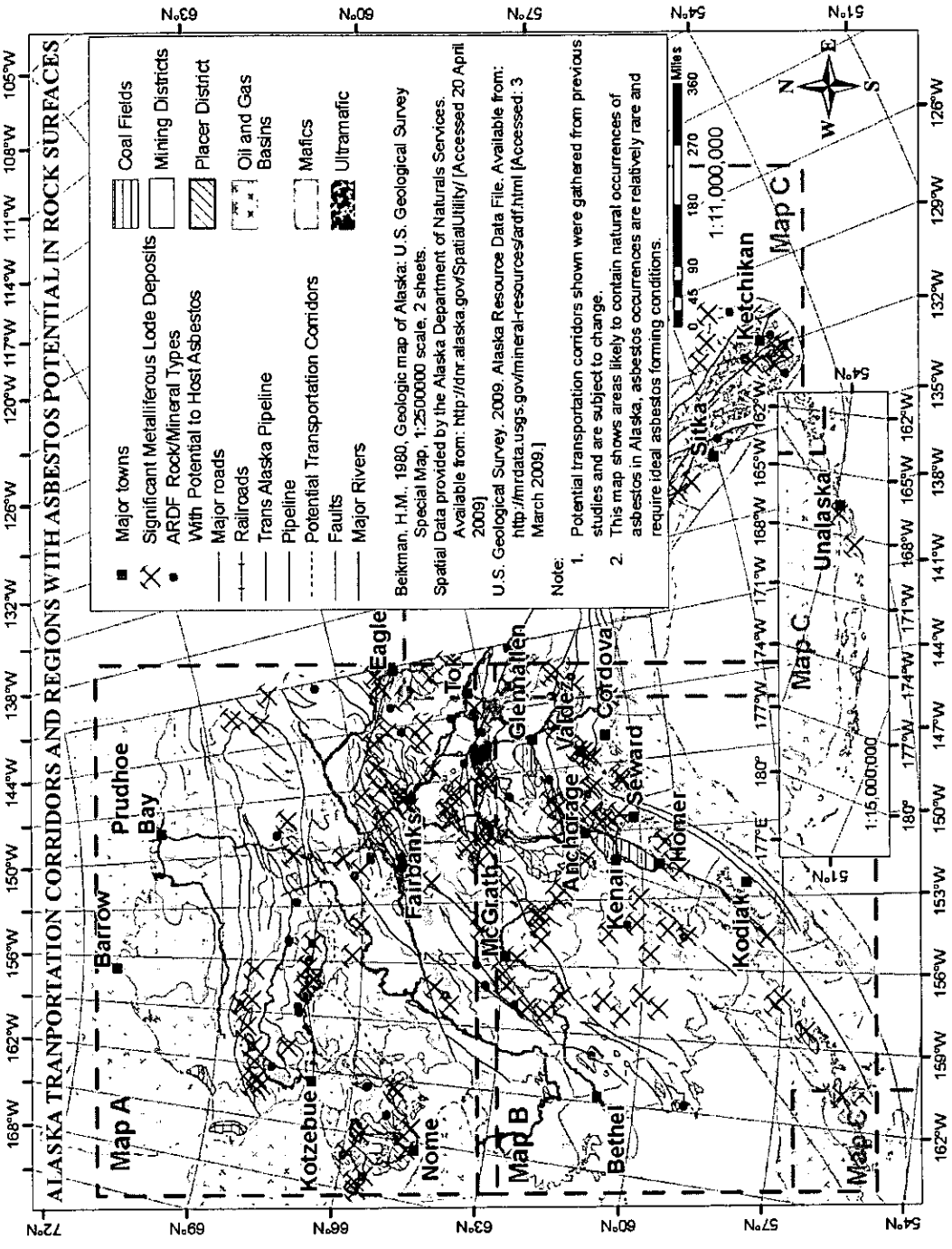
ALASKA TRANPORTATION CORRIDORS AND REGIONS WITH ASBESTOS POTENTIAL IN ROCK SURFACES
Major towns
Significant Metalliferous Lode Deposits
ARDF Rock/Mineral Types
With Potential to Host Asbestos
Major roads
Railroads
Trans Alaska Pipeline
Pipeline
Potential Transportation Corridors
Faults
Major Rivers
Coal Fields
Mining Districts
Placer District
Oil and Gas Basins
Mafics
Ultramafic
Beikman, H.M., 1980, Geologic map of Alaska: U.S. Geological Survey Special Map, 1:2500000 scale, 2 sheets.
Spatial Data provided by the Alaska Department of Naturals Services. Available from: http://dnr.alaska.gov/SpatialUtility/ [Accessed 20 April 2009]
U.S. Geological Survey. 2009. Alaska Resource Data File. Available from: http://mrdata.usgs.gov/mineral-resources/ardf.html [Accessed: 3 March 2009.]
Note:
1. Potential transportation corridors shown were gathered from previous studies and are subject to change.
2. This map shows areas likely to contain natural occurrences of asbestos in Alaska, asbestos occurrences are relatively rare and require ideal asbestos forming conditions.
Miles
1:11,000,000
1:15,000,000
Map A
Map B
Map C
Map C
Map C
Barrow
Prudhoe Bay
Kotzebue
Nome
Fairbanks
Eagle
Tok
Glennallen
McGrath
Anchorage
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Cordova
Seward
Homer
Kenai
Kodiak
Bethel
Sitka
Ketchikan
Unalaska
Index Map

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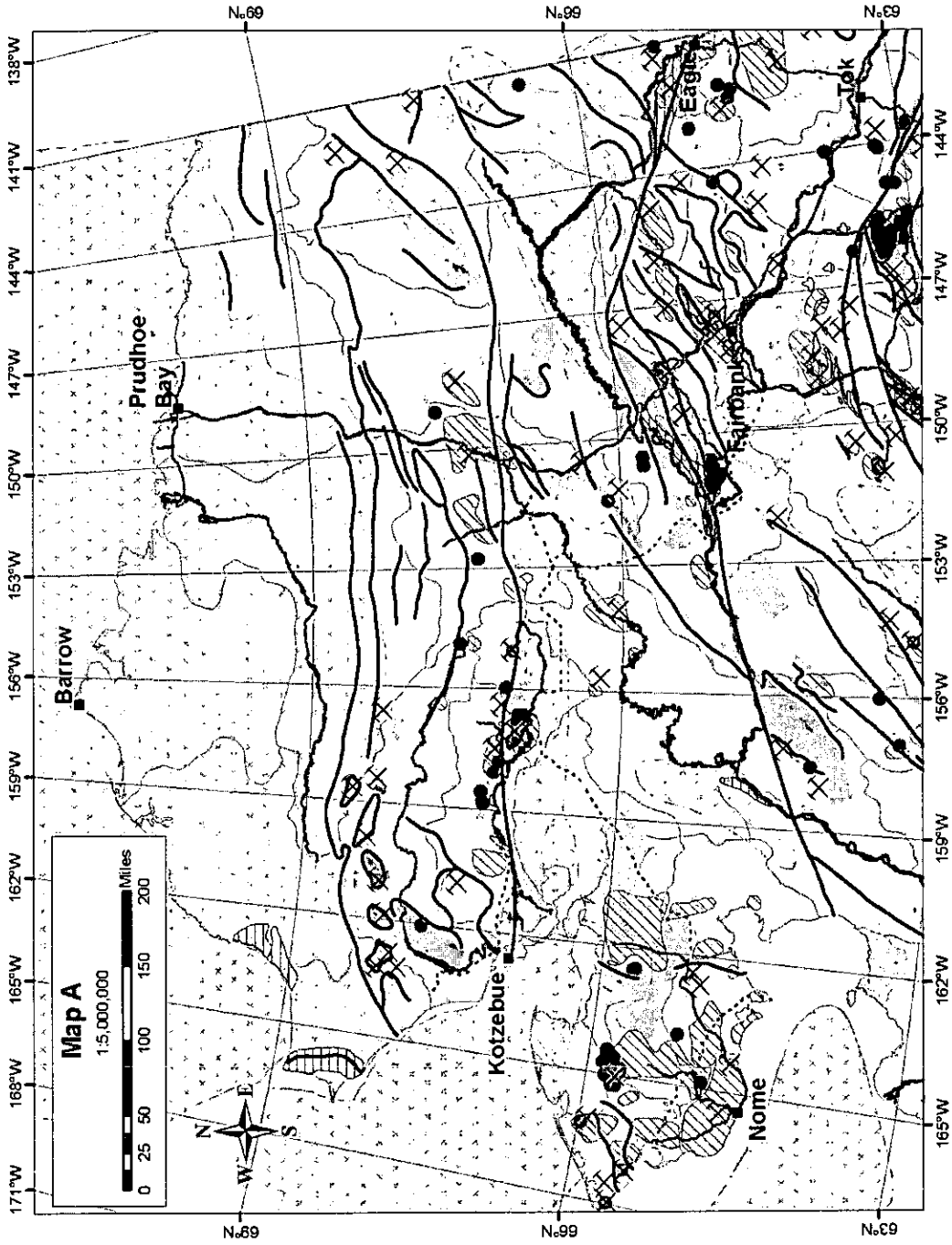
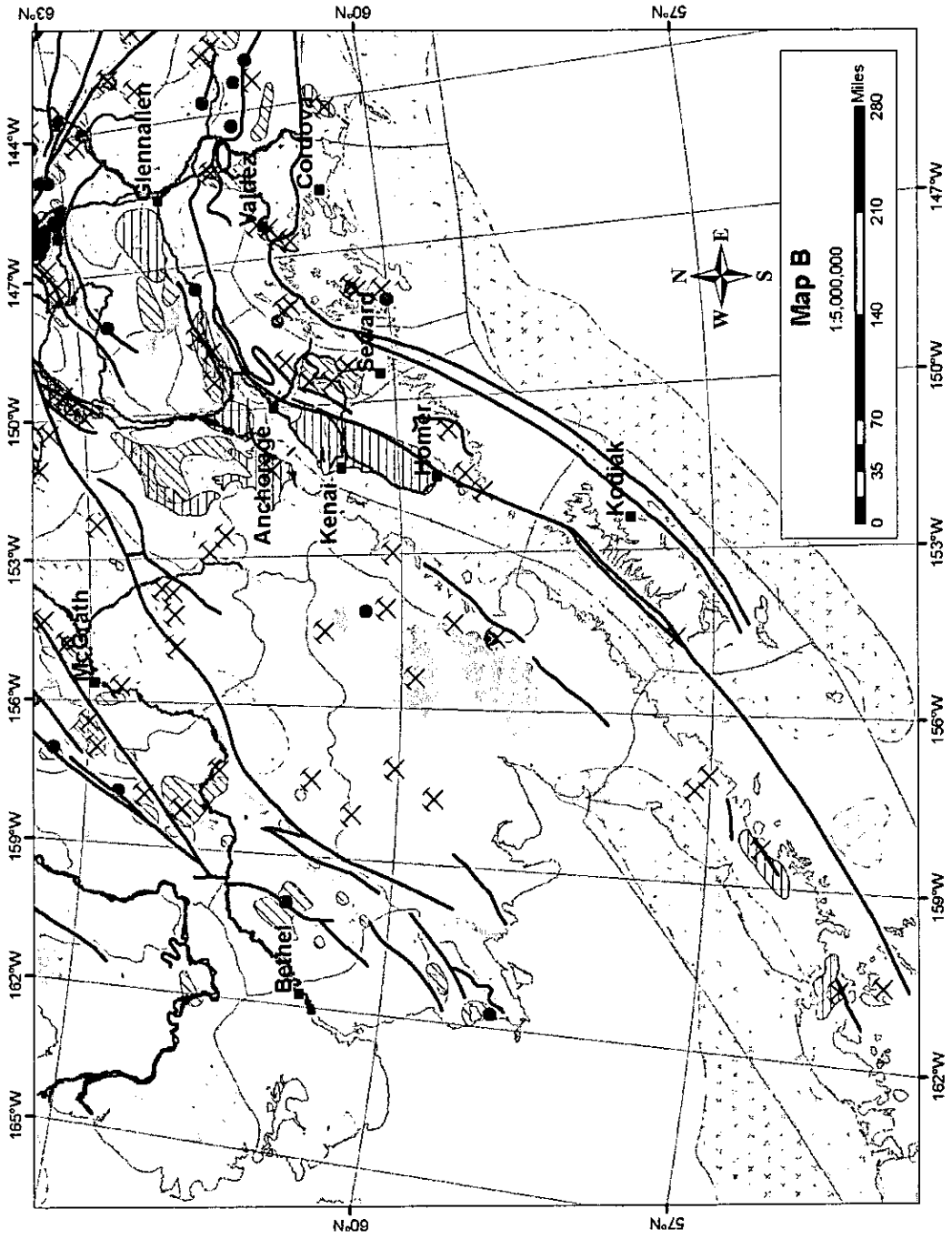


Map A, Northern Alaska



Map B South Central

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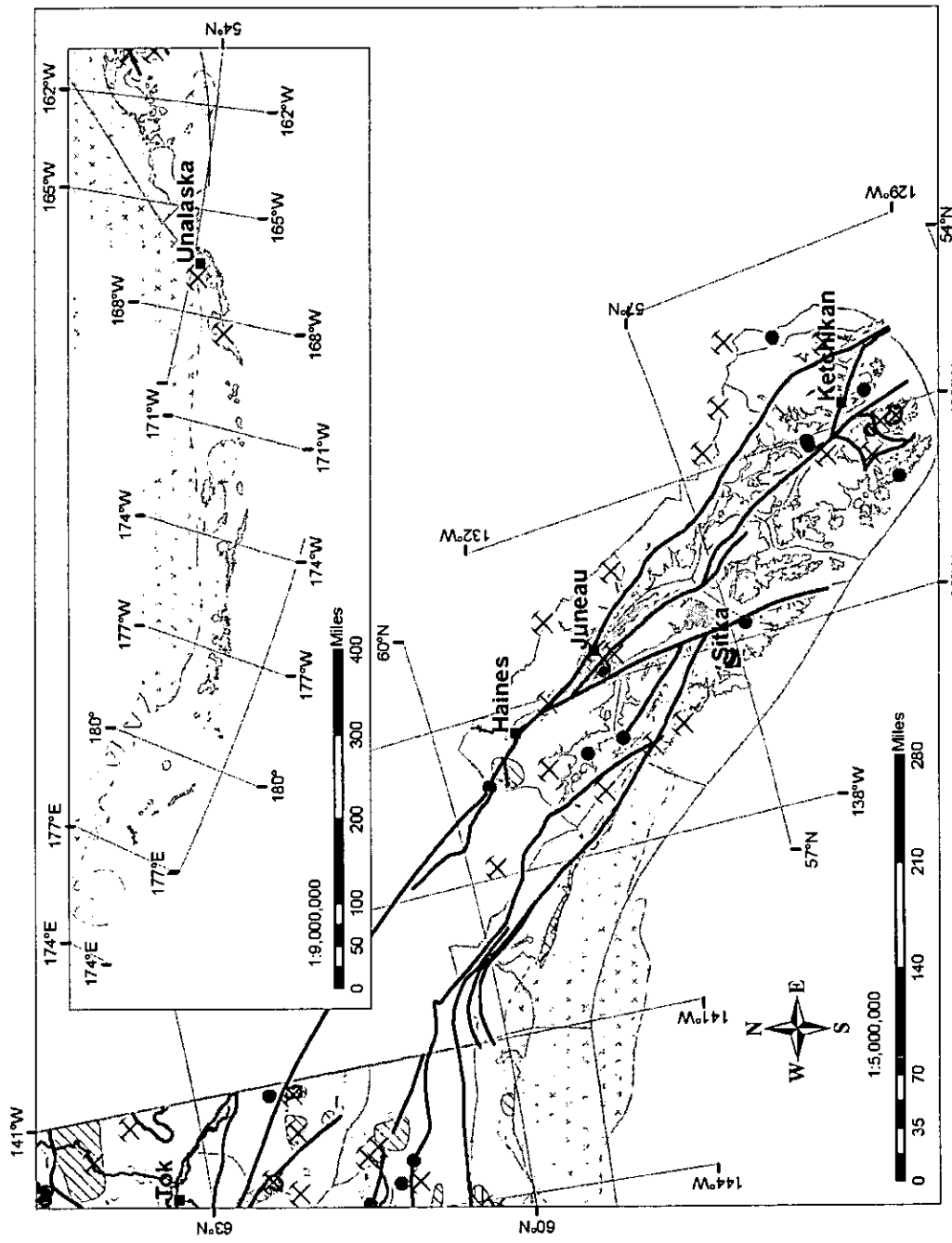

Map C, Southeast and panhandle

Conclusions and recommendations regarding future projects.

It is clear that many of Alaska's current transportation corridors traverse regions containing minerals that may contain NOA. Although Alaska is a huge state, as a practical matter, gravel must be obtained reasonably close to the project. It is also clear that large quantities of gravel will be needed for future projects. While not all the areas that mineralogy mapping has identified as possible asbestos sources will contain asbestos, the mining and geological exploration done in those areas has identified that asbestos is found in these regions. Since asbestos was often found during the exploration for other minerals, it seems likely that asbestos is fairly common in those regions. We know of projects such as Ambler and the Dalton Highway that have been impeded by NOA, thus it is reasonable to expect future projects to be impeded, if they traverse areas with mafic and ultramafic rock and other minerals as identified on the map.

While finding NOA in pre-construction geological exploration is usually a negative for the project, its untoward effects are paltry compared to finding asbestos once construction using the material has started. Therefore all projects that use gravel or other mineral resources in areas identified with mafic or ultramafic rock, or down-gradient or downstream from those minerals must include analysis for asbestos as part of the material site exploration process. If asbestos is identified, its type and extent should be quantified, if possible.

If asbestos is found the project managers must make a decision. Non-asbestos containing earth materials should be used if possible. However if material without asbestos is not readily available, the project managers must make a decision about using the material with NOA or, presumably, importing non-NOA material, or perhaps rerouting or abandoning the project. Using the guidelines and information presented in other sections of this paper will help. Reiterating the key conclusion – if a project's material source is in a region identified on the maps in these chapters as likely to contain asbestos, the material site exploration phase must include an assessment of the material site for asbestos.

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Footnote to Chapter
Summary of Asbestos Minerals

Table 1 Summary of minerals where fibrous crystal form or cleavage has generated concern (not an exhaustive list) Mineral Asbestiform or fibrous probability Remarks Serpentine minerals Chrysotile Always Most common type of asbestos; almost the only form mined today Antigorite Rare Amphibole minerals Riebeckite Probable (crocidolite) Previously mined as asbestos in South Africa, Australia and Russia, but not common elsewhere Cummingtonite-grunerite Probable (amosite) Previously mined as asbestos in South Africa. Non-asbestiform habit is common Tremolite-actinolite Probable Widespread occurrence both as asbestiform and non-asbestiform habits, but only rarely mined as abestos Winchite-richterite Probable Rarely encountered Anthophyllite Probable Previously mined as asbestos in Finland and in the eastern USA. Often associated with talc. Arfvedsonite, fluor-edenite, etc. Possible Rarely encountered Zeolites Erionite, mordenite Almost always fibrous Not considered as asbestos, rarely encountered Clay minerals Palygorskite, sepiolite Fibrous habit possible or common Not considered as asbestos, rarely encountered Others Brucite, wollastonite, talc, balangeroite Fibrous habit possible or common Not considered as asbestos, and, except for talc, rarely encountered

Table 1 Summary of minerals where fibrous crystal form or cleavage has generated concern (not an exhaustive list)

Mineral	Asbestiform or fibrous probability	Remarks
Serpentine minerals		
Chrysotile	Always	Most common type of asbestos; almost the only form mined today
Antigorite	Rare	
Amphibole minerals		
Riebeckite	Probable (crocidolite)	Previously mined as asbestos in South Africa, Australia and Russia, but not common elsewhere
Cummingtonite-grunerite	Probable (amosite)	Previously mined as asbestos in South Africa. Non-asbestiform habit is common
Tremolite-actinolite	Probable	Widespread occurrence both as asbestiform and non-asbestiform habits, but only rarely mined as abestos
Winchite-richterite	Probable	Rarely encountered
Anthophyllite	Probable	Previously mined as asbestos in Finland and in the eastern USA. Often associated with talc.
Arfvedsonite, fluor-edenite, etc.	Possible	Rarely encountered
Zeolites		
Erionite, mordenite	Almost always fibrous	Not considered as asbestos, rarely encountered
Clay minerals		
Palygorskite, sepiolite	Fibrous habit possible or common	Not considered as asbestos, rarely encountered
Others		
Brucite, wollastonite, talc, balangeroite	Fibrous habit possible or common	Not considered as asbestos, and, except for talc, rarely encountered

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OTHER STATES NOA REGULATIONS

Several large areas of asbestiform mineral deposits exist in the United States. These deposits host both serpentine and/or amphibole minerals in mafic and ultramafic rock formations and have varying concentrations of asbestos. Some states have implemented policies in order to safely address NOA concerns while attempting to limit adverse affects on projects in which NOA-containing rock will be impacted.

Virginia

Fairfax County has adopted a two stage approach for dealing with local NOA. The Fairfax County Health Department, Air Pollution Control Division (Fairfax APCD) oversees the potential public health concern associated with exposure to asbestos generated from construction activities. They enforce the Fairfax APCD Control Requirement Directives 1 and 2 for Construction Activities in Actinolite/Tremolite Soil Sources (CRD 1 and 2). The Virginia Department of Labor and Industry, Occupational Health Division (VDLI) regulates the interior of the construction site as it pertains to employee exposure under the Asbestos Standard, 29 CFR 1926.1101. These two agencies work in concert to control the emissions of asbestos fibers during work activities. The program is founded in the approach of proper disposal and capping of both the NOA source and constructed project. The following is a brief summary of CRD 1 and 2:

Directive 1 – Standards of performance for Actinolite/tremolite soil sources

1. Compliance Plan - A written compliance plan must be submitted to the Fairfax APCD for review and approval before work begins on the construction project.

2. Dust Control - Effective dust control must be practiced at all times.

3. Air Monitoring – Air monitoring must be performed during all phases of earthwork involving actinolite or tremolite containing material and comply with ambient air concentration standards for asbestos.

4. Disposal and Cap - An appropriate, safe, disposal site must be used to dispose of actinolite or tremolite contaminated soils whether they are to remain on site or be removed. All final disposal areas and the finished grade of the developed land shall be covered with six inches of clean compacted material.

5. Notification – Sufficient notice of asbestos shall be given to all employees and contractors on the site in compliance with the OSHA Asbestos Standard (29 CFR 1926.1101).

Directive 2 – Monitoring and Reporting Requirements

1. Monitoring requirements
    a. The monitoring and sample analysis will be conducted by competent personnel and closely supervised by an experienced individual certified with NIOSH 582 course training or equivalent [we should expound on that]
    b. Air monitoring samples will be collected.
    c. Project Reports of the perimeter, area, and personal monitoring results will be submitted to the Fairfax County Health Department.

2. Project Reporting Requirements
    a. A written description of the work activities.
    b. Diagram of the Construction Project.
    c. Air Monitoring Results.
    d. Violations to Directive 1 detected by air monitoring

3. A 24-hour average standard for asbestos ambient air concentrations is calculated

John Yetman was interviewed on the effectiveness of Fairfax County's NOA program, as well as public and commercial response. Mr. Yetman is a Senior Environmental Health Specialist with the Fairfax County Health Department, and has managed the county's NOA program for over 20 years. The NOA program described above has been in effect in Fairfax County since 1993. The NOA found in Fairfax County is typically beneath several feet of clay, so the program is designed exclusively for excavation and soil impacting activities. The soils of Fairfax County have been mapped, with known NOA encompassing 11 square miles of the 400+ square mile county. The geological maps are reportedly accurate to +/- 500 feet. If excavation/soil impacting activities are to occurring within this 11 square mile area, the contractor is required to submit a compliance plan as mentioned above.

The compliance plan describes location and activities associated with the project, dust control methods and worker and public safety controls. If the project is located within the NOA area per the soil map, the contractor is required to have a compliance plan approved through the county health department. If the project site is located within 500 feet of the mapped boundary, the contractor may submit a limited compliance plan which outlines the same requirements as the full plan; however, implementation of the plan is only required if suspect NOA is discovered.

Dust control consists primarily of applying water and/or slowing operations so that no visible dust is present. Air monitoring is required at all times soil impacting activity is occurring which consist of both area and personal sampling using PCM cassettes and analysis. The area monitoring is performed at several points on the perimeter of the "work zone", a term used to describe the area of

the jobsite that has controlled access from the public. Area monitoring is a 24-hour average with the Fairfax County Air Pollution standard being 0.02 f/cc. Personal samples are also collected from workers inside the work zone to determine and 8-hour TWA with a maximum allowable fiber concentration of 0.10 f/cc. All air monitoring is required to be performed by a third party. All air monitoring results are required to be submitted in a final close out report; however, exceedences in airborne fiber concentrations are reported to the county health department immediately. Samples with elevated fiber levels may be further analyzed using Method 7402 which utilizes TEM to determine if the fibers meeting the PCM counting rules are asbestos.

Mr. Yetman explained that NOA-containing soils are encouraged to remain onsite; however, soils can be utilized as fill for other jobsites located within the known NOA area. If soils are removed from Fairfax County, it is strongly recommended the contractor inform the recipient of the possible contamination in the soil, and obtain a signature of acknowledgement.

Directive 1 also requires that 6 inches of clean cap be applied to all disturbed soils within the NOA area. Allowances are made when the soil is to be covered with vegetative-sod, in which case only 3 inches of cap is required.

Mr. Yetman felt that the program has been very successful for the county. He explained that the public and local contractors have become accustom to the NOA requirements, and they very rarely experience issues. He also noted that fiber level exceedences have become less common as contractors have developed effective means for dealing with dust suppression.

The "backbone", as described by Yetman, of Fairfax County's NOA management plan is the county soil map. This is an efficient way to identify if NOA will be a concern for the project, and if a compliance plan is required. Additionally, Mr. Yetman explained that the Health Department makes certain to explain the liability associated with removing NOA-containing material offsite, or outside of Fairfax County, which has seemed to reduce this occurrence.

California

The State of California Air Resources Board (CARB) has implemented regulations designed to significantly decrease the chances that asbestos in soil and rock can become airborne, and thus minimizing public exposure to asbestos. These state regulations are referred to as the Airborne Toxic Control Measures. (ATCM's) The first ATCM applies to surfacing applications and was originally adopted in 1990, but was amended in 2001. The second ATCM applies to construction, grading, quarrying and surface mining operations.

According to the CARB's Implementation Guidance Document for the Asbestos Airborne Toxic Control Measure for Surfacing Applications[47], the first Asbestos

ATCM prohibits the sale or use of restricted material for unpaved surfacing unless it has been tested and found to have an asbestos content that is less than 0.25 percent. The ATCM defines restricted materials as aggregate material extracted from an ultramafic (or ultrabasic) rock unit as shown on referenced geologic maps; ultramafic rock including serpentine; or aggregate material shown to have an asbestos content of 0.25 percent or more; or any mixture containing 10% ultramafic/serpentine materials.

The test method required to determine the asbestos content is either CARB Method 435 or a method approved by the CARB's Executive Officer. If restricted material is being sold or supplied for surfacing purposes, the producer of the material (quarry operator) is required to provide the recipient the following information: the amount of material sold or supplied; the dates the material was sold or supplied, sampled and tested; and a statement verifying that the asbestos content of the material is less than 0.25 percent. Anyone who sells or supplies restricted material, but did not extract the material from the ground, must provide all of the above information with the exception of the date that the material was sampled and tested. If restricted material is being sold or supplied for non-surfacing purposes the supplier must notify the recipient with a warning statement that the material may contain asbestos.

The amended ATCM contains the following surfacing exemptions:

- sand and gravel operations;
- roads located at quarries and mines;
- maintenance operations on existing roads;
- emergency road repairs;
- asphalt and concrete materials;
- landfill operations;
- results of a geologic evaluation;
- steep surfaces with limited access;
- surfacing applications in remote locations;
- roads located at construction sites; and
- riprap (material placed along water course or shoreline to prevent erosion)

The amended ATCM also allows the district authority to require geologic evaluation for the presence of rocks that may contain asbestos and the authority to require testing of any aggregate material for its asbestos content. This authority would typically be exercised if there is credible evidence indicating the potential presence of asbestos outside of an ultramafic rock unit.

There are two possibilities for the regions with mapped mafic or ultramafic rock, either the asbestos content is ≥0.25% or the asbestos content is <0.25. If the asbestos content is <0.25%, the material can be used for surfacing or any other use, if the material has ≥0.25% asbestos, its use is restricted. Minerals taken from mapped areas are restricted and must be tested and certified prior to use. In addition to mapped restricted areas the program includes a number of

exemptions and has district authority to implement regional priorities. The 0.25 threshold was derived from the detection limit per the test method. Since only PLM 400 point count is required, if one fiber is observed in the counting area the sample has 0.25% asbestos. If fibers are observed outside of the counting area, the sample is reported as having "trace" amounts of asbestos present, and be considered <0.25% asbestos.

Any person who sells, supplies, or offers for sale or supply restricted material for non-surfacing applications must provide with each sale or supply a written receipt containing the following statement:

"WARNING!
This material may contain asbestos.
It is unlawful to use this material for surfacing or any application in which it would remain exposed and subject to possible disturbances.
Extreme care should be taken when handling this material to minimize the generation of dust."

Thus, NOA-containing material may be used for construction projects as long as the affected material is not to remain exposed. If NOA-containing aggregate is used for road construction, the dust suppressing method used, such as capping, must be designed to last for an extended period of time (ie greater than 5 years). Asphalt or concrete would suffice as an appropriate method, while water application or other short-term palliatives would not.

If an approved asbestos bulk test method has been used to perform two or more tests on any one volume of aggregate material, whether by the same or a different person, the arithmetic average of these test results shall be used to determine the asbestos content of the aggregate material.

The sampling frequency required for determining the asbestos content of any aggregate material is required to be the following unless the APCO approved an alternate testing frequency.

- Storage Piles and Conveyer Belts – Minimum of 3 random grab samples per 1000 tons
- Aggregate Covered Surfaces – Minimum of 3 random grab samples per
    - 1 mile of road
    - 1 acre of surface area
    - 2 miles or 2 acres of road shoulder

The second ATCM, which applies to construction, grading, quarrying, and surface mining operations was adopted in July, 2002. This ATCM requires more stringent dust control measures at these operations. For example, an approved dust mitigation plan may be required, depending on the size of the project, or proximity to a receptor such as a hospital, school, day care center, work site, business, residence or permanent campground. The requirements for road

construction and maintenance differ somewhat from those for general construction and grading (e.g., development of a shopping center). Other requirements of the proposed ATCM address post-construction stabilization of disturbed areas. These areas must be revegetated, paved, or covered with at least three inches of non-asbestos-containing material. NOA-containing material may be transported if the loads are adequately wetted or covered with tarps.

According to the CARB's Regulatory Advisory: Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying and Surface Mining[48], the second California ATCM applies to road construction and maintenance, construction and grading operations, and quarries and surface mines when the activity occurs in an area where naturally-occurring asbestos is likely to be present according to currently published NOA maps. Areas are subject to the regulation if they are identified on maps published by the department of Conservation as ultramafic rock units or if the Air Pollution Control Officer (APCO) or owner/operator has knowledge of the presence of ultramafic rock, serpentine, or naturally-occurring asbestos on the site. The ATCM also applies if ultramafic rock, serpentine, or asbestos is discovered during any operation or activity.

Road construction and maintenance operations are required to use dust control measures for a specified set of emission sources and prevent visible emissions from crossing the project boundaries. California has local air pollution control or air quality management districts which must also be notified before any work begins. For construction and grading projects that will disturb one acre or less, the regulation requires several specific actions to minimize emissions of dust such as vehicle speed limitations, application of water prior to and during the ground disturbance, keeping storage piles wet or covered, and track-out prevention and removal. Construction projects that will disturb more than one acre must prepare and obtain district approval for an asbestos dust mitigation plan. The plan must specify how the operation will minimize emissions and must address specific emission sources. Regardless of the size of the disturbance, activities must not result in emissions that are visible crossing the property line. Quarries and surface mines must also obtain district approval for an asbestos dust mitigation plan which must address specific emission sources. In addition, they must meet specific opacity standards for certain types of equipment and ensure that there are no emissions visibly crossing the property line.

Records related to the applicability of the regulation or compliance with the specific provisions of the regulation or the asbestos dust mitigation plan must be kept for seven years. The results of any air monitoring or bulk sampling required by the district, any bulk sampling to document the applicability of, or compliance with, the regulation, and any other records specified in the dust mitigation plan must be reported to the district.

The second ATCM has the following exemptions:

- Homeowners and tenants working on their own residential property

- Agricultural operations and timber harvesting
    - Except for the construction of roads and structures in connection with agricultural and timber operations

In addition, districts may grant an exemption under any of the following conditions:

- A geological evaluation demonstrates that ultramafic rock or serpentine is not likely to be found;
- Road construction and maintenance activities in a remote location;
- The processing of rock from an alluvial deposit.
- For emergency road repairs, district notification may be delayed.

CARB's Manager of Emissions Evaluations, Robert Krieger, provided feedback on California's NOA regulations. Mr. Krieger explained that while the state of California has developed the ATCM's, it is the responsibility of the local air pollution district authority to implement and regulate, and the districts have the option of placing more stringent requirements than the ATCM's. While asbestos has several definitions, California has taken a conservative approach that any asbestos exposure is harmful, thus the ATCM's designed to reduce or eliminate asbestos exposure to the public; consequently, imposing the 0.25% standard. Additionally, districts can implement air sampling requirements for projects encountering NOA; the ATCM does not address air monitoring requirements.

Mr. Krieger mentioned that historically when NOA was discovered on a school's property it had been removed. More recently, however, this practice has been determined to be costly and unnecessary. If NOA-containing material is found to be on a school's property, or is used as fill during a construction project, it must be covered with a minimum of 12 inches of clean fill. Projects not on school grounds where NOA-containing material is used a 3 inch layer of clean fill is required.

John Clinkenbeard, a Certified Professional Geologist (C.P.G.) for the State of California, explained the USGS has developed geological maps of the entire state of California available at 1:250,000 resolution. At this resolution, a boundary line on the map is approximately 1,000 feet wide and the smallest area resolution is 25 acres. When the local district authority reviews a construction permit, they reference these maps to evaluate if the proposed project site falls with in areas of known ultramafic or serpentine formations, or an area with known asbestos present. If the project is to occur in an area of concern the ATCM applies. If the project area is outside of the known areas of concern, the project site must undergo a geological evaluation by a third party C.P.G. Evaluations are also used when the project location is close to the boundary line, or the Contractor believes that asbestos is not present. California is presently working on increasing the statewide geological map resolution to 1:100,000; however, this project is not anticipated on being completed for several years. Some districts have funded mapping efforts in order to obtain a 1:24 map resolution.

After discussing NOA in Alaska, Mr. Clinkenbeard referenced Airborne Visual Inferred Spectroscopy (AVIRIS) as a possible geological mapping option. Imaging spectroscopy is a new tool that can be used to map specific materials by detecting specific chemical bonds. As a result it is an excellent tool for environmental assessments, mineral mapping and exploration, vegetation communities/species and health studies, and general land management studies.[49] The AVIRIS technology is aircraft-mounted and can collect data at a rate of 2 square kilometers per second. While this technology may not be feasible for Alaska's entire landmass, project specific uses may prove to be beneficial.

Jeff Wright with the CARB was contacted regarding M435 asbestos testing. The M435 method was developed in 1990 and was designed to detect serpentine asbestos in gravel/soil. The ATCM's requirements result in a large quantity of soil and gravel being tested for the presence of asbestos per M435; therefore, many testing laboratories throughout the state perform this analysis. CARB performed an interlaboratory study of California laboratories which offered the M435 testing. Samples were "spiked" with a known amount of asbestos and sent to the labs for analysis. The results of the study indicated vast discrepancies in the sample results.[50] All the laboratories included in the study were national accredited to analyze asbestos, however; M435 is unique from other test methods and while all the labs where adhering to M435 protocol, several different varieties of milling and homogenizing equipment was used. Mr. Wright explained that increased sample pulverization has been known to decrease asbestos concentrations via PLM analysis because the fibers are reduced in size to the point where they no longer meet the definition of a fiber; in contrast, asbestos concentration results per TEM analysis tend to increase. Because NOA is typically not uniform in samples, after the material has been milled sample homogenization should occur. PLM analysis examines only a small fraction of the sample, and TEM examines approximately one millionth of that, making homogenizing the samples an extremely important process.

Mr. Wright explained that California is in the process of undergoing several changes to M435. The proposed changes are as followed:

- Sampling
    - Bias field sampling per the discretion of the C.P.G.
        - Perform "target sampling" which focuses on areas or materials most likely to contain NOA opposed to "random" sampling in which the NOA may not be sampled
- Processing
    - Formulate a M435 accreditation for testing laboratories
        - California is working with NVLAB to develop an M435 accreditation

        - Require specific equipment to be used for the pulverizing and homogenizing processes
- Analysis
    - Move away from quantitative analysis
        - Results would be reported as "present" or "absent"
    - Additional analysis
        - If PLM observes no asbestos, require the sample to be analyzed via TEM

Other States

The following states either have, or are in the process of implementing NOA regulations: Massachusetts, New Hampshire, Pennsylvania, and Texas.

NOA CONTROL STRATEGIES AND TECHNOLOGIES

The following are a number of NOA control strategies and technologies that can be used to ameliorate asbestos release from NOA and NOA-containing material. After presenting some general information generated by the federal EPA, the items are divided into manage-in-place, dust suppression methods, covering or capping, and road maintenance. Finally, long term maintenance requires some public education.

EPA Facts Sheet: Methods for Reducing NOA Exposure[51]

Below is a list of methods recommended by the EPA to reduce asbestos exposure resulting from NOA. These are general methods, and must be applied on a project-specific basis:

- *Wet road surfaces with water using trucks, hoses, or sprinklers*
- *Wet piles of excavated material and cover them with tarps, plastic sheeting, or other items*
- *Continuously mist the work area*
- *Install wind barriers around the work area*
- *Clean or decontaminate equipment and vehicles to ensure that no equipment or workers track soil out of the work area (a gravel pad, tire shaker, or wheel wash system may be used to clear soil from vehicles)*
- *Wet the work area using a spray system attached directly to rock cutting or drilling equipment, such as a fine-mist sprayer or a variable-rate fogger nozzle*
- *Excavate utility trenches to an adequate depth and backfill them with clean soil so that future repair work will not need excavation into potential NOA-containing materials*
- *When transporting NOA-containing materials, avoid overloading trucks; keep the material below the top of each truck compartment and cover material with a tarp*
- *Limit personnel and vehicle access to the work area*
- *Identify NOA-containing areas with signs*
- *Reduce driving speed*
- *Reduce drilling or excavating speeds*
- *Excavate during periods of calm or low winds*

Roads and Parking with NOA in place and for unpaved roads and parking areas:

- *Cover roads with non-NOA-containing rock, chemical sealants or dust suppressants, chip seals, limestone aggregate, petroleum sealants, or asphalt cement paving*

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- *Wet road surfaces with water*
- *Install windbreaks or berms*
- *Reduce driving speed*
- *Avoid dusty areas, especially in windy conditions*

And throughout communities:

- *Cover areas of rock and soil with clean soil, rock, vegetation, or other material*
- *Pave over unpaved walkways, driveways, or roadways containing NOA*
- *Landscape areas with vegetation, such as NOA-tolerant plants, and add a layer of organic mulch or NOA-free soil. Water plants often until they are established to minimize erosion*
- *Water garden areas before digging*
- *Keep windows and doors closed on windy days and during periods when nearby rock or soil may be disturbed, such as during construction*
- *Limit track-in by using entryway (door) mats, and wipe down pets before they enter buildings to reduce the amount of soil tracked indoors*
- *Allow children to play in outdoor areas only if the area has a ground covering, such as wood chips, mulch, sand, pea gravel, grass, asphalt, shredded rubber, or rubber mats*
- *Relocate outdoor activities to areas that do not contain NOA (walk, run, hike, and bike only on paved trails)*
- *Avoid dusty areas, especially in windy conditions*

Manage In Place

The ideal method for managing NOA material is in place and undisturbed; especially if the NOA material is not exposed. Fairfax County, Virginia, for example has a large NOA deposit which exists beneath non-NOA material. Unless this material is required to be impacted through construction or other activities, Fairfax County has taken the position to leave the material in place. NOA does not pose a health risk if it remains in a location where asbestos fibers cannot become airborne; such as beneath non-NOA material.

Separation

A variation on manage-in-place is to separate the NOA from associated non-NOA materials. Separation and excavation of the NOA materials for a source of gravel aggregate might serve as a control method, if the locations are known and the amounts are small. However this method seldom practical, since NOA deposits commonly extend miles, if not hundreds of miles. Excavation is generally only utilized as amelioration method when soils with known NOA are required to be impacted for projection such as road and building construction and utility work. Excavation requires the disturbance of the NOA, hence the potential for airborne exposure.

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Dust Suppression

If NOA material is required to be disturbed, dust generating activities should be limited at all times. The most common engineering control used to reduce dust levels, hence airborne asbestos exposure, is the use of water and/or wet methods during NOA-related activities. The following is a list produced by the EPA of engineering and work practices that reduce exposure to NOA on excavation, grading, or utility work at construction sites.[51]

Reducing Vehicle Traffic and/or Speed

Dust emissions from unpaved road surfaces are directly proportional to the number of vehicles traveling on it, thus, reducing the amount of traffic will in turn reduce the amount of dust generated. By implementing weight or use restrictions on vehicles traversing the unpaved road could significantly limit the amount of traffic on a NOA-containing unpaved road and in some circumstances it may be possible to remove an unpaved road, or section of road, from service to the general public. An example of this type of control was recently imposed by the City of Kotzebue, in an effort to reduce particulate matter smaller than 10 microns in diameter (PM_{10}) emissions, where anyone under the age of 14 is prohibited from operating off road vehicles on city streets unless accompanied by an adult on the same vehicle.[52]

The rate at which a vehicle travels on an unpaved surface is also proportional to the amount of dust generated[53] meaning the efficiency of speed reduction as a dust control measure increases as the speed is reduced. For example, if the base speed is 40 miles per hour, a reduction to 20 miles per hour results in a 65% reduction in dust emissions; a further reduction to 15 miles per hour results in an 80% reduction in dust emissions.[54] Vehicular speed reduction can be achieved through posted signage coupled with enforcement and/or roadway manipulation such as speed bumps. The initial implementation of both these methods would be minimal, with immediate results. Major costs associated with these methods include increased travel time and additional law enforcement. While enforcement of these methods may be difficult in some rural Alaska communities, it may be a very practical, enforceable and effective for reducing airborne asbestos at quarries, construction sites and more densely populated areas.

In a best case scenario, at optimal conditions, both of these control methods would still not address the issue of exposed NOA on the roadway. Substantial amounts of dust would still be produced during dry conditions and natural elements such as wind would continue to make asbestos airborne. In most situations, these methods should be either approached as interim responses, or used in combination with other methods.

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Water Application

Federal regulations require the use of "wet methods" when impacting ACM's which have potential of releasing asbestos into the air. Due to the moisture, particles/fibers adhere to each other through the surface tension of connecting water droplets and the adhesion of droplets to particles/fibers reducing the amount of emissions released during impact. The same principle applies to NOA-containing unpaved road systems; if they remain wet, dust emissions will be minimal. The easiest and most effective way to accomplish this is direct application of water to the surface of the roadway.

A large water source exists in most communities throughout Alaska. While more heavily populated areas have the required means to extract and apply water in sufficient quantities, many smaller communities do not. Often times some form of water application system can be implemented; however, may be too laborious to continue for long term.[55] In Amber, for example, no water trucks or large tanks were available for water application on so a simple gravity feed system was utilized. This system consisted of 4 - 275 gallon interconnected square plastic containers (totes) placed in the back of a truck which were filled with water from the Kobuk River and attached to a perforated pipe on the back of the truck.[37]

Applying water to surfaces provides effective, but short-term reductions in dust generation with water typically needing to be re-applied ever 0.5 – 12 hours depending on temperature and humidity. It has been determined that regular, light watering is more effective than less frequent, heavy watering.[55]

If the necessary equipment and water source are available, wetting unpaved surfaces can be greatly reduce dust emissions while remaining cost effective. Additionally, if wetting were coupled with one or both of the traffic control methods, evaporation from the roads surface would occur slower and dust emissions would be lower yet. Continuing costs would include equipment maintenance and workers performing the application. If equipment is not available, start up costs could be significant. Wetting is a practical control method to be used as a construction project control method or a short-term solution. Due to water having to be continuously applied to keep the surface moist, alternate long term control strategies should be investigated.

Increasing Moisture Content

The application of deliquescent salts such as calcium chloride, magnesium chloride and sodium chloride (common rock salt) are also implemented as dust control methods. These salts absorb moisture from the atmosphere and when mixed with surfacing soils will keep the treated soils at higher moisture content than untreated soils. For example at 77°F and 90% humidity calcium chloride will absorb more than 17 times its own weight in water.[53] Potential disadvantages to the use of these salts are that roads may become slippery when wet, vehicle corrosion may occur and roads may become more susceptible to freeze and

thaw damage. Additionally, salts applied for dust suppression initially penetrate the roads surface several centimeters, followed by a gradual rise to the surface by capillarity action, making them susceptible to being washed off by rain. Prolonged rainfall will leach the salts from the roadway, potentially impact groundwater and surface water quality, and attract wildlife potentially causing safety concerns. Typically if the proper buffer zone exists between the water and the treated area, water quality impacts will remain minimal.[54] The practical utility of an application of one of these salts is no more than one year.[53] Sodium chlorides generally considered less effective than either calcium or magnesium chloride. Application of these materials is generally required 1-2 times per season.

Several locations in Alaska have utilized calcium chloride for dust control in recent years including Kotzebue, Teck Cominco's Red Dog Mine, and Haines, among other locations.[53] Environmental impacts of chlorides include metal corrosion, and degradation to nearby vegetation, surface, groundwater, and aquatic species.[53] In addition, because calcium chloride can substantially lower the freezing temperature of water, concentrations of the palliative in road soils can change the thermal stability of these soils.[53] This could potentially create issues in areas where extremely heavy loads are forced to wait until the road has completely frozen in order to supply adequate reinforcement such as on the Dalton Highway.

Covering or Capping of Installed NOA

Another common engineering control is to place a cover system (or cap) over the NOA. These materials may include non-NOA soil or rock, concrete, chemical sealants or dust suppressants, chip seals, limestone aggregate, petroleum sealants, asphalt paving, geotextiles, wood chips, mulch, sand, pea gravel, shredded rubber, rubber mats, and vegetation. Several factors, including cover material properties and site characteristics, affect the type of cover system appropriate for a particular area.

Palliatives

The majority of palliatives used on unpaved roads and airfields consist of chemicals designed to bind soil particulates together, formeing larger particles less likely to become airborne. Petroleum-based binders, organic nonpetroleum dust suppressants (lignins), electrochemical stabilizers, synthetic polymer products and pozzuolannic minerals comprise the main palliatives and our discussed further below:

Petroleum-based binders used as capping materials for dust suppression include emulsified asphalts, cutback asphalt (liquid asphalt), dust oils and modified asphalt emulsions.[55] These products are applied to the surface soil as a thin layer of asphalt which binds the soil particles together, consequently

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waterproofing the road as well. Some binders increase the mass of fine particulates, instead of binding particles together. Both variations result in decreased emissions. When asphalt is used to bind particles together, the emulsified asphalt, because it is a mixture of asphalt and water in very small droplets, has the capability to penetrate unpaved road surfaces to coat more than just the surface particles, especially if the product is mechanically mixed into the top inch or two of road surface with a grader. Petroleum-based binders that contain fractions of lighter solvents, and especially those containing polycyclic aromatic hydrocarbons (many of which are carcinogens), can contaminate waterways if any migration of these lighter fractions occurs due to runoff.[53]

Organic non-petroleum dust suppressants include lignosulfonates, resins, and vegetable oils. Lignosulfonates originate from lignin, a complex compound which binds wood cells together as a natural polymer. Most commonly lignin is derived from wood fibers during paper manufacturing. Lignosulfonates bind surface soil particles together due to a combination of chemical and physical interactions. Lignosulfonates are known to greatly increase dry strength under dry conditions and retain effectiveness through extended dry periods. Generally 1-2 applications of lignosulfonates are required per season. Lignosulfonates are water soluble and will leach out of, or deeper into, roadway surface with rainfall and may become partially or totally destroyed.[55] These products are also corrosive to aluminum and its alloys unless calcium carbonate is added. Glacial tills contain low levels of clay and have low plasticity; consequently, lignosulfonates may be of limited value in controlling dust emissions from these soils. Furthermore, because lignosulfonates are derivatives of sulfuric acid, leaching may adversely impact watershed areas by affecting the acidity of water sources. Lignosulfonates are reported to not bind well on roads that had been treated previously with chloride compounds.[56]

Electrochemical stabilizers include sulphonated petroleum, ionic stabilizers, and enzymes. These products are intended to neutralize the ionic charges of clay-sized particles, thereby allowing electrostatic forces to bind the particles. Electrochemical stabilizers are generally effective regardless of climatic conditions.[55] To be effective, electrochemical stabilizers need to be worked into the road surface, requiring equipment that may not be available in remote rural communities. The performance of this material is dependent on fine-clay mineralogy which is unlikely to be encountered in most areas of Alaska.

Synthetic polymer products include polyvinyl acrylics and acetates that bind soil particles together and form a semi-rigid film on the road surface. These products are found as either a water soluble liquid or a powder intended to be mixed with water. Because synthetic polymer products are almost exclusively applied as a liquid, the material takes approximately 12-24 hours to cure during which time traffic should be kept minimal on application surfaces until the curing process is complete. Additionally, the product should be applied during a time of year when temperatures will not approach freezing, otherwise the curing process will not

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work. The synthetic polymer products "Durasoil" was used as the dust suppressant in Ambler, as well as many other unpaved runways throughout northwest Alaska.[37] Synthetic polymer treatments are generally required once every 3-5 years.

Pozzolanic minerals, such as lime and cement, are typically added to non-plastic road surface material to produce a thin crust by agglomerating with fine dust particles. These stabilizers must be field mixed into the road material and compacted. These surfaces do increase the dry strength of material under dry conditions; however, once hardened it cannot re-harden if disturbed by abrasive forces, such as some off road vehicles and grading. Generally treatment with this method is applied once every ten years.

Gravel Replenishment

Asbestos-containing dust emissions from unpaved surfaces can be reduced by the addition of several inches of non-NOA containing gravel. This action would reduce the concentration of NOA on the surface; therefore, reduce the rate at which asbestos is allowed to become airborne.[57] Gravel provides a hard-wearing surface that shields underlying NOA from the abrasive forces of vehicle wheels. Traffic causes abrasion between the NOA and non-NOA aggregates, however, which over time creates fine dust. The degradation is somewhat dependent upon the hardness of the aggregate. Newly applied gravel will not reduce the strength of vortex airflows behind passing vehicles from entraining loose soil particles into the air. If the road-base is not well-constructed using crushed aggregate, surface gravel will be pushed down into the road surface by traffic, especially during wet conditions. If the road surface does not contain enough fine material of high cohesion to hold surface gravel in place, traffic can also cause surface gravel to be expelled laterally from the road's driving lanes. To be effective over more than a short period of time, new gravel applied to a road should be anchored to the road surface by incorporation into a cohesive surface layer through either well-graded aggregate mixes or by the use of soil adhesives (i.e., palliatives).[53]

In the event the newly applied gravel is lost to the roadway surface through vertical migration into non-cohesive soils, the use of geotextile fabrics may be of benefit. These fabrics are constructed of polymer threads that are very high in tensile strength, and are available in designs that either form.

Paving

Paving includes a variety of surfacing materials with the three general types being bituminous concrete, concrete and chip seals.

The most effective, and expensive, method currently available to control dust emissions from unpaved surfaces is the application of pavement or other durable materials to the road surfaces. Bituminous or Portland concrete provide durable

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surface which prevents the abrasion of underlying soils. Bituminous concrete is a hot mixture of asphalt and well-graded aggregate, while Portland concrete is a composite material of cement, water and aggregate. Concrete requires less maintenance and is considered more durable than bituminous surfacing. Both methods are designed to support heavy traffic and unless the roadway typically carries 250 to 500 vehicles per day, the use of either of these paving options will likely not be cost effective.[55] Kotzebue has several roads which typically meet this "traffic quota" on a daily basis, and recently have had some of the main roads paved.[53] These forms of paving are not typically used on secondary roads, and would virtually never be considered for rural Alaska.

Chip seal surfaces, also called macadam, consist of one to three layers of aggregate and asphalt. Asphalt is sprayed over each aggregate layer as it is applied. After all the aggregate layers are in place with asphalt being applied over each individually, a covering of smaller stones is placed on top and then the entire system is compacted with the finished chip seal typically being 1 to 4 cm thick. Applying chip –sealing to an NOA-containing unpaved road would reduce dust emissions into the atmosphere because the chip sealant would bind the surface material. Annual dust control efficiencies of paved surfaces have been estimated by researchers to range from 90 to 99.9 percent.[57] A standard three-layered chip surface at 3.75 cm would be expected to last 10 years before additional surface treatment is required. Most chip seals require a second coat after 1 year and a third in approximately five years.

Durable Surfacing Materials

Fiberglass plates are used in cold climate oilfields to provide temporary road surfaces over native soil. These interlocking plates are typically manufactured in sections that are 14 feet long by 8 feet wide by 2 inches thick. The plates are designed to carry very heavy loads over short distances without the need to construct structural roadbeds in areas like northwestern Alaska, where construction aggregate is in very limited supply. The plates are expensive, costing about $2,000 per plate, but appear to have a significant lifespan.[58].Some questions exists, however, as to whether such plates are skid resistant at the vehicle speeds typical in rural communities.

Road Maintenance

The effectiveness of any dust suppressant applied to a road surface depends upon many factors such as type of road, traffic, intended uses climate, type of dust suppressant, drainage, and available maintenance resources. These factors must be considered together in the proper maintenance of a road that will safely and cost-effectively resist dust generation. For example, if the road surface is not well drained, water will puddle either on the road surface or in adjacent low spots. Standing water will float soil fines to the surface and distribute them across the roadway surface with passing traffic. Standing water adjacent to a roadway has

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the potential to saturate the road sub-base, resulting in structural failure as evidenced by potholes. Aggregate in a roadway surface reduces tire forces on fine materials that increases the release of dust from a roadway. The loss of fines in the roadway surface leaves the aggregate unanchored and vulnerable to being pushed to the side of the road by tire forces. The success of palliatives to reduce dust depends on the repair and maintenance of good drainage on and adjacent to the road.[53]

Control Strategies for long term management of in place NOA.

Education

In rural communities throughout Alaska, the availability of law enforcement to assist in applicable dust suppressing methods is likely to be limited or non-existent. Imposing speed limits and vehicle use restrictions in these communities will be most effective if the residents of the community understand their purpose. Education about NOA and its potential health effects is a vital step in obtaining local support for any control method used. Education techniques for NOA-affected areas may include advertising, public meetings, information packets and making available NOA-knowledgeable experts. If residents understand the reasons for implemented controlled methods in their communities, a positive local response can result in social pressure applied throughout to adhere to new policies for the well-being of the community as a whole.

Residents in areas with geology favorable for NOA formation should be educated in basic NOA knowledge. In rural communities with a known NOA issue, such as Ambler, where airborne asbestos fibers from NOA are likely to be present, NOA general housekeeping and personal hygiene techniques should be implemented which requires specific education efforts. Education efforts could be carried out through State agencies or consulting firms with knowledge and experience with NOA. The cost for this effort would include travel to the subject community, preparation of materials (information packets) and potentially on-going assistance as new issues develop; however, these costs will be minimal considering many control methods are dependent on community support. If residents are unwilling to comply with newly imposed policies, any control method is likely to fail or have minimal effect.

Workers and the general public need to be properly educated regarding general housekeeping and persona hygiene practices appropriate for locals with NOA exposure potential. This control technologies include:

- Routine hand and clothes washing
- Boot/shoe removal at work and home
- Wet wiping and/or HEPA vacuum of visible dust accumulations as they develop
- Wet methods
- Controlling or avoiding visible NOA dust

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Analysis with Discussion

Introduction

The asbestos standards, such as the training requirements for asbestos workers, were written on the premise of encounters solely in manufactured products. While the EPA has developed several documents to help increase knowledge and prevent exposure resulting from NOA, no Federal regulations have been implemented. This has resulted in several states implementing their own set of regulations and guidance documents. However, of the 20 states where NOA is known to exist, only a few have, or are beginning to, implement NOA regulations. The remaining states (such as Alaska) deal with NOA on a project-specific basis which typically exhibits substantial project delays and increased costs.

While there are limited general recommendations (see EPA NOA dust guidance), recommended NOA amelioration methods need to be selected on a site-specific basis because the exposure is dependent on a vast number of variables related to site specific conditions and work practices chosen for processing/handling. The single most important goal for almost all NOA-containing sites, materials, and systems is to prevent asbestos fibers from becoming airborne to eliminate respiratory exposure to asbestos. Several methods have been utilized to achieve this goal, with the main options being: manage in-place, dust suppression, cover or cap, and excavation/removal of NOA-containing material.

It is clear that gravel sources with NOA are present in Alaska and they have the potential to affect public health, project development and costs. At the same time it is well documented nationally and with Alaskan experience that use of proper NOA control strategies allow the safe employment of NOA materials. While past project experience in Alaska has not documented significant exposure or post project health concerns, NOA has been costly to some projects. This was primarily due to lack of advanced knowledge of NOA's presence, failure to characterize and notify, which resulted in changed conditions and non-competitive contract modifications after the contract has been awarded. Even if NOA is known during the project planning stages, the best course of action may not be clear because there are professional NOA geologic, risk and regulatory interpretations and definitional issues that will generate discussion and require resolution. The successful implementation of a NOA program will therefore require development and needs to involve training and transition for all involved including state, regional corporations, private resource owners, project designers, contractors, operation and maintenance staff, community and local residents.

Resource owners need to better understand their resource, develop the knowledge and marketing expertise to have it properly characterized and categorized for appropriate uses. Designer's need to develop the necessary project specifications requiring resource certification as well as contractor training and experience. Successful contractors need to learn how to develop

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competitive work plans for safely utilizing NOA materials on project specific basis. For both companies and citizens in affected areas these changes include learning about the hazards and taking personal responsibility for controlling or avoiding activities creating airborne visible dust as well as implementing life style and work practice changes involving life style modifications such as housing/office boot/shoe removal, utilization of wet methods and HEPA filtration for routine cleaning of visible dust accumulations.

Liability

The liability of ADOT and suppliers of NOA materials may be divided into three:

1. Tort liability to individuals and organizations,
2. Contractors have additional liability to protect their workers and the public from the contractor's operations, and
3. Legal liability to agencies for failure to follow applicable laws and regulations.

Tort

If the ADOT's use of NOA damages an individual or organization, ADOT may incur tort liability. For example, if a resident of a village downwind from an ADOT airport that used NOA in the runway were to die of a disease known to be caused by asbestos exposure, the victims family might sue the ADOT. Although it takes years of heavy asbestos exposure to cause those diseases, and for most asbestos diseases asbestos is a "risk factor" not the sole cause, there are other causes, most notably smoking, sympathetic juries frequently find for the plaintiff, almost regardless of fault. Due to the tort reform movement, Alaska's current tort laws have reduced the windfall aspects of such suits, but they are certainly possible. Here we can suggest little except developing good standards for use of NOA, having review by all agencies concerned with health and environmental safety, then strictly documenting conformance. Such defensive practices will not make such suits impossible, but will make their defense much easier.

The owners of NOA materials sites face essentially the same tort issues as the ADOT. The question if this liability can be handed off from the owner to the ADOT is one that requires legal advice. California has a system of notification and paperwork that would seem to hand that liability off to the purchaser of the materials. We do not know if this has been tested in court. We doubt the CARB has the legal authority to change the state's tort laws. However, as above, conforming to established procedures is often a strong defense.

Contractors' liability

The contractors' liability to follow the state's labor laws regarding occupation health and safety are fairly straight-forward, if the NOA is mentioned in the project bid documents. The contractor's liability to third parties, such as the public, may be more complicated. The contractor's general liability insurance will defend them; however the contractor's insurance company will then try to recover

from the state and/or the material owner. This may be forestalled by appropriate contact terms regarding insurance, but clearly this is a item for expert risk management and legal advice. Finally, if the specifications do not make clear the need to get certain permits and the contractor's operations are impacted, the contractor may try recover from the ADOT for defective specifications.

Liability for laws and regulation compliance

CERCLA and RCRA deal with *wastes.* NOA is not a *waste* thus mining and incorporation of NOA does not come under either of those laws. However, for example, if the NOA mining segregated some materials that had a lot of asbestos from other materials, and thus had small mounds of asbestos materials on the site, might these mounds be waste piles? Here the regulatory standard is 1% asbestos, so if the mounds had less than 1% asbestos, they would not be asbestos under the CERCLA or RCRA regulations. Here the authors have not obtained further clarifications regarding mining and mine waste. While this would be the responsibility of the owner of the NOA materials site, these clarifications should be obtained in the next phase to enhance communications between the ADOT and the material site owners.

California Experiences

The California NOA regulations do address many issues and procedures that may bear on liability. The California NOA regulations separate the "notice requirements" into two categories; material intended for surfacing, and material not intended for surfacing. In addition to the notification variations, material intended for surfacing must have an asbestos content of <0.25% asbestos per the CARB 435 analysis, unless the surfacing application is considered one or more of the 11 surfacing ATCM exemptions. These notification requirements are intended to both "hand-off" liability to the purchasers and produce adequate documentation. (Signage and placard requirements for regulated material are intended more to prevent accidental misuse and/or handling than for recordkeeping or proof of receipt.)

Once the NOA-containing material is in the possession of the purchaser, it is their responsibility to provide adequate protection and training to the employees which handle the material. The end-use of the material is also the purchaser's responsibility at this point. They must insure they not only adhere to all OSHA, EPA, State and Local requirements during handling and transport, but also to their approved site specific Work Plan. The purchaser must also insure the material is approved by the regulating agency for its intended end use. Often the end use of the regulated material will managed by a third party where they would be in responsible charge of obtaining approval, permits, etc., for the materials end use and any required dust control strategies (capping, paving, etc.).

Resource owners and contractors have raised liability concerns regarding the sale and use of NOA materials. In some instances it is understood litigation may

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already have been filed against NOA resource owners for the sale and use of NOA materials. This is a real concern that if not properly understood and addressed will impact the safe use of NOA materials and create unnecessary project costs. CERCLA Section 9604 provides for resource owner protection against naturally occurring hazards. Liability for resource processors and/or contractors can be addressed through their compliance with NOA program requirements. It is not possible to prevent all lawsuits and particularly frivolous filed cases. Therefore the effectiveness of the recommended NOA program to be developed will likely be tested legally and provide court interpretation and resolution of liability concerns.

Ambler, for example, is a unique case which would not completely comply with any of the existing 11 surfacing exemptions or the Construction, Grading, Quarrying and Surface Mining ATCM for California. While California's state NOA regulations are undoubtedly the most developed in the United States, it is unlikely the drafters/authors were required to take into account communities such as this. Had similar circumstances existed, certainly specific exemptions would have been established to address this. Alaska can look to, and even adopt, the California NOA regulations; however, scenarios exist in Alaska unlike anywhere else in the United States, and special provisions and/or exemptions will be a necessity of this future rule.

Examples of Liability

In the Swift Creek Washington case where NOA-containing Sumas Mountains would periodically experience landslides which flowed into the Swift Creek River where the material was dredged and staged along the shoreline to prevent flooding. There was no organization deemed the Responsible Party, and several federal, state and local agencies are currently involved in the Swift Creek NOA concern. It was determined that the EPA Superfund program had limitations on spending money on this type of cleanup because the material of concern was naturally-occurring. This makes NOA sites exempt by law from the EPA Superfund program, except where the material was moved by unnatural forces (ie construction, dredging). This caveat allowed the EPA to use funding to assist in the Swift Creek NOA concern.[60]

Libby, Montana, which has been declared an EPA Superfund site, has had ongoing federal cleanup efforts since 1999. In this case, processing mined vermiculite constituted the majority of the contamination; consequently, the asbestos was not viewed as naturally-occurring. In 2003, in a ruling issued by the District Court of Montana, the court said the mining company, W.R. Grace, was liable for costs related to the investigation and cleanup of asbestos contamination in Libby and ruled that the EPA's revised method for calculating indirect, or overhead, costs is appropriate and that those costs may be recovered from W.R. Grace. The ruling meant W.R. Grace was responsible to pay all of the $54.5 million in costs that the EPA incurred through December 31, 2001. Costs incurred after that date were to be resolved in future proceedings if disputed by

W.R. Grace. In May, 2009, W.R. Grace and three individual defendants were acquitted of criminal charges under the Clean Air Act alleging they conspired to conceal the health dangers posed by the contamination.[61]

NOA proposed for use

While NOA materials are known to be present in 20 of the 50 states, only a handful are moving ahead with implementing NOA regulatory control policies. Those states that have implemented NOA regulations have focused their programs on:

- Geologic mapping of "restricted" areas with materials likely to contain NOA
- Compliance level characterization of NOA free materials based on the limit of detection of less than 0.25% asbestos content
- Asbestos characterization sampling for use of materials from restricted areas
- Utilization Compliance Plan Submittal, Review and Approval
    - Source, transport route and work product
- Providing local authority to interpret program requirements site specifically and implement additional testing where necessary.
- Development of necessary program exemptions
    - area wide
    - regional

While education and training with regards to NOA exposure, work practices, and safe uses is key to any program, the submittal and approval of site specific compliance plans for approval by local authorities will insure the long term viability of an effective "living" program for that project's NOA.

NOA site specific work plan might note the availability and cost of NOA-free material as those affect project design options. Control technologies that eliminate or reduce exposure pathways might minimize individual project costs. The remoteness of many Alaska projects and absence of alternative transportation routes may require reasonable exemptions, based on a balance of benefits and risks.

Similarly, the concentration and variety of NOA will play a major role in determining the most cost effective control strategies. While federal regulations are indifferent to the form of asbestos, control methods for NOA should not be. Forms of asbestos that break apart and easily become airborne should be held to a higher standard than those which are tightly bound within a rock matrix. This highlights the importance of developing a consensus standard as well as mapping and sampling efforts to properly characterize specific asbestos materials present as well as the risk. The authors recognize this may be quite difficult in practice, but certain broad guidelines are possible and these may help project planners and designers.

NOA in place - control technologies

NOA control methods should start with the least expensive options first. In general terms there are four control methods: education, wetting, palliatives, and capping.

By itself and together will all the other control methods educational outreach to the staff, industry and general public regarding the hazards and methods of controlling or avoiding airborne dust is almost always advised. Outreach such as encouraging implementing speed controls and restrictions on vehicle use in sensitive areas (i.e., near schools, hospitals, and residential areas) and modifying life style habits to reduce personal exposure are all worthy of consideration.

If a road base lacks adequate drainage, the embankment will be weak and the effectiveness of dust control measures will be limited. Reconstructing unpaved roads to provide good drainage and a solid base is needed for dust palliatives, capping with clean material, or paving to be effective. If the road soils are of poor quality, geotextiles may be a feasible option to add support to the road surface. According to Succarieh,[54] expert professional advice about the road is often needed. The ADOT Local Technical Assistance Program (LTAP) may assist As part of the educational program it is recommended that the ADOT LTAP enhance their NOA knowledge and resources for distribution.

If sufficient equipment and manpower is available, watering roads during high dust periods should be performed; however, this is a short-term effective method of dust control and more long-term control methods should be investigated. Historical monitoring data illustrates that high dust generation rates are greatest during the two-month period following breakup, therefore, short term control measures like watering can provide limited benefits if impacted communities have access to watering equipment.[54]

Another control technology is application of dust palliatives. In order to obtain the greatest benefits from the application of dust palliatives, site-specific investigations of local traffic and soil is required. Investigations should begin with an assessment of the soils used to construct and surface the unpaved roads. The ADOT's LTAP, may assist rural communities with technical assistance and/or training on proper techniques for soil analyses useful in the palliative selection process. [54]

Some deliquescent salts and/or synthetic polymer products may provide adequate levels of dust control on unpaved roads. Again this depends heavily on the soil and traffic conditions in the respective community. These products have been tested in several locations in Alaska and have been demonstrated to provide varying control of dust emissions. Because the successful use of these products is dependent upon a number of factors that vary from community to

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community, pilot tests of selected products for a summer season should be undertaken in affected communities before community-wide application is pursued. [54]

Contractor Feedback

Approximately 150 contractors in California who likely encounter NOA were contacted via email and asked to provide general feedback regarding associated California regulations. The email contained 5 basic questions in combination with a short narrative explaining the purpose of the inquiries. Only one of the contractors contacted replied, with limited applicable information. This contractor expressed the following when asked about their opinion on the California NOA regulations:

> *For the most part, the measures taken are reasonable and consist of greater than normal dust control through the use of more water on grade during earth moving operations and trenching.*

The contractor explained equipment "wash systems" are routinely utilized for decontaminating equipment prior to leaving a NOA site. Another precaution was capping the native material with either a hard surface (concrete, asphalt, ect) or "clean" soil. The thickness of the cap varies depending on the perceived threat of the asbestos, and when soil capping is used it is underlain with a warning fabric to prevent excavations being made into the NOA at a later date.

This contractor did not have certified asbestos workers on staff to perform the removal/handling of hazardous materials such as NOA. They stated their employees are trained to look for hazardous while work is being performed, and if material is encountered which may be hazardous it is either avoided or remediated by a qualified contractor. The following quote explains their route of action if hazardous materials are required to be abated:

> *When we do have a situation develop where hazardous materials are present and they need to be remediated then a proper contractor is brought into service under contract with the property owner keeping us out of the loop.*

To close, the contractor states the NOA regulations in California are not "unbearable" but do add additional costs to affected projects.

Future and Plan of Action

The regulatory authority utilized in the states evaluated included a state-wide program that was implemented across at the local, county level. Typically, multiple disciplines are involved including health, environmental and air pollution control divisions of the regulatory authority.

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To date the Alaskan documented experiences in Juneau, Dalton and Ambler all involved transportation projects. Fortunately, once identified they were handled appropriately with additional assessment, training and work practice and product use modifications, each demonstrating once it is known, the NOA material can be safely used. However, while the experiences may not have resulted in any significant human exposures, the late identification resulted in changed conditions and costly non-competitive contract modifications. While NOA encounters in Alaska have been comparatively limited, the need for implementation of a state-wide NOA policy is reinforced by the lengthy, problematic and consequently expensive circumstances that have occurred due to lack of standard operating procedure and/or regulatory guidance. Road and pipeline pad construction and maintenance have and will be the largest future use of gravel resources. For these reasons it is recommended and appropriate for ADOT to take the lead in the further evaluation and development of NOA strategy alternatives and program development. It is anticipated and recommended that ADOT develop internal NOA operations and maintenance (O&M) and design standards for ADOT projects. For maximum effectiveness the department's internal policies and SOP for NOA should reflect a statewide, industry and regulatory consensus. These NOA standards will involve awareness education, resource characterization, acquisition, use as well as required training and development of design requirements, contractor's work practices and O&M practices.

It is readily apparent that the NOA concerns go well beyond the ADOT areas of responsibility involving all aspects of the local people, resource use and community. As demonstrated by other states moving to address NOA issues, a more holistic approach to NOA should involve public health, worker, community and environmental protection advocacy. The existing Alaskan "dust working group" comprised of regulatory and government stakeholders appears as a natural technical committee that could be expanded to include industry and be instrumental for the technical information exchange, development of a statewide NOA strategy(s) consensus and facilitate with the implementation of a successful statewide program.

Clearly the ADOT needs an SOP that that tells ADOT planners, designers and operators how to handle NOA, and this SOP will certainly call for a specific plan for each project. However in order for the SOP to be successful, it must be acceptable to all relevant state and federal agencies, and acceptable to all other stakeholders, such a contractors, materials site owners, and affected communities. Thus the first step is for the ADOT to formulate a NOA Action Plan to solicit comments and advice from all stakeholders, develop drafts of the SOP, circulate drafts to all stakeholders, and present the drafts to all stakeholders.

Working Group

Through the development of the NOA Action Plan (AP) the professional and technical issues can be resolved by the stakeholders working group and applied

with state conditions to existing programs developed elsewhere to develop an Alaskan specific program consensus and AP. It is recommended that the working group be comprehensive in make up and include all interested parties or stakeholders. Representatives from government, community and industry should be included. The following is considered a minimum list of known stakeholders that we recommend ADOT consider and include in forming a statewide stakeholder working group.

- BIA
- Alaska Geological Survey
- Denali Commission
- EPA
- ADOT
- ADEC
- DHSS
- Alaska Native Tribal Health Consortium.
- Alaska Tribal Air Call
- Denali Pipeline
- Alyeska Pipeline
- Native Corporations
- Village corporations in areas with NOA
- Community Health Consortium

Coordinating the working group and developing an NOA AP to achieve the goals and targets of these recommendations will require significant commitment and change in operational, management, building and behavioral practices at all levels of agencies and state government. For the AP to be successful, it must have both long term overarching goals and short term, manageable and achievable actions that have short delivery timelines. The statewide working group of stakeholders will be important to providing the forum for technology transfer, alternative strategy consideration, program development and successful implementation of the consensus achieved.

Work of the Working Groups

ADOT's initial working group purpose and scope of work should be fivefold:

- Inform stakeholders on NOA background and needs and solicit participation;
- Define existing NOA control strategies in use;
- Brainstorm actions that best meet all NOA stakeholders unique needs and objectives;
- Develop a Statewide government, industry and community NOA SOP
- Meet and present the SOP to all stakeholders
- Finalize the SOP and develop an example of a site-specific plan for Implementation

How to begin

The California regulations and EPA guidance are a good beginning to any NOA SOP. With some cut and paste and modification for remote projects and Alaskan conditions, those documents could form a draft of the SOP. However caution is needed to not present these or any document to the agencies as a fait accompli. Rather, all stakeholders, especially the relevant agencies, need to help ADOT define the issues and insure the final SOP does not conflict with the charge of any of those agencies

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CONCLUSIONS AND RECOMMENDATIONS

This paper reviews NOA background, analytical issues, policies and regulations that have been considered and/or implemented by other authorities involved with NOA and have developed NOA policy options. Based on the analysis of the findings the following conclusions and recommendations have been developed.

- NOA gravels are present throughout the nation and in Alaska which have the potential to impact public health, project development and associated costs.
    - Transportation projects have been adversely impacted by NOA in Juneau, Ambler and on the Dalton Highway.
    - Material site investigations must check for NOA, especially in regions with mineral types likely to contain NOA.
- NOA gravels can be used safety with proper training, understanding and implementation of appropriate control strategies and technologies
    - Technical and regulatory interpretation and definitional issues remain
- Established state NOA programs evaluated have focused their programs on
    - Geologic mapping of "restricted" NOA areas
    - Characterization of NOA free materials based on the analytical procedure's limit of detection of less than 0.25% asbestos content
    - Source characterization sampling from restricted areas
    - If ≥0.25% asbestos, Compliance Plan Submittal and Approval should be required
    - Local authority enforcement to interpret program requirements site specifically and implement additional testing where necessary
    - Development of necessary program exemptions
    - States with NOA programs were developed across public health, environmental and air pollution divisions at the state level and implemented at the local, county level.

It is recommended that ADOT write an action plan to undertake development of a NOA SOP as the lead coordinating entity of a holistic statewide approach that involves all stakeholders and develops a statewide agency, industry and community consensus standard for NOA use. In order to do this, the ADOT should convene a statewide stakeholder's working group to resolve technical issues, work out a consensus on a state wide NOA program.

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California Regulations
ATCM I

FINAL REGULATION ORDER

ASBESTOS AIRBORNE TOXIC CONTROL MEASURE FOR SURFACING APPLICATIONS

Section 93106. Asbestos Airborne Toxic Control Measure for Surfacing Applications.

(a) Effective Date. No later than November 13, 2001, each air pollution control and air quality management district must:

(1) Implement and enforce the requirements of this section, or

(2) Propose their own asbestos airborne toxic control measure as provided in Health and Safety Code section 39666(d).

(b) Applicability.

This section shall apply to any person who produces, sells, supplies, offers for sale or supply, uses, applies, or transports any of the following materials:

(1) Aggregate material extracted from property where any portion of the property is located in a geographic ultramafic rock unit (as defined in subsection (i)(9)); or

(2) Aggregate material extracted from property that is **NOT** located in a geographic ultramafic rock unit (as defined in subsection (i)(9)) if the material has been:

(A) Evaluated at the request of the Air Pollution Control Officer (APCO) and determined to be ultramafic rock or serpentine;

(B) Tested at the request of the APCO and determined to have an asbestos content of 0.25 percent or greater, as determined using an approved asbestos bulk test method; or

(C) Determined by the owner/operator of a facility to be ultramafic rock, or serpentine, or material that has an asbestos content of 0.25 percent or greater.

(3) Any mixture of aggregate material that contains ten percent (10%) or more of any of the materials listed above in subsection (b)(1) or (b)(2).

(c) Prohibition On the Use, Sale, and Supply of Restricted Aggregate Material.

Unless one of the exemptions in subsection (f) applies, no person shall use, apply, sell, supply, or offer for sale or supply any restricted material (as defined in subdivision (i)(20)) for surfacing, unless it has been tested using an approved asbestos bulk test method and determined to have an asbestos content that is less than 0.25 percent.

(d) Requirements to Provide Notice with Restricted Material.

(1) *Requirements for Producers of Restricted Material for Surfacing Applications*: Any producer who sells, supplies, or offers for sale or supply restricted material for surfacing that has been tested using an approved asbestos bulk test method and determined to have an asbestos content that is less than 0.25 percent must provide to the recipient of the restricted material a written receipt that contains the following information:

(A) The amount of restricted material that was sold or supplied;

(B) The date that the restricted material was sold or supplied;

(C) The dates that the restricted material was sampled and tested, or verification that the material is exempt under subsection (f)(7); and

(D) A statement that the asbestos content of the restricted material is less than 0.25 percent.

(2) *Requirements for Persons – Other than Producers – Who Sell or Supply Restricted Material for Surfacing Applications*: Any person, other than a producer, who sells, supplies, or offers for sale or supply restricted material for surfacing must provide to the recipient of the material a written receipt which specifies the following information:

(A) The amount of restricted material that was sold or supplied;

(B) The date that the restricted material was sold or supplied; and

(C) A statement that the asbestos content of the restricted material is less than 0.25 percent.

(3) *Requirements for the Sale or Supply of Restricted Materials for Non-Surfacing Applications:* Any person who sells, supplies, or offers for sale or supply restricted material for non-surfacing applications must provide with each sale or supply a written receipt containing the following statement:

"WARNING!
This material may contain asbestos.

It is unlawful to use this material for surfacing or any application in which it would remain exposed and subject to possible disturbances.

Extreme care should be taken when handling this material to minimize the generation of dust."

(e) Recordkeeping and Reporting Requirements.

(1) *Recordkeeping Requirements for Persons Who Use Restricted Material for Surfacing:* Any person who uses or applies restricted material for surfacing must retain any written receipt or other record verifying that the material has an asbestos content of less than 0.25 percent for a minimum period of seven years from the date of use or application.

(2) *Recordkeeping Requirements for Persons Who Transport Restricted Material:* Any person who transports restricted material must maintain a copy of all receipts or records required by subsection (d) with the material at all times during transit and application.

(3) *Recordkeeping Requirements for Persons Who Sell or Supply Restricted Material:* Any person who sells, supplies, or offers restricted material for sale or supply must retain copies of all receipts or records required by subsection (d) for a minimum period of seven years from the date of sale or supply.

(4) *Reporting Requirements for Persons Who Use, Sell, or Supply Restricted Material:* Any person who uses restricted material for surfacing, sells, supplies, or offers restricted material for sale or supply must provide receipts and test results to the APCO for review upon request.

(f) Exemptions.

(1) *Sand and Gravel Operations*: The requirements of subsections (c), (d), and (e) shall not apply to aggregate material extracted from a sand and gravel operation. A "sand and gravel operation" means any aggregate-producing facility operating in alluvial deposits.

(2) *Roads Located at Quarries or Mines*: The requirements of subsection (c) shall not apply to roads at quarries or mines that are located in a geographic ultramafic rock unit, an ultramafic rock deposit, or a serpentine deposit, provided that the aggregate material was obtained on site from the quarry or mine property.

(3) *Maintenance Operations on Existing Roads*: The requirements of subsections (c), (d), and (e) shall not apply to maintenance operations on any existing road surface if no additional restricted material is applied to the road surface.

(4) *Emergency Road Repairs*: The APCO may issue a temporary exemption from the requirements of subsections (c), (d), and (e) to an applicant who demonstrates that a road repair is necessary due to a landslide, flood, or other emergency, and that the use of aggregate material other than restricted material is not feasible for this repair. The APCO shall specify the time during which such exemption shall be effective; however, no exemption shall remain in effect longer than 90 days.

(5) *Asphalt and Concrete Materials*: The requirements of subsections (c), (d), and (e) shall not apply to restricted material that is an integral part of the production of asphalt concrete, portland cement concrete or other similarly cemented materials; or construction of an asphalt or a portland cement concrete surface as long as all of the restricted material is incorporated into or completely covered by the asphalt or portland cement concrete.

(6) *Landfill Operations*: The use and application requirements of subsection (c) shall not apply to landfill operations, except for the surfacing of public-access roads used by vehicular traffic.

(7) *Geologic Evaluation:* The APCO may provide an exemption from subsections (c), (d), and (e) for aggregate material extracted from within a geographic ultramafic rock unit if a registered geologist has conducted a geologic evaluation of the property from which the aggregate material is obtained and determined that serpentine or ultramafic rock is not likely to be found on the property. Before an exemption can be granted, the owner/operator must provide a copy of a report detailing the geologic evaluation to the APCO for his or her consideration.

(A) At a minimum, the geologic evaluation must include:

1. A general description of the property and the proposed use;

2. A detailed site characterization, which may include:
   i. A physical site inspection;
   ii. Offsite geologic evaluation of adjacent property;
   iii. Evaluation of existing geological maps and studies of the site and surrounding area;
   iv. Development of geologic maps of the site and vicinity;
   v. Identification and description of geologic units, rock and soil types, and features that could be related to the

presence of ultramafic rocks, serpentine, or asbestos mineralization;

vi. A subsurface investigation to evaluate the nature and extent of geologic materials in the subsurface where extensive vertical excavation is planned; methods of subsurface investigation may include, but are not limited to borings, test pits, trenching, and geophysical surveys;

3. A classification of rock types found must conform to the nomenclature based on the International Union of Geological Science system;

4. A description of the sampling procedures used;

5. A description of the analytical procedures used, which may include mineralogical analyses, petrographic analyses, chemical analyses, or analyses for asbestos content;

6. An archive of collected rock samples for third party examination; and

7. A geologic evaluation report documenting observations, methods, data, and findings; the format and content of the report should follow the Guidelines for Engineering Geologic Reports issued by the State Board of Registration for Geologists and Geophysicists.

(B) The APCO shall respond to a request for an exemption within 90 days of the receipt of the application.

(C) If the request for an exemption is denied, the APCO shall provide written reasons for the denial.

(D) *Expiration of the Geologic Exemption*: If the owner/operator discovers any ultramafic rock or serpentine on the property after the exemption is granted, then:

1. The owner/operator must comply with the requirements of subsections (c), (d), and (e) immediately following the discovery; and

2. The owner/operator must report the discovery of ultramafic rock or serpentine to the APCO within 24 hours; and

3. The exemption under subsection (f)(7) shall expire and cease to be effective.

(8) *Limited Access Surfaces*: The APCO may provide an exemption from the requirements of subsection (c) for the use of restricted material on limited access surfaces, if the owner/operator can demonstrate that:

(A) No alternative aggregate materials are reasonably available; and

(B) The surface is not located in an area zoned or identified in a land use plan for residential, recreational, or commercial use.

(C) The APCO shall respond to a request for an exemption within 90 days of the receipt of the application.

(D) If the request for an exemption is denied, the APCO shall provide written reasons for the denial.

"Limited access surface" means any surface not subject to vehicular travel or pedestrian access that has an incline of twenty (20) percent or greater.

(9) *Surfacing Applications in Remote Locations:*

(A) The APCO may provide an exemption from the requirements of subsection (c) if the owner/operator can demonstrate that:

1. The surface is located in a remote location (as defined in subsection (i)(19)); and

2. No alternative aggregate materials are reasonably available; and

3. All aggregate material used for surfacing has been tested according to an approved asbestos bulk test method and determined to have an asbestos content of one (1.0) percent or less; except that the APCO may allow the use of restricted material with an asbestos content up to five (5.0) percent if the owner/operator can demonstrate that restricted material with an asbestos content of one (1.0) percent or less is not reasonably available.

(B) Before providing this exemption, the APCO shall:

1. Consider the following information: county land use plans, the current use of the surrounding land, and the current and anticipated zoning designations;

2. Provide public notice and solicit comments for a 30-day period;

3. Require that any surface exempted pursuant to this subsection be posted with a permanent sign alerting the public to potential asbestos exposures; and

4. Require that any exemption shall be valid for no longer than three years; but if the owner/operator cannot demonstrate that all the criteria listed in subdivision (f)(9)(A) are met at the time of reapplication, the exemption shall not be renewed.

(C) The APCO may grant an exemption when the distance from the road or other surface to the nearest receptor is less than one mile if **ALL** of the following criteria are met:

1. The criteria listed above in subsections (f)(9)(A)2. and 3., and subsection (f)(9)(B) must be met:

2. Any receptor located within one mile from the road or other surface must **NOT** be any of the following:
   i. A permanent resident (i.e., a person that resides at the receptor point for six months or more in a year), or
   ii. A permanent business (i.e., business that operates at the receptor point for six months or more in a year), or
   iii. A school or daycare center;

3. The road or other surface must be located on private property;

4. The entrance points to the road or other surface from any public thoroughfare must be gated and posted with a sign as required in subsection (f)(9)(B)3.;

5. The applicant for the exemption must provide to the APCO an estimate of the average traffic volume on the road or other surface and the methodology used to make the estimate; and

6. Whenever the traffic volume exceeds or is anticipated to exceed 20 vehicle passes per day, the owner/operator must;
   i. Treat the road or other surface with a dust control method that is at least 70 percent effective; and
   ii. Maintain records of the application and type of the dust control method for a minimum period of seven years; and

iii. Provide the records of the applications of the dust control method to the APCO upon request.

(D) The APCO shall respond to any application for an exemption within 90 days of the receipt of the application.

(E) If the request for an exemption is denied, the APCO shall provide written reasons for the denial.

(10) *Roads Located at Construction Sites*: The requirements of subsections (c), (d), and (e) shall not apply to restricted material used for the construction of temporary road surfaces located at on-going construction sites where vehicle traffic is limited to construction personnel and equipment. This exemption does not apply to the use of restricted material for temporary roads for public use.

(11) *Riprap*: The requirements of subsection (c) (d), and (e) shall not apply to restricted material used for riprap. "Riprap" means the material used to construct a loose assemblage of stones along a water course or shoreline to prevent erosion or provide stability.

(g) Requirements to Perform a Geologic Evaluation or Asbestos Testing.

Pursuant to the requirements of Health and Safety Code section 41511, the APCO or the Executive Officer of the ARB may require an owner/operator to perform:

(1) A geologic evaluation for the presence of ultramafic rock or serpentine on any property from which aggregate material is extracted; or

(2) Testing for the asbestos content of any aggregate material sold, supplied, offered for sale or supply, or used for surfacing.

(h) Applicable Test Methods.

(1) *Ultramafic Rock:* The ultramafic rock composition of any material shall be determined using a standard analysis technique including, but not limited to, color index assessment, microscopic examination, petrographic analysis or rock thin sections, or chemical analysis techniques, such as X-ray fluorescence spectrometry or inductively coupled plasma analysis.

(2) *Asbestos Testing:* ARB Test Method 435 or an alternative asbestos bulk test method approved in writing by the Executive Officer of the Air Resources Board shall be used to determine compliance with this section. For the purposes of determining compliance with this section, references

in ARB Test Method 435 to "serpentine aggregate" shall mean "aggregate material."

(3) *Averaging of Test Results:* If ARB Test Method 435 or an alternative approved asbestos bulk test method has been used to perform two or more tests on any one volume of aggregate material, whether by the same or a different person, the arithmetic average of these test results shall be used to determine the asbestos content of the aggregate material.

(4) *Sampling Frequency:* For the purposes of this section, the sampling frequency required for determining the asbestos content of any aggregate material shall be no less than one composite sample per 1000 tons of aggregate material processed, as specified in ARB Test Method 435, unless the APCO approves an alternative sampling frequency as follows:

(A) The APCO may approve an alternative sampling frequency after reviewing and verifying the authenticity of the following information, which shall be provided by the owner/operator of the quarry:

1. An established history of analytical test results demonstrating that no aggregate material sampled and tested in accordance with an approved asbestos bulk test method had an asbestos content that was 0.25 percent or greater;

2. The established history of analytical test results must include:
   i. Test results from ten percent of the expected total yield over the life of the quarry, as stated in any permit issued pursuant to the California Surface Mining and Reclamation Act, Public Resources Code, Division 2, Chapter 9, Section 2710 et seq.; or
   ii. Test results that cover at least two years of production of surfacing material; this production amount must be verified with sales receipts and testing results as required in subsection (e)(3);

3. A geologic evaluation of the quarry that has been conducted in accordance with the provisions in subsection (f)(7);

4. Any permits issued pursuant to the California Surface Mining and Reclamation Act, Public Resources Code, Division 2, Chapter 9, Section 2710 et seq.;

5. Sales receipts retained by the quarry pursuant to subsections (d) and (e)(3).

(B) The APCO shall not approve any alternate sampling frequency that requires less than one test per 100,000 tons of aggregate material processed for surfacing.

(C) If any of the aggregate material tested is determined to have an asbestos content of 0.25 percent or greater using an alternative sampling frequency approved by the APCO, the owner/operator must:

1. Resume the sampling frequency specified in ARB Test Method 435 immediately after receiving the test results; and

2. Report the detection of asbestos and provide a copy of the analytical test results to the APCO within 48 hours after receiving the test results.

(i) **Definitions.** For the purposes of this section, the following definitions shall apply:

(1) "Aggregate" means a mixture of mineral fragments, sand, gravel, cobbles, rocks, stones, or similar minerals that may or may not be crushed or screened. "Aggregate" does not include elemental metals, gemstones, petroleum products, organic materials, or mineral ore to be processed offsite of the property from which it was extracted.

(2) "Alluvial deposit" means any deposit of sediments laid down by running water including, but not limited to, streams and rivers.

(3) "APCO" means the executive officer, air pollution control officer; or the designee of the executive officer or air pollution control officer of any air pollution control or air quality management district created or continued in existence pursuant to Part 3 (commencing with section 40000), Division 26, Health and Safety Code;

(4) "Approved asbestos bulk test method" means ARB Test Method 435 or an alternative asbestos bulk test method approved in writing by the Executive Officer of the Air Resources Board.

(5) "ARB" means the California Air Resources Board.

(6) "ARB Test Method 435" means the test method specified in title 17, California Code of Regulations, section 94147.

(7) "Asbestos" means asbestiforms of the following minerals: chrysotile (fibrous serpentine), crocidolite (fibrous riebeckite), amosite (fibrous

cummingtonite--grunerite), fibrous tremolite, fibrous actinolite, and fibrous anthophyllite.

(8) "Decoration/landscaping" means the application or use of aggregate materials for aesthetic purposes.

(9) "Geographic ultramafic rock unit" means a geographic area that is designated as an ultramafic rock unit or ultrabasic rock unit, including the unit boundary line, on any of the maps referenced in Appendix A.

(10) "Geologic evaluation" means an evaluation of a property, as specified in subsection (f)(7), to determine the presence of various rock types, including ultramafic rock, serpentinite, or other metamorphic derivatives of ultramafic rock.

(11) "Limited access surface" means any surface not subject to vehicular travel or pedestrian access that has an incline greater than twenty (20) percent.

(12) "Non-surfacing applications" means any application of aggregate material that will not remain a part of the uppermost layer, such as fill, base rock, or drain rock.

(13) "Owner/operator" or "person" includes, but is not limited to:

(A) An individual, trust, firm, joint stock company, business concern, partnership, limited liability company, association, or corporation including, but not limited to, a government corporation;

(B) Any city, county, district, commission, the state or any department, agency, or political subdivision thereof, any interstate body, and the federal government or any department or agency thereof to the extent permitted by law; or

(C) A project proponent and any of its contractors or subcontractors.

(14) "Producer" means any person that extracts and processes aggregate material from the ground.

(15) "Property" means any real property including, but not limited to, any contiguous parcel or parcels of land and anything attached to, or erected on it.

(16) "Quarry" means a facility or operation that obtains stone from the earth by means of cutting, digging, excavating, or blasting.

(17) "Receipt" means any written acknowledgement that a specified amount of restricted material was received, delivered, or purchased. Receipts include, but are not limited to, bills of sale, bills of lading, and notices of transfer.

(18) "Registered geologist" means an individual that is currently licensed as a geologist with the State of California, Department of Consumer Affairs, Board of Geology and Geophysicists.

(19) "Remote location" means any location that is at least one (1.0) mile from the location of a receptor. "Receptor" includes, but is not limited to, any hospital, school, day care center, work site, business, residence, and permanent campground. The distance to the nearest receptor is to be measured from the outermost limit of the area to be disturbed or road surface, whichever is closer.

(20) "Restricted material" means any of the following:

(A) Aggregate material extracted from property where any portion of the property is located in a geographic ultramafic rock unit (as defined in subsection (i)(9)); and

(B) Aggregate material extracted from property that is **NOT** located in a geographic ultramafic rock unit (as defined in subsection (i)(9)) if the material has been:

1. Evaluated at the request of the Air Pollution Control Officer (APCO) and determined to be ultramafic rock or serpentine;

2. Tested at the request of the APCO and determined to have an asbestos content of 0.25 percent or greater; or

3. Determined by the owner/operator of a facility to be ultramafic rock, serpentine, or aggregate material that has an asbestos content of 0.25 percent or greater.

(C) Any mixture of aggregate material that contains ten percent (10%) or more of any of the materials listed above in subsections (i)(20)(A) or (i)(20)(B), or any combination thereof, shall also be considered "restricted material."

(21) "Riprap" means material used to construct a loose assemblage of stones along a water course or shoreline to prevent erosion or provide stability.

(22) "Road surface" means the traveled way of a road and any shoulder which extends up to ten (10) feet from the edge of the traveled way.

(23) "Sand and gravel operation" means any aggregate-producing facility operating in alluvial deposits.

(24) "Serpentine" means any form of the following hydrous magnesium silicate minerals: antigorite, lizardite, and chrysotile.

(25) "Serpentinite" means a rock consisting almost entirely of serpentine, although small amounts of other minerals such as magnetite, chromite, talc, brucite, and tremolite-actinolite may also be present. "Serpentinite" is a metamorphic derivative of the ultramafic rocks, peridotite, pyroxenite, or dunite.

(26) "Surfacing" means the act of providing or creating a temporary or permanent covering for a surface used for pedestrians, motor vehicles, non-motor vehicles, decoration, landscaping, soil stabilization, or erosion control. Examples of surfaces include, but are not limited to, roads, road shoulders, streets, access roads, alleys, lanes, driveways, parking lots, playgrounds, trails, squares, plazas, and fairgrounds. For the purposes of this section, "surfacing" does not include creating a covering composed of asphalt concrete or portland cement concrete.

(27) "Ultrabasic rock" means ultramafic rock.

(28) "Ultramafic rock" means an igneous rock composed of 90 percent or greater of one or a combination of the following iron/magnesium-rich, dark-colored silicate minerals: olivine, pyroxene, or more rarely amphibole. For the purposes of this section, "ultramafic rock" includes the following rock types: dunite, pyroxenite, and peridotite; and their metamorphic derivatives.

NOTE: Authority cited: Sections 39600, 39601, 39650, 39658, 39659, 39666, and 41511, Health and Safety Code. Reference: Sections 39650, 39658, 39659, 39666, and 41511, Health and Safety Code.

APPENDIX A

California Department of Conservation
Division of Mines and Geology

AVAILABLE GEOLOGIC MAPS FOR CALIFORNIA

GEOLOGIC ATLASES OF CALIFORNIA Scale 1:250,000

GEOLOGIC ATLAS OF CALIFORNIA: ALTURAS
Compiled by Gay, T.E. and others, 1958

GEOLOGIC ATLAS OF CALIFORNIA: BAKERSFIELD
Compiled by Smith, A.R., 1964 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: DEATH VALLEY
Compiled by Streitz, R.L. and Stinson, M.C., 1974 (reprinted 1991)

GEOLOGIC ATLAS OF CALIFORNIA: FRESNO
Compiled by Matthews, R.A. and Burnett, J.L, 1965 (reprinted 1991)

GEOLOGIC ATLAS OF CALIFORNIA: LONG BEACH
Compiled by Jennings, C.W., 1962 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: LOS ANGELES
Compiled by Jennings, C.W. and Strand, R.G., 1969 (reprinted 1991)

GEOLOGIC ATLAS OF CALIFORNIA: MARIPOSA
Compiled by Strand, R.G., 1967 (reprinted 1991)

GEOLOGIC ATLAS OF CALIFORNIA: NEEDLES
Compiled by Bishop, C.C., 1963 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: REDDING
Compiled by Strand, R.G., 1962

GEOLOGIC ATLAS OF CALIFORNIA: SALTON SEA
Compiled by Jennings, C.W., 1967 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: SAN LUIS OBISPO
Compiled by Jennings, C.W., 1958 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: SAN DIEGO - EL CENTRO
Compiled by Strand, R.G., 1962 (reprinted 1992)

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GEOLOGIC ATLAS OF CALIFORNIA: SANTA ANA
Compiled by Rogers, T.H., (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: SANTA CRUZ
Compiled by Jennings, C.W. and Strand, R.G., 1958 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: SANTA MARIA
Compiled by Jennings, C.W., 1959 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: UKIAH
Compiled by Jennings, C.W. and Strand, R.G., 1960 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: WALKER LAKE
Compiled by Koenig, J.B., 1963 (reprinted 1992)

REGIONAL GEOLOGIC MAP SERIES Scale 1:250,000

GEOLOGIC MAP OF THE SACRAMENTO QUADRANGLE
(set of four sheets)
Compiled by Wagner, D.L. and others, 1981

GEOLOGIC MAP OF THE SANTA ROSA QUADRANGLE
(set of five sheets)
Compiled by Wagner and D.L., Bortugno, E.J. (reprinted 1999)

GEOLOGIC MAP OF THE SAN BERNARDINO QUADRANGLE
(set of five sheets)
Compiled by Bortugno, E.J., and Spittler, T.E. (reprinted 1998)

GEOLOGIC MAP OF THE WEED QUADRANGLE
(set of four sheets)
By Wagner, D.L. and Saucedo, G.J., 1987

GEOLOGIC MAP OF THE SAN FRANCISCO-SAN JOSE QUADRANGLE
(set of five sheets)
By Wagner, D.L., Bortugno, E.J. and McJunkin, R.D., 1990
Color-coded faults

LOCAL GEOLOGIC MAPS

AREAS MORE LIKELY TO CONTAIN NATURALLY-OCCURRING ASBESTOS
IN WESTERN EL DORADO COUNTY, CALIFORNIA
By Ron Churchill, March 2000
Scale 1:100,000

SERPINTINITE SURVEY OF LAKE COUNTY, CALIFORNIA – MAP A,
ULTRAMAFIC, ULTRABASIC, AND SERPENTINE ROCK AND SOILS OF LAKE COUNTY,
Adopted: March 2, 1992
Scale: 1:100,000

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California Regulations
ATCM II

FINAL REGULATION ORDER

ASBESTOS AIRBORNE TOXIC CONTROL MEASURE FOR CONSTRUCTION, GRADING, QUARRYING, AND SURFACE MINING OPERATIONS

Section 93105. Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations.

(a) Effective Date.

(1) No later than 120 days after the approval of this section by the Office of Administrative Law, each air pollution control and air quality management district must:

(A) Implement and enforce the requirements of this section; or

(B) Propose their own asbestos airborne toxic control measure as provided in Health & Safety Code section 39666(d).

(2) *Pre-existing Operations*: The owner/operator of any project in which the construction, grading, quarrying, or surface mining operation started before the effective date of this section shall comply with this section by:

(A) The date the district begins implementing and enforcing this section as required in subsection (a)(1)(A); or

(B) The compliance date specified in the airborne toxic control measure adopted by the district as required in subsection (a)(1)(B).

(b) Applicability. Unless one of the specific exemptions specified in subsection (c) applies, this section shall apply to any construction, grading, quarrying, or surface mining operation on any property that meets any of the following criteria:

(1) Any portion of the area to be disturbed is located in a geographic ultramafic rock unit; or

(2) Any portion of the area to be disturbed has naturally-occurring asbestos, serpentine, or ultramafic rock as determined by the owner/operator, or the Air Pollution Control Officer (APCO); or

(3) Naturally-occurring asbestos, serpentine, or ultramafic rock is discovered by the owner/operator, a registered geologist, or the APCO in the area to be disturbed after the start of any construction, grading, quarrying, or surface mining operation.

(c) General Exemptions.

(1) *Geologic Evaluation*: The APCO may provide an exemption from this section for any property that meets the criterion in subsection (b)(1) if a registered geologist has conducted a geologic evaluation of the property and determined that no serpentine or ultramafic rock is likely to be found in the area to be disturbed. Before an exemption can be granted, the owner/operator must provide a copy of a report detailing the geologic evaluation to the APCO for his or her consideration.

(A) At a minimum, the geologic evaluation must include:

1. A general description of the property and the proposed use;

2. A detailed site characterization which may include:
   i. A physical site inspection;
   ii. Offsite geologic evaluation of adjacent property;
   iii. Evaluation of existing geological maps and studies of the site and surrounding area;
   iv. Development of geologic maps of the site and vicinity;
   v. Identification and description of geologic units, rock and soil types, and features that could be related to the presence of ultramafic rocks, serpentine, or asbestos mineralization; and
   vi. A subsurface investigation to evaluate the nature and extent of geologic materials in the subsurface where vertical excavation is planned; methods of subsurface investigation may include, but are not limited to borings, test pits, trenching, and geophysical surveys;

3. A classification of rock types found must conform to the nomenclature based on the International Union of Geological Science system;

4. A description of the sampling procedures used;

5. A description of the analytical procedures used, which may include mineralogical analyses, petrographic analyses, chemical analyses, or analyses for asbestos content;

6. An archive of collected rock samples for third party examination; and

7. A geologic evaluation report documenting observations, methods, data, and findings; the format and content of the report should follow the Guidelines for Engineering Geologic

Reports issued by the State Board of Registration for Geologists and Geophysicists.

(B) The district may request any additional tests or other information needed to evaluate an application for exemption.

(C) The district shall grant or deny a request for an exemption within 90 days of the receipt of a complete application.

(D) If the request for an exemption is denied, the APCO shall provide written reasons for the denial.

(E) *Expiration of the Geologic Exemption:* If the owner/operator discovers any naturally-occurring asbestos, serpentine, or ultramafic rock in the area to be disturbed after the exemption is granted, then:

1. The owner/operator must comply with the requirements of this section;

2. The owner/operator must report the discovery of the naturally-occurring asbestos, serpentine, or ultramafic rock to the APCO no later than the next business day; and

3. The exemption under subsection (c)(1) shall expire and cease to be effective.

(2) If a method is developed to accurately demonstrate that property located in a geographic ultramafic rock unit has no detectable asbestos in the area to be disturbed, then the ARB Executive Officer shall propose to the Board for adoption a regulatory amendment allowing the method to be utilized, as appropriate, to obtain an exemption from the requirements specified in this section.

(3) *Agriculture and Timber Harvesting*: This section shall not apply to agricultural operations or timber harvesting except for construction of roads and buildings. Construction of roads is subject to the requirements of subsection (e) if the road is part of a construction or grading operation, quarry, or surface mine, and is subject to the requirements of subsection (d) if the road is not part of a construction or grading operation, quarry, or surface mine.

(4) *Homeowners and Tenants*: Individuals engaged in covered activities on residential property they own or occupy are exempt from subsections (e)(1) and (e)(3)(A).

(5) *Sand and Gravel Operations*: The APCO may provide an exemption for crushing, screening and conveying equipment, stockpiles, and off-site material transport at a sand and gravel operation if the operation processes only materials from an alluvial deposit.

(A) The district shall grant or deny a request for an exemption within ninety (90) days of the receipt of a complete application.

(B) If the request for an exemption is denied, the APCO shall provide written reasons for the denial.

(d) Requirements for Road Construction and Maintenance. These requirements shall apply to roads that are not part of a construction or grading project, quarry, or surface mine.

(1) No person shall conduct any road construction or maintenance activities that disturb any area that meets any criterion listed in subsections (b)(1) or (b)(2) unless all of the following conditions are met.

(A) The APCO is notified in writing at least fourteen (14) days before the beginning of the activity or in accordance with a procedure approved by the district.

(B) All the following dust control measures are implemented during any road construction or maintenance activity:

1. Unpaved areas subject to vehicle traffic must be stabilized by being kept adequately wetted, treated with a chemical dust suppressant, or covered with material that contains less than 0.25 percent asbestos;

2. The speed of any vehicles and equipment traveling across unpaved areas must be no more than fifteen (15) miles per hour unless the road surface and surrounding area is sufficiently stabilized to prevent vehicles and equipment traveling more than 15 miles per hour from emitting dust that is visible crossing the project boundaries;

3. Storage piles and disturbed areas not subject to vehicular traffic must be stabilized by being kept adequately wetted, treated with a chemical dust suppressant, or covered with material that contains less than 0.25 percent asbestos; and

4. Activities must be conducted so that no track-out from any road construction project is visible on any paved roadway open to the public.

(C) Equipment and operations must not cause the emission of any dust that is visible crossing the project boundaries.

(2) No person shall conduct any road construction or maintenance activity that disturbs the ground surface in an area that meets the criteria in subsection (b)(3) unless:

(A) The APCO is notified no later than the next business day of the discovery that the area meets the criteria in subsection (b)(3); and

(B) The requirements of subsections (d)(1)(B) through (d)(1)(C), are implemented within twenty-four (24) hours of the discovery.

(3) *Exemptions from the Requirements for Road Construction and Maintenance.* The following exemptions may apply in addition to the applicable general exemptions specified in subsection (c).

(A) *Emergency Road Repairs:* Subsection (d)(1)(A) shall not apply when construction of a road or firebreak, or a road repair is necessary due to a landslide, flood, or other emergency or to mitigate a condition that constitutes an imminent hazard to the public. The owner/operator shall notify the APCO no later than the next business day of the action taken and the condition establishing the applicability of this subsection.

(B) *Remote locations:* The APCO may provide an exemption from the requirements of subsection (d) for any activity which will occur at a remote location.

1. The district shall grant or deny a request for an exemption within ninety (90) days of the receipt of a complete application.

2. If the request for an exemption is denied, the APCO shall provide written reasons for the denial.

(e) Requirements for Construction and Grading Operations.

(1) *Areas of one acre or less meeting the criteria in subsections (b)(1) or (b)(2)*: No person shall engage in any construction or grading operation on property where the area to be disturbed is **one (1.0) acre or less** unless all of the following dust mitigation measures are initiated at the start and maintained throughout the duration of the construction or grading activity:

(A) Construction vehicle speed at the work site must be limited to fifteen (15) miles per hour or less;

(B) Prior to any ground disturbance, sufficient water must be applied to the area to be disturbed to prevent visible emissions from crossing the property line;

(C) Areas to be graded or excavated must be kept adequately wetted to prevent visible emissions from crossing the property line;

(D) Storage piles must be kept adequately wetted, treated with a chemical dust suppressant, or covered when material is not being added to or removed from the pile;

(E) Equipment must be washed down before moving from the property onto a paved public road; and

(F) Visible track-out on the paved public road must be cleaned using wet sweeping or a HEPA filter equipped vacuum device within twenty-four (24) hours.

(2) *Areas greater than one acre meeting the criteria in subsections (b)(1) or (b)(2)*: No person shall engage in any construction or grading operation on property where the area to be disturbed is **greater than one (1.0) acre** unless:

(A) An Asbestos Dust Mitigation Plan for the operation has been:

1. Submitted to and approved by the district before the start of any construction or grading activity; and

2. The provisions of that dust mitigation plan are implemented at the beginning and maintained throughout the duration of the construction or grading activity; and

(B) For a project started before the effective date of this section for which an asbestos dust mitigation plan was submitted at least sixty (60) days before the effective date, and for which the district has not yet approved the asbestos dust mitigation plan:

1. The measures in subsection (e)(1) must be implemented and maintained until the district-approved asbestos dust mitigation plan is implemented; and

2. The provisions of the district-approved asbestos dust mitigation plan must be implemented within fourteen (14)

days of district approval of the plan and maintained throughout the remainder of the construction or grading activity.

(3) *Property that meets the criteria in subsection (b)(3)*: No person shall engage in any construction or grading operation unless the following requirements are met:

(A) The owner/operator notifies the district of the discovery of naturally-occurring asbestos, serpentine, or ultramafic rock no later than the next business day;

(B) The dust mitigation measures in subsection (e)(1) are implemented within twenty-four (24) hours after determining that the property meets the criteria in subsection (b)(3); and

(C) For operations in which the area to be disturbed is **one (1.0) acre or less**, the dust mitigation measures in subsection (e)(1) are maintained throughout the duration of the construction or grading activity; or

(D) For operations in which the area to be disturbed is **greater than one (1.0) acre**, the owner/operator must:

1. Submit an asbestos dust mitigation plan to the district within fourteen (14) days of the discovery of naturally-occurring asbestos, serpentine, or ultramafic rock;

2. Maintain the dust mitigation measures in subsection (e)(1) until the provisions of the district-approved asbestos dust mitigation plan are implemented;

3. Implement the provisions of the district-approved asbestos dust mitigation plan within fourteen (14) days of district approval of the plan; and

4. Maintain the provisions of the district-approved asbestos dust mitigation plan throughout the remainder of the construction or grading activity.

(4) *Asbestos Dust Mitigation Plans*: An Asbestos Dust Mitigation Plan must specify dust mitigation practices which are sufficient to ensure that no equipment or operation emits dust that is visible crossing the property line, and must include one or more provisions addressing **each** of the following topics.

(A) Track-out prevention and control measures which shall include:

1. Removal of any visible track-out from a paved public road at any location where vehicles exit the work site; this shall be accomplished using wet sweeping or a HEPA filter equipped vacuum device at the end of the work day or at least one time per day; and

2. Installation of one or more of the following track-out prevention measures:
   i. A gravel pad designed using good engineering practices to clean the tires of exiting vehicles;
   ii. A tire shaker;
   iii. A wheel wash system;
   iv. Pavement extending for not less than fifty (50) consecutive feet from the intersection with the paved public road; or
   v. Any other measure as effective as the measures listed above.

(B) Keeping active storage piles adequately wetted or covered with tarps.

(C) Control for disturbed surface areas and storage piles that will remain inactive for more than seven (7) days, which shall include one or more of the following:

1. Keep the surface adequately wetted;

2. Establishment and maintenance of surface crusting sufficient to satisfy the test in subsection (h)(6);

3. Application of chemical dust suppressants or chemical stabilizers according to the manufacturers' recommendations;

4. Covering with tarp(s) or vegetative cover;

5. Installation of wind barriers of fifty (50) percent porosity around three (3) sides of a storage pile;

6. Installation of wind barriers across open areas; or

7. Any other measure as effective as the measures listed above.

(D) Control for traffic on on-site unpaved roads, parking lots, and staging areas which shall include:

1. A maximum vehicle speed limit of fifteen (15) miles per hour or less; and

2. One or more of the following:
   i. Watering every two hours of active operations or sufficiently often to keep the area adequately wetted;
   ii. Applying chemical dust suppressants consistent with manufacturer's directions;
   iii. Maintaining a gravel cover with a silt content that is less than five (5) percent and asbestos content that is less than 0.25 percent, as determined using an approved asbestos bulk test method, to a depth of three (3) inches on the surface being used for travel; or
   iv. Any other measure as effective as the measures listed above.

(E) Control for earthmoving activities which shall include one or more of the following:

1. Pre-wetting the ground to the depth of anticipated cuts;

2. Suspending grading operations when wind speeds are high enough to result in dust emissions crossing the property line, despite the application of dust mitigation measures;

3. Application of water prior to any land clearing; or

4. Any other measure as effective as the measures listed above.

(F) *Control for off-site transport.* The owner/operator shall ensure that no trucks are allowed to transport excavated material off-site unless:

1. Trucks are maintained such that no spillage can occur from holes or other openings in cargo compartments; and

2. Loads are adequately wetted and either:
   i. Covered with tarps; or
   ii. Loaded such that the material does not touch the front, back, or sides of the cargo compartment at any point less than six inches from the top and that no point of the load extends above the top of the cargo compartment.

(G) *Post construction stabilization of disturbed areas.* Upon completion of the project, disturbed surfaces shall be stabilized using one or more of the following methods:

1. Establishment of a vegetative cover;

2. Placement of at least three (3.0) inches of non-asbestos-containing material;

3. Paving;

4. Any other measure deemed sufficient to prevent wind speeds of ten (10) miles per hour or greater from causing visible dust emissions.

(H) *Air monitoring for asbestos (if required by the APCO).*

1. If required by the district APCO, the plan must include an air-monitoring component.

2. The air monitoring component shall specify the following:
   i. Type of air sampling device(s);
   ii. Siting of air sampling device(s);
   iii. Sampling duration and frequency; and
   iv. Analytical method.

(I) *Frequency of reporting*: The plan shall state how often the items specified in subsection (e)(5)(B), and any other items identified in the plan, will be reported to the district.

(5) *Recordkeeping and Reporting Requirements.*

(A) *Recordkeeping Requirements:* The owner/operator shall maintain all of the following records for at least seven (7) years following the completion of the construction project:

1. The results of any air monitoring conducted at the request of the APCO;

2. The documentation for any geologic evaluation conducted on the property for the purposes of obtaining an exemption, except the archive of collected samples which may be discarded at the expiration of the exemption or one (1) year after the exemption is granted whichever is less; and

3. The results of any asbestos bulk sampling that meets any of the following conditions:
   i. The asbestos bulk sampling was conducted by the owner/operator to document the applicability of or compliance with this section, or
   ii. The asbestos bulk sampling was done at the request of the district APCO.

(B) *Reporting Requirements:* The owner/operator of any grading or construction operation subject to this section shall submit the following to the District:

1. The results of any air monitoring conducted at the request of the APCO; and

2. The results of any asbestos bulk sampling that meets any of the following conditions:
   i. Asbestos bulk sampling conducted by the owner/operator to document applicability of or compliance with this section; or
   ii. Asbestos bulk sampling done at the request of the APCO.

(f) Requirements for Quarrying and Surface Mining Operations.

(1) No person shall engage in any quarrying or surface mining operation that meets the criteria of subsections (b)(1) or (b)(2) unless an Asbestos Dust Mitigation Plan for the operation has been submitted to and approved by the District and the fugitive dust mitigation measures specified in the Plan are implemented and maintained throughout the duration of any quarrying or surface mining operation except,

(A) *Pre-existing Operations*: The owner or operator of any quarrying or surface mining operation that was in operation before the date this section is implemented as determined pursuant to subsection (a) that has not obtained district approval of the asbestos dust mitigation plan may continue operating if all the following conditions are met:

1. The owner/operator has submitted an asbestos dust mitigation plan to the district at least sixty (60) days prior to the date specified in subsection (a);

2. The owner/operator implements all of the dust mitigation measures specified in subsections (f)(2)(B) and (f)(2)(C) by the effective date specified in subsection (a) and maintains

them until the provisions of an approved asbestos dust mitigation plan are implemented; and

3. The owner/operator implements the provisions of the asbestos dust mitigation plan within fourteen (14) days following district approval of the plan.

(B) *Mineral exploration activities*: Mineral exploration activities as defined in the California Public Resources Code section 2714(d) in an area meeting any of the conditions of subsection (b) are not required to submit an asbestos dust mitigation plan but shall instead implement and maintain the following measures throughout the duration of the activity:

1. Limit vehicle speeds on the site to fifteen (15) miles per hour or less;

2. Apply sufficient water during any ground disturbance to prevent visible dust from crossing the property line;

3. Keep disturbed areas and storage piles adequately wetted until they are permanently stabilized;

4. Install a track-out prevention device designed to prevent track-out onto any paved public road;

5. Clean up any visible track-out at the end of the workday or at a minimum within twenty-four (24) hours; and

6. Cover, treat with a chemical dust suppressant, or otherwise stabilize any disturbed areas when operations cease for more than seven (7) days.

(2) The owner/operator of any quarry or surface mine that meets any of the criteria in subsection (b)(3) shall:

(A) Notify the APCO no later than the next business day of the discovery.

(B) Implement all the following measures within twenty-four (24) hours following the discovery:

1. Keep stock and working piles adequately wetted during the addition and removal of material;

2. Keep on-site unpaved roads, parking lots, and staging areas stabilized using one of the following measures:
   i. Adequately wetted; or
   ii. Controlled using dust palliatives or suppressants; or
   iii. paving; or
   iv. Covered to a depth of three (3) inches with gravel that contains less than 0.25 percent asbestos as determined using an approved asbestos bulk test method;

3. Keep exposed areas and inactive stockpiles that are prone to mechanical or wind disturbances:
   i. Adequately wetted; or
   ii. Controlled using dust palliatives or suppressants, paving, wind berms or breaks; or
   iii. Covered with tarps or material that contains less than 0.25 percent asbestos as determined using an approved asbestos bulk test method;

4. Ensure that materials to be quarried, excavated, or graded are adequately wetted;

5. Ensure that all loads are adequately wetted before and during truck loading operations;

6. Ensure that all trucks transporting materials off-site meet the conditions of either paragraph i or paragraph ii at the time the truck leaves the site:
   i. Loads are adequately wetted and covered with tarps; or
   ii. Loads are adequately wetted and the material does not touch the front back or sides of the cargo compartment at any point less than six (6) inches from the top and no point of the load extends above the top of the cargo compartment; and

7. Limit vehicle speeds within the quarry or surface mining operation to fifteen (15) miles per hour or less.

(C) Implement all of the following measures within fourteen (14) days of the determination that the operation meets any of the criteria in subsection (b)(3).

1. Measures to ensure that material being excavated, crushed, screened, loaded, transferred or conveyed does not result in any dust that is visible crossing the property line.

2. Measures to ensure that no grinding mill, screening operation, or transfer point on a belt conveyor discharges into the air any visible emissions other than uncombined water vapor, for a period aggregating more than three minutes in any one hour which are:
   i. Fifty percent as dark or darker in shade as that designated as number one on the Ringlemann Chart, as published by the United States Bureau of Mines; or
   ii. Of such opacity as to obscure an observers view to a degree equal to or greater than smoke as described in subsection (f)(2)(C)2.i. or ten (10) percent opacity.

3. Measures to ensure that no crusher discharges into the air any visible emissions other than uncombined water vapor, for a period aggregating more than three minutes in any one hour which are:
   i. Seventy-five percent as dark or darker in shade as that designated as number one on the Ringlemann Chart, as published by the United States Bureau of Mines; or
   ii. Of such opacity as to obscure an observers view to a degree equal to or greater than smoke as described in subsection (f)(3)(C)3.i. or fifteen (15) percent opacity.

4. Measures for material handling sufficient to meet the requirements of subsections (f)(2)(C)1. through (f)(2)(C)3. Such measures may include the following:
   i. Installation and operation of spraybars on all conveyors; and
   ii. Installation of shrouds at all drop points.

5. Track-out control and prevention measures which shall include:
   i. Installation of a gravel pad, grizzly, tire washing system, or paving at least fifty (50) feet of the access road, and
   ii. Cleaning any visible track-out off the paved public road using wet sweeping or a HEPA filter equipped vacuum device at the end of each workday.

6. Stabilization of all on-site roads, parking lots, and staging areas open to the public by one of the following methods:
   i. Pave with asphalt or concrete, or
   ii. Treat with a chemical dust suppressant applied according to manufacturers directions, or
   iii. Maintain a gravel cover that has a depth of at least three (3) inches and contains less than 0.25 percent asbestos

as determined using an approved asbestos bulk test method.

(D) Submit an Asbestos Dust Mitigation Plan to the District within fourteen (14) days and maintain the measures specified in subsections (f)(2)(B) and (f)(2)(C) until the asbestos dust mitigation measures in the district-approved Asbestos Dust Mitigation Plan are implemented.

(3) An Asbestos Dust Mitigation Plan required by subsections (f)(1) and (f)(2)(D) must include sections which address each of the following topics.

(A) A Fugitive Dust Mitigation Component which shall, at a minimum, include the measures specified in subsections (f)(2)(B) and (f)(2)(C), unless the APCO determines that it is appropriate to add, omit, or modify these measures depending on site-specific parameters. The plan shall also require that:

1. Equipment and operations do not emit dust that is visible crossing the property line;

2. Crushers do not discharge into the air any visible emissions other than uncombined water vapor, for a period aggregating more than three minutes in any one hour, which is:
   i. Seventy-five percent as dark or darker in shade as that designated as number one on the Ringlemann Chart, as published by the United States Bureau of Mines; or
   ii. Of such opacity as to obscure an observers view to a degree equal to or greater than smoke as described in subsection (f)(3)(A)2.i. or fifteen (15) percent opacity; and

3. Grinding mills, screening operations, and transfer points on belt conveyors do not discharge into the air any visible emissions other than uncombined water vapor, for a period aggregating more than three minutes in any one hour, which is:
   i. Fifty percent as dark or darker in shade as that designated as number one on the Ringlemann Chart, as published by the United States Bureau of Mines; or
   ii. Of such opacity as to obscure an observers view to a degree equal to or greater than smoke as described in subsection (f)(3)(A)3.i. or ten (10) percent opacity.

(B) *Air monitoring for asbestos (if required by the APCO).*

1. If required by the district APCO, the plan must include an air monitoring component.

2. The air monitoring component shall specify the following:
   i. Type of air sampling device(s);
   ii. Siting of air sampling device(s);
   iii. Sampling duration and frequency; and
   iv. Analytical method.

(C) *Frequency of reporting*. The plan shall state how often the items specified in subsection (f)(5)(B), and any other items identified in the plan, will be reported to the district.

(4) Upon petition by the owner/operator the APCO may approve the use of requirements or restrictions established under other regulatory programs to meet the requirements of subsection (f) under the following conditions:

(A) The requirements or restrictions are equivalent to or more stringent than the requirements of subsection (f); and

(B) The requirements or restrictions are enforceable by the APCO.

(5) *Recordkeeping and Reporting Requirements*: The owner/operator of a surface mining or quarrying operation subject to this section must comply with the following recordkeeping and reporting requirements.

(A) *Recordkeeping Requirements:* The owner/operator shall maintain all of the following records for at least seven (7) years:

1. The results of any air monitoring conducted at the request of the APCO;

2. The documentation for any geologic evaluation conducted on the property for the purpose of obtaining an exemption except, the archive of collected rock samples which may be discarded at the expiration of the exemption or one (1) year after the district granted or denied the exemption, whichever comes first; and

3. The results of any asbestos bulk sampling that meets any of the following conditions:

i. The asbestos bulk sampling was conducted by the owner/operator to document the applicability of, or compliance with this section; or
ii. The asbestos bulk sampling was done at the request of the district APCO.

(B) *Reporting Requirements:* The owner/operator shall submit the following to the District:

1. The results of any air monitoring conducted at the request of the APCO;

2. The documentation of any geologic evaluation conducted on the property in question; and

3. The results of any asbestos bulk sampling that meets any of the following conditions:
   i. Asbestos bulk sampling conducted by the owner/operator to document applicability of or compliance with this section; or
   ii. Asbestos bulk sampling done at the request of the district APCO.

(g) Air Monitoring for Asbestos. Pursuant to the requirements of Health and Safety Code section 41511:

(1) Air monitoring may be required by the district APCO.

(2) The APCO may revise the asbestos dust mitigation plan on the basis of the results of the air monitoring.

(h) Test Methods.

(1) *Ultramafic Rock*: The ultramafic rock composition of any material shall be determined using standard analysis techniques including, but not limited to, color index assessment, microscopic examination, petrographic analysis or rock thin sections, or chemical analysis techniques, such as X-ray fluorescence spectrometry or inductively coupled plasma analysis.

(2) *Bulk Sampling Methods*: ARB Test Method 435, or an alternative asbestos bulk test method approved in writing by the Executive Officer of the California Air Resources Board, shall be used to determine the asbestos content of a bulk sample. For the purposes of determining compliance with this section, references in ARB Test Method 435 to "serpentine aggregate" shall mean "gravel" or other "bulk materials" to be tested for asbestos content.

(3) *Analysis of Air Samples*: Analysis of all air samples shall follow the analytical method specified by the United States Environmental Protection Agency, Asbestos Hazard Emergency Response Act (AHERA) criteria for asbestos (40 CFR, Part 763 Subpart E, Appendix A, adopted October 30, 1987), with the following exceptions:

(A) The analytical sensitivity shall be 0.001 structures per cubic centimeter (0.001 s/cc); and

(B) All asbestos structures with an aspect ratio greater than three to one (3 to1) shall be counted irrespective of length.

(4) The results of the analysis of air samples shall be reported as transmission electron microscopy (TEM) asbestos structures per cubic centimeter (s/cc).

(5) *Adequately Wetted*: Field determination of "adequately wetted" shall be as follows:

(A) If the district-approved asbestos dust mitigation plan has specified a percent moisture content for specific materials the determination shall be as specified in the district-approved asbestos dust mitigation plan; or

(B) If no moisture threshold is specified in a district-approved asbestos dust mitigation plan, a sample of at least one (1) quart in volume shall be taken from the top three (3) inches of a road, or bare area or from the surface of a stockpile. The sample shall be poured out from a height of four (4) feet onto a clean hard surface. The material shall be considered to be adequately wetted if there is no observable dust emitted when the material is dropped.

(6) *Surface Crusting*: "Measurement of the stability of surface crusting on horizontal surfaces" shall be as follows:

(A) Where a visible crust exists, drop a steel ball with a diameter of 15.9 millimeters (0.625 inches) and a mass ranging from 16 to 17 grams from a distance of 30 centimeters (one foot) directly above (at a 90 degree angle perpendicular to) the ground surface. If blowsand (thin deposits of loose grains covering less than 50 percent of the surface that have not originated from the surface being tested) is present, clear the blowsand from the surfaces to be tested before dropping the steel ball.

(B) A sufficient crust is determined to exist if, when the ball is dropped according to subsection (h)(6)(A), the ball does not sink into the surface so that it is partially or fully surrounded by loose grains and, upon removing the ball, the surface on which it was dropped has not been pulverized so that loose grains are visible.

(C) Drop the ball three times each in three representative test areas within a survey area measuring 1 foot by 1 foot that represents a random portion of the surface being evaluated. The test area shall be deemed to have passed if at least two of the three times the ball was dropped, the results met the criteria in subsection (h)(6)(B). If all three test areas pass, the area shall be deemed to be "sufficiently crusted".

(i) **Definitions.** For the purposes of this section, the following definitions shall apply:

(1) "Access road" means any road extending from a public thoroughfare onto the property of a construction project, quarry, or surface mining operation.

(2) "Adequately wetted" means sufficiently moistened with water to minimize the release of particulate matter into the ambient air as determined by the test method(s) in subsection (h)(5).

(3) "Agricultural operation" means activities necessary for the growing and harvesting of crops or raising of fowl or animals.

(4) "APCO" means the executive officer, air pollution control officer, or the designee of the executive officer or air pollution control officer of any air pollution control or air quality management district created or continued in existence pursuant to Part 3 (commencing with section 40000), Division 26, Health and Safety Code.

(5) "Approved asbestos bulk test method" means ARB Test Method 435 or an alternative asbestos bulk test method approved in writing by the Executive Officer of the California Air Resources Board.

(6) "ARB" means the California Air Resources Board.

(7) "ARB Test Method 435" means the test method specified in title 17, California Code of Regulations, section 94147.

(8) "Asbestos" means asbestiforms of the following minerals: chrysotile (fibrous serpentine), crocidolite (fibrous riebeckite), amosite (fibrous cummingtonite--grunerite), fibrous tremolite, fibrous actinolite, and fibrous anthophyllite.

(9) "Asbestos-containing material" means any material that has an asbestos content of 0.25 percent or greater.

(10) "Asbestos Dust Mitigation Plan" means a detailed written document specifying measures that would be implemented to minimize the emissions of asbestos-laden dust.

(11) "Carry-out" or "track-out" means any bulk material that adheres to and agglomerates on the exterior surfaces of motor vehicles, haul trucks, and/or equipment, including tires, and that has fallen or been deposited onto a paved public roadway.

(12) "Construction," "grading," "construction or grading operation" and "construction or grading activity" mean any surface disturbance conducted with powered equipment or any related activity, including, but not limited to, all surface and subsurface cuts and fills, excavation, trenching, stockpiling, bulldozing, and landfills.

(13) "District" means any air pollution control or air quality management district created or continued in existence pursuant to Part 3 (commencing with section 40000), Division 26, Health and Safety Code.

(14) "Geographic ultramafic rock unit" means a geographic area that is designated as an ultramafic rock unit or ultrabasic rock unit, including the unit boundary line, on any of the maps referenced in Appendix A.

(15) "Geologic evaluation" means an evaluation of a property to determine the presence of various types of rocks, including ultramafic rock, serpentinite, or other metamorphic derivatives of ultramafic rock.

(16) "Gravel pad" means a layer of gravel, rock, or crushed rock which is at least one inch or larger in diameter and less than five (5) percent silt content, maintained at the point of intersection of a paved public roadway and a work site entrance to dislodge mud, dirt, and debris from tires of motor vehicles and haul trucks prior to leaving a worksite.

(17) "Grizzly" means a device used to dislodge mud, dirt, and debris from the tires and undercarriage of motor vehicles and haul trucks prior to leaving the work site.

(18) "HEPA filter" means a High Efficiency Particulate Air filter used to remove particles less than one (1) micron in aerodynamic diameter and operates at removal efficiencies of 99.9 percent or greater.

(19) "Naturally-occurring asbestos" means asbestos that has not been processed in an asbestos mill.

(20) "Owner/operator" or "person" includes, but is not limited to:

(A) An individual, trust, firm, joint stock company, business concern, partnership, limited liability company, association, or corporation including, but not limited to, a government corporation;

(B) Any city, county, district, commission, the state or any department, agency, or political subdivision thereof, any interstate body, and the federal government or any department or agency thereof to the extent permitted by law; or

(C) A project proponent and any of its contractors or subcontractors.

(21) "Paving" means creating a cover consisting of portland cement, asphalt concrete, or chip seal.

(22) "Project Boundaries" means the right-of-way and any construction easements adjacent to and necessary for the purposes of a specific road construction project or maintenance activity.

(23) "Property" means any real property including, but not limited to, any contiguous parcel or parcels of land and anything attached to, or erected on it.

(24) "Quarrying" means the act of obtaining stone from the earth by means of cutting, digging, excavating, or blasting and includes processes used to convert the excavated material into commercial products.

(25) "Registered geologist" means an individual that is currently licensed as a geologist with the State of California, Department of Consumer Affairs, Board of Geology and Geophysicists.

(26) "Remote location" means any location that is at least one (1.0) mile from the location of a receptor. "Receptor" includes, but is not limited to, any hospital, school, day care center, work site, business, residence, and permanent campground. The distance to the nearest receptor is to be measured from the outermost limit of the area to be disturbed or road surface, whichever is closer.

(27) "Road Construction and Maintenance" means the activities undertaken to build roads, highways, railroads, bridges, culverts, drains and other works incidental to road or highway construction, and maintenance activities that involve grading or excavation. Road Construction and Maintenance does

not include the construction of rest stops, maintenance buildings, or parking lots. These excluded activities are subject to the requirements of subsection (e).

(28) "Road surface" means the traveled way of a road and any shoulder which may extend up ten (10) feet from the edge of the traveled way.

(29) "Sand and Gravel Operation" means any facility operating in alluvial deposits.

(30) "Serpentine" means any form of the following hydrous magnesium silicate minerals: antigorite, lizardite, and chrysotile.

(31) "Serpentinite" means a rock consisting almost entirely of serpentine, although small amounts of other minerals such as magnetite, chromite, talc, brucite, and tremolite-actinolite may also be present. "Serpentinite" is a metamorphic derivative of the ultramafic rocks, peridotite, pyroxenite, or dunite.

(32) "Surface mining" means all, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposit, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. "Surface mining" includes, but is not limited to, in place distillation or retorting or leaching, the production and disposal of mining waste, prospecting and exploratory activities or any activity subject to regulation under the Surface Mining and Reclamation Act of 1975, Public Resources Code section 2700 et seq.

(33) "Ultrabasic rock" means ultramafic rock.

(34) "Ultramafic rock" means an igneous rock composed of 90 percent or greater of one or a combination of the following iron/magnesium-rich, dark-colored silicate minerals: olivine, pyroxene, or more rarely amphibole. For the purposes of this section, "ultramafic rock" includes the following rock types: dunite, pyroxenite, and peridotite; and their metamorphic derivatives.

(35) "Visible emissions" means any particulate matter that is visually detectable without the aid of instruments other than corrective lenses.

NOTE: Authority cited: Sections 39600, 39601, 39650, 39658, 39659, 39666, and 41511, Health and Safety Code. Reference: Sections 39650, 39658, 39659, 39666, and 41511, Health and Safety Code.

APPENDIX A

California Department of Conservation
Division of Mines and Geology

AVAILABLE GEOLOGIC MAPS FOR CALIFORNIA

GEOLOGIC ATLASES OF CALIFORNIA Scale 1:250,000

GEOLOGIC ATLAS OF CALIFORNIA: ALTURAS
Compiled by Gay, T.E. and others, 1958

GEOLOGIC ATLAS OF CALIFORNIA: BAKERSFIELD
Compiled by Smith, A.R., 1964 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: DEATH VALLEY
Compiled by Streitz, R.L. and Stinson, M.C., 1974 (reprinted 1991)

GEOLOGIC ATLAS OF CALIFORNIA: FRESNO
Compiled by Matthews, R.A. and Burnett, J.L., 1965 (reprinted 1991)

GEOLOGIC ATLAS OF CALIFORNIA: KINGMAN
Compiled by Jennings, C.W., 1961

GEOLOGIC ATLAS OF CALIFORNIA: LONG BEACH
Compiled by Jennings, C.W., 1962 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: LOS ANGELES
Compiled by Jennings, C.W. and Strand, R.G., 1969 (reprinted 1991)

GEOLOGIC ATLAS OF CALIFORNIA: MARIPOSA
Compiled by Strand, R.G., 1967 (reprinted 1991)

GEOLOGIC ATLAS OF CALIFORNIA: NEEDLES
Compiled by Bishop, C.C., 1963 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: REDDING
Compiled by Strand, R.G., 1962

GEOLOGIC ATLAS OF CALIFORNIA: SALTON SEA
Compiled by Jennings, C.W., 1967 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: SAN LUIS OBISPO
Compiled by Jennings, C.W., 1958 (reprinted 1992)

3598

GEOLOGIC ATLAS OF CALIFORNIA: SAN DIEGO - EL CENTRO
Compiled by Strand, R.G., 1962 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: SANTA ANA
Compiled by Rogers, T.H., (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: SANTA CRUZ
Compiled by Jennings, C.W. and Strand, R.G., 1958 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: SANTA MARIA
Compiled by Jennings, C.W., 1959 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: TRONA
Compiled by Jennings, C.W., 1962

GEOLOGIC ATLAS OF CALIFORNIA: UKIAH
Compiled by Jennings, C.W. and Strand, R.G., 1960 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: WALKER LAKE
Compiled by Koenig, J.B., 1963 (reprinted 1992)

GEOLOGIC ATLAS OF CALIFORNIA: WESTWOOD
Compiled by Lyndon, P.A. and others, 1960

REGIONAL GEOLOGIC MAP SERIES Scale 1:250,000

GEOLOGIC MAP OF THE CHICO QUADRANGLE
(set of five sheets)
By Saucedo, G.J. and Wagner, D.L., 1992

GEOLOGIC MAP OF THE SACRAMENTO QUADRANGLE
(set of four sheets)
Compiled by Wagner, D.L. and others, 1981

GEOLOGIC MAP OF THE SANTA ROSA QUADRANGLE
(set of five sheets)
Compiled by Wagner, D.L. and Bortugno, E.J. (reprinted 1999)

GEOLOGIC MAP OF THE SAN BERNARDINO QUADRANGLE
(set of five sheets)
Compiled by Bortugno, E.J. and Spittler, T.E. (reprinted 1998)

GEOLOGIC MAP OF THE WEED QUADRANGLE
(set of four sheets)
By Wagner, D.L. and Saucedo, G.J., 1987

3599

GEOLOGIC MAP OF THE SAN FRANCISCO-SAN JOSE QUADRANGLE
(set of five sheets)
By Wagner, D.L., Bortugno, E.J. and McJunkin, R.D., 1990
Color-coded faults

LOCAL GEOLOGIC MAPS

AREAS MORE LIKELY TO CONTAIN NATURALLY-OCCURRING ASBESTOS IN WESTERN EL DORADO COUNTY, CALIFORNIA
By Ron Churchill, March 2000
Scale 1:100,000

SERPINTINITE SURVEY OF LAKE COUNTY, CALIFORNIA – MAP A, ULTRAMAFIC, ULTRABASIC, AND SERPENTINE ROCK AND SOILS OF LAKE COUNTY,
Adopted: March 2, 1992
Scale: 1:100,000

3600

Virginia Regulations
Directive I

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FAIRFAX COUNTY HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION
AIR MONITORING AND TRENDS ANALYSIS
10777 MAIN STREET, SUITE 115
FAIRFAX VIRGINIA 22030

DIRECTIVE 1
STANDARDS OF PERFORMANCE FOR
ACTINOLITE/TREMOLITE SOIL SOURCES

In order to comply with this directive, the following actions will be necessary, at a minimum, when working in an area that contains ACTINOLITE/TREMOLITE MINERAL DEPOSITS:

1. **COMPLIANCE PLAN**

   A written compliance plan must be submitted to this office for review and approval **BEFORE** work begins on the construction project. The compliance plan must adequately address the implementation of STANDARD OPERATING PROCEDURES to achieve compliance with Directive 1 and 2 at the construction project. Amendments to the compliance plan that reflect less stringent operating procedures must be submitted to this office for review and approval **BEFORE** implementing the new operating procedures. The compliance plan will include a signature agreement page that will contain at a minimum, the signatures of the property owners, the developer, the main contractor, and appropriate Fairfax County Health Department officials.

2. **DUST CONTROL**

   Effective dust control must be practiced at all times. This shall include the use of water or flusher trucks to clean the paved roads and wet the unpaved vehicle paths of the site. Wet techniques shall be used to control dust as it is generated by machines or tools during construction.

3. **AIR MONITORING**

Representative air monitoring of the construction site and work activities must be conducted during all phases of the manipulation of the actinolite/tremolite containing material, including but not limited to drilling, excavating, backfilling, loading or disposal. No owner or other person shall cause or permit the discharged into the atmosphere, from any construction activity, any emissions of asbestos in such quantities as to cause, or contribute to a 24 hour average public exposure in excess of 0.020 fibers per cubic centimeter of air. Directive 2, "Monitoring and Reporting Requirements for Construction Activities In Actinolite/Tremolite Soil Sources", covers the specifics to meet this paragraph.

4. **DISPOSAL AND CAP**

The disposal of actinolite and tremolite containing spoils must be addressed in the COMPLIANCE PLAN and the spoils deposited in a PRE-APPROVED disposal site. The recipient of these spoils must be notified in writing (HAZCOM) that the material contains actinolite and/or tremolite minerals and may contain asbestos. Contaminated spoils removed from the site cannot be considered clean fill. Contaminated spoils must be sufficiently wetted and transported in trucks equipped with effective covers in order to insure that fibers will not be released during transit. All final contaminated spoils disposal areas and the finished grade of the developed land shall be covered with six (6) inches of clean compactible material.

5. **NOTIFICATION**

SUFFICIENT NOTICE SHALL BE GIVEN TO ALL SUBCONTRACTORS ON THE SITE OF THESE REQUIREMENTS ALONG WITH A COPY OF THIS DIRECTIVE. **NOTE:** THE COMMONWEALTH OF VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY, DIVISION OF OCCUPATIONAL HEALTH HAS DETERMINED 29 CFR 1926.58 APPLIES TO ALL ACTINOLITE/TREMOLITE SOIL SOURCES.

Virginia Regulations
Directive II

file://C|/Documents%20and%20Settings/ffrap/Desktop/DOT%20DUST%20NOA/1%20Report/Appendices/va%202.htm [6/5/2009 5:11:32 PM]

FAIRFAX COUNTY HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION
AIR MONITORING AND TRENDS ANALYSIS
10777 MAIN STREET, SUITE 115
FAIRFAX VIRGINIA 22030

DIRECTIVE 2
MONITORING AND REPORTING REQUIREMENTS
FOR ACTINOLITE/TREMOLITE SOIL SOURCES

I. Monitoring Requirements

A. The monitoring and sample analysis will be conducted by competent personnel and closely supervised by an experienced individual certified with NIOSH 582 course training or equivalent.

B. Air monitoring samples will be collected.
   1. They may be perimeter and/or area monitoring samples.
   2. They are to be representative samples of the emissions downwind of the work activities.
   3. They may be obtained at any on-site, downwind location, up to and including the point demarcating public areas.
   4. They will be analyzed by the NIOSH 7400 method. Confirmatory transmission electron microscopy (TEM) may be used as an option.
   5. Overloaded air monitoring sample filters that can not be analyzed by the NIOSH 7400 method will be archived. A qualitative report as to the presence or absence of fibers along with a reason for the inability to analyze the filters will be included in the Project Report. **NOTE:** Overloaded samples will be considered an indication of excessive fugitive dust resulting from inadequate dust control.

C. Project Reports of the perimeter, area, and personal monitoring results will be submitted to this office.
   1. Reports will be submitted in a timely fashion.
   2. Reports concerning violations to Directive 1 will be submitted immediately upon discovery.

II. Project Report Requirements.

A. A written description of the work activities.
   1. Methods used to investigate for the presence and forms of actinolite/tremolite minerals at the site.
   2. Work activities with the potential to generate fugitive dust emissions.
   3. Evaluation of the site to identify potential problem areas including such features as areas of high emission potential, areas likely to produce maximum off site impacts, etc.
   4. Daily weather and soil conditions at the construction project, to include but not limited to wind direction, wind speed, precipitation, and approximate soil moisture.

B. Diagram of the Construction Project.
   1. The diagram is at least an 8 by 11 inch copy of the project site drawings.
   2. Label diagram to include perimeters.
   3. Identify the work activities.
   4. Label the air monitors.
   5. Indicate wind direction during air monitoring.

C. Air Monitoring Results.
   1. Sample date.
   2. Monitor location.
   3. Date of last calibrations for samplers.
   4. Interpretations of data and exposure potential.
   5. Explanation of voided samples to include the possible cause, and a qualitative report as to the presence or absence of fibers (Non-NIOSH 7400 methods allowed).
   6. Sample results:
      a. Asbestos concentration in fibers per cubic centimeter of air, reported to two decimal places.
      b. Duration of sample in minutes.
      c. Rate of sample flow in liters/minute.

D. Violations to DIRECTIVE 1 detected by air monitoring.
   1. Suspected cause for each violation.
   2. Best estimate of duration and magnitude of fiber release, areas exposed, and supporting rationale.
   3. Actions taken to prevent similar violations in the future.

III. The 24-hour average standard is calculated by:

$$\frac{(W \times S) + (2 \times MDC) + \{[24 \text{ Hrs.} - (W + 2 \text{ Hrs.})] \times 0.005 \text{ F/CC}\}}{24 \text{ Hrs.}}$$

Where:

W = Work Day in Hours.
S = Sample results in Fibers per Cubic Centimeter.
MDC = Mean Decay Period Concentration (Concentration decays to background levels during the two hours following the end of the workday).

$$= \frac{\text{Start Concentration} + \text{End Concentration}}{2} = \frac{S + 0.005}{2}$$

(NOTE: Since $2 \times MDC = 2 \times \frac{(S + 0.005)}{2} = S + 0.005 \approx S$

S may be substituted for 2 X MDC as a simplification.)

0.005 F/CC is the approximate background concentration.

HB 345

Chair, Judiciary
Chair, Economic Development, Trade & Tourism
Energy
Military & Veteran Affairs
Joint Armed Services
1292 Sadler Way, Suite 324
Fairbanks, Alaska 99701
Phone: (907) 452-1088
Fax: (907) 452-1146

Alaska State Legislature
House of Representatives

: in Session
ıitol, Room 118
aska 99801-1182
465- 3004
07) 465-2070
(877) 465-3004

Representative Jay Ramras
District 10

Sponsor Statement
HB 345 Sam Schuyler Memorial Bridge

HB 345 gives the name the "Sam Schuyler Memorial Bridge" to a bridge that will be built at mile post 308 on the Dalton Highway. Sam Schuyler was a well loved and respected Alaska Department of Transportation and Public Facilities (DOT&PF) employee who spent his entire career working along the Dalton Highway. Sam began his career with DOT&PF as a heavy equipment operator at the Jim River Maintenance Station, milepost 135 of the Dalton Highway.

Sam immediately exhibited a spirited tenacity that set him apart from his peers. This trait caused Sam's career to rise rapidly. He was promoted to Foreman of the Jim River Maintenance Station and from there he quickly became the Dalton District Roving Foreman. In this position, Sam frequented every mile of the Dalton Highway and he was personally involved in the everyday functions of each maintenance camp.

Throughout Sam's storied career, he routinely placed the needs of friends and coworkers ahead of his own. He based his leadership on the principle "lead by example." Sam never asked an employee to take on a job he would not do himself. His men knew him well and respected him immensely.

Sam was dedicated to the Dalton Highway, often personally overseeing a project to ensure that the job was completed on time and within budget. This dedication is reflected in Sam's favorite saying, "**Get 'er Done**!" This often-used phrase, coupled with another favorite saying, "**Can Do**!" earned Sam the respect of other maintenance workers and the respect of the famous Dalton Highway truckers.

Sam's work ethic and his heartfelt commitment to improving the Dalton Highway are appreciated by travelers who drive this road today. He left the Dalton Highway in a much better condition than he found it.

Sam's life ended unexpectedly on January 1, 2007. He was still a DOT&PF employee when he passed away.

Representative_Jay_Ramras@legis.state.ak.us

CITY OF NORTH POLE

"Where the Spirit of Christmas Lives Year Round"

125 Snowman Lane • North Pole, Alaska 99705-7708
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Fire
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Utilities
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Director of
City Services
907-488-8593

Finance
907-488-8594

February 2, 2010

To Whom It May Concern:

Sam Schuyler was a valued Alaskan from North Pole, Alaska. He worked for the State of Alaska, spending 23 years with the Department of Transportation & Public Facilities on the Dalton Highway. The highlight of Sam's well-deserving esteem came from his thorough and detailed handling of everything he undertook. If Sam committed to do something, it was as good as done. Not only would he get it done, but he would accomplish the task to the highest measure, and be depended on for future follow-through.

In a world where people often appear to achieve glory only for themselves, it would be wonderful to have more people like Sam Schuyler. He took pride in his work, committed himself to doing an excellent job, but did not seek personal gain nor did he have selfish motives.

I am proud to support the naming of the "Sam Schuyler Memorial Bridge" on the Dalton Highway. It is fitting recognition of a man who dedicated his life's work to improve the Dalton Highway.

Sincerely,

Douglas W. Isaacson, Mayor

Alaska Trucking Association, Inc.
3443 Minnesota Drive · Anchorage, Alaska 99503 · Phone (907) 276-1149 · Fax (907) 274-1946
www.aktrucks.org
The authoritative voice of the trucking industry in Alaska

February 19, 2010

Sent as email attachment

Representative Peggy Wilson
Chair
House Transportation Committee
Alaska State House of Representatives
Juneau, AK 99801

Re: HB 345 Sam Schuyler Memorial Bridge

Dear Chair Wilson,

The Alaska Trucking Association wishes to convey its' support for this bill. Mr. Schuyler played an important role in the continued maintenance of the Dalton Highway. His entire career at the Alaska Department of Transportation and Public Facilities was spent working along the Dalton Highway.

We believe it is fitting and appropriate for a bridge to be named after this man who spent his career helping to create a safer workplace for our drivers.

Thank you for your consideration.

Sincerely,

Aves Thompson
Executive Director

cc: Representative Craig Johnson
Representative Kyle Johansen
Representative Cathy Munoz
Representative Tammi Wilson
Representative Max Gruenberg
Representative Pete Petersen
Representative Jay Ramras

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125 Snowman Lane • North Pole, Alaska 99705-7708
E-mail: mayor@northpolealaska.com • Website: www.northpolealaska.com

City Hall
907-488-2281
Fax: 907-488-3002

Mayor
907-488-8584

City Clerk
907-488-8583

Police Department
907-488-6902

Fire Department
907-488-2232

Utilities
907-488-6111

Director of City Services
907-488-8593

Finance
907-488-8594

February 2, 2010

To Whom It May Concern:

Sam Schuyler was a valued Alaskan from North Pole, Alaska. He worked for the State of Alaska, spending 23 years with the Department of Transportation & Public Facilities on the Dalton Highway. .The highlight of Sam's well-deserving esteem came from his thorough and detailed handling of everything he undertook. If Sam committed to do something, it was as good as done. Not only would he get it done, but he would accomplish the task to the highest measure, and be depended on for future follow-through.

In a world where people often appear to achieve glory only for themselves, it would be wonderful to have more people like Sam Schuyler. He took pride in his work, committed himself to doing an excellent job, but did not seek personal gain nor did he have selfish motives.

I am proud to support the naming of the "Sam Schuyler Memorial Bridge" on the Dalton Highway. It is fitting recognition of a man who dedicated his life's work to improve the Dalton Highway.

Sincerely,

Douglas W. Isaacson, Mayor

Alaska Trucking Association, Inc.
3443 Minnesota Drive · Anchorage, Alaska 99503 · Phone (907) 276-1149 · Fax (907) 274-1946
www.aktrucks.org
The authoritative voice of the trucking industry in Alaska

February 19, 2010

Sent as email attachment

Representative Peggy Wilson
Chair
House Transportation Committee
Alaska State House of Representatives
Juneau, AK 99801

Re: HB 345 Sam Schuyler
Memorial Bridge

Dear Chair Wilson,

The Alaska Trucking Association wishes to convey its' support for this bill. Mr. Schuyler played an important role in the continued maintenance of the Dalton Highway. His entire career at the Alaska Department of Transportation and Public Facilities was spent working along the Dalton Highway.

We believe it is fitting and appropriate for a bridge to be named after this man who spent his career helping to create a safer workplace for our drivers.

Thank you for your consideration.

Sincerely,

Aves Thompson
Executive Director

cc: Representative Craig Johnson
Representative Kyle Johansen
Representative Cathy Munoz
Representative Tammi Wilson
Representative Max Gruenberg
Representative Pete Petersen
Representative Jay Ramras

3620

BAND

State of Alaska
House Bill 345
Senate Bill 280

February 18, 2010

To whom it may concern:

As a seventeen year employee of the great state of Alaska, I write you today to request recognition be given to a dear friend of mine. It is the feeling of myself and many of my fellow truck drivers of the Dalton Highway that the new bridge to be put in at mile 314 over Ox Bow Creek (bill #345 in the house, bill #280 in the Senate) should be named to memorialize Sam Schuyler (known to his good friends as Kubalack). Unfortunately Sam's life was cut short in January of 2007 which was a shame, for all the good he did in life.

Not only was he a driving force behind keeping the Dalton Highway running smoothly. He was also known to have a heart nearly as large as the massive area he was in charge of. Sam was well known for being the guy to call when you were stuck on the side of the road in a blow. He was also quick to volunteer as a Santa Clause or give his home as a place of refuge whenever the need would arise. The loss of Sam Schuyler was truly a loss to the DOT as well. A state employee for 24 years and foreman of the Dalton for 18, life just hasn't been the same since our loss of Sam.

In a state full of nameless bridges over Gold Creeks, Bear Creeks and Sheep Creeks, a "Sam Schuyler memorial bridge" crossing over Ox Bow Creek just seem the right thing to do.

Thank you for your time and consideration on this matter

Terry Gabriel

Alaska Trucking Companies employees in favor of naming the Ox Bow Creek Bridge after Samuel Schuyler:

1. Adam FENDER
2. [redacted] Sarah Belwaff
3. Wayne Lindquist
4. Richard Stanton
5. Edward Taylor Edward Taylor
6. Connie Kerns
7. William Goff
8. Jeffry Sonntag
9. MARTIN FREY
10. Marcus Lucas Lambert
11. Joanna King
12. Rodney King
13. DUSTIN PAULSON
14. Dale Lemke
15. Joe Zimmerman
16. K. THIEL
17. DANIEL L GARRETT
18.
19. Michael C Cowthrop Michael C Cowthrop
20.
21.
22.
23.
24. Josh Dinwiddie
25.
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38.

STATE OF ALASKA

Sean Parnell, Governor

Department of Transportation and Public Facilities
Northern Region, Regional Director

2301 Peger Road
Fairbanks, AK 99709
Phone: (907) 451-2210
Fax: (907) 451-2333
TDD: (907) 451-2363

February 18, 2010

We, the employees of DOT&PF Northern Region Maintenance & Operations, support the dedication of the Sam Schuyler Bridge on the Dalton Highway.

Sam was an integral part of our staff for 23 years; he is missed personally and professionally. During his entire career with DOT&PF, Sam worked the length of the Dalton Highway. He knew every part of the highway, tackling some of the worst weather conditions in Northern Region, and in the world, on a regular basis. Countless times during Sam's career he left the warmth and comfort of the Maintenance Station to head out in whiteout conditions to rescue a stranded trucker or motorist.

Sam was well-liked and friendly. He was a strong leader and an excellent equipment operator. Sam made the workplace enjoyable; he always had a smile on his face and he would give the shirt off his back or the bunny boots off his feet to help a friend or stranger in need. Sam was a genuinely good person.

Sincerely,

Angel Montalvo
Arleen Burgess
Barry Wilson
Bert Harold
Brian Goss
Bruce Garey
Chris Niedorf
Dan Moody
Danny Cazac
Danny Stevens
David King
Dennis Lindeman
Donald Adkins
Donnie Hensley
Dwight Stuller
Glenn Chandler
Glenn Hollett
James jennings
Jimmy Fairchild
John Ming
Keith Gaudin
Keith Pomeroy
Kenton Bear
Kevin Glynn
Lance Benson
Laurie Parra
Leroy Gabriel
Linda Colang
Paula Sue Webber
Paula Webber
Reid Bahnson
Robert Antesberger
Robert Blake
Steven Meirrieotto
Timothy Ryan
Tim Fickus
Todd Schallock
William Bunch
Jason Carson

Deadhorse, AK
Sam Schuyler Memorial Bridge
Coldfoot, AK
Fairbanks, AK
© 2010 Tele Atlas
Image IBCAO
Image © 2010 TerraMetrics
N
Google

HB 354

ALASKA STATE LEGISLATURE

Interim:
600 East Railroad Avenue
Wasilla, Alaska 99654
Phone (907) 373-1842
Fax: (907) 373-4729

Session:
State Capitol Building
Juneau, Alaska 99801-1182
Phone: (907) 465-2186
Fax: (907) 465-3818

REPRESENTATIVE WES KELLER
DISTRICT 14

Sponsor Statement
HB 354

"An Act relating to eligibility for loans from the Alaska capstone avionics revolving loan fund."

In 2008 the Alaska Legislature commissioned the Capstone Avionics Loan Program. It was designed to provide access to a new generation of avionics for Alaskan aircraft owners and operators. The impetus for the program was an FAA pilot program that confirmed the substantial value and effectiveness of the technology. The results of the pilot program revealed a 47 percent decrease in accident rates in the trial area, and the FAA estimates that full implementation will result in 33 percent fewer fatalities statewide.

HB 354 is being proffered to amend existing statute in order to carry out the mission and original intent of the Capstone Avionics Program more effectively. As initially conceived, the program was intended to provide loans that would allow in-state operators and carriers to upgrade their avionics. However, there is an unforeseen gap in eligibility standards precluding significant portions of the target market from participation. Because the threshold for eligibility is predicated upon ownership of aircraft, an owner or carrier that chooses to lease its aircraft or fleet is deemed ineligible to access the program. This bill seeks to redress this deficiency by allowing for maximal participation. HB 354 is being offered only as an improvement to the Capstone Avionics Program because we believe it is in the interest of public safety, especially as it pertains to flights in and out of rural Alaska. Thanks for your consideration!

E-Mail: Representative_Wes_Keller@legis.state.ak.us
Call Juneau Toll free: (800) 468-2186
Website: www.akrepublicans.org/keller/

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **HB 354**
() Publish Date:

Identifier (file name): HB354-CED-INV-3-1-10
Title: AK CAPSTONE AVIONICS REVOLVING LOAN FUND
Sponsor: Representative Keller
Requester: House Labor & Commerce

Dept. Affected: DCCED
RDU: 122
Component: Investments
Component Number: 383

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
Personal Services	0.0		0.0	0.0	0.0	0.0	0.0
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
CAPITAL EXPENDITURES							
CHANGE IN REVENUES	**0.0**		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1140 AIDEA Dividend							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Micro Loan Revolving Loan Program							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost: 0.0

POSITIONS

Full-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Part-time							
Temporary							

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

This legislation amends the Alaska Capstone Avionics Revolving Loan Fund program to allow a lessee of an aircraft that logs a substantial percentage of flight hours in the state to qualify to apply for loans to purchase Capstone Avionics equipment.

The Department of Commerce, Community, and Economic Development anticipates that this will result in a few additional loan requests but that the fiscal impact will be minimal.

Prepared by: Greg Winegar, Director — Phone 465-2510
Division: Division of Investments — Date/Time 3/1/10 12:00 AM
Approved by: Emil Notti, Commissioner — Date 3/1/2010
Department of Commerce, Community, and Economic Development

Revised 6/19/2008 JVB

PENAIR
The Spirit of Alaska

February 24, 2010

Representative Wes Keller
State Capitol, Room 13
Juneau, Alaska 99801-1182

Dear Representative Keller;

Throughout the course of its history, Peninsula Airways has focused on our responsibility for the safety of every passenger that boards our airplanes. We were early adopters of GPS technology in the 90s, we were one of the first 5 Shield members of the Medallion foundation, and we were active in the first testing of the Capstone system in southwest Alaska. We have recently been working with industry teams to push forward the next wave of navigation equipment designed to enhance air travel safety in Alaska.

Part of the effort to enhance safety is built around the Capstone Loan program that provides low interest loans to early adopters of ADS-B and WAAS technology. To fully appreciate the benefits of this program, Peninsula Airways is requesting that the loan program be expanded to include a lessee of an aircraft, not just the actual owner, as the majority of our larger aircraft are operated under long-term lease agreements. Support of HB354 would show a commitment to improving aviation safety in Alaska and your faithfulness to the economic stability of our vital air transportation system.

Sincerely,

Bryan Carricaburu
VP/Director of Operations
Peninsula Airways, Inc.

Era
ALASKA

Re: HB 354

To Whom It May Concern:

Era Alaska represents the largest group of Alaskan owned and operated air carriers in the state of Alaska. We provide an essential network of daily scheduled operations to over 100 communities in the state. Era Alaska operates a variety of aircraft throughout our state;

18	**Cessna Caravan**
19	**Cessna 207**
10	**PA-31-350 Chieftain**
4	**Cessna 406**
11	**Beechcraft 1900C airliner**
3	**Beechcraft 1900D airliner**
4	**DeHaviland Dash 8-100 series aircraft**

We have invested heavily in equipping over 90% of our fleet with Capstone avionics suites. Most of the aircraft in the fleet are leased by the airline from a wholly owned leasing company and by its very nature, under current definition, may be prohibited from using the existing loan program sponsored by the State.

The next generation WAAS upgrade to the Capstone suite is absolutely essential to enhancing the safety of our operations and will benefit over 650,000 passengers each year in our system.

Era Alaska and its' affiliated carriers fully support Representative Keller's HB354.

Please feel free to contact me if you have any questions or I can provide further input.

Sincerely,

Bob Hajdukovich

CEO, Era Alaska

Frontier Flying Service, Inc.
Era Aviation, Inc.
Hageland Aviation Services, Inc.
Arctic Circle Air Service, Inc.

flyera.com

Era Aviation
6160 Carl Brady Drive
Anchorage, Alaska
99502

February 24, 2010

Re: HB 354

To Whom It May Concern:

Era Aviation has proudly participated in the *Alaska Capstone Avionics Loan Program* as administered by the State of Alaska Department of Commerce, Community, and Economic Development. I believe Era was the first commercial (airline) applicant to successfully navigate the loan process through final loan disbursement. The availability of the Capstone Avionics Loan Program was instrumental in Era Aviation's decision to pursue installation of Next Generation avionics for our Bombardier Dash 8-103/106 aircraft. Our new UNS1-Lw FMS/GPS/WAAS navigation receivers represent the most modern technology available anywhere. Use of this new technology will provide our scheduled airline passengers and charter customers with an unsurpassed level of safety and efficiency in use of the US National Airspace System.

Era Aviation has an aggressive avionics upgrade program, in conjunction with using Capstone Avionics Loan Program disbursements, to equip our entire Dash 8 fleet. Unfortunately, a provision of the Loan Program is that the loan may only be submitted by the *'owner'* of the aircraft. Most large aircraft are typically leased by the commercial airline through other corporate ownership entities. This existing restriction may unintentionally and unreasonably exclude many large aircraft operated within the State of Alaska from qualifying for a loan from the Capstone Avionics Loan Program. In fact, we are apprehensive that one of our existing Dash 8 aircraft which Era leases from another corporate entity, may fail to fully qualify in actual practice, for the same loan program benefits as the other, identical Dash 8 aircraft which are owned exclusively by Era Aviation.

It is for this reason and the associated goal of promoting higher standards of safety within our Alaskan aviation community that **Era Aviation fully endorses Representative Keller's HB354**, which if passed in its present form would amend the Alaska Capstone Avionics Loan Program to include operators of leased aircraft to obtain loans under that Program. We look forward to the assistance of the Alaska Legislature in helping promote greater use of this important Program.

Please advise if you have any further suggestions or comments regarding this issue.

Sincerely,

Jeff Sharp
VP, Operations
Era Aviation
(jsharp@flyera.com or 907-266-8373)

HB

357

ALASKA STATE LEGISLATURE

Co-Chair:
House Finance Committee

Chair:
House Finance Subcommittees for;
Department of Public Safety
Department of Law

Member:
Legislative Council
Legislative Budget & Audit (alt)

Session:
Alaska State Capitol, Rm 515
Juneau, AK 99801-1182
Phone: (907) 465-4958
Fax: (907) 465-4928

District:
600 E. Railroad Ave.
Wasilla, AK 99654

BILL STOLTZE
STATE REPRESENTATIVE
Representative_Bill_Stoltze@legis.state.ak.us

HB 357

Alaska Railroad Non-Essential Land Sale

"An Act relating to the sale of land owned by the Alaska Railroad that is not needed for railroad purposes."

To spur economic development throughout the state, House Bill 357 adds a fourth clause to the existing language governing how the Alaska Railroad Corporation may dispose of land. House Bill 357 will enable the railroad to sell land that is not needed for essential railroad purposes. This bill does not ask for any irresponsible disposal of land, as the sale must be initiated by the board of directors on two conditions. The first condition is that the land is not essential to railroad operations, and the second condition is that the sale is in the best interest of the state of Alaska.

As support has shown, current leaseholders are very unhappy with the inability to purchase their leased properties from the railroad. In general real estate dealings, private purchases are made in mutually beneficial sales. House Bill 357 encourages these sales after determination by the board of directors of the railroad looks at each sale with the overall benefit to the state of Alaska as the key driver. Not only will the private sector benefit from this addition to state law, the railroad will also have increased ability to make decisions regarding their overall real estate portfolio.

The sale and relationship of private and public lands are vital to the economic growth of the state of Alaska. I ask for your consideration and support of House Bill 357 to promote Alaskan growth through the diversification of land ownership, increasing the tax base of the state, and encouraging responsible development of Alaskan land.

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **HB 357**
() Publish Date:

Identifier (file name): HB357-CED-ARR-3-12-10
Title: Alaska Railroad Corp. Land Sales
Sponsor: Rep. Stoltze
Requester: House Transportation Committee

Dept. Affected: DCCED
RDU
Component: Alaska Railroad Corporation
Component Number

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**0.0**
CAPITAL EXPENDITURES	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
CHANGE IN REVENUES ( )	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

HB 357 would authorize the Alaska Railroad to sell land that is not needed for railroad purposes, subject to legislative approval and if the board finds that the sale of the land is in the best interest of the state. Current law already allows the railroad to propose the sale of rail land subject to legislative approval. The cost to sell rail land including appraisals, staff time, and other professional fees would likely be passed on to the buyer. We believe the real fiscal impact of selling the non-operating land we currently lease to third parties would result in the loss of a consistent, predictable annual revenue stream to ARRC. Railroad lease revenues provide a buffer against the vagaries of the Alaska economy. Throughout our history, we have experienced lean years in which railroad lease revenues have funded employee costs and capital budgets.

Prepared by: Wendy Lindskoog — Phone 265-2498
Division: Vice President Corporate Affairs — Date/Time 3/12/10 12:00 AM
Approved by: Emil Notti, Commissioner — Date 3/15/2010
Commerce, Community and Economic Development

(Revised 11/6/2009 OMB)

3634

ALASKA STATE LEGISLATURE

Co-Chair:
House Finance Committee

Chair:
House Finance Subcommittees for;
Department of Public Safety
Department of Law

Member:
Legislative Council
Legislative Budget & Audit

Session:
Alaska State Capitol, Rm 515
Juneau, AK 99801-1182
Phone: (907) 465-4958
Fax: (907) 465-4928

District:
600 E. Railroad Ave.
Wasilla, AK 99654

BILL STOLTZE
STATE REPRESENTATIVE
Representative_Bill_Stoltze@legis.state.ak.us

MEMORANDUM

TO: Representative Peggy Wilson, Chair
House Transportation Committee

FROM: Bill Stoltze

DATE: March 22, 2010

SUBJECT: Committee Follow-Up
House Bill 357

In the first hearing on House Bill 357 in House Transportation on Tuesday, March 16th, there were two requests for further information. These two questions were if land belonging to the Alaska Railroad is state land, and if there were any legality issues in offering a first right of refusal on state land.

The following excerpt is from the attached memo from Legal Services in regards to these two questions:

> "...railroad land is state land. As state land, disposal is subject to procedures established by the legislature, which in this case, authorizes an offer of first refusal to a leaseholder."

If there are any further questions or concerns, please contact John Coan in my office.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM March 20, 2010

SUBJECT: Railroad land is state land
(HB 357; Work Order No. 26-LS1356\R)

TO: Representative Bill Stoltze
Attn: John Coan

FROM: Donald M. Bullock Jr.
Legislative Counsel

You asked whether land belonging to the Alaska Railroad Corporation is state land. You also asked whether there is any legal impediment to offering leaseholders the right of first refusal before land is offered for sale under AS 42.40.352(b). AS 42.40.352(b) would be enacted by sec. 2 of HB 357.

Railroad land is state land

The Alaska Railroad Corporation (railroad) is a public corporation and is an instrumentality of the state in the Department of Commerce, Community, and Economic Development.[1] Two Alaska Supreme Court decisions recognize the land of two public corporations as state land, the public corporations being the railroad[2] and the University of Alaska.[3] In the railroad case, the Supreme Court determined that the disposal of railroad land was subject to art. VIII, sec. 10 of the state constitution,[4] which reads as follows:

> **Public Notice.** No disposals or leases of state lands, or interests therein, shall be made without prior public notice and other safeguards of the public interest as may be prescribed by law.

---

[1] AS 42.40.010.

[2] *Laverty v. Alaska Railroad Corp.*, 13 P.3d 725, 735 (Alaska 2000) (the railroad's intimate connections to the state ultimately make railroad lands "state lands" for the purposes of the public notice clause in art. VIII, sec. 10 of the state constitution).

[3] *Southeast Alaska Conservation Council and Tongass Conservation Society v. State of Alaska*, 202 P.3d 1162, 1171 (Alaska 2009) (statutory language treating University lands differently from other state land does not overcome the constitutionally based conclusion that University lands belong to the state).

[4] *Laverty, supra.*

The court's two decisions relating to the state ownership of land held by public corporations validated the opinion of the attorney general in 1985 with regard to the land of the railroad and the applicability of art. VIII of the state constitution.[5] The attorney general wrote:[6]

> When all the provisions of article VIII are considered together, it is difficult to discern a constitutional distinction between lands owned by a public corporation created by the state and other state lands. Section 9, for example, authorizes the legislature to "provide for the sale or grant of state lands . . . ." No one would seriously argue that the legislature has no such authority over Alaska Railroad lands because they are not state lands. In fact, AS 46.40.285 of the Alaska Railroad Corporation Act requires prior legislative approval of any sale of the railroad's "entire interest in its lands." One must conclude, then, that the word "state" is used in broad, generic sense throughout article VIII. That is to say, the word does not refer simply to the state's executive branch and its various bureaucratic departments but rather refers to a political community of self-governing citizens. Given this interpretation, "state land," as used in article VIII, section 10, encompasses all lands held in common by the political community of Alaskan citizens rather than only those lands nominally held by one of the principle departments of the executive branch recognized by article III, section 22, of the Alaska Constitution. This, of course, includes lands held by the Alaska Railroad. The Alaska Railroad, after all, is a public corporation. It has a public nature and, in a deeper sense, is owned by the people of Alaska. See 18 C.J.S. Corporations § 18. This public nature, then, is enough to bring it within the scope of article VIII, section 10.

Based on the decisions of the Alaska Supreme Court regarding land held by the University of Alaska and the railroad, both public corporations, railroad land is state land.

Offering the right of first refusal

AS 42.40.352(b), in sec. 2 of HB 357, would require the railroad to, "provide notice to persons having a leasehold interest in the land proposed to be sold and offer the leaseholders the right of first refusal." The notice and offer may only be made after the railroad's board has concluded that the sale is in the best interest of the state.[7] The legislature must also approve the sale in advance.[8]

---

[5] 1985 Alas. AG LEXIS 288, 1985-1 Op. (Inf.) Atty Gen. Alaska. 221.

[6] 1985 Alas. AG LEXIS 288, 5-6 (Alas. AG 1985) (footnotes omitted).

[7] AS 42.40.352(a)(2), that would be enacted by sec. 2 of the HB 357.

[8] AS 42.40.352(b)(3), that would be enacted by sec. 2 of the HB 357.

Article VIII, sec. 2, Constitution of the State of Alaska, requires the legislature to "provide for the utilization, development, and conservation of all natural resources belonging to the State, including and and waters, *for the maximum benefit of its people.*" The review by the board land the legislature before the sale takes place provides the opportunity for determining whether the sale satisfies the requirements in art. VIII, sec. 2.

Article VIII, sec. 9, Constitution of the State of Alaska addresses the sale and grant of state land:

> SECTION 9. Sales and Grants. Subject to the provisions of this section, *the legislature may provide for the sale or grant of state lands, or interests therein, and establish sales procedures.* All sales or grants shall contain such reservations to the State of all resources as may be required by Congress or the State and shall provide for access to these resources. Reservation of access shall not unnecessarily impair the owners' use, prevent the control of trespass, or preclude compensation for damages.

[Emphasis added.] Although the procedure of offering first refusal to a lessee does not appear in other statutes providing for the sale of state land,[9] the enactment of HB 357 would provide the legislature's sales procedures for railroad land, as required by art. VIII, sec. 9.

In conclusion, railroad is state land. As state land, disposal is subject to procedures established by the legislature, which in this case, authorizes an offer of first refusal to a leaseholder.

If I may be of further assistance, please advise.

DMB:med
10-051.med

---

[9] Although offering the right of first refusal to a lessee before a sale of state land does not currently appear in the Alaska Statutes, AS 38.05.073(q) authorizes the commissioner of natural resources to offer the right of first refusal to a lessee for a new lease at the expiration of a recreational facilities development lease. AS 38.05.073(q) reads as follows:

> The term of the lease may not exceed 55 years. At the expiration of the lease, the commissioner may offer the lessee a right of first refusal on a new lease under this section for the same land if the commissioner determines that leasing the land for an additional term serves the best interests of the state.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM March 24, 2010

SUBJECT: Use of money without an appropriation (CSHB 357(TRA))
(Work Order No. 26-LS1356\E)

TO: Representative Peggy Wilson
Chair of the House Transportation Committee
Attn: Becky Rooney

FROM: Donald M. Bullock Jr.
Legislative Counsel

Enclosed is CSHB 357(TRA) that includes the changes you requested.

With regard to the deletion of the word "appropriated" on page 2, line 10, and the insertion of the word "used" in its place, is it the committee's intent that the money may be spent without an appropriation?

Under terms of the federal Alaska Railroad Transfer Act (P.L. 97-469, Title IV), the "revenues generated by the State-owned railroad shall be *retained and managed* by the State-owned railroad for railroad and related purposes." 45 U.S.C. 1207(a)(5); emphasis added. According to a section-by-section analysis of the Alaska Railroad Transfer Act that was prepared at the time Congress passed the Act, this provision was intended to allow the railroad to "retain and manage it's [sic] own revenues" and to "avoid the need for annual appropriations by the State for the railroad." Congressional Record, December 23, 1982, S16080. The apparent intent of Congress was that the revenues of the railroad be dedicated for railroad and related purposes and that the railroad have the discretion to determine how to use its revenues without having the legislature approve the use and expenditure of those revenues by an appropriation. This provision constitutes a federally mandated dedicated fund requiring that railroad revenues be retained by the railroad and used only for railroad and related purposes. 1984 Inf. Alaska Att'y Gen. Op., May 26 (366-575-84). However, this provision does not prevent the legislature from appropriating railroad revenue for railroad purposes or mandating that the railroad expend its revenue for a legislatively prescribed railroad or related purpose. *Id.*

Although there have been unsuccessful efforts to amend the Executive Budget Act to make it applicable to the Alaska Railroad Corporation, art. IX, sec. 13, Constitution of the State of Alaska prohibits the withdrawal of money from the treasury except in accordance with appropriations made by law. Thus, although the money from the land sales contemplated in CSHB 357(TRA) may be dedicated under 45 U.S.C. 1207(a)(5),

whether it may be spent without an appropriation is a question that has not been answered by the courts.

DMB:plm
10-171.plm

Enclosure

Alaska State Legislature

Representative Peggy Wilson
House District 2
Putting Alaska's Families First

FAX TRANSMITTAL SHEET

TO: LegLegal FAX# 2029

DATE: 3-23-10 FROM: Becky, Rooney 3759

SUBJECT: Amendments to HB 357 VerR

Total Pages (including cover sheet) 1

HB 357 VerR passed out of HTRA Committee today with 3 amendments

#1 Page 1 line 10 and 12 Remove "essential"

#2 Page 1 line 1 replace "needed" with "necessary"

#3 Page 2 line 10 replace "appropriated" with "used"

This transmittal may be a confidential communication or otherwise privileged information. If you are not the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution or copying of this transmittal is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone at (907) 465-3824. Please destroy this fax cover and all its attachments.

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Joe Beedle
President

March 15, 2010

Honorable Peggy Wilson, Chair
House Transportation Committee
State Capitol, Room 406
Juneau, AK 99801
Sent Via Fax 907-465-3175

Regarding HB 357 -- Sale of Alaska Railroad Land

Madam Chair Wilson,

I write today in support of HB357 as an individual, as a bank president and as someone with prior experience as an officer in a State entity that benefits significantly from sale of non-essential real property.

While individuals and enterprises may invest in leasehold estate property, and banks may take assignments of leasehold for security, such development or lending usually results in less than the highest and best use of the property or results in less long term care of or maximum improvement to the property. Given a choice at market rents, investors and lenders will usually choose to develop land that is owned outright or 'fee simple.' Such greater 'real' improvements tend to increase production, employment, tax revenues and 'quiet enjoyment' by the successful owner.

Typical prudent investors that own real estate will analyze the potential appreciation of the real property and then compare and contrast the potential leasehold earnings against a permanent financial investment for a prudent long-term hold. If the land would not appreciate at 7-8% compounded and a permanent investment could foreseeable exceed that return, and the property is non-essential to the owner, it is quantitatively prudent to convert the long term 'real' asset into long term investment for greater gain to the owner (State/AK Railroad). Exchanging one long term asset for another long term asset of greater flexibility and potential financial leverage is considered a prudent and beneficial decision.

During my service as VP Finance at the University of Alaska, a land grant university, I witnessed and prudently oversaw the sale of non-essential/non-educational land and the investment of cash proceeds into the UA Land Grant trust fund wherein the principal was initially preserved and the earnings, subject to legislative appropriation and regent/trustee dedication, were used to advance the needs of the university. The land was typically developed for constructive use which added to production, employment and 'quiet enjoyment' while improving the local tax base of the municipality.

In summary, I believe that affording the Alaska Railroad this flexible tool will benefit its stakeholders and I encourage your support and passage of the legislation.

Sincerely,

Joe Beedle, President

PUGET SOUND PIPE AND SUPPLY CO.
2120 Spar Avenue, Anchorage, Alaska 99501
PHONE (907)277-7473 FAX(907)277-9565 E-mail: jerryhendriks@aol.com

March 15, 2010

Honorable Peggy Wilson, Chairwoman
Alaska State House of Representatives
Transportation committee
State Capitol
Juneau, Alaska 99801

Dear Chairwoman Wilson,

I am writing in support of House Bill 357, which would allow the sale or disposition of the non-essential railroad lands. I believe that the passage of this legislation has merit on several levels:

1. As a tax payer of lands owned in the MOA, I would like to see more land become privately owned, less Federal and State owned land.
2. As a land owner on the South side of Ship Creek, We have improved the land we own and thereby pay additional taxes to the local government.
3. If I were a lease holder on the North side of Ship Creek, I would have little incentive to improve the property, as it not only increases my taxes, but greatly increases my lease expense. The end result is the properties on the South side of Ship Creek are better and in better condition than those properties on the North side of Ship Creek.
4. Increased investment in private lands leads to a healthier private industry, thereby creating additional jobs in a prime Anchorage industrial area. Many of the buildings on the North side need to be replaced or remodeled. Ownership of the land would allow the owner to make this investment, without the negative impact of the current lease payments.
5. Please consider supporting HB 357. The entire Alaska Rail Belt will appreciate your committee's favorable consideration of this important House bill.

Jerry Hendriks

Vice President/Alaska Operations

Date: March 10, 2010

Honorable Peggy Wilson, Chair
House Transportation Committee
State Capitol, 4th Floor
Juneau, AK 99801
Fax:: 907-465-3175

Dear Chair Wilson,

I am writing in opposition of House Bill 357, which is currently in your committee. As a Real Estate professional I can see why business owners may wish to own rather than lease. As a resident of the State of Alaska I don't see the "*giving the railroad the authority to dispose of non-strategic land within their real estate portfolio creates the logical first step of putting more government-owned lands in the private sector,*" is in Mine or the States best interest.

I am closely aware that the Real Estate department of the Alaska Railroad, operates for profit, and strives to get the highest rate of return, on value, for their owned real estate. Well managed long term leases will, and do provide a greater rate of return to me and the State than selling off performing asset, not to mention, selling those assets in a depressed real estate environment.

Any favorable vote on this bill will only serve the interests of a few business owners rather than the majority of residents of the State of Alaska.

This legislation does not represent good financial stewardship of mine and the States performing real estate assets.

Respectfully,

Mark S. Kulstad
Commercial Real Estate Agent and Broker 907-223-8135

Alaskan Wood Moulding Inc.
1115 Whitney Rd.
Anchorage AK 99501
Ph: 907-563-9724, Fax: 907-563-9725

Honorable Peggy Wilson, Chair
House Transportation Committee
Alaska House of Representatives
State Capitol, Room 406
Juneau, AK 99801

RE: HOUSE BILL 357

Dear Chair Wilson,

I would like to urge your support of HB 357, which is currently under review by your committee. This legislation is important to Alaska businesses and would help diversify and strengthen the private sector.
As you know, the vast majority of land in Alaska is held by various public entities, which limits opportunities for the private sector. HB 357 is a reasonable vehicle for current land users to have the ability to purchase the property that they currently lease from the ARRC. The ability to own both the land and the improvements on these properties vastly increases the bottom line health of business and opens lines of credit that can be utilized to expand and grow.
This legislation is a win/ win opportunity for the ARRC to continue to generate revenue from the proceeds of the proposed land sale while Alaskan businesses gain the financial leverage to continue to create jobs.

Respectfully,

Mark Stearns

Alaskan Wood Moulding Inc.
1115 Whitney Rd.
Anchorage AK 99501
Ph: 907-563-9724, Fax: 907-563-9725

Honorable Peggy Wilson, Chair
House Transportation Committee
Alaska House of Representatives
State Capitol, Room 406
Juneau, AK 99801

RE: HOUSE BILL 357

Dear Chair Wilson,

I am writing in support of House Bill 357. This bill is long overdue and if passed will have a positive impact on commerce, our economy and our local community's tax base(s). For the communities surrounding the rail belt, this legislation will probably be the largest positive impact on the economy and creation of jobs.

Alaska's economy is restricted because of the amount of land under government ownership and control. This legislation is a positive step in getting land from under government ownership into the hands of the private sector. With that will come greater investment and more jobs.
On a separate note, I saw on the news a legislative proposal that would charge the Alaska Railroad with the responsibility of developing a small diameter gas pipeline, often referred to by Alaskans as a bullet line. From my perspective, this is a terrible and short-sighted proposal that does not contemplate the railroad's ability to waste money. Their direct managerial involvement will almost certainly insure a tariff that would be unaffordable to most Alaskans.

In conclusion, I want to take this opportunity to extend my thanks and appreciation to Representative Stoltze who authored this bill. Without his business sense and leadership, we would most likely continue operating under the existing arcane structure of governmental ownership. Please support passage of HB 357.

Respectfully,

Mark Stearns

March 12, 2010

Honorable Peggy Wilson, Chair
House Transportation Committee
State Capitol, 4th Floor
Juneau, AK 99801

Dear Representative Wilson,

I am writing in support of House Bill 357, it would allow private businesses and citizens to purchase government owned land.

Respectfully,

James Garvin

AT&S, Inc.
Operations Manager
Fairbanks Alaska

March 12, 2010

Honorable Peggy Wilson, Chair
House Transportation Committee
State Capitol, 4th Floor
Juneau, Alaska 99801

RE: HB 357

Dear Representative Wilson,

I recently learned about House Bill 357, and I am writing in support of this measure.

I work for a Fairbanks based company, that has been in business, since 1974, which Is located on railroad-leased land. In fact, all the businesses around us, are located on Railroad-leased land. The land we are based on, is not used for railroad operations and Never will be.

This legislation would allow for the sale of these properties. In AT&S case and the others around us. This would be an asset, to the companies, to own the land there business is located on.

With your help, lets do the right thing and pass this bill.

Thank you,
Randy Arendell
AT&S Inc.
1883 Fox Ave.
Fairbanks, Alaska 99701

March 10, 2010

Honorable Peggy Wilson, Chair
House Transportation Committee
Alaska State House of Representatives
State Capitol, Room 406
Juneau AK 99801 Via fax: (907) 465-3175

RE: HB 357

Dear Chairwoman,

As a former leaseholder with the ARRC, I support this bill. My understanding is that when these lands were transferred to the State, the intention was that such lands would be sold to private parties. Under that belief, at least some former leaseholders that I have known expanded their facilities. Several years ago, a commission formed to research long-term plans for the State also recommended that these lands be sold.

Besides original intent, it is my belief that these lands are not developed to their potential because there is always the threat of ARRC takeover at the end of the lease. I realize this is standard leasehold practice, but the ARRC is statutorily prohibited from selling its land. This was enough incentive for me not to further improve my property.

The ability and flexibility to maximize these properties will be of benefit to the communities as well in expanding the revenue capacity of the lands and value of tax base.

Sincerely,

Mary W. Silvey

Mary W. Silvey
PO Box 71350
Fairbanks AK 99707

Cc: Bill Stoltze via fax: (907) 465-4928
Cc: Peter Macksey via email: pmacksey@steelfabak.com

HB357 re ARRC leases Mar 2009

RECEIVED
MAR 02 2010

February 25, 2010

Honorable Peggy Wilson, Chair
House Transportation Committee
Alaska State House of Transportation
State Capitol, 4th Floor
Juneau, Alaska 99801

Re: House Bill 357

Dear Representative Wilson,

I am writing to you in support of House Bill 357. As an Alaska Railroad Leaseholder myself, I know first hand the difficulties and restraints associated with dealing with the railroad. While my lease, primarily because of its location, will probably not be one of the parcels of land ever put up for sale or disposition; nonetheless, as a businessman I know of many parcels that are not strategic to the railroad and where the community's commerce would likely improve substantially if these parcels were sold and in private hands. One of Alaska's biggest problems is that too much land is owned by the government, both federal and state.

Putting railroad lands that are not necessary to their operation or strategic purpose in the hands of the private sector would increase business Capital investment, thus creating more jobs and a stronger local tax base. I know of many leaseholders unwilling to further invest in their businesses because of the uncertainty of their leases and the perceived difficulties in dealing with the railroad and their real estate office.

Again, in the strongest terms possible, I urge swift passage of house bill 357. Furthermore, I would like to compliment Representative Bill Stoltze for having the business acumen and determination to address an important issue to the rail belt region and its commerce.

Sincerely,

Paul L. Reid

cc: Representative Bill Stoltze

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corporation
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tel 907 563-0220 fax 907 563-0240

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March 1, 2010

Honorable Peggy Wilson, Chair
House Transportation Committee
State Capitol, Room 406
Juneau, AK 99801

Dear Representative Wilson:

Your committee is in charge of reviewing House Bill 357, which deals with allowing the Alaska Railroad Corporation to dispose/sell non-essential real estate. This legislation warrants the body's attention and passage.

HB 357 is an astutely crafted vehicle that will allow the Railroad to sell land that is not essential to their transportation system. By doing so, the private sector will be able to more easily attract needed capital, and be insured that they have the freedom to direct, expand, and upgrade their businesses as they wish and receive full benefit of any capital improvements.

Passing this legislation is a commitment to economic development and belief in the private sector. Please support HB 357.

Sincerely,

Robert Carlson Jr
President

STATEWIDE DOOR & GLASS
221 East Ship Creek Avenue Anchorage, Alaska 99501
Phone: (907) -562-2074 Fax: (907) -562-1803

3/2/2010

Honorable Peggy Wilson
Chairperson, Transportation Committee
Alaska House of Representatives

Dear Representative Wilson,

My name is Mike Hammer. I am the owner of Statewide Door & Glass. I do commercial glass service and new installations for projects throughout Alaska. I currently employ 25 – employees year round. I purchased my current building in 1999. It sits on Railroad leased land, located on Ship Creek Avenue. This street was originally named Warehouse Avenue until about 10 years ago. The name of the street was changed by the Railroad Corporation to make it appear that the area was not used for industrial, manufacturing, or storage purposes. There are currently at least 10 – businesses on this street that that still do this kind of work to make a living. They have all been here longer than me.

Over the past 10 – years, some businesses have had their leases expire. When this happens, the Railroad has refused to renew them. As a result, the owner is currently required to demolish the building and have the debris hauled off to the landfill at the owner's expense unless the Railroad wants the building. Then, they will waive the demo requirement and take over the building. I have been told that my lease will not be renewed if I continue to operate as a glass shop. By doing this, the Railroad will eventually own all of the buildings or get rid of them. The goal is to turn this area into a tourist shopping and retail area.

The Railroad Corporation has allowed 3 – new buildings to be built since I have been here. The Comfort Inn Hotel, The Ulu Factory, and The Bridge Restaurant. They were allowed to be built because they fit into the future model of what the Railroad would like to see happen in this area. The problem is that this area is not attracting any investment as the Railroad Corporation expected.
The Bridge Restaurant went out of business two years ago. The building has been for sale ever since and is still empty. There is an empty lot next to mine that has been advertized as a great location for a new Condominium project. There has been no interest. The Ulu factory had to invest in a shuttle bus to get people from downtown to come see their store. There are many other empty lots for sale.

As I see it, the Alaska Railroad Corporation has become a real estate holding company who still likes to play with trains! The federal government GAVE this land to Alaska so it could be used for transportation and building infrastructure, not to build shopping malls and coffee stands for tourists that will sit empty eight months of the year.

I would like to be able to purchase the land that my building sits on. I would like to continue to employ people who live and work in Alaska all year long. Having to start over again in another building because my lease will not be renewed may put me out of business. Please do what you can to help myself and others in my position so that we can stay where we are and continue to employ Alaskans. Please support House Bill #357.

Sincerely, Mike Beaman

Thomas Tonkin
2005 Misty Meadows
Anchorage, AK 99502

March 4, 2010

Honorable Peggy Wilson, Chair
House Transportation Committee
Alaska House of Representatives
State Capitol, Room 406
Juneau, AK 99801

RE: HOUSE BILL 357

Dear Chair Wilson,

I would like to ask for your support of HB 357 that is currently under consideration in your committee. I have been employed by a company for the last sixteen years that leases property from the ARRC. My employer faces numerous uncertainties and challenges as do most small businessmen. As an example the ARRC has increased the land lease payment cost from $780.00 per month in 2001 to $2,990.00 per month currently. The current rate approaches an almost four fold increase in just 9 years. These dramatic increases place strain on already stretched finances and reduce the available funds to expand the business and increase wages.
From my reading of this legislation it seems like and excellent opportunity to place privately used property into the ownership of those entities that use and occupy these properties. The ARRC will still receive an income stream from the investment income from the proceeds of the sale and the users will reap the benefits and predictability of land ownership. This appears to be a situation that benefits both the private sector as well as the public interest.

Thank you for your consideration,

Thomas Tonkin

February 25, 2010

Honorable Peggy Wilson, Chair
House Transportation Committee
Alaska State House of Transportation
State Capitol, 4th Floor
Juneau, Alaska 99801

Re: House Bill 357

Dear Representative Wilson,

I am writing to you in support of House Bill 357. As an Alaska Railroad Leaseholder myself, I know first hand the difficulties and restraints associated with dealing with the railroad. While my lease, primarily because of its location, will probably not be one of the parcels of land ever put up for sale or disposition; nonetheless, as a businessman I know of many parcels that are not strategic to the railroad and where the community's commerce would likely improve substantially if these parcels were sold and in private hands. One of Alaska's biggest problems is that too much land is owned by the government, both federal and state.

Putting railroad lands that are not necessary to their operation or strategic purpose in the hands of the private sector would increase business Capital investment, thus creating more jobs and a stronger local tax base. I know of many leaseholders unwilling to further invest in their businesses because of the uncertainty of their leases and the perceived difficulties in dealing with the railroad and their real estate office.

Again, in the strongest terms possible, I urge swift passage of house bill 357. Furthermore, I would like to compliment Representative Bill Stoltze for having the business acumen and determination to address an important issue to the rail belt region and its commerce.

Sincerely,

Paul L. Reid

cc: Representative Bill Stoltze

sabiya corporation
2525 blueberry road suite 106 anchorage, alaska 99503
tel 907 563-0220 fax 907 563-0240

STEELFAB
ALASKA'S STEEL SOURCE
2132 RAILROAD AVE.
ANCHORAGE, AK 99501
FAX 907 276-3448
TEL 907 276-4100

February 25, 2010

Honorable Peggy Wilson, Chairwoman
House Transportation Committee
Alaska State House of Representatives
Juneau, AK 99801

Dear Chairwoman Wilson,

I am writing to ask you to give HB 357 your committee's fullest deliberation. It is a bill that will right a major inequity for my business and for many other businesses in Alaska's Rail Belt.

Currently we have to make and pay for many capital and property improvements, ourselves. (We were required to pay for a new water line on property we did not own.) We "inherited "our lease when we bought this business, over 25 years ago. The lease has proved to be the only regret I have about owning this business. It is a bitter pill to know that while you are improving your business to the highest standards, that those improvements may end up belonging to another owner.

Alaska depends on private enterprise to keep building new jobs more than any other segment of our economy. This is especially important during these tough economic times. A business that could have the opportunity of owning its land would also have the confidence to make additional capital improvements and expansions. This will provide huge benefits to local communities.

Rather than continuing to lock up more land from private ownership, let a crack of light and hope shine down on the many businesses who struggle daily to be competitive. After all, it was set out in the original Federal transfer of lands as a fair and equitable procedure. The Alaska Railroad Corp. has done nothing but drag its heels on this process, and I think HB 357 will give everyone the green light to proceed with a process that should have started 20 years ago. I really believe HB 357 is a fair and equal way to start this important adjustment.

Sincerely,

Janet Faulkner
Vice President

STEELFAB
ALASKA'S STEEL SOURCE
2132 RAILROAD AVE.
ANCHORAGE, AK 99501
FAX 907 276-3448
TEL 907 276-4003

February 25, 2010

Honorable Peggy Wilson, Chairwoman
House Transportation Committee
Alaska State House of Representatives
Juneau, AK 99801

Dear Representative Wilson,

Here's the key to the simplicity of HB 357: it just starts the process that was set-up over 25 years ago when the Federal government transferred ownership to Alaska. Part of that Federal transfer specified that state-owned, non-operational railroad lands could be purchased at fair market value after 10 years. HB 357 just specifies that it's alright to begin the process.

HB 357 will allow business owners like me, who has leased state land through the Alaska Railroad Corporation, the opportunity to purchase land that I have improved upon for over 25 years (I have made over $8 million in capital improvements to my business site). I have paid taxes on this land, too, even though I do not own the land. I have done this in order to build my steel fabricating business to be the top steel fabricator in Alaska, with the largest capacity and capabilities in the state. The reason? I want to make sure that other Alaska industries can get their steel needs met in Alaska, without going outside the state.

Under current lease conditions, if I would close or move my business, all the capital improvements would belong to the ARRC. Frankly, I have always found this very bothersome. I look around me, at other leaseholders, and I am sure that if they were able to own the land they are sitting on that they would make major improvements, which would equate to higher property values, greater civic pride and beautification, and a stronger tax base for Rail Belt communities.

Help us eliminate serfdom from the Rail Belt. Please give HB 357 your most earnest consideration, Representative Wilson. HB 357 is a simple bill crafted to treat leaseholders who desire to buy their property as equally as those who wish to continue to lease. Private property owners in Alaska are a rare breed: only 2 percent of Alaska land is in private ownership. Please give us a chance to help remedy this inequality.

Sincerely,

Richard Faulkner
President

Alaska Flor-Wall, Inc.

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March 2, 2010

Honorable Peggy Wilson, Chair
House Transportation Committee
State Capital, 4th Floor
Juneau, Ak 99801

RE: HB 357

Dear Representative Wilson,

We recently learned about House Bill 357 and we are writing in support of this measure.

We have leased our property from the Alaska Railroad since 1965. We would not even consider doing any improvements due to the uncertainties of our lease. There has only been one new business on our street within the last 10 years and it failed. There are many lots available but no one wants to develop them because of the lease agreement. The railroad does not use or need these lots for railroad purposes. It is a shame to have properties sitting vacant and leased land buildings needing repair. The lands have become an eyesore to the community.

House Bill 357 would allow the sale of these properties. This would allow development of the lands which would be beneficial to everyone.

We would appreciate your support of this bill. If you have any questions, please email me at kjperham@gci.net.

Thank you,

ALASKA FLOR-WALL, INC.

Karen A. Paulson Perham
President

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3/2/2010

Honorable Peggy Wilson, Chairwoman

Alaska State House of Representatives

Transportation Committee

Juneau, AK 99801

Dear Chairwoman Wilson,

I sincerely request the support and endorsement of HB 357. This bill deals with the sale and the redistribution of ownership of unessential railroad land.

This legislation, if passed, would allow the railroad to sell lands that are in surplus to their transportation operations. This in turn would allow the businesses and other interested parties to procure the land that they already have financial interests and investments in. By doing so, the Railroad would not be infringing upon the directives of their board, or the welfare of the public. If the private entrepreneurs/corporations are allowed to own the land that they have established their respective enterprises on, they are thus more likely to further invest in said enterprises and strengthen our local community by remaining where they are. Investments will then lead to more jobs and revenue for the community/state as well.

Nearly all the land in the state of Alaska is government owned (just about 98%). By allowing the railroad to sell the extra land to these business owners, it would grant the private business sector more strength and revenue.

Please consider this bill and all that I have stated as it is crucial for the development and prosperity of the private business sector as well as the continuing stability of our local communities.

Sincerely,

Brandon Wallace

Brandon Wallace

Bohuslav Fiala
167 Ocean Park Dr.
Anchorage, AK 99515

Honorable Peggy Wilson, Chair
House Transportation Committee
Alaska House of Representatives
State Capitol, Room 406
Juneau, AK 99801

RE: HOUSE BILL 357

Dear Chair Wilson,

I am writing to ask your support of HB 357 currently under consideration in your committee. This bill, if enacted, will have a positive impact on Alaska's economic future by securing the economic future of current ARRC leaseholders.
This legislation will give the railroad the authority to sell their non-strategic land within their real estate portfolio and puts public lands into private ownership. This will significantly increase economic climate for more investment, create new jobs and ensure existing ones, and expand the local tax base all along the rail belt.
This legislation does all this and is revenue neutral. The railroad will continue the revenue stream that it currently enjoys while businesses can secure their future through land ownership. This legislation is pro business, pro jobs and pro private sector business and it allows the ARRC to concentrate on their primary mission of operating our railroad.

Respectively,
Bohuslav Fiala

Cc: Honorable Bill Stoltze

Erik Brubaker
P.O Box 876432
Wasilla, AK 99687

March 3, 2010

Honorable Peggy Wilson, Chair
House Transportation Committee
Alaska House of Representatives
State Capitol, Room 406
Juneau, AK 99801

RE: HOUSE BILL 357

Dear Chair Wilson,

House Bill 357 that has been introduced by Rep. Stoltze, would support private sector businesses that are currently lease holders with the ARRC. As you are aware a large proportion of land in Alaska is held by the public including those lands that are leased by the Railroad to businesses along the rail belt region. Most railroad leased land has no direct impact on the day to day operational activities of the Railroad. The Railroad by virtue of these leases exerts control and creates uncertainty for the long term health of the leaseholders. This legislation if enacted, would provide the leaseholders a secure future and give them the flexibility to invest for the future. It also allows the Railroad continued revenue for their train operations and lets them focus on their primary reason for existence.

Respectfully, Erik Brubaker

Erik Brubaker

cc: Honorable Bill Stoltze

Ken McCarty
11441 Lower Sunny Cr.
Eagle River, AK 99577

March 2, 2010

Honorable Peggy Wilson, Chair
House Transportation Committee
Alaska House of Representatives
State Capitol, Room 406
Juneau, AK 99801

RE: HOUSE BILL 357

Dear Chair Wilson,

Please actively support HB 357 as this will be tangible and visible support of small business interests in Alaska. This legislation will help put public lands into private ownership and will lead to increased investment and job growth. This will allow the ARRC to concentrate on their primary activity and still maintain the revenue stream that they currently have from their real estate operations. It also is revenue neutral which is probably a rare situation in these economic times. This seems like a situation where both parties benefit and I strongly urge you to give it the attention that it deserves.

Thank you,

Ken McCarty

Cc: Honorable Bill Stoltze

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March 3, 2010

Honorable Peggy Wilson, Chair
House Transportation Committee
Alaska House of Representatives
State Capitol, Room 406
Juneau, AK 99801

RE: HOUSE BILL 357

Dear Chair Wilson,

Please support HB 357 currently in your committee. This legislation will help Alaskan businesses by placing public lands into private use. Alaska has more public lands than any other state and this legislation will allow these lands to generate tax revenue and strengthen the bottom line of the private sector. This legislation is the type of real and tangible support that the State can provide to help diversify the economy. This legislation is one that provides benefits without harming the ARRC. The Rail Road will continue to receive revenue from the invested proceeds of these land sales and it puts the land into private hands for the benefit of Alaskans.

Thank you for your consideration,

Marguerite C Kremer

Timekeeping
made ATM-simple

Pamalyn Duvall

From: Mark Sprano [marksprano@gmail.com]
Sent: Wednesday, March 03, 2010 3:27 PM
To: Pamalyn Duvall
Cc: ashleyreed@gci.net; rfaulkner@steelfabak.com
Subject: House Bill 357

Date March 1, 2010

Honorable Peggy Wilson, Chair

House Transportation Committee

State Capitol, 4th Floor

Juneau, AK 99801

Dear Chair Wilson,

I am writing in support of House Bill 357, which is currently in your committee. I believe this legislation deserves the attention and support of the legislature because of its positive implications for the economy of our state.

First and foremost, giving the railroad the authority to dispose of non-strategic land within their real estate portfolio creates the logical first step of putting more government-owned lands in the private sector. By doing so, you will significantly increase the economic climate for more investment, create new and more jobs, and expand the local tax base of our communities along the railbelt.

A move like this will allow the RR to make sound and rationale decisions about their real estate portfolio for the betterment of their operations as well as for their communities and leaseholders.

This legislation is pro-business, pro-jobs, pro-private sector and deserves the attention and passage of

the Alaska State Legislature. Thank you for your consideration.

Regards

Mark Sprano

--
Mark Sprano

Alaska Marble & Granite Inc.
1115 Whitney Rd.
Anchorage Alaska 99501
907 277-7625

BKC Alaska LLC
124 E 3rd Avenue Ste 211
Anchorage, AK 99501
Phone 907.222.1800
Fax 907.222.1802

March 3, 2010

Honorable Peggy Wilson, Chairwoman
Alaska State House of Representatives
Transportation committee
State Capitol
Juneau, AK 99801

Dear Chairwoman Wilson:

I urge your endorsement and support of HB 357, Our family has leased a small parcel of railroad land since the late 60's. On many occasions over the years we have tried unsuccessfully to purchase this parcel. We operate a small business and could never justify the improvements we need as we do not own the land.

More recently the Municipality of Anchorage in conjunction with railroad officials has forced the railroad lease holders to pay property taxes on land that they do not own. We are in full support of this legislation and hope it will pass during the current session.

Thank you for your support,

Brad Cherrier

6 March, 2010

Hon. Peggy Wilson
Chair, House Transportation Committee
State Capital, Room 406
Juneau, Alaska 99801

Dear Representative Wilson;

I am writing in support of House Bill 357, which would allow the sale or disposition of non essential railroad lands. I give these reasons for this solution:

There is a lot of land controlled by the Alaska Railroad. The State land on Commercial Drive was sold to tenants years ago.

It would probably lead to larger operations being located in the Railroad area.

I have leased from the Alaska Railroad since the end of 1975. In the last few years, the City of Anchorage has been charging taxes on the value of the Alaska Railroad leases. Nobody seems to know if the lease value is reduced as the years left on the lease are reduced. As my lease has left time remaining, the taxes have gone up considerably.

I think if the property was owned by companies or individuals, tenants would be in a better position to expand, get loans, etc. The Railroad has a lot of fine people working there, and I don't have anything against anyone.

Thanks for your efforts,

Sincerely,
Harvey Dougherty

Harvey Dougherty
Alaska Crate & Pallet
3405 Vassar Drive
Anchorage, Alaska 99508

Frank H. Murkowski, Governor

Alaska Department of Community and Economic Development

Division of Community Advocacy
550 W. 7th Avenue, Suite 1770, Anchorage, AK 99501-3510
Telephone: (907) 269-4501 • Fax: (907) 269-4539 • Text Telephone: (907) 465-5437
Email: questions@dced.state.ak.us • Website: www.dced.state.ak.us/cbd/

20% leased 600 acres in Anch 10% - FNKS

August 25, 2004

Mr. Marty McGee, Assessor
Property Appraisal Division
Municipality of Anchorage
P.O. Box 196650
Anchorage, AK 99519-6650

Dear Mr. McGee,

The purpose of this letter is to advise you of my position on the manner in which the Municipality of Anchorage (MOA) assesses property used by and leased by taxable entities, while owned by an exempt entity. The methodology used by the MOA does not capture the entire value that exists for these "leasehold interest." The assessment community in this state refers to these interests as "possessory interests." These interests are assessable by authority granted by Article IX, Section 5 of the Constitution of the State of Alaska and AS 29.45.030(a)(1)(A).

There are two methods used to value these interests, the "rent savings" and the "reversionary" methods. The MOA uses a mix of the two methods while the rest of the state uses only the reversionary method. The mix of methods used by the MOA fails to capture any value for certain leases and under-values the taxable interests of many other leases.

In the latest Alaska Supreme Court decision on possessory interest, *FNSB v. Golden Heart Utilities*, (13 P3d 263- Alaska, 2000), the appellant, GHU, attempted to persuade the court into accepting the rent savings method of valuing leasehold interests as opposed to the reversionary method used by the assessor. The court rejected GHU's argument and reiterated its position in *North Star Alaska Housing* stating, "...we rejected that argument and concluded that it was appropriate to value the leasehold based on the land's market value, as if it were owned (by the leaseholder), minus an adjustment based on the fact that [the leaseholder's] interest is only for a [fixed] term.." The court also noted that they again approved this valuation method (reversionary methodology) in their decision in *Cool Homes v. Fairbanks North Star Borough*.

The court went a long way to distinguish between the two methodologies but, in my opinion, stopped short of saying that the reversionary method was the only method that should be used to ascertain values for leasehold interests.

However, the court's decision is convincing in stating that value of a leasehold interest should reflect a value for possession and use rather than a value for the leaseholders equity position in a lease (the rent savings method). While I know of no other methodology, aside from the reversionary method, that adequately and reasonably captures the value of the interest in the use of otherwise exempt property by a taxable entity, there certainly could be one. And based on that, it would be improper for me to state that the reversionary method is the only method available to your office to capture this value. However, it is clear to me that the current method used by your office does not always capture the leasehold interest value and as such may constitute a major error. I have been reluctant to issue a letter of major error to the MOA because of your failure to capture these values. However, over the last few years, I have added an estimate of these non-captured values to the MOA annual full value determination, which, as you know, is used to calculate the city's local contribution for education.

The MOA methodology for assessing possessory interests does not only undervalue some leasehold properties, and in some cases fails to place any value on these properties, it creates inequities for other taxpayers within the city who are forced to pay an increased share of the tax burden because these properties are not correctly assessed.

I would strongly suggest that the MOA change it methodology for assessing possessory interests. Unless your office has another method that will adequately and justifiably capture these values, I suggest you use the same methodology as used by every other municipality in the state, the reversionary method.

If you have any questions regarding this issue, please feel free to contact me. I will be out of the office until September 13 at which time you may contact with any questions or comments you may have.

Steve Van Sant
State Assessor

CITY OF SEWARD
P.O. BOX 167
SEWARD, ALASKA 99664-0167

- Main Office (907) 224-4050
- Police (907) 224-3338
- Harbor (907) 224-3138
- Fire (907) 224-3445
- City Clerk (907) 224-4046
- Community Development (907) 224-4049
- Utilities (907) 224-4050
- Fax (907) 224-4038

March 15, 2010

The Honorable Bill Stoltze
Co-Chairman House Finance
State Capitol, Juneau, Alaska 99801-1182

Re: Support for HB 357

Dear Representative Stoltze,

This is a letter of support from the City of Seward for HB 357 as currently written. The City recognizes the value of allowing the Alaska Railroad Corporation to sell rail land that is not necessary for essential railroad purposes when such a sale is in the best interest of the State of Alaska. HB 357 also protects the rights of persons having a leasehold interest in the land by giving them notice of a pending sale and the right of first refusal.

Please feel free to contact the City Manager or Mayor of Seward if you need additional information concerning support of the City of Seward for HB 357.

Sincerely,

Phillip E. Oates, DBA
City Manager

Willard E. Dunham
Mayor

THE ALLIANCE

...for responsible development of Alaska's Oil, Gas & Mineral Resources
646 West Fourth Ave., Suite 200 * Anchorage, AK 99501 * Phone (907) 563-2226 * Fax (907) 561-8870

March 12, 2010

Representative Peggy Wilson, Chairperson
House Transportation Committee
State Capitol, 4th Floor
Juneau, Alaska 99801

Dear Representative Wilson,

The Alaska Support Industry Alliance, a trade association representing companies that provide goods and services to Alaska's oil, gas and mining industries, supports House Bill 357. By authorizing (but not requiring) the Alaska Railroad to sell land that's not needed for railroad purposes from its real estate portfolio, Rep. Stoltze's legislation would promote private land ownership within the state and stimulate new private sector investment. It also has the potential to increase the tax bases of communities along the Railbelt and generate cash for the railroad.

HB 357 is pro-business and private sector, pro-investment, pro-Alaska Railroad and pro-jobs. We endorse and urge its passage. Thank you.

Sincerely,

Paul Laird

Paul Laird
General Manager

c: Rep. Bill Stoltze

HOUSE BILL NO. 357

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES STOLTZE, Tammie Wilson

Introduced: 2/19/10
Referred: Transportation

A BILL

FOR AN ACT ENTITLED

"An Act relating to the sale of land owned by the Alaska Railroad that is not needed for railroad purposes."

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

*** Section 1.** AS 42.40.350(c) is amended to read:

(c) The corporation may lease, subject to AS 42.40.285 and (d) of this section, grant easements in or permits for, or otherwise authorize use of portions of rail land. However, the corporation may not convey its entire interest in rail land except as provided in AS 42.40.285, **42.40.352,** 42.40.370(d), and 42.40.400.

*** Sec. 2.** AS 42.40 is amended by adding a new section to read:

Sec. 42.40.352. Sale of land not necessary for essential railroad purposes. (a) The corporation may sell land if the board finds (1) the land is not necessary for essential railroad purposes, and (2) the sale of the land is in the best interest of the state. The sale of land is subject to the terms and conditions of AS 42.40.285, 42.40.350(d), and this section.

(b) Before offering land for sale under this section, the railroad shall

(1) publish public notice of the proposed sale that includes the finding by the board that the land is not necessary for railroad purposes and that the sale is in the best interest of the state;

(2) provide notice to persons having a leasehold interest in the land proposed to be sold and offer the leaseholders the right of first refusal; and

(3) receive legislative approval under AS 42.40.285.

(c) The corporation shall separately account for the proceeds from the sale of land under this section and shall report the earnings and balance in the account in the annual report required by AS 42.40.260. Money in the account may be appropriated in accordance with 45 U.S.C. 1207(a)(5) (Alaska Railroad Transfer Act of 1982). Amend.

Northrim Bank
Customer First Service

Joe Beedle
President

March 15, 2010

Honorable Peggy Wilson, Chair
House Transportation Committee
State Capitol, Room 406
Juneau, AK 99801
Sent Via Fax 907-465-3175

Regarding HB 357 – Sale of Alaska Railroad Land

Madam Chair Wilson,

I write today in support of HB357 as an individual, as a bank president and as someone with prior experience as an officer in a State entity that benefits significantly from sale of non-essential real property.

While individuals and enterprises may invest in leasehold estate property, and banks may take assignments of leasehold for security, such development or lending usually results in less than the highest and best use of the property or results in less long term care of or maximum improvement to the property. Given a choice at market rents, investors and lenders will usually chose to develop land that is owned outright or 'fee simple.' Such greater 'real' improvements tend to increase production, employment, tax revenues and 'quiet enjoyment' by the successor owner.

Typical prudent investors that own real estate will analyze the potential appreciation of the real property and then compare and contrast the potential leasehold earnings against a permanent financial investment for a prudent long-term hold. If the land would not appreciate at 5-8% compounded and a permanent investment could foreseeable exceed that return, and the property is non-essential to the owner, it is quantitatively prudent to convert the long term land asset into a long term investment for greater gain to the owner (State/AK Railroad). Exchanging one long term asset for another long term asset of greater flexibility and potential financial leverage is considered a prudent and beneficial decision.

During my service as VP Finance at the University of Alaska, a land grant university, I witnessed and prudently oversaw the sale of non-essential/non-educational land and the investment of cash proceeds into the UA Land Grant trust fund wherein the principal was inflation proofed and the earnings, subject to legislative appropriation and regent/trustee dedication, were used to advance the needs of the university. The land was typically developed for constructive use, which added to production, employment and 'quiet enjoyment' while improving the local tax base if located in a municipality.

In summary, I believe that affording the Alaska Railroad this flexible tool will benefit all stakeholders and I encourage your support and passage of the legislation.

Sincerely,

Joe Beedle, President

3111 C Street • P.O. Box 241489
Anchorage, Alaska 99524-1489
(907) 562-0062
Fax (907) 562-1758 Member FDIC

PUGET SOUND PIPE AND SUPPLY CO.
2120 Spar Avenue, Anchorage, Alaska 99501
PHONE (907)277-7473 FAX(907)277-9565 E-mail: jerryhendriks@aol.com

March 15, 2010

Honorable Peggy Wilson, Chairwoman
Alaska State House of Representatives
Transportation committee
State Capitol
Juneau, Alaska 99801

Dear Chairwoman Wilson,

I am writing in support of House Bill 357, which would allow the sale or disposition of the non-essential railroad lands. I believe that the passage of this legislation has merit on several levels:

1. As a tax payer of lands owned in the MOA, I would like to see more land become privately owned, less Federal and State owned land.
2. As a land owner on the South side of Ship Creek, We have improved the land we own and thereby pay additional taxes to the local government.
3. If I were a lease holder on the North side of Ship Creek, I would have little incentive to improve the property, as it not only increases my taxes, but **greatly increases my lease expense.** The end result is the properties on the South side of Ship Creek are newer and in better condition than those properties on the North side of Ship Creek.
4. Increased investment in private lands leads to a healthier private industry, thereby creating additional jobs in a prime Anchorage industrial area. Many of the building on the North side need to be replaced or remodeled. Ownership of the land would allow the owner to make this investment, without the negative impact of increased lease expense.
5. Please consider supporting HB 357. The entire Alaska Rain Belt will appreciate your committee's favorable consideration of this important House bill.

Jerry Hendriks

Vice President Alaska Operations

HB 366

ALASKA STATE LEGISLATURE

Interim:
716 West 4th Avenue, Suite 640
Anchorage, Alaska 99501
Phone (907) 269-0200
Fax (907) 269-0204
Rep.Craig.Johnson@legis.state.ak.us

Session:
State Capitol, Room 126
Juneau, Alaska
99801-1182
Phone (907) 465-4993
Fax (907) 465-3872

REPRESENTATIVE CRAIG JOHNSON
HOUSE DISTRICT 28

HB 366

The purpose of this legislation is to promote safety in the carriage of goods by motor carrier.

A motor carrier must generally comply with the Federal Motor Carrier Safety Regulations while it is transporting goods, and is also subject to additional common law or statutory duties or responsibilities. Likewise, shippers or other parties frequently have legal duties and responsibilities to fulfill when they provide goods for transportation. More and more frequently, however, shippers are pressuring motor carriers to provide transportation under contracts in which the motor carrier contractually agrees to indemnify and hold harmless the shipper for the shipper's own failure to meet its legal duties and responsibilities.

The effect of these indemnification clauses is to eliminate the incentive for the shipper to meet its responsibilities and duties in a prudent and reasonable manner. In essence, such a clause makes the motor carrier the shipper's insurer. Such a shifting of liability through contract completely contradicts sound public policy. One of the primary reasons for assigning legal liability is to persuade the offending party to regulate its behavior. However, where the shipper is at fault but is nevertheless indemnified by the motor carrier, there is nothing the motor carrier can do to change its own behavior to make things safer. That ability lies solely with the shipper.

A similar problem with respect to public construction contracts has already been addressed by the legislature in AS 45.45.900.

This legislation voids contractual provisions in motor carrier transportation contracts that indemnify a shipper for the shipper's own negligent or intentional acts or omissions which lead to claims. It maintains the incentive for a shipper that is a party to a motor carrier transportation contract to perform its legal obligations and duties in a prudent and reasonably safe manner.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM March 1, 2010

SUBJECT: Sectional summary for HB 366 relating to indemnification agreements that relate to motor carrier transportation contracts (Work Order No. 26-LS1434\R)

TO: Representative Craig Johnson
Attn: Jeanne Ostnes

FROM: Theresa Bannister
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1. Adds a new provision that prohibits indemnification by motor carriers.

Sec. 45.45.905(a) prohibits a motor carrier and a shipping person from entering into an indemnification agreement related to a transportation services contract. Covers the indemnification of the shipping person, the defense of the shipping person, and the holding of the shipping person harmless from liability for the shipping person's negligence, intentional acts, or intentional omissions.

Sec. 45.45.905(b) states that an agreement that violates (a) is void and unenforceable.

Sec. 45.45.905(c) defines terms used in the section. Defines "motor carrier," "motor vehicle," "shipping person," and "transportation services."

Section 2. States that this Act won't apply to an indemnification agreement unless the agreement is entered into on or after the bill's effective date.

If I may be of further assistance, please advise.

TLB:ljw
10-131.ljw

Alaska Trucking Association, Inc.
3443 Minnesota Drive · Anchorage, Alaska 99503 · Phone (907) 276-1149 · Fax (907) 274-1946
www.aktrucks.org
The authoritative voice of the trucking industry in Alaska

HB 366
Trucking Indemnification Legislation

Purpose: The purpose of this legislation is to promote safety in the carriage of goods by motor carrier.

Background: A motor carrier must generally comply with the Federal Motor Carrier Safety Regulations while it is transporting goods, and is also subject to additional common law or statutory duties or responsibilities. Likewise, shippers or other parties frequently have legal duties and responsibilities to fulfill when they provide goods for transportation. More and more frequently, however, shippers are pressuring motor carriers to provide transportation under contracts in which the motor carrier contractually agrees to indemnify and hold harmless the shipper for the shipper's own failure to meet its legal duties and responsibilities.

The effect of these indemnification clauses is to eliminate the incentive for the shipper to meet its responsibilities and duties in a prudent and reasonable manner. In essence, such a clause makes the motor carrier the shipper's insurer. Such a shifting of liability through contract completely contradicts sound public policy. One of the primary reasons for assigning legal liability is to persuade the offending party to regulate its behavior. However, where the shipper is at fault but is nevertheless indemnified by the motor carrier, there is nothing the motor carrier can do to change its own behavior to make things safer. That ability lies solely with the shipper.

A similar problem with respect to public construction contracts has already been addressed by the legislature in AS 45.45.900.

What the legislation does:

- It voids contractual provisions in motor carrier transportation contracts that indemnify a shipper for the shipper's own negligent or intentional acts or omissions which lead to claims.
- It maintains the incentive for a shipper that is a party to a motor carrier transportation contract to perform its legal obligations and duties in a prudent and reasonably safe manner.

What the legislation does not do:

- It does not void contractual provisions in which a motor carrier indemnifies a shipper for the motor carrier's own negligent or intentional acts or omissions.
- It does not establish any new duties or responsibilities for any party.
- It does not limit the parties' freedom to contract – except to improve safety.

Alaska Trucking Association, Inc.
3443 Minnesota Drive · Anchorage, Alaska 99503 · Phone (907) 276-1149 · Fax (907) 274-1946
www.aktrucks.org
The authoritative voice of the trucking industry in Alaska

Example:

1. By law, a shipper is required to notify the carrier when the cargo the shipper is offering for transportation contains hazardous materials. Without this legislation and with the common type of contractual indemnification clause referred to above, a shipper could simply fail to notify the carrier of the presence of hazardous materials, which would probably result in a lower cost for the transportation. Failure to notify the carrier that it will be hauling hazardous material also means that the carrier will be unable to provide adequate information to emergency responders in the case of an accident. But, under the contract, the motor carrier would be still obligated to cover the damages resulting from the accident or a spill. Again, there would be nothing the motor carrier could do to change its own behavior to be safe in the future.

The Alaska Trucking Association supports this bill.

Aves Thompson
Executive Director
February 23, 2010

Alaska Stat. § 45.45.900

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*** Current through the 2009 First Session of the Twenty-Sixth State Legislature and the 2009 First Special Session ***
*** Annotations current through opinions posted on Lexis.com as of January 1, 2010 ***

TITLE 45. TRADE AND COMMERCE
CHAPTER 45. TRADE PRACTICES
ARTICLE 12. MISCELLANEOUS PROVISIONS

Alaska Stat. § **45.45.900** (2010)

Sec. **45.45.900.** Indemnification agreements against public policy

A provision, clause, covenant, or agreement contained in, collateral to, or affecting a construction contract that purports to indemnify the promisee against liability for damages for (1) death or bodily injury to persons, (2) injury to property, (3) design defects, or (4) other loss, damage or expense arising under (1), (2), or (3) of this section from the sole negligence or wilful misconduct of the promisee or the promisee's agents, servants, or independent contractors who are directly responsible to the promisee, is against public policy and is void and unenforceable; however, this provision does not affect the validity of an insurance contract workers' compensation, or agreement issued by an insurer subject to the provisions of AS 21, or a provision, clause, covenant, or agreement of indemnification respecting the handling, containment, or cleanup of oil or hazardous substances as defined in AS 46.

HISTORY: (§ 1 ch 155 SLA 1975; am § 6 ch 59 SLA 1986)

NOTES: REVISOR'S NOTES. --Formerly AS 45.47.010. Renumbered in 1980.

OPINIONS OF ATTORNEY GENERAL. --The apparent prohibition on indemnification agreements in construction contracts found in this section will only apply when the promisee is completely negligent and seeks to hold an innocent promisor accountable. February 27, 1986 Op. Att'y Gen.

NOTES TO DECISIONS

LEGISLATIVE INTENT. --The absence in this section of an exemption for limitation of liability clauses indicates that the legislature did not intend to allow an exemption. City of Dillingham v. CH2M Hill N.W., Inc., 873 P.2d 1271 (Alaska 1994).

THE WORD "INDEMNIFY" AS USED IN THIS SECTION MEANS "exempt," and thus this section prohibits limitation of liability clauses; absent legislative action to the contrary, such an interpretation best fulfills the legislature's express intent to prevent a party to a construction contract from bargaining away liability for the party's negligent acts. City of Dillingham v. CH2M Hill N.W., Inc., 873 P.2d 1271 (Alaska 1994).

APPLICABILITY OF SECTION. --This section became effective on September 23, 1975, and governs contracts executed on or after that date. Contracts executed before that date are governed by the rule announced in Burgess Constr. Co. v. State, 614 P.2d 1380 (Alaska 1980), that an indemnity clause is effective to shift responsibility for an accident where the indemnitee is negligent and the indemnitor is not. Stephan & Sons v. Municipality of Anchorage, 629 P.2d 71 (Alaska 1981).

There is no indication in the text of this section itself that would indicate that the statute is intended to ban only indemnification clauses that would benefit a public promisee at the expense of a private promisor. City of Dillingham v. CH2M Hill N.W., Inc., 873 P.2d 1271 (Alaska 1994).

This section applies to a clause that is questioned under this statute regardless of whether indemnification has been sought. City of Dillingham v. CH2M Hill N.W., Inc., 873 P.2d 1271 (Alaska 1994).

SECTION APPLICABLE TO EQUIPMENT LEASES. --This section should be applied to void indemnity clauses in equipment lease agreements if such a legal rule would advance the purposes of the anti-indemnity statute by inducing careful inspection and use of the leased equipment. Aetna Cas. & Sur. Co. v. Marion Equip. Co., 894 P.2d 664 (Alaska 1995).

WHEN STATE IS SOLELY NEGLIGENT. --This section should come into effect only when it is determined, as between the state and contractors, that the state is solely negligent. Rogers & Babler v. State, 713 P.2d 795 (Alaska 1986).

"WILFUL MISCONDUCT" DOES NOT REQUIRE INTENT TO HARM. --Wilful misconduct means volitional action taken either with a knowledge that serious injury to another will possibly result, or with wanton and reckless disregard of the possible results. Aetna Cas. & Sur. Co. v. Marion Equip. Co., 894 P.2d 664 (Alaska 1995).

Because the insured was found by a jury to have acted with reckless disregard of the plaintiff's interests and safety, the insured's injurious behavior is properly termed wilful misconduct. Consequently, this section forbids the indemnity the insurer seeks. Aetna Cas. & Sur. Co. v. Marion Equip. Co., 894 P.2d 664 (Alaska 1995).

INDEMNITY CLAUSE NOT INVALIDATED. --This section only invalidates an indemnity clause if the clause purports to indemnify the indemnitee for the indemnitee's sole negligence, and where neither part of the indemnity clause purported to indemnify the general contractor for the hospital's sole negligence, this section did not invalidate the indemnity clause in the contract between the general contractor and the hospital work site. Hoffman Constr. Co. of Alaska v. U.S. Fabrication & Erection, Inc., 22 P.3d 464 (Alaska 2001).

CITED IN Deaver v. Auction Block Co., 107 P.3d 884 (Alaska 2005).

NOTES APPLICABLE TO ENTIRE TITLE

REVISOR'S NOTES. --The provisions of this title were redrafted in 1986 to remove personal pronouns pursuant to § 4, ch. 58, SLA 1982 and in 1986, 1994, and 2006 to make other, minor word changes. In 1980, the provisions of the Uniform Commercial Code formerly set out in AS 45.05, were renumbered as AS 45.01 -- AS 45.09 so that the numbering now corresponds to the numbering of the official text of the Uniform Commercial Code. To determine the disposition of sections formerly numbered within AS 45.05, or to determine the prior numbering of sections now numbered within AS 45.01 -- AS 45.09, see the Table of Sections Amended, Etc., in Volume 11.

COLLATERAL REFERENCES. --Theodore Eisenberg, Debtor-Creditor Law (Matthew Bender).
Peter J. Bestos, Modern UCC Litigation Forms (Matthew Bender).
Duesenberg and King, Sales and Bulk Transfers Under the UCC (Matthew Bender).
Cohen, McLaughlin, and Zaretsky, Commercial Law Report (Matthew Bender).
Frederick M. Hart, Forms and Procedures Under the UCC (Matthew Bender).
Willer and Hart, UCC Reporter-Digest (Matthew Bender).
Zaretsky, McLaughlin, Commercial Law and Practice Guide (Matthew Bender).
Charles L. Knapp, Commercial Damages: A Guide to Remedies in Business Litigation (Matthew Bender).
Charles K. Knapp, Commercial Damages Reporter (Matthew Bender).
Howard Ruda, Asset Based Financing: A Transactional Guide (Matthew Bender).

3683

Jeanne Ostnes

From: Steve Day [DayS@americanfast.com]
Sent: Tuesday, March 02, 2010 7:23 AM
To: Rep. Craig Johnson
Subject: HB 366 An Act relating to indemnification agreements

Dear Representative Craig Johnson,
Alaska State House of Representatives
State Capitol
Juneau, Alaska

Subject: HB 366 An Act relating to indemnification agreements

Dear Representative Johnson,

As a motor carrier, we must comply with the Federal Motor Carrier Safety Regulations as well as while transporting goods, and we are also subject to additional common law or statutory duties or responsibilities. Likewise, shippers or other parties frequently have legal duties and responsibilities to fulfill when they provide goods for transportation. More and more frequently, however, shippers are pressuring motor carriers and other transportation providers to perform transportation services under contracts in which the carrier contractually agrees to indemnify and hold harmless the shipper for the shipper's own failure to meet its legal duties and responsibilities. In essence, such a clause makes the motor carrier the shipper's insurer. Such a shifting of liability through contract completely contradicts sound public policy.

HB 366 provides statutory language that voids contractual provisions in motor carrier transportation contracts that indemnify a shipper for the shipper's own negligent or intentional acts or omissions which lead to claims. HB 366 does not void contractual provisions in which a motor carrier indemnifies a shipper for the motor carrier's own negligent or intentional acts or omissions. Further, HB366 does not establish any new duties or responsibilities for any party and It does not limit the parties' freedom to contract – except to improve safety.

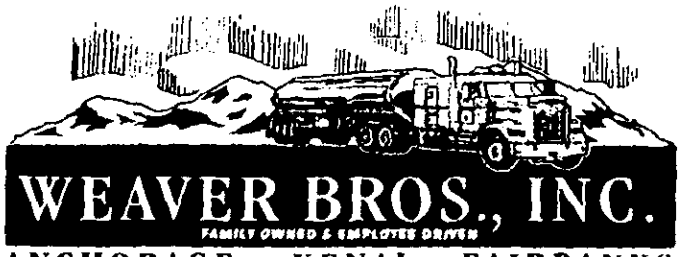
We support HB 366 and request that the bill be heard in committee at the earliest opportunity.

We would like you to consider expanding the bill to cover other transportation providers performing services as a carrier, such as domestic freight forwarders.

Thank you.

Sincerely,

Stephen L. Day
President
American Fast Freight
http://www.american fast.com
450 Shattuck Avenue S., Suite 401
Renton, WA 98055
Phone (253) 926-5000 Fax (206) 624-8334



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March 2, 2010

Representative Craig Johnson
Alaska State House of Representatives
State Capitol Room 126
Juneau AK, 99801

Subject: HB 366 – An Act Relating to Indemnification Agreement

Dear Representative Johnson:

As a motor carrier, we must generally comply with the Federal Motor Carrier Safety Regulations as well as while transporting goods, and we are also subject to additional common law or statutory duties or responsibilities. Likewise, shippers or other parties frequently have legal duties and responsibilities to fulfill when they provide goods for transportation. More and more frequently, however, shippers are pressuring motor carriers to provide transportation under contracts in which the motor carrier contractually agrees to indemnify and hold harmless the shipper for the shipper's own failure to meet its legal duties and responsibilities. In essence, such a clause makes the motor carrier the shipper's insurer. Such a shifting of liability through contract completely contradicts sound public policy.

HB 366 provides statutory language that voids contractual provisions in motor carrier transportation contracts that indemnify a shipper for the shipper's own negligent or intentional acts or omissions which lead to claims. HB 366 does not void contractual provisions in which a motor carrier indemnifies a shipper for the motor carrier's own negligent or intentional acts or omissions. Further, HB366 does not establish any new duties or responsibilities for any party and it does not limit the parties' freedom to contract – except to improve safety.

We support HB 366 and request that the bill be heard in committee at the earliest opportunity.

Thank you.

Sincerely,
Weaver Bros., Inc.

James C. Doyle
Vice-President

Cc: WBI – James H. Doyle, President; ATA – Aves Thomson, Executive Director

ANCHORAGE
2230 Spar Ave
Anchorage, AK 99501
(907) 278-4526

KENAI
P.O. Box 2229
Kenai, AK 99611
(907) 283-7957

FAIRBANKS
P.O. Box 60981
Fairbanks, AK 99706
(907) 456-7704

UNITED FREIGHT & TRANSPORT, INC.

1701 E FIRST AVENUE
ANCHORAGE ALASKA 99501
907-272-5700 / FAX 907-272-4324

Dear Representative Craig Johnson,
Alaska State House of Representatives
State Capitol
Juneau, Alaska

Subject: HB 366 An Act relating to indemnification agreements...

March 2, 2010

Dear Representative Johnson,

As a motor carrier, we must generally comply with the Federal Motor Carrier Safety Regulations as well as while transporting goods, and we are also subject to additional common law or statutory duties or responsibilities. Likewise, shippers or other parties frequently have legal duties and responsibilities to fulfill when they provide goods for transportation. More and more frequently, however, shippers are pressuring motor carriers to provide transportation under contracts in which the motor carrier contractually agrees to indemnify and hold harmless the shipper for the shipper's own failure to meet its legal duties and responsibilities. In essence, such a clause makes the motor carrier the shipper's insurer. Such a shifting of liability through contract completely contradicts sound public policy.

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We support HB 366 and request that the bill be heard in committee at the earliest opportunity.

Thank you.

Sincerely

Frank Monfrey

Alaska West Express, Inc.
1048 Whitney Road
Anchorage, AK 99501
(907) 279-9515
(800) 478-2655
Fax: (907) 272-8152

March 3, 2010

Representative Craig Johnson
716 West 4th Avenue
Anchorage, Alaska 99501

Dear Representative Johnson,

I have read both HB 366 and the comments by Aves Thompson regarding it and want to commend you for what I believe is a very good piece of legislation. In our previous discussions I have mentioned how some of the bigger carriers and contractors in the business have the ability to challenge and push back and end up with contracts that are fair to both parties while smaller ones do not have that same ability. Ideally you end up with a true Knock for Knock document with each party responsible for their own actions.

We have been very successful in getting that type of result over the last few years but there are still major companies operating with the goal of transferring all liability to the carrier regardless of who creates the situation. I am currently in negotiations with a major US based drilling contractor who operates internationally and is trying to do that very thing. Basically indemnify themselves for any and all actions even if caused by their personnel and make the carrier responsible.

I wish you well in your efforts and certainly hope for a successful outcome. If I can be of assistance in any way please don't hesitate to contact me directly at 907-339-5101 or e-mail at deanmc@awe.lynden.com.

Alaska West Express Inc.

Best Regards,

Dean C. McKenzie
President

Copy: Aves Thompson
Executive Director ATA

PAF
Pacific Alaska Freightways

2812 70th Ave East
Fife, WA 98424
Tel (253) 926-3292 Fax (253) 926-3161

Dear Representative Craig Johnson,
Alaska State House of Representatives
State Capitol
Juneau, Alaska

Subject: HB 366 An Act relating to indemnification agreements...

Dear Representative Johnson,

As a motor carrier, we must generally comply with the Federal Motor Carrier Safety Regulations as well as while transporting goods, and we are also subject to additional common law or statutory duties or responsibilities. Likewise, shippers or other parties frequently have legal duties and responsibilities to fulfill when they provide goods for transportation. More and more frequently, however, shippers are pressuring motor carriers to provide transportation under contracts in which the motor carrier contractually agrees to indemnify and hold harmless the shipper for the shipper's own failure to meet its legal duties and responsibilities. In essence, such a clause makes the motor carrier the shipper's insurer. Such a shifting of liability through contract completely contradicts sound public policy.

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We support HB 366 and request that the bill be heard in committee at the earliest opportunity.

Thank you.

Sincerely,

Wes Renfrew
Alaska Operations Manager
Pacific Alaska Freightways

Midnight Sun
TRANSPORTATION SERVICES, INC.
2040 E 79TH
Anchorage, AK 99507

Dear Representative Craig Johnson,
Alaska State House of Representatives
State Capitol
Juneau, Alaska

Subject: HB 366
An Act relating to
indemnification agreements...

Dear Representative Johnson,

As a motor carrier, we must generally comply with the Federal Motor Carrier Safety Regulations as well as while transporting goods, and we are also subject to additional common law or statutory duties or responsibilities. Likewise, shippers or other parties frequently have legal duties and responsibilities to fulfill when they provide goods for transportation. More and more frequently, however, shippers are pressuring motor carriers to provide transportation under contracts in which the motor carrier contractually agrees to indemnify and hold harmless the shipper for the shipper's own failure to meet its legal duties and responsibilities. In essence, such a clause makes the motor carrier the shipper's insurer. Such a shifting of liability through contract completely contradicts sound public policy.

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We support HB 366 and request that the bill be heard in committee at the earliest opportunity.

Thank you.

Sincerely,

R C Onstott
General Manager

Wrightway Auto Carriers, Inc.
101 West Whitney Road
Anchorage, Alaska 99501
(907) 277-4549 Fax (907) 272-7570

MARCH 2, 2010

Representative Craig Johnson
Alaska state house of Representatives
State Capitol
Juneau, Alaska

Subject: HB 366
An Act relating to indemnification agreements

Dear Representative Johnson:

As a motor carrier, we must generally comply with the Federal Motor Carrier Safety Regulations as well as while transporting goods, and we are also subject to additional common law or statutory duties or responsibilities. Likewise, shippers or other parties frequently have legal duties and responsibilities to fulfill when they provide goods for transportation. More and more frequently, however, shippers are pressuring motor carriers to provide transportation under contracts in which the motor carrier contractually agrees to indemnify and hold harmless the shipper for the shipper's own failure to meet its legal duties and responsibilities. In essence, such a clause makes the motor carrier the shipper's insurer. Such a shifting of liability through contract completely contradicts sound public policy.

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We support HB366 and request that the bill be heard in committee at the earliest opportunity.

Sincerely,

William F. Wright

Quality Service Since 1950

3690

BIG STATE LOGISTICS, INC.

Big State Logistics, Inc.
P.O. Box 71540
Fairbanks, AK. 99707-1540
Telephone (907) 452-8600
1-800-478-8660
Fax (907) 452-8651

Big State Logistics, Inc.
P.O. Box 63007
Valdez, AK. 99686-3007
Telephone (907) 835-5600
1-800-478-5602
Fax (907) 835-5651

Dear Representative Craig Johnson,
Alaska State House of Representatives
State Capitol
Juneau, Alaska

Subject: HB 366
An Act relating to indemnification agreements.....

Dear Representative Johnson,

As a motor carrier, we must comply with the Federal Motor Carrier Safety Regulations while transporting goods, we are also subject to additional common law or statutory duties or responsibilities. Likewise, shippers or other parties frequently have legal duties and responsibilities to fulfill when they provide goods for transportation. More and more frequently, however, shippers are pressuring motor carriers to provide transportation under contracts in which the motor carrier contractually agrees to indemnify and hold harmless the shipper for the shipper's own failure to meet its legal duties and responsibilities. In essence, such a clause makes the motor carrier the shipper's insurer. Such a shifting of liability through contract completely contradicts sound public policy.

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We support HB 366 and request that the bill be heard in committee at the earliest opportunity.

Thank you.

Sincerely,

Mervin Gilbertson
President
Big State Logistics, Inc.

Anti-Indemnification Judgment

A case pertaining to Texas' Anti-Indemnification statute (section 623.0155 of the Transportation Code) was recently decided. Following remand from a Court of Appeals, the trial court granted summary judgment in favor of the trucking company, dismissing indemnity claims by an equipment provider based on the provisions of the Uniform Intermodal Interchange Agreement. The trial court found that requiring a motor carrier to indemnify other parties against their own negligence is unenforceable as against the public policy of Texas.

State Motor Carrier Anti-Indemnification Provisions: A Comparison and Analysis

Robert C. Pitcher
Vice President, State Laws
American Trucking Associations
Arlington, Virginia

As of late 2008, a dozen states have enacted statutes that seek to prohibit or to make unenforceable contractual provisions that require a motor carrier to indemnify another party to the contract for that party's own acts or omissions:

Indiana	Nebraska	Tennessee
Kansas	North Carolina	Texas
Maryland	Oklahoma	Virginia
Missouri	South Carolina	West Virginia

The Insurance Task Force of the American Trucking Associations has adopted enactment of such statutes as a specific goal, because of the inequities these contractual provisions involve, because of their potential adverse effect on transportation safety, and because of the growing frequency with which such provisions are being forced on motor carriers by shippers and others.

The existing state statutes in this area are varied, and since additional states may be expected to consider legislation of this sort in the coming years, it is the purpose of this piece to analyze the existing provisions and to compare them, both to each other and to the model anti-indemnification language prepared by ATA and recommended by the Insurance Task Force. Both the ATA model language and the existing state statutes are found in the appendix to the analysis.

ATA Model Language

ATA's model language will form the basis of the analysis here, since it is relatively simple and most of the state provisions resemble it fairly closely. The model language has three parts: it first describes what kind of contractual language the statute is dealing with and provides the remedy that such language is to be unenforceable; it next defines the limiting term "motor carrier transportation contract" to which the provision applies; and last it defines the "promisee" that the prohibited language would benefit.

Stripped of some of the legal phrasing, and separated into its significant sections, the first part says, in effect:

> In spite of what any other law may say, // any provision of a motor carrier transportation contract // that would indemnify // a promisee // for any liability for loss or damage // resulting from the promisee's own acts or omissions // is against the public policy of the state // and is void and unenforceable.

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The second part similarly reduces to:

> A "motor carrier transportation contract" here means // a contract or agreement // that covers transportation for hire by a motor carrier, // entrance onto property by a motor carrier // to load, unload, or transport property for hire, // or a service connected with such transportation or such an entrance, // including property storage.

And the third part says, in effect:

> The term "promisee" here includes // not only the promisee, // but all persons that are responsible to the promisee, // including independent contractors, // but it does not include a motor carrier // that is a party to the contract with the promisee // and persons that are responsible to the motor carrier.

In even more condensed language, the provisions as whole mean that the state will not enforce a provision of a contract that would require a motor carrier to assume liability for the acts of another party to the contract. The model language includes no exceptions to the rule.

Many of the existing state provisions are very similar to the model language, but some lack one or more of these particular elements, a few have some additional elements, and nearly all have some exceptions.

State Provisions

Ten of the twelve existing state anti-indemnification provisions are similar to the ATA model, although the statute is effect in Kansas includes some significant additional features, the provision in Tennessee is much more compact than the model, and most of the states have one or more exceptions to the general prohibition against indemnification. Two state statutes, however, those in Oklahoma and Texas, are different enough to warrant separate analysis.

Contracts covered. Nine of the ten state provisions that correspond closely to the ATA model have language to describe the "motor carrier transportation contracts" to which the indemnification prohibition applies that is very similar in wording to that of the ATA model. Three states (Indiana, Maryland, and Nebraska) add a definition of the term motor carrier, either in the provision itself or by reference to another statute. Like the model, all of the states, except Kansas and Tennessee, restrict the coverage of the prohibition to transportation of property by a motor carrier for compensation. The provisions in Kansas and Tennessee may be read to include private carriers in the coverage, and Tennessee's provision can be read to include passenger carriers. Tennessee's provision is the one that does not closely correspond to the model in this

respect; its language merely references "a motor carrier transportation contract" as the subject of the prohibition.

Actions prohibited. All ten of the state statutes that correspond closely to the ATA model have rather similar language to describe the contractual provisions which they make unenforceable. Three differences are perhaps worth noting. The Kansas statute adds a definition of damage for which indemnification might otherwise apply (that is, personal injury, property damage, or economic loss); the Tennessee provision is again notable for its compactness, but adds an indemnitee of the promisee as a party to whom indemnification is unenforceable; and the Virginia law is written so as to prevent either party to the contract from indemnifying the other for the other's own acts.

Remedy. Each of the ten statutes that closely resemble the ATA model provides essentially the same remedy for an offending indemnification clause in a motor carrier transportation contract: such a clause is against public policy (some provisions add "of this state") and is void and unenforceable (Nebraska and South Carolina omit void).

Exceptions. With the exception of Tennessee, whose provision is notable for its exceeding shortness, the other nine existing statutes that are similar to the ATA model add at least one exception to the anti-indemnification coverage, and most have two or three.

All nine of these states except the Uniform Intermodal Interchange and Facilities Access Agreement, which railroads, ocean carriers, and draymen employ to exchange intermodal chassis. The Agreement includes certain anti-indemnification protections of its own.

Five states specifically except a motor carrier's own acts or omissions, although arguably these would be excepted without special mention.

Two states' statutes provide an exception for other motor carriers that are parties to the motor carrier transportation contract with the carrier. (Missouri, North Carolina)

The other exceptions appear in only one state statute apiece: contracts with a public utility (Indiana), agreements to settle disputed claims (Kansas), separately negotiated indemnity provisions supported by adequate compensation and generally accepted industry loss experience (Kansas), separate insurance paid for by the promisee (Kansas), and contracts with rail carriers or their independent contractors (Missouri).

Effective dates. These ten states specify the effective dates of their provisions in two ways: Four states (Indiana, Kansas, North Carolina, and West Virginia) specify that the provisions apply to contracts entered into on or after a particular date. In the other six states, the act itself was effective on a particular date, and its applicability to contracts in existence before that time is unspecified (and would presumably depend on the general contract law or case law in those jurisdictions). The ATA model does not deal with this issue.

Additional clauses - Kansas. The Kansas statute includes three provisions not found in any of the others. The first provides that contract clauses which require a motor carrier to include the promisee as an "additional insured" on any insurance contract are void and unenforceable in the same manner as the prohibited indemnification provisions. Although the ATA model does not include similar language on additional insureds, this language can be recommended, since additional-insured provisions, depending on how they are interpreted, can easily be extended to provide for the indemnification of a promisee's own negligence.

The second provision included in the Kansas statute provides that the anti-indemnification protection is to be extended to every contract to be performed in Kansas, notwithstanding any choice-of-law provision or other language that may be found in such a contract. This clause may be especially useful since there is essentially no case law yet on the applicability of these anti-indemnification provisions to contracts entered into in one state and to be performed in one or more others.

The third Kansas provision merely states that the anti-indemnification statute is not to be construed to affect the validity of any contract of insurance.

Oklahoma. The Oklahoma anti-indemnification statute is very short, and its approach to the problem is quite distinct from that of the ATA model and all of the other states except Texas. It says only:

> A motor carrier shall not be required to sign any statement of liability or enter into any contract for the indemnification of any person for any acts or omissions not arising from damage or loss from a wrongful or negligent act or omission from the motor carrier.

The basic thrust of the model language is surely incorporated here, but, unless Oklahoma has a case-law tradition to the effect that indemnifying a party for its own acts is contrary to public policy, it might be argued that the statute does not cover an instance where a carrier has *voluntarily* provided for the indemnification of the promisee.

The Oklahoma law includes as well an exception for contracts with railroads and ocean carriers, and specifies that its prohibition does not apply to rail intermodal or transload facilities.

Texas. The statute in Texas is rather different in form from the ATA model and the ten states that follow it, but its effect should be quite similar. It begins with "(a) A person may not require indemnification from a motor carrier as a condition to [a motor carrier transportation contract]," and ends with "A provision that is contrary to Subsection (a) is not enforceable."

The remainder of the Texas law includes language describing the contracts to which it applies, in terms almost identical to the ATA model definition of a motor carrier transportation contract; a definition of motor carrier that specifically excludes private

carriers conducting backhauls for hire; and an exception for the contracting motor carrier's own acts or omissions. There are no other exceptions to the protection of the provision. A separate provision of Texas law includes a broad grant of authority to the state department of transportation to enforce all requirements in the chapter of the transportation code in which the anti-indemnification provision is found. This general authority may prove to be of some value, though it is unclear just how the department would make use of it in this connection.

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APPENDIX: State Anti-Indemnification Acts

INDIANA

SECTION 1. IC 8-2.1-26 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS EFFECTIVE JULY 1, 2006:

Chapter 26. Invalidity of Indemnity Agreements in Motor Carrier Transportation Contracts

Sec. 1. This chapter applies to an indemnity provision entered into or renewed after June 30, 2006.

Sec. 2. As used in this chapter, "indemnity provision" means a provision, a clause, a covenant, or an agreement that:

(1) is contained in, collateral to, or affecting a motor carrier transportation contract; and

(2) purports to indemnify, defend, or hold harmless, or has the effect of indemnifying, defending, or holding harmless, a promisee against liability for loss or damage resulting from:

(A) negligence;
(B) intentional acts; or
(C) omissions;

of the promisee or an agent, employee, servant, or independent contractor that is directly responsible to the promisee.

Sec. 3. As used in this chapter, "motor carrier transportation contract" means a contract, an agreement, or an understanding covering:

(1) the transportation of property for compensation or hire by a motor carrier as defined under this article or by 49 U.S.C. 13102(12);

(2) the entrance on real property by a motor carrier to:

(A) load;
(B) unload; or
(C) transport property for compensation or hire; or

(3) a service incidental to an activity described in subdivision (1) or (2), including storage of property.

Sec. 4. As used in this chapter, "promisee" means a person that an indemnity provision:

(1) purports to indemnify, defend, or hold harmless; or

(2) has the effect of indemnifying, defending, or holding harmless.

Sec. 5.

(a) This section does not apply to any of the following:

(1) An indemnity provision in which a motor carrier indemnifies a promisee for and only to the extent of loss or damage that results directly from the negligence, omission, or intentional act of the motor carrier or an agent, employee, servant, or independent contractor that is directly responsible to the motor carrier.

(2) An indemnity provision contained in, collateral to, or affecting a motor carrier transportation contract with a regulated public utility, including an energy utility (as defined in IC 8-1-2.5-2) or an affiliate of an energy utility, if the contract relates to a utility product, service, or business operation. For purposes of this subdivision, a contract relates to a utility product, service, or business operation if it involves an activity necessary for or ancillary to the production or delivery of heat, power and light, or a product or service under the jurisdiction of the Indiana utility regulatory commission (as described by IC 8-1-1).

(3) The Uniform Intermodal Interchange and Facilities Access Agreement administered by the Intermodal Association of North America.

(b) Notwithstanding any other law, an indemnity provision under this chapter is:

(1) against public policy; and

(2) void and unenforceable.

KANSAS

HOUSE Substitute for SENATE BILL No. 379

AN ACT concerning contracts; relating to indemnification provisions and additional insured parties; amending K.S.A. 16-121 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 16-121 is hereby amended to read as follows: 16-121.

(a) When used in this section:
(1) ''Construction contract'' means an agreement for the design, construction, alteration, renovation, repair or maintenance of a building, structure, highway, road, bridge, water line, sewer line, oil line, gas line, appurtenance or other improvement to real property, including any moving, demolition or excavation, except that no deed, lease, easement, license or other instrument granting an interest in or the right to possess property shall be deemed to be a construction contract even if the instrument includes the right to design, construct, alter, renovate, repair or maintain improvements on such real property. ''Construction contract'' shall not include any design, construction, alteration, renovation, repair or maintenance of: (A) Dirt or gravel roads used to access oil and gas wells and associated facilities; or (B) oil flow lines or gas gathering lines used in association with the transportation of production from oil and gas wells from the wellhead to oil storage facilities or gas transmission lines.
(2) ''Contract'' means any construction contract, motor carrier transportation contract, dealer agreement or franchise agreement.
(3) ''Damages'' means personal injury damages, property damages or economic loss.
(4) ''Dealership agreement'' means an oral or written agreement of definite or indefinite duration between an equipment manufacturer or service provider and an equipment or service dealer which provides for the rights and obligations of the parties with respect to the purchase or sale of such equipment or services.
(5) ''Franchise agreement'' means any contract or franchise or any other terminology used to describe the contractual relationship between manufacturers, distributors and dealers, by which: (A) A right is granted one party to engage in the business of offering, selling or otherwise distributing goods or services under a marketing plan or system prescribed in substantial part by the other party, and in which there is a community of interest in the marketing of goods or services at wholesale or retail, by lease, agreement or otherwise; and (B) the operation of the grantee's business pursuant to such agreement is substantially associated with the grantor's trademark, service mark, trade name, logotype, advertising or other commercial symbol designating the grantor or an affiliate of the grantor.
(6) ''Indemnification provision'' means a covenant, promise, agreement, clause or understanding in connection with, contained in, or collateral to a contract that requires the promisor to hold harmless, indemnify or defend the promisee or others against liability for loss or damages.
(7) ''Motor carrier transportation contract'' means, with respect to a motor carrier as defined in K.S.A. 66-1,108, and amendments thereto, a contract, agreement or understanding covering: (A) The transportation of property by a motor carrier; (B) the entrance on property by the motor carrier for the purpose of loading, unloading or transporting property; or (C) a service incidental to activity described in clause (A) or (B) including, but not limited to, storage of property.

''Motor carrier transportation contract'' shall not include the uniform intermodal interchange and facilities access agreement administered by the intermodal association of North America or other agreements providing for the interchange, use or possession of intermodal chassis, containers or other intermodal equipment.

(8) ''Mutual indemnity obligation'' means an indemnity obligation in a contract in which the parties agree to indemnify each other and each other's contractors and their employees against loss, liability or damages arising in connection with bodily injury, death and damage to property of the respective employees, contractors or their employees, and invitees of each party arising out of or resulting from the performance of the agreement.

(9) ''Promisee'' shall include an agent, employee or independent contractor who is directly responsible to the promisee.

(10) ''Unilateral indemnity obligation'' means an indemnity obligation in a contract in which one of the parties as promisor agrees to indemnify the other party as promisee with respect to claims for personal injury or death to the promisor's employees or agents or to the employees or agents of the promisor's contractors but in which the promisee does not make a reciprocal indemnity to the promisor.

(b) An indemnification provision in a contract which requires the promisor to indemnify the promissee for the promissee's negligence or intentional acts or omissions is against public policy and is void and unenforceable.

(c) A provision in a contract which requires a party to provide liability coverage to another party, as an additional insured, for such other party's own negligence or intentional acts or omissions is against public policy and is void and unenforceable.

(d) This act shall not be construed to affect or impair:

(1) The contractual obligation of a contractor or owner to provide railroad protective insurance or general liability insurance.;

(2) an agreement under which an owner, a responsible party or a governmental entity agrees to indemnify a contractor directly or through another contractor with respect to strict liability under environmental laws;

(3) an indemnification agreement that is an integral part of an offer to compromise or a settlement of a disputed claim, if: (A) The settlement is based on consideration; (B) the dispute relates to an alleged event that is related to a construction contract and that occurred before the settlement is made; and (C) the indemnification relates only to claims that have arisen or may arise from the past event;

(4) the validity of any insurance contract, construction bond or other agreement lawfully issued by an insurer or bonding company;

(5) a separately negotiated provision or provisions whereby the parties mutually agree to a reasonable allocation of risk, if each such provision is: (A) Based on generally accepted industry loss experience; and (B) supported by adequate consideration; and

(6) an agreement that provides for indemnity if the parties agree in writing that the indemnity obligation will be supported by liability insurance coverage to be furnished by the promisor subject to the following limitations: (A) With respect to a mutual indemnity obligation, the indemnity ob-

ligation is limited to the extent of the coverage and dollar limits of insurance or qualified self-insurance each party as promisor has agreed to obtain for the benefit of the other party as promisee. (B) With respect to a unilateral indemnity obligation, the indemnity obligation is limited to the extent of the coverage and dollar limits of insurance the promisor has agreed to

obtain for the benefit of the other party as promisee. Such indemnity obligation shall be at the promisee's
expense and shall be a separate liability insurance policy.
(e) Notwithstanding any contractual provision to the contrary, the laws of the state of Kansas shall apply to and govern every contract to be performed in this state. Any litigation, arbitration or other dispute resolution proceeding arising from such contract shall be conducted in this state. Any provision, covenant or clause in such contract that conflicts with the provisions of this subsection shall be void and unenforceable.
(f) This section applies only to indemnification provisions and additional insured provisions entered into after January 1, 2009.

Sec. 2. K.S.A. 16-121 is hereby repealed.

Sec. 3. This act shall take effect and be in force on and after January 1, 2009, and its publication in the statute book.

MARYLAND
§ 5-401. Indemnity agreements regarding construction barred
Effective October 1, 2007

(a) A covenant, promise, agreement or understanding in, or in connection with or collateral to, a contract or agreement relating to the construction, alteration, repair, or maintenance of a building, structure, appurtenance or appliance, including moving, demolition and excavating connected with it, purporting to indemnify the promisee against liability for damages arising out of bodily injury to any person or damage to property caused by or resulting from the sole negligence of the promisee or indemnitee, his agents or employees, is against public policy and is void and unenforceable. This section does not affect the validity of any insurance contract, workers' compensation, or any other agreement issued by an insurer.

(b)(1)(i) In this subsection the following words have the meanings indicated.

(ii) "Motor carrier" has the meaning stated in § 11-134.2 of the Transportation Article.

(iii) 1. "Motor carrier transportation contract" means a contract, agreement, or understanding concerning:

(A) The transportation of property for compensation or hire by a motor carrier;

(B) The entrance on property by a motor carrier for the purpose of loading, unloading, or transporting property for compensation or hire; or

(C) A service incidental to an activity described in item (i) or (ii) of this paragraph, including storage of property.

2. "Motor carrier transportation contract" does not include:

(A) The Uniform Intermodal Interchange and Facilities Access Agreement administered by the Intermodal Association of North America, as amended by the Intermodal Interchange Executive Committee; or

(B) Other agreements providing for the interchange, use, or possession of intermodal chassis, containers, or other intermodal equipment.

(iv) "Promisee" includes an agent, employee, servant, or independent contractor who is directly responsible to the promisee, other than a motor carrier that is a party to a motor carrier transportation contract with the promisee, and an agent, employee, servant, or independent contractor directly responsible to that motor carrier.

(2) Notwithstanding any other provision of law, a provision, clause, covenant, or agreement contained in, collateral to, or affecting a motor carrier transportation contract that purports to indemnify, defend, or hold harmless, or has the effect of

indemnifying, defending, or holding harmless, the promisee against liability for loss or damage resulting from the negligence or intentional acts or omissions of the promisee is against public policy and is void and unenforceable.

MISSOURI

390.372. 1. Notwithstanding any provision of law to the contrary, a provision, clause, covenant, or agreement contained in, collateral to, or affecting a motor carrier transportation contract that purports to indemnify, defend, or hold harmless, or has the effect of indemnifying, defending, or holding harmless, the promisee from or against any liability for loss or damage resulting from the negligence or intentional acts or omissions of the promisee is against the public policy of this state and is void and unenforceable.

2. For the purposes of this section, the following terms shall mean:
(1) "Motor carrier transportation contract", a contract, agreement, or understanding covering:
(a) The transportation of property for compensation or hire by the motor carrier;
(b) The entrance on property by the motor carrier for the purpose of loading, unloading, or transporting property for compensation or hire; or
(c) A service incidental to activity described in paragraphs (a) and (b) of this subdivision, including but not limited to, storage of property; "Motor carrier transportation contract" shall not include the Uniform Intermodal Interchange and Facilities Access Agreement administered by the Intermodal Association of North America or other agreements providing for the interchange, use or possession of intermodal chassis, or other intermodal equipment;
(2) "Promisee", the promisee and any agents, employees, servants, or independent contractors who are directly responsible to the promisee except for motor or rail carriers who are party to a motor carrier transportation contract, and such motor or rail carrier's agents, employees, servants, or independent contractors directly responsible to such motor or rail carriers.

NEBRASKA
LB 1007, Sec. 21
Effective March 6, 2006

(1) A provision, a clause, a covenant, or an agreement contained in, collateral to, or affecting a motor carrier transportation contract that purports to indemnify, defend, or hold harmless or has the effect of indemnifying, defending, or holding harmless the motor carrier transportation contract's promisee from or against any liability for loss or damage resulting from the negligence or intentional acts or omissions of the motor carrier transportation contract's promisee or any agents, employees, servants, or independent contractors who are directly responsible to the motor carrier transportation contract's promisee, is against the public policy of this state and is unenforceable.

(2) Nothing contained in this section affects a provision, a clause, a covenant, or an agreement in which a motor carrier indemnifies or holds harmless a motor carrier transportation contract's promisee against liability for damages to the extent that the damages were caused by and resulting from the negligence of the motor carrier or its agents, employees, servants, or independent contractors who are directly responsible to the motor carrier.

(3) As used in this section:

(a) Motor carrier means any person who or which owns, controls, manages, operates, or causes to be operated any motor vehicle used to transport goods over any public highway in this state, whether in intrastate or interstate commerce;

(b) Motor carrier transportation contract means a contract, agreement, or understanding covering:

(i) The transportation of property for compensation or hire by a motor carrier;

(ii) The entrance on property by a motor carrier for the purpose of loading, unloading, or transporting property for compensation or for hire; or

(iii) A service incidental to activity described in subdivision (i) or (ii) of this subdivision, including, but not limited to, storage of property.

A motor carrier transportation contract does not include provisions of the Uniform Intermodal Interchange and Facilities Access Agreement administered by the Intermodal Association of North America or any other provision, clause, covenant, or agreement providing for the interchange, use, or possession of intermodal chassis, containers, or other intermodal equipment; and

(c) Promisee means the party to a motor carrier transportation contract who or which is not a motor carrier or, if the promisee is a motor carrier, is not the motor carrier actually doing the transporting.

NORTH CAROLINA

"This act becomes effective October 1, 2005, and applies to contracts entered into on or after that date."

§ 62-212. Indemnity agreements in motor carrier transportation contracts

(a) A provision, clause, covenant, or agreement contained in, collateral to, or affecting a motor carrier transportation contract that purports to indemnify, defend, or hold harmless, or has the effect of indemnifying, defending, or holding harmless the promisee from or against any liability for loss or damage resulting from the negligence or intentional acts or omission of the promisee is against the public policy of this State and is void and unenforceable.

(b) The following definitions apply in this section:

(1) Motor carrier transportation contract. -- A contract, agreement, or understanding covering at least one of the following:

(a) The transportation of property for compensation or hire by the motor carrier.

(b) Entrance on property by the motor carrier for the purpose of loading, unloading, or transporting property for compensation or hire.

(c) A service incidental to activity described in sub-subdivision a. or b. of this subdivision, including storage of property.

(2) Promisee. -- The person with whom the motor carrier enters into a motor carrier transportation contract and any agents, employees, servants, or independent contractors who are directly responsible to that person, except for motor carriers party to a motor carrier transportation contract with the person, and the motor carrier's agents, employees, servants, or independent contractors directly responsible to the motor carrier.

(c) Nothing contained in this section effects [affects] a provision, clause, covenant, or agreement where the motor carrier indemnifies or holds harmless the contract's promisee against liability for damages to the extent that the damages were caused by and resulted from the negligence of the motor carrier, its agents, employees, servants, or independent contractors who are directly responsible to the motor carrier.

(d) Notwithstanding the other provisions contained in this section, the term "motor carrier transportation contract", as defined in this section, shall not include the Uniform Intermodal Interchange and Facilities Access Agreement administered by the Intermodal Association of North America, or other agreements providing for the interchange, use or possession of intermodal chassis, containers, trailers, or other intermodal equipment that

contain substantially the same indemnity provision as the provision contained in the Uniform Intermodal Interchange and Facilities Access Agreement.

OKLAHOMA

§ 169.7 Statements of liability or indemnity agreements not required—Exceptions

A motor carrier shall not be required to sign any statement of liability or enter into any contract for the indemnification of any person for any acts or omissions not arising from damage or loss from a wrongful or negligent act or omission from the motor carrier.

The provisions of this section shall not apply to railroad intermodal or transload facilities or to contracts with railroads or ocean carriers.

SOUTH CAROLINA
Effective April 19, 2005

§ 58-23-110. Motor carrier transportation contracts; definition; hold harmless provisions; exception.

(A) Notwithstanding another provision of law, a provision, clause, covenant, or agreement contained in, collateral to, or affecting a motor carrier transportation contract that purports to indemnify, defend, or hold harmless, or has the effect of indemnifying, defending, or holding harmless, the contract's promisee from or against any liability for loss or damage resulting from the negligence or intentional acts or omissions of the contract's promisee, or any agents, employees, servants, or independent contractors who are directly responsible to the contract's promisee, is against the public policy of this State and is unenforceable.

(B) As used in this section "motor carrier transportation contract" means a contract, agreement, or understanding covering:

(1) the transportation of property for compensation or hire by the motor carrier;

(2) the entrance on property by the motor carrier for the purpose of loading, unloading, or transporting property for compensation or for hire; or

(3) a service incidental to activity described in items (1) or (2) including, but not limited to, storage of property.

(C) Nothing contained in this section affects a provision, clause, covenant, or agreement where the motor carrier indemnifies or holds harmless the contract's promisee against liability for damages to the extent that the damages were caused by and resulting from the negligence of the motor carrier, its agents, employees, servants, or independent contractors who are directly responsible to the motor carrier.

(D) Notwithstanding the other provisions contained in this section, a " motor carrier transportation contract" shall not include the Uniform Intermodal Interchange and Facilities Access Agreement administered by the Intermodal Association of North America, as that agreement may be amended by the Intermodal Interchange Executive Committee.

TENNESSEE

AN ACT to amend Tennessee Code Annotated, Title 12; Title 47, Chapter 18 and Title 65, Chapter 15, relative to motor carrier transportation contracts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 65, Chapter 15, Part 1, is amended by adding the following language as a new section thereto:

65-15-1__.
A covenant, promise, agreement or understanding in or in connection with or collateral to a motor carrier transportation contract purporting to indemnify the promisee against liability for damages resulting from the negligence of the promisee, the promisee's agents or employee's, or indemnitee, is against public policy and is void and unenforceable.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

TEXAS

§ 623.0155. Indemnification From Motor Carrier Prohibited

(a) A person may not require indemnification from a motor carrier as a condition to:

(1) the transportation of property for compensation or hire by the carrier;

(2) entrance on property by the carrier for the purpose of loading, unloading, or transporting property for compensation or hire; or

(3) a service incidental to an activity described by Subdivision (1) or (2), including storage of property.

(b) Subsection (a) does not apply to:

(1) a claim arising from damage or loss from a wrongful or negligent act or omission of the carrier; or

(2) services or goods other than those described by Subsection (a).

(c) In this section, "motor carrier" means a common carrier, specialized carrier, or contract carrier that transports property for hire. The term does not include a person who transports property as an incidental activity of a nontransportation business activity regardless of whether the person imposes a separate charge for the transportation.

(d) A provision that is contrary to Subsection (a) is not enforceable.

VIRGINIA

§ 11-4.5. Certain indemnification provisions in motor carrier transportation contracts declared void.

A. As used in this section:

"Motor carrier transportation contract" means a contract, agreement, or understanding covering:

(1) The transportation of property for compensation or hire by the motor carrier;

(2) The entrance on property by the motor carrier for the purpose of loading, unloading, or transporting property for compensation or for hire; or

(3) A service incidental to activity described in subdivision 1 or 2 including, but not limited to, storage of property.

For the purposes of this section, the term "motor carrier transportation contract" shall not include the Uniform Intermodal Interchange and Facilities Access Agreement administered by the Intermodal Association of North America, as that agreement may be amended by the Intermodal Interchange Executive Committee, or other agreements providing for the interchange, use, or possession of intermodal chassis, containers, or other intermodal equipment.

B. A provision, clause, covenant, or agreement contained in, collateral to, or affecting a motor carrier transportation contract that purports to indemnify, or hold harmless, or has the effect of indemnifying, or holding harmless, either party from or against any liability for loss or damage resulting from the negligence or intentional acts or omissions of other party, or any agents, employees, servants, or independent contractors who are directly responsible to the other party, is against the public policy and is void and unenforceable.

C. Nothing contained in this section affects a provision, clause, covenant, or agreement where the motor carrier indemnifies or holds harmless the other party against liability for damages to the extent that the damages were caused by and resulting from the negligence of the motor carrier, its agents, employees, servants, or independent contractors who, in whole or in part are directly responsible to the motor carrier.

WEST VIRGINIA
Effective July 1, 2006.

S.B. No. 492
MOTOR CARRIERS--TRANSPORTATION--CONTRACTS

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated § 24A-6-7, relating to providing that indemnity agreements in motor carrier transportation contracts are void and unenforceable as against public policy; and effective date.

Be it enacted by the Legislature of West Virginia: That the code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated § 24A-6-7, to read as follows:

ARTICLE 6. DUTIES AND PRIVILEGES OF MOTOR CARRIERS SUBJECT TO REGULATION OF THE COMMISSION.

§ 24A-6-7. Indemnity agreement in motor carrier transportation contracts void.

(a) Notwithstanding any provision of law to the contrary, a provision, clause, covenant or agreement contained in, collateral to or affecting a motor carrier transportation contract entered into on or after the first day of July, two thousand six, that purports to indemnify, defend or hold harmless, or has the effect of indemnifying, defending or holding harmless, the promisee from or against any liability for loss or damage resulting from the negligence or intentional acts or omissions of the promisee is against the public policy of this state and is void and unenforceable.

(b) In this section:

(1) "Motor carrier transportation contract" means a contract, agreement or understanding covering:

(A) The transportation of property for compensation or hire by the motor carrier;

(B) Entrance on property by the motor carrier for the purpose of loading, unloading or transporting property for compensation or hire; or

(C) A service incidental to activity described in paragraph (A) or (B), including, but not limited to, storage of property.

(2) "Promisee" means the promisee and any agents, employees, servants or independent contractors who are directly responsible to the promisee except for motor carriers party to a motor carrier transportation contract with promisee and such motor carrier's agents, employees, servants or independent contractors directly responsible to such motor carrier.

(3) The term "motor carrier transportation contract" shall not include the Uniform Intermodal Interchange and Facilities Access Agreement administered by the Intermodal Association of North America, as that agreement may be amended by the Intermodal Interchange Executive Committee, or other agreements providing for the interchange, use or possession of intermodal chassis, containers or other intermodal equipment.

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **HB 366**
() Publish Date:

Identifier (file name): HB366-DOT-CO-03-09-10
Dept. Affected: DOT&PF
Title: Motor Carrier Indemnification Agreements
RDU: Administration and Support
Component: Commissioner's Office
Sponsor: Rep. Johnson
Requester: H TRA
Component Number: 530

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**0.0**
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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

There is no fiscal impact to the department.

Prepared by: Mary Siroky, Legislative Liaison — Phone 465-4772
Division: Department of Transportation and Public Facilities — Date/Time 3/9/10 6:15 PM
Approved by: Frank Richards, Deputy Commissioner — Date 3/9/2010
Department of Transportation and Public Facilities

(Revised 11.6/2009 OMB)

3717

Alaska State Legislature

Representative Peggy Wilson
House District 2
Putting Alaska's Families First

FAX TRANSMITTAL SHEET

TO: Leg Legal FAX# 3029

DATE: 3-11-10 FROM: Becky Rooney x 3759

SUBJECT: HB 366 26-LS1434 Ver R

Total Pages (including cover sheet) 1

HB 366 passed out of Transportation committee today with 2 amendment.

1. 26-LS1434\R.2 passed

2. page 2 line 12 insert "packing," between "the" and "storage".

This transmittal may be a confidential communication or otherwise privileged information. If you are not the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution or copying of this transmittal is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone at (907) 465-3824. Please destroy this fax cover and all its attachments.

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June-Dec, Wrangell: PO Box 109 • Wrangell, AK 99929 • *ph:* (907) 874-3088 • *fax:* (907) 874-3055
Rep.Peggy.Wilson@legis.state.ak.us • http://www.akrepublicans.org/wilson/ • 1-800-686-3824

26-LS1434\R.2
Bannister
3/10/10

AMENDMENT #1

OFFERED IN THE HOUSE BY REPRESENTATIVE JOHNSON

TO: HB 366

Page 1, line 5:

Delete "**by motor carrier**"

Page 1, line 7, following "that":

Insert "(1)"

Page 1, line 10, following "person":

Insert "; or

(2) the shipping person will indemnify, defend, or hold the motor carrier harmless, or agree to a provision that has the effect of indemnifying, defending, or holding a motor carrier harmless, from claims or liability for the negligence, intentional acts, or intentional omissions of the motor carrier"

Page 2, line 2, following "carrier":

Insert "if the agent, employee, servant, or independent contractor provides services in connection with the particular transportation services contract to which (a) of this section is being applied"

Page 2, line 8, following "person":

Insert "if the agent, employee, servant, or independent contractor provides services in connection with the particular transportation services contract to which (a) is being applied"

Page 2, line 17, following "person":

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Insert "or a motor carrier"

Page 2, line 18:

Delete "has the meaning"

Insert "and "motor carrier" have the meanings"

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: February 23, 2010 **FURTHER REFERRALS: Judiciary**

Date of Committee Action: 3-11-10

The TRANSPORTATION Committee considered: **HOUSE BILL NO. 366**

"An Act relating to indemnification agreements that relate to motor carrier transportation contracts."
HB 366-MOTOR CARRIER INDEMNIFICATION AGREEMENTS

Recommends it be replaced with [ ] HCS *or* [X] CS for HB 366 (TRA-)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ [X] Same Title [ ] New Title

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
DHS
LWF
LAW
LEG
MVA
DNR
DPS
REV
DOT
UA

NEW **FISCAL NOTES** *Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
DOT	1			✓

PREVIOUS **FISCAL NOTES**				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

Signing with recommendations	**Printed Last Name**	**DP**	**DNP**	**NR**	**AM**
Kyle B Johansen	JOHANSSEN			X	
Craig Johnson	Johnson	X			
Tammie Wilson	T Wilson	X			
Mike Gruenberg	Gruenberg	–			
Pete Petersen	PETERSEN	X			
Chair: Peggy Wilson	WILSON	X			
Chair:					

HJR

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ALASKA STATE LEGISLATURE

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State Capitol, Room 406
Juneau, AK 99801-1182
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REPRESENTATIVE PEGGY WILSON
HOUSE DISTRICT 2

SPONSOR STATEMENT
House Joint Resolution 42

"Proposing amendments to the constitution of the State of Alaska creating a transportation infrastructure fund"

HJR 42 will put a constitutional amendment before voters to change the Alaska constitution to allow a dedicated fund for Capital Transportation Projects.

In FY10 87% of our transportation budget came from the federal government. The current federal reauthorization legislation has expired and is being extended month to month until new legislation can be passed. The new federal reauthorization bill is unfavorable for states with small populations by emphasizing mass transit and green transportation. It favors toll roads, bridges, and other transportation that are self-funding. Alaska's small population makes these self pay options prohibitive. There aren't enough cars on the road, people on the ferries or residents landing at our airports to generate the scale of economy that is needed.

The roads, bridges, airports, ferries and other transit systems that make up our state's transportation system are essential to mobility, commerce and economic development. These systems increase safety, enhance economic competitiveness, and lead to a better quality of life. To ensure Alaska has the infrastructure necessary to develop our resources as well as improve the living conditions for our citizens we must commit to funding transportation. Having an amount that is guaranteed from year to year will allow Alaska to manage current congestion, safety and maintenance projects as well as develop access to needed resources and energy.

Alaska is geographically the largest state in the country, and the future of the economic and social well being of its citizens is critically dependent on a reliable transportation system. This change to the State Constitution, allowing a dedicated transportation fund, is needed to create and maintain a modern, reliable transportation system for Alaska.

Testimony of Lois N. Epstein, P.E.
Alaska Transportation Priorities Project
Before the House Transportation Committee
February 9, 2010

Thank you Madame Chair and members of the Committee. Good afternoon. My name is Lois Epstein and I am a licensed engineer and director of the Alaska Transportation Priorities Project, or ATPP. ATPP works with conservation organizations, transit advocates, community and governmental leaders, neighborhood organizations, engineers, and others to promote sensible transportation systems and policies in Alaska.

ATPP believes it is a good idea to address the upcoming decline in federal transportation funds, but there are some problems with today's approach, and it is limited in its overall impact on transportation funding as I will discuss. First, HB 329 does not include money for maintenance, preservation, and operation (roughly $500 mill./year for highways and bridges, plus over $100 mill./year for maintaining and operating ferries). We shouldn't build projects we can't maintain, and this approach does not address maintenance even if that's the greatest need.

Second, HB 329 is very specific with respect to allocations – e.g., 60% to major roads and bridges, and only 5% to community roads and public transportation. These allocations might not be the most appropriate in the future – especially with federal requirements likely to be coming dealing with climate change. Regardless, there will be an advisory council overseeing funding decisions and a scoring system, so why bind the decisions so tightly? I wouldn't be opposed to a maximum percentage to be spent on roads, however, in the range of 40-60% to ensure that other modes are appropriately funded. Note that I sit on the AMATS Technical Advisory Committee in Anchorage and AMATS allocates funds by mode within predetermined ranges.

Last, today's approach does not at all address the high amounts many in the state would like to spend on questionable major projects like the Juneau Road ($0.5 billion), the Road to Nome ($2.5 billion), the ongoing Gravina Access saga ($0.4 billion), etc. There's not enough money for these projects but the state's appetite for researching and studying them at the level of millions of dollars each year (and I can document that statement), regardless of the project's full cost, never goes away! The FHWA and the FTA recently sent a letter to Alaska DOT that confirms this overreach problem by the state. The November 2009 letter says that Alaska "will be over programmed in the long term and that sufficient funds are not available from current recognizable sources to complete a number of large projects contemplated by the State's Program." The projects I identified above cost from $400 million to $2.5 billion and would not be much affected by the bill under consideration today because they require federal dollars to build them. I urge both the legislature and the governor to show fiscal leadership and seriously consider cancelling one or more of these projects rather than spending millions of our state's transportation dollars each year pursuing them without a financial plan to complete any of them. I would be very happy to work with your Committee and its staff to hold a hearing on the state's lack of fiscal constraint, perhaps an even more important topic given federal concerns than today's transportation funding discussion.

Thank you very much for considering these comments.

CAMBRIDGE SYSTEMATICS

Alaska Transportation Finance Study

final report

prepared for

Alaska Municipal League

prepared by

Cambridge Systematics, Inc.

January 2009

www.camsys.com

Executive Summary

The Alaska Municipal League (AML) commissioned Cambridge Systematics, Inc. to conduct an objective assessment of the current finance trends, challenges, and possible options to meet Alaska's transportation funding needs. This work involved a significant amount of analysis and produced multiple layers of findings that have been documented in this report, the Transportation Finance Study. Nevertheless, the work may be summarized into the following three categories of findings.

UNDER INVESTMENT IN THE STATE'S TRANSPORTATION INFRASTRUCTURE

Almost every state and the Federal Government have been chronically under investing in their transportation infrastructure and Alaska is not an exception. Over the last several years, studies at the national and state levels have painted a dire picture of transportation funding over the long term: the average funding gap for the Federal shortfall is almost $60 billion annually through 2017 (10-year average) to maintain the current condition and performance of the nation's surface transportation system.

- Underinvestment in Alaska may have more severe consequences than for almost any other state because the Alaska's economy is highly dependent on resource extraction industries. These industries are highly transportation-intensive; their growth is the most likely offset to declining oil production and may be the State's best opportunity to diversity, but will require investment. In addition, the State's far-flung communities, harsher environment and less mature roadway network amplify the effects of under investment.
- In its 2030 Transportation Plan, the Alaska Department of Transportation and Public Facilities (ADOT&PF) estimated its annual highway and bridge needs at approximately $1.1 billion per year of which about $530 million is unfunded on state-owned facilities alone (excluding local roads and street needs), with Federal and state funding covering about half of the needs.
- In Alaska, routine highway maintenance remains underfunded and the backlog in life-cycle needs is over three times the level of spending in annual highway maintenance activities at the state level. Adding the AMHS unfunded needs, and Alaska's transportation funding gap increases to $720 million. These figures still do not include needs of transit, and locally funded roads, both in urban and rural areas of the State, or aviation. Furthermore, it does not include any transportation capacity needs to meet travel demand growth in the future.

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- Alaska's transportation capital spending (from state and local revenue sources) as a percentage of the Gross State Product (GSP) for 2006 is the fourth lowest compared to other states. If Federal funding is included, the transportation spending as a percentage of GSP increases placing Alaska in the top 10 states, clearly indicating the State's reliance on Federal funding to meet its transportation needs.

CURRENT FEDERAL FUNDING AT RISK

Alaska has historically received on average roughly 75 percent of its total transportation funding needs from Federal sources. This dependence is quite likely to put Alaska in a very vulnerable position when the Federal transportation funding is reauthorized next year for the following reasons:

- Federal Highway Trust Fund went broke this past year and Congress provided only one year of stop-gap funding. Longer-term fixes, however, may include lower levels of funding, which would increase state competition for Federal allocations.
- The current negotiations over reauthorization are further reducing the difference between donor states (which have increased in the previous reauthorization from 90 percent of their contribution to 92 percent) and donee states, of which Alaska is one of the highest.
- Reauthorization funding policies appear to place far more emphasis on tolling or other user fees and metropolitan transit/transportation networks, rather than highway funding or legislative earmarking. Some proposals would push greater responsibility to states or cities for financing their transportation improvements.
- Federal support for Alaska's transportation needs is being challenged by other states because of the perception that Alaska's financial capacity is substantially better off than other states. The lower 48 and the Federal government see the Alaska Permanent Fund currently has almost $28 billion and Alaska is the only State that collects neither income taxes nor state sales taxes, and its 8 cents-per-gallon (cpg) gas tax is the lowest rate in the country.

OPTIONS FOR CLOSING THE GAP

In order for Alaska to close some of the gap in underinvestment and improve its competitive position for the next reauthorization of Federal transportation legislation, we propose some options for increasing state revenues with a mix of six sources that include increases to user fees such as the fuel tax and vehicle registrations fees, new sales tax on vehicles and the wider use of local sales taxes, reinstitution of the Local Service Roads and Trails (LSR&T) fund, and establishment of an Alaska Transportation Fund (ATF) or comparable fund.

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Option One would generate roughly $151 million annually, or about 28 percent of the $535 million annual gap. It has the following six components:

- Increase fuel taxes from 8 cents per gallon (cpg) to 18 cpg (national average) and index the rate to inflation, generating about $38 million annually.
- Increase vehicle registration fees by 50 percent from $100 to $50 biannual fee, generating slightly less than $23 million annually.
- Impose a vehicle sales tax of 0.5 percent, yielding about $10 million annually
- Encourage local jurisdictions to impose a 0.5 percent sales tax, which if enacted throughout the State would earn about $30 million annually
- Capitalize the Alaska Transportation Fund (ATF) with $1 billion, which with a 8 percent return should earn about $50 million annually.

Option Two would generate roughly $291 million annually, or about 55 percent of the $535 million annual gap. It has the following six components:

- Increase fuel taxes from 8 to 28 cpg and index the rate to inflation, generating about $76 million annually.
- Double vehicle registration fees from $100 to $200 biannual fee, generating over $45 million annually.
- Impose a vehicle sales tax of 1.5 percent, yielding over $31 million annually
- Encourage local jurisdictions to impose a 1.5 percent sales tax, which would earn about $89 million annually
- Capitalize the Alaska Transportation Fund (ATF) with $1 billion, which with a 8 percent return should earn about $50 million annually.

Option Three also would generate $291 million annually (55 percent of the $535 million annual gap), but it would reduce the two sales taxes and instead reinstitutes the Local Service Roads and Trails (LSR&T) fund:

- Same increase in fuel taxes (8 cpg to 28 cpg and index the rate to inflation), generating about $76 million annually.
- Same doubling of vehicle registration fees from $100 to $200 biannual fee, generating over $45 million annually.
- Impose a state vehicle sales tax of 1.25 percent and a 1.25 percent local sales tax, which would earn over $26 million and $74 million annually, respectively
- Capitalize the Alaska Transportation Fund (ATF) with $1 billion, which with a 8 percent return should earn about $50 million annually.
- Assume the State reinstitutes the LSR&T program at about $20 million annually.

INSERT FOR GOVERNOR HICKEL'S STATE OF THE STATE ADDRESS:

RE: DEDICATED TRANSPORTATION FUND/DEPARTMENT ORGANIZATION

ANOTHER MAJOR CHALLENGE CONFRONTING ALASKA IS FINANCING THE REPAIR AND REPLACEMENT OF OUR CAPITAL ASSETS. THROUGHOUT THE NATION THERE IS A GROWING AWARENESS OF THE VITAL IMPORTANCE OF REBUILDING OUR INFRASTRUCTURE TO GUARANTEE AMERICA A STRONG AND HEALTHY ECONOMY. WHILE PART OF ALASKA'S CHALLENGE IS SIMPLY THE NEED TO BUILD MORE INFRASTRUCTURE, THE COMBINATION OF AGING FACILITIES AND THE CUMULATIVE EFFECT OF DEFERRED MAINTENANCE DICTATES WE ACT PROMPTLY AND DECISIVELY.

MANY OF OUR ROADS ARE WEARING OUT, OUR FERRIES ARE AGING, OUR PORT AND HARBOR FACILITIES ARE LITERALLY SINKING OR FLOATING AWAY, AND OUR BUILDINGS ARE BREAKING DOWN AND FALLING APART. THE BUDGET DIFFICULTIES SINCE THE MID-80'S HAVE EXACERBATED THE PROBLEM THROUGH DEFERRING OF ROUNTINE AND PREVENTATIVE MAINTENANCE. SOME ESTIMATES PLACE THE TOTAL BILL AT NEARLY $500 MILLION OR MORE.

OUR TRANSPORTATION SYSTEM IS A KEY INGREDIENT IN PROVIDING ALASKA A VIBRANT AND PROSPEROUS ECONOMY. WHILE THERE IS NO CALCULATION AVAILABLE OF THE STATEWIDE ECONOMIC COSTS FROM A DETERIORATING SYSTEM, YOU CAN BE ASSURED THE FINANCIAL IMPACT TO ALL ALASKANS IS SIGNIFICANT.

THE TIME FOR ACTION IS NOW. THE ADMINISTRATION AND LEGISLATURE MUST WORK TOGETHER AND ADDRESS THE CHALLENGE TODAY. IT IS CLEAR A SIGNIFICANT PORTION OF THE CURRENT REVENUE SURPLUS SHOULD BE USED TO ADDRESS THESE CAPITAL NEEDS.

IN ADDITION, I INTEND TO SUBMIT A PROPOSAL TO OBTAIN A CONSTITUTIONAL AMENDMENT ESTABLISHING A DEDICATED TRANSPORTATION FUND. THIS ACTION WOULD GUARANTEE ALASKANS THAT THE USER FEES AND TAXES WHICH THEY PAY FOR TRANSPORTATION SERVICES WILL ONLY GO TO SUPPORT THOSE TRANSPORTATION SYSTEMS. UNDER THIS ARRANGEMENT FERRY TICKET RECEIPTS WOULD SUPPORT THE FERRY SYSTEM, MOTOR FUEL TAXES AND VEHICLE REGISTRATION FEES WOULD SUPPORT OUR HIGHWAYS, AVIATION FUEL TAXES AND AIRPORT LEASES WOULD SUPPORT OUR AIRPORTS, AND WATERCRAFT FUEL TAXES AND RELATED USER FEES WOULD SUPPORT ALASKA'S PORTS AND HARBORS.

THIS IS NOT AS RADICAL A PROPOSAL AS IT MIGHT SOUND. OVER HALF THE STATES ALREADY HAVE THE SAME TYPE OF FINANCING ARRANGEMENT. IN FACT, ALASKA'S FOUNDING FATHERS SUPPORTED THIS EXACT MECHANISM AND PROVIDED FOR IT AT STATEHOOD. WITH A DEDICATED FUND ALASKANS WILL RECEIVE MORE STABLE SERVICE LEVELS. AND IF NEW REVENUES ARE NEEDED TO PRESERVE OR IMPROVE SERVICE, ALASKANS WILL BE ASSURED THAT ANY NEW FEE WILL GO DIRECTLY TO THEIR TRANSPORTATION SYSTEM.

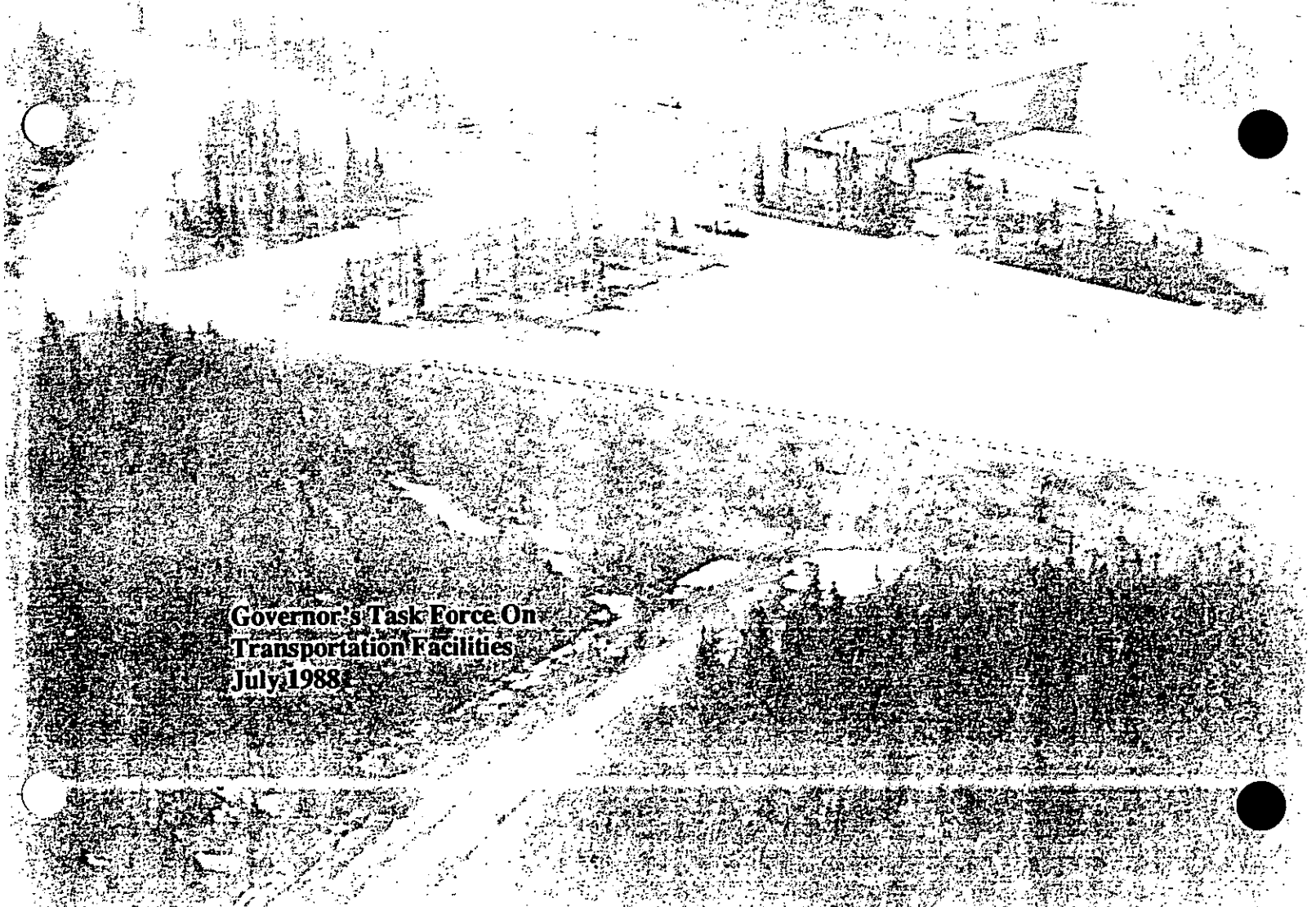
WE ARE REVIEWING A NUMBER OF OTHER PROPOSALS TO ENSURE ALASKANS RECEIVE NEEDED TRANSPORTATION SERVICES EFFICIENTLY. MANY ARGUE THE ANCHORAGE AND FAIRBANKS INTERNATIONAL AIRPORTS AND THE MARINE HIGHWAYS SHOULD BE BROKEN OUT AND ESTABLISHED AS SEPARATE, INDEPENDENT AUTHORITIES. IT'S A MECHANISM THAT HAS WORKED WELL FOR THE ALASKA RAILROAD, AND SHOULD WORK AS WELL FOR THESE TWO VITAL TRANSPORTATION SYSTEMS. SIMILAR CONCEPTS MAY MAKE SENSE FOR THE EQUIPMENT FLEET AND BUILDINGS RESPONSIBILITIES.

HICKEY

CROSSROADS:

A REPORT ON THE DELIVERY OF TRANSPORTATION SERVICES IN ALASKA

Final Report to
the Governor and Legislature



Governor's Task Force On
Transportation Facilities
July 1988

3732

PREFACE

The task force has reviewed the problems associated with the efficient and equitable delivery of transportation services in Alaska as directed by the Governor and the Legislature and provides this report for the general public and for state policy makers.

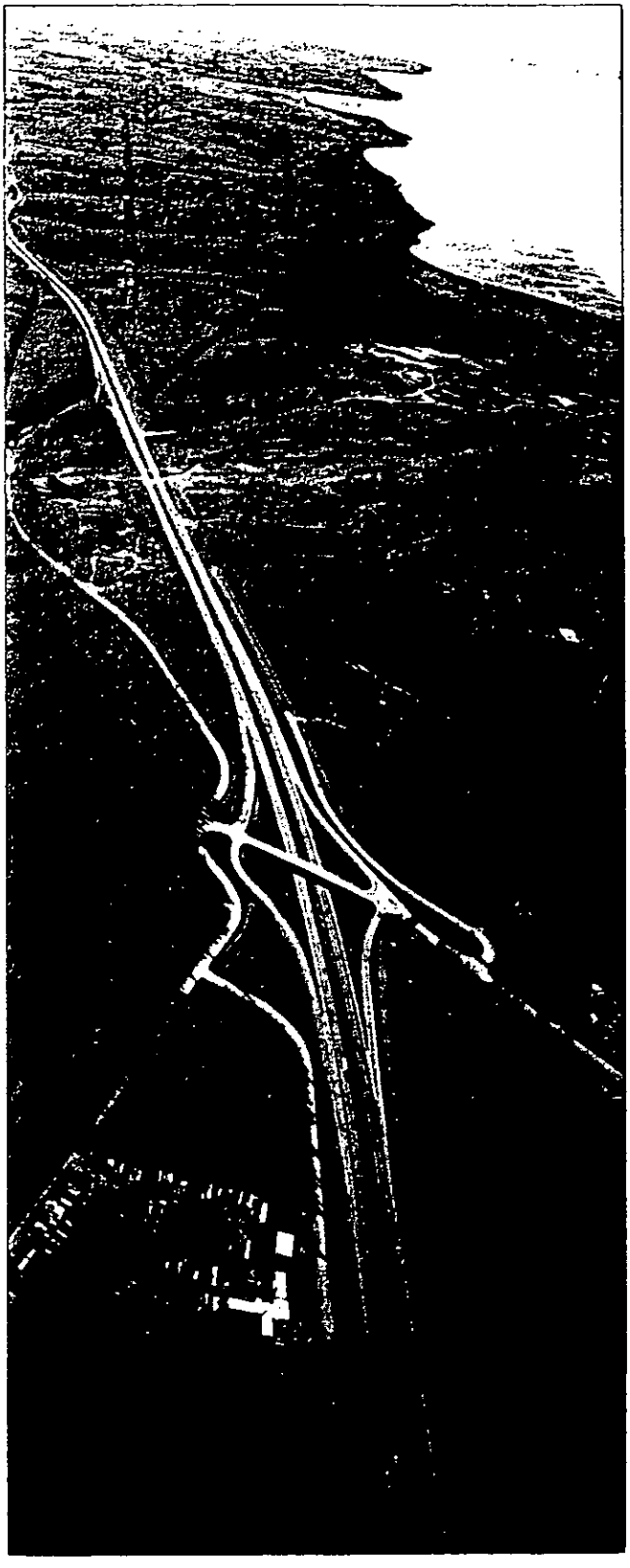
In addition to other benefits gained, the task force has determined that the delivery of transportation services could be more efficiently and equitably provided if the continued care of some of Alaska's transportation facilities would be more widely distributed among various private and governmental entities. As an example, the Department of Transportation and Public Facilities (DOT/PF) estimates that 28% of the department's highway responsibilities are roads that primarily serve a local function.

For all facets of the problems related to the delivery of transportation services, adequate funding and the ongoing stability of funding are the critical issues. In this regard, the task force is unanimous in recommending that the maintenance of the transportation system should be supported to the extent practical with dedicated user fees.

The problems associated with the efficient and equitable delivery of transportation services present many complicated issues which the task force finds need addressing as a state policy matter. This report sets out a policy framework which the task force believes will assist state policy makers at this critical juncture of the development of the transportation delivery system.

Mark S. Hickey
Chairman

INTRODUCTION



The main task of the Governor's Task Force on Transportation Facilities was to make recommendations on the equity and efficiency of Alaska's transportation delivery system. The task force understood the transportation delivery system to be the sum of all activities and physical facilities managed or undertaken by an Alaskan government entity that results in the provision of transportation services to the general public. (The Alaska Railroad is not part of this discussion because of its unique position in the state system by statute.)

For this report, the goal of the task force was to present a short concise synopsis of the issues relevant to achieve an efficient and equitable transportation delivery system. The task force understood the equity and efficiency of Alaska's transportation delivery system to be dependent in large part on what entity is responsibile for components of the system and how the system is funded.

The report is organized so that the first section develops the context that decision-makers should be aware of with funding being the most important issue. The second and third sections of the report focus on the responsibility issues related to Alaska's transportation delivery system with the delineation of responsibility between state government and local government being the major focus.

SUMMARY OF FINDINGS

1. The condition and efficiency of Alaska's transportation system is of vital importance to all Alaskans.

2. There is a vast inventory of transportation facilities that requires constant maintenance and periodic rehabilitation.

3. There is currently not enough funding allocated to maintain and rehabilitate the transportation system.

4. Maintenance is being increasingly deferred over portions of the transportation system.

5. Portions of the transportation system are deteriorating and as deterioration progresses become more costly to repair.

6. There is little likelihood that additional funding will be available from the general fund; therefore, other sources of funding need to be examined.

7. The DOT/PF is responsible for some transportation facilities that would ordinarily in other states be the responsibility of local government.

8. The DOT/PF's responsibility for local transportation facilities makes it difficult to give clear focus to statewide issues including performance of a statutory duty to provide statewide planning.

9. Financial considerations associated with rehabilitating local roads will need to be addressed regardless of how alignment of responsibility is resolved.

10. The frequent changes in leadership at DOT/PF cause problems that affect the efficiency of the delivery of transportation services.

11. Funding for the road service account in the Municipal Revenue Sharing Program should be stabilized.

SUMMARY OF RECOMMENDATIONS

1. The maintenance of Alaska's transportation system should be supported, to the degree possible, through user fees.

2. User fee revenues should be dedicated.

3. The state should have an annually updated six year revenue plan for transportation.

4. There should be greater emphasis on a cost/benefit analysis of capital projects during the state planning process.

5. Responsibility for the maintenance of capital projects should be determined before they are built.

6. Responsibility for existing transportation facilities should be clarified and revisions made where cost efficiencies can be clearly indicated.

7. There should be an orderly program developed to transfer responsibility for some transportation facilities from the state to local government.

8. Statutory powers of local government for providing transportation services should be made more uniform.

9. The state and local communities should eliminate duplication of transportation services in some communities.

10. The state should aggressively attempt to influence the new federal highway program.

11. The merits of creating a board of commissioners to oversee DOT/PF should be analyzed.

SWAMC
Southwest Alaska Municipal Conference
3300 Arctic Boulevard, Suite 203 Anchorage, AK 99503 p: 907.562.7380 f: 907.562.0438 www.swamc.org
Alaska Peninsula
Aleutian Chain
Bristol Bay
Kodiak Island
Pribilof Islands

SWAMC RESOLUTION 09-02

A RESOLUTION OF THE SOUTHWEST ALASKA MUNICIPAL CONFERENCE URGING THE GOVERNOR AND THE ALASKA LEGISLATURE TO CAPITALIZE STABLE LONG-TERM TRANSPORTATION FUNDING FOR ALASKA

WHEREAS, Alaska's transportation system has fallen far behind the needs of Alaska for cost effective transportation which allows economic growth and the safe cost effective movement of people, goods, and services; and

WHEREAS, the Alaska Highway System, the Alaska Marine Highway System, Alaska Airports, Alaska ports and harbors, and Alaska's local roads all need several years of significant funding for infrastructure improvement, upgrade and expansion; and

WHEREAS, the general appropriation process has resulted in significant underfunding of transportation infrastructure; and

WHEREAS, the Federal Highway Trust Fund is experiencing significant shortfalls, further contributing to a decrease in transportation funding for Alaska; and

WHEREAS, the economic future of Alaska is highly dependent upon a quality, cost effective transportation system; and

WHEREAS, the development of Alaska transportation infrastructure is dependent upon a steady and reliable stream of revenue; and

WHEREAS, the development of an energy policy that works for Alaska requires a quality transportation system in order to be successful; and

WHEREAS, estimates of annual funding needs for transportation infrastructure improvements, upgrades, and expansions exceed $300 million per year; and

WHEREAS, the State of Alaska is in a position to proactively develop a long-term transportation financing program.

-MORE-

NOW, THEREFORE BE IT RESOLVED that the Southwest Alaska Municipal Conference urges the Governor and the Alaska Legislature to establish a Transportation Trust Fund for Alaska or other suitable and sustainable funding mechanisms that generate at least $300 million annually to accomplish the following purposes:

- Generate investment earnings to develop transportation infrastructure in Alaska.
- Improve, upgrade and expand State of Alaska roads and highways.
- Improve, upgrade and expand the Alaska Marine Highway System.
- Improve, upgrade and expand the airports in Alaska.
- Improve and expand Alaska's ports and harbors.
- Provide regular funding to Alaska's communities to improve, upgrade and expand local roads built to local road standards.

AND, BE IT FURTHER RESOLVED that not less than 15-percent of the total funding will be allocated to each of the five programs each year (roads and highways; Alaska Marine Highway System; airports; ports and harbors; public transit and local roads).

PASSED AND ADOPTED by a duly constituted quorum of the Southwest Alaska Municipal Conference Membership this Thirtieth day of January, 2009.

Signed:

Tom Abell
President

Attest:

Michael Catsi
Executive Director

HJR

47

ALASKA STATE LEGISLATURE

REPRESENTATIVE KYLE JOHANSEN
MAJORITY LEADER

SPONSOR STATEMENT

HJR 47 – Urging the United States Coast Guard to amend its regulations relating to small vessels transporting fuel and supplies to remote communities and businesses in the state

HJR 47 asks the United States Coast Guard to amend its regulations to allow for small vessels to simultaneously carry fuel, cargo and passengers and be constructed of aluminum.

The delivery of supplies to communities, homes and businesses in rural Alaska can be costly. Most supplies get to these remote communities and businesses via large barge companies or plane and within this transportation sector there is a niche that can be exploited by smaller vessels to carry supplies that are too big for a plane but does not warrant the use of a large tug and barge operation.

Current federal laws and regulations do not allow this. While 46 USC 3302(i)(1) does provide for single vessel exemptions, the law prohibits what can be a successful sector of the transportation industry in Alaska.

This legislation asks the federal government to take into consideration the transportation challenges of Alaska and its effect on the state's economy. I urge your support.

Session: State Capitol, Juneau, AK 99801-1182 • (907) 465-3424 • Fax (907) 465-3793
Interim: 50 Front Street, Suite 203, Ketchikan, AK 99901 • (907) 247-4672 • Fax (907) 225-8546
Coffman Cove • Hollis • Ketchikan • Meyers Chuck • Saxman • Thorne Bay

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **HJR 47**
() Publish Date:

Identifier (file name) : HJR47-DOT-CO-3-23-10
Dept. Affected: DOT&PF
Title: Small Vessel Cargo Exemption
RDU: Administration and Support
Component: Commissioner's Office
Sponsor: Rep. Johansen
Requester: H TRA
Component Number: 530

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**0.0**
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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

There is no fiscal impact to the department.

Prepared by: Mary Siroky, Legislative Liaison — Phone 465-4772
Division: Department of Transportation and Public Facilities — Date/Time 3/23/10 11:30 AM
Approved by: Frank Richards, Deputy Commissioner — Date 3/23/2010
Department of Transportation and Public Facilities

(Revised 11/6/2009 OMB)

SB 24

ALASKA STATE LEGISLATURE

SESSION
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Senator_Bert_Stedman@legis.state.ak.us

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Ketchikan, AK 99901-6442
Phone (907) 225-8088
Fax (907) 225-0713

SENATOR BERT K. STEDMAN

MEMORANDUM

To: Representative Peggy Wilson, Chairwoman
House Transportation Committee

From: Senator Bert Stedman Bert K. Stedman

Date: April 1, 2009

Subject: Request for Hearing

I respectfully request that Senate Bill 24, "An Act naming the bridge over Hammer Slough on Nordic Drive in Petersburg the Louis Miller Bridge", be scheduled for a hearing in the House Transportation Committee at your earliest convenience.

Attached is the following documentation:

- Sponsor Statement
- Senate Bill 24
- Fiscal Note – Department of Transportation & Public Facilities
- Resolution from the City of Petersburg in support of Senate Bill 24
- Photo of Bridge

If you have any questions or need more information, feel free to contact me or my aide Weston Eiler. Thank you for your attention to this important matter.

CITY OF PETERSBURG, ALASKA

RESOLUTION # 1877

Offered by: Jensen
Supported by: Sarff

A RESOLUTION REQUESTING PETERSBURG'S LEGISLATORS TO SPONSOR AN ACT DESIGNATING THE BRIDGE ACROSS HAMMER SLOUGH ON THE MITKOF HIGHWAY AS THE LOUIS MILLER MEMORIAL BRIDGE

WHEREAS, the Petersburg City Council received a letter dated June 20, 2008 from Leif O. Wikan asking the Council to acknowledge the contribution of two Petersburg pioneers for their dedication to the community by naming the downstream bridge across Hammer Slough the Rasmus Enge Bridge and the upstream bridge the Louis Miller Bridge, a copy of which is attached and made a part of this resolution by reference; and

WHEREAS, the Council has formally designated the downstream bridge across Hammer Slough as the Rasmus Enge Memorial Bridge by a motion passed and approved at a meeting held July 7, 2008; and

WHEREAS, the bridge upstream of Hammer Slough is a structure that is owned and maintained by the Alaska Department of Transportation and Public Facilities; and

WHEREAS, AS 35.30.040 provides authority for the Alaska Legislature to designate memorial public works by an Act sponsored by a member of the legislature.

NOW, THEREFORE, BE IT RESOLVED that the Petersburg City Council hereby petitions its state legislators to sponsor an Act amending AS 35.40 by adding a new section designating the bridge across Hammer Slough in the City of Petersburg on the Mitkof Highway as the Louis Miller Memorial Bridge.

PASSED and **APPROVED** by the City Council of the City of Petersburg, Alaska this 20nd day of October 2008.

CITY OF PETERSBURG, ALASKA

Al Dwyer, Mayor

ATTEST:

Kathy O'Rear, City Clerk

Proposed Louis Miller Bridge
Petersburg, Alaska

Hammer
Slough

SB

25

ALASKA STATE LEGISLATURE

SESSION
State Capitol, Rm 516
Juneau, Alaska 99801-1182
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Senator_Bert_Stedman@legis.state.ak.us

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50 Front Street
Ketchikan, AK 99901-6442
Phone (907) 225-8088
Fax (907) 225-0713

SENATOR BERT K. STEDMAN

MEMORANDUM

To: Representative Peggy Wilson, Chairwoman
House Transportation Committee

From: Senator Bert Stedman

Date: April 1, 2009

Subject: Request for Hearing

I respectfully request that Senate Bill 25, "An Act naming the South Mitkof Island ferry terminal the Richard 'Dewey' Duvall Ferry Terminal", be scheduled for a hearing in the House Transportation Committee at your earliest convenience.

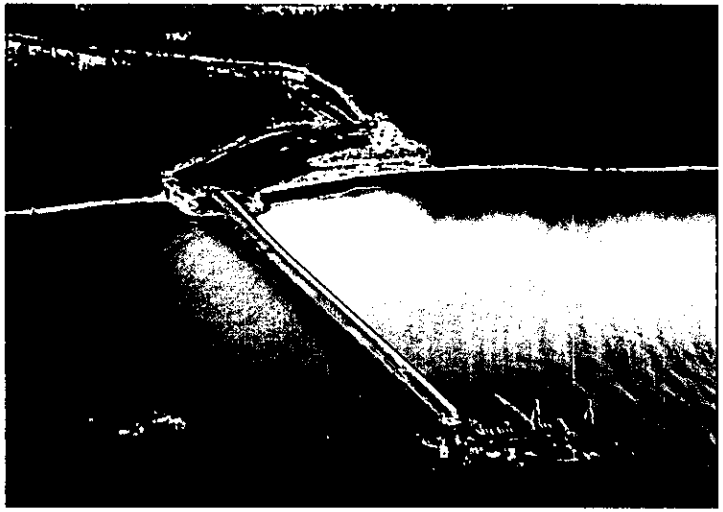
Attached is the following documentation:

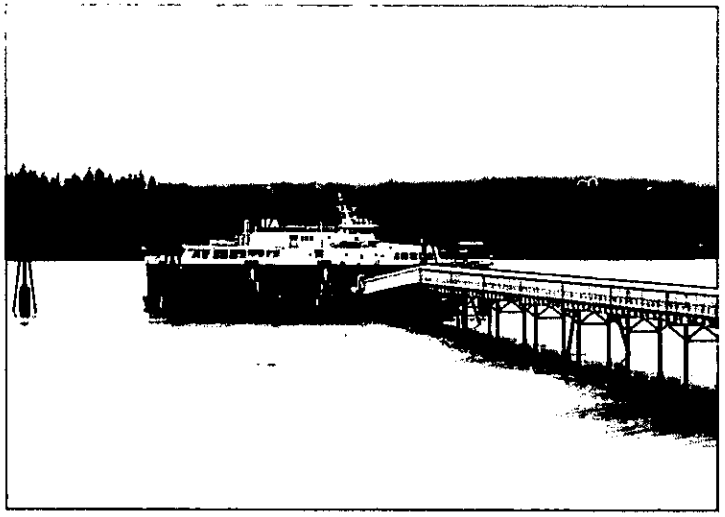
- Sponsor Statement
- Senate Bill 25
- Resolution from the City of Petersburg in support of Senate Bill 25
- Picture of Ferry Terminal

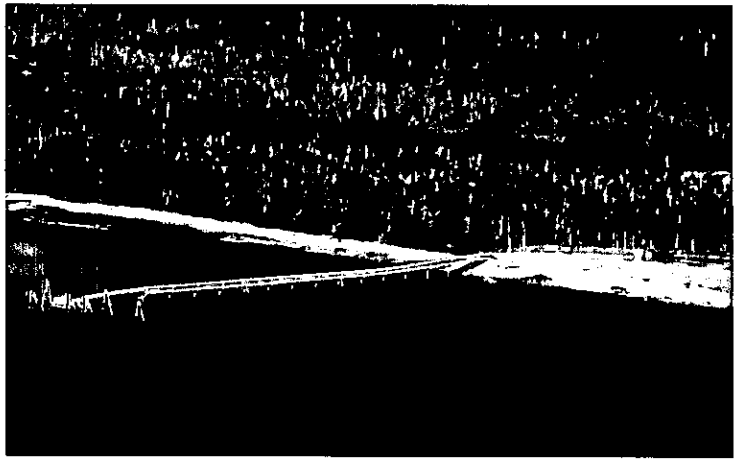
If you have any questions or need more information, feel free to contact me or my aide, Weston Eiler. Thank you for your attention to this important matter.

DISTRICT A
Ketchikan • Sitka • Petersburg • Wrangell
Pelican • Elfin Cove • Port Alexander • Saxman • Meyers Chuck • Thorne Bay • Coffman Cove • Hollis

Proposed Richard "Dewey" Duvall Ferry Terminal
Petersburg, Alaska







SB 59

ALASKA STATE LEGISLATURE

SESSION
State Capitol, Rm 516
Juneau, Alaska 99801-1182
(907) 465-3873 Phone
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(877) 463-3873 Toll Free
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Ketchikan, AK 99901-6442
Phone (907) 225-8088
Fax (907) 225-0713

SENATOR BERT K. STEDMAN

MEMORANDUM

To: Representative Peggy Wilson, Chair
House Transportation Committee

From: Senator Bert Stedman Bert K. Stedman

Date: April 13, 2009

Subject: Request for Hearing

I respectfully request that Senate Bill 59, "An Act relating to the operation of low-speed vehicles", be scheduled for a hearing in the House Transportation Committee at your earliest convenience.

Attached is the following documentation:

- Sponsor Statement
- CS for Senate Bill 59 (TRA) am.
- Fiscal Note – Department of Transportation & Public Facilities
- Fiscal Note – Department of Public Safety
- Fiscal Note – Division of Motor Vehicles
- General Background Information on Electric Cars
- Southeast Alaska Speed Limit Mileage Data & Maps
- Letters of Support for SB 59

If you have any questions or need more information, feel free to contact me or my aide Weston Eiler. Thank you for your attention to this important matter.

Alaska State Legislature

Representative Peggy Wilson
House District 2.
Putting Alaska's Families First

FAX TRANSMITTAL SHEET

TO: Leg Legal FAX# 2029

DATE: 4/14/09 FROM: Becky Rooney x3739

SUBJECT: Final of 26 CSO280\N

Total Pages (including cover sheet) 1

Amendment 1 to CS Ver N:
pg 1 line 13 Insert "and" after the semicolon

Amendment 2 Ver N:
pg 2 line 1 Insert "or" after semicolon

This transmittal may be a confidential communication or otherwise privileged information. If you are not the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution or copying of this transmittal is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone at (907) 465-3824. Please destroy this fax cover and all its attachments.

Jan-May, Juneau: State Capitol • Juneau, AK 99801-1121 • *ph:* (907) 465-3824 • *fax:* (907) 465-3175
June-Dec, Wrangell: PO Box 109 • Wrangell, AK 99929 • *ph:* (907) 874-3088 • *fax:* (907) 874-3055
Rep.Peggy.Wilson@legis.state.ak.us • http://www.akrepublicans.org/wilson/ • 1-800-686-3824

26-LS0280\N
Luckhaupt
4/14/09

HOUSE CS FOR CS FOR SENATE BILL NO. 59( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR STEDMAN

A BILL

FOR AN ACT ENTITLED

"An Act relating to the operation of low-speed vehicles."

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

*** Section 1.** AS 28.35.261(b) is amended to read:

(b) The operator of a low-speed vehicle may not operate that vehicle on a highway that has a maximum speed **limit** of more than 35 miles an hour. Notwithstanding this subsection, the operator of a low-speed vehicle may **operate that vehicle**

(1) on a highway with a maximum speed limit of 45 miles an hour if the highway is

(A) within a municipality that

(i) has a population of less than 35,000;

(ii) is not connected by road to Anchorage or Fairbanks; and

(iii) has passed an ordinance allowing for the operation of low-speed vehicles as provided for in this

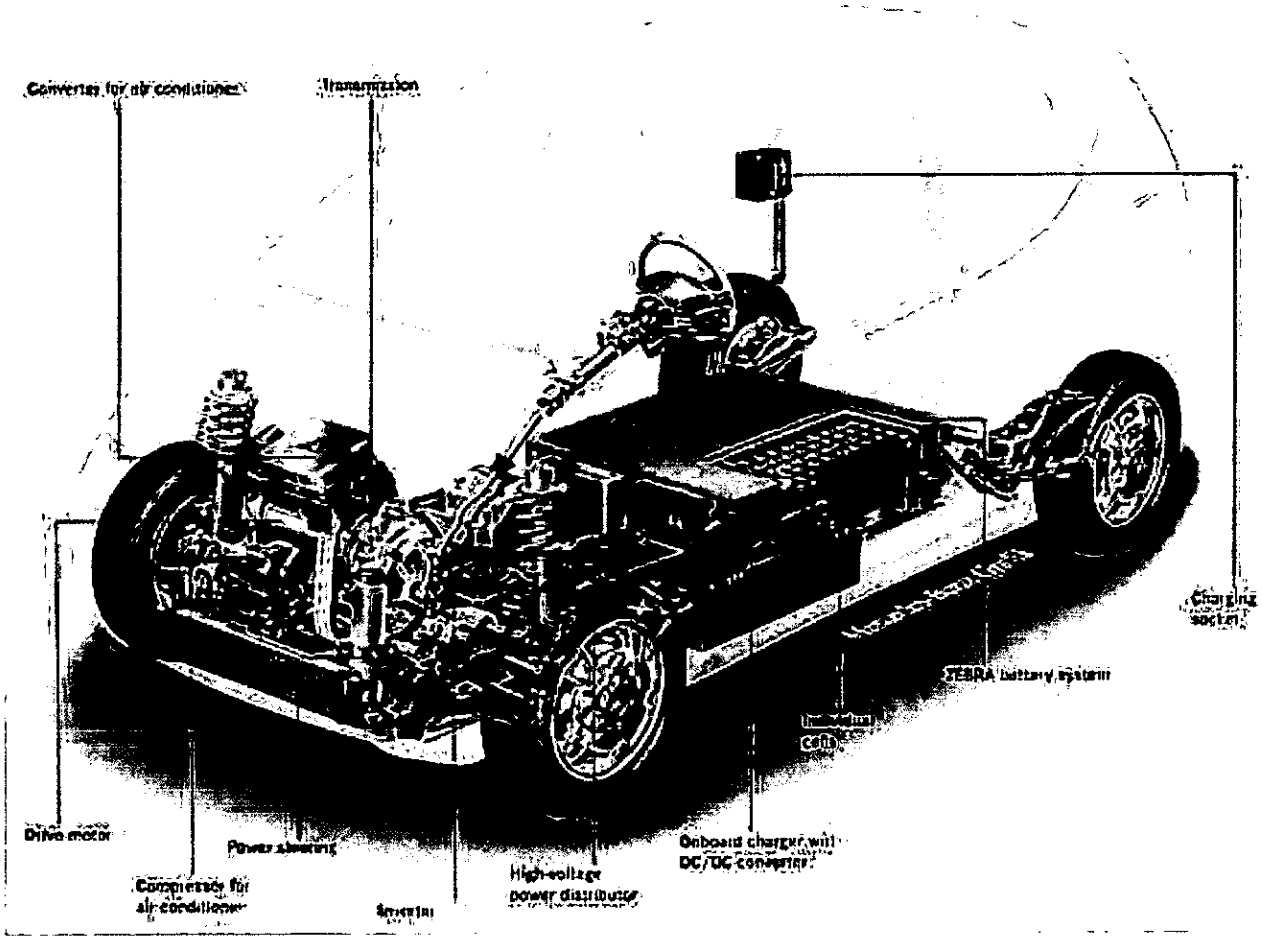
subparagraph; or

(B) within an area of the unorganized borough, outside of a city, that is not connected by road to Anchorage or Fairbanks;

(2) across an intersection with [CROSS] a highway that has a maximum speed limit **greater than is permissible** [OF MORE THAN 35 MILES AN HOUR IF THE CROSSING IS MADE AT THE INTERSECTION WITH A HIGHWAY THAT IS AUTHORIZED] for low-speed vehicles **under this subsection**.

Electric Cars You Can Drive

Electric cars and its hybrid technology is a burgeoning market, and the chance for America to become energy-independent is on everyone's minds as of late. No one wants to be paying for gasoline, when an 8-hour charge can get them much, much more for their time and money. When you read about these vehicles, keep in mind that this technology is new, but it's reliable.



Electric Cars Available in 2008

Tesla Roadster Electric Car
GEM Electric Car
Dynasty iT Sedan Electric Car
ZENN Electric Car
Zap Xebra Electric Car
Aptera Type-1

ALASKA STATE LEGISLATURE

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SENATOR BERT K. STEDMAN

MEMORANDUM

To: Representative Peggy Wilson, Chair
House Transportation Committee

From: Senator Bert Stedman

Date: April 13, 2009

Subject: Request for Hearing

I respectfully request that Senate Bill 59, "An Act relating to the operation of low-speed vehicles", be scheduled for a hearing in the House Transportation Committee at your earliest convenience.

Attached is the following documentation:

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- CS for Senate Bill 59 (TRA) am.
- Fiscal Note – Department of Transportation & Public Facilities
- Fiscal Note – Department of Public Safety
- Fiscal Note – Division of Motor Vehicles
- General Background Information on Electric Cars
- Southeast Alaska Speed Limit Mileage Data & Maps
- Letters of Support for SB 59

If you have any questions or need more information, feel free to contact me or my aide Weston Eiler. Thank you for your attention to this important matter.

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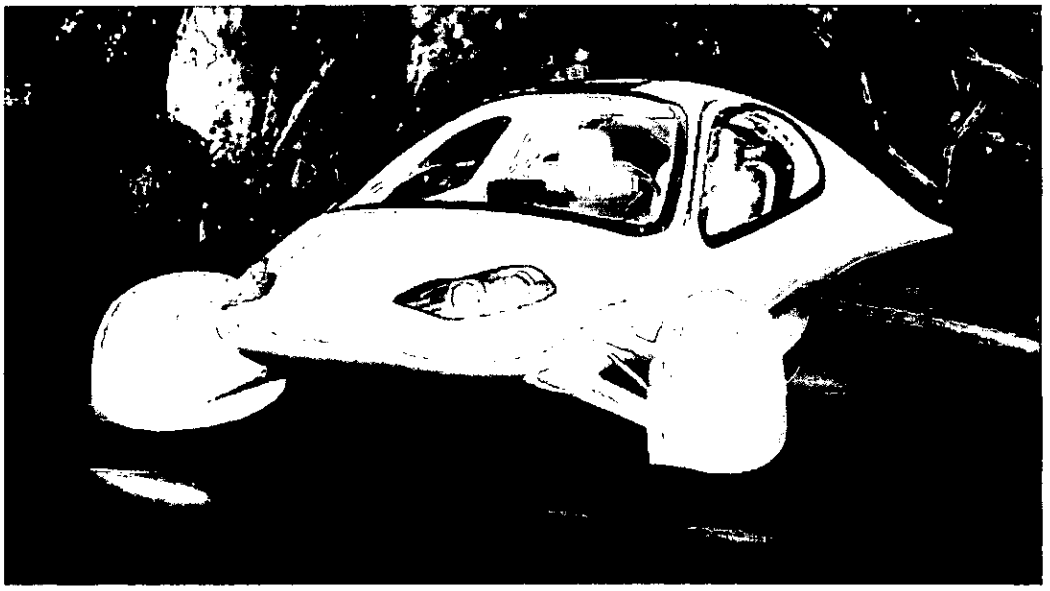
Miles EV ZX-40 ~ Retail: $14,750

Aptera Type-1

Google has finally decided to weigh in on the whole "eco-friendly automobile movement" by pouring $2.75M into Aptera Motors, the makers of their Type-1 vehicle, which holds a price tag of $30,000, gets 230+ MPG, and looks like something that came out of The Jetsons.

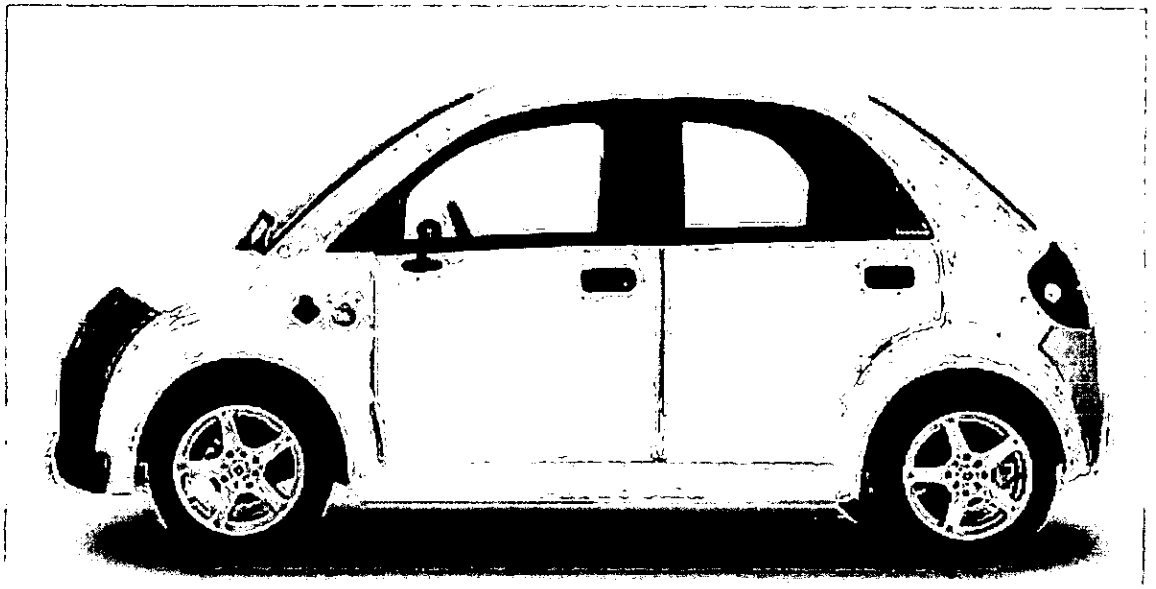
While it may not be an amazingly large amount of money, Aptera hopes that it will bring their Type-1 vehicle (seen below) to Market fairly soon – and we all hope that too. We can't help but wonder if anyone is yet thinking about how this could change the auto transport industry.



Dynasty iT Sedan

The Dynasty iT Sedan is manufactured by Dynasty Electric Car Corp., originally located in Canada. It was recently acquired by a Pakistani automobile company, and now is in the process of moving all the manufacturing facilities to Pakistan.

They only have a few cars available in the US, and they sell for roughly $20,000 (and for a six hour charge you'll get a range of 30 miles).

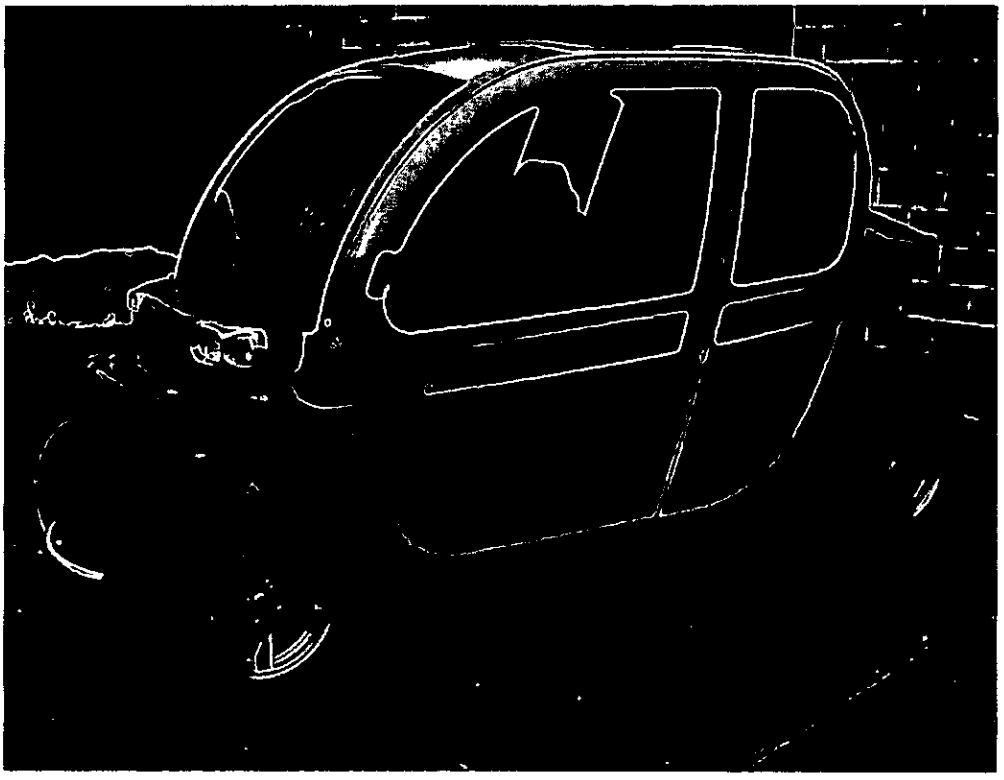


GEM Car

This Chrysler-built, golf-cart-like electric car is much more affordable than the Tesla Roadster, with a price point of around $10,000. However, you get what you pay for.

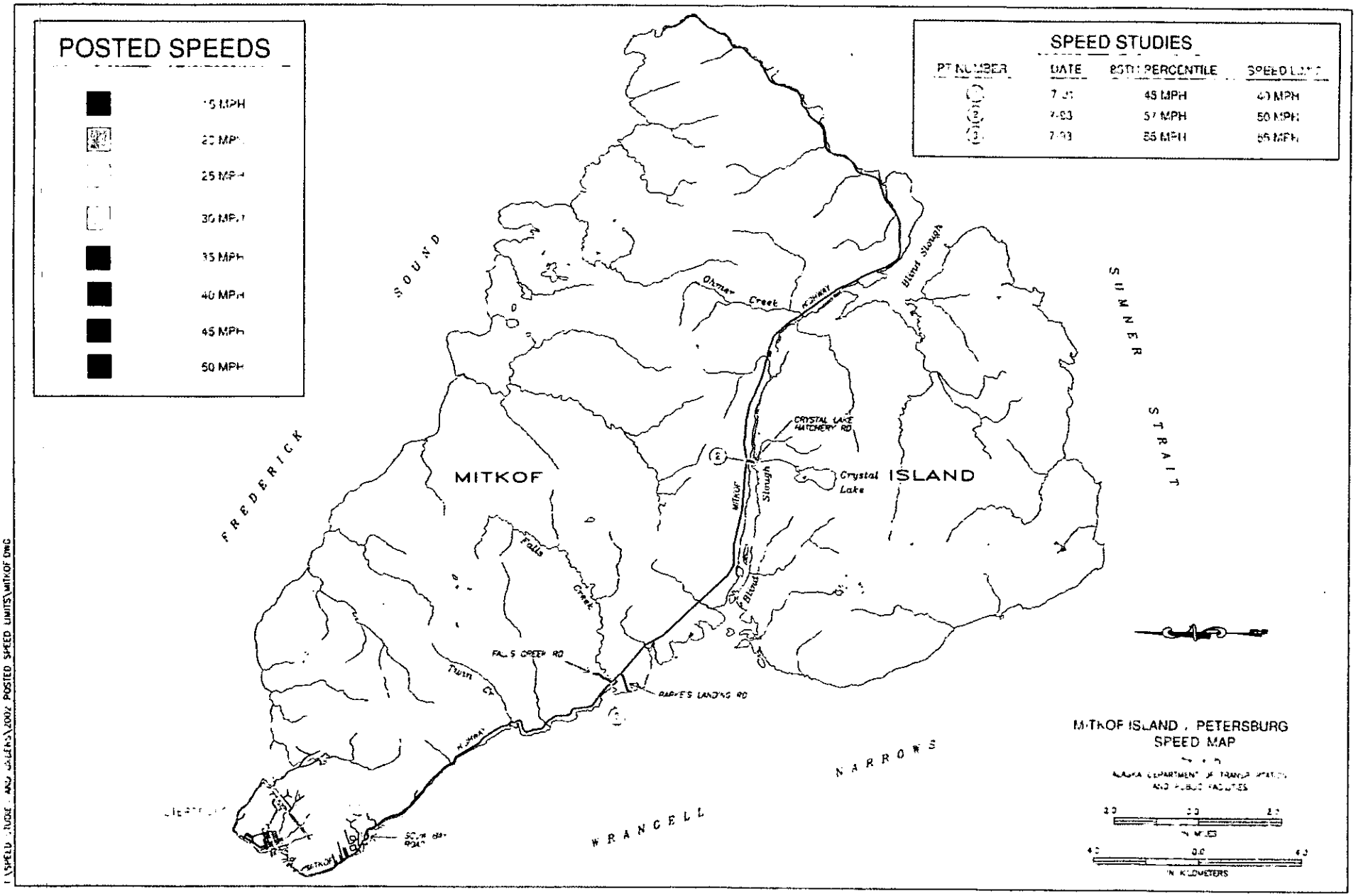
While this is a great around-town vehicle it won't be giving you any major mileage any time soon. It has a range of 30-40 miles on an 8 hour charge, and its total top speed is 25 mph.

This is a great vehicle for everyday errands, and its different versions offer seating for up to six and either a flat-bed or a trunk.



Southeast Alaska Community Speed Limits (estimated length of road for each speed limit)

Location	Total Miles	15mph	20mph	25mph	30mph	35mph	40mph	45mph	50mph	55mph	total state miles	% miles state
Sitka	49.431	0.3	0.21	4.15	0.9	3.1	4.6	3	0	0	16.26	32.89%
Peterburg	72.068	0	1.465	0.84	3.78	3.404	0.05	0	29	0	38.539	53.48%
Wrangell	53.79	0	0.09	0.225	0	1.414	2.78	8	4.25	0	16.759	31.16%
Ketchikan	93.732	0	11.962	8.5	2.236	5.75	4	10.5	8	3.5	54.448	58.09%



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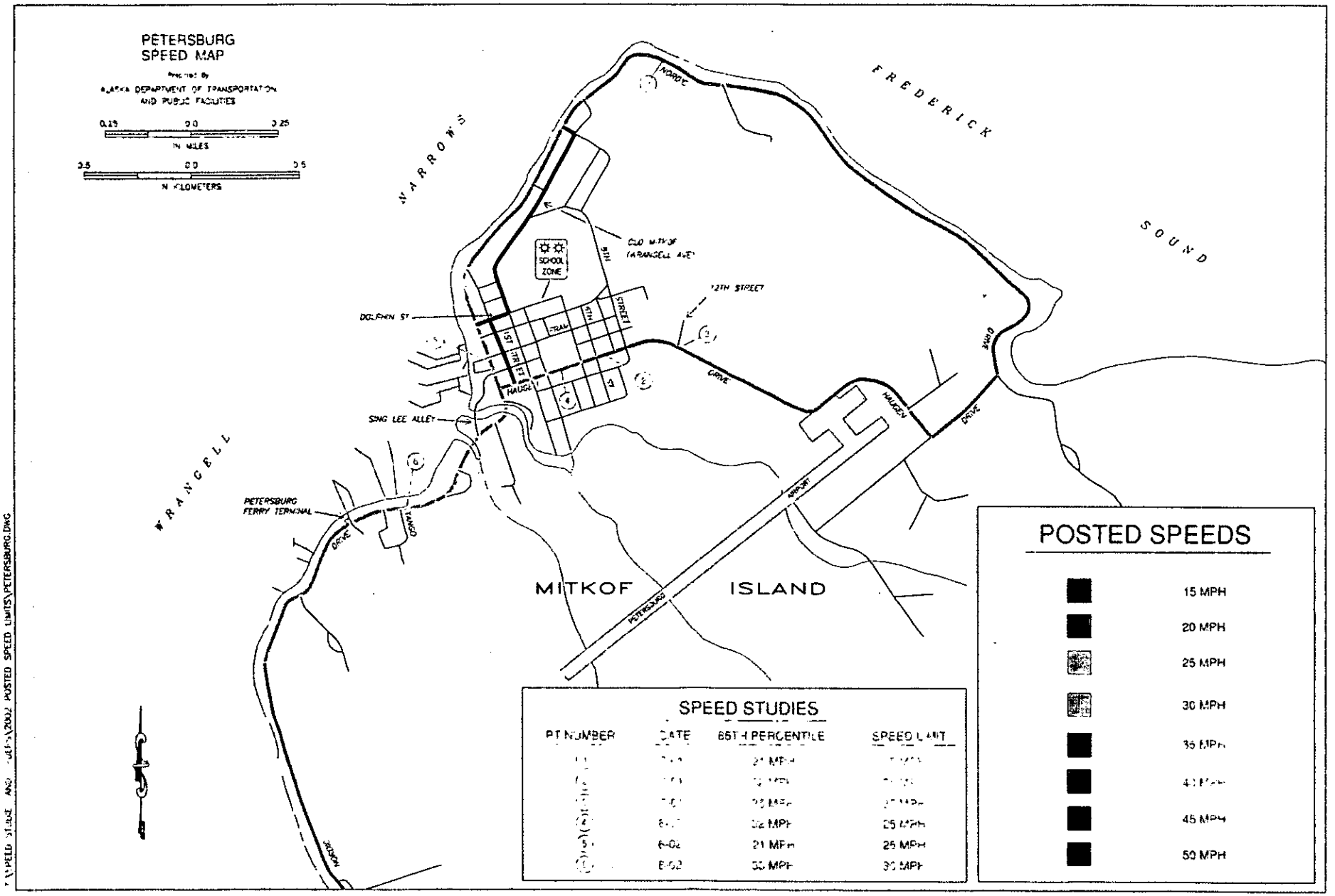

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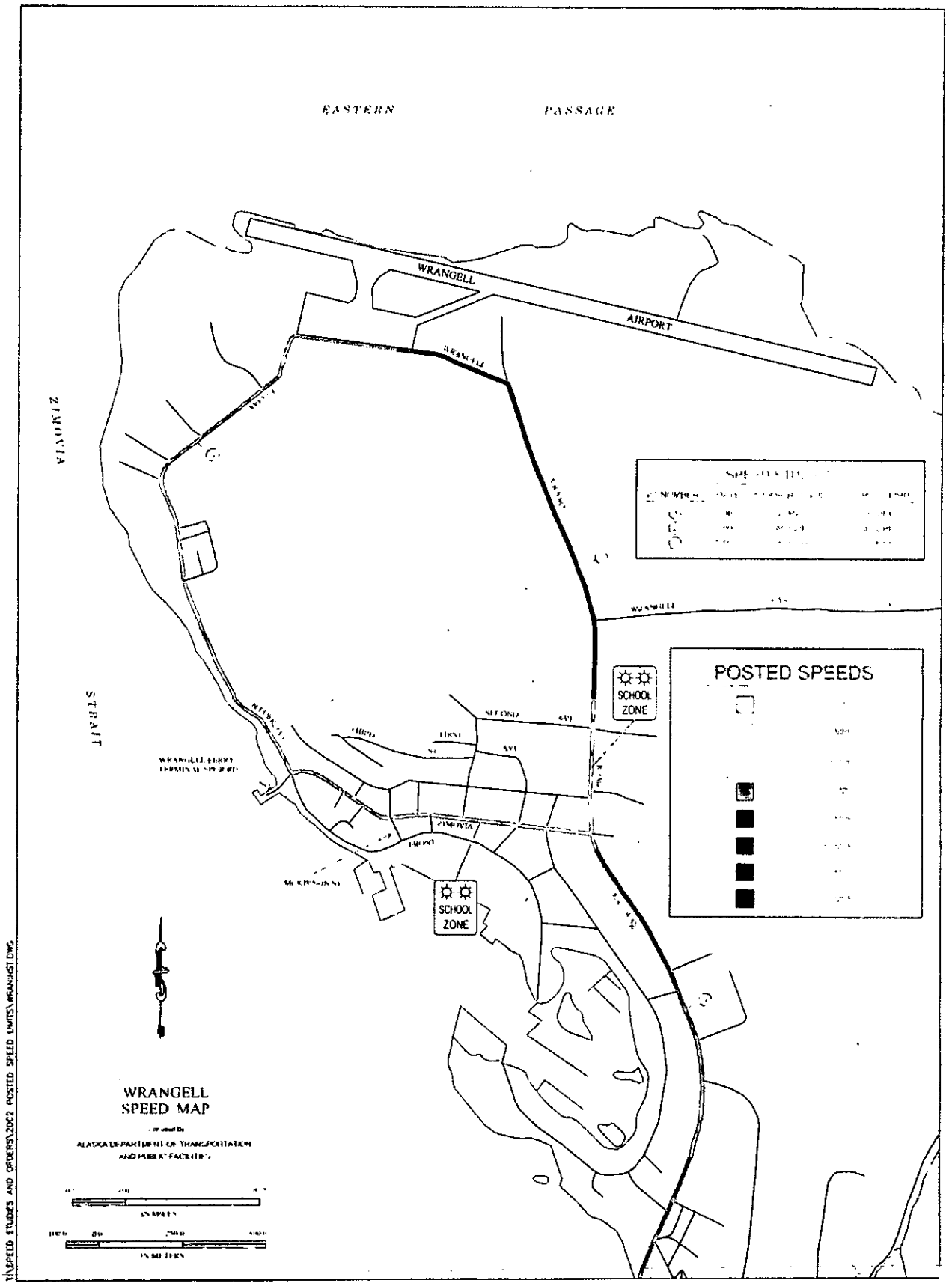

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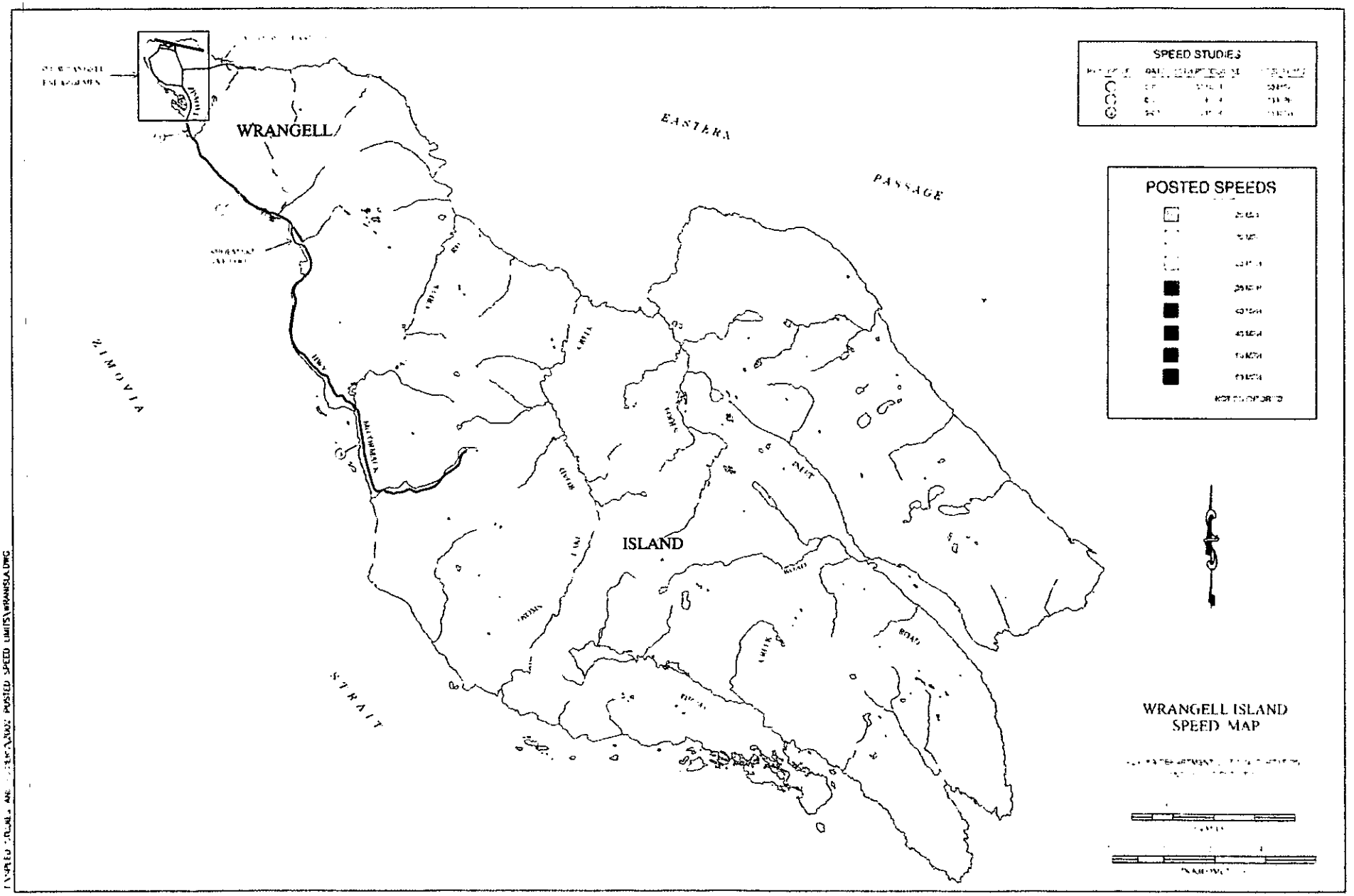
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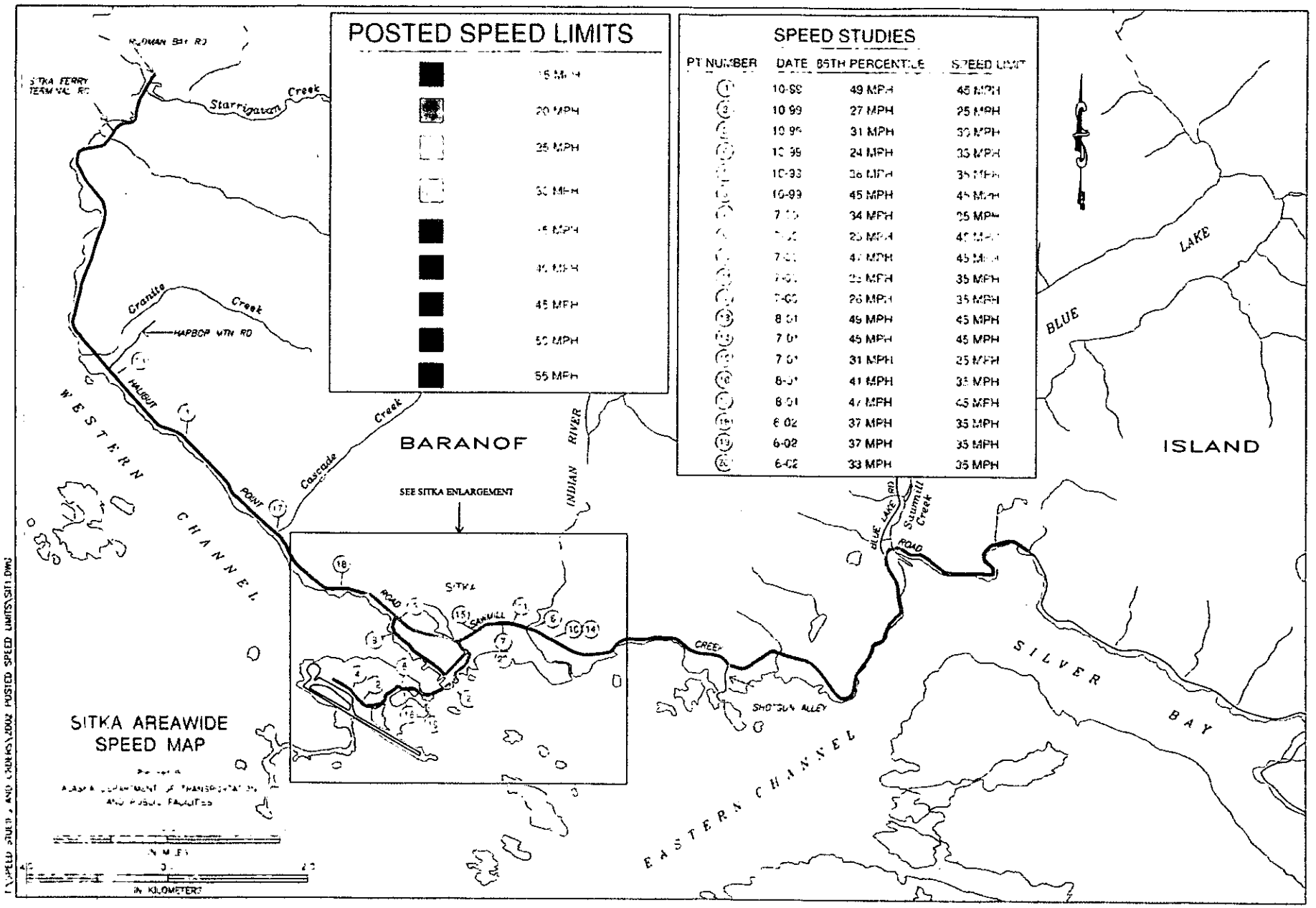
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KLOMAN BAY RD
Starrigavan Creek
Granite Creek
HARBOR MTN RD
HALIBUT POINT
Cascade Creek
WESTERN CHANNEL
BARANOF ISLAND
INDIAN RIVER
SEE SITKA ENLARGEMENT
BLUE LAKE RD
Sawmill Creek
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SILVER BAY
EASTERN CHANNEL
SITKA AREAWIDE SPEED MAP
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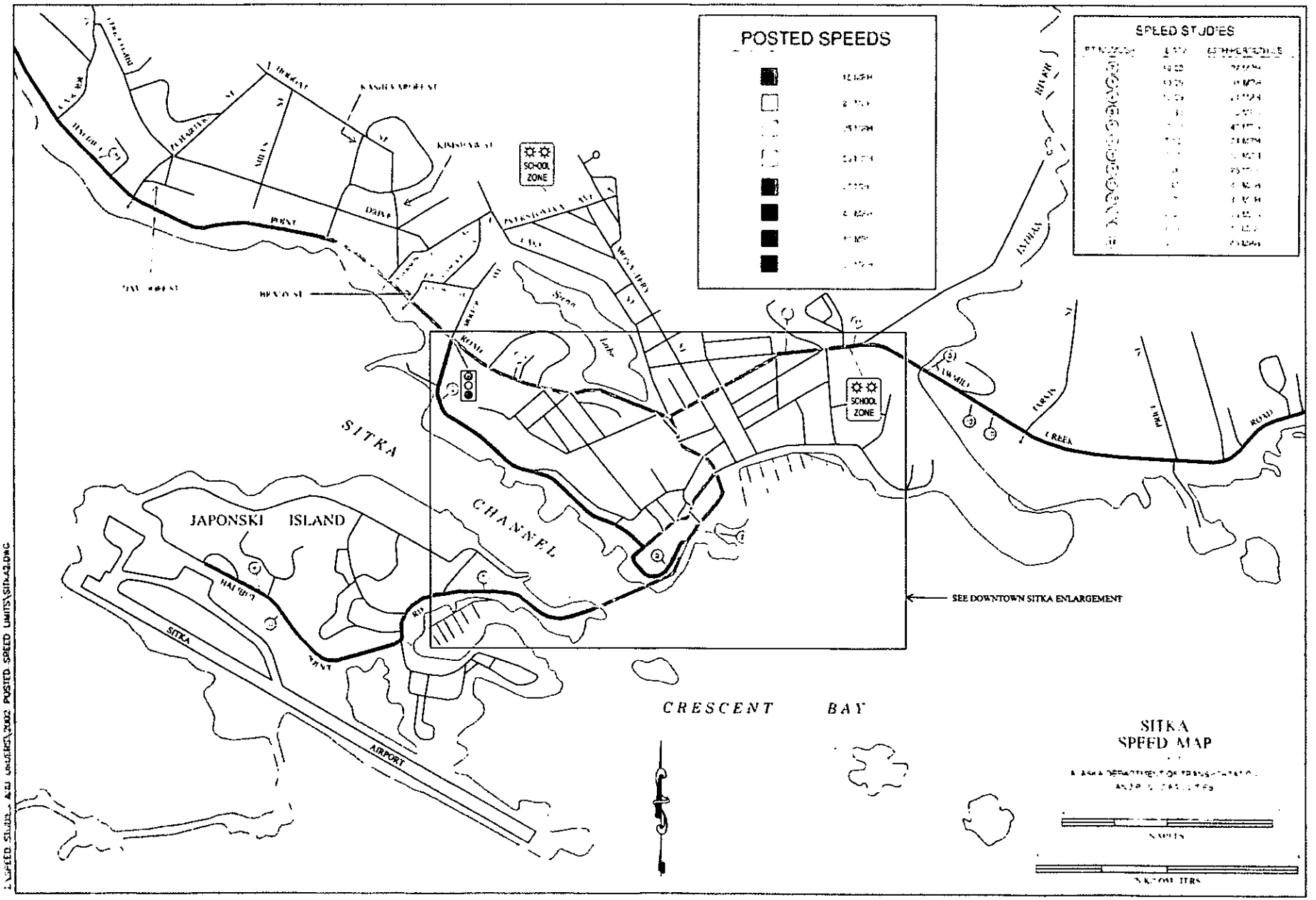
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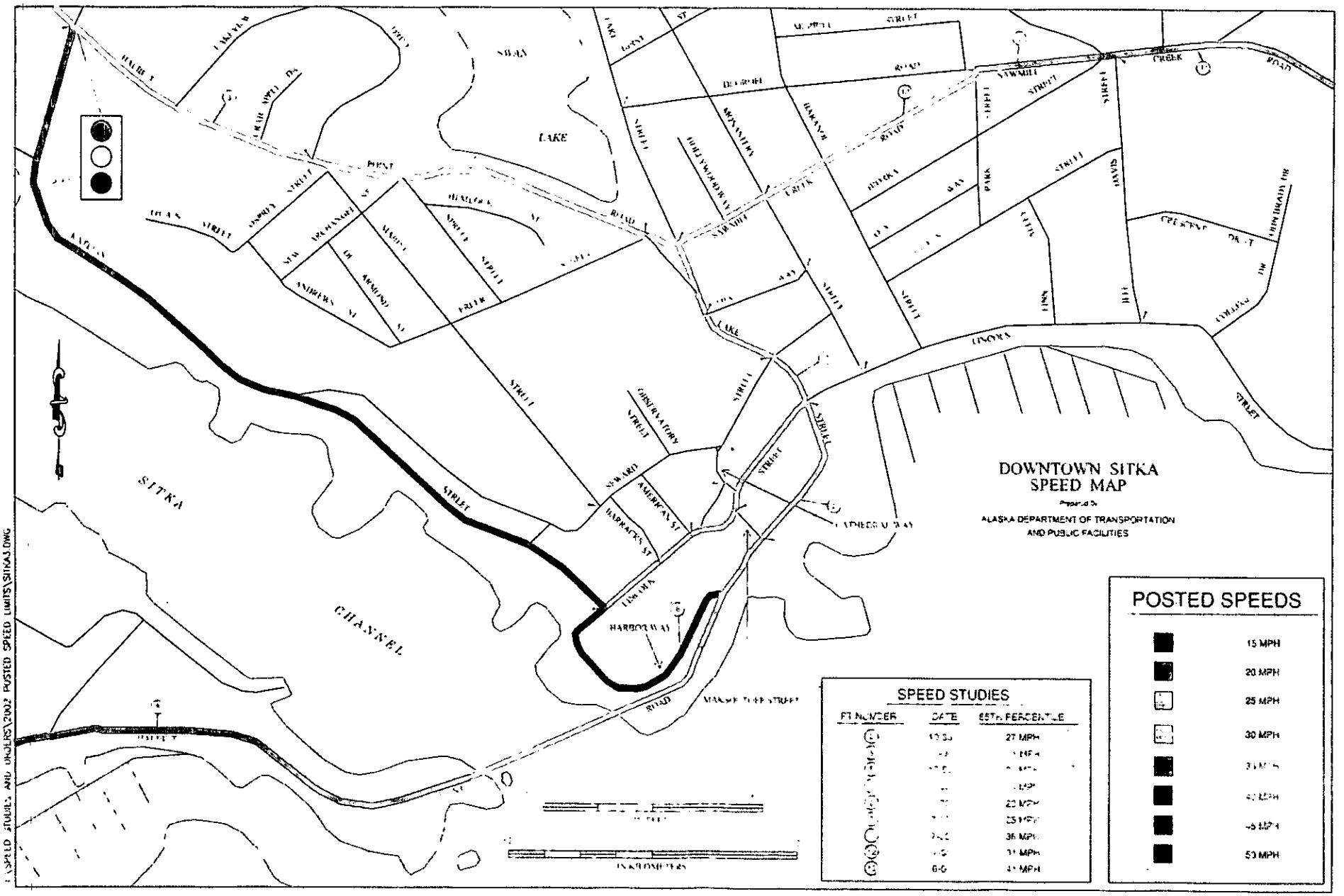

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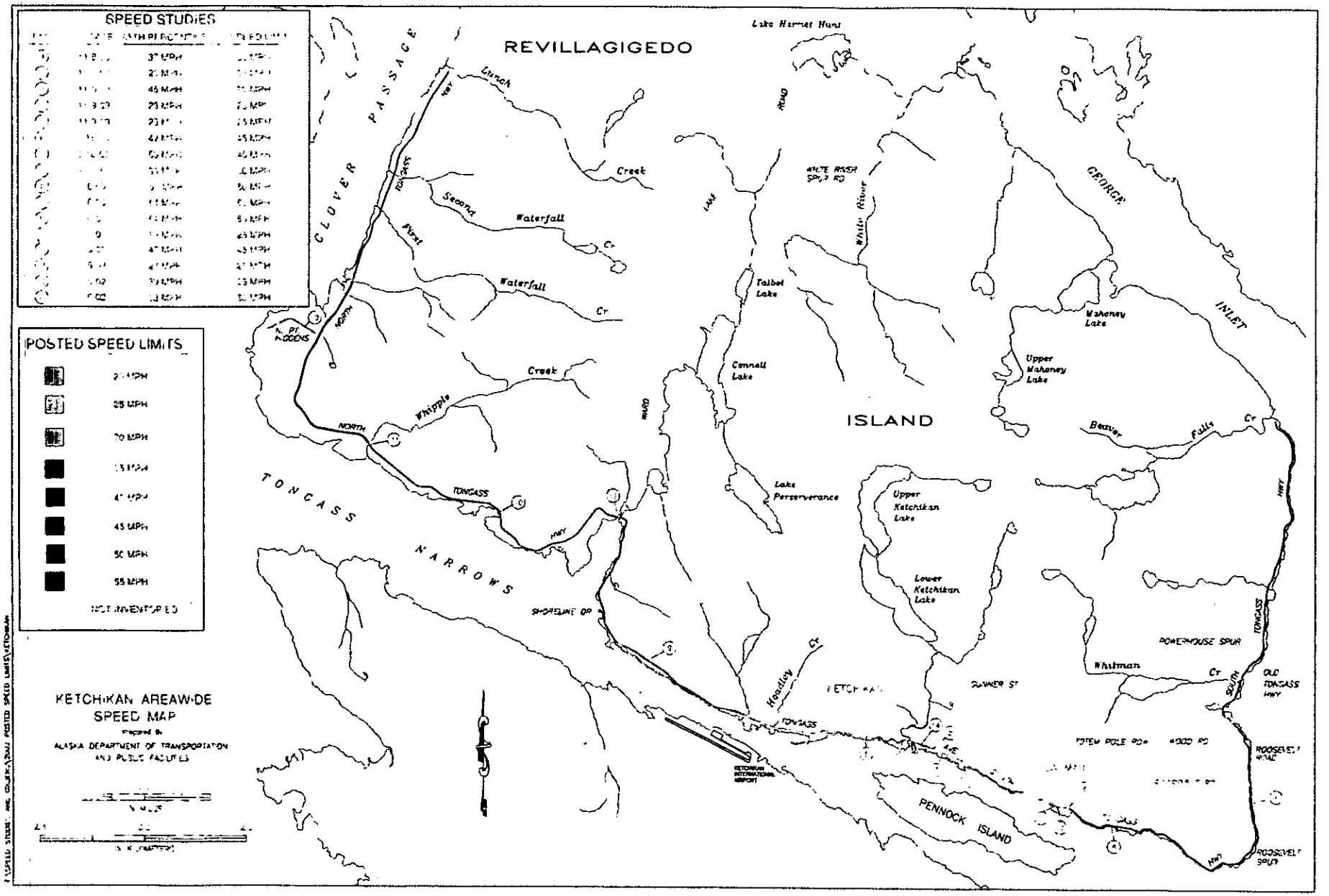
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ALASKA DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES
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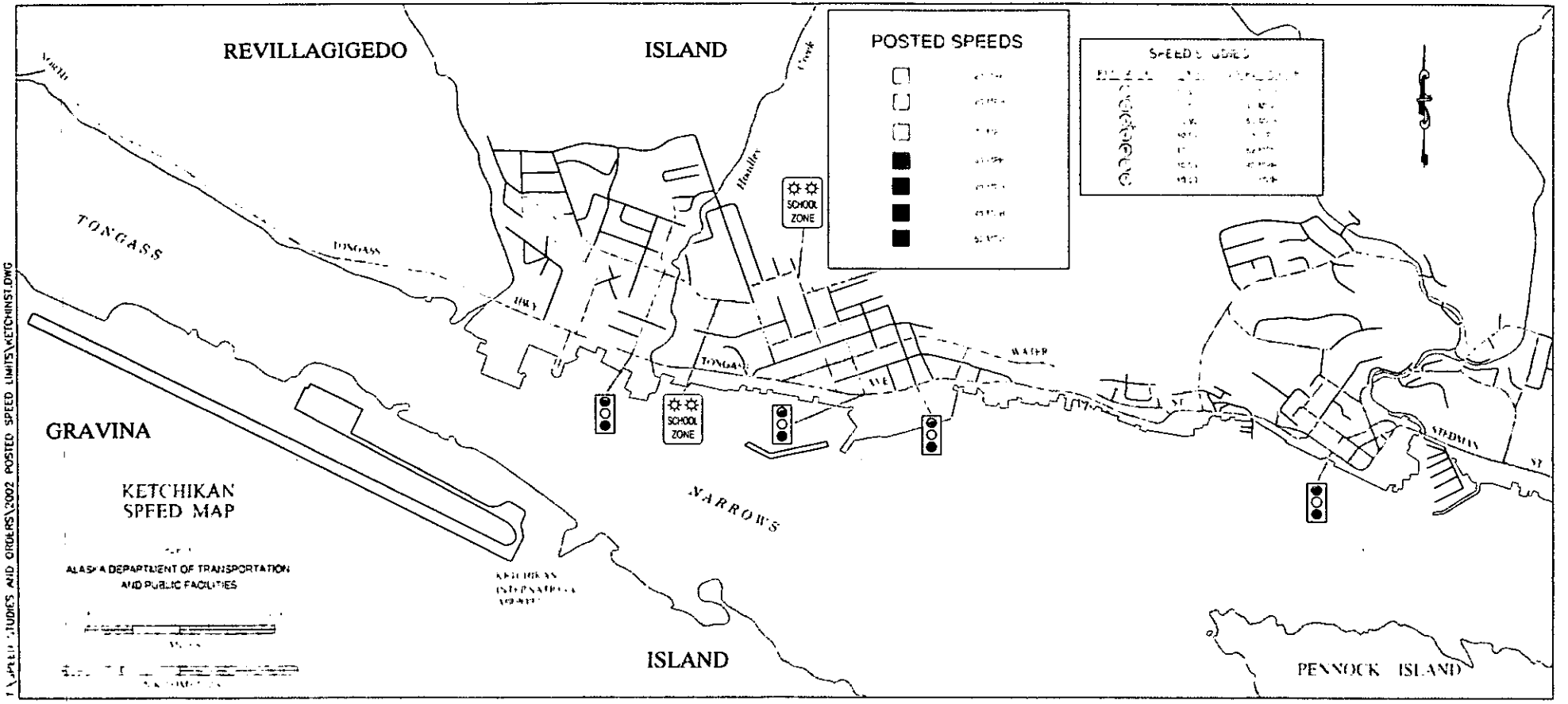
CLOVER PASSAGE
TONGASS NARROWS
PENNOCK ISLAND
Lake Harriet Hunt
Lincoln
Creek
Second
Waterfall
Cr
Talbot Lake
Connell Lake
Mahoney Lake
Upper Mahoney Lake
Beaver Falls Cr
Lake Perseverance
Upper Ketchikan Lake
Lower Ketchikan Lake
Whipple
Creek
TONGASS
HWY
SHORELINE DR
Hoadley Cr
POWERHOUSE SPUR
Whitman
Cr
OLD TONGASS HWY
TOTEM POLE RD
ROOSEVELT SPUR
KETCHIKAN INTERNATIONAL AIRPORT
GEORGE INLET
WHITE RIVER SPUR RD
WARD LAKE ROAD



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Alaska Conservation Alliance

Uniting for Alaska's Future

March 4, 2009

The Honorable Senator Stedman
State Capitol
Juneau, Alaska 99801

Re: SB 59 - An Act relating to the operation of low-speed vehicles

Dear Senator Stedman,

On behalf of the Alaska Conservation Alliance (ACA), a consortium of 40 Alaska-based conservation groups, I would like to express our support for SB 59, an Act relating to the operation of low-speed vehicles. Allowing low speed vehicles to access more mileage of state and municipal roads will allow those already in possession of a low-speed vehicle to get more use out of their investment while at the same time giving an added incentive to low-speed vehicle purchases by meeting more customer needs.

For those Alaskan communities working toward energy self-sufficiency through local, secure clean-energy production and use, the switch to hybrid-electric and all-electric vehicles is a must. By allowing low speed vehicles to access additional roads within these communities, roads that could take drivers to the airport, hospital, ferry terminal or grocery store, this bill will make cheap, efficient, low-speed vehicles more practical in these self-sufficient communities.

Additionally, low-speed vehicles can cost tens of thousands of dollars less than full-sized electric cars. This bill will help broaden the penetration of electric vehicles and offer transportation options to commuters with lower incomes. The Alaska Conservation Alliance strongly encourage the Alaska Legislature to pass SB 59. Thank you for your time and consideration.

Sincerely,

Kate Troll

Kate Troll
Executive Director

CC: Senate Judiciary Committee members

PO Box 1006600, Anchorage, Alaska 99501 / Ph. 907.258.6171 / Fax 907.258.6177
419 6th Street, Ste. 321, Juneau, Alaska 99801 / Ph. 907.463.3366 / Fax 907.463-2554 / www.akvoice.org

Gerald Herbrandson
Solar Wind of Alaska
P.O. Box 1374
720 Sandy Beach Rd.
Petersburg, Alaska 99833
(907) 772-4898 Cell (907) 518-1237
solarwind@aptalaska.net

Senator Bert Stedman
Representative Peggy Wilson

February 3, 2009

Regarding: HB59 – "An Act relating to the operation of low-speed vehicles"

1998 I started the business ***Solar Wind*** to promote the use of alternative energy systems within Alaska. In the 11 years that I have been in business I have sold over $350,000.00 worth of solar panels, inverters, batteries, generator, water turbines, and wind turbines. I have well over 100 customers significantly reducing their dependence upon carbon fuels.

Last year I expanded my business to include electric vehicles (**EV's**). Currently there are nine (9) **EV's** operating in Petersburg. Since last summer these vehicles have been driven over 8,000 miles saving 400 gallons of fuel.

EV's are ideal for small rural communities that have access to hydroelectric power. They cost less than 2 cents a mile to operate. The battery system that comes with the vehicle provides over 25 miles of range and is designed to function for over 20,000 miles, adding about 12 cents per mile for operation. There is minimal maintenance an no oil changes.

These **EV's** are a **low-speed vehicle (LSV)** and are ideally suited for short trips to the post office, grocery store, school, and shopping. Such short trips are the most fuel inefficient for internal combustion engines (**ICE**) and are hard on a cold engine.

Within Petersburg, as well as many of our smaller communities, most of our roads are posted at 35 mph or less and therefore are well suited to **LSV's**. The proposal to allow the use of **LSVs** on roads posted at 45 mph or less would greatly broaden the window of use.

I spoke to our chief of police, Mr. Stone, regarding the use of **LSV's** within Petersburg and he commented that many of our older citizens never drive over 25 mph anyway. He did not feel that their reduced speed would create a safety hazard within our community.

An interesting side note – many of my customers are older individuals who have difficulty getting in and out of conventional cars and trucks. However, they find the **LSV's** to be easy to get into and operate. They are some of my best champions driving their vehicles on a daily basis even through the winter.

I appreciate the support that you are providing to the use of alternative energy and **LSV's**. Please feel free to contact me at any time if there is information that I could provide or if you need support. Next time that you are in Petersburg I would enjoy giving you a ride from the airport or wherever (there may be a charge of 1.5 cents per mile).

Gerald Herbrandson
Solar Wind of Alaska

SB 72

House Transportation Committee, March 17, 2009, Room 17

Department of Health and Social Services testimony regarding **Senate Bill 72**
(Child Safety and Seat Belts)

Offered by Lee Parham, State EMS Training Coordinator, Division of Public Health

The Department of Health and Social Services supports Senate Bill 72, the Child Safety Seats and Seat Belt bill. This bill amends AS 28.05.095(b) to set specific standards for the use of child passenger restraints.

- Motor vehicle related injuries are the leading cause of death in the U.S. of children between the age of two and 14 years of age, and one of the leading causes of hospitalization and leading cause of mortality for children <1 and 14 years of age.

- In 2006, seven children were severely injured in Alaska in motor vehicle crashes. From 2002 to 2006, 63 children have been injured in motor vehicle crashes in Alaska, per the Alaska Trauma Registry (ATR).

- Children who are restrained in booster seats are 59% less likely to be injured in a crash than children restrained by a lap belt only.

- Nationally, voluntary seatbelt inspection stations report that 80-85 % of children are improperly restrained, and one-third of children under age 14 use the wrong type of restraint.

- According to the ATR, >85% of the children hospitalized were improperly restrained (lap belt/shoulder harness only) or were not restrained at all.
- The current statute that references child safety devices is confusing about specific standards for age and weight based restraints.

- **This bill is designed to eliminate confusion about which restraints are appropriate for each age/weight level.**

- The bill clarifies the types of passenger restraints required by children of various ages and sizes to prevent and minimize vehicular injuries.

- Currently 43 states have passed booster seat legislation qualifying them for U.S. Department of Transportation highway safety grants.

26-LS0376\E.1
Luckhaupt
3.16.09

AMENDMENT

OFFERED IN THE HOUSE BY REPRESENTATIVE GRUENBERG

TO: CSSB 72(STA)

Page 1, following line 2:

Insert a new bill section to read:

"* **Section 1.** AS 19.10.095 is amended to read:

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

Page 1, line 3:

Delete "**Section 1**"

Insert "**Sec. 2**"

Adopted by
r/o objection

3775

Senator Hollis French

Capitol Room 417
465-3892
465-6595 fax

MEMORANDUM

Date: March 3, 2009

To: Representative Peggy Wilson, Chair
House Transportation Committee

From: Senator Hollis French

RE: SB 72 – List of Potential Witnesses

Gordon Glaser, Education Specialist/Safe Kids Liaison
State of Alaska, Division of Public Health

Cindy Cashen, Administrator
Alaska Highway Safety Office

Nancy Barros
Health Program Manager II, Division of Public Health

Jill Hodges, Executive Director
Alaska Brain Injury Network

Margaret (Peggy) Hayashi, R.N.
Private Citizen

Jon Cook, Legislative Director
Alaska Auto Dealer's Association

Senator Hollis French

Capitol Room 417
465-3892
465-6595 fax

MEMORANDUM

Date: March 3, 2009

To: Representative Peggy Wilson, Chair
House Transportation Committee

From: Senator Hollis French HSF

RE: Request for Hearing -- SB 72 CHILD SAFETY SEATS AND SEAT BELTS

This is a request that you schedule a hearing on SB 72 "Child Safety Seats and Seat Belts" at the earliest possible date.

I have attached a list of potential witnesses, a copy of the bill, some related materials and numerous letters of support. I appreciate your consideration.

Attachments

Representative Lindsey Holmes

List of recommended witnesses and interested parties

CS HB 131 - Child Safety Seats and Seat Belts

---

1. Gordon Glaser, Education Specialist – Injury Surveillance & Prevention Programs;
   State of Alaska, Department of Health and Social Services

   3601 C Street, Suite 222/250
   Anchorage, Alaska 99503
   (907) 269-3433
   gordan.glaser@alaska.gov

2. Cindy Cashen, Administrator – Alaska Highway Safety Office;
   State of Alaska, Department of Transportation & Public Facilities

   P.O. Box 112500
   Juneau, Alaska 99811
   (907) 465-4374
   cindy.cashen@alaska.gov

3. Representative from the Alaska Department of Public Safety

4. Representatives from the Alaska medical and public health profession

State Capitol, Juneau, Alaska 99801 · (907) 465-4919 · Fax: (907) 465-2137
– Rep.Lindsey.Holmes@legis.state.ak.us

NHTSA
National Highway Traffic Safety Administration
Our Mission: Save lives, prevent injuries, reduce vehicle-related crashes

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Child Passenger Safety
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Drowsy & Distracted Driving
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Occupant Protection
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Child Passenger Safety

Our Mission - Saving Lives

Securing our Most Precious Cargo
Motor vehicle crashes are the leading cause of death among children ages 2 to 14, due in large part to the nonuse or improper use of child seats and seat belts. Working with parents and our partners our goal is to ensure every child is properly secured and safe every trip, every time.

Parents - *Not Sure Which Car Seat to Use?*
Are you looking for a new car seat for your infant, toddler or 4-8 year old child but overwhelmed by the choices and worried about how to properly install your car seat? Our 4 Steps for Kids campaign will help you properly choose and install the correct car seat for your child. Simply click on the link below that best matches your child.

CPS Advocates - *Seeking Resources for your Local Efforts?*
If you are a traffic safety advocate, law enforcement officer, or other CPS stakeholder, click HERE for our 2008 CPS Week Planner designed to help you promote, enhance, and enforce child passenger safety.

4 Easy Steps to Protect America's Children

REAR-FACING SEATS in the back seat from birth to at least 1 year old and at least 20 pounds.

FORWARD-FACING TODDLER SEATS in the back seat from age 1 and 20 pounds to about age 4 and 40 pounds.

BOOSTER SEATS in the back seat from about age 4 to at least age 8, unless 4'9" tall.

SAFETY BELTS at age 8 and older or taller than 4'9". All children age 12 and under should ride in the back seat.

Latest News:

- LATCH Child Safety Seat System Confusing, Says NHTSA Study
  - Details of LATCH study (pdf)
- Key Provisions of Occupant Restraint Laws
- LATCH Child Restraint System
- Low Child Booster Seat Use Called "Unacceptable"

For Parents

LATCH
Child seat ratings
Child seat check sites
Defects and recalls
Airbags & car seats
Car safety ratings
Child growth chart
Flyer - 4 Steps for Kids

CPS General Topics

Annual CPS campaign
Policy, laws & regs
Studies & reports
Certification
Local CPS contacts
Educational materials

Materials in Spanish

Annual CPS campaign
Child seat ratings
Child growth chart
Flyer - 4 Steps for Kids

NEW!

©2000 Barbara Lavalle

Child Safety Seats

Traffic crashes are the leading cause of death and injury to children ages 0-15

- NHTSA, 2001

Is your child in the right seat?

	Infants	Toddlers	Youngsters
Weight*	Up to 20-35lbs	Over 1 year and 20-40lbs	Over 40lbs up to 80lbs
Type	Infant only or rear-facing convertible	Forward-facing/ convertible	Belt positioning booster
Position	Rear-facing only	Forward-facing	Forward-facing
Notes	Harness straps at or below shoulder level	Harness straps at or above shoulders	Must be used with lap and shoulder belts

Keep children rear facing as long as possible.

*** Manufacturer weight/height limits vary.**

Always buckle children in the back seat!!

What are Alaska's laws on child safety seats?

- As of 2006 the Alaska law requires all passengers regardless of age to use a seat belt or appropriate restraint device.
- Children under four years of age must be properly secured in a federally approved child safety seat.
- Children over four must be secured in an approved child safety seat, booster seat or safety belt, whichever is appropriate for the particular child.
- The driver of a car is responsible for every passenger under the age of 16.

A driver convicted of violating the child restraint portion of the law is guilty of an infraction, punishable by a fine of up to $50 and two demerit points on his/her operator's license.

www.nhtsa.dot.gov

75 Years of Caring 1930-2005

American Academy of Pediatrics

DEDICATED TO THE HEALTH OF ALL CHILDREN™

Alaska Chapter

Alaska Chapter Executive Committee

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Jodyne L. Butto, MD, FAAP
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Anchorage, AK 99508
Phone: 907/562-2423
Fax: 907/563-1170
E-mail: jlbutto@gci.net

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E-mail: jtower@alaska.com

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www/aapalaska.org

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Elk Grove Village, IL 60007-1098
Phone: 847/434-4000
Fax: 847/434-8000
E-mail: kidsdocs@aap.org
www.aap.org

January 26, 2009

Alaska State House of Representatives
Juneau, AK 99801-1182

Dear Honorable Representatives,

On behalf of the Alaska Chapter AAP I would like to lend our chapter's support for HB 131 that will update and modernize our Child Safety Seat laws to include the use of booster seats, and to spell out safe practices of child restraint devices that are appropriate for infants and children of all ages.

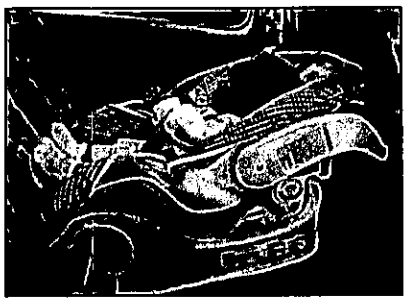
Seat belts are made for adults. Children should stay in a booster seat until adult seat belts fit correctly, usually when the child reaches 4' 9" in height and is between 8 and 12 years of age. The Alaska Chapter AAP recommends that state child safety seat laws are brought up to this standard.

Results from the 2007 National Survey of the Use of Booster Seats conducted by the National Center for Statistics and Analysis of the National Highway Traffic Safety Administration reveals alarmingly that booster seat use rates for children ages 6 and 7 dropped from 36 percent in 2006 to 25 percent in 2007. The study concludes that there is premature graduation of children from birth to age 12 to restraint types that are inappropriate for their height or weight.

SB 72 would help to alleviate confusion among parents and caregivers as to which safety devices are appropriate for their children. Alaska's pediatricians are happy to do their part by counseling parents during doctors' visits on how to keep their children safe while riding in vehicles.

Sincerely,
Jodyne L Butto,
Jodyne L Butto MD, FAAP
President

SB 72
Child Safety Seats and Seat Belts



1) A child under one year, or over one year but under 20 pounds shall be secured in a rear facing child safety seat

2) A child one to four years of age who is over 20 pounds shall be properly secured in a child restraint device.

3) A child over four years, but under eight years who is less than 57 inches and under 80 pounds shall be secured in a booster type seat or another child passenger restraint system secured by a belt system.

4) A child over four years of age who exceeds the height and weight requirements of **3)** shall be secured in a seat belt.

5) A child between the ages of eight and sixteen who does not meet the height and weight requirements of **3)** shall be secured in a child safety device or a seat belt, whichever is appropriate.

AS 28.05.098 - A person may not sell, offer for sale, or install a child safety device that does not meet federal standards

Report from the Alaska Trauma Registry on Motor Vehicle Injuries to Children

A query of the Alaska Trauma Registry data for the most recent years available, 2001-2005, identifies 61 children, from birth through eight years of age, seriously injured in a motor vehicle crash on the highway. The National Highway Traffic Safety Administration recommends that children be restrained in a child safety seat or belt positioning booster seat up through age eight.

All of these injuries required admission to the hospital, three died, and one two-year-old's injuries resulted in quadriplegia. **Only five of the 61 injured children were recorded to have been restrained properly in the recommended child safety seat at the time of injury** – and none of the four mentioned above was properly restrained. There was one additional injury, not included in the 55, which involved a fetus who was subsequently delivered by C-section.

A further breakdown of age groups and safety equipment use is as follows:

< 1 year:	7 injured	3 restrained in child safety seats; **4 unrestrained**
1 year old:	4 injured	1 restrained in a child safety seat; **1 unrestrained**; 2 unrecorded
2 years old:	5 injured	2 in child safety seat (**1 child seat failed-was ejected**); **2 with safety belt/harness; 1 unrestrained**
3 years old:	6 injured	**1 lap belt only; 5 unrestrained**
4-8 years old:	39 injured	**15 with safety belt/harness; 9 lap belt only; 11 unrestrained**; 4 unrecorded

Total: 61

Clearly the incidence of not using restraints is very high among the injured population in this study. However, also remarkable, is the incidence of improper restraint, especially among children ages 4 through 8. Without belt positioning booster seats, this group is not adequately protected during a motor vehicle crash.

Tariq Ali & Martha Moore
Alaska Trauma Registry, Dept. of Health & Social Services (HSS)
Section of Injury Prevention & EMS (IPEMS)
Division of Public Health

Child restraint laws

March 2009

Overview | Safety belt use laws | Children not covered by safety belt or child restraint laws

	Who is covered?		
State	**Must be in child restraint**	**Adult safety belt permissible**	**Maximum fine 1st offense**
Alabama	younger than 1 or less than 20 pounds in a rear-facing infant seat; 1 through 4 years or 20-40 pounds in a forward-facing child safety seat; 5 but not yet 6 in a booster seat.	6 through 14 years	$25[1]
	law states no preference for rear seat		
Alaska	3 years and younger	4 through 15 years	$50[1]
	law states no preference for rear seat		
Arizona	4 years and younger	not permissible	$50
	law states no preference for rear seat		
Arkansas	5 years and younger and less than 60 pounds	6 through 14 years or 60+ pounds	$100
	law states no preference for rear seat		
California	5 years and younger or less than 60 pounds[2]	6 through 15 years or 60+ pounds	$100[1]
	children 5 years and younger or less than 60 pounds must be in the rear seat[2]		
Colorado	younger than 1 year and less than 20 pounds in a rear-facing infant seat; 1 through 3 years and 20-40 pounds in a forward-facing child safety seat; 4 through 5 years and less than 55 inches in a booster seat[3]	6 through 15 years or 55 inches or more	$50
	law states no preference for rear seat		
Connecticut	younger than 1 year or less than 20 pounds in a rear-facing restraint system; 1 through 6 years who is less than 60 pounds in a child restraint system (booster seats may only be used in a seating position with a lap and shoulder belt)	7 through 15 years and 60+ pounds[4]	$60[4]
	law states no preference for rear seat		
Delaware	7 years and younger and less than 66 pounds[5]	8 through 15 years or 66+ pounds[5]	$25
	children 11 years and younger and 65 inches or less must be in rear seat if passenger airbag is active[5]		
District of Columbia	7 years and younger	8 through 15 years	$75[1]
	law states no preference for rear seat		
Florida	3 years and younger	4 through 5 years	$60[1]
	law states no preference for rear seat		
Georgia	5 years and younger and 57 inches or less[6]	more than 57 inches	$50[1]
	5 years and younger must be in rear seat if available[6]		
Hawaii	3 years and younger in a child safety seat; 4 years through 7 years must be in a booster seat or child restraint	4 through 7 years who are taller than 4'9"; 4 through 7 years who are at least 40 pounds seated in a rear seat where if there are no available lap/shoulder belts, may be restrained by a lap belt	$100[7]

	law states no preference for rear seat		
Idaho	6 years and younger	not permissible	$100
	law states no preference for rear seat		
Illinois	7 years and younger	8 through 15 years; children who weigh more than 40 pounds seated in the rear where only a lap belt is available	$50
	law states no preference for rear seat		
Indiana	7 years and younger when driver holds an Indiana license[8]	8 through 15 years	$25[1]
	law states no preference for rear seat		
Iowa	younger than 1 year and less than 20 pounds in a rear-facing child seat; 1 through 5 years	6 through 10 years	$25
	law states no preference for rear seat		
Kansas	all children 3 and younger must be in a child restraint; children 4 through 7 who weigh less than 80 pounds and children 4 through 7 who are less than 57 inches tall must be in a child restraint or booster seat	all children 8 through 13 years; children 4 through 7 years who weigh more than 80 pounds, and children 4 through 7 years who are taller than 57 inches	$60
	law states no preference for rear seat		
Kentucky	40 inches or less in a child restraint; 6 and younger who are between 40 and 50 inches tall in a booster seat	6 and younger who are taller than 50 inches	$50 child restraint; $30 booster seat
	law states no preference for rear seat		
Louisiana	younger than 1 year or less than 20 pounds in a child safety seat; 1 through 3 years or 20-39 pounds in a forward-facing child safety seat; 4 through 5 years or 40-60 pounds in a child booster seat	6 through 12 years or greater than 60 pounds	$100
	law states no preference for rear seat		
Maine	less than 40 pounds in a child safety seat; 40-80 pounds and less than 8 years in a safety system that elevates the child so that an adult seat belt fits properly	8 through 17 years or less than 18 years and more than 4'9"	$50
	11 years and younger and less than 100 pounds must be in rear seat if available		
Maryland	7 years and younger and either less than 57 inches or 65 pounds or less	8 through 15 years; children who are at least 57 inches or 65 pounds	$25
	law states no preference for rear seat		
Massachusetts	7 years and younger and less than 57 inches	8 through 12 years; children who are at least 57 inches tall	$25
	law states no preference for rear seat		
Michigan	7 years and younger and less than 57 inches	8 through 15 years; children who are at least 57 inches tall	$10
	law states no preference for rear seat		
Minnesota	3 years and younger	not permissible	$50
	law states no preference for rear seat		
Mississippi	3 years and younger must be in a child restraint; 4 through 6 years and either less than 57 inches or less than 65 pounds must be in a booster seat	6 years and younger who either weigh 65 pounds or more or who are 57 inches or taller	$25
	law states no preference for rear seat		

Missouri	3 years and younger must be in a child restraint; all children who weigh less than 40 pounds must be in a CR; 4 through 7 years who weigh at least 40 pounds but less than 80 pounds and who are 4'9" or shorter must be in either a CR or booster seat; children 4 years and older who weigh at least 80 pounds or who are at least 4'9" tall must be in either a booster seat or safety belt	all children 8 through 16 years; all children 4 years and older who weigh 80 pounds or more or who are taller than 4'9"	$50; $10 for violations involving children taller than 4'9" or who weigh 80 pounds or more
	law states no preference for rear seat		
Montana	5 years and and younger and less than 60 pounds	not permissible	$100
	law states no preference for rear seat		
Nebraska	5 years and younger	6 through 17 years[9]	$25[1]
	law states no preference for rear seat		
Nevada	5 years and younger and 60 pounds or less	not permissible	$500[10]
	law states no preference for rear seat		
New Hampshire	5 years and younger who are less than 55 inches	6 through 17 years; younger than 6 who are at least 55 inches tall	$25
	law states no preference for rear seat		
New Jersey	7 years and younger and less than 80 pounds	not permissible	$25
	children 7 years and younger and less than 80 pounds must be in the rear seat if available		
New Mexico	younger than 1 year in a rear-facing infant seat; 1 through 4 years or less than 40 pounds in a child safety seat; 5 through 6 or less than 60 pounds in a booster seat	7 through 17 years	$25
	children younger than 1 year in a rear-facing infant seat must be in the rear seat if available		
New York	3 and younger unless they weigh more than 40 pounds and are seated where there is no available lap/shoulder belt; 4 through 6 years unless they are seated where there is no available lap/shoulder belt	7 through 15 years; children who weigh more than 40 pounds or children 4 through 6 years in a seating position where there is no available lap/shoulder belt	$100[1]
	law states no preference for rear seat		
North Carolina	7 years and younger and less than 80 pounds	8 through 15 years + children 40-80 pounds in seats without shoulder belts	$25[1]
	children 4 years and younger who weigh less than 40 pounds must be in the rear seat unless the front passenger airbag is deactivated or the restraint is designed for use with airbags		
North Dakota	6 years and younger and less than 57 inches or less than 80 pounds	7 through 17 years; 6 years and younger and at least 57 inches tall and at least 80 pounds; 6 years and younger and at least 40 pounds, if there are no available lap/shoulder belts, may be restrained by a lap belt	$25[1]
	law states no preference for rear seat		
Ohio	3 years and younger or less than 40 pounds in child restraint; 4 through 7 years who weigh 40 pounds or more and who are shorter than 57 inches in booster seat (effective 10/07/09)	8 through 14 years[11] (effective 10/07/09)	$75[11] (effective 10/07/09)
	law states no preference for rear seat		
Oklahoma	5 years and younger[12]	6 through 12 years	$25
	law states no preference for rear seat		

Oregon	younger than 1 year or 20 pounds or less must be in a rear facing child safety seat; 40 pounds or less must be in a child safety seat; more than 40 pounds but 4 feet and 9 inches or less must be in a safety system that elevates the child so that an adult seat belt fits properly	taller than 4 feet and 9 inches	$90
	law states no preference for rear seat		
Pennsylvania	7 years and younger[13]	not permissible	$100
	law states no preference for rear seat		
Rhode Island	6 years and younger and less than 54 inches and less than 80 pounds	6 years and younger who either weigh 80 pounds or more or who are at least 54 inches tall; 7 through 17	$75
	children 6 years and younger must be in rear seat if available		
South Carolina	younger than 1 year or less than 20 pounds in a rear-facing infant seat; 1 through 5 years and 20-39 pounds in a forward-facing child safety seat; 1 through 5 years and 40-80 pounds in a booster seat secured by lap-shoulder belt (lap belt alone is impermissible)	1 through 5 years and 80+ pounds or any child 5 years and younger if the child's knees bend over the seat edge when sitting up straight with his/her back firmly against the seat back	$150
	children 5 years and younger must be in rear seat if available		
South Dakota	4 years and younger and less than 40 pounds	5 through 17 years; all children 40+ pounds, regardless of age	$20
	law states no preference for rear seat		
Tennessee	younger than 1 year or 20 pounds or less in a rear-facing infant seat; 1 through 3 years and 20+ pounds in a forward-facing infant seat; 4 through 8 years and less than 4'9" in a booster seat	9 through 15 years or any child 12 or younger who is 4'9" or taller	$50
	children 8 years and younger and less than 4'9" must be in rear seat if available; rear seat recommended for children 9 through 12		
Texas	4 years and younger and less than 36 inches	not permissible	$200
	law states no preference for rear seat		
Utah	7 years and younger and shorter than 57 inches	8 through 15 years; all children 57 inches or taller	$45
	law states no preference for rear seat		
Vermont	younger than 1 year or less than 20 pounds in a rear-facing infant seat; 2 through 7 and more than 20 pounds	8 through 15 years and more than 20 pounds	$25
	children 1 year and younger or less than 20 pounds must be in the rear seat unless the front passenger airbag is deactivated		
Virginia	7 years and younger unless they have a physician exemption[14]	8-15 years[14]	$50
	children in rear-facing devices must be in a rear seat if available; if not available, they may be placed in front only if front passenger airbag is deactivated[14]		
Washington	7 years and younger and less than 4'9"	8 through 15; 7 years and younger and 4'9" or taller; children who weigh more than 40 pounds in a seating position where there is only a lap belt available	$124
	12 years and younger must be in rear seat if practical		
West Virginia	7 years and younger and less than 4'9"	7 years and younger and 4'9" or taller	$20
	law states no preference for rear seat		

Wisconsin	children younger than 1 and all children who weigh less than 20 pounds are required to be in a rear-facing infant seat; children 1 through 3 years who weigh at least 20 pounds but less than 40 pounds are required to be in a forward-facing child safety seat; children 4 through 7 who both weigh at least 40 pounds but less than 80 pounds and who are less than 57 inches tall are required to be in a booster seat	8 years and younger and more than 80 pounds and 57 inches or taller	$75
	children 3 and younger must be in a rear seat, if available		
Wyoming	8 years and younger	not permissible	$50
	children 8 years and younger must be in the rear seat if available		

[1]This state assesses points for violations.

[2]In California, children weighing more than 40 pounds may be belted without a booster seat if they are seated in the rear seat of a vehicle not equipped with lap/shoulder belts. The California rear seat requirement does not apply if: there is no rear seat; the rear seats are side-facing jump seats; the rear seats are rear-facing seats; the child passenger restraint system cannot be installed properly in the rear seat; all rear seats are already occupied by children under 12 years; or medical reasons necessitate that the child not ride in the rear seat. A child may not ride in the front seat of a motor vehicle with an active pasenger airbag if the child is under 1 year of age, or weighs less than 20 pounds or is riding in a rear-facing child restraint system.

[3]In Colorado, if a child 4-5 years and less than 55 inches is being transported in a vehicle equipped with a lap belt only, then the child must be restrained with the lap belt. The law is secondary for children ages 4-5 years who must be in booster seats.

[4]The fine in Connecticut is $15 if the child is 4-16 years and 40 pounds or more. Connecticut also requires a mandatory child restraint education program for first or second violation.

[5]In Delaware, children younger than 12 years/65 inches or less must be restrained in a rear seat if a vehicle has a passenger airbag unless the airbag has been either deactivated or designed to accommodate smaller people. Exceptions: no rear seat or rear seat occupied by other children younger than 12 years/65 inches or less.

[6]In Georgia, children weighing more than 40 pounds are permitted to be restrained in the back seat of a vehicle by a lap belt if the vehicle is not equipped with lap and shoulder belts or when the lap and shoulder belts are being used by other children who weigh more than 40 pounds.

[7]Hawaii drivers are charged $50 for a mandatory child restraint education program and a $10 surcharge deposited into a neurotrauma special fund.

[8]In Indiana, children younger than 8 years must be restrained in adult belts if it's reasonably determined they cannot fit in child restraints. If the driver does not hold an Indiana driver's license, then children under 16 must be restrained by either a child restraint or a safety belt. Children weighing more than 40 pounds are permitted to be restrained by a lap belt if the vehicle is not equipped with lap and shoulder belts or if all lap and shoulder belts other than those in the front seat are being used to restrain other children who are younger than 16.

[9]Nebraska's law is secondary for those children who may be in safety belts and standard for those who must be in a child restraint device.

[10]In Nevada, the minimum fine is $100. An alternative to the fine is at least 10 but not more than 50 hours of community service.

[11]In Ohio, the law is secondary for children 4 through 14 years.

[12]In Oklahoma, children weighing more than 40 pounds are permitted to be restrained in the back seat of a vehicle by a lap belt if the vehicle is not equipped with lap and shoulder belts or when the lap and shoulder belts are being used by other children who weigh more than 40 pounds.

[13]In Pennsylvania, the law is secondary for children ages 4 through 7 years who must be in booster seats.

[14]In Virginia, children at least 4 years but less than 8 years may be belted if any licensed physician determines that use of a child restraint system by a particular child would be impractical by reason of the child's weight, physical fitness, or other medical reason, provided that any person transporting a child so exempted shall carry on his person or in the vehicle a signed written statement of the physician identifying the child so exempted and stating the grounds for the determination.

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Alaska Auto Dealer's Association
P.O. Box 71577
Fairbanks, Alaska 99707

February 4, 2009

Re: SB 72

To All Members of the House and Senate:

The Alaska Auto Dealers Association Board of Directors passed a unanimous resolution in support of SB 72 and we urge you to support this worthy bill. The same bill was introduced as SB 218 during the last session. The bill was unanimously supported in all committees and in the Senate. Unfortunately, time ran out before the bill could be heard on the House floor. SB 72 bill, if passed, will help protect young children by updating the current infant and booster seat law which has become outdated.

For example, the current law gives the parent the option of placing a small four year old in a booster seat or utilizing a seat belt. Vehicle safety systems have advanced dramatically since the current law was written with a variety of active and passive safety devices being added to vehicles. Front, side and curtain airbags, which have tremendous explosive force if triggered, are just one example of safety devices that weren't in existence when the current law was written.

As automobile dealers, we can assure you that no vehicle manufacturer recommends placing a small four year old in a seat belt only. Doing so could result in serious injury or death to the child.

Nearly forty two states have updated their infant and booster seat laws along the lines proposed. By adopting new legislation, the State will be eligible for grant monies which could be used for a safety campaign. Most importantly, however, updating our law will insure that children are better protected on Alaska's roads. We urge and appreciate your support of SB 72.

Sincerely,

Jon Cook
Legislative Director

Safe Kids®
Alaska

February 4, 2009

The Honorable Senator Hollis French and Members of the State of Alaska Legislature

Dear Senator French and Member of the Alaska Legislature,

On behalf of Safe Kids Alaska, I urge you to support Senate Bill 72, the proposed upgrade to Alaska's child passenger safety law. I strongly urge you to approve this legislation in its entirety during the current legislative session.

As you may know, motor vehicle crashes remain the leading cause of unintentional injury-related death among children ages 14 and under. Each year, nearly 1,600 child occupants ages 14 and under die in motor vehicle crashes and close to 228,000 are injured as occupants in motor vehicles. Unrestrained children are more likely to be injured, to suffer more severe injuries, and to die in motor vehicle crashes than children who are restrained.

We know that strong occupant protection laws that are consistently enforced are one of the best ways to prevent injuries and save children's lives. Senate Bill 72, if enacted into law, would close a significant gap in Alaska's child occupant protection law by clearly requiring some older children to ride properly restrained in a booster seat or high-weight-harness child restraint, secured by the motor vehicle's safety belt system.

If Safe Kids Alaska can be of any assistance to you regarding Senate Bill 72, please do not hesitate to contact me. Thank you for your leadership on this important safety initiative for Alaska's children!

Sincerely,

Sara L. Penisten, RN, BSNS, CPSTI
Safe Kids Alaska State Coalition Coordinator
Child Passenger Safety Technician Instructor
The Children's Hospital at Providence
Telephone: (907) 261-3194
Email: safekidsak@providence.org

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Alaska Chapter

Alaska Chapter Executive Committee

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January 26, 2009

Jon Cook
PO Box 71577
Fairbanks, AK 99707

Dear Mr.Cook,

On behalf of the Alaska Chapter AAP I would like to lend our chapter's support for SB 72 that will update and modernize our Child Safety Seat laws to include the use of booster seats, and to spell out safe practices of child restraint devices that are appropriate for infants and children of all ages.

Seat belts are made for adults. Children should stay in a booster seat until adult seat belts fit correctly, usually when the child reaches 4' 9" in height and is between 8 and 12 years of age. The Alaska Chapter AAP recommends that state child safety seat laws are brought up to this standard.

Results from the 2007 National Survey of the Use of Booster Seats conducted by the National Center for Statistics and Analysis of the National Highway Traffic Safety Administration reveals alarmingly that booster seat use rates for children ages 6 and 7 dropped from 36 percent in 2006 to 25 percent in 2007. The study concludes that there is premature graduation of children from birth to age 12 to restraint types that are inappropriate for their height or weight.

SB 72 would help to alleviate confusion among parents and caregivers as to which safety devices are appropriate for their children. Alaska's pediatricians are happy to do their part by counseling parents during doctors' visits on how to keep their children safe while riding in vehicles.

Sincerely,

Jodyne L. Butto, MD, FAAP
President

Alaska State Legislature January 31, 2009

Support Letter: SB 72: Child Safety Seats and Seat Belts

As a private citizen, I support clarification of the current Alaska Child Passenger Safety Law by re-writing, in terms more easily understood, the recommendations of the Departments of Transportation and NHTSA. The reference for parents to look and follow DOT recommendations was always the goal of the original 1985 law.

Correct positioning of children riding in cars and booster seats DO save lives and DO prevent life long injuries. We have discovered since the writing the original law, through the advancement of technology, of on-scene crash investigations, hands-on emergency trauma treatment, through pediatric intensive care, and months, if not years, of rehabilitation due to the serious consequences of non-use and misuse of child restraints, how current law has been the misinterpreted.

I have been an emergency department registered nurse in three major western trauma centers during my 42 professional years. The last 22 of those years, I worked in the largest emergency department in an Anchorage, Alaska and coordinated a statewide, national injury prevention program for children.
Currently, in "retirement", I serve as the Chair of the Alaska Committee for Child Passenger Safety (CPS) and am a nationally certified CPS Instructor.

Beginning in 1987 in Alaska, CPS technicians and instructors began "checking" car seats, educating parents and caregivers how to choose and correctly install seats. Annual evaluation of thousands of car seat "check" records, indicated an 85% misuse rate in the most commonly used seats, with three or more critical errors. We also continued to find, through the years, parents and caregivers misunderstood the Alaska Child Passenger Safety Law. Most, when questioned, said the law allowed children to turn forward facing BEFORE one year of age and children could MOVE to a "safety belt" at age 4.

Due to muscle instability and bone growth, children MUST remain rear facing until they are at the very least one-year of age and 20 pounds. The American Academy of Pediatrics recommends, baring any medical conditions, children remain rear facing for even longer depending on the range of the car seat. Car seat belts (lap only and lap-shoulder) were designed by all car manufacturers for individuals over 4 foot 9 inches and heavier than originally indicated, fitting over the upper thighs, across the chest, with knees bent at seat edge, feet touching the floor, holding an individual safely in the restraint.

It is past time to join the majority of states and update Alaska's Child Passenger Safety Law. We have the knowledge and the data indicating children are at risk if not secured properly and secured in booster seats for a longer period than previously indicated. Parents look to our current law for guidance and have been confused, putting children at risk.

There is nothing quite so tragic as the loss of a child due to preventable injuries.

Thank you for your consideration: Margaret (Peggy) Hayashi, R.N.

Jill Hodges
Alaska Brain Injury Network
3745 Community Park Loop #140
Anchorage, Alaska 99501
February 10, 2009

Senator Hollis French
Alaska State Legislature
Capitol Building
Juneau, Alaska

Dear The Honorable Hollis French:

Thank you for your continued concern for safety for Alaskans, as well as prevention of injury and death. SB 72 –Child Safety Seats and Seat Belts will help prevent death as well as traumatic brain injury in children.

The Alaska Brain Injury Network is a non-profit 501 (c) 3 whose mission is to educate, plan, coordinate, and advocate for a comprehensive service delivery system for survivors of traumatic brain injury and their families. Our vision begins with prevention.

There are 800 Alaskans each year hospitalized for more than 24 hours with a moderate to severe traumatic brain injury (Alaska Trauma Registry). Motor vehicle crashes are one of the leading causes of traumatic brain injury in Alaska. The Alaska Brain Injury Network, "10 Year Plan for TBI in Alaska" highlights Prevention, Advocacy, and Public Awareness on pages 49-57 (http://www.alaskabraininjury.org/documents_akbrain/10%20Year%20TBI%20Plan.pdf) with a specific objective "to prevent TBI in child occupants of motor vehicle crashes through correct booster seat use." (attachment).

Centers for Disease Control and Prevention highlights traumatic brain injury as the 'silent epidemic' and a public health issue. There are many causes of traumatic brain injury and preventative factors are specific to each cause. The CDC recommends wearing a seatbelt every time you drive and buckling children in the car using a child safety seat, booster seat, or seat belt (according to the child's height, weight, and age) (http://www.cdc.gov/ncipc/tbi/Prevention.htm).

In 2003, the Alaska Legislature passed legislation for a primary seatbelt law. The TBI rate due to motor vehicle crashes on the highway has decreased 38% from 2001 to 2005

(attachment). The Alaska Brain Injury Network will continue to study the TBI data to see if TBI-disability among children due to motor vehicle crashes decreases.

Thank you for your concern and your untiring pursuit of keeping Alaskans safe. You have our support.

Sincerely,

Jill Hodges

ATTACHMENT 1:

(Alaska Brain Injury Network "10 year plan for TBI in Alaska p. 55
http://www.alaskabraininjury.org/documents_akbrain/10%20Year%20TBI%20Plan.pdf)

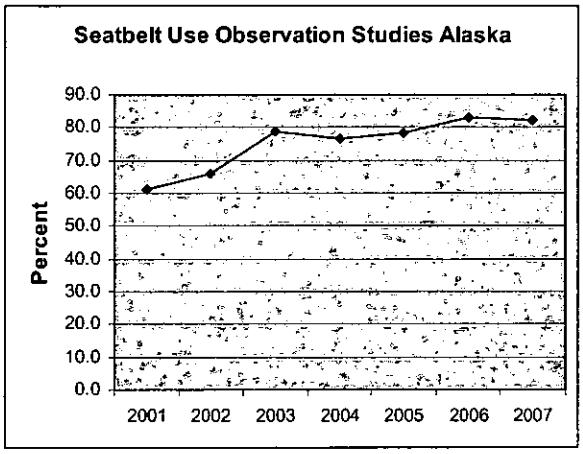
Goal 2: Reduce the incidence of TBI-related disability

Objectives
A. To prevent TBI in child occupants of motor vehicle crashes through correct booster seat use.
B. To prevent TBI in young Alaskans in off-road vehicle and bicycle crashes through helmet use.
C. To reduce risky behaviors among teens.
D. To prevent TBI in elders due to falls through awareness and training of long-term care, community service providers and other caretakers.
E. To prevent repetitive injuries by educating individuals with TBI, family members and others about the risk of second and third injuries.
F. To promote collaboration among prevention agencies and organizations to include TBI in the prevention message (in addition to fatalities).
G. To reduce TBI among elders due to falls.

ATTACHMENT 2:

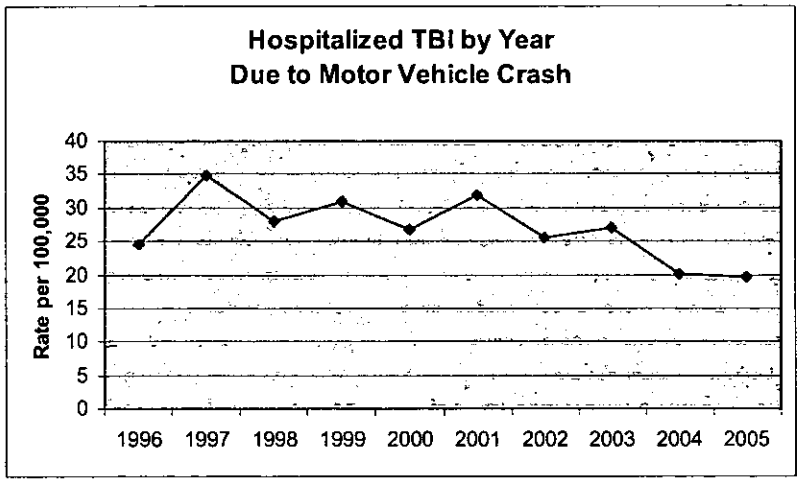
Primary Enforcement Seatbelt Law

On May 1, 2003 Alaska passed a law to change their seat belt law from secondary enforcement to primary enforcement state, ie. a vehicle can be stopped solely for seat belt non-use by an occupant. A study of Alaska has seen a steady increase in seatbelt use in the last decade. In 2007 the percent use as seen in the annual observations study was 82.4%. The national rate is 82%. The NHTSA goal is 95% use.



Source: Alaska Highway Safety Office

States with primary seat belt laws on average had seat belt use rates about 10 percentage points higher than States without primary laws in 2005. Wearing a seat belt is the best defense for an occupant in a motor vehicle crash and the single most effective measure to prevent serious traumatic brain injury. 56% of Alaskans with TBI resulting from a motor vehicle crash on the highway were not wearing seat belts. If every state with a secondary seat belt law upgraded to primary enforcement, about 1,000 lives and $4 billion in crash costs could be saved each year.



3796

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ALASKA PEACE OFFICERS ASSOCIATION

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February 17, 2009

Senator Hollis French
Alaska State Senate
State Capitol
Juneau AK 99801-1182

Dear Senator French:

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing Senate Bill 72, an act relating to use of child safety seats and seat belts.

The APOA State Board and Legislative Committee reviewed this proposed legislation and unanimously support this bill.

Thank you for addressing this issue. Please contact the APOA office in Anchorage at 277-0515 if there is anything our organization can do to assist in the passage of this bill.

Sincerely,

Angella Long
State President

10 Leading Causes of Fatal Injuries in Alaska by Age Group, 2002-2006

Rank	<1	1-4	5-9	10-14	15-24	25-34	35-44	45-54	55-64	65-74	75-84	85+
1	Suffocation 37	MV Traffic 9 * Pedestrian 8 Drowning 5	Drowning 10 MV Traffic 6	MV Traffic 21	Suicide 175	Suicide 122	Suicide 138	Suicide 122	Suicide 57	MV Traffic 29	Falls 18	Suicide 7
2	Assault 7			Drowning 11 Assault 12 Suicide 11	MV Traffic 96	MV Traffic 76	Poisoning 119	Poisoning 106	MV Traffic 46	Suicide 21	MV Traffic 16	
3				Poisoning 6	Assault 60	Poisoning 60	MV Traffic 67	MV Traffic 78	Poisoning 17	Drowning 7	Suicide 14	
4				* ATV 7	Poisoning 44	Assault 47	Drowning 11	Assault 31	Drowning 12	Poisoning 8	Suffocation 9	
5				Bicycle 5 Pedestrian 5	Drowning 28	Drowning 56	Assault 33	Drowning 24	Aircraft 14	[illegible] Falls 5		
6					* Snow machine 13	* Snow machine 12	Aircraft 14	Aircraft 12	* Pedestrian 13			
7					* ATV 16	Aircraft 13	* Snow machine 13	* Pedestrian 10	Falls 11 Assault 11 Hypothermia/ Frostbite 10			
8					Falls 10 Hypothermia/Frostbite 10	* Pedestrian 7 Falls 7	Falls 11	Falls 11 [illegible] Hypothermia/Frostbite 15	[illegible]			
9					* Pedestrian 9	[illegible]	Hypothermia/ Frostbite 11 * Pedestrian 12	* ATV 10 * Snow machine 10				
10					* Bicycle 6		[illegible]					

Source: Division of Public Health, Dept. of Health & Social Services, Alaska Bureau of Vital Statistics, occurrences less than 5 not listed. * ATV and snow machine deaths may be included in drowning death counts; pedestrian, bicycle, ATV, and snow machine deaths may be included in MV Traffic death counts.

SB

142

FAIRBANKS METROPOLITAN AREA TRANSPORTATION SYSTEM

FMATS

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Fairbanks, Alaska 99707
(907) 459-1300

Mayor Terry Strle
City of Fairbanks
800 Cushman Street
Fairbanks, Alaska 99701
(907) 459-6793

Mayor Doug Isaacson
City of North Pole
125 Snowman Lane
North Pole, Alaska 99705
(907) 488-2281

Luke Hopkins
Fairbanks North Star Borough
Borough Assembly Representative
P.O. Box 71267
Fairbanks, Alaska 99707
(907) 455-6805

Chad Roberts
City of Fairbanks
Fairbanks City Council Representative
P.O. Box 71819
Fairbanks, Alaska 99707
(907) 452-2435

Alice Edwards
Dept. of Environmental Conservation
Acting Director, Air Quality Division
410 Willoughby Ave., Suite 303
Juneau, Alaska 99811-1800
(907)465-5109

March 12, 2009

Alaska State Legislature
Senator Joe Paskvan
State Capitol
Juneau, AK 99801

Dear Senator Paskvan:

The Fairbanks Metropolitan Area Transportation System (FMATS) would like to express our support for SB 142 authorizing the conveyance of certain land of the Alaska Railroad Corporation to the Department of Transportation and Public Facilities (DOT & PF). This land is critical to the upcoming reconstruction, realignment and widening of Illinois Street in Fairbanks, Alaska. Without this land, the reconstruction of Illinois Street could not occur.

This project began development in 1985 and is in the final stages of right-of-way acquisition. The plan is to construct this project in 2011. The public interest would be best served to convey this land to the DOT & PF so that this critical FMATS project may be built.

We thank you for sponsoring this bill and urge the Alaska State Legislature to pass SB 142 expeditiously.

Sincerely,

Donna Gardino

Donna J. Gardino
MPO Coordinator

CC: FMATS Policy Committee
FMATS Technical Committee
Deputy Commissioner Frank Richards, P.E., DOT & PF
Mary Siroky, Special Assistant to the Commissioner, DOT & PF

Date: March 18, 2009

FAIRBANKS METROPOLITAN AREA TRANSPORTATION SYSTEM (FMATS)
RESOLUTION NO. 2009-03

AN FMATS RESOLUTION IN SUPPORT OF HB 173 AND SB 142 AUTHORIZING THE CONVEYANCE OF CERTAIN LAND OF THE ALASKA RAILROAD CORPORATION (CORPORATION) TO THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES (DOT & PF) FOR THE PURPOSE OF RECONSTRUCTION, REALIGNMENT AND WIDENING OF ILLINOIS STREET IN FAIRBANKS, AK.

WHEREAS, the DOT & PF has been developing the Illinois Street Reconstruction project since 1985; and

WHEREAS, the project is being funded out of the FMATS Transportation Improvement Program; and

WHEREAS, the reconstruction of Illinois Street is a top priority of the FMATS Policy Committee, the decision-making body of FMATS; and

WHEREAS, Illinois Street is a commonly used thoroughfare that connects downtown to the western and northern districts of the city, and is in dire need of reconstruction; and

WHEREAS, it is necessary for the Alaska State Legislature to approve the conveyance of the corporation's land interest as stipulated in AS 42.40.285(1); and

WHEREAS, the Corporation has approved of this land transfer to the DOT & PF, an approval that is required under AS 42.40.120(c)(14).

NOW, THEREFORE BE IT RESOLVED, FMATS supports HB 173 and SB 142 authorizing the conveyance of certain land of the Alaska Railroad Corporation to the

3801

Department of Transportation and Public Facilities for the purpose of reconstruction, realignment and widening of Illinois Street in Fairbanks, AK.

PASSED AND APPROVED THIS 18th *DAY OF MARCH, 2009.*

Steve Titus, P.E.
FMATS Policy Committee, Chair

3802

Executive Office
Telephone: 907-265-2403
Facsimile: 907-265-2312

March 10, 2009

The Honorable Joe Paskvan
Senator
State Capitol, Room 7
Juneau, AK 99801

The Honorable Scott Kawasaki
Representative
State Capitol, Room 428
Juneau, AK 99801

Dear Senator Paskvan and Representative Kawasaki:

Thank you for your willingness to sponsor legislation authorizing the conveyance of approximately five acres of rail land from the Alaska Railroad Corporation (ARRC) to the Department of Transportation and Public Facilities (DOT&PF).

Over the years, ARRC has had the opportunity to work with DOT&PF to facilitate projects that benefit Alaska's public infrastructure needs. The Illinois Street Reconstruction Project proposed by DOT&PF is another such effort and we are pleased to provide our support.

ARRC Board of Directors and legislative approval are both required for conveyance of the corporation's entire interest in land as mandated by AS 42.40.120 (c) (14) and AS 42.40.285 (1), respectively. ARRC's Board of Directors authorized this particular exchange for the conveyance of rail land with the understanding that ARRC would receive equivalent value in return through cash payment, conveyance of other lands, or a combination of both.

ARRC representatives will be present at hearings for this legislation to help convey our support and answer questions. If you need additional information from us, please contact Wendy Lindskoog, Assistant Vice President Corporate Affairs, at 265-2498.

Sincerely,

Diana D. Blassingame

for Patrick K. Gamble
President and CEO

327 W. Ship Creek Avenue
Anchorage, Alaska 99501

MAILING ADDRESS
P.O. Box 107500 Anchorage, Alaska, 99510-7500

TEL 907.265.2300 FAX 907.265.2416
AlaskaRailroad.com

Adopted: February 17, 2009

Resolution No. 2009-008

Approving Transfer of Real Property to the State Department of Transportation and Public Facilities

WHEREAS, the Alaska Railroad Corporation (ARRC) is the owner of certain land in the vicinity of Illinois Street in Fairbanks, Alaska, that has been requested by the Alaska Department of Transportation and Public Facilities (DOTPF) in connection with DOTPF's Illinois Street Reconstruction Project, STP-F-M-0663(4)/63102; and

WHEREAS, ARRC and DOTPF have negotiated various aspects of the proposed project and its impacts on ARRC and ARRC tenants for over four years, and ARRC is satisfied with the changes in design that have been made by DOTPF; and

WHEREAS, the properties proposed for transfer are generally shown on Exhibit A attached and will be independently appraised to establish value before any conveyance would occur; and

WHEREAS, ARRC and DOTPF are exploring whether DOTPF has lands eligible to transfer to ARRC in exchange for ARRC's Illinois Street properties instead of outright payment of the appraised value; and

WHEREAS, ARRC management recommends approval of this land conveyance based on the public interest served by DOTPF's project and contingent on ARRC receiving equivalent value in return through cash payment, conveyance of other lands, or a combination of both; and

WHEREAS, both ARRC Board approval and legislative approval are required for conveyance of the corporation's entire interest in land under AS 42.40.120(c)(14) and AS 42.40.285(1), respectively.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors has reviewed the proposed transaction and approves the conveyance of approximately three (3) acres of land as shown on Exhibit A to the Alaska Department of Transportation and Public Facilities in exchange for equivalent value in land or cash or both being transferred to the corporation; and

FURTHER RESOLVED, the President and CEO or his designee is authorized to negotiate such other conditions of transfer and take such other steps as he deems are appropriate and in the best interests of the corporation, including but not limited to seeking legislative approval of the conveyance of the corporation's entire interest in land as required by law.

This is to certify that I am the Secretary of the Board of Directors of the Alaska Railroad Corporation, and the above Resolution No. 2009-008 is a true and correct copy of the resolution adopted by the Alaska Railroad Corporation's Board of Directors at its regular meeting on February 17, 2009.

Date Feb. 17 2009 James B. Blasingame

James B. Blasingame
Board Secretary

Corporate Seal

327 W. Ship Creek Avenue
Anchorage, Alaska 99501

MAILING ADDRESS
P.O. Box 107500 Anchorage, Alaska, 99510-7500

TEL 907.265.2300 FAX 907.265.2416
AlaskaRailroad.com

STATE OF ALASKA

SARAH PALIN, GOVERNOR

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
OFFICE OF THE COMMISSIONER

3132 CHANNEL DRIVE
PO Box 112500
JUNEAU, ALASKA 99811-2500
FAX: (907) 586-8365
PHONE: (907) 465-3900

March 17, 2009

The Honorable Scott Kawasaki
Alaska State Legislature
State Capitol, Room 428
Juneau, AK 99801-1182

Dear ~~Senator~~ Rep. Kawasaki:

The Department of Transportation and Public Facilities supports SB 142 and HB 173. Either of these bills allows the Department to obtain land required for the much needed Illinois Street Reconstruction project in the City of Fairbanks.

Illinois Street has been a vital part of the transportation infrastructure in Fairbanks for over 90 years. A portion of this vital urban arterial route is on land that was transferred to the Alaska Railroad Corporation when the State acquired the railroad from the federal government. This fact was discovered when researching the right of way status for these long planned major improvements.

This project is being designed and constructed largely with Federal Highway funds. Under federal regulations, the Department must certify that it has sufficient legal interest in the underlying right-of-way before we can proceed with construction.

The proposed legislation allows the Department of Transportation and Public Facilities to acquire the needed legal interest in this right of way from Alaska Railroad Corporation.

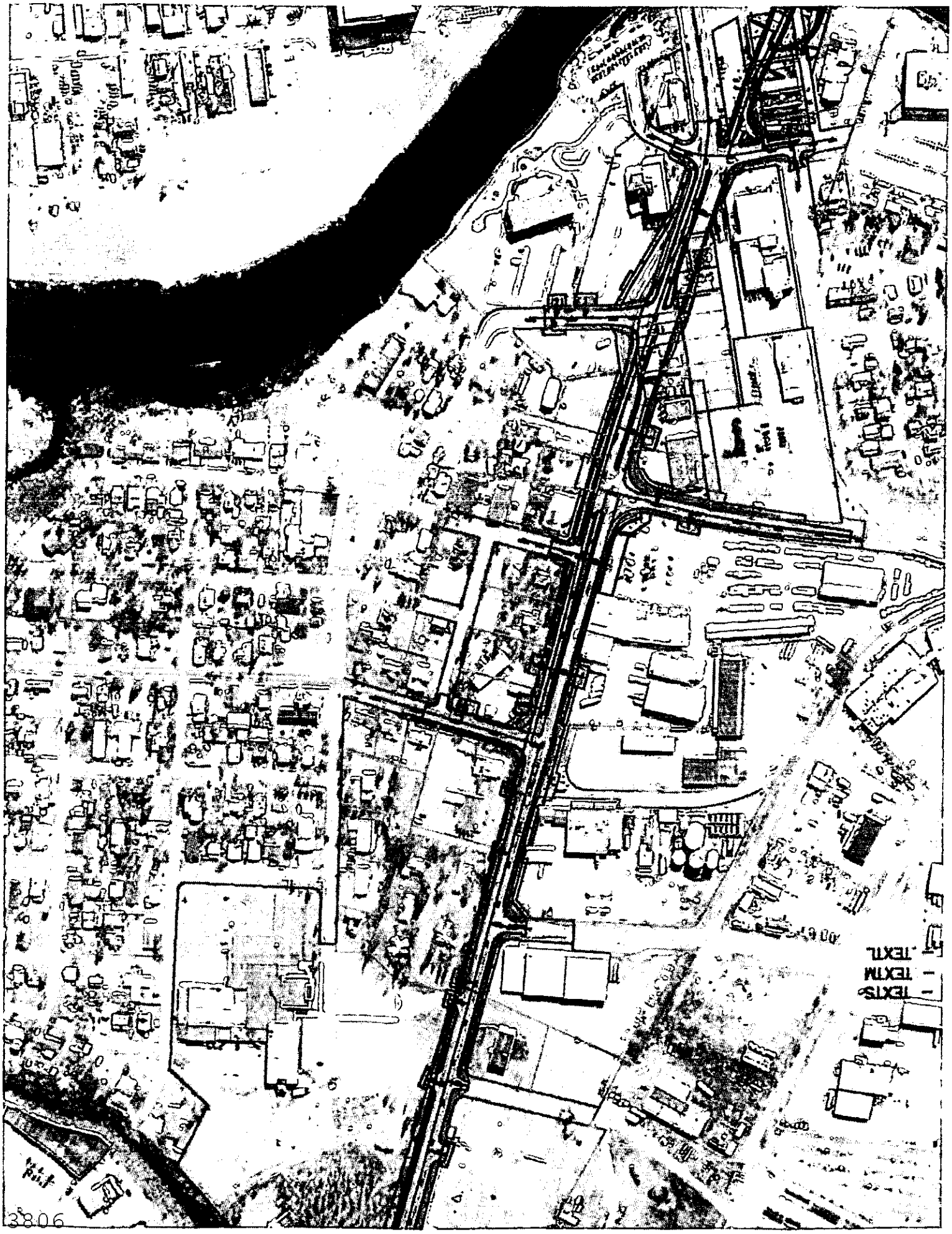
We fully support this legislation. Passage this session will allow construction on this important project to begin in 2010.

Sincerely,

Leo von Scheben, P.E., L.S., M.B.A.
Commissioner

cc: Mary Siroky, Legislative Liaison, DOT&PF

3805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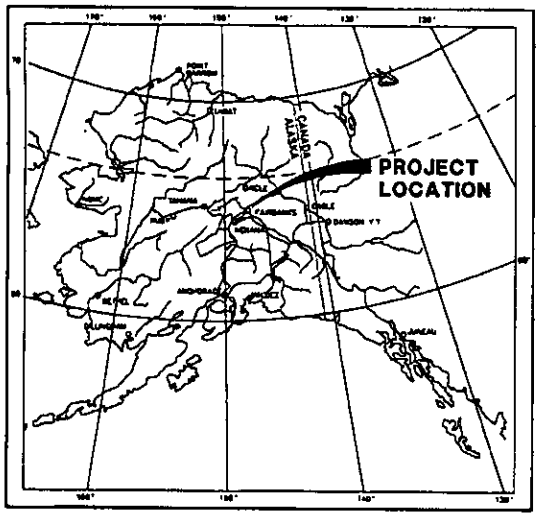


STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
&
PUBLIC FACILITIES

RIGHT OF WAY MAP
AKSAS Project No. 63102
ILLINOIS ST. RECONSTRUCTION
STP-F-M-0663(4)/63102

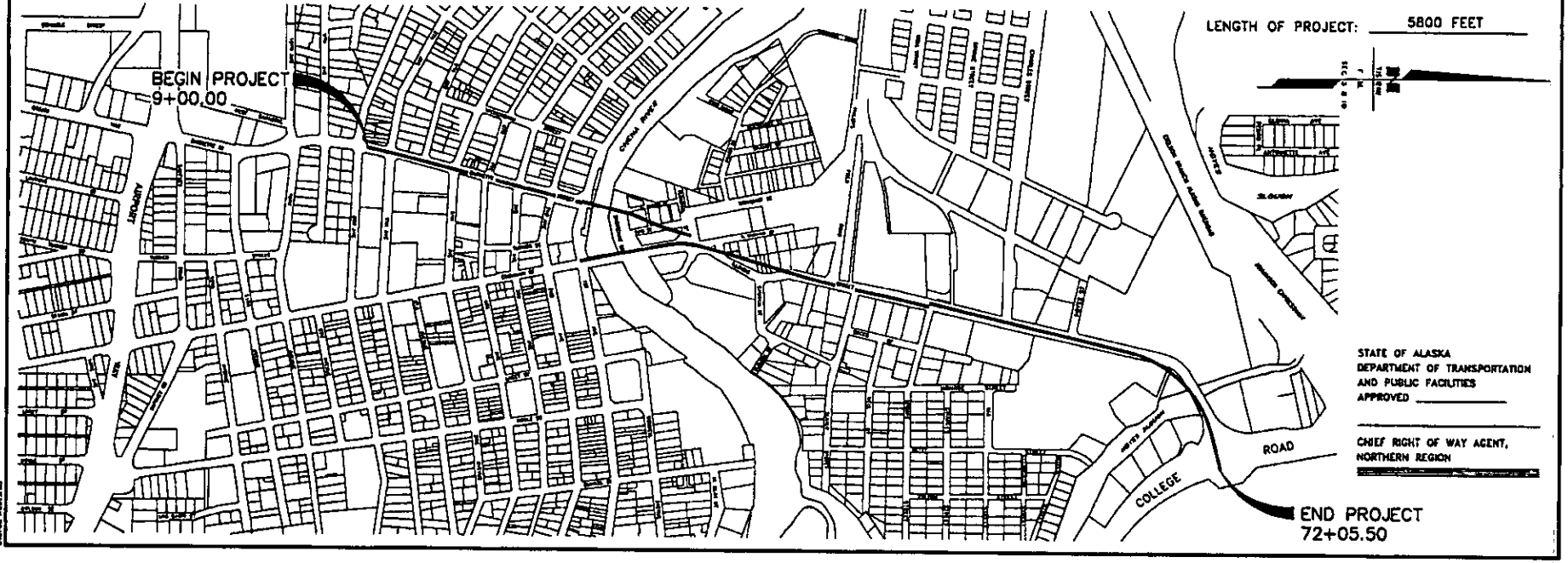
LYING WITHIN SECTIONS 3 & 10, TOWNSHIP 1 SOUTH, RANGE 1 WEST, FAIRBANKS MERIDIAN

LATEST REVISION _____

RIGHT OF WAY SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THIS PLAT WAS MADE BY ME OR UNDER MY SUPERVISION. I DECLARE THAT THIS PLAT IS BASED ON INFORMATION COMPILED FROM RECORD DATA AND CONTROLLED BY RECOVERED MONUMENTATION AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE ACCURATE.

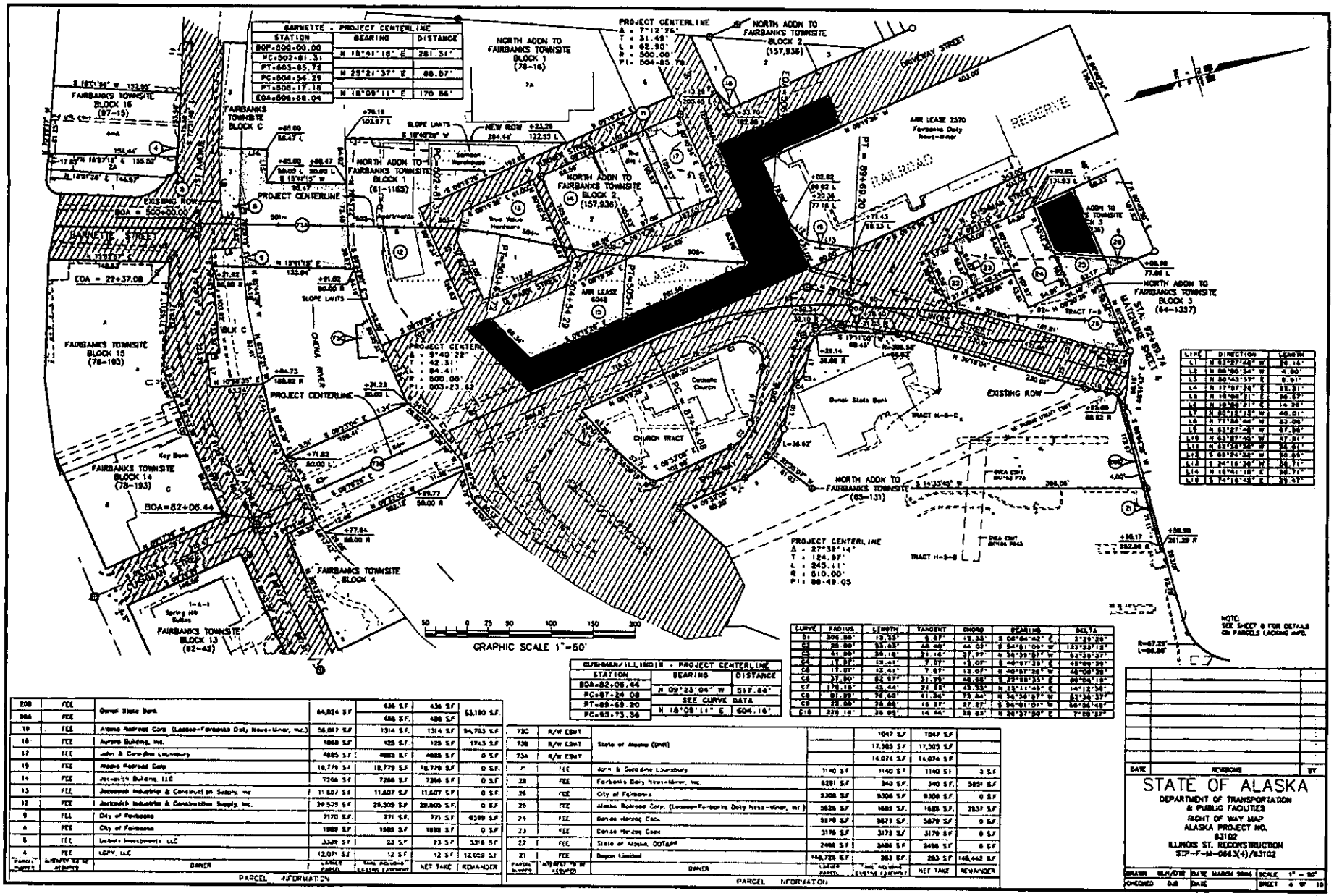
MARSHALL L. METLET LS-9108 _____ Date



LENGTH OF PROJECT: 5800 FEET

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES
APPROVED _____

CHIEF RIGHT OF WAY AGENT,
NORTHERN REGION



CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	306.86'	13.33'	6.67'	13.33'	S 08°04'42" E	2°29'25"
C2	25.00'	65.65'	48.48'	44.05'	S 84°51'09" W	125°21'18"
C3	41.99'	26.16'	21.16'	25.77'	N 34°33'37" W	63°39'37"
C4	15.07'	12.41'	7.07'	12.07'	S 46°57'25" E	45°06'36"
C5	17.07'	12.41'	7.07'	12.07'	N 46°57'36" W	46°06'29"
C6	37.50'	82.97'	31.95'	66.68'	S 23°59'35" E	88°46'12"
C7	178.18'	43.44'	21.85'	43.33'	N 23°11'46" E	14°12'54"
C8	81.99'	74.60'	41.34'	72.04'	N 34°38'37" W	83°34'37"
C9	25.00'	25.85'	14.27'	24.67'	S 84°41'01" W	66°06'48"
C10	220.18'	28.85'	14.44'	28.83'	N 26°37'00" E	7°30'27"

LINE	DIRECTION	LENGTH
L1	N 63°27'46" W	24.15'
L2	N 08°50'34" W	4.86'
L3	N 26°43'37" E	8.91'
L4	N 17°57'38" E	28.31'
L5	N 18°58'21" E	36.57'
L6	N 18°58'21" E	14.26'
L7	N 26°13'13" W	40.01'
L8	N 77°58'44" W	83.00'
L9	N 63°27'46" W	57.50'
L10	N 63°27'46" W	47.91'
L11	N 82°59'36" W	34.61'
L12	S 89°24'36" W	30.65'
L13	S 24°11'36" W	34.71'
L14	N 18°41'18" E	38.77'
L15	S 74°18'48" E	35.47'

ZONE	FEE	OWNER	LAND	IMP. INCLUDING EXISTING EASEMENT	NET TAKE	REMAINDER
20B	FEE	Dunbar State Bank	64,824 S.F.	436 S.F.	436 S.F.	63,180 S.F.
20A	FEE			488 S.F.	488 S.F.	
19	FEE	Alaska Railroad Corp (Lessee-Fairbanks Daily News-Miner, Inc.)	58,067 S.F.	1314 S.F.	1314 S.F.	56,753 S.F.
18	FEE	Aurora Building, Inc.	1868 S.F.	125 S.F.	125 S.F.	1743 S.F.
17	FEE	John & Caroline Lounsbury	4885 S.F.	4885 S.F.	4885 S.F.	0 S.F.
16	FEE	Alaska Railroad Corp	18,779 S.F.	18,779 S.F.	18,779 S.F.	0 S.F.
14	FEE	Jacovich Building, LLC	7366 S.F.	7366 S.F.	7366 S.F.	0 S.F.
13	FEE	Jacovich Industrial & Construction Supply, Inc.	11,607 S.F.	11,607 S.F.	11,607 S.F.	0 S.F.
12	FEE	Jacovich Industrial & Construction Supply, Inc.	29,509 S.F.	29,509 S.F.	29,509 S.F.	0 S.F.
9	FEE	City of Fairbanks	7170 S.F.	771 S.F.	771 S.F.	6399 S.F.
8	FEE	City of Fairbanks	1988 S.F.	1988 S.F.	1988 S.F.	0 S.F.
5	FEE	Lobet Investments LLC	3330 S.F.	23 S.F.	23 S.F.	3276 S.F.
4	FEE	LGPV, LLC	12,071 S.F.	12 S.F.	12 S.F.	12,059 S.F.

PARCEL INFORMATION

ZONE	R/W CONT	OWNER	LAND	IMP. INCLUDING EXISTING EASEMENT	NET TAKE	REMAINDER
73C	R/W CONT	State of Alaska (DNR)		1047 S.F.	1047 S.F.	
73B	R/W CONT			17,305 S.F.	17,305 S.F.	
73A	R/W CONT			14,074 S.F.	14,074 S.F.	
29	FEE	John & Caroline Lounsbury	1140 S.F.	1140 S.F.	1140 S.F.	3 S.F.
28	FEE	Fairbanks Daily News-Miner, Inc.	6291 S.F.	340 S.F.	340 S.F.	5951 S.F.
26	FEE	City of Fairbanks	9308 S.F.	9308 S.F.	9308 S.F.	0 S.F.
25	FEE	Alaska Railroad Corp. (Lessee-Fairbanks Daily News-Miner, Inc.)	5826 S.F.	1989 S.F.	1989 S.F.	3837 S.F.
24	FEE	Denise Herzog Cook	5878 S.F.	5878 S.F.	5878 S.F.	0 S.F.
23	FEE	Denise Herzog Cook	3178 S.F.	3178 S.F.	3178 S.F.	0 S.F.
22	FEE	State of Alaska, DOT&PF	3498 S.F.	3498 S.F.	3498 S.F.	0 S.F.
21	FEE	Dayon Limited	148,725 S.F.	283 S.F.	283 S.F.	148,442 S.F.

PARCEL INFORMATION

DATE	REVISIONS	BY

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES

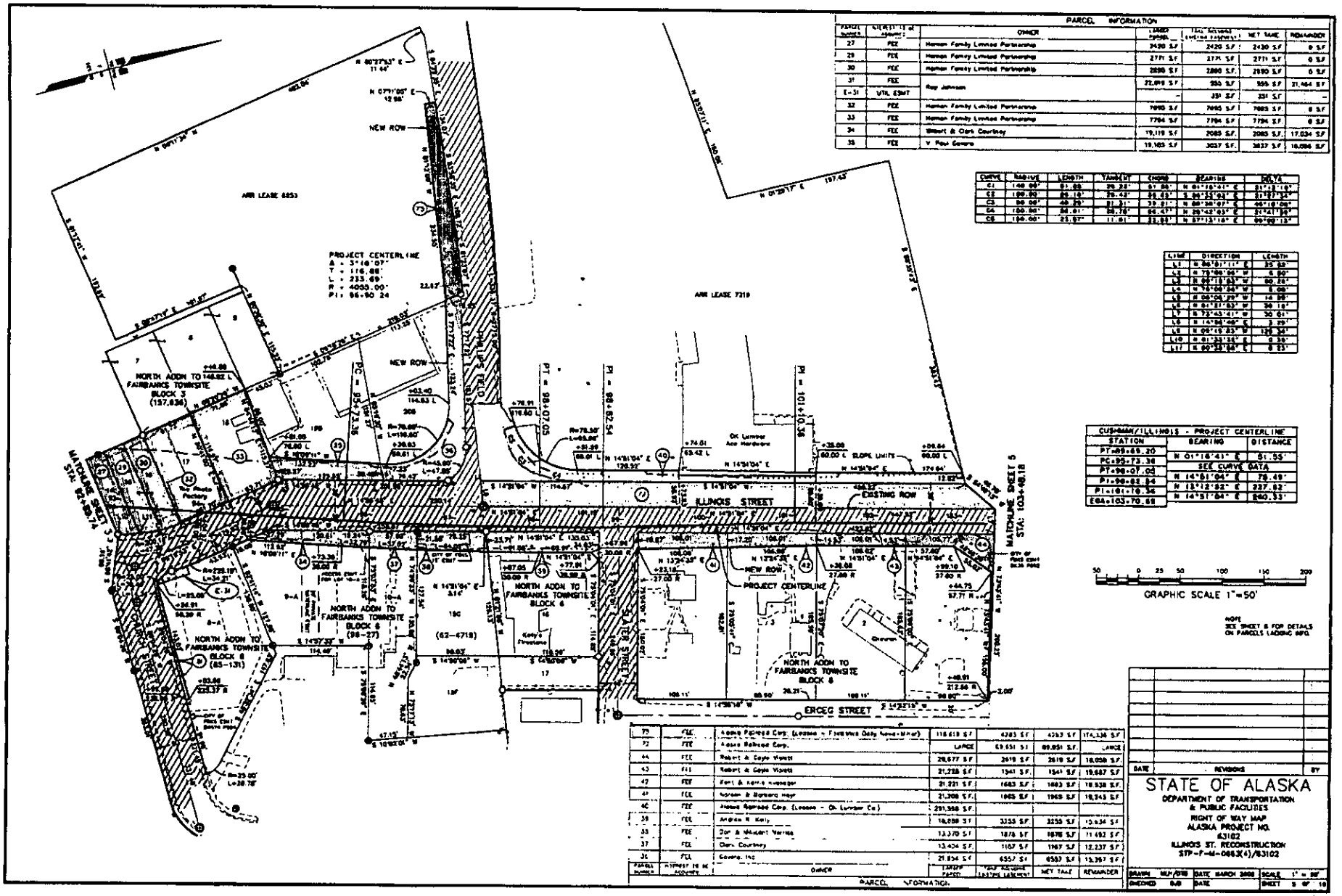
RIGHT OF WAY MAP

ALASKA PROJECT NO. 63102

ILLINOIS ST. RECONSTRUCTION

STP-F-M-0663(4)/63102

DRAWN	MLH/DTE	DATE MARCH 2006	SCALE 1" = 50'
CHECKED	DJB	DATE	SHEET 6 OF 10



PARCEL INFORMATION

PARCEL NUMBER	ACQUISITION TYPE	OWNER	LAND AREA	TOTAL ACQUISITION (without easements)	NET TAKE	REMAINDER
27	FEE	Hannon Family Limited Partnership	2420 S.F.	2420 S.F.	2420 S.F.	0 S.F.
29	FEE	Hannon Family Limited Partnership	2771 S.F.	2771 S.F.	2771 S.F.	0 S.F.
30	FEE	Hannon Family Limited Partnership	2890 S.F.	2890 S.F.	2890 S.F.	0 S.F.
31	FEE	Roy Johnson	22,899 S.F.	955 S.F.	955 S.F.	21,464 S.F.
E-31	UTIL ESMT		-	351 S.F.	351 S.F.	-
32	FEE	Hannon Family Limited Partnership	7693 S.F.	7693 S.F.	7693 S.F.	0 S.F.
33	FEE	Hannon Family Limited Partnership	7794 S.F.	7794 S.F.	7794 S.F.	0 S.F.
34	FEE	Gilbert & Clara Courtney	19,119 S.F.	2085 S.F.	2085 S.F.	17,034 S.F.
35	FEE	V. Paul Sovens	19,183 S.F.	3037 S.F.	3037 S.F.	16,096 S.F.

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	1460.00'	81.88	39.22'	81.86'	N 01°10'41" E	3°12'58"
C2	1190.00'	86.10'	59.42'	86.08'	S 04°55'52" E	4°37'34"
C3	80.00'	40.39'	21.31'	39.81'	N 88°36'07" E	46°16'08"
C4	150.00'	38.61'	38.76'	84.47'	N 29°42'03" E	21°41'39"
C5	150.00'	23.97'	11.81'	23.95'	N 87°13'10" E	9°09'13"

LINE	DIRECTION	LENGTH
L1	N 86°51'11" E	35.68'
L2	N 73°00'26" W	6.90'
L3	S 89°11'53" W	80.75'
L4	N 74°48'34" W	5.00'
L5	S 00°08'29" W	14.98'
L6	N 81°51'53" W	30.18'
L7	N 73°43'41" W	30.61'
L8	N 14°58'06" E	3.09'
L9	S 05°19'53" W	126.34'
L10	N 81°33'18" E	0.33'
L11	S 89°58'54" E	8.33'

CUSHMAN/ILLINOIS - PROJECT CENTERLINE		
STATION	BEARING	DISTANCE
PT=89+69.20	N 01°16'41" E	81.55'
PC=95+73.36	SEE CURVE DATA	
PT=98+07.00	N 14°51'04" E	78.49'
PI=98+82.54	N 13°12'52" E	237.82'
PI=101+10.36	N 14°51'04" E	260.33'
EQA=103+70.68		

73	FEE	Alaska Railroad Corp. (Lessee - Fleetwise Duty Free-Misc)	118,619 S.F.	4283 S.F.	4283 S.F.	114,336 S.F.
72	FEE	Alaska Railroad Corp.	LARGE	89,851 S.F.	89,851 S.F.	LARGE
44	FEE	Robert & Gayle Wyatt	28,877 S.F.	3819 S.F.	3819 S.F.	18,058 S.F.
43	FEE	Robert & Gayle Wyatt	21,228 S.F.	1341 S.F.	1341 S.F.	19,887 S.F.
42	FEE	Fort & Nancy Hunsinger	21,221 S.F.	1683 S.F.	1683 S.F.	19,538 S.F.
41	FEE	Hansen & Barberg Hoyt	21,308 S.F.	1965 S.F.	1965 S.F.	19,343 S.F.
40	FEE	Alaska Railroad Corp. (Lessee - Ok Lumber Co.)	291,368 S.F.			
39	FEE	Andrew R. Kelly	16,088 S.F.	3253 S.F.	3253 S.F.	12,834 S.F.
38	FEE	Jon & Margaret Yarnes	13,370 S.F.	1878 S.F.	1878 S.F.	11,492 S.F.
37	FEE	Clara Courtney	13,404 S.F.	1167 S.F.	1167 S.F.	12,237 S.F.
36	FEE	Sovens, Inc	21,834 S.F.	6557 S.F.	6557 S.F.	15,367 S.F.

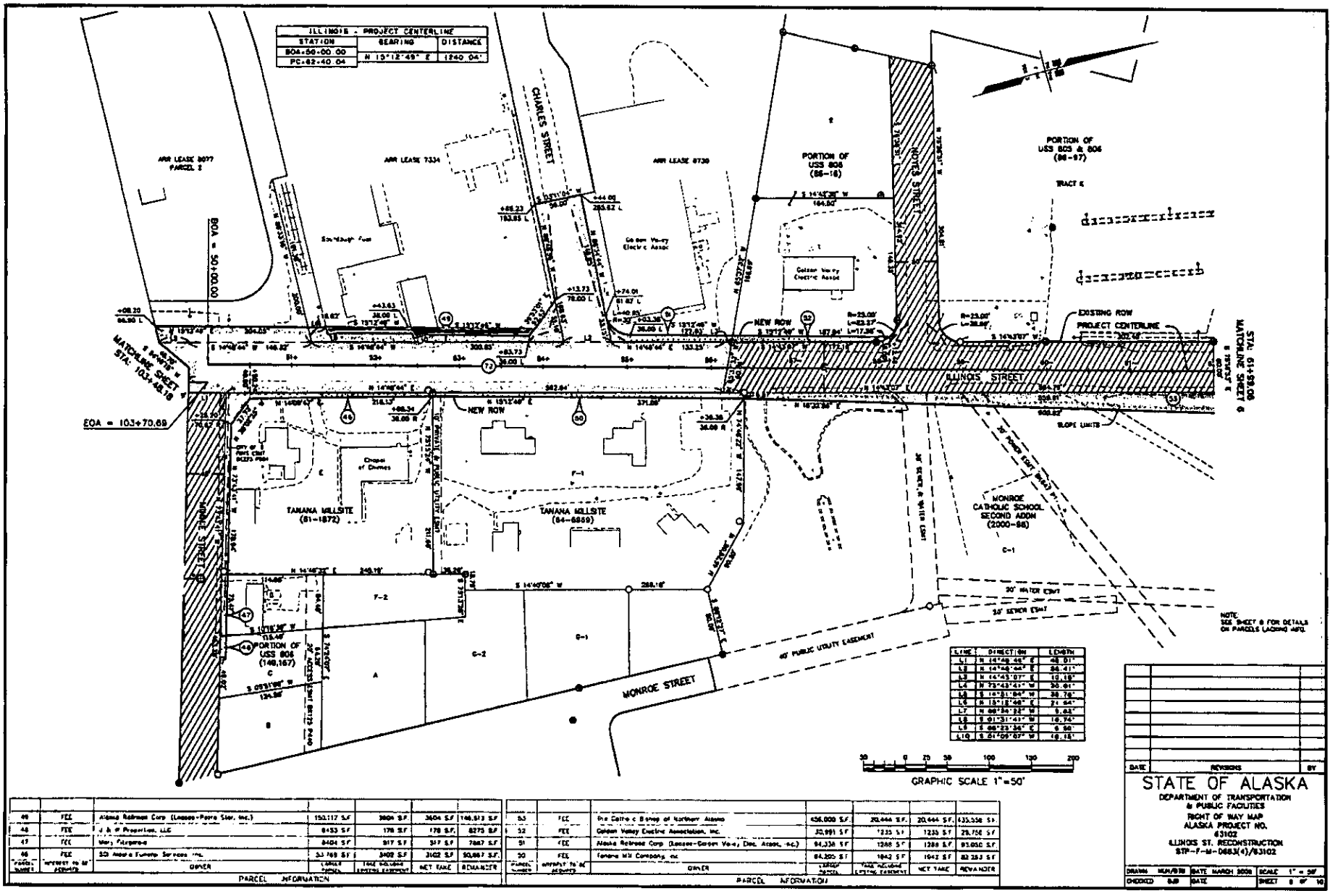
PARCEL NUMBER	INTEREST TO BE ACQUIRED	OWNER	TOTAL AREA	TOTAL ACQUISITION (EASEMENTS, ETC.)	NET TAKE	REMAINDER

PARCEL INFORMATION

DATE	REVISIONS	BY

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES
RIGHT OF WAY MAP
ALASKA PROJECT NO. 63102
ILLINOIS ST. RECONSTRUCTION
STP-F-M-066(4)/63102

DRAWN	MLH/DTE	DATE: MARCH 2008	SCALE: 1" = 50'
CHECKED	SJB	DATE	SHEET 5 OF 10



LINE	DIRECTION	LENGTH
L1	N 14°48'44" E	48.01'
L2	N 14°48'44" E	86.41'
L3	N 14°43'07" E	10.18'
L4	N 75°43'43" W	30.01'
L5	S 14°51'04" W	38.76'
L6	S 15°12'49" E	71.64'
L7	N 88°56'32" W	5.63'
L8	S 01°31'43" W	10.74'
L9	S 88°23'34" E	9.50'
L10	S 01°09'07" W	48.15'

46	FEE	Alaska Railroad Corp (Lessee-Penn Star, Inc.)	150,117 S.F.	3604 S.F.	3604 S.F.	146,513 S.F.
48	FEE	J & P Properties, LLC	8453 S.F.	178 S.F.	178 S.F.	8275 S.F.
47	FEE	Mary Fitzgerald	8404 S.F.	317 S.F.	317 S.F.	7887 S.F.
49	FEE	SD Alaska Funeral Services Inc.	53,769 S.F.	3402 S.F.	3102 S.F.	50,667 S.F.
PARCEL NUMBER	INTEREST TO BE ACQUIRED	OWNER	LARGER PARCEL	TAKE INCLUDING EXISTING EASEMENT	NET TAKE	REMAINDER

PARCEL INFORMATION

53	FEE	Pro Cathedral Bishop of Northern Alaska	456,000 S.F.	20,444 S.F.	20,444 S.F.	435,556 S.F.
52	FEE	Golden Valley Electric Association, Inc.	30,991 S.F.	1235 S.F.	1235 S.F.	29,756 S.F.
51	FEE	Alaska Railroad Corp (Lessee-Golden Valley Elec. Assoc. etc.)	94,336 S.F.	1288 S.F.	1288 S.F.	93,048 S.F.
50	FEE	Tanana Hill Condoms, Inc.	84,205 S.F.	1942 S.F.	1942 S.F.	82,263 S.F.
PARCEL NUMBER	INTEREST TO BE ACQUIRED	OWNER	LARGER PARCEL	TAKE INCLUDING EXISTING EASEMENT	NET TAKE	REMAINDER

PARCEL INFORMATION

DATE	REVISIONS	BY

DRAWN	MJH/BTB	DATE MARCH 2008	SCALE 1" = 50'
CHECKED	BJB	DATE	SHEET 5 OF 10

SB 148

ALASKA STATE LEGISLATURE
Senator Albert M. Kookesh

State Capitol, Room 7
Juneau, Alaska 99801-1182

(907) 465-3473
Toll Free: 1-888-288-3473
Fax (907) 465-2827

E-mail: Senator_Albert_Kookesh@legis.state.ak.us

Standing Committees:
Transportation
Community & Regional Affairs

DISTRICT C

Alatna
Allakaket
Aniak
Angoon
Anvik
Arctic Village
Beaver
Beluga
Bettles
Big Delta
Birch Creek
Boundary
Cape Pole
Central
Chalkyitsik
Chandalar Lake
Chenega Bay
Chicken
Chisana
Chistochina
Chitina
Chuathbaluk
Circle
Coffman Cove
Cordova
Cube Cove
Coldfoot
Copper Center
Craig
Crooked Creek
Delta Junction
Deltana
Dot Lake
Dry Creek
Eagle
Eagle Village
Edna Bay
Ellamar
Ernestine
Excursion Inlet
Eureka
Evansville
Eyak
Flat
Fort Greely
Fort Yukon
Fortuna Ledge
Funter Bay
Gakona
Galena
Grayling
Gulkana
Gustavus
Haines
Healy Lake
Hogatza
Hobart Bay
Holy Cross
Hoonah
Hughes
Huslia
Hydaburg

Hyder
Kake
Kaltag
Kasaan
Katalla
Kennicott
Kenny Lake
Klawock
Klukwan
Koyukuk
Labouchere Bay
Lake Minchumina
Lime Village
Livengood
Long Island
Mankomen Lake
Manley Hot Springs
Marshall
McCarthy
McGrath
Medfra
Metlakatla
Mentasta
Minto
Nabesna
Naukati Bay
Nenana
Nikolai
Northway
Nulato
Ophir
Point Baker
Polk Inlet
Port Alice
Port Protection
Rampart
Red Devil
Ruby
Russian Mission
Shageluk
Skagway
Slana
Sleetmute
Stevens Village
Stony River
Strelna
Takotna
Tanacross
Tanana
Tatitlek
Tazlina
Telida
Tenakee Springs
Tetlin Junction
Tok
Tonsina
Tyonek
Utopia Creek
Venetie
View Cove
Waterfall
Whale Pass
Wiseman
Yakutat

April 9, 2009

Representative Peggy Wilson, Chair
House Transportation Committee
State Capitol Building, Rm 406
Juneau, AK 99801

Dear Representative Wilson,

I respectfully request a hearing for Senate Bill 148 "An act relating to limitation of state liability on certain federal highway programs" at your earliest convenience. Time is of the essence for the tribes to use stimulus funds and get projects ready for our short construction season. This bill will lessen inter-governmental disputes or disagreements about liability concerns and will enable the tribes and state to focus on transportation projects.

The bill passed the Senate today with a 20-0 vote. I would also ask if you would introduce a technical amendment to the bill. On page one, line 14, delete the words "due to". The words "due to" create ambiguity in the definition of "independent negligence," and incorrectly suggest that the state could be liable for the simply approving or accepting work performed by the third parties. The DOT&PF department of law and I agree to this change. I will work on the Senate side for concurrence when it comes back over to our body.

Thank you for your consideration and if you have any questions please don't hesitate in contacting my office.

Sincerely,

Senator Albert Kookesh

Enc: Bill
Sponsor Statement
Indian Reservation Roads (IRR) synopsis by Alaska DOT&PF
2 lists of Tribes and 2008 allocations with road inventory and population

Alaska State Legislature

Representative Peggy Wilson
House District 2
Putting Alaska's Families First

FAX TRANSMITTAL SHEET

TO: Leg Legal FAX# 2029

DATE: 4/14/09 FROM: Becky Rooney, X 3759

SUBJECT: CS for SB148 26-LS0685\S

Total Pages (including cover sheet) 2

Attached amendment was passed. was passed out of Transportation (House)

This transmittal may be a confidential communication or otherwise privileged information. If you are not the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution or copying of this transmittal is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone at (907) 465-3824. Please destroy this fax cover and all its attachments.

Jan-May, Juneau: State Capitol • Juneau, AK 99801-1121 • *ph:* (907) 465-3824 • *fax:* (907) 465-3175
June-Dec, Wrangell: PO Box 109 • Wrangell, AK 99929 • *ph:* (907) 874-3088 • *fax:* (907) 874-3055
Rep.Peggy.Wilson@legis.state.ak.us • http://www.akrepublicans.org/wilson/ • 1-800-686-3824

26G-1
(4/8/2009)
(1:27 PM)

AMENDMENT

OFFERED IN THE TRA (House) BY Muñoz

TO: CSSB 148(JUD)

Page 1, line 14:

Delete "due to"

3814

SARAH PALIN, GOVERNOR

DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES
OFFICE OF THE COMMISSIONER

3132 CHANNEL DRIVE
PO Box 112500
JUNEAU, ALASKA 99811-2500
FAX: (907) 586-8365
PHONE: (907) 465-3900

March 23, 2009

The Honorable Albert Kookesh
Alaska State Legislature
State Capitol, Room 11
Juneau AK 99801-1182

Dear Senator Kookesh:

Thank you for sponsoring SB 148. This important piece of legislation will facilitate the partnering between Alaska's tribe and the Department of Transportation and Public Facilities (DOT&PF).

One of the most confusing issues during negotiations is liability. Eliminating or limiting the need to discuss liability issues during agreement negotiations means, time and energy will focus on the core transportation issues and ultimately the construction of transportation infrastructure that will benefit communities.

Sincerely,

Leo von Scheben, P.E., L.S., M.B.A.
Commissioner

cc: Mary Siroky, Legislative Liaison, DOT&PF

RUBY TRIBAL COUNCIL
AGNES M. WRIGHT BLDG.
P.O. BOX 68210
RUBY, ALASKA 99768
TELEPHONE:907-468-4479
FAX: 907-468-4474

VIA Electronic Mail

Sen. Albert Kookesh
Alaska State Capital Building
Capital Room 11
Juneau, Alaska 99801

Re: Letter of Support for SB -148

Dear Senator Kookesh,

I am writing this letter on behalf of the Ruby Tribal Council and all its Tribal Members to fully support SB -148 a bill you sponsored and introduced during the Senate Transportation Committee hearing this past week. This bill will complete the circle of federal funds that comes to Alaska to build and maintain Alaska's entire public infrastructure, especially in rural Alaska where the absence of funding for infrastructure improvements is felt the most.

This bill, SB – 148 will be a first step in bridging Tribal and State funding strategies for years to come when it concerns public community streets, highways, bridges, trails, and ferry systems.

Thank you for all the work you do for the State of Alaska, and our tribal communities.

Sincerely,

Patrick McCarty, 1st Chief

Cc: IRR FILE

Manley Village Council - P.O. Box 105 - Manley Hot Springs, Alaska 99756
Voice: (907) 672-3177 Fax: (907) 672-3200

VIA Electronic Mail

Sen. Albert Kookesh
Alaska State Capital Building
Capital Room 11
Juneau, Alaska 99801

Re: Letter of Support for SB -148

Dear Senator Kookesh,

I am writing this letter on behalf of the Manley Village Council and all its Tribal Members to fully support SB -148 a bill you sponsored and introduced during the Senate Transportation Committee hearing this past week. This bill will complete the circle of federal funds that comes to Alaska to build and maintain Alaska's entire public infrastructure, especially in rural Alaska where the absence of funding for infrastructure improvements is felt the most.

This bill, SB – 148 will be a first step in bridging Tribal and State funding strategies for years to come when it concerns public community streets, highways, bridges, trails, and ferry systems. Thank you for all the work you do for the State of Alaska, and our tribal communities.

Sincerely,

Jack Wright, 1st Chief

Cc: IRR file

Manley Village Council - P.O. Box 105 - Manley Hot Springs, Alaska 99756
Voice: (907) 672-3176 Fax: (907) 672-3200 Email: mvcirr@gmail.com

Resolution No. 2009 - 07

Resolution Supporting Senate Bill – 148 that Would Limit the State of Alaska's Liability & Shield the State from lawsuits arising from IRR and other Federal/Tribal Transportation Projects in Alaska

WHEREAS; the Manley Village Council is a federally recognized tribe; and

WHEREAS; the Manley Village Council is the governing body of the Tribe; and

WHEREAS; to preserve our Alaska Native cultural and tribal values, and otherwise promote the economic health and welfare of tribal members, residents of the surrounding area, and the traveling public; and

WHEREAS; the Manley Village Council has the authorities and duty to provide for a safe and healthy environment for all our tribal members, residents of the surrounding area, and the traveling public; and

WHEREAS; the Manley Village Council fully supports **SB-148** and Alaska's Department of Transportation & Public Facilities sponsorship of **SB-148**; and

WHEREAS; the Manley Village Council is currently under contract the Bureau of Indian Affairs to plan, design, construct, and maintain the routes currently identified as Official listed in the National Indian Reservation Roads (IRR) Inventory and are part of the Tribes' 20 year Long Range Transportation Plan (LRTP) 2009 update; and

NOW THEREFORE, BE IT RESOLVED; NOW THEREFORE, BE IT RESOLVED; that the Manley Village Council fully supports Senator Kookesh's **SB – 148** and urged the legislature to vote to enact this important legislation as soon as possible.

CERTIFICATION

The foregoing resolution **2009 – 07** was adopted at a regular monthly meeting of the Manley Village Council held on **March 31st, 2009**, at which a quorum was present and certified by a vote of;

5 IN FAVOR, __ AGAINST, __ ABSTAIN, __ ABSENT

Signed:

Jack Wright, 1st Chief

Attest:

William Bredeman-Woods, Secretary-Treasurer

Allison Laffen

From: Cindy Smith
Sent: Saturday, April 11, 2009 9:01 AM
To: Allison Laffen
Subject: RE: SB 148: State Liability on Federal Hwy Programs

Yes, they worked everything out. At Hollis' request, Doug Johnson with the trial lawyers met with Peter Putzier and they also consulted with Kay Maasen Gowens from Sachse Miller and Munson -- all the lawyers representing he various points of view were happy with the end product. No problems at all! It's a good bill.

Cindy

From: Allison Laffen
Sent: Friday, April 10, 2009 6:23 PM
To: 'Cindy_Smith@legis.state.ak.us'
Subject: SB 148: State Liability on Federal Hwy Programs

Hi Cindy:

House Transportation is hearing SB 148 on Tuesday - we met with DOT this week and they assured us that any concerns your office had had were taken care of and that the Plaintiff's Bar was okay with the current language. Can you verify that for me? Or are there any lingering problems that you think we should be looking at?

Thanks Cindy - have a great weekend!

Allison Laffen
Legislative Aide
Rep. Max Gruenberg - D20
(907) 465-2840

Indian Reservation Road (IRR) Program Within Alaska
Synopsis by Alaska DOT&PF
February, 2009

Overview

IRR program established in federal law in 1982. Though initially managed primarily by the Bureau of Indian Affairs, this has evolved to a joint management structure between tribal governments and two federal agencies (BIA and FHWA). Participation by Alaska tribes in this program was limited prior to 2005 by two factors: First, the BIA held most decision and performance authority, and second, the funding allocated to Alaska was relatively small, resulting in very little road work being accomplished.

Under SAFETEA-LU (2005 surface transportation authorization) the statutory foundation for the program changed significantly. First, the amount of nationwide funding increased each year (starting at $300 Million per year in 2005 and rising to $450 Million per year in 2009). Second, each tribe was allotted funding annually based on a formula established through regulations. The formula is complex, but apart from population, the most important variable to each tribe is the number of road miles in their tribe's inventory.

Road Inventory and Funding

This identification of road miles takes place between each tribe and BIA and can include roads owned by other entities (such as Alaska DOT&PF, USFS and local governments). Since 2005 there has been a very active effort by tribes in Alaska to add as many road miles as possible to their individual inventories. While there was at one point (in 2007) a legal complication between the tribes and the State of Alaska over the inventory process (because BIA was requiring that road owners such as the state must "consent" to their roads being added to an inventory), this has been favorably resolved and the state is no longer involved in the inventory process.

The inventory process for Alaska tribes is different than most other tribes, which have reservations and thus clear boundaries. The tribal inventory of reservation-based tribes was largely based on the roads within their reservation boundary. In Alaska, with only one reservation-based tribe, essentially all but one of Alaska's 228 or so tribes must rely on road miles in and around each tribe's geographic location. Because some tribes are located in areas with a substantial number of roads, their tribal inventories are large. Other Alaska tribes, in areas with limited road mileage, have much smaller inventories and thus garner far less funding each year under the federal formula.

Another factor is the national split of funds between tribes. As Alaska's tribes have increased their inventory of IRR road miles since 2005, this has led to a smaller share of funding to other tribes in the United States. In response, these tribes have sought to expand their own inventory of miles, by expanding to include roads that lead to the reservation but are not within the reservation. Since Alaska, taken as a whole, has relatively few miles of total road in the state, this effort by non-Alaska tribes is likely to shift the balance of miles under IRR inventory back to these other non-Alaskan tribes as their inventories expand.

There are also some other categories of funding that are allocated on a discretionary (competitive) basis, such as $14 million per year for bridge projects across all tribes in the U.S.

Examples of IRR Funding to Alaska Tribes

In 2008 Alaska tribes received about $40 Million in funding based on the Relative Need" formula used by BIA. This formula uses several factors, including population, amount of vehicle travel, the total number of road miles and a "cost to construct factor" (which is designed to normalize funds across different construction cost circumstances). This is somewhat less than an average of $175,000 per Alaska tribe per year. However, the distribution of funds varies widely from this average. Some tribes garner nearly $2 million per year, while others earn less than $5,000. In general, the tribes in Southeast Alaska do the best under the formula, in part because of their population, and also because there are relatively high number of road miles in this region due to USFS logging road construction. (See attached table from BIA)

Use of IRR Funding by Tribes

The rules governing the use of IRR funding gives substantial latitude to each tribe as to how they use their funds. Some examples of what they can perform with their funding includes:

- Maintenance: 25% of each year's funding is eligible for routine road and bridge maintenance
- Match to other federal: IRR road funds can be used to match other federal funds, including FHWA highway funds and/or Denali Commission funds
- Design and Construction: IRR funds can be used for the tasks required to plan and engineer roads, as well as the actual construction. Construction can occur under force-account rules, unlike most other federal fund sources, which require competitive bids.
- Projects types include:
    - Transportation facility planning, research, engineering, construction and reconstruction
    - Tourism enhancement and recreational development
    - Vehicular parking area improvements and additions
    - Interpretive signage installation
    - Scenic easement and scenic or historic site acquisition
    - Pedestrian and bicycle on-and-off road system improvements, including modification of public walkways to comply with the Americans with Disabilities Act (ADA)
    - Construction and reconstruction of roadside rest areas, including sanitary and water facilities
    - Provision of transit facilities and services within public lands, national parks and Indian reservations
    - Other appropriate facilities such as visitor centers

In order to use their funds, each tribe must prepare a Transportation Improvement Program or TIP (much like the state STIP) which identifies the project scope, cost and location of each project and activity to be funded.

Successful Examples of DOT&PF-Tribal Cooperation

Several groups of tribes within Alaska have established mutual organizations to better manage the program and take advantage of a pooled approach. For example, twenty tribes in the Bering Strait area operate a transportation organization called the Kawerak Transportation Program, which has professional road engineers, planners and accountants to internally identify and manage projects. By pooling their IRR funds and taking turns at project construction within their several communities, they are able to accomplish one or more projects each year, in order to improve employment opportunities and the road system in their communities. Several of these multi-tribe transportation organizations, sometimes called compacts, have been established in the state.

There have also been examples of tribes wishing to help fund work on state roads. For example, in Petersburg, the Petersburg Indian Association has helped to fund two state projects, including intending to perform the work on one project the tribe funded. This work is planned to be accomplished in cooperation with Alaska DOT&PF. Other examples of state-tribal partnerships include:

- Cordova: Native Village of Cordova (Eyak) is performing highway work on the state-owned Copper River Highway and intends to perform bridge work in the future.
- Sitka: Sitka Tribe of Alaska is operating a community-wide transit system and has received state managed transit funds.
- Mat-Su Borough: Chickaloon Native Village is evaluating the possibility of a transit system that might run from Glenallen to Anchorage on a daily or several times per week basis. This latter project received a transit grant from the Federal Transit Administration. DOT&PF transit planners have assisted the planning for this effort.
- Gambell: A federal highway earmark for road work in Gambell is being performed by Kawerak, under a transfer of funds from Alaska DOT&PF.

Impact of Stimulus Funds to Alaska Tribes

The American Recovery and Reinvestment Act contains $310 M nationally for funding to tribes for stimulus purposes. This is about 75% increase to regular 2009 funding to all tribes, including Alaska tribes or about $35 Million. The law's language requires that priority be given to projects that can be completed in 2 years or less, and after one year, BIA may be redistribute funds among the tribes. The allocation of IRR stimulus funds, and any redistribution of funds, is determined by the two federal agencies involved: BIA and FHWA.

Role of DOT&PF in the IRR Program

DOT&PF has been active in working with tribes in order to better achieve transportation improvements for all Alaskans. We have recently agreed to participate in a task force between the state and tribes to find workable solutions, including standard legal formats, in order to accelerate projects. That work is underway this year. We have also entered into several agreements, or otherwise assisted tribes in their use of IRR funds. Perhaps one key factor, as we prepare the next STIP, is that for the first time tribes can bring both matching funds, and maintenance funds to the table. Both factors will permit tribes' nominated projects to score higher, and thus improve the chances of garnering funds.

Tribal Code	Tribe/Village	Alloc %	Approx. Alloc.
E01002	AFOGNAK	0.000233152	$ 65,329
E01004	AKHIOK	0.000198866	$ 55,722
E01007	AKUTAN	0.000218151	$ 61,126
E01011	ALEKNAGIK	0.000175729	$ 49,239
E01027	ATKA	0.000660474	$ 185,065
E01041	BELKOFSKI	9.57506E-06	$ 2,683
E01065	CANTWELL	9.57506E-06	$ 2,683
E01081	CHICKALOON	0.00207013	$ 580,051
E01083	CHIGNIK BAY	0.000290969	$ 81,529
E01084	CHIGNIK LAGOON	0.000255934	$ 71,713
E01085	CHIGNIK LAKE	0.00016138	$ 45,219
E01087	CHEESH-NA (CHISTOCHINA)	8.38246E-05	$ 23,488
E01088	CHITINA	2.26866E-05	$ 6,357
E01096	CLARKS POINT	4.36678E-05	$ 12,236
E01102	KLUTI KAAH (COPPER CENTER)	3.61871E-05	$ 10,140
E01121	CURYUNG (DILLINGHAM)	0.000623763	$ 174,778
E01133	EGEGIK	0.000476694	$ 133,570
E01135	EKLUTNA	0.000151737	$ 42,517
E01136	EKUK	0.000185869	$ 52,081
E01137	EKWOK	4.35034E-05	$ 12,190
E01142	NANWALEK (ENGLISH BAY)	0.000847514	$ 237,473
E01148	EYAK (CORDOVA)	0.001172167	$ 328,441
E01149	FALSE PASS	2.11834E-05	$ 5,936
E01165	GAKONA	9.28783E-05	$ 26,024
E01185	GULKANA	6.16666E-05	$ 17,279
E01214	IGIUGIG	0.000444181	$ 124,459
E01216	ILIAMNA	0.000559303	$ 156,717
E01222	IVANOFF BAY	1.21538E-05	$ 3,405
E01237	KARLUK	0.000440235	$ 123,354
E01246	KENAITZE INDIAN TRIBE	0.000402272	$ 112,716
E01252	AGDAAGUX TRIBE (KING COVE)	0.00037297	$ 104,506
E01254	KING SALMON TRIBE	4.09893E-05	$ 11,485
E01260	KNIK TRIBE	0.000283909	$ 79,551
E01264	KOKHANOK	0.000203144	$ 56,921
E01266	NEW KOLIGANEK (KOLIGANEK)	0.000131406	$ 36,820

E01279	LARSEN BAY	1.80799E-05	$	5,066
E01283	LEVELOCK	0.0010243	$	287,009
E01295	MANOKOTAK	0.000253994	$	71,169
E01309	MENTASTA	2.72634E-05	$	7,639
E01324	PAULOFF HARBOR	0.00017393	$	48,735
E01330	NAKNEK	0.001855871	$	520,015
E01336	NELSON LAGOON	0.000114157	$	31,987
E01339	NEW STUYAHOK	0.000132432	$	37,107
E01340	NEWHALEN	0.002782963	$	779,786
E01346	NIKOLSKI	2.07679E-05	$	5,819
E01348	NINILCHIK	0.000471152	$	132,017
E01353	NONDALTON	6.39638E-05	$	17,923
E01367	OLD HARBOR	4.28449E-05	$	12,005
E01370	OUZINKIE	0.000262691	$	73,606
E01376	PEDRO BAY	0.000208515	$	58,426
E01378	PERRYVILLE	0.000157744	$	44,200
E01383	PILOT POINT	0.000348278	$	97,587
E01396	PORT GRAHAM	0.000173799	$	48,699
E01397	PORT HEIDEN	0.000465471	$	130,425
E01398	PORT LIONS	0.000341681	$	95,739
E01402	PORTAGE CREEK	4.80145E-05	$	13,454
E01419	SALAMATOFF	0.00041533	$	116,375
E01424	QAGAN TAYAGUNGIN (SAND POINT)	0.000271481	$	76,069
E01431	SELDOVIA	0.000384164	$	107,643
E01450	SOUTH NAKNEK	0.000267407	$	74,927
E01455	SAINT GEORGE	0.000412542	$	115,594
E01458	SAINT PAUL	0.000474003	$	132,816
E01477	TATITLEK	9.36216E-05	$	26,233
E01478	TAZLINA	0.000102185	$	28,632
E01487	TOGIAK	0.000590746	$	165,527
E01503	TWIN HILLS	0.000254801	$	71,395
E01505	TYONEK	0.000375801	$	105,299
E01506	UGASHIK	0.000386458	$	108,286
E01510	QAWALANGIN (UNALASKA)	0.00031642	$	88,661
E01511	UNGA	0.000309438	$	86,704
E01531	LESNOI (WOODY ISLAND)	8.80288E-06	$	2,467
E01578	CHENEGA (CHANEGA)	0.000820165	$	229,810

E01586	KAGUYAK	4.6331E-07	$	130
E01623	KANATAK	8.80288E-06	$	2,467
E01804	SUN'AQ TRIBE (KODIAK)	0	$	-
E01850	SUN'AQ TRIBE (KODIAK) (POP)	0.000229362	$	64,267
E02005	AKIACHAK	0.000467675	$	131,042
E02006	AKIAK	9.40498E-05	$	26,353
E02008	ALAKANUK	0.000353685	$	99,102
E02019	YUPIIT (ANDREAFSKI)	0.000231501	$	64,867
E02021	ANIAK	0.000111517	$	31,247
E02029	ATMAUTLUAK	0.000183679	$	51,467
E02043	ORUTSARAMUIT (BETHEL)	0.000527704	$	147,863
E02047	BILL MOORE'S SLOUGH	0.000621648	$	174,186
E02077	CHEFORNAK	6.84154E-05	$	19,170
E02080	CHEVAK	0.000223468	$	62,616
E02092	CHULOONAWICK	7.56739E-06	$	2,120
E02109	CROOKED CREEK	0.001763482	$	494,128
E02132	EEK	0.00013771	$	38,586
E02141	EMMONAK	0.000260013	$	72,856
E02170	GEORGETOWN	0.00036578	$	102,491
E02189	HAMILTON	3.86091E-06	$	1,082
E02199	HOOPER BAY	0.00017266	$	48,379
E02232	KALSKAG	3.69103E-05	$	10,342
E02241	KASIGLUK	9.42591E-05	$	26,411
E02255	KIPNUK	0.000128287	$	35,946
E02267	KONGIGANAK	0.000298045	$	83,512
E02268	KOTLIK	0.000151138	$	42,349
E02275	KWETHLUK	0.000190269	$	53,313
E02276	KWIGILLINGOK	5.86859E-05	$	16,444
E02288	LIME VILLAGE	0.00010261	$	28,751
E02291	LOWER KALSKAG	5.43935E-05	$	15,241
E02297	MARSHALL (FORTUNA LEDGE)	0.000503771	$	141,157
E02307	MEKORYUK	0.000169488	$	47,491
E02323	ASA'CARSARMIUT	0.000159698	$	44,747
E02325	GOODNEWS BAY	0.000102407	$	28,694
E02332	NAPAIMUTE	1.15827E-05	$	3,245
E02333	NAPAKIAK	0.000196848	$	55,157
E02334	NAPASKIAK	0.000193489	$	54,216

E02341	NEWTOK	0.001162596	$	325,760
E02343	NIGHTMUTE	0.00036304	$	101,724
E02361	NUNAPITCHUK	8.03066E-05	$	22,502
E02366	OHOGAMIUT	1.25094E-05	$	3,505
E02369	OSCARVILLE	1.08106E-05	$	3,029
E02371	PAIMIUT	1.01928E-05	$	2,856
E02384	PILOT STATION	0.000114705	$	32,140
E02385	PITKAS POINT	2.61512E-05	$	7,328
E02388	PLATINUM	6.7952E-06	$	1,904
E02407	KWINHAGAK (QUINHAGAK)	0.000187433	$	52,519
E02411	RED DEVIL	6.17936E-05	$	17,315
E02418	IQURMUIT (RUSSIAN MISSION)	0.000450209	$	126,148
E02428	SCAMMON BAY	0.00021422	$	60,025
E02436	NUNAM IQUA (SHELDON'S POINT)	2.73353E-05	$	7,659
E02446	SLEETMUTE	3.27425E-05	$	9,174
E02456	ALGAACIQ (ST. MARY'S)	5.74504E-05	$	16,098
E02464	STONY RIVER	0.000204835	$	57,395
E02490	NUNAKAUYARMIUT (TOKSOOK BAY)	0.000126532	$	35,454
E02497	TULUKSAK	0.000121326	$	33,995
E02499	TUNTUTULIAK	0.000113756	$	31,875
E02500	TUNUNAK	9.66292E-05	$	27,076
E02508	UMKUMIUTE	2.16211E-06	$	606
E02841	CHUATHBALUK (RUSSIAN MISSION)	0.000210273	$	58,919
E03010	ALATNA	5.40528E-06	$	1,515
E03013	ALLAKAKET	0.000159164	$	44,598
E03016	ANAKTUVUK PASS	0.000145615	$	40,801
E03022	ANVIK	2.6414E-05	$	7,401
E03025	ARTIC VILLAGE(VENETIE)	0.000537883	$	150,715
E03028	ATQASUK VILLAGE (ATKASOOK)	0.00010439	$	29,250
E03033	BARROW INUPIAT	0.001400071	$	392,300
E03038	BEAVER	7.4365E-05	$	20,837
E03049	BIRCH CREEK TRIBE	0.000106643	$	29,881
E03072	CHALKYITSIK	0.000177107	$	49,625
E03093	CIRCLE	5.28041E-05	$	14,796
E03127	DOT LAKE	8.17887E-05	$	22,917
E03130	EAGLE	4.81887E-05	$	13,502
E03146	EVANSVILLE	0.000175431	$	49,156

E03162	FORT YUKON	0.00053164	$	148,966
E03166	GALENA (LOUDEN VILLAGE)	0.000102979	$	28,855
E03195	HOLY CROSS	0.000733543	$	205,539
E03205	HUGHES	0.000200634	$	56,218
E03210	HUSLIA	0.000392228	$	109,902
E03230	KAKTOVIK (BARTER ISLAND)	0.000302508	$	84,763
E03233	KALTAG	0.000164646	$	46,134
E03271	KOYUKUK	4.75324E-05	$	13,319
E03294	MANLEY HOT SPRINGS	0.000190645	$	53,419
E03303	MCGRATH	0.000559825	$	156,863
E03314	MINTO	8.36019E-05	$	23,425
E03337	NENANA	0.000158136	$	44,310
E03345	NIKOLAI	0.000397715	$	111,440
E03354	NUIQSUT (NOOIKSUT)	0.000971049	$	272,088
E03358	NORTHWAY	8.77483E-05	$	24,587
E03359	NULATO	0.000318201	$	89,160
E03389	POINT HOPE	0.001055683	$	295,802
E03390	POINT LAY	0.00018705	$	52,412
E03410	RAMPART	0.000413387	$	115,831
E03416	RUBY	0.000156708	$	43,910
E03434	SHAGELUK	6.64438E-05	$	18,618
E03463	STEVENS	0.000819964	$	229,754
E03472	TAKOTNA	3.50281E-05	$	9,815
E03474	TANACROSS	4.88519E-05	$	13,688
E03475	TANANA	0.00025781	$	72,238
E03479	TELIDA	9.52838E-06	$	2,670
E03483	TETLIN	0.000290328	$	81,350
E03518	VENETIE	0.001908435	$	534,743
E03519	WAINWRIGHT	0.000373051	$	104,529
E03634	HEALY LAKE	0.000702448	$	196,826
E03672	GRAYLING	0.000121694	$	34,099
E03842	INUPIAT (ARCTIC SLOPE	0	$	-
E04014	AMBLER	0.000179062	$	50,173
E04056	BREVIG MISSION	0.002234208	$	626,025
E04059	BUCKLAND	0.000196699	$	55,115
E04107	COUNCIL	0.000645823	$	180,960
E04117	DEERING	0.000304929	$	85,441

E04139	ELIM	0.003003718	$	841,642
E04167	GAMBELL	0.000802277	$	224,798
E04177	CHINIK (GOLOVIN)	0.002476734	$	693,981
E04219	DIOMEDE (INALIK)	0.000871644	$	244,235
E04249	KIANA	0.000195189	$	54,692
E04253	KING ISLAND	0.001959187	$	548,964
E04256	KIVALINA	0.000497913	$	139,515
E04261	KOBUK	0.000419178	$	117,454
E04269	KOTZEBUE	0.001277088	$	357,840
E04270	KOYUK	0.00400364	$	1,121,820
E04299	MARY'S IGLOO	0.002848064	$	798,027
E04350	NOATAK	0.000268066	$	75,112
E04352	NOME	0.000693125	$	194,214
E04355	NOORVIK	0.001667867	$	467,336
E04425	SAVOONGA	0.003275815	$	917,883
E04429	SELAWIK	0.00033264	$	93,206
E04435	SHAKTOOLIK	0.002637548	$	739,041
E04438	SHISHMAREF	0.001510506	$	423,244
E04440	SHUNGNAK	0.000527017	$	147,670
E04447	SOLOMON	0.001445523	$	405,036
E04457	SAINT MICHAEL	0.001628392	$	456,275
E04460	STEBBINS	0.001026155	$	287,529
E04480	TELLER	0.001117104	$	313,013
E04509	UNALAKLEET	0.000998426	$	279,759
E04521	WALES	0.001487735	$	416,863
E04525	WHITE MOUNTAIN	0.002138295	$	599,150
E09020	ANGOON	0.000748292	$	209,671
E09108	CRAIG	0.003172434	$	888,916
E09128	DOUGLAS	0.000432239	$	121,113
E09186	CHILKOOT (HAINES)	0.00070501	$	197,544
E09198	HOONAH	0.000879626	$	246,471
E09211	HYDABURG	0.006521119	$	1,827,217
E09229	KAKE	0.002654215	$	743,711
E09238	KASAAN	0.005074374	$	1,421,839
E09248	KETCHIKAN	0.002287486	$	640,954
E09257	KLAWOCK	0.004286807	$	1,201,163
E09259	CHILKAT (KLUKWAN)	0.001069984	$	299,810

E09380	PETERSBURG	0.003387362	$	949,139
E09427	SAXMAN	0.000137306	$	38,473
E09442	SITKA TRIBE	0.000676279	$	189,493
E09443	SKAGWAY	5.59855E-05	$	15,687
E09532	WRANGELL	0.000909776	$	254,919
E09533	YAKUTAT TLINGIT TRIBE	0.000693867	$	194,421
E09801	TLINGIT & HAIDA TRIBES	0.00208879	$	585,279
			$	36,628,493

Based on $280,200,000

AK Vlgs

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B07814 - TONKAWA TRIBE		0.003283			0.000826	552	0.000426	595,680	14,838	0.00197455846
TONKAWA TRIBE OF INDIANS	138,673	0.003283	289.6	14,840	0.000826	552	0.000426	595,680	14,838	0.00197455846
B06804 - WICHITA TRIBES		0.000723			0.001031	1,101	0.000850	253,678	6,319	0.00084089092
WICHITA AND AFFILIATED TRIBES (WICHIT	30,541	0.000723	118.4	18,521	0.001031	1,101	0.000850	253,678	6,319	0.00084089092
Region– 24 Tribes 24 Reserv	1,080,402	0.025577	3,439.8	563,099	0.031351	72,591	0.056053	10,077,385	251,016	0.03340451077
C - Rocky Mtn										
C58280 - WIND RIVER		0.016403			0.016925	7,563	0.005840	4,358,360	108,562	0.01444708864
ARAPAHOE & SHOSHONE TRIBES-WIND RI	692,902	0.016403	1,580.7	303,983	0.016925	7,563	0.005840	4,358,360	108,562	0.01444708864
C56206 - FORT PECK		0.028621			0.008544	7,289	0.005628	5,430,034	135,256	0.01799947386
ASSINIBOINE & SIOUX TRIBES-FORT PECK	1,208,982	0.028621	2,322.6	153,468	0.008544	7,289	0.005628	5,430,034	135,256	0.01799947386
C51201 - BLACKFEET		0.007328			0.010860	9,503	0.007338	2,530,937	63,043	0.00838954911
BLACKFEET TRIBE	309,539	0.007328	865.3	195,057	0.010860	9,503	0.007338	2,530,937	63,043	0.00838954911
C59205 - ROCKY BOYS		0.005938			0.006569	3,305	0.002552	1,644,256	40,957	0.00545037815
CHIPPEWA CREE INDIANS - ROCKY BOY'S	250,847	0.005938	533.1	117,989	0.006569	3,305	0.002552	1,644,256	40,957	0.00545037815
C52202 - CROW TRIBE		0.020674			0.014317	5,910	0.004564	4,689,431	116,808	0.01554452263
CROW TRIBE OF MONTANA	873,275	0.020674	1,507.0	257,145	0.014317	5,910	0.004564	4,689,431	116,808	0.01554452263
C55204 - FORT BELKNAP		0.008636			0.008319	2,976	0.002298	2,194,186	54,655	0.00727328775
FORT BELKNAP INDIAN COMMUNITY	364,800	0.008636	673.8	149,414	0.008319	2,976	0.002298	2,194,186	54,655	0.00727328775
C57207 - NORTHERN CHEYENNE		0.007792			0.005819	4,715	0.003641	1,921,632	47,866	0.00636982620
NORTHERN CHEYENNE TRIBE	329,147	0.007792	678.5	104,510	0.005819	4,715	0.003641	1,921,632	47,866	0.00636982620
Region– 7 Tribes 7 Reserv	4,029,493	0.095392	8,161.0	1,281,565	0.071353	41,261	0.031861	22,768,836	567,146	0.07547412633
E - Alaska										
BRISTOL BAY NATIVE ASSOCIATION										
E01136 - EKUK		0.000341			0.000051	2	0.000002	56,073	1,397	0.00018586928
EKUK, NATIVE VILLAGE OF	14,389	0.000341	18.3	913	0.000051	2	0.000002	56,073	1,397	0.00018586928
E01137 - EKWOK		0.000042			0.000007	133	0.000103	13,124	327	0.00004350339
EKWOK VILLAGE	1,773	0.000042	2.0	118	0.000007	133	0.000103	13,124	327	0.00004350339
E01383 - PILOT POINT		0.000604			0.000095	117	0.000090	105,067	2,617	0.00034827754

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PILOT POINT, NATIVE VILLAGE OF	25,498	0.000604	46.9	1,700	0.000095	117	0.000090	105,067	2,617	0.00034827754
E01402 - PORTAGE CREEK		0.000082			0.000006	34	0.000026	14,485	361	0.00004801450
PORTAGE CREEK VILLAGE (OHGSENAKLE	3,458	0.000082	2.2	110	0.000006	34	0.000026	14,485	361	0.00004801450
E01503 - TWIN HILLS		0.000446			0.000069	71	0.000055	76,868	1,915	0.00025480118
TWIN HILLS VILLAGE	18,857	0.000446	24.8	1,235	0.000069	71	0.000055	76,868	1,915	0.00025480118
5 Tribes 5 Reserv.	63,975	0.001515	94.2	4,076	0.000227	357	0.000276	265,617	6,616	0.00088046588
KAWERAK, INC.										
E04056 - BREVIG MISSION		0.004043			0.000565	281	0.000217	674,010	16,789	0.00223420751
BREVIG MISSION, NATIVE VILLAGE OF	170,766	0.004043	203.9	10,148	0.000565	281	0.000217	674,010	16,789	0.00223420751
E04177 - CHINIK (GOLOVIN)		0.004535			0.000622	147	0.000114	747,175	18,611	0.00247673388
CHINIK ESKIMO COMMUNITY (GOLOVIN)	191,554	0.004535	225.4	11,175	0.000622	147	0.000114	747,175	18,611	0.00247673388
E04107 - COUNCIL		0.001166			0.000155	105	0.000081	194,830	4,853	0.00064582287
COUNCIL, NATIVE VILLAGE OF	49,265	0.001166	71.9	2,782	0.000155	105	0.000081	194,830	4,853	0.00064582287
E04219 - DIOMEDE (INALIK)		0.001557			0.000233	152	0.000117	262,955	6,550	0.00087164406
DIOMEDE (INALIK), NATIVE VILLAGE OF	65,750	0.001557	84.6	4,185	0.000233	152	0.000117	262,955	6,550	0.00087164406
E04139 - ELIM		0.005457			0.000788	250	0.000193	906,154	22,571	0.00300371824
ELIM, NATIVE VILLAGE OF	230,525	0.005457	281.9	14,156	0.000788	250	0.000193	906,154	22,571	0.00300371824
E04167 - GAMBELL		0.001197			0.000325	689	0.000532	242,029	6,029	0.00080227677
GAMBELL, NATIVE VILLAGE OF	50,548	0.001197	75.6	5,840	0.000325	689	0.000532	242,029	6,029	0.00080227677
E04253 - KING ISLAND		0.003436			0.000601	394	0.000304	591,042	14,722	0.00195918671
KING ISLAND NATIVE COMMUNITY	145,138	0.003436	207.7	10,799	0.000601	394	0.000304	591,042	14,722	0.00195918671
E04270 - KOYUK		0.007276			0.001059	310	0.000239	1,207,808	30,085	0.00400364021
KOYUK, NATIVE VILLAGE OF	307,365	0.007276	366.2	19,013	0.001059	310	0.000239	1,207,808	30,085	0.00400364021
E04299 - MARY'S IGLOO		0.005214			0.000750	106	0.000082	859,196	21,402	0.00284806355
MARY'S IGLOO, NATIVE VILLAGE OF	220,228	0.005214	270.4	13,465	0.000750	106	0.000082	859,196	21,402	0.00284806355
E04352 - NOME		0.000647			0.000191	2,022	0.001561	209,100	5,208	0.00069312506
NOME ESKIMO COMMUNITY	27,336	0.000647	260.2	3,430	0.000191	2,022	0.001561	209,100	5,208	0.00069312506

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E04457 - SAINT MICHAEL		0.002876			0.000440	380	0.000293	491,249	12,236	0.00162839203
SAINT MICHAEL, NATIVE VILLAGE OF	121,466	0.002876	138.2	7,900	0.000440	380	0.000293	491,249	12,236	0.00162839203
E04435 - SHAKTOOLIK		0.004766			0.000723	242	0.000187	795,689	19,820	0.00263754784
SHAKTOOLIK, NATIVE VILLAGE OF	201,339	0.004766	249.2	12,990	0.000723	242	0.000187	795,689	19,820	0.00263754784
E04438 - SHISHMAREF		0.002625			0.000358	588	0.000454	455,686	11,351	0.00151050628
SHISHMAREF, NATIVE VILLAGE OF	110,877	0.002625	132.1	6,422	0.000358	588	0.000454	455,686	11,351	0.00151050628
E04447 - SOLOMON		0.002658			0.000388	3	0.000002	436,082	10,862	0.00144552329
SOLOMON, VILLAGE OF	112,259	0.002658	165.6	6,961	0.000388	3	0.000002	436,082	10,862	0.00144552329
E04460 - STEBBINS		0.001724			0.000252	574	0.000443	309,568	7,711	0.00102615541
STEBBINS COMMUNITY ASSOCIATION	72,806	0.001724	89.8	4,534	0.000252	574	0.000443	309,568	7,711	0.00102615541
E04480 - TELLER		0.001986			0.000273	275	0.000212	337,005	8,394	0.00111710446
TELLER, NATIVE VILLAGE OF	83,874	0.001986	99.7	4,900	0.000273	275	0.000212	337,005	8,394	0.00111710446
E04509 - UNALAKLEET		0.001577			0.000325	726	0.000561	301,203	7,503	0.00099842646
UNALAKLEET, NATIVE VILLAGE OF	66,628	0.001577	84.3	5,846	0.000325	726	0.000561	301,203	7,503	0.00099842646
E04521 - WALES		0.002700			0.000381	152	0.000117	448,816	11,179	0.00148773456
WALES, NATIVE VILLAGE OF	114,046	0.002700	138.5	6,845	0.000381	152	0.000117	448,816	11,179	0.00148773456
E04525 - WHITE MOUNTAIN		0.003882			0.000557	194	0.000150	645,075	16,068	0.00213829454
WHITE MOUNTAIN, NATIVE VILLAGE OF	163,989	0.003882	194.6	10,012	0.000557	194	0.000150	645,075	16,068	0.00213829454
19 Tribes 19 Reserv	2,505,761	0.059320	3,339.8	161,400	0.008986	7,590	0.005861	10,114,670	251,945	0.03352810376
MANIILAQ ASSOCIATION										
E04355 - NOORVIK		0.002882			0.000408	677	0.000523	503,158	12,533	0.00166786656
NOORVIK NATIVE COMMUNITY	121,741	0.002882	148.0	7,322	0.000408	677	0.000523	503,158	12,533	0.00166786656
E04440 - SHUNGNAK		0.000904			0.000110	272	0.000210	158,989	3,960	0.00052701727
SHUNGNAK, NATIVE VILLAGE OF	38,192	0.000904	41.5	1,973	0.000110	272	0.000210	158,989	3,960	0.00052701727
2 Tribes 2 Reserv	159,933	0.003786	189.5	9,294	0.000517	949	0.000733	662,147	16,493	0.00219488383
SOUTHEAST TDOT										
E09801 - TLINGIT & HAIDA TRIBES		0.000907			0.002568	5,598	0.004323	630,141	15,696	0.00208879000
CENTRAL COUNCIL TLINGIT & HAIDA INDIA	38,333	0.000907	45.7	46,131	0.002568	5,598	0.004323	630,141	15,696	0.00208879000

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E09128 - DOUGLAS		0.000562			0.000351	298	0.000230	130,397	3,248	0.00043223899
DOUGLAS INDIAN ASSOCIATION	23,740	0.000562	61.7	6,299	0.000351	298	0.000230	130,397	3,248	0.00043223899
E09198 - HOONAH		0.001427			0.000237	616	0.000476	265,363	6,610	0.00087962600
HOONAH INDIAN ASSOCIATION	60,272	0.001427	91.8	4,255	0.000237	616	0.000476	265,363	6,610	0.00087962600
E09427 - SAXMAN		0.000168			0.000009	328	0.000253	41,422	1,032	0.00013730599
SAXMAN, ORGANIZED VILLAGE OF	7,088	0.000168	6.6	165	0.000009	328	0.000253	41,422	1,032	0.00013730599
E09532 - WRANGELL		0.001421			0.000349	611	0.000472	274,459	6,836	0.00090977612
WRANGELL COOPERATIVE ASSOCIATION	60,034	0.001421	108.1	6,275	0.000349	611	0.000472	274,459	6,836	0.00090977612
5 Tribes 5 Reserv	189,466	0.004485	313.9	63,125	0.003515	7,451	0.005754	1,341,782	33,422	0.00444773710
E01002 - AFOGNAK		0.000243			0.000033	660	0.000510	70,337	1,752	0.00023315188
AFOGNAK, NATIVE VILLAGE OF	10,261	0.000243	11.7	585	0.000033	660	0.000510	70,337	1,752	0.00023315188
E01252 - AGDAAGUX TRIBE (KING COVE)		0.000560			0.000103	400	0.000309	112,517	2,803	0.00037296982
AGDAAGUX TRIBE OF KING COVE	23,669	0.000560	17.7	1,858	0.000103	400	0.000309	112,517	2,803	0.00037296982
E01004 - AKHIOK		0.000354			0.000030	83	0.000064	59,993	1,494	0.00019886598
AKHIOK, NATIVE VILLAGE OF	14,949	0.000354	11.2	545	0.000030	83	0.000064	59,993	1,494	0.00019886598
E02005 - AKIACHAK		0.000655			0.000133	648	0.000500	141,087	3,514	0.00046767452
AKIACHAK NATIVE COMMUNITY	27,680	0.000655	82.2	2,393	0.000133	648	0.000500	141,087	3,514	0.00046767452
E02006 - AKIAK		0.000082			0.000003	338	0.000261	28,373	707	0.00009404980
AKIAK NATIVE COMMUNITY	3,462	0.000082	2.1	53	0.000003	338	0.000261	28,373	707	0.00009404980
E01007 - AKUTAN		0.000370			0.000048	123	0.000095	65,811	1,639	0.00021815083
AKUTAN, NATIVE VILLAGE OF	15,619	0.000370	17.5	855	0.000048	123	0.000095	65,811	1,639	0.00021815083
E02008 - ALAKANUK		0.000470			0.000017	735	0.000568	106,699	2,658	0.00035368473
ALAKANUK, VILLAGE OF	19,860	0.000470	12.2	305	0.000017	735	0.000568	106,699	2,658	0.00035368473
E03010 - ALATNA		0.000000			0.000000	35	0.000027	1,631	41	0.00000540528
ALATNA VILLAGE		0.000000			0.000000	35	0.000027	1,631	41	0.00000540528
E01011 - ALEKNAGIK		0.000251			0.000062	204	0.000158	53,013	1,321	0.00017572851
ALEKNAGIK, NATIVE VILLAGE OF	10,600	0.000251	15.4	1,123	0.000062	204	0.000158	53,013	1,321	0.00017572851

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E02456 - ALGAACIQ (ST. MARY'S)		0.000000			0.000000	372	0.000287	17,331	432	0.00005745036
ALGAACIQ NATIVE VILLAGE (ST. MARY'S)		0.000000			0.000000	372	0.000287	17,331	432	0.00005745036
E03013 - ALLAKAKET		0.000264			0.000022	133	0.000103	48,016	1,196	0.00015916429
ALLAKAKET VILLAGE	11,147	0.000264	10.0	400	0.000022	133	0.000103	48,016	1,196	0.00015916429
E04014 - AMBLER		0.000255			0.000017	301	0.000232	54,019	1,346	0.00017906240
AMBLER, NATIVE VILLAGE OF	10,777	0.000255	5.0	300	0.000017	301	0.000232	54,019	1,346	0.00017906240
E03016 - ANAKTUVUK PASS		0.000198			0.000014	276	0.000213	43,929	1,094	0.00014561455
ANAKTUKVUK PASS, VILLAGE OF	8,359	0.000198	5.8	243	0.000014	276	0.000213	43,929	1,094	0.00014561455
E09020 - ANGOON		0.001217			0.000204	510	0.000394	225,743	5,623	0.00074829185
ANGOON COMMUNITY ASSOCIATION	51,388	0.001217	40.0	3,668	0.000204	510	0.000394	225,743	5,623	0.00074829185
E02021 - ANIAK		0.000060			0.000024	481	0.000371	33,642	838	0.00011151723
ANIAK, VILLAGE OF	2,525	0.000060	5.0	440	0.000024	481	0.000371	33,642	838	0.00011151723
E03022 - ANVIK		0.000019			0.000003	105	0.000081	7,969	198	0.00002641404
ANVIK VILLAGE	798	0.000019	0.9	45	0.000003	105	0.000081	7,969	198	0.00002641404
E03025 - ARTIC VILLAGE(VENETIE)		0.000973			0.000097	145	0.000112	162,267	4,042	0.00053788339
ARCTIC VILLAGE	41,102	0.000973	39.4	1,735	0.000097	145	0.000112	162,267	4,042	0.00053788339
E02323 - ASA'CARSARMIUT		0.000060			0.000013	813	0.000628	48,177	1,200	0.00015969841
ASA'CARSARMIUT TRIBE	2,554	0.000060	2.3	234	0.000013	813	0.000628	48,177	1,200	0.00015969841
E01027 - ATKA		0.001212			0.000137	87	0.000067	199,250	4,963	0.00066047447
ATKA, NATIVE VILLAGE OF	51,184	0.001212	35.3	2,466	0.000137	87	0.000067	199,250	4,963	0.00066047447
E02029 - ATMAUTLUAK		0.000229			0.000063	324	0.000250	55,412	1,380	0.00018367941
ATMAUTLUAK, VILLAGE OF	9,689	0.000229	35.2	1,135	0.000063	324	0.000250	55,412	1,380	0.00018367941
E03028 - ATQASUK VILLAGE (ATKASOOK)		0.000125			0.000016	239	0.000185	31,492	784	0.00010438967
ATQASUK VILLAGE (ATKASOOK)	5,284	0.000125	6.8	295	0.000016	239	0.000185	31,492	784	0.00010438967
E03033 - BARROW INUPIAT		0.001212			0.000970	3,257	0.002515	422,370	10,521	0.00140007091
BARROW INUPIAT TRADITIONAL GOV., NAT	51,197	0.001212	487.4	17,426	0.000970	3,257	0.002515	422,370	10,521	0.00140007091

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E03038 - BEAVER		0.000116			0.000011	83	0.000064	22,434	559	0.00007436495
BEAVER VILLAGE	4,914	0.000116	5.1	203	0.000011	83	0.000064	22,434	559	0.00007436495
E01041 - BELKOFSKI		0.000000			0.000000	62	0.000048	2,889	72	0.00000957506
BELKOFSKI, NATIVE VILLAGE OF		0.000000			0.000000	62	0.000048	2,889	72	0.00000957506
E02047 - BILL MOORE'S SLOUGH		0.001114			0.000164	102	0.000079	187,537	4,671	0.00062164781
BILL MOORE'S SLOUGH, VILLAGE OF	47,038	0.001114	60.0	2,941	0.000164	102	0.000079	187,537	4,671	0.00062164781
E03049 - BIRCH CREEK TRIBE		0.000192			0.000020	29	0.000022	32,172	801	0.00010664338
BIRCH CREEK TRIBE	8,127	0.000192	8.3	358	0.000020	29	0.000022	32,172	801	0.00010664338
E04059 - BUCKLAND		0.000244			0.000022	442	0.000341	59,340	1,478	0.00019669896
BUCKLAND, NATIVE VILLAGE OF	10,290	0.000244	10.4	398	0.000022	442	0.000341	59,340	1,478	0.00019669896
E01065 - CANTWELL		0.000000			0.000000	62	0.000048	2,889	72	0.00000957506
CANTWELL, NATIVE VILLAGE OF		0.000000			0.000000	62	0.000048	2,889	72	0.00000957506
E03072 - CHALKYITSIK		0.000302			0.000043	84	0.000065	53,429	1,331	0.00017710677
CHALKYITSIK VILLAGE	12,769	0.000302	15.9	778	0.000043	84	0.000065	53,429	1,331	0.00017710677
E01578 - CHENEGA (CHANEGA)		0.001462			0.000259	74	0.000057	247,425	6,163	0.00082016462
CHANEGA (CHENEGA), NATIVE VILLAGE OF	61,752	0.001462	106.4	4,657	0.000259	74	0.000057	247,425	6,163	0.00082016462
E01087 - CHEESH-NA (CHISTOCHINA)		0.000138			0.000018	63	0.000049	25,288	630	0.00008382463
CHEESH-NA TRIBE (CHISTOCHINA)	5,808	0.000138	7.1	320	0.000018	63	0.000049	25,288	630	0.00008382463
E02077 - CHEFORNAK		0.000000			0.000000	443	0.000342	20,639	514	0.00006841535
CHEFORNAK, VILLAGE OF		0.000000			0.000000	443	0.000342	20,639	514	0.00006841535
E02080 - CHEVAK		0.000171			0.000025	845	0.000652	67,415	1,679	0.00022346783
CHEVAK NATIVE VILLAGE	7,212	0.000171	9.1	455	0.000025	845	0.000652	67,415	1,679	0.00022346783
E01081 - CHICKALOON		0.003707			0.000460	508	0.000392	624,511	15,556	0.00207013030
CHICKALOON NATIVE VILLAGE	156,607	0.003707	237.8	8,259	0.000460	508	0.000392	624,511	15,556	0.00207013030
E01083 - CHIGNIK BAY		0.000521			0.000078	46	0.000036	87,779	2,186	0.00029096887
CHIGNIK BAY TRIBAL COUNCIL	22,014	0.000521	35.7	1,395	0.000078	46	0.000036	87,779	2,186	0.00029096887

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E01084 - CHIGNIK LAGOON		0.000449			0.000063	82	0.000063	77,209	1,923	0.00025593354
CHIGNIK LAGOON, NATIVE VILLAGE OF	18,965	0.000449	20.5	1,125	0.000063	82	0.000063	77,209	1,923	0.00025593354
E01085 - CHIGNIK LAKE		0.000261			0.000041	122	0.000094	48,685	1,213	0.00016137971
CHIGNIK LAKE VILLAGE	11,011	0.000261	13.1	730	0.000041	122	0.000094	48,685	1,213	0.00016137971
E09259 - CHILKAT (KLUKWAN)		0.001972			0.000215	127	0.000098	322,790	8,040	0.00106998416
CHILKAT INDIAN VILLAGE (KLUKWAN)	83,296	0.001972	108.0	3,857	0.000215	127	0.000098	322,790	8,040	0.00106998416
E09186 - CHILKOOT (HAINES)		0.001107			0.000304	392	0.000303	212,686	5,298	0.00070501009
CHILKOOT INDIAN ASSOCIATION (HAINES)	46,745	0.001107	61.2	5,458	0.000304	392	0.000303	212,686	5,298	0.00070501009
E01088 - CHITINA		0.000023			0.000004	65	0.000050	6,844	170	0.00002268658
CHITINA, NATIVE VILLAGE OF	975	0.000023	1.1	66	0.000004	65	0.000050	6,844	170	0.00002268658
E02841 - CHUATHBALUK (RUSSIAN MISSION)		0.000319			0.000102	129	0.000100	63,435	1,580	0.00021027304
CHUATHBALUK (RUSSION MISSION,KUSKO	13,490	0.000319	26.7	1,837	0.000102	129	0.000100	63,435	1,580	0.00021027304
E02092 - CHULOONAWICK		0.000000			0.000000	49	0.000038	2,283	57	0.00000756739
CHULOONAWIK NATIVE VILLAGE		0.000000			0.000000	49	0.000038	2,283	57	0.00000756739
E03093 - CIRCLE		0.000072			0.000011	88	0.000068	15,930	397	0.00005280407
CIRCLE NATIVE COMMUNITY	3,042	0.000072	4.2	192	0.000011	88	0.000068	15,930	397	0.00005280407
E01096 - CLARKS POINT		0.000054			0.000016	75	0.000058	13,174	328	0.00004366781
CLARKS POINT, VILLAGE OF	2,301	0.000054	3.1	291	0.000016	75	0.000058	13,174	328	0.00004366781
E09108 - CRAIG		0.005516			0.001106	535	0.000413	957,052	23,839	0.00317243393
CRAIG COMMUNITY ASSOCIATION	232,994	0.005516	314.2	19,872	0.001106	535	0.000413	957,052	23,839	0.00317243393
E02109 - CROOKED CREEK		0.003219			0.000437	147	0.000114	532,003	13,252	0.00176348189
CROOKED CREEK, VILLAGE OF	135,990	0.003219	161.4	7,849	0.000437	147	0.000114	532,003	13,252	0.00176348189
E01121 - CURYUNG (DILLINGHAM)		0.000541			0.000334	1,638	0.001265	188,175	4,687	0.00062376337
CURYUNG TRIBAL COUNCIL	22,849	0.000541	38.0	6,007	0.000334	1,638	0.001265	188,175	4,687	0.00062376337
E04117 - DEERING		0.000520			0.000076	144	0.000111	91,990	2,291	0.00030492917
DEERING, NATIVE VILLAGE OF	21,948	0.000520	50.3	1,370	0.000076	144	0.000111	91,990	2,291	0.00030492917

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E03127 - DOT LAKE		0.000150			0.000007	31	0.000024	24,674	615	0.00008178870
DOT LAKE, VILLAGE OF	6,336	0.000150	4.8	120	0.000007	31	0.000024	24,674	615	0.00008178870
E03130 - EAGLE		0.000084			0.000004	33	0.000025	14,537	362	0.00004818872
EAGLE, NATIVE VILLAGE OF	3,538	0.000084	2.9	73	0.000004	33	0.000025	14,537	362	0.00004818872
E02132 - EEK		0.000118			0.000102	311	0.000240	41,544	1,035	0.00013770980
EEK, NATIVE VILLAGE OF	4,981	0.000118	91.0	1,840	0.000102	311	0.000240	41,544	1,035	0.00013770980
E01133 - EGEGIK		0.000852			0.000124	86	0.000066	143,808	3,582	0.00047869358
EGEGIK VILLAGE	35,999	0.000852	44.1	2,233	0.000124	86	0.000066	143,808	3,582	0.00047669358
E01135 - EKLUTNA		0.000277			0.000013	60	0.000046	45,776	1,140	0.00015173748
EKLUTNA NATIVE VILLAGE	11,719	0.000277	7.6	225	0.000013	60	0.000046	45,776	1,140	0.00015173748
E02141 - EMMONAK		0.000253			0.000019	829	0.000640	78,440	1,954	0.00026001298
EMMONAK VILLAGE	10,674	0.000253	10.0	338	0.000019	829	0.000640	78,440	1,954	0.00026001298
E03146 - EVANSVILLE		0.000317			0.000042	26	0.000020	52,924	1,318	0.00017543086
EVANSVILLE VILLAGE (BETTLES FIELD)	13,409	0.000317	16.8	760	0.000042	26	0.000020	52,924	1,318	0.00017543086
E01148 - EYAK (CORDOVA)		0.001979			0.000376	454	0.000351	353,616	8,808	0.00117216690
EYAK (CORDOVA), NATIVE VILLAGE OF	83,583	0.001979	338.0	6,747	0.000376	454	0.000351	353,616	8,808	0.00117216690
E01149 - FALSE PASS		0.000028			0.000002	44	0.000034	6,391	159	0.00002118339
FALSE PASS, NATIVE VILLAGE OF	1,166	0.000028	0.7	35	0.000002	44	0.000034	6,391	159	0.00002118339
E03162 - FORT YUKON		0.000849			0.000076	546	0.000422	160,384	3,995	0.00053164027
FORT YUKON, NATIVE VILLAGE OF	35,862	0.000849	37.5	1,367	0.000076	546	0.000422	160,384	3,995	0.00053164027
E01165 - GAKONA		0.000164			0.000026	19	0.000015	28,019	698	0.00009287829
GAKONA, NATIVE VILLAGE OF	6,938	0.000164	12.0	469	0.000026	19	0.000015	28,019	698	0.00009287829
E03166 - GALENA (LOUDEN VILLAGE)		0.000053			0.000012	471	0.000364	31,066	774	0.00010297852
GALENA VILLAGE (LOUDEN VILLAGE)	2,248	0.000053	8.7	218	0.000012	471	0.000364	31,066	774	0.00010297852
E02170 - GEORGETOWN		0.000709			0.000037	3	0.000002	110,347	2,749	0.00036577969
GEORGETOWN, NATIVE VILLAGE OF	29,935	0.000709	25.0	658	0.000037	3	0.000002	110,347	2,749	0.00036577969

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E02325 - GOODNEWS BAY		0.000121			0.000012	248	0.000192	30,894	770	0.00010240661
GOODNEWS BAY, NATIVE VILLAGE OF	5,105	0.000121	5.4	220	0.000012	248	0.000192	30,894	770	0.00010240661
E03672 - GRAYLING		0.000176			0.000018	184	0.000142	36,712	914	0.00012169383
GRAYLING (HOLIKACHUK), ORGANIZED VIL	7,422	0.000176	7.6	325	0.000018	184	0.000142	36,712	914	0.00012169383
E01185 - GULKANA		0.000090			0.000013	84	0.000065	18,603	463	0.00006166658
GULKANA VILLAGE	3,781	0.000090	4.5	236	0.000013	84	0.000065	18,603	463	0.00006166658
E02189 - HAMILTON		0.000000			0.000000	25	0.000019	1,165	29	0.00000386091
HAMILTON, NATIVE VILLAGE OF		0.000000			0.000000	25	0.000019	1,165	29	0.00000386091
E03634 - HEALY LAKE		0.001250			0.000243	29	0.000022	211,913	5,278	0.00070244762
HEALY LAKE VILLAGE	52,815	0.001250	207.4	4,359	0.000243	29	0.000022	211,913	5,278	0.00070244762
E03195 - HOLY CROSS		0.001271			0.000210	227	0.000175	221,293	5,512	0.00073354346
HOLY CROSS VILLAGE	53,687	0.001271	67.7	3,772	0.000210	227	0.000175	221,293	5,512	0.00073354346
E02199 - HOOPER BAY		0.000000			0.000000	1,118	0.000863	52,088	1,297	0.00017265996
HOOPER BAY, NATIVE VILLAGE OF	0	0.000000	3.9	0	0.000000	1,118	0.000863	52,088	1,297	0.00017265996
E03205 - HUGHES		0.000357			0.000041	64	0.000049	60,527	1,508	0.00020063433
HUGHES VILLAGE	15,067	0.000357	15.7	743	0.000041	64	0.000049	60,527	1,508	0.00020063433
E03210 - HUSLIA		0.000635			0.000100	289	0.000223	118,326	2,947	0.00039222795
HUSLIA VILLAGE	26,836	0.000635	36.0	1,793	0.000100	289	0.000223	118,326	2,947	0.00039222795
E09211 - HYDABURG		0.012322			0.001011	366	0.000283	1,967,274	49,003	0.00652111864
HYDABURG COOPERATIVE ASSOCIATION	520,514	0.012322	344.3	18,164	0.001011	366	0.000283	1,967,274	49,003	0.00652111864
E01214 - IGIUGIG		0.000802			0.000123	42	0.000032	133,999	3,338	0.00044418052
IGIUGIG VILLAGE	33,860	0.000802	59.1	2,209	0.000123	42	0.000032	133,999	3,338	0.00044418052
E01216 - ILIAMNA		0.000942			0.000265	57	0.000044	168,729	4,203	0.00055930296
ILIAMNA, VILLAGE OF	39,781	0.000942	72.3	4,767	0.000265	57	0.000044	168,729	4,203	0.00055930296
E03842 - INUPIAT (ARCTIC SLOPE)		0.000000			0.000000		0.000000			0.00000000000
INUPIAT COMMUNITY OF THE ARTIC SLOPI		0.000000			0.000000		0.000000			0.00000000000

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E02418 - IQURMUIT (RUSSIAN MISSION)		0.000744			0.000096	320	0.000247	135,818	3,383	0.00045020871
IQURMUIT TRADITIONAL COUNCIL (RUSSIA	31,416	0.000744	34.8	1,732	0.000096	320	0.000247	135,818	3,383	0.00045020871
E01222 - IVANOFF BAY		0.000017			0.000002	20	0.000015	3,667	91	0.00001215380
IVANOFF BAY VILLAGE	709	0.000017	0.8	40	0.000002	20	0.000015	3,667	91	0.00001215380
E01586 - KAGUYAK		0.000000			0.000000	3	0.000002	140	3	0.00000046331
KAGUYAK VILLAGE		0.000000			0.000000	3	0.000002	140	3	0.00000046331
E09229 - KAKE		0.004543			0.000915	701	0.000541	800,716	19,945	0.00265421453
KAKE, ORGANIZED VILLAGE OF	191,904	0.004543	320.1	16,430	0.000915	701	0.000541	800,716	19,945	0.00265421453
E03230 - KAKTOVIK (BARTER ISLAND)		0.000405			0.000194	273	0.000211	91,260	2,273	0.00030250764
KAKTOVIK VILLAGE (AKA BARTER ISLAND	17,088	0.000405	118.3	3,478	0.000194	273	0.000211	91,260	2,273	0.00030250764
E02232 - KALSKAG		0.000000			0.000000	239	0.000185	11,135	277	0.00003691031
KALSKAG, VILLAGE OF		0.000000			0.000000	239	0.000185	11,135	277	0.00003691031
E03233 - KALTAG		0.000231			0.000058	207	0.000160	49,670	1,237	0.00016464649
KALTAG, VILLAGE OF	9,737	0.000231	16.1	1,043	0.000058	207	0.000160	49,670	1,237	0.00016464649
E01623 - KANATAK		0.000000			0.000000	57	0.000044	2,656	66	0.00000880288
KANATAK, NATIVE VILLAGE OF		0.000000			0.000000	57	0.000044	2,656	66	0.00000880288
E01237 - KARLUK		0.000836			0.000059	29	0.000022	132,809	3,308	0.00044023517
KARLUK, NATIVE VILLAGE OF	35,318	0.000836	21.2	1,060	0.000059	29	0.000022	132,809	3,308	0.00044023517
E09238 - KASAAN		0.009134			0.001680	20	0.000015	1,530,824	38,131	0.00507437359
KASAAN, ORGANIZED VILLAGE OF	385,846	0.009134	592.5	30,182	0.001680	20	0.000015	1,530,824	38,131	0.00507437359
E02241 - KASIGLUK		0.000001			0.000002	603	0.000466	28,436	708	0.00009425914
KASIGLUK TRADITIONAL ELDERS COUNCII	45	0.000001	1.8	36	0.000002	603	0.000466	28,436	708	0.00009425914
E01246 - KENAITZE INDIAN TRIBE		0.000037			0.000043	2,400	0.001853	121,356	3,023	0.00040227151
KENAITZE INDIAN TRIBE	1,583	0.000037	5.5	771	0.000043	2,400	0.001853	121,356	3,023	0.00040227151
E09248 - KETCHIKAN		0.003029			0.001244	2,589	0.001999	690,083	17,189	0.00228748597
KETCHIKAN INDIAN CORPORATION	127,947	0.003029	203.8	22,342	0.001244	2,589	0.001999	690,083	17,189	0.00228748597

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E04249 - KIANA		0.000251			0.000024	405	0.000313	58,884	1,467	0.00019518904
KIANA, NATIVE VILLAGE OF	10,603	0.000251	10.7	428	0.000024	405	0.000313	58,884	1,467	0.00019518904
E01254 - KING SALMON TRIBE		0.000063			0.000005	53	0.000041	12,366	308	0.00004098928
KING SALMON TRIBE	2,651	0.000063	3.4	85	0.000005	53	0.000041	12,366	308	0.00004098928
E02255 - KIPNUK		0.000032			0.000002	725	0.000560	38,701	964	0.00012828738
KIPNUK, NATIVE VILLAGE OF	1,334	0.000032	1.4	32	0.000002	725	0.000560	38,701	964	0.00012828738
E04256 - KIVALINA		0.000842			0.000046	409	0.000316	150,209	3,742	0.00049791272
KIVALINA, NATIVE VILLAGE OF	35,564	0.000842	16.5	825	0.000046	409	0.000316	150,209	3,742	0.00049791272
E09257 - KLAWOCK		0.007581			0.001381	531	0.000410	1,293,233	32,213	0.00428680697
KLAWOCK COOPERATIVE ASSOCIATION	320,228	0.007581	495.7	24,807	0.001381	531	0.000410	1,293,233	32,213	0.00428680697
E01102 - KLUTI KAAH (COPPER CENTER)		0.000002			0.000004	218	0.000168	10,917	272	0.00003618705
KLUTI-KAAH (COPPER CENTER), NATIVE VI	100	0.000002	4.0	80	0.000004	218	0.000168	10,917	272	0.00003618705
E01260 - KNIK TRIBE		0.000045			0.000009	1,674	0.001293	85,649	2,133	0.00028390888
KNIK TRIBE	1,919	0.000045	1.9	160	0.000009	1,674	0.001293	85,649	2,133	0.00028390888
E04261 - KOBUK		0.000699			0.000173	115	0.000089	126,457	3,150	0.00041917804
KOBUK, NATIVE VILLAGE OF	29,523	0.000699	95.1	3,111	0.000173	115	0.000089	126,457	3,150	0.00041917804
E01264 - KOKHANOK		0.000299			0.000100	152	0.000117	61,284	1,527	0.00020314434
KOKHANOK VILLAGE	12,640	0.000299	73.1	1,800	0.000100	152	0.000117	61,284	1,527	0.00020314434
E02267 - KONGIGANAK		0.000432			0.000067	401	0.000310	89,913	2,240	0.00029804473
KONGIGANAK, NATIVE VILLAGE OF	18,240	0.000432	46.8	1,210	0.000067	401	0.000310	89,913	2,240	0.00029804473
E02268 - KOTLIK		0.000098			0.000004	654	0.000505	45,595	1,136	0.00015113819
KOTLIK, VILLAGE OF	4,133	0.000098	3.0	73	0.000004	654	0.000505	45,595	1,136	0.00015113819
E04269 - KOTZEBUE		0.001429			0.000507	2,658	0.002052	385,269	9,597	0.00127708804
KOTZEBUE, NATIVE VILLAGE OF	60,354	0.001429	116.8	9,113	0.000507	2,658	0.002052	385,269	9,597	0.00127708804
E03271 - KOYUKUK		0.000061			0.000008	95	0.000073	14,339	357	0.00004753236
KOYUKUK NATIVE VILLAGE	2,572	0.000061	2.9	145	0.000008	95	0.000073	14,339	357	0.00004753236

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E02275 - KWETHLUK		0.000124			0.000028	777	0.000600	57,400	1,430	0.00019026850
KWETHLUK, ORGANIZED VILLAGE OF	5,235	0.000124	7.6	497	0.000028	777	0.000600	57,400	1,430	0.00019026850
E02276 - KWIGILLINGOK		0.000000			0.000000	380	0.000293	17,704	441	0.00005868585
KWIGILLINGOK, NATIVE VILLAGE OF		0.000000			0.000000	380	0.000293	17,704	441	0.00005868585
E02407 - KWINHAGAK (QUINHAGAK)		0.000169			0.000024	620	0.000479	56,544	1,408	0.00018743338
KWINHAGAK (QUINHAGAK), NATIVE VILLAG	7,128	0.000169	128.2	438	0.000024	620	0.000479	56,544	1,408	0.00018743338
E01279 - LARSEN BAY		0.000004			0.000001	101	0.000078	5,454	136	0.00001807991
LARSEN BAY, NATIVE VILLAGE OF	189	0.000004	0.3	15	0.000001	101	0.000078	5,454	136	0.00001807991
E01531 - LESNOI (WOODY ISLAND)		0.000000			0.000000	57	0.000044	2,656	66	0.00000880288
LESNOI VILLAGE (WOODY ISLAND)		0.000000			0.000000	57	0.000044	2,656	66	0.00000880288
E01283 - LEVELOCK		0.001860			0.000257	112	0.000086	309,008	7,697	0.00102430021
LEVELOCK VILLAGE	78,573	0.001860	91.2	4,608	0.000257	112	0.000086	309,008	7,697	0.00102430021
E02288 - LIME VILLAGE		0.000183			0.000018	37	0.000029	30,955	771	0.00010260955
LIME VILLAGE	7,738	0.000183	7.7	318	0.000018	37	0.000029	30,955	771	0.00010260955
E02291 - LOWER KALSKAG		0.000016			0.000003	293	0.000226	16,409	409	0.00005439347
LOWER KALSKAG, VILLAGE OF	691	0.000016	4.6	58	0.000003	293	0.000226	16,409	409	0.00005439347
E03294 - MANLEY HOT SPRINGS		0.000360			0.000026	18	0.000014	57,513	1,433	0.00019064481
MANLEY HOT SPRINGS VILLAGE	15,202	0.000360	190.4	474	0.000026	18	0.000014	57,513	1,433	0.00019064481
E01295 - MANOKOTAK		0.000353			0.000047	412	0.000318	76,624	1,909	0.00025399440
MANOKOTAK VILLAGE	14,897	0.000353	16.8	840	0.000047	412	0.000318	76,624	1,909	0.00025399440
E02297 - MARSHALL (FORTUNA LEDGE)		0.000821			0.000108	393	0.000303	151,976	3,786	0.00050377130
MARSHALL (FORTUNA LEDGE), NATIVE VIL	34,698	0.000821	39.0	1,938	0.000108	393	0.000303	151,976	3,786	0.00050377130
E03303 - MCGRATH		0.000967			0.000137	227	0.000175	168,887	4,207	0.00055982539
MCGRATH NATIVE VILLAGE	40,866	0.000967	50.4	2,458	0.000137	227	0.000175	168,887	4,207	0.00055982539
E02307 - MEKORYUK		0.000245			0.000037	233	0.000180	51,131	1,274	0.00016948825
MEKORYUK, NATIVE VILLAGE OF	10,347	0.000245	13.2	660	0.000037	233	0.000180	51,131	1,274	0.00016948825

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E01309 - MENTASTA		0.000020			0.000001	109	0.000084	8,225	205	0.00002726338
MENTASTA TRADITIONAL COUNCIL	858	0.000020	7.2	16	0.000001	109	0.000084	8,225	205	0.00002726338
E03314 - MINTO		0.000083			0.000013	246	0.000190	25,221	628	0.00008360186
MINTO, NATIVE VILLAGE OF	3,525	0.000083	5.3	233	0.000013	246	0.000190	25,221	628	0.00008360186
E01330 - NAKNEK		0.003259			0.000583	333	0.000257	559,874	13,946	0.00185587060
NAKNEK NATIVE VILLAGE	137,675	0.003259	159.7	10,467	0.000583	333	0.000257	559,874	13,946	0.00185587060
E01142 - NANWALEK (ENGLISH BAY)		0.001544			0.000160	179	0.000138	255,676	6,369	0.00084751415
NANWALEK (ENGLISH BAY), NATIVE VILLA(	65,204	0.001544	58.3	2,878	0.000160	179	0.000138	255,676	6,369	0.00084751415
E02332 - NAPAIMUTE		0.000000			0.000000	75	0.000058	3,494	87	0.00001158273
NAPAIMUTE, NATIVE VILLAGE OF		0.000000			0.000000	75	0.000058	3,494	87	0.00001158273
E02333 - NAPAKIAK		0.000230			0.000072	392	0.000303	59,384	1,479	0.00019684755
NAPAKIAK, NATIVE VILLAGE OF	9,697	0.000230	23.5	1,289	0.000072	392	0.000303	59,384	1,479	0.00019684755
E02334 - NAPASKIAK		0.000245			0.000010	440	0.000340	58,371	1,454	0.00019348894
NAPASKIAK, NATIVE VILLAGE OF	10,362	0.000245	5.7	173	0.000010	440	0.000340	58,371	1,454	0.00019348894
E01336 - NELSON LAGOON		0.000189			0.000029	72	0.000056	34,439	858	0.00011415742
NELSON LAGOON, NATIVE VILLAGE OF	7,981	0.000189	11.8	513	0.000029	72	0.000056	34,439	858	0.00011415742
E03337 - NENANA		0.000239			0.000028	197	0.000152	47,706	1,188	0.00015813558
NENANA NATIVE ASSOCIATION	10,084	0.000239	14.1	500	0.000028	197	0.000152	47,706	1,188	0.00015813558
E01266 - NEW KOLIGANEK (KOLIGANEK)		0.000186			0.000039	173	0.000134	39,642	987	0.00013140640
NEW KOLIGANEK VILLAGE COUNCIL	7,860	0.000186	10.8	698	0.000039	173	0.000134	39,642	987	0.00013140640
E01339 - NEW STUYAHOK		0.000099			0.000022	493	0.000381	39,952	995	0.00013243180
NEW STUYAHOK VILLAGE	4,199	0.000099	6.8	395	0.000022	493	0.000381	39,952	995	0.00013243180
E01340 - NEWHALEN		0.005067			0.000759	140	0.000108	839,557	20,912	0.00278296315
NEWHALEN VILLAGE	214,038	0.005067	266.8	13,640	0.000759	140	0.000108	839,557	20,912	0.00278296315
E02341 - NEWTOK		0.002004			0.000351	357	0.000276	350,729	8,736	0.00116259642
NEWTOK VILLAGE	84,661	0.002004	127.6	6,308	0.000351	357	0.000276	350,729	8,736	0.00116259642

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E02343 - NIGHTMUTE		0.000611			0.000076	226	0.000175	109,521	2,728	0.00036303971
NIGHTMUTE, NATIVE VILLAGE OF	25,794	0.000611	28.8	1,367	0.000076	226	0.000175	109,521	2,728	0.00036303971
E03345 - NIKOLAI		0.000726			0.000073	84	0.000065	119,981	2,989	0.00039771450
NIKOLAI VILLAGE	30,646	0.000726	31.1	1,317	0.000073	84	0.000065	119,981	2,989	0.00039771450
E01346 - NIKOLSKI		0.000032			0.000002	28	0.000022	6,265	156	0.00002076786
NIKOLSKI, NATIVE VILLAGE OF	1,333	0.000032	0.8	40	0.000002	28	0.000022	6,265	156	0.00002076786
E01348 - NINILCHIK		0.000602			0.000080	945	0.000730	142,136	3,540	0.00047115203
NINILCHIK VILLAGE	25,450	0.000602	28.7	1,435	0.000080	945	0.000730	142,136	3,540	0.00047115203
E04350 - NOATAK		0.000320			0.000122	462	0.000357	80,870	2,014	0.00026806623
NOATAK, NATIVE VILLAGE OF	13,536	0.000320	25.3	2,185	0.000122	462	0.000357	80,870	2,014	0.00026806623
E01353 - NONDALTON		0.000067			0.000003	191	0.000147	19,296	481	0.00006396376
NONDALTON VILLAGE	2,831	0.000067	2.2	58	0.000003	191	0.000147	19,296	481	0.00006396376
E03358 - NORTHWAY		0.000063			0.000003	358	0.000276	26,472	659	0.00008774829
NORTHWAY VILLAGE	2,654	0.000063	2.2	63	0.000003	358	0.000276	26,472	659	0.00008774829
E03354 - NUIQSUT (NOOIKSUT)		0.001528			0.000469	429	0.000331	292,943	7,297	0.00097104894
NUIQSUT (NOOIKSUT), NATIVE VILLAGE OF	64,556	0.001528	265.1	8,422	0.000469	429	0.000331	292,943	7,297	0.00097104894
E03359 - NULATO		0.000496			0.000066	327	0.000253	95,994	2,391	0.00031820142
NULATO VILLAGE	20,944	0.000496	23.7	1,185	0.000066	327	0.000253	95,994	2,391	0.00031820142
E02490 - NUNAKAUYARMIUT (TOKSOOK BAY)		0.000065			0.000006	596	0.000460	38,172	951	0.00012653234
NUNAKAUYARMIUT TRIBE (TOKSOOK BAY	2,762	0.000065	2.8	108	0.000006	596	0.000460	38,172	951	0.00012653234
E02436 - NUNAM IQUA (SHELDON'S POINT)		0.000000			0.000000	177	0.000137	8,246	205	0.00002733525
NUNAM IQUA (SHELDON'S POINT), NATIVE		0.000000			0.000000	177	0.000137	8,246	205	0.00002733525
E02361 - NUNAPITCHUK		0.000002			0.000001	513	0.000396	24,227	603	0.00008030661
NUNAPITCHUK, NATIVE VILLAGE OF	67	0.000002	0.3	17	0.000001	513	0.000396	24,227	603	0.00008030661
E02366 - OHOGAMIUT		0.000000			0.000000	81	0.000063	3,774	94	0.00001250935
OHOGAMIUT, VILLAGE OF		0.000000			0.000000	81	0.000063	3,774	94	0.00001250935

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E01367 - OLD HARBOR		0.000016			0.000001	225	0.000174	12,925	322	0.00004284485
OLD HARBOR, VILLAGE OF	663	0.000016	0.4	15	0.000001	225	0.000174	12,925	322	0.00004284485
E02043 - ORUTSARAMUIT (BETHEL)		0.000046			0.000016	3,236	0.002499	159,196	3,965	0.00052770406
ORUTSARARMUIT NATIVE VILLAGE (BETHE	1,949	0.000046	1.7	292	0.000016	3,236	0.002499	159,196	3,965	0.00052770406
E02369 - OSCARVILLE		0.000000			0.000000	70	0.000054	3,261	81	0.00001081055
OSCARVILLE TRADITIONAL VILLAGE		0.000000			0.000000	70	0.000054	3,261	81	0.00001081055
E01370 - OUZINKIE		0.000438			0.000033	218	0.000168	79,248	1,974	0.00026269093
OUZINKIE, NATIVE VILLAGE OF	18,507	0.000438	12.4	597	0.000033	218	0.000168	79,248	1,974	0.00026269093
E02371 - PAIMIUT		0.000000			0.000000	66	0.000051	3,075	77	0.00001019281
PAIMIUT, NATIVE VILLAGE OF		0.000000			0.000000	66	0.000051	3,075	77	0.00001019281
E01324 - PAULOFF HARBOR		0.000312			0.000047	26	0.000020	52,471	1,307	0.00017393024
PAULOFF HARBOR VILLAGE	13,170	0.000312	16.8	840	0.000047	26	0.000020	52,471	1,307	0.00017393024
E01376 - PEDRO BAY		0.000358			0.000083	31	0.000024	62,904	1,567	0.00020851472
PEDRO BAY VILLAGE	15,112	0.000358	62.1	1,488	0.000083	31	0.000024	62,904	1,567	0.00020851472
E01378 - PERRYVILLE		0.000251			0.000056	101	0.000078	47,588	1,185	0.00015774372
PERRYVILLE, NATIVE VILLAGE OF	10,584	0.000251	47.1	1,010	0.000056	101	0.000078	47,588	1,185	0.00015774372
E09380 - PETERSBURG		0.004667			0.003254	502	0.000388	1,021,890	25,454	0.00338736177
PETERSBURG INDIAN ASSOCIATION	197,160	0.004667	497.0	58,439	0.003254	502	0.000388	1,021,890	25,454	0.00338736177
E02384 - PILOT STATION		0.000036			0.000005	618	0.000477	34,604	862	0.00011470502
PILOT STATION TRADITIONAL VILLAGE	1,507	0.000036	1.7	85	0.000005	618	0.000477	34,604	862	0.00011470502
E02385 - PITKAS POINT		0.000009			0.000002	135	0.000104	7,889	197	0.00002615119
PITKA'S POINT, NATIVE VILLAGE OF	400	0.000009	2.2	34	0.000002	135	0.000104	7,889	197	0.00002615119
E02388 - PLATINUM		0.000000			0.000000	44	0.000034	2,050	51	0.00000679520
PLATINUM TRADITIONAL VILLAGE		0.000000			0.000000	44	0.000034	2,050	51	0.00000679520
E03389 - POINT HOPE		0.001817			0.000099	762	0.000588	318,476	7,933	0.00105568279
POINT HOPE, NATIVE VILLAGE OF	76,733	0.001817	35.6	1,780	0.000099	762	0.000588	318,476	7,933	0.00105568279

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E03390 - POINT LAY		0.000200			0.000166	242	0.000187	56,429	1,406	0.00018705044
POINT LAY, NATIVE VILLAGE OF	8,436	0.000200	136.9	2,983	0.000166	242	0.000187	56,429	1,406	0.00018705044
E01396 - PORT GRAHAM		0.000284			0.000022	164	0.000127	52,431	1,306	0.00017379915
PORT GRAHAM, NATIVE VILLAGE OF	11,986	0.000284	7.2	395	0.000022	164	0.000127	52,431	1,306	0.00017379915
E01397 - PORT HEIDEN		0.000878			0.000042	89	0.000069	140,422	3,498	0.00046547115
PORT HEIDEN, NATIVE VILLAGE OF	37,091	0.000878	30.4	760	0.000042	89	0.000069	140,422	3,498	0.00046547115
E01398 - PORT LIONS		0.000606			0.000037	181	0.000140	103,077	2,568	0.00034168102
PORT LIONS, NATIVE VILLAGE OF	25,578	0.000606	19.4	657	0.000037	181	0.000140	103,077	2,568	0.00034188102
E01424 - QAGAN TAYAGUNGIN (SAND POINT)		0.000386			0.000033	444	0.000343	81,900	2,040	0.00027148081
QAGAN TOYAGUNGIN TRIBE OF SAND POI	16,310	0.000386	13.5	590	0.000033	444	0.000343	81,900	2,040	0.00027148081
E01510 - QAWALANGIN (UNALASKA)		0.000468			0.000063	411	0.000317	95,457	2,378	0.00031642016
QAWALANGIN TRIBE OF UNALASKA	19,779	0.000468	29.8	1,127	0.000063	411	0.000317	95,457	2,378	0.00031642016
E03410 - RAMPART		0.000788			0.000043	42	0.000032	124,710	3,106	0.00041338722
RAMPART VILLAGE	33,274	0.000788	16.5	781	0.000043	42	0.000032	124,710	3,106	0.00041338722
E02411 - RED DEVIL		0.000108			0.000011	29	0.000022	18,642	464	0.00006179359
RED DEVIL, VILLAGE OF	4,568	0.000108	4.4	194	0.000011	29	0.000022	18,642	464	0.00006179359
E03416 - RUBY		0.000254			0.000012	168	0.000130	47,275	1,178	0.00015670820
RUBY, NATIVE VILLAGE OF	10,737	0.000254	8.8	220	0.000012	168	0.000130	47,275	1,178	0.00015670820
E01455 - SAINT GEORGE		0.000710			0.000118	145	0.000112	124,454	3,100	0.00041254153
SAINT GEORGE ISLAND	29,972	0.000710	40.2	2,118	0.000118	145	0.000112	124,454	3,100	0.00041254153
E01458 - SAINT PAUL		0.000704			0.000101	593	0.000458	142,996	3,562	0.00047400315
SAINT PAUL ISLAND	29,758	0.000704	39.6	1,807	0.000101	593	0.000458	142,996	3,562	0.00047400315
E01419 - SALAMATOFF		0.000697			0.000103	231	0.000178	125,296	3,121	0.00041532953
SALAMATOFF, VILLAGE OF	29,457	0.000697	37.1	1,855	0.000103	231	0.000178	125,296	3,121	0.00041532953
E04425 - SAVOONGA		0.005846			0.000826	680	0.000525	988,239	24,616	0.00327581465
SAVOONGA, NATIVE VILLAGE OF	246,951	0.005846	295.2	14,830	0.000826	680	0.000525	988,239	24,616	0.00327581465

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E02428 - SCAMMON BAY		0.000256			0.000018	522	0.000403	64,625	1,610	0.00021422042
SCAMMON BAY, NATIVE VILLAGE OF	10,829	0.000256	6.5	325	0.000018	522	0.000403	64,625	1,610	0.00021422042
E04429 - SELAWIK		0.000367			0.000072	827	0.000639	100,350	2,500	0.00033263964
SELAWIK, NATIVE VILLAGE OF	15,486	0.000367	20.8	1,294	0.000072	827	0.000639	100,350	2,500	0.00033263964
E01431 - SELDOVIA		0.000659			0.000113	135	0.000104	115,893	2,887	0.00038416361
SELDOVIA VILLAGE TRIBE	27,841	0.000659	24.4	2,022	0.000113	135	0.000104	115,893	2,887	0.00038416361
E03434 - SHAGELUK		0.000091			0.000004	129	0.000100	20,045	499	0.00006644384
SHAGELUK NATIVE VILLAGE	3,828	0.000091	2.9	73	0.000004	129	0.000100	20,045	499	0.00006644384
E09442 - SITKA TRIBE		0.000261			0.000049	3,438	0.002655	204,018	5,082	0.00067627855
SITKA TRIBE OF ALASKA	11,034	0.000261	38.3	881	0.000049	3,438	0.002655	204,018	5,082	0.00067627855
E09443 - SKAGWAY		0.000081			0.000025	52	0.000040	16,890	421	0.00005598554
SKAGWAY VILLAGE	3,430	0.000081	26.4	440	0.000025	52	0.000040	16,890	421	0.00005598554
E02446 - SLEETMUTE		0.000031			0.000004	102	0.000079	9,878	246	0.00003274252
SLEETMUTE, VILLAGE OF	1,323	0.000031	2.0	80	0.000004	102	0.000079	9,878	246	0.00003274252
E01450 - SOUTH NAKNEK		0.000452			0.000076	120	0.000093	80,671	2,009	0.00026740702
SOUTH NAKNEK VILLAGE	19,110	0.000452	25.4	1,358	0.000076	120	0.000093	80,671	2,009	0.00026740702
E03463 - STEVENS		0.001481			0.000220	86	0.000066	247,365	6,162	0.00081996440
STEVENS, NATIVE VILLAGE OF	62,570	0.001481	79.9	3,955	0.000220	86	0.000066	247,365	6,162	0.00081996440
E02464 - STONY RIVER		0.000367			0.000040	60	0.000046	61,794	1,539	0.00020483468
STONY RIVER, VILLAGE OF	15,510	0.000367	16.5	718	0.000040	60	0.000046	61,794	1,539	0.00020483468
E01804 - SUN'AQ TRIBE (KODIAK)		0.000000			0.000000		0.000000			0.00000000000
E01850 - SUN'AQ TRIBE (KODIAK) (POP)		0.000052			0.000232	867	0.000669	69,193	1,724	0.00022936242
SUN'AQ TRIBE OF KODIAK	2,179	0.000052	38.5	4,172	0.000232	867	0.000669	69,193	1,724	0.00022936242
E03472 - TAKOTNA		0.000057			0.000010	22	0.000017	10,567	263	0.00003502813
TAKOTNA VILLAGE	2,407	0.000057	25.5	188	0.000010	22	0.000017	10,567	263	0.00003502813
E03474 - TANACROSS		0.000050			0.000009	138	0.000107	14,738	367	0.00004885191
TANACROSS, NATIVE VILLAGE OF	2,110	0.000050	5.1	153	0.000009	138	0.000107	14,738	367	0.00004885191

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E03475 - TANANA		0.000400			0.000060	260	0.000201	77,775	1,937	0.00025781004
TANANA, NATIVE VILLAGE OF	16,878	0.000400	21.4	1,070	0.000060	260	0.000201	77,775	1,937	0.00025781004
E01477 - TATITLEK		0.000148			0.000013	100	0.000077	28,244	704	0.00009382161
TATITLEK, NATIVE VILLAGE OF	6,266	0.000148	4.2	240	0.000013	100	0.000077	28,244	704	0.00009382161
E01478 - TAZLINA		0.000168			0.000010	96	0.000074	30,827	768	0.00010218547
TAZLINA, NATIVE VILLAGE OF	7,116	0.000168	6.0	188	0.000010	96	0.000074	30,827	768	0.00010218547
E03479 - TELIDA		0.000017			0.000002	3	0.000002	2,874	72	0.00000952838
TELIDA VILLAGE	709	0.000017	0.8	40	0.000002	3	0.000002	2,874	72	0.00000952838
E03483 - TETLIN		0.000502			0.000067	126	0.000097	87,585	2,182	0.00029032823
TETLIN VILLAGE	21,193	0.000502	23.9	1,198	0.000067	126	0.000097	87,585	2,182	0.00029032823
E01487 - TOGIAK		0.000764			0.000276	817	0.000631	178,215	4,439	0.00059074616
TOGIAK, TRADITIONAL VILLAGE OF	32,255	0.000764	56.6	4,956	0.000276	817	0.000631	178,215	4,439	0.00059074616
E02497 - TULUKSAK		0.000098			0.000003	463	0.000358	36,601	912	0.00012132583
TULUKSAK NATIVE COMMUNITY	4,121	0.000098	2.5	63	0.000003	463	0.000358	36,601	912	0.00012132583
E02499 - TUNTUTULIAK		0.000096			0.000003	420	0.000324	34,318	855	0.00011375644
TUNTUTULIAK, NATIVE VILLAGE OF	4,046	0.000096	2.4	60	0.000003	420	0.000324	34,318	855	0.00011375644
E02500 - TUNUNAK		0.000076			0.000009	362	0.000280	29,151	726	0.00009662920
TUNUNAK, NATIVE VILLAGE OF	3,215	0.000076	32.4	160	0.000009	362	0.000280	29,151	726	0.00009662920
E01505 - TYONEK		0.000621			0.000115	200	0.000154	113,371	2,824	0.00037580105
TYONEK, NATIVE VILLAGE OF	26,222	0.000621	32.4	2,068	0.000115	200	0.000154	113,371	2,824	0.00037580105
E01506 - UGASHIK		0.000592			0.000298	9	0.000007	116,586	2,904	0.00038645806
UGASHIK VILLAGE	24,989	0.000592	95.1	5,345	0.000298	9	0.000007	116,586	2,904	0.00038645806
E02508 - UMKUMIUTE		0.000000			0.000000	14	0.000011	652	16	0.00000216211
UMKUMIUTE NATIVE VILLAGE		0.000000			0.000000	14	0.000011	652	16	0.00000216211
E01511 - UNGA		0.000564			0.000068	45	0.000035	93,350	2,325	0.00030943788
UNGA, NATIVE VILLAGE OF	23,833	0.000564	24.4	1,220	0.000068	45	0.000035	93,350	2,325	0.00030943788

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E03518 - VENETIE		0.003395			0.000530	336	0.000259	575,732	14,341	0.00190843504
VENETIE TRIBAL GOVERNMENT, NATIVE V	143,419	0.003395	190.3	9,515	0.000530	336	0.000259	575,732	14,341	0.00190843504
E03519 - WAINWRIGHT		0.000329			0.000405	564	0.000436	112,541	2,803	0.00037305132
WAINWRIGHT, VILLAGE OF	13,897	0.000329	356.8	7,271	0.000405	564	0.000436	112,541	2,803	0.00037305132
E09533 - YAKUTAT TLINGIT TRIBE		0.001160			0.000187	375	0.000290	209,324	5,214	0.00069386660
YAKUTAT TLINGIT TRIBE	48,992	0.001160	87.4	3,355	0.000187	375	0.000290	209,324	5,214	0.00069386660
E02019 - YUPIIT (ANDREAFSKI)		0.000247			0.000292	132	0.000102	69,839	1,740	0.00023150131
YUPIIT OF ANDREAFSKY	10,427	0.000247	251.1	5,250	0.000292	132	0.000102	69,839	1,740	0.00023150131
Region-- 226 Tribes 227 Reserv	8,895,280	0.210583	14,201.2	729,213	0.040600	85,805	0.066257	39,436,073	982,308	0.13072267390
F - Midwest										
F55430 - BAD RIVER		0.003258			0.000651	2,212	0.001708	653,412	16,276	0.00216593004
BAD RIVER BAND OF THE LAKE SUPERIOR	137,633	0.003258	311.3	11,686	0.000651	2,212	0.001708	653,412	16,276	0.00216593004
F60470 - BAY MILLS		0.000829			0.000206	1,031	0.000796	191,754	4,776	0.00063562712
BAY MILLS INDIAN COMMUNITY	35,023	0.000829	99.6	3,702	0.000206	1,031	0.000796	191,754	4,776	0.00063562712
F55434 - FOREST CNTY POTAWATOMI		0.001722			0.000717	964	0.000744	369,521	9,204	0.00122488864
FOREST COUNTY POTAWATOMI COMMUN	72,738	0.001722	298.8	12,874	0.000717	964	0.000744	369,521	9,204	0.00122488864
F60474 - GRAND TRAVERSE		0.004742			0.029554	4,996	0.003858	3,622,792	90,240	0.01200882839
GRAND TRAVERSE BAND OF OTTAWA AND	200,317	0.004742	551.9	530,818	0.029554	4,996	0.003858	3,622,792	90,240	0.01200882839
F60471 - HANNAHVILLE INDIAN COMM		0.004270			0.002448	403	0.000311	884,406	22,030	0.00293162946
HANNAHVILLE INDIAN COMMUNITY	180,378	0.004270	455.6	43,962	0.002448	403	0.000311	884,406	22,030	0.00293162946
F55439 - HO-CHUNK NATION		0.006551			0.044590	13,056	0.010082	5,631,898	140,284	0.01866861102
HO-CHUNK NATION OF WISCONSIN	276,711	0.006551	2,435.8	800,878	0.044590	13,056	0.010082	5,631,898	140,284	0.01866861102
F60478 - HURON POTAWATOMI, INC.		0.001410			0.000278	1,342	0.001036	300,404	7,483	0.00099578063
HURON POTAWATOMI, INC.	59,564	0.001410	143.4	4,998	0.000278	1,342	0.001036	300,404	7,483	0.00099578063
F60475 - KEWEENAW BAY		0.004466			0.004483	1,705	0.001317	1,158,784	28,864	0.00384113794
KEWEENAW BAY INDIAN COMMUNITY	188,639	0.004466	418.5	80,522	0.004483	1,705	0.001317	1,158,784	28,864	0.00384113794
F55431 - LAC COURTE OREILLES		0.003808			0.000996	2,968	0.002292	802,752	19,996	0.00266096195

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM April 15, 2009

SUBJECT: HCS CSSB 148(TRA): a note to accompany the committee report (Work Order No. 26-LS0685\P)

TO: Representative Peggy Wilson
Chair of the House Transportation Committee

FROM: Jack Chenoweth
Assistant Revisor

The measure accompanying this memo makes the specific change requested by Becky Rooney. However, the committee-adopted amendment, produced here in the form of a House Transportation Committee Substitute, arguably reintroduces an ambiguity in the second clause of the sentence being amended. It leaves unresolved, at least in my mind, whether that provision should and would be read as "is not due to the state's selection . . . or [due to] the state's approving" or whether it should and would be read as "is not due to the state's selection . . . or [**not** due] to the state's approving. . . ." The structure of the sentence that is being changed invites uncertainty. I hope the committee has evidence, on the record of its consideration of the measure, as to its intent in making the change so that the executive agency will implement the measure in law as the committee expects.

JBC:ljw
09-257.ljw

Enclosure

SB 165

Anchorage School District

5530 E. Northern Lights Blvd.
Anchorage, Alaska 99504-3135
(907) 742-4000

March 10, 2009

The Honorable Nancy Dahlstrom
State of Alaska
House of Representatives

Re: Alaska Railroad/Municipality of Anchorage Land Trade; HB 171

Dear Representative Dahlstrom:

It is my understanding that the above-mentioned bill is being considered at this legislative session.

The land trade proposed between the Alaska Railroad and the Municipality of Anchorage will result in a small parcel of land, directly in front of the entrance to the Government Hill Elementary School, being transferred to the Municipality of Anchorage. Last year the Municipality purchased the business located there, and razed the derelict building. If the parcel is owned by the Municipality it can be used to improve the entrance to the school and enhance student safety there.

The Anchorage School District is in support of this legislation and we urge the legislature to pass the bill in this session.

Thank you for your consideration.

Sincerely yours,

Carol Comeau

Carol Comeau, Superintendent
Anchorage School District

February 23, 2009

Representative Nancy Dahlstrom
State of Alaska
House of Representatives

Dear Representative Dahlstrom:

At our February 19th Government Hill Community Council meeting, Ron Pollock, Executive Director and Sue Lukens, Development Director of Anchorage Community Development Authority, asked us to support the bill authorizing the exchange of Alaska Railroad land in Government Hill for Municipality of Anchorage land. Following their presentation and discussion, our council voted to support this legislation.

Two railroad parcels within Government Hill are under consideration for trade. One is a small triangle of land near the entrance to Government Hill Elementary School. Last year, the Municipality of Anchorage purchased a business on this site and razed the derelict building. Mr. Pollock and Ms. Lukens report that this parcel, if owned by the Municipality, will be modified to improve the entrance to the school, which could enhance appearance, traffic flow and student safety.

The second railroad parcel is approximately 1.77 acres located on the south side of Hollywood Drive. Currently, it is leased from the railroad but is included in the Northpointe Bluff Subdivision. If traded to the Municipality, this parcel could be sold to the developer/owner of the subdivision, who, in turn, could sell lots to individual buyers for single family, owner/occupied homes.

Given the future uses of the above two parcels, as stated by the Municipality, Government Hill Community Council supports this land trade. We ask for your support as well.

Sincerely,

Thomas Pease

Thomas Pease
Acting President
Government Hill Community Council

Adopted: February 17, 2009

Resolution No. 2009-006

Approving Transfer of Real Property to the Municipality of Anchorage

WHEREAS, the Alaska Railroad Corporation (ARRC) is the owner of two separate parcels of land on Government Hill that are proposed for a land swap with the Municipality of Anchorage; and

WHEREAS, one of the parcels, shown on the attached Exhibit A as ARRC Parcel 1, is not contiguous with other ARRC property and does not currently produce lease revenue; all improvements were previously removed from the parcel to expedite the Municipality's movement of gravel from a nearby site to the Port of Anchorage; the parcel presents a physical and legal obstruction to safe and efficient access to the Municipality's Government Hill Elementary School; and

WHEREAS, the second parcel, covered under a long-term lease and shown on the attached Exhibit A as ARRC Parcel 2, is surrounded by municipally owned or controlled property known as the Hollywood Vista site; the site is currently being redeveloped into a residential subdivision after years of planning by the Government Hill community and the Municipality of Anchorage, and ARRC's parcel will be incorporated into the redevelopment; and

WHEREAS, the Municipality would like to acquire the ARRC Parcel 2 in order to more efficiently develop the entire site, allowing the ARRC parcel to be subdivided as part of the overall development which would otherwise be restricted in its use; and

WHEREAS, the Municipality has offered to transfer the land shown on Exhibit A as MOA Parcel 1, which is more desirably located for ARRC use or development, in exchange for both ARRC parcels; and

WHEREAS, the ARRC and municipal properties proposed for exchange have been independently appraised and valued at $602,800 and $645,000, respectively; the Municipality has indicated it expects no additional consideration for its slightly higher valued property; and

WHEREAS, ARRC management recommends approval of this land exchange because the corporation will acquire property of equivalent or greater value that will increase the development potential of a central business district site or could potentially be incorporated in the development ARRC's existing Ship Creek land

holdings, which would increase the value of ARRC's property that surrounds MOA Parcel 1; and

WHEREAS, both ARRC Board approval and legislative approval are required for conveyance of the corporation's entire interest in land under AS 42.40.120(c)(14) and AS 42.40.285(1), respectively.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors has reviewed the proposed transaction and approves the conveyance of Parcels A and B as shown on Exhibit A to the Municipality of Anchorage in exchange for conveyance of MOA Parcel 1 as shown on Exhibit A; and

FURTHER RESOLVED, the President and CEO or his designee is authorized to negotiate such other conditions of transfer and take such other steps as he deems are appropriate and in the best interests of the corporation, including but not limited to seeking legislative approval of the conveyance of the corporation's entire interest in land as required by law.

This is to certify that I am the Secretary of the Board of Directors of the Alaska Railroad Corporation, and the above Resolution No. 2009-006 is a true and correct copy of the resolution adopted by the Alaska Railroad Corporation's Board of Directors at its regular meeting on February 17, 2009.

Date Feb. 17, 2009 James B. Blasingame

James B. Blasingame
Board Secretary

Corporate Seal

Wm Dam

ENV-A220-03
Correp.

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF SPILL PREVENTION AND RESPONSE
CONTAMINATED SITES PROGRAM

SARAH PALIN, GOVERNOR

555 Cordova Street
Anchorage, AK 99501
PHONE: (907) 269-3057
FAX: (907) 269-7649
www.dec.state.ak.us

File: 2100.26.113

June 8, 2007

William E. Dam
211 East Cook Avenue
Anchorage, AK 99501

Re: Former Unocal/Short's Texaco
AMENDED Record of Decision

Dear Mr. Dam:

This letter replaces the letter dated June 6, 2007. Please see the section titled 'ADEC Decision' for additional conditions to the closure for this site.

The Department of Environmental Conservation, Contaminated Sites Program (ADEC) reviewed the environmental records associated with the former underground storage tanks (USTs) at the Former Unocal/Short's Texaco at 566 Bluff Road in Anchorage Alaska. This site had been contaminated by the release of a hazardous substance; however, based on the information provided to date, ADEC has determined that no further remedial action is required, and that the Former Unocal/Short's Texaco USTs can be closed subject to the conditions outlined in this document. The hazardous substance contamination has been adequately addressed and does not pose an unacceptable risk to human health or the environment.

This letter summarizes the decision process used to determine the environmental status of this site and provides a summary of the regulatory issues considered in the ADEC determination.

Introduction

Site Name and Location:
Former Unocal/Short's Texaco
566 Bluff Road
Anchorage, AK

Name and Mailing Address of Contact Party:
William E. Dam
211 East Cook Avenue
Anchorage, Alaska 99501

Database Record Key and CS File Number:
ADEC Reckey # 1987210034305
LUST File # 2100.26.113

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Regulatory authority under which the site is being cleaned up:
18 AAC 78 and 18 AAC 75

Background

Four USTs were utilized at the Former Unocal/Short's Texaco. Installation of groundwater monitoring wells in 1986 found total petroleum hydrocarbon concentrations in soil and groundwater that indicated the presence of contamination at the site. The highest levels of petroleum contamination were found in MW-4 on the upgradient edge of the property. The upgradient source for this contamination has not been confirmed, and may have been the result of surface water intrusion into the well.

Site Characterization

In 1995, two 8,000-gallon gasoline USTs, one 300-gallon waste oil UST, and one 500-gallon heating oil UST were removed from the site. During the tank excavations, approximately 130 cubic yards of petroleum contaminated soil were excavated and transported to CleanSoils in Anchorage for thermal treatment. Groundwater was not encountered in any of the excavations.

Nine confirmation soil samples were collected from the excavation at the gasoline tanks, piping, and dispensers. Samples contained benzene up to 0.058 mg/kg, above the ADEC Method Two cleanup level of 0.02 mg/kg. No other analytes were detected above Method Two cleanup levels.

Nine confirmation soil samples were also collected from the common excavation at the waste oil and heating oil USTs. Diesel range organics (DRO) were detected up to 7,000 mg/kg beneath the heating oil UST at 8 feet below ground surface (bgs). Tetrachloroethylene was also detected at 0.091 mg/kg, above the Method Two cleanup level of 0.03 mg/kg. Other volatile organic compounds were detected, but at concentrations below Method Two cleanup levels.

Historic debris consisting of wire and wood fragments with hydrocarbon odor were found at a depth of 13 feet bgs also beneath the heating oil UST.

Following removal of the tanks, three groundwater samples were collected in 1996 from MW-1, MW-2, and MW-3 and analyzed for benzene, toluene, ethylbenzene, and xylenes (BTEX); no analytes were detected in these samples.

In 2004, seven soil borings were advanced in the source areas and also downgradient of the source areas to evaluate potential contaminant migration in soil and groundwater. Two of the soil borings were completed as monitoring wells: one at the location of the former used oil UST, the other at a location downgradient from all the former USTs. Additional borings were completed as vapor extraction wells to be used if additional remediation was required.

Fourteen soil samples were collected from the seven soil borings based on field screening and visual/olfactory evidence of contamination. DRO was detected in two of the samples at 357 mg/kg and 1,890 mg/kg. Benzene was detected in one sample at 0.0201 mg/kg. No other analytes were detected above ADEC Method Two cleanup levels.

Groundwater samples were collected from the four existing monitoring wells and two newly installed monitoring wells. Depth to groundwater was measured at approximately 27 to 35 feet bgs. Contaminants were only detected above ADEC Table C groundwater cleanup levels in MW-4, which is on the upgradient edge of the property. Based on the calculated groundwater flow direction, the source of contaminants in MW-4 is upgradient of the site or is the result of surface water intrusion into the well casing.

Contaminants of Concern
Diesel Range Organics
Benzene

Cleanup Levels

The soil cleanup levels for this site are established in 18 AAC 75.341 Tables B1 and B2, Under 40 inch Zone, Migration to Groundwater.

Contaminant	Site Cleanup Level (mg/kg)
Diesel Range Organics	250
Benzene	0.02

The groundwater cleanup levels for this site are established in 18 AAC 75.345 Table C.

Contaminant	Site Cleanup Level (mg/L)
Diesel Range Organics	1.5
Benzene	0.005

Pathway Evaluation
The pathways evaluated at this site include the human health exposure pathways of soil ingestion and inhalation of vapors. The inhalation and ingestion pathways may be complete but contaminant concentrations are below inhalation and ingestion cleanup levels.

The migration to groundwater pathway may be complete but groundwater was not encountered during the excavation and contaminated groundwater was not found downgradient of the site.

ADEC Decision
There is contamination remaining above established cleanup levels at the Former Unocal/Short's Texaco but ADEC has determined there is no unacceptable risk to human health or the environment, and this site will be conditionally closed.

This decision is subject to the following conditions:

1. A Notice of Environmental Contamination will be recorded on the ADEC database to document that there is residual contamination remaining on site above the most stringent ADEC cleanup levels;

2. Any proposal to transport soil off site requires ADEC approval in accordance with 18 AAC 78.274(b);

3. The remediation system and all monitoring wells must be decommissioned in accordance with current ADEC guidance.

This determination is in accordance with 18 AAC 78.276(f) and does not preclude ADEC from requiring additional assessment and/or cleanup action if future information indicates that this site may pose an unacceptable risk to human health or the environment.

Site closure (without conditions) can be achieved when soil sampling confirms that all soil meets the most stringent ADEC cleanup levels.

Appeal
Any person who disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.195 -18 AAC 15.340 or an informal review by the Division Director in accordance with 18 AAC 15.185. Informal review requests must be delivered to the Division Director, 410 Willoughby Avenue, Suite 303, Juneau, Alaska 99801, within 15 days after receiving the department's decision reviewable under this section. Adjudicatory hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, Juneau, Alaska 99801, within 30 days after the date of issuance of this letter, or within 30 days after the department issues a final decision under 18 AAC 15.185. If a hearing is not requested within 30 days, the right to appeal is waived.

If you have questions about this closure decision, please contact William O'Connell at (907) 269-3057.

Sincerely,

Jim Frechione
Environmental Manager

S:\Groups on Anchorage\SPAR\SPAR-CS\26 Case Files (LUST Sites)\2100 Anchorage\2100.26.113 Short's Texaco (Former)\Shorts Texaco CC AMENDED.doc

Rebecca Rooney

From: Jesse Cross-Call
Sent: Wednesday, April 08, 2009 4:28 PM
To: Rebecca Rooney
Cc: Sen. Johnny Ellis
Subject: SB 165 tomorrow

Hi Becky,

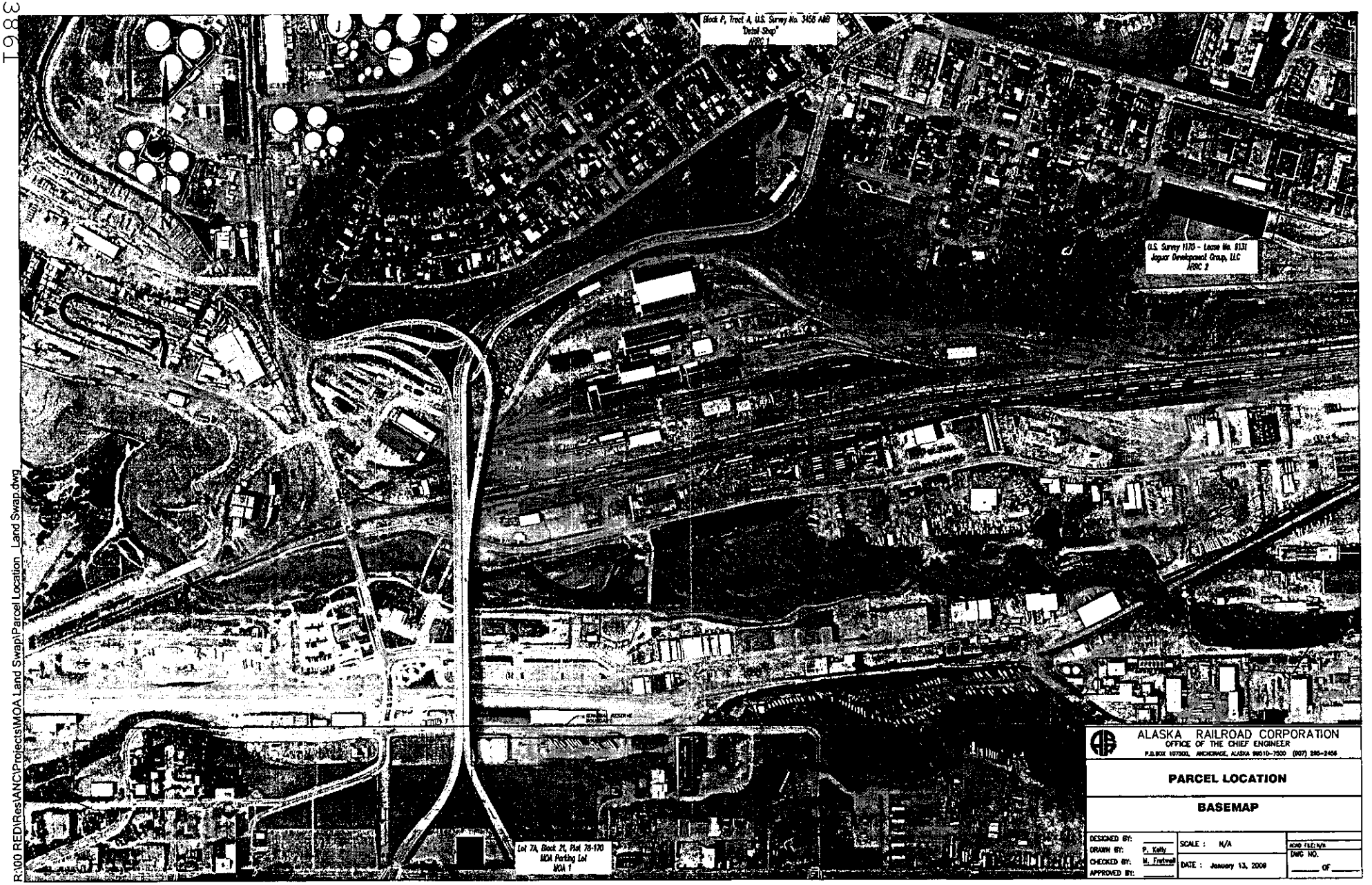
So you guys are ready, here's the list of people who will testify tomorrow:

- Bob French, Government Hill Community Council (calling from offnet)
- Wendy Lindskoog, Alaska Railroad (in-person)
- Jim Kubitz, Alaska Railroad (calling from offnet)
- Ron Pollock, Municipality of Anchorage (will be at Anchorage LIO; available to answer questions only)

Tell me if you need anything further.

Jesse

Jesse Cross-Call
Office of Senator Johnny Ellis
State Capitol, Room 103
Juneau, AK 99801
(907) 465-3704



ALASKA RAILROAD CORPORATION
OFFICE OF THE CHIEF ENGINEER
P.O.BOX 107500, ANCHORAGE, ALASKA 99510-7500 (907) 265-2456

PARCEL LOCATION

BASEMAP

DESIGNED BY:		SCALE : N/A	ACAD FILE: N/A
DRAWN BY:	P. Kelly		DWG NO.
CHECKED BY:	M. Fretwell	DATE : January 13, 2009	____ OF ____
APPROVED BY:			

R:\100 RED\Res\ANC\Projects\MOA Land Swap\Parcel Location_Land Swap.dwg

SB 272

ALASKA STATE LEGISLATURE

Senate District H
600 E. Railroad Avenue
Wasilla AK 99654
907-376-4866
907-373-4724 :Fax

State Capitol
Juneau AK 99801-1182
907-465-3878
Fax: 907-465-3265
800-862-3878

Charlie Huggins
Senator

Sponsor Statement

Senate Bill 272 – Rental Car Fees

"An Act relating to charges for rented motor vehicles, including cost recovery fees, and making a violation of the rented motor vehicle charge provisions an unfair trade practice."

SB 272 is a technical bill that would allow rental car companies to do in Alaska what they already do in thirty other states. Alaska law is currently silent on the issue of separately-listed charges on rental car statements for the recovery of fees. This bill would require those fees to be listed separately and clearly identified on the rental car agreement.

The industry standard is to turn over the rental car fleet every twelve months and to associate the costs of licensing the vehicles, concessions, and airport or facility-related costs with the vehicles themselves. In addition to government taxes and surcharges, rental car companies assess additional "cost recovery fees" to offset those costs. Consumers should be made aware, and be able to see the fees they are charged, on both the rental bill and in an online quote. This bill would provide full disclosure and transparency of "cost recovery fees" included in rental car agreements. In addition, this legislation would make violating the provision an unfair trade practice.

Contact:
Edra Morledge
465-6419
SB 272, 26-LS1393\A
February 16, 2010

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **SB 272**
() Publish Date:

Identifier (file name): SB272-LAW-CIV-02-19-10
Dept. Affected: Law
Title: An act relating to charges for rented motor vehicles, cost recovery fees, and making violation the rented motor vehicle charge provisions an unfair trade practice
RDU: Civil
Component: Commercial and Fair Business
Sponsor: Senator Huggins
Requester: Transportation
Component Number: 2717

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2011**	**FY 2011**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**
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**	**0.0**
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 Interagency Receipts							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2010) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

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

SB 272 will require rental car companies to separately identify a "cost recovery fee" in the rental contract. "Cost recovery fee" is defined to mean a vehicle licensing cost recovery fee, an airport-related cost, a government tax, or a government surcharge. The bill will also prohibit rental car companies from charging a vehicle licensing fee unless the fee represents a good faith estimate by the rental car business of the average daily cost to the rental car business of recovering its actual total annual licensing costs in the state during a calendar year. Finally, the bill makes a violation of this law an unfair trade practice under AS 45.50.471. The Department of Law enforces the Unfair and Deceptive Trade Practices Act, AS 45.50.471. We do not expect that this bill, if enacted, would generate substantial new enforcement activity, and the Department would absorb any such enforcement within existing resources, therefore the fiscal impact is considered zero.

Prepared by: Eileen Donahue, Division Operations Manager — Phone 465-5427
Division: Administrative Services — Date/Time 2/19/10 5:30 PM
Approved by: Daniel S. Sullivan, Attorney General — Date 2/19/2010
Department of Law

(Revised 11/6/2009 OMB)

FRANK H. MURKOWSKI,
GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

1031 WEST 4TH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501-5903
PHONE: (907)269-5100
FAX: (907)276-8554

BUSINESS ADVISORY

To: Alaska Rental Car Companies

From: Alaska Attorney General's Office
Commercial and Fair Business Section

Re: Vehicle Licensing Fees

Dated: August 30, 2006

Dear Owners and Managers:

This Business Advisory is to inform you that the Alaska Attorney General has determined the advertised price of a vehicle rental must include all fees and costs, except governmentally mandated taxes and airport facilities charges. Vehicle Licensing Fees ("VLF's") are not governmentally mandated charges, and thus must also be included in the advertised price. The advertised price must actually include the entire price to be paid by the renter, and not merely refer to additional "add-on" charges (i.e. "plus VLF").

Alaska's Unfair Trade Practices and Consumer Protection Act (the "Act"), AS 45.50.471 *et seq.* provides that all unfair methods of competition and unfair or deceptive acts or practices in the conduct of trade or commerce are unlawful. The Act also lists 50 specific practices that are declared to be unlawful, including:

> Advertising goods or services with intent not to sell them as advertised. AS 45.50.471(b)(8);
>
> Engaging in any conduct creating a likelihood of confusion or of misunderstanding and which misleads, deceives, or damages a buyer or a competitor in connection with the sale or advertising of goods or services. AS 45.50.471(b)(11); and
>
> Using or employing deception, fraud, false pretense, false promise, misrepresentation, or knowingly concealing, suppressing, or

> omitting a material fact with the intent that others rely upon the concealment, suppression or omission in connection with the sale or advertisement of goods or services whether or not a person has in fact been mislead, deceived, or damaged. AS 45.50.471(b)(12).

Charging a VLF could violate each of these subsections of the Act.

The Act has been interpreted liberally to protect consumers. *State v. Oniell Investigations, Inc.*, 609 P.2d 520 (Alaska 1980). The language in the Act is patterned after the Federal Trade Commission ("FTC") Act, 15 U.S.C. §45(a)(1), and the Alaska Supreme Court has referred to the FTC Act for guidance. *Matanuska Maid, Inc. v. State,* 620 P.2d 182 (Alaska 1980). When analyzing whether any practice is "deceptive" under the Act, Alaska courts look to whether the practice has the capacity or tendency to deceive. All that is required is a showing that the practice is capable of being interpreted in a misleading way. *Oniell, supra,* 609 P.2d at 534-35.

A practice does not need to be deceptive to be unfair. "Unfairness" is determined by looking to a variety of factors, including:

1. Whether the practice, without necessarily having been previously considered unlawful, offends public policy as it has been established by statutes, the common law, or otherwise whether, in other words, it is within at least the penumbra of some common-law statutory, or other established concept of unfairness;

2. Whether it is immoral, oppressive, or unscrupulous;

3. Whether it causes substantial injury to consumers (or competitors or other businessmen).

Id.

Mandatory government fees, like taxes, are required to be charged on a per transaction basis by most state and municipal laws. In Alaska, for example, there is an excise tax imposed on every vehicle rental transaction for rentals less than 90 days. AS 43.52.080. The tax is 10% of the total fees and costs of the rental (3% for a recreational vehicle). This is a governmentally mandated tax that is collected on a "per rental" basis. Most car rental companies exclude this tax from the advertised price, which is appropriate.

There is no requirement, however, that car rental companies charge a per transaction amount to pay for a VLF. This is a non-mandated charge that is part of the cost of doing business. Thus, there is no correlation between a governmentally mandated tax, and a non-mandatory charge like a VLF. Car rental companies are not required to impose and collect a VLF separate and apart from the basic rental charge.

When comparing rental rates, consumers should know the entire charge for the rental excluding only governmentally mandated charges (taxes, airport facilities charges). This prevents the potential to mislead the consumer about the actual rental charge. There is a certain amount of consumer awareness and expectation that taxes and other governmentally mandated charges will be added to the advertised rental charge. When making a rental decision, the consumer should not have to guess about what other charges may be added to the advertised rate. A VLF can easily be confused with a governmentally mandated charge, or at a minimum, will have the "tendency to mislead" consumers in violation of the Act.

Please take immediate steps to comply with the Business Advisory by including any non-mandated charges, including VLF's, in the advertised price of all vehicle rentals. Failure to comply with this requirement can subject you to minimum penalties of $1,000 and maximum penalties of $25,000 for each transaction in which a VLF is not included in the advertised price of the rental.

You may contact Ed Sniffen in our office at (907)269-5200 if you have any questions.

Sincerely,
DAVID W. MÁRQUEZ
ATTORNEY GENERAL

By:
Clyde E. Sniffen, Jr.
Assistant Attorney General

CES/sjm

Vehicle Licensing Fees Per State 2010

STATE	CITATION	SUMMARY	VLF Charge
Arizona	A.R.S. §28-5810	5% on rentals not exceeding 180 days, used only for reimbursement of the amount of VLF imposed on rental car company.	5% - **Mandatory**
Connecticut	§12-692(b)-(c)	3% on vehicles rented in-state for rentals not exceeding 31 days. Surcharge imposed on total amount charged to renter. Used only for reimbursement of the amount of VLF imposed on the company.	3% - **Mandatory**
Hawaii	C.G.S. §437D-8.4(a)(2)	1/365 of the VLF for the vehicle being rented for each full or partial 24-hour day the vehicle is rented, not to exceed the actual annual VLF on that vehicle.	Varies based upon particular vehicle. – **Non-mandatory**
Minnesota	M.S.A. §297A.135	3% of the sales price. It must be reported and paid to the commissioner of revenue. A lessor collecting the fee is entitled to a rebate of the fee collected equal to the amount of the fees collected	3% - **Mandatory**
Nebraska	Neb. Rev. Stat. §77-4501(1)-(2)	4.5% of rental amount, not including sales tax. Money collected in excess must be paid to the treasurer of the county where the transactions occurred.	4.5% - **Mandatory**
Rhode Island	Gen.Laws §31-34.1-2	6% for gross receipts per vehicle on all rentals for each of the first 10 consecutive days. 50% of that is retained by the rental car company and 50% is remitted to the state.	6% - **Mandatory**
South Carolina	S.C.C. §56-31-50	5% on rentals not exceeding 31 days. They may only be used for reimbursement of the amount of personal property taxes imposed and paid upon these vehicles by the vehicle owner or rental car company.	5% - **Mandatory**

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Vehicle Licensing Fees Per State 2010

Tennessee	T.C.A. §67-4-1901	3% of the gross proceeds from the rental agreement (gas, insurance, etc.) for rentals not exceeding 31 days. Fees to be remitted back to the state.	3% - **Mandatory**
Texas	V.T.C.A., Occupations Code § 2301.851	Proportionate amount of title fees, registration fees, and property taxes paid in the preceding calendar year on the vehicle fleet.	$1.75/day – **Non-mandatory**
Virginia	46.2-755(D) Code of Virginia	Allows for recoupment of VLF, airport concession fees, airport consolidated facility fees or other governmentally mandated fees. The fees must be disclosed in advertisement, in the contract and calculated based on direct costs.	See below – **Non-mandatory**
Wisconsin	Chapter 100.53	Allows for recoupment of title and registration fees so long as it is disclosed in advertising and on contracts.	$.41/day – **Non-mandatory**
Wyoming	W.S. 1977 §31-3-104	4%, any amount collected in excess of VLF is remitted to dept for distribution.	4% - **Mandatory**
New Laws in 2006			
Ohio		Recoup VLF on a per rental day calculation.	$.26/day – **Non-mandatory**
Maryland		Recoup VLF so as to not over-collect.	$.28/day – **Non-mandatory**
Montana		Recoup VLF so long as it is disclosed on contract and we do not over-collect.	$1.49/day – **Non-mandatory**
New Hampshire		Recoup VLF so long as it is disclosed. No calculative method.	$1.60/day – **Non-mandatory**
Virginia		Recoup VLF so long as it is disclosed and any overcollection must be forwarded to next year and we must reduce our rate.	$.30/day – **Non-mandatory**
New Laws in 2007			

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Vehicle Licensing Fees Per State 2010

Maine	SB 1645	Recoup VLF; no calculative method	$1.50/day – **Non-mandatory**
Missouri	SB 82	Recoup VLF; no calculative method	$1.18/day – **Non-mandatory**
North Carolina	SB 1118	Recoup VLF; no calculative method; any annual over-collection shall be forwarded to next year and reduce rate.	$.39/day – **Non-mandatory**
New Laws in 2008			
Georgia	SB 181	Recoup VLF; no calculative method; any annual over-collection shall be forwarded to next year and reduce rate.	$.92/day – **Non-mandatory**
Kentucky	HB 393	Recoup VLF; no calculative method; any annual over-collection shall be forwarded to next year and reduce rate.	$.80/day – **Non-mandatory**
Massachusetts	SB 2416	Recoup VLF; no calculative method; any annual over-collection shall be forwarded to next year and reduce rate.	$1.50/day – **Non-mandatory**
Michigan	SB 1008	Recoup VLF; no calculative method; any annual over-collection shall be forwarded to next year and reduce rate.	$.57/day – **Non-mandatory**
New in 2009			
Arkansas	Attorney General Opinion	Recoup VLF; no calculative method; any annual over-collection shall be forwarded to next year and reduce rate.	$.79/day – **Non-mandatory**
California	SB 10 (Special Session - 2009)	Recoup INCREASED registration and titling fees only.	$.05/day – **Non-mandatory**
Washington	SB 5509	Recoup VLF; no calculative method; any annual over-collection shall be forwarded to next year and reduce rate	$.30/day – **Non-mandatory**
Oregon	SB 2818	Recoup VLF; no calculative method.	$.37/day – **Non-mandatory**
Illinois	HB 2424	Recoup VLF; no calculative method; any annual over-collection shall be rolled over to next year and reduce rate.	$.99/day – **Non-mandatory**
Nevada	N.R.S. §482.313	**New in 2009**: The 4% rental fee, which was a VLF	$1.33/day (est. law takes effect October

		recoupment, was eliminated and replaced with a per day recoupment with no calculative method; any overcollection is rolled to next year and reduce rate. **Old law**: 6% but not to exceed 4% of the cost of the rental. Fees must be remitted to the state.	1) – **Non-mandatory**